

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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GEORGIA: RUSSIA AND THE DE FACTO AUTHORITIES IN THE SOUTH OSSETIA/TSKHINVALI REGION MUST REOPEN CLOSED CROSSING POINTS AND GUARANTEE FREEDOM OF MOVEMENT OF CIVILIANS

The complete ban on movement between the breakaway territory of the South Ossetia/Tskhinvali Region and the rest of Georgia is undermining the human rights of local civilians.

Since early September, the de facto authorities in the South Ossetia/Tskhinvali Region suspended freedom of movement across the only operating crossing points over the administrative boundary line (ABL) with the rest of Georgia, thereby further worsening the humanitarian situation by denying residents of the breakaway region access to medical care, social security benefits, education and family visits across the ABL.

Residents of the Akhmagori district of South Ossetia/Tskhinvali Region, many of whom do not hold the passports issued by the de facto South Ossetian authorities, regularly need to cross the ABL to access various services in the rest of Georgia. According to the information available to Amnesty International, the closure of the crossing points has particularly negatively affected older people, schoolchildren and university students and those in need of medical care. Older people have not been able to cross the ABL to receive their state pension in the Tbilisi-controlled territory since September with a consequential drastic impact on their standard of living. Schoolchildren and university students who were visiting their families in the district during a summer break were not able to return and resume their studies. People who could previously cross the ABL to receive medical care in Tbilisi-controlled territory, where a higher standard of free healthcare is available, and which they often could get more quickly in emergency, have been deprived of this opportunity.

Local media have reported that there has been at least one fatality which has already resulted from the ban on freedom of movement. In October, a family in the Akhmagori district alleged that their grandmother, 70-year-old Margo Martiashvili, passed away after the de facto authorities refused her to let her cross into the Tbilisi-controlled territory for urgent medical assistance.

Freedom of movement of civilians in the South Ossetia/Tskhinvali Region has been severely restricted since the end of the Georgia-Russia conflict in 2008. However, before September, residents of the Akhmagori district and a few remote villages in the west of the Region could cross the ABL. In September, the de facto authorities decided to close these crossing points. The de facto authorities declared that the decision to close the crossings was a response to Tbilisi opening a police post near the ABL in the vicinity of the village Tsnelisi in late August.

Under international human rights law freedom of movement can only be restricted to pursue certain legitimate objectives, must be consistent with other human rights and be a proportionate response. In the case of South Ossetia/Tskhinvali Region, while national security or public order grounds of this measure are in question, the complete ban enacted since September is a disproportionate response. The result is an arbitrary and disproportionate restriction on freedom of movement for all affected local civilians with a resulting serious impact on a range of their civil, economic and social rights.

The de facto authorities in the South Ossetia/Tskhinvali Region must open the closed crossing points over the ABL and respect and protect the rights of local civilians. Russia, as the state exercising effective control over

the South Ossetia/Tskhinvali Region through its military, financial and political aid to the de facto authorities and the presence of its military in the territory, must also uphold the right to freedom of movement of civilians, including by ensuring the end of arbitrary restrictions across the ABL.

DETENTION OF VAJA GAPRINDASHVILI AND OTHER INDIVIDUALS

On 9 November, the Russian border guards and security forces of the de facto authorities detained a Georgian doctor and resident of the Georgian capital Tbilisi, Vaja Gaprindashvili, as he was attempting to cross the ABL into the South Ossetia/Tskhinvali Region. The de facto authorities charged him with “illegally crossing the border” which carries a penalty of up to two years of imprisonment and he was remanded for two months in Tskhinvali. Civilians found in violation of the “border regime” in the South Ossetia/Tskhinvali Region are typically fined and administratively detained before being released within a few days after paying a fine. Vaja Gaprindashvili is one of four men detained in the South Ossetia/Tskhinvali Region for “illegally crossing the border” between 9 and 11 November. Three others have been fined and removed into Tbilisi-controlled territory. Vaja Gaprindashvili stands accused of a more serious “offence” because, according to the de facto authorities, he has intentionally “crossed the border”.

One of the other three, Shota Bidzinashvili, who spent nine days in detention in Tskhinvali together with Vaja Gaprindashvili, in a media interview complained that they were held in “a cold and humid basement without air.” According to Shota Bidzinashvili, his head was injured when he was placed inside the detention center but he was refused treatment or access to a medic, and he was denied food during the first three days of his detention.¹

There is an absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment under international law. Also, such detentions are arbitrary and constitute violations of the right to liberty and security of the person, contrary to Article 5 of the European Convention on Human Rights. In these circumstances both Russia and the de facto authorities must ensure that Vaja Gaprindashvili is immediately released from the detention and compensated for the harm he has suffered as a result. They must also ensure that no-one is subjected to torture and other ill-treatment in the territory under their control.

BACKGROUND INFORMATION

Efforts by the Russian forces and de-facto authorities of the breakaway regions to “securitize” the ABLs between the South Ossetia/Tskhinvali Region, Abkhazia, and the rest of Georgia after the end of the armed conflict in August 2008 have had a long-lasting negative human rights impact on the communities living there.

Communities are separated from each other as a result, and many of their members are cut off from the land that has traditionally provided them with a living. Villagers – some living in the poorest parts of Georgia – have lost access to their traditional pastures, to farmland and orchards they own, and to sources of water in summer and firewood for winter. They are cut off from relatives and have lost important sources of income. Their cultural and social life is affected, with many locals now unable to visit their extended families, their ancestors’ graves and their traditional churches. Each year hundreds of civilians are detained arbitrarily by the Russian forces and the forces of the de facto authorities while trying to cross the administrative boundary lines. Amnesty International has documented these violations in its July 2019 report *Behind Barbed Wire: Human Rights Toll of “Borderization” in Georgia*.²

¹ Radio Liberty/Radio Free Europe (in Georgian), “Vazha Gaprindashvili’s protest to bring international attention to Tskhinvali prison”, 18 November 2019, available at <https://www.radiotavisupleba.ge/>; See as well: Caucasus watch. “Detention of famous Georgian doctor in Tskhinvali sparks international attention”, available at: <https://caucasuswatch.de/news/2214.html>.

² Amnesty International, *Behind Barbed Wire: Human Rights Toll of “Borderization” in Georgia*, EUR 56/0581/2019, July 2019, available at <https://www.amnesty.org/en/documents/eur56/0581/2019/en/>.

Russian forces and the de facto authorities in the breakaway regions are denying access to international monitors, including the unarmed civilian monitoring mission of the European Union (EUMM), to assess the situation on the ground and the impact on people's rights. In October, the South Ossetian/Tskhinvali Region de facto authorities briefly detained the EUMM monitors as they were conducting a patrol along the ABL.