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Human Rights in Georgia



HUMAN RIGHTS CENTRE

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Media report

The Human Rights Centre prepared media report Putinization of Georgia-Georgian Media After the Rose Revolution. The report consists of the most important facts that have happened in Georgian media since 2003.

The report is accompanied by the comments of some Georgian expert-journalists on the situation in Georgian media and also by the journalistic investigation on how TV frequencies were taken away from their owners prepared by www.humanrights.ge. The situation and facts regarding regional and Tbilisi media sources are separately discussed in the report.

The big Eviction – Violation of Property Rights in Georgia

After Rose Revolution in 2003 the protection of private property has become one of the most serious problems in Georgia; hundreds of private properties were deconstructed and transferred. The number of cases when private owners “grant their properties” to the state without reimbursement has increased. As a result of the so-called wave of deconstruction we received numerous “granted” entities, ruins and bigger army of unemployed people.

Large-scaled dismantling of the estates was based on the ideology of the government which came into office through revolution. They think that those buildings damaged the façade of the city; however most citizens whose properties were dismantled have all necessary documents to prove the legal ownership of the buildings. Despite that the owners were not offered with compensation or alternative space.

Pankisi Deadlock

The Human Rights Centre prepared a report about refugees in Georgia. The report consists following topics: Refugees in Georgia, Allocation of State Budget in Georgian Ministry of Refugees and Accommodation in 2007, Basis for Deprivation and Suspension of Refugee Status, Ethnic Kist Refugees in Georgia and Their Rights, Future Prospects, Recommendations.

Week of Anti-Racism in Georgia 21 March, 2008

Georgia suffer from” Cultural Shock” when they see black people. At least, this what Nigerian youth living in Georgia consider as their first impression of the situation. They complain about Georgian law enforcers who sometimes abuse them.

On March 21 1960 seventy black people were assassinated during the demonstration against Apartheid in Sharpeville, South Africa. Later, 21 March was declared International Day for the Elimination of All Forms of Racial Discrimination by the General Assembly of the United Nations. UNITED for

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International Action is the European Network against racism, xenophobia and all kind of forms of discrimination.

The Human Rights Center is the member of the UNITED network and it joined together with the Action Week against Racism.

Within the Action Week the Human Rights Center arranged a meeting with representative of the small black community residing in Georgian on March 18-19. On the first day the invited guests met journalists and spoke about their problems and how they faced everyday life in Georgia.

On March 19 representatives of the Human Rights Center initiated the meeting of black youth with the students of the Tbilisi Youth Palace and Georgian-American High School. Racism and all kinds of discrimination were topics for the conversation during the meeting.

Young black people discussed some of the problems that they encounter while living in Tbilisi. All of them arrived as a tourist in Georgia. Then they liked the country and the Georgian people so much so that they even decided to stay here and obtain a higher education. For example, Sylvester Jideophor takes master Degree at the Tbilisi State University; Okoronko Stanley Chidi, Elumelu Patrick Chukwudi and Palinus Nnosu Ajagu study at the Black Sea International University in Tbilisi. All of them run small business in Tbilisi, they have small shops and mostly live in Varketili and Vazisubani districts in the Georgian capital.

It is not strange for Nigerian young people when they see the astonished faces of Georgian people at their sight in the streets of Tbilisi. Sylvester Jydeophor calls it is a “Cultural Shock” and adds that odder generation of the local population are still surprised to see black people when they come in contact. “We cannot say the same about the Georgian youth; we have many friends among them and they do not consider us weird.”

As it became clear the black people do not have perfect conditions in Georgia. They often have incidents because of the color of their skin. They claim that very often they are insulted and abused in the streets. Nelson O Erhunse recalled that once Georgian drunk men started argument with him and his friend near a shop where they wanted to buy something. The men were scolding them; later Nelson decided to call the police but one of the harasser showed him his own ID, which was that of a police officer.

“Most of the time the only time we are harassed is from Georgian law enforcement officers.”

Nino Tlashadze, a representative of the Human Rights Center, said that XXI Century society still is suffers from being racist. People still differ people based on their skin color, social background, religion and ethnic group. That’s why similar activities of face-to-face meetings must be arranged more often. Organizers of the meeting invited young Arab and Indian students to take part in the meeting; unfortunately, they did not attend the meeting for apparently unknown reasons.

Nona Suvariani, Tbilisi

March, 2008

Police Harasses Roma People because of “Ethnicity” 17 March, 2008

Those of the Roma ethnicity residing in the village of Leninovka in Dedoplistskaro District are blaming local police officers for harassing them on their ethnic background. They claim that law enforcers fabricated materials in making a criminal case and even insulted the Roma when they showed up at the police station to find out about the situation. They were physically kicked out of the station by the police. The Roma claim that their rights have been and continue to be abused, and that this is because of their ethnic group. They are urging international organizations to come to their assistance. Otherwise, they will walk to Tbilisi with their children and begin protesting in front of the office of the Council of Europe.

On January 21 2008 a car accident occurred in the village of Tsiteltskaro in Dedoplistskaro district. Soldiers of the Georgian Defense Ministry were driving “UAZ” at a high speed and it crashed. The soldiers were accompanied by friends were also passengers in the car. They crashed VAZ 2106 and the Roma people sitting in the car that they crashed into were injured about their faces. Mikhail Denisenko, was the mostly injured and after several surgical operations. He is still bed ridden and remains disabled.

Criminal case was opened at the Dedoplistskaro District Police Department on the same day. Case materials state that “under the Criminal Procedural Code the scene of the car-accident should be examined immediately. The injured sitting in the car were placed in Dedoplistskaro district hospital.” “It is estimated that Zaza Kanchashvili, officer-in-chief of the Military Unit # 3 under the Defense Ministry was driving the UAZ. Blood of both drivers was tested and the analysis showed that both Mikhail Denisenko and Zaza Kanchashvili were sober,” said Giorgi Bunturi, the head of the Dedoplistskaro District Police Department.

Roma people claim that the UAZ was driven by drunken Moris Batiashvili and he was far from sober Kanchashvili. “Kanchashvili blames himself for driving the car because he was not drunk. In fact, Moris Batiashvili was driving the car and was totally drunk. After the car crash I fainted; when eyewitnesses pulled me out of my car Batiashvili was trying to get out of the UAZ from the driver’s side. Finally he fell down and suffered injuries as well. They were coming from the restaurant. When they crashed us they went to the police station where they told that they had killed Roma people accidentally and urged police officers to support them in avoiding the criminal punishment,” said victim Ekaterina Prosheva.

One of the eyewitnesses also confirms that Zaza Kanchashvili was not driving the car. However, this has not been confirmed by an investigation. He has not yet been interrogated.

“Having heard the car-crash we rushed out into the street; we saw a man and a woman crept out of the UAZ and disappeared. Everybody in the car of Roma people was injured. It was very difficult to pull out the driver. The wheel and some other parts were blocking him and he was has passed out. We noticed two people in the UAZ; one was trying to get out of the car from driver’s side and he looked to be very drunk; and the second person was Nukri Baghashvili, surgeon at the

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district hospital, who was also drunk,” said Aleksandre Madioiani in his conversation with the Human Rights Center.

Injured Roma people claim that before the crash the UAZ was moving so fast that they tried to avoid the approaching car. “As soon as we turned away from the road the UAZ also drove into our direction. Everything happened so fast that I could not respond in time to do anything. I tried to drive on the left in avoiding the accident as I could and finally I stopped the car. At that very moment they crashed into us. I do not remember what all had happened,” recalled Mikhail Denisentko. Because of numerous broken bones he spent three weeks in the district hospital and the family sold out everything from the family to pay for his medical expenses.

The investigation interrogated Denisentko as a witness but only after the Roma People had applied to the Human Rights Center for assistance. Although Denisenko can neither read nor write in Georgian, he was interrogated without the support of an interpreter. However, investigator Valeri Lekashvili claims that the witness was interrogated in accordance with the requirements of Georgian Criminal Procedural Code.

The investigator added that according to the conclusion of auto-technical expertise driver Mikhail Denisenko could have avoided the car accident under the Georgian Law on “Traffic Security”, Article 14, paragraph I. “As for Zaza Kanchashvili, he could not avoid the accident because VAZ 2106 was moving on their side and Zaza Kanchashvili did not break the Georgian Law on Traffic Safety”, said detective-investigator Valeeri Lekashvili.

Giorgi Bunturi, the head of the Dedoplistskaro District Police Department considers that based on the circumstances estimated by the investigation, Mikhail Denisenko is the focus of a crime. “We will start criminal prosecution against him and he cannot be declared as a victim,” said the head of the police.

Relatives of Denisenko blame the investigation for impartiality. “We arrived at the police station to find out the situation and they laughed at us and told when something happens that gypsies are able to understand laws. Investigator Lekashvili scolded us and banned us from coming to the police station. He threatened to put in prison unless we kept silence,” Malina Pinadova, wife of Denisenko, and she took exception to the threat from law enforcers.

Police officers from Dedoplistskaro district have not comment on the accusations of Roma People.

Representatives of the district Prosecutor’s Office also claim that the complaints about the investigation are groundless. Prosecutor Ioseb Guloshvili scolded Roma People during over-phone conversation with the journalist of the Human Rights Center: “Fuck them...they do not have any more business?”

The Roma are now urging international organizations for help. Unless their appeal is satisfied they intend to walk to Tbilisi with their children within several days. They will collect and start protesting in front of the office of Council of Europe.

Gela Mtvlishvili, Kakheti

March, 2008

Give Imedi (hope) back To People

24 March, 2008

Kakheti based journalists protested against the government when it illegally took control over the TV Company “Imedi” and demanded to give it back to its real owners and resume regular broadcasting. Representatives of the local NGOs also joined forces with them. The demonstrators prepared an appeal to the international organizations where they protested the restriction of the freedom of expression and the restriction of journalists in Georgia. The demonstrators stated the Georgian media has never been so restricted before as it is now, on the fourth anniversary of the 2004 Rose Revolution.

“According to Ina Gudavadze, the widow of the late businessman Badri Patarkatsishvili, some individuals on their own have tried to represent themselves as the real owners of “Imedi TV” - and they even tried to sell it to the government. Saakashvili’s government is doing its best to get hold of the TV Company. We guess that they will even do it under force. It is unbearable. “Imedi” must be returned to the society and its broadcasting should be resumed,” said Tamar Makharashvili, correspondent for the Kakheti regional newspaper.

The demonstrators made comments after one-hour-silence. Symbolically, they had fixed the logo of the “TV Imedi” on the mouths to attract greater public interest in the plight of the station.

“Raiding and restriction of the “Imedi TV” was by far the greatest mistake of the government. Several TV Stations work throughout Georgia and now almost all of them are controlled by the government. Consequently, we are unable to learn the truth about the on-going events in the country. So terrible is the situation in the regions but they are not revealed by national media sources; or they prepare materials but are not allowed to show on TV,” said Roman Kevkhishvili, journalist for the Radio “Hereti”.

Journalists of all Kakheti based media sources took part in the demonstration. Representatives of the non-governmental organizations like “Young Lawyers Association,” Human Rights Center and other organizations also took part in the protests. Demonstrators prepared an appeal to international organizations where they demanded to make Georgian government to give “Imedi” back to society and protect Georgia’s hard fought freedom of expression.

Gela Mtvlishvili, Kakheti

Police Seized List of Supporters of the Political Movement Tavisufleba

14 March, 2008

On March 9 a list of 30,000 supporters of the Political Movement “Tavisufleba” disappeared from the Zugdidi-Tbilisi Central highway. Near Abasha distinct two unidentified people stopped the driver of the mini-bus as it was traveling towards Tbilisi and seized the documents from him by force. Regional representatives of the “Tavisufleba” have already appealed to the Abasha district police station to investigate a politically motivated holdup.

The highway robbery occurred on March 9 on the central highway serving the Samegrelo Region at approximately 1:00 PM. Initially, unidentified people called

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the driver of the mini-bus and then made him to stop the mini-bus near the village of Khamiskuri in the Khobi District. Rezo Archaia, the driver was grabbed and the lists of the party's supporters for "Tavisufleba" that was in transit to the central office of the party was seized by force. It was physically in the possession of Tengiz Gergedava, who is the chairperson of the regional organization. However, a half an hour later the attackers realized that they had mixed up the documents and they had stolen the wrong election related materials. The quick thinking driver had intentionally handed them the wrong documents.

However, after realizing their mistake, the thieves quickly organized to correct their first mistake and two men then caught the mini-bus by car in Abasha. They were able to force the driver to stop his mini-bus and to exchange the documents for the ones that they had actually sought to steal in the first place.

Rezo Archaia: "Strange people called me on the phone several times and ordered me to stop the mini-bus. Both of them told me to hand over to them the documents I was supposed to deliver to Shorena Akhalaia, a lawyer working for the party. They mentioned Tengiz Gergedava and this was the person who had provided me the documents in Zugdidi to take to Tbilisi. I became suspicious only after I was called from the office of the "Tavisufleba" and asked to hand them the documents...."

The members of the political party "Tavisufleba" soon identified the number of the mobile phone, and it belonged to one of the passengers sitting in the transport: 895 94 30 07. Shorena Akhalaia, the lawyer: "initially said that they answered our phone calls; the person introduced himself as Giorgi Tsanava but he quickly categorically denied any connection with the criminal incident. Several minutes later his mobile phone was turned off and unavailable."

Later, the number of the car was identified as well as its color. It was dark red Opel and the official owner of it is Tengiz Chulukhadze, a resident of Chavchavadze Str. 46/3 in Kutaisi. Chulukhadze is an employee of the Criminal Department of the Imereti Regional Police Department.

Members of the "Tavisufleba" claim that the Ministry of Internal Affairs carried out similar special operation based on the information received from bugging phone conversations between the chairperson of the regional office of the political party as well as the party's lawyer. Tengiz Gergedava mentioned one more important detail when he made his report about the incident. He told the record of the incoming call that was made between 12:00 and 2:00 PM had disappeared from Rezo Archaia's mobile phone record.

Konstantine Gamsakhurdia, the leader of the political movement "Tavisufleba" shared his assessment of the incident during a protest in front of the parliament building that same evening. "It is a criminal act that is so much characteristic for of the Georgian Ministry of Internal Affairs. It is an act of violence and an attempt to threaten the people. We will get registration despite such problems and nobody should expect that they will succeed in fighting us... and this operation was implemented by either the Constitutional Security Department or the Special Operative Department/ or any other departments within the Ministry of Internal Affairs," concluded Konstantine Gamsakhurdia.

Nana Fazhava, Zugdidi

Moderators blame the Ministry of Internal Affairs for internet-censorship

11 March, 2008

Organization “Reporters without Borders” announced March 12 as the “Day for the Freedom of Word” on Internet. The freedom of word needs to be protected in on-line editions too. After the famous events of November 2007 it was evident that the opposition was abused on on-line forums. The photo or video materials of the November 7th crackdown gradually disappeared. Not too long ago, the newspaper “Basta” published an article about internet-censorship. We want to introduce our reader with the same article as well.

The Ministry of Internal Affairs claims the complaints are groundless

After TV stations, governmental officials started to restrict word freedom on the internet too. Former moderators of Georgia’s largest internet-forum forum.ge spread the information. They claim the officials from the Ministry of Internal Affairs block all kind of opposition opinions on the forum. More precisely, they stated that after November 7, 2007 the forum administration, as a result of the suppression from the Internal Ministry, fired all moderators who supported opposition parties and appointed new moderators who respected the government. The users of forum.ge, who abandoned it, established a new forum called politforumi.com

The officials from the Ministry of Internal Affairs call the accusations groundless and claim they do not have similar information. “My boss is on business leave at the moment and nobody will be able to comment on the situation. The only thing I can say is that the accusations are groundless. It is strange why the ministry should need to take similar measures,” said Maguli Kenchiashvili, Deputy Head of the Ministry Administration in her conversation with the newspaper “Basta”.

“I do not think any kind of discrimination has occurred,” said Temur Khaindrava, administrator of forum.ge. He reported that the political division of the forum is completely controlled by moderators and the administration does not interfere in their activities.

“I will explain to you when the whole situation started,” said former moderator of the forum.ge who said neither his name nor his nickname. “You might remember the TV Station “Kavkasia” spread an audio recording of Vano Merabishvili’s (the Georgian Minister of Internal Affairs) conversation with his Azerbaijan colleague; they were speaking about the purchase of the rubber bullets and tear gas. Before the recording was shown on TV we posted it on forum.ge. By the way, before that a very serious and interesting dispute was going on between the supporters of the government and opposition. As soon as we posted the audio recording, the administrator appealed to the moderators, among them was me, and he ordered to block the topic immediately and delete the recording to prevent people from discussing it.”

“It is fact that the officials from the Internal Ministry influenced the administrator. Under their influence the policy of the forum was changed too. Three moderators of the political division of the forum.ge support Mikehil Saakashvili and block opposition ideas.”

“The audio recording of Vano Merabishvili’s conversation was removed from the forum because posting similar materials on it contradict our statute. The statute of the forum states that we do not have the right to publish the materials without having corresponding permission. It does not make any difference whether it deals with a public official or an ordinary citizen. Vano Merabishvili did not allow us to publish his conversation. We are neither a TV Station nor a newspaper. It is a forum with particular rules and everybody should follow them,” said Temur Khaindrava who added “As for moderators, they were fired because they should follow the rules first of all. One of them breached those rules and abused his power negatively in that tense political situation. Consequently, only one moderator with the nickname “Dimpitauridze” was fired and his support for the opposition parties simply coincided with the situation.”

“Basta”: Thus, the moderator was fired because he breached the rules? Did the Ministry of Internal Affairs not suppress you?

T. Kh. We were as much suppressed as other newspapers in Georgia like you.

“Basta”: Our newspaper was not suppressed at all. At least nobody tried to influence me at all.

T. Kh. I am completely sure that you are not honest in your statement.

Former moderator of forum.ge said that several officials from the Ministry of Internal Affairs were registered on the forum who took active part in political debates and it is not excluded that they suppressed the administrator personally. “All users of the forum learned that several of them worked in the ministry and posted letters directly from the Special Operative Department. By the way, they cannot be high ranking officials because their level of education is too low. These people were actively involved in political discussion. Consequently, we suppose that the administrator, who had never interfered in the political division and had no personal interests in the topic, could not have wished to delete the audio recording of Vano Merabishvili’s conversation and ban users to speak about it.

“Our forum could be the first to publish the above-mentioned audio recording in the Georgian media sources; however, unfortunately it was blocked.”

Levan Berdzenishvili, member of the Republic Party and frequent user of internet-forums agrees with the former moderator. He said that the Georgian government puts much effort into controlling the internet and ban all kind of opposition ideas.

Levan Berdzenishvili: “More or less the freedom of word does exist in the internet; though they do not have valid guarantees that it is not controlled by the government. People doubt that like our over-phone conversations, our internet messages are also controlled. That is completely illegal. However, how can we speak about similar problems when our government does not recognize any ethic limits?”

“When governmental structures became interested in the restriction of the freedom of word on forum.ge officials from the Internal Ministry were registered as ordinary citizens on the forum who posted letters directly from the office of the

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Special Operative Department. Consequently, the forum has become uninteresting for users.”

Levan Berdzenishvili confirms the fact that all moderators who supported opposition parties were fired. “So-called elections were held on forum.ge and those people were elected as moderators who protected Saakashvili’s position. Thus, the government tries to establish its control on internet space too and that is ridiculous.”

“It is very difficult to restrict freedom of word on the internet. They managed to control the political part of the largest and most interesting Georgian forum where our rights were protected. Moderators support the government. However, it must be pointed out that the internet cannot be completely controlled. In addition to that, people who were not satisfied with the level of freedom of word on forum.ge created a new forum called politforumi.com,” said Berdzenishvili.

Member of the Republic Party stated that the government should definitely consider the fact that as soon as political discussion becomes unilateral and uninteresting, the forum will have fewer users. “Governmental officials are not aware that the freedom of word is the most precious for people than the government and opposition altogether.”

A new alternative forum -politforumi.com was created on Georgian on-line space two weeks ago; it was founded by former users and moderators of the forum.ge who were not satisfied with the level of freedom of word on the previous forum. The administration of the new forum reported that they do not complain about few users. Nearly 450 people are currently registered on the forum.

“Our forum, because of its title, stresses on political discussions. We have other topics too but most users visit political division. By the way, it was the idea of the forum.ge’s users, who could not find enough democracy on the forum. They started thinking about a new forum particularly after the November 7, 2007 where they could express their opinions openly.

Source: newspaper “Basta”

Houses Lost to Loan Sharks

18 March, 2008

Instead of borrowed 2 400 USD the victim of the swindle web is demanded to pay 210 thousand USD. Criminal group are operating with almost a sense of impunity – leaving many families homeless with various cons. They are going unpunished. However, there is still hope for justice as some of the victims have directly appealed to the Georgian Prosecutor’s Office for help.

It is reported that there are several criminal groups in Georgia. Nearly fifteen families applied to the Human Rights Center with similar complaints. As far back as 2003 Georgian legislation banned the practice of usury, loaning money at higher than normal interest rates. Oftentimes the loan agreements are not official and have only been made verbally and with dodgy paperwork. Alternatively, some loans are for one amount and interest rate on paper but an additional sum is required upon early repayment based on a verbal agreement (as a kickback). This can be as high as a 10 to 20 percent added-on to the face value of the loan.

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However, the legal documents show a much lesser amount of money to be repaid, which is necessary to not violate Georgian legislation.

Nana Asanishvili is one of the victims of the swindler-group. When she in dire need of 2 400 USD she applied to the Mediation Firm “Renome”. There she met Ketevan Adeishvili who later turned out to be the ring leader of the swindle. Instead of the actual amount of the loan 2,400 as actually provided her in USD, the actual documents showed a loan amount of 3,000 USD.

Nana Asanishvili: “She offered that ten percent for the loan be paid early and I had to return the money within two weeks. I did not have to worry she said, even if I could not pay the money back so soon. Naturally I was worried and Adeishvili calmed me down like a friend, saying “the firm would consider it as a new loan.” However, in this case I had to pay her fee and percent on top of any outstanding percent and the loan amount. They made me pay the percentage in advance. However, I was given an additional 3-5 months to pay off the loan. I paid the percent of 3 thousand USD during 5 months. Finally the loan reached a great sum; I could not pay the initial sum but it had by now totaled 15 thousand USD.”

“Several days before paying the loan Adeishvili called me and said the debtor needed the money immediately and the firm had paid instead of me to him. I was not in Tbilisi and she told me to pay the loan as soon as I arrived in Tbilisi. Having arrived I found out that they had borrowed the money from another debtor. The new debtor asked me to indicate a greater than actual sum in the document than what I had taken from the previous debtor.”

“I was very close to Adeishvili and even I trusted her; thus I did not ask her to annul previous hypothetical documents that were not real. Four-five months later, however, old debtors started calling and demanding payment from me. Why had they not demanded this money before, as I knew that I had paid off the earlier loan? It was clear that there must be some mistake. A year later I found out that Ketevan Adeishvili had not paid debts to anyone. Consequently a criminal case was launched against her. In private conversation she confessed that in fact I did not have such a large debt and she discharged me from some of the loan.

Private phonoscope expertise has confirmed it, and there is also corresponding conclusion of the expertise where Adeishvili personally confessed everything. Before I applied to the police I told her I would provide the law enforcers with all details about the exact sum I had paid. According to the contract in the case of disagreement we had to apply to Private Arbitrary. Having read the complaint to the arbitrary I realized that I had made a business with typical swindler. I appealed to the Prosecutor’s Office with a request to open a criminal investigation.”

Initially, the director of the “Renome” registered the house of Nana Sarishvili and then she registered other debtors. Currently, the victim’s house has sixteen owners. Attorney for Adeishvili and one of the owners of Nana Asanishvili’s house is Giorgi Mamporia, a lawyer and one of the chiefs of the Georgian Labor Party.

Nana Asanishvili reported that on April 10 2007 the police evicted their family from the house without any court decision; they were not allowed to take their personal things from the house. It was raining and the police deliberately threw out their furniture in the street. Nana Asanishvili appealed against those police officers too though the investigation did not succeed like the case connected with

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swindler's ring. Although the Prosecutor General's Office has ordered the police department to start investigation, there has been no result to date.

Elisbar Khachapuridze, lawyer for the Human Rights Center, calls the crime: "System of Secret Deals" which is a separate institute under Georgian Civil Law.

"The system works as follows: a person applies to the mediation firm which supports the applicant to take a loan. The borrower is explained that the money does not belong to the firm but to a debtor. In documents the indicated sum is much higher than actual amount of the debt. Besides that the document does not oblige the client to pay percentage. The reason for similar activities is the law which bans to lend money at high percentage. In most cases the percent reaches even as high as 25. It is natural that an applicant cannot pay such a large sum within two weeks and the firm offers another debtor who will pay off his debt. Consequently, the client is forced to pay more and more money and larger sums are indicated in the next round of documents."

"It is natural, that an applicant has to sign similar contract despite the fact that you have paid what has already been loaned. Soon the person finds himself in a spot and cannot pay debts. You have no other way but find a new debtor in order to save your house from having to sell out the property. Finally all those people who have lent you the money become the owner of your house and the debt to them reaches an astronomic figure. At last you cannot afford to pay that money though you have not spent them at all. The loaner gets nervous and tries to pay at least one debt. You trust Adeishvili or a mediator and who you lose that money too. In this case, inexperience of the person who borrowed takes a significant role in the success of swindlers because the client trusts the mediator."

"Consequently, the debt amounts to a colossal sum and finally, unable to pay, the client is now faced with total financial disaster. According to the arbitrary complaint, the Arbitrage Court starts the proceeding. Adeishvili might have taken the money for personal purposes. Consequently, the debtors are demanding the money and the house of Asanishvili is sold off from under and the family evicted."

Elizbar Khachapuridze speaks about the Human Rights Center's position: they demand law enforcers to start criminal prosecution immediately and charge every person who is involved in such a criminal racket.

Nona Suvariani, Tbilisi

Draft Law on Drugs: A Step Forward or Pre-election Hype **12 March, 2008**

Why and for whom was the draft law drawn up? Supposedly, there are 250 thousand drug-abusers living in Georgia. Experts think the aim of the current law that is to punish drug addict is one that is being currently discussed in various committees of the Georgian Parliament. Who is eager to classify drug-abusers into drug dealers? Why cannot non-governmental organizations accept the draft law at face value? And in general what will the draft law really make any difference in this sphere?

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Tamar Sirbiladze, Chairperson of Drug Policy Advisory Council is an author of the draft law in cooperation with Gigi Tsereteli, the Chairperson of the Healthcare and Social Affairs Parliamentary Committee. Ms. Sirbiladze tell that today there is drug epidemics in Georgia. Part of the problem is that there many dead articles in the current law and this creates various problems.

The draft law is too complex and constitutes much key legislation “about drugs, mind alternating substances, precursors and narcological assistance”. It also envisages making amendments to the criminal and administrative codes; changes might be introduced to the public code as well. It will serve to bring about the harmonization of the Georgian legislation with international conventions.

Although everybody wants to amend the current legislation, there are many experts that do not support the draft law as it currently is written.

Davit Otiashvili, director of the Union “Alternative Georgia”, is one of those who oppose the draft law. “If we discuss the principles, the legislation focuses on punishment and not on providing assistance, or treatment or bringing treated drug users back into society. The only formal remark that enables them to claim the opposite is the only one phrase from the draft law- “drug-addiction is a disease.” But in fact the prosecutor’s office and the court does not pay attention to this phrase while discusses any particular case, because the articles of the codes state that any person who has any kind connection with drugs is a criminal. Consequently, the law treats them with corresponding measures.”

Davit Otiashvili thinks that the draft law also fails to change the attitude towards the drug users. Current law does not differentiate abuser from drug dealers. Very often the drug addict is treated and sentenced as drug dealer. Consequently they are sentenced to terms of with seven, ten more even more years of imprisonment. Experts say that the draft law is superficial and aims to serve as PR campaign during pre-election period. “If we consider the fact that Georgia has nearly 250 thousand drug users the number of impacted families is rather large. Such legislation serves as a good PR campaign for the voters. However, it will not actually change anything.”

Does Drug Policy Envisage the Interests of Narco Mafia?

Everybody knows someone who is directly or indirectly connected with drugs. There are many ways and options to be charged. It is a fact that both drug user and dealers are judged under the article 260 one and the same.

Davit Otiashvili: “Current legislation does not differentiate abusers, who have in their possession narcotic substances for personal use from dealers who are selling drugs and earning substantial money.”

“Although the court concluded that most accused people were abusers and the investigation could not confirm that they were selling the drugs, they were sentenced to 8, 6, 10 years in prison. This is as if they were hard core drug dealers. There are only formal changes introduced into the draft law in the issue in order to show it to the Europeans.”

Lawyer Nana Gvetadze has worked on similar issues for a long time. She speaks about the how things are actually practiced in Georgia.

“Because of the faults in the law a real drug abuser is sentenced to ten-year term of imprisonment because he could not inject the all the substance before being arrested. For example, there have been several cases where people were arrested with 0,001 grams of heroin.”

The most important question is why law enforcers are interested in judging addicts as drug-dealers.

Aleksi Shoshikelashvili, director of the monitoring project on the “Protection of Drug Abusers”, responded as follows.

“Law enforcers are boasting they are fighting against dealers. In fact, according to the statistics, the arrested people are ordinary addicts or users. As for real drug-dealers, who that must be arrested, they remain free and continue to deal drugs. The police are directed connected with dealers and they create mafia unions whose activities are not impacted by the government. The crime is always supported in governmental institutions, such as the Georgian parliament, law enforcement bodies, etc. Many people intentionally regulate the direction of how things operate; while others cannot realize that they are following a drug policy that really favors the drug mafia by the decisions that have been made.”

Tamar Sirbiladze admits that the above-mentioned short-coming and this has been considered in the improved draft law. Amendments have been introduced to the Article 260. Abusers and dealers will be differentiated in the future. Those who are found only with small amounts of drug will be fined instead of being sentenced to long prison terms.

Nana Gvetadze stated that the draft law does not make the situation easier in this field; and in fact, it has just the opposite effect.

“According to the Article 260 of the Georgian Criminal Code, possession of even a small amount of drug is prosecuted, which essentially contradicts Article 45 of the Administrative Law under which an administrative fine or other type of penalty is envisioned.”

Lado Ulumberashi is the leading specialist of the Parliamentary Committee of Human Rights and Civil Integration.

His committee is the only one that discusses the draft law. “It is nice that the state tries to separate abusers from dealers. However, the law must be reinforced and be changed to make it work more effectively.”

“Do not expect that you will be released after the draft law is in force.” Our respondent (we prefer to keep his name anonymous because his relatives fear he might face some problems in prison), as well as from other prisoners who are serving out their prison terms for being drug addicts. Our respondent was arrested seven times; he paid the fines too. Now he or she is sent to prison to serve four years and half for such crimes.

He was charged under the Article 177 of the Criminal Code that is already cancelled. Thus, the families of the people who are tried under this article continue to hold onto hope that if the draft law that will be put into force will be enough to set free their relatives.

Tamar Sirbiladze also does not deny the fact. “When the legislation is getting less burdensome, the cases of all people who were arrested under the previous law should be revisited.”

Davit Otiashvili: “One thing has really changed. The Article 273, according to which people were fined, will be canceled. The article envisaged the fine of 2,000 GEL is a person who arrested for the second time, or that he be sent to prison for a year. On the basis of these changes they claim that they are decriminalizing against drug addicts. Consequently, a person will not be imprisoned for being under the influence. In fact, similar people have never been sentenced to custody; they only pay fines and suspended sentences are imposed on them.”

Aleksi Shoshikelashvili agrees with the cancellation of the Article 273. However, he pointed out that alongside it the amount and kinds of fines should also be increased. “A person might be fined or imposed with 30-day-imprisonment on the first occasion he is arrested. In custody they will be placed under unbearable conditions. However, they supposedly will continue using drugs and they arrested again and again. With similar treatment to the problem the government proclaims drug-addiction is a luxury. If I have money they tell me I can use as much drugs as I can; but you will have to pay the money each time we will detain you. A person, who cannot pay the fine, has no alternative to be forced to rob or steal, even from his own home and family members. If the cannot come up with the money then the choice is to spend thirty days in terrible conditions in the custody in order to get his or her attention.

Elene Tevdoradze, chairperson of the Parliamentary Committee for the Human Rights and Civil Integration, made a comment about the cancellation of the Article 273 in her conversation with the newspaper “Versia”:

“We cannot make any preliminary statements about the changes in order to please the families of detainees. I directly told prisoners that they should not expect to be freed from their changes or sentences.”

“The law will not assist them at all. It does not provide any phrase about the law has a retroactive character. Thus, the position of our committees is to introduce amendments to it. If Article 273 is canceled after the new law is enacted and it will be moved to administrative law, why a prisoner should remain in custody if the law, under which he was charged, is canceled. I will certainly request to lighten the sentence for people who are in prison for having been drug addicts.”

Aleksi Shoshikelashvili: “In fact 95-93 per cent of drug users are sent to prison under the Article 260 are users. There might be several dozens people released if Article 273 is set aside but still there will be ten of thousands who will remain locked up. Thus, the statement of the Georgian president that drug addicts are actually sick people means nothing.”

Lado Ulumberashvili claims that the issue needs to be discussed thoroughly. “Today we have such definition in the law: “Small amount of drug for selling is one thing...” A similar attitude to the case is not a right one. Nobody can guess the real intentions of a person; nobody can actually estimate whether he wants to sell or inject the drug. Unfortunately, the above-mentioned definition has not really changed at all.

Not Guilty Findings in Batumi **12 March, 2008**

Courts of Adjara Autonomous Republic have not passed any verdicts of not guilty in the last two years. According to official statistics the number of plea-bargains has been increased. “I have not seen anyone found not guilty in the courts as of yet. How can we speak about justice in such an unjust country,”- it is the collective attitude of Batumi residents when it comes to situation that now exists in the judiciary system.

After two-month-long waiting period the public information finally provided by the Batumi City Court states: “In 2007, Batumi City Court did not pass a single verdict of not guilty; six accused defendants were sentenced to life in prison. Judges have not used the precedents of the Human Rights European Court in their decision-making.” However, it is now clear that they could not manage to provide the information about the changed qualifications of accused people during a reasonable period of time.

In 2007 Batumi City Court discussed 1,451 cases. 998 cases out of the total ended by the Court finding the defendants guilty, while others cases ended when plea-bargain when agreements were reached. Jemal Kiknadze, the chairperson of the Batumi City Hall explains that the similar situation is a result of a good professionalism of local investigative structures. “Criminal cases are transferred to the court with corresponding evidences; that means the cases are accompanied with actionable evidence. Later, we estimated during the trials that there is no support in the case material that would support the defendants.”

How do lawyers assess the fact of “disappearance” of verdicts of not guilty during the actual practice of the legal process?

Edisher Makharadze, the lawyer: “Criminal Procedural Code does not envisage the instances of poor investigations being completed. I think preliminary investigation cannot be always correct. Each and every person can make human mistakes. The justice is implemented by a person too and therefore like verdicts their decision should not be on rare occasions.”

“The judge has authority to evaluate the evidences and control how material law is applied. It is essential that we should also take various amendments to the Georgian Criminal Code into consideration; the liability for illegal verdict or passing some other kind of verdict when it has already be legally set aside.”

“Instead of the verdict of not guilty they have introduced plea-bargain instead. The money received from plea-bargains from fines is transferred to the state budget. The government is interested in collecting revenues for the national budget. As for someone who comes to a not guilty verdict, such a person will be considered an enemy of state interests.”

Ramin Papidze, the lawyer: “I have had many cases which must have finished with the verdict of not guilty. But the accused people, being afraid of going back to the prison, were to plead guilty and sign plea-bargain with the state prosecutor. Based on similar decision the rights of many people have been breached. Former public

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official pleaded guilty for having taken a bribe only because he did not expect the court to be fair.”

Geno Kartsivadze, a lawyer for the Young Lawyers Association’s Adjara Office: “I do not believe in perfect work of the investigation and prosecutor’s office. The fact that the court has not passed any verdict of not guilty exposes the level of independence of the judiciary system. If the judges had discussed cases independently, at least one verdict could have been passed in favor of the accused person.”

Tornike Ananidze, a lawyer for the Human Rights Center. ”It would be better if they remove the article on the verdict of not guilty from the legislation because the judges have not applied to it for a long time already. Mediations and evidences of the defendant side are not considered by the court at all.

Court investigation has lost its meaning while passing the verdict because the conclusion is already made based on the evidences of the prosecutor gained during the preliminary investigation. In fact, the court has already passed the verdict and the trial is a formal process.”

“Unfortunately, the reality is the following-either verdict of guilty or plea-bargains. When the case materials expose legal grounds to find the accused not guilty, the prosecutor and the court then start speaking about plea bargain that ends up in the verdict of guilty and mutual plea-bargain. Of course, there are instances when the accused is unable to afford to pay the bail amount.”

Edisher Makharadze, the attorney for the accused Filia, the last person who was found not guilty at the court, said the verdict was changed by the Appeal Court and Judge Zurab Surmanidze was “punished”- he was moved to Keda District Court from the Batumi City Court for having passed the verdict of not guilty. “It was because of not reinstating a fair verdict that the judge disagreed with the initial verdict,” said the lawyer.

Maka Malakmadze, Batumi

Metekhi “Brovka” Is Wrecking, City Hall Officials State – What’s Unusual

24 March, 2008

The rock cliffs are as much as anything else to the Tbilisi Landscape. Old hotels and houses are erected on the heights above the Mtkvari River that cuts Tbilisi in two. A new construction is being carried out on the plot in Mukuzani Street # 7: Besarion Khvinteliani, a Georgian businessman who works in Russia is constructing a new hotel. At first impression, you might think that everything is in order, just another hotel among many.

The property owner legally purchased the land and based on the architectural plans, a hotel project has been approved and is now in progress. However, Metekhi Rock, so called “Brovka” is now seriously damaged, as air hammers chisel away the sheer rock. This solid rock would otherwise be a solid foundation. It goes

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without saying that the natural beauty of the rock cliff above the river is being destroyed. Natural beauty aside, that of the rock base, it is difficult to say what will be the impact of taking a cut from solid rock on the structural integrity of other buildings, and what will be the impact on other buildings and the neighborhood. That is something that only engineers and time will be the judge.

The City Hall states that Metekhi Rock – “City Balcony” as architects refer to it, has not been damaged. However, when one looks up from the river Mtkvari embankment, the scenery is a complete disaster to the eye. Most would agree and this begs the question how can this happen and how in open sight a side of a cliff has been removed without any public outcry. In the meantime, the process continues as the rock cliff is being removed piece by piece; the heck with public opinion and the consequences of unabated and unregulated construction.

It comes as no surprise that many seemingly worthless constructing projects have been approved for old Tbilisi districts, especially for those parts of the city where there are many historic buildings and places that are declared as cultural heritage. It seems that nobody appeared to be so strong to oppose this process though two boards were involved in the decision making process - the City Hall board and the board of the Ministry of Culture.

Nika Vacheishvili, present Minister of Culture was the head of the Ministry board. There have been instances when he overrode projects and used his veto to stop projects that had been approved by the board of the Tbilisi City Hall. Later these two boards were united and it is now called “United” board. The board works in the City Hall. Only two people were moved to the new board from the Ministry board. The architects, the majority of them comment without specifying their identity and say that the system when the construction projects had been discussed by two boards should not have been changed as now as a result of this change Gigi Ugulava, Tbilisi Mayor has become more influential in his standing. Aleksandre Elisashvili, journalist and head of Tbilisis Hamkari agrees with the architects. On March 5 he expressed his protest against the construction on Metekhi Rock and said that Taniel Oniani, notorious international criminal had his interests in the hotel construction project, which would imply that something was less than proper and above board.

The media sources expressed an interest towards the construction only because Taniel Oniani was somehow implicated, directly or indirectly. Of course, Taniel Oniani’s name is not mentioned in any of the official documents, but Elisashvili alleges that he checked the information with three different sources, including the City Hall and received confirmation from them, as to the nexus. Oniani’s involvement is interesting as far as “ordinary” people, that is people with no influence would not have access to the construction on a protected area of a town. It would be a great scandal if some common person would have damaged the natural scenery in such a harsh and unforgiving way. A common person would have been severely punished, even perhaps sent to jail. But it is more important to find out why the rock was broken out so gravely and just why the project that had been disliked by the majority of board, received approval in the end.

Aleksandre Elisashvili: “It is not so important who actually owns the real estate. Consideration should be taken of two laws on the books: The Law on Landscape Protection” and “The Law on the Protection of Historical Monuments.” Both were infringed upon, not to mention rules of construction. I have the information that

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two floors and 300 square meters were added to the project after it had been initially approved. I far as I know Nika Vacheishvili was not willing to approve the project as well as the Old Tbilisi Board of Administration. However, the project was approved regardless of all legal and administrative barriers. I think we are dealing here with corruption on a massive scale. The fact that Tbilisi City Hall authorities have put forth the best effort to defend the project and their decision to the very end proves my conjecture.

I cannot accept the argument in justification that they needed a car park for the hotel cars and solved this problem by cutting deep into the rock .If one has dared to use such a lame excuse as a precedent then others will dare follow the same justification in the future. The rock cliff will be cut away to the right and the left of the construction site, which will be a serious problem. It would have otherwise been impossible to build a high rise, so the constructors found a way out. Now the rock is only several meters above the river level below. It has become a real eyesore as this site was one of the most scenic sites anywhere in Tbilisi.”

As for the owners, Elisahsvili recalls his telephone conversation with Omar Melkadze, who is the constructor carrying out this massive project. He told, “You have touched upon the interests of such placed persons that I fear somebody will end up dead.” Even locals advised Elisashvili to give up the investigation.

It is interesting in seeing what the actual perspective of the City Hall related to this project. Manuchar Makhatadze, chief architect of the city is a supporter of the approved project. He explains that the place where now the construction is being carried out had been neglected and covered by prickly hedge of shrubs. A two-storied house stood previously on this piece of real estate. Makhatadze alleges that the former house had collapsed and further explains in clarification that the sliced-off part of the rock was just the former foundation of an old house and the rock away all that much.

“Unfortunately, the street is very narrow and there would be no space for the car park. Therefore, a part of the rock was cut off but the stones are preserved and the rock will return its earlier condition. The same happened during the construction of Dzveli Tbilisi Hotel. No law has been violated. The project passed the review board prior to approval. The project had been submitted to the board numerous times; it was amended many times and finally was approved. The project is not bad and the hotel will suit the place just perfectly. Metekhi Rock has its formed face and nothing will change it. The project is accompanied by a geological resolution. A-four-storied hotel will be built on this site and three stories will be below the ground level,” explains Makhatadze.

Unlike Makhatadze, Marina Khatiashvili, an art critic and a member of the united board considers that there were some mistakes, but excludes that Besarion Khvinteliiani, owner of the plot and the hotel has any connections whatsoever with Tariel Oniani.

“Khvinteliiani bought the plot and decided to build a hotel. I have met him personally and he himself was surprised that this construction is claimed to be connected with the infamous Tariel Oniani. Metekhi plateau was damaged and this is the most important thing to consider. The project had been rather massive and numerously amended by the time it was approved last year. There were two big caves with a rock between them. The rock was cut off during the construction and

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a pit appeared there. There were also bushes, which were cut down. The basement of the house that used to stand on this territory was anchored deep into the soil. The rock was part of the basement and this was destroyed. Cutting deep into the rock was foreseen under the plans of the project and probably this was what we should not have allowed but the project had been discussed for a period of 6 months. Finally we approved the project, as a hotel was to be constructed and based on that business was starting in Georgia. The project was not really good enough but the plot was the man's property and we could go against this fact.'

By the way, Kiacheli Street where Blue Monastery stands, is also in danger. This place needs immediate attention. We are losing this street as the project that had been seeking for an approval for a year, passed."

It is difficult for the architects to make a proper analysis without seeing and evaluating the project for themselves. For example, without having seen the project, Lado Vardosanidze can only say that this place is in a historical zone under state control and it is unfortunate that the scenic landscape has been so severely damaged. "This is practically a city balcony and if it is being damaged it is too bad. However, it is difficult for me to provide verbal comments without having seen and evaluated the project and the site firsthand."

Journalists are left to depend on the evaluations and expert information provided by architects. It is clear to the eye that the destroyed rock of Metekhi plateau is an eye sore. We give the architects the privilege of assessing whether the facts of building modern hotel and using the rock fragments of the destroyed cliff for reconstructing the natural scenery of the plateau can compensate the damage of the cliff.

Paata Gaprindashili, deputy head of Cultural Heritage Department of the Ministry of Culture does not approve of the construction on this place as well. He says: "This was one of the places where the face of old city was more or less maintained and if you want to know my opinion, I see no justification whatsoever for the construction project. On this territory, also other buildings have the status of a monument. They must not be destroyed, but now the City Hall is the only decision maker in this regard and the Ministry can not interfere."

Tbilisis Hamkari plans to continue protesting. In the meantime, the construction at Mukuzani Street # 7 continues at a rapid pace.

Eka Kevanishvili, Tbilisi

Every Fifth Woman Suffers from Domestic Violence **26 March, 2008**

Domestic violence is one of the frequent and increasing problems not only in Georgia but worldwide. Many organizations work toward solving this problem and one of them is the Georgia based non-governmental organizations National Network of Protection from Violence (NNPV(Photo)).

Ms. Nato Shavlakadze, the chairperson of the NNPV: "People apply to our organization over issues of domestic violence. The applicants are predominately wives who have been abused by their husbands. They are often accompanied by their children who are also victims of domestic violence. Physical violence is most often accompanied by psychological abuse and in combination it is especially

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serious. Although many organizations are working on the problem, the number of cases in Georgia has not been reduced. It still remains a serious social problem and this is in spite of new laws enacted deal with the problem. However, now the topic is at least more in the open and being discussed.

-What is envisaged under the law about the domestic violence?

-The Law on Domestic Violence was adopted a year ago. Although it should be look at closer, it has already played important role in protecting victims of domestic violence. The main mechanisms that are envisaged in the law are protection or restrictive orders to protect the victims. It is noteworthy that the adoption of the law greatly assisted the policemen with their work. Unlike previous years the working of the police has become more efficient.

-Can physiological abuse be a legal motive for the victim to appeal to the court against the abuser?

-Of course psychological abuse is one a form of violence. Generally, Georgians started to learn their rights thoroughly and as a result more and more people started appealing to the court. Most courts are working in the right direction and understand how serious the problem is.

Women suffer the most from violence. Officially every fifth woman has been a victim. Psychological harassment might result in divorce or the psychological death of its victim; sometimes those inflicted even commit suicide out of despair. For the most part for people to even speak openly about this subject is shameful. There are some who think this problem is more than it actually is and discount the problem as being artificially created. However, it is fact that this problem greatly impacts upon the psychic and can affect negatively the future life of the impacted person. The respondent in this article is just one among many women with similar problems. We do not identify her for the purpose of allowing her to keep confidential.

“I have been married for many years with children. Before and after marriage I have been working professionally. I have a good salary and a good standard of living. Both my husband and I come from good families but in the end this fact has become the reason for our terrible plight. I love my husband and he loves me too. However, we are not the solve members of the family and are independent as we still depend on my in-laws. We live in their house and this is in spite of the fact that my husband and I have enough income to live independently, and without support of others.

I can say for the most part that the entire family abuses me psychologically. Under the influence of his parents my husband is always in opposition to me. He is permanently persuaded that I have no right to have my own opinion, attitude, money, etc. My in-laws consider that a daughter of a “decent family” should not act as I do.”

For example, it is completely unacceptable for them the fact that I work; despite the fact that I work for a quite serious organization, though my in-laws are well educated people. My husband seriously argues with me and over when I come home a bit later than expected. He does not take into consideration that I work overtime. He has similar attitude about my work but you can easily imagine what

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his reaction will be if I visit my friends or go to the café with my colleagues. The problem appeared after my father-in-law complained about my irresponsibility in front of the children. They come home from school at five in the afternoon and I am able to finish my job only one hour later. However he forgets that I am working an extra hour for the good of the family.

Having read the periodic issue of the NNPV, “Samani” I discovered many other stories that are rather similar to the one just described. Thus, we would like to offer you some extracts from the letters published in the “Samani” in commentary.

Marina Tabukashvili, Coordinator of Women’s Program at the Foundation “Open Society-Georgia”:

“When a child sees all the time that his/her mother is being shouted at and abused, I think, s/he realizes that they can also treat their mother in such a way. However, the child might support either the victim or the abuser. Based on the choice, the results are even worst. Also, the abused woman can turn on the child out of frustration. All these destroy the famous dynamics and now the “abuser becomes bad and the victim is good.” Surveys have demonstrated that the victimized women often beat their children.

Another serious problem is when mother-in-laws abuse their daughters-in-law.

Central Asian countries are still seriously facing such a problem. Thus, arguments between mothers-in-law and daughters-in-laws are a problem that is not only characteristic for Georgia.

When fathers die in a patriarchal family their sons often acquire serious attitude towards their mothers following marriage. That means, they ignore their wives and admire their mothers more. This situation causes serious concern but as we have already mentioned, culture, education and behavior are those factors that should be taken into consideration.

Another circumstance that exacerbates the situation in Georgia can be reflected in the law that deals with property rights. The victim cannot live without the help of the abuser. There is no where to turn; she has to endure the harassment or end up in the street. She cannot be accepted by her parents’ family because of lack of resources and spouse abuse centers are few, and these are only a stopgap measure at best. Nobody can remain in a shelter for ever. I call upon everybody to think about marriage contracts beforehand. It is the only mean that will save the woman from ending up in the street.

The law does not aim to send the violator to prison. We also condemn the idea of getting divorced after every little argument. In this case, we should realize that the abuser is also a human being and he must also be assisted. The abuser should attend a special program after what he will change his behavior.”

“Georgian Law on the Prevention Domestic Violence, Protection and Assistance of the Victims of Domestic Violence” was adopted by the Georgian Parliament nearly two years ago; however official statistics do not exist how efficient has the law worked and what are the real results it has had since its adoption.

Experts working on the field make similar assessment: Domestic violence in Georgia is still intensive and a problem that must be urgently faced. Victims of

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violence are women and the abusers consider their action as something normal in their lives, which is rooted in family traditions. The man is the head of the household and he is the boss over the woman and children.

However, specialists claim it is wrong attitude and for a marriage to be strong there needs to be mutual respect which is necessary for a good relationship. That means the above-mentioned explanation of the abuser's behavior completely contradicts with Georgian traditions because no tradition can be based on physical or emotional hostility. Unfortunately, abusers cannot realize their own mistakes. They often make fatal mistakes. In order to avoid similar situation there are special organizations where abusers can seek help. They will be assisted by special programs that are organized for them.

The practice revealed that most abusers have drug or alcohol related problems. However, there totally healthy and normal people too who abuse their wives, and this does not depend on economic or social class. The vast majority of Georgian men do not agree to attend training programs and only a small part of them consider that they need help. Sometimes these people can control their behavior. As it has already been mentioned, the problem is urgent not only Georgia but worldwide. However the passion that society expresses in dealing with the problem depends on the intellectual and developmental level of the various stakeholders.

Eka Mchedlidze, Tbilisi

Georgian Citizen against the Russian Federation **11 March, 2008**

On October 20, 2006 Russian policemen arrested thirty-one-year-old Lia Shioshvili, mother of four children in her own house in Ruza, Russia. Without having informed anyone they locked the pregnant woman in the district police isolator for preliminary detention along with her young children.

According to the Georgian Frontier Police Department, 7004 Georgian citizens were deported from Russia to Georgian from 2006-2007. The lawyers assess that the deportations were carried out in blatant violation of the European Convention. Consequently, Georgia brought a suit to the Human Rights European Court against the Russian Federation to protect the rights of the deported Georgians; the country demands material compensations for the deported people. The latter appealed to the Strasbourg Court individually too. The court has already accepted the suit of Lia Shioshvili.

Mass deportation of Georgian citizens from the Russian Federation followed the arrest of Russian officers in Georgia and accusing them of espionage. As a result, representatives of the Russian Migration Department began arresting ethnic Georgians throughout the Russian Federation and sent them home in cargo planes. Ethnic Georgians were harassed in Moscow and neighboring cities and an atmosphere of fear was created against Georgians in the country. Among the detained ethnic Georgians detainees were also ethnic Georgians who were Russian citizens who had all documents in order...

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“We, Georgian people, were abused in Russia since Georgian-Russian relationship became strained; but the situation worsened in 2006 - we were hunted. We could not go out in the street to buy food and we asked those Georgian people who were Russian Citizens to help us. However, later they also encountered problems. Russian policemen arrested ethnic Georgians or people with Georgian surnames and even those who were born in Georgia without any official grounds. Nobody explained to us what the reason of our detention was and they treated us very rudely,” said Lia Shioshvili.

The woman said that during the detention her passport was seized because her fourth child was not registered.

“My fourth child was born in Russia and I could not take documents for him for various reasons. After making repeated appeals, the Russian police allowed me to take a birth certificate of my child from the Georgian Council in Russia. As soon as I got my child back they ordered me to leave the Russian Federation before the next morning. Otherwise they would definitely arrest me. Since direct flights to Tbilisi from Russia were already banned in November of 2006, I and other deported people were forced onto a train to Azerbaijan,” Lia Shioshvili recalled.

Russian law enforcers arrested Georgian people in the train to Baku at the Dagestan-Azerbaijan border.

“Armed policemen rushed into the train and started asking loudly who the Georgians were among the passengers. They took our passports. I applied to employees of the Russian Migration department who were in the tenth compartment, but having returned to my compartment I could not find my children there. The policemen had taken them. Children were screaming and I found them finally. We spent the night in the street. On the next day we stayed at the hotel and payed for the expenses. A fourteen-year-old boy was with us who was expelled from Russia all alone. He endured many emotional difficulties. Two weeks later they decided to send us to Baku but before the departure, policemen tried to take my fourth child away again claiming only three children were registered in my passport. I hardly manage to leave Russia with all my children. We walked several days from one of the Azerbaijan cities to the Georgian border,” said the deported woman.

Due to the long journey Lia Shioshvili suffered a nervous breakdown. Her children also suffered from trauma and need medical treatment, which they cannot afford because of poor social conditions.

“On December 15, 2006 I gave birth to the fifth child in Gurjaani Maternity House; the child was born dead. The doctor told me that it was result of my nervous breakdown. Three-year-old Dodo needs psycho-neurological treatment. I have applied to the local government for financial support but in vain,” said Lia.

On March 26, 2007 Georgian Government appealed to the Human Rights European Court against the Russian Federation. It is the first appeal against Russia when the neighbor country needs to defend its right from other country. The Russian Ministry of Justice has already submitted a counter appeal where they claim the Georgian complaints are groundless. The Russian Ministry of Justice categorically demands the Georgian Government to admit that deportation of

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Georgian citizens in 2006 had not been planned and the process did not run along ethnic lines.

Lia Mukhashavria, a lawyer who has experience working at the Human Rights European Court, considers the suit “Georgia against Russia” might become a topic of bargaining.

“When the Georgian Ministry of Justice was working on the draft appeal I offered them my participation but they refused. I think the society should be informed what violations are mentioned in the suit and what the suitor demands in it. Since it is not done I think Georgia is not eager to win the case but our government is getting ready for some negotiations. If individual appeals of deported people are well drafted and they provide exact facts of breached rights envisaged under the European Convention, they would have more chance to win trials,” said Lia Mukhashavria.

Human Rights European Court have not earmarked the case discussion on “Georgia against Russian” until July of 2008.

In accordance with the law, the parties are able to resolve the controversy at any time after which they have the right to withdraw their appeals from the court.

Gela Mtvlishvili, Kakheti

How from Gori Are Transported to Turkey to Get Jobs 10 March, 2008

“We were stuck in Istanbul for 24 days. I worked at one place for two or three days without pay. We were nearly ten people in total and we had only one meal a day. The meal was one loaf of bread divided among ten people. The boss would disappear throughout the day. Our passports were taken from us. Nino Gelashvili and one more woman named Lela threatened to tear up our passports if we decided to leave. Finally I called my family in Gori and asked them to send me money to arrive back. Otherwise they would have never seen me again.” These are the words of a distressed twenty-eight-year-old woman named Tamar Dzabakhidze. She is a resident of Gori who became a victim of human trafficking after being seduced by her neighbor and friend Nino Gelashvili.

Tamar Dzabakhidze got in touch with the Human Rights Center’s Gori office and told them the details about her 24-day ordeal in Istanbul in the summer of 2007. Her husband Giorgi Kesauri was killed in Gori on September 21, 2006, and the widow has since been struggling to bring up a child alone. Due to her poor living conditions, Nino Gelashvili, an old friend and neighbor visited her one day and offered a chance to go to Turkey in order to find a job.

Tamar Dzabakhidze: “I became a trafficked victim as a result of slander with the effort of Nino Gelashvili my neighbor and old friend. In the middle of April of 2007, Nino Gelashvili, who had lived in Turkey for eight months, called me and asked me to meet her. Nino told me she was living and working in Turkey and had a good income. Since she knew how poor my living conditions were she offered to support me in finding a job. I told her I could not afford to travel to Turkey but she

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said she could pay the travel expenses. I had to find only 500 USD. After finding a job in Turkey I would pay her the debt from my wages.”

Nino Gelashvili requested that Tamar Dzabakhidze take her fourteen-year-old nephew, Giorgi Eristavi with her to Turkey. Giorgi’s mother had cirrhosis and the idea was that he could assist his mother with money earned while living in Turkey.

Consequently, Giorgi’s mother decided to take her three-month disability pension along with some additional borrowed money and gave it to her son. The total amount collected was 260 USD. Nino Gelashvili took the money on the same day and said she was going to transfer the money immediately.

Tamar Dzabakhidze: “Nino also told me that if somebody else from my relatives wanted to go to Turkey to work she could support them too. She also told me that she had earned 8,000 USD herself from Turkey and was very satisfied with her work there. My brother-in-law heard her speech too and he said. “Nino is so convincing that I have already started to think of selling my car and going to Turkey with you.”

In mid May 2007, Tamar Dzabakhidze visited the village of her late husband and informed relatives about her planned departure to Turkey. The family members allowed her to go but warned not to trust everybody.

While speaking with her parents-in-law, Tamar Kesauri, a relative of her husband and resident of Kaspi district, heard about the “prospects” in Turkey. She told Dsabakhidze that her son, Badri Sabiashvili and his friend, Sashka Kavtishvili planned to go to Cyprus for 2,800 USD and asked Dzabakhidze to talk with Nino about possibly taking the boys to Cyprus for less money.

Tamar Dzabakhidze: “I had just arrived from the village when Nino called me. I asked her if she could take my relatives to Cyprus for a cheaper price. She said it was not a problem for her. Nino was by car and could call me at my place. I had to introduce her to my relatives from Kaspi and she could negotiate with them.

I do not know the details of their agreement but Nino Gelashvili and Sashka Kavtishvili signed a loan contract of 5,200 USD. I also took a loan from “Georgian Bank” because I also needed to take some money with me. I leased out my gold jewelry and finally I had 397 USD and 531 GEL (I can produce bank receipts)”.

On July 2 or 3 in 2007, Nino Gelashvili informed Tamar Dzabakhidze that there was a vacancy in Turkey and she had to get ready for departure. Nino Gelashvili took ten people: Tamar Dzabakhidze, her nephew, a certain Lali, sister of Nino Gelashvili’s aunt, a girl named Soso, etc. Badri Sabiashvili, Sashka and Shalva Kavtiashvili were in the group too.

The ten people first arrived in Batumi; they rented a flat from a man named Aslan. They spent nearly ten days in Batumi while Gelashvili tried to find tickets. (The people paid for rent and bought food themselves).

As for the boys, on the fifth day Nino Gelashvili told them to get ready to travel to Trapson. At the Trapson Airport they would be given tickets to Cyprus but in fact it was false; nobody gave tickets to them.

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On July 7-9 the nephew called Tamar Dzabakhidze from Trapson and asked for help; he wanted money to get back to Batumi. On July 10 everybody gathered in Batumi and people arrived in Gori without anything. However, the whole adventure was only beginning. Soon Nino Gelashvili offered the deceived people to go to Turkey again. She promised similar problems would never occur again...

On July 20 Nino Gelashvili called Tamar Dzabakhidze again and warned her to get ready for departure. This time four people arrived in Istanbul on July 24.

Tamar Dzabakhidze: "My nephew, Lali, the sister of Gelashvili's aunt, her neighbor Soso and I stayed in the Hotel "Gunai" in a small town called Aksarai near Istanbul. It was here that they took our passports and told us not to leave the hotel without paying the bill. We spent nearly one week there and we spent the whole time in the hotel room. Nino Gelashvili was leaving the building everyday and returned back late at night or sometimes not at all. She claimed she was looking for our jobs."

In the street Nino Gelashvili met a woman, Lela, who was employing people; however later they found out that the woman was a prostitute. Lela advised Georgian people to move to the hotel of her friend; Lela paid the money for the first hotel herself and soon the group of Georgian was lodged at hotel "Naz Hotel", which was two kilometers away from the previous one. Nino Gelashvili took their passports and left the documents with the hotel owner.

Tamar Dzabakhidze:

"After that they advised me to let my nephew leave the hotel because it was difficult to find a job for a boy. When I refused Nino Gelashvili told me she had found some jobs for us and Nino and Lela took my nephew and me to a factory located nearly 35 kilometers away from the hotel. Our job was to cut extra threads from clothes. They left us in the factory and Nino told us she intended to work with the factory owner in the administration. We were on the second floor of the factory. It was a closed space without windows. We had to work there from the early morning till midnight. We were not allowed to go out; at midnight we were taken to the cellar of the building next to the factory where we slept. It was an ordinary cellar with a stone floor and scattered clothes filled with boxes. We were sleeping on the floor. I worked nearly two or three days there without any payment. We were nearly ten people and the only food for us was a loaf of bread for ten people a day. The situation was unbearable. I asked the factory owner I wanted to speak with Nino. She arrived at approximately 3:00 PM. I demanded that she take us from the place immediately. She called a taxi and took us to the same hotel. We spent several days there and paid for the hotel bill and food ourselves. Afterwards, Nino told us she had found another job again and took me to a clothing saloon. I took my nephew with me but Nino complained about it. We met the director of the saloon who said the job was only for me. While speaking with us he called his wife and told her he was not going to go home that night. I realized what the purpose of me being there was. I immediately called my family and asked to send money to me to get back home. Nino stole the last 152 USD from my bag. My people sent money from Gori by a bus of the company "Mahmud Tour", located in Ortachala in Tbilisi. I paid the bill of the hotel with the money. After having heard about my departure, Lela and Nino threatened me to tear my Passport if I left the hotel. We had a big argument in the hotel. Soso, a man who arrived with us in Turkey, was with us at the moment. He explained the

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situation to the hotel owner in Russian and returned our passports for paying some extra money. Soso, Giorgi and I traveled back to Georgia. Giorgi and Soso were allowed to leave Turkey on the same day but I was not because I did not pay the bill from the first hotel even though Lela had paid the money. Consequently, I was forced to return the tickets to Georgia. They invited me to various directions but I did not accept their offers, and I was left in the street.”

Tamar Dzabakhidze found some Georgian people who were living in Turkey, some who happened to be from Gori. She spent one day with them. The next morning they bought tickets for her and she was off to Georgia.

Saba Tsitsikashvili, Gori

Numerous Witnesses of Guram Sharadze’s Murder: What Does the “Edited” Video Actually Show?

6 March, 2008

Almost one year has already passed since Guram Sharadze, famous Georgian Scientist, was brutally murdered in Tbilisi. The case has been investigated and the responsible person caught and sentenced. However, is the right person spending hard time or has someone been set up to take a fall for a crime he did not commit. The convicted murder is not considered as being guilty by the family of Guram Sharadze. They consider that an innocent person is behind bars. Rusudan Sharadze, the daughter of Guram Sharadze, cannot believe that her father was murdered by Giorgi Barateli. This begs many questions: What has Rusudan Sharadze found out since the death of her father? What do scores and scores of witnesses and video-recorded footage reveal about the murder? The Human Rights Center has interviewed Rusudan Sharadze.

Journalist: What have you found out since your father’s murder? How can you still be sure that Giorgi Barateli was not the killer of Guram Sharadze?

Rusudan Sharadze: The government starting circulating nasty rumors soon after the assassination; they aimed to cover up and real evidences and that this was actually political murder. I was sure from the very beginning that it was a political assassination. When they named Giorgi Barateli as the murderer, and the action of the government even convinced me that my version is the right one. I know Giorgi very well. Initially it was my intuition but afterwards I met a lot of witnesses and finally I have become completely convinced that my version of the murder is correct after having spoken to dozens of witnesses that were on Melikishvili and other streets, including Shanidze, Khorava,

Petriashvili streets at the moment of the killing.. I should not mention the people in Barnov Street and “Mrvali Baghi” area where Barateli was actually arrested. Besides that there is a video-recording from the video-camera that belongs to the office of Insurance Company “Aldagi.” This clip has been badly edited and damaged; though we can still prove with certainly the truth based on this film.

The witnesses in Melikishvili, Shanidze and Petriashvili street saw a completely different person, whose physical appearance radically contradicts the appearance of Giorgi Barateli. There were actually two murderers in the case: one who was

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following my father and who was the first to shoot and kill him. The second person who was waiting for my father near when my father died and made two additional control shots to his body to make sure he was dead. The main point is that fifteen minutes Giorgi Barateli was seen at the crossing of Shanidze and Khorava Streets. He appeared on the scene after both murderers had already escaped. There are witnesses who can confirm my statement.

J: How did you find the witnesses?

R.Sh. It was the witnesses who found me and I did not seek them out. Some of them were my old acquaintances, others knew my parents well. Completely strange people also met me. they promised me to make statements what they had witnessed. But you know, in the country where a Prime-Minister is openly assassinated, Guram Sharadze is shot in the street, an ordinary person cannot feel himself/herself safe in coming forth to share information. Under such conditions it is impossible to be responsible for their safety?

J: What did they tell you? What does the video recording of the “Aldagi” show that raised your suspicion?

R.Sh. The witnesses saw real murderers and the video-recording demonstrate the same. My father was chased by a person who is much taller than what is Giorgi Barateli; this suspect has broad shoulders and is wearing loosely hanging overcoat with long sleeves. He is not bold like Barateli. I was examining the film recording for six hours at the police station. For example, father is approaching the tree and I stop the film so I can see a person who is much taller than what was my dad. My father was 1, 8 meter tall person; as for Barateli he is only 1, 57 meters. It is too difficult to notice the difference between the victim and the murderer because the film has been edited.

Nearly 400 shots are cut out. I worked for vision so I know how similar things are done. they consider that everybody is so stupid not to understand. I examined the film with time codes. most part of the cut out shots demonstrates the time of the actual killing. It is not seen who is shooting the second shot but it is obvious that somebody is waiting for Guram. The second murderer who was waiting for my dad at the corner of Shanidze and Melikishvili Streets was wearing a dark shirt with short sleeves. He look very much like the first killer.” He was tall, like a leopard or lion,” as witnesses described the murderer to me.

One more witness personally saw how my dad was shot; he said that the murderer was wearing a dark shirt. I is clear that one statement coincides with another.

Barateli was seen at the corner of Shanidze and Khorava Streets. he was slowly moving to Petriashvili street where the murderer had run to some fifteen minutes later. He was wearing a checkered shirt. During detention he was definitely made to put on the shirt of a stranger because it was too large for him. The police have come to the place where the murderer had already escaped.

Everybody is wondering why the murderer occurred in front of the camera. Georgians have already become accustomed to the fact that the biggest lie pronounced by the Georgian government should be confirmed and not resisted. Why was Irakli Batiashvili arrested? The evidence that could have been used in defending him was really used against him.

Every Sunday my father was working at the National Library, and as a general rule if something terrible had not happened, he was the kind of man that came home at the same time each day. He had only one itinerary: he used to cross the underground passage near the Kashveti Church and then he used to walk the entire distance to home in the same direction. As I watched the video-recording, the deputy head of the Criminal Police Department told me that the recording was essential proof of the murder. I immediately discovered the official version in his words, and how the recording was used as evidence. Afterwards, when they saw that we were examining the film they declared it was damaged.

We demanded from the beginning that that the investigation restage the murder. Barateli should have walked in the same direction and the “Aldagi” camera should have recorded it again. then we could compare both recordings. Of course, they refused our request. It was 45 days before I was even allowed to see the time as they delayed and did not want me to see it.

J: Why did they choose Giorgi Barateli to blame? You might be asked this question quite often; however it is strange why did they choose him and not some other person?

R.Sh. He was close to my brother. they could not find anybody from among my friends. My elder brother was killed sleeping in bed. They could not find any enemy of my father because he had never betrayed anyone and always stood up to his values.

Besides, being in prison is not strange for him. He had served a sentence as a juvenile. He was released only after Georgian celebrities held demonstration to set youth offenders free. Several underage prisoners were released at that time. Barateli was set under charge of Koka Kandiashvili’s studio “Audiencia” where my brother Giorgi Charadze worked as director-in-chief. Generally, my brother and Kokma Kandiashvili brought up Barateli as a film operator.

The controversy between my brother and Barateli was not actual. Seven years ago they were in Switzerland together and the investigation took advantage of obscure period for their purposes. When my brother Giorgi worked as a Culture Attaché at the Georgian Council in Switzerland. His activities were connected with the television stations where he was working on documentary film on Grigol Robakidze. Barateli worked with him as a film-operator. When Barateli was supposed to return to Tbilisi he intentionally stole something from the shop. Barateli did know that cameras were installed in the shop but he did not want to return to Georgia. All this happened in 2000. After that Barateli returned home and I want to confirm that my brother has never seen him since that time. Incidentally, none involved in the investigation wants to take notice about this fact.

J: From the very beginning they were speaking about several versions of murder. Has time changed anything?

R.Sh. it is a political murder. Generally it was result of my father’s character, as he was the kind of person who could not be bribed. After Rose Revolution, all TV Stations had blocked my father from making public statements. Anyway they could not stop him from speaking his mind. Various rumors were spread about him. Several newspapers cooperating in published his articles. Professor Guram

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Sharadze had been arrested twice. The charge against him was showing disgust against Misha Saakashvili, Giga Bokeria, Levan Ramishvili and Givi Targmanadze. Georgian society should definitely remember what dad was speaking about them.

The government had decided to kill him and it became evident several weeks after the murder. They had expressed their desire to resettle Turkish Meskhs in Georgia. If today these people are not settled in our country, and it was Guram Sharadze who is responsible. He was the head of the committee which worked on the repatriation of Turk Meskhs. My father had documents which proved that Georgian and Meskh peoples did not have anything in common. Meskhs can confirm this themselves. Even after the assassination of my father an Armenian group blocked the issue in America.

Another topic for controversy between the government and my father was Georgian Estate of Levile in France. My father was sacrificed because of this issue. In addition to the fact that the government had intended to get rid of the Writers' Union. They also intended to expel several dozens of editorial offices from the Publishing House "Samshoblo." My Father was not willing to let them get away with this. The government did not want to have more problems. Besides that they had personal disgust towards him; they could not forgive my dad that he was defeating them for many years.

For example He had appealed to the court against Gia Nodia (Georgian Minister of Education) who had transferred a large grant that he had received from some international organization to his wife.

J: The assassination of Guram Sharadze is one of the famous murders in Georgia and this may be considered as a political murder. When does it become necessary to commit a political assassination? Do similar murders have anything in common?

R.Sh. the government kills its political opponents at crucial moments. I cannot say that my father Zurab Zhvania and Badri Patarkatsishvili were similar people. They had various fields of activities. They were all very different people. It is fact that all of them are murdered because they get in the way of the government from being able to do anything that it wants. PM Zurab Zhvania was a problem for them because of his power, talent, and brains.

I have never praised them but I respected these people – as they were all very clever men. Guram Sharadze prevented the government at the national field from being out of control. He had a great influence on the people and Georgian culture. Patarkatsishvili could stand up and defeat the government and that's why they got rid of him.

Nona Suvariani, Tbilisi

Poverty in Vineyards: Saakashvili Meets Only Grateful Farmers 26 March, 2008

Georgian President visited Kakheti Region of East Georgia. It is noted that Mikheil Saakashvili personally oversaw the distribution of fuel among peasant farmers in Kakheti. Several peasants, who were hand-picked for a carefully staged meeting; naturally they thanked the president for the government's active and open relationship with the populace. Residents of other districts also wanted to meet the president in Tsnori, and they were recorded on film following Saakashvili as he visited agricultural plots during a one hour PR tour.

Agricultural life is not pleasant for Georgian farmers, even in an election year. Peasants from Dedoplistskaro, Signaghi and Gurjaani have visited Tsnori at least twice a week in the last seven. They hope to get paid for delivered grapes that they sold to the wine-factory. The administration of the factory promises to pay them but payday never comes. They feel hopeless and can only continue their endless wait.

“I delivered my harvest to the Tsnori Wine Factory according to the advice of the officials from the Ministry of Agriculture. They paid only 20 % and promised they would pay the rest money within several days. Former Regional Governor met us in the district during the pre-election campaign. His efforts were successful in getting the factory at least pay the part of the debt. However, more than half of the total amount has not been paid yet. Till today I am arriving in Tsnori twice a week in trying to get paid. I don't know how long I can continue since expenses for transport has increased. I cannot afford to travel back and forth as before. It is a never-ending waiting game and I have already spent the money I have to take from the factory for travel expenses. We learned that the president had arrived in Tsnori and tried to meet him. We chased him but could not find the time to meet us. Finally we caught him out in the field but his many guards did not allow us to get close to him,” said Zurab Sakanelashvili, a resident of the village of Samtatskaro in Dedoplistskaro District.

Neither Mikheil Ghrubelashvili could hold back his discontent over the fact that he was not allowed to speak with the Georgian president. “We have applied to the local government several times already but it has been a waste of time. Once they listened to us but the second time they were not willing to give us the time of the day. They only claimed that the wine-factory is a private company and authorities were not the ones to assist us. Moreover, in 2004 we were not paid for our grape harvest. Aside from old debts, let them at least pay part of the total price for this year harvest. We have no way other and otherwise we will die of starvation,” said the poor peasant.

Temur Demetrashvili, a president of Signaghi district was more critical. He stated that the government will manage to succeed in his Poverty Reduction fifty-day-program not through assisting impoverished people but through other methods. “I do not like complaining but we are extremely poor. There are six members in my family and none of us have jobs. Only my wife worked in state organization but she was laid off and now remains without salary. We have land but the twenty liters of fuel, the government distributes among peasants, we will not do anything. Besides that it is already late to cultivate the land. We cannot use the tractors presented by the government. Former village governor and his relatives have

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already taken them. In spite of the fact that my sons and I work very hard we are still very poor. We are not alone in our plight as there are many other families living under the same circumstances. Such families cannot receive allowances either because we have tooth-brushes and curtains on their windows. What shall we be the future of the people who eat only blain food and salads? There is nothing good for us to look towards and we will die of hunger. The president says that there will not be poor people in the Georgia. Do you really think that agriculture is developing? Everyday the news programs report one and the same that villages are flourishing and farms are working. It goes on to tell how peasants are satisfied and are making a profit. Everything is a big lie. If you really want to know the situation here just come and you will see that at least 80 % of the land is not cultivated. People can only think of fleeing from here just to survive,” said Demetrashvili.

Administration of the Kakheti Regional Governor is fully aware about the dire conditions of the peasants. Representatives of the government claim that people intentionally are exaggerating the situation in voicing their complaints.

“All state programs that are or will be implemented in the country will be result driven. New enterprises will be opened in Kakheti and there will be new jobs. We intend to carry out various activities in order to improve social situation,” said Levan Bezhashvili, the regional governor.

Officials from the local government cannot comment on the fact that peasants from Kakheti have not been paid for their grape harvest that was sold to a winery in Tsnori and to other wine factories in the region last year.

The peasants call upon the government to pay a little attention to them and resolve their problems, and stop using them for political purposes. Otherwise they intend to block the central Tbilisi-Kakheti high-way as a last resort out of protest.

Gela Mtvlishvili, Kakheti

Consumers' Rights in Georgia

17 March, 2008

“It is new, don't worry”, - if a salesperson characterizes the sausage of vague origin that is being sold in unhygienic conditions in a Tbilisi bazaar, do not believe him and do not buy it. The union 21st Century responded to the consumer's rights day on the 15th of March with the publication of a research on consumers' rights in Georgia.

You will be amazed with the situation in Tbilisi bazaars. Let us take Samgori Bazaar for example: meat, liver and other meat products are sold from off the shelf and candies and dried bread products are sold on another one, and under the meat. The blood from the meat leaks and drips on cardboards where there are candy products. Nobody remembers conformity certificate or a Georgian label or seal of quality. Such violations occur not only in Bazaars but also in some of the more upscale shops.

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The Union the 21st Century had been studying the situation with food products on Georgian market for one year. The organization monitored food sales, conditions of its sale, food validity dates and if there existed labels that demonstrated conformity certificates and food safety standards. The union bought various imported products and tested them (27 laboratory test in total).

After introducing amendments to Georgian Law on Products and Service, “obligatory certification is possible if when it is specifically demanded under the law”. After two years of introduction of amendments under Georgian legislation, only wine certification for the quality of wine is required. Certification of other products is optional. According to Paragraph One of Article 9 of Georgian Law on Products and Service “the product manufacturer is liable to make up and sign the declaration testifying that his product meets industry standards and products norms.

Paata Gachechiladze, the head of the “Century XXI”, pointed out that during the nine-month-monitoring they could detect neither any corresponding certificate nor corresponding declaration in this respect.

Out of four not exceeding expiry dates and realization time-limits, this is the result of an increased number of markets and retail outlets.

“According to the realization conditions, shops mostly satisfy corresponding norms that we cannot claim about agricultural markets. Conditions are unsanitary at the markets, especially in terms of storage for meat, meat products, dairy products and fish. They are practically non-existent in many instances. The products are sold without refrigeration and this violates all standards of food safety for the range of temperatures required for safe keeping of meat and the level of humidity. Unwrapped products are placed next to washing detergents or other chemical substances. Pastry and bakery cooks, that must not be sold together, are sold out in the open, dusty areas. There are a wide range of products that are sold unprotected and this can cause a public health crisis. Packing of most food products do not indicate date of expiry and it is impossible to find out it either. While realization the scales are not checked,” stated the report of the organization.

The Georgian Law on “Customer’s Rights Protection” - Article 6, stipulates that “the producer (salesperson) shall provide the customer with necessary, valid and complete information about the production”; and ‘the information shall be provided in Georgian language.’ These demands of the law are being completely ignored both agricultural markets and in retail shops. It is noteworthy that since 2004 the number of products without Georgian labels has doubled on the market. Consequently, one of fundamental human rights has been violated. Every person shall have the information about the risk s/he runs while consuming food products/”

According to the validity of the product imported food is more reliable than local production. Generally, in comparison to 2004 the situation with imported food has also worsened.

Paata Gachechiladze said that there is urgent situation regarding human rights in the country. Georgian market is full of low-quality food that is dangerous to your health. It can even be fatal. The government does not control the security of

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production or service that that completely neglects the constitutional rights of its citizens.

“In 2004 the government started the reform in the system and today all institutions that were in charge to control the situation, were canceled. While acting so, the argument for the government was ranging corruption in those institutions that were leftovers of the communist regime. However, such organizations should have been replaced with new ones. Now the country has no system in place to assure the safety of the food supply. All corresponding structures have been deprived from the right to inspect food products in the country, and the situation will last until 2010,” said Gachechiladze.

Eka Kevanishvili, Tbilisi.

Increased in Dead Street Children **24 March, 2008**

Convention on the Rights of Child is based on four essential principles: right to life, development, protection and participation. Every country that has ratified the convention should comply with those guiding principles and Georgia is one among those countries that signed the convention on June 2 1994. Georgia is obligated to protect the fundamental rights of the child on national level. Nevertheless, children of the socially excluded families do not have minimal living conditions. Children without parental care go out in the street. They are often victims of the physical and sexual assault. Particularly grave is the situation facing Georgian regions. According to official statistics, the number of deaths among street children has taken a marked increased.

Term “street child” has become a new concept in Georgian society in recent times. Children who live, beg, steal, rob or engage in commercial sex in the streets are collectively called street children. Most of them are glue-sniffers and they manage to buy the glue with the money they collect through begging in the street or other above-mentioned activities.

Nine-year-old Giorgi lives in one of the villages in Pankisi Valley. Every day he gets up at 6:00 AM; he does not have breakfast; neither washes his face and gets dressed in the clothes the UN presented him with several years ago and walks nine kilometers to Akhmeta. On his way to the district center he has to walk, or maybe a bus will give him a lift. Giorgi has mother and four under-age siblings; he returns home once a week. Giorgi works hard but cannot earn enough money to pay at least 3 GEL for transportation a day.

“I do not have father. I was six when he died. My mother does not work and she has four other children besides me. We are hungry most of the time; my eldest brother is disabled and the rest in the family are still very small. It is left to my mother and me to earn money to feed them. Mother leaves home early in the morning and return home late at night. Sometimes she does not come home at all. Or she will come home in a very bad mood or even drunk. She makes little children to drink vodka sometimes so that they will stop their crying because of ill-hunger and to fall asleep. You can understand why I don’t want to go home to see such a terrible situation.”

-Where do you sleep at night then? What are you doing in the street all day long?

-Until now I wandered in the central streets of Telavi and begged there. Not long ago a shop keeper gave me a little job. I carry goods from the warehouse to the shop. Sometimes the boxes are very heavy and the owner does not give me money; he deceives and threatens me with reporting the police about my past robbery. Anyway, this job is better than begging in the street. I work until late and spend night in the waiting hall of an old auto repair station.

-Do you stay outside alone or with somebody else? Don't you have problems with police?

-No, we are several boys together. The eldest among us, Zura, is fourteen and he is from Telavi. The rest of us are younger than he is. It was cold here in the winter but it was not possible to start a fire to stay warm. We didn't want to draw any attention to ourselves, as we did not want to have problems with police. Once, police officer beat me very cruelly. I was buying cigarette in the shopping booth and they met me there. They scolded and slapped me though I do not know why. We should not have problems with police because we do not steal. One of our friends, a seven-year-old boy, is begging near the church and mostly the agriculture market. His mother makes him beg; he must bring her five GEL everyday. If he collects more during any day, he gives some extra money to us. It only happens during holidays. Sometimes, when we have money we buy glue; but mostly we buy pills at the drug-shop. We swallow several pills and then we feel high and don't think about our worries.

-Are you the only one who does not go to school or other boys are not getting an education either?

-How can I go to school? I have neither clothes nor shoes to wear. Besides that I do not want to get an education. Street life is difficult but I have got used to it. None of my friends go to school either,"- said Giorgi.

Representatives of the Georgian Public Defender's Office consider that street children must be integrated into the society. "The attitude of the state towards the street children is completely different. Because of the non traditional life-style of these children it is very difficult to find placements for them in institutions.

Most of them have parents who encourage their children to beg and commit crime for the most part These children learn street life from the very early age; they have their own income from petty thievery and begging. They are able to use this money to purchase temporary "freedom". They cannot live according to the rules and values that the rest of the society considers as essential," said Sozar Subari, the public defender.

The Ombudsman provides several recommendations to the Georgian Ministry of Science and Education when it comes to how best to deal with street children: establish a real protection mechanism for children, especially when there is concern that a parent may have a negative impact on the child. Moreover, he considers that it is important that the Ministry of Education should define its policy and program towards "street children," one among other programs.

"The state should work out a concrete policy regarding the issue, which has not been implemented to date. If the responsibilities assumed or envisaged by the

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legislation are not implemented, we will face serious problems in the future. The longer we wait the more difficult it will come to improve the lives of children. Later on, we will have a separate layer of society that is prone to crime.

This is clear as this group is already getting caught in up various crimes and as they get older it will be more serious. It is clear that after they get caught up in the criminal justice system that the situation will become more serious as they will have become hard core criminals who will do one crime and then another,” said the public defender.

The representatives of the Ministry of Education pointed out that placement of the street children in appropriate institution deals with set of various difficulties. Nonetheless, they are working to resolve the problem with various measures.

The non-governmental organization Human Rights Center also works on the rights of the child. Lia Khuroshvili, the lawyer for the center, stated that the children must be protected from the life in the street; but when they are forced to beg in the street from their family members, there needs to be acting laws that will protect them from violence.

“More complex and concrete legislative base should be created to address the problem and to find a solution. The state should have resolve and take on the responsibility to protect street children. State structures are not using all current mechanisms that they have access in protecting the rights of children”

The state has not determined to solve the problem about glue-sniffing among street children as of yet. There is no law or normative act in Georgia that will protect children from the habit. There is no state program for the rehabilitation of the glue-sniffing children. Especially difficult is the situation in this field in the regions, as there are already several community based projects implemented in Tbilisi that seeks to solve the problem. The overall inattentiveness makes an already difficult situation all that more grave. It is clear that year-by-year that the health conditions of street children worsens,” said the lawyer.

According to the UN Convention on the Rights of the Child, that Georgia has ratified, contracting countries shall take legislative, administrative, social and educational measures in order to protect the child from any kind of physical or psychological harassment, violence, insulting or ill-treatment from their parents, legal guardians or others. Tinatin Phkhovelishvili, representative of the “Union to Protect the Child from Violence”, said that Georgia does not comply with the minimum demands of the international convention.

Those who protect children’s rights tell that the state cannot offer anything to the children who have spent or are spending most of their lives in the street. They claim that in order to reintegrate them into the society in future that more is needed. Experts think that the way to rehabilitate and save the children connects with a variety of issues. One of the first things that are necessary in supporting them is to come to a realization of what problems they face and determined what they lacked in the first place and what drove them to living in the streets and following such a lifestyle all day long.

Gela Mtvlishvili, Kakheti

A Community Sold Out **17 March, 2008**

The sorted history of how eight families were deprived of their property by a government that has forgotten its responsibilities!
Maka Malakmadze, Batumi

Eight families residing in Pushkini Street # 13 in Batumi are now homeless. Their homes were auctioned off under the banner of privatization. No consideration was given to the fact that they had documents supporting their property rights by district board that previously existed. These documents stipulated that the now exiled families were to receive alternative flats in newly constructed residential buildings. However, the territory was sold out without any responsibilities.

As Liana Abashidze told "...I owned a one-room flat in the second entrance, on the fifth floor," There was suppose to be a residential building constructed at Pushkini Street # 13 and a comfortable flat should have been granted to Liana Abashidze in exchange for where she now lives. The guarantee letter issued in 1990 by that-time Executive Committee of the Batumi Public City Council, which made such a proclamation.

Like Liana Abashidze, seven more families hold the same kind of guarantee letters. They still live in the small cottages and shacks that were burned back in 1989. The fortunate ones that did not burn to the ground were repaired. Those living there then started the long wait for the construction of a multi-storied residential building. They had something to look forward to in knowing one day that they would be provided with free flats. There was never any doubt as they had been provided with guarantee letters. However, the construction only got as far as laying the foundation. The project has remained a dead since then and the residents left a never-ending wait.

Currently, the territory, where local residents are located and where the multi-storied residential building was supposed to be completed have been since auctioned-off to the highest bidder. On December 28 2007 Georgian Ministry of Economic Development put up the territory of 2 700 sq. meters of land for 275 thousand GEL. The ministry sold the area for what is considered as very low price, and the lowest asking price square meter was but a mere 162 GEL. As for the land with unfinished construction on it, and a land attached it was assigned to other owner. The order on the privatizing of the territory did not mention the eight families who live there and no mention is made of the guarantees of new flats. Gocha Vasadze tells, "There are families who have lived on this territory since 1902. As for me, I was born and raised here."

Maia Jgirinaia. "We have one difficulty now, and we understood that we had to register our accommodations, meaning the slum standard housing were they have been living. The government only allowed for the registration of only one house, which belonged to one of our neighbors. However, that is not right. There are other people living here and we have rights too.

We deserve to be equally registered. To make a long story short, upon applying to the corresponding institution that deals with privatization we soon learned that the territory had been sold out."

On March 11 the populace appealed to the Batumi City Court where they demanded that the process be declared null and void, not only based on the presented administrative documents but also how the process was handled and that the territory was transferred to an unknown person. Locals have also appealed to representative of the Public Defender in seeking that their rights be protected.

Nana Beridze, the lawyer for the inflicted locals tells that transfer was illegally processed: “the flat was not registered under the Communal Fund. Thus, it was impossible for it to have been sold when there was not legal right to sell the property in the first place. Moreover, one of the local residents, Anaida Kirariosian, privatized her house on January 31 2002. However, the City Hall did not privatize the house of my clients for “undetermined” reasons in spite of the fact that they also held corresponding property documents on their houses.”

In 2005 Liana Abashidze was refused to have her house privatized because “Construction works are going on in the area of Pushkini Str. # 13 and we cannot satisfy your request,”- as was written in a letter from head of the department in Batumi that deals with issues of accommodation.

Nonetheless, the Georgian Ministry of Economic Development has arbitrarily assigned the territory to a new owner. The lawyer stated that before the assignment the territory was registered on the Batumi City Hall and the City Hall did not follow its own rules and guidelines in carrying out its responsibilities. “The City Hall would have had to assign the property to Ministry of Economic Development. The process that would have been followed if things had been done property would have taken a census of the people living them and then provide this information the ministry.

All would have been documented and people would have provided their documents on the property, which includes guarantee letters whereby they were to have been provided with flats in newly constructed residential building. It is clear that based on those letters the state was responsible to provide these people with housing.”

Gela Makharadze, the head of the Legal Department of the Batumi City Hall stated:

“Any building located on the territory of the self-authoritative unit is a state property unless certain procedures have been followed. Consequently, the area in question belonged to the Georgian Ministry of Economic Development and it was assigned it to a new owner by the Ministry

-On the territory one of the residents had her house privatized. Do you think her house also belongs to the state?

-You should ask that question to them who assigned it.

-If the City hall allowed one citizen to privatize her house, why other neighbors were not given the same right?

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-I did not receive any requests about privatization. Those people applied to us about the registration of the land. This law does not take their case into consideration because the territory was attached to the building that belongs to the state.

-Why was not that land transferred to the self-authoritative unit-City Hall- like other property?

-We learn about our properties around the city whenever it is necessary to know. We have not inventoried all of our property. We did not intentionally ignore this particular territory and not give it proper attention. You seem to blame the City Hall for intentionally acting in this way. We intended to start surveying the territory and to appeal to the Ministry for the permission to do this. However, we learned that the Ministry had already announced the auction on the housing estate.

-Why did not the City Hall appeal to the Ministry before that?

-We had not been interested in this piece of land.

Currently, the territory is has been transferred to a new owner. Based on the docket from the Public Registry, Petre Devrishadze is the owner of the territory located on Pushkini Street # 13. He is a resident of Batumi. We tried to get in touch with him but he was not at home. A person close to the family, who preferred to remain anonymous, did not share the number of number of his mobile phone. He only said that Petre Devrishadze was a businessperson and was out of Batumi for now.b

Delaye Promised Vouchers or “Runaround” 13 March, 2008

Fighting poverty is claimed to be a main reduction of the Georgian government. Much has been said, especially in promises made in the run-up to presidential elections and now in the countdown to parliamentary elections. It is debatable, however, if the rhetoric is close to the reality.

Families, who have gained 100 thousand points within the Poverty Reduction State Program for Socially Excluded Families, will now receive a voucher of one thousand GEL following the birth of each and every child. However, these families cannot receive the money that has been allocated for the latest voucher as yet.

If families have gained 57 thousand points within the Poverty Reduction Program, they should receive a monetary allowance, for seventy thousand points they are qualified to receive a medical insurance police and those that pass the benchmark of one hundred thousand they will be granted with the voucher designated for an “honorable start”. The most recent initiative was added to the program late in 2007.

Currently, there are only 16 families in Akhaltsikhe district who have received the above-mentioned vouchers in spite of having children and facing other dire difficulties in their lives.

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“If people with 100 thousand points have a child born into the family then they will receive the voucher of one thousand GEL. It is officially only necessary to provide copies of the birth certificate of the child and a marriage certificate to our office. Then they will receive the money from “People’s Bank”, said Tsiuri Maisuradze, the head of the Akhaltsikhe Department of the Agency for Social Subsidies.

Tamaz Gzirishvili received a voucher on March 1 and visited all banks located in Akhaltsikhe to trying to get money. His expectations were all in vain. “I was told at the People’s Bank that the money had not yet been transferred to their account and I had to find out the situation at the Agency for Social Subsidies. There they told me I had to take money at the “Procredit Bank.” There is no office of the Procredit Bank close to our district the closest is in Khashuri. It will be necessary for me to travel there in order to get paid for the voucher. .”

For poor people it is difficult to travel to Khashuri from Akhaltsikhe. It is like a run-around for vulnerable people. As Neli Kapanadze says, “they are sending me from one office to another. I run from place to place.

I am now totally confused. It is hard to understand what this help is: a present or some form of punishment? I have to spend so much money for traveling; afterwards, our government will start bragging about how it has provided us all this assistance.”

Having failed to get money from Akhaltsikhe-based banks Tsiuri Khitarishvili then tried his luck at “Basisbank” in Tbilisi. “They told me I could come and get the money in three weeks. I have been carrying this voucher around for a month already; I am carrying it everywhere, and to no result.”

Davit Mosiashvili, the manager of the “People’s Bank” avoids making official comment on the situation. However, he said that it does not depend on the bank to issue the money.

Aza Kurdadze, the head of the Samtskhe–Javakheti Regional Coordination Center of the Agency for Social Subsidies, said they will start providing the money in nearest future. “It should have been allocated already but it seems there was some delay making money transfers.”

Families qualified under the “Program for Honorable Start’ expect the program to continue into the future. However, in spite of all promises, one thing is sure: in the meantime as they have to learn the hard way what the program is all about. In the meantime they will have to fend for themselves in looking after their children; holding their breath until the Georgian government sorts out the mechanics of the promised assistance.

Gulo Kokhodze, Akhaltsikhe

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Human Rights Center (HRIDC) is a Tbilisi based NGO dedicated to the defence and promotion of human rights in Georgia.

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