



**Submission for the UN High Commissioner for Human Rights (OHCHR) under Human Rights Council  
resolution A/HRC/43/37**

Information on the Situation of human rights in and around Abkhazia and South Ossetia

May 2021

This is the third written submission prepared by the Social Justice Center (former EMC) for the UN High Commissioner for Human Rights (OHCHR) to provide information on the human rights situation in and around occupied regions of Abkhazia and Tskhinvali region/South Ossetia under the HRC resolution A/HRC/43/37. The submission is provided by the Social Justice Center, a human rights organization, which works to support the creation of a free, equal society based on solidarity. Amongst others, Social Justice Center is engaged in assessing and advocating human rights challenges in and around occupied territories of Georgia.

Due to the lack of a political and legal solution to the protracted conflict, the protection of human rights is challenged and undermined in and around these regions. Beyond systemic violation of human rights and their dependence on a political resolution of conflict, the most critical problem is the lack of access to these regions by human rights organizations and international human rights bodies. The absence of monitoring and reporting mechanisms as well as legal remedies deprives the local population to secure their fundamental rights and freedoms, which creates a severe gap for the universal application of human rights.

The human rights situation is deteriorating and unfortunately, the resolution is frequently politicized and is used by the political powers to gain additional leverage over each other. In general, the Human Rights situation in occupied Abkhazia is complicated, with weak democracy, corruption, and lack of accountability of political authorities and system. However, the human rights situation of ethnic Georgian living densely in certain regions of occupied territories is more critical as de-facto authorities adopt institutionalized discriminatory practices and it is difficult to change the situation due to radical nationalist attitudes of local conservative elites. Beyond that, Georgian central authorities have not developed any mechanism of sustained communication with de-facto authorities for the purpose to secure human rights and the social welfare of the local population. Even during the emergency of fire in Gali district in January 2021.<sup>1</sup> While Tbilisi offered support, Abkhazian authorities rejected assistance, which does not lessen the burden and obligation for Tbilisi authorities to develop communication mechanisms with de-facto authorities on human rights issues and in this way support positive transformation of the conflict.

Bearing in mind the limited space of the submission we would like to highlight several problems applicable to the reporting period only (1 June 2020 to 31 May 2021).

**1. Illegal detentions and restriction of freedom of movement**

Detentions for so-called illegal border crossing by the *de-facto* authorities have continued in the reporting period. The case of illegal detention of Georgian citizen Zaza Gakheladze was the one that caused public outcry due to the severity of sentence “adjudicated” by the Tskhinvali authorities. Zaza Gakheladze was detained by the de-facto authorities for “illegal crossing of the border” yet in 2020. During detention, he

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<sup>1</sup> Fires in Winter, Radio Tavisupleba, 8 January, 2021: <https://www.radiotavisupleba.ge/a/31038580.html>

was wounded in the leg and as de-facto authorities claimed, they shot him in response to the shooting from Gakheladze's side. As witnesses declared at the "court proceedings" Gakheladze did not resist during detention and he had not targeted them while shooting. Regardless of these testimonies by the Russian so-called border officers and the lack of any evidence, the local de-facto court sentenced him to 12 years of imprisonment for allegations of illegal border crossing and attempted killing of a military serviceman.<sup>2</sup> Beyond the illegality of his detention and imposed sentence, Gakheladze was deprived of the right to fair trial and defense. The only possibility that is left in face of illegal practice of detentions and abductions is political pressure and application of political instruments, which transforms human rights protection under the unstable political umbrella, without any legal guarantees. Zaza Gakheladze's case is noteworthy as such severe punishment of imprisonment was used only in this case.

Restriction of freedom of movement and consequent illegal detentions has isolated these regions, which became particularly critical during the pandemic situation when social and economic conditions of the local population severely deteriorated. The major source of income for ethnic Georgians living in the occupied territories is depended on their connection with the controlled territory. Furthermore, they receive vital healthcare services from Tbilisi/Zugdidi. Long-term isolation, arbitrary practice of closing the crossing points, and their selective opening for certain individuals (which frequently indicates the practice of corruption among the de-facto authorities) causes an extreme social crisis in these regions. The vital necessity of freedom of movement has particularly aggravated during the pandemic period, however, Georgian authorities do not publicize information on the exact numbers of crossings and detentions. According to the media agency Apsnipress, in the first three months of 2021, 3000 facts of "detentions" occurred by Abkhazian authorities for "illegal border-crossing".<sup>3</sup> Several fatal cases also highlight the critical nature of this situation. In April 2021 four people died in the river Enguri,<sup>4</sup> as they wanted to cross the ABL without undergoing a 5-days mandatory quarantine established by Georgian Authorities. This mandatory requirement hindered the local population from Abkhazia and South Ossetia to gain quick medical and social services, which is their major reason to come to controlled territory. Before this tragic event, 63-years old women died in the Covid-Hotel during the mandatory quarantine period, while she needed emergency medical assistance and she could not get it due to the mentioned requirement.<sup>5</sup> After these dramatic events, Georgian authorities abolished the mandatory quarantine requirement.

Illegal detentions and abductions continue to occur on the territory controlled by Georgian authorities. It becomes an accepted practice when the representatives of de-facto authorities abduct and detain people on the controlled territory. In January 2021, three citizens of Georgia were beaten and abducted at village Khurcha (close to the Abkhazian ABL). This practice strengthens the permanent feeling of insecurity and terrorizes the local population living close to the occupied territories.

## **2. Irakli Bebua Case**

Irakli Bebua, a citizen of Georgia was detained on the 30<sup>th</sup> of September in the Gali region,<sup>6</sup> on the fact of burning the Abkhazian flag in front of the Culture House by Abkhazian de-facto law-enforcement authorities. On the same day, during the search at Irakli Bebua's house, the de-facto militia found a grenade and claimed that they found it under the pillow. In the video recording, where Irakli Bebua is allegedly being interrogated by the Abkhazian de-facto authorities, himself confirms the burning of the flag, but also points out that he has nothing against Abkhazians, he supports the friendly relationship of

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<sup>2</sup> Tskhinvali Sentences Georgian Citizen to over 12 Years in Prison, Civil.Ge, 5 February, 2021. <https://civil.ge/archives/395773>

<sup>3</sup> 3,000 Gali Locals Arrested for Crossing into Georgia Proper in Q1'21, Civil.Ge, 3 April, 2021. <https://civil.ge/ka/archives/410522>

<sup>4</sup> US Embassy saddened by death of 4 Georgians while attempting to cross Enguri River from occupied Abkhazia, Agenda.Ge, 8 April, 2021. <https://agenda.ge/en/news/2021/937>

<sup>5</sup> Resident women of Occupied Abkhazia died in quarantine in Anaklia, Radio Tavisupleba, 17 March, 2021. <https://www.radiotavisupleba.ge/a/31155082.html>

<sup>6</sup> Note: On 30<sup>th</sup> of October, Abkhaz Community and de-facto authorities celebrate their victory in war, while 27<sup>th</sup> of October is celebrated as a day of mourning and the fall of Sokhumi.

these two peoples and he symbolically burned the flag as a sign of protest against their division. In December, Bebua was sentenced to 9 years of imprisonment.<sup>7</sup>

The illegal detention of Irakli Bebua is particularly alarming due to the political contexts and sensitivity of his case. The harsh comments were made on social networks, some of them request his severe punishment.

Illegal detentions and inhuman and cruel treatment during detention are characteristic of occupied regimes. In such conditions, we remember a number of dramatic cases, including the obscure death of Irakli Kvaratskhelia in the de-facto penitentiary institution, the violations of the right to life in tragic cases of Giga Otkhazia, Archil Tatumashvili, David Basharuli, and others. The situation in Abkhazian prisons and the inadequate conditions of prisoners, who are deprived of basic rights and adequate living conditions in penitentiary institutions, are problematic. The hard and scarce prison conditions contain the high risks of spreading severe diseases and cannot create minimum guarantees for the protection and respect of privacy.<sup>8</sup>

### **3. Human rights of ethnic Georgians in Gali/Abkhazia and Akhalgori/Tskhinvali Region**

The critical situation and crisis that commenced in 2019 in Akhalgori has not changed in this reporting period and further deteriorated due to the continuous isolation and deprivation of vital health and social resources. Population in Akhalgori is left without access to adequate and quality health care and the number of cases ended lethally due to the lack of quick and adequate medical assistance.<sup>9</sup> The absence of emergency and quality medical assistance remains problematic during the reporting period, which is exaggerated by the hard social and economic situation. The only relief for locals was the recently adopted practice to allow crossing for urgent medical needs and to receive social assistance (pensions) from the central government, but the local population expresses their concerns about the arbitrariness of such decisions. The arbitrary checkpoint-closure practice causes critical problems, related to access to basic goods and services, food products, social assistance services, including pensions, which in most cases is the only source of income and subsistence. Problems arise concerning access to education as well. Furthermore, the arbitrary restriction of freedom of movement disrupts family relationships and unions. Due to this situation, the population in Akhalgori has halved and locals still continue to leave their hometown.

As for the human rights situation of ethnic Georgians in Gali, discriminatory practices against them have taken institutionalized, systemic nature. Ethnic Georgians are restricted to get an education in their native language,<sup>10</sup> freedom of movement remains problematic which frequently has fatal results, as in the abovementioned case. The only remaining crossing border of Enguri bridge is often arbitrarily closed, which deprives the local population of basic social and health services.<sup>11</sup> The obstacles of freedom of movement for ethnic Georgians were also acknowledged in the recent report of the public defender of Abkhazia, who stressed that freedom of movement is essential for ethnic Georgians to get various social allowances and healthcare.<sup>12</sup> Gali residents are systematically discriminated against in terms of exercising their property rights.

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<sup>7</sup> Gali Georgian Sentenced to 9 Years in Jail in Abkhazia, Civil.ge, 8 December, 2020. <https://civil.ge/archives/386132>

<sup>8</sup> Human Rights in Abkhazia Today Report by Thomas Hammarberg and Magdalena Grono, July 2017

<sup>9</sup> EMC Responds to the Humanitarian Crisis in Akhalgori. available at: <https://emc.org.ge/en/products/emc-akhalgorshi-shekmnil-humanitarul-kriziss-ekhmianebe>; See also The Joint Statement of Human Rights Organizations concerning pressing human rights conditions in South Ossetia, Georgia <https://emc.org.ge/en/products/vazha-gafrindashvilis-sakmeze-adamianis-uflebebeze-momushave-organizatsiebi-evropis-sabchos-institutebs-mimartaven>

<sup>10</sup> Access to Education in the native language in Gali and Akhalgori Districts, 2019-2020, DRI, 2020. available at: <http://www.democracyresearch.org/files/66DRI-broshura-3.pdf>

<sup>11</sup> US State Department report on human rights in Georgia, 2020.

<sup>12</sup> Abkhaz Ombudsperson Speaks of Rights Abuses of Gali Georgians, 1 July, 2020. <https://civil.ge/archives/357910>

#### **4. Violation of freedom of expression – The case of activist Tamar Mearakishvili**

The persecution and delayed criminal proceedings are still ongoing against civil activist Tamar Mearakishvili in Akhlagori. As we have mentioned in our previous submission,<sup>13</sup> Social Justice Center represents Tamar Mearakishvili's rights since October 2018 and has studied first-hand materials and documents related to her case, thus is capable to assess the human rights violations in her case. Tamar Mearakishvili stands out for her criticism of the local unrecognized *de facto* government due to the gross violations of human rights in the region and severe social and economic problems. The cascade of repressions against Mearakishvili which has started in April 2017 continues. Mearakishvili's case has been renewed by the local de-facto authorities several times and local "judicial proceedings" are still ongoing, which is their response to Tamar's criticism on several social and human rights situations in the region. After 4 years of proceedings and so-called investigations, her case was returned to the "Prosecutor's Office" for further investigation according to the de-facto court's decision of 8 April 2021.

#### **5. Torture and ill-treatment practices in the penitentiary of South Ossetia**

The ill-treatment practices by the de-facto law-enforcement authorities and in the local "penitentiary system" of South Ossetia revealed in the tragic death of 28-years old Inal Javabev. He was detained in Tskhinval on suspicion of an attempt on the life of South Ossetian de-facto Interior Minister Igor Naniev and a few days later, on August 28, died at the police station, presumably as a result of torture.<sup>14</sup> This case became known to the public as it caused protests and outcry in Tskhinvali. In light of this, the existence of monitoring mechanisms gains particular importance to prevent such severe violations and provide legal remedies.

**The lack of response to the cascade of violations strengthens the feelings of impunity, therefore adequate legal and political responses for these violations are essential towards the responsible authorities. The above-described violations and repression require a complex and urgent response and measures from the international community, from the Government of Georgia, and most importantly, from the Russian Federation which is majorly responsible for events occurring in the occupied territories, having effective control over the de facto authorities. Therefore, international authorities should require adequate measures from the Russian Federation to terminate ongoing repression and violations. Beyond that, it is vital that international human rights bodies establish communication with local de-facto authorities to monitor human rights situation, even in the form of special ad-hoc missions on thematic fields of human rights, and issue respective recommendations for their improvement. Georgian authorities should establish sustain communication networks with de-facto authorities and the international community to eliminate the human rights protection gap and guarantee the application of fundamental rights even in the situation of lack of effective control.**

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<sup>13</sup> See full assessment of Akhlagori activist Tamar Mearakishvili repression and persecution case: <https://emc.org.ge/en/products/emc-akhalgoreli-aktivistis-tamar-mearaqishvilis-tsinaagmdeg-devnisa-da-shevitsroebis-sakmes-afasebs>

<sup>14</sup> Family of 28 years old man tortured and killed in police custody in S. Ossetia demands fair investigation, Jam-News, 6 December, 2020. <https://jam-news.net/family-of-28-y-o-man-tortured-and-killed-in-police-custody-in-s-ossetia-demands-fair-investigation/>