

AMNESTY INTERNATIONAL

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Amnesty International urges Georgian government to comply with international standards on eviction

Amnesty International is concerned that some of the evictions that took place in Tbilisi between 20 and 24 of January, failed to meet international standards. In particular, Amnesty International is concerned that the authorities failed to give adequate prior notice to those evicted, to ensure that all those eligible were provided with financial assistance prior to their removal, and to give full and unhindered access to monitors. Amnesty International is also concerned by reports that not all the alternative housing offered to those evicted by the government fully meets the standards of adequate housing.

Amnesty International welcomes the adoption in October 2010 of the Standard Operating Procedures (SOPs), which regulate evictions and allocation of the durable housing, but regrets that these guidelines do not appear to be fully followed during the recent evictions.

Approximately 600 internally displaced families were evicted from some twenty-two buildings between January 20 to 24. Most of the displaced sought refuge in these buildings after the 2008 war, but many of these people were in fact displaced as a result of conflicts in the 1990s. According to the Georgian government, the buildings were occupied without the appropriate permission from the authorities.

Following a three month moratorium on evictions, in early December the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia issued written notifications regarding the planned evictions to the residents of the twenty-two buildings, demanding that they vacate the premises within 10 days. The notification also informed them of the available assistance.

Due to the protests in December, the government agreed to further halt evictions until January. As a result, following the non enforcement of the previously planned evictions for which the notice was issued, the authorities ought to have given a new notice of the eviction date to allow the persons concerned to make necessary arrangements. However, according to displaced persons, as well as international organizations monitoring the evictions process, 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.

Around 100 families were evicted early in the morning on 20 January from the former customs department building in Orkhevi and from former student accommodation in Bagebi. According to reports, the evictions began at 7:00 and 7:30 am respectively. According to IDP testimonies obtained by Amnesty International, police officers visited both premises late at night on January 19th, to notify the inhabitants of the planned eviction at the following morning. Tamaz, an IDP from Tskhinvali, South Ossetia, who has been living in the former customs department building since he fled the region during August 2008 war, told Amnesty International:

“The police came in around midnight and told us we had to leave...They were back at 7:00 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 is further concerned that the authorities failed to provide all eligible families with financial assistance prior to their eviction. According to SOP 6.9.1, the planned eviction should not be carried out if “all persons pending financial assistance have not physically received it by Day 10 of the vacation period.”

At this stage only those displaced as a result of the 2008 war are eligible to apply for financial assistance. However during the evictions, some displaced people who qualified and opted for financial compensation of USD 10,000, complained that they have not been provided with the money prior to their removal. A monitor from the Georgian Young Lawyers' Association (GYLA) who observed the eviction from the former customs department building, told AI that at the time of eviction four families complained that they had not been provided with the promised financial assistance. Other monitors interviewed by Amnesty International also reported similar complaints received by displaced people.

Amnesty International also received reports from the group of monitors who were observing the eviction under the terms of the SOPs that the police prevented them from entering the building as the evictions were taking place and that in many instances they were hindered from speaking with evicted persons freely, without the presence of a police officer or Ministry representatives. Amnesty International calls the Georgian authorities to ensure the access of the internally displaced persons to “unimpeded and immediate access to effective monitoring mechanisms” in line with the approved SOPs.

Those evicted from temporary shelters in Tbilisi, who qualify for a durable housing solution, are being offered accommodation in rural villages in Samegrelo, Kakheti or Imereti regions. While some displaced people have agreed to relocation, many remain concerned that moving from the capital will seriously disrupt their lives and access to livelihoods. Displaced persons interviewed by Amnesty International stated that they did not consent to being relocated to rural areas, where they say that they lack essential infrastructure and access to basic services.

These concerns are shared by representatives of international organizations who concede that while the alternative housing on offer may be adequate, lack of services and infrastructure and services remained a problem. The Public Defender's Office has also raised similar concerns, concluding from a recent study that there “are a number of problems that could influence the IDPs' condition negatively”... “For example, families living in Potskho-Etseri have to go to the settlement of Jvari to buy medicines, because there is no drugstore in the area of Potskho-Etseri. In the village of Abashpiri, children have to walk about two kilometers, because there is no school in the village and there is no bus to transport the children to school. In the village of Torsa-Dgvaba and Abashpiri, there is a problem with water supply.”

Under international law, evictions may be carried out only as a last resort, once all feasible alternatives have been explored in genuine consultation with the affected communities. Notwithstanding the type of tenure, whether they rent, own, lease or even occupy the premises without appropriate permission “all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”

The authorities have a duty to ensure that evicted persons are given adequate notice and have access to legal remedies, adequate alternative housing and compensation. They must ensure that persons are not rendered homeless or vulnerable to the violation of other human rights as a consequence of their eviction. Evictions should only be carried out when appropriate procedural protections are in place and if compensation for all losses and adequate alternative housing is provided. The Committee on Economic, Social and Cultural further emphasises the

obligation of States to take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land is available to those affected where they are unable to provide for themselves.

Amnesty International recalls that housing alternatives need to ensure an adequate standard of living, security of tenure and access to essential services and livelihoods. In particular Amnesty International calls on the Georgian government to:

- ensure that adequate prior notice is given informing the individuals of the exact date of eviction and to ensure genuine consultations with, and the participation of displaced people in, the development and implementation of for durable housing solutions
- ensure that evictions are carried in full compliance with the guarantees required under national and international human rights standards and those evicted are provided with eligible financial assistance and adequate housing as a matter of urgency;
- ensure that monitors are given full and unhindered access in observing the eviction process;
- ensure that all housing provided to displaced people in collective centres and in new resettlement sites meets the criteria of habitability, as well as access to water, sanitation and other basic infrastructure, and is in a suitable location.

Background

The evictions, which started in August, last year, reflect an effort to tackle a massive displacement problem as a result of the conflicts in the early 1990s in the Abkhazia and South Ossetia regions and Georgia-Russia war in 2008. Georgia has some 246,000 IDPs as a legacy of conflicts in the 1990s and in 2008 currently living in collective centres, temporary shelters and private accommodations in the regions as well as in Tbilisi.

Around 5000 displaced people in Tbilisi were forcibly evicted from their dwellings in June, July and August in 2010. Evictions breached international standards, and in several instances the authorities failed to provide people with alternative shelter or compensation. In August, the government halted all further evictions pending the adoption of new guidelines on housing which were finalized in September 2010.

Eviction process which resumed on 20 January was accompanied by rallies of displaced persons, supported by some opposition parties protesting against evictions. In at least one instance, during the eviction from former student accommodation in Bagebi, a scuffle was reported when a group of supporters and relatives of those living in the building arrived at the site and tried to gain access.

According to reports by the international organizations monitoring the process, an estimated less than 10% of the displaced people concerned opted to be resettled in alternative housing in the regions.

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