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**COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY
MEMBER STATES OF THE COUNCIL OF EUROPE (MONITORING COMMITTEE)**

Current tensions between Georgia and Russia

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**Information note of the co-rapporteurs following their fact-finding visits to Tbilisi
(20-22 November 2006) and Moscow (28-30 November 2006)**

1. INTRODUCTION

1. Tensions between Georgia and Russia are a long-lasting political problem in which the 27 September 2006 incident in which Georgia expelled four Russian military intelligence officers is only one episode. It is for the first time since 1994, however, that the tensions between the two countries have reached the bottom line, triggering a number of serious unilateral sanctions by the Russian authorities against Georgia and its citizens residing in Russia. It is for that reason that the issue requires attention from the Council of Europe and our Assembly in particular.

2. Following that incident, the Russian Federation accused the Georgian authorities of state terrorism; recalled its Ambassador in Tbilisi for consultations, resorted to full economic blockade and started applying selective punitive measures against citizens of Georgia and ethnic Georgians residing on the territory of Russia. On 2 October 2006, Russia stopped all air, automobile, sea and railway communication, postal traffic and money transfers with Georgia.

3. On the same day, the EPP/CD group requested a current affairs debate to be held at the PACE October part-session, which was turned down because of more imminent discussions requiring plenary debate under the same procedure. However, the Assembly President met with both delegations during the part-session. At its meeting on 3 October, considering that both countries are member States of the Council of Europe and that both are subjected to the monitoring procedure, the Monitoring Committee decided to include the issue of current tensions on its agenda. At a further committee meeting in Yerevan on 16 October, the two of us in our capacity as co-rapporteurs on Russia and Georgia respectively were commissioned to carry out a fact-finding visit to both capitals in order to report back on our findings at the committee meeting of 13 December with a view to assessing whether it would be necessary to request an urgent debate on this matter at the Assembly's January 2007 part-session.

4. We visited Tbilisi from 20 to 22 November where we met with all the key personalities in Georgia, including President Mikhail Saakashvili, Prime Minister Mr Nogaideli and the Speaker of the Georgian Parliament Mrs Burjanadze, and with many ministers, deputy ministers and high officials. A week later, from 28 to 30 November, we visited Moscow and held talks with Deputy Foreign Minister Mr Karasin, Deputy Minister of Defence Mr Baluevskiy, Deputy Minister of the Interior, Mr Ovtchinnikov, Deputy Head of the Federal Migration Service Mr Turkin and many other high officials. We regret not having had the opportunity to discuss these important issues with the Presidential administration of President Putin, the Prime Minister or the Speakers of either chamber of the Russian parliament. Similarly, we regret not having been aware that a Chargé d'Affaires of the Russian Embassy to Georgia was present in Tbilisi during our visit.

5. At its meeting of 13 December 2006, the Monitoring Committee, having listened to our observations and held a lengthy exchange of views on the issue, decided to request a plenary debate under urgent procedure. On 22 January 2007, the Bureau of the Assembly decided against holding an urgent debate, yet encouraged the Monitoring Committee and us as co-rapporteurs to continue to follow up on the issue.

6. Owing to wide international press coverage, immediate critical reactions and statements from various international organisations (UN, EU, European Parliament, NATO Parliamentary Assembly, etc.) and Russian civil society representatives alike as well as many mediation attempts by international key players, the further escalation of tensions has been prevented. There have been small steps taken from both ends to re-establish dialogue. Some high level bilateral contacts have taken place in the margins of international events, e.g. President Saakashvili attended the CIS Summit in Minsk on 28 November instead of the NATO Summit held in parallel in Riga in the hope of meeting President Putin on bilateral grounds¹. We particularly appreciate the fact that, on 25 December, the last personnel of Russia's garrison in Tbilisi and the Headquarters of the Group of Russian Forces in the Transcaucasus (GRVZ) were withdrawn from Georgia's capital ahead of the foreseen deadline and that, on 18 January 2007, the Russian Ministry of Foreign Affairs announced the return of the Russian Ambassador to Tbilisi. We also thank the General Prosecutor's office of the Russian Federation for providing us with information on their inquiry into the wrongful acts by representatives of law enforcement agencies of the Russian Federation in respect of citizens of Georgia, which we will study in due course.

7. Nevertheless, regardless of the perceived anti-climax in the acuteness of this conflict, the relations between the two states remain far from normal. The borders between the two countries are closed, economic sanctions persist, the detention and expulsion of Georgians from Russia continues, though in a "silent" way,

¹ There was no bilateral meeting between Georgia and Russia at the Minsk CIS summit on 28 November. However, a brief discussion of Russian-Georgian relations took place during a meeting of the heads of states, involving also the Presidents of Georgia and Russia without the item being officially placed on the agenda.

and there has been no breakthrough for the leaders of the two countries to sit down at the negotiations table. The adoption by the State Duma of two statements on 6 December regarding the two breakaway regions – on the "appeal of the People's Assembly of the Republic of Abkhazia to the Russian President and Federal Assembly on the recognition of the Republic of Abkhazia to establish associated relations between Abkhazia and Russia" and "on the results of the referendum in South Ossetia on the issue of granting it independence and the results of the election of president of South Ossetia on 12 November 2006" which called for recognition of Abkhazia's and South Ossetia's secession from Georgia and their potential incorporation into Russia, has further harmed the prospects of re-establishing normal relations.

8. In today's world that is characterised by increasing instability and growing threats of terrorism, promoting good-neighbourly relations, security and stability in Europe and its vicinity is very valuable, not only for the region but for the whole world's democratic community. The Council of Europe is established on the principles of respect, tolerance, peace and prosperity, and no member State should remain unconcerned when hidden tensions and unsolved conflicts between two of its members spiral all of a sudden into massive accusations, expressions of hatred and human rights violations. Inability to solve conflicts – believing that it is enough to freeze them and hope for time to sort things out – almost always brings new problems. Precisely for this reason, we believe that PACE should contribute by providing a constructive forum of parliamentary diplomacy and offering its unique platform for dialogue to help its two member states come out of the political deadlock.

9. In view of these endeavours, we wish to approach the analysis of the ongoing conflict from two different angles: the **political aspects** of conflict resolution and the **human rights aspects** related to the core values of the Council of Europe and the obligations and commitments of its member states.

2. POLITICAL ASPECTS

10. In order to enable the members of the Monitoring Committee to get a clear view of the different facets of the conflict, and notably of the background and main obstacles to finding a solution, we summarise the arguments as they were presented to us without prejudice to either side.

2.1. Causes of the conflict: different beliefs and assertions

2.1.1. On the Georgian side:

2.1.1.1. The roots of the current crisis lie in:

11. disrespect by the Russian Federation of its sovereignty, independence and territorial integrity within its internationally recognised borders, related on the one hand to differing perceptions of the collapse of the Soviet Union and on the other hand to the frozen conflicts in the regions of South Ossetia and Abkhazia; the situation in the latter carries a permanent threat of renewed hostilities and casts a shadow on ongoing democratic reforms in Georgia;

12. disagreement by the Russian political leadership with Georgia's foreign policy aspirations, and notably its closer integration with European and Euro-Atlantic structures. By telling Georgia's European and American partners that Georgia is militarising itself and preparing to solve its frozen conflicts through military means, Russian authorities try to undermine Georgia's credibility as a trustworthy partner;

13. opposition to ruling Georgian government attempts to oust the current leadership;

14. Russia's reluctance to see Georgia as an alternative energy route towards Europe.

2.1.1.2. Prelude to the current crisis:

15. referred to by President Saakashvili as a "very deliberate policy for the last two years"

Economic sanctions:

16. Closure of the main road linking the two countries by closing of the only legitimate border-crossing point (BCP) "Kazbegi-Zemo Larsi" on 7 July 2006 on the pretext of completing works for an indefinite period of time.

17. The Georgian authorities maintain that the closing of this BCP, controlled bilaterally by both sides to the conflict in accordance with the agreement "On Customs' Border-Crossing Points" signed on 8 October

1993, is a violation of the aforementioned agreement and reroutes the passenger and cargo flows to illegal crossing points such as "Roki-Nizhni Zaramag" and "Gantiadi-Adler", which not only function without restriction but nourish the Georgian side's suspicion of an attempt by Russia to draw the actual state border with Georgia to the administrative border of the Tskhinvali region

18. Ban on import of products from Georgia:

- *December 2005*: Russia prohibited importing products of vegetable origin from Georgia under the pretext of violation of phyto-sanitary norms
- *March 2006*: Russia prohibited the import and sale of Georgian wine, wine materials, brandy and sparkling wines on the territory of the Russian Federation
- *April 2006*: the import ban was extended to mineral water produced in Georgia

19. The Georgian authorities consider that the above decisions have been adopted unilaterally without submitting specific facts (justifying the non-compliance of products with sanitary norms applied in Russia) and in violation of the provisions of the Free Trade Agreement between the Government of Georgia and the Government of Russia. The political nature of those bans is further demonstrated by the adoption by the Duma of resolution No 154 of 21 March 2006 "On Introduction of Amendments to the Resolution No 1223 of 5 November of the Government of Russian Federation", which abolished the restrictions for the Abkhazian segment of the Georgian-Russian state border

Support to the separatist Georgian regions of Abkhazia and South Ossetia seeking independence from Georgia

20. issuing Russian Federation passports to Abkhazians and South Ossetians permanently residing in those regions (as opposed to the Abkhazian refugees residing in Russia since the end of the armed conflict in 1994). In July 2006, the Russian Duma passed a resolution authorising Russian troops to serve anywhere in defence of Russian citizens – presumably including those who reside permanently in Abkhazia or South Ossetia

21. Activities of the Russian intelligence services on the Georgian territory: testing the limits; Georgian authorities claim that other presumed Russian spies have been previously caught but expelled more discreetly, nonetheless by informing their international partners.

22. Referendum on independence on 12 November 2006 in South Ossetia

23. Functioning of the peacekeeping forces in South Ossetia, seen by Georgia as a tool of Russian influence

2.1.2. On the Russian side:

2.1.2.1 The roots of the current crisis lie in:

24. The fact that Georgia's military budget rose in 2005 at a rate higher than any other country in the world is perceived as a threat to Russia's security (indirect hints to Georgia's possible NATO membership).

25. Lack of guarantees from Georgia that it will not employ military force to solve the conflicts in Abkhazia and South Ossetia

26. Belief that – irrespectively of Russia's influence – the Abkhazian and South Ossetian people do not want to live under Georgian rule and that they want Russian peacekeepers deployed on their territory, at least until Georgia convinces them that they will refrain from any military solutions.

27. Opposition to the attempt by the Georgian side to replace the existing negotiations and peacekeeping format for the peace process in Abkhazia and South Ossetia

2.1.2.2. Prelude to the current crisis:

28. Hurt feelings by the offensive talk and bellicose statements by some Georgian leaders/ lack of respect and responsibility towards "old friends"

29. Georgian special operation in the upper Kodori Valley in July 2006, which was perceived by the Russian side as employment of military force to solve the conflict in Abkhazia; presumption that Georgia is preparing new military actions in Gali in spring 2007

30. The humiliating way the arrest of the Russian military officers was carried out on 27 September 2006 with them being displayed on video tapes

2.2. Reactions by the two states to the detention and expulsion of the Russian military intelligence officers

2.2.1. Georgia

31. provocative statements by several state officials, including President Saakashvili, Foreign Minister, Minister of Defence, Minister of European Integration and the Speaker of the parliament

32. no discriminatory acts reported against any Russian citizen in Georgia

2.2.2. Russia

33. calling back its Ambassador in Tbilisi for consultation in Moscow; no visas issued to Georgian citizens²;

34. imposing disproportionate unilateral economic sanctions on Georgia: apart from the earlier-imposed wine, juice and water ban from Georgia, cutting all air, automobile, sea and railway communication and postal traffic with Georgia; ceasing activities of small-scale and medium-scale businesses run by or employing Georgian nationals;

35. provocative statements by several state officials, including President Putin, Prime Minister, Foreign Minister, Speaker of the State Duma, etc. On 4 October, the State Duma adopted a statement, referring to the actions by the Georgia authorities in the Georgia-Abkhazia and Georgia-South-Ossetia conflict zones as "state terrorism with corresponding conclusions and consequences";

36. launching a general anti-Georgian campaign, including mass checks of Georgian nationals, detention and expulsion from the territory of the RF;

37. Announcement of increase of gas price from 110 USD to 230 USD per 1000 cubic meters as from January 2007.

2.3. Preparedness and stumbling blocks for resuming dialogue and co-operation

2.3.1. Georgia's view:

38. All Georgian leaders that we met asserted that they are committed to a peaceful resolution of their internal conflicts and are continuously appealing for dialogue both with the Russian authorities as well as with the *de facto* authorities of Abkhazia and South-Ossetia.

39. Some high level bilateral contacts have taken place in the margins of international events, e.g. Mrs Burjanadze, Speaker of the Georgian Parliament met with Mr Mironov, Speaker of the Russian Federation Council in St Petersburg at the beginning of November. The foreign ministers of the two countries met on 1 November. President Saakashvili requested a bilateral meeting with President Putin during the CIS summit in Minsk on 28 November.

40. The difficulty in re-establishing relations with Russian authorities is due to the lack of communication of concrete objectives that Russia would like to see Georgia fulfil, the usual rhetoric reply received from Moscow being "you know what we want" (which the Georgian side presumes means a fundamental change of its foreign policy and change in the country's political leadership).

41. Communication with the *de facto* authorities of Abkhazia and South Ossetia is hampered by the numerous preconditions imposed by the latter for starting the talks.

² According to Mr Karasin, Deputy Foreign Minister of the RF, some Georgian politicians have been issued visas to enter the territory of Russian Federation for international events.

42. At ministerial or consular level, communication is quasi non-existent. Particular concerns relate to the impossibility for the Georgian Ministry of Education to receive copies of school certificates of deported children from their counterpart ministry in Russia or for the Consular Service of the Georgian Embassy in Moscow to receive information on the Georgian nationals in detention awaiting expulsion.

2.3.2. Russia's view:

43. According to the Russian Ministry of Foreign Affairs, dialogue is not stopped, just slowed down. The Russian authorities would prefer to take a step by step approach, through sober-mindedness and taking time to think.

44. Russia is ready for dialogue but Georgia will need to first show respect and responsibility towards Russia. Both countries have to responsibly think of what is in their interest. Being a friend means not making fool of the other and political backing wherever necessary.

45. Russia does not need external mediators in this matter. It would be counter-productive to tell Russia with whom it has to be friends with. Any public discussion would lead to heightening of tensions. If someone wants to repair relations between the two countries, he should avoid publicity.

46. With regard to daily relations with Georgian authorities since the beginning of the conflict, the Ministry of Interior enjoys close relations with the Georgian Ambassador and Consul in Moscow, who have participated in the "humanitarian acts" to "save people from custody by expulsion". The Georgian Consul in Moscow, Mr Pataradze, has personally participated in the inspection of detention premises and in the deportation procedures together with the Federal Migration Service of the Russian Federation. He has even personally thanked the Director of the FMSRF in a letter dated 1 November 2006 for their co-operation (see Appendix IV)

2.4. International community representatives in the two capitals on the current conflict

47. The current conflict of Russia with Georgia is a pretext. The election campaign has been launched in Russia ahead of the 2007 and 2008 elections. The wave of anti-Georgian feelings has been used for the benefits of Russia's internal policies.

48. There are no winners in the current conflict. Both sides have provoked themselves to the corner and do not know how to get out of the situation without hurt pride and major compromises. For the Russian side, the ultimate hope is a change of government in Georgia; however, their cards have been played in too "transparent" a way and overplaying the "spy-scandal" has rather made President Saakashvili win support in the west. Nonetheless, the only way out of the deadlock situation for both sides is for the two Presidents to sit down at the bilateral negotiations' table.

49. Neither Russia nor Georgia (nor the international community) has a clear strategy for conflict resolution in Abkhazia and South-Ossetia. Moreover it serves Russia's interests to keep those conflicts frozen by maintaining a *status quo*, for authoritarian regimes preserve seeming stability for Russia. The frozen conflicts also offer a good leverage for Russia to control Georgia. Keeping conflicts alive is also an additional guarantee for Russia to fend off NATO from the area.

50. Russia is using the economic sanctions in order to get its hands over gas pipelines running on Georgia's territory to Russia.

3. HUMAN RIGHTS AND OTHER MAJOR CONCERNS

51. During our two visits, we held discussions with the members of the ad hoc Commission of the Parliament of Georgia on Studying Acts, Committed by the Russian Federation towards Citizens of Georgia, the deputy Ombudsmen and representatives of the civil society in both countries, including the Georgian Orthodox Church in Moscow. Our delegation members also interviewed a dozen of Georgian nationals, deportees from the Russian Federation, in Tbilisi. On the basis of the information and factual evidence collected, a number of general observations can be made.

52. The massive campaign launched as from the end of September against Georgian citizens and persons of Georgian ethnicity (thereafter "the campaign") was a political campaign, which emerged as a direct sequel to the provocative statements made by both countries' political leaders. Those statements were perceived locally as a call for action, which triggered the organisation of persecution of representatives of Georgian nationality. Although in our discussions with various Russian ministries and the Public Prosecutor's

office no official instance acknowledged having received any orders from above or having themselves given any instructions to their regional departments, we were given copies of some internal orders issued by competent departments under those ministries with regard to massive expulsions or discriminatory measures to be taken against Georgian citizens (see Appendix III). These copies were also quite widely published in the Russian press and have been sent by the Commissioner of Human Rights of the Russian Federation for expertise of their authenticity to the Public Prosecutor's Office. When confronted with those copies, public officials in Moscow denied having ever seen them, yet admitted that some "administrative excesses" took place during the expulsions; in Deputy Foreign Minister Karasin's words, "Every country has its share of idiots". The underpinning point is, however, that although the executive orders may have come from lower administrative instances, it is the President of the Russian Federation that is the constitutional guarantor of rights and liberties of the citizens under Russian jurisdiction. Thus he has to accept the burden of responsibility. On 25 October 2006, in a TV interview, he called on all law enforcement agencies and administrative bodies to refrain from ethically motivated actions, which he qualified as "inadmissible" (see Appendix VI). It is also inadmissible to use the foreign policy situation between the two states to organise baiting of the citizens of these countries or of certain ethnic groups.

53. "The campaign" was from its outset a selective and intentional persecution campaign based on ethnic grounds, which clearly goes against the spirit of Article 14 and Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Although justified by Russian officials as part of the routine fight against illegal immigration and "ethnic criminality", and neither side denying the fact that a considerable number of Georgian citizens live in the country without a legal status or that a high number of Georgians engaged in organised crime take refuge in Russia, the selective persecution of an ethnic group whereby this group is clearly targeted through special militia operations to hunt down its population on streets, markets or in front of strategic places (Georgian Consulate in Moscow, Georgina Orthodox Church), tax inspections inspecting overnight most Georgian small businesses, vandalising art galleries of Georgian art, or schools not admitting Georgian children from one day to another is totally inadmissible. This can by no means be regarded as lawful means of fighting illegal migration and all the more, can not serve for establishing order in this sphere, since as a result corruption is increasing.

54. The issue of the great number of Georgians living in Russia illegally today is linked to a structural problem of Russia's immigration policies. Namely, before the visa regime with Georgia was introduced and the law "On legal status of foreign citizens" adopted in 2002, Georgian citizens were residing in the Russian Federation perfectly legally. Just like all other citizens of the CIS, they were registered in bodies of the interior Ministry in accordance with the rules applying to the Russian Federation citizens as well. In case of absence of registration they could only be fined, but not expelled. However, in 2002 their situation changed drastically: people who had been living in Russia for years suddenly became illegal migrants. The law "On Legal status of foreign citizens" did not contain any transitional provisions which could have helped hundreds of thousands of people from the former USSR countries residing in Russia without Russian citizenship to legalise their status. At the same time the new Administrative Code created a mechanism of expulsion of foreign citizens for violations of the rules of residence, i.e. for absence of registration. It also provided for expulsion of a foreign worker in case of illegal labour. However, the procedure for hiring foreign manpower in Russia practically excludes an opportunity of legal employment as there are very few organisations authorised to employ foreign workers. Thus by the time the anti-Georgian campaign began in October, repressive mechanisms against foreign citizens had already been created in Russian legislation.

55. In certain regions the campaign appears to have been well co-ordinated between the executive and legal branches of power. For instance, a secret order N°02-15 of the Chief Department of Interior Affairs of St Petersburg (GUVd) reads: ***"conduct...large-scale measures to detect and deport the maximum number of Georgian citizens illegally staying on the territory of Russia.// Also in the course of the courts considering the cases on violations of the rules of sojourn of foreign citizens to initiate decisions ONLY to deport the above-mentioned category of citizens with preliminary detention in reception and detention centre of the GUVd.// The realisation of these measures is approved by the St. Petersburg and Leningrad region Department of the Federal Migration Service, and the delivery of decisions is coordinated with the court of St Petersburg and the court of the Leningrad region"*** (see Appendix III). The putting into practice of the above order and others of its kind is attested by many deportees who have been forced to sign – often under threat of lengthy prison sentences – ready-made court decisions which they have not been able to contest. Agreements of this kind whereby courts rubber-stamp arbitrary executive decisions violate the principles of separation of powers and independence of the judiciary as guaranteed by Article 120 of the Constitution of the Russian Federation, deprive legal proceedings of any sense, and undermine the credibility of the whole justice system in Russia. They also go directly against the principle of fair trial guaranteed by Article 6 of the ECHR.

56. Articles 3 and 4 of Protocol No. 4 to the ECHR, which Russia ratified on 5 May 1998, prohibit the expulsion of nationals and the collective expulsion of aliens respectively. And yet, between 1 October and 20 November 2006, Administrative Courts of the Russian Federation made decisions on expulsion of **3297** citizens of Georgia, Russian citizens of Georgian ethnicity or Russian citizens with Georgian family name acquired through marriage³. More than 1550 of those persons had been deported as of 28 November 2006⁴, among them a number of those resided lawfully on Russian territory.

57. Altogether 440 Georgian citizens⁵ were deported by direct flights from Moscow to Tbilisi at the beginning of the conflict. At this initial stage (the first two flights), the deportees were transported by cargo flights in violation of the norms of the International Civil Aviation Organisation as such transportation of passengers poses threat to life. The later departures have been organised via third countries such as Azerbaijan and Ukraine. However, many Georgian citizens are facing great difficulties with their departure as not only air ways but also other transport routes are closed to them. In compliance with the legislation of the Russian Federation, when a foreign citizen or organisation that has been invited to Russia is devoid of financial means to return to their native country, deportation is funded by the Russian Federation. According to the evidence gathered from the deported citizens of Georgia and information received from civil associations, the expelled people are obliged to leave the territory of the Russian Federation at their own expense, and refusals often resulted in law enforcement representatives threatening to bring those people to account.

58. Article 1.1. of Protocol 7 to the ECHR provides procedural guarantees relating to expulsion of aliens, according to which "*an alien lawfully resident in the territory of a State shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed; a. to submit reasons against his expulsion, b. to have his case reviewed, and c. to be represented for these purposes before the competent authority or a person or persons designated by that authority.*" According to Article 1.2. of the same Protocol, an alien may be expelled before the exercise of his rights when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

59. It is doubtful that the majority of the Georgian citizens legally residing in Russia, who were arrested on the streets and thereafter deported, posed a major threat to public order or national security. And even if the majority of the expelled persons were illegally residing in Russia, the principles of fair trial as guaranteed under Article 6 of the ECHR apply to them as well. However, the "routine of expulsions" followed a recurrent pattern all over the country: Georgians stopped in the streets under the pretext of examination of their documents were detained no matter whether their documents were in order or not and taken to the Militia stations where they were gathered in large groups and delivered to courts, where decisions on administrative penalty with expulsion of the territory of Russia were made in accordance with preliminary agreement with the courts, with no lawyers and without the court's looking into individual circumstances, the entire procedure taking from 2 to 10 minutes⁶. Often people, subjected to these measures, were not admitted to the trial room, detainees were kept in corridors or even in cars in which they were delivered there. Courts did not consider the circumstances of the cases, ignoring both the fact that a person might be married to a Russian citizen, might have a family and children who grew up in Russia and have Russian citizenship (often the case with refugees from Abkhazia), and the fact that those to be expelled had not committed any offences.

60. Although we had no possibility to inspect any detention facilities, and there is not even any clear information of how many Georgian citizens are currently detained in the various temporary holding facilities of the Ministry of Internal Affairs around the country⁷, according to all evidence the conditions in most of those places are unimaginably "overcrowded", "unbearable" and "inhumane". The detainees have not only been deprived of medical assistance but also of any possibility to satisfy the primary necessities of life. This has led to the death of a 48-year-old Georgian citizen, Tengiz Togonidze, who according to witnesses was suffering from asthma and who after two weeks of detention without any medical assistance or even a possibility to be out in the fresh air, died after many hours of transportation from the detention centre in St. Petersburg to the Moscow International Domodedovo Airport on 17 October 2006⁸. The Deputy Head of the Federal Migration Service, Mr Turkin, reassured us that the detention facility where Mr Togonidze had been held was being closed down altogether. We have been saddened to learn, however, that a second Georgian

³ Data provided by the Georgian Embassy in Moscow

⁴ Idem.

⁵ Data provided by the Georgian Ministry of Justice.

⁶ Data provided by the Ministry of Justice of Georgia; confirmed by individual interviews with witnesses.

⁷ According to the estimation of the Georgian Consul in Moscow, around 150 persons are currently awaiting expulsion in detention. These are generally persons without any documents or having no means to bribe themselves out of detention.

⁸ The results of the autopsy presented in Court Medical Act No 2138 issued on 3 November 2006 by the Moscow Bureau of Court-Medical Expertise, Department of Drugs claim that Mr Togonidze died of an overdose of metadon, a heroin substitute drug.

citizen, a 52-year-old Manana Jabelia, has died in Moscow detention centre N°2 on 2 December after two months of inadequate medical assistance and refusal of urgent medical aid⁹. We remind the Russian authorities that the right to life is the most fundamental of human rights.

61. Behind every deportation there is a human tragedy. In many cases, the right to family life (Art. 8 of the ECHR) has been violated by separating spouses and children. Children born to the Abkhazian refugees have automatically been entitled to Russian citizenship, whereas their parents (in many cases bread-winning family fathers) have been expelled from the country. Also, in breach to the right to property (Art 1 of Protocol No 1 to ECHR), the deportees have had to leave their possessions behind and were prohibited from returning to Russia within at least five years. Several of the deportees that our colleagues interviewed complained that their possessions such as cars and businesses were arbitrarily confiscated by the law enforcement agents during their detention.

62. This persecution campaign has most affected Abkhazian refugees, who arrived in Russia in 1992-1993 in connection with the armed conflict. They cannot return to Abkhazia and have no real alternative of settlement in Georgia. According to the statistics of the Georgian consulate there are about 50,000 Abkhazians in Russia, of whom about 30,000 reside in Moscow. They have never received any governmental support nor been officially registered as refugees or provided with accommodation or humanitarian aid¹⁰. However, they have been living in Russia for many years, found their home there and lost whatever ties they had with Georgia. After the adoption of the law "On legal status of foreign citizens" and the new Administrative Code in 2002, most Abkhazian refugees have found themselves threatened by deportation, but until two months ago this threat was only enforced in a few cases. Although according to some information, instructions had been issued to the militia officers carrying out the operations not to touch refugees, the only specification was the presence of a Georgian passport: Georgians with old Soviet passports issued in Abkhazia should not be touched, while Georgians with new Georgian passports should be deported. The paradox is that many refugees had obtained Georgian passports with a view to legalisation of their status, which was impossible with the obsolete old Soviet passports.

63. Finally, we are deeply concerned about the nationalistic and xenophobic attitudes of some Russian officials that we encountered, especially by the deep-rooted belief expressed by the Deputy Prosecutor General and the representatives of the Ministry of the Interior on the ethnic roots of crime and migration. It is therefore no surprise that fear continues to reign among representatives of Georgian nationality residing in Russia, but also among other Caucasian and Central Asian nationals, for there is no guarantee that the methods applied today to Georgians would not be repeated on other ethnic groups tomorrow. Ethnic minority groups have no trust towards the judiciary either, which explains why very few complaints on the recent human rights violations have been lodged with the courts. People are simply afraid of further harassment and persecutions. However, Russian authorities will have to understand that is impossible to build up a multi-ethnic society with such attitudes, especially as Russia with its rapidly declining demography will have to accept labour migrants in the mid- and long-term future. Already today, Russia's labour market needs an annual influx of about one million migrant workers. Russia should therefore consider how to facilitate its legalisation of the migrant workers arriving from the former Soviet space rather than to encourage an atmosphere of hatred, discrimination and xenophobia towards guest workers.

4. CONSEQUENCES OF THE CONFLICT ON GEORGIAN AND RUSSIAN SOCIETIES

4.1. Georgia:

64. Economic sanctions negatively influence potential as well as current investors in Georgia. Many of the currently biggest investors do not want to complicate their relationship with Russia, and for that reason might curtail their business affairs with Georgia as well. Short-term economic losses; long-term potential benefit of diversification of markets and improvement of quality of export products.

65. Heavy burden on the already difficult IDP situation (former residents of Abkhazia, who arrived in Russia in 1992-1993 in connection with the armed conflict find themselves in an especially difficult situation, since they cannot return to Abkhazia and have no real alternative of settlement in Georgia). The Georgian state is not ready to receive a considerable supplementary number of ex-refugees from Abkhazia to add to

⁹ According to M. Jabelia's lawyer and relatives, she was seriously ill and was often in need of urgent medical aid during her detention. However, her needs were totally neglected by the Russian officials. Moreover, M. Jabelia remained illegally in custody as from 30 November 2006 since the Moscow City court (Judge T. Zibeleva) had revoked the ruling of the district court concerning her expulsion. The three days could have saved her life.

¹⁰ According to the data of the Civic Assistance Committee, the Russian authorities actually stopped accepting refugees after the Armenian-Azerbaijan conflict. The number of people declared refugees has been going down rapidly and by today has reached a trifling number of 409 people for the whole of Russia.

the already over 200,000 IDPs waiting for the normalisation of their situation. However, the state has a moral responsibility towards these people.

4.2. Russia:

66. the anti-Georgian campaign launched on the territory of Russia has brought about an increase of xenophobic actions not only against Georgian nationals but also against anybody looking Caucasian. This poses a serious threat for the internal stability of the country.

5. MAIN FINDINGS AND RECOMMENDATIONS

67. Independently of difference in size, Georgia and Russia are equal members of the Council of Europe; both have equal rights and equal obligations. These obligations include the commitment to respect human rights, to good neighbourly relations and to peaceful solution of conflicts.

68. Georgia needs to realise that its aspirations towards further European and Euro-Atlantic integration should not mean turning its back to its neighbour with whom it shares long historic, cultural, economic and personal ties. Behaving in a spirit of cooperation and good will is a much better way of marking the end of its political dependence on the former "big brother" than acting provocatively and revengefully.

69. Russia has the right to ask for "respect and responsibility" from Georgia and, in its turn, should show the same attitude towards its neighbour. It should accept that the time of the "near abroad" is over and that the choices of its sovereign neighbours are to be respected regarding both their internal policy within their internationally recognised borders, and foreign policy.

70. Sanctions, boycotts or deportations are no tools for resolving conflicts. The same goes for verbal provocations. Both countries should find new ways of cooperation and communication, and start without further delay a dialogue on the re-establishment of normal communications and economic relations.

71. The selective actions taken against people on an ethnic basis currently practiced by Russian legal and administrative authorities and the whole concept of "ethnic criminality" are incompatible with the principles of human rights and the rule of law and are therefore inadmissible. We are glad that our colleagues from the Russian delegation unanimously condemned the use of administrative and legal measures on ethnic grounds. The massive anti-Georgian campaign that has unfolded in many regions of Russia since the beginning of October, with its arbitrariness and illegal collusion between the executive and judicial branches of power, has not only had a negative influence on the multiethnic Russian society but also a damaging effect on Russia's reputation as a state committed to the rule of law. It has ruined people's lives, broken up families and destroyed their economic foundation.

72. We welcome the responsible attitude that part of the Russian civil society has shown in this matter by strongly reacting to the massive instigation of anti-Georgian feelings in state-owned media and administration. One of the best positive examples is the statement of the Civil Society Institutions and Human Rights Council under the President of the Russian Federation "with regard to the anti-Georgian campaign unfolding within Russia". This attitude contributed to the prevention of a further escalation of tensions.

5.1. Immediate steps to be taken:

73. By Georgian authorities:

- Make every effort at every level to resume communication and dialogue;
- Refrain from any unilateral action or inflammatory or aggressive statements that would unreasonably provoke the Russian authorities;
- Provide proper moral, legal and financial assistance to its nationals returning from Russia;
- Introduce a long-term integration policy of its IDPs instead of acting on short-term emergency solutions;

74. By Russian authorities:

- Promptly re-establish dialogue with the Georgian authorities at all levels;

- Lift the economic embargo against Georgia;
- Re-establish all means of transport and communications links with Georgia;
- Immediately take all the necessary measures to halt all acts of repression and harassment carried out against the Georgian population on its territory;
- Investigate all administrative, legal and human rights violations that have occurred since the beginning of the anti-Georgian campaign launched on the territory of Russia in October 2006 with an aim to bringing all those responsible to justice. To this end, set up a temporary investigative committee in the State Duma/ Federation Council;
- Declassify all the executive orders and instructions on the basis of which harassment of residents of Russia of foreign origin has been conducted;
- Restore the rights of persons who suffered unlawfully and unreasonably, especially in the cases of separation of families, loss of property and business activity, and appropriately compensate any damage caused;
- Review its immigration policies in compliance with the European Convention of Migrant Workers.

75. With reference to Opinion 193 (1996) paras. 10.vii., viii and ix. and Resolution 1455 (2005) Para 14.ii. on the honouring of obligations and commitments by the Russian Federation and to Resolution 1415 (2005) Paras. 2 and 3, we call upon the authorities of Georgia and Russia

- to commit themselves publicly to a peaceful resolution of the conflicts in Abkhazia and South Ossetia;
- to set up an inter-parliamentary group serving as a forum for dialogue and seeking ways of finding mutual understanding.

APPENDIX I



Council of Europe

**Note
to Editors**

tel : +33 (3)88 41 25 60 / fax : +33 (3)88 41 39 11 / e-mail : pressunit@coe.int

Monitoring Rapporteurs call for dialogue between Georgia and Russia

Tbilisi, 22 November 2006: The Rapporteurs of the Monitoring Committee of the Parliamentary Assembly, Matyas Eorsi, co-Rapporteur for Georgia and leader of the ALDE group and Luc van den Brande, co-Rapporteur for Russia and leader of the EPP group, today called for dialogue between Georgia and Russia as a key to the solution of the current tensions between the two countries. They also reasserted the role of the PACE as a forum for dialogue and parliamentary diplomacy.

Speaking at a press conference in Tbilisi, the two Rapporteurs shared their preliminary impressions of the first part of their fact-finding visit, which will be followed by a visit to Moscow on 28-30 November. The Monitoring Committee will then discuss their findings on 13 December in Paris.

On the basis of their meetings in Tbilisi on 20-22 November, the Rapporteurs have the impression that the tensions between Georgia and Russia are a long-lasting political problem in which the issue of the presumed Russian spies is only one chapter.

'Conflicts between states can happen, but they can only be resolved through dialogue. Economic sanctions, transport and postal blockage, deportations and other similar measures are not a tool for conflict resolution; they can only increase tension and are therefore unacceptable', the Rapporteurs stated.

The Rapporteurs saw as a very encouraging sign the readiness for dialogue with Russia, on all issues and at all levels, that was expressed by all Georgian interlocutors. They were also positively impressed by the general consensus amongst political parties, including the parliamentary opposition, about the direction Georgia needed to follow.

During their visit, the Rapporteurs were given several reasons for the present conflict, and in particular the aspirations of Georgia for closer integration with European and Euro-atlantic structures, as well as the frozen conflicts in the regions of South Ossetia and Abkhazia. The Rapporteurs expressed the hope that these conflicts could be resolved together by Georgia and Russia, with the assistance of the international community.

The Rapporteurs were alarmed by the reported violations of human rights of ethnic Georgians deported from Russia and called for full protection of their rights.

"Independently of difference in size, Georgia and Russia are equal members of the Council of Europe; both have equal rights and equal obligations. These obligations include the commitment to respect for human rights, to good neighbourly relations and to peaceful solution of conflicts", MM Eorsi and van den Brande stated.

"The relations between Georgia and Russia are important not only for the two countries, but for the peace and stability in Europe", the Rapporteurs concluded .

During their visit, MM Eorsi and van den Brande met with the President of the Republic, the Prime Minister, the Speaker of Parliament, members of the government and parliament.



PACE rapporteurs call for mutual respect and responsibility in Georgia-Russia relations

Strasbourg, 30.11.2006 – Russia is right to ask for "respect and responsibility" from Georgia and should show exactly the same attitude towards its neighbour country, according to two rapporteurs of the Council of Europe Parliamentary Assembly (PACE), speaking during a press conference at the end of a three-day visit to Moscow to discuss current tensions between the two countries.

Luc van den Brande (Belgium, EPP/CD) and Matyas Eörsi (Hungary, ALDE), monitoring co-rapporteurs for Russia and Georgia respectively, visited Tbilisi on 20-22 November and Moscow on 28-30 November 2006. Both countries are members of the Council of Europe and under monitoring procedure regarding their obligations and commitments to the Organisation.

"Present relations between Georgia and Russia are too heavily charged with negative emotions and are not worthy of the long historic, cultural and personal ties between the people of the two countries," the co-rapporteurs said. They called on politicians, including at the highest level, to "stop exchanging verbal provocations and show the same wisdom as their societies".

They called for specific steps aimed at defusing the tension. Russia should lift the economic sanctions against Georgia, end the transport blockade and send back its ambassador to Tbilisi. Georgia should seek new ways of communicating and co-operating.

The co-rapporteurs said they were "highly worried" by reported violations of the human rights of Georgian nationals, including some with Russian citizenship, as part of efforts by the Russian authorities to combat illegal immigration. They demanded that all such violations be thoroughly investigated and all legal measures taken against perpetrators.

The co-rapporteurs re-affirmed that xenophobia and racism, outbursts of which have also affected Georgian nationals in the past two months, are incompatible with the values and standards of the Council of Europe.

In meetings, both the authorities of Georgia and Russia have "expressed readiness for dialogue", the co-rapporteurs pointed out. In order to make this dialogue a reality, they expressed their intention to use the parliamentary forum provided by PACE. As a first step, they will report their findings to the meeting of the Monitoring Committee on 13 December 2006 in Paris.

APPENDIX II

Parliamentary Assembly
Assemblée parlementaire



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE (MONITORING COMMITTEE)

Programme of the fact-finding visit to GEORGIA 20-22 November 2006

Members of the Delegation:

Co-rapporteurs: Mr Mátyás EÖRSI (Hungary, ALDE)
Mr Luc van den BRANDE (Belgium, EPP/DC)

Secretariat: Mrs Bonnie THEOPHILOVA-PERMAUL, Co-Secretary, Monitoring Committee of the PACE
Mrs Ivi-Triin ODRATS, Co-Secretary, Monitoring Committee of the PACE

Monday, 20 November

- | | |
|-------------|---|
| 12.00-14.00 | Meeting with the NGOs |
| 16.00-18.00 | Meeting with deported persons
<i>(Meetings organised by the Office of the Special Representative of the Secretary General of the Council of Europe to Georgia)</i> |

Tuesday, 21 November

- | | |
|-------------|---|
| 04.50 | Arrival of Mr van den BRANDE and Mr EÖRSI from Vienna |
| 11.00-12.15 | Meeting with the Parliamentary opposition |
| 12.30-13.30 | Meeting with Mr Konstantine KORKEKELIA, Deputy Minister of Justice |
| 13.30-14.45 | Lunch hosted by Mr Grigol GIORGADZE, Chief of the Ombudsmen's Monitoring Department |
| 15.00-15.50 | Meeting with Mr Giorgi BARAMIDZE, State Minister for European and Euro-Atlantic Integration |
| 16.00-16.50 | Meeting with Mrs Bela TSIPHURIA, Deputy Minister of Education and Sciences |
| 17.00-18.00 | Meeting with Mr Mikheil SAAKASHVILI, President of Georgia |
| 18.00-20.00 | Meeting with Ms Eka ZGHULADZE, Deputy Minister of Interior |
| 20.00 | Working dinner with representatives of the International organisations |

Wednesday, 22 November

- | | |
|-------------|---|
| 11.15-12.15 | Meeting with Mr Ruslan ABASHIDZE, Deputy State Minister for Conflict Resolution |
| 12.30-13.45 | Lunch hosted by Mr Valery CHECHELASHVILI, Deputy Minister of Foreign Affairs |
| 14.00-14.45 | Press conference |
| 15.00-16.00 | Meeting with Mr Giorgi KHEVIASHVILI, Minister on Refugees and Settlement |
| 16.15-17.00 | Meeting with Mr Zurab NOGAIDELI, Prime-Minister |
| 17.15-18.00 | Meeting with Mr Nika GVARAMIA, Chairman of the Temporary investigative commission on acts committed by Russian Federation towards Georgian citizens |
| 18.00-20.00 | Meeting with Mrs Nino BURJANADZE, Speaker of the Parliament of Georgia, and with members of the Georgian Delegation to the PACE |
| 20.00 | Working dinner with representatives of the diplomatic missions |

Parliamentary Assembly
Assemblée parlementaire



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**COMMITTEE ON THE HONOURING OF OBLIGATIONS AND
COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE
(MONITORING COMMITTEE)**

**Programme of the fact-finding visit to
RUSSIA**

28-30 November 2006

Members of the Delegation:

Co-rapporteurs: Mr Luc van den BRANDE (Belgium, EPP/DC)
Mr Mátyás EÖRSI (Hungary, ALDE)

Secretariat: Mrs Ivi-Triin ODRATS, Co-Secretary, Monitoring Committee of the PACE
Mrs Bonnie THEOPHILOVA-PERMAUL, Co-Secretary, Monitoring Committee of the PACE

Tuesday, 28 November

- 16.00-17.30 Meeting with NGOs*
- 18.00-19.00 Meeting with Mr Givi SHUGAROV, *Chargé d'Affaires* of the Embassy of Georgia in Moscow*
- 19.30-22.30 Dinner meeting hosted by H.E. Mr Marco FRANCO, Head of the European Commission Delegation in Moscow*

Wednesday, 29 November

- 8.30-10.00 Meeting with RF residents of Georgian nationality and Georgian citizens*
(*ul. B. Gruzinskaya, 13, Georgian Orthodox Church*)
- 10.30-11.30 Meeting with Mr Grigory KARASIN, Deputy Minister for Foreign Affairs
- 12.00-13.00 Meeting with Mr Alexander BUKSMAN, First Deputy Prosecutor General of the Russian Federation
- 13.30-14.30 Working lunch on behalf of Mr Konstantin KOSACHEV, Chairman of the Delegation of the Federal Assembly of the Russian Federation to the PACE (with participation of the State Duma Deputies and members of the Federation Council)
- 15.00-16.00 Meeting with Mr Yury BALUEVSKIY, Deputy Minister of Defence, Chief of General Staff
- 16.30-17.30 Meeting with Mr N. OVTCHINNIKOV, Deputy Minister of the Interior and Mr Mikhail TURKIN, Deputy Head of the Federal Migration Service of Russia
- 18.00-18.45 Meeting with various representatives of the Russian society *
- 19.30 Dinner meeting with diplomatic representatives, hosted by H.E. Mr Vincent MERTENS DE WILMARS, Ambassador of Belgium in Moscow*

* meetings organised by the delegation.

Thursday, 30 November

- | | |
|-------------|--|
| 9.00-9.30 | Meeting with Mr Gennady ONISHENKO, Chief Sanitary Inspector of the Russian Federation, Federal Supervision Service for Consumer Rights Protection and People Welfare |
| 10.00-10.45 | Press-conference at <i>INTERFAX</i> |
| 11.00-11.45 | Interview with Mr Luc van den BRANDE at <i>RUSSIA TODAY</i> |
| 12.00-13.00 | Meeting with Mr Vasily LIVANOV, Deputy Minister of Education and Science of the RF |
| 14.30-15.30 | Meeting with Mr Georgy KUNADZE, Deputy Chief of Staff, Human Rights Ombudsman's Office |

APPENDIX III

САНКТ-ПЕТЕРБУРГ ГУВД 122721/08 02/10 17-00-

Начальникам подразделений аппарата ГУВД,
горрайонов внутренних дел Санкт-
Петербурга и Ленинградской области-

В целях повышения эффективности выполнения требований
приказа ГУВД N 0215 от 30.09.2006 (п.п. 6.1., 6.2., 7.)

Т Р Е Б У Ю :

1. В течение 02.10. - 04.10. 2006 года, во взаимодействия
с территориальными подразделениями УФМС по Санкт-Петербургу
и Ленинградской области с привлечением сотрудников всех
структурных подразделений провести широкомасштабные мероприятия
по максимальному выявлению и депортации граждан республики Грузия,
незаконно пребывающих на территории России.

2. Инициировать перед судами при рассмотрении дел о нарушении
правил пребывания иностранных граждан принятие только о
депортации указанной категории граждан с содержанием в ОПР ГУВД.

Проведение данных мероприятий согласованы с УФМС по
Санкт-Петербургу и Ленинградской области, а принятие решений - с
судом города Санкт-Петербурга и судом Ленинградской области.

3. Предупреждаю о персональной ответственности за организацию
и результаты проведения мероприятий-

И.о. начальника ГУВД
Санкт-Петербурга и Ленинградской области
генерал-майор милиции

В.Ю. Пиотровский-

Unofficial translation

St. Petersburg GUV D* 122721/08 02.10. 17.00

To: Heads of the departments of GUV D, district Departments of Internal Affairs of St. Petersburg and Leningrad region=

For effective fulfillment of GUV D order No. 0215 from 30.09.2006 (p.p. 6.1.,6.2.,7)

I hereby order:

1. During the period of 02.10.- 04.10.2006, working together with territorial divisions of Department of the Federal Migration Service (UFMS) of St. Petersburg and Leningrad region embracing all officials of those institutions, to conduct large-scale measures to detect and deport the maximum number of Georgian citizens illegally staying on the territory of Russia.

2. to initiate the courts considering the cases on violations of the rules of sojourn of foreign citizens only to deport the above-mentioned category of citizens with preliminary detention in reception and detention centre of the GUV D.

The realisation of these measures is approved by the St. Petersburg and Leningrad region Department of the Federal Migration Service (UFMS), and the delivery of decisions is coordinated with the court of St Petersburg and the court of the Leningrad region.

3. For any organised meetings the organisers will be personally responsible=

On behalf of Head of GUV D
St. Petersburg and Leningrad Oblast
Militia General

V.J.Piotrovskiy

*GUV D = Chief Department of Interior Affairs of St Petersburg (GUV D)

APPENDIX IV



საგარეო ურთიერთობების სამინისტროს ფელაქისი

ПОСОЛЬСТВО ГРУЗИИ В РОССИЙСКОЙ ФЕДЕРАЦИИ

121069, Москва, Малый Ржевский пер. №6
ტელ.: (095) 203 14 78; ფაქსი: (095) 291 21 36

121069, Москва, Малый Ржевский пер. 6
тел.: (095) 203 14 78, факс: (095) 291 21 36

№ 2/178
01.11.2006

Директору Федеральной Миграционной
Службы Российской Федерации
господину Ромодановскому К. О.

Уважаемый Константин Олегович,

Позвольте выразить свое уважение Федеральной миграционной службе Российской Федерации и поблагодарить за плодотворное сотрудничество и оказанную помощь в оформлении выездных документов гражданам Грузии находящимся в г. Дербент Республики Дагестан, которые намеривались покинуть территорию Российской Федерации через контрольно-пропускной пункт Яраг-Казмаляр.

Также, позвольте выразить особую благодарность Начальнику Управления Федеральной Миграционной Службы по Республике Дагестан господину Абдулатипову Раджабу Гаджимурадовичу и возглавляемому ему коллективу за плодотворную работу и сотрудничество, за теплый прием сотрудников Посольства, находящихся в служебной командировке в Республике Дагестан с целью решения возникшей сложной ситуации с гражданами Грузии с 27 по 30 октября с.г.

Одновременно, выражаем большую признательность Начальнику Поста иммиграционного контроля «Белиджи» в г. Дербент Алирзаеву Джамалу Исмаиловичу, Начальнику отдела виз и регистраций Магомедову Икраму Мурадовичу, Начальнику Поста в аэропорту г. Махачкала Абдуллаеву Абдулкериму Абдулкадыровичу.

Надеемся на дальнейшее взаимное сотрудничество с Вашим ведомством.

С уважением,

Советник Посольства
Грузии в Российской Федерации
Руководитель консульской деятельности



З. Пагарадзе

Unofficial translation

The Embassy of Georgia to the Russian Federation
6, Maly Rzhevsky Per., 121089 Moscow
Tel. (095) 203 14 73, Fax. (095) 291 21 36

01/11/2006

Mr Konstantin O. Romodanovski,
Director of the Federal Migration Service
Of the Russian Federation

Dear Mr Romodanovski,

I would like to express our respects and gratitude to the Federal Migration Service of the Russian Federation for their fruitful cooperation and help with the paperwork for the Georgian citizens, who were going to leave the territory of the Russian Federation through the checkpoint Yarag-Kazmalyar.

Furthermore, let me express our special gratitude to the Head of the Federal Migration Service in the Republic of Dagestan, Mr Razhdab G. Abdulatipov and his staff for their fruitful cooperation and warm reception of the representatives of the Embassy, who were on the mission in the Republic of Dagestan with the goal to resolve the difficult situation with the Georgian citizens during the period from 27th to 30th of October 2006.

Likewise, we are very thankful to the Head of the Immigration Control "Belidzhi" in the town of Derbent, Mr Dzamal I. Alirzaev, the Head of the Registration Department, Mr Ikram M. Magomedov, and the Head of the Airport in Mihhachkala, Mr Abdulkerim A. Abdullaev.

We hope to continue our cooperation with your Office in the future.

Respectfully,

Z. Pagaradze,
Counsellor at the Embassy of Georgia in the Russian Federation,
The Head of the Consular Services

APPENDIX V

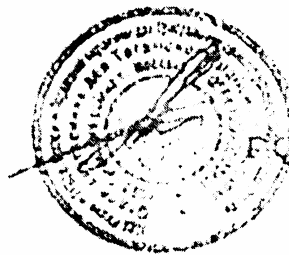
a)

В целях обеспечения правопорядка и соблюдения законности, предотвращения террористических актов и агрессивных инцидентов между детьми жителями Москвы и детьми грузинской национальности, прошу предоставить в ОВД Таганского района г. Москвы следующую информацию:

- Ф.И.О., даты и место рождения и жительства детей грузинской национальности, в каком классе обучается;
- Ф.И.О., даты и место рождения и жительства родителей, место работы и должность, состав семьи;
- Взаимоотношения детей грузинской национальности с другими учениками, случаи неприязненных отношений между детьми, так и по отношению к ним, факты неповиновения грузинских детей учителям, факты противоправных действий, противоправных деяний.

Данную информацию прошу направить в наш адрес до 09.10.2006 года (г. Москва, Ведерников переулок д.9).

Начальник ОВД
Таганского района
г. Москва
полковник милиции



Г.С. Захаров

640-0033 ул. Мухоморова
911-8691 Таганск

With an aim to enforce law and order, preventing terrorist acts and aggressive attitude between the children residing in Moscow and children of Georgian nationality, the Moscow Tagan district Department of Internal Affairs is requesting following information:

- Family, fathers' and first names, dates and places of birth and residence of Georgian students, the school grade they attend;
- Family, fathers' and first names, dates and places of birth and residence of parents, places of employment, composition of families;
- On Relations of Georgian children with other children, incidents of hostile attitude between the children, as well as towards them, facts of disobedience of Georgian children to their teachers, cases of bad social behaviour, unlawful acts.

You are kindly requested to forward the specified information to our address by 09.10.2006 (Moscow, Vedernikov St. 9).

Head of the Department of Internal Affairs
Tagansk District of Moscow
Militia Colonel

G.S. Zacharov


b)

Директору ГОУ СОШ _____

Запрос

Прошу Вас предоставить списки лиц грузинской национальности, учащихся вашей школы, с предоставлением сведений: ФИО учащегося, даты его рождения, адреса проживания, домашнего телефона, ФИО родителей. Сведения прошу предоставить до 15.00 часов 04.10.2006 г. Ответ на запрос прошу выслать по факсу 431-30-11. Телефон ПДН 431-30-13

И.о. начальника ОВД
Проспект Вернадского
УВД ЗАО г. Москвы
подполковник милиции


Комаров А.В.

Inquiry

You are requested to provide us with lists of all Georgian students at your school together with following information; Family name, fathers' name and first name of a student, date of birth, addresses of residence, home telephone numbers; family, father's and first names of the parents. The information should be submitted by 15:00 on 04.10.2006 to the following fax: 431-30-11. Tel: 431-30-13

Acting Head of the Department of Internal Affairs
Verndansk Ave.

Internal Affairs Office of Western Administrative District of Moscow
Militia Lieutenant

Komarov A.V.

APPENDIX VI

25 October 2006 – TV Hotline of President Putin with the press

SERGEI BRILYOV: Thanks to Caspiisk and to Dagestan. And we have some other cities coming up.

Now a question from the Internet. Vladimir Vladimirovich, I would like to explain why this question struck my attention. Our television programmes talked about this theme in the last few weeks – I am referring to the anti-Georgian sentiment at the household level. We already said that it was next to Okudzhava's books disappearing from shops. Our programme talked about how Moscow policemen looked very zealously for Georgian kids in schools. And the question somewhat intersects with these issues, even if it's a little bit different. It seems as if a hunt for Georgians was declared. But there are real stories here. Mafia bosses, snipers, car thieves and pickpockets are being caught by the hundreds, casinos that were owned by Mafiosi from that country are being closed. With which other country do we have to spoil our relations so that our law enforcement agencies start doing their jobs? And along with this I emphasise that in this case their jobs involve fighting real criminals and not with the unfortunate schoolchildren we talked about.

VLADIMIR PUTIN: You even know the terminology better than I do, for snipers and so on. Of course the law enforcement agencies must constantly fight against criminal activities. Ethnic criminal communities existed in the Soviet Union, exist in Russia today, and the fight against them has already been going on for a long time. There should be no selectiveness here. There is a well-known Russian saying that goes: 'Do not force a fool to pray to God – he will bang his forehead on the ground'. Of course I cannot approve of actions that are ethnically motivated. On the contrary, I call on all law enforcement agencies and administrative organs to refrain from taking these actions. I consider that these actions are inadmissible, especially since they affect people that are living legally in Russia and, moreover, are Russian citizens. This must be absolutely forbidden.

And the struggle against criminality must take place permanently and at all times. And in the Georgian case it has simply drawn a great deal of attention because the problem is particularly acute. At the same time I want to say something in connection with, shall we say, expelling citizens

from other republics who were illegally in Russia, in infringement of Russia's migration legislation. I am not even going to name names but the citizens of one republic that were expelled from Russia numbered 15,300 and those from another republic numbered, I think, around 13,400. And the number of Georgian citizens were five thousand. Do you see the difference? And therefore to say that this process is merely selective is wrong. That is not true. And this work should continue. But of course we need to improve legislation – and I have already spoken about this – so that we can categorically protect the priorities and interests of Russia's indigenous population both in the labour market and in trade.

территориях у граждан Российской Федерации. Я уже не говорю про Северную Осетию, но и в Дагестане, и вообще на Северном Кавказе очень много связей. Это естественно, это понятно. Более того, у нас существует еще такое понятие, как солидарность между горскими народами Кавказа. Это тоже объективный фактор нашей жизни. Это мы должны, конечно, учитывать и будем это учитывать обязательно.

Что касается Грузии, то грузинский народ всегда был наиболее близок к России. Напомню, что Грузия добровольно вошла в состав Российской империи. И тогда, когда она входила в Российскую империю, у нас не было этих территорий: ни Южной Осетии, ни Абхазии. Но это сейчас уже даже не важно – важно то, что мы с огромным уважением относимся к грузинскому народу. Это действительно так, это подтверждается всей историей нашего совместного существования. Посмотрите, в военной сфере, в искусстве, в науке – в любой сфере грузины внесли огромный, а подчас просто неоценимый вклад в развитие российской государственности. Не случайно у нас и памятники стоят грузинам в Москве и в других регионах Российской Федерации – все это наше общее достояние. Нас очень тревожит курс, взятый нынешним руководством на решение своих территориальных проблем с помощью силы. Вот что нас беспокоит прежде всего. Вот что мы должны предотвратить. Это мы делаем как в диалоге с грузинскими нашими коллегами, так и на международном уровне, в ОБСЕ. Мы принимаем активное участие в миротворческих операциях там, стараемся предотвратить конфликт. Напомню, что многие наши военнослужащие погибли, исполняя этот интернациональный долг, погибли, отдали свою жизнь для решения этой задачи.

Ну и наконец, совсем недавно, вы знаете, была принята соответствующая резолюция Совета Безопасности ООН. Надеюсь, что грузинские власти не будут уподобляться другим государствам, которые игнорируют мнение международного сообщества, прислушаются к мнению международного сообщества и примут все необходимые меры для того, чтобы решать свои проблемы мирными средствами. А мы со своей стороны, как и раньше, готовы к тому, чтобы отношения с таким близким народом, как грузинский народ, вошли в нормальную колею.

С.БРИЛЕВ: Спасибо Каспийску, Дагестану. А у нас на подходе еще несколько городов.

Сейчас вопрос из Интернета. Владимир Владимирович, я хотел бы объяснить, почему он привлек мое внимание. Программы на наших каналах к этой теме обращались последние недели: речь идет об антигрузинских настроениях на бытовом уровне. Уже говорилось о том, что чуть ли не книжки Окуджавы исчезают из магазинов. Наша программа рассказывала о том, как столичные милиционеры особо ретиво искали школьников-грузин по школам. И вопрос, где-то пересекающийся, хотя чуть-чуть другое. Кажется, будто объявили охоту на грузин. Но есть реальные истории. Воров в законе, домшники, угонщиков и барсеточников ловят сотнями, закрывают казино, которые принадлежали мафиози из этой страны, – с какой еще страной надо испортить отношения, чтобы правоохранительные органы занялись бы своим делом? Причем свое дело, я подчеркиваю, в данном случае – борьба с реальной преступностью, а не с несчастными школьниками, о которых мы говорили.

В.ПУТИН: Вы лучше меня знаете даже терминологию – барсеточники и так далее. Конечно, правоохранительные органы постоянно должны вести борьбу с криминалом. Этнические преступные сообщества существовали и в Советском Союзе, и в России существуют, и борьба с ними ведется давно. Никакой избирательности здесь быть не должно. Известная русская поговорка: «Заставь не очень умного человека Богу молиться – он рад лоб расколотить». Я, конечно, не могу одобрить выборочные действия по этническому принципу. Наоборот, призываю и правоохранительные органы, и административные органы не только воздержаться от этих действий – считаю, что эти действия недопустимы, особенно если это касается людей, которые проживают в России легально, и тем более касается российских граждан. Должно быть абсолютно исключено.

Что же касается криминала, то борьба с ним должна вестись постоянно и всегда. Ну а в грузинском случае это просто привлекло особое внимание, поскольку носит наиболее острый характер. Вместе с тем хочу сказать, что, скажем, то, что касается выдворения из России граждан других республик, которые находились в Российской Федерации незаконно, с нарушением миграционного законодательства, – не буду даже называть, но граждане одной республики выдворены из России в количестве 15 300 человек, из другой республики – 13 400 человек, по-моему, а граждан Грузии – пять тысяч. Разницу чувствуете? Поэтому говорить о том, что это исключительно избирательно, – неправильно, это неправда. А работа эта должна вестись и дальше. Но нужно, конечно, совершенствовать законодательство, с тем чтобы (я уже об этом говорил) безусловно обеспечить приоритет и интересы коренного населения России и на рынке труда, и в сфере торговли.