

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

June 2020

This is the second written submission for the UN High Commissioner for Human Rights (OHCHR) to providing information on the human rights situation in occupied Abkhazia, Georgia, and the occupied Tskhinvali region/South Ossetia, Georgia under the HRC resolution A/HRC/43/37. The submission is provided by the Human Rights Education and Monitoring Center (EMC), a human rights organization, that works to support the creation of a free, equal society based on solidarity. EMC covers existing challenges and works on structural violence and repression in an interdisciplinary manner. Furthermore, EMC's Equality Policy Program is engaged in assessing and advocacy of human rights challenges in the occupied territories of Georgia,

Due to the lack of a political and legal solution to the prolonged conflict in the mentioned two regions, the protection of human rights is challenged and undermined. For decades this 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 particular, *de facto* authorities and the Russian Federation are often using their *de facto* and effective control over the region to gain further political power via their discriminatory policies towards ethnic Georgians living in these territories. Furthermore, their policies are infringing social, political and civil rights of Abkhazians and Ossetians as self-isolation and restrictive approaches affect their fundamental rights, including freedom of movement, education, right to adequate healthcare, etc.

Bearing in mind the limited space of the submission we would like to highlight several problems applicable to the reporting period only.

**1. Humanitarian Crisis in Akhagori, Tskhinvali Region**

Analogously to previous years, arbitrary restrictions on freedom of movement was ongoing in this reporting period in both occupied territories of Georgia. However, the tense political situation between Tskhinvali *de facto* authorities and the central government further deteriorated the situation on that matter.

On September 4, 2019, Tskhinvali *de facto* government arbitrarily closed the checkpoint of Mosabruni (so-called Razdakhani). *De facto* authorities announced checkpoint opening within two days, however, since then it is closed. Mosabruni checkpoint was the only one left for the residents of Akhagori and nearby villages to enter the Tbilisi Administered Territory (TAT) and its closure severely affected the situation of locals and their access to the basic needs. It became known that "border-closure" was related to the newly-opened police guard post in the village of Chorchana, on TAT by central government authorities which were close to the barbed wires. This became another pretext for Tskhinvali *de facto* government to close so-called borders and place the population under complete isolation and humanitarian crisis.

This was followed by total isolation of the local population; they were 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>1</sup> The absence of emergency and quality medical assistance remains problematic during the whole period of isolation until the time of reporting. Apart from this, 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. Apart from that, the arbitrary restriction of freedom of movement disrupts family relationships and unions.

The crisis was further aggravated by the arbitrary detention of Dr. Vazha Gaprindashvili,<sup>2</sup> with the allegations of “illegal border crossing” on November 9, 2019. He remained in the detention facility in Tskhinvali until the end of 2019 December and was released after the immediate engagement of civil society, international organizations, and of his family itself. Beyond the case of Dr. Gaprindashvili’s arrest, the cases of illegal detention for so-called “illegal border crossing” are increasing and this arbitrary practice creates heavy burdens for the locals, as administrative fines are also very high.

The only positive development and concession from the *de facto* authorities occurred when they allowed old people to cross the border for pension purposes. The isolation continued under the outbreak of the Covid-19 pandemic which was itself another critical challenge for the local population, which negatively affected not only ethnic Georgians but overall, total population.

## **2. Covid-19 pandemic outbreak and occupied territories of Georgia**

The outbreak of the Covid-19 pandemic was not adequately perceived by the *de facto* regimes and this again became an issue of political speculations and dissemination of false information.<sup>3</sup> This was particularly the case in the Tskhinvali region, where *de facto* authorities did not adequately inform the local population about the expected risks and blamed the Georgian central government for spreading the virus through their laboratories. Simultaneously, the local health institutions were not ready to take adequate measures and provide effective medical care to their residents.

Fortunately, the cooperation between Abkhazian authorities and the central government made available for the local Abkhazians to receive medical assistance in TAT. While all the crossing points were closed, Abkhazian authorities allowed to travel at Tbilisi controlled territory for medical assistance due to the Covid-19. They also agreed to receive humanitarian assistance from the central government authorities. However, Tskhinvali authorities again decided not to cooperate with Georgian authorities, leaving the locals without humanitarian and medical assistance.<sup>4</sup> While Tskhinvali local medical system was not ready to respond pandemic challenges, as they did not have virus-testing opportunities, enough quarantine

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<sup>1</sup> EMC Responds to the Humanitarian Crisis in Akhlagori. 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-uflebebze-momushave-organizatsiebi-evropis-sabchos-institutebs-mimartaven>

<sup>2</sup> 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-uflebebze-momushave-organizatsiebi-evropis-sabchos-institutebs-mimartaven>

<sup>3</sup> Russian-occupied Tskhinvali claims Georgian drone that violated ‘border’ could spread coronavirus <https://agenda.ge/en/news/2020/1759>

<sup>4</sup> Fearing Coronavirus, Tskhinvali Closes All Crossing Points: <https://civil.ge/archives/340276>

zones, and medical equipment, neither needed treatments, their refusal on assistance from the Georgian government and international organizations was a determined step against own population.

Another challenge caused by the pandemic outbreak was related to the total lockdown of cities, which left students living in Tbilisi from the occupied territories of Georgia without any source of income and even without funds to pay their accommodation costs. The government of Georgia was not ready to respond to this challenge with adequate financial assistance for the students from the occupied territories and they were dependent on charity assistance from various organizations. Such assistance was not enough, while the anti-crisis action plan of the Georgian government had not addressed their needs.

### **3. 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 Akhagori. As we have mentioned in our previous submission, EMC 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 Tamar, in fact, started in April 2017 when in the interview with „Echo Kavkaz” she spoke about corruption in Akhagori and indicated that supporters of the former president were getting fired and the new president Anatoly Bibilov's supporters were taking their positions.<sup>5</sup> Since then, she was subject to several sets of criminal proceedings, illegal abduction and “detention”.

Tamar Mearakishvili's rights are violated in several directions: freedom of expression, freedom of movement, right to liberty and security, right to private life, right to property.<sup>6</sup> Also, the violation of these rights has connotations of discrimination on ethnic grounds, Tamar is being persecuted in Akhagori because she is an ethnic Georgian and *de facto* authorities relate her critical attitude to alleged links with Georgian government's Services. Tamar's persecution and mass violation of her rights ultimately aim to exile her, as an ethnic Georgian activist, from Akhagori.

EMC is preparing an application on behalf of Mearakishvili for the European Court of Human Rights as Georgian authorities had not been able to effectively protect her rights, to provide intensified international advocacy before international organizations and Russian Federation and to finalize her unending isolation and continuous rights violation.

**The lack of response to the cascade of violation strengthens the feelings of impunity, therefore adequate legal and political responses for these violations are essential towards the responsible authorities. 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.**

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<sup>5</sup> <https://www.ekhokavkaza.com/a/28455829.html>; <http://netgazeti.ge/news/214424/>

<sup>6</sup> See full assessment of Akhagori activist Tamar Mearakishvili repression and persecution case: <https://emc.org.ge/en/products/emc-akhagoreli-aktivistis-tamar-mearakishvilis-tsinaaghmddeg-devnisa-da-shevitsroebis-sakmes-afasebs>