

Danish Immigration Service

Report of the roving attaché mission to Georgia

16 November – 21 November 1998

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1.0. Introduction

1.1. Background to mission

Denmark has in recent years on average received 40 to 60 asylum applicants from Georgia. The grounds for asylum were mainly political persecution, persecution for membership of paramilitary groups including the Mkhedrioni and involvement in assassination attempts, persecution on ethnic grounds and persecution because of conscientious objection and desertion.

The Danish immigration authorities have found it difficult to process asylum applications since the many political ups and down and ethnic conflicts have meant that the situation in Georgia cannot be easily assessed. In 1998 a number of events occurred, including the attempt to assassinate the President in February, renewed fighting in May in the secessionist region of Abkhazia, conflicts and independence demands in August in the Armenian-dominated Meskhet-Javakheti region and finally the rebellion in October in Western Georgia.

The Danish Immigration Service therefore decided to send a roving-attaché mission to Georgia. That mission lasted from 16 to 21 November 1998 and involved Immigration Service officials.

The delegation had meetings with representatives of the Georgian authorities, the Abkhazian Government in exile, international organisations including the UNHCR, UNOMIG and the OSCE, the Norwegian Refugee Council, local humanitarian organisations and representatives of ethnic minorities.

The delegation was well received everywhere. Meetings with the Georgian authorities were conducted through an interpreter. One source asked to remain anonymous when quoted in the present report.

1.2. Purpose of mission

The purpose of the mission was to undertake the following clearly defined investigations and preliminary investigations:

1. To identify and establish contacts with sources which can be used regularly to obtain information needed for examination of asylum applications.
2. To clarify the following:
 - A: The general political situation
 - B: The security situation
 - C: The human rights situation in general
 - D: The human rights situation for ethnic minorities with particular reference to Ossetians, Ajarians, Abkhazians, Mingrelians, Armenians and Meskhetians.

3. To investigate the need for and feasibility of a subsequent fact-finding mission to the secessionist provinces, including Abkhazia.

2.0. General political situation in Georgia

2.1. Background

After joining a short-lived Transcaucasian Committee together with Armenia and Azerbaijan, Georgia declared itself independent and autonomous in 1918. In 1921 Georgia was the last Caucasian State to be occupied by the Red Army and as a part of the Transcaucasian Soviet Federative Socialist Republic was absorbed into the Union of Soviet Socialist Republics. Under Stalin, who was Georgian, the Transcaucasian Soviet Federative Socialist Republic was disbanded in 1936 and Georgia, Armenia and Azerbaijan each became autonomous Republics of the Union. The leader of Georgia in 1936 was Lavrenti Beria, who was moreover Abkhazian. He became the Head of Stalin's Secret Police, the NKVD, in 1939.

In 1972 Eduard Shevardnadze was installed as leader of the Georgian Communist Party as part of an anti-corruption campaign.

In Georgia's Autonomous Republic of Abkhazia and Autonomous Region of South Ossetia, disturbances broke out in 1989 and led to armed conflict.

In the autumn of 1990 a number of radical opposition parties formed the Round Table - Free Georgia coalition. This demanded independence from the Soviet Union and obtained a majority of votes in elections to Georgia's Supreme Soviet. The leader of the coalition, Zviad Gamsakhurdia, who was also the founder and leader of Georgia's Helsinki Union, was appointed Chairman of the Supreme Soviet. In April 1991 the Supreme Soviet approved a declaration of Georgia's independence. A referendum produced a majority in favour of independence. In May 1991 Gamsakhurdia was elected President. However, he quickly lost support because of accusations that he was nationalistic and the leader of an authoritarian regime. On 2 January 1992 he was overthrown and fled to Chechnya. Until 10 March Georgia was governed by a Military Council under Tengiz Kitovani, the leader of the National Guard, and Jaba Ioseliani, the leader of the Mkhedrioni paramilitary organisation. Shevardnadze, who was Minister for Foreign Affairs of the Soviet Union, was installed on 10 March 1992 as Chairman of the Georgian State Council and in October 1992, when elections to the Supreme Soviet were held, he was directly elected as its Chairman.

2.2. Political system

In August 1995 a new Constitution was adopted, making Georgia a democratic State with a powerful President. The Parliament has 235 Members, who are elected on a basis of proportional representation. The last parliamentary elections were in November 1995 and involved 54 parties, including two of the Zviadist parties. The next parliamentary elections are planned for 1999.

When the new Constitution was adopted, the office of President was also created. Out of six candidates, Eduard Shevardnadze was elected President in November 1995 by 74,9% of votes in a general ballot of all Georgians entitled to vote. The next presidential election will take place in the

year 2000. The President appoints the Government, which has to be approved by two thirds of the Parliament. Shevardnadze has been the target of a number of assassination attempts. The last occurred in February 1998.

2.3. Political parties

According to the Georgian Ministry of Justice, there were a total of 79 political parties registered at the end of September 1998. The largest political parties in the Parliament are the Citizens' Union of Georgia, led by Shevardnadze, which has 106 seats, the Union of Georgian Revival with 31 seats, the National Democratic Party with 12, the United Republican Party with 1, the Union of Georgian Traditionalists with 4, the United Communist Party with 4, the Socialist Party with 7 and the Labour Party with 8 seats. There are also 45 independents. Shortly after the elections, 6 different factions emerged in the parliament, including an Abkhazian faction. In protest against voting down by the President's party in the decision-taking process, the Union of Georgian Revival Party, Labour Party and Socialist Party are currently boycotting work in the Parliament.

Under the Constitution there is freedom of assembly in Georgia. Representatives of the UNHCR, Human Rights Watch, Young Lawyers, the OSCE and a Western Embassy confirmed that there are also no obstacles in practice to the creation or existence of political parties, including Communist and Stalinist parties, or to the publication of printed material by the various parties. Apart from the ban on demonstrations in front of public buildings, any form of non-violent political activity is tolerated.

According to the representative of the UN's peace observers in Georgia, UNOMIG, the Mkhedrioni former paramilitary organisation was divided into political and military wings. The military wing no longer operated as a paramilitary group, but the political wing had recently tried to resuscitate itself as a political party. It did not, however, register.

2.4. Zviadist parties

Democratic rights are also enjoyed by parties whose ideology is based on the ideas of former President Gamsakhurdia, i.e. the Zviadist parties. These include the Helsinki Union – National Revival of Georgia, the Society of Santa Iliia the Righteous, the 21st Century Konstantine Gamsakhurdia Society – United Georgia and the Way of Zviadi Voice of the Nation, with the last two parties participating in the 1995 parliamentary elections.¹ The Zviadists are sometimes accused of being behind attempts to assassinate Shevardnadze. Young Lawyers denied, however, that these parties in Tbilisi could have had anything to do with the attempt on Shevardnadze's life in February 1998. According to Human Rights Watch, this had been publicly confirmed by Shevardnadze. Young Lawyers also said that these parties only engaged in non-violent activities and did not have the means to plan things like assassinations. According to Human Rights Watch, genuine Zviadists are members of a party or form part of coalitions and factions in a number of other parties with nationalistic leanings. The term Zviadist has, however, often been used as a synonym for opposition and criminals have used it to claim political persecution. One case did in fact occur where a woman was imprisoned for being a Zviadist. The UNHCR and OSCE also said that unnecessary force had been used in breaking up demonstrations, e.g. the Zviadist demonstrations in the spring, when special police units attacked demonstrators and beat them with truncheons. Under Georgian law, demonstrations in front of public buildings are prohibited.

¹ Zviadists are also active in a number of human-rights groups. See Annex.

Despite this, the Zviadist parties in particular, including a hard core of some 15 to 20 people supporting Gamsakhurdia's widow, have repeatedly tried to provoke violence by infringing this ban. On one occasion Gamsakhurdia's widow herself was also beaten by the police.

There are also a large number of Zviadists in the Gali region of Abkhazia who are not members of any party but oppose the Government.

2.5. Elections to local councils

On 15 November, just before the delegation's arrival in Georgia, local elections were held for the first time in Georgia under international supervision. These were to elect local representatives to a total of 1 031 district and town councils. There were also elections in South Ossetia and in one place in Abkhazia, namely the Kodori Gorge. In order to participate, parties had to put up candidates in at least 50% of the constituencies. According to the OSCE, this electoral system favoured country-wide parties. Of the 79 registered parties, 17 took part. There were thus 62 parties which did not participate: some because they did not wish to participate, e.g. the Zviadist Helsinki Union – National Revival of Georgia, others such as the Social Democratic Party of Georgia and the Zviadist Society of Saint Ilia the Righteous because they could not produce candidates for the required 50% of constituencies, and there were also parties which were too late in announcing their intention to participate.

According to a Georgian NGO the International Society for Fair Election and Democracy, there were a number of irregularities in the elections. This organisation, which had 2 400 observers at the various polling stations, said that electoral rules were infringed in many places in Georgia. This was often because the local returning boards did not have the necessary professional skills to conduct voting in accordance with the rules. In some places the observers were not given access to polling stations and in others ballot papers were handed out to people without requiring them to produce any identification. In some places individuals were given more than one ballot paper and in other places the ballot boxes disappeared. The OSCE said that in the province of Ajara, where Aslan Abashidze is Governor and runs the province in an autocratic way, his Union of Democratic Revival party obtained 95% of the votes cast, which the OSCE thought suggested irregularities. On the other hand, a representative from a Western Embassy in Tbilisi who was also present as an observer during elections said that voting had been fair and the irregularities referred to could hardly have been avoided, being more a result of lack of professional skills than any attempt to fix the elections.

The official election results will not be available for three or four weeks. A provisional forecast, however, gave Shevardnadze's Citizens' Union of Georgia party 19 seats, the Labour Party of Georgia 8, the People's Party 5, the National Democrat Party 4 and the Union of Georgian Traditionalists 4 seats. This meant, according to a representative of the Georgian Ministry of Foreign Affairs that the elections had been a victory for the President's party, the Citizens' Union of Georgia, and were to be interpreted as popular support for Shevardnadze and his policy. The percentage of the electorate voting was, however, extremely low in most places. In Tbilisi, the OSCE estimated that it was about 30%, which was a serious problem since any elections in which less than 30% of the electorate voted were invalid. A number of the sources consulted by the delegation, including Human Rights Watch and the UNHCR, gave a different interpretation to the low turn-out and saw it as a popular protest against President Shevardnadze and the shaky state of the economy.

Implementation of the election results in the provinces was a problem which had still not been resolved. The OSCE's first impression was that these elections had resulted in a duplication of administrative structures since governors would continue to hold office with their administrations, both being centrally and politically appointed. The electoral legislation had, moreover, prevented local interests from finding political expression.

2.6. Corruption

One political problem is the very widespread corruption in the State apparatus. Both the UNHCR and the OSCE said that corruption was so widespread that it could only be assumed bribery was commonplace from the lowliest government official right up to ministerial level. Corruption was often so systematic that the person who has been bribed hands over most of the bribe to his boss, who in turn gives a share to his superior right up to the minister. This paralyses the administration's ability to act to such an extent that the reforms of Georgian society which have been adopted are often never implemented.

Corruption is also rife in other areas of society, e.g. the education system, where only the most gifted can avoid bribing their way into education. The OSCE explained corruption as a consequence of the rather clan-like socio-cultural structure which ran through the whole of Georgian society. This involved obligations and rights for the individual vis-à-vis the family with ramifications going back for generations and vis-à-vis friends and immediate neighbours. The individual was not able to act against the clan's interests and this could, for example, completely block legal proceedings. The Norwegian Refugee Council confirmed that a similar network structure also existed in ethnic groups and between various groups, including Georgians. One exception to this was constituted by groups which had been in conflict with each other, provided business ties and in particular illegal forms of business were not involved.

2.7. Economy

Another fundamental political problem in Georgia is the shaky state of the economy, which is increasingly a source of discontent and resentment among voters and is one of the chief causes of corruption. Unemployment continues to be extremely high and wages fail to cover daily needs. The UNHCR said that a university-educated State employee received the equivalent of about US \$50 a month in salary, which was all he had to support not only his family but also unemployed relatives. Many people have not been paid either a salary or a pension for several months. The OSCE forecasted the swift collapse of the Georgian economy, which was only kept going by loans from the IMF and the presence of international organisations in the country. If such a collapse occurs, there is likely to be increasing emigration from Georgia not only to Russia but also to Western Europe.

2.8. Military

In August 1998 Shevardnadze dismissed his Government with the exception of the Ministers for Internal Affairs, Security and Defence. The new Minister of State (Prime Minister) appointed was Vazha Lordkipanidze, who was formerly secretary of the Georgian Komsomol organisation² under Shevardnadze from 1983 to 1986. He is also a former Ambassador to Russia.

² The Komsomol was the Communist Party's youth organisation. Komsomol members carried out important duties in State organisations, businesses and cultural life.

According to official information, the Georgian military consists of just under 43 000 soldiers. Widespread corruption in the military has led to the sacking of the commander-in-chief of the navy and a series of reforms are at present being carried out with American help. This has resulted in a number of changes in the military leadership. The Minister for Security, Jemal Gakhokidze, himself decided to step down after the rebellion on 19 October 1998 in Western Georgia.

In the early hours of the morning of 19 October 1998, Colonel Eliava, who is a known Zviadist and was previously pardoned under an amnesty, started a rebellion with some 100 soldiers in the Western Georgian town of Senaki. The rebels took control with a number of tanks and armoured personnel carriers. They were then joined by about 100 more soldiers and seized a barracks in the town of Khoni, to the west of Kutaisi. The rebels thereupon issued a declaration to the Russian forces in Georgia informing them that they had restored "legal authority" in Georgia and warning the Russians not to interfere in Georgia's internal affairs. The declaration was signed both by Colonel Eliava and by the former Chairman of the Supreme Soviet in Georgia, Burchuladze. At the same time there was a call for Shevardnadze's resignation. During the afternoon of 19 October 1998, the rebels tried to force their way into Kutaisi, which is Georgia's second largest town, but were stopped by loyal troops. Two soldiers, one from each side, were killed and a few wounded. The rebellion then petered out and Eliava and his supporters went into hiding in the no-man's-land between Georgia itself and Abkhazia.

Shevardnadze sent both the Minister for Security and the Minister for Defence to Kutaisi to negotiate or, if necessary, crush the rebellion. According to the UNHCR, the President was not confident that any of the military representatives would be sufficiently loyal to carry out the task. The UNHCR felt that the President's lack of trust in his own security machine was prompted by the fact that he had nearly been killed in assassination attempts in August 1995 and February 1998. The UNHCR also regarded the rebellion as an indication that, particularly in Western Georgia, where many of the Georgian refugees live, there is great discontent with Shevardnadze's policies, this area being where Zviadists have popular appeal as the political opposition.

It has, however, not yet become entirely clear what the real reason for the rebellion was. Explanations include the ideas that it was politically motivated, orchestrated by Russian supporters with oil interests or reflected the dissatisfaction of soldiers with the military situation since they had not been paid for months.

3.0. Human rights and legal system

3.1. Background

According to a representative of a Georgian NGO, Young Lawyers, Georgia has in the last few years taken many concrete steps to establish democratic institutions. With the financial help inter alia of international organisations, some 3 500 different NGOs have gradually come into being and about a 1000 of these are regarded as making a serious contribution to the process of democratisation.

The sources consulted, including the UNHCR, Young Lawyers, Human Rights Watch and one Western Embassy, seem to have no doubt that the Government is taking the human-rights question seriously. The introduction of an ombudsman and of public defence counsel together with abolition of the death penalty in November 1997 were cited by the sources as evidence of this seriousness.

At the end of 1997 a Council of Justice was set up, consisting of twelve members: four appointed by the President, four by the Parliament and four by the Supreme Court. The Council was given the task of coordinating the appointment of judges and supervising their activities as well as reforming the legal system. According to the aforementioned sources, it is in fact in the legal system that Georgia continues to have problems with human rights.

3.2. Reform of legal system

The first thing the Council of Justice did was to embark on the training of judges already in office. Since May 1998, all judges have had to take an exam involving the answering of multiple-choice questions and the delivering of a practical judgment in a given case. Only those judges who passed the exam would be able to continue in office. Of 256 candidates, 36 passed. On further examination, another 54 passed the test so that a total of 90 judges are now qualified following the reform and can continue in office. However, some of the judges who did not pass the test appealed to the Constitutional Court. This examined the appeal and decided, with reference to the rule on the independence of the judiciary, that a judge who is already in office cannot be dismissed because of failure to pass exams. Consequently those judges who did not pass the test have in fact also continued in office. Nevertheless, since the number of courts is being drastically reduced, as there are plans to abolish the municipal courts, it will become possible to dismiss the least well-qualified judges. The new system of courts will consist only of district courts, regional courts, courts of appeal and a supreme court. Young Lawyers therefore believe that by 2001 the only judges in office will be those who have passed qualifying tests.

According to Young Lawyers, bills for a new criminal code and new rules of criminal procedure have long been ready for adoption by Parliament. The reason they have still not been adopted is that it has continued to prove difficult to find a definition for the concept of "treason" on which a political majority can agree. This means that the criminal code and rules of criminal procedure which apply are still those from the Soviet period. Even though these have been supplemented in many ways, the situation clearly remains unsatisfactory.

Another fundamental problem, according to OSCE and UNHCR representatives, is that the legal system in Georgia is thoroughly corrupt. This means that the party which can pay the judge the highest bribe will win the case.

In criminal cases, bribery of police, public prosecutor and judge often means that the case never reaches the judge at all. The police, public prosecution service and judge cooperate in trying to ensure that the bribe paid is as big as possible. If the defendant cannot pay, the judge imposes a penalty that is rigidly in accordance with the indictment.

Young Lawyers, the OSCE and the UNHCR did not think that Georgia's citizens could expect a fair trial from the courts. But the new generation of defence lawyers and judges was less corrupt than their older colleagues and, in cases involving the younger generation, justice was more of a possibility.

Young Lawyers considered the Soviet mentality to be so deeply rooted in the old generation of lawyers, public prosecutors and judges that it would take a generation before the Georgian legal system could approach Western standards. This would also require the Georgian economy to reach a level at which it would be possible to pay salaries that could be lived on. A judge earned about

40 lari a month. This was the equivalent of some US \$30. The present low salary level, which did not make possible a living standard beyond subsistence level, inevitably lead to corruption.

3.3. Torture and conditions in prisons

Under the Georgian Constitution, torture and inhuman, brutal or degrading treatment or punishment is prohibited. In 1994 Georgia acceded to the UN Convention against Torture. Nevertheless, there are cases of torture and maltreatment of people in police custody. According to the OSCE, the UNHCR and Young Lawyers, this is now Georgia's biggest human-rights problem.

The sources thought that there were many reasons why the police use maltreatment and torture. The chief reason was considered to be the Soviet heritage or tradition, whereby anyone detained was automatically maltreated or tortured in order to force a confession. A Head of Department in the Georgian Ministry of Internal Affairs, which has responsibility for police and prisons, said that the police lacked modern technology and methods, so that torture was virtually a necessity if a case was to be properly cleared up. There is no shortage of evidence that the Georgian police have tortured and maltreated prisoners. In a reply to the UN in 1996, the Georgian Government acknowledged that torture of prisoners did occur.

The Georgian police have acknowledged or conceded that the problem exists by setting up a special human-rights unit, which looks into cases of torture of people in police custody. The Head of Department at the Georgian Ministry of Internal Affairs said that more than 100 police officers had been dismissed in the last few years for torturing prisoners.

According to the UNHCR, the OSCE, Young Lawyers and the Ministry of the Interior, it is also possible to institute court proceedings against the police. This was, however, difficult in practice, since a court would, in order to decide on a case, normally require torture to be documented in a medical certificate. Many of those tortured had not been able to obtain such a certificate. Either they had applied too late to a doctor so that the traces of torture were too slight or the police tortured them in such a way that there were no visible signs. Detainees generally have access to a lawyer, but not to medical assistance, unless the person concerned has a fairly serious illness. People who have been in custody for several years and have not been able to obtain medical assistance have therefore had difficulties in producing evidence of torture. Moreover, a number of judges with the old Soviet mentality have simply rejected the cases as unfounded.

Young Lawyers thought that the cases of torture which had become publicly known and appeared in various human-rights reports most frequently involved people who either could not or would not pay a bribe in order to avoid maltreatment or torture.

The situation in prisons was also described by the UNHCR, the OSCE and Young Lawyers as fraught with problems. The prisons were over-populated and there were many cases of death and sickness. There was insufficient food and families had to contribute.

3.4. Demonstrations and police violence

Another source of criticism of the police has been their violent methods of dispersing demonstrations. Under Georgian law there is a ban on demonstrating in front of public buildings. The Zviadist parties are particularly guilty of infringing this ban and their demonstrations have often been dispersed by special police units attacking the demonstrators and beating them with truncheons. According to the UNHCR and the OSCE, this approach has seemed unnecessarily brutal.

The Head of Department at the Georgian Ministry of Internal Affairs pointed out in this connection that it was necessary to break up illegal demonstrations swiftly to facilitate the movement of traffic. Some use of force was therefore inevitable.

3.5. Political prisoners

In the case of political prisoners, Young Lawyers said that there were people in Georgian prisons who had been put there solely because of their political activities. This was the case with certain Zviadists who had been sentenced to long terms of imprisonment for their part in the 1992-1993 civil war. Young Lawyers was, however, uncertain whether the 15 members of the Mkhedrioni organisation for whom the public prosecutor demanded 15 years' imprisonment in September 1998 could be regarded as political prisoners. On the one hand, the organisation did have a political ideology but, on the other, the defendants had committed serious criminal offences.

According to the OSCE, political prisoners were kept in inhuman and quite unsatisfactory conditions in the cellars of the Ministry of Internal Affairs and it was on the sixth floor of the Ministry of Internal Affairs that prisoners were tortured.

4.0. Minorities

4.1. Minorities in former Soviet Union

The administrative system in the former Soviet Union was of a hierarchical nature in the case of ethnic minorities and peoples: the Union was divided into Republics of the Union such as Georgia, where Georgians made up the majority of the population, Autonomous Republics within the Republics of the Union such as Abkhazia, which was inhabited by Abkhazians but with the peculiarity in this case that Abkhazians were not in the majority, and finally Autonomous Regions (oblast) such as South Ossetia, where Ossetians made up the majority of the population. This hierarchical administrative structure reflected the status or level within the political hierarchy accorded to any given nation, people or ethnic minority and consequently their rights and opportunities for self-government. The Abkhazians' right to self-government, for example, was greater than that of the South Ossetians. Hierarchy was also what determined the kind of representation peoples enjoyed within central Soviet political and administrative bodies and consequently the influence they had on the central political decision-taking process.

Ethnic minorities were defined as people living outside their national State or territory (titular nation and titular regions), e.g. Armenians in Georgia, and peoples who had neither a state nor a territory, e.g. Roma and mountain Jews. Abkhazians and Ossetians living in their titular regions were not therefore regarded as ethnic minorities but became so when they were deprived of their right to self-government by the Georgian State following the collapse of the Soviet Union.

4.2. Minorities in Georgia

The UNHCR is currently conducting a fairly major enquiry into the situation of ethnic minorities in Georgia. The provisional results, which cover Armenians, Azeris, Germans, Yezid Kurds and Jews were made available to the delegation. The following descriptions of these ethnic groups are therefore more detailed than those of others. The delegation was also given the opportunity of meeting a number of representatives of the Armenian minority in order to obtain a more detailed picture of the situation of this group in Georgia. The federation representing European ethnic minorities has recently conducted an enquiry into the ethnic situation in Georgia. A report is being drawn up and will be submitted to the Council of Europe in connection with Georgia's application for membership.

4.2.1. Abkhazians

Abkhazians are an indigenous North Caucasian people, of whom 106 000 were living in Georgia in 1989 according to official Russian statistics. The majority of these, 94 000, were living in Abkhazia, where they were in the minority despite the fact that it was their titular region. A percentage breakdown shows that 46% of the inhabitants were Georgians, 15% Armenians, 14% Russians and only 17% Abkhazians. Half a million Abkhazians now live in Turkey and the Middle East. They emigrated following the Russian colonisation of the Northern Caucasus in the 1800s.

Most Abkhazians are Christians, but some are Muslims.

In 1921 Abkhazia was declared a Republic of the Union within the Soviet Union. However, that status was considerably curtailed under Stalin, when in February 1931 Abkhazia was turned into an Autonomous Republic under Georgia. At the same time an ethnic policy was pursued which favoured and encouraged immigration by Georgian Mingrelians. Already in 1926 the Abkhazians were a minority in the Republic. As a result of the large-scale immigration, the percentage of the population who were Abkhazians fell from 27,8% to 17% in 1989. There are no current figures for the number of inhabitants or the population breakdown in Abkhazia, but many Abkhazians have fled, just as Georgians, Armenians, Russians and Ukrainians have also fled or left the region.

4.2.2. Ossetians

Ossetians are a people of Iranian origin speaking an Iranian language. Most Ossetians are Christians, but some are also Muslims. The majority of Ossetians in the CIS live in North Ossetia, where they make up the majority of the population. North Ossetia, which belongs to the Russian Federation, was given the status of an Autonomous Region (*oblast*) of the Soviet Union in 1924. In 1936 North Ossetia was granted further self-government, obtaining the status of an Autonomous Republic. South Ossetia on the other hand, which belongs to Georgia, was in 1922 only given the status of an Autonomous Region.

According to official Russian statistics for 1989, the total number of Ossetians is just under 600 000. Of these a total of 67% live in North and South Ossetia. According to the same statistics, the number of Ossetians in Georgia in 1989 was 164 100. Most Ossetians lived in the Tskhinvali region of South Ossetia, but there were also some in Tbilisi and Rustavi. The population figures for South Ossetia showed that 66% were Ossetians and 29% Georgians and many of these were in mixed Ossetian-Georgian marriages. There are no figures for the current situation. Outside the CIS, some half a million Ossetians are living in Turkey and the Middle East.

4.2.3. Meskhetians

Meskhetians, whose origins are unclear, but who are thought to be a mixed race of partly Turkish origin, come from the southern region of Georgia, mainly Mesket-Javakheti. This group has a variety of names depending on the political viewpoint: Meskhetian Muslims when they are considered to be Georgians and Meskhetian Kurds when they are considered to be Turks. Another variation is the term Ahiska Turks, but this is mostly used in Turkey, where there are also Meskhetians living in the area bordering on Georgia. Meskhetians are Muslims.

Under Stalin the entire Meskhetian population of some 200 000 people was deported in 1944 to the Central Asian Republics. According to official Russian statistics, in 1989 some 100 000 were living in Uzbekistan, 50 000 in Kazakhstan and 21 000 in Kyrgyzstan.

Meskhetians, like other deported peoples, including the Crimean Tartars, have a strong desire to return to the land of their forefathers. Some 20 000 Meskhetians were able in the 1950s to establish themselves if not in Georgia then in Azerbaijan. When nationalistic Uzbeks carried out bloody attacks on Meskhetians in the Fergana Valley of Uzbekistan in 1989 and the Meskhetians were forced to flee, the politically unresolved problem of their resettlement in Georgia took on the utmost urgency. Not until 1996 though, did the Georgian President issue a decree whereby Georgia committed itself to resettlement of 5 000 Meskhetians before the year 2000. By the end of 1989, however, only about 300 had been repatriated. Other Meskhetians who had returned to Georgia were forcibly deported by the authorities, e.g. on 17 September 1998, when 40 Meskhetian men in Tbilisi were put on a bus and deported to the Russian Federation ³.

All the sources consulted by the delegation, i.e. the UNHCR, the Norwegian Refugee Council, the OSCE and the local NGOs, agreed that Meskhetians were the only ethnic group in Georgia to suffer ethnic persecution. This involved persecution by both the authorities and the local population. According to the UNHCR, the authorities acted in a discriminatory way and were slow in arranging legal residence for Meskhetians. Meskhetians were told that they could only obtain Georgian citizenship if they had renounced their Soviet citizenship. After doing so, however, they were not able to obtain Georgian citizenship because they had become stateless persons. In this way all Meskhetians in Georgia were made stateless. It was not possible either to give them refugee status since the Georgian Refugee Act explicitly excludes former deportees. Like the German minority (see below) they are covered by Article 1(3) of the Act on Declaration of Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed, which entered into force on 1 January 1998. This specifies that the Act does not apply to persons belonging to ethnic groups which were deported in the period from 25 February 1921 to 28 October 1998.

Georgia was unwilling to take back Meskhetians, according to the UNHCR and Human Rights Watch, because Georgians did not want them owing to historical conflicts, feared that they would alter the country's ethnic composition and feared that major resettlement in the Meskhet-Javakheti region would prompt reactions from the Armenian population, which had a tradition of being

³ A Russian humanitarian organisation, the Memorial Human Rights Centre, in an urgent alarm report of December 1997 accuses the authorities in Krasnodarsk in the Russian Federation of flagrant discrimination against and ethnic cleansing of the 13 000 Meskhetians who fled to the area after 1989. The UNHCR in Tbilisi confirmed this situation and thought that Meskhetians in the Krasnodarsk region were at serious risk.

anti-Turkish, and because Georgia already had great social and economic problems with the country's many hundreds of thousands of internal refugees. The Head of the Parliamentary Committee on National Minorities Issues, Konstantine Kokoev, said that the large number of internal refugees from Abkhazia, 300 000 of them, was the reason why Georgia wanted to defer resettlement of Meskhetians.

The UNHCR described Meskhetians as an ethnic group with strong internal ties, which meant that they tended not to flee but to support each other. They were moreover good business people and therefore aroused envy in their poorer neighbours.

4.2.4. Armenians

The largest group among the ethnic minorities in Georgia is made up of Armenians. According to official Russian statistics, they totalled 437 000 in 1989. Some 200 000 lived in the capital, Tbilisi, where they were the largest ethnic minority. Until the fighting broke out in Abkhazia, about 100 000 Armenians were living there, mainly in the Gagra region, which is the most northern district of Abkhazia and borders on the Krasnodarsk region of Russia. The rest of the Armenians, about 130 000, live in the southern province of Mesket-Javakheti, which borders partly on Armenia and partly on Turkey. Armenians account for 70% to 90% of the population in the region. Their language is Armenian and the currency they use is the Armenian dram. A small number of Muslim Armenians were deported to Central Asia in 1944 together with other Caucasian minorities. Otherwise Armenians are Christians.

According to representatives of the Armenian minority, including their spokesman, theatre director Eruk Tatevosian, however, many Armenians have left Georgia. This is particularly the case with Armenians from Abkhazia, who fled during the conflict after some had fought on the Abkhazian and others on the Georgian side. There are no statistical data on the number of people who have emigrated or fled and therefore no precise figures for the number of Armenians currently living in Georgia.

Their spokesman, Eruk Tatevosian, said that Armenians have their own newspaper, *Vastran*, and daily radio programmes in the Armenian language. There are 140 Armenian schools in Georgia, of which 8 are in Tbilisi. These schools are founded and financed with government resources. At the Georgian State Institute, Sulkhan Saba, there is an Institute for Armenian Literature, where teaching is in Armenian. A Cooperation Agreement between the Armenian and Georgian States makes it possible for young Armenians to receive higher education paid for by the Georgian State in Armenia. Georgia's Armenian State Theatre was founded as early as the 1920s, at the time of the Turkish genocide against Armenians. Armenians have their own library, a Department of Armenian Literature at Tbilisi State Library, two churches and a Bishop. Armenians are able to observe their own holy days without interference, while they also celebrate Georgian holy days together with the Georgians. Armenians' desire to maintain close contacts with one another and uphold and nurture their traditions, culture and religion is not subject to any restrictions by the Georgian authorities. Any problems which do exist such as limits on the allocation of financial resources to schools or the theatre and other activities are not, according to Eruk Tatevosian, the result of ethnic considerations but rather of the country's poor economy and they also apply to other ethnic groups, including Georgians. Armenians are represented by Members of Parliament and one Member of the Georgian State Council.

Representatives of the Armenian minority think that the problems encountered by Armenians in Georgia are to a large extent the result of the country's economic problems. This is the case with the high level of unemployment, which they have in common with other minorities. It was, for example, necessary to speak and write Georgian perfectly in order to obtain work in public administration. All Armenians spoke Georgian but most of them only at a basic level. As a result it was far easier for Georgians to obtain work than Armenians and, for that matter, other ethnic minorities. They further said that unemployment was also caused by the fact that people today had to be educated in order to obtain work, which was not the case previously, since everyone was given a job under Communism, irrespective of qualifications. The representatives said that the poor level of education was also the reason why there were so few well-trained Armenian teachers at university level.

The representatives stressed that, at least in Tbilisi, Armenians regarded Georgia as their homeland and that Tbilisi was their main cultural centre. When Armenians left the country it was not because of persecution but for economic reasons.

4.2.5. Azeris

According to official Russian statistics, in 1989 there were 307 000 Azeris, who are mainly Shiite Muslims. Most of them live in four of the six districts in the region of Kvemo Kartli, which is in South-Eastern Georgia and borders on Armenia and Azerbaijan. Azeris are mainly employed in agriculture and sell their agricultural produce daily in Tbilisi's markets and streets.

The President of Georgia's Azerbaijani Youth Association told the UNHCR that the Azeris publish four newspapers, Gurgistan, Inami, Geirati and Diar, in Georgia. In addition there is a daily 15-minute radio programme in Azeri. A TV programme had to be discontinued owing to lack of money. There are two Azeri schools in Tbilisi and a number of schools in the heavily Azeri-populated regions in the south. Azeris, like Armenians, have an Institute for Azeri Literature at the Georgian State Institute, Sulkhan Saba. There are three museums of Azerbaijani writers in Tbilisi. There also used to be a library in the city. It was closed owing to lack of visitors and the books given to the Azeri Youth Association. Azeris are represented by three Members of Parliament. The President also said that the Azeri minority is not subjected to any restrictions by the Georgian authorities in pursuing cultural, traditional and religious activities. The aim of the Youth Association, which was founded in April 1997, is to cultivate and develop Azerbaijani culture, history, tradition and ways of thinking as well as to establish close ties with Azeris inside and outside Georgia.

4.2.6. Russians

According to official Russian statistics, in 1989 there were 341 200 Russians living in Georgia. Many Russians have, however, since left and the delegation was unable to obtain more recent figures. Most Russians, with the exception of the 75 000 who lived in Abkhazia, were resident in the major towns such as Rustavi and Tbilisi. Russians belong mainly to the Slavic Orthodox Church. Russian immigrants in the 1900s were chiefly religious dissenters.

4.2.7. Ukrainians

No information is available about Ukrainians apart from official Russian statistics to the effect that in 1989 there were 52 400, of whom 11 600 lived in Abkhazia. Like the Russians, many Ukrainians have left the country.

4.2.8. Greeks

According to official Russian statistics, in 1989 there were 100 300 Anatolian Greeks in the Tsalka and Tetri Tskarn districts of the Kvemo Kartli region, which is in Southern Georgian and borders on Armenia. A group of Pontic Greeks live on the Black Sea in Abkhazia and in the Ajara region. Greeks are Orthodox Christians and Sunni Muslims. Many have, however, since left for Greece but they continue to maintain contacts with the Greeks in Georgia.

4.2.9. Germans

The President, Nodar Kurdiani, and the Vice-President, Harry August, of the German Association "*Einung-Assoziation der Deutschen Georgiens*" told the UNHCR that about 2 000 ethnic Germans live in Georgia, of whom 90% are in the capital and the rest spread throughout the regions. The 2 000 ethnic Germans have lost their ethnic identity and religious allegiance to the Lutheran Church and no longer speak German. A large number of them were deported (it was not possible to find out where to, when and how many). The reason why the Association was founded in 1991 was to restore their lost ethnic identity.

The President and Vice-President told the UNHCR that they had, with German assistance, built a Lutheran Church, where two pastors were employed, and that there was a Kindergarten and a German school, in which some subjects were taught exclusively in German, and, when they left school, pupils had the full option of studying at a German university. There are two German newspapers, *Kaukasische Post* and *Kaukasische Zeitung*, which do not, however, appear regularly owing to economic difficulties. The Association also organises German-language classes.

As an ethnic group which was earlier deported, Germans are subject to Article 1(3) of the Act on Declaration of Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed, which entered into force on 1 January 1998. That provision stipulates that the Act does not apply to persons belonging to ethnic groups which were deported in the period from 25 February 1921 to 28 October 1998. Harry August regards as discrimination against ethnic minorities the fact that a bill has not been adopted, or even drafted, to replace this provision and regulate the situation of these particular groups. The Germans have complained to Aleksander Gerasimov, who is President Shevardnadze's advisor on ethnic minorities, and, as far as President Kurdiani knew, the complaint had been passed on to the Speaker of the Georgian Parliament with a view to discussion in Parliament. The President did, however, stress that this is the only element in relations between Germans and Georgians where it is possible to talk of discrimination. In all other aspects there are no restrictions and Germans can freely exercise their rights and are treated on an equal footing with Georgians.

The German Association had managed to negotiate with the Georgian authorities the right for every German who could prove his ethnic German origin to have the ethnic description in his personal documents changed. This is a right which the Germans were the first to obtain in the CIS countries.

4.2.10. Jews

The inhabitants of Georgia include Russian and European Ashkenazi Jews. There is also a group of Sephardic Jews, who have lived in Georgia for the last two thousand years. It was not possible to find out whether there were also mountain Jews, or Tats, living in Georgia. According to official Russian statistics, in 1989 there were a total of 24 800 Jews living in Georgia.

Igor Klebanski, President of the Caucasian Office of the America-Jewish Organisation for Human Rights Union in Tbilisi, told the UNHCR that many Jews had emigrated to Israel and that there were currently about 12 000 Jews living in Georgia, of whom 10 000 were in Tbilisi. The rest were spread throughout Georgia's various regions. He also said that there were 20 Jewish NGOs in Georgia, engaged mainly in humanitarian work, and that there were two Jewish newspapers published in Tbilisi, one in Georgian, Menora, and one in Russian, Shalom. A newspaper was also published in Gori. There is a Jewish programme on national television, but it is not broadcast regularly. There are two Jewish schools. In one, teaching is in Georgian, Russian and Hebrew. The other one is a Sunday school. There is also a Jewish Open University. Various Jewish organisations organise Hebrew language courses. There is a Jewish Library, with branches in Gori and Kutaisi, and a Jewish theatre, which is not however a State theatre.

The President also said that there were twelve synagogues in Georgia, of which two were in Tbilisi. Since 1993, the Jewish Association has been involved in legal proceedings aimed at obtaining a third synagogue in Tbilisi. The case concerns the return of a building which used to be used as a synagogue but is now used as a private theatre. Courts at two levels have recognised the Jews' right to the building. But the case is still not over, even though President Shevardnadze has intervened personally, because the actors refuse to leave the building and instead have broadcast anti-Jewish programmes on national TV.

Igor Klebanski is also a member of the Caucasian-American Bureau on Human Rights and Rule of Law of the Union of Councils, which was founded in 1996. The organisation acts as a form of legal assistance. The President has monitored many court cases and said that without the organisation's involvement a large number of these cases would never have been concluded. He adds that the reason for the low level of implementation of legal rules is not the ethnic origin of the parties; ethnic Georgians are in the same position. He stresses that there is no difference between ethnic Georgians and Jews, that they are treated equally and that Jews do not experience any restrictions on grounds of ethnic origin. Any problems Jews may have can be explained by the general situation in Georgia and the same problems are shared by Georgians.

4.2.11. Yezidi Kurds

Most Yezidi Kurds, who originally came to Georgia as refugees from the Ottoman Empire, live in Tbilisi and Rustavi. A group of Turkic-speaking Muslims from Southern Georgia were deported to Central Asia in 1944 together with other ethnic minorities.

Muraz Ajemian, the Deputy President of the Yezidi Kurdish Information and Cultural Centre told the UNHCR that there are about 30 000 Kurds living in Georgia, but that it is not possible to give precise figures owing to the process of immigration and emigration. Most of Georgia's Kurds are of the Yezidi religion, some are Christians and a few are Muslims. The Kurds have applied for a licence to publish a Kurdish newspaper. This will be published in Russian, since most Yezidi Kurds speak Russian. There are no Yezidi Kurdish schools, owing to economic difficulties,

no cultural or historical monuments and no libraries. Once a week a fifteen-minute radio programme is broadcast in Kurdish. Kurds have one representative in Parliament. The Deputy President said that Kurds are not subjected to restrictions on grounds of ethnic origin.

4.2.12. Assyrians

According to official Russian statistics, in 1989 there were 4 000 Assyrians living in Georgia. This minority came to the country from what used to be Persia and speak an Iranian language. However, none of the delegation's sources could give any further or more detailed information about this group or about the numbers of people currently involved.

4.2.13. Roma

The number of Roma living in Georgia, including Tbilisi, is unknown. None of the delegation's sources could give any further information on, or indeed any details at all of, this particular ethnic group.

4.2.14. Georgians

The number of Georgians in 1989 verged on 3,8 million, according to official Russian statistics, and they accounted for 70,13% of Georgia's inhabitants. Even though Georgians are not an ethnic minority, it should be said that they are not a homogenous people. They describe themselves as a people with two levels of ethnic origin. Georgians, who are descended from various races, can currently be divided into Georgians, Mingrelians (the north-western regions), Svans (the northern region) and Ajaris (the south-western region). They speak a number of different languages: Georgian, Mingrelian and Svan as well as a number of dialects. The Ajaris, for example, speak a Gurian dialect, which uses many Turkish words. They also have differing religious beliefs: Orthodox Christian, Muslim (in Ajara) and Catholic (a few, mainly in the southern Meskhet-Javakheti region).

5.0. Language Act

A new Georgian language Act has been in preparation for some time now but, according to Konstantine Kokoev, Head of the Parliamentary Committee on National Minorities Issues, it is still not ready and has not therefore been adopted by the Parliament.

According to Kokoev, a big problem was the fact that many of those from ethnic minorities did not speak Georgian and, if they did, it was only at a basic level. As part of the heritage of the Soviet Union, Georgia was currently mainly Russian-speaking and, even among ethnic Georgians, Russian was spoken indiscriminately with Georgian so that the lingua franca used by all ethnic minorities tended to be Russian rather than Georgian⁴. During the Soviet period, education at secondary and higher level was exclusively in Russian. Only when Georgia became independent was it possible to teach primarily in Georgian in higher education. It was, however, still possible to pursue certain forms of higher education in Russian. But the change from Russian to Georgian had extremely negative consequences for the ethnic minorities, who could not speak Georgian, since

⁴ This situation was clearly illustrated in the delegation's talks with the Head of the Committee, who spoke Russian to some of his staff and the delegation's interpreter (who could, moreover, speak Georgian and Armenian as well as Russian and English) and Georgian to other staff.

this prevented them from receiving an education. The lack of knowledge of the Georgian language was also cited by representatives of the Armenian minority as the reason why there were few highly educated Armenians and why Armenians were not able to find employment in the public sector, where it was a requirement that employees should have a good knowledge of the Georgian language. It should be noted that Georgian, like Armenian, has its own alphabet and Georgian is a completely separate language which is in no way related to Armenian.

Nevertheless, there were, according to the Head of the Committee, a number of schools in which teaching was conducted in their own ethnic language. It was, however, not possible to pursue higher education, e.g. as an engineer, in the ethnic mother tongue, but only in Georgian or Russian. Training for language teachers was an exception to this.

6.0. Secessionist regions

Several of the delegation's sources, including the UNHCR, the OSCE, UNOMIG and the Norwegian Refugee Council as well as local NGOs, spoke of an ongoing process of fragmentation in Georgia. In addition to Abkhazia and South Ossetia, which were demanding restoration of their former autonomous status, the Armenians in the Meskhet-Javakheti region were now also demanding independence. The Ajara region, which had been able to maintain its autonomous status, was conducting its affairs more and more independently of Tbilisi. Moreover, the authorities had lost control of the eastern region of Georgia, which was mountainous and bordered on Dagestan in the Russian Federation and Azerbaijan. This had occurred not for political or ethnic reasons but because the region was in the hands of lawless mountain clans and extremely dangerous to travel in owing to the imminent danger of kidnapping. The UNHCR said that in this region, which had a similar socio-cultural structure to Chechnya, 700 people had been kidnapped and the UNHCR had pulled out altogether because of the security situation. Nor was the region of any great interest to Georgia in view of its barren nature. The sources thought that the process of fragmentation was the result of the country's poor economy, the inadequate infrastructure and the absence of a strong central government.

According to the UNHCR, this general situation made it difficult to predict Georgia's future since no appropriate model could be found. The force holding Georgia together despite all this was the President, who was seen as a symbol of a united Georgia and as the representative of Georgian culture, *perestroika* and links with Europe.

6.1. Abkhazia

6.1.1. War

Throughout the period from 1931 to 1989, Abkhazians repeatedly requested the Soviet authorities to upgrade their autonomous status to the level it had reached in 1925, after which Abkhazia was an Autonomous Republic of the Union, independent of Georgia.

Following troubles which led to declaration of a state of emergency in Abkhazia's capital, Sukhumi, in 1989, Abkhazians obtained an amendment to Abkhazia's Constitution in September 1991 under President Gamsakhurdia, giving them the right to hold 28 posts in the regional government, the Supreme Soviet. Georgians were given 26, but since those who spoke Russian received 11,

Abkhazians in fact gained the majority. After Gamsakhurdia's fall and in response to the weakened Government in Tbilisi, ethnic Abkhazians decided in Parliament in July 1992 to reinstate the Constitution of 1925, whereby Abkhazia was declared independent of Georgia.

At the same time, supporters of the deposed President Gamsakhurdia, the Zviadists, organised widespread demonstrations in Sukhumi in 1992. They also kidnapped a number of highly placed Georgian politicians and officials and sabotaged communications systems, railways and the like. The Georgian authorities responded by sending 3 000 members of the National Guard to Abkhazia to free the officials who had been kidnapped. When the Georgian leader of the National Guard, Tengiz Kitovani, together with members of the Mkhedrioni paramilitary organisation, then on his own initiative attacked and occupied the Supreme Soviet of the region in Sukhumi, Abkhazia's capital, war broke out.

The fighting between Abkhazian and Georgian forces, which was aimed primarily at capturing the capital, lasted for sixteen months. It stopped in September 1993, when Abkhazians had retaken the whole of Abkhazia down to the regions adjoining the River Inguri, which forms a natural border with Georgia in the southern region. The fighting against the Zviadists, who had taken several towns in Western Georgia, including the port of Poti, and were approaching Tbilisi, only finally stopped at the end of 1993.

Following a provisional peace agreement in July 1993, the UN Observer Mission in Georgia (UNOMIG) was set up in Abkhazia in August. In December, the parties signed a ceasefire and in May 1994 an agreement allowing a CIS peace-keeping force to be stationed along the River Inguri. Fighting continued in the Kodori Gorge in Eastern Abkhazia, however, where there was and continues to be a pocket of Georgian troops.

In April 1994 agreements were concluded on repatriating Georgian refugees. However, only very few refugees were repatriated since the Abkhazian authorities were unwilling to acknowledge their refugee status. Many did nevertheless return during the day to their former possessions in order to cultivate the land and went back to spend the night in Georgia. They were often attacked by Abkhazians, who accused them of sabotage. According to the UNHCR and UNOMIG, this is still the situation in 1998.

On 24 November 1994 the Abkhazian Parliament adopted a new Constitution in which the Republic of Abkhazia was declared a sovereign State. Following this, Ardzhinia, the Chairman of the former local Supreme Soviet, was elected President. In November 1996, Abkhazia held elections to replace the Supreme Soviet by a People's Assembly. The elections were strongly criticised by the UN and the OSCE, while Georgia declared them invalid since Georgian refugees from Abkhazia were not allowed to participate.

Despite vehement criticism by Georgia of the deployment of the CIS peace-keeping force, its mandate was extended in March 1997 to include the Gali district, which is just across the border in Abkhazia. The mandate was subsequently renewed several times, most recently in October 1997 until 31 January 1998. The UN observers' mandate has also been renewed several times, most recently in July 1998 until January 1999.⁵

⁵ In November 1998 there were 98 observers, 5 of whom were provided by Denmark. It was not possible to obtain figures for the CIS peace-keeping force, but in 1994 it consisted of

The ceasefire has been broken a number of times: in July 1997 fighting broke out in the Kodori Gorge and twenty people were killed; between 20 and 26 May 1998 fighting broke out in the Gali region and, according to Georgian sources, 56 people were killed while 40 000 Georgians who had been voluntarily repatriated were again forced to flee.

In the autumn of 1998, the number of bilateral sets of negotiations between the Abkhazian and Georgian sides has been considerably stepped up and developments are regarded as extremely positive by UNOMIG. Negotiations cover the security situation, repatriation of refugees and the economic situation. A meeting in Athens in October between Georgian and Abkhazian delegations, attended by representatives from the Russian Federation, the OSCE and the UN, is seen as a move towards agreements which it is expected will be signed by President Shevardnadze and the Abkhazian leader, Ardzinba, in the very near future. The agreement, which consists of two documents, involves guarantees that hostilities will not be resumed, a Protocol and a timetable for repatriation of Georgian refugees to the Gali region and economic assistance in rebuilding Abkhazia's devastated economy. To encourage Georgia to participate in such an agreement, the USA has made available US \$15 million.

6.1.2. Armed forces and violations of human rights

In the absence of regular armies on both the Abkhazian and the Georgian side, the war was largely conducted by irregular troops. On the Georgian side, for example, this involved a large number of partly homegrown paramilitary groups together with the Mkhedrioni organisation, amounting to a total of 60 000 men. The National Guard, which was internally divided into Gamsakhurdia and Shevardnadze supporters, was led by Kitovani, who had de facto control over the Georgian military. The National Guard's units were reinforced with prisoners from Georgia's prisons, who were released if they agreed to take part in the war. On the Abkhazian side, volunteers, mercenaries and outsiders were involved. The latter consisted of people from the northern Caucasus, mainly Chechens, Cossacks, ethnic Russians who had previously lived in Abkhazia and Georgia, and Abkhazians from Turkey and the Middle East.

According to representatives of the Georgian Ministry of Internal Affairs, the Georgian troops currently stationed in Abkhazia are that Ministry's forces, not military troops, as the conflict is regarded as an internal matter.

According to the UNHCR, the OSCE, UNOMIG and the Abkhazian Government in exile, the war, which brought with it from 200 000 to 250 000 internally displaced refugees, was conducted in a particularly brutal way by both sides with numerous violations of human rights and international conventions on the conduct of war, including kidnappings of civilians, torture, executions, systematic and arbitrary pillage, burning down of houses and villages, and ethnic cleansing. The countless reports of pillage in particular have put a question mark over the real motives for participation in the war by volunteers, mercenaries, outsiders and paramilitary groups. The boundary between pure banditry and military activity has remained very blurred throughout the period. The UNHCR took the view that the various groups were probably politically motivated but acted like criminals.

about 1 600 men.

6.1.3. Security situation

According to UNOMIG, the security situation remains extremely unstable. Uncontrolled armed "partisan" groups are operating on both the Abkhazian and the Georgian side. Some of the Georgian partisan groups are known as the White Legion and the Forest Brothers. The Mkhedrioni, on the other hand, no longer operate as a paramilitary group, according to information from UNOMIG. The Georgian authorities have been urged repeatedly and without success by the peace-keeping forces to try and control these groups. UNOMIG does not, however, think that it has been possible to show these groups to be cooperating with the forces from the Georgian Ministry of Internal Affairs. Human Rights Watch, on the other hand, did think that they were both supplied with weapons and trained by those forces and that some of those forces were also members of the White Legions. The UNHCR regarded it as clear that the groups had ties with both the Georgian Government and the Abkhazian Government in exile. The security situation is also affected by the fact that there are still a large number of Zviadists in the region. The UNHCR estimates that 85% of local Georgians are Zviadists.

The ceasefire is often broken by these groups: in August and September there were reports of as many as 10 attacks by armed Georgian groups on Abkhazian forces. According to UNOMIG, however, the Abkhazian militia has recently been showing a great deal more discipline.

The work of international humanitarian organisations and the repatriation of refugees is made difficult by the activities of these groups and by the fact that mines have continued to be laid after May 1998, there are arbitrary shootings and there has been further pillaging. The UNHCR had to evacuate its office in Sukhumi and only enters the region in the daytime. On 21 September UNOMIG was attacked with grenades in Sukhumi and four people were injured. Two cars were also hijacked and a bus was ambushed. UNOMIG, which has not been able to ascertain the reasons for these attacks, is concerned about its safety.

6.1.4. Political and economic situation in Abkhazia

The UNHCR described Abkhazia as a country run by clans organised along the lines of the Italian Cosa Nostra. These only tolerated the Abkhazian Government as long as it did not act against clan interests. The Government did not, therefore, according to the UNHCR, have control over the country or over the armed forces, the militia. There were major and conflicting interests in ending or continuing the conflict, including economic interests, e.g. those Georgians still living in Abkhazia were used as slave labour in the kolkhozes to bring in the harvest⁶. UNOMIG described the Abkhazian economy as catastrophic. Exports had fallen to half what they were before the war. The Abkhazian national economy was, since the country had no assets of its own, financed from abroad, possibly by Abkhazians in Turkey or by Russia. Moreover, the country had been drained of skilled labour during the war. The quality of schooling was extremely poor, as was the general level of education. There was, however, still some mainly Russian tourism in the attractive resorts on the Black Sea coast.

⁶ Under the Soviet regime this was the name for Communist collective agricultural units, which could consist of as many as several thousand workers.

6.1.5. Abkhazia's Government in exile

The delegation was given the opportunity in Tbilisi of meeting four representatives of the Abkhazian Government in exile, which consists of the Georgian members of the Abkhazian regional government, having fled to Georgia back in May 1992.

The representatives thought that the conflict in Abkhazia was not an ethnic but an exclusively political one and could be directly related to the collapse of the Soviet Union. The political instability in Georgia had been given considerable impetus by radical right-wing movements in Russia. The Government in exile expressed strong dissatisfaction at the presence of the CIS peace-keeping forces in Abkhazia. These were not CIS forces, but exclusively Russian forces, which gave Russia a means of directly interfering in a region in which Russia had major geo-political interests and therefore an interest in maintaining instability. The Russians, who were said to have given the Abkhazian rebels supplies, had simply stood by as 1 500 Georgians were killed by the rebels. Russian officers had even played an active part in fighting the Georgians. The Government in exile thought that Georgia should refuse any further stationing of CIS forces in Abkhazia, since this was the only way in which Georgia could bring pressure to bear on Russian politicians to stop interfering.

6.2. South Ossetia

The first ethnic disturbances began in 1989 in response to a Georgian Language Act, which was adopted to increase the use of Georgian. The disturbances continued for a further three years and led to the stationing of Soviet troops in the region. The disturbances escalated into armed conflict when South Ossetia's Supreme Soviet in September 1990 declared the region an Autonomous Republic within the Soviet Union and therefore independent of Georgia. Georgia responded by depriving the region of its autonomous status. Many South Ossetian villages were burnt down and South Ossetians fled to North Ossetia (which in 1992 was itself in armed conflict with the Ingushetian minority) while Georgians fled to Georgia. Both declarations were then annulled by the President of the Soviet Union, Mikhail Gorbachev. In December 1990 South Ossetia again declared its independence but this time demanded to be united with North Ossetia and incorporated into the Russian Federation. This was followed by a referendum in January 1992, in which Ossetians supported the declaration.

In July 1992 there was a ceasefire between Russia, Georgia and North and South Ossetia, with agreements on the stationing of a Russian-led peace-keeping force. In 1995 a peace agreement was finally concluded and, at the OSCE's instigation, agreements on reconstruction and repatriation of refugees, etc. In May 1996 South Ossetia and Georgia concluded a mutual confidence-building and security agreement. Negotiations on the status of South Ossetia continued in 1996. In September the South Ossetians adopted an amendment to their Constitution, enabling them to establish a Government and a Presidency Office. Despite the fact that the Georgians would declare the election unlawful, South Ossetia held an election on 10 November 1996, in which Ludvig Chibirov, speaker of South Ossetia's legislative assembly, was elected President. In negotiations in Moscow in March 1997, Georgia's territorial integrity was confirmed and South Ossetia was granted a degree of self-government within Georgia. There is, however, still no final agreement. In September 1997 Shevardnadze and Chibirov concluded an agreement on the repatriation of refugees.

It is estimated that a total of 45 000 Georgians and 35 000 South Ossetians have fled. According to the Norwegian Refugee Council (NRC), the conflict remained incomprehensible since there had traditionally been great friendship between the two peoples. This had resulted inter alia in the largest number of mixed marriages in Georgia being between Georgians and South Ossetians.

Both the UNHCR and the NRC, which are each helping with repatriation in South Ossetia, thought the security situation was reasonable. According to the NRC, it was proving a very slow process to repatriate Georgian refugees, although repatriation had been the main element in the political agreements between South Ossetia and Georgia. The aim had been to repatriate 600 families, but so far only 230 families had been able to return. The UNHCR mentioned three cases in which the local population had ill-treated the people repatriated. One of the people repatriated had disappeared and was thought to have been killed. There had also been one case in which ethnic Georgians in South Ossetia had fought with Georgians from the other side of the border. One of the reasons for the local population's objections to resettlement was, according to the NRC, that as a result of international humanitarian assistance those repatriated generally had a higher standard of living than the rest of the local population. There was moreover no very great desire to be resettled on the part of the Georgian refugees, since they then became subject to South Ossetia's laws and authorities. The UNHCR described the South Ossetian legal system as identical with the old Soviet system. There was, for example, still capital punishment in South Ossetia. Lawlessness was also more widely accepted in South Ossetia than in Georgia, where people were concerned about their public image. There was also a thriving cross-border traffic and import and export trade in smuggled goods, mainly alcohol within and beyond the borders. This was an important source of income for a country in which corruption was rife. The currency of the country was, moreover, the rouble. The NRC thought on the whole that the slow repatriation process was not the result of ethnic problems, since the South Ossetian authorities had both the will to find a solution to the refugee problem and an interest in finding one.

6.3. *Meskhet-Javakheti*

This region is in Southern Georgia and borders partly on Armenia and partly on Turkey. Since they account for from 70% to 90% of the population, Armenians constitute the vast majority. With the exception of the Ajara region, the region is isolated from the rest of Georgia, including the capital, because of a lack of infrastructure (passable roads and communications systems). On the other hand, there is a main road to Armenia and Armenia's capital, Yerevan, which means that links with Armenia are far stronger than with Tbilisi. The close ties with Armenia are also reflected in the fact that the language is Armenian and the currency used the Armenian dram. The economy of the region is described as very poor and backward.

On 13 August 1998 Georgian military units on their way to a military exercise in the Akhalkalaki region together with Russian military units were stopped and surrounded by a local group of armed Armenians demanding the withdrawal of Georgian forces. The Georgian Ministry of Defence reacted by ordering an immediate withdrawal of Georgian forces from the region. The Russian troops took no action during these events and their military arms depots, which were apparently not guarded, were robbed by Armenians and emptied of their weapons.

Georgia's Minister for Security claimed publicly that the events had been organised by the Armenian Javakhk organisation. This organisation represents the Armenian minority in the Javakheti region, which has demanded autonomy and has drawn up and submitted to the Georgian

authorities a Constitution to that end. The Armenian spokesman, Yervand Sherinian, has threatened to take up arms if the Armenians' demands for autonomy are not met. He did, however, also maintain that the Armenians did not want to be united with Armenia.

The Georgian authorities have embarked on an investigation and will not say anything about the events until the results of that investigation are available. Immediately after the events, there was however a meeting between President Shevardnadze and the Armenian Minister for Foreign Affairs, Oskanyan, after which Armenia offered to cooperate with Georgia in preventing any repetition of the disturbances.

The Council of the Armenian National Movement in Armenia has condemned the disturbances in Javakheti in a press release and expressed fears that the good relationship between Georgia and Armenia is being destroyed and that the events could have undesirable consequences for the large Armenian minority in Georgia.

The representatives of the Armenian minority whom the delegation met in Tbilisi clearly distanced themselves from the events in Javakheti. They said that some people in Javakheti felt they were not getting a fair deal and were exploiting the country's problems, including its economic problems, for their own ends. The representatives thought that the events were after-effects of the Gamsakhurdia period, when the national slogan "Georgia for Georgians" had a negative influence on the relationship between Georgians and minorities. Nevertheless, neither the Armenian schools nor the Russian university had been closed. But a feeling of bitterness had arisen among non-Georgians, although the present situation in 1998, in which Armenians had greatly extended their activities, was very different from that in 1992. The Armenian representatives said that the Armenians themselves had not always treated other minorities fairly. They also said that Georgia was not an ideal State and that situations left over from the Soviet period were still having a negative effect.

It was significant that none of the other sources consulted by the delegation were able to give details of the situation in the region and they could only confirm that it was very isolated and that problems could be explained by the region's backward economy and the poor state of the Georgian economy in general.

6.4. Ajara

This region is in South-western Georgia and borders on Turkey and the Black Sea coast. It is inhabited chiefly by Georgian Muslims, some of whom, living close to the Turkish border, are fundamentalists.

When it became part of the Soviet system, the region was given the status of an Autonomous Republic, which it managed to maintain under Gamsakhurdia despite threats that it would be withdrawn and that there would be forcible conversion to Christianity. Ajara's strong man is Aslan Ibragimovich Abadshidze, who was appointed by Gamsakhurdia in 1991 as Chairman of Ajara's Supreme Soviet. By remaining neutral during the conflict between Gamsakhurdia and Shevardnadze, he managed to prevent any disturbances breaking out in Ajara and any stationing there of Georgian troops. Abadshidze is regarded by the OSCE and the NCR as a serious rival to Shevardnadze.

Ajara is described by the OSCE as an authoritarian feudal principality. The OSCE further said that Communists still formed part of the government of the region. Since the Second World War a large number of Soviet and now Russian troops have been stationed in Ajara to guard the border with Turkey. According to the UNHCR, Ajara had very close ties with the Russian forces, which would support any secession of the region from Georgia. At the same time as large numbers of weapons reportedly disappeared from Russian arms depots, an increasing number of weapons found their way into the hands of the Armenians in Javakheti. Ajara would therefore seem, according to the UNHCR and Human Rights Watch, to be planning a kind of coalition with Javakheti. Between these two regions there were closer political ties, greater economic alignment and better infrastructure than linked either of them with Tbilisi. Moreover, according to Human Rights Watch, Ajara had close economic ties with Turkey, which were also proving very lucrative for Javakheti despite the Armenians' traditional hostility to Turkey. The economic connection with Turkey involved major illegal business operations smuggling alcohol, narcotics and arms.

7.0. Documents

All Georgian nationals, whatever their ethnic origin, but with the exception of the Meskhetians, have an identity card, a registration card and a national passport. Anyone with a national passport can enter and leave Georgia freely. According to one Western Embassy, the old Soviet passport will remain valid until 1 January 1999. Identity cards are used as the basis for issuing national passports and are issued in both Georgia and Abkhazia.

The Georgian passport is issued by the Ministries of Internal Affairs and Foreign Affairs and at various passport offices. Passports include a passport number and an 11-figure personal number, with the first two figures indicating the region from which the holder comes and the next three the place where the passport was issued, the last six being a serial number. The identity numbers on the identity card and in the national passport are the same.

8.0. Future information sources

Of the international organisations which the delegation consulted, the UNHCR and UNOMIG said that they would be prepared to help the Danish Immigration Service in collecting general information and, in the case of the UNHCR, also information for asylum purposes. The OSCE would be prepared to provide information via its office in Vienna.

The Norwegian Refugee Council and two local NGOs, Human Rights Watch and Young Lawyers, also said that they would be prepared to help in collecting general information and information for asylum purposes. The spokesman for the Armenian minority said the same.

The representative of the Western Embassy offered to help with technical information about passport matters and entry into and exit from the country as well as with general information and information for asylum purposes.

9.0. Possibility of and need for a fact-finding mission to Georgia's secessionist regions

Given the lack of security, any fact-finding mission to Abkhazia at the present time requires careful consideration. Even though there were many aspects of Abkhazia which could not be fully elucidated during the roving-attaché mission, the question of a possible fact-finding mission should also await the outcome of current negotiations between Abkhazia and Georgia, which should be completed in the very near future.

In the case of South Ossetia and Ajara, it does not, as things stand, seem necessary to undertake a fact-finding mission.

As for the Armenian-dominated region of Meskhet-Javakheti, it is necessary to await further developments.

10.0. Persons, organisations and authorities consulted

Ariola, Maria-Emilia, Mission Member, OSCE Mission to Georgia

Astemirova, Eteri, Member of the Board of TWD Georgia, Transcaucasus Women's Dialog, Georgian Council

Chorgolashvili, Levan, Second Secretary, Ministry of Foreign Affairs of Georgia

Dieset, Hans, Resident Representative, Norwegian Refugee Council

Gabadze, Inga, Assistant to the Director, Human Rights Watch, Caucasus Office

Glonty, David, Head of Department, Ministry of Internal Affairs of Georgia, International Cooperation Department

Gvazava, Gia, Head of Subcommittee on Protected Areas, Environmental Protection and Natural Resources Committee (Representative of the Abkhazian Government in exile)

Ivanidze, Nugzar, Executive Director, International Society for Fair Elections

Khidasheli, Tinatin, Director, Georgian Young Lawyers Association. Legal Training and Information Centre

Kobakhidze, David, Head of Department, Ministry of Internal Affairs

Kokoev, Konstantine, Head of the Parliamentary Committee on National Minorities Issues

Nadareishvili, Tamaz, Chairman of Supreme Council of Autonomous Republic of Abkhazia, Member of the National Security Council of Georgia

Rasmussen, Klaus, Mission Member, OSCE Mission to Georgia

Shelow, Hy R.D., Protection Officer, UNHCR

Staszewski, Marian, Senior Political Adviser, UNOMIG

Tatevosian, Enok Akopovic: Director of Tbilisi's Armenian State Theatre (Representation of the Armenian diaspora in Georgia)

Tsaava, Londer, Chairman, Georgia Council of Ministers, Autonomous Republic of Abkhazia

A representative from a Western Embassy

Journalists, university teachers, professors, musicians, theatre employees, the chairman of a youth organisation and others, representing the Armenian minority in Georgia

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UN Security Council: *Report of the Secretary-General Concerning the Situation in Abkhazia, Georgia.* 30 October 1998

US Department of State: *Georgia Report on Human Rights Practices for 1997.* 30 January 1998

12.0. List of annexes (not available electronically)

- Annex 1 Map of Georgia showing regions. Source: Government of the Republic of Georgia, United Nations Development Programme: *Human Development Report. Georgia 1995*. Tbilisi 1995
- Annex 2 Map of Abkhazia showing the security zone. Source: UNHCR
- Annex 3 Extract from a survey of political parties describing two Zviadist parties. Source: International Centre for Civic Culture: *Political Parties of Georgia. Directory*. Tbilisi 1998
- Annex 4 UNHCR paper concerning the Zviadists