

**The Danish Immigration Service**

Ryesgade 53

DK-2100 Copenhagen Ø

Phone: + 45 35 36 66 00

Website: [www.udlst.dk](http://www.udlst.dk)

E-mail: [dok@udlst.dk](mailto:dok@udlst.dk)

## ***Report on roving attaché mission to Georgia***

***14 to 27 October 2000***

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## **1. Introduction**

The Danish Immigration Service undertook a roving attaché mission to Georgia from 14 to 27 October 2000. The delegation collected information relating to the following terms of reference:

In a roving attaché mission to Georgia, the delegation was to collect information from the relevant authorities, international and national human rights organisations, lawyers, etc. in Georgia, with the aim of updating the report from the fact-finding mission to Georgia in November 1998, and updating information on conscription. The delegation was to look into the following.

### **The general security situation**

#### **Political situation:**

- Party structure, including legal and any illegal parties

- Zviadist parties, their activities and legal status
- Registration requirements, and standing for election

#### **Paramilitary groups:**

- The groups, their ethnic and political affiliation
- Activities
- The ability and willingness of the authorities to protect the civilian population against attacks by paramilitary groups
- Situation for former members of the Mkhedrioni

#### **Ethnic groups:**

- General human rights situation and in particular the situation

for

- Ossetians, Abkhazians, Mingrelians and Meskhetians
- Ability of Ossetians and Abkhazians to settle in the areas controlled by the authorities.

#### **Conscription:**

- Conscription, including professional soldiers
- Punishment provisions for evasion and desertion, including for professionals
- Punishment practice for evasion and desertion, including for professionals
- Possible alternative to military service

#### **Legal situation**

- Legal system
- Law enforcement

#### **Issue of documents and registration requirements**

**Conditions for entry and departure**, including entry permits for refused asylum applicants.

The delegation held meetings with embassies, international and national organisations and authorities in Tbilisi, in Tskhinvali in South Ossetia, and in Sukhumi in Abkhazia - see the list of organisations and persons consulted in section 13.0. The list contains a general description of the national NGOs consulted.

Two western embassies and one international source asked to be quoted anonymously, and two international sources asked to be quoted anonymously on particular issues. Interpreters were used only for a few meetings.

References in the report to Georgia, Abkhazia and South Ossetia, as opposed to "areas controlled by the authorities" and "areas not controlled by the authorities", are entirely for the sake of readability.

In the report names and place names have not been standardised, and may differ depending on the transliteration system used, e.g. Yezidi may sometimes be transliterated as Ezidi.

## **2. Historical background**

In April 1991, as part of the disintegration of the Soviet Union, the Supreme Soviet of the Georgian Republic declared Georgia to be an independent and sovereign State. Georgia was thereby one of the first of the Soviet Republics to declare independence. In May of the same year, the former dissident **Zviad Gamsakhurdia** was elected President. However, he was overthrown in January 1992, as he was accused of being nationalistic and running an

authoritarian regime. Until **Eduard Shervardnadze**, who had been the Foreign Minister of the Soviet Union, became Chairman of the Georgian State Council on 10 March 1992, the country was governed by a Military Council under Tengiz Kitovani, the leader of the National Guard, and Jaba Ioseliani, the leader of the Mkhedrioni paramilitary organisation, who had both been behind the overthrow of Gamsakhurdia. In October 1992 Shevardnadze was elected as Chairman of the Supreme Soviet in direct elections; he was elected as President of Georgia in 1995 and reelected in 1999.

Before that, unrest had broken out in **South Ossetia** in 1989, which escalated into armed conflict in 1990. The background to the conflict was South Ossetia's demands for the status of an autonomous republic, which led in September 1990 to South Ossetia's Supreme Soviet declaring the region an Autonomous Soviet Republic and therefore independent of Georgia. The conflict lasted until July 1992, when Russia, Georgia, and North and South Ossetia concluded a ceasefire, with agreements on the stationing of a Russian-led peacekeeping force. The peacekeeping force consists of Russian, Georgian and Ossetian troops. In 1995 a peace agreement was concluded, and in May 1996 South Ossetia and Georgia made a mutual confidence and security agreement. At negotiations in March 1997 the territorial integrity of Georgia was confirmed, and South Ossetia was granted a degree of self-government within Georgia. However, a final agreement on the status of South Ossetia has not yet been concluded.

The overthrow of Zviad Gamsakhurdia in January 1992 led to widespread demonstrations and unrest by his supporters, the **Zviadists**. This unrest was partly connected with **Abkhazia's** demand for independence. Following Gamsakhurdia's overthrow, the Zviadists had held widespread demonstrations in Sukhumi, the capital of Abkhazia. Several high-ranking Georgian politicians and officials had been kidnapped, and communications systems and railways had been sabotaged. When the Georgian authorities sent 3000 members of the National Guard, under the leadership of Tengiz Kitovani, into Abkhazia to free the kidnapped officials, the troops also occupied Abkhazia's Supreme Soviet, which in July of the same year had reintroduced the 1925 Constitution under which Abkhazia was independent of Georgia. The situation developed into a civil war with the Abkhazians and the Zviadists.

The conflict with Abkhazia ended in September 1993, after Abkhazian forces had reconquered Abkhazia as far as the areas around the Inguri River, which forms a natural frontier with Georgia to the south. The Abkhazian and Georgian parties did not sign a ceasefire agreement until May 1994. However, the ceasefire has been broken several times, such as in July 1997 in the Kodori Gorge, which is a Georgian-controlled enclave in Abkhazia inhabited by ethnic Svans; and in May 1998, when fighting broke out in the Gali region, in the security zone on the border between Abkhazia and Georgia (see Annexes 1 and 2). Bilateral and multilateral negotiations have not yet led to a peace agreement and thus any conclusion on the future status of Abkhazia .

The armed conflict with the **Zviadists** did not end until December 1993. In September 1993 Gamsakhurdia and troops loyal to him launched an offensive to the west of Samtredia, and in October 1993 they took over the harbour town of Poti, which was rapidly recovered by Georgian troops later the same month. In November Gamsakhurdia and his supporters fled to Abkhazia after their headquarters in the town of Zugdidi had been conquered by

Georgian troops, and on 31 December Gamsakhurdia committed suicide. Although the Zviadists had been militarily defeated, they continued long into the 1990s to oppose the Shevardnadze government, and to be a domestically destabilising factor. In February 1998, Zviadists were accused of attempting to assassinate Shevardnadze, and in October 1998 the military forces in the town of Senaki mutinied under the leadership of Akaki Eliava, a Zviadist who had previously been granted an amnesty .

Up to the end of the 1990s, a series of high profile Zviadists were arrested and sentenced to long terms of imprisonment. On several occasions in recent years, most recently in September 2000, **amnesties** have been granted amongst others to Zviadists and members of the former paramilitary organisation Mkhedrioni. In the spring of 1999 several of the imprisoned Zviadists went on hunger strike. This led to parliament establishing two commissions, of which the first drew up a resolution which was adopted by the parliament on 24 April 2000. The resolution is called *On the liquidation of the Consequences of the Events of 1991-1992*, and in it the overthrow of the legally elected Gamsakhurdia is condemned. The other commission, *the Commission for National Reconciliation* , drew up a list of 279 persons, including a large number of Zviadists, who were granted an amnesty in June 2000. On 27 September a further 11 Zviadists were pardoned by Shevardnadze. According to the OSCE approximately 20 Zviadists are still in prison; the UNHCR believes these are all Zviadists who have committed serious crimes such as murder. The UNHCR added that Zviadists are held in the same conditions as other prisoners. Some of the Zviadists who have been granted amnesties now hold senior positions in Georgian society.

### **3. Security situation and paramilitary groups in the Gali region**

According to UNOMIG (the UN Observer Mission Georgia) in Tbilisi, the situation is generally stable compared with the earlier armed conflict. The peace-keeping forces meet weekly to discuss incidents and infringements of the peace agreement, and regular high-level meetings take place between UNOMIG in Tbilisi and the OSCE (Organisation for Security and Cooperation in Europe).

In the Gali region (see map in Annex 2) there are a large number of internally displaced persons from Abkhazia. These are mainly ethnic Mingrelians, who with the Svans, the Laz and the Georgians make up an ethnic group referred to as *Kartvelian* (NB Georgia is often called Sakartvelo). Mingrelians and Svans are both originally from western Georgia and Abkhazia and speak their own languages. The Georgian enclave in the Kodori Gorge in Abkhazia is inhabited by ethnic Svans. A large number of the inhabitants, including the internally displaced Mingrelians, are politically Zviadist. However, they are not organised into parties, but are Zviadists in the sense that they are in opposition to the central government in Tbilisi. According to the Caucasian Institute of Peace, Democracy and Development (CIPDD), they do not have any formal links with the Zviadist parties in Tbilisi.

A number of paramilitary groups operate in the area. The best known are *Forest Brothers* and *White Legions*, which are both based in the town of Zugdidi. The groups do not wear uniform or any outward sign of identification. According to UNOMIG in Tbilisi, CIPDD and the OSCE, the former paramilitary organisation *Mkhedrioni* is no longer militarily

active. Nowadays the organisation is a political movement; according to the Georgian Young Lawyers' Association it was registered in mid-1998. The Parliament Committee on Defence and Security said that the Mkhedrioni had been finally banned as a paramilitary organisation in 1995, and that its members had carried out criminal activities, but that it also had many patriotic members. The leader of the Mkhedrioni, Djaba Ioseliana, who is now 72 years old, was released under the amnesty in April 2000. According to the Georgian press he has plans to found a party.

*White Legions* was founded in 1996 by Surab Samishia, formerly a colonel in the Georgian army. He is well-known and often appears in public, for example at sporting events in Tbilisi. According to a western embassy, the group was founded in 1996 in connection with the holding of parliamentary elections in Abkhazia which were declared illegal by Georgia. The aim of the group is to liberate Abkhazia by violent means and to remove the Abkhazian President Ardzinba and his government. The group is said to have 200 to 250 members and to be able to muster up to 2000 men. Its members are exclusively internally displaced persons from Abkhazia, since they alone have the local knowledge needed to carry out underground activities. According to the western embassy and CIPDD, this group has close links with Tamaz Nadareishvili, who is the chairman of the *Abkhazia Liberation Party* (which is registered but did not stand in the general elections in 1999), president of the Supreme Soviet of the Autonomous Republic of Abkhazia, i.e. the Abkhazian government in exile, and president of the association of internally displaced persons from Abkhazia. According to CIPDD, Zviadists in the region support *White Legions* but not *Forest Brothers*.

According to a western embassy, *Forest Brothers* numbers 100-150 men and was apparently founded at the end of 1997 or in early 1998. The leader of *Forest Brothers*, Dato Shengelaia, was arrested at the beginning of September 2000 and now stands accused of opposing the police and of smuggling across the border between Abkhazia and Georgia. According to UNOMIG in Tbilisi, the smuggling has been proved, but it has not been proved that he is responsible for organised crime. A western embassy had heard that Dato Shengelaia had apparently been appointed by the Abkhazian government in exile as state commissioner for emergency situations in the Gali region. If this is correct, then this paramilitary group too has links with the Abkhazian government in exile.

The paramilitary groups are banned in Abkhazia, where they were generally described as terrorists by Abkhazian sources, the Abkhazian Foreign Minister S.M. Šamba, the International Committee of the Red Cross, and the NGOs' Centre for Human Rights and Support for Democracy and Abkhazian Mothers for Peace and Social Justice. The Foreign Minister considered that Abkhazia was well-informed about the groups, that they had bases in Georgia and were not out of control, as the Georgians claimed. The International Committee of the Red Cross (ICRC) in Abkhazia felt that Mingrelians from Abkhazia (the internally displaced persons) and from the Zugdidi area were involved in mafia-like criminal activities, and that the Abkhazian government in exile received an income from these activities. The ICRC in Sukhumi and the Abkhazian Foreign Minister dismissed the ideas that their activities were ethnically motivated. Sources in Tbilisi, including the western embassies, also had no doubts that the groups were terrorist and criminal. UNOMIG in Tbilisi doubted whether they were militarily active at all and had armies and weapons, and particularly doubted their political motivation but felt that they were gangs and criminal

groups. A western embassy did not doubt that the paramilitary organisations existed and also thought that the groups did not take orders but acted on their own behalf.

On the Abkhazian side so-called militia groups are in operation, which are actually police, but according to the Norwegian Refugee Council some have weapons permits and some do not. According to the Council it is difficult to distinguish which of the groups have weapons permits and police-style powers. UNOMIG in Tbilisi stated that the Abkhazian police, which does not wear uniform, is often itself involved in criminal activities. A western embassy felt that the militia groups were out of control.

Crime in the area includes armed attacks, robberies, murder and kidnapping. According to the ICRC in Sukhumi the latter are a tradition, e.g. in former times brides-to-be were kidnapped. Mines are being laid in the area, and the roads have to be cleared of these daily. Slaves are taken for work in the agricultural collectives, mostly Russians, Greeks and Georgians, and to a lesser extent Armenians. There is also smuggling and black-marketeering in oil and drugs amongst other things. The harvest is also a target for robbers, and after the harvest come the tax collectors who, according to UNOMIG in Tbilisi, often claim to come from the police but are actually conmen. There are frequent incidents which according to the ICRC in Sukhumi may take place at the rate of two a day at harvest-time. According to an agreement between UNOMIG in Tbilisi and CIS forces, criminal incidents are a matter for the police, but it can be difficult to define whether incidents are criminal or politically motivated. UNOMIG in Tbilisi divides incidents into three groups: shootings, which are seen as an indication of the level of tension, and which, if directed against someone or something, are seen as breakdowns in security; kidnappings, which make up one tenth of incidents, in which the kidnappers and the kidnapped often know one another, and where families rarely turn to the authorities; and murders, of which there are only a few and which happen in connection with robberies or as revenge in connection with the war. All murders are investigated.

Crime is a major threat to security in the area. It is not possible to move around the area without security arrangements, and the international organisations always drive around in convoy. The ICRC informs both the Abkhazian and the Georgian authorities when the border is to be crossed, and although both parties claim not to have any influence on the activities of the groups this warning does produce results, and the ICRC convoys can cross the border without security problems. Those international organisations which have projects in the area have all withdrawn their international staff, for example UNHCR, which withdrew its international staff from Zugdidi following attacks and now only has local employees working there.

According to the Abkhazian Foreign Minister, Abkhazia and Georgia have concluded an agreement in which the parties undertake to combat terrorism and crime in the area. A working party has been formed, consisting of Abkhazians and Georgians and members of the UN forces, to combat crime in the area. According to UNOMIG in Tbilisi, approximately 600 persons on both sides of the border have weapons permits, and UNOMIG has asked to receive a list of their names.



#### 4. Political situation

After independence, in August 1995, the Georgian Parliament adopted a Constitution making Georgia a pluralist democracy with a powerful President. The Parliament has 235 members. They are chosen by a system which involves a combination of majority and proportionality. At the last general election, the minimum vote for election was increased from 5% to 7%.

On 1 September 1999 a total of 124 parties were registered. In September 1998 there had been 79. The parties cover a broad spectrum of ideologies and interests. To be registered and to be able to stand for election, a party must either collect 50 000 signatures or already be represented by at least one member of Parliament. According to the Caucasian Institute of Peace, Democracy and Development (CIPDD), legislation in this field is liberal, and there are no provisions banning extremist parties. This was confirmed by the OSCE and a western embassy. According to our sources, including the western embassies, no parties are illegal, i.e. banned. Parties which are not registered are not illegal in a judicial sense, but may not stand for election. However, CIPDD pointed out that there are bans against racism, against incitement to interethnic conflict and against expressing hatred for others in speech or writing. The provisions have only been used twice, once against an Ossetian and once in an anti-Semitic context.

Thirty-one parties and blocks stood in the general elections in November 1999. Fifty-four parties took part in the general elections in 1995.

The largest party is the *Citizens' Union of Georgia*, led by Eduard Shevardnadze, which won 85 seats in the 1999 election. The party describes itself as centre left. Next largest is the *Revival of Georgia* block, which consists of six parties from both right and left of centre, and several other parties, including the Zviadist party *Konstantine Gamsakhurdia Society*, which boycotted the 1995 general elections. The block won 51 seats in the 1999 elections, including six won by Zviadists. The block *Round Table - Free Georgia* also took part in the elections; it consists of six right-wing parties, including the Zviadist parties *Helsinki Union - National Revival of Georgia* and *the Society of Saint Ilia the Righteous* (SSIR). Both parties were founded by Zviad Gamsakhurdia, in 1976 and 1990 respectively. The parties boycotted the 1992 and 1995 general elections, and did not support any candidates in the Presidential election in 1995. The *XXI Century - Georgian Nationalism* block consists of two parties, namely the Zviadist party *Heart of Georgia-XXI*, which describes itself as nationalist, and which participated in the previous general elections in the *XXI Century Konstantine Gamsakhurdia Society* block, and the *Political Union of Georgian Citizens "Samshoblo" (Homeland)*, whose programme is a mixture of capitalism and feudalism. Neither of these two blocks won any seats in the elections.

There are a number of other Zviadist parties, but none of our sources had any detailed information on their size or structure. CIPDD and a western embassy explained that the parties are constantly changing their names and structures and that they are internally divided. CIPDD felt that there were still loyal supporters of Gamsakhurdia seven years after his death because he was a populist, and an unusually charismatic person. CIPDD compared Zviadists with believers and divided them into three categories: those who think

Gamsakhurdia is alive, those who think he is dead, and those who think he is dead and will rise again. The question of who will inherit the leadership is thus also a reason for the internal divisions. Thus some of the Zviadist parties will not recognise his widow, Manana Gamsakhurdia, as the natural political heir and leader, and she has gradually become more and more isolated. The other reason for the split is the question of the policy line to take: should Zviadists continue to boycott elections, sticking to their position that the current political leadership must be seen as illegitimate. Some of the Zviadist parties, by standing in the last general elections, have clearly broken with this line. The widow, who is the leader of about ten parties, of which a mere four have the same name, has not allowed her parties to register because she is still boycotting the elections. According to CIPDD, the widow claims to have been beaten by the police. However, the organisation underlined that the Zviadists are not politically persecuted, and regard her as eccentric. The OSCE believed that the Zviadists, including Gamsakhurdia's widow, were very

media-conscious, and would only take part in meetings if the press was present. The Georgian Ombudsman complained that the Zviadists had chosen a radical political form instead of a democratic form. CIPDD saw the Zviadists as lacking direction and unable to act. Previously they held many demonstrations but these had almost stopped, and in recent months there had been no demonstrations. No other sources could offer any information on the activities of the Zviadist parties.

## 5. Ethnic groups

Under Gamsakhurdia the slogan "**Georgia for the Georgians**" was launched, and Georgian nationalism flowered to some extent. The Caucasian Institute for Peace, Democracy and Development (CIPDD) said that this led to attacks, including some by the police, on some of the ethnic minorities. For example the Azeris, who live in large numbers in the border areas with Azerbaijan, did not dare to bring their goods to market in Tbilisi. They were, for example, discriminated against in the judicial system, where minorities received longer sentences than Georgians, and persons belonging to ethnic minorities were fired from public posts. There were daily comments that non-Georgians should disappear from the country, and the Ezidi Union of Georgia felt that the situation generally was such that many did have to leave the country.

After Shevardnadze came to power, the situation for the ethnic minorities improved considerably. None of the sources, including the western embassies, the Norwegian Refugee Council, UNHCR, CIPDD and the Ombudsman was aware of any systematic persecution taking place, or of attacks on ethnic minorities by the authorities or other groups. CIPDD added that when making arrests the police could be more heavy-handed with ethnic minorities than with Georgians. According to the OSCE, Georgia was generally a tolerant society, but no attempt was made to integrate the minorities. Thus it is difficult for the ethnic minorities which do not speak fluent Georgian, and this means 27% of the population, to get a public post. The OSCE also felt that it was difficult for the minorities to gain access to political power. CIPDD described Georgia as a guest society in its relationship with the minorities. The Ezidi Union of Georgia agreed.

A radical and religious fanatical group led by an excommunicated Georgian priest

**Basil Mkalavishvili**, which has particularly gained supporters in a poor quarter of Tbilisi has, according to CIPDD and an international source which wished to be anonymous on this subject, recently been behind attacks on religious and ethnic minorities, including particularly members of the Jehovah's Witnesses. A Yezidi Kurd woman, who was attacked by a member of the group, has brought a case against the priest through an international organisation. An international source, which wished to be anonymous on this subject, thought that the group had links with the radical right-wing ultra-nationalist party *Political Movement - Industry will Save Georgia (ISG)*. The source felt that public and political condemnation of the activities of the religious group was noticeable by its absence and felt that it enjoyed some sort of immunity.

Unlike several of the former Soviet Republics, e.g. Russia, Armenia and Azerbaijan, where ethnic identity is no longer shown on identity cards, this is still shown on the new Georgian cards. The Ezidi Union of Georgia felt that this was a survival from Soviet times. The IOM (International Organisation for Migration) explained that traditionally in multiethnic Georgia, people were asked their ethnic identity before they were asked their name, and said that this should not be understood as discriminatory. However, there has been critical public debate in Georgia about whether it was still appropriate to indicate ethnic identity, and the debate is not over yet.

The Norwegian Refugee Council felt that one group which was socially very badly placed was the **Roma**. They were generally regarded as being criminals. They are not persecuted, but are the targets of what the organisation called discrimination against gypsies.

According to the UNHCR, CIPDD and Norwegian Refugee Council, the **Meskhetians** who were deported in Stalin's time still have difficulties in returning to Georgia, and only 50 or 60 of the 600 who have settled in Georgia have received citizenship. The Norwegian Refugee Council added that to get citizenship they had to speak fluent Georgian and take Georgian names. In connection with its membership of the Council of Europe, Georgia signed an agreement in which it committed itself to taking back 300 000 Meskhetians. There is much public opposition to allowing the Meskhetians to return, as they originally came from the southern area which borders Armenia, and which is chiefly inhabited by Armenians. As Armenians have a general and historically based feeling against Turks, which they believe the Meskhetians to be, it is feared that resettling the latter will lead to ethnic unrest. Already there is a danger that the social situation will worsen, according to the Ombudsman, since several of the Russian bases in the area, which have provided work for many Armenians, are to close. The question of the resettlement of the Meskhetians has led to intense debate in the media (see the leader from *The Georgian Times* dated 18 October 2000, in Annex 3). One of the parties which has been most strongly opposed to the resettlement is, according to CIPDD, one of the very right wing and nationalist parties *National Movement - Georgia First of All*. The Chairman of the party, Guram Sharadze, is also the Chairman of the *Migration and Georgian Foreign Residents Affairs' Committee*, which is a fiercely patriotic organisation.

A western embassy added that the **Yezidi Kurds** have social problems, and are discriminated against as regards employment in public posts. The discrimination is motivated by their lack of command of the Georgian language. They are not persecuted and

do not have political problems.

CIPDD was of the opinion that the Yezidi Kurds were a group which had always had problems in Georgian society. There have also been a few cases of the police deporting Yezidis who they believed were members of the Kurdish organisation PKK to Turkey, where the organisation is banned.

The Ezidi Union of Georgia explained that about 34 000 Yezidi Kurds are living in Georgia, 90% of them in Tbilisi, Rustavi and Batumi. About 70 000 live in Armenia. The Yezidi Kurds came to Georgia in connection with the war between Armenia and Turkey between 1915 and 1918. The Kurds in Georgia are all Yezidis. The Muslim Kurds, of whom there were about 10 000, were deported to Central Asia with the Meskhetians during the Stalin period, and no Muslim Kurds are living in Georgia nowadays.

The Ezidi Union, which is an association of four organisations, is registered as a cultural organisation working to preserve the Yezidi Kurd identity, religion and culture. It has branches in Tbilisi, Televai and Rustavi and a number of subsections, e.g. sections for youth, culture, education and history, language, law, women, and religion, and a socio-economic section. The most important section is the religious one, as the organisation regards religion as essential in preserving identity. Nearly all the Yezidi Kurds in Georgia are members of the Union. The Union has close contacts and some family relationships with the Yezidi Kurds in Armenia, but not with the Yezidi Kurds in Russia, who mainly live in the Krasnodarsk, Novosibirsk and Jaroslav areas, nor with the Kurds in Turkey.

The Union arranges various cultural events and has a folk theatre, a dance group and music groups. However, a poor financial situation is curtailing activities, and in recent years the state subsidy has fallen from 30 000 to 20 000 lari a year. The financial situation also makes it difficult to publish books and journals. Some research into Yezidi Kurd history and religion is taking place in Tbilisi's Institute for Asia and Africa, of which the Union's president is pro-rector. There is also research into the language, including the old Yezidi alphabet (nowadays the Yezidis use the Roman alphabet instead of Cyrillic, which was used in Soviet times). As the Union does not itself have funds, and as it has not managed to find a sponsor for the publication of this work to a wider public, it can only be published within narrow academic circles. Funding is also the reason why a Yezidi Kurd newspaper could only be published twice. A radio station, on which the Yezidis had a daily 15-minute programme for a year, went bankrupt. However, according to its president, it should be possible for the Union to make a similar agreement with another radio station. There is mother tongue teaching at six or seven state schools. The teachers come from the Union, and for their teaching receive an allowance of approximately 15 lari a month from the State.

Until the general elections in 1999, the Yezidi Kurds were represented by one Member of Parliament, who stood on the *Citizens' Union* list. According to the Union, he was not allowed to stand again at the 1999 elections. The Yezidi Kurds did not attempt to put up other candidates as they thought it was unrealistic to expect that they might be elected. However, a western embassy thought that Yezidis in the *Citizens' Union* had again been offered the opportunity to put candidates on the party's list but had not been able to agree

on a candidate.

The Union added that because of the poor economic situation in Georgia many Yezidis had emigrated, to e.g. Russia, Germany, Belgium and England. Others had emigrated because of problems with the police and the political structure. However, the Union did not believe that the problems which Yezidis have with for example the police were different from those experienced by others living in Georgia. The Union denied that Yezidis faced discrimination, e.g. on the labour market and regarding their religion, which the Union explained was ensured by the law on religious freedom. The Union has had problems in regaining a piece of land in connection with the church, but puts this down to bureaucratic problems. Generally the Union feels that it has a good relationship with the authorities.

**The Mingrelians and the Svans** belong with the Laz and the Georgians in an ethnic group which is often referred to as *Kartvelian* (NB Georgia is often called Sakartvelo). The Mingrelians and Svans are settled in the northern and north-western areas. Both groups are traditionally farmers. According to an international organisation which wished to remain anonymous on this question, they are generally regarded as Georgians and are not targets for racism.

According to our sources, including CIPDD and an international source which requested anonymity on this subject, those **Abkhazians and Ossetians** who live in Georgia are generally respected, on the grounds that since they live in Georgia they have chosen to take the Georgian side in the conflict. However, according to CIPDD there is currently a case involving a group of Ossetian teachers who have had difficulties in getting their wages paid to them.

### **5.1 Mixed marriages**

None of our sources, including the OSCE and UNHCR, had heard that mixed couples, whether they involved a Georgian married to an Ossetian, or a Georgian married to an Abkhazian, or to someone from another ethnic minority, had any problems; such marriages were generally accepted. The OSCE explained that marriages were traditionally either approved or arranged by the families or the clan in such a way that the family's acceptance also implied protection. The OSCE thought that many mixed couples had fled to the Russian Federation in connection with the conflicts in South Ossetia and Abkhazia.

### **5.2 Ability of Abkhazians and Ossetians to settle in Georgia**

According to a western embassy and an international organisation which wished to be anonymous, an Abkhazian who during the war had fought on the Abkhazian side against Georgia would not be able to settle in Georgia for security reasons, since he would risk being murdered in revenge. However, if an Abkhazian was an opponent to Ardzinba and his rule there would be no security problems. There are no problems for Ossetians settling in Georgia.

## **6. General and social situation**

According to a western embassy the economic situation is particularly critical. The UNHCR and OSCE said that unemployment in Georgia was high. The OSCE estimated that it was 15%.

The average wage level is low. According to a western embassy, average annual income in 1998 was around 5000 lari. The Ombudsman explained that the minimum wage was 30 lari a month (approximately 150 Danish kroner), but that based on calculations on the cost of living the minimum amount one could live on was 130 lari a month. There is a problem for state employees, e.g. doctors and teachers, in that their salaries are often paid very late. The OSCE therefore talked about *virtual salaries* and thought that people had other sources of income. The OSCE also believed that some people were dying because of a lack of money, because they could not afford essential life-saving medicines. An international organisation which wished to be anonymous said that differences between rich and poor were great.

An international organisation which wanted to be anonymous added that corruption in the country was widespread, and said that the country was now number eight on the list of the world's most corrupt countries. A western embassy felt that corruption was found at all levels and had developed into an art form. The Norwegian Refugee Council saw corruption as an indicator of the country's poor economic situation.

## **7. Military situation**

Georgia established its standing army in 1993. According to the *Parliament Committee on Defence and Security*, the army now has approximately 20 000 soldiers, but because of the state's budgetary problems forces will be reduced over the next few years by about 4 000. Besides the army, there are border troops, interior troops, security and anti-terrorist units and the National Guard. At the moment these come under various ministries and departments, and there are plans to gather them under a single authority in future.

People are called up for military service twice a year, in spring and autumn. In 2000, about 3000 conscripts were called up. According to the Defence Committee this number is sufficient, since some people also volunteer for the army. A number of groups of young men are excused military service, e.g. students, orphans, fathers, and young men who are the only son in the family.

Military service is for 18 months.

Both the Defence Committee and the Ombudsman added that physical conditions in the armed forces are very poor. The Ombudsman had complained to the Defence Committee and had also approached the European Commission. Two western embassies confirmed that physical conditions were bad.

### **7.1 Draft evasion and desertion**

According to the Defence Committee there are not many cases of conscripts evading

military service. The Defence Committee believed that this was because only a relatively low number of young men are called up in any one year, there are many exceptions in the law, and that it is possible to apply for alternatives to military service. The Defence Committee was therefore not aware of any recent cases of evasion.

Several sources including the Caucasian Institute of Peace, Democracy and Development (CIPDD) claimed that it was possible to bribe one's way out of having to perform military service.

Several sources, including a western embassy and the Defence Committee, said that a large number of conscripts deserted for a shorter or longer period and then returned voluntarily. According to a western embassy, about 6000 soldiers deserted in 1997. Some individual soldiers had deserted up to 12 times. Often the desertion was only to get home to the family, given the poor food in the army, to get some proper food, and the absence only lasted for a few days; sometimes soldiers deserted to go home and help get in the harvest, in which cases they could be absent for a few weeks. Any unannounced and unlawful absence was recorded as desertion.

## **7.2 Punishment and punishment practice**

The Defence Committee explained that depending on the nature of the criminal act, military offences were handled either by the soldier's superior officers or by the military prosecutor corps. There were no military courts, and serious cases were decided in the civil court system.

The Defence Committee also reported that evasion was punished with between one and three years' imprisonment. The Georgian Young Lawyers' Association explained that military offences were punishable under the *Administrative Infractions Code* and Chapter 45 of the Georgian Criminal Code (the relevant sections are set out in Annex 4).

A western embassy reported that in 1999 there had been 290 cases of draft evasion in the spring and 452 cases in the autumn. The embassy also reported that evasion was currently not being penalised.

Article 389 of the Georgian Criminal Code provides for imprisonment for up to seven years for desertion. However, the Defence Committee believed that many cases were dropped because of the poor physical conditions in the army. For example, half a unit had deserted because of lack of food. None of the deserters was subsequently punished. Cases which are regarded as serious, including cases involving desertion which make up about 20% of them, go to the civil courts, but with a military prosecutor. Most of the cases of desertion in which judgements are made are, according to the Committee, decided in favour of the deserter. The other cases, i.e. those which are considered to be for minor infringements, are decided by the deserter's superior officers in the army.

The Defence Committee also reported that sentences for minor military offences are served in a punishment battalion. At the moment this contains about 30 people. The punishment battalion carries out normal military duties. However, the discipline in the punishment

battalion is more severe than in the normal units. After the sentence has been served, the remainder of the period of conscription is served.

According to a western embassy, any punishment for deserters who return voluntarily depends on the division commander.

The western embassy also reported that the military prison was closed in June 2000, and that in connection with its closure approximately 20 to 25 deserters received an amnesty. The embassy confirmed that deserters now serve their sentences in civilian prisons. The disadvantage of this is that the punishment is now shown in criminal records.

The Defence Committee reported that professional soldiers now have to give six months' notice before leaving. The Committee was not aware of cases of professionals being punished for not respecting this notice period.

### **7.3 Alternatives to military service**

According to the Defence Committee, the Ombudsman and a western embassy, the law on alternatives to military service, which has been adopted by the Parliament, has not yet been implemented because of the State's budget problems. The Defence Committee claimed that the law on alternatives to military service was of NATO standard (the law is attached as Annex 5).

The Defence Committee also reported that although the law had not been implemented, a document could be issued stating that the applicant had performed an alternative to military service. The document was issued by the local recruitment officer, of whom there were about 500 in the country. The document was issued to those who refused to perform military service on religious grounds, e.g. Baptists and Jehovah's Witnesses. Applicants had to prove their religious affiliation to the local recruitment officer. If the application was refused an appeal could be made to the courts.

The Georgian Young Lawyers' Association and the Caucasian Institute of Peace, Democracy and Development (CIPDD) believed that it was possible to have the document issued by bribing the local recruitment officer. CIPDD was aware of someone who had had his application for alternative military service refused and had instead obtained the document by bribery. They added that buying-out was not cheap.

CIPDD confirmed that Jehovah's Witnesses were no longer punished for refusal to perform military service. Earlier there had been five or six cases of Jehovah's Witnesses being sentenced to imprisonment for between three and four years. However, they had been freed following the intervention of Amnesty International. CIPDD thought that Jehovah's Witnesses were no longer called up for military service but said that this was unofficial.



## 8. Legal situation

### 8.1 The legal system

Comprehensive reforms of the Georgian legal system have been implemented in recent years, including new training for established judges. The Georgian Young Lawyers' Association said that as a result, the court system had become more open and democratic than the rest of the legal system. In 1998 a new law was adopted on the administration of criminal justice, to take effect from 15 June 1999, and in 1999 a new Criminal Code was adopted to take effect from 15 June 2000. In June 2000 a new Ombudsman was appointed, namely Nana Devdariani, who is a member of the opposition Socialist Party. Several sources, including the OSCE, remarked that the appointment had given the institution of Ombudsman a lift, and said that particularly the critical NGOs were satisfied with her performance to date. The Ombudsman, who pointed out that the institution works independently, sees it as her most important task to advise the Government and the Parliament on the implementation of human rights in legislation and the justice system. (An extract from the Ombudsman's report for 1999 is attached as Annex 6). In October 2000 a new Minister for Justice was appointed in the form of Mikhail Saakashvili. He was described by a western embassy as young and well-disposed to reform, and as a minister who talked openly about problems. The UNHCR also described the new Minister for Justice as well-disposed to reform. In January 2000 the prison service was taken from the responsibilities of the Ministry of the Interior and transferred to the Ministry of Justice. According to the *Commission for Human Rights and Ethnic Minorities* (hereafter referred to as the Human Rights Commission), this was done to stamp out irregularities and corruption in the prison service. A new committee has also been established to combat corruption, including in the legal system. The Human Rights Commission said that corruption there was increasing and had reached unacceptable levels. The OSCE added that corruption amongst judges could largely be avoided, if the judges were not only paid enough but also actually received their pay, so they did not need to receive an income through other irregular means. The Norwegian Refugee Council saw corruption as a clear breakdown in the principles of law.

The new law on the administration of criminal justice, amongst other things, implements the Constitution's provisions on the protection of citizens from arbitrary arrest and detention. The law also narrowed the powers of the police and public prosecutor. Some provisions have subsequently been amended by addenda adopted by the Parliament (see footnote on page 19 on the Human Rights Watch report of October 2000). However, the Georgian Young Lawyers' Association, the Human Rights Commission and the Ombudsman felt that there were still major problems with the legal system, e.g. as regards access to a lawyer and law enforcement.

The Georgian Young Lawyers' Association reported that criminal offences committed before the new Criminal Code came into force were still being dealt with under the old one. However, the new Criminal Code was used if sentences were milder. The case was dropped altogether if the offence was not punishable under the new Criminal Code.

The UNHCR reported that the legislation did not allow for double punishment in relation to

Georgian citizens who had been convicted for offences abroad.

## **8.2 Law enforcement**

According to our sources law enforcement, including the police, is the most problematic area.

All sources, including the international organisations, local NGOs, the embassies, the Human Rights Commission and the Ombudsman reported that physical and psychological assaults occurred widely during arrests, interrogation and detention. An international source which wished to remain anonymous did not believe that the physical attacks were systematic. The Human Rights Commission reported that torture, including electric shocks, did occur during detention. This was confirmed by the Georgian Young Lawyers' Association, which added that other forms of torture such as hanging people up by their legs were also used. Beatings were a completely routine part of questioning, and it was usual for people to suffer broken bones or to lose teeth while in police custody. In several cases people under interrogation by the police have apparently committed suicide. The Georgian Young Lawyers' Association said that there were strong suspicions that the police's explanations were not sustainable. The Human Rights Commission reported that two people died in police custody in 1999. In 1998 there had been nine deaths. Of these six were apparently suicides, in which people had jumped from the windows of the sixth floor of the Ministry of the Interior. All nine cases are being investigated and reassessed by the Commission, which added that obtaining proof in cases such as these and in others was very difficult, and often merely ended with the policeman in question losing his job. Of the nine cases, six have been shelved and closed as suicide, as nothing else could be proved. One apparent suicide by a boy has been changed to a murder case, in which the policeman involved stands accused. In one case in which 11 policemen, who are also members of the President's security force, were involved, one policeman was sentenced to two years in prison and the rest were released. In the ninth case the policeman disappeared, and his body was found in a river two months later. The Commission explained that the police were judged under the law and served their sentences in special prisons run by the police.

Several sources, including the Human Rights Commission, the Georgian Young Lawyers' Association and the Norwegian Refugee Council reported that the police made arbitrary arrests. The Human Rights Commission added that privacy was infringed in that the police carried out searches without a warrant.

The Georgian Young Lawyers' Association believed that the reason for the assaults was that the police were overburdened and lacked resources, and were not only badly paid but often did not receive their pay at all, that they were still influenced by a Soviet approach to police work, and that corruption was widespread. A western embassy regarded the low pay and the lack of payment actually being made as the main reasons for the police's unlawful behaviour. The Human Rights Commission felt that the police often used ill-treatment as a means of getting confessions within the 72 hours which the law allowed for remand in custody.

The UNHCR the Human Rights Commission the Georgian Young Lawyers' Association

the western embassies and the Ombudsman believed that the assaults were arbitrary and non-discriminatory. They were not directed against particular ethnic, religious or sexual minorities, against particular social groups, against people with particular political affiliations or anything else.

The Georgian Young Lawyers' Association reported that it was possible to complain to the courts about attacks by the police. The problem was that to prove that physical mistreatment had taken place a medical certificate had to be produced. However, it was not possible to choose an independent lawyer oneself, as the doctor had to be authorised by the justice system. Since it could also be a long time before access to the doctor was allowed, the signs of mistreatment might have disappeared, and hence the evidence. Also, many people did not report attacks because of threats and the fear that it would negatively affect their case. It was also possible to buy freedom through bribery. Thus parents could buy freedom for their children for relatively modest amounts. The traditional attitude to revenge also applied. The Young Lawyers' Association described a case in which enough evidence had finally been collected against the police for a case to be won in court. However, the complainant did not want the case to be brought any longer, since friends had found out which policeman had mistreated him and had given him a thorough beating, so that the complainant had now had his revenge. The Young Lawyers' regretted that only a few cases reached the courts, but also had to note that only few were won. The Young Lawyers' Association itself had a hot-line system, which those who had been mistreated could use to seek help. The UNHCR confirmed that vendettas were very normal and meant that people did not go to court.

It is also possible to complain to the Ombudsman and the Human Rights Commission. The latter investigates cases where there is a well-founded suspicion of irregularities, but the Commission underlines that not all of those in detention are innocent.

The Human Rights Commission reported that the police leadership is very responsive to problems in the legal system. According to an international organisation which wished to be anonymous, following publication of the Human Rights Watch report in October 2000 on infringements of human rights in the Georgian legal system, the President recognised that there were major problems with the system. The Human Rights Commission reported that under the new Minister for Justice a department was being established to find solutions to the problems with the police, under the leadership of Paata Zakareishvili, who was also a member of the Human Rights Commission.

Regarding the Human Rights Watch report, the Ombudsman said that the organisation was known to be radical; she felt that claims that Shevardnadze was setting up a police state were unfounded. She also felt that, overall, strong police were necessary to avoid civil war. However, she also felt that the Minister for the Interior's statement that the police needed to have authority and prestige should not in any way be allowed to affect human rights. A western embassy reported that crime was rising and said that there was a need to increase citizens' sense of security by strengthening the police.

The Human Rights Commission added that mistreatment and torture never occurred in the prisons.

Several sources, including the UNHCR, the Ombudsman, an international source which wished to be anonymous and the Georgian Young Lawyers' Association, reported that following the most recent amnesty in September 2000 there were no more political prisoners in the jails, but said that prisoners were only being held for civil crimes.

## **9. Issue of documents and registration requirement**

One western embassy and the IOM reported that there were no problems with the issue of documents. National passports were issued by the local passport offices which came under the Ministry of the Interior. An identity card had to be shown, and a fee of 49 lari paid. The time taken to process an application was three to four weeks. The identity card number was written in the national passport, and ethnic identity was stated on the identity card. As there was no central registration, multiple issue of passports was possible. The western embassy explained that all types of document may be bought or obtained through bribery, and the IOM said that false passports may be bought for example in Istanbul. The sources added that there were many false documents in circulation, including national passports and identity documents. For example it emerged that of all the documents presented to the western embassy, 99% were false. The IOM said that other embassies had had similar experiences.

The above sources said that there was a requirement to register residence. There were no problems connected with this registration, not even, according to IOM, in the capital Tbilisi.

## **10. Migration and conditions for entry and departure**

In September 2000 the IOM published a report on irregular migration stating that since the disintegration of the Soviet Union, 800 000 Georgian citizens had left the country (an extract from the report may be found in Annex 7). Most Georgians emigrated to the Russian Federation and to Turkey. Some went to western Europe, particularly Germany, Belgium, the Netherlands and Switzerland. However, the number may be larger, since according to the IOM Russian sources believe that 1,5 million people left and that only 600 000 Georgians are settled in Russia. Conversely, there is some illegal immigration of Turks working in the autonomous region of Ajara on the border with Turkey, and Assyrians working illegally in Tbilisi.

Russia's intention to introduce a visa requirement for Georgian citizens will in future make it more difficult for Georgians to enter and settle in Russia. Although Georgian legislation does not allow double nationality, there are examples because of a lack of controls of Georgians having both Russian and Georgian citizenship and thereby both Russian and Georgian national passports.

The IOM reports that, as in all the other former Soviet countries, more attention is paid to citizens leaving than to those arriving. Citizens are checked on departure against a surveillance list which is drawn up by the security agencies and updated daily. The IOM has no influence on or knowledge of who or what is registered on the list, but believes that it does not include deserters or draft evaders.

Both IOM and the western embassy stated that there were no problems in entering or leaving Georgia. Citizens who leave the country by air are recorded. Those who leave overland may depart unofficially, i.e. without their departure being recorded. Since the Soviet Union disintegrated the border has still not been drawn between Georgia and Azerbaijan, and the area is regarded as a sort of no-man's-land. Local inhabitants do not need to produce national passports or identity cards (which they generally do not have in any case) when they cross the border, whereas non-locals do have to show their documents. In the so-called free trade zone in the border area between southern, Armenian-dominated Georgia and Armenia there are two border crossing-points, in the towns of Guguti and Sadakhlo. The IOM believed that no checks were made at these border posts as Armenians just had to register in a book.

According to the IOM and the western embassy there is no problem for refused asylum applicants entering the country, including those who are accompanied. The UNHCR, OSCE, IOM and a western embassy all said that refused Georgian asylum applicants were not returned or forcibly deported to Abkhazia.

## **11. Abkhazia**

### **11.1 General**

As a result of its conflict with Georgia, Abkhazia is an isolated country. The economic blockade implemented by Russia in May 1995 still exists, and so the country may not import goods, including energy and materials for reconstruction, or export its agricultural produce. The blockade covers communications, including telecommunications and post, and transport (see under conditions for entry and departure). Post leaves the country via the International Committee of the Red Cross (ICRC), whose office in Sukhumi functions as a post office channelling about 17 000 letters out a year.

The area uses the Russian rouble and not the Georgian lari as currency, and it is on Moscow time, which is one hour behind the time in Georgia. In the towns Russian is generally spoken, whereas Abkhazian is spoken only in the more outlying villages. There are two Abkhazian dialects, a northern and a southern. The southern is influenced by Mingrelian. According to Civil Society and Human Rights the schools generally teach in Russian, but in the primary schools teaching is given in Abkhazian from the fourth to seventh class. The organisation explained that there was a great problem in preserving Abkhazian as a language as it had not been able to develop and therefore lacked terms to describe modern conditions, knowledge and politics. The representative of the organisation was also the director of the Institute for Ethnopolitical Research, which had begun comprehensive research into the language.

The UN Human Rights Office in Abkhazia described the political system as authoritarian. The opposition was also weak, and as it had stated that it was not striving for political power it had no problems. A new party called *Revival Movement*, which was not yet legalised, had become popular amongst the intelligentsia. The press was underdeveloped, and only one newspaper supported by the international community could be said to be independent. The Centre for Human Rights and Support for Democracy felt that there were many obstacles to

the development of democracy in Abkhazia. One reason was that the conflict with Georgia was still not over and that the country was still not recognised as an independent state. However, civil society was developing. In recent years many NGOs had been established, which had gradually also developed good contacts with NGOs in other parts of the Caucasus. Recently, an NGO conference had been held in Tbilisi, in which NGOs from Abkhazia had participated.

The OSCE in Tbilisi explained that the work of NGOs was supported with donor funds from the international organisations, since NGO cooperation was regarded as a strategic tool in the peace negotiations. However, the Centre for Human Rights and Support for Democracy said that Abkhazian NGOs could not accept donor funds from international organisations as long as they regarded Abkhazia as being part of Georgia.

A British NGO which has projects in various Caucasian countries including Abkhazia explained, at a meeting of NGOs at the Centre for Humanitarian Programmes, that NGOs in Abkhazia cannot work independently. For example authorisation is required from the political system if Abkhazian NGOs wanted to take part in meetings in Tbilisi. Other NGOs are only NGOs in order to receive funds from donors.

## **11.2 General security situation**

In the area, including the Gali region, there is great deal of crime (including organised crime), which has serious consequences for the security situation. There is theft, robbery, armed attacks, kidnaps and murders, and there is a tradition of vendetta amongst Abkhazian clans and families. Political murders also occur. A political opponent of the President's was recently murdered, and according to UNOMIG (the UN Observer Mission in Georgia) in Tbilisi, the police are suspected of having carried out the murder. Organised crime chiefly involves income from the harvest and from tourism, and smuggling. UNOMIG in Tbilisi felt that the fight against crime was minimal as the police lacked a proper structure, and because the police, who did not wear uniform, were often involved in crime themselves. UNOMIG added that the police are not paid and instead derive their income in other irregular ways. They also felt that much of the crime could be stamped out if more welfare benefits were paid. The Norwegian Refugee Council reported that various police groups were operating, some of which had weapons permits, and it was difficult to distinguish which of the groups had weapons permits and police-style authority and which were self-appointed.

## **11.3 Repatriation of internally displaced persons**

The UNHCR believe that a total of 300 000 people fled as a result of the conflict. Many of these have settled in Georgia, where they are registered as internally displaced persons. They have full Georgian citizens' rights, may work and study, etc., and have Georgian documents. According to the OSCE internally displaced persons may not buy land but may buy housing. As they are regarded as belonging in Abkhazia, they are unable to participate in local elections in Georgia. The UNHCR mentioned that there was high unemployment amongst internally displaced persons, but that unemployment was high in the country generally.

As regards the repatriation of the internally displaced persons, according to the Foreign Minister Abkhazia has put forward a negotiating package as part of the peace negotiations which includes the question of repatriation. He says that the question of repatriation is a particularly difficult one in the negotiations, and that the parties have not been able to agree, which has meant that organised repatriation has not been able to take place. One international source which wished to remain anonymous on this matter explained that the problem was that if all the internally displaced Georgians are offered the opportunity to return, Georgians will once again be the ethnic majority, which is opposed by Abkhazia. However, the Foreign Minister estimated that about 60 000 Georgians had returned to the area spontaneously. The UNHCR, OSCE and Norwegian Refugee Council confirmed that a large number, around 40 to 50 000, had returned of their own accord. The Norwegian Refugee Council added that spontaneous return had taken place in recent years, and that there had also been many "commuters" e.g. in connection with the harvest; but it was a new phenomenon that families were also now returning with their children, which the Council regarded as a sign of a permanent return. The Council added that many schools had opened in the area.

The Foreign Minister felt that Georgia was making political use of the question of repatriation, that the internally displaced persons were being kept in a state of mobilisation, and that Georgians who returned were accused by the Georgian press of being renegades. The OSCE agreed that there was no doubt that the internally displaced persons were being used politically, but particularly by the Abkhazian government in exile. However, the OSCE also thought that, besides the return of 60 000 Georgians, a large number of the internally displaced had also emigrated in the intervening years to Russia and other CIS countries, that the number of internally displaced persons in Georgia itself had fallen substantially, and with it the basis on which the government in exile built its policies and justified its existence.

The Centre for Human Rights and Support for Democracy thought that the poor economic situation could prevent Georgians returning. Another obstacle was the danger of revenge on those Georgians who had taken part in the war. The organisation believed that if matters had to be settled this should take place legally through the courts. It added that Abkhazia had changed and was no longer the Abkhazia which the Georgians had lived in previously.

#### **11.4 Social situation**

No unemployment statistics are available, but the Centre for Human Rights and Support for Democracy reported that unemployment was high, which meant that many young people were excluded from society and that crime was rising.

The ICRC estimated that over 50% of the population lived under the poverty line. The monthly pension was approximately 100 roubles which is about USD 4, and is often paid late or not at all. A doctor or teacher has an average salary of 150 roubles. Many manage by cultivating small plots of land. Many of the old and sick live in housing which has no windows or doors and has no electricity or gas for heating. The authorities only have a very small budget available for social work.

The humanitarian aid work carried out by the ICRC is comprehensive. It has organised a visiting programme, in which 300 volunteers visit and help old people living alone. The organisation runs soup kitchens and takes food to the disabled and bed-ridden. Non-food items such as children's shoes are taken to families in need. The ICRC also runs five hospitals, three of which are on the front line, supports a blood bank, and with Médecins sans Frontières is opening a clinic. The ICRC has also set up orthopaedic clinics to treat mine victims. It has also supported the opening of two rehabilitation clinics for drug addicts and alcoholics, of which it says there are many in Abkhazia. There is a great lack of doctors, since most of them were Georgians and left the area during the conflict. The ICRC has set up an agricultural programme with the aim of increasing agricultural production (mainly citrus fruits and hazelnuts) and hence incomes. Twelve thousand families in 47 villages are involved in the programme. According to the ICRC Abkhazia is a "lonely country", as besides the ICRC there are only three other aid organisations in the area, one of which is Médecins sans Frontières. The ICRC feels that it is a hostage in the situation, since there would be no other organisations to take on its humanitarian work if it were to withdraw.

The Abkhazian Foreign Minister S. M. Šamba explained that as a result of the conflict Abkhazia was completely destroyed, including economically. However, he felt that the country's economy was recovering, and said that the state budget increased by 60% every year. He also pointed out that although income levels were still lower than in Georgia, taxes were also lower.

### **11.5 Ethnic situation**

No census has taken place since the conflict, so no recent figures or statistics are available to describe the current demography of Abkhazia. It is not even clear how many ethnic Abkhazians are living in Abkhazia following the conflict. One international source which asked to remain anonymous on this subject estimated that the number of inhabitants was now between 200 000 and 250 000, of which between 60 000 and 90 000 were Abkhazians and were therefore still a minority in the country.

Amongst the ethnic groups in Abkhazia are Greeks, who according to the ICRC live in purely Greek villages and do not mix with others, and Georgian Svans who live in villages in the Kodori Gorge. The ICRC reported that the latter had no problems insofar as they remained passive and did not get involved in Abkhazian politics. The Centre for Human Rights and Support for Democracy added that many Russians and Armenians fled during the conflict and that those who remained were elderly. The ICRC explained that the Armenians in particular had major social problems since they were not only elderly but also without their families. Besides the Georgians living in the Gali region, there was an unknown number of Georgians in the rest of Abkhazia, many in mixed marriages. The ICRC added that Abkhazian- Georgian couples had to be careful but said that generally Georgians did not have problems. The Centre for Human Rights and Democracy believed that the war had been traumatic for everyone, and that they had all been victims, so that those Georgians who had always lived in Abkhazia, both before, during and after the conflict, had no problems. The organisation also felt that the conflict had been politically rather than ethnically motivated. An international source which wished to be anonymous on this question felt that security for those Georgians who had always lived in Abkhazia depended on their social position i.e. whether or not they had resources. The organisation



added that conflicts between Abkhazians and Georgians were often property related, and that it was possible to complain to the authorities in such cases. The organisation felt that the other minorities could be the targets of crime.

The Centre for Human Rights and Support for Democracy is involved with the situation of the minorities in Abkhazia at several levels. For example, the organisation has initiated a so-called round table forum, in which minority problems in general, and specifically in Abkhazia, are discussed. The organisation felt that although the country was multiethnic there was not sufficient ethnic representation in the current political structure, and that only a few representatives of the ethnic minorities were employed in public administration. The organisation explained that salaries are very unattractive and that for everyone in Abkhazia it was a question of survival which did not leave them energy to spare to commit themselves, e.g. politically. As regards Georgians in the Gali region the organisation explained that Georgians do not get involved in political work or seek employment in the official sphere as they are afraid of being shot by other Georgians. The organisation did not believe that the minorities felt badly treated on those grounds as they had plenty of opportunity to preserve their national cultures.

An international source which wished to be anonymous on this question reported that both Armenians and Russians had positions in the Government and in public administration. The Abkhazian Foreign Minister said that two Georgians had been elected to Parliament.

## **11.6 Legal situation**

The Centre for Human Rights and Support for Democracy explained that Abkhazia has its own legal system with independent courts, as provided for in the Abkhazian Constitution. The judges, who were previously appointed for life, are now elected by the Parliament after being proposed by the President. Judges are trained in Abkhazia and in Russia. The organisation believed that there could be problems with the older judges but that nowadays more young judges were employed than old ones.

The organisation said that it had arranged and run seminars on human rights in the legal system.

The UN Human Rights Office in Abkhazia said that the justice system consisted of three tiers, with the third also being the constitutional court. It believed that there were many problems in the justice system relating to training, the budget and corruption.

The same problems also existed within the police. It was possible to make complaints to the police, but often they did not act. Citizens lacked confidence in them.

Officially there are no political prisoners in Abkhazia. However, according to the ICRC, there are 15 political prisoners in jail in Abkhazia. Some of them have been condemned to death, and some of them are Georgians. However, the death penalty is no longer carried out. The ICRC has access to the prisons, where - together with the Abkhazian authorities, with which it has a good working relationship - it tries to improve conditions.

## **11.7 Military situation**

The UN Human Rights Office in Abkhazia reported that Abkhazia has its own army, but did not know how large it was. There is general conscription with call-ups twice a year. Georgian Mingrelians may also be called up, but the authorities are often cautious because problems of loyalty may occur. The law allows for punishment for desertion and draft evasion. Arrests sometimes occur in this context but often matters are arranged by negotiation so that the detainee is released against a payment. The UN Human Rights Office in Abkhazia knew of only very few cases of deserters being imprisoned. The army was generally respected, but not on the other hand admired. The NGO Mothers of Abkhazia, which is involved with victims of the conflict, said that it has asked the Abkhazian authorities to give conscripts better training, particularly those who are sent to the Gali region.

## **11.8 Documents, and conditions for entry and departure**

The IOM and the Abkhazian Ministry of Foreign Affairs confirmed that national passports were not issued in Abkhazia. As the old Soviet passports are now no longer valid, the Abkhazians have the option of obtaining a Georgian national passport which they have to apply for in Georgia or a Russian passport which would require them to become Russian citizens. IOM stated that for political reasons very few Abkhazians had applied for Georgian passports, but some had obtained Russian citizenship and hence Russian national passports. According to the UN Human Rights Office in Abkhazia, Abkhazian identity cards are issued by the local authorities.

There are no 'plane or train connections within Abkhazia or to the outside world. It is only possible to enter or leave the country by road transport, either via Georgia through the Gali region where there are several crossing-points, or via Russia across the Abkhazian-Russian border in the west,

over the river Psou (the area borders the Krasnodarsk region) . Travelling by either route entails security problems.

The IOM reported that for political reasons there are no Georgian checks at the border between Georgia and Abkhazia, although there are police posts. On the Abkhazian side of the Inguri river, which forms the natural border between Abkhazia and Georgia, the Abkhazian police carry out checks. Abkhazians who want to travel to Georgia have to get permission from the Abkhazian authorities.

Russia undertakes regular border checks on those entering and leaving Abkhazia. The UN Human Rights Office in Abkhazia said that the Russian checks had been reinforced after the conflict with Chechnya.

## **12. South Ossetia**

### **12.1 General**

In South Ossetia, which in 1989 had 90 000 inhabitants, there are both purely Georgian villages and mixed villages with Ossetians and Georgians. The mixed villages are sharply divided. The region has introduced Moscow time, so that South Ossetia is an hour behind Georgia. However, the purely Georgian villages have remained on Georgian time. The currency is the rouble, but the Georgian lari is current in the Georgian villages. The official languages are Ossetian and Russian, but Georgian is spoken in the Georgian villages.

Mixed Ossetian/Georgian marriages exist, and are still taking place. The Norwegian Refugee Council in Tskhinvali thought that there were no problems for such couples. The organisation employs a South Ossetian man who has married a Georgian woman since the conflict.

According to the Council, the standard of living in Tskhinvali is generally very low. The population survives on small-scale trade, agriculture and smuggling. There is large-scale black marketeering on the border between Georgia and South Ossetia, where smuggled goods including petrol and oil are traded. There is some small-scale production and a mineral water factory. Some support themselves with seasonal work outside the area, e.g. in Russia. There is no state social welfare system. The social security net is the family. The elderly and the aged without families are therefore in a very bad position. No tax is collected, and so the region has a very limited budget. The South Ossetian Foreign Minister Murat Kuz'mič Džioev confirmed that the economic situation was problematic.

The Norwegian Refugee Council reported that there was one hospital in Tskhinvali, which functioned despite a lack of equipment and daily power failures. The staff work voluntarily for patriotic reasons, as the region cannot pay salaries. There are schools in Tskhinvali and in the villages, as well as a university. Education staff also work voluntarily.

### **12.2 General security situation**

There has not been armed conflict or clashes in South Ossetia since July 1992, and according to the Foreign Minister no soldiers have been killed since then. The Foreign Minister saw the presence of the Russian section of the peacekeeping force, which also consist of Georgians and Ossetians, as a guarantee of peace. The Foreign Minister felt that the South Ossetian section of the peacekeeping forces had a normal relationship with the Georgian section. He described the relationship between South Ossetia and Georgia as calm, and said that Georgia could freely use the South Ossetian road connection for journeys to Russia. He characterised the relationship between South Ossetia and the Georgians in South Ossetia as one of mutual confidence. Generally he thought that the situation in South Ossetia was better than in other Caucasian areas, also as regards crime.

The Norwegian Refugee Council in Tskhinvali reported that the sections of the peacekeeping forces do not patrol together. The Norwegian Refugee Council in Tbilisi added that the peacekeeping force has only a mandate to observe and report but does not

have any authority. There are South Ossetian police but they are not respected by both sides. The police and the system in general are corrupt. The Norwegian Refugee Council in Tskhinvali said that the situation was tense, and that armed clashes could occur between South Ossetians and Georgians. Despite a disarmament programme, there are still many weapons in circulation, and everyone is believed to be armed. Because of the weapons there are many accidents. There is also a great deal of crime in the area. An individual's safety is often just a matter of unfortunately being in the wrong place at the wrong time.

The delegation was able to visit a Georgian family in a Georgian village, whose head was commander of the Georgian section of the peacekeeping force. He believed that the South Ossetian forces consisted of several groups which were not united in a single South Ossetian force. He also thought that the groups operated independently, are paramilitary and criminal, and also fight one another. He confirmed that everyone is armed, and that arms may be bought everywhere. There are often shootings but rarely murders.

The commander said that there was great tension between South Ossetians and Georgians. They could meet for a meal together, but as the wine flowed, they might begin to argue and the meal could end in quarrels and fights. The Georgians seldom went into the regional capital Tskhinvali, which was largely inhabited by South Ossetians, and the commander described one case in which a Georgian who had been into town was taken to a police station and beaten to death by the police.

### **12.3 Repatriation of internally displaced persons and refugees**

The UNHCR estimates that 60 000 people, of whom 10 000 were Georgians and the remainder Ossetians, fled during the conflict in 1992. They fled south from South Ossetia into Georgia, from Georgia and South Ossetia to South Ossetia and North Ossetia, and within South Ossetia from the villages into the capital Tskhinvali. It is currently estimated that there are still 30 000 refugees and internally displaced persons. The UNHCR believes that about 10 000 Georgians fled to Georgia. Internally displaced Georgians from South Ossetia live in the same conditions as internally displaced Georgians from Abkhazia. In the last three years, about 6 000 people have been repatriated to Georgia, South Ossetia and internally within South Ossetia with the assistance of the UNHCR.

Despite the agreements which have been concluded, the Foreign Minister said that the repatriation was still slow. The Norwegian Refugee Council described the repatriation of refugees from North Ossetia as modest, as such refugees preferred to stay in North Ossetia, where the social and employment situation was better than in South Ossetia. Also, refugees in North Ossetia were able to obtain Russian citizenship. It does happen that South Ossetians being repatriated to South Ossetia have Russian citizenship. Only very few Georgians are repatriated to South Ossetia, as the Georgians do not want to return, as they do not feel confident in the security situation. There are also problems in repossessing homes and properties which were left when people fled and which are often now occupied by Ossetians. The Foreign Minister confirmed this and added that the rehousing of the families which occupied the abandoned houses is slowing down the entire repatriation process. The UNHCR added that negotiations are under way between the parties about

regularising ownership of the abandoned properties.

The Foreign Minister said that 170 towns and villages had been destroyed during the conflict. The Norwegian Refugee Council and the UNHCR are working together on a shelter programme, which includes the repair and reconstruction of houses to rehouse the refugees, but also housing for vulnerable elderly people and families with children. To date, 113 houses have been constructed. The Norwegian Refugee Council is responsible for the technical work, and the UNHCR is responsible for the legal side. The Council's work with the authorities is therefore limited but otherwise good. There are several humanitarian organisations in the area such as Médecins sans Frontières and the International Committee of the Red Cross.

#### **12.4 Legal situation**

The Foreign Minister explained that South Ossetia had its own legal system which consists of local courts and a supreme court. The region has not adopted any legislation of its own but has implemented Russian legislation.

#### **12.5 Military situation**

The Foreign Minister stated that South Ossetia had its own army, which comes under the Minister for Defence. The army has 10 000 men. Annual military parades take place. There is general conscription, with a period of service of 18 months. South Ossetia also provides a peacekeeping battalion as part of the peacekeeping force.

#### **12.6 Documents, and conditions for entry and departure**

The Foreign Minister explained that South Ossetia had adopted a citizenship law in 1995, under which double nationality was allowed. However, South Ossetian citizenship was not recognised outside South Ossetia, which is why South Ossetian passports would not be recognised. As the Georgians took their passport issuing facilities with them to Georgia in 1991, it has not been possible to issue Georgian passports since then. Instead old Soviet passports are used, but these are no longer valid abroad. However, according to the Foreign Minister, they are still valid for journeys into the Russian Federation.

The Minister told us that a few South Ossetians had Russian national passports, but in general Russia did not issue national passports to South Ossetians. However, for meetings abroad in connection with the peace negotiations, for example a meeting of a group of experts in Vienna, Russia had issued temporary travel documents to the South Ossetian participants. Those South Ossetians who do not have Russian citizenship and who do not want to accept Georgian citizenship have no documents, and are in fact unable to travel abroad. The Foreign Minister said that Russia's annulment of the Bishkek agreement's section on freedom from a visa requirement for the CIS countries, and its intention to introduce a visa requirement for Georgian citizens including South Ossetians, would be particularly problematic for South Ossetia. In the ongoing negotiations on a peace agreement, South Ossetia was negotiating with Russia on freedom from the visa requirement for areas and regions directly bordering the Russian Federation such as South

Ossetia. The South Ossetian argument is that many South Ossetians have relatives in North Ossetia and that South Ossetians generally have Russian roots.

On identity documents, the Foreign Minister explained that the Russian "form No 9" was issued (which is incidentally no longer valid in Russia) to young people, as the old Soviet passports could no longer be issued.

According to the IOM, there are no Georgian checks at the border between Georgia and South Ossetia for political reasons, although there are police posts. On the other hand, the South Ossetians do carry out checks. The Norwegian Refugee Council said that there were checks on the border with Russia and that on entering Russia fees could be charged several times. Recently, in connection with the conflict in Chechnya, controls had been reinforced.

### **13. List of organisations and persons consulted**

#### **Tbilisi**

Caucasian Institute for Peace, Democracy and Development (CIPDD): Emil Adelkhanov, Deputy Chairman of the Board.

The CIPDD was founded in August 1992. The organisation is involved in research and publication, including on human rights, and in a number of other activities. The Institute's projects are directed by a Board, and as well as the permanent employees about 20 to 30 people are involved in projects on a contract basis. The CIPDD was founded with support from the Soros Foundation, and is now financially supported by the National Endowment for Democracy. The projects have various sponsors; for example one project was sponsored by the European Community INTAS programme. CIPDD works with various institutions such as the Friedrich Ebert Stiftung in Germany, the London School of Economics and Det Danske Center for Menneskerettigheder (the Danish Centre for Human Rights).

Committee of Defence and Security: Gia Baramitze, Chairman, and staff

Devdariana, Nana, Public Defender of Georgia (Ombudsman), and staff.

Ezidi Union of Georgia: Rostom Atashov, Chairman, and Prof. Dr. Kerim Amoev, Pro-Rector of the Tbilisi Institute of Asia & Africa.

For a detailed description of the organisation see page 12 of the report. The organisation is supported financially partly by the State and partly by contributions from members.

Georgian Young Lawyers' Association (GYLA): Tinatin Khidasheli, President.

The organisation is an association of young reform-minded lawyers. It is involved in a whole range of activities, including advice on legislative work, monitoring respect for human rights generally and in relation to the judicial system (including the City Lawyers project, in cooperation with the police), running seminars on the legal situation, legal aid, etc. The organisation is largely self-financing and its leadership is chosen by its members.

International organisation.

International Organisation for Migration (IOM): Mery Sheehan, Regional Coordinator for the Caucasus and Chief of Mission, Georgia, Natia Kvitsiani, National Program Officer.

Norwegian Refugee Council: Hans Dieset, Resident Representative.

OSCE, Office for Human Rights: Maria Emilia Ariola, Klaus Rasmussen

Parliament Committee for Human Rights and Ethnic Minorities: Elena Tevdoradze, Chairwoman, and Paata Zakareishvili, Vice-Director of the Department for the Penalty System of the Ministry of Justice.

United Nations High Commissioner for Refugees (UNHCR): Valentina Tsoneva, Protection Officer.

United Nations Observer Mission in Georgia (UNOMIG): Vesselin Kosov, Political Affairs Officer.

Western Embassy.

Western Embassy.

### **South-Ossetia, Tskhinvali**

Georgian family in a Georgian Village.

Foreign Ministry: Murat Kuz'mič Džioev, Foreign Minister, and staff.

Norwegian Refugee Council: Rune Borgar Bergh, Project Coordinator

### **Abkhazia, Sukhumi**

Abkhazian Mothers for Peace and Social Justice: Kicba Guli Mikhailovna, Chairwoman.

The organisation which is small defends the rights of the

victims of war and works for the repatriation of the Abkhazian diaspora.

Centre for Human Rights and Support for Democracy and Association of Women of Abkhazia: Natella Akaba, Chairwoman and former MP.

The Centre was founded in 1997 when its leader left Parliament. Amongst other activities, the Centre supports research into minorities and ethnopsychology, and conflict resolution in relation to the Abkhazian-Georgian conflict. The Centre states that it works with and advises international organisations. Its Chairwoman is also active in Caucasian women's fora and participates in Caucasian and international women's conferences.

Foreign Ministry: S. M. Šamba, Foreign Minister.

International Committee of the Red Cross (ICRC): Danielle Savina, Head of Mission.

UN Human Rights Office Abkhazia, Georgia: Roman Sischuk, Head of Office.

Centre for Humanitarian Programmes: Consists of NGOs such as National Human Rights Committee of the Republic of Abkhazia, Rehabilitation Centre, Civil Society and Human Rights, Centre for Human Rights and Support for Democracy and others.

The NGOs are supported by various international humanitarian organisations and by some national British and German human rights organisations, etc.

## **14. Annexes**

Annex 1: Map of Georgia

Annex 2: Map of the Gali region

Annex 3: Leader from The Georgian Times, 18 October 2000

Annex 4: Extract from legal provisions on punishments for draft evasion and desertion

Annex 5: Law on the fulfilment of the conscription requirement through civilian service

Annex 6: Extract from Annual Report. Public Defender of Georgia. 1999. The extract contains sections 1 and 2.

Annex 7: Extract from the report entitled Irregular Migration and Trafficking in Migrants. The Case of Georgia. IOM International Organisation for Migration. Tbilisi September 2000



*The annexes are available on request*

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**Annex 6. Extract from Annual Report**

**Annex 7. Extract from the report**