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| **MINISTERS’ DEPUTIES** | Decisions | **CM/Del/Dec(2023)1479/2.1** | 31 October 2023 |

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| **1479th meeting, 31 October 2023**    **2.1 The Council of Europe and the conflict in Georgia**  Reference documents [CM/Del/Dec(2023)1464/2.1](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Del/Dec(2023)1464/2.1" \o "The Council of Europe and the conflict in Georgia), [SG/Inf(2023)15](https://search.coe.int/cm/Pages/result_details.aspx?Reference=SG/Inf(2023)15" \o "Consolidated report on the conflict in Georgia (November 2022 – March 2023)), [DD(2023)360](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DD(2023)360" \o "1479/2.1 - The Council of Europe and the conflict in Georgia – Document distributed at the request of Georgia [Anglais uniquement]) |

*Decisions*

The Deputies

1. recalled their decisions on “The Council of Europe and the conflict in Georgia” of 29, 30 April and   
2 May 2014 (1198th meeting), 12 May 2015 (1227th meeting), 4 May 2016 (1255th meeting), 3 May 2017 (1285th meeting), 2 May 2018 (1315th meeting), 2 May 2019 (1345th meeting), 21 October 2020   
(1386th meeting),12 and 17 May 2021 (1404th meeting) and 4 May 2022 (1433rd meeting); reiterated the unequivocal support of the Council of Europe member States for the sovereignty and territorial integrity of Georgia within its internationally recognised borders;

2. stated that, 15 years after the armed conflict between the Russian Federation and Georgia, the Russian Federation continues to impede the peaceful conflict resolution process and to undermine the security and stability in the wider region, through its continuing illegal military presence in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, increased military exercises and infrastructure reinforcements, including the new positions and fences being established in the Chorchana/Tsnelisi and other areas, the implementation of the so-called “treaties on alliance and strategic partnership/integration”, incorporation of illegal military units of the Tskhinvali region of Georgia into the armed forces of the Russian Federation, the creation of a so-called “joint group of armed forces” in the Abkhazia region, the establishment of so-called “joint information and co-ordination centres of law enforcement agencies”, the functioning of so-called “customs points” in both Georgian regions aimed at the integration of these regions respectively into the customs sphere of the Russian Federation, the adoption of the so-called “programme on the creation of a common socio-economic space between Russia and the Georgian region of Abkhazia”, the signing of the so-called “agreements on dual citizenship with the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia”, land seizures, such as in the Gagra district in Abkhazia (Georgia) and statements about intent to hold a so-called “referendum” in the Tskhinvali region/South Ossetia (Georgia) on the matter of joining the Russian Federation, the transfer of Sokhumi airport to Russia for reconstruction and operation, the regular conduct of illegal so-called “elections” in both regions; reiterated that any illegal acts by the Russian Federation aimed at changing the status of the Georgian regions, including through issuing Russian passports and so-called “residents’ permits”, thus establishing a so-called “status of foreign residents”, have no legal effect and further aggravate the situation on the ground; expressed concern over hampering activities of international organisations operating on the ground and restricting the confidence-building efforts; called upon the Russian Federation to stop and reverse this illegal process and to comply with its international obligations and commitments, including under the EU-mediated 12 August 2008 Ceasefire Agreement, in particular with regard to the withdrawal of military and security forces from the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and allowing the establishment of international security mechanisms on the ground;

3. welcomed the Reykjavík Summit Declaration which calls, collectively, on the Russian Federation to comply with its international obligations and to immediately withdraw completely and unconditionally its forces from Georgia and reasserts Council of Europe member States’ unwavering support for Georgia’s sovereignty, independence and territorial integrity, within its internationally recognised borders;

4. welcomed the judgment of the European Court of Human Rights in the case *Georgia v. Russia (II)* that established the responsibility of the Russian Federation for grave human rights violations during the period of occupation of the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia following the August 2008 war, as the State exercising effective control over those regions, including the killing, torture,   
ill-treatment and arbitrary detention of Georgian civilians and military personnel; the looting and burning of Georgian homes; the inhuman treatment of Georgians targeted as an ethnic group; the deprivation of the right of IDPs and refugees to return to their homes; welcomed the conclusion of the investigation phase in the Situation in Georgia by the International Criminal Court in 2022 that issued the arrest warrants for war crimes and crimes against humanity committed against “ethnic Georgian civilians in the context of an occupation by the Russian Federation”, and uncovered the alleged role of Russian military officials; welcomed the judgment of 7 March 2023 of the European Court of Human Rights in the case *Mamasakhlisi and Others v. Georgia and Russia*, which once again confirmed the effective control of the Russian Federation over Abkhazia (Georgia) before the 2008 Russia-Georgia war and its responsibility for human rights violations in the occupied region; welcomed the judgment of 28 April 2023 of the European Court of Human Rights in the case of *Georgia v. Russia (II)*, which ordered the Russian Federation to pay up to 130 million euros in favour of up to 24 000 Georgian citizens affected during the August 2008 armed conflict between the Russian Federation and Georgia;

5. stated that Georgia, as the only sovereign State under international law over its regions of Abkhazia and Tskhinvali region/South Ossetia, is still prevented from exercising its legitimate jurisdiction over these regions due to Russia’s effective control over the Georgian regions and the continuous impediments put up by the Russian Federation, including the latter’s continuing military presence therein;

6. deeply regretted that, despite constant calls upon the Russian Federation to reverse this process, it continues to install razor and barbed wire fences and other artificial obstacles along the administrative boundary lines (ABLs), divide families and communities, violate human rights and fundamental freedoms and impede the settlement of the conflict;

7. expressed grave concern about the lengthy closure of “crossing points” in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, which led to severe humanitarian consequences for the local population;

8. expressed further profound concern that the human rights situation in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia has been further deteriorating, including concerns with regard to violations of the right to life, the right to freedom of movement, the right to health, the right to property, the right to education in the native language and the right to liberty and security;

9. expressed particular concern over the continued discrimination of Georgians on the grounds of ethnicity in both Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, particularly in the Gali and Akhalgori districts, through further restrictions to freedom of movement, residence rights, the right to work and property rights in cases of forced registration as foreign residents or demands to change surnames and ethnic identity, as well as preventing their access to religious sites or graveyards and grazing and farming lands;

10. expressed deep concern over the demolition of the homes of Georgian IDPs in the Tskhinvali region/South Ossetia, in violation of the property rights of IDPs;

11. expressed deep concern over the obliteration and alteration of Georgian features from the Georgian cultural heritage monuments in both regions;

12. expressed serious concern that IDPs and refugees continue to be deprived of their fundamental right to voluntary return to their places of origin in a safe and dignified manner;

13. expressed grave concern over the continued arbitrary detentions of local inhabitants along the administrative boundary lines (ABLs). These arbitrary detentions have become lengthier and increasingly involve members of the vulnerable groups;

14. expressed grave concern over the illegal detentions of Georgian citizens among others – Irakli Bebua, Kristine Takalandze and Asmat Tavadze – some of whom suffer from severe health conditions;

15. expressed deep concern over the death of Genadi Bestaev, who was illegally detained in   
November 2019 in the Tskhinvali region/South Ossetia and died in a Tbilisi hospital on 16 February 2022, after being released a few months earlier from Tskhinvali in a severe health condition;

16. expressed grave concern over impunity concerning the deaths of Georgian IDPs David Basharuli, Giga Otkhozoria and Archil Tatunashvili, and expressed concern over the death of another Georgian citizen, Irakli Kvaratskhelia, under unclear circumstances at a military base of Russian FSB forces in the Abkhazia region;

17. recalled the “Otkhozaria-Tatunashvili List” adopted by the Parliament of Georgia, and the national restrictive measures decided on by the Georgian Government against those responsible for grave human rights abuses in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia;

18. strongly condemned a decision in the region of Abkhazia that provides for the death penalty, under certain circumstances, in cases of the so-called “export, import and/or transit of drugs”;

19. expressed the importance of continuation and effective functioning of the Geneva International Discussions (GID) – the only negotiations format with the Russian Federation, launched on the basis of the EU-mediated 12 August 2008 Ceasefire Agreement, in order to achieve progress on key issues such as the implementation of the Ceasefire Agreement and the return of IDPs and refugees, as well as security and humanitarian challenges stemming from the unresolved conflict between Russia and Georgia;

20. expressed concern about the suspension of the Incident Prevention and Response Mechanisms (IPRMs) in Gali since June 2018 and in Ergneti between August 2019 and June 2020; welcomed the resumption of the Ergneti IPRM on 30 July 2020, and urged all participants to immediately and unconditionally resume the Gali IPRM and ensure the proper functioning of both IPRMs, in full respect of the founding principles;

21. expressed support for the peace initiative of the Government of Georgia entitled “A Step to a Better Future”, as a sign of Georgia’s firm commitment to promote reconciliation and engagement between the societies on both sides of the administrative boundary lines (ABLs), as well as the programme “Peace Fund for a Better Future”;

22. bearing in mind that human rights and fundamental freedoms shall be protected by all relevant States Parties to the European Convention on Human Rights in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, reiterated their call to the Russian Federation as the State exercising effective control:

- to create conditions for the voluntary, safe and dignified return of all IDPs and refugees;

- to cease any form of ethnic discrimination towards the residents of the Georgian regions, first and foremost, the ethnic discriminatory measures against the Georgian population of the Gali and Akhalgori districts, including demands to register as foreign residents or to change their surnames in order to be granted access to full civil rights;

- to remove any obstacles to ending impunity in cases concerning the murder of ethnic Georgians in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and to bringing the perpetrators to justice;

- to immediately cease policies leading to human rights violations in both regions of Georgia;

- to remove any impediment, restriction or limitation to the right to freedom of movement across the administrative boundary lines (ABLs), including for medical and educational purposes; to cease the denial and/or delay of medical evacuations;

- to cease arbitrary detentions of persons, including in the context of so-called “illegal border crossings” and to re-open “crossing points”;

- to immediately release Irakli Bebua, Kristine Takalandze, Asmat Tavadze and all other illegal detainees;

- to cease violations of the right to education in schools and preschools, including education in the native Georgian language, in both Georgian regions;

- to prevent further deterioration of monuments belonging to the cultural heritage throughout Georgia’s regions;

23. called on the Russian Federation to execute the judgments of the European Court of Human Rights, as well as to co-operate with the International Criminal Court;

24. deeply regretted that neither the Commissioner for Human Rights, Council of Europe monitoring bodies, nor the Secretariat delegation preparing the Secretary General’s consolidated reports, have been granted access to the Georgian regions concerned; invited the Secretary General to engage in a dialogue with the Russian Federation and Georgia to this end; called on the Russian Federation to secure immediate and unrestricted access of the Council of Europe bodies to the Georgian regions;

25. encouraged the Commissioner for Human Rights, with full respect of her independence, to follow the deteriorating human rights situation in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia in the way she deems appropriate, in accordance with her mandate;

26. encouraged the Secretary General to continue the submission of her biannual consolidated reports on the conflict in Georgia to the Committee of Ministers.