



# UPROOTED AGAIN

FORCED EVICTIONS OF THE  
INTERNALLY DISPLACED  
PERSONS IN GEORGIA

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Cover photo: A rehabilitated building ( in white and blue) in Potskho-Etseri, which hosts IDP families who had been evicted from Tbilisi in 2010 © Amnesty International

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

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# 1. INTRODUCTION

In this briefing, Amnesty International analyses concerns that have arisen from a series of forced evictions of internally displaced people (IDPs) living in temporary shelters and collective centres in Tbilisi. The evictions occurred in June-August 2010 and January 2011 as part of a government policy to empty temporary housing shelters occupied by displaced people in Tbilisi, and to provide those eligible with durable housing in line with the government's Action Plan on Displaced Persons.<sup>1</sup> However, throughout the course of these evictions, the Georgian government has failed to respect internally displaced persons' right to be protected from forced evictions; to take an informed part in the process and to ensure in all cases of resettlement their right to adequate housing and access to livelihood opportunities.

Amnesty International is concerned that these evictions failed to satisfy international standards relating to adequate consultation, notice, access to legal remedies and the offer of adequate alternative accommodation to all those evicted. They therefore constituted forced evictions in violation of Georgia's obligations under international human rights law.

The way in which these evictions were carried out amounted to another displacement for many of those involved. The lack of adequate notice of eviction resulted in many families struggling to collect all their belongings and make necessary arrangements for distant resettlement. The lack of adequate prior consultations meant that many had no chance to influence the decisions affecting their lives. Already among the most vulnerable groups in Georgian society the internally displaced subjected to forced evictions face even greater hardship now. Their relocation to rural and in some cases remote areas outside of Tbilisi, means that displaced people who have spent almost two decades building social support networks and finding ways to earn income in Tbilisi are now being separated from these vital connections. Although overall the evicted families were relocated to better quality flats, their relocation to areas with limited employment and livelihood opportunities means that these families no longer have the ability to earn income and support themselves.

With a fresh wave of evictions having started in Tbilisi in July 2011 and more expected over the coming months across the country, Amnesty International is urging the Georgian authorities to strengthen and rigorously enforce the safeguards set out in the guidelines on eviction procedures adopted in September 2010 and ensure that the same mistakes are not repeated in respect of future evictions.

## 1.1 BACKGROUND

In Georgia, about 6 per cent of the overall population (some 247,000 people<sup>2</sup>) are internally displaced as a result of the conflicts in the early 90s and in 2008.<sup>3</sup> About 221,000 people

were forced from their homes during conflicts that took place in the early 90s, while a further 26,000 were displaced from South Ossetia following the 2008 Georgia-Russia conflict.

Most of them have faced almost two decades of displacement, unable to return to their homes. According to international standards,<sup>4</sup> the competent authorities (Georgian as well as the de-facto authorities in the break away regions of Abkhazia and South Ossetia) have a duty to establish conditions, as well as provide the means, to allow those displaced to return voluntarily, in safety and with dignity. The UN Security Council and other UN bodies have repeatedly asserted the right of internally displaced persons in Georgia to return to their former homes.<sup>5</sup>

However, against the background of the targeted destruction of the property and homes of ethnic Georgians in some villages of South Ossetia<sup>6</sup> and reports of the expropriation of IDP property in Abkhazia, the prospects for the return of Georgian displaced people to their original places of residence remains remote. After almost two decades of displacement, their return continues to be impeded by the de facto authorities in Abkhazia and South Ossetia, in violation of their right to voluntary return under international law.<sup>7</sup> The Russian authorities, who have considerable influence over the authorities, control the borders of these regions and who are among the very few countries to have recognised their claim to independence, have shown little appetite, either in word or deed, to press for the respect of their right to return.

Amnesty International continues to call for the right of Georgia's internally displaced population to return to their original places of residence in safety and dignity, and urges all the parties to the conflicts, including the Russian Federation to take steps to create the necessary conditions for their sustainable, voluntary return.

At the same time, it is imperative that alternative durable solutions are offered to displaced persons who are unable or unwilling to exercise their right to return. The right of displaced people to a durable solution is articulated in Principles 28-30 of the Guiding Principles on Internal Displacement.<sup>8</sup> Displaced persons who are unable or choose not to return must be offered the opportunity to resettle and integrate elsewhere in the country. Supporting their integration by providing them with homes and access to employment does not exclude the right to return. Rather, such support enhances self-sufficiency and their ability to return voluntarily to their former homes when able to do so.<sup>9</sup>

For many years the Georgian government failed to adopt and effectively invest in measures to facilitate the local integration of displaced families, as it continued to insist on the realisation of their right to return as the ultimate solution to their plight. The absence of a sustained and coherent governmental effort contributed to preventing thousands of families from building sustainable economic and social ties with their host communities and resulted in the prolonged displacement of over 200,000 people who live without adequate housing and with reduced access to employment, healthcare and social security.<sup>10</sup>

Since 2007, however, when the Georgian government first began to officially acknowledge local integration as a long-term solution to the plight of the displaced,<sup>11</sup> a number of legislative and practical steps have been taken with the aim of improving the living conditions of displaced persons. In 2009, the government adopted the Action Plan on Internally Displaced Persons and initiated the process of renovating collective centres, as well

as transferring living spaces into the ownership of displaced people in an effort to provide them with durable housing solutions.

Amnesty International welcomes the Georgian government's efforts to establish a more robust legal framework and allocate greater resources to protecting the rights of the internally displaced population, and to develop a national strategy and an action plan. Significant steps have been taken to improve the housing situation of many internally displaced. The authorities acted promptly to relocate the majority those displaced during the 2008 war from temporary shelters to more durable housing and considerable progress has been made in the process of renovating and transferring living spaces into the ownership of the displaced nationwide.

However Amnesty International is concerned that in some cases, plans to resettle displaced people have resulted in forced evictions in violation of Georgia's obligations under international law.

## WHAT IS A FORCED EVICTION?

Georgia is obliged under a range of human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Revised European Social Charter, to refrain from and prevent forced evictions.<sup>12</sup> A forced eviction is the removal of people against their will from the homes or land they occupy without legal protections and other safeguards.<sup>13</sup>

Evictions may be carried out only as a last resort, once all other feasible alternatives have been explored and only after appropriate procedural and legal safeguards are in place. These include genuine consultation with the affected people, prior adequate and reasonable notice, due process safeguards on how evictions are carried out, and access to legal remedies and procedures, including access to legal aid where necessary. Adequate alternative housing and compensation for all losses must be made available to those affected, regardless of whether they rent, own, occupy or lease the land or housing in question. Governments are also required to ensure no one is rendered homeless or vulnerable to other human rights violations as a consequence of an eviction.<sup>14</sup>

Not every eviction that is carried out by force constitutes a forced eviction. If all the legal safeguards and protections required under international law are put in place and complied with, and if the use of force is proportionate and reasonable, then the eviction would not violate the prohibition on forced evictions.

The UN Special Rapporteur on Adequate Housing developed the Basic Principles and Guidelines on Development-based Evictions and Displacement (the Basic Principles), which reflect existing standards and jurisprudence on the issue of forced eviction.<sup>15</sup> They include detailed guidance on steps that should be taken before, during and after evictions in order to ensure compliance with relevant principles of international human rights law.

## 1.2 METHODOLOGY

Amnesty International has monitored the situation of internally displaced people in Georgia in since 2008. Amnesty International's report *In the waiting room: Internally displaced people in Georgia* (EUR 56/002/2010), looked in-depth at government efforts to provide durable housing solutions to the displaced, as well as the pressing issues on the ground. The report documented many of the difficulties faced by internally displaced persons, including the ongoing lack of adequate housing, high levels of poverty and unemployment, and numerous obstacles to accessing healthcare and other public services.

In order to prepare this briefing, two Amnesty International delegates visited Georgia from 21-26 March to research the human rights situation on ground for displaced people following their eviction from the temporary accommodation shelters between June-August 2010 and January 2011. Meetings were held with representatives of the UN High Commissioner for Refugees (UNHCR), the Norwegian Refugee Council (NRC) the Georgian Young Lawyers Association (GYLA), Transparency International (TI), the Public Defender's Office (PDO) in Tbilisi as well as the Public Defender's representative in Zugdidi. Amnesty International regrets that the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees (MRA) was not able to meet with the delegates.

Amnesty International delegates visited and interviewed scores of internally displaced persons in Tbilisi as well as in a number of locations to which many have recently been resettled, including Bakurtsikhe, Lagodekhi, Abashpiri and Potskho- Etseri.<sup>16</sup> Telephone interviews were also conducted with displaced persons following their evictions from the temporary shelters and collective centres both in June-July 2010 and January 2011.



## 2. FORCED EVICTIONS

Following the first wave of displacement in Georgia during the conflicts in the early 1990s,<sup>17</sup> no coherent government policy existed for assisting the displaced to find housing or integrate elsewhere in country. Left to fend for themselves, many of those displaced during 1990s sought shelter in empty buildings in Tbilisi and elsewhere, often without specific permission from the legal owners or the authorities.

In contrast, the 26,000 people who were long-term displaced within Georgia as a result of the August 2008 Georgia-Russia war received much swifter and more comprehensive assistance. The government closed down most temporary shelters in less than a year, and resettled the majority (approximately 18,000 people) in newly constructed settlements. However, prior to evictions commencing in June 2010, several hundred families of those displaced as a result of the 2008 war were still residing in the remaining temporary shelters while awaiting the financial assistance promised to them.<sup>18</sup>

In 2009, with the adoption of the Action Plan on Internally Displaced Persons, the government initiated a process of transferring some of the occupied state and privately owned buildings into IDP ownership. According to the MRA website, 157,000 of all displaced persons are formally registered as living in collective centres, out of which approximately 96,000 are registered in Tbilisi.<sup>19</sup>

However, not all collective centres or temporary shelters qualify to be transferred to IDP ownership. Many collective centres, which were either too run down to renovate or had a high real estate value, were not offered to displaced people for privatization. Instead, the government committed to providing residents with financial assistance (for which only those displaced in 2008 were eligible) or alternative accommodation.

Under the 2009 Action Plan on Internally Displaced Persons different categories of the displaced persons qualify for different types of assistance. Those displaced as a result of the 2008 war, who refused to move to new settlements, qualify for a lump sum, one off payment of up to US\$10,000, with which to seek accommodation privately. Those displaced as a result of the conflicts in the 1990s and who are registered at the collective centres from which they are to be evicted, qualify for resettlement to alternative accommodation. However, those displaced during the 1990s and who are registered as residing in private accommodation, but in fact living at temporary shelters at the time of eviction, qualify for resettlement at a later phase starting from 2012. Despite this, according to the MRA alternative accommodation offer in the regions was extended even to these evicted families that were registered as living in private accommodation, but no longer had homes to go back to.<sup>20</sup>

In accordance with this strategy and these criteria, the government started closing down collective centres which did not qualify for privatization in 2010.

Those evicted from the buildings in Tbilisi included both 'new' and 'old' internally displaced people.<sup>21</sup> Most of the displaced persons who had been living in these temporary shelters had moved in after the 2008 war, but many were in fact displaced as a result of conflicts in the 1990s, and had been living in other, often private, accommodation before the shelters were opened to cope with the wave of newly displaced people that arose as a result of the more recent conflict.

The so-called 'new' displaced people, those who left their homes as a result of the 2008 war, mostly consisted of families waiting for financial assistance, having refused to relocate newly built rural settlements.<sup>22</sup> The so-called 'old' displaced people mainly included those who were registered as residing in private accommodation or in other collective centres. This set of 'old' displaced people had not lived in these buildings for long, and often moved in so as to avoid paying rent in private accommodation, or to escape even worse living conditions.

According to the authorities, most of the buildings from which the displaced were evicted had been occupied without appropriate permissions.<sup>23</sup> However, the Public Defender's Office noted in a report on the situation of internally displaced people published in 2010<sup>24</sup> that a small number of them had received permission to reside in these buildings from the authorities, although in many cases, this had only been communicated orally by representatives of the MRA or the local authorities.<sup>25</sup> Several evictees interviewed by Amnesty International confirmed that they had moved there after reaching verbal agreements with representatives of the relevant ministries. Amnesty International was also able to obtain an official document issued by the Abkhaz Government-in-exile, notifying a person concerned that she and her family had been granted permission by the MRA to reside in one of buildings evacuated in August 2010, 9 Tamarashvili street.<sup>26</sup>

Between June 2010 and February 2011 two rounds of forced evictions took place in Tbilisi, in which a total of 1,248 families were evicted from temporary shelters. Out of 1,248 families, 440 were offered financial compensation; 450 were registered in other collective centres, and therefore were told to return to their original places of registration following the evictions; 79 were IDP families registered in the private sector, who qualified for housing assistance at a later stage.<sup>27</sup> According to the MRA, out of a total of 279 families who qualified for the relocation offer at the time of eviction, 76 accepted the offer to relocate to the settlements in the regions, and 203 declined.<sup>28</sup> According to the Public Defender's Office, only 21 out of 193 eligible families accepted the relocation offer in the second round of evictions.<sup>29</sup>

On 14 June 2010, the series of forced evictions in Tbilisi began with that of 38 families from Tvalchrelidze street collective centre. This was followed by the forced eviction of displaced people from the four largest collective centres in Tbilisi, which housed over 1,000 IDP families. By the end of August, approximately 5,000 persons had been evicted from temporary shelters and collective centres in Tbilisi.

The abrupt and disorganised manner in which these evictions were conducted prompted a public outcry and criticism from the international community. By the end of August, the authorities halted the evictions, and announced a plan to develop guidelines on eviction standards in consultation with local NGOs and international organizations working on IDP issues, including the UNHCR. This welcome initiative resulted in the adoption in September

2010 of the Standard Operating Procedures for Vacation and Re-allocation of IDPs for Durable Housing Solutions (hereafter the guidelines), which set out the procedures and requirements for evictions and the allocation of durable housing.

The guidelines provide some important procedural safeguards to those being evicted, including the requirements that internally displaced people be provided adequate advance notice of any eviction and that those being evicted be informed of the assistance and resettlement options available to them and of the living conditions at the resettlement locations being offered.

Regrettably, the guidelines fail to set out an effective appeals procedure for those affected by planned evictions, nor do they state that no evictions should take place during an appeal or in the absence of the appropriate court ruling. Despite including general provisions on the need for advance consultation with those due to be evicted, the guidelines fail to set out a framework and specific requirements for how these consultations should be conducted.

Following the adoption of the guidelines, the eviction process resumed in January 2011. Between 20 to 24 January, 413 IDP families were evicted from some 22 buildings across Tbilisi. Of these, 68 families received financial assistance of US\$10,000, 131 IDP families returned to the collective centres where they were officially registered, 21 families accepted the alternative housing offered by the government, and 193 families refused it.<sup>30</sup>

## 3. LEGAL SAFEGUARDS BEFORE EVICTIONS

Amnesty International recognises that the eviction of displaced people may be justified by the need to reclaim public buildings for public use or restore the rights of private owners. Amnesty International also recognises that many of the occupied buildings did not meet international standards of adequate housing and that to bring them up to this standard would not have been cost-efficient relative to other alternative solutions.

However, in order for any eviction to satisfy international human rights standards flowing from the right to adequate housing, a number of important safeguards must be met. These include, in particular, genuine consultation with those due to be evicted on possible alternatives, reasonable advance notice of the eviction, the right to appeal against the eviction and, for all persons affected regardless of their status or occupancy rights, the offer of adequate alternative housing.

Amnesty international is concerned that the evictions that took place in 2010 and early 2011 largely failed to meet the standards and consequently constituted forced evictions. As the process of evicting IDP families from temporary shelters and collective centres is set to continue, the Georgian authorities must ensure that these failings, which have not been comprehensively addressed by the adoption of the guidelines in September 2010, are not repeated in the future.

### 3.1 LACK OF GENUINE CONSULTATION, INFORMATION AND ADEQUATE NOTICE

*“ ... The Action Plan will ... ensure participation of internally displaced women and men in the planning process and a well-informed choice in all the decisions that affect them...”*

IDP National Action Plan p.2.

The UN Committee on Economic, Social and Cultural Rights has stressed that genuine consultations on the eviction process and resettlement options must be held with all affected persons, and all feasible alternatives explored. Amnesty International is concerned that none of the evictions carried out in Tbilisi, either before or after the adoption of the guidelines, were preceded by such consultations with the residents affected.

The first wave of evictions from June to August 2010 was particularly disorganised. Several evicted persons,<sup>31</sup> as well as the Public Defender's Office and other international and non-governmental organizations who monitored the process, told Amnesty International that in the majority of cases residents were given between one and five days verbal notice before their eviction. There was no prior consultation with the evictees and, in most cases, information on the compensation or alternative housing available to them was only provided to displaced people as they were actually being evicted.

Those who qualified for alternative housing were not provided in advance with information about where they were to be relocated and were consequently unable to make an informed decision.<sup>32</sup> In most of these cases, those displaced as a result of the conflicts in the 90s who did not qualify for financial assistance were offered relocation in remote rural locations, all of which would have restricted their right to access a livelihood, and some of which failed to meet the criteria for adequate housing solutions.<sup>33</sup>

A displaced woman evicted from 9 Tamarashvili Street in August 2010, and currently living in Postskho-Eteri settlement following the relocation, told Amnesty International:

“They told me I had to put all my belongings onto the truck and leave, when I asked them where they were taking us they said that we have been provided with an alternative accommodation in Potskho- Etseri, in western Georgia, close to the border with Abkhazia. That was the first time I had ever heard of that place.”

The second round of evictions, following the adoption of the guidelines, showed significant improvement, especially in terms of providing displaced people with information about the alternatives available to them. In December, 10 days prior to the scheduled evictions, representatives of the MRA distributed individual notification letters to those affected informing them of the date as well as any specific assistance or alternative housing options that they were eligible for. However testimonies from those evicted, as well reports from experts, who monitored the evictions, indicate that the authorities failed to carry out genuine consultations that provided evictees with any kind of opportunity to influence either the process or the decisions being taken on their behalf.

The overwhelming majority of displaced people interviewed by Amnesty International, including both those evicted during 2010 and in early 2011, stated that no prior consultations or dialogue had taken place in which they had had the opportunity to discuss and express their views about resettlement options. The majority of those who accepted the resettlement option offered to them stated that they only did so as they did not qualify for financial assistance and had nowhere else to go and no means of securing private accommodation. Indeed, the number of families who accepted relocation, even in the second round of evictions, (21 out of 197 eligible families according to the Public Defender's Office) was extremely low. This very low proportion is due in large measure to the failure of the authorities to engage with those due to be evicted, explain the alternatives available and listen to and, where possible, accommodate the needs identified by the displaced people themselves when designing alternative accommodation solutions.

The fact that the consultations that took place after the adoption of the guidelines continued to be manifestly inadequate, reflects the failure of guidelines to set out a clear framework for genuine consultations. The consultations required by the guidelines are limited to an obligation on the authorities to share information with the displaced people affected.<sup>34</sup> Such a limited obligation clearly fails to recognize the right of such people to participate in decision making affecting their lives, and relegates them to the role of passive recipients of information. The guidelines fail to set up any consultation mechanism or process through which alternatives to evictions or viable resettlement options can be identified as required by the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.<sup>35</sup>

### 3.2 LACK OF ADEQUATE NOTICE

*“Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance... Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.”*

Paragraphs 41 and 42, UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.<sup>36</sup>

A As discussed above, most of the evictions between June and August 2010 were carried out without proper written notice being provided in advance. The notices of eviction were limited to verbal warnings by police officers sometimes just hours before the evictions were to begin.

Manana, who was displaced from Abkkhazia and evicted in August 2010 from the Former hospital building in Isani, Tbilisi, told Amnesty International:

“The evictions came as a shock. Someone came and put up the eviction notice at the entrance of the building at 11 pm, the next morning at 5 am, the police entered the building and told us to vacate the premises immediately.”

During the second wave of evictions, which took place after the announcement of the three month moratorium, and following the adoption of the guidelines, notification letters were distributed to most displaced people who were to be evicted in December, demanding that they vacate the premises within 10 days. While this constitutes an improvement on previous practice, 10 days is still an extremely short period to for the individuals and families concerned either to find alternative accommodation or make the necessary arrangements for their departure to the distant new settlements.

As it turned out, however, the evictions scheduled for December 2010 were postponed following protests. However, when government resumed evictions in January, no new notices were issued. Instead, in most cases, the police warned the people concerned of the exact date of the eviction only a few hours prior to beginning the process, once again leaving evictees virtually no time to make the necessary arrangements prior to their departure.<sup>37</sup>

Valeri, who was evicted from the temporary shelter in Orkhevi in January 2011 and now resides in Bakurtsikhe, told Amnesty International:

“We knew that the government was planning to evict us, but no one told us about the exact date and time until the very last minute... In January, the police came at 11 pm and asked us to sign papers related to evictions, saying we will be evicted from the building soon. The next morning at 6 am they woke us up together with my wife and three children and told us we had to pack our belongings and leave.”

### 3.3 FAILURE TO PROVIDE ADEQUATE ALTERNATIVE ACCOMMODATION AND TIMELY ASSISTANCE

Amnesty International obtained several testimonies from displaced persons evicted during the first round of evictions, who complained about the government's failure to provide them with, or ensure they were themselves able to secure, adequate alternative accommodation as required under international law.

At the time of the first round of evictions, those eligible for alternative accommodation were, with very few exceptions, offered alternative accommodation in Potskho-Etseri, a remote settlement in the west of Georgia, which according to Amnesty International's assessment, fails to meet international standards on adequate housing. Amnesty International has learned that some of the people who refused to resettle to Potskho- Etseri, have since been offered more acceptable alternative housing more acceptable to them in the larger towns of Chakvi and Poti.<sup>38</sup>

As explained above, under the Action Plan on Displaced Persons, different categories of displaced people were eligible for different kinds of assistance or alternatives from the state at the time of eviction. Those who refused relocation could apply for financial assistance to assist them in finding private accommodation, however this option was only offered to those displaced during the 2008 conflict and did not extend to those who have been living in displacement since the 90s.

During both the 2010 and 2011 evictions, some displaced people who qualified and opted for financial compensation of US\$10,000, complained that they had not been provided with the money prior to their removal. A monitor from the Georgian Young Lawyers' Association (GYLA), who observed the eviction of displaced people from the former customs department building in January 2011, told Amnesty International that while at the time of the eviction access to the families was limited, at least two families they were able to speak to complained that they had not been provided with the promised financial assistance.<sup>39</sup> Other monitors interviewed by Amnesty International also reported similar complaints received by displaced people.

Tamaz, originally displaced from Tskhinvali in South Ossetia, who Amnesty International interviewed in January 2011, following his eviction from the former customs department building on 20 January, said:

"I have been living there ever since I fled the war in Tskhinvali in 2008. When the police came in around midnight and told us we had to leave, I had no idea where to go. They were back at 7 am the same morning, moving all our things out. I still have not received the promised monetary assistance from the state and at the moment I have nowhere to go. I am staying with my relatives in Gori together with my wife and two sons. We do not know when we will receive the promised assistance."

Amnesty International has learned that both families, including Tamaz's who have been evicted from the customs department building in January 2011 have been provided with the financial assistance within two weeks after the eviction. However Amnesty International urges

the Georgian authorities to follow their own guidelines and ensure that eligible families are provided with the financial assistance in advance so they are able to make alternative arrangements and are not left without the shelter as a result of the evictions.<sup>40</sup>

## 4. LEGAL SAFEGUARDS DURING EVICTIONS

### 4.1 CONCERNS ABOUT THE WAY EVICTIONS WERE CARRIED OUT

*“Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected...”*

Paragraph 47, UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.<sup>41</sup>

According to the Public Defender’s Office report on the situation of displaced persons, published in 2010,<sup>42</sup> evictions in the summer of 2010 were accompanied by isolated cases of verbal as well as physical abuse. The report also noted that the displaced people perceived the process and the way evictions were carried out to be “very insulting.”

Several of those evicted interviewed by Amnesty International in Bakurtsikhe and Potskho-Etseri also spoke of instances of intimidation, and the harmful effects that the stress of their evictions had had on their health.

Nana, now living in Potskho- Etseri after being evicted from 9 Tamarashvilis street in August 2010, told Amnesty International:

“The police forced themselves in the building and into our flat. They started to remove everything, throwing our belongings on the floor and then taking them into a big truck. The whole process was so intimidating that my elderly mother became unwell and started bleeding from her nose due to the stress. The police however refused to let the emergency aid persons in for about an hour until they were done removing all our belongings.”

Marina, another displaced person evicted from the temporary shelter in Orkhevi in January 2011, now residing in Bakurtsikhe, told Amnesty International:

“My child was in hospital on the day of the eviction, I had to take him out so he could come with us, since we had nowhere else to stay in Tbilisi and they would not allow us to stay in the building even a day more. We were transported like criminals on the back of a big truck; three days after we arrived in Bakurtsikhe, my child grew even more unwell and we had to borrow money to drive him back to Tbilisi, where he had an emergency operation.”

Amnesty International also received reports from a group of monitors in January 2011 that



the police prevented them from entering buildings as the evictions were taking place, and that in many instances they were prevented from speaking with evicted persons without the presence of a police officer or MRA representatives. Amnesty International urges the Georgian authorities to ensure that any future evictions are carried out with the approved monitors having the “unimpeded and immediate access” that the guidelines promise. Amnesty International also urges the Georgian authorities to ensure that the evictions are carried out respecting the human dignity and security of the persons affected.

## 4.2 THE DESTRUCTION OF PERSONAL PROPERTY WITHOUT COMPENSATION

A The UN Basic Principles and Guidelines on Development-Based Evictions and Displacement require that states and their agents must take steps to ensure that no one is arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment.<sup>43</sup> The Georgian authorities are also required to provide fair and just compensation for loss of property resulting from the eviction.<sup>44</sup>

Despite the fact that the authorities provided buses to enable those evicted to move their possessions to their new homes, the lack of adequate notice meant that many people did not have sufficient time to collect their belongings. Several displaced people evicted during 2010 told Amnesty International that they had to leave behind some of their personal possessions because they were not given time to properly arrange or collect them. Some also complained about the damage to their property as a result of removals.

Nana, an internally displaced woman who was resettled in Potskho-Etseri following her eviction in 2010 told Amnesty International:

“Five hours’ notice hardly gave us time to deal with the shock, let alone the strength required to pack and plan. When the police came, we were still not ready to move, they threw everything we owned first to the floor and then into a big truck... When we finally arrived at the new place we found that our only TV had been broken into pieces... we have been saving over many years to be able to buy that. And now here we are in the middle of nowhere, with nothing to do, not even able to watch TV.”

Four IDP families interviewed in Bakurtiskhe (evicted January 2011) and Potskho- Etseri (evicted in August 2010) also said they were told not to bring any furniture to the places of their relocation as everything would be provided. However, on arrival at several sites, many told Amnesty International that were let into empty rooms with only mattresses in them, without electricity or gas heating. One of these families, evicted from Tbilisi in January 2011 and now living in Bakurtiskhe, told Amnesty International:

“They told us that the newly re-furbished rooms were waiting for us with everything provided in Bakurtsikhe. When we arrived they put us in empty rooms with no furniture...We had to move in the middle of winter in terrible conditions, my son and I got terrible cold, and almost the whole family fell very ill.”

## 4.3 RIGHT TO A REMEDY

*“All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Humanitarian Law”.*

Paragraph 59, UN Basic Principles and Guidelines on Development-Based Evictions and Displacement<sup>45</sup>

The guidelines on evictions and allocation of durable housing<sup>46</sup> adopted by the Georgian government stipulate (Article 5.8) that individuals due to be evicted should have access to “clearly determined appeal mechanisms in cases [DPs], consider the durable housing offered to be inadequate”. However, the guidelines do not provide for an effective appeals procedure to challenge the legality of evictions. Indeed, the guidelines explicitly state that even during an appeal the authorities “will not suspend the measures necessary for vacation of the living unit...”

The majority of displaced people interviewed by Amnesty International were either unaware of their right to appeal the eviction decision or the lost or damaged property, or said that were unable to do so due to the limited time available to them after the eviction notice was issued. In an indication of the extent to which the eviction process has been conducted against a backdrop of extreme distrust of the authorities, some also reported that they had been reluctant to launch appeals for fear that this might lead to reprisals in the form of the denial of access to future benefits or the withholding of title to their new residences.

A displaced person in Bakurtsikhe who did not wish to be identified told Amnesty International:

“I feel that we have been uprooted yet again but I do not know to whom or where to complain. I have no income of my own and we are completely dependant on the assistance we receive. The Ministry promised to put the new flats in our ownership but still has not done so. I am afraid if I complain I may loose even the little I have.”

## 5. SAFEGUARDS AFTER EVICTIONS

*“[E]victions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”*

Paragraph 16, General Comment 7, The right to adequate housing (art. 11.1 of the Covenant): forced evictions, UN Committee on Economic, Social and Cultural Rights<sup>47</sup>

### 5.1 ALTERNATIVE HOUSING AND LIVELIHOODS

According to the Committee on Economic, Social and Cultural Rights “Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors”. It must be in a “location which allows access to employment options, health-care services, schools, and other social facilities”.<sup>48</sup>

Amnesty International is particularly concerned that some of the alternative accommodation provided to displaced people who have been evicted is not compliant with international standards on the adequacy of housing. Moreover, the eviction process did not provide for the kind of consultations that would have enabled the genuine needs of each individual family to be identified, and thus to whom alternative accommodation needed to be offered in virtue of their status as an evictee, regardless of their status in relation to the housing allocation criteria under the Action Plan on Displaced Persons.

The MRA extended the offer of alternative housing to all those who were willing to accept it or unable to find anything else, thereby removing, at least in theory, the potential for evictees to be rendered homeless.

Ultimately, however, only 21 out of 197 eligible families from the January 2011 evictions accepted the relocation offer to the regions. The rest chose to either stay with relatives or rent such spaces as they could for the most part ill-afford as in many cases their only likely source of income was located in the capital.

Families evicted from the temporary shelters in Tbilisi in summer 2010, who were eligible for relocation, were in most cases offered alternative housing in Potskho-Etseri, western Georgia. The families evicted in winter 2010-2011 were offered alternative settlements in the Bakurtsikhe, Tsintskharo, Lagodekhi, Abashpiri, and Gardabani.

Amnesty International representatives visited the alternative accommodation settlements provided to the internally displaced persons in Potskho-Etseri, Bakurtsikhe, Lagodekhi and Abashpiri. All the houses where those evicted were resettled have been refurbished, and while problems with dampness and poor drainage are common, the main issue for those newly resettled was the lack of access to economic opportunities. The majority of them cited the absence of employment opportunities as the biggest challenge, which rendered residents dependent on humanitarian aid or financial allowances.

These concerns are especially acute in Potskho-Etseri settlement, which is both extremely isolated and severely lacking in appropriate infrastructure. The settlement, which is home to some 400 displaced people, is 40km from the nearest city of Zugdidi. It was built to accommodate construction workers at a local hydro electric dam during Soviet times, but has long abandoned. According to those resettled, the ground is ill-suited to agriculture. The settlement is isolated from other communities and is far away from clinics, municipal offices and other amenities. The remote location of the settlement also worsens the chances of those resettled to find employment, earn an income and sustain themselves.

There are also no enterprises or government offices in the area where those resettled could find work. The settlement does not have a pharmacy, meaning residents have to travel approximately 8km to the nearest town of Jvari for even the most basic medicines and treatments. There are several groceries in the settlement, but prices are higher than in the shops in the larger towns of the area. The mini-buses that run to the nearest city, Zugdidi, cost 5 GEL (equivalent to US\$ 2,5) return, whereas the monthly assistance displaced people receive is 22 GEL (equivalent to US\$ 10).

While the physical housing provided to those resettled in Potskho-Etseri is for the most part adequate, it is quite clear that the location fails to guarantee adequate access to employment options, health-care services, schools, and other social facilities as required under the right housing.

Other settlements visited by Amnesty International did however offer better opportunities for local integration, but were still severely lacking in some respects. The settlements at Bakurtsikhe, Lagodekhi and Abashpiri are located within existing villages and the living situation of those resettled is largely comparable to that of locals. However, against the

background of vulnerability arising from long term displacement, impoverishment and lack of social safety nets in new areas of resettlements, the lack of economic opportunities and employment are felt most acutely by the displaced:

Irma, who was evicted from Tbilisi in August 2010 and resettled to Abashpiri, told Amnesty International:

“I feel very alone and isolated here, without friends, relatives and people I can rely on for help...They used to visit us often when we lived in Tbilisi, but can't really afford to come all this distance to visit us frequently here. We feel completely abandoned by everyone. Our only subsistence is the meagre monetary assistance we get. In the city I used to make chilli sauce and sell it in the markets or do housekeeping in people's homes, here in this small town there is nothing for me to do...”

## 6. CONCLUSIONS AND RECOMMENDATIONS

Amnesty International welcomes the Georgian government's commitment to providing internally displaced people with durable housing and to improve their housing as well as their social and economic conditions, and recognises that significant progress has been made in the last few years. However, while some of those who have been resettled in the regions following eviction have been provided with newer, refurbished houses, in practice, relocation has had severe negative effects on the lives of many displaced people, especially by estranging them from established support networks, livelihoods and income generating opportunities. The evictions were also carried out without the safeguards required under international human rights law.

Many IDP settlements and collective centres are situated in areas where there are few opportunities for work, limiting the chances of securing jobs and becoming self-reliant. The recent attempt to resettle displaced people from the capital to rural areas shows that the government's policies have been highly disruptive and, for many of those resettled, not conducive to establishing sustainable long-term livelihoods.

The failure to provide adequate information and engage in meaningful consultations with those evicted has also negatively affected the relocation process. Other aspects of the right to adequate housing – such as access to employment and sustainable livelihoods – have not been addressed. Adequate solutions to housing and access to social, economic and political rights remains an issue of serious concern for many in displacement.

Amnesty International is particularly concerned that displaced people who were evicted during June-August 2010, and resettled in Potskho-Etseri, have been provided with housing that does not meet international standards relating to habitability.

In order for the government's programme to be successful and find acceptance among those displaced it is imperative that all activities are implemented in line with international human rights standards and with the informed participation of all stakeholders. Without such measures, the authorities run the risk of further aggravating rather than solving the problems faced by those in displacement.

As a crucial first step, Amnesty International urges the government of Georgia to ensure that evictions are only carried out in full compliance with international human rights law, as a last resort and after all other feasible alternatives to eviction have been explored. In particular, Amnesty International calls the government of Georgia to:

- Immediately cease carrying out forced evictions;
- Revise and enforce the Standard Operating Procedures for Vacation and Re-

allocation of IDPs for Durable Housing Solutions so as to ensure that the procedural protections required under international human rights law are in place before any evictions are carried out;

- Ensure that adequate prior notice is given informing the individuals of the exact date of eviction;
- Ensure genuine consultations with, and the participation of displaced people in, the development and implementation of for durable housing solutions;
- Ensure that communities or individuals that are to be evicted are provided both verbally and in writing with information about where they can raise concerns and complaints, establishing a mechanism with the capacity and authority to investigate and to provide a meaningful remedy;
- Ensure that monitors are given full and unhindered access in observing the eviction process and those evicted are provided with eligible financial assistance and adequate housing as a matter of urgency;
- Ensure respect for the rights of all victims of forced evictions to an effective remedy and reparations, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition, including through the introduction or amendment of laws to ensure that compensation is paid for damage to, or loss of, property;
- Ensure that all housing provided to displaced people in collective centres and in new resettlement sites satisfies the requirements under international law relating to adequacy of housing, in particular in terms of habitability, location and access to water, sanitation and other basic infrastructure;
- Ensure that all evicted persons are offered or assisted to access alternative accommodation immediately upon their eviction;
- Ensure that the displaced people resettled in Potskho-Etseri are able effectively to access essential services and economic and social rights locally, or resettled in a an alternative location capable of guaranteeing such access.

## ENDNOTES

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1 The Action Plan on Internally Displaced Persons of 28 May 2009 provides for durable housing for all displaced in need, which have not been previously provided with the durable solution. Under the plan, these buildings which were in private ownership, strategic value to the state or did not meet the government established criteria for minimum living standards were to be emptied. The government undertook the obligation to provide eligible IDPs with either monetary assistance (only for these displaced in 2008) or alternative housing in the regions.

2 UNCHR. Georgia. *2011 UNHCR country operations profile – Georgia*, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48d2e6>

According to the MRA website the number of registered IDPs however is 251 000. See Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees (MRA) website IDP figures: <http://mra.gov.ge/main/ENG#section/50>

3 For more information about the conflict and chronology of displacement please see: Amnesty International, *In the waiting room: Internally displaced people in Georgia*, (Index EUR56/002/2010), <http://www.amnesty.org/en/library/asset/EUR56/002/2010/en/7c07f880-b002-4f0c-87f2-fab9a6690a85/eur560022010en.pdf>

4 Principle 28 of the Guiding Principles on Internal Displacement provides that the competent authorities have a primary duty and responsibility to establish the conditions, as well as provide the means, to allow IDPs to return voluntarily, in safety and with dignity. See *UN Guiding Principles on Internal Displacement*, <http://www.brookings.edu/fp/projects/idp/resources/GPEnglish.pdf>

5 The UN General Assembly also called for the need to respect the property rights of all internally displaced persons and refugees and called the parties to refrain from obtaining property in violation of those rights.

See: UN General Assembly, *Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia : resolution adopted by the General Assembly*, 13 October 2010, A/RES/64/296, <http://www.unhcr.org/refworld/docid/4cc92b602.html> [accessed 21 July 2011];

UN General Assembly, *Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia : resolution adopted by the General Assembly*, 30 September 2009, A/RES/63/307, <http://www.unhcr.org/refworld/docid/4aeabd7a2.html> [accessed 21 July 2011]

UN General Assembly, *Rights of return by refugees, internally displaced persons to Abkhazia, Georgia, : resolution adopted by the General Assembly*, 15 May 2008, GA/10708, <http://www.un.org/News/Press/docs//2008/ga10708.doc.htm> [accessed 21 July 2011]

6 Amnesty International, *Civilians in the line of fire: The Georgia-Russia conflict*. (EUR 04/005/2008) <http://www.amnesty.org/en/library/info/EUR04/005/2008/en>

7 Among the main human right instruments, the right to return is enshrined under the Universal Declaration of Human Rights, Article 13 (2), International Covenant on Civil and Political Rights, Article 12 (4), International Covenant on the Elimination of All Forms of Racial Discrimination, Article 5 (d) (ii).

8 Inter Agency Standing Committee Framework on durable solutions for internally displaced persons, 2010, <http://ochanet.unocha.org/p/Documents/IASC%20Framework%20DS%20for%20IDPs.pdf>



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9 Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin  
*Addendum. Framework on Durable Solutions for Internally Displaced Persons. A/HRC/13/21/Add.4*

[http://www2.ohchr.org/english/issues/idp/docs/A.HRC.13.21.Add.4\\_framework.pdf](http://www2.ohchr.org/english/issues/idp/docs/A.HRC.13.21.Add.4_framework.pdf)

10 For more information on access of the displaced persons to economic, social and cultural rights, please see: Amnesty International, *In the waiting room: Internally displaced people in Georgia*, (Index EUR56/002/2010)

11 In 2007, the Government of Georgia adopted decree No. 47 "On approving of the State Strategy for Internally Displaced Persons - Persecuted" acknowledging the right of displaced persons to local integration pending their safe and voluntary return. The Action Plan on Implementation of the State Strategy on Internally Displaced Persons was first adopted in 2008 and amended in 2009, to include the newly displaced population. The Action Plan was further amended twice (by Government Decree No. 403 of 28 May 2009 and Government Decree No. 575 of 11 May 2010) to include more specific provisions on allocation of durable housing and socio-economic integration.

12 The UN Commission on Human Rights has recognized that under international human rights law, forced evictions constitute gross violations of a range of human rights, in particular the right to adequate housing. See, Paragraph 1, Commission on Human Rights resolution 1993/77, UN Doc. E/C.4/RES/1993/77 (1993)

13 Paragraph 3. UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions*, 20 May 1997, E/1998/22,  
<http://www.unhcr.org/refworld/docid/47a70799d.html> [accessed 1 August 2011]

14 *ibid*, paragraphs 15 and 16

15 Basic Principles And Guidelines On Development-Based Evictions And Displacement (the Basic Principles), UN Doc. A/HRC/4/18.

16 Approximately 20-25 households of the evicted families were interviewed during the visit to Georgia in March 2011

17 For more detailed information about the background of displacement in Georgia please see: Amnesty International, *In the waiting room: Internally displaced people in Georgia*, (Index EUR56/002/2010)

18 According to the MRA, from June 2010 to January 2011, 440 evicted IDP families were eligible and received the financial assistance. See: The Georgian Young Lawyers' Association (GYLA). *State Policy on Internally Displaced Persons Deficiency Analysis*. Tbilisi, 2011,

[http://gyla.ge/attachments/1008\\_State%20Policy%20on%20Internally%20Displaced%20Persons,%20Deficiency%20Analysis.pdf](http://gyla.ge/attachments/1008_State%20Policy%20on%20Internally%20Displaced%20Persons,%20Deficiency%20Analysis.pdf)

19 Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees. *IDP figures*,  
<http://mra.gov.ge/main/ENG#section/50>

20 According to the 2009 IDP action plan, the durable housing is first offered to these registered in collective centre and only after this, subject to availability of funds, housing assistance will also be offered to these IDPs registered in private sectors starting from 2012.

21 Prior to evictions, the buildings were occupied by both new and old IDPs. The new IDPs families were mainly these who refused the state offered accommodation and were waiting to receive the financial compensation (USD 10 000). The old IDP families that have been residing in the temporary shelters and collective centres at the time of evictions included: families

registered as living in private accommodation, families registered as living in different collective centres as well as the IDPs who received the compensation from private investors in exchange of acquiring their housing spaces in the past ( before the adoption of 2009 action plan) but who claim to have received inadequate compensation and were unable to purchase alternative housing.

See: The Georgian Young Lawyers' Association (GYLA). *State Policy on Internally Displaced Persons Deficiency Analysis*. Tbilisi, 2011,  
[http://gyla.ge/attachments/1008\\_State%20Policy%20on%20Internally%20Displaced%20Persons,%20Deficiency%20Analysis.pdf](http://gyla.ge/attachments/1008_State%20Policy%20on%20Internally%20Displaced%20Persons,%20Deficiency%20Analysis.pdf)

22 The majority of newly displaced people who could not return after the 2008 conflict were re-housed in newly constructed settlement villages or refurbished apartments during 2009 mostly in the vicinity of Gori and the area adjacent to South Ossetia. By the end of 2009, 3,000 people who chose not to move into new houses built by the government were given a lump sum of \$US 10,000 and approximately 2,700 displaced people in private accommodation and 5,000 in collective centres in Tbilisi, the Georgian capital, and elsewhere were waiting for their homes to be reconstructed, to be moved to the new housing units, or to receive compensation.

For more info see: Amnesty International, *Civilians in the aftermath of the war: the Georgia-Russia conflict a year on*, (Index: EUR 04/001/2009, 2009) <http://www.amnesty.org/en/library/asset/EUR04/001/2009/en/f9998486-b2d7-4356-843d-196a8a6c9486/eur040012009eng.pdf>

23 Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, *Statement on the IDP Relocation/Eviction*. 21 January, 2011. <http://mra.gov.ge/main/ENG#readmore/567>

24 Public Defender of Georgia, *Report on the human rights situation of internally displaced persons and conflict-affected individuals in Georgia*, January-July 2010

25 According to the PDO, the majority of the buildings where the IDPs were evicted both in June-August 2010 and January 2011 did not have a status of state provided IDP housing (such as collective centres). A very small number of IDPs remained in the premises of the buildings with the permission from the Ministry. The permission, however, in most had been given only verbally.

See Public Defender of Georgia, *Report on the human rights situation of internally displaced persons and conflict-affected individuals in Georgia*, January-July 2010, p. 62.

26 Amnesty International interview with an IDP woman evicted from 9 Tamarashvili street in August 2010 in Potskho-Etseri settlement.

27 according to the IDP Action Plan this category of IDPs were eligible for housing assistance from 2012, however during January evictions government announced that it even those IDPs who were registered as living in private accommodation but had no homes to return to were provided with alternative housing in the new settlements outside of Tbilisi.

28 The Georgian Young Lawyers' Association (GYLA). *State Policy on Internally Displaced Persons Deficiency Analysis*. Tbilisi, 2011. p.26

[http://gyla.ge/attachments/1008\\_State%20Policy%20on%20Internally%20Displaced%20Persons,%20Deficiency%20Analysis.pdf](http://gyla.ge/attachments/1008_State%20Policy%20on%20Internally%20Displaced%20Persons,%20Deficiency%20Analysis.pdf)

29 Amnesty International written communications with the Public Defenders Office of Georgia. June 2011

30 *ibid*

31 The sample of these evicted in 2010 interviewed by the Amnesty International include, IDPs interviewed over the phone in August 2010 and approximately 10 households interviewed during the mission visit to Georgia in March 2011.

32 According to the Public defender and other NGOs who monitored the process, in most instances IDPs evicted during June-August 2010 were informed of the available alternatives at the day of evictions. According to International standards, all relevant actors need to respect IDPs' rights to make an informed and voluntary decision on what durable solution to pursue. This right emanates from the right to freedom of movement and residence guaranteed by article 13(1) of the Universal Declaration of Human Rights and is also implicit in Guiding Principle 28. See the sub-section Voluntary and Informed Choice of a Location for a Durable Solution.

33 Amnesty International, *In the waiting room: Internally displaced people in Georgia*, (Index EUR56/002/2010), <http://www.amnesty.org/en/library/asset/EUR56/002/2010/en/7c07f880-b002-4f0c-87f2-fab9a6690a85/eur560022010en.pdf>

34 According to the Article 6.6.3 Counselling/Consultation of the Standard Operating Procedures for Vacation and Re-allocation of IDPs for Durable Housing Solutions "the Ministry visits the building on the date and time communicated through the communal notification to allow individuals to clarify all information on any offers made and general information regarding the relocation."

35 Basic Principles And Guidelines On Development-Based Evictions And Displacement (the Basic Principles), UN Doc. A/HRC/4/18.

[http://www2.ohchr.org/english/issues/housing/docs/guidelines\\_en.pdf](http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf)

36 *ibid*

37 Amnesty International interviews with displaced persons and monitors. March 2011

38 Amnesty International conducted telephone interviews with approximately 10 persons evicted during June –August 2011. All ten persons told Amnesty International that at the time of evictions they only alternative they were provided with were relocation to the remote settlement in Potskho-Etseri, which they have rejected. Following the protests by the IDPs, which lasted for more than a month in Tbilisi, some of these families (four) have told Amnesty International that they were been offered more acceptable alternatives in newly constructed buildings in Chakvi (close to Batumi) and Poti (another major port town in Georgia)

39 Amnesty International interviews with GYLA representatives, March 2011. According to GYLA at least two IDP families that they managed to speak to during the evictions from 4 Abzianidze Str. (former customs department building), in Tbilisi on January 20, 2011, said they received a notice stating that they qualified for financial assistance, but were evicted without being provided with such assistance prior to the removal. Amnesty International was able to follow up with two evicted families and learn that they were both provided with the financial assistance within couple of weeks after evictions.

40 Paragraph 6.9.1 of the Standard Operating Procedures for Vacation and Re-allocation of IDPs for Durable Housing Solutions provides that the MRA should delay issuance of the written consent for eviction to the police, if all individuals that are entitled to the financial assistance have not actually received it minimum of ten days before the eviction

41 Basic Principles And Guidelines On Development-Based Evictions And Displacement (the Basic Principles), UN Doc. A/HRC/4/18.

42 See Public Defender of Georgia, *Report on the human rights situation of internally displaced persons and conflict-affected*

*individuals in Georgia, January-July 2010*

43 Basic Principles And Guidelines On Development-Based Evictions And Displacement (the Basic Principles), UN Doc. A/HRC/4/18.

44 *ibid*

45 *ibid*

46 The Standard Operating Procedures for Vacation and Re-allocation of IDPs for Durable Housing Solutions.

47 UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions*, 20 May 1997, E/1998/22, <http://www.unhcr.org/refworld/docid/47a70799d.html> [accessed 1 August 2011]

48 *ibid*

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