

In July, the United States requested that Croatia enter into an agreement exempting U.S. citizens from transfer from Croatia to the International Criminal Court. A spokesman for the Croatian Ministry of Interior expressed a negative opinion of the proposed agreement, while the president and prime minister linked Croatia's response to the E.U.'s position. U.S. Ambassador Lawrence Rossin stated in September that U.S. support for a possible Croatian application for NATO membership might depend on whether Croatia signed the agreement.

In October, Ambassador Prosper publicly reminded the government of Croatia of its commitment to cooperate with the ICTY and urged the government to surrender General Bobetko.

### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*The NATO Summit and Arms Trade Controls in Central and Eastern Europe,*  
11/02

## **GEORGIA**

### **HUMAN RIGHTS DEVELOPMENTS**

The Georgian government accepted United States (U.S.) military assistance and pursued a pipeline project to transport Caspian oil and gas to western markets. These initiatives accelerated Georgia's shift toward strategic alignment with the U.S. and Western Europe, and brought escalating tension with Russia. The U.S. and Russia branded Georgia's Pankisi Gorge—home to several thousand Chechen refugees—a terrorist haven, respectively citing the presence there of al-Qaeda and Chechen rebel fighters. The U.S. "Train and Equip" program to strengthen Georgia's counter-terrorism efforts in Pankisi got under way, but Georgia rebuffed Russia's repeated demands to conduct its own military operations in the area.

The government did not match its geostrategic repositioning with any significant reform or improvement in its human rights record. Leading reformers left the governing Citizens' Union (CUG) and founded opposition parties, which eclipsed the CUG in June local elections. The government issued a decree to crack down on religious mob violence, and created a commission to devise reforms to end corruption and abuses in law enforcement, and yet indulged such abuses in practice.

In the context of the war on terrorism, international focus on the Pankisi Gorge resulted from the Georgian government's failure since 1999 to enforce the rule of law there. Allegedly, officials from security and law enforcement agencies had shared the profits from weapons and drug trafficking and kidnapping rings in the region. The same agencies, under new leadership since November 2001, now took

action in the Pankisi Gorge to gain and maintain U.S. assistance, and to stave off Russian intervention.

Several thousand refugees who fled renewed armed conflict in Chechnya from 1999 lived in the Pankisi Gorge. To its credit, the government resisted pressure from Russia to forcibly return them. Yet some of the measures it took in Pankisi in the name of anti-terrorism were arbitrary or brutal. On March 22 the National Security Ministry detained two Georgian ethnic Chechen activists who worked with refugees in the gorge, Islam Saidaev and Zurab Khangoshvili, on suspicion of association with al-Qaeda, based on no evidence other than the fact that they were the only Georgian citizens to make the pilgrimage to Mecca in 2002. The ministry secured their pre-trial detention for three months by falsifying the date of their arrest, to avoid their compulsory release under habeas corpus deadlines. They were released in June, but the investigation continued. On April 28 three men of Arab origin “disappeared” after a uniformed military detachment detained them. Witnesses reported that the troops handcuffed the men’s driver, Vizuri Khangoshvili, shot him fatally in the stomach, and left him in a ditch. No criminal investigation followed. On September 25 Chechen refugee Hussein Yussupov “disappeared” while in Security Ministry detention.

For at least the first half of the year, reports persisted of official involvement in criminality in the Pankisi Gorge. Against a background of allegations that weapons were being illegally traded through the Pankisi Gorge to rebels in Chechnya, the authorities showed little interest in interviewing or protecting Aiub Paikaev, a Chechen arms trader who claimed that arms transfers were made under Ministry of National Security patronage. Paikaev had collaborated with the investigative television program *60 Minutes*, which in March broadcast hidden camera footage of a former Georgian army colonel negotiating with him a weapons purchase from a Russian peacekeepers’ base in the breakaway Georgian region of South Ossetia. Days later, unknown assailants beat Paikaev on the street in Tbilisi, the capital. Police promptly arrested him for having wounded a passerby during the struggle. At this writing Paikaev was in detention for attempting to flee the country with a false passport.

Kidnappings continued. In December 2001 two Spanish businessmen held hostage for more than a year in the Pankisi Gorge were released, after payment of substantial ransoms. The media published allegations that senior Georgian law enforcement officials had colluded with the kidnappers. After the June 2002 kidnapping of British banker Peter Shaw, two government ministers acknowledged that law enforcement agents were most likely responsible. As of mid-November none of his kidnappers had been arrested in the wake of his November 6 escape. Under public pressure to end the kidnap of the brother of a popular soccer player, police used electric shocks to torture Badri Khundadze, an acquaintance of two suspects, in a vain attempt to discover their whereabouts.

The Ministry of Internal Affairs in January introduced a telephone hotline for torture complaints, but it did not appear to reduce the frequent occurrence of police torture. The Ministry of Justice forensic bureau confirmed that the police continued to use wind-up military field telephones as electric shock torture devices. Beginning in January, the Ministry of Justice instituted systematic medical

forensic monitoring of detainees transferred from police stations throughout eastern Georgia to its Tbilisi pre-trial detention facility. This provided the first basis for quantifying police torture and ill-treatment and violations of habeas corpus deadlines. Despite these advances, impunity for police torture and extortion remained widespread. Investigation into the death of Temur Mikia—a young man beaten and thrown from an upstairs window of the Poti police station in July 2001—was stalled, and the officers alleged to have killed him remained in their jobs. In June, *60 Minutes* exposed corruption in the Ministry of Internal Affairs narcotics department, but as of October a criminal investigation had not produced any results. The program had shown hidden camera footage of the department chief instructing an informant to plant narcotics on persons from whom bribes could be extorted.

On September 27 more than twenty police officers reportedly raided a local television station in Zugdidi, beating staff and smashing equipment. The station had cooperated with *60 Minutes* on a report about police involvement in gasoline smuggling from Abkhazia. On the same day, police allegedly mistreated the mother and ten-year-old son of the program’s Zugdidi correspondent, Emma Gogokhia, when they failed to find her at home. A group of neighbors reportedly prevented police from taking the boy away. After an internal investigation the deputy regional police chief was dismissed in November.

Law enforcement agencies and courts continued to afford de facto impunity to groups of civilian militants who intimidated and assaulted members of non-Orthodox religious faiths, particularly Jehovah’s Witnesses, Pentecostals, and Baptists. The authorities did nothing to counter a growing campaign of vilification and hostility against such faiths. In February a senior cleric of the Georgian Orthodox Church called for members of religious “sects” to be killed. A member of parliament, Guram Sharadze, mobilized a movement of supporters throughout the country to pursue a range of ultranationalist causes by demonizing Jehovah’s Witnesses, issuing a constant stream of bizarre and unfounded accusations against them.

In January, Vasili Mkalavishvili, a defrocked Orthodox priest, and Petre Ivanidze—responsible for organizing dozens of attacks on religious minorities in and around Tbilisi since 1999—were at last brought to trial, but for just five attacks. To date though, the trial disappointed hopes that justice would be served. Mkalavishvili’s followers were allowed to dominate the courtroom and intimidate the victims, primarily Jehovah’s Witnesses, who consequently feared attending subsequent hearings, until security was improved in October. In February the authorities had threatened to detain and forcibly bring victims to the trial, despite failing to ensure courtroom security. The trial was repeatedly postponed and, at this writing, proceedings on the merits had not commenced. In April a Tbilisi court lifted a restraining order on Mkalavishvili even though he and his supporters had perpetrated new attacks just prior to the trial and between hearings.

In one of their worst attacks, on December 23, 2001, Mkalavishvili and Ivanidze led more than one hundred followers in an assault on the evangelical “Word of Life” church, as it was meeting in central Tbilisi. The assailants beat people and stole equipment, money, and personal documents. Although police arrived quickly, they made no attempt to stop the beatings and thefts and made little attempt to investi-

gate. On January 25 Mkalavishvili and supporters massed outside the Stereo 1 television station, forcing it to withdraw an evangelical religious program, and on February 3 they burned thousands of bibles and other religious books after breaking into the Tbilisi warehouse of the United Bible Society. On July 1 Mkalavishvili's supporters were allowed to roam freely inside a Tbilisi police station and to assault a Jehovah's Witness and his son, whom they had falsely accused of throwing stones at their church.

Local authorities pressured Jehovah's Witnesses to cancel conventions scheduled to take place in August in Kaspi and near Gori. There were anonymous nighttime arson attacks on both convention sites, and on August 15 a mob raided the sites, vandalizing and looting buildings, making bonfires of religious literature, and badly beating a Jehovah's Witness. Police and civilian militants maintained a joint road blockade around Kaspi on August 16 to ensure the Jehovah's Witnesses' convention there did not proceed.

In several instances priests of the Georgian Orthodox Church also harassed religious minorities. On three successive days in early July two priests directed a crowd that laid siege to a house in Tbilisi where the congregation of a Pentecostal church was attempting to hold its regular service. On July 3 three carloads of men attacked a group of Catholics near the town of Kvareli an hour after two priests had demanded that the group leave the area. In September a priest in Sachkhere received Patriarchate backing in preventing a deceased Jehovah's Witness from being buried next to her husband in the town cemetery. Near Ozurgeti, priests allegedly exhorted a crowd to assault a breakaway Orthodox congregation that was building an alternative village church. A crowd destroyed the church on October 6.

The Georgian government offered a draft law on religion as an unconvincing remedy for religious violence. However, the draft provided for further discrimination against religious minority groups through a restrictive registration regime and a clause outlawing "improper proselytism." Police throughout the country who attended human rights seminars made clear that they expected the new law to give them legal grounds to restrict such religious groups as the Jehovah's Witnesses.

Against a background of growing poverty, and in contrast to its indulgence of popular mobilization against religious minorities, the government did little to encourage genuine participation in the political process. Registers used for the June 2 local elections were still uncomputerized and in a deplorable state, opening the way for widespread fraud. Recounts of the Tbilisi vote were still unresolved in November. The elections were strongly criticized by local and international monitors. Human Rights Watch's observation of polling in the town of Marneuli found flagrant fraud, facilitated by low voter participation at most precincts.

## DEFENDING HUMAN RIGHTS

July saw one of the fiercest assaults on a nongovernmental human rights organization (NGO) in Georgia since independence. On July 10 a group of about ten attacked the Tbilisi office of the Liberty Institute, a Georgian human rights NGO prominent in opposing religious intolerance. They severely beat its director, Levan

Ramishvili, and other staff, and smashed computers, furniture, and other equipment.

The government consulted with NGOs in designing a law enforcement reform program, but otherwise its attitude toward them grew less benign. In August the chairman of the government's audit chamber accused "certain NGOs and suspicious entities" of "blasphemous and anti-orthodox intentions." In a speech on April 24, President Eduard Shevardnadze implied that Georgian NGOs might be financed by international terrorists. Such tactics were used to justify the need for a law enabling government oversight of foreign grants to NGOs. Finance Minister Zurab Noghadeili's refusal to support this initiative is reported to have been a factor in his dismissal in early May. On September 24 the new finance minister established a unit to monitor foreign grants to Georgian NGOs.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

Georgia was one of the few countries of the former Soviet Union to issue standing invitations to U.N. human rights monitoring mechanisms. In March the U.N. Human Rights Committee reviewed Georgia's second periodic report. Chiefly, the committee expressed concern at the large number of deaths in police and prison custody, including from suicides and tuberculosis; widespread police torture; and criminal procedure that facilitated arbitrary detention and prevented suspects from filing a torture complaint with a court prior to trial. The committee set an extraordinary twelve-month deadline for Georgia to report on measures taken to rectify these abuses, including progress toward establishing an independent authority to investigate all complaints of ill-treatment.

Although the committee expressed deep concern about the treatment of religious minorities, it classified the violence against them merely as "harassment," and did not include it in the list of issues the Georgian government had to report on within twelve months.

### Council of Europe

A report by the European Committee for the Prevention of Torture (CPT) on its May 2001 visit to Georgian detention facilities, published in July 2002, exposed how loopholes both in the criminal procedure code, and in its implementation, facilitated ill-treatment and torture. The committee also cited Tbilisi's pre-trial facility No. 5 for unacceptable dilapidation, failure to prevent the spread of tuberculosis, and basement punishment cells that were uninhabitable. By September 2001 the government had implemented the committee's requirement that the facility's basement cells be de-commissioned.

During his April visit to Georgia the Lithuanian chairman of the Committee of Ministers publicly took the government to task for its failure to end religious violence.

In April the European Commission against Racism and Intolerance published its first report on Georgia, covering events up to June 2001. It blamed the authorities for permitting religious violence to win significant public support, and specifically criticized the Supreme Court's February 2001 decision to annul the registration of the Jehovah's Witnesses as "an encouragement" for extremists "to persevere in their attacks on religious minorities."

The Directorate of Strategic Planning published a report on its December 2001 mission to Georgia. The report combined with other efforts by the Secretary General's office to promote electoral and criminal procedure reform, and to remind Georgia of its obligation to provide for voluntary repatriation of Meskhetian Turks, deported from Georgia by Stalin in 1944.

Council of Europe observers made a strong statement expressing disappointment at the chaotic conduct of the June 2 local elections, and judging them "unable to provide for the basic conditions for electing genuine democratic local governments."

### **Organization for Security and Cooperation in Europe**

Organization for Security and Cooperation in Europe (OSCE) observers stationed along Georgia's border with the Russian republics of Chechnya and Ingushetia confirmed that Russia had bombed Georgian territory, in an August 23 raid that killed one and injured seven Georgian villagers.

The OSCE Mission to Georgia sponsored a pilot torture prevention project in Tbilisi, linking telephone hotlines in police stations to a rapid reaction group formed by the ombudsman's office.

### **European Union**

The European Commission assigned Georgia €1.9 million (U.S.\$2 million) within the framework of its revamped "European Initiative for Democracy and Human Rights" program, and in September called for project proposals in a range of thematic areas.

The commission's vehement reaction to the December 2001 murder in Tbilisi of Gunther Beuchel, its human rights project manager for Georgia, prompted the government to establish a new police department for combating crime against foreigners.

### **United States**

As part of its campaign against terrorism, the U.S. provided the Georgian military with U.S.\$64 million in assistance under the "Train and Equip" program to support counter-terrorism operations in the Pankisi Gorge. As of October, at least sixty U.S. troops were based in Georgia.

The U.S. government did not sufficiently question the arbitrary or brutal means and methods used by Georgian security forces in detentions and operations in the Pankisi Gorge. The U.S. failed to object to the detention on terrorism charges of

Islam Saidiev and Zurab Khangoshvili, although the sole basis for their arrest was information about their pilgrimage to Mecca, contained in a letter the U.S. embassy sent to the Ministry of National Security. *TIME Magazine* reported that Georgian forces carried out the April 28 illegal detention of three men and apparent extrajudicial killing of a fourth on the basis of intelligence provided by the U.S. Neither government refuted October reports that Georgia was extra-legally extraditing al-Qaeda suspects to the U.S.

At worst, these acts of commission and omission undermined other U.S. activity directed toward consolidating good human rights practices. At best, they amounted to a lost opportunity, as security assistance to Georgia made the government more sensitive to scrutiny by the U.S. of the situation. For example, criticism in the State Department's annual *Country Reports on Human Rights Practices* helped prompt a brief flurry of Georgian government activity, including a presidential decree on human rights in May.

The U.S. Commission on Security and Cooperation in Europe's May 15 letter to Shevardnadze, urging him to end religious violence, had a significant public impact. The commission maintained pressure by holding a hearing on the problem in September. To its credit, from mid-year the U.S. embassy in Tbilisi began making vigorous statements urging the Georgian authorities to act against religious violence, and to promote freedom of religion.

The State Department's second Trafficking in Persons Report, published in June, described Georgia as a country of origin and transit for women trafficked primarily to Turkey and Greece, failing to mention that surveys revealed the U.S. as the third most common trafficking destination. The report wrongly concluded that Georgia had made significant efforts to combat trafficking in 2002, citing in support government anti-trafficking initiatives that existed on paper only.

The U.S. Department of Justice provided valuable financial support for two potential catalysts for positive change in the criminal justice system: the forensic bureau of the Ministry of Justice and the secretariat of the presidential commission for reform of law enforcement agencies.

### **Russian Federation**

Beginning in February, the Russian government attempted to pressure Georgia to forcibly return Chechen refugees living on Georgian territory, despite the likelihood that they would face torture, "disappearance," and other persecution if they returned.

On several occasions through the year, aircraft emanating from and returning to Russian airspace bombed Georgian territory. On August 23 one of these attacks killed a villager south of the Pankisi Gorge and wounded seven others. In a statement on September 11 Russian President Vladimir Putin cited an October 2001 U.N. Security Council resolution requiring states to deny safe haven to terrorists, in justification of possible further military action against Georgia. The statement was the boldest to date in Russia's opportunistic endeavor to link the Russian operation in Chechnya and the global fight against terrorism, and deflect international attention from the political aspects of the Chechnya conflict.