

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Protesting against expulsion of IDPs with violation of Law

Since June 2010 expulsion of IDPs from collective centers has become a massive practice. The expulsions are conducted on the basis of the May 27, 2007 #747 order of the Ministry of Interior Affairs of Georgia "Rules for Inhibition of Seizure or Other Obstruction to a Real Estate Item under the Ownership". According to the noted provision, expulsion of IDPs registered at the collective centre is allowed only after a certificate on expedience of IDPs' expulsion is issued by the Ministry of Internally Displaced Persons from the Occupied Territories of Georgia, Accommodation and Refugees of Georgia (former Ministry of Refugees and Accommodation). After the

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Ministry's issues its consent, IDPs are notified in a written form and they are required to leave premises of the building in five business days. For example, 33 families residing at Tvalchrelidze St. #2, former office of the Pharmacy Unit of the Trans-Caucasian Troops in Tbilisi were evicted in compliance with this rule.

Although under Article 7 of the Law of Georgia on normative Acts stipulates that law takes legal precedence over subordinate normative acts, regrettably, the Ministry of Internally Displaced Persons, Accommodation and Refugees of Georgia was guided by the order of the Minister of Interior Affairs guided expulsion of the IDPs, as opposed to the Law of Georgia on IDPs-Refugees. It shall be noted that the Law of Georgia on IDPs-Refugees prohibits expulsion of IDPs from compounds of compact settlement, unless:

- a) A written agreement has been reached with IDPs;
- b) Respective space of residence is allocated for IDPs, which does not worsen their housing conditions.

Massive expulsion of refugees also violates guiding principles for securing IDPs with long-term residence elaborated by the board of supervisors created in frames of the State Strategy Action Plan. According to the principles, IDPs shall have an opportunity to make a willful and informed decision.

Noted principles foresee providing IDPs with information concerning spaces of the administrative compound to be distributed, prior to starting the process of expulsion. The living space itself shall correspond to "the standards of rehabilitation, reconstruction and construction of collective centers for the purpose of securing IDPs with long-term residence".

Recent expulsions demonstrate that expulsion of IDPs on the basis of the order #747 contradicts the Law of Georgia on the Internally Displaced Persons, as well as standards established by the government itself. Specifically, written agreement has not been reached with IDPs; IDPs did not have an opportunity to make a willful and an informed decision; frequently allocated living spaces failed to meet established standards; deterioration of living conditions of IDPs was evident.

GYLA continues monitoring of the process of expulsion of IDPs. Interested organizations and the society will be informed about the monitoring results. GYLA offers legal aid to victims of the government's unlawful actions.