

GEORGIA

TORTURE AND GROSS VIOLATIONS OF DUE PROCESS IN GEORGIA

An Analysis of Criminal Case No. 7493810

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INTRODUCTION

Between May and October 1992, nineteen men were arrested in Georgia on a variety of criminal charges; by September, their cases were united into one — Case No. 7493810 — along with the case against former President of Georgia Zviad Gamsakhurdia for abuse of power and related political crimes.¹ Today, almost two years later, President Gamsakhurdia is dead, but the legacy of the political resentment against him lives on at the trial in the form of massive violations of due process, including the torture of the defendants. Prosecuted under the government of Eduard Shevardnadze, who came to power several months after Gamsakhurdia's ouster on January 6, 1992, the defendants face charges ranging from illegal arms possession to murder, and sentences from three years of imprisonment to, in the case of sixteen of the defendants, death.

On the basis of extensive interviews in Tbilisi, the Georgian capital, in June, including with several of the defendants, Human Rights Watch/Helsinki believes that the trial has been riddled with gross violations of due process from the moment of these arrests, including torture to extract confessions. We are also concerned that at least some of the charges have been brought to punish and silence opposition to Head of State and Chairman of the Presidium Eduard Shevardnadze, in violation of the right to free speech.

Human Rights Watch is a non-governmental, non-partisan organization — the largest based in the United States and an observer at the United Nations. It is beyond our competence to evaluate the guilt or innocence of any defendant, and the organization takes no position on this issue. Our only interest is in insuring that the legal standards by which they are tried conform with internationally accepted standards of due process. Human Rights Watch/Helsinki also opposes the death penalty in all cases as cruel and inhuman. We draw attention to this case in particular not only because of the scope and seriousness of violations of due process already witnessed in this case, but as a microcosm of abuses we believe to be practiced in law enforcement and prosecutorial circles in Georgia as a whole. We will be issuing a comprehensive report on these violations in the near future.

¹ Case No. 7493810 consists of charges brought in connection with seven different incidents:

1) Case No. 7492801 was brought in January 1992 against Zviad Gamsakhurdia for, among other things, abuse of power and plundering state property.

2) Case No. 265 was brought in connection with a car bomb explosion on June 15, 1992, on Chikovani Street in Tbilisi (the so-called "Chikovani Street Bombing Case"), and brings charges against Irakli Dokvadze, Gedevan Gelbakhiani and Petre Gelbakhiani.

3) Case No. 7792809 — the so-called "Khvareli" case in which individuals were arrested in the town and forest surrounding Khvareli, allegedly for attempting to launch violent acts against the Georgian government. Some 19 individuals also implicated in this case have already been convicted and are currently serving their sentences in or near Tbilisi.

4) Case No. 792815 was brought in connection with the seizure of the television and radio stations in Tbilisi on June 24, 1992, against Sergo Khakhiashvili, Gocha Makhviladze, and Gela Mchedlishvili.

5) The case, brought in connection with an alleged attempt to hamper the elections of October 11, 1992, brings charges against Kalmakhelidze, Kapanadze and Kochlamazashvili.

6) The case of alleged theft of French perfume from the "Agregat" factory was brought against Ramazi Charigogdishvili, Ivane Lashkarashvili and Gela Mchedlishvili.

7) A case was brought in connection with a reported attempt on the life of Acting Procurator General Razmadze against Zurab Bardzimashvili, Zurab Gogichashvili, Teimuraz Kapanadze and Tamaz Tsiklauri.

In this case, in particular, we are concerned that the critical legal principle of the presumed innocence of defendants in all trials has been severely compromised because of the public pressure to convict.² There are several reasons for this. The first is the widespread public abhorrence of the terrorist act with which several of the defendants are charged: on June 13, 1992, a car bomb detonated on a street in Tbilisi, reportedly moments after the automobile belonging to public figure Jaba Ioseliani had passed by, leaving five by-passers dead, including a child. The second source of pressure to convict comes from the frequent public statements by such high-level government officials as Eduard Shevardnadze, who have already labeled the defendants in this case "terrorists;" Mr. Shevardnadze has also publicly called for a death sentence to be carried out in the case, although the trial is still under way.³

On August 3, 1992, an amnesty was passed releasing from criminal liability "representatives of the previous [Gamsakhurdia] administration accused of committing serious crimes" and "individuals who participated in the adventurous attempt at government overthrow of June 24, 1994, regardless of the serious crimes committed by them before the country and the people."⁴ Several of the defendants in this case seem to fall under the terms of this amnesty, but have not been released.

The trial began on October 5, 1993, at least one year after the initial arrests. It has been recessed on numerous occasions, in part because of natural delays caused by illness or prior commitments of lawyers, and in part because the court suspended hearings in response to the defendants' protests: these included standing with their backs to the courtroom and holding hunger strikes.

A pattern of abuse emerged from interviews with several of the men on trial in this case. Their accounts of their treatment almost invariably repeat the same sequence. The accused was arrested in his home by armed men in civilian clothing who did not present an arrest warrant. He was beaten on the spot, on the way to the militia station, and upon arrival. During questioning, he was beaten and threatened, questioned about his views on and relationship with former President Gamsakhurdia, and then intimidated and tortured into signing a deposition. Contact with family members and lawyers came typically only after a minimum of several days after the arrest, in some cases only after several months.

In the testimonies compiled here defendants describe having been hung upside down, burned, doused with boiling water, and subjected to systematic beatings that broke bones and cut and bruised most of their bodies. Lasting physical injuries reported included broken teeth, broken noses, impaired hearing and damaged vision. Threats to torture or murder members of their families left other scars on the defendants; one defendant tells how his children were brought to the detention center where he had been tortured and he was threatened that the children would be killed if he did not confess.

Doctors attached to the interrogation centers were described as having been accomplices to torture, assessing suspects' fitness to continue being questioned under torture. One detainee said he was hospitalized when a police doctor told interrogators the alternative was that he would die, but interrogation under torture soon continued in the hospital; another defendant described having been tortured in his hospital bed after a failed suicide attempt and an emergency operation.

Human Rights Watch/Helsinki draws attention to this case in particular not only because of the scope and seriousness of violations of due process already observed, but as a microcosm of abuses we believe to be practiced in law enforcement and prosecutorial circles in Georgia as a whole. We will be issuing a comprehensive report on these violations in the near future.

² Article 14 (2) of the International Covenant on Civil and Political Rights states that "everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

³ See, for example, *Sakartvelos Respublika*, November 30, 1993.

⁴ *Gushagi*, No. 28, 1992, p. 61.

Human Rights Watch/Helsinki (formerly Helsinki Watch) has monitored and urged compliance with the human rights provisions of the 1975 Helsinki Accords in signatory countries since the organization was created in 1978. The Republic of Georgia, as a member of the commonwealth of Independent States, is obliged to uphold these provisions.

Human Rights Watch/Helsinki calls on the government of the Republic of Georgia and all those acting in an official capacity for it to take all steps necessary to prevent acts of torture and gross mistreatment of individuals in custody on Georgian territory. We call on the government to conduct a prompt and impartial investigation into allegations of torture and mistreatment made by the defendants in this case, to ensure that those who are found guilty of such acts are punished, and that the victims are guaranteed an adequate remedy for their suffering. In particular, Human Rights Watch/Helsinki calls on the judge in this case to exclude from the record of the trial any statement by the defendant that is to be used against him and that is shown to have been obtained through torture or other coercive means.

VIOLATIONS OF DUE PROCESS

Torture During Arrest and Investigation

Article 14 (3) (g) of the International Covenant on Civil and Political Rights (hereinafter ICCPR) guarantees that a defendant not be "compelled to testify against himself or to confess guilt." Article 7 of the ICCPR states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Documented cases of torture and gross mistreatment during detention are unquestionably the most shocking and heinous of the violations witnessed in this case to date, and represent the biggest impediment to the defendants receiving a fair trial. All of the defendants in the case claim to have been beaten during the period of arrest and interrogation, in violation of the categorical prohibition against torture in international law. Many of the defendants also report that they were tortured to force them to confess to crimes they now deny having committed. These allegations of torture have been raised by the defendants' lawyers during the course of the trial. However, except for the case of Zaza Tsiklauri, whom authorities generally acknowledge to have been tortured, no investigations are known to be underway into these allegations, and despite substantial evidence of torture, the statements of the defendants continue to be used as evidence in the case.

Tamara Bardzimashvili, the daughter of defendant Zurab Bardzimashvili, reportedly has visited him in the pre-trial detention center five or six times since his arrest, and told HRW/Helsinki representatives:

When they came to arrest him, they surrounded the house and he tried to kill himself by stabbing himself in the chest. They took him to the hospital and operated on him immediately. On the third day after the arrest, they came to him at the hospital and began interrogating him. [He said] Inspector Baluashvili personally kicked him in the chest, where his wound was. . . . They have tortured him during the investigation: they put needles in his leg, kicked him in his stomach, put him in a death row cell. It is indescribable. There are scars on the left side of his neck, and round scars like bracelets mid-calf on both legs. Now they don't let me in to see him anymore.⁵

Viktor Domukhovskii

Viktor Domukhovskii, one of the men facing the death penalty, recounted to a HRW/Helsinki representative who visited him in the pre-trial detention center where he was being held:

Petre Gelbakhiani [another defendant] and I were kidnapped from a friend's house in Baky [the capital of neighboring Azerbaijan] on April 6, 1992. About thirty men in civilian clothing handcuffed us, bound our eyes and put us in a car. They beat us in the car, and in the airplane which took us to

⁵ HRW/Helsinki interview, Tbilisi, June 1994.

Tbilisi. In the car I was sitting in the middle, and was hit from both sides with fists and automatic weapons. Petre got it worse because he was lying on the floor of the van and they hit and kicked him. They broke my nose, broke my teeth, and I had bruises all over.

They took us to the KGB building in Tbilisi. They taped us and made us speak on television. . . . They told us that we had apparently blown something up on the orders of Gamsakhurdia. We didn't admit to anything. Petre and I were the only ones who said "no." Then they took us to the police lock-up and began working us over psychologically.⁶

Petre Gelbakhiani

Petre Gelbakhiani, a doctor in his thirties, painted a similar picture of abuse and coercion:

⁶ HRW/Helsinki interview, Tbilisi, June 1994.

About twenty or thirty men came to arrest us in civilian clothes. We were handcuffed and our eyes were bound. They did not show any arrest warrant. They beat us without stopping. It continued in the airplane. I had bruises and a bloody face. I still have scars on my face.⁷

They demanded that I confess that I was involved in a car bomb against Ioseliani and that I had done it on Gamsakhurdia's orders. They made us speak on television. Kviraia [the current Minister of Internal Affairs] was present during all of this.⁸

Irakli Dokvadze

Irakli Dokvadze, a young man with piercing black eyes, a former member of the Communist Party and an Afghanistan veteran, told a HRW/Helsinki representative:

[When I was arrested on September 4, 1992,] they started taking physical measures and threatened my children. Two guys came into the police lock-up where I was. They started threatening me. They hit me with rubber clubs. Another method is that you sit on the floor with your knees up, they put handcuffs on your hands under your legs, and they hit you on the soles of your feet. I lost consciousness. They broke my nose. Then they came to make a video film of me to air on television. They actually put make-up on my face to cover the broken nose.

They would come to interrogate me regularly at two or three in the morning. They came many times, about ten or fifteen times over the course of about a month and twenty days or two months. They beat me so many times I can't count. At one point, they kept me for two weeks in one room. They put on funeral music. It was indescribable. There was fecal matter on the floor so you couldn't walk. It stank.

They brought in my children. Baluashvili, the head of the Division for the Fight against Terrorism and Sabotage, said "If you want them to live, sign." They said, "You live on the first floor. We will throw in a grenade and then we'll say it was done by one of the people who had lost someone [in the car bomb attack on Chikovani Street that killed several people.] They threatened that the father of the seven-year-old kid who died in the blast would kill me. I don't understand how people could be so low that they would manipulate the father of a dead child. My mother was already arrested at that point.⁹ I already knew that if I didn't admit guilt they would annihilate my whole family.¹⁰

Zaza Tsiklauri

Zaza Tsiklauri is a tall man, bearded and thin when a HRW/Helsinki representative met with him in the Hospital for Inmates which adjoins the pre-trial detention cell. At the time of the interview, he had been recuperating from the ill effects of the hunger strike he and his co-defendants had embarked on in January and February 1994. He had previously been treated in the prison hospital for tuberculosis he may have contracted during confinement, and the effects of torture.

⁷ A Human Rights Watch/Helsinki representative confirmed the existence of these scars.

⁸ HRW/Helsinki interview, Tbilisi, June 1994.

⁹ See "Arrest and Harassment of Relatives"

¹⁰ HRW/Helsinki interview, Tbilisi, June 1994.

I was relaxing with my family in the village, and came back to Tbilisi for food, on family business. When I got back, by coincidence I went to my mother's house, where she lives with my brother, a deputy. Some men came in military uniform and said they wanted to clarify one or two things. They took me to the KGB building, and began asking about my attitude toward the president, toward my brother, when was the last time I was in Grozny.¹¹ There were very high-ranking officials present.

That same night they started beating and torturing me. They didn't say what they wanted from me. They hit me with their fists, with clubs, kicked me, held me upside down, beat the soles of my feet, my head. It lasted all night. You hang there, people come in and out. I lost consciousness several times, but they would burn me or throw water on me to wake me up. I was covered in blood. I kept going in and out of consciousness. They kept moving me around. . . . The next day I was all blue, from head to toe. My left leg and left arm were broken, and I had cuts all over. My right leg was cut, and my right arm.¹²

They tried too hard — I couldn't stay conscious. The doctor said, "If you don't take him to the hospital, he'll die." They took me to the hospital. . . . I couldn't move, I could only sit or lie flat. The interrogations continued, different people doing the interrogations. They would dictate my testimony. The charges against me changed, after all.¹³ They began pouring boiling water on the right side of my neck, my back.¹⁴ They made me put on a shirt when they took me to the official. They made me wear a heavy jacket, which you can imagine on burned skin. . . . I said, "Tell me what you want and I'll sign." I had said this before. First they said I should write that I was involved in a terrorist act against [Jaba] Ioseliani. They brought in electric shock cords. I was already dreaming of dying. I wanted them to apply the shock cords. It's easy to say now, but then I was hoping they would kill me. But the chief officer said I was already ready to sign and they did not need [the cords].

I was held in solitary confinement for a month after that so that no one would see the results of the torture.¹⁵

The allegations of the torture of Zaza Tsiklauri have been officially confirmed, and were the basis for a criminal investigation (case no. 7492832), according to his wife, Nino. She reported that the case was later dropped because Mr. Tsiklauri refused to give testimony, fearing for the safety of his family if he disclosed details.¹⁶ Indeed, the charges of torture caused the chairman of the Informational Intelligence bureau of Georgia (the successor of the K.G.B.) Batiashvili to announce his resignation on August 17, 1992, ten days after Mr. Tsiklauri's arrest; Mr. Batiashvili did not, however, resign. Procurator General Razmadze ordered one charge against Mr. Tsiklauri remanded to the review of the Procuracy, citing the "fascist methods used against defendant Z. Tsiklauri, as a result of which he received numerous physical injuries."

¹¹ When he was ousted, Zviad Gamsakhurdia, parliamentarians and a group of his supporters fled to Grozny, in the southern Russian republic of Chechnia, which borders Georgia, and headquartered there until Gamsakhurdia returned to Georgia in the fall of 1993.

¹² A doctor with the British Helsinki Group who visited Mr. Tsiklauri soon after this incident confirmed the existence of physical traumas consistent with what Mr. Tsiklauri describes.

¹³ Mr. Tsiklauri reports that he was originally charged with violations of part 1 of Article 238 of the Criminal Code ("illegal possession of firearms or explosive devices"), carrying a maximum sentence of three years of imprisonment). Later three, more serious charges were brought: violations of Parts 2, 3 and 4 of that same Article ("illegal transmission, transportation, making or selling of firearms or explosive devices" or all of the above violations, respectively, carrying a maximum sentence of ten years of imprisonment with confiscation of property).

¹⁴ A Human Rights Watch/Helsinki representative confirmed the existence of these scars.

¹⁵ HRW/Helsinki interview, Tbilisi, June 1994.

¹⁶ HRW/Helsinki telephone interview, August 1994.

In June 1994, a HRW/Helsinki representative received permission from pre-trial detention and hospital authorities to visit Zaza Tsiklauri, who, according to the defendant and to hospital records, was at the time recuperating from the compounded effects of torture, tuberculosis, which he had contracted in detention, and weakening and severe malnourishment caused by a lengthy hunger strike. According to relatives, the following day, an angry call from the judge ordered that Mr. Tsiklauri be put under "strict isolation;" the following day he was forcibly removed from the hospital and put back in the pre-trial detention cell, where conditions are even worse than in the hospital, and where he does not have constant access to medical care. The order was clearly punitive, and displayed gross neglect of the defendant's physical condition, as well as disregard for human rights monitoring.

Gedevan Gelbakhiani

When a HRW/Helsinki representative met with Gedevan Gelbakhiani, a doctor and medical professor in his sixties currently facing the death penalty, he had been held for four months in the small hospital attached to the Tbilisi pre-trial detention facility. He told HRW/Helsinki the following:

The first beating took place when I was arrested. I was taken to the municipal police precinct. . . without any arrest warrant. I was taken to Ivanov, the Deputy Minister of Internal Affairs, and several "Mkhedrioni," who were wildly on drugs.¹⁷ They were absolutely weaving. They started beating me right away, hitting me with something hard from behind. I lost two front teeth on the left side. Then they took me downstairs, where I spent a month.¹⁸

Between October [1992] and February [1993] I would be woken in the middle of the night, taken out and beaten. It was like that for six months. I would lie on the floor, and end up in one horrible room after another. . . . I said, "I will change my testimony every time you beat me."¹⁹

He continued in a written statement, whose contents he confirmed in person having written:

When they finished to beat me (sic), they made me to write a statement (sic), then if my memory serves me right I was dragged to isolation cell. . . . There I spent two days under continuous loud sounds of run (sic) water and ventilation system which is the continuation of torture to be used after beating. The noise produced by strong flow of water combined with loud noise produced by the ventilation amplifies the volume of the noise. This is one of the methods of torture since it exerts unfavorable and continuous (sic) impact on the nervous system. . . . Finally I was able to stick my hanky into the pipe and that stemmed it a bit. Otherwise I thought I would have gone crazy.²⁰

The second beating took place the fourth, fifth or sixth of February. I haven't seen anything like it even in the movies. They beat me terribly. About seven men, "plants" beat my right side. I was sitting down and they held me from both sides so I couldn't move. One kicked me right in the face. . . . The beating went on for two or three hours. Then they threw me into a damp cell, then into a cold room. The right side of my face was completely black on the second day. *Nekros* had set in — which is a sign of death — not bruises. I was afraid I'd lost my eye. Now I see poorly with my right eye. I have lost almost all of the hearing in my right ear. They wanted to finish with the investigation.

Recently things have been calmer. But every day there is something horrible. The hospital is as bad as the cell, maybe worse. If you saw the toilet you'd lose your mind.

¹⁷ The "Mkhedrioni" (in English, "the Horsemen") is a paramilitary group which currently serves in a *de facto* capacity as part of the law enforcement structure, often working together with the Ministry of Internal Affairs. Their leader is Jaba Ioseliani, who is generally believed to have been the target of the bomb explosion for which some of the defendants in this case are charged.

¹⁸ The maximum length of such detention allowed under Georgian law is ten days.

¹⁹ HRW/Helsinki interview, Tbilisi, June 1994.

²⁰ Statement, no date, "Tbilisi jail."

The doctors here [in the pre-trial detention facility] are security agents. They give permission for interrogations even when I am clearly not in any condition. I am a doctor, so I know what I'm talking about. The doctors assist in investigations.²¹

Mamuka Aptsiauri

Mr. Aptsiauri has written in sworn testimony that "From the first day of arrest, the supporters of Shevardnadze, the "Mkhedrioni", and the "Guards" used violent methods of investigation, beat [me] until I lost consciousness and demanded that I give false testimony against our group and President Zviad Gamsakhurdia. . . . During the investigation, the investigatory team used forbidden methods against me. During the physical pressure [nazhimi], they broke my nose."²²

Zurab Gogichashvili

In a signed statement, Mr. Gogichashvili has reported: "In the process of preliminary investigation I was subjected to physical and psychological processing which resulted in aggravation of my health. My repeated demands for medical examination were not satisfied. My health is progressively worsening (sic). I developed decreased hearing, and have problems with my lungs."²³

In a statement prepared during the HRW/Helsinki visit to Tbilisi in June 1994, he reported that "On September 24, 1992, I was detained by the militia of the Gldan region of Tbilisi and, after nine days of torture I was brought up on charges of apparent illegal possession of firearms and a hand grenade. . . . I denied these charges, after which I was subjected to torture and beatings. . . . I have gone on hunger strike three times."²⁴

Givi Kalmakhelidze

In a signed statement, Mr. Kalmakhelidze wrote that "After [my arrest, I] was taken to the municipal police station of the Ministry of Internal Affairs of the City of Tbilisi, where they began mistreatment [izdevatel'stvo], moral degradation and beating as a supporter of the lawful president Zviad Gamsakhurdia. I spent twenty days in the municipal police station, then they took me to Investigation Cell No. 1 of the City of Tbilisi, where they again began mistreatment, moral humiliation and beatings, where I remain to this day [June 18, 1994]."²⁵

Teimuraz Kapanadze

In a statement written during HRW/Helsinki's stay in Tbilisi, Mr. Kapanadze reported: "During my arrest, in front of the senior head of the law enforcement body, I was savagely beaten. After I lost consciousness they threw me into the lock-up of the municipal militia. [From October 5] until October 16 [1992] they took their revenge every day with physical force, and beat me cruelly. After they created their charges (October 16) they removed me to the investigation cell, where my torture continues to this day."²⁶

Omari Kochlamazashvili

In a statement presented to HRW/Helsinki representatives, Mr. Kochlamazashvili wrote: "Despite my frequent demands, the investigation was conducted without a lawyer, and under unbearable physical and psychological pressure."²⁷

Tamaz Tsiklauri

²¹ HRW/Helsinki interview, Tbilisi, June 1994.

²² Written statement submitted to HRW/Helsinki. No date.

²³ Statement, no date.

²⁴ Statement, dated June 19, 1994.

²⁵ Statement, dated June 1994.

²⁶ Statement, dated June 16, 1994.

²⁷ Statement, no date.

Tamaz Tsiklauri's wife, Meri Zurabishvili, told HRW/Helsinki representatives her impressions after she saw her husband, four months after his arrest:

His right hand was missing fingernails. He had broken teeth. He was covered in bruises - there were no white spots left on him.²⁸

Gross Mistreatment During Trial

Not only was torture used during the investigation process to extract confessions, but serious mistreatment of the defendants has continued during the pre-trial and trial period.

Zurab Bardzimashvili

Defendant Zurab Bardzimashvili is an elderly invalid who before his arrest wore braces on his right arm and leg and suffered from epilepsy, and had been tortured and hospitalized during arrest and investigation. According to his daughter Tamara, he had attempted suicide on several occasions beginning the day of his arrest when he realized he was surrounded. He reportedly suffered a serious relapse in health during a trial recess on July 7, 1994. Despite his poor physical condition, it was reported that he was forcibly brought into the courtroom again when the trial reconvened on July 29. He reportedly did not withstand the stress, and had to be removed to the prison hospital.

Gela Mchedlishvili

In a statement handed to a HRW/Helsinki representative in prison in July 1994, Gela Mchedlishvili reported that "They torture and beat me and use all forms of violence, which are impossible to even imagine. This continues to this day."²⁹

Illegal Arrests

Article 9 (2) of the ICCPR states that "anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him." Subsection (3) goes on to state that: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power."

Gedevan Gelbakhiani, Zaza Tsiklauri, Tamaz Tsiklauri and Ramazi Charigogdishvili all claim that they were arrested without having been presented with an arrest warrant; this is believed to have been the case with others charged in case. Meri Zurabishvili, Tamaz Tsiklauri's wife, was present during her husband's arrest:

It was evening. Armed men started shooting through our door, and another three came through the balcony. They took my husband barefoot from the shower. They stole money, rings, gold. They took me too, and held me overnight.³⁰

Failure to Inform of Charges in a Timely Manner

Most of the detainees were not informed of the charges against them at the time of their arrest. Gedevan Gelbakhiani, for example, reports that "I was informed of the charges on the third or fourth day [after my arrest]. . . . The first time I saw a lawyer was on the seventh or eighth day. They interrogated me several times without my lawyer present. He never protested the second beating."³¹

His son, Petre Gelbakhiani, also reported being informed of charges against him only four or five days after his arrest, and after he had been beaten, intimidated, and forced to make a statement on television.

Denial of the Right to Timely Access to Legal Counsel of One's Choosing

²⁸ HRW/Helsinki interview, Tbilisi, June 1994.

²⁹ Statement, dated June 27, 1994.

³⁰ HRW/Helsinki interview, Tbilisi, June 1994.

³¹ HRW/Helsinki interview, Tbilisi, June 1994.

Article 14 (3) (b) of the ICCPR guarantees a defendant the right to "adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing."

Defendant Zaza Tsiklauri bemoaned the lack of legal guarantees in the case in a conversation with a HRW/Helsinki representative: "How can the lawyers work when they themselves are under threat?" To a question about whether legal counsel had been present during questioning, he said, "There could be no discussion of such a luxury as a lawyer." This sentiment was echoed in conversations with almost everyone HRW/Helsinki representatives interviewed during their two-week stay in Tbilisi, including many who were associated with cases unconnected with the one in question.

For several months, defendant Zurab Bardzimashvili was not represented at all during the proceedings, although reportedly he had submitted an appeal to the court in January 1994. In April, Ms. Bekauri was assigned to him against his wishes. Zurab Bardzimashvili's request for a change in defense counsel was also denied at that time, leaving him effectively without defense of his choosing, as is his right.

Defendant Viktor Domukhovskii told a HRW/Helsinki representative that the first time he saw a lawyer was not until April 12, 1993, six days after his arrest. He stated that he was interrogated some five times without the presence of a lawyer. In addition, he stated that the court had denied him access to his lawyer on five occasions, the first time in October 1993, when the trial began. Petre Gelbakhiani reported that he did not see a lawyer until one week after his arrest.

Omari Kochlamazashvili and Gocha Makhviladze have stated independently that the investigation of their cases was conducted without the assistance of counsel, although they already had lawyers who had assumed their defense.

Denial of the Right to Familiarize Oneself with Information Pertinent to the Case

In this transitional period when the Georgian legislature is overhauling entire bodies of law, and when amnesties are passed in an unpredictable but often sweeping manner, lawyers and lawmakers themselves were often hard pressed to tell HRW/Helsinki representatives which laws applied in certain cases. In addition, current Georgian jurisprudence suffers from chronic and systemically poor and spotty access to legal texts. This impedes the work of judges and lawyers, and causes anxiety among defendants. As defendant Zaza Tsiklauri lamented to HRW/Helsinki, "I am being tried according to laws I don't know."

Exacerbating this already unsatisfactory situation is the judge's illegal refusal to give defendants, and in at least one case, defense counsel, full access to the materials connected with their cases, as is their right under Article 14 (3) (b) of the ICCPR and Articles 202 and 236 of the Criminal Procedure Code of the Georgian Republic. In at least one case, the judge denied the repeated requests of defense attorneys for Zaza Tsiklauri and Gedevan Gelbakhiani to allow their clients full access to the documents in the case. The entire set of pertinent documents reportedly consists officially of thirty-six volumes.

The court proceedings and the vast majority of documents pertaining to the case are in the Georgian language. According to his wife, defendant Viktor Domukhovskii speaks Georgian as a second language and requested that the 560-page written evidence against him be translated into his native language, Russian. According to his lawyer, this request was denied. The denial violates Article 15 of the Criminal Procedure Code of the Republic of Georgia.

Gevedan Gelbakhiani, a defendant who has reportedly lost significant hearing as a result of beatings during interrogation, requested that an amplifier be provided so that he could better follow the proceedings. This request was also denied, without explanation.

Zurab Gogichashvili reportedly informed the court on at least two occasions that because of hearing loss suffered during beatings and torture during investigation, he was unable to adequately hear the proceedings, and requested an amplifier. As he was making his statement to this effect at the January 10, 1993, court session, the judge

reportedly ordered him removed from the courtroom for continuing to speak when the judge spoke. An individual close to the case maintains that Mr. Gogichashvili continued to speak because, being hard of hearing, he was unaware that the judge was speaking.

Ketevan Bekauri, the defense lawyer ultimately assigned to Zurab Bardzimashvili, requested at least fourteen days to familiarize herself with the pertinent materials. The court allowed her only five days and reportedly gave only partial access to documents.

OTHER VIOLATIONS

Harassment and Arbitrary Arrests of Relatives and Denial of Family Visits

Gedevan Gelbakhiani

Gedevan Gelbakhiani, now facing the death sentence, told a HRW/Helsinki representative: "I was not an active [political] figure. I was arrested simply because of my son [Petre, also a defendant in the case]. It was to get back at him, to put pressure on him. When they beat me the second time, they shouted this out. . . . They have kind of achieved their goal."³²

Tamara Bardzimashvili and Mari Gugeshashvili

Tamara, a young teacher and the daughter of Zurab Bardzimashvili, told HRW/Helsinki representatives the following:

On October 7, 1992, two days after the arrest of my father, they arrested me, too. Without any warrant, four armed men took me from my home. They stated that they were officers of the Information-Intelligence Directorate and showed some kind of identification. I don't remember what kind because I was so frightened - I had been home alone. . . . They demanded that I appear on television and condemn Gamsakhurdia and his supporters, including my father. When I refused, they started to beat me.³³

They hit me three times in the chest and stomach. I started bleeding. I was put in solitary confinement until the next morning. I have had gastritis for the last eight months, since they beat me.³⁴

The next morning, beaten and bloody, they let me go and warned me not to speak about this fact to anyone or [there would be] physical retribution.³⁵

³² HRW/Helsinki interview, June 1994, Tbilisi.

³³ Statement, dated June 20, 1994.

³⁴ HRW/Helsinki interview, Tbilisi, June 1994.

³⁵ Statement by Tamara Bardzimashvili, dated June 20, 1994. Contents confirmed in person, HRW/Helsinki interview, June 1994, Tbilisi.

The day the trial started [October 5, 1993]. . . , they arrested my mother, Mari Gugeshashvili, a teacher and member of the Helsinki Union of Georgia since 1989. Militia officers from the Gldan region of Tbilisi arrested her at home with no reason or display of the pertinent warrant. They held her for two days. . . and also forced her to publicly condemn Z. Gamsakhurdia and the whole national movement. After she was released, representatives of the *kommendatura* and press secretary L. Chkhenkeli personally appeared at School 174, where my mother works to this day, and openly demanded that the director fire her from work since she is a "Zviadist." But the teachers group, directorate and the students defended their teacher.³⁶

Leila and Nodari Dokvadze

The mother of defendant Irakli Dokvadze told HRW/Helsinki representatives:

"I was arrested and held for one month after Irakli was arrested. When they finally released me, they said that, officially, I had been detained for violation of the curfew in Tbilisi. They still have my passport to this day, and I can't get it back."³⁷

Her husband, Nodari, reported that on June 24, 1992, "We were sitting at home, the house that we shared with Irakli, his wife and children, when the militia came. There was no search warrant, but they took things. They basically just robbed us. . . . On October 8 of that year, right before the elections, I was brought in to the militia station from my place of work. The lock-up cell was overflowing with "Zviadists."³⁸ They kept me for four days and let me go without charges."³⁹

Giorgi Kikaleishvili

Mr. Kikaleishvili is the brother of the wife of defendant Viktor Domukhovskii. He reports having been detained and his house searched by armed men seven times since February 1992, when his sister and the Domukhovskii children came to live with him after the arrest. They reportedly found nothing on any of these occasions; nor did they bring charges against him. He told a HRW/Helsinki representative about the pattern of harassment of the family, which he claims to be gratuitous. He reported that armed men repeatedly come to his house and search it, without showing a search warrant, and he is taken to the police precinct for questioning, detained for one or two hours and released without charges. The men, he reports, claim they are looking for illegal weapons.

Mr. Kikaleishvili reports that on one occasion, on May 24, 1993, the men "threw everything on the floor." On another occasion, he reported, they detained his wife and young children. He told HRW/Helsinki, "They never find anything. But they take my fingerprints and make me feel like a criminal. . . . I don't know the reason for it, but of course it's connected with politics." When he was again taken in on July 1, 1994, Mr. Kikaleishvili reported that one of the men conducting the search told him "We have been making the rounds since 4:00 a.m., according to a list."⁴⁰

Mamuka Aptsiauri has stated that "Not only I but my family experienced the pressure of investigation. KGB agents, without any warrant and on the pretext of a search, have broken into my house several times and searched the

³⁶ Statement by Tamara Bardzimashvili, dated June 20, 1994. Contents confirmed in person, HRW/Helsinki interview, June 1994, Tbilisi.

³⁷ HRW/Helsinki interview, Tbilisi, June 1994, .

³⁸ A perjorative term for supporters of former President Zviad Gamsakhurdia.

³⁹ HRW/Helsinki interview, Tbilisi, June 1994.

⁴⁰ HRW/Helsinki interview, July 1994, Tbilisi.

apartment. They frightened my parents: 'If you or your son don't say where the arms are kept, we will shoot your son,' and used other psychological and moral methods of pressure.⁴¹

Zaza Tsiklauri and Viktor Domukhovskii also reported to HRW/Helsinki that their family members had been denied visiting rights. Mr. Domukhovskii stated that he was not allowed to see a family member for two and a half months after his arrest.

As one person close to the case stated, "Permission depends entirely on the judge's mood. If he is in a good mood, he will grant it; otherwise he won't."

⁴¹ Statement, dated June 1994.

Gedevan Gelbakhiani, the doctor now facing the death penalty, also told HRW/Helsinki: "I didn't see Petre[his son, facing identical charges] for two and a half years. I was getting used to the idea of not seeing him again. It was very difficult."⁴²

Harassment and Discriminatory Dismissals of Defense Attorneys

For reasons that are not immediately apparent, the judge or the Supreme Court or the Bar Association or a combination of these authorities have ordered that defense lawyers must assume or continue to provide a defense even against the wishes of the defendant during the course of this trial. The right for a defendant to communicate with legal counsel of his own choosing is enshrined in Article 43-1 of the Criminal Procedure Code of the Republic of Georgia and Article 14 (3) (b) of the ICCPR. At the same time, at least one independent lawyer appears to have been arbitrarily stripped of his credentials, losing the right to represent defendants before the courts. There is concern that these measures are intended to permit the accused in political trials to be defended only by court appointed lawyers they can not dismiss.

In the first case, independent lawyer Tengiz Nijaradze, defense lawyer for Zaza Tsiklauri and Viktor Domukhovskii, was released from his contract by Zaza Tsiklauri and therefore could not legally continue his defense. The court initially rejected this change, in violation of Article 45 of the Criminal Procedure Code and Article 10 of the Ordinance of the Plenum of the Supreme Court of April 29, 1992, which allows a defendant to change defense counsel at any point. Indeed, chairman of the Collegium Vladimir Baratashvili reportedly called and visited Mr. Nijaradze with a personal appeal that he resume the defense. Soon after, however, the Collegium of Lawyers, the equivalent of the Bar Association or Lawyers Union in other countries, expelled him from the Collegium, effectively stripping him of his right to work as a lawyer in Georgia. According to Chairman Baratashvili, Mr. Nijaradze had been expelled because he had arrived late for trial on several occasions, and on one occasion had failed to appear altogether. Mr. Nijaradze denies these allegations, asserting that it was instead a veiled effort to replace his outspoken defense with the defense of a government appointed lawyer who would be more compliant to the wishes of the judge. As a result of this decision, Mr. Nijaradze is now unemployed, and his two clients are being represented against their will by court-appointed attorneys.

In the second such instance, the court has denied Mr. Tsiklauri's request that his wife assume his defense, as is permitted under Georgian law. The judge reportedly issued the rejection on the grounds that Mr. Tsiklauri was artificially trying to drag out the proceedings. His wife told HRW/Helsinki representatives that this could not have been the case, however, since her appointment would not have required any delays, because she was already intimately familiar with the case.

In the third instance, Ketevan Bekaure, a young, court-appointed lawyer who was already defending Zurab Bardzishashvili, was ordered on June 15, 1994 to assume the defense of Zaza Tsiklauri as well. Although she is state-appointed, she told a HRW/Helsinki representative that, "[the authorities know] I won't be silent," and sees this move as a way to legitimize removing her from the trial process. She could not, however, assume the defense of someone who had rejected her services. She reports already having been threatened with exclusion from the Collegium, as Mr. Nijaradze had been, if she refused the order.⁴³ Her exclusion would leave another two defendants in the case without independent defense attorneys. It was reportedly announced on August 5 that Ms. Bekaure was relieved of the duty; yet another state lawyer, Givi Kapanadze, was appointed in her stead, again against the explicit wishes of Mr. Tsiklauri.⁴⁴

⁴² HRW/Helsinki interview, Tbilisi, June 1994.

⁴³ HRW/Helsinki interview, Tbilisi, June 1994.

⁴⁴ HRW/Helsinki telephone interview with Nino Tsiklauri, August 5, 1994.

In a signed statement to our organization, defendant Zurab Gogichashvili writes, "The situation of terror and violence forces me to decline the services of [my] lawyer, Konstantin Gogichaishvili, who is my close relative, since he [illegible] is threatened with danger. . . . Since I am concerned for the life of my lawyer and the fact that he could be deprived of means of subsistence (expel him as well from the Collegium of Lawyers ,i.e. dismiss him from work) I decline the services of a lawyer and will defend myself personally."⁴⁵

RECOMMENDATIONS

It is the responsibility of the government of the Republic of Georgia and of those acting in an official capacity for the government to take all steps necessary to prevent acts of torture and mistreatment on its territory and to provide redress to those who have suffered such treatment. The defendants in this case require such redress. Furthermore, the government and its agents must ensure that defendants are given a fair and impartial forum in which to have the evidence against them evaluated. HRW/Helsinki makes the following recommendations:

To Judge Mirza Dolidze:

- Exclude from the record of the trial any statement by a defendant that is intended to be used against him and that is shown to have been obtained through torture or other coercive means. Such statements are admissible only to prove the allegation of torture or coercion. Similarly, exclude from the evidence for the prosecution any physical or documentary evidence that was obtained as a result of torture or coercion;
- If, during the course of the proceedings, evidence reveals that the defendants were not informed of the charges against them in a timely manner, prosecute those responsible and provide defendants with damages;
- Guarantee defendants access to the legal counsel of their choosing and ensure that defendants are given sufficient time to consult with their defense counsel to prepare their defense;
- Guarantee to defendants and their defense counsel equal access to all relevant evidence in the case, sufficient time to familiarize themselves with such evidence, as well as the chance to present their own evidence and to petition for the production of evidence for the defense;
- Guarantee to those defendants who do not speak or understand Georgian the free assistance of an interpreter;
- Allow defendants access to proper medical evaluations and release into the care of medical professionals those defendants who are determined to be in poor health.

To the General Procuracy of the Republic of Georgia

- Initiate prompt and impartial investigations into allegations of torture and mistreatment of individuals under investigation and, where such allegations are substantiated, ensure that the victims are able to obtain an adequate remedy as provided for in international law;
- Ensure that any statements that are shown to have been the result of torture or coercion, as well as any other evidence so obtained, are not offered as evidence in any proceeding against the defendants;
- Initiate prompt and impartial investigations into the alleged torture of detainees by police officers in this case, and if there is evidence of torture, bring criminal charges against all who committed acts of torture, as well as against any public officials who consented to or acquiesced in the torture;

⁴⁵ Statement, dated June 26, 1994.

- Review the legality of the defendants' detention and prosecute anyone responsible for an illegal arrest. Any evidence for the prosecution obtained through the illegal arrest of the defendant should be excluded from his case. If the arrest is deemed illegal and the decision to prosecute is not otherwise based on legally obtained evidence, then the defendant should be released.

To the Government of the Republic of Georgia

- Review interrogation rules and procedures for the custody and treatment of those in custody in an effort to prevent future acts of torture;
- Educate all law enforcement officials and public officials about the absolute prohibition against torture and make clear that any official proved to have committed an act of torture or to have consented to or acquiesced in acts of torture will be charged with a criminal offense and prosecuted to the full extent of the law;
- Provide an effective means of redress for the victim of torture and the right to fair and adequate compensation;
- Ensure that victims of torture have the opportunity to file a complaint against those responsible for their torture and guarantee both the victim and his or her supporting witnesses safety from ill-treatment or intimidation as a consequence of the complaint.

APPENDIX A:
List of Defendants and Charges Against Them
(in alphabetical order)

The following information was taken from the indictment statement as it stood when the investigation was concluded in August 1993. Many of the charges are said to have been changed prior to that moment.

1. Mamuka Aptsiauri: born 1971. Arrested September 2, 1992, Khvareli. Charged with violating Articles 17-67 (attempted terrorism) and 17-69 (attempted subversive act) of the Criminal Code of the Republic of Georgia (hereinafter the Criminal Code.)

2. Zurab Bardzimashvili: born 1949; geologist. Arrested on October 5, 1992, Tbilisi. Charged with violating Articles 17-67 (terrorism), 78 (banditry), 17-69 (subversive act) of the Criminal Code.

3. Bessarion Bochoridze: born 1961; profession unknown. Arrested August 11, 1992. Charged with violating Articles 90-1 (failure to report a state criminal act) and 205 (concealment of a criminal act) of the Criminal Code.

4. Ramazi Charigogdishvili: born 1960; driver. Arrested July 10 or 11, 1992, Tbilisi. Charged with violating Article 78 (banditry) of the Criminal Code.

5. Mamuka Danelia: born 1959; student. Arrested August 13, 1992, Tbilisi. Charged with violating Articles 90 (failure to report a state criminal act) and 206 (concealment of a criminal act) of the Criminal Code.

6. Viktor Domukhovskii: born 1948; physicist, former Deputy of the Supreme Council of Georgia, former chairman of the Judicial Commission. Arrested on April 6, 1993, in Baky, Republic of Azerbaijan. Charged with violating Articles 17-67 (attempted terrorism), 17-69 (attempted subversive act) and 78 (banditry) of the Criminal Code.

7. Irakli Dokvadze: born 1961; television and radio engineer, electrician. Arrested September 4, 1992, Khvareli. Charged with violation of Articles 17-67 (attempted terrorism), 17-69 (attempted subversive act), 78 (banditry), 104, parts 4 and 6 (premeditated murder of two or more people) and 104, parts 4 and 6 (murder) of the Criminal Code.

8. Gedevan Gelbakhiani: born 1937; doctor, professor; therapist. Arrested on September 13, 1992, Tbilisi. Charged with violation of Articles 17-67 (terrorism), 17-69 (subversive act), 78 (banditry), 17-104, parts 4 and 6 (premeditated murder of two or more people) and 104, parts 4 and 6 of the Criminal Code.

9. Petre Gelbakhiani: born 1962; doctor, candidate of medical sciences. Arrested April 6, 1993, Baky, Republic of Azerbaijan. Charged with violation of Articles 17-67 (attempted terrorism), 17-69 (attempted subversive act), 78 (banditry), 17-104, parts 4 (premeditated murder of two or more people) and 104, parts 4 and 6, of the Criminal Code.

10. Zurab Gogichashvili: born 1956; farmer, technician. Arrested September 24 or 30, 1992. Charged with violating Articles 17-67 (attempted terrorism), 17-69 (attempted subversive act) and 78 (banditry) of the Criminal Code.

11. Givi Kalmakhelidze: born 1952; military. Arrested September 29 or October 7, 1992. Charged with violating Articles 17-67 (attempted terrorism) and 78 (banditry) of the Criminal Code.

12. Teimuraz Kapanadze: born 1950; construction worker, chief of the Republican Committee of Material Resources. Arrested October 5 or 6, 1992. Charged with violating Articles 17-67 (attempted terrorism), 17-69 (attempted subversive act) and 78 (banditry) of the Criminal Code.

13. Sergo Khakhviashvili: born 1966; carpenter. Arrested June 24, 1992, Tbilisi. Charged with violating Articles 17-67 (attempted terrorism) and 78 (banditry) of the Criminal Code.

14. Omari Kochlamazashvili: born 1943; driver, farmer. Arrested October 4 or 7, 1992. Charges unconfirmed, but are likely to include violations of Articles 17-67 (attempted terrorism), 17-69 (attempted subversive act), and 78 (banditry) of the Criminal Code.

15. Ivane Lashkarashvili: born 1960; driver. Arrested on July 11, 1992. Charged with violating Article 78 (banditry) of the Criminal Code.

16. Gocha Makhviladze: born 1958; economist. Arrested June 24, 1992, Tbilisi. Charged with violating Articles 17-67 (attempted terrorism) and 78 (banditry) of the Criminal Code.

17. Gela Mchedlishvili: born 1968, policeman, teacher at technical college. Arrested June 24, 1992, Tbilisi. Charged with violating Articles 17-67 (attempted terrorism) and 78 (banditry) of the Criminal Code.

18. Tamaz Tsiklauri: born 1954; economist. Arrested October 5, 1992, Tbilisi. Charged with violating Articles 17-67 (attempted terrorism), 17-69 (attempted subversive act) and 78 (banditry) of the Criminal Code.

19. Zaza Tsiklauri: born 1961; physicist. Arrested on August 7, 1992, Tso, Republic of Georgia. Charged with violating Article 238, parts 1, 2, 3 and 4 (illegal possession, holding, transport, buying, production and selling of a weapon or explosive device) of the Criminal Code.

APPENDIX B:
Human Rights Watch/Helsinki Letter

July 20, 1994

Grigori Shalamberidze
GUIN, Orthachala Prison
ul. Gorgasali, 89a
Tbilisi 380014
Republic of Georgia
By telegram

Dear Mr. Shalamberidze,

As you know, Human Rights Watch/Helsinki (formerly Helsinki Watch) is a non-governmental, non-partisan organization, the largest based in the United States and an observer at the United Nations. On behalf of Human Rights Watch/Helsinki representatives Erika Dailey and Alexander Petrov, with whom you met last month in Tbilisi, I take this opportunity to thank you for your consideration and your assistance in the conduct of our work in Georgia.

We are greatly disturbed that on July 2 a defendant who was undergoing medical treatment and observation at the Republican Hospital for Inmates was transferred back to the pre-trial detention center (SIzo), at great risk to his health. The defendant, Zaza Tsiklauri, is currently on trial on charges of violating Article 238, parts 1, 2, 3 and 4 of the Criminal Code of the Georgian Republic (illegal possession, acquisition and transfer of firearms and explosive devices).

Since his arrest on August 7, 1992, he reportedly has been removed to the SIzo hospital for treatment from the pre-trial detention center in Tbilisi on three occasions. The first time, he told our representatives, he was recovering from severe torture, including brutal beatings and scaldings with boiling water, inflicted by law enforcement officials in Tbilisi. He reported that the torture took place initially in order to extract a confession. His most recent stay in the hospital was to allow him to recover from a hunger strike he held to protest the violations of due process that reportedly led to his arrest and mistreatment in detention. Within two days of meeting with one of our representatives, Mr. Tsiklauri was abruptly returned to the SIzo, we believe prematurely and punitively, to prevent Mr. Tsiklauri from further contact with observers.

We fear that lack of constant medical supervision will exacerbate his already poor physical condition, seriously endangering his health. We respectfully urge you to use your good offices to insure that Mr. Tsiklauri be returned immediately to the supervision of medical personnel, and be allowed all assistance required to maintain him in a satisfactory health condition.

Thank you in advance for your attention to this urgent situation. We look forward to continued cooperation.

Respectfully,

Jeri Laber
Executive Director

cc: Procurator General Damlet Papilashvili
U.S. Ambassador Kent Brown
International Committee of the Red Cross
media

This report was written by Erika Dailey, research associate, and edited by Holly Cartner, acting executive director, and Alexander Petrov, associate. Anne Kuper and Liudmila Belova provided essential production assistance. The majority of the materials presented here were gathered by Erika Dailey and Alexander Petrov during a two-week trip to Tbilisi in June 1994.

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Human Rights Watch/Helsinki (formerly Helsinki Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. This publication, like all our reports, was made possible by such grants. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Helsinki division was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Jeri Laber is the executive director; Holly Cartner, counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Anne Kuper, Ivan Lupis, Alexander Petrov and Isabelle Tin-Aung are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.