



General Assembly

Distr.: Limited
4 October 2024

Original: English

Human Rights Council

Fifty-seventh session

9 September–11 October 2024

Agenda item 10

Technical assistance and capacity-building

Albania, Andorra,* Austria,* Belgium, Costa Rica, Croatia,* Cyprus,* Czechia,* Denmark,* Estonia,* Finland, France, Georgia, Germany, Greece,* Iceland,* Ireland,* Italy,* Japan, Latvia,* Lithuania, Luxembourg, Malta,* Monaco,* Montenegro, Netherlands (Kingdom of the), North Macedonia,* Norway,* Poland,* Portugal,* Romania, San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Türkiye,* United Kingdom of Great Britain and Northern Ireland* and United States of America: draft resolution

57/... Cooperation with Georgia

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights),

*Taking note of the judgment of 21 January 2021 of the European Court of Human Rights in the case *Georgia v. Russia (II)*, in which the Court established the responsibility of the Russian Federation for grave human rights violations during the period of occupation of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, following the August 2008 war, as the State exercising effective control over those regions,*

*Taking note also of the judgment of 7 March 2023 of the European Court of Human Rights in the case *Mamasakhlisi and Others v. Georgia and Russia*, in which the Court once again confirmed the effective control of the Russian Federation over Abkhazia, Georgia, before the war between the Russian Federation and Georgia in August 2008 and its full responsibility for human rights violations in the region,*

*Taking note further of the judgment of 28 April 2023 of the European Court of Human Rights in the case *Georgia v. Russia (II)* (just satisfaction), in which the Court ordered the Russian Federation to pay compensation to Georgian citizens who had suffered in connection with the armed conflict between Georgia and the Russian Federation in August 2008,*

*Taking note of the judgment of 9 April 2024 of the European Court of Human Rights in the case *Georgia v. Russia (IV)*, in which the Court confirmed violations of the European Convention on Human Rights due to unlawful “borderization” by the Russian Federation, including of the right to life, the prohibition of torture or inhuman or degrading treatment or*

* State not a member of the Human Rights Council.



punishment, the right to liberty and security, the right to respect for private and family life, the right to protection of property, the right to education and the right to freedom of movement,

Acknowledging the conclusion of the investigation phase into the situation in Georgia by the International Criminal Court in 2022, which resulted in the issuance of arrest warrants for war crimes committed against civilians perceived to be ethnically Georgian from 1 July to 10 October 2008, including during the war between the Russian Federation and Georgia in August 2008, and noting the alleged role of the Russian military official uncovered by the investigation,

Recalling Human Rights Council resolutions 34/37 of 24 March 2017, 37/40 of 23 March 2018, 40/28 of 22 March 2019, 43/37 of 22 June 2020, 46/30 of 24 March 2021, 49/33 of 1 April 2022 and 52/40 of 4 April 2023,

Expressing serious concern that the provisions of the above-mentioned resolutions with regard to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, have not been implemented,

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

Reaffirming also the primary responsibility of States to promote and protect human rights and fundamental freedoms,

Recognizing the importance of the Geneva International Discussions established on the basis of the ceasefire agreement of 12 August 2008, mediated by the Presidency of the Council of the European Union as an instrument for addressing the implementation of the agreement, the return of internally displaced persons and refugees and security, human rights and humanitarian issues on the ground,

Underlining the role of the Incident Prevention and Response Mechanisms in Gali and Ergneti in finding durable solutions for the safety and humanitarian needs of conflict-affected persons on the ground, and stressing the need for the immediate resumption of the work of the Incident Prevention and Response Mechanism in Gali without preconditions and the functioning of both Mechanisms in accordance with their ground rules and founding principles,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights and its office in Tbilisi and with other relevant international and regional human rights mechanisms and actors,

Welcoming also the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

Recognizing the significance of the reports of the United Nations High Commissioner for Human Rights,¹ and noting the recommendations made by the High Commissioner therein,

Condemning the ongoing illegal military presence of the Russian Federation in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, without the consent of Georgia, and the attempts to legitimize its military presence, including through the organization of illegal so-called elections by the authorities exercising effective control therein, the signing of so-called treaties and the creation of so-called joint socioeconomic spaces between the Russian Federation and Abkhazia, Georgia,

Condemning also land seizures, including in Gagra District in Abkhazia, Georgia, the transfer of Sokhumi airport, for reconstruction and operation, and of Bichvinta resort, in Abkhazia, Georgia, to the Russian Federation, and statements about the intention to hold a so-called referendum in the Tskhinvali region/South Ossetia, Georgia, on the matter of joining the Russian Federation,

¹ A/HRC/36/65, A/HRC/39/44, A/HRC/42/34, A/HRC/45/54, A/HRC/48/45, A/HRC/51/64 and A/HRC/54/80.

Stressing the findings of the High Commissioner in the above-mentioned reports, in which the High Commissioner underscored the responsibility of the authorities exercising effective control in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to uphold the fundamental freedoms and human rights of all people living therein and to address any conduct that violates or abuses their human rights, and expressed regret at the continued refusal of those in control of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to grant immediate and unimpeded access to staff members of the Office of the High Commissioner and to United Nations human rights mechanisms to both regions,

Expressing serious concern at the continued process of the installation and extension of barbed wire fences and other artificial barriers along the administrative boundary line in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, and adjacent areas, which continue to have a negative impact on the already poor socioeconomic conditions of the conflict-affected population, their freedom of movement and sense of security, while preventing their access to property, grazing and farming lands, religious sites and cemeteries,

Noting with concern the grave situation of human rights in both Georgian regions, particularly owing to growing violations and restrictions on humanitarian access,

Expressing serious concern at various forms of reported discrimination against ethnic Georgians, cases of torture and other forms of ill-treatment, infringements of the right to life, the right to liberty and security of person, the right to the enjoyment of the highest attainable standard of health and property rights, kidnappings and restrictions on education in one's native language in both Georgian regions, the continued practice of the demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia, and the obliteration and alteration of Georgian features from Georgian cultural heritage monuments in both regions,

Expressing serious concern also at the negative consequences of the prolonged closure of the so-called crossing points and the restrictions on freedom of movement, particularly at cases of denial of and obstacles to swift medical evacuations by the authorities exercising effective control in both regions, which has contributed to a number of deaths and the further isolation of the regions, thereby aggravating the humanitarian and socioeconomic situation on the ground, particularly with regard to the full enjoyment of all human rights by all women, girls and older persons,

Expressing serious concern further over arbitrary detentions and kidnappings, including of women, children and older persons, which in some cases involve shooting, torture and other forms of ill-treatment and continue to have a negative impact on human security and the health of conflict-affected people and restrict their freedom of movement,

Taking note of the judgment of 19 December 2023 of the European Court of Human Rights in the case *Matkava and Others v. Russia*, in which the Court confirmed the responsibility of the Russian Federation for the violation of the right to life of Georgian citizen Giga Otkhozoria, killed on 19 May 2016, and the judgment of 19 December 2023 of the Court in the case *O.J. and J.O. v. Georgia and Russia*, in which the Court affirmed the responsibility of the Russian Federation for the unlawful detention of Georgian citizens in Abkhazia, Georgia,

Expressing deep concern about the killings of Georgian citizen Tamaz Ginturi by Russian forces on 6 November 2023 and Georgian citizen Temur Karbaia by so-called police forces in Gali in Abkhazia, Georgia, in December 2023,

Expressing serious concern at the lack of accountability for killings of ethnic Georgians, which continues to contribute to impunity in both Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia,

Expressing concern that internally displaced persons and refugees continue to be deprived of the right to return to their homes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, in a safe and dignified manner,

Expressing serious concern that violations and abuses of human rights and fundamental freedoms of persons living in both regions create an additional threat of further displacement,

Expressing serious concern also at the repeated denial of access to international and regional monitors, including the United Nations human rights mechanisms, to both Georgian regions by the authorities exercising effective control in those regions,

Expressing concern over restrictions on the work of international organizations operating on the ground and the hampering of confidence-building efforts by the authorities exercising effective control,

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Demands* that immediate and unimpeded access be given to the Office of the United Nations High Commissioner for Human Rights and other international and regional human rights mechanisms to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia;

2. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its fifty-eighth session and to present a report on developments relating to and the implementation of the present resolution at its fifty-ninth session;

3. *Also requests* the High Commissioner to continue to provide technical assistance through the Office of the High Commissioner in Tbilisi.
