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Human rights situations that require the Council's attention

Letter dated 14 June 2019 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 transmit herewith the 2018 compilation report of the human rights situation in the occupied territories of Georgia prepared by the Ministry of Foreign Affairs of Georgia (see annex).

In this context, I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the forty-first session of the Human Rights Council under agenda item 4.

(Signed) Victor **Dolidze**
Ambassador
Permanent Representative

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

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Annex to the letter dated 14 June 2019 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

2018 Compilation Report on the human rights situation in the occupied territories of Georgia

I. Introduction

1. The Report contains information on the human rights situation in the occupied territories of Georgia (Abkhazia and the Tskhinvali region) for the year 2018. The Report is mostly based on the findings of International Organizations and aims to contribute to the provision of regular and updated information to the international community on the human rights situation in the occupied territories.

II. Occupation and responsibility of the occupying power

2. The Russian Federation as the occupying power exercises effective control over the occupied territories of Georgia. Over the years the Russian Federation has intensified steps towards the factual annexation of Abkhazia and the Tskhinvali region, seeking full incorporation of the occupied territories into its military, political and economic systems in full disregard for international law.

3. On 25 April 2018 the Parliamentary Assembly of the Council of Europe adopted the Resolution 2214 on "Humanitarian needs and rights of internally displaced persons in Europe." The Resolution calls on the Russian Federation as the occupying power "to initiate credible investigations into acts of ethnic cleansing of Georgians from these regions and implement measures to reverse it …" and "to ensure also the withdrawal from the conflict areas of ammunition and weapons which pose a serious risk to IDPs and others and have the potential to cause further displacements."[1]

4. On 2 May 2018 the Committee of Ministers' Deputies of the Council of Europe at its 1315th session adopted yet another Decision on the agenda item "Council of Europe and the Conflict in Georgia." According to the Decision "the conclusion and implementation of so-called treaties on alliance and strategic partnership/integration between the Russian Federation and Georgia's regions of Abkhazia and Tskhinvali region/South Ossetia and the recent ratification by the Russian State Duma of a so-called agreement on the incorporation of military units of the Tskhinvali region of Georgia into the armed forces of the Russian Federation, as well as the recent opening of so-called customs points in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia aimed at the integration of these regions respectively into the customs sphere of the Russian Federation, impede the peaceful conflict resolution, undermine the ongoing efforts to strengthen security and stability in the region, constitute repeated violations of the sovereignty and territorial integrity of Georgia and have no legal validity." Furthermore, according to the Decision, the CoE Member States reiterated that "any illegal act by the Russian Federation aimed at changing the status of the Georgian regions, including through issuing passports and establishing a so-called status of foreign residents, have no legal effect and further complicate the situation on the ground." The CoE Member States "called upon the Russian Federation to stop and reverse this process and to comply with its international law obligations and commitments,

[1] Resolution 2214 of the Parliamentary Assembly of the Council of Europe (PACE) on "Humanitarian needs and rights of internally displaced persons in Europe", 25 April 2018, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=24736&lang=en>.

including under the EU mediated 12 August 2008 Ceasefire Agreement, in particular with regard to the withdrawal of military forces and allow the establishment of international security mechanisms on the ground." And finally, the CoE Member States "called on the authorities exercising effective control to ensure that residents of the Georgian regions concerned are not subject to discrimination on any including ethnic ground and are prevented from holding Georgian passports."[2]

5. The responsibility of the Russian Federation as the occupying power was once again underlined in the Resolution on "Georgian occupied territories 10 years after the Russian invasion" adopted by the European Parliament on 14 June 2018. Particularly, according to the Resolution "10 years after the Russian military aggression in Georgia of August 2008, the Russian Federation still continues its illegal occupation of the Georgian territories of Abkhazia and Tskhinvali region/South Ossetia, undermining international law and the rule-based international system." Moreover, the Resolution emphasizes that "Russia constantly reinforces its illegal military presence in Georgia's occupied territories by constructing new bases, bringing in new troops and equipment, and conducting military exercises" and further "the Russian Federation, as a power exercising effective control over the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia, bears full responsibility for severe violations of human rights and for the humanitarian situation on the ground." And finally the Resolution "demands that the Russian Federation cease its occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia and fully respect the sovereignty and territorial integrity of Georgia, as well as the inviolability of its internationally recognized orders and that it stop the de facto integration of both regions into Russian administration."[3]

6. Parliamentary Assembly of the Organization for Cooperation and Security in Europe passed the Resolution on "Ten Years after the August 2008 War in Georgia" on 11 July 2018. In the Resolution the Parliamentary Assembly "… calls on the Russian Federation to withdraw its military units from the territory of Georgia …" Furthermore, the Resolution "stresses the responsibility of the Russian Federation, as a power exercising effective control, to uphold the fundamental freedoms and human rights of all people living in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, …"[4]

7. On 13 March 2019 the US Department of State published "Georgia 2018 Human Rights Report", which emphasized that "de facto authorities in the Russian-occupied Georgian regions of Abkhazia and South Ossetia remained outside central government control and were supported by several thousand Russian troops and border guards occupying the areas."[5]

8. On 7 August 2018, Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy, Vice-President of the Commission issued the declaration on behalf of the EU on the "10 years anniversary of the conflict between Russia and Georgia." "… Russian military presence in both Abkhazia and South Ossetia continues in violation of international law and commitments undertaken by Russia under the 12 August 2008 agreement, mediated by the European Union" – reads the declaration.[6]

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[2] Decision adopted at 1315th session of the Committee of Ministers' Deputies of the Council of Europe, 2 May 2018, available at <https://search.coe.int/cm/Pages/result_details.aspx?ObjectID =09000016807c117a>.

[3] Resolution on "Georgian occupied territories 10 years after the Russian invasion" adopted by the European Parliament, 14 June 2018, available at <http://www.europarl.europa.eu/sides/get Doc.do?type=MOTION&reference=B8-2018-0275&language=EN>.

[4] Resolution of the Parliamentary Assembly of the Organization for Co-Operation and Security in Europe (OSCE PA) on "Ten Years after the August 2008 War in Georgia", 11 July 2018, available at <https://www.oscepa.org/documents/all-documents/annual-sessions/2018-berlin/declaration-26/3742-berlin-declaration-eng/file>.

[5] "Georgia 2018 Human Rights Report", the US Department of State, 13 March 2019, available at <https://ge.usembassy.gov/wp-content/uploads/sites/165/GEO_HR_18.pdf>.

[6] Declaration by the High Representative on behalf of the EU on "10 years anniversary of the conflict between Russia and Georgia", 7 August 2018, available at <https://eeas.europa.eu/delegations/ georgia/49171/declaration-high-representative-behalf-eu-10-years- anniversary-conflict-between-

III. Occupation line and restriction of the freedom of movement

9. The occupation line with Abkhazia and the Tskhinvali regions separates the occupied territories of Georgia from the rest of the Georgian territory.

10. According to the PACE Resolution 2214 on "Humanitarian needs and rights of internally displaced persons in Europe", the Parliamentary Assembly "calls on the Russian Federation as the de facto authority exercising effective control over Abkhazia, Georgia, and the Tskhinvali region (South Ossetia) in Georgia to open more so-called crossing points and cease the practice of installing barbed-wire fences and other artificial barriers that are guarded by the Russian military along the occupation line, so as not to hinder freedom of movement."[7]

11. According to the Decision of the Committee of Ministers' Deputies of 2 May 2018, the CoE Member States "deeply regretted that despite the constant calls upon the Russian Federation to reverse this process, it continues installing razor and barbed wire fences and other artificial obstacles along the administrative boundary lines (ABLs) dividing families and communities, violating human rights and fundamental freedoms, complicating the settlement of the conflict involving two member States." Moreover, the CoE Member States expressed their concern that the "closure of "crossing points" across the ABL of the Georgian region of Abkhazia is detrimental for freedom of movement and livelihood of the local residents and further deteriorates the humanitarian situation on the ground."[8]

12. In the Resolution on "Georgian occupied territories 10 years after the Russian invasion" the European Parliament "calls on the Russian Federation to cease the further borderisation of the ABL, by refraining from installing barbed wire fences and other artificial barriers, and to stop its encroachment into territory controlled by the Georgian Government and the further extension of the ABL, steps which are designed to hinder people-to-people contacts and isolate the populations of both occupied regions."[9]

13. According to the Report (A/72/847) of the UN Secretary-General on the implementation of the resolution on "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia", of 30 April 2018, "so-called "borderization" measures along the administrative boundary lines with both South Ossetia and Abkhazia continued throughout the reporting period. These measures have reached an unfortunate new level with the closure of two main crossing points at the Abkhaz administrative border line, with a negative impact on the freedom of movement … Further obstacles to freedom of movement continue to be observed along the administrative boundary lines, including so -called "state border signs", watch posts and surveillance equipment."[10]

14. According to the 17th "Consolidated Report on the conflict in Georgia" of 11 April 2018, of the Secretary General of the Council of Europe, "the period under review was regrettably marked by a continuation of so-called "borderisation" activities. In addition to the 60km which have been fenced off, ploughed lines continue to be used, apparently in an effort to "demarcate" the ABL, according to the interlocutors met by the delegation. The human rights and humanitarian dimensions of the so-called "borderisation" were unfortunately reflected in the inability of the local population to move freely, access livelihoods or collect firewood during the winter season remain of serious concern."[11]

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[7] See footnote 1.

[8] See footnote 2.

[9] See footnote 3.

[10] Report (A/72/847) of the UN Secretary-General on the implementation of the resolution on "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia", 30 April 2018, Paragraph 22, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/128/66/PDF/N1812866.pdf?OpenElement >.

[11] 17th Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (SG of the CoE), 11 April 2018, Paragraph 52, available at <https://rm.coe.int/consolidated-report-on-the-conflict-in- georgia-october-2017-march-2018/16807b81cc>.

15. Respectively, according to the 18th "Consolidated Report on the conflict in Georgia" of 8 November 2018, "the so-called "borderisation" effects are felt in particular as regards agricultural livelihoods. The delegation was informed of cases where access to farming lands has been effectively cut off in a number of villages along the ABL."[12]

16. According to the EU Statement on the Secretary General's 17th Consolidated report on the conflict in Georgia delivered on 18 April 2018, "the EU is deeply concerned by an intensification of the so-called "borderisation" process along the Administrative Boundary Lines (ABLs) and takes note that the length of fenced segments has further increased along with the placement of surveillance equipment and other barriers. In this context the opening of a so-called customs point on the ABL with South Ossetia and the Russian Federation's customs office in Sukhumi are particularly worrisome."[13]

17. Respectively, in another EU Statement on the 18th Consolidated Report delivered on 14 November 2018, "the EU is deeply concerned over the ongoing erection of new illegal barbed wire fences along the South Ossetian Administrative Boundary Line aimed at fortifying the line and further isolating the Tskhinvali region/South Ossetia from the rest of Georgia."[14]

18. According to the Report (A/HRC/39/44) of the UN High Commissioner for Human Rights "on cooperation with Georgia", published on 15 August 2018, "… the process of so-called "borderization" has continued in both Abkhazia and South Ossetia, resulting in further limitations to freedom of movement and severely affecting local livelihoods. Installation of razor and barbed wire fences, trenches, "border signs" and other barriers across the Administrative Boundary Lines, compounded by the deployment of surveillance equipment, has continued."[15]

19. The Report on "Human Right and Democracy worldwide" by the United Kingdom's Foreign and Commonwealth Office published on 16 July 2018, speaks about the occupied territories of Georgia. In particular, according to the Report "freedom of movement was curtailed further, with the closure of the Meore Otobaia and Nabakevi crossing points on the Abkhazia Administrative Boundary Line (ABL) in March. Access to land remains a challenge for farmers along the South Ossetia ABL."[16]

20. According to the "Georgia 2018 Human Rights Report" of the US Department of State, "de facto authorities continued to expand fencing and other physical barriers along the ABL between the government-administered area and South Ossetia. This expansion of the Russian "borderization" policy further restricted movement, creating physical barriers and obstructing access to agricultural land, water supplies, and cemeteries. In November, Russian occupation forces in South Ossetia erected fencing along a one-kilometer line at the village of Atotsi, Kareli Municipality."[17]

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[12] 18th Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (SG of the CoE), 8 November 2018, Paragraph 45, available at <http://mfa.gov.ge/getattachment/News/evropis-sabchos-ministrta-moadgileebis-komitetma-e/3-18th-Consolidated-report-on-the-conflict-in-Georgia_EN.pdf.aspx>.

[13] EU Statement on the Secretary General's 17th Consolidated Report on the conflict in Georgia, 18 April 2018, available at <https://eeas.europa.eu/delegations/council-europe/43146/local-eu-statement-secretary-general%E2%80%99s-17th-consolidated-report-conflict-georgia_en >.

[14] EU Statement on the Secretary General's 18th Consolidated Report on the conflict in Georgia, 14 November 2018, available at <https://eeas.europa.eu/delegations/georgia/53912/local-eu-statement-secretary-general%E2%80%99s-18th-consolidated-report-conflict-georgia_az>.

[15] Report (A/HRC/39/44) of the UN High Commissioner for Human Rights "on cooperation with Georgia", 15 August 2018, paragraph 57, available at <https://www.ecoi.net/en/file/local/1443533/1930_1537260340_g1824969.pdf>.

[16] United Kingdom's Foreign and Commonwealth Office, Report on "Human Right and Democracy worldwide (2017)", pg: 47, available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/725551/FCO1124_Human_Rights_Report_2017_-_CONTENTS_PRINT.pdf >.

[17] See footnote 5, pg. 23.

21. According to the Amnesty International Report 2017/18 "The State of the World's Human Rights" published on 22 February 2018, "the fencing of the de facto border around the breakaway regions of Abkhazia and South Ossetia continued to have a negative impact on local residents' economic and social rights."[18] "Russian forces and de facto authorities in the breakaway regions of Abkhazia and South Ossetia continued to restrict movement across the de facto border, briefly detaining and fining dozens of people for "illegal" border crossing"[19] – reads the Report.

IV. Denial of access

22. International Organizations are still prevented from entering the occupied territories by the Russian Federation as the occupying power.

23. On 23 March 2018, the UN Human Rights Council adopted the Resolution 37/40 on "Cooperation with Georgia". The Resolution expresses serious concern "at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions by those in control of those regions." The Resolution further "strongly calls for immediate access to be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia."[20]

24. The PACE Resolution 2214 on "Humanitarian needs and rights of internally displaced persons in Europe" calls on the Russian Federation to "to grant the European Union Monitoring Mission (EUMM) full access to the entire internationally recognized territory of Georgia."[21]

25. The responsibility of the Russian Federation was once again underlined in the Resolution on "Georgian occupied territories 10 years after the Russian invasion" of the European Parliament. Particularly, according to the Resolution "the Russian Federation continues to deny the EUMM access to the Georgian territories of Abkhazia and Tskhinvali region in violation of the EU-mediated ceasefire agreement of 12 August 2008, …"[22]

26. The OSCE PA Resolution on "Ten Years after the August 2008 War in Georgia" expresses concern "over the repeated denial of access to international and regional human rights mechanisms, including the relevant OSCE executive structures, to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia."[23]

27. In the PACE Resolution 2240 on "Unlimited access to member States, including "grey zones" by Council of Europe and United Nations human rights monitoring bodies" of 10 October 2018, the Parliamentary Assembly "calls on States which exercise effective control over territories where local de facto authorities operate to exercise their influence so as to enable effective monitoring by international human rights bodies."[24]

28. It has to be mentioned that the Independent Expert on the enjoyment of all human rights by older persons conducted an official visit to Georgia from 12 to 22 March 2018. According to the Report of the Independent Expert, of 17 July 2018, "the Independent

[18] Amnesty International Report 2017/18 "The State of the World's Human Rights", pg: 171, available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

[19] Ibid, pg: 172.

[20] UN Human Rights Resolution (UN HRC) 37/40 "Cooperation with Georgia", 23 March 2018, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/098/93/PDF/G1809893.pdf?OpenElement>.

[21] See footnote 1.

[22] See footnote 3.

[23] See footnote 4.

[24] Resolution 2240 of the Parliamentary Assembly of the CoE on "Unlimited access to member States, including "grey zones", by Council of Europe and United Nations human rights monitoring bodies", 10 October 2018, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=25168&lang=en>.

Expert was not able to assess the situation in the territories of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, in the context of her visit."[25]

29. UN Secretary-General in the Report (A/72/847) reiterates his previous calls "to grant unfettered access for the Office of the United Nations High Commissioner for Human Rights to be able to assess human rights protection needs and to support related mechanisms on the ground."[26] Furthermore, the Secretary-General remains concerned on the inability of humanitarian and developmental actors to operate freely, especially in South Ossetia.[27]

30. For the preparation of 17th and 18th Consolidated Reports on the conflict in Georgia the delegation of the Secretariat carried out a fact-finding visits to Georgia on 11–12 February and 17–18 September 2018. Despite repeated efforts, the Secretariat was not given authorization to visit Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia by the occupying power. The Secretariat consequently had no opportunity to assess the human rights situation on the ground. According to both Consolidated Reports, regrettably no progress has been made in terms of ensuring access for international human rights mechanisms, including those of the Council of Europe, to Abkhazia, Georgia and the Tskhinvali region, Georgia. Though it was reported that the OSCE Commissioner for National Minorities (OSCE HCNM) paid a visit to Georgia, including its Abkhazia province in September 2018.[28] It should be emphasized that the Russian Federation as the occupying power denies international mechanisms as well as representatives of the International Organizations access to the occupied territories of Georgia and the recent visit of the OSCE Commissioner for National Minorities was an exceptional case.

31. In the Report (A/HRC/39/44) of the UN High Commissioner for Human Rights "on cooperation with Georgia" "the High Commissioner regrets that there has been no progress in granting access to OHCHR and other international human rights mechanisms to Abkhazia and South Ossetia pursuant to Human Rights Council resolution 37/40." Furthermore, according to the Report "OHCHR reiterates its call to the authorities in control in South Ossetia to provide regular access to actors dealing with human rights. Access to these regions would enable OHCHR and other actors to conduct assessments so as to better understand human rights needs, tailor assistance and contribute to confidence-building with a view to enhancing human rights protection of the affected population."[29]

32. It should be emphasized that despite its mandate the European Union Monitoring Mission in Georgia (EUMM Georgia) is denied access to the occupied territories by the Occupying Power.[30]

V. Violation of right to life; torture and ill-treatment

33. Annual overview of 2018 and incidents of the reporting year demonstrate that the human rights situation in the occupied territories of Georgia is critical in terms of accountability of human rights violators.

34. One of the most tragic incident of 2018 occurred over the illegal detention on 22 February of three Georgian citizens – Archil Tatunashvili, Levan Kutashvili and Ioseb Pavliashvili, followed by the murder of Archil Tatunashvili in Tskhinvali region by the Russian occupation regime. The victim's body was transferred to the Georgian Government only after one month, on 20 March 2018 and without internal organs.

[25] Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Georgia, 17 July 2018, available at <https://digitallibrary.un.org/record/1638448/files/A_HRC_39_50_Add-1-EN.pdf>.

[26] See footnote 10, Paragraph 10.

[27] Ibid, Paragraph 57.

[28] See footnote 11, Paragraph 33 and footnote 12 Paragraph 27.

[29] See footnote 15, Paragraph 92.

[30] Mandate of the Euroepan Monitoring Mission in Georgia (EUMM Georgia), available at <https://eumm.eu/en/about_eumm/mandate>.

35. Commission of Levan Samkharauli National Forensic Bureau of Georgia concluded that injuries inflicted to the body of Archil Tatunashvili, murdered in occupied Tskhinvali region, were grave and dangerous to life and led to Tatunashvili's death. Based on the conclusion, the injuries had been inflicted during lifetime by a flat heavy object.[31] The forensic examination showed clear sign of torture. According to the statement of the Prosecutor's Office of Georgia, more than 100 different types of injuries were inflicted to Archil Tatunashvili.[32]

36. On the basis of the evidence obtained in the conducted investigation on the criminal case of the Ministry of Internal Affairs of Georgia, the Prosecutor's Office of Georgia filed charges in absentia over the restraint of liberty of Archil Tatunashvili, Levan Kutashvili and Ioseb Pavliashvili and providing assistance for torturing Archil Tatunashvili, against so-called law enforcement officers of occupied Tskhinvali region, David Gurtsiev and Alik Taboev.

37. In Georgia, 33-year-old Gurtsiev and 40-year-old Taboev stand accused of illegal confinement and assistance in torture, which is punishable by imprisonment from nine to fifteen years under the Criminal Code.[33]

38. In September 2018, Interpol issued an arrest warrant for the two so-called South Ossetian security officers.[34]

39. On 21 March 2018 the Parliament of Georgia adopted the Resolution on "Gross Violation of Human Rights by the Russian Federation in Occupied Abkhazia and Tskhinvali region and Otkhozoria-Tatunashvili list." The Resolution condemns the actions of the Russian Federation as the occupying power, makes a series of demands to the Russian Federation and envisages the creation of a sanctions list of individuals, who have violated the rights of Georgian citizens in the occupied territories. The Resolution condemns blatant violation of Georgian citizens' rights in the occupied territories and deprivation of lives of Archil Tatunashvili and Giga Otkhozoria.[35]

40. Respectively, on 26 June 2018, pursuant to a parliamentary resolution, the Government approved a Decree that establishes a list of 33 individuals convicted or charged with grave crimes committed against ethnic Georgians in the occupied territories (the "Otkhozoria-Tatunashvili list"). The Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Internal Affairs and the National Bank of Georgia were instructed to work with International Organizations and partner States with a view to imposing on designated individuals all possible, including travel, financial and property restrictions.[36]

41. Furthermore, on 21 August 2018 the Ministry of Justice lodged a new inter-state application "Georgia v. Russian Federation" with the European Court of Human Rights. The complaint concerns the administrative practice of massive harassment, detention, assault and murder of Georgian citizens in the occupied territories of Georgia and along the

[31] Samkharauli Commission concluded that injuries on Archil Tatunashvili's body led to death, 10 August 2018, available at <https://1tv.ge/en/news/exclusive-samkharauli-commission-concluded-injuries-archil-tatunashvilis-body-led-death/>.

[32] Prosecutor's Office of Georgia filed charges in absentia against so-called Law enforcement officers of Occupied Tskhinvali region on the case of Archil Tatunashvili, 14 June 2018, available at <http://pog.gov.ge/eng/news?info_id=1682>.

[33] Interpol Issues Arrest Warrant for Two S.Ossetian Security Officers Charged over Tatunashvili Case, 14 September 2018, available at <https://interpol.einnews.com/article/462019022?lcf=oXtnQL9eGe7wvu_3NyAUNJ3T-g8IqWw3cV8zCshIqCs%3D>.

[34] Ibid.

[35] Resolution of the Parliament of Georgian on "Gross Violation of Human Rights by Russian Federation in Occupied Abkhazia and Tskhinvali Region and Otkhozoria–Tatunashvili list", 21 March 2018, available at <http://www.parliament.ge/ge/ajax/downloadFile/88867/>.

[36] Decree of the Government of Georgia on the approval of the list of individuals convicted or charged with killings, kidnapping, torture and inhuman treatment, grave bodily injury, as well as with concealing of such crimes – "Otkhozoria-Tatunashvili list" and on the relevant measures to be conducted by the Government of Georgia, 26 June 2018, available at <https://matsne.gov.ge/ka/document/view/4234552?publication=0>.

Administrative Boundary Line by the Russian Federation, which has intensified since 2008 war and reached a critical point in February 2018, when Archil Tatunashvili was tortured and murdered.[37] At the same time, the second individual ECHR complaint Vs the Russian Federation was filed on 22 August 2018 by the Georgian NGO Empathy Center.[38]

42. According to the Decision of the Committee of Ministers' Deputies of the CoE of 2 May 2018, CoE Member States "expressed grave concern over the detention of three Georgian citizens Archil Tatunashvili, Levan Kutashvili and Ioseb Pavliashvili in Tskhinvali region/South Ossetia and the subsequent death of Archil Tatunashvili in custody" and condemned "the fact that handing over his body became a topic for negotiations, which lasted almost one month." Further concern was expressed "over obstacles to the freedom of movement of Levan Kutashvili and Ioseb Pavliashvili, who were allowed to cross into Tbilisi Administered Territory after considerable delay."[39]

43. The cases of "illegal deprivation of lives as a result of brutal actions by the occupying Russian regimes in Sokhumi and Tskhinvali" has also been indicated in the Resolution on "Georgian occupied territories 10 years after the Russian invasion" adopted by the European Parliament. Moreover, the Resolution "calls on the Russian Federation to end impunity and ethnically motivated crimes in the Georgian territories of Abkhazia and Tskhinvali region/South Ossetia and to remove any obstacles to ensuring that the perpetrators of the illegal killing of Georgian internally displaced persons Archil Tatunashvili, Giga Otkhozoria and Davit Basharuli are brought to justice."[40]

44. The OSCE PA Resolution on the "Ten Years after the August 2008 War in Georgia" pays particular attention to the murder cases of Georgian citizens in the occupied territories. The Resolution "condemns the killing of Georgian citizens – Mr. Tatunashvili, Mr. Otkhozoria and Mr. Basharuli – in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, and urges the Russian Federation to refrain from the obstruction of the thorough investigation conducted by the Georgian authorities on the cases of Tatunashvili, Otkhozoria and Basharuli, including with the participation of international partners, and that perpetrators are brought to justice."[41]

45. According to the 17th "Consolidated Report on the conflict in Georgia" of the CoE SG "in a grave development, on 23 February, Archil Tatunashvili, a Georgian citizen residing in the Akhalgori district was detained and later died in custody in South Ossetia. Moreover, the de facto authorities' decision to delay the transfer of the victim's body to the Georgian central government and the family, for almost one month, until 20 March, on the grounds of conducting forensic procedures gave rise to additional concerns. Meanwhile, two other persons who were detained with the victim were released only on 11 March."[42]

46. According to the EU Statement on the 17th Consolidated Report "the detention of three ethnic Georgians in Tskhinvali on 22 February and subsequent death in custody of Archil Tatunashvili may reflect a worrying trend. Handing over the body of Archil Tatunashvili to his relatives, which is a matter of human dignity, should not have taken almost one month and become a topic for negotiations. Impunity surrounding this fatal incident reminds of the Otkhozoria case in May 2016. Such impunity has a major negative impact on human security. The EU calls for a thorough investigation into these cases and for justice to be applied."[43]

[37] Statement of the Ministry of Justice of Georgia, 22 August 2018, available at <http://www.justice.gov.ge/News/Detail?newsId=7765>.

[38] RCT/EMPATHY's Experts Court Testimony on Case of Unlawful Death of Mr. Archil Tatunashvili at the Occupied Tskhinvali Region, 24 January 2019, available at <http://empathy.ge/en/rctempathys-experts- court-testimony-on-case-of-unlawful-death-of-mr-archil-tatunashvili-at-the-occupied-tskhinvali-region/>.

[39] See footnote 2.

[40] See footnote 3.

[41] See footnote 4.

[42] See footnote 11, paragraph 55.

[43] See footnote 13.

47. Similar statement was made by the EU on the 18th Consolidated Report on 14 November 2018. According to the statement EU reiterated "calls for a proper investigation into the tragic death of Archil Tatunashvili in February 2018 and for justice to be applied following the killing of Giga Otkhozoria in May 2016." Furthermore, the EU took note that "on 21 March 2018, the Parliament of Georgia adopted the Resolution on "Otkhozaria-Tatunashivili Act" and on 26 June, 2018 Georgia's Government adopted a decision to impose national restrictive measures against those responsible for violations of the right to life of Archil Tatunashvili and Giga Otkhozoria."[44]

48. According to the Report (A/HRC/39/44) of the UN High Commissioner for Human Rights on cooperation with Georgia "… the death in custody of an ethnic Georgian, Archil Tatunashvili, in Tskhinvali, South Ossetia, following his alleged detention on 22 February 2018, and the subsequent handling of this incident are of great concern."[45] Moreover, according to the Report "the death in custody of Archil Tatunashvili in Tskhinvali in February 2018 and other unresolved cases of alleged unlawful death or killing need to be addressed with a view to establishing facts and response mechanisms in order to avoid tensions and, ultimately, to ensuring justice and accountability."[46]

49. "An Act to support the independence, sovereignty, and territorial integrity of Georgia, and for other purposes (Georgia Support Act)" approved by the US House of Representatives on 12 December 2018, condemns "the recent killings of Georgian citizens Archil Tatunashvili, Giga Otkhozoria, and Davit Basharuli." Moreover, "the Act initiates the establishment of sanctions against persons complicit in or responsible for serious human rights abuses, including right to life in the occupied territories of Georgia."[47]

50. "The latest developments in South Ossetia, Georgia, in particular the tragic death of a Georgian citizen, Archil Tatunashvili, and detention of two others, are a source of grave concern" said the spokesperson for Foreign Affairs and Security Policy/European Neighbourhood Policy and Enlargement Negotiations of the European External Action Service of the EU in a Statement of 25 February 2018.[48]

51. On 26 February 2018 the co-rapporteurs of the PACE on Georgia expressed their deep concern over the murder case of Archil Tatunashvili. They called "upon the separatist authorities, as well as the authorities of the Russian Federation, as the de facto power in control, to conduct a full and transparent investigation into the death of Archil Tatunashvili, and to prosecute those responsible."[49]

52. Similar statement was delivered on 28 February 2018 by the CoE Congress President, who stated that "transparent investigation is urgently needed to establish the circumstances behind his death and the responsibility for this act."[50]

VI. Arbitrary detentions

53. Illegal detentions of Georgian citizens by the Russian occupation forces restrict freedom of movement and exacerbate already grave situation in the occupied territories, as

[44] See footnote 14.

[45] See footnote 15, paragraph 54.

[46] Ibid, paragraph 93.

[47] "AN ACT to support the independence, sovereignty, and territorial integrity of Georgia, and for other purposes (Georgia Support Act)" US House of Representatives, 12 December 2018, available at <https://www.congress.gov/115/bills/hr6219/BILLS-115hr6219rfs.pdf>.

[48] Statement by the Spokesperson on the latest developments in South Ossetia, Georgia, 25 February 2018, available at <https://eeas.europa.eu/headquarters/headquarters-homepage/40348/statement-spokesperson-latest-developments-south-ossetia-georgia_en>.

[49] Co-rapporteurs express deep concern at the death of a Georgian citizen in South Ossetia (Georgia), 26 February 2018, available at <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid = 6975&lang=2>.

[50] CoE Congress President issues statement on death of Archil Tatunashvili, 28 February 2018, available at <http://www.accentnews.ge/en/news/details/47735>.

well as along the occupation line. 129 identified cases of arbitrary detentions (including 20 women and 8 children) by the Russian occupation forces were detected in 2018.

54. In the Decision of the Committee of Ministers' Deputies of 2 May 2018, CoE Member States "called on the authorities exercising effective control to cease arbitrary detention of persons, including in the context of so-called 'illegal border crossing' …"[51]

55. The Resolution on "Georgian occupied territories 10 years after the Russian invasion" of the European Parliament states that "illegal detentions and kidnappings continue to take place" in the occupied territories of Georgia.[52]

56. According to the Report (A/72/847) of the UN Secretary-General of 30 April 2018, "so-called 'borderization' measures, including the decision by the authorities in control in Abkhazia to close all but two crossing points, blockage of footpaths, increased and more systematic surveillance by Russian Federation border guards and strict detention practices were reported."[53]

57. According to the 18th "Consolidated Report on the conflict in Georgia" of the SG of the CoE "unauthorised" crossings continue to be treated by the de facto authorities as violations of the so-called "border regime" leading to detention and administrative punishment of those concerned … For instance on 9 October, the de facto authorities released a Georgian woman who had spent 10 days in detention after she was sentenced for alleged "'illegal' crossing ..."[54]

58. On 14 November 2018 the EU expressed particular concern with respect to the arbitrary detentions in the Statement on the findings of the 18th Consolidated Report.[55]

59. "Ongoing detentions, kidnappings, and other human right violations committed in the Georgian regions of Abkhazia and Tskhinvali Region/South Ossetia forcibly occupied by the Russian Federation" were notably condemned in the "Georgia Support Act" by the US House of Representatives.[56]

60. According to the "Georgia 2018 Human Rights Report" of the US Department of State "human rights issues included … arbitrary detentions and deprivation of life by Russian and de facto authorities of the country's citizens along the administrative boundary lines (ABLs) with the Russian-occupied regions of Abkhazia and South Ossetia."[57]

VII. Violation of right to return

61. The UN Human Rights Council in its Resolution 37/40 "on cooperation with Georgia", expressed concern that "internally displaced persons and refugees continue to be deprived of the right to return to their homes in a safe and dignified manner".[58]

62. In the Resolution 2214 on "Humanitarian needs and rights of internally displaced persons in Europe" PACE "calls on the Russian Federation as the de facto authority exercising effective control over Abkhazia, Georgia, and the Tskhinvali region (South Ossetia) in Georgia to recognise formally and effectively the right of safe and dignified return of all IDPs, including those from the 2008 war, to their original places of residence in Abkhazia, Georgia, and the Tskhinvali region (South Ossetia) in Georgia."[59]

63. In the Decision of the Committee of Ministers' Deputies of the Council of Europe of 2 May 2018, the CoE Member States "bearing in mind that human rights and fundamental

[51] See footnote 2.
[52] See footnote 3.
[53] See footnote 10, Paragraph 40.
[54] See footnote 12, Paragraph 48.
[55] See footnote 14.
[56] See footnote 47.
[57] See footnote 5.
[58] See footnote 20.
[59] See footnote 1.

freedoms shall be protected by all relevant States Parties to the European Convention on Human Rights in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, called on the authorities exercising effective control to create conditions allowing for the voluntary, safe and dignified return of IDPs and refugees, and to protect their property rights."[60]

64. The UN General Assembly Resolution 72/280 on "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia" adopted on 12 June 2018, "recognizes the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region/South Ossetia."[61]

65. The European Parliament in the Resolution on "Georgian occupied territories 10 years after the Russian invasion" underlines that "hundreds of thousands of internally displaced persons and refugees forcibly expelled from the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia as a result of several waves of ethnic cleansing continue to be deprived of their fundamental right to a safe and dignified return to their homes."[62]

66. The OSCE PA Resolution on "Ten Years after the August 2008 War in Georgia" "urges the Russian Federation to allow the safe, dignified and unhindered return of displaced persons to their place of origin."[63]

67. In his Report (A/72/847) on the implementation of the Resolution on the "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia" the UN Secretary-General stressed that "there was no sustainable return to areas of origin or habitual residence during the reporting period."[64] Furthermore, the Report is explicit that "… that return is both a human right and a humanitarian issue and therefore cannot be directly linked to political questions …"[65]

68. According to the 18th "Consolidated Report on the conflict in Georgia" of the SG of the CoE "during the period under review, regrettably no progress could be reported as regards the voluntary, safe, dignified and unhindered return of IDPs and refugees on the basis of internationally recognised principles."[66]

69. "Georgia Support Act" underlines "the policy of the United States to support peaceful conflict resolution in Georgia, including by urging the Russian Federation to fully implement the European Union-mediated ceasefire agreement of August 12, 2008, and supporting the establishment of international security mechanisms in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and the safe and dignified return of internally displaced persons (IDPs) and refugees, all of which are important for lasting peace and security on the ground."[67]

70. In his statement of 7 August 2018 on 10th anniversary of the August 2008 Russia-Georgia war, the Spokesman for the UN SG stressed that "… more should be done on key

[60] See footnote 2.
[61] United Nations General Assembly Resolution 72/280 on the "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia", 12 June 2018, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/182/39/PDF/N1818239.pdf?OpenElement>.
[62] See footnote 3.
[63] See footnote 4.
[64] See footnote 10, Paragraph 8.
[65] Ibid, Paragraph 43.
[66] See footnote 12, Paragraph 50.
[67] See footnote 47.

security and humanitarian issues, including those related to the plight of the many internally displaced persons and refugees."[68]

VIII. Violation of right to health

71. According to the 17th "Consolidated Report on the conflict in Georgia" of the SG of the CoE "the so-called "borderisation" and other freedom of movement restrictions along with the reported lack of crossing documents continue to complicate access to livelihoods, healthcare …"[69]

72. According to the Report (A/HRC/39/44) of the UN High Commissioner for Human Rights "on cooperation with Georgia" "OHCHR received information indicating that the right to health, including access to health care, in both Abkhazia and South Ossetia continued to be seriously affected due to the restrictions on freedom of movement … Patients reportedly have to spend more money and time than before to travel to facilities and receive health services in the Tbilisi-controlled territory. One serious consequence is the delayed provision of health care, which raises particular concern in cases of medical emergencies. The reduced quality of health care is another reported concern." Furthermore, the Report reads as follows: "in Abkhazia, some concerns have been reported about the impact of incomplete documentation and limited functioning of crossing points on the circulation of medical emergency vehicles across the Administrative Boundary Line and the consequent delayed provision of treatment." According to the Report "in South Ossetia, patients and medical emergency vehicles are reported to face difficulties due to the restrictions on crossing the Administrative Boundary Line. Rules reportedly introduced in November 2017 have been particularly restricting movement of emergency vehicles during night-time and on weekends."[70]

73. According to the Report on "Situation of Human Rights and Freedoms in Georgia for 2018" of the Public Defender of Georgia, of 30 March 2019, healthcare and social issues remain a challenge in the occupied territories of Georgia. Furthermore, according to the Report, healthcare facilities lack the proper infrastructure and medical personnel in the occupied Abkhazia and Tskhinvali region. Hence, the healthcare services are not sufficient for the most vulnerable groups and others in the occupied territories of Georgia.[71]

IX. Violation of right to education in native language

74. In the Resolution 37/40 on "Cooperation with Georgia" the HRC expressed serious concern over the "discrimination based on ethnic grounds, restrictions on education in one's native language" in Abkhazia, Georgia and Tskhinvali region, Georgia.[72]

75. Profound concern was also expressed in the Decision of the Committee of Ministers' Deputies of the Council of Europe, of 2 May 2018, over the further deteriorating human rights situation in the occupied territories, including with regard to the right to education in the native language. The Decision calls on the authorities exercising effective control "to guarantee and implement the right to education in schools and preschools, including education in the native language in Georgia's regions of Abkhazia and Tskhinvali region/South Ossetia."[73]

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[68] Statement attributable to the Spokesman for the Secretary-General on the Tenth Anniversary of the August 2008 conflict in Georgia, 7 August 2018, available at <https://www.un.org/sg/en/content/sg/statement/2018-08-07/statement-attributable-spokesman- secretary-general-tenth-anniversary >.

[69] See footnote 11, Paragraph 41.

[70] See footnote 15, Paragraphs: 72; 73; 74.

[71] Report of the Public Defender of Georgia on "Situation of Human Rights and Freedoms in Georgia for 2018", 30 March 2019, pg: 313, available at <http://ombudsman.ge/res/docs/2019042620571319466.pdf>.

[72] See footnote 20.

[73] See footnote 2.

76. In the Resolution on "Georgian occupied territories 10 years after the Russian invasion" the European Parliament "reminds the Russian Federation, as the occupying power, of its obligations towards the population and that it must cease violations of human rights, restrictions on … access to education in native language in the occupied territories of Georgia."[74]

77. The Resolution of the Parliament of Georgia on "Gross Violation of Human Rights by the Russian Federation in Occupied Abkhazia and Tskhinvali region and 'Otkhozoria-Tatunashvili list'" condemns "deprivation of the right to education in the native language" in the occupied territories.[75]

78. According to the 17th "Consolidated Report on the conflict in Georgia" of the SG of the CoE "… the de facto authorities had closed down one school in the village of Tagiloni (Lower Gali) due to a reduced number of schoolchildren, whilst the teachers and remaining pupils had been reassigned to neighbouring schools. In this respect it was reported that low attendance of schoolchildren was also a consequence of the switch to the Russian language."[76]

79. According to the Report (A/HRC/39/44) of the UN High Commissioner "on cooperation with Georgia", "the restrictions on the use of Georgian as a language of instruction reportedly continued to be applied in Abkhazia and were introduced in South Ossetia during the reporting period. According to various sources, these restrictions particularly affect the communities who identify as ethnic Georgians living in Gali, Abkhazia, as well as in Akhalgori and other areas in South Ossetia."[77] Furthermore, according to the Report "in Abkhazia, Georgian as the language of instruction in courses for the lower grades continues to be replaced by Russian. According to various sources, this practice has proven to be a barrier, for both teachers and students, to providing or benefiting from quality education and reportedly runs counter to pupils' wishes."[78]

80. According to the 18th "Consolidated Report on the conflict in Georgia" of the SG of the CoE "access to education in native language remains a divisive issue in Abkhazia. While the Abkhaz language is considered to have remained for years in a vulnerable position due to lack of material support, the gradual prohibition of teaching of/in the Georgian language continued to give rise to serious concerns and affect the quality of education. Since the start of the new school year and pursuant to rules introduced in 2015, instruction in Russian instead of the Georgian language is now offered from grades one to seven, in all eleven schools in the Lower Gali. In grades 8–11 the language of instruction remains Georgian, however the declared aim of the de facto authorities is to replace Georgian by Russian as the language of instruction in all grades by 2022. The teaching of the Georgian language and literature has been reduced to two to three classes per week. The language policy is reportedly enforced through inspections and the delegation was informed about instances of pressure and sanctions for non-compliance, including substitutions of principals in schools and kindergartens."[79]

81. On the basis of the aforementioned, the EU expressed particular concern with respect to the restrictions on access to education in one's native language in occupied territories of Georgia in the statement issued on 14 November 2018.[80]

82. According to the Report of the United Kingdom's Foreign and Commonwealth Office regarding the "Human Right and Democracy worldwide (2017)", "education in the native language was further restricted in South Ossetia, while new identity document requirements in Abkhazia infringe civic rights."[81]

[74] See footnote 3.
[75] See footnote 35.
[76] See footnote 11, Paragraph 48.
[77] See footnote 15, paragraph 76.
[78] *Ibid* Paragraph 77.
[79] See footnote 12, Paragraph 39.
[80] See footnote 14.
[81] See footnote 16.

83. According to the Report of the Public Defender of Georgia on "Situation of Human Rights and Freedoms in Georgia for 2018, children's rights in the Gali district are even worse than in the other regions of Abkhazia, Georgia. Speaking to the Public Defender of Georgia, ethnically Georgian youth say that they are denied of freedom of expression in schools.[82]

X. Infringement of right to property

84. The ongoing, incremental land grabbing practice detrimentally impacts lives of locals, as so called "borderization" splits communities and leads some Georgians to find their property in the Russian-occupied territory overnight.

85. In the Resolution 37/40 "on cooperation with Georgia", the UN Human Rights Council expressed serious concern "at the ... reported mass demolition of houses of ethnic Georgians in the Tskhinvali region."[83]

86. Particular attention was payed to the demolition of the ruins of houses belonging to IDPs in the Decision of the Committee of Ministers' Deputies of the Council of Europe of 2 May 2018. Concern was expressed "at the razing of intentionally damaged houses belonging to IDPs in Eredvi village, Tskhinvali region/South Ossetia, in violation of property rights."[84]

87. The Resolution 72/280 on the "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia", stresses the need to "respect the property rights of all internally displaced persons and refugees affected by the conflicts in Georgia and to refrain from obtaining property in violation of those rights."[85]

88. In the Resolution on "Georgian occupied territories 10 years after the Russian invasion" the European Parliament "reminds the Russian Federation as the occupying power of its obligations towards the population and that it must cease violations of human rights … and infringement of the right to property."[86]

89. The Resolution of the Parliament of Georgia on "Gross Violation of Human Rights by the Russian Federation in Occupied Abkhazia and Tskhinvali region and 'Otkhozoria-Tatunashvili list'" condemns "destruction of Georgian villages, property and damaging of Georgian churches, and attempts of occupying power to erase traces of Georgian habitation from the occupied territories."[87]

90. According to the Report (A/HRC/39/44) of the UN High Commissioner "on cooperation with Georgia", "in 2017, the authorities in control in South Ossetia reportedly renewed the practice of demolishing the ruins of houses belonging to internally displaced persons. The Government of Georgia in its submission referred to several cases registered in 2017 in Akhalgori, where the houses abandoned by ethnic Georgians were burned and looted. OHCHR received information expressing particular concern over the village of Eredvi, where the ruins of 268 houses, most of them belonging to displaced ethnic Georgians, were razed and removed in late 2017, reportedly to prepare the land for agricultural purposes."[88]

91. According to the "Georgia 2018 Human Rights Report" of the US Department of State, "in Abkhazia, the de facto legal system prohibits property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992–93 war, thereby depriving internally displaced persons of their property rights in Abkhazia. In a 2010 decree, South Ossetian de

[82] See footnote 71, pg: 312.
[83] See footnote 20.
[84] See footnote 2.
[85] See footnote 61.
[86] See footnote 3.
[87] See footnote 35.
[88] See footnote 15, Paragraph 81.

facto authorities invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhalgori Region. The decree also declared all property in Akhalgori belongs to the de facto authorities until a "citizen's" right to that property is established in accordance with the de facto "law," effectively stripping ethnic Georgians displaced in 2008 of their property rights in the region."[89]

92. Property issues in the occupied territories of Georgia were reviewed by the Freedom House in the framework of the "Freedom in the World 2018" that reads as follows: "Uncertainty continues over property rights for ethnic Georgians in Gali, whose residency permits do not allow them to officially own or inherit property. The legal status of properties of those expelled from Abkhazia during the 1990s continues to be fraught, as internally displaced persons cannot return to claim them."[90]

93. In the Statement on the Secretary General's 17th Consolidated Report the EU expressed particular concern with respect to a violation of property rights, including the razing in the Tskhinvali region of the ruins of houses belonging to internally displaced persons.[91]

XI. Conclusion

94. The reporting period was marked by the grave and blatant violations of human rights and fundamental freedoms, including but not limited to violations of the right to life[92]; torture and ill-treatment[93]; arbitrary detention[94]; the violations of the right to freedom of movement[95], right to return[96], right to health[97], right to property[98] and right to education in one's native language.[99]

XII. Appeal to the International Community

95. Georgia appeals to the international community and International Organizations:

- to call on the Russian Federation to reverse its recognition of so-called independence of Georgian regions Abkhazia and Tskhinvali;
- to call on the Russian Federation to end the occupation of the Georgian territories;

[89] See footnote 5.

[90] Freedom House "Freedom in the World 2018 overview, available at <https://freedomhouse.org/report/freedom-world/2018/abkhazia>.

[91] See footnote 13.

[92] Article 3 of the Universal Declaration of Human Rights; Article 6 of the International Covenant on Civil and Political Rights; Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

[93] Article 5 of the Universal Declaration of Human Rights; Article 7 of the International Covenant on Civil and Political Rights; Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

[94] Article 9 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Civil and Political Rights; Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

[95] Article 13 of the Universal Declaration of Human Rights; Article 12 of the International Covenant on Civil and Political Rights; Article 2 of the Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

[96] Article 13 of the Universal Declaration of Human Rights.

[97] Article 12 of the International Covenant on Economic, Social and Cultural Rights.

[98] Article 17 of the Universal Declaration of Human Rights; Article 1 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.

[99] Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights; Article 2 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms; Article 28 (read in conjunction with Paragraph 1 of Article 2) of the Convention on the Rights of the Child.

- to call on the Russian Federation to implement the EU-mediated Ceasefire Agreement of 12 August 2008 and withdraw its illegally stationed troops from the occupied territories of Georgia;
- to call on the Russian Federation to stop violations of human rights in the occupied territories of Georgia;
- to call on the Russian Federation as the occupying power to ensure the protection of human rights and fundamental freedoms and the removal of barbed and razor wires and other artificial obstacles and banners along the occupation line;
- to call on the Russian Federation as the occupying power to allow immediate and unimpeded access to the Office of the High Commissioner for Human Rights and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;
- to call on the Russian Federation as the occupying power to allow immediate and unimpeded access to the European Union Monitoring Mission to both occupied regions of Georgia;
- to condemn violations of human rights in the occupied territories of Georgia;
- to take additional measures in order to monitor and report on the human rights situation in the occupied territories of Georgia, more specifically, Georgia appeals to:

  (i) the OHCHR to continue efforts to access Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;

  (ii) the UN Human Rights Council's special procedure mandate holders to take additional measures in order to address and report on human rights situation in Abkhazia and the Tskhinvali regions;

  (iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in both occupied regions;

  (iv) the OSCE and its autonomous institutions, particularly the Office for Democratic Institutions and Human Rights and the Office of the High Commissioner on National Minorities to monitor the human rights situation in both Georgian regions.