

# The Human Rights Information and Documentation Center (HRIDC)

Alternative Report for the Committee on the  
Elimination of Racial Discrimination

July, 2005

Presented by the International Federation for Human Rights (FIDH)

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This alternative report is prepared to be taken up in connection with the consideration of the second and third periodic reports of Georgia on its implementation of the Convention on the Elimination of All Forms of Racial Discrimination.

This report is prepared by the Human Rights Information and Documentation Center (HRIDC), a Tbilisi, Georgia based human rights NGO, corresponding member of the International Federation of Human Rights (FIDH). The report covers the period from 2000 to 2005 and aims at giving additional information to what has already been submitted by FIDH to the CERD (FIDH report on ethnic minorities in Georgia)

## Introduction<sup>1</sup>

In November 2003, the 12-year-long regime of Edward Shevardnadze was ended by the “Rose Revolution”. After the parliamentary elections in November protest actions started, demanding Shevardnadze’s resignation. Mikheil Saakashvili, leader of the opposition, led a group of protestors into the parliament while security forces escorted Shevardnadze out of the building. On November 23 Shevardnadze resigned and an interim government was appointed under the leadership of Nino Burjanadze, Chairperson of the Parliament.

On 4 January 2004, new presidential elections were held and Saakashvili won an overwhelming majority. Officially, the voter turnout amounted to 83%, 96% of which voted for Saakashvili. In March 2004, new parliamentary elections were held that were won by a coalition of National Movement and the United Democrats, which received 135 deputy mandates. In addition, the Rightist Opposition, a coalition between the Industrialists and the New Rights, received 15 mandates.

Soon after taking office, President Mikheil Saakashvili announced measures for the implementation of far-reaching political and economic reforms in Georgia.

With the purpose of establishing a unitarian government and giving to the residents of the region the opportunity to enjoy democratic principles and general freedoms, which they lacked during Shevardnadze’s office and the regime of Aslan Abashidze, former leader of the Autonomous Republic of

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<sup>1</sup> For more detailed information on the political and HR situation Georgia, see «One Step Forward Two Steps Back”: The Human Rights in Georgia after the “Rose Revolution”, HRIDC, Tbilisi, December, 2004, on <http://www.humanrights.ge>

Adjara; the autocratic regime in Adjara, historically a region of Georgia, has been changed.

The reforms of the new authority referred to different bodies and structures. It is notable that anti-corruptive measures have been carried out in different bodies, with mixed results

The recent legislative and constitutional changes are of particular concern. These measures include constitutional changes that allegedly enhance executive authority at the expense of the legislative and judicial branches of government. The changes made by the Parliament, on February 6, 2004, strengthened presidential powers by allowing the president to dissolve parliament. Another amendment empowers the president to appoint and dismiss judges, thereby increasing the president's influence over a judiciary that already suffers from a lack of independence. The President has the right to halt or annul international agreements, treaties, Georgian laws and presidential enactments. Moreover the government rushed through those constitutional changes without publishing the draft amendments for public discussion as required by the Constitution.

Those concerns about the legislative changes are expressed in reports by the International Helsinki Federation for Human Rights<sup>2</sup>, Human Rights Watch<sup>3</sup>, the International Federation for Human Rights (FIDH)<sup>4</sup>, Amnesty International<sup>5</sup> as well as the Council of Europe (Venice Commission<sup>6</sup>, Parliamentary Assembly<sup>7</sup>, Directorate of Strategic Planning<sup>8</sup>)

The Rule of Law is still shaky. The procedural norms are violated every day by quick and unjustified decisions of law enforcers and other authorities, which sometimes cause further problems or end in the revocation of declarations.

HRIDC has documented patterns of human rights abuse and observed the number of facts of torture and ill-treatment by the police in the pre-detention isolators of the Ministry of Interior as well as arbitrary detentions. Torture in pre-trial detention is still common and the criminal justice system fails to protect the victims of abuse. It should be mentioned as well that since the revolution two people have died from torture in Georgia. Particular concern is voiced over the statements of President Mikheil Saakashvili's on law

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<sup>2</sup> For the full version of the report visit: [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=3860](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860)

<sup>3</sup> <http://hrw.org/english/docs/2004/02/24/georgi7650.htm>

<sup>4</sup> For the full version, visit: [http://www.fidh.org/article.php3?id\\_article=1585](http://www.fidh.org/article.php3?id_article=1585)

<sup>5</sup> For the full version, visit: <http://www.humanrights.ge/eng/stat29.shtml>

<sup>6</sup> <http://www.humanrights.ge/eng/news79.shtml>

<sup>7</sup> <http://www.humanrights.ge/eng/stat41.shtml>

<sup>8</sup> <http://www.humanrights.ge/eng/news167.shtml>

enforcement that seem likely to encourage lower officials to violate basic rights.

On the basis of NGO observation it could be stated that the prerequisite political, public and psychological atmosphere for defending fundamental human rights does not exist in Georgia.

What is more, especially Chechen refugees on Georgian territory are vulnerable to forced repatriation to Russia, where they face serious threats to their lives, safety and freedom.

After the new government has come into power the facts of about the dispersal of a peaceful demonstration by force has had a common and frequent nature. This is the violation and rejection of fundamental human rights. We consider that the governmental actions like that that are monitored frequently in the post-revolutionary Georgia, causes the establishment of an atmosphere of fear in the society that will reanimate the authoritarian regime in the country.

The facts confirm that government has changed, but beatings remain the same. Clubs are being hoisted against demonstrators, who are fighting for their freedom of speech. After the November revolution, people have held many protests with different demands, but these demonstrations, in contrast to the autumn's occasion, were dispersed by special teams of police.

The First result of Democratic Georgia's development is that Georgia is ranked 94th in an annual worldwide index of press freedom issued by the Paris-based lobby group for media rights Reporters Sans Frontiers (Reporters Without Borders). The report indicates the state of press freedom in a total of 167 countries. In last year's similar report, which included a total of 166 countries, Georgia was ranked 73rd. To our regret, this is a fair estimation.<sup>9</sup>

In early 2004, there were concerns that the diversity of the media was being significantly reduced since most of the media formerly connected to the opposition now supported the government, leaving very few outlets that did not have a pro-government orientation. Post-revolutionary Georgia becomes a standard-bearer of oppression on free media.

It is obvious that the government is carrying out some reforms using non-democratic methods and is violating fundamental human rights in the name of fighting crime. It is absolutely unacceptable to convince the public that any methods are acceptable for achieving these objectives. Unfortunately, in spite of the fact that the government has been changed, the motto - "the end justifies the means"- has remained the same.

## I – GENERAL INFORMATION

*On March 2003, the President of Georgia signed a decree approving a plan of action to strengthen protection of the rights and freedoms of various population groups of Georgia for the period 2003–2005. (State Report §24)*

This document has been addressed by a note verbale to the OHCHR (see doc E/CN.4/2003/G/42)

In fact only few steps have been taken for complying with the activities. Farther more, the Governmental bodies that are primarily responsible for implementing the goals contained in this section of the Plan, have not even published the recommendations of the UN and other relevant committees towards Georgia. These documents are publicized and disseminated by the efforts of NGOs only.

It should be mentioned as well that despite the fact that the government takes responsibility to carry out the appropriate measures in order to comply with the international norms and UN recommendations, most of the activities in regard with the elimination of the discrimination and the protection of minority rights have been done by the NGOs.

### ***Objective 1: Adoption of amendments to the existing legislation and elaboration of new legal acts***

#### *1) Adopting legislation condemning all forms of racial discrimination.*

Art 142' is amended a response to this on 6 June, 2003.

#### *2) Ratifying the Framework Convention of the Council of Europe for the protection of National Minorities.*

Despite the fact that the European Framework Convention for the Protection of National Minorities (signed on 21 January 2000) should have been ratified within a year, it is still awaiting the ratification. The deadline for its ratification has several times been postponed; according to the recommendation of the Council of Europe, Georgia should ratify the mentioned convention by September, 2005.

#### *3) Signing and ratifying the Charter of the Council of Europe on Regional and minorities Languages*

The Charter of the Council of Europe on Regional and minorities Languages has neither been signed nor ratified.

#### *4) Elaborating “concept for National Minorities” and the respective legislative proposals to implement it*

The concept was prepared and ready to be discussed by the parliament but the discussion was not conducted and postponed.

*Objective 2 : Increase the role and participation of ethnic minorities in the decision making process*

A groups of ethnic minority – Public Movement “Multinational Georgia” have been asking to establish a special council within the apparatus of the president studying the issue of ethnic minorities, but despite the years of their demand nothing has been done to that direction.

*Objective 3 : ensure effective protection of human rights and freedoms of minorities*

*Objective 4 : combat religious extremism and intolerance*

Please refer to part II article 5d

*Objective 5 : Support civil integration*

The fifth section of the Plan, devoted to the activation of the process of civil integration and the achievement of national accord it is not adequately implemented as the legislative and executive branches, and civil society organizations are not effectively cooperating and involved in this process. The government refuses to cooperate with the minority groups such as “Multinational Georgia” which represents 26 organizations of ethnic groups. Very often they are excluded because they did not support the “Rose Revolution”.

## *II) INFORMATION RELATING TO the ARTICLES OF THE CONVENTION*

### *Article 2*

Paragraph 1 of article 2 of the convention, states that (a) «Each State Party undertakes to engage in no act or practice of racial discrimination (..) and to ensure that all public authorities and public institutions, national and local, shall act in conformity with these obligations»

Nevertheless, HRIDC has documented cases of discriminations by States official.

– persecutions against person of African origin, committed in 2001, have not been adequately investigated

**Mass detention of black minorities in Tbilissi<sup>10</sup>**

On the 15th of December 2001 group of foreign citizens approached HRIDC office to redress their violated rights. According to them on the 9th of December, roughly at 7 a.m. foreign citizens (from Kenya, Nigeria, Sierra-Leone, Rwanda, Ghana, Bangladesh) were unlawfully arrested by Varketili III Police officers in Tbilisi and were delivered

<sup>10</sup>

Source: Bulletin “Human Rights in Georgia”, #26-27, 2001, HRIDC



to Isani Police station. According to Kenyan citizen Daniel Rizana Police officers demanded from them to sign unfamiliar forms filled in by policemen themselves.

Detainees demanded the presence of interpreter but their demands were ignored. Several hours later they were delivered to the main division of Tbilisi Police where other Afro detainees were present.

Some of them were from Rwanda, Nigeria, and Kenya. New detainees were settled in single cameras and were interrogated by officers who hardly knew English. As it appeared later the reason of their detention was expired visas, although as it appeared most of them held valid visas.

Detainees were held for 72 hours in main division of Tbilisi police in cold cameras without food, in absence of information, lawyer and interpreter. They were under physical and psychological stress and could only hear each other in dark rooms where they spent all this time. They thought their lives were threatened.

On the 12<sup>th</sup> of December detained on charges of illegal stay in the country 20 persons were taken to Georgian Azerbaijanian border, so called "red bridge". On the way to the point of destination some detainees were tortured by police officers by applying electric shock.

They were unlawfully arrested by Varketili III Police officers in Tbilisi one more time on December 31, 2000 and January 3, 2001. And the only and the main reason of detention in all cases was COLOR OF THEIR SKIN.

#### **Another fact of racial discrimination in Tbilisi<sup>11</sup>**

On The 5<sup>th</sup> of March 2001 Nigerian citizen Tony Rizana who temporarily resides in Georgia addressed the HRIDC. According to him, on the 4<sup>th</sup> of March at night unknown individuals from Rizana's neighborhood have severely beaten his friend Ernest Joku. Joku is in hospital at this time undergoing medical treatment. The reason why he was beaten apparently was racial issue. Tony Rizana informed about the fact Varketili Police. According to police the investigation proceedings had been launched.

#### **– Harassment against Chechen refugees**

Please refer to annex 1 for information on discrimination against Chechen refugees

### *Article 4*

#### **Prohibition of propaganda and organizations promoting racial hatred and discrimination**

In its concluding recommendations in 2001, CERD criticized the – and encouraged that article 142 1 on racial discrimination it. The amendment was done in 2003 and article 142' of the the Criminal Code reads as follows:

*“1. Racial discrimination, that is, an act committed with the intention of inciting ethnic or racial hatred or conflict, injuring national dignity, or*

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<sup>11</sup> Source: Bulletin “Human Rights in Georgia”, #3 (29), 2001, HRIDC

*directly or indirectly restricting human rights or granting advantages on the grounds of race, skin colour, social status or national or ethnic affiliation, shall be punishable by deprivation of liberty for up to three years;*

*“2. The same act, committed with the use of violence that endangers life or health, or with the threat of such violence, or through abuse of one’s official position, shall be punishable by deprivation of liberty for up to five years;*

*“3. The acts referred to in paragraphs 1 and 2 of this article, if committed by an organized group, or if they resulted in the death of the victim or other serious consequences, shall be punishable by deprivation of liberty for a period of between three and eight years.”*

This article is not effectively used in practice. So far, no one has been prosecuted under this article. The main reasons are that population lack the information that discrimination is punishable by the legislation or the police tries to give other qualification to the fact....

### *Article 5*

Article 5 b) The right to security of person and protection by State against violence or bodily harm, whether inflicted by government officials or by an individual group or institution

See annex I on Chechen refugees and annex II on Roma

Article 5 (c) The right to participate in elections and to take part in government

*During the reporting period, elections were held in Georgia at all levels: local, presidential and parliamentary. (SR §54)*

In accordance with the Basic Law, local government leaders are elected. It should be pointed out, that the elections of local government were to be held in 2004, but it was postponed to 2006. It is noteworthy as well that the concern was expressed towards the election of CEC members as its majority is composed by the National Movement.

(d) Other civil rights

article 5 d ii) The right to leave any country, including one’s own, and to return to one’s country

On the repatriation of Meskhetians, deported from Georgia in 1944, it should be mentioned that the special commission has been created working on the issue of repatriation of Meskhetians, but despite the request of Meskhetians themselves to be involved in the mentioned commission they were not included that caused their dissatisfaction.

#### Article 5 d vi) The right to freedom of thought, conscience and religion

The official status of religious minorities continued to be a problematic issue in Georgia in 2004. There is no law specifically detailing the rights of minority religious groups, although the government does have a formal concordat with the Georgian Orthodox Church signed in 2002. In 2004 the issue of minority rights centered a great deal upon organizational and building rights. It remained virtually impossible for non-Orthodox religious groups to build places of worship, either because they were refused permits by secular authorities claiming that the 2002 concordat gives the Orthodox Church the right to veto applications by other religious bodies, or because of strong resistance and the threat of violence from local populations. Many minority leaders believe that the only solution to such restrictions and to ensure the freedom of religion guaranteed in the Constitution is to enact a law explicitly authorizing them to organize as legal entities like other NGO's with institutional rights of property ownership and financial operations.<sup>12</sup> Religious minority communities (e.g. Jehovah's Witnesses, Baptists and Lutherans) continued to suffer low-level violence such as vandalism of their church buildings.

The problems of discrimination against religious minorities have been addressed by the Special Rapporteur on freedom of religion and belief after a visit in Georgia in August Septempbre 2003 ( see E/CN/2004/63/add.1) and by some international NGOs<sup>13</sup>

HRIDC wants to stress the following points

According to the Constitutional agreement between the State and the Orthodox Church, the orthodox church has a privileged position by comparison to other religion. It should be mentioned for exemple that the Orthodox Church is free from taxes unlike the other confessions.

There were numerous cases of religious extremisms in the previous year, and the government did nothing to prevent it (for exemple, police did not take appropriate measures)

Although the new government took some steps to suppress the religious extremism (like, the arrest of the extremist priest Basil Mkalavishvili),

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<sup>12</sup> Lawrence A. Uzzell, *Moscow Times*, "Repression despite the Rose Revolution," 22 December 2004, distributed by Human Rights Without Frontiers, [www.hrwf.net](http://www.hrwf.net).

<sup>13</sup> See HRW Memorandum to the US Government on Religious violence in the Republic of Georgia, August 29, 2001 on <http://www.hrw.org/background/eca/georgia> and HRW report on Georgia: [www.hrw.org](http://www.hrw.org)

it was done with brutal methods. In an open Letter to the EU / CFSP mission to Georgia, FIDH and HRIDC express concern towards the excessive violence used in the arrest of Old Calendarist Priest, Basil Mkalavishvili. His detention on March 12, 2004, also illustrates this phenomenon. The Human Rights Information and Documentation Center, although admitting the necessity to sanction Basil Mkalavishvili and other religious extremists, condemned the way the police stormed the church and beat approximately 30 people.

**Statement of the Human Rights Information and Documentation Center**

The Human Rights Information and Documentation Center (HRIDC) expresses its grave concern regarding the recent increase in the number of human rights violations.

On the morning of March 12, 2004, riot police dispersed a meeting of supporters of renounced priest Basil Mkalavishvili by using force. The meeting took place in Tbilisi. Approximately 30 people were severely beaten, mostly women, and the temple was attacked. The police operation took place before television cameras.

The Human Rights Information and Documentation Center supports the detention of Basil Mkalavishvili and other religious extremists, and hopes that the religious intolerance will be punished and eliminated in Georgia.

However, we condemn the violence and are concerned with the fact that Mkalavishvili had not been detained a day earlier, when he was holding a press-conference in the center of the city with the presence of the police, where he could have been detained without any excesses.

This indicates either the non-professionalism of the police and the ignorance of fundamental human rights, or the government's attempt to build an atmosphere of fear in Georgia, and to terrify the society with these kind of measures.

Human Rights Information and Documentation Center condemns these Soviet-style methods of government and violence and the creation of an atmosphere of fear. We call for the protection of the fundamental rights and freedoms. The Center advocates the punishment of the religious extremists as well as the leaders and the participants of this police action.

Although the new government does not support the religious extremists, it doesn't act to solve the problem. This issue seems more concealed now, but there still have been some cases in the previous months

***Danger of Religious Extremism<sup>14</sup> (2004)***

***NGO "Civil Council for the Defense of Fundamental Rights and Freedoms" organized a press-conference to discuss religious extremism in the country and protest the violent attempt against Father Giorgi Chachava, the orthodox priest of Santa Panteleimon church.***

On June 4 this year (2004), Father Giorgi Chachava, the priest of Santa Panteleimon church was attacked by the orthodox priest of Santa Nino church – Father Davit Kvlividze. The members of the Civil Council applied to the President of Georgia. In their statement they pointed out the positive changes regarding the religious extremism in post-revolution Georgia, but they condemned the aforementioned fact and reported that "there are some forces in Georgia that wish to show Georgia as a wild and uncivilized country in which only fundamentalism and fascism can find home." The danger of religious extremism was emphasized in the address and the members of the Civil Council demanded the lawful estimation of criminal actions and defense of human rights.

Today, the first panel of judges of the Constitutional Court of Georgia has finished the hearing of the case of a Rustavi former judge and a Georgian Public Defender versus the Parliament of Georgia.

The claimants alleged the violation of the Articles 42 and 29 of the Constitution. The allegations say that the Disciplinary Council constitutes an institution operating as a court and its decisions are final and should be executed immediately. So, the Disciplinary Council appears to be the punitive body of judges.

The Constitutional Court of Georgia will announce a decision on June 22.

A small Baptist congregation in Velitskikhe faced fierce opposition in November (2004) from local residents as they tried to erect a home for their deacon. The Gurjaani district governor reportedly arrived in the middle of a demonstration on 8 November and reportedly told the Baptists that, although he respected them, the authorities could not go against the will of the people, despite the fact that the Baptists have official permission to build. As of early 2005, the Baptists were unable to continue building because of continuing threats whenever they attempt to begin.<sup>15</sup>

#### Strikes on "Jehovah's Witnesses Becoming Frequent

*Tbilisi.13.07.05.Media News.* According to the information provided by the Public Defenders Office in Kutaisi on 26 June, a group of 50-60 people gathered in front of the house at 44, Tabidze Street and demanded that the repairs going on inside be stopped or they would burn down the house and physically assault the owners of the property.

The new owners, members of the Jehovah's Witnesses religious group, were afraid of confrontation and so called for the police patrol.

According to the words of the Public Defender, Mr Sozar Subar, the police patrol took into custody two Jehovah's Witnesses, Mr X. Norakidze and Mr T. Chogidze, to the first office of Kutaisi Internal Affairs Police Department whereupon they confiscated their driving licenses and identity cards and where they also were offended by the inspector, Mr Shamil Robakidze. According to the statement of the Public Defenders Office, this type of action towards Jehovah's Witnesses has been going on everyday and has mostly been promoted and guided by the Orthodox priest, Father Zosime.

The violence towards the Jehovah's Witnesses was repeated on 5 July when the Public Defenders representatives arrived in Kutaisi in order to obtain more information about the above mentioned situation.

"On the same night, a couple of persons threw bricks at the people inside the house and shouting at them for daring to ask the Public Defender for help. There were injuries and windows were broken as well" said Mr Subar. No single person has been arrested from amongst the group of offenders and the criminal court case is open only on incident from 5 July.

#### The Religious Extremism Continues<sup>16</sup>

**At first look, it appears that the discrimination of people on the basis of religion has not occurred since the new government came to power. The facts, however, about the hidden problems from the side of the government, speak differently. The facts showing an increase in discrimination of the religious minorities has grown with the number of complaints increasing from three last year to 12 in the first three months of 2005 in the Public Defenders Office. In spite of the many efforts by Public Defender and his representatives, the majority of the complaints was left without response by the police and Office of Public Prosecutor showing, all too well, the apathy and partial action of some leaders of law enforcement bodies.**

<sup>15</sup> Felix Corley, Forum 18, "Who incites anti-Baptist village mobs?" 14 January 2005, distributed by Human Rights Without Frontiers, [www.hrwf.net](http://www.hrwf.net).

<sup>16</sup> See HRIDC web site, [www.humanrights.ge](http://www.humanrights.ge)

On 29 June 2005 in Kutaisi, an incident took place involving Goderdzi Kvaratskhelia, Khvicha Norakidze and Teimuraz Chogovadze who were threatened with the seizure of property and torching the house were working on despite the building having been legally purchased. The new owners, it must be said, were “Jehovah’s Witnesses” who called the patrol police for help but were left without any response. Instead the “Jehovah’s Witnesses” were apprehended and taken to the office of the Kutaisi Internal Affairs Police Department where their ID cards and driving licenses were confiscated and where they were also subjected to verbal offence. Further offenses were made to those left at home. This type of action towards the representatives of this religious minority has continued almost every day with the congregation having gathered in their yard with the encouragement of a local Orthodox priest. The arrival of the representatives of the Public Defender’s office in order to obtain more information of the situation became one more reason for provocation with some members of the local community throwing bricks at the house. At this time the repair works have stopped and no one has been arrested. Similar acts of discrimination on the basis of religious affiliation have also manifested themselves in the district of Akhmeta. In 2003 Nanuli Javakhishvili, a resident of the village of Khodasheni, legally bought a building to set Baptist church in motion. Repair works are on going in this building but two Akhmetians, the former owners of the building, took away the key from Ms. Javakhishvili by force at the beginning of June and gave it to Mr Akaki Bibilashvili, the Gamgebeli (the local governmer) of Khodasheni, who will not return the key but intends to pass this building to the office of National Movement.

#### Article 5 d vii) The right to freedom of opinion and expression

The freedom of expression and information in Georgia is a concern for local NGOs as well as for international organizations. HRIDC documented some cases of discrimination and restrictions of the printing media of ethnic minorities.

#### **Why is an Azeri Journalist being Persecuted in Georgia?<sup>17</sup> (June 05)**

*Niaz Husseinov, editor-in-chief of the Azeri magazine “Yeni Dushenje” (“New Thought”), human rights coordinator of the NGO “Georgian and Azeri Journalists” and current political refugee, talks again of the persecution of him and his brother by Georgian law-enforcement bodies and accuses the Georgian special forces of using old Soviet pressure tactics. Husseinov says that the Government is exercising pressure on him through his family.*

Following the closure of the Georgian-Azeri magazine “Ieni Dushenji” (“New Thought”), its editor-in-chief Niaz Husseinov is being persecuted by law-enforcement bodies which have forced him to emigrate to Azerbaijan. Husseinov compares this whole situation and the pressure that has been put on him to the repression which existed under Stalin’s regime and says that using old Soviet pressure tactics, Georgian law enforcement bodies have arrested his brother, Hajar Husseinov. According to Niaz, his brother was in fact taken hostage in order to force Niaz to submit himself to the law-enforcement bodies.

The Human Rights Information and Documentation Centre covered the story of the closure of the journal “Yeni Dushenje” and the persecution of Husseinov’s family. Later, the situation “improved” so that Hajar was charged with fraud (swindle) and he was sentenced to 5 years imprisonment. However, recently his health condition has worsened and he has been suffering from psychological trauma due to his time in prison. According to Giorgi Tediashvili, Hajar Husseinov’s former attorney, during his last visit to him in prison, Hajar’s mouth was sewed shut and Tediashvili could not talk with him. Also, in spite of the fact that Hajar’s health condition is worsening, he has been given no medical treatment.

Tediashvili says that the accusations made towards both Niaz and Hajar Husseinov, including the charge of fraud, are false and are based on false witnesses who are notorious for being real swindlers and have testified in a number of other cases.

According to Niaz Husseinov, the persecution of him and his brother by the Georgian Special Forces is a political issue. The decision of the Georgian Supreme Court to sentence his brother, who was the photo correspondent for the magazine “Yeni Dushenje” to 5 years of imprisonment, came as a shock to the Husseinov family. As former editor-in chief, Niaz Husseinov cannot understand why his family is being persecuted by the Georgian law-enforcement bodies. He wonders whether it is because his brother was helping the Labour party, because he refused to collaborate with the law-enforcement bodies, because he has been one of the few Azeris who have managed to integrate into the Georgian society, or because he was fighting for the freedom of speech and press.

Hajar Husseinov, Azeri journalist and brother of Niaz Husseinov, editor-in chief of the now closed down Azeri magazine “Yeni Dushenje” is trying to prove his innocence from Baku and is asking human rights organizations for help.

#### **Chechen – Crime Whose Order is Georgian Special Service Fulfilling<sup>18</sup>**

*The Georgian government continues persecution of Chechen refugees. On October 9 this year Security Ministry officers of Counter-terrorist Centre arrested Visami Tutuyev, a director of Kavkaz-Center Chechen news agency, a refugee from Chechnya near Tbilisi City Municipality building. He was not allowed to contact his lawyer and his cell phone was confiscated. After 5 hours’ of detention in the Counter-terrorist Centre office he was released but since that Special Service had been keeping an eye on him. It should also be noted that on the next day of Tutuyev’s detention unidentified people wounded the journalist’s son in Baku. Visami Tutuyev asserts that the conflict was deliberately provoked and aimed at intimidating him.*

*Kavkaz-Center news agency which was provided with internet service by a Lithuanian company has temporarily stopped operation. A few days ago the agency was prohibited to work on the grounds that it is provoking ethnic and religious conflicts, though the Lithuanian Committee discussed the issue in the light of the journalistic ethics and ascertained that the agency does not provoke ethnic and religious conflicts and that in the materials of the agency there is no information supporting terrorism.*

On October 9, 2004 Security Ministry officers of Counter-terrorist Centre arrested Visami Tutuyev, a director of Kavkaz-Center Chechen news agency, a refugee from Chechnya near Tbilisi City Municipality building. On October 8 a certain Lali got in touch with Visami Tutuyev on the phone, introduced herself as an employee of the First Channel of the Georgian Television and they agreed on meeting the next day in the evening. Instead of the employee of the First Channel Tutuyev was met by the officers of Counter-terrorist Centre and took him to the Centre for interrogation. According to the journalist he had been

detained there for five hours and during interrogation he was not allowed to contact his lawyer and his cell phone was confiscated.

Next day, on October 11 unidentified people wounded the journalist's son in Baku, whose injuries were so serious that he spent 5 days unconscious in one of the hospitals of Baku. Visami Tutuyev considers that the conflict was provoked and aimed at intimidating him. He also claims that after his release special services were exercising psychological pressure on him which means that his phone calls were listened to and they did not even conceal the fact that they were watching the director of Kavkaz-Centre.

The journalist's temporary arrest took place on the next day of transmitting information about his site through the Russian Television. It should also be noted that on the second day of publication Chechen families were searched in Tbilisi by the order of the Interior Ministry. On the same day police and security officers rushed into the house of Geno Djokhidze, Vice President of the Association of Journalists.

Kavkaz-Centre news agency which was provided with internet service by a Lithuanian company has temporarily stopped operation. The Russian Exterior Minister urged to shut the agency down. A few days ago the agency was prohibited to work on the motive that it provoked conflict and supported terrorism; though Lithuanian Court passed a decision in favor of the latter and on October 20, 2004 Lithuanian Committee with request of the court discussed the issue of Kavkaz-Centre and ascertained that the agency does not provoke ethnic and religious conflicts; also in the materials of the agency there is no information supporting terrorism.

Human Rights Information and Documentation Centre expresses major concern regarding the persecution and psychological pressure exercised on Visam Tutuyev, the director of Kavkaz-Centre news agency and also on the members of his family. We also consider it inadmissible to close the site of the news agency due to being charged with terrorist activities and we demand from the Georgian government to ensure the security of the refugee, Visam Tutuyev and normal conditions to go on with his work without any obstacles.

Our Centre also demands appropriate reaction from the side of the international organizations and governments.

## Article 5 d ix) Freedom of association

Some restrictions have been observed in the process of the NGO registration.

### Legislation Changes for the Restriction of Civil Society<sup>19</sup>

#### The Government Strengthens Supervision over the NGOs through Legislative Amendments

*Authority has thrown all its power into creating controls over NGOs and forcing changes to Article 35 of Georgian Civil Code on November 26, 2004, which pertains to "State Supervision over Activities of a Union or Foundation." The amendment addresses the rights of an interested individual with respect to the liquidation of a Union or Foundation. NGO representatives are quite unclear about the notion of an "interested person", however, because the law does not define the term.*

Before considering the amendment itself, I would like to give some quick background about the activity of Unions and Foundations, their registration, reorganization and liquidation.

Civil code regulates the legal relationship, not only of persons, but of non-commercial legal individuals as well. This latter category includes organized entities created for the attainment of stated objectives and having property ownership which is independently liable. It also acquires rights and duties in its own name, makes transactions, and can sue or be sued (Article 24 of the Civil Code of Georgia).

Having reviewed the amendments in Article 35 of the Georgian Civil Code, we now focus on non-commercial legal entities under the private law that includes



Unions and Foundations.

Under Article 30 of the Civil Code of Georgia, a legal entity whose objective is not entrepreneurial may exist as a Union (Association) or as a Foundation. Unions and Foundations, in addition, carry out their own entrepreneurial activity, which has a supplementary nature and does not serve to receive a profit, but to accomplish the common goal of a legal entity.

Unions, as legal entities, are subject to registration by the court; Foundation registration, however, is handled by the Ministry of Justice.

It was formulated in the Civil Code of Georgia (prior to the amendment), that a court/the Ministry of Justice would cancel the registration of a Union or Foundation if it actually engaged in entrepreneurial activity (not as a supplemental) or if attaining the objectives of its charter had become impossible.

According to the first amendment of Article 35 of the Civil Code of Georgia on June 24, 2004, the Ministry of Justice is now granted the right to revoke registration, which means that court is now deprived of the right to register; these rights is transferred to the territorial state registering branch of the Ministry of Justice. According to expert Lali Bakradze, this amendment is unconstitutional and that is why another amendment had to be made on November 26 of 2004. Its clauses provided that:

1. A decision about cessation and restriction of activity of a Union or Foundation is to be made by the court by the organic law determined and established cases.

2. The Court is to examine and decide whether or not to restrict the activity of a Union or Foundation in cases in which it has actually turned to entrepreneurial activity or its objectives have become impossible to accomplish; this examination is conducted on the basis of a petition from either the Ministry of Justice or a concerned entity.

3. In the event that a decision is made by the court to restrict the activity of a Union or Foundation, the territorial state registering branch of the Ministry of Justice must cancel the registration.

There is a tendency, then, that the courts are again granted the right to make decisions regarding the abolishment or restriction of Union and Foundation activity according to the amendment of November 26 of 2004. This amendment enters into force on March 2, 2005. The Court examines a matter on the basis of a petition from the Ministry of Justice or a concerned entity; and this means that the rights of an entity regarding the activity of Union and Foundation are expanded. The representatives of NGOs, however, have only a very vague notion about the nature of the entity concerned.

## **Article 5(e) Economic, social and cultural rights**

### **Article 5e i) Right to work and free choice of employment, to just and favorable condition of work, to protection against unemployment, to just remuneration**

HRIDC did not collect specific information on racial discrimination in the access to employment. But as State reports to CERD gives a lot of statistics, we want to give the following clarification

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Employment does not necessarily ensure a Georgian an escape from joining the ranks of the poor. Clearly the presence of an unemployed head of family is most likely to result in a family in poverty. However, a substantial number of families with an employed head also fail to escape poverty. Most jobs, especially in cities, are created in the informal sector. Many of these jobs are part-time or temporary in unregulated small-scale low-paying activities.<sup>20</sup>

Wages are so low that they constitute no more than 34.5 per cent of total income, falling significantly below the critical level (60 per cent). As a result, efforts to restore job motivation in Georgia are making extremely slow progress.<sup>21</sup>

Though official figures<sup>22</sup> show the rural unemployment rate (loose methodology) is 6%, this figure is biased because the existing law on employment dictates that any farmer owning at least one hectare of agricultural land is by definition self-employed. It is not surprising then that the majority of self-employed are employed in agriculture (67.4%). The national unemployment rate is considerably affected by rural figures because these artificially decrease the national unemployment rate while increasing, also artificially, the participation rate.

### Article 5 e iii) The right to housing

From the point of view of racial discrimination, the existing laws and regulations in this area are neutral and do not contain any restrictions on the right to housing on the discriminatory grounds referred to in the Convention. Though despite the fact, the cases of discrimination still take place. HRIDC has documented several cases of violation relating to the housing of IDPs – exiling them from the premises without remuneration as well as discrimination of Students arrived to Georgia from various countries, in particular, from Turkey, Pakistan, India, Iraq, Syria, Shri-Lanka, Morocco and Maverick studying at different Universities of Tbilisi. For several years they have been the victims of money extortion and under the fear of exile from the university dormitory.

#### *Corruption is Widely-spread at the Ivane Javakhishvili State University<sup>23</sup>*

*It is already several years since the leaders of Ivane Javakhishvili State University hospice have been extorting money and threatening with physical injury. These regards to those students, who had arrived to Georgia from the various countries of Asia and Africa for getting education. Each year students pay 300 USD to the managing staff of hospice, otherwise they are deprived of their property – TV set, mobile phone, etc. Students have repeatedly applied to the Security Ministry Department of Constitutional rights' Defense, to police and other bodies asking to help them with these illegal facts, but in vain.*

Human Rights' Information and Documentation Centre along with the "Centre of Defense of Migrants and Foreign Citizens' Rights and Security" are concerned with the flagrant violation facts of foreign students living in Georgia.

Students having arrived to Georgia from various countries, in particular, from Turkey, Pakistan, India, Iraq, Syria, Shri-Lanka, Morocco and Maverick study at different Universities of Tbilisi. For several years they have been the victims of money extortion, carried out towards them by the managing staff of hospice.

<sup>20</sup> An alternative report on Economic, Social and Cultural Rights in Georgia, 2002

<sup>21</sup> An alternative report on Economic, Social and Cultural Rights in Georgia, 2002

<sup>22</sup> (UN human development report, Tbilisi, 2001)

<sup>23</sup> 6. 12. 04. <http://www.humanrights.ge/eng/stat51.shtml>

The majority of migrant students, who live in Ivane Javakhivishvili State University hospice, “Bagebi” is forced to pay the so-called “official” rent 300 USD per year to the leadership of hospice, whereas their living is free of charge and no official payment is fixed. There is not any agreement between the students and the management of the hospice and students’ demand regarding this (to make an agreement) had been declined. Those foreign citizens, who have not got enough money for paying the rent, are deprived of their property: TV set, mobile phone or any other thing. In case the student wants to move to another room he/she has to pay bribe from 100\$ to 400\$. Students’ rooms have often been robbed and the hospice management cannot provide the security of their belongings.

Herewith, hospice leaders threaten students with deportation, with unissued high education diplomas and physical injury, if they disclose the above-mentioned facts of violation.

The action of the managing staff of hospice situated in “Bagebi” oversteps the legal limits and comprises the signs of crime. Students have repeatedly applied to relevant bodies regarding the mentioned facts, but without result. Two months ago students met Gia Alania, the head of Constitutional Rights Defense’s first division of Security Ministry Department, they gave him evidences and told in detail regarding the threats from the leadership, the widely-spread corruption and extortion; Students have presented special form proving that they really pay unofficial rent and despite the promises of representatives of Constitutional Rights’ Defense Department to react to this problem, not a single step has been taken for helping the students.

Human Rights’ Information and Documentation Centre along with the “Centre of Defense of Migrants and Foreign Citizens’ Rights and Security” apply to the management of the University, to General Prosecutor’s Office, the Security Ministry and other relevant authorities to show appropriate reaction to the financial violence, which is carried out towards the foreign students living in hospice of “Bagebi. ”

## Article 5 e v) Right to education and training

The majority of the Georgian population spoke Russian during the Soviet period, which served as the language of inter-ethnic communication. Since obtaining the independence, the insufficient knowledge of the State language by representatives of minorities living in Georgia is still a serious problem.

Recently, in conjunction with the OSCE, training programmes for officials have been set up. In the regions with large numbers of minorities, the effectiveness of these programmes is very limited. Some developments are, however, more promising. Some people, including the teachers participating in this programme, have emphasized the positive impact of the recent opening of the local branch of the University of Tbilisi in Akhalkalaki which provides courses in Armenian and Georgian. The translation into Armenian of certain programmes shown on Georgian television is also a new element.

## Article 5 e vi) The right to equal participation in cultural activities

*Azerbaijan Theatre – the Problem to Be or Never to Be Solved<sup>24</sup>  
Georgian Ministry of Culture Ignores Problems at the Azerbaijan Theatre  
Georgian Ministry of Culture has refused to react to the illegal machinations occurring at the Azerbaijan theater. The actors have appealed for help to the Ministry, but all in vain.*

***Azerbaijan actors speak openly about the violations, pressure and even blackmail on the part of theater leaders and the Georgian Ministry of Culture's unwillingness to act.***

The Theatre of Azerbaijan was founded in Georgia as a result of an agreement made several years ago between the presidents of Azerbaijan and Georgia. Ten Azerbaijani students were admitted to the Shota Rustaveli State Institute of Theatre and Arts and were prepared for the theater. Anzor Dolenjashvili, who was originally chosen as the theater's art director, was, by decision of the Cultural Department of Tbilisi Mayor's Office, unexpectedly switched with Irakli Azikuri. Actors say Azikuri, who is unknown within Georgia's cultural world, is completely lacking in professionalism. The actors further suspect that the theater management is engaging in illegal financial activities. Specifically, individuals registered as employees of the theater appear to be "ghost" employees—no one knows anything about them. Of the 52 actors registered, only 15 of them are known to the theater staff. The actors of this theatre are inexperienced performers who don't even speak Azerbaijani. The actors high dissatisfaction with their art director has resulted in some illegal dismissals and others refusing to work. The Ministry of Culture of Georgia knows all of this, and Human Rights Information and Documentation Center has sent them a letter specifically requesting that a special commission be established to study the situation.

In 2004, the students applied to the Ministry demanding Irakli Azikuri's dismissal. Two actors were subsequently dismissed from the Theater – Namig Gajiev and Namik Muraev-- who consider their dismissal was conducted illegally and are calling for the financial police to inspect the theater's financial records.

The art director exercises various forms of coercion on the actors who remain in the theatre. Azikuri demanded from actor Viugar Mashov to write a letter confirming that he did not sign a statement demanding the art director's dismissal. If Mashov refused, he would lose his job.

Azerbaijan Diaspora applied to the ministry of Culture to solve the mentioned problem. The statement was delivered to Deputy Minister Kvariani but after a long wait in vain, Azerbaijanis demanded to take the case away from Kvariani and deliver it to someone else. It is noteworthy that this letter was also delivered to Tamar Kvariani. As a result, the case has been frozen in Ms. Kvariani's hands.

The Human Rights Information and Documentation Center appealed to Ilgar Japarov, the head of the Culture Department of the Embassy of Azerbaijan to investigate the problem further. Mr. Ilgar Japarov stated that the existing leadership of the theater is completely unprofessional. "The director has confrontations with actors and that's why no performances are prepared at the theater," stated Japarov. He demands a concrete decision from the Ministry of Culture. According to him, he spoke with the Minister of Culture on this problem as well as with theater management, dismissed actors, and members of the Azerbaijan intelligentsia. Despite efforts of the NGOs and Azerbaijan Diaspora, the leadership of the theater continues to ignore their appeals. Mr. Ilgar considers that this problem is that of the Georgian Ministry of Culture.

But despite the efforts of the Human Rights Information and Documentation Center, the Georgia's Ministry of Culture still refuses to address the problems. The Center demands from the Ministry act promptly and appropriately to investigate the charges against the Azerbaijan Theater.

# Recommendations

HRIDC and FIDH ask CERD to take into account the following recommendations than can be made to the Georgian government:

- to ensure that an end is put to all forms of racial discrimination and intolerance;
- to ensure the protection of minorities and to guarantee their full and equal enjoyment of human rights and fundamental freedoms;
- to ratify the European Framework Convention for the protection of National minorities, conform to its obligations undertaken with the Council of Europe;
- to adopt a special law on national minorities;
- to ensure that national legislation is in full conformity with article 4 of the Convention;
- to ensure that special attention is paid to the issues of national minorities and / or racial discrimination in the ombudsman office
- to ensure, through dissemination and awareness-raising among population, the appropriate use of the art. 142' on racial discrimination of Georgian Penal Code
- to raise the awareness of available legal remedies;
- to take all necessary steps in order to increase the representation of national minorities in Parliament and in local bodies;
- to encourage balanced economic development throughout the country
- to take the necessary measures to facilitate the return of Meskhetians and the acquisition of citizenship by them;
- to ensure the adequate right to education of the national minorities;
- to ensure the security of Chechen refugees, defend them from discrimination and refrain from any forced extradition or deportation
- to ensure the defense of Roma rights in particular with the right to education, right to liberty and security, equality before the law as well as other fundamental human rights.

## ANNEX I Persecution against Chechen Refugees in Georgia

Human Rights Information and Documentation Center is concerned about the frequent violation of Chechen's rights living in Georgia under the status of "refugee." Contrary to the obligations of protecting refugees, the authorities do not defend refugees' rights and security sufficiently. Thereby the responsible authorities themselves are violating refugee rights and taking measures of punishment against them.

There are several cases that illustrate the pro-Russian politics of the new government toward Chechnya. Its victims often turn out to be innocent people. Among such cases are: the "Disappearance" of two Chechens, released from the court house in February of the current year, a special operation conducted in Pankisi Gorge (when female refugees had been beaten and male refugees detained) as well as numerous illegal detentions of Chechens.

### The situation of Chechen refugees

Recently there were some allegations that families of Chechen refugees living in Pankisi gorge have accused the Ministry of Refugees and Settlement of illegally annulling their refugee status.

#### See for exemple : **Chechen Families Lose Refugee Status**

*Tbilisi. 22.03.05. Media-News.* Nearly 80 families of Chechen refugees living in Pankisi gorge have accused the Ministry of Refugees and Settlement of illegally annulling their refugee status. The representative of the Georgian Public Defender, who runs a special commission in the region of Kakheti established on the initiative of the public defender, have already begun to study their cases.

The cases of 35 of the 80 families have not been considered because of the absence of documentation. As the case emerged, it was found that 12 families were registered in the Akhmeta region. Representatives of the Public Defender's office explain that according to article 10, paragraph 2 of the law on Georgian refugees, they don't have the right to claim refugee status. The commission has sent them official letters denying their request based on this technical requirement.

The commission must recheck the data of 36 other families in the Supreme Council of Justice in order to make sure that they are not registered as citizens of Georgia.

#### ***Chechens Continue Hunger Strike***<sup>25</sup>

For more than a week Chechen refugees living in Georgia have been on a hunger strike in front of the UNHCR building in Tbilisi. The participants do not intend to stop the hunger strike, and they demand that the UNHCR fulfill their requirements. The refugees have demanded that 500 Chechen refugee families be taken to a third country, or that their living conditions in Georgia be improved.

Yesterday the health conditions of five Chechen women participating in the strike deteriorated to the point that they had to be taken to the hospital.

According to the refugees, the administration of the UNHCR absolutely ignores them and refuses to implement any of their requests. According to one of the women, when she went up to the UNHCR office to tell them about all of the problems that Chechen people encounter in Georgia, one staff member of the UNHCR would not even listen to her, and turned her out of the office.

It should be mentioned as well that in October 2004 the Georgian Ministry of Interior stated that they are going to submit a list of Chechen refugees to the Russian Federation. This was followed by protest of NGOs.

**See for exemple :** NGOs Against Submitting List of Chechen Refugees to Russia<sup>26</sup>  
The NGO "Former Political Prisoners for Human Rights" protests against submitting a list of Chechen refugees to Russian federation. "Russian authorities perceive every male adult Chechen as a terrorist, and they will send "unconfirmed" material accusing them of being terrorists. For its part, the Georgian government tries to attract Russia by giving in and not trying to find reasons to refuse their extradition"- declares Nana Kakabadze, head of the organization.

## Disappearances

- Two Chechen refugees, Islam Khashiev and Hussein Alkhanov, who had been charged with violating border regulations, disappeared after being acquitted by a Tbilisi Court on 6 February. It was alleged that on the next day they were kidnapped by unknown individuals and were deported to Russia without any legal procedures. Their fate remained uncertain despite the claims in the Russian media on 25 February that Russian authorities had detained them. However, in a BBC's "Hardtalk" interview on 8 March President Saakashvili denied that any secret extradition had taken place but called the two Chechens "armed combatants," despite the court decision to acquit them.

### **Chechen Refugee disappeared<sup>27</sup>**

PANKISI GORGE, GEORGIA - On February 12, 2003, Chechen refugee in Georgia, Adam Talalov, disappeared. He represented the Chechen republic Ichkeria in Georgia as a deputy. He supervised humanitarian aid for refugees and their accommodation. The 41 year old Chechen refugee went out of this home on February 12 and then disappeared.

It is supposed that his "disappearance" is connected with the protection of the rights of Chechen refugees and political reasons (From the beginning of September 2002, during the so-called anti-terrorist measures conducted jointly by the Georgian Security Forces and the Ministry of Interior, refugees from Chechnya have been intimidated and mistreated.

On 20 September 2002, 25 y/o Hussein Yusupov was taken from a checkpoint within the Pankisi Gorge to the Anti-Terrorist Center of the Ministry of Security of Georgia. He was kept there, without a court decision, for five days. Georgian authorities claim that he was released on 25<sup>th</sup> September, but since then he has been missing.

### *Disappearance of two Chechens in Tbilisi (2004)*

<sup>26</sup> Information of the Agency Media News available on HRIDC on-line magazine [www.humanrights.ge](http://www.humanrights.ge)

<sup>27</sup> "HUMAN RIGHTS IN GEORGIA" # 3-4( 49-50), March-April, 2003), HRIDC

*Today the NGO "Article 42 of the Constitution" organized a press conference concerning the disappearance of two Chechens: Mr. Islam Khashiev (previously know as Bekzan Mulkoiev, Elikhajiev) and Mr.Husein Alkhanov (previously know as Temur Baemurzaev). Among others attending the press conference were advocates Lia Mukhashavria and Archil Chofikashvili, Khizri Aldamov, and Maka Khanchukaeva.*

*On February 6, 2004, the Chechens were acquitted by the Tbilisi District Court of a variety of charges stemming from their border crossing from Chechnya into Georgia in 2002. They left home in Vashlidjvari at 11am on February 16, and had planned to visit the Ministry of Refugees, but they have not been seen since.*

*Lawyers involved in their recent case were informed about this occurrence late last night. The missing persons were expected to participate in a meeting with a fact-finding delegation from the European Court of Humans Rights on February 23.*

## Operation targeting Chechen refugees and/or Kisty<sup>28</sup>

### **Chechens are Pursued in Georgia**

TBILISI, GEORGIA - On December 7, 2002, the representatives of Internal Affairs Ministry and Security Ministry began to enter the family homes of Chechen refugees and Georgian citizens with Chechen identities. They detained them and then took them to the police department to take fingerprints, photos and to create video material.

While entering the homes the police did not show their orders or identification cards. In addition to men, women and children were also detained. They were not allowed to contact their attorneys. Among the detainees was the chairman of the Chechen Diaspora Khizri Aldamov, who is the citizen of Georgia. In addition, police and security officers attacked the office of the NGO "Caucasian House" and detained several Chechen workers. ("Caucasian House" works on conflict resolution issues in the Caucasus and especially on Chechens' problems.)

The total number of detainees was approximately 80, including 70 Chechens, 7 Africans and several from Pakistan.

All the detainees were released the same day.

The Human Rights Information and Documentation Center protests such illegal actions, declaring that such 'anticriminal' operations smack of ethnic cleansing. Such activities violate the human rights of Georgian citizens. These kinds of activities would seem to indicate that the Georgian government still functions according to communist methods. ("Human Rights in Georgia", #11-12, 2002 HRIDC)

### ***Chechens Detained During Special Operation in Pankisi Gorge***<sup>29</sup>

Early in the morning of August 3, 2004, the Security Ministry held a special operation in six villages of the Pankisi Gorge. Eleven persons were detained and charged with illegally keeping and transporting weapons; nine of them have already been released. During the special operation the police searched the houses of not only Chechen refugees, but also of native Kists.

At present the entrance to Pankisi Gorge is closed. Inhabitants of Duisi village protest the special operation and are conducting demonstrations. They allege that the searching and detention were illegal.

### **Special Operation Team of State Security Treats Chechens Cruelly**

On August 4, 2004 we received information from the Georgian Centre for Psychological and Medical Rehabilitation of Torture Victims (GCRT) that the special operation team of the Georgian state security conducted an operation against Chechen refugees in Pankisi, namely in the villages Duisi, Djokola and Khalatsani.

During the special operation the special operation team of the state security treated Chechen women in particularly cruel manner. They severely beat 14 Chechen women; 12 of them were taken to Akhmeta Hospital on the very day and 4 of them turned out to have concussion of the brain. It should be noted that one of the women was pregnant.

According to received information the special operation policemen made the women to fall on their knees and then beat them with the butt of the gun (Kalashnikov).

<sup>28</sup> Chechen minority living since XIX century in Georgia

<sup>29</sup> Information of the Agency Media News available on HRIDC on-line magazine



Besides the special operation team detained about 20 Chechens most of which were released later, but four of them Hasan Okiev, Iakhshir Salami, Vakhtang Margoshvili and Aleksandre Burchashvili are suspected in selling drugs.

### *Arbitrary Detention and Beating of Chechen Refugee – Rustam Anzorov<sup>30</sup>*

*The representatives of Human Rights NGOs and mass media are concerned with the arbitrary detentions of Chechen refugees. On August 24, 2004 police detained three Chechens based on anonymous information according to which the Chechens had been in possession of weapons. Although this information had not been proven, Anzorov appeared to be unable to avoid Georgian justice and was imprisoned for hooliganism and putting up resistance to police forces. Anzorov, who had been beaten by the police is now in Tbilisi jail #1 serving three months of pre-detention. NGOs fear that Anzorov is in danger of being extradited to the Russian Federation.*

On August 24 patrol police detained Rustam Anzorov, Adam Baisuev and Islam Donaev based on anonymous information. Rustam Anzorov is still in detention, while the two others have been released. According to Tariel Chochishvili, the detainee's attorney, Anzorov was attacked by law-enforcers and was forcedly pulled out from the car all the while being threatened with a gun. Due to Anzorov's Chechen identity, he neither understands Georgian nor does he speak Russian properly. Hence, he was unable to communicate with police forces. These language deficits resulted in considerable confusion and misunderstandings as the police did not manage to explain the reasons for his detention. In the following he was beaten and hit on the head with a gun several times to be taken to the Vake-Saburtalo police department, where, according to his attorney, policemen continued his beating and torture for an hour.

The alleged beating of Anzorov has been proven by an independent expertise given by Maia Nikoleishvili. The expertise concludes that the injuries and the bruises found on the detainee's body have been caused by a hard object (objects). However, the scope of the damage is considered light. Nevertheless, this estimation may change after the examination by a neuropathist.

The next day Anzorov's defense appealed to the Regional Court against the decision of Vake-Saburtalo Court, which had sentenced Anzorov to pre-detention on 27 August. According to Anzorov's attorney the complaint was to be sent to the Regional Court at once but for some uncertain reasons this process was dragged on and almost blocked. Its discussion was delayed and Anzorov has to be considered an arbitrary detainee during this period. Finally, the trial, which confirmed the decision of three months pre-detention took place on 9 September.

### *Russian Chechen Citizen Arrested at Airport*

*Tbilisi.25.04.05. Media News. Customs officers of the Tbilisi Airport have detained an ethnically Chechen citizen of Russia during the Domodedovo –Tbilisi flight. The Department of Visas denied him a Georgian visa as a security measure. This person was deported from Georgia on 25th of May.*

## ANNEX II ROMA RIGHTS

[http://www.humanrights.ge/eng/files/roma\\_new.pdf](http://www.humanrights.ge/eng/files/roma_new.pdf)

### **Smash with Roma<sup>31</sup>**

TBILISI, Georgia - On 9 August 2003 a Roma merchant beat Darejan Korsava resulting in her hospitalisation. The situation of her health is not life threatening.

According to the official information the quarrel started after Korsava went to the Roma merchant to return the trousers she had bought before that made them upset and caused him to beat the woman. After the incident, people dispersed the Roma and destroyed their places of trade and continued beating and menacing the Roma community for several hours.

According to unofficial sources, the officials of the market provoked the situation as they wanted to hold those places Roma use for trading.

Police arrested 23 year old Vitali Khutsishvili alleged in organising the conflict for 3 hours. Didube-Chugureti police is investigating the incident.