

## 1345<sup>th</sup> meeting, 2 May 2019

### 2.1 The Council of Europe and the conflict in Georgia

#### Reference documents

CM(2008)150-rev, CM(2008)162, SG/Inf(2008)19, DD(2008)631, SG/Inf(2009)5, SG/Inf(2009)7, CM(2009)PV-final, SG/Inf(2009)10, SG/Inf(2009)5-add, SG/Inf(2009)9, CM/AS(2009)Quest572, DD(2009)447, SG/Inf(2009)15-final, SG/Inf(2009)5-add2, Parliamentary Assembly Recommendation 1846(2008), CM/AS(2009)Rec1846-final, Parliamentary Assembly Recommendation 1857(2009), CM/AS(2009)Rec1857-final, CM(2009)164, Parliamentary Assembly Recommendation 1869(2009), CM/AS(2010)Rec1869-final, DD(2010)71, DD(2010)95, SG/Inf(2010)7, SG/Inf(2010)8, DD(2010)238, CM/Del/Dec(2010)1090/2.1, SG/Inf(2010)19, DD(2010)559, SG/Inf(2011)8, SG/Inf(2011)24, SG/Inf(2012)5, SG/Inf(2012)28-rev, SG/Inf(2013)13, SG/Inf(2013)38, DD(2014)490, SG/Inf(2014)17, SG/Inf(2014)41, SG/Inf(2015)18, SG/Inf(2015)41, SG/Inf(2016)14-rev, SG/Inf(2016)37, SG/Inf(2017)18, SG/Inf(2017)38, SG/Inf(2018)15, SG/Inf(2018)34-rev, SG/Inf(2019)12, DD(2019)445

#### Decisions

##### The Deputies

1. recalled their decisions on “The Council of Europe and the conflict in Georgia” of 29-30 April and 2 May 2014 (1198<sup>th</sup> meeting), 12 May 2015 (1227<sup>th</sup> meeting), 4 May 2016 (1255<sup>th</sup> meeting), 3 May 2017 (1285<sup>th</sup> meeting) and 2 May 2018 (1315<sup>th</sup> meeting); reiterated the unequivocal support of the Council of Europe member States for the sovereignty and territorial integrity of Georgia within its internationally recognised borders;
2. stated that, more than ten years after the conflict between the Russian Federation and Georgia, the Russian Federation continues to impede the peaceful conflict resolution process and undermines the security and stability in the region through its continuing military presence in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, increased military exercises and infrastructure reinforcements, the implementation of the so-called treaties on alliance and strategic partnership/integration, incorporation of military units of the Tskhinvali region of Georgia into the armed forces of the Russian Federation, the creation of a so-called “joint group of armed forces” in the Abkhazia region, establishment of so-called “joint information and co-ordination centres of law enforcement agencies”, as well as the functioning of so-called “customs points” in both Georgian regions, aimed at the integration of these regions respectively into the customs sphere of the Russian Federation; reiterated that any illegal act by the Russian Federation aimed at changing the status of the Georgian regions, including through issuing Russian passports and so-called residents’ permits, thus establishing a so-called status of foreign residents, have no legal effect and further complicate the situation on the ground; called upon the Russian Federation to stop and reverse this illegal process and to comply with its international obligations and commitments, including under the EU mediated 12 August 2008 ceasefire Agreement, in particular with regard to the withdrawal of military and security forces from the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and allowing the establishment of an international security mechanism on the ground;
3. stated that Georgia, as the only sovereign State under international law over its regions of Abkhazia and Tskhinvali region/South Ossetia, is still prevented from exercising the legitimate jurisdiction over these regions due to the continuous impediments put by the Russian Federation, including its continuing military presence therein;
4. 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, impeding the settlement of the conflict involving two member States;

5. expressed grave concern about the restriction on crossings in Abkhazia region for almost one month, and closure of crossing points in Tskhinvali region/South Ossetia for more than two months in the winter of 2019, which lead to severe humanitarian consequences for the local population;
6. expressed further profound concern that the human rights situation in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia has been further deteriorating, including concerns with regard to the right to life, the right to freedom of movement, the right to property, the right to education in native language and the right to liberty and security;
7. expressed particular concern over the intensified discrimination of Georgians on the grounds of ethnicity in both Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, particularly in Gali and Akhgori districts, through additional restrictions to freedom of movement, residence, work and property rights in case of forced registration as foreign residents or demands to change surnames and ethnic identity;
8. expressed deep concern over the demolition of houses of Georgian IDPs in Eredvi, Tskhinvali region/South Ossetia, in violation of property rights;
9. expressed serious concern that IDPs and refugees continue to be deprived of their fundamental right to return to their places of origin in a safe and dignified manner;
10. expressed grave concern over the recurrent and continued arbitrary detentions of local inhabitants along the administrative boundary lines (ABLs);
11. expressed grave concern over impunity around the deaths of Georgian IDPs, David Basharuli, Giga Otkhozoria and Archil Tatumashvili, and expressed concern over the recent case of arbitrary detention and death of another Georgian citizen – Irakli Kvaratskhelia under unclear circumstances;
12. took note that on 21 March 2018, the Parliament of Georgia adopted the Resolution on the “Otkhozoria-Tatumashvili Act” and that on 26 June 2018 Georgia’s Government adopted a decision to impose national restrictive measures against those responsible for the deaths of Archil Tatumashvili and Giga Otkhozoria;
13. strongly condemned a decision in Sokhumi on 4 April 2019, that provides for the punishment by death, under certain circumstances, of the so-called export, import and/or transit of drugs;
14. reconfirmed the high priority of an effective use of the Geneva International Discussions (GID) launched on the basis of the 12 August 2008 Ceasefire Agreement in order to address the security and humanitarian challenges stemming from the unresolved conflict between Georgia and Russia;
15. expressed concern about the suspension since June 2018 of the functioning of the Incident Prevention and Response Mechanism (IPRM) in Gali and urged all participants to immediately resume the meetings of this mechanism in full respect of the founding principles; welcomed the resumption of the Incident Prevention and Response Mechanism (IPRM) in Ergneti and emphasised the importance of proper functioning of this mechanism;
16. welcomed the peace initiative of the Government of Georgia entitled “A Step to a Better Future”, as a sign of Georgia’s firm commitment to promote reconciliation and engagement between the societies on both sides of the administrative boundary lines; as well as the recently launched program of the Government of Georgia – “Produce for a Better Future”;
17. bearing in mind that human rights and fundamental 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, reiterated their call to the authorities exercising effective control:
  - to create conditions for the voluntary, safe and dignified return of all IDPs and refugees;
  - to cease any form of ethnic discrimination towards the residents of the Georgian regions, first and foremost, the ethnic discriminatory measures against the Georgian population of Gali and Akhgori districts, including demands to register as foreign residents or to change the surnames in order to be granted access to full civil rights;
  - to remove any obstacles to the investigation into deaths of the ethnic Georgians in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and to bring the perpetrators to justice;
  - to immediately cease policies leading to human rights violations in both regions of Georgia;

- to remove any impediment, restriction or limitation to the right to freedom of movement across the administrative boundary lines (ABLs), including for medical and education purposes;
  - to cease arbitrary detentions of persons, including in the context of so-called “illegal border crossing” and to re-open the “crossing points”;
  - to cease violations of the right to education in schools and preschools, including education in the native Georgian language in both Georgian regions;
  - to prevent further deterioration of monuments belonging to the cultural heritage throughout Georgia’s regions;
18. deeply regretted that neither the Commissioner for Human Rights, Council of Europe monitoring bodies, nor the Secretariat delegation preparing the Secretary General’s consolidated reports, have been granted access to the Georgian regions concerned; invited the Secretary General to engage in a dialogue with the Russian Federation and Georgia to this end; called on the Russian Federation to secure immediate and unrestricted access to the territories beyond the control of the Government of Georgia to the Council of Europe bodies;
19. encouraged the Secretary General to continue the submission of his biannual consolidated reports on the conflict in Georgia to the Committee of Ministers.