



**Information Documents
SG/Inf(2010)19**

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**Consolidated report on the conflict in Georgia
(April 2010 – September 2010)**

Document presented by the Secretary General

Introduction

1. At their 1080th meeting on 24 and 26 March 2010, the Ministers' Deputies took the following decision: "The Deputies, restating the previous decisions of the Committee of Ministers, invited the Secretary General to prepare his consolidated report on the conflict in Georgia based on his outline and taking into account the comments made during the present meeting".
2. The objective of the report is to take stock of the situation in Georgia following the August 2008 conflict, to report on the related activities of the Council of Europe and propose further Council of Europe action. It is composed of four parts: the assessment of statutory obligations and commitments related to the conflict and its consequences; the human rights situation in the areas affected by the conflict; the current Council of Europe conflict-related activities, and their follow-up and proposals for future action.
3. This second consolidated report covers the period between 1 April 2010 and the end of September 2010. This report builds on the first consolidated report¹, as well as on previous Secretariat reports on the human rights situation in the areas affected by the conflict in Georgia² and the report on the Council of Europe's activities in the areas affected by the conflict³ and its updates⁴.
4. Priority topics covered by the report include human rights issues, humanitarian protection and rehabilitation of the conflict-affected population, especially the situation of internally displaced persons, as well as minority issues.
5. Parts of this report were prepared on the basis of information and documents provided by other relevant international organisations working towards addressing the consequences of the August 2008 conflict.
6. This report in no way replaces the monitoring procedures established by the Parliamentary Assembly of the Council of Europe and the Committee of Ministers, or the other monitoring bodies of the Council of Europe. Nor should it be seen as prejudging any possible decisions in the cases related to the conflict and its consequences which are currently pending before the European Court of Human Rights.
7. Nothing in this report should be interpreted as being contrary to the full respect of the territorial integrity and sovereignty of Georgia within its internationally recognised borders (which includes Abkhazia and South Ossetia), and to the six-point ceasefire agreement of 12 August 2008 and the implementing measures of 8 September 2008.

¹ SG/Inf(2010)8

² SG/Inf(2009)7, SG/Inf(2009)9 and SG/Inf(2009)15 final

³ SG/Inf(2009)5

⁴ SG/Inf(2009)5 Addendum and SG/Inf(2009)5 Addendum 2

Update on the developments in the period under review

8. Two rounds of Geneva discussions took place within the period under review: the 11th round (8 June 2010) and the 12th round (27 July 2010)⁵.
9. Meetings of the IPRM mechanism with regard to Abkhazia (Georgia) continued to take place on a regular basis. IPRM meetings with respect to South Ossetia (Georgia) have been blocked since the autumn 2009⁶. An attempt to unblock the functioning of the IPRM mechanism with South Ossetia was undertaken during a meeting which took place in Ergneti on 3 June 2010. Participants in the meeting, which included South Ossetia representatives, received a statement from the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, related to missing persons and detainees and had an exchange of views with him over an audio link. However, it proved impossible to discuss any additional items on the agenda.
10. The European Union Monitoring Mission (EUMM) continues to enjoy full access to the territories under control of the Georgian Government, but has no access to the other side of the administrative boundary line (ABL) with either region. In August 2010, the Council of the European Union adopted a decision extending the mandate of the EUMM in Georgia until 14 September 2011.
11. On 3 July, the Government of Georgia approved the “Action Plan for Engagement – a roadmap for the implementation of the Strategy on the Occupied Territories: Engagement through Co-operation”. The Action Plan foresees four dimensions of engagement (humanitarian, human, social and economic) and seven instruments enabling its implementation, namely: status-neutral liaison mechanism, neutral identification card and travel document, trust fund, joint investment fund, co-operation agency, financial institution and integrated social-economic zones.
12. On 27 August 2010, an official from the Georgian Ministry of the Interior stated that, according to the legislation in force, it was a criminal offence to visit Abkhazia (Georgia) and South Ossetia (Georgia) without the knowledge of the Georgian authorities⁷. On 1 September 2010, the Russian Ministry of Foreign Affairs, for its part, reiterated their recommendation to the citizens of the Russian Federation to abstain from visiting Georgia because of the risks of criminal prosecution⁸.

⁵ For more information, see relevant press communiqué of the co-Chairs of the talks (<http://www.consilium.europa.eu/uedocs/cmsUpload/GENEVA11-Press-communiqué-Final.pdf> and <http://www.consilium.europa.eu/uedocs/cmsUpload/Press-communiqué-GenevaXII-27.7.2010.pdf>).

⁶ The fate of three South Ossetia residents, who went missing in the aftermath of the August 2008 military conflict, was one of the more often invoked reasons for South Ossetia's refusal to participate in the IPRM meetings. At the time of drafting the report, the co-Chairs of the Geneva discussions announced that during the 13th round of discussions (14 October 2010) an agreement was reached on the resumption of the IPRM with South Ossetia (Georgia).

⁷ <http://www.globalsecurity.org/military/library/news/2010/08/mil-100827-rianovosti02.htm>

⁸ http://www.mid.ru/brp_4.nsf/0/3E5342267D5CAA54C325779100339B65

13. The Representative of the UN Secretary-General on the human rights of internally displaced persons (hereafter referred to as UN Representative on HR of IDPs), Mr Walter Kaelin, visited Georgia, including the Abkhazia region, from 13 to 16 September 2010.

14. After more than two years of suspension of air connection between Georgia and the Russian Federation, a number of direct charter flights between Moscow and Tbilisi were carried out in the reporting period.

1. Assessment of statutory obligations and commitments related to the conflict and its consequences

15. When joining the Council of Europe, both Georgia and the Russian Federation accepted to respect the obligations enshrined in the Statute of the Council of Europe, as well as to fulfil a number of specific commitments. In the case of the Russian Federation, these are listed in PACE Opinion 193 (1996) on Russia's request for membership of the Council of Europe and endorsed in Resolution (96)2 of the Committee of Ministers on the invitation to the Russian Federation to become a member of the Organisation⁹. In the case of Georgia, these are listed in PACE Opinion 209 (1999) on Georgia's application for membership of the Council of Europe and endorsed in Resolution (99)4 of the Committee of Ministers on the invitation to Georgia to become a member of the Organisation¹⁰. These commitments are subject to regular monitoring by the relevant Council of Europe institutions¹¹ and conventional (or other legally-based) monitoring bodies. In the view of the Secretary General, all these commitments must be fully respected.

16. Below is an update on statutory obligations and specific commitments which have been selected for the purpose of reporting on the conflict in Georgia and its consequences. This part builds on Part 1 of the first consolidated report on the conflict in Georgia (SG/Inf(2010)8):

- i. to accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and to collaborate sincerely and effectively in the realisation of the aim of the Council of Europe

17. In the period under review an inter-state application lodged by Georgia against the Russian Federation in relation to the August 2008 military conflict, as well as almost 3 300 individual applications against Georgia lodged by persons affected by the conflict and 208 applications from more than 900 applicants in Georgia complaining against the Russian Federation were still pending before the European Court of Human Rights (more information in Part 3 of the report).

⁹ Adopted at the 557th meeting of the Ministers' Deputies on 8 February 1996.

¹⁰ Adopted at the 665th meeting of the Ministers' Deputies on 24 March 1999.

¹¹ Only Georgia is currently subject to the procedure established by the Committee of Ministers to take stock of the implementation of the commitments by the member States.

18. In a report on the monitoring of investigations into cases of missing persons during and after the August 2008 armed conflict in Georgia¹², published by the Office of the Commissioner for Human Rights on 29 September 2010, a number of recommendations were made as to how to ensure that such investigations are carried out effectively and in an impartial manner (more information on the report in Part 3).
19. From 13 to 17 September 2010, the International Court of Justice held public hearings on the preliminary objections raised by the Russian Federation in the case concerning the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation). The Court subsequently began its deliberation. The Court's judgment on these preliminary objections is to be rendered at a public sitting¹³.
- ii. To settle international as well as internal disputes by peaceful means (an obligation incumbent upon all member States of the Council of Europe), rejecting resolutely any forms of threats of force against its neighbours
20. The Secretary General concurs with the assessment contained in the report of the Independent International Fact-Finding Mission on the Conflict in Georgia, the "Tagliavini report" (quoted extensively in the first consolidated report), that the recognition of Abkhazia and South Ossetia by a third country is contrary to international law¹⁴ in terms of an unlawful interference in the sovereignty and territorial integrity of the affected country. It also runs against principle I of the Helsinki Final Act which states that "the participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence".
21. Principle I further states that "they [the participating States] consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement. They also have the right to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right to neutrality". According to this principle, no country can be a part of any sphere of special interests, unless it decides so voluntarily.
22. In this respect the recognition of Abkhazia and South Ossetia by the Russian Federation is contrary to Principle I of the Helsinki Final Act and jeopardises the implementation of the commitment in question.

¹² See CommDH(2010)35.

¹³ At the time of drafting the report, the exact date of the sitting had not yet been announced.

¹⁴ On 22 July 2010, the International Court of Justice issued an Advisory Opinion on the accordance with international law of the unilateral declaration of independence in respect of Kosovo* (see <http://www.icj-cij.org/docket/files/141/15987.pdf>). No conclusion from that Opinion could be inferred that would apply to the issue examined here. *All reference to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

23. However, the Secretary General would like once again to reiterate one of the conclusions contained in the "Tagliavini report": "[...] *The international community as well as all other regional or non-regional actors involved in the conflict should continue to make every conceivable effort to bring the sides to the negotiating table and to assist them in making arrangements in keeping with the Charter of the UN, the Helsinki Final Act of the OSCE and the relevant documents of the Council of Europe, in order to settle their differences and prevent another outbreak of hostilities. [...] There is little hope, however, for a peaceful future in the conflict region unless the two main contenders, Russia and Georgia, make bilateral efforts themselves to solve their disputes. This needs to be done now*"¹⁵.

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

24. Since the presentation of his six principles in September 2008, the Commissioner for Human Rights carried out several follow-up visits to assess their implementation¹⁶. In his latest report published on 7 October 2010, the Commissioner once again stressed that "violations of international humanitarian law and international human rights law should not go unaccounted for and those responsible should be brought to justice"¹⁷ (more information on the report in Part 3).

- iv. *To co-operate in good faith with international humanitarian organisations and to enable them to carry out their activities on its territory in conformity with their mandates*
- v. *To facilitate the delivery of humanitarian aid to the most vulnerable groups of the population affected by the consequences of the conflict*

25. Since the end of July, the international organisations based in Tbilisi have been involved in a consultation process with the Georgian authorities on the draft "Modalities for Engagement of Organisations Conducting Activities in the Occupied Territories of Georgia" (more information in Part 4). This document contains guidelines related to the implementation of various not-for-profit activities in Abkhazia (Georgia) and South Ossetia (Georgia). Several organisations implementing the projects in these territories expressed concern that such modalities, if applied in a restrictive rather than permissive manner, could possibly undermine the ongoing activities there, as well as the launching of new projects. The Modalities were adopted by the Government of Georgia on 13 October 2010.

26. In the period under review, no particular progress has been achieved with regard to the access of the international humanitarian organisations to South Ossetia (Georgia). The situation with respect to Abkhazia (Georgia) remained unchanged. There were also

¹⁵ Report by the IIFMCG, September 2009, Volume I, Observations, paragraph 12.

¹⁶ See CommDH(2008)22/08 September 2008; CommDH(2008)30/30 September 2008; CommDH(2008)33/17 November 2008; CommDH(2008)37/16 December 2008; CommDH(2009)22/15 May 2009 and CommDH(2010)40.

¹⁷ See CommDH(2010)40, para. 47.

no developments related to the establishment of an international human rights presence in the two regions concerned.

2. Human rights situation in the areas affected by the conflict

27. In order to collect information for the preparation of this part of the report, the Secretariat travelled to Tbilisi, Zugdidi, Sukhumi¹⁸, Gali¹⁹, as well as to the settlements situated close to the ABL with Abkhazia (Georgia) and South Ossetia (Georgia). In particular, the Secretariat visited the villages of Tsitelubani and Dvani²⁰ on the ABL with South Ossetia (Georgia). It also visited the Potskho-Eteri settlement²¹ for “old” IDPs, situated in the vicinity of the ABL with Abkhazia (Georgia), and the Tserovani settlement for “new” IDPs close to the ABL with South Ossetia (Georgia). While in Tbilisi, the Secretariat visited a school for the children of “old” IDPs situated in a remote area in the outskirts of Tbilisi²².

Security and freedom of movement

28. In the period under review, the security situation in the areas adjacent to the ABL remained stable, but fragile. The detentions of people who crossed the ABL with either region, even if accidentally, continued. People are usually detained by the Russian border guards²³ - who are patrolling the ABL with both regions - then brought to the local police headquarters either in Tskhinvali (in the case of South Ossetia (Georgia)), or in Gali (in the case of Abkhazia (Georgia)²⁴), then fined and released. Normally, people are released on the same day; however, in some cases, prolonged detentions also take place, in particular with respect to the ABL crossing with South Ossetia (Georgia)²⁵.

29. On the other side of the ABL, the Georgian police arrested a number of people who entered the territory of Georgia in violation of the Law on the Occupied Territories. The persons concerned were detained and then released over a time period of a few hours to a few days, except in one case where the person was reportedly detained and subsequently sentenced to three years in prison.

¹⁸ While in Sukhumi, the Secretariat had meetings with the *de facto* Prime Minister, Sergey Shamba, and the *de facto* Minister for Foreign Affairs, Maxim Gvinjia.

¹⁹ The Secretariat should like to thank the UNHCR staff for the assistance in facilitating a visit to Sukhumi and Gali.

²⁰ The Secretariat expresses its gratitude to the EUMM Field Office in Gori for their assistance in carrying out a visit to Dvani and the ABL with South Ossetia (Georgia).

²¹ The Secretariat thanks the EUMM Field Office in Zugdidi for their assistance in organising this visit.

²² The Secretariat should like to thank all its interlocutors for their valuable contribution to this report.

²³ In some cases there are joint patrols composed of the Russian border guards and the *de facto* Abkhaz/Ossetian border guards, but in most cases the patrols are composed exclusively of Russian servicemen.

²⁴ More information on the development related to freedom of movement across the ABL with the Abkhazia region can be found in paras 47-50.

²⁵ The “Law on the State Border of South Ossetia” of 10 July 2010 foresees administrative and/or criminal punishment for the “illegal border crossing” (<http://cominf.org/print/node/1166483785>).

30. As a result of the mediation by the Council of Europe Commissioner for Human Rights, who visited Georgia in the period under review, three ethnic Georgians held in prison in Tskhinvali for the “illegal crossing of the South Ossetia border” were released on 2 May. Three more detainees were released by the *de facto* authorities on 13 May. At the time of drafting this report, there were still several persons remaining in detention in Tskhinvali on the above-mentioned charges²⁶. In his report of 7 October, the Council of Europe Commissioner for Human Rights urged the sides to refrain from arresting and detaining people who cross the ABL and to pursue efforts aimed at releasing all persons detained by the opposing sides as a consequence of the conflict²⁷.

31. On 24 September 2010, an incident involving the Russian border guards and Georgian special police forces occurred near the village of Khurcha at the ABL with Abkhazia (Georgia)²⁸. Four Russian border guards were detained by Georgian police and taken to the regional police station in Zugdidi. They were later released, following discussions between the relevant Russian and Georgian authorities, under the auspices of the EUMM.

The situation of Internally Displaced Persons

a. Right to return

32. There has been no development in the reporting period with regard to the return of persons displaced by the August 2008 conflict and previous conflicts, to their habitual places of residence. On 10 July 2010, the OSCE Parliamentary Assembly adopted a resolution supporting the right of internally displaced persons and refugees from and within Georgia to return to their place of origin. On 7 September, the UN General Assembly adopted a resolution reiterating the right to return of all IDPs and refugees to Abkhazia (Georgia) and South Ossetia (Georgia). This issue continues to be discussed in the framework of the Geneva discussions.

33. After his visit to Abkhazia (Georgia), the UN Representative on HR of IDPs assessed that the prospects of return for those displaced from the Gali district almost twenty years ago remained low²⁹. In an interview to the RFE/RL's Echo of the Caucasus of 2 September, the *de facto* Abkhaz Prime Minister stated that the return of IDPs to the region was not possible in the current political circumstances and that the key issue to be resolved to make it possible was the official recognition of the territory's independence³⁰.

²⁶ The position of the *de facto* South Ossetia authorities, as expressed on a number of occasions in the past, is that they are ready to consider the release of all the detainees held in Tskhinvali in exchange for the release of all the South Ossetia residents imprisoned on the territory under the effective control of the Government of Georgia, including those who were sentenced before the August 2008 conflict (<http://www.080808.su/node/308> and <http://cominf.org/node/1166484999>). The Georgian authorities have made it understood that they do not accept such an approach.

²⁷ See CommDH(2010)35.

²⁸ For more information, see EUMM statement - http://www.eumm.eu/en/press_and_public_information/press_releases/2302/.

²⁹ <http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-89DQXV?OpenDocument&rc=3&cc=geo>

³⁰ <http://www.rferl.org/articleprintview/2147899.html>

During a meeting with the Secretariat, the *de facto* Abkhaz authorities did not exclude the possibility of further returns to the Gali district and Kodori, but to nowhere else in the Abkhazia territory.

34. As regards the *de facto* South Ossetia authorities, in their public declarations, they increasingly – albeit not quite consistently – make the point that the return of the displaced ethnic Georgian/mixed families to the region would depend on the fulfilment of certain conditions, such as, for example, an agreement on the non-use of forces between the parties in conflict³¹. Those persons who were forced to flee from the region during the August 2008 military conflict are still not able to return to their homes. In the case of residents of the Akhagori district in South Ossetia (Georgia), some of them are still able to come to their homes and stay there on a temporary basis, normally during the agricultural seasons³².

35. While concluding his visit to Georgia, the UN Representative on HR of IDPs reminded all parties that all internally displaced persons have the right to voluntarily return to their homes and to have their property returned to them or to receive compensation where restitution is not possible³³. In his report of 7 October 2010, the Commissioner for Human Rights of the Council of Europe reiterated once again “the fundamental principle that displaced persons have a right to return to their homes, regardless of their ethnicity or nationality. It is incumbent upon all relevant actors to ensure that those displaced individuals who wish to return are allowed to do so in a safe and dignified manner”³⁴.

b. Right of displaced persons to care and support

36. As of the end of July, a series of evictions of IDPs from collective centres in Tbilisi (state-owned buildings put for privatisation, to which the IDPs had no formal property claims) was carried out. The manner in which such evictions took place – at very short notice and the IDPs not being sufficiently informed about options available to them and places to which they would be relocated – raised concerns among the relevant local and international actors³⁵. A one-month moratorium on further evictions was introduced as of 23 August 2010. The evictions were resumed at the end of September, but in a manner that, to a large extent, takes into account concerns previously expressed by the international community.

³¹ In one of his recent statements Mr Boris Chochiev, the *de facto* President's representative for post-conflict regulation, claimed that the *de facto* South Ossetia authorities would allow the return of the displaced persons to the Akhagori district (<http://cominf.org/node/1166484862>).

³² Since up until now the Secretariat has had neither access to South Ossetia (Georgia), nor any other effective means to monitor the situation on the spot, it is not possible to provide a more detailed assessment of whether there are conditions in place for the return to and/or permanent residence in the Akhagori district of the persons who fled from their homes there in the aftermath of the August 2008 conflict.

³³ <http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-89DQXV?OpenDocument&rc=3&cc=geo>

³⁴ See CommDH(2010)35, para. 9.

³⁵ Several statements and appeals were made, including by the Public Defender of Georgia, the UNHCR and the Chairperson of the PACE Committee on Migration, Refugees and Population.

37. The Secretariat had an opportunity to join the EUMM patrol on its visit to Potskho-Etseri - a settlement for "old" IDPs situated in a remote area close to the Enguri hydroelectric power plant. Several families of the "old" IDPs have been residing there since the conflicts of early 1990s and, at the time of the visit, eighteen families of IDPs evicted from the collective centre in Tbilisi were relocated there. At the time of the Secretariat's visit, there were two more arrivals of the families of "old" IDPs (including a Russian-speaking family), who had voluntarily accepted to be relocated to this place. The housing facilities for the IDPs have been renovated; however, the quality of the housing remains average. Of particular concern to the IDPs is that the employment and livelihood opportunities in this area are almost non-existent, so they have no other means to provide for their families, but to rely on governmental assistance. The residents also complained about the lack of quality medical care available on the spot and inadequate access to education for their children.

38. The Tserovani settlement³⁶ for "new" IDPs, on the other hand, has been developed in a manner which takes into account not only the housing needs of IDPs, but also provides them with certain livelihood options. The settlement is conveniently located on the Tbilisi-Gori highway, only a twenty-minute drive from Tbilisi's city centre, giving the residents easy access and opportunities for employment. It has a kindergarten and a school, and the quality of construction is above average. Many residents of the Tserovani settlement are from the Akhagori district of South Ossetia (Georgia), and a number of them are still able to cross the ABL and go back to their homes for the agricultural seasons.

39. The Secretariat also visited a school for IDP children located on the territory of a settlement for "old" IDPs in the periphery of Tbilisi³⁷. There are around 130 children of different ages who attend this school, mainly from the families of IDPs residing in this settlement.

40. The UN Representative on HR of IDPs concluded at the end of his visit that "the search for durable solutions for all internally displaced persons in Georgia, whether they were displaced in the early 1990s or 2008, must remain a top priority"³⁸. While praising, in general, the Georgian authorities for their efforts to improve the situation of the IDPs, he stressed that it was not enough for the authorities to provide alternative accommodation. Providing the IDPs with genuine livelihood prospects was crucial. The Council of Europe Commissioner for Human Rights invited, in his report, the Georgian authorities to take into consideration the key principles outlined by the UN Representative in his Framework for Durable Solutions for IDPs and expressed hope that these principles will guide the implementation of the Georgian Action Plan with regard to the provision of housing solutions for IDPs³⁹.

³⁶ Tserovani is the largest settlement for "new" IDPs from South Ossetia (Georgia). With its 2 000 cottages housing over 6 000 internally displaced persons, it constitutes a new municipality.

³⁷ This school is part of a network of thirteen schools for the children of IDPs from the conflicts of the early 1990s run by the Government of the Autonomous Republic of Abkhazia (*in exile*).

³⁸ <http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-89DQXV?OpenDocument&rc=3&cc=geo>

³⁹ See CommDH(2010)35, para. 29.

Situation in the villages adjacent to the ABL with South Ossetia (Georgia)

41. The Secretariat visited the village of Tsitelubani - with a predominantly ethnic Ossetian population - situated on the ABL with South Ossetia (Georgia) and had a meeting with several ethnic Ossetian families residing there⁴⁰. Problems experienced by the residents in this village are similar to those existing in many other villages close to the ABL with South Ossetia (Georgia), namely: access to agricultural land and/or pastures which are situated either in close vicinity to the ABL and/or on the other side of the ABL; problems related to cattle trespassing the ABL; access to irrigation water and gas, as well as access to firewood which normally should be brought from the other side of the ABL. Interlocutors reported that the village residents abstain from crossing the ABL (at least in the day time) because of the fear of being detained. Nevertheless, they still find ways to communicate with their relatives residing on the other side of the ABL.

42. Together with the EUMM, the Secretariat also visited Dvani, another village situated on the ABL with South Ossetia (Georgia). In addition to the problems similar to those experienced by the residents in Tsitelubani, locals reported that they abstain from visiting the graveyard and from attending religious services in the local church, because both are situated on the top of the hill separating this village from South Ossetia (Georgia), and several incidents have taken place there in the past. The EUMM patrols come to this village regularly and frequently for the usual routine checks, so the situation appears to be calm at present.

43. The overall socio-economic situation in the villages adjacent to the ABL with South Ossetia (Georgia) is worrisome⁴¹. Due to a limited access to irrigation water⁴² and weather conditions, this summer's harvest was lost in many villages. This could possibly lead to insufficient food provisions for the local population. The local residents, for whom a revenue from agriculture is the main source of income, now find themselves in a

⁴⁰ In September 2009, the European Centre for Minority Issues (ECMI) published the results of the research which was carried out from November 2008 to June 2009 and entitled "Ossetians in Georgia in the Wake of the 2008 War". According to the conclusions of this research, "...notwithstanding the stream of reports on the deterioration of Georgian-Ossetian relations after the Russian-Georgian war of 2008, no cases of mass outflow of Ossetians from Georgia or specific incidences of oppression in the aftermath of the conflict have been observed, though there have been several cases of resettlement to North Ossetia unconnected to the hostilities". The research also concluded that outside the South Ossetia region, "there has been no souring of Georgian-Ossetian relations since the war; both communities share similar attitudes to the conflict. Despite all this, however, there is a visible sense of fear and anxiety in the Ossetian population regarding their future prospects in Georgia and many are poised, in the event of a reopened border and renewed communication with Russia, to reunite with relatives in North Ossetia". The report on Georgia by the European Commission against Racism and Intolerance published on 15 June 2010 contains similar assessments of the situation. According to this report, although the August 2008 armed conflict could have resulted in significant ethnic tension, the public in general still seems to be able to distinguish between the political leadership and individual persons living in Georgia.

⁴¹ As regards the situation in the Akhagori district of South Ossetia (Georgia), there is a problem of natural gas supply which is discussed within the framework of the Geneva discussions and the resumed IPRM meetings with South Ossetia (Georgia).

⁴² Either due to the fact that the irrigation system was destroyed at the time of hostilities and/or because an access of irrigation water is being blocked on the other side of the ABL and/or an access to the other side of the ABL is needed in order to carry out the necessary repair works.

situation where they have no resources to pay for the gas and electricity bills and/or to buy firewood. As the winter time approaches, this may have a dire impact on the situation in the area⁴³.

Situation of civic rights activists in South Ossetia (Georgia)

44. On 24 July 2010, a well-known civil society activist based in Tskhinvali was attacked in the centre of the city and subsequently hospitalised with multiple injuries. The assailants reportedly included members of the South Ossetia *de facto* parliament. This incident is believed to be related to the person's participation in the Georgia-Ossetian confidence-building forum, which took place in Leiden (Netherlands) on 16 July 2010. The Forum participants issued a joint appeal to the participants in the Geneva discussions asking them to make the humanitarian needs of the local population, including their security and freedom of movement, a priority. Prior to this incident, the *de facto* South Ossetia President's representative for post-conflict regulation, Borys Chochiev, gave an interview in which he assessed the said person's participation in the forum as "treason". Other participants in the Forum reportedly also came under pressure and received various threats.

Specific issues in Abkhazia (Georgia)⁴⁴

➤ *Property rights*

45. Property-related issues have been high on the agenda in the period under review. In August 2010, the Russian Federation proposed to create a joint commission to look into the restitution of property of those Russian citizens who resided in the Abkhazia region before the conflicts of early 1990s, but then left and abandoned their property there. Local reactions to this proposal and relevant statements, including by officials, were quite negative, not least because this was perceived as potentially creating a possibility for the return of those ethnic Georgians who fled the region during and/or after the hostilities and now hold Russian passports.

46. On 17 September 2010, the *de facto* President, Sergey Bagapsh, issued a decree establishing a commission charged with looking into the property-related cases of the Russian citizens in the region. The *de facto* authorities intend to look into each case individually and seem to be determined to prevent the possible return of those persons who were involved in the hostilities of the early 1990s on the opposite side. As regards the property left behind by the persons displaced by the conflict and currently residing in other regions of Georgia, the position of the *de facto* authorities is that the restitution for property could only be discussed together with the compensation for damages inflicted during the hostilities.

⁴³ When the report was being drafted, the President of Georgia tasked the Government with providing any possible assistance to the area residents for the winter period (<http://www.civil.ge/eng/article.php?id=22741>).

⁴⁴ There is no similar chapter on the developments in South Ossetia (Georgia), since the Secretariat could neither visit the region, nor had other effective means to monitor the human rights situation there.

➤ *Freedom of movement across the ABL*

47. Since August 2008, the ABL was closed for crossings on the Abkhaz side⁴⁵. As of the end July-beginning of August 2010, however, the only “official” crossing point on the bridge over the Enguri river was re-opened. The local residents could apply to obtain a special pass allowing them to exit and return to Abkhazia (Georgia) within a specified period of time (normally within one month). According to local interlocutors, there is also a system in place which allows the local residents to invite their relatives/members of the extended family from other parts of Georgia to come for a one-day visit to the region to attend important family events (such as weddings, funerals and/or to visit the family graveyard).

48. Furthermore, several dozens of children cross the ABL on a daily basis: the larger group includes those who reside in the Gali district, but attend a school located on the other side of the ABL, and a smaller one - children who come from the area adjacent to the ABL to a school situated in the Lower Gali. The system allowing these children to cross the ABL was already in place last year and reportedly continues to function to date⁴⁶. The parents of these children are also allowed to cross the ABL for meetings with the teachers and the school administration.

49. The *de facto* authorities indicated that, once the process of building the infrastructure along the ABL on the Abkhaz side is over, there will be several crossing points open there.

50. It should also be noted that despite the facilitation of the procedure for crossing the ABL for local residents, the procedure for crossing the ABL for ambulances transporting those who are in need of urgent medical assistance to Zugdidi remains as complicated as before.

➤ *Security/crime situation*

51. The security situation in the Gali district – populated predominantly by ethnic Georgians – has become increasingly tense this summer, following the killings of two local *de facto* officials on 1 and 3 June 2010 and the consequent acts of arson in two villages in the Lower Gali which led to the destruction of several houses⁴⁷. It was later reported that the suspected perpetrators involved in the murders were apprehended by the local police, but, later on, one of them died under circumstances which could raise serious concerns about the activities and behaviour of the *de facto* local law enforcement agencies.

⁴⁵ This was not pursued vigorously and even before the local population was allowed to cross the ABL for a variety of causes and/or after paying a bribe to the *de facto* Abkhaz official in charge.

⁴⁶ This issue was discussed at the IPRM meetings in Gali on 14 September and 8 October 2010.

⁴⁷ These incidents were discussed in the framework of the IPRM meeting in Gali on 15 June. Despite different opinions on the causes of these incidents, it was agreed that a known criminal was involved in at least one of the killings. It was also agreed that there was a common interest in ensuring further co-operation in combating such criminal activities.

52. At the time of the Secretariat visit in mid-September, the local residents described the situation in the Gali district as being of average difficulty and referred to the usual seasonal increase in criminal activities during the nut-collecting period. The local police is said to be totally absent from the areas outside the town of Gali from late afternoon until early morning. Therefore, if an incident happens in the evening, one has to wait for the next morning for the arrival of the *de facto* local law enforcement agents.

53. On 22 September 2010, the *de facto* President appointed a new *de facto* Minister of the Interior and announced plans to reform the police⁴⁸. On 23 September 2010, the *de facto* Abkhaz Vice-President, Aleksandr Ankva, was injured after a grenade hit his house in Gudauta in what appears to be at least a fourth attack on him in the last five years.

Prisoner release

54. On 10 September 2010, the *de facto* Abkhaz authorities handed over to the EU Special Representative for South Caucasus, Peter Semneby, a person who has spent nineteen months in prison there. He was sentenced in 2009 to five years in jail for “illegally keeping arms and drugs in the place of his residence in the village of Azhara” in the Upper Kodori Gorge⁴⁹.

➤ *Language of education and cultural diversity*

55. According to information received by the Secretariat, no particular changes in the educational process in the Georgian-language schools in Lower Gali were introduced after the start of the new school year. However, the overall environment in the region is such that the Georgian-speaking population feels increasingly discouraged from using its mother tongue in the public sphere. It also hinders the preservation and further development of local cultural traditions.

56. The situation of other communities residing in the region is different in this respect. For instance, the Armenian-language schools have the same curricula and use the same textbooks as their counterparts in Armenia. According to the *de facto* authorities, one of the reasons for such a differentiated treatment is the content of the textbooks used in the Georgian-language schools.

57. The efforts to promote the development of the Abkhazian language resulted in a noticeable increase of its use in the sphere of public life.

➤ *Issuing of local IDs*

58. The process of issuing of local identification documents – internal passports – has been slowed down in recent months⁵⁰. The Secretariat was informed that the applicants

⁴⁸ <http://www.apsny.ru/apsnynews/apsnynews.php?mode=more&more=15329>

⁴⁹ <http://civil.ge/eng/article.php?id=22657&search=Abkaz%20side%20releases%20prisoner> .

⁵⁰ The Gali district is one of the few areas in the region where this process is still ongoing.

have to wait for many months and face repeated requests for submission of additional papers before the document is issued⁵¹.

➤ *Human rights defenders*

59. The local non-governmental organisations, and in particular those working in the area of human rights, feel increasingly isolated in their work and their ability to perform it in future is put into question. In the past, local NGOs very much relied on the assistance and support provided by the UNOMIG mission (which is no longer there) and on donors' support for the implementation of their activities. This support has been steadily decreasing since August 2008, since many donors withdrew from the region. Those factors had a particularly important impact on the non-governmental organisations working in the Gali district.

➤ *International assistance*

60. The *de facto* authorities positively assess the work of various international organisations and assistance programmes in the region. At the same time, they expressed an interest in receiving more assistance for the infrastructure development projects (reconstruction of the schools and hospitals), and would like to see the existing projects, which they believe are mainly targeting the residents in the Gali district, be extended to other places⁵².

3. Activities of Council of Europe organs and institutions and their follow-up

Commissioner for Human Rights

➤ *Detainees and missing persons*

61. Over the reporting period, the Commissioner for Human Rights continued his efforts in relation to the release of detainees and the clarification of the fate of missing persons. Prior to the tenth (April 2010) round of the Geneva discussions, the Commissioner submitted to the Georgian authorities and the *de facto* authorities in Tskhinvali a memorandum advocating the immediate and unconditional release of detainees on both sides. The Commissioner also carried out a visit to Georgia from 30 April to 3 May 2010. Since then, the Georgian authorities have released all six persons deprived of their liberty after the August 2008 hostilities, and the South Ossetian side released six out of the thirteen detainees mentioned in the Memorandum. The Commissioner will continue to pursue his efforts towards the release of the remaining

⁵¹ This document enables its holder to perform the most basic transactions such as opening a bank account, entering into the real estate transactions and others.

⁵² In the past, the *de facto* Abkhaz authorities were demanding that the international organisations operating in the region sign the Memorandum of Understanding as a pre-condition for their further presence there. This issue has not been completely taken off the agenda, even if, in the period under review, there were no particular developments in this respect.

persons detained in relation to the August 2008 conflict and clarification of the fate of the missing persons.

➤ *Fifth report on human rights issues following the August 2008 armed conflict in Georgia*

62. The updated report on the six principles for urgent human rights and humanitarian protection, which the Commissioner formulated in the aftermath of the August 2008 conflict, was finalised and published on 7 October 2010. These principles are: the right to return; the right of displaced persons to care and support; the right to be protected against dangers from explosives and other remnants of war; the right to protection against lawlessness; the protection and release of detainees and the prevention of hostage-taking; and international assistance and presence. The Office of the Commissioner for Human Rights will continue to follow the situation in the conflict-affected areas, including the implementation of the concrete recommendations formulated in the report.

➤ *Monitoring investigations into cases of missing persons*

63. The two international experts, mandated by the Commissioner for Human Rights to monitor investigations into cases of missing persons on all sides following the August 2008 conflict, pursued their work from 26 February to June 2010. Upon the completion of their task and in accordance with their Terms of Reference, the experts submitted to the Commissioner a report providing a detailed, independent and balanced assessment of the events and investigations concerned. The report was made public on 29 September 2010⁵³. The advice and recommendations provided by the experts regarding the conduct of the investigations relate to the wider issue of administration of justice. A possible follow-up will be determined at a later stage.

➤ *Ombudsman project*

64. The Office of the Commissioner for Human Rights is funding seven posts (six monitors and advisers as well as one project co-ordinator) in the Public Defender's (Ombudsman's) Office (PDO) in Tbilisi, Gori, Kutaisi, Zugdidi and Batumi with the aim of supporting the PDO in addressing the situation of Internally Displaced Persons (IDPs) and other persons affected by the conflict. In May 2010, a retreat meeting was organised to identify further needs; upon a request from the PDO, a legal assistance component was included in the Terms of Reference. A comprehensive report on the situation of the IDPs and other conflict-affected populations was prepared in the framework of the project and presented before the Georgian Parliament in September 2010. The project was prolonged until the end of 2010, and a further extension is being considered.

65. In the framework of the project, a workshop on legal writing will be organised for project and PDO staff in Kvareli (Eastern Georgia) from 6 to 7 October 2010. A special session on international standards and national legislation pertaining to evictions will also be organised.

⁵³ For more information, see [CommDH\(2010\)35](#).

➤ *Human rights publication with International Alert*

66. The Office of the Commissioner for Human Rights funded the translation into Georgian and dissemination of the publication "*International Engagement in the Georgian-Abkhaz Conflict Resolution Process*" prepared by civil society actors brought together by International Alert, an independent peace-building organisation based in the UK. Dissemination activities were organised in Western Georgia in the spring and summer 2010. The project increases the publication's outreach towards various target groups in Georgia.

➤ *Observation project, phase II – continuation of phase I*

67. The project aims at monitoring the human rights situation in the villages in the Shida Kartli region adjacent to the ABL with South Ossetia (the former "buffer zone"). An analytical report on the situation of the conflict-affected population in the Shida Kartli region is being finalised. In addition, the implementation of a package of recommendations compiled in October 2009 by civil society actors, local government and international organisations, following an initiative by the Council of Europe, UNIFEM and UNHCR, is being monitored. The recommendations were transmitted to the local authorities and all other interested actors at the end of 2009. As a result, the budget in a number of municipalities of this region has been tailored to address the needs of the conflict-affected population by including them in social assistance, healthcare and municipality employment programmes. The project is implemented in co-operation with UNIFEM and OHCHR. A possible follow-up to this activity will be determined at a later stage.

➤ *Documentary on IDPs "Lives in transit"*

68. The Office of the Commissioner for Human Rights is funding the realisation of "*Lives in transit*", a documentary film on the situation of persons who were displaced from Abkhazia (Georgia) in the early 1990s, with a view to increasing awareness in Georgia and internationally about the difficult living conditions of these displaced persons. The partner for this activity is OKUP'ART Association. The *première* of the documentary film took place in Tbilisi on 1 October 2010. A series of dissemination activities will be organised in Georgia and - starting from November 2010 - screenings at international and European human rights film festivals are planned.

European Court of Human Rights

69. Two Inter-State applications lodged by Georgia against Russia are pending before the Court⁵⁴. The second Inter-State application (No. 38263/08) was lodged on 11 August

⁵⁴ The first Inter-State application (No. 13255/07) was lodged on 26 March 2007 and deals with the alleged existence of an administrative practice involving the arrest, detention and collective expulsion of Georgian nationals from the Russian Federation in the autumn 2006 as a reaction to the expulsion of four Russian military intelligence officers by Georgia on 27 September 2006. Following a hearing on 16 April 2009, the

2008 in connection with the August 2008 military conflict and was accompanied by a request for an interim measure. On 12 August 2008, the Court adopted an interim measure inviting both Governments to respect their obligations under the Convention. This decision is still in force. The formal Inter-State application was submitted on 6 February 2009. The Government of the Russian Federation submitted its written observations on the admissibility of the application on 7 October 2009, and the Georgian Government submitted its observations in reply on 10 March 2010. The Russian Government has been granted a time-limit for the submission of further observations until 12 November 2010. The Court's decision on admissibility is expected in the course of 2011.

70. Almost 3 300 individual applications against Georgia have been lodged by persons affected by the August 2008 military conflict. Seven of these applications were communicated to the Georgian Government on 6 January 2009. The Georgian Government submitted written observations. Two applicants made written observations in reply. The Government of the Russian Federation has asked for and been granted the right to intervene. Subsequently, the Georgian Government submitted additional observations, on which the applicants and the Russian Government were given the opportunity to submit their comments. On 23 March 2010, five of the seven communicated applications mentioned above were struck out of the list of cases as the Court concluded, in the absence of any reply from their representatives, that the applicants concerned no longer wished to pursue their applications. Seven other applications were communicated to the Georgian Government. Subsequently, the five applicants whose cases had been struck out appointed new representatives and have requested that their applications should be restored to the Court's list. The Court is expected to decide on that request in October or November 2010. A decision on the admissibility of the two applications, which were communicated in January 2009, is expected to be given in the first half of 2011.

71. To date, the Court has also received 208 applications involving more than 900 applicants from Georgia complaining against the Russian Federation. These applications have not yet been examined.

Secretary General and Committee of Ministers

72. The Secretary General and the Chairman of the Committee of Ministers paid an official visit to Georgia on 2 and 3 July 2010, to discuss possibilities of an expanded Council of Europe action for the protection of human rights in the areas affected by the August 2008 military conflict. A report of this visit was presented to the Committee of Ministers' Deputies at their 1090th meeting on 7 July 2010.

application was declared admissible by a Chamber on 30 June 2009 and relinquished to the Grand Chamber on 15 December 2009. A witness hearing is scheduled for the week of 31 January to 4 February 2011.

Parliamentary Assembly of the Council of Europe

73. The co-Rapporteurs of the Monitoring Committee on the consequences of the war between Georgia and Russia, Mr David Wilshire and Mr Mátyás Eörsi, made a fact-finding mission to Georgia from 11 to 15 April 2010. During this visit, they also travelled to Sukhumi and Gali and had extensive exchanges with the *de facto* Abkhaz authorities. A planned similar visit to Tskhinvali had to be cancelled as the Rapporteurs were refused entry by the *de facto* authorities of South Ossetia. A fact-finding visit to Russia on the consequences of the war took place from 18 to 20 April 2010.

74. On 5 October 2010, the Monitoring Committee adopted a proposal by its Chair, Mr Dick Marty, on the manner in which the Monitoring Committee should continue its work on the consequences of the war between Georgia and Russia. To this end, a full day of high-level hearings will be organised before January 2011 at the latest, involving representatives of the Georgian and Russian Governments, as well as representatives of various international organisations dealing with this issue.

Monitoring mechanisms

European Commission against Racism and Intolerance (ECRI)⁵⁵

75. On 15 June 2010, the European Commission against Racism and Intolerance (ECRI) published its monitoring report on Georgia. It contains, *inter alia*, recommendations on how to improve the situation of internally displaced persons and suggestions for urgent measures to advance reconciliation and build mutual trust between different parts of the population in the country. The Georgian authorities agreed to consider the priority implementation of three specific recommendations related, *inter alia*, to the improvement of the education system for pupils belonging to ethnic minorities. As a follow-up, a national round table is planned for the second half of 2011. At the round table, ways to monitor the implementation of the three above-mentioned recommendations and the advancement in national reconciliation will be discussed.

Operational activities

➤ *Support to IDPs*

76. In partnership with the Ministry of Refugees and Accommodation of Georgia and the Association of IDP Women "Consent", the third phase of the CEB-funded project "Support to IDPs in Georgia on inter-community relations" was carried out in April – June 2010. Through an appropriately-tailored training programme, the project aimed at anticipating and diffusing tensions between IDPs and communities as well as within the IDP community. The target group included civil servants responsible for the organisation and provision of services to IDPs at national and local levels and leaders of IDP communities. The objective of the third phase of the project was to ensure the follow-up and sustainability of the previous phase (training modules) by encouraging participants in

⁵⁵ This report applies to the monitoring of Georgia, but includes conflict-related recommendations.

the training to apply the knowledge they acquired in practice and offering them personalised advice on how to overcome the difficulties and use the skills more effectively.

77. The discussions with the participants indicated that, overall, the trainings were useful and helped people to change the perspective on everyday reality as well as to improve their problem-solving strategies. Nevertheless, they have also indicated that many difficulties in generating community actions remain. Both IDPs and the representatives of the Ministry in charge expressed their interest in the continuation of this project. However, as the CEB funding was discontinued on 30 June 2010, no follow-up actions are planned for the time being.

➤ *CoE/Unicef/CEB Project "Making schools a safe environment for all children"*

78. The first of four training sessions on violence reduction in schools took place in Tbilisi from 28 September to 1 October 2010. Thirty Georgian specialists - teachers, psychologists, school doctors and managers, representatives of the Ministry of Education and Science and Ministry of Interior, and NGO representatives – learned about legal and social issues of violence in schools, human rights education for children and peer mediation and conflict resolution at school level. The satisfaction survey indicates the appreciation of the "interactive" training method used by the Council of Europe trainers. The next training session will be held in Tbilisi on 12-15 October and will have psychological aspects of violence as its focus.

➤ *Cultural heritage*

79. From November 2008 to July 2010, a Post-Conflict Immediate Action for the Revitalisation of Communities and Cultural Environment in the Gori Municipality (PIAG) was implemented. Its objective was to provide the local, national and international authorities with detailed plans and strategies for guiding the reconstruction processes and Gori regional development processes. In the framework of the project, the Georgian authorities set up appropriate management structures involving about twenty-five Georgian experts and representatives of ten institutions: the Parliament, various Ministries, the Governor and the Mayor of Gori.

80. The "Guidelines for the Repair and Reconstruction Process of the villages in the Conflict-Zone Adjacent Area", the "Reference Plan for the Village of Zemo Nikozi", the "Reference Plan for the Regional Development of Gori" as well as feasibility studies for specific rehabilitation projects have been published and endorsed by the Interministerial Commission.

➤ *Meeting of youth organisations*

81. Russian and Georgian youth organisations met in Istanbul (Turkey) from 14 to 19 September 2010. At this forum, common problems were discussed and a bilateral action

plan addressing the major issues agreed upon. This action plan will be implemented with the assistance of the Council of Europe.

➤ *Activities of the INGO Conference*

82. The INGO Conference organised a side event on “The promotion of human rights, democracy and the rule of law in the areas affected by the August 2008 conflict: the role of NGOs”, in connection with the Fourth Regional NGO Congress which took place in Vilnius (Lithuania) on 10-12 June 2010. It provided a platform for a dialogue between the Georgian and Russian civil society organisations. It is planned that a similar meeting will take place in Ukraine in the spring 2011 and will focus on youth issues.

➤ *Meetings of the Moscow and Tbilisi Schools of Political Studies*

83. A meeting between the Georgian and Russian participants in the 5th Summer University for Democracy in Strasbourg took place on 30 June 2010.

84. Following the seminar held in Batumi (Georgia) in November 2009, the fourth seminar between experts from the Moscow and Tbilisi Schools of Political Studies is scheduled to take place in Moscow (Russian Federation) from 24 to 26 November 2010. An overall evaluation and proposals for extending the scope of the dialogue will be presented following the fourth bilateral seminar.

4. Update on the proposals for further action

85. In Part IV of the first consolidated report on the conflict in Georgia (SG/Inf(2010)8), several proposals were put forward for an expanded action by the Council of Europe while addressing the consequences of the August 2008 conflict in Georgia. These proposals also included the possible extension of the activities to the regions of Abkhazia (Georgia) and South Ossetia (Georgia), inasmuch as the political context allows it.

86. As already recalled, the Secretary General and the Chairman of the Committee of Ministers visited Georgia on 2 and 3 July, *inter alia*, to discuss with high-level officials possible activities of the Council of Europe along the lines suggested in the first consolidated report. Three pilot projects were selected for this purpose, namely the training of journalists from Abkhazia and the rest of Georgia on standards and principles of the balanced coverage of politically sensitive events; providing civil society organisations and educational institutions in Abkhazia (Georgia) with Council of Europe publications on various human rights issues, and needs assessment visits to Abkhazia (Georgia).

87. Following this visit, on 7 July 2010, the Ministers' Deputies took note of the Secretary General's report on his visit to Georgia together with the Chairman of the Committee of Ministers and asked him to initiate activities along the lines of those proposed in his consolidated report.

88. The Secretariat visited Tbilisi twice – in August and September 2010 – in order to discuss with the relevant authorities the modalities for the implementation of the proposed projects. During its mission in mid-September 2010, the Secretariat also discussed in Tbilisi the first and second projects – the training of journalists and delivery of the human rights publications - with the Abkhaz representative in the Liaison Mechanism⁵⁶. This meeting was facilitated by the Georgian authorities. Following these discussions, the parties involved have confirmed their interest in both projects.

89. Further discussions related to the implementation of the projects – selection of participants, legal and logistical issues - are currently underway. As regards the training of journalists⁵⁷, these discussions are well advanced and the training is scheduled to take place in Istanbul (Turkey) in mid-November. However, there are still a number of outstanding issues related to the travel and practical implementations which need to be resolved, so that the meeting can take place as scheduled.

90. Furthermore, there are ongoing discussions with the Georgian authorities as regards the third project – needs assessment visits to Abkhazia (Georgia).

91. The Georgian authorities, for their part, proposed the implementation of the following three projects: winter course for graduate students on peace studies; developing radio programmes in the Abkhazian and Ossetian languages on human rights issues; translation of Abkhazian literature into Georgian and vice versa. The Secretary General, in his letter of 2 September 2010, noted that the Secretariat was prepared to consider the above-mentioned projects and to further examine them with the competent Georgian authorities.

92. Any present and possible future activities by the Council of Europe are closely co-ordinated with other international organisations (in particular the EU, OSCE and UN) and relevant international actors. Together with other international organisations, the Council of Europe has been involved in the discussions on the draft “Modalities for Engagement of Organisations Conducting Activities in the Occupied Territories of Georgia” and will continue to follow their implementation. The Council of Europe activities underway are to be carried out in full respect of the provisions of the above-mentioned Modalities.

5. Concluding remarks

93. There has been no particular progress achieved in the reporting period on a possible human rights presence on the ground. Such a presence, nevertheless, would enable an ongoing monitoring of the human rights violations on the territories concerned to be ensured. It is also of critical importance for the local human rights defenders and

⁵⁶ The Liaison Mechanism is a “status-neutral liaison mechanism with the authorities in control with the aim of discussing the confidence-building measures with them for the good of the divided communities” as foreseen by the “State Strategy on Occupied Territories: Engagement through Co-operation”. Its establishment was underway in the period under review.

⁵⁷ The German Government has provided a voluntary contribution to the amount of 56 600 Euros to support the implementation of this activity.

civil society activists who strive to perform their work in an increasingly difficult and challenging environment.

94. It is also very important that the “Modalities for Engagement of Organisations Conducting Activities in the Occupied Territories of Georgia” are interpreted in a constructive way by the relevant Georgian authorities, in order to avoid any unnecessary obstacle to humanitarian assistance and to facilitate the implementation of present and future Council of Europe activities.