



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### GEO102248.E

Georgia: Reports of violence against Azerbaijanis; response of government authorities (2005 - 2006)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to Georgia's 2002 census, there are approximately 285,000 ethnic Azerbaijanis in the country, comprising 6.5 percent of the total population (ICG 22 Nov. 2006, 1; ECMI Oct. 2006, 54). Several media reports explain that the most important issues facing Georgia's Azerbaijani population involve socio-political integration (*ibid.*, 55; ICG 22 Nov. 2006, i; Interfax News Agency 27 June 2005) and land privatization (ECMI Oct. 2006, 55; Turan Information Agency 19 Sept. 2006; FIDH Oct. 2006, Sec. D), which many Azerbaijanis believe favours ethnic Georgians (ICG 22 Nov. 2006, 5). In February 2006, Georgian President Mikhail Saakashvili toured Azerbaijani areas of Georgia to ascertain their living conditions and record complaints from villagers (Assa-Irada News Agency 16 Feb. 2006).

Radio Free Europe/Radio Liberty (RFE/RL) reports that in December 2004, in the Marneuli district, a security guard fired on a group of Azerbaijani villagers, some of whom were armed, who were protesting a land allocation scheme (RFE/RL 7 Dec. 2004). One elderly Azerbaijani woman was killed and several other protesters were injured in the shooting (*ibid.*; ANS TV 13 Dec. 2004; ICG 22 Nov. 2006, 5). According to Baku-based ANS TV, the Georgian prosecutor's office was investigating the death of the woman and on 13 December 2004, announced that the culprit would be "arrested soon" (13 Dec. 2004). However, five weeks later, RFE/RL reported that no one had yet been arrested for the woman's murder (20 Jan. 2005).

In January 2005, one Azerbaijani was killed and several others injured in clashes with Georgian police in the Gardabani district (*Ekspress* 20 Jan. 2005; RFE/RL 20 Jan. 2005). The Azerbaijanis were reportedly attempting to smuggle goods into Georgia from neighbouring Azerbaijan (*ibid.*; Rustavi-2 TV 19 Jan. 2005). In response, Georgian authorities sent special troops to Gardabani to restore order (*ibid.*). Media sources report that the Azerbaijani victims were Georgian citizens (Assa-Irada News Agency 19 Jan. 2005; *Ekspress* 20 Jan. 2005).

In its 22 November 2006 report entitled *Georgia's Armenian and Azeri Minorities*, the International Crisis Group (ICG) indicated that "[s]ome ethnic Azeris accuse police of heavy-handed tactics and intimidation" (6). The report makes reference to the alleged arrest by Georgian police of nine Baku-based journalists who had been protesting land distribution in Georgia; the journalists were apparently "physically intimidated" and jailed for three months, where some claim they were tortured, before being released after the local community paid their bail (ICG 22 Nov. 2006, 6). This information, however, could not be corroborated by the Research Directorate.

An uncorroborated report by Trend, a Baku-based analytical news agency, stated that Azerbaijani villagers in the Sagaredjo district staged a protest to complain about police inaction after a group "uninvited guests" entered their village and demanded that ethnic Azerbaijanis evacuate the area (24 Sept. 2005). A year later, ANS TV reported that leaflets were anonymously distributed in the ethnic Azerbaijani Marneuli district demanding that Azerbaijanis leave Georgia (29 Aug. 2006).

Alec Babaev, leader of "Georgia is My Motherland," an ethnic Azerbaijani organization, was cited by RFE/RL as stating that the national government should improve security in the Azerbaijani regions of Georgia because of "a series of murders and acts of violence defined as ethnically driven in nature" (9 Aug. 2006). This information, however, could not be corroborated by the Research Directorate.

In January 2006, Interfax News Agency interviewed Niyazi Guseinov [also spelled Huseynov (APA 19 Sept. 2006)], the editor-in-chief of a Georgian newspaper, *Yeni Dyushyundze* [also spelled *Yeni Dusunca* (APA 19 Sept. 2006)], who alleges that he was severely beaten by Georgia's special services and forced to cooperate with them (25 Jan. 2006). Guseinov, who says the special service agents' actions were "fuelled by ethnic hatred," planned to take his case to the European Court of Human Rights (Interfax News Agency 25 Jan. 2006). Guseinov later stated that Georgian special troops went to his editorial office, "used force" against his mother and brother who happened to be in the office, and confiscated technical equipment (APA 19 Sept. 2006). However, further or corroborating information supporting these allegations could not be found by the Research Directorate.

In its report entitled the *Situation of Human Rights in Georgia*, the Fédération internationale des ligues des droits de l'homme (FIDH) cited the Georgian Regional Media Association as stating that, in February 2006, plain

clothed police officers "verbally and physically insulted" two Azerbaijani journalists filming a land protest in the Marneuli district before confiscating their videotapes (Oct. 2006, Sec. B). This report, however, could not be corroborated by the Research Directorate.

In August 2006, Georgian authorities denied allegations circulating in the Russian media that the Georgians were arresting and assaulting ethnic Azerbaijanis for distributing copies of the Baku-based newspaper *Hummat*, a newspaper which is considered "anti-government" (*Ekno* 26 Aug. 2006; *Kavkas-Press* 8 Aug. 2006; Turan Information Agency 10 Aug. 2006).

In its July 2005 *Report for the Committee on the Elimination of Racial Discrimination* of the United Nations (UN), the Tbilisi-based Human Rights Information and Documentation Center (HRIDC) notes that Article 142 of the Georgian Criminal Code, states that racial discrimination, defined as incitement to ethnic or racial hatred, or the unfair treatment on the basis of race or ethnic origin, is punishable with up to three years' imprisonment (11). According to Article 142, aggravating circumstances, such as acts of discrimination committed by an organization or those leading to death, can lead to prison sentences of up to eight years (HRIDC July 2005, 11). However, HRIDC noted that Article 142

[i]s not effectively used in practice. So far, no one has been prosecuted under this article. The main reasons are that population lack the information that discrimination is punishable by the legislation or the police tries to give other qualification to the fact.... (ibid.)

Azerbaijanis reportedly founded a rights body in August 2006, according to a report by the Moscow-based REGNUM News Agency (24 Aug. 2006). The International Council of Azerbaijanis of Georgia (ICAG) aims to "protect the rights of ethnic Azerbaijanis in Georgia and coordinate their public and political activities" (REGNUM 24 Aug. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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**Internet sites, including:** Amnesty International (AI), European Country of Origin Information Network (ecoi.net), *The Economist*, Forum 18, Freedom House, Georgian-European Policy and Legal Advice Center (GEPLAC), Georgian Helsinki Committee [inaccessible], Human Rights Watch (HRW), Institute for War and Peace Reporting (IWPR), International Helsinki Federation for Human Rights (IHF), Liberty Institute, *The Messenger* [Tbilisi], Open Society - Georgia Foundation, Reliefweb, United Nations Observer Mission in Georgia (UNOMIG), United States Department of State.

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