

Alternative report “On the implementation by Armenia of the Framework Convention for the protection of national minorities in borderline villages of Georgia’s Kvemo Kartli Region” prepared by NGO “Association of Sadakhlo Revival”, Public Association “Sarvan”, “Charity Organization Garapapag”, Public Association “Garayazi”

Breaches of the Framework Convention for the protection of national minorities on the part of Armenia in residential settlements of Beitaraphchi, Tazakendi, Burma, Sadakhlo, Molaoghli, Xuludere, Irgancai of Marneuli and Dmanisi Districts of Kvemo Kartli Region of Georgia on the Georgian-Armenian border.

1. The universal nature of the Framework Convention consists in the fact that an NGO of one country may provide an opinion on the situation in the area of national minorities of another ratifying state. In this case, violation of the rights and freedoms of a national minority is taking place on the territory of a neighboring country.

2. The Framework Convention for the protection of national minorities states that “The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation” (Article 1). It also states that “The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States” (Article 2). The coalition of non-governmental organization considers it important to bring the following report to the attention of the Council of Europe with regard to the implementation of the Framework Convention for the protection of national minorities on the part of Armenia.

General information

3. The residential settlements of Beitaraphchi, Tazakendi, Burma, Sadakhlo, Molaoghli, Xuludere and Irgancai are located on the Georgian-Armenian border. These residential settlements are quite close to the border: the border is only several meters to several hundred meters away, while in the case of Irgancai – several kilometers. The border in this area is rather wavy and sometimes it goes deep into Armenia. Local residents are all citizens of Georgia and represent an Azerbaijani ethnic minority of Georgia’s Kvemo Kartli Region.

4. Below is the statistical data for these residential settlements as provided by Georgia’s official sources and reports of international organizations¹.

Beitaraphchi	483	100% Azeri
Tazakendi	433	99% Azeri
Burma	200	91% Azeri
Sadakhlo	9486	97% Azeri
Molaoghli	1180	100% Azeri
Xuludere	1050	100% Azeri
Irgancai	2678	97% Azeri

¹ EUROPEAN CENTRE FOR MINORITY ISSUES (ECMI) Working Paper #23 Jonathan Wheatley

5. The present alternative report mainly concerns Armenia even though it touches upon human rights of national minorities living in Georgia. Armenia is an active party which does not honor the Framework Convention for the protection of national minorities, while Georgia is a passive party because violations are committed on its territory. Therefore, Georgia does not observe this international norm either.

6. According to the Georgian side, "... since the 90s Georgia has signed nine agreements on co-operation with Armenia. In October 2001, Georgia and Armenia signed the Agreement "On friendship, co-operation and security", whereby the countries assumed the obligation to ensure complete and effective protection of the rights and freedoms of national minorities, including the right to receive education in the native language and to preserve ethnic, religious, cultural and language identity. Additionally, 30 agreements on co-operation signed between Georgia and Armenia in the 1990s are still in force..."².

7. The coalition of non-governmental organizations also notes that the Advisory Committee of the Council of Europe on the Framework Convention for the protection of national minorities indicated the following in clause 52 of its opinion on Georgia: "... The Advisory Committee is concerned about complaints over insufficient protection on the part of law-enforcement agencies of persons belonging to the Azerbaijani minority in areas bordering on Armenia (in Kvemo Kartli, Georgia). The Advisory Committee has received information from reliable sources that these people have become victims of violence, their land and other property was taken over and livestock stolen. There are also reports on people disappearing. This is said to be done by people living on the other side of the border, in a region where boundaries are not always clearly marked. People interviewed by representatives of the Advisory Committee has stressed that Georgian law-enforcement bodies do not intervene in such cases and that victims remain unprotected and vulnerable.

The Advisory Committee is expressing its concern over this situation and urges the Georgian authorities to consider such complaints with due attention so that necessary measures could be taken, perhaps even with international support (see also comments to Article 18)..."

Further, clause 210 indicates: "... At the same time, very few international agreements on the protection of national minorities have been signed since the late 90s. The Advisory Committee believes that the authorities should take a construction approach to the issue of

² Strasbourg, 10 October GVT/COM/I(2009)002, ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES - COMMENTS BY THE GEORGIAN GOVERNMENT ON THE ADVISORY COMMITTEE'S FIRST OPINION CONCERNING GEORGIA'S FULFILLMENT OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES.

international co-operation in the area of protection of national minorities and sign agreements on co-operations, especially with neighboring countries”³.

8. Residents of Beitaraphchi, Tazakendi, Burma, Sadakhlo, Molaoghli, Xuludere and Irgancai settlements believe that with the connivance of Georgian authorities they, as an ethnic minority living on the territory of Georgia in areas bordering on Armenia, are subjected to the policy of discrimination on the part of Armenian authorities. Their rights and freedoms are being breached and they are gradually being squeezed out of their native homes in contravention of the Framework Convention.

9. The coalition of non-governmental organizations believes that Armenian authorities have no intention of building an atmosphere of tolerance and dialogue with Georgian residential settlements bordering on Armenia and settled by national minorities. Instead, they are conducting a consistent policy of squeezing-out.

10. Georgian citizens living in Beitaraphchi, Tazakendi, Burma, Sadakhlo, Molaoghli, Xuludere and Irgancai settlements consider that they are not guaranteed security. They are afraid that Armenian servicemen may use arms against them at any time. Therefore, they have no confidence in the future.

11. According to Sayat Mehdiyev, an activist of the Sadakhlo village, “Georgian authorities are not taking the necessary measures to encourage complete and real equality among persons belonging to national minorities in the spheres of economic, social, political and cultural life. Moreover, they tolerate breach of the rights of their citizens on the part of neighboring Armenia.”

12. Protection of national minorities and rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation. This is explicitly stated in the Framework Convention. Unfortunately, the connivance and flagrant breaches of the rights of Georgia’s national minorities on the part of officials of a neighboring country, in this case Armenia, discredits rigorous implementation of the Framework Convention and the introduction of real anti-discriminatory mechanisms. Moreover, the absence of international protection threatens with the possibility of an ethnic conflict.

13. It has to be noted with regret that the settlements of Beitaraphchi, Irgancai, Molaoghli, Burma, Tazakendi, Xuludere and Sadakhlo do not have a real boundary with Armenia. The lack of fully-fledged border protection in this part of Georgia exposes local national minorities

³ Strasbourg, 10 October 2009, Public ACFC/OP/I(2009)001 ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES - Opinion on Georgia.

to risk in the face of unlawful acts on the part of armed representatives of Armenia. It has to be noted that Armenian armed forces seize and take away the local population's sheep, goats and cattle on the territory of Georgia allegedly because the livestock crosses the Armenian state border. However, the border has been moved by the Armenian side to become more transparent (see the section on Facts below).

14. According to local residents, Armenian armed forces move the Georgian-Armenian border themselves every year. In 2007, the border passed at a tangent through the villages of Burma and Tzakendi, thus making several houses owned by Georgian citizens "illegal". The fact that Armenian armed forces illegally relocated the Georgian-Armenian border further into Georgian territory led to the announcement of three houses in the Tzakendi village (see Facts for 2000-2010) as Armenian territory and the demand by the Armenian military that the houses be vacated. In contravention of most of the fundamental international norms and with the connivance of Georgian authorities, Armenian authorities have been invading Georgian territory to discriminate against and breach the fundamental rights and freedoms of Georgia's national minorities.

15. The Beitaraphchi, Irgancai, Molaoghli, Burma, Tzakendi, Xuludere and Sadakhlo villages have been coming under illegal expropriation of land plots by Armenian authorities, also taking place with the connivance of Georgian authorities. This statement is joined by all residents of the mentioned villages and tens of regional NGOs.

16. "Our only means of survival is livestock. If Armenian military keep on capturing our lands, we won't be able to engage in livestock breeding and there will be nothing to earn a living with," says Aladdin Madinayev, 66, a citizen of Georgia living on the border of the Georgian village of Xuludere. Shepherd Ali, 23, from Xuludere also confirmed that Armenian border troops were no longer allowing him to graze the cattle in places used last year, i.e. Georgian territory.

17. In the conditions when the border is not delineated and there is no control on the part of Georgian authorities, Armenian armed forces have started to openly discriminate the local population on the basis of their ethnicity. This manifests itself through arbitrary and unlawful arrests of ethnic Azerbaijani citizens of Georgia under the pretext of illegal crossing of the Armenian border.

It is worthy of note that Georgian authorities have repeatedly stated that there is no demarcation and delimitation of the Beitaraphchi, Irgancai, Molaoghli, Burma, Tzakendi, Xuludere and Sadakhlo settlements at present.

18. According to Suleyman Palangov, resident of the Tazakendi village and citizen of Georgia, “Armenia cut off the drinking and irrigation water supply to the Burma and Tazakendi villages long ago. Geographically, the drinking and irrigation water comes from the territory of Armenia. Unfortunately, Georgian authorities have been unable to eliminate this problem for several years. This makes the living conditions for ethnic Azerbaijani citizens of Georgia unbearable”. According to local residents, “such inaction on the part of Georgian authorities is evidence of their tacit support for the discrimination on the part of neighboring Armenia. Moreover, some sources of drinking water are located on the Georgian territories illegally occupied by the Armenians, and Armenian soldiers are not allowing us to go there. It is scary to live like that.”

19. The absence of the infrastructure in Georgia has turned residents of the Burma and Tazakendi villages into hostages. According to them, in the last two years the Armenian authorities completely cut off the supply of drinking water to the two villages. Only after lengthy negotiations was the drinking water supply re-opened in the last one and half months. Since the main sources and pumps are located on Armenian territory, the water supply is at the disposal of Armenian authorities. It is up to them to decide whether or not to open the water tap. This means that villagers may be left without water at any time and there is no guarantee that Armenian authorities will ensure uninterrupted water supply to Georgia’s settlements. Part of the blame for the situation rests with Georgian authorities who have failed to take action and do not have the will to resolve the problem.

20. A resident of Tazakendi says: “The main water pumps have been seized by the Armenians. There was also an underground water source, but it has been destroyed by the Armenians who don’t let us revitalize it and use its water. This source could provide enough water to the neighboring village and ours.”

21. According to Rafail Xalilov, “Of 1,200 hectares of land, only 50 hectares are irrigable. Armenia has cut off water supply and we have been without irrigation water for several years now. All this is affecting our livelihoods.” Besides, residents of adjacent villages who have suffered at the hands of Armenian border troops are saying that the Armenians are going to take over their ploughed fields and pastures. According to villagers, they have already warned local people that the fields can be freely ploughed and sown for one more year.

22. The monitoring coalition of non-governmental organizations notes that Armenian border troops have moved the border right to the ploughed and sown land where Georgia’s ethnic minorities are working. Sabir Mehdiyev says, “The villagers are afraid to sow and plough this

land. Our women are afraid of working in the field because they fear attacks of Armenian border troops. It is unclear how we will live in the future,” he said.

23. The absence of a real border in this region has enabled Armenian border troops to move the border in the direction of Azerbaijani villages. As a result, the neutral zone has also been moved, which has deprived Georgian citizens of the opportunity to work on ploughed fields.

24. According to Suleyman Palangov, quite often Armenians used arms against ethnic Azerbaijani citizens of Georgia. Luckily, there are no victims (see Facts for 2000-2010).

25. Huseyn Asgarov, an activist of the Sadakhlo village, notes that Armenian military have illegally seized the forests, pastures and ploughed land from Georgian citizens on Georgian territory. He added that signs of the real border can be found far away from the boundary established by the Armenians now. According to the villager, “tens of years ago his forefathers and local authorities were making charcoal signs” (by burying charcoal buckets in the soil all along the border) to mark up the border.

26. According to Sabir Mehdiyev, land plots of ethnic Azerbaijani citizens of Georgia in an area referred to as Quarry in the vicinity of the Tazakendi and Burma villages were illegally seized by citizens of Armenia with assistance from Armenian border troops. The assistance on the part of Armenian authorities consisted in intimidating Georgian citizens. As a result, the land plots were abandoned. According to Suleyman Palangov, over 500 Armenian citizens have illegally settled down and are using the land plots of Georgian citizens on Georgian territory. Local residents do not see any assistance and reaction from Georgian authorities to such discrimination.

27. Residents of the Beitaraphchi, Irgancai, Molaoghli, Burma, Tazakendi, Xuludere and Sadakhlo villages believe that they are being subjected to the policy of a veiled form of discrimination and squeezing-out on the part of Armenian authorities with the connivance of the Georgian government. Some activists think that this is a process of perennial and gradual squeezing of ethnic minorities out of the region. Most of the population of the seven settlements have already emigrated.

28. The seizure by Armenian armed forces of forests and pastures on the territory of Georgia, as well as the capture by Armenian authorities of plough-land near the villages of Beitaraphchi, Irgancai, Molaoghli, Burma, Tazakendi, Xuludere and Sadakhlo, which are populated exclusively by ethnic Azerbaijani citizens of Georgia, has compelled most of the local population to emigrate from the said settlements.

29. Many non-governmental organizations⁴ of the region believe that the Armenian authorities have deliberately imposed this tendency to change the structural composition of the population. Such a situation violates the rights and freedoms of national minorities and represents a breach of the Framework Convention. Armenian authorities are pursuing a policy of discrimination against national minorities of the neighboring country.

30. Unfortunately, Georgian authorities have not taken effective measures to reduce ethnic tensions and the likelihood of a conflict in the said region.

31. It is important to indicate that Georgian authorities do not provide sufficient and real conditions for state protection from unlawful claims of the Armenian side. Such conditions are crucial to persons belonging to national minorities of this region.

32. The monitoring group did not find the situation in the said settlements as acceptable due to the failure of the Armenian side to implement the Framework Convention in a conscientious manner, in the spirit of understanding and tolerance and on the basis of the principles of good neighborliness and friendly relations.

33. Due to the intensified discrimination on the part of Armenian armed forces on the border and on Georgian territory, the situation has reached a point when ethnic Azerbaijani citizens of Georgia will have to continue leaving their native homes. Such discrimination against Georgia's national minorities on Georgia's own territory has intensified in the last 10 years with the connivance of both local and central authorities of Georgia despite the presence of the most flagrant violations of fundamental human rights and freedoms even before Armenia ratified the Framework Convention (see Facts for 1990-2000 below).

34. With regard to the situation in the Burma, Tzakendi and Sadakhlo settlements, local residents indicate that representatives of Georgia's border services can be seen in the said villages very rarely because they don't know themselves where the real border between Georgia and Armenia lies. Meanwhile, Armenian border guards can be seen at every 50-100 meters of the so-called border which is changed at their own discretion every year. In general, it can be said that the entire territory, namely Burma and Tzakendi, is under the control of Armenian military although it should be controlled by Georgian authorities.

⁴ The Minority Rights Monitoring Group MRMG, the Public Association for the protection of human rights Tolerance, the Democratic movement MTREDI, the Congress of Georgia's Azerbaijanis, the NGO Institute of Civil Development in Kvemo Kartli region, the Public Association OZAN

35. According to residents of Burma, “If Georgian military were interested in protecting the border in this region, we would not have so many problems. Armenian soldiers are keeping us at a distance of 500 meters from the ostensible border and can easily approach our houses. At night, we can see them with lanterns in their hands walking on Georgian territory without any problem. All this makes us live in fear for our own lives and for the lives of our family members.”

36. A resident of the Tezekendi village says, “There is no official border here. Why can they go anywhere they want and why should we turn into hostages even on Georgian territory? There are very few Georgian military here, and whenever we raise complaints with them, they always tell us not to go in that direction, and that’s all. They can’t even say where the border is.”

37. A resident of the Burma village says, “We would very much like to be protected by Georgian military because we are afraid of Armenian soldiers. Our people understand that the key problem is the lack of an official border and demarcation.”

38. Many residents say fearfully off camera that Georgian authorities couldn’t care less and that these lands have long been given to Armenia, which is why Armenian military can do what they want on Georgian territory. Many are simply afraid that Armenian authorities will punish them if they keep on complaining. For this reason, they asked for their names not to be revealed.

39. A 60-year-old female villager says, “There is only a run-down elementary school in our village and our kids have to walk all the way to the neighboring Sadakhlo village, which is almost four kilometers away, to continue their education. It is very difficult to move in the village due to a lack of normal roads. In rain and in winter it is even more difficult. Water supply is intermittent. No-one is interested in our problems. There are no jobs. We want our state to pay attention to our problems, protect us from the unlawful actions of the Armenian authorities and help us. I live alone, my husband has died, while my stepson has gone to Azerbaijan to earn some money, but he can barely support himself and his family and cannot help me in any way. I have nothing. I do not receive pension or any social benefits from the Georgian authorities. Only my neighbors are helping me, otherwise I would be starved to death. Some of them give me bread, others tea. This is how I live. I have repeatedly applied to the village council for help, but have received nothing, so I am embarrassed to go there again. Some people have visited me from a social service, wrote something down and left,

but there is still no assistance. There was an anniversary of my husband's death and I barely found two Laris to pay for a prayer. My house is ramshackle and falling apart."

40. A resident of the Tezekendi village has said on conditions of anonymity, "Since the 90s, we do not know where the Georgian-Armenian border is. We take our livestock to pastures, but Armenians are saying that this is their territory and we are crossing into it. However, these pastures have always been ours. We have always paid taxes to the Georgian government for that. There was an incident when Armenian military took away 100 head of our village cattle. One cow was very old and couldn't walk, so Armenian military knocked it over with a car and then shot it. They claim that the border passes 50 meters from our houses. Only a day later, with the help of our police, did we manage to have our livestock returned. We are already afraid of talking about compensation because we have seen the cow killed right before our eyes."

41. According to the residents of the said villages, it is obvious that in the period between 1990 and 2010 Armenian military have deliberately and consistently committed a number of unlawful acts due to their hatred for the ethnic minority inhabiting the borderline region of Georgia.

42. It is worthy of note that in some of the following cases Armenian military, realizing that the disappearance of Georgian citizens may in the long run bring about negative consequences, release them after several days after making the families of the hostages pay a ransom. This is being done without any legal sanctions whatsoever.

Facts for 2000-2010

Burma village, June 2009

43. Applicants Bakir Mammadov and Zakir Mammadov indicate that Armenian authorities are oppressing them and accusing them of wrongdoing they did not commit. The applicants point to a lack of assistance from Georgian authorities and accuse the Armenian authorities of falsification and provocation aimed at compelling the local population to abandon their homes.

Commentary: an application was sent to the Georgian Ombudsman's Office and local authorities of Georgia. There is no reaction.

Tazakendi village, June 2009

44. Applicant Vaqif Naibov and his family. Armenian border troops and a policeman have conducted unlawful searches in his house four times. The house is on Georgian territory and the Armenians had no legal right to do that. No documents from judicial institutions of Georgia or Armenia were provided. Vaqif Naibov believes that such unwarranted searches are intended to create an atmosphere of fear and absence of a future in this area, to put pressure on the ethnic Azerbaijani population of Georgia's borderline villages.

Commentary: an application was sent to the Georgian Ombudsman's Office and local authorities of Georgia. There is no reaction.

Tazakendi village, August 2007

45. The illegal movement of the Georgian-Armenian border into Georgian territory by the Armenian armed forces has led to the announcement of three houses in the Tazakendi village, owned by Georgian citizens Ahmad Ismayilov, Zakir Rustam oglu Mammadov and Kamal Kamandar oglu Ismayilov as Armenian territory and the demand by the Armenian military that the houses be vacated. This is happening in a unilateral manner without any intervention on the part of Georgian authorities.

Tazakendi village, April 2007

46. Applicant Mahammad Huseynov was subjected to arbitrary treatment on the part of Armenian border troops in the Tazakendi village in the vicinity of Sadakhlo. The Armenians seized his cattle and arrested him although he is a citizen of Georgia. He and his cattle were released on the same day, but 12 sheep were retained. Mahammad Huseynov has applied to

law-enforcement bodies and Georgian authorities, but despite that his property has yet to be returned to him. He demanded from law-enforcement bodies that compensation be paid to him if the cattle is not returned.

Tzakendi village, 2006

47. According to residents of the Tzakendi village Yusif Allahverdiyev and Mehman Karimov, the cow of a resident of the Tzakendi village, Abdulla Abdullayev, was grazing in the borderline zone when she was seized by Armenian border troops. The cow has yet to be returned. In the same year, the village herd numbering 100 head of cows was also captured by Armenian border troops. One old cow was lagging behind the rest of the herd and, as she was holding the herd, Armenian border troops knocked her down with a UAZ vehicle and then shot her to death. After the population vented its fury, Georgian law-enforcement bodies intervened and arranged for the return of the cattle to villagers.

Tzakendi village, 2006

48. According to applicant Vahid Naibov, Armenian border troops have seized a horse on a borderline area called Garadash, and have not returned it yet. Vahid Naibov, the owner of the horse, has seen Armenian border troops riding his horse but could not take it away on his own.

Xuludere village, 2006

49. In 2006, Vali Afandiyev was attacked by Armenian border troops when he was fetching water. Vali was carrying the water on a cart drawn by a donkey. During the attack Vali managed to escape, but the donkey-drawn cart has been seized by the Armenians. Vali Afandiyev has been unable to return it.

Xuludere village, 2008

50. According to Huseyn Mammadov, the cow of his neighbor Elimdar Isa oglu Afandiyev was seized by Armenian border troops in 2008 and has not been returned yet.

Xuludere village, June 2008

51. According to Mahammad Naibov, the brother-in-law of Banovsha Naibova, a widow and mother of three, his daughter-in-law was subjected to outrageous treatment on the part of Armenian border troops. Banovsha is leasing a land plot where two of her cows were grazing. The cows were the only source of subsistence for the widow and orphans. Armenian

border troops stole both cows. One broke free and managed to return to the village, while the second was taken away. After demands from villagers, Armenian border troops allowed them to search the Armenian border garrison built on Georgian territory. The cow was not found but a cow head and hide were discovered. Villagers applied to Georgian law-enforcement bodies and the parents of the Armenian soldier who had stolen the cow reimbursed part of the cow's cost.

Burma village, 2008

52. Armenian soldiers fired on Etibar Jafarov Turkmen oglu from Armenian territory although Etibar was on the territory of Georgia. He was lucky to stay alive.

Beitaraphchi village, 2006

53. Resident of the Beitaraphchi village Ismayil Ismayilov notes that villagers are facing "outrageous treatment on the part of Armenian authorities. As an example he referred to the fact that the Armenian side has illegally seized over 100 hectares of lands which had always been on the balance-sheet of the Beitaraphchi village on Georgian territory. It was also noted that until now have been paying tax to the Georgian government for using these lands, while now they 'suddenly' happen to be in Armenian territory. For example, a resident of the village, Adil Gahramanov, has lost his garden and the land for which he was paying tax to Georgian authorities. Villagers believe that such connivance of Georgian authorities creates conditions for unlawful and groundless intrusion and expropriation of private property by Armenian authorities. Villagers indicate that all this is being done to create unbearable conditions for residents of the Beitaraphchi village, which will eventually compel them to leave their homes. The population has subsistence farms and depends on land for survival.

Sadakhlo village, April 2008

54. This incident occurred in April 2008 when the horse of Georgian citizen Almaz Bediyev, a resident of Sadakhlo, was seized by Armenian military on Georgian territory. The horse was subsequently used in the construction of an Armenian military base on the border with Georgia. All appeals by the local resident to Georgian authorities did not yield any fruit. For Almaz Bediyev this horse was the only source of income.

Sadakhlo village, January 2010

55. Valeh Naibov, a citizen of Georgia, was kidnapped by Armenian military and released a day later. Georgian authorities did not rise to support their citizen in any way. No legal assessment was given to this issue either.

Burma village, 2008

56. Allahverdi Ziyatkhan oglu Jafarov, a citizen of Georgia, was illegally detained by Armenian border troops on Georgian territory, taken to Armenia for two days and released after the payment of a ransom. Georgian authorities did not rise to support their citizen in any way.

Burma village, 2008

57. Elmaddin Yusif oglu Jafarov was detained by Armenian border troops while grazing cattle on Georgian territory and kept for one day. His cow was taken away, while he was released only after paying a bribe to Armenian border troops. Georgian authorities did not rise to support their citizen in any way.

Tazakendi village, December 2008

58. Annagi Palangov, Amirkhan Naibov, JamalJafarov, all citizens of Georgia, were illegally detained by Armenian troops and, together with their cattle, taken to Armenia. After hours of humiliation, insults and payment of a ransom-bribe, they were released. Georgian authorities did not rise to support their citizen in any way.

Tazakendi village

59. Tahir Mammadov, a citizen of Georgia, was taken to Armenia together with three cows he owned. After return he suddenly died causing suspicion that he had been poisoned. Georgian authorities did not rise to support their citizen in any way.

Burma village

60. Vahid Mammadov, a citizen of Georgia, was robbed by Armenian military on the Georgian border. His two sheep were taken away. Georgian authorities did not rise to support their citizen in any way.

Burma village, 2008

61. Shamistan Allaz oglu Fatalov, a citizen of Georgia, was arrested by Armenian border troops on Georgian territory. His six cows he had been grazing near his home were taken

away. He was released only after his family had paid 400 Lari (about \$300). Georgian authorities did not rise to support their citizen in any way.

Xuludere village, 2008

62. Eldar Khudiyev, a citizen of Georgia, was robbed, humiliated and insulted by Armenian military in 2008. His cow was taken away. Georgian authorities did not rise to support their citizen in any way.

Sadakhlo village

63. Shani Gara oglu Jalilov, a citizen of Georgia, was illegally detained by Armenian military, paid a ransom-bribe of \$200 and released after intervention by Georgian authorities. Armenian military took away his horse and cart.

Sadakhlo village, 2005

64. Sadraddin Mola Gara Palangov, a citizen of Georgia, went missing while grazing his cattle on Georgian-Armenian border in 2005. Only his blood-stained clothes were found. The investigation by Georgian authorities did not establish those guilty.

Molaoghli village

65. Kamandar Jahangir oglu Mustafayev and Mehman Asgarov were detained by Armenian military, beaten up, taken to Armenia and, after intervention on the part of Georgian authorities, released only nine days afterwards. They experienced a severe stress because after seeing the “death corridor”. No charges were leveled against Armenian authorities or compensation paid to victims. The contribution of Georgian authorities was limited only to the participation in their release. No further legal or any other assistance was provided to the victims.

Tzakendi village

66. Armenian armed forces have beaten up Georgian citizen Gabil Ayatxan oglu Xanov on Georgian territory and taken to Armenia. His illegal arrest lasted two days. According to him, when arrested he was on a territory he had always known to be Georgian. The arrest did not lead to any administrative implications for the “offender”, which is further evidence of the fact that the arrest was illegal.

Burma village, 2008

67. Georgian citizens Allahverdi Ziyadxan oglu Jafarov and Jamal Ismayil oglu Jafarov were arrested illegally and humiliated by Armenian soldiers on Georgian territory. Without any court decision or investigation, they were illegally taken to Armenia and kept there for two days. The intervention of local authorities facilitated their return but no legal assessment was given to the illegal action by Armenian armed forces.

Molaoghli village, 2006

68. Kamandar Jahangir oglu Mustafayev states that his 13-year-old daughter left the house of her grandmother, who lives in the Sadakhlo village, but never reached home. The search lasted two days and the girl's body was discovered near the Debeti river near the Georgian-Armenian border.

Molaoghli village, October 2007

69. Applicant Kamandar Jahangir oglu Mustafayev. In October, this citizen, together with his fellow villager Mehman Asgarov, was detained by the Armenian side in the forest and taken into captivity for nine days. Since he is uneducated, he cannot specify the place in which he was kept in custody. The two were released only after the local population repeatedly requested the local police to have them returned.

Sadakhlo village, 2008

70. Applicant Ali Yusif oglu Mammadov. This citizen claims that in the 1930s the Mushul forest was a cattle breeding and apiculture place belonging to Georgia. He was born in that area himself. The area was also home to several generations of the Bayramgullu, Musalli and Mollahallarov families, who were also engaged in cattle breeding and apiculture on the territory. Ali notes that there were water tanks near the area, which supplied drinking water to adjacent villages. He said there is a stone near the tanks on which the year of their establishment, 1934, is inscribed together with the name of the then chairman of the collective farm, Elman Eminov. In 2007, Mamish Isa oglu Dushturov, who was also engaged in cattle breeding and bee-keeping, was kidnapped by the Armenian side together with all his property. He was released only after repeated demands of the local population and police, but his property has yet to be returned.

71. Applicant Ali Mammadov was kept in captivity for one day, after which he was released. After all these developments, local population realized that it wasn't safe to live there and had to move to neighboring villages. "I am living in the house of my son, but I want to return to

where I was born and grew up. I do hope that our state will finally demarcate the official border and return its territory, thus ensuring our security.”

Sadakhlo village, 2008

72. In 2008, Armenian border troops stole two cows from Zalxa Valiyeva, a citizen of Georgia. The cows have not been returned yet.

Sadakhlo village, April 2008

73. Applicant Ali Mammadov notes that Armenian border troops stole Alladin Salmammadov's horse on Georgian territory. People have repeatedly seen Armenian servicemen riding the horse to borderline territories, but the owner of the horse cannot have it returned. He still hopes that Georgian authorities can help him solve this problem.

Burma village, 2007

74. Georgian citizen Suleyman Xuda oglu Palangov states that the Armenian side has stolen his cattle and only after repeated appeals by local residents and Georgian authorities released it.

Burma village, 2009

75. Applicant Tahir Mammadov, a citizen of Georgia whose house is located 20 meters from the Armenian border, says Armenian border troops have illegally seized five of his cows while they were grazing near the house and returned them a week later only after intervention by local Georgian authorities. After this, all the animals contracted an unknown disease and died. The Armenian military also took away one turkey and two sheep which had left the courtyard. Citizen Tahir Mammadov also states that it was not safe to live in this area because there are only Armenian border troops there and not a single Georgian soldier to protect the villagers. Mammadov does hope that Georgian authorities come back and protect them from the Armenian arbitrariness.

Tzakendi village, 28 February 2010

76. Kidnapped by Armenian military together with 10 cows and a horse and was still in captivity when this report was being prepared.

Irgancai village

77. Each of the following facts in the Irgancai village was accompanied by humiliation of the following people. None of these people received any compensation or legal support from the Georgian authorities. The absence of an effectively protected border makes it possible for Armenian armed forces to commit breaches of the rights and freedoms of the region's national minorities:

- Zakir Valiyev, Armenian troops have taken away one horse. There is no legal assessment of what happened. **June 2007**
- Vahid Yagubov, Armenian troops have taken away 8 head of cattle. **2008**
- Ilham Mammadov, Armenian troops have taken away one horse. **June 2007**
- Nabi Omarov, Armenian troops have taken away one horse with a colt. **June 2007**
- Mahir Omarov, Armenian troops have taken away three cows. **October 2008**
- Alpasha Suleymanov, Armenian troops have taken away one horse. **June 2007**
- Mustafa Aliyev, Armenian troops have taken away one horse. **April 2008**
- Polad Gulmammadov, Armenian troops have taken away one horse. **October 2009**
- Xaladdin Valiyev, Bafali Yagubov, Shahin Aliyev – Armenian troops have taken away eight cows. **June 2007**
- Tarzan Aliyev, Armenian troops have taken away one horse with a colt. **2007**
- Elchin Nabiyev, Armenian troops have taken away a herd of 30 sheep. **May 2007**
- Salim Osmanov, Armenian troops have taken away one horse and returned it for a bribe of 150 Lari. **October 2009**
- Karem Cherpanov, Armenian troops have taken away one cow. **October 2008**
- Gazanfar Suleymanov – Armenian troops have taken away one horse. **June 2007**
- Ali Yusibov, Armenian troops have taken away one cow. **October 2009**

Facts for 1990-2000

78. The NGO Coalition and the monitoring group formed by the coalition consider it necessary to point to the facts which occurred between 1990 and 2000. These breaches of human rights were not investigated and no-one was held liable, which is why the violations are still taking place. These facts are making it possible to assess the complexity of the situation on the Georgian-Armenian border and give a legal assessment of the actions of the

Armenian authorities as an active party and the Georgian ones whose inaction runs counter to the Framework Convention for the protection of national minorities.

79. In the 1990 - 2000 period, Armenian military have killed, kidnapped, beaten up and illegally arrested representatives of ethnic minorities who are citizens of Georgia.

Tazakendi village, 1990

80. In the 90s, residents of the Tazakendi village saw Armenian troops detain, torture and then kill a resident of the Sadakhlo village, Sabir, on the Georgian side of the border. These crimes were never solved.

Sadakhlo village, 1993

81. In the autumn of 1993, Armenian armed forces blew up a bridge on the Armenian-Georgian border. As a result, Georgian citizen Ahmad Mahammad oglu was killed.

82. In 1993, Sabir Ibrahim oglu Hamidov was killed on a second bridge. The incident took place during a stand-off involving the kidnapping by Armenian authorities of Tazakendi village resident Xududun Palangov. During talks over the release of Xududun Palangov a verbal bickering broke out between representatives of the Armenian authorities and residents of Sadakhlo during which Sabir Ibrahim oglu Hamidov was thrown off the bridge and died.

Tazakendi village, 1994

83. Residents of the Tazakendi village have informed the monitoring group that back in 1994 local residents were killed by Armenian military in the Tazakendi and Burma villages. "In the early hours of 31 December 1994, Armenian troops came to the village and started writing and saying something we could not understand. Then they took three villagers, Dilman Ashigov, Polad Ashigov (brothers) and Meydan Hagverdiyev, tortured and killed them simply because they belonged to ethnic minorities and were of Azerbaijani origin. Georgian authorities have yet to investigate the killings or do something about that. Their families have been left without bread-winners, not to mention the absence of any compensation.

Sadakhlo village, 1994

84. Shakir Khudris oglu Mahmudov, while returning home in his car, was fatally wounded by a shot fired from the side of Armenian border troops.

Sadakhlo village, 1990

85. Niyaz and Ilyas Mahmudov brothers were kidnapped by Armenian military in 1990, beaten up, tied to a tree and burned.

Sadakhlo village, 1994

86. Kamal Aladdin oglu Fatalov. In autumn 1994, he was severely beaten up on Armenian territory. The seriously maimed man was subsequently thrown into the Debeda river where he died.

Sadakhlo village, 1994

87. Garib Mamalidze was kidnapped by Armenian troops in 1994 and killed, while his body was thrown into the Debeda river.

Sadakhlo village, 1996

88. In 1996, Mahammad Aliyev was savagely beaten up by a group of Armenian military near a bridge at the Sadakhlo market. He was stabbed with a knife several times.

Burma village, December 1995

89. Applicant Mehrali Shamilov, a citizen of Georgia, was detained by Armenian border troops while grazing his cattle, beaten up but managed to escape and return to the village. However, his 18 sheep were kept by the Armenians.

Xuludere village, 1994

90. According to Sharif Yolchiyev, the son of the late village shepherd Ahmad Yolchiyev, on 17 January 1994 a total of 60 armed Armenians on the Georgian side of the borderline Xuludere village forcefully carried away Ahmad Yolchiyev and 102 sheep to the Armenian settlement of Shamlik. The sheep were handed out by the Armenians among residents of Shamlik. The population of Xuludere helped by the neighboring Verannar settlement managed to have Ahmad Yolchiyev released, but the sheep stay with the Armenians. His son has been unable to return the village sheep.

Xuludere village, 1997

91. Resident of the Xuludere village Huseyn Mammadov was attacked by Armenian border troops when fetching brushwood in the forests of Georgia's borderline territory. He was arrested, while his donkey-drawn cart was taken away. Huseyn Mammadov was kept in the Goyjali forest where the Armenian garrison is located for one night, and then taken to the

town of Stepanavan where he was held for another five days. Following demands of the Xuludere villagers, Georgian law-enforcement bodies intervened and managed to return Huseyn Mammadov to his native village. This story has been shared by Huseyn Mammadov's mother who also asked for help in getting the donkey-drawn cart back because the family lives quite poorly.

Conclusions of the Monitoring Group

92. All the above and the findings of other human rights organizations, authoritative international organizations show Armenian authorities are engaged in overt discrimination against ethnic Azerbaijani citizens of Georgia living in the residential settlements of Beitaraphchi, Tazakendi, Burma, Sadakhlo, Molaoghli, Xuludere and Irgancai. This discrimination is accompanied by inaction and connivance of Georgian authorities. The numerous breaches of fundamental human rights described above represent sufficient evidence of the fact that Armenian authorities are deliberately and consistently driving the indigenous ethnic minority population from the said area even though it lives on the Georgian side of the Georgian-Armenian border.