

Carl Bildt
Foreign Minister of Sweden
Presidency of the European Union

Brussels, 7 August 2009
Ref: B895

Dear Mr Bildt,

Subject: The Georgia-Russia conflict one year on

On the anniversary of the five-day war between Georgia and the Russian Federation, we would like to draw to your attention a new report, *Civilians in the aftermath of war: the Georgia-Russia conflict one year on*, published by Amnesty International on 7 August 2009. The report assesses the current situation and developments over the past year and includes specific recommendations to all parties, and to the European Union in its own important and growing role in the region.

At the present time, thousands of civilians remain stranded away from their homes with little prospect of return in the near future. These include an estimated 30 000 ethnic Georgians, most of whom have been provided with alternative accommodation or compensation in Georgia, but have continuing problems with access to healthcare, education and work. Security concerns also continue to run high, with insecurity and tensions around the Administrative Border Line (ABL) and persistent dangers of Explosive Remnants of War (EWR). The parties concerned have the responsibility to guarantee the rights of all displaced people to return in safety and dignity, as well as to ensure the security and right to an adequate standard of living for all those living in affected areas.

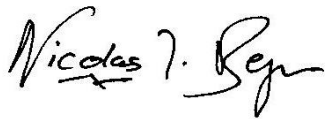
The EU remains a key actor with regards to many of these concerns outlined in the report, through co-chairing ongoing working group talks in Geneva and through the EU Monitoring Mission (EUMM). Continued monitoring of the human rights situation throughout the conflict zone is essential for the security of civilians as well as for the creation of durable conditions for safe and dignified return. However, one of the greatest problems that still hinders the daily work of the EUMM is the complete lack of access to the territory of South Ossetia and Abkhazia. This lack of access is preventing monitors from carrying out their full mandate, and gaining such access should remain a primary political objective at all levels. In addition, since the withdrawal of the OSCE and UN missions in June 2009, the EUMM has become the only international monitoring presence in Georgia. The mandate and working practices of the EUMM were originally drawn up to complement the work then being carried out by the UN and OSCE; however, whilst the EUMM has now been extended to July 2010, there have as yet been no changes to either its mandate or working practices to take into account that the other missions no longer exist.

Amnesty International therefore calls on the EU to carry out an assessment of the current monitoring needs in Georgia, with the aim of proposing changes to the EUMM to meet the gaps that have emerged in international scrutiny. This could include *inter alia* trial observations, prison monitoring and human rights promotion, as well as a function of public reporting. Unlike the former UN and OSCE missions, the EUMM does not report publicly and neither its incident reports nor its general security assessments are made publicly available.

Finally, research has found significant evidence of war crimes and possible crimes against humanity committed during the conflict and its aftermath, as outlined in the Amnesty International report *Civilians in the line of fire: the Georgia-Russia conflict*, published on 18 November 2008. However, to date no one has been brought to justice by either the Georgian or Russian authorities. The EU-mandated inquiry into the conduct of the war, including violations of international law, is due to present its report to the EU, UN, OSCE and the parties concerned in September 2009. In this context, and in line with its own Guidelines on International Humanitarian Law, the EU should make a clear call to all parties to take measures to ensure that prompt, independent, thorough and impartial investigations take place into any allegations that forces committed crimes under international law, and that those responsible are brought to justice.

We would welcome the opportunity to discuss these issues with you further, and look forward to hearing from you as regards to further developments.

Yours sincerely,



Nicolas Berger
Director
Amnesty International EU Office



Lise Bergh
Director
Amnesty International Sweden

cc: Benita Ferrero-Waldner, European Commissioner for External Relations
Javier Solana, High Representative for EU Common Foreign and Security Policy