



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,  
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation  
for Human Rights

Federación Internacional  
de los Derechos Humanos

الغدرالية الدولية لحقوق الانسان

## Note

### Situation of Human Rights in Georgia

October 2006

*Since the coming into power of Mr. Mikhaïl Saakaschvili at the favor of the so-called "roses' revolution", local and international organisations observe regular deterioration of fundamental freedoms. The violations of rights and freedoms are encouraged by a very personalised and authoritarian sense of power from the President. The first consequences of it are the excessive use of violence and the impunity by law-enforcement bodies, repression and harassment against journalists, human right defenders, etc... This also contributed to conflictual situations at both internal (minorities and separatist regions of Abkhazia and South Ossetia) and external (recent break of diplomatic relations with Russia) levels.*

*This new escalation of internal and external tension can provoke a serious deterioration of the situation of civilian population of Georgia and lies within the on-going aggravation of a general human rights situation.*

#### A. Torture, ill treatments and excessive use of force

##### Use of torture and ill treatments by law enforcement officials

FIDH and Human Rights Information and Documentation Center (HRIDC), member of FIDH, strongly condemn the increase of torture, inhuman and humiliating treatments especially by law enforcement bodies. Despite the fact that, NGOs and UN human rights mechanisms reported numerous cases of torture committed by police officers, the impunity of their perpetrators is still a reality.

In his annual report to the 62<sup>nd</sup> Commission on human rights (march 2006) and following a mission to Georgia, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, declared that "*torture and ill-treatment by law enforcement officials still exist in Georgia*" and that "*the methods of torture included beatings with fists, butts of guns and truncheons and the use of electric shocks, and cigarette burns; injuries sustained by the victims included, among other things, broken bones, cigarette burns, scars, as well as neuropsychological changes*".

During his mission to Georgia, the Special Rapporteur met several detainees and concluded from the interviews that these persons were tortured to obtain confessions. He stated that "*their injuries were still visible at the time of the meetings, and had been well documented by independent forensic experts. As was evident to the Special Rapporteur from meetings, these persons continued to suffer from the effects of torture and were in need of appropriate medical treatment and rehabilitation, which they were not receiving*".

Amongst ten cases documented by the Special Rapporteur, the following abstracts of his report illustrate the violence of the torture inflicted by public authorities.

**"David Mindadze, aged 27...** was arrested (on 13 May 2004) on suspicion of attempted murder. He was brought to the Tbilisi Head Department of Internal Affairs... He refused to confess, and the policemen began to beat him with truncheons, hit him with an iron lock in the face, and applied electric shocks to his legs and feet...The Deputy Minister of Internal Affairs, an investigator of the Public Prosecutor's Office and a lawyer also participated in the beatings. Among his injuries were a fractured temporal bone and upper jaw. He subsequently developed epilepsy, and he suffers from disturbed

*sleep, flashbacks, blackouts, loss of vision, memory difficulties, headaches and tremors. On 16 May 2004, he was remanded in pre-trial detention...*"

**Sulkhan Molashvili**, aged 35, former Chairman of the Chamber of Control. During a 3 month pre-trial detention: " *He was seated on a chair with his hands handcuffed behind his back. The interrogators insisted that he confess to the charges. When he refused to confess, electric shocks were applied to his wrists and ankles, and his legs were beaten. His sweater was pulled up over his head and he was repeatedly burned with cigarettes. He was warned that if he revealed that he had been tortured his wife and children would be harmed.*"

### **Excessive use of violence leading to death by law enforcement bodies**

According to HRIDC, during a 'special operation' on May 2, 2006, two young people died near the tennis courts in Tbilisi centre. A third person, David Buturidze, aged 20, was immediately operated, although he remains in critical condition. Luckily no passers-by were injured by the hail of bullets. According to the Ministry of Internal Affairs, the dead people were criminals who had been under surveillance by the police since 8 a.m. and who had planned a robbery of a family in Tbilisi. The investigation is still going on.

According to HRIDC, Mr. Revaz Tsalani, a tractor driver, died last May 25 due to severe beating inflicted upon him in August 2005 by four members of the Presidential Guard. This incident took place after the visit of the Presidents of Georgia and Ukraine to the town of Mestia in Svaneti region.

According to broadcasting companies Imedi and Rustavi 2, on July 3, 2005, a bloody operation led by about two hundred armed officers from the Special Forces took place in the village of Duisi in Pankisi Gorge. According to Mrs. Nina Gumashvili, an inhabitant, this operation took place because of her son Avtandil Gumashvili, suspected of wounding.

Avtandil Gumashvili and his cousin Vakhtang Gumashvili, resisted and opened fire against the armed forces, which in their turn responded and killed both. The severe operation upset the population, who expressed support to the family, and protested the attack by throwing stones at the armed forces that proceeded to 6 arrests. The 6 people were released later.

Moreover, the unlawful and excessive actions of the police officers are sometimes directly encouraged and supported by the official statements of the President of Georgia, Mr. Saakashvili as well as the Minister of Interior Mr. Vano Merabishvili.

According to HRIDC, on February 23, 2006, during a meeting in Tbilisi with newly appointed judges, President M. Saakashvili publicly announced; "...Policemen have instructions to open fire directly because the life of one policeman is more valuable than the lives of entire world of criminals and their accomplices. Therefore, we made precedents to use arms and we intend to continue this way, same as practiced in USA, Europe, Israel and all other developed countries".

On November 23, 2005, the Minister of Interior made a similar statement on the channel Rustavi2 TV: "I apply to all Georgian policemen not to hesitate to use arms when a person's or policemen's life is endangered."

Those statements are particularly preoccupying if we consider that the excessive use of violence by the police forces is one of the main problem faced by Georgia those last years.

### **Excessive use of force in prisons**

According to HRIDC, excessive use of force is particularly widespread in prisons and detention centres. For example, the head of Penitentiary Department, Mr. Bacho Akhalaia, is accused of provoking a prison riot, which took place on March 27, 2006 in the prison #5. The police officers used weapons when the prisoners were in their cells. Approximately 30 detainees were injured. If the Head of the Penitentiary Department, Mr. Bacho Akhalaia, did not go to the prison that night and use force, the riot would not have happened, said Sozar Subari, the State Ombudsman during the presentation of the report to the Parliament.

After having visited several prisons in Georgia and after numerous meetings with detainees, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, concluded that: " *The vast majority of the allegations brought to the attention of the Special Rapporteur bore common characteristics. They were marked by reports of excessive use of force by law enforcement officials, and violations of safeguards of arrest and detention, including lack of access to a lawyer or satisfactory medical examination upon entry to the detention facility.*"

Karel De Gucht, Chairman of the OSCE, has expressed, during a visit in Tashkent, his concern about violent incidents in Tbilisi prison No. 5. <sup>1</sup>"We regret the death of seven inmates and the injury of a large number of prisoners as well as several servicemen from the Government's Special Task Forces". He said. "We note that different reports on the exact circumstances of the events have been circulated and a lack of clarity exists". He also requested "to set up an independent and public enquiry to investigate the events, including allegations of a disproportionate use of force by government troops which resulted in a large number of victims".

### **Impunity for human rights crimes**

Many human rights violations, including torture, ill treatment, excessive use of violence, and intimidation against human rights defenders remain unpunished. This culture of impunity is a most serious hurdle to the implementation of Georgian Government commitment to improve human rights protection and promotion.

In its annual report of 2005, HRIDC explained that "*the main stumbling block in the fight against maltreatment seems to be the 'impunity syndrome' – 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.* HRIDC estimated that "in 2004 more than 1000 instances of ill treatments occurred, but only twelve cases were launched and six perpetrators sentenced".

In its 36<sup>th</sup> session report, published in July 2006, the UN Committee Against Torture confirmed this trend: "*The Committee remains concerned that despite extensive legislative reforms, impunity and intimidation still persist in the State party, in particular in relation to the use of excessive force, including torture and other forms of ill-treatment by law-enforcement officials, especially prior to and during arrest, during prison riots and in the fight against organized crime.*"

## **B. Repression of fundamental freedoms**

### **Repression of human rights defenders**

FIDH, in the framework of the Observatory for the Protection of Human Rights Defenders, a joint programme with OMCT, and HRIDC, express their deepest concern regarding recurrent acts of repression against human rights defenders, in particular intimidation, harassment or arbitrary detention, etc.

On February 1 and 2, 2006, representatives of the Ministry of Internal Affairs visited the HRIDC office, pretexting that they wanted to know more about the organisation's activities. During their visit, they actually tried to put pressure on HRIDC representatives.

Besides, on February 7, 2006, an employee of the Counter Terrorism Department at the Ministry of Internal Affairs called Mr. Ucha Nanuashvili, HRIDC Executive Director, to inform him that the Head of this department wanted to talk with him in order to "get to know" about HRIDC activities.

As Mr. Nanuashvili requested an official letter that would clearly state the reasons of such a summon, the Ministry agent demanded his immediate arrival, indicating that, in case of disobedience, he would be brought there by force. Nevertheless, Mr. Ucha Nanuashvili refused to go to the Ministry.

The FIDH recalls that HRIDC members, in particular Mr. Nanuashvili, have been threatened and harassed for several years. For instance, on September 27, 2005, he had been accused over the phone of being an "informer" and a "betrayers", by the Head of the Department for Relations with Georgian Diasporas and Inter-Ethnic Relations at the Georgian President's Office. HRIDC, as an organisation, was accused of spreading false information about ethnic minorities and of representing the interest of "foreign forces".

Moreover, on September 21, 2006, the Georgian Young Lawyers' Association (GYLA) held a conference in its office in Rustavi, which was entitled "Deficiencies during pre-election troubles in Georgian regions". A couple of hours after the press conference, an unidentified man called Ms. Lela Bekauri, member of the Rustavi branch office of the GYLA, at home, insulting and threatening her, saying in particular that he would "catch [her] wherever". GYLA asked the authorities to carry out an investigation into these threats, but has not received any reply yet.

On June 7, 2006, the offices of the Public Movement 'Multinational Georgia' (PMMG), a NGO that notably aims at promoting national minorities' rights and developing their integration in the Georgian

---

1 <http://www.osce.org/item/18578.html>

society, were broken into and robbed by unknown individuals who stole the hard disks of the computers, which contained many of the working documents of the organisation. In particular, the draft of an alternative report on the implementation of the Convention for the Protection of National Minorities, to be addressed to the United Nations and the Council of Europe, was stolen, as well as documentation and analytical materials describing situation of minorities in Georgia, which also included analysis of authorities' policy on this item. However, all valuable equipments were left in the office.

During the two previous weeks, several PMMG's employees and partner organisations had been contacted several times by State representatives, who were trying to obtain this alternative report. Faced with a refusal, the representatives had answered that they would "get it anyway".

### **Repression of the freedoms of expression and assembly**

On September 27, 2006, Mr. Irakli Kakabadze, Mr. Jaba Jishkarinani, Mr. David Dalakishvili and Mr. Levan Gogichaishvili, all members of the Egalitarian Institute, a newly-established Georgian NGO composed of human rights defenders, writers and intellectuals, were arrested by patrol policemen in the Drug Centre Building in Tbilisi. They were demonstrating against the recurrent detention of some Institute members, as well as the lack of independence of the judiciary, in particular of the Court of Appeal. They also called for an impartial investigation into the murder of Mr. Sandro Gorgvliani, a young banker whose death is allegedly linked to high-ranking officials in the Ministry of the Interior. Mr. Kakabadze was originally detained for expressing verbal protest against the government, whereas the others were arrested for writing anti-violence slogans on the asphalt. They were held in pre-trial detention until the Administrative Chamber of the Tbilisi City Court released them after paying a fine of 15 laris each (about 7 euros).

Previously, on June 29, 2006, Irakli Kakabadze, Jaba Jishkariani and Davit Dalakishvili had already been arrested along with Zurab Rtveliashvili, Lasha Chkhartishvili, other members of the Egalitarian Institute, as they were demonstrating outside the Court, calling for the release of two co-founders and shareholders of the independent television channel *TV 202*, respectively sentenced to four and three years in prison for "extortion", on March 29, 2006, on the basis of fabricated charges.

The five defenders had been immediately sentenced, without any Court hearing, to 30 days of administrative detention, by the Court of Appeals, for "staging disorders in a court", and brought to the pre-trial detention centre of the Ministry of the Interior. They had been all released on July 29, 2006.

On 31 March 2006, Mr **Azer Samedov**, chairman of the Caucasus Centre for Protection of Conscience and Religious Persuasion Freedom (CCPCRF), an Azerbaijani who had emigrated to Georgia following disturbances triggered by the results of the presidential election in October 2003, which he had been observing, was arrested in Tbilisi by officers of the anti-terrorist section of the Ministry of the Interior, at the request of the Azerbaijani authorities. He was accused of "participating in collective disturbances" (article 220 of the criminal code) and "resisting the representatives of authority" (article 315), in relation to these events. On 2 April 2006, the Court of Tbilisi upheld the detention of Mr Samedov at the town's no.5 prison until completion of the proceedings initiated to extradite him to Azerbaijan. On 14 April 2006, Mr Azer Samedov was released on bail, but the charges against him are still pending.

On June 20, 2006, a demonstration organized by the Professors of Tbilisi State University, who were gathering to protest against the competition announced in the university to hire teachers and to demand resignation of the rector Mr. Gia Khubua, was dissolved by the police. Several professors were injured, while the police was getting them out of the building.

### **Repression of political opponents**

In the context of increasing political tensions, the central authorities use all possible methods to neutralize the opponents

Georgian police detained 29 supporters and alleged associates of fugitive former National Security Minister Igor Giorgadze during raids in Tbilisi and other Georgian cities on September 6.

The Georgian political activists arrested on suspicion of colluding with Giorgadze include Maia Nikolaishvili, who heads the so-called Anti-Soros movement; Maia Topuria, who heads the youth organization of the Samartlianoba (Justice) party that Giorgadze founded in early 2004; and Temur Zhorzholiani, chairman of the Conservative-Monarchist Party, who is said to have attended a meeting with Samartlianoba activists in May 2006 at which the alleged coup plans were discussed. Other members of Zhorzholiani's party have denied that allegation.

Initial reports on September 6 that veteran opposition activist Irina Sarishvili-Chanturia, who began her political career in the late 1980s and currently heads a charitable organization that bears Giorgadze's name, was also arrested proved false. Sarishvili-Chanturia told journalists later on September 6 that allegations of a coup in the making were unfounded.

Prosecutors say Batiashvili "gave recommendations and instructions" to Emzar Kvitsiani to plot a coup against the Georgian government.

Batiashvili's attorney said that the charges are groundless, as a tapped phone conversation between Batiashvili and Kvitsiani, which was put forth by prosecutors as evidence, fails to prove Batiashvili's links to the alleged plot. The attorney also noted that it has still not been confirmed whether or not Kvitsiani was even plotting a coup.

"I will definitely propose that the Parliamentary Committee for Legal Affairs develop a legislature similar to the one which is in the United States, I mean the Patriotic Act... which will be directed against treacherous statements against the motherland. I mean the statements similar to those made by Shalva Natelashvili [leader of the opposition Labor Party], who called on the government forces to surrender to traitor [rebel warlord Emzar] Kvitsiani's gangs," MP Gvaramia said.

The authorities have criticized most of the opposition parties for "a failure to show their support towards the state in a difficult time" when rebel warlord Emzar Kvitsiani announced his defiance towards the central authorities. The Interior Ministry released a recording of a phone conversation between Emzar Kvitsiani and Irakli Batiashvili on July 26. In the taped conversation, Kvitsiani tells Batiashvili that Abkhazia Deputy Defense Minister Gari Kupalba offered the help of Abkhaz fighters to repel Georgian government troops. Later, Batiashvili told Rustavi 2 that the taped conversation was edited and missing the portion where Kvitsiani declines Kupalba's offer. In the tapped conversation Batiashvili encouraged Kvitsiani and told him: "stand firm."

The Tbilisi City Court sentenced Irakli Batiashvili, to a two-month detention on July 30 2006 after he was charged with having links to a coup attempt staged by rebel warlord Emzar Kvitsiani.

Nora Kvitsiani, who was arrested on July 29, has been charged with participation in an illegal armed formation and with illegal purchase and possession of weapons. She has denied accusations.

Emzar Kvitsiani and his nephew Bacho Argvliani (son of Nora Kvitsiani) are now wanted by the Georgian law enforcers.

### **Freedom of the Media**

FIDH and HRIDC regret the actions of the Government of Georgia which harass independent and free expression and try to control the media. Arbitrary detentions, beatings, grenade attacks, defamation and pressure against journalists have become an every day business. Besides, several media holdings have been closed down.

According to broadcasting company Rustavi 2, on August 27, 2005, the Ministry of Internal Affairs of Georgia, Mr. Ivane Merabishvili, declared on this latter: "It is time to clean up Georgian Media".

On the same day, two co-founders and shareholders of TV Company '202', Mr. Shalva Ramishvili and Mr. David Kokhreidze were arrested on suspicion of extortion. The authorities accused them of having blackmailed a deputy in the ruling party, Koba Bekaouri, during an interview, extracting 100,000 dollars from him. The journalists said during the investigations that they wanted to trap Mr. Bekaouri, because he had just acquired a private customs clearance company in dubious circumstances. They said they were preparing their next investigative programme on official corruption. But the deputy secretly filmed the journalists and the footage was used by the judge as evidence against them. Mr. Shalva Ramishvili and Mr. David Kokhreidze have been in custody since their arrest.

According to HRIDC, on 11 January 2006, two days before the otherwise unexpected preliminary hearing of these cases in the Tbilisi City Criminal Court, Mr. Ramishvili was moved from his regular cell at Jail No.1 of the penitentiary department of the Ministry of Justice of Georgia to a disciplinary solitary confinement cell. Mr. Ramishvili spent four days in this place. In spite of the extremely small space, Mr. Ramishvili had to share it with another prisoner. They were inevitably subjected to a high degree of discomfort as there was not partition between the "toilet" and the rest of the cell and because of the only bed in the cell, which by itself was unfit because it was made of iron rails, was not wide enough to accommodate two people. Furthermore, Mr. Ramishvili was deprived of normal sleep as there was a lack of fresh air and elementary hygiene, constant noise of water, non-stop lighting 24 hours a day.

Mr. Gela Mtvlishvili, journalist for the Gurjaani regional newspaper "Imedi" remains victim of several attacks. On June, 22, 2005, according to him, an unknown person attacked him when he was on his way home. The assailant hit him with a heavy object several times on his head before disappearing. There have been several attempts to assassinate Mr. Mtvlishvili, including two attempts to bomb his house on July 15 and November 22, 2005.

On January 31, 2006, the deputy of the regional governor Gia Papunashvili verbally assaulted him in Telavi, Kakheti region. Mr. Mtvlishvili demanded Gia Papunashvili's dismissal from his position and intended to use the law.

No investigation has been opened on any case. Furthermore, according to the Georgian Regional Media Association, on February 22, 2006, Georgian law enforcement representatives in plain clothes used force against the Azeri journalists, Rasil Demirchalov and Aimaz Kalayev, representing Azerbaijani TV stations "Lider" and "ANS". They were filming a protest rally in village of Damia-Gerarkh, Marneuli district. This rally was aimed to require the privatization of lands. The policemen verbally and physically insulted them and took away their tapes with the filmed footage.

According to HRIDC, on June 15, 2006, in the village of Vakiri in Signaghi district (in the eastern province of Kakheti), Roman Kevkhishvili, a journalist from 'Tanamgzavri' broadcasting company, Zviad Ruadze, journalist for the newspapers '24 Hours' and 'Spektri' and Gela Jaliashvili, a local journalist were raided by members of the Nationalist Party when entering the village. They wanted to cover a protest organized by the local NGO « Lawyers Developing Center », which aimed to contest the terror, pressure and threats used by Mr. Nugzar Abulashvili, head of this party, upon the local self government of Anaga village and to call the President's attention on this issue.

A few days before the demonstration, intimidation and threats of arrest were already launched upon the participants. According to the organizer of the protest, Tinatin Pkhovelishvili, head of local NGO Lawyers Development Center. "Mr. Abulashvili said that all those who appear at the protest would be punished. He assured to have a green light from the president, thus, he threatened to arrest everybody".

The three journalists were verbally and physically attacked and their cameras, microphones, dictaphones and video tapes were confiscated. According to Roman Kevkhishvili, the Signaghi police officers in uniforms stopped them. Then, the journalists saw a bus and some cars overcrowded with people who directly attacked them and beat them up for 40 minutes. They broke Mr. Jaliashvili's camera. They threatened them shouting; «You will be punished if you say something bad about Abulashvili». Roman Kevkhishvili was badly injured in his chest and stomach. He also has marks from the beating on his face.

### **C. Internal Conflicts**

FIDH and HRIDC remain concerned over the increasing tensions between Tbilisi and the autonomous provinces of Abkhazia and South Ossetia. In the conflictive regions kidnapping and other forms of violence take place.

Georgian law enforcers detained on 27 of May, 2006, dozens of Ossetian citizens (48 according to the information of the Ossetian side and 41 according to the Georgian side) and placed them in Gori Police Division. The Ossetian citizens were detained in different places: near the village of Eredvi in Liakhvi Gorge, in other villages of the same gorge, near the village of Kekhvi etc. Two of the detainees (citizens of Russia) are still held in detention. Georgian law enforcers checked their identity documents. 12 of these people were reportedly badly treated.

On May, 31, 2006, M. Sozar Subari met with five beaten detainees; Felix Tuaev, Eduard Tedeev, Mairbeg Gagiev, Pavlik Doguzov and Ruslan Kusraev. According to the victims, they had no connections whatsoever with any kind of paramilitary groups. No charges have been presented against them. All five detainees claimed that the local police officers did not participate in their detention, but only members of the special units in masks and uniforms. All five detainees described the methods of beating. They were forced to kneel, were undressed. The law enforcers beat them, punched them and kicked them, they also had a big book and the two men used to the book to hit the detainees on their heads. Due to this, they damaged the helix and an eye of one of the detainees. Besides, the law enforcers used empty plastic bottles and a wet towel knotted on one side to hit the detainees and broke the head of Eduard Tedaev with a pistol. Besides, the law enforcers were swearing at the detainees. According to the detainees, they beat for approximately 30 minutes to an hour. The detainees were

forced to “confess” that they were militants or to name those militants, whom they knew: their friends, neighbours, etc. The members of the Special Units requested the detainees to work for them and to provide information about military units and equipment in Tskhinvali town.

Georgia's Ombudsman, Mr. Sozar Subari stated that the incident, which took place in Gori Police Division, is unambiguously a case of torture committed by the Georgian law enforcers and required an investigation. Mr. Sozar Subari considered that not only the instigators, but also planners and people in charge of the operation should be punished.

On May 31, 2006, Georgia's Ombudsman submitted all gathered materials to the Office of Prosecutor General of Georgia for further investigation.

#### **D. Protection of minorities and regional languages**

In Georgia, minorities are particularly vulnerable to recurrent human rights violations, including violation of civil and political rights and violations of economic, social and cultural rights. (See FIDH International Fact-finding Mission Report: « Ethnic minorities in Georgia ». April 2005).

Tensions between central power and regions with strong minorities' population are increased by the use of the official language and the current status of minorities' languages. Despite the European Framework Convention for Protection of Minorities and the European Charter for Regional and Minority Languages there is no existing strategy to protect minority languages.

In this context, human rights violations against Azeri and Armenian minorities increased those last years.

In Kvemo Kartli region, the Azeri minority faces serious human rights violations by officials. A growing number of reports of official harassment was registered. According to several community leaders, promises made by President Saakashvili to improve living conditions for these Azerbaijanis have not been fulfilled. The controversy comes as Saakashvili's corruption crackdown zeroes in on ethnic Azeri traders in the southern Kvemo-Kartli region who are suspected of running smuggling operations into Azerbaijan.

On May 2005 more than 400 ethnic Azeris gathered in the district of Marneuli to protest what they claim is an ongoing campaign of repression by Kvemo-Kartli's governor, Soso Mazmishvili, a member of Saakashvili's ruling National Movement bloc. Kvemo-Kartli contains most of Georgia's 500,000 ethnic Azerbaijanis, who work primarily as rural workers.

Land distribution drives concerns in this regard. More than 70 percent of local Azeris still are not able to privatize or rent plots of land. Locals say that Georgian authorities disproportionately favour Georgian farmers in land privatization, thus leaving ethnic Azerbaijanis without land or forcing them to rent it from Georgian farmers at high prices.

In June 2005, the Council of Europe recommended that the government address the problem of discrimination against the Azerbaijani minority in Georgia.

Last year, Armenians demonstrated on several occasions in Samse-Javakheti. In March 2005, 6,000 Javakh Armenians rallied in Akhalkalaki to protest a resolution in the Georgian parliament that called for the withdrawal of the Russian military base, because that one was their unique source of employment, while the Central Government did not foresee substitute work. The Samse-Javakheti is an isolated and mountainous region, where the Javakheti sub-region is a predominantly populated region by Armenians and very poor.

In October, Tbilisi tax officials closed 10 small Armenian-owned shops in Akhalkalaki for financial irregularities, setting off protests by hundreds in front of the district's state administration building. Local police tried to disband the demonstrators with rubber truncheons and by firing gunshots into the air, injuring many of them.

In 2006, on 9 March, an ethnic Armenian was killed in a bar in Tsalka following a fight between Armenians and Ajars; soon afterwards, hundreds of ethnic Armenians marched in memory of the man they called a victim of the climate of ethnic intolerance.

Only two days later, Armenians gathered in Akhalkalaki to protest the dismissal of an ethnic Armenian judge, the latest of several fired for not knowing and using the Georgian language in court. To reinforce the now-frequent demand that the Armenian tongue be given equal status with Georgian, the protesters

raided a local courtroom, ousted a Georgian judge, and then stormed a Georgian Orthodox church and the local branch of Tbilisi State University.

### **E. Preoccupying situation of Refugees and IDPs**

FIDH and HRIDC also express their deep concern over the **situation of refugees** especially from Chechnya and of internal displaced persons (IDP). In a report published in 2005, HRDIDC condemned bad security conditions and a lack of humanitarian aid despite the presence of the UN High Commissioner for Refugees in the region. The Georgian branch of the UNHCR has repeatedly ignored internationally recognized norms by sending Chechens back to Russia against their will despite the risk of torture, for their security and their lives. Moreover, Chechen refugees, in the Pankisi Gorge, face poor living conditions and suffer a lack of proper food, housing, medical care and education, as well as frequent abuse and harassment from state authorities. The refugees are forced to remain in Pankisi Gorge, unable to return home, to obtain work permits or citizenship in Georgia, or to migrate to other countries.

The **situation of Internally Displaced Persons (IDP)** is also a preoccupying issue.

On June 28, 2006, after the deadline of the ultimatum delivered to IDPs by the local government which expired on the same day, many IDP were evicted, by Special Operation Group and Criminal Police, from the hotel "Meskheti", a hotel used to accommodate IDP in the city of Batumi. Three days before, criminal police started to increase their raids in front of the hotel building. They were registering each family on every floor. Later, Mrs. Mamuka Nakashidze, the Ministry of Healthcare in Adjara, prolonged the deadline and offered the IDPs an alternative shelter in Makhinjauri. The building was being left without windows or doors.

According to HRIDC, there were several ambulances near the hotel Meskheti and some of the victims were rushed to hospital. Journalists were forbidden to enter the hotel. However, the HRIDC journalist managed to get on the thirteenth floor. Each floor was full of the Special Operation Group members and policemen. Police members were giving the people a hand in getting rid of the domestic appliances by throwing them out the windows. Mr. Gela Siradze the lawyer of IDPs is going to sue in the General Prosecutor's Office. Mr. Levan Varshalomidze, the governor of the Adjara autonomous republic and Ada Marshania deputy of Abkhazia Supreme Council, despite IDP's insisting for 4 days, did not meet them. Mrs. Marshania personally asked the criminal police not to raid the civilians. People were also waiting for the Ombudsman, Mr. Sozar Subar but in vain. Only his representative, Mr. Sopo Khorguani arrived in Batumi on the next day and stated that serious violations took place.

During his mission to Georgia in December 2005, the Representative of the Secretary-General on the human rights of internally displaced persons, said he was "*shocked by the miserable living conditions of many IDPs.*" He denounced the fact that IDPs had "*limited access to land, housing and employment, and are therefore more susceptible to poverty than the rest of the population*" and that "*returnees continue to be the targets of serious crimes such as armed attacks, abductions, forced disappearances, robberies, including the confiscation of agricultural products, and explosions.*"

***FIDH and HRIDC express their deep concern with regards to the persistence of many serious human rights violations in Georgia and call upon the Georgian Government to:***

- put an end, immediately and without any condition, to torture, ill-treatment or other inhuman treatments ;
- promote a culture of human rights by ensuring that a policy of zero tolerance is developed and implemented at all levels of the police-force hierarchy as well as for all staff in penitentiary establishments
- strongly fight against disproportionate use of violence by public authorities, including Law enforcement bodies ;
- elaborate a code of conduct for all officials, including those involved in the fight against organized crime, as well as introduce regular monitoring by an independent oversight body ;
- protect and fully respect the rights of the minorities in compliance with the European Framework Convention for Protection of Minorities ;
- respect the European Charter of Regional and Minority Languages



- urgently invest into regional economic infrastructures that will provide work to local population and enable easier access to the capital, Tbilisi;
- stop all forms of harassment and intimidation against human rights defenders, journalists or other civil society representatives ;
- respect internationally recognized norms on refugees and immediately stop sending back Chechens refugees to Russia against their will despite the risks of torture and for their safety ;
- ensure the right of IDPs to live safely and with dignity, and to freely choose whether they want to return, integrate locally or resettle in another part of the country ;
- do everything in their power to prevent and punish acts of violence against returnees and other violations of their human rights ;

***FIDH and HRIDC take note of:***

- the satisfactory answer given to the requests of visits of the UN Special procedures through Georgian standing invitation, and recalls to Georgian authorities the utmost importance of the follow-up and implementation of UN human rights mechanisms' recommendations.

***FIDH and HRIDC welcome:***

- the State party's accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 9 August 2005, as well as the declarations made under articles 21 and 22 of the Convention ;
- the revision of the Code of Criminal Procedure, in particular article 144 which brings Georgian legislation in line with international norms with regard to the definition of torture ;

***FIDH: Antoine Madelin, Permanent Representative to the EU, +32485222287, [amadelin@fidh.org](mailto:amadelin@fidh.org)***