

4 December 2019

Statement by the Steering Committee of the Eastern Partnership Civil Society Forum on the occasion of the 11th EaP CSF Annual Assembly against Russian aggression and violation of Human Rights in the occupied territories of Georgia, Moldova and Ukraine

Eleven years passed since Georgia fell victim to military aggression by the Russian Federation. Ukraine has been suffering Russian aggression for more than five years. At the same time, Russia has not been honouring its international commitments to withdraw its troops from Moldova.

Ramification of Russian aggression is visible in the form of occupation of Georgian territories - Abkhazia and Tskhinvali Region/South Ossetia, Crimea, and parts of Donetsk and Luhansk regions in Ukraine; the occupation has grave consequences in terms of security and human rights. European Court of Human Rights (ECHR) issued about 30 decisions on approximately 60 cases of human rights violations in Transnistrian region of Moldova where Russian government continues to defy international law.

The Russian Federation continues to violate widely recognized norms of the international law, including the UN Charter, Helsinki Final Act and the Ceasefire Agreement as of August 12, 2008 with Georgia. Militarization of the occupied territories and the whole EaP area continues. The Russian Federation frequently conducts illegal military exercises and sends Russian troops to the occupied territories for military trainings. Uncontrolled armament within those territories increases. The aggressive actions of Russia pose a serious threat not only to the stability of Georgia and Ukraine but also to the Black Sea region and the European security as a whole.

Despite its commitment to withdraw the troops and military equipment from the Republic of Moldova, the Russian Federation continues to dislocate weapons and troops to the left side of river Nistru. The stationing of the Russian army on the territory of the Republic of Moldova represents a deliberate violation of the Moldovan Constitution. The Moldovan Constitutional Court concluded that the actions of the Russian Federation violate constitutional provisions on independence, sovereignty, territorial integrity and permanent neutrality of Moldova, and constitute infringement of the international law.

The actions of the Russian Federation aggravate the living conditions of the population in the conflict zone. Hundreds of thousands of people were forced to flee their homes because of the violations of the territorial integrity of Georgia, Moldova and Ukraine. These citizens are still deprived of their right of safe return, movement and free residence within these territories. The evidence of the ongoing occupation and Russian aggressive actions is the continuous installation of barbed wires barriers in the villages adjacent to the conflict zone of Tskhinvali region, resulting in borderization of Georgian territories as well as a permanent division of Georgia's population and territory.

Systematic abductions of Georgian citizens near the occupation line, including the well-known Georgian physician Vazha Gaprindashvili by the de facto South Ossetian authorities on

November 9, 2019, is of particular concern. To our knowledge, Mr. Gaprindashvili has been held in the Tskhinvali prison for more than three weeks. It is important to mention that there is a critical situation in the detention facilities in the occupied territories, where rights of prisoners are casually violated. Number of Georgian citizens were also murdered over the years, including the case of David Basharuli in Akhagori, Giga Otkhozoria in Gali and the torture and murder of Archil Tatumashvili in Tskhinvali. All these cases have not been investigated so far and the perpetrators enjoy impunity. The responsibility for the abductions and other crimes lies with the Russian Federation, as it exercises effective control over the occupied territories.

Restrictions on free movement between the occupied territories and the rest of Georgia remain a challenge creating additional barriers for the population to enjoy its fundamental rights. Akhagori crossing point has been closed for more than two months placing the local population under strict isolation, which also prevents them from receiving urgent quality medical care. In the occupied territories education in a mother tongue is limited for the ethnic Georgians. Georgian preschools and secondary educational institutions are closing down. Moreover, the local people who enroll to Georgian universities are literally being exiled by de facto authorities from their settlements. The russification process of the population is obviously ongoing.

The military presence hampers the effective investigation of the human rights violations committed in the Transnistrian region. The findings of ECHR underline the illegal presence of the Russian army on the territory of the Republic of Moldova represents a supporting mechanism for an administration that is deliberately violating human rights. In the absence of an opportunity for the Moldovan government to address the human rights situation in the region, the Russian Federation is entirely responsible for the violations of thereof, as a subject of the international law. Until now the ECHR has issued more than 28 judgments within over 60 cases of human rights violations in Transnistria against the Russian Federation, and the sum of claims awarded by the ECHR to the victims exceeds 5.5 million Euro.

In Crimea, the Russian Federation continues to apply its own laws in the occupied territories, in violation of the international humanitarian law applicable to an occupying power. Such behavior results in grave human rights violations that are disproportionately affecting Crimean Tatars. At least 86 Ukrainian citizens have been identified as being prosecuted for political motives in both Crimea and Russia, including dozens of peaceful Crimean Tatar activists. Moreover, today, more than 200 Ukrainians are still being held as hostages in the occupied territories of Donetsk and Luhansk regions. These cases prove once again that the Russian Federation continues to repeatedly and brutally violate international humanitarian law and the core principles of the Council of Europe.

Taking into consideration the aforementioned facts, we urge the EU Member States to:

- Contribute to the peaceful resolution of conflicts between Georgia and Russia, between Moldova and Russia, and between Ukraine and Russia both at multilateral and bilateral levels. The resolution of conflicts should be based on the fundamental norms and principles of international law, the UN Charter and the Helsinki Final Act. The full implementation of the ceasefire agreement of August 12, 2008 between Georgia and the Russian Federation, ceasefire agreement of July 21, 1992 between Moldova and the Russian Federation, and of the Minsk Agreements (2014-2015) should be secured;

- Express their principled position and increase pressure on the Russian Federation in response to its aggression against Georgia, Moldova and Ukraine, and occupation of their territories;
- Continue and strengthen the policy of non-recognition of the occupied territories;
- Apply restrictive measures against persons from the Otkhozoria-Tatunashvili list (individuals involved in brutal murders of the Georgian citizens), which was adopted by the Georgian government to stop impunity and to prevent further deterioration in respect of human rights in the occupied Georgian regions;
- Call on the Russian Federation to allow the EU Monitoring Mission to act in full accordance with its mandate and to provide the Mission with unrestricted access to the Georgian regions of Abkhazia and Tskhinvali / South Ossetia;
- Demand from the Russian Federation to restore the possibility for the Mejlis of Crimean Tatars to freely operate in Crimea, and to open full and unrestricted access to the Ukrainian peninsular for the international monitoring mechanisms;
- Demand full implementation of all previous ECHR's decisions against the Russian Federation, and to demand legal confirmation of the Russian Federation that all future ECHR decisions shall be implemented, cancelling the actual legal provisions allowing for neglecting these decisions;
- Prevent the establishment of illegal forms of economic cooperation between business entities registered on the territory of partner countries and those on the occupied territories of Moldova, which is the violation of the national laws of the Republic of Moldova;
- Contribute to the dissemination of balanced information on the Russian aggression in Ukraine, Moldova and Georgia in the national media of partner countries, as well as to the creation of formal and informal groups to combat Russian disinformation;
- Apply principles defending Human Rights Defenders from Moldova who worked in Transnistrian region and now are persona non-grata and against who the separatist regime started criminal procedures.

We call on the governments of the EaP countries, EU institutions, EU Member States, the Parliamentary Assembly of the Council of Europe and the Commissioner for Human Rights to use all available mechanisms for the immediate release of Vazha Gaprindashvili, all the remaining Ukrainian political prisoners and to reinforce measures to prevent such cases from happening in the future.

Members of the Steering Committee of the Eastern Partnership Civil Society Forum