

Press Release

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Human rights and humanitarian principles have been seriously violated in the South Ossetia conflict, reports Thomas Hammarberg after an eight-day mission. He proposes six principles for protection of the victims

Strasbourg, 05.09.2008 – "This is a humanitarian disaster", concludes the Council of Europe Commissioner for Human Rights Thomas Hammarberg after having visited Vladikavkaz, Tskhinvali, Gori, Tbilisi and Moscow from 22 to 29 August. "I have talked with a great number of displaced persons and other victims. The number of human tragedies caused by this short but cruel war is staggering", he states when summarising his findings.

Civilian casualties and destruction resulted from the Georgian artillery and tank attack on Tskhinvali 7-8 August. Georgian villages north of the regional capital were destroyed and pillaged by South Ossetian militia and criminal gangs. Though some inhabitants had begun to leave during the preceding tensions, these assaults caused a mass movement of tens of thousands of fleeing people.

Lawlessness has spread in the 'buffer zone' controlled by Russia between Tskhinvali and Karaleti and forced many to leave even from there. When several houses and apartment buildings in Gori were hit by Russian rockets a further wave of displacement took place.

The return of displaced persons has now started but is delayed for the majority of them as safety has not been guaranteed. The 'policing vacuum' in the 'buffer zone' is unresolved. Large areas must also be demined from cluster bombs, mines and unexploded ordnances which now threaten ordinary people including those who normally work in the fields.

"There is certainly a need for political solutions and clear decisions on security arrangements in order for human rights to be protected", states Commissioner Hammarberg. "However, several important steps can be taken already now by the parties themselves and by the international community to meet the most urgent human rights requirements." He presents six principles for urgent protection of human rights and humanitarian security:

1. The right to return of those who fled or were displaced must be guaranteed. This requires that their safety is protected and that their homes are made liveable again. The repair of damaged houses is an urgent priority. Affected persons have the right to be informed about relevant developments and no one must be returned against their will.
2. Those who fled or were displaced must be ensured adequate living conditions until they can return home. This requires competent coordination of the assistance from both governmental and intergovernmental actors. Not only material needs but also psychological and psycho-social damages must be addressed.

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A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.

3. The whole area affected by the warfare must be de-mined. Cluster bombs, mines, unexploded ordnances and other dangerous devices must be located, removed and destroyed. Until this is done the targeted terrain must be marked and the population clearly informed about the dangers. The parties to the conflict need to declare what type of weapons and ammunition were used, when and where. International contribution to this effort will be required and should be welcomed by both parties.
4. Physical assault, torching of houses and looting must be totally stopped and persons responsible for such crimes apprehended and held to account. The problem of the 'policing vacuum' in the so-called buffer zone between Tskhinvali and Karaleti must be resolved urgently.
5. Prisoners of War, other detainees and persons stranded in unsafe situations must be protected and rescued through continued humanitarian efforts. The established mechanism for dialogue and mutual exchanges of such cases should be kept in place and fully supported, also by the international community. There is a need to establish a coordinated system for assembling and acting upon information on missing persons.
6. International presence and assistance are needed in the area affected by the conflict. The programs of UNHCR, UNICEF, ICRC and other agencies should be supported and the OSCE be given authority and resources to expand its mission. Apart from cease-fire observers and police presence there is a need for specialised human rights monitors – who could also operate in coordination with the domestic ombudsmen. The protection of minorities must be a key priority and positive inter-community relations must be encouraged.

During the mission Commissioner Hammarberg met President Saakasvili, Foreign Minister Tkehshelashvili and three other ministers and two deputy ministers of the Georgian government in Tbilisi and with the Speaker of the Duma, the Chairman of the Council of the Federation and the Deputy Minister of Foreign Affairs in Moscow. He also had a special telephone exchange with Foreign Minister Lavrov representing President Medvedev. During his travel he also met the *de facto* Prime Minister of South Ossetia, Boris Chochiev.

He cooperated closely with the Russian ombudsman Vladimir Lukin, the Georgian public defender Sozar Subari and the *de facto* ombudsman in South Ossetia, David Sanakoev. The latter – together with the Georgian parliamentarian Givi Targamadze - played a key role in the exchange of the more than 100 detained persons which took place with the assistance of the Commissioner.

Mr. Hammarberg has now reported to the Council of Europe Committee of Ministers and will release his full written report from the mission on the 8th September.

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member States of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006.