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Georgia

Country Reports on Human Rights Practices - 2001
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The 1995 Constitution provides for an executive branch that reports to the President and a legislature. The President appoints ministers with the consent of Parliament. In April 2000, Eduard Shevardnadze was reelected to a second 5-year term as President in an election marred by numerous serious irregularities. International observers strongly criticized the election, citing interference by state authorities in the electoral process, deficient election legislation, insufficient representative election administration, and unreliable voter registers. The country's second parliamentary elections under the 1995 Constitution were held in 1999 and were characterized by the Organization for Security and Cooperation in Europe (OSCE) as a step toward Georgia's compliance with OSCE commitments. The civil war and separatist wars that followed the 1992 coup ended central government authority in Abkhazia and Ossetia, and weakened central authority in the autonomous region of Ajara and elsewhere in the country. The Constitution provides for an independent judiciary; however, the judiciary is subject to executive pressure.

Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with roughly 270,000 internally displaced persons (IDP's) from Abkhazia, 60,000 from South Ossetia, and another 4,000-5,000 refugees from Chechnya, posed a continued threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians were expelled from or fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed to Abkhazia with the agreement of Abkhaz separatists. Following clashes in October, the Georgian Parliament passed a nonbinding resolution to remove the CIS (Russian) peacekeeping force from Abkhazia. A Russian peacekeeping force also has been in South Ossetia since 1992 as part of a joint peacekeeping force with Ossetians and Georgians. The Government has no effective control over Abkhazia or South Ossetia.

The Ministry of Internal Affairs (MOI) and the Procuracy have primary responsibility for law enforcement, and the Ministry of State Security plays a significant role in internal security. In times of internal disorder, the Government may call on the MOI or the military. Elected civilian authorities do not maintain effective control over the law enforcement and security forces. Members of the security forces committed a number of serious human rights abuses.

The country has a total population of approximately 5 million. Government efforts to develop a market-based economy have been stifled by corruption and mismanagement. Key exports are scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 30 percent of gross domestic product (GDP), and GDP during the first 6 months of the year increased 5.2 percent to \$ 1.5 billion (3.08 billion GEL). Per capita GDP for the first half of the year was approximately \$324 (666 GEL). According to the Department of Statistics, approximately 52.6 percent of the population live below the poverty level. There was a growing fiscal deficit due to continued low revenue collection. Government salaries and pensions remain in arrears.

The Government's human rights record remained poor and worsened in several areas. Numerous serious irregularities in the October 1999 parliamentary elections and the April 2000 presidential election limited citizens' right to change their government. Several deaths in custody were blamed on physical abuse, torture, or inhuman and life-threatening prison conditions. Reports of police brutality continued. Security forces continued to torture, beat, and otherwise abuse detainees. Corruption in law enforcement agencies was pervasive. Prison conditions remained harsh and life-threatening; however, some steps were taken during the year to address problems in the prison system. Arbitrary arrest and detention increased during the year. Neither the President nor other senior officials took concrete steps to address these problems, and impunity remained a problem. The judiciary was subject to pressure and corruption and did not ensure due process; reforms to create a more independent judiciary were undermined by failure to pay judges in a timely manner. There were lengthy delays in trials and prolonged pretrial detention remained a problem. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, security forces and other authorities intimidated and used violence against journalists. Journalists practiced self-censorship. The police restricted freedom of assembly and law enforcement authorities dispersed numerous peaceful gatherings. Government officials infringed upon freedom of religion. The Government continued to tolerate discrimination and harassment of some religious minorities. Violence and discrimination against women were problems. Trafficking for the purpose of forced labor and prostitution was a problem.

There was little information available on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by government agents; however, security force abuses reportedly resulted in several deaths in custody.

During the first 10 months of the year, there were 27 deaths in prison, 9 of which were from tuberculosis (see Section 1.e.).

On July 26, Giorgi Sanaia, host of a nightly political talk show, was shot once in the head and killed by an unknown person in his apartment in Tbilisi. President Shevardnadze directed the Ministry of Internal Affairs, the Prosecutor General, and the Ministry of State Security to investigate the killing and requested assistance from a respected foreign law enforcement agency, which expressed satisfaction with the conduct of the investigation. Many persons suspected that the Government was responsible for the murder, although no credible evidence of this was produced. In December a suspect was arrested and confessed to the crime (see Section 2.a.).

On October 9, a missile shot down a UN helicopter in Abkhazia killing nine persons. It was unclear who was responsible for firing the missile at year's end.

In July Temur Mikia, a resident of Poti, died while being held in police custody. Mikia "fell" from a window in police headquarters and reportedly told witnesses before he died that the police had thrown him from the window. Internally displaced persons (IDP's) from Abkhazia living in Poti ransacked the mayor's office to protest Mikia's death.

In October 2000, Antonio Russo, a reporter for Italy's Radio Radicale, was found dead outside of Tbilisi. His colleagues believed that he may have been killed in reprisal for his coverage of the conflict in neighboring Chechnya, Russia; however, there have been no allegations or evidence implicating the government in Russo's death. The investigation into the killing continued at year's end.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including Georgian partisan groups and forces of the Abkhaz separatist regime. Killings and other abuses on both sides of the conflict have not been investigated, prosecuted, or punished adequately. During the year, the Government criticized these partisan groups and in 2000 had arrested some partisans, including Davit Shengelia, the leader of the partisan organization "forest brothers." On September 4, Shengelia was attacked in a Zugdidi apartment; he survived, but the attackers killed three of his relatives.

Both Georgian and Abkhazian forces laid tens of thousands of landmines during the 1992-93 fighting. There were numerous reports in 1999 and 2000 that groups from Georgia, allegedly linked to the Georgian Government, infiltrated Abkhazia and laid antipersonnel mines. There was a reduction in landmine casualties during the year, due to migration out of the area and to the activities of landmine clearing organizations such as the Halo Trust.

b. Disappearance

Georgian partisan/criminal groups active in Abkhazia frequently took hostages to exchange for captured compatriots. Abkhaz and Georgian officials have agreed on joint law enforcement efforts to prosecute kidnappers and other criminals that may threaten to destabilize the ceasefire. During the year, there also were many instances of kidnapping for ransom elsewhere in the country, which included both local and foreign citizens. There is widespread speculation that corrupt law enforcement officials may have been involved in some of these kidnappings. For example, in November 2000, unknown persons abducted and reportedly held captive two Spanish businessmen in the Pankisi Valley. In December they were released following the replacement of the Internal and Security Ministers. The businessmen alleged that corrupt law enforcement officials were involved in their kidnapping. Many citizens, including some members of parliament, have alleged publicly that senior law enforcement officials have been involved in kidnappings for ransom.

On May 7, unknown persons abducted Parliamentarian Petre Tsiskarishvili and his fiancée in Tbilisi. They were released 4 days later unharmed. Some observers believed that the kidnapping had a political motive. Authorities claim that no ransom was paid and at year's end, one person had been arrested and charged with participating in the kidnapping.

On June 7, unknown persons abducted Charbel Aoun, a Lebanese businessman, in Tbilisi. During a raid on an abandoned building on August 24, police freed Aoun after 78 days in captivity. Aoun's release followed the forced resignation of the controversial Tbilisi police chief. Aoun's abductors, who have not been identified, remained at large at year's end.

On July 31, local Georgians in the Kakheti region near the Pankisi Valley abducted a number of Pankisi Kists (ethnic Chechen citizens living in Georgia) in response to abductions by residents of Pankisi. The hostages

were released later following negotiations.

Georgian and Abkhaz commissions on missing persons reported that over 1,000 Georgians and several hundred Abkhaz remained missing as a result of the 1992-1994 war in Abkhazia. Officials have agreed to joint efforts to determine their location and repatriate the remains of the dead. The ICRC assisted in this effort.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids the use of torture; however, members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. International and domestic observers note that incidents of police abuse increased following the April 2000 presidential elections. Serious abuses and police misconduct, such as the fabrication or planting of evidence, remained problems. During the year, there were several cases of police being dismissed or demoted for abuses; however, impunity remained a problem. Many human rights observers have argued that the police increasingly believed that they will not be held accountable for such actions.

The most serious incidents of abuse occur in the investigative phase of pretrial detention when suspects are interrogated by police. Human rights observers and lawyers noted that abuses occur more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, and noted that a growing number of confessions were made in police stations. According to human rights observers, those who suffered such abuse were held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). Police often claim that injuries were sustained during or before arrest. Police "agents" within the prison population also allegedly committed abuses in pretrial detention facilities. Pretrial detainees are often kept with convicted prisoners due to overcrowding.

Government officials acknowledged that Ministry of Internal Affairs personnel in the past routinely beat and abused prisoners and detainees. Government officials continued to claim that a lack of proper training, poor supervision of investigators and guards, and lack of equipment often resulted in abuse in all law enforcement facilities. For example, investigators were trained to obtain confessions rather than use physical evidence to assemble a case. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code would make it difficult for them to combat crime, amendments made to the code in 1999 and 2000 reinstated many of their powers (see Section 1.e.).

Human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions significantly increased during the year. During the year, Human Rights Watch reported that mistreatment and physical abuse of detainees was a major problem. However, some observers noted that when the Ministry of State Security (as opposed to the Interior Ministry) managed an investigation, allegations of physical abuses were rare.

There were reports that on February 22, police beat Dmitry Romanov and his mother in the 6th Police Station in the Gldani-Nadzaladevi district of Tbilisi. A dozen police officers reportedly beat Romanov seriously in an attempt to induce a confession to a series of robberies. They allegedly struck Romanov on the head and shoulders, burned him on the forehead and face with cigarettes, and beat him with a chair leg wrapped in tape. Officers reportedly threatened to rape Romanov with a bottle if he did not confess. Romanov's mother attempted to intervene and subsequently was beaten. Parliamentary Human Rights Committee Chair Elene Tevdoradze interviewed officials on that day and was told that the officers meant no harm. No charges had been filed against the police by year's end.

In the past, security forces tortured defendants in politically sensitive cases, such as those involving members and supporters of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (see Section 1.e.). Local human rights observers alleged that abuses continued to occur in two pretrial detention facilities: Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Detainees suspected of serious crimes or whose cases have political overtones are incarcerated in Isolator Five, which is in the basement of the Ministry of Internal Affairs. As a condition of membership in the Council of Europe, Isolator Five officially was closed in January 2000; however, domestic human rights organizations claim that the facility remained open and served the same function, only under a different name. According to local human rights observers, many detainees in Isolator Five reported beatings and abuse despite calls for investigators to show restraint. Often the threat of incarceration in this facility was sufficient to induce confession or extortion.

Police officers reportedly beat and raped prostitutes and police reportedly harassed or abused street children (see Section 5). In August 2000, the police detained an 11-year-old boy in Tbilisi who was trying to sell a sheet of aluminum. After being taken to a juvenile detention center, police reportedly knocked out one of his teeth. The boy reported seeing other children being beaten. His parents were not notified and he was not released for several days until after his parents and neighbors held a protest.

Members of the security forces beat members of religious minorities (see Section 2.c.).

In May police forcibly dispersed a demonstration, injuring some protestors (see Section 2.b).

In September 2000, the police detained and tortured David Sturua in Tbilisi's Saburtelo neighborhood, after charging him with robbery. Sturua claimed that he was subjected to torture, including attempted suffocation, electric shocks, and beatings. Medical examinations confirmed Sturua's charges. The ombudsman asked the Ministry of Internal Affairs to investigate.

Police misconduct reportedly was worse outside Tbilisi, where awareness of laws and citizens' rights is less understood and human rights NGO's were less active. For example, on July 17, three officers of the Terjola police office severely beat Ledi Tukvadze, a lawyer who had come to see her client, in the presence of eyewitnesses; she later was hospitalized. General Asanidze, the Terjola Police Chief, claimed that his police officers could not have used force against her. Nana Devdariani, the ombudsman, asked for Asanidze's dismissal following the results of a medical examination of Tukvadze; Asanidze subsequently was dismissed. On September 13, local press reported that members of the Vazisubani branch of the Samgori-Isani police department severely beat and tortured David Kalandadze. The police reportedly forced Kalandadze into a car and took him to a police station where they tortured him to make him confess to stealing a television and stereo set. He was tortured severely by electroshock. However, one prominent human rights group noted that at the village level personal relationships work to prevent the instances of abuse found in the larger towns and cities.

Despite an overall culture of impunity, some policemen were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. The Ministry of Internal Affairs claimed that since 1997 they opened criminal cases against 388 officers, 129 of whom were arrested and 32 of whom were convicted for varying offenses. In addition the Ministry of Internal Affairs (MOI) claims that 1,329 officers were discharged for disciplinary reasons. In the first 9 months of the year, 90 criminal cases were initiated against police employees, 41 were completed in the court system, of which 14 were closed procedurally. A total of 27 cases against 33 individuals ended in conviction and 36 investigations were ongoing on at year's end. Of the 58 police employees who were facing criminal prosecution at year's end, 6 were charged with illegal detention and searches, 12 with physical abuse and other violence, 7 with extortion and embezzlement, and 33 with malfeasance and other types of crimes. In general officers are held accountable for abuses only in extreme cases and changes to the Criminal Procedures Code have weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). Many observers claimed that prosecutors frequently are reluctant to open a criminal case against the police or they close a case for lack of evidence. Human rights NGO's also believed that many instances of abuses go unreported by victims due to fear of reprisals or lack of confidence in the system.

Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, fear prevented many persons from filing claims, and many claimants did not follow their claims through to trial. The Committee noted that since the presidential election in 2000, claims shifted from requests for assistance to complaints about mistreatment and violations by the police and the Procuracy and the Procuracy's failure to pursue criminal investigations of alleged violators.

Those arrested for the 1995 assassination attempt on President Shevardnadze reportedly were mistreated, but persons arrested in May 1999 for plotting against the Government and those arrested for the 1998 assassination attempt against President Shevardnadze, reportedly were not (see Section 1.e.). However, one suspect, Otar Melikadze, reported being tortured by investigators. Melikadze, Soso Nadiradze, Archil Panjikidze, and David Tsotsoria, arrested for plotting against the Government, initiated a hunger strike, claiming that they and their lawyers did not have access to their case files.

Human rights observers have expressed concern that corruption is related to the large number of police officers nationwide. According to the Ministry of Internal Affairs, there were 13,881 police officers in 2000; however, NGO's estimated there were closer to 35,000. Internal Affairs Minister Targamadze claims a figure of 29,000 officials, the number also cited by the Ministry of Finance, but insists that this includes various departments, such as fire and emergency units, which do not serve a policing function. The Government has been unable to consistently pay the salaries of police officers; consequently police solicited bribes from the general population, especially motorists, and also from suspects detained on suspicion of criminal activity (see Section 1.d.).

Prison conditions continued to be inhuman and life threatening. Prison facilities remain unsanitary, overcrowded, and understaffed, and are in desperate need of repair. Most prison facilities lack proper ventilation, plumbing, lighting, waste disposal, or sanitary medical facilities. Regional penitentiaries and pretrial detention facilities were without electricity for months. Guards and prison staff were not paid in a timely manner, if at all. According to human rights observers and government officials, the problem was exacerbated by the transfer of responsibility for prison administration to the Ministry of Justice before the Ministry was prepared to assume these responsibilities. Overcrowding remained a major problem; however, some facilities, such as in Zugdidi, are at only 50 percent capacity, while Tbilisi facilities sometimes have 16 or more persons to a cell typically designed for 10 to 12 persons. During the year, 298 persons were pardoned compared to 777 pardoned in 2000. Abuse and extortion of prisoners and detainees by prison staff continued.

During the year, former Justice Minister Saakashvili attempted to address overcrowding in the country's prisons by accelerating the construction of a new prison facility in Rustavi near Tbilisi. Saakashvili implemented a program in which scrap metal from prison facilities was sold to finance construction of this facility. The new facility, which opened on September 5, holds 1200 prisoners and has larger cells and modern conveniences. While the new prison will help to alleviate overcrowding, conditions in other facilities have not significantly improved. During the year, Saakashvili fired some corrupt administrators, released some inmates to reduce overcrowding, and took steps toward creating a prison inspection system that would include NGO participation; however, Saakashvili resigned in September and in October was elected to parliament in a byelection.

Torture and physical abuse of prisoners was a problem and led to deaths in custody.

The prison mortality rate reportedly was high; however, human rights NGO's claim that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they were dying. Observers claim that deaths of prisoners without families usually went unreported. The OSCE noted an increase in the number of prison deaths in the first 3 months of 2000 after the transfer of authority to the Ministry of Justice; most deaths were attributed to illness, usually tuberculosis. During the year, there were 27 registered deaths in prison, 9 of which were attributed to tuberculosis. According to the ICRC, tuberculosis is widespread in the prison system. The ICRC continued a joint program with authorities to reduce the incidence of tuberculosis. According to the ICRC, the incidence of tuberculosis is 200 times higher in detention facilities than the general public. In cooperation with the Ministry of Justice, the ICRC has treated nearly 1,300 infected prisoners since 1998, with a 70 to 75 percent cure rate.

Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem. Some human rights groups claim that rape by inmates or prison guards was common.

Responsibility for the prisons was transferred from the Ministry of Internal Affairs to the Ministry of Justice in January 2000. The Ministry of Justice is responsible for overall administration of the prison system; however, the law permits MOI personnel to continue to staff the facilities. The MOI maintains several of its own cells in various prisons. Other legislation permits the MOI to conduct investigations without judicial approval among inmates to gather evidence for trials. Observers noted little change in prison conditions; however, advocates noted an improvement in access for family members and telephone privileges since the transfer.

Attempted suicides and self-mutilation were more frequent in prisons as conditions declined and human rights violations increased during the year. There were several instances of prisoners sewing their mouths shut during hunger strikes to protest prison conditions and unfair trial practices. For example, in March Zviadist prisoners sewed their mouths shut during a hunger strike and appealed to the Parliament's Human Rights Committee Chairwoman Elene Tevdoradze and Rusudan Beridze, Deputy Secretary of the National Security Council. The prisoners later ended their strike.

A prisoner in Zugdidi began a hunger strike in early August claiming that local police had fabricated his case. His case was not reviewed, and he was denied medical treatment for nearly a month. Many hunger strikers are self-proclaimed political prisoners from the former Gamsakhurdia government, former National Guard, or former Mkhedrioni implicated for crimes committed during the civil war (see Section 1.e.). The Ministry of Justice has no procedures for dealing with hunger strikers and leaves cases to the jurisdiction of prison authorities.

On August 14, a riot broke out in Tbilisi's Detention Facility 5 after an inmate took two hostages, demanded a meeting with then-Justice Minister Saakashvili, and demanded a live broadcast regarding mistreatment and prison conditions. According to press reports, the warden disarmed the inmate and restored order.

The ICRC had full access to detention facilities, including those in Abkhazia, and access included private meetings with detainees and regular visits. The OSCE reported bureaucratic delays but no serious problems in obtaining access to prisoners or detainees; however, local human rights groups reported increasing difficulty in visiting detainees, especially in cases with political overtones.

d. Arbitrary Arrest, Detention, or Exile

The Constitution includes provisions to protect citizens against arbitrary arrest and detention; however, authorities frequently disregarded these provisions. The Constitution provides for a 9 month maximum period of pretrial detention, mandated court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). These amendments generally were observed; however, prosecutors maintain undue influence over criminal procedures.

Judges issue warrants and detention orders, and by law, suspects must be charged within 3 days. Judges may extend pretrial detention by 3-month intervals up to 9 months. NGO's stated that the amendments to the old Soviet Code (maximum 18 months detention) made the pretrial detention period less arbitrary; however, international and domestic observers noted that such detention usually was longer--sometimes up to 2 years--because this protection routinely was interpreted to include only the Procuracy's investigative period, not the defense's investigative period. Police frequently detain persons without warrants. There was no bail system available to detainees. At year's end, there were 8,676 persons in custody, including both prisoners serving sentences and approximately 2,500 suspects held in pretrial detention.

A Criminal Procedures Code and other legislation to implement constitutional protections and restrict the powers of the Procuracy and the police was passed by Parliament in 1997; however, implementation was delayed until May 1999 (see Section 1.e.). Following enactment of the New Criminal Code in June 1999, the Criminal Procedures Code was amended substantially. A number of amendments sought to harmonize the Criminal Procedures Code with the new Criminal Code; however, several amendments significantly weakened protections against arbitrary arrest and detention. Specifically the changes imposed severe restrictions on a detainee's access to the courts in the pretrial period. Before these amendments were enacted, a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Procuracy during a criminal investigation and could request medical examination; however, under the amended provisions, a defendant can file a complaint of abuse only with the Procuracy. The Procuracy's decision cannot be appealed to the courts. NGO's claimed that this regulation hinders their ability to

substantiate police misconduct because of the close ties between the Procuracy and the police. The amendments also eliminated the right of a witness to be accompanied by a lawyer when being questioned by the police. The police can hold a witness for 12 hours without being charged. Police frequently charged witnesses as suspects at the end of this period. Human Rights Watch reported in 2000 that police often called a detainee's lawyer as a witness, thereby denying him access to his client.

Detainees have difficulty obtaining objective medical examinations in a timely manner. If a medical examination is not conducted within 3 to 4 days of an incident; it may be difficult to establish the cause of injuries. Only a state-employed forensic medical examiner, which in most cases is an employee of the Ministry of Health's Judicial Medical Expert Center, can testify about injuries. Human rights advocates routinely criticized the state forensic examiners as biased in favor of the Procuracy, and stated that permission for an independent forensic medical examination rarely was granted.

Police often failed to inform detainees of their rights and prevented them access to family members and lawyers. Some observers charged that police also conducted interrogations in apartments outside the police stations to avoid registering detainees. While officially suspects are charged within 3 days of registration, observers claim that police frequently delayed registering detainees for long periods in order to seek bribes; according to international and domestic observers, at times the police attempted to extort money from suspects in exchange for not registering an arrest. Police reportedly approached suspects' families and offered to drop charges in exchange for a bribe. Correct legal procedures were observed more often once a detainee was charged and registered formally.

Authorities often held prisoners who were tortured and abused in police stations and pretrial detention for lengthy periods in order to give their injuries time to heal (see Sections 1.c. and 1.e.).

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary often does not exercise full independence, and judicial impartiality is limited. The judicial reform process, completed in 1999, resulted in the appointment of some better qualified judges; however, observers agreed that judicial authorities continued to experience pressure from the executive branch and powerful outside interests. Investigators routinely planted or fabricated evidence and extort confessions in direct violation of the Constitution. Judges were reluctant to exclude evidence obtained illegally if the Procuracy objected.

Other results of the judicial reform effort were inconclusive. Judicial incompetence and corruption, including the payment of bribes to judges, still was a problem. Although there were reports by several trial attorneys and local NGO's in Tbilisi that some cases were being handled in a more expeditious manner since reforms, progress outside of Tbilisi was not as marked. Observers commented that although judges were better educated, they are hindered by lack of practical experience. Human rights organizations point to judge's limited experience in case law as a contributing factor. Due to the Government's fiscal crisis, at times judges' salaries have gone unpaid up to 6 months, creating an incentive for corruption. Pressure from extensive family and political and economic interest groups was extensive, and bribery was common.

The law established a three-tier court system. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional ("city") courts of appeal, which serve as appellate courts for district courts. The regional courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. The Supreme Court acts as a higher appellate court and remains the court of first instance for capital crimes and appeals from the Central Election Commission. Judges have enacted a judicial code of ethics; however, some observers have alleged that the Supreme Court's decisions are subject to political and other undue influences. In December the Supreme Court implemented a system of regional managing judges to monitor the performance of lower courts throughout the country.

A separate Constitutional Court arbitrates constitutional disputes between branches of government and rules on individual claims of human rights violations. The Court has interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The court only considers one case at a time. The Court's rulings have demonstrated judicial independence.

The Council of Justice administers the court system. The Council has 12 members, 4 selected from within each branch of government. The law establishes a three-part testing procedure for working and prospective judges administered by the Council. The testing procedure was designed to reduce judicial incompetence and corruption; according to observers, this process began during the year. In 1998 the Constitutional Court ruled that sitting judges could not be removed, thereby hampering the Government's attempts at judicial reform. The Parliament responded with a law stating that judges' terms would not be renewed beyond the end of the year if they did not take and pass the examination, thereby observing the decision of the Constitutional Court, yet forcing the judges to qualify themselves through examination. All judges take the exams.

A total of 5 examinations were administered by the end of 1999, and approximately 250 judges had passed. There are two exams given each year. In January 11 out of 173 judges passed. In December the Council of Justice reported that 13 out of 86 applicants passed the first round and 7 out of 13 passed the second round of examinations in January and December. At the district level, especially in extremely rural or mountainous regions, it has been difficult to find candidates who have passed the exam who are willing to fill these positions. Supreme Court judges are required to take the examination. In 2000 the President nominated and

the Parliament ratified the appointment of 12 new Supreme Court Justices, 10 of whom passed the judicial exams, and 2 of whom were appointed pursuant to Article 20 of the law on the Supreme Court, which provides that "distinguished legal specialists" may be appointed.

Aside from the judicial system, law enforcement as a whole still has not undergone significant reform. Payment of bribes to policeman and Procuracy officials reportedly is common (see Section 1.c.). The Procuracy is identified as part of the judicial system in the Constitution, and there were calls from legislators and others to move the Procuracy into the executive branch.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. Officers must inform detainees of their rights and notify their families of their location as soon as possible. However, these rights are not observed fully in practice. Authorities frequently do not permit detainees to notify their families of their location, which is in violation of the June amendments to the criminal procedure code that specifically provide that if a witness so requests his lawyer can attend his questioning, who may in turn notify family members. However, local police authorities limited lawyers' access to detainees. Defense attorneys and family members often have difficulty obtaining permission to visit clients. Investigators seldom inform individuals of their rights. Lengthy trial delays were common. Defense counsel is not required to be present at pretrial hearings, and defendants and their attorneys regularly complained that they were not notified of scheduled hearings. Under the Criminal Procedures Code, the police are not obliged to allow a lawyer to enter a police station unless hired by a detainee. During the year, the Parliamentary Committee on Human Rights and National Minorities created a card listing a citizen's rights in case of arrest. The committee has distributed approximately 30,000 printed cards to students, NGO's, and visitors to the committee.

The Criminal Procedure Code adopted in 1999 significantly weakened many constitutional protections designed to circumscribe the powers of the Procuracy, increase the rights of defense attorneys, and enhance the independence of the judiciary. Prosecutors continued to direct investigations, supervise some judicial functions, and represent the state in trials. Prosecutors continued to wield disproportionate influence over judicial decisions. The Criminal Procedure Code prohibits the same judge who signed a warrant from hearing the case; however, this rule frequently was disregarded outside of Tbilisi since few regions have more than one judge.

In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the Procurator's Office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured or coerced by procurators to accept a state-appointed attorney or other attorneys who do not vigorously defend their interests. However, in general individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. The Procuracy not only has control over state-appointed lawyers; it also determines whether to grant a defendant's request to change lawyers. However, several NGO's provided free legal services for those whose human rights were violated in Tbilisi. The quality of attorneys varies dramatically. In addition the licensing of forensic medical examiners does not ensure competence.

On August 10, the Ombudsman criticized the Government for the improper handling of the trial of former Finance Minister (in the Gamsakhurdia administration) Guram Absandze, who was charged in an assassination plot on the President. In November the Supreme Court reduced Absandze's sentence of 17 years' to 6 years' imprisonment. He was found not guilty of participation in the February 1998 assassination attempt, but he was convicted of misappropriation of \$127,800 (254,000 GEL) and participation in the 1992 rebellion by supporters of deposed President Gamsakhurdia. The Court verdict only may be appealed in the Strasbourg Court. Lawyers complained of numerous violations of their defendant's rights by the Supreme Court. Absandze registered as a candidate for a parliamentary seat in a by-election scheduled in October; however, in September the court denied his petition to be released from prison in order to campaign.

International and local human rights groups agree that there are political prisoners but disagree on the number; estimates range from 20 to 25 political prisoners. The Ombudsman claimed that there were no official political prisoners in the country; however, many individuals, including members of the former paramilitary Mkhedrioni, so-called Zviadists (followers of the deceased former president Gamsakhurdia), and some former state security personnel consider themselves political prisoners. According to human rights observers, some Zviadist prisoners never took up arms and should be considered political prisoners. Some Zviadists were convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons and are serving sentences from 7 to 12 years.

In April 2000, Parliament passed a resolution on national reconciliation directing the Procuracy to review the cases of those convicted in connection with the civil war. President Shevardnadze subsequently pardoned or reduced the sentences of 279 prisoners convicted of crimes committed during the civil war, including former National Guard commander Tengiz Kitovani. Mkhedrioni leader Jaba Ioseliani, convicted for participation in the 1995 assassination attempt on President Shevardnadze, also was pardoned along with 14 others convicted for participation in the crime. The 1998 trial of Ioseliani and 14 other alleged conspirators in the 1995 assassination attempt was characterized by serious violations of due process. On July 10, the President released 72 more prisoners, mainly senior officials in the former Gamsakhurdian government. By year's end, 85 Zviadists were released under the program. The remainder had been charged or convicted of murder.

Tengiz Asanidze, accused by Ajaran authorities of abduction and financial crimes, was pardoned by President Shevardnadze in October 1999 but remained in prison at year's end. The Supreme Court ordered his release; however, the authorities in Ajara refused to release him. In June 2000, the Council of Europe's High Commissioner on Human Rights, Jose Alvaro Gil-Robles, visited Asanidze in prison. Both Amnesty International and Gil-Robles have called for Asanidze's release. At year's end, he was awaiting the terms of the examination of his suit, which was filed with the Court of the Council of Europe in Strasbourg.

The Government allows international human rights and domestic organizations to visit political prisoners, and some organizations did so during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution forbids wire tapping of telephones and other forms of interference in an individual's private life without court approval or legal necessity; however, in practice law enforcement agencies and other government bodies occasionally monitored private telephone conversations without obtaining court orders. The Government stated that state security police and state tax authorities entered homes and work places without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Police sometimes stopped and searched vehicles without probable cause in order to extort bribes (see Section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the law provide for freedom of the press; however, although the independent press was generally free, there were several instances of intimidation of journalists. According to journalists and NGO's, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions, and violence. Nevertheless during the year, journalists were able to publish wide ranging and extremely critical views of officials and their conduct; however, some journalists practiced self-censorship.

The Administrative Code contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists have employed it. The adoption of a freedom of information act and judicial enforcement of this law have made agencies more willing to provide information. However, the Government often failed to register freedom of information act requests, as required by the administrative code. Although the law states that a public agency shall release public information immediately, or no later than 10 days, the release of requested information may be delayed indefinitely. A requesting party has no grounds for appeal.

Libel laws inhibit investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused.

There are approximately 200 independent newspapers in circulation. The press frequently criticizes senior government officials; however, few newspapers editorially are independent and commercially viable. Typically newspapers are subsidized by and subject to the influence of their patrons in politics and business. The Government finances and controls one newspaper (which appears in Russian-, Azeri-, and Armenian-language versions); the newspaper reflected official viewpoints. The highest-circulation independent daily newspaper, Alia, has a national circulation nearly 20 percent higher than the government-controlled daily; however, independent newspapers continued to struggle in the regions, due largely to the population's poverty. High printing costs, a lack of advertising, and general poverty limited the circulation of many newspapers. Several newspapers were reputable sources of information, although lack of financial resources hinders overall journalistic development. Independent newspapers continued to be harassed by state tax authorities.

In 2000 the President publicly criticized the daily newspaper Rezonansi for reporting comments by an opposition politician in Parliament who called for the overthrow of the "Shevardnadze regime." The President asked the Procuracy to investigate the newspaper, which he stated had a history of provocative, antigovernment news coverage. This suit and others were initiated by government officials who were the object of such investigative reports. Rezonansi also was the object of threats during the year. Its editorial offices were attacked by the Orthodox Christian radical group led by Father Basil Mkalavishvili (see Section 2.c.).

Most persons get their news from television and radio. The Government finances and controls radio and television network with national audiences; it reflects official viewpoints. Rustavi-2, a member of the independent television network TNG, is considered the only station other than the state-run channel with a national audience. On October 30, members of the State Security Ministry raided TNG's headquarters demanding financial information, even though the tax department had completed an audit a few weeks earlier. The head of Rustavi-2 refused to release the information and broadcast the events live. The broadcast led to protests in front of the Parliament and led to President Shevardnadze's dismissal of all Ministers on November 1.

In addition to Rustavi-2, there are seven independent television stations in Tbilisi. An international NGO estimated that there are more than 45 regional television stations, 17 of which offer daily news. While these stations ostensibly were independent, a lack of advertising revenue often forced them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, have relatively independent media. Rustavi-2 has a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. Independent television stations continued to be harassed by state tax authorities. Stations desiring benefits and better working relations with authorities practiced self-censorship.

Channel 25 is the only independent television station broadcasting in the autonomous region of Ajara; however, three of the four owners of the station alleged that they were coerced in February 2000 by Ajaran regional government officials and Mikhail Gagoshidze, chairman of Ajaran Television and Radio, to cede 75

percent of the company's shares to Gagoshidze. The owners stated that in return they were forced to take \$50,000 (100,000 GEL) in cash. In addition Batumi mayor Aslan Smirba physically assaulted Avtandil Gvasalia, the station's commercial director. Smirba claimed that he had a right to own the station, as he had helped the company get permission to broadcast. The owners brought suit against Gagoshidze, but they lost their case in Ajara regional court. The case was in the appeal process at year's end.

Journalists stated that they are vulnerable to pressure from the authorities, as well as from business and societal elements.

On July 26, popular TV journalist Giorgi Sanaia was found dead in his Tbilisi apartment; no one has been charged with the crime by year's end (see Section 1.a.).

In October 2000, Antonio Russo, a reporter for Italy's Radio Radicale who had reported on the war in Chechnya, was found dead on a roadside near Tbilisi; no one had been charged in Russo's death by year's end (see Section 1.a.).

In August 2000, a mob led by Orthodox extremists attacked journalists at a courtroom in Tbilisi (see Section 2.c.).

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, especially in the regions, understand the legal protections afforded journalists; and few journalists have the resources to hire a lawyer. Some have enlisted the assistance of the NGO community.

The Government does not limit access to the Internet; however, poor infrastructure and poverty limit access outside of the major cities.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly without permission from the authorities; however, both the national Government and local governments restricted this right in practice. The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Members of the NGO community argued that the law violated the Constitution and have sought to have it overturned by the Constitutional Court; however, the Court has refused to hear the case, explaining that a test case must be brought before it to consider the challenge and an individual must prove that the law has harmed him. Most permits for assemblies are granted without arbitrary restriction or discrimination; however, this is not the case for Zviadists (supporters of former President Gamsakhurdia). Extreme Zviadists never have accepted any successor to the Gamsakhurdia government as legitimate and have held demonstrations demanding that the present Government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity that they generate for themselves and against the Government. In May Zviadists held a demonstration demanding the present Government's resignation; fighting broke out between protesters and plainclothes police, and the police forcibly dispersed the demonstration. Several protesters and police were injured.

Private meetings and public gatherings of religious minority groups were repeatedly broken up, often with extreme violence, by Orthodox extremists with the tacit approval or active cooperation of law enforcement authorities (see Section 2.c.). The Government has not taken action against the perpetrators of such attacks.

In July and August, large public demonstrations occurred following the Sanaia killing (see Section 1.a.). Demonstrations also occurred outside Parliament during the November Government crisis and over electricity blackouts. All of these demonstrations were dispersed peacefully.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination; however, in June 2000, the Tbilisi appellate court overturned the registration of two organizations affiliated with Jehovah's Witnesses on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, local authorities sometimes restricted the rights of members of nontraditional religious minority groups. At times local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, Evangelicals, Pentecostals, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history but stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox Church. The Georgian Orthodox Church has lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. On March 30, Parliament amended the Constitution to allow for ultimate adoption of a concordat between the Church and

State, supported by the Church, which would define relations between the two; the concordat was signed in November.

There are no laws regarding the registration of religious organizations. Religious groups that perform humanitarian services may be registered as charitable organizations, although religious and other organizations may perform humanitarian services without registration. Organizations that are not registered may not rent office space or import literature, among other activities. Individual members of unregistered organizations may engage in these activities as individuals, but are exposed to personal legal liability in such cases.

In April 1999, Parliamentarian Guram Sharadze brought a civil suit to ban Jehovah's Witnesses, arguing that the organization is anti-Orthodox, anti-state, and anti-national. A February 22 Supreme Court ruling upheld a June 2000 Appeals Court ruling revoking the Jehovah's Witnesses legal registration. The Court issued a statement clarifying that the judgement did not ban the organization, but had simply revoked its legal status. However, many local law enforcement officials interpreted the ruling as a ban and thus used it as a justification not to protect Jehovah's Witnesses from attacks by religious extremists.

At times local police and security officials harassed nontraditional religious minority groups, particularly Jehovah's Witnesses. There were a number of cases in which police not only failed to intervene to protect such minorities from attacks by Orthodox extremists but also participated in or facilitated the attacks (see Section 5). On March 14, Basilists, with the assistance of traffic police, stopped a truck in Mtskheta carrying books imported by the United Bible Society and attempted to seize and burn them. On September 16, the police and followers of the excommunicated priest Basil Mkalavishvili prevented Jehovah's Witnesses from holding a convention in Marneuli by stopping buses, physically attacking followers, and burning and looting the convention site. Jehovah's Witnesses alleged that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the Basilists. On September 19, the head of the Marneuli district administration was dismissed for undisclosed reasons following the incident. An investigation was being conducted at year's end.

The Ministry of Interior (including the police) and Procuracy generally have failed to pursue criminal cases against Orthodox extremists for their attacks against religious minorities. On the few occasions in which there were investigations into such attacks, they have proceeded very slowly. In 2000 the Government initiated a criminal case against Father Basil Mkalavishvili, an excommunicated Orthodox priest whose followers have engaged in a number of violent attacks on nontraditional religious minorities; however, the investigation proceeded very slowly during the year (see Section 5). While the criminal case prevented Mkalavishvili from making personal appearances at most attacks during the year, his followers continued their violence in his absence.

In March Parliament passed a resolution condemning religious violence. Shortly thereafter the Procurator questioned Father Mkalavishvili and released him on his own recognizance with the understanding that he was not to leave Tbilisi. However, after a brief period of relative calm, attacks by Mkalavishvili and others resumed (see Section 5). Mkalavishvili's followers and another extremist group—"Jvari" (the Cross) continued to act with impunity.

Some nationalist politicians continued to use the issue of the supremacy of the Georgian Orthodox Church in their platforms, and criticized some Protestant groups, especially evangelical groups, as subversive. Jehovah's Witnesses in particular are the targets of attacks from such politicians.

The Roman Catholic Church and the Armenian Apostolic Church have been unable to secure the return of churches closed during the Soviet period, many of which were given to the Georgian Orthodox Church by Soviet authorities. A prominent Armenian church in Tbilisi remained closed, and the Armenian Apostolic Church, the Catholic Church, and Protestant denominations have had difficulty obtaining permission to construct new churches as a result of pressure from the Georgian Orthodox Church. While Catholic churches opened in Tbilisi and Batumi in 1999, during the year, the Catholic Church faced difficulties in attempting to build churches in the towns of Kutaisi and Akhaltsikhe.

The Jewish community also experienced delays in the return of property confiscated during Soviet rule. In 1997 a court ordered that a former synagogue—rented from the Government by a theater group—be returned to the Jewish community. In 1998 the theater group brought suit, claiming that the building was never a synagogue. On April 10, the Supreme Court ruled that the central hall of the synagogue should be returned to the Jewish community, but that the theater groups should retain part of the building; however, by year's end the theater group had not yet vacated the central hall.

On a number of occasions, Jehovah's Witnesses encountered difficulty importing religious literature into the country. Shipments were delayed by the Customs Department for lengthy periods of time.

On April 17, Jehovah's Witnesses representative Arno Tungler was denied an entry visa at Tbilisi Airport, despite having an official accreditation from the Ministry of Justice. Tungler since has received a visa and has visited the country.

Regular and reliable information about separatist-controlled Abkhazia is difficult to obtain. An Abkhaz "Presidential" decree bans Jehovah's Witnesses. A number of Jehovah's Witnesses have been detained in the last few years; however, according to a representative of Jehovah's Witnesses, none were in detention at year's end. Five persons who were detained in April 1999 for violating the decree were released after their counsel argued that their detention violated a freedom of conscience clause in the Abkhaz Constitution.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and the law generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's residence is not required nor are internal passports. Soviet passports bearing "propiskas" (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards are expensive to purchase and difficult to obtain, especially in poor and remote areas.

Approximately 275,000 so-called "Akhiskha" or "Meskhetian Turks," relocated from southern Georgia to Central Asia by Stalin in the 1940's, face official and public opposition to their return. Ethnic-Armenians of the Samtske-Javakheti region in particular also are opposed to their return. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union broke up and remain stateless. In 1999 the President issued a decree to address the Meskhetian issue. The decree established the State Commission on Repatriation and Rehabilitation of the Population Deported from Southern Georgia, and the Government undertook to begin the process of Meskhetian repatriation within 3 years. In July 1999, the Government announced that it had granted citizenship to 36 Meskhetians. There are approximately 600 Meskhetians living in the country, most of whom have Georgian citizenship.

The 1994 agreement between Russia, Georgia, Abkhazia, and the U.N. High Commissioner for Refugees (UNHCR) on repatriation in Abkhazia called for the free, safe, and dignified return of internally displaced persons (IDP's) and refugees. The Abkhaz separatist regime prevented such repatriation and unilaterally abrogated the agreement. In January 1999, the Abkhaz separatist regime unilaterally invited IDP's to return to Gali starting on March 1, 1999, but did not ensure adequately their safety. The move did not affect significantly the return of IDP's to Gali, who continued to travel back and forth to the area to tend their property. As many as 40,000 are estimated to be living in Gali on a more or less permanent basis.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDP's and refugees. In 1997 the UNHCR began a program to return IDP's and refugees; however, both sides created obstacles that slowed the return. During the year, the South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although some families returned. During the year, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other regions of the country. In 1997 the Government publicly recognized the right of Ossetian refugees to return to their homes in Georgia but has taken little facilitative action. Opposition by Georgian authorities to the return of illegally occupied homes has prevented the return of Ossetian refugees to Georgia proper. During the year, approximately 25 Ossetian refugee families returned to South Ossetia.

The Government gives stipends of approximately \$7 (14 GEL) per person per month to IDP'S; however, these were paid inconsistently. The Government subsidizes 50 kilowatts per hour of electricity per month for each IDP. Those in Tbilisi are paid their stipends more frequently than those elsewhere in the country. IDP's also are not afforded the right to vote in local elections (see Section 3).

Although Parliament passed an asylum law in March 1998, the law does not provide for the granting of refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not provide first asylum. According to UNHCR, the Government processed no asylum cases during year. The Ministry for Refugees and Accommodation (MRA) is responsible for the screening and registration of refugees and new arrivals. Since the outbreak of hostilities in Chechnya, the Georgian government has admitted approximately 4000 to 5000 refugees from the conflict. Chechen refugees have settled in the Pankisi Valley in the eastern part of the country. Both local and international NGO's have provided sporadic assistance to refugees living in the Pankisi Valley; however, after the kidnapping in 2000 of three ICRC staff members, international humanitarian organizations have had only periodic access to the Pankisi Valley.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully through regular elections; however, the 2000 presidential elections were marred by numerous serious irregularities and limited this right in practice. An elected president and parliament govern most of the country.

In April 2000, presidential elections were held. Only two presidential candidates campaigned actively: The incumbent, Eduard Shevardnadze; and Jumber Patiashvili of the Revival of Georgia Party. The Central Election Commission (CEC) reported that Shevardnadze won with over 78 percent of the vote to Patiashvili's 16 percent, in contrast to observer estimates of 50 to 70 percent of the vote for Shevardnadze and 30 percent for Patiashvili. International observers strongly criticized the election; the OSCE noted serious irregularities, including ballot stuffing, group voting, groups of identical signatures on voter's lists, media bias, and lack of transparency in counting and tabulation. Some observers noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated during the counting process and that, in general, procedural safeguards were not implemented. The CEC annulled the election results of six polling stations. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. Police disrupted a number of opposition rallies and bureaucratic obstacles were erected to prevent their organization (see Section 2.b.). The Parliament adopted extensive amendments to the electoral laws less than 3 weeks before the presidential

election, causing confusion in the election administration. In addition there was inadequate time to implement some of the election law amendments properly. The OSCE also raised concerns about the transparency of the candidate registration process and ballot distribution.

Parliamentary elections were held in October 1999. The Citizens' Union of Georgia (CUG), chaired by President Shevardnadze, won an outright majority. International observers judged the conduct of the elections throughout the country to be a step towards compliance with OSCE commitments. However, they noted a number of irregularities including restrictions on freedom of movement. A second round was held on November 1999, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. There was no voting in the separatist regions of Abkhazia or South Ossetia, which remain outside government control.

The local governments elected in November 1998 were expected to have more authority over local government; however, lack of funding from the central government (in lieu of an independent tax base), corruption, and the absence of legislative guidelines have made it difficult for them to exercise authority. The opposition has criticized the Government for retaining the power to appoint the mayors of the largest cities and regional chairmen, who were not always from the area they serve. In August Parliament passed a new law on local self-government, and in response the CEC postponed local elections scheduled for November. The CEC cited inadequate financing and claimed that the adopted legislation required a number of technical amendments that could not be implemented by the election date. Most political parties have not objected to the postponement. On October 21, by-elections in Vake and Bagdadi districts were held. The Vake elections were marred by two incidents of ballot box theft; however, the elections showed improvement over previous elections.

The division of power between the central and local governments remained a key issue in the country's transition to democracy. The degree of actual autonomy of the "Autonomous Ajaran Republic"—a former autonomous Soviet republic—was at the center of the debate. In 2000 Parliament granted Ajara the constitutional status of an autonomous republic; however, the division of authority between the national and Ajara governments has not yet been defined. Ajara's authorities have claimed that regional laws must take precedence over national laws.

The percentage of women in government and politics does not correspond to their percentage of the population. Women hold 5 to 8 percent of the seats in the 235-seat Parliament, and several women hold important committee chairmanships. Two women held ministerial posts.

The percentage of minorities in the Parliament does not correspond to their percentage of the population. Representation of minorities decreased in the 1999 Parliament from 16 members to 13; there were 6 ethnic Armenian representatives and 4 ethnic Azeris in the new Parliament. Other minority groups represented include Ossetians, Kurds, Jews, and Greeks.

Elections have been held periodically by the separatist governments of Abkhazia and South Ossetia, which remained outside government control. International observers have determined that these elections are illegitimate.

"Presidential elections" held in Abkhazia in October 1999 were declared illegal by international organizations, including the U.N. and the OSCE. Georgian authorities also called the election illegitimate, as they had the Abkhaz local elections of 1998, on the basis that a majority of the population had been expelled from the region. In March the Georgian Parliament stated that any further polls held before a settlement to the conflict was reached and displaced persons were returned to their homes would be considered illegal. In November the unrecognized separatist government held "presidential elections" in South Ossetia.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The Government generally respected the right of local and international organizations to monitor human rights but continued to restrict the access of local human rights groups to some prisoners (see Section 1.c.).

There are a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups are extensions of partisan political groups and these have little influence. Local human rights NGO's reported that the Government was slightly less responsive during the year. NGO's are permitted to bring suits to courts of the first instance on behalf of persons whose rights have been abused.

NGO's continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The Constitutionally mandated office of the Public Defender, or ombudsman, was created in 1995. The National Security Council's human rights advisor, which has a mandate to investigate claims of abuse, and the Public Defender were active in several individual cases involving police misconduct (see Section 2.c.). However, while government representatives have been effective in individual cases, neither they nor the NGO's have been successful in prompting systemic reform.

In 1997 the UNHCR and the OSCE mission established a joint human rights office in Sukhumi, Abkhazia, to investigate human rights abuses. The office has operated sporadically because of security conditions, but has provided periodic findings, reports, and recommendations. During the year, the office registered relatively few complaints of abuse by de facto police and judicial authorities operating in the region. In August the International Federation of the Red Cross and Red Crescent Societies stopped financing all projects and programs developed with the local Red Cross division after its leader was suspected of misusing the funds.

given to him.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution recognizes the equality of all citizens without regard to race, language, sex, religion, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence; however, discrimination against women and the harassment of religious minorities is a problem. The Constitution stipulates that Georgian is the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities usually communicate in their native languages or in Russian. Both Georgian and Russian are used for interethnic communication.

Women

Violence against women was a problem. There are no laws that specifically criminalize spousal abuse or violence against women, although the Criminal Code, in force since June 2000, classifies marital rape and sexual coercion as crimes. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurs frequently but rarely is reported or punished because of social taboos against raising the problem outside of the family. Spousal abuse is reportedly one of the leading causes of divorce. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO operating a shelter for abused women and the Government established a hot line for abused women, but has provided no other services. There are anonymous telephone services that assist rape victims, but no shelters, specialized services, or other mechanisms to protect or assist them.

The kidnaping of women for marriage continued to occur, especially in rural areas, although the practice continued to decline. Such kidnapings often are arranged elopements; however, at times these abductions occurred against the will of the intended bride, and sometimes involved rape. Police rarely took actions in such cases.

Prostitution is not a criminal offense, and trafficking in women for the purpose of prostitution is a problem (see Sections 6.c. and 6.f.). Police officers reportedly beat and raped prostitutes (see Section 1.c.).

Sexual harassment and violence against women in the workplace is a problem, especially as economic conditions worsen, according to a U.N. Development Program report. Sexual harassment in the workplace rarely, if ever, is investigated.

The Constitution provides for the equality of men and women; however, discrimination against women is a problem. The Civil Code gives women and men equal inheritance rights. Divorce is legal and can be initiated by either a husband or wife. A 1998 NGO poll of women found a gap between the perceptions of older and younger women; older women tended to view their place in traditional society as an honored one, while younger women reported that although there were no real barriers to a professional life or to a good education, discrimination and harassment in the workplace were problems. Younger women reported that the economic balance had shifted in their favor because many traditionally male jobs had disappeared due to the depressed economy. Women's access to the labor market was improving but remained primarily confined, particularly for older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. As a result, many women sought employment abroad. A NGO study released in 1999 reported that women on average were paid 78 percent of men's wages in the public sector and 67 percent in the private sector. The Government's 1999 data noted a wider disparity in both categories. Reportedly men were given preference in promotions. Of the 105,000 unemployed persons throughout the country, 55 percent were women. Women rarely fill leadership positions. According to the U.N. Development Program (UNDP), employers frequently withhold benefits connected to pregnancy and childbirth.

A number of NGO's, promote women's rights, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy. Women's NGO's took an active role in the 1999 parliamentary election and the October by-elections, engaging candidates in discussions about issues of concern.

Children

Government services for children were extremely limited. Free health care is available only for children over the age of 3 years. While education officially is free through high school, many parents were unable to afford books and school supplies, and most parents are forced to pay some form of tuition or teachers' salaries. Most children of school age attended school; however, in some places schools do not function or function sporadically because teachers are not paid, and facilities are inadequate.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. It is estimated that there are more than 2,500 street children in Tbilisi due to the inability of orphanages and the Government to provide support. The private voluntary organization Child and Environment operates a shelter, and the Ministry of Education operates a second shelter; however, the two shelters can accommodate only a small number of the street children. Outside of Tbilisi, no such facilities exist. Street children often survive by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children with impunity. The Government took little other official action to assist street children.

The Isolator detention facility for street children in Gldani was overcrowded, and children frequently were abused by other children and guards. For example, in August 2000, the police detained an 11-year old boy in Tbilisi who was trying to sell a sheet of aluminum. After being taken to the juvenile detention center, police reportedly knocked out one of his teeth. He reported seeing other children being beaten. His parents were not notified, and he was not released until after his parents and neighbors held a protest.

The lack of resources affected orphanages as well. Children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The staff was paid poorly, and wages were many months in arrears. The staff often diverted money and supplies provided to the orphanages for its own use. Orphan children in government institutions were not eligible for foreign adoption.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment up to 3 years.

Persons with Disabilities

There is no legislated or otherwise mandated provision requiring access for persons with disabilities; however, the law mandates that the State ensure appropriate conditions for persons with disabilities to use freely the social infrastructure and to ensure proper protection and support. The law includes a provision of special discounts and favorable social policies for persons with disabilities, especially veterans with disabilities; however, many facilities for persons with disabilities remained closed due to lack of funding. Most persons with disabilities were supported by family members or by international humanitarian donations. Societal discrimination against persons with disabilities exists.

Religious Minorities

Despite a general tolerance toward minority religious groups traditional to the country—including Catholics, Armenian Apostolic Christians, Jews, and Muslims—citizens remain very apprehensive about Protestants and other nontraditional religions, which are seen as taking advantage of the populace's economic hardships by gaining membership through the distribution of economic assistance to converts. Some members of the Georgian Orthodox Church and the public view non-Orthodox religious groups, especially nontraditional groups or so-called "sects" as a threat to the national Church and Georgian cultural values and have argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign and local members of nontraditional religious groups continued to report harassment by extremist Orthodox groups, police, and other authorities (see Section 2.c.).

Followers of excommunicated Orthodox priest Basili Mkalavishvili (Basilists) engaged in a number of violent attacks on nontraditional religious minorities, including Baptists, Seventh-Day Adventists, and especially, members of Jehovah's Witnesses. During the attacks, Basilists burned religious literature, broke up religious gatherings, and beat parishioners, in some cases with nail-studded sticks and clubs. In January Basilists harassed several families of Jehovah's Witnesses, demanding that they stop holding meetings in homes. On January 22, Mkalavishvili broke up a Jehovah's Witnesses press conference. On March 24, a mob of Basilists attacked eight visiting foreign Assembly of God members; the Basilists stole their camera equipment and inflicted minor injuries. Police reportedly were present and watching but they made no effort to intervene. On April 30, a group of "Basilists" attacked a prayer group of Jehovah's Witnesses in Tbilisi with clubs spiked with nails, burned literature, smashed windows and furniture, and seriously injured three persons. During April and May, following the opening of a criminal case against Mkalavishvili, Basilists continued their attacks against members of Jehovah's Witnesses, which included several cases in which peaceful religious gatherings in Tbilisi, Rustavi, and other locales were broken up and Jehovah's Witnesses were beaten with sticks and clubs. Mkalavishvili publicly encouraged these latest attacks, although he did not participate due to fear of potential legal consequences.

On June 17, approximately 60 "Basilists" attacked a prayer meeting in Tbilisi, and reportedly injured Giorgi Kiknavelidze, an economist. On July 11, Basilists forcibly entered a Tbilisi apartment building and attacked a Christian bible study group—mostly women and children—with clubs and metal pips. In a September 23 attack against members of an evangelical church, Basilists attacked parishioners with wooden clubs and crosses. Initially police did not respond to requests for help; however, they came to the scene once the Basilists had left. Attacks routinely were reported in Tbilisi and throughout the country, and the frequency and intensity of these attacks increased during the year. According to Jehovah's Witnesses, 50 attacks occurred in the first 9 months of the year, more than had occurred during all of 2000. Mkalavishvili and his supporters have been implicated in the majority of attacks.

Although law enforcement authorities were present during some of the attacks, in most instances, they failed to intervene, leading to a widespread belief in police complicity in the activities of the Basilists (see Section 2.c.).

On occasion members of Jvari (the Cross), another Orthodox extremist group, have joined Mkalavishvili's supporters in their activities. For example, on September 30, 14 members of Jvari attacked a meeting of Jehovah's Witnesses in Rustavi. According to an eyewitness, Jvari leader Paata Blashvili personally assaulted one of the victims. The extremists apparently used sawed off shotguns and other firearms when they ransacked the Jehovah's Witnesses convention site. Two days earlier, members of Jvari participated in attacks by religious extremists in which dozens were injured. Jehovah's Witnesses had received permission to hold the convention by local authorities and local authorities were at the convention site; however, they did not intervene to stop the attacks.

Orthodox priests participated in some attacks on religious minorities; for example, on March 6, four Orthodox priests led a mob in an attack on members of Jehovah's Witnesses in Sachkere. The mayor and local police chief refused to intervene, and local law enforcement officials warned that there would be further attacks.

There were some attacks during the year on religious minorities by unknown forces as well. For example, in March five masked men attacked the Central Baptist Church in Tbilisi. They tied the night watchmen and used a blowtorch to force their way into the room where all of the church's valuables were kept in a safe. There was no investigation into or prosecution of this incident by year's end. On May 12, a private residence used for gatherings in Tbilisi's Samgori district and occupied by a Kurdish Jehovah's Witness family was burned to the ground; 11 family members escaped unharmed.

In December 2000, Basilists encircled a 5,000 square meter plot of land where a local Pentecostal congregation planned to build a multi-purpose building. Father Mkashvili warned them that they were building a Satanist house and that they better stop their work. By year's end, no further construction had taken place on the land.

National/Racial/Ethnic Minorities

The Government generally respected the rights of members of ethnic minorities in non-conflict areas but limited self-government and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). School instruction in non-Georgian languages is permitted.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the law provide for the right of citizens to form and join trade unions, and the Government generally respects this right in practice.

The principal trade union confederation is the Amalgamated Trade Unions of Georgia (ATUG), which is the successor to the official union that existed during the Soviet period. The ATUG consists of 31 sectoral unions. In November 2000, the ATUG met to reelect its leadership. The organization officially claims 600,000 members, but it acknowledges that the number of active, dues-paying members is lower. The union has no affiliation with the Government and receives no government funding (except for support to send 200 children each year to summer camp).

In 1998 the ATUG brought suit against the Ministry of Internal Affairs for illegally firing 220 employees in the Ministry's visa office. The suit was to be decided on a case-by-case basis. Several employees had been ordered to be reinstated, but the Ministry refused to do so by year's end.

The ATUG was involved in a legal action with the Government regarding the Palace of Culture, which the ATUG inherited when the Soviet Union collapsed. In 1998 the Constitutional Court awarded the property to the ATUG, but in 1999 a lower court ruled that the ATUG had no rights to the property. On May 30, following a number of court decisions, a decision was made that the union had no right to discuss the issue in its council meeting. The ATUG met with the Justice Council, which confirmed that this violated the law, the Constitution, and ILO regulations. The president of the ATUG continued to speak out on the issue, and in August the city prosecutor opened a case against the president for violating the findings of the court. Both cases were ongoing at year's end.

There are two trade unions in addition to the ATUG: The Free Trade Union of Teachers of Georgia "Solidarity" (FTUTGS) based in Kutaisi; and the Independent Trade Union of Metropolitan Employees which was formed in Tbilisi in 2000.

During 2000 the ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers, most of which were wildcat actions. During the year, teachers went on strike for unpaid wages. Teachers seeking to join the Kutaisi based Free Trade Union of Teachers/Solidarity sometimes were pressured by local government representatives not to do so.

There were no legal prohibitions against affiliation and participation in international organizations. The ATUG works closely with the International Confederation of Free Trade Unions (ICFTU). In 2000 a delegation from the ICFTU held a joint conference with the International Labor Organization (ILO) and the ATUG in Tbilisi. The ICFTU reviewed the ATUG's membership application and in November 2000, the ATUG became a full member of the ICFTU.

b. The Right to Organize and Bargain Collectively

The Constitution and the law allow workers to organize and bargain collectively, and this right is respected in practice; however, the practice of collective bargaining is not widespread.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages; however, the ATUG and its

national unions report frequent cases of management warning staff not to organize trade unions. Some workers, including teachers in the Imereti region, employees of various mining, winemaking, pipeline and port facilities, and the Tbilisi municipal government reportedly complained of being intimidated or threatened by employers for union organizing activity. Observers also claimed that employers fail to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry of Labor investigated some complaints, but no action had been taken against any employers by year's end.

In 2000 the FTUTGS organized a demonstration in front of government offices in Kutaisi to demand payment of back wages to teachers in the Imereti region's school system. According to several school principals, the governor of the Imereti region told them that the FTUTGS was a "negative force" and should be resisted. Since that time, a number of FTUTGS members allegedly were fired, regardless of seniority, when layoffs or staff reduction took place. According to a foreign union expert, the FTUTGS complained of increased pressure from the school authorities in the second half of 2000, including principals instructing teachers not to join the union and actively preventing teachers from attending meetings. According to union officials, organizers continued to face similar obstacles during the year.

The ICTFU reported that 10 days before the start of the November 2000 Congress of the Georgia Trade Union Amalgamation (GTUA), two unidentified individuals physically attacked Etir Matureli, a union official who played a prominent role in the organization of the Congress. Furthermore, on November 24, 2000, the day the conference began, special antiterrorist forces entered the home of Londa Kikharulidze, a union vice president, and took her son away for questioning. Other delegates reportedly were offered bribes by government officials. Despite these incidents, members reflected the union leadership.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor and provides for sanctions against violators; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Government prohibits forced or bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

According to the law, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Health, Social Service, and Labor enforces these laws and generally they were respected.

The Government has not ratified the ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children and such practices were not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The state minimum wage was raised in 1999 to \$10.80 (20 GEL) a month. There is no state-mandated minimum wage for private sector workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions also were insufficient to meet basic minimum needs for a worker and family. Average wages in private enterprises were \$75 to \$100 (150 to 200 GEL) monthly; in state enterprises, \$15 to \$30 (30 to 60 GEL). Salaries often are supplemented by unreported trade activities, assistance from family and friend networks, and the sale of personally grown agricultural products.

The old Soviet labor code, with some amendments, still is in effect. The law provides for a 41-hour workweek and for a weekly 24-hour rest period. The Government workweek often was shortened during the winter of 2000 due to the continuing energy crisis. The labor code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, although trafficking can be prosecuted under laws prohibiting slavery, forced labor, illegal detention, and fraud; the country is both a source and transit country for trafficked persons. It is not generally a final destination for trafficked persons.

Georgian women primarily are trafficked from the country to Turkey, Greece, Israel, and Western Europe to work in bars, restaurants, or as domestic help. Many work in the adult entertainment sector or as prostitutes. Men typically were trafficked to the same countries to perform construction work. There also was evidence that Russian and Ukrainian women have been trafficked through Georgia to Turkey, sometimes using fraudulently obtained Georgian passports. There were reports of Russian and Ukrainian women being sent to beach resorts in the summer months to work as prostitutes. Trafficked persons often were lured by jobs abroad offered through tourism firms and the media; employment agencies falsely advertised jobs as au pairs,

models, and housekeepers. For example, many of the women working in the adult entertainment sector as prostitutes were informed, or led to believe, that they actually would be employed as waitresses in bars and restaurants or as domestic help.

A government program for combating violence against women included a proposal for measures to eliminate trafficking in women for the purpose of sexual exploitation; however, it has not been implemented due to budgetary constraints.

There are no other government policies that address the problem of trafficking; however, there have been some prosecutions of traffickers. Prosecutors have used the fraud statutes in several trafficking cases.

There are no Government programs to help victims; however, there are several NGO's involved in combating trafficking and aiding its victims. In 2000 the NGO Women Aid Georgia received international funding and launched a widespread public information campaign to educate women about the dangers of trafficking. The International Organization for Migration (IOM) also works on trafficking issues in the country. Victims who had returned to the country reported problems resuming to normal life.

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