

GEORGIA*

I. BACKGROUND (Dr. Anna Matveeva)

I.1. Historical and political background

In 1999, there were approximately 5.4 mio. people living in Georgia. The country has a significant number of ethnic minorities, and hosts three autonomous regions (South Ossetia, Abkhazia, Ajara) with different degrees of autonomy.

Political awakening started very early with the implementation of structural reforms under the label of 'Perestroika'. The nationalistic stance of Georgian opposition forces was further boosted by the events of April 1989 when Soviet troops attacked demonstrators in Tbilisi. As a result of the deep rift between the opposition and the Soviet regime the Communists were stunningly defeated by Zviad Gamsakhurdia's radical Round Table/Free Georgia bloc in the October 1990 elections. Georgia gained its independence soon thereafter, in April 1991, and one month later Gamsakhurdia was elected president with 87 percent of the vote. Soon, however, former supporters of newly-elected President Gamsakhurdia turned into opponents. In December of the same year Gamsakhurdia was dismissed in a violent coup by paramilitary forces, in particular by Jaba Ioseliani (Mkhedrioni militia) and Tengiz Kitovani (National Guard). The ousted president fled to Chechnya and died there under dubious circumstances. Most of his followers ('Zviadists') moved to Western Georgia and tried to keep up the armed struggle against the new regime, but eventually resistance was quelled with the help of Russian troops. Zviadists continued to be harassed in the early 1990s and did not have a fair chance in the 1995 elections.

In March 1992, militia leaders invited Eduard Shevardnadze, former foreign minister of the Soviet Union and former Communist leader of Georgia, to return to head the state, because they lacked experience in governing a country. Shevardnadze was supposed to serve as a mere figurehead, and consequently was not taken very seriously by paramilitary leaders. The 'old' new president's initial power base was indeed extremely weak and he was obliged to keep Ioseliani and Kitovani in prominent government positions and tolerate the overt criminality and lawlessness of their followers.

* The reports on the Caucasus country presentations are mainly based on the independent expert's assessment of the political and human rights situation in the respective countries; UNHCR's position is reflected in the *UNHCR Background Papers on Refugees and Asylum Seekers from Armenia, Azerbaijan and Georgia* of October 1999, which are attached in the Annex.

Remarkably enough, by 1996 Shevardnadze had managed to outmanoeuvre the warlords and to consolidate political and judicial control over the military, police, and paramilitary forces. An assassination attempt in August 1995 had enabled him to move even more quickly and decisively.

The parliamentary and presidential elections of 1995 were judged 'free and fair' by international observers, although some Gamsakhurdia supporters were discriminated against. Most recently, in October 1999, 'free and fair' parliamentary elections took place, with President Shevardnadze and his ruling Citizens' Union of Georgia (CUG) winning a decisive victory (50% of votes) over the All Georgia Revival Union headed by Aslan Abashidze, the leader of Ajara and a potential presidential contender.

Georgia's application to become member of the Council of Europe (CoE) was approved on 27 April 1999. The approval, however, was made contingent on improvements of political, minority and human rights conditions. In particular, the CoE required Georgia to ratify the European Conventions on human rights, torture and the protection of minorities. The conditions also include enacting of a legal framework for guaranteeing autonomy in the breakaway territories of Abkhazia and South Ossetia, and putting an end to all the fighting by para-military groups on the territory of Abkhazia. Moreover, Georgia, which abolished the death penalty in 1997, has agreed to implement further reforms of its judiciary, new provisions regarding pre-trial detention and better control of prison conditions, especially with regard to the widespread use of torture. After heated debates, the Georgian parliament adopted a new passport law which eliminates the 'nationality' category, thus de-emphasising ethnicity and highlighting the importance of national citizenship.

Most recently, presidential elections took place. On 9 April 2000, Eduard Shevardnadze was reelected president with a 80%-share of votes, seeming evidence of his strong popular support. After his victory the president announced his plans to reunite South Ossetia and Abkhazia and his determination to tackle the country's most serious problems - widespread poverty, corruption and daily power cuts. These problems, however, have persisted throughout the last years, when Shevardnadze had already been in office, without him being very successful in implementing fundamental structural reforms. Therefore analysts attributed Shevardnadze's strong showing in the polls mainly to one-sided news coverage by the state media and lack of alternative, credible candidates. Furthermore, the OSCE reported numerous electoral violations, including manipulation of ballots and presence of police officers at election sites, and stated that Georgia would still have to make substantial progress before being able to fulfill its obligations as an OSCE member state.

I.2. Political Structure

Parties in Georgia are mostly weak and small, and do not play a central role in the national political life. However, parties with strong parliamentary factions have a better chance to influence politics, given that the Georgian parliament is a more effective institution than those in Armenia and Azerbaijan. The most significant contenders on party level are the Citizens' Union of Georgia (CUG), the All Georgia Revival Party (AGRP) and the National Democratic Party (NDP). The most prominent individual contenders are President Shevardnaze and his opponent, Aslan Abashidze, who started out as leader of a local, Ajara-based party, but in the last elections could garner a support of 20% of votes from all over the country.

In the immediate period after gaining independence, leaders as well as rank-and-file members of the NDP, the at the time institutionally most developed party with branches all over the country, were harassed by the Gamsakhurdia regime. After 1992 there have been no further reports of harassment of NDP members and activists, and the NDP at present has the third-largest faction in parliament.

I.3. The Regions

South Ossetia

South Ossetia was formerly an autonomous region within the Union Republic of Georgia. When the Georgian government abolished South Ossetia as a distinct administrative entity in December 1990, fighting between Ossetian militias and Georgian militias, interior ministry troops and the National Guard erupted. Although the conflict was only a local one, due to its extreme brutality it cost the lives of an estimated 50.000 to 60.000 on both sides. The Ossetians eventually gained the upper hand, and in June 1992 a cease-fire was signed, to be supervised by a combined Ossetian, Georgian and Russian peacekeeping force under a Joint Control Commission. Although relations have gradually improved since then, the question of the region's definite political status remains unsolved and tensions are unlikely to disappear, as long as the most important highway to Russia runs through the republic, and South Ossetians see themselves as a separate nation living in an independent state.

Abkhazia

Abkhazia, which once, between 1921 and 1931, even had enjoyed the status of a Union Republic, was an autonomous republic within the borders of Georgia, when the National Guard under Tengiz Kitovani entered its territory in August 1992. The operation was accompanied by wanton violence, looting and atrocities against non-Georgian residents. In September 1993, Abkhaz forces re-established control over the territory that had initially been lost and won a decisive victory over all Georgian troops, and consequently almost the entire Georgian population fled the region. In May 1994 a cease-fire agreement was brokered, which included the deployment of a CIS peacekeeping force monitored by UN military observers. The cease-fire was violated only once, in May 1998, when fighting between Georgia militias and the Abkhaz armed forces broke out. As a consequence, about 30.000 Georgians who had returned to Abkhazia after the cease-fire agreement were forced to leave the republic a second time.

There are two groups of Georgians who currently reside on Abkhazian territory: those few who never left because of either mixed ethnic origin or because they were too old to leave, and those who returned after the cease-fire and after 1998. The area where they are concentrated is the fertile Gali region, which is located at the border between Abkhazia and Georgia proper and before 1992 was 90% Georgian-populated. Most of the residents used to live in rural communities, working the land. Compared to other regions where the ethnic composition of the population was more complex and more atrocities occurred the people who fled from Gali were not in sharp opposition to the Abkhaz administration. The Abkhaz authorities in general do not preclude Georgians who are registered in Gali from returning. However, the Abkhaz government does not want them to come back in large numbers out of fear that they might form their own government structures, thus playing in the hands of the Georgian government which might want to obtain formal jurisdiction over the region. Therefore the establishment of a Joint Security Commission to ensure the safety of returnees, as suggested by the Georgian government, was refuted by the Abkhaz authorities who argued that they had control over the territory and would protect returnees.

In reality, though, their situation is rather precarious, especially during harvest season, when peasants have to pay protection money first to the Abkhaz militias and proper armed forces, and then to the Georgian militias which regularly stage attacks in the Gali region. Counterattacks ensue and, if Abkhaz fighters are unable to get a hold of the Georgian militias they usually turn to target the population, abducting the men, burning houses and engaging in revenge killings. Returnees will nevertheless continue to go back to the region, often

leaving their wives, children and elders on the Georgian side, since the land they possess there is their only means of economic survival. The first wave of returnees after the ceasefire who were eager to get back to their farms and houses had been assisted by UNHCR. After 1998, when fighting had erupted again and ethnic Georgians had been displaced a second time, important lessons were learned from the tragedy. International organisations have repeatedly made clear that they are unable to guarantee security for returnees and that a political settlement of the conflict was of utmost importance. Despite the Council of Europe's efforts to urge the Georgian government to resolve the conflict the future of the region remains uncertain and the possibility of renewed fighting cannot be ruled out.

Ajara

Another significant ethnic group are the Georgian-speaking Ajara of the South West. They are Muslim by religion but do barely practise their faith. Most interestingly, since most other 'Georgian' ports to the Black Sea are in Abkhazia, the Ajara port of Bat'umi is of great strategic importance. In contrast to South Ossetia and Abkhazia, however, an armed conflict over the question of Ajara's political status never arose and so far there have only been legal disputes. The autonomous status of Ajara, which does not pay taxes and where the Georgian president does not have access to the day-to-day administration, is mainly due to its de-facto separation from Georgian political life. Although there is no open disaccord and although as long as Shevardnadze is in power the government will continue to use accommodative tones, the question of the region's definite status remains unresolved.

II. SPECIFIC GROUPS AT RISK (Dr. Anna Matveeva)

Ethnic Minorities

For one group, the Azeri minority which lives mainly in Marneuli and Bolnisi, so far no significant tensions have been reported. A second group, the largely ethnic Armenian residents (90%) of the Samstkhe-Javakheti (or Meskhet-Javakheti) region, claim, however, that they are generally excluded from wider Georgian life, i.e. they cannot marry ethnic Georgians or get professional jobs. Still, although the province, which borders Armenia and Turkey in the South, does not have official autonomy it is de facto self-governing and the federal government in Tbilisi limits its efforts to project power to the community level.

In addition, there is the more complicated situation of Meskhetian Turks in Georgia and the CIS. Since no one agrees on the nationality and territory they belong to or what legal status they should have, their situation is indeed precarious. After suffering first from massive deportations in 1944 under Stalin and later, in 1989, from pogroms in their new 'home' republics of Tajikistan and Uzbekistan, they were sent to different parts of the then still existing Soviet Union. Azerbaijan and Ukraine, in addition to granting them asylum, offered them the opportunity to become citizens. The real tragedy is the situation of Meskhetian Turks in Southern Russia. Many of them have for ten years not been able to get registered and obtain a residence permit, and consequently do not have any definite legal status or access to schools, hospitals or jobs. According to the Russian law on citizenship they should have been recognised as citizens since they arrived in Russia in 1989. The redundant argument of authorities for their refusal to grant them citizenship is that because they are not registered and therefore not permanent residents, one of the preconditions for acquiring citizenship status.

When acceding to the Council of Europe, Georgia agreed to permit the return of Meskhetian Turks to Georgia. Nevertheless, the government claims that most Meskhetian Turks do not want to go back to Georgia. Moreover, despite the Georgian government's commitment and legislative initiatives to resolve the issue, according to UNHCR Georgia's legal framework is not ready for their return. This leads to the absurd situation that many Meskhetian Turks who came to Georgia during the last years were repelled while others live on Georgian territory without any legal status. One official argument is that people who used to be Georgian nationals cannot be refugees. A second argument is related to the citizenship law adopted in 1993, which requires proof of language skills, a certain income and time of residence. Not unlike the situation in Russia, it is next to impossible for persons without registration to obtain a residence permit or to get a job and therefore fulfil the eligibility criteria for citizenship. According to other observers, however, the main problem is not so much the legal framework but rather the resentment of the local authorities and the population which prevents large-scale repatriation of Meskhetian Turks. Furthermore, since the Meskhetian Turks' place of origin is the region of Meskhetia, with its predominantly ethnic Armenian population, some are worried that the return of Meskhetian Turks in large numbers might still trigger a new ethnic conflict on Georgian territory.

With regard to refugee status determination persecution of Meskhetian Turks in the Ukraine and Azerbaijan can be ruled out. In Southern Russia and Georgia, the situation is much more complex. Certainly, there is no sufficient protection whatsoever of Meskhetian Turks and they are persistently denied basic human rights. Since they have repeatedly been used by various

states to play one group against the other, most of them do not have a definite legal status and do not possess official documents or papers. It has to be added that especially in the Russian Krasnodar district, with its large Cossack population, anti-Meskhetian sentiment is very strong.

Nevertheless, even if discrimination and harassment of Meskhetian Turks occur their biggest problem is not so much social or official persecution. Rather they suffer from the 'systematic' neglect and failure of Russian and Georgian authorities to grant them basic human rights as well as from the weaknesses of the Georgian citizenship and refugee laws. According to UNHCR, since many Meskhetian Turks unable to register and legally reside in those two countries, they cannot by any means lead an ordinary life. In essence, they have not found sufficient protection in Russia and Georgia.

Political activists

In the early 1990s, first under Gamsakhurdia and later under the militia-led government, there had been cases of people being arrested for political reasons. After Gamsakhurdia had been ousted, his followers were harassed and faced obstacles to participating in the 1995 parliamentary elections. Today, members of the Gamsakhurdia family act openly as focal points for Zviadists and have only very recently organised political rallies in Tbilisi without mention of harassment of any kind. In addition, there have been several presidential amnesties and even militia leader Kitovani has been released. The last amnesty was enacted on 20 April 2000, when 279 mostly Zviadist opposition politicians, including some who had been held accountable for the 1995 assassination attempt on Shevardnadze, were released. Today, political activism is no longer a relevant factor for persecution in Georgia and those former activists still in prison had typically also been involved in criminal activities.