

Session 7

NGO "Sandidzan"

Violations of the Right to Freedom of Movement of the Citizens of Abkhazia.

I would like to thank you for giving me the opportunity to speak in such an honorable meeting at the Session dedicated to one of the most important issues especially for the citizens of Abkhazia, regarding the right to freedom of movement.

Article 13 (1) of the Universal Declaration of Human Rights, (1948) (UDHR) states that "everyone has the right to freedom of movement and residence within the borders of each State". Article 12 (1) of The International Covenant on Civil and Political Rights, (1966) (ICCPR), provides for the right to liberty of movement and freedom to choose residence for those 'lawfully' within the territory of a State. A number of national constitutions reflect this provision of international law and provide citizens with the right to freedom of movement within the State. However this right has not been fully extended to the citizens of Abkhazia who have been subjected to severe restrictions on travel outside Abkhazia since 1994. This fact without doubt contravened the International Covenant of Civil and Political Rights for its paragraph 12(2) which states: "Everyone shall be free to leave any country, including his own." Ironically, at the end of the 20th century the people of Abkhazia effectively found themselves behind a new Iron Curtain and were not free to travel.

Since 1996 Abkhaz passports were no longer recognized as documents valid for travel outside the Russian Federation. This restricted not only Abkhaz citizens' right to free movement, but also made Russia the only 'outside world' with which Abkhazia could communicate. Requests of the Abkhaz officials and civil society activists to the UN to issue temporary international travel documents for Abkhaz citizens until the conflict was resolved were rejected. In recent years, thousands of Abkhaz citizens have adopted Russian citizenship, allowing them to travel in and beyond Russia. People living in Abkhazia also possess Abkhaz passports issued by the Republic of Abkhazia that identify the holder as an Abkhaz citizen. Unfortunately, the Abkhaz passport is not recognised at international level and cannot be used for international travel, except those countries which recognised the independence of Abkhazia. The acquisition of Russian passports is considered as a pragmatic step that gives people the opportunity to travel freely for various reasons and issues.

It should be noted that after recognition of Abkhazia by the Russian Federation in 2008 obtaining of Russian passports has been restricted.

Soon a generation of young people will appear being able to travel just to those several countries which have recognized Abkhazia and nowhere else. In that case, the question arises: For whom are so many human rights declarations, covenants, conventions and laws composed, if people are not equal in their movement freely within the States of the world?

It might be worth mentioning that In October 2008 the Georgian Parliament adopted a Law on Occupied Territories, defining a new legal basis to regulate and restrict contacts between the outside world and Abkhazia and South Ossetia and raised concerns within the international community with regard to humanitarian access to the conflict affected areas. All foreigners are allowed to enter the territory only from the Georgian side and are liable to criminal punishment for violations. Foreigners travelling from the Russian Federation who cross the Russian-Abkhazian border face serious problems in Georgia. This provision may be in contradiction with the Georgian international engagements, and it might deteriorate humanitarian situation and cause unnecessary hardship as it was mentioned in the OPINION ON THE LAW ON OCCUPIED TERRITORIES OF GEORGIA OF THE VENICE COMMISSION. Strasbourg, 17 March 2009. I can't help mentioning that the phrase "occupied territories" in the law passed in the Georgian Parliament. Abkhazia and South Ossetia are not occupied by the Russian Federation. Russian military bases located near the borders between Abkhazia and Georgia as well as South Ossetia and Georgia, are there according to the agreements signed between the said states and the Russian Federation. The presence of bases is connected to the most important right which no one may deny today to any people, and which is considered to be the right of the rights - it is the right to life which was several times violated by Georgian government over the last two decades.

Secondly, such a law isolates the people of Abkhazia from the whole world and violates the right to lead a dignified life in the very essence of this word.

Tbilisi opposes the resumption of the work of the Sukhum airport. It was closed for external flights and the railway functioned only within Abkhazia's borders or only to Russia. The seaports were closed for passenger boats, and Abkhaz boats could not leave the port to bring goods from Turkey.

Obtaining of visas for the citizens of Abkhazia appears to be complicated and most of the time impossible. For example visas have been denied even when people apply to travel outside Abkhazia on medical grounds, which seems utterly unjust and unheard of in our time.

Here I would like to mention some recent cases when obtaining of visas was denied to:

1. Children dancing company from Pitsunda intended to perform their culture in France.
2. NGO representatives to travel to Belgium and Lithuania.
3. Abkhaz representatives to attend the UN General Assembly.
4. Young Team of Intellectuals to participate in the contest in Latvia.
5. Teenagers invited to the German International Peace Youth Camp.

And this we face at the time when freer movement is considered crucial for the protection and promotion of human rights and fundamental freedoms.

Finally I would like to add that depriving and/or violating the rights of the people(s) of Abkhazia is absolutely incomprehensible in the light of the EU's stated strategy of Engagement without Recognition.