

# Georgia<sup>1</sup>



A letter from political prisoner Nemo Chanturia thanking the IHF for its help, which contributed to his release.  
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**IHF Focus: Elections; freedom of expression and the media; peaceful assembly; fair trial and detainees' rights; torture, ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities and prisoners' rights; political prisoners; religious intolerance; conscientious objection; citizenship.**

As a new member of the Council of Europe, Georgia, a country that has made considerable efforts to draft laws in accordance with international standards, was slowly working towards the implementation of new legislation and the corresponding structural reforms. However, a

lack of accountability continued to raise doubts about the integrity of the government's new approach to human rights violations. Georgia gained full membership to the Council of Europe on 27 April 1999, and ratified the European Convention on Human Rights in May.

## **Elections**

In the run-up to the 31 October parliamentary elections, policy issues were virtually eclipsed by recriminations and complaints. Leaders of the most influential political parties accused one another of malpractice; 476 candidates were refused registration by the Central Election Commission (CEC) because of errors in their appli-

<sup>1</sup> Unless otherwise noted, based on information obtained by IHF and its affiliate Caucasian Centre for Human Rights.

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cations; and there was widespread concern about election-related violence.<sup>2</sup> According to the election observation mission,<sup>3</sup> the voters were generally able to express their will, in spite of some irregularities such as missing electorate lists, although voting could not take place in Abkhazia and in parts of South Ossetia.<sup>4</sup>

The election-related laws established an adequate framework in which to conduct genuine multiparty elections, provided that the legal provisions were applied in a uniform and transparent manner. However, the election law was vague and needed clarification in a number of important areas. It allowed the ruling party to enjoy a dominant position in the election administration at all levels, contributing to an election administration that was politically polarized.<sup>5</sup> International observers of the Council of Europe declared that the Georgian election law did not meet European standards. Domestic observers were not allowed to monitor the elections.<sup>6</sup>

The CEC was endowed with a wide range of powers to clarify the law and regulate its implementation. It was therefore imperative that the CEC act in an impartial, transparent and timely manner. On a number of occasions, that was not the case. For example, in the Sachkhere region, chairmen of the election commission were campaigning for the ruling party.<sup>7</sup>

■ The criteria for refusing registration to candidates and the procedures for their

implementation were issued at a very late stage, thus denying candidates sufficient time to prepare their applications properly, or to correct minor technical omissions. The CEC often processed registration appeals without reviewing the relevant documentation.

■ On a number of occasions, representatives of opposition parties were denied access to CEC documentation.<sup>8</sup>

The CEC handled electoral complaints poorly and even refused to consider some complaints. Deadlines and rules regarding the correct forum for a complaint to be filed were surrounded by confusion. Only 13 out of 19 members of the CEC signed the final results as announced by the CEC, indicating that certain CEC members lacked confidence in the process.<sup>9</sup>

The political campaign confirmed that political pluralism existed in Georgia. However, on occasion, the tone of the campaign went beyond acceptable political competition. The pre-election period was marred by several instances of violence and intimidation against individuals and the property of political parties, as well as restrictions on freedom of movement, which prevented political parties and voters from exercising their rights.<sup>10</sup> Allegedly, most incidences of violence were aimed at the members and property of the parties' union "Revival of Georgia," the main challenger to the ruling Union of Citizens of Georgia.<sup>11</sup> On 9 October in Tel-

<sup>2</sup> RFE/RL, 29 October 1999.

<sup>3</sup> Conducted by the OSCE/ODIHR and the OSCE Parliamentary Assembly.

<sup>4</sup> OSCE/ODIHR, *Preliminary Statement*, 1 November 1999.

<sup>5</sup> *Ibid.*

<sup>6</sup> Levan Z. Urushadze, *Georgia of the International Society for Human Rights*,

6 November 1999.

<sup>7</sup> *Revival of Georgia, Report on Pre-Election Violations*, October 1999.

<sup>8</sup> OSCE/ODIHR, *Preliminary Statement*, 1 November 1999.

<sup>9</sup> OSCE/ODIHR, *Preliminary Statement*, 2nd Round, 15 November 1999.

<sup>10</sup> OSCE/ODIHR, *Preliminary Statement*, 1 November 1999.

<sup>11</sup> *Revival of Georgia, Report on Pre-Election Violations*, October 1999.

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vai, Shevardnadze stated that a victory for opposition candidates would be a “parliamentary revolution” and that he, personally, would prevent it.<sup>12</sup> On 15 October, the “Revival of Georgia” in Tbilisi protested the harassment of its candidates by Georgian authorities.<sup>13</sup>

■ On 6 October, unknown perpetrators burned down the flat of candidate N. Koberidze. During the night of 10 October, a grenade was thrown into the bedroom of candidate Nodar Zazadze, in Aspindza Raion. A letter was left at the scene, telling Mr. Zazadze to leave the district and warning him not to participate in the elections. The OSCE Mission has launched an investigation into the attack.<sup>14</sup>

■ The mother of the chairman of the youth union of the “Revival of Georgia” was severely beaten in her home on 8 October.<sup>15</sup>

■ On 18 October, Badri Daraselia, an independent candidate, was stabbed seven times after he publicly expressed his support for the “Revival of Georgia.”<sup>16</sup>

■ Three activists were attacked by a group of men on 23 October; the police failed to arrive at the scene. During the night of 27 October, there was an attack on the regional office of the “Revival of Georgia” party in Gurjaani; a banner in front of the office was burned.<sup>17</sup>

There were also several cases of harassment and intimidation:<sup>18</sup>

■ On 18 October in Tbilisi, Soso Egutia, a candidate from “Revival of Georgia,” was not permitted to enter the Officers Club building for a planned meeting with the electorate. Consequently, the meeting had to be held outside.

■ Local authorities blocked the highway entrance to the town of Borjomi, thus hindering representatives from the “Revival of Georgia” from reaching a planned electoral meeting on 12 October.

■ In the Aspindza region, former inhabitants of Adjara, who had recently moved to the region and still carried Soviet passports, had their passports confiscated under the pretext that they would receive new ones. However, citizens could not participate in elections without passport identification.

■ In Chumaeleti, problems with the power supply coincided with actions in support of the opposition party.

■ The director of Tbilisi secondary school No. 139 allegedly threatened to expel children unless their parents voted for the ruling party.<sup>19</sup>

■ In the 3rd micro-area of the Gldani district of Tbilisi, inhabitants were told that a broken sewer pipe would only be repaired if they voted for the ruling party.<sup>20</sup>

<sup>12</sup> *Public Movement “Anti-Fascist Youth Action”, Moscow, 13 October 1999.*

<sup>13</sup> *RFE/RL, 18 October 1999.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Revival of Georgia, Report on Pre-Election Violations, October 1999.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Unless otherwise noted, information from Revival of Georgia, Report on Pre-Election Violations, October 1999.*

<sup>19</sup> *Levan Z. Urushadze, Georgia of the International Society for Human Rights, 6 November 1999.*

<sup>20</sup> *Ibid.*

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■ On 24 October, in the village Velistsikhe in East Georgia, local police forcefully dispersed voters who were meeting with a candidate from the opposition party.<sup>21</sup>

In general, the Supreme Court acted impartially in processing registration appeals. One third of appeals against CEC decisions were upheld, indicating an increased confidence in the judiciary following recent reforms.<sup>22</sup> The Supreme Court overruled the CEC decision in one important case.<sup>23</sup> The Labor Party of Georgia brought two cases on election violations to the European Court of Human Rights, both of which were admitted.

## Freedom of Expression

■ On 1 February, Aka Sulava, a journalist from the Liberty Institute, was beaten outside his house in Tbilisi by unidentified men who managed to escape. Members of the institute suspected that police had provoked the incident after they received threats that certain journalists would be punished if they did not stop criticizing Soso Alavidze, chief of the Tbilisi police. It was implied that their families could also be affected.<sup>24</sup>

## Peaceful Assembly

■ Students protesting the planned exhibition of Georgian icons abroad attempted to rally outside Tbilisi state university on 31 May. As the police drove them away, they moved to the central avenue of the capital where the police overtook them

again. Several students were beaten. Two of them were detained, but released after journalists stepped in. They reported that they had not been beaten at the police station, but had been slapped in the face while in the car.

■ On 28 April, a group of students in Tbilisi went on hunger strike, demanding the release of all political prisoners. The group was attacked and dispersed by men in civilian clothes.<sup>25</sup>

## Fair Trial and Detainees' Rights<sup>26</sup>

### Draft Criminal Code

In May and July, the parliament voted to repeal reforms in the criminal procedure code that had been scheduled to come into effect in mid-May. The amendments replaced nearly half of the new code, which would have ensured detainees access to the courts, prior to trial, to redress abuses by the procurator and security forces during criminal investigations. The government's move to restrict access to the courts was not in line with public support for judicial reform. The repeal of reforms came just one month after Georgia was admitted to the Council of Europe.<sup>27</sup> The draft code contained articles providing for criminal prosecution for insulting honor and dignity, articles that should fall under civil law, not the criminal code. In particular, articles 337 and 401 did not clarify that a public appeal to overthrow the government or wage war can only be prosecuted if a real danger to society is proven. Article 260, 363 and 375 stipulat-

<sup>21</sup> *Ibid.*

<sup>22</sup> OSCE/ODIHR, *Preliminary Statement*, 1 November 1999.

<sup>23</sup> OSCE/ODIHR, *Preliminary Statement*, 2nd Round, 15 November 1999.

<sup>24</sup> CIPDD, 4 February 1999.

<sup>25</sup> Public movement "Anti-Fascist Youth Action", Moscow, 28 April 1999.

<sup>26</sup> See also *Political Prisoners*.

<sup>27</sup> *Human Rights Watch World Report 2000*.

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ed special punishments for offending the president, statesman, procurators, judges and policemen.<sup>28</sup>

## Detainees' Rights

■ Twenty-one year old Dato Natelashvili from Tbilisi was detained on 22 June on suspicion of theft, and placed in the Ministry of Internal Affairs investigative isolator No. 1 at Ortchala. On 19 November, he was transferred to the Tbilisi Main City Police station, where he was held in incommunicado detention. His family was not informed of his transfer. On 22 November, Natelashvili's brother, and his brother's lawyers, Zurab Rostiashvili and Mikhael Macheshvili, tried to meet with Natelashvili, but were denied a visit by the authorities of the facility. Moreover, Rostiashvili told Human Rights Watch (HRW) that procuratorial officials had informed him that he and Macheshvili were no longer able to represent their client because the procurator had called them as "witnesses" in the case. They were summoned to appear at the Tbilisi City Procurator's Office on 24 November.

Natelashvili's reported incommunicado detention violated numerous provisions of international law and standards. For instance, the denial of access to legal counsel contravened principle 8 of the UN Basic Principles on the Role of Lawyers, which guarantees all detainees the opportunity to be visited by, and communicate with, a lawyer without delay, interception or censorship. The denial of a visit by his family contravened rule 92 of the UN Standard Minimum Rules for the Treatment of Prisoners.

The Georgian criminal procedure code prevented Natelashvili and his lawyers

from requesting that a court of law review the decision, taken by the Ministry of Internal Affairs and the procurator, to deny him access to his lawyers and his family. Extensive amendments to the code in May and July abolished the right of detainees who complained of abuse by the procurator, police and other security forces to challenge the procurator's decisions in a court of law, prior to trial. A further concern regarding Natelashvili's incommunicado detention was based on credible reports received from other detainees in the past that the Ministry of Interior (MIA) operated "pressing rooms" in the facility, where the detainees were subjected to torture and beatings in order to extract false confessions.<sup>29</sup>

■ The Lawyer's Collegium, which was formerly subordinated to the Ministry of Justice but whose status is currently unknown, filed a suit against the Tbilisi municipality in early August in an attempt to halt an innovative project supported by a number of NGOs. The project would station lawyers in Tbilisi area police stations to advise detainees of their rights on a pro bono basis. In October, a court ruled that the collegium lacked the legal status to bring such a suit. In April, another NGO project to monitor the conditions in pre-trial detention in Tbilisi, and provide free legal aid, failed after MIA staff denied the monitors access. Several journalists and members of NGOs, including the Liberty Institute, suffered harassment and threats from individuals apparently linked to MIA officials in an attempt to block the monitoring project.<sup>30</sup>

## Political Prisoners

Since 1992, real or presumed supporters of the government of former President

<sup>28</sup> "Resonance" No. 145, 31 May 1999 in: *Georgian Press on Human Rights*, compiled by CIPDD, 30 May-4 June 1999.

<sup>29</sup> Human Rights Watch, *Letter to President Shevardnadze*, 24 November 1999.

<sup>30</sup> *Human Rights Watch World Report 2000*.

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Zviad Gamsakhurdia have been harassed and sentenced to long prison terms. In addition, critics of President Eduard Shevardnadze's administration have routinely been detained for periods ranging from two days to two weeks.

According to various sources, the approximately 100 political prisoners being held in various labor camps and detention facilities constituted a serious issue. They were sentenced on charges of terrorism and high treason, mostly in unfair trials, following the ousting of the former president in 1991. As of the end of 1999, no steps had been taken to review their cases, despite several international appeals.

There were reportedly twenty political prisoners in the Avtchala labor colony, sentenced on charges of high treason and robbery. More than eighty others were serving their sentences in other detention facilities.<sup>31</sup> In 1998, the ombudsman, David Salaridze (who resigned in October 1999), also called for a renewed investigation into their cases, expressing the need for a political assessment of the 1991–1992 events.<sup>32</sup>

In April 1998, the UN Human Rights Committee determined that complaints brought by four political prisoners revealed serious breaches of Georgia's obligations under the ICCPR. The committee concluded that the four men were "entitled to an effective remedy, including their release." Independently of the decision of the committee, Zaza Tsikouri was released following the end of his 5-year sentence; and Victor Domukowski, a Polish national, was released following the intervention of the Polish foreign minister. No remedy beyond their release, i.e. financial, was proposed for either of them. Irakli Dokvadze and Petre Gelbakhiani remained in prison.

The IHF visited Dokvadze and Gelbakhiani in prison in May 1999. Neither of them had been informed of the contents of the Council of Europe's report on Georgia's application, which was relevant to their case, and stated that Georgia was expected to "review the cases of persons convicted or detained for their part in the political upheavals of 1991–1992 within two years of accession". Neither Dokvadze nor Gelbakhiani were given the right to be present at trial, or to be represented by counsel of their own choice. Moreover, they were not allowed to appeal their conviction and sentence. The denial of an appeal clearly contradicts the right to a fair trial.

A representative of the Council of Europe visited Petre Gelbakhiani at the detention center in July 1998. This visit was not impeded by the authorities, but immediately afterwards, Gelbakhiani was attacked by a fellow prisoner. He suffered wounds on his face and neck, apparently inflicted with a razor. The authorities reportedly forced him to state that he had attempted suicide, but during the IHF mission, he said that he was convinced the attack had been politically motivated. It was recently reported that Gelbakhiani's health had deteriorated and that he showed symptoms of the first stage of tuberculosis. His detention in the basement of the Krit prison most likely contributed to this development.

In the Avtchala colony, the IHF mission met with six political prisoners: Zaur Kobalia, Zviad Dzidziguri, Valter Shurgalia, Koba Dzidziguri, Mamuka Aptsiauri, and Zaza Dvali. All of them asked for help for fellow prisoners in critical condition held in the prison hospital (see below). The cases of the six prisoners mentioned above, all of whom were imprisoned for their involvement in the events of 1991–

<sup>31</sup> *Information from CAUCASIA.*

<sup>32</sup> *Sakartvelos Gazeti*, No. 268, 26 August 1998.

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1992, were among those to be reviewed by Georgian authorities in order to comply with the conditions for Georgia's accession to the Council of Europe.<sup>33</sup> Still, as of this writing and following Georgia's admission to the European body, no progress had been made regarding these cases.

The IHF mission also met with political prisoners in the prison hospital of Tbilisi. The hospital was clearly short of medicine, which had to be provided by the prisoners' families and the Red Cross. The hospital itself was in need of major restoration, including rudimentary sanitary facilities.

■ In 1999, Nemo Chanturia, member of the National guards of the former government, had served six years of his term in Avtchala colony, and later in the prison hospital. He confirmed that he had been tortured and ill-treated repeatedly since then and, as a result, his health was critical. The IHF mission met with him in the prison hospital in May. One month later, the Health Commission, in charge of revising the cases of prisoners in critical condition, met to consider the case, and decided to release Chanturia.

■ Karlo Djichonaia, who was also held in the prison hospital, was seriously ill, suffering from tuberculosis and slowly going blind. Still, the health commission that met in June refused to release him, as they reportedly did not have conclusive evidence of his blindness. As of this writing, Djichonaia was on a hunger strike along with three fellow prisoners (see below).

As a result of torture, Bidzina Gorelishvili was diagnosed as psychotic and suffering from chronic depression. The health commission did not consider Gorelishvili's case, and he was later sent back to Avtcha-

la colony. Gorelishvili was released in autumn 1999 under the presidential amnesty in which 1,759 prisoners who had served two-thirds of their respective terms were pardoned.

To the best of IHF's knowledge, seven political prisoners died between 1991–1999.

■ On 28 January, Koba Tsimintia (28), political prisoner and former officer of the state army in support of the former president, died in a prison hospital of tuberculosis and anemia. He had been serving his sentence in Rustavi labour camp. His allegedly weighed 35 kg at the time of his death. He had been offered a job in the state army in exchange for coming out of hiding. Instead, he was arrested and sentenced to eight years imprisonment under articles 96, 209 and 243 of the criminal code.

■ Khvicha Kvirtia, political prisoner, aged 24, died of tuberculosis on 18 June.<sup>34</sup>

■ On 13 May, political prisoner David Bichashvili, went on a hunger strike, demanding the release of all political prisoners in the Republic of Georgia. His hunger strike lasted for 70 days. On 10 September, he was taken to the Republican Prison Hospital.<sup>35</sup> As of this writing, Bichashvili was on a hunger strike again, together with three fellow prisoners, Bidzina Gujabidze, Karlo Djichonaia and Murtaz Jalagonia. They demanded the review of the cases of all political prisoners in accordance with the Council of Europe recommendations.

■ In August, several other political prisoners<sup>36</sup> also went on a hunger strike in Lager 1 and 2 in Rustavi town. All of the participants, with one exception, were National Guard soldiers from the former regime.

<sup>33</sup> Council of Europe, Political Affairs Committee, *Georgia's Application for Membership of the Council of Europe*, 2 December 1998.

<sup>34</sup> Finnish, Dutch and Georgian NGOs, 6 July 1999.

<sup>35</sup> National Section of Georgia of ISHR-IGFM, 10 September 1999.

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■ Guram Absandze, a minister in the government of former president Zviad Gamsakhurdia, was forcibly returned to Georgia from Russia in March 1998, after having been condemned in absentia in a trial marred by irregularities. Passing sentences in absentia has been common practice in political trials in recent years. The charges against him reportedly included embezzlement during his term as minister, as well as treason and banditry in connection with the attempted assassination of President Shevardnadze. Allegedly, Absandze was held in the infamous isolation ward No. 5 of the Ministry of Interior in Tbilisi. Guram Absandze was only able to consult legal counsel, in accordance with his wish, in March 1999 – one year after his arrest. The lawyers did not have time to review the 71 volumes of case material before the time limit of 14 April. Furthermore, on 4 May, the official heading the investigation barred the lawyer from further participation in the investigation. The political trial of Absandze was scheduled for 26 July in Tbilisi. It was unclear what, if any, appeal mechanisms existed, since the Supreme Court operated as a court of first instance.<sup>37</sup>

On 13 October, the Georgian Supreme Court refused to quash the decision of the Central Election Commission not to admit Guram Absandze to the 31 October parliamentary elections (Sakhalkho Party-Didgory block). He was refused registration because he lacked a Georgian identity card, although he had not received a

reply to his appeals of 15 and 23 September to obtain the identity card.<sup>38</sup>

## **Torture, Ill-Treatment and Misconduct by Law Enforcement Officials<sup>39</sup>**

The issue of torture and ill-treatment has been a major human rights problem in Georgia in recent years, and allegations of such incidents continue. Despite Georgia's admission to the use of torture, no significant steps have been taken to implement the recommendations made by the UN Committee against Torture and by the UN Human Rights Committee. In January, the General Prosecutor's Office is said to have reported that, during 1998, 700 employees of law enforcement agencies were disciplined for violations, and that 14 criminal cases had been initiated against police officers for beating detainees under investigation. Unofficial sources have continued to complain, however, that the prosecution often refused to initiate proceedings, and if they did, such proceedings rarely resulted in cases being brought to trial.<sup>40</sup>

Detainees in pre-trial detention were routinely subjected to physical and psychological duress, in order to force confessions or obtain information. Most allegations related either to short-term detention in police facilities or pre-trial detention. While prisoners met by the IHF in Avtchala and Krit prisons in May 1999 affirmed that no form of physical violence had been

<sup>36</sup> Eldar Kakuchaya, Shalva Shanidze, Goderdzi Nanishvili, Avtandil Kukhilava, Shermadin Berishvili, Bidzina Guabidze; Oleg Pipia, Jony Izoria, Kobo Lagvilava, Eldar Kvashilava, Zuri Chilava, Zalogi Kvaratskhelia – prisoners of war; Zalogi Kvaratskhelia, Temur Kvaratskhelia, Eldar Pertaya, Eldar Askurava and Jambul Alaskarov – accused of murder.

<sup>37</sup> *Amnesty International Concerns in Europe, January–June 1999; Anti Fascist Youth Action (AFYA), Moscow, 16, 30 July; 24 August 1999.*

<sup>38</sup> AFYA, 24 September 1999.

<sup>39</sup> Unless otherwise noted, information from the IHF report for the OSCE Review Conference 1999. See also *Fair Trial and Detainees' Rights: Political Prisoners.*

<sup>40</sup> *Amnesty International Concerns in Europe, January–June 1999.*



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exerted on them in their current place of detention, each of them reported that they had suffered serious physical abuse in police custody.

The denial of access to a defense lawyer contributed to such abuses. Beatings were sometimes accompanied by extortion, with relatives facing financial or other demands in exchange for a detainee's release.

Forms of torture included being hanged upside down, scalded with hot water, and beaten systematically, resulting in fractured bones and broken teeth. There were reports of electroshock treatments. Threats that family members would be tortured or murdered were also used against detainees.

■ On the evening of 24 January, a robbery was reported to the regional police department of Kutaisi; shortly afterwards the police detained two groups of three men and brought them to the regional police station. On 28 January, when the court released two of the men, they had swellings around their eyes, blood on their clothes and appeared to have been beaten. In an interview with the newspaper *Resonans*, one of the detainees reported that he had been beaten in custody, and that the investigating officer had dictated a confession to him. The other detainee also alleged beatings by police officers in order to force him to confess to the robbery. The police claimed that none of the detainees wished to speak to their lawyers, and denied that any ill-treatment had taken place, claiming that the men's injuries had been caused by a fight among themselves, which took place prior to the robbery.<sup>41</sup>

<sup>41</sup> *Ibid.*

<sup>42</sup> "Akhali Taoba", No.189, 12 July 1999, by *Georgian Press on Human Rights*, compiled by CIPDD, 12-17 July 1999.

<sup>43</sup> "Resonance", No.152, 7 June 1999 in; *Georgian Press on Human Rights*, compiled by CIPDD, 12-17 July 1999.

■ Three young men, Arabuli, Chlaidze and Goshadze, were detained by the Gldani district police of Tbilisi on 2 July, and charged with banditry. According to their lawyer, David Berdzenishvili, they were tortured in custody in an attempt to obtain a confession. The detainees claimed that they were beaten, subjected to electric shocks, and threatened with rape. The first questioning took place in absence of a lawyer.<sup>42</sup>

■ Giorgi Shukashvili, a 27-year old Tbilisi resident charged with stealing tires, was detained and beaten over a period of 18 days in January and February 1998. He filed a complaint of ill-treatment against the Gldani district police. On 25 May 1999, he was detained briefly in the Mtatyminda district police station, in an attempt to intimidate him into withdrawing his complaint against the police. He was also the subject of harassing visits by individuals he identified as connected with the police officers who abused him.<sup>43</sup>

There were also reports of numerous cases of deaths in detention, including cases of detainees who had allegedly thrown themselves out of police station windows, apparently in a desperate attempt to avoid torture.

■ On 22 March, Ivane Kolbaya fell to his death from a fifth floor window while in custody in the Tbilisi Central Police Department. The tragic event happened during his interrogation by police officials regarding his alleged involvement in a theft. According to HRW, this was the fifth such death in police or Ministry of Interior premises since 1995. There was a lack of transparency in the government's investigation into cases of abuse, and there has

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been no significant attempt to call the ministry to account for such abuses. Although police abuse was recognized as a problem by Georgian authorities, no plan of action with concrete steps on how to combat police abuse were presented.<sup>44</sup>

## III-Treatment in the Army

Reports indicated an apparent increase in hazing and gratuitous violence against ethnic Azeris serving in the Georgian armed forces since 1998. As a result, 70 Azeris serving in Tbilisi, deserted their unit in February. Repeated protests in February did not receive any response from the Georgian authorities.<sup>45</sup>

## Conditions in Prisons and Detention Facilities<sup>46</sup>

The reform of the penitentiary system remained an urgent task, and should be given priority. Upon accession to the Council of Europe, Georgia undertook to adopt a law on the transfer of the prison administration from the Ministry of Interior to the Ministry of Justice, within three months of accession. However, when the legislation was adopted in July 1999, it turned out that the facilities would continue to be predominantly staffed by Ministry of Internal Affairs personnel. Moreover, the ministry demanded that it be allowed to conduct "operative investigative measures" or investigations in the penitentiary system to gather evidence for trial.<sup>47</sup> In January 2000, four months after the expiry of the indicated deadline, the prison administration was transferred to the Ministry of Justice.

In recent years, conditions in Georgian prisons and detention facilities have deteriorated along with the general economic sit-

uation, and Georgian authorities have acknowledged this fact. The large number of prisoners in facilities designed for smaller prison populations resulted in serious overcrowding, with many prisoners having to sleep in turns due to the lack of beds. This has facilitated the spread of contagious diseases. Conditions in Georgian prisons were no exception to the worrisome spread of tuberculosis in prisons of former Soviet Republics. According to official information, there were 1,632 recorded cases of tuberculosis in Georgian prisons.

During a mission undertaken in May 1999, the IHF visited the Avtchala and Krit prisons, both located in Tbilisi. The IHF was granted permission to visit these prisons, but only on the condition that they were accompanied by a representative from the National Security Council of Georgia (Human Rights Department), who intervened to help the IHF get the necessary approvals after several weeks of fruitless requests. During the visits, members of the mission were given the opportunity to meet privately with prisoners.

While IHF mission members found conditions in the prison of Avtchala to be appalling, the prisoners said that they felt privileged to be incarcerated there, as opposed to being held in colonies outside Tbilisi, reputed to be extremely poor and overcrowded. Still, in Avtchala, there were 24 convicts living in a standard cell, with two rows of juxtaposed beds narrowly lined up and little space between each set of beds. The space per inmate was minimal. Prisoners had access to a vast yard outside, in order to be able to move and walk around. The prisoners' conditions were highly unsanitary, and the strong smell emanating from the sanitary facilities was present in the cells nearby.

<sup>44</sup> *Human Rights Watch*, 14 April 1999.

<sup>45</sup> *RFE/RL*, 17 February 1999.

<sup>46</sup> See also *Political Prisoners*.

<sup>47</sup> *Human Rights Watch World Report 2000*.

The prisoners' main concern was the lack of sufficient food for those without a family, or with no relative or friend living nearby. Those prisoners were obviously underfed. The director of the Avtchala prison himself deplored this situation, hoping for an increased budget that would make it possible to meet the prisoners' nutritional needs.

The activities offered were scarce. Some prisoners were involved in building a church, others in collecting books in a library. One prisoner was acting as a dentist, and another as a doctor. Still, at the time of the visit, no organized work or education possibilities were available.

In the Krit prison, sanitary conditions were no better, and the same situation existed regarding the lack of food. No educational or small employment opportunities were given to prisoners to get education. According to official information from the parliamentary penitentiary subcommittee, 89 detainees died of diseases in Georgia in 1998. In the first six months of 1999, half of that number had already died. Tuberculosis remained the leading cause of death; 12 inmates had died of TB by June 1999. However, the medical service of the state penitentiary department did not allow journalists to check the committee's data: "The mortality statistics in prisons is classified as secret." The head of the service denied information from the AIDS center, which claimed that 60 percent of inmates suffer from Hepatitis C.<sup>48</sup>

## Religious Intolerance

■ In June, an MP from the nationalist Georgia Over All party filed a suit asking the government to revoke the registration of two Georgian groups of the Jehovah's Witnesses because of "anti-national, anti-orthodox and anti-state" activities. The judge denied a motion filed by the Jehovah's Witnesses that the suit was spurious and that political parties did not have the legal standing in Georgia to file such suits.<sup>49</sup> The trial, scheduled for 8 July, was postponed. In the courtroom, the defendant's lawyer had to prove that he was an Orthodox Georgian and a patriot, while outside, supporters of a radical Orthodox priest burned Jehovah's Witnesses' books.<sup>50</sup> The Jehovah's Witnesses later appealed to the Supreme Court, which ruled in their favor.

■ After several interruptions by the police, a meeting of the Evangelical Faith Church in Gldani, Tblisi, was stormed by the assistant police chief who insulted the pastor and his wife, threatening to kill them, and pushed an elderly woman to the ground. The event was videotaped. Upon leaving the building, the police tried to detain the pastor, but his congregation protected him.<sup>51</sup> The group's pastor and other adherents reported that throughout June, Ministry of Internal Affairs officials mounted a campaign of harassment and threats against them. The group filed a suit against Gldani police officials in August for illegally dispersing the meeting, but the court ruled that the police had acted appropriately. In his decision, the judge held that the participants had been too loud, but re-

<sup>48</sup> "Resonance", No.188, 13 July 1999; in *Georgian Press on Human Rights*, compiled by CIPDD, 12-17 July 1999.

<sup>49</sup> *Human Rights Watch World Report 2000*.

<sup>50</sup> "Akhal Taoba" No. 156, 9 June 1999, in *Georgian Press on Human Rights*, compiled by CIPDD, 30 May-4 June 1999.

<sup>51</sup> Appendix, *Georgian Press on Human Rights*, compiled by CIPDD, 30 May-4 June 1999.

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fused to view a video tape of the incident, claiming that he was unwilling to wait for electricity to be restored to the court room, after a temporary power outage.<sup>52</sup>

■ President Shevardnadze condemned an attack on Jehovah's Witnesses on 17 October. A group of Georgian Christians broke into the offices, beat up several members, and destroyed religious literature. In July, representatives of the Georgian Patriarchy called for a ban on Jehovah's Witnesses, describing their activities as "anti-state" and "anti-national." The Georgian Orthodox Church stated that they would not demand the prohibition of religious groups such as Baptists, Pentecostals and Seventh-Day Adventists.<sup>53</sup>

## Conscientious Objection

Georgia failed to implement a law on alternative military service, which was due to come into effect on 1 January 1998.<sup>54</sup>

## Citizenship

### Meskhethians

One of the conditions for Georgia's membership in the Council of Europe was the adoption of a law on the repatriation of the Meskhethians within two years. The entire process was to be completed within 12 years.<sup>55</sup> The president issued a decree stating that 5,000 Muslim Meskhethians were to be repatriated by the year 2000. By February 1999, only 12 Muslim Meskhethians had obtained Georgian citizenship, and all with great difficulties and delays.<sup>56</sup> ■■■

<sup>52</sup> *Human Rights Watch World Report 2000.*

<sup>53</sup> *RFE/RL, 20 October 1999; "Sevodnia", 7 July 1999; Human Rights Without Frontiers, 3 August 1999.*

<sup>54</sup> *Amnesty International Concerns in Europe January-June 1999.*

<sup>55</sup> *NZZ, 29 November 1999; "Meridiani 44" No. 82, 16-19 July 1999 in; Georgian Press on Human Rights, compiled by CIPDD, 12-17 July 1999.*

<sup>56</sup> *CIPDD Daily English Language News Digest, 21 January 1999.*