

CONFLICT IN GEORGIA

Human Rights Violations by the Government of Zviad Gamsakhurdia

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INTRODUCTION

The fierce battle in Tbilisi for control of the Georgian republic government has centered on allegations that the government of President Gamsakhurdia has violated human rights. Boris Yeltsin is opposed to including Georgia in the new Commonwealth of Independent States because of human rights violations in the republic, most notably the government's support of armed attacks on the South Ossetian minority in Georgia. The Georgian opposition to President Gamsakhurdia has accused Gamsakhurdia, who is himself a former political prisoner, of imprisoning his political opponents for criticizing his government and of exercising dictatorial powers.

Helsinki Watch has sent two fact-finding missions to Georgia in recent months that have documented severe violations of human rights on the part of the Gamsakhurdia government, including violations of freedom of speech and the press, violations of the right to free assembly, the imprisonment of political opponents, some of whom have not used or incited others to violence, the torture and mistreatment of political prisoners and the support of or indifference to armed attacks against the independence-minded South Ossetians.

Helsinki Watch does not believe that democratically elected governments should be overthrown by force, even those that violate human rights. Moreover, Helsinki Watch is not in a position to evaluate the commitment to human rights of the loosely-knit opposition forces. The following report is not a position paper; it is an attempt to set the record straight with regard to the abuses of the government of President Gamsakhurdia.

Helsinki Watch calls on all parties to the conflict in Georgia to negotiate a peaceful settlement of the current dispute based on recognition and implementation of the human rights guarantees embodied in international human rights agreements and the Helsinki Final Act. In particular, we call on all relevant parties to:

- Refrain from use of or incitement to violence.**
- Guarantee freedom of speech and the press for Georgian citizens and outside observers.**
- Train armed forces under republic control in crowd control techniques and provide them with modern equipment for that purpose.**
- Release immediately political prisoners who have not used violence or incited others to violence and drop charges against them.**
- Guarantee due process for all prisoners.**
- End the use of torture and improve prison conditions.**
- Disband paramilitary groups throughout the republic.**
- End hostage-taking and release immediate all hostages currently held.**
- End deprivation of vital resources such as electricity, gas and water to targetted cities and villages.**

Helsinki Watch proposes that an impartial expert commission, with representatives selected from both

the government and public sectors, be established to investigate recent instances in which lethal force has been employed by republic troops or paramilitary forces against protestors and minority activists, and that a civil rights commission, drawn from government and public sectors, be established to monitor discrimination (ethnic, religious, political, social or gender) cases, to guarantee equal police protection and to apply legal remedies, including criminal penalties if abuses by government agencies or officials are found.

Helsinki Watch maintains that the protection of human rights by the current government of Georgia, or by any government that may succeed it, is the most important guarantee of peace in this troubled region.

BACKGROUND

The drive for independence in Georgia accelerated greatly after April 9, 1989, when 20 unarmed protestors, mainly women, were killed in Tbilisi by Soviet armed forces using sharpened sapper's shovels and poison gas. This tragic event had a dramatic effect on Georgian public opinion, moving it sharply away from communism and setting it on a radical course towards national independence. Former Georgian dissident Zviad Gamsakhurdia seized on the popular pro-independence mood, making it the basis of his political platform -- first in parliament and then as president. In October of 1990, Gamsakhurdia was elected Supreme Council (Parliament) Chairman, and in May 1991 he became the first President of Georgia.

The Georgian opposition to communism was split into two groups, divided largely on tactical grounds. Gamsakhurdia's group worked through existing structures, such as the Supreme Council, which was elected in October 1990. The other group set up an alternate parliament, known as the National Congress, also elected in October 1990. The competition between these elected bodies created an additional source of instability in the fledgling republic. After February 1991, however, the National Congress influence diminished as a result of moves against its paramilitary allies, the Mkhedrioni, by Gamsakhurdia.

On March 31, 1991, Georgia held a republic-wide independence referendum in which 90 percent of the 3.4 million electorate participated. Ninety eight percent of the voters affirmed that they wanted to restore Georgian independence on the basis of the 1918 Deed of Independence.¹

In April 1991, on the third anniversary of the 1989 events, Gamsakhurdia presented an independence declaration to the Georgian parliament. This declaration was adopted unanimously -- without discussion or vote -- by all 227 members of parliament. In May 1991, Gamsakhurdia was elected President; 83.4 percent of those eligible voted, giving him 86.5 percent of the vote. Seizing on popular antipathy to communism, the Kremlin and non-Georgians, he has made Georgian nationalism the hallmark of his rule.

¹ This document committed the 1918 Democratic Government of Georgia to "equal political and social rights for all citizens within its frontiers, regardless of nationality, religion, social status or sex."

The legal powers of the new post of president created by the Georgian parliament on April 14, 1991, can best be described as sweeping. Elected for a five-year term, the Georgian president can veto any legislative act passed by parliament within two weeks of its adoption; he can declare war, martial law or presidential rule; he can nominate the prime minister, the Supreme Court chairman, the state prosecutor, and the commanders of the armed forces. The president is also given immunity from criminal prosecution -- he may only be impeached for high treason by a three-quarters vote by parliament. Gamsakhurdia's rule became increasingly quixotic (frequent high-level personnel changes, exalted statements on the Georgian world mission) and tyrannical (state monopoly over the mass media, imprisonment of 70 political opponents).

Another source of considerable popular dissatisfaction has been the introduction by the Georgian Supreme Council on February 1991 of a highly centralized system of politically powerful prefects. These prefects, named by and answerable to the Georgian President, essentially fulfill the same role as the old local party bosses.

Opposition to President Gamsakhurdia grew into active protest after the August 1991 coup attempt in Moscow. Gamsakhurdia was seen as supporting the aborted coup or, at best, taking a passive position. Several key members of Gamsakhurdia's cabinet, including Prime Minister Sigua and National Guards Commander Kitovani, left the Georgian government at that time. Sigua is now leading the opposition that is challenging Gamsakhurdia's rule.

Until the current conflict began, demonstrations, sit-ins and protest walkouts from parliament were the main methods used by the Georgian political opposition to Gamsakhurdia. Beginning in early September 1991, the opposition organized such activities almost daily. Some 28 political parties -- ranging from the Communist Party to the Monarchists -- joined in these protests. The National Democratic Party (NDP), led by Giorgy Chanturia, and the National Independence Party (NIP), led by Irakli Tsereteli, played the most prominent role in these activities. Other significant political groups include the Georgian Popular Front and liberal Georgian parliamentarians and, since August, university students and some members of the moderate intelligentsia who had earlier supported Gamsakhurdia. In mid-September, several leaders who had been members of the Georgian government -- notably former Prime Minister Sigua and former Foreign Minister Giorgy Khoshtaria -- made common cause with the opposition, joining with Tengiz Kitovani, a Georgian National Guards commander who brought with him a considerable number of troops. President Gamsakhurdia's support outside the city reportedly remained strong.

FREEDOM OF EXPRESSION

Freedom of Assembly

GOVERNMENTAL RESTRICTIONS

After the attempted August coup, President Gamsakhurdia ordered the banning of the Georgian Communist Party. Although rank-and-file party membership was at a low ebb in Georgia, the party was still represented by 60 parliamentarians. The ban on the Georgian Communist Party violated the civil rights of party members. The ban may also have been a way for Gamsakhurdia to decrease his parliamentary opposition.

Several opposition groups went underground in late October due to repressive actions by the Georgian government. According to *The Express Chronicle* (October 22, 1991), in mid-October the National Independence Party temporarily suspended its activities, while part of the National Democratic Party went underground.

In another disturbing new development, the Georgian Supreme Soviet acceded to a request by the Georgian procurator on November 5, 1991, to suspend the law legitimizing political parties. Factions representing the anti-Gamsakhurdia minority faction in the parliament did not take part in the vote.

OFFICIAL VIOLENCE AGAINST DEMONSTRATORS

September 2, 1991

The issue of official violence against demonstrators in Georgia is a major complaint of the political opposition. While such violence has occurred on several occasions, accounts are often murky because both sides were armed. There is only one instance of violence when it appears clear that the demonstrators were unarmed. That demonstration took place on September 2, 1991, at the behest of the Georgian Popular Front and the NDP. A crowd gathered in the center of Tbilisi to demand Gamsakhurdia's resignation, new parliamentary elections, and the release of Dzhaba Ioseliani, founder and leader of the Mkhedrioni paramilitary group. OMON troops first beat demonstrators with truncheons; the soldiers paused to regroup. Then, as the crowd was leaving the area, soldiers fired on the demonstrators, wounding three. Giorgy Chanturia, the NDP leader who organized the rally, was detained.

Here is the account of the September 2 demonstration in the independent Georgian Russian-language newspaper, *RezonANS*, the journal of the National Accord Society which promotes ethnic understanding and non-violence:

At about 15:00, OMON [troops] fell upon demonstrators in an attempt to disrupt a meeting organized by the National Democratic Party (NDP) of Georgia. Rubber truncheons and firearms were used by the OMON troops. Eyewitnesses said that two cartridge clips were used.

At 21:40, Georgian television was cut off so as not to broadcast material on the incident. Gamsakhurdia made an official announcement, declaring the demonstrators guilty of everything.

Helsinki Watch spoke with an opposition sympathizer who had witnessed the September 2, 1991, event. His description follows:

At about 18:00, 500 NDP activists gathered near the Cinema House [a favorite place for rallies] as Chanturia [NDP leader] had requested. First, Tbilisi OMON troops in plainclothes appeared. They broke one video camera. They attacked us; when we resisted, they stopped. One OMON guy told me they had been ordered to do this, but they would not hurt us.

Republic OMON troops, 100 - 150 soldiers, approached us from Rustaveli Avenue [ed.: the main street]. They were wearing helmets and carried clubs. Another 20 soldiers stood behind them. Altogether, the crowd was 2,000 people -- 500 activists, with the rest onlookers. The OMON attacked the activists [by hitting them with clubs.]

I stood in the first row and asked the soldier why? One guy near me fell and lost consciousness. I dragged him away. More joined the fray. We found pieces of construction materials. The OMON attacked us again. I looked them straight in the eyes. It was terrible. One guy was wounded in the legs. The OMON soldiers wanted to take him to an ambulance.

The OMON soldiers ran in front of the Cinema House to find higher ground and to try to avoid shooting. Only after that, did the OMON troops shoot at us. We were already leaving, but the OMON troops had orders to disperse the meeting.

A Helsinki Watch representative viewed an unedited 20-minute video, most likely made by Giorgy Khaindrava, a journalist known for his films of political protests in Georgia, of the September 2 incident which shows the OMON troops attacking unarmed demonstrators. First, the OMON soldiers beat the demonstrators with truncheons. The OMON troops then moved away from the crowd. The soldiers took up new places directly in front of the Cinema House, where some fifty soldiers paused to regroup. Then, as the crowd was moving away from the area where the rally had first been held, OMON soldiers fired upon the crowd.

September 22, 1991

On September 22, there were several protest activities: a small meeting of hungerstrikers in the morning and later in

the day, two massive rallies with as many as 60,000 participants which proceeded peacefully. At midnight, there was violence when barricades were dismantled. Republic armed forces used violent tactics against the hungerstrikers in the morning, and at midnight they were largely passive in the face of crowd violence.

The Morning Beating

A Georgian male eyewitness, a young member of the opposition, was an eyewitness to the morning events. He told Helsinki Watch what he saw:

Forty hunger strikers gathered on Rustaveli Avenue near Government House. They demanded the release of political prisoners. At 11 a.m., these protestors were set upon by Presidential Guards and the militia. The fasters were beaten by these soldiers and militiamen for 90 minutes. Irina Sariashvili, NDP leader, was badly wounded in the stomach and went to hospital in bad condition.

Another Georgian eyewitness, a young male construction worker, also described to Helsinki Watch what he had seen:

Government troops were led by the Georgian Minister of the Interior, Dilar Khobuliani. He was backed up by his entourage plus about 100 MVD men in plainclothes, plus 50 guardsmen, and 100 militiamen. These armed forces were supplemented with about 200 of Gamsakhurdia's so-called "furies" [ed.: pro-Gamsakhurdia women who dress in black and attack his critics.] About 40 NDP members first sat down during this attack to try to protect themselves.

Midnight Violence

Some 5,000 Gamsakhurdia supporters, led by Georgian Deputy Avtandil Rtskhiladze, reportedly went to dismantle the barricades at the NDP and the National Independence Party (NIP) headquarters. Several Georgian eyewitnesses told Helsinki Watch that the crowd encountered no opposition when it smashed the barricades at the NDP headquarters.

At NDP headquarters, however, some 200 people were waiting for them. [They had heard radio reports which said that the government was dismantling barricades.] On each side, according to these Georgian opposition sources, there were three hundred people, armed with clubs and stones, facing each other across the barricades. Gamsakhurdia's supporters tried to barge through the barricades with a truck, while the opposition crowd doused them with a water hose. A stone-throwing bout ensued.

Another member of the Georgian opposition, a construction worker, gave this view of the events:

After 90 minutes or so, 30 ambulances suddenly showed up and waited. Trucks arrived and began to pull apart the barricades. People fell into the gap. The crowd began to beat the opposition forces. The opposition people then began to throw stones in self defense.

A video camera filmed the event, then someone knocked down the camera. The opposition people managed to get past the buses which had ringed the area. More guards and militia were posted behind the buses. Twenty opposition people were detained.

According to a report in *The Express Chronicle*, the violence continued once the crowd managed to get inside the NIP headquarters. Opposition members were attacked and beaten by the crowd. Many were wounded. Although the militia did try to restrain the crowd, Gamsakhurdia's supporters were particularly

violent. (Since *The Express Chronicle* source is likely to favor the opposition, it is difficult to know which side in the confrontation was most violent at this point.)

Testimony received by Helsinki Watch does indicate, however, that the Georgian militia, ambulances, and trucks were deployed largely on the side of the pro-government activists. Citizens' rights to expect impartial protection by the government against popular violence were not respected.

Other Incidents of Violence

There have been other incidents of violence during the recent protests in Georgia. In addition to the incidents mentioned above, reports of official violence against mass popular protests on October 3, 4 and 5, 1991, require further investigation. Preliminary reports of these incidents indicate that there were exchanges of gunfire between members of the official Georgian armed forces and other armed units who had gone over to the opposition. An additional complication in trying to determine who is at fault in the violence is that many who participate in opposition protests are armed.

Freedom of Speech

PRESIDENTIAL SLANDER LAW

The Georgian Supreme Council, under the leadership of Chairman Gamsakhurdia, passed a law on May 23, 1991, entitled "On the Protection of the Honor and Dignity of the President of the Republic." This law prohibits public criticism or slander maligning the "honor and dignity" of the elected president. Individual penalties for those found guilty include a maximum three-year term of imprisonment; a two-year term of corrective labor; and/or a maximum fine of 3,000 rubles.

If individuals working for state television and radio are found guilty of insulting the president, they may be penalized by a maximum six-year term of imprisonment or a two-year term of corrective labor. Newspapers and press agencies found guilty of slandering the president may be fined up to 25,000 rubles. If the slander is repeated, the newspaper or media outlet may be closed.

So far as is known, no one in Georgia has been charged or convicted under this new article of the criminal code. The law is likely, however, to have a chilling effect on individual freedom of expression and on the press. (A similar law passed in the USSR has resulted in the criminal trials of 15 individuals.)

REPRISALS AGAINST GOVERNMENT CRITICS

Here are some recent instances in which critics of the Georgian government have suffered various sorts of reprisals:

- Avtandil Imnadze, a long-time political ally of Gamsakhurdia and fellow former prisoner of conscience, told Helsinki Watch of his criticism of Gamsakhurdia during a recent Supreme Council session. Imnadze, who had headed the Georgian Supreme Council Human Rights Commission, was instantly branded "an enemy of the people" by Gamsakhurdia. In response, Imnadze withdrew from the pro-Gamsakhurdia bloc in the parliament and lost his chairmanship of its Human Rights Commission.
- A Georgian journalist told Helsinki Watch that she had defended the imprisoned leader of the Mkhedrioni paramilitary group, Dzhaba Ioseliani, on Georgian TV, saying that one cannot call Ioseliani a bandit, as the Georgian procurator had just done on the TV program. Her point was that Ioseliani should be considered innocent until proven guilty -- and charges had not yet been brought against him. A day later, she could not leave her house because she was surrounded by an angry pro-government crowd calling her "traitor" and "robber."
- Another defender of Ioseliani, Professor Gogvadze, called for the creation of a commission to investigate Ioseliani's guilt. He was fired from his university post.
- Georgian historian Guram Mamulia, who has devoted much of his life to the study of Meskhetian Moslems, told Helsinki Watch

that after he publicly criticized the Gamsakhurdia-backed notion of "Turkish Moslem Aggression against Georgia" -- allegedly led by Meskhetian Moslems -- he was declared an "enemy of the people" by the Georgian government. His house in old Tbilisi was picketed by an angry pro-government crowd, which drove workmen away and told them not to work for an "enemy of the people." The crowd also threw stones at his window, calling Mamulia an "enemy of the motherland."

Freedom of the Press

RESTRICTIONS ON THE OFFICIAL MEDIA

Press freedom is one of the most glaring human rights problems in Georgia today. President Gamsakhurdia has tried to prevent criticism of his government in the republic media, by, among other measures, barring access to the local media by government critics.

The refusal of the Georgian government TV network to continue broadcasting gavel-to-gavel coverage of the Georgian Supreme Council sessions, however, has caused considerable protest in the republic. According to a statement by the Democratic Center faction of the Georgian Supreme Council -- printed in the Federal Broadcast Information Service on November 22, 1991 -- Georgian TV broadcasts of parliamentary sessions are far from complete. In this way, Georgians are denied a full view of their parliamentary process, particularly the speeches of the political opposition.

Kakha Lomaya, Head of the Press Section of the Georgian Mission in Moscow, told Helsinki Watch that his group did not believe the official Georgian version of violence that occurred during a September 2 demonstration in Tbilisi. The official claim was that an armed crowd of 300, calling for the removal of Gamsakhurdia, shot first at the OMON troops, before the OMON returned fire on September 2. The Georgian Press Section in Moscow composed its own version of this event, relying on other media sources. As a result, Kakha Lomaya and Valery Khukhunashvili were fired from the Georgian Press Section in Moscow and declared "enemies of Georgia."

In another move to try to ensure that official Georgian press operations reflect Georgian government policies, TASS reported on November 21, 1991 that President Gamsakhurdia abolished the republic news agency SAKARTVELO-SAKINFORM. At a press conference, Gamsakhurdia declared that old structures in the agency "hampered consistent efforts to put into effect the policy of the republic's present leadership." As for the goals of the reform, the Georgian President stated that "a modern news agency would be created, capable of struggling against the information blockade, imposed by forces hostile to Georgia."

CLOSING OF GEORGIAN NEWSPAPERS

President Gamsakhurdia and the Georgian Supreme Council moved against the Communist Party newspapers in late 1990. One month after the elections, the Supreme Council took over both the Georgian-language and the Russian-language daily Party newspapers, leaving only one Party newspaper which appeared irregularly.

Gamsakhurdia also acted against the main Georgian youth newspaper, *Molodyozh Gruzi*. Asked in an April 3, 1991, interview with a Moscow-based journalist why he had closed down the newspaper, Gamsakhurdia replied:

Moscow has an information blockade against us; programs such as *Vremya* and *TSN* constantly distort the truth. (The youth paper) was an organ of the Moscow KGB, agents of the center, a paper of the Komsomol which does not exist in Georgia any more.

RESTRICTED ACCESS TO GEORGIAN NEWSPAPERS

Access to the local media became a major issue soon after Gamsakhurdia's coalition gained control of the Georgian parliament in October 1990. The newly appointed chairman of the Georgian State Committee for TV and Radio, Teimuraz Kvantaliani, -- also a member of Gamsakhurdia's party, the Georgian Helsinki Union -- refused access to the media for groups professing political views other than those of his coalition. As a result, TV personnel went on strike, and the unpopular Kvantaliani was ultimately fired. Sixty members of the *Mkhedrioni* group, the paramilitary group of the unofficial National Congress, went on hungerstrike in early December 1990 to demand free access to the local media.

A local Tbilisi journalist told Helsinki Watch in September 1991 that before the Georgian presidential elections, leading republic newspapers, *Literary Georgia*, *Tbilisi*, and *Young Iveria*, had refused to publish an article she wrote which was critical of the current situation in Georgia, although she did not mention Gamsakhurdia by name.

TREATMENT OF THE INDEPENDENT MEDIA

"Iberia" is a small independent news agency specializing in news from the Transcaucasus region. Inspired by veteran Georgian dissident Merab Kostava, it was founded in 1989 by members of the Ilya the Righteous Society. At first, it was a very small underground operation, supplying news to Radio Liberty, the Voice of America and a few other sources. In 1990, however, the agency enlarged and began to receive news from all over the Caucasus. Since it had no translators, it decided to request official "registration" to ease working conditions.

In November 1990, after Gamsakhurdia's coalition had been in power for one month, "Iberia" made a formal "registration" request. Eight months passed, and "Iberia" suddenly was "registered" -- only after a protest letter from the International Committee of Journalists on the treatment of Georgian journalists. (See below.) Yet, the day after receiving "registration" in May 1991, "Iberia" was expelled from its offices. At the time of a Helsinki Watch interview in September, "Iberia" had not received any office space.

An independent Georgian weekly newspaper *Droni* (Times) has been published for several years. Helsinki Watch was told by a Georgian journalist that on several occasions Gamsakhurdia supporters have destroyed its office equipment. According to *The Express Chronicle* of October 15, 1991, Georgian TV announced that Gamsakhurdia supporters have demanded the closing of *Droni*. (*Droni* editor, Archil Gogelia, is the former Chairman of the republic State Committee for Radio and Television.)

Despite strong political pressures, however, various publications appear, representing a rather broad spectrum of Georgian political and professional organizations. Such officially registered biweekly newspapers include: *Sakartvelo* (Georgian Popular Front) *ResonANS* (National Accord Association), plus monthly newspapers: *Erisoni*, (Georgian Demographic Society), *Dedamitsa* (Green Party), and *Ertoba* (Social Democratic Party.)

TREATMENT OF GEORGIAN JOURNALISTS

In May 1991, five Georgian journalists appealed to members of the International Helsinki Federation for assistance in overcoming the "unbearable work conditions" under which they work in Georgia. A protest letter from the International Committee of Journalists drew the attention of the Georgian government and led to the amelioration of working conditions for the five journalists involved.

Among the Georgian journalists' complaints were the following:

- "Since the Round Table/Free Georgia bloc [Gamsakhurdia] came to power, we have been denied access to official sources. Newspapers, radio and TV regularly direct against us a storm of unproveable, crude accusations ... We are forced out of official press conferences."

- "Various threats are directed against us ... ranging from an apartment *pogrom* under the pretext of a robbery, the beating of one of our children, and a summons to the procuracy, to promises to shoot us in the head."
- "We have grounds to believe that real danger threatens us and those near and dear to us."

The situation for journalists who are critical of the Georgian government remains difficult:

- Albert Kochetkov, TASS correspondent in Georgia, had his apartment looted in mid-September 1991 by 15 armed men, a fellow local journalist told Helsinki Watch. All his equipment was carried off, and his archives were destroyed. Kochetkov has been attacked by angry crowds; once he had to escape by running over a roof.
- Only officially-approved journalists were allowed into any Georgian Supreme Council sessions, including one in September 1991, according to information gathered by Helsinki Watch. When an independent Georgian reporter protested this situation, Simon Telyashvili, Head of the Presidential Cabinet, slapped the journalist's face.

Pressure against Georgian journalists has recently taken a turn for the worse, according to *The Express Chronicle* (October 1, 1991). Zurab Kodalashvili, NDP member and free-lancer for several foreign news organizations, was approached on September 27, 1991, by four people carrying automatic weapons. They demanded the journalist give them his videotape material about a National Guard detachment and an interview with Commander Kitovani, footage favorable to the opposition.

Kodalashvili claimed that an official warrant for his arrest had been already signed by the Georgian procuracy. In addition, Kodolashvili said that he learned that arrest warrants had also been prepared for "Radio Liberty" journalists Mikhail Tavkhelidze and Georgy Popkhadze.

CRACKDOWN ON MEDIA FROM OUTSIDE GEORGIA

The Gamsakhurdia government has also reportedly denied Georgian readers and viewers access to certain publications and programs from outside Georgia by jamming TV programs and by blocking the mail.

On April 15, 1991, one day after his election as president, Gamsakhurdia issued a decree which, among other provisions, created a Media Council to disseminate "correct and verified" information about the situation in Georgia. Gamsakhurdia has put the law's provisions into practice. On June 14, *Izvestiya* was not published in Georgia because of an article in the paper entitled, "Georgia, Summer 1991. Zviad Gamsakhurdia's Path: From Dissident to President, Only to Suppress Dissidence?"

Soviet journalists were informed that other Soviet publications critical of Georgia would be suppressed in the republic. *Izvestiya* reported that Georgian TV had stopped airing the main central TV news show, *Vremya*, to "prevent spreading slander about Georgia and its people."

A Georgian professor told Helsinki Watch that she no longer received her subscriptions to such liberal Soviet publications as *Ogonyok* and *Moscow News*. She was very angry at this "interference in her internal affairs," and asked bitterly: "Who has given Gamsakhurdia the right to decide what I should read?"

CRACKDOWN ON FOREIGN JOURNALISTS

While still Chairman of the Georgian Supreme Council, Gamsakhurdia declared that "journalists in Georgia may be pronounced *persona non grata* for "lack of objectivity" (Moscow Radio World Service, February 5, 1991). A Spanish journalist, Pilar Bonet, reported on the South Ossetian conflict for her paper, *El Pais*, and was later severely criticized by Gamsakhurdia. Last year, a similar fate also befell a Latvian reporter, Kristian Rosenvald, who wrote for the newspaper, *Diena*.

POLITICAL REPRESSION

Political Reprisals

Critics of the Gamsakhurdia government live in fear of political reprisals, often in the form of officially inspired mob violence, according to information gathered by Helsinki Watch. Leading Georgian opposition figures have not slept at home at times because of their fear of arrest. Critics of the government have alleged that they are the targets of mob violence. Others told of verbal abuse by angry pro-government crowds after they even hinted at criticism of Gamsakhurdia.

Here are some recent examples of various reprisals against government critics in Georgia:

- On October 15, 1991, NDP members went back to their headquarters on Rustaveli Avenue after it had been looted by pro-government crowds. According to *The Express Chronicle*, Roman Gventsadze, Deputy Georgian Minister of Internal Affairs, said this NDP return to its headquarters would jeopardize the release from prison of their leader, Giorgy Chanturia.
- A Georgian poet, sympathetic to the political opposition, told *The Express Chronicle* reporter that his door was fired upon every night.
- Akaky Mikadze, *Moscow News* special correspondent, went into hiding on October 5, 1991, to avoid arrest, according to *The Express Chronicle*. President Gamsakhurdia had called Mikadze "an enemy of the Georgian people," "an agent on the Shevardnadze payroll," and "purveyor of false information about Georgia." (Mikadze had earlier signed the letter referred to above.)
- On October 15, 1991, three NDP activists were arrested by plainclothesmen; they were charged with "defamation of the authorities" and later released, reported *The Express Chronicle*.
- On October 22, 1991, nine NDP members were detained; Merab Georgadze was charged with "picketing vital state institutions and communication centers." According to *The Express Chronicle*, most were reportedly later released. A three-person delegation from the political opposition went to discuss this issue with the Georgian Procurator, Vakhtang Razmadze.
- In November 1991, according to Kennan Institute Georgian scholar Ghia Nodia, there were three violent incidents involving opposition leaders who had until recently been high-ranking members of the Gamsakhurdia-led government: bombs exploded in Tedo Paataashvili's car and in Gela Chorgolashvili's car; Merab Uridia was hit by a car; his legs and arms were broken.

Political Imprisonment

During a November 10, 1991, USSR TV interview, President Gamsakhurdia declared: "no one exerts pressure on dissidents. Let them speak their minds. But if a dissident starts to throw a bomb at Government House, of course he should pay for this. Yet this is sometimes called persecution of dissidents." During this same interview, Georgian President Gamsakhurdia -- imprisoned in the 1970s for his political activism -- asserted: "there are no political prisoners in Georgian prisons. There are only criminals who have committed crimes for which they would also be arrested by any democratic state."

Helsinki Watch considers as political prisoners only those who are imprisoned for exercising their right to freedom of expression or belief or for committing non-violent acts which may be considered a threat to the government, including offenses categorized as subversion, slandering the state or state officials, or violating censorship laws.

In this report, we list such political prisoners and, also, another category: those who were arrested for political reasons and who may or may not have engaged in violence.

POLITICAL PRISONERS

Torez Kulumbegov

Torez Kulumbegov, the Chairman of the Southern Ossetian Supreme Council, was arrested on January 29, 1991, and later charged with "inciting ethnic hatred." Gamsakhurdia charged Kulumbegov with being "a paid KGB agent." In his indictment of Kulumbegov, the Georgian government seeks to prove first, that South Ossetia is Georgian territory; second, that the Ossetian people are the guilty parties in the conflict between Georgia and South Ossetia; and finally, that Kulumbegov is not a political leader but a common bandit.

Giorgy Chanturia

NDP leader Giorgy Chanturia was most recently arrested in Tbilisi on September 16, 1991, on charges of "organizing and actively participating in mass disorders." Specifically, Chanturia is accused of building barricades on Rustaveli Avenue. NDP members have declared that Chanturia did not take part in erecting the barricades on Tbilisi's main street.

Chanturia and his wife, Irina Sarishvili, were on a flight to Moscow when the pilot received an urgent order to return to Tbilisi airport, although the plane's gas tanks were full. The pilot, who warned the airport authorities that it was dangerous to land the plane with full gas tanks, was not given time to empty them. As soon as the airplane landed in Tbilisi, Giorgy Chanturia was arrested.

Giorgy Chanturia, born in 1959, graduated from the history faculty of Tbilisi University, and served a jail term in 1983 - 1985 under Article 206.3 of the Georgian Criminal Code ("organizing and actively participating in mass disturbances"). On April 9, 1989 -- the day the Soviet army killed unarmed protestors in Tbilisi -- he was arrested on the same charges and spent 40 days in Tbilisi prison. (Gamsakhurdia was imprisoned on the same charges. Charges against them were dropped for lack of evidence.)

Chanturia's trial was repeatedly delayed, among other reasons due to the "unstable political situation." Although both Chanturia and Sarishvili were initially accused of the same crime, charges were dropped against Sarishvili due to the lack of evidence.

Giorgy Khaindrava

Giorgy Khaindrava, a cameraman and member of the Georgian National Congress, was arrested in Tbilisi on September 17, 1991. Charged with "calling for mass disturbances in the mass media" (Article 246, Georgian Criminal Code, an article introduced at the initiative of President Gamsakhurdia), Khaindrava has filmed several mass protests in Tbilisi.

While making a documentary film on the April 9, 1989, violence in Tbilisi, Khaindrava's apartment was often searched for materials. Khaindrava also made a 55-minute film, "Awakening of the Nation," on anti-Communist protests in Georgia in 1988. His latest arrest likely stems from his filming of a September 2, 1991, protest demonstration in Tbilisi, according to his wife in an interview with Helsinki Watch. Khaindrava was beaten by OMON troops; his video camera was broken.

Valery Kvaratskhelia

Valery Kvaratskhelia, a well known television producer, was arrested on October 21, 1991; he had led a strike by Georgian TV employees to protest official media policies. He was charged under Article 242.5 of the Georgian Criminal Code ("picketing vital state institutions and communication centers"). He was reportedly released on the next day after signing a promise not to leave Tbilisi, but the Procuracy claimed that his release warrant was not properly endorsed and an effort was made to re-arrest him. Reportedly, Kvaratskhelia has been released.

National Democratic Party (NDP) Prisoners

On February 19, 1991, Georgian authorities also moved against the NDP -- ten members were arrested in Lagodekhi, including NDP leader, Giorgy Chanturia, who was later released, only to be rearrested in September. Goga Khidasheli, regional NDP secretary, was arrested in Samtredia; he was severely beaten. An armed group reportedly captured eleven NDP activists during the night of October 21 - 22, 1991. Two members were later fined 50 rubles for "minor delinquency;" five were released the next day; and Mamuka Giorgadze was charged with "picketing of vital state and communication institutions." Kakha Jikia is reportedly held in the preliminary detention cell at the Tbilisi Chief Police Department; no charges have been filed against him.

Temur Zhorzholiani

According to recent Georgian newspaper reports, Temur Zhorzholiani, leader of the Constitutional Monarchist Party, was arrested in Tbilisi on November 15, 1991. Arrested by two plainclothes policemen wielding pistols, Zhorzholiani was told his arrest was due to reports that he had guns in his car. It is not known whether his car was searched or if any guns were found. As far as is known, Zhorzholiani is still under detention; he has been charged with violating Article 238 of the Georgian Criminal Code ("illegal possession of weapons")

OTHER PRISONERS²

Seventy people are currently imprisoned for political reasons; almost all are members of the paramilitary group, Mkhedrioni. Reports indicate that some Mkhedrioni members have been involved in violence. Although the organization is a paramilitary one -- intended as a step towards the creation of a national army of independent Georgia -- it has played several roles in Georgia, including attempts at peace-keeping activities. A total of fifty six men was arrested by the Georgian republic police on February 18, 1991 -- forty one arrestees are known by name.

Dzhaba Ioseliani

Mkhedrioni founder and leader, 64-year-old art historian and playwright Dzhaba Ioseliani was arrested on February 19 at his Tbilisi apartment. The Georgian police, the National Guard and Gamsakhurdia's personal bodyguard took part in the operation. After his imprisonment, Ioseliani's name was put forward as a presidential candidate. Shortly thereafter, the Georgian Supreme Council passed a law which ruled that anyone currently imprisoned was ineligible to run for public office.

Ioseliani's arrest aroused considerable protest in Georgia. Several rallies and protest petitions were organized on his behalf. His sister, Lili Ioseliani, a professor at the Georgian Theatrical Institute, joined him on a hunger strike on May 3; after the intervention of the Georgian Orthodox Catholicos, Ioseliani gave up his fast when his life was endangered.

Amnesty International is investigating Dzhaba Ioseliani's case, but has not adopted him as a prisoner of conscience. Helsinki Watch has not been able to determine whether or not Ioseliani was involved in acts of violence. Lili Ioseliani told Helsinki Watch that her brother has never engaged in violence.

Imprisoned Mkhedrioni Members³

The arrests of Mkhedrioni activists on February 18, 1991 were ordered by Georgian Supreme Council Chairman Gamsakhurdia. They were arrested in a sweep that resembled a full-scale military operation in which special troops of the Soviet Army

² This subsection is based largely on "The New Political Prisoners in Georgia," by Tamara Kalugina, in *The Express Chronicle*, October 8, 1991.

³ This subsection is based on information supplied by Cronid Lubarsky and compiled by Elisabeth Socolow, Helsinki Watch Associate.

Caucasian Military District launched an attack using armored personnel carriers and helicopters against the Mkhedrioni headquarters in Shavnabada, near Tbilisi. During the shooting, six Mkhedrioni members were severely wounded. Thirty men were detained by the special troops. In an additional raid by the Georgian police and National Guard against the Mkhedrioni branch in Sagaredzho, several men were wounded, including Mkhedrioni activist Gela Goderdzishvili.

With the sanction of the Georgian Republic Procuracy, on the evening of February 18, 1991, Mkhedrioni activist Zaza Vepkhadze, was arrested in Tbilisi and placed in the KGB Investigation Prison. (Two days later, Vepkhadze's wife told a rally that USSR MVD men, while arresting her husband, had beaten her.)

Arrests of Mkhedrioni members in other areas of Georgia also took place on February 18: in Gurdzhaani one person, in Akhmeta three, in Telavi one, and several more arrests in Samtredia. The worst excesses against Mkhedrioni members occurred in Kvareli: in the process of arresting eleven activists, two were killed and another was severely wounded.

The following individuals, believed to be Mkhedrioni members, were arrested on February 18 and 19, 1991. Almost all have been charged under articles 96 and 238 of the Georgian Criminal Code ("robbery with the goal of possession of state property" and "illegal possession of weapons").

In Tbilisi:

**BREGVADZE, Samson (Born: 1-9-69)
ZURABIANI, Vazha (Born: 2-10-70)
KADZHAYA, Aleksandr (Born: 8-4-50)
KHUBULASHVILI, Giorgy (Born: 7-26-59)**

In Samtredia:

**SHAVLIDZE, Zurab (Born: 1963)
MUKERIA, Revaz (Born: 1946)**

In Samtredia District:

**VASHAKIDZE, David (Born: 2-27-67)
VASHAKIDZE, Giorgy (Born: 2-27-67; twin brother of David)
KAKHADZE, Bidzina (Born: 1963)**

In Gurdzhaani:

**ARAKELOV, Simon (Born: 1965)
VARDIASHVILI, Gocha (Born: 10-25-69)**

In Gurdzhaani District:

**GVELUKASHVILI, Zurab (Born: 3-18-56)
KAPANADZE, Gocha (Born: 1960)
BERIDZISHVILI, Amiran (Born: 2-14-51)
DZHAVAKHISHVILI, Nodar (Born: 2-4-19)
DZHADUGISHVILI, Shota (Born: 10-12-44)
KUMSIASHVILI, Giorgy (Born: 8-5-59)
MESKHISHVILI, Vano (Born: 6-26-56)
KHRISTESASHVILI, Vazha (Born: 8-14-46)**

In Khashuri:

GAGLOSHVILI, Gocha
ZAKIKHASHVILI, Paata (Born: 1960)
METREVELI, Gia (Born: 1957)

In Tsaltubo:

KOKHREIDZE, Elgudzha (Born: 1967)
GOGELIDZE, Giorgy

In Dusheti:

DIDEBASHVILI, Badri (Born: 7-9-58)

In Kaspi:

TUKHIAASHVILI, Tamaz (Born: 1949)

Arrested in unknown locations:

DARBAISELI, Guram
IASHVELI, Gocha
IOBASHVILI, Alexander
IOBASHVILI, Mevlud
KAPANADZE, Vazha

KUSHITASHVILI, Nodar
MAKHAROBlishvili, Solomon
OSIPOV, Nodar
OTINOV, Mikhail
PILAURI, Alexander
SADZAGLISHVILI, Alexander (Born: 1968)
TSULUKIDZE, Rostom
CHELIDZE, Nukri
SHAMULIDZE, Zurab
SHEKLASHVILI, Zurab

Due Process and Conditions of Detention

DUE PROCESS

Georgian prisoners of conscience Giorgy Chanturia and Giorgy Khaindrava were in prison for two weeks in September 1991 before the appropriate procurator's offices in Tbilisi signed the formal charges of indictment against the two men.

CONDITIONS OF DETENTION

Reports of mistreatment in Georgian prisons are chronic. In the 1970s there were allegations of "press cells" reserved for the torture of prisoners. More recently, one arrested NDP member, Goga Khidasheli, was so badly beaten during his arrest in February that the Tbilisi investigatory prison refused to accept him and he was sent to the Lagodekhi prison. (He went on hunger

strike in October to protest his isolation and poor treatment.) There are reports that National Guard members maltreat detainees in the Lagodekhi investigatory prison.

The NDP reports that it has received dozens of letters and statements from Georgian prisoners complaining of mistreatment and torture. *The Express Chronicle* has also received such reports and recently excerpted three prisoners' appeals to the Georgian Minister of Justice and to Georgian Catholicos Patriarch Ilya II.

One letter, from a criminal in a Tbilisi isolation cell, complains of frequent beatings and of denials of opportunities to bathe or exercise in over six months. An appeal from Nodar Georgadze, a criminal prisoner, has similar complaints, adding they are denied soap and medical care.

The third prisoner appeal, from David Opiashvili, a Mekhdroni activist, states:

We prisoners suffer from unbearable conditions. I have a wound in my chest and two broken ribs. Ten inches of my intestines have been removed. We are brutally beaten. There are no hygienic facilities to speak of. We ask you [the Catholicos] to intervene.

Helsinki Watch has received reports of hunger strikes to protest conditions in Georgian prisons. Dzhaba Ioseliani went on a prolonged hunger strike after his arrest. According to *The Express Chronicle* (October 15, 1991), some prisoners in the Ortachala prison have gone on hunger strike to demand the release of Giorgy Chanturia and Giorgy Khaindrava who went on protest fasts in September, demanding to meet with the authorities and members of the opposition. After considerable pressure by the public and the media, this demand was granted in October.

There were also reports of two prison riots in October 1991 in the Tbilisi Ortachala prison. Political prisoners charge that the riots were officially instigated in order to create a pretext for killing imprisoned activists.

Early in the morning of October 25, the cells of death row inmates, juvenile offenders, and political prisoners were allegedly left open and some prisoners gathered on the roof. The prison was surrounded by USSR MVD troops led by prison commandant, Pridon Kakhabrishvili. These USSR MVD troops, plus Georgian-controlled OMON troops, allegedly fired at the doors of cells. The soldiers opened fire at those prisoners on the roof, killing several inmates; 22 were wounded, including two in serious condition. Two policemen were also injured.

Political prisoners G. Chanturia, G. Khaindrava, G. Abzianidze and G. Khidesheli tried to prevent prisoners from rioting and escaping, explaining that this was a second attempt by the authorities to create a pretext for killing imprisoned opposition activists. The next day official government radio claimed that armed NDP members and Mkhedrioni had tried to seize the prison and had fired on the guards. The NDP denied this accusation.

SOUTH OSSETIA⁴

Political dispute over the status of the South Ossetian Autonomous Oblast began in November 1989 and has now taken the form of a guerrilla war between South Ossetian and Georgian informal armed organizations. USSR (now Russian) Interior Ministry troops have been deployed in South Ossetia and have a mandate to act as peacekeeping troops. According to the RSFSR Parliamentary Submission on Refugees, the conflict has created 100,000 Ossetian refugees, most of whom are concentrated in Tskinali and Vladikavkaz, the capital of North Ossetia. According to a USSR Interior Ministry Special Report

⁴Helsinki Watch sent a fact-finding mission to South Ossetia, North Ossetia and Georgia in December 1991. Members of the mission interviewed victims, eyewitnesses and government officials and documented human rights abuses committed by both Georgians and South Ossetians. Although officials on both sides permitted a wide range of human rights abuses, this report deals mainly with the Georgian government's actions. A forthcoming report will provide comprehensive coverage of the conflict and of abuses committed by both sides.

issued in the fall of 1991, more than 250 civilians have died in the conflict, and 500 have been wounded.

The Georgian government has resisted South Ossetian efforts to seek greater autonomy from Georgia, of which it is a constituent part. The conflict grew more intense in late September 1990, when South Ossetia declared itself an autonomous republic; the Georgian government responded on December 11, 1990, by liquidating the South Ossetian Autonomous Oblast and declaring a state of emergency in the region. Between three and four thousand militia men occupied Tskinali (the capital of South Ossetia) on January 5, 1991, to enforce the state of emergency and purportedly to protect Georgians, whom the Georgian government claimed were endangered by "Ossetian extremists." On January 7, USSR President Gorbachev ordered the Georgian militia to withdraw and dispatched USSR Interior Ministry troops to South Ossetia.

After these events in Tskinali, a series of human rights abuses were committed by unofficial Georgian paramilitary groups against Ossetians both within South Ossetia and in other parts of Georgia. The Georgian government's role in these abuses consists mainly of its unwillingness to protect Ossetians, and, in isolated cases, of collaborating with these informal groups.

Ossetian refugees from the Gori and Bordjumi districts of Georgia, along the southern border of South Ossetia, describe repeated raids by paramilitary groups that threatened them, plundered their homes, forced them to pay large sums of money and beat family members of all ages including the elderly. The perpetrators threatened residents to leave or they would be killed. Ossetian residents rarely turned for help to the Georgian militia because they believed that the militia was collaborating with the raiders. When they did, the militia claimed that there was nothing they could do to help them and advised the Ossetians that it was in their best interests to leave the village.

Georgian paramilitary groups also set up checkpoints on many of the roads leading to villages. Allegedly searching for arms, men at the checkpoints would harass Ossetian men and women, and sometimes beat them. Leaving the village for any reason, such as to fetch groceries, was thus a traumatic ordeal for many Ossetian residents.

Many Ossetians were pressured into leaving their jobs in Gori and Tbilisi. In some cases, supervisors would openly tell Ossetian workers that they had to leave because they were Ossetians. More often, Ossetians were told in a nonconfrontational manner that they would probably be better off if they left and that perhaps they could return to their jobs when the political situation improved.

Informal Georgian paramilitary groups committed a similar pattern of abuses, but with greater ferocity, in South Ossetian villages close to Tskinali. Ossetians have almost completely abandoned these villages, which used to have a 30 percent Ossetian population. Between sixty and one hundred Ossetian villages in South Ossetia have been completely burned or otherwise destroyed. Georgians shell Tskinali from those villages close to the capital with unguided missiles and automatic weapons. Civilian residences, although not necessarily the targets, have been hit, causing civilian deaths and injuries. The shelling fell off during the summer months but was renewed in October and November.

Since the beginning of the armed conflict, the Georgian government has sporadically cut electricity and gas supplies to South Ossetia. Most recently, in late November, Tskinali went for ten days without any electricity whatsoever. The hospital in Tskinali is so cold that operations cannot be performed and all patients, except for the most urgent cases, are sent home. The only food and medical supplies that reach South Ossetia are sent from Vladikavkaz in North Ossetia, via a tortuous route through the mountains because the main road leading from Dzhaba to Tskinali is lined with Georgian paramilitaries who attack passing cars and trucks. No supplies come from Georgia to South Ossetia.

Both Georgians and Ossetians seize hostages, which has become a common practice in the guerrilla war. Most hostages held by Georgians are civilians who are exchanged either for large sums of money or for Georgian hostages held by Ossetians. In an especially cruel practice, Georgians hold the corpses of dead Ossetians ransom, forcing family members to pay large sums of money to have them returned.

This report was written by Cathy Cosman, Rachel Denber and Jeri Laber.

***News From Helsinki Watch* is a publication of Helsinki Watch, an independent organization created in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The chair of Helsinki Watch is Robert L. Bernstein and the vice chairs are Jonathan Fanton and Alice Henkin. Jeri Laber is the executive director; Lois Whitman is deputy director; Catherine Cosman is Washington representative; Holly Cartner is staff counsel; Rachel Denber and Ivana Nizich are research associates; and Sarai Brachman, Pamela Cox and Elisabeth Socolow are associates.**

Helsinki Watch is a component of Human Rights Watch, which includes Americas Watch, Asia Watch, Africa Watch, and Middle East Watch. The chair is Robert L. Bernstein and the vice chair is Adrian W. DeWind. Aryeh Neier is executive director; Kenneth Roth is deputy director; Holly J. Burkhalter is Washington Director; Susan Osnos is Press Director.

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