



EMBASSY OF GEORGIA TO THE REPUBLIC OF AUSTRIA
PERMANENT MISSION OF GEORGIA TO THE OSCE AND OTHER
INTERNATIONAL ORGANIZATIONS IN VIENNA

2011 Human Dimension Implementation Meeting

Warsaw, 29 September 2011

Statement of the Georgian Delegation

Working Session 6: Freedom of Movement

I would like to thank the Lithuanian Chairmanship to identify the issue related to the freedom of movement as specifically selected topic of 2011 Human Dimension Implementation Meeting.

Last year, I draw your attention to the unfortunate reality that citizens of my country face as a result of continuous occupation of the territories of Georgia by Russia. Unfortunately, violations of the rights of the displaced to freedom of movement, which have been extensively documented by international organizations – OSCE, UN, CoE and EU, not only continue to persist today, but have seen further deterioration during the last year.

Constraints imposed on freedom of movement were identified among the most disruptive aspects of the conflict by the ODIHR/HCNM November 2008 report on Human Rights in the War-Affected Areas Following the Conflict in Georgia”: “Many people were forced to flee from their homes and many have not been able to return. Others felt pressured to return before they considered conditions safe or facilities adequate in their original places of residence.” Tens of thousands of ethnic Georgians, who fled their villages in Tskhinvali region/South Ossetia, Georgia during and immediately after the August 2008 war, still have not been able to return to their homes. The ODIHR/HCNM Report underlines that in addition to impeding the return of displaced persons to the original places of residence, “the de facto authorities in South Ossetia, including Russian military authorities, have placed undue restrictions on movement across the administrative boundaries, in contravention of OSCE commitments and other international obligations.”

Following the visit to the occupied regions of Georgia in June 2011, the OSCE High Commissioner on National Minorities Ambassador Knut Vollebaek in his report presented in front of the Permanent Council, assessed the situation in the Akhgori District in the Tskhinvali region/South Ossetia even more difficult for the few remaining Georgians, witnessing that “This miniscule community is under a lot of pressure including restrictions on freedom of movement and violations of other fundamental rights”.

People, who nevertheless move across the administrative boundary line, to pursue essential livelihood activities, are arrested and detained. Currently there are 15

Georgians, who are illegally kept by the proxy regime for crossing the administrative boundary. On May 18, 2011, the outrageous incident occurred in the immediate vicinity of the occupation line, in Sachkhere district, where two young ethnic Georgians were severely wounded as a result of the armed assault carried out by the armed representatives of the Tskhinvali proxy regime. On 22 August 2011, Russian occupational forces illegally detained three persons in Akhlagori district, who currently still remain in prison. These cases require urgent attention of the international community.

The Russia-Georgia war and its aftermath negatively affected freedom of movement and residence in a number of ways also with respect to Abkhazia region. This is contrary to international standards and obligations, as recognized also by the provisional measures ordered by the ICJ on 15 October 2008, which require the parties to “do all in their power, whenever and wherever possible, to ensure, without distinction as to national or ethnic origin...the right of persons to freedom of movement and residence.” In his statement of June 2011, High Commissioner for National Minorities, H.E. Knut Vollebeak urged “the de facto authorities to put an end to the pressure being exercised on the Georgian population in the Gali District through the limitation of their education rights, compulsory “passportization”, forced conscription into the Abkhaz military forces and restrictions on their freedom of movement”. In Gali region, the proxy regimes continue to detain local residents without the so-called “Abkhaz passport” and demand ransom; those, who cannot afford paying for their freedom, have to “serve their sentence” for 15 days.

As demonstrated from above mentioned facts, illegal detention of ethnic Georgians by the Russian occupying forces and its proxies and numerous provocative incidents in the vicinity of the occupied regions of Georgia have become disturbingly frequent in the recent period. The proxy authorities of the occupied regions have turned this practice into business by requesting ransoms for releasing captured persons.

What needs to be done to address this problem?

First of all, we have to urge Russia and its proxy regimes to release all those persons, who have been illegally detained for crossing the ABL in total violation of international law. These persons have to be released unconditionally and immediately.

Second, the restrictions on the freedom of movement in the occupied Georgian regions have to be lifted and people have to receive right to move freely across the artificially created occupation line. Again, in accordance with the agreement reached within the Incident Prevention and Response Mechanisms in 2009, no more such restrictions should be imposed.

Third, international community should be provided access to these regions and a mandate to continuously report on the status of the human rights in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia. First such step could be empowering the ODIHR and the HCNM to undertake the follow up mission to the Tskhinvali Region and report on the status of the implementation of the recommendations it has set forth in 2008.

Fourth, this issue remains part of the mandate of the Geneva Discussions. On numerous occasions, in the framework of the Geneva Discussions, co-Chairs raised the issue of the free movement of persons and proposed establishment and management of the crossing-points aimed at the facilitation of the free movement. Unfortunately, this initiative was not taken on board by Russia and its proxy regimes, which illustrated once again their disrespect to the fates of the persons affected by occupation.

Dear Colleagues,

By bringing to your attention this essential problem that my country faces due to the continuous occupation, we hope that there will be the active diplomatic efforts from the part of the OSCE community to facilitate solving this problem.