

10 YEARS AFTER THE AUGUST WAR



VICTIMS OF THE SITUATION IN GEORGIA



VICTIMS OF THE SITUATION IN GEORGIA

Tbilisi – The Hague
2019

10 YEARS AFTER THE AUGUST WAR

VICTIMS OF THE SITUATION IN GEORGIA

Authors: Mariam Antadze
Natia Katsitadze
Nika Jeiranashvili
Nino Jomarjidze
Nino Tsagareishvili
Nona Kurdovanidze

Article 42 of the Constitution

Georgian Young Lawyers' Association

Human Rights Center

Justice International

The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)





We would like to express our gratitude to the Open Society Georgia Foundation (OSGF) for the financial and technical support that has enabled us to undertake this research.

The following report was prepared by the financial support of the Open Society Georgia Foundation (OSGF).

Human Rights Center, Article 42 of the Constitution, Justice International, Georgian Young Lawyers' Association and the Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims are responsible for the content of the report. The views and opinions expressed by the authors do not necessarily reflect the position of the OSGF. Accordingly, the Open Society Georgia Foundation is not responsible for the contents of the report.

CONTENTS

10 ACKNOWLEDGMENTS

12 PREFACE

16 CHAPTER 1.
THE INTERNATIONAL CRIMINAL COURT

18 1.1 Introduction

19 1.2 Jurisdiction

20 1.3 Structure

22 1.4 Procedure

28 CHAPTER 2.
ICC – INVESTIGATION INTO
THE SITUATION OF GEORGIA

30 2.1 Introduction

31 2.2 Crimes Committed During the 2008 August War

35 2.3 A Unique Investigation

36 2.4 Challenges

44 CHAPTER 3.
SOCIO-ECONOMIC CONDITIONS
OF THE AFFECTED COMMUNITIES

46 3.1 Introduction

46 3.2 Methodology

48 3.3 International and National Standards of the Right to Adequate Housing

50 3.4 Significant Socio-Economic Problems Identified in IDP Settlements

72 3.5 Problem of Access to Education and Educational Establishments

74 3.6 Employment Related Problems

78 3.7 Other Problems Negatively Affecting the Socio-Economic Situation of Residents of IDP Settlements

80 3.8 Issues to be Addressed for Improving the General Situation of IDPs

84 CHAPTER 4.
RECOMMENDATIONS

86 Recommendations to Local Self Government Bodies, the Government and State Institutions of Georgia

88 Recommendations to the Trust Fund for Victims and Respective Organs of the ICC



ACKNOWLEDGMENTS

The following report was made possible by the generous support of individual experts and organisations who contributed with their time and expertise voluntarily.

We would like to express special thanks to the sociological research organisation – We Research, who has helped us to conduct this research and analyse the relevant data.

In addition, we would like to extend our thanks to the contributing interviewers: Nino Baloiani, Mariam Esakia, Shorena Zedginidze, Giorgi Kakubava, Nana Kechkhuashvili, Nikoloz Legashvili, Eka Lomidze, Aleksi Merebashvili, Nana Mshvidobadze, Rusudan Mchedlishvili, Dimitri Nozadze, Tamar Oniani, Gvantsa Sakanelashvili, Giorgi Tabatadze, Elena Fileeva, Natia Kokiashvili, Mtvvarisa Shvelidze, Dimitri Khachidze, Valeri Khitarovi, Magda Jambrishvili, Mikheil Jakhua, Tamar Abazadze and Lazare Jibladze.

We would like to extend our appreciation to the thousands of victims of the 2008 conflict, who have participated as respondents in the survey.

PREFACE



**10 YEARS
AFTER
THE AUGUST
WAR**

We are members of the Georgian and International Coalitions for the International Criminal Court, involved in international justice matters over the last two decades.

A big part of our activities in this area concern the 2008 conflict between Georgia, Russia and Georgia's breakaway region of Tskhinvali region/South Ossetia. After the conflict, we have provided legal aid and rehabilitation services to thousands of victims through our Tbilisi and regional offices. We have also documented war crimes and crimes against humanity committed during the conflict. This documentation has been compiled in the report – *In August Ruins*, which was later communicated to the International Criminal Court (ICC) in 2009.

Since then, we have been regularly advocating for international investigation of crimes committed during the 2008 conflict. Apart from the ICC, we have carried out numerous efforts to seek justice for victims at local as well as regional level. Attempts at local level turned out less effective as national investigations in Georgia and Russia failed due to inability and/or political unwillingness to prosecute potential perpetrators. At the international level, hundreds of applications were lodged, on behalf of over 1000 victims, with the European Court of Human Rights (ECtHR).^{*1}

While we had accumulated significant expertise by working on cases before the ECtHR over the past two decades, there was no prior experience of working with the International Criminal Court. The latter was a previously unexplored, a potentially trustworthy institution that could enable victims to seek justice and accountability. Because of this, the idea of the ICC opening an investigation into the situation in Georgia sounded very promising.

In October 2015, the ICC Prosecutor Fatou Bensouda requested ICC judges to authorise her to initiate an investigation *proprio motu*^{*2} into crimes against humanity and war crimes allegedly committed in the context of the conflict between 1 July and 10 October 2008. That same day, we were asked by the ICC to organise a meeting in Tbilisi between the Court's officials and civil society for the ICC's first mission to Georgia involving the ICC Prosecutor herself.

This is how our deeper engagement with the ICC has started. Following the Prosecutor's request to the Pre-Trial Chamber, we helped victims to make representations to the ICC's Pre-Trial Chamber and to comment on whether the request to open the investigation was in their interest and on the scope of the proposed investigation. By the end of 2015, the Court received over 6,000 victim representations from all three

^{*1} Despite a decade passing by since the conflict, a large number of complaints is still pending before the ECtHR, awaiting finalisation of the inter-state application lodged by Georgia against the Russian Federation.

^{*2} The ICC Prosecutor may start a preliminary examination *proprio motu* ("on one's own initiative" in Latin), into alleged atrocity crimes that have occurred either: a) on the territory, or by a national of any State Party; or b) on the territory, or by a national, of a non-State Party that has accepted the jurisdiction of the ICC. The ICC Prosecutor must receive approval from judges to open a formal investigation after completing her preliminary examination.

sides, namely, Georgia, Russia and Tskhinvali region/South Ossetia. These representations, together with the Prosecutor's request and supporting materials, helped the judges to decide about opening the investigation.

On 27 January 2016, Pre-Trial Chamber I authorised the Prosecutor to open the investigation and expanded its scope to include additional crimes allegedly committed within the jurisdiction of the ICC, including sexual violence, arbitrary detention of civilians and torture of prisoners of war.

This was truly an exciting moment for us; after almost eight years of waiting there was a hope for the victims that justice would prevail. It was perhaps a pivotal moment for the Court as well because this was the first time the ICC was going to investigate a situation outside Africa. It was also the first time the Court was going to deal with an international armed conflict involving Russia, a UN Security Council Member State, which is not a party to the Rome Statute.

Over three years have passed since the opening of the investigation. During this time, the ICC has not commented much about the investigation's progress. Due to the confidential nature of the Prosecutor's work, it is not clear how the investigation is progressing. There are no warrants of arrest issued that are publicly known. There is a considerable delay in the investigation compared to almost all of the previous situations that the Court has dealt with.

Last year, the international community celebrated the 20th anniversary of the Rome Statute, marking a significant achievement of establishing a permanent institution to deal with the world's most horrendous crimes. At the same time, victims of the 2008 conflict marked 10 years since the violence occurred. Throughout the last decade, many victims have passed away, thousands of displaced people are living in dire conditions and civilians across the administrative border line (ABL) are living in fear due to regular kidnappings and continued occupation of the Georgian territories. Families of the lost ones and remaining victims are losing hope that they will ever get justice.

More than a decade after the conflict, we have joined forces to develop a special report dedicated to the affected communities. The report is drawn on the analysis of our observation of the ICC's activities since the opening of the investigation in 2016, as well as on the findings of an in-depth sociological research that we conducted in 2018. The research included most of the victims' settlements throughout Georgia, covering over 2,400 families.

The report is divided into four chapters and provides information on the following issues: the International Criminal Court, investigation into the situation in Georgia and socio-economic conditions of the affected communities. The fourth chapter includes recommendations for governmental authorities, as well as for different organs and

bodies of the ICC.

With the following report, we aim at informing the public about the situation in Georgia vis-à-vis the ICC and shed light on the victims' state of affairs a decade after the conflict. We hope this will help to raise awareness amongst the international community and bring in the much-needed attention to the situation to make the ICC investigation more meaningful for those who are supposed to be in the centre of the process.





CHAPTER **1**

THE INTERNATIONAL
CRIMINAL COURT

1.1 INTRODUCTION

The International Criminal Court (ICC) is an independent, international tribunal based in The Hague, the Netherlands. It is the world's only permanent international judicial body which tries individuals for the crime of genocide, crimes against humanity, war crimes and the crime of aggression.

The Court has been established by international treaty called the Rome Statute, which was adopted by 120 states, including Georgia, in 1998. The Court came into being in 2002 following the ratification of the Rome Statute by 60 states.

In addition to founding the Court and defining the crime of genocide, war crimes, crimes against humanity, and – as of amendments made in 2010 – the crime of aggression, the Rome Statute also sets new standards for victims' representation in the courtroom, ensures a fair trial and the rights of the defence.

The Court seeks global cooperation to protect all people from the crimes codified in the Rome Statute. As a court of last resort, it seeks to complement, not replace, national authorities. Under the principle of complementarity in the Rome Statute, the ICC only acts when national legal systems are unable or unwilling to keep their responsibility to prosecute atrocities at home. ICC States Parties can challenge the admissibility of cases before the ICC if they feel they can prosecute domestically.

As of May 2019, 122 states have become parties to the Rome Statute, fully accepting the ICC's jurisdiction. Georgia ratified the Rome Statute in 2003 and thus became one of the member states of the ICC. This still leaves over 70 countries outside the system, with little access to justice for grave crimes. Particularly underrepresented are the Asia, Middle-East and North Africa regions. States with large populations such as China, India, Indonesia, Russia and the United States also remain outside the system.

1.2 JURISDICTION

The ICC Office of the Prosecutor (OTP) can only prosecute crimes that occurred since 1 July 2002, which is the date of the entry into force of the Rome Statute. The OTP investigates and prosecutes while the judicial divisions of the Court, where warranted, try individuals charged with the gravest crimes of concern to the international community, namely, the crime of genocide, war crimes, crimes against humanity and the crime of aggression.

The ICC tries individuals, not states, organisations or governments. The ICC does not prosecute persons who were under the age of 18 at the time when they allegedly committed a crime.

The ICC will not try everybody that commits crimes listed above. It is the policy of the ICC Prosecutor to focus on those individuals who are the most responsible for these crimes, committed in any situation which it is investigating, while it still remains the responsibility of national authorities to try low-ranking individuals.

Nobody has immunity before the ICC because of his or her status; therefore, presidents, members of parliament, government officials and leaders of armed groups and rebel movements can all be tried before the ICC. Under certain circumstances, a person in authority may be held responsible for the crimes committed by those who work under his or her command or supervision. Similarly, persons that were committing Rome Statute crimes by following orders from their superiors are not immune to prosecution before the ICC.

Genocide, as defined in Article 6 of the Rome Statute, is characterised by the specific intent to destroy in whole or in part a national, ethnic, racial or religious group by killing its members or causing serious bodily or mental harm by other means to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

Crimes against humanity are serious violations committed as part of a large-scale or systematic attack against any civilian population. The 15 forms of crimes against humanity listed in the Rome Statute include offences such as murder, rape, imprisonment, enforced disappearances, enslavement – particularly of women and children, sexual slavery, torture, apartheid and deportation.

War crimes are grave breaches of the Geneva conventions in the context of armed conflict and include, for instance, the use of child soldiers; the killing or torture of persons such as civilians or prisoners of war; and intentionally directing attacks against

hospitals, historic monuments or buildings dedicated to religion, education, art, science or charitable purposes.

Crime of aggression is the use of armed force by a State against the sovereignty, integrity or independence of another State. It includes, among other things, invasion, military occupation and annexation by the use of force, blockade of the ports or coasts, if it is considered to be, by its character, gravity and scale, a manifest violation of the Charter of the United Nations.

The definition of the crime of aggression was adopted through amending the Rome Statute at the first Review Conference of the Statute in Kampala, Uganda, in 2010. At the end of 2017, the ICC's Assembly of States Parties adopted by consensus a resolution on the activation of the jurisdiction of the Court over the crime of aggression as of 17 July 2018.

1.3 STRUCTURE

The Rome Statute established three separate bodies: The Assembly of States Parties, the International Criminal Court and the Trust Fund for Victims.

The Assembly of States Parties (ASP) is the ICC's management oversight and legislative body. It is composed of all members of the Rome Statute. States Parties gather at least once a year at the sessions of the ASP to provide the management oversight for the Court, for example, by establishing the budget, providing funding and also electing the Court's judges and Prosecutor.

The International Criminal Court has four separate organs: The Presidency, the Judicial Divisions, the Office of the Prosecutor and the Registry.

The Presidency is composed of the President and First and Second Vice-Presidents, all of whom are elected by an absolute majority of the judges of the Court for a three-year renewable term.

The Presidency conducts external relations with States Parties, coordinates judicial matters such as assigning judges, situations and cases to divisions and promotes public awareness and understanding of the Court. With the exception of the Office of the Prosecutor, the Presidency is responsible for the proper administration of the Court and oversees the administrative work of the Registry. The Presidency coordinates and seeks the concurrence of the Prosecutor on all matters of mutual concern.

The Court has three **Judicial Divisions**, which hear matters at different stages of the proceedings, namely, pre-trial, trial and appeals. The Court's 18 judges are elected by the Assembly of States Parties for their qualifications, impartiality and integrity, and

serve 9-year, non-renewable terms. They ensure fair trials and render decisions, but also issue warrants of arrest or summons to appear, authorise victims to participate, order witness protection measures, etc.

The Office of the Prosecutor (OTP) is an independent organ of the Court. The OTP is responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the Court, for examining them, conducting investigations and prosecutions before the Court.

The office is headed by the Prosecutor, who has full authority over the management and administration of the office, including the staff, facilities and other resources. The Prosecutor is assisted by a Deputy Prosecutor. Like the judges of the Court, the Prosecutor and Deputy Prosecutor are elected by the ASP for a non-renewable mandate of nine years.

The Registry is a neutral organ of the Court that is responsible for the non-judicial aspects of the administration and services of the ICC. The Registry's work includes three types of services:

- a) judicial support, including general court management, counsel support, legal aid, support for victims to participate in proceedings and apply for reparations, and for witnesses to receive support and protection;
- b) external affairs, including external relations, public information and outreach, and field office support; and
- c) management, including security, budget, finance, human resources and general services.

The Registry is headed by the Registrar, who is the principle administrative officer of the Court. The Registrar is elected by an absolute majority of the judges for a five-year renewable term.

The Trust Fund for Victims (TFV) is separate from the Court and was created in 2004 by the Assembly of States Parties to support victims (and their families) of crimes within the jurisdiction of the Court. The TFV can achieve it through a two-fold mandate: (i) to implement Court-ordered reparations, the so-called reparation mandate; and (ii) to provide physical, psychological and material support to victims and their families – assistance mandate.

Assistance mandate of the TFV is not related to specific judicial proceedings before the Court and can be implemented at any stage of investigation, even in the absence of a decision on conviction. The assistance mandate includes the following programmes: physical rehabilitation, psychological rehabilitation and material support such as offering access to income generation and training opportunities to focus on

longer-term economic empowerment.

To achieve the TFV's mandates, projects are funded through fines and forfeitures of convicted persons and through voluntary donations by member states and individual donors. To implement services and programs, the TFV collaborates with national and international partners.

1.4 PROCEDURE

The purpose of criminal proceedings before the ICC is to ensure that allegations of serious crimes are investigated, prosecuted, and, if the accused is proven guilty, punished in accordance with the Rome Statute. ICC proceedings include 6 main stages, namely, preliminary examination, investigation, pre-trial, trial, appeal and reparation.

Stages of proceedings:

Preliminary Examination Stage	Situation in which crimes under the ICC's jurisdiction appear to have been committed is referred to the ICC Prosecutor by a State Party or the UN Security Council	Situation in which information about alleged crimes under the ICC's jurisdiction is sent to the ICC Prosecutor, who may seek authorisation to start proceedings on her own initiative (proprio motu)
	The ICC Prosecutor examines information received	The ICC Prosecutor examines information received
	If the ICC Prosecutor considers there is a reasonable basis to proceed, an investigation is initiated	If ICC Prosecutor considers there is a reasonable basis to proceed, an authorisation from the Pre-Trial Chamber is requested

Investigation Stage	The ICC Prosecutor initiates an investigation	If the Pre-Trial Chamber authorises, the ICC Prosecutor initiates an investigation
	The Office of the Prosecutor collects and examines different forms of evidence, and questions a range of persons, from those being investigated to victims and witnesses.	
	The OTP identifies the gravest incidents and those most responsible for these crimes.	
	Once the OTP considers that it has sufficient evidence to prove before the judges that an individual is responsible for a crime in the Court's jurisdiction, the Office will request the judges to issue a warrant of arrest or summons to appear.	

Pre-Trial Stage (Pre-Trial Chamber)	The Pre-Trial Chamber issues a warrant of arrest or summons to appear
	Person sought by the Court is arrested/surrenders
	First appearance of an arrested or a surrendered person
	Confirmation of charges hearing
Trial Stage (Trial Chamber)	Commencement of a trial
	Judgement: decision on conviction or acquittal and sentencing
	Reparations proceedings unless there is an appeal
Appeals Stage (Appeals Chamber)	Appeal: against decision of acquittal or conviction against sentence
	Decision on appeal
	Appeal: against decision of acquittal or conviction against sentence
Reparations Stage	Victims who have applied for reparations can claim restitution, compensation and rehabilitation from the convicted person before the ICC Judges

1.4.1 Preliminary Examination

There are three ways the exercise of the Court's jurisdiction^{*3} can be triggered where crimes under the Court's jurisdiction appear to have been committed:

- Any State Party of the Rome Statute may request the Prosecutor to carry out an investigation. This was the case for the Democratic Republic of the Congo, Uganda, Central African Republic on two occasions and Mali;
- The United Nations Security Council (UNSC) may also refer a situation to the Prosecutor. To date, this possibility has materialised with respect to the situations of Darfur and Libya. The UNSC referrals may also give the Court jurisdiction over states not party to the Rome Statute; and
- Finally, the Prosecutor may open an investigation on her own initiative on the basis of received information on crimes within the jurisdiction of the Court after the authorisation of the judges. This was the case for Kenya, Côte d'Ivoire, Georgia and Burundi. The Prosecutor may receive information on alleged crimes from multiple sources such as individuals or groups, intergovernmental or non-governmental organisations or other reliable sources. Victims may also send information to the Prosecutor informing about crimes they believe have been committed. The Prose-

^{*3} Article 13 of the Rome Statute.

ctor cannot, on her own motion, initiate investigations with respect to states not party to the Rome Statute unless the matter involves nationals of States Parties allegedly involved in committing Rome Statute crimes on the territory of the non-State Party in question.^{*4}

To date, the OTP has received more than 12,000 of such communications. Receipt of communications from states, UN Security Council or other sources does not automatically lead to the opening of an investigation, but it is a process within which the OTP conducts a preliminary examination to analyse the seriousness of received information and decides whether there is a *reasonable basis* to initiate an investigation. In doing so, the OTP is required to assess and verify a number of legal criteria. These include, among others:

- 1) **Temporal jurisdiction** - if the crimes were committed after 1 July 2002, the date of the entry into force of the Rome Statute;
- 2) **Territorial and/or personal jurisdiction** - if the crimes took place in the territory of a State Party or were committed by a national of a State Party (unless the situation was referred by the UN Security Council);
- 3) **Subject-matter jurisdiction** - if they amount to war crimes, crimes against humanity, crime of genocide and/or crime of aggression;
- 4) **Admissibility** - the gravity of these crimes;
- 5) **Interests of justice** - if opening an investigation would not serve the interests of justice and of victims; and
- 6) **Complementarity** - if there are no genuine investigations or prosecutions for the same crimes at the national level. National authorities bear the primary responsibility, in the first instance, to investigate and prosecute those most responsible for the commission of mass crimes. Thus, the OTP will assess whether the national authorities have failed to uphold this primary responsibility.

There are no timelines provided in the Rome Statute or other legal documents for the completion of a preliminary examination. After analysing the received information and assessing a number of legal criteria, the Prosecutor may decide either to: (i) decline to initiate an investigation; (ii) continue to collect information on crimes and relevant national proceedings in order to make a determination; or (iii) initiate the investigation, subject to judicial authorisation as appropriate.

^{*4} Exceptionally, states may accept the jurisdiction on an ad hoc basis, by submitting a declaration pursuant to Article 12(3) of the Rome Statute.

If the OTP decides to decline the initiation of the investigation, this does not preclude the office from considering further information regarding the same situation in the light of new facts or evidence. The OTP's decision not to proceed with an investigation in relation to a referral by a State or the UN Security Council can be reviewed by the Pre-Trial Chamber.

1.4.2 Investigation

While conducting its investigations, the representatives of the OTP - usually investigators, cooperation advisers, and if necessary, prosecutors with the assistance and cooperation of States Parties, international and regional organisations gather and examine different forms of evidence and question relevant victims and witnesses.

The process of investigation is confidential, which means that neither victims nor public is provided with the information about the progress of the investigation and investigative measures that were taken. The OTP has an obligation to gather and then disclose both incriminating and exonerating evidence to the defence teams as a part of the proceedings.

No provision in the Statute or other legal texts establishes a specific time period for the completion of the investigation. It will continue as long as it is needed for obtaining relevant evidences and establishing the alleged perpetrators. Once the OTP considers that it has sufficient evidence to prove before the judges that an individual is responsible for a crime in the Court's jurisdiction, the Office will request the judges to issue a warrant of arrest or summons to appear.

1.4.3 Pre-Trial: Warrant of Arrest and Summons

Upon receipt of the OTP's request, the judges determine whether there are reasonable grounds to believe that a person has committed a crime within the Court's jurisdiction and, if confirmed, issue a warrant of arrest or summons to appear against a specific individual.

A warrant of arrest is issued to guarantee the person's appearance at trial to ensure that the person does not obstruct or endanger the investigation or Court proceedings, or to prevent the person from continuing to commit the crime in question; while summons to appear is issued when there are reasonable grounds to believe that summons is sufficient to ensure the person's appearance before the Court.

Warrants of arrest are valid for life. Once arrested, suspects are held in custody at the Court's detention centre. Defendants, subject to summonses to appear, come before

the Court voluntarily and are neither arrested nor held in the Court's custody.

As a judicial institution, the ICC does not have its own police force or enforcement body; thus, it relies on cooperation with countries worldwide for making arrests and transferring arrested persons to the ICC detention centre in The Hague.

1.4.4 Trial

The trial proceedings start once the person for whom a warrant of arrest or summons to appear has been issued is in the Court's custody or decides to come voluntarily to the Court. The proceedings take place in The Hague, the Netherlands. After the person's surrender or voluntary appearance before the Court, the Pre-Trial Chamber determines whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes he or she is charged with. Victims may also present their views and concerns to the Pre-trial Chamber. At this stage, the judges decide to confirm, decline or adjourn the charges presented by the Office of the Prosecutor against the defendant.

If the judges confirm the charges, the case goes to trial. Once at trial, the OTP is the first to present its case before three trial judges and bears the burden of proof that the accused person is guilty beyond a reasonable doubt. For this purpose, the OTP presents evidence in the form of documents, other tangible materials or witness statements. Once the OTP has presented all its evidence, the accused, with the assistance of his or her counsel, presents his or her defence.

Victims through their legal representatives may also present their views and concerns to the Chamber where the latter considers it appropriate. In particular, a victim wishing to participate in the proceedings shall make a written application to the Registrar, who transmits them to the relevant Chamber. Upon receipt of the applications, the Chamber specifies the proceedings and the manner in which participation is considered appropriate, which may include making opening and closing statements.^{*5}

During a trial, a victim may also testify if he or she is called as a witness for the prosecution, defence or the victims' legal representative.

The judges consider all evidence submitted by all parties and render a decision of a conviction or acquittal. In the event of conviction, the judges can sentence a person up to 30 years of imprisonment; to life sentence under exceptional circumstances. If there is not enough evidence, a decision of acquittal is issued and the accused is released.

^{*5} Rule 89 (1) of the Rules of Procedure and Evidence.

1.4.5 Appeal

Defence and the Prosecutor have a right to appeal a Trial Chamber's decision (finding on guilt or innocence of the accused). An appeal is decided by five judges of the Appeals Chamber, who are never the same judges as those who gave the original verdict. The Appeals Chamber decides whether to uphold the appealed decision, amend it or reverse it. This is thus the final judgment, unless the Appeals Chamber orders a re-trial before the Trial Chamber.

The ICC relies on cooperation with countries worldwide for enforcing sentences imposed on convicted persons. Sentences of imprisonment are served in a state designated by the Court from a list of states which have indicated to the Court their willingness to accept sentenced persons. The enforcement of sentences is currently in force between the ICC and over 10 states, including Argentina, Austria, Belgium, Denmark, Finland, Georgia, Mali, Norway, Serbia, Sweden and the United Kingdom.

1.4.6 Reparation

At the end of a trial, if a person accused before the ICC is found guilty, victims using the standard application forms can make their request for reparations to the ICC judges. Upon receipt of the application forms for reparations, ICC judges can order the convicted person to make reparations to the victims for the harm they have suffered as the result of the crimes committed.

While adopting the decision on reparations, the ICC judges can specify appropriate reparations. Measures ordered as reparations can be individual or collective (the latter provided to groups of victims) and can include monetary compensation, the return of property, measures of rehabilitation such as medical treatment or education and symbolic measures such as a public apology, commemoration or memorial.

The ICC judges may ask the Trust Fund for Victims and the countries worldwide to help to carry out its orders of reparations against a convicted person. If the convicted person does not have any means to afford reparations ("indigent"), the ICC judges can order that the award for reparations be made through TFV so that the victims might receive some form of redress.

The victims and the convicted person may appeal an order for reparations. An appeal is decided by five judges of the Appeals Chamber, who are never the same judges as those who gave the original verdict. The Appeals Chamber can uphold, amend or reverse the appealed decision. The decision of the Appeals Chamber is final.



CHAPTER **2**

ICC – INVESTIGATION
INTO THE SITUATION
OF GEORGIA

2.1 INTRODUCTION

On 27 January 2016, Pre-Trial Chamber I of the International Criminal Court (ICC) authorised⁶ Prosecutor Fatou Bensouda to open an investigation into the 2008 conflict in Georgia, following an application made by the Office of the Prosecutor (OTP) in October 2015. It took the OTP almost eight years to come to this conclusion.⁷ One of the latest phases of the OTP's assessment examined whether effective national investigations were taking place in Georgia and Russia. The OTP has concluded that obstacles and delays hampered investigations in both countries and that an ICC investigation was necessary as national proceedings in Georgia have been suspended.⁸

The ICC investigation stems from crimes that allegedly occurred during the 2008 conflict in Tskhinvali region/South Ossetia – a region of Georgia that had been under the control of pro-Russian separatists since the early 1990s. A fresh outbreak of hostilities in Tskhinvali region/South Ossetia led to Russian open military intervention in August 2008, with Georgian troops forced to retreat after a week of fighting.

During the conflict, hundreds of people were killed and both sides were accused of using disproportionate force that endangered civilians.⁹ Human rights groups reported that ethnic Georgians living in Tskhinvali region/South Ossetia were deliberately pushed out of their homes by a campaign of terror that included scores of murders and around 27,000 have been unable to return since.¹⁰ Georgian forces were accused of allegedly attacking Russian troops who had been deployed in the region as peacekeepers under an earlier peace agreement with the separatists.

The Pre-Trial Chamber's decision of 27 January 2016 authorising the OTP to open the investigation signifies a very important first step in recognising the harm suffered by the victims and the fight against impunity for the crimes committed in relation to the 2008 conflict. According to the ICC Pre-Trial chamber decision, such crimes include the crimes against humanity, viz., murder, forcible transfer of population and

⁶ International Criminal Court, *ICC Pre-Trial Chamber I authorises the Prosecutor to open an investigation into the situation in Georgia*, available at: https://www.icc-cpi.int/CourtRecords/CR2016_00608.PDF

⁷ The ICC Prosecutor announced the preliminary examination of the situation in Georgia on 14 August 2008. On the basis of the information available, the Prosecutor concluded that there is a reasonable basis to believe that crimes within the jurisdiction of the Court have been committed in Georgia in the context of the armed conflict of August 2008. Pursuant to Article 15(3) of the Rome Statute, the Prosecutor submitted a request to the Pre-Trial Chamber for authorisation to open an investigation into this situation on 13 October 2015.

⁸ The OTP Request for authorization of an investigation pursuant to Article 15, available at: https://www.icc-cpi.int/CourtRecords/CR2015_19375.PDF.

⁹ HRW, *Up In Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia*, January 2009, available at: <http://www.hrw.org/sites/default/files/reports/georgia0109web.pdf>.

¹⁰ Official statistics of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, letter of 24.10.2018.

persecution, and war crimes, including attacks against the civilian population, wilful killing, intentionally directing attacks against peacekeepers, destruction of property and pillaging allegedly committed in the context of the conflict between 1 July and 10 October 2008 in and around Tskhinvali region/South Ossetia.

In addition, the chamber has taken into consideration the Georgian victim groups' request to broaden the scope of investigation.¹¹ As a result, it decided not to limit it to the aforementioned crimes, but to allow the Prosecutor to investigate all crimes allegedly committed within the jurisdiction of the ICC, including sexual violence, arbitrary detention of civilians and torture of prisoners of war.¹²

2.2 CRIMES COMMITTED DURING THE 2008 AUGUST WAR

Since the end of the conflict, Georgian civil society groups have been actively working on documenting crimes committed during the conflict. These groups have developed a special report, named *In August Ruins*,¹³ which describes the stories of over a thousand victims and documents the violations of human rights and humanitarian law committed during the conflict. The report has been communicated to the OTP in 2009 with a request to open an investigation pursuant to Article 15 of the Rome Statute. In addition, these groups have compiled and lodged hundreds of applications on behalf of over 1,000 victims with the European Court of Human Rights.

Following the Prosecutor's request¹⁴ to open an investigation in October 2015, civil society groups helped victims¹⁵ to make representations to the Pre-Trial Chamber and to comment on whether or not the request to open an investigation was in their interest and on the scope of the proposed investigation. In total, on 4 December 2015, the chamber received representations by or on behalf of over 6,335 victims from both

¹¹ *Ibid.*

¹² International Criminal Court, *ICC Pre-Trial Chamber I authorises the Prosecutor to open an investigation into the situation in Georgia*, available at: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1183&ln=en>.

¹³ Electronic version of the report is available at: http://www.osgf.ge/files/publications/2010/Etnikuri_cmenda_English_WEB_version.pdf.

¹⁴ The International Criminal Court, *The Prosecutor of the International Criminal Court, Fatou Bensouda, requests judges for authorisation to open an investigation into the Situation in Georgia*, available at: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1159&ln=en>.

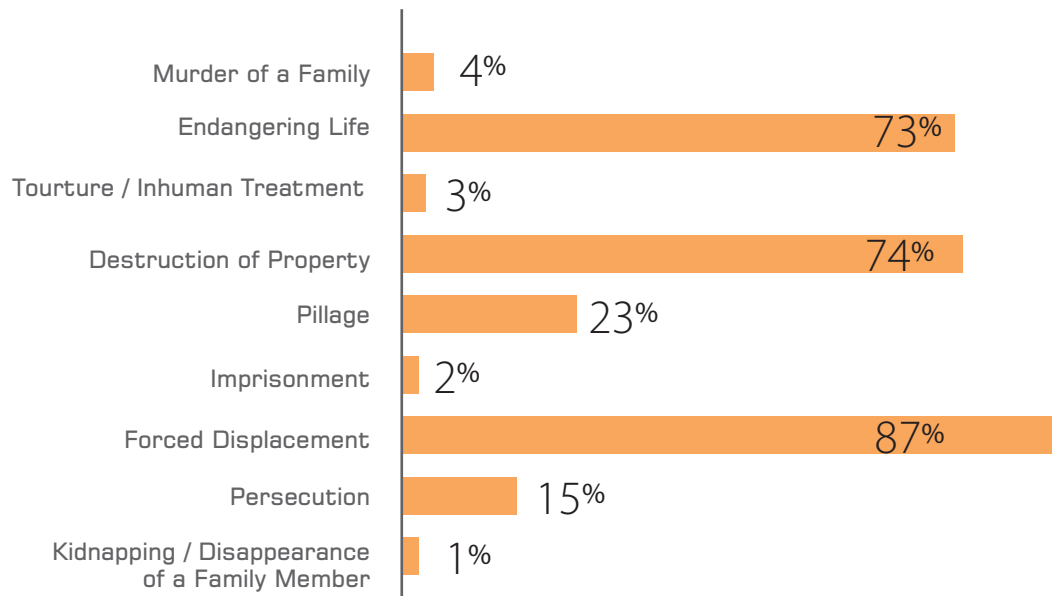
¹⁵ Victims are those who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court. Victims might include individuals, but also organisations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, or to their historic monuments, hospitals and other places and facilities used for humanitarian purposes. Victims might include victims of sexual violence, children, persons with disabilities or elderly persons. A victim can also be a person who suffers harm as a result of a crime targeted at another person, such as a family member of someone who has been killed.

sides of the conflict.^{*16} The vast majority of the victims responded through the representation forms that the request of the OTP to open an investigation was in their interest. Most of the representations received from victims further referred to one or more of the crimes allegedly committed against ethnic Georgian and/or South Ossetian civilians.^{*17}

Considering that many more individuals were affected by the 2008 August war, the survey also aimed at documenting crimes committed against IDPs during the war.^{*18}

The survey showed that the following were the crimes most frequently committed against interviewed victims during the 2008 August war: forced displacement (2,088 respondents; 87% of the total number); destruction of property (1,776 respondents; 74% of the total number) and endangering life (air and artillery bombing, bodily injuries, etc) (1,752 respondents; 73% of the total number).

Categories of Crimes



Victims have been interviewed also with regard to other crimes that are not reflected in the above chart, such as attacks on peacekeepers and sexual violence. During

^{*16} Most of the representations (5,782) were made on behalf of Georgian victims; 386 representations were submitted on behalf of South Ossetian victims; 166 representations were made on behalf of mixed (Georgian/South Ossetian) victims while only 1 representation form was submitted on behalf of a Russian victim.

^{*17} Report on the Victims' Representations Received Pursuant to Article 15(3) of the Rome Statute, 4 December 2015, available at: <http://www.legal-tools.org/doc/eb0a8b/pdf/>.

^{*18} Crimes were documented using the same methodology that was employed during the identification of socio-economic needs of IDPs (in person interviews of IDPs with a specially designed questionnaire; for more information, see chapter 3).

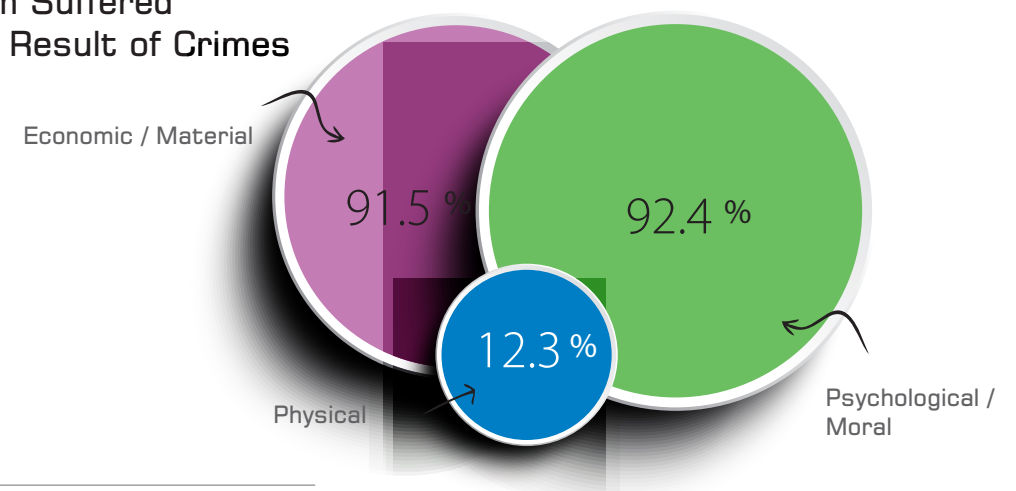
armed conflicts, sexual violence is used as a weapon of war and military tactic. Such actions are aimed at diminishing and moral destruction of the population. Victims of sexual violence often avoid discussing violence to which they have been subjected. There are many reasons for this reluctance, viz., the victim's feeling of guilt, shame, discomfort, humiliation, fear that no one will believe their story, desire to keep the incident private, fear of the abuser, distrust in the existing justice system, etc. Sexual violence affects physical and psychological health of the victim and increases the risks of sexual disorders and reproductive health problems. Negative effects of the violence can be manifested immediately after the violence or after many years. Representatives of the Coalition have not identified incidents of sexual violence in the interviews with IDPs within the present survey. This could be caused by the desire of possible victims of such crimes not to voice their concerns about the incidents and/or due to the fact that such crimes have not been committed against the respondents.

Out of the 2,417 interviewed IDPs, 96 (4%) claimed that a family member had been murdered. 42 (approximately 44%) out of them witnessed the murder. Out of the total number of interviewed IDPs, property was destroyed in approximately 1,788 cases (74%); among them, the crime was witnessed by approximately 661 persons (37%).

Victims consider both armed civilians and military personnel to be responsible for the identified crimes. In many cases, victims have information about details of attackers such as their nationality and spoken language, in some cases their names, cars' state registration plates, size/make/colour, etc., of a car/plane.^{*19}

According to the survey results, economic/material and psychological/moral damages prevail among the harms suffered as the results of the war.

Harm Suffered as a Result of Crimes

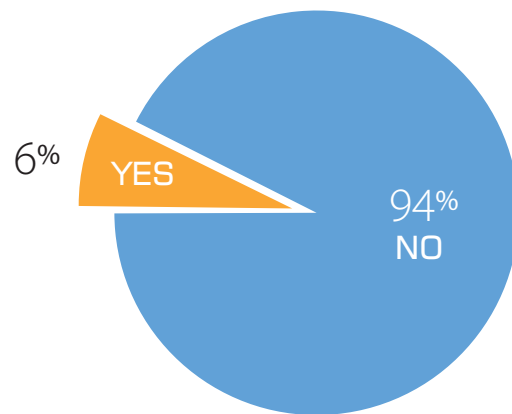


^{*19} More details about responsible persons have not been sought within the survey considering the interests of the investigation conducted by the Office of the Prosecutor of the ICC.

According to the victims, the economic damage inflicted by the war was particularly hard for them as they lost their houses and other immovable and movable property. IDPs mostly could not take basic items with them when leaving their houses. Besides, IDPs lost the main source of their income – agricultural land and the profits gained from cultivation. Selling crops harvested through the cultivation of agricultural land was the main source of income for the majority of the population. The plots of land received after the forced displacement are smaller and, in most cases, of low quality. In some cases, IDPs have not received any plots of land into their possession from the state.

According to 94% of respondents, they have never been contacted by domestic investigative authorities concerning crimes committed against them. The survey showed that, in case of 6% of victims contacted by investigative and prosecution authorities, 70% of them have been questioned. According to these questioned victims, investigative authorities contacted them only once or twice in 2008-2009.

Whether Domestic Investigative and Prosecution Authorities Contacted Victims of the War



Investigative authorities have not contacted them since then. The survey showed that investigative authorities granted the status of a victim/indirect victim to only 13% of the war-affected persons; according to 76% of respondents, they do not have a victim's status and 11% are not informed about this issue.

2.3 A UNIQUE INVESTIGATION

This is the first time that the Court has launched a full-scale investigation of crimes emerging from a conflict outside the African continent. For almost thirteen years, the ICC has been operating in eight African countries, thus acquiring a certain level of expertise in the region. However, the ICC has been strongly criticised^{*20} for opening investigations only in Africa. While the trend has now been broken, ambiguity about the future development and outcome of the ICC's proceedings outside Africa still raises concerns.

It is hard to compare the situation of Georgia to others with an aim to predict the outcome of the investigation. Of the eleven ongoing investigations,^{*21} five relate to the States Parties referrals^{*22} in the context of internal armed conflicts between the government and rebel groups. The two referrals from the UN Security Council relate to the civil uprising against Gaddafi regime in Libya and the armed conflict among the Sudanese government, militia, and rebel forces in Darfur. Three of the *proprio motu*^{*23} situations, which the ICC Prosecutor initiated independently, relate to election violence in Kenya, Cote d'Ivoire and Burundi.

In Georgia's situation, which was also authorised as a *proprio motu* investigation, the Court is investigating for the first time crimes committed during an international armed conflict. As noted earlier, the investigation covers the 2008 conflict between Georgia and Russia. The former has been an ICC member since 2003 and officials have regularly made statements demonstrating their willingness to cooperate with the investigations. The latter is a permanent member of the UN Security Council and has already declared its intentions not to cooperate with the ICC, culminating in the removal of its signature^{*24} from the Rome Statute at the end of 2016.

In the wake of Russia's withdrawal as a signatory to the Rome Statute and refusal to cooperate with the OTP, Prosecutor Bensouda declared that her office will find other

^{*20} Al Jazeera, *The International Criminal Court's Africa problem*, available at: <https://www.aljazeera.com/indepth/opinion/2013/06/201369851918549.html>.

^{*21} International Criminal Court, *Situations under investigation*, available at: <https://www.icc-cpi.int/pages/situations.aspx>.

^{*22} This was the case for the Democratic Republic of the Congo, Uganda, Central African Republic on two occasions and Mali.

^{*23} The Peace and Justice Initiative, *Proprio motu investigation by the ICC Prosecutor*, available at: <http://www.peaceandjusticeinitiative.org/implementation-resources/proprio-motu-investigation-by-the-icc-prosecutor>.

^{*24} The Guardian, *Russia withdraws signature from international criminal court statute*, available at: <https://www.theguardian.com/world/2016/nov/16/russia-withdraws-signature-from-international-criminal-court-statute>.

ways to obtain evidence.^{*25} At the same time, Georgia has repeatedly confirmed its commitment to the ICC and to the ongoing investigation.^{*26}

In addition, in Georgia, there was a gap of almost eight years since the crimes were committed and the opening of the ICC investigation. In contrast, in most of the Court's previous experiences, an investigation was opened just one to two years after crimes occurred. This delay may create problems for the ICC's Office of the Prosecutor when collecting evidence linking alleged crimes to potential perpetrators, due to a potential loss and contamination of the evidence, as well as due to the death of numerous potential witnesses and fading memories of the remaining ones.

Although the whole process related to the investigation of Georgian situation is an important test for the Court, results of the investigation and following advancements of events will have broader dimensional consequences not only for Georgia but also for the region as well as for the situations which are currently under preliminary examination by the OTP.^{*27}

2.4 CHALLENGES

Although the situation in Georgia is unique in many ways, it brings new challenges related to a lack of knowledge of the new region, inexperience of dealing with international conflict and non-cooperation of a very powerful non-member state involved in the conflict.

Below is a non-exhaustive list of some of the most anticipated challenges:

2.4.1 Volatile Region

Georgia is located in a highly volatile region where a number of Russia-fuelled secessionist conflicts have been festering for decades and temptation to resolve them by force is high. In this regard, the ICC investigation in Georgia and possible accountability for grave international humanitarian law violations could serve as a deterrent for future conflicts and advance greater respect for international justice and the rule of law. At the same time, conducting a one-sided investigation, where only one party of the conflict is considered responsible, will be detrimental and might discredit the ICC's neutrality and credibility.

^{*25} Justice International on Twitter: https://twitter.com/Justice_Intl/status/799234627730710528.

^{*26} ICC on Twitter: <https://twitter.com/IntlCrimCourt/status/964644382535188480>.

^{*27} The International Criminal Court, *Preliminary examinations*, available at: <https://www.icc-cpi.int/pages/pe.aspx>.

2.4.2 Non-Cooperation of the Russian Federation

This is the first time an ICC investigation has brought it into a potential confrontation with a powerful, UN Security Council permanent member that is not a party to the Rome Statute. In addition, the separatist administration of Tskhinvali region/South Ossetia is only recognised by Russia and a handful of other states, and it remains under the political sway of Moscow, raising further difficulties for the investigation. Despite the ICC's hopes on Russia's cooperation during the early stages of investigation, Russia has shown no signs of cooperation. The spokeswoman of the Foreign Ministry, Maria Zakharova, has declared that Russia is disappointed with the chamber's decision to support the case.^{*28} By the end of 2016, Russia has withdrawn its signature from the Rome Statute, removing any doubts that the Court's officials might have had about cooperation.

Georgia, meanwhile, has been a member of the ICC since 2003 and has an obligation to cooperate fully with the Court in this investigation. The official statements from Georgia are rather supportive and give one hope that the cooperation will continue in this spirit. The Pre-Trial Chamber's decision to proceed with the investigation was widely welcomed by Georgian victim groups as well as high level officials including the then Prime Minister, Giorgi Kvirikashvili, and the Minister of Justice, Tea Tsulukiani. The latter has emphasised the importance of the chamber's decision and stated that Tbilisi will continue to actively cooperate with the Court.^{*29}

Due to these developments, there is a general fear among ethnic Georgian victims that the Court might not be able to establish the accountability of the alleged perpetrators and arrest them as Russia does not cooperate with the investigation. In addition, there is a high probability that, in case of issuing a warrant of arrest against its own citizens, Russia will refuse to hand them over while Georgia will be obliged to do so in a similar scenario.

^{*28} Briefing by Foreign Ministry Spokesperson, 29 January 2016, available at: http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2039123#7.

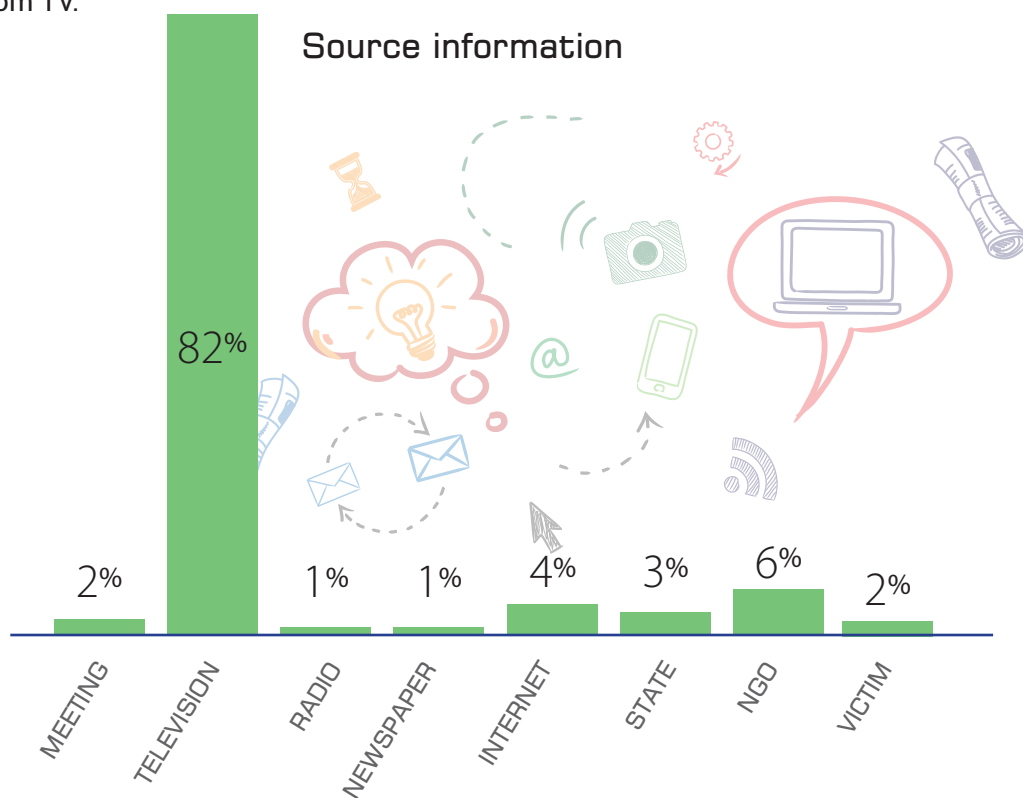
^{*29} Georgia Says to 'Cooperate Actively' with ICC in 2008 War Probe, 28.01.2016, available at: <https://civil.ge/archives/125262>.

2.4.3 Lack of Outreach and Public Information

Half of the victims that the GCICC representatives have interacted with had not even heard about the ICC. 49% of the victims responded that they heard something about the ICC, yet they had very little information about the work, mandate and role of the Court.

After two years of opening the investigation, the ICC has managed to open a field office in Tbilisi, whose primary responsibility is to provide public information and conduct outreach activities. However, the office has remained largely inoperative throughout 2018 as it consisted of only a head of the office and a temporary staff member. This has caused further delays in the process, once again leaving the victims and public at large in an information vacuum. Lately, the field office has hired a local assistant, yet the lack of outreach and public information still remains.

Out of the 49% of victims who have heard about the ICC, only 2% have received information about the Court from the meetings with the representatives of the field office. This indicates to the lack of such meetings on the one hand and to the lack of interest of the victims on the other. The field office does not widely employ other communication tools such as TV, radio and online media to relay information to the affected communities. 82% of the victims, however, have received information about the ICC from TV.



Need for timely and comprehensive interactions with the affected communities and general public was further revealed in the context of 2018 presidential elections, when Georgian politicians have been trading accusations about who was responsible for the 2008 armed conflict with Russia and about improperly influencing the ICC's investigation.

The presidential election and statements of high-level officials concerning the 2008 conflict have sparked intense public discussions about the ICC. Throughout the second round of the presidential elections, the ICC investigation has been a popular topic of public discussions on TV, radio and social media. Everyone in Georgia has been talking about the process, including former and current government officials and opposition parties. The army generals have also raised concerns regarding the ongoing public discussions and disapproved politicians' statements about blaming Georgia for starting the 2008 war with Russia.^{*30} Opposition parties further worried that recent statements by politicians and the ruling party-supported presidential candidate that Georgia started the war with Russia could be used as evidence in the proceedings before the ICC.

In addition, many government officials have made statements that investigation would not be extended to Georgian forces.^{*31} Senior officials and politicians have also mixed up the ICC investigation with proceedings initiated at the International Court of Justice (ICJ)^{*32} by the former Government of Georgia against the Russian Federation in 2008, which finished in 2011 when the ICJ found that it had no jurisdiction to decide the dispute. But the ICJ is also located in The Hague, and the ICC has not conducted any outreach activities to explain the difference between the courts and their respective proceedings. The two processes are usually confused and often believed that there is an inter-state claim being discussed before the ICC.

Given that the victims do not have sufficient information about the Court's mandate and the role of the pending investigation, the recent political discussions could have a detrimental effect on the victims' effective involvement in the investigation or on their future cooperation with the Court. Therefore, Georgian civil society has actively engaged in the recent discussions and has called on all of the stakeholders to refrain from making any further comments before the public heard from the ICC.^{*33}

^{*30} Rustavi 2, 08.11.2018 video address by Lieutenant General Devi Chankotadze, available at: <http://rustavi2.ge/ka/news/118260?fbclid=IwAR1X-K2udpMxwEgQmLWxaQfWsaMkvQR1pcgS1XvsedDP88pTE5bmYzd-qs>.

^{*31} Liberali, 16 November 2018, available at: <http://liberali.ge/news/view/41126/kaladze-gamodziebis-dasrulebam-de-atskhadebs-rom-qartvelebs-haagis-sasamartlos-tsinashe-tsardgoma-ar->.

^{*32} Internatioan court of Justice, available at: <https://www.icj-cij.org/en/case/140>.

^{*33} The statement of the Georgian Coalition for the Inernational Criminal Court regarding the investigation into the Situation of Georgia conducted by the ICC, available at: <https://gyla.ge/en/post/saqartvelos-koalicia-siskhlis-samartlis-saertashoriso-sasamartlosatvis-ganckhadaba-siskhlis-samartlis-saertashoriso-sasamartlos-mier-2008-tslis-agvis-tos-omis-gamodziebastan-dakavshirebit#sthash.251y9ua7.dpbs>.

These discussions have further confirmed that the victims and general public are not well informed about the ICC proceedings in Georgia.

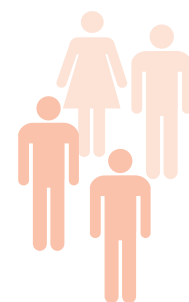
Public information and outreach activities could help to avoid the spread of misinformation, fill in the informational vacuum and minimise misinterpretations of the process by various stakeholders. Although a lack of information was a root cause of this situation, the ICC field office, the Registry and the OTP lacked sufficient involvement in local debates.

Although the ICC shall remain beyond internal country politics and political discussions, it is of utmost importance that Georgian public, especially victims and army personnel, receive neutral information about the work of the Court, its mandate, scope and potential outcome of investigation as ambiguity and misinformation about the aim and mandate of the Court may undermine the effectiveness of all its efforts and question its legitimacy.

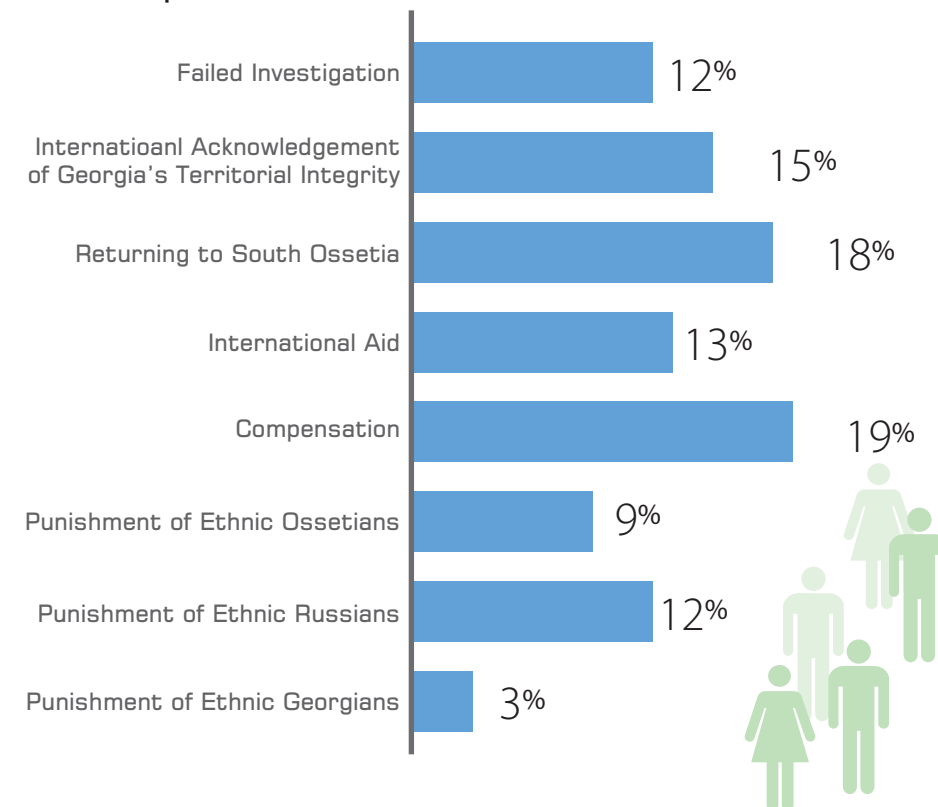
2.4.4 Inflated Expectations

Balancing expectations of the affected communities is amongst the biggest challenges. Communication with victims and their engagement in the process is very demanding, especially when it comes to individual examination of their stories. Providing incorrect information and creating high expectations will surely damage the process and undermine respect for international justice, rule of law and culture of accountability for grave crimes.

According to the results of the survey conducted by the GCICC, the victims have unrealistic expectations from the ongoing investigation. 19% of the respondents have stated that they expect to receive compensation as a result of the investigation, while 13% expect to receive support from international donors. At the same time, 18% believe the investigation will result in their return to Tskhinvali region/South Ossetia and 15% anticipate the ongoing processes will lead to recognition of Georgia's territorial integrity at international level. Regarding the end result of the investigation, 12% of victims expect the investigation to fail, while the same amount assumes that ethnic Russian perpetrators will be held accountable. A smaller number of respondents, 9%, expect accountability of ethnic Ossetians and only 3% think ethnic Georgians will be prosecuted.



Expectations



Victims' groups have a huge role to play as the investigation progresses further. Consequently, there is a desperate need for detailed and balanced information amongst the affected communities about the process and the Court's limitations to reduce misunderstandings.

2.4.5 Lack of Knowledge and Experience

The ICC's investigation has serious implications for the affected communities as well as for the civil society, media and general public in both Russia and Georgia. Neither country has been subject to an ICC investigation before. Until now, this has remained a distant issue for the region, perceived only as an African problem.

As a result, there is locally very little knowledge about the Court's previous experiences and the international context. There are numerous unanswered questions and misunderstandings regarding the investigation and the ICC's role in the process. Lack of knowledge on how to deal with different sections of the Court, in particular with the OTP, and placing lots of expectations on the process may result in potential backlash,

especially for civil society and victims' groups, who are the primary partners of the Court.

Capacity building at local level is essential along with public debates and proactive information sharing to educate the relevant stakeholders of the process. Past experience shows that civil society groups are the key gate openers for different sections of the ICC, including the Prosecutor's Office and for the Public Information and Outreach Section. Yet, there is minor support for the groups in Georgia to enhance their knowledge and support victims in the process.

Lack of knowledge about the progress of the investigation still remains as one of the serious challenges. During the first year of the investigation, the Court appeared to have very little engagement in the Georgia situation. The country and the region were mostly unfamiliar to the Court as much as the institution of the ICC was unfamiliar to Georgians. Most of the people within the Court involved in the investigation had no knowledge or experience of working in this region. Perhaps, this was one of the reasons behind the slow progress in the activities of various organs of the Court on the ground, including that of the OTP, which has remained almost inactive during the first year of the investigation. This improved during the second year of the investigation. During this time, the OTP has set up a team of investigators and launched various activities.

However, due to the confidential nature of these activities, neither the victims nor the public have received adequate information about the investigation's progress. While confidentiality is considered a vital part of the process, it should be complemented with effective outreach and public information to fill out the existing informational vacuum among the affected communities and general public and avoid misinformation that can greatly damage the effectiveness of the ongoing process.





ღმრთა
ცენტრი
IDP
CENTER

CHAPTER 3

SOCIO-ECONOMIC
CONDITIONS OF
THE AFFECTED
COMMUNITIES

3.1 INTRODUCTION

As a result of the 2008 August War, 26,888 individuals (9,081 families) were forced to abandon their residence in Tskhinvali region/South Ossetia and its adjacent villages. Since the war, internally displaced persons (IDPs) have been resettled in various municipalities of Georgia. According to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, as of October 2018, 15,215 IDPs were given the ownership of the living spaces that they had been occupying; monetary compensation *in lieu* of resettlement was given to 3,712 IDPs; and privately-owned houses/flats were purchased for 223 families.^{*34}

The state has recognised at international and national levels the right to adequate housing which is more than just living space. On numerous occasions, this right is still violated in practice with regard to the conflict-affected population. Even after ten years since the 2008 August war, IDPs still live in difficult conditions. Protection of the rights of IDPs has been discussed in the annual reports of the Public Defender of Georgia.^{*35}

The present survey aims at documenting the current socio-economic situation and identifying problems of persons forcibly displaced from Tskhinvali region/South Ossetia and its adjacent villages after the 2008 August war.

The survey showed that IDPs, even after resettlement, live in difficult socio-economic conditions. The most hardship is caused by absence of jobs and the impossibility of engaging in agricultural activities. Daily living conditions in IDP settlements are hard in terms of problems related to transportation, road and irrigation infrastructure, physical accessibility of medical services, preschool and secondary education. Considering the large scale of the issues identified as a result of the survey, it is evident that these problems are of systemic rather than individual nature.

3.2 METHODOLOGY

According to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, as of October 2018, there were 6,116 internally displaced families temporarily resettled in the state, local municipality and private facilities (in total, 170 settlements).^{*36}

^{*34} Letter no. 01/8016-S of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, dated 24 October 2018.

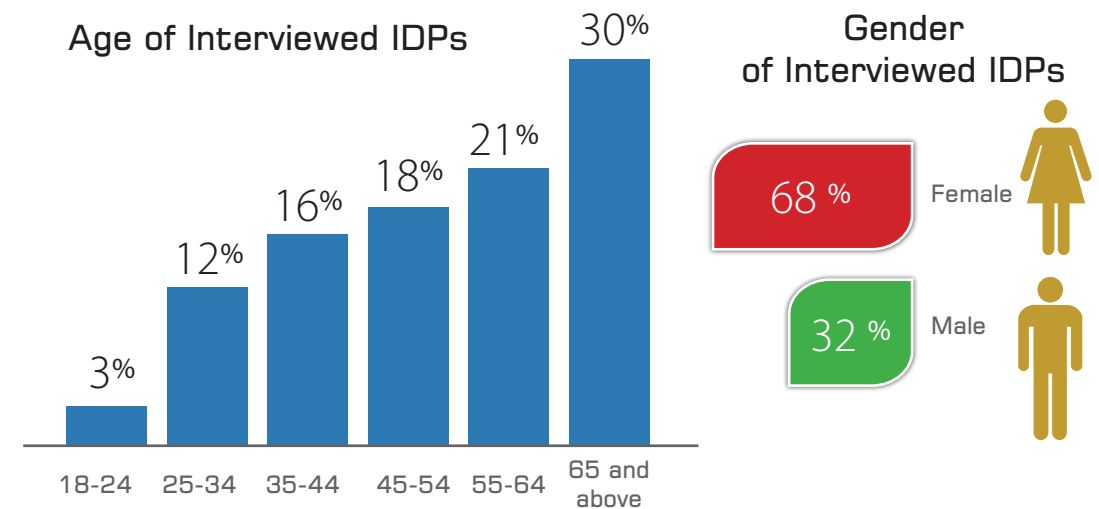
^{*35} The 2016, 2017 and 2018 annual reports of the Public Defender on the Situation of Protection of Human Rights and Freedoms in Georgia.

^{*36} Letter no. 01/8016 of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, dated 24 October 2018.

Between March-August 2018, representatives of the organisations making up the Georgian Coalition for the International Criminal Court interviewed IDPs for survey purposes, from Tskhinvali region/South Ossetia throughout the territory of Georgia, at the place of their settlement. Out of the existing 170 settlements, the 36 most densely populated settlements have been selected in the regions of Kvemo Kartli, Shida Kartli, Mtskheta-Mtianeti and Kakheti.^{*37} When selecting a settlement, the coalition representatives were guided by the information about resettlement of IDPs in these places as supplied by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

There are 5,506 internally displaced families, in total, living in the selected 36 settlements, which is 90% of the total number of resettled families. IDPs were interviewed based on door-to-door survey method; in particular, interviewers went to each family, where they mostly interviewed a member of the family based on a simple selection method, viz., the oldest member of the family present at home at the time and willing was interviewed. Face to face interview method was used.

Within the survey, out of 5,506 internally displaced families, 2,417 families were interviewed; whereas the rest of them either refused to participate in the survey and/or were not present in the settlement at the time of interviews.



^{*37} The list of the places where IDP settlements are located: Prezeti, Tsinamdzgviartkari, the former boarding school (Saguramo), the former vocational training school (Saguramo), the former TV building (Mtskheta), Tserovani, Tsilkani, Berbuki, the former blood transfusion centre (Kvernaki Settlement in Gori), the former detoxification facility (the so-called industrial complex in Gori), Verkhvebi, Skra, Shavshvebi, Sakasheti, the former music school (Gori), Karaleti, Khurvaleti, Teliani, Metekhi, Koda, Bazaleti, Shaumiani, Gardabani, Akhalsopeli, the former electricity vocational training facility (Kareli), the former vocational training school (Kareli), Mokhisi, kindergarten no. 2 (Khashuri), the vocational training school no. 14 (Khashuri), the vocational training school (Khashuri), Surami Sanatorium, Antsukhelidze Str. (Gori), the former vocational training school (Telavi), the former vocational training school (Sagarejo), the former boarding school (Lagodekhi), and kindergarten no. 149 in the 4th micro district, 1st quarter, Vazisubani, Tbilisi.

The survey was conducted using quantitative method. Questionnaires specially designed for IDP survey were structured and contained closed, semi-closed and open questions. The results are based on the generalisation of the data gathered through special questionnaires. The degree of reliability of results obtained through the survey is 95%, whereas the margin of error is $\pm 1.864\%$. Data is statistically significant.

Within the survey, secondary data has been analysed as well; public information was obtained from various state agencies at central and local levels and the received data was processed.

3.3 INTERNATIONAL AND NATIONAL STANDARDS OF THE RIGHT TO ADEQUATE HOUSING

Internally displaced persons are a particularly vulnerable group who require adequate and effective support from the state to enjoy dignified and appropriate living conditions. The right to adequate housing which forms part of human rights is recognised by numerous international instruments. Under the Universal Declaration of Human Rights, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."³⁸

The International Covenant on Economic, Social and Cultural Rights is particularly significant in terms of reinforcing the right to adequate housing. The States Parties to the Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. At the same time, the States Parties must take appropriate steps to ensure the realisation of this right.³⁹

The right should be seen as the right to live somewhere in security, peace and dignity. The term "housing" should also be interpreted so as to take account of a variety of other considerations, namely, the right to housing should be ensured to all persons, irrespective of income or access to economic resources. Furthermore, it must be read as referring not just to housing but to adequate housing.⁴⁰ While "adequacy" of hous-

³⁸ The Universal Declaration of Human Rights, Article 25(1).

³⁹ The International Covenant on Economic, Social and Cultural Rights, Article 11(1).

⁴⁰ The United Nations Committee on Economic, Social and Cultural Rights, General Comment no. 4: The Right to Adequate Housing, 1991, Article 7.

ing could imply various factors, considering general aspects, it should include at least the following:

- all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats;
- An adequate housing must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, etc;
- Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States Parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels;
- Adequate housing must be habitable in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors. The physical safety of occupants must be guaranteed as well;
- Adequate housing must be accessible to those entitled to it;
- Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities; and
- When constructing the housing, cultural identity and diversity should be taken into consideration.

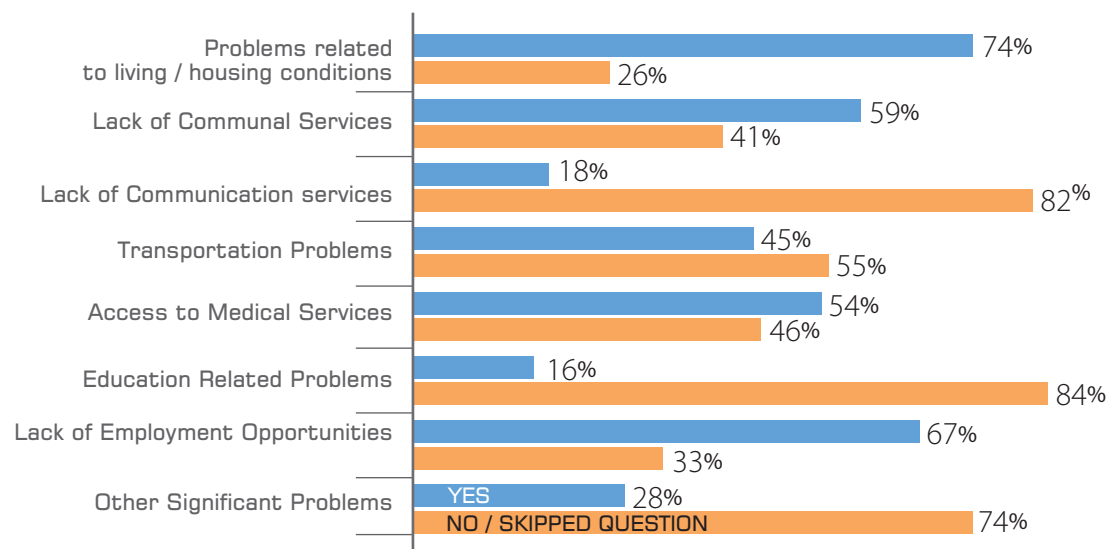
The right to adequate housing is also recognised by the Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia; the law interprets adequate housing as accommodation transferred into the ownership or lawful possession of an IDP, which provides conditions necessary for dignified living, including fair conditions regarding safety and sanitation, and the accessibility of infrastructure.⁴¹

⁴¹ The Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia, Article 4.m).

3.4 SIGNIFICANT SOCIO-ECONOMIC PROBLEMS IDENTIFIED IN IDP SETTLEMENTS

The majority of interviewed IDPs live in cottages specially built for them, after the 2008 August war, by Georgia and/or international organisations. Some of the IDPs are resettled on the territories of former educational facilities or military units. IDPs' problems are identical irrespective of where they are settled. They mostly complain about bad living conditions, inaccessibility of medical services, transportation, etc. Only 0.02% of respondents stated that their family does not have any problems; the majority of respondents named at least one problem that their family is faced with. It is also worth mentioning that the majority of residents of IDP settlements do not see security as problematic.^{*42}

Major Socio-Economic Problems named by the IDPs

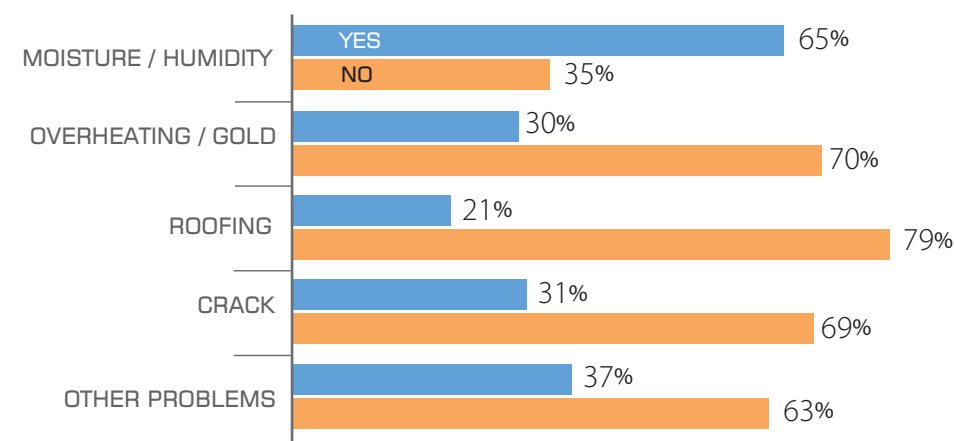


^{*42} The question posed in the questionnaire implied the security issues that were related to kidnapping, threatening, unlawful arrest or other crimes committed against IDPs by the forces of Russian or *de facto* authorities after the 2008 August war. According to IDPs, as their settlements are located far from the Administrative Boundary Line, they have not been directly affected by these crimes.

3.4.1 Everyday Problems/Accommodation Related Problems

The overwhelming majority of respondents (74% - 1,790 IDPs) named living conditions as one of their major problems. Dampness, cracks, roofing, overheating and cold were identified as most serious problems among other issues. Besides, 680 IDPs cited malfunctioning of wastewater systems, small living areas given by the state into ownership and/or possession, entrances and corridors being in disrepair, etc.

Accommodation / Housing Problems



3.4.1.1 Dampness

When discussing accommodation related problems, IDPs frequently mentioned dampness, which often implies an entirely damp house, damp walls and sometimes unpleasant smell. Dampness was cited by the majority of respondents – 1185 IDPs. According to some of them, due to excessive dampness, houses are completely damaged, walls turned mouldy and rotted; and wallpaper peeled off. Dampness also damaged flooring, which is particularly noticeable in cottage-type settlements.^{*43} At some places, laminate flooring completely rotted and needs to be replaced altogether.^{*44}

*"The floor has rotted away and collapsed; we had to lay additional planks from room to room not to injure ourselves."^{*45}*

^{*43} Mokhisi, Akhalsopeli, Berbuki, Tsilkani and Tserovani IDP settlements.

^{*44} Tsinamdzgvriantkari, Prezeti and Verkhvebi IDP settlements.

^{*45} Karaleti IDP Settlement.

*"There is grass growing under the floor."^{*46}*

*"We leave windows and doors open for days and nights to let the damp walls dry so that we could sleep properly."^{*47}*

*"We are so sorry that winter is coming; we can't leave windows open for a long time in winter."^{*48}*

Dampness is particularly disturbing for the ground-floor residents in apartment-block type settlements.^{*49} According to some IDPs, dampness damaged their furniture and other items.

Some IDPs blame dampness for the deterioration of their health condition as well:^{*50}

*"It is so horribly damp that children get ill; I constantly suffer from bronchitis."^{*51}*

*We all suffer from illnesses, be it an adult or a child."^{*52}*

*"Damp is unbearable, we can hardly breathe."^{*53}*

*"I can't move anymore because of the pain in my joints and bones."^{*54}*

*"I caught allergies and asthma."^{*55}*

IDPs blame various insect infestations on dampness too. Some IDPs mention that winter period is particularly unbearable; it is so damp then that water drips down the walls.^{*56}

Due to the existing dire living conditions, some IDPs refuse to receive living spaces into their ownership. For instance, in Shaumiani IDP Settlement, numerous IDPs cited dire living conditions as the reason for refusing to take housing into their ownership. According to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia,^{*57} after the Georgia-Russia War of

^{*46} Karaleti IDP Settlement.

^{*47} Karaleti IDP Settlement.

^{*48} Karaleti IDP Settlement.

^{*49} Koda and Sagarejo IDP settlements.

^{*50} Shaumiani, Bazaleti, Karaleti, Khurvaleti, Verkhvebi and Prezeti IDP settlements.

^{*51} Shaumiani IDP Settlement.

^{*52} Shaumiani IDP Settlement.

^{*53} Bazaleti IDP Settlement.

^{*54} Khurvaleti IDP Settlement.

^{*55} Karaleti and Khurvaleti IDP settlements.

^{*56} For instance, Gardabani IDP Settlement.

^{*57} Letter no. 01/8016 of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia to the GYLA, dated 24 October 2018.

August 2008, 184 internally displaced families – 500 individuals – from Tskhinvali region/South Ossetia and neighbouring villages were resettled in rehabilitated buildings located on the former military bases in the settlement of Shaumiani, in Marneuli district; among them, living space was transferred into the ownership of 13 internally displaced families – 22 individuals.^{*58}

Systematic accumulation of water and sewage in basements is cited as the reason causing dampness in some settlements. This in turn is caused in some settlements by malfunctioning or frequent damages to the wastewater system or absence of adequate wastewater system.^{*59} According to IDPs residing in Lagodekhi, in 2009, in order to ensure their swift settlement, the building was only superficially refurbished. Mains had been installed and connected incorrectly several months before, due to which water is now leaking and dampens the entire apartment block. The problem is made worse by the concrete flooring which does not dry easily. IDPs living in Sagarejo pointed out that the cisterns of drinking water are located in the basement of the apartment block, which is constantly wet and does not dry. According to them, this causes not only dampness and horrible smell but also endangers the foundation of the apartment block.

In several settlements, IDPs said that dampness was caused by wetland soil around the houses. In addition, they referred to a nearby river which floods the settlement when it overflows.^{*60} IDPs in Mokhisi Settlement maintained that dampness is increased by the artificial lake dug by the state, which floods roads and makes movement impossible during rain and snow. The lake water enters cottages too.

3.4.1.2 Cracks

To demonstrate the inadequacy of refurbishment of transferred properties and/or flimsiness of an apartment/cottage, IDPs (563 respondents) refer to the multitude of cracks on the walls, ceilings, near windows and/or doors:^{*61}

*"Walls are all covered with cracks; the house is in a very bad condition."^{*62}*

^{*58} Letter no. 01/9585 of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, dated 14 November 2018.

^{*59} For instance, IDP settlements in Gardabani, Koda, Sagarejo, Telavi, Shavshvebi and Verkhvebi.

^{*60} Mokhisi, Karaleti and Tserovani IDP settlements.

^{*61} For instance, IDP settlements in the industrial complex (the former detoxification facility) in Gori, Mokhisi, Akhalsopeli, Berbuki, Tsilkani, Tsinamdzgvriantkari, Telavi, Saguramo (the former vocational training facility), Skra, Shavshvebi, Prezeti and Verkhvebi.

^{*62} Shaumiani IDP Settlement.

*"Walls are all cracked up and are slowly crumbling."^{*63}*

*"A plastered wall just peeled off again."^{*64}*

*"Walls are in such a condition that they are beyond repair."^{*65}*

*"Internal walls are so old and damaged that we can even hear neighbours' low voices."^{*66}*

*"Mice and insects move easily through cracked walls."^{*67}*

IDPs in some settlements fear for their life and health because of cracked walls of apartment blocks/cottages.^{*68} At some places, balconies are so damaged that it is dangerous to use them.^{*69}

One IDP in Tserovani Settlement stated that cracks appeared on the walls soon after refurbishment works had been carried out in the cottage.

3.4.1.3 Roofing

The problem of roofing was indicated in various IDP settlements.^{*70} This problem affects 389 families. According to them, due to inadequate roofing, walls are damaged as water leaks during rain:

*"Water leaks so much that I don't know whether I am at home or outdoors."^{*71}*

Furthermore, IDPs living at 1, Antsukhelidze Str. in Gori cited the problem of basements getting flooded when it rains. According to IDPs from various settlements, some parts of their apartment blocks are not covered.^{*72} IDPs in Bazaleti Settlement pointed out that, due to inadequate roofing, "in strong winds roof is blown off and it leaks when it rains". The same problem was identified in Mokhisi Settlement as well.

^{*63} Shaumiani IDP Settlement.

^{*64} IDP settlement in Sanatorium Surami.

^{*65} IDP settlement in Sanatorium Surami.

^{*66} Shaumiani and Koda IDP settlements.

^{*67} IDP settlements in Sagarejo and Lagodekhi.

^{*68} E.g. kindergarten no. 149 in Vazisubani, Tbilisi.

^{*69} IDP settlement in Telavi.

^{*70} Shaumiani, Sakasheti, Tsinamdzgvrantkari, Skra, Shavshvebi and Prezeti IDP settlements.

^{*71} Shaumiani IDP Settlement.

^{*72} Sanatorium Surami IDP Settlement.

3.4.1.4 Overheating/Cold

The problem of overheating/cold in IDP settlements was identified by 533 families that were interviewed. According to them, this problem is caused by various reasons. For instance, the use of low-quality construction materials when constructing and/or renovating the residential apartment blocks/cottages is named as the main reason:

*"We cannot heat it in winter as the house has cladding of cheap external composite panels."^{*73}*

*"Walls are partitioned with plaster and cardboard and there is no filling inside. The door is broken, rotten and damaged and heat escapes through it."^{*74}*

According to IDPs in Prezeti and Verkhvebi settlements, houses do not have thermal isolation, which would solve the problem of coldness, dampness and heat.

IDPs in some settlements pointed out that their apartments have high ceilings and it is difficult to keep it warm in winter; also due to lack of finances they are unable to heat their living spaces with firewood:

*"It is very difficult to keep warm in winter; we have a firewood heater, but we are warm if we get firewood. If we cannot get firewood, we are in total coldness."^{*75}*

*"We cannot keep warm in winter as we cannot afford paying."^{*76}*

*"We sit next to the heater dressed in warm clothes."^{*77}*

*"We spare firewood; it is difficult to buy that too."^{*78}*

IDPs in Shaumiani Settlement said that it is considerably cold in the apartment even in summer.

According to IDPs in Tserovani Settlement, walls are built with a thin material due to which it is unbearably hot in summer and it is very hard to keep warm in winter as rooms cannot keep warmth inside:

*"Walls are too thin and can't keep warmth inside in winter and it is extremely hot in summer; we are virtually living in a box."^{*79}*

^{*73} Shaumiani IDP Settlement.

^{*74} Lagodekhi and Sagarejo IDP settlements.

^{*75} Shaumiani IDP Settlement.

^{*76} Koda IDP Settlement.

^{*77} Karaleti IDP Settlement.

^{*78} Lagodekhi and Sagarejo IDP settlements.

^{*79} Tserovani IDP Settlement.

IDPs in the same settlement observed that the cottages are roofed with roofing iron which gets too hot in summer.

IDPs in Sakasheti stated that winter period is particularly difficult for them as cottage walls cannot keep the warmth inside and they find it hard to keep warm in winter.

"We are settled in beehives on a bare field; wind is blowing all the time, there is no windbreak around and it makes our plight even worse; the houses on the edge are particularly cold."⁸⁰

IDPs in Koda Settlement pointed out that there are no internal doors connecting rooms in residential houses; it makes it very difficult to keep warm in winter and they cannot afford having a heater on for a long time.

3.4.1.5 Other Problems Named by IDPs Regarding Living Conditions

Inadequate maintenance of wastewater system and mains is pointed out as the most serious among other problems related to accommodation, both in apartment blocks and individual houses. According to IDPs,⁸¹ water supply and wastewater systems were inadequately installed right from the beginning in some settlements; it was promptly out of order in other settlements. Due to this problem, residential houses are often damaged:

"Toilets are damaged; walls are disintegrating/coming down. Plumbing is out of order and therefore water is constantly leaking from neighbours' apartments."⁸²

"The house constantly reeks of faeces; plumbing and mains are completely out of order."⁸³

IDPs living in Khurvaleti maintained that not a single cottage has a bathroom and plumbing in the settlement. There are wooden latrines outside the cottages. Due to the absence of wastewater system, there is a horrible smell from the ground. IDPs have to empty/clean wastewater systems with their own money, which affects heavily their financial situation.

According to IDPs living in the industrial complex (the former detoxification facility) in Gori, they share toilets, which are messy and insufficient; sometimes, they have to

⁸⁰ Khurvaleti IDP Settlement.

⁸¹ IDP settlements in Koda, Gardabani, the vocational training facility in IDP settlements, Surami Sanatorium, kindergarten no. 2 in Khashuri, kindergarten no. 149 in Tbilisi, Vazisubani, Lagodekhi, Khurvaleti, Telavi and Saguramo (former vocational training school).

⁸² Shaumiani IDP Settlement.

⁸³ Gardabani IDP Settlement.

queue to use them. Drinking water is accessible in the apartment's yard only. There is no wastewater system at all in some settlements.⁸⁴

Another problem is inadequate quality/thickness of both internal and outer walls,⁸⁵ due to which IDPs have no feeling of personal space:

"Walls are thin, and we constantly hear noise from neighbours."⁸⁶

"Voice travels from one house to another."⁸⁷

"The walls are thin in the common corridor and outer walls as well; outer walls are just made of planks; you can easily hear neighbours."⁸⁸

"Walls are made from plaster and cardboard and are very thin; it is noisy."⁸⁹

"It is often windy, and it is noisy in the apartment because of the wind."⁹⁰

"Neighbours can hear even when we talk in low voice in the room."⁹¹

"We cannot even hang shelves on the walls."⁹²

IDPs also point out that walls made of plaster and cardboard got damaged soon and need to be replaced. IDPs living in the former vocational training facility in Saguramo said that windows are made of single glazed glass which does not keep out noise and cold.

Damaged flooring has been mentioned in several settlements. IDPs said that floors are pulled up and various insects enter houses. Besides, in one of the settlements, IDPs mentioned that new floor has been laid over the old one, which soon collapsed, and needs replacement.⁹³

Some IDPs pointed out that the living spaces given into their ownership are too small. According to IDPs in Tsinamdzgvriantkari Settlement, they have not been given apartments into ownership (apart from one apartment block of the TV building) and they request the title to the property to this day. In addition, the area of apartments is

⁸⁴ Shavshvebi IDP Settlement.

⁸⁵ IDP settlements in Koda, kindergarten no. 2 in Khashuri and Sagarejo.

⁸⁶ Shaumiani IDP Settlement.

⁸⁷ Bazaleti IDP Settlement.

⁸⁸ Shaumiani IDP Settlement.

⁸⁹ IDP settlement in kindergarten no. 2 in Khashuri.

⁹⁰ IDP settlement in Sanatorium Surami.

⁹¹ Sagarejo IDP Settlement.

⁹² Lagodekhi IDP Settlement.

⁹³ IDP settlement in vocational training facility in Surami.

small, mostly 35-45 square metres, which is insufficient for families.^{*94} IDPs living in kindergarten no. 149 in Tbilisi maintain that the state does not give the living spaces into their ownership as they were already officially given places in another settlement (Koda). However, those places are so small that only a few families could move to Koda while others had to stay in the kindergarten.

Absence of storages (basements) was also mentioned as problematic:

*"Our house is small as it is; it can hardly house us, and we do not have any space to store items."^{*95}*

*"We can't store crops anywhere that we harvested with such a difficulty; there is barely any space for us."^{*96}*

*"I cannot cultivate land, cannot harvest crops; if I do, I have nowhere to store it."^{*97}*

*"In winter you would think our house were a storage facility; we keep harvested crops under beds; we empty the room to keep crops there."^{*98}*

IDPs living in Khurvaleti Settlement also maintained that, within the grants obtained through international projects, only some IDPs managed to arrange storage facilities. IDPs also expressed their indignation concerning unfenced yards of cottages.^{*99}

Corridors and entrances are in disrepair and lifts are malfunctioning in apartment-block type settlements.^{*100} For instance, in Bazaleti Settlement, IDPs said that the lift in their apartment block had been repaired several months back but it still does not work properly. "They repaired the lift but very poorly and it is dangerous to use it,"^{*101} – mentioned one of the IDPs. The concrete floor in corridors and entrances of Lagodekhi IDP Settlement is damaged.

IDPs living at 50, Borjomi Str. in Khashuri and in Bazaleti Settlement mentioned that their apartment blocks do not have balconies. Besides, according to IDPs living at 50, Borjomi Str. in Khashuri, the apartment does not have gutters to drain rain water.

Several families in Gardabani Settlement claimed that they had been resettled in a facility previously used as toilets:

^{*94} Tsinamdzgvriantkari and Prezeti IDP settlements.

^{*95} Gardabani IDP Settlement.

^{*96} Khurvaleti IDP Settlement.

^{*97} Khurvaleti IDP Settlement.

^{*98} Khurvaleti IDP Settlement.

^{*99} Tserovani, Karaleti, Khurvaleti, Teliani, Metekhi, Sakasheti and Mokhsisi IDP settlements.

^{*100} Koda IDP Settlement.

^{*101} Bazaleti IDP Settlement.

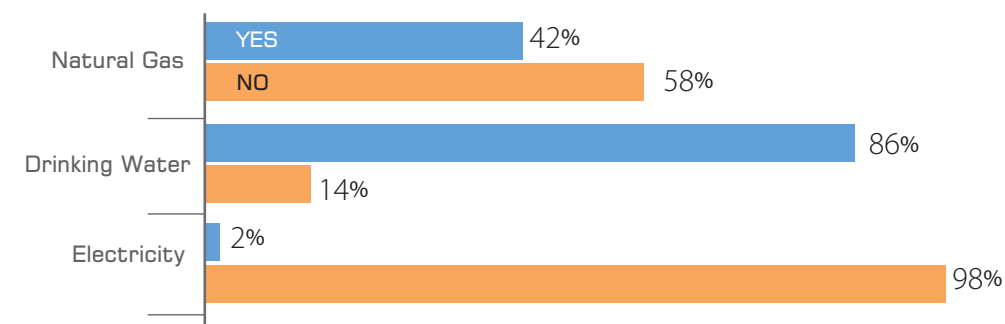
*"We were taken into the toilet area of the apartment block, which even has a place for a refuse container; it is terribly narrow and filthy; there are snails, lizards and worms crawling on the walls."^{*102}*

Due to these problems, IDPs complain about the constant bad smell in the room and health problems caused by this.

3.4.2 Lack/Absence of Communal Services

The majority of interviewed IDPs (59% – 1,420 IDPs) named absence of, or lack of, adequate access to communal services as a problem. Gas bills and absence of functioning water supply system are particularly problematic.

Lack/Absence of Communal Services



3.4.2.1 Natural Gas

The majority of IDP settlements, with a few exceptions,^{*103} have gas supply. IDPs from settlements that have gas supply express their indignation concerning gas bills and low pressure of gas supply. In particular, according to IDPs, when they were settled by the state in 2008-2009,^{*104} they were exempted from paying gas bills.

*"They promised us that we could pay when we got back home."^{*105}*

Accordingly, IDPs did not pay for natural gas for several years. However, in March 2013, they were charged for the entire cost of natural gas used in 2008-2012. The

^{*102} Gardabani IDP Settlement.

^{*103} Some parts of IDP settlements in Metekhi and Sakasheti.

^{*104} IDP settlements in Koda, Bazaleti, Gardabani, Telavi, Verkhvebi, Shavshvebi, no. 2 kindergarten in Khashuri, the vocational training facility in Khashuri, Shaumiani, Tserovani and at no. 50 Borjomi Str. in Khashuri.

^{*105} Koda IDP Settlement.

amount of money for each family is from 400 to 5,000 GEL. The outstanding payment is distributed to each month, in the amount of 15 GEL. The majority of IDPs still pay that amount along with the regular monthly gas bills. According to IDPs, the charged 15 GEL is not reflected on the bills delivered to users. In case of failure to pay the charged amount, including the so-called outstanding payment, gas companies cut gas supply.

Natural gas provider companies (JSC Sakorggas and LTD Socar Georgia Gas) confirmed in writing^{*106} the fact that, in 2008-2012, IDPs did not pay the cost of supplied gas. This fact is also confirmed by decree no. 207 of the Government of Georgia of 4 April 2013. In accordance with the decree, from 6 August 2008, as of 1 March 2013, the outstanding payments from persons forcefully displaced from the occupied territories of Georgia for natural gas amounted to 819, 737 GEL.^{*107}

Under the decree, 540,000 GEL were allocated from the reserve funds of the Government of Georgia to cover these outstanding payments. The decree further indicated that the money was deposited in the accounts of natural gas companies cumulatively by the Ministry of Internally Displaced Persons from the Occupied Territories, Settlement and Refugees of Georgia, economy amounting to 277,004 GEL from the funds transferred by the ministry to cover outstanding payment for natural gas.^{*108} The amount of economy was also confirmed by the LEPL Social Service Agency by its letter, dated 6 February 2019.^{*109}

According to the gas providing companies, the amount of gas used by IDPs, calculation of outstanding payments and charging were based on the data of individual gas meters. Furthermore, according to the information received from the companies, in order to partially cover the outstanding payments for used gas, the debt as of 1 March 2013 was covered by funds allocated from the budget, in accordance with Decree no. 307 of the Government of Georgia of 4 April 2013. In agreement with the ministry, the rest of the debt was distributed to each user in the amount of a monthly payment of 15 GEL. However, the funds allocated from the budget of the Government of Georgia and also the amount of economy, as of 1 March 2013, fully covered the debt accumulated by IDPs by this time. It is therefore unclear what debt is to be paid by IDPs by monthly payments of 15 GEL. In order to clear this issue, on 20 February 2019, the Georgian Young Lawyers' Association (GYLA) addressed the LEPL Social Service Agency on 20 February 2019.^{*110} On 23 April 2019, the agency, based on the information received

^{*106} Letters of JSC Sakorggas and LTD Socar Georgia Gas, dated 26 October 2018.

^{*107} Decree no. 307 of the Government of Georgia of 4 April 2013.

^{*108} *Idem.*

^{*109} Letter no. 01/1375 of the LEPL Social Service Agency, dated 29 January 2019.

^{*110} Letter no. G-01/26-19 of the GYLA, dated 20 August 2019.

from LTD Socar Georgia Gas, stated that, under Decree no. 307 of the Government of Georgia of 4 April 2013, the debt accumulated by IDPs in 2008-2012 was fully covered and currently IDPs only pay the debt accumulated by use of natural gas after 1 March 2013.^{*111} It should be noted that the response from the gas providing company to the Social Service Agency differs to some degree from the information supplied to the GYLA, according to which the company claimed that, under Decree no. 307 of the Government of Georgia of 4 April 2013, the debt was covered only partially.

The letter of JSC Sakorggas and LTD Socar Georgia Gas also shows that, in order to help IDPs periodically, under a governmental decree, funds are allocated either from the state budget or reserve funds of the Government of Georgia to cover the outstanding payment for natural gas used by IDPs. According to the Government of Georgia, in November and December of 2014 and January and February of 2015, the Ministry of Internally Displaced Persons from the Occupied Territories, Settlement and Refugees of Georgia paid 581,500 GEL from the funds assigned to it to cover the expenditure of natural gas or electricity by 5,815 families^{*112} under the 2014 Law of Georgia on State Budget and the same amount of money under the 2015 Law of Georgia on the State Budget.^{*113} Accordingly, provided that, in 2014 and 2015, the ministry allocated in total 1,163,000 GEL from the funds assigned to it to cover the outstanding payments of IDPs for natural gas and current expenditures, it is unclear what sums are still to be paid by IDPs.

Despite a request from the GYLA, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia has not submitted any information about allocation of funds to cover outstanding payments of IDPs from the state budget or the funds assigned to ministries since February 2015.

According to some IDPs,^{*114} natural gas is supplied with low pressure due to which it is impossible to heat houses in winter.

*"We cannot heat the house in winter; gas pressure is rather low, and heater too is almost out of order."^{*115}*

*"We sit fully dressed by a gas heater, it does not make us warmer, and on the other hand, bills are high."^{*116}*

^{*111} Letter no. 04/22035 of the LEPL Social Service Agency, dated 23 April 2019.

^{*112} 5,815 families living in residences transferred into ownership or lawful possession of IDPs.

^{*113} Letter no. G-04/260-18 of the GYLA, dated 25 October 2018; Decree no. 2149 of the Government of Georgia of 2 December 2014; Letter of the Administration of the Government of Georgia, dated 7 November 2018.

^{*114} Tserovani, Bazaleti, Gardabani and Koda IDP settlements.

^{*115} Gardabani IDP Settlement.

^{*116} Karaleti IDP Settlement.

According to IDPs, despite the fact that cost of natural gas is rather high,^{*117} they as IDPs do not have any allowances at all. Some respondents have natural gas cut off as they could not pay the bills due to lack of funds. According to IDPs, their situation would be considerably easier with the introduction of tax cuts or state subsidies for natural gas in winter.

The survey also showed that Metekhi Settlement and some parts of Sakasheti IDP Settlement are not supplied with natural gas. Gas mains have been brought to Metekhi Settlement but are not connected to the cottages there. IDPs claim that they cannot pay for having individual cottages connected to gas mains. As regards Sakasheti IDP Settlement, gas is supplied to five cottages only. All five families are from Small Liakhvi Gorge.

*"We are mostly from Avnevi in this settlement and we are all forgotten by everybody; nobody remembers about us and nobody cares about us."^{*118}*

*"We are from Small Liakhvi Gorge and we are oppressed. In our settlement, the people from Great Liakhvi Gorge are looked after by Great Liakhvi municipality; nobody gives a damn about us."^{*119}*

Regarding the above-mentioned, LTD Socar Georgia Gas informed the GYLA that gas mains have been installed for all cottages in Sakasheti IDP Settlement, except for six cottages that had not requested the company to install gas mains.

3.4.2.2 Drinking Water

One of the most serious problems IDPs face as of today is accessibility of drinking water. This was cited as a problem by the majority of those interviewed (1,251 IDPs).

According to IDPs, water supply is particularly problematic in summer^{*120} as, due to the absence of irrigation water, during summer, people use drinking water for irrigation leading to limited supply of drinking water. According to IDPs of Verkhvebi Settlement, water is not supplied to some districts at all in summer. According to one of the IDPs from Tsilkani Settlement, "In summer months water just drips from the tap".^{*121} IDPs living in the industrial complex (the former detoxification facility) in Gori have access to drinking water in the yard only.

^{*117} According to LTD Socar Georgia Gas and JSC Sakorggas, under a resolution of the Georgian National Energy and Water Supply Regulatory Commission, the rate of LTD Socar Georgia Gas is 57.01 tetri per 1m³ and rate of JSC Sakorggas is 56.94 tetri per 1 m³.

^{*118} Sakasheti IDP Settlement.

^{*119} Sakasheti IDP Settlement.

^{*120} IDP settlements in Tsinamdzgvriantkari, Telavi, Skra, Shavshvebi, Prezeti, Verkhvebi and Tserovani.

^{*121} Tsilkani IDP Settlement.

IDPs in the majority of settlements have water supply at scheduled times. The schedule varies according to settlements. Some of them^{*122} are supplied with water for several hours twice a day; whereas, for instance, Koda IDP settlement is supplied with water four times a day for an hour. However, there are occasions when drinking water is not supplied even according to the determined schedule.^{*123} The pressure of the supplied water is also problematic. Due to low pressure, the water often cannot reach the upper floors.^{*124}

According to IDPs residing in Tsilkani Settlement, two wells were constructed in their settlement within a project funded by the UNICEF, from which water used to be pumped and supplied to residents' houses individually. In the beginning, water supply was sufficient for the village; however, after some time, one well's motor malfunctioned and presently only one well is functioning in the settlement. Therefore, water availability is still insufficient for the residents of the settlement. The residents of Tsilkani Settlement applied several times to the local *Gamgeoba*; despite numerous promises, the problem has not been solved to this day.

According to some IDPs residing in Verkhvebi Settlement, individual meters are installed in the cottages and monthly bills are calculated according to individual meter readings. However, this causes a great financial burden for residents and, according to them, it would be better to pay bills calculated per person instead of meter readings.

The quality of water is very problematic in almost all settlements.^{*125} According to the majority of respondents, the water is not safe for health.

*"God knows what we are dinking or how we stay alive?"^{*126}*

*"We are afraid kids will get poisoned and therefore, we have to buy drinking water."^{*127}*

*"Black water runs through the taps; you can't even boil buckwheat! We boil it twice or thrice and that is how we prepare food for children."^{*128}*

^{*122} IDP settlements in Bazaleti, Gardabani, Shaumiani, Mokhisi, Karaleti, Khurvaleti, Sakasheti, Metekhi, Teliani, Tsinamdzgvriantkari, Telavi (for three hours in the morning), Skra, Shavshvebi (for only one hour in the morning and in the evening), Sagarejo and Lagodekhi.

^{*123} IDP settlements in Tserovani, Koda, Gardabani, Bazaleti, kindergarten no. 2 in Khashuri, the vocational training facility in Khashuri and Surami Sanatorium.

^{*124} Koda, Bazaleti and Tserovani IDP settlements.

^{*125} IDP settlements in Koda, Bazaleti, Gardabani, Shaumiani, Mokhisi, Karaleti, Khurvaleti, Sakasheti, Metekhi, Teliani, Sagarejo, Lagodekhi, Shavshvebi, Prezeti, Surami Sanatorium and 50, Borjomi Str. in Khashuri.

^{*126} Karaleti IDP Settlement.

^{*127} Lagodekhi IDP Settlement.

^{*128} Mokhisi IDP Settlement.

According to IDPs, drinking water is salty; it is mixed with lime-scale, sand and rust; it has worms in it and leaves white residue; it also has a specific smell. For instance, residents of Koda Settlement stated that the low quality of drinking water had been confirmed by a laboratory analysis.

"According to a lab finding, you cannot even wash your feet with this water, it is that bad, they said."¹²⁹

Despite the above-mentioned, the majority of IDPs have to use this water: "It is not fit for drinking; sometimes it has rust and sometimes other residues, but we still have to drink it."¹³⁰ According to one IDP in Prezeti Settlement, gastrointestinal diseases had been on the rise among the population for some time due which they had water checked for its quality. The analysis revealed that water is contaminated. Despite the fact that they later had filters installed and water supplying cisterns cleaned the problem of quality of water remains.

3.4.2.3 Electricity

Electricity supply to some settlements¹³¹ is intermittent. According to IDPs, electricity supply is frequently cut off and without any notice. This poses problems especially for those IDPs who have small businesses and for them it is particularly important to have uninterrupted electricity supply. Residents of several settlements¹³² mentioned that electricity cables are damaged.

"Electric cables are outdated, and fires happen frequently."¹³³

"Electric cables are not installed in walls; they are attached to walls which is not safe."¹³⁴

"Electric cables are damaged, and bulbs go out every day."¹³⁵

¹²⁹ Koda IDP Settlement.

¹³⁰ Gardabani IDP Settlement.

¹³¹ Koda, Bazaleti, Gardabani and Tserovani IDP settlements.

¹³² IDP settlements in Kvernaki (the former facility for blood transfusion), the former kindergarten in Gori, Shaumiani, Koda, Lagodekhi and Sagarejo.

¹³³ Shaumiani IDP Settlement.

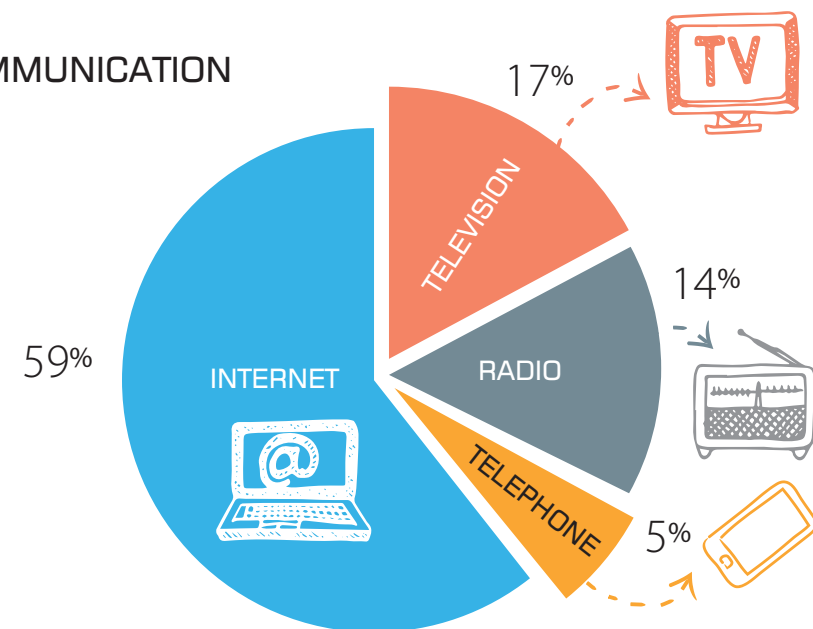
¹³⁴ IDP settlements in Surami Sanatorium and the vocational training facility in Surami.

¹³⁵ Tserovani IDP Settlement.

3.4.3 Lack/Absence of Communication Services

There are fewer problems in terms of communication services in IDP settlements. Only 18% of respondents (446 IDPs) cited problems associated with the lack/absence of such services.

LACK OF COMMUNICATION SERVICES



Access to the Internet was cited as the major problem in terms of the lack/absence of communication services. One of the reasons thereof is the absence of finances due to which IDPs cannot pay subscriber services.¹³⁶ According to residents of some settlements, there is no Internet at all in their settlement.¹³⁷ While some IDPs had Internet network and cables installed at their own expenses, the majority of the IDPs lack financial resources for this.¹³⁸ Installation works have begun at some places; however they were suspended and never resumed.¹³⁹ IDPs in Tserovani Settlement have mentioned that the Internet is inaccessible for new subscribers as, according to the service provider, there will be no sufficient bandwidth for new subscribers.

IDPs in Koda Settlement expressed their concerns regarding the quality of the Internet: "The quality of the Internet connection is very poor and is systematically cut off.

¹³⁶ IDP settlements in Shavshvebi, Telavi and Saguramo (the building of former boarding schools).

¹³⁷ IDP settlements in Shaumiani, Tsinamdzgvriantkari and the former vocational training facility in Saguramo.

¹³⁸ IDP settlements in Tsinamdzgvriantkari and the former vocational training facility in Saguramo.

¹³⁹ Tserovani IDP Settlement.

The Internet provider serves us in bad faith. Cables frequently malfunction, and we have to cover repair costs."^{*140}

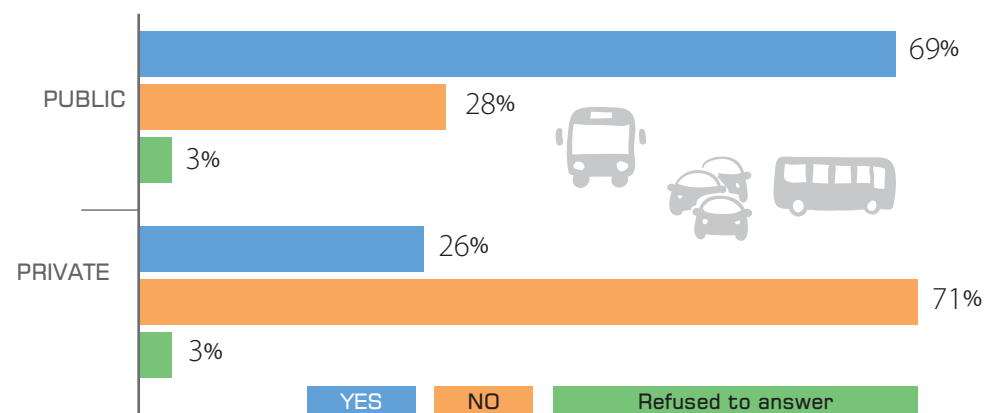
Inaccessibility of the cable TV broadcasting has been cited as a problem in various settlements. According to residents of Koda Settlement, receiving TV signal is problematic: "Television is often cut off and we are completely isolated from the rest of the world."^{*141}

3.4.4 Transportation and Road Infrastructure

Access to transport has been cited as one of the major socio-economic problems in almost all IDP settlements.^{*142} 45% of respondents mention this issue.

Residents of some settlements maintain that due to various reasons public transport does not run in their settlements anymore.^{*143} For instance, according to IDPs living in Koda Settlement, in 2008-2010, there was a bus running from the settlement to Tbilisi, in Samgori direction. Later, this route was cancelled despite being in demand from the IDPs.^{*144} Accordingly, as of today, private minibuses are the major means of transportation for IDPs.

Problems related to Transport Accessibility



^{*140} Koda IDP Settlement.

^{*141} Koda IDP Settlement.

^{*142} When discussing transportation problems, IDPs refer to two types of transport: public and private. They imply a bus in the public transport and minibuses in the private transport. Minibuses run on specific routes with the permission of a relevant municipality, although they are owned by a driver and not by a municipality. Accordingly, the owner of a minibus and not the municipality is responsible for schedule, fare and maintenance of the vehicle. The present text points out differences between public and private transport from IDPs' perspective.

^{*143} IDP settlements in Koda, Bazaleti, Skra, Mokhisi, Teliani, Shavshvebi and Khurvaleti.

^{*144} Koda IDP Settlement.

3.4.4.1 Transport Schedule

IDPs are faced with a significant problem of undetermined transport schedule and/or insufficient transport. In some settlements, transport runs only twice or thrice a day, which is insufficient.^{*145}

"A minibus leaves at a certain time but if you miss it then you are stuck at the settlement."^{*146}

Transportation is more limited or even unavailable in evening hours and during days-off.^{*147} This is particularly inconvenient for residents of settlements situated far from administrative centres as they have to commute in the evening hours to and/or from a settlement by a taxi which entails substantial expenses.^{*148}

According to residents of several settlements, there is no transportation at all that would reach their settlements from the main road. For instance, according to residents of Saguramo Sanatorium, since there is no public or private transport reaching or connecting the main road with the settlement, they have to walk uphill for a kilometre.^{*149}

IDPs maintain that the schedule of private minibuses is directly determined by drivers according to their own comfort and wishes. Furthermore, drivers often fail to stick even to the schedule determined by them.

According to some IDPs, they are often unable to go to Tbilisi or Gori due to the insufficient number of buses.^{*150} For instance, IDPs living in Metekhi Settlement have to change two transports to reach Gori, which costs them 5-7 GEL.

Due to the transport schedule, it is almost impossible for IDPs to go to the town for medical treatment, buy food or various family items or get a job far from the settlement, for instance, in Tbilisi or Rustavi.

Furthermore, almost all means of transport are not well maintained, for instance, passenger seats are damaged; minibuses have old tires, dirty interiors, etc. Moreover, these vehicles are not adapted to the special needs of disabled persons; this creates problems for the latter.^{*151}

^{*145} IDP settlements in Shavshvebi, Koda, Bazaleti, Gardabani, the vocational training facility in Khashuri, Surami Sanatorium, and kindergarten no. 2 in Khashuri.

^{*146} Bazaleti IDP Settlement.

^{*147} Gardabani, Tserovani, Shaumiani, Prezeti and Bazaleti IDP settlements.

^{*148} Telavi, Bazaleti and Shaumiani IDP settlements.

^{*149} IDP Settlement in Surami Sanatorium.

^{*150} IDP settlements in the former vocational training facility in Saguramo and Metekhi.

^{*151} IDP settlements in Koda, Bazaleti, Gardabani, Tserovani and the vocational training facility in Khashuri.

3.4.4.2 High Fares of Minibuses

IDPs of most settlements express their indignation concerning the fare of transportation. Minibus fare is usually 1.50 or 2 GEL. This causes big problems for the IDPs especially in terms of daily commuting.^{*152}

3.4.4.3 Road Infrastructure

Apart from the problems related to public transport, inaccessible transport, high fares and lack of minibuses, the interviewed IDPs also cited the problem of the road infrastructure within their settlements and around the settlements. According to them, roads leading to settlements and internal roads of settlements are so damaged that they prevent people from walking as well as movement of vehicles.

According to IDPs in certain settlements,^{*153} the upper layer of the road connecting with the settlement is completely damaged. According to IDPs in Bazaleti Settlement, despite the fact that this issue has been bothering them for a long time, nobody has rehabilitated the road.

*"Vehicles get damaged on this road and it prevents us too from travelling;" "because of this sometimes minibuses refuse to take us here."^{*154}*

The damaged upper layer of the road is also a significant problem for IDPs in Tsilkani Settlement, who have to go to Tserovani Settlement for various purposes and the 3 km long road section connecting with Tserovani is so damaged that vehicles are often unable to move on the road.

Residents of Koda Settlement cited the absence of a pedestrian crossing on the central road as one of their most significant problems. Despite heavy traffic on the main road, there are neither traffic lights nor an over-bridge that could be used by pedestrians to cross. Residents of Tsilkani and Karaleti settlements are faced with the same problem as there is no pedestrian crossing infrastructure on the central motorway, also used by children. The absence of the crossing infrastructure has caused fatal car accidents in all of these settlements.

One of the significant problems is that the internal roads need to be covered with

^{*152} IDP settlements in Tsinamdzgvrantkari, the building of former boarding schools in Saguramo, Prezeti, Koda, Bazaleti, Metekhi, Khurvaleti, Sakasheti, Mokhisi, kindergarten no. 2 in Khashuri, Gardabani, the vocational training facility in Khashuri and Surami Sanatorium.

^{*153} Roads leading to IDP settlements in Tsilkani, Bazaleti, kindergarten no. 2 in Khashuri, no. 50 Borjomi Str. in Khashuri, the vocational training facility in Khashuri and Tserovani.

^{*154} Bazaleti IDP Settlement.

asphalt.^{*155} There is no asphalt layer on the roads leading to apartment blocks or cottages or it is so outdated and damaged that it prevents movement of both pedestrians and vehicles.

3.4.5 Problem of Inaccessibility of Medical Services

54% of interviewed IDPs cite the problem of inaccessible medical services. The following has been identified as most prevailing among the cited problems: absence of medical centres and pharmacies in settlements; shortage of medical personnel in the medical centres existing in some of the settlements; undetermined working schedule and low qualifications; inadequate medical equipment of the centres; IDPs also maintain that the Universal Health Care State Programme is ineffective as it does not cover all necessary services and they have to solve their health problems with their own resources.

The failure to inform IDPs adequately about the services covered by the target package of the Universal Health Care State Programme has been identified as a significant problem. Due to this failure, they are unable to fully benefit from the medical services covered by the package.

3.4.5.1 Absence of Medical Centres and Pharmacies; Inadequate Medical Equipment of Medical Centres and Low Qualification of Medical Personnel

The most significant problem for IDPs is absence of medical centres in most of the settlements.^{*156} According to them, there are local medical centres only in a few settlements and even those are not provided with basic medicines and other required medical items. Due to these reasons, the IDPs have to travel to a nearest village and/or town to obtain primary medical treatment. According to IDPs residing in Skra Settlement, a medical centre is approximately at 3 km distance from their settlement, therefore, they have to travel quite a long distance to obtain medical treatment.^{*157}

Even in those settlements where there is a medical centre, medical services are limited as a local doctor, the so-called "village doctor," only works for certain (2-3) days in a week and in some centres only one day a week^{*158} and even that for a few hours only.

^{*155} Roads leading to IDP settlements in Tsinamdzgvrantkari, Prezeti, Skra, Sakasheti, Shavshvebi, Mokhisi, Karaleti, Teliani, the building of former boarding schools in Saguramo, Tsilkani, Akhalsopeli, Berbuki, Koda, Bazaleti, kindergarten no. 2 in Khashuri, no. 50 Borjomi Str. in Khashuri, the vocational training facility in Khashuri and Tserovani.

^{*156} Skra, Mokhisi, Teliani, Shavshvebi and Khurvaleti IDP settlements.

^{*157} Skra, Metekhi, Teliani, Shavshvebi, Karaleti, Khurvaleti and Mokhisi IDP settlements.

^{*158} Shavshvebi, Shaumiani and Bazaleti IDP settlements.

"A doctor comes once a week. If you suddenly fall ill, there is no doctor to treat you. There is no pharmacy either. You have to go to Dusheti or Tbilisi."^{*159}

Therefore, IDPs in these settlements have to travel to Tbilisi or other nearest medical facility to obtain adequate medical services.

Inadequate equipment in the existing medical centres is also problematic. According to IDPs, medical centres are not provided even with the basic/first aid medicines.

"They do not even have the basic blood pressure medicines to give you if you are unwell."^{*160}

"Those medical centres are to provide first aid in the settlement, but they do not have anything there – either water or blood pressure monitor, or iodine or cotton or anything. It is there for nothing."^{*161}

In some settlements, IDPs expressed their concerns about qualification of local doctors.^{*162} Some IDPs pointed out those doctors "cannot make correct diagnosis."^{*163}

At the same time, IDPs point out the ineffectiveness of ambulance services. It was claimed in several settlements that ambulances do not reach these places on time:

"There is only one medical team and when it is called somewhere else it comes to us late."^{*164}

Apart from medical centres, absence of a pharmacy in IDP settlements is another serious problem. Due to this reason, IDPs have to travel to a nearest town or village even for basic medicines.^{*165}

3.4.5.2 Limited State Medical Insurance

According to the interviewed IDPs, the target package of the Universal Health Care State Programme only provides for free primary medical services/GP consultation. The target package also fully covers consultation with doctors who are specialised

^{*159} Koda IDP Settlement.

^{*160} Koda IDP Settlement.

^{*161} Bazaleti IDP Settlement.

^{*162} Teliani, Metekhi, Bazaleti and Skra IDP settlements.

^{*163} DP Settlement in the vocational training facility in Surami.

^{*164} Koda, Tserovani and Shaumiani IDP settlements.

^{*165} IDP settlements in Mokhisi, Akhalsopeli, Berbuki, Tsilkani, the vocational training facility in Kareli, Teliani, Metekhi, Sakasheti, Shavshvebi, Khurvaleti, Shaumiani, Koda and Bazaleti.

in certain areas only^{*166} and only in certain clinics. The target package does not reimburse consultation with doctors specialised in other areas. IDPs also maintain that the Universal Health Care Programme does not cover all services that they need, for instance, magnetic resonance imaging (MRI) scan, computerised tomography (CT) scan, certain ultrasound scans or certain clinic and laboratory-based check-ups.^{*167}

According to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, internally displaced families benefit from the so-called "target package" of the "State Programme of Universal Health Care" approved by resolution no. 36 of the Government of Georgia in 2013. This package covers the costs of scheduled and emergency outpatient and inpatient services within certain limits. According to the ministry, there are no changes planned to upgrade the package.

3.4.5.3 Problem of Accessibility of Medicines

One of the most important problems for interviewed IDPs is inaccessibility of medicines. Considering that doctor-prescribed medicines are rather expensive and target packages often do not fully cover costs of medicines and/or doctor-prescribed medicines are not on the list of medicines covered by insurance, the IDPs have to buy necessary medicines with their money. For this reason, the IDPs are unable to undergo respective medicament treatment and/or buy basic medicines. Those IDPs suffering from chronic diseases are in the most difficult situation as they have to constantly buy medicines for a long-term disease. Most of the time, they cannot undergo comprehensive treatment. This later causes deterioration of their health condition.

"A doctor gives a prescription, but I can't buy medicines; I have no money to buy all medicines."^{*168}

"What's the point of going to a doctor if I can't even buy medicines? We have no money."^{*169}

^{*166} Endocrinologist, ophthalmologist, cardiologist, neurologist, gynaecologist, otolaryngologist, urologist, and surgeon.

^{*167} Like all citizens of Georgia, IDPs can consult the concrete specialist in the medical center where they are insured based on the request of the family/district doctor. However, it is possible that the concrete medical center does not have a relevant specialist: for example, if the person is insured in Aversi Medical Center in Gori and he/she needs the consultation of the surgeon or traumatologist, it will not be possible to receive consultation in this center as it does not have such specialists. Therefore, the IDPs have to go to another medical center where their insurance package does not function fully and they have to pay with their own money. For example, according to the IDPs, in the clinic where they are insured, the consultation of gastroenterologist and gastroscopy and the examination prescribed by them was not financed, despite the request of the family doctor, as well as the consultation of neurologist and the relevant examination. The blood tests determining the amount of hormones in the blood were also not financed.

^{*168} Sakasheti IDP Settlement.

^{*169} Karaleti IDP Settlement.

*"We can't work; we have no income from anywhere. IDP allowance isn't enough for anything, and I'm unable to get treatment."^{*170}*

*"IDP allowance can be hardly enough to buy food. Medicines are very expensive, and we can't buy them. If I buy medicines, my children will starve."^{*171}*

*"Our only income is pension and IDP allowance. Medicines are so expensive I cannot buy them all. If I cannot get a full treatment, why should I waste money?"^{*172}*

*It should be noted that IDPs in all interviewed settlements confirmed that IDP status does not imply special benefits in terms of access to medicines.^{*173}*

3.5 PROBLEM OF ACCESS TO EDUCATION AND EDUCATIONAL ESTABLISHMENTS

Preschool and secondary education is problematic in most settlements.^{*174} Kindergartens and schools are located away from several settlements and children find it difficult to travel independently. When a family can afford it, they move to live in another place to allow their children to obtain full preschool and secondary education; they have to rent accommodation in Tbilisi or other cities or villages.^{*175}

As regards vocational and higher education, lack of information about available state programmes and/or lack of finances are a stumbling block in terms of access to education.

3.5.1 Early Upbringing and Preschool Education

There is no kindergarten functioning in some IDP settlements and parents have to take children to kindergartens farther from their respective settlements.^{*176} However, due to problems related to transportation^{*177} and financial problems, parents are often unable to take children to a kindergarten. Therefore, children are devoid of opportuni-

^{*170} Metekhi IDP Settlement.

^{*171} Karaleti IDP Settlement.

^{*172} Sakasheti IDP Settlement.

^{*173} Karaleti and Khurvaleti IDP settlements.

^{*174} IDP settlements in the vocational training facility in Telavi and Verkhvebi.

^{*175} IDP settlements in Tsinamdzgvrantkari and the former vocational training facility in Saguramo.

^{*176} IDP settlements in Teliani, Metekhi, Sakasheti, Mokhisi, former TV building in Tsinamdzgvrantkari and the vocational training facility in Telavi.

^{*177} In some settlements, the schedule of public transport does not coincide with the work schedule of kindergartens due to which parents are unable to use public transport to take children to a kindergarten.

ty to receive preschool education.^{*178} Sometimes, parents walk their children to preschool establishments; this is particularly difficult in cold winters. Residents of Koda Settlement also indicated the absence of a nursery and kindergarten as a problem.

There are kindergartens functioning in some settlements but there are other problems that arise. For instance, the kindergarten operating in Tserovani Settlement is overcrowded and the number of pupils in relevant age groups is beyond the capacity. There is only one small room in the residential cottage in Prezeti IDP Settlement. The infrastructure and environment in that room are not adequate and do not correspond to the conditions required for a kindergarten. The cottage is not fenced from the street. Furthermore, the kindergarten works only until 4 pm which prevents the parents' work. Construction of a kindergarten building was started in the settlement but was suspended several times and has not been finished to this day.

3.5.2 Secondary Education

There is no school functioning in some IDP settlements, and pupils^{*179} who are not provided with school transport^{*180} have to travel to a public school located away from the settlement by using public transport or walk there. It is made harder by the fact that the schedule of the public transport does not coincide with the schedule of educational establishments or sometimes public transport does not go to the school at all. In such cases, pupils have to walk quite long distances.

There is a school functioning in Tserovani Settlement. However, it is so far away from some IDPs' place that pupils find it hard to go to school, especially so in winter.

Long distance of the school sometimes also poses security issues for pupils. For instance, internally displaced pupils have to cross a motorway to reach the school located 2-3 km away in the village of Koda. There are neither traffic lights nor an overbridge. According to the IDPs, cars moving on the motorway hit pupils several times when they were crossing the road.

School children in Tsilkani Settlement are also faced with threats to their life and health as they have to go to a school located in Tserovani, using detours, including a motorway.

In some cases, children are provided with school transport albeit with certain limitations; namely, children in different age groups finish studies at different times,

^{*178} Metekhi and Teliani IDP settlements and IDP settlement located in the former TV building in Tsinamdzgvrantkari.

^{*179} Tsilkani, Koda, Shaumiani, Surami Sanatorium, Khurvaleti, Teliani, Metekhi, Sakasheti, Mokhisi, Shavshvebi and Verkhvebi IDP settlements.

^{*180} IDP settlements in Tsilkani, Koda, Shaumiani, Surami Sanatorium, Khurvaleti, Teliani, Metekhi, Sakasheti, Mokhisi, Shavshvebi and Verkhvebi.

whereas return transportation is provided once a day only.^{*181} Other children walk back home. It is uncomfortable, especially in rain or during winter.^{*182} Limited schedule of the school transport prevents school children to be involved in various educational or art workshops in the school as they are not provided with transportation at this time of the day and they would have to walk back home after finishing workshops.

Several families in Shaumiani Settlement observed that, due to low quality of instruction, there are no appropriate conditions to obtain education in the school of the village of Shaumiani. Besides, there are no groups in the school where pupils could obtain/develop additional skills.

According to IDPs residing in Akhalsopeli Settlement, the village school is dilapidated; there are reptiles in it and toilets and classrooms are dirty.

Internally displaced families, being registered in the database of socially vulnerable persons, were given school handbooks free of charge in the previous years. However, according to IDPs, this benefit too has been cancelled and now they have to buy school handbooks themselves.

3.5.3 Higher Education

It is a significant problem for families living in IDP settlements to have their children prepared in various subjects to pass entrance examinations for higher educational institutions. This problem is related to the inadequate quality of secondary education which does not give pupils the opportunity of being admitted to a higher educational institution without private lessons.

It is difficult for students enrolled in higher educational institutions to pay study fees due to their dire socio-economic situation. For this reason, some of them have their student status suspended.^{*183} Some families request financial aid from the state to pay the educational costs of their children.^{*184}

Some IDPs are not aware at all about scholarship opportunities for pursuing higher education.^{*185}

3.6 EMPLOYMENT RELATED PROBLEMS

Lack of jobs is an acute problem in all IDP settlements. Only 13.6% of interviewed respondents are employed and 5.6% are self-employed; 77.3% are unemployed, among them 35.2% are housewives.

^{*181} Skra, Tsinamdzgvriantkari and Prezeti IDP settlements.

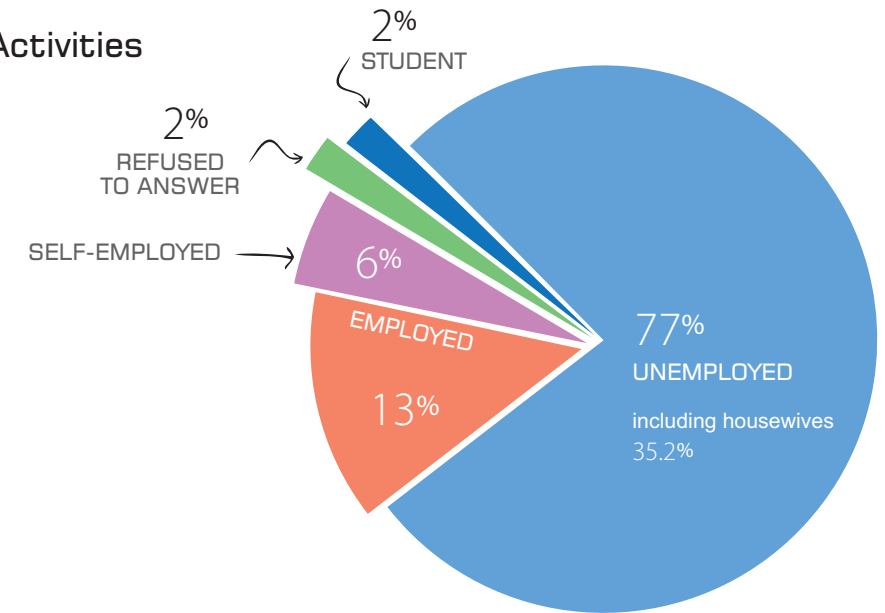
^{*182} IDP settlement located in the former TV building in Tsinamdzgvriantkari.

^{*183} Shavshvebi IDP Settlement.

^{*184} IDP settlement in the vocational training facility in Telavi.

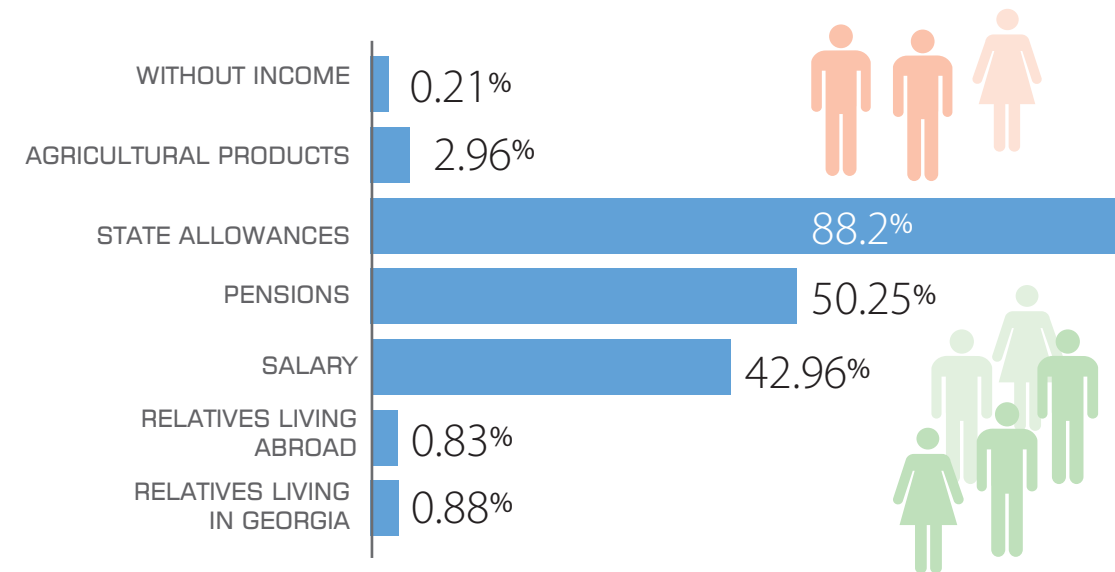
^{*185} Prezeti and Tsinamdzgvriantkari IDP settlements.

Main Activities



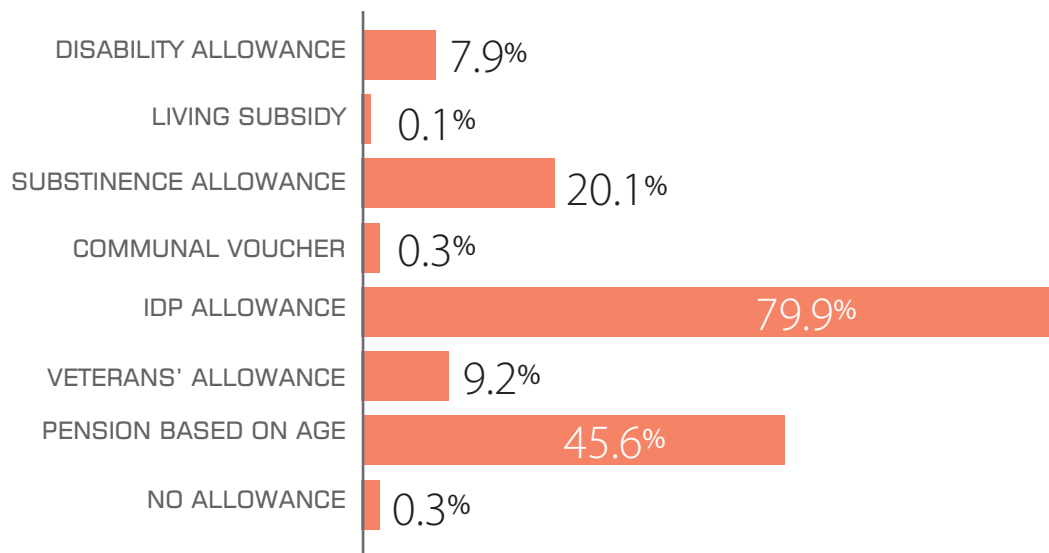
For 47% of IDPs, state allowances form the major income in the family. After the state allowances, the major source of income is pension (27%) and salary (23%).

Sources of Family Income for the Past One Year



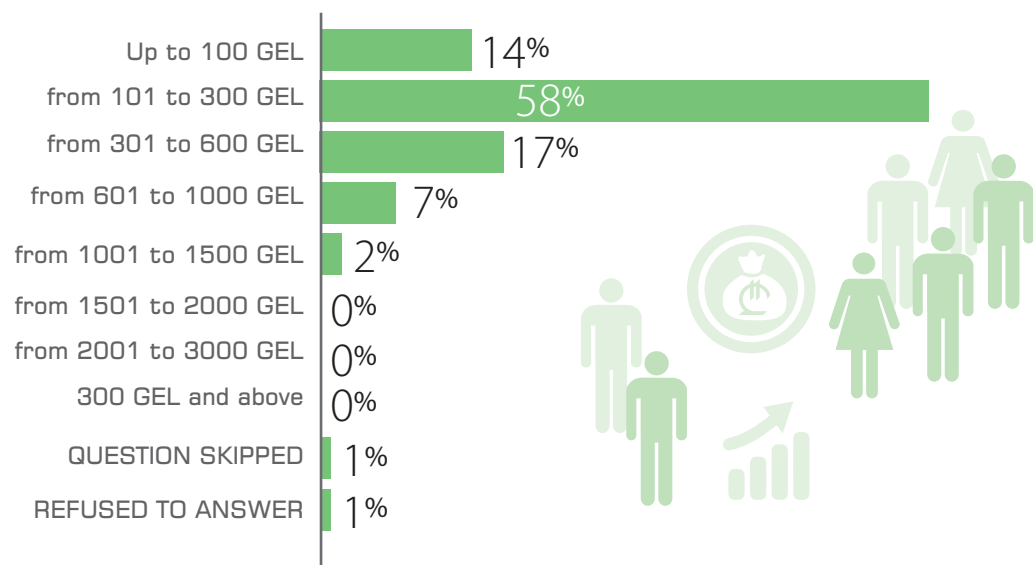
The majority of IDPs receives state allowance. Among them, 79.9% receive IDP allowance; 45.6% - pension; 20.1% - subsistence allowance and 17.1% - veterans and disability allowance.

Category of State Allowances



Monthly family income of the majority of interviewed respondents (72%) is approximately 300 GEL, among them, 14% of the families have income up to 100 GEL.

What is Your Family's Average Monthly Income



Unemployment is negatively reflected on economic, social and psychological situation of IDPs. The majority of IDP settlements are located away from district centres and towns. Therefore, they have less employment opportunities in such areas. According to IDPs, there are no enterprises, factories, farms and other workplaces in the vicinity of their settlements where they could get jobs and generate some income.

A significant stumbling block in employment according to IDPs is high fares and bad transport schedules. Jobs are inaccessible for all age groups. Young people seek jobs in other towns and outside Georgia. For instance, there are only elderly people left in Sakasheti Settlement. There is a similar situation in Teliani settlement as well. The majority of interviewed IDPs and their family members residing in Skra, Telavi and Prezeti settlements and in the building of former boarding schools in Saguramo are unemployed. IDPs from Shaumiani Settlement pointed out that their settlement is completely abandoned, and it is impossible for them to find jobs. Due to high fares and bad transport schedules, the majority of the IDPs leave for other towns and rent a place there (among others, in compact IDP settlements, for instance, in Tserovani, where there is a better infrastructure).^{*186}

*"Because of unemployment, men are always irritated; they don't know what to do and how to provide for their families."^{*187}*

*"Youngsters leave and abandon their residences."^{*188}*

*"There are many job-seekers but there are no jobs."^{*189}*

The majority of IDPs, before displacement, used to sustain themselves by working agricultural land. Presently, some of them are given small plots of land which are useless in a number of instances and, due to the faulty irrigation system, it is impossible to comprehensively irrigate and work the land. In a number of cases, IDPs have not been given any agricultural plots of land at all. Therefore, they do not have this source of income either.

Some IDPs are employed in agricultural work in the nearby villages. However, this work is sporadic, seasonal, daily, short-term and hard (loader, picker, cleaner, etc). Despite the hard work schedule and conditions, their daily pay is only 10-20 GEL.

According to 63% of IDPs, they do not have any vocational or technical skills. However, some of them mention in the conversation that they have some profession (educator, driver, etc) and they underwent vocational training course in cookery, hair styling,

^{*186} Tsinamdzhvriantkari and Prezeti IDP settlements.

^{*187} Khurvaleti IDP Settlement.

^{*188} Metekhi IDP Settlement.

^{*189} Koda IDP Settlement.

tiling and surface laying, plastering and other vocational fields but due to absence of jobs they cannot get employment.

63% of respondents express their wish to study and/or obtain additional vocational and technical skills in the following fields: accounting, electricity, nursing, facial care, pottery, English language, information technology, cookery, driving, massage, gardening, horticulture, viticulture, animal husbandry, management, bee-keeping, floriculture, confectionery, greenhouse keeping, construction, plumbing, styling, photography, embroidery, knitting, baking, sewing, painting, etc.

3.7 OTHER PROBLEMS NEGATIVELY AFFECTING THE SOCIO-ECONOMIC SITUATION OF RESIDENTS OF IDP SETTLEMENTS

Absence of agricultural plots of land, scarcity of land, difficulties associated with the registration of title to land and high land tax were mentioned as the major problems among the issues raised by IDPs in the majority of settlements.

In some settlements, the state has not transferred agricultural plots of land into the ownership of IDPs.^{*190} In such cases, some IDPs arbitrarily occupy plots of lands adjacent to their residence and cultivate them.^{*191} Residents of some of these settlements^{*192} pointed out that they unsuccessfully requested the state to register title to these plots. In some settlements, plots of land adjacent to houses are transferred into ownership (approximately 1500-2000 m²); however, they do not have agricultural plots of land.^{*193} Some IDPs are indignant that they are given a plot of land into possession but not into ownership.^{*194} In some cases, plots of lands transferred into ownership are located too far away from IDP settlements and it is difficult to cultivate them due to transportation difficulties or absence of irrigation systems.^{*195} For instance, IDPs in Koda Settlement were given plots of land approximately 5-9 km away

^{*190} IDP settlements in Tsilkani, former music school in Gori, the so-called industrial complex in Gori, the electric technical facility in Kareli, Kvernaki, Koda, Shaumiani, the vocational training facility in Khashuri, kindergarten no. 2 in Khashuri and Bazaleti.

^{*191} IDP settlements in the building of former boarding schools in Saguramo, Koda, kindergarten no. 2 in Khashuri, the vocational training facility in Khashuri, Surami Sanatorium and Shaumiani.

^{*192} IDP settlements in Koda, Shaumiani, vocational training facility in Khashuri, kindergarten no. 2 in Khashuri, Bazaleti and Surami Sanatorium.

^{*193} Tsinamdzgvriantkari and Prezeti IDP settlements.

^{*194} IDP settlements in the former vocational facility in Saguramo and Akhalsopeli.

^{*195} Shavshvebi IDP Settlement; despite transferring orchards into the ownership of IDPs in Karaleti Settlement they are unable to tend to them as there is neither road connecting to it nor required infrastructure; they cannot use equipment, etc.

from their settlement; some residents of Gardabani were given plots located approximately 4-5 km from their settlement.

There are no irrigation systems in many settlements which often makes it impossible to cultivate the land and harvest crops.^{*196}

IDPs living in Mokhisi and Berbuki pointed out the uselessness of agricultural land. IDPs interviewed in Mokhisi stated that the land given into their ownership is rough stony land, which is impossible to cultivate and, hence, useless. IDPs in Koda and Shaumiani settlements said that they do not even know for sure where their plots of land are located. Besides, they are not aware of the boundaries as plots are not marked.

According to some IDPs, some families are annually taxed with approximately 46 GEL which is the land property tax on the plots of land transferred into their ownership. They are unable to pay it due to lack of finances. Therefore, many IDPs' accounts are frozen. Locals want to challenge the legitimacy of this tax.^{*197} Moreover, due to reasons beyond their control (they do not know where the plot of land is located, there is no irrigation system, the land is barren, etc), they are unable to cultivate the land and profit from it.^{*198} IDPs living in Khurvaleti Settlement pointed out that they were given ownership of plots of land but they were imposed with a tax accumulated for several years which amounted to 400 GEL which they could not pay.^{*199} They were even warned by the State Revenue Service that, in case of failure to pay the tax promptly, the state would take certain measures. According to IDPs, due to their economic situation, many of them sold the plots of land.

For some of the IDPs, due to the lack of finances, it is problematic to pay registration fee for the plots of land transferred by the state into their ownership. Sometimes, a family is given several small plots of land distanced from each other and 60 GEL is to be paid for registering each of them. IDPs are usually unable to raise these sums.^{*200}

Residents of Prezeti and Skra settlements do not have access to pastures and therefore they cannot maintain/feed cattle. According to IDPs, the villagers tell them not to take their cattle to the common pastures. This has been a reason for conflict on numerous occasions already. IDPs say that they are called "bloody intruders". Due to this situation, many IDPs sold their cattle and therefore lost an income source. IDPs settled in Sagarejo were allowed to use local pastures which led to confrontation be-

^{*196} Tsilkani, Tserovani, Koda, Gardabani and Shaumiani IDP settlements.

^{*197} Skra and Koda IDP settlements.

^{*198} Koda, Shaumiani and Gardabani IDP settlements

^{*199} The same problem was pointed out by residents of Koda Settlement.

^{*200} Skra IDP Settlement.

tween IDPs and locals. Since the authorities did not bother to solve the problem, IDPs had to practically give up these plots of land.

The major source of income traditionally had been agriculture and animal husbandry. Therefore, scarcity of land is a significant challenge for families. One of their major requirements is to be provided with plots of agricultural land and pastures.^{*201} Some IDPs also pointed out that, due to absence of finances or the place to keep cattle they are unable to purchase domestic cattle.

3.8 ISSUES TO BE ADDRESSED FOR IMPROVING THE GENERAL SITUATION OF IDPS

3.8.1 Yards, Children's Play Grounds and Sports Grounds

One of the major requirements of IDPs is to have yards, playgrounds,^{*202} sports grounds and recreational zones^{*203} arranged/surfaced.^{*204} While there are recreational parks in some settlements, most of the facilities are out of order, malfunctioning or dangerous. For instance, according to IDPs in Shaumiani, the children's playground is full of reptiles and it is dangerous for children to play there. Most of the facilities in Karaleti Settlement are out of order and dangerous; there is no artificial grass cover.

*"While they arranged a park, children cannot be sent there to play from the first and last streets of the settlement; it is right on the edge of the motorway."^{*205}*

According to residents of Prezeti Settlement, yards are not properly fenced,^{*206} including from the street side and often neighbours' yards are not isolated at all.^{*207}

^{*201} Tsinamdzgvrantkari, Shavshvebi and Prezeti IDP settlements.

^{*202} There is one playground in Tserovani Settlement which is the largest IDP settlement; however, due to the size of the settlement it is not accessible for all families. In some cases, it takes 2-3 km to reach the playground.

^{*203} There is no park/recreational zone in Tserovani Settlement, where people could relax in the open air.

^{*204} IDP settlements in Tsinamdzgvrantkari, the former vocational training facility in Telavi, the former vocational training facility in Saguramo, the building of former boarding schools in Saguramo, Prezeti, Shavshvebi, Tserovani, Koda, Mokhisi, Karaleti, Khurvaleti, Sakasheti, Metekhi, Teliani, Sagarejo and Lagodekhi.

^{*205} Karaleti IDP Settlement.

^{*206} Mokhisi, Karaleti and Teliani IDP settlements.

^{*207} Prezeti IDP Settlement.

3.8.2 Infrastructure

In some of the settlements, drainage systems need to be repaired.^{*208} Soil in Skra Settlement is too damp, which renders roads impassable during rains. The drainage system in the network of internal roads is out of order and during rains, water runs on the road. The population requests repairs to the drainage system.

Several families in Tserovani pointed out that there are no sidewalks, street signs (in some parts), or street lights in the settlement;^{*209} sufficient number of recycle bins are not available;^{*210} and there are no public toilets.^{*211} Residents of Karaleti Settlement request street names and accurate numbering, absence of which creates significant problems for locals in terms of receiving ambulance service and other emergency services.

*"Street names and accurate numbering is vitally important for us."^{*212}*

*"When we call either an ambulance or a patrol police, they cannot find us and keep looking for us which takes up much time. Especially, if someone is unwell and needs an ambulance, before they find us, the person gets even worse instead of getting better."^{*213}*

The settlements in Koda, Shaumiani, Bazaleti, Gardabani, kindergarten no. 2 in Khashuri, Surami Sanatorium in Khashuri and 50, Borjomi Str. in Khashuri are multi-storey buildings. The entrances of the IDP apartment blocks are not adapted for persons with disabilities using wheelchairs. This creates further problems for IDPs with disabilities as they cannot manage going into the yard independently and mostly have to stay at home on all days.

Absence of a cemetery is a significant problem for the residents of Sakasheti IDP Settlement. A cemetery territory in the village of Berbuki was allocated for IDPs residing near Gori and Gori district. As the cemetery is far from Sakasheti IDP Settlement, it is difficult for them to go to the cemetery and they request to be given a spot for a cemetery in the nearby.

The large number of reptiles is a significant problem for IDPs, especially for residents of Tserovani, Koda and Shaumiani: *"There is a snake under each bush, but we are left to fend for ourselves; nobody cares about us. There are snakes even in some of the*

^{*208} IDP settlements in Tserovani, Mokhisi, Karaleti, Khurvaleti, Sakasheti, Metekhi, Teliani, Sagarejo and Lagodekhi.

^{*209} IDP settlements in the building of former boarding schools in Saguramo, Mokhisi, Karaleti and Teliani.

^{*210} Tserovani IDP Settlement.

^{*211} Tserovani IDP Settlement.

^{*212} Karaleti IDP Settlement.

^{*213} Karaleti IDP Settlement.

houses. Last week one man was bitten by a snake; he nearly died."

Residents of Karaleti, Koda and Tserovani settlements complain about too many street dogs that often pose threat for residents' life and health.

The majority of residents in Tsilkani Settlement complained about the smell coming from nearby factories. The smell coming from the Icy Beer factory, located near the settlement, is particularly strong.

*"We can't open windows in summer, it reeks so much."^{*214}*

Tserovani residents expressed their wish to have a market in the settlement where they could buy organic product harvested by locals. Other settlements also pointed out the need for a shop.^{*215}

3.8.3 Cultural and Educational Centres

According to some IDPs, it is important to open a culture centre,^{*216} *inter alia*, for children's intellectual development. Parents find it difficult to take their children to district centres that are quite far away from their settlements. Residents of Tserovani, Karaleti and Koda IDP settlements expressed their wish to have a library and an Internet cafe.

IDPs in some settlements complain about the lack of activities in already existing community centres.^{*217} Residents of Berbuki Settlement pointed out that their community centre does not function. Furthermore, despite the fact that the centre is technically equipped and there are computers too, it is not used by people. According to the residents, the community centre is mostly open on election days only. A similar picture exists in Tsilkani IDP Settlement as well where residents point out that information centres have been cancelled. According to them, there were computers used by IDPs free of charge; there used to be meeting rooms for discussions with governmental or non-governmental organisations; training sessions and seminars used to be conducted and educational workshops were functioning. All of it has become inaccessible for IDPs after the centre was closed. According to them, the centres were transferred to municipalities after which they were rented out to individuals.^{*218}

^{*214} Tsilkani IDP Settlement.

^{*215} Skra IDP Settlement.

^{*216} Prezeti IDP Settlement.

^{*217} Tsilkani and Berbuki IDP settlements.

^{*218} Karaleti, Mokhisi and Sakasheti IDP settlements.

3.8.4 Various Social Statuses

Residents of some settlements still do not have IDP status and they request that the status is granted to them.^{*219} According to some IDPs, the neighbouring villages were given the status of a high mountain region, however, their settlement has not been granted the same status. Granting such status would reduce their communal bills and make them eligible for other statutory benefits.^{*220} Some IDPs expressed their indignation concerning granting/cancelling the status of a socially vulnerable person. According to the IDPs, it is unclear based on which criteria they were removed from the list of beneficiaries.

*"They took my social benefits away; I don't know on which grounds as my income is only 45 GEL."^{*221}*

According to the majority of IDPs, against the background where they have no other income or employment opportunities, IDP allowance of 45 GEL is very low and it needs to be increased. It should also be mentioned in this regard that, under the legislation in force, an IDP who is eligible for the status of a socially vulnerable person should make a choice and receive either an IDP allowance or a socially vulnerable person's allowance. It is prohibited by law to receive both allowances at the same time.

Some IDPs seek assistance in obtaining special passes to enter occupied villages (Akhlagori and villages of Akhlagori district) as there they could cultivate the land, maintain cattle and generate some income for their families.^{*222} For instance, the majority of residents now residing in Prezeti and Tserovani settlements come from Akhlagori district. The cost of a special pass to enter Akhlagori (without which nobody is allowed to enter occupied territories) is approximately 300 - 400 GEL which they cannot afford.

^{*219} Prezeti and Koda IDP settlements.

^{*220} Prezeti IDP Settlement.

^{*221} Shaumiani IDP Settlement.

^{*222} Prezeti and Tserovani IDP settlements.

CHAPTER **4**
RECOMMENDATIONS



RECOMMENDATIONS TO LOCAL SELF GOVERNMENT BODIES, THE GOVERNMENT AND STATE INSTITUTIONS OF GEORGIA

Government of Georgia

- Develop a national procedure for the selection of a candidate for nomination of a judge of the ICC, and ensure a merit-based approach is applied bearing in mind the provisions of the Rome Statute;
- Ensure effective participation in the committees and working groups of the Bureau of the Assembly in The Hague and New York;
- Cooperate with international partners to raise awareness about the ICC investigation into the situation in Georgia and to deal with challenges related to the non-cooperation of Russia, *inter alia*, in case of issuing warrants of arrest by the Court, on the matters related to their enforcement.

Local Self-Government Bodies and State Institutions of Georgia

- Take appropriate measures for ensuring improvement of socio-economic conditions in the IDP settlements, taking into consideration individual needs of each settlement;
- Conduct the necessary rehabilitation works in relevant settlements for improving living conditions;
- Adapt accommodations in the IDP settlements to the needs of persons with disabilities;
- Take appropriate measures for timely resettlement of the IDPs from dilapidating settlements and from those settlements posing increased threat to life or health;
- Allocate necessary finances for installing and/or repairing irrigation and drinking water infrastructure in the IDP settlements;
- Ensure drinking water quality control and periodic maintenance;
- Ensure that the issue of the outstanding payments for the consumed natural gas is clarified, with the involvement of natural gas providing companies;
- Take measures for raising awareness among the IDPs, *inter alia*, on issues such as state programmes of vocational and higher education and benefiting from the target package of the Universal Health Care State Programme;
- Provide the IDP settlements with technically fit public transport running according

- to a schedule accommodating the needs of the population;
- Improve central motorway and internal road infrastructure in the settlements;
- Open medical centres in the respective IDP settlements;
- Facilitate and ensure opening pharmacies in the IDP settlements through negotiations with pharmacy networks and pharmaceutical companies;
- Provide the existing medical centres with primary medical items, medicines and medical staff required for primary medical care;
- Mobilise finances and take all appropriate measures for ensuring access to early and preschool education in the IDP settlements;
- Improve public school infrastructure and transportation of students;
- Improve employment facilitation programmes for IDPs and ensure involvement of job-seeking IDPs in such programmes;
- Provide various courses and programmes in vocational training for the IDPs in order to facilitate developing their professional and technical skills and boosting their employment potential;
- Change the IDP allowance system according to a needs-based approach;
- Study access of the IDPs residing in settlements to agricultural plots of land and pastureland and take relevant measures to ensure that each IDP, similar to other residents of the same region, has a possibility of developing agriculture and cattle breeding;
- Arrange sports and playgrounds for children, parks/recreation zones, educational and community/information centres in the IDP settlements and ensure their functioning; and
- Study accommodation conditions of the settlements to guarantee the right to healthy and safe environment and eradicate the problems of air pollution, reptiles and other similar problems.

General Prosecutor's Office of Georgia

- Considering the gravity and scope of the alleged crimes, the principle of complementarity and high public interest, finalize the ongoing investigation in a timely manner and provide information about its outcomes.

RECOMMENDATIONS TO THE TRUST FUND FOR VICTIMS AND RESPECTIVE ORGANS OF THE ICC

We call on the ICC to ensure effective implementation of the Court's mandate:

- Develop a court-wide strategy on its engagement in Georgia, to ensure all organs have a vision of how to overcome existing challenges and ensure effective implementation of the court's mandate to deliver justice to the victims.
- Establish advisory groups composed of local experts from civil society, legal and diplomatic communities, and academia, to support the Court with expertise on crucial matters in its activities in Georgia and the region.

Office of the Prosecutor

- Provide the affected communities and public with an updated information on the progress of the investigation;
- Ensure finalisation of the investigation within a reasonable period;
- Ensure that the investigated crimes represent key aspects of victimisation, especially with regard to crimes against humanity of forcible transfer and persecution of ethnic Georgians, and war crimes of attacks against the civilian population, wilful killing, destruction of property and pillaging;
- Ensure that arrest warrants are issued against high-level perpetrators who are the most responsible for the commission of the alleged crimes;

Trust Fund for Victims

- Ensure timely assessment of the needs and initiate implementation of the assistance mandate for the affected communities;
- Take into consideration the needs of IDPs identified in the present survey while implementing the assistance mandate;
- Support the assistance projects directed to material support of the affected communities such as offering access to income generation and training opportunities to focus on longer-term economic empowerment;

- Appoint a representative at the country office, who will be in direct communication with victims and their representatives.

Registry

- Publicly respond to direct allegations and accusations of the Court's partiality and bias, to ensure public trust and support;
- Enhance awareness raising campaigns among the affected communities and public, ensure they are periodically informed about the mandate, activities and functions of the Court;
- Provide sufficient human and financial resources for the field office in Georgia, including by recruiting mid and high-level local staff who can interact with the victims' groups, media and public at large in a timely and professional manner;
- Appoint a dedicated staff member from the Victims Participation and Representation Section (VPRS) to the field office to interact with victims on the ground;
- Ensure full implementation of victims' rights to access justice and redress, including participation in the proceedings and adequate representation through local lawyers;
- Ensure local lawyers and jurists have sufficient opportunities to be on the ICC List of Counsels, including by organising trainings, and information sessions for human rights groups.

ICC Country Office

- Implement a fully-fledged outreach strategy in Georgia, and establish regular and specific communication tools and dedicated activities with civil society and with the media;
- Enhance awareness raising campaigns among the affected communities and public;
- Where appropriate, get involved in public debates to counter the inaccurate information spread by various actors about the Court's mandate and role, as well as scope of the ongoing investigation into the situation in Georgia;
- Utilise mass media, inter alia, by participating in TV programmes for disseminating information regarding important issues about the ICC, ongoing investigation and victims' rights.



VICTIMS OF THE SITUATION IN GEORGIA

**10 YEARS
AFTER
THE AUGUST
WAR**



- 2005
- 2006
- 2007
- 2008
- 2009
- 2010
- 2011
- 2012
- 2013
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- 2020