

CONSTITUTIONAL LAW OF THE REPUBLIC OF ABKHAZIA

ON REPATRIATES

(as amended on November 8, 2005 № 1167-c-XIV)

ARTICLE 1. REPATRIATES (COMPATRIOTS)

Repatriates (compatriots) are ethnic Abkhazians (Abaza), direct descendants of refugees who fled the historic territory of residence of Abkhazians (Abaza) as a result of the Russian-Caucasian and Russian-Turkish wars and other events of the 19th century, who have received the right to return to the Republic of Abkhazia in the manner prescribed by this law.

ARTICLE 2: RIGHTS OF REPATRIATES

Persons granted the status of repatriates have:

the right to life and personal integrity; no repatriate on the territory of the Republic of Abkhazia shall be subjected to arbitrary arrest or detention; no repatriate shall be deprived of liberty except on the grounds and in accordance with the procedures established by the legislation of the Republic of Abkhazia;

the right to protection from arbitrary or unlawful interference with privacy;

the right to inviolability of the home and correspondence;

the right to equality before a court and, if necessary, to free assistance of an interpreter in court proceedings on the territory of the Republic of Abkhazia; the right to choose a spouse, to marry, to found a family;

the right to freedom of thought, opinion, conscience and religion; freedom to practice one's religion or beliefs on the territory of the Republic of Abkhazia may be restricted only by law of the Republic of Abkhazia for reasons of public safety, order, public health or morals or fundamental rights and freedoms of other people in the Republic of Abkhazia;

the right to preserve their native language, culture and traditions;

the right to restore one's Abkhazian surname;

the right to be educated in their native language;

the right to take part in the cultural life of the Republic of Abkhazia;

the right to education;

the right to work in a profession acquired in the country of former residence;

the right to freely leave the Republic of Abkhazia;

the right to freedom of movement and choice of residence on the territory of the Republic of Abkhazia, which may be restricted by law of the Republic of Abkhazia;

the right to receive legal protection from public authorities of the Republic of Abkhazia on the territory of the Republic of Abkhazia;

the right to own movable and immovable property on the territory of the Republic of Abkhazia in accordance with the current civil legislation of the Republic of Abkhazia.

Repatriates permanently residing in the Republic of Abkhazia on a legal basis enjoy the following rights in accordance with the laws of the Republic of Abkhazia:

the right to peaceful assembly, subject to the rules established by the laws of the Republic of Abkhazia;

the right to safe working conditions and to fair wages and remuneration for work of equal value without distinction of any kind;

the right to join trade unions and other organizations or associations of their choice and to participate in their activities in accordance with the laws of the Republic of Abkhazia;

the right to health care, medical care, social security, social services, education and recreation, subject to the requirements of the legislation of the Republic of Abkhazia.

ARTICLE 3: DUTIES OF REPATRIATES

Repatriates are obliged to comply with the laws of the Republic of Abkhazia and to respect the customs and traditions of the Republic of Abkhazia.

ARTICLE 4: ACQUISITION OF THE STATUS OF REPATRIATE

The status of a repatriate is obtained:

in the order of registration;

according to the simplified procedure.

The State Committee of the Republic of Abkhazia on Repatriation shall establish the procedure for submission of applications, petitions and documents attached thereto.

Applications and petitions are submitted by legally capable persons.

The State Committee of the Republic of Abkhazia on Repatriation shall issue to persons granted the status of repatriate in accordance with this Law a certificate of receiving the status of repatriate in the established form.

The status of repatriate obtained by a person in accordance with this Law shall apply only to members of his family (husband, wife, minor children under the age of 18) and shall not be inherited.

ARTICLE 5. ACQUISITION OF THE STATUS OF REPATRIATE BY REGISTRATION

Ethnic Abkhazians (Abaza), direct descendants of refugees who fled the historic territory of residence of Abkhazians (Abaza) as a result of the Russian-Caucasian and Russian-Turkish wars and other events of the 19th century, can acquire the status of repatriate by way of registration.

In order to acquire the status of a repatriate by registration, the following documents should be submitted:

an application for the status of repatriate; a copy of the birth certificate;

a copy of the passport;

a written document provided by state or national-cultural authorities of the Abkhaz community of the country of residence, or written documents issued (signed) by 2-3 repatriates or natives of that country who are now citizens of the Republic of Abkhazia, confirming the Abkhaz ethnicity of the person applying for the status of repatriate, its origin from direct ancestors who were forced to leave the historical territory of Abkhazia.

All documents should be in Abkhazian or Russian. If the original document is in any other language, an officially certified copy in Abkhazian or Russian should be attached to the copy of this document.

Duly completed documents are submitted to the State Committee of the Republic of Abkhazia for Repatriation. The State Committee of the Republic of Abkhazia for Repatriation shall render a decision within one month after receipt of the documents. In case of a negative decision of the State Committee of the Republic of Abkhazia on Repatriation, a person applying for the status of a repatriate may appeal against the decision in court.

ARTICLE 6: ACQUISITION OF THE STATUS OF REPATRIATE IN A SIMPLIFIED PROCEDURE

Direct relatives up to the third degree (mother, father, adult children, grandchildren, brothers, sisters, grandparents) of a person who has received the status of repatriate of the Republic of Abkhazia can acquire the status of repatriate under the simplified procedure.

To acquire the status of repatriate under the simplified procedure the following documents should be submitted:

an application with a request to be granted the status of repatriate;

copy of the document confirming kinship relations with the person granted the status of repatriate;

a copy of the certificate confirming that their relative has been granted the status of repatriate;

a copy of passport.

All documents should be in Abkhazian or Russian language.

If the original document is in a third language, an officially certified copy in Abkhazian or Russian shall be attached to the copy of this document.

The duly completed documents are submitted to the State Committee of the Republic of Abkhazia for Repatriation, which renders a decision within a week from the date of receipt of the documents.

Compatriots who found themselves in the countries of residence in the zone of military, interethnic and other conflicts, in situations that threaten their life, health, political, social and other rights and freedoms, which create the danger of persecution on racial, ethnic, religious, linguistic or other grounds, also have the right to obtain the status of repatriate in a simplified manner.

For this purpose, they shall send to the State Committee of the Republic of Abkhazia for Repatriation an application for obtaining the status of repatriate of the Republic of Abkhazia.

The State Committee of the Republic of Abkhazia on Repatriation verifies the information specified in the application and makes a decision within two weeks from the date of receipt of the application.

ARTICLE 7: PERIOD OF VALIDITY OF THE STATUS OF REPATRIATE

The repatriate status obtained under this Law shall be valid for 5 years from the date of its acquisition.

ARTICLE 8. DELETED

ARTICLE 9. LEGAL STATUS OF PROPERTY OF REPATRIATES IN THE REPUBLIC OF ABKHAZIA

The property of repatriates shall be recognized and protected in the Republic of Abkhazia.

Repatriates in the Republic of Abkhazia may own all types of property envisaged by legislation in force. No restrictions may be imposed on the rights of repatriates in respect of real estate owned, used and disposed by them within the territory of the Republic of Abkhazia.

Repatriates have the right to participate in privatization of objects owned by the Republic of Abkhazia.

Repatriates have the right to export the income received from the use of property on the territory of the Republic of Abkhazia outside the territory of the Republic of Abkhazia in accordance with the legislation of the Republic of Abkhazia.

ARTICLE 10. TAX PRIVILEGES FOR REPATRIATES

Repatriates on the territory of the Republic of Abkhazia enjoy tax privileges in accordance with the legislation in force.

ARTICLE 11. GUARANTEES OF THE LEGAL STATUS OF PROPERTY OF REPATRIATES

The following guarantees of property of repatriates shall be established in the Republic of Abkhazia:

guarantees against nationalization and requisition;

guarantees against legislative decisions worsening the legal status of repatriates;

guarantees against actions (inaction) of public authorities of the Republic of Abkhazia and their officials violating the legal status of repatriates.

ARTICLE 12. GUARANTEES AGAINST NATIONALIZATION AND REQUISITION

Property of repatriates in the Republic of Abkhazia may not be subject to nationalization and requisition, except in exceptional cases directly envisaged by the laws of the Republic of Abkhazia, where such measures are taken in the public interest or to ensure national security of the Republic of Abkhazia.

The laws of the Republic of Abkhazia shall establish the procedure for nationalization and requisitioning.

In the event of nationalization or requisition, repatriates shall be provided with prompt, adequate and effective compensation. Compensation payable to a repatriate shall correspond to the real value of the property being nationalized or requisitioned at the time of the decisions on nationalization or requisition. The amount of compensation shall be transferred abroad without levying of corresponding taxes.

Decisions of State bodies of the Republic of Abkhazia on nationalization and requisition may be appealed in the courts of the Republic of Abkhazia. Judicial review of cases on nationalization and requisition of property of repatriates begins no later than seven days from the date of submission of the claim.

ARTICLE 13. SAFEGUARDS AGAINST ADOPTION OF LEGISLATIVE ACTS WORSENING THE LEGAL SITUATION OF THE PROPERTY OF RETURNEES

If the law of the Republic of Abkhazia, adopted after the entry into force of this Law, deteriorates the legal status of the property of repatriates in the Republic of Abkhazia and this deterioration can be proved in the judicial authorities of the Republic of Abkhazia, then this law does not apply to persons who acquired the status of a repatriate at the time of entry of the law worsening the situation of repatriates into force.

The requirements of this article do not apply to legal relations arising in connection with issues of ensuring public safety and public order, public morals, human life and health, protection of

the environment, the cultural and historical heritage of the people of the Republic of Abkhazia, protection of consumer interests, and taxation.

ARTICLE 14. GUARANTEES AGAINST ACTIONS (IN ACTIONS) OF PUBLIC AUTHORITIES OF THE REPUBLIC OF ABKHAZIA AND THEIR OFFICIALS THAT VIOLATE THE LEGAL STATUS OF REPATRIATES

Repatriates have the right to compensation for harm caused by actions (inactions) of public authorities of the Republic of Abkhazia and their officials.

Compensation shall be made on the basis of judicial decisions rendered in judicial proceedings in the Republic of Abkhazia.

Article 15. State Policy on Assistance to Repatriates

The Republic of Abkhazia shall provide legal, material and other assistance to repatriates.

For this purpose, a long-term state repatriation program shall be developed in the Republic of Abkhazia, which shall define the main directions of state assistance to repatriates.

The main directions of the state program are specified in the annual programs for assistance to repatriates, which are approved by the Decree of the President of the Republic of Abkhazia no later than March 1 of the current year.

The long-term state program of repatriation and the annual programs created on its basis must provide for the authority of the Cabinet of Ministers of the Republic of Abkhazia and the heads of city and district administrations of the Republic of Abkhazia in following matters:

employment of repatriates and, if necessary, training them in new professions or reprofiling them;

allocation of land for the construction of housing for repatriates both at their expense and at the expense of the Republic of Abkhazia;

providing repatriates with both temporary and permanent housing;

solving the issues of social and medical care;

recognition of certificates, diplomas and other documents confirming the receipt of appropriate education, specialty, issued in the country of previous residence;

creating conditions for receiving education;

Creation of specialized centers for teaching the Abkhaz language at the expense of the Republic of Abkhazia.

Funds for the implementation of the state repatriation program are accumulated in an extra-budgetary Repatriation Fund.

Officials of the authorities, in case of failure to fulfill their assigned responsibilities for the implementation of the state repatriation program, bear disciplinary responsibility in accordance with the legislation of the Republic of Abkhazia.

ARTICLE 16. REPATRIATION FUND

For the purpose of assisting in the implementation of the State Repatriation Program an extra-budgetary Repatriation Fund shall be established under the State Committee of the Republic of Abkhazia.

This Fund shall be established and operate on the basis of the legislation of the Republic of Abkhazia. The main purpose of the Fund is to facilitate implementation of the state repatriation program and to provide direct assistance to repatriates of the Republic of Abkhazia.

The procedure for managing the Fund is determined by the Cabinet of Ministers of the Republic of Abkhazia.

ARTICLE 17. GROUNDS FOR LOSS OF REPATRIATE STATUS

Grounds for loss of repatriate status are:

The will of the person; the death of the person;
expiry of the status of repatriate.

The State Committee of the Republic of Abkhazia on Repatriation may deprive a person of the status of repatriate if the person has this status:

- (a) advocates violent change of the constitutional order of the Republic of Abkhazia;
- (b) is a member of political, public and other organizations, the activities of which are incompatible with the constitutional principles of the Republic of Abkhazia;
- (c) on other grounds stipulated by normative legal acts of the Republic of Abkhazia.

The resolution of the State Committee of the Republic of Abkhazia on Repatriation to deprive a person of the status of repatriate may be appealed by him/her in judicial bodies of the Republic of Abkhazia.

Adopted by the People's Assembly of the Republic of Abkhazia

June 1, 1998.

PRESIDENT

OF THE REPUBLIC OF ABKHAZIA

V. ARDZINBA

Sukhum

June 5, 1998
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