



**Submission from the Georgian Young Lawyers' Association (GYLA),
National Institute for Human Rights (NIHR) and Human Rights Priority¹
for consideration
at the 113th Session of the Human Rights Committee
(16 March – 2 April 2015)
Russian Federation
Russia's responsibility for human rights in occupied regions of Georgia**

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A. BACKGROUND INFORMATION

As Article 2(1) of the ICCPR states, state parties must ensure that everyone *within their territory or subject to their jurisdiction enjoys the rights therein*. Term "individuals subject to the jurisdiction" has been interpreted widely: the Human Rights Committee shares the view that jurisdiction is not limited to its own territory, but also applies to those within the power or effective control of the forces of a State Party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained, including the instances of occupation.²

¹ Information regarding the NGO is available below:

- Georgian Young Lawyers' Association - <http://www.gyla.ge/>
- National Institute for Human Rights - <http://www.nihr.freeuni.edu.ge/>

² General Comment N. 31 (80), Nature of the General Legal Obligation Imposed on State Parties to the Covenant (*hereinafter* General Comment 31), CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 10; Kaelin, *Arbitrary*

At the present time, the whole territory of Tskhinvali Region/South Ossetia, Georgia remains under Russian occupation. Additionally, the Russian Federation occupy the whole territory of Abkhazia, Georgia including the Upper Abkhazia / Kodori Gorge region following the August War 2008.³ Continued occupation of the regions of Georgia was recently also stressed by the European Court of Human Rights.⁴ Therefore, Russian Federation bears positive and negative obligations stemming from the Covenant in both regions of Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia.

In its 97th session the Human Rights Committee (the Committee) has issued a recommendation to the Russian Federation (i) to conduct independent investigation into human rights violations committed by Russian forces and other armed groups under their control in South Ossetia, Georgia, and (ii) to provide effective remedy to victims of serious violations of human rights and international humanitarian law. Furthermore, the Committee stressed that Russia bears responsibility for violations that take place in the territory that fall under its *de facto* control (see CCPR/C/RUS/CO/6 pp. 5-6).

B. SPECIFIC HUMAN RIGHTS VIOLATIONS

The report below depicts (i) continued human rights obligations of the Russian Federation vis-à-vis human rights violation that took place during the August War 2008, as well as (ii) new human rights violation that took place since Russian Federation became the occupying power (effectively controls) of the regions of Georgia and the Human Rights Committee has issued recommendations in November 2009.

1. *Right to liberty and security of person - Article 9 of ICCPR*

i. Violations during August War 2008

International governmental and non-governmental organizations, inter alia, Council of Europe Commissioner for Human Rights, IFFMCG, Human Rights Watch and Amnesty International, reported in detail about Russian and Ossetian military and paramilitary forces entering Georgian villages in South Ossetia and Gori district and illegally detaining ethnically Georgian civilians in August 2008.⁵

Detention, pp. 32-33; GA Resolution 45/170, 18 December 1990; Resolution 46/135, 7 December 1991; *Report on the Situation of the human rights in Kuwait under Iraqi Occupation*, UN Doc. E/CN.4/1992/26, reproduced by W. Kaelin (ed.), *Human Rights in Times of Occupation: the case of Kuwait*, Berne 1994, paras. 8-94 & 160-165; Israel Report, CCPR/CO/78/ISR (2003), para. 11; Similar position shared in *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion - *I.C.J.*, General List N. 131, 9 July 2004;

³ See United Nations Report of the Secretary-General on the situation in Abkhazia, Georgia, 3 October 2008, S/2008/631; Statement of Mr Alasania of Georgia to the United Nations Security Council, 5953rd Meeting, 10 August 2008, S/PV.5953; Council of Europe Parliamentary Assembly, Monitoring Committee Report, 'The implementation of Resolution 1633 (2008) on the consequences of the war between Georgia and Russia', 17 December 2008, AS/Mon(2008)33rev;

⁴ Decision on the Admissibility of the Application, *Georgia v. Russian Federation (II)*, Application no. 38263/08 of December 2011.

⁵ Report by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 'Human Rights in Areas Affected by the South Ossetia Conflict –Special Mission to Georgia and Russian Federation', 8 September 2008; Human Rights Watch (HRW), *Georgia: Satellite Images Show Destruction, Ethnic Attacks*, available at: <http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks>; Amnesty

Georgian NGOs have lodged a number of applications before the European Court of Human Rights concerning unlawful detention of up to two hundred ethnic Georgians by South Ossetian military and paramilitary forces, at times together with Russian military forces in August 2008, their ill-treatment at the moment of the arrest and/or whilst in detention, forced labour of the able-bodied men, discriminatory treatment due to their Georgian ethnicity/identity and/or citizenship and violation of their right to respect for family life. Detainees were civilian inhabitants of the villages within or adjacent to South Ossetia and they were detained in different locations between 9 and 16 August 2008 and most of them were taken to the detention facility of the Ministry of Interior of South Ossetia (hereinafter “MVD Isolator”) located in Tskhinvali, the capital of South Ossetia. Georgian Detainees were held in the MVD Isolator between 7 to 20 days⁶.

ii. Violations aftermath of August War 2008

Since October 2008, the administrative boundary line (ABL) constructed by *de facto* authorities of South Ossetia under effective control of Russian armed forces separates the rest of Georgia from the Tskhinvali Region/South Ossetia. While people on both sides continue to cross the ABL for various reasons, such as to access medical care, to visit graveyards, or to see relatives or family members on the other side, most of this movement across the ABL is considered illegal by the *de facto* authorities. Due to these restrictions on freedom of movement, Russian and Ossetian border guards mostly with alleged charge of “illegal border crossing” have arrested residents of Georgian controlled territories, including women, minors and elderly people. Civilian inhabitants of the villages located alongside the ABL have been arrested by the Russian guards while harvesting the capers or cutting wood in close proximity to the ABL⁷.

International independent bodies have expressed their concern over the absence of official crossing points and regulations concerning the crossing of the ABL. The location of the ABL in many places is unclear. In some places the ABL is demarcated but in many places it is not.

The detentions from Ossetian and Russian border guards have increased in recent years. According to the information at disposal of Public Defender of Georgia regarding detention of ethnic Georgians dwelling alongside the ABL per year is the following: 84 detainees in 2009, 71 detainees in 2010, 135 detainees in 2011, 104 detainees in 2012, 142 detainees in 2013 and 70 detainees as of 31 May 2014⁸. Detention period varies from several days up to several months or years without due access to procedural guarantees and right to fair trial.

International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008, at pp. 29-31;

⁶ Out of 53 applications on war cases of the Georgian Young Lawyers’ Association at the European Court of Human Rights, see e.g. Barbakadze and others v. Russia (application no. 9546/09); Shoshitashvili v. Russia (application no. 8799/09); Chalauri and Others v. Russia (9445/09); Khaduri v. Russia (application no. 8906/09)...

⁷ Georgian Young Lawyers’ Association represents the interest of 18 Georgian citizens detained in the aftermath of 2008 war by the Russian border guards in the following applications: Biganishvili and others v Russia, app. no. 59827/10; Kobaladze and Others v. Russia, app. no. 50135/09; Lomsadze and others v. Russia, app. no. 77190/11; Akhvlediani and Takadzebi v. Russia, Karkishvili and others v. Russia.

⁸ Issue Brief by the Public Defender of Georgia about Arrests on the Dividing Line and Conditions of Prisoners, June 2014, p. 5, available at: <http://www.ombudsman.ge/uploads/other/2/2246.pdf>

2. *Right to home, family life and destruction of property - articles 2 and 17 of ICCPR*

i. Violations during August War 2008

During the August War 2008, around 26,000 Georgian citizens in South Ossetia were forced to flee and leave their houses and belongings behind. The massive number of family houses, located in the area currently under Russian occupation, were deliberately looted and burnt down by Ossetian military and paramilitary forces.⁹ For generations the affected population had lived in these houses with their families. Since August War 2008 they have been continuously prevented from returning to their homes. Even where the property of the affected population is not completely destroyed, the owners are continuously denied access to their homes and other belongings by the Russian occupation forces.

Movable possessions belonging to Georgian citizens, including the contents of their homes and livestock, were also looted. As the affected population are prevented from access to and control over their property, the Georgian citizens have been deprived of their revenue, which they derived from their land.

As a result of the denial of access to their homes, the affected population has been forced to live in poor conditions elsewhere in Georgia. The Russian Federation has not provided any effective remedy, including reparation, for an unjustified interference with their right to respect for their home and family life.¹⁰

ii. Violations aftermath August War 2008

Shortly after the 2008 war, in 2008-2009, Russian and South Ossetian military started construction of barbed wire entanglements, barriers, fences and trenches adjacent to the administrative boundary line with South Ossetia, within the territory under Georgian control. According to local information, to mark the “real border” of *de facto* South Ossetian Republic, Russian border guards have been using the 1921 map, based on which the “South Ossetian Autonomous Oblast” was established after Georgia’s invasion by the Red army in 1922. Along the dividing line with South Ossetia, constituting 350 km, 4 military bases and up to 100 observation points are located controlled by about 1,200 border guards.¹¹

⁹ According to UNOSAT’s experts in Tamarasheni a total of 177 buildings (almost all the buildings in the town) were destroyed or severely damaged. In Kvemo Achabeti, there are 87 destroyed and 28 severely damaged buildings (115 total); in Zemo Achabeti, 56 destroyed and 21 severely damaged buildings (77 total); in Kurta, 123 destroyed and 21 severely damaged buildings (144 total); in Kekhvi, 109 destroyed and 44 severely damaged buildings (153 total); in Kemerti, 58 destroyed and 20 severely damaged buildings (78 total); and in Dzartsemi, 29 destroyed and 10 severely damaged buildings (39 total). Information available at: <http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks>

¹⁰ Out of 53 applications on war cases of the Georgian Young Lawyers’ Association at the European Court of Human Rights, see e.g. Turashvili and Others v. Russia (application no. 52486/09); Arbolishvili v. Russia (application no. 8611/09); Kochishvili and Others v. Russia (application no. 8976/09); Nebieridze and Others v. Russia (application no. 9239/09); Askilashvili and Others v. Russia (application no. 8996/09); Zubashvili and Others v. Russia (application no. 8912/09); Razmadze and Others v. Russia (application no. 9221/09); Beruashvili and Others v. Russia (application no. 10341/09); Tsitsiloshvili v. Russia (application no. 10046/09); Kristesiashvili and Others v. Russia (application no. 10312/09); Gogidze and Others v. Russia (application no. 16993/09).

¹¹ Issue Brief by the Public Defender of Georgia about Arrests on the Dividing Line and Conditions of Prisoners, June 2014, p. 4, available at: <http://www.ombudsman.ge/uploads/other/2/2246.pdf>

The demarcation process intensified in April-May 2011 and temporarily halted until February 2013: since then it is being periodically conducted. The construction of boundaries, which today constitute around 30-35 km,¹² has affected 24 villages of the Gori, Kareli, Kaspi and Tsalenjikha regions, falling under Georgian control even after the 2008 war.¹³ The newly constructed fences, in some areas shifting the boundary forward for around 400-600 m, deeply trespass into the populated areas. The newly erected barriers and barbed wire fences resulted in the loss of access to and control over farmland, homes, property and facilities for the residents in many of the villages in the above municipalities. Russian border guards regularly patrol these barriers and posts.

The demarcation activities led to the loss of access to the family houses for several residents living adjacent to the administrative boundary line, in violation of their right to home and family life. E.g. the village residents of Dvani and Gugutiantkari have been denied access to the ancestral residences where they have deep family roots and emotional attachment. Even after the 2008 war they had been consistently trying to refurbish those houses that were damaged by the conflict and continued living there with their families.

In some areas at the administrative boundary line the barbed wire fences are not yet constructed and poles are fixated to mark the points to build barriers. However, residents of the villages whose houses fell beyond these poles, were made to leave their homes by Russian border guards. They warned them not to appear in the vicinity of the houses, as they would soon fall beyond the newly constructed barriers (e.g. the village of Dvani). As a result, the affected individuals had to take away all their belongings from these houses and are currently unable to live in their ancestral homes, even if they risk their own safety. In some villages the fences deprive the residents from access to graveyards of their parents, ancestors and churches (e.g. the village of Jariasheni), in violation of their family life and privacy.

The newly constructed barbed wire fences also deprived hundreds of village residents in 24 villages from their sustenance – the land plots they cultivated for their living fell beyond the Russian marked borders. Security concerns, Russian and South Ossetian border guards and physical barriers make it impossible for village residents to cultivate the land plots or collect the harvest.

Moreover, the construction of barriers is still ongoing and there is no prospect of demolishing the barbed wire fences, or permitting the village residents to go back to their family houses or cultivate their land plots in the foreseeable future. There has not been any attempt from Russian or South Ossetian authorities to provide reparation for the population for the loss they sustained as a result of unlawful interference in their right to home and family life and lack of ability to cultivate their lands and collect harvest.¹⁴ If the construction of fences, currently in an active phase, does not stop, further violations of the rights of home, family life and property of Georgian residents living alongside the administrative line is inevitable.

¹² *Ibid*

¹³ These villages include Sakorintlo, Tvaurebi, Didi Khurvaleti, Ditsi, Mereti, Arbo, Kvemo Khviti, Jariasheni, Mejvriskhevi, Bershueti, Ergneti, Kvemo and Zemo Nikozi, Dvani, Dirbi, Knolevi, Avlevi, Tseronisi, Atotsi, Ghogheti, Koda, Pakhulani, Mujava and Gugutiantkari.

¹⁴ See e.g. GYLA's application at the European Court of Human Rights in the case of Mekarishvili and others v. Russian Federation (Application no. 31726/14).

3. Freedom of movement – articles 2 and 12 of the ICCPR

i. Violation during August War 2008

During the 2008 war the right to liberty of movement and freedom to choose residence was violated for thousands of Georgian nationals. They were forced to leave their permanent homes and have been prevented from returning back since then.¹⁵

The affected population are Georgian citizens, lawfully living in the territory of Georgia. During the war they were forced to leave their houses and home village after the destruction of their property as a result of the occupation of their villages by the Russian Federation. The continued presence of Russian armed forces and South Ossetian military and paramilitary in Tskhinvali Region, Georgia still prevents them from travelling freely to their home, their native village/s and the whole of the area controlled by *de facto* authorities. As a result of this denial of access to their homes and right to choose their residence, the affected population have been forced to live in temporary accommodations elsewhere in Georgia. No remedy of any kind has been provided by the Russian Federation in response to these violations.¹⁶

ii. Violations aftermath August War 2008

The constructions of barbed wire fences interfere with the freedom of movement of the residents of the villages along the ABL, which in itself is a violation of the Covenant. The affected population is the citizens of Georgia residing lawfully in the territory of Georgia. However, the fences constructed by Russian and *de facto* authorities are unjustifiable barriers to their freedom of movement within their property and elsewhere in the territory of Georgia, currently under Russian control.

The residents of 24 villages are unable to access the arable land plots they own within the territory of Georgia because of the barbed wire fences blocking their entry to the territory. The entry is monitored by the video control installed on the barbed wire fences and patrolling of the “newly established border” by the Russian and/or South Ossetian border guards. This unjustified interference is ongoing without any remedy provided by the Russian Federation for the violations suffered.¹⁷

C. IMPLEMENTATION OF THE OBLIGATION “TO CONDUCT A THOROUGH AND INDEPENDENT INVESTIGATION” IN ALL ALLEGATIONS OF INVOLVEMENT OF MEMBERS OF RUSSIAN FORCES OR ARMED GROUPS UNDER ITS CONTROL BY RUSSIAN FEDERATION

The information provided by the Russian Federation in response to paragraph 13 of the Committee’s concluding observations (CCPR/C/RUS/CO/6) as well as its reply to the Committee’s List of Issues (CCPR/C/RUS/Q/6/Add.1; para. 264), to say the least, is not correct. According to the Report submitted by the Russian Federation to the Human Rights

¹⁵ Council of Europe Parliamentary Assembly, Report of Committee on Migration, Refugees and Population, ‘The humanitarian consequences of the war between Georgia and Russia’, 12 January 2009, Doc 11789; See sections IV & V of Report by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, ‘Human Rights in Areas Affected by the South Ossetia Conflict –Special Mission to Georgia and Russian Federation’, 8 September 2008; ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 24, 47-50.

¹⁶ *Ibid*

¹⁷ *Ibid*

Committee - the complaints from citizens, including ethnic Georgians, of wrongful acts on the part of Russian military forces or other military groups have not been received by the Investigative Committee of the Russian Federation (hereinafter ICRF).

In 2009 different Georgian Non-Governmental Organizations, inter alia, Georgian Young Lawyers' Association (hereinafter GYLA) through its partner organizations based in Moscow, Union Article 42 of the Constitution of Georgia and Human Rights Priority have filed applications to the ICRF on behalf of victims of August War 2008 between Georgia and Russia Federation requesting to investigate the crimes committed against them by Russian/ *de facto* South Ossetian military forces in 2008. The applications set out various crimes committed against the victims by the Russian military and the *de-facto* South Ossetian military forces at the time the territory where they resided was under the effective control of the Russian Federation. Those applications have been registered by the ICRF and certain communication has been undertaken by the ICRF to NGOs representing victims.¹⁸

- Namely, in its letter to GYLA, dated 07.03.2013 and signed by the chief investigator of extraordinary cases of the ICRF, A.A. Drimanov, expressly confirmed that the Committee have received 600 complaints lodged by various NGO's on behalf of Georgian citizens against the Russian military regarding the alleged crimes committed in the areas inhabited by the Georgians during August War 2008 and that the ICRF continues verification of those complaints.
- The ICRF in response letters to Georgian NGO's refused to open criminal investigation into the complaints lodged by Georgian citizens in 2009 (referred above) stating that conducting a preliminary investigation into the crimes committed outside the territory of the Russian Federation did not fall under the competence of the Investigative Committee, except for cases that were directly envisaged by international agreements of the Russian Federation.
- The ICRF further noted in its response that criminal proceedings No. 201/374108-08 were instituted on charges of the genocide and massacre of the Russian Federation citizens residing in the Republic of South Ossetia, as well as the Russian peacekeepers serving in the mixed battalion deployed in the Georgian-South Ossetian conflict zone – but not in relation to the ethnic Georgian victims.
- In October 2011 GYLA received additional letters from the ICRF stating in respect of some of the victims of August War 2008 represented by GYLA that within the remit of the investigation No. 201/374108-08, the Investigative Committee was investigating the facts cited in the applications made on their behalf in 2009. The ICRF summonsed GYLA's clients to appear before it in their capacity as witnesses.

Georgian NGOs have been clear in expressing their concerns about the independence and impartiality of the investigation of criminal case No. 201/374108-08 conducted by the ICRF. In the period of 2009-2014 GYLA repeatedly addressed the ICRF aiming to facilitate an effective, impartial investigation into the Georgian citizens (GYLA's clients') allegations against Russian and South Ossetian military forces during the August War 2008, but in response GYLA only received simple reiteration of previous evasive responses or remained

¹⁸ The ICRF's letters to the chairman of the Council of the "Memorial" Human Rights Center: AB N 0113541, 24.06.2009; AB N 0080338, 16.06.2009; AB N 0113537, AB N 0080322, 26.05.2009; AB N 0080333, 16.06.2009; AB N 0113536, 24.06.2009; AB N 0080354, 01.06.2009; 28.05.2009, troop unit field post office 28072; AB N 0116127, 13.07.2009, etc; the ICRF's letter to representative before the European Court, L. Mukhashavria AB N 0276759, 24.11.2010; the ICRF's letter to "Russian Justice Initiative" AB N 0030830, 21.04.2009; the ICRF's letter to the Union Article 42 of the Constitution, 03.03.2009, 07.07.2009.

unanswered by the ICRF. As of today, GYLA is still waiting information and reassurances from the ICRF on the following issues:

- The genuineness of efforts of the Russian authorities to investigate allegations: e.g. availability of the alternative options for obtaining the evidence from Georgian witnesses who are elderly unable to travel to Russian Federation or feeling insecure to travel to Moscow (the ICRF has failed to respond to any proposals/communications initiated by GYLA);
- Relevance of Article 49 of the Criminal Procedure Code of Russian Federation to the Georgian citizens situation. Namely, concerns raised by NGO community relates to the fact that ICRF in its written communication has proposed to summon Georgian national as witnesses to be questioned in course of the ongoing investigation. While addressing the procedural safeguards available to Georgian nationals to be questioned as witnesses, the ICRF representatives referred to the procedural guarantees prescribed for accused in article 49 of the Criminal Procedure Code of Russian Federation. GYLA has raised concerns in its communication with the ICRF as to why the provisions for accused are cited in relation to the witnesses but so far, has not received any response. This fact further increases the doubts regarding the genuineness of investigative efforts on behalf of Russian authorities.

In light of the five years which have now elapsed since Georgian citizens first applied to the ICRF requesting to investigate the crimes committed against them by Russian/Ossetian military forces in 2008 August war, we can only conclude that it is not the intention of the ICRF, to conduct a speedy, objective and thorough investigation leading to the identification and punishment of perpetrators of crimes against ethnic Georgians in 2008 August war.

D. HUMAN RIGHTS VIOLATION IN ABKHAZIA, GEORGIA

During the August War 2008, the Russian Federation has invaded not only Tskhinvali Region/South Ossetia but also Abkhazia, Georgia. Notably, Novorossiysk and Pskov Airborne Divisions (around 400 soldiers) of Russian Federation were present in Abkhazia despite Georgia's protest since early May 2008. In the course of August War 2008, Georgia's central authorities also lost control of Upper Abkhazia. As a result, by 10th of August 2008, the Russian armed forces were in full control of the Abkhazia (including Upper Abkhazia), Georgia. Therefore, Russian Federation bears responsibility under ICCPR with respect to Abkhazian territory as well.

Similar to Tskhinvali Region/South Ossetia, Georgia following human rights violation took and continue to take place in Abkhazia, Georgia:

- Undue restrictions on the local population wishing to cross the ABL administered by Abkhaz border guards and Russian armed forces (freedom of movement).¹⁹ In addition, Russian military forces and Abkhaz *de facto* militia limited the ability of international observers to travel in Abkhazia to investigate claims of abuses,²⁰

¹⁹ PACE, Resolution 1683, *op. cit.*, para. 7. International Crisis Group, *Abkhazia: Deepening Dependence*, Europe Report No. 202 (26 February 2010), p. 4. PACE, Doc. No. 12039, para. 17, *op. cit.* GWS, Vol. III.

²⁰ Georgia's Human Rights Report for 2013 (available <http://www.state.gov/documents/organization/220492.pdf>)

- Continued violation of the right to property (property claims) and access to effective remedy (discrimination on ethnic grounds of Georgians, creation of Property Claims Commission only for ethnically Abkhaz and Russian persons);²¹
- Russian border guards along the administrative boundary line with Abkhazia typically enforced the boundary-crossing rules imposed by *de facto* authorities by fining and releasing detained individuals (arbitrary deprivation of liberty and violation of the procedural guarantees);²²
- Security situation in Gali district (populated by ethnic Georgians) including inter alia security arrests, kidnapping, methods of conscription and treatment of ethnic Georgian conscripts, and etc.²³
- Ill treatment and abuse during detention as well as poor detention conditions.²⁴

E. MEASURES TO BE UNDERTAKEN BY THE RUSSIAN FEDERATION IN LINE WITH ITS OBLIGATION UNDER ICCPR

- **Russian Federation is under obligation to**
 - **Conduct independent, timely and effective investigation into human rights abuses committed by Russian armed forces or by other armed groups under its control during August War 2008 or aftermath in territories that fall under its effective control, i.e. occupied regions of Abkhazia, Georgia and Tskhinvali Regions/South Ossetia, Georgia.**
 - **Provide effective remedy to victims of human rights violations committed by Russian armed forces or by other armed groups under its control during August War 2008 or aftermath in territories that fall under its effective control, i.e. occupied regions of Abkhazia, Georgia and Tskhinvali Regions/South Ossetia, Georgia.**
- **Russian Federation shall halt continued extension of the ABL within the territories falling under control of Georgian authorities as it further violates the right to privacy, freedom of movement and property of Georgian nationals.**
- **Russian Federation shall allow unconditional access to the representatives of the human rights organizations (UN, CoE, OSCE) and observers of the European Union Monitoring Mission (EUMM) in territories that fall under its effective control, i.e. occupied regions of Abkhazia, Georgia and Tskhinvali Regions/South Ossetia, Georgia;**
- **Russian Federation shall allow unconditional access to places of detention in occupied regions of Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia to representatives of the human rights institutions with respective monitoring mandate (e.g. Special Rapporteur on Torture, CPT, etc.).**

²¹ Georgia's Human Rights Report for 2011 and 2012 (available at <http://www.state.gov/documents/organization/160457.pdf> <http://www.state.gov/documents/organization/204499.pdf>)

²² Georgia's Human Rights Report for 2013 (available <http://www.state.gov/documents/organization/220492.pdf>)

²³ Georgia and Russia: the humanitarian situation in the conflict and war-affected areas, PACE Doc. 13083, 20 December 2012, (available at <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=19238&lang=en>)

²⁴ Report on the visit to the region of Abkhazia, [Georgia](#), carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 April to 4 May 2009 (available at <http://www.cpt.coe.int/documents/geo/2009-38-inf-eng.htm>)