

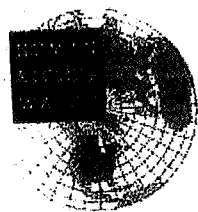
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Human Rights Watch

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Human Rights Watch World Report 2002 - Georgia - January 2002

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Human Rights Developments

Government pressure on a popular independent television station caused mass street protests in late October 2001, to which President Shevardnadze responded by dismissing the entire government. The government's failure to combat crippling levels of corruption, improve living conditions, and resolve the ongoing energy crisis stoked social tension. Law enforcement agencies acquiesced in rising religious violence, and police corruption led to human rights abuses.

Georgian authorities allowed organized groups of civilian militants to conduct a sustained campaign of violent assaults and intimidation against members of several non-Orthodox religious faiths, chiefly Jehovah's Witnesses, Pentacostalists, and Baptists. The assailants broke up religious services, beat congregants, ransacked or looted homes and property, and destroyed religious literature. Vasilis Mkalavishvili, a defrocked Georgian Orthodox priest who led most of the attacks, justified them by claiming that charismatic faiths were defiling Georgia's nationhood and religious tradition. He boasted of receiving assistance from the police and security services. Emboldened by the inaction or complicity of prosecutors and police, and by a February Supreme Court decision to deregister the Jehovah's Witnesses as a legal entity in Georgia, the frequency of mob attacks rose in 2001. The Jehovah's Witnesses reported more than forty attacks on their adherents in the first half of the year. Police failed to protect endangered worshippers and in at least one case, played an active role in the attacks. Police on February 27 forced open a gate to a courtyard in Tbilisi where several hundred Jehovah's Witnesses had been worshipping, allowing Mkalavishvili and his followers to rush in and beat the congregants with clubs, large crosses, and Bibles.

The Georgian Orthodox Church did not condemn the attacks, and newspapers and television stations frequently gave Mkalavishvili a platform, legitimizing his group's activities. The Kavkazia television station in particular screened video footage of the attacks supplied by the

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assailants themselves. The positive publicity and impunity aided the spread of religious violence from Tbilisi into the provinces, where local officials, Orthodox priests and their parishioners, and the neighbors of followers of non-traditional faiths perpetrated attacks. The group Jvari (Cross) began attacking Christian minorities in Rustavi. In March an Orthodox priest on horseback led a crowd of 150 that broke into a private house in Sachkhere and beat Jehovah's Witness worshippers inside.

In at least one case, religious persecution extended to denial of the right to education. In February, staff and fellow pupils of a Tbilisi high school together bullied a sixteen-year-old student into discontinuing his attendance because of his Evangelist beliefs.

On September 3, after months of deliberation, the procuracy indicted Mkalavishvili and his colleague Petre Ivanidze on a limited range of charges relating to just five of their many attacks, but left them at liberty to lead new assaults. On September 24, Mkalavishvili led a rally in Tbilisi, where he called for widening the campaign of religious violence. In the most serious of three attacks that week, Mkalavishvili's supporters and the Jvari group blocked a highway and beat dozens of Jehovah's Witnesses on their way to a planned convention in the southern town of Marneuli. The mob then descended on the convention site, destroying and looting it.

There were widespread reports of torture and ill-treatment in police detention. In September, Council of Europe monitors reported that Interior Minister Kakha Targamadze last year had dismissed such reports, telling them that they were made by "enemies of Georgia." In a positive move toward addressing torture, amendments to the criminal procedure code voted in June reportedly granted witnesses the right to legal representation. It had been common police practice to label detained suspects as "witnesses" in order to deny them access to a lawyer.

Courts continued to convict on the strength of confessions that may have been extracted under torture. The state continued to prevent defendants from obtaining and presenting forensic evidence of torture to the courts by means of procedural restrictions and by not licensing nongovernmental forensic doctors. In July a court hearing the case of Lasha Kartavelishvili, accused of murdering a policeman, refused to admit testimony from independent forensic examiner Maia Nikoleishvili that Kartavelishvili had been tortured in police detention, on the grounds that she did not hold a forensic practitioner's license.

On October 30, 2001, the independent Rustavi 2 television station made an emergency live broadcast of a visit by National Security Ministry officers who were seeking evidence of tax violations. Many interpreted the incident as the culmination of a government campaign of intimidation against the station, and thousands came to demonstrate in its support, precipitating a political crisis. Several days before, Minister Targamadze reportedly threatened to send his men to "destroy" the TV company. In previous weeks, Rustavi 2's *60 Minutes* current affairs program had broadcast three detailed investigations into alleged Ministry of Interior and procuracy corruption, including an

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exposé that compelled Targamadze to dismiss the police chief of a Tbilisi district who was captured on a hidden camera initiating the planting of drugs on a suspect to extort money from him. Rustavi 2's management had briefly taken the program off the air in June after state television, the procuracy, and intellectuals close to the government vilified it, and the program staff reportedly received anonymous death threats.

The July assassination of Giorgi Sanaia, the young presenter of Rustavi 2's Night Courier news and discussion program, precipitated national mourning. Facing public suspicion about the role of the security ministries, the government swiftly invited the U.S. Federal Bureau of Investigation to give forensic assistance to the investigation. The police quickly arrested a man previously detained on a fraud charge, yet at this writing prosecutors had not presented sufficient evidence to indict him for Sanaia's murder. Some commentators linked Sanaia's shooting, which appeared to be expertly planned and executed, to purported knowledge or video material he had obtained, allegedly demonstrating links between law enforcement officials with criminals in Georgia's Pankisi Gorge who engaged in kidnappings and the narcotics trade.

Georgian police did not attempt to enforce the rule of law in the Pankisi Gorge, where 7,000 Chechen refugees had lived alongside Kists – Georgian ethnic Chechens – since late 1999. Several Georgians and foreign businessmen, most of them kidnapped in Tbilisi, were believed to be held for ransom in the gorge, which was also the center of the country's illegal drug trade.

Fighting flared in the separatist-controlled region, Abkhazia, in October, as ethnic Chechen fighters launched an assault on breakaway Abkhazian forces in the Kodori Gorge. Some alleged that the security ministries had arranged to ferry the Chechen fighters from the Pankisi Gorge to the Abkhaz border. Several civilians were killed in the fighting. At this writing an international investigative commission was still trying to determine responsibility for the downing of a helicopter belonging to the U.N. Observer Mission in Georgia (UNOMIG) by a missile over the Kodori Gorge, which killed nine.

In Abkhazia's Gali district, Georgian paramilitary insurgents, tacitly supported by the central authorities, and forces representing the Abkhazian separatist authorities both abducted civilians for exchange or ransom. In early November 2001, the latter demanded U.S. \$65,000 for the release of four Georgian hunters. Relatives and representatives of victims of Georgia's growing kidnapping problem expressed frustration at the authorities' inactivity in securing their release. In August Tbilisi's new police chief led an operation that freed a Lebanese businessman, held for ransom near the city. However, the police appeared to have known for some time where he was held, and they allowed the kidnappers to escape. In July, ethnic Georgian village militias secured the release of two hostages in the Pankisi Gorge by taking seven Kists hostage for exchange; local authorities tacitly approved of this arrangement.

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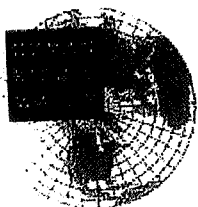
Young women in some rural areas could not rely on law enforcement officials to protect them from the persisting custom of bride kidnapping. Prosecutors reportedly habitually declined to indict the perpetrators for kidnap or rape, telling the victim or her family instead to reconcile themselves to the fait accompli. Likewise, the authorities' failure to make sustained efforts or adopt legislation against trafficking of women allowed networks fronted by employment and travel agencies to continue to lure women into being trafficked abroad for forced prostitution.

Despite strong pressure by international financial institutions, the government did not implement an agreed anticorruption plan. Justice Minister Mikheil Saakashvili resigned in September after the president declined to support an anti-corruption bill that included strong confiscation provisions. Some of the worst corruption involved the siphoning of national resources by powerful clans said to be linked to high-level officials, including a so-called kerosene mafia whose interests were served by the continuing electricity shortages.

The government's serious arrears in paying pensions or wages also affected the armed forces. On May 25 a battalion of national guardsmen mutinied in protest at fourteen-month wage arrears and conditions of near starvation. They seized an Interior Ministry troop base near Tbilisi, but relented after President Shevardnadze met with them and promised to address their complaints.

Electricity shortages provoked street protests in Tbilisi. Together with other resource shortages and high unemployment, they also strained intercommunal relations. Ethnic Georgians displaced from Abkhazia since 1993 blocked a highway in western Georgia in April, protesting local authorities' failure to pay their promised monthly living allowance. In July ethnic Azeris in southern Georgia blocked a highway, protesting lack of electricity, gas, and water supplies. Similar issues generated discontent in the ethnic Armenian populated southern region of Samtskhe-Javakheti, causing tension in Georgia's relations with Armenia.

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Defending Human Rights

A wide range of lively and public-spirited human rights nongovernmental organizations were based in the capital, Tbilisi.

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The Role of the International Community

United Nations

The UNOMIG continued its efforts to promote dialogue between the government and the de facto authorities in Abkhazia, and to monitor implementation of the 1994 ceasefire agreement. It also brokered hostage exchanges and ransom demands between the de facto Abkhazian authorities and Georgian paramilitary groups operating there.

In May, the U.N. Committee against Torture reviewed Georgia's second periodic report. It called for the establishment of an effective and independent complaints mechanism to address numerous allegations of torture by police, and for a systematic review of all convictions based on confessions that may have been obtained by torture. The Committee on the Elimination of Racial Discrimination expressed concern that Georgian law did not criminalize incitement to racial or religious discrimination.

Council of Europe

Informed by a detailed report compiled by rapporteurs of the Monitoring Committee of the Council of Europe, the Parliamentary Assembly of the Council of Europe adopted a strong resolution in September concluding that Georgia was far from honoring its obligations and commitments to the Council of Europe, and urged the government to adopt a raft of remedial measures. The resolution welcomed President Shevardnadze's April 2000 granting of autonomous status to the autonomous region of Ajara, but did not comment on the entrenched authoritarian rule of Ajaran leader Aslan Abashidze. While the resolution noted strong concern over religious violence in Georgia, the Council of Europe took no other action to address it.

In early July the European Court of Human Rights accepted as a priority case a petition from the Jehovah's Witnesses concerning the failure of the Georgian authorities to provide a remedy in the case of the very first mob attack on their adherents, in 1999. The court presented the Georgian authorities with nine questions, including a request that they account for the actions taken to deal with approximately six hundred criminal complaints submitted to date by Jehovah's Witnesses.

European Union

The E.U.-Georgia Partnership and Cooperation Agreement (PCA) entered into force in July. It provided a framework for E.U. development assistance, aimed at achieving Georgia's economic convergence with the European Union

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and enhancing regional security. Respect for democracy, principles of international law, and human rights were stipulated as essential elements of the partnership and of the PCA.

United States

The U.S. Department of Justice announced its intention to supply the Ministry of Justice with a modern forensic laboratory, and began training Georgian staff in preparation. The facility was intended to provide alternate sources for the provision of forensic expertise.

The U.S. Commission on International Religious Freedom wrote to President George W. Bush, urging him to raise the Georgian authorities' failure to stop religious violence with President Shevardnadze during his October visit to the United States.

Relevant Human Rights Watch Reports:

Memorandum to the U.S. Government on Religious Violence in the Republic of Georgia, 8/01.

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