

## Information Documents

**SG/Inf(2020)30**

17 November 2020<sup>1</sup>

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### **Consolidated report on the conflict in Georgia (April – September 2020)**

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<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

## Introduction

1. At their 1080th meeting on 24 and 26 March 2010, the Ministers' Deputies took the following decision: "The Deputies, restating the previous decisions of the Committee of Ministers, invited the Secretary General to prepare his consolidated report on the conflict in Georgia based on his outline and taking into account the comments made during the present meeting".

2. It is recalled that the objective of the report is to take stock of the situation in Georgia following the August 2008 conflict, to report on the related activities of the Council of Europe and to propose further Council of Europe action. The report is composed of four parts:

- update on major developments in the period under review;
- assessment of statutory obligations and commitments related to the conflict and its consequences;
- the human rights situation in the areas affected by the conflict; and
- current Council of Europe activities aimed at addressing the consequences of the conflict, their follow-up and proposals for future action.

3. This 22nd consolidated report covers the period between April and September 2020. It notably builds on the previous consolidated reports and on the related decisions of the Deputies.

4. A delegation of the Secretariat carried out a fact-finding visit to Tbilisi on 14-16 September 2020 and had the opportunity to discuss the situation with the Georgian authorities as well as representatives of international organisations. The Secretariat wishes to express its gratitude to the Georgian authorities for their support in organising the visit and to all the interlocutors for their assistance and valuable contributions.

5. The Secretary General intends to pursue her efforts in view of fact-finding visits to Abkhazia and South Ossetia for the preparation of future consolidated reports. In the period under review, the Secretariat and experts continued to have contact with interlocutors in Sukhumi for the purpose of the implementation of activities on Confidence-Building Measures (CBMs) (cf. Section IV.1).

6. This report does not replace the monitoring procedures established by the Council of Europe. Nor should it be seen as prejudging any possible decisions in the cases related to the conflict and its consequences, currently pending before the European Court of Human Rights.

7. Nothing in this report should be interpreted as being contrary to the full respect of the territorial integrity and sovereignty of Georgia within its internationally recognised borders.<sup>2</sup>

8. This report does not prejudice or infringe upon a possible future political settlement of the conflict within the framework of the Geneva International Discussions (GID), nor the implementation of the six-point ceasefire agreement of 12 August 2008 and the implementing measures of 8 September 2008.

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<sup>2</sup> It is a fundamental objective of the member states of the Council of Europe to uphold the territorial integrity of Georgia. However, the Russian Federation recognised South Ossetia and Abkhazia as independent states on 26 August 2008.

## I Update on major developments in the period under review

### *Security concerns*

9. Despite the exceptional situation due to COVID-19, the Co-Chairs of the Geneva International Discussions (GID) have remained fully engaged and retained close contact with all participants while continuing to address pertinent security and humanitarian related issues of the GID agenda.

10. Due to the COVID-19 pandemic, the 51st round of the GID, co-chaired by representatives of the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE) and the United Nations (UN), was postponed. Initially scheduled for 31 March 2020, it was first postponed to 8-9 September 2020 and then deferred to 6-7 October 2020 but could not take place on that date either. It is expected that the next round will take place in December 2020.

11. The Ergneti Incident Prevention and Response Mechanism (IPRM) meetings were resumed during the period under review, almost a year after the last meeting. The 96th meeting took place on 30 July 2020, and the 97th meeting on 24 September 2020 (cf. the section on Abkhazia for further details). As noted by the co-facilitators, the meetings were held in a positive and constructive atmosphere. The Co-Chairs welcomed the resumption of the Ergneti IPRMs. As for the Gali IPRM, its meetings have still not resumed. The Georgian central government underlined that it was committed to sparing no efforts for the resumption of the Gali IPRM and the unimpeded functioning of the mechanism on the basis of the founding principles and ground rules. The Co-Chairs encouraged the resumption of this IPRM.

12. On 18 April 2020, the Co-Chairs of the GID made a statement in which they strongly urged all the GID participants to set aside differences and to refrain from actions that could lead to increased tension. They called upon all parties to avoid provocative measures.

13. The Georgian central government condemned the conduct of certain military exercises in the region, underlining that they represent a major security concern and have a negative safety and humanitarian impact on the conflict-affected populations.

### *Sanitary and humanitarian crisis*

14. Reportedly, as part of the measures taken in Abkhazia and South Ossetia to limit the spread of the coronavirus, all “crossing points” along the Administrative Boundary Line (ABL) remained essentially closed during the period under review.<sup>3</sup> Other preventive and restrictive measures were temporarily put in place, including through a *de facto* state of emergency in Abkhazia and/or the temporary closure of “crossing points” with the Russian Federation.<sup>4</sup>

15. From the outset of the pandemic impact, the GID Co-Chairs have appealed to all GID participants to respond to the call by UN Secretary General António Guterres to put aside mistrust and animosity, avoid antagonistic rhetoric, and work together to reach out to the most vulnerable conflict-affected populations. They stressed that the focus should be on collaboration and against the common pandemic threat.

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<sup>3</sup> With the exception of the limited humanitarian corridors in May and June 2020, aimed at facilitating the return of local residents to Abkhazia via the Inguri bridge. To be noted, some “crossing points”, notably the Mosabruni/Odzisi one, had long been closed prior to the pandemic, as reported in previous reports.

<sup>4</sup> The Russian Federation re-opened its “crossing points” with Abkhazia and South Ossetia on 1 August and 14 September 2020 respectively.

The Co-Chairs expressed concerns that “crossing points” remain closed.<sup>5</sup> They underlined that restrictions on freedom of movement complicate medical treatment, transportation communication and access to livelihoods. They urged all GID participants to do their utmost to protect vulnerable, conflict-affected populations, especially women, men and children in areas facing isolation while underlining the need for all to have equal access to health care, including testing and treatment. They were also encouraged by some collaborative approaches that had taken place.

16. The Georgian central government underlines that it was against the closure of the “crossing points”, stressing it had a severe impact on the affected population. It also offered help to Abkhazia and South Ossetia in the fight against the coronavirus. It expressed profound concern that the human rights situation had further deteriorated, including concerns with regard to the right to life, the right to freedom of movement, the right to property, the right to education in the native language and the right to liberty and security. These concerns were shared by several other interlocutors, in particular with regard to the situation of ethnic Georgian populations living in conflict-affected areas.

#### *Other developments*

17. Repeat *de facto* presidential elections took place in Abkhazia on 22 March 2020. They resulted in the victory of Mr Aslan Bzhania. The process was condemned by the Georgian central government and many international actors. Mr Bzhania has since publicly voiced his openness to direct dialogue.

18. Tensions and volatility were reported in South Ossetia following a fatal case of ill-treatment. Indeed, on 28 August 2020, the death in custody of a young man triggered mass protests in Tskhinvali. As a result, *de facto* President Bibilov dismissed the *de facto* government. He however rejected calls for his own resignation and that of the *de facto* Prosecutor General. This was followed by several other protests.

19. On 22 June 2020, the UN Human Rights Council, at its 43rd session, adopted a resolution *inter alia* reaffirming support for Georgia’s territorial integrity and sovereignty, expressing concern that the situation of human rights had deteriorated in both Abkhazia and South Ossetia, particularly due to growing restrictions on freedom of movement, and strongly calling for immediate and unimpeded access to be given to the Office of the High Commissioner for Human Rights and international and regional human rights mechanisms to these regions.<sup>6</sup> On 3 September 2020, the UN General Assembly adopted a resolution reiterating the right of return of all displaced persons and refugees to Abkhazia and South Ossetia.<sup>7</sup>

## **II Assessment of statutory obligations and commitments related to the conflict and its consequences**

20. Below is an update on statutory obligations and specific commitments – as listed in PACE Opinions 193 (1996) and 209 (1999) – which have been selected for the purpose of reporting on the conflict in Georgia and its consequences. This part builds on Part 1 of the first and second consolidated reports on the conflict in Georgia ([SG/Inf\(2010\)8](#) and [SG/Inf\(2010\)19-final](#)).

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<sup>5</sup> Press communiqués of the Co-Chairs of the Geneva International Discussions, 18 April 2020 and 4 September 2020.

<sup>6</sup> UN Human Rights Council, 43<sup>rd</sup> session, 24 February - 20 March 2020, Resolution on “Co-operation with Georgia. <http://undocs.org/A/HRC/43/L.7>.

<sup>7</sup> UN General Assembly, 74<sup>th</sup> Session, 27 August 2020, Resolution on “Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”. [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/74/L.89](https://www.un.org/ga/search/view_doc.asp?symbol=A/74/L.89).

- i. *To accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and to collaborate sincerely and effectively in the realisation of the aim of the Council of Europe.*
- ii. *To settle international as well as internal disputes by peaceful means (an obligation incumbent upon all member states of the Council of Europe), rejecting resolutely any forms of threats of force against its neighbours.*

21. With regard to applications before the European Court of Human Rights, the decision in the Inter-State application (II) No. 38263/08 Georgia v. Russia relating to the 2008 conflict and its aftermath is still pending. As for the pending Inter-State application (IV) 39611/18 lodged in August 2018, the case was communicated to the respondent government and then adjourned pending the delivery of the judgment in Georgia v. Russia (II).

22. The investigation authorised by the International Criminal Court (ICC) in January 2016 into war crimes and crimes against humanity allegedly committed in and around South Ossetia is ongoing.

23. In his address to the UN General Assembly, on 25 September 2020, Georgian Prime Minister Gakharia reaffirmed his country's commitment to the peaceful resolution of the conflict and non-use of force. He emphasised that the Georgian central government's peace initiative "A Step to a Better Future" clearly demonstrates that Georgia is interested in dialogue with the residents of Abkhazia and South Ossetia.<sup>8</sup> To recall, the above-mentioned initiative was launched in 2019 and aims at promoting dialogue and reconciliation through the facilitation of trade, access to education and access to state services, including through status-neutral solutions. During the visit, the delegation was informed by representatives of the Georgian central government that the related financial instrument "Peace Fund for a Better Future" had been launched in September 2020.<sup>9</sup>

- iii. *To respect strictly the provisions of international humanitarian law, including in cases of armed conflict on its territory.*

24. Despite obstacles generated by the COVID-19 crisis, the activities of the International Committee of the Red Cross (ICRC), aimed at clarifying the whereabouts of persons unaccounted for as a result of the armed conflicts, have been maintained. ICRC specialists continued to analyse and reconcile available data and were able to identify the remains of 13 individuals<sup>10</sup> considered missing as a result of the 1992-93 armed conflict, and to make progress on other cases. As of 10 September 2020, there are still 2,352 open cases of missing persons in relation to the different armed conflicts that have erupted since 1989.

25. To be noted, in June 2020, the ICRC provided basic psychological support and information related to COVID-19 to more than 1,200 families of missing persons.

26. Moreover, following a three-month suspension of visits due to the risks associated with COVID-19, the ICRC has also been able to resume visits to six different places of detention, with a view to assessing humanitarian needs and detention conditions.

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<sup>8</sup> Georgian Prime Minister Giorgi Gakharia's Speech at the Session of the UN General Assembly. [http://gov.ge/index.php?lang\\_id=ENG&sec\\_id=547&info\\_id=77325](http://gov.ge/index.php?lang_id=ENG&sec_id=547&info_id=77325).

<sup>9</sup> The first call for applications was issued on 8 October 2020.

<sup>10</sup> Between January and July 2020.

iv. *To co-operate in good faith with international humanitarian organisations and to enable them to carry out their activities on its territory in conformity with their mandates.*

v. *To facilitate the delivery of humanitarian aid to the most vulnerable groups of the population affected by the consequences of the conflict.*

27. During the period under review, the efforts of international humanitarian organisations in close co-ordination with the Ministry of Foreign Affairs of Georgia have been mobilised in response to the COVID-19 crisis and its impact on the populations.

28. In the Tbilisi-controlled territory, the United Nations Development Programme (UNDP) has helped 4,000 internally displaced persons (IDPs) living in collective centres (including by distributing food parcels to households with strained financial resources due to the crisis) and has provided medical supplies, protective equipment and training to local health care facilities along the ABL. The ICRC, together with the Georgia Red Cross Society, responded to the crisis by providing humanitarian assistance in villages adjacent to the ABL, focusing on nearly 1,400 vulnerable, older and isolated people with no other support.

29. In Abkhazia, the United Nations High Commissioner for Refugees (UNHCR), the UNDP, the World Health Organization (WHO) and/or the ICRC provided financial and food assistance to the most vulnerable segments of the population, including hundreds of isolated, older persons; worked to improve sanitation and hygiene in schools and/or penitentiary establishments; and delivered guidance and material assistance to health care, laboratory and/or forensic facilities. The Liaison Mechanism (established under the Georgian government's Engagement Action Plan and which operates under the aegis of the UNDP) continued to facilitate *inter alia* the delivery of various types of humanitarian and medical aid.<sup>11</sup> Overall, the interlocutors met by the delegation acknowledged an increase in the level of co-operation in the COVID-19 context.

30. Despite the limitations in access, the Georgian central government has mobilised and directly helped Abkhazia in its response to the COVID-19 related challenges, including the sanitary crisis, by way of delivering material assistance, raising awareness and sharing medical experience and expertise (doctor-to-doctor co-operation), and facilitating the intervention of relevant international agencies. Medical evacuations and treatment of COVID-19 patients have also been enabled (cf. section on the humanitarian situation in Abkhazia).

31. At the same time, representatives of the Georgian central government underlined that the delivery of humanitarian assistance had not occurred without difficulties and blockages. They expressed the view that, to the extent possible, the aid should be delivered directly to beneficiaries.

32. Throughout the reporting period, access for international engagement to South Ossetia has reportedly remained limited to the ICRC. It has provided similar assistance, targeting health care and forensic facilities, the penitentiary system and older vulnerable people. The number of people benefiting from the ICRC's humanitarian assistance has tripled. The Georgian central government has also offered humanitarian assistance to South Ossetia, but the proposal has not been followed up on.

33. In any event, representatives of the Georgian central government have stressed that their priority was to assist the population as much as possible, hence the importance of separating humanitarian and political issues. In that regard, the access of humanitarian organisations to these territories has been described as critical.

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<sup>11</sup> With the exception of the assistance coming from the ICRC, which operates independently.

34. Besides the challenges of COVID-19, the Georgian central government continues to make available free access to health care, education and other social benefits for all residents of Abkhazia and South Ossetia. In the education field, in 2020, 214 students from Abkhazia, and nine from South Ossetia registered to take the Unified National Examinations for entry to Georgian universities. In addition, 180 students applied for the post-secondary education preparation programme envisaged by the peace initiative “A Step to a Better Future”. In total, the number of students enrolled without any exams equalled 403. In the field of health care, vaccines and pharmaceuticals products are put at the disposal of the conflict-affected populations several times per year (with the facilitation of international partners), and bacteriological tests are also made available. In total, 161 patients have benefited from a medical evacuation as part of the State Health Programme component “Ambulance, Emergency and Medical Transportation”, and the treatment of 343 patients living in Abkhazia or South Ossetia has been financed during the period under review.

### **III Human rights situation in the areas affected by the conflict**

#### **III.1 Reports on Abkhazia**

##### **III.1.i Security**

35. There have not been any IPRM meetings during the period under review. The importance of resuming them has been stressed by representatives of the GID Co-Chairs, the Georgian central government and other international actors. The EU Monitoring Mission (EUMM) facilitated hotline continues to operate.

36. So-called “borderisation” activities have reportedly continued during the period under review, including in terms of refurbishing existing structures and/or adding fences. The Representatives of the Georgian central government reported 14 incidents related to so-called “borderisation” activities during that period.

##### **III.1.ii Freedom of movement**

###### *“Crossing points”*

37. As mentioned in the previous report, the “crossing points” on the ABL, including the main one at the Inguri bridge, were closed as of 14 March 2020 due to the pandemic. The situation has not evolved since then and COVID-19 challenges have dominated the freedom of movement issue. During that time, there have been a limited number of temporary openings of the “crossing points.” The delegation was informed that the *de facto* authorities opened the “crossing points” four times in order to let people back in. The delegation was also informed of efforts by international actors to secure humanitarian corridors.

38. Security observers reported that, because of the “crossing points” being closed, there was an upsurge in people attempting to cross at uncontrolled “crossing points.” There was also an increase in cameras being installed at these locations by the *de facto* authorities.

39. Unfortunately, the closure of the “crossing points” also drove people to desperate measures: several cases of people swimming across the river have been reported, including the case of a 65-year old man who, on 25 August 2020, lost his life in an attempt to reach the Tbilisi-controlled territory supposedly to solve a problem related to his pension documents.<sup>12</sup> A month after, on 23 September, another resident died in similar circumstances in an attempt to reach the Tbilisi-controlled territory to get medical treatment.

#### *Illegal detentions*

40. Against this background, cases of arbitrary detention for crossing outside the “crossing points” continue to be reported. According to the Georgian central government, there have been 12 reported cases for the current year. Furthermore, a group of three individuals that was illegally detained in mid-June 2020 complained afterwards of being mistreated while in illegal detention. Those who managed to cross the line and were caught were illegally detained for a brief period of time and/or fined.

### **III.1.iii Humanitarian situation**

#### *Means of subsistence*

41. All interlocutors met by the delegation underlined that restrictions on freedom of movement complicate medical treatment, people’s access to basic rights and services in the territory controlled by the Georgian central government, as well as access to livelihoods. The humanitarian situation was, overall, described as seriously worsening and alarming in some areas.

42. It was explained to the delegation that many people had not had access to cash during that period and had literally run out of resources. Local production had reportedly also suffered due to the lack of input. As a result, food scarcity had become a major issue. Representatives of the Georgian central government underlined to the delegation that, whereas the closure affects the whole population of Abkhazia, it had a greater impact on the living conditions of the ethnic Georgians in the Gali district. Other interlocutors concurred that the humanitarian situation in that area was particularly dreadful. As explained above, to cope with the overall situation, financial and food assistance had to be delivered by international actors and the central authorities, with a focus on vulnerable groups.

43. Considering the long-term socio-economic challenges of the COVID-19 pandemic, interlocutors stressed that it was critical that the ABL be opened: it is the only way people can pursue trade activities and/or access pensions, benefits and affordable medicines on which they rely for survival. The interlocutors acknowledged that, should a re-opening occur, the situation would certainly need to be properly managed so as to limit sanitary risks.

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<sup>12</sup> Case of Mr Otar Jobava.

### *Access to medical care*

44. Medical care (other than for COVID-19) was also affected, as many people who used to cross regularly for medical treatment had to cancel their visits due to the closure of the ABL. The situation of people suffering from chronic diseases and/or serious mental health issues is said to be catastrophic, adding to the burden of their households and sometimes leading to domestic violence. Medicine prices are reported to have gone up, while at the same time access to cheaper medicines from the other side of the line is nearly impossible for most people.

45. As mentioned above, at the same time, urgent medical evacuations and treatment of COVID-19 patients have been enabled during that period. The Georgian central government ensured that the patients concerned were immediately transported from the Ergneti “crossing point” to hospitals in the Tbilisi-controlled territory (i.e. the mandatory quarantine period did not apply to them). According to the information provided by the Georgian central government, 129 COVID-19 patients benefited from an urgent evacuation as part of the State Health Programme component “Ambulance, Emergency and Medical Transportation” during the period under review. It was mentioned to the delegation that a growing number of people were willing to receive these services.

46. Having in mind the deficiencies of the local health care system in Abkhazia and the increase in cases of COVID-19 infections by September 2020, some interlocutors were also particularly worried that the sanitary aspects of the crisis could worsen and have far more dramatic consequences in the short and/or mid-term.

#### **III.1.iv Identity documents**

47. During the period under review, the documentation gap (cf. previous reports) continued to have an adverse impact on the status and effective enjoyment of rights of the ethnic Georgian population living in Gali but also in Ochamchire and Tkvarcheli. The so-called “foreign temporary residence permits” continue to be issued and remain the only option for many ethnic Georgians, although it implies registering as so-called “foreign citizens”. The representatives of the Georgian central government reiterated their serious concerns about this situation: they consider it to be a demonstration of ethnically targeted discrimination, which only provides for additional restrictions for residence, work, and exercising property rights by ethnic Georgians in Abkhazia.

48. The delegation was informed that during the period under review, many people could not collect their newly issued so-called “foreign temporary residence permits” as they were unable to pay the required fees.

#### **III.1.v Access to education**

49. As regards the situation of education in the Georgian language in schools in Abkhazia, no progress has been noted since the last report. Previously expressed concerns about restrictions on access to education in the native language persist. To recall, education in the Georgian language has been banned not only at schools but also at kindergartens in the Gali district. Representatives of the Georgian central government denounced the existing measures as discrimination based on ethnicity.

### *Teaching of/in the native language*

50. As per information provided to the delegation, currently in 11 schools of the Tkvarcheli and Ochamchire districts, the Georgian language and literature are not taught at all. In one school (Public school N1), out of nine schools in the Upper Gali, the native Georgian language is taught at 5th grade as a facultative subject for only two hours per week. In the other eight schools, one hour per week is devoted to the Georgian language and one hour to Georgian literature. The rest of the subjects are taught in the Russian language. Since 2014-2015, teaching has been conducted in the Russian language in the Nabakevi Public School, as well as in other schools in the Lower Gali. Currently, teaching is conducted in the Georgian language only at 9th, 10th and 11th grades. As of September of the current academic year, the teaching time of Georgian literature has been reduced by one hour. It remains forbidden to teach Georgian history and geography. Carrying out one's work in the Georgian language is strictly forbidden in kindergartens and art schools.

### *COVID-19 repercussions*

51. Worth mentioning, the COVID-19 pandemic affected the teaching-learning process in the Gali district and brought forward the issue of access to modern technologies: very few students have access to computers and the internet and not all teachers do. To address the situation, the Georgian central government launched, in co-operation with the Georgian Public Broadcaster's First Channel, the educational project Teleschool (*Teleskola*), providing TV lessons. However, in some of the villages there has been no access to the Georgian Public Broadcaster's First Channel.

52. Due to the closure of the "crossing points" of Khurcha-Nabakevi, pupils registered at schools in the Tbilisi-controlled territory could not attend class physically and were forced to attend remotely. The Georgian central government informed the delegation that, over recent months and reportedly under the pretext of the COVID-19 crisis, students from the Gali district who were considering studying in the Tbilisi-controlled territory faced pressure aimed at convincing them to continue education in Abkhazia only.

53. The delegation was informed by the representatives of the Georgian central government that an understanding had been reached to provide a one-time access corridor for school children and their families who intend to pursue education in the Tbilisi-controlled territory, provided they already have a place to stay. Transportation and quarantine accommodation were facilitated by the Georgian central government. At the time of the visit, more than 1,000 youngsters and their families had benefited from the measure. A further 200 youngsters were expected to benefit from it shortly thereafter. Representatives of the Georgian central government underlined that the process was an example of constructive co-operation that contributes to confidence building.

## **III.2 Reports on South Ossetia**

### **III.2.i Security**

#### *Point of tension*

54. To recall, the situation in the Chorchana-Tsnelisi area has been a major source of concern for the last year, as indicated in previous reports. The situation was then assessed as highly worrying by security observers and the Georgian central government. It was followed in the subsequent months by a build-up of armed personnel, as well as by the construction of new positions on site.

55. Security observers informed the delegation that no further incursion had been reported here during the period under review but that the situation remained conducive to tensions. It was underlined again, as on previous occasions, that the risk of close encounters and escalation remains high. It was stressed that the presence of military equipment on site represents a serious danger for stability. The representatives of the Georgian central government also emphasised that the situation was only getting worse with a severe impact on the local population. Readiness for dialogue in order to decrease tensions was reiterated by the Georgian authorities.

#### *Ergneti IPRM meetings*

56. As mentioned earlier, the meetings of the Ergneti IPRM have resumed. Representatives of the Georgian central government recall that, as per the existing guidelines of the IPRM, the agenda of the meetings cannot be negotiated. Given the current array of security, humanitarian and human rights challenges on the ground, they underlined that it was particularly important to safeguard the IPRMs which have greatly contributed to the prevention of large-scale escalation on the ground.

57. As reported, during the 96th meeting of the IPRM on 30 July 2020, the participants discussed several issues pertaining to stabilisation and normalisation on the ground. The co-facilitators welcomed the participants' commitment to resume regular dialogue in the IPRM format, while commending the active use of the EUMM-managed hotline. They further acknowledged the exacerbating effect of the COVID-19 pandemic on stabilisation and normalisation.<sup>13</sup>

58. A subsequent meeting of the Ergneti IPRM took place on 24 September 2020. As reported, participants stressed the value of the IPRM format, emphasised the importance of direct dialogue, and engaged in constructive discussions on the most pressing issues influencing stability and security on the ground. They agreed to plan for a subsequent meeting on 20 November 2020, the situation permitting.<sup>14</sup>

#### *So-called "borderisation"*

59. Regrettably, during the period under review, the so-called "borderisation" process was said to be increasing at several locations. The Georgian central government reported 46 incidents during the period.

60. Such activities resumed in particular in April 2020 in the village of Takhtisdiri with the erection of signs, including inside the Tbilisi-controlled territory. These activities prompted a tense atmosphere on the ground due to the proximity of security actors. The EUMM contributed to diffusing tensions. As mentioned above, the Georgian central government and several other countries condemned these activities and stressed that they significantly escalated the situation on the ground. The Co-Chairs of the GID called on the GID participants to refrain from actions that could lead to an increase of tensions, also underlining the context of the COVID-19 pandemic.<sup>15</sup> Interlocutors met by the delegation also underlined the psychological impact of the situation for local residents, both in terms of effectively depriving people of their livelihoods and/or instigating a fear of accessing their properties.

<sup>13</sup> 96th IPRM meeting in Ergneti, 30 July 2020. Statement of the co-facilitators. <https://www.osce.org/chairmanship/458533>.

<sup>14</sup> 97th IPRM meeting in Ergneti, 30 July 2020. Statement of the co-facilitators. <https://www.osce.org/chairmanship/464715>.

<sup>15</sup> Press communiqué of the Co-Chairs of the Geneva International Discussions, 18 April 2020.

### III.2.ii Freedom of movement

#### *“Crossing points”*

61. The “crossing points” on the ABL, including the main one at Mosabruni/Odzisi, have remained closed since September 2019. As mentioned in the last report, by the end of January 2020, the *de facto* authorities in South Ossetia had indicated that the main “crossing point” would be open for ten days every two months for the collection of pensions by ethnic Georgians only. However, due to the COVID-19 pandemic, the whole ABL was closed by the end of February 2020. This policy remained unchanged during the period under review.

#### *Illegal detentions*

62. Cases of illegal detention continue to be reported. According to the representatives of the Georgian central government, there have been 39 reported cases for the current year. Four people were being illegally detained at the time of the visit. The delegation was informed that at least two of them were being illegally detained for a long period of time, not only for so-called “illegal crossing” but also for so-called “criminal offences”. In the first case, the person was illegally detained in July 2020 and “sentenced” to three months of “imprisonment”.<sup>16</sup> He was subsequently released on 25 September 2020. The ICRC did not have access to that person for weeks.

63. The second case is related to an incident involving the use of firearms: on 11 July 2020, a man was injured by a shot fired along the ABL, and was subsequently illegally detained by the *de facto* authorities.<sup>17</sup> There is a fear that he could be “sentenced” to 12 years of “imprisonment”. The Georgian central government categorically condemned the shooting, wounding and illegal detention of the individual in question as a dangerous provocation. Claims that he had crossed the ABL were also denied. The EUMM confirmed the extensive use of the hotline in respect of the incident. The ICRC was unable to access him for two months, which is also of concern.

64. In reference to these cases, the representatives of the Georgian central government underlined their strong conviction that all such cases should be treated from a humanitarian perspective and that all efforts should be made to ensure that illegal detainees are returned to their families. They denounced the practice of illegal detention as being aimed at threatening the local population.

### III.2.iii Humanitarian situation

65. There are reports that the humanitarian situation seems to be dire in South Ossetia, especially in the Akhalkgori district. The double impact of the closure of the ABL and of the (then) temporary closure by the Russian Federation of its border was mentioned as having seriously limited the entry of goods and food products, in addition to having hampered people’s access to pensions and other social benefits to which they are entitled in the Tbilisi-controlled territory and/or in the Russian Federation. As a result, prices are reported to be increasing and there is a shortage of food.

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<sup>16</sup> Case of Mr Kvicha Mghebrishvili.

<sup>17</sup> Case of Mr Zaza Gakheladze.

66. The closure of the ABL continues to impact medical evacuations, including in cases of emergency and especially for people in Akhagori, where ethnic Georgians reside. To recall, after September 2019 medical evacuations of people in Akhagori were made possible only through the remote Ergneti “crossing point”, with the facilitation of the ICRC.<sup>18</sup> Apart from a few exceptions prior to the COVID-19 outbreak, the situation has remained the same during the period under review. The delegation was informed that, since September 2019, there have been 16 cases of people who died while waiting and/or requesting a medical transfer. According to the information provided by the Georgian central government, 34 patients benefited from an evacuation as part of the State Health Programme component “Ambulance, Emergency and Medical Transportation”.

#### **III.2.iv Identity documents**

67. Despite the ABL being essentially closed for more than a year, the continued lack of clarity and information on so-called crossing “permission documents” remains of concern as it creates additional obstacles to the freedom of movement.

#### **III.2.v Access to education, including teaching of/in the native language**

68. As regards the situation of education in the Georgian language in schools in the Akhagori district, no progress has been noted since the last report. Previously expressed concerns about restrictions on access to education in the native language persist. Representatives of the Georgian central government denounced the existing measures as discrimination based on ethnicity.

69. They also informed the delegation that, in schools of the Akhagori district, ethnic Georgian students and teachers have been forced to refrain from speaking Georgian. The teachers and headmasters reportedly came under increased pressure for allowing pupils to speak Georgian.

### **III.3 The situation of internally displaced persons**

70. During the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of internally displaced persons (IDPs) and refugees on the basis of internationally recognised principles.

71. In the absence of conditions conducive to their return, the Georgian central government continues to provide IDPs with alternative durable solutions in terms of housing and improvement of socio-economic conditions. Representatives of the Agency for Internally Displaced Persons, Ecomigrants and Livelihood informed the delegation that, as of today, 287,961 persons have been granted with IDP status, which constitute more than 91,000 IDP families. Overall 42,000 IDP families have been provided with Durable Housing Solutions (DHS) to date. All IDPs receive monthly allowance from the State budget, and 7,344 IDPs have been allocated a one-time monetary assistance this year. In total, 948 IDPs in urgent need have been provided with temporary accommodation.

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<sup>18</sup> Medical evacuations from South Ossetia are facilitated by the ICRC only from the Tskhinvali hospital and through the Ergneti “crossing point.”

72. Since January 2020, the agency *inter alia* implemented the following DHS programmes and supporting activities: 534 individual houses have been purchased and transferred into private ownership of IDPs; 651 state-owned living properties have been privatised to IDPs under the privatisation programme; 424 IDP families have settled in the newly constructed buildings. By the end of 2020, a total of 1,050 IDP families will receive accommodation in newly constructed buildings. In addition, the Municipal Development Fund (MDF), within the framework of Municipal Infrastructure and IDP Housing Programme, carried out a number of activities. In particular, the construction of two buildings in Tskaltubo has been finalised and 140 apartments have been transferred to IDPs. The remaining six buildings (420 apartments) will be completed in 2021. In Zugdidi, the construction of three buildings has been completed and 360 apartments will be transferred to IDPs by the end of 2020. The construction of the remaining five buildings (600 apartments) will be finalised in the first quarter of 2021. Five residential buildings with 500 apartments are under construction in Kutaisi. Construction processes will be finalised in 2021. Moreover, to be noted, the following activities will be implemented by the end of the year: about 500 individual houses will be purchased for IDP families; 122 private houses will be constructed across the country.

#### **IV Activities of Council of Europe organs and institutions and their follow-up**

##### **IV.1 Operational activities**

###### **IV.1.i DG II/Youth**

73. The 2020 edition of the Youth Peace Camp had to be postponed to 2021 in view of the pandemic. As an alternative, an online Youth Peace Week (30 June-7 July 2020) was offered as a learning opportunity for participants in previous camps and other young people actively promoting peace and intercultural dialogue in their communities and youth organisations. More than 60 participants from Council of Europe member states – including participants from Tbilisi and Sukhumi – and beyond followed the programme, which was a combination of webinars and interactive workshops. These activities were led by around twenty experts and trainers, all of whom had relevant experience in peacebuilding, youth policy, human rights and conflict transformation and other relevant topics such as health and sustainability. The programme was complemented by six e-learning modules where participants had the opportunity to learn more about the Council of Europe and human rights, as well as to get an introduction to the UN Security Council Resolution 2250 on youth, peace and security. The activity contributed to enlarging and strengthening the network of young peacebuilders in Europe and in the South Caucasus. The event took place in the framework of the programme of the Greek Chairmanship of the Committee of Ministers of the Council of Europe. Preparations for the Youth Peace Camp to be held in July 2021 should continue with a preparatory meeting in November 2020 with the participation of facilitators from Sukhumi, Tbilisi and Tskhinvali.

###### **IV.1.ii Operational activities on confidence-building measures and their follow-up**

###### *Activities organised during the reporting period*

74. During the period under review, the implementation of operational activities on Council of Europe Confidence-Building Measures has been heavily affected by the COVID-19 crisis. Only the follow-up of some CBMs has been ensured, in areas where the pragmatic approach has enabled long-established dialogue and trust built between all actors concerned.

75. The CBM priorities – previously identified jointly with relevant actors and closely co-ordinated with the Office of the State Minister of Georgia for Reconciliation and Civic Equality<sup>19</sup> and the Liaison Mechanism established under the UNDP – have been maintained. They will be carried out as soon as the epidemiological situation permits, in order to resume the previous regularity of people-to-people contacts.

*a) CBMs with Abkhazia*

76. Due to the COVID-19 crisis, the preparation of CBM activities in several areas had to be postponed, namely the dialogue between specialists of the Abkhaz language, a meeting of experts on the situation of minors in prisons, and follow-up to the dialogue between journalists. New initiatives for dialogue in the cultural field have also been postponed until further notice.

77. Regarding the archive project, although the presentations of the already finalised publications were postponed, the group of specialists between Tbilisi and Sukhumi continued to work in an online format. This dialogue allowed the participants to finalise research for the publication on the criminal cases against Monks in Abkhazia in the 20th century. Moreover, the film on the same topic was produced, based on the commonly agreed screenplay. Finally, the preparations for the new publication and a film on the topic of “*Muhadjirstvo/Mahadjirstvo in the XIX century*” were launched.

78. Regarding the dialogue on the prevention of and fight against domestic violence, a meeting of psychologists and psychiatrists on the suicidal attitude of teenagers and work with socially vulnerable families has been postponed until March 2021. Similarly, a study visit of representatives of human rights defenders and lawyers on legal tools in the fight against domestic violence has also been postponed until the first half of 2021. However, the psychologists and psychiatrists continued their contacts in virtual format and a virtual platform for the preparation of the aforementioned meeting, as well as an exchange with Council of Europe experts, was launched in October.

79. The follow-up of the first meeting on the preparation of materials on the prevention of drug addictions especially among young people has also been postponed until 2021. However, a common digital workspace between drug addiction prevention and treatment professionals from Tbilisi and Sukhumi was maintained by participants in 2020. Furthermore, the Council of Europe continued to enable the participation of professionals from Tbilisi and Sukhumi in the Executive Training on Drug Policy of the Pompidou Group on “Role of different actors in drug prevention”.

80. The Council of Europe Confidence-Building Measures Division actively contributed to the holding of the above-mentioned virtual Youth Peace Camp (30 June – 7 July 2020) in particular the webinar on the role of the Council of Europe in conflict-stricken areas and institutional support for peacebuilding actions.

*b) CBMs with South Ossetia*

81. Efforts have been deployed to launch CBM activities in South Ossetia. The Secretariat prepared the first meeting of teachers of the English language on modern techniques of foreign language teaching, scheduled originally for March 2020 in the European Centre for Modern Languages of the Council of Europe in Graz. However, due to the COVID-19 crisis, this activity has been postponed until 2021.

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<sup>19</sup> To be noted, on 6 August 2020 Ms Thea Akhvlediani was appointed as the new State Minister for Reconciliation and Civic Equality.

*Plans for further action*

82. Despite the difficult situation related to COVID-19 during the reporting period, the Secretariat will continue to build on the substantial results of the CBMs carried out since 2010 to maintain the level of trust and contacts between actors on both sides of the ABL to promote reconciliation through respect for human rights.

83. Options for virtual communication will be explored further, wherever possible, in order to maintain the existing level of communication between well-acquainted participants. To the extent possible, priority will be given to direct contacts between actors on both sides of the ABL, in order to increase the impact and extend dialogue to new domains with a pragmatic approach relying on the technical support of experts from other member states.

84. In addition to the planned follow-up on the previous and current initiatives mentioned above, efforts will focus on facilitating dialogue between mental health specialists, specialists on the situation of minors in prisons, and journalists. Other proposals are currently under discussion with the Georgian central government and stakeholders in Sukhumi.