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

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Statement of the Georgian Delegation

Working Session 3: Freedom of Movement

Mr./Mme. Moderator,

I would like to thank those participating States that raised the issue of our commitment to the principle of freedom of movement and choice of place of residence within the framework of Warsaw OSCE Review Conference. Minimization of all legal and other restrictions for our nationals and foreigners with respect to travel within our territories will undeniably facilitate legitimate cross-border contacts. In contrast to this positive trend, I would like to analyze the violations of freedom of movement from another angle and 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.

Violations of the rights of the displaced to freedom of movement are extensively documented by international organizations – OSCE, UN, CoE and EU. The ODIHR/HCNM report on “Human Rights in the War-Affected Areas Following the Conflict in Georgia” of November 2008 illustrates that “Among the most disruptive aspects of the conflict were the constraints it imposed on freedom of movement. 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.” These restraints continue to persist today and are documented by the numerous international reports.

Tens of thousands of ethnic Georgians who fled their villages in South Ossetia during the August 2008 War and its immediate aftermath 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 their former 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.”

People, who nevertheless move across the administrative boundary line, to pursue essential livelihood activities, risk being arrested and detained. Illegal detentions of Georgian citizens by the Russian occupying forces and its proxies in the regions occur on almost daily basis. Currently, there are 10 Georgians who are illegally kept by the regime for crossing the administrative boundary. Let me remind you that among these detained there are persons who urgently need medical assistance. Case of Mr. Kobaladze is among such cases. 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. 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.” Similar statement was made by the High Commissioner for National Minorities, HE Knut Vollebeak, who on April 14, 2009 stated that the closure of the ABL and restriction on the freedom of movement “makes it increasingly difficult for the population to maintain family contacts, access necessary healthcare or their products”.

So, what should be done in order to solve 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 and are kept in Tskhinvali and elsewhere in total violation of international law. These persons have to be released unconditionally and immediately. Furthermore, no more such restrictions should be imposed in accordance with the agreement reached within the Incident Prevention and Response Mechanisms in 2009.

Secondly, the restrictions on the freedom of movement in the occupied Georgian regions have to be lifted. People have to receive right to move freely across the artificially created occupation line.

Thirdly, 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. If this has not been achieved so far, we hope that the next year will show the progress.

Fourthly, this issue remains part of the mandate of the Geneva Discussions. Let me inform you that 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 in yet another demonstration of disrespect to the fates of the persons affected by occupation.

Dear Colleagues,

We have no recipes, or panaceas for solving this problem. We only hope for the active diplomatic efforts from the part of the OSCE community and the understanding of Russia of its responsibilities as an occupying power to protect human rights until the full de-occupation takes place.

Thank you.