

42

7/399

Georgien (87)

HUMAN RIGHTS VIOLATIONS IN GEORGIA

Report by the

International Helsinki Federation for Human Rights

(IHF)

and

CAUCASIA

The Caucasian Research and Information Centre
for Human Rights and Conflict Studies

January 1998

The International Helsinki Federation for Human Rights (IHF) is a non-governmental organization which monitors compliance with the human rights provisions of the Helsinki Final Act and its follow-up documents. In addition to supporting and providing liaison among 31 Helsinki committees, the IHF has direct links with human rights activists where no Helsinki committees exist. It criticizes human rights abuses regardless of the political system or the state where these abuses occur.

CAUCASIA - The Caucasian Research and Information Centre for Human Rights and Conflict Studies is a politically independent non-governmental organization, which monitors Caucasian governments' compliance with the international human rights instruments those governments have ratified as well as with their commitments as OSCE participating States. CAUCASIA informs international organizations about human rights abuses and promotes awareness about human rights among Caucasian populations.

CAUCĀSIA
PO Box 228
380008 Tbilisi 8

Georgia
Tel/Fax: +(995) 32-29 34 88
E-mail: terra@caucasia.pvt.ge

International Helsinki Federation for Human Rights
Rummelhardtgasse 2/18
1090 Vienna
Austria
Tel: +43-1-402 73 87
Fax: +43-1-408 74 44
E-mail: office@ihf-hr.org

Bank account: Creditanstalt-Bankverein 0221-00283/00

© 1997 by the International Helsinki Federation for Human Rights.
All Rights reserved.

HUMAN RIGHTS VIOLATIONS IN GEORGIA

In the last two years, pending Georgia's application for full membership in the Council of Europe, the Georgian government has taken formal - principally legislative - measures to improve its bad human rights record. However, an evident lack of accountability raised doubts about the integrity of the government's new approach to human rights violations. It failed to properly and independently investigate human rights abuses, both past and present, and to bring those responsible to justice.

Between November 1996 and March 1997, Georgia was on the agenda of two UN committees to report on its compliance with international human rights instruments it had ratified. Despite some concessions on the part of Georgia, e.g., admitting to the use of torture, the government failed to take any steps to improve the situation and to fulfill the committees' recommendations.

On 24 May, President Shevardnadze stated to parliament that he was willing to address the problem of holding political prisoners, and to consider starting negotiations with opposition parties which were not represented in the parliament. However, no practical steps to this end were taken during 1997, although such negotiations would be of the utmost importance to improving the political climate in Georgia which has encouraged human rights violations.

The most pressing abuses continued to be ill-treatment and torture of detainees and prisoners; extremely poor prison conditions; and serious violations of due process standards. The organized return of ethnic Georgian refugees to the secessionist republic of Abkhazia remained impossible. On the positive side, at the initiative of President Shevardnadze, Georgian parliament abolished the death penalty.

Basic human rights were violated throughout Georgia. Five years after the Shevardnadze administration took office, no legislation had been created for the local government system and thus no local elections had taken place. Provincial governors were nominated by the president and they reported directly to him. A new, much criticized bill providing for a centralized system, which would allow provinces little power to make their own decisions, was pending in parliament as of the end of 1997.

This situation resulted in a complete lack of control-over the operation of local authorities. Consequently, individuals living in rural areas suffered most. Whereas human rights activities and media coverage could provide some protection in the capital Tbilisi, individuals in the provinces remained largely outside such protection.

On 26-27 March, the UN Human Rights Committee for the first time reviewed Georgia's compliance with the International Covenant on Civil and Political Rights. The delegation of the Georgian government often sidestepped the serious human rights problems under discussion and offered blatantly untrue information to the UN experts.¹ The UN Committee, however, strongly criticized the failure of Georgia to abide by its human rights commitments and the fact that no steps had been taken to investigate abuses. It emphasized, among other things, the continuing use of torture, disastrous prison conditions, and the failure to respect internationally-recognized due process standards.

On 29 October, the Georgian parliament elected David Salaridze as human rights ombudsman. This independent office is provided by the 1995 constitution, but had not been filled until that date. The ombudsman is responsible for supervising the observance of human rights in Georgia, reporting on their violations and helping restore rights to those deprived of them. David Salaridze was nominated by President Shevardnadze and the ruling Citizen's Union. However, Salaridze's background raised serious doubts about his suitability for this office. Salaridze remained in his office as the commander of the police, and he was formerly an official of the Ministry of Interior and *prokuratura* (the prosecutor's office), all of which institutions were known not to have shown much respect for the rights of individuals. Most recently, he had been responsible for the taxation department which had also acquired a questionable reputation. As the sole candidate for ombudsman, his nomination triggered criticism throughout Georgia, including parliamentarians and even some members of the ruling party.

At the end of 1997, President Shevardnadze declared an amnesty for over 2,000 prisoners. However, not one of the more than 70 political prisoners recorded by local human rights NGOs profited from the amnesty.

Freedom of Expression

¹ See "Georgian Delegation Dissembles Before UN Human Rights Committee," Human Rights Watch / Helsinki, 9 April 1997.

Political opponents in Georgia were denied any chance to be heard. Since 1992, real or presumed supporters of the government of former President Zviad Gamsakhurdia have been subjected to harassment and imprisonment. In addition to long prison terms of over ten years, critics of the Shevardnadze administration have been arrested in large numbers and held in detention for periods ranging from two days to two weeks before being released without charge. This practice continued in 1997.

- On 24 September, Leila Tsomaia, an opposition party activist, was arrested as she attempted to meet students to brief them about political issues. She was charged under article 206(3) of the Criminal Code with organizing or participating in activities which endanger public order and for resisting the police upon her arrest (article 207(3)). The charges carry a prison sentence of up to five years. Tamila Nikolaishvili, who went to the police station where Tsomaia was being held to inquire about her situation, was arrested and charged with the same articles. The two women refused to participate in their trial which opened on 18 November, on the grounds that they had not been allowed to choose their own defense lawyers. They were beaten in the court building and brought to the court room by force. The court hearing was interrupted after Tsomaia and Nikolaishvili told the court the reasons for their refusal to attend the hearing. During the break the women were beaten again and forced back to the court room. Both received a prison sentence but were released in the amnesty after their case received wide publicity.

In January, the IHF and CAUCASIA released a report on the human rights situation in Georgia giving details of the cases of 69 political prisoners.² Six political prisoners were released in the course of 1997 after having completed their prison terms, two of whom died soon thereafter, while courts of law sentenced eleven further individuals on criminal charges, but on political grounds, to serve prison sentences.

Peaceful Assembly

There were dozens of legally registered political parties in Georgia, three of which were represented in the parliament. However, the failure of the strongest party, the Citizen's Union, and President Eduard Shevardnadze to enter into negotiations with political opponents who were not represented in the parliament contributed to the stagnation of the political climate.

² *Human Rights Violations in Georgia*, IHF and CAUCASIA - the Research and Information Centre for Human Rights and Conflict Studies, February 1997.

Peaceful public assemblies of the extra-parliamentary political opposition were as a rule dispersed and demonstrators arrested.

- On 26 May - the National Day marking Georgia's independence in 1918 - opposition gatherings were again forbidden while government supporters were allowed to celebrate independence. The participants of an opposition event were brutally beaten by the police and sixteen people were arrested. The incident gained much publicity as many journalists were among those beaten and the incident was covered by television.

- On 13 October, Klara Shukvani, a Georgian refugee from Abkhazia was arrested for carrying a sign charging President Shevardnadze with deceiving Georgian interests in the negotiations between him and his Abkhazian counterpart Vladislav Ardzinba. She was charged with hooliganism (article 228 of the penal code) and sentenced to serve a two-year prison term. However, following widespread publicity, the sentence was suspended.

Torture and Ill-Treatment

Torture or ill-treatment of detainees continued to constitute serious human rights violations in Georgia in 1997. Nearly all detainees, including those detained on political grounds, were subjected to torture as a routine method of extracting "confessions" or other information. The denial of access to a defense lawyer contributed to such abuses. The forms of torture included hanging upside down, scalding with hot water, and systematic beating resulting in fractured bones and broken teeth. Some were subjected to electric shock treatment. Threats that family members would be tortured or murdered were also used against defendants.

In November 1996, the UN Committee against Torture examined the Georgian government's initial report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The IHF and CAUCASIA submitted a report to the UN committee detailing several individual cases. The Georgian government admitted to torture but blamed both persisting Soviet structures and minor officials for the continuation of this practice. As of the end of 1997, the government had done nothing to fulfill the UN committee's recommendations. It had not provided the UN committee with information on the cases referred to during the Committee's investigation cited by NGOs. Some officials had faced trial and were sentenced to prison terms for using torture but no one had actually been sent to prison to serve his term. Moreover, no judicial reviews took place even where prisoners said they had "confessed" under duress.

Prison Conditions

Conditions in Georgian prisons and detention facilities have deteriorated along with the economic situation, and could be described as severely abusive, amounting to ill-treatment. 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 facilitated the spread of contagious diseases, particularly tuberculosis. As there was no adequate medical care, reports were received of several prisoners dying of tuberculosis.

- In January, A. Labadze, a prisoner sentenced to death, died of tuberculosis in prison.
- David Loladze, sentenced to ten years in prison in 1993 for supporting the former president Gamsakhurdia (case no. 7792809) - although, officially, imprisoned on criminal charges - died in prison in early 1997 as a result of torture and tuberculosis.
- Nemo Chanturia, David Kacharava (both case no. 13), Karlo Djichonaia and Badri Zaramdia (both case no. 5394853), Tamaz (Bidzina) Gorelishvili (case no. 7792809), Khvicha Jokhadze (case no. 7792809), and David Mchedlishvili (case no. 341), Zurab Vasharnadze (held in the Rustavi labor camp) suffered from tuberculosis. As of this writing, most of them were in serious condition, also suffering from other serious health problems resulting from torture. For example, Djichonaia was paralyzed in both legs; Gorelishvili urgently needed psychiatric care because of mental disorders caused by torture; Vasharnadze was blind in one eye and suffered from continuing high fever, and Zaramdia had had one leg amputated several times because of spreading infections in the operation wound. All urgently needed adequate medical care available outside the prison but were denied it. Despite their poor health, none were released in amnesty nor did any have their cases reviewed.

Food supplies in prisons were also insufficient and of bad quality. Therefore, prisoners were dependent on the food and medicine brought to them by relatives or friends.

Disciplinary measures were frequently imposed on prisoners whose behavior did not conform to prison administrations' wishes. Collective punishments were inflicted on all prisoners for the "misbehavior" of one.

Rule of Law

The judicial system in Georgia violated the basic international standards ensuring a fair trial and the respect of detainees' rights. Arrests were often carried out without a warrant, detainees

did not have access to legal counsel although this was guaranteed by law; they were routinely ill-treated or tortured during interrogation; and many spent more than the legal maximum of ten days in pre-trial detention before charges against them were raised.

New laws were being drafted in order to improve legislation. For example, a new Penal Code and a law on the independence of the judiciary were adopted, but these were not applied.

The independence of the judiciary was undermined by the government through its direct interference in the work of the judges. Moreover, judges themselves practiced self-censorship in order to avoid losing their positions.

In a flagrant violation of international standards, most political cases were dealt with by the Supreme Court of Georgia acting as a court of first instance. Thus the defendants had no right to appeal the passed sentence to a court of higher jurisdiction. This also made it impossible to challenge a failure by the court to respect fair trial standards, including the obligation to exclude testimony extracted under duress.

Defense lawyers were often denied access both to their clients and to documents essential to preparing their cases. The court often rejected defense lawyers' motions, claiming that the lawyers were deliberately seeking to prolong a court hearing.

- On 5 May, Koba Dzidziguri, Vazha Tsereteli, Giorgi Korbesashvili and Zaza Danelia (case no. 1095211) were sentenced to 10-12 years in prison for an attempt to blow up the Vakhusti bridge. The charges were believed to be fabricated. They were forced to "confess" their planned "plot" on television - bearing marks of physical and psychological pressure - and were publicly declared terrorists, also by President Shevardnadze, before the investigation began. Afterwards Giorgi Korbesashvili attempted suicide. The detainees had no access to lawyers.

- The judicial proceedings against suspected perpetrators responsible for the explosion at the parliament on 29 August 1995, allegedly aimed at taking President Shevardnadze's life, have revealed serious failings in the Georgian judicial system. In the summer of 1997, seven opposition activists,³ were sentenced to 7-10 years' imprisonment on charges of high treason, participation in conspiracy, attempting to prepare a terrorist act against the head of state (article 67 of the Criminal Code), and formation of an anti-state armed group (article

³ Zaza Dvali, Tamaz Elashvili, Givi Gelashvili, David Mchedlishvili, Gela Nanaidze, Giorgi Onishvili and Shota Ratiiani (case no. 341).

73). Then, in November, Djaba Ioseliani, former Mkhedrioni paramilitary leader, faced charges of masterminding the same crime.⁴ Despite this development, the seven opposition activists imprisoned earlier remained in prison.

The Death Penalty

Following the December 1996 decision of President Shevardnadze to place a moratorium on executions, the Georgian parliament on 24 July adopted amendments to the Criminal Code abolishing the death penalty for several offenses. As of that date, 54 individuals were on death row and their sentences were commuted to 20 years in prison.

Abkhazia

On 15 August, President Eduard Shevardnadze and Vladislav Ardzinba, president of the secessionist republic of Abkhazia, signed an agreement abjuring the threat of violence and pledging to seek a solution to the conflict still lingering five years after the 13-month open war between Georgia and Abkhazia.

Still, relations between Georgia and Abkhazia remained frozen. Negotiations continued throughout 1997, but failed to come to an agreement about the future political status of Abkhazia; the secessionist Abkhazian government continued to negotiate for granting full sovereignty whereas the Georgian government was willing to discuss the issue only after Georgian refugees were allowed to return to their former homes.

After the war broke out in August 1992, some 250,000 ethnic Georgians had to flee the region to other parts of Georgia where they lived without employment and under difficult conditions. Both UN attempts and the presence of CIS peacekeeping forces (consisting only of Russian troops) failed to protect returning individuals and to create a climate of security. Of the few Georgians who had decided to return spontaneously without international protection, many were subjected to violence and harassment and even killed by Abkhaz militaries, paramilitaries and other "unknown individuals." The situation remained particularly bad in the Gali district, close to the secession border. The Abkhazian government blocked any plans for the organized, large-scale return of displaced persons.

The UN-sponsored talks in Geneva in November established a Coordinating Council on resolving the Abkhaz conflict. It held its first meeting in Sukhumi on 18 December.⁵

⁴ RFE/RL Newsline, Vol. 1, No. 181, Part 1, 17 December 1997.

HUMAN RIGHTS VIOLATIONS IN GEORGIA

Report by the

International Helsinki Federation for Human Rights (IHF)

and

CAUCASIA

The Caucasian Research and Information Centre for Human Rights and Conflict Studies

February 1997

Introduction

In 1996, Georgia submitted its application for membership in the Council of Europe and enjoyed Special Guest Status in the Council of Europe's Parliamentary Assembly. Formally, Georgia offers legal guarantees for the implementation of international human rights standards. The 1995 Constitution, for example, prohibits the use of torture (Article 18.4). However, Article 46, dealing with the rights of the president, provides that in a state of emergency or war the president has the right to suspend this and other legal provisions guaranteeing basic rights.

Despite these guarantees, the administration of President Eduard Shevardnadze continued in 1996 to deliberately violate most internationally recognized basic human rights. Some 80 members or supporters of the government of former President Zviad Gamsakhurdia, whom Shevardnadze ousted in a coup in January 1992, are serving long prison terms while four have been sentenced to death. These people have been found guilty of high treason and various unsubstantiated criminal charges after court processes which have blatantly ignored all international standards for ensuring a fair trial.

Between 1992 and 1995, the government categorically denied any responsibility for human rights abuses. It blamed increasing criminality and general lawlessness for abuses such as assassinations and ill-treatment. In 1996 - with criminality subsiding somewhat - the government started to apply a new strategy. It generously acknowledged that human rights abuses, including torture of detainees, occur, and was suddenly willing to discuss the issue with foreign human rights organizations. Yet this readiness to discuss abusive practices has brought no changes. The problems have been rationalized by citing old Soviet structures and mentality which cannot be changed immediately, and the impossibility of undertaking costly reforms in the current difficult economic situation. Nonetheless, the government has failed to take measures which do not require extensive funds and which could indeed be introduced without delay. One of these is to stop using "confessions" extracted under torture in trial proceedings, often as the only evidence, against political opponents.

An evident lack of accountability also raises doubts about the integrity of the government's new approach to human rights violations. It has failed to properly and independently investigate human rights abuses, both past and present, and to bring those responsible to justice. For example, no-one has been charged with the shooting of nearly 200 peaceful demonstrators in the period following the 1992 coup. Although the government has now admitted that violations have taken place, and, for example, the names of many alleged torturers are known, to the IHF's knowledge no-one has been prosecuted and sentenced for human rights abuses. Both this and the continuing persecution of political opponents have not only resulted in mistrust towards the government but also in the polarization of the general climate in the country. They have

created a vacuum in which no genuine political debate is possible. This threatens the stability of the country which, again, affects the lives of all people living in Georgia.

It is beyond the competence of our two organizations to evaluate the guilt or innocence of any of the defendants whose cases we take up, and we take no position on this issue. Our only interest is to ensure that the legal standards by which the defendants are tried confirm with international standards of due process. We also oppose the death penalty in all cases as a cruel and inhuman punishment.

Freedom of Expression and Political Opposition

Following the 1992 coup, political opponents have been subjected to harassment, arrest, ill-treatment and assassination. Some one million people have left the country claiming asylum in the West or in Russia, both for political and economic reasons. As of December 1996, local human rights observers had documented 80 cases of political prisoners or individuals being held in detention pending trial or already sentenced (including four death sentences). They emphasized that these represented only a portion of the estimated total number of cases.¹

~~The fact that all of the following cases have been marked with gross violations of due process~~
~~figures the moment of arrest, including torture to extract confessions, and that all defendants have~~
~~repudiated their confessions in court and denied the charges, give us reason to believe that they~~
~~have been detained solely on political grounds to silence the opposition of President~~
~~Shevardnadze.~~

In addition to receiving long prison sentences, large numbers of the regime's critics have been ~~arrested and held in detention for periods ranging from two days to two weeks before being~~
~~released without being charged.~~ This practice is apparently used to try to intimidate political opponents.

In 1995 and 1996, long prison sentences were handed down to suspected and actual supporters of former President Gamsakhurdia on the basis of unsubstantiated criminal charges. Charges included illegal possession of weapons or explosives (Article 238 of the Criminal Code), assassination or attempted murder (Article 104), terrorism (Article 67), sabotage (Article 69), banditry (Article 78), and formation of armed groups of bandits or conspiracy to sabotage (Article 79). Many high officials of the Gamsakhurdia administration faced charges of high treason (Article 65). The sentences ranged from five to fifteen years; most were longer than ten years. Two death sentences were passed in 1995 and two in 1996 (as of early December 1996).

The series of trials aimed at political opponents and based on unsubstantiated criminal charges started with "Case 7792809," involving fifteen² supporters of Gamsakhurdia.³ Most of them were sentenced in November 1993 to prison terms of more than ten years and remained imprisoned throughout 1996. They were arrested in the town of Kvareli at a gathering of Gamsakhurdia's supporters to protest against activities of the paramilitary group Mkhedrioni ("Horsemen"). They were charged with banditry, terrorism, forming an armed group and sabotage. All of them were tortured during the interrogation period. A sixteenth detainee, Vakhnag Gokhsadze, died in his cell at the Kvareli police station as a result of torture, though officially of a heart attack. No charges were raised for his death.

At the end of 1996, the situation of six of the imprisoned men was particularly serious. Khvicha Jokhadze was suffering from bilateral tuberculosis, Tamaz Gorchishvili from mental

¹ See the list of political prisoners, Appendix A.

² Levan Darabashvili, Leri Donadze, Gela Gachechiladze, Tamaz Gorchishvili, Mumin Isacharadze, David (Khvicha) Jokhadze, Gela Khachatur, Erzur Kobadze, David Loladze, Boris Mchedlishvili, Lado Okropidze, Gela Sabuhbaniashvili, Godevizi Samashvili, David Telashvili and Gela Tognadze.

³ For further cases, see below.

disorders resulting from torture, and David Loladze from consequences of brutal torture. In February 1997, Loladze's doctors believed he had only a few days to live. Gela Gachechiladze, Leri Donadze and Emzar Kobaidze were being held in particularly harsh prison conditions. After the death of Vakhtang Gokasidze, his co-detainees were brought to his blood-smear cell and were threatened with the same fate unless they were ready to confess.

- In connection with this case, Mikael (Nukri) Ioramashvili was detained on 12 September 1996. He is suspected of having brought food to the fifteen individuals arrested in 1992. On 17 September, he was moved to the Tbilisi isolation facility for interrogations where he remained as of late November 1996, awaiting trial.
- "Case No. 13". During a conflict in western Georgia in the summer of 1992 the Vice Prime Minister Alexander Kavtsadze was briefly taken hostage. Four political opponents, Nemo Chanturia, Zurab Tsirgava, David Kacharava and Jemal Akhmatia were arrested. They denied any involvement in the kidnapping. All four men were severely tortured during the interrogation. As a result, Tsirgava suffers from mental disorders and is since hospitalized in a psychiatric institution in Poti. Other three were sentenced in October to 15 years in prison each. Because of harsh prison condition, their physical condition is critical. Kacharava suffers from bilateral tuberculosis and Chanturia of serious form of diabetes.
- A new wave of arrests started in the fall of 1993 after an unsuccessful attempt to restore the authority of the government ousted in the January 1992 coup d'état.
- "Case (83)238". Goderdzi Jolishvili, Guram Sulava, Joseph Kuprava, Malkhaz Gvinashvili and Omar Gugunishvili remained in prison throughout 1996. Gugunishvili died of tuberculosis in January 1997. They were accused of exploding power lines in June and July 1993 and charged with diversion aimed at weakening state power, and the possession and use of weapons and explosives. All were sentenced to prison terms of thirteen to fifteen years. All were brutally tortured.
- In January 1994, Zaur Kobalia (chairman of the parliamentary human rights commissions) and Valter Shurgalia, both leaders of the Civil Disobedience Movement after the 1992 coup, were arrested. In the spring of 1995, Kobalia was sentenced to 13 years and Shurgalia to 14 years in prison.
- Also in the spring of 1995, Igor Tolordava and Gocha Olkhozoria, officers of the army loyal to the ousted government, were arrested. They were sentenced to 10 and 14 years in prison, respectively.
- "Case 2-142". Bidzina Gujabidze, former governor of the town of Lanchkhuti, was arrested on 25 January 1994. He was charged with forming an armed group of bandits. His court hearing began on 23 January 1996 at the Supreme Court, but was later transferred to a court in Lanchkhuti. Gujabidze was found guilty and sentenced to ten years' imprisonment. He is serving his term in Rustavi labor camp under a strict regime. Mirian Khintibidze was arrested in January 1994. His case was investigated in conjunction with the case of Bidzina Gujabidze. Khintibidze was sentenced to thirteen years' imprisonment and is also serving his term in Rustavi labor camp under a strict regime.

- In December 1995, Elguja Meskhia, an exiled Gamsakhurdia supporter and the former deputy prefect of the Tsalkenikha region, was arrested in Russia at the request of the Georgian authorities. He was accused of high treason and banditry. Despite strong protests by Russian human rights organizations and the Human Rights Commission led by Sergei Kovalev, Meskhia was extradited to Georgia on 22 March 1996. As a result of international pressure, particularly from Russia, he was released. But his case is still under investigation and he is expected eventually to face trial.

Freedom of the Media

Georgian national television is strictly controlled by the government and operates under censorship. The few independent local television and radio stations are allowed to operate relatively freely but practice self-censorship to retain their licenses. Their broadcasts consist chiefly of entertainment, i.e. music and films. The independent television station Sakartvelos Khma was banned in January 1995 after it featured the forced dispersal of a political rally in Tbilisi on its nightly program. Its license was reinstated in 1996. The television station Rustavi-2 was closed on 12 July 1996 after transmitting relatively objective and accurate information on the court hearings of Zviad Dzidziguri, Nugaz Molodtsov, Vaktang Kobalia and Jambul Bokuchava.* Rustavi-2 was closed at the request of the ruling party's (Citizens Union) youth organization.

The press is allowed to work freely presumably because it has little influence on public opinion. Few people can afford to buy newspapers, and the average circulation of the largest newspapers is about 3,000. Several independent and opposition newspapers were shut down in previous years, but none in 1996. The independent press suffers several indirect forms of pressure. Independent newspapers have difficulties finding printers as the major publishing houses are state-owned and print only papers loyal to the government. Smaller publishing houses refuse to print independent and opposition newspapers on a regular basis, fearing adverse consequences. High taxes and shortages of paper add to the problems of the independent press, as does state control of organized distribution networks, which only distribute publications loyal to the government. Most independent or opposition papers can only be distributed in the capital, Tbilisi.

Freedom of Association and Peaceful Assembly

There are about 100 officially registered political parties in Georgia, the ruling one being the Citizen's Union of President Eduard Shevardnadze. About 50 additional parties are not registered because of the stagnant political climate and no opportunity to open dialogue with the regime.

Following the 1992 coup, nearly 200 people were killed taking part in peaceful public protest meetings. In 1996, no opponents were shot at, but all public opposition meetings were dispersed forcefully by the police.

- On 26 May 1996 - the National Day marking Georgia's independence in 1918 - several people were reportedly arrested in the center of Tbilisi. Opposition gatherings were forbidden while government supporters were allowed to celebrate independence.
- On 27 September - marking the day when separatist Abkhazian forces took over Sukhumi in 1993 - ethnic Georgian internally displaced persons (IDPs) from Abkhazia demonstrated in Tbilisi for better living conditions and the withdrawal of Russian peacekeepers from

* See the section on the Independence of the Judiciary, below.

Abkhazia. The rally was dispersed by the OMON forces of the Ministry of Interior and many people, including old women, were beaten.

- On 16 October, some 100-150 people, including representatives of foreign embassies and the OSCE mission and reporters, waited in front of the court building to attend the last court session during the trial of Zviad Dzidziguri, Nugzar Molodtashvili, Vakhtang Kobalia and Janbul Bokuchava before the declaration of the sentence. They were not allowed to enter the court building and police dispersed the gathering, arrested many and briefly detaining them. On 19 November, as the sentence was handed down, people were again denied entry to the court building. The surrounding streets were blocked by OMON forces. Those who attempted to approach the court building were stopped forcefully and some of them beaten.

- Also on 16 October, the political opposition wanted to organize a demonstration in front of the Russian embassy to protest the presence of Russian troops in Chechnya. The authorities forbade the gathering and OMON troops dispersed the gathering, beating some participants.

Independence of the Judiciary and Fair Trial

As a rule, trials in Georgia - both political and criminal - almost never fulfill international standards for ensuring a fair trial. The government interferes directly in the operation of the judiciary, and judges themselves practice self-censorship in order to retain their jobs. International standards regarding arrest, interrogation and detention are ignored. Arrests without a warrant are commonplace and detainees do not have access to legal counsel although this is guaranteed by law. Nearly all detainees are ill-treated or tortured during interrogation.

In most political cases the sentences have been passed by the Supreme Court of Georgia acting as a court of first instance, with the official verdicts said to record that the sentence is final and not subject to appeal. Violation of the right to appeal to a court of higher jurisdiction also removes the possibility to challenge the court's dismissal of fair trial concerns, including the failure to exclude testimony extracted under duress.

Under Georgian law, a suspect can be held in preliminary detention for three days without a warrant. Within ten days the defendant must be charged and then transferred to the isolation facilities of the Ministry of Interior to await trial. In practice, most people are held for much longer than ten days, many even for months, without being charged. Those found guilty by the court serve their sentences either in labor camps or in closed prisons under a strict regime. However, a person sentenced by a court of law to serve in a labor camp may be sent to complete his term in prison. Many of those sentenced have their property confiscated, a legacy of the Soviet era.

The April 1995 amendments to the Criminal Code substantially restricted the rights of lawyers to defend their clients. One amendment limits a defense lawyer's access to important documents. Thus, in the case of a crime suspected of being committed by a group of individuals, the investigator would be allowed to provide the lawyer only with the interrogation protocols of his defendant without informing him about the testimonies given by other group members. According to another amendment, "the lawyer does not have the right to artificially prolong a hearing." As a result, judges have rejected lawyers' motions, claiming that they were deliberately seeking to prolong a court hearing.

- "Case 5394853". On 17 June 1996, a politically-motivated judgment was rendered in a trial which violated the minimum standards of due process. Six members of the National Guard loyal to the Parliament in exile were sentenced to long prison terms, and one of them to death. All had been charged with murder, banditry and high treason. The investigations and court hearings were marred by irregularities: witnesses who could have confirmed defendants' alibis were not questioned; the case was based on "confessions," which the defendants said had been extracted under torture; and virtually no evidence was presented to substantiate the charges. Gugen Maiana,

Gabriel Bendeliani and Karlo Jichonaia were sentenced to prison terms of between thirteen and fifteen years although the court found no proof for the majority of the charges (banditry and murder), on which counts the cases were returned for further investigation. The cases of Zviad Sherozia and Murtaç Gulua were returned for reinvestigation on all counts. Badri Zaramdia was sentenced to death.¹ This was the first death penalty handed down solely on grounds of high treason, and local monitors fear that it might serve as a precedent for future cases. All defendants reported that they had been tortured.

"Case 7493810": The trial proceedings of this well-documented case involving nineteen supporters² of former President Gamsakhurdia, who were arrested in 1992 for crimes including murder, terrorism, and plotting to overthrow the interim government, came to an end in March 1995.³ In early 1996, after reviewing their case, the chairman of the Supreme Court stated that their trial had included a number of minor irregularities, but that these had had no noticeable effect on the verdict. In March 1996, the chairman of the parliamentary human rights subcommittee raised these cases at a session of Parliament, proposing that they be reviewed. The cases of Irakli Dokvradze and Peter Gelbakhiani are due to be considered by the Pardoning Commission of the Parliament, although as of early December 1996, their cases had not yet been considered. However, many prisoners do not want to officially request a pardon as, in their opinion, this would imply an admission of guilt. All prisoners charged that they had been tortured.⁴

"Case 1095211": In February 1996, Zviad Dzidziguri, who was charged with an attempt to blow up the Vahushhi bridge⁵, charged that the deputy prosecutor general had attempted to blackmail him. He said he had been told that if his conduct at the court hearings were "correct," his brother, Koba Dzidziguri, and his brother-in-law, Vazha Tsereteli - facing similar charges - would receive milder sentences. As a result of Dzidziguri's statement, heavier charges, i.e. high treason and banditry, were brought against the two relatives, as well as against Giorgi Korbesashvili and Zaza Danielia. Their court hearings began on 27 August and continued in early 1997. Zviad Dzidziguri's case was separated from the original one and connected to the following "Case 7495927".

"Case 7495927": The trial against Zviad Dzidziguri and Nugzar Molodtashvili, both members of the exiled Supreme Soviet (Parliament), as well as Vahitang Kobalia, Jambul Bokuchava and Simon Zhgenti, commanders of the National Guard loyal to the exiled Parliament, opened in February 1996. The men were charged with high treason, banditry, and attempting to overthrow the authorities. Kobalia was additionally charged with first degree homicide. On 19 November, their sentences were declared: Gobali received a death sentence, and the others prison sentences of between seven and fifteen years (Simon Zhgenti's case being examined separately from this trial because of health reasons). The trial gravely violated international standards. The court ignored

¹ See the section on the Death Penalty, below.

² Mamuka Agelashvili, Zurab Bardzishvili, Beniamin Bokebidze, Ramazi Chantigashvili, Mamuka Danielia, Irakli Dokvradze, Viktor Domukhovskii, Gedeon Gelbakhiani, Peter Gelbakhiani, Zurab Gogishashvili, Givi Kalinabekidze, Telmuraz Kapachidze, Sergei Khashvashvili, Otaris Kochlamazashvili, Ivane Lashkurashvili, Gocha Makhviladze, Gela Mchedlishvili, Tamaz Tsiklauri and Zaza Tsiklauri. The men were suspected of, among other things, having attempted to kill Djaba Ioseliani, a leading government figure, on 15 June 1992 by placing explosives under a car. Five people were killed in the incident. See the 1997 Annual Report 1995.

³ The trial was, from the very beginning, a farce which highlighted the corrupt and highly politicized Georgian judicial system. There were a number of serious violations of the right to fair trial, including denial of timely access to legal counsel of one's choosing and failure to inform of charges within the legal time limit. The defendants were sentenced to prison terms ranging from two and a half to fourteen years. Irakli Dokvradze and Peter Gelbakhiani were sentenced to death.

⁴ See the section on Torture and Ill-Treatment, below.

⁵ Zviad Dzidziguri, a member of the exiled Supreme Soviet (Parliament) and former prefect of Samuravia, his brother Koba Dzidziguri and his brother-in-law, Vazha Tsereteli, as well as Zaza Danielia and Givi Korbesashvili were charged with an attempt to blow up the Vahushhi bridge. They were forced to "confess" their planned "plot" on television - bearing marks of physical and psychological pressure - and were publicly declared terrorists, also by President Shevardnadze, before the investigation began. Afterwards Givi Korbesashvili attempted suicide. The detainees had no access to lawyers.

all requests by the defense, and Judge Alexandre Aladashvili exerted psychological pressure upon witnesses in favor of the prosecution. Dzidzighuri was not allowed a lawyer of his own choosing and his request for a public defender was rejected. During the court hearings, two public defenders of other defendants were removed from the court room. On 10 July, Molodnashvili began a hunger strike to protest the violations. He demanded to see representatives of international organizations and the press, and this was allowed on 10 August. Finally, the prisoners themselves were not allowed to participate in their own trial but were only brought into the court room to hear the sentences passed.

* "Case N 341". Following the explosion at the Parliament on 29 August 1995, ten political opponents¹⁰ of the regime were immediately detained by the Ministry of Security and accused of the attempted assassination of President Shevardnadze. Soon after their arrest, however, the Minister of Security, Igor Giorgadze, was accused of the attack and of arresting the ten in order to mislead the investigation.¹¹ Giorgadze soon fled to Moscow. Despite these allegations, seven¹² of the opponents, Zaza Dvali, Tamaz Elashvili, Givi Gelashvili, David Mchedlishvili, Gela Namadze, Giorgi Oniashvili and Shota Raliani were charged with high treason, participation in conspiracy, an attempt to prepare a terrorist action against the Head of State (Article 67), and formation of an anti-state armed group (Article 73). Following their arrest, the State Security Service continued the investigation into their alleged involvement in the case. At the time of writing, the seven remain in prison although no real evidence has been gathered against them and others, including then Deputy Head of the State Security Service, Temur Khachishvili, and leaders of the paramilitary group Mkhedrioni, have also been charged with the same crime. Local monitors fear that other charges will be raised against them so that the government will not have to admit that innocent people have been held in prison for more than one year.

Torture and Ill-Treatment

Torture or ill-treatment of detainees, particularly during the interrogation period, appears to be a routine method of extracting "confessions" or other information. The denial of access to a defense lawyer contributes to such abuses. Allegations of this kind have tended to appear in greater detail in political cases, although they have also been made in criminal cases. The forms of torture described by defendants and documented by local and international observers include hanging upside down, scalding with hot water, and systematic beating resulting in fractured bones and broken teeth. In some instance defendants have had their toenails torn off and been subjected to electric shock treatment.¹³ Threats that family members would be tortured or murdered have also been used against defendants.

On 21 November 1996, the UN Committee against Torture examined the Georgian government's initial report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Contrary to practices after the 1992 coup, the Georgian government openly admitted that torture was used in detention facilities. The report understated the problem by suggesting minor officials were responsible for torture and by claiming that it resulted from the difficulty of reforming old Soviet structures and the mentality which accompanied them. In reality however, the government has not taken any serious steps to combat torture.

¹⁰ Zaza Dvali, Tamaz Elashvili, Givi Gelashvili, Zazab Gelashvili, David Mchedlishvili, Gela Namadze, Giorgi Oniashvili, Shota Raliani, Zazab Varlosanidze, and a man named Chubinidze.

¹¹ According to his successor, Shota Kvernia, Sakrebulo Rikvildia, 3 October 1995.

¹² Others were released.

¹³ The government admits to the use of electric shocks.

According to both the UN Convention and Georgian law, evidence obtained through violation of legal proceedings has no legal force. Nonetheless, testimonies obtained under duress from defendants have not been excluded from trials even where defendants have repudiated them in court. Sometimes these testimonies have been the sole evidence against a defendant. Moreover, since testimonies have remained in the court records, judicial reviews have been based on the same "evidence" and cannot possibly be regarded as fair. In most cases claims of torture are not investigated even where the names of the alleged torturers are known.

In 1995, the department of the Prosecutor's office admitted that torture had been used to extract confessions from ten people in a murder investigation, where all were later released due to lack of evidence. Two investigators were subsequently charged with the abuses in August 1995. The State Committee for Human Rights confirmed several other cases of torture and pursued at least six officials for abuse of prisoners. Yet, to the IHF's knowledge, none of the alleged perpetrators have yet been tried.

- Zviad Sherozia and Gabriel Bendeliani were two of the six men sentenced on 17 June (see "Case 5394853" above). All defendants said they had been tortured until they "confessed." Sherozia was suspended by his legs and beaten repeatedly, and investigators put a grenade in his mouth and threatened to remove the pin. The toe nails of Bendeliani were torn off during the interrogation. The court refused to investigate the allegations of torture although the names of the alleged torturers were known.

- "Case 119326": Ramaz Vanishvili, formerly a colonel in the Georgian armed forces, was arrested in October 1993. He was charged with having left his military unit without authorization, with desertion, with embezzlement, and with having lost military property. During the arrest, Vanishvili was wounded and then tortured and ill-treated during interrogation. During the same period, his brother and a neighbor were killed by the paramilitary group Mkhedrioni. In May 1994, a military court sentenced Vanishvili to six years in prison. In the spring of 1996, the case was reopened for investigation and Vanishvili was additionally charged with high treason. On 10 October he was sentenced to a total of ten years in prison.

The UN Committee Against Torture expressed in a report following examination of Georgia's case its concern that a large number of complaints had been received from Georgia. It noted that the authorities have failed to promptly and independently investigate such claims, to prosecute the offenders and to offer compensation and rehabilitation to the victims. It pointed out that conditions in places of detention are grossly inadequate and expressed alarm at the number of deaths in prison. Most importantly, the Committee recommended that the government provide it with information regarding all the individual cases referred to during the Committee's investigation and cited by NGOs. These included two personal testimonies of torture by Zaza Tsiklauri ("Case 1095211") and Gorgi Korbesashvili ("Case 7495927"), both political prisoners.¹⁴

- On 27 November 1996, a few days after the UN Committee Against Torture had heard the written testimony of Zaza Tsiklauri on his torture, Zaza Tsiklauri was transferred from a prison hospital to a labor camp. Tsiklauri suffers from tuberculosis and the IHF believes that his transfer to a labor camp seriously threatens his life.

¹⁴ See Appendix B.

The IHF and CAUCASIA prepared a joint report to the 21 November 1996 session of the UN Committee Against Torture at which the report of the Georgian government was presented. We recommended, among other things, that the Committee urge the government of Georgia to guarantee the fair re-trial of all cases in which evidence was obtained under torture; to exclude from the official record all statements obtained under torture; and to carry out prompt and impartial investigations into all allegations of torture and ill-treatment.

Prison Conditions

Conditions in prisons and detention facilities have deteriorated along with the economic situation, and can be described as severely abusive, amounting to ill-treatment. Prisons are seriously overcrowded, with several prisoners sometimes having to sleep in turns due to the lack of beds. Adequate medical care is non-existent and contagious diseases, particularly tuberculosis, are wide-spread. In early 1997, reports were received of several prisoners dying of tuberculosis. Food supplies are also scarce. In practice all prisoners are dependent on the food and medicine brought to them by relatives or friends.

- In January 1997, A. Labadzade, a prisoner sentenced to death, died of tuberculosis in prison.

Disciplinary measures are frequently imposed on prisoners whose behavior does not conform to prison administrations' wishes. Collective punishments are inflicted on all prisoners for the "misbehavior" of one. For example, on 6 June 1995, Irakli Gabunia, the head of Rustavi Camp No. 123/29 ordered Zaza Tsiklauri to shave his beard, although this was not required under prison rules. When Tsiklauri refused, he was placed in an isolation cell and ill-treated. On the same day, other prisoners in the camp were refused food because of Tsiklauri's "misbehavior," and the prison staff threatened them with cutting water supplies and electricity. Eventually, Tsiklauri was forcibly shaved.

The Death Penalty

Georgia imposed a moratorium on the death penalty in 1992 and abolished it for several offenses. In 1993, however, new offenses carrying a possible death penalty were introduced to the Criminal Code. In 1994, Georgia resumed executions. At least sixteen persons have been executed since then. In many cases, sentence was passed by the Supreme Court acting as a court of first instance, allowing no right to appeal the sentence. The 1995 Constitution also permits the death penalty.¹¹

During 1995-96, some 50 death sentences were handed down by Georgian courts of law, four of them on political grounds. It is believed that no executions have taken place during this period but the IHF and CAUCASIA have not been able to verify this as official information is unavailable.

The abolition of the death penalty was on the agenda of the November 1996 session of Parliament but deputies failed to reach a decision and the issue was deleted from the agenda. On 10 December, President Shevardnadze announced to the Georgian Parliament that he imposes a moratorium on executions until a new Penal Code is adopted. On 11 December, the Parliament reduced by six the number of offenses which carry the death penalty. Now the death penalty can be handed down for seven offenses: genocide (Article 65.1), terrorist acts (Article 67), terrorist acts against a representative of another state (Article 68), sabotage (Article 69), murder (Article 104), attempt on the life of a police officer (Article 209.1), resistance to a superior or forcing him/her to violate official duties (Article 258). However, it is of concern that the president's statement has no legal force unless it is reinforced by the Parliament.

¹¹ Georgia: Summary of Amnesty International's Concerns, October 1996, Urgent Action 149/96, Amnesty International.

The issue of the death penalty is important not least because the Council of Europe requires its member states to work for the total abolition of the death penalty.

- On 17 June 1996, the Supreme Court sentenced to death Badri Zardania, an officer in the National Guard loyal to the Parliament before the January 1991 coup. Zardania was injured during his arrest in October 1994. His leg had to be amputated because he did not receive adequate medical treatment soon enough. While still in the hospital, he was severely ill-treated by his interrogators in plain sight of medical staff. He attempted suicide several times apparently in connection with those incidents. The trial itself was highly political. Zardania was sentenced to death on charges of high treason, banditry, murder, and hoodliganism. Judge Jemal Leonidze considered that charges of murder and banditry lacked evidence and returned the case on those counts for further investigation. Nevertheless, Zardania received a death sentence for high treason. Of special concern is the fact that the trial did not produce any facts proving a specific act which amounted to high treason. The charges were based only on broad political accusations. Zardania has no right to appeal the death sentence. His only recourse is to petition President Shevardnadze for clemency.

Refugees and Internally Displaced Persons (IDPs)

The 1992-94 armed conflict between the Georgian government and separatist Abkhazian troops cost thousands of lives and displaced some 280,000 civilians, most of them ethnic Georgians. A Quadripartite Agreement was signed on 4 April 1994 for the repatriation of some 250,000 IDPs to Abkhazia and the UNHCR-organized repatriation started in October 1994. However, only some 300 persons were able to return and the program was halted. Still, according to the UNHCR, large numbers of people have returned spontaneously even though security could not be guaranteed.¹⁴

In June 1994, up to 3,000 Russian peacekeeping troops, nominally under the auspices of the Commonwealth of Independent States, were stationed in Abkhazia. Also, military observers of the UN Observer Mission in Georgia (UNOMIG) were present in Abkhazia, as well as the OSCE. But the UN- and Russian-mediated peace negotiations brought no solution in 1996 and repatriation on a large scale remained impossible.¹⁵

The return of IDPs has been thwarted because of arbitrary restrictions imposed by Abkhazian authorities and acquiesced to by the Georgian authorities and the UNHCR. The Abkhazian bureaucracy insists on arbitrary, discriminatory, and highly restrictive criteria for return, including filling out forms correctly and providing "proper" documentation of residence. Moreover, Article 3 of the Quadripartite Agreement denies returnees immunity when there are "serious signs" that they had committed a "military offense ... a serious criminal offense or earlier participated in military actions and currently belong to armed formations that are preparing for military actions in Abkhazia." Exclusions were later extended to anyone who had "sent money out of Abkhazia."¹⁶

As of the end of 1996, the majority of IDPs have not been able to return to Abkhazia. Those who have returned have become targets of violence from both Abkhazian authorities and paramilitary groups operating in the region. Most abuses have occurred in the Gali region, which borders Georgia. These abuses include attacks on civilians, torture, beatings, murder, arbitrary detentions, abductions, killings and burning properties of returnees.

¹⁴ Hasmik Ulsan, "Handling the Refugee Crisis," UNHCR, Geneva. No date.

¹⁵ *The Commonwealth of Independent States: Refugees and Internally Displaced Persons in Armenia, Azerbaijan, Georgia, the Russian Federation and Tajikistan*, Human Rights Watch/Medical, Vol. 8, No. 7 (D), May 1996.

¹⁶ *Ibid.*

Monitoring Human Rights

Human rights defenders in Georgia work under constant threat to their freedom and even their lives. The government considers such activities not only as expressions of political opposition but as direct hostility towards the government. Many prefer to work as individuals with private contacts so as to attract less attention from the authorities.

Governmental human rights organizations deal chiefly with social problems and rather ignore civil and political rights in order to avoid criticizing the government. In disputes, they mainly side with the authorities rather than with the victims.

The State Committee for Human Rights, which is formally mandated with monitoring the implementation of human rights, actually operates as the Ministry of Human Rights and Ethnic Relations and is thus dependent on the government. On 16 May 1996, President Shevardnadze signed into law a bill on the establishment of an independent Ombudsman's Office, as provided by Article 43 of the Constitution, to replace the Committee. The election of the Ombudsman appeared twice on the agenda of the Georgian Parliament in 1996, but both times no-one was appointed to this office.

RECOMMENDATIONS

The IHF and CAUCASIA urge the government of Georgia to carry out impartial investigations on all human rights abuses allegedly committed by the Georgian authorities since January 1992.

In addition, the IHF and CAUCASIA make the following recommendations to the government and other authorities regarding continuing systematic human rights abuses:

Torture and Ill-Treatment

The government should

- investigate independently all alleged cases of torture, and prosecute and punish those responsible for them;
- make clear to police and prison officers that torture and ill-treatment of detainees and prisoners is strictly prohibited, that no orders by superiors to torture or ill-treat individuals should be followed, and that everyone who resorts to such abuses will be personally responsible for them;
- organize human rights education for law enforcement and prison officials on the treatment of detainees and prisoners;
- provide for rehabilitation for victims of torture and compensation for them or their families;
- guarantee adequate medical treatment to detainees and prisoners.

Political Opposition

The government should

- stop labeling its political opponents as criminals unless this has been proved by an independent court of law in a fair trial which fulfills international standards;
- immediately release all supporters of the political opposition who have been imprisoned or are being prosecuted solely on political grounds;
- guarantee the opposition free expression, association and freedom of peaceful assembly in order to create a climate where genuine political debate can take place.

Judiciary and Fair Trial

The courts of law should

- guarantee that testimonies extracted under torture are not used as evidence, that they are erased from court records, and that the cases of individuals who have been sentenced on the basis of such "evidence" are reviewed;
- ensure that all allegations of torture by defendants are investigated;
- operate independently and in accordance with international standards. They should respect international due process standards which include, among other things, the right to legal counsel and sufficient time for the preparation of defense, prompt trials, and the right of the defendant to be present at his/her trial.

Georgian authorities should

- stop interfering in the work of the judiciary.

The Media

The government should

- stop censoring the national electronic media;
- allow private radio and television stations to operate and report freely;
- guarantee that the printed media can report freely and refrain from indirect control, for example, through distribution or printing facilities.

The Death Penalty

The government should strive for the total abolition of the death penalty.

- - -

The IHF and CAUCASIA recommend to the United Nations and the Council of Europe

- to insist that the government of Georgia investigate independently all alleged cases of torture, and prosecute and punish those responsible for them;
- to insist that courts of law guarantee that testimonies extracted under torture are not used as evidence, that they are erased from court records, and that the cases of individuals who have been sentenced on the basis of such "evidence" are reviewed;
- to provide support to the government for the organization of human rights education to law enforcement officials and prison authorities;
- to provide assistance in the rehabilitation of the victims of torture and ill-treatment;
- to insist that the government takes steps for the total abolition of the death penalty;
- to require large-scale improvements in the Georgian government's human rights policies and practices. Particularly, the Council of Europe should do this before it considers the application of Georgia for full membership.

APPENDIX A

LIST OF POLITICAL PRISONERS IN GEORGIA (As of January 1997)

The following list of political prisoners is incomplete. Many others are believed to be imprisoned for political reasons. The IHF and CAUCASIA have detailed information on 13 other cases of political prisoners who do not wish to be mentioned in this list out of fear of further persecution.

All the following prisoners or defendants have been charged with criminal offences. The fact that all their cases have been marked with gross violations of due process from the moment of arrest - including torture to extract confessions and little or no evidence to prove their guilt - and that all defendants have repudiated their confessions in court and denied the charges. In addition, all of them are either members of the government ousted in 1992 or supporters of this government or democratically elected members of parliament. This gives us reason to believe that they have been detained solely on political grounds.

CASE No. 7792809

- Judge:** Iuri Tkeshelashvili,
Trial started: 4 April 1993.
Verdict passed: 10 November, 1993 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 67 (terrorism), 69 (sabotage), 78 (banditry), 238 (illegal possession of weapons or explosives).
1. Leri DONADZE: sentenced to 13 years' imprisonment.
Arrested: 11 September 1992. Tortured.
Born in 1941. Academic, geologist.
 2. Gela TOGONIDZE: sentenced to 10 years' imprisonment.
Arrested: 3 September 1992. Tortured.
Born in 1968. Farmer.
 3. Goderdzi SAMUNASHVILI: sentenced to 12 years' imprisonment.
Arrested: 19 December 1992. Tortured.
Born in 1949. Farmer.
 4. Badri OKROPIRIDZE: sentenced to 13 years' imprisonment.
Arrested: 1 September 1992. Tortured.
Born in 1963. Technician.
 5. David TALASHVILI: sentenced to 12 years' imprisonment.
Arrested: 11 September 1992. Tortured.
Born in 1962. Farmer.
 6. Boris MCHEDLIDZE: sentenced to 5 years' imprisonment.
Arrested: 2 September 1992. Tortured.
Born in 1948. Officer of Tbilisi No. 1 Regiment.
 7. David LOLADZE: sentenced to 10 years' imprisonment.
Arrested: 1 September 1992. Tortured.
Born in 1966. Academic.

8. Gela KHADURI: sentenced to 12 years' imprisonment.
Arrested: 2 September 1992. Tortured.
Born in 1962. Technician.

9. Gela GACHCHILADZE: sentenced to 11 years' imprisonment.
Arrested: 9 September 1992. Tortured.
Born in 1961. Technician.

10. Enzar KOBAIDZE: sentenced to 11 years' imprisonment.
Arrested: 9 September 1992. Tortured.
Born in 1964. Academic, historian.

11. Tamaz GORELISHVILI: sentenced to 10 years' imprisonment.
Arrested: 10 October 1992. Tortured.
Born in 1955. Carpenter.

12. Khvicha JOKHADZE: sentenced to 11 years' imprisonment.
The sentence was later reduced to 6 years due to critical physical condition (tuberculosis).
Arrested: 9 September 1992. Tortured.
Born in 1968.

13. Levan DARAKHVELIDZE: sentenced to 11 years' imprisonment.
Arrested: 2 September 1992. Tortured.
Born in 1965.

14. Gela SAKHLTKHUTSISHVILI: sentenced to 4 years' imprisonment.
Arrested: 2 September 1992. Tortured.
Born in 1974.

15. Murman JINCHARADZE: sentenced to 5 years' imprisonment.
Arrested: 31 September 1992. Tortured.
Born in 1929. Pensioner.

Vakhtang GOKSADZE (†):
Died as a result of torture in the police station of the town of Kvareli on 3 September 1992.
No one has been charged for his death.
Born in 1936. Teacher of mathematics.

CASE No. 7493810

Judge: Murza Dolidze
Trial started: 19 October 1995
Verdict passed: 6 March 1995 in the Supreme Court (no right to appeal)
Charges: Articles of the Criminal Code: 67 (terrorist act), 69 (sabotage), 77 (theft),
78 (banditry), 104 (murder), 238 (illegal possession of weapons or explosives).

16. Irakli DOKVADZE: sentenced to death.
Arrested: 9 March 1992. Tortured.
Born in 1961. Radio engineer.

17. Dr. Petre GELBAKHIANI: sentenced to death.
Arrested: 6 April 1993. Tortured.
Born in 1961. Physician.

18. Prof. Gedevan GELBAKHIANI: sentenced to 13 years' imprisonment.
Arrested: 13 September 1992. Tortured.
Born in 1937. Physician.
19. Viktor DOMUKHOVSKI: sentenced to 14 years' imprisonment.
Arrested: 6 April 1993. Tortured.
Born in 1948. Physicist. Member of Parliament.
20. Mamuka APTSIAURI: sentenced to 7 years' imprisonment.
Arrested: 2 September 1992. Tortured.
Born in 1971.
21. Tamaz TSIKLAURI: sentenced to 7 years' imprisonment.
Arrested: 2 September 1992. Tortured.
Born in 1953.
22. Zurab BARDZIMASHVILI: sentenced to 12 years' imprisonment.
Sentence passed on 10 July 1995. Tried separately with Kochlamazashvili due to health reasons.
Judge: Leri Sakvaridze (Supreme Court)
Arrested: 5 October 1992. Tortured.
Born in 1948.
23. Zurab GOGICHAISHVILI: sentenced to 11 years' imprisonment
Arrested: 9 October 1992. Tortured.
Born in 1956.
24. Teimuraz KAPANADZE: sentenced to 12 years' imprisonment.
Arrested: 7 October 1992. Tortured.
Born in 1950.
25. Gocha MAKHVILADZE: sentenced to 12 years' imprisonment.
Arrested: 24 June 1992. Tortured.
Born in 1958. Economist.
26. Gela MCHEDLISHVILI: sentenced to 10 years' imprisonment.
Arrested: 2 September 1992. Tortured.
Born in 1968. Serviceman.
27. Sergo KHAKHVIAISHVILI: sentenced to 7 years' imprisonment.
Arrested: 24 June 1992. Tortured.
Born in 1966.
28. Givi KALMAKHELIDZE: sentenced to 10 years' imprisonment.
Arrested: 10 October 1995. Tortured.
Born in 1952. Serviceman.
29. Omar KOCHILAMAZASHVILI: sentenced to 10 years' imprisonment.
Sentence passed on 10 July 1995. Tried separately with Bardzinashvili due to health reasons.
Judge: Leri Sakvaridze (Supreme Court)
Arrested: 7 October 1995. Tortured.
Born in 1943. Serviceman.
30. Ramaz CHARIGODISHVILI: sentenced to 10 years' imprisonment.
Arrested: 11 July 1992. Tortured.
Born in 1960.

31. Ivane LASHKARASHVILI: sentenced to 5 years' imprisonment.
Arrested: 11 July 1992. Tortured
Born in 1960

32. Zaza TSIKLAURI: sentenced to 5 years' imprisonment.
Arrested: 8 August 1992. Tortured
Born in 1961. Physicist

CASE No. (83)238

Judge: Jemal Tsiskarishvili
Trial started: 14 February 1994
Verdict passed: 13 May 1994 in the Supreme Court (no right to appeal)
Charges: Articles of the Criminal Code: 69 (sabotage), 238 (illegal possession of weapons or explosives)

33. Goderdzi JOJISHVILI: sentenced to 15 years' imprisonment.
Arrested: 9 July 1993. Tortured
Born in 1956. Disabled because he shot at when an opposition rally was dispersed on 2 February 1992.

34. Guram SULAVA: sentenced to 14 years' imprisonment.
Arrested: 9 July 1993. Tortured
Born in 1939. Engineer, Economist.
35. Joseph KUPRAVA: sentenced to 14 years' imprisonment.
Arrested: 9 July 1993. Tortured
Born in 1952

36. Omar GUGUNISHVILI: sentenced to 13 years' imprisonment.
Arrested: 9 July 1993. Tortured
Born in 1942.

Malkhaz GVINIASHVILI (P): sentenced to 14 years' imprisonment.
Arrested: 9 July 1993. Tortured
Born in 1954
Died of tuberculosis on 18 January 1997 in Tbilisi prison hospital.

CASE No. 13

Judge: Bablashvili
Verdict passed: October 1993 in the Supreme Court (no right to appeal)
Charges: Articles of the Criminal Code: 75 (crime against state), 67 (terrorism), 133 (kidnapping)

37. Nemo CHANTURIA: sentenced to 15 years' imprisonment.
Arrested: 30 September 1992. Tortured
Born in 1959. Serviceman. Chief of Senaki No. 2 Regiment's headquarters. Diabetic

38. David KACHARAVA: sentenced to 15 years' imprisonment.
Arrested: 30 September 1992. Tortured
Suffers from bilateral tuberculosis

31. Ivane LASHKARASHVILI: sentenced to 5 years' imprisonment.
Arrested: 11 July 1992. Tortured.
Born in 1960.

32. Zaza TSIKLAURI: sentenced to 5 years' imprisonment.
Arrested: 8 August 1992. Tortured.
Born in 1961. Physicist.

CASE No. (83)238

Judge: Jemal Tsiakarishvili.
Trial started: 14 February 1994.
Verdict passed: 13 May 1994 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 69 (sabotage), 238 (illegal possession of weapons or explosives).

33. Goderdzi JOJISHVILI: sentenced to 15 years' imprisonment.
Arrested: 9 July 1993. Tortured.
Born in 1956. Disabled because he shot at when an opposition rally was dispersed on 2 February 1992.

34. Guram SULAVA: sentenced to 14 years' imprisonment.
Arrested: 9 July 1993. Tortured.
Born in 1939. Engineer, Economist.

35. Joseph KUPRAVA: sentenced to 14 years' imprisonment.
Arrested: 9 July 1993. Tortured.
Born in 1952.

36. Omar GUGUNISHVILI: sentenced to 13 years' imprisonment.
Arrested: 9 July, 1993. Tortured.
Born in 1942.

Malhez GVINASHVILI (?): sentenced to 14 years' imprisonment.
Arrested: 9 July 1993. Tortured.
Born in 1954.
Died of tuberculosis on 18 January 1997 in Tbilisi prison hospital.

CASE No. 13

Judge: Bibilashvili.
Verdict passed: October 1993 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 73 (crime against state), 67 (terrorism), 133 (kidnapping).

37. Nemo CHANTURIA: sentenced to 15 years' imprisonment.
Arrested: 30 September 1992. Tortured.
Born in 1959. Serviceman, Chief of Senaki No. 2 Regiment's headquarters. Diabetic.

38. David KACHARAVA: sentenced to 15 years' imprisonment.
Arrested: 30 September 1992. Tortured.
Suffers from bilateral tuberculosis.

39. Jemal AKHALAIA: sentenced to 15 years' imprisonment.
Arrested: 30 September 1992. Tortured.

40. Zurab TSIRGVAVA: Was not tried because of mental disorder as a result of torture.
Arrested: 30 September 1992.
Hospitalized in a psychiatric institution in the town of Poti.

CASE No. 7494881

Judge: Iuri Tkeshelashvili
Verdict passed: 30 June, 1995 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry), Article 96/1 (attempted coup).

41. Goda OTKHOZORIA: sentenced to 14 years' imprisonment.
Arrested: December 1993. Tortured.

42. Valter SHURGALA: sentenced to 14 years' imprisonment.
Arrested: 29 January 1994.
Born in 1944. Member of Parliament.

CASE No. 1193926.

Judge: Jemal Tsiskarishvili
Verdict passed: 10 October 1996 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 65 (high treason), 261 (unauthorised leaving of military unit), 262 (desertion), 264 (embezzlement or loss of military property).

43. Ramer VANISHVILI: sentenced to 10 years' imprisonment.
Arrested: 19 October 1993. Tortured.
Born in 1964. Engineer, Member of Gori City Council.
Colonel, the head of Gori Regiment.

CASE No. ?

Judge: L. Bochorishvili.
Verdict passed: 17 May 1995 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry).

44. Igor TOLORDAVA: sentenced to 4 years' imprisonment.
Arrested: 1 December 1993. Tortured.
Born in 1954. Technician. Serviceman.

CASE No. 7495863

Judge: L. Bochorishvili.
Verdict passed: 4 March 1995 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry).

39. Jemal AKHALAIA: sentenced to 15 years' imprisonment.
Arrested 30 September 1992. Tortured

40. Zurab TSIRCVAVA: Was not tried because of mental disorder as a result of torture.
Arrested 30 September 1992
Hospitalized in a psychiatric institution in the town of Poti

CASE No. 7494881

Judge: Iuri Tkeshelashvili
Verdict passed: 30 June, 1995 in the Supreme Court (no right to appeal)
Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry), Article 96/1 (attempted coup)

41. Gocha OTKHOZORIA: sentenced to 14 years' imprisonment.
Arrested: December 1993. Tortured

42. Valter SHURGALA: sentenced to 14 years' imprisonment.
Arrested: 29 January, 1994.
Born in 1944. Member of Parliament.

CASE No. 1193926 -

Judge: Jemal Tsiskarishvili
Verdict passed: 10 October 1996 in the Supreme Court (no right to appeal).
Charges: Articles of the Criminal Code: 65 (high treason), 261 (unauthorised leaving of military unit), 262 (desertion), 264 (embezzlement or loss of military property).

43. Ramaz VANISHVILI: sentenced to 10 years' imprisonment.
Arrested 19 October 1993. Tortured
Born in 1964. Engineer. Member of Gori City Council
Colonel, the head of Gori Regiment

CASE No. ?

Judge: L. Bochorishvili
Verdict passed: 17 May 1995 in the Supreme Court (no right to appeal)
Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry)

44. Igor TOLORDAVA: sentenced to 4 years' imprisonment.
Arrested 1 December 1993. Tortured.
Born in 1954. Technician. Serviceman.

CASE No. 7495863

Judge: L. Bochorishvili
Verdict passed: 4 March 1995 in the Supreme Court (no right to appeal)
Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry)

45. Zaur KOBALIA: sentenced to 13 years' imprisonment.

Arrested 26 January 1994.

Born in 1938. Political prisoner in the Soviet era. Member of Parliament, Chairman of the Parliamentary Human Rights Commission.

CASE No. 2-142

Judge: L. Sadzagishvili

Trial started: 23 January 1996

Verdict passed: In the Supreme Court (no right to appeal).

Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry)

46. Bidzina GUJABIDZE: sentenced to 10 years' imprisonment.

Arrested 25 January 1994. Tortured

Prefect of the town of Lanchkhuti

47. Mirian KHINTIBIDZE: sentenced to 13 years' imprisonment.

Arrested in January 1994. Tortured.

CASE No. 5394853

Judge: Jemal Leonidze

Trial started: 23 February, 1996.

Verdict passed: 17 June 1996 in the Supreme Court (no right to appeal)

Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry), 104 (murder), 152

(robbery), 238 (illegal possession of weapons or explosives)

48. Badri ZARANDIA: sentenced to death.

Arrested 30 October 1994. Tortured

Has attempted suicide several times because of torture.

Born in 1966. Military Commandant of the town of Zugdidi.

49. Guren MALANIA: sentenced to 13 years' imprisonment.

Arrested in 1994. Tortured.

Born in 1967.

50. Gabriel BENDELIANI: sentenced to 14 years' imprisonment.

Arrested in 1994. Tortured; his toe nails were torn off during the interrogation in the

police department of the town of Tsakajikha.

Born in 1973.

51. Karlo JICHONALIA: sentenced to 15 years' imprisonment.

Arrested in 1994. Tortured.

Born in 1968.

52. Zviad SHEROZIA: Case due to be reinvestigated

Arrested in 1994. Tortured during the interrogation. Sherozia was suspended by his legs and beaten repeatedly. Investigators put a grenade into his mouth and threatened to remove the pin.

Born in 1967.

53. Murman GULUA: Case due to be reinvestigated

Arrested in 1994. Tortured

Born in 1964.

45. Zaur KOBALIA: sentenced to 13 years' imprisonment.

Arrested: 26 January 1994.

Born in 1938. Political prisoner in the Soviet era. Member of Parliament, Chairman of the Parliamentary Human Rights Commission.

CASE No. 2-142

Judge: L. Sadzagishvili

Trial started: 23 January 1996

Verdict passed: In the Supreme Court (no right to appeal)

Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry)

46. Bidzina GUJABIDZE: sentenced to 10 years' imprisonment.

Arrested: 25 January 1994. Tortured.

Prefect of the town of Lanchkhuti.

47. Mirian KHINTIBIDZE: sentenced to 13 years' imprisonment.

Arrested: in January 1994. Tortured.

CASE No. 5394853

Judge: Jemal Leonidze

Trial started: 23 February, 1996.

Verdict passed: 17 June 1996 in the Supreme Court (no right to appeal)

Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry), 104 (murder), 152 (robbery), 238 (illegal possession of weapons or explosives)

48. Badri ZARANDIA: sentenced to death.

Arrested: 30 October 1994. Tortured.

Has attempted suicide several times because of torture.

Born in 1966. Military Commandant of the town of Zugdidi.

49. Gurgun MALANIA: sentenced to 13 years' imprisonment.

Arrested: in 1994. Tortured.

Born in 1967.

50. Gabriel BENDELIANI: sentenced to 14 years' imprisonment.

Arrested: in 1994. Tortured. his toe nails were torn off during the interrogation in the police department of the town of Tsalegijikha.

Born in 1973.

51. Karlo JICHONALIA: sentenced to 15 years' imprisonment.

Arrested: in 1994. Tortured.

Born in 1968.

52. Zviad SHEROZIA: Case due to be reinvestigated.

Arrested: in 1994. Tortured: during the interrogation, Sherozia was suspended by his legs and beaten repeatedly. Investigators put a grenade into his mouth and threatened to remove the pin.

Born in 1967.

53. Murman GULLIA: Case due to be reinvestigated.

Arrested: in 1994. Tortured.

Born in 1964.

45. Zaur KOBALIA: sentenced to 13 years' imprisonment.

Arrested 26 January 1994
Born in 1938. Political prisoner in the Soviet era. Member of Parliament. Chairman of the Parliamentary Human Rights Commission

CASE No. 2-142

Judge: L. Sadzaglishvili

Trial started: 23 January 1996

Verdict passed: In the Supreme Court (no right to appeal)

Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry)

46. Bidzina GUSABIDZE: sentenced to 10 years' imprisonment.

Arrested 25 January 1994. Tortured
Prefect of the town of Lanchkhuti

47. Mirian KHINTIBIDZE: sentenced to 13 years' imprisonment.
Arrested in January 1994. Tortured

CASE No. 5394853

Judge: Jemal Lashvili

Trial started: 23 February, 1996

Verdict passed: 17 June 1996 in the Supreme Court (no right to appeal)

Charges: Articles of the Criminal Code: 65 (high treason), 78 (banditry), 104 (murder), 152 (robbery), 238 (illegal possession of weapons or explosives)

48. Badri ZARANDIA: sentenced to death.

Arrested 30 October 1994. Tortured
Has attempted suicide several times because of torture
Born in 1966. Military Commandant of the town of Zugdidi.

49. Gurgun MALANIA: sentenced to 13 years' imprisonment.

Arrested in 1994. Tortured
Born in 1967.

50. Gabriel BENDELIANI: sentenced to 14 years' imprisonment.

Arrested in 1994. Tortured. His toe nails were torn off during the interrogation in the police department of the town of Tsakajikha
Born in 1973.

51. Karlo JICHONALIA: sentenced to 15 years' imprisonment.

Arrested in 1994. Tortured
Born in 1968.

52. Zviad SHEROZIA: Case due to be reinvestigated

Arrested in 1994. Tortured during the interrogation. Sherozia was suspended by his legs and beaten repeatedly. Investigators put a grenade into his mouth and threatened to remove the pin
Born in 1967

53. Murman GULUA: Case due to be reinvestigated

Arrested in 1994. Tortured
Born in 1964

Case No. 7495917

Judge: Alexandre Aladashvili

Trial started: 1 February, 1996

Verdict passed: 19 November 1996 in the Supreme Court (no right to appeal)

Charges: Articles of the Criminal Code: 65 (high treason), 69 (sabotage), 78 (banditry), 104 (murder)

54. Vakhang KOBALIA: sentenced to death.

Arrested: In May 1994 Tortured

Born in 1950 Colonel. Head of the National Guards.

55. Jambul BOKUCHAVA: sentenced to 15 years' imprisonment.

Arrested: In May 1994

Born in 1958. Head of the Operative Service of the National Guards.

56. Zviad DZIDZIGURI: sentenced to 13 years' imprisonment.

Arrested: 26 June 1995 Tortured

Born in 1964. Member of Parliament. Prefect of the town of Samtredia

57. Nugzar MOLODINASHVILI: sentenced to 7 years' imprisonment.

Arrested: 17 May 1995. Not tortured

Born in 1956. Member of Parliament. Chairman of the Parliamentary Commission for the Observance of Law.

58. Simon ZHGENTI: Due to be tried separately due to health reasons (diabetic.)

Arrested: 9 January 1995 Tortured

Born in 1956. Commander of the Guria-Invereti Regiment of the National Guards.

CASE No. 1095211

(Trial is continuing)

Judge: Lenger Bochorishvili

Trial started: 27 August 1996 in the Supreme Court

59. Koba DZIDZIGURI:

Arrested: 26 June 1995 Tortured.

Born in 1968.

60. Vazha TSERETELI:

Arrested: 26 June 1995. Tortured

Born in 1957.

61. Giorgi KORBESASHVILI:

Arrested: 26 June 1995. Tortured

Has attempted suicide three times because of torture
Born in 1966

62. Zaza DANELIA:

Arrested: 26 June 1995. Tortured

Born in 1963

CASE No. 341
(Trial is continuing)

Judge: Jernal Leonidze
Trial started: 14 January, 1997 in the Supreme Court

63. Shota RATTIANI:
Arrested: 30 August 1995. Tortured
Born in 1955

64. Giorgi ONIASHVILI:
Arrested: 30 August 1995. Tortured

65. Gela NANADZE:
Arrested: 30 August 1995. Tortured

66. Givi CELASHVILI:
Arrested: 30 August 1995. Tortured

67. Zaza DVALI:
Arrested: 30 August 1995. Tortured

68. Tamaz ELASHVILI:
Arrested: 30 August 1995. Tortured
Presently hospitalized

69. David MCHEDLISHVILI:
Arrested: 30 August 1995. Tortured