

Pursuing solutions to the persisting serious economic problems and questions related to territorial integrity, the West-oriented government of President Mikhail Saakashvili continued to carry out far-reaching reforms in most spheres of political, social and economic life. While positive developments were achieved for example in the fight against corruption and organized crime, concern was voiced by local and international observers over many government practices, which were often guided more by political convenience than by principles of democracy, respect for human rights and rule of law; in practice, many of the measures aimed at reforms were not compatible with European and other international human rights standards to which Georgia committed itself after the "Rose Revolution."

Georgia had an extremely strong central government and sweeping presidential powers but no functioning system of checks and balances. The lack of a strong opposition also contributed to the consolidation of the centralized powers: the opposition was unable to deliver any credible message to the population, which was suffering from serious economic problems. This failure was demonstrated by the October local elections, in which the opposition parties suffered defeats all over the country.

The year 2006 was marked by extreme tensions between Georgia and the Russian Federation. Economic blockade and harsh sanctions from the Russian side, including on gas and electricity supply, ban on airway and postal connections, mass deportations of and pressure on ethnic Georgians living in Russia. Moreover, tension increased with the Russian-backed breakaway regions of South Ossetia and Abkhazia.

Among the most important human rights problems in 2006 were: lack of independence of the judiciary; violations of the right to life through excessive use of force; torture, ill-treatment and other po-

lice misconduct; conditions in prison and detention facilities; insufficient protection of refugees; and harassment against human rights defenders.

### **Independence of the judiciary**

Georgia's judiciary underwent reforms in the 1990s but has not managed to guarantee its independence: also in 2006 its decisions were criticized for being unfair and politically motivated. Even President Saakashvili admitted during a meeting with lawmakers from the ruling National Movement on 17 April that the judiciary "remains the most problematic sector," and noted that improvements will take a long time.<sup>1</sup> It appeared that no real progress was made in the course of 2006 in this field.

The 2004 constitutional amendments increased the president's authority to dismiss and appoint judges. In its campaign to fight corruption, the government also targeted the judicial system by removing allegedly corrupt judges. These measures, however, lacked transparency and due process. The forced resignations under pressure in 2005, and non-transparent disciplinary proceedings that led to dismissals, had a chilling effect on new and remaining judges, who recognized their positions as tenuous and their decisions subject to the approval of the executive.<sup>2</sup>

### **Right to life and use of excessive force**

Public statements by the president and the interior minister encouraging police officers to use weapons and to kill criminals on the spot resulted in a worrisome police practice, which considered the use of excessive force as normal; deaths by such practice became common. In one of his speeches, the interior minister stated: "I order the police officers, special forces and everybody who is responsible for protecting the citizens of Georgia to use weapons if

you foresee a danger to our citizens or especially to a police officer; or if the unity of Georgian territory is at risk."

- ◆ During a "special operation" on 2 May, two young men, Aleksandre Khubulovi and Zurab Vazagashvili were shot to death near tennis courts in Tbilisi centre. A third person, David Buturidze, was also seriously injured. The Interior Ministry simply stated that Khubulovi and Vazagashvili were criminals who had been under surveillance by the police and who were suspected of planning a robbery.

The appearance of normalcy in unlawful Interior Ministry practices was also illustrated by the killing of Sandro Girgviani, the most publicized fatal action by employees of the ministry, with far-reaching political consequences.

- ◆ Sandro Girgviani, a young employee of the United Georgian Bank, was found dead on 28 January on the outskirts of Tbilisi. The media soon implicated high-ranking Interior Ministry officials, including the director of the Constitutional Rights Security Department and his deputy, whom Girgviani had met privately in a café briefly before his death and had a dispute with. After this he had been kidnapped by unknown men, forced into a car and taken away. The reluctance of authorities to deal with the case promptly and adequately triggered public disquiet, which escalated into demonstrations demanding Interior Minister Vano Merabishvili's resignation. In July, three suspects were sentenced to prison terms, but critics claimed that the high-ranking Interior Ministry officials who had masterminded the killing went unpunished.

### Torture, ill-treatment and police misconduct

In May 2006 the UN Committee Against Torture (CAT), examined Georgia's compliance with the Convention Against Torture and published its recommenda-

tions to the Georgian government for the abolition of torture and ill-treatment.<sup>5</sup>

The findings of the CAT echoed concerns expressed already before by international and local NGOs over the persisting impunity and intimidation in particular in relation to the use of excessive force, including torture and other forms of ill-treatment by law-enforcement officials. CAT especially pointed to moments prior to and during arrest, during prison riots and in the fight against organized crime.

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, had pointed in his 2005 report to widespread excessive use of force by law enforcement officials, and violations of safeguards of arrest and detention, including lack of access to a lawyer or satisfactory medical examination upon entry to detention facilities.<sup>4</sup> No efficient steps were taken in 2006 to remedy these shortcomings.

### Conditions in prison and detention facilities

The Georgian prison population nearly doubled in 2005-6, and two-thirds of all inmates were awaiting trial. The number of remand prisoners has grown rapidly due to the routine use of pre-trial detention, even for non-violent offences. According to Human Rights Watch, thousands of prisoners lived in conditions, which constituted inhuman and degrading treatment, and many were subjected to severe beatings and other ill-treatment. Many facilities were severely overcrowded, with filthy and poorly-ventilated cells. Increased efforts to crack down on organized crime also in the prison system led to repeated and unnecessary strip searches, beatings and other degrading treatment of inmates. At times, the ill-treatment of prisoners rose to the level of torture.<sup>5</sup>

Excessive use of force was particularly widespread in prisons and detention centres of Georgia in 2006.

◆ As a result of a riot and subsequent "special operation" in prison no. 5 on 27 March, seven inmates were killed and a large number of prisoners were severely injured. While the Ombudsman Sozar Subari accused the head of the Penitentiary Department of the Ministry of Justice, Bacho Akhalaia of having provoked the riot by sending in troops, President Saakashvili thanked the ministry for a successful operation by saying: "Excuse me, my dear crooks, bandits, thieves and other parts of society! We are not the old government! I want to thank the staff of Ministry of Justice and the police; they acted in a very professional way. They avoided the disaster that could have happened." In a similar vein, Nino Burjanadze, the speaker of the parliament, commended the operation.

The number of deaths in Georgia's prisons was alarming - a fact over which CAT also expressed concern. According to official information from the Ministry of Justice published in June, almost 80 prisoners had died during the previous 18 months. Ombudsman Subari voiced his criticism over such developments and demanded fair investigations. According to him, the reason for the death of inmates also lie in the lack of adequate medical assistance.

### **Human rights defenders**

Human rights defenders were subjected to recurrent acts of repression. The most frequent target was the Human Rights Information and Documentation Centre (HRIDC).

◆ On 1 and 2 February, representatives of the Interior Ministry visited the HRIDC office under the pretext of wanting to know more about the organisation's activities but in fact threatened HRIDC representatives for their activities. One week later, an employee of the ministry's counter-terrorism unit called the HRIDC Executive Director Ucha Nanuashvili and summoned him to the ministry to talk about the organization's activities. The official threatened that

should Nanuashvili not show up immediately, he would be brought there by force.<sup>6</sup>

HRIDC members had been subjected to threats and harassment on several occasions before for allegedly spreading false information about ethnic minorities and representing the interest of "foreign forces".<sup>7</sup>

◆ On 21 September, the Georgian Young Lawyers' Association (GYLA) held a conference in its office in Rustavi on "Deficiencies During Pre-Election Troubles in Georgian Regions." A couple of hours later, an unidentified man called Lela Bekauri, a member of the Rustavi branch office of the GYLA, and threatened her. GYLA asked the authorities to carry out an investigation into these threats but did not receive a reply.

### **Asylum seekers and refugees**

#### *Refugees from Chechnya*

The first groups of Chechen refugees came to Georgia in 2000 and took residence in the Pankisi Gorge, where several thousands of Kistin Chechens have been living since the end of the 19<sup>th</sup> century. The number of Chechen refugees in Georgia reached 6,000-7,000 by 2002, and started to decline afterwards. At the end of 2006, their number was over 2,000. According to the statistics of the Georgian Ministry for Refugees, the overwhelming majority of them lived in the Pankisi Gorge.

The refugees in the Pankisi Gorge faced poor living conditions and suffered a lack of proper food, adequate housing, medical care and education, as well as frequent abuse and harassment. The refugees were forced to remain in Pankisi in a virtual limbo; unable to return home where they would face violations of their rights, not able to obtain work permits or citizenship in Georgia and not permitted to migrate to other countries. Another problem that was faced by the refugees was extradition back to Russia: this danger, however, reduced in 2006 because of political tensions between Georgia and Russia.

**SOURCES FOR FURTHER INFORMATION:**

- Caucasian Centre for Human Rights, e-mail: caucasia@geo.net.ge

***Other organizations:***

- Human Right Information and Documentation Centre (HRIDC), at [www.humanrights.ge](http://www.humanrights.ge)
- Georgian Young Lawyers Association (GYLA), at [www.gyla.ge](http://www.gyla.ge)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT), at [www.gcrt.ge](http://www.gcrt.ge)
- Union Article 42 of the Constitution, at [www.article42.ge](http://www.article42.ge)
- NGO Coalition for Independent Living, at [www.disability.ge](http://www.disability.ge)
- Public Defender of Georgia (ombudsman), at [www.ombudsman.ge](http://www.ombudsman.ge)

**Endnotes**

- <sup>1</sup> Eurasia Daily Monitor, Zaal Anjaparidze, "Critics press for improved judicial independence in Georgia," 26 April 2006, at [www.jamestown.org/edm/article.php?article\\_id=2371020](http://www.jamestown.org/edm/article.php?article_id=2371020).
- <sup>2</sup> *Human Rights Watch World Report 2007: Georgia*, at <http://hrw.org/englishwr2k7/docs/2007/01/11/georgi14790.htm>.
- <sup>3</sup> *Conclusions and recommendations of the Committee against Torture: Georgia. 25/07/2006. CAT/C/GEO/CO/3. (Concluding Observations/Comments)*, 25 July 2006, at [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/efcbe8e78926b17c8c12571cc0031d400?Open Document](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/efcbe8e78926b17c8c12571cc0031d400?OpenDocument).
- <sup>4</sup> See *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to Georgia, E/CN.4/2006/6/Add.3*, 23 September 2005, at <http://daccess-ods.un.org/TMP/7024875.html>.
- <sup>5</sup> Human Rights Watch, "Georgia: Prison Abuses Rife Despite Promises of Reform," 14 September 2006, at <http://hrw.org/english/docs/2006/09/14/georgi14178.htm>. See also the full report: *Undue Punishment: Abuses against Prisoners in Georgia*, September 2006, at <http://hrw.org/reports/2006/georgia0906/>.
- <sup>6</sup> *Human Rights Watch World Report 2007: Georgia*, at <http://hrw.org/englishwr2k7/docs/2007/01/11/georgi14790.htm>.
- <sup>7</sup> Ibid.