

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA to protect rights of persons displaced from non-occupied territories in the Constitutional Court

On June 3, 2012, Georgian Young Lawyers' Association filed a constitutional claim in the Constitutional Court, on behalf of Piruz Vaniev of the village of Khurvaleti, Gori Municipality and Tristan Mamgulashvili of Kareli Municipality. GYLA filed against legal definition of the notion IDP. Prior to December 27, 2011, an IDP was someone who was forced to leave his place of permanent residency as a result of aggression of a foreign state, internal conflict of mass violation of human rights, despite of where s/he

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lived. Under the legal amendments adopted on December 27, 2011, the Law of Georgia on IDPs applies only to persons displaced from the occupied territories.

Under the law of Georgia on the Occupied Territories, these are the following occupied territories of Georgia – the territory of the Autonomous Republic of Abkhazia and the autonomous district of former South Ossetia. Territories that were never included in Abkhazia or the autonomous district of former South Ossetia but are not subject to effective control of the Georgian authorities are not regarded as occupied territories.

The house of Tristan Mamgulashvili in the village of Dvani and the house of Piruz Vaniev in the village Khorvaleti do not belong to the occupied territories. Nevertheless, following the military aggression of Russia in August 2008 applicants were forced to leave the place of their permanent residence and are still unable to return home due to the fact that Georgian law-enforcement authorities can't exercise control on the territory.

Persons displaced from non-occupied territories are not entitled to guarantees envisaged by the law on IDPs, which people displaced from occupied territories can benefit from. The guarantees are as follows: shelter, adequate living conditions, welfare allowance, transferring rehabilitated houses into their ownership. Persons displaced from non-occupied territories following the warfare are as vulnerable and in need of state's assistance as people displaced from the occupied territories. Therefore, we believe that exclusion of people displaced from non-occupied territories from the law on IDPs violated Article 14 of the Constitution of Georgia which guarantees equality before law.