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Report

Fact-Finding Mission to Georgia

21 – 27 October 2003

The Norwegian Helsinki Committee (NHC) The International Helsinki Federation for Human Rights (IHF)

The IHF has consultative status with the United Nations and the Council of Europe.

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1. Preface

A delegation from the Norwegian Helsinki Committee (NHC) and the International Helsinki Federation for Human Rights (IHF), consisting of Secretary General Bjørn Engesland, Anne Marit Austbø, Aage Borchgrevink (all from the NHC), and Vice-President Ulrich Fischer of the IHF, visited Georgia on a fact-finding mission from 21 to 27 October. In Georgia the delegation cooperated with the local human rights center CAUCASIA, headed by Mr. Ramaz Rekhviashili. The delegation is grateful for the generous assistance provided by the office of the United Nations' High Commissioner for Refugees and the Norwegian Refugee Council while in Georgia.

The aim of the delegation was to assess the situation for the Chechen refugees currently residing in Georgia (the Chechen refugees are primarily staying in the Pankisi Valley situated in the Kakhetia region in north-east Georgia), and to study the impact of the armed conflict in Chechnya on Georgia in broader terms. The mission was undertaken as part of the IHF's current initiative on Chechnya, and supported by the Norwegian Ministry of Foreign Affairs. It was a follow-up to earlier missions by the NHC and the IHF to the Northern Caucasus, notably to the republics Ingushetia and Chechnya in the Russian Federation.

In the period from 23 to 25 October the delegation visited the Pankisi Valley, while on Sunday 26 October, the delegation attempted to visit Tskhinvali, the capital of the so-called Republic of South-Ossetia, an area that has de facto seceded from the Republic Georgia. The delegation also met Chechen refugees residing in Tbilisi, and a number of representatives from Georgian media, domestic human rights monitors, political parties, International Organizations, foreign diplomatic missions, and international NGOs.

The fact-finding mission was undertaken during the run-up to the parliamentary elections of 2 November, at a time when there was considerable controversy relating to issues like flawed voters' lists and the violent break up of opposition rallies in Batumi and Bolnisi. Moreover, following public demonstrations and international condemnation of the parliamentary elections, President Eduard Shevardnadze was forced to resign on Sunday 23 November 2003. Shevardnadze had been president since 1995, and Georgia's de facto leader since 1992. New presidential elections were held on 4 January 2004, and the main opposition candidate Mikhail Saakashvili was elected as president with a resounding majority. These events, popularly known as the "rose revolution", signalled the ascendancy to power of a new political generation in Georgia. The political upheavals, and the strong international support for the new government, have given hope that there will be significant improvements in the human rights situation in Georgia. However, to assess this issue in a proper way is beyond the scope of this report, which deals with the situation of the Chechen refugees in Georgia.

2. The Chechen Refugees in Georgia

Background: 1999 -- 2002

With the onset of the “anti-terrorist” operation in Chechnya in the fall of 1999 by Russian federal forces, and the heavy fighting, destruction and carnage resulting from the federal intervention, tens of thousands of people fled their homes. Most of the people were displaced within Chechnya or ended up as IDPs in the neighboring republic of Ingushetia, but a few thousand sought refuge in Georgia. According to recent UNHCR figures, about 6000 refugees arrived during the first months of the conflict, i.e. before new year’s eve 2000. In the four years that have passed, some new refugees have arrived. Others have left Georgia, either for third countries or to return to Russia. At present the refugee population numbers about 4000 people, most of whom have now stayed in Pankisi for four years.

A 32-year-old woman from Grozny, a mother of four, told the following story of her family’s displacement:

When the Russians approached Grozny, they started bombing the city using artillery and aircraft. Our house was damaged and my husband suffered spinal injuries because he was hit by the shock waves from a heavy explosion. He is an invalid now. He went to Georgia, to Pankisi, in December 1999. I stayed in Chechnya until the spring of 2000, but then I followed with the children. I have relatives in Shatoy and we stayed there for a while. But the situation became worse and worse, and so we left. At the time there were roadblocks everywhere and no buses. There were 15 of us, women and children, and we went by foot in the direction of Chiri Yurt. The contract soldiers harassed us when we went through the checkpoints. We had a white flag with us so that the soldiers wouldn’t shoot, but as we approached Chiri Yurt village, we were attacked by a plane. There was a big explosion and three in our group were killed, two women and a child. After Chiri Yurt I went to Nazran, and then onward to Georgia to join my husband. I arrived here, in Pankisi, with the children in June 2000.

In 1999 the Georgian government granted prima facie refugee status on collective basis to the Chechens. They designated the area of Pankisi for settlement of the refugees, an area that has a local population, called Kists, who are of Chechen origin. Many of the refugees were themselves of Kist origin who had settled in Chechnya in Soviet times or under the relatively peaceful periods before the first Chechen war (1994-1996) and between the first war and the second. Thus the Ministry of Refugees and Accommodation and the UNHCR found that a number of the registered refugees were in effect Georgian citizens. This is part of the explanation that the numbers of registered refugees in Georgia dropped radically in the spring of 2001 when the refugees were re-registered.

Most of the refugees found shelter with the local population, while some were settled in collective centers, i.e. in public buildings no longer used as e.g., kindergartens and primary schools. The domestic population of the Pankisi numbers only about 6000. The influx of refugees doubled the actual population in the valley, causing strain on the local public services and the economies of the host families. In addition, the crime rate in the Pankisi was inordinately high, and for a number of years the humanitarian organizations assisting the refugees had difficulties operating in the valley. In an episode in the beginning of August 2000, staff from the ICRC was kidnapped in the Pankisi. They were released on 13 August 2000 after having been held hostage for 9 days.

In the judgement of local monitors, “lawless” Pankisi was used as a haven for stolen and contraband goods and kidnapped persons by Georgian criminal networks that cooperated with elements of the Georgian law enforcement. To protect the business, it was in the interest of all concerned parties, including corrupt elements of the law enforcement agencies, that Pankisi remained beyond the law.

Almost since the start of the second Chechen war, Russia complained that the Pankisi was hosting Chechen fighters, who used Georgia as a base for mounting attacks on Russian targets. The claim was a cause of considerable friction between Georgia and Russia, a relationship that has been strained since the break-up of the Soviet Union and the Russian involvement in the de facto secession of Abkhazia and South-Ossetia from Georgia.

An OSCE border monitoring mission was set up in early 2000 to monitor the border between Georgia and Chechnya. In December 2001 the mission was expanded to cover also the border towards the Republic of Ingushetia (west of Chechnya), and from January 2003 the mission has also monitored the border towards the Republic of Dagestan, east of Chechnya. The assessment of the mission is that cross border incursions by larger groups of armed persons have been relatively few, yet local monitors confirm widespread reports that the well-known Chechen commander Ruslan Gelayev had a base in the remote areas of Pankisi until the fall of 2002, when his group left for Chechnya.

The border monitoring mission has reported a number of overflights from Russian territory into Georgia, also in 2003. On 23 August 2002 unmarked fixed wing aircraft flying in from Russia bombed targets in the Pankisi area. Officially Russia denied responsibility, although the incursion came after Russia had threatened to take military action on Georgian territory against Chechen fighters hiding there.

In September 2002 Georgian security forces and Ministry of Interior personnel carried out a joint “anti-terrorist” operation in the Pankisi. The Georgian anti-terror measures have been backed by the United States, which claimed that Pankisi was a haven for terrorists and cited the presence there of al-Qaeda fighters. During the “anti-terror” operation local and international human rights monitors have reported a number of human rights violations committed by representatives of Georgian power structures, ranging from possible extrajudicial executions to disappearances, unlawful and incommunicado detentions, and extralegal extradition of persons to Russia and the United States¹.

The U.S. government has declined to comment on claims by Georgian officials that al-Qaeda suspects were handed over to U.S. custody, has failed to condemn human rights violations in the Georgian anti-terror operation, and has so far not provided any evidence of the alleged presence of international terrorists in Pankisi.

Recent Developments: Fall of 2003

Many of the Chechen refugees have stayed in Pankisi for four years. The situation in Chechnya has so far not improved. The armed conflict continues, the crime rate is extremely high and there is virtually

¹ See e.g. IHF's Annual Report for 2003 (available at www.ihf-hr.org) and the report *In the Name of Counter-Terrorism: Human Rights Abuses Worldwide* by Human Rights Watch (available at www.hrw.org).

no accountability even for abuses that constitute crimes against humanity. On the other hand, the refugees, especially the approximately 500 who live in collective centers, live in difficult conditions in overcrowded facilities that were never meant as premises for living, and certainly not for housing people for years on end.

Although basic needs are covered, the social situation is difficult and many of the refugees suffer from forms of post-traumatic stress. Based on the recognition that the status quo for the refugees is untenable in the long run, the UNHCR is currently working to resettle the refugees in third countries based on priority criteria, while negotiating with Georgia on the possible naturalisation of most of the other refugees.

In September 2003, prior to the Presidential elections in Chechnya, Russian officials headed by the Federal Minister for Chechnya, Stanislav Ilyasov, visited Georgia in order to persuade the refugees to return to Chechnya. While in Georgia, Ilyasov apparently signed a protocol with the Georgian Ministry of the Interior, under which Georgia undertook to encourage the return of the refugees to Chechnya. Although few refugees at the time accepted the invitation to return, citing the lack of security in the republic as the main obstacle, independent domestic monitors worry that the involvement of the Ministry of Interior (instead of the Ministry of Refugees and Accommodation or the Ministry of Justice) in the issue of refugee return could result in increased and undue pressure on the Chechen refugees in Georgia. According to international monitors, the distribution of aid to the refugees by Georgian authorities was delayed for some time following the visit of the Russian delegation.

Although the level of reported violations of the rights of the refugees have dropped since the anti-terrorist operation of the fall of 2002, an incident in October 2003 illustrates the continued concern for the safety of the refugees in Georgia. In the early morning of 11 October 2003, masked and armed personnel from Georgian law enforcement agencies raided houses in the villages of Omalo and Khalatsani in Pankisi. In Omalo the Georgian agents apprehended Adam Makalov and Vakha Bugiev. In Khalatsani, the agents detained Musa Islamov. The three men were all from Chechnya. Two of them had previously been registered as refugees by the UNHCR, but none of them had re-registered during the summer and fall of 2003. At the end of October 2003, the charges against them were not known. It was also uncertain were they were kept, making relatives and independent monitors suspect that they had been extradited to Russia without due process.

However, according to information later obtained by the UNHCR, who intervened in the case, it turned out that the three men were released after a reported 8 days. They had been kept in a detention facility in Telavi and had not been physically maltreated. When released, they were instructed to register as refugees, thereby legalizing their presence in Georgia.

The fact that the information obtained by the UNHCR, according to which the men were released around 20 October, contradicts statements by refugees and on-site international representatives that they were still missing from Pankisi a week after that, underlines the difficulties of obtaining reliable information in Georgia, but also the continued uncertain situation for the Chechen refugees.

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