

The International Response to the Illegal Detention of Georgian Doctor Vazha Gaprindashvili by the Occupation Forces

Source: <https://www.coe.int/en/web/tirana/committee-of-ministers>

The borderization and creeping occupation which Russia launched after the Russian-Georgian war in 2008 has significantly deteriorated the quality of life for hundreds of families who live along the administrative boundary line (ABL). Kidnapping of locals, detaining them on charges of so-called illegal border crossing, and releasing them only after the payment of a fine – as well as capturing cattle from the fields – has become an unfortunate reality of everyday life. This process has mostly affected those whose family homes have appeared on the occupation side of the so-called border. Hundreds of people are deprived of the right to visit their ancestors' graves and to cultivate inherited agricultural land or use fields for livestock grazing. The borderization has triggered a humanitarian crisis to the extent that the occupation forces largely do not allow citizens to pass the crossing points to seek medical services, which has led to serious life-threatening consequences. There are no primary and secondary problems when talking about the occupation, since they all relate to the interference of territorial integrity, military occupation and infringement of a state sovereignty. However, it is possible to triage the situation. The highest priority is to rescue detained Georgian citizens from the occupied forces.

Vazha Gaprindashvili is a name that has become a symbol of civil resistance and a 'headache' to the occupation forces. Doctor Vazha Gaprindashvili has showed that the desire to treat your patients and to fulfill your professional commitment is stronger than the fear of being detained by the occupation forces. On November 9, 2019, Dr. Gaprindashvili went to the Akhlagori region (a region in north Georgia, currently controlled by occupation forces) to visit his patient at home, where he was detained on a charge of so-called illegal border crossing. The Ministry of Foreign Affairs of Georgia informed its international partners about the illegal detention of its citizen. On November 18, the International Red Cross Committee in Georgia, which is the only international organization operating on the occupied territory, managed to meet with Dr. Gaprindashvili at the detention facility.

On November 15, 2019, the so-called Akhlagori court used a pretrial detention and sent Dr. Gaprindashvili to the Akhlagori pretrial detention facility. On December 13, the court moved not to change its preliminary decision, and on December 20 established that Dr. Gaprindashvili was in violation of Russian criminal code and sentenced him to one year and nine months imprisonment. The European Union Monitoring Mission called for the immediate release and reunification with family of Dr. Gaprindashvili. Since his detention, foreign representatives of the European Union, including a spokesperson appointed to the case of Dr. Gaprindashvili, made statements about his release.

The US Embassy to Georgia made two consecutive statements, calling on the de facto authorities and their Russian supervisors to immediately release Dr. Gaprindashvili. The embassy demanded an end to closures of the crossing points along the administrative boundary line. The embassy did not consider the so-called court's decision legitimate. In addition to Mr. Gaprindashvili, the occupation forces detained several other Georgian

citizens, which, in the embassy's opinion, is a significant detriment to the living conditions of the people who live along the ABL.

The Finnish EU Presidency during the OSCE's Permanent Council, the Deputy Chief of Mission of the US to the Permanent Council, and the Estonian Foreign Minister during the ministerial meeting of the OSCE all made statements on Dr. Gaprindashvili's illegal detention. The US specifically "urged Russia to fulfill all of its obligations under the 2008 ceasefire agreement, including the withdrawal of its forces to pre-conflict positions and the provision of free access for humanitarian assistance to these regions, as well to reverse its recognition of the Georgian regions of Abkhazia and South Ossetia as independent states."

The Embassy of France in Georgia echoed EU statements and the Lithuanian Foreign Minister wrote on his Twitter account that the detention of Dr. Gaprindashvili emphasizes the nonexistence of rule of law in the occupied territories. Permanent Representative of Georgia to the United Nations, Ambassador Kakha Imnadze, delivered a statement on the margins of the UN Security Council Open Debate on the role of reconciliation in maintaining international peace and security, where he called for the immediate release of Vazha Gaprindashvili. The president of the OSCE parliamentary Assembly George Tsereteli discussed the borderization and Dr. Gaprindashvili's illegal detention at his speech during the ministerial.

While Georgian territory is under the military occupation of Russia, Russian military forces and equipment are deployed on Georgian territories, the occupying forces kidnap people from along the ABL, crossing points are closed, and human connections between the two sides of the ABL are oppressed, it is critically important for Georgia to have consistent support from its international partners. Unfortunately, the detention of Dr. Gaprindashvili with on the charge of so-called illegal border crossing is not the first case of detaining Georgian citizens. Every citizen's illegal detention by the occupied forces is equally acute regardless of their profession, social condition or any other grounds. Such detention of each Georgian citizen amounts to tragedy, which needs tackling through joint effort.

On December 13, 2019 occupied forces detained three other Georgian citizens – Ramaz Zadishvili, Davit Mishelashvili and Zurab Tukhiashvili – on the same charge. The so-called Akhgori court applied an administrative fine as punishment and the occupied forces released them after they paid the fine. So what happened in Dr. Gaprindashvili's case? In a worsening humanitarian situation, when people are deprived of proper medical services in the occupied territories, Dr. Gaprindashvili's home visit was the only way to treat his 60-year-old injured patient, who was unable to go to Tbilisi for medical care due to the closed ABL crossing points.

After his detention, Dr. Gaprindashvili refused to pay the fine and did not confess to any illegal crossing of the border, since Georgia's internationally recognized border is tens of kilometers away from the ABL. According to the occupying forces, Dr. Gaprindashvili participated in the 2008 war, which is manifestly untrue and aimed only at justifying the illegal detention. After unsuccessfully spreading this rumor, the occupying forces began combing through Dr. Gaprindashvili's cell phone to find anything with which they might have been able to blackmail him. This attempt also failed and the occupying forces, despite knowing the real reason of Dr. Gaprindashvili's visit, used the excuse of a pilgrimage, which the doctor provided himself. Dr. Gaprindashvili did not disclose the real reason of his visit in his official testimony in order to protect his patient from any political or military retribution. The occupation forces intentionally avoided disclosing the real motives of the doctor's visit, in order to remove the humanitarian context from the case and maintain a more humane facade. Fortunately, the whole world saw that despite the protection guarantees that are provided by the international conventions and customary law to medical professionals during their work, the occupation forces recognize neither conventional nor customary norms. Mr. Gaprindashvili was even deprived of the minimum standards of fair trial, which confirms that it is extremely difficult to negotiate with the occupation forces, who do not recognize any standards of international law.

In the current reality, strong international support is the only peaceful means to proactively respond to the illegality of the occupation. International pressure on the occupation forces and an effective and consistent non-recognition policy shall be strong preventive mechanisms. In addition to every Georgian citizen's effort, without strong support from foreign friends, it would have been impossible to rescue Dr. Gaprindashvili, who was released from illegal custody on December 28, 2019. Let's hope that this vicious practice will be changed in 2020.

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