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Human rights situations that require the Council's attention

Letter dated 6 June 2014 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to inform you that the United Nations High Commissioner for Human Rights visited Georgia from 18 to 22 May 2014 to discuss the human rights situation in the country.

During her visit, the High Commissioner held meetings with the President, the Prime Minister, the Ministers for Foreign Affairs, Justice, Internal Affairs, Corrections, Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, the First Deputy State Minister for Reconciliation and Civic Equality, the Chairman of the Supreme Court, the Chairman of Parliament and the Public Defender, as well as with civil society representatives, the United Nations country team and representatives of the international community.

In the framework of the agenda, the High Commissioner visited a settlement for internally displaced persons as well as the occupation line, where she had an opportunity to inspect the situation on the ground, including developments relating to the illegal installation of barbed-wire fences. These illegal activities, carried out by the Russian occupation forces, represent a blatant violation of the norms and principles of international law, of the territorial integrity of Georgia, and of the Georgia – Russia ceasefire agreement of 12 August 2008 brokered by the French presidency of the European Union, as well as of the right of free movement, and other civil, social, economic and cultural rights of people residing in the occupied regions of Georgia and in the adjacent areas. These actions cause particular concern against a background made up of the grave security and human rights situation and the absence of international monitoring mechanisms in Georgia's occupied regions.

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In this context, please find attached an extract of the statement made by the High Commissioner during a press conference held in Tbilisi on 21 May 2014, on the situation in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia (see annex).*

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto** as a document of the twenty-sixth session of the Human Rights Council under agenda item 4.

(Signed) Shalva Tsiskarashvili

Permanent Representative

* The full statement is available on the website of the Office of the High Commissioner at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14624.

** Reproduced as received, in the language of submission only.

Annex

[English only]

Extract from the press conference held by the United Nations High Commissioner for Human Rights in Tbilisi on 21 May 2014

"... Now to move on to an issue that remains a huge and painful wound for all the country's citizens, namely the situation in Abkhazia, Georgia, and the Tskhinvali region, or South Ossetia, Georgia.

In spite of repeated efforts and the urging of the UN Secretary-General¹, my Office has consistently been denied access to Abkhazia and South Ossetia. I myself have made efforts to visit, but once again access was denied.

My visit yesterday to an IDP settlement, and to the Administrative Boundary Line with South Ossetia, has confirmed my view that more attention needs to be paid to the situation of human rights in South Ossetia and Abkhazia.

Whereas some movement is allowed in and out of Abkhazia, especially to the Gali region, both for displaced people, returnees and for some UN agencies and other actors, South Ossetia has become one of the most inaccessible places on earth, with no access permitted for international agencies, except the ICRC.

This isolation has been growing in recent months. Since May 2013, razor wire and other forms of fencing, as well as additional watch towers and other monitoring equipment, have been set up by Russian guards along a stretch of more than 50 kilometers of the Administrative Boundary Line with South Ossetia. This is further impeding the right to freedom of movement for IDPs, and the enjoyment of rights to property, water, health, education and access to religious and cultural sites. In recent weeks, two more villages have been cut off from South Ossetia by the expanding barrier.

Civilians seeking to cross the Administrative Boundary Line are continuing to be unlawfully detained. Their detention may last for several days, and they are only freed on payment of substantial fines, often simply for attempting to visit their own property on the other side of the wire to harvest their crops, including the valuable local delicacy known as jonjoli, which for many is their sole source of income.

As I saw for myself yesterday, the effect on local villagers on both sides of the wire is devastating. I heard how two brothers who have ended up on different sides can now only communicate by shouting across the wire, and risk detention if they get too close to it. I heard how one teenage boy in South Ossetia was detained simply for handing a cup of water to a friend on the other side.

I talked across the razor wire to one very brave 80-year-old man, Davit Vanishvili, whose house is surrounded by the wire, and is suffering in many ways as a result. When his wife fell ill, he was unable to take her to the nearest hospital which is south of the ABL. He has been

¹ See the Secretary-General's 20 May 2013 report (A/67/869), Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/ South Ossetia, Georgia

harassed and his grandson detained on several occasions because they persist in communicating across the wire.

According to the government of Georgia, since 1 May, restrictions on IDPs wishing to visit their property in Akhalgori in South Ossetia have grown more demanding. Those who filed applications inside South Ossetia before 1 May, are for the most part still not sure if they will be allowed to enter again. Those who missed the 1 May deadline can no longer get through the checkpoint they need to traverse in order to lodge their application.

In all, some 250,000 people remain internally displaced in Georgia, unable to return to their homes and lands – in the case of the 220,000 from Abkhazia, for more than 20 years. The Government, with the help of donors, has constructed good quality housing and established other essential facilities for many, though not yet all, of the IDPs, who also have unimpeded access to the labour market. However, the time has perhaps come to mainstream action in favour of IDPs into national and regional development programmes as most of their needs are the same, or very similar, to that of the non-displaced population.

I am particularly concerned about the human rights situation inside South Ossetia. Reports suggest that living conditions are poor and getting poorer, affecting economic, social and cultural rights. South Ossetia has become a black hole: very little is known about what goes on inside the region, as it has grown increasingly difficult for South Ossetians to come to other parts of Georgia, as well as for IDPs to visit the one part of South Ossetia where some visits had been allowed.

It is hard to see how this frozen, indeed worsening, situation is in anyone's interests. It is clearly affecting the human rights of many people – including the IDPs – and this is primarily the responsibility of the de facto authorities. My Office and other organizations would be willing to provide much more protection, if we were permitted to monitor the situation inside both South Ossetia and Abkhazia and to help provide legal remedies, especially for the most vulnerable people.

Unfortunately, as things stand at present, the inhabitants of Abkhazia and South Ossetia are not benefitting from the promise of significant human rights and rule of law reforms of the type that are currently being rolled out to Georgians, and which have been the prime focus of this mission. That is a matter of deep regret to me, and I hope for the sake of everyone that solutions to these hitherto intractable situations can be found.”
