

Georgia Border Closure Hurts Armenians

Dozens of Armenians jailed or fined for unwittingly breaching Georgian border regulations. Hovik Elizbarian is currently in jail in the Georgian capital Tbilisi, but is hopeful he will be freed in the new year, under the terms of a recent presidential amnesty.

Elizbarian, 44, is an Armenian national and is serving a four-year sentence after being guilty of crossing the Georgian-Russian border illegally on his way home to Armenia in June. Dozens of other Armenians are sharing his fate, in a problem that could harm relations between the two South Caucasian countries.

All land crossings between Georgia and Russia have been closed for more than a year as a result of the intense political dispute between the two countries. But it is still relatively easy to cross from Russian territory into the unrecognised territory of South Ossetia, and from there into Georgia proper.

As Georgia lies between Russia and Armenia, many Armenians have chosen to travel by this route, only to find themselves accused of a serious criminal offence.

Lela Mchelidze, spokesperson for Georgia's border police, said violating Article 344 of the criminal code by illegally crossing the frontier constituted a grave offence, whatever the nationality of the person who did it.

Human rights activist Arthur Sakunts, who heads the Helsinki Civil Assembly in the Armenian town of Vanadzor, counters that the imprisoning Armenians for crossing the Russian border is a violation of their basic rights.

"Because of the deteriorating relationship between these two countries - Georgia and Russia - citizens of a third country are suffering," said Sakunts. "International conventions and freedom of movement are being violated."

Sakunts has been working to secure the release of Elizbarian, who comes from Vanadzor.

Just a year ago, Elizbarian left Armenia to go to Moscow, where he had a job as a driver. He decided to return home overland as he did not have the money for an air ticket. He crossed what is still the Russian-Georgian international border at the South Ossetian checkpoint of Nizhny Zaramag, unaware that the stamp he received in his passport would cause him problems.

As he was about to cross from Georgia into Armenia at Sadakhlo, Elizbarian was arrested by Georgian officials. He was told he had entered Georgia illegally and that the only legal crossing point from Russia was the one at Upper Lars, although it is currently closed.

On October 30, Elizbarian was sentenced to four years by a court in the town of Gori.

He is not alone -around 70 Armenians have been prosecuted on this charge in the first ten months of this

year.

Lawyer Malkhaz Kapanadze, who defended Elizbarian during his pre-trial detention, said his client was simply unaware of the regulations.

“The Russian border guards at Nizhniy Zaramag didn’t tell him that South Ossetia doesn’t have an official border entry point for Georgia, or that he could be violating Georgian laws and could be called to account for it,” said Kapanadze. “Elizbarian was given an illegal stamp in his passport and told to go wherever he pleased.”

Kapanadze says the court ordered Elizbarian to pay bail of 3,000 laris - around 1,850 US dollars - and that if this was paid he would be released within a month, but his family failed to pay up on time.

Back in Vanadzor, Elizbarian’s brother Robert said the family managed to collect the money with great difficulty, but were unable to bring it to Tbilisi in time.

Armen Grigorian, the Armenian consul in Georgia, told IWPR most of the 73 convicted Armenian citizens had been released after paying fines, and the rest were still in jail in Tbilisi, waiting to hear the verdict in their cases.

The Georgian authorities insist there is no selective punishment of Armenians and they are merely enforcing the law.

Mchelidze provided IWPR with statistical data showing that 340 instances where people had crossed the border illegally had been recorded this year, 125 of them involving Georgian citizens and 69 Armenians. Last year, 55 Georgians and 24 Armenian nationals were detained.

“I don’t know why there’s an impression that the law acts selectively. Both this year and last, Georgian citizens dominate the statistics,” said Mchelidze.

Archil Gegeshidze of the Georgian Foundation for Strategic and International Studies also argued that no exemptions should be made.

“I understand that travelling through Georgia is the cheapest and most convenient way for Armenian citizens, but the Lars crossing is closed through no fault of Georgia’s, and we cannot open the border unilaterally,” he said. “Nor can Georgia cannot change its legislation in relation to Armenian citizens.

“Of course it is unfair when people learn they broken the law when they reach the border, but they need to be informed beforehand and provided with all the necessary information.”

However, Armen Ashotian, a parliamentary deputy from the Armenian Republican Party, said the issue has damaged relations between the two South Caucasian countries. He said that he had raised the issue with the Armenian government.

“Last year, I provided statements and complaints from the families of 40 detainees to the Armenian foreign ministry, but Georgia has still not resolved this issue,” he said. “We have to be twice as insistent in our demands to get the matter resolved.

“The fact that Georgia cannot control territories which it regards as its own are a problem for it, not for our citizens who are getting convicted. Georgia prefers to burden our citizens with its own problems, and that’s neither ethical nor right.”

Ashotian noted that Armenia also has influence in Georgia because of Javakheti, the Armenian-majority area of the latter country, and concluded, “Both sides have an interest in having good bilateral relations.”

There are expectations that the Armenians currently in detention in Tbilisi will be freed soon. According to Salome Makharadze, spokeswoman for Georgia’s penitentiary department, everyone convicted under article 344 of the criminal code should be released under amnesty before January 1.

However, the issue is likely to recur as long as the Georgian-Russian border remains closed and Armenians mistakenly choose the shortest way home.

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