

NEWSLETTER

Human Rights Center



AWARENESS RAISING ABOUT COMMON PROBLEMS OF GEORGIAN AND OSSETIAN PEOPLES



British Embassy
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In February and March of 2022, in Shida Kartli, Kakheti and Samtskhe-Javakheti regions, Human Rights Center, with financial support of the British Embassy in Tbilisi, organized awareness raising meetings about the problems related with the realization of the property and citizenship rights of ethnic Ossetian people in Georgia. The HRC's representatives met representatives of the local self-government bodies, students and grass-root population. During the meetings, they presented the Report - Legal Analysis of the Process of Property Restitution and Citizenship Restoration to Ethnic Ossetians affected from the Conflict, where the findings of the analysis of the Georgian legislation by the experts' group are reflected.

MEETING WITH ETHNIC OSSETIAN CITIZENS IN BAKURIANI



On March 1, the HRC representatives met the ethnic Ossetian people living in Bakuriani. The systemic problems related with the registration of lands, which the local families owned for decades, were identified during the meeting in Bakuriani.

The citizens recalled that in 1990s they became victims of intimidation from the nationalist and aggressive groups because of the ethnic conflict in South Ossetia. Therefore, they had to relocate abroad, mostly in the Russian Federation. Years later, when the situation became more or less stable, they returned to Bakuriani. During forced

displacement and refugee years, they had abandoned their plots in Bakuriani and surrounding villages but having returned back to Georgia, they continued cultivation of the plots. Although they cultivated them for years and hold the property ownership documents issued in 1990s, they cannot register the plots in the Public Registration Agency now.

Human Rights Center believes that the State shall give priority to ethnic Ossetian people, who became victims of the 1990s ethnic conflict and register their lands with simplified method.

At the same time, as it was identified during the meeting, not only ethnic Ossetian people have problems to register their land in Bakuriani but Georgians too. The residents of Bakuriani generally complained about systemic problems that create obstacles for everybody equally, who received the land from the state in Bakuriani and surrounding villages in 1990s. However, the registration process is suspended or hindered in the PRA.

According to the assessment of the HRC, the hindered registration process in the PRA may be caused by the interest of development companies to purchase lands in Bakuriani and the senior government officials may stand behind those companies. Accordingly, the Government of Georgia is obliged to study possible corruptive risks and pass adequate decisions to protect legal interests of the citizens.

Human Rights Center continues legal aid and advocacy for the restitution of property and citizenship rights of the conflict affected ethnic Ossetian citizens.

MEETING WITH THE ATTORNEYS OF THE AKHMETA MUNICIPALITY MAYOR

On March 15, the HRC representatives met the public servants of the Akhmeta municipality in Akhmeta. The head of the administration at the Akhmeta municipality city hall and attorneys of the municipality mayor in the Akhmeta administrative unit and municipality villages attended the meeting. Among them were the attorneys of the villages, which are inhabited by ethnic Ossetian citizens.

HRC executive director Aleko Tskitishvili presented the report prepared by Human Rights Center – Legal Analysis of the Process of Property Restitution and Citizenship Restoration to Ethnic Ossetians Affected from the Conflict.” The report outlines two significant problems related to the process of granting Georgian citizenship to ethnic Ossetians and to the failure to enforce the Law on Property Restitution and Compensations of the Persons Affected in the Territory of Georgia from the Conflict held in the Former South Ossetian Autonomous District, adopted by the Parliament of Georgia in 2006.

To ascertain some issues and to obtain necessary certificates needed for the proceedings, during the implementation of the project, HRC requested public information from several municipalities of Kakheti. According to the information received from the Mayor’s Office of Akhmeta Municipality, in 1989-1992 (and not only in this period) the migration of ethnic Ossetian population from Akhmeta Municipality mainly to Vladikavkaz, Russia, had a regular character. Most of them voluntarily sold houses they owned, but the part of them who still own houses regularly visit Georgia up to these days. In Akhmeta Municipality (namely in villages: Kutsakhta, Koreti, Tsinubani, Dumasturi, Kvemo Khalatsani, Chachkhiala, Sabue, Argokhi, Pichkhovani, Akhalsheni, Kojori, the fields of Akhshani, Arashenda) lived a total of 823 ethnic Ossetian families, from which 471 families sold residential houses and left the municipality. Currently, 352 families live in the municipality.

During the meeting, the deputy executive director of HRC Nino Tlashadze stated that it is important that the municipalities possessed, processed and analyzed the statistic information. Unfortunately, some municipalities, where same migration processes happened in 1990s, do not possess the mentioned statistics and respectively cannot issue any public information.

The mayor’s attorneys spoke about the impact of the 1990s conflicts on the villages inhabited by ethnic Ossetian citizens in Akhmeta municipality. During and after the conflict, some villages became completely or partly extinct. After a while, one part of migrated Ossetian people returned to their homes but another part continues living in the Russian Federation but keeps links with Georgia and relatives living here.

Human Rights Center believes that outcomes from the armed conflicts of 1990s in the territory of the former Autonomous Oblast of South Ossetia still influence the life not only in the occupied territory but also in the regions, which are under the jurisdiction of

the State of Georgia. The stereotypes and phobias are still very strong. The needs and loss of ethnic Ossetian people are not studied yet.

As it was underlined during the meeting, there are some problems in relation with the land registration process in Akhmeta municipality too. However, these problems are common for all citizens regardless their ethnic background. The state tries to eradicate these problems but the registration process is still dragged out and complicated.

HRC believes that the State shall give priorities to ethnic Ossetian citizens, who became victims of the last century ethnic conflict, and register their lands as properties under a simplified procedure.



MEETING WITH THE STUDENTS IN THE GORI STATE UNIVERSITY

On March 24, representatives of the Human Rights Center met students in the Gori State University. The main topic of the discussion was peace dialogue between the Georgian and Ossetian peoples and eradication of the problems caused by the armed conflict in the territory of the former autonomous oblast of South Ossetia.

Executive director of Human Rights Center Aleko Tskitishvili spoke about the mission and vision of the organization, about the projects the organization has implemented in Shida Kartli region, among them: representing the victims' rights in front of the International Criminal Court, which investigates the alleged war crimes committed

during 2008 in Georgia; about the defense of the rights of people living alongside the division line; as well as about peace-dialogues between Georgian and Ossetian people and perspectives of reconciliation.

Nino Tlashadze, deputy executive director of Human Rights Center, presented the findings of the HRC's report [„Legal Analysis of the Process of Property Restitution and Citizenship Restoration to Ethnic Ossetians Affected from the Conflict,“](#) which was published with the financial support of the British Embassy in Tbilisi. In accordance with the report, it is necessary to consider as one of the priority issues in the Government's Action Plan the resolution of the matters of compensation, restitution, and citizenship for the ethnic Ossetian population affected by the conflict. Also, it is important to make the Commission of Restitution and Compensations to be operable in time, and to set a list of specific criteria, procedures, and documents based on which the restitution of property to those affected will be carried out or relevant compensations paid.

The students were informed about the importance of the actual implementation of the Law on Restitution and Compensation, which was adopted in 2006, for the facilitation of the trust-building and reconciliation process that was underlined in the report too. Namely, the HRC believes that the authorities must understand that the real and effective implementation of the restitution process, satisfying the fair requirements of refugees and people affected by the conflict is important not only for the formal implementation of the obligations taken before the Council of Europe but first and foremost for justice, building confidence between the people, and for reconciliation.

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obligations taken before the Council of Europe but first and foremost for justice, building confidence between the people, and for reconciliation.



After the meeting with the students, HRC handed over the hard copies of the reports to the library of the Gori state university, among them was the report [Legal Analysis of the Process of Property Restitution and Citizenship Restoration to Ethnic Ossetians Affected from the Conflict](#) in Georgian, Russian and English languages.

Human Rights Center often organizes three-sided peace dialogue meetings and trainings between Abkhazian, Georgian and Ossetian civil society representatives in the third countries. Participant of one of similar meetings, the student of the law faculty at the Gori State University Medea Pavliashvili spoke about her impressions from the meeting with the Abkhazian and Ossetian young people. She said the trauma, stereotypes and fears caused by the conflict are so strong in our societies, that in the beginning of similar meetings people are strained and keep distance; but very soon the participants of the meetings find common interests and make friends with each other. It happened during the meeting in Istanbul, when neither language barrier hindered the Abkhazian, Georgian and Ossetian young people to become friends. Medea Pavliashvili wrote about her impressions from the Istanbul meeting in her blog, which was published on humanrights.ge – [No language barrier exists](#).

During the meeting, the student of the Grigol Robakidze University Nikoloz Jabakhidze noted that democratic development and strong economics of Georgia will facilitate reconciliation process as it will encourage the Abkhazian and Ossetian peoples living in the occupied territories to plan their future with the State of Georgia. At the same time, it is necessary that Georgia re-considered and responded those mistakes, which were made during the conflict with the Abkhazian and Ossetian peoples.

The students got interested whether the de-facto government of South Ossetia is ready to participate in the process of property restitution and compensation as in accordance with the law, the properties lost in the occupied territory of South Ossetia shall be restituted to the Georgian IDPs too. Besides that, the number of internally displaced Georgian people increased after the 2008 armed conflict; the Russian occupation forces destroyed Georgian villages and the ICC is now investigating those crimes. Therefore, nowadays restitution of the lost properties in the occupied territories will be complicated, even impossible without the active participation of the de-facto government of South Ossetia.

Human Rights Center believes the Government of Georgia is responsible to timely start restitution and compensation process at least of the properties which are located in the Georgia-controlled territory. Eventually, in parallel to the de-occupation, it will be possible to restitute the property rights of IDP Georgian people in Tskhinvali region too. The victims of the conflict have not lost hope that the state will defend their rights and restore justice.

MEETING IN THE TELAVI MUNICIPALITY CITY HALL

On March 29, representatives of the Human Rights Center met the public servants of the Telavi municipality. The deputy municipality mayor, the head of the administration at the Telavi municipality city hall and attorneys of the municipality mayor in the municipality villages attended the meeting in the Telavi municipality city hall. Among them were the attorneys of the villages, which are inhabited by ethnic Ossetian citizens.

Aleko Tskitishvili, executive director of Human Rights Center, presented the findings of the HRC's report „[Legal Analysis of the Process of Property Restitution and Citizenship Restoration to Ethnic Ossetians Affected from the Conflict](#),“ which was published with the financial support of the British Embassy in Tbilisi.

To ascertain some issues and to obtain necessary certificates needed for the proceedings, during the implementation of the Project, HRC requested public information from several municipalities of Kakheti. According to the response received from the Mayor's Office of Telavi Municipality, 250 persons left the village of Jugaani of Telavi Municipality due to the armed conflict between the Georgian and Ossetian population in the former South Ossetian Autonomous District and other regions of Georgia during 1989-1992 and beyond. The property in the village of Jughaani of Telavi Municipality was never abandoned by ethnic Ossetians. They periodically come to see their homes. At the same time, nobody addressed the Mayor's Office or Sakrebulo (City Council) of Telavi Municipality for the restitution of property. Ethnic Ossetian citizens who arrive periodically to Georgia do not have residence permits.



As a result of the conflict in Tskhinvali Region in the 90s of the last century, a significant portion of the ethnic Ossetian population living in the rest of Georgia had to leave their homes and be displaced outside Georgia. Most of them moved to the Russian Federation - to the Republic of North Ossetia, where a large part of them received Russian citizenship. Because of this, they lost their citizenship ties with Georgia but maintained an emotional connection as well as relations with close relatives remaining in Georgia. Nowadays part of them is willing to be citizens of Georgia again. They are trying to use

the relevant legal mechanisms to get Georgian citizenship, but in this process, they are faced with different obstacles.

The village attorneys spoke about the problems caused by the 1990s armed conflicts in the villages inhabited by ethnic Ossetian people. They also mentioned the problems of the Georgian IDPs, who had to abandon their houses because of the occupation of South Ossetia by Russia and had to displace to the other part of Georgia. They recalled an example of a Georgian family displaced from Znauri, Tskhinvali district during 1990s armed conflicts, in whose house the military headquarter of the Russian occupation forces is located now.

The deputy executive director at Human Rights Center Nino Tlashadze spoke about the importance of the Law on Property Restitution and Compensations of the Persons Affected in the Territory of Georgia from the Conflict held in the Former South Ossetian Autonomous District. The declared aim of the Law is the property restitution of persons affected throughout the territory of Georgia as a result of the conflict in the former South Ossetian Autonomous District, ensuring them with adequate (replaceable) real property or compensations for the property damage. Based on the goal, the Law envisages staffing the relevant Commission under the parity principle. The Commission consists of 9 members selected from the candidates presented by the Georgian and Ossetian sides parties to the conflict and the candidates nominated under the parity principle by the subject(s) of international law. The Commission as a quasi-judicial authority to some extent is integrated into the court system. At the same time, the Commission should have developed into a faster and more efficient body. Until now, the Commission has not been established; thus the issue of property restitution for the people harmed by the conflict has not been resolved either.

The municipality mayor's attorney in Jugaani village spoke about the current state of the properties abandoned in their village during the conflict. She also spoke about the problems related with the verbal agreements between the ethnic Ossetian people, who had to sell their properties to the Georgian people before fleeing from their villages; they did not sign official sale and purchase agreements with them and respectively it is not officially registered in the Public Registration Agency; in some cases, the heirs of the old owners start dispute against the current owners of the properties.

Human Rights Center believes that outcomes from the armed conflicts of 1990s in the territory of the former Autonomous Oblast of South Ossetia still influence the life not

only in the occupied territory but also in the regions, which are under the jurisdiction of the State of Georgia.

In similar situation, HRC believes that the Commission of Restitution and Compensations shall be made operable in time, and to set a list of specific criteria, procedures, and documents based on which the restitution of property to those affected will be carried out or relevant compensations paid. It is important to amend the Law on Restitution and Compensations in a way to instruct the Government of Georgia to proactively launch the inventory taking of the property abandoned by ethnic Ossetians. Moreover, it is necessary to create statistical data identifying what part of the property is in the state ownership and how many of the property has new possessors/owners.