



განცხადება

16 წელი აგვისტოს ომიდან

GYLA.GE

16 Years Since the August war

Sixteen years have passed since the August war. In August 2008, the Russian Federation invaded the territory of Georgia in violation of international law, infringed Georgia's sovereignty, committed war crimes and crimes against humanity. This

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



invasion resulted in the killing of civilians and the forced displacement of 26,888 people (9,081 families).¹

The damage caused by the Russian Federation is ongoing. The human rights situation of people living in the occupied territories and the harassment of ethnic Georgians remain problematic.² Additionally, creeping occupation, illegal so-called [██████████████████] and security challenges persist for people living near the occupation line.³ The occupation regime has exacerbated the issue with the illegal practice of arresting people for allegedly crossing the so-called border, leading to increasing cases of long-term illegal detention.⁴ The killing of Tamaz Ginturi by the Russian occupation forces during an attempt to illegally arrest a local resident near the village of Kirbali in Gori municipality is another egregious violation of human rights by the occupation regime.⁵

Along with the security challenges, the population living in the villages near the occupation line faces significant social and economic difficulties, including high unemployment, low awareness of social programs, and lack of access to basic services and infrastructure.⁶

This situation is exacerbated by the fact that the compensation obligation imposed on Russia by the European Court is still unenforceable. On April 28, 2023, the European Court ordered the Russian Federation to pay 130 million euros to Georgia in the August War case,⁷ based on its decision from January 21, 2021, on the interstate dispute.⁸ However, the Russian Federation does not cooperate with international organizations and is currently excluded from the Council of Europe. Its declared policy is to not fulfill the obligations imposed by the European Court, including the payment of the imposed compensation amount.

On 26 January 2024, GYLA addressed the Ministry of Foreign Affairs of Georgia to utilize available resources and take further actions to create an international compensation fund for the victims of the Russian Federation as a result of the August war and subsequent developments under the auspices of the Council of Europe.⁹ GYLA's appeal has not yet received any feedback from the Ministry of Foreign Affairs of Georgia.¹⁰ It is necessary for the state to use all diplomatic and international legal mechanisms to ensure the enforcement of the European Court of Human Rights' decision against Russia.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Instead, the Georgian authorities are openly fighting against civil society, which plays an important role in protecting the rights of people affected by the conflict at both international and national levels, with the Russian law. The Russian law and other excessively restrictive measures also threaten the country's Euro-Atlantic course,¹¹ which is reinforced by the Constitution of Georgia and represents an important guarantee of the protection of Georgia's sovereignty and territorial integrity.

1 see Report: 10 years since the August war: situation of victims in Georgia, 2019, available at: <chromeextension://efaidnbmnibpcajpcglclefindmkaj/https://www.gyla.ge/files/07.07.2019%20%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%A3%E1%83%9A%E1%83%98%20%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>, [06.08.2024],

2 Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 8, available, <https://ombudsman.ge/res/docs/2024052311354297279.pdf>, [08.06.2024].

3 ibid.

4 ibid 19.

5 ibid 18.

6 UN Women, Assessment of the needs of people living along the dividing lines in Georgia, 2019, available at <https://georgia.unwomen.org/sites/default/files/2022-02/ABL%20Needs%20Assessment%20GEO%202019%20Final.pdf> , [06.08.2024].

7 CASE OF GEORGIA v. RUSSIA (II) (just satisfaction), 28.04.2023, 38263/08.

8 CASE OF GEORGIA v. RUSSIA (II) (merits), 21.01.2021, 38263/08.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



9 GYLA calls on the Ministry of Foreign Affairs to utilize international measures to ensure that the rights of the victims of the Russian Federation are effectively protected, 26.01.2024, <https://gyla.ge/en/post/saia-sagareo-saqmeta-saministros-mimartavs-rusetis-federaciis-mier-dazaralebuli-mosakhleobis-uflebebis-efeqtianidacvistvis-saertashoriso-ghonisdziebebis-gamoyenebis-taobaze#sthash.z50HjhoC.dpbs>

10 Tamar Oniani, for JusticeInfo, Georgia 2008 war: when Russia won pay victims, solutions still exist, 01.08.2024, Available: <https://www.justiceinfo.net/en/134838-georgia-2008-war-when-russia-wont-payvictims-solutions-still-exist.html>. [06.08.2024].

11 see GYLA Report: Georgia: Human Rights in the Face of Russian Law, Human Rights Situation 60 Days after Reintroduction of Foreign Influence Transparency Bill, 2024, available at: <chromeextension://efaidnbmnibpcajpcglclefindmkaj/https://gyla.ge/files/%E1%83%90%E1%83%9B%E1%83%98%E1%83%90%E1%83%9C%E1%83%98%E1%83%A1%20%E1%83%A3%E1%83%A4%E1%83%9A%E1%83%91%E1%83%94%E1%83%91%E1%83%98%20%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%9A%E1%83%98%20%E1%83%99%E1%83%90%E1%83%9C%E1%83%9D%E1%83%9C%E1%83%A1%20%E1%83%9E%E1%83%98%E1%83%A0%E1%83%98%E1%83%A1%E1%83%9E%E1%83%A0.pdf>, [07.06.2024].