

Russia Denies Georgian Claims of Ethnic Cleansing

September 13, 2010

The  Moscow Times

THE HAGUE — Russia accused Georgia on Monday of manufacturing allegations of ethnic cleansing in Georgia's breakaway provinces after it failed to regain control of the areas in an abortive five-day war.

Georgia has complained to the International Court of Justice of the murder of thousands of ethnic Georgians and alleged displacement of some 300,000 people in a two-decade campaign of discrimination by Russian authorities and separatist militias in South Ossetia and Abkhazia.

Russian, however, portrayed itself as a mediator and peacemaker, and said Georgia had never complained of ethnic discrimination until it lost the 2008 war. The war broke out just before midnight Aug. 7, 2008, and ended in a European Union-brokered cease-fire Aug. 12. Georgia filed its complaint with the Hague-based court — the UN's highest judicial body — on the same day.

Two years ago, the court issued an emergency ruling ordering both countries to protect

civilians from ethnic violence. But it delayed any action on Georgia's claim that Russia had systematically persecuted ethnic Georgians since the early 1990s after the breakup of the Soviet Union.

The court is the UN's judicial forum for settling disputes among member states.

On Monday, Russia argued that the court had no jurisdiction to hear Georgia's case because Georgia had not previously claimed that a dispute existed.

Georgia was to argue its case on jurisdiction Tuesday. But in a written submission made partially available on Monday, it said it has evidence of a long-standing dispute that falls within the court's purview.

This week's hearings only dealt with whether the court should hear the case at all. If the judges agree that the tribunal has jurisdiction, it will hold separate hearings later on the merits of the complaint. The court's decisions are binding, but it has no means of forcing compliance.

Georgia's complaint was based on alleged violations of a 1965 treaty banning all forms of racial discrimination. But Russia said Georgia had never raised claims of discrimination during normal diplomatic contacts until after its forces were crushed in the 2008 war in South Ossetia.

"The application [to the court] was launched only when it became clear that Georgia's military operation had failed," said Kirill Gevorgyan, head of the Russian Foreign Ministry's legal department.

The tribunal, also known as the World Court, is a court of last resort, the Russian legal team argued. Lawyers said Georgia had not previously sought to resolve its claims through negotiations or through a commission established by the anti-discrimination treaty.

"This is a dispute that Georgia never communicated to Russia until the very date of its application," said Roman Kolodkin, Russia's ambassador to the Netherlands. He said Georgia's appeal to the court was "a continuation of war by other means."

Georgia, in its written argument, said Russia's position was groundless.

"Russia has always denied its responsibility for these acts of ethnic discrimination. But that only goes to confirm the existence of a dispute between the parties as to whether Russia has engaged in discriminatory conduct," the document said. "Georgia says 'Yes.' Russia says 'No.' A dispute exists."

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