



CIO.GAL/181/08/Rev.1
1 December 2008
ENGLISH only

The Finnish Chairmanship wishes to distribute a letter by the High Commissioner on National Minorities addressed to the Chairman-in-Office, Minister Alexander Stubb, in which the High Commissioner expresses his full support to the findings of the report by the ODIHR on the Human Rights in the War-Affected Areas Following the Conflict in Georgia. The report was prepared in response to the request by the Chairman-in-Office, Minister Alexander Stubb, to the ODIHR and the High Commissioner on National Minorities to assess the human rights and minorities situation in the war-affected areas in Georgia within their respective mandates.

The ODIHR's report on the Human Rights in the War-Affected Areas Following the Conflict in Georgia is distributed separately.



**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

The Hague, 27 November 2008

**His Excellency Alexander Stubb
Chairman-in-Office of the OSCE
Minister of Foreign Affairs of Finland
Helsinki**

Dear Minister,

I refer to your letter of 17 September 2008, in which you requested me “to assess the minorities and human rights situation in the war-affected areas in Georgia” within my mandate and in close cooperation with ODIHR. I am pleased to inform you that three members of my staff participated in the ODIHR-HCNM Human Rights Assessment Mission (HRAM) in Georgia for most of the period between 11 October and 10 November 2008. Their findings are incorporated in the report by the ODIHR. I fully support the findings of the report.

With respect to my own activities in Georgia since the outbreak of the war, I would first like to recall my statement concerning minorities in inter-State relations on 25 August this year. In this statement I reminded participating States of the internationally accepted standards when it comes to national minorities in inter-state relations and to the responsibility of states.

In September I visited Georgia and as I reported to you I intended to travel both to Abkhazia and to South Ossetia to assess the inter-ethnic situation in these regions and in other regions affected by the war. Unfortunately, I was prevented from entering South Ossetia. These travel restrictions are a grave violation of my mandate that allows me to travel and communicate freely within the area of the OSCE.

In Tbilisi and Gori I had detailed interviews with internally displaced persons (IDPs) who had fled Abkhazia and South Ossetia. Their dramatic stories led me to express my concerns in a public statement about the situation in South Ossetia and the adjacent areas under Russian control. I stressed that whoever controls South Ossetia and Abkhazia must respect the rights

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of ethnic Georgians residing there and must allow those who had been forced to leave the two regions to return to their former places of residence. As most of their homes are destroyed they have to be given assistance in their reconstruction and in order to re-establish themselves.

One member of my staff who participated in HRAM and visited South Ossetia reported that nearly all houses in the Georgian villages were completely destroyed, either burnt or bulldozed. Only a handful of inhabitants remain in the villages. You will recall there have been several worrying statements about the possibility of the return of the inhabitants. Several South Ossetian leaders have stated that only persons with "South Ossetian citizenship" will be allowed to return. This is contrary to international standards and obligations, as well as the provisional measures ordered by the International Court of Justice on 15 October this year, which requires the parties to "*do all in their power, wherever and whenever possible, to ensure, without distinction as to national or ethnic origin....the right of persons to freedom of movement and residence...*" The ODIHR report also contains credible information that during and immediately after the hostilities a number of killings and violent attacks against civilians took place. In order to facilitate return, the de facto authorities need to reconstruct the destroyed villages and put the necessary safeguards in place, based on the rule of law, so that secure living conditions can be provided for all IDPs.

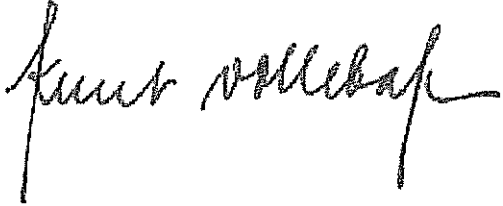
The situation in the District of Akhagori is particularly worrying in view of recent statements by those exercising jurisdiction over population and territory that the inhabitants have to acquire South Ossetian/Russian passports or leave their homes. This could lead to further deterioration of the situation in the region and another wave of IDPs. The population of the Akhagori district lives in fear following an influx of military personnel. Many local residents have fled already. They must be given the opportunity to return without any hindrance. In addition the de facto authorities have restricted access to the region from the South which is likely to create significant problems regarding supply of basic necessities.

During my own visit to Abkhazia I particularly addressed the situation for the Georgian population in the Gali District. As I pointed out in my report to you, their situation is very difficult as they are deprived of several of their basic human rights. Their situation has been aggravated further when it comes to their security and future prospects for preserving their identity, language and culture, as well as maintaining links with the rest of Georgia. If the decision by the de facto authorities of Abkhazia to strengthen the administrative border were to be implemented, the socio-economic situation of Georgians in the Gali District would further deteriorate. There is also a fear in Gali that the de facto authorities will go forward with the so-called "passportization" issue (imposing the Abkhazian/Russian citizenship to Georgians). All these elements could lead to a situation when Georgian citizens will be forced to leave Abkhazia.

One of my staff also participated in the monitoring mission to Kodori Gorge. His findings are included in the report by ODIHR. I would like, however, to emphasize that in case of the IDPs from Kodori Gorge it is also of utmost importance to insist on their right of return.

Finally, Mr. Chairman, I would like to underline that I am committed to remain engaged in following the minority situation in war-affected areas and I stand ready to assist any genuine reconciliation efforts based on OSCE principles and commitments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Knut Vollebaek', written in a cursive style.

Knut Vollebaek
High Commissioner on National Minorities