

## **2012 Human Dimension Implementation Meeting**

Warsaw, 25 September 2012

### **Statement of the Georgian Delegation**

#### **Working Session 2: Freedom of Movement**

Freedom of movement is one of the essential freedoms and it so happens that most of those who enjoy it, take it for granted. Georgia, having walked the distance quite recently, knows from own experience what efforts are needed to make sure that this right is properly guaranteed.

One of the elements of our success has been the elimination of corruption and elimination of cumbersome procedures in the process of passport acquisition. The procedures to obtain a passport have been drastically simplified and number of documents necessary to receive a passport has been reduced significantly. The Public Service Halls- a unique Georgian innovation, has introduced a novel concept of public service delivery – “Everything in One Space” principle. This innovation allows consumers to receive all desired public goods and services from various government agencies in once space. The Public Service Hall established highly effective service delivery and customer-friendly system in Governmental sector, including passport issuance.

Georgia has a liberal visa regime. It has unilaterally lifted short-term visa requirements for many countries of the world, be it, US, EU Member States, Iran, Turkey or the CIS states. Georgia has recently allowed visa free travel to Georgia for Russian citizens, as a good –will gesture, aimed at maintaining links between the two nations. The Readmission agreement signed with EU Member States is enforced in good faith by Georgia, and the track record of the implementation nears 97%. The success of Georgia in this sphere has paved the way towards the commencement of visa-free dialogue with the EU, which will ultimately result in the liberalization of visa regime between the Union and Georgia.

Significant progress has been reached in Integrated Border Management field, in which Georgia is clearly a regional leader. Georgia actively pursues the international cooperation in this sphere and is sharing its experience and best practices with Eastern Partnership states in the framework of the relevant expert panel and events.

It is regrettable, that while working towards opening up to neighbors and making progress towards freedom of movement with the rest of the world, Georgian citizens

are denied that very right within their own state. In spite of all the efforts and the progress reached in recent years, we are held back by the impediments, which are more becoming to the 19<sup>th</sup> rather than 21 century. Georgian citizens on the occupied territories cannot move freely within their own country due to the increasingly restrictive regulations arbitrarily imposed by the Russian occupation regimes as a result of continuous occupation by Russian Federation of two Georgian regions: Abkhazia and Tskhinvali reigon/South Ossetia.

As a result, they suffer from the lack of humanitarian access and ability to live, work and visit places. The violations of the freedom of movement of the displaced persons, 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.

The 2008 report by the ODIHR/HCNM “On Human Rights in the War-Affected Areas Following the Conflict in Georgia”, states that constrains imposed on freedom of movement are among the most disruptive aspects of the conflict. A quote from the report: “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.”

Throughout 2011 and 2012, freedom of movement has continued to be a problematic issue for the local residents on both side of the occupation line. Arbitrary actions of the Russian FSB so called “border guards” together with proxy authorities have continued to complicate the situation.

A number of persons are detained for so-called “illegal border-crossing” on a regular basis. Movement of the local population without de facto “passports” becomes more and more restricted. The regimes are imposing the Soviet ear “Propiska” system that we all are trying to eliminate.

People who try cross the occupation line to engage in essential livelihood activities risk being detained. Illegal detentions of ethnic Georgians by the Russian occupying forces and the proxies occur on almost a daily basis in both occupied regions.

In the Gali District, the occupation line continues to be guarded tightly by the so-called FSB “border guards”. Residents of the occupied region are prohibited from crossing the occupation line without permission, and severe sanctions are incurred on those arrested while trying to cross.

In the beginning of January passes across the Enguri River were trenched by so-called Russian FSB border guards so that vehicles were unable to move. These changes further deteriorated already complex situation. Dozens are arrested daily on the occupation line and fined 1 000 rubles. Control on the occupation line has been further tightened after the attack against Alexander Ankvab on February 22.

Georgians in the District of Gali, who possess local “passports” were forced to vote in the Russian presidential and de-facto Abkhazian parliamentary elections; otherwise their movement would be restricted. Representatives of the de facto Central Election Commission stamped “passports” of those who participated in so-called elections. Movement of those, who do not have such stamps in their documents, was restricted.

The so-called Russian FSB border guards seek to reduce access to the shallow areas on the river Enguri, aiming to facilitate extortion of money. In the beginning of April, by erecting a barricade, they obstructed the road in the village Nabakevi, allowing only pedestrians to pass.

In early June, so-called Russian “border guards” blocked the whole length of the occupied line in Abkhazia region; local population was able to move only through the Enguri Bridge and only with special passes. In July, so-called FSB “border guards” further tightened the procedure for crossing the Enguri Bridge for those who do not possess the so-called “Abkhazian passports”. Harassment of those Gali residents not in possession of these travel documents continues.

On June 9, units of the so-called Abkhaz Special Forces raided several villages of the Gali District. They checked all drivers and pedestrians, demanding them to present so-called “Abkhazian passports”. Those who did not present such documents were taken to the Gali police station and fined.

In July, several ethnic Georgians were detained at the crossroad of Khurcha and Nabakevi because they did not possess so-called “Abkhaz passports” and were released

only after they paid 300-1200 Russian rubles. According to the head of the proxy police of the Gali District, by the end of July, more than 100 people had been detained in the region on the charge of not presenting so-called “Abkhazian passports” during raids.<sup>1</sup>

Restrictions have also been announced for affected persons traveling for medical reason. In the middle of June, Abkhaz leaders declared that residents will no longer be allowed to cross the so-called ABL in order to get medical treatment on the territory controlled by Georgian Government. This restriction, if implemented, will violate the population’s right to health-care.<sup>2</sup>

In his statement of June 2011, High Commissioner 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”.

As for the Tskhinvali region/South Ossetia, following his 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 Akhagori District in the Tskhinvali region/South Ossetia as 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”. Currently there are 7 persons illegally detained for so called “border crossing” in Tskhinvali region.

All the above, is in contravention 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.”

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<sup>1</sup>[http://expertclub.ge/portal/cnid\\_12356/alias\\_Expertclub/lang\\_ka-GE/tabid\\_2546/default.aspx](http://expertclub.ge/portal/cnid_12356/alias_Expertclub/lang_ka-GE/tabid_2546/default.aspx)

<sup>2</sup><http://www.iveroni.com.ge/2012-01-19-17-17-58/12561-afkhazethis-de-faqto-respublikis-jandacvis-saministro-avadmyofebs-saqarthveloshi-samkurnalod-aghar-gaushvebs.html?lang=ka-GE>

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 are still disturbingly frequent. These acts adversely affect the security situation on the ground.

In order to address the problem the following steps need to be taken:

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.

Secondly, 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. In accordance with the agreement reached within the Incident Prevention and Response Mechanisms in 2009, no more such restrictions should be imposed. Georgia proposes practical and constructive steps in Geneva format to achieve progress in this regard.

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. Importantly, 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.

Fourthly, 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. This is one of practical and constructive steps in Geneva format that Georgia proposes to achieve progress in this regard. Unfortunately, these initiatives have not been taken on board by Russia and its proxy regimes, which illustrates once again their disrespect to the human rights of the persons affected by occupation.