

**In Focus:**

**The US Secretary of State Visits the South Caucasus**

**The coordinator of the South Caucasus Network of Human Rights Defenders in Armenia hands the letter to the U.S. Secretary of State, Mrs. Hillary Clinton**

The U.S. Secretary of State, **Hillary Clinton** carried out a visit to the South Caucasus in the beginning of July, visited the South Caucasus, aiming to urge peace and stability in the region. There she met with top government authorities, representatives of the civil society and employees of U.S. embassies in all three South Caucasus countries.

On the 5<sup>th</sup> of July the coordinator of the **South Caucasus Network of Human Rights Defenders** in Armenia, **Mikael Danelian** handed the open letter of Georgian and Azeri human rights defenders to the State Secretary at the U.S. Embassy together with the letter of Armenian human rights defenders, when he was invited to the meeting with Mrs. Clinton with two other members of the Network – Artur Sakunts and Levon Barsagian.



*“It took the US over 200 years to build a democracy,” – Hillary Clinton*

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**Peaceful assemblies in Baku still not allowed – five years of ban and upcoming elections heat the atmosphere**



## **Issue 1: THE U.S. SECRETARY OF STATE VISITS THE SOUTH CAUCASUS**

### **Armenia: Hillary Clinton expressed concerns with a new media law**

**U.S. Secretary of State Hillary Clinton** visited the South Caucasus, aiming to urge peace and stability in the region. During her visit in Armenia she paid attention to questions of Armenian-Turkish relations and the Karabakh peace process. She also held a meeting with the leaders of civil society.

Secretary of State Hillary Clinton said she had **raised U.S. concerns about the new Armenian media law** that could limit pluralism on radio and television. Under the law, the Armenian capital Yerevan would have 18 digital television channels and 12 radio stations, while other regions -- just nine television channels and 4 radio stations. The law seriously cuts the number of channels which are currently broadcast and put serious curbs on pluralism in the Caucasus nation. Yerevan alone currently has more than 20 television channels. She was told that the government might change it in the autumn.

*"I know many of you are concerned about the government's recent changes to the law on TV and radio and these are concerns that the United States, the OSCE and the European Union share," Clinton told a group of civil society activists and journalists at a Yerevan arts center.*

### **Georgia: State Secretary met with Georgian Woman Leaders**

U.S. Secretary of State Hillary Clinton ended her visit to the southern Caucasus region with a stop in Georgia. Secretary Clinton met President Mikhail Saakashvili, opposition politicians and members of Georgian civil society organizations in a stay in Tbilisi that lasted about six hours.

State Secretary called for an end to the Russian occupation of the breakaway Georgian regions of South Ossetia and Abkhazia. She also criticized Russia's description of Georgia and Ukraine as part of Russian 'zones of influence.'

In the National Library Mrs. Clinton met with Georgian woman leaders. Hillary Clinton expressed her gratitude towards the First Lady of Georgia Sandra Roelofs, noting the importance of her activities in the health sphere. *"I appreciate what you do in health sphere for defending women's rights,"* – said H. Clinton. She expressed her belief in Georgia's potential to be beacon of democracy and called on women leaders to fight for justice, for human rights and the unity of the country.



### **Azerbaijan: State Secretary asked to prioritize human rights in USA – Azerbaijan relationship**

During her visit to Azerbaijan on 4 July Hillary Clinton met with the Azerbaijani president Ilham Aliyev, the Azerbaijani foreign minister Elmar Mammadyarov. The parties discussed the energy and security cooperation between two countries as well as the mediation efforts of the OSCE Minsk Group on the Karabakh conflict.

The same day, Hillary Clinton met with a group of youth representatives, discussing democracy related issues. Most notably, a pro-government youth organization "İrali" (Forward) was also represented in that meeting. Speaking to the youth representatives about the democratization process, Hillary Clinton said it took the US over 200 years to build a democracy.

The statement of the Network handed to Mrs. Clinton highlighted major problems concerning the democracy and human rights in Azerbaijan. State Secretary was also asked to prioritize the respect democracy and human rights in USA-Azerbaijan relationship.

## Issue 2: FREEDOM OF EXPRESSION

### Georgia: Swiss government grants Komakhidze a political asylum



On July 26 the Swiss government granted journalist **Vakhtang Komakhidze** a political asylum. Reporting to [Media.ge](http://Media.ge) Komakhidze said thus far the aforementioned information has been confirmed by the Swiss government verbally only.

**Within six months in the refugee camp**, the journalist said, the local government has requested him to grant an interview twice, no other procedures have been conducted.

According to the investigative journalist, Georgian media overstated when disseminating the information as if he had been recognized as a political refugee by the Swiss government.

Six months ago during his stay in Geneva Vakhtang Komakhidze, Head of the [Studio Reporter](http://StudioReporter.com) has requested the Swiss authorities a political asylum. According to the journalist **health and lives of his family members and himself in person were under threat** due to his professional activities. Threats followed after Komakhidze's initiative to make a documentary to be based on the footage filmed in December in South Ossetia, covering the August war 2008.

In the refugee camp conditions the work on the documentary has turned out impossible.



"I look forward to leaving this hell and I am ready to work. Here [in the camp] I had no working conditions," the journalist reported.

Source: <http://www.media.ge/en/node/38284>

### Azerbaijan: Eynulla Fatullayev imprisoned to new crime

On 6 July 2010 **Eynulla Fatullayev**, the editor-in-chief of the two newspapers ("Realny Azerbaijan" and "Gundelik Azerbaijan" which have been closed down) was sentenced to two and half years' imprisonment. Garadag district court in Baku found E.Fatullayev guilty under the new crime on drug possession 4 months prior to the delivery of [the European Court of Human Rights](http://theEuropeanCourtOfHumanRights.org). The national and international human rights communities asserted that these **new charges were fabricated** to prevent the implementation of the European Court judgment of Fatullayev against Azerbaijan (No. 40984/07, 22/4/10). If the judgement of 6 July 2010 enters into force and is upheld by higher court instances Fatullayev has to stay in prison 2 years and 6 months even if he is to be released due to execution of the European Court judgement.



Fatullayev is under imprisonment since 20 April 2007 due to convictions of criminal defamation, threat of terrorism and incitement to ethnic hostility and tax evasion.

Azerbaijani Government did not execute Fatullayev judgment which contained order of immediate release of Fatullayev among other measures and filed complaint against that judgement to the Grand Chamber.



[without Borders](#)

In its statements and news issued in July 2010 [Reporters Without Borders](#) mentioned that it is appalled by the new imprisonment of Fatullayev and called Azerbaijani Government to execute European Court judgment concerning Fatullayev.

The Azerbaijani members of the [South Caucasus Network of Human Rights Defenders](#) disseminated statement condemning Fatullayev's new conviction and calling the Azerbaijani government to respect and protect freedom of expression.

Source: [arereport.com](#), [Human Rights House](#), [Reporters](#)

### [Armenia: Law on television and radio amendments found highly controversial](#)

The National Commission on TV and Radio in Armenia (NCTR) has decided to announce a contest for virtually all broadcasting frequencies available in the country, while amendments to an Armenian law on television and radio are to be implemented. The Armenian authorities controversially suspended the supposedly competitive licensing process two years ago, citing the need to expedite the country's transition to mandatory broadcasting by 2013.

Mesrop Movsesian, the A1+ owner and executive director, reaffirmed the once popular TV channel's intention to contest at least one of those tenders administered by the HRAH. But he was highly pessimistic about their fairness and objectivity. *"As always, there will only be play-acting and imitation of a contest,"* Movsesian told RFE/RL's Armenian service. *"The winner will be not the best project but the will of a single person."* *"I lost my optimism in 1998 and don't expect anything good,"* he said.



Recently highly controversial amendments to an [Armenian law on television and radio](#) have been passed that are meant to regulate the digitalization process. The government-drafted amendments [sparked a storm of criticism](#) from Armenian media associations. They say the legislation will enable the administration of President Serzh Sarkisian to retain its strong influence on the news coverage of virtually all Armenian broadcasters.

The United States as well as the European Union and the Organization for Security and Cooperation in Europe have also expressed concern. The critics are particularly worried about new provisions of the law reducing the number of broadcasters, making all forms of broadcasting subject to state licensing and setting what they sees as ambiguous procedures for the establishment of new TV and radio channels.

U.S. Secretary of State Hillary Clinton raised the matter with Sarkisian during her recent visit to Yerevan. Clinton said he assured her that the Armenian government is ready to make further changes in the law.

Source: [Azatutyun.am](#)

### **Issue 3: CIVIL SOCIETY AND A STATE**

#### **Georgia: Legislative amendments increase the income tax for grant funded activities**



During the Spring Session 2010, the Georgian Parliament began discussing the new Tax Code. According to the first part of the draft code, paragraph 308, the **income tax rate applied to NGOs (non-governmental organizations) will be increased** to 20% beginning January 1, 2011.

In accordance with the current Tax Code, the income tax rate applied to income from grants is 12%. It was planned to increase to 18% beginning from January 1, 2012 and then decrease to 15% from January 1 2012. However, the new draft elaborated by the Government of Georgia to move toward the 15% rate was postponed until January 1, 2014. This means that the income tax rate from January 1, 2011 to January 1, 2013 will be 20%; 18% from January 1, 2013 to January 1, 2014; and 15% only after January 1, 2014.



Correspondingly, the draft law unexpectedly initiated by the Georgian government considerably increases the tax rate on income received from grants. This unexpected increase in the income tax rate **conflicts with previous verbal agreements** between the Georgian government and civil society representatives.

This tax increase should not be made without consultations with the civil sector. Unfortunately, the new Tax Code was developed behind closed doors. <...> The new Tax Code seemingly ignores the fact that NGOs are not-for-profit institutions whose income is frequently solely based on grants from donor organizations or foreign governments. These funds, as well as NGO activities, focus on promoting democratic development and providing support to vulnerable groups. In fact, in many cases, the funds serve to provide those services that the state itself is unable to provide the population.

*The NGOs request that the Government of Georgia and the Parliament:*

- *Extend the terms of the moratorium agreed by the Government of Georgia and civil society for three years; particularly, the tax rate on income received as grants should be kept at the 12% rate through January 1, 2014.*
- *Increase the tax rate only after three years to a rate established through consultations with the civil sector.*

**Proceed to the full text:**

[http://www.gyla.ge/index.php?option=com\\_content&view=category&layout=blog&id=45&Itemid=103&lang=en](http://www.gyla.ge/index.php?option=com_content&view=category&layout=blog&id=45&Itemid=103&lang=en)

#### **Georgia: Public Defender publishes 2009 2<sup>nd</sup> half report**



**Public Defender of Georgia, Giorgi Tugushi**, delivered a report on human rights record in the country covering second half of 2009 to the Parliament on July 16.

Although in overall the lawmakers from the ruling party hailed the Public Defender for his work, they also said that they disagreed with some aspects of the report.

Tugushi told the lawmakers that the problem remained with **cases of mistreatment of inmates and lack of investigation of such cases.**

"I have appealed the chief prosecutor's office to investigate these cases, but effectiveness of investigation is questionable, as not a single investigation of such cases produced any concrete results," Tugushi said. He also added that the trend continued this year too "and became even graver."

Among other issues according to the report are **overcrowded prison cells** caused by government's criminal justice policy, **attacks on representatives of media**, especially in the regions and **lack of proper justification of interim rulings and final verdicts** by the judges. According to the public defender, cases studied by his office indicate that "insufficient justification of decisions is a systematic problem."

### [Proceed to Full Report](#)

Source: <http://civil.ge/enq/article.php?id=22523&search=ombudsman>

### [Armenia: Ombudsman concerned with the situation of freedom of speech in Armenia](#)

"The situation of freedom of speech is most concerning in Armenia," **Ombudsman of Armenia Armen Harutyunyan** noted in his 10th ad hoc report.

Harassment of journalists is politically motivated, with **cases of violence against journalists increasing during elections**. Journalists are **chased** for their professional activities, their rights and freedom to information are **restricted**. On the other hand, they are pressurized by publishing companies, which, in some cases, take away the copies of newspapers from newsstands.

Press was put under censorship starting March 20, 2008.

In the report, the Ombudsman also referred to embattled "A1+" which was denied a broadcasting right in yet another tender. In this regard, the European Court of Human Rights ruled that the Armenian government violated Article 10 of the European Convention on Human Rights: in particular, if the licensing authority "**does not justify its decision in a licensing procedure, it violates the right to freedom of speech.**"

Armen Harutyunyan is going to propose a package of amendments, which will protect the rights of journalists.

The report is available in Armenian at [www.ombuds.am](http://www.ombuds.am)

Source: [www.a1plus.am](http://www.a1plus.am)

### [Georgia: President Saakashvili criticized for using hate speech and promoting militarism](#)

On July 29th, a representative of the Eqlitarian Institute, Irakli Kakabadze, and the executive director of Human Rights Center, Ucha Nanuashvili, held a press conference. The purpose of this event was to address the **racist, xenophobic and militarist expressions used by President Saakashvili** in speeches and government politics.

Human Rights Protectors criticized Saakashvili's expression made about the habit of opening up the bags at the customs service. Here he used the word "nigger" in a negative context and made a comparison to the savage people, "Are we the niggers? Why are we acting like savages, someone explain to me!"

"It's sad that fascism, racism, xenophobia and militarism are encouraged while the majority of Georgian population supports Georgia's integration into the EU and NATO," said the human rights defenders.



According to Kakabadze, racist politics is not always connected to the militarism, since military preparation always creates a negative image of the enemy in order to justify the building up of arms.

Ucha Ninuashvili also recalled the **militaristic statements** made by the President. The last one was made on July 28th at Defense Ministry. M. Saakashvili declared Georgia needs “a total defense” wherein “each village should be able to defend itself”.

Ucha Ninuashvili spoke about the Reserve Service Law changes and referred to it as a step towards militarism. According to the new law, people under the age of 40 shall be obligated to participate in the reserve service at least once a year. However, the total number of days would not exceed more than 45 days a year. According to Ucha Ninuashvili, by enacting this law, the government once again has confirmed it doesn't seek peaceful resolutions to conflicts and still uses a system of gun politics.

[Source: "Human Rights Protectors are condemning President Saakashvili's racist expressions and militarist politics", Human Rights Centre](#)

[For further reading: "Military Reserve of Georgia – Lessons and Challenges"](#)  
["Saakashvili Talks on 'Total Defense' to Army Top Brass"](#)

## [Issue 4: JULY OF SOUTH CAUCASUS NETWORKS OF HUMAN RIGHTS DEFENDERS](#)

### [Georgia: Regional meeting of the South Caucasus Network of Human Rights Defenders and a Regional Conference in Tbilisi](#)



The regional meeting of the network was attended by members from all three countries of the South Caucasus. The goal of the meeting held on 2nd and 5th of July was the evaluation of past activities, sharing of experience and identification of issues which needed to be resolved for improvement of effectiveness and cooperation within the network.



On 3-4 July the regional conference dedicated to freedom of expression, assembly and association was held. The event was organized by the **Article 42 of the Constitution** and the **Human Rights Centre**. Apart from members of the South Caucasus Network of Human Rights Defenders, journalists from regional media outlets and experts, representatives of international organizations, diplomatic missions, international NGOs and donor organizations were present as well. In particular, represented at the meeting were **EU Delegation in Georgia**, **OSCE/ODIHR**, representatives of the **Council of Europe Commissioner for Human Rights** in Georgia, **Netherlands Helsinki Committee**, **ARTICLE 19**, **US embassy** and the **Eurasia Partnership Foundation**. Representatives of the Council of Europe Commissioner



for Human Rights in Georgia also were invited as presenters. The conference was concluded by recommendations and suggest for support and improvement of situation in the field of expression, assembly and association.



Events were held in the framework of projects Strategic Litigation in the Caucasus funded by the Netherlands Helsinki Committee and the South Caucasus Network of Human Rights Defenders, funded by the European Union.

**Source:** [South Caucasus Network of Human Rights Defenders](#)

### **Georgia: Georgian NGO coalition submits the report for UPR**

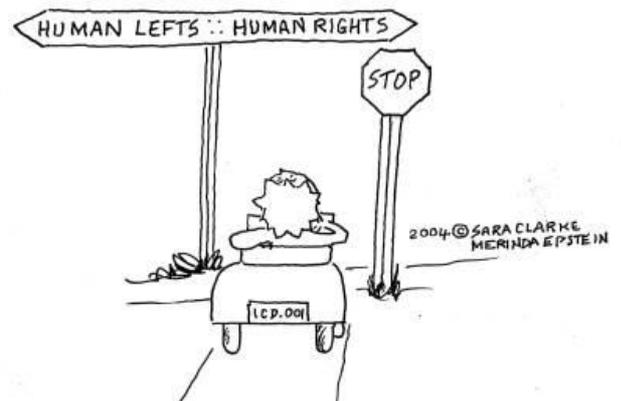
Georgian Human Rights Defenders filed a [report to the Universal Periodic Review \(UPR\)](#), launched by the UN. National Reports are written by each state, indicating the human rights situation in the country. However, civil actors are encouraged to participate – therefore an alternative report was submitted by a coalition of Georgian NGOs. The information submitted in this report is mainly based on the cases that have been taken up by the respective organizations. Therefore it is of first hand and reliable information.

The report assesses the human rights situation in Georgia, especially regarding the freedom of expression and media, freedom of assembly and manifestation, freedom of judiciary, the excessive use of force and the prohibition of torture, the issue of politically motivated arrests and labour rights.

The submitting NGO coalition consists of:

- **Georgian Young Lawyers' Association**
- **Human Rights Centre**
- **Article 42 of the Constitution**
- **Educators and Scientists Free Trade Union of Georgia**

With the support of **Human Rights House Foundation.**



It will be reviewed and published in 28 January 2011. The Universal Periodic Review (UPR) involves a review of the human rights records of all 192 UN Member States once every four years (48 States are reviewed each year

during 3 UPR sessions dedicated to 16 States each). It is implemented by [Human Rights Council](#), which provides the opportunity for each State to declare what actions they

have taken to improve the human rights situations in their countries and to fulfill their human rights obligations. Currently, no other universal mechanism of this kind exists.

**Source:** <http://www.upr-info.org/>

### **Armenia: Programs of the Armenian members of the Networks**

Since **March 1, 2010** (the project has been implemented since **July, 2010**) the office of **Helsinki Citizens Assembly in Vanadzor** has implemented the project “Youth Integration in the Human Rights Defender Movement of South Caucasus” financed by the National Endowment



for Democracy (March - August, 2010). The aim of the project is to raise the role of the youth in the human rights defender movement in South Caucasus.

On July 9, 2010 in order to consolidate the potential of Yerevan and regions of Armenia to cover the issues on human rights, as well as with the aim to encourage the discussions on human rights issues, member of the Network “*Socioscope*” NGO announced a competition of articles on the topic “Human Rights in Armenia”.

Source: [Helsinki Citizens Assembly Vanadzor Office](#)

## **Issue 5: FREEDOM OF ASSEMBLY**

### **Azerbaijan: The peaceful assemblies of opposition parties held in Baku not allowed and dispersed violently**

Since 2005 the *assemblies have been de facto banned* and no single demonstration was authorized and all peaceful gatherings had been dispersed in Azerbaijan. The Azerbaijani government authorizes only the rallies to be held on the fringes of Baku. In the eve of the parliamentary elections to be held in November 2010, the opposition parties and civil society strives for preventing the ban and keeps staging the rallies in Baku.

On 3 July 2010 the Popular Front Party of Azerbaijan (PFPA) and its allies from the Azadlig bloc, as well as Musavat party together with its allies from Union for Democracy held unauthorized rallies in downtown Baku. *Over 100 people were arrested* and later released by the police. The protesters demanded the government to provide the freedom of assembly and free parliamentary elections. The opposition action of protest coincided with the time of the visit of the US Secretary of State Hillary Clinton to Baku.



On 31 July 2010 two main opposition parties in Azerbaijan, Popular Front Party of Azerbaijan (PFPA) and Musavat, held a joint and peaceful action near the Baku Executive Authority (Mayoral Administration of Baku). Few hundred people participated in the gathering demanding respect from the government for the freedom of assembly and free parliamentary elections. The *peaceful action was dispersed violently by police.*

Many arresters were detained, arrested and later sentenced to imprisonment or fined. The newspaper Yeni Musavat published the list of 75 arrested protesters. Overall, *more than 100 opposition protesters were at least detained* by the police. *18 of the arrested protesters were sentenced to a prison sentence* ranging between seven to ten days of imprisonment. 10 opposition activists have received an administrative warning, 7 have been arrested for 10 days, 1 for 8 days and two for 7 days. 7 protestors have been fined 20-25 AZN (\$24-30) and one person has received a warning.

Besides, the police used “new form” of police punishment first tested on the opposition during its last few protest actions - forced “museum excursion”. Musavat party reported that 20 of its arrested members were taken to the remote Gobustan museum area (about 40 miles away from Baku) by the police. The Gobustan museum – famous for its exhibitions of prehistoric cave-settlements of the early humans – is located in a rocky area with caves in the middle of nowhere. Basically, the police punishment for the opposition consists of leaving them there, forcing them to figure out their way back to Baku. The opposition and human rights community consider this new tactic of the government as ill-treatment against the protestors.



**Source:** [azerireport.com](http://azerireport.com), July 3, [azerireport.com](http://azerireport.com) July 31, [Turan Information Agency](http://Turan Information Agency)

### **Azerbaijan: Statement by the Azerbaijani members of South Caucasus Network of Human Rights Defenders**

The members of the South Caucasus Network made a statement dated 4 July 2010 **condemning the Azerbaijani government for dispersing the rally of the opposition** and called it to provide the freedom of assembly in Azerbaijan. The copies of the statement was sent to the relevant state bodies, including the Azerbaijan Republic President Office, Baku city Executive Authority, Ministry of Internal Affairs of Azerbaijan Republic, Ministry of Justice of Azerbaijan Republic, Azerbaijan Republic General Prosecutor Office and to the Commissioner for Human Rights (Ombudsperson) of the Republic of Azerbaijan.



### **Armenia: Opposition activist set free**

July 2, 2010. In the court of 1st instance of Kentron and Nork-Marash under the administration of the judge Mnatsakan Martirosyan has decided to set free the opposition activist and a member of Armenian National Congress 19 year old **Davit Kiramijyan**.



As prevention to Kiramijyan a signature of not leaving the living area was decided upon.

Kiramijyan has been under arrest since May 31, after attending a massive public event near Freedom Square. He has been accused according to the 1st paragraph of the 3rd part of article 258 of Criminal Code – “hooliganism, which has been performed by several people or by an organized group of people”. On June 3, the same court of Nork-Marash has decided upon his arrest for two months. D.Kiramijyan did not admit guilty in the court. In this case 2 out of 6 witnesses are policemen.

His lawyer Melanya Arustamyan stated that there are no crime features in her client’s deeds: “This criminal case doesn’t differ from other cases like this one. We have a problem with justice, we have a lack of fair trial rights.”

**Source:** [A1plus.am](http://A1plus.am)

## **Issue 6: TORTURE**

### **Armenia: The Human Rights Defender speaks about the tortures**

A member of South Caucasus Network of Human Rights Defenders, *Helsinki Assembly in Vanadzor* and personally the director of the office **Artur Saqunts** accused the police in showing ill treatment cruelty to citizens in police stations.

According to Saqunts there are serious complaints from the relatives of the citizens, and the situation and the environment of impunity bears serious consequences.

“The police, the judicial system, the prosecution, Special Investigative Service, the Ministry of Defense and in some cases even mental institutions don’t pay attention to claims of ill treatment. People here are subjected to total and permanent violence and the executors remain not punished” – announced the human rights defender during the press conference.

The organization has noted more than 15 cases of torturing, threats and psychological pressure. 14 cases have been presented to the general prosecutor’s office, Special Investigation Service, but till now, according to Saqunts, no criminal case has been opened. Several other people have heard about the violent treatment in police, nothing that this was done to “pull out” a testimony, and claiming that they had heard that by their own ears.

**Source:** [azatutyun.am](http://azatutyun.am) (in Armenian)

### **Armenia: After the death at police station, trial started**



On 06 July, 2010 in the court of the 1st instance of Kotayk marz (Hrazdan) the first court session of 24 year old **Vahan Khalafyan** case took place. On April 13, Vahan Khalafyan was taken to the police station being accused for a theft and then his dead body was taken out of there. According to the official version Vahan Khalafyan was beaten to give testimonies, after what the 24 year old man committed a suicide.

The main accused is the head of the criminal investigation department, mayor of police Ashot Harutyunyan., who is being accused for driving Vahan Khalafyan to a suicide and in abuse of authority.

Other 3 policemen: Garik Davtyan, Gagik Ghazaryan and Moris Hayrapetyan are being accused in abuse of authority. From 4 accused only Moris Hayrapetyan said he was guilty.

None of the witnessed could say exactly why Vahan Khalafyan was taken to the police station. The knife, with which Vahan Khalafyan killed himself, was a knife for bread, which was used daily in the police station.

**Source:** [Helsinki Citizens Assembly Vanadzor Office](http://Helsinki Citizens Assembly Vanadzor Office), [a1plus.am](http://a1plus.am)

[www.caucasusnetwork.org](http://www.caucasusnetwork.org)



The Newsletter has been prepared by the **Human Rights Center** (Network Coordinator in Georgia) with the assistance of the **Armenian Helsinki Association** (Network Coordinator in Armenia), **Legal Education Center** (Network Coordinator in Azerbaijan) and **Human Rights House Foundation** (International Partner of the Network, Norway).

**We thank our member organizations who contributed to this newsletter with their valuable information.**

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