

Creeping Occupation of Georgian Territories and Russian Aggression Against Georgians Living in Occupied Territories

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Abstract: This article describes the creeping occupation of Georgian territories and

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Russian aggression against the local civilian population. It explains in detail how Russia violates international norms and rules and treats the civilian population in the occupied territories of Georgia. Since the occupation of the Georgian territories, Russia constantly discriminates against the local Georgian people and treats them very inhumanly. Many Georgian families were forced to abandon Abkhazia and South Ossetia due to this inhuman treatment. The legal status of Georgians living in the occupied territories considerably worsened after the Russian Federation signed a treaty on “alliance and strategic partnership” with Abkhazia and South Ossetia. As time passes, Russia is creating more obstacles and problems for local Georgian people and treats them very inhumanly. Georgians living in the occupied territories are deprived of all human rights and are treated as second-rate citizens by puppet regimes in Abkhazia and South Ossetia. Georgian people living close to the occupation line also face enormous problems due to the creeping annexation of Georgian territories. Russian Federation tries to expand the boundaries of South Ossetia at the expense of Georgian lands. As a result of this creeping occupation local Georgian people living close to the occupied territories constantly lose their vital agricultural lands, which are the only source of income for them.

Keywords: Occupied Territories, Creeping annexation of Georgian territories, Abkhazia, South Ossetia, Abduction of Georgians, Discrimination.

Introduction

In 2008 Russian Federation carried out large-scale aggression against Georgia and occupied its territories – Abkhazia and South Ossetia. Since the occupation of South Ossetia and Abkhazia Kremlin deployed a large number of Russian troops to occupied territories and constructed military bases there. Russia Continues to militarize the occupied territories and carries out regular, illegal military exercises in Abkhazia and South Ossetia. During the 2008 War Russian troops committed many atrocities in the occupied territories and destroyed Georgian villages in South Ossetia. Hundreds of Georgian villages were razed to the ground and Georgians living in South Ossetia were forced to abandon their native lands. In other words, Russia deliberately carried out ethnic cleansing of Georgians and forced them to abandon South Ossetia and Abkhazia. This fact is recognized by various international organizations such as the United Nations, the Organization for Security and Co-operation (OSCE) in Europe, as well as by the European Parliament and the European Court of Human Rights (Radio Free Europe / Radio Liberty, 2008).

After the 2008 War Georgia lost 20 % of its territories. Georgia's security environment has significantly deteriorated since the 2008 August War and Russian occupational forces have created enormous problems for the local civilian population. Russian military bases are only 40 kilometers away from the capital, Tbilisi and they represent a monumental threat to the sovereignty of Georgia. In case of war, Russian troops can very easily occupy Tbilisi and put an end to the sovereignty of Georgia.

CREEPING ANNEXATION OF GEORGIAN TERRITORIES

12 years have passed now since the end of the August War but Russian occupational forces continue the

creeping annexation of Georgian territories and borderization process in South Ossetia. Occupational troops try to expand the so-called «borders » of the de facto republic of South Ossetia at the expense of Georgian lands. Russian soldiers have put up fences and barbed wires at places where it cuts through populated areas. They have installed barbed wires through people's gardens and grazing lands, resulting in villages losing cultivated plots of land, and irrigation water canals and cemeteries (Democracy & Freedom Watch, 2013).

Every year they move the occupation line deeper into the territory of Georgia. Georgian villages have lost many plots of land due to the widespread Russian practice of installing barbed-wire fences and the borderization process. Local Georgian people have been deprived of cultivated and sown land. Due to the high unemployment and economic crisis, agriculture remains the dominant source of income in many Georgian villages. As a result of this creeping occupation local Georgian people living close to the occupied territories constantly lose their vital agricultural lands, which are the only source of income for them.

Due to this creeping annexation of Georgian territories, the so-called «South Ossetian boundary markers» appeared about 300 meters from the central highway, which is the only route connecting east to west Georgia. In case of war and Russian intervention, occupational forces can take this road within minutes and they can cut Georgia into two parts. Therefore, this creeping annexation creates a serious security threat for Georgian statehood and its independence.

Another problem that Georgia is facing since the Russian occupation is the abduction of its citizens. The detention of Georgian citizens living near the occupied territories has become a very widespread practice over the

last years. Twelve years have passed now since the August War, but Georgian citizens are still being regularly kidnapped and tortured in Tskhinvali prisons. They are treated very inhumanly by separatist forces and Russian occupational troops. In 2018, 35-year-old resident Archil Tatumashvili was detained inside Russian-controlled territory. When his body was finally handed over to the Georgian side, it bore marks of extreme torture. Some of his organs, including his brain, had been removed from his body. The case sparked outrage both in Georgia and internationally, ultimately changed little. The abduction of Georgian citizens living close to the occupation line is still a very widespread practice and Russian occupational forces do not pay attention to critical remarks from the international community.

Kremlin constantly violates the rights of Georgians living in or near the country's breakaway territories. The recent increase in kidnappings of Georgian citizens living close to Georgia's breakaway republics is the result of the Kremlin's aggressive and inhuman policy towards Georgians. Georgian citizens are often detained and imprisoned by Russian troops and separatist forces while cultivating their land, or cutting firewood, or going hunting in the nearby forests. Because of the absence of barbed wires and banners in the forested areas, Georgian citizens do not know where the occupation line runs. That's why they often cross the occupation line when they go hunting in the woods or collect fruits or berries in the forests. The detainees are often taken to the so-called Tskhinvali isolator. Detainees are freed only if they pay a fine of 2,000 Russian rubles. In case of repeated arrest of the same person, the fine is doubled. Since 2008 more than 1000 Georgians have been detained for "illegal border crossings" (Basishvili, 2017).

Anyone caught crossing the administrative boundary line for the third time risks up to two years in jail in South Ossetia. Georgians living near the occupation line

can no longer cultivate their plots because of the fear of abduction. Their safety is not guaranteed as no one knows exactly from which bush the Russian border guard will jump. Locals are afraid to go out to work. Russian troops harass local Georgian people so that they will not approach the occupation line. For this reason, villagers demand an increase in police patrol groups near the dividing line as well as constant monitoring of the occupation line.

Since 2008 observers from the EU Monitoring Mission in Georgia have been patrolling here. Russia does not allow observers from the EU Monitoring Mission to enter South Ossetia and carry out their activities in the conflict zone. That is why Georgian people living in the occupied territories have virtually no contact with the EU Monitoring Mission. Observers cannot monitor human rights conditions in South Ossetia. The European Union needs to play a more proactive role in resolving conflicts and urge Russia to deploy the EU Monitoring Mission in South Ossetia. If the EU places its monitoring mission in Tskhinvali Region, then it will be able to protect human rights and respond more effectively to human rights violations.

Kurt Walker, director of the McCain Institute, thinks that Russia's ongoing creeping occupation of Georgian territory deserves more international attention. According to him, the international community does not pay enough attention to this thorny issue. He believes that the West should be more worried because of Russia's aggressive behavior and the ongoing annexation of Georgian territories (Tabula, 2019).

The legal status of the ethnic Georgian population living in the occupied territories

According to international humanitarian law, the occupying power has certain obligations and duties towards

the civilian population living in the occupied territories. The duties of the occupying power are very well described and explained in the Fourth Geneva Convention, as well as in the 1907 Hague Regulations. Taken into account the main principles of international law, as well as international rules and regulations, the international community views the Russian Federation as the occupying power in Abkhazia and South Ossetia. Since the occupation of Georgian territories, the puppet governments of Sukhumi and Tskhinvali remain under full Russian control and act according to the orders received from Moscow. As the occupying power, Russia has the primary responsibility for ensuring security and the well-being of the local civilian population in the occupied territories.

The Kremlin's recent moves in Abkhazia and South Ossetia have caused alarm in Georgia, as well as in the West. Russian Federation signed a treaty on "alliance and strategic partnership" with Abkhazia, which Georgia views as a violation of international law and another step toward "de facto annexation" of a breakaway republic. This agreement represents a serious threat to both Georgia and the Abkhaz people. Under the new agreement, the borders between Abkhazia and Russian Federation will no longer exist, which means that the Abkhazian ethnos may disappear altogether and may lose their ethnic distinctiveness. The above-mentioned agreement threatens the physical existence of the local civilian population, as the abolition of the border is another step towards the annexation and assimilation of Abkhazia. When speaking to Raul Khajimba, Putin's aide Vladimir Surkov stated that the border between Abkhazia and Russia should be removed altogether (Herszenhorn, 2014).

The above-mentioned agreement has considerably worsened the legal status of ethnic Georgians in Abkhazia as the rules and regulations on the Abkhazia-Georgia border

have been tightened. The movement of people and goods has become more difficult, which has considerably aggravated the already unbearable conditions of Georgians in the Gali region. Georgians living in the Gali region cannot move freely and are often deprived of their constitutional right to visit their relatives in neighboring regions or to carry out commercial activities freely without any impediment.

Inhabitants of the Gali district, who received IDP benefits in the territory controlled by Georgia, were left without any kind of assistance when the puppet regime decided to impose restrictions on movement due to the outbreak of the Coronavirus pandemic. Life for Georgians in the Gali district has become virtually unbearable in the wake of the coronavirus crisis. Due to the closure of the district, there is a shortage of food and medicines. Patients do not receive medical care, especially patients with chronic diseases who face acute problems. According to the research which was conducted recently by Democracy Research Institute (DRI), Georgians living in the Gali district often risk their lives and cross the Enguri River to enter the territory controlled by the Georgian authorities. Due to these incidents, the facts of detention of Georgian citizens have increased considerably over the last years (Zantaraia, 2020).

A similar problem has arisen in the Tskhinvali region since Russian Foreign Minister Sergey Lavrov and his South Ossetian counterpart David Sanakoyev signed a treaty on state border on 18th of February 2015. This agreement clarifies Russia's imperialist intentions towards Georgia. The Kremlin grossly violates international law and pursues a provocative policy against Georgia's territorial integrity. Under the agreement, the Kremlin seeks to annex the Tskhinvali region and assimilate the local civilian population of South Ossetia (Krasilnikov, 2015).

Another aggressive policy that Kremlin employs in the Tskhinvali region is the so-called “passportisation policy”. As a result of this policy, 90% of the inhabitants of South Ossetia obtained Russian citizenship and are now treated as Russian citizens. This passportization policy allows Russia to intervene in the internal affairs of Georgia, apply pressure on the central government of Georgia, and in case of necessity defend militarily its “compatriots” (Saari, 2015).

According to international humanitarian law and according to international rules and regulations, the occupying power has to defend the rights of the local civilian population and treat them with dignity. Actions taken by the de facto government of Abkhazia and the Tskhinvali region at the instigation or inaction of the Russian Federation give rise to international legal liability. For example, such actions are – prohibition of Georgian schools in Abkhazia and South Ossetia, Russification of Georgian people in the occupied territories, and the replacement of Georgian schools with Russian educational institutions.

The situation is particularly difficult in the Gali and Akhagori districts, where ethnic discrimination against the Georgian population is widespread in all aspects of life. Currently, the only Georgian-populated area in Abkhazia remains Gali, which borders the municipalities of Zugdidi and Tsalenjikha. The rights of Georgians living in the Gali district are constantly limited and suppressed by the Abkhaz authorities. They are not issued passports as foreign nationals and are only given temporary residence permits. Because they do not possess passports, Georgians living in the Gali district cannot participate in parliamentary, presidential, or local elections in breakaway Abkhazia. They have been deprived of the right to participate in politics and play an active role in the political processes of Abkhazia. Because Georgians do not possess Abkhazian passports, they are not regarded as fully-fledged citizens of Abkhazia

and do not have the right to sell the house or apartment that their ancestors built or bought (Menabde, 2017).

Georgian children living in the Gali district are not allowed to receive education in their native language, Georgian language kindergartens are not functioning; Over the last years, Abkhazian authorities banned instruction in the Georgian language and deprived local Georgian Children of the right to receive education in their mother tongue. Georgian schools have been transformed into Russian schools.

Puppet regime in the Tskhinvali region also conducts the same policy of discrimination of Georgians and does not allow local Georgian children to be educated in the Georgian language. Many Georgians living in the Akhagori district were forced to abandon South Ossetia due to above mentioned discriminatory practices. Living conditions of Georgians have become especially unbearable after the imposition of restrictions on movement by the puppet regime in Tskhinvali. A significant part of the population has left the Akhagori district and moved to the rest of Georgia. If the puppet regime in Tskhinvali continues this widespread practice of discrimination against Georgians, then the Akhagori district is doomed for gradual depopulation. (Democracy Research Institute, 2021)

Moscow-backed Puppet Regimes in Abkhazia and South Ossetia forget that the right to education constitutes one of the most fundamental human rights and people cannot be deprived of this right. Article 50 of the Fourth Geneva Convention obliges the occupying power to create all necessary conditions for the smooth functioning of the educational infrastructure in the occupied territories. According to this article the Occupying Power "shall, with the co-operation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and

education of children“ (The Fourth Geneva Convention, 1949).

According to the Abkhazian constitution, the state guarantees "the right of all ethnic groups living in Abkhazia to use their mother tongue freely" (Constitution of the Republic of Abkhazia, 1994). The law on the state language repeats the same thing, according to which "citizens of the Republic of Abkhazia have the right to receive education in their mother tongue and at the same time choose the language of instruction within the possibilities offered by the education system.“ “National cultural communities in Abkhazia can establish preschool and cultural institutions in their native language in accordance with the established rules” (Law On the state language of Abkhazia, 2007). These rules and regulations apply to all ethnic groups, except Georgians. Georgians, compared to other ethnic groups living in Abkhazia, are in a discriminatory situation.

Puppet regimes in South Ossetia and Abkhazia systematically violate Georgian children’s right to receive education in the Georgian language. The local education laws do not take into account the local Georgian population’s right to education. Discrimination against ethnic Georgians is widespread in all spheres of life. The prohibition of Georgian schools in Abkhazia and South Ossetia is a carefully planned strategy by the separatist forces, the aim of which is to expel the ethnic Georgian population from the occupied territories. The puppet regimes in Abkhazia and South Ossetia are very well aware that because of the above-mentioned discriminatory practices many Georgian families are forced to abandon occupied territories and to resettle to other regions of Georgia to enable their children to receive education in the Georgian language.

Conclusion

As it has been mentioned above, Russia as an occupying power constantly violates international humanitarian law, as well as international norms and regulations, and discriminates against Georgians living in Abkhazia and South Ossetia. Because of the widespread discrimination and inhuman treatment, the number of Georgian families living in the occupied territories is constantly decreasing.

Russia's actions in South Ossetia and Abkhazia and the creeping annexation of Georgian territories should be analyzed from the geopolitical point of view. Kremlin tries to destabilize Georgia and is constantly creating conflicts in post-soviet space in order to prevent the integration of post-Soviet republics in the Euro-Atlantic structures. Countries that are striving for NATO integration face permanent threats from Russia and Kremlin is doing its best to destabilize these countries, because Russian political elites are perfectly aware that as long as conflicts take place in these countries, they will not have any chance to integrate into Nato and European Union. That's why Russia will always support separatist forces in Abkhazia and South Ossetia in order to destabilize Georgia and prevent its integration into Euro-Atlantic structures. Kremlin tries to draw Georgia back into the Russian orbit and therefore, does its best to prolong conflicts in the breakaway regions.

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