



Strasbourg, 13 July 2000

CommDH(2000)3
Original version in French

**REPORT
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ON HIS VISIT TO GEORGIA
1 –10 June 2000**

for the Committee of Ministers and the Parliamentary Assembly

I.

1. As I have informed you by letter of 20 May, I accepted the invitation extended to me on 14 April 2000 by Mr Irakli Menagarishvili, Georgian Minister for Foreign Affairs, to visit his country in order to "provide the Council of Europe with exhaustive, up-to-date information on the human rights situation in Georgia". The visit took place from 1 to 10 June 2000. I was accompanied by two colleagues (Mr Sergey Belyaev, whom I should like to thank for acting as interpreter, and Mr Ekkehart Müller-Rappard, the Director of my Office). The full programme of the visit is appended to my written report, which will be distributed to you.

2. As you will see, this very comprehensive programme (drawn up by the Georgian Ministry of Foreign Affairs) included not only talks in Tbilisi* with all the government authorities directly concerned with respect for human rights, from the President of Georgia, Head of State and of the Executive, to his ministers responsible for justice, for law enforcement agencies and public security and for refugees and prisoners, whose living conditions I had asked to see on the spot, but also meetings with the parliamentary authorities concerned and with representatives of civil society, NGOs and the media. I even met a dozen ambassadors from our member states, whom the Italian Ambassador, Mr Michelangelo Pipan, kindly invited to a meeting specially arranged for me. I was also able to add to my programme, sometimes at the last minute, meetings with the local representatives of the IGOs concerned, such as the International Committee of the Red Cross (ICRC - Mr François Bellon), the United Nations High Commissioner for Refugees (UNHCR - Mr Ekber Menemencioglu), and the OSCE (Ambassador Jean-Michel Lacombe), and in particular with the Head of the United Nations Observer Mission in Georgia (UNOMIG - Ambassador Dieter Boden, Special Representative of the UN Secretary General), who was in fact in charge of the programme of my visit to Abkhazia.

3. I greatly appreciated these IGO representatives' co-operation in facilitating the conduct of my official visit and their willingness to provide me with all sorts of valuable information on their activities and experience on the spot. I equally appreciated the frankness of the Georgian authorities I met and their obvious desire to hide nothing, but show me everything I wanted to see. So I should like to express my gratitude, at the outset, to all those who helped with the preparation and conduct of my visit to Georgia. Although meetings with displaced persons and refugees, and all the more so visits to prisons, are generally rather harrowing, this trip around Georgia was on the whole a most interesting experience, for which I should first and foremost thank the Foreign Affairs Ministry officials who accompanied us during the visit (Mr Mamuka Jgenti and Mr Mikheil Kvlividze).

4. I shall not give you a chronological account of what I saw and learned in the course of my visit, nor a summary of my numerous talks, many of which were confidential. As I see my mandate, I am strictly speaking neither an "expert rapporteur" nor a "public prosecutor", nor do I have a specific part to play in your monitoring procedure. I shall simply lay before you the six or seven problems which currently

seem to me the most urgent and important from the standpoint of protection of human rights in Georgia. That being so, I also talked about them when I discussed the results of my visit to Georgia with President Edvard Shevardnadze at the end of my trip.

5. I should no doubt emphasise here that what matters to me most in this case - and my Georgian opposite numbers seem to have accepted it willingly - is to contribute, with a few personal recommendations, to the emergence of several solutions which will effectively allow the Georgian authorities to move towards national reconciliation, reconstruction and democratisation in their country and consequently to establish respect for human rights. This means that they must alter, not to say leave behind, a number of simultaneously "clan-based" and "totalitarian" structures and indeed attitudes, and effectively alleviate various ethnic tensions and divisions inherited from the stormy history of the Caucasus and fuelled by the civil wars which broke out shortly before and after the proclamation of Georgia's independence, on 9 April 1991, that is to say around the time when the changeover from the former regime took place and the "Soviet order" was definitively abandoned. Viable long-term solutions will therefore require practical proof of the Georgian authorities' stated will to respect - for everyone within their jurisdiction, irrespective of ethnic origin, language, religious and political beliefs and other factors - the impressive number of human rights safeguarded by the Georgian Constitution of 24 August 1995 (Articles 12 to 47 in particular) and also, at least in part, established by international treaties such as the European Convention on Human Rights, to which Georgia is a party (see Georgian Constitution Articles 6 and 7).

II.

1. General situation regarding respect for human rights

As part of the process of joining the Council of Europe, among other things, Georgia has undoubtedly made a great effort to adapt its domestic law to "European standards". This legislative work - in which the Chair of the Parliamentary Committee on Human Rights, Ms Elene Tevdoradze, appears to have played a particularly decisive and constructive part - is often highly complicated, and is now continuing in the light of the commitments made by Georgia when it joined the Council of Europe on 27 April 1999. The Georgian authorities are keen to comply with these commitments, although the time-limits assigned to them for the purpose (see doc. Monitor/Inf(2000)3 of 22 May 2000) seem to present them with quite a few problems.

By way of example, when we were met at the border post of Larse (we travelled by car from Vladikavkaz to Tbilisi, taking the "military road"), I was informed by the Georgian Deputy Minister of Foreign Affairs, Mr Chota Dogonadze, that his ministry had just sent the ratification instruments for the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT, of 26.11.1987) to Strasbourg. Then, in the course of my subsequent talks, notably with the Speaker of the Georgian Parliament, Mr Zurab Zhvania, I was told that the Parliament's Legal Affairs Committee was still discussing the definition of a new offence which would meet the relevant provision of the ECPT and would have to be inserted, in order to apply the convention, into the Georgian Criminal Code. To date, only Article 187 of the Criminal Code, on misuse of authority, had been applicable in

respect of alleged acts of torture committed against detainees. That is an example of how domestic law is brought into line with an international obligation, which will now be a matter for the ECPT.

As far as monitoring of their legislative efforts is concerned, the Georgian authorities I asked almost all admitted, without taking umbrage, that they faced enormous difficulties in securing the widespread application of the new legislation, particularly on human rights. Many of the human rights provisions, such as those concerning arrest and police custody, the length of pre-trial detention and criminal proceedings and the enforcement of court decisions on property rights and privatisation or decisions involving financial awards and other economic consequences, are still not applied, and are indeed impossible to apply, at this stage.

My Georgian talking partners' frankness on the subject was coupled with the often repeated "justification" that they were desperately short of funds. I was told that Georgia's national budget was decreasing in terms of tax rates on the revenue side, whereas expenditure was "crushed" under the financial burden (estimated at tens of millions of dollars) of about 300,000 displaced persons who had been there for more than seven years and still could not return home. Guaranteeing them a number of economic, social and cultural rights provided for by the Constitution (eg Articles 21, 31, 32, 34, 35, 37) during the current recession and serious economic crisis was said to be just as "impossible" as paying their wages, pensions, benefits and subsidies of all kinds in the time-limits and at the rates required by law. The same was said to apply to the rest of Georgia's population: lack of funds, cutbacks on all kinds of social welfare programmes, impoverishment, health problems.

Without wishing or being able to enter into this kind of debate, which mainly raises the question of whether the old maxim *ultra posse nemo obligatur* applies in this case, I have to admit that I was not at all convinced by the "lack of resources" argument. There are in fact all sorts of measures for remedying violations of civil, political and cultural rights and also promoting respect for social and economic rights, which do not cost much but simply call for a great deal of political pressure, the certainty that gratuitous criminal acts will be punished, initiative on the part of the administrative officials concerned and an appeal for community solidarity and for the voluntary involvement of civil society.

I shall return to this, but first, to conclude on the application of the new human rights legislation in Georgia, I must stress that as things stand, the Georgian authorities cannot impose or guarantee the application of this legislation on the part of Georgian territory over which Tbilisi now has very little or no effective control: I am obviously referring to Abkhazia, whose parliament adopted a unilateral declaration of sovereignty on 23 July 1992, then, at the end of November 1994, a new Constitution presenting Abkhazia as an independent republic and sovereign state; the same appears to apply to South Ossetia (which we did not visit); it used to be an "autonomous region" of Soviet Georgia, and the Ossetian authorities proclaimed South Ossetia an "independent democratic Soviet republic" on 20 September 1990, though they subsequently agreed, notably under the Sotchi agreement of 24 June 1992, to the peaceful settlement of their conflict with the central government in Tbilisi (including the determination of their territorial status, which is at present comparable to *de facto*

separation from the rest of Georgia); and it may apply, but to a much lesser extent, to Adjara, one of the two "autonomous republics" of the former Soviet Georgia: without questioning the fact that it belongs to present-day Georgia, Adjara seems to interpret its current status to mean that it does not automatically have to apply a number of laws and decisions adopted by the central government in Tbilisi, including for example the Georgian President's decree of 1 October 1999 pardoning, among others, a sentenced prisoner held in Batumi [I was thus asked to bring up the case of the former mayor of Batumi, Mr Tengiz Asanidze, if I had the opportunity to meet the President of Adjara, Mr Aslam Abashidze, in person].

2. Complaints concerning (i) police brutality and arbitrary behaviour, (ii) the prosecuting authorities' accommodating attitude, which ensures the *de facto* impunity of certain police officers and influential representatives of economic, social and political circles, and (iii) the malfunctioning of the judiciary.

In view of the considerable amount of information and documentation on these particular problems in Georgia which I had already received in Strasbourg from several quarters before visiting the country, I was obviously keen to talk on the spot to NGOs, the Mediator (Mr Teimuraz Lomsadze, acting Head of the "Public Defender Office", who in 1999 had received about 1,200 complaints, most of them against the prison administration, the police and the prosecuting authorities), other persons concerned (Ms Rusudan Beridze, responsible for human rights on the National Security Council), parliamentarians (Ms Elene Tevdoradze, Chair of the Parliamentary Committee on Human Rights, and Mr Zurab Zhvania, Speaker of the Georgian Parliament), as well as the officials in charge of the departments complained about, namely the police (Mr K. Targamadze, Minister of the Interior), the prosecuting authorities (Mr J. Babilashvili, Principal State Prosecutor) and the courts (Mr A. Demetrashvili, President of the Constitutional Court, and Mr Erik Svanidze, Deputy Minister of Justice). It is hardly surprising that I then found all these protagonists agreed on only two points: the lack of financial and human resources and the pressing need to finalise and adopt the draft law (still before parliament) on the profession of lawyer, including rules on the rights and obligations - and fees! - of officially appointed lawyers.

(i) On the subject of the numerous reports, complaints and witnesses' statements to the effect that many police officers carry out arbitrary searches, extort money and commit acts of brutality and, particularly after arrest, acts of torture (despite the relevant provisions of the revised Code of Criminal Procedure, 1997) - last year nine deaths of persons who had just been arrested were recorded, especially in Isolator 5 in Tbilisi, but also in Kutaisi (?) - Minister Targamadze chiefly refuted the claim that law enforcement officials under his authority (totalling almost 30,000) enjoyed a sort of general impunity. He produced detailed statistics for the purpose, indicating that from 1996 to 2000 there had been more than 5,200 disciplinary sanctions and almost 2,000 dismissals, together with the "fact" that as a result of the 1,204 cases referred to the prosecuting authorities, 348 police officers had been convicted and 120 were still in pre-trial detention. I neither saw nor obtained statistics on the number of final convictions (348? minus the acquittals? minus the suspensions? minus the terminations of proceedings? - bearing in mind that many of those convicted at first instance must have appealed) or on the severity of the sentences imposed, which

would obviously have been of interest to me, given the allegations of impunity received by the Mediator's Office. In any event, Georgia's Ministry of the Interior has established a Police Inspection Department to inspect and "clean up" what needs it from "the inside", and regrets that public opinion, NGOs and the media refuse to "duly" recognise the police force's merits in substantially reducing ordinary crime (by more than 40% since 1995!?) and the corresponding increase in public safety over the past two years. In addition, again according to the minister, police officers are in a position of great insecurity both in terms of their personal safety (more than 400 killed and injured during the period in question) and in financial terms: having received only one month's salary in six months, more than 1,000 police officers (out of a total of 30,000, including almost 4,000 in the judicial and criminal police) were said to have left the ministry in the first six months of this year. My question as to what the police officers remaining in post survive on received no official answer, apart from the information given by the Georgian Mediator, who said that army personnel stuck in their barracks were much worse off (because they did not even receive half of the 59 lari wage they were owed) - which resulted in thousands of desertions each year.

(ii) The Principal State Prosecutor, J. Babilashvili, in turn denied the allegation that arbitrary conduct, corruption and inertia on the part of the prosecuting authorities led to impunity for state officials who misused their authority: he emphasised at the outset that there were other authorities in charge of investigations and prosecutions which were outside his control, namely those of the Ministry of the Interior and the Ministry of State Security. According to him, the highly centralised Principal State Prosecutor's Department (see Constitution, Article 91) closely supervises the activities of the judicial and criminal police (which is now deprived of the "right" to conduct unceremonious "strong-arm" interrogations of persons in police custody ?), as well as the conditions and time-limits of police custody (72 hours) and pre-trial detention (a maximum of nine months - see Constitution, Article 18); persons under arrest are immediately informed of their rights and, where necessary (after a maximum delay of three hours), put in touch with officially appointed lawyers; and the prosecuting authorities always complete their investigations before the fateful nine-month deadline; (it will be noted, however, that according to the figures given by the Mediator, barely one third of the 7,775 criminal cases referred to the courts were tried in 1999, while the remainder - 5,359 cases - were "suspended" or terminated for lack of evidence of the ingredients of the offences charged); if ever someone is kept in pre-trial detention beyond that time-limit, it is due to the courts' excess caseload; aid failure to enforce a court decision, particularly in terms of its financial aspects, is not the responsibility of the prosecuting authorities, which cannot intervene in such cases. I admit that these assurances left me rather perplexed and sceptical after everything I had already read (eg US State Department, Human Rights Reports for 1999, Georgia, 25.2.2000, Sect.1, e, p.7 ff "denial of fair public trial"), and heard from NGOs, but above all seen and heard when I visited prisoners in three prison establishments on the previous day (see below).

(iii) While recognising the merits of the reforms (eg Section 47.4 of the Ordinary Courts Act, which also provides for examinations for judges already in post) initiated as soon as the Georgian Constitution was adopted in 1985, with a view to strengthening the courts' function as guarantors of the human rights listed in Chapter II of the Constitution, the Georgian Mediator's 1999 report, like those of various

international NGOs, stresses the interdependence between the smooth functioning of the courts (Constitution, Articles 82 ff, 90) and the existence of an independent and effective bar association, especially in criminal matters. I share this view and am therefore bound to recommend, for my part, that a law regulating the role of defence lawyers, above all, be adopted as a matter of urgency. Furthermore, I believe it is essential and entirely in the interests of the credibility of the justice system that the relevant Georgian authorities (in this case the "Justice Council" to which the Ministry of Justice handed over the administration of the courts in 1997) should speedily look into the problem of the failure to enforce many court decisions (about 20% over the past three years?). I should have thought such situations were a matter for the prosecuting authorities, in the light of Article 91.1 of the Georgian Constitution, but this does not appear to be the case, at least according to the Principal State Prosecutor. Yet it is essential that the judiciary should be able to rely on the executive to enforce its decisions. If necessary, the matter should be laid before the Constitutional Court (Constitution, Article 89), although, judging by the outcome of the 128 appeals lodged so far, the Constitutional Court appears to place a restrictive interpretation on its power under Article 89 f. to deal with individual appeals concerning the human rights guaranteed in Chapter II of the Constitution, unless the applicant also alleges that a law applied against him or her in the instant case is unconstitutional).

3. Sentenced and remand prisoners' conditions of detention

(i) In accordance with Georgia's commitments on joining the Council of Europe, the Prison Administration, including its staff (?), has meanwhile been placed under the authority of the Ministry of Justice instead of the Ministry of the Interior. Overall, according to the information I received in the course of my talks, this transfer appears to have had a dual impact: contact between prisoners (who number more than 9,100 - 6,500 sentenced and 2,600 remand prisoners - including a hundred or so women and a hundred or so minors, out of a population of 5.5 million) and staff (who number nearly 4,000), and indeed prisoners' "privileges" in their cells and buildings, have substantially improved; on the other hand, both the material conditions in which prisoners are held and those of their cells have clearly deteriorated because under the 2000 budget the Ministry of Justice obtained only one third (ie 4.5 million \$) of the appropriations requested (30 million Lari) and is receiving for this year a maximum of 40% of the appropriations allocated under the 2000 budget. This amount (less than 2 million \$) was said to be barely sufficient to pay for prisoners' food and half the cost of transporting them to the courts dealing with their cases (such journeys having become more frequent as a result of more "judicial" procedures than in the past) - which would explain the number of cases in which pre-trial detention extends beyond the statutory nine months, for lack of funds to transport remand prisoners to court for trial. In any event, the Georgian Prison Administration was said to have become much more "open", to the extent that foreign visitors, including myself, could be taken without any notice at all, to visit any prison; this was also said to apply to the Georgian Mediator, parliamentarians and other personalities concerned, as well as representatives of NGOs enrolled at their own request on the list of visitors authorised by the Prison Administration...

What is there to be said under such circumstances - unless it is to the political leaders who establish national priorities - to the Deputy Minister of Justice (Mr E. Svanidze) and the Director General (Mr Givi Kvarelashvili), the two officials with prime responsibility for prisons, who explain all this with such engaging frankness???

(ii) What is striking, by comparison with the average rate in western Europe, is the high rate of prisoners in relation to Georgia's total population. Would it not therefore be advisable to reinforce the conditions restricting pre-trial detention in order to reduce it, and restrict the application of prison sentences to the most serious cases and reduce the length of prison sentences, while seeking alternatives to imprisonment? On the other hand, the ratio of 1 to 2 or 2.5 between the total number of prison administration staff and the total number of prisoners in Georgia is bound to surprise all those who have already looked into this problem in western Europe. If it is "impossible" to reduce the number of prisoners (by convincing judges to give fewer prison sentences), it will be imperative to reduce the number of prison officers! In other words, the alternatives are either to embark on a crime policy of "austerity" or to give higher political priority to funds for the Prison Administration. But in my view, it is not possible to pursue the "basic survival" approach taken by the Georgian Prison Administration (which resulted in the deaths in prison of 34 sentenced prisoners last year - or a total of 66 including remand prisoners and persons who died after arrest?) without committing serious and continuous violations of a whole series of fundamental rights of persons deprived of their liberty, which are safeguarded in the Georgian Constitution (Articles 17, 18 and 39 ff) and in the Prisons Act of 22.07.1999, as well as in several international treaties to which Georgia is a party.

After visiting Prison Hospital No.5 in Tbilisi with Mr Kvarelashvili, as planned, I made unannounced visits to two prisons (for remand prisoners - 1,748 people, in Tbilisi, and prisoners serving long sentences - 624 people in Ortachala Prison "Colony"), and in practice, without wishing to list them all, I saw situations and heard complaints which are manifestly incompatible with the Georgian authorities' obligation to respect prisoners' basic rights: many remand prisoners held for several months had never seen "their" lawyer; many remand prisoners had been in detention for more than nine months because their cases had been postponed by the courts on the grounds that they had failed to appear at the hearing (lack of transport from the prison to the courthouse); dilapidated buildings and cells had not been refurbished for more than 60 years, had no electricity or running water, but were invariably overcrowded - there was one cell of barely 70 m² for 46 prisoners serving long sentences in the "colony", and another measuring about 18 m² for 11 minors on remand who were compelled to sleep two by two in five bunks 70 or 80 centimetres wide (the Deputy Minister undertook to remedy this); yet just near it, in the same wing for minors on remand, a perfectly adequate cell was occupied by four adult remand prisoners from the police force, and there was even a large cell for two adults on remand for financial crimes, who were well fed by their families and cheerfully expecting to be acquitted shortly; the food was apparently appalling, so that prisoners depended for survival on support from their families and friends (though even at a time of economic recession, the Prison Administration is still allocated one if not two Lari per day for each prisoner!); there was no medical assistance or free medication and basic sanitary conditions were lacking; and there was no opportunity for

vocational training, particularly in the form of workshops for some kind of manual work or job (except for a few prisoners devoted to the sacred cause of manual masonry who built splendid churches right in the middle of the prison establishments).

(iii) While agreeing with Mr Kvarelashvili that it was hardly possible to change all this from one day to the next, I strongly recommended, and I insist on this point, that he open up his prisons more fully to NGOs volunteering to "work" there. I was not convinced by his reply that there were no voluntary workers in Georgia or employers commissioning work from his administration and that he had no funds to pay professional trainers from outside. On the basis of long experience in this area, I believe that as long as the prison administration takes the necessary initiatives, and as long as one establishes contact with representatives of civil society, including churches, or even vocational schools seeking practical training courses for their students, and so on, one always finds ways of improving living conditions in prison. Securing a few building materials or a few pots of paint and brushes free of charge to allow bored prisoners who want to set about refurbishing and repainting their cells is hardly an impossible task - even in a country undergoing a very serious economic crisis!

It is to be hoped that in the course of a future visit to Georgia the CPT and the prison administration experts co-operating with our Directorate General of Legal Affairs will be able to propose a few practical measures which would enable the Prison Administration in Georgia to improve prisoners' fairly appalling living conditions without excessive expenditure - before prisons in Georgia blow up! The 2 million dollars or so required to complete the construction of a new prison which might alleviate the overcrowding of prisons in the Tbilisi region might possibly be made available under the European Union's programmes and projects for Georgia

(iv) Besides conditional release, which is generally very easy to "adjust" to the specific goals pursued, a highly effective measure against prison overcrowding is a presidential pardon. Article 73.m of the Georgian Constitution provides for this and Georgia's President has exercised his prerogative of mercy on several occasions in response to the proposals of the committee concerned. This was said to have allowed the early release of about 5,000 people (5,600? since the adoption of the Constitution at the end of August 1995? in any case 3,200 last year), many of whom, including "Zviadists", had been convicted of crimes committed in connection with the violent changeover from the regime of the former President, Zviad Gamsakhurdia (26.05.1991 to 06.01.1992), or with the attempted assassination of the Head of State on 29.8.1995. The presidential pardon was also said to have resulted in 54 death sentences being commuted to 20-year prison sentences in 1997.

I asked on several occasions why the President did not pardon the few dozen "political" prisoners still detained in Georgia according to certain sources (such as Amnesty International, Human Rights Watch, the US Department of State report mentioned earlier - p.9, International Society for Human Rights, Report on Georgia, 1999 - p.4 etc). We met two of them: Mr Pinizi Gulua at the Tbilisi prison hospital and Dr Peter Gelbakhiani in Ortachala Prison "Colony" about 20km away. Ms Beridze and other prominent figures with a detailed knowledge of these problems explained to me that all those often described as "political prisoners" had already (!)

been convicted of extremely serious crimes such as murder; public opinion would on no account agree to the President pardoning persons who had committed or taken part in murders, and once the death penalty had been commuted to a prison sentence, the President could not (?)pardon the same person again; on the other hand, a new amnesty law (already adopted by parliament?) required the prosecuting authorities (?) to reopen a number of cases, including those of prisoners described as "political" by sections of the media, which might make it possible to take account of procedural errors etc allegedly ignored at the time when they were convicted. Without knowing the details of these cases or really understanding why, under Georgian law, the courts themselves cannot automatically deal with such cases, unless the convicted persons concerned apply for a retrial, I have to reserve my position on the subject. That being said, during my talks with the Georgian President, I nevertheless took the liberty of insisting on the importance of signals indicating to the international community that national reconciliation was one of his political priorities.

III. Refugees and displaced persons wishing to return to their place of origin

1. Situation of Chechen refugees in the Pankisi Valley

(i) Having arrived in Georgia straight from the Vladikavkaz Conference (30-31 May) and having examined ways of promoting democratic renewal in the Chechen Republic of the Russian Federation, I was obviously interested in verifying a number of reports according to which the Pankisi Valley, inhabited since time immemorial by several thousand Kists of Chechen origin who essentially live on smuggling and a variety of other questionable trafficking activities, is a lawless territory and thus not really controlled by the Georgian authorities, one in which, in addition to several thousand Chechen refugees who have been there since the beginning of the year, there are also some 500 fighters training for an armed return to Chechnya. According to all information obtained on this subject from the Georgian authorities and such international bodies as the OSCE, the UNHCR and the ICRC, but above all judging by what I saw and heard during my visit to this lush, sunny valley, it now seems to me that the Chechen military bases are a legend which has manifestly resulted from a lack of reliable statistics and suspicions which have proved unfounded.

Although I am unable to verify the exact number of Kists present in the Pankisi Valley at the end of the last year (estimated at some 8,000 by the Georgian authorities questioned on the subject), ie during the large-scale arrival at the Shatili border post of persons fleeing the events in Chechnya and brought by helicopter from there to the Pankisi Valley, the statistics given me (notably by the UNHCR) show the following: in early April 2000, of a total of 7,030 persons who had arrived since the end of October 1999, 700 (without credible documents) were still being registered, and of the 6,330 who had been registered, 2,300 had in fact been "returning" Kists who had left the valley several years earlier to seek their fortune, in particular in the petroleum industry around Grozny. As to the composition of the 4,000 persons actually registered as Chechen refugees, the statistics provided did not distinguish between them and the Kists who had arrived; as to age and sex, the overall number of men between 18 and 60 years of age was well below one third of the total. I personally saw

only one man between 18 and 40 years of age among the 13 to 15 persons encountered during my visits (in the presence of representatives of the Ministry of Refugees and the regional authorities in Akhmeta) to the two population centres in the valley where most of these refugees are, namely Duisi (4,143 refugees) and Jokola (2,009), according to the data of the Georgian Registration Office. The figure of 7 or 8% for this category of refugees, I have been assured, was a fairly realistic estimate based on the experience of the UNHCR in similar situations. To corroborate my calculations, I of course "interviewed" several men in this age bracket and then questioned the head doctor at the hospital visited about the exact number of "war wounded", but in vain. In any case, according to my estimates, of the 4,000 Chechen refugees currently in the Pankisi Valley, not more than 200 at most, in view of their age, could have actually "taken up arms".

Much more important than this personal estimate is the fact that the border between Chechnya and the Pankisi Valley is virtually impassable for a military operation of any size; it is mined and watched over from both sides by Russian and Georgian border guards, flown over in "monitoring" exercises from Shatili to Omalo by military helicopters lent to the OSCE, and, what is more, is located at a distance of several hours of difficult terrain (at least 100 km?) that leads through wild mountains which in no way resemble the well-marked Vosges. The most important point is the unambiguous official position of the Georgian authorities on this matter: in view of the fact that more than 7,000 (?) Chechens (including the "warlord" Shamil Bassaev) were said to have fought on the side of the Abkhazian separatists just seven years earlier, the Georgian authorities, according to concurring assertions that I was given in Tbilisi, had taken in the Chechen refugees unwillingly, but as Georgia had just ratified, on 9 August 1999, the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol, they simply could not have done otherwise. That being said, in addition to the fact that they have little sympathy for the Chechen fighters, they maintained that they did not have the slightest political interest in provoking their powerful neighbour to the north by ignoring or failing to stop the abuse of the status of refugees by Chechen fighters who want to prepare themselves on Georgian territory for further armed interventions in Chechnya. What is more, it was asserted that the Pankisi Valley is too easy to control - and I agree, after what I have seen - for military training camps to be there without being immediately detected.

(ii) On the other hand, the consequence (which is not contested by my Georgian hosts in Tbilisi) of the sudden arrival of more than 7,000 destitute persons in a valley which had already proved to be too small for all its inhabitants - more or less the same number as the new arrivals - to live "decently" has been a relative increase in trafficking, which had already been going on for a long time. This is said to concern in particular illegal drugs from Afghanistan which transit Daghestan and the Pankisi Valley on their way to Abkhazia and from there via Turkey to wealthy consumers in western Europe, but it is further asserted that this also involves trafficking in all sorts of light armements, cigarettes, petrol etc., which is financed by Near East Mafia networks and facilitated by the official sending of "humanitarian relief" to the Chechen refugees by various Islamic groups, including the wahhabits, who are sympathetic to their plight. That would explain some of the movements in the Pankisi Valley, not in the direction of Chechnya (the Shatili and Omalo passage being closed),

but, apparently with the help of substantial bribes at border posts, in the direction of Daghestan, Azerbaijan, Tskhinvali (South Ossetia) and even Tbilisi. The Georgian authorities (including the Minister of State, Mr Arsenishvili, who until recently was the Governor of the region in which Pankisi is located) have assured me that they were determined to "restore public order" in this valley, which consists of two municipalities and has been administered until now in a rather autonomous manner by a Council of valley inhabitants which, it is said, is of course very hostile to the intentions of the central power, which is seeking to consolidate its authority by establishing new police stations. The Georgian side says it would be quite prepared to co-operate to this end with the relevant Russian federal authorities, which would allow the latter to come and see the situation in the field.

(iii) As to the current living conditions of refugees in the Pankisi Valley (most of whom arrived in late 1999 and early 2000, notably from Grozny and Urus-Martan), their material conditions, including the provision of food, seemed acceptable, and in fact much better than the conditions seen in some camps in Ingushetia and northern Chechnya as well as those of IDPs living in Zugdidi and around Kutaisi (*infra*). However, women in particular, who are sometimes very old, have complained about their dilapidated make-shift shelters, the lack of space, the leaky roofs and the presence of rats and insects. On the other hand, those whom I questioned complained about the lack of specific aid, such as special food and vitamins for infants, the ill and the aged, and above all the lack of medicine for the most common illnesses (tuberculosis, bronchitis, diarrhoea, cardiovascular illnesses). One dentist and two doctors are working at the "hospital" in Duisi, without electricity or minimal medical equipment and without sufficient medicine; they send the most serious cases to the regional hospital in Akhmeta or those in Tbilisi. Not having been able to contact "Doctors Without Borders" to obtain information on their activities and experiences in the valley, we looked on with admiration at the efforts being made very close to the "hospital" by another foreign NGO (the Norwegian Refugee Council, NRC) which, making use of the summer school holidays, has begun renovating an old local school building, which is soon to be used to provide a minimum of schooling to 620 of the 1,100 refugee children.

(iv) But the most frequent complaint of the refugees in Duisi, which has also been repeated in our interviews with those of Jokola, was that they still could not return home, not only for financial reasons (US\$ 40 to 50 for transport to the Chechen border, then at least US\$ 100 in "fees" for entry into Russia), but above all for reasons of security once they cross the Georgian border. The UNHCR is said to be willing to provide help to returning convoys under certain conditions, but there must really be serious obstacles. Thus, after our return to Tbilisi, a representative of the "International Human Rights Committee", actually a rather activist Chechen organisation, came on 9 June to confirm what had already been reported in the local media, namely that a bus transporting some 60 volunteers returning to Chechnya was said to have been stopped (7 or 8 June?) after crossing the Russian border post into Larse in the Republic of North Ossetia; all adult males were said to have been taken away for interrogation to a screening camp and had not been heard from since.

Assuming for a moment that this is true: would it not be possible in such cases, in order to assuage fears of such treatment among young adults who have told me in Pankisi that they had had nothing to do with the armed operations in Chechnya, to conclude an arrangement between the Georgian and Russian authorities, for example through the intermediary of the Embassy of the Russian Federation in Tbilisi, for issuing in Georgia, after an on-site check, a kind of "pass" guaranteeing those who obtain it that they can return to Chechnya without again being subjected to protracted and arbitrary controls? If the Russian Federation really wants these refugees to return home and if Georgia would really be relieved to be able to "get rid of them" without exposing itself to any criticism, then imaginative solutions will be needed so that those refugees who want to go home can overcome their fears.

Lastly, for the record, the information given by one Caucasus press agency according to which I recommended the transfer of Chechen refugees from the Pankisi Valley to Turkey (where there are already quite a few Chechen immigrants) is a complete fabrication. The Ambassador of Turkey, whom I met in Tbilisi, is aware of this and took note of my protests in that regard during my press conference at the end of the stay in Tbilisi.

2. Problems of refugees and deported persons wishing to enter Georgia: (i). South Ossetians and (ii). Meskhets

(i). Return to South Ossetia

Not having been to South Ossetia, I am not in a position to sort through the mass of detailed notes and often contradictory information or take them all into account. So I can be brief and recall, to begin with, that South Ossetia is now de facto separated from the rest of Georgia, but required and, it would seem, prepared to compromise with the central power in Tbilisi on finding a peaceful solution for its definitive status (*Supra*, II, 1 *in fine*). In so far as Tbilisi no longer exercises effective control over this part of its territory (or does not do so yet), the Georgian authorities themselves cannot decide who can return to South Ossetia: all those who have left, ie some 10,000 Ossetians, for North Ossetia, the Russian Federation, and as many Georgians who have gone to other regions in Georgia, or also the 30,000 Ossetians who left the rest of Georgia for North Ossetia? The Tskhinvali authorities clearly favour the return home of all persons of Ossetian ethnic origin, but as the living conditions in South Ossetia are particularly difficult, relatively few Ossetian refugees in Russia (less than 2,000?) and displaced Ossetians in Georgia (1,000?) have returned.

According to figures kindly provided by the UNHCR, there are still some 23,500 Ossetian refugees in the Northern Caucasus region, in particular in Vladikavkaz, likely to return to the rest of Georgia. I met two such persons at the well-stocked market of Vladikavkaz, who complained of obstacles placed in the way of their return by the Georgian authorities, mainly their refusal to permit them to return to their places of origin without preconditions and to obtain, where appropriate, restitution of their belongings and of their property if the latter has since been occupied by Georgians who had no right to do so. Questioned on this matter, the Georgian

authorities, including the Minister responsible, Mr V. Vashakidze, said that most of those 23,500 persons were "economic refugees" who were much better off living in the Vladikavkaz region than in Georgia and who therefore did not want to return to Georgia for the moment. If they did return (the Georgian authorities clearly prefer that they all return to South Ossetia), they would be considered full-fledged Georgian citizens and treated like all other citizens, ie they would be required to settle in Georgia where there is room for them.

In so far as the Parliamentary Assembly has stressed that Georgia must take legislative and administrative measures providing for restitution of property and of lease rights or compensation for property lost by persons forced to abandon their homes in the conflicts in 1990 - 1994 (cf. doc. Monitor/Inf (2000)3, p. 22), that is, in my view, a very wise demand.

(ii) Problems relating to the return of the Meskhetians

Much more difficult than the return of the Ossetians is the problem of the future large-scale return of the Meskhetians, of whom some 100,000 (?) were deported in 1944 under the Stalinist regime from the Samtske-Javakheti region of South Georgia, primarily to Uzbekistan. It is not clear to what extent these persons, who were Soviet citizens at the time, acquired, like Uzbeki citizens, Russian nationality upon the collapse of the Soviet empire and the creation of the Russian Federation, but it appears that there was another deportation of Meskhetians, from Uzbekistan to the neighbouring Republics. The exact number of Meskhetians presently living in Uzbekistan and the neighbouring Republics of the Russian Federation has not been established either, although both the Russians and the Georgians generally cite a figure of 275,000. What is lacking above all is information on the approximate number of Meskhetians who really wish to return to Georgia in the near or not-too-distant future, despite the difficult conditions awaiting them.

Already burdened with problems associated with the current presence in Georgia of some 200,000 displaced persons (IDPs) after the conflict with Abkhazia (*infra*) and also facing a very difficult economic situation, the Georgian authorities, although they already accept the principle of repatriating the Meskhetians, including the obligation to grant them the right to Georgian citizenship/nationality (cf. Constitution, art. 12), are clearly attempting to restrict and postpone the return of the Meskhetians. They would thus like to begin collecting precise data, with the help of a databank, on the number and identity of Meskhetians actually deported from Georgia, and this would even entail the opening to research of the relevant archives in Moscow and Uzbekistan. Minister Vashakidze therefore urged me to ask the Council of Europe to provide the funding needed to create such a databank as well as to support his requests for access to all available information on this subject in the Russian Federation.

In fact, according to the "guiding principles" decided in this context following consultations between the OSCE, the UNHCR and the Council of Europe and apparently already accepted by the Georgian authorities, the officially envisaged approach would be of another nature and would involve starting with a regular

"census", if necessary under international auspices or else under "appropriate" control, to establish (outside Georgia?) the approximate number of Meskhetians wishing to "return" to Georgia.

Regardless of how it is determined how many Meskhetians want to return to Georgia and are entitled to do so and when they will be able to do so, one question which apparently is even more complicated is that of where they can settle in Georgia. As a large percentage of the Meskhetians are Muslims of Turkish origin (although, according to Minister Vashakidze, the ethnic and religious make-up of those deported is disputed), their large-scale repatriation to their "region of origin" in Georgia, namely Samtske-Javakheti (or Meskheta-Javakheti?) might of course create new "trouble-spots", because it would automatically upset the ethnic and religious balance in this region, currently inhabited by a population of Armenian origin, the vast majority of whom are Christians. As I understand it, for this very reason the Georgian authorities would prefer to "disperse" returning Muslim Meskhetians throughout the Georgian territory rather than have them all settle in large numbers in "their region of origin" or in any other region of Georgia.

This is doubtless a real dilemma with enormous human and above all political implications. As I have argued with my Georgian partners, if for example the principle of "return to one's place of origin" is not applied here, the Abkhazian authorities might be tempted to let the same "practice" serve as a precedent and refuse to allow many Georgian IDPs to return to Abkhazian regions other than that of Gali (*infra*). I was very reassured to learn from the President of Georgia himself that he was very aware of both the complexity of this problem and the importance of finding a solution in an overall national context. A blueprint already exists for such a solution, and, according to President Chevardnadze, it is now important to move forward carefully and pragmatically, since a large-scale return of the Meskhetians is not imminent, given the difficult material conditions in Georgia.

3. Consequences of the Abkhazian conflict (i), status (ii) and living conditions of displaced persons in Georgia (iii) and the problem of those who wish to return to Abkhazia (iv)

(i) From the point of view of domestic policy and political, social, economic and financial consequences, the solution to their conflict with the Abkhazian authorities constitutes one of the major problems facing the Georgian authorities. However, attempts to find a peaceful settlement to the conflict under the auspices of the UN even before the cease-fire of March 1994 still seem to be deadlocked, since the Sukhumi authorities are basically calling for the independence of Abkhazia or else a status on a par with that of the rest of Georgia in a future confederation, whereas the Tbilisi authorities insist (above all) on a return of Georgians displaced from Abkhazia as the precondition for any real negotiations on the extent of Abkhazia's autonomy within the inviolable national territory. It may be however that the Georgian authorities' attitude has recently evolved on these questions because they stated to us that they currently see the solution of the Abkhazian problem in the granting of a status guaranteeing Abkhazia "the broadest political autonomy". This status would be

based on the model of the federal state and work on the drafting of such a status could already have started since the Georgian authorities have requested the Venice Commission to contribute.

Like the number of victims of the conflict in Abkhazia (in addition to civilians killed - twice as many as participants in uniform? - some 8,000 Abkhazian soldiers and 13,000 Georgian soldiers or paramilitary fighters? Two committees are co-operating regularly on both sides to locate more than 1,000 missing persons, according to Mr Avtandil Ioseliani, Chairman of the relevant Georgian committee), the number and ethnic origin of those who have fled Abkhazia, have remained or have returned is a highly controversial political issue. According to Georgian estimates (cf., eg, UN doc. E/CN.4/1997/132, p. 34), the population of Abkhazia has declined (from 535,000 in 1992 to some 146,000 in 1997), in particular following the mass exodus in the course of the period of ethnic violence, by nearly 390,000 persons, in general of ethnic origin other than Abkhazian, including more than 200,000 Georgians. According to other figures (provided in part by the OSCE), the population in Abkhazia now stands at some 225,000 persons (315,000 according to the Abkhazian authorities!), with some 80 to 90,000 Abkhazians (in the past about 18% of the local population), or 35 to 40% of the total. In any case, the "300,000 persons displaced" from Abkhazia - and from South Ossetia! - who are said to have gone to the rest of Georgia seem very "volatile" (some 100,000 of them are said to have settled there definitively or to have left for other countries?), so that the exact number (173,000 from Abkhazia and 10,000 from South Ossetia?) of those currently entitled to and having obtained the status of internally displaced person ("IDP") is not known (this was confirmed in the 1999 Report of the Georgian Ombudsman referred to above, on page 14 *in fine*). Nor does there seem to be a clear approximation on how many IDPs who would now like to return to Abkhazia and would be willing to settle in the Gali region (some 130,000 or only 60,000?). To cite an example, more than 50,000 IDPs were said to have returned *de facto* to Gali, but were driven out again following a renewed explosion of ethnic violence in May 1998; nevertheless, since then, some 40,000 persons (according to the estimates of several international observers) have again returned clandestinely and even resettled in Gali for all or at least part of the year. In short, as in the case of the Meskhetians (*supra*), there is considerable uncertainty about the actual number of persons prepared to return to Gali immediately; yet reliable data are essential, for example if it is decided to negotiate the return of IDPs from Abkhazia "in stages".

(ii) A rather convincing explanation for this disturbing lack of reliable official figures can be found by analysing more closely not only the political stakes, but also the consequences of granting IDP status: this status automatically entitles the person who has obtained it, by law at any rate, to a whole set of privileges and advantages as well as certain allowances in kind and subsidies, including 12 (or 18?) lari (about US\$ 6) in cash monthly (the minimum monthly wage in the civil services in Georgia is about US\$ 10). It is thus understandable that those judged eligible for this status have no interest in relinquishing it as long as they remain under Georgian jurisdiction, and both the civil services and non-official bodies have no interest either in reporting a decline in the number of IDPs under their care, because they would then face what would be a virtually automatic reduction in their funds, which are calculated according to the number of IDPs they are looking after. This is all the more valid in that the total "funds allocated for refugees" in the national Budget is said to have

increased considerably and even doubled this year (some 100 million lari?), and what was a policy of temporary assistance has now become a policy of economic and social development whose aim is to prevent the IDPs from increasingly becoming second class citizens during the long wait to be able to return home.

Also "by law", the status of IDP contains a number of restrictions (according to the unofficial conclusions of a study conducted at the end of last year at the request of the UNHCR by the Georgian Young Lawyers' Association (GYLA) entitled "Monitoring of Legal and Actual Status of Internally Displaced Persons in Georgia"). Only IDPs placed in lodging made available by the state - and not those refugees taken in privately - are protected, at least in theory, against the risk of being evicted. Moreover, IDPs who have financially and officially acquired private housing automatically lose their IDP status (Law on Internally Displace Persons, art. 6, para. 2, sect. 3); the Ministry responsible for refugees and their housing also maintained that its failure to take initiatives to improve the conditions of pubic housing for IDPs was due to insufficient funds. Contrary to the legislation specially adopted for this purpose, it is also asserted that the exercise by the IDPs of the right to education is hardly fostered in practice by the granting of the relevant allowances, of which most IDPs are not officially informed. The same is said to apply for the exercise by the IDPs of their right to free medical care (*ibid.*, art. 5) and, where applicable, medical insurance and free medicine (notably for disabled persons, the aged, children and poor families). (On the other hand, it is said that medicine donated by humanitarian organisations which is not given directly to the IDPs finds its way to the market). Regarding several socio-economic rights granted to IDPs, the relevant special legislation is both unrealistic and faulty (for example, it provides for the loss of the monthly (and very irregularly paid) cash allowance (12 lari?) when it has not been drawn over a period of three consecutive months; it does not require the authorities concerned to alert the IDPs of the sporadic arrival of certain aid in kind; it gives priority to the hiring of IDPs in the civil service without it being possible to transfer them to other employment when necessary; and it leaves to the discretion of certain local authorities the priority, but temporary, allocation of land suitable for cultivation to IDPs much too destitute to purchase the necessary seed themselves). Legal provisions depriving the IDPs of the right to take part in elections based on a majority vote (eg. art 33 of the Parliamentary Elections Act) or even primary municipal elections (art. 36 of the temporary provisions of the Municipal Elections Act - Sakrebulo) allegedly constitute particularly serious discrimination against the IDPs (cf. Constitution, art. 28.2 and 105.2 and 4), which the relevant Georgian authorities might remedy at no real financial expense. The same is said to apply to article 6.2 of IDP act, which imposes loss of IDP status in the event of permanent residence and registration, although such conditions are required to establish full voting rights.

Given this long and non-exhaustive list of specific allegations concerning the legal status of IDPs and their treatment in practice, I was very interested by the replies of the Tbilisi authorities and those of the regional authorities questioned on this subject in Kutaisi, Tskhaltubo (Imeriti Region) and Zugdidi (Samegrelo-Svaneti Region). Basically, it emerges that the uncontested fact that special legislation for IDPs is not implemented in full is supposedly due to the lack of necessary financial resources. On the other hand, the discriminatory effect referred to in many legal provisions for the IDPs is said to exist only "on paper": in practice, the IDPs are said to be quite well-

informed of their considerable specific rights and know very well, for example, that they will not be held accountable if they do not pay for certain services or even property given them; it is asserted that they are virtually all without financial means and have no desire to settle permanently elsewhere or acquire private housing, and in the exceptional cases where this is not true, they would not (?) lose the IDP status. It is maintained that many IDPs have found work (but without losing their allowances as IDPs?) and a large percentage of the others (30 to 50%) are still said to be looking for a job, as is the rest of the Georgian population, unemployment being very high; it is asserted that the IDPs have only one wish, namely to return home, and that for this very reason (?), they do not really want to become integrated and certainly do not want to take part in municipal elections and the organisation and functioning of local government; it is also maintained that they would have an impact on parliamentary or presidential elections (their plight often being exploited for political ends), and they are said to be, so to speak, structured and represented through their neighbourhood and district committees, culminating in an "Abkhazian Government in exile" established in Abkhazia in 1993 but now financed by Tbilisi.

My meeting with representatives of the media and civil society of the Imereti Region (some 50,000 IDPs in a region of 800,000 inhabitants, including 200,000 in the capital, Kutaisi, where 35 to 40,000 IDPs live, half of them in public housing and the other half in the private sector) did not produce new details on this subject, apart from the prior information from Governor Shashiashvili that payment of salaries by the state was six months late and the allegation by the local NGO representative that the improvement of the administration of the IDPs had to contend above all with a lack of know-how and even corruption in the administration in charge. I thus went to check on conditions of the IDPs on site, beginning in the "Restricted Weapons Zone" of Zugdidi (48,000 inhabitants, including 27,000 IDPs, the vast majority from the Abkhazian region of Gali) and then in Tskhaltubo, a former health resort some 20 kilometres from Kutaisi, whose buildings (where we spent the night) were overflowing with IDPs.

(iii) It is really difficult to describe coolly and without strong words the dramatic living conditions of these IDPs, whom we visited in Zugdidi on 7 June: a former school now housing 120 families who are resisting their eviction; a former factory transformed to house 47 families, in some cases there being 4 or 5 beds for 2 families or 8 people in a single room measuring less than 18 m² without water or heating, with one hour of electricity daily that can be cut without warning; lack of basic hygienic conditions; people desperate and often resigned because of they have become so weak who recount with difficulty that they have not been paid their official pensions or cash allowances for 5 to 13 months and have not even received flour or other "official" food for more than 3 months; many illnesses among the elderly and infants, their families explaining that this was due to the fact that after the withdrawal of the international humanitarian organisations (ICRC and the UNHCR in 1996 ? or 1997 ?), the local "replacement" organisations had also abandoned them to their fate; "real" medicine is said to have become increasingly rare and unaffordable, medical assistance is insufficient or non-existent, but is always for a fee, and the destitute ill are thus said to be condemned to death because they cannot afford operations, care or appropriate medicine (this is what happened to several persons we saw lying on their beds, unable to move); dilapidated rooms damaged by leaks and the lack of a

minimum of materials to repair them, some people having collected wood planks, scrap metal, cables or roofing dozens of kilometres away to repair their "homes".

To survive, these people, who live in frightful poverty, depend entirely on family support, ie other courageous family members who infiltrate the Abkhazian border region of Gali at night or with the help of "gifts" to work for a few days or longer in order to make a living and pick up and bring back to Zugdidi whatever they can find for their families. It is said that 7 to 8,000 illegal workers (including more than one quarter of the IDPs registered in Zugdidi) leave and return every week! The "cruel" question here of course has yet to receive an official answer: whether not only the electricity is in the process of being "cut", but also food and financial aid to the IDPs near and along the border on the Georgian side in order to prompt them to return sporadically to Abkhazia and to try to ensure their material survival there and thus maintain international political pressure on the Abkhazian authorities. This is the actual opinion of many officials whom we met, who spoke of "attempts to instrumentalise the Georgian IDPs", but I can neither confirm nor invalidate this hypothesis without additional reliable facts on the subject (*infra*).

Although not worse off than those of Zugdidi, the IDPs we met at the former Intourist Hotel (225 inhabitants) of the Tskhaltubo health centre near Kutaisi seemed angrier and had more complaints: much bitterness about what they consider the abandonment of any protection of their legitimate interests by the international community; several explosions of rage at the Georgian administration and many cries of despair about their dire straits: very limited supply of electric current and water; continuous deterioration of their overpopulated and dilapidated homes and quarters; intolerable hygienic conditions; medical treatment only if paid for and urgent lack of medicine; lack of sheets, blankets, clothing etc.; the children no longer have shoes for going to school; no prospects of any jobs; no financial subsidies whatsoever (of only about 4 lari monthly in certain cases!) for more than 3 months (for some, for more than 6 months!) and considerable delays in the free distribution of 300 grams of bread daily per person; numerous educational and social problems etc.

In view of mounting tension and increasingly threatening remarks, we withdrew, resuming interviews at about 10 pm with members of the representative committees of local IDPs, who were physically more at ease and psychologically more "in control" and politicised than the others. Restating the main difficulties currently facing IDPs (and which incidentally have led to a sharp decline in their birth rate!), their spokesmen, including representatives of the "Abkhazian Government in exile", who, by the way, are paid for the services they render, held the international community and all international organisations responsible for their plight. They say that the sole alternative, which they do not want at present, would be for the IDPs themselves to take up arms again to defend their legitimate interests. Consequently, in a surprisingly well-co-ordinated manner, these IDP representatives in Tskhaltubo stressed that the Council of Europe must exert pressure on the Russian Federation to force the current Abkhazian regime, which they say has no outside support, to agree to conditions guaranteeing the safe return of the IDPs. As such conditions do not exist at present, the IDPs are in fact the target of a "high level" effort to discourage them from attempting any premature, unregulated return to Abkhazia.

To be perfectly frank, during the nightly discussions at the Tskhaltubo Sanatorium, but earlier as well, listening to the "officials" responsible for "refugees" in Tbilisi, Kutaisi and even Zugdidi who are all on the whole "satisfied" with their own efforts to "administer the problem" during this shortage of appropriate means, I could not help think of the terse words of an old friend, a disillusioned old-timer in the field of humanitarian relief, whom I shall not name (!) and who had warned me long ago - and here I quote his cruel words which remain imprinted on my memory: "you speak of the return of refugees and displaced persons? But my poor friend, you don't understand anything! Refugees are like orphans, or if you prefer, like prisoners. Above all, they are the reason for being of the administrative bodies that look after them; and, even more importantly, they ensure a more or less decent living for their administrators, in any case one that makes them better off than the refugees. As long as there is no fresh crop - pardon me! - as long as there are no new arrivals, the administrators responsible for them will never let their darling children leave. They don't want to cut the branch on which they are sitting. That would be suicide! They want to keep the status quo as long as they can get away with it".

At the time, my friend seemed too cynical, but since then, I have been privy to a number of situations in which refugees or displaced persons do in fact seem to be instrumentalised for a wide variety of reasons. Is this not the case now in Georgia? I don't want to make this assertion, but I must say that I was very troubled by the "all or nothing" attitude of some of the Georgian officials I met, including spokesmen for internally displaced persons, who ruled out from the start any pragmatic approach for achieving gradual progress on the return of IDPs to the Gali region (*infra*) and rapidly agreeing on viable compromises on a case-by-case basis. Notwithstanding their "extremist" attitude, that evening I told these spokesmen what I had already promised a number of IDPs there, namely that I would certainly report on their dramatic situation and on the urgent need for medicine and medical care in my future contacts with the UNHCR and the ICRC (which were informed as soon as I returned to Tbilisi). I also undertook to inquire directly with the Abkhazian authorities about any guarantees for the physical protection of returnees in cases in which the return of IDPs to certain regions of Abkhazia is authorised. When I arrived back in Tbilisi, the new Minister responsible for "special matters" (which apparently includes the problems of IDPs), Mr Malkhaz Kakabadze, promised me that he would start an immediate investigation into the reasons for the irregular and late distribution of food relief earmarked for the IDPs, tons of flour delivered to Kutaisi and destined for distribution to famished IDPs having apparently been awaiting transport to Zugdidi for several months.

(iv) My visit to Abkhazia (for the organisation of which I wish to thank, once again, the Special Representative of the UN Secretary General, Ambassador Dieter Boden) provided the opportunity for some very interesting meetings, starting with a highly instructive general briefing from Ambassador Boden (who was very concerned that day - 8 June 2000 - about the abduction, a few days earlier, of five members of his UNOMIG mission in the Kodori valley, to which access is rendered difficult by the high altitude, and which is in fact controlled by some 2,400 Svan, a tough mountain people who form a buffer between the Georgian and Abkhaz forces).

I subsequently held talks, again in Sukhumi, the capital, with some 30 Abkhaz parliamentarians, including their President, Mr Sokrat Jinjolia. The main subject of discussion was the "traditional" issue of the relationship between the exercise of collective rights, in this instance the right to self-determination claimed by the Abkhaz authorities, and the permanent obligation which these authorities have to respect individual fundamental rights, including the human rights of those who are not of Abkhaz ethnic origin. The Abkhaz parliamentarians heavily emphasised the fact that any human rights violations committed on their part in the course of their recent conflicts with the central government in Tbilisi were merely an inevitable direct consequence of the violation by Georgia of the exercise, on the part of the Abkhaz authorities, of their right to self-determination (leading the Abkhaz Parliament, after the disputed referendum of March 1991, to vote not only in favour of the abolition of the 1987 Georgian Constitution, but also - in response to the moves in Tbilisi towards reducing Abkhazia to its pre-1921 district status - in favour of replacing the 1978 Constitution with the relevant provisions of the 1925 Soviet Constitution. This Constitution promised Abkhazia, which had been raised to the status of a Soviet Socialist Republic in 1921, an independent or "sovereign" status, ie legally equivalent to that of the other republics, such as Georgia, forming part of the USSR. In view of the restoration of this status, it was argued that the Abkhaz Parliament had been right to adopt its unilateral declaration of national sovereignty on 23 July 1992, then, at the end of November 1994, its new Constitution according to which Abkhazia was an independent republic and a sovereign state. For the same reason, the parliamentary elections held in late 1996 and the local elections held in mid-March 1998, and also the presidential elections held on 3 October 1999, were thought to be perfectly valid, even if these elections were not recognised as such at international level).

I naturally argued against the position of the parliamentarians, who claimed a causal link in order to rule out any responsibility in the matter, by drawing an analogy (drawn from the well-known events which took place in Germany, Italy, Spain or Northern Ireland in the course of the 1960's and 70's, in particular) with the example of the democratic state, which, in protecting itself against terrorist attacks, cannot use for this purpose the same means of terror as the terrorists themselves. Therefore, even when pursuing perfectly legitimate aims, such as the protection of public security and the realisation of certain collective rights, a state governed by the rule of law – and Abkhazia aspires to this status - cannot disregard its absolute obligation to respect at all times certain fundamental rights of its subjects, such as, in particular, the rights mentioned in Article 3 common to the 1949 humanitarian conventions, which partly overlap with those referred to in Article 15 of the European Convention on Human Rights. I am by no means certain that my "political" interlocutors were convinced by this "legal" argument.

In fact, I felt a certain amount of doubt as to the validity of my statement that morning presenting the "legal" view when I held a meeting in the afternoon with some 15 representatives of local NGOs, several of which put forward a long list of fundamental individual rights which had been seriously endangered following the decision, taken at the Summit of Heads of State of the CIS at the end of October 1995, to impose an economic embargo and close Abkhazia's borders (thus adding to Abkhazia's isolation, which was decided upon by the UN and the OSCE when hostilities ended in March 1994). It was argued that these collective sanctions, which

are still in force and, according to my interlocutors, are apparently regarded by some "international lawyers" as "legitimate" because they were "officially" imposed out of a concern to protect "international" interests, such as peace and security, result in a massive violation of the most elementary rights (such as the right to health, the right to a nationality, freedom of movement and information) of all the members of the Abkhaz population affected by these measures, regardless of their opinions and commitment to the Abkhaz cause. Unless we are to allow double standards, we have to choose between two alternatives, either the exercise of the collective right to international peace and security is legitimate, whatever the consequences in terms of respect for the individual human rights of those living in Abkhazia, in which case the exercise by the Abkhaz people of its right to self-determination to secure national peace and security and thus escape repression by the Georgian invader would also be justified, whatever the human consequences of the ensuing armed conflict; or the imposition of the embargo on Abkhazia and its international isolation are illegal, in which case, according to my interlocutors, I would need to investigate the harmful consequences which these illegal measures have had on respect for human rights in Abkhazia, as well as the consequences of the Abkhaz conflict in 1992 and 1993. In any event, as long as the outside world does not respect the rights of the Abkhaz people as such, it would be particularly difficult for the local NGOs concerned to make ordinary Abkhaz citizens aware of the fact that they themselves actually possess certain fundamental rights of which they could and, if appropriate, should avail themselves vis-à-vis the authorities which govern them. Lastly, regarding the general attitude of the representatives of Abkhaz civil society questioned on this point, there were no objections to the return of the Abkhaz IDPs currently living in other parts of Georgia - provided, however, the pace and scale of their return neither paralyses nor delays the urgently needed improvements in the material living conditions of those who have remained in Abkhazia.

It should be noted that this exchange of views was held, in the company of Ambassador Boden, at the UN/OSCE Human Rights Office in Sukhumi (HROAG), with which the ICRC also co-operates for the purpose of monitoring the situation as regards the rights of detained persons (giving rise to some very sustained and wide-ranging activities, including access to detained persons wherever they might be, as I was assured by the head of the ICRC Bureau in Tbilisi, Mr François Bellon). The Director of the HROAG Bureau, Mr Roman Sytschuk (who, if I am not mistaken, has been seconded to the UNOMIG mission by the Office of the UN High Commissioner for Human Rights in Geneva), informed me of a recent memorandum outlining the very important and quite surprising activities of his Bureau. For example, it emerges from the memorandum that, in 1999, by approaching the relevant authorities, the HROAG was able to settle more than 50 cases of violations of individual rights relating in particular to personal safety, pensions, housing and property, and that its monitoring of respect for human rights in Abkhazia is currently being extended to the Gali region in "Restricted Weapons and Security Zones", where HROAG staff members take part in UNOMIG military patrols. The Bureau is also involved in a range of activities aimed at promoting human rights and developing the capabilities of local civil society, comprising, for example, the preparation of relevant documentation and the human rights education of judges and members of the police and armed forces, the human rights education of media representatives, etc.

Apparently, the "sensitive" issue is whether this Bureau could and should be authorised to set up a kind of "permanent branch office" in the Gali region in order to monitor and ensure respect for certain rights there, including in particular that of personal safety, should IDPs be willing and able to resettle there - on the understanding that the Abkhaz authorities have previously undertaken to restore the necessary facilities in Gali, such as public transport, schools, hospitals etc. This question is of particular interest, not only for the OSCE and the UN, and I personally support them unreservedly in this connection, but also for Tbilisi, because the Georgian authorities, in order to break the long deadlock, currently seem to be in favour of a kind of provisional international administration in the Gali region (similar to that in Kosovo?) and thus seem to regard the setting up this UN/OSCE office in Gali as another step in that direction. In fact, I raised this question, among others, in the context of the guarantees of personal safety for IDPs returning to Abkhazia, in talks lasting over three hours with Mr Vladislav Ardzinba, former President of the Supreme Soviet of Abkhazia, whom this body elected as first President of the Abkhaz Republic when the Abkhaz Constitution was adopted in November 1994.

Receiving us first of all in his office (in the presence of Mr S. Shamba, Minister for Foreign Affairs, and Mr A. Jergenia, Principal State Prosecutor), then, in the company of Ambassador Boden, at his residence (Stalin's former dacha with a superb view over the Black Sea), President Ardzinba, former professor of philological science, honoured us with a brilliant lecture on the history of Abkhazia and its recent conflicts with Georgia, underlining in particular the following three points:

- Firstly, the ancestral independence of Abkhaz territory and the Abkhaz people, which had fallen victim first of all to the Russians when they arrived in the region in the XIXth century, leading to waves of emigration of islamised rural Abkhazians to Turkey, a massive influx of not only Russian but also Georgian and Armenian immigrants, and a corresponding demographic marginalisation of the Abkhazians on their own territory; Abkhazia had fallen victim again in 1931, during the Soviet era, when its "Soviet Socialist Republic" status dating back to March 1921 was changed and Abkhazia - until then linked to Georgia by a treaty of military, political and economic union dating back to December 1921 - was incorporated into Georgia as an "autonomous socialist republic", which subsequently enabled Georgians, under the protection of Stalin, to "colonise" Abkhaz territory (for example, over the following 50 years, the Abkhaz population had not even doubled, whereas the number of Russians on Abkhaz territory had been multiplied by three, and that of Georgians by four).

- Secondly, the justification for the Abkhaz secessionist attitude: Georgian nationalism, which was as extreme and expansionist as it was threatening for all minorities under Georgian jurisdiction and - after an aborted attempt in 1978 to introduce Georgian as the sole official language in Abkhazia - resolutely hostile, especially from the late 1980s onwards, to any recognition of Abkhazia as a specific entity, had left the Abkhaz authorities, whether they liked it or not, with their backs to the wall, at any rate after the taking of Sukhumi by the Georgian National Guard on 18 August 1992, clearly demonstrating to the whole world that its cultural, linguistic and political identity etc there could be no salvation for Abkhazia in its autonomous status. In the light of everything that had happened, no-one could in all honesty ask the Abkhazians to submit once again of their own free will to the extreme arbitrariness and opportunism of the Georgian authorities because, whatever the model of federal state devised for this purpose, the Abkhazians would then be living in permanent dread of further bloody repression of any manifestation of their identity and right to be different.

- Thirdly, the blindness of the international community, which had relied on the convenient principle of national sovereignty and territorial integrity in order to side inhesitatingly with Georgia: the Abkhaz victory over the Georgian aggressor, which had been a case of legitimate self-defence and had been secured by arms at the cost of enormous human sacrifices, had been punished by the international community, wrongly and without any legal basis, by international condemnation of the whole of Abkhazia, together with further punitive measures which were a de facto violation especially of the elementary rights of the poorest Abkhazians (for example, many vital medicines had become prohibitively expensive as they were only available by means of contraband). Instead of sacrificing human rights on the altar of *raison d'état* by maintaining collective sanctions which were harmful to the rights of the poorest and weakest, the international community should legally recognise the de facto independence of Abkhazia and help it to ensure that its citizens were granted minimum rights in the economic and social sphere as well as in the political sphere.

I obviously countered this dogmatic line of argument with the "fact" that Abkhazia's relentless pursuit of independence was currently leading to the impoverishment of its population and failure to respect many of its fundamental rights. In addition,

recognition of Abkhazia's sovereignty has been rejected and frozen at international level. However, since I do not have a mandate as an advocate of "realpolitik" and am not a specialist in the history of Caucasian minorities, I questioned the President mainly about the specific conditions governing the possible return of the Abkhazian IDPs currently living in Georgia. President Ardvinba showed considerable bitterness and annoyance when this subject was raised: he said that there were as many, if not more, Georgians than Abkhazians in Abkhazia, namely between 90 and 100,000, and that many Georgians, around 60,000 of them, had returned to the Gali region since the events of May 1998; he said that there were some 30,000 Abkhazian IDPs still in Georgia, who - as he had announced repeatedly - would be able to return to Gali, but the Georgian authorities were still firmly opposed to this. The Georgians were inclined to inflate the number of IDPs in order to obtain, then misappropriate, all kinds of international humanitarian aid for 300,000 people, and by means of terrorist attacks in Gali, which were orchestrated and manipulated from a safe distance, all those who had decided to return to Gali were then driven out again. The IDPs were thus being used against their will as "instruments". In short, again according to President Ardvinba, the Abkhaz authorities were not in a position to guarantee the physical security of IDPs wishing to return from Georgia to Gali - despite the fact that his authorities were prepared to take them in - unless the Georgian authorities, for their part, controlled the activities of the Georgian militias and gangs still operating in Gali, whether they were political agents of all kinds or traffickers and ordinary criminals exploiting the unusual political situation and the lack of national control which were characteristic of this frontier region.

According to the President, the question of the opening in Gali of a new UN/OSCE bureau responsible for monitoring compliance with human rights, and in particular the right to personal safety of IDPs returning to this region, will be favourably considered by the relevant Abkhaz authorities. In addition, even without "international pressure", Article 5 (?) of the newly restored Abkhaz Constitution of 1925 guaranteed the children of these IDPs of Georgian ethnic origin the right to be taught in Georgian, the only outstanding question being that of the history textbooks to be used in the schools concerned. If need be, the experience of the Council of Europe's Directorate of Education, Culture and Sport (DECS) in preparing "neutral" or objective history textbooks, and its technical assistance in this field, would indeed be very welcome in Sukhumi.

Lastly, it transpired that, for the time being, President Ardvinba is entertaining a completely different plan, for which he twice requested my personal support and assistance - after having, for his part, rejected my suggestion to him to consider the scope of regional autonomy in Spain and how the system of autonomous regions operates. What he has in mind is a technical, and therefore relatively limited, seminar, with a number of foreign experts yet to be appointed, which would be held in Sukhumi and, if appropriate, partly in Tbilisi, concerning the exercise of the right to self-determination in the history of international relations, the overall aim being to "advance", as it were, the current international negotiations on the future status of Abkhazia. Ambassador Boden, who had attended some of these discussions, seemed at first sight not to rule out the possibility of such a seminar being held with his co-operation at the UN/OSCE Bureau in Sukhumi; and, for their part, the Georgian authorities, whom I informed, upon my return to Tbilisi, of the main points in my

talks with the President of Abkhazia, seemed relatively interested in participating in this initiative - although they immediately protested against, and refuted, many of the accusations levelled at them by Mr Ardzimba, particularly those relating to the reasons for, and legality of, the intervention by the Georgian armed forces in Abkhazia (see, for example, the Georgian Constitution of 1995, Article 73.1.h.) and those concerning the exact number of Georgians living in Abkhazia, or having fled from it, and the current fate of these IDPs in Georgia. In this regard, the Georgian authorities also obviously referred to the many Resolutions and Recommendations of the UN and the OSCE strongly condemning the combat of the hostilities and the term taken by the events in Abkhazia including the various measures taken by Abkhazia in order to affirm its de facto secession from Georgia.

Regardless of whether the main protagonists in the Abkhaz conflict are actually willing to attend a technical seminar, my office's operational appropriations for 2000 have been heavily drawn upon - to such an extent that I am scarcely able to go ahead with a meeting of ombudsmen of our west European member states planned for this autumn (the conclusions of the meeting held at the end of June with the ombudsmen of central and east-European countries, at our European Youth Centre in Budapest, have already been communicated to you via your chairman). Here, then, is a "cast-iron" excuse, if one were needed, for not having immediately committed myself to trying (!) to do better than the so-called "Friends of the (UN) Secretary General for Georgia" and the OSCE, who, for years, have all been working on the miracle solution to this particular aspect of the status and protection of ethnic minorities in the Caucasus.

IV. Conclusions and Recommendations

(i) Answering questions from the journalists attending the press conference organised by the Minister for Foreign Affairs in Tbilisi at the end of my visit to Georgia, I said that the situation regarding respect for human rights in Georgia did not seem to me to be at all satisfactory. The Georgian authorities themselves know this full well and acknowledge it, including President Shevardnadze, to whom I had conveyed this impression shortly before my press conference. However, the Georgian authorities underlined the huge efforts they had been making - of which no-one, including myself, has any doubt - to bring their legislation and practice into conformity with the values and standards of the Council of Europe, in particular. As regards the general practical application of their new legislation, which is in some respects exemplary, the Georgian authorities, conscious of the gulf between law and practice, maintain that they need more time for the "transition" and that, at present, they are particularly lacking in the appropriate resources to carry this out - human resources, but above all financial resources.

Taking this into consideration, the main question is to know what can be done in Georgia at present as regards improving respect for human rights, in the absence, or rather despite the absence, of significant resources. In the light of my terms of reference (in particular Article 8.1 of Resolution (99)50), I have made a number of specific suggestions and recommendations in this connection (and I do not intend to

summarise them again here), as it is my opinion that there are always considerable resources available which can be used, without excessive expenditure, to improve certain situations and, thereby, improve respect for human rights, whether the rights of detained persons or those of the many refugees and displaced persons. In the case in point, it seems to me in particular that it is in the interests of the Georgian authorities to give greater attention and political priority to the smooth running of the justice system and, also, of their police forces.

(ii) As regards the fate of the many IDPs, I feel that closer monitoring (cf Constitution, Article 97.1) of the government bodies and agencies which deal with them is both urgently needed and justified. If Georgia makes the effort, in its national budget, to allocate roughly 1 to 2 lari per day to each IDP (and, according to my rough calculations regarding the budgetary appropriations available and the potential beneficiaries, the same would apply to detained persons and even police officers and military personnel), the IDPs should be in a far better material situation - provided, of course, the government bodies dealing with them do their job properly and efficiently. What seems to me to be equally important is that the Georgian authorities do everything in their power to resume and speed up the negotiations with a view to the return of the IDPs to Abkhazia, even if this would mean, discussing, in the first instance, the return of IDPs to Gali only. As I have already emphasised several times, the right of these IDPs to return to Abkhazia will not be called into question by anyone and the exercise of this right will obviously be very much facilitated if their personal safety could be genuinely guaranteed if they return, for example, regarding the particular situation in the Gali region, by effective supervision of human rights by the competent international organisations.

(iii) It is extremely difficult to advocate the solution to the virtually insurmountable difficulties with which the Georgian authorities find themselves confronted owing to the presence on their territory of a large number, namely more than 30%, of ethnic (in particular, Armenian, Russian and Azeri), religious (including 11% Muslims) and linguistic (in particular, Armenian, Azeri and Russian) minorities. Generally speaking, the members of these minorities peacefully coexist both with those of other minorities and with the Georgians who are thus broadly (65 to 70 %) in the majority. Nonetheless some less numerous minorities such as the Abkhazians and the Ossetians (representing respectively 2% and 3% of the total population) have had or have conflictual relationships with the "privileged Georgian majority with respect to their language and religion (cf Constitution, Art.8 and 9). This explains, at least in part, why some national minorities in Georgia continue to demand greater autonomy and specific rights (cf Constitution, Art. 38.2 and 44) vis-à-vis the Georgian central power. It is my personal, and therefore highly subjective, opinion, because it is based essentially on my experience of post-Franco Spain, that the solution to these complicated and often highly emotional problems would consist in new legislation settling "once and for all" the rights of persons belonging to national minorities, including the more or less autonomous status of the regions of Georgia (such as Abkhazia, South Ossetia and Adzharia) where these minorities are in the majority. In this connection, however, no-one is in a position to "sell to the Georgians" a tried and tested model of a federal state, nor indeed detailed model regulations governing the rights of minorities. It is for the Georgian authorities to take up these issues (the solution to which was deferred owing to the lack of a consensus when the 1995

Constitution was adopted, as emerges, inter alia, from its Articles 2.3, 4.1 and 108) and to find an overall solution to them at national level, taking account of their own traditions, characteristics and national imperatives - without, however, completely overlooking the European standards which already exist in this field. It is reassuring to know that part of this work has already begun (*supra*, III, 3, par.1, *in fine*). To this end, a fertile imagination and constructive proposals will be needed in order to rapidly achieve political compromises which are viable in the long term and which respect the rights of all Georgian citizens and of everyone living in Georgia.

Appendix**PROGRAMME****OF THE OFFICIAL VISIT TO THE REPUBLIC OF GEORGIA****BY MR ALVARO GIL-ROBLES, COUNCIL OF EUROPE COMMISSIONER
FOR HUMAN RIGHTS****1 –10 June, 2000****Thursday, 1 June**

10.00: Meeting at the Russian-Georgian Border (Control point of Larse) with Mr Chota Dogonadze, Vice-Minister of Foreign Affairs

Afternoon: Stops at towns of Ananuri and Tsitsiziki

Evening: Arrival at Tbilisi, Hotel Vere-Palace

Friday, 2 June

10.00 - 10.45: Meeting with Mr Valeri Vashakidze, Minister for Refugees and Settlement

11.00 - 12.00: Meeting with Mr Malkhaz Kakabadze, Minister for Special Situations

12.15-13.00: Meeting with Mr Teimuraz Lomsadze, Public Defender a. i.

16.00 - 17.00: Meeting with Mr Chota Dogonadze, Vice-Minister of Foreign Affairs

17.30 - 18.15: Meeting with Mr Dieter Boden, Special Representative of the Secretary-General of the UN to Georgia and Head of the United Nations Observers' Mission in Georgia

Saturday, 3 June

8.00: Departure for Pankisi Valley

Pankisi Valley

11.00: Briefing with Regional and Local Authorities at the regional capital, Akhmeta

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12.30: Visit of town of Duisi, Refugees' Registration Office, living quarters of refugees, hospital, and school

14.00: Visit of town of Jokolo, living quarters of refugees, school, and mosque

20.30: Return to Tbilisi

Sunday, 4 June

10.00 - 11.00: Meeting with Mr Avtandil Ioseliani, Lieutenant-General of the Ministry for State Security, Head of State Investigation Commission for protection of rights of missing soldiers in Abkhazia and members of their family

14.00 - 20.00: Meeting with Mr Givi Kvarelashvili, General Director of Penitentiary Institutions of the Ministry of Justice, and visit of the Prison Hospital N. 5, Remand Prison N. 5 and Prison Colony of Ortachala -Tbilisi Region

Monday, 5 June

10.00 – 10.45: Meeting with Mrs Rusudan Beridze, Deputy Secretary of the National Security Council of Georgia, in charge of Human Rights matters

11.00 – 11.00: Meeting with Mr Levan Alexidze, Senior Advisor to the President on International Law

12.00 – 13.00: Meeting with Mr Gela Charkviani, Head of the International Relations Office of the State Chancellery

15.00 – 16.00: Meeting with Mr Irakli Machavariani, President's Representative on Security, Political Problems and Conflict Resolution matters

16.00 - 16.45: Meeting with Mr Avtandil Demetrashvili, President of the Constitutional Court, and the Court's Judges

17.00 - 17.45: Meeting with Mr Jamlet Babilashvili, Procurator General of Georgia, and his Deputies

18.00 - 18.45: Meeting with Mr Irakli Menagarishvili, Minister of Foreign Affairs

19.00 – 20.30: Briefing by Mr Jean-Michel Lacombe, Ambassador and Head of the OSCE Office to Georgia, and members of his Staff on OSCE activities and, in particular, the situation in the Pankisi Valley

Tuesday, 6 June

10.00 – 10.45: Meeting with Mrs Elene Tevtoradze, Head of the Parliamentary Committee on Human Rights

12.00 - 12.45: Meeting with Mr Zurab Zhvania, Chairman of the Parliament of Georgia, and Members of Parliament

13.00 – 14.30: Meeting with NGO's at Public Defender Office

15.00 - 15.45: Meeting with Mr Erik Svanidze, Deputy Minister of Justice

16.00 - 16.45: Meeting with Mr Kakha Targamadze, Minister of Internal Affairs, and his Deputies

17.00 – 18.00: Briefing of Ambassadors of Council of Europe Members States, accredited in Tbilisi, organised by Mr Michelangelo Pipan, Ambassador of Italy to Georgia

18.30 – 21.00: Meeting with Mr Ekbert Menemencioglu, Representative of the UNHCR in Georgia

Wednesday, 7 June

7.30: Departure for regions of Imereti and Samegrelo-Svaneti

Kutaisi and Zugdidi

12.30 - 13.00: Meeting with Mr Teimuraz Shashiashvili, President's Representative to Imereti Region, in Kutaisi

13.00 – 13.45: Meeting with refugees, NGOs and mass-media representatives in Kutaisi

15.00 - 15.30: Meeting with Mr Bondo Ghikia, President's Representative to Samegrelo-Svaneti Region, in Zugdidi

15.30 - 17.00: Meeting with refugees in Zugdidi

18.00 - 19.00: Visit of refugees' living quarters in Tskhaltubo

21.00 - 22.30: Meeting with refugees' representatives in Tskhaltubo

Thursday, 8 June

9 a.m.: UN heli flight from Senaki to Sukhumi airport

Sukhumi

10.30 – 11.30: Meeting with Mr Dieter Boden, Special Representative of the UN Secretary-General to Georgia and Head of the UN Observers' Mission in Georgia

12.00 - 12.45: Meeting with Mr Sokrat Jinjolia, Speaker of Parliament of Abkhazia, and Chairmen of Parliamentary Committees

13.00 – 14.45: Meeting with Mr Vladislav Ardzinba, President of Abkhazia, in the presence i.a. of Mr. Sergei Shamba, Minister for Foreign Affairs, and of Mr Anri Jergenia, Procurator General

15.00 – 16.15: Lunch hosted by Mr Vladislav Ardzinba

16.30 – 17.30: Meeting with NGOs at the UN/OSCE Human Rights Office/HROAG in Sukhumi

18.00: Departure for Tbilisi, UN heliflight to Senaki airport and from there by car, via Kutaisi, to Tbilisi

Friday, 9 June

11.00 – 11.45: Meeting with Mr Gia Arsenishvili, State Minister of Georgia

12.00 – 13.30: Meeting with Mr Eduard Shevardnadze, President of the Republic of Georgia

14.00 – 15.30: Press-conference together with Mr Chota Dogonadze, Vice-Minister of Foreign Affairs

16.00 – 17.00: Meeting with Mr Malkhaz Kakabadze, Minister for Special Situations

17.30 - 19.00: Meeting with Mr François Bellon, Head of the Mission to Georgia of the International Committee of the Red Cross

21.30: Official Farewell Dinner hosted by the Ministry of Foreign Affairs

Saturday, 10 June

10.00: Departure from Tbilisi for Frankfurt/Main

15.00: Arrival at Strasbourg

* Proper names, names of towns (Sukhumi) etc and abbreviations of IGOs (UNHCR) are given with the English spelling.