



## Georgia

### Country Reports on Human Rights Practices - [2000](#)

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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 the Parliament. In April Eduard Shevardnadze was reelected to a second 5-year term as President in an election marred by numerous serious irregularities. International observers strongly criticized this election due to interference by state authorities in the electoral process, deficient election legislation, an insufficient representative election administration, and unreliable voter registers. The country's second parliamentary elections under the 1995 Constitution were held in October 1999, which the Organization for Security and Cooperation in Europe (OSCE) characterized as a step toward Georgia's compliance with OSCE commitments. Local elections were held for the first time in November 1998. The country's first multiparty parliamentary elections after independence from the Soviet Union in 1991 followed a military coup in 1992 that ousted the elected government of Zviad Gamsakhurdia and brought Shevardnadze to power as head of a provisional government. The civil war and separatist wars that followed weakened greatly central government authority, not only in separatist Abkhazia and Ossetia, but also in other areas of the country, and the extent of central authority and control remain in question. Central government authority is limited in the autonomous region of Ajara. The Constitution provides for an independent judiciary; however, it is subject to executive pressure.

Internal conflicts in Abkhazia and South Ossetia that erupted in the early 1990's are unresolved. Cease-fires are in effect in both areas, although sporadic incidents of violence occur in Abkhazia. These unresolved conflicts, together with problems created by roughly 300,000 internally displaced persons (IDP's), pose a continuing threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians a large plurality of the population--were expelled from or fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed in Abkhazia with the agreement of the Government and the Abkhaz separatists. Although there has been no agreement on the return of IDP's to Abkhazia, a limited number have returned on their own to the Gali region of southern Abkhazia. As a result of fighting in May 1998, almost all of the 53,000 Georgian IDP's who had returned to the Gali region of Abkhazia again fled. After May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may be living in the Gali Region on a more or less permanent basis. A Russian peacekeeping force also has been in South Ossetia since 1992 and is part of a joint peacekeeping force with Ossetians and Georgians in South Ossetia. Repatriation of Georgians to South Ossetia and of Ossetians to the rest of Georgia has been slow. The Government has no effective control over Abkhazia or much of South Ossetia. Almost no IDP's have returned to other parts of Abkhazia.

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

The Government made efforts to develop a market-based economy. Key exports are scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 30 percent of gross domestic product (GDP). Per capita GDP for the first 9 months of the year was estimated at \$486. According to the Georgian Department of Statistics, approximately 52.6 percent of the population is living below the poverty level. The rate of economic growth continued to slow and the eastern part of the country suffered a drought. There was a growing fiscal deficit, as revenue collection continued to be very low. Government salaries and pensions were still in arrears.

The Government's human rights record worsened, and was poor in several key areas. Numerous serious

irregularities in the April presidential election limited citizens' right to change their government. According to the Government and nongovernmental organization (NGO) human rights monitors, security forces continued to beat and otherwise abuse detainees, force confessions, and fabricate or plant evidence. Reports of police brutality increased throughout the year. Several deaths in custody were blamed on physical abuse, torture, or inhuman or life-threatening prison conditions, and most government promises of reforms remain unfulfilled. The Ministry of Justice gained formal jurisdiction over the prison system from the Ministry of Interior in 1999; however, this transfer of responsibility was accomplished without adequate fiscal resources and consequently exacerbated the already harsh conditions. Moreover, the MOI retains a significant role in prison staff and investigations. Minister of Justice Mikheil Saakashvili, appointed in October, acknowledged serious shortcomings in the prison system and initiated steps to address them. 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. Authorities allegedly continued to use arbitrary arrest and detention. Corruption in law enforcement agencies is significant and pervasive. In addition, despite numerous investigations, large-scale corruption on the part of lower level and high government officials still is tolerated widely as an inevitable consequence of economic hardship and low salaries. Local human rights groups reported that security force brutality against them, harassment, and arbitrary arrest and detention of their members increased during the year, especially after April. Senior government officials, including the President, acknowledged serious human rights problems and sought international advice and assistance on needed reforms; however, neither the President nor other senior officials took concrete steps to address these problems, and Parliament failed to budget adequately for mandated reforms. Law enforcement agencies made little progress in adapting these practices to democratic norms, and impunity remains a problem.

The judiciary is subject to pressure and corruption and does not always ensure due process; judicial reform efforts to create a more independent judiciary were undercut by failure to pay judges in a timely manner. As a result of the Law on Common Courts, many corrupt and incompetent judges were removed from the bench and replaced by judges who passed a qualifying exam and vetting process. There were lengthy delays in trials, and prolonged pretrial detention remains a problem. The Criminal Procedures Code, which was passed in 1997, was amended in 1999 and again in the summer in response to complaints by security forces that legislated reforms would hamper criminal investigations. Parliament also repealed provisions in the 1998 Criminal Code that would have allowed citizens under investigation access to the courts prior to trial. Procuracy reform was stalled. Human Rights Watch released a highly critical report in October that detailed new restrictions on due process and other setbacks to judicial reform. 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 on occasion intimidated and used violence against journalists. The Government restricted freedom of assembly, and law enforcement authorities dispersed numerous peaceful gatherings. Government officials infringed upon freedom of religion. Discrimination against and harassment of some religious minorities are problems. Violence and discrimination against women are problems. Trafficking in women for the purpose of forced prostitution is a problem.

Growing citizen awareness of civil rights and democratic values and the continued evolution of civil society provided a partial check on the excesses of law enforcement agencies. A number of independent NGO's are active in defense of the rights of individual citizens and religious groups. International observers noted that most NGO activity is concentrated in Tbilisi. Criticism from the press and the NGO community and timely intervention from government and parliamentary human rights monitors, played an important role in halting the abuse of citizens detained by the police in a few specific cases.

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, including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no confirmed reports of political or extrajudicial killings by government agents. Security force abuses reportedly resulted in several deaths in custody.

The Government stated that 61 prisoners died in prison, and it appears that 5 prisoners died in jail or prison hospitals in pretrial detention during the year. Human rights NGO's and the press report that physical abuse, torture, and inhuman prison or pretrial detention conditions contributed to a number of these deaths. The authorities attributed the majority of these deaths to illness. On May 31, Mamuka Rizhamadze was found hanged in a Kutaisi jail. He was arrested in Tbilisi on May 24 but had not been charged. The official autopsy stated that he committed suicide; however, an independent autopsy, carried out at the request of his relatives,

concluded that there were numerous injuries to his body and that a blow to his head killed him before he was hanged. Police claim that Rizhamadze threatened them with a grenade and that they acted in self-defense.

Authorities attributed nine deaths in 1999 to suicide, including that of Ivane Kolbaya, who in February 1999, fell to his death from a fifth floor window of the Ministry of Internal Affairs while being questioned about his alleged involvement in a theft. An international human rights NGO brought this case to the Government's attention, as well as four others, including the 1998 death of Gulchora Dursunova and the 1997 deaths of Akaki Iacobashvili and Eka Tavartkiladze. In 1999 the National Security Council requested that the Procuracy determine the legality of the decisions made in these cases. The Procuracy upheld decisions affirming the ruling of suicide in all cases. Two police officers were charged in Kolbaya's case, but the court returned the case to the Procuracy for further investigation. On December 4, 1999, Zaza Tsitsilashvili allegedly threw himself to his death from the sixth floor of the Ministry of Internal Affairs. The investigation did not result in any charges. However, family members say that his corpse showed evidence of being beaten.

On October 16, Antonio Russo, a reporter for Radio Radicale was found dead outside of Tbilisi. His colleagues feared that he may have been murdered in reprisal for coverage of the conflict in neighboring Chechnya, Russia. Some persons believe that Russo may have been killed to prevent him from publishing materials on the Russian use of banned chemical weapons in Chechnya. There have been no allegations and there is no evidence implicating the Government in Russo's death. The Government is conducting and ongoing investigation into the murder.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including by partisan groups and by Abkhaz separatists. The partisan groups in the past have received government support and training; however, the Government claims that it no longer controls nor supports the partisans. The partisans are viewed by the general public as criminal gangs engaged in smuggling, extortion, and other illegal activities. The number of incidents of abuse decreased from the previous year. Killings and other abuses on both sides of the conflict have not been investigated, prosecuted, or punished.

Both Georgian and Abkhazian forces laid tens of thousands of landmines during the 1992-1993 fighting. The 2000 Landmine Monitor Report states that in 1999 and 2000, there continued to be numerous reports that groups from Georgia, allegedly linked to the Georgian Government infiltrated into Abkhazia and laid antipersonnel mines. The Government criticized these partisan groups and arrested some of their leaders. There has been a reduction in the number of persons killed or injured by landmines, primarily because a large number of persons have left the mined territories.

#### b. Disappearance

Georgian partisan/criminal groups active in Abkhazia periodically took hostages, usually in exchange for captured compatriots. Abkhaz and Georgian officials agreed on joint efforts by their law enforcement agencies to prosecute those responsible for this and other criminal activity that threatened to destabilize the cease-fire. The September 12 detention in Zugdidi of David Shengalia, the leader of one of the partisan bands, reduced tensions to some extent through the end of the year. During the year, there were several instances of hostage taking by criminal groups for ransom purposes. All of these kidnappings are believed to have been criminal or economic and not political.

In June two U.N. officials, a foreign businessman, and their Abkhaz interpreter were abducted in Abkhazia's Kodori Gorge. They were handed over to Georgian authorities on June 5 without payment of the \$300,000 ransom demanded by their kidnapers.

Three International Committee of the Red Cross (ICRC) staff members were abducted in the Pankisi Gorge in August. The three staff members were released on August 13, one week later.

On November 30, two Spanish businessmen were abducted and held captive in Pankisi Gorge. Authorities still are searching for them.

Two U.N. observers were abducted in Abkhazia's Kodori Gorge on December 10, and released 3 days later after negotiations with presidential representative Emzar Kvitsiani; reportedly no ransom was paid. Svan bandits are believed to be responsible for the abduction, as well as for a previous abductions of U.N. officials in October 1999 and 2000.

In Abkhazia, an autonomous republic in Georgia, six Georgians were taken hostage in Abkhazia's Gali region on August 23 and were released 3 days later as a result of mediation by members of the U.N. Observer Mission and the CIS peacekeeping forces. The Abkhaz hostage takers did not receive the \$2,050 (5,000 lari)

they had demanded initially.

Georgian and Abkhaz commissions on missing persons reported that the fates of more than over 1,000 Georgians and several hundred Abkhaz who disappeared as a result of the war in Abkhazia still are unknown. Abkhaz and Georgian officials agreed on joint efforts to determine the whereabouts and repatriate the remains of missing fighters. The ICRC cooperated in the effort through its Red Cross message system.

#### 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 presidential elections. Serious abuses and police misconduct continue and corruption and criminality, such as the fabrication or planting of evidence, remain problems. Widespread impunity remains a problem. Many human rights observers argue that the police increasingly believe 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, as was previously the case. Human rights advocates noted a growing number of confessions made in police stations. Some observers charge that police also conducted investigations in apartments outside the police stations to avoid registering detainees. According to human rights observers, those who suffer such abuse are held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). For example, David Sturva claimed that in September police tortured him with beatings and electric shocks, and attempted to suffocate him. Medical examinations confirmed his charges. Police also abused other detainees (see Section 1.d.).

Police agents within the prison population allegedly committed abuses in pretrial detention facilities. For example, Paata Skhirtladze was beaten and his ear was bitten off by another prisoner (see Section 1.d.). Another prisoner initially confessed on video camera that he was ordered to torture another inmate and force narcotics on him. Charges were brought against him for this incident, but he subsequently recanted his confession (see Section 1.e.).

Police misconduct reportedly was worse outside Tbilisi, where awareness of laws and citizens' rights is lower and human rights NGO's are less active. However, one prominent human rights group notes that at the village level personal relationships work to prevent the sorts 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. According to the Ministry of Internal Affairs, 35 administrative inquiries were performed, 21 policemen were reprimanded administratively; and 6 policemen were dismissed in connection with police abuses. However, recent changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). In general, accountability tended to occur only in extreme cases, such as those resulting in death, and even then it is rare (see Section 1.a.). Many observers claimed that prosecutors frequently are reluctant to open a criminal case against the police or close a case for lack of evidence. Observers believe that many instances of abuse go unreported by victims due to fear of reprisals or lack of confidence in the system.

Domestic 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. Human Rights Watch reported in 1999 that mistreatment and physical abuse of detainees continued to be rampant. However, some observers noted that when the Ministry of State Security (as opposed to the Interior Ministry) managed the investigation, allegations of physical abuses were rare.

In the past, security forces have tortured some defendants in politically sensitive cases, such as those involving members 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. Isolator Five, in the basement of the Ministry of the Internal Affairs headquarters, the facility in which is detainees suspected of a serious crime or whose cases had political overtones incarcerated. As a condition of membership in the Council of Europe, Isolator Five was to be closed as of January 1, 2000; however, domestic human rights organizations claim that the facility remains open and serves the same function, only under a different name. According to local human rights observers, despite calls by senior law enforcement officials for investigators to show restraint, many persons who were detained in Isolator Five afterwards reported that they were beaten or otherwise abused. Often the threat of incarceration in this facility was sufficient to induce a confession.

In contrast to those arrested in connection with the 1995 assassination attempt on President Shevardnadze, in general those persons arrested in May 1999, for plotting against the Government and those arrested for the 1998 assassination attempt against President Shevardnadze reportedly were not mistreated. However, one suspect, Otar Melikadze, reported in June that investigators had tortured him. Although human rights observers noted that the Procuracy collected evidence, for use in the court proceedings, the families and state-appointed advocates of the defendants had limited access to them. Melikadze, Soso Nadiradze, Archil Panjikidze, and David Tsotsoria, who were arrested for plotting against the Government, initiated a hunger strike, claiming that they and their lawyers did not have access to their case files.

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. For example, investigators in the past 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 to the code in 1999 and during the year reinstated many of their powers (see Section 1.e.).

International and local human rights observers expressed concern that corruption is related to the number of police officers nationwide. According to the Ministry of Internal Affairs, there are 13,881 police officers; however, NGO's estimated that there are 35,000 police officers. The Government was unable to pay the salaries for the police force. Consequently, police solicited bribes from the general population, especially motorists, and also from suspects detained on suspicion of criminal activity. The period between an arrest and a bail hearing was another opportunity for solicitation of bribes. According to international and domestic observers, the police sometimes attempt to extort money from suspects in exchange for not officially registering an arrest. Police reportedly approached suspect's family and offered to drop charges in exchange for a bribe.

Members of 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 not all claimants followed their claims all the way through to trial. The Committee noted that since the presidential election, claims shifted from requests for assistance to complaints about mistreatment and violations by the police and Procuracy, as well about of the Procuracy's failure to pursue criminal investigations of alleged violators. The National Security Council's human rights advisor also has a mandate to investigate claims of abuse. The Constitution mandates a human rights defender or ombudsman. The role of the ombudsman's office is to offer assistance to those who believe that abuse has occurred or a right has been violated; however, the law does not provide the ombudsman with the authority to forward a complaint to a court with a recommendation that it be reviewed prior to trial.

Police officers reportedly sometimes beat and raped prostitutes.

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

Police reportedly harassed and at times abused street children (see Section 5).

Prison conditions are inhuman and life threatening. Facilities lack adequate cell space, medicine, and food. Infrastructure is crumbling due to lack of resources and corruption in the prison administration. The President pardoned 1,500 prisoners in April 1999, and 1,700 prisoners in October 1999 as a means of alleviating crowding; however, observers still consider the prisons to be overcrowded. The problem was exacerbated by the hasty transfer of responsibility for prison administration to the Ministry of Justice, which was unprepared to take over, according to human rights observers and government officials. The authorities acknowledged that conditions are inhuman and life threatening; however, they did not take effective steps during the year to address the fundamental problems.

On January 20, a riot broke out in Kutaisi's preventive detention Ward 2, reportedly triggered by the rape of a prisoner. As the result of an investigation, nine officials were dismissed, including the head of the ward. Some human rights groups claim that rape by inmates is common in prisons. Khvicha Kvirtia claimed that, while he was in prison, the head of the prison regularly beat him. He also claimed that those prisoners who had no money to bribe officials were tortured.

Torture and physical abuse of prisoners 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 are on the verge of death. Additionally, monitors state that deaths of prisoners without families usually went unreported. The OSCE also noted an increase in the number of deaths in prison in the first 3 months after the transfer of authority to the

Ministry of Justice. Most of the deaths during the year were attributed officially to medical causes, usually tuberculosis. According to the ICRC, tuberculosis is widespread in the prison system. In recognition of this fact, the ICRC continued a joint program with authorities begun in 1997 to reduce the incidence of the disease. In 1999 a prisoner reportedly weighing just 66 pounds was released from a Rustavi prison; he died within three days. 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.

Temur Papuashvili, a suspect in an alleged 1999 coup plot, died in custody on January 3, reportedly due to illness. However, the Ministry of State Security began an investigation into the death after allegations that Papuashvili had been poisoned. Two days later, the investigation was closed, apparently at the request of Pauashvili's mother and wife.

In accordance with requirements stipulated by the Council of Europe, the responsibility for the prisons was transferred from the Minister of Internal Affairs (MOI) to the Ministry of Justice on January 1, 2000. Although the Ministry of Justice is responsible for overall administration of the prison system, the law on prisons permits MOI personnel to continue to staff the prisons. The MOI also maintains several of its own cells in the various prisons. Other legislation also permits the MOI to conduct investigations among inmates to gather evidence for trials without judicial approval. Local and international human rights observers noted little change in prison conditions. No significant personnel changes or restructuring occurred prior to the appointment of Minister of Justice Mikheil Saakashvili in October. However, following a number of officials were removed. Advocates noted an improvement in access for family members and to the telephone since the transfer of authority.

The ICRC had full access to detention facilities, including those in Abkhazia, in accordance with its customary procedures, which include meetings with detainees without the presence of third-party observers and regular repetition of visits. The OSCE mission, whose mandate includes prison visits, reported bureaucratic delays but no serious problems in obtaining access to prisoners and detainees. However, local human rights groups reported that they have 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 violated these provisions. The Constitution provides for a 9 month period of maximum pretrial detention, mandated court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). The old Soviet Criminal Code had been amended to implement these constitutional safeguards and was superseded in 1997 by the Criminal Procedures Code. These amendments generally, although not always, were observed, as prosecutors continue to maintain undue influence over criminal procedures. A new Criminal Code was enacted in June 1999.

Judges issue warrants and detention orders, and suspects must be charged within 3 days. Pretrial investigatory detention is limited to 9 months in accordance with the Constitution, instead of 18 months as allowed by the old Soviet code. Judges may extend pretrial detention by 3 month intervals up to 9 months. Human rights NGO's stated that the amendments to the old Soviet Code made the pretrial detention period less arbitrary; however, international and domestic observers also stated that such detention usually is longer - sometimes as much as 2 years--because this protection routinely is interpreted to include only the Procuracy's investigative period, not the defense's investigative period as well. Reportedly, police frequently detain persons without warrants. At year's end, there were 8,676 persons in custody, including both prisoners serving sentences and suspects held in pretrial detention.

A new Criminal Procedures Code, along with 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 in July of that year. 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. According to Human Rights Watch, 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 a forensic medical examination. Under the amended provisions, a defendant can file a complaint of abusive investigation only with the Procuracy. The Procuracy's decision cannot be appealed to the courts. Human rights NGO's state that this hinders a detainee's ability to substantiate a claim of police misconduct, especially in view of the close ties between the Procuracy and the police and the delays such requests entail. Human Rights Watch and other human rights advocates stated that permission for an independent forensic medical examination rarely is granted. It is difficult for those under criminal investigation to obtain objective medical examinations in a timely manner to substantiate reports of physical abuse. If a

medical examination is not conducted within 3 to 4 days of the incident it becomes difficult to establish the cause of a detainee's injuries. In the courts, only a state employed forensic medical examiner--which in the vast majority of the criminal cases is an employee of the Ministry of Health's Judicial Medical Expert Center--can testify about the detainee's injuries. Human rights advocates criticize the state forensic examiners as biased in favor of the Procuracy.

The amendments also eliminated the right of a witness to be accompanied by a lawyer when being questioned by the police. A witness can be held by the police for 12 hours without being charged. Human rights monitors claimed that the police frequently charge witnesses as suspects at the end of this period. Human Rights Watch also reported that police often called in a detainee's lawyer as a witness, thereby denying him access to his client. Human Rights Watch released a highly critical report in October that detailed new restrictions on due process and other setbacks to judicial reform.

According to observers, including the OSCE and the Association of Former Political Prisoners for Human Rights, police frequently treat individuals in their custody with brutality; however, correct legal procedures were observed more often once a detainee entered officially into the system. Police often failed to inform detainees of their rights and prevented access to family members and lawyers. While officially suspects are charged within 3 days of registration, observers claim that police frequently delay registering detainees for long periods in order to seek bribes in return for dispensing with registration altogether (see Section 1.c.). 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.). Police often claim that injuries were sustained during or before arrest.

On June 18, Paata Skhirtladze was arrested for "exhibitionism" and later charged with two ritual murders and deaths. He allegedly was subjected to abuse in Isolator Five. His ear was cut off, apparently by a fellow prisoner, and he was forced to swallow it. Skhirtladze apparently confessed to the murders, but human rights observers believe he did so under pressure and connect the abuse of Skhirtladze to his affiliation with the Osho community, a spiritual movement.

In September the police stopped and searched David Sturua in Tbilisi's Saburtelo neighborhood. Upon finding keys in his bag, they charged Sturua and his friends with involvement in multiple burglaries. Sturua was taken to an MOI detention cell. He was not permitted to notify family members or contact a lawyer. He claims that he was subjected to torture, including attempted suffocation, electric shocks, and beatings. Medical examinations confirm Sturua's charges. The ombudsman asked the MOI to investigate (see Section 1.c.).

Lasha Kartvelishvili, arrested for allegedly killing a police officer, claimed he was beaten severely and denied access to his lawyer before being charged. He was charged 14 days after his arrest (the legal limit is 72 hours) following the intervention of government human rights advocates. An independent medical examination found numerous injuries. Police say that he sustained his injuries falling down the stairs. Family members argued that he was tortured. The lawyer that his family retained to defend Kartvelishvili repeatedly was denied access to his client. Kartvelishvili never formally filed a complaint and assented to the official explanation of his injuries. He remained in prison at year's end.

The Criminal Procedures Code established a system of bail; however, observers note that it rarely is employed.

There were no cases of forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary often does not exercise full independence. Judicial impartiality is limited. The judicial reform process, which was completed in 1999, had some success in leading to the appointment of a larger number of more highly qualified judges; however, local and international observers agree that judicial authorities continue to defer to pressures from the executive branch and well-connected special interests. Investigators routinely plant or fabricate evidence and extort confessions in direct violation of the Constitution. Judges are reluctant to exclude evidence obtained illegally over the objection of the Procuracy.

Results of the judicial reform effort were uneven. Judicial incompetence and corruption, including the payment of bribes to judges, is still a significant problem. Although there were reports by several trial attorneys and local NGO's in Tbilisi that some cases were being handled in a more and expeditious manner since the reform, 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 poor access

to case law as a further contributing factor. Due to the Government's fiscal crisis, judges' salaries were not paid for a 6-month period, creating an incentive to corruption. Pressure from extensive family and clan networks was extensive.

The 1997 Law on the Courts, which was designed to enhance judicial independence, established a three-tier court system. Implementation of the law was completed in 1999. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional courts of appeal, which serve as appellate courts for district courts; they started functioning in May 1999. The regional ("city") 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.

A separate Constitutional Court was created in 1996. Its mandate includes arbitrating constitutional disputes between branches of government and ruling on individual claims of human rights violations. The Court 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. Since its inception in 1996, many of the cases filed with the court have been heard and decided. The Court's rulings have demonstrated judicial independence.

Administration of the court system was transferred from the Ministry of Justice to the Council of Justice in 1997. The Council has 12 members, 4 selected from within each branch of government. The law established a three-part testing procedure for current and prospective judges to be administered by the council. The testing procedure was designed to reduce judicial incompetence and corruption. The Constitutional Court ruled in November 1998 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 2001 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.

The first judges' examination was administered in February 1998. A total of 5 examinations were administered by the end of 1999, and some 250 judges had passed. A total of 176 judges passed both the exam and a vetting process and replaced judges who had not.

Supreme Court justices also were required to take the examination. They resisted the requirement, arguing that the exam was an infringement on judicial independence and that, since they were confirmed by Parliament, they already were subject to public scrutiny and review. The Court's Chief Justice appointed 12 new justices, 10 of whom had passed the judicial exams. Some observers have alleged that the Supreme Court's decisions are subject to political and other undue influences.

Aside from the judicial system, law enforcement as a whole still has not undergone significant reform. Payment of bribes to policemen 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 to refuse to make a statement in the absence of counsel. The detaining officer must inform the detainee of his rights and must notify the detainee's family of his 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. Defense attorneys and family members often have difficulty obtaining permission from investigators to visit clients. Investigators seldom inform individuals of their rights. There were lengthy delays in trials. Human Rights Watch noted that defense counsel is not required to be present at any pretrial hearings and that 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. Local police authorities limited lawyers' access to detainees. In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of the year, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program and that local police authorities limited their access to detainees. For example, in 1999 one lawyer witnessed police beating a detainee; when she began to question the police, she was pushed out of the room. When representatives from NGO's and the Government arrived at the station, the police chief denied that any beating had occurred. While the district prosecutor promised to investigate the case, there had been no investigation by year's end. The Parliamentary Committee on Human Rights and National Minorities also created a card listing a citizen's rights in case of arrest. By



year's end, it had distributed 25,000 or 31,000 printed cards to students, NGO's, and visitors to the Committee.

In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of 2000, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program, and that local police authorities were limiting their access to detainees.

Parliament passed the legislation required to implement constitutional protections in 1997. The implementing legislation included the Criminal Procedures Code and the Law on the Procuracy. These laws were designed to create a legal system with adversarial trials by reducing the powers of the Procuracy, increasing the rights of defense attorneys, and enhancing the independence and authority of the judiciary; however, amendments to the Criminal Procedures Code adopted in 1999 and significantly weakened many of these provisions. As in the Soviet period, prosecutors continue to direct criminal investigations, supervise some judicial functions, and represent the State in trials. Most criminal trials continued to follow the Soviet model. Prosecutors continued to wield disproportionate influence over outcomes. The Criminal Procedures Code prohibits the same judge who signed a warrant from hearing the case; this rule frequently was violated outside of Tbilisi, since few regions have more than one judge.

The Soviet system of state-employed criminal defense attorneys began to break down in 1998. Individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. 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 to accept a state-appointed attorney. The Procuracy not only had control over state-appointed lawyers; it also determined whether a defendant's request to change lawyers was granted. However, several NGO's provided free legal services for those whose human rights were violated in Tbilisi and one NGO was planning to open regional offices in 2001. Human Rights Watch noted that detainees sometimes are coerced by procurators to accept state-appointed attorneys or other attorneys who do not vigorously defend their interests.

The quality of attorneys is uneven. In addition, licensing of forensic medical examiners and other experts is not an assurance of competence.

International and local human rights groups agree that there are some political prisoners but disagree as to the number, giving estimates ranging from 25 to 54. A number of these individuals -- including members of the Mkhedrioni, Gamsakhurdia supporters, and state security personnel committed criminal acts and were tried and sentenced for them on criminal grounds, although they may have had political motives. According to some local observers, detained political leaders of Gamsakhurdia's supporters never took up arms and should be considered political prisoners. Several, including Valter Shurgaia, Zviad Dzidziguri, and Zaur Kobalia, were still in prison at year's end. These individuals -- political leaders of Gamsakhurdia's movement -- were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons. They are serving sentences ranging from seven to twelve years. President Shevardnadze pardoned about ten political prisoners during the year, including former National Guard commander Tengiz Kitovani and Nicholas Kvezereli. The latter was convicted, along with Jaba Ioseliani, of the 1995 assassination attempt on the President. Two others who were imprisoned for attempting to assassinate Shevardnadze also were released. The 1998 trial of Jaba Ioseliani, the head of the Mkhedrioni, and 14 other alleged conspirators in the 1995 assassination attempt on President Shevardnadze was characterized by the same violations found in other recent trials with political overtones. The Government consistently violated due process both during the investigation and the trial. Torture, use of forced confessions, fabricated or planted evidence, denial of legal counsel, and expulsion of defendants from the courtroom took place. Ten of the defendants claimed to have been beaten or tortured and coerced to confess during the investigative stage of the case. They allegedly were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons or have not yet been convicted. Some procedures were violated for those suspected of involvement in the 1998 assassination attempt on the President. The suspects were held beyond the legal maximum period of pretrial detention (see Section 1.d.).

On February 2, four Zviadists (followers of Gamsakhurdia) began a hunger strike demanding amnesty for all political prisoners. They were joined by a number of sympathizers outside the prison. A local NGO, Former Political Prisoners for Human Rights, and journalists were denied permission to visit the hunger strikers in prison. On April 8, the hunger strike ended after Chairman of Parliament Zurab Zhvania promised that the Parliament would deal with the question of strikers' amnesty, as well as the matter of amnesty for all involved in the 1992-93 civil war.

On April 20, President Shevardnadze pardoned or reduced the term for 279 prisoners convicted in connection with the civil war and many participants in the 1995 assassination attempt, including Mkhedrioni leaders Jaba

Ioseliani and Dodo Gugeshashvili. On April 22, the Parliament passed a resolution on national reconciliation. The resolution required the Procuracy to review the cases of those convicted in connection with the civil war and to create a list of convicts to be released by July 30. By year's end, 85 Zviadists were released under the program. Most of those remaining in prison had been charged or convicted of murder.

Tengiz Asanidze, who was pardoned by President Shevardnadze in October 1999, remained in prison in Ajara. The authorities in Ajara refused to release him and later accused him of abduction and of financial crimes. He was awaiting trial at year's end. Asandize ran as a presidential candidate; as a result, the OSCE was able to visit him in prison. The Council of Europe's High Commissioner on Human Rights, Jose Alvaro Gil-Robles, visited Asanidze in June. Both Amnesty International and Gil-Robles have requested Asanidze's release.

On October 1, 12 prisoners escaped from Tbilisi's prison hospital and were subsequently recaptured. Those who escaped included former Finance Minister (in the Gamsakhurdia administration) Guram Absanidze and two others who had been charged with an alleged assassination plot against the President. Observers suspected that the escape involved collusion; it was unclear whether this involved prison staff only or higher authorities as well. The escapees also included Vakhtang "Loti" Kobalia, former leader of military forces loyal to former President Gamsakhurdia in the civil war against the paramilitary Mkhedrioni and the national guard in 1992-93. Kobalia had been sentenced to death for murder and treason in 1996; his sentence later was commuted to 20 years. Their trial, together with eight other defendants, was due to resume on October 2 but was postponed following the escape.

The Government allows international human rights and domestic organizations to visit political prisoners.

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

The Constitution forbids the 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 sometimes entered homes and places of work 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.). Police misconduct and corruption undermined public confidence in government, especially the law enforcement agencies.

### Section 2 Respect for Civil Liberties, including:

#### a. Freedom of Speech and Press

The Constitution, the 1991 press law, and other legislation provide for freedom of the press; however, although the independent press was generally free, several instances of intimidation of journalists occurred. According to journalists and NGO's, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions and, in some cases, violence. During the year, journalists were able to publish wide-ranging and extremely critical views of officials and their conduct. However, some journalists practice self-censorship. The Administrative Code enacted in 1999 contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists have employed it. 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. Some advocates noted that the Government fails to register freedom of information act requests, as the Administrative Code requires. Moreover, they claimed that since the law contains no time limit for response, the release can be delayed indefinitely and the requesting party has no grounds for appeal.

Some 200 independent newspapers are in circulation. The press increasingly served as a check on government, frequently criticizing the performance of high-level officials. Increasingly, independent newspapers have replaced the government-controlled press as the population's source of information. The highest-circulation independent daily newspaper, Alia, has a national circulation nearly 20 percent higher than the government-controlled daily. However, independent newspapers continue to struggle in the regions, due largely to the population's lack of purchasing power. Several newspapers are relatively serious and reputable sources of information, although lack of financial resources hinders overall journalistic development. The circulation of most newspapers is limited to at most a few thousand copies, and usually much less. Few newspapers are editorially independent and commercially viable; they usually are subsidized by and subject to the influence of their patrons in politics and business. High printing costs and general poverty, especially in the countryside, limited the circulation of most newspapers to a few hundred or a few thousand readers. The Government finances and controls one newspaper (which also appears in Russian-, Azeri-, and Armenian-language versions) and a radio and television network with a national audience; they reflect official viewpoints.

Most persons continue to get their news from television and radio. The Government's monopoly on television news was broken when Rustavi-2, a member of the independent television network TNG, emerged in 1998 as an important alternative to state television, after successfully resisting 2 years of government attempts to shut it down. It now is considered the only station other than the state-run channel with a national audience. In addition to Rustavi-2, there are seven independent television stations in Tbilisi. An international NGO that works with the press estimated that there are more than 45 regional television stations, 17 of which offer daily news. While these stations are ostensibly independent, a lack of advertising revenue often forces 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 newspapers and television stations continued to be harassed by state tax authorities. Stations desiring benefits and better working relations with authorities, practice self-censorship.

Journalists stated that they are vulnerable to pressure from the authorities, as well as from business and societal elements. For example, Clara Abramia claimed that the police harassed her after she criticized the Internal Affairs Minister in a series of published articles. According to press reports, the Minister had requested that the Procuracy bring a criminal case against her, but the Procuracy refused citing a lack of evidence. She was granted political asylum in Sweden in February.

Gia Abdalaze, a photographer for Kviris Palitra newspaper, alleged that four police officers beat him and broke his camera outside the Tbilisi Sports Palace on April 8. He was attempting to photograph police beating several youths who were attending a pre-election concert. He filed a complaint with the Saburtelo district police and the Procuracy. He claimed that the police threatened that they would plant narcotics on him and beat his family. The Procuracy never filed charges against the police. A group of NGO's protested the beating.

On May 19, Akaki Gogichaishvili, the lead reporter for "60 Minutes," Rustavi-2's weekly investigative journalism series, announced that he had received a death threat indirectly from the Procurator's office. He was warned to stop broadcasting or face criminal charges, and then via a relative he was told to

leave the country for his own safety. Following Gogichaishvili's May 19 announcement, NGO's and members of the public gathered to protest the threats on his life. This threat allegedly was connected to allegations of corruption in the Georgian writers' union broadcast on his February 26 and April 2 programs. In May the President issued a directive to the Ministers of State Security and Internal Affairs, the Procurator, and the Chamber of Control to investigate the allegations made by 60 minutes against the union. On May 11 the union was exonerated of corruption charges. Prior to the incident in May, Gogichaishvili and others on his staff had received death threats and been harassed.

On July 27, in Tbilisi, Vasiko Silagadze, a reporter for Eco Digest was beaten severely and his right thumb and forefinger slashed after he wrote a series of stories about alleged corruption of senior officials in the Ministry of Internal Affairs. Silagadze claimed that he was attacked again on September 7. The Procuracy was investigating the first attack at year's end.

On August 16, a mob led by Orthodox extremists, attacked journalists at a courtroom in Tbilisi (see Section 2.c.).

In October President Shevardnadze publicly criticized the daily newspaper Rezonansi for reporting comments by an opposition politician in Parliament who called for the overthrow of the "Shevardnadze regime." He asked the Procuracy to investigate the newspaper, which he stated had a history of provocative, antigovernment news coverage.

On October 16, Antonio Russo, a reporter for Radio Radicale, was found dead outside of Tbilisi (see Section 1.a.).

On October 14, 1999, George Kupuradze, a reporter for Rezonansi newspaper, and Sergei Belousov, a photographer, alleged that they were beaten severely by Devnoz Gabatashvili and other policemen when they tried to intervene on behalf of another person whom they claim was being beaten by police. Kupuradze suffered a concussion. He lodged a formal complaint and reportedly identified all three police officers involved at an identification procedure in the Gldani procurator's office. Only Gabatashvili was brought to trial and was charged with exceeding his authority and intentionally inflicting injury. Kupuradze alleged that the police officers tried to bribe him not to pursue the case. The Tbilisi court began hearing the case, but found the investigation inconclusive and referred the case back to the Procurator's office for further investigation. Kupuradze appealed, but the decision was upheld by the Supreme Court in September.

In 1998 the trial of two journalists from the independent newspaper Orioni who reported allegations of sexual harassment and homosexuality in the armed forces was postponed indefinitely in April 1998. At that time, government and military officials reportedly responded by threatening the reporters with arrest, demanding the names of sources, and filing a civil lawsuit that charged defamation. One of the two journalists, Amiran Meskheli, was detained for allegedly having evaded military service. He subsequently was conscripted and assigned to the unit about which he had reported. Human rights monitors considered this an attempt at intimidation and filed a lawsuit to overturn his conscription. Meskheli remained free on bail.

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 have the resources to hire a lawyer to pursue court cases. Some have enlisted the assistance of the NGO community.

The 1999 Law on Post and Communications removed the telecommunications licensing process (including radio and television) from the direct control of the Minister of Communications and established an independent, self-financed, three-person regulatory commission to create an open and transparent process. However, the commission has not yet become active.

Channel 25 is the only independent television station broadcasting in Ajara, and has been operating since 1998. On February 14, it broadcast its first uncensored news coverage. On February 19, three of the four owners of the station alleged that they were coerced 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 laris) in cash. The same day, 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 lost their case in Ajara regional court. The case was in the appeal process at year's end.

The Government does not limit access to the Internet.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly without prior permission from the authorities; however, both the national Government and local governments sometimes restrict this right in practice. A 1997 law on freedom of assembly requires political parties and other organizations to give prior notice and obtain permission from local authorities if they intend to assemble on a public thoroughfare. Members of the local NGO community believe that the law violates the Constitution and have sought to have it overturned by the Constitutional Court. However the Court refused to hear the case, explaining that a test case must be brought before it in order for it to consider the challenge, and that, an individual must prove that he has been harmed by this law. Most permits for assembly are granted without arbitrary restriction or discrimination; however, this is not the case for Zviadists, supporters of former President Gamsukhardia. Extreme Zviadists never have accepted any successor to the Gamsakhurdia government as legitimate and held demonstrations demanding that the present Government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity they generated for themselves and against the Government. The police broke up one of their rallies held in May 1999 and another in October. A hunger strike involving several hundred persons and conducted in the shell of Gamsakhurdia's burnt-out villa in Tbilisi since mid-June 1999 was not disturbed and continued at year's end.

During the year, numerous rallies were held throughout Tbilisi and in other cities to protest pension and wages arrears. Police did not interfere. In June approximately 300 displaced persons gathered outside the Constitutional Court to demand payment of their overdue allowances. The police prevented the group from protesting in front of the Parliament. During the fall, demonstrations protesting energy shortages were common and allowed to proceed without hindrance. In February Zviadist politician Leila Tsomaia was beaten by two unidentified men in Tbilisi and hospitalized with a concussion. Zviadists claimed that she was beaten in order to prevent a rally the following day. She never filed a complaint. On April 6, Tsomaia and another opposition politician, Luisa Shakashvili, were escorted by the police out of the city, allegedly to prevent them from participating in a rally. In February 1999, she and Tamila Nikoldaze, a fellow Zviadist, had been pardoned and released from prison. They had been incarcerated on charges of civil disorder for attempting to stage a rally in front of Tbilisi university in 1997.

During the year, the police broke up rallies or gatherings and meetings held by various religious groups or watched while members of the public disrupted them (see Section 2.c.). Local authorities several times

prevented Jehovah's Witnesses from conducting open-air assemblies on private and public property. In September police did nothing to prevent and allegedly participated in the break-up of two such assemblies in Zugdidi and Marneuli by followers of a radical former Orthodox priest, Father Basil Mkalavishvili. Jehovah's Witnesses reported ongoing threats and harassment by local police and other authorities in the fall (see Section 2.c.). On December 15, in the village of Uraveli, a group of 100-150 persons surrounded a house where 40 Jehovah's Witnesses had gathered and forced them to flee the area. On December 18, Father Mkalavishvili and his followers tried to disrupt construction work on a Pentecostal meeting hall in Tbilisi. On December 19, followers of Father Mkalavishvili tried to enter Guram Markozashvili's Tbilisi residence in order to force him to sign a document stating that he would no longer conduct meetings of Jehovah's Witnesses in his home.

According to press reports, police prevented a group of Chechens from starting a public walk for peace to Azerbaijan from the Akhmeta district on February 14. One participant allegedly was beaten. The authorities reportedly stated that the action was not registered and therefore was illegal.

In the Baghdati region of Imereti, police attempted to prevent a foreign labor union official and representatives of the Free Trade Union of Teachers of Georgia "Solidarity" (FTUTGS) from holding a meeting (see Section 6.a.).

Some rallies of opposition presidential candidate Jumber Patiashvili were disrupted, and in some areas he was denied permission to use public buildings (see Section 3).

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, on June 24, 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 police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history without further defining it, but also stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox church and not for any other religion. 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. Various draft laws, some modeled on the Russian law on religion, have been rejected by Parliament.

Certain members of the Georgian Orthodox Church and the public view non-Orthodox, so-called "sects" as a threat to the Church and Georgian cultural values, a perception that some politicians exploited during elections. Local police and security officials at times harassed foreign missionaries and non-Georgian Orthodox congregations or did not intervene when others harassed them. For example, 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 (see Section 2.b.). Jehovah's Witnesses allege that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the so-called Basilists. The head of the Marneuli district administration was dismissed on September 19 for undisclosed reasons following the incident there. An investigation was being conducted at year's end.

On September 9, police impeded buses from traveling to a Jehovah's Witnesses convention in Zugdidi. The convention began as scheduled, but was cut short due to pressure from local authorities, according to Jehovah's Witnesses. As the convention was dispersing, unidentified persons attacked some followers, looted the private property on which the convention was held, and burned the rostrum. According to Jehovah's Witnesses, the attackers were dressed in special forces uniforms.

On May 29, 1999, the police violently broke up a public prayer meeting of the Assembly of God in the Gldani district of Tbilisi, beating a number of members, pushing a 60-year-old woman to the ground, and screaming threats of murder. Church members sued police and prior to the subsequent civil trial, Ministry of Internal Affairs officials repeatedly harassed the pastor and members of the congregation. At the trial on August 16, 1999, the judge ruled that the police had not violated the individuals' constitutional rights. The group filed an

appeal and incurred further harassment from law enforcement authorities. On August 29, 1999, a riot allegedly instigated by the police broke out at one of the organization's churches. Some members were beaten, and the police confiscated some members' documents, forcing the victims to retrieve them at the police station.

In July and August Customs officials and security officials impounded over 40 tons of religious materials being imported by Jehovah's Witnesses. The materials were not released, despite intervention by the National Security Council official responsible for human rights. The Customs Department stated that it had received notification that the Tbilisi Appellate Court had annulled Jehovah's Witnesses' organizational registration and therefore legally had to hold the literature. Jehovah's Witnesses filed suit against the Customs Department and officials in August; and their literature was released in December.

In September the Government refused to extend the visa of the official representative of the Watchtower Society (Jehovah's Witnesses) to the Caucasus; however, he later was issued a visa.

In October 1999, a Jehovah's Witnesses' worship service of 120 parishioners in the Gldani section of Tbilisi was attacked violently by renegade Georgian Orthodox group (see Section 5). (The leader of this group was excommunicated from the Church due to its radical and confrontational stance). The Gldani police refused to intervene. Sixteen persons were injured in the attack. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite the advocacy by the National Security Advisor for human rights on behalf of Jehovah's Witnesses, in January the Gldani regional prosecutor's office returned the case to the city prosecutor's office, stating that no violation had occurred. The group continues to press for prosecution of the police's behavior in this and similar subsequent incidents. Instead, the official in charge of the investigation decided in June to charge one of the plaintiffs with hooliganism. On September 28, the two were given suspended sentences of 6 months and 3 years, respectively. The two witnesses are planning to appeal their conviction. The judge also referred for further investigation the case of two followers of excommunicated priest Father Basil Mkalavishvili, who were charged with burning Jehovah's Witnesses literature during the same incident; however, unlike those of Jehovah's Witnesses, these cases were later dismissed.

A member of parliament brought a civil suit in April 1999 to ban Jehovah's Witnesses, arguing that the organization is antiOrthodox, antistate, and antinational. Appeals by Jehovah's Witnesses to an appellate court and then to the Supreme Court contending that the suit was groundless were refused. The Supreme Court stated that the lower court first must hear the case. In November 1999, the lower court judge remanded the issue to an academic study group to study the literature of Jehovah's Witnesses. In February the Isani-Samgori district court dismissed the lawsuit based on the opinion of an academic panel. The case was appealed to the Tbilisi district appeals court, and on June 23, the court ruled in favor of the member of parliament. Jehovah's Witnesses' appealed to the Supreme Court; a hearing was scheduled for January 2001.

On January 16, two members of Jehovah's Witnesses were attacked on the street in Gldani. On February 13, another pair of members was attacked. They filed a complaint with both the police and the prosecutor; both refused to pursue charges.

On August 20, the chief of the Tianeti District police and three other policemen reportedly dispersed a service in a Baptist Church and looted the property. The pastor allegedly was taken to the police station and threatened with future arrests. No action had been taken against the policemen by year's end.

On September 28, police raided a Hare Krishna meeting house in Tbilisi and confiscated a large amount of religious literature.

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 later were given to the Georgian Orthodox church by Soviet authorities. A prominent Armenian church in Tbilisi remained closed. The Armenian Apostolic Church, the Catholic Church, and Protestant denominations have had difficulty obtaining permission to construct new churches, reportedly in part as a result of pressure from the Georgian Orthodox Church. However, a new Catholic Church opened in Tbilisi in 1999 and another in Batumi during the year.

Regular and reliable information about the "Republic of Abkhazia," which is not recognized by any country and over which the government of Georgia does not exercise control, is difficult to obtain. The Abkhaz "President," Vladislav Ardzimba, issued a decree in 1995 that banned Jehovah's Witnesses in Abkhazia. It remains in effect. A number of members of Jehovah's Witnesses were detained subsequently. Five persons who were detained in April 1999 for violating the decree were released in early May 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, the 1993 Law on Migration, and other legislation generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's place of residence is not required, nor were internal passports. Old 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 and difficult for many members of the electorate to obtain, especially in poorer and more remote rural areas.

On July 21, border guards prevented Jehovah's Witnesses traveling from Armenia from entering the country, claiming that the group no longer was a legal organization in Georgia. Only after official authorization by the head of the border guards were the followers permitted to cross.

Approximately 275,000 so-called "Meskhetian Turks," who were expelled from southern Georgia to Central Asia by Stalin in the 1940's, still face both official and public opposition to their return in the face of threats by local ethnic-Armenian inhabitants of the Samtske-Javakheti region and officials of the government of Armenia that their return to the region would cause a violent reaction. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union broke up and remain stateless.

In 1996 President Shevardnadze issued a decree authorizing the return of 1,000 Meskhetians per year for 5 years. The decree has never been implemented, and to date only a few hundred Meskhetians have returned as illegal immigrants. The Government has provided housing for most of them, but because they were to be the subject of a separate law, which has not yet been passed, they were deprived early in 1998 of their refugee status and, consequently, of their housing subsidy. Most of the approximately 600 Meskhetians living in the country have Georgian citizenship.

In December 1997, Parliament passed a law entitled "Recognizing Georgian Citizens as Political Victims and Social Protection of the Repressed." This law, intended to rehabilitate victims of the Soviet era, specifically excluded the Meskhetians, whom it identified as the subject of a separate law. Draft legislation regarding Meskhetians has yet to be introduced in Parliament.

In March 1999, a presidential decree was issued to address the Meskhetian issue. It established the State Commission on the Repatriation and Rehabilitation of the Population Deported from Southern Georgia. In connection with its accession to the Council of Europe in April 1999, 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.

The 1994 quadripartite 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 to their homes. The Abkhaz separatist regime prevented virtually any official repatriation and unilaterally abrogated the agreement in late 1994. From 1994 to May 1998, an estimated 53,000 of the 283,000 IDP's and refugees from Abkhazia returned spontaneously, most to the southern part of the Gali district. In May 1998, the unstable security situation in Gali deteriorated into open warfare between the Abkhaz militia and Georgian partisans and MOI troops. The partisans were defeated and, in the aftermath, many of the Georgian returnees fled once again as their homes were burned and looted by Abkhaz separatist forces.

In January 1999, the Abkhaz separatists unilaterally invited IDP's to return to Gali starting on March 1, 1999, but did so in the absence of measures acceptable to the Georgian Government for ensuring their safe return and security. The move did not affect significantly the return of IDP's to Gali, who continued to travel back and forth to Gali to tend their property. Since May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may 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. Ethnic Georgians from South Ossetia fled to Georgia proper and Ossetians from South Ossetia and other Georgian regions fled to Russia. In 1997 the UNHCR began a program to return IDP's and refugees to their homes. Both sides created obstacles that slowed the return. There were about 24,000 Ossetian refugees living in North Ossetia, Russia. To date about 370 Ossetian families from Russia have returned, the majority to South Ossetia. The South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although approximately 200 families returned. For political reasons, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other Georgian regions. In 1997 the Government publicly recognized the right of Ossetian refugees to return to their homes in Georgia but took little action to facilitate their return. Persistent opposition by Georgian authorities, especially at the local level, over the return of illegally occupied homes has prevented the organized return of Ossetian refugees to Georgia proper. During the year, approximately 13 Ossetian refugee families returned to South

Ossetia, 11 Ossetian refugees returned to Georgia proper, and 32 Georgian IDP families returned to South Ossetia. Since the outbreak of hostilities in the Chechnya region of Russia in September 1999, the Government has registered approximately 7,000 refugees from that region. Most were women and children and settled in the Pankisi Gorge.

There is no effective law concerning the settlement of refugees or the granting of political asylum, including first asylum, in accordance with the principles of 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Parliament passed an asylum law in March 1998, but it is not fully consistent with international standards as set out in the U.N. Convention.

According to the UNHCR, the Government processed no asylum cases during year, one in 1999, and none in 1998. 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 April presidential elections were marred by numerous serious irregularities and limited this right in practice. An elected president and parliament govern most of the country.

Presidential elections were held on April 9. There were seven official candidates, although two candidates, Aslan Abashidze and Tengiz Asanidze, withdrew less than 24 hours before the election. Only two candidates campaigned actively: the incumbent, President Eduard Shevardnadze, and Jumber Patiashvili, both former leaders of the Georgian Communist Party during the Soviet period. International observers strongly criticized the election. The 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. The OSCE noted serious irregularities, including instances of ballot stuffing, group voting, groups of identical signatures on voters lists, media bias, and lack of transparency in vote counting and tabulation. Some observers also noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated in the counting process. In general procedural safeguards were not implemented. The CEC annulled the election results of six polling stations.

During the campaign period, Patiashvili protested unfair media coverage. Eleven candidates applied for registration to the CEC. Seven parties nominated and registered independent candidates through a procedure that was not fully transparent. Former President Gamsakhurdia's finance minister Guram Absanidze, who was accused of organizing an assassination attempt against President Shevardnadze in 1998 (see Section 1.e.), applied to register as a presidential candidate. The CEC rejected his application, since he had not been living in the country for 2 years before the election. On August 31, the Supreme Court overturned this decision. At year's end, Absanidze was awaiting trial after his escape from prison and subsequent recapture in October.

The Revival Bloc, a coalition of opposition political parties also known as the Batumi Alliance and closely linked to Ajaran leader Aslan Abashidze, claimed that the election discredited the political process in the country. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. A number of opposition rallies were disrupted by police or bureaucratic obstacles were erected to prevent their organization (see Section 2.b.).

Extensive amendments to the electoral laws were adopted less than three weeks before the presidential election, causing confusion in the administration of the election. There was inadequate time to implement some of the 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. Thirteen electoral blocs and 34 political parties fielded candidates for 150 proportional and 75 majoritarian seats. 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, but noted that the election process did not meet all commitments. A number of irregularities were noted, including restrictions on freedom of movement, which on occasion prevented political parties and observers from exercising their rights. A second round was held on November 14, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. The OSCE cited in particular intimidation of members of precinct election commissions and instances of ballot stuffing in Tbilisi, Abasha, and Chkhorotsku. The OSCE noted problems such as the election law's provision permitting the ruling party to dominate all levels of the election administration, the CEC's insufficiently transparent vote tabulation, and the CEC's poor handling of election complaints. In the Autonomous Republic of Ajara, dominated by Ajaran supreme chairman Aslan Abashidze, fraud was widespread. There was no voting in these elections in the separatist regions of Abkhazia



and South Ossetia, which remain outside government control. Ten Members of Parliament from Abkhazia elected in 1992 had their terms extended.

The local governments elected in November 1998 were expected to have more authority over how local government is run; however, lack of funding from the central government (in lieu of an independent tax base), corruption, and the absence of legislative guidelines made it difficult for them to exercise authority. The opposition 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.

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 to be exercised by the "Autonomous Ajaran Republic" was at the center of this debate during the year. Ajara's post-independence relationship to the rest of the country still was undefined and, in matters such as elections, Ajara's authorities claimed that regional laws took precedence over national laws. The Revival Party, the dominant political party in Ajara led by Aslan Abashidze, the supreme chairman of the Ajaran Autonomous Republic, boycotted the national Parliament for much of the year in a dispute with the CUG over the degree of autonomy in Ajara. The party took part in the October 1999 parliamentary elections as the major opponent to Shevardnadze's CUG. The Government was reluctant to challenge interference in the local electoral process by the Ajaran authorities because it sought to avoid encouraging threats of separatism in this ethnically Georgian, but historically Muslim region.

In the November 1998 local elections, the mayor was elected by a direct vote in Batumi, in contrast to the other major cities. In the October 1999 parliamentary elections, international and domestic observers reported various forms of intimidation and abuses in Ajara, as well as outright fraud.

In April the Parliament granted the former autonomous Soviet Republic of Ajara the constitutional status of an autonomous republic. The division of authorities and competencies between the national and Ajaran governments had not yet been defined.

Women are underrepresented in government and politics; however, women's NGO's took an active role in the 1999 parliamentary election season, engaging candidates in discussions about issues of concern to their memberships. In the 235-seat Parliament, women were represented poorly in the 1999 election with only 16 women winning seats. Only two women held ministerial posts.

Representation of national minorities decreased in the new Parliament from 16 members to 13 members; there were 6 ethnic Armenian representatives and 4 ethnic Azeris in the new Parliament. Ethnic Armenians in 1995 constituted 11 percent of the population as a whole, while ethnic Azeris made up 3.8 percent of the population. Other minority groups represented include Ossetians, Kurds, Jews, and Greeks.

"Presidential elections" were held in Abkhazia in October 1999. International organizations, including the U.N. and the OSCE declared them illegal. Georgian authorities criticized them as having no legal basis, as they had the Abkhaz local elections of March 1998, on the basis that a majority of the population has been expelled from the region.

#### 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 that are extensions of partisan political groups have little credibility or influence. Local human rights NGO's reported that the Government was slightly less responsive during the year. They continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The National Security Council's human rights advisor was engaged on some human rights matters, including those of Jehovah's Witnesses (see Section 2.c.).

The constitutionally mandated Office of Public Human Rights Defender, or ombudsman, was created in 1995. The first ombudsman was appointed to the position in November 1997 and chose to focus on social and economic issues, rather than on defending political and civil rights. He resigned in August 1999. On July 16, Nana Devdariani was appointed to the position. While government representatives have been effective in individual cases, neither they nor the NGO's have been successful in prompting systemic reform. NGO's can

and do bring suits to courts of the first instance on behalf of persons whose rights have been abused.

In 1997 the UNHCR and the OSCE mission established a joint human rights office in Sukhumi, Abkhazia, to investigate security incidents and human rights abuses. The office, which has operated sporadically because of fluctuating security conditions, provides periodic findings, reports, and recommendations. The human rights office in Sukhumi registered relatively few complaints of abuse by de facto police and judicial authorities in the region.

#### 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, and the Government generally respected these rights. The Constitution stipulates Georgian as the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities prefer to communicate in their native languages or in Russian. Both Georgian and Russian are used for interethnic communication.

#### Women

The Criminal Code, in force since June 1, classifies marital rape and sexual coercion as crimes. There are no laws that specifically criminalize spousal abuse or violence against women. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurs with some frequency and, since it is a social taboo to go to the police or otherwise to raise the problem outside the family, it is reported or punished only rarely. 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, with the help of an international NGO, opened a shelter for abused women in the spring of 1998. The Government established a hot line for abused women, but provided no other services. There are currently anonymous telephone services specialized in assisting female rape victims, but there are no shelters, specialized services, or other mechanisms to protect and assist them. In February the President approved a national action plan on combating violence against women, which charged the Ministries of Internal Affairs, Labor, Health and Social Affairs with providing support to victims; however, this plan was not implemented at year's end. Sexual harassment, reportedly a problem in the workplace, was not investigated.

Kidnaping of women for the purpose of marriage continues to occur, especially in rural areas, although the practice is declining. Such kidnappings are often arranged elopements; however, these abductions often occur against the will of the intended bride, and sometimes involve rape.

Prostitution is not a criminal offense. There were proposals to create legal controls for prostitution, in part to prevent the spread of venereal diseases. The President has indicated his opposition to the idea.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

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.

The Civil Code gives women and men equal inheritance rights. A number of women's NGO's, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy, promote women's rights. NGO's supported a 1998 poll of women conducted by Women for Democracy, which 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; 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 also reported that the economic balance had shifted in their favor, as many traditionally male jobs 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. Many women, especially of the generation under the age of 35, hold highly professional positions. However, these are a lower percentage than men. A study released by the Caucasus Center for Sociological Studies during the year noted that 72 percent of working women no longer believe that they should have a dependent role in the family. However, almost half of these women stated that they would compromise this belief to preserve the family unit. Many women seek employment abroad.

A study released in 1999 reported that women were paid 78 percent of men's wages in the public sector and 67 percent of men's wages in the private sector. The Government's 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. The Government had no active efforts focused on women's issues. According to the UNDP, employers frequently withhold benefits connected to pregnancy and childbirth.

#### Children

Government services for children were extremely limited. The 1995 Health Reform Act withdrew free health care for children over the age of 3 years. While education is officially free, many parents were unable to afford books and school supplies, and most parents have to pay for their children's education. The Ministry of Education announced in that it was beginning an overhaul of the educational system; however, no action had been taken by year's end.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. The private voluntary organization Child and Environment noted a significant increase in the number of homeless children following the collapse of the Soviet Union. It estimated that there are currently more than 2,500 street children in Tbilisi due to the inability of orphanages and the Government to provide support. The organization opened a shelter in 1997. The Ministry of Education opened a second shelter in July 1998. However, even together, the two shelters can accommodate only a small number of the street children. Outside of Tbilisi, even in areas of acute need such as Kutaisi, Zugdidi, and Batumi, no such facilities or services existed. The children increasingly survive by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children. Despite a cultural tradition of protecting children, the Government took little official action to assist street children due to a lack of resources.

The Isolator for street children in Gldani is allegedly overcrowded and children frequently are abused. In September police beat and detained Sasha Duchenko in the Gldani facility for 3 days before his parents were informed. His parents had reported him missing to their local district police station. However, the child had not been registered and his parents at first were told that he could not be found. The police then tried to extort money for the boy's return. The child was released only after a public protest.

The lack of resources negatively affected orphanages as well. In all orphanages children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The adult staff was paid poorly and had many months of unpaid wages. The staff often diverted money and supplies provided to the orphanages for its own use.

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

#### People with Disabilities

There is no legislated or otherwise mandated provision requiring access for the disabled. However, the 1995 Law on the Social Security of Disabled Persons mandates that the State ensure appropriate conditions for the disabled to use freely the social infrastructure and to ensure proper protections and supports. The Law on Labor has a section that includes the provision of special discounts and favorable social policies for those with disabilities, especially disabled veterans.

Many of the state facilities for the disabled that operated in the Soviet period have been closed because of lack of government funding. Most disabled persons are supported by family members or by international humanitarian donations.

#### Religious Minorities

The Georgian Orthodox Church repeatedly has spoken out against so-called "sects" and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign missionaries continued to report harassment on the part of extremist Orthodox groups, local police, and security officials (see Section 2.c.).

There was no pattern of anti-Semitism. The Jewish community experienced delays in the return of property confiscated during Soviet rule. A court ordered a former synagogue, rented from the Government by a theater group, to be returned to the Jewish community in 1997. The theater group refused to comply and started a publicity campaign with anti-Semitic overtones to justify its continued occupation of the building. In December 1997, President Shevardnadze promised Jewish leaders that the synagogue would be returned before the

celebration of 2,600 years of Jewish settlement in Georgia, on September 9, 1998. However, the President's order was not enforced and the building remained in the hands of the theater group. The district court ruled again in February 1999 that the synagogue building must be returned to the Jewish community and ordered the city to find other premises and provide compensation for the theater company. However, the case was appealed and on, July 3, the Tbilisi appellate court overturned the February 1999 decision. The Jewish community plans to appeal to the Supreme Court.

On April 19, Jehovah's Witnesses services were dispersed in four different cities in the western part of the country. Complaints were lodged, but no charges were filed. On May 17, the excommunicated priest Basil Mkalavishvili and his followers held a protest demonstration outside Parliament, demanding that the Georgian Orthodox Church be declared the state religion and that Jehovah's Witnesses be banned. The Basilists also tried to beat an official of Jehovah's Witness and burned a photograph of a prominent human rights activist who has been active on behalf of oppressed religious minorities. On May 18, the Basilists held a rally in front of Parliament to protest the activities of nontraditional religious groups and NGO's.

In January and February police and prosecutors refused to prosecute persons who attacked members of Jehovah's Witnesses.

On July 28, in Gldani a large mob of Father Basil Mkalavishvili's supporters encircled and forcibly stopped a busload of Jehovah's Witnesses traveling to a religious gathering in Marneuli. The attackers disabled the bus by puncturing a tire, and they shoved, pushed, and struck the men, women, and children as they left the vehicle. Shortly thereafter the attackers traveled to Marneuli and demanded that the local police disperse the religious gathering. In August more than a dozen followers of Basilias assaulted two members of Jehovah's Witnesses. These two attacks followed a court decision on June 26 to revoke the registration of Jehovah's Witnesses in the country.

In early August, a prayer meeting of Jehovah's Witnesses was broken up by unidentified armed men. In Kutaisi, two traffic police officers stopped a member of Jehovah's Witnesses, tore up his religious literature, and beat him.

On August 16, a mob of 80 Orthodox extremists, wielding metal crosses and icons, disrupted a packed courtroom in Tbilisi after the testimony of an Orthodox woman accused of sharing in an earlier violent attack on Jehovah's Witnesses. The mob attacked journalists, lawyers, and members of Jehovah's Witnesses who were in the courtroom.

In October 1999, a Jehovah's Witnesses worship service in the Gldani section of Tbilisi with 120 parishioners was attacked violently by members of a religious sect led by the excommunicated priest Basil Mkalavishvili. The Gldani police refused to intervene. Sixteen persons were injured in the attack. President Shevardnadze, in a televised appearance, publicly criticized the attack and called for prosecution of the attackers. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite appeals by the National Security Advisor for Human Rights, the Gldani regional prosecutor's office returned the case to the city prosecutor's office in January, stating that no violation had occurred. The group continues to press for prosecution of police in this and similar subsequent incidents (see Section 2.c.). The official in charge of the investigation decided instead in June to charge two of the plaintiffs, as well as two Basilists, with hooliganism. On August 16 and 17, at the first hearing of the trial in Gldani-Nadzaladevi court, Basilists attacked journalists, human rights advocates, and members of Jehovah's Witnesses. The police did not intervene and the Procuracy is conducting an investigation. The trial resumed without incident on September 18 and on September 28, the two Jehovah's Witnesses were found guilty and given suspended sentences. The two Basilists were not convicted and their cases were returned to the Procuracy for further investigation.

On August 26, a cross-erected at the Zedazeni Monastery by the international Georgian Youth Foundation to commemorate the war in Abkhazia was blown up. This apparently was due to the organizer's association with a religious group led by Boris Ivanov. On August 31 the patriarch of the Georgian Orthodox Church criticized the violence. On October 1, a meeting of Jehovah's Witnesses was disbanded by police in Tsageri, according to the group's public affairs office in Tbilisi.

#### National/Racial/Ethnic Minorities

The Government generally respected the rights of members of ethnic minorities in nonconflict areas but limited selfgovernment and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). The Government reportedly provided less funding for schools in ethnic Azeri and Armenian areas than in other parts of the country. School instruction in non-Georgian languages is permitted.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution and the 1997 Law on Trade Unions provide for the right of citizens to form and join trade unions. The Law on Collective Agreements was passed in 1997.

The principal trade union confederation is the Amalgamated Trade Unions of Georgia (ATUG). The ATUG is the successor to the official union that existed during the Soviet period. The union broke from the central Soviet labor confederation in 1989. Its present structure was established in 1992, after the union had resisted efforts first by the Gamsakhurdia Government and later by the State Council to bring the union under government control. The ATUG consists of 31 sectoral unions. Representatives to the ATUG congress elected its leadership indirectly for a period of 5 years in 1995; elections were held again in November.

The organization officially claims 600,000 members but 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). The union sees its primary role as defending the economic and social interests of workers, a departure from its Soviet predecessor, which was essentially an administrative body concerned with property and finance rather than with worker rights. The ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers. These were mostly wildcat actions. In each case, the issue was unpaid wages. On December 23, 1999, the ATUG led a demonstration in front of the State Chancellery to demand that back wages and pensions be paid. The State Minister met with leaders and promised to meet with unions in January to resolve the problem; however, no meetings took place by year's end.

On January 31, 1999, President Shevardnadze signed a decree that ordered all governmental agencies to consult and negotiate with unions. During the year, the Health and Social Welfare Ministry took steps toward negotiating agreements with unions.

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

There are two trade unions independent of the ATUG. The Free Trade Union of Teachers of Georgia "Solidarity" based in Kutaisi (FTUTGS) successfully struck for payment of teachers' back wages in 1999. The Independent Trade Union of Metropolitan Employees was formed in Tbilisi during the year.

On June 22, the police initially prevented a foreign official of a teachers' union, accompanied by representatives of the FTUTGS, from meeting with teachers in Bagdati, a town in the Imereti region. Local authorities allegedly told the minivan driver that his van would be confiscated if he were to transport the group to Bagdati. When the group entered Bagdati on foot, the local police chief and district administrator each claimed that the FTUTGS had no right to organize the meeting. Eventually, the foreign official was able to conduct a meeting, although members of the local ATUG teacher's union disrupted it.

There are no legal prohibitions against affiliation and participation in international organizations. The ATUG worked closely with the International Confederation of Free Trade Unions (ICFTU). In February a delegation from the ICFTU held a joint conference with International Labor Organization (ILO) and the ATUG in Tbilisi. During that time, the ICFTU reviewed the ATUG's application for membership in ICFTU and recommended admittance. The ATUG became a full member of the ICFTU in November.

In December 1999, the ICFTU reported that the Ministry of Labor was abolished. There has not been an assessment on the impact of this action.

### b. The Right to Organize and Bargain Collectively

The Constitution and the Law on Trade Unions allow workers to organize and bargain collectively, and this right is respected in practice. The law prohibits discrimination by employers against union members. Employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages. The ATUG and its national unions report frequent cases of management warning staff not to organize trade unions. Some workers reportedly complained of being intimidated or threatened by employers for union organizing activity. These include teachers in the Imereti region; employees of various mining, winemaking, pipeline and port facilities; and the Tbilisi municipal government. Observers also claim 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 has been taken against companies that allegedly have violated workers' rights.

On August 22, the Free Trade Union of Teachers of Georgia "Solidarity" 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 then, 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 the year, including principals instructing teachers not to join the union and actively preventing teachers from attending meetings.

In 1999 the FTUTGS conducted a number of successful actions for the payment of back wages in Kutaisi.

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, and in general there were no reports of its use; however, trafficking in women for the purpose of prostitution is a problem (see Section 6.f.). The Government prohibits forced or bonded labor by children and enforced this prohibition effectively.

#### e. Status of Child Labor Practices and Minimum Age for Employment

According to current legislation, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Labor enforced these laws, and generally they were respected. The Government prohibits forced and bonded labor by children and enforced this prohibition effectively (see Section 6.c.). The Ministry of Health and Social Affairs enforces child labor laws.

#### e. Acceptable Conditions of Work

The state minimum wage was raised in 1999 to \$10.80 (20 lari) a month. There is no state-mandated minimum wage for private sector workers. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions were insufficient to meet basic minimum needs for a worker and family. The state statistics department of Georgia estimates that over half the population lives at or below the poverty line. Average wages in private enterprises were \$75 to \$100 (150 to 200 lari) monthly; in state enterprises, \$15 to \$30 (30-60 lari).

The law provides for a 41-hour work week and for a weekly 24-hour rest period. The Government work week often was shortened during the winter 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.

The old Soviet labor code, with some amendments, is still in effect. A new labor code has not been adopted.

#### f. Trafficking in Persons

There are no laws concerning trafficking in women, and it is a problem. Trafficking in women is not prosecuted as a separate offense under the criminal law; however, other offenses connected to trafficking can be found in the Constitution and different laws such as those on slavery, forced labor, and illegal detention.

Information on trafficking is difficult to obtain, and little, if any research is done on the subject. Anecdotal reports indicate that the country is both a source and transit country for trafficking; however, due to slow economic development, poverty, and unemployment, it is not a final destination for a significant number of trafficked women. Women are primarily trafficked to Turkey and Greece, where many work in the adult entertainment sector or as prostitutes, including those who thought that they would actually be employed as waitresses in bars and restaurants or domestic help. There is also evidence that Russian and Ukrainian women have been trafficked through the country to Turkey, sometimes using fraudulently obtained Georgian passports.

There is no evidence linking traffickers to government authorities. The absence of laws aimed specifically at trafficking, together with police indifference, make it difficult for the government to pursue criminal cases against suspected traffickers.

There are no government policies that deal with the problem of trafficking. There are now several NGO's in country that are involved in dealing with trafficking and its victims. During the year, the NGO Women Aid Georgia received international funding to launch a wide-scale public information drive to educate women about the dangers of trafficking.

[End.]