

**Совет по правам человека**

Тридцать шестая сессия

11–29 сентября 2017 года

Пункт 4 повестки дня

**Ситуации в области прав человека,
требующие внимания со стороны Совета****Письмо Постоянного представителя Грузии при
Отделении Организации Объединенных Наций
и других международных организациях в Женеве
от 23 октября 2017 года на имя Председателя Совета
по правам человека**

Имею честь представить настоящий документ в связи с продолжающейся политикой этнической чистки в отношении грузинского населения в оккупированных районах Грузии (см. приложение) Этот документ основан на информации из различных источников, включая доклады учреждений Организации Объединенных Наций и других международных организаций.

Этнические грузины, остающиеся в оккупированных Абхазии и Цхинвальском районе, лишены основных прав человека и постоянно являются объектом насилия по этническому признаку и других форм дискриминации по этническому признаку. Все это является частью целенаправленной и систематической политики оккупирующей державы по полной ликвидации присутствия грузин в этих регионах и лишению внутренне перемещенных лиц их последней надежды на возвращение в свои дома.

Эта ситуация по-прежнему вызывает беспокойство, особенно с учетом полного отсутствия на местах каких-либо международных представителей. Несмотря на неоднократные усилия Верховного комиссара Организации Объединенных Наций по правам человека и прямой призыв, с которым обратился Совет по правам человека в своей резолюции 34/37, оккупирующая держава и ее режимы на местах вновь отказали представителям Управления Верховного комиссара в доступе к обоим регионам.

В этой связи был бы весьма признателен Вам за распространение настоящего письма и приложения к нему* в виде документа тридцать шестой сессии Совета по правам человека в рамках пункта 4 повестки дня.

(Подпись) Шалва Цискарашвили
Посол, Постоянный представитель

* Воспроизводится в том виде, в каком оно было получено, только на языке оригинала.



Annex to the letter dated 23 October 2017 from the Permanent Representative of Georgia to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

Continuous ethnic cleansing against Georgian population in occupied regions of Abkhazia and Tskhinvali region/South Ossetia of Georgia

Introduction

As a result of a well-planned and systematically implemented occupation policy of the Russian Federation on the territory of Georgia, since 1991 hundreds of thousands of people have been expelled en masse from their homes to become IDPs and refugees. Property of ethnic Georgians has been deliberately destroyed. Those ethnic Georgians remaining in the occupied territories have continuously been subject to severe ethnic discrimination.

The ethnic cleansing in 1990s in the regions of Abkhazia and Tskhinvali region/South Ossetia

Starting in 1991 and exacerbated through the 1992-1993 conflict, ethnic Georgian population was subject to atrocities including acts of murder, torture, rape and pillage in both regions of Abkhazia and Tskhinvali region/South Ossetia. Even those Georgians who were determined to leave the area in an attempt to escape were nonetheless targeted and persecuted.

As a result of the conflict in 1991-1992, approximately 50 000 persons have been expelled from Tskhinvali region/South Ossetia.¹ To escape the atrocities, the entire ethnic Georgian population (i.e. more than 300 000) was forced to flee from Abkhazia region by 1994. New violence in May 1998 has additionally driven out around 40 000 people from Abkhazia region.

The ethnic cleansing during the August 2008 Russian-Georgia war

The Russian military aggression against Georgia in August 2008 brought a new wave of massive ethnic cleansing of the Georgian population from the areas under Russian control. The widespread violence against Georgian civilians included acts of killings, torture, rape, looting and burning of their houses. As a result, 135 000 persons were expelled from Tskhinvali Region/South Ossetia. 35 000 from them remained displaced.² All Georgian villages in this region were burned down and destroyed in order to preclude any return of the expelled population.³

At the same time, approximately 1 500 people out of 1 900 were forced to flee from Kodori gorge, Upper Abkhazia.

New wave of ethnic cleansing under Russian occupation

Since 2008 the ethnic discrimination against Georgians has continued in the occupied territories forming the ground for another wave of ethnic cleansing. The ethnic Georgian population are deprived of basic human rights, such as the right to freedom of movement, residence and property, right to receive education in native language, and are target of ethnically based violence and other forms of discrimination on ethnic grounds. Human rights violations systematically taking place in the occupied territories include but are not limited to: violation of the right to life and security, torture and ill-treatment, kidnapping and arbitrary detention. Several hundreds of thousands of internally displaced persons and refugees are still deprived of the right to return to their homes.

¹ See UNHCR data at: <http://www.unhcr.org/3e23eb546.pdf>.

² The EU mandated Independent International Fact-Finding Mission.

³ UN satellite images See at <http://unitar.org/unosat/maps/GEO>.

For years, the right to property has been subject to systematic and gross violations in the occupied regions of Georgia. Hundreds of houses of ethnic Georgians have been burned and destroyed deliberately during and after the August 2008 Russia-Georgia War. This practice continues on a regular basis. In 2017, several cases were registered in Akhgori district (Tskhinvali region/South Ossetia), mainly populated by ethnic Georgians, when the houses abandoned by them were deliberately burnt and looted. The recent case occurred in September 2017 when according to the representatives of the occupation regime in Tskhinvali, within the Russian investment programme, the process of destruction of 268 houses started in the village Eredvi (populated by ethnic Georgians before the 2008 war) with the aim to distribute the land of the former Georgian settlement to the people residing in the occupied region. Moreover, the property of the local Georgian population continues to be expropriated as a result of razor wire fences and other artificial barriers constructed in the middle of private farmlands and orchards.

Since 2015 Georgian language has been banned as a language of instruction in the first four grades at remaining 11 Georgian schools in Gali district, gradually resulting in total restriction of education in native language in Abkhazia region. In the academic year 2015-2017, about 4000 pupils were deprived of the right to get the education in native Georgian language. This counters their willingness to study in Georgian and their capacity to study in Russian. Similar process was initiated in Tskhinvali region/South Ossetia. Since September 2017 education in native language has been banned in Georgian schools of Akhgori, Znauri and Sinaguri (grades 1 to 4 — at the first stage). This decision affected about 100 pupils in the 2017-2018 academic year. This evidences Russia's far-reaching strategy aimed at erasing Georgian traces and identity in order to succeed in the process of russification of the occupied regions.

Recently the occupation regime in Sokhumi has started forced distribution of so-called residence permits in Gali district. Thus, on the grounds of ethnic origins, the local Georgian population, who were born and grown up in Abkhazia and are residents of this region in three, four and more generations, are compelled to register as foreigners in the places of their origin. Even with those so-called residence permits ethnic Georgian population are subject to additional restrictions of rights to residence, work and property. Furthermore, the people with low income, HIV/AIDS infection or drug addiction, and also those who were subject to administrative responsibility twice or more times or spent more than 6 months outside Abkhazia/Tskhinvali regions are denied the possibility to receive even so-called residence permits, i.e. any document identifying a person.

Besides, ethnic Georgians residing in Gali district of Abkhazia region are forced to change their surnames and ethnic identity into Abkhazian ones in order to enjoy basic human rights otherwise inaccessible for Gali population. This way they are put under severe pressure either to denounce their ethnic roots or to flee from the region.

The attempt to erase Georgian trace in Abkhazia region is also vivid in the policy of changing of toponyms of cities, villages and streets and obliteration of Georgian cultural heritage sites inside as well as beyond Gali district.

All the above leads to the evident conclusion that the acts of violence carried out against the ethnic Georgian population over the last twenty five years have been part of a well-directed and systematic policy of the Russian Federation to ethnically cleanse the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.

Position of International community

The international community has been clear and vocal in attesting the ethnic cleansing in the regions of Abkhazia and Tskhinvali region/South Ossetia of Georgia, calling for the necessity to guarantee the right to safe and dignified return of all IDPs and refugees to their homes.

The ethnic cleansing of the Georgian population in Abkhazia region is ascertained in numerous international documents:

- UN – SC Resolution 876(1993), October 19, 1993; GA Resolution A/RES/62/249 – May 2008; Report of the Secretary-General's fact-finding mission to investigate human rights violations in Abkhazia, Republic of Georgia, 1993
- EU – Report of the EU mandated Independent International Fact-Finding Mission on the Conflict in Georgia, 2009
- OSCE summit declarations – Budapest Document 1994, Lisbon Declaration 1996, Istanbul Document 1999
- European Parliament resolutions – on the situation in Georgia – 2008; November 2011; December 2014
- PACE resolutions – 1633 – October 2008; 1647, 1648 – January 2009; 1664 – April 2009; 1683 – September 2009; 1990 – April 2014
- NATO PA Declaration – The Conflict between Georgia and the Russian Federation, 2008
- US Department of State annual country report on human rights of 1993.

Numerous documents address the issues of the right to return as well as violations of human rights in the regions of Abkhazia and Tskhinvali region/South Ossetia, including:

- Report of the UN High Commissioner for Human Rights – 2017
- UNGA Resolutions on the status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia
- UNSG Annual Reports
- CoE SG Consolidated Reports
- CoE CMD Decisions
- OSCE PA declarations – Monaco 2012; Istanbul 2013; Baku 2014; Helsinki 2015; and Tbilisi 2016
- OSCE PA Resolutions - Monaco 2012, Tbilisi 2016.

However, notwithstanding the attempts and direct calls by the international community the Russian Federation deliberately hinders the implementation of the fundamental right of return and obstructs the access of international human rights monitoring mechanisms on the ground. Moreover, through the policy of blackmailing the Russian Federation prevents the meaningful discussion of these issues at Geneva International Discussions, precluding any progress in this regard.

Firm stance of international society is crucial to keep the issue high in the international agenda and counter Russia's illegal and provocative actions, in order to stop the ethnic discrimination and provide security and human rights in Georgia's occupied regions. It is essential to succeed on safe and dignified return of IDPs and refugees to their homes and ensure the access of international human rights monitors on the ground.
