

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Georgias new president, Mikheil Saakashvili, was elected in January 2004, after campaigning on a platform of radical reform. His predecessor, Eduard Shevardnadze, was ousted in November 2003, as a result of peaceful mass demonstrations against fraudulent parliamentary elections. In March 2004, a coalition of parties aligned with Saakashvili won a landslide victory in repeat parliamentary elections. With this strong mandate, the new government began a campaign against corruption and for territorial integrity. The governments reform agenda is delivering mixed results on human rights. The environment for religious freedom a long standing concern has improved. However, torture and ill-treatment in pre-trial detention remain widespread. Chechen refugees also remain vulnerable to state discrimination and abuse by Georgian security forces.

Mixed Results on Reform

In February, the new government rushed several constitutional changes through Parliament. One change empowered the president to appoint and dismiss judges. This change which contravenes international human rights norms increases the presidents influence over a judiciary which already lacked independence. There have been incidents of police violence towards peaceful demonstrators, creating an environment less conducive to freedom of assembly than under Shevardnadze. The media remains relatively free, although media previously aligned to the opposition now support the government, as does the state owned media, leaving very few outlets without a pro-government orientation. In a positive move, the government appointed Sozar Subeliani, a human rights activist and former journalist, to the Ombuds office on September 15. The post had been empty for twelve months.

The government is engaged in a highly publicized fight against corruption, with frequent arrests of high profile figures. Georgian nongovernmental organizations (NGOs) and others are concerned that the authorities are selectively targeting individuals for political reasons, and that the law is not being applied equally to all. Allegations of due process violations are common, and some of those detained for corruption allege torture and ill-treatment.

Georgias Regions

During the first months of 2004, tensions over tax and customs revenues, political freedoms, and law and order issues, between the central government and Aslan Abashidze, the autocratic leader of the autonomous republic of Adjara, escalated almost to the point of armed conflict. The human rights situation in Ajara deteriorated, with regular reports of beatings, detentions, and harassment of those critical of Abashidze and his government. In May, after negotiations led by Russia, Abashidze backed down and left Ajara. Since then, reports of abuses in Ajara have declined dramatically, particularly those concerning freedom of the press and freedom of association. Tension between Georgia and the breakaway republic of South Ossetia also worsened during 2004, resulting in sporadic armed clashes. Negotiations in August between Georgia, South Ossetia, and Russia calmed the situation, at least temporarily. Both sides accuse the other of torturing members of their security forces who were taken prisoner. Human Rights Watch has insufficient information to substantiate the claims.

Religious Freedom

During the last four years of the Shevardnadze government, Georgia experienced an increase in religious intolerance towards non-traditional religious groups, including Baptists, Jehovahs Witnesses, and Evangelists. These groups faced hate speech and violent attacks

by organized groups of Orthodox Christian vigilantes. The state failed to respond adequately, and sometimes even cooperated in the attacks, which consequently became more frequent and pervasive. The attacks and hate speech subsided prior to the November 2003 elections, leading to speculation about how closely the government controlled the violence. In 2004, there were some reports of intimidation and violence against religious minorities, although at significantly reduced levels to previous years. This decrease has improved the environment for freedom of religion.

In a positive move against impunity, the police arrested Vasili Mkalavishvili and seven of his followers in March. Mkalavishvili has led many violent attacks on religious minorities. However, the police used excessive force during the arrest, which was broadcast on television. At this writing, Mkalavishvili remained in custody awaiting trial. The new government has failed to bring to justice the perpetrators of scores of other attacks, and at times, appears to fuel religious intolerance through the use of nationalist rhetoric aimed against alien influences, a veiled reference to non-traditional religious groups.

Torture

Torture in detention and due process violations remain widespread in Georgia. There are continuing reports of the practice of isolating detainees in circumstances that amount to incommunicado detention, and restricting access to defence counsel. Judges sometimes ignore torture allegations. There were reports of several deaths in custody under suspicious circumstances, an increase from previous years. Reports of torture in detention include beatings, cigarette burns, threats of rape, and the use of electric shock. The authorities prosecute the perpetrators of torture in some cases. However, in many cases, the perpetrators are not brought to justice.

In a case that exemplifies the more troubling aspects of the governments fight against corruption, the former chair of the State Audit Agency, Sulkhan Molashvili, alleged he was subject to torture in pre-trial detention following his arrest in April on corruption charges. An independent forensic expert confirmed signs of torture on Molashvilis body after his arrest, including cigarette burns, and injuries consistent with the use of electric shocks. The Tbilisi city prosecution office opened an investigation into the torture allegations on July 5, 2004. In mid-July the Tbilisi city prosecutor stated that the investigation showed that the wounds had been inflicted either by Molashvili himself or other prisoners. At the time of writing, the investigation is on-going.

In October, in response to increasing reports of torture, Minister of Internal Affairs Irakli Okruashvili discussed with NGOs and the Ombuds office a plan to set up independent monitoring groups to supervise arrests and detention facilities. At this writing, the plan was yet to be implemented.

Chechen Refugees

Chechen refugees in Georgia remain vulnerable to abuse. They lack adequate housing, medical care, and employment opportunities. The refugees are subject to police harassment and threats of refoulement. Georgian authorities suspect some refugees of involvement in terrorism, and abuses take place during counter-terrorism operations. In May, Chechen refugees in the Pankisi Valley went on a hunger strike for over a week, protesting police harassment, including unauthorized and intimidating house searches. In August, following Russias unilateral closure of the border and pressure from Moscow about the presence of terrorists in the Pankisi Valley, masked Georgian security forces carried out raids against homes occupied by refugees and Kists (ethnic Chechens from Georgia). Up to twelve men were detained and accused of illegally entering Georgia. All were released within several days without charge.

In February 2004, two Chechens, Khusein Alkhanov and Bekhan Mulkoyev, were released from custody after a Georgian Court refused to extradite them to Russia on terrorism charges, citing the fact that Alkhanov is a refugee and a dispute about Mulkoyevs identity. The men went missing soon after their release, and later appeared in Russian custody. Human rights groups in Georgia suspect that Georgian authorities aided the Russian security forces detention of these men, in breach of Georgian law and international standards prohibiting return in cases where there is a risk of torture.

Key International Actors

The World Bank and European Commission co-sponsored a donors conference in June 2004. In a move illustrative of the huge international support enjoyed by Georgia, the international community pledged U.S. \$1billion in aid over the next two years at the meeting. The donors stated that the aid was to promote economic reform, improve governance, and combat poverty.

In June, the European Union (E.U.) pledged to double its financial assistance to Georgia over the next three years and announced the inclusion of Georgia in its European Neighborhood Policy. The policy offers financial benefits subject to Georgias compliance with jointly negotiated political and economic criteria.

In May 2004, the Council of Europe Committee for the Prevention of Torture visited Georgia, completing a trip interrupted by the upheaval in November 2003. Members of the Committee found that prison conditions were disastrous and encouraged the authorities to develop a plan to improve them.

The relationship between the U.S. and Georgia continues to strengthen. In May 2004, Georgia was deemed eligible to apply for a further large aid package under the Millennium Challenge Account. In November, Saakashvili stated that as a result of Georgias engagement in peacekeeping operations, the U.S. would fund a new, large scale military assistance program. Just prior to this, Georgia agreed to increase the number of Georgian troops in the coalition forces in Iraq from 159 to 850. The U.S. reconfirmed a commitment to combat terrorism in Georgia. A State Department spokesperson claimed that past U.S. military assistance had been successful in reducing a terrorist threat in the Pankisi Valley, but failed to mention human rights concerns associated with past operations there. In 2002, the U.S. assisted in training Georgian security services for counter-terrorism operations in the Pankisi Valley. That year, Georgian security services carried out operations there that breached international human rights standards.

In the wake of the Beslan atrocity in North Ossetia, Russia has stepped up pressure on Georgia over Chechens seeking refuge in the Pankisi Valley, claiming that they are operating terrorist bases there. In October, Georgian Minister of Internal Affairs Irakli Okruashvili agreed to hand over a list of all residents in the Valley to unspecified Russian officials. Russia remains a key player in the negotiations over the status of the breakaway republics of South Ossetia and Abkhazia.

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