

2021



დემოკრატიის  
კვლევის  
ინსტიტუტი

# Movement documents in Gali district

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## Introduction

The central authorities of Georgia are unable to exercise de facto control over the territory of Abkhazia. Along with the severe social and economic problems in the occupied region, the obstacles created for the population by the de facto structures are worth noting. The problem is particularly serious in the Gali district, where the majority of population is ethnic Georgian. The de facto agencies create various barriers for people who have not left their homes despite the conflict, thus complicating their daily lives and restricting their access to basic human needs and rights. One of the important problems faced by the Gali population is the introduction of the so-called documents by the de facto authorities.

## Residence certificate

In 2017, the de facto administration decided to remove old Abkhaz passports and to replace Forms No. 9 with residence certificates.

Although Abkhaz citizenship or passports issued by the de facto authorities do not represent legal documents recognized by Georgia or the international community, their possession is linked to the enjoyment of basic human rights by the people living in the territory. It should be noted that it is unacceptable for a large part of the Gali population to get a residence certificate, as this document gives them the status of an alien. The residence certificate has strict criteria and a 5-year validity period, which can be used as an additional mechanism of exerting pressure on locals. In addition, this document does not give its owner the right to own real estate. However, for the residents of Gali, residence certificates are basically a means of moving across the dividing line and, consequently, they are forced to get this document.

Obtaining a residence certificate is especially problematic for people living in the Kodori Gorge. They can only move with a special permit issued on the spot by the de facto Security Service for a period of two weeks.<sup>1</sup>

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<sup>1</sup> Public Defender's Report on the Situation of Human Rights and Freedoms in 2019, available at: <https://www.ombudsman.ge/res/docs/2020040215365449134.pdf>

## **De facto citizenship of Abkhazia**

According to the de facto Abkhaz citizenship law, only an ethnic Abkhaz, or a person who is not an ethnic Abkhaz but had lived in Abkhazia from 1994 to 1999 and is not a citizen of any state other than the Russian Federation, may hold a passport of an Abkhaz citizen.

This provision does not apply to half of the 80,000 people living in the Gali district before the war or to the 200,000 ethnic Georgians living in different parts of Abkhazia, who fled the region during the 1992-1993 armed conflict.

On April 21, 2017, the then de facto Minister of Internal Affairs, Aslan Kobakhia, who oversaw the passportization process, warned locals at a public meeting that ethnic Georgians trying to get Abkhaz citizenship (instead of a residence permit) and at the same time retaining their Georgian citizenship would “lose Abkhazia forever”.<sup>2</sup>

The de facto authorities of Abkhazia suspended the issuance of Abkhaz passports to the region's ethnic Georgian population in 2013 on the grounds that the process, as some Abkhaz officials claimed, could lead to the "Georgianization of Abkhazia." In 2014, shortly before the August 24 presidential election, nearly 23,000 residents of the Gali district were removed from the voter lists. As a result, only 603 voters were registered in the Gali district for the parliamentary elections held on March 12, 2017. As a result, the Abkhaz authorities failed to hold local city council elections in Gali, which were held in the rest of Abkhazia in 2016. Consequently, the de facto Abkhaz Parliament of previous convocation made a special decision extending the term of office of the Gali City Council elected in February 2011.<sup>3</sup>

## **So-called "Abkhazians from Samurzakhano"**

In July 2017, the local authorities promised to grant citizenship to ethnic Georgians who would register as Abkhazians and change their surnames to Abkhaz ones. This step is part of the Abkhaz narrative, according to which, part of the population of the Gali district are ethnic Abkhazians, who have been suffering "Georgianization" for years and have forgotten their "Abkhaz roots".<sup>4</sup>

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<sup>2</sup> Civil Georgia, 2017, Sokhumi Starts Issuing Residence Permits to Ethnic Georgians, available: <https://old.civil.ge/geo/article.php?id=31225&search=>

<sup>3</sup> Ibid.

<sup>4</sup> OC Media, 2017, Georgians in Gali: Aliens on Their Own Land <https://oc-media.org/kartvelebi-galshi-utskhoelebi-sakutar-mitsaze/>

Recently, the issue of movement documents of the Gali population has become particularly active. According to the information available to the Democracy Research Institute (DRI), some members of the de facto authorities of Abkhazia paid a visit to the Gali district in July this year. In particular, the visit was paid by Alkhas Kvitsinia, Head of the de facto Presidential Administration, Beslan Jopua, First Vice-Prime Minister and Minister of Agriculture, Christina Ozgan, Vice-Prime Minister and Minister of Economy, and Jansukh Nanba, Minister of Taxes. The meeting was also attended by Vladimir Molodtsov, Commander of the Occupation Border Troops in Abkhazia, Konstantin Pilia, Head of the de facto Administration of the Gali district, village governors and Gali de facto militia and security chiefs, as well as local residents working in the House of Culture, hospitals and schools.

Representatives of the de facto authorities actively raised the issue of the so-called "Abkhazians from Samurzakhano". They called on the population to restore their "real origin", after which they would get Abkhaz passports first and then they would be assisted in obtaining Russian passports. Offering assistance in getting a Russian passport sounds particularly attractive, as holders of Russian passports enjoy a number of privileges, such as freedom of movement (on the Russian territory) and a Russian pension.

However, according to the reports spread in December 2020, Konstantin Pilia, Head of the Gali district, said that the process of granting citizenship to the so-called "Abkhazians from Samurzakhano" was very slow, as de facto structures were late in reviewing applications and only considered one or two applications per month. According to him, as of December 2020, there were 890 people on the list, who had passed all the necessary procedures and received documents certifying Abkhaz origin of their surnames, although they have not yet received citizenship.

At the meeting held in Gali, representatives of the de facto authorities noted that active efforts were planned in the above-mentioned direction after the New Year. At the same time, members of them expressed dissatisfaction with the work of Georgian governors of the villages of the Gali district, saying that they might be replaced by ethnic Abkhazians who would be personally sent to those villages.

### **Alleged expulsion of ethnic Georgian population from Abkhazia**

At the same time, reports were spread among ethnic Georgian population that those, who refused to receive Abkhaz passports, were being deported en masse from the

Tkvarcheli and Ochamchire districts. According to the information available to the Democracy Research Institute, these reports are not true. However, the precondition for the spread of such reports is probably related to the fact that the villages of the Gali district, where the majority of population is Georgian, have recently been assigned to to the Tkvarcheli and Ochamchire districts. This fact artificially creates the impression that IDPs have partially returned to Ochamchire and Tkvarcheli, which is not true. The following villages of the Gali district have been assigned to the Tkvarcheli and Ochamchire districts: Achigvara, Gudava, Okhurei, Agu-Bedia, Shesheleti, Mukhuri, Kokhora, Pirveli Gali, Ghumurishi, Chkhortoli, Tsarche, Nakhing, Repo-Etseri, Okumi. All these villages belong to the Gali district within its old, pre-war borders on the legitimate map of Georgia. In fact, there is virtually no Georgian population left in Ochamchire and Tkvarcheli.

According to the residents of these villages, no mass expulsion due to the refusal to obtain the so-called Abkhaz passport is taking place at this stage. However, at the same time, they confirm rumors about the persecution of four families on the basis of information obtained by the de facto structures about participation of some members of these families in the defence of Sokhumi in March and September 1993. For this reason, the de facto authorities have been pursuing "deportation" policy against the families of those fighting on the side of Georgians and confiscating their houses for years.

### **Discussions by the Abkhaz de facto authorities relating to the movement documents of the Gali population**

For several years now, discussions have been ongoing about the so-called movement documents of ethnic Georgian population of the Gali district.

As mentioned above, back in April 2017, the de facto Ministry of Internal Affairs dedicated a meeting to the issue of passportization and issuance of residence permits for the population of the Gali district.

Eduard Manargia, Head of the Passport Department, said at the meeting that his department was ready to issue residence permits to those who met the relevant criteria. A person with a residence permit can enjoy a number of rights, apart from political. For example, a "foreign national" who holds a residence permit can sell or inherit real

estate, however he/she cannot exercise the right to purchase real estate.<sup>5</sup>

According to the rules in force in de facto Abkhazia, a foreign national can obtain a residence certificate if he/she:

- Is married to a de facto Abkhaz citizen and has legally stayed in the de facto republic for more than a year;
- Is a foreign national or a stateless person born in Gali and has been permanently residing in Abkhazia for the last 10 years (after 12 October 1999, together with his/her family, spouse and minor children).

Persons over 18 years of age must submit the following documents in order to obtain a residence permit:

- Identity card, birth certificate or explanations of its absence;
- Temporary residence permit;
- Marriage certificate in case of being married to an ethnic Abkhaz citizen;
- HIV infection document.

The official fee for obtaining a residence permit is 940 rubles (about \$ 13) and for obtaining an Abkhaz passport - 450 rubles (about \$ 6).

The then Head of the Gali district, Temur Nadaraia, also paid his attention to the students studying at the universities located on the territory controlled by the Georgian Government, noting that if they were willing to return to their district before the age of 26, they would not be left without Abkhaz documents, and that each case would be considered individually.

The de facto Minister said that Georgian citizens could not be granted Abkhaz citizenship unless they renounced Georgian citizenship. Even in this case, individuals should apply to the de facto President, as he is the only person who can make a decision on granting citizenship.<sup>6</sup>

The documents of the Gali population were also one of the noisy issues at the session of the de facto Parliament in December 2020, where the funds allocated to the districts from the de facto Abkhaz budget were discussed. There was a heated discussion about the budget of the Gali district, namely relating to the fact that only 1,000 out of the 30,000 residents of the Gali district held Abkhaz citizenship.<sup>7</sup>

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<sup>5</sup> Nuzhnaya Gazeta, 2017, Aslan Kobakhia: Prosecutor or State Security Service May Come for You, available at: <https://abh-n.ru/aslan-kobaxiya-za-vami-mozhet-prijti-prokuror-ili-sgb/>

<sup>6</sup> Ibid.

<sup>7</sup> Ekho Kavkaza, 2017, Gali District at Risk of Subsidy Cuts, available at:

The meeting was attended by the heads of the financial departments of all districts, including the Gali district. Natalia Smir, Chairwoman of the de facto Parliament's Committee on Budget, Credit Organizations, Taxes and Finances, raised the issue of Abkhaz citizenship for people living in the Gali district. According to her, the subsidy intended for the Gali district was to be cut precisely because of the fact that a very small part of the population had Abkhaz citizenship, while a large part of public sector employees received salaries from both the Georgian authorities and the de facto Abkhaz budget, which according to her, put other districts of Abkhazia in an unequal situation. It should be noted that 70% of public sector employees in the Gali district do not have de facto Abkhaz citizenship. At the same time, in case undocumented persons apply for financial assistance, the de facto local authorities cannot provide it. Consequently, the situation is difficult, as a large part of the population does not have access to basic human rights and needs.<sup>8</sup>

### **Information of the Public Defender of Georgia on the movement documents of the Gali population**

The issues related to the documents of the Gali population were also addressed by the Public Defender of Georgia in her annual reports (2019, 2020).<sup>9 10</sup> Although Abkhaz citizenship or passports issued by de facto authorities are not recognized by Georgia or the international community, nor are they legal documents, their possession is linked to the enjoyment of basic rights, including freedom of movement, by the residents of the territory. According to the report, movement across the so-called Enguri checkpoint is possible only with the following documents:

- 1) so-called Form No. 9 (persons with the mentioned document will not be able to cross the so-called administrative border from January 1, 2022);
- 2) de facto (new) passport 1295;
- 3) so-called residence certificate;
- 4) birth certificate - for persons under 14;
- 5) movement with a Georgian passport is also allowed for those who have a permit to enter the territory of Abkhazia (the so-called visa).

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<https://www.ekhokavkaza.com/a/31017724.html?fbclid=IwAR18dBcIHhGS3tsgrFHegWAt5jqA3-DHRziYW3LmYPrLq4cGkc7OIJemUiw>

<sup>8</sup> Ibid.

<sup>9</sup> Public Defender's Report on the Situation of Human Rights and Freedoms in 2019, available at: <https://www.ombudsman.ge/res/docs/2020040215365449134.pdf>

<sup>10</sup> Public Defender's Report on the Situation of Human Rights and Freedoms in 2020, available at: <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>



Information about the full number of the so-called residence certificates or Abkhaz passports is vague among the population of the Gali district, however, according to the 2019 report of the Public Defender of Georgia, more than 13,400 residents of Gali have applied for the so-called "residence certificate" and 6,000 of the applications were granted. As for 2020, no specific data on Gali are available, however, a total of 27,230 applications were filed in Abkhazia and more than 19,500 so-called residence certificates were issued. As for the de facto passports, 372 so-called "Abkhaz passports" were issued in Gali in 2019 and more than 700 - in 2020.<sup>11</sup>

## **Corruption in issuance of documents**

Corrupt environment also makes it difficult for the residents of Gali to obtain documents. According to the locals, it is even difficult to enter a building to submit documents, as they have to stand in long queues and pay 1,500 rubles (about 29 USD) for each document to be submitted; otherwise they have to stand in queues for several weeks. They pay an additional 2,000 rubles (approximately \$ 34) as a bribe when the document is finally prepared.

Representatives of the de facto authorities are also aware of the cases of corruption. When Temur Nadaraia was asked about corruption in 2017, he said that the authorities were aware of that problem and expressed hope that it would be solved soon.<sup>12</sup>

## **Summary**

In view of all the above, it can be said that the possession of de facto Abkhaz documents is directly related to the enjoyment of a number of rights by the population of this area. The residence certificate allows Georgians living in Gali to retain their Georgian citizenship, live in Abkhazia, sell or inherit property and travel to the rest of Georgia, although they are deprived of their political and property rights, which are available only to persons with Abkhaz "citizenship". Obtaining a residence certificate is associated with a number of barriers, such as strict criteria, 5-year validity period and corruption. As this document is basically a means of moving across the dividing line for the Gali population, they are forced to obtain it.

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<sup>11</sup> Public Defender's Report on the Situation of Human Rights and Freedoms in 2019, available at: <https://www.ombudsman.ge/res/docs/2020040215365449134.pdf>

<sup>12</sup> OC Media, 2017, Georgians in Gali: Aliens on Their Own Land <https://oc-media.org/kartvelebi-galshi-utskhoelebi-sakutar-mitsaze/>

The documents of the Gali population also affect the funding allocated from the de facto Abkhaz budget for the Gali district. The de facto central authorities of Abkhazia believe that the subsidies intended for the Gali district should be cut precisely because of the fact that a very small part of the Gali population has Abkhaz citizenship.

The obstacles created by the de facto authorities for the residents of Gali, which are already vulnerable as a result of the conflict, further complicate their daily lives, which should be considered a discriminatory treatment.