

*Human Rights Information and Documentation Center
(HRIDC)*

Next Stop – Belarus ?



Human Rights Report 2005

Georgia

Tbilisi, Georgia
2006

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- Introduction -

Another year has passed since the Georgian democratic 'Rose Revolution' of November 2003. Another year for the new government to deliver upon the expectations and hopes it had deliberately raised for the inhabitants of Georgia and the international community, another year to show that it had the genuine and altruistic intention of breaking with the past, which too often proved to be corrupt, cynical, and careless. Another year to put an end to the same plays, merely with different sets and actors, and to attempt the establishment of a realm within which a more just, open, and livable society for all could be created.

In December 2004, the *Human Rights Information and Documentation Center (HRIDC)* published its first report on the human rights situation in Georgia after the 'Rose Revolution'.¹ The report – '**One Step Forward, Two Steps Back**' dealt with the tendencies in the field of human rights after the hope-giving change of power. Together with positive developments, like the creation of the Patrol Police, the peaceful transition of authority in the Adjara region, anti corruptive measures, and reforms carried out in different governmental structures, the report described the existing anti-democratic tendencies and massive human rights violations caused by neglect of the rule of law and general lack of respect for 'the human' on the side of the new government. Unfortunately, the proliferation of anti-democratic tendencies has not come to an end in 2005 and significant setbacks have been observed in several fields. Step by step, Georgia is acquiring all the signs of a **police state**.

The field of **freedom of expression** has clearly received the most serious setback. Arbitrary detentions, beatings, grenade attacks, defamation and pressure against journalists have almost become daily business. Dozens of journalists fell victim to pressure, violence, and arbitrary detention in 2005. Several media holdings have been closed down. According to "Reporters Without Frontiers", the media freedom index of Georgia continues to drop catastrophically and has moved back with 26 steps compared to last years. The central government not only proves to be unable to secure the rights of journalists, but sometimes even acts as the initiator of pressure and harassment.

Other areas show problematic signs as well. **The judiciary** has finally become simply the government's "appendix". Pressure against independent minded judges is mounting, with few judges daring to speak about it openly, as those who do are often punished. **Impunity** among law enforcers is still syndromatic and nobody is trying to seriously overcome it. **Torture and maltreatment** of detainees remains an unresolved problem. **The right to assembly and manifestation**, which is guaranteed by the Constitution, has frequently been violated. Peaceful protests and demonstrations have been forcefully dispersed and demonstrators detained. Such decreases the opportunity and motivation for the populace to express their discontent. Politically motivated **kidnappings** and **bloody special operations** create an atmosphere of terror in society. **Political imprisonment** is real in Georgia. **Chechen refugees** are sacrificed to pro

¹ HRIDC, *One Step Forward Two Steps back: Human Rights in Georgia after the "Rose Revolution"*, (2004), <http://66.116.100.86/humanrights.ge/eng/files/REPORT.pdf>

Russian politics in this field and suffer from negative stereotypes. Violations of **socio-economic rights**, including mass dismissals of civil servants, have obtained a systematic character. **Civil organizations get marginalized and neglected**, and independent NGOs are ignored and suffer from pressure from different high-ranking officials.

Organizations like the Council of Europe, Amnesty International, Human Rights Watch, the World Organization against Torture (OMCT), the International Federation for Human Rights (FIDH), the International Helsinki Federation for Human Rights and many others have addressed the developments in Georgia attempting to adequately reflect the unfolding processes and to provide recommendations for improvements. Unfortunately, the government continues to ignore these recommendations.

The current report shall primarily provide a mosaical picture of examples of real-life cases that have occurred in the year 2005 in Georgia related to human rights and fundamental freedoms. While analytical pieces are included as well, there is no pretension of either fullness or the provision of an 'aggregate' statement on the human rights situation in Georgia. As *the Human Rights Information and Documentation Center (HRIDC)* takes a broad view on the notion of human rights, not only the 'classical' rights, but a variety of fields that touch upon the basics of human life shall be highlighted. This report aims to be valuable in consort with the often more abstract human rights reports of other organizations. Also, it can serve as a source of original information to be used in other publications. The information presented was gathered by journalists, media observers, and legal aid center specialists of the *HRIDC* and by other lawyers.

The **purpose** of the current report '**Next Stop – Belarus?**' is to bring facts of human rights violations into the open and to inform the government and the Georgian and international communities about the indicators of the most recent tendencies in the field of human rights violations in 2005. It should draw attention to the practical situation concerning the protection of human rights and fundamental freedoms within the country, so that adequate measures can be taken in this field. The massive scale on which rights are violated and the inadequate reaction to such violations by the government give us the right to cry out to the international community about the **alarming situation in Georgia** and to call upon the government to protect the principles it has itself declared. We want these facts to encourage discussion and analysis, which may pave the way for a just and open society.

Overall, it would not be surprising if an observer of the state of affairs in Georgia would get the feeling that in sum and in practice, too little has actually moved to the positive since the revolution. Problematic in this respect is the lack of real changes in the institutional structures and working methods. While certainly some successes have been achieved, this was mainly due to the efforts of individuals. This makes these improvements very fickle – as soon as the 'enlightened' person is dismissed or leaves his or her post, the situation is very likely to degrade into its previous state.

- Overviews of Human Rights Reports -

Below follows a short overview of several reports on Georgia covering human rights related trends for the year 2005, prepared by authoritative international and non-governmental organizations.

Council of Europe

In January 2005, Council of Europe's Parliamentary Assembly adopted Resolution 1415 on the honoring of obligations and commitments by Georgia. The resolution contains general observations and recommendations as well as a shift of deadlines for compliance with certain commitments. The Assembly welcomes the steps undertaken in the fight against corruption, reform of police structures, and protection of religious freedom. At the same time, it establishes that much remains to be done. So it urges the government to maintain a restrained approach towards the break-away regions of Abkhazia and South Ossetia and to seek for resolution of the conflicts only by peaceful means. It warns the government that the post-revolutionary situation should not become an alibi for hasty decisions and the neglect of democracy and human rights.

Further, it notes that "Georgia has a semi-presidential system with very strong powers of the president; a weak parliamentary opposition; a weaker civil society; a judicial system which is not yet sufficiently independent and functioning; underdeveloped or non-existent local democracy; a self-censored media and an inadequate model of autonomy in Adjara." One of the priorities for the government should be the creation of an adequate and functioning system of checks and balances, which is not yet in place. It also asks the Georgian authorities, among others, provide victims with compensation of property lost during the 1990-1994 conflicts, settle the status of internally displaced persons, critically review the existing system of plea-bargaining, improve the situation in places of detention, fight torture and ill-treatment, to have a plan ready in the nearest future for the repatriation of Meskhetian Turks, and to continue reforms in the judicial system, the police, and prosecutor's office.²

UN Special Rapporteur on Torture

In February 2005, Mr. Nowak, the new UN Special Rapporteur on torture and other cruel, inhumane, or degrading treatment or punishment, completed a working visit to Georgia. Based on his meetings with expert parties and detainees combined with on-the-spot visits, he came up with the following findings.

Torture and ill-treatment still exist in Georgia, commonly perpetrated within the first 72 hours of police custody to extract confessions for alleged offences. Often, the grounds for prosecution and sentences rely mainly on such confessions. The lack of serious and patterned investigation into allegations of torture is problematic, which leads to the creation and continuation of an atmosphere of impunity for violations by public officials.

Another point of attention was the deplorable conditions existent in facilities of pre-trial detention. While acknowledging the lack of resources, several structural flaws in legislation and practice that exacerbate the situation were noted. Courts and prosecutors almost exclusively resort to pre-trial detention of suspects no matter the gravity of the crime. This detention, which can last up to nine months, leads to serious problems of overcrowding. Also, according to the Rapporteur, such practice is contrary to the principle of presumption of innocence and to the exceptionality of the instrument of deprivation of liberty as laid down by international law.

² Council of Europe, *Resolution 1415: Honouring of Obligations and Commitments by Georgia*, (2005), http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/ERES1415.htm#_ftn1

Perceived positive points were the acknowledgment of the existent problems by authorities, the program for the construction of modernized detention facilities, the establishment of prison monitoring mechanisms (more on this, see below), and the assurance that the Rapporteur's recommendations would be seriously considered.³

Amnesty International

"The police officers started to beat me. They took the leg of a chair and hit me on the fingers of my left hand. During the beatings another police officer and a procurator entered and started to accuse me of a murder. One of the officers threatened to beat my wife, mother, and children unless I confessed to the murder. During the beatings I lost consciousness several times. Blood was coming from my mouth and I couldn't see properly. I had difficulties moving... I did not ask for a doctor at first because I was afraid."

Amnesty International has published a well-documented report describing developments in the field of torture and ill-treatment from the 'Rose Revolution' up to the present. Some positive tendencies are noted. Several activities have been pursued connected to the 'Plan of Action against Torture' (2003-2005), which intends to address torture through legislation, monitoring and the fight against impunity of perpetrators. Amendments have been adopted by the Criminal Procedure Code which directly or indirectly addresses the issue of maltreatment. The 'Strategy of the Reform of the Criminal Legislation of Georgia' adopted in July 2005, holds, if implemented, measures that should impact on the practice torture. In the light of the mentioned strategy also falls the discussion on a new Criminal Procedure Code, which is to afford more protection to witnesses, more public insight into police activities, the setting up of monitoring councils for local police departments, and the drawing up of a Code of Ethics for police officers. In the same month the Optional Protocol to the UN Convention against Torture was ratified, which obliges the setting up of monitoring mechanisms for the prevention of torture.

Some improvements are seen in police structures as well. While no meaningful training for policemen existed before, the Police Academy is setting up basic educational programs for different branches of law enforcers including a focus on human rights. From April 2005 onwards, three month courses were introduced for the recently established Patrol Police (before, this was only two weeks) and more elaborate ones are planned for the future. The rise of salaries for law enforcers allegedly decreased the practice of extortion through violence during police detention. Some torture cases have been brought against policemen (according to November 2005 data, ten perpetrators are serving time on torture related sentences) and 118 preliminary investigations were instituted on torture allegations in 2005.

However, there is still a long road ahead before Georgia can be declared 'torture free' to even a reasonable degree. From January to August 2005, the Department on Human Rights Monitoring of the Ministry of Interior established 192 cases of physical abuse. Very likely the actual figure is far higher, as indications exist that many victims keep silent in fear of repercussions. The same department, in the period from April to September 2005, registered 930 cases of people who entered preliminary detention facilities bearing signs of physical injury. Only 40 of these said that their injuries were due to police brutality. Reports of special services taking people to deserted locations and beating them exist as well.

Although monitoring bodies are trying hard to reveal cases of torture, little work of this kind is done outside Tbilisi, and law enforcers continue to cover-up facts and assist one another. Many lawyers, especially state-appointed ones, tend to discourage clients to complain about maltreatment, as they do not want to challenge police behavior. Another problem is the appearance of strong interwovenness and affiliation between judicial, prosecuting, and police structures. Filing a complaint in this field can easily have a negative impact on the outcome of the complainant's criminal procedure. While most public officials and the President have acknowledged the problem of torture, Saakashvili's statement of June 2005 that since the new chief of police entered his post (which was in January 2005) no person has been beaten in

³ UN Special Rapporteur on torture and other cruel inhuman, or degrading treatment or punishment, *Civil and Political Rights, Including: the Questions of Torture and Detention. Mission to Georgia*. (2005), <http://www.ohchr.org/english/bodies/chr/docs/61chr/E.CN.4.2005.62.Add.3.pdf>

police custody, is rather surprising, as it directly contradicts other findings. Public denial of such an issue is counterproductive and may lead to further discouragement on the side of victims to complain.

"The government should keep the eradication of torture and ill-treatment on its agenda as a priority issue. While important steps have been taken, the government still has a long way to go. A long-term approach is needed to achieve lasting results," Anna Sunder-Plassmann, Amnesty International's researcher on Georgia said. "The authorities should now concentrate on the implementation of legal safeguards. Any allegations that safeguards were violated should be taken seriously and be promptly and impartially investigated."⁴

Human Rights Watch

Georgia, together with Armenia and Azerbaijan, has become eligible for the European Neighborhood Policy of the European Union (EU). For Human Rights Watch, this is the perfect occasion to set clear goals and benchmarks in the field of human rights. The following areas of attention are noted.

Since the President is empowered to appoint and dismiss judges, their independence has come into great question. The fight against corruption among the judiciary is a very welcome thing, though the campaign seems to lack clear criteria for the dismissal of judges. This results in the decreased willingness of judges to render decisions that might displease the government for fear of dismissal. In the sphere of the media, the instrument of taxes is often used to either boost sources that are regarded pro-government by providing tax cuts, or 'punish' critical publications and organizations dispatching tax inspectors and the financial police. Self-censorship is also applied, as directors of big media concerns often have close ties with government officials. As for individual journalists, many are not willing to risk dismissal for expressing criticism in public.

While the freedom of assembly overall is respected, there have been cases where excessive force was used by the police to break them up. Problems exist with regard to Chechen refugees, who are subject to police harassment and threats of expulsion. There have been reports that Georgian border guards refuse to let in Chechen refugees and force them back into Russia. Cases of disappearance in presumed cooperation with Russian secret services also exist.⁵

Georgian Orthodoxy is the dominant religion and its church enjoys a separate legal status. Discrimination and sometimes attacks against non-traditional religions occur. In February 2005, the extremist ex-priest Basil Mkalavishvili was sentenced to six years of imprisonment. During several years he, together with his supporters, carried out violent attacks against religious minorities. It is a good sign that the greatest instigator of crimes against religious groups other than the established has been sentenced. Still, other perpetrators have not been prosecuted. Although the climate for religious freedom since the change of government seems to have improved, much needs to be done to promote on-going tolerance and prevent negative rhetoric.⁶

Another report published in 2005 is concerned with the issue of torture. As much of the described is in concert with what was taken up under the heading of Amnesty, only additional information shall be put down. An initiative taken by the government, not mentioned above, was the working out of a plan for the establishment of forensic expertise centers and the inclusion of courses on the collection of evidence within the training curriculum of future policemen. The argument goes that if law enforcers gain knowledge on how to properly collect evidence, obtaining confessions through torture would be less imperative.

⁴ Amnesty International, *Georgia: Torture and Ill-treatment Still a Concern after the Rose Revolution*, (2005), <http://web.amnesty.org/library/Index/ENGEUR560012005?open&of=ENG-GEO>

⁵ Human Rights Watch, *Georgia and the European Neighborhood Policy*, (2005), <http://hrw.org/backgrounder/eca/georgia0605/>

⁶ Human Rights Watch, *Georgia: Ex-priest Jailed for Attacks against Religious Minorities*, (2005), <http://hrw.org/english/docs/2005/01/31/georgi10098.htm>

While recognizing that the new government has been confronted with a long-standing practice of torture and cover-up, the inability, and perhaps unwillingness, to tackle the institutionalized impunity of perpetrators is regarded as the most disappointing feature in this sphere. Too often relevant authorities remain reluctant to start investigations into allegations of maltreatment. The plea-bargaining system introduced at the start of 2004, which allows for monetary payments for the reduction of sentences, has led to cases of violent extortion. It happens that people are tortured into agreeing to pay a certain amount of money.⁷

Redress

'Redress' has also recently published a report on torture. It details on international legal standards concerning the issue, lists Georgia's international commitments, and discusses their implementation into national law. Further, it goes on to analyze the enforcement of the obligations in practice. While noting some positive developments and intentions (the general line of these already described above), the following fields of attention are defined.

According to Redress, the definition of torture contained in the Criminal Code is less broad than the one engrained in the UN Convention against Torture. Victims and witnesses are, in practice, not accorded sufficient protection, which reduces their willingness to launch complaints. Investigations, if started at all, lack promptness and impartiality. Their effectiveness is further reduced due to medical examination which, in practice, is not independent. This leads to a general failure to adequately persecute and punish perpetrators of torture. Also, the remedies for obtaining reparation for victims of torture lack the required effectiveness.⁸

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Below, one can find links to several reports published in 2005 dealing with facts before that date.

- Amnesty International, *Georgia: Torture and ill-treatment. Still a concern after the "Rose Revolution"*, <http://web.amnesty.org/library/Index/ENGEUR560012005?open&of=ENG-GEO>
- Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination: Georgia. 01/11/2005, (2005)*, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.GEO.CO.3.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.GEO.CO.3.En?OpenDocument)
- Human Rights Information and Documentation Center, *Alternative Report for the Committee on the Elimination of Racial Discrimination, (2005)*, <http://www.humanrights.ge/eng/files/CERD%20alternative%20report%20Georgie.pdf>
- Council of Europe, *Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), (2005)*, <http://www.cpt.coe.int/documents/geo/2005-12-inf-eng.htm>
- International Federation for Human Rights (FIDH), *International Fact-finding Mission. Ethnic Minorities in Georgia, (2005)*, <http://www.fidh.org/IMG/pdf/ge412ang.pdf>
- International Helsinki Federation for Human Rights, *Human Rights in the OSCE Region: Europe, Central Asia and North America. Report 2005 (Events of 2004), (2005)*, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4057
- Human Rights Watch, *Georgia: Uncertain Torture Reform: Since the 'Rose Revolution'*, <http://hrw.org/backgrounder/eca/georgia0405/6.htm>

⁷ Human Rights Watch, *Georgia: Uncertain Torture Reform, (2005)*, <http://hrw.org/backgrounder/eca/georgia0405/>

⁸ Redress, *Georgia at the Crossroads: Time to Ensure Accountability and Justice for Torture, (2005)*, <http://www.redress.org/publications/GeorgiaAug2005.pdf>

- Rule of Law -

Human rights are inseparably intertwined with governmental structures. The state is usually either blamed for active human rights abuse or of inaction, or clearly inadequate action, when rights of citizens are abused by others. It is due to the great power to influence the course of affairs in society which state structures hold, that this far-reaching responsibility can be placed upon them. Civil servants in general, and public figures in particular, should be well aware of this responsibility that is inherent in their function, and should find themselves accountable for their actions and omissions, as these strongly help to determine the direction society is going and shape its general atmosphere.

The notion of 'rule of law' refers to the responsible, attentive, and impartial execution of ones official functions. In fact, it is not only about being led by national legislation, but also by an amalgam of international rules and general moral principles. It is beyond doubt that the question concerning the rule of law is far from closed and remains to be a very painful one. As can be seen in this and the following chapters, a soberly impartial, responsive, and predictable execution of official functions remains to be a utopian dream.

Too often people occupying state positions consider their personal interests - how to fill their pockets and to increase their status within the specific stratum of the state apparatus. Thinking about how to solve people's problems becomes of secondary importance. Corruption and nepotistic attitudes towards relatives and friends are still there, only now sometimes hidden behind the mask of morally objective-looking procedures. It does not seem that there have been serious and structural attempts to transform the bias and unpredictability of official activities into impartiality and the rule of law. While good initiatives are taken, their effectiveness is apt to be diminished by these faults. Apparently, there are not enough people in high positions who see it in their interest to decisively push through other attitudes.

Sometimes one gets the impression that public officials and the social elite are involved in a self-containing game behind the scenes and between themselves. In such understanding it is not the government that is there for the people, but rather the other way around. The mentality among officials, that they are accountable only to those 'above,' is still prevalent. Openness of procedures and information, which is of vital importance for general accountability, is lacking - if one does not show, are there things to hide?

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["Human Rights Watch" - Armenia, Azerbaijan and Georgia Should Do their Best⁹](#)

13.12.05. The European Union should press for concrete benchmarks on torture, freedom of expression and other key human rights issues on Monday when it holds ministerial-level meetings with Armenia, Azerbaijan, and Georgia, Human Rights Watch said on the 9th of December.

The government of President Mikheil Saakashvili has had an uneven record on human rights since it gained power following the Rose Revolution in late 2003. Despite the government's ambitious reform agenda, human rights abuses continue unchecked in many spheres, following patterns established under previous governments.

Constitutional amendments adopted in 2004 increased the president's influence over the judiciary, further eroding judicial independence. A subsequent presidential decree issued in

⁹ Unless otherwise provided, all information is based on data gathered by the Human Rights Information and Documentation Center and can be found in its online magazine on www.humanrights.ge

April led to the dismissal of a significant numbers of judges through an arbitrary decision-making process that failed to set clear criteria for deciding which judges would be removed from their positions. Although the media is now relatively free, it has become less critical of the government, and there are signs of increasing government influence in media content.

The government has taken some positive steps to prevent torture, but torture and due process violations continue to be reported. Refugees, mainly from Chechnya, remain vulnerable to abuse at the hands of the police and other authorities.

"The EU should only agree to plans of action that set concrete benchmarks and specific timelines for progress on human rights," said Holly Cartner, the director of Europe and Central Asia at Human Rights Watch. "And the EU must firmly state the consequences if these countries fail to comply."

[President Saakashvili does not Consider Recommendations of the Council of Europe Alarming](#)

Tbilisi. 17.01.05. Media News. President Mikheil Saakashvili responded to the recommendations made by the Monitoring Group of the Parliamentary Assembly of the Council of Europe by stating that almost all European countries receive such recommendations and that there is nothing surprising or alarming. He called the statements made by the Georgian Members of Parliament and their concerns regarding the recommendations "provincial and funny fuss". According to Saakashvili Georgia has huge support in the west. **"We are given recommendations. This is good but we are an independent country and our people will decide how to rule the country,"** stated the President.

[Transparency International "Corruption Perception Index" Publication](#)

18.10.05, Tbilisi — Today "Transparency International" has published the results of the "Corruption Perception Index 2005", which ranks countries in terms of the degree in which business people and country analysts, both resident and non-resident, perceive corruption to exist in the public and political sectors. This year Georgia has received 2.3 points (out of total ten) in this ranking and it is on 130th place among the 158 countries included in the survey. Compared to last year's results, Georgia has progressed by 0.3 points. With the score below 3.0, putting Georgia together with Burundi, Cambodia, Congo, Venezuela, Papua New Guinea, and Kyrgyzstan, it is clear that there is still a strong perception of endemic corruption within the country. However, the modest improvement shows that change is possible with political will, although there is a long way to go to reform corrupt systems.

This slight change in public perception can be attributed to several high-profile anti-corruption campaigns, including prosecution of corrupted officials, and instituting reforms on the level of individual ministries. But in order for the Government's anti-corruption campaign to bear sustainable results, additional efforts need to be put into developing more comprehensive anti-corruption policies and building profound institutions that will prevent corruption. To date, instead, the Government's anti-corruption strategy has been more curative than preventive in focus.

In June of 2005 the President approved Georgia's National Anti-Corruption Strategy that identifies Corruption Prevention and Institutional Reform, Liberalization of the Business Environment, Ratification and Implementation of International Anti-Corruption Conventions, and Promotion of Public Participation in Anti-Corruption Activities as main priorities of Government's future anti-corruption campaign. Based on this Strategy the Government has developed an Implementation Action Plan that is aimed to propose specific activities for implementing the Strategy. Now that these documents have been produced, it is of great importance that their implementation is broadly supported by the executive, parliamentary, and public spheres, and that they enjoy wide ownership. Without understanding what to expect from the Government's decisions, Georgian citizens are unable to support their Government in its period of reform. Georgia's fight against corruption will be more successful if this process is well-planned and inclusive, thus allowing the public to actively participate in eliminating corruption instead of remaining an isolated spectator.

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[Accident or Assassination? - the death of Prime Minister Zurab Zhvania](#)

16.03.05. The vague circumstances surrounding the death of Prime Minister Zurab Zhvania leave a number of unanswered questions. According to independent experts, the investigation

is under pressure from authorities, and expressing an independent opinion regarding the issue is made impossible.

In the information-analytical programme – “Archevanis Zgvarze” (At the point of choice) of TV Company “Mze,” Nikoleishvili criticized the statements and conclusions made by government officials and medical experts participating in the case, who have spread contradictory information regarding the concentration of poisonous substances found in Zhvania’s blood. After the programme ended Maia Nikoleishvili and TV Company “Mze” received intimidating phone calls. According to Nikoleishvili, she was threatened on the phone and advised to give up speaking about Zhvania’s death.

On February 3rd, after the participation of Maia Nikoleishvili in the information-analysis project “Archevanis Zgvarze”, the programme was not repeated the next day as is protocol. Certain services took the recordings of the programme away from the TV Company and threatened the independent expert. In the programme “Archevanis Zgvarze,” Maia Nikoleishvili spoke about the non- correspondence of the versions of the investigation regarding the death of Zurab Zhvania, and the real facts. In an interview with Human Rights Information and Documentation Center Maia Nikoleishvili spoke about the points she made that presumably led to the threatening phone calls. She indicated the pressure being exercised on the investigation, saying that “In the program ‘Archevanis Zgvarze,’ I criticized the officials’ offering only one version of the story. It is inadmissible in the process of investigation, as it indicates that there is only one direction in which to pursue investigation, which, of course, is incorrect. When I expressed my opinion in the program I opposed the responses of the Expertise Center, who had stated that the lethal concentration of the poisonous substance in the blood was 20 percent, and then they changed the figures. This specifically was my reason for opposing them. As I have not taken any immediate part in the expertise I had no arguments; as for me not participating as an expert in the investigation, I consider it to be a closed process. I do not remember closed processes like this having taken place in the last ten years.”

HRIDC-What do you think the government is trying to conceal?

Maia Nikoleishvili- It is nothing new to anybody that I have been criticizing the human resource policy of Mikheil Saakashvili. I have said much about the lack of professionalism of the civil servants. Faith is a good thing, but non-professionalism, very bad. It is better for a person to be faithful to his/her profession than faithful personally to the President. I do not mean anyone specifically, but I think that employment in the human resources policy due to friendship is destructive for the country, the results of which we experienced during the whole year and which still continue. Let us say that the voicing of the official version regarding Zhvania’s death was due to lack of professionalism, and with so many mistakes being made, closing the process was really too much in this case. This is not the death of an unknown person. He was the Prime Minister of our country and if his death was an accident it means that public officials are absolutely not protected and there is no system of protection in the country at all; it may lead to another accident tomorrow. An average citizen may die in an accident but it should not happen to a person like the Prime Minister, who is so closely guarded. If the death was planned, then, understandably, this is a very serious political development.

HRIDC- According to the spread of information, pressure was exercised on you after you participated in the program. Do you confirm this and if so what kind of pressure was exercised?

MN- Yes, I received several threatening phone calls after the program, and I restricted myself from moving freely in the city for a certain period of time. At present there have been no more threats.

* * *

[Access to Work in Public Services Determined by Political Party Belonging or Kinship Relations](#)

14.11.05. Despite the fact that the Georgian Constitution guarantees access of the Public Services to anyone, this is factually ignored by the current government. The contests held during the last two years were to serve the objective selection of qualified candidates in order to increase the efficiency and professionalism of administrative bodies. In fact though, the contests seem to be little more than a PR action serving to reestablish the reputation and confidence in administrative bodies among the population. Although hope was raised in many

of the qualified and educated people unable to enter into public service during the old government without patronage, this illusion, as with many other promises of the new government, disappeared very soon.

It has appeared to be impossible to win the contest without the right friends, relatives, or party recommendations. An applicant can successfully pass the formal tests, though if one does not satisfy the main requirements; having the right relatives, the right contribution before the revolution, and so on, the interview will prove to be the end of the line. According to lawyer Giga Giorgadze, the contest for the post of Head of the Legal Department in the Ministry of Health, Labor, and Social Affairs was deeply flawed. In fact, the person who did not participate in the contest at all was appointed to the position. The candidacy of Giorgadze, who had passed all three examination stages, came to an end at the interview.

This 'bizarre' situation might be cleared up by knowledge of the following situation. The case wants it that Minister Lado Chipashvili and the new head of the department Elza Guliashvili were witnesses at the wedding of Vakhtang Megrelishvili, who happens to be the first Deputy Minister of Health, Labor and Social Affairs. It seems, therefore, that the Minister, his first deputy, and the new head of the Legal Department have been tied by friendship long before. A relation that has likely helped them usurp the highest functions at the Ministry.

At a press conference held at the Human Rights Information and Documentation Center, Giga Giorgadze gave one more example of a similar violation to which he again was the victim. His competitor in the contest for the position of Deputy Head of the Gldani-Nadzaladevi district local government was Eka Ugulava, a close relative of Tbilisi's Mayor Gigi Ugulava. Eka Ugulava won at the interview.

Note that this is the experience of only one person trying to get into public service by means of contest. Obviously, many more of these instances have occurred and will occur in the future, a practice that cannot but directly affect the effectiveness of the work of Administrative Bodies. "Many of those who get posts in such fashion simply do not have the necessary qualification and education. Another problem is that relatives and friends will always assist each other. Therefore, when confronted with violations connected to the exercise of public functions, they are likely to be muffled away," Giorgadze states.

One could ask why it is necessary to spend so much money on the contests when the results are known beforehand. It is noteworthy to mention that members of civil society organizations take part in the organization and conduction of these contests along with representatives of the administration. Unfortunately, we do not hear any protests against the violations witnessed by them.

After the above-mentioned press conference, Elza Guliashvili phoned Giga Giorgadze on the mobile and talked to him for an annoying 25 minutes. She considered the issue highlighted at the press conference to be a personal insult in her direction. During the phone conversation she did not deny having personal ties with Minister Chipashvili and his deputy Megrelishvil, though she mentioned that this fact did not stand in connection to her appointment to the position. On the advice of Giga Giorgadze that she should react properly if she considers herself insulted, the head of the Legal Department ironically replied: "Shall I complain to the court or shall I deal with you in the street?"

[The Selection Process of CEC candidates was Ambiguous and Non-transparent](#)

06.06.05. ISFED (International society for fair elections and democracy) regrets to announce that the selection of candidates for the Central Election Commission of Georgia has evidently caused much public distrust and controversy. In our opinion, there are two major concerns:

According to the Unified Election Code of Georgia, the President of Georgia issued a Decree No. 401 On the Establishment of a Competition Commission for the Selection of Candidates to the Central Election Commission on May 25, 2005. The Presidential decree was not sufficiently publicized, thus leaving the public largely uninformed as to who were the members of the Commission. The non-transparency of the process mostly relates to the work of the Competition commission. The Commission did not publicly announce when and where they met, which may have precluded interested candidates and election-monitoring organizations from attending its sessions and observing the selection process.

The official number and names of the candidates submitted by the Competition commission to the President for selection remains unknown to the public, as the Commission

and the President's Communications' Office have failed to issue an official press statement on this matter. In addition, the biographies of the candidates, submitted to the President for selection and submitted by the President to the Parliament of Georgia, have not been publicized.

The selection criteria were not clearly defined.

All ambiguities regarding the selection criteria resulted from the imprecise provisions of the Unified Election Code. The Competition commission established by the President consisted of 5 members; three members represented the President's administration and two were members of civil society. The Unified Election Code does not provide for established criteria for the selection of the Commission members. It remains unclear what criteria the President used to select the Commission members, as the majority of the members lack adequate election related experience which would enable the commission to select the most qualified candidates for membership in the CEC.

The Competition commission received 483 applications for CEC membership and 32 for the position of the Chair. As stipulated by the Election Code, any Georgian citizen not a member of any political party aged 25 and over, with a higher education diploma and fluent knowledge of Georgian, with at least three years of work experience and a positive public reputation was eligible to apply for CEC membership. The deadline for applications was May 24. The broad criteria stipulated by the UEC were met by a large number of applicants. The Commission did not establish (or if it did, it did not announce them publicly), more detailed criteria and the internal procedures which would be used to select candidates. For example, the Commission could have defined "positive public reputation" which the Election Code failed to do. Had the Commission determined and publicized these criteria and procedures, public confidence in the selection process would have increased.

In addition, since the President was obliged by law to propose the list of candidates to the Parliament by May 29, the Commission only had 4 days to select and propose candidates to the President. We believe that the limited time for consideration by the Commission had a negative impact on its work. It remains unclear how the Commission was able to review 515 applications in 4 days, and carry out a competent selection process for such an important body, the Central Election Commission of Georgia. Also, it remains unclear what criteria the President used to select 13 candidates from the list received by the Competition commission that he subsequently submitted to the Parliament of Georgia: was election experience a defining criterion, previous work experience or "good public reputation"? The latter we doubt the most, as none of the President's candidates are well-known among the Georgian public.

All of the abovementioned concerns could have been prevented if the Legal Committee of the Parliament had seriously considered amendments and comments to the Unified Election Code provided by ISFED, other non-governmental organizations and political parties prior to the adoption of the amendments to the Unified Election Code in April, 2005. Moreover, the Legal Committee violated the parliamentary Rules of Procedures and failed to even consider ISFED's legislative proposal on the composition of the Central Election Commission. Since the Committee did not accept many valuable recommendations, and thus failed to ensure the procedural transparency of the selection of candidates for membership in the Central Election Commission, the recent selection caused much public controversy and distrust. Therefore, the fairness of future elections in Georgia remains uncertain.

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[Governor of Dusheti District Beats a Reservist](#)

Tbilisi. 19.01.05. Media News. Goga Khachidze, Presidential Representative in the Mtskheta-Tianeti Region, confirms the information that Goderdzi Berberashvili, Governor of the Dusheti District has beaten the reservist Guram Gurashvili, Former Chairman of the Bulachauri City Council, a few days ago. According to Goga Khachidze, the incident took place during a demonstration held by the population of the Dusheti District protesting against having no electricity. The governor was drunk and attacked Gurashvili. The victim himself had been taken to the Mtskheta hospital for treatment.

Public Defender's Representative Has Been Beaten

Tbilisi, June 17, 2005. MediaNews. Giorgi Oniani, the Public Defender's Representative, was beaten in Ortachala Prison No. 7. Oniani entered the prison premises to investigate a case of alleged torture, but the prison administration did not let him leave. According to released information, the administration prohibited Oniani to leave with the photographs he had taken. The Public Defender's Representative refused to leave without the pictures and was subsequently beaten by the administration. "When the prison administration learned about the purpose of the visit of the Public Defender's Representative, they locked him in a room and did not let him out. After that the prison director has beaten up Goga Oniani," said Bacho Akhalaia, Deputy of the Public Defender.

Now representatives of the General Inspection of the Ministry of Justice, Public Defender's apparatus and "Liberty Institute" have taken notice of Prison No. 7, and an investigation is under way in connection with this incident. "The venue of the incident is now being studied. Mobile phones and other evidence are lying on the floor. The investigation is initiated under Article 333, which implies abuse of official duties. The investigation will do everything possible to find out what has really happened," said Valeri Grigalashvili, Supervisory Prosecutor of the Justice Administration Department. On the 18th of June, David Vardosanidze was detained. He was accused of abusing his duties.

Soldiers Seek Assistance from the Public Defender

Tbilisi. June 2, 2005. MediaNews. Four Adjarian soldiers have escaped from the Border Troops of the Lagodekhi Division complaining of constant physical and verbal abuse. Rezo Charbadze, Head of the Public Defender's Administration Apparatus, met them in Batumi and interviewed them. As it turned out, Adjarian soldiers had notified Colonel Beso Zurabishvili, Head of the Military Division, about repeated practices of bullying and abuse, and Zurabishvili took no action to eliminate them.

Representatives of the Public Defender's Office say that the soldiers asked to be transferred to be another regiment. Soldiers were first beaten for making this claim, and were later threatened as well. The victims have multiple injuries which including brain concussion.

Vice-Colonel Ninidze, Commander of the Batumi garrison, also confirmed the beatings. Ninidze had a private meeting with the Commander of the Lagodekhi regiment. However, after being questioned by Giorgi Oniani, Head of the Justice Department of Public Defender's Office, he denied having any knowledge of the facts of abuse and bullying.

An Employee of the US Embassy in Georgia Freed Before the End of Investigation

13.09.05. "Media News". In Agaiani in the Kaspi region, Mamuka Gobejishvili was killed in a car accident. Charles William Threwsler, employee of the US Embassy, was the driver of the Toyota Land Cruiser which was involved in the accident. The driver was arrested and taken to the police, but later on he was released. Contractors of the US Embassy do not enjoy diplomatic immunity. Investigation is on the way.

- Law Enforcement Organs -

Those who are supposed to apply the law and protect us, sometimes end up becoming our worst nightmares. Arbitrary detentions, biased investigations, torture of detainees to coerce confessions and degrading treatment towards suspects are still methods used by law enforcement officers. Besides, while the overall effectiveness of police activities is under grave doubt, their actions of arrest are often unmotivatedly violent. A 'macho' culture and general perception of standing above the law are still quite prevalent with law enforcers. All of this is only reinforced by the overall low level of professionalism and knowledge of the law and human rights.

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Number of Registered Crimes Increase

11.03.05. The Post-revolutionary government began structural reforms of law enforcement bodies with the intention to promote security and the stable development of Georgian society. The aim of these reforms is to improve the law enforcement system, to reduce the crime rate, to reinstate confidence among society and to ensure its security. Despite these goals, there are little signs of successful implementation of reforms in this field, or that the country is safer from criminals.

The Georgian government seems to be failing in the fulfillment of one of its main functions, namely in creating a safe social environment and law enforcers seem to be failing to ensure security and public order in the country. Despite the fact that the government often speaks about success in this field and the heads of respective governmental structures state that the crime rate has dropped, the official data of the Interior Ministry of Georgia indicates a different situation, although the government seems to ignore this data.

According to data of the Interior Ministry of Georgia, the number of crimes in Georgia has increased. Political Scientist Paata Zakareishvili demands an appropriate governmental response. According to him, the official data of the Interior Ministry of Georgia reads that the number of registered crimes increased by 4893. 10,047 criminal cases were registered this year, a 95% increase from last year's 5,154. And despite the fact that security should now be stronger in the capital city, as Mr. Zakareishvili states, 3,938 cases of grave crime were registered this year, compared to 1,849 last year. Out of this countrywide total, 1,761 grave crimes were registered last year in Tbilisi alone, while this number has increased to 3,449 this year. According to official data, a total of 17,833 crimes were registered in the country in 2004, which means that overall the number of registered crimes increased by 7,000 in one year.

"The increase of criminal cases can be explained by several factors," says Zakareishvili. "First, the fact that criminals are not in touch with the government is a very good sign, and second, because 16 to 17 thousand people have been dismissed many of whom were not able to return to employment. The most alarming thing is the indifferent position of the government, and that it ignores the data of the Interior Ministry". Another possible explanation could be the improvement of registration and the increased activity of the police, though this he holds to be unlikely.

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Revolutionary Changes Made to the Criminal Code of Georgia

Tbilisi.28.03.05. Media News. According to the statements of Nino Burjanadze (Head of Parliament), Zurab Adeishvili (Prosecutor General), Levan Bejashvili (Chairman of the Parliamentary Committee on Legal Issues) and MP Nugzar Shashiashvili, the Parliament has made revolutionary amendments to the Criminal Procedure Code of Georgia.

The amendments made should improve the quality of work of law enforcement bodies, especially in the sphere of protection of human rights. Law enforcement bodies cannot arrest someone without concrete evidence of guilt, the maximum period of prosecution (from the initial allegation to the final court decision) is reduced from 24 to 12 months, the maximum term of preliminary detention from 9 to 4 months, also a defendant must confirm his testimony in court for it to be considered as evidence. According to the amendments, journalists will have the right to withhold information connected to their professional activities from investigation. The changes also call for enhanced supervision over prosecution during the preliminary investigations.

Zurab Adeishvili believes that by these amendments, Georgia has finally rebuffed the old fashioned Soviet style Code of Criminal Procedure. The Parliament of Georgia adopted the amendments to the Criminal Code during the third hearing last week. The new law will come into effect after the 1st of January 2006.

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A women, Whose Son Was Killed, Is now Seen as a Person Dangerous to Society

15.06.05. On November 22nd 2003, a motor vehicle collision between a special vehicle

belonging to the Instant Reaction Department of the then Security Ministry, and a BMW resulted in the death of two people – 23 year-old David Sakvarelidze and Eter Shioshvili, mother of three children. From that time, Mariam Sakvarelidze (David's mother) with the help Eter Shioshvili's sister, is asking for the punishment of the people involved in the death of her son. Mrs Sakvarelidze remains under heavy pressure from the law-enforcement agencies and has had her life threatened on numerous occasions.

Pressure from the law-enforcement bodies began on 10 March 2004 when Mariam Sakvarelidze was summoned to the Security Department of the Ministry of Internal Affairs and offered money for the withdrawal of her law suit from court. Having seen that they could not achieve anything by this, however, the law enforcement officials began to threaten her openly. One of the Security staff members, Officer Achiko Mamagishvili, threatened her openly, saying in an intimidating way: "With us you are powerless and will not be able to achieve anything." Mrs. Sakvarelidze has been fighting for a year and a half in order to find justice. In spite of the numerous letters that she had sent to many different governmental officials with the request for some assistance, she has not received any response.

After repeated tries and, quite by accident, Mrs. Sakvarelidze managed to meet President Saakashvili twice in person and to tell him about her tragedy and ask him for assistance. The President told her that he was aware of this fact and promised her to lend assistance in conducting an unbiased investigation. The promise, however, has remained unfulfilled. Mrs. Sakvarelidze is now the object of constant pressure and surveillance from the President's bodyguards. Attending a parade on 26 May 2004, as she approached the State Chancellery Building, she was pushed into a car by force and taken away from the surrounding area. On the 9th of April 2004, during the opening ceremony of Sobchak's monument, guards locked her up in a room to prevent her from meeting Mikheil Saakashvili and let her out only after the President left. As Mariam Sakvarelidze herself said in her conversation with us, the President's bodyguards were given a special leaflet with her pictures to be able to recognise her and not let her close to the President. It seems the President does not like seeing those miserable people who can throw a shadow on the glossy image of his much-praised Rose Revolution.

"Judging from everyone's attitude to the case, Mariam Sakvarelidze is being treated as someone dangerous to society. Everyone should understand that it is very natural when a mother, whose son was killed, will not be easily reconciled with this fact and will by all means try to find justice so that the guilty will face punishment. But so far no progress has been made in connection to this case and it is obvious that the case is being put on a shelf", said Nona Kalandadze, Mrs Sakvarelidze's attorney.

It should also be noted that after the visit of President Bush, Mrs. Sakvarelidze has been constantly summoned to the Security Department where she has been interrogated with regard to the grenade found near Freedom Square on the 10th of May when the two Presidents were holding their speeches. Mrs. Sakvarelidze, together with her family, was at the graveyard on this day given the fact that it was All Soul's Day. Further, Mrs. Sakvarelidze's brother was approached by the Security officials for a 'man-to-man talk' but the family has no idea what these words could mean. After waiting for the officials for five hours, Mrs. Sakvarelidze's brother was told that they had no time and the 'manly talk' failed. "It is unclear to me why I am considered to be a dangerous person for the country. I am just a miserable mother simply asking for the punishment of my son's killer" said Mrs. Sakvarelidze.

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[The Police actively Uses testimonies of False Witnesses](#)

28.04.05. Employees of the Public Defender's Office, relying on information received from their public hot line, have visited the fourth year Law student of Tbilisi State University and father of two sons, Giorgi Aphkhaidze, who is being held in preliminary custody. A special task unit had arrested Aphkhaidze for the possession of two grams of heroin. When he and his friend Papiashvili were going home by taxi, a man named Gamyrelidze, a former convict, accompanied them. Suspicion exists that he may have been sent by the police to plant drugs on Aphkhaidze.

Officials of the Public Defender's Office discovered that during the detention of the taxi travelers and their search David Gugushvili, a drug use convict and member of a well-known family of false witnesses, was accompanying the police officer. His brother, Paata Gugushvili is also a known drug addict. The two brothers and their father are known to actively cooperate

with the police. They attended dozens of cases where police officers found citizens in possession of guns and drugs. The staff of the Public Defender's Office has already investigated the issue of the presence of the Gugushvilis at so many criminal cases. The brothers confessed that they gave testimonies under pressure and threats of the police.

According to Giorgi Aphkhiadze, he was beaten at the moment of detention and then again in his cell when put in custody. Employees of the Public Defender's Office have examined his injuries and drawn up a report describing them. Besides this, other procedural norms were also violated during his detention. He was not informed about his rights and was not permitted to call a lawyer. Instead, a financial lawyer who attended only the first interrogation was appointed.

On April 22nd Mamuka Songulashvili, head of the Tbilisi-Mtatsminda Regional Court, did not take into account the procedural violations that occurred during the process of his detention and Giorgi Apkhaidze was sentenced to a three-month preliminary detention period. Despite the leading of cases on the ground of false testimonies by the law enforcers and similar unlawful activities, the police officers, who tried to simplify their work in this way, have not been punished.

Victim of Law Enforcers' Revenge

10.06.05. On 12 May 2005 the Special Task Department of the Interior Ministry along with the Special Forces arrested 43 year-old Givi Janiashvili at his home for alleged possession of drugs. Janiashvili was brutally beaten by 20-30 members of Special Forces of the Interior Ministry during his detention. The lawyer of the accused stated that the drugs found at Janiashvili's flat had been planted by law enforcers.

According to the information provided by Zurab Rostiashvili, the lawyer of the accused, the 12 May detention of Mr. Janiashvili was conducted with extreme cruelty who sustained severe head injuries from being struck by a gun. The investigator of the Special Task Department of the Interior Ministry stated that force was indeed used against Janiashvili but justified their activities by saying that the accused resisted and opposed them during his detention.

Janiashvili's lawyer and witnesses of his detention have made contradictory statements saying that the use of force was unjustifiable because there was no opposition. Following a search of the accused person's flat, no evidence of weapons was found which ruled out any accusations of armed resistance.

Janiashvili was first arrested by security staff a year ago whilst crossing the border of Vale. He was charged by law enforcers for buying, keeping and illegally transporting drugs. According to his lawyer, he was forced to confess to the fact of keeping drugs with law enforcers inscribing false witnesses in the search protocol.

According to Janiashvili's lawyer, Keso Tsartsidze, the District Court of Aspindza justified and released him on 3 May on the basis of the second part of Article 260 which refers to the absence of the evidence and the witnesses. Ten days later, at 1:30 pm on 12 May, 20-30 masked Special Forces troops entered Janiashvili's flat and arrested him with a number of procedural norms violated during his arrest.

This time the Court ruled Janiashvili to a three-month preliminary detention however his lawyer intends to file a claim against this decision.

Janiashvili's wife stated that her husband is the victim of the personal interests of law enforcers. She explained the persecution of her husband in this way: "My husband's friend started a business and later was informed by the security services who warned him that somebody planned to kidnap him. Following this call, my husband accompanied his friend all the time. Finally, it appeared that some employees of the security services themselves intended this kidnapping. My husband prevented them from putting their plan into practice and it was after these events that provocations began. Moreover, they required 3000USD from him as a price of the failed operation." The case is currently investigated by the Special Task Department of the Interior Ministry.

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Nana Kakabadze: 10 People Died During Special Operations Last Month

15.11.2005, "Media News" - The non-governmental organization "Ex-Political Prisoners for Human Rights" calls upon international organizations to research the working of the police

structures in Georgia. "International organizations should stop to finance a country who's President and Minister of Internal Affairs encourages the police to shoot the accused,"- said Nana Kakabadze.

The non-governmental organizations think that the appeal made by the President and the Minister of Internal Affairs is amoral and inhuman. According to Kakabadze, 10 people have died during special operations organized by the police. "On the 28th of October, police officers battered 21 year-old George Mikiashvili, who is still receiving medical treatment at the mental department of the Republican Jail hospital. The government acts purposefully and thinks that it has a right to torture and abuse people. I call upon international organizations not to finance Georgian police structure any longer,"- said Kakabadze.

Warning Shots Wound Smugglers

26.01.05. Financial Police exceeded its authority while carrying out its official duties in the Gardabani region on January 20, 2005. Three bystanders of Azerbaijani nationality were wounded, one of them critically, in a special operation conducted by officers of the Financial Police, designed to seize contraband goods smuggled in from Azerbaijan.

According to media sources, officers of the Financial Police conducted a special operation in the village of Vakhtangisi, in the Gardabani region on January 20, 2005. The purpose of the special operation was to seize contraband goods, smuggled in from Azerbaijan. These sources reveal that Financial Police officers ran after one of the smugglers near the control tower, and demanded him to stop his mini-bus. When he disobeyed, the police began shooting. The smuggler got out of his mini-bus and sought shelter in the village of Vakhtangisi.

During the incident, local villagers began throwing stones at the police officers, and the policemen retaliated with gunfire. The villagers defended the smuggler and refused to hand him over to the Financial Police. Despite a statement by an official representative of the Financial Police that the officers only "shot bullets in the air", three innocent bystanders of Azerbaijan nationality were wounded, one of them critically.

The Ambassador of Georgia to Azerbaijan, Mr. Zurab Gumberidze, told the Television Station ATV in a recent interview that the actions carried out by the Financial Police were justified. According to Gumberidze, the Financial Police must use whatever means necessary to stop people from smuggling contraband into the country.

The Human Rights Information and Documentation Center, however, expresses its concern over the incident that occurred in the village of Vakhtangisi in the Gardabani region and condemns the shooting of innocent bystanders by Financial Police officers. The Center argues that the course of action pursued by the police to calm down the agitated villagers was unlawful and also states that if police continue to use such means to fight smuggling, they will be responsible for straining the relations between Georgians and Azerbaijani. The Centre believes that responsibility should also be put on the shoulders of the Customs' Department, which continues to be corrupt, and on the shoulders of other specific persons who allowed the contraband goods into the territory of Georgia in the first place.

Special Armed Operation in Nikala – A New Face Terror

24.06.05. On the 16th of June the Financial Police, together with Special Forces, conducted a special operation in the restaurants of the "Nikala" food chain. Prior to the commencement of the operation, both restaurants were filled with customers. In one of the restaurant halls a birthday party of a child was being held and the Special Forces broke into the hall without prior notice. At the sight of armed and masked people, customers started panicking. Masked financial police spent two hours in the restaurants looking for evidence of financial violations. As a result of the special operation, documents and a computer were confiscated from the restaurants.

On June 16th, masked agents of the Financial Police carried out a special operation in the restaurant "Nikala" to uncover alleged financial violations. This operation was met with a public outcry. In response, David Kezerashvili, head of the Financial Police, apologizes to the public and promised to identify and strictly punish all the persons responsible for the

operation. Non-governmental organizations have criticized the Financial Police's conduct. The Human Rights Information and Documentation Centre (HRIDC) expresses its deep concern regarding the recent wave of anti-democratic actions and human rights violations in Georgia.

According to the HRIDC, this is yet another attempt of the police to scare and terrorize the public. Unfortunately, the actions of Governmental representatives resemble more and more the notorious methods used by "Mkhedrioni" (former armed formation in 1990s). The government is doing nothing to remedy the situation. These recent events show that the "Mkhedrionization" of governmental structures is already far-gone and with each passing day Georgia is approaching the types of regimes seen in parts of Latin America and Africa. It is regrettable that the once democratic and truly objective Television Station "Rustavi2" now assumes an ambiguous position, in that it aired the special operation live on prime-time at 9 pm, making it obvious that the station was notified in advance of the planned operation. It was recently stated by the HRIDC that through these kinds of activities the Government is trying to create an atmosphere of terror among businessmen and the general public. The HRIDC demands that the management of the Financial Police be held responsible for conducting this operation.

Public Defender Sozar Subari recently commented on the operation, and called it both disgusting and unjustifiable. MPs also agree with the Public Defender. Zviad Dzidziguri, a member of parliament from the opposition party, said that the law-enforcement agents should not be behaving in the same manner as terrorists. They have no right to scare the population. The lawyer David Usupashvili said that the above-mentioned incident was an attempt to demonstrate the power of the police and to scare the people.

[Member of Parliament Accuses Financial Police of Persecution](#)

Tbilisi.05.01.05. Media News. Bezhan Gunava, Member of Parliament, is accusing Davit Kezerashvili, Head of the Financial Police, of persecution and pressure against him. According to the MP, Davit Kezerashvili has started a confrontation with him after the newspaper "Asaval-Dasavali" published Bezhan Gunava's interview in which he spoke about illegal actions of the Financial Police. According to Gunava's information, the Financial Police demanded firms working in the fields of the export and transit of goods to transfer a certain amount of money to various unknown bank accounts.

"After this interview Head of Operative Service of the Financial Police called and threatened me. He mentioned the companies "Megachai" and "Megaploti" and this was an indication that if I did not stop they would detain my brother. My brother is an honest person and I know that he would not have committed any crime," said Bezhan Gunava. As for Kezerashvili, he denies Bezhan Gunava's accusations. The Financial Police, however, did fulfill its threats and has recently brought a criminal case against businessman Gocha Gunava (Bezhan Gunava's brother) for tax evasion and appropriation of money.

[Member of the "New Righters" Accuses Police Patrol of Illegal Activities](#)

27.09.05, "Media News" – Koka Guntsadze, a member of the Opposition Party "New Righters," accuses the Police Patrol of illegal activities. According to Guntsadze, he witnessed an incident involving members of the Police Patrol. Yesterday evening at 9 o'clock, he saw policemen beating an unknown victim near the Central Market. Guntsadze was returning home by car, when he noticed some fuss in the street. Nearly ten policemen were beating and ridiculing a man.

"I left my car and tried to save the man. However, the patrol officers continued to beat him, until I showed them my MP ID-card. Only then did they stop. The policemen told me that the guy was inhibited and had been swearing at them," said Guntsadze. He added that the man disappeared soon afterwards without being arrested by the police. The Member of Parliament says that the Patrol Police acted illegally. "If the citizen was guilty, he must have been arrested and not beaten." Koka Guntsadze is going to hold a press conference about this fact. No comments have been made by the Ministry of Internal Affairs.

[Koba Davitashvili: Representatives of Financial Police Department Have Beaten Elderly Women](#)

16.12.05. "Media News"– Koba Davitashvili, member of fraction "Democratic Front", demands the investigation of an incident that took place in Senaki. According to Davitashvili, representatives of the Financial Police beat several elderly women on the 15th of December.

The Head of Parliament, Nino Burjanadze, commented on this fact and said that she had heard of the incident from Davitashvili. The Legal Committee is investigating the case.

[False Testimony Keeps Fanchulidze in Prison](#)

22 year-old Dato Fanchulidze has been detained for the murder of 17 year-old Goga Fanchulidze for over one year. The death took place on April 21st 2004. He was accused on the basis of witness testimony. The day after giving the testimony the witness applied to the Public Defenders office and declared that the declaration was written under physical and moral pressure and that he had not seen anything. "The police forced me to write everything, they were beating me and made me write that I saw how Dato injured Goga with a knife and then ran away. I left the wedding where the incident happened early and did not see anything." - said Shota Mefaridze.

The fact that the witness was physically abused has been established by a commission of medical experts.

After Shota Mefaridze's testimony Fanchulidze was detained. The mother of the accused says that on the third day her son called from prison at 4 a.m. "One of the policemen allowed him to make a phone call. They saw that those could possibly be his last words with his family. Dato called me, crying, "Mother, they are killing me, please hire a lawyer!" said Izo Fanchulidze.

The following day, the advocate asked for a medical examination to be conducted, but the investigator did not allow this. Only with the help of the public defender the examination was held. It showed that there were marks of severe physical abuse on his body. He was severely injured on the head, leading to the development of epilepsy. He was moved to the prison hospital. Despite the physical abuse, police were unable to obtain a confession.

Advocate Dali Sulakvelidze spoke of other errors in the investigation procedure. She says that the police work under the impression that Dato Fanchulidze injured Goga and ran away. She says that investigators purposely neglected take into consideration important facts and did not try to find the real murderer. "There were five quarrels during the wedding. These persons were not questioned. The investigator did not ask for the reason of those quarrels. Before dying, Giga Fanchulidze said he was injured when he was parting fighters, which a relative confirms."

It was impossible to receive a comment from the police and the Prosecutor's Office. The Head of the Terjola Police Department Temur Isakadze has been dismissed from his post. He is accused of support of criminal gangs. Investigator Mamuka Khitarishvili is dismissed as well. The regional prosecutor who is supposed to monitor the case refuses to give comments. Those persons who are responsible for the fact that Dato Fanchulidze is detained no longer retain their posts. Dato Fanchulidze is imprisoned; he is in a bad state and must be treated with strong medicine. He hopes for justice to be delivered during his trial.

[Police Patrol Beats Man into Psychiatric Hospital](#)

30.12.05. On the night of the 30th of October, Giorgi Mikiashvili, who was awaiting his friends in his car, became spectator of the following event; as his two friends with their wives were approaching him, a car of the Patrol Police stopped over after which the police officers started accusing his friends of theft of the two mobile phones they were holding in their hands. Mikiashvili, who was under the influence of alcohol, got out of the vehicle to see what is going on. His interference resulted in a row which ended up in a fight.

In this confrontation Mikiashvili was very heavily injured. He was hit on his head numerous times, causing injury to the brain and possible mental disorder. The court sentenced him to three months of preliminary custody, and he currently lies in the prison psychiatric hospital for treatment. While Mikiashvili's lawyer requested that an official medical evaluation be conducted, which is necessary in this stage of investigation, this request was not satisfied. On the initiative of Mikiashvili's sister, an alternative examination was held, which confirmed that Mikiashvili suffers from a mental trauma. The findings finally launched a criminal case against the police patrol.

Police Blamed of Arbitrary Detention

Tbilisi. 16.08.05. Media News. According to the information of Thea Tutberidze, member of the NGO "Liberty Institute", employees of the Interior Ministry of Shida Kartli have illegally detained twelve persons who were also deprived from access to a lawyer. "We had to go to Gori (city in Shida Kartli) at 12p.m. for that reason. Some of the detainees were released byefore our arrival and only two of them remained in detention," mentioned Thea Tutberidze at the press-conference.

According to her, Vladimer Jugeli, the head of the regional police department, claimed that the two mentioned persons were in the police pre-detention department on their own will and did not demand any access to lawyers. "Finally, those two persons were released but in accordance of Jugeli's orders, they sat in the car without saying a word to us."

Evidence of Human Rights Violations Comes to Light in Imereti

Kutaisi. 15.04.05 Media News. The representative of the Public Defender in Imereti, Giorgi Mshvenieridze, has accused local law enforcement bodies of unlawfully detaining defendants and violating lawyers' rights.

According to Mshvenieridze, eight cases of human rights violations during pre-trial custodies in Kutaisi and Ckhaltubo have been uncovered.

"We have brought these facts to the Ombudsman of the Internal Ministry, Shota Khizanishvili, who always reacts in a timely manner," said Mshvenieridze. "However, the Prosecutor's Office should also give instructions to the Internal Ministry about how to eliminate these problems."

Prisoner Severes Finger with Razor in Protest

03.12.05. Mukhran Kobakhidze, who is imprisoned in Jail №5, protested against a court decision by cutting off his finger with a razor. Kobakhidze argues that the accusations brought against him are unfair and illegitimate. He appealed to almost every possible body, but without results. Mukhran Kobakhidze was arrested on Tsereteli Avenue on the 4th of August 2004. During a search, police officers discovered a personal computer with the necessary technical equipment in his car.

He was accused of robbery, though, as Kobakhidze says, his friends Mamuka and David Metreveli lent him the computer. Despite the fact that Kobakhidze named the persons who handed the computer to him, the police had done nothing to find them. Tbilisi Civil Court judge Gia Purtseladze did not satisfy the defense's appeal and sentenced Kobakhidze to five and a half years imprisonment.

Prisoner Attempts Suicide

Zugdidi. 28.04.05. MediaNews. Today, Giorgi Jhvania, who attempted to commit suicide, was delivered to the Zugdidi Republican Hospital with serious head injuries. Giorgi Jhvania was in a preliminary detention centre where he tried to commit suicide by hitting his head with a heavy object.

According to relatives of the injured, Jhvania had been unlawfully detained. The police arrested him when he was trying to break up a street brawl. According to the medical staff of Zugdidi Republic Hospital, the condition of the patient is of medium complexity. The back of his skull is fractured, and he is currently being operated upon.

- Torture and Maltreatment -

Torture and maltreatment by the Georgian police is one of the topics most highlighted by international and non-governmental organizations, and the problem has also received quite some attention from the government. Nevertheless, a significant risk still exists for criminal suspects to be maltreated by the police during interrogation and pre-detention. The main stumbling block in the fight against

maltreatment seems to be the 'impunity syndrom' – police officers perceive themselves to be untouchable. Policemen continue to protect one another and apparently no effective remedy to combat this has yet been invented. Although figures in this field are notoriously unreliable, it can be stated with some certainty that an infinitely smaller amount of investigations and prosecutions are started against perpetrators than the most conservative estimation of the number of torture cases. It is believed that in 2004 more than 1000 instances of ill-treatment occurred, but only twelve cases were launched and six perpetrators sentenced. In this regard, Saakashvili's words of October 28th during a speech at Tbilisi's business forum are rather striking: "I am proud that we are the first country in this region, where people are no longer beaten up and tortured and where the police does not commit any illegal acts."

Other possible explanations for the persistence of ill-treatment are the lack of professional knowledge of interrogation techniques and a lack of means and knowledge of gathering evidence other than by coercing confessions by force. While legal safeguards against maltreatment exist, like the notification of custody, presence of a lawyer, and access to a doctor, these are hardly ever truly enforced. This again demonstrates the difficulty to break through an established practice by legislation alone.

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[Has the Number of Abuse Victims in Preliminary Detention Been Reduced?](#)

13.05.05. The main goal for establishing a Council for Monitoring the Preliminary Detention Centers is to uncover instances of abuse of detainees by policemen, which according to the Public defender, is successfully carried out by the Public Defender's Office. However, the way the Monitoring Council was staffed has raised serious questions among those who work in this sphere about the criteria for selecting the council members.

In 2004 the Ministry of Internal Affairs and the Public Defender signed a memorandum to create a Council for the Monitoring of Preliminary Detention Centers. The Council was staffed with representatives of the Public Defender's Office, interns that have been selected as a result of a competition, and representatives of NGOs. More specifically, there are four representatives from the Liberty Institute, ten representatives from the Georgian Young Lawyers Association, and also several people that have a mandate to enter the Preliminary Detention Center Cells. Overall, the Council consists of 80 people, among which are those who carry out monitoring in the regions.

The Public Defender, Sozar Subari, staffed the Monitoring Council based on his personal priorities. As Subari said in his talk with HRIDC (Human Rights Information and Documentation Center), he selected the people whom he knows personally and trusts. Also, he believes that including more public organization would call for exercising more control, but he needs more real leverage. The Public Defender refused to include attorneys and journalists in the Monitoring Group based on the assumption that they would use any information they found for their own purposes. In spite of this fact, the Public Defender himself is a journalist, and was a member of the Monitoring Group during the previous government. HRIDC addressed the Public Defender's Office with a request to be included in the Council, but has received no answer after three months.

One group of attorneys believes that the Monitoring Group has been staffed with the representatives of a list of NGOs that was presented to the Public Defender by the President, and includes the people that are more or less loyal towards the present government. "The fact is that such attorneys as Lia Mukhashavria, Nana Kakabadze, Kartlos Gharibashvili, and others who have been fighting against the police state for many years have not been included in the Monitoring Group," says lawyer Zaza Khatishvili. "I also am not included, though for 10 years I have been working in this direction and during my whole life I have been fighting the idea of a police state. Today those people that claim to be fighting the police state are undermining us, and want to rebuild the police state."

According to Sozar Subari, instances of abuse and human rights violations towards the preliminary detainees have considerably diminished since the Monitoring Council started its work. However, Zaza Khatiashvili categorically denies that this is the case, saying that instances of abuse of detainees and prisoners, and the planting of narcotics on them, has grown in scale. The director of HRIDC, Ucha Nanuashvili, believes that instances of abuse and beatings might be reduced only in the capital of Georgia, and that the Monitoring Group has no real influence in the regions. "As for the regions, the degree of abuse, beating, and torture is still very alarming," says Nanuashvili.

Representatives of Public Defender Found Violations in Police Departments

Tbilisi.30.01.05. Media News. Representatives of the Georgian Public Defender conducted monitoring work in the police departments of Dusheti, Mtskheta, Telavi, and Gurjaani districts the other day. There was only one detainee in Telavi police department who did not have signs of being beaten and did not have complaints about the police.

Members of the monitoring group say that in the cells of the police departments that they examined the situation is unbearable: the cells are dirty, smell badly; there is no sun light and no electricity. The worst situation in this regard is in Mtskheta police department. Representatives of the Public Defender stated that in every department there is a different practice of dealing with cases. In some of the departments there are two papers for registering persons in pre-detention.

In the opinion of Representatives of the Public Defender the reason the such violations occur is that the policemen do not have the appropriate education to ensure the rule of law and are not familiar with the acts regulating their activity.

137 Violations Documented in the Police Departments

11.02.04. Tbilisi, Media News. The Public Defender's Social Monitoring Council has documented 137 violations by Tbilisi police departments between January 12 and February 9, 2005. 89 cases were classified as human rights violations and 58 as procedural ones. The monitoring process revealed 28 detainees received body injuries, though only five of them confessed, as is often the cause with police violence; seven detainees reported the police applied psychological pressure to them.

The monitoring revealed that in most cases detainees were not given an explanation of their rights. Four prisoners were not even allowed to make a phone call and 14 were not provided with a copy of their charges. Male prisoners formed the majority of the victims, but there were some violations against juveniles as well. The Monitoring Council revealed 56 cases of incorrect registering procedures by the police. The Council's monitoring included visits to approximately seven prisons a day.

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Torture – the Same Old Song

19.04.05. Police reform, a focal point of the new government from the very beginning, is no longer achieving the desired results. Police are actively using the same old 'approved' methods for getting the 'confession' from the accused – by torturing them. Human rights are still being abused by the law-enforcement organs themselves, and not infrequently. Pridon Gurashvili and Gela Kikilashvili, detained on 15 December 2004, were severely beaten at a police station in order to get from them the desired testimony.

On December 15, 2004 police of the Signaghi region detained Pridon Gurashvili and Gela Kikilashvili on suspicion of murder. They were taken to the police station where they were abused physically and verbally. According to their attorney Zaza Khatiashvili, the two men were unlawfully detained, and then tortured: "the policemen (Zaur Mughrashvili, Roin Maziashvili, Khvicha Tughashvili, and Giorgi Qiqiashvili) fastened them to the window, beat them, and forced them to admit to the murder of Naskhida Alaverdashvili." The attorney adds that Ioseb Khokhonishvili, Chief of Signaghi Regional Police Department, Temur Qucikashvili, former Chief of the Criminal Police and Alexzander Iakobishvili, Chief of the Criminal Law Department, have also been implicated. The detainees were ultimately released after media and the Prosecutor of Signaghi Region got involved in the case.

Following their release, Pridon Gurashvili and Gela Kikilashvili confronted the police chief and filed a suit against the policemen that tortured them. Because of all this they are now continuously persecuted by the police, with the help of criminal structures. Gela Kikilashvili was attacked and severely beaten, and his attackers demanded that the case against them and the police chief be stopped. The attorney Khatiashvili says that it was the second attack, and while the first time he was not beaten, the demand was the same. No assistance was given the victim nor was an expert medical examination done, because, according to his attorney, the victim is too afraid to do so. "Generally speaking, everybody is afraid of Khokhonishvili, the police chief. People are afraid of going out, and young men wear pocketless clothes because they fear that the police might put drugs in their pockets," Khatiashvili explained.

Now a case has been filed against these policemen and, as a deputy of the district prosecutor writes in his letter, "in the near future they will be arrested for what they did." However, Police Chief Khokhonishvili and other policemen suspected of ill-treatment still retain their posts. Police reform, which the new government has pushed since it came to power, has not achieved the desired results; human rights are still frequently violated by law-enforcement officials, who too often remain unpunished.

Old Faults of the New Government

21.03.05. At 9 a.m. on May 13, 2004 law enforcers detained Davit Mdinardze for illegally transporting weapons. Later, the charges were modified and he was charged by the Prosecutor's Office of attempted murder of MP Kakha Giuashvili, a deed ordered by Mikheil Nemsitsveradze, Head of the Batumi Branch of Joint Stock "Intellect Bank" and his brother, Valeri Nemsitsveradze. The brothers were detained on the same evening.

The interrogation of Dato Mindadze and his confession occurred under very suspicious circumstances. Specifically, the confession was written not by the defendant himself, but by investigator P. Balakhashvili, who does not deny this. According to him, Mindadze felt bad and refused to contact his relatives or his attorney. His relatives were not permitted to see him for two weeks. According to Ketino Meshveliani, when meeting her husband in Jail N7 the latter told her that he was tortured and treated inhumanely and that his state of health had worsened. Law enforcement officers applied physical and psychological pressure on the prisoner from the first day of his detention. From the first moment the police hit him with a heavy object until he passed out. According to the victim, he was forced to disclose the Nemsitsveradze brothers in the Prosecutor's Office and to make a confession. Police coerced the confession by torturing him in different ways, including electric shock. They also exerted psychological pressure on him by threatening him with harsh treatment of his family.

The court satisfied his attorney's demand to conduct a medical examination, but instead of a thorough examination, he was only x-rayed, and this only after three months. The prisoner has not been examined by a state medical expert and in September 2004, his wife petitioned the Psycho-Rehabilitation Center for Victims of Torture and Violence – "Empatia" – which conducted the examination after first getting permission from representatives of the Medical and Penitentiary Department of the Ministry of Justice. The results of the medical inspection of the victim confirmed the prisoner's torture and degrading treatment.

When Dato Mindadze changed his confession, he stated in his new testimony that he had confessed under physical and psychological pressure by the law enforcers and he denied Nemsitsveradzes' participation in the crime. According to Ketino Meshveliani, the prisoner's wife P. Balakhashvili, the Chief investigator of the Prosecutor's Office, and Inga Arkhamia, the attorney of the MP, Kakha Giuashvili contacted her and proposed that her husband should stick with the first testimony he gave, in which the Nemsitsveradze brothers are said to have ordered the murder. Ketino Meshveliani was offered quite a large sum of money if her husband did that. Kakha Giuashvili, one of the founders of the "Intellect Bank," MP, Mikheil and Valeri Nemsitsveradze had had business relations for several years. Their relations got tense after internal audit of the main office revealed losses and the MP laid the blame on the Nemsitsveradzes.

After that Ketino Meshveladze applied to the General Inspection of the General Prosecutor's Office; the application included the conclusion of the medical examiner and a decision not to launch a criminal case was made by the General Prosecutor's Office. Ultimately, the Supreme Court made a determination to launch a criminal case and on February 24, 2005 a criminal suit was brought against Davit Kekua, Tsikhradze, and

Dvalishvili, persons suspected of Davit Mindadze's torture. The case is now under investigation.

How will the investigation be conducted and what hopes can the society have with such a shameful police force? Despite the fact that a new government has come into power which started large-scale reforms in every institution in the hopes of building a democratic state, promoting the development of civil society, strengthening security, and defending human rights and caring for the welfare of the population, after a year and a half in power, there is no progress with regard to human rights. Unfortunately, the post-revolutionary government still actively employs completely unacceptable Soviet methods of investigation which result in people becoming victims of violations, injustice, and illegality.

Prisoner Accuses Police of Torture

Tbilisi. 11.04.05. MediaNews. On April 8, Eldar Konenishvili, a witness to be interrogated, was taken from Tbilisi Prison No.1 to the Gurjaani Police Department and, according to the NGO Former Political Prisoners for Human Rights, was severely tortured. On the press-conference that was held on 11 April, Nana Kakabadze, the head of Former Political Prisoners for Human Rights, denounced the incident, emphasizing also that different forms of torture had been committed: he was beaten on the head with a gun, over his entire body with a chair leg, and also was threatened to be lynched.

According to Nana Kakabadze, in spite of the fact that this incident was reported to the General Prosecutor's Office, examination of the tortured prisoner by medical experts has not yet been conducted. Eldar Konenishvili says that he can identify all of his torturers and among them he names Gela Batsashvili, son of Jimsher Batsashvili, the head of Prison No. 1. Former Political Prisoners for Human Rights demands that a criminal case be initiated and all the policemen be punished for the crime they committed.

Public Defender Asks for Prosecutor's Office's Help in Case of Prisoner Beating

Tbilisi. 19.05.05. Media News. Vladimer Latsabidze, lawyer for Badri Svanishvili, has applied to the Public Defender with a letter asking him for help. In the letter, the lawyer has stated that law enforcers forced his client to plead guilty in committing a murder, and beat him severely.

Badri Svanishvili is currently at Tbilisi Prison No.1. The staff of the Justice Department at the Public Defender's Office have studied his medical examination certificate, according to which Svanishvili already had head injuries and one tooth knocked out at the time of his arrest. Svanishvili said that he was abused at a police department.

When asked by the Public Defender's representatives to explain the source of his injuries, Fridon Mirianashvili, head of the Gldani Nadzaladevi Police Department, his deputy, Giorgi Comaia, and investigator Bidzina Beridze simply declared that they had arrested Svanishvili during a quarrel and that he had already been beaten. As the explanations of the law enforcers differ, the Public Defender's Office has sent all materials related to the case to the Prosecutor's Office for further investigation.

Three Policemen Accused of Beating Suspects

14.09.05, GHN – The head of the Ozurgeti Management Section of the Ministry of Interior, Elguja Todua, and the employees of the Tbilisi Management section of the Didube-Chugureti district have been accused of torturing under-aged suspects. The police have already arrested Todua and are searching for George Khonelidze and Lasha Bukuri. In a joint press-conference held by the General Procurator and the Human Rights team of the Prosecutor General's Office, George Ghviniashvili stated that the employees of the Ministry of Interior were arrested on suspicion of beating the under-aged Rajden Bregvadze, who was taken in custody. According to the Prosecutor General, the torture of suspects has in principle been reduced in Georgia, though on certain occasions it still does occur.

- Detention Facilities -

It is quite common for countries with a low level of economic development to experience huge problems with living conditions in detention facilities. Georgia is certainly no exception. Endemic overcrowding, disease, violence, extortion, lawlessness, lack of involvement by wardens, and poor medical assistance lead to a desperate atmosphere in prisons and other places of confinement. An attitude that the well-being of prisoners is not among the first priorities as there are enough other things to take care of, is somewhat present. Although those imprisoned, at least in principle, have apparently done something that is not desired in society, they remain people and are to be treated with dignity. Carelessly locking people up in awful and morally deplorable conditions does not promote their rehabilitation into 'normal' life.

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[Alarming Condition in Georgian Prisons](#)

Tbilisi. 21.04.05. Media News. Public Defender of Georgia, Sozar Subar, has demanded the dismissal of the Chairman of the Penitentiary Department of the Ministry of Justice Shota Kopadze. This he announced in his speech to the Georgian Parliament today. As the Public Defender has stated in his annual report, the conditions in the prisons of Georgia are unbearable and Kopadze is the person who should take responsibility for the existing problems.

According to Sozar Subar, cells of so called "thieves in law" still exist in the prisons and prisoners still collect for illegal practices. The Public Defender has also called for the dismissal of the Supervisor of Prison № 1, Gela Kikilashvili, who himself, as Subar said, had beaten three prisoners last year. The Public Defender has declared that the sum allotted for the food of one prisoner per month was 23 lari, a sum paid for 6 000 prisoners. However, as the number of prisoners is far higher, only 15 lari was actually spent on food for each person. Only one lari per prisoner per month is reserved for medical treatment. Evidence of detainees being beaten still exists. Last year, out of 2 700 detainees, 1 100 had bodily injuries. The Prosecutor's Office does not react to such cases. These injuries are caused, as they say, from falling off of ladders or crashing into walls.

The Public Defender has touched upon the problems that exist in the army as well. The funding for the army has increased and the conditions for soldiers have improved, but problems still remain in the relations between soldiers and their commanders and conflicts still erupt between soldiers from different parts of Georgia.

[At Least 15 Prisoners Died in Prisons This Year](#)

13.09.05. Media-News. According to the data issued by the Department of Medicine of the Ministry of Justice, 2 prisoners, who had serious health problems, were released in 2005. The statistics on fatalities in prisons show the following picture: various diseases caused the deaths of 39 prisoners in 2003 and of 15 in 2005.

[Number of Detainees in Batumi Prisons Twice the Norm](#)

Tbilisi, 26.06.05. MediaNews. Members of the Parliamentary Committees on Legal Affairs and Human Rights visited Batumi Prison No. 3. They were shocked by what they saw and say that the situation there is truly alarming. The Georgian MPs were also accompanied by the MPs of the Supreme Council of the Autonomous Republic of Adjara and representatives of the US National Democratic Institute.

Batumi Prison No. 3 is designed to hold 220 prisoners. However, the actual number of prisoners is double this number. 37 prisoners share a prison cell that is designed for 12 people and they have to take turns sleeping. Often, those who are infected with tuberculosis and hepatitis-C are placed in the same cell as healthy prisoners.

Prisoners have expressed their discontent to the government representatives about the prison conditions and the justice system. According to them, some of the accused have been waiting for court decisions for more than 10 months.

Who is Responsible for Death of a Prisoner?

06.06.05. In the Georgian Penitentiary Institutions today, many of the prisoners serving their time are gravely ill, and require serious medical treatment. However, for inexplicable reasons, these people are not treated in medical institutions and instead are left in prisons where their health conditions and those of the surrounding prisoners are left to deteriorate even further. One such gravely ill prisoner was Piruz Jachvliani, who died on 13 May.

Jachvliani, who was serving his time in prison for theft, was gravely ill before he was arrested. He had acute viral hepatitis and was placed in the Prison's Republic Hospital. However, because of a lack of appropriate medications and medical treatment, Jachvliani's health deteriorated considerably while in prison. Despite medical expertise from the National Bureau of Legal Expertise on 25 February stating that the patient's condition was very grave indeed and required treatment in a special medical institution and long-term ambulatory supervision, Jachvliani was not transferred to the hospital. The Court did not satisfy the petition of Jachvliani's attorneys to substitute imprisonment with home custody.

As Piruz Jachvliani's condition worsened, his attorneys addressed the Medical Department of the Ministry of Justice and requested a medical certificate on Jachvliani's state of health. Having obtained the certificate, the attorneys got in touch with expert Maia Nikoleishvili, who agreed in his conclusions that Jachvliani's imprisonment should be replaced with home custody. On the same day that this medical conclusion was made, Piruz Jachvliani's lawyers applied to the Court with a petition, and three days later, on 29 April, he was transferred to the infectious diseases section of the hospital, but, alas, saving his life was no longer possible and he died on 13 May.

Nikolaishvili stated in his conclusions of 21 April that Jachvliani was "seriously ill with acute viral hepatitis B" and that his recovery would be "impossible." He wrote: "at present the patient Piruz Jachvliani's health condition is extremely serious, and requires instant and adequate medical treatment without which death will be imminent." According to Keso Tsartsidze, one of Jachvliani's lawyers, the penitentiary medical hospital should be held responsible for the patient's death because had appropriate inpatient treatment been provided in a timely manner, the patient would have survived. "Piruz Jachvliani's death is a result of professional negligence of the penitentiary medical staff," says the lawyer.

Sick Prisoners Still in Prison

30.09.05. In the last two months, two prisoners died of aseptic meningitis in the Republican prisoner's hospital. Because of these two cases, the monitoring Council of the Penitentiary Department accused the minister of Justice, Kote Kemularia, of indifference and corruption. The Human Rights Information and Documentation Centre spoke with the head of the Justice Department of the Ombudsman's Office Goga Oniani about this issue. The situation in the hospital got critical, after the death of two prisoners and after an inmate's attack on the director and a doctor of the hospital. After these incidents, 55 prisoners were moved from the hospital to the colonies with the help of the head of the General Inspection of the Ministry of Justice Mr. Pantskhava and the chief of the Department Shota Kopadze.

One of these 55 prisoners was the under-aged Iashvili, who suffered from a heart ailment. Iashvili's mother contacted the Ombudsman's Office and held a meeting with Oniani as well. The representatives of the Human Rights Defender's Office interviewed the director of the Jail, David Asatiani, and the head of the Medical Department of the Ministry of Justice, Ramaz Guladze. They said that no one has contacted them and asked for a permission to move the prisoners back to jail. According to Guladze, Kopadze organized the movement of the inmates and he knew nothing about this activity. The comments were made by the representatives of Ombudsman's Office as well, and as a result 45 sick prisoners were moved back to the hospital. This was followed by resistance and incomprehensible comments from the Minister of Justice. The Ombudsman's Office demanded Pantskhava and Kopadze to take their responsibility. "They did not have any medical knowledge for the decision to move the prisoners back to jail," said Oniani.

Guladze requested the Ombudsman's Office to make a new commission, which would check every prisoner moved to the hospital. He said he would be responsible for every healthy prisoner who was taken from jail with his signature. If such cases were not discovered, Guladze demanded to put the head of the General Inspection under responsibility. Meanwhile, the Minister of Justice Kemularia says that the one who is corrupted in this case is Guladze,

who was acting illegally together with Dzhishkariani, a member of the Monitoring Council, and the representative of the Ombudsman's Office, Lana Galdava. "The Ombudsman's Office demanded dismissal of these persons earlier than the Ministry of Justice. However, saying that the only person responsible for the corrupt system is Guladze, is ridiculous."

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Criminal Authorities Control the Situation in Prisons

Tbilisi.03.02.05.Media News. Members of the Monitoring Council of the Public Defender's Office visited the juvenile prisoner Shota Djaliashvili in Tbilisi N1 Prison. During detention the policemen of Tbilisi Mukhiani Police Department physically pressured him, and the employees of the Public Defender's Office visited him to obtain information on this from the detainee.

They met him in the room of Avtandil Raminashvili, Deputy Director of the Prison. However, Djaliashvili was not alone, as another prisoner accompanied him from the cell and demanded to attend the meeting. The Monitoring group consented to the prisoner's demand only by the advice of the prison administration, because otherwise Djaliashvili could have problems with the thieves. Djaliashvili also insisted on the attendance of the other prisoner.

As it has been clarified according to the rules of the prison any juvenile prisoner called by the administration is followed by a so-called "observer" (a criminal authority) from the cell, who attends the conversation of the Prison administration and the prisoner. The administration of the prison does not protest against this kind of control. The supervision is conducted on the demand of the criminal authority and the administration of the prison lacks the power and the will to forestall the authority of these structures. They help to retain stability in the prison.

Outlawed Prisoners

30.06.05. Prisoners are in very difficult and often intolerable conditions whilst in detention, and further become the victims of extortion of money from so-called "thieves-in-law," but fear of repercussion prevents them from speaking about it openly. The Public Defender's Office believes that the prison administration and the Director of the Penitentiary Department, Mr. Shota Kopadze, should be held responsible for all illegal activities within the prison.

"Prisons still belong to criminals" is the line that is often quoted in the press regarding the current situation in the penitentiary system. The Public Defender's Office has published information about extortion of money from prisoners by criminal authorities which then is divided between the prison administration and these authorities themselves.

Mr. Goga Oniani, Representative of the Public Defender, told the HRIDC about cases of money extortion from prisoners. "There is an 'inspector', who is a representative of the prison criminal authorities, in every cell of every prison. This inspector collects money from prisoners and then passes it on to the 'guard' who in turn gives the money to the heads of the criminal structures. After this, a small part of this money is taken by the 'guard,' the rest of it is divided amongst the prison administration. As for the amount of money, it depends on the financial welfare and social position of the prisoner before his detention. As a result, the minimum amount is typically 50 lari but the maximum can be as much as 10, 000 dollars. The total amount of money that passes this current each month is approximately 300, 000 lari."

Today, total lawlessness rules in prisons and a syndrome of fear is endemic amongst the prisoners. Therefore, they avoid any conversations about their situation. They are confident that the representatives of the prison administration will not be able to protect them from the authorities and in case of insubordination a person will be severely punished. "What troubles me most of all is the fact that none of the prisoners are protected from the prison thieves, a fact which is admitted by representatives of the prison administration in their private conversations. If someone from these internal criminal structures asks for a certain prisoner to be taken to his cell, this will be done without question," stated Mr. Oniani, the Representative of the Public Defender, "which confirms once more the fact that the prison administration itself is involved in this illegal activity."

The Public Defender's Office and NGOs are concerned about the situation in prisons and appeal to the governmental bodies for their active involvement. The Public Defender's Office has sent recommendations to the Ministry of Justice requesting the dismissal of Shota Kopadze, the Chairman of the Penitentiary Department. "When the chairman cannot or does

not want to control the staff of the penitentiary system, he commits no crime? He must be punished at least with administrative sanctions," stated Mr. Onani.

Parliament is Discussing the Draft on "Criminal Authorities"

08.11.05. *MediaNews.Tbilisi*. Recently, Parliament has discussed a draft law on combating organized crime and racket. The Deputy Parliamentary Secretary of the President Zurab Dekanoidze, presented the draft to the MPs. The main attention in the draft law is focused upon the fight against criminal groupings. The draft defines the "Criminal World" as a collection of people who live according to special rules and are trying to gain profit through threats and extortion. In the words of the draft, a "Criminal Authority" is a person who has the function of organizer in the "Criminal World" or encourages others to conduct crime. According to Dekanoidze, if the Court labels a person a "Criminal Authority", the property gained through racketeering will be confiscated by the state.

In the opinion of Iwliane Khaindrava, member of the fraction "Democratic Front", the draft in fact legalizes the "Criminal World". "The "Criminal World" and the so called "Criminal Authorities" have always stood outside the law. Now the government intends to give them a qualification and thereby legalizes them." Leader of the "Righters" Zurab Tkemaladze agreed with Khaindrava and added that the draft gives very vague explanations and definitions.

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Suicide in Khoni Jail №9

04.10.05, "Media News" – Prisoner Zurab Tsintsadze committed suicide in Jail №9 in Khoni. According to medical experts, no physical injuries were discovered on his body. The corpse of 30 year-old Tsintsadze was found in the jail's storage room on the 30th of September. He hung himself with a sheet from one of the shelves. The Investigation Department of the Ministry of Justice immediately started an investigation process.

Inmate Killed Another Prisoner in Jail №1

24.11.2005, "Media News"- On the 23rd of November, in the basement of Jail №1, the body of the 27 year-old prisoner Paata Mamulia was found. Another inmate, 29 year-old Mate Khositashvili, who is accused of murder and robbery, was found soon after the incident. According to Khositashvili, he hit Mamulia on the head with an iron object after they started fighting. The jail's director and the General Prosecutor's Office were immediately informed about the case. The investigation is conducted by the Investigation Department of the Ministry of Justice.

- Fair Trial -

In the theory on the threefold division of state power on which most modern states are built, the judicial, or 'control branch,' is one of the pillars. The idea is that if either the legislative or executive powers go astray in the fulfillment of their functions, there would be this third power that could check the other two to protect people from inroads on their rights and freedoms and maintain justice within the realm. The judiciary, which is an absolutely crucial institute in every democratic country, can only function if it is not only formally, but also factually, independent from pressure either from the government or any other interested parties.

Unfortunately, in Georgia there is an absolute lack of the latter. Police, prosecutors, and the judiciary are so closely intertwined that it is impossible to speak of independence. Judges are frequently pressured by officials to go along with the demands of the prosecutor or to rule in a manner which is desirable for the government. Recently, four Supreme Court judges have been sacked by the Disciplinary Board for alleged ill-performance of duties. According to the judges

themselves, they have fallen victim to a hunt initiated after they refused several times to rule in accordance with orders.

In most cases, judges are quite open to corruption. Too frequently they have poor professional skills and lack knowledge of international human rights standards and legislation. Intended, as well as unintended, mistakes are made and procedural norms violated. Another problem, which is closely related to several others highlighted in this report, is that courts usually sentence people to pre-detention seemingly unrelated to the gravity of the suspected crime. Apart from this being a violation of human rights (detention is a strong inroad upon individual freedom that it should be applied very cautiously), this also leads to overcrowding in pre-detention facilities and opens the way for ill-treatment during custody.

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[Right to Fair Trial is Mostly Violated Right in Georgia](#)

Tbilisi.08.11.05. Media News. Among the 14 rights engrained in the European Convention on Human Rights, the right to a fair trial is the one violated most often in Georgia, say representatives of NGO "Article 42". The mentioned group organized a discussion in the Training Center for Judges under the name: "European Court and Georgia." It was held within the framework of the project – "The Implementation of Standards of the European Court". Representatives from various NGO's, the Justice Ministry, and several judges of the Tbilisi City Court attended the event.

According to the project coordinator Manana Kobakhidze, the main purpose of the project is to implement the European Court experience in the Georgian justice system. "We want every person to have the right to a fair trial and to reduce the number of complaints from Georgia to the European Court of Human Rights," she said.

Georgia joined the convention in 1999 and since then approximately 75 cases have reached the European Court. Four of these have already been ruled upon. Two of them – "Asanidze vs. Georgia" and the so-called 'Chechens' case' "Mashaev and 12 others vs. Georgia and Russia" ended with success for the claimants. The states were obliged to pay a large sum of money. In the case of Asanidze, Georgia paid 150 thousand Euros. In "Article 42", they find that 75 complaints are too much for Georgia.

[Presidential Initiative will Diminish Independence of Constitutional Court](#)

Tbilisi.11.01.05. Media-News. "The draft Law prepared by the president of Georgia, which considers the nomination of judges of the Constitutional Court by the President, will diminish the independence of the Constitutional Court," expert Vakhtang Khmaladze believes. He says that in all the countries of Europe the members of the Constitutional Court are appointed by one or several governmental bodies, and if the members of the court are appointed by the nomination of the President only they will not be able to avoid fulfilling the indications of the government.

It is also not acceptable for Vakhtang Khmaladze to appoint the judges of the Constitutional Court for two terms, which is considered in the new draft law. Khmaladze considers that at the end of the first term the members of the court will attempt to win over the good attitude of the body which is entitled to appoint them again. Therefore, this may also diminish the impartiality of the Constitutional Court. Vakhtang Khmaladze does not approve the changes according to which the members of the Constitutional Court are deprived of their immunity not by the Constitutional Court itself but by the Parliament. This also implies that members of the court become dependent on a political body.

According to the expert it is unacceptable to set the minimum age at thirty. "In all the European countries members of the Constitutional Court are demanded to have 15 to 17 years of work experience, which increases the minimum age up to 35 to the very least". Members of the Constitutional Court should not only be experienced lawyers but should also have life experience which comes with age," states Khmaladze.

Judges against Chairman of Supreme Court

21.11.05. *“Media News”* – Three judges have filed complaints against the Chairman of the Supreme Court and the Chairman of the High Council of Justice. Nino Gvenetadze, former Chairman of the Circuit Court, Davit Sulaqvelidze, and Merab Turava speak about a disciplinary persecution organized against them. All three of them state that persecution began after they refused several times to make rulings following official directions. “After this, people from High Council of Justice contacted me and said that a disciplinary case has started against me. They said nothing about the reasons. Later on they called me again, saying that the hearing of my case will start on Tuesday at 6 o’clock. Such activities are out of the ordinary and violate human rights,” stated judge Turava.

Mandate of Four Supreme Court Judges Ended

26.12.2005. *“Media News”* – By the decision of the Disciplinary Board of the High Court of Justice, the mandate of four judges of the Georgian Supreme Court has ended. These judges are: Nino Gvenetadze, Merab Turava, Murman Isaev, and Tamar Valiani. The decision was taken after 9 hours of deliberation. Another judge, David Sulakvelidze, was only reprimanded by the board.

The Disciplinary Board considered the cases of 18 judges. The commission accused them of procedural mistakes and illegal activities. The judges do not accept the decision and are going to appeal to the appellate body. They are also going to send a letter to the President of Georgia. The final decision is to be taken by Parliament. As one of the judge’s lawyers Eka Beselia said, the basis upon which the commission’s decision rests is not clear. “Only the outcome was announced. I cannot comment on this,” says Beselia.

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I Do Not Need a Government if I am Devoid of My Rights

06.07.05. Mr. Levan Kasrashvili, one of the first entrepreneurs to be born during the break-up of the Soviet Union and also one of the first victims of ex-President Shevardnadze and his “criminal surroundings” (as Kasrashvili calls them), applied to the Ministry of Justice on 11 February 2005 for a declaration to revoke his Georgian citizenship. In February, Kasrashvili also wrote a lengthy letter to a long list of recipients, including governmental and non-governmental organizations, the media, the Public Defender, embassies, and other leaders including the President. However, of all these recipients, only the media has reacted to this letter, and their reaction has not been very strong.

In his letter, Kasrashvili explains that ex-president Shevardnadze and his “criminal surroundings” robbed and looted his private business on three separate occasions and he never obtained redress for these crimes. The first occasion was during the civil war in 1991-1992, when Shevardnadze and his men organized a Coup and inflicted damage of more than \$1 200 000 USD upon his business. The second incident of looting took place in 1993-1994, when those surrounding Shevardnadze usurped all the power and stole roughly \$350 000- 400 000 USD from him. The third time that Shevardnadze’s bank, Tbilinterbank, executed a robbery was in 1998, and this time the damage comprised of \$500 000 USD. After enormous efforts, the case was finally brought to court; however, the Government abused its power and did everything it could to ensure that the court decision was never executed.

The Government which came into power as a result of the “Rose Revolution” did not do anything to obtain justice for Mr. Kasrashvili. In fact, the new President initiated a financial amnesty which dashed all remnants of hope he might have had for any financial redress. According to Kasrashvili, the financial amnesty is a continuation of the “money-laundering” that took place during the Shevardnadze era. Kasrashvili wrote in his February 2005 letter: “Today you want to give amnesty to looted property, which is the same as legalizing illegal income, everything that was gained illegally including usurped credit resources, buildings, enterprises, bonds and shares, machines and equipment, land, and such is nothing more than legalizing the looted property. The aim of the Shevardnadze policy was to usurp public property that was left after the break-up of the Soviet Union, and the new financial amnesty bill exposed the political aim of the current Government; to legalize the looted and to usurp the property of the past regime.”

In late 1991, at the same time that the participants of the State Coup looted and robbed Kasrashvili's private business, causing his family to lose its main source of living, Kasrashvili also lost his house as a result of war activities. As he explains: towards the end of 1991, during the Civil War, we – me, my wife, and our two young children (aged 3 and 8)-escaped from our apartment that was located right in the centre of the war activities, No.1 of Rustaveli Avenue in Tbilisi. During these events and war activities the house was set afire and the water that was used to extinguish the fire ruined the house completely, rendering it unlivable, and also completely damaged the property of the entire family". At the time, Kasrashvili says that he wrote to one of the initiators of the State Coup, the then Prime Minister Tengiz Sigua, asking him for assistance. The Prime Minister never responded to his letter. After the first looting, there followed a long 13-year long period of torture, unjust robbery, and persecution, as a result of which the Kasrashvili family experienced huge material, moral, and emotional damage. "I was getting more and more convinced that I was a complete stranger in Georgia, since it is impossible to create anything in an atmosphere of looting and crime," said a desperate Mr. Kasrashvili, whose hopes born out of the "Rose Revolution" have been consistently destroyed.

In his letter to the President of Georgia, Mr. Kasrashvili has also personally blamed the President for not punishing Shevardnadze's men who were responsible for the "bombing" of the Georgian economy in Abkhazia and South Ossetia, leaving 300 000 to 350 000 homeless, devastated, and hungry refugees in its wake. Kasrashvili states in his letter that he personally blames the current President for "patronizing my enemies and the enemies of my country for not punishing them."

[European Court of Human Rights Discusses another Georgian Case](#)

Strasbourg, 05.10.2005 - In the first case, the applicants are "Amat-G", a limited liability company, and Vazha Mebaghishvili, a Georgian national born in 1960 and living in Tbilisi (Georgia). He is General Director of Amat G. In the second case, the applicants are "Iza", a limited liability company, and Nodar Makrakhidze, a Georgian national born in 1956 and living in Tbilisi (Georgia). He is the founder and Director of the construction company Iza.

Amat-G - From 1998 to 1999 Amat-G supplied the Georgian Ministry of Defence with various types of fish products. In October 1999 the applicants brought proceedings against the Ministry for breach of contract and damages as they had not been paid in full for their services. On 6 December 1999 the Ministry was ordered to pay compensation. Enforcement proceedings were brought but the debt was never paid.

Iza - In July 1998, the director signed a building repair contract with a State school. The Ministry of Education was to transfer money into the applicant company's account in payment. The applicants subsequently received a tax bill based on the total income from the contract but had only received part of the payment from the Ministry. The applicant company complained that it had difficulty carrying on its business activities while this debt remained unpaid.

The company successfully sued the Ministry of Education in May 2001, but orders to pay the debt were never enforced. When the company requested the initiation of criminal proceedings, the Prosecutor ruled that nobody could be held criminally liable since the delays were due to lack of finances in the State budget. The applicant companies complained that the State authorities failed to execute judgments in their favour and that they had had no effective remedy. They also submitted that the non-payment of the judgment debt had deprived them of their property. They relied on Article 6 § 1 (right to a fair hearing within a reasonable time), Article 13 (right to an effective remedy), Article 1 of Protocol No. 1 (protection of property), and in the case of Amat-G, Article 17 (prohibition of abuse of rights).

The Court considered that only the applicant companies were directly affected by the events at issue and therefore that only their complaints were admissible. It rejected Amat-G's complaints under Article 6 § 1 in respect of the judicial proceedings of 2002 and its complaints under Article 17. The Court noted that there was a persistent problem of non-enforcement of final judgments delivered against State institutions which was recognized by the authorities. The Court found that the Georgian authorities, by failing for five years and eight months in the case of Amat-G and for over four years in the case of Iza, to execute judgments, had deprived the provisions of Article 6 § 1 of the Convention of all useful effect.

The Court noted that the remedy open to the applicants of taking out criminal proceedings against the Enforcement Agent was of little value since the enforcement of judgments was

dependent on budgetary considerations rather than the agent's conduct. It therefore concluded that the applicant company did not have an effective remedy.

Furthermore, the Court found the fact that the applicant companies were unable to have final judgments in their favour enforced constituted an interference with their right to the peaceful enjoyment of their possessions. The Court held therefore that there had been a violation of Article 6 § 1, Article 13, and Article 1 of Protocol No. 1. It awarded: Amat-G 200,000 EUR for pecuniary damage and 2000 EUR for costs and expenses; Iza received 10,000 EUR for pecuniary damage, EUR 1,000 for non-pecuniary damage, and EUR 2,050 for costs and expenses.

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Sulkhan Molashvili Still Illegal Prisoner

10.08.05. Legal proceedings against ex-chairman of the Chamber of Control, Sulkhan Molashvili, were held on August 5, 2005. As envisaged by the law, Teimuraz Nemsadze, the new lawyer of Molashvili, demanded 30 days for studying the case. However, the judge, Manuchar Kapanadze, didn't satisfy his demands and granted him 5 days only for this purpose. According to the court decision, the next discussion of Molashvili's case is scheduled on Thursday. The attorney of Molashvili is planning to appeal against the decision of the judge.

The ex-chairman of the Chamber of Control was arrested in April last year. He is charged with abuse of power and with causing financial damage to the state budget. According to the current legislation, a person can be in pre-detention custody for a maximum period of 9 months, but Sulkhan Molashvili has been imprisoned for 16 months already, making him an illegal detainee for 7 months.

At 12 o'clock on August 5 this year, the court proceedings on Sulkhan Molashvili were renewed, but the process ended without results. Both advocates of Sulkhan Molashvili, Shalva Shavgulidze and Soso Baratashvili had left on vacation. The case was handed over to Taimuraz Nemsadze. The new attorney of Molashvili demanded 30 days to study the case in detail. This period is envisaged by Article 429(2) of Criminal Procedure Code of Georgia. The judge didn't satisfy his demand and granted him 5 days only. It should be stressed that the file of the Molashvili case consists of 25 volumes, 500 pages each. Although Teimuraz Nemsadze stated that he is not able to study the case in such a short period of time; the judge did not change his decision.

Prosecutor Manana Musulishvili identified the mentioned demand as a purposeful attempt by Molashvili's lawyers to delay the court proceedings. "Evidence to prove his guilt is abundant, that's why they attempt to prolong the court session," the prosecutor stated. Ex-chairman of the Chamber of Control, Sulkhan Molashvili, is amazed by the above-mentioned accusation of Manana Musulishvili. He has been eagerly waiting for the start of the court discussion since December, this has been delayed till July and now when he, in accordance with the law, has asked for extra time, he is not only denied to satisfy this demand, but even blamed for the purposeful prolongation of court proceeding. "Even animals are not treated like this," stated Molashvili, filled with aggravation.

He also added that if the situation continues in such manner he will refuse to have a defense at all and shall hand over his fate in the hands of the judge and prosecutor. The advocate of Sulkhan Molashvili, Teimuraz Nemsadze, stated that the judge was put under pressure. The attorney could not hide his frustration on the court decision and accused the judge of suppressing the rights of the defense in violation of all laws. Teimuraz Nemsadze is going to appeal against this decision.

Sulkhan Molashvili Sentenced to 9 Years of Imprisonment

13.09.05. "Media News". The Tbilisi city court sentenced the ex-chief of the Chamber of Control, Sulkhan Molashvili, to 9 years of imprisonment following the criminal case against him.

Molashvili's family members and friends protested against the decision. His lawyer, Ioseb Baratashvili, alleges breach of law by the Court. Baratashvili is going to appeal to the European Court of Human Rights.

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Court Under Pressure to Imprison Thief of One Bottle of Beer

10.10.05. In August 2005 David Berikishvili, an inhabitant of Tianeti, decided to have a bottle of beer. As he did not have any money with him, he asked the salesperson to borrow him one beer. The salesperson refused him and David Berikashvili took a bottle from the refrigerator without permission. The police investigation and Prosecutor's Office considered the fact as a severe crime and charged him with Article 178, paragraph 3 of the Criminal Code, which provides for a punishment of three to eleven years of imprisonment.

Despite the fact that Berikishvili paid the price of the beer the day after, the investigation and Prosecutor's Office did not drop the case against the "criminal". The court sentenced Berikishvili to 11 years of imprisonment. Berikishvili's lawyer Achil Chopikashvili says: "The prosecutors were put in a ridiculous situation. The only way to handle the problem was to pressurize the court." Berikishvili's lawyers appealed to the higher court. The chief of the Appellate Chamber Maya Mtsiriashvili opposed the verdict, but the two other members, who were probably threatened by the prosecutors, agreed with the previous verdict. The Court of Appeal sentenced Berikishvili to 4 years of imprisonment. This was not enough for the Prosecutor's Office though and it has brought an appeal to the Supreme Court. The prosecutors demand to sentence Berikishvili to 11 years of imprisonment. The hearings in the Supreme Court will start on the 11th of October.

Journalist Tamaz Bakuridze's Lawyer Accuses Adjara Supreme Court of Law Violation

01.12.05. According to Tamaz Bakuridze's lawyer Nino Kikalishvili, the Batumi City Court's ruling of June 21st, which sentenced the journalist to six and a half years of imprisonment, was appealed against to the Adjara Supreme Court's Court of Appeals. In accordance with Article 228 of the Criminal Code, the Supreme Court had to start deliberation on the appeal at the latest on the 1st of September 2005. However, the date for the preliminary hearing has not been appointed up to this very day. This is a flagrant violation of the law, in the words of the lawyer.

Bakuridze's lawyers demand the cancellation of the Batumi City Court's ruling and his release from prison. According to Kikalishvili, Bakuridze's guilt has not been proven. Being general director of Adjara TV and press secretary of former Adjarian leader Aslan Abashidze, he was arrested in August last year. He was convicted for abuse of his position and embezzlement.

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Pre-Detention – Characteristic Decision of the Georgian Courts

07.03.05. *Pre-detention has already become a norm in Georgia. At present there is almost no procedure which does not end with sentencing a defendant to pre-detention. Manfred Nowak, Special Rapporteur on Torture from the United Nations Office of the High Commissioner for Human Rights, considers this a flagrant violation of international standards.*

It has already been a long time since pre-detention became an inevitable norm in Georgia and the overcrowded cells of prisons have difficulty holding more detainees after the Rose Revolution as many "high ranking criminals" have been sent to prisons. International experts do not approve the practice of the Georgian Courts and advise them not to apply pre-detention so often. In their view, if decisions favoring pre-detention are rare, it will greatly contribute to improving the situation in pre-detention cells, where currently there are about 40 instead of the recommended 11 detainees.

"One of the main recommendations which the UN Human Rights Committee gives to Georgia is precisely regarding pre-detention, that it should be used as rarely as possible. It is not necessary to sentence all suspects to pre-detention, especially if their staying outside will not interfere with the process of investigation," stated Manfred Nowak, Special Rapporteur on Torture from the United Nations Office of the High Commissioner for Human Rights, who arrived on February 19 and made a two-day visit to Georgia.

While in Georgia he visited several prisoners, including Sulkhan Molashvili, Former Chairman of the Control Chamber, and said that he would definitely add notes to his report regarding Molashvili's condition. It should be mentioned that the reports of torture and

inhuman, degrading treatment are very frequent in pre-detention cells and that almost none of the perpetrators get sentenced. Nowak also emphasized this fact, saying that it showed the existence of a non-punishment culture in Georgia.

Another Victim of Illegal Detention

08.04.05. Abusing the rights of illegally-imprisoned Zurab Tchankotadze, former head of the Civil Aviation Department, started from the very first days of his detention. A court hearing was held a year after his initial detention, a time lapse which goes against the core principles of the UN Declaration on Human Rights accepted by Georgia and the Constitution of Georgia.

Zurab Tchankotadze, former head of the Civil Aviation Department, has been held in the preliminary detention centre since March 16, 2004. He is being accused of violating Article 332 of Georgian Crime Code – abuse of official duty. Preliminary investigation of this case was finished on August 31, 2004 and on September 20th of the same year the case was handed over to the Vake-Saburtalo District Court. However, the court hearing was held only a year later.

Article 18, paragraph 6 of the Georgian Constitution sets the maximum period for preliminary detention of individuals at nine months while in this case, nearly a year has passed after Zurab Tchankotadze's arrest. Thus, he has been an illegal detainee since September 20th, in contradiction to the Constitution of Georgia and the international human rights standards.

Before the case was sent to the district court it had been studied by the Public Defender of Georgia, who concluded that it constituted an instance of human rights abuse. On February 11 he sent a recommendation letter to the Vake-Saburtalo district court with an appeal to put an end to the illegal detention. Only one month after his appeal did the court begin trying the case. So far, twelve witnesses have been questioned.

Arbitrary Detention – Business as Usual in Georgia

01.03.05. The detention of Merab Beridze, Rector of the Meskhetian and Javakhetian Branch of the Ivane Javakhsishvili State University, has resonated strongly in Akhaltsikhe as well as in Tbilisi. Students and professors alarmed by the detention held mass protests in the streets demanding the Rector's release. Ana Dolidze, Head of the Young Lawyers' Association, considers that the charges brought against Beridze and his detention is absolutely illegal and lacks any evidence. Despite this fact, the court sentenced him to three months of pre-detention. A few days later though, he was released on bail and later the court ruled to restore Merab Beridze to the position of the Rector of the Akhalkalaki Branch of Tbilisi State University from where he had been dismissed before the end of investigation. As the Rector states, even if he is restored to the position, he will not go back to his previous position.

The Rector of the Meskheti Branch of the Tbilisi State University was detained charged with abuse of power. The Prosecutor's Office charged him with the inefficient spending of 58,000 GEL. Ana Dolidze, Head of the Young Lawyers' Association, thinks that Merab Beridze did not deserve the preventive measure because investigation lacked sufficient preliminary evidence. After the District Court sentenced Beridze to pre-detention, another trial was held at the same location from which he was dismissed from his position.

Dolidze considers the charges against Beridze to be completely absurd. "Merab Beridze is charged with abuse of power. One of the main elements of abuse of power is that a person has some profit for himself or others. In this case, the order of the judge of the court of first instance stated that he had not taken even one Tetri (a 'cent'). All the money paid by the students was distributed among professors in the form of salaries and materials. This means that the investigation and the court themselves confirmed that he had made no profit for himself. The judge's decision also stated that students had been provided with the possibility not to enter military service if they would attend the Military Chamber at the University." stated Ann Dolidze, head of the Young Lawyers' Association, whose members defended Beridze's rights at the trial.

Supposedly, heavy pressure was exerted on the court by the head of Police when it sentenced the rector to three months of pre-detention.

Court has Left 64-year-old Midwife in Detention

Tbilisi. 21.02.05. Media News. On February 21st the Tbilisi Regional Court left into force the decision taken by Isani-Samgori District Court according to which Nanuli Kenkadze, a midwife working in the No5 Maternity Hospital charged with trafficking, was sentenced to three months of pre-detention.

Zurab Djordjiashvili, attorney of the detainee, told Media News that due to the state of health of the detainee he is going to apply to Isani-Samgori District Court again in two to three days with the demand to change the decision. At present expertise is being conducted on the state of Kenkadze's health.

The attorney says that the crime has been given a wrong qualification. This was not trafficking but an attempt to buy a juvenile with purpose of adoption. This crime considers lighter penalty.

Besides, according to the attorney the detainee is 64 years old. The law prohibits sentencing a person aged over 60 to pre-detention. If the detainee is found guilty, she will be sentenced to 8 to 15 years of imprisonment.

- Freedom of Media -

Maybe one of the most obvious spheres in which we can find clear abuse by governmental organs is in that of the media. While a general tendency exists to restrict and bully media sources that are too critical, some individual public officials have embarked upon a genuine crusade against independent journalism. This has led to some truly astonishing incidents. More 'humane' ways to silence critical media are the well-known methods of financial persecution, threats, and the closing down of stations. Since the owners of quite a few media sources have historical ties with the people who now make up the government, self-censorship is not uncommon. Some individual journalists too are responsible for the decreased recalcitrant attitude of the media. After gathering compromising materials against this or that person, they offer to refrain from publishing it for a good amount of money. Such income serves as a good addition to journalists' meager salaries.

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Media Freedom Index Continues to Drop

26.10.05. 'Reporters without Frontiers' published the results of their research conducted in 2005. The research, which assessed 167 countries, shows that the media freedom index in Georgia is still deteriorating. From 2003 onwards, Georgia dropped from the 73rd place to the 94th and now to the 99th.

Shutting down popular programs, television stations, and newspapers is almost becoming a routine affair in post-revolutionary Georgia. After the Rose Revolution, the Georgian population said good-bye to several political talk-shows and debates programs including, "Gamis Kurieri" ("Night Courier"), "Theme", "Gamis Mzera" ("Night Sight"), "Archevanis Zgvarze" ("At the Edge of Choice"), etc. Repression of the programs was followed by the liquidation of several TV Stations themselves. Eventually, the Georgian government started harassing journalists. The co-founder of TV Company "202" Ramishvili is imprisoned; several journalists, who did not want to lose their independence, lost their jobs. This practice also spreads to the printing media. The "Main Newspaper", "Morning Newspaper", "New Epoch", and "Tribune" were closed down. "Georgian Times" was accused of non-payment of taxes and in financial machinations.

All of this shows that post-revolutionary Georgia is trying to pressurize the media. The owners of media organizations prefer to follow the "recommendations" of the government, rather than being imprisoned. Meanwhile, international organizations objectively observe all the processes taking place in our country. The objective "law-court" which estimates the current events of our country passes a not so enviable sentence; Georgia steps back to the 99th spot and moves further away from the prospect of democratic development.

[New Rules Established by the President of Georgia Restrict the Work of Journalists](#)

23.02.05. Mikheil Saakashvili's decision to prohibit journalists accredited in the State Chancellery from working on the first floor of the Chancellery comes as a shock to media representatives and to the public. Prime Minister Zurab Nogaideli stated in a recent press conference that the purpose of the President's decision is to make the process of gathering information more civilized, and this decision will not restrict or prevent the free work of journalists. However, it seems that much will be censored if, according to the new rules, journalists can only receive information from press speakers in a room designated for media representatives and cannot interview the officials themselves.

According to Thea Adeishvili, a journalist from the TV Company "Imedi", the President's decision is not restrictive on the work of journalists because the previous manner of receiving information in Georgia was also unacceptable. However, it could be argued that in Georgia, where information is very often blocked, these new rules will decrease the quality of information received and disseminated to the public. Despite statements made by the President that information will remain available to the public and that journalists will continue to be apprised of the developments in the State Chancellery, it does not seem like this will be the case. Journalists working under the new rules which came into effect yesterday have already complained that their access to information has become far more restricted, and that the State Security Service has been controlling their movements within the State Chancellery building.

This situation is especially appalling in the context of the President's past promises of defending freedom of speech and developing an independent media. This revolutionary leader's path towards democracy is seriously endangered if the media, which disseminates important information and plays a mediatory role between the Government and the public, is restricted in such a way.

[New Righters" ask International Organizations to Provide Protection of Free Media in Georgia](#)

13.09.05. "Media News". The "New Righters", a Georgian oppositional party, published an appeal where they ask the diplomatic missions accredited in Georgia, the NATO, EU, the White House, Senators Richard Lugar and Sam Brawn, Secretary of State Condoleezza Rice, and the chief of the European Parliament Rene van der Linden, to secure the protection of independent media in Georgia.

"After a threat by the leader of the majority, former member of Liberty Institute Giga Bokeria, the popular political TV Program "At the Edge of Choice ("Archevanis Zgvarze"), was shut down. This was followed by the well-known case of TV company 202. We think that the Georgian government is fighting against the freedom of speech and the independent media", it is said in the appeal. "New Righters" ask diplomatic and international organizations to defend free media and alternative thinking in Georgia.

[The International Union of Journalists Accuses Government](#)

Tbilisi. 09.09.05. Media News. The International Union of journalists, "Objective", calls upon the Georgian media to be more objective and impartial. Members of the Union say that the government is afraid of intelligent, professional and experienced employees, who are often fired from their work. Irma Inashvili, member of the Union, "We, journalists were much freer a

year and a half ago than now. Public television is also in danger and journalists have to raise their voices.”

The International Union of Journalists “Objective” is also conducting an investigation into illegal activities by the chief of the National Commission of Communications, Dimitry Kitoshvili. According to the members of the union, the article containing the results of the investigation will be published soon.

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["Georgian Media Club" Protests against the Process of Appointing Members of the Supervising Council of the Public Broadcasting Television](#)

10.06.05. On June 3, 2005 the Georgian parliament elected three members of the Supervising Council of the Public Broadcasting Television. Levan Tarkhnishvili, Mamuka Kherkheulidze, and Rusudan Sebiskveradze were approved for the position on the Members of the Council. Despite the huge interest towards development of the Public Broadcasting Television, the structure of it has already been distorted. On April 22, Georgian parliament approved the 6 members (to remind, the MPs were given the list of 9 candidates instead of 18). In addition to that, the government yet did not consider it important to elect the other three members of the Council according to the rules envisaged by the law. The president of Georgia did not announce another contest (as envisaged by the law). He presented again the previous candidates (failed on April 22) to the legislative body of the country. It is notable that the parliament did not discuss the candidates and elected them at once.

Dubious too is that the elections of the members of the Supervising Council coincided with the elections of CEC members, which means that the main attention of society was focused on that topic.

Despite the fact that the law on Broadcasting does not prohibit to present the same candidate again, the question stands whether it is righteous to present a failed candidate once more. Will this person have the mandate of credibility by the side of Society? There are two such persons in the Supervising Council are Mamuka Kherkheulidze and Levan Tarkhnishvili. And one more detail, seven persons from the list distributed among the MPs on April 21 have coincided with the members of the Council. The Georgian Media Club expresses concern on the fact that Authority is trying to distort process of establishing Public Broadcasting Television. In such cases the audience might face the same first channel with a different name.

[Public or "Liberty Institute's" Television?](#)

30.08.05. The competition for the position of Director General of Public Broadcasting TV was announced on June 24, 2005. Sixteen persons applied for this position. The board of public broadcasting could not elect anyone in its session on July 23; all candidates were rejected due to lack of experience in management. A new competition was announced in which 24 persons took part. A second tour of interviews with the participants was organized on August 19. The board of Public Broadcasting preferred its ex-member, Tamar Kintsurashvili, to the other two winners of the second tour, Lia Mukhashavria and Sergo Bitsadze. Kinturashvili was elected as the Director General for six years. Six of the board members of Public Broadcasting voted in favour of her, one, Matsatso Sebiskveradze voted Lia Mukhashavria and another, Nino Ananiashvili, refrained from voting.

The members of the board of Public Broadcasting are appointed by the President and to leave the board is possible only by his agreement. If Mrs. Tamar Kintsurashvili would not be in possession of a document providing proof for the leave granted by the President at the moment of application, it would be impossible for her to participate in the competition. Mikheil Saakashvili was not in Georgia then. He has the right to grant such type of document only from the Chancellery and it should be authentic, otherwise no legal meaning could be attached to it. No phone calls or verbal agreements are permitted. So, Tamar Kintsurashvili, who is considered a governmental employee, had a conflict of interests and could not participate in the competition. However, according to a statement of the chairman of the board of Public Broadcasting, Levan Tarkhnishvili, Kintsurashvili's documents were in order.

According to lawyer Lia Mukhashavria, the competition was organized in an unfair

manner; the board followed a governmental order and appointed the person they wanted themselves. Levan Tarkhnishvili argues the opposite; "Tamar Kintsurashvili's views and working experience were the most acceptable for the board compared to the other participants. If anyone thinks that the board violated any law by its decision, he must refrain from these unserious accusations and statements and should go to court." Mr. Lasha Bakradze, one of the participants of the competition, suspected that Tamar Kintsurashvili could hope for a majority and had great support outside the board: "Her election was warranted, so nothing was left for election. The members of the board who refrained from voting, deserve respect. If such fair persons would leave the board, it would serve as an example of civil heroism which our society needs so much today."

Mrs. Lia Mukhashavria had insisted that the interview of August 19 would be broadcasted live. She thought that it would be important for the board to make its decision in public, so that everyone could see whose concept was better. Levan Tarkhnishvili considered it as an inconvenience to show the 3 hour interview live. "I don't think, that anyone is interested in it that much. It seems to me as a populist action from the side of Mukhashavria. The principle of publicity has absolutely been upheld, as the interview was recorded. Every interested person can hear it. It will be decoded and posted on the web-site of the TV."

Lawyer Mukhashavria plans to bring forward a claim against the decision of the board. "It's important to create a public TV which is independent from the government and accountable to society for the first time in the history of our country. The functioning of this organization is of great importance for the development of the whole of the mass media, especially in those conditions when the government cannot be said to set the example of good democratic governing. The excitement in society can be seen as the result of this process. In this case I represent the wish of that part of society that demands to stand up against it." Mukhashavria does not hope to find justice in the country, as she thinks that Georgia's judicial branch is not fair and independent. She thinks that she will take the claim to the European Court of Human Rights and will certainly win there.

Tbilisi Mayor's Office Dissatisfied with the Work of Mass Media

Tbilisi. 14.02.05. Media News. Zaza Begashvili, Chairman of the Tbilisi City Council, and Zurab Chiaberashvili, Tbilisi City Mayor, are dissatisfied with the work of the mass media. According to Zaza Begashvili, mass media does not give enough attention to the coverage of the positive developments in the capital city but concentrates on inaccurate expressions and actions of some members of the City Council.

Zurab Chiaberashvili, City Mayor, advises mass media to take interest in the issues which are more significant for the public. According to Zaza Begashvili's order, the Public Relations Service of the Mayor's Office will cover those decisions taken of the City Council and government which are interesting for the public.

Head of Shida Kartli Police Department Implements New Sanctions against Journalists

14.03.05. The first decision taken by the freshly appointed Vladimer Djugeli, head of the police department of Shida Kartli, was concerning the mass media – journalists are currently deprived of the right to enter the regional police's building.¹⁰

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Methods of Media-hunting Improve

16.06.05. The information agency "Inter-press" ceased work on June 2, 2005. At 2 pm on 1 June, agency representatives were summoned by the Supervisory Board Members and told verbally that the agency had been liquidated and that no further discussions on the issue would follow. The financial reasons cited by the board for the closing could not, according to the editor, be the real reason for the agency's closure.

Notice of the information agency closure came as a surprise to the organization and its employees. According to Baya Tsanova, editor-in-chief of "Inter-press," there had already

¹⁰ Radio 'Imedi'

been attempts to close down the agency, but no one ever said anything about its total liquidation. Four months ago, on February 1st, they received an official letter about conserving the agency which was signed by the agency's Supervisory Board. The very next day the agency stopped its activities and informed the public of this letter. However, after a few hours and with no explanation, management changed its decision and the agency resumed.

The June notice, however, was different. This time, members of the supervisory board; Irakli Rukhadze, manager of Salford-Georgia, and Levan Dzeladze, director of "I-media", verbally informed Baya Tsanava, editor-in-chief, of the liquidation of the agency and added that no further discussions would be held on the matter.

The management has avoided any discussion of the specific reasons for the closure of "Inter-Press." But officially, they say that at this stage, the business was not profitable. As a result, one of the most important and influential information agencies has joined a long list of information agencies liquidated after the revolution. And in this case, unlike the case of many of the others, "financial crisis" is simply not a credible reason for the closure.

Public Defender Sozar Subar is quite critical of the degree of media freedom in Georgia and does not rule out that direct and indirect pressure is being exercised. In discussion with us, he said that the owners' interests are directly reflected in the editorial policy. In Georgian media, political interests matter far more than business interests.

In discussions with the Human Rights Information and Documentation Center, Ms. Baya Tsanava, editor-in-chief of "Inter-press," said that the agency had real promise to become profitable soon since it had around 70 subscribers, including international organizations (UN, OSCE), embassies (USA, Russia, Israel) and other organisations and information agencies. The official version becomes even more dubious due to a steady increase in contracts which continued even up until last week.

Rumors began immediately that the closure was related to information agency's June 2nd report that Goga Jhvania, the deceased Prime Minister's brother, challenged Giga Bokeria, one of the majority leaders, to participate in TV debates--and that Bokeria refused. Baya Tsanava told HRIDC that she could neither deny nor confirm this connection, but she noted that except for some personal phone calls and other verbal threats, there were no serious instances of pressure on the agency. "No one ever instructed us on what should be aired and what should not," stated Ms. Tsanava.

It should also be mentioned here that on June 3rd, the day after the agency's liquidation, a television debate was scheduled to occur between Goga Jhvania and Giga Bokeria on Inga Grigolia's talk show "Reaktsia," and that viewers also expected this debate since it had been widely announced. However, the subject of the TV program was changed unexpectedly. As Inga Grigolia, the anchor of the program said, the debate was cancelled because Giga Bokeria refused to participate in it.

* * *

[An Eclipse of the "MZE" \(Sun\)?](#)

11.07.05. Information is still vague about the cancellation of the broadcasting of news programs as a result of the reorganization of "MZE" television. The station will continue to show entertainment and other programs in place of the news. Whilst there are some successful entertainment programs currently being shown on "MZE," media representatives consider it unacceptable to drastically change the format now and that this will spell the "death" of the television station. It is said amongst journalists that "MZE" might be closed due to financial problems it found itself in over the last several months.

Talks about cancellation of the broadcasting have become more widespread after the following message appeared on television on 4 July: "The channel is under re-organization." Supposedly, the "noise" around the station is possibly connected to the live broadcasting of the protest raid on Rustaveli Avenue on the night of 30 June. Nevertheless, the journalists of "MZE" avoid speaking about this matter. Representatives of the station told us that the rumors about the closing down of the station are not true. As for changing the format, they

confirmed that it is spoken about and the station will present new projects to the auditory from September onwards. Steps have already been taken towards it and the first "victim" of the so-called "re-organization" process has become Irakli Imnaishvili's evening news programme: "Archevanis Zgvarze" (At the Edge of Choice).

Military Police Physically Abused TV Company "Mze's" Film Crew

06.12.05. Georgian Military Police physically abused TV Company "Mze's" journalist Nodar Meladze and photographer Nodar Papidze on December 5 at Ergneti Check-point in the Georgian-Ossetian conflict zone.

The police took away the journalists' camera. The TV station's film crew was preparing a TV story on the conflict zone, when they became witnesses of a military operation. The journalists filmed the scared people who were running away from the place where the operation was carried out. The military police confiscated the tape with that footage. Journalists believe that the Ministry of Defense will air the TV station's exclusive material with the Ministry's logo on it.

Imeretian Governor Breaks Journalist Irakli Imnaishvili's Nose

03.12.05. The mutual verbal insults that journalist Irakli Imnaishvili and Imereti Governor Akaki Bobokhidze flung towards each other during a live talk show of the Kutaisi-based TV Company "Rioni", later resulted in a physical confrontation between those two persons. The incident took place on December 1st. According to eyewitnesses, during the fist-fight that took place in the Television company's corridor, the Governor broke the journalist's nose.

As "Rioni's" Director Tamila Ghvinianidze said, the topic of the talk show was freedom of speech. However, the show was stopped because the outraged Governor left the studio in the middle of the TV program. During the TV debates Irakli Imnaishvili accused the authorities of limiting the freedom of speech. Later, Imereti region's Governor Akaki Bobokhidze wrote a letter of resignation. Bobokhidze made the corresponding statement at the special briefing in the State Chancellery held on December 2nd.

Bobokhidze said: "I made two correct decisions, first when I defended my own and my family's dignity, and then when I decided to resign". The President, after his return from a foreign visit, declared that Bobokhidze is an honourable and distinguished person.

* * *

Another Journalist Down

09.11.05. Former journalist of Broadcasting Company "Rustavi 2" Irakli Mamaladze, says that the head of the Media and PR Department of the Ministry of Internal Affairs Guram Donadze threatened him with a gun. Moreover, Mamaladze was fired from his job because of a letter received from the Ministry of Internal Affairs, where he was accused of drug addiction. Fired journalist is going to bring suit against the television company.

The confrontation between Guram Donadze and Irakli Mamaladze started from February 2005, when Mamaladze prepared materials about criminal activities within the Ministry of Internal Affairs. Mamaladze accused the Ministry of various illegal acts, which was followed by threats from Donadze. The conflict hit the highest point during Mamaladze's preparation of a program on prostitutes. According to the program, prostitutes said that after the patrol police was established in Tbilisi, their income had increased. According to Mamaladze, Merabishvili got "angry" after this program, which was followed by a call to the broadcasting company. Guram Donadze demanded cancellation of the program.

After this occurrence, threats against Mamaladze increased and the journalist refrained from visiting Donadze. But on the 13th of March, when he entered Donadze's office, the latter "greeted" him with a gun. "He threatened me with a gun and said that I should quit preparing programs about the police and Ministry of Internal Affairs," said Irakli Mamaladze to a representative of the Human Rights Information and Documentation Centre. After this fact, Donadze's number was never received by Mamaladze, but several other unknown numbers were recorded by his phone. These numbers were sent to the General Inspection for investigation.

Following this whole affair was the decision to fire Mamaladze, taken by the head of News Program of "Rustavi 2". "Eka Khoperia, after one year of with me, "discovered" that I was a drug addict. The list of workers was received from the Ministry of Internal Affairs". Mamaladze has not seen the list and has never undergone any medical examinations. The documents on this case were sent to the Public Defender's Office. After the examination and investigation is over, the Public Defender will come up with a comment.

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[Georgian Government Continues Terrorizing Media](#)

13.09.05. Georgian government is spreading its chains across the independent media. The most steadfast face of Georgian media, host of TV show "Debates on 202" Shalva Ramishvili, spent his birthday in prison. On the 29th of August, part of Georgian society mourned about the death of free media. The City Court, discussing their criminal cases, sentenced Ramishvili and Kokhreidze to a preliminary sentence of 3 months. The general director of TV Company "202" David Kokhreidze and one of the founders of the company and famous anchor Shalva Ramishvili were moved to jail. The City court, after having discussed the criminal cases, sentenced the accused to 3 months of imprisonment. The decision of the court remained the same even after appeal.

Ramishvili and Kokhreidze were arrested on August 27 on a bribe charge. Police says that Koba Bekauri offered Ramishvili 100 thousand US Dollars for not showing a documentary film containing evidence of illegal activities of the politician. The film was prepared by the studio "Reporter". A friend of Ramishvili, Irma Stepnadze, called him in Kobuleti and told that Bekauri wanted to meet the journalist. After returning to Tbilisi, Ramishvili discovered that Bekauri wanted to pay 100 thousand US dollars for the film, the journalist decided to use this fact as an opportunity to make the position brought forward in the documentary more credible. Ramishvili though, did not have the possibility to use a hidden camera at the meeting with Bekauri, so he asked the latter to transfer half of the money to his account at the Basis Bank. He hoped to meet the politician again, so he would be prepared and equipped with the hidden cameras.

However, things went differently than Ramishvili expected. Short before the meeting, Stepnadze called the journalist and told him that the meeting would take place in Ramishvili's apartment rather than at the Basis Bank. The journalist was afraid that Bekauri would not pay the promised amount of money and went for a compromise to meet the politician at his place. Ramishvili was arrested in his own house, while he was taking money from Bekauri.

Ramishvili's lawyer Gocha Svanadze says that the court is trying to establish whether Ramishvili and Kokhreidze have to stay in prison, instead of addressing the one who is truly guilty. The lawyer is accusing the government of ignoring the presumption of innocence. Gocha Svanadze stated, "They try to cheat the public by showing materials that prove Ramishvili's and Kokhreidze's guilt. Every member of the Ministry of the Interior who took place in this PR game should be responsible for this fraud."

[Letter of Shalva Ramishvili, the co-founder of TV "202"](#)

Tbilisi. 01.09.05. Because of the current circumstances I lack the opportunity to write a longer letter, which is why I will very shortly state my position on the provocation of August 27.

I have never, even with a word or gesture, offered Koba Bekauri to block the investigative film for a sum of money. It was impossible. The film was being prepared by the studio "Reporter," which has a labor contract with TV "202". The attempt of blocking the film by me would cause a scandal and the film would be shown in anyway. Everything happened quite on the contrary. Bekauri had been asking, threatening me frequently for the last four months not to show that film. His calls (which are recorded in my mobile) were so bothering and frequent, that I asked many people to help me to get rid of him. Levan Ramishvili from the Liberty Institute, Tina Khidasheli and the staff of the studio "Reporter" are among those people. I was explaining him patiently that the film would be created with a maximum of

objectivity and that it was impossible to block it. I arranged two meetings for him with the staff of "Reporter". These meetings were recorded by hidden cameras. Bekauri's was permanently refused in his demands. He was frustrated. He continued to meet me, my partners in '202', journalists and he was demanding to stop the film.

Suddenly, when I was in Kobuleti on August 23 or 24, my friend Irma Stepnadze phoned me and told me that Bekauri had a commercial proposition for me. I refused to consider it. After arrival in Tbilisi I met Stepnadze, who told me that Bekauri was going to pay USD 100 000 for blocking the film. I thought that it would be great to record the fact that Bekauri wants to pay a large amount of money for blocking the film as it would strengthen the arguments presented in it. As Vakho Komakhidze, who was in possession of a hidden camera, was not in Tbilisi I could not record the meeting. Therefore I asked Bekauri to transfer the money with official documents to my bank account. The administration of the Basis Bank, namely Zura Tsikhistavi, knows about it as I asked him to allocate a room for me and Bekauri (I mentioned his surname as well), where there would be cameras where the money would be counted and the transaction would be done on August 26.

Then Irma called me early in the morning before the meeting and told me that the plans had changed and that he would give me the money at her home. I phoned Dato Kokhraidze and asked him to take me to Irma on Barnovi Street, I explained him that I was going to meet Bekauri for taking money. It was not time to explain other details, because Kokhraidze arrived from Kobuleti late previous night. The change of the meeting place caused the presumption that he was scared and was not going to give money. Having seen Bekauri with the envelope in his hand proved that everything was serious and I took the money. If I didn't take it, he would suspect something and he would not come to the second meeting. I was going to record how he was passing money with hidden cameras on the second meeting. At that time Vakho Komakhidze would have arrived and everything would be arranged.

Unfortunately, my attempt at investigation ended with this provocation. The facts in my letter can and must be testified by the testimonies of witnesses and phone records. The main thing that they hold against me is the fact that I have physically taken money. The money is false evidence and their only case against me is the words of Bekauri. Now you have my words. Which word will have priority, his or mine, must be decided by my people. I trust only in you.

[Host of Georgian TV Channel "202" Attacked](#)

13.09.05. Georgian writer and host of the famous TV show "Debates on 202", Irakli Kakabadze, was battered near his house late at night on September the 6th. Kakabadze was returning home from work, when he was attacked by unknown persons who stole 100 Gel from him. Kakabadze was badly hurt in the incident. He was taken to hospital for treatment.

Georgian opposition leaders say that the attack was planned by the government. The leaders of the Conservative Party think that the attack has a political background and aims to shut the famous TV show down. Ex-anchor of "Debates on 202", Shalva Ramishvili, was arrested for a bribe charge two weeks ago. Zviad Dzidziguri, "As far as I know, the government has a special, highly trained group of bandits fighting against persons who think differently."

The president of Georgia also made his comments on the incident. Saakashvili said that after the investigation is over the criminals will be punished. President Saakashvili personally ordered the investigation of the frequent cases of attack to the chief of the Ministry of Interior, Vano Merabishvili. Saakashvili and the General Prosecutor have promised that the case will be investigated soon. But no one knows what they mean with "soon". Seven months have passed after the death of former PM Zurab Zhvania, two months since the attack on Valerie Gelashvili, and 4 years after the murder of the famous journalist George Sanaia, and the criminals have remained unpunished. This when at the same time when Vova Arutinian, who threw a grenade at President Bush when the latter visited Tbilisi, was promptly found through satellite information.

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Journalists' Rights Violated in Kakheti

Tbilisi.26.04.05. Media News. Public Defender Sozar Subar has commented on the actions used against journalists in the region of Kakheti and advised the local government to act carefully with regard to the freedom of speech.

On the 19th of April the entire circulation of the local newspaper Spectrum was taken from the trading network in Kakheti, and on the 21st of April the same was done with the newspaper 24 Hours. The employees of the Spectrum had to distribute the newspaper themselves to organizations and individuals with subscriptions. According to the local media, the sale of these newspapers was blocked by the Telavi gameoba. It seems that the officials did not like articles published in these papers because some of them covered an incident of the misappropriation of 132 000 lari allotted for the region.

Last week journalist Marina Gogoladze from the television station Imedi was offended in Lagodekhi. She has accused Mikhail Kakalishvili, member of the National Movement and local activist, of assaulting her. According to Gogoladze, Kakalishvili tried to suffocate her, then forcefully took a cassette from her and destroyed the material recorded on it. Kakalishvili has denied these charges. A criminal case has been launched, and the investigation is currently underway. By order of Public Defender Sozar Subar, the impartiality of the investigation will be controlled by his representative in Kakheti region, Nodar Sephiashvili.

Office of Newspaper "Imedi" Raided in Gurjaani

Gurjaani.07.01.05. Media News. On Christmas Eve unknown persons rushed into the office of the newspaper "Imedi". The door and windows of the building, as well as the computers, were shattered.

According to Gela Mtiulashvili, editor-in-chief of the newspaper one of the officials warned him to expect an incursion several days ago, because governors of the Kakheti Districts were dissatisfied with the activity of the newspaper.

Among the documents taken from the office of the newspaper, there are materials regarding the murder committed in Dedoplistskaro (one of the districts of Kakheti) a few days ago and the journalists of the newspaper see a connection between the incursion and this document. "This has been done to finally destroy freedom of speech in Kakheti," said Gela Mtiulashvili.

An Editor of the Gurjaani Regional Newspaper has Been Beaten

Tbilisi.23.06.05. Media News. Editor-in-chief of the Gurjaani regional newspaper "Imedi" has been beaten.

According to the victim, an unknown person attacked him when he was returning home. The assailant hit him with a heavy object several times on his head. Mtiulashvili says that the incident must be in some connection with the recent articles published in the newspaper, which criticizes the law-enforcement bodies.

A Gurjaani regional police group is investigating the incident. After being released for the hospital, the victim continued his treatment at home. As the Akaki Sikharulidze, Gurjaani gamebeli (local governor) told "Media News", the investigation will clarify whether Mtiulashvili was beaten for his journalistic activities or not.

Hand Grenade Intended for Editor of the Gurjaani District Newspaper

Gurjaani. 15.07. 05. Media News. A hand grenade was thrown into the yard of Mr. Gela Mtiulashvili, the editor of the newspaper "Imedi" (Hope), the regional newspaper of Gurjaani. As a result of the explosion, the windows of the house were broken and the ceiling was damaged. As reported to "Media News," Mr. Akaki Sikharulidze, the Gamebeli (local governor) of Gurjaani region, said that the hand grenade was deployed at about 02:00 at the home of Mr. Mtiulashvili whilst family members were at home.

"On this fact the investigation is going on, an operations group has been created, and we are waiting for the results of expertise to determine the reason for the explosion," said Mr. Archil Bojadze, the head of the Gurjaani police, whilst talking with "Media News."

Pressure on Media in Kakheti Region

18.11.05. On November 17, Kakheti's local media representatives organized a protest action in front of the building of the Gurjaani local government. They protested against a TV declaration of the local governor Akaki Sikharulidze. On November 16, Akaki Sikharulidze, during his TV appearance, blamed the media of corruption and in spreading information for money. In addition he threatened them with actions by the special services. As a result of the protest actions, Sikharulidze apologized and has currently changed his accusation. He accused one concrete journalist, Gela Mtivlishvili, the editor-in-chief of the local newspaper Imedi of corruption.

In addition to that, Sikharulidze declared in his TV appearance that he does not recognize the right to free access to public information and that he would not allow media representatives at board meetings: "When to provide information to the public depends on me. Allowing journalists to be present at sessions and meetings shall also occur only in accordance to my good will," Sikharulidze declared.

Chief Editor of Newspaper "Imedi" Fights for his Rights

28.11.05. The 'Human Rights Information and Documentation Centre' held a press conference today under the name "The Terror against Gela Mtivlishvili, Chief Editor of Newspaper "Imedi" Continues". On the 23rd of November, at 22:35 p.m., an unknown person threw a grenade into the house of Mtivlishvili, shattering the windows and heavily damaging the house. Fortunately, Mtivlishvili and his family members were not at home.

The newspaper's employees have sustained a series of attacks since the beginning of this year. However, no serious investigation has been opened on any of the cases. Mtivlishvili himself accuses the local government of organizing the attacks and declares that the terror is aimed at closing down the regional newspaper.

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Mikheil Kareli Accused of Assaulting Journalist

Tbilisi.04.05.05. MediaNews. Saba Tsitsikashvili, a journalist for "Akhali Versia" (New Version), has accused Mikheil Kareli, representative of the President for the Shida Kartli region, of violent behavior. At a press-conference held at the Liberty Institute, Tsitsikashvili said that on April 26 he was intending to enter the village of Uplistsikhe in order to take pictures of the population damaged by the flood, and to prepare an article for the newspaper. However, Mikheil Kareli did not give him a chance to do so.

According to Tsitsikashvili, Kareli dragged him out of his car and then verbally and physically assaulted him. He then told him, ironically, "Now you can do the article". The journalist said that there were plenty of witnesses, and that the camera crews of two TV Companies, "Trialeti" and "Rustavi-2", were there, although he is not sure whether they filmed the incident. He claims that the Minister of Environment also witnessed the confrontation. Tsitsikashvili intends to file a suit regarding the episode, demanding an investigation.

Reckless Actions of the President's Representative in Shida Kartli

10.06.05. The President's representative is destroying the credibility of the government and undermining the society's trust. The media and freedom of press are under serious pressure in Shida Kartli. All materials that get into the press and mass media there go through a censor – Mikheil Kareli. Those journalists trying to objectively cover the situation in this region are often intimidated by the local governments, including criticism from Mikheil Kareli, and they

become targets of threats and pressure, frequently losing their jobs. There is an obvious tendency in the region to divide journalists into two categories: the desirable and undesirable. The undesirable journalists are the correspondents of "Rustavi 2"--Giga Aphtsauri, his spouse, the journalist for channel "Mze" Natia Omadze, the journalist of the newspaper "Akhali Versia" Saba Tsitsikashvili, reporters for newspaper "Khalkhis Gazeti," and others.

The relations worsened between 'Akhali Versia' journalist Saba Tsitsikashvili and the governor of Shida Kartli, Mikhail Khareli, when the journalist issued a series of articles blaming the governor for misuse of power. These articles concerned Khareli's business interests in the big business of smuggled contraband. The Tsitsikashvili also mentioned in the article that relatives of Mikhail Khareli and Irakli Okhrushvili could not agree on how to divide this "business," and a conflict erupted between them.

The journalist emphasized material about suspicious financial sources which were transferred to the governor's fund, the amount of which was colossal. Various private and juridical entities transferred large sums of money to the governor's fund, despite their own less-than-wealthy financial state. The journalist posed several questions about what motivated these firms to transfer such large sums and suggested that, perhaps, Khareli used blackmail or extortion.

"Mikhail Khareli embezzles money from small entrepreneurs in Shida Khartli, and by means of blackmail and threats accumulates his own funds. In cases of defiance, he threatens his victims by "score settling", or even with arrest. Those who paid money preserved their firms; those who refused were arrested," said Saba Tsitsikashvili, adding that he personally knows the director of the Gori Market, Gemal Tsiklauri, who was sentenced to four months preliminary detention because he refused to hand the market over to the governor.

When Tsitsikashvili's critical articles came to light, Mikhail Khareli began to call the journalist and threaten him in order to get him to stop writing about these dealings. Tsitsikashvili was removed from the post of the editor of the local channel "Trialeti," an occurrence the journalist links to Khareli, but the governor continued to call to the channel's office demanding his complete dismissal from the channel. He also contacted the head of the newspaper "Akhali Versia" and demanded Tsitsikashvili's withdrawal, but because he was not able to prove the falsity of documentation the journalist had cited against Khareli, the paper's head refused to fire Tsitsikashvili.

The conflict reached its climax in the village Uphlistsikhe where Tsitsikashvili came to highlight a raging flood in the village, but Mikhail Khareli prevented him from entering the village and abused him, with the governor's guards forcing him out of his car. This event was witnessed by villagers and journalists who were there at the time. According to Saba Tsitsikashvili, Khareli gets rid of undesirable journalists, even from the local mass media, simply by complaining to the heads of the channels and newspapers. He said that the government does its best to make the truly critical journalists stop their activities. Tsitsikashvili also stated that journalists encounter a lot of problems from local authorities as well, including not cooperating with disseminating public information and attempting to isolate journalists.

If the article issued in a paper or the information highlighted by a channel is too critical for him to be desirable or acceptable, Khareli does not hide his displeasure: he threatens the journalists and uses psychological pressure against them.

Correspondent for "Rustavi 2" Goga Aphtsauri stopped working there after he brought out information that incurred Khareli's indignation. The matter concerned a gift of fertilizer to agrarian residents of South Osetia several months ago during a time when Ossetians refused to receive any help from the Georgian side. Aphtsauri highlighted this story on "Rustavi 2," and the governor personally criticized the journalist's reporting and expressed his displeasure to him.

The governor also used pressure against Natia Omadze, the correspondent of the channel "Mze," when she switched with her husband Goga Aphtsauri for a live commentary including comments about the movement of smuggled contraband in Shida Khartli. The Shida Kartli's bureau of "Mze" was closed after Saba Tsicikashvili shot footage which showed that

contraband was being sold in one of Gori's supermarkets. The supermarket is owned by relatives of Khareli. The journalist emphasized the governor's business interests in this piece, triggering Mikhail Khareli's indignation. The bureau of "Mze" in Shida Kartli was subsequently shut down

Journalist was Beaten up in Gori

Tbilisi. 05.09.05. "J.H.N". The regional correspondent of the J.H.N. information agency Saba Tsitsikashvili was attacked near the railway station in Gori by three unknown persons. The journalist was cruelly beaten up by the attackers and, suffering from heavy injuries, needed to be transferred to the regional hospital in Gori. According to Tsitsikashvili, the attacker demanded nothing. The journalist connects this incident to his professional activities.

A few days earlier, he was threatened by Revaz Gogiashvili, head of the judicial department of the regional municipality of Gori. Gogiashvili verbally abused Tsitsikashvili in the building of the municipality which, according to the journalist, was witnessed by several bystanders. In this regard it is interesting to note that Tsitsikashvili was in the process of writing an article about the "Dzevera" corporation that happens to be property of Gogiashvili's uncle - Omar Bukhradze. This corporation was created on the basis of a Soviet agricultural union and possesses some plots of land and a couple of agricultural technical entities.

The journalist states that back in the time when Bukhradze was director of the corporation, he made it go bankrupt on purpose, which would provide him with the possibility to buy the entity for a low price. With these statements Tsitsikashvili seems to provide a possible theory for the attack sustained by him. Regional law enforcement departments have been notified about the current incident, details are being specified.

Terror Is on the Way

27.09.05. A correspondent of the Georgian newspaper "Akhali Versia" ("New Version") and "Khalkhis Gazeti" ("People's News-Paper") Saba Tsitsikashvili was assaulted by three unknown persons. The incident took place near the Railway Station in Gori on the 5th of September. Physically injured, Tsitsikashvili was taken to the hospital. Supposedly, the attack came as an answer to the journalist's recent works, as the aggressors did not steal anything from him. 2 days before the incident, an unknown person also attacked Tsitsikashvili, by throwing stones at him.

Saba Tsitsikashvili has 2 years of work experience in the field of journalism. He does not usually write about harmless topics or about things that the government likes to hear. Tsitsikashvili owns materials uncovering illegal activities of the Governor of Shida Kartli. By the order of Mikheil Kareli, the local government took away land from the peasants and used their harvest for private purposes. Supposedly, the attack sustained by the journalist was an answer on his recent works. Tsitsikashvili is accusing the government of organizing the assault. "I have reasons to think that the attack was organized by the Governor or by the head of the region. I work on issues relating to the activities of the government in the field of budget and contraband. In almost every field I was working in, I have found the trace of Kareli's financial interests."

The attitude of the local government towards Tsitsikashvili was always cynical. About 2 months earlier, the governor openly attacked the journalist in the village of Uplistsikhe. Kareli's bodyguard dragged Tsitsikashvili out of his car and did not allow him to enter the villages situated near Gori. The witnesses of this accident have written letters to the Ombudsman. Threats against Tsitsikashvili from Kareli and those surrounding him were issued quite often. Journalist says that the chief of the Legal Department of the local government, Revaz Gogiashvili, was usually involved in them as well. According to the news agency "GHN", Gogiashvili disliked the fact that Tsitsikashvili was working on the issue of the "Dzevera" company. "Dzevera's" owner is Gogiashvili's uncle - Omar Bukhradze. "Dzevera" Ltd, which is based on Soviet machinery and equipment, owes land in the region. Journalist investigation

showed that Bukhraidze announced "Dzevera" bankrupt and bought it again for a very low price.

Kareli himself visited Tsitsikashvili in the Prosecutor's Office, where he was taken after hospital. He accused the police of inactivity and connected the case of the journalist to the difficult criminal situation in Gori. On the other day, Kareli phoned Tsitsikashvili and offered him to pay all medical expenses, but the journalist refused. In spite of the blackmails and threats, Tsitsikashvili will continue working after he is back to health. "Journalists have to continue their work and must not be afraid of anything. I love my job and I will go on with it,"-said Tsitsikashvili.

Special Armed Forces Restrict Public Information

12.05. The Special Forces of Shida Kartli (central part of Georgia) did not allow Lado Bichiashvili, a photo correspondent from the local newspaper "Trialeti", to take pictures during a special operation on the dispersal of traders.

According to the photo correspondent, members of the Special Forces warned the traders that they had only five minutes to take their goods away. If not, they would crush their rows. Lado Bichiashvili who appeared to be at the place at that moment was taking photos. Members of the Special Forces asked Bichiashvili for his ID document, which he did not have with him. Then they took away his photo camera and tried to push him away from the market place. They demanded Bichiashvili to stop taking photos.

According to Lado Bichiashvili, it's common for governmental representatives of Gori (city in Shida Kartli) to restrict the freedom of information and to hinder journalists in the fulfillment of their profession. In January Nana Biganishvili, journalist of "Rustavi 2", brought a suit to the court against the Presidential representative in Shida Kartli for blocking public information.

* * *

Pressure on Adjara Television Continues

15.03.05. *The decision of Nata Imedashvili, head of Information Service of Adjara TV Company to resign, which according to her, was caused by pressure from within the company, is a clear example of the free media being under serious pressure in this region, along with the restriction of freedom of speech. Representatives of local media consider mass media in Adjara to be subject to strict censorship, with the work of journalists strictly controlled by their managers. The journalists of Adjara TV Company do not point to the government as exerting pressure on them, but instead blame Zaza Khalvashi, former head of the TV Company, in practicing censorship. While Adjara TV Company now has a new director, NGOs continue to highlight the existence of censorship and pressure directed towards television. The new director refused to restore Nata Imedashvili to the position of the head of the Information Service in order to avoid confrontation in the TV Company, although Ms. Imedashvili denies that there is any danger of confrontation.*

Evidence of the pressure within Adjara Television Company was revealed after Nata Imedashvili, the head of Information Service, resigned as a sign of protest and named the pressure exercised by Zaza Khalvashi, Head of the TV Company, as the motivating factor for her resignation. According to her, all information to potentially be presented on the company's news programs was subject to censorship. Following her resignation, 12 journalists resigned in protest and organized a protest march demanding the resignation of Zaza Khalvashi. Levan Varshalomidze, Chairman of the Adjara Government, has laid all the responsibility on Zaza Khalvashi. Since then, Khalvashi has resigned and has been replaced by Evgeni Tavdgiridze, former correspondent of Radio Liberty.

Despite the fact that Adjara TV Company has a new director, NGOs continue to speak about censorship and the exertion of pressure within the TV Company. Mr. Tavdgiridze refused to restore Nata Imedashvili to the position of the head of the Information Service, claiming that this was because he wished to avoid confrontation within the company. In an interview

with Human Rights Information and Documentation Center Nata Imedashvili stated that she did not think there would be any danger of confrontation with the journalists, though she does not regret her decision to resign. According to Nata Imedashvili, she will soon appear before the public in a new role; as the presenter on her own programme. The new programme has already been prepared and will appear on TV in April.

Attempts of Censorship in Adjara TV

14.11.05. The head of the newsroom of 'Adjara TV' accuses the legislative majority of Adjara of pressure. Several members of the majority criticized 'Ajara TV' at today's session of the legislature, complaining that the channel does not allocate an appropriate amount of time to them. For Avtandil Bedjanidze, member of the fraction 'Won Adjara', "television may have its own positions but when this television is financed by us, it should not be against us and should not show the opposition first. There must be opposition as well but the majority must also have the opportunity to make comments".

"If deputies think that people are interested in the amendments taken in this or that legal act, they are wrong. People are interested in those amendments that affect them directly. Deputies should not interfere with the work of journalists. This is an attempt pressurize us and we are not going to heed to these warnings"- said Natia Zoidze, head of the newsroom of Adjara TV.

NGOs working in Adjara estimated the instance as serious. "It seems that the deputies of the Adjara High Council need a seminar on what freedom of speech means" – said Aslan Chanidze, chairman of the Adjaran branch the Young Lawyers' Association. According to the head of the newsroom of 'Adjara TV', the deputies used to express their dissatisfaction by phone earlier.

A few months ago, the former head of the newsroom of Adjara TV Nata Imedaishvili, protested against attempts to put censorship on the TV Company. After that fact, Adjarian government dismissed the head of 'Adjara TV' Zaza Khalvashi, after which the new head Evgeni Khalvashi on his turn dismissed Nata Imedaishvili.

* * *

Azeri Journalist Persecuted for Refusing to Cooperate with Special Services

29.03.05. *It has already been more than a year that the Georgian-Azerbaijan newspaper Eni Dushundzhya (New Thinking) has remained unpublished. This is not because of a financial crisis or the irrelevance of the newspaper, but rather because of political pressure from the Georgian government. Niyazi Huseynov, the editor-in-chief of the newspaper persecuted by the Georgian special services, is currently residing in Baku. There, he is trying to restore his rights that were violated in Georgia, and is appealing to international society for support. He states that his brother Gachar Huseynov was arrested on April 3 of last year and is currently being held in a prison hospital. According to Gachar, he is subject to intense psychological pressure in prison. The relatives of the brothers say that Gachar was actually taken hostage in order to force Niyazi's return to Georgia. Niyazi Huseynov himself, who has been charged with fraud, accuses Georgian special services of attempting to kill him and states that in Georgia he is being persecuted for refusing to cooperate with the Georgian special services. Late at night on January 21, 2004, armed persons attacked Huseynov's family, inflicted physical injuries on family members, and then seized documents related to the newspaper. Niyazi Huseynov, who was supposed to be arrested on an unsubstantiated warrant, managed to escape to Baku.*

Gachar Huseynov, employee of the newspaper Eni Dushundzhya (New Thinking), addresses Azerbaijani authorities and defenders of human rights from Tbilisi's central prison, speaking about the oppression of Azerbaijanis in Georgia. According to Huseynov, he and a number of other Azerbaijanis were being held in Georgian prisons on trumped-up charges. He also states that he is in unbearable conditions in the prison and, is subject to severe psychological pressure. In a letter to his brother he writes: "My patience will last for one more month. If the

situation does not change for the better I will commit a suicide". Huseynov stresses the fact that recently two Azerbaijani prisoners in the Tbilisi jail died. The Georgian authorities refuse to let him meet with relatives or the press.

The Georgian Embassy in Baku is informed about the issue and has sent a letter to Tbilisi. Georgia's Ministry of Justice responded by saying that Huseynov's captors are acting "within the frameworks of the law." Relatives of Huseynov have stated that Gachar was actually taken hostage in exchange for his brother Niyazi's return to Georgia. Niyazi, the editor-in-chief of *Eni Dushundzhya*, had earlier stated that he was wanted for refusing to cooperate with the Georgian special services.

Niyazi Huseynov, who currently is in Baku, says that not only he, but the whole of his family, is persecuted in Georgia. According to him late at night on January 21, 2004, armed persons rushed into his house and inflicted physical injury to Niyazi's mother as well as his brothers and they demanded that they leave Georgia immediately.

Huseynov has addressed a number of international and local human rights organizations in Baku and Georgia, and also the UN and various embassies for support; however, none of them have reacted so far. *Eni Dushundzhya* had been published for some time in Batumi, when Aslan Abashidze held power over the region of Adjara.

[Why is an Azeri Journalist Being Persecuted in Georgia?](#)

17.06.05. 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 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.

- Freedom of Demonstration -

The freedom of demonstration is among the first and most basic classical rights that were declared. This is not for nothing, as the freedom for people to unite and publicly show their disagreement about an issue that is bothering them, lies at the very heart of a democratic and participatory society. It is a very basic and honest tool to express dissatisfaction towards some aspects of either governmental activities or those of other societal actors. Responsible authorities would cherish these kinds of expressions, as they serve as indicators of the ideas and feelings that live among people.

The current government has used the tool of demonstrations effectively in the past to come to power, but once in position, it seems to be less eager to accept it and has come to regard it as a menace. Protest actions have not infrequently been dispersed by force for formalistic reasons. There have also been cases of outright harassment of people known to be involved in demonstrations. Such activities resemble a policy of spreading fear among the population. People are discouraged to speak out their grievances, which falters the growth of an active citizenry.

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[Government that Came to Power through Actions is Now against Actions](#)

18.03.05. The students of Tbilisi State Medical University continue the protest actions which have become the subject of public discussion. The government which came to power through similar actions not only denies the demands of the demonstrators, but has also used force to break up their demonstrations. The Minister of Education will not compromise with the students, and advises them to get prepared for the National Exams instead of standing in the streets. However, the students persist in their cause and have started a hunger-strike at the university building with their hopes set on meeting with the president.

According to international law, all people have the right to assembly and manifestation, including students. But the Georgian government, despite having come to power through public demonstrations, a right not denied to them, now implements forceful methods in order to solve the perceived 'problem' of demonstrations. The use of force in dispersing demonstrations throughout the past year indicates the government's willingness to reject human rights and to establish an atmosphere of terror and violence among the population. According to a statement made by Deputy Interior Minister Bidzina Bregadze at a briefing on March 15, the police will continue their "work" and will not allow students to put camps in the city center. Public Defender of Georgia Sozar Subari was not concerned about this course of action.

Meanwhile, students demand the fulfillment of the agreement. This agreement reads clearly that "... after finishing the program of the first stage of higher medical education, the students according to their grades and wishes will be enrolled at the third year of the Medical University, which is the second stage of the educational program". Lawyer Nutsa Chokheli from the Human Rights Information and Documentation Center believes that demonstrators have valid demands, and that it is unfortunate that they must seek justice by demonstrating in front of the parliament building. The agreement clearly reads that students of the college only need to pass exams in subjects related to their specialty.

Another interesting detail in the dispute goes back to the Minister of Education, A Lomaia's, December 2004 visit to the Medical University, where he presented the model of the Uniform National Exams and discussed the draft law 'On Higher Education'. At the meeting professor D. Kochiashvili asked the Minister about the process of continuing future studies for the students of the University College, and the Minister answered that the government would

fulfill the undertaken obligations and previous agreements. Now, the minister holds a very different opinion and attitude. According to him, the college students can continue their study in their second year (and not the third year as was mentioned in the agreement) only after taking the Uniform National Exams.

The only advantage the College students have is that they can take exams in October. Students are not satisfied with this, and appear to be unwilling to stop until their rights are recognized. They have appealed to the Ministry of Justice and started a hunger-strike, which was followed by their forced dispersal. Since the dispersal, there have been no further developments on either side of the dispute.

Concern about Excessive use of Force and Dispersals of Peaceful Demonstrations

05.07.05. The Human Rights Information and Documentation Centre expresses its concern about those facts that show an escalation of violence in Georgia and of increased acts of Georgian law enforcement bodies overstepping their duties and using excessive force. The massive raid against the peaceful street protesters that took place on Rustaveli Avenue on the night of 30 July is yet another sad example of this. The sportsmen that started massive violations in the court-room should have been arrested on the spot. Instead, a peaceful street manifestation was raided by Special Forces a few hours later. The street protesters were treated with excessive violence and many innocent people were arrested and remain in the pre-detention isolator. The Patrol Police, security service officers in civil clothing, and masked members of the Special Forces, participated in the street raid.

During the raid, the representatives of mass media sustained some bodily injuries while they were performing their professional duties. Mr. Irakli Gedenidze, a photo journalist from the newspaper "ALIA," was severely beaten. Mr. Zviad Nikoleishvili, photo-correspondent of the agency of information "INTER-PRESS," was also injured as was Nato Makhviladze, a journalist from the television studio "MZE".

Special Forces did not let the journalists take pictures of the raid and did not let them perform their professional duties.

The Human Rights Information and Documentation Center expresses its concern over the increased occurrence of protest raids and the demonstrative use of force by the police. The HRIDC believes that the government tries to stifle the ever-increasing dissatisfaction among the public and to frighten society by acting so. The Center demands the setting free of the arrested people and the punishing of those policemen that used force against journalists.

Government Special Forces Suppress Protests

21.05.05. *The Government is using the same old methods to silence a discontented population, stopping protesters that demand electricity by the deployment of Special Forces. The current government seems to have forgotten that in the past, when its own members were a part of the opposition, they were against the stifling of protest actions, and had sharply criticized the old government for doing so.*

On 19 May in Kutaisi, residents of the Gumathesi settlement held a protest meeting in which they were demanding electricity. As a sign of protest, demonstrators closed the main thoroughfare and threatened to continue their protest activities permanently if electricity was not provided to them. According to Gumathesi residents, they have not had electricity for more than two days, and as a result of this they also have no water and are generally in a very difficult situation. They demand the installment of individual electricity meters. Activities organized by the protesters were forcibly disbursed by Special Forces and traffic resumed, although the road was once again closed as the Special Forces left.

According to Avto Dvalishvili, Head of the PR Department of the United Energy Distribution Company, the transformer that provides energy to the population was switched off by the company due to outstanding debts, and until this debt is fully covered the company cannot meet the demands of the protesters and turn on the transformer.

By its actions, the government that came to power with mottos about building democracy has ignored the constitutional rights of citizens to freely express their protest in peaceful ways, including conducting demonstrations. Instead, the government tries to solve regional problems through force, which considerably deteriorates the relations between the population and local authorities and eliminates the remaining hopes that the rural population

has of a better future. As we have already seen in the past, ignoring society's interests can be a disastrous policy for the government to pursue.

[Protest Organizers Detained in Imereti](#)

Kutaisi. 24.05.05. Media News. Organizers of a protest action in the Bagdati district have been detained. The demonstrators demanded electricity. Law enforcement officials argue that they were arrested because of the attack on David Muradashvili, manager of the Bagdati branch center of the power distributing company. However, people blame Muradashvili in provoking the incident, claiming that the manager's behavior was unacceptable. According to the Imereti branch of the distributing company, electricity to Bagdati was cut off because of outstanding debts, and the district will be provided with electricity only after paying the money that is owed.

[Leaders of Protest Action Detained in Akhaltsikhe](#)

Akhaltsikhe. 19.02.05. Media News. Police detained the 10 students - leaders of a protest action in Akhaltsikhe. According to law enforcers, the students violated the law as they blocked the road into the direction of Tbilisi and Turkey. According to some, Special Forces of the police had been taken to Akhaltsikhe.

Students started the protest actions after Merab Beradze, rector of the Akhaltsikhe branch of the Tbilisi State University, had been detained by the police. He is charged with abuse of his office duties.

Students protested the mentioned fact and demand the rector's immediate release.

[Special Operations Police Disperse Bagebi Action](#)

21.02.05. IDPs living in the Bagebi dormitory organized a protest during the evening of February 20th to demand electricity, blocking the road to Tskneti. Students and IDPs have been appealing to the respective bodies for several days demanding electricity, but in vain. A special forces team of the police dispersed the protestors late in the evening. About ten protestors were detained, including women and students. Several students were beaten and one, according to the information received, was severely injured.

[Special Forces Disperse Protest Action in Khobi District](#)

Tbilisi. 14.03.05. Media News. Police Special Forces dispersed a protest action in the village of Cheladidi in the Khobi district. Demonstrators had blocked the road and railway since the morning. Protesters demanded the arrest of the person suspected of causing the death of Giori Chachibaia. Chachibaia died in a car accident in 2004. According his family members, police have information about the identity of a person allegedly involved in the death, but have not detained him.

The village population organized a protest action with the same demand a couple of months ago, but without any results. According to the protestors, the alleged suspect paid a large amount of money for his freedom. The police administration of the Zemo Svaneti region state that they are working on the case of Giorgi Chachibaia and that they will not allow protest actions on the central road.

[Residents of Chiatura Blame Patrol Police of Dispersal of their Demonstration](#)

Tbilisi.09.08.05. Media News. Residents of Chiatura (western part of Georgia) blame patrol police of forcefully dispersing their demonstration in front of the State Chancellery in Tbilisi. According to Nora Gogoladze, a resident of Chiatura and one of the organizers of the manifestation, government used patrol police to disperse their small scale protest-action.

The houses of many people were damaged during works on reproduction of magnum in Chiatura. Approximately 500 families demand a total of 2 300 000 USD as compensation from the state for the repair of their houses. Some victims began a hunger-strike in front of the State Chancellery and demanded a meeting with the authorities. Only Koba Khabazi, head of the office of Internal Policy and Institutional Arrangement, met the demonstrators. "Koba Khabazi advised us to stop demonstrations for at least a month, because, according to his

statement, during this period the negotiations will be organized,” stated Nora Gogoladze to Media News.

* * *

[Police Occupies Zugdidi Market](#)

Zugdidi. 23.03.05. Media News. Employees of the Samegrelo Zemo-Svaneti Regional Police Department have occupied the territory of the Zugdidi Central Market in order to quell local demonstrations. Law-enforcement officials dispersed the protesting vendors and, in spite of resistance, took away tables used to display goods and locked the main entrance to the market.

Demonstrations began in Zugdidi on March 22, when vendors found that the way into the market had been dug out and the entrance locked. According to the representatives of the city Gamgeoba, the market was closed due to renovation works taking place in the area.

[Special Operation Team Disperses Action of Street Traders in Zugdidi](#)

Zugdidi. 27.03.05. Media News. Late at night in Zugdidi, a special operation team of the internal troops and policemen from the Samegrelo-Zemo Svaneti Regional Police Sub-departments dispersed the protest action of street traders. Several people were injured and ended up in the hospital. The action was dispersed after the protesters began to destroy shops and kiosks in the area, while shop owners made a living chain surrounding the buildings in an attempt to protect their businesses.

The government of the city made a decision about the shops and kiosks several days ago. Representatives of the local government claim that the shops cannot be located on the territory where they are now, and that the previous government had sold this territory illegally. According to the traders they have paid up to five thousand USD for each shop and kiosk. They demand a reimbursement from the city government.

[Traders' Action in Zugdidi Market Turns into Scuffle with Police](#)

Zugdidi. 19.04.05. Media News. Zugdidi Market once more attracted the public's attention when, on the morning of April 19, the demands of traders that the central gate of the market be opened necessitated a call for a special armed unit and internal troops. The protesting market vendors had taken away the gate as a sign of protest. The traders have declared that several departments of the market are not working because of the locked central gate. They also say that trade inside the market can't resist the competition with the trade outside the market territory.

Conflict between traders and law enforcers erupted after the traders took away the gate, with both sides becoming involved in a scuffle. Troops arrested several participants of the action and took them to the police station. However, they were soon released. "They pushed me into the car by using force," claimed one protestor. "But nobody abused me inside the car. I was released as soon as I was taken to the Military Police."

[Protester Disappeared from Zugdidi](#)

20.11.05. Before Saakashvili's visit to Samegrelo, one of the participants of anti-government protests disappeared. Luiza Pipia, an inhabitant of Zugdidi, was taken from her house by governmental guards late at night on the 19th of November. This was the last time Pipia was seen.

Relatives and family members of Luiza Pipia held a protest action in front of the administration building in Zugdidi. According to them, Pipia disappeared from her home on the 19th of November. Eyewitnesses assure that several governmental officials took her with them saying that the President's assistant wanted a meeting with her. It was the last time Pipia was seen, and the protesters suppose that Pipia is kidnapped. They asked the government for help to free her.

However, the deputy governor of Samegrelo-Svaneti Alexander Akhvlediani calls it a "provocation", which Luiza Pipia organized herself. "Luiza Pipia is an ordinary inhabitant of Zugdidi. She has the same surname as Gocha Pipia, Member of Parliament, who is known to

be a famous provocateur. Luiza Pipia, as they say, is his megaphone. Please tell me who might be interested in kidnapping her, for she is not Nelson Mandela!" said Akhvlediani.

It should be noted that a large group of merchants was quite active in Zugdidi the last few months, holding several demonstrations in the region. One of the most active of these was Luiza Pipia, who has disappeared a few hours before the President's visit to Samegrelo. MP Kakha Kukava declares that hundreds of Zugdidians were arrested before the President's visit to the region. Moreover, Zugdidi's delegate in Parliament Gocha Pipia, stated in a press conference held in the Dadiani castle that many participants of previous demonstrations, who could discredit Saakashvili's visit to Samegrelo, were kidnapped from their houses and taken to desert places in Imereti. The merchants returned home only late at night.

As a consequence, the intention of Zugdidians to show another side of the 'Rose Revolution' to the President was suppressed by the strict hands of the police. Thanks to the hard and enthusiastic work of local government and police officers, the President has received a warm welcome from Zugdidi's inhabitants.

[Child of Protester Kidnapped in Zugdidi](#)

24.11.2005, "Media News" – The child of a protest participant, which was held in front of the Zugdidi Market, was kidnapped by an unknown group of people. According to the relatives and family members of Gina Kartoza, kidnappers took her child to an unknown destination. Several hours after the capture, the child was discovered outside Zugdidi. The kidnappers demanded from Gina Kartoza to quit the protest immediately. Otherwise, they threatened to capture her child again. Demonstrators demand an acute reaction from the government about this event.

- Civil Society and Opposition –

Few people like to be criticized. Governments, although not exactly persons, seem to share this feature. While in theory constructive criticism is only to the benefit of both the rulers and the ruled, practice does not usually follow this line of thought. Elements that are too critical and independent, are distrusted, and sometimes even persecuted. With regard to non-governmental organizations, those most critical and least liked are marginalized by authorities in order to diminish their influence. Their activities are hindered and they are barred from taking part in official programs intended to involve civil society, for instance the membership in monitoring committees.

Legislation seems to be prepared in such way as to have a lawful leverage against civil organizations in 'emergency' situations. In case the latter would not be sufficient, the possibility of a raid is always open. Threats are not infrequent. With regard to oppositional parties and individuals, the situation is somewhat similar, but maybe even more pronounced. Several cases of physical harassment and public discrediting have been reported.

* * *

[Legislative Amendments for Restriction of Civil Society](#)

03.02.05. Authorities have thrown their weight into play to create a mechanism of control over NGOs and forcing changes to Article 35 of the Georgian Civil Code which reads: "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 short background about the activities of unions and foundations, their registration, reorganization, and liquidation. The 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).

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 was granted the right to revoke registration, which means that court would be deprived of this; the right would be transferred to the state registering branch of the Ministry of Justice. Due to the unconstitutionality of this amendment another was put forward. 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.

So, the courts are again granted the right to make decisions regarding the abolishment or restriction of union and foundation activities. 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 this 'concerned entity' regarding the activity of union and foundation are expanded. Representatives of NGOs, however, have only a very vague notion about the nature of this 'entity'.

Regarding this amendment, we appealed to Mr. Ucha Nanuashvili, Executive Director of the Human Rights Information and Documentation Center, who does not consider this amendment necessary after the revolution. "The period when this amendment was made leads us to believe that the state is trying to take control over NGOs, to have more power to interfere in the internal activity of non-governmental organizations." About our question concerning who is eligible as the "concerned person" mentioned in the law, lawyer Lia Mukhashavria explained that it might be a representative or a constituent of this organization; even a person who has some kind of relation to the organization, but not just anyone. Mr. Nanuashvili considers that it is uncertain who might be a "concerned person" because the law itself does not answer the question.

- Could that person be a state representative as well?

- Of course they could, because there is no answer in the law regarding this question. It is also very unclear what is meant by the "non-fulfillment of an organization's goals," because that is a very subjective issue. Who is to determine whether an organization fulfills its goals or not? That is quite conditional. An organization might have active and passive periods depending on its resources and that does not mean that it should be cancelled. It is a common part of a civil society in which the government should not interfere. The fact of such limitations indicates that the state is not interested in the development of the civil society but in its limitation. It will start campaigns against concrete organizations that are critical of the government and will not close their eyes to its violations. The government is trying to control the NGO sector.

Mr. Nanuashvili also mentioned that the matter might not go as far as annul registrations, but that because of court proceedings, organizations will have to spend their resources in vain, and this fact might have an adverse effect on its image. Additionally,

pressure from the state might cause the organization to change its policies. For the cases in which an organization actually commits a crime, other effective remedies have always existed.

* * *

[HRW addresses the President of Georgia](#)

01.04.05. Dear President Saakashvili,

We are writing you today to express our concern about harassment and pressure against the Former Political Prisoners for Human Rights (FPPHR), a prominent human rights non-governmental organization that has played an important role in encouraging the observance of human rights and promoting a more open and accountable government in Georgia since 1996. One of the main areas of FPPHR's work is in the field of torture prevention, and we are concerned about recent moves by the government that impinge on this work, including the blocking of access for the group to places of detention and attempts to suspend television broadcasting of anti-torture announcements which it has developed.

Since the end of 2001, FPPHR's torture prevention work in Georgia was affected through actively monitoring places of detention and exposing abuses by law enforcement officials that it documented through these visits. FPPHR had been a member of the Independent Council of Public Oversight of the Ministry of Justice and was therefore authorized to visit places of detention controlled by the Ministry of Justice. In April 2004, the Council was disbanded, and no other body was put in place. However, according to Nana Kakabadze, the head of FPPHR, Ministry of Justice officials in places of detention continued to allow access for the members of her organization until June 2004. At that time, the authorities blocked further access to these facilities for Kakabadze and her colleagues, following her meeting in the prison hospital with Sul Khan Molashvili and Kakabadze's public allegations about him being tortured in the Ministry of Internal Affairs headquarters. When Kakabadze and her colleagues attempted to visit the detention facilities of the Ministry of Justice, officials subsequently refused to allow them in. We were pleased to learn that the Georgian government has currently reestablished a system of monitoring of places of detention that include representatives of non-governmental organizations as members, but were surprised and disappointed that the FPPHR, one of the most active organizations in this field, has not been included as a participant.

Another government attempt to restrict the work against torture carried out by FPPHR occurred in December, when the State Anti Monopoly Service of Georgia wrote to the television stations Imedi and Kavkasia asking them to suspend their broadcasts of community service announcements against police torture sponsored by the European Commission and FPPHR. According to Kakabadze, the community announcements had been broadcast on several private channels since February 2004. The request to suspend these broadcasts arose from the Ministry of Internal Affairs, which wrote in a letter to the State Anti Monopoly Service that the announcements "discredit the profession of the police and interfere with reforms of the system, which are attempting to establish justice and order in the country." The letter also stated that the announcements could attract a penalty because they did not comply with the law on advertisements and requested that they be taken off the air. In response to the request of the State Anti Monopoly Service, both channels suspended the broadcast of the announcements.

The next week representatives of the State Anti Monopoly Service and the Ministry of Interior met with representatives of the European Commission. According to Kakabadze, the authorities requested the advertisements to be modified so that images of police uniforms, the building of the Ministry of Interior, and electric shock equipment would be removed. After repeatedly requesting written confirmation of the ban on the advertisements, the FPPHR received a letter from the State Anti Monopoly Service in late January 2005, stating that it was not banning the advertisements, but just recommending to the channels not to show them. Kakabadze told Human Rights Watch that after the FPPHR showed this letter to the television stations in early February, they began to show the anti-torture community announcement again. While there was a positive outcome in this case, the incident prompted concern about undue government intervention.

On several occasions, members of FPPHR have also been harassed by unknown persons as well as law enforcement officials. This began in late 2003, when unknown persons made a series of threatening telephone calls to Nana Kakabadze, including threats to the safety of her daughter. According to Kakabadze, these threatening telephone calls stopped by

March 2004, after she spoke about them in public. On May 4, two police officers beat Levan Shakhvadze, the head of the Rustavi branch of FPPHR, in the street in Rustavi. They demanded him to stop working on cases involving police abuse. He made a formal complaint about the incident to the police, demanding that a criminal case be opened. However, he later withdrew his complaint after receiving further threats. In mid-December, unknown callers made a series of threatening and abusive telephone calls to the FPPHR office. These continued over a period of approximately ten days.

As you know, it is a duty of all governments to protect human rights defenders, as laid out in the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Furthermore, the government of Georgia has made it clear that it wishes to develop Georgia into a robust democracy and the constructive criticism of non-governmental organizations, such as the Former Political Prisoners for Human Rights, is essential to that process.

We therefore urge your government to ensure that Former Political Prisoners for Human Rights is able to work unhindered, including through visits to detention facilities. We also ask that you send a strong signal that your government will not tolerate threats of reprisals for all human rights work.

We thank you for your attention to this letter and look forward to further constructive dialogue.

[Pressure and Threats against Human Rights Information and Documentation Centre \(HRIDC\)](#)

29.11.05. On the 27th of September 2005, Kvaratskhelia Zaur, the head of the Department for Inter-Ethnic Relations and Relations with the Georgian Diasporas, had a telephone conversation with the executive director of the HRIDC Ucha Nanuashvili. Kvaratskhelia shouted and hurled insults against the head of the organization and called him an "informer" and "traitor". According to Kvaratskhelia, the Human Rights Information and Documentation Centre is spreading false information about ethnic minorities in Georgia and is representing the interests of foreign forces. Kvaratskhelia says that any word about the discrimination of ethnic minorities in Georgia is ridiculous.

The HRIDC is concerned about the recent threats from the governmental representative and thinks that the state is trying to take the activities of the non-governmental sector under its control. The HRIDC demands the representatives of government to be answerable for their actions. Last November the organization also received several threats.

* * *

[Robbery or Political Revenge?](#)

25.07.05. On the left bank of the river Mtkvari, near the restaurant "White House", the majority deputy from the Khashuri Region Valeri Gelashvili was attacked by eight persons in masks while driving his car. In the car were Gelashvili's cousin, security guard Malkhaz Tsakaia, and Megi Lomidze, the director of building company "Evra". Even though the victims and the members of his party crossed out the possibility of robbery, the investigator of the Didube-Chugureti police region Levan Berodze stated that it was merely this. Investigation continues to work on this version.

On June 14th Gelashvili was driving the car of his wife, because he could not get his bullet-proof vehicle started that morning. According to representatives of the opposition party, on June 13th police stopped Gulashvili's car and checked how many bodyguards he had and how well they were armed. In one of his later television interviews, the victim stated that the act was carried out by Special Forces and that it was connected to his latest newspaper and television interviews. He recognized one of the robbers to be a worker of the 8th division of the Ministry of Internal Affairs.

A special briefing on this case was held by the representatives of the National Movement, Giga Bokeria, and Giorgi Arveladze. "It is very significant for us to investigate this crime and to find out the person standing behind it. We demand that this case be investigated properly, as our opponents automatically accuse the government of planning the incident", Giga Bokeria stated to "Media News". Parliamentary Giorgi Arveladze, supports the government and states that accusations from the side of the opposition about the

criminalization of the government are nothing else than “dirty statement”. He says that, “The goal of the opposition is to accuse the government of every violation. It is their job. The opposition is allowed to say everything, even utter such shameless statements. We are used to them. We hope that investigation will clear everything up.”

Government Limits Power of Opposition

04.08.05. The Georgian government presented a draft bill on the election of the Tbilisi local government and the mayor. This caused negative reaction among the opposition. According to the new draft, the existing system of proportional representation is to change into the principle of “winner gets all”. On June 22, some members of Parliament from the oppositional parties as a protest left the Parliamentary session on regional policy and self-governing. They think that the draft has no administrative meaning and it is a purely political document that. This was confirmed even more when the president appointed Gigi Ugulava, the ex-head of Presidential administration, as the Tbilisi Mayor.

According to the above mentioned draft, each political party can name two or three candidates for a post in local government for each election district. Only those three parties having the majority of voices would be able to place their candidates into posts of the local government. This aggregation of forces then chooses the Mayor. As members of the party ‘National Movement’ said, these kinds of elections are recommended by the Council of Europe. Such rule will lead to the consolidation of political parties, as small parties will have to unite in order to get influence in local government.

The proposed version that the local government chooses the Mayor, is a step forward into the direction of democracy. At the same time, the government is afraid that a member of the opposition will lead local government, which is why the majority of the local assembly is to be composed of the governing parties. Therefore, the proposal is highly indecent and inadequate. In such manner, the checks and balances are diminished, which radiates an atmosphere of authoritarianism.

As expert Paata Zakareishvili states, “The politics that tries to squeeze out the opposition from public functions is continued in this fashion. The main counterbalance in politics to the ruling power, is that the opposition has ability to breathe, to prove to society that it has some influence. That is why when Saakashvili won in the local governmental elections, it was reaffirming of his abilities to society that he could become governor.” Paata Zakareishvili said that such behavior coming from a government that came to power through a democratic revolution is unjust.

Political Revenge, or Yet Another Criminal Assault?

23.05.05. *The investigation of criminal attacks on representatives of the oppositional Conservative Party is being delayed for unknown reasons. Among these cases is an attack that took place a week ago against the Member of Parliament Kakha Kukava. The incident gives rise to suspicion in opposition circles, who speculate about political revenge.*

On 16 May at 11 o’clock, two unknown men attacked MP Kakha Kukava and beat him up. After the physical abuse, the attackers took away his mobile phone and his wallet. Prosecution opened a case under the nomer ‘theft’, which greatly surprised Kakha Kukava and his fellow party members. According to them, the case should have focused on assault and robbery. The MP finds the police activity in this case very passive. Despite of the fact that Parliament gave a special task to the Minister of Internal Affairs to investigate the issue, no one from the ministry got in touch with the victim. Finding the criminals should not be too difficult for the police, since, according to Kakha Kukava, the criminal group is active in his area and if the police organized a raid they would easily catch them.

“I think that the Interior Ministry is simply not interested in opening the case,” said Kukava. “We have certain information that some of these criminal groupings are supported by the government. As for political revenge and the tactic of fear, I do not think that it was the case, although I cannot rule it out. As time passes these suspicions get stronger, as the government really tries hard to qualify this attack as an ordinary criminal act, and on top of that does not try to properly investigate the matter”. The Conservative Party leader added that despite the task given by the Head of Parliament, the Interior Ministry is not still involved in the matter.

The opposition party's representatives say they hope that this assault will be investigated and the criminals punished. The Conservative Party already has sustained several attacks which still have not been investigated, among them the attack and robbery of the party's Tbilisi office and the assault on party member Guga Tsanova in Zugdidi.

Conservative Party Office has been Attacked in Zestaponi

Tbilisi. 13.06.05. MediaNews. On the 13th of June the regional office of the Conservative Party was raided and smashed. Around thirty people were involved in raid. Two party activists – Girogi Beradze and Badri Gugusiani have been beaten. As the leadership of the party says, among the raiders victims have identified Zaza Davladze who works at the Zestaponi gamgeoba (local government).

At a press conference held at the Parliament in connection to this incident, Bidzina Gujabidze, member of the Conservative Party, and Kakha Beradze, head of the Conservative Party's Zestaponi regional office said that the reason for the raid was that the party accused local authorities of corruption.

On the 8th of June, Mirian Beruashvili (Zestaponi's gamgebeli), was arrested on the charge of bribery. He was exposed by Kakha Beradze, head of the Conservative Party of the Zugdidi region. According to Bidzina Gujabidze, this is not the first time that the office of the Conservative Party has been raided and he calls upon the Government to stop the pressure on political parties.

Office of "Samartlianoba" ("Justice") Party Robbed

27.10.05, "Media News" – According to information spread by the members of the party "Samartlianoba" ("Justice"), their office in the Saburtalo district was robbed on the 27th of October. Thieves took important papers, documents, a TV set and a fax machine. On the 28th of October, two members of the political party "Samartlianoba" and their friend, invalid of the second group, were attacked in Khobi. Members of the party maintain that the attacks were organized by police officers.

Persecutions against Justice Party

03.12.05. Political party "Justice" expresses its utmost indignation as a result of the multiple criminal incidents that have taken place recently against the members of various regional organizations of our Party.

On September 28th in Tbilisi, on Pirosmeni str. five unknown persons driving an "Opel" car, with state registration number ACZ 164, without any grounds and explanations stopped and beat in the street Head of Samtredia Regional Office Iliya Karchiladze and member of the same organization Gela Giorgaia. Moreover, the attackers literally pushed Iliya Katchiladze into the car and took him towards Aghmashenebeli Avenue. Iliya Katchiladze managed to escape from them by chance after the car got delayed in a car jam. He managed to get out of the car and call the passers-by and the nearby Patrol for help. The most scandalous is that the patrol arrested the armed attackers; though later let them free without any comments under the motivation that they were employees of the police.

On the same day from the city Kutaisi Chairman of Kutaisi city organization Roman Gachechiladze was kidnapped, beaten, robbed and left in Terjola woods, besides he was warned not to dare to attend and bring the supporters to the Congress of the Justice Party (which took place on October 3).

On the same evening, in Kutaisi, in 50 meters from the police station attackers in disguise relentlessly beat with batons the Head of the Party's Youth Organization Roman Kvikvinia and his two friends (among them one was an invalid of group II) and warned him to abandon party work and not to appear on the Congress.

On the same evening of September 28th several persons took out of his home and savagely beat one of the leaders of Gori region's village Karaleti primary party organization Anzor Mezvrishvili. The sufferer recognized an employee of the same region's police among those who attacked him.

On September 29th during daytime several armed and disguised persons besieged and battered leader of the Batumi city party organization Ramaz Samnidze, after this he was

kidnapped, taken by force and left on Ozurgeti road, being simultaneously threatened with physical liquidation if he continued working for the party again.

On October 2nd, raided and completely destroyed was Telavi Office of the Justice Party. On the same day there were attempts from the police to detain without any grounds the Head of city Zestaphoni party organization Dato Vardukadze and two persons in his company. Violence against the members of our party went on with particular brutality and in fact took a mass character on October 3rd, on the day of the Congress of the Justice Party. Namely:

On October 3rd, leader of Zugdidian party organization Papuna Shonia was kidnapped and threatened with elimination of his family if he did not discontinue work for the party, and the vans in which party members planned to come to the Congress were confiscated, documentation and keys were taken away and the vans were made to stand in the yard of the police station.

On the same day the vans that left from Batumi, carrying party members to the Congress, were met by heavily armed people in disguises, vans were made to stop, people forced to get down, vans in which party members were going to the Congress were crashed and ruined and then buses were riddled with bursts of sub-machine-gun fire, automobiles were broken with batons, butts of guns and stones, car tires were cut and people were raided and beaten. The same happened to the cars and their passengers going to the Congress from the cities Khobi, Samtredia, Terjola, Ozurgeti, Kutaisi, Kakheti region and Samtskhe-Javakheti. The same acts of violence repeated at the entrance of Tbilisi and the so-called "Igoeti outpost".

After the Conference of the Justice Party finished, several unknown persons armed with firearms and portable radio transmitters, assaulted the executive secretary of our party Mr. Giorgi Metreveli. He was thrown on earth and beaten, at the same time he was told: "You were warned not to hold this Congress". As a result of beating Mr. G. Metreveli got concussion of the brain and was put into hospital.

Throughout the whole period leading post holders of our party and active members were called on the phone, warned, deterred with destruction, and threatened on the phone as well. Particularly frequent were such calls from telephone number 899 58 23 42.

It is obvious, that all this violence and injustice was exercised by the operations staff of the Ministry of Internal Affairs, policemen and members of the special detachments, and this takes place when the Constitution of Georgia, any other legislative or subordinate legal act, regulation or instruction regarding the activities of the enforcement bodies, considers their ("keepers' of order") prime responsibility to be protection of human rights and freedoms, their security, health and life and property.¹¹

- Refugees and Internally Displaced Persons -

In this chapter both the situation of refugees from the war-thorn Chechnya and internally displaced persons (IDPs) from primarily the conflict regions within Georgia shall be addressed.

Chechen Refugees

Chechens do not seem to be able to find any rest within or outside their homeland. Although Georgia acts as a place of refuge for those who have fled the dirty conflict, Chechens do not feel safe there either. Apart from the very difficult economic conditions they find themselves in, they suspect Georgian officials to have a pro-Russian attitude in the policy and stereotypes towards them. Cases of unlawful extraditions to Russia and disappearances under suspicious circumstances have been reported. It can be said with a fair amount of certainty that a person reported 'missing' in the Chechen conflict zone will not be seen again. The Georgian side also

¹¹ Part of a letter sent to the HRIDC by the Deputy Chairman of the Justice Party

seems to be quite willing to accept the Russian label of 'terrorist' put on some individuals. It seems that this is about the only policy field in which Georgian and Russian officials cooperate well. Apart from this, Chechens are often simply refused entry into the country, even with all documents in order. Also, the activities of the UN High Commissioner on Refugees are criticized as being corruption and for raising expectations that cannot be fulfilled.

* * *

[European Court of Human Rights Makes Second Ruling against Georgian Government](#)

On 12 April the European Court of Human Rights made a final decision on the case 'Shamaev and 12 Other Chechen Prisoners vs. the Governments of Georgian and Russia.' Three citizens of Chechen nationality were detained at the Girevi Watching post on 4 August 2002. Five of them were extradited to the Russian Federation. The Chechen prisoners were represented by Lia Mukhashavria and Nana Kintsurashvili, attorneys from the Georgian NGO 'Article 42 of the Constitution'. The EU Court has partially satisfied the Chechens' demands, deeming their detention and their extradition to Russia illegal, and has also considered the action of the Georgian side as violating Articles 3, 5 (paragraph 2 and 4), 13 and 34 of the European Convention.

The Russian Government was found guilty of violating Articles 38 (paragraph 1, subparagraph a) and 34. According to the decision of the EU Court, the Georgian Government should pay 80,500 EUR to the Chechen prisoners and also to reimburse the legal expenses to the amount of 4000 EUR. The Russian Government was ordered to pay 42,000 EUR to the prisoners and 12,000 EUR for legal expenses. If the countries do not cover these expenses within a three month period, they will be charged with an additional fine for each month they are overdue.

According to attorney Lia Mukhashavria, after the decision was made by the Human Rights Court the French judge Jean Paul Costa said that the Chechen case was the most difficult of the cases being tried in the court at that time. This is the second instance in the history of Georgian law that the Court has made a decision against the Georgian government. The first was 'Asanidze vs. Georgia,' in which case the interests of Asanidze were also defended by Lia Mukhashavria.

[Chechen Refugees Demand to be Transferred to a Third Country](#)

04.05.05. Chechen refugees living in Pankisi are dissatisfied with the activities of the UNHCR in Georgia and they have demanded an investigation into its activities. According to them they live in unbearable conditions, and if Georgia cannot ensure proper living conditions for them have asked to move to a third country.

The Coordination Council of Chechen refugees in Georgia held a briefing on 28 April, where they declared that there is no possibility for them to continue living in Georgia. According to official data, 2500 refugees from Chechnya reside in Georgia. Of these only 486 are ethnic Chechens divided into 142 families.

Chechen refugees said that in spite of the relatively kind attitude from the Georgian side, their conditions have continued to worsen. They are not happy with the way the UNHCR operates in Georgia and they demand that the organization's activities are investigated by the international community.

According to the refugees, the UNHCR does not do anything to help them or to improve their situation. Refugees say that their living conditions are unbearable; there is no united single placement policy and that there is a pressing lack of food. For instance, Khedi Borchashvili, a Chechen schoolgirl of school No. 64, fainted because of malnutrition, an incident that her teachers have confirmed. The Council members claim that the provision of humanitarian assistance to them is neither timely nor organized, and what is provided often has passed the expiry date and hardly fit for food. Medical assistance also does not function properly and due to this the death of patients is not infrequent. There are no children's programs and the young people get practically no education.

Because of all of these problems, Chechen refugees desire a change in the emigration policy and that priority is to be given to the above-mentioned 500 people. This priority is necessary because they suspect that other people who somehow manage to get on the list

benefit from the emigration policies, instead of the refugees who need them the most. Refugees also ask to be moved away from the Pankisi region, a move for which they have several reasons. One main reason is the fact of the region's close proximity to the Russian border, which makes them very anxious. Besides this, no information is available to refugees living in Pankisi and thus they are in an information vacuum.

Chechen refugees demand that if transferring these 500 people to a third country is not possible, they should be provided with proper living conditions in Georgia. The refugees also want the Georgian government to stop extraditing Chechens to Russian, and to seriously start regulating the issues around their entrance into and exit from the country. Another request is the allowance to take up employment in Georgia. Members of the Coordination Council consider it important to hold a round table on the topic 'Problems of the Chechen refugees and the activities of UNHCR and their role in solving them.'

If these requests and requirements are ignored, the members of the Coordination Council, including Maka Khanchukaeva (Director of the Committee Against the Violence of Women in Chechnya) Abdulla Tesaev (Director International Committee on Chechen Refugees) Seipuddi Elenbaev (Head of the Committee of Chechen refugees), and Said Madaev (Director of NGO Bart) intend to go on a hunger strike and perform other kinds of protests.

[Rights of Refugees are Not Protected in Georgia](#)

17.08.05. Almost three weeks ago, two Chechen women have gone on a hunger-strike in the Pankisi Gorge. As the health condition of one of the women deteriorated badly, she was taken to a hospital in the Akhmeta Region. The hunger-strikers demand a permission to move to a third country, as was promised by the UN High Commissioner on Refugees (UNHCR). However, in spite of their protest, the UNHCR has neither responded to the Chechens' demands, nor given them an official document containing a refusal.

Two women are on a hunger-strike for almost three weeks now in the Pankisi Gorge. They demand permission to move to a third country from the UN High Commission on Refugees. Beka Mindiashvili, the head of the Division of Liberty and Equality in the Public Defender's Office, who personally met the hunger-strikers, stated in an interview with the Human Rights Information and Documentation Centre, that "Zola Ozueva, one of the women, demands an official document, that would give her the right to move to a third country. According to Mrs. Ozueva, she was promised that she could move to a third country without any problem. Though, as found out later, three countries (the Netherlands, Ireland and Canada) refused to receive her. Now, she demands the official document of this refusal. Mrs. Ozueva stated that if she receives an official letter, she will stop the hunger-strike. Mrs. Khalipad Okueva, the other hunger-striker, had been operated earlier and was taken to the hospital of Akhmeta because her health situation worsened significantly. She is not satisfied with the living conditions in Duisi and wants to move to Tbilisi, as she was also refused to go to a third country."

It must be mentioned that Chechen refugees express their suspicion towards the UNHCR and charge it with corruption. According to their information, many instances have been observed, when Georgians were moved to a third country as Chechen refugees. Several days ago, the representatives of the Public Defender's Office met Urara Furukava, the head of the Legal Service of the UNHCR, who stated that it was impossible to send them the official documentation they demanded, as they did not have the relevant materials themselves. To justify herself she added that she could not speak in the name of any third country. This statement only deepened the suspicion of Chechen refugees that no documentation was sent to the mentioned countries at all.

Mrs. Urara Furukava went to Pankisi to view the situation. Human Rights Information and Documentation Centre contacted Mrs. Furukava, who avoided answering the concrete questions and gave general replies: "In normal circumstances, refugees cannot request transfer to a specific country. This is possible only in the interests of family reunification; refugees may apply for settlement in countries where their close family members are residing." In spite of Mrs. Furukava's visit to Pankisi, the demands of the refugees have not been satisfied yet and they are still resolved to continue their hunger-strike.

[Chechen Refugees Ask the Public Defender for Help](#)

Tbilisi. 25.02.05. Media News. Eighty Chechen refugees addressed Sozar Subari, the Georgian Public Defender and asked him to help with their refugee status. According to the Chechens,

the Ministry of Refugees and Settlement illegally deprived them of their refugee status when conducting their annual census this year, consequently leaving them without benefits. Generally, those who are officially recognized as Chechen refugees in Georgia receive a benefit of 14 GEL from the Georgian Government, humanitarian aid from international organizations and are able to attend a special Russian school opened for Chechen refugees living in the Pankisi Gorge.

In an attempt to clarify the situation and become familiarized with the problems facing Chechen refugees, Subari will leave for Pankisi on February 26th and has planned to hold meetings with Chechen refugees. The Public Defender will be joined by representatives of the Ministry of Refugees and Settlement as well as employees of the Regional Administration.

Some Chechens Were Provided with Refugee Status

Tbilisi. 17.08.05. Media News. Georgia's Public Defender Sozar Subari arrived in Duisi (a village in the Pankisi Gorge) and distributed cards providing for refugee status to a number of Chechens living there.

The fact is that the Public Defender's Office studied and discussed the issue of restoration of refugee status for certain Chechens on the basis of a number of appeals. The Office of the Ombudsman found that forty of them had their status cancelled illegally.

The Ministry of Refugees and Placement, which made a census of refugees last year, did not study the cases accurately enough and did not confirm the reasons underpinning the decision on refusal, the Ombudsman states. As far as the Public Defender is involved in the case, the Ministry restored their status of refugee.

Nationality – Pass to the Country

31.03.05. The illegal deportation of people of Chechen and Kist nationalities from Georgia takes place quite frequently, and the Georgian Ministry of Interior has once again followed the example of the past years by illegally deporting two Kist brothers, the Tsatiashvillis, a few days ago.

They crossed the border illegally, and were subsequently deported without explanation. According to Public Defender Sozar Subari, states that the employees of the Ministry of the Interior did not have the right to deport those people without following the necessary procedural norms. The brothers, who are citizens of Russia and have until now been living in Grozno, addressed the Georgian Ministry of Refugees and Settlement on March 7 with a request for refugee status. Employees of the Interior Ministry met the brothers and took them for interrogation, and then to the neutral zone of the Azerbaijan-Georgian border. On December 18 of 2004, the elder brother Shengeli Tsitiashvili had received confirmation that he is an asylum seeker who is waiting to receive refugee status, which makes the fact that his deportation was illegal even more obvious. According to Ucha Nanuashvili, Executive Director of Human Rights Information and Documentation Center, Georgia is a member of the Geneva Convention for the Protection of Refugees, by which it is obliged to receive refugees and has no right to deport them without following specific procedural norms, which were ignored in the case of the two brothers. This fact, among others, points to a violation of the international agreement and the undertaken obligations. The operation was conducted in a concealed manner and without the appropriate paperwork. Even the fact of brothers' crossing of the border has not been documented.

According to Khizri Aldamov, a representative of the Chechen Diaspora, such circumstances are common. He says that once it is sufficiently established that a person who wants to cross the Georgian border is a Chechen or a Kist, he is deported immediately, whether or not they have the appropriate documents. This is confirmed by the case of Magamed Gazimiev, a doctor of Chechen nationality who came to Georgia from Russia by plane for his friends's wedding. He was forced to return to Russia directly from the airport solely because he is Chechen. According to Soso Djachvliani, an actor who met Gazimiev at the airport, Gazimiev had all the needed documents and the border guards had absolutely no grounds to deport him.

Currently, there is a standing verbal order from the Minister of the Interior calling for the deportation of people of Chechen and Arab nationalities. And for those who haven't been deported, it is unclear why the re-registration of refugees living in the Pankisi Gorge is

planned, in spite of the fact that the Ministry of Refugees and Settlement conducted their registration a few months ago. This time the Chechen refugees are to be registered in a more detailed way, with records of ethnic origin, age, and other details to be recorded. The registration of Chechen refugees in Pankisi Gorge took place a few months ago. According to this data there are about 2000 refugees living in the Pankisi Gorge, out of which 1200 are Kists and 800 are Chechens.

[Chechens Released from Prison Still Afraid of Extradition](#)

13.01.05. The imprisonment of the five Chechens arrested by Georgian law enforcers in the summer of 2002 for illegally crossing the Georgian-Russian border and illegally transporting weapons has come to an end. Four of the Chechen prisoners have already been released, and the fifth, Kist Giorgi Kushtanashvili, will return to his family soon. However, despite their release, these former Chechen prisoners do not feel safe in Georgia and ask both the Georgian Government and non-governmental organizations for help. According to a statement made by the mother of one of the released Chechens named Aslanbeg Khanchukaev, her son is subject to constant observation and pressure from law enforcers who have been watching him ever since he has been released. According to the Russian Government, the decision of the Georgian Supreme Court regarding the five Chechen prisoners was too liberal and it demands their extradition to the Russian Federation.

In the summer of 2002 Georgian law enforcers detained five Chechens; Aslanbeg Khanchukaev, Akhmed Magamedov, Khazmag Isaev, and Aliev and Giorgi Kushtanashvili for illegally crossing the Georgian-Russian border and illegally transporting weapons. In its final ruling on the case, on November 25th 2003, the Georgian Supreme Court reduced the four year term of imprisonment of Khanchukaev, Magamedov, Isaev, and Kushtanashvili to two years and five months and sentenced Aliev to two years and eight months imprisonment because he had been tried once before. Four of the Chechens have recently been released; Aliev on December 31st, 2004, Aslanbeg Khanchukaev on January 5th 2005, and both Khazmad Isaev and Akhmed Magamedov on January 6th 2005. Giorgi Kushatnashvili should be released in the near future.

Makar Khanchukaeva, mother of one of the released Chechen prisoners, Aslanbeg Khanchukaev, says that her son is being watched by the Georgian Security Service. On January 5th 2005, shortly after his release from prison, he noticed a white car which belonged to a Georgian Security Service employee outside of his friend Meka Khangoshvili's house. Makar Khanchukaeva is convinced that three Security Service personnel followed Aslanbeg Khanchukaev as soon as he left the prison. Although Khanchukaev has been moved to a safer place by his relatives, his mother asks the Georgian Government as well as non-governmental organizations to ensure her son's safety.

According to the Ministry of Exterior of the Russian Federation, these five Chechen prisoners should not have been released, and their discharge will not improve the relationship between Georgia and Russia. The Ministry of Exterior recently issued the following statement: "the Russian side has several times brought up the issue of extraditing the Chechens. Extradition of the five persons has been made possible but Georgia refused to extradite others who had crossed the border illegally carrying weapons."

[Chechen Refugee Said Salah Kadiev is Still Imprisoned](#)

15.09.05. On the 30th of May 2005, 31 year-old Said Kadiev, citizen of the Republic of Chechnya-Ingushetia of the Russian Federation, was arrested in Tbilisi on basis of information provided by the Secret Security Service Department Against International Terrorism of the Ministry of Internal Affairs of Georgia. Kadiev was arrested for not having an international passport or a visa for his stay in Georgia. After the session of the Marneuli district court on September the 1st of 2005, Said Salah Kadiev was sentenced to 6 months of imprisonment.

In September 2003, Said Salah Kadiev illegally crossed the Georgian border from the side of the Republic of Azerbaijan (at the Red Bridge) and stayed on the territory of Georgia. According to statements made by Kadiev during his talks with his lawyer David Managadze, his life was under threat in his country and therefore there was no other way for him but to come to Georgia. On the 4th of August 2005, the Human Rights Information and

Documentation Centre was addressed by several citizens of Chechnya living in Georgia asking it to help their friend in need.

According to the 1951 Geneva Convention on the Status of Refugees that was adopted by Georgia in 1999 and according to a notification given by the Georgian Refugee and Settlement Ministry, Kadiev was registered as a person seeking refugee status. Nonetheless, the court did not satisfy the demand from the side of the defense to set Said Salah Kadiev free. Kadiev was sentenced to 6 months of imprisonment on the 1st of September 2005 according to a decision made by the Marneuli district (City Court) judge, Makvala Peikrishvili. Unsatisfied with the decision of the court, the prosecutor appealed to the next instance. He is demanding two years of imprisonment, relying on the second part of article 344 of the Criminal Law Code. According to the updated information, Kadiev is released from prison on November 30.

Chechen Refugees Left without "Imedi" ("Hope")

24.11.05. On the 6th of September 2005, the staff of the General Prosecutor's Office raided the flat of Chechen Muhamed Makhaev. They took away computers and humanitarian documents prepared by him. Based on information provided by the financial monitoring department, a criminal investigation procedure has started on the 20th of September.

No accusation has yet been brought against Makhaev and some doubts exist on what the special Department on the Legalization of Illegal Income of the General Prosecutor's Office is actually working. According to one version, the investigation procedure concerns the legalization of illegal income. According to another, the Prosecutor's Office believes that the partner organizations of Makhaev's centre might be connected to the "Al-Qaeda" and "Taliban".

The Chechen Muhamed Makhaev established and registered the humanitarian aid organization "Imedi" ("Hope") in April 2003. For three years his organization was assisting refugees from Chechnya living in Georgia and providing them with humanitarian aid. He was sending food and wood to them, financially supporting orphans, organizing free computer courses for refugees, covering their medical insurance, and so forth. "Imedi's" partners were solid European humanitarian organizations as "Muslim Helfen" from Germany and "Muslim Hands" from Britain. These organizations are also partners of the "Red Cross and Red Crescent".

On the 6th of September 2005, the staff of the General Prosecutor's Office raided the flat of Muhamed Makhaev and told him that a criminal investigation procedure was started against him. They took away the computers and all documents which had any connection to the activities of "Imedi". After the raid, the organization was not able to continue its work. "Imedi's" activities have been stopped for a month and a half. At the end of October, the Special Department on the Legalization of Illegal Income of General Prosecutor's Office returned all the documents to Makhaev. Nevertheless, the investigation is still going on and no official accusation against the director of "Imedi" has been raised. The Human Rights Information and Documentation Centre has contacted the above mentioned special department of Georgia's General Prosecutor's Office. However, in the interests of investigation, inspector Kvicha Begiashvili refused to make any comments on this case.

Last "Hope" of Chechen Refugees Imprisoned

30.12.05. The founder of the only humanitarian organization in the Pankisi gorge Magomed Mahaev is sentenced to three months of preliminary detention following a decision of the City Court. His organisation is accused of cooperation with terrorist organization Al Qaeda.

On December 28th the Tbilisi City Court sentenced Chechen refugee Magomed Mahaev to three-month of pretrial detention. He is accused of falsification of documents, abuse of position and the pocketing of

24 000 GEL. Humanitarian organization "Imedi" (Hope), founded by Mahaev in 2003, assisted Chechen Refugees in the Pankisi gorge with food and other useful goods. According to the investigators, those donor organizations that financed Imedi have ties with Al Qaeda.

The Human Rights Information and Documentation Centre's Executive Director Ucha Nanuashvili stated: "The accusation is absurd; one of the donor organizations 'Muslim Hands'

is partner of The Red Cross. Factually, the investigation also accuses these organizations of being tied to Al Qaeda.”

Imedi’s donor organizations Muslim Helfen and Muslim Hands support humanitarian activities in several countries of the world.

The Human Rights Center asks for an alternative provisional measure than that of pretrial detention and declares that there is no threat that Mahaev will hide from investigation. According to lawyer Davit Managadze “the investigation is biased, they do not take all existing evidence into consideration. There is no reason for Mahaev’s imprisonment; the statement of the investigation that Mahaev may leave the country is unreasonable, as his passport was taken away.”

The General Prosecutor’s Office is investigating the case from July 2005 onwards. During this period Mahaev did not hide from investigators. The Chechen Refugees Rights Protection Coordinating Council agreed to stand as guarantor for Mahaev. They are sure that Mahaev will not hide from trial. “We are petrified because of this trial. Like this, they can accuse every Chechen of terrorism. They were investigating this organization’s activity for months and could not find anything, their arguments are not reasonable”- said a representative of the Coordinating Council. All humanitarian activities unfolded by Imedi in the Pankisi gorge are stopped.

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Internally displaced persons

Many thousands of Georgian families have fled their homes in Abkhazia and South Ossetia as a result of the hostilities in those regions. Having abandoned their property and much of their belongings, many of them find themselves in a very difficult socio-economic situation. Although government does provide them with support, this often is insufficient to make up for the losses and to build a normal life. The situation is aggravated by the fact that their status is not really settled. As officially the separate statuses of the two regions are not recognized, the refugees are still regarded to be temporarily evicted from their lands and awaiting return. Seeing the unlikelihood of this happening in the near future, such indecisive policy only prolongs the hardships of these people and does not bring them any closer to a final settlement.

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[City Council Smashes Refugees Hopes with Bulldozers](#)

15.04.05. Since the secession of Abkhazia, the problem of meeting the housing needs of IDPs (internally displaced people) remains unsolved. To this another problem is added, because of an initiative by the City Council, that will leave about 120 refugee families from Abkhazia homeless. In spite of Mikheil Saakashvili’s promise to leave the houses of refugees that are on the territory and around the ‘Friendship Park’ untouched until the full territorial integrity of Georgia is regained, Tbilisi Mayor Zurab Tchiaberashvili held a presentation in which he proposed building flats there, threatening to demolish the refugee settlement with bulldozers.

In 1993 a certain number of refugees occupied the territory on and around the ‘Park of Friendship’ that was littered with industrial residue, on the left bank of Mtkvari River. Refugees cleared the territory of all the litter and cultivated it, raised crops and plants, built houses and supported their families with rural-agricultural products. For years they had no problems with the local authorities or police. But in December 2004, the mayor of Tbilisi, Mr. Zurab Tchiabereashvili, together with Evra Ltd, presented a plan which proposes a joint project to build apartments there, and told the refugees that ‘their houses will be demolished with bulldozers.’

During 1999-2001, 35,000 sq. m. of the land was privatized by the Foundation for Protecting Georgian Historical and Cultural Monuments, the owners of which intended to implement a big business-project. In October 2002 this part of the land was given in private ownership to Intellect Bank, and in March 2003 to Khashuri Ltd. (which later became Evra Ltd.).

Refugees have stated that "During all of these years many different representatives of government bodies have approached us, and they have been absolutely clear that there would be no actions taken against us, since it is the duty of the government to take care of us." In 2003 Mikheil Saakashvili also went to them to promise that they could remain where they were, untouched, until their return to Abkhazia. In spite of all this on 10 December 2004, cases were brought against six families, informing them of the intention to have them removed from the area and to demolish their homes. Some time later, six other families received court notices with the same demands.

According to Article 5, paragraph 2 of the Law passed on IDPs in Georgia on June the 28th, 1996, the executive organ of the Ministry of Refugees and Placement and the corresponding organs of the local governance were to find an appropriate land for these people with the right to temporary use. 120 refugee families who live on the state-owned land, against which no court action has yet been brought forward, addressed Zurab Tchiaberashvili, the Tbilisi Mayor, with a request to give them some kind of official recognition of their temporary right to use the land. The Mayor sent them to the Local Government of Isani-Samgori region, where they were told that solving this issue was not within their authority.

The refugees understand that the right to property is an important acquisition of a civil society, and is protected by the Georgian Constitution and International Law. Moreover, they said that "Georgian Law recognizes private property as the basis for civil society and the public economic system. Property is a personal freedom, and taking it away is illegal and a violation of our basic rights and freedoms. The settlements on the right bank of the Mtkvari River [opposite the left bank, Friendship Park settlement] initially started in a similar way and nobody, not even the Communists, has made them leave their residing-places. And now, does our government build a democratic state by making us leave our houses?" These 120 families asked the president for assistance, either to let them live in their houses until their return to Abkhazia, or to be duly compensated.

- Freedom of Religion -

The field of freedom of religion has seen several interesting developments in the year 2005. In April the Parliament adopted amendments to the Civil Code allowing the registration of religious organizations for the first time in the history of Georgia. Currently, religious groupings can register in the form of non-commercial private law entities. The same month also saw the adoption of a new law 'On General Education', forbidding religious proselytizing, indoctrination, and display of religious symbols for non-educational purposes.

Still, the adoption of this latter law did not seem to stand in the way for the drawing up of a governmental memorandum based on an agreement made three months earlier between the Patriarchate and Ministry of Education. The agreement provides for the elaboration of Orthodox Christian school materials and school programs, the drawing up of procedures for the selection and dismissal of teachers, procedures for the active involvement of the Patriarchate's representatives in the establishment of educational programs, and the funding of education under auspices of the Orthodox Church. This memorandum clearly violates the Constitutional principle of the separation of church and state.

Although, as mentioned above, all religious groupings are now able to register, several are not satisfied with these amendments and see them as discriminatory. They argue that in this and in other spheres the Georgian Orthodox Church enjoys a special, more favourable status. In the first place, the Orthodox Church is the only confession that holds a public law legal personality, which is unattainable for all other religious groups. Then, it is also the only one to receive numerous privileges from

the state, like a favourable tax regime, release from military service for the clergy, protection of the secrecy of confession, acknowledgment of church marriages, the promise to compensate for losses sustained in the 19th and 20th centuries, and so forth. Such practices violate the Constitutional and international principle of equality.

With regard to violence against religious minorities, it can be said that it has gone down dramatically after the arrest of Basil Mkalavishvili, the main instigator of such acts. From April 2004 to April 2005, only one complaint reached the Public Defender's Office. However, after April the situation seemed to have worsened, as up to June 2005 twelve complaints of harassment were received. In general, several things can be concluded. According to the Public Defender's information, discrimination against religious minorities on the part of local administrative organs continues and is not effectively acted against by law enforcement authorities due to lack of involvement.

- Trafficking -

Although very much existent in practice, the problem of trafficking has always been denied in the Shevardnadze era. Currently it has come into the spotlight and government is working out programs to address the issue. For sure, a lot still needs to be done. Although some arrests are carried out regularly, they are no match to the magnitude of the problem. As investigation into the matter has started only recently, no figures exist at all. Estimations range that hundreds, or even more people a year, are trafficked within and outside of Georgia. The most favorite foreign destinations are Greece, Turkey and some European countries as well as United Arab Emirates

As programs are still only in preparation, not much has been done until now. No public warning campaigns have been held. Also, no arrangements exist for the support of people who manage to escape their slavery and return home devastated. This is especially important for women, as trafficking is usually conflated with work in the sex industry and the reputation of prostitute in Georgia stands equal to social ostracism. The problem in question is of course closely related to the economic situation within the country. It is safe to say that as long as poverty and unemployment are not addressed, there is little chance to eradicate trafficking. Another barrier that needs to be overcome is the likelihood of involvement of certain public officials in this very lucrative business. This could endanger a full-scale crack down on criminal groupings involved in the trade in human beings.

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[Interim Commission for Fighting Trafficking Established at the Security Council](#)

Tbilisi 14.02.05. Media News. The Georgian government embarks upon a fight against trafficking by approving a two-year action plan for this purpose. On February 14th, the non-governmental organization "Airis Georgia" and the US International Development Agency have held a presentation of the plan in the "Tbilisi Marriot" hotel.

The action plan was approved by Presidential Decree in December 2004 and for the efficient implementation of the plan an Interim Inter-facility Commission for the Fight against Human Trafficking was established at the Georgian National Security Council. According to Konstantine Korkelia, Deputy Secretary of the Security Council, the issue of trafficking is really topical and actual and it is not the problem of Georgia only. The Security Council will coordinate the activities in the struggle for solving the problem.

According to Davit Usupashvili, representative of "Airis Georgia", the country, due to its level of development, is in a dangerous position regarding trafficking. As Usupashvili stated, raising awareness of the population on the issue is of high significance in the fight against trafficking. The first task of the Action Plan for 2005-2006 is the legal regulation of issues touching upon labor migration. The parliament is to adopt a law on labor migration in the first quarter of 2005.

[Georgian Parliament Intends to Adopt Law against Trafficking](#)

Tbilisi. 12.04.05. Media News. Parliamentary committees have started discussing the adoption of a law to fight human trafficking. The first debate on this issue will take place at the meeting of the Committee on Health and Social Protection. The law was drafted on the initiative of the Committee on Legal Issues and, according to the deputy chairwoman of the Committee Nino Kalandadze, the project has been in the works for almost a year. The necessity of its adoption was prompted by the existence of a serious trafficking problem in Georgia.

According to the amendments made to the Criminal Code by the Parliament of Georgia on June 6 of 2003, human trafficking is defined as a punishable criminal activity. The Parliament also decided to prepare a complex Legislative Act pointing out ways to prevent human trafficking. The draft, which is focused on preventing trafficking and defending and supporting its victims, defines the legal basis for fighting the problem and aims for its eventual elimination.

One element of the draft envisions the establishment of a permanent active group with representatives from the Internal Ministry, the Prosecutor's Office and the State Border Guard Department. According to the draft, any capital acquired by means of trafficking will be seized and put into a special state fund for defending and helping the victims of trafficking. The fund will also provide rehabilitation money. The deputy chairwoman of the Committee on Legal Issues is hoping that the draft will be supported by parliamentary committees and adopted as a law.

[Anti-trafficking Article has been Ratified](#)

Tbilisi. 16.06.05. MediaNews. On the 16th of June the Parliamentary session of the Georgian Parliament ratified a Protocol on the implementation of Article 9 of the Agreement on the Fight against Terrorism and Organized Crime. The specified article is concerned with combating trafficking. The Protocol was signed on April 10th, 2005. It implements Article 9 of the mentioned agreement. The agreement on "Fighting Terrorism and Organized Crime" between Georgia, Turkey and Azerbaijan was signed on April 30th, 2002.

[Signature of Council of Europe Convention](#)

Strasbourg, 26.10.2005 – On 19 October 2005, Georgia has signed the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)

[Georgia Lacks Institution for Defending Trafficking Victims](#)

Tbilisi. 19.05.05. Media News. The Young Lawyers Association, the International Migration Organization, the Ministry of Internal Affairs, and the Ministry of Justice together with the OSCE mission in Georgia have composed a draft which envisions the creation of a mechanism for the protection and rehabilitation of trafficking victims in Georgia. The elaboration on the draft was initiated by amendments made to the Criminal Code.

According to Marina Meskhi, head of the Rule of Law Project of the Young Lawyers Association, there is no real institution defending the victims of trafficking, or any true statistics regarding these victims. The head of the International Migration Organization, Mark Hulst, declared that according to Georgian law enforcement data, there were 53 cases of trafficking in 2003-2004 and 11 cases in 2005.

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[Give Me Back my Daughter, President, Dead or Alive!](#)

Ia Kitiashvili, 15, who lived in the village Kardenakhi of the Gurjaani region, disappeared on the 29th of April 1996. Due to police inaction, the location of the girl is still unknown.

However, traces led her mother to one of the public houses in Tbilisi. "Give me back my daughter, dead or alive", - asks her sick father to the President.

The problem of trafficking, especially trafficking for sexual exploitation, began in Georgia in the early 90s. Experts are sure that the most important reason why the state did not pay any attention to this problem was the connection of high ranking officials to the criminal groups involved in trafficking. According to statistics, among the 302 persons who disappeared from 1996 to 1997, nineteen were juveniles.

Fifteen year-old Ia Kitiashvili disappeared from her house at midnight of the 29th of April, 1996. Her family members discovered her absence only on the next morning. They started looking for the child and connected her disappearance with their neighbor Mtvarisa Ilashvili. "Mtvarisa accused my child of stealing her panties. My daughter was very insulted and embarrassed. Almost the whole village was looking for her when she disappeared. We were afraid that she might have done something terrible to herself. But we soon realized that she was kidnapped from the house,"- says the mother Tina Kitiashvili.

On the day Ia disappeared, one of the neighbors told Ia's family that she had heard that Mtvarisa was saying, "I know where Ia is, but I will not tell anybody."

After several days of searching, Ia's family went to the police and investigation started. The head of the Gurjaani police department was Lekso Giligashvili at that time. He ordered David Gigauri and Kachiuri to lead the investigation. However, Tina Kitiashvili says that they had not questioned the suspected sisters carefully enough and after no direct results were found, they finished the investigation process. "We have sold everything, to pay the police, but they did nothing", says Tina Kitiashvili. During the search of their daughter, the family was often insulted by police officers. According to Mrs. Kitiashvili, "I have even met Roland Giligashvili, brother of the head of the police department. He forced me to leave his room, saying that he knows nothing about this case and that I should not come to him again. I have also met the Regional Prosecutor, but he laughed at us and said, "My grandfather has also been lost, but after several years he returned with 300 sheep," recalls Kitiashvili.

After one year of Ia's disappearance, someone threw a letter into the yard. "Ia wrote that she was in Tbilisi, in a very bad condition, she was afraid but did not know where she was exactly. She told that the sisters Mtvarisa I. and Khatuna T. knew everything about her disappearance. They threatened her with death, if this case would become public,"- says Ia's mother, who took the letter to the police immediately. The investigators have added the letter to the case, but have not arrested the sisters. According to our information, the police only have a copy of Ia's "secret" case. It is still unknown where the original is.

The frustrated mother started looking for her daughter by herself. She went to the Tbilisi railway station where Mtvarisa was often seen. She started to observe her covertly. "I was standing in the railway station the whole day and waiting for Mtvarisa. One evening I saw her talking on the phone. She caught a taxi and drove away. I followed her with a cab to the Opera House. Mtvarisa called Temuri in building 2/7. A small man came out of the house and soon after, they entered the building together," says Kitiashvili. She found out, that the house on Tskhemi Street was the property of Temur Kvintradze and that he had a public house there. The taxi driver suggested the mother to come back to the house with the police. Tina Kitiashvili asked the police officers of the railway station Zurab Chikhladze and George Gachechiladze for help. Soon after the police arrested Kvintradze's son Yuri he acknowledged that they were smuggling girls and that he knew Ia but she was not living with them anymore.

"Fifteen year-old Ia Kitiashvili came to us from Kakheti with the help of Mtvarisa and her sister Lela Lekborashvili, my father's lover. My father paid 700 USD for her. (Lela has died several months ago, she was known as the "Madam" from Kakheti). When Ia came here, she looked very embarrassed. I thought at first that she was drunk. Mtvarisa and my father insulted her and later on my father locked her in the room and raped her. It was terrible, I wanted to help her, but Mtvarisa and my father did not allow me to enter the room. She was locked for several days. Then they threatened her with death, if she would not behave. My father took her out from the other door, before you came," said Yuri Kvintradze. He was freed after the questioning.

After Kvintradze's release, the staff of the Ministry of Internal Affairs came to Kitiashvili and the two railway station officers. Anzor Shoishvili, Gela Kavtaradze and Goderzi Kutateladze started investigating the case. Anzor Shoishvili promised Tina to open the case in a week, if she pays 5000 USD. "If you bring this amount of money, we will investigate the case, if you do not, we won't," he said. Ia's mother could not pay the money, as she has

already sold everything she had. "My husband was ill too. I did not know what to do. Kvtaradze said that Ia was in big trouble and he was not allowed to start the investigation, if I do not pay money," says Kitiashvili. Kavtaradze has even visited Kitiashvili in Kardenakhi, to be sure about their paying possibilities. After they were assured of their money shortage, Kitiashvili was thrown out from the Ministry of Interior as well.

Gela Kavtaradze is working in the Ministry nowadays, Goderdzi Kutateladze is staff member of the Batumi regional department, nothing is known about Shioshvili. Tina Kitiashvili suspects that Shioshvili was a high rank police representative involved in the trafficking business himself. Mrs. Kitiashvili is sure that Mtvarisa Ilashvili has taken her daughter from the house. Mtvarisa and her sister stood in connection with the head of the regional police department Lekso Giligashvili. Kitiashvili also suspects that high ranking police officers protected the brothel. People from Kardenakhi think the same, but no one dares to say this out loud. According to Kitiashvili's family, Ia's disappearance is connected to the one of Merab Jajanashvili, who was doing an internship in the police department. Jajanashvili's family also suspects the trafficking of their son.

We talked with one of Ia's "roommates." She told us, "I was brought to Kvintradze's brothel by the "Madam" of the Didube district of Tbilisi half a year before Ia's arrival. I was 25 then. Temur Kvintradze paid 500 USD for me. Ia was brought to the brothel early in the morning. She was the sixth. Poor girl, everything in her life was turned upside down. At first she was very embarrassed, she thought that she should tidy up the rooms. Then this pig raped her. After some days, she started to serve clients. Temur often repeated: I have paid 700 USD for you and I should earn this money back soon. They used to beat us if we did not obey them or the clients. Temur's cousin put something in Ia's dinner which made her do anything they ordered. That is how they are treating the "new comers". Ia was in Tbilisi for a short time only. I was away with a client and when I came back, there was a great mess and Temur and Ia were gone. The girls told me that some people came and took Yuri away. They also said that Temur took Ia to Batumi. All young and pretty girls are sent to Turkey from Batumi."

We have contacted Roland and Lekso Giligashvili. A man answered Rolan's phone and told us that he was gone, while Lekso's mobile phone was switched off. The location of Mtvarisa Ilashvili is also unknown. The head of the Kakhetian branch of the Ministry of Interior Temur Anjaparidze, said that the Gurjaani department is investigating the case personally. We have contacted the regional prosecutor Alexaner Periashvili, who said that he is not informed about the case and he will ask for the information immediately.

Kitiashvili's family hopes for the help of the President, but they are unable to reach him. The mother is looking after her husband, who became ill after his daughter's disappearance. Ia's family members have abandoned hope for an objective investigation. Someone told the family, who is looking for their daughter for nine years and seven months now, not to contact the media. Why? According to Ia's father, high ranking officials stand behind her disappearance. Despite this, Ia's family is not afraid to continue their struggle. The sick father of a trafficked girl has only one request to the President, "Give me back my girl, dead or alive!"

[Victim of Trafficking Escaped](#)

17.01.05. Telavi's Prosecution Office arrested an inhabitant of Kumik ethnicity on the charge of trafficking.

The victim appeared to be a thirty year-old widow and resident of Telavi, who was taken to Turkey by the mentioned person and sold as a prostitute. The woman was forced to be involved in sexual industry.

The woman managed to contact Turkish law-enforcements and returned home with their assistance.

Now U.B., who is alleged of kidnapping the woman, is in a pre-detention cell of the Telavi Police Department.

[Victim of Trafficking Freed by Special Operation](#)

Tbilisi. 17.01.05. Media News. Employees of the Special Operative Department of the Ministry of Interior for Combating Trafficking and illegal Migration detained Nugzar Chkadua, living in the village Tsintsikaro on allegations of human trafficking on the 16th of January. Furthermore

Giorgi Bregadze, resident of Chiatura who was held in slavery for a year and eight months was freed.

Trafficking in Human Beings

Tbilisi. 02.03.05. Media News. Otar Zviadauri, 44, and Irma Petriashvili, 34, were detained by the Department for Combating Trafficking as the result of an investigation conducted by the department. Otar Zviadauri, who has been convicted several times, and Irma Petriashvili, an employee of the passport department of the Ministry of Justice in the Gldani-Nadzaladevi district, are charged with cooperation with Turkish citizens involved in human trafficking by preparing ID cards and passports to transport individuals abroad.

Detained for Human Trafficking

Tbilisi, 20.02.05, Media News. Employees of the Ministry of Interior's Department for Combating Trafficking detained Nana Verdzhadze-Pagava on charges of human trafficking. She, together with Turkish nationals, sold 14-17 year-old girls to Antalia in Turkey, for the purpose of engaging the girls in prostitution.

* * *

Russian Peacekeepers Sell the Right of Choice of Georgian Women in the Conflict Zone

For more than 12 years, Russian peacekeepers who are stationed at the Georgian-Abkhaz border earn "extra money" by allowing individuals cross the board illegally. Most often, Abkhazians enter Georgian territory to capture Georgian girls. For this they pay 300 to 500 Rubles to the peacekeepers. The number of girls captured for forced marriages has increased to about 10 to 12 cases a month. Nevertheless, the Georgian side reacts very calmly on these facts.

Young men kidnap women from Zugdidi and Tsalendjikha and cross the border with the help of Russian peacekeepers and hide within the de-facto Republic of Abkhazia with their new wives. Peacekeepers take 300 to 500 Rubles for this "service", which is equivalent to about 30 to 50 GEL.

On the 17th of December 2005, a group of unknown persons kidnapped 22 year-old Nana G. from Zugdidi. They put a bag over her head, bound her, and put her into a car. The kidnapers, together with the victim, reached the block post of Russian soldiers (the 203 Saberio Post). It was this place where the victim was able to run away. Nana G. begged Russian peacekeepers for help, but she only received a "warm" smile from them. Then she managed to call home. Her family members involved the Gali Police Department in this case. They only found a trace of Nana on the second day. The kidnapers only freed her after Nana's family threatened to sue against them in court.

According to the victim, the "groom" and his relatives tried to persuade her to marry Dato K. for two days. They used everything from psychological pressure to threats. The deputy of Tsalendjikha Police Department Gulordava says that such cases occur quite often: "It is a pity that we cannot operate on Abkhaz controlled territory. Our department can do nothing in such cases." It is worth mentioning that the criminals involved in such cases are often not taken before justice.

Moreover, none of these facts were discussed during the traditional Tchuburkhindji meeting, where the Georgian, Abkhazian and Russian sides and representatives of the United Nations participate. Meanwhile, the statistics are becoming more threatening and the number of kidnapped girls taken to Abkhazia reaches 10 to 12 a month. An investigation process has only started on three of the cases.

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Four Men Questioned on Suspicion of Human Trafficking

18.03.05. Several days ago a bus with 48 young Georgian women was stopped at Finland border station. Supposedly, they were to be taken to the Western Europe for the purpose of human trafficking. The women were sent to the Joutseno refugee reception centre. Suspicions of passport control personnel were aroused by the Swedish Schengen visas issued to the passengers, and by the fact that they all were women. According to the Frontier Guards, more

than 1,500 Georgian citizens arriving by bus crossed into Finland in 2002 - 2004. Though, many of these buses that were full on arrival in the EU returned to Georgia almost empty...

A tourist bus from the former Soviet Republic of Georgia was stopped at the Vaalimaa border station on the Finnish-Russian border on Tuesday on suspicion of trafficking in human beings. The passengers, 48 Georgian women, were sent to the Joutseno refugee reception centre while officials began ascertaining the purpose of their trip. Four men, two drivers, an interpreter, and the leader of the tour, were detained. Some of them were reportedly familiar from previous cases. They are being questioned in Kotka on suspicion of human trafficking and links with organized crime.

Suspicious of passport control personnel were aroused by the Swedish Schengen visas issued to the passengers, and by the fact that they all were women. The women, aged 26 to 60, did not have enough money for the trip which was supposed to take them from Helsinki via Copenhagen to Germany, and from there through Austria, Italy, and Greece, to Turkey and back to Georgia. The women are expected to stay at the refugee reception centre for a couple of days before they are sent back to Russia. Border officials note that it would have been legally possible to turn the women back at the border, however, for humanitarian reasons they were taken to Joutseno.

An estimated 1,500 women are believed to have crossed into Finland from Russia in tourist buses in the same manner in the past few years. The matter was brought to the attention of EU officials by Greece, where frontier guards had noticed that many buses had been returning to Georgia through Greece with no passengers on board. Officials say that women taking such tours are often enticed by promises of jobs as waitresses, dancers, or in domestic service in Western Europe. However, it is believed that they often end up in the sex business against their will.

Finland's Minister of the Interior Kari Rajamäki (SDP), is proposing an EU directive, as well as national legislation which would allow the granting of residence permits to victims of trafficking in humans in exchange who help officials law enforcement officials in their investigations. Finland serves as a transit point for traffic in women from east to west. Hundreds of young Georgian women have passed through Finland in the recent years.

Government Abandons Citizens

27.05.05. After returning to their home country, several Georgian women who were suspected to have fallen victim to trafficking and who were detained in Finland, were not provided with protection by the government. These women said that their reputations were ruined, they were abused and humiliated, they lost money, but despite all these facts, nothing was done for their rehabilitation or for the restoration their rights.

One of the main functions of the Georgia government, as of any other country, is to defend its own citizens both inside and outside of the country. However, the government of Georgia not only refused to fulfill its obligation to protect the women detained in Finland, but also aggravated their condition.

According to the Public Defender Sozar Subar, the women were in very bad circumstances during interrogation by representatives of the Finnish Ministry of Interior. During these interrogations the women were deprived of elementary conditions, they did not have chairs to sit on, the windows were closed, and because of the lack of air they were fainting. According to the lawyer of the victims, the women were also asked humiliating questions. They also mentioned that Finnish officials made them sign interrogation protocols. The interrogations were conducted without the attendance of lawyers or interpreters and they were conducted in Russian, despite the fact that some of the Georgians did not know Russian. No sufficient preliminary evidence of trafficking could be gathered to detain the leaders of the group. Despite this, they were returned to Georgia under humiliating circumstances and with serious loss of money.

It is important to mention that in the Georgian mentality the theme of prostitution is taboo and any suspicion of involvement in this business ruins the reputation of the family. After returning home, many detained women encountered problems from the side of their families. According to the information of the electronic paper Helsinginsanomat, when one of the women, Nato Phorchkidze, called her husband from the airport, he told her not to come

home because he did not need a wife engaged in prostitution in Finland. As a result Nato Phorchkidze came under severe stress and had to apply to a psychiatrist.

The Human Rights Information and Documentation Center applied to the head of the Press Service of the Ministry of Foreign Affairs of Georgia and to other competent officials for information about the activities of the Georgian government. However, our efforts to get any comments were in unproductive because of the incompetence and lack of time of the officials.

The deputy of the Parliamentary Committee on Human Rights, Lali Phaphiashvili told HRIDC that "negotiations are underway with the Finnish Ombudsman to make the Finnish officials apologize to the detained people, as they have practically, but not officially, already done. Also talks are being led on providing reimbursements to the victims, but this is not an easy process and it needs time."

[The Case of Georgian Women Arrested in Finland on Trafficking Charges Is Closed](#)

27.09.05. "Media News" –The investigation against several Georgian women, who were detained on the Finnish border in relation to trafficking, is closed. This decision was reached at the meeting of the President of Finland Tarja Halonen with the Head of Georgian Parliament Nino Burdzhnadzze. "It is to be regretted that these women were cheated by the representatives of several firms and organizations. The incident is over now and I hope that the women will realize what has happened," said Burdzhnadzze.

Although the charge of trafficking has not actually been proven, Burdzhnadzze had been making many statements leading people to believe that it actually was a case of trafficking. Instead of supporting those women, who indeed might have been lured into a trap, these preliminary allegations made in public only helped to heavily damage their reputation.

- Women and Children -

Women

If there is one grave problem in Georgia that is insufficiently highlighted it must be domestic violence against women. Serious not only is the perceived magnitude of the problem, but also that it is a 'non issue', a taboo. Everyone knows, but nobody speaks about it. The reigning mentality makes problems within family life undiscussable. Women who have fallen victim to domestic violence, have no possibility of redress; the police (who besides are usually male) will not mingle in the affair and no effective institutional arrangement exists for the support of their support.

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[Ex-wife of MP Defended by NGOs](#)

06.10.05. "Media News" – The ex-wife of the Member of Parliament George Chakvadze has been the victim of family violence, say the representatives of NGOs working on women's right issues.

Chumburidze was arrested on the 1st of October. She is accused of attempted murder of her husband. She is to be kept in preliminary custody for three months. This, however, is only one side of the story.

As she stated at the press conference, Eter Chumburidze's husband was beating her systematically; she was chased by him and did not get the possibility to see her children.

"She is punished because she does not have immunity, does not have any rights and does not have her own property," says the head of "The Network of Caucasian Women" Nino Tsikhistavi. According to the non-governmental organizations, 94% of Georgian women fall victim to family violence, which makes it a major societal problem. Nonetheless,

unfortunately, people and the media do not pay much attention to it. Chumburidze's case only raised great interest because she was the wife of an MP.

Representatives of non-governmental organizations intend to monitor the investigation process. They will also summon a wide range of people with detailed information about Chumburidze's case, which will help them to learn more about the problem of family violence.

Ex-Wife of Member of Parliament Released from Custody

10.10.05. "Media News" – The Tbilisi Civil Court has changed its decision made on the 3rd of October 2005, and abolished the preliminary custody for the ex-wife of the Member of Parliament Gocha Chakhvadze. Eter Chumburidze was freed from the court hall.

On demand of her lawyers, a ballistic expertise was made. Chumburidze's fingerprints were not discovered on the gun. According to unofficial information, Chumburidze fired 4 bullets at her ex-husband. She was accused of attempted murder and illegal weapon ownership. Eter Chumburidze is going to cooperate with the investigation.

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Children

The principle of children's rights does not yet seem to have invaded general consciousness. In fact, the specificity of their situation and their needs are not sufficiently recognized and protected. This even more concerns the extra vulnerable children who are homeless or brought up in extreme poverty. Arrangements that exist for their assistance are yet highly ineffective. Children often end up in criminal surroundings or get exploited in the sex industry. Also, they are likely to fall into drug addiction or alcoholism.

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Part of Georgian Underage Youth is Victims of Forced Labor and Sexual Harassment

Tbilisi. 12.07.05. Media News. The issue of the vulnerable children in Georgia was discussed at the meeting of the Committee of Human Rights defense and legal issues of Tbilisi local government. Issues discussed were focused on children in conflict with law, involved in drug addiction, alcoholism, toxicomania and about children who became victims of sexual harassment.

This issue for discussion was brought up by The Children Rights Center of the Tbilisi City Municipality. As the head of the center Bela Saria stated, problems of these kind are caused by three factors: non existence of social policy concerning children in the country, uselessness of public service and parents avoiding responsible for their children. According to the Children's Rights local centre, coordinated project should be launched within various bodies. Also, an aid program for children should be established.

As Bela Saria stated, in 2004 the main aspects of this program were laid before the government for discussion, but they ignored it. "If this year the government will not look again into this subject and work on the realization of the program, next year's situation will be worse. Crime rates for underage children went up 40 times compared to the last year. If government will ignore this issue again the number of crimes will increase," stated Saria.

Do Children Have Any Rights in Georgia?

28.11.05. "Do children have any rights in Georgia?", asks Romanian grandmother who found her grandsons in the company of their sadistic "educator" Valea and alcoholic father Alear Musaev. The children were living in a barrack at the outskirts of the city, near to a dump.

In August 2005, Claudia Brighidin came to Georgia from Romania to visit her family and to accompany one of her grandsons to his first school year. Instead of a happy family reunion however, she found her juvenile grandsons in a barrack at the outskirts of the city near a dump. According to Claudia Brighidin and her lawyers, her son-in-law Musaev forced his older son to beg and to help him carry scrap iron from dumps. For quite some time Claudia sent

packs of new clothes, shoes, sweets, and money for the children, but these were sold by Musaev to buy alcohol. The children were starving, without decent clothing, and beaten by his concubine, the so-called "educator" Valea.

It all started like this: Claudia's daughter, Iuliana Stepanova, was married in church in Odessa, Ukraine, with Musaev Alear. After the ceremony, they left for Tbilisi where Alear's parents were living, who promised them an apartment and jobs. As they did not get any of the two, they were obliged to rent a flat and live in poverty. Two children were born and as their father was without employment, he forced their mother to work, beat her, and forced to have sexual relations with Alear's brother. She could not stand life in those meager conditions any longer; beaten and insulted, living in a barrack next to a dump, and she decided to leave with her children. As the father did not give her the kids, she left anyway with the idea that she could manage to take them away with her soon. She managed to take the children away from those inhuman conditions several times, but Musaev Alear came with his brothers and took the children back every time. The children were living in terrible conditions again, without food and clothes. All the presents and money send by their grandmother, never reached them.

In August 14, 2005, Claudia arrived in Tbilisi and went to see her grandsons together with an acquaintance of her daughter, Mamed Lataria. Arriving there, she was shocked by what she saw. Therefore, she decided to take care of the children herself. She took permission from her son-in-law and moved to a rented house with her grandsons. However, in two days Alear Musaev changed his mind.

"One day, I was walking with my nephews in the zoo and I got a telephone call from the police (section 7) and the policeman told me that the father of my grandchildren wrote a complaint saying that I kidnapped them. They asked me to come to the police station and to bring the children with me. Of course, I came with them. Having no intention to kidnap them, I wanted to take them legally, with all documents and with the agreement of their parents. To prove that I did not hide the kids, that they were with me with the agreement of their parents and that all those days I offered everything they needed, I accepted to go to the police station,"- wrote Claudia in the letter sent to *The Human Rights Information and Documentation Centre*.

At that moment, Claudia could not find her daughter at the telephone and she had to give the children to their father, who escaped together with the children that day. After long and hard attempts to find her grandsons, Claudia addressed the Ministry of Education that started an inquiry with a group of social workers to investigate this unusual case. However, they were unable to discover them in the barracks where they used to live and on the address which Musaev left to the police.

For more than one month, neither Claudia, nor her daughter, had information about the children. Later, Musaev returned with the children to the barracks, but took them away again. Nobody has information about the location of the children; nobody knows how they will survive the cold winter. The inaction of the police also supports the presumption that the rights of these children are violated. "How is it possible that in a democratic country, an alcoholic maltreats his own children and is not punished? Do these children have any rights in Georgia?" asks the grandmother.

- Conflict Regions -

Following the factual independence of Abkhazia and South Ossetia, clear tensions have remained between the various sides involved in the conflicts. This reflects not only on an abstract political level, but also on the actual lives of people in the border areas and within the self-proclaimed republics. The existing unrest sometimes translates into actual incidents. One needs to be careful though, not to overstate the pure ethnic dimension of these occurrences. For instance, there is evidence of the operation of quite some multi-ethnic criminal groupings that take advantage of the unstable situation. The presence of Russian peacekeeping forces adds some strain, as their purpose is rather clear.

With Russia having its interest vested in the protection of the regions, any forceful solution for the return of the areas into Georgian hands, as was attempted by Saakashvili in 2004 in South Ossetia, would be of little avail and could only increase tensions with all of the entailing consequences. Fostering the development of the rest of the country and pursuing a policy of good relations would be far more fruitful and peaceful. In the end, the 'Ostpolitik' of Western towards Eastern Germany during the Cold War did help to achieve the reunification of the country. As soon as Georgia would have something to offer to the regions, the chance of their reorientation towards it would greatly increase. Pushing for reunification at this stage is bound only to increase the atmosphere of threat, which might lead to very undesirable results.

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[Russian Peacekeepers Torture and Kill 25 Year-old Man in Abkhazia](#)

Tbilisi.21.04.05. Media News. At the weekly meeting on Abkhazia in Chuburkhangi, the participants discussed the previous week's events and noted that the situation in the conflict zone was peaceful.

The new Commander in Chief of the Peacekeeping Forces Sergei Chaban was also presented at this meeting.

The Georgian delegation, however, demanded an immediate investigation into the murder of 25 year-old Lasha Bigvava in the village Gomuri. Russian peacekeepers took Lasha Bigvava, who was the son of the village governor, from his home, tortured him, and finally killed him. Earlier, Bigvava and some other men had a verbal confrontation with the Russian troops. The Georgian military observer in the conflict zone Valeri Jafaridze told Media News that this murder will be investigated by an investigation group representing all four parties.

[Abkhazians Kidnap Three Georgians](#)

Tbilisi.19.05.05. Media News. Three residents of the village Khurchi, Spartak Jgeria, Zviad Pharcvania and Arkadi Tabagua, have been kidnapped by Abkhazians from the village Nabakevi in the Gali District. The kidnapers have demanded a ransom of \$200,000 from the families of the hostages. At the traditional four-party meeting in Chuburkhangi the Governor of Samegrelo Zemo Svaneti, Kakha Ardia, demanded the release of the hostages.

Georgian law enforcers have linked this kidnapping to trade in scrap-iron. As the Abkhazians stated at the Chuburkhangi meeting, the incident is connected with a disagreement that arose between Georgians and Abkhazians in relation to the black market trade in scrap-iron.

Zviad Pharcvania is member of a commando battalion, and it is said that he was only accidentally taken among the hostages. He served in the Georgian peacekeeping contingent in Kosovo, from where he returned just one week ago.

[Georgian Man Killed, because of Refusing Service in Abkhaz Army](#)

06.11.05, "Media News" – The 21 year-old Georgian Daniel Tsurtsunia from Gali, was beaten to death in Abkhazia. Several days ago, an armed Abkhazian group kidnapped him from his house and demanded from Tsurtsunia to serve in the so-called "Abkhazian Army". Daniel Tsurtsunia refused.

The Ministry of Foreign Affairs of Georgian made a special statement about this fact. According to the statement, the violation of human rights of ethnic Georgians is increasing in the Gali region which is controlled by Russian peacekeepers. "The fact once more confirms that Russian peacekeepers are not able to perform their duties of protecting the rights of the Georgian population", the statement reads.

[Two Georgians Beaten to Death in Gali](#)

18.11.2005, "Media News" – An armed group of Abkhaz militants attacked two Georgians who were collecting woods in the forest. The Abkhazians demanded information on the

whereabouts of the disappeared police officer Otar Jgerenaia. They ended up beating the Georgians to death.

According to Valerie Japaridze, the military observer of Georgia in the conflict zone, police is now trying to identify the deceased Georgians, as well as the Abkhaz criminals. "The only thing we know is that two men were beaten to death. The investigation process is supervised by the Abkhaz Police of the Gali region and UN military observers," said Japaridze.

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[Russian Peacekeepers Wounded Georgian Citizen](#)

Tbilisi. 15.11.05. Media News. Soldiers of the Russian Peace-Keeping Force opened fire on the road of Gori-Tskhinvali at a car coming from the Megvrekisi post. The driver Vadal Mamedov, resident of Gardabani was wounded in the head. His situation is stable. The commanders of the Russian peacekeepers state that fire was only opened when the driver drove on, in disobedience to their signs to stop. However, Vadal Mamedov attests differently. According to him, they did not request the car to stop. "Nobody asked me to stop the car either by hand or by whistle. When I passed the checkpoint, somebody opened the fire," says Vadal Mamedov.

General of the Russian peacekeepers Marad Kulakhmatov visited the checkpoint Megvrekis, but left it without comments. According to the officer of the Georgian peacekeepers Paata Bedianishvili, the Russian side opened fire without any reason. "The investigation process is going on and the criminal must be punished. However, this does not lie within Georgian competence; the investigation is done by the Russian side,"- says Bedianishvili.

[Three Georgians have Been Kidnapped in Tskhinvali](#)

Tbilisi. 07.06.05. Media News. Unidentified people have kidnapped three Georgians in the Georgian-Ossetian conflict zone. David Mamuka and Hamlet Chipashvili, residents of Kurta, arrived in Tskhinvali to buy a car and were later kidnapped. According to information of Vladimer Jugeli, head of the regional police of Shida Kartli, the whereabouts and the motives of the capturers is not known. The local law enforcement bodies and peacekeepers in the conflict zone are still looking for the kidnapped people.

According to one of the versions, armed Ossetians took the Georgians in hostage.

[Physical Injuries Uncovered on Arrested Ossetians](#)

03.10.05. "Media News" – Doctors discovered signs of physical injury on two detainees who were arrested in the village Berula, situated in the Georgian South- Ossetian conflict zone. The General Prosecutor's Office started an investigation process. The head of the Human Rights Department of the Internal Ministry Shota Khizanishvili, said that if police officers were found guilty of beating the Ossetians, they would be punished in accordance with Georgian legislation.

The same statements were made in the General Prosecutor's Office. The chief of the Monitoring Group of Administrative Rights Defenders Tamar Adamashvili, added that the Prosecutor's Office took the investigation process under special control. The names of the accused police officers are not yet known.

"The preliminary investigation showed that Ikaev and Zasaev were physically injured," said Adamashvili. The members of the Ossetian Police Department were arrested in the village Berula, when they opened fire on the inhabitants of the village. Two Georgians were wounded in the incident.

[Law Enforcers Severely Beat an Ossetian Journalist](#)

Tbilisi. 04.01.05. Media News. On December 30, 2004, representatives of the law enforcement bodies of the Self-proclaimed Republic of South Ossetia severely beat journalist Alan Parastaev, Director of NGO "Center for Humanistic Research and Initiatives" operating in Tskhinvali. He has been taken to the Tskhinvali hospital with brain concussion and at present he lies unconscious in the reanimation department of the hospital.

According to the colleagues of Parastaev, he was demanding from Ossetian law enforcers to let humanitarian goods go through Ossetia into Georgian villages. Representatives

of Ossetian Non Governmental Organizations demand urgent investigation of the beating and punishment of the criminal.

Robert Guliev, Minister of the Interior of the Self-proclaimed Republic of South Ossetia has already made an order to launch investigation into the fact.

- Socio-Economic Issues -

There can be little doubt that many of society's illnesses stand in a direct correlation with its stage of socio-economical development. It can also quite well be argued that attempts to solve various human rights problems will never be completely successful as long as people's standards of living and prospects for the future are not improved. Seemingly, the current leadership has until now generally chosen for a policy of economic non-interference. 'Laissez faire' arguments certainly have their merit, but usually also smell of uninvolvedness, protection of one's own business interests, and intellectual inflexibility.

Is it not rather curious that in a country with souring rates of unemployment and where about half of the people live in true poverty, a grand Presidential residence is built inspired by the US White House and that the Department on Labor and Employment at the Ministry of Labor, Health, and Social Security is abolished? Such things and an infinite amount of examples of money spent not on the structural improvement of people's lives, but on seemingly 'cosmetic' projects, give citizens the feeling that they are forgotten, not cared about and disrespected. The on-going mass dismissals of civil servants due to reorganizations in governmental structures without any decent unemployment arrangements only add fuel to the fire.

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Human Development Index – Georgia is 100th

13.09.05. "G-H-N". According to the annual report of the UN Human Development Program, Georgia takes the 100th place in the world on their development index.

The research showed that from 117 investigated countries, Russia has taken the 62nd place, Belarus – 67th, Ukraine – 78th, Kazakhstan – 80th, Armenia – 83rd, Azerbaijan – 101st, Kyrgyzstan – 109th, Uzbekistan – 111th, Moldova – 115th and Tajikistan – 122nd.

The main points of attention for the research were social security, health, education, culture and ecology. According to the research, the first five places were given to Norway, Iceland, Austria, Luxemburg and Canada. In the list of the 32 most backward countries one can find Mali, Burkina-Faso, Sierra Leone and Nigeria.

Almost half of Georgian Citizens Live at the Edge of the Poverty

27.09.05. "Media News" – According to the report "The Perspectives of Europe and Central Asia" by the World Bank, half of the inhabitants of Georgia live in poverty. 20% of Russians and 10% of Kazakhs are in the same situation. The authors of the report think that Azerbaijan is the only country in this region, which was able to reduce the level of poverty by two.

The head of the Economic Sector of the World Bank Arup Barenji, says that deceases like HIV and Tuberculosis are spreading across Eastern European and the Post Soviet countries and that the drinking water, which is of bad quality, is dangerous to health. The majority of the people in Armenia, Moldova, Serbia and Montenegro have access to drinking water only for 2-4 hours a day. The state of Education and Gender Equality gives hopeful expectations. The World Bank finds that this is the positive heritage of the Soviet Union.

Georgian Government Will Help Socially Excluded Families

09.10.05. "Media News", - A new program for overcoming poverty in Georgia will start from 2006. The presentation of the state program, which aims to create a database of socially excluded families, took place in the Philharmonia. The members of the organizing committee were from the Ministry of Health and Social Welfare and the State Agency of Employment.

According to the Ministry of Health and Social Welfare Lado Chipashvili, the program will help to identify the most impoverished part of Georgian society which will enable the government to help them. State resources will be used for funding the program. 300 social agents will assess the state socially excluded families find themselves in. These agents were accepted to their position after thorough examination. They will meet all the families who applied for being taken up in the database. The number of such families is expected to range up to 153 thousand.

Chipashvili thinks that by the end of March 2006, the agents will have all the information regarding socially excluded families in Georgia. The database will be of help in the implementation of various social projects and especially for those programs that aim to help people living below the poverty level. Around 10% of the Georgian population is regarded to live in what is called 'extreme poverty'.

Prime Minister Zurab Noghaideli, who called the project "the first targeted social program", attended the presentation as well. He said that an amount of seventy-five million Georgian Lari would be reserved in the 2006 budget to combat poverty. The duration of the program is envisioned for 10 years. Georgian officials hope that the social state of the country will change in this period.

Government Does Not Feel Responsible for Unemployment

After a press conference held in the Human Rights Centre, 15 employees of the Ministry of Labor, Health, and Social Security were dismissed from their posts. These employees were criticizing the upcoming amendment of Georgian law. According to the new law project, the Department on Labor and Employment, holding various services like the State Service on Social Security and Employment, the Employment Service and the Labor Inspection, will be closed down. In addition, support for the unemployed will come to an end.

The employees of this department have sent a letter to the President, the Head of Parliament and prime Minister in which they are criticizing the newly created Labour Code and amendments in the law. In this letter they stated that the main reason for poverty in the country is unemployment. This necessitates the creation a policy for fostering employment within the country. Straight after the press conference all of them were given disciplinary layoff. They were punished for criticizing the Ministry.

"The case is more than clear; the law was ignored and employees punished for their opinion. This is an absolute violation of the rights of civil servants. They were not notified in advance and they have the full rights to sue the Ministry," said Giga Giorgadze, lawyer at the Human Rights Information and Documentation Centre.

The employees of the Labor and Employment Department were appointed to their posts after a competition, which according to the law, ensures at least a two-year term of employment. Nevertheless, they were constantly warned about upcoming staff reduction. "We were under psychological stress. For two years we constantly were reminded about upcoming dismissals. We left our posts, took part in competitions and came back again. Now, even after the competition, we are facing the same problem again." - said employee of the Department on Labor and Employment Temur Chavleishvili.

The upcoming amendments are criticized by Giga Giorgadze: "How can the government take such a decision when there is huge unemployment in the country? They are weakening the role of the Service on Labor and Employment. It makes us think that the state refuses to take responsibility for the reigning unemployment. It also ignores the constitution and demands from International Labor Organization".

The author of the legal amendments is Deputy Minister Vakhtang Megrelishvili. He said that these changes are planned because of the Department's ineffectiveness. "It was a bureaucratic service which artificially enlarged the number of civil servants."

The Head of the Service on Employment Policy Tsiuri Antidze declared: "The state wants to terminate the functioning of the structure that elaborates policy in the sphere of

employment. That this service is ineffective is not the fault of the specialists but of the Ministry itself". These critical comments were the reason of the civil servant's dismissals. The Center is baffled by this incident and demands a reaction from the responsible officials.

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Massive Dismissals by Government

28.01.05. Structural changes carried out in governmental facilities have resulted in a massive dismissal of staff. Labour and social rights of the many citizens dismissed from their working positions have been flagrantly violated. These public service workers are not even informed of their dismissal at the time that it happens, so that they continue working and only learn of their dismissal at the end of the month when it is time for them to receive their salary. As a result, the number of socially unprotected people has increased dramatically and catastrophically, the unemployment rate in Georgia has doubled.

The government in power since the Rose Revolution in Georgia has made structural changes in almost all their governmental facilities, causing tens of thousands of people to become unemployed. The government considers this process to be natural and explains it as a decline in their bureaucracy apparatus. However, although this process may be inevitable and necessary, these citizens' labour rights are often violated at the time of their dismissal. According to the spread information the citizens are dismissed without any notice and they learn of their dismissal at the end of the month when it is the time for them to receive their salary. Furthermore, those who are dismissed leave without any other employment prospects.

Irakli Tugushi, Chairman of the Georgian Trade Union protests the illegal dismissal of these citizens and demands that a Governmental Committee be established to study the violations of rights resulting from these dismissals and to defend the labour and social rights of the victims. Tugushi has recently stated that "despite the positive changes going on in the country which were reflected in the government giving the salaries, paying of old debts, and increasing of the pensions", the "labour rights are flagrantly violated during the process of structural changes." Representatives of the Georgian Trade Union call on the government to address the problem of these illegal dismissals, and threaten that otherwise they will hold protest actions beginning on February 1, 2005.

Independent experts have also expressed the concern that although in theory the dismissal of people from their jobs might create new jobs for others, in reality the rate of dismissal is far higher than the rate of creation of new jobs. According to Soso Tsiskarishvili, an economic expert, the reorganization of governmental structures does not mean that jobs available within the government must necessarily decrease. Tsiskarishvili recently stated "reorganization of the ministries started at the same time which causes drain of the human resources. This process is mechanical. The government had the obligation to offer employment program to dismissed people".

Zurab Tkemaladze, a local MP, thinks that the government is obliged to solve the problem of unemployment for the dismissed people and at least give them compensation. Tkemaladze cannot help but express his alarm regarding the massive dismissals and believes that the government purposefully made legislative changes in order to avoid giving compensation to those dismissed illegally.

800 Dismissed University Staff Demand the Justice Reinstated

15.07.05. Internal "reforms" at Tbilisi State University have made it a battleground between the administration and faculty. Eight hundred employees were left without job and the meeting with University Rector Ms. Rusudan Lortkipanidze did not lead to a resolution. And despite a street protest by professors, Minister Kakha Lomaia reported that these University reforms will continue. As for the jobless employees, they will receive 50 or 60 lari as a stipend.

We spoke to Mrs. Nestan Kirtadze, one of the dismissed lecturers, who detailed the current process and stated that the law about higher education was followed by heated debate right from the start. Representative and academic councils should have been chosen in the governing body of the university. Both of these councils should have chosen a rector and the tri-partite university government would all be elected through transparent elections as defined by the rules of the university. It was also mentioned that any of the scientists could hold an

academic position by taking part in open competition. But suddenly, as of July 8th of this year, Saakashvili signed an absolutely illegal decree and put himself beyond the law, not as the President of Georgia, but as the author of a legal act nullifying these university functions. Basically, Saakashvili did what Bolsheviks could not manage to do: he abolished Tbilisi State University. Today the university must concede its entire governing rights to only the rector those performing the dean's duties. This is illegal; they implemented not reform, but something like political order, the purpose of it is to abolish Tbilisi State University or, optimistically, to convert it into one of the schooling buildings. At the same time, as it may seem paradoxical, the selling and privatization of the university buildings is being conducted in secrecy.

- Did you know beforehand about the reduction of university staff?
 - The first thing that frustrated the university employees was on Saturday (which is usually a day off) when the university employees learned about the dismissals from lists posted in the hall of the university. This kind of illegal action toward the professors sacrificed the life of Tamar Kekelidze, a young scientist in the department of archaeology, when she learned at the cash desk that she was set free. However, Minister of Education Kakha Lomaia stated that the lecturers received the notice one month prior to their dismissal. It seems that only some lecturers were informed, though each employee of the university from janitorial staff to the professors had the right to know about this reform. Their rights were clearly violated. University Rector Mrs. Rusudan Lortkipanidze stated that she does not know who dismissed the academic staff.

Professors continue to fight for their rights. The subject was discussed within a legal framework and they appealed to the Board of Administrative Affairs of the Appeal Court. Their first hearing is on August the 3rd and the President Saakashvili will have to be presented as a defendant. Another hearing is set for July the 13th in the Constitutional Court where the Professor Loria, one of the head-masters of the law faculty, has brought the suit against the same unconstitutional actions. If the government does not satisfy their demand, the dismissed academic staff of the university intends to bring suit in the European Court of Human Rights in Strasburg. The academic staff thinks that the government will try to deny the decision-making process by the court.

[New Labor Code Threatens Georgia with Demographic Problems](#)

28.11.05. The Deputy Minister of Labor, Health and Social Affairs of Georgia Vakhtang Megrelishvili, dedicated another human rights violating law proposal to the second anniversary of the "Rose Revolution". The new Labor Code, which goes against the Georgian Constitution and International Law, received fierce criticism from the opposition and NGOs.

On November the 18th, the Parliamentary Committee on Public Health and Social Affairs reviewed a law proposal prepared by the Georgian government and put forward by Vakhtang Megrelishvili, the Deputy Minister of Labor, Health, and Social Affairs. The proposal envisions a working week of 48 hours and fifteen days of paid leave a year. When an employee is summoned for service in the army, the contract of employment is rescinded automatically. In the cases of illness or pregnancy, an employer would have the right to end the contract without notice.

The mentioned proposal received fierce criticism from one of the leaders of the 'Right Opposition' party, David Saganelidze. "The project reflects absolutely none of the promises made to the citizens of Georgia during the 'Rose Revolution'", he stated. "This proposal legalizes a relation of slavery in the sphere of employment." In his words, "such a law project does not even deserve to be discussed in the Georgian Parliament."

Chairman of the Committee Gigi Tsereteli and the Parliamentary Secretary of the Georgian government Gia Khuroshvili are of the opinion that the general principles of this Labour Code project should be adopted during the first reading, but only under the condition that the opposition's criticisms are to be taken into consideration when discussing the proposal's details. Vakhtang Megrelishvil, Deputy Minister of Public Health, Labour and Social Affairs on his own turn, noted that the current proposal "might be acceptable to some, to others not, but I do believe that, unless prohibited by law, all is allowed."

Giga Giorgadze, lawyer of the *Human Rights Information and Documentation Center*, calls the proposal "fascist-like". The new labor code was also the main topic of the press conference, held in the Center today. "The above-mentioned law proposal violates the

Georgian Constitution and Labor Rights, as well as international law. Ratification of this proposal will result in Georgia facing serious demographic problems. The attitude of young Georgian women towards maternity will totally change when they know that in case of pregnancy they might lose their jobs. This directly goes against the interests of a small country," says Giga Giorgadze.

While European Countries fight for the qualified equality of employees, the reduction of working hours, and the increase of the quantity of paid leave days, the Georgian government tries to legitimize a discriminative attitude towards employees. Moreover, the new Labor Code affronts international law standards and violates women's rights. Ironically, all of this happened at the same time as Georgia attempts to establish closer ties with the EU. The mentioned proposal is the second project by Vakhtang Megrelishvili which violates human rights (the first one concerned the pension law where he proposed to leave out work experience in the calculation of benefits).

Former Worker of the Public Defender's Office Brings Suit against Sozar Subari

Tbilisi. June 1, 2005. Media News. The former head of the Public Service Department of the Public Defender's Office Mariam Bagdavadze has filed a complaint against Sozar Subari at the Administrative Division of the Tbilisi City Court. Bagdavadze is fighting her dismissal and wants an apology from the Public Defender, because in his report to the Parliament, Subari called her a 'bed-patient' and pointed this as a reason of her dismissal.

"Despite my disseminated sclerosis, I never missed my job and always went on business trips. Since October 2004 I was on a sick leave and on February 2005 I demanded my holidays. But the Public Defender fired me in February," said Mariam Bagdavadze. "It was very difficult for my four children to hear false information about their mother's state of health. After Subari's statement, my state of health really worsened," said the complainant. Mariam Bagdavadze had worked at the Public Defender's Office since the day of its founding in January 1998.

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Pensioners against Canceling their Privileges

13.09.05.GHN. Those pensioners who have retired from several military posts are protesting against a new law passed by the Ministry of Health and Labor. According to the new law, the privileges which were given to the pensioners are cancelled. "According to the law, passed in 1996, the taxes on energy, communication, and other communal fees were reduced for us. And now they are trying to annul these privileges," say the protesters.

The demonstrators find that this new law abolishes their rights and that if the government is not going to do anything to help them, the pensioners will continue their protests permanently. "We will displace the government, which was elected by us," say the protesters.

Disabled People Go on Hunger-strike at Office of Public Defender

Tbilisi. 11.04.05. Media News. The representatives of the NGO Coalition of Veterans and Disabled People have gone on a hunger-strike at the office of the Public Defender. They are demanding that the Georgian government follow through on a ruling made by the Supreme Court to give them the 691 GEL "that was appropriated by the old government". Protesters also want the Georgian government to carry out the National Plan, which will help their integration in the society. One of their demands is to be referred to as 'persons with limited capacities' instead of 'disabled persons,' in accord with international standards.

Hunger-strikers accuse the Georgian government of having an indifferent attitude and state that this year only 580 000 GEL was allocated in the budget for the programs for the disabled, though the previous government had allocated 800 000 GEL.

Before the hunger-strike they organized a press conference together with the Public Defender of Georgia Sozar Subari, who agreed that the government should work out a plan for solving the problems of disabled people. He also said that the Supreme Court's decision should be executed, although this would not immediately solve all the issues at hand.

Prime -Minister Describes Invalids' Hunger Strike as "Hysterics"

Tbilisi.21.04.05. Media News. Prime-Minister of Georgia Zurab Nogaideli has assessed the strike of the Invalids League and their demand for funds as hysterics, and said that the government is not forced to do anything because of this action. "The Prosecutor's Office will decide if the funds already transferred by the government are spent for the invalids," Nogaideli said. "As for the debts, the government will cover them and that can be arranged without hysterics."

The members of the Invalids League demand the fulfillment of a decision made by the Supreme Court, and have been on hunger strike for ten days demanding 600 000 lari from the government.

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Kids in Wheelchair were not Allowed in a Restaurant

23.06.05. On June 22 on 2 p.m. the Public Defender of Georgia, the NGO "Disabled Coalition for Life", Young Lawyers Association, City Municipality Department on Health and Social Welfare, together with the association "Anika" held a press-conference on the unheard-of and absolutely disgusting incident that took place on 19 June in Mtskheta, restaurant "Khidashlebi".

On June 19 of the current year the association "Anika" took 8 pupils of school No. 10 for disabled children on a trip to Tsilkani. Upon their return to Tbilisi the organizers decided to take the kids to a restaurant which is always busy. This would contribute to the full integration of the kids into society. They chose the restaurant "Khidashlebi" because it would be easier to take the wheelchair-user kids inside the restaurant. Unfortunately, Nana Gigauri, administrator of "Khidashlebi", refused to take the kids in and serve them and explained this by not having enough room and seats. However, it turned out that the problem with the seats had nothing to do with it. Mr Vasil Maghlaperidze, the President's representative in Mtsketa-Mtianeti region, stepped in the matter and after a conversation with him the restaurant administration agreed to take the kids. But this time the organizers of the trip did not wish to take the kids in the restaurant.

"This is direct discrimination, and in violation of Article 14 of the Georgian Constitution, which, according to the Georgian Criminal Code, is a punishable act", - said Beka Mindiashvili, head of the head of the City Municipality's Department on Freedom and Equality. Ana Dolidze, head of the Georgian Young Lawyers Association said that "the Prosecutor and the Ministry of Internal Affairs is already informed of the fact and if they express their will then they can start investigating the matter".

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Quality of Economic Freedom in Georgia is Limited

13.09.05. "GHN". According to the results of a research on the quality of economic freedom conducted by the international sociological centre "Kato Institution", Georgia came out in the 66th place. From the former Soviet countries, Russia, Ukraine, and the Baltic countries also were assessed. Russia took the 115th place, Ukraine - 103rd, Latvia and Lithuania share the 44th place, while Estonia is among the first ten countries. According to the research, the first five places were given to Hong Kong, Singapore, New Zealand, Switzerland, and USA.

Conflict between Zugdidi Traders and Government Continues

Zugdidi.22.04.05. Media News. The relations in the territory around the Zugdidi Central Market remains strained, and is currently under the control of police and interior troops. The street traders demand to be allowed to return to their spaces within the market for trading. They have tried to start trading near the market, but law enforcers have not allowed them to do this.

The vendors are demanding jobs from the government.

Disobedient Vendors Face Detention

Tbilisi.13.05.05. Media News. Street vendors who do not obey the prescriptions will not only be fined, but now also face the threat of being arrested. At the Parliament's third hearing,

amendments were made to the Administrative Law Code. According to these amendments, unlawful street traders who violate the law will be fined from 20 to 50 lari. If they try to continue trading or act disobediently towards administrative bodies, the fine will increase to 100 lari, along with the possibility of seven-day detention.

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Trace of Ecological Disaster Deepening

15.08.05. Residents of the Sagaredjo Region are still suffering from the horrible results of an oil disaster that took place on September 10, 2004. For three days oil and gas gushed out of a borehole following a well blowout. A great part of the woods was destroyed, water and earth were polluted and as a result of inhaling the gas, many residents were poisoned. Children turned out to be in a particularly heavy condition. They turned out to have intoxicative bacteria in the blood. It still remains vague and unknown for society what kind of gas gushed out and what poisonous substances the residents of Ninostminda had been inhaling during three days.

On September 10th, 2004 the population of the Sagaredjo Region unexpectedly experienced an oil rain. Gas and oil began to gush out from well No100 which had been capped for several months before the catastrophe for reparation works. According to Temur Gogilashvili, the manager of the oil company, the blow-out occurred due to uncontrollable and unforeseeable processes that happened deep in the earth. It is unknown how much gas and oil escaped from the well. Residents of the village Ninotsminda found themselves in a particularly heavy situation. For three days they experienced an oil-rain. The Human Rights Information and Documentation Center visited Ninotsminda in the light of the abovementioned situation right after the catastrophe and studied the situation at the spot (for more information see: <http://www.humanrights.ge/eng/stat50.shtml>). Eleven months later, the situation has not improved.

Drinking water was polluted during the catastrophe and the population was seriously poisoned, which especially impacted children and women. The oil-company examined the drinking water several times and said it to be clean. So, the population was allowed to use the water for drinking. Only the researches and tests of the professor Pagava, carried out nine months later, proved that the water was polluted. The test shows that the pollution concentration in the water exceeds the allowed level by forty-five times. As a result, a lot of people got sick. At present the village population is supplied with drinking water by special cars.

According to Shio Shioshvili, the head of the local government of the villages Ninotsminda and Tskarostavi, doctors took care of the whole population. However, the local residents say that the medicines distributed among the population were just sedatives and anti-allergy drugs, while the population needed serious medical examination to establish the type of poisoning and then to have further treatment. Most of the population could not afford to undertake the needed treatment by themselves. Also, the population is concerned about what seems to be an attempt to block laboratories so that the right diagnose would not be given. Only very few of them managed to take children to the capital for treatment and those are still under treatment. Representatives of the oil-company deny the possibility of poisoning among the population. The Minister of Healthcare Lado Chipashvili went to Ninotsminda and promised the population to help them, but this promise has so far not been fulfilled.

The company provided some compensation, namely 845 thousand Gel of which only 200 thousand was disseminated among the people directly. People cannot hide their frustration, as it seems that the government is putting the interests of the company higher than the interests of people and is trying to conceal this fact from society. The fact that even mass media does not take big interest in the disaster gives basis to serious suspicions among the population and is a reason of concern. If one thing is clear, it is that the government does everything to keep the fact hidden from the international community.

Health insurance papers of "Aldagi" were distributed for free to the residents of the village by the administration of "Canargo Georgia". Ninotsminda's population though, stated that these papers only provide for laboratory tests, which is not enough to solve their problems. They demanded the extension of coverage of these papers. As the Company refused to satisfy this demand, the population of Ninotsminda appealed to Court, where they demanded a compensation of 28 million GEL from the owners of "Canargo Georgia".

The action was brought to the court in November 2004. Though, in spite of having all necessary documents by the local government, the procedure has already been postponed several times. We found out that the case is still under investigation. The population does not hide their doubt that some negotiations between the Court and the President of "Canargo Georgia" might be taking place.

Government Cannot "Govern" the Radiation

22.08.05. Through reliable sources the Human Rights Information and Documentation Centre has found out that two young people died from a mine explosion on the territory of the military baseline in Lilo (outside of the capital Tbilisi) on December 29, 2004. Representatives of relevant services were sent to clean the territory from mines, but one of their 30 year-old employees shared the same fate. He lost one eye and a leg. The mentioned information was not spread by the relevant services. The same source informs us that 1000 hectares of the Lilo territory is mined and radioactively polluted which may cause a large-scale danger not only to the environment but for the population and their future generation. The territory (16 hectare) nearby the monastery of Jvari in Mtskheta is mined as well. A similar situation exists in Kakheti as well as a territory nearby the Alinja baseline (102 hectares) in Sagarejo.

In none of the military baselines left by Russian troops in Georgia, no traces of nuclear waste were found. According to the law on radiation and nuclear security, all nuclear waste must be strictly registered. All objects, where those elements are kept, must be under protection of the Ministries of Security and Internal Affairs. In practice this is not the case. A radioactive basement (between Martkopi and Saakadze) which had been working from 1989 to June 16, 2004 serves as a confirmation of the above mentioned. The situation is awful in this completely inattentively left baseline. There is a high danger of collapse that might end with dreadful results. The talks about a project on the conservation of this baseline are forgotten.

The statement of Lasha Chkhartishvili, president of the Union of the Rights of Animals and the Environment, is alarming: "The baseline of Lilo is a clear example of how little those objects that should be under strict military observation are guarded. Anyone can enter the territory. Animals can enter the yard without any problem. This territory is not protected by anyone". Though, Soso Kakushadze, head of Nuclear and Radiation Security Service of the Ministry of Environment and Natural Resources, considers this baseline as a safe one and does not see any danger. He provides the positive information that there is practically no radioactively dangerous zone in Georgia. But the expert Lasha Chkhartishvili attests the opposite: "It is interesting to investigate the baseline of Lilo and to study the radiation level. As some sources have been found on the territory of the baseline of Vaziani, which caused serious contamination of some of the warriors, it gives us serious suspicion that radioactive sources could be found among the waste taken away from the baseline. Building upon the logical line of reasoning, it is absolutely true that there might be some number radioactive sources in Lilo."

The baseline of Lilo is a serious danger not only for population living in Lilo, but for everyone. It is covered only with a thin layer of earth under which organic waste is decaying. According to experts, methane is excreted and it may be accumulated and then burst. As a result, fire might spread. After a burst of methane, dangerous materials will be excreted into atmosphere (toxins, etc.) which are dangerous for human health. It seems that the population living there is in the same danger as they were during the functioning of the baseline.

It should be mentioned how the Lilo baseline was closed. It was carried out without taking into account any rules. To close or open a baseline with hard domestic waste is not permitted without relevant permission from the Ministry of Environment. According to Lasha Chkhartishvili, there was no permission for the closing of the mentioned baseline. The City Municipality neglected this demand of law and closed the baseline according to an oral agreement with the ministry. A place should have been built to store nuclear waste and materials that are hazardous for human health. Though, according to the information of the Nuclear and Radiation Security Service of the Ministry of Environment and Natural Resources, no plans exist to build such buildings.

Population Is Being Poisoned in the Region of Kaspi

26.08.05. The joint-stock company "Kaspitsemi" has been engaged in production without any cleaning filters for almost ten years. As a result, the surrounding territories, such as the

villages Kvemo Gomi and Metekhi, are in a difficult situation. The harvest is destroyed by pollution; there are cases of goiter among the population. In spite of protests by the locals, the factory continues its work in this unstable state. The factory's administration justifies this situation by referring to the high prices for the relevant equipment. For several years though, the owner of this factory was promising the local population to raise the work of the factory to European standards. *Though this minimal term of a year becomes new promise for the next year, at this time the income of the factory is increasing on the basis of population's health.* The Ministry of Environment and Natural Resources does not consider the situation dangerous and keeps on providing the permission for work.

The privatization process of the joint-stock company "Kaspitsemi" finished in 2000, when a new owner appeared. It must be mentioned that Mr. Genadi Khachidze, chairman of the region, restrains himself from naming Mr. Mamuka Suladze, Director General of the factory, as the owner. He mentions that the factory is not in one person's ownership, but belongs to a private company named "Intertrass". Nevertheless, according to information spread among the population, the mentioned factory belongs to the brother of Gela Bezhushvili, Secretary of the Council of Security.

In the past, a contract was signed between the board of the company and the Ministry governing the estate in accordance with the Ministry of Environment and the Environmental Defense organs of Shida Kartli. In spite of the absence of filters on furnaces, norms of possible pollution were appointed. The factory was paying the Environmental Defense organs a sufficient amount of money for relevant cleaning procedures. The order of procedures was confirmed by the contract, which would manage the issue of pollution for years. A part of the money paid to the Ecological Service would be returned to the Region of Kaspi for further cleaning procedures, such as the arrangement of networks of canalization, the water system in the city, etc. This said, the head of the factory is baffled about the alleged disappearance of huge amounts of money (he refers to Millions of GEL).

The current Director of the factory, Mamuka Suladze, disclaims all responsibility to the damage that has occurred to the population. He argues it is the state that had to think about the unstable situation of the factory. As for the health of the population, he says that it is impossible for pollution to cause any disease and that all such allegations do not coincide with reality.

A claim against the joint-stock company "Kaspitsemi" was brought to the municipality of the region of Kaspi by the population. Mamuka Suladze, Director General of the factory, assured the people that the plant would be furnished with filters on short notice. The non-fulfillment of this promise led to a popular protest. Mr. Khachidze, chairman of the region of Kaspi, said that the owner of the factory promised him confidentially to have the factory working by European standards in a year maximum. Though, what will be in a year is difficult to say...

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[Thabukashivi 42's Diaries](#)

30.11.05. "You can see Kartlis Deda from my place ... not from the window, ironically, but through the cracks in the wall," uttered an inhabitant of Thabukashvili Street 42. The historical house on Thabukashvili Street 42 has been facing hard times for quite some years now. Being put on the demolition list in the 1980s due to its condition, it was saved by the inhabitants who lobbied at the Ministry of Culture to have the building listed as a cultural-historical monument, a status it received in 1988. However, instead of serving as a proud part of the city's rich historical face, the cracked facade, crumbling down ornaments and surrounding rubble give it the air of a backstreet on the eve of being 'bulldozed' away.

In some places walls and ceilings show huge cracks letting in the daylight, the structure is tilting to the side which necessitates the almost weekly readjustment of doors and windows, pipes are rotting, the ornaments on the facade crumbling and to add up to this sight, the building is surrounded by rubble.

Although the status of monument presupposes support by either the Ministry or Municipality, this has not been forthcoming. Of the more than 100 petitions sent to the Municipality by the inhabitants none received a written reply. The Ministry faces a serious shortage of funds and besides, it has to serve monuments throughout the whole country.

Nevertheless, on one fine day in spring a group of engineers arrived to bring the building back into a reasonable state. After having finished only a fraction of the job however, the funds dried up. The workers are currently patiently awaiting the Municipality's 2006 budget. Part of the job – reinforcing the foundation as the house was literally hanging in the air – the engineers did on their own account, although this is also not completed.

A recent development that made the patience of some inhabitants boil over was the opening of the narrow Thabukashvili Street to a constant two-way flow of 84 'marshrutka' (minibus) routes after those were barred from the Rustaveli Avenue. According to inhabitants, the resulting vibrations had horrible consequences for the building's condition. Three nightly guerilla road-blocking excursions were organized by them to the great dismay of marshrutka drivers. The last of these ended up in a row attended by television reporters.

Although relative rest has returned to the street with only 6 to 8 operating minibus routes, some inhabitants have lost trust in nearly everything. A theory exists that the Municipality is purposefully waiting for the house to fall down by itself, so that the central location behind the Opera could be used for a money-generating structure without having to provide inhabitants with reasonable remuneration. Still, nobody could give a coherent answer as to why the engineers then were invited in the first place. The latter regard all these ideas as paranoid and exaggerated. While maybe so, this fatalism is quite understandable after years and years of frustration.

Anyhow, the fate of the house, its inhabitants, and of others in the same situation seems to depend on the Ministry's and Municipality's future budgetary priorities. "Instead of trying to create a decent life for citizens they put new asphalt on the Rustaveli. There was nothing wrong with the asphalt on Rustaveli! But we might end up with the roof falling on our heads at any time!" cried one of the inhabitants, overcome with emotion.

Group of Earthquake Victims Held Protest

16.12.05, "Media News" – A group of earthquake victims held a protest in front of the Tbilisi Municipality today. They protested against the municipality's budget of 2006 and demanded a meeting with the Tbilisi Mayor Gigi Ugulava. The opposition fraction "New Righters" and NGOs also joined the protest.

"The government has forgotten about the problem of dilapidated houses. Twenty-five percent of Tbilisi's population lives in dangerous buildings and in constant fear. Not a thetri (cent) in the budget is set aside for renovation," said George Mosidze, the leader of "New Righters".

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The Mental Hospital – Medical Department for Some, Asylum for Others

02.11.05. *Renovation of the Surami Mental Clinic is almost finished, but the prevalent unsanitary conditions make the stay there almost impossible. In spite of it, many patients still live in the hospital. The mental clinic is a medical department for part of the inmates and an asylum for others. The state does not seem to guarantee the rights of these citizens in accordance with the constitution.*

Where and how do mentally disabled people live? Does the state care for them? Why is the mental clinic transformed into an asylum for a number of inmates? How does the head of the clinic explain the reigning unsanitary conditions in the mental house? What amount of money does the state reserve per patient and is it enough or not? Are the rights of mentally disabled people violated?

A multitude of problems exist in the mental clinic. Most striking though are the prevailing unsanitary and abnormal living conditions. The management of the Alexander Kajaia Surami Mental Clinic says that, on average, an amount of 15 GEL is needed per patient per day. Only 6.70 GEL is made available by the state. This sum is used for food, clothes, drugs, and salaries for the medical personnel. Adding up to this, the state owes money to the mental hospital from 1996 onwards. Despite the fact that the period of treatment in the hospital varies from 3 to 6 months, the mental clinic is transformed into an asylum for a number of people.

Integration of the patients into society is another big problem. No team of social workers exists in the clinic. According to information gathered by the Human Rights

Information and Documentation Centre, the Ministry of Health and Social Affairs does not have a plan or strategy for combating this problem.

Lawyer Giga Giorgadze, who works on the rights of mentally disabled people, says that the money reserved in the budget covers only isolation expenses, not treatment. "The amount of money provided is insufficient for life and treatment. This is why mentally disabled people quite often do not receive any medical attention. Such is in violation of Article 37 of the Georgian Constitution, which provides that mentally disabled people should be treated according to high standards," said Giorgadze. He also mentioned cases of inhuman treatment and brutality, which often take place in mental hospitals. "This is a violation of the European Convention on Human Rights," Giorgadze added. It was very much noticeable in the Surami Mental Clinic; while the patients themselves mostly worked on the renovation of the hospital, the administration did not treat them with the necessary respect, but, conversely, kept on displaying a downgrading attitude.

As no monitoring group exists yet that can control the processes in the mental clinics, this topic remains closed and impenetrable.

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Azerbaijan Theatre – the Problem to Be or Never to Be Solved

17.06.05. 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 changed by Irakli Azikuri. Actors say Azikuri, who is unknown within Georgia's cultural world, lacks 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 remained 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. The 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.

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This report was prepared by the Human Rights Information and Documentation Center (HRIDC), a Tbilisi based NGO dedicated to the protection and promotion of human rights in Georgia.

HRIDC is member of the following international networks:

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HRIDC has been supported by the following donors:

The Council of Europe; CORDAID (The Netherlands); General Secretariat for International Economic Relations and Development co-operation (YDAS), Hellenic Ministry of Foreign Affairs; National Endowment for Democracy (USA); Penal Reform International/the European Union; the Norwegian Ministry of Foreign Affairs; UNICEF; Norwegian Human Rights Fund; Royal Netherlands Embassy; The UN Voluntary Trust Fund on Contemporary Forms of Slavery; United States Institute of Peace; X Minus Y Solidarity Fund, (The Netherlands); The Westminster Foundation for Democracy; Open Society Institute (Budapest, Hungary); The World Bank; Open Society - Georgia Foundation; IREX/IATP - sponsored by the Bureau of Educational and Cultural Affairs (ECA) of the US Department of State; UN Volunteers;

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The HRIDC wants to express its special gratitude to Cordaid, the Norwegian Ministry of Foreign Affairs/the Norwegian Helsinki Committee, and the National Endowment for Democracy (NED) for their support to Human Rights Monitoring Program.