

## GEORGIA<sup>1</sup>

**IHF FOCUS: elections; political prisoners; judicial system, fair trial and detainees' rights; torture, ill-treatment and police misconduct; religious intolerance; refugees and displaced persons.**

In 2002, Georgia still fell seriously short of the international human rights instruments it was a party to. This was highlighted, for example, in March when the UN Human Rights Committee reviewed Georgia's second periodic report under the International Covenant on Civil and Political Rights (ICCPR). The committee expressed its concern about numerous problems, including the use of torture; the high number of deaths in prisons, including suicides and deaths from tuberculosis; violations of detainees' rights; inadequate civil and criminal legislation; lack of independence of the judiciary; inequality between men and women and domestic violence; trafficking in women; increasing religious intolerance; and violations of minority rights.<sup>2</sup>

In December, a Council of Europe delegation visited Tbilisi and made public the report on compliance with commitments and obligations by Georgia upon its accession to the Council of Europe in 1999. It stated, among other things, that "the independence of the judiciary and the functioning of the criminal justice system remain a major problem and warrant urgent attention. Corruption remains endemic."<sup>3</sup> There was also a huge gap between the formal laws and their practical implementation while the Criminal Procedure Code continued to be incompatible with European standards after the Georgian parliament had repealed important amendments (which brought the old law up to international standards) as soon as the country had been admitted to the Council of Europe.

The June 2 local elections, although characterized by a high scale of plurality, were shadowed by pressure exercised on the opposition parties.

Religious intolerance grew, with particularly Jehovah's Witnesses being targeted. The concordat signed between the state and the Georgian Orthodox Church raised concern among the religious minority members about their future rights as did the new draft law on religious associations.

The situation of Abkhazia and South Ossetia remained unresolved, with ethnic Georgians falling victim of harassment while refugees in Georgia proper continued to live in unacceptable conditions.

Pressure on Chechen refugees increased dramatically in the wake of the September Russian air strikes in Pankesi and Ilto Gores. As an anti-terrorist measure, mass arrests of Chechens were carried out and Chechens were sent back to Russia without any precautions for their security. President Shevardnadze publicly stated that terrorists might support financially the country's NGOs. He also proposed that legislation be adopted to restrict and control foreign funding of Georgian NGOs.<sup>4</sup>

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<sup>1</sup> Unless otherwise noted, based on information received by the IHF and its affiliate, the Caucasian Centre for Human Rights (Caucasia).

<sup>2</sup> UN Human Rights Committee, *Concluding observations on the second periodic report of Georgia: Georgia*, 19/04/2002, CCPR/CO/74/GEO, April 19, 2002, at [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/1d38b588eb1eb9dcc1256c940030cc27?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/1d38b588eb1eb9dcc1256c940030cc27?Opendocument)

<sup>3</sup> Directorate of Strategic Planning of the Council of Europe, *Compliance with commitments and obligations: the situation in Georgia*, SG/inf (2003)1, January 17, 2002.

<sup>4</sup> Civil Georgia, "Civil Society Builds Terror in Shevardnadze's Mind," May 9, 2002.

Corruption that had spread to all sectors of the Georgian society, unemployment, a backlog in the payment of salaries and pensions as well as constant interruptions in the supply of electricity and heating constituted probably the most rampant problems to the majority of people living in Georgia.

According to the UN Committee on Economic, Social and Cultural Rights, the government had failed to address adequately the widespread problem of corruption, which was one of the primary causes of the decrease in, and the inappropriate allocation of, revenue and resources, thus adding to the extremely difficult economic, social and cultural situation in Georgia. The committee was gravely concerned about the high unemployment rate, particularly in urban areas and among young people; the extremely low level of salaries (including the minimum wage which was far below the minimum level of subsistence); wage arrears; and the extremely low level of the social security benefits and their payment in arrears. It also expressed concern about the inadequacy or even lack of legislation and policies on domestic violence, rape, or sexual harassment and about the *de facto* impunity with which such acts were committed. Further, it criticized the failure to address the problem of trafficking in persons, particularly women; the high number of children living and/or working in the streets who were vulnerable to various forms of abuse; and the constantly increasing level of poverty and inadequate basic medical care<sup>5</sup>

## Elections

On June 2, the local elections were held. A wide range of political parties participated in the elections, offering the electorate a good opportunity to choose their own representatives with distinctive political interests. The ruling party, the Citizens Union, lost the elections. In Tbilisi, the capital, the main opposition parties – the National Movement and the Labor Party – both gained 15 seats, the United Democrats seven seats, and the remaining 12 seats were divided between smaller parties.

The elections were preceded by highly unfair campaigning. In particular, according to independent observers, the local authorities tried to interfere with the campaigning of the opposition parties. In addition, violations of the election law were recorded. For example, voter lists were incomplete; authorities failed to post the lists of the participating parties in due time; ballot-boxes were stolen from precincts; ballot papers were illegally deemed invalid; and filled-out ballot papers were hidden before the count.

In Tbilisi the polling procedure developed into a dangerous situation which threatened the political stability in whole country.

- Immediately after the elections, the winning parties reached a preliminary agreement to elect as chairman of the Tbilisi City Council Michael Saakashvili, the leader of the oppositional National Movement and former minister of justice. As it became obvious that the opposition would gain the chairmanship in Tbilisi, the ruling party began to challenge the results of elections. The Supreme Court invalidated the election results of the Tbilisi City Council and ordered a recount. Consequently, the capital was left without a legislative body for almost half a year. In that period, the power in practice was concentrated in the hands of the mayor, the nominee of President Shevardnadze, until the recount was finished. The new Tbilisi City Council convened as late as November 2002.

The post-election situation in Tbilisi provoked distrust among the people who did not believe that the ruling elite would through democratic procedures hand over political power in spite of the election results. This, again, led to mass rallies and strengthened political opposition. The escalated political

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<sup>5</sup> UN Human Rights Committee, op.cit.

situation also threatened the political stability, and the establishment and development of democratic institutions in Georgia.

### **Freedom of Expression and the Media**

Although Georgia's media was pluralistic and no direct censorship was practiced, individual journalists were attacked or arrested for being too outspoken against corruption and other misconduct by authorities and prominent private individuals or about politically sensitive issues.

- Some 30 police officers broke into an independent television station in the western Georgian town Zugdidi on September 27 and beat up journalists. The attack took place hours after the station had broadcast a report criticizing police action against demonstrators in Zugdidi. Three senior police officers were reported to have participated in the attack.<sup>6</sup>
- On November 5, Iosif Chumburidze, editor-in-chief of the newspaper *Tbilisi*, was beaten up by unknown assailants. His colleagues believed that the attack was revenge for an article about the illegal privatization of the Samshoblo publishing house, which was taken over by Kakha Imnadze, President Shevardnadze's press secretary.<sup>7</sup>
- On December 7, just as the special security forces and the Interior Ministry troops had started an operation against ethnic Chechens living in Tbilisi and elsewhere in Georgia, five police officers arrested Evgeny Jokhidze, the deputy editor of the independent newspaper *Tribuna*. The officers burst into his home to search it. It seemed clear that the raids and Jokhidze's arrest were linked to the interview with Movladi Udugov, head of the Informational Department of Chechnya, which was published in *Tribuna* a day earlier. In that interview Udugov warned the Georgian government against extraditing Chechens to Russia. Also on December 7, reporters of the Georgian independent television company CAUCASIA were beaten up by police because they had interviewed detained Chechens.<sup>8</sup>

### **Political Prisoners**

Georgia's record of political imprisonment remained a serious cause of concern. Beginning in 1991 and throughout the 1990s, real or presumed supporters of the ousted government of President Zviad Gamsakhurdia were harassed and sentenced to long prison terms, or detained routinely for short periods of time. Many were convicted on charges of terrorism and high treason, mostly in unfair trials.

Upon Georgia's accession to the Council of Europe in 1999, the Parliamentary Assembly recommended that the government review all the cases of imprisoned supporters of the Gamsakhurdia government within two years, but the Georgian government failed to do so despite efforts taken by the parliamentary Commission for National Reconciliation.

Meanwhile, Gamsakhurdia has been rehabilitated and in 2002 some members of his coalition (Round Table Free Georgia) were in parliament. According to the Commission for National Reconciliation, with the release of Petre Gelbakhiani and Irakli Dokvadze in 2002 (see below), there were no more political

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<sup>6</sup> Reporters Without Frontiers, cited in RFE/RL Newline, October 3, 2002.

<sup>7</sup> *Center for Journalism in Extreme Situations CIS Weekly Report*, November 4-10, 2002, cited in RFE/RL Media Matters, Vol. 1, No. 44, November 15 2002.

<sup>8</sup> Center for Journalism in Extreme Situations, December 10, 2002, at [www.cjes.ru/archiv/eng/2002/1111881.php](http://www.cjes.ru/archiv/eng/2002/1111881.php)

prisoners in Georgia. However, human rights monitors noted that some 20 supporters of Gamsakhurdia still remained imprisoned, but all of them on criminal charges which made it difficult to substantiate whether the real reasons for their incarceration were political or not. For this reason, the review of all remaining cases was still necessary.

- Petre Gelbakhiani and Irakli Dokvadze, supporters of former President Gamsakhurdia, were released in September after having served their prison term. Gelbakhiani had been arrested in April 1993 and Dokvadze in September 1992. Both were sentenced to death during trials which seriously violated international due process standards. Later, following the declaration of a moratorium on the death penalty in Georgia, their death sentences were changed into 20 years imprisonment. The IHF and Caucasia asked both the UN Human Rights Committee and the PACE to intervene in their cases. As a result of PACE's recommendations, the Commission for National Reconciliation asked a court to review the cases and the sentences of the two men were changed to 15 years imprisonment. They were released after serving two thirds of their sentences, as provided by the law.

### **Judicial System and Detainees' Rights**

Although the reform of the judicial system continued in 2002, the parliament again failed to restore the improvements brought about by the May 1999 Criminal Procedure Code that were in line with international human rights standards. Following Georgia's accession to the Council of Europe, the parliament again modified almost half of the new Criminal Code provisions. As a result, many of the new provisions severely eroded the rights of persons under investigation, narrowing access to courts of general jurisdiction during criminal investigations. These amendments particularly hampered the possibility of filing complaints with a court for abuse during a criminal investigation – a highly disturbing move particularly when considering that torture and ill-treatment by the police, as well as other irregularities during criminal investigation and corruption were widespread in Georgia.

Detainees were frequently isolated during criminal investigations, and *incommunicado* detention was a serious concern. Visits by family members and other outside contacts were severely limited during the pre-trial period and subject to control of the prosecutor. Even defense lawyers often found it difficult to meet with their clients. Moreover, investigators reportedly prevented detainees from retaining lawyers of their own choosing. The amendments to the new Criminal Procedure Code severely weakened judicial oversight of the power of the prosecutor during the pre-trial period – the time when most torture and ill-treatment occurred.

As the UN Human Rights Committee in March 2002 considered Georgia's second periodic report under the ICCPR, it expressed its concern at the length of the period (up to 72 hours) that persons could be kept in police detention before they were informed of the charges against them. It was also concerned at the fact that, until the trial took place, the accused could not make a complaint before a judge regarding abuse or ill-treatment during the period of detention. The committee therefore stated that Georgia should ensure that detainees are informed promptly of the charges against them and they be given the opportunity to make a complaint before a judge regarding any ill-treatment during the investigation phase.<sup>9</sup>

The UN committee criticized the fact that detainees and persons charged with an offense had difficulties in gaining access to lawyers, particularly court-appointed lawyers. Although the law provided for the latter, budgetary problems obstructed the enjoyment of this right.

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<sup>9</sup> UN Human Rights Committee, op.cit.

The committee also expressed its concern at the existence of factors which had an adverse effect on the independence of the judiciary, such as delays in the payment of salaries and the lack of adequate security of tenure for judges. Further, it noted that Georgian authorities should also ensure that documented complaints of judicial corruption are investigated by an independent agency and that the appropriate disciplinary or penal measures are taken.

### **Torture, Ill-Treatment and Police Misconduct**

As in previous years, torture and ill-treatment remained a central human rights problem in Georgia. The European Committee for the Prevention of Torture (CPT) stated in its report<sup>10</sup> published in April that, on the basis of the results of its visit to Georgia a year earlier, it “has been led to conclude that criminal suspects deprived of their liberty in Georgia run a significant risk of being ill-treated at the time of their apprehension and/or while in police custody (in particular when being interrogated)...”

The CPT delegation received numerous allegations of physical torture and ill-treatment by the police of persons suspected of criminal offences, the forms of which included mainly slaps, punches, kicks and blows struck with truncheons, gun butts and other hard objects, but in the most serious cases involved the infliction of electric shocks, asphyxiation by using a gas mask, blows struck on the soles of the feet, and prolonged suspension of the body held upside down. The delegation was able to substantiate some allegations by physical marks or conditions consistent with the allegations, and others with medical records. Torture and ill-treatment were facilitated by the fact that detainees were not always brought personally before a judge when deciding on detention, the failure to notify family members of detention, and the restricted access to a lawyer and a doctor.

The CPT reported that torture was often accompanied by other procedural violations that appeared to be specifically intended to cover up physical abuse and avoid judicial proceedings against the perpetrators. Beatings were commonplace and relatives were frequently faced with financial or other demands in exchange for a detainee’s release. Threats that family members would be tortured or murdered were also used against detainees. The denial of access to a defense lawyer facilitated such abuse.

The UN Human Rights Committee in March stated that it “remains concerned at the widespread and continuing subjection of prisoners to torture and cruel, inhuman or degrading treatment or punishment by law enforcement officials and prison officers.” It also expressed its concern at the still very large number of deaths of detainees in police stations and prisons, including suicides and deaths from tuberculosis and the spread of tuberculosis in prisons. It emphasized that the government should ensure that every case of death in detention is promptly investigated by an independent agency. Further, the Committee pointed to the widespread and continuing subjection of prisoners to torture and cruel, inhuman or degrading treatment or punishment by law enforcement officials and prison officers. It urged Georgian authorities to ensure that all forms of torture and similar ill-treatment are punishable as serious crimes under its legislation, in order to comply with article 7 of the ICCPR.

- On June 16, 38-year-old Merab Chukhasvili was allegedly tortured by police officers in the building of the Interior Ministry in Tbilisi so that he would confess to a kidnapping. Chukhasvili fainted during the trial and doctors said he needed to undergo an urgent operation because electric shocks had damaged his

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<sup>10</sup> *Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 6 to 18 May 2001*, November 2002, at [www.cpt.coe.int/en/reports/inf2002-14en.pdf](http://www.cpt.coe.int/en/reports/inf2002-14en.pdf)

internal organs.<sup>11</sup>

## Religious Intolerance

Religious violence against minority communities increased: Jehovah's Witnesses, Pentecostals, Baptists and members of the True Orthodox and Catholic Churches were beaten and their places of worship attacked or destroyed with almost total impunity. In the past three years, over 100 such attacks have been recorded. The police were inactive in protecting the victims, and, what was more, in many cases police officers participated in the attacks.

As of December, Jehovah's Witnesses alone had filed 784 criminal complaints. By that date, no one had been arrested or punished for the attacks. After long hesitation, the leader of the mobs, the defrocked Georgian Orthodox priest Vasily Mkalashvili, was charged and court proceedings commenced in January 2002, but the trials did not proceed because the police failed to secure the hearings from attacks by the defendant's followers. For example in November, Mkalashvili's co-defendants, Petre (Gia) Ivanidze, was seen by witnesses carrying a handgun into the courtroom during proceedings.<sup>12</sup> In other cases, his mobs shouted insults and physically attacked people present in the courtroom, without the police taking efficient steps to stop the incidents.

Meanwhile, attacks continued throughout Georgia.

- In May, Mkalavishvili and his followers "visited" the Evangelical TV Studio Stereo One, attacked its staff and ordered them to stop broadcasting.<sup>13</sup>
- In July, a mob of 30-40 people led by two Orthodox priests stormed a Pentecostal church in Tbilisi, beat up and threatened people, including children, and stole their belongings.<sup>14</sup>

On October 14, a concordat between the Georgian state and the Orthodox Church was signed. The event followed secret discussions, and was received with mixed feelings from other religious communities and human rights activists. As of the end of 2002, the text still awaited approval from both the Patriarchate's Holy Synod and by parliament, and a new law on religion needed to be adopted and others amended to implement it.

The text of the concordat was distributed to some human rights groups as well as the OSCE and the Council of Europe, but it was not officially distributed to smaller religious communities such as the Lutheran Church, Jehovah's Witnesses and Pentecostals. Many expressed concern about the greater role the concordat gave the Orthodox Church. For example, the concordat grants the Orthodox Patriarchate a veto to decide which other religious communities can call themselves "churches," and which can produce items used in worship, build churches and publish religious literature. Other controversial provisions granted to the Patriarchate include immunity from prosecution, and a veto on religious education in schools and allowed for benefits in the restitution of confiscated religious property.<sup>15</sup>

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<sup>11</sup> Human Rights Information & Documentation Center (HRIDC), *Human Rights in Georgia*, Monthly Bulletin, No. 6(40), June 2002.

<sup>12</sup> Jehovah's Witnesses Public Affairs Office/Human Rights Without Frontiers, "Georgia: Alleged assailant attacks court armed with gun – reporter expelled from courtroom by mob," November 26, 2002.

<sup>13</sup> CIPDD/Human Rights Without Frontiers, "Zero Tolerance Towards Evangelicals," May 8/10, 2002.

<sup>14</sup> Keston Institute, July 12, 2002.

<sup>15</sup> Keston Institute, October 16 and 18, 2002.

In early June 2002, the Justice Ministry in Georgia circulated its draft of a new law on religion, which was immediately criticized by human rights activists and a number of Georgia's minority faiths as discriminatory, although the draft was better than the previous ones. The draft law includes, for example, a provision that could limit religious minority groups from carrying out social care activities as they could be regarded as a method of proselytism. The draft law also stipulates obligatory registration and suspension of activities of those groups that fail to be registered. Also, alleged acting against the concordat between the state and the Orthodox Church could be used to prevent registration.<sup>16</sup>

- On July 10, an organized group of at least 10 men beat up Levan Ramishvili and five other members in the office of the Liberty Institute in Tbilisi. Ramishvili, the institute's director, was hospitalized with multiple contusions, eye injuries and speech problems. The institute's office equipment and furniture were smashed. The Liberty Institute was known for its outspoken advocacy for the rights of religious minorities. MP Guram Sharadze and his supporters, together with Orthodox extremists, had been holding a hostile demonstration in front of the Liberty Institute a few days earlier.<sup>17</sup>

## Refugees and Displaced Persons

### *Refugees from Chechnya*

After September 11, there were increased incidents of Russian military interference in Georgian air space and bombardment of populated areas, in a apparent attempt to destroy "terrorist infiltrations." The situation escalated on August 23, 2002, when military aircraft again violated Georgian air space and intensively bombarded for half an hour densely populated villages in the Pankisi and Ilto Gorges. Three local civilians died and seven were seriously injured. Russian officials denied the accusation and maintained that Georgia itself had carried out the bombardments of its own citizens.<sup>18</sup>

As a consequence of the air strikes, Georgian civilians from the region fled in panic, resulting in new waves of internally displaced persons (IDPs).

Also between September and December, during the so-called anti-terrorist measures conducted jointly by the Georgian Security Forces and the Ministry of the Interior, "mopping-up" operations were carried out among Chechen refugees in the Pankisi Gorge. In the course of these operations refugees were intimidated and ill-treated. In addition, some Chechen refugees were illegally extradited to Russia while others were subjected to various forms of harassment.

- On September 20, 25-year-old Hussein Yusupov was taken from a checkpoint within the Pankisi Gorge to the Anti-Terrorist Center in Tbilisi. He was kept there, without a trial, for five days. Georgian authorities claimed that he was released on September 25, but he has been missing since then.
- On October 4, under pressure from the Russian authorities, Georgian authorities extradited five Chechens to Russia without a court decision and promised to extradite others wanted by Russia in

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<sup>16</sup> Keston Institute, "Serious Concerns over Draft Religion Law," July 9, 2002.

<sup>17</sup> Human Rights Watch, "Georgia: Vicious" Assault on Rights Leaders, Georgian Government Must Investigate," July 12, 2002.

<sup>18</sup> IHF and Caucasia, *Chechen Refugees in Georgia – Pankisi Gorge and Akhmeta*, January 2003; IHF and Caucasia, "International Anti-Terrorism Campaign – Threats to Human Rights and to Security in the Caucasus, Appeal to the Council of Europe Parliamentary Assembly and European Parliament (Autumn Session, Strasbourg 23-27 September 2002," at [www.ihf-hr.or](http://www.ihf-hr.or)

the near future. This procedure violated Georgian law as well as European human rights standards. In an interview on the day following the extraditions, President Shevardnadze stated that “International human rights commitments might become pale in comparison with the importance of the anti-terrorist campaign.” The IHF and Caucasia expressed their concern that such a public statement made by the president will influence pending cases and future decisions regarding the extradition of Chechens to Russia.

- On December 7, in Tbilisi, as part of the so-called broad anti-terrorist operation, the Interior Ministry and security officials arrested and detained about a hundred Chechen refugees, including women and children. It was reported that there were multiple violations of the rights of the detained persons, including the denial of access to lawyers of the detainees’ choice, as well as intimidation. Before being released, fingerprints of the detained were taken, as in the case of suspects.
- On the same day, in another set of events, Georgian forces killed five Chechen men said to be wanted by the Russian Federation.

Due to the insecurity of their situation in Georgia, refugees from Chechnya demanded to go to a safe third country. The Office of the United Nations High Commissioner for Refugees (UNHCR) supported this demand.

From September until the time of writing, access to Pankisi was restricted, especially for local civil society representatives and independent media, under the pretext of anti-terrorist operations conducted there. This made it almost impossible for independent groups to monitor the behavior of police forces deployed in the Pankisi Gorge as well as the situation of Chechen refugees there.

Nonetheless, in November, the IHF and the Caucasian Centre for Human Rights and Conflict Studies (Caucasia) carried out a fact-finding mission to monitor the current human rights situation and problems faced by refugees from Chechnya living in Pankisi Gorge of Akhmeta Region (East Georgia) during the anti-terrorist operations in that region. The mission also examined the situation in the context of the ongoing Russian-Georgian negotiations for the return of refugees to the Russian Federation. Following the mission, the IHF and Caucasia expressed their concern at the welfare and human rights of refugees from Chechnya living there.

The IHF and Caucasia urged Georgia to refrain from the extradition of Chechens to Russia, as there was no guarantee that their rights would be protected there, and as they were at serious risk of being tortured or ill-treated and sentenced to long-term imprisonment following an unfair trial. The two organizations also asked the Georgian authorities to ensure that independent observers are given access to the Pankisi Gorge. Moreover, they demanded that Georgia, as a member of the Council of Europe and the OSCE, adheres to its obligations and fulfills European human rights standards.

#### *Abkhazia and South Ossetia*

The long-persisting problem of the territorial integrity in Abkhazia and the fate of ethnic Georgian IDPs from Abkhazia remained unsolved also in 2002: “ethnic cleansing” during the conflict in Abkhazia in 1990-1994 had forced over 250,000 Georgians to flee the region.

The Georgian government was ready to grant Abkhazia the widest possible autonomous status, but insisted at the same time on the principle of territorial integrity of the country. The differing basic attitudes blocked the negotiations also in 2002.



Apart from peacekeeping troops in Abkhazia, Russia had two military bases on Georgian territory. At the OSCE summit in Istanbul in 1999, Russia agreed to abandon them but failed to do so.

The one-sided visa requirement imposed by Russia for all Georgian citizens at the beginning of 2001 remained in force throughout 2002. However, it excluded the residents of Abkhazia and South Ossetia, most of whom possessed Russian passports. The imposition of one-sided visa requirements and the issuance of Russian passports to Abkhazians and South Ossetians was interpreted by many as the *de facto* annexation of Abkhazia and South Ossetia by Russia. The Russian Federation also continued to extend moral, political, financial and military support to Abkhazia.

The Georgian government pressed for the unconditional return of IDPs. However, despite numerous promises by the self-proclaimed Abkhaz government to allow return, no real guarantees for safe return existed. The few IDPs who returned spontaneously at their own risk came under the constant threat of death and had no effective protection. At the same time, Abkhaz militia subjected Georgians still remaining in the Gali region of Abkhazia to various forms of harassment and violence, including killings. It was obvious that the pressure was aimed at forcing ethnic Georgians from Abkhazia to move to Georgia proper and in this way to achieve a change in the existing ethnic makeup of the region. For the same reason, the secessionist Abkhaz government refused the organized return of Georgian IDPs unless Abkhazia's full independence from Georgia was internationally recognized.

Russian peacekeeping troops deployed in the region were not able or not willing to provide any protection for the Georgian population and showed support for the Abkhaz side. There were many well-documented cases in which Russian peacekeepers took part in killing and raiding the peaceful Georgian population.

The unresolved situation led to a grave socio-economic situation and legal status for Georgian IDPs from Abkhazia living in Georgia, including seriously substandard accommodation in buildings not adequate for housing. Their situation had not improved in the past years and there were no perspectives of improvement in the near future. Further, the IDPs had no right to vote in municipal elections despite having lived for years in the same place. It appeared that for the Georgian authorities, giving full voting rights to IDPs would mean the recognition of their status and renouncing their return.

The UN Committee on Economic, Social and Cultural Rights expressed deep concern primarily about the deplorable situation of IDPs, whose needs, particularly with regard to employment, social security, adequate housing and access to water, electricity, basic health services and education had not been met.<sup>19</sup>

So far Georgia has failed to implement the commitment that it undertook upon its accession to the Council of Europe with regard to restitution or compensation for property within three years lost by persons who were forced to abandon their homes during the 1990-1994 conflicts.<sup>13</sup>

In a positive development, 4,000-5,000 ethnic Ossetian refugees were allowed to return from Russia to South Ossetia. However, over 70,000 ethnic Georgian refugees from South Ossetia remained displaced and continued to live in appalling socio-economic conditions in Georgia.

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<sup>19</sup> UN Committee on Economic, Social and Cultural Rights, op.cit.