



## Security Council

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### Report of the Secretary-General on the situation in Abkhazia, Georgia

#### I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1462 (2003) of 30 January 2003, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2003 and requested me to report three months from the date of the adoption of the resolution. It provides an update of the situation in Abkhazia, Georgia, since my report of 13 January 2003 (S/2003/39).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. Major General Kazi Ashfaq Ahmed (Bangladesh) continued to serve as the Chief Military Observer. The strength of UNOMIG as at 31 March 2003 was 117 military observers (see annex).

#### II. Political process

3. The Mission continued its efforts to overcome the present political impasse with the ultimate aim of initiating negotiations between the Georgian and Abkhaz sides on a comprehensive political settlement on the basis of the paper on the distribution of competences and its transmittal letter (see S/2002/88, para. 3). On 19 and 20 February 2003, at my invitation, senior representatives of the Group of Friends convened in Geneva under the chairmanship of the Under-Secretary-General for Peacekeeping Operations, with the participation of my Special Representative, for an informal brainstorming session on the way ahead in the Georgian-Abkhaz peace process (see S/2003/39, para. 5). The representatives reaffirmed their support for the principles of a political settlement, as contained in the Security Council's resolutions and the paper on competences. They recommended that the Georgian and Abkhaz sides work in parallel on economic issues, the return of internally displaced persons and refugees and political and security issues. To this end, they proposed the establishment of three task forces, in which the parties, representatives of the Group of Friends and external experts could participate under United Nations chairmanship. The Friends decided to assess the progress on each of the issues individually as well as the balance of the progress between them in June 2003. Depending on this evaluation, the Friends agreed to pursue further steps, including the possibility of convening a fourth conference on confidence-building measures



(after the conferences in Athens in 1998, Istanbul in 1999 and Yalta in 2001). The fourth conference would address all aspects of the peace process, including the substance of the three task forces as well as other projects aimed at rebuilding confidence between the sides.

4. On 3 March, for the first time in approximately four years, the Group of Friends was received, at the ambassadorial level, by the Abkhaz de facto authorities in Sukhumi. In the presence of my Special Representative, they conveyed the recommendations that resulted from the Geneva brainstorming session, presented the position of the international community and listened to the Abkhaz viewpoint. The Abkhaz side raised a number of objections to the recommendations, in particular the inclusion of the political aspect in the third task force. The Abkhaz side continued to refuse to discuss the status issue and rejected the paper on competences as a basis for substantive negotiations as, in its view, the status of Abkhazia has long been determined. To date, however, the Abkhaz side has not formulated its final position on the Geneva recommendations. The Georgian side has taken a cautiously positive stance towards the proposals and has declared its readiness to work towards their implementation. Meanwhile, UNOMIG continued preparatory work for the launching of the task forces once final approval has been received from both sides. At the same time, the mechanism of the United Nations-led Coordinating Council remained suspended, with neither the Council nor its three working groups being able to convene.

5. The period under review was also marked by increased bilateral activity between the Russian Federation and Georgia at the highest level. During the informal summit of the Heads of State of the Commonwealth of Independent States (CIS) in Kyiv on 28 and 29 January 2003, President Vladimir Putin and President Eduard Shevardnadze discussed the re-establishment of the railway link between Sochi and Tbilisi and the return of internally displaced persons and refugees. On 6 and 7 March, during a meeting in Sochi, the two Presidents agreed to create working groups that would address the return of refugees and internally displaced persons initially to the Gali district; the reopening of railway traffic between Sochi and Tbilisi; and energy projects, including the modernization of the hydroelectric power station, Inguri-GES. It was understood that the opening of the railway would proceed in parallel with the return of the refugees and internally displaced persons. Abkhaz de facto Prime Minister Gennadii Gagulia took part in some of the deliberations in Sochi.

6. In February, my Special Representative briefed the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the OSCE secretariat and Permanent Council and the European Union institutions, including the Commission, the Parliament and the Council of the European Union. Subsequently, an ad hoc delegation of the European Parliament (24-28 February), the OSCE High Commissioner on National Minorities, Mr. Rolf Ekéus (25-27 March), and Permanent Representatives to OSCE (27 March-1 April) visited Georgia, including Abkhazia, to meet with Georgian government officials and the Abkhaz de facto authorities and to familiarize themselves with the situation in the area. In Sukhumi, Mr. Ekéus raised the issue of language of instruction in schools in the Gali district and discussed the situation of persons belonging to national and ethnic minorities in the region.

7. On 18 March, the Abkhaz de facto Parliament adopted a proposal, addressed to the Council of Federation and the State Duma of the Russian Federation, to establish associated relations between Abkhazia and the Russian Federation (see also S/2001/1008, para. 8). The Georgian authorities objected, stressing that this would be a violation of international legal norms.

### **III. Operational activities**

8. UNOMIG continued to perform its observation tasks, largely unimpeded, carrying out daily ground patrols in the Gali and Zugdidi sectors as well as fortnightly patrols of three of four days conducted jointly with the CIS peacekeeping force in the Kodori Valley. Helicopter patrols remained suspended owing to security concerns; administrative flights have continued on authorized routes over the Black Sea.

#### **Kodori Valley**

9. The situation in the Kodori Valley has remained calm. In compliance with the protocol of 2 April 2002 (see S/2002/469, para. 10), seven joint patrols were conducted with the CIS peacekeeping force between January and March 2003. None of the patrols observed changes in the armed presence or activities in the upper Kodori Valley. UNOMIG continued to rely on written security guarantees for safe passage and armed escorts for its patrols from both the Georgian and the Abkhaz sides. The de facto Abkhaz Ministry of Defence declined to give written security guarantees or provide an escort to areas off the main road in the lower Kodori Valley.

10. During a patrol from 11 to 14 February, the upper Kodori Valley Administration proposed a confidence-building meeting with representatives of the Abkhaz de facto authorities. UNOMIG's Chief Military Observer conveyed this proposal to the Abkhaz authorities, who received it positively. UNOMIG is now working to arrange the meeting.

11. During a patrol from 25 to 28 February, a jet aircraft was heard circling over the upper Kodori Valley. Low clouds prevented the identification of its type, nationality and flight path. The incident triggered concerns among local residents over possible bombing raids, as had happened in the past. Further investigations provided no additional information.

12. The Abkhaz de facto authorities have repeated their allegations that the Kodori Valley is being used to harbour a large military force and may become an avenue of approach for Georgian operations into Abkhazia later this year after the spring thaw. They maintained their demand that a CIS peacekeeping force checkpoint be established in the upper Kodori Valley. The Georgian authorities reiterated that the armed presence in the valley is for defensive and border control purposes only and does not represent a threat to the Abkhaz side.

13. To facilitate patrols to the Kodori Valley during harsh winter conditions, protective winter clothing was provided to the team, roads were repaired and arrangements were made to pre-position fuel, food and first aid equipment in the valley.

**Gali and Zugdidi sectors**

14. During this period, the overall situation in Gali sector has been assessed by UNOMIG's patrols as generally calm, despite a number of incidents in the city of Gali and the lower Gali area. Local Abkhaz law enforcement agencies have increased patrolling in the upper Gali area in an effort to apprehend criminals and combat organized crime, but without significant results to date.
15. The number of incidents, most of them assessed as criminally motivated, increased in the Gali sector during the past three months, with a reported 22 robberies; eight kidnappings, with four hostages released and one murdered; five killings; five explosions; and seven shootings that resulted in eight casualties. An armed group of approximately 15 individuals has committed several armed robberies in the upper Gali area. They are believed to have been responsible for the armed attack on and robbery of a UNOMIG patrol on 24 January 2003, north of Gumurishi. On 14 February, two buses travelling between Zugdidi and Gali were hijacked and subsequently robbed 50 metres from the Gali militia headquarters. On the same day, an Abkhaz militia officer was shot dead in the town of Gali as he tried to prevent a robbery. During the night of 22 to 23 February, 10 armed and masked men wearing military uniforms abducted a male relative of the Georgian Deputy Chairman of Parliament. He was subsequently executed on the outskirts of Gali. On 25 February, at the village of Tagiloni, a remote controlled anti-personnel mine damaged a minibus transporting staff from the Inguri hydroelectric power station; there were no reported casualties. The intended target of the attack is believed to have been a vehicle belonging to a local law enforcement agency, which was directly behind the minibus. On 16 March, there was an attack on a tractor in the village of Zemo Bargebi, killing the driver and injuring a passenger.
16. The security assessment mission conducted in the Gali and Zugdidi sectors between October and December 2002 (see S/2003/39, para. 13) has finalized its report and submitted to my Special Representative a set of recommendations to assist the law enforcement agencies in the Gali and Zugdidi districts to perform their duties more professionally and effectively. These include provision of training and equipment, strengthening human rights activities, increased recruitment of local residents into law enforcement structures, improving cooperation between the law enforcement agencies on both sides of the ceasefire line and economic rehabilitation. In the view of the assessment mission, the recommendations should be implemented under UNOMIG monitoring and should strengthen the Mission's capacity to carry out its mandate. My Special Representative will proceed with consultations to obtain the consent of all sides for the implementation of the recommendations.
17. The overall situation in the Zugdidi sector has been assessed by UNOMIG patrols as generally calm. A relatively low level of criminal activity has continued, with three killings, three shooting incidents, two explosions, two abductions, two robberies and several car thefts reported by the local authorities. On 2 February, while recovering a stolen vehicle abandoned in the Inguri River, the Deputy Head of the Zugdidi Criminal Investigation Department was shot and killed near Shamgona by gunfire originating from the Abkhaz side of the ceasefire line. On 7 March 2003, a UNOMIG civilian interpreter was kidnapped after leaving Zugdidi sector headquarters. Her abductors held her for seven hours, during which time she was beaten and her apartment ransacked and robbed.

18. Several peaceful demonstrations and blockades occurred in protest of prevailing living conditions, notably the intermittent or non-existent electricity supply. Attempts by the local authorities to improve the situation were largely ineffective. On 18 January, a UNOMIG patrol was stopped near Darcheli for one hour and forty minutes in protest over the lack of road repairs. In February and March, UNOMIG vehicles were blockaded along the main road between Sukhumi and Tbilisi in order to draw the attention of local authorities to the power issue. On 3 March, a UNOMIG patrol was detained in the village of Lia for more than five hours, again by civilians protesting the lack of electricity. The Chief Military Observer met with village mayors from the area and conveyed to them that blocking UNOMIG's patrols would not resolve their problems with the local administration. The blockade of the Inguri River bridge by internally displaced persons ended on 18 February. During the last four days of the protest, three explosive devices were found. One of the devices was defused by the CIS peacekeeping force; the other two exploded but caused no injuries. On 15 February, effigies of a CIS peacekeeping force soldier and a United Nations Military Observer were burned at an otherwise peaceful demonstration in Zugdidi town.

19. The quadripartite joint fact-finding group continued to investigate violent incidents, with all parties regularly attending scheduled weekly meetings and responding promptly to incidents. However, lack of continuity of evidence, poor handling of evidence and slow completion of investigations continued to be problems. Since the last report, five new case files have been opened, including the case of the ambush near the village of Shamgona, which resulted in the killing of the Deputy Head of the Zugdidi Criminal Investigation Department (see para. 17 above). Eight cases are currently under investigation.

#### **IV. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States**

20. UNOMIG and the CIS peacekeeping force have continued to work together closely, notably during joint patrols to the Kodori Valley. Regular staff meetings at the working level complemented the frequent meetings and discussions between the Chief Military Observer and the Commander of the CIS peacekeeping force, as well as weekly quadripartite meetings. On 6 and 7 March, in Sochi, the President of the Russian Federation and the President of Georgia agreed that the CIS peacekeeping force could stay in the zone of conflict until consent is withdrawn by one of the sides. This decision is now pending before the relevant bodies of CIS; meanwhile, the force continued its regular activities.

21. According to information received from the CIS peacekeeping force, on 23 January, an armoured vehicle of the force was shot at while negotiating a bypass route around the blockade at the Inguri Bridge; on 12 February, a CIS checkpoint was fired at, although no casualties were reported; and on the same day, two Molotov cocktails were thrown at vehicles of the CIS peacekeeping force.

#### **V. Humanitarian situation and human rights**

22. International agencies and non-governmental organizations (NGOs) continued their activities directed at alleviating acute food and medical needs and restoring

basic facilities. International NGOs continued to be hampered by restrictions on border crossings between Abkhazia, Georgia and the Russian Federation at the Psou River (see S/2001/401, para. 28), and the level of criminality in the zone of conflict has negatively affected humanitarian relief efforts. On 11 March, a gang of four or five men shot at a truck of the Office of the United Nations High Commissioner for Refugees (UNHCR) south of the village of Zemo Bargebi in the Gali district. There were no casualties and the motive has yet to be established.

23. UNHCR, in cooperation with local authorities and beneficiary communities, continued to focus on the rehabilitation of community educational infrastructures. In 2002, 49 schools were renovated, nine of which in the Gali district. Two of the schools in Gali had been used as barracks for several years before UNHCR's efforts returned them to their original purpose. Assistance is being provided to 270 internally displaced persons in Sukhumi in the form of food and non-food items, as well as the delivery of health and social services.

24. The European Community Humanitarian Office (ECHO) recently renewed its assistance to areas on both sides of the ceasefire line. The ECHO-funded NGO, Acción contra el Hambre, has recommenced agricultural projects aimed at improving the food security of vulnerable populations on both sides of the ceasefire line. The HALO Trust, the area's single largest employer of local residents, remained the only organization working on the Abkhaz side of the ceasefire line clearing mines and providing mine-awareness training. The Swiss-funded NGO, Première Urgence, runs a project designed to improve the living conditions of destitute families by rehabilitating their living space.

25. Since my last report, the human rights situation in Abkhazia, Georgia, has not improved. Basic human rights continue to be infringed upon and the de facto law enforcement agencies lack the capacity to curb criminality, settlement, including kidnappings and murders, and effectively protect its residents. The United Nations Human Rights Office in Abkhazia, Georgia, continued to monitor pre-trial detention facilities, provide advisory services to the local population and carry out small projects in the field to promote international human rights standards. The office was actively involved in efforts to release the four persons detained during the search-and-arrest operation by the Abkhaz militia between 25 and 27 December 2002 (see S/2003/39, paras. 12 and 24). All four were released in the second half of January 2003.

## **VI. Support issues**

26. UNOMIG administration continued to provide the logistical support necessary for the fulfilment of the Mission's mandate. The transfer of assets from the United Nations Mission of Support in East Timor (UNMISSET), the United Nations Interim Administration Mission in Kosovo (UNMIK), and the United Nations Mission in Bosnia and Herzegovina (UNMIBH) enhanced the operational capacity of the Mission. In light of the suspension of helicopter patrolling, UNOMIG has postponed the positioning of a third helicopter (approved in the 2002-2003 budget) until a decision on the resumption of helicopter patrolling is taken.

## VII. Observations

27. Despite the continued lack of progress on the core political issue of the conflict settlement, the future status of Abkhazia within the State of Georgia, new proposals by the Group of Friends as well as bilateral agreements between President Putin and President Shevardnadze have given fresh momentum to the efforts to reactivate the peace process. UNOMIG remains ready to support any initiative that seeks to bring the parties closer to a comprehensive settlement. At the same time, it continues to encourage the sides to accept the recommendations that resulted from the Geneva brainstorming session, that is, to work in parallel on all identified issues, including the political and security aspects. I would like to remind the parties, in particular the Abkhaz side, that the status question cuts across every aspect of a final peaceful settlement. Without its satisfactory resolution, a sustainable settlement is likely to remain elusive.

28. Facilitating the return of internally displaced persons and refugees to their homes in safe and secure conditions remains a core aspiration of the United Nations, even though no additional progress has been made in the implementation of the 1994 quadripartite agreement on voluntary return of refugees and displaced persons (S/1994/397, annex II). The recent agreement between the Georgian and Russian sides (see para. 5 above) to proceed with the re-establishment of the railway in parallel with the repatriation of refugees and internally displaced persons should open the door to progress on this issue. The United Nations remains committed to the creation of conditions conducive to return, in accordance with UNOMIG's mandate and the recommendations of the Joint Assessment Mission to the Gali district of November 2000. Implementation of the measures proposed by the security assessment mission, aimed at creating a safer environment in the area, will also be an important factor in facilitating the process of the return of refugees and internally displaced persons.

29. Recent security incidents involving UNOMIG personnel suggest the need for increased vigilance and prompt me once again to remind all concerned of their responsibilities for both the safety and the freedom of movement of United Nations personnel. The United Nations calls on all parties to bring to justice the perpetrators of criminal acts committed against United Nations personnel on both sides of the ceasefire line, including those responsible for the shooting down of a UNOMIG helicopter in October 2001.

30. Finally, I wish to express my appreciation to my Special Representative, Heidi Tagliavini; her Deputy, Roza Otunbayeva; and the Chief Military Observer, Major General Ashfaq; as well as the women and men of UNOMIG for their untiring efforts to support the peace process, despite the challenging circumstances prevailing in the Mission area.

**Annex****Countries providing military observers (as at 31 March 2003)**

<i>Country</i>	<i>Military observers</i>
Albania	3
Austria	2
Bangladesh	9*
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	5
Hungary	7
Indonesia	4
Jordan	7
Pakistan	9
Poland	4
Republic of Korea	7
Russian Federation	3
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
<b>Total</b>	<b>117</b>

\* Chief Military Observer and aide-de-camp (Bangladesh) are included.



