

**HUMAN RIGHTS SITUATION IN THE VILLAGE  
ADJACENT TO THE OCCUPATION LINE  
OF TSKHINVALI REGION**



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# HUMAN RIGHTS SITUATION IN THE VILLAGES ADJACENT TO THE OCCUPATION LINE OF TSKHINVALI REGION



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## KEY FINDINGS

The present report shows the human rights situation in the villages adjacent to the occupation line of the Tskhinvali region. The report is based on the results of monitoring visits performed by HRC in the villages in 2021 and 2022. Representatives of HRC visited 14 villages in 5 municipalities of Shida Kartli and Mtskheta-Mtianeti regions, spoke with the local residents and examined the places where there was a possibility to check the existing problems visually. HRC also appealed to the relevant authorities of the local and central governments, requesting public information and reactions to the problems existing in the rural areas.

In the villages adjacent to the occupation line, along with security problems associated with the occupation, residents face severe socio-economic hardships. The main source of income for the population in these villages is agriculture and livestock farming. The population faces significant problems in both directions. The creeping occupation carried out by the Russian Federation has restricted the local people's access to surrounding natural resources, agricultural lands, forests, and pastures. Even a small portion of the agricultural land available to them could not be used due to the broken irrigation system. In most of the villages surveyed in the report, the irrigation system is not fully functioning. Some of the villages do not have drinking water at all.

Another severe problem in the villages adjacent to the occupation line is the lack of access to adequate health care. The outpatient facilities located in a small number of the villages lack the attention by the local and central authorities. In the majority of the villages there is no pharmacy. Public transport system is poor. In some of the villages, the public transport is not functioning at all. Village roads and local roads connecting the villages are in bad condition. The problems are particularly acute for elderly who have problems with movement and often require medical care. It is noteworthy that most of the inhabitants of the villages are elderly. Due to the lack of livelihood and development opportunities, the youth are leaving the villages.

In order to improve the deplorable socio-economic situation in the villages adjacent to the occupation line, it is necessary that local self-government and central authorities work proactively in coordination and have close ties with the local population and establish direct communication with them. Taking into consideration the threats from the creeping occupation, the situation of the population living in these villages should be a particular priority. However, as reality shows, the residents living in these villages are forgotten the most and the least attention is paid to their problems.

Further in the report we describe the problems identified as the result of monitoring visits to the villages adjacent to the occupation line in the specific municipalities of Mtskheta-Mtianeti and Shida Kartli regions. These villages are as follows: Tsitsagiantkari, Jariasheni, Adzvi and Ergneti (Gori municipality), Tvaurebi (Kaspi municipality), Ghogheti and Ptsa (Kareli municipality), Chorchana and Kobi (Khashuri municipality), Petriani, Akhali Burghuli, Karkushaani, Chitaurebi and Tandilaantkari (Dusheti municipality).

## GORI MUNICIPALITY

### Villages: Tsitsagiantkari, Jariasheni and Adzvi

On July 26, 2022, representatives of HRC visited villages Tsitsagiantkari, Jariasheni and Adzvi located in Gori municipality adjacent to the occupation line. The main source of income for the local population in the village of Tsitsagiantkari is agriculture and livestock farming. The population faces serious problems in both directions. Full-fledged farming is hindered by the broken irrigation systems. One part of the village is supplied with water, and the other part is not. This problem is caused by failure of the distribution system. The HRC representatives physically surveyed the place where the locals are not supplied with irrigation water. *"My eyes are watering when I look at my plants and seedlings. I feel sorry for them as they have to fall away,"* said one of the local residents in this part of the village. The population fears that the problem related to the lack of irrigation and uneven distribution of water through irrigation systems in the village may cause conflicts between local residents. *"Often, I carried a gun with me when irrigating my garden. I would not shoot, but they will have a fear, it does not work otherwise,"* says one of the residents of the Tsitsagiantkari when meeting the HRC representatives<sup>1</sup>.

As for livestock, according to the information received from the local population, the land plots that were used as pasture were privatized to individuals without informing the population. The population had no information that the privatization of the land was planned. The new owner fenced the plot. Consequently, the local population was restricted an access to the land. *"How on earth can we earn our bread? We have a land but cannot cultivate it as we are afraid that our plants and seedlings would be left without irrigation and fall away. No livestock and pastures are available to us anymore. On the one hand, this creeping occupation and on the other hand sold and privatized lands. The village is hardly alive, and there is no one to take care of us,"* one of the residents told the representatives of HRC<sup>2</sup>.

Another important problem in the village of Tsitsagiantkari is the insufficient and deranged garbage bins. At the entrance of the village there is a spontaneous landfill site.

Another problem in the village Tsitsagiantkari is the lack of access to adequate health care. According to the local population, in the winter of the current year, a cottage was built in the village in order to have an outpatient facility there. However, as of July 26, 2022, the representatives of HRC witnessed that the cottage was still not operable. As the local population claims, there are many elderly residents living in the village. Accordingly, an operable outpatient clinic has a vital importance for them.

Already in 2019, HRC addressed Gori municipality authorities regarding the need to set up an outpatient clinic in the village. According to the response by Gori Municipality Mayor's Office dated from November 21, 2019, under 2019 Rural Support Program it was planned to purchase a

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<sup>1</sup>Article, "Village left without an Outpatient Clinic and Irrigation System, Life beyond the Barbed Wires": <http://www.humanrights.ge/index.php?a=main&pid=20451&lang=geo&fbclid=IwAR1R0JoAY9Sa49VcUf9ceaAvoN8YlaaWTzjXFT4rVdUZYsvVUr5k1hv0JmE>

<sup>2</sup> Ibid.

cottage for the outpatient facility in village Tsitsagiantkari. The fact is that the outpatient facility is not yet operable in the village and the population still has limited access to adequate health care. Along with other problems, in its appeal to Gori Municipality Mayor's Office from 2019, HRC was also referring to the problem of drinking water supply. The local authorities managed to eradicate the problem of drinking water, so the locals no longer complain about this.

According to the information received from the local population in the village of Jariasheni, as a result of August 2008 War and the creeping occupation of the territory of Georgia by the Russian Federation, a significant part of local residents lost agricultural land plots. No compensations or substitute lands were offered to them from the State and local authorities. The absence of pastures is also a significant problem for the local population. According to locals, like in the case of Tsitsagiantkari, the pastureland in their village was leased to some individuals. No information was provided in advance to the population also in this case. The poorly operating drainage system was mentioned as another significant problem. Due to the absence of drainage channels, irrigation water flows over newly paved road and damages it.

HRC representatives visited Jariasheni also in 2019. HRC addressed the Gori Municipality Mayor's Office with an official letter regarding the problems identified in the village during this period. Among the needs mentioned by HRC in the petition filed with the local municipality was to grant the status of high mountainous settlement to the village, allowing the village to benefit from certain social privileges. As of now, village Jariasheni has been granted the status of high mountainous village. HRC also requested the local municipal bodies to take measures regarding the poor road infrastructure in the village. After the HRC appeal, the road was repaired in the village which has to be welcomed. However, as of now, the poor drainage systems are posing a threat to the newly repaired road.

In the village of Adzvi there were two main problems identified: Poor condition of the road connecting Jariasheni with Adzvi and pollution of the drinking water conduit. According to the locals, for many years they are requesting to pave a small section of the road connecting Jariasheni with Adzvi, however, despite many promises, the problem is unresolved. This is the section actively used by the locals to reach their land plots. This is the same path for children to go to the school and kindergarten. Therefore, the rehabilitation of the road is significant for them. As for the drinking water conduit, the locals claim that it is polluted and does not meet sanitary norms: It is full of reptiles and the tap water is often murky. The same facility supplies water to the kindergarten. Despite the fact that the water is being chlorinated, the locals still fear that it is not healthy to drink. Local police officers did not allow representatives of HRC to visit the water conduit and take photos<sup>3</sup>.

In July 2022, HRC addressed Gori Municipality Mayor's Office with regard the problems identified in Tsitsagiantkari, Jariasheni and Adzvi, requesting the public information about what activities are planned to address these problems. According to the response by Gori Municipality

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<sup>3</sup> See the following section of the report: "Restriction of freedom of movement in the villages adjacent to the occupation line."

Mayor's Office from September 5, 2022, the supervision office of the Mayor's Office together with the mayor's representative examined the problems in Akhalubani administrative unit, as named by the residents of Tsitsagiantkari. Regarding the lack of pastures, the Mayor's Office notes that the population can take cattle to the pastures located near the bank of river Adzuri. Regarding the failure of irrigation system, the Mayor's Office states that the problematic issue of irrigation in the village Tsitsagiantkari will be studied along with the melioration office. According to the Mayor's Office, they await the consolidated tender call to purchase garbage bins. Regarding the spontaneous landfill and pollution of the environment with domestic wastes, the Mayor's Office indicates that it is not possible to identify the offenders who caused the pollution. However, the relevant units of the Mayor's Office would liquidate the spontaneous landfills.

Gori Municipality Mayor's Office provides some information also related to the problems in the village of Jariasheni. According to the Mayor's Office, construction of a drainage channel is planned for a certain section of the road leading to Jariasheni in 2022. In order to carry out rehabilitation works of the road section connecting Adzvi with Jariasheni, the project documentation was prepared, and the appropriate procedures are being prepared for the competitive tendering.

It is evident from the response of the Gori Municipality Mayor's Office that there is a lack of coordination and information exchange between the central authorities and the local self-government bodies regarding certain problems. For example, on the issue of agricultural land used for pastures, the Mayor's Office states that agricultural land is disposed by the National Agency of State Property. According to the Mayor's Office, if the agency addresses the municipality with a question, the position of the local population will be taken into consideration regarding the disposal of land in the specified villages. HRC calls on the National Agency of State Property to proactively communicate with the respective authorities of the municipality and before disposing the agricultural lands, to take into account the position of the local population for which the maintenance of access to these lands is vital.

On August 31, 2022, HRC received a letter from the National Food Agency under the Ministry of Environment and Agriculture of Georgia regarding the issue of pollution of drinking water in village Adzvi. According to the Agency, within 2022 Program of Food Safety State Control, on August 15, 2022, the officers of regional office of Shida Kartli of the Agency took samples of drinking water for testing in villages of Akhalubani and Adzvi. The samples were handed over to the State Agriculture Laboratory. The results of the testing carried out by the laboratory confirmed that the population in the village of Adzvi is supplied with unhealthy drinking water. In the samples of water taken from a tap located in the yard of a household in village of Adzvi, main coliform bacteria and fecal bacteria were identified. Whereas in the samples of water taken from the tap of kindergarten yard in Akhalubani, main coliform bacteria were identified. According to the Agency, they have informed the drinking water supplier business operator - the Gori municipality office for drinking water systems, sewerage, melioration, wells, and water booster pump stations – about the results and measures to be taken. The National food Agency also notes that in the shortest period the authorised officers of Shida Kartli regional division shall carry out

the state inspection of Adzvi-Akhalubani water conduit and HRC will be informed about the results.

As a result of the communication with Gori Municipality Mayor's Office and the Ministry of Environment and Agriculture and advocacy activities, the public servants have outlined the plan for solving the problems which has to be welcomed. The main thing is that this plan is practically implemented, and real steps are taken to address the acute socio-economic problems in these villages. It should be emphasized that socio-economic situation is grave in other villages of Gori municipality adjacent to the occupation line as well. HRC will carry on monitoring and advocating activities in this area.

## GORI MUNICIPALITY

### Village Ergneti

On May 23, 2022, representatives of HRC visited village Ergneti located adjacent to occupation line in Gori municipality. Like other villages adjacent to the occupation line, local residents in Ergneti face severe socio-economic difficulties along with the problems posed by the occupation. The houses in the vicinity of the occupation line are mostly abandoned. The most important problems named by the locals are following: the poor condition of local roads and irrigation systems, problems related to outpatient facility, lack of agricultural equipment, non-availability of a store and pharmacy and disfunction of public transportation.

The disfunction of irrigation channels is an acute problem for the rural population. Like in the case of other villages adjacent to the occupation line, the main source of income for the population of Ergneti is land cultivation and other agricultural activities. The creeping occupation has deprived a part of the population of their own agricultural land. Some of the population retains access to the part of the land plots. Therefore, they are in need of a functional irrigation system and irrigation water in order to cultivate the land and ear income.

Another important problem for the land cultivation is the lack of equipment for the cultivation. In this regard, HRC addressed the head of Shida Kartli Regional Division of the Ministry of Environment and Agriculture of Georgia. He confirmed that the problem of equipment is real. According to him, the leasing company does not buy new equipment. To buy the necessary equipment, he advised the local population to participate in various programs of co-funding implemented by the Ministry<sup>4</sup>.

It should be noted that due to the lack of livelihood sources, many inhabitants left the village. *"Children are not born here anymore. Ergneti is facing a demographic disaster. Seven students graduated from the school. They will go to the city. I have seen very few people coming back,"* one of the residents of the village told the HRC representatives<sup>5</sup>.

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<sup>4</sup>Article "A Dying Village: How do People live in Ergneti after Fourteen Years from the War?": <http://www.humanrights.ge/index.php?a=main&pid=20445&lang=geo>

<sup>5</sup> Ibid:

Another acute problem in the village of Ergneti is the lack of adequate medical services. The outpatient facility in the village is there, but it is closed most of the time. The doctor is available only once a week. This problem is acute for the elderly in the village who often need medical care. *"The doctor comes one day per week, but she fails to arrive when there is a pandemic, bad weather, force majeure or no transport. One day (per week) is not enough and sometimes we do not even have that one day either,"* said one of the elderly people living in the village speaking to the HRC representatives. In times when the outpatient facility is closed and the medical services are needed, the residents have to consider travelling to Gori. In this case, the locals face a problem with regard to transportation. Public transport operates irregularly in Ergneti. In order to arrive in Gori, the residents have to wait for several hours. *"Transportation has become very expensive and not everybody can afford to travel to Gori. Moreover, the transport works without any schedule. The drivers choose their own time to depart and arrive. The drivers wait till the vehicles are filled up with passengers. You may have to wait for hours. This is a disaster,"* - one of the residents of Ergneti told the HRC representatives<sup>6</sup>. Among the health care problems, the population also emphasized the non-availability of a pharmacy in the village. The residents admit that it is not possible to get all the necessary medicines in the outpatient facility. Thus, the availability of pharmacy in the village is of vital importance for them.

The unhindered connection to the community center and the public transport system operating for this purpose is also necessary to access the employment market, and to use various social services and ensure the provision of daily needs. The importance of this issue was emphasized by many residents of Ergneti speaking to the HRC representatives.

In June 2022, HRC filed a statement with Gori Municipality Mayor's Office regarding the problems existing in Ergneti requesting the public information about the activities planned to address the issues.

According to the response by the Gori Municipality Mayor's Office, in order to regulate the public transportation, Gori Municipality Sakrebulo has adopted a resolution. The resolution provided for the issuance of passenger transport permits to the transportation services selected as a result of the competition. After that, the Gori Municipality announced a competition for the selection of transportation services. However, the competition did not work out. The Mayor's Office noted that they are working in several directions to deal with the issue. In connection with the absence of a pharmacy and store in the village, the Mayor's Office admits that the operation of the pharmacy and store is a matter of commerce. The small business promotion program is not available in Gori municipality. However, the Mayor's Office is authorised within its competence to allocate some municipal premises to interested individuals and grant him/her the rights to use the premises. As for the operation of irrigation system and outpatient facility, the Gori Municipality Mayor's Office provided no response in this regard.

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<sup>6</sup> Ibid:

Regarding the health care issues in Ergneti, HRC representatives addressed Shida Kartli Center for Primary Health Care Ltd under the Ministry of Health. According to the director of the Center, there is no resources for a doctor to be present every day at the outpatient facility in Ergneti, but he promised to raise the issue that if not a doctor, a nurse to be there more often<sup>7</sup>.

The issue of tackling the problems in the villages of Gori municipality adjacent to the occupation line requires active involvement of high-ranking local self-government officials. A significant problem stems from the fact that a number of high-ranking officials in the Gori Municipality Mayor's Office are not fully aware of the pressing problems in the villages adjacent to the occupation line. For example, when being interviewed by HRC, Tamaz Shioshvili, Deputy Mayor of Gori Municipality, admitted with regard the problems of irrigation and drinking water in the villages adjacent to the occupation line that from 26 villages located near the occupation line, irrigation water is supplied with interruptions only to 2 villages (Bershueti and Kirbali)<sup>8</sup>. However, the monitoring conducted by HRC revealed that besides these villages, the irrigation problems exist in number of other villages of Gori Municipality adjacent to the occupation line, for example in Tsitsagiantkari, Ergneti and Khurvaleti<sup>9</sup>. As for the drinking water, the Deputy Mayor mentioned that all the villages adjacent to the occupation line are provided with drinking water. However, the village of Adzvi of Gori municipality bordering the occupation line is supplied with unhealthy drinking threatening the lives and health of the inhabitants of the village. It is necessary for high-ranking officials of the Gori Municipality Mayor's Office to have adequate information about the acute problems in the villages adjacent to the occupation line and care for solving the problems. This is a direct duty imposed on them by law.

## KASPI MUNICIPALITY

### Village Tvaurebi

On April 27, 2021, HRC representatives visited village of Tvaurebi in Kaspi municipality adjacent to the occupation line. A significant problem in the village is bad local roads. The road from the checkpoint located in the village to the exit from the village (to the direction of the occupation line) is damaged. After the cleanup of the irrigation channel, the residues were not removed causing particular concerns. This brings inconveniences to the local residents and makes it difficult for the transport to move on the road. Because of the damaged road, the ambulance can often hardly reach the patients threatening their health and lives. There is no outdoor lighting on the same section of the road.

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<sup>7</sup>Article "A Dying Village: How do People live in Ergneti after Fourteen Years from the War?":

<http://www.humanrights.ge/index.php?a=main&pid=20445&lang=geo>

<sup>8</sup> Article "Deputy Mayor of Gori Municipality speaks about the Problems revealed by Human Rights Center in the Villages adjacent to the Occupation Line":

<http://www.humanrights.ge/index.php?a=main&pid=20449&lang=geo>

<sup>9</sup>Article, "Emptied and Aged Khurvaleti confronting the Occupation":

<http://www.humanrights.ge/index.php?a=main&pid=20446&lang=geo>

Further, another significant problem in the village of Tvaurebi was the outpatient facility placed in an unsafe environment and the hall of rituals under construction. The irrigation channel behind these buildings is damaged, resulting in water floods and watering the walls and fundament of the buildings. The damaged irrigation channel creates big problems for the surrounding land plots. As a result of flooding, the harvest is destroyed. According to locals, despite the fact that in the framework of the Village Assistance Program funds are allocated to solve such problems, the money is not spent for this purpose.

Village Tvaurebi enjoys the status of high mountainous settlement and the population benefits from social privileges envisaged by the legislation. According to the local population, the village is provided with drinking and irrigation water, natural gas, and electricity.

In April 2021, HRC addressed Kaspi Municipality Mayor's Office with a formal letter regarding the problems in the village of Tvaurebi and requested the public information about the activities planned to solve these problems. According to the response received from the Mayor's Office, the works are planned to gravel local roads and cleanup drainage channels in upper Tvaurebi. Further, it is planned to put outdoor lighting in upper Tvaurebi.

## KARELI MUNICIPALITY

### Villages: Ghogheti and Ptsa

On September 27, 2022, HRC representatives visited villages Ghogheti and Ptsa in Kareli municipality adjacent to the occupation line. Like in other villages adjacent to the occupation line, the problems related to public transport are acute in Ghogheti and Ptsa. Village Ghogheti is not provided with public transport at all. Rural residents without private cars have to arrive to a neighboring village to use public transport or ask other residents with private cars for assistance. The availability of direct connection with the neighboring village and that of the public transportation is essential, considering that there is no medical room, school, and kindergarten in the village of Ghogheti. For the above social purposes, the residents of Ghogheti visit the neighboring village of Ptsa.

As a result of August 2008 War and the creeping occupation carried out by the Russian Federation on the territory of Georgia, part of the local population in Ghogheti lost land plots which was the main source of income for them. They have not received any substitute land or compensation for the lost land. The cultivation of land remaining under the control of the population is hindered by the damaged irrigation system. Like many other villages adjacent to the occupation line, irrigation water is supplied only to one part of the village.

Problems related to public transport are relevant in the village of Ptsa as well. Public transport does not cover the village completely. There is only one stop in the village where local residents must come to use the public transport. The stop is quite away from the rural periphery which is especially problematic for elderly of the village who find it difficult to move.

Also, in Ptsa, the problem is the damaged irrigation system. One part of the village is supplied with water, and the other part is not. This problem disturbs the villagers who are requesting the irrigation system to be repaired. Damaged local roads are also a problem in the village. Some of the village roads are not paved.

In October 2022, HRC addressed Kareli Municipality Mayor's Office with a formal letter regarding the problems existing in Ghogheti and Ptsa and requested the public information about what activities are planned to solve the problems.

## **KHASHURI MUNICIPALITY**

### **Villages: Chorchana and Kobi**

On September 27, 2022, HRC representatives visited villages Chorchana and Kobi in Khashuri municipality adjacent to the occupation line. The damaged drinking water system is a severe problem in Chorchana adjacent to the occupation line. Irrigation channels are also in bad condition. There are no garbage bins available in the village.

Only one family lives in Kobi. The village is not supplied with electricity. The US International Development Agency donated solar batteries to the village. The road leading to the village is damaged. This leaves no incentives for the departed population to return. . The single remaining family leaves the village during the wintertime because it is impossible to reach the village due to snow and mud. Due to the damaged road, it is impossible to call an ambulance threatening the health and lives of the members of the family remaining in the village. Ignorance of the social and infrastructural problems is one of the main factors inducing the migration of the population from the village adjacent to the occupation line.

In October 2022, HRC addressed Khashuri Municipality Mayor's Office with a formal letter regarding the problems existing in Chorchana and Kobi and requested the public information about what activities are planned to solve the problems.

## **DUSHETI MUNICIPALITY**

### **Villages: Chitaurebi and Tandilaantkari**

On July 12, 2022, HRC representatives visited villages Chitaurebi and Tandilaantkari in Dusheti municipality adjacent to occupation line.

The village of Chitaurebi is located in the highlands. The village is provided with electricity, water, and gas. However, the population suffers other significant socio-economic problems. The absence of public transportation is especially problematic. The village is quite far from the regional center. Therefore, allocation of the public transport is vital for the population in order to ensure the provision of their daily needs. The village residents ask for public transport at least once per

week (for example on Sundays) so that they can take their products to the market and acquire necessary products for the family. There is no shop and a pharmacy in the village.

According to the locals, periodically the roads leading to the village are repaired. However, during the visit of HRC representatives, the roads were damaged, creating a problem for transportation.

An acute problem in the village of Tandilaantkari is the damaged water system and the lack of natural gas. Villagers use wood for fuel. There is no outpatient facility in the village and no doctor is available. Like in Chitaurebi, there is no store and pharmacy in Tandilaantkari. Rural population is provided with public transport only twice a week.

In August 2022, HRC addressed Dusheti Municipality Mayor's Office with a formal letter regarding the problems existing in Chitaurebi and Tandilaantkari and requested the public information about what activities are planned to solve the problems. HRC received no response from the Mayor's Office.

## **DUSHETI MUNICIPALITY**

### **Villages: Petriani, Akhali Burghuli and Karkushaani**

On November 22, 2021, HRC representatives visited villages Petriani, Akhali Burghuli and Karkushaani of Dusheti municipality adjacent to the occupation line. Like other villages adjacent to the occupation line, these villages are also in a bad socio-economic situation. According to the local population, one of the main problems is the damaged drinking water system. However, it was noted that the works were underway in this direction. Irrigation systems are also non-operable. The lack of irrigation water affects the socio-economic situation of the local population. Due to the fact that the occupation restricted their access to the forests and agricultural lands around them, little resources of land under their possession is the main source of livelihood. However, due to the lack of irrigation, the population is incapable to use these small parts of land. There were cases when the locals failed to take the yields for the entire year due to this problem.

The absence of utility services and/or improper provision of the services was named as another acute problem. In particular, the natural gas is not supplied to the mentioned villages. As for electricity, due to the poor condition of the network, electricity is often cut when the weather deteriorates. Outdoor lighting was also poor. Further, in some villages there were no garbage bins.

In these villages, the roads connecting inner precincts and villages with each other are also deranged. A pharmacy, store, school, and kindergarten are located only in Petriani, where it is difficult for residents of other villages to travel due to the damaged roads.

In November 2021, HRC addressed Dusheti Municipality Mayor's Office with a formal letter regarding the problems existing in Petriani, Akhali Burghuli, and Karkushaani and requested the public information about what activities are planned to solve the problems. HRC received no response from the Mayor's Office.

## RESTRICTIONS ON FREEDOM OF MOVEMENT IN THE VILLAGES ADJACENT TO THE OCCUPATION LINE

NGO representatives encounter significant problems when visiting the villages controlled by the central government of Georgia located adjacent to the occupation line. In order to obtain a permit to enter the villages, law enforcement officials demand from NGOs to make notifications in law enforcement agencies prior to their visits. Where such a notification is not made, NGO representatives are forbidden from entering the villages, taking photos and videos, and approaching the occupation line. This requirement is valid for the villages that have police check points at the entrance, as well as for other villages adjacent to the occupation line which do not have the check points.

The above requirement amounts to the restriction on the freedom of movement. The freedom of movement is a fundamental right enshrined in the Constitution of Georgia and the European Convention on Human Rights. In accordance with the Constitution of Georgia, everyone who resides legally in Georgia has the right to travel freely in the whole territory of the country. The restriction of the right is only allowed in accordance with the law, to ensure necessary state or public safety, health care or administration of justice in a democratic society. Similar principles are provided by additional Protocol №4 to the European Convention on Human Rights, according to which everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement. No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of public order, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The restriction of movement in the villages adjacent to the occupation line is not envisaged by any normative act of Georgia. Therefore, it is illegal and amounts to unjustified interference in the freedom of movement.

HRC addressed the Georgian State Security Service and the Ministry of Internal Affairs (MIA) with a formal letter requesting information whether there is any administrative-legal act that requires submission of notifications to the law enforcement agencies prior of entering the villages near the occupation line, taking photos and videos in the villages, and approaching the occupation line. According to the information received from the State Security Service on August 16, 2022, the central government of Georgia does not restrict movement along the occupation line. However, the Agency also notes that *“it should be taken into consideration that the police units present at the site adjacent to the occupation line take into consideration the security situation in the territory adjacent to occupation line and the security situation in the occupied territory.”*

**To justify the restriction on movement, the MIA refers to the following paragraphs of Articles 25 and 26 of the Law of Georgia on Police:**

- A police officer may order a person to leave a certain place for a specified period of time or to forbid a person from entering a particular area if it is necessary to avoid danger;

- Temporarily restrict movement of a person as well as that of a vehicle to avoid a danger;
- Temporarily restrict the actual possession of an item.

The restriction of movement on the above grounds shall be possible where there is a specific and real danger. However, the restriction of movement in the villages adjacent to the occupation line has a routine character irrespective the existence of a specific danger. Furthermore, it is unclear what information must be included in the notification to be submitted to the law enforcers prior to the visits: which is the body to submit the notification to, in what manner, in what timeframes, on what issues, what is the group of persons the restriction applies to, etc. Taking into consideration that there is no normative act regulating the issue, the principle of legal foreseeability and certainty applicable to the restriction of the right is also violated. In particular, several significant issues are vague and unforeseeable, including, who is the addressee of the restriction and specifically what actions are restricted for NGO representatives or other persons in the villages adjacent to the occupation line. The law enforcement officers mention these matters only verbally without referring to any specific legal act. Interestingly, in its response to HRC, in addition to the provisions envisaged by the Law of Georgia on Police, MIA mentions some legal acts classified as state secrets to justify the flawed practice. In this regard, it should be noted that the human rights law does not recognize the possibility to restrict fundamental right through a legal act the content of which is confidential for the persons enjoying the rights.

Because of the absence of prior notification, the law enforcement agencies did not allow the representatives of HRC to see the drinking water conduit in the village of Adzvi in Gori municipality, which, according to locals, was polluted. The laboratory examination recently conducted by the National Food Agency confirmed the fact of pollution of drinking water. HRC representatives visited villages of Tsitsagiantkari, Jariasheni, and Adzvi of Gori municipality adjacent to the occupation line on July 26, 2022. Neither in the entrance of the village nor in the vicinity of the occupation line was a banner envisaging the prohibition of movement or agreement of the path with the law enforcement agencies. There was no banner envisaging the restrictions of taking photos and videos or preliminary agreeing the actions with the authorities. Nevertheless, the officers of Mejvriskhevi Police Station under the Gori District Division categorically demanded from HRC representatives to have the visit to the villages and photo and video taking agreed with the law enforcement agencies. Law enforcers did not allow the HRC representatives to approach and record the occupation line and the water supply tank located on the territory controlled by Georgia in the vicinity of the occupation line.

Another important problem in terms of movement within the villages adjacent to the occupation line is the fact that even in cases where the preliminary notice is submitted to the law enforcement agencies, the law enforcement officers create additional barriers to restrict HRC act freely. In particular, law enforcement officers accompany the HRC representatives all the time of their visit to the villages, controlling each step HRC makes. Under such conditions it is impossible to fully monitor the human rights situation in the villages near the occupation line. The law enforcement officers also overlook the situations where the HRC representatives talk with locals about the problems existing in the villages. The topics include both security issues and heavy

socio-economic problems in the villages. Such conversations require free environment from control of state agencies because the content of the conversation, in most cases, concerns the negligence on the part of the State.

Admittedly, journalists and media outlets are facing similar problems when active in the villages near the occupation line. These facts carry the signs of interference with journalistic activities. Speaking with Humanrights.ge, editor of Qartli.ge, Saba Tsitsikashvili elaborated on the obstacles created by law enforcement officers as reporters work in the villages adjacent to the occupation line. He said: *"In fact, you are working together with police officers which is a very unpleasant process for both the journalist and respondent. Sometimes there is such an awkward situation that you have to explain to the population that you are working independently from the police. You are doing the job the police try to control. When you enter the villages, you undergo the procedures that take time and misuse the resources. This pattern is an attempt to restrict media in every sense. One thing is when the police take care of your safety, and the other thing is when the police is interested in what you do and how you work."*<sup>10</sup> According to the reporter of TV Company Mtavari Arkhi, Giorgi Akhalkatsi, there are cases when they are not allowed to enter the villages that do not border with the dividing line either. *"The police would accompany us everywhere until we leave the territory adjacent to the non-existent border. For example, I visited the village of Kirbali a few days ago. I videoed some of the locals and returned back soon. I thought I would leave the village and do live from the road. I left Kirbali and stopped on Gori-Mejvriskevi road. The police were following us. Almost for an hour I was waiting for my turn to do live and during this time the set of police was nearby watching us. Once we finished live, the police were following us until the village of Kheltubani. Besides the fact that we are directly or indirectly hindered in our work, I believe the state resources are spent inefficiently and this vicious practice should be changed,"*<sup>11</sup> says Giorgi Akhalkatsi.

## RECOMMENDATIONS

### **To Gori Municipality Mayor's Office:**

- Study the problems related to the operation of irrigation system in the village of Tsitsagiantkari and provide irrigation water to the entire village population.

### **To the Ministry of Labor, Health and Social Affairs of Georgia and Gori Municipality Mayor's Office:**

- Equip the outpatient facility in Tsitsagiantkari with appropriate inventory and medical staff;
- Equip the outpatient facility in Ergneti with appropriate medical personnel and ensure proper operation of the facility.

### **To the National Agency of State property and Gori Municipality Mayor's Office:**

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<sup>10</sup>Article, "Illegal Police Control at the Boundary Line: Criticism by the Public and Response of the Authorities": <http://www.humanrights.ge/index.php?a=main&pid=20454&lang=geo&fbclid=IwAR0VYzgJ9Z9S3S7s232KF2ntsR6DEgGq032sqDnrzgDH3 BpiE9fxQ-Nh08>

<sup>11</sup> *Ibid.*

- Ensure communication between the National Agency of State property and the Gori Municipality Mayor's Office before privatizing agricultural lands and take into consideration the position of the local population for which the access to the lands is vital.

**To the Ministry of Environment and Agriculture and Gori Municipality Mayor's Office:**

- Ensure provision of clean drinking water to the population of the village of Adzvi.

**To Dusheti Municipality Mayor's Office:**

- Respond to the formal written requests by HRC and provide information about the socio-economic problems in the villages of Chitaurebi, Tandilaantkari, Petriani, Akhali Burghuli and Karkushaani;

- Repair the road to Chitaurebi and ensure the operation of public transport in the village;

- Repair local roads in villages of Petriani, Akhali Burghuli and Karkushaani.

**The Government of Georgia and the Mayor's Office of Dusheti Municipality:**

- Ensure the provision of drinking water in the village of Tandilaantkari;

- Repair drinking and irrigation water systems and ensure uninterrupted provision of electricity to the villages of Petriani, Akhali Burghuli and Karkushaani.

**To Kareli Municipality Mayor's Office:**

- Ensure operable public transport in the village of Ghogheti;

- Ensure efficient functioning of public transport in the village of Ptsa;

- Repair the damaged local roads in the village of Ptsa.

**To the Government of Georgia and the Mayor's Office of Kareli Municipality:**

- Study the problems related to irrigation and ensure the operation of irrigation system in the villages of Ghogheti and Ptsa.

**To the Mayor's Office of Khashuri Municipality:**

- Repair the damaged road to the village of Kobi.

**To the Government of Georgia and Khashuri Municipality Mayor's Office:**

- Study the problems related to drinking water and irrigation and ensure the efficient operation of drinking water and irrigation systems in the village of Chorchana;

- Ensure uninterrupted supply of electricity to the village of Kobi.