Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Georgia: Researched and compiled by the Refugee Documentation Centre of Ireland on 21 September 2009

Information on Internal Relocation especially travelling from Ossetia to Georgia without documentation.

A report from the *Danish Immigration Service* published in November 2001 notes under the heading 12.6 Documents, and conditions for entry and departure:

> "According to the IOM, there are no Georgian checks at the border between Georgia and South Ossetia for political reasons, although there are police posts. On the other hand, the South Ossetians do carry out checks. The Norwegian Refugee Council said that there were checks on the border with Russia and that on entering Russia fees could be charged several times. Recently, in connection with the conflict in Chechnya, controls had been reinforced. (Danish Immigration Service (1 November 2001) *Danish Immigration Service: ID documents; travelling ("Report on roving attaché mission to Georgia"*)

According to a report from *Time* Magazine it notes:

> "The Russian-patrolled border that separates South Ossetia from Georgia snakes its way across sunny fields cut with trenches and through quiet woods spotted with landmines. The only visible signs of the border's presence are where it crosses roads. At these crossings, flags snap in the breeze and opposing soldiers sit just 60 feet from each other behind sandbag walls. But for many South Ossetians and Georgians with family on the other side of the border, the nearly invisible line is as divisive and impregnable as the Berlin Wall once was." (Time (13 August 2009) *In South Ossetia, Families Remain Torn Apart*)

The report continues:

> "South Ossetia, in northern Georgia, had been a source of tension long before Russia and Georgia fought their brutal five-day war over the region a year ago. Since then, South Ossetia has declared its independence, but Georgia refuses to recognize the breakaway republic. Amid fears that the region is perched on the edge of another war, the once-porous border between the two is now heavily guarded and almost impossible to cross." (ibid)

Regarding crossing the border before the recent war the report notes:

> "I am too scared to take one of the secret paths through the woods and across the fields, but I really, really want to see my daughter," says Zoya. Before the war, she was able to visit her daughter in Tbilisi any time by taking one of the local buses that ran from Tskhinvali to Tbilisi several times a day. Now, there is

> not a single bus running from the bus station. "I know blood has been spilled," Zoya says. "But people need to go on living and forget the past." (ibid)

A report from the *Ministry of Press and Mass Media of the Republic of South Ossetia* notes:

> “He underlined that through last 6 weeks, 14 citizens of Georiga violated the state border of South Ossetia. “They were detained by our law enforcement bodies or border-guards and in accordance with the above mentioned agreement they were let back to the Georgian territory. We have not seen a similar attitude from the Georgian side. They stated that the Russian citizens detained by the Georgian side for violating the border between Russia and Georgia, considering the border between South Ossetia and Georgia as an administrative border. The current realities are different, there is a state border, no matter if Georgia admits it or not. Therefore we addressed the Georgian delegation and representatives of the EUMM in Georgia with a proposal to release the Russian citizens without any conditions and to agree that in the future, with unintentional breaches of the border, citizens of both states would be release to return to the neighboring territory. If Khestanov and Murzoev are not released before the middle of the next week, we will consider it as an unfriendly step by Georgia and we will have to act accordingly towards Georgian citizens.” (Ministry of Press and Mass Media of the Republic of South Ossetia (7 September 2009) *A meeting of working groups held at the South Ossetian-Georgian border*)

Under the heading South Ossetia and Abkhazia the *UK Common and Foreignwealth Office* notes:

> “Following hostilities, British nationals should note that the government of Georgia does not recognise the unilateral declarations of independence by either South Ossetia or Abkhazia and, in accordance with international law, continues to claim the right to exercise sovereignty in the two territories. The UK government, along with those of all EU member states and the United States, recognises their right to do so.
>
> The government of Georgia is in the process of implementing legislation which would require those trading with Abkhazia and South Ossetia to hold a licence, issued by the Georgian government. This will extend to buying and selling property and to most financial transactions. Those who trade without licences may be open to penalties under Georgian civil and criminal law.
>
> The ownership of many properties is disputed across both regions with many thousands of claims to ownership of properties from people displaced following recent conflicts. Purchase of these properties could have serious financial and legal implications. Purchasers could face legal proceedings in the courts of Georgia, as well as attempts to enforce judgements from these courts elsewhere in the EU, including the UK. Potential purchasers should also consider that a future settlement could have consequences for property they purchase in South Ossetia and Abkhazia (including possible restitution of the property to its original owners).” (UK Foreign and Commonwealth Office (14 August 2009) *Georgia*)

According to the annual report from *Freedom House* it notes:

> “The government generally respects the rights of ethnic minorities in areas of the country that are not contested by separatists. Freedom of residence and freedom to travel to and from the country are observed, although the embargo imposed by Moscow prevents travel to and from Russia, and the August 2008 Russian invasion restricted internal travel for part of the year.” (Freedom House (16 July 2009) *Freedom in the World Georgia - 2009*)

The *US Department of State* notes under the heading d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons:

> "The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.
>
> De facto authorities in the separatist regions of Abkhazia and South Ossetia, and Russian troops in parts of Georgia occupied during the August conflict, restricted freedom of movement. Checkpoints operated by de facto militia and Russian troops often obstructed citizens' internal movement in these regions and between these regions and areas controlled by the Georgian government. In June, Abkhaz de facto authorities closed the ceasefire line to all civilian vehicular traffic.
>
> Following the August hostilities, Russian and South Ossetian forces occupied villages outside of the South Ossetian and Abkhazian administrative boundaries. By October 10, Russian and irregular forces had, for the most part, pulled back to pre-conflict positions. Major exceptions included a Russian checkpoint outside the village of Perevi and a significant Russian and Ossetian presence in the Akhalgori valley. The valley, which the Georgian government had governed since 1991, is populated predominantly by ethnic Georgians. Russian forces severely limited movement in and out of the valley; international observers were generally unable to gain access. Ossetian authorities reportedly exerted pressure on local residents, especially younger ones, to accept Ossetian authority and Russian passports or leave.
>
> On October 7, Parliament passed the Law on Occupied Territories, which put limits on the movement of foreigners in and out of Abkhazia and South Ossetia. It also imposed special requirements on those conducting economic activities in the territories. At year's end, there were no reports of any international humanitarian organizations being unduly restricted by the law.
>
> An Abkhaz "citizenship" law allows dual Russian-Abkhaz citizenship but not dual Georgian-Abkhaz citizenship, although this law was not strictly enforced. Abkhaz efforts to compel the acceptance of a different (usually Russian) passport did not center on the Gali region. Most IDPs who returned retained their Georgian citizenship. However, ethnic Georgians living in Abkhazia were required to

> acquire Abkhaz citizenship to open businesses, bank accounts, vote in elections, and own property.
>
> Abkhaz de facto militia conducted searches of local populations and erected arbitrary checkpoints. Money and valuables were extorted from ethnic Georgians accused of violating the identity document requirements. (US Department of State (25 February 2009) *Georgia: Country Report on Human Rights Practices – 2008*)

A report by the *UK Home Office* states;

> "Internal relocation***.*** If this category of claimants' fear is of the state authorities, relocation to a different area of the country is not feasible. The law provides for freedom of movement, and the government generally respected this in practice in areas under its control. However, freedom of movement was restricted by the de facto authorities in the separatist regions of Abkhazia and South Ossetia," (UK Home Office (October 2008) – *Operational Guidance notes; Georgia*)

According to a report by *Amnesty International*;

> "According to reports and information received by Amnesty International's representative while in South Ossetia, as of July 2009, the Akhalgori / Leningori 46 administrative border remained open to persons with residency papers. According to these reports, South Ossetians and Georgians living in the Akhalgori / Leningori area are still able to move between the region and the rest of Georgia. In the rest of the areas adjacent to South Ossetia, local residents and returnees face considerable safety risks and limitations to their freedom of movement due to a lack of clarity regarding the location and possibility of crossing the ABL. 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 these movements are considered illegal by the authorities and involve people crossing the ABL at their own peril and at the discretion of the guards or police at the ABL. There is no clarity on the requirements for crossing the ABL, such as documents or the payment of a fee. There are no guarantees that, if a person is allowed to cross the ABL, they will be able to return back." (Amnesty International (7 August 2009) - *Civilians in the Aftermath of War: The Georgia-Russia Conflict One Year* on pg.16)

The Report also states;

> "Insecurity, unpredictability and lawlessness associated with the ABL also affect people on both sides of the ABL who suffer from arbitrary detentions and violations of their rights to physical and mental integrity. Uncertainties regarding ABL closure and policies with regard to crossing of the ABL also interfere with the resident's rights to freedom of movement and security as, in many instances, people say they do not know where the ABL lies and they fear shootings and detention due to allegations of illegal crossing." (Ibid pg18)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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