

ENGLISH only

**APPLICATION SUBMITTED BY BANISHED AHISKA (MESKHETIAN) TURKS TO
THE ORGANIZATION FOR SECURITY AND
COOPERATION IN EUROPE**

All local people living in Ahiska city located within the boundaries of the Republic of Georgia in Southwestern Caucasia as well as nearby villages and townships were banished on November 15, 1944 although they had not done anything wrong. Sixty-six years have passed since this human tragedy. But, those banished people could not return to their homeland yet.

Women, children, and old-aged people living in the homeland of this community whose younger members had been enlisted to fight in the war were forced to leave their homeland overnight.

Various Caucasian communities who had been victimized by Stalin returned to their homes after his death in 1953. But, Ahiskacommunity still continue to live in exile because of the incomprehensible stance taken by Georgia.

In 1999, Georgia informed the Council of Europe that it would take legislative steps to resolve this problem. It finally adopted a law permitting banished people to return to their homes in 2007. But, the wording and style of this law and preconditions set for their return were short of restoring confidence among the banished people.

Many people who were eager to return to their homeland declined to submit an application for their return due to this distrust. The future of those people living in Russia, Kazakhstan, Kyrgyzstan, Azerbaijan, Uzbekistan, and Ukraine as scattered communities is still uncertain.

To put an end to this human tragedy, The World Ahiska Turks Association which represents non-governmental organizations founded by Ahiska Turks applies to the OSCE and asks it to make contributions to efforts aimed at settling this problem as soon as possible.

Ahiska Turks would like to draw attention to certain subjective assessments in te Georgian Act No. "5261-RS" of "July 11, 2007" which are outlined below:

Article 1 of the Act refers to "ensuring a dignified return" whereas Article 7 stipulates that "*A compulsory interview and a written examination shall be conducted and persons who speak Georgian shall be accorded priority.*" Such provisions conflict with the "principle of a dignified return" because the members of this community desire to return to their homeland, not to work as a civil servant for a government agency. Expecting Ahiska Turks who have been living in exile for 66 years to speak Georgian is obviously a sign of bad faith.

"Phased completion of the return process" which is referred to in Article 1 means that their return will probably be completed in decades to come.

Article 4 stipulates that a total of 10 documents, including a certificate substantiating banishment, must be provided together with an application for return. The documents are required to be drawn up in Georgian or English and documents in Russian or their native tongue will not be accepted. But, the deportation in question took place overnight or in a couple of hours. But, those people are required to document that they have been sent to exile. Who could one find a document substantiating such an unlawful act?

Article 9 of the Act stipulates that "a person shall document that he or she has been denaturalized by the country where he or she was living as its citizen within six months after he or she had been granted status as a returnee and shall be granted Georgian citizenship within one year thereafter." In other words, current citizenship must be forthwith canceled and the person concerned would have to live as a stateless person for 6 months.

Georgian authorities would, at their sole discretion, grant citizenship to a person after his or her denaturalization or, if they refuse to grant citizenship, he or she would continue to live as a stateless person. Firstly, it should be noted that this policy clearly conflicts with the norms of international law because, in such a case, the Georgian State would breach the principle of international law pertaining to a state's obligation to prevent statelessness.

The Act in question does not state that the banished community will be resettled in their own homeland. Reports appearing in the Georgian press and steps taken so far indicate that people returning from exile will be settled in other parts of Georgia rather than Ahiska (Meskhetia).

All those negative decisions and policies undermined confidence placed by banished Ahiska Turks in Georgia.

Non-governmental organizations founded by Ahiska Turks expect that the OSCE will caution Georgia in line with general principles related to human rights so that those practices are abandoned and the members of the community can return to their homeland.

We can give several examples of the current discriminatory policies in Georgia as follows:

1. A total of 40 families who have traveled to Ahiska by using their own resources are being kept under constant police surveillance.
2. Sale of property is not permitted in spite of the fact that it is permissible under Georgian laws and the property of a deceased man cannot be inherited by his wife. This practice which curtails the right to inherit cannot be seen in any civilized country.
3. The members of the Muslim community are not allowed to build their own cemetery.
4. The children of Ahiska Turks are not granted to receive free education. They are asked to pay US\$ 300 for each child attending a primary school in spite of the fact that it is free in the rest of the world. US\$ 300 is equal to the monthly salary of a civil servant in a good position within the government. The ultimate goal is to force people who have returned to their homeland in spite of all difficulties to leave the country. This is not a policy that could be witnessed in any civilized country.
5. The Georgian government does not allow the members of the Ahiska community to take part in activities carried out by non-governmental organizations. Those who desire to found civil organizations or establish relationships with such organizations are intimidated and threatened by the government.
6. Today, Georgia questions the nationality of banished Turks. An association called Xisna which is supported by the Georgian government although it is ignored by people was formed in a bid to dictate Georgian identity. Georgia demands the members of the banished community to change their names with Georgian names and to change their religion.
7. Georgia shows disrespect for Muslim places of worship in Ahiska.

Considering that Ahiska Turks were deported when the country was a part of the Soviet Union, the fact that the **Russian Federation**, its successor, has certain responsibilities. Russia should, therefore, fulfill its responsibility toward these people without turning the issue into a political game.

The social system in Kyrgyzstan is not sufficient to assure Ahiska people. So, Georgia should also accept new applications from Kyrgyzstan without claiming that the period granted for filing applications has expired.

The non-governmental organizations of Ahiska Turks invite the OSCE to decide a clear and final program with the parties concerned and to make endeavors in that direction with a view to ensuring that the process of final return to Ahiska is completed in the spring of 2011 with interest expressed and support provided by Georgia and Russia as well as international organizations.