

# Georgia

*Complaint Mechanisms for the  
Kist Community*



Ministry of Immigration  
and Integration

The Danish  
Immigration Service

**DRC** DANISH  
REFUGEE  
COUNCIL

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## Disclaimer

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This report was written in accordance with the European Asylum Support Office's (EASO) Country of Origin Information (COI) report methodology.<sup>1</sup>

This report is not a detailed or comprehensive survey of all aspects of the issues covered in the terms of reference (ToR) and should be considered alongside other available country of origin information on the situation of the Kist community in Georgia.

The report does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service (DIS) or the Danish Refugee Council (DRC).

Furthermore, this report is not conclusive as to the determination or merit of any particular claim for protection. Terminology used should not be regarded as indicative of a particular legal position.

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<sup>1</sup> EASO, *EASO Country of Origin Information Report Methodology*, June 2019, [url](#)

## Abbreviations

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COI	Country of origin information
DIS	Danish Immigration Service
DRC	Danish Refugee Council
EMC	The Human Rights Education and Monitoring Center
GYLA	Georgian Young Lawyers Association
NGO	Non-governmental organisation
PDO	Public Defender's Office
SMRCE	State Minister of Georgia for Reconciliation and Civic Equality
TI	Transparency International
ToR	Terms of Reference

## Executive summary

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The present report provides an update of the DIS/DRC report published in 2018<sup>2</sup> regarding the situation for the Kist community living in Pankisi Gorge, Georgia. The present report focuses on complaint mechanisms in private conflicts for Kists in general and the access to protection in private conflicts for Kist women in particular. Furthermore, the report includes sections about the Public Defender's Office (PDO), the level of corruption and alternative conflict resolution in Pankisi Gorge.

According to Georgian legislation, Kist men and women have the same rights as any other Georgian citizen to file a case with the police. The police are obliged to investigate when someone files a complaint. Most of the interviewed sources had not heard of or had no information about cases from Pankisi Gorge that had been rejected by the police. Criminal groups were widespread in Pankisi Gorge in the early 1990s but are not visible anymore. There have been examples of blood feuds and honour related cases in Pankisi Gorge. However, such cases do not happen often.

The interviewed sources stated that the Kist community would rarely address the Georgian authorities in private conflicts. The reason for this was that the Kist community would usually follow local traditions and customs and negotiate private conflicts through the Council of Elders or within the families.

Kist women had approached the police in a few cases of private conflicts such as domestic violence, child custody and property rights. Women would in general be reluctant to seek the protection of the authorities due to local traditions and restrictions within the customary law. For example, women who are victims of domestic violence are reluctant to go to the police with the case and prefer to remain silent about it.

There were shelters and/or crisis centres located in Kakheti Region. Here, the women are offered legal and medical assistance as well as psychological support. In cases of overcrowding, women had been relocated to shelters in other regions of the country. Women could experience pressure from family members to return home from a shelter.

The PDO operates a hotline, which is in effect and is used. However, the citizens living in Pankisi Gorge tended not to use it. In general, the level of corruption is low in petty crime cases and lower level criminal cases, but high-level corruption remains a problem throughout the country.

The Council of Elders takes up several types of cases such as land disputes, property rights, domestic violence, divorce, child custody, blood feuds and honour related cases. The Council has approximately 40 cases annually and approximately 90 % of the cases involving domestic violence are solved here. The Council has been registered as an NGO in 2004, which has enabled it to contact and cooperate with government structures.

A Women's Council was established in 2012 in Pankisi Gorge, which offers advice about women's access to legal and social aid. The Women's Council can, for example, take up cases regarding divorce, child custody, property rights, land disputes, family disputes, heritage or domestic violence. The Women's Council can assist women in preparing a case and submit it to the Council of Elders on their behalf.

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<sup>2</sup> DIS and DRC, *Georgia: the Situation of the Kist community and the Chechens*, 7 November 2018, [url](#)

## Introduction and methodology

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The present report is the product of a cooperation between the COI Division of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) regarding a mission to Georgia from 19 to 26 September 2020. The purpose of the mission was to collect updated information on the situation of the Kist community in Georgia. In addition to a visit to the capital, Tbilisi, a short visit to Duisi, Akhmeta and Telavi was made. Due to COVID-19 related reasons, the delegation member from DRC was prevented from travelling to Georgia.

The terms of reference (ToR) for the mission were drawn up jointly by DIS and DRC in consultation with the Danish Refugee Appeals Board Secretariat as well as a Danish advisory group on COI.<sup>3</sup> ToR is included in Appendix C of this report.

Due to the COVID-19 pandemic, the delegation was requested to apply for a special entry permit in order to avoid quarantine for a period of eight days upon arrival to Georgia. The consular section of the Embassy of Georgia in Copenhagen provided valuable assistance to the delegation with entry permits to Georgia without any delay. As mentioned above, the delegation member from the DRC was prevented from travelling to Georgia, but was able to participate in four meetings via Skype and listened to the recordings of the remaining interviews. The recordings of the interviews were afterwards deleted according to agreements with the interviewees. In addition to this, DRC has participated in the process of planning the mission and compiling the report on equal terms with DIS.

In the process of compiling this report, the delegation interviewed 12 sources comprising representatives from Western embassies, non-governmental organisations (NGOs), national authorities and an international organisation. The sources interviewed were selected by the delegation based on their expertise, merit and experience relevant to the mission. In addition to the information gathered from the interviews, the report is also based on available reports as well as articles of relevance for ToR.

The sources consulted are listed in Appendix B. The interviews were conducted in English.

Prior to the interviews, all interlocutors were thoroughly informed about the purpose of the mission and the fact that their statements would be included in a report made publicly available. The interlocutors were asked how they wished to be introduced and quoted, and all sources are introduced and quoted according to their own wishes. Four sources preferred anonymity.

All notes were forwarded to the interlocutors for their approval and amendment, allowing them the opportunity to offer corrections or make comments on their statements. All sources but the local Kist NGO responded and approved their statements. However, the local Kist NGO was informed that in case the delegation did not receive a response to its request for approval within a specific deadline, the delegation would consider the meeting note approved. The meeting note is thus included in the report.

The report is a synthesis of the sources' statements. Care has been taken to present the views of the interlocutors as accurately and transparently as possible, and reference is made by number to the specific

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<sup>3</sup> The group consists of the Danish Refugee Council, Amnesty International in Denmark, the Danish Institute for Human Rights, Dignity, representatives of Danish European Mission and Open Doors, the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).



paragraphs in the meeting notes in foot notes in the report. All sources' statements are found in their full extent in Appendix A.

The report was finalised in November 2020 and is available on the websites of DIS: [www.nyidanmark.dk](http://www.nyidanmark.dk) and of DRC: [www.drc.ngo](http://www.drc.ngo). The report is thus available to all stakeholders in the refugee status determination process as well as to the general public.

# 1. Background information about the Kist community

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The Kists are descendants of Chechen and Ingush people who settled in Pankisi Gorge at the Upper Alazani River in the north-eastern corner of Georgia in the 1830s and 1870s. The native language of the Kists is Chechen (Kist dialect). The Kists' surnames typically have the traditional Georgian ending, "-shvili", such as Kavtarashvili, Margoshvili, etc. Most of the Kists are Sunni Muslims, but there are also some Christians among the Kists.<sup>4</sup>

Kists in Georgia primarily reside in Pankisi Gorge, which is situated in Akhmeta municipality of Kakheti region. According to the 2014 Census, there are 5,697 persons living in Georgia who are ethnic Kists. Kists are considered an ethnic minority; they represent 0.15 % of the total population of Georgia. According to the State Minister of Georgia for Reconciliation and Civic Equality (SMRCE), Kists are very well integrated in Georgia. While there is lack of knowledge of Georgian language among ethnic minority groups in general, the Kists have a good command of it. Furthermore, the Kists have a high level of education and they are involved in social-economic life in Georgia.<sup>5</sup>

Most villages in Pankisi Gorge are populated with Kists. A few of the villages have a mixed ethnic composition (Georgians, Kists, and Ossetians). Kists are citizens of Georgia and have full and equal access to all state programmes and services. Furthermore, they are supported through additional measures, for example, study of their native language, popularisation of their culture and awareness raising campaigns on acute issues.<sup>6</sup>

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<sup>4</sup> Caucasian Knot, *Кистинцы [the Kists]*, 23 July 2010, [url](#)

<sup>5</sup> SMRCE: 1

<sup>6</sup> SMRCE: 2

## 2. Complaint mechanisms in private conflicts

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### 2.1. Georgian legislation

Almost all the interviewed interlocutors stated that, according to Georgian legislation, Kist men and women enjoy the same rights as any other Georgian citizen to file a case with the police.<sup>7</sup> Law enforcement bodies and Georgian legislation fully function in Pankisi Gorge as in other regions of Georgia.<sup>8</sup> Furthermore, local Kists have access to the court system in Kakheti region.<sup>9</sup>

According to Transparency International, there is a clear and easy procedure defined by law for filing a case with the police.<sup>10</sup> According to the law, it is mandatory for the police to take a case when someone is filing it.<sup>11</sup> However, it was the experience of a local Kist NGO that if a Kist decides to approach the police in a private conflict, there could be a long processing time.<sup>12</sup>

### 2.2. Access to the police

The police can be reached via a hotline 24 hours a day by dialling 112, and there is a police station in Pankisi Gorge, where people can file a complaint in person.<sup>13</sup> According to the Kakheti Police Department, the police unit covering Pankisi Gorge is one of the more calm units in the Kakheti region.<sup>14</sup>

The police described that they did not have a different approach towards the Kist community. They approach the Kists the same way as they would approach any other Georgian national.<sup>15</sup>

The Ombudsman/Public Defender's Office (PDO) described that in practice, the access to government services such as the police could be problematic for Pankisi citizens, for minorities and for persons with disabilities or other vulnerabilities due to socio-economic barriers. The source elaborated that it could be difficult for people to go to the regional centres to get the necessary support due to the cost of transportation, etc.<sup>16</sup>

Another source mentioned that in practice, the access to government services could be limited due to capacity issues and the isolation of the Kist community.<sup>17</sup> Furthermore, the local Kist community is not aware of their rights to access government services and do not know how to approach the police.<sup>18</sup>

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<sup>7</sup> An NGO: 1, 16; EMC: 1; A local Kist NGO: 1; A Western Embassy: 1, 7; TI: 1; Roddy Scott: 10; Ombudsman: 16; SMRCE: 10, 18; GYLA: 10; A Diplomatic Source: 18-20

<sup>8</sup> SMRCE: 10, 14

<sup>9</sup> Ombudsman: 32; EMC: 1

<sup>10</sup> TI: 4

<sup>11</sup> Ombudsman: 8; A Western Embassy: 2; A Diplomatic Source: 6

<sup>12</sup> A local Kist NGO: 8

<sup>13</sup> Ombudsman: 16; A local Kist NGO: 2

<sup>14</sup> Kakheti Police: 3

<sup>15</sup> Kakheti Police: 1

<sup>16</sup> Ombudsman: 28-29

<sup>17</sup> A Western Embassy: 7

<sup>18</sup> A local Kist NGO: 1

A Western Embassy stated that there historically have been issues in filing a case with the police in Georgia. However, the professionalism of the police has improved over the past years through training and legal reforms. These challenges are nationwide and not specific to Pankisi Gorge.<sup>19</sup>

In cases where the police act ineffectively, the PDO will inform the Ministry of Internal Affairs’ Human Rights Department, who will then oversee the investigation.<sup>20</sup>

Please also see [2.5 Cultural obstacles for filing a case with the police](#).

### 2.3. Police response to complaints

A number of sources had not heard of or had no information about cases from Pankisi Gorge that were rejected by the Georgian police.<sup>21</sup> According to three sources, the police would always try to solve the Kists’ problems when approached.<sup>22</sup> If a Kist goes to the police with a private conflict such as family abuse, it would be properly investigated by the police.<sup>23</sup> Likewise, the police would immediately intervene and apply appropriate preventive and judicial measures if a criminal case occurs.<sup>24</sup> One source noted that the media would scrutinise how a case is handled if it is brought forward to the police.<sup>25</sup>

According to an NGO, the police are loyal to the Kist community; they support the community and try to avoid conflicts with the Kists.<sup>26</sup> The Kakheti Police Department stated that they would go to the place from where they received a call, and if other competencies were needed, they would call the relevant authorities.<sup>27</sup> However, two sources indicated that the police could be more proactive in Pankisi Gorge, for example, by providing information about their services.<sup>28</sup>

Furthermore, three sources described that the Georgian authorities see the Kist community through the lens of national security.<sup>29</sup> Consequently, GYLA advised that the police had harsh responses to problems within the Kist community.<sup>30</sup> EMC added that according to the local Kists, the police forces did not carry out their duties as they should.<sup>31</sup> EMC further stated that some members of the community would not approach the authorities, because they had a feeling of being monitored by the State Security Service, who perceived them as a potential threat.<sup>32</sup>

The police noted that the local Kist community put more trust in the police now than they did two or three years ago.<sup>33</sup> However, according to three sources, the locals in Pankisi Gorge did not trust the police.<sup>34</sup>

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<sup>19</sup> A Western Embassy: 2

<sup>20</sup> Ombudsman: 5-6

<sup>21</sup> Ombudsman: 8; SMRCE: 15; EMC: 14; An NGO: 4, 9; TI: 4; Kakheti Police: 11; Roddy Scott: 7; GYLA 1

<sup>22</sup> An NGO: 4; TI: 4; Roddy Scott: 7

<sup>23</sup> EMC: 13

<sup>24</sup> SMRCE: 14

<sup>25</sup> A Diplomatic Source: 6

<sup>26</sup> An NGO: 4

<sup>27</sup> Kakheti Police: 11

<sup>28</sup> A local Kist NGO: 2; Ombudsman: 16

<sup>29</sup> GYLA: 5; EMC: 10; A Western Embassy: 8

<sup>30</sup> GYLA: 5

<sup>31</sup> EMC: 10

<sup>32</sup> EMC: 3

<sup>33</sup> Kakheti Police: 5

<sup>34</sup> A local Kist NGO: 6; GYLA: 10; Ombudsman: 29

Several sources mentioned an incident concerning a hydropower plant.<sup>35</sup> In April 2019, protests against the construction of a hydropower plant in Pankisi Gorge led to clashes between local Kists and the police. The protesters threw stones at the police, who used tear gas and rubber bullets to disperse them. According to the Ministry of Internal Affairs, 55 persons including 38 police officers and 17 local Kists were injured.<sup>36</sup>

Two sources stated that due to the actions from the Georgian authorities during the incident regarding the hydropower plant, the Kist community had since believed that the government had tried to encourage particular groups within the Kist community to make tension and social unrest in Pankisi Gorge.<sup>37</sup>

## 2.4. Types of cases filed with the police

According to the police, they do not receive a significant amount of cases from the Kist community as the Kists are very law-abiding. However, the police stated that there had been some minor cases such as theft, local conflicts and fire-related cases. The police also mentioned cases regarding private conflicts such as domestic violence. However, these cases were not significant and the Kist community in Pankisi Gorge would seldom report on these types of cases in general.<sup>38</sup> For more information on cases involving domestic violence, please see [3.1 Types of cases filed with the police](#).

Three sources stated that the police would usually not be involved in private conflicts, as the Kist community prefers to resolve its problems within the community or family.<sup>39</sup> However, in criminal cases the police would be involved.<sup>40</sup> For more details on cultural obstacles, please see [2.5 Cultural obstacles for filing a case with the police](#).

The Roddy Scott Foundation advised that if needed, Kists would file a case with the police. The source added that it was possible to file a cases of all types, e.g. if there was any form of crime, conflict, theft or domestic violence.<sup>41</sup>

### 2.4.1. Criminal groups

Three sources noted that criminal activities involving criminal groups in Pankisi Gorge were thriving in the years just after the collapse of the Soviet Union in the early 1990s.<sup>42</sup> These criminal groups worked in the field of kidnapping and smuggling of drugs.<sup>43</sup>

One source stated that such criminal groups were not visible in Pankisi Gorge anymore and was now a very rare phenomenon.<sup>44</sup> However, another source advised that the government was actively cooperating with criminal groups shortly after the Rose Revolution,<sup>45</sup> where these groups were working as non-formal

<sup>35</sup> Ombudsman: 11; Council of Elders: 17; GYLA: 6-7; EMC: 2, 5, 7, 12; An NGO: 17; A local Kist NGO: 2-5

<sup>36</sup> USDOS, *2019 Country Reports on Human Rights Practices: Georgia*, 11 March 2020, [url](#)

<sup>37</sup> EMC: 7; A local Kist NGO: 3

<sup>38</sup> Kakheti Police: 2, 4

<sup>39</sup> TI: 2; Roddy Scott: 10; A Western Embassy: 3

<sup>40</sup> TI: 2; An NGO: 3

<sup>41</sup> Roddy Scott: 1

<sup>42</sup> EMC: 7; An NGO: 3; A local Kist NGO: 3

<sup>43</sup> An NGO: 3

<sup>44</sup> EMC: 7

<sup>45</sup> The Rose Revolution was a change of power in Georgia in November 2003, which took place after widespread protests over disputed parliamentary elections. BBC News, *How the Rose revolution happened*, 10 May 2005, [url](#)

authorities in the area. In the period after the Rose Revolution, there were no incidences of violence against the local people in the community.<sup>46</sup>

Both sources advised that after the conflict regarding the construction of a hydropower plant, locals have feared that certain groups carry guns and believed the groups were created by the Georgian authorities, hence acting with impunity.<sup>47</sup> According to a local Kist NGO, the main objective of the groups has been to gain local support to build the hydropower plant through fear.<sup>48</sup>

The police stated that the Kist community had a reputation of being composed of many armed groups. However, the police opined that these accusations were false.<sup>49</sup>

#### 2.4.2. Blood feuds and honour related cases

According to a number of sources, there have been examples of blood feuds and honour related cases in Pankisi Gorge.<sup>50</sup> However, Transparency International opined that such cases did not happen often.<sup>51</sup> Another source advised that blood feuds in Pankisi Gorge had not taken place for more than 10 years.<sup>52</sup>

Three sources referred to the case of Mutoshvili from 2019 as an example of a blood feud in Pankisi Gorge.<sup>53</sup> The case involved the two large teips (which is a family name/clan), Mutoshvili and Kavtarashvili, who had a conflict in 2019. A man from the Mutoshvili family died during this conflict.<sup>54</sup> According to the police, the conflict between the two groups happened on the highway 2-3 kilometres from the local police station. The police received around 15-20 calls about the episode and 90 % of them were from Kists. The police were at the scene of the crime within two or three minutes. According to the police, all contact between the two groups has subsequently ended.<sup>55</sup>

The police did not believe that there was a general problem with blood feuds in Pankisi Gorge, and did also not perceive this particular case to qualify as a blood feud.<sup>56</sup>

On the other hand, a local Kist NGO mentioned that the person from the Mutoshvili family was killed in front of two police cars. The source believed that the murder was committed by a group of local people, who was created by the authorities and the local police, in order to create tension and conflict within the community. To corroborate this statement, the source added that out of 13 members from the group responsible for the killing, only two of them were convicted after the murder. They have received prison sentences of 9 and 11 years.<sup>57</sup>

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<sup>46</sup> A local Kist NGO: 3

<sup>47</sup> A local Kist NGO: 3; EMC: 7

<sup>48</sup> A local Kist NGO: 3

<sup>49</sup> Kakheti Police: 10

<sup>50</sup> SMRCE: 12; Roddy Scott: 4; An NGO: 2; TI: 5

<sup>51</sup> TI: 5

<sup>52</sup> SMRCE: 12

<sup>53</sup> Kakheti Police: 7-9; Roddy Scott: 5; An NGO: 2

<sup>54</sup> An NGO: 2; Kakheti Police: 7; A Diplomatic Source: 4; Civil GE, *Man Dies after Locals Clash in Pankisi*, 27 November 2019, [url](#)

<sup>55</sup> Kakheti Police: 7-8

<sup>56</sup> Kakheti Police: 7

<sup>57</sup> A local Kist NGO: 2

Furthermore, a local Kist NGO mentioned that in August 2020, the late Mutoshvili's brother tried to seek revenge by opening fire towards the house of the killer of his brother. The source expected that the court might issue a sentence of 16-24 years of imprisonment for attempted murder to Mutoshvili's brother for this. If so, that would be an example of using the law selectively because the killer of Mutoshvili, who was supported by the police, was only imprisoned for 11 years. The local Kist NGO believed that the reason for this severe punishment was the late Mutoshvili's brother's opposition to the construction of a hydropower plant.<sup>58</sup>

The Roddy Scott Foundation mentioned another case from 2016-2017, where a child was working with a car at his neighbour's place when something suddenly exploded. He was subsequently taken to a hospital, where he died. The child's family asked the neighbour to leave the country, and they went to Germany. According to the source, the family cannot return to Pankisi, because they would be killed upon return. The source stated that this is how Kist tradition works. The police did not arrest anyone, because the child died due to an explosion which was believed to be an accident.<sup>59</sup>

## 2.5. Cultural obstacles for filing a case with the police

According to a Diplomatic Source, the issue of complaint mechanisms and access to filing a case with the police in Pankisi Gorge is a politically sensitive issue that cannot be answered easily. In general, the local Kist community in Pankisi Gorge does not like to speak freely of these issues.<sup>60</sup>

A number of sources stated that the Kist community would in general not involve the Georgian authorities in private conflicts.<sup>61</sup> The reason for this was that the Kist community would usually negotiate private conflicts through the Council of Elders due to local traditions and customs.<sup>62</sup>

Some sources noted that the Kist community did not trust the police to solve their conflicts.<sup>63</sup> This was due to the fact that the Kists had a feeling of being monitored by the authorities, who perceives them as a potential security threat<sup>64</sup> which was why the Kists believed that they would not get a proper treatment by the authorities.<sup>65</sup>

Two sources referred to the case of Temirlan Machalikashvili,<sup>66</sup> which had led to criticism and mistrust from the Kist community towards the Georgian authorities.<sup>67</sup> According to one source, the Prosecutor's Office had terminated the investigation of this case. However, EMC is litigating the case before the European Court of Human Rights on behalf of the Machalikashvili family.<sup>68</sup>

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<sup>58</sup> A local Kist NGO: 5

<sup>59</sup> Roddy Scott: 6

<sup>60</sup> A Diplomatic Source: 1

<sup>61</sup> An NGO: 16; EMC: 3-4; A local Kist NGO: 2-8; Ombudsman: 14; GYLA: 1; Roddy Scott: 10; A Western Embassy: 3; A Diplomatic Source: 2, 6

<sup>62</sup> An NGO: 16; Ombudsman: 2, 14-15; EMC: 4, 26; Roddy Scott: 10-11; A Western Embassy: 3; A Diplomatic Source: 2, 6

<sup>63</sup> A local Kist NGO: 2, 6; Ombudsman: 29; GYLA: 10

<sup>64</sup> EMC: 2-3; GYLA: 1, 10

<sup>65</sup> GYLA: 10

<sup>66</sup> For further information about this case, please see DIS and DRC, *Georgia: the situation of the Kist community and the Chechens*, 7 November 2018, [url](#)

<sup>67</sup> A Diplomatic Source: 7; EMC: 5

<sup>68</sup> EMC: 5

Two sources indicated that the local Kist customary law forbids the members of the community to seek legal remedy.<sup>69</sup> Therefore, if someone initiates a case with the police in private conflicts instead of using local alternative complaint mechanisms, the community would see it as an act of betrayal.<sup>70</sup> One source mentioned that it was perceived as shameful within the community to involve the police in cases concerning local or small conflicts.<sup>71</sup>

According to two sources, some Kist community members believed that the police sometimes do not respond or act properly even though they witness or become aware of an offense. These community members pointed out that activists were attacked after the hydropower plant incident and during the murder of Mutoshvili.<sup>72</sup> The local Kist NGO also mentioned a case, where a group of Salafists had burned down a Christmas tree, because they were against the public holiday. The police were involved in the case, but concluded that no crime was committed as the tree burned down due to an electrical problem.<sup>73</sup>

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<sup>69</sup> GYLA: 1; An NGO: 13

<sup>70</sup> A Diplomatic Source: 5

<sup>71</sup> A local Kist NGO: 8

<sup>72</sup> EMC: 2; A local Kist NGO: 2, 4

<sup>73</sup> A local Kist NGO: 6



### 3. Complaint mechanisms and access to protection in private conflicts for women

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A number of sources stated that, according to Georgian legislation, women have the same access as men to seek the protection of the authorities in a private conflict.<sup>74</sup>

The Public Defender's Office (PDO) noted that there is not equal access to file a case for women compared to men due to stereotyping and issues regarding gender equality. Furthermore, there are still problems with ineffectiveness of the police. The source mentioned that this was an issue of concern in Georgia as a whole.<sup>75</sup>

According to Transparency International, the police are generally handling cases involving women in private conflicts properly, however, at the same time, the source mentioned that there might be some cases involving women, where the cases were handled in a less proper manner.<sup>76</sup>

For more general information about access to the Georgian authorities for the Kist community, please see [2. Complaint mechanisms in private conflicts](#).

#### 3.1. Types of cases filed with the police

According to several sources, there had been a few cases, where Kist women had approached the police in cases of private conflicts such as domestic violence, child custody and property rights.<sup>77</sup>

The Kakheti Police Department advised that in 2017-2018, there were nearly no cases of domestic violence brought forward to the police from the Kist community. However, according to the police, the situation has changed as the police have observed an increase in cases, where Kist women and neighbours are approaching the police to file a case of domestic violence. This is due to a national awareness campaign and a new approach to this problem from the Ministry of Internal Affairs, which has created more trust in the police from the local Kist community than before.<sup>78</sup>

During 2019 and 2020, the Kakheti Police Department recalled two cases regarding domestic violence from Pankisi Gorge, where women had filed a case. However, in the case from 2020, the woman was not in Georgia when she contacted the police since she had left for Turkey. Hence, the police could not interrogate her. In the other case from 2019, the police had launched an investigation and charged the husband with domestic violence.<sup>79</sup>

An NGO knew of two cases, where women had gone to the state court in order to obtain child custody, and added that the Georgian authorities would help the women in these cases.<sup>80</sup> The same source knew of a case of domestic violence that took place in 2017, where a neighbour to the victim called the police. In this

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<sup>74</sup> SMRCE: 17; A Diplomatic Source: 20; A Western Embassy: 9; GYLA: 11; TI: 6; Roddy Scott: 10

<sup>75</sup> Ombudsman: 2, 5, 6, 13

<sup>76</sup> TI: 7

<sup>77</sup> Kakheti Police: 5-6, 12; An NGO: 5-6, 22; Ombudsman: 9; A local Kist NGO: 11

<sup>78</sup> Kakheti Police: 5-6

<sup>79</sup> Kakheti Police: 12

<sup>80</sup> An NGO: 22

case, the police issued a restraining order to the husband, who subsequently moved to Chechnya. The source added that the Council of Elders had supported the woman.<sup>81</sup>

The NGO mentioned another case that took place in 2017 regarding property rights. A woman contacted the police in order to get her part of the estate after she divorced her husband. The woman was able to obtain a legal claim to a part of the estate through a Georgian court ruling. However, afterwards the Council of Elders ruled against the decision from the court, deciding that she could not own any real estate, because she was a woman. The source emphasised that the woman was allowed by the Council of Elders to live with her son at her husband's house, but the woman preferred to live with her parents.<sup>82</sup>

In 2019, there was a complaint to the PDO from a Kist woman from Akhmeta. The complaint was related to the fact that the police did not provide her with information about shelters and services due to lack of knowledge from the side of the police. In the end, the woman received the support she needed.<sup>83</sup>

A local Kist NGO mentioned an example from a couple of years ago, where a woman had filed a case with the police, because she was a victim of sexual violence. However, the police officer asked the woman not to file a case and to remain silent, because it would have been perceived as shameful if she had continued with her case.<sup>84</sup>

### 3.2. Cultural obstacles for filing a case with the police

Almost all sources commented on obstacles with roots in traditions and cultural norms in Pankisi Gorge for women to seek the protection of the authorities. For example, women who are victims of domestic violence are reluctant to go to the police with the case and prefer to remain silent about it.<sup>85</sup>

The PDO stated that there are no reported cases of domestic violence from the Kists in Pankisi Gorge and explained that there was a traditional system in place, which meant that the Kists were not filing cases with the police.<sup>86</sup>

Two sources stated that customary law called Adat forbids the members of the community to seek legal remedy.<sup>87</sup> Another source advised that if a woman was involved in a conflict, her male relatives – typically a father or brother – would resolve it on her behalf. They would discuss the conflict with the Council of Elders, who would resolve it in accordance with Adat.<sup>88</sup>

One source stated that women would be more reluctant to file a case with the authorities, as they were often dependent on their husband. Therefore, they do not feel empowered to go against the family's wishes by involving the Georgian authorities in a conflict. In some cases, women were threatened by family members to remain silent.<sup>89</sup>

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<sup>81</sup> An NGO: 5

<sup>82</sup> An NGO: 6

<sup>83</sup> Ombudsman: 9

<sup>84</sup> A local Kist NGO: 11

<sup>85</sup> Ombudsman: 4, 14, 15, 16, 32; GYLA: 15; A local Kist NGO: 8, 10, 12; EMC: 6; An NGO: 5, 8, 14, 16, 22; Roddy Scott: 8, 12; TI: 6, 10; Kakheti Police: 4; A Western Embassy: 9; A Diplomatic Source: 5, 6, 8, 20; Council of Elders: 5

<sup>86</sup> Ombudsman: 14, 18

<sup>87</sup> GYLA: 1, 4; An NGO: 13

<sup>88</sup> Roddy Scott: 8, 15

<sup>89</sup> A Diplomatic Source: 20

A local Kist NGO described that in cases of sexual violence, the local community would blame the woman, and therefore Kist women would not approach the police.<sup>90</sup> The source explained that even if a woman approached the police and filed a case of sexual violence, she risked being blamed for the crime.<sup>91</sup>

Nine sources stated that the Kist community would generally solve conflicts within the community by approaching local complaint mechanisms.<sup>92</sup> One source elaborated that private conflicts involving domestic violence would most often be handled within the families or at the Council of Elders.<sup>93</sup> For further information, please see [6.1 The Council of Elders](#).

### 3.3. Special training of the police with focus on gender

The Kakheti Police Department advised that all police officers had undergone training in handling cases involving women as a part of the general basic training. The basic training of police officers covers all categories of police work, including domestic violence law. Domestic violence and violence against women are separate topics in the curriculum of the basic course. However, there are also specialised trainings on ad hoc basis together with NGOs. The Ministry of Internal Affairs' Department of Human Rights Protection and Quality Monitoring would analyse the gaps, and then ask international organisations to conduct specialised training of the officers.<sup>94</sup> A module of ad hoc training has been designed to change the attitude of the police officers and, at the same time, raise their knowledge on existing legal mechanisms. These trainings are conducted continuously.<sup>95</sup>

Furthermore, the Kakheti Police Department stated that the Ministry of Internal Affairs had established a specialised five-day course on domestic violence, and that 275 investigators were trained through this programme during 2018 and 2019. In 2019, a short course for police training on violence against women and domestic violence was organised in all regions of Georgia, and 300 patrol inspectors and district officers were trained. More than 600 patrol officers attended special training on issuing restraining orders. In 2020, due to COVID-19, trainings are delivered via online tools.<sup>96</sup>

According to the police, the most recent training was conducted on 27 August 2020, and another distance training was on-going in September 2020 for 170 police officers in Kakheti region. Among the officers, who were undergoing the trainings, were representatives of the police unit in Pankisi Gorge.<sup>97</sup>

According to EMC, the police have received special training in handling domestic violence and are trained properly.<sup>98</sup> A local Kist NGO mentioned one training programme of the police that had been conducted by a local NGO and the local Women's Council, and stated that it had been difficult for the NGO to persuade the

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<sup>90</sup> A local Kist NGO: 10

<sup>91</sup> A local Kist NGO: 11

<sup>92</sup> Roddy Scott: 8, 11, 12, 14; A Western Embassy: 9; Ombudsman: 2, 4, 14, 33; GYLA: 14; A Diplomatic Source: 2, 6, 8; Council of Elders: 1, 5, 7; EMC: 4, 26; An NGO: 1, 2, 15; A local Kist NGO: 8; TI: 5

<sup>93</sup> A Diplomatic Source: 6

<sup>94</sup> Kakheti Police: 15-16

<sup>95</sup> Kakheti Police: 18

<sup>96</sup> Kakheti Police: 19

<sup>97</sup> Kakheti Police: 20

<sup>98</sup> EMC: 15

Ministry of Internal Affairs to allow the training. Furthermore, the source was of the opinion that the attitude from the police was not cooperative.<sup>99</sup>

### 3.4. Shelters and crisis centres: location and capacity

Four sources stated that there were shelters and/or crisis centres located in Kakheti region. There were no shelters in Pankisi Gorge.<sup>100</sup> The PDO advised that more protection mechanisms have been established, such as crisis centres and shelters. However, there were still problems with ineffectiveness of the police, who maintain stereotypical attitudes towards women.<sup>101</sup>

The PDO noted that in order to have access to a shelter, a woman would need status as a victim, for which she could apply at the crisis centres.<sup>102</sup> Furthermore, according to the Kakheti Police Department, in case a victim has no place to go, the police will contact the social services, who can accommodate shelters for the victim. However, the police were not certain whether anyone from the Kist community had been referred to such shelters before.<sup>103</sup>

At the shelters or crisis centres, the women are offered legal and medical assistance as well as psychological support.<sup>104</sup> There is also a hotline available for victims of domestic violence.<sup>105</sup> Three sources mentioned issues of lack of capacity at the shelters, either in the form of overcrowding or lack of skills of staff.<sup>106</sup> However, two sources stated that there were no capacity issues at the shelters.<sup>107</sup> EMC noted that in cases of overcrowding, the women had been relocated to shelters in other regions of the country.<sup>108</sup> A woman can stay at a shelter for some months with a possibility to extend the stay.<sup>109</sup>

Two sources noted that women could experience pressure from family members to return home from a shelter, including from the perpetrator’s family.<sup>110</sup> One source opined that a woman would not feel any pressure from her spouse or family member during her stay at a shelter.<sup>111</sup> When women are at the shelters, they are protected from their family, and staff from the shelters supervise all meetings between the parties. A diplomatic source noted that the woman’s contact with all persons outside of the shelter is not monitored.<sup>112</sup>

Two sources stated that if a Kist woman would go to a shelter, she would not be able to return to the community afterwards.<sup>113</sup> An NGO elaborated that this was because women were restricted from approaching authorities by local traditions and customs, but at the same time mentioned that nowadays

<sup>99</sup> A local Kist NGO: 12

<sup>100</sup> An NGO: 10; EMC: 16; Ombudsman: 20; Kakheti Police: 23

<sup>101</sup> Ombudsman: 5

<sup>102</sup> Ombudsman: 20

<sup>103</sup> Kakheti Police: 23

<sup>104</sup> Kakheti Police: 24; EMC: 18; Ombudsman: 20

<sup>105</sup> Ombudsman: 21; A Diplomatic Source: 11

<sup>106</sup> EMC: 17; An NGO: 11; A Diplomatic Source: 12

<sup>107</sup> Ombudsman: 23; Kakheti Police: 24

<sup>108</sup> EMC: 17

<sup>109</sup> A Diplomatic Source: 13; Ombudsman: 24; EMC: 18; An NGO: 12

<sup>110</sup> A Diplomatic Source: 13; Ombudsman: 25

<sup>111</sup> An NGO: 13

<sup>112</sup> A Diplomatic Source: 13

<sup>113</sup> An NGO: 13-14; A local Kist NGO: 13

there were cases, where women returned to the Kist community after several years.<sup>114</sup> According to three sources, it is problematic for a woman to find work and accommodation after staying at a shelter.<sup>115</sup>

A local Kist NGO was aware of a case from 2017-2018, where two women from Pankisi Gorge were subject to violence from an uncle. They went to a shelter in Tbilisi and are now rejected by the local community in Pankisi Gorge, because they involved the authorities in the conflict. According to the source, they will never be able to go back to Pankisi.<sup>116</sup>

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<sup>114</sup> An NGO: 13-14

<sup>115</sup> EMC: 19; A Diplomatic Source: 13; Ombudsman: 23

<sup>116</sup> A local Kist NGO: 13

## 4. Public defender

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The Public Defender's Office (PDO) did not have information about cases from Pankisi concerning private conflicts, as the office only engages in systemic problems such as the hydropower plant protests.<sup>117</sup>

According to the PDO, there is a hotline, which is in effect and is used. However, the citizens living in Pankisi Gorge did not use it.<sup>118</sup>

A number of sources indicated that the local Kist community was reluctant to approach the PDO in private conflicts.<sup>119</sup> One source explained this with the Kists' lack of trust in the system and a lack of knowledge about their rights.<sup>120</sup> Two sources explained this with the Kist community's preference of solving conflicts within the community itself.<sup>121</sup>

The Kist community would usually approach the PDO in cases regarding legal issues such as property rights, economic rights and social rights.<sup>122</sup> The PDO can make recommendations on these matters to the government.<sup>123</sup> It is mandatory by law for the public and private sector to follow these recommendations.<sup>124</sup> However, one source stated that the government is not obliged to follow the recommendations of the PDO.<sup>125</sup> The PDO releases recommendations in yearly reports.<sup>126</sup>

One source stated that the PDO is very active in Pankisi Gorge. The PDO's regional centre conducts informational meetings with the Kist community.<sup>127</sup>

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<sup>117</sup> Ombudsman: 26

<sup>118</sup> Ombudsman: 10, 27

<sup>119</sup> A Diplomatic Source: 15-16; A Western Embassy: 5; An NGO: 15

<sup>120</sup> A Diplomatic Source: 15

<sup>121</sup> An NGO: 15; A Diplomatic Source: 16

<sup>122</sup> A Diplomatic Source: 14

<sup>123</sup> A Western Embassy: 6

<sup>124</sup> Ombudsman: 37

<sup>125</sup> A Western Embassy: 6

<sup>126</sup> A Western Embassy: 6; Public Defender (Ombudsman) of Georgia, *Recommendations*, n.d., [url](#)

<sup>127</sup> An NGO: 15

## 5. Level of corruption

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A number of interlocutors mentioned that judiciary independence is problematic in Georgia.<sup>128</sup> The judicial system is controlled by certain groups and is an extension of the political agenda of the government, which can affect the judicial independence. However, this is mainly an issue in political cases and not in minority cases.<sup>129</sup> In general, the courts are working independently and without the influence of others. However, the professionalism of the judge and the quality of procedure could pose a problem in certain cases. In high profile and politically motivated cases, the Georgian judiciary is an extension of the Prosecutor's Office.<sup>130</sup>

According to Transparency International, it is possible to influence the judicial independence in private conflicts if this is in the interest of the ruling party. However, a Kist leader or another member of the Kist community, who is not a member of the ruling party, would not be able to influence rulings by a court in private conflicts.<sup>131</sup>

Another source stated that it was possible to influence the courts in political cases, for example, regarding corruption. However, this source had not seen cases in Pankisi Gorge concerning private conflicts that were influenced by political parties.<sup>132</sup>

In general, the level of corruption is very low in petty crime cases and lower level criminal cases, but there remains a problem with high level corruption throughout the country. High-level corruption happens on a systemic basis and seems to be found in cases that are politically sensitive or business related.<sup>133</sup>

Transparency International mentioned that a case regarding corruption must be filed at the Prosecutor's Office. The source also stated that there is a backlog of cases and that it is very difficult to monitor as the system is not transparent. Furthermore, an applicant would not have any rights during the proceedings and would not be involved in the process unless the person qualifies as a victim.<sup>134</sup>

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<sup>128</sup> TI: 11; Ombudsman: 31; A Western Embassy: 11

<sup>129</sup> TI: 11; Ombudsman: 31

<sup>130</sup> TI: 12

<sup>131</sup> TI: 13

<sup>132</sup> A Western Embassy: 11-12

<sup>133</sup> TI: 14; A Western Embassy: 11

<sup>134</sup> TI: 15

## 6. Alternative conflict resolution

There are two local complaint mechanisms in Pankisi Gorge, which are the Salafi-related Sharia Court and the traditional Sufi-related Council of Elders.<sup>135</sup> 80 % of the Kist youth are Salafists, and 89 % of the older people are followers of traditional Sufi Islam. In smaller cases regarding divorce or funerals, the Salafists and the Sufis would solve the cases themselves. According to the Council of Elders, the two organs would work together in complicated cases.<sup>136</sup> However, an NGO stated that the Salafists in Pankisi Gorge would not approach the Council of Elders, but instead go to the Sharia Court to solve their disputes.<sup>137</sup>

### 6.1. The Council of Elders

The Council of Elders has existed since Kists have been living in Pankisi Gorge. It is the ruling organ in Pankisi Gorge, and it has governed lives through traditions of Ingush, Kists and Chechens for more than 200 years. There are 35 male members of the Council, representing all villages in Pankisi Gorge. Each member of the Council represents their teip (which is a family name/clan). There is a board consisting of seven members.<sup>138</sup> The Council has a mediation role in local conflicts; they hold meetings with the relevant parties and make public statements and recommendations.<sup>139</sup>

Several sources advised that the Kist community would generally solve conflicts within the community by approaching local complaint mechanisms.<sup>140</sup> The Council is respected and used by the Kist community,<sup>141</sup> and the Kists prefer to solve their conflicts through the Council.<sup>142</sup> However, two sources noted that the Council might have less influence among the youth.<sup>143</sup>

#### 6.1.1. Adat and areas of regulation

Disputes within or between families are regulated by the customary law called Adat, which according to two sources does not contradict Georgian legislation.<sup>144</sup> However, one of these sources elaborated that some of Adat was not in line with legislative provisions, and exemplified that it gave priority to men in property and inheritance cases as well as in divorce cases, where the children must stay with the father.<sup>145</sup> One source stated that there was a written code of law amongst the Kists in Pankisi Gorge and that it was distributed so that the community was aware of the local rules.<sup>146</sup>

According to the Council of Elders and three other sources, the Council would take up several types of cases such as land disputes, property rights, domestic violence, divorce, child custody, blood feuds, honour

<sup>135</sup> An NGO: 18; EMC: 31; Council of Elders: 16

<sup>136</sup> Council of Elders: 16

<sup>137</sup> An NGO: 18

<sup>138</sup> Council of Elders: About the source

<sup>139</sup> GYLA: 12; SMRCE: 22

<sup>140</sup> Roddy Scott: 8, 11-12, 14; A Western Embassy: 9; Ombudsman: 2, 4, 14, 33; GYLA: 14; A Diplomatic Source: 2, 6, 8; Council of Elders: 1, 5, 7; EMC: 4, 26; An NGO: 1, 2, 15; A local Kist NGO: 8; TI: 5

<sup>141</sup> An NGO: 23; A local Kist NGO: 15; GYLA: 2; SMRCE: 21; Ombudsman: 34

<sup>142</sup> An NGO: 1; A Diplomatic Source: 2; GYLA: 1; EMC: 4; Roddy Scott: 11

<sup>143</sup> Ombudsman: 34; A Western Embassy: 15

<sup>144</sup> The Council of Elders: 1; SMRCE: 10

<sup>145</sup> SMRCE: 10-11

<sup>146</sup> Roddy Scott: 17-18; Roddy Scott referred to the written code of law which is available here: Initiative Group of the Kist Elders, *The Kists' Law Code*, 2018, [url](#)



related cases and cases involving criminal groups.<sup>147</sup> Five sources stated that criminal cases were not processed in the Council,<sup>148</sup> while one source noted that criminal cases were processed in the Council.<sup>149</sup>

The Council of Elders did not have statistics on the number of cases processed each year, but stated that they have approximately 40 cases annually. The source added that murder cases were rare. Furthermore, upon request, the Council can provide a document of proof in case a person's life is in danger in Pankisi Gorge.<sup>150</sup>

The Council does not perform arrests or imprisonment, but determine the sentence according to the severity of the concrete case. The sentence will be an economic fine.<sup>151</sup> Two sources also mentioned expulsion from the community and other measures as a form of punishment the Council could impose.<sup>152</sup>

There are several examples of murder cases involving two families or more in Pankisi Gorge, where the authorities have imprisoned the perpetrator afterwards. In these cases, the Council of Elders will take up the dispute for conflict resolution when the perpetrator is released from prison.<sup>153</sup>

The Council of Elders pointed out that a Kist living in Pankisi Gorge could not avoid the traditional court system, even if the conflict had been brought up within the Georgian court system.<sup>154</sup> After a person had served a sentence in prison and came back to Pankisi Gorge, the Council would take up the dispute for conflict resolution upon return.<sup>155</sup>

The Council mentioned a recent dispute that took place in 2014-2015. In the case, some music stereos were stolen and a person, who was mistakenly taken as the culprit for the robbery, was kidnapped, tied to a tree and beaten. Afterwards, the kidnapper was killed as revenge by a family member to the man, who was wrongfully accused. Later, the person who killed the kidnapper was killed as well. Two young men hence died because of the situation. According to the Council, the case was not solved until last year and only through their intervention.<sup>156</sup>

A Diplomatic Source stated that in private conflicts involving domestic violence, the cases would mostly be handled within the families or at the Council of Elders. The source assessed that approximately 90 % of the cases would be solved through the Council of Elders, and stated that the police did not get involved in cases regarding domestic violence.<sup>157</sup>

An NGO stated that women were able to approach the Council of Elders and they were obliged to listen to the women's complaints. As an example, the source mentioned that if a woman wanted a divorce, she would need to present an agreement with her parents stating that the family would allow their daughter

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<sup>147</sup> An NGO: 1-2, 19; Ombudsman: 4; TI: 5; Council of Elders: 7-8

<sup>148</sup> GYLA: 14; EMC: 4, 26; Kakheti Police: 21; SMRCE: 21; A Diplomatic Source: 3

<sup>149</sup> An NGO: 1

<sup>150</sup> Council of Elders: 4, 6

<sup>151</sup> Council of Elders: 2, 9; SMRCE: 11; Roddy Scott: 12

<sup>152</sup> SMRCE: 11; An NGO: 14

<sup>153</sup> Council of Elders: 4

<sup>154</sup> Council of Elders: 3; An NGO: 6

<sup>155</sup> Council of Elders: 3

<sup>156</sup> Council of Elders: 10

<sup>157</sup> A Diplomatic Source: 6

back. However, according to local traditions and customs, the woman would not gain custody of her children.<sup>158</sup>

Another source stated that there were only a few cases, where women had approached the Council of Elders themselves. The source exemplified that in a case where a woman had been abused, the woman would not approach the Council of Elders herself. Instead, her male family members – typically her father or brother – would discuss it with the Council of Elders and the man’s family members. The men of the family would then find a solution internally. The Kist families were obliged to obey the ruling of the Elders.<sup>159</sup>

### 6.1.2. Cooperation with authorities

A number of sources stated that the Council of Elders cooperates with the Georgian authorities.<sup>160</sup> The Council was registered as a formal NGO in 2004, which has enabled the Council to contact and cooperate with government structures.<sup>161</sup> The police exemplified the cooperation with the Council of Elders by referring to cases, where neighbours had problems in a land dispute. In such cases, the persons would approach the Elders, who subsequently would contact the police in order to define legally, which part of the land belongs to whom.<sup>162</sup>

## 6.2. Women’s Council

The Women’s Council was established in 2012 in Pankisi Gorge and is comprised of 15 women.<sup>163</sup> If a woman initiates a case at this Council, it acts as a mediator between the Council of Elders and the woman.<sup>164</sup> According to an NGO, the Women’s Council works on women’s rights and can provide women access to legal and social aid.<sup>165</sup> The Council of Elders elaborated that the Women’s Council was not a decision-making organ. It is an organ that helps women to protect their rights by discussing their case with the Council of Elders on their behalf, but the Council of Elders is still the main decision-makers. The Council of Elders would always take the recommendation of the Women’s Council into consideration when solving a case.<sup>166</sup>

The Council of Elders stated that previously, it had been difficult for women to approach the Council of Elders directly. Now, a woman can go directly to the Women’s Council, who will assist her in composing a case that the Women’s Council will submit to the Council of Elders, either verbally or in writing.<sup>167</sup> The Public Defender’s Office (PDO) stated that the Women’s Council is helpful, and it has become easier for women to talk about their problems.<sup>168</sup> Women would mainly go to NGOs or the Women’s Council with their complaints instead of approaching the Council of Elders.<sup>169</sup>

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<sup>158</sup> An NGO: 19

<sup>159</sup> Roddy Scott: 15

<sup>160</sup> Council of Elders: About the source; Kakheti Police: 21-22; A Western Embassy: 15; GYLA: 16; An NGO: 24; EMC: 30

<sup>161</sup> Council of Elders: About the source

<sup>162</sup> Kakheti Police: 22

<sup>163</sup> An NGO: 25

<sup>164</sup> An NGO: 25; Roddy Scott: 14; A Diplomatic Source: 9; A local Kist NGO: 14; Council of Elders: 11

<sup>165</sup> An NGO: 25

<sup>166</sup> Council of Elders: 11

<sup>167</sup> Council of Elders: 11

<sup>168</sup> Ombudsman: 33

<sup>169</sup> Ombudsman: 36

On the other hand, one source opined that the influence of the Women’s Council was very limited, and the source did not think that Kist families would seek the help of this Council due to the Kist traditions and customs. However, the source added that the Council was doing a great job.<sup>170</sup>

### *6.2.1. Areas of regulation*

The Women’s Council would take up cases regarding divorce, child custody, property rights, land disputes, family disputes, heritage or domestic violence.<sup>171</sup> The EMC further noted that cases regarding physical abuse would be referred to the police.<sup>172</sup>

An NGO mentioned a case from 2018, where a woman had lost the right to see her own son as an example of a case being brought forward to the Women’s Council. After consultations with the Women’s Council, the case was decided by the Council of Elders, and she reacquired the right to see her son three days a week.<sup>173</sup>

The Council of Elders mentioned a divorce case brought forward by the Women’s Council with a Kist woman in Pankisi Gorge that took place in 2020. The woman was not able to take care of her minor children due to abnormal behaviour. The father of the woman was aged, which meant that he could not take care of the children either. No families in Pankisi wanted to remove the children from their mother, and it was not possible to hand over the children to a Georgian family either, because according to Kist tradition, children should not be brought up in a different type of family. The result of the case was that the children stayed with their father.<sup>174</sup>

The Council of Elders and the Women’s Council are working together on changing the customary law in order for it to reflect gender equality.<sup>175</sup> The source exemplified that it was now possible for women to get custody of her children in a divorce.<sup>176</sup>

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<sup>170</sup> Roddy Scott: 13

<sup>171</sup> Council of Elders: 11; An NGO: 25; A local Kist NGO: 14

<sup>172</sup> EMC: 27

<sup>173</sup> An NGO: 27

<sup>174</sup> Council of Elders: 15

<sup>175</sup> Council of Elders: 14; An NGO: 26

<sup>176</sup> Council of Elders: 14

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## Appendix A: Meeting notes

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### Ombudsman/the Office of the Public Defender of Georgia

Ms. Ekaterine Skhiladze, deputy public defender, coordinator of regional offices

**Tbilisi, 21 September 2020**

*About the source*

*The Public Defender's Office of Georgia (PDO) is an independent constitutional body and the scope of work comprise human rights and gender equality, in particular discrimination. The Office also acts as a national prevention mechanism and monitors the situation in closed institutions such as prisons and shelters. Furthermore, the Office monitors the situation for persons with disabilities.*

*According to the Organic Law on Public Defender of Georgia, the Ombudsman annually presents a report to the Parliament on the situation of human rights and freedoms in Georgia. The report presents challenges and progress in terms of protection of constitutional rights and freedoms in the relevant year.*

*The PDO has one central office in Tbilisi and nine regional offices. One office is located in Telavi, Kakheti region, which is the region where the Pankisi Gorge is situated. The office in Telavi has two staff members. There is no office in Pankisi.*

*The PDO staff is not often in Pankisi. When it is needed or a meeting is being held, the staff will go to Pankisi. There are no regular visits to Pankisi, but when there is a situation, they will go there. The Public Defender has been to Pankisi twice in 2019. Furthermore, the PDO cooperates with local NGOs in monitoring the situation in Pankisi Gorge.*

#### **Complaint mechanisms and access to seek redress in private conflicts**

1. The PDO advised that there is not a high criminal rate in Pankisi. The region is very calm.
2. According to statistics, there are almost no cases from Pankisi Gorge about domestic violence. The local Kist community try to use internal processes for these cases, e.g. negotiation through the Council of Elders. The community does not use the police in cases about domestic violence. Reporting of such cases is therefore still a problem in this community. Gender role stereotyping is a very big problem in this sense.
3. Since 2016, the public defender's office has monitored the situation of femicide (gender-related killings of women) and honour related crimes. The PDO has not recorded such cases since they started to monitor them in 2016.
4. Informally the women are talking about the problem of domestic violence, but they are not using the official complaint mechanisms to solve problems. Many of the victims either go through the Council of Elders or prefer to remain silent about these problems.

5. The situation in Georgia is changing as more protection mechanisms are established, such as crisis centres and shelters. However, there are still problems with ineffectiveness of the police as they are part of the society and still maintain stereotypical attitudes towards women.
6. In cases where the police act ineffectively the PDO will apply to the Ministry of Internal Affairs' Human Rights Department, who will then oversee the investigation. There is a good cooperation between the PDO and the Human Rights Department of the Ministry of Internal Affairs. The problem of ineffectiveness is improving through this procedure.
7. The PDO is part of the Ministry of Internal Affairs' training programme for the police.
8. According to the law, it is mandatory for the police to take a case when someone is filing a case. The source had not heard of any cases from Pankisi Gorge that were rejected.
9. The PDO advised that there was a case in 2019 in the city of Akhmeta, where a Kist woman had applied to the PDO in Telavi. The case concerned property rights but her complaint related to the fact that the police did not provide her with information about shelters and services due to lack of knowledge. The case did not end with a recommendation from the Public Defender's Office, because after their letter the situation had changed. She received the support she needed. However, after this particular case, the Public Defender asked the Ministry of Internal Affairs to conduct special training for the police in cases regarding domestic violence.
10. There are different ways for citizens to apply to the Office. There is a 24-hour open hotline, the complaint can be sent by post and the Office can be contacted through social media, such as Facebook.
11. In connection to a demonstration in 2019 against the construction of a hydropower plant, there was a conflict between the police and the local Kist community. Due to this conflict the public defender visited Pankisi and arranged meetings with different groups. Their problems and concerns about the plant were discussed. The public defender tried to collect all necessary information about the situation.<sup>177</sup>
12. In 2020 there was a protest in Pankisi Gorge against Radio Way, which is headed by Gela Mtivlishvili. Locals protested the work of the radio, as they were against the role the radio is playing in the community.<sup>178</sup> The PDO asked the Ministry of Internal Affairs to effectively examine the case and see if there are risks for the staff and if it is safe for the radio to operate.

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<sup>177</sup> The police's handling of the situation is described here: Public Defender (Ombudsman) of Georgia, *On the Situation of Protection of Human Rights and Freedoms in Georgia*, 2019, [url](#), p. 186

<sup>178</sup> See public statement from the Public Defender about the situation: Public Defender (Ombudsman) of Georgia, *Public Defender Responds to Threatening Statements Against Pankisi Community Radio and Its Founder*, 8 September 2020, [url](#)

### Protection of women

13. According to the source, there is not equal access to file a case for women, compared to the access for men to file a case. It is difficult for women to file cases with the police due to stereotyping and issues regarding gender equality. This is a general problem in Georgia, not only in Pankisi.
14. The PDO works with gender-based violence and gender equality. The source stated that statistics are very low for Pankisi due to the fact that there is a traditional system in place and people therefore do not file cases with the police.
15. Complaining to the police is generally not a used practice for Pankisi citizens. Not only for women but for men as well. This is because they have internal processes they follow, such as the Council of Elders. The local Kists try to negotiate their problems through this organ and hence are reluctant to file complaints with the police.
16. However, the PDO stated that the Kists do have formal access to the police; there is a hotline (112, that you can call 24 hours a day) and there is also a police station in Pankisi, where people can file a complaint in person. The services are there but the willingness to use them is still problematic. The source believed that the police could be more proactive towards women for example by arranging meetings with the local women in Pankisi Gorge in order to inform them of the possibility of getting support from the police in private conflicts.
17. The source did not have any information about whether the police handle cases properly, besides the one case from Akhmeta, since only a few cases have been brought forward to the police, according to the source's knowledge.
18. The source added that there were no reported cases of domestic violence, but that the violence does occur.
19. The PDO organises meetings about these problems where local Kists participate. Both men and women participate, but meetings are also held separately as well. Sometimes the PDO also have meetings with religious groups. All Kists speak Georgian very well.

### Access to shelters

20. In general, women have access to shelters and crisis centres. There are five shelters and five crisis centres in Georgia. All of them are state run. Shelters are located in Tbilisi, Kakheti, Gori, Kutaisi and Batumi; crisis centres are located in Tbilisi, Kutaisi, Marneuli, Ozurgeti and Gori. At the crisis centres the women can get psychological support, together with legal and medical assistance. Furthermore, the crisis centres can help women apply for victim status and involve the police or the courts in the case. In order to have access to a shelter a woman needs status as a victim.



21. There is a hotline for victims of domestic violence (116 006), which provides translation in 12 languages.
22. There is a lack of information about state services including access to shelters and crisis centres in Pankisi Gorge. According to the PDO, this is problematic.
23. In the experience of this source, there is enough capacity at the shelters to accommodate the women in need. The problem is that there are no programmes for the women after they leave the shelter such as help to rent a house or economic empowerment. There is no education or vocational training available. Therefore, many women do not want to go to these shelters because they do not know where to go after the shelter.
24. Women can stay for a period of three months at a shelter, although this period can be extended up to one year in rare cases.
25. According to this source, there is pressure on women from family members, relatives, and the perpetrator's family to go back home. The source opined that this is problematic. There have also been cases where a woman comes to the Office because her parents will not welcome her in their house, because she has fled from her husband. In these cases the PDO approaches different municipalities in order to try to find a solution.

#### **Public defender**

26. The PDO does not have information about cases from Pankisi concerning private conflicts, only systemic problems (such as the hydropower plant protests).
27. The hotline is still in effect and is used. However, it is not used by the citizens living in Pankisi.

#### **Discriminatory treatment by the authorities**

28. The legislation does not discriminate between the state protection that Georgian nationals can access and the protection the Kist can access. In practice, the access to these services is problematic for Pankisi citizens, for minorities, and for persons with disabilities or other vulnerabilities.
29. State agencies are not proactively providing information about their services, also not in Pankisi. Due to socio-economic barriers it can be hard for people to go to the regional centres to get the necessary support (cost of transportation, etc.). There is also a lack of trust in authorities among the Kists and Chechens.

#### **Level of corruption**

30. Corruption is not part of the scope of work for the Public Defender's Office. It is not possible to file a complaint about corruption at the Office.

31. The judiciary independence is problematic in Georgia. The whole judicial system is controlled by certain groups. There are for example problems with appointment of judges. The Public Defender has made several statements and recommendations regarding this. The source does not have any information about corruption in Pankisi Gorge specifically.
32. The PDO stated that local Kists have access to the court system in Kakheti region. However, it is not very used in Pankisi; the locals use local complaint mechanisms like the Council of Elders.

#### **Alternative conflict resolution**

33. The source advised that alternative conflict resolution was typically handled by the Council of Elders and a few years ago the Council of Elderly Women was also created. It was an initiative by the locals to create a consultative mechanism to the Council of Elders. In this Council, women can voice and discuss problematic cases. The PDO opined that it was more comfortable for women to talk to other women about their problems. In the opinion of the source, this Women's Council is helpful and it has become easier for women to talk about their problems.
34. Asked about the effectiveness of the Council of Elders, the source replied that the young generation might have less trust in the Council. In general though, the Council still enjoys the trust of the Kist/Chechen community.
35. The PDO does not have detailed information about the work of the Council of Elders. The source knows that the Council issues statements from time to time. The Council is based on traditional rules but is part of the wider, Georgian society.
36. Women would mainly go to NGOs or the Council of Elderly Women with their complaints instead of approaching the Council of Elders.
37. When the Public Defender' Office makes recommendations about discrimination, it is mandatory by law for the public and private sector to follow them.

## State Minister of Georgia for Reconciliation and Civic Equality

Ms. Tinatin Gogheliani, Head of Civic Equality Department, Office of the State Minister of Georgia for Reconciliation and Civic Equality (SMRCE)

**Tbilisi, 23 September 2020**

*About the source*

*State Minister of Georgia for Reconciliation and Civic Equality (SMRCE) covers two directions: 1. reconciliation and engagement policy with the Georgian regions of Abkhazia and Tskinali region/South Ossetia; 2. supporting ethnic minority representatives, ensuring civic equality and integration and promoting cultural diversity in Georgia. Currently, SMRCE is implementing the State Strategy for Civic Equality and Integration and Action Plan for 2015-2020.*

*Georgia is a multi-ethnic, multicultural country. 13.2 % of the total population belongs to ethnic minorities. Among them, the largest ethnic groups are Azerbaijanis (6.27 %) and Armenians (4.53 %), the smaller ethnic groups are Ossetians, Kurds, Kists, Assyrians, Greeks and more. The State Strategy for Civic Equality and Integration is based on more integration, more diversity approach and aims at ensuring equal and full participation of ethnic minority representatives in all spheres of public life, provision with quality education, including the improvement of the knowledge of state language as well as preservation of cultural identity.*

### **Background information about Pankisi Gorge**

1. Kists in Georgia compactly reside in Pankisi Gorge, which is situated in Akhmeta municipality of Kakheti region. According to the 2014 Census, there are 5,697 persons living in Georgia who are ethnic Kists. Kists are considered an ethnic minority; they represent 0.15 % of the total population of Georgia. Kists are very well integrated in the Georgian community. While there is a lack of knowledge of state (Georgian) language among ethnic minority groups, the Kists have a good command of the state language. Furthermore, the Kists have a high level of education and they are involved in social-economic life in Georgia.
2. Most villages in Pankisi Gorge are populated with Kists, a few of the villages have mixed ethnic (Georgians, Kists, Ossetians) composition. Kists are citizens of Georgia and have full and equal access to all state programmes and services. Furthermore, they are supported through additional measures (for example study of their native language, popularisation of their culture, information/awareness raising campaigns on acute issues) under the state civic integration strategy.
3. There are 11 kindergartens in Pankisi Gorge; seven public schools (three stages for 6-18 years old schoolchildren) and four primary schools administered by the above-mentioned schools (with approximately 1,400 school children); one art school in Djokolo and one music school in Duisi, which is the largest village of Pankisi Gorge. There is also a functioning library and sports clubs. Every year, students from the Pankisi Gorge are successfully enrolled at higher education institutions of Georgia; 16 students who do not obtain scholarship are additionally supported through a state scholarship.
4. With the aim to support the cultural identity of smaller ethnic minority groups the study of smaller ethnic minority languages, among them the Chechen language, has been introduced in public schools

(upon request) since 2016. The Kist dialect of Chechen language is spoken by Kists within the family/community.

5. Diverse infrastructure rehabilitation and other wide-scope economic projects are implemented in the Pankisi Gorge in the areas of energy infrastructure rehabilitation, rural gasification, and restoration/creation of irrigation and drinking water canals, rehabilitation of local roads, restoration of exterior lighting and the building of bridges. State programmes aimed at supporting local economic initiatives are operational.
6. Raising awareness is a strong component of the civic integration strategy and action plan. The local population is provided with full information on state programmes and services, acute issues and processes like anti-discrimination, human rights, gender equality, early marriages, Georgia's European and Euro-Atlantic integration, etc.
7. International organisations are present in the Pankisi Gorge and are implementing different programmes within agriculture, generating local products, English teaching, supporting community links, etc.
8. SMRCE often visits the Pankisi Gorge as well as other areas populated by ethnic minorities identifying the needs of local population, existing challenges and the ways of their solution. SMRCE stated that it develops close cooperation with the civil society actors in the Pankisi Gorge, and the civil society is quite well developed in this area.
9. As a result of the Chechen wars in the 90s, ethnic Chechens came to Pankisi Gorge. By 2003 the vast majority of them have left for other countries, among other several European countries including Denmark. Nowadays, the total number of ethnic Chechens living in Pankisi equals to 69 (31 women and 38 men). 34 of them have been granted Georgian citizenship while the rest (35) have a residence permit. Those who were granted citizenship have full access to Government programmes and services. For persons with residence permit education, healthcare and social state programmes are available. The Chechens are all quite well integrated into the local community. Their livelihood relies on agriculture, cattle farming, and local business activities.

#### **Complaint mechanisms and access to seek redress in private conflicts**

10. Georgian legislation fully functions in Pankisi Gorge. At the same time local customary law called Adat is under practice. The Adat is not necessarily interpreted in accordance with the legislative provisions. However, it does not contradict Georgian legislation. According to the source, the preservation of the Adat is very important to the Kists as they try to maintain local traditions and customs.
11. The source elaborated that some of Adat are not in line with legislative provisions. For example, Adat gives priority to men in property and legacy (especially land inheritance) issues. According to Adat, the children stay with their father in divorce cases. In case of committing a crime, imprisonment is not applied, but financial fines, expulsion from community and other measures are

applied. However, all this does not restrict the community members in exercising their rights and seeking protection under Georgian legislation as well as to approach state institutions.

12. According to the source, blood feuds traditionally happened within the Kist community which actually contradicts with Adat. However, the cases of blood feuds in Pankisi Gorge have not taken place for more than 10 years.
13. The source stated that there are few examples of early marriage (at the age of 16 or 17) happening in Pankisi Gorge within the Kist community. However, early marriage (at the age of 15) is more prevalent among the Azerbaijani community. According to Georgian legislation, the legal age of marriage is 18.
14. According to the source, law enforcement bodies function in the Pankisi Gorge as in other regions of Georgia. If a criminal case occurs, the police immediately intervene and appropriate preventive and judicial measures are applied.
15. The source had no information about incidents where the police had rejected a case. However, the access to complaint mechanisms is not within the mandate of the SMRCE.

#### **Protection of women**

16. Gender equality and domestic violence is currently a main priority for the Government of Georgia in the whole country. If a woman is a victim of domestic violence, she can call 112 to inform the police about her situation. Hereby the police would intervene and investigate the case. Large-scale door-to-door information-awareness raising campaigns on women's rights, domestic violence are intensively conducted.
17. According to the source, women have the same access to filing a case with the police as men. Women also have access to shelters in domestic violence cases.

#### **Discriminatory treatment by the authorities**

18. The source stated that ethnic Georgians and Kists have the same access to seeking the protection of the authorities. Ethnic Kists are full-fledged citizens of Georgia and have equal rights and full access to all services.
19. The observation of SMRCE is that young Kists do not necessarily agree with the old Kist traditions. Young Kists have views and approaches which differ from the views of the elders. The youth is less conservative and much more oriented towards liberal democratic principles. For example, the role of traveling in European countries has had a great impact on this.

#### **Alternative conflict resolution**

20. The source stated that the Kist community has a Council of Elders who the Kists can approach when a domestic conflict emerges in the community. The practice of using a Council of Elders for conflict

resolution is not exclusively for Kists, and it functions in other northern Caucasian communities. It is based on local customary law, the so-called Adat that is exercised by the community.

21. The Council is respected among community members. Whenever there is a domestic conflict between individuals and/or families in the community, they can approach the Council of Elders in order to find a solution. The Council typically handles controversial issues (domestic problems) between individuals and/or within the community. Criminal cases are handled by the police.
22. The Council serves as a link between individuals, families and the community. SMRCE is communicating well with the Council of Elders through meetings, seminars, round-table discussions, etc.

## The Council of Elders in Pankisi Gorge

Akhmeta, 24 September 2020

### About the source

*The Council of Elders (the Council) has existed since there has been living Kists in Pankisi Gorge. It is the ruling organ in the Gorge, and it had governed lives through traditions of Ingush, Kists and Chechens for more the 200 years. The Council mostly works in civic life and criminal situations. It regulates these kinds of disputes among the community members. There are 35 members of Council, representing all villages in Pankisi Gorge. Each member of Council represents their teip (family name/clan). There is a board consisting of seven members. The Council was registered as a formal non-state organisation in 2004, which was important since it enabled the Council to contact and cooperate with government structures.*

### The work of the Council

1. In the Kist community, disputes within or between families are regulated by the customary law – the so-called Adat – the customary law, Adat, does not conflict with Georgian legislation. The Council tries to solve the disputes in the community itself instead of involving the police in the cases. However, when a crime happens, the Georgian authorities will investigate it and the Council will try to solve it within the community.
2. There are no barriers for the Georgian authorities to arrest someone in the Gorge, and the Council does not perform arrests or imprisonment. When someone is taken to prison, the Council helps the families by supporting them morally. The Council tries to solve the problems inside the community as much as possible instead of involving the Georgian authorities. The Council can give the Georgian authorities recommendations and assist them with information in order to solve a case.
3. After a person has served a sentence in prison and comes back to Pankisi Gorge, the situation will still be the same. The person cannot avoid the traditional court system and the Council will take up the dispute for conflict resolution upon return.
4. There are several examples of murder cases involving two families or more in Pankisi Gorge, where the perpetrator has been imprisoned afterwards by the authorities. In these cases the Council of Elders will take up the dispute for conflict resolution, when the perpetrator is released from prison. A few of them are well known cases such as the Mutoshvili case. Two persons are now in prison on charges for this murder. After the sentence has been served and the convicted persons come back to the Gorge, they will still need to solve this matter between the families as well since the other family will want revenge. The Council will attempt to negotiate between the families in order to neutralise the situation. Upon request, the Council can provide a document of proof in case someone's life is really in danger in the Pankisi Gorge.
5. The Council works on cases of domestic violence. According to the source, Kist women in the community are always protected, either through their father's family or their husband's family. For example in cases of domestic violence, the Council will attempt to solve the conflict through

negotiation if the families bring the conflict forward to the Council. Women can directly approach the Council by themselves. However, in most cases where women have problems related to violence they will bear it and be silent. The source stated that there are always neighbours or relatives who know that it is happening and at some point everyone in the community will learn about the situation.

6. The Council of Elders did not have statistics on the amount of cases processed each year, but stated that the Council have approximately 40 cases annually. Murder cases are seldom.
7. The Council advised that in life there are disputes and arguments all the time. In smaller cases, one member of the Council will try and handle it locally, but when there are more complicated cases, the elders gather in the Council. Complicated cases are typically concerning property rights, land disputes, fights and divorce including child custody. Divorce cases do not happen often. Previously, the children had to stay with their father after a divorce. Nowadays, the tendency is changing; the Council tries to award the mother custody of the children if the children are below 15 years of age.
8. Honour related cases are very complicated and are almost seen as grave a crime as murder. As an example, the source explained that in case someone would remove the hat of an elder's head, the punishment would be to wound/maim the offender. This is because it is perceived as a violation of honour. Previously there were many examples of honour related cases in the community, but these are not happening as often anymore. Another example of an honour related crime is if a person shoots with a gun towards a house. The perpetrator must give ten cows to the owner of the house; otherwise the victim will seek vengeance upon the perpetrator. A third example of an honour related crime is to touch or take off a woman's scarf. In such cases the Council will involve all the parties of the crime in a discussion and try to solve the problem and decide upon a punishment. If a solution is not found, the offense is considered grave and the woman's family will take it upon themselves to get revenge. As the customary law has very strict rules and principles, people avoid these kinds of behaviour because they are aware of the punishment.
9. When asked about which sanctions or punishments the Council can impose, the source stated that the Council shall summon two mediating judges (Khelkholi) with the consent of both opposing parties, and they shall determine the sentence according to the heaviness of the concrete case. The sentence will be an economic fine.
10. When asked about recent cases the source mentioned a situation that took place approximately 5-6 years ago. Some music stereos were stolen, and a person who had nothing to do with this robbery was mistakenly kidnapped, tied to a tree and beaten. Afterwards, the kidnapper was killed as revenge by a family member to the man, who was wrongfully accused. Later, the one who killed the kidnapper was killed as well. Two young men hence died because of the situation. This case was not solved until last year and only through the intervention of the Council of Elders.



### Women’s Council

11. Today, the Council of Elders successfully cooperates with the Women’s Council. Previously, it was difficult for women to approach the Council directly with their problems. Now a woman can go directly to the Women’s Council who will assist her in composing a case that they then will submit to the Council of Elders, either verbally or in writing. The Women’s Council is not a decision-making organ. It is an organ that helps women to protect her rights by discussing her case with the Council on her behalf. The Council representatives are main decision-makers. Cases are typically about divorce, property rights, land disputes, heritage or domestic violence. The Council of Elders always take the recommendation of the Women’s Council into consideration when solving a case.
12. When asked about divorce cases, the source stated that unless there is great disagreement in the two testimonies, the Council of Elders makes a decision on its own in favour of the truth. The Council noted that the Women's Council protects women's rights.
13. The source added that the Council will inevitably be confronted to establish the truth. If they are unable to reach an agreement (one or both parties) then the case will be considered by Adat Law (Khaal).
14. The Council has been editing a book with changes to the customary law together with the Women’s Council. Due to this, it is now possible for women to get custody of her children in a divorce.
15. When asked about examples of recent cases brought up by the Council of Women, the source mentioned a divorce case with a Kist woman in Pankisi Gorge that took place two or several months ago. According to the source, the woman was not able to take care of her minor children due to abnormal behaviour. The father of the woman was aged, which meant that he could not take care of the children either. No families in Pankisi wanted to remove the children from their mother, and it was not possible to hand over the children to a Georgian family either, because according to Kist tradition, children should not be brought up in a different type of family. The result of the case was that the children stayed with their father.

### Alternative conflict resolution

16. The community in Pankisi Gorge is divided in two: the Salafists and the traditionalists (Sufi). 80 % of the youth are Salafists. 89 % of the older people are followers of traditional Islam. In smaller cases regarding divorce or funerals, the Salafists solve cases themselves and use their own Imams. The traditionalists use the Council. In complicated cases, like the murder case that happened several months ago, the two organs work together. In most cases the Salafists still respect the vast experience of the Elders and approach the Council, also in private conflicts.
17. In cases where the Kist community as a whole opposes the actions of the Georgian Government, the Salafists and the traditionalists always stand together – for example in the case concerning building of a hydropower plant and the case of Temirlan Machalikashvili. They work together in order to neutralise the situation.

## Kakheti Police Department in Telavi

Telavi, 25 September 2020

### Complaint mechanisms and access to seek redress in private conflicts

1. The police do not have a different approach towards the Kist community. The police approach the Kists the same way as they would approach any other Georgian national.
2. The police do not receive a significant amount of cases from the Kist community. According to the police, the Kists are very law-abiding. However, there have been some minor cases such as theft, local conflicts and fire-related cases.
3. In terms of criminal reports, there is nothing unusual in the Pankisi Gorge compared to other Georgian regions. There are 18 local police units in the region and the police unit that is covering the Kist community is one of the more calm police units.
4. With regards to cases about private conflicts such as domestic violence, the police advised that there are several cases from Pankisi Gorge. However, these cases are not significant and the community in Pankisi Gorge will seldom report on these types of cases in general.
5. Two or three years ago there were nearly no cases of domestic violence put forward to the police from the Kist community. However, according to the source, the situation has now changed and nowadays the number of cases filed with the police is increasing due to a national awareness campaign and a new approach to this problem from the Ministry of Internal Affairs. Therefore, the local Kist community put more trust in the police now than they did before, and hence the police have observed an increase in cases where Kist women and neighbours are approaching the police in cases of domestic violence.
6. The Ministry of Internal Affairs processes the data based on trends and not based on ethnicity. The data of the Ministry shows that the rate of filing cases of domestic violence is increasing in Kakheti Region, though the Ministry does not have the separate data from Pankisi Gorge.
7. When asked about cases of blood feuds in Pankisi Gorge, the source recalled a case in 2019 where two Kist groups had a conflict, which resulted in the killing of a person. Since the case all contact between the two groups has subsequently ended. The police did not believe that there was a general problem with blood feuds in Pankisi Gorge, and did also not perceive this particular case to be a case of a blood feud. As the persons who committed the crime are now in prison, there is no tension between the two groups anymore. According to the police, two persons were charged in this case. The first person was charged for attempted murder and received a sentence of 8 years of imprisonment. The other person was charged for murder and received a sentence of 12 years. Both the convicted and the prosecutor's office appealed the sentences.

8. The conflict between the two groups happened on the highway 2-3 kilometres away from the local police station. The police received around 15-20 calls and the source opined that 90 % of them were Kists. The police were at the scene of the crime within two or three minutes.
9. The source noted that the conflict between the two groups comprised of around seven people in the first group and 15 in the other group. The police did not believe that these people were part of a local criminal group. During the police search after the killing the police seized 15 guns from the houses of the involved persons, out of which almost all guns (14 of them) were legal and registered for use during the hunting season.
10. Pankisi Gorge has an estimated population of 7,000 out of which around 5 % are ethnic Georgians. Pankisi Gorge is calmer compared with other small districts with only ethnic Georgians. The source stated that the community has a reputation of being composed of many armed groups. However, the source opined that these accusations are false.
11. When asked if the police would reject a case filed by a Kist, the source replied that they would always act on every call. The police would go to the place from where they received a call and if other competencies were needed they would call other authorities. As an example the source mentioned a case where the police needed to send for other authorities to help getting electricity.

#### **Protection of women**

12. According to the police, several cases have been filed regarding domestic violence from Pankisi Gorge. The source recalled two cases where women filed a case of being victims of domestic violence in 2019 and 2020. In one case the investigation was launched afterwards. However, she was not in Georgia when she contacted the police, since she had left for Turkey. Hence the police could not interrogate her. The other case was from 2019, where a woman filed a case of domestic violence, the police launched an investigation and charged the husband of domestic violence.
13. In most cases regarding domestic violence the offender is not at home, when the police arrive, which impedes the police from interrogating the offender. In these situations the police will interrogate the victim at home, as there is no need to take the victim to the police station for interrogation. While in cases where the offender is at home the police will interrogate the victim (woman) at the police station.
14. The main principle for the police officers is to interrogate/question a victim and an offender separately, not having visual contact with each other. The place where it could take place is not crucial.
15. When asked if the police have received any special training in handling domestic violence cases, the source replied that all police officers have undergone training in handling cases involving women. It is part of the general basic training. However, there are also specialised training on ad hoc basis together with NGO's. The Ministry of Internal Affairs' Department of Human Rights Protection and

Quality Monitoring would analyse the gaps, and then ask international organisations to conduct training of the officers.

16. A basic training of police officers takes place at the Academy of the Ministry of Internal Affairs in Tbilisi. It covers all categories of police work (patrol, district, criminal, border police, coast guards, etc.) and includes: training on human rights, criminal law, domestic violence law, administrative law and procedures. Domestic violence and violence against women is a separate topic in the curriculum of the basic course.
17. In parallel, the Ministry of Internal Affairs actively cooperates with the local NGOs and international organisations. As a result of the joint efforts, trainings and seminars for law-enforcers are conducted in different regions of Georgia.
18. A module of ad hoc training has been designed in a way to change the attitude of the police officers and at the same time raise their knowledge on existing legal mechanisms. Trainings are conducted continuously.
19. Furthermore, the Ministry of Internal Affairs has established a specialised five day course on domestic violence and noticeably 275 investigators were trained through this programme during 2018-2019. In 2019, a short course for police training on violence against women and domestic violence was organised in all regions of Georgia and 300 patrol inspectors and district officers were trained each year. More than 600 patrol officers attended special training dedicated to the filling in the protective orders. In 2020 training are delivered via online tools.
20. The source added that the most recent training was conducted on 27 August 2020 and another distance training was on-going for 170 police officers in Kakheti. Among the officers who were undergoing the trainings were the representatives of the police unit in the Pankisi Gorge.

#### **Alternative conflict resolution**

21. Regarding the Council of Elders, the police advised that there are no cases where the police would approach the Council of Elders and ask for their assistance. However, there are cases where people who are filing cases with the police are accompanied by members of the Council of Elders. The elders would in these cases help explain the situation to the police. There are also cases, where representatives of the Council would approach the police and ask them to solve problems they are facing, mainly involving disputes between neighbours and not the criminal offences. This can help the applicant, as the elders are much respected within the Kist community.
22. The police exemplified the cooperation with the Council of Elders by referring to cases where neighbours had problems in a land dispute. In such cases the persons would approach the elders, who subsequently would contact the police in order to define legally, which part of the land belongs to whom.

**Access to shelters**

23. When asked if there are any other complaint mechanisms in place for victims of domestic violence, the police replied that in case a victim has no place to go, the police will contact the social services, who can accommodate shelters for the victim. The source was not certain whether anyone from the Kist community had been referred to such shelters before.
  
24. According to the source, there is one shelter in the Kakheti region located in the city of Signagi. The source stated that they had never experienced capacity issues at these shelters. However, the source was not certain that this is not a problem in some cases. The victims are offered services, such as: shelter, medical assistance (including access to a psychologist) and legal assistance (representation at the court). The source added that the help of a psychologist is mainly used in cases involving juveniles.

## A Diplomatic Source

Tbilisi, 23 September 2020

### Complaint mechanisms and access to seek redress in private conflicts

1. According to the source, the issue of complaint mechanisms and access to filing a case with the police in Pankisi Gorge is a political sensitive issue that cannot be answered easily. In general, the local Kist/Chechen community in Pankisi Gorge does not like to speak freely of these issues.
2. Based on observations, the local Kist/Chechen community prefers to solve private conflicts by using alternative complaint mechanisms like the Council of Elders and the Council of Women Elders.
3. The Council of Elders operates like a traditional court; however, the Council solves private conflicts by using traditional customary laws called Adat instead of the legislation provided by the Georgian Government. The Council of Elders can resolve conflicts in all types of cases, for example property rights, honour related conflicts and conflicts with criminal groups. However, grave criminal cases will be referred to the local police. The source advised that the police would not reject a case that was put forward to them by a member of the Kist community.
4. The source mentioned a case from 2019 in Pankisi Gorge, where two families had been building up tension. A member of one of the families was killed by a member of the other family. At first, the families tried to solve the problems within their families instead of going to the police. However, the police intervened proactively and in mid-September 2020 one of the accused was arrested by the police.
5. The source described that the local Kist/Chechen community sees it as an act of betrayal to the community if someone initiates a case with the local police in private conflicts instead of using local alternative complaint mechanisms.
6. In private conflicts involving domestic violence the conflicts will mostly be handled within the families or at the Council of Elders. The source assessed that approximately 90 % of the cases will be solved through the Council of Elders. The police do not get involved in cases regarding domestic violence. However, if a family approaches the police with a case, they are obliged by law to investigate the case. According to the source, the issue of the police's involvement in cases is under scrutiny by the media that will focus on how a case is handled if it is brought forward to the police.
7. When asked if the cases are handled properly by the police, the source emphasised that it is a sensitive subject and that there are several reports from the media and NGO's that focus on the problematic situation on the rights of ethnic groups in Georgia. The source explained that even though the police might handle a case in a proper manner, there are in general a lot of accusations of violations of the Kist/Chechen community's rights by the police and Government. Therefore, the local Kist/Chechen community is very sceptical when it comes to the authority of the local police. One of such case is the Temirlan Machalikhvili case which provoked lots of criticism from Kist community.

### Protection of women

8. When asked about women's access to filing a case to the police in private conflicts, the source stated that a Kist/Chechen woman would not initiate a case with the police, but she would go to the local Council of Elders instead.
9. The interlocutor described that a case would usually be initiated at the Council of Women's Elders that would begin the negotiation with the parties and the Council of Elders. However, the source did not have a lot of in-depth information on the process at the councils.
10. According to the source, there is a local woman in the government's office in Pankisi Gorge, who is focused on women's rights in the area. The Council of Women would go to her in such cases.

### Access to shelters

11. When asked about Kist/Chechen women's access to shelters, the source explained that the Georgian State provides free shelters to all women. At the shelters, the women can get housing, legal support, and social and psychological services. The shelters have a very active hotline where women can call for advice.
12. The capacity at the shelters is challenged and there is an on-going discussion with donors to raise additional funds for expanding the capacity. The source added that the main problem is the lack of staff with social skills (e.g. social workers).
13. Women can stay protected in the shelters for several months, but many women are challenged after leaving the shelters. Most women are struggling to find a place to stay afterwards and finding a job can be very challenging. The source advised that many women ended up going back to their families, due to pressure from a family member (e.g. husband or mother in law). When women are at the shelters, they are protected from their family and all meetings between the parties are supervised by staff from the shelters. However, despite of this many women will often go back to their family. The source noted that the woman's contact with all persons outside of the shelter is not monitored.

### Public defender

14. When asked in what types of cases the Kist/Chechen community usually approach the public defender, the source mentioned legal issues regarding property rights, economic rights and social rights.
15. In private conflicts the local Kist/Chechen community is reluctant to approach the Public Defender because they have a lack of trust in the system and a lack of knowledge about their rights. The source described how the Kist/Chechen community is not accustomed to having Government services provided to them and therefore they might not be aware of complaint mechanisms such as the Public Defender.

16. This interlocutor underlined that the local Kist traditions would also keep the Kist/Chechen community from approaching the Public Defender in cases involving a private conflict because the community has alternative ways of solving their problems.
17. The source did not have information on the prevalence of cases brought forward to the Public Defender by the Kist/Chechen community. However, the source expected it to be limited.

**Discriminatory treatment by the authorities**

18. When asked if the Kist/Chechen community had the same access as other Georgian nationals to seek the protection of the authorities in private conflicts, the source stated that it depended on the legal status of the person in question.
19. If a person from the Kist/Chechen community has documentation of their legal status in Georgia, they will have the same rights according to law as other Georgian nationals. However, if their status is disputable, for example because they have obtained legal residency in Europe, they will have trouble gaining access to residency when returning to Georgia. The main problems in gaining residency in these cases are security issues and long processing times.
20. Kist/Chechen women have the same access as men to seek the protection of the authorities in a private conflict. However, in general the women will be more reluctant to file a case with the authorities. The source elaborated that women are often dependent on their husband and therefore they do not feel empowered to go against the family's wishes by involving the Georgian authorities in a conflict. In some cases, women are threatened by family members to remain silent.

**Level of corruption**

21. The source described how there are challenges to judicial independence in the whole country and that this does not only occur in Pankisi Gorge. However, to the knowledge of this interlocutor, the challenges are greater in political matters than in private conflicts. Corruption will mostly occur on a high-level scale.
22. When asked if it is possible to influence judicial proceedings in Pankisi Gorge, the source stated that it can be done on a case-by-case basis if someone has close links to the Government or Security Services. The source had heard of a group of influential Kists who are involved in illegal activities in the field of drugs transferred through the Gorge and this group had allegedly close ties to the Security Services. However, the interlocutor noted that this was merely speculations. Furthermore, the source did not have examples of corruption in private conflicts where criminal groups have been involved.
23. The source does not believe that it is possible to influence the courts in a private conflict, unless it involves a person who is influential in the area.



## A Western Embassy

Tbilisi, 23 September 2020

### Complaint mechanisms and access to seek redress in private conflicts

1. When asked about general access to filing a case with the police for a person in a private conflict in Pankisi Gorge, the source stated that the Kist/Chechen community had the same access as other Georgian nationals. However, when it comes to access to government services the source noted that it could be more difficult to access for linguistic minorities than religious minorities as the Georgian national language policy stipulates that all Georgian official documents are in Georgian and that Georgian government officials only speak Georgian, especially the younger generation of officials. Since the Kists are Georgian speaking, the source had never heard of any problems in this regard. The source has not seen any issues other than there may not be a large capacity of public services in general in the Pankisi Gorge.
2. The source described how in general citizens of Georgia can approach the police with a case and the police are obliged to investigate and refer the case elsewhere, if relevant. There is a special unit within the Ministry of Internal Affairs called the Human Rights Division, which will determine if a crime with any religious or discriminative motivation would get hate crime status. This interlocutor had not observed such cases within the Kist community. Furthermore, the source mentioned that historically there have been issues in filing a case with the police. However, the professionalism of the police has improved over the past years with training and legal reforms. The problems are nationwide and not specific to the Pankisi Gorge area.
3. The source had not seen any examples where Kist/Chechens from Pankisi Gorge approached the police in private conflicts and described that the locals might approach local complaint mechanisms instead.

### Protection of women

4. The source did not have specific information about the situation of women in Pankisi Gorge, but described the Kist/Chechen community as very isolated in general.

### Public defender

5. The source did not have specific information on how and when the Kist/Chechen community would approach the Public Defender. However, the source doubted that they would contact the Public Defender in practice.
6. The source described how the Public Defender operates like a human rights observer and mostly covers issues on governmental abuse, e.g. discrimination, violation of human rights etc. The Public Defender can make recommendations on these matters to the government, but the government is

not obliged to follow their recommendations. The PDO releases recommendations in yearly reports.<sup>179</sup>

#### **Discriminatory treatment by the authorities**

7. The source stated that according to the law the Kist/Chechen community has the same access to seek protection of the authorities in private conflicts as other Georgian nationals, but in practice the access can be limited due to capacity issues and the isolation of the community.
8. By some in government, the Kist/Chechen community is viewed as a security threat, because historically some of the citizens have joined ISIS. However, the source did not have any information on whether this affects the access to seek protection in private conflicts.
9. Under Georgian law, women have the same access to seek the protection of the authorities in private conflicts as men. However, in practice the informal complaint mechanisms in Pankisi Gorge can be an obstacle, and women tend to approach these mechanisms instead. The source did not have any clear examples of this but stated that it was entirely possible.

#### **Level of corruption**

10. When asked if there are any challenges to judicial independence in Pankisi Gorge, the source did not have specific knowledge on the matter. In general, the source believed that the level of corruption in Georgia could improve.
11. The source had not seen cases where judicial proceedings in private conflicts were influenced by parties or others with interest in the case in Pankisi Gorge. According to this interlocutor, problems with corruption seemed to be found in cases that are politically sensitive or business related cases. Corruption on lower level criminal cases is not seen wide scale, however, the source could not say that it did not happen. In this regard, the source mentioned that a lot of funding was put into Pankisi from international donors. The source did not have any information about the prevalence of cases of corruption from Pankisi Gorge.
12. According to the source, it is possible to influence the courts in political cases for example in cases regarding corruption.
13. The source had not seen examples of corruption in domestic violence cases but could not say that it did not happen.

#### **Alternative conflict resolution**

14. When asked about which alternative conflict resolution mechanisms that exist in Pankisi, the source stated that Pankisi Gorge is a very religious and isolated area and that the source would not be surprised if the community had their own complaint system in place.

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<sup>179</sup> Public Defender (Ombudsman) of Georgia, *Recommendations*, n.d., [url](#)

15. The source described the Council of Elders as a historical organisation that consider themselves as a conflict resolution mechanism. The Council of Elders cooperates with the Georgian authorities and they have the authority to take up local cases at their own discretion. The Council of Elders also does a lot of community outreach, but according to the source, the perception is that Council does not have much influence with the younger generation of the community in Pankisi Gorge.
16. The source has not heard of cases regarding a blood feud in Pankisi Gorge.

## Georgian Young Lawyers Association

Merab Kartvelishvili, director of the Human Rights Programme and Mariam Svimonishvili, Analyst of the human rights programme

**Tbilisi, 22 September 2020**

*About the source*

*GYLA offers legal representation in Pankisi Gorge where they receive various types of complaints. In some cases GYLA is representing people in the court, but GYLA can also draw up legal documentation or provide a beneficiary with legal consultation.*

*The Human Rights Programme in GYLA focuses on four main issues: freedom of expression and media, the right to equality and non-discrimination, social policy, human rights in criminal law. Moreover, the regional office of GYLA frequently holds meetings with the community. However, due to COVID-19 GYLA has not been active in the Pankisi Gorge in 2020.*

### **Complaint mechanisms and access to seek redress in private conflicts**

1. GYLA had no information about cases of private conflicts where the local Kists would approach the police. The complaints from Pankisi Gorge are rare because their customary law forbids the members of the community to seek legal remedy. Therefore, GYLA has had only a few cases over the years from this region, which were mostly family disputes. The source described that the Kists prefer to go to the Council of Elders in order to solve their internal issues. This is due to the fact that the Kists feel that the police see them from the paradigm of security.
2. The source mentioned that the Council of Elders had a mediating role in Pankisi Gorge and exemplified this by referring to at the conflict with the radio in Pankisi. Some of the Kists, including the youth, demonstrated against the radio and expressed that they wanted to confront the owner of the radio. However, the elders interfered in the conflict and urged the youth to discontinue the use of violent language and threats against the owner of the Radio. The source noted that even though the authority of the elders has been in decline in the past couple of years, it still plays an important role in in the Kist community.

### **Protection of women**

3. The source stated that many Kist women are very politically active in Pankisi Gorge. According to GYLA, the women are participating in demonstrations and are often in the front line of such activities. The women also organise a number of local of civil organisations.
4. GYLA mentioned that when it comes to private conflicts, women would probably be less active. When asked about cases of domestic violence the source replied that they did not have any detailed information in this regard, but the source opined that there were probably only few cases of domestic violence in Pankisi Gorge. For example, during the last year, the regional office of GYLA was addressed only by one woman, who was a victim of domestic violence. This could be the effect of the customary law of the community, which forbids women to go to court or use other legal remedies. The customary law also contributes to less activity of women in private conflicts.

### **Discriminatory treatment by the authorities**

5. According to GYLA, the Georgian authorities have harsh responses to problems within the Kist community in Pankisi Gorge because they see the community from the paradigm of national security.
6. In 2019, GYLA was involved in protests against the construction of a hydropower plant in Pankisi. GYLA was aware of the issues regarding the hydropower plant before the demonstrations. The regional office held several meetings with the members of the community, who shared their concerns. As for the demonstrations, GYLA was mainly involved in advocacy giving recommendations to the Government to peacefully resolve the problem.
7. In the conflict regarding the hydropower plant, the deputy minister of internal affairs and the local police were directly involved in the negotiation process between the Kist community and the Georgian authorities. However, despite the initial involvement in negotiation the government subsequently decided to use massive police force in the Gorge. According to the source, the situation escalated because the government failed to establish a dialogue with the locals. The source believed that it would have been a violation of the law, if the Government had proceeded with building the hydropower plant without the involvement of the local community.
8. GYLA has also been involved in another case in Pankisi Gorge regarding a local radio station and its owner. There was an incident in Pankisi Gorge, where a group of Kists came to the building of the radio and requested that the radio stopped its broadcasting. The Kists disapproved of the radio's activities and information it disseminated. The protests escalated due to the fact that the radio was the first media to broadcast a local story about a father and his son who were ethnic Georgians and were wearing shorts in Pankisi. The father and the son came into a fight with local young Kists, because the Kists believed that wearing shorts does not conform to their traditions.
9. The government has built a second police station near the border of Pankisi Gorge. According to the source, there is no problem with building a police station in this area. However, the source was critical on why the Government found it necessary to build a second police station at exactly this place, since it might not have been necessary due to the crime statistics in this area.
10. At the legislative level, the Kists have the same right to seek government protection as any other Georgian national. However, according to the source, the Kists have a lack of trust in the authorities. The Georgian authorities perceive the local Kists as a part of a national security issue and in this regard, the sourced opined that Kists might not feel as equal citizens and hence will not feel that they would get the proper treatment of the authorities.
11. When asked if women in general have the same access to seek the protection of the authorities as men, the source emphasised that if a Kist woman was to approach the police they would get the same access to protection as any other Kist.

**Alternative conflict resolution**

12. The source described that there is a non-state actor in Pankisi Gorge called the Council of Elders. The local community can approach the Council in conflicts within the community. According to GYLA, the Council of Elders is registered as an NGO and it does not have any state-recognised judicial authority in Pankisi Gorge, but the Council can act as a mediator in conflicts, hold meetings with the relevant parties and make public statements and recommendations. The Council of Elders can impose sanctions in individual cases for the violation of customary law of the community. The sanctions are mostly pecuniary, e.g. two sheep.
13. Currently, there are two Councils of Elders, which are in conflict with each other due to a difference of opinion regarding various matters. The first Council has existed for several decades but registered as an NGO over 15 years ago. The other one is rather new and consists of both elders and the youth.<sup>180</sup> Furthermore, several years ago the Council of Women has been established. It advocates for women’s rights in the community.
14. The source advised that if a local conflict is not a criminal offence and the parties agree, the Council of Elders would step in and resolve the problem.
15. When asked who will resolve a case of domestic violence, the source stated that the Georgian authorities would intervene, if the authorities became aware of a criminal offence happening. However, the source opined that it was highly unlikely that Kist women themselves would contact the police in such cases.
16. The source noted that the Council of Elders cooperates with the authorities and in most cases the position of the Council of Elders would be aligned with the position of the government. However, there were cases where the council had a different position than the authorities, which happened in the case of Temirlan Machalikashvili.

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<sup>180</sup> The first Council of Elders is in the rest of the report referred to as the Council of Elders, the second Council mentioned by GYLA is referred to as the Salafists’ Sharia Court in the report.

## Transparency International

Online interview, 21 September 2020

### About the source

*The organisation monitors the level of corruption in Georgia, as well as the work in the fields of judiciary, media freedom and elections. The organisation does not work with environmental issues and minorities, although there are some crosscutting issues to these two areas. The source is a local chapter of the Transparency International movement.*

### Complaint mechanisms and access to seek redress in private conflicts

1. The source stated that in general there is an equal access to filing a case with the police in Pankisi Gorge as in the rest of Georgia with reference to the law. However, the source did not know the specifics on how the access is for the Kist/Chechen community in Pankisi Gorge.
2. According to the source, the access to filing a case with the police can depend on what type of case, i.e. what crime was committed. In private conflicts the police will usually not be involved whereas in criminal cases the police will be involved. However, for smaller crime cases (e.g. theft) the police will not address the case. Blood feuds qualify as a grave violation.
3. The police can initiate a case upon arrival at a crime scene or they can take up a case after a report has been filed directly with the police or at the prosecutor's office.
4. When asked about access to the police in cases regarding conflicts with criminal groups, the source stated that it is technically and procedurally possible to file a case with the police, but the source did not have information on the actual situation in Pankisi Gorge. The source described that there is a very traditional society in Pankisi Gorge with a very active Salafi community. However, the source could not provide more information on the local Salafi community and added that their knowledge on this topic was mostly based on media reports. There is a clear and easy procedure by law for filing a case with the police and the source had not heard of any cases where the police had rejected a case or was not able to follow up on a case.
5. Blood feuds and honour related conflicts occur in Pankisi Gorge as it does in other parts of Georgia with minority communities. The source described that blood feuds and honour related cases are a traditional way of solving conflicts within the Kist community. However, the source opined that these cases do not happen often, and that their information on this subject comes from the media. The police would act according to the crime committed and the source stated that there are instructions for the police and the prosecutor's office to focus on honour related cases.

### **Protection of women**

6. According to the source, there are no rules under Georgian law that impede women's access to justice in private conflicts. However, the source described that women in Pankisi Gorge might be reluctant to file a case with the police due to cultural and religious norms.
7. In general, the police are handling cases involving women in private conflicts properly, but according to the source there might be some cases involving women where the case is handled in a less proper manner.
8. The focus on domestic violence is a priority in the whole country, but it remains a challenge throughout Georgia. There are guidelines and directions for the police to follow in cases about domestic violence, but according to the source, there might be instances where the police do not follow the guidelines precisely. Some minor shortcomings might occasionally occur.

### **Discriminatory treatment by the authorities**

9. When asked if the Kist/Chechen community has the same access as other Georgians to seek the protection of the authorities in a private conflict, the source assumed that the general procedures apply. However, the source did not have further information on the matter.
10. The source stated that there are no regulatory problems regarding Kist/Chechen women's access to seek protection. However, in general the minorities' own traditions and religious norms can be problematic.

### **Level of corruption**

11. The source stated that judicial independence is a problem everywhere in Georgia and not only in Pankisi Gorge. According to the source, it is a very complicated issue. In Georgia, the judiciary is an extension of the political agenda of the Government, which can affect the judicial independence, but this is mainly an issue in political cases and not in minority cases.
12. In general, the courts are working independently and without the influence of others. However, the professionalism of the judge and the quality of procedure can pose a problem in certain cases. In high profile and politically motivated cases the Georgian judiciary is an extension of the prosecutor's office.
13. The source stated that it is possible to influence the judicial independence in private conflicts if this is in the interest of the ruling party. However, a Kist leader or another member of the Kist community, who is not a member of the ruling party, would not be able to influence rulings by a court in private conflicts.
14. In general, the level of corruption is very low in petty crime cases, but there remains a problem with high level corruption throughout the country. The source described that high-level corruption happens on a systemic basis.



15. It is not possible to file a case about corruption to the Ombudsman, because it belongs under the jurisdiction of the Prosecutor's Office and the State Security Service. The State Security Service only takes up cases at their own initiative and is dealing with cases against high-level officials. A case regarding corruption must be filed at the prosecutor's office. The source stated that there is a backlog of cases, but that it is very difficult to monitor, because the system is not transparent. An applicant does not have any rights during the proceedings and will not be involved in the process unless the person qualifies as a victim.
16. When asked what the typical outcome is in the cases, the source replied that there might be a proper investigation and raise of charges, but most cases will be piled on a shelf and nothing happens.

#### **Alternative conflict resolution**

17. According to the source, there is access to customary conflict resolution with the Council of Elders in Pankisi Gorge. The jurisdiction of the Council of Elders is very broad and involves honour related cases, blood feuds, land disputes, etc. However, the source did not have information on what procedures applies. The source did not know if the Council of Elders will take up cases involving criminal groups.
18. In practice not every Kist will obey the Council of Elders and there are alternative authorities consisting of Salafist groups. The source only had anecdotal information on this.
19. The source was not aware whether women could approach the Council of Elders. Furthermore, the source opined that women might face difficulties in regards to the Council of Elders since it consists only of men. However, the source could not provide more information and added that their knowledge on this topic was mostly based on media reports.
20. The source had anecdotal information about the fact that the Council of Elders might cooperate with the Georgian authorities in certain cases where the Government has an interest in the case.

## The Roddy Scott Foundation

Duisi, Pankisi Gorge, 24 September 2020

### *About the source*

*The foundation was set up in the name of Roddy Scott, a war journalist killed in the 2nd Chechen war. He was killed in late 2002, and the foundation has been started by his parents, Robin and Stina Scott in 2008. The Roddy Scott Foundation gives English and computer classes to children, aged 10-16, in five villages of the valley. All teachers are experienced local Chechens with degrees in English and teacher training. Over the years, the NGO has had various donors. Presently, most of the activities are funded by the McLain Association for Children.*

*The delegation met with three (female) teachers from the organisation.*

### **Complaint mechanisms and access to seek redress in private conflicts**

1. The foundation advised that Kists have access to file a case with the police, and they will do so, if needed. The source added that it is possible to file a case in all types of cases, e.g. if there is any form of crime, conflict, theft or domestic violence.
2. The foundation gave an example from 2019, where a family from a Pankisi village had a problem with domestic violence. They asked the police to come and solve the problem. However, the source noted that cases of domestic violence are very rare in Pankisi.
3. The source brought up a murder case where initially the police did not interfere and let the locals deal with the case by themselves. However, the police subsequently got involved and closed the case afterwards. The source advised that if someone is murdered the involved people would not go to the police. On the other hand, the source added that the police will do their work if they eventually get involved, but the Kists usually find a way to solve such cases at their traditional courts without the involvement of the police.
4. When asked if there are any cases of blood feuds in Pankisi Gorge, the source replied that there are examples of blood feuds in Pankisi.
5. The source also mentioned a recent case about Mutoshvili from November 2019, where a boy was killed. The family to the murdered boy did not want to involve the police, because they wanted to take their own revenge on the culprits. However, the police interfered and two people were subsequently arrested for the murder.
6. The source mentioned yet another case from 2016-2017. A child was working at his neighbour's place and suddenly something exploded, while he was working with a car. He was subsequently taken to a hospital, where he died. The child's family asked the neighbour to leave the country, and they went to Germany. The neighbouring family is now living in Germany as refugees. According to the source, the family cannot return to Pankisi, because they would then be killed. The source

stated that this is how Kist tradition works. The police did not arrest anyone, because the kid died due to an explosion which was believed to be an accident.

7. The source did not have any examples of cases that would be rejected by the police. The source opined that the police will always act when a Kist applies for help.

#### **Protection of women**

8. The foundation advised that if a woman asks the police for help the police will respond. However, Kist women would prefer not to involve the police when they have troubles. This is due to the Kist traditional court system in accordance with the customary law called Adat. The source added the local Kist community will always try to solve a problem using the local complaint mechanisms, even if a woman involves the police. According to the source, there are not many cases where women involve the police. If a woman is involved in a conflict, it will be solved by the woman's brother or father using the local customary law Adat.

#### **Access to shelters**

9. When asked if Kist women have access to shelters, the source replied that they have not heard about any Kist women who have sought protection at a shelter.

#### **Discriminatory treatment by the authorities**

10. According to the foundation, Kist men and women have equal access to seek the protection of the police as other Georgian nationals. However, the source advised that the Kist community prefers to resolve its problems within the community or family and therefore avoids contacting the police in private conflicts.

#### **Alternative conflict resolution**

11. The foundation stated that the use of alternative conflict resolution depends on the conflict and the family involved. In a majority of the cases, families prefer to approach the Council of Elders instead of involving the police. In cases of robbery, the Kists would typically not be hesitant to file a case with the police. However, this depended also on the family.
12. According to the foundation, the Kist families would generally not file a case of domestic violence at the police. Especially if children are involved, the Kists would not want a parent to be arrested. The families would instead approach the Council of Elders for a solution, e.g. if women were not treated well, if they are discriminated against or in case of domestic violence. The families will then discuss the problem and they will find a solution internally. Perhaps the person who was violent will be given a fine or punished according to local tradition.
13. The source opined that the influence of the Women's Council is very limited and did not think that Kist families would seek the help of this Council due to the Kist traditions and customs. However, the source added that the Council is doing a great job.

14. The source stated that the families would like their problems to be solved inside the families and not to be made public. However, if a woman or a family applies to the Women’s Council, the Women’s Council then acts as a mediator between the woman and the Council of Elders and supports her during the whole process.
15. When asked if a woman could go to seek help at the Council of Elders, the source replied that there are only few cases when this would happen. If it is a case where a woman has been abused, the woman would not approach the Council of Elders herself. Instead, her male family members – typically her father or brother – will discuss it with the Council of Elders and the man’s family members. The men of the family will then find a solution internally. The Kist families are obliged to obey the ruling of the elders. The source noted that if a woman goes back to her family she would not be rejected. The Kist women are supported by their family.
16. In all cases women do not participate in the process of problem solving but their opinion and views are always taken into account.
17. The source stated that there is a written code of law amongst the Kists in Pankisi Gorge. The old version of the law code was held by one of the elders in a cardboard suitcase above a wardrobe.
18. The new one has now been distributed amongst the community so that the community knows what the rules are.

## The Human Rights Education and Monitoring Center

Tbilisi, 22 September 2020

### About the source

*EMC works with ethnic minorities in Georgia and in other different areas such as promotion of tolerance, equality and human rights. Furthermore, EMC works with religious and LGBT communities in Georgia. The centre has been operating in the Pankisi Gorge for a long period of time.*

*In Pankisi Gorge EMC provides legal assistance on legislation and litigation including cases of discrimination by the Georgian authorities and private individuals. Furthermore, EMC cooperates with the authorities together with the Kist community for example when composing reports on the human rights situation in Pankisi Gorge. One of their recent projects has been working with Kist women, who are spouses of foreign fighters who went to fight in Syria. These women were contacted by a local NGO and the International Committee of the Red Cross, who in turn provided medical and social services. EMC assisted the women in obtaining legal documents, in particular, obtaining child birth certificates and receiving a state pension (for children). EMC had identified four cases in Georgia, and yet another four cases, who are still in Turkey at this point in time. The assistance to these women has been given since 2019.*

### Complaint mechanisms and access to seek redress in private conflicts

1. According to the source, from the legislative perspective the Kist community has the same rights as everybody else in Georgia to file a case with the police. They are in this regard fully equal with the rest of the Georgians. However, EMC has not conducted any research on access to justice in Pankisi Gorge but in general, according to Georgian legislation, all citizens of Georgia have the right to go to court. They also have the right to go to the police.
2. However, EMC stated that the actual access to file a case depends on a lot of different factors for example the Georgian authorities' view on the Kist/Chechen community as a potential security threat. According to the source, the access depends on the content of the case. Sometimes the police do not respond even though they see or become aware of an offense. The source had not identified such a case directly, but stated that community members had often pointed out that activists were attacked after the hydropower plant events and that the police did not react. In the Kist community, it is also said that the police did not act properly during the murder of Mutoshvili. The source added that this was the opinion of the community members and could not provide more exact information.
3. Furthermore, some members of the community will not approach the authorities, because they have a feeling of being monitored by the State Security Service, who perceives them as a potential threat.
4. The source also described that the Kist community prefers to resolve their problems locally through negotiation, unless it is a criminal offense. Therefore, whether a Kist will file a case with the police would depend on the concrete case. In general most cases would be solved within the community itself.

5. EMC mentioned an example where the Kist community were actively protesting against the Georgian authorities in the so-called Temirlan Machalikashvili case. The Prosecutor's Office of Georgia terminated the investigation of this case. However, EMC on behalf of Machalikashvili's family is litigating the case before the European Court of Human Rights. Another example was the building of a hydropower plant in Pankisi that resulted in large scale protests against the Georgian authorities. The local Kist/Chechen community was not satisfied with the Georgian authorities' handling of the case since the community was not involved in the process.
6. According to EMC, there have been only two cases regarding violence within a family in Pankisi Gorge. The EMC had in these cases given the Kists legal advice. However, the Kist women did not want to go to the authorities with the cases, as they did not want to be identified. The source stated that the last case was a few months old. According to EMC, women usually would file for divorce in cases of family violence. EMC consider that there are no special and/or additional challenges in respect to domestic violence in Pankisi Gorge. Moreover, EMC is criticising the dominant discourse which consider Muslim communities as more oppressive or violent in respect to women.
7. When asked if the source had encountered any cases involving criminal groups, the source advised that criminal activities in Pankisi Gorge were thriving in the years just after the collapse of the Soviet Union in the early 1990s. However, such activities are not visible anymore in Pankisi Gorge. It is a very rare phenomenon now, according to the interlocutor. On the other hand, the source opined that according to local activists after the case with the hydropower plant the government had tried to encourage particular groups within the Kist community to make tension and social unrest in Pankisi Gorge. The interlocutor stated that this is at least what members of the community are talking about these days. However, the source emphasised that this information is based on private conversations, and that there was no proof that the government had in fact tried to create tension in the community.

#### **Protection of women**

8. EMC advised that the centre provided assistance to targeted groups in Pankisi Gorge through so-called mobile units. The mobile units are present at hotels in the Gorge, where EMC can offer advice to women on any subject of their choosing. EMC uses local supporters to inform the community of their presence and hereby local women will be informed about which hotel EMC will be staying at in Pankisi. The most prevalent types of cases are: divorce related cases, cases related to registration of property (estates) and status of Georgian citizenship.
9. Most of the cases are related to divorce, but there are also cases of domestic violence. The source advised that questions regarding family related issues including domestic violence are generally stigmatised, not only in Pankisi but all across the country. EMC also mentioned that several of the cases involved women with Russian citizenship, who approached the centre because they wanted Georgian citizenship. However, dual citizenship in Georgia is very difficult to obtain and can only be granted in very exclusive cases.

10. The EMC noted that according to the local Kists, the Ministry of Internal Affairs and the police forces under its control do not carry out their duties as they should in Pankisi Gorge. The local Kists are of the opinion that cases, that should and could be handled by the local police, are instead perceived as a matter of national security.
11. The source exemplified by highlighting a conflict between two families in Pankisi from November 2019. The conflict escalated and ended up with a man getting shot in the presence of the police. Afterwards there was a feeling within the local community that the Ministry of Internal Affairs did not handle the case properly and that the police failed to neutralise the situation.
12. Another example of improper treatment was during the demonstrations in 2019 against the building of a hydropower plant, where the police arrested several local Kists and took them to the police station for questioning. Before the large scale demonstrations took place, the police tried to solve the conflict in the community by taking individuals in for questioning.
13. When asked if the Kists' cases in general were treated properly by the police, the source advised that it depended on the particular case and on the national interest of the state. In general, if a Kist goes to the police with a private conflict such as family abuse, then this would be properly investigated by the police.
14. The interlocutor had no information on whether specific cases were rejected by the police.
15. According to the source, the police had received special training in handling domestic violence and the policemen are trained properly. Furthermore, the EMC has recommended the Ministry of Internal Affairs to conduct training to protect the rights of women. However, the Ministry of Internal Affairs does not provide special training on religion and culture of minorities. This is one of the reasons of alienation between the law enforcement institutions and the Kist community.

#### **Access to shelters**

16. The source advised that Georgia has several shelters for victims of family abuse: Tbilisi, Telavi and Signagi in the Kakheti Region, where Pankisi Gorge is located. According to the EMC, these shelters are operated by the government. However, there are also private operated shelters in Tbilisi that are funded by NGO's.
17. The EMC advised that the biggest problems with the shelters were overcrowding. There have been cases of women in need of a shelter but where there had not been enough space in the shelters. Therefore these persons were relocated to shelters in other regions in the country. The source did not have information about Kist women in shelters.
18. The shelters offer different services such as medical, psychological, and legal assistance. The shelters have different training programmes for women. In general, a woman can stay in a shelter for up to three months. It is possible to extend the stay for another three months.

19. The source noted that women face a big challenge when they have to leave the shelter. This is one of the reasons why women are avoiding shelters. The women face problems finding jobs and a place to live. Therefore, there is a possibility they have to go back to their home or back to the shelter again. The source also mentioned that the government can extend the period beyond the three months in shelter, or the women could apply for a place in a private shelter, that is not located in the Kakheti Region.
20. The source did not have information on how many women from Pankisi Gorge that were in need of shelters in cases regarding family abuse.
21. With regards to pressure from family members of victims, the interlocutor noted that family members do not know the exact location of the victim. The abuser is not allowed to maintain contact with the victim. However, after the victim leaves the shelter she risks encountering the abuser in the local community, which could endanger her.
22. The source further mentioned that the government also offered women access to government-run crisis centres. These centres are frequented by women who are not in need of a shelter, but in need of advice on different issues such as legal support etc.

#### **Public defender**

23. EMC advised that the PDO has an office in the Kakheti Region. There have been a couple of cases, where Kists have approached the PDO. This happened in the Temirlan Machalishvili case and the case against the hydropower plant in the Pankisi Gorge, where there were accusations of political pressure on the demonstrators.
24. According to the source, there have been several cases where the public defender had intervened in Pankisi Gorge; however, it does not happen very often. EMC considers that the PDO should strengthen their work in the minority regions.
25. The source had no information on cases regarding private conflicts.

#### **Alternative conflict resolution**

26. There is a Council of Elders, which was formed in 2012.<sup>181</sup> The Council of Elders is approached in all private conflicts in Pankisi Gorge, for example in questions of land disputes. Such questions will be resolved by negotiations within the community itself. The source added that the Council of Elders will not take up a criminal case. The Council of Elders would typically intervene in private cases between two families. It was not the opinion of the source that the Council of Elders would accept cases regarding private conflicts such as domestic violence.

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<sup>181</sup> The Council of Elders was not formed in 2012, however, the Women's Council was formed in 2012.



27. The EMC further noted that a Women’s Council also existed. This Council focuses on women-related issues such as women’s participation in public affairs. Cases regarding physical abuse will be referred to the police.
28. The source did not have any information on the formal procedures of the Women’s Council but informed that the council comprised of elderly and middle-aged women.
29. EMC regularly met with the local Women’s Council. EMC had met the Women’s Council recently in connection with cases regarding four ISIS women who was waiting to be repatriated back to Georgia from Turkey. During these meetings, the members of the Council discussed the family related issues that could arise when the women return.
30. According to this interlocutor, the Council of Elders and the Women’s Council would in particular cases cooperate with the authorities, although this will not happen regularly. In regards to criminal cases, the source advised that such cases would involve the authorities from the very start.
31. Within the Kist community, Islam is represented by two branches: Sufi, considered as belonging to a more traditional Islam and Salafists. There are peacefully practising Salafists in Pankisi Gorge and the majority of the locals are sharing a peaceful understanding and practice of Islam. Salafi jamaat is quite active and well organised and is providing not only religious, but also social support.

## A Non-Governmental Organisation

25 September 2020

### About the source

*The source is a Non-Governmental Organisation (NGO) working to improve the economic situation for vulnerable groups, women and youth in Pankisi Gorge. The NGO is also providing legal assistance. The activities are funded by various donors, but lately mainly by the EU. The delegation met with the director.*

### Complaint mechanisms and access to seek redress in private conflicts

1. The source advised that in general the members of the Kist community have access to file a case with the police and seek the assistance of the authorities as any other citizen in Georgia. However, there are some disputes that the Kists prefer to solve themselves within the community, e.g. land disputes, domestic violence cases and criminal cases. It is very rare that a Kist approaches the police with these issues, because they prefer to approach local complaint mechanisms instead and therefore the police are usually not involved in the complaint and decision process.
2. According to the NGO, cases of blood feuds would also be solved within the community itself. In such cases the Council of Elders would be involved and try to solve the feud between the families. The source referred to a recent conflict in 2019 between the two large teips (family names) Mutoshvili and Kavtarashvili. A man from the Mutoshvili family died during this conflict.<sup>182</sup>
3. The source stated that in general a Kist would not file a case with the police in conflicts with criminal groups. However, the police would investigate the conflict if such a case was brought forward to the police. The source had no information about criminal groups in Pankisi Gorge. However, in the 1990s and early 2000s there were a lot of cases where the Kist community had connections with criminal groups. These criminal groups worked in the field of smuggling of drugs and human abduction.
4. When asked if the police would reject a case from a Kist, the NGO noted that the police would always try to solve the Kist's problems when asked to do so. The source could not remember any incidents where the police had rejected a case, and added that they would investigate all enquiries properly. According to the source, the police are loyal to the Kist community; they support the community and try to avoid conflicts with the Kists.

### Protection of women

5. The source noted that Kist women would rarely approach the police in private conflicts. However, the NGO knew of two cases where women, who had been victims of domestic violence, filed a case with the police. The first case happened in 2017, where the neighbour to the woman called the police. The police issued a restraining order to the husband. Furthermore, the source added that the Council of Elders were also involved in this case and decided to support the woman; the husband subsequently moved to Chechnya.

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<sup>182</sup> Civil GE, *Man Dies after Locals Clash in Pankisi*, 27 November 2019, [url](#)

6. The other case also took place in 2017 and involved a woman contacted the police in order to get her own part of the estate after she divorced her husband. The woman was able to obtain a legal claim to a part of the estate through a Georgian court ruling. However, afterwards the Council of Elders ruled against the decision from the court, deciding that she could not own any real estate, because she was a woman and therefore, according to Kist traditions and customs, was not allowed to own property. The woman now lives with her parents. The source emphasised that the woman was allowed by the Council of Elders to live with her son at her husband's house, but the woman prefers to live with her parents because of the traditional impact by locals.
7. In general, the source advised that the police would try not to engage in local conflicts, but if approached they would try to solve whatever problem at hand. Therefore, the police will not intervene in cases regarding private conflicts where the Council of Elders are involved.
8. If a woman lodges a complaint with the police, they will inevitably respond to that complaint. However, in the above-mentioned case, the woman no longer appealed to the police for help because of local traditional impact.
9. Based on the limited number of cases where women had approached the police the source was not aware of any cases rejected by the police.

#### Access to shelters

10. According to the source, the Kists have access to shelters. The NGO offers advice to women on access to shelters. Furthermore, the police can also refer women to shelters. The source noted that there are no shelters in Pankisi Gorge, but was aware of two shelters in the Kakheti region: One in Telavi, and one in Gurjaani. However, the source stated that according to UN women in 2016 there were five shelters in Kakheti Region.<sup>183</sup> The source was aware of two cases, where the police helped Kist women gain access to shelters. One case happened in 2017, and the other in 2014.
11. When asked about the capacity at the shelters, the source replied that the capacity varies from shelter to shelter. The source was aware of some capacity issues at smaller shelters, where accommodations were limited e.g. one shelter can only accommodate 15 persons. However, the source did not have detailed information about the capacity at the shelters, but the NGO had not been in contact with women who felt uncomfortable at the shelters.
12. The source noted that a woman can stay at a shelter for two months and in some cases up to a year. The length of the stay would depend on the shelter's rules and inside procedures and can differ if a woman has a child with her. However, the source did not have detailed information about it, but stated that it depends on the case and situation of the victims.

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<sup>183</sup> UN Women Georgia, *More Shelters for Victims of Domestic Violence in Georgia*, 5 April 2016, [url](#)

13. When asked if a woman would feel any pressure from a spouse or a family member, the NGO stated that this will not happen. The source stressed that a Kist woman will not be able to return to the community, if she approaches the police and ask for support, e.g. access to a shelter, due to the local traditions and customs of the Kists, which restrict women to go to the authorities for help. The conflict must be decided within the community itself without the involvement of the Georgian authorities.
14. The source elaborated that if a Kist woman approaches the police or goes to a shelter because of a domestic violence problem she will not be allowed to return to her community. The source exemplified that, if a woman betrays her husband and family she will be expelled from the Kist community. Besides such cases and decisions by the community the source stated that nowadays there are cases where such women return to the Kist community after several years.

#### **Public defender**

15. According to the source, the PDO is very active in Pankisi Gorge. The PDO's regional centre conducts informational meetings with the Kist community. However, the PDO is usually not involved in private conflicts, because the Kists prefer to solve their problems by themselves within the community. The source did not know of any cases, where the Kists had approached the PDO.

#### **Discriminatory treatment by the authorities**

16. The interlocutor advised that Kists men and women have the same rights as any other Georgian citizen and they would be treated by the police the same way as other Georgians. However, in general, the Kist community are not involving the authorities due to local traditions and customs.

#### **Level of corruption**

17. The source had no information about corruption cases in Pankisi Gorge. The source speculated that during the demonstrations against the hydropower plant there were rumours within the Kist community about some Kists receiving a bribe from authorities to support the hydropower plant. However, the source did not have any exact information and opined that cases like these happen rarely.

#### **Alternative conflict resolution**

18. According to the source, there are two local complaint mechanisms in Pankisi Gorge: the Sharia court and the traditional Council of Elders. The source stated that the Salafists in Pankisi Gorge would never approach the Council of Elders. Instead they will go to the sharia court to solve their problems.
19. The source stated that women were able to approach the Council of Elders and the Council is obliged to listen to the women's complaints. As an example, the source mentioned that if a woman wants a divorce, she will need to present an agreement with her parents stating that the family will allow their daughter back. However, according to local traditions and customs, the woman will not

gain custody of her children, which results in many women leaving the country after a divorce instead of approaching the Council of Elders.

20. The source noted that they are implementing projects where they raise issues such as women's rights and children's rights for the benefit of local women in the community. The NGO also informs about the possibility to go to a state court and obtain child custody in divorce cases. The source works to empower women so they can act and use their rights to obtain child custody.
21. However, the women would often have to leave Pankisi Gorge afterwards. The source exemplified that if divorced women from Pankisi have problems with child guardianship, they prefer to leave Pankisi Gorge and move to Europe. If single women have economic problems in Pankisi Gorge, they also prefer to leave.
22. The source knew of two cases where women had gone to the state court in order to obtain child custody. In these cases, the Georgian authorities will help the woman. However, Kist women often do not use this possibility due to the local traditions in the Gorge.
23. The source stated that the Council of Elders is very influential and effective in families who follow traditional Islam. However, the source noted that it is better to empower Kist women so they could go to the court and decide their cases according to Georgian legislation.
24. According to the NGO, the Council of Elders are effectively cooperating with the authorities. The source mentioned that during a conflict, the authorities would meet with the Council of Elders and discuss the different views on the issue at hand, for example in problematic issues such as construction of hydroelectric power stations and the Temirlan Machalikashvili case.
25. The source described that in 2012 a Women's Council comprised of 15 well-respected women was established in Pankisi Gorge. This council assists women in resolving disputes, provides them with access to legal and social aid, and works on women's rights. Moreover, the Women's Council acts as a mediator between women and the Council of Elders in order to support women's position during discussing family disputes. For example they would discuss and prepare a case put forward by a woman, and present the case to the Council of Elders on behalf of the woman.
26. Furthermore, the Women's Council actively works with the Council of Elders in order to modernise Muslim Family Law by which the residents of the Pankisi Gorge are locally governed so that it reflects gender equality and uses modern terminology. The Women's Council implements different projects in Pankisi to support empowerment of women living in a Muslim community.
27. The source recalls a case from 2018, where a woman had lost the right to see her own son. However, after consultations with the Women's Council, the case was decided by the Council of Elders and she reacquired her right to see the son three days a week.

## A Local Kist Non-Governmental Organisation

Duisi, 24 September 2020

### *About the source*

*The local Kist NGO was founded in 2019. The main idea behind the NGO is to unite local young Georgians and Kists by having both ethnicities represented in the leadership of the organisation. The aim is to overcome problems between the two ethnicities in Pankisi Gorge. The NGO is also working on promoting women's rights in Pankisi Gorge. There are 15 villages in Pankisi Gorge, three of them are Georgian and twelve are Kist.*

### **Complaint mechanisms and access to seek redress in private conflicts**

1. When asked about the access to file a case with the police, the source explained that the access to file a case is the same for all ethnic Georgians and Kists. However, the local Kist community is not aware of their rights to access Government services such as the police and they do not know how to approach the police.
2. The source explained that the police have a local office in Pankisi Gorge. However, according to the source, the police are not working pro-actively in Pankisi Gorge and the local community do not trust the police to solve their conflicts. As an example, the source mentioned that in 2019, there was a demonstration against the construction of a hydropower plant where the police tried to blame the locals for the escalation. According to the source, the situation escalated, and one person was killed in front of two police cars. The murder was committed by a group of local people who was believed to be created by the authorities and the local police in order to create tension and conflict within the community. The group that was responsible for the killing consisted of 13 people but only two of them were convicted after the murder. They have received prison sentences of 9 and 11 years. All the involved parties were Kists.
3. These kinds of organised groups have been in Pankisi Gorge since the 1990s. According to the source, the government was actively cooperating with criminal groups shortly after the Rose Revolution, where these groups have been working as non-formal authorities in the area. In the period after the Rose Revolution there were no incidences of violence against the local people in the community. However, since the incident with the hydropower plant the situation has changed. The source explained that nowadays, the locals fear the involved group as they believe it is created by the government and the local police and therefore is acting with impunity and carry guns. According to the source, the main objective of the group has been to gain local support to build the hydropower station through fear.
4. The source opined that the father of the killer, who was chair of the local group, went to the police and told them that his son was planning a murder. The police assured the father that they were aware of the situation and ready to respond. However, it was the source's opinion that the Ministry of Internal Affairs had instructed the police to remain passive in case the demonstrations within the community escalated. The source stated that the killing took place in front of two police cars on the main road and that the incident was caught on a surveillance camera from a nearby store.

5. The source mentioned that in August 2020 the victim's brother tried to seek revenge by opening fire towards the house of the perpetrator. The source opined that the court might issue a sentence of 16-24 years of imprisonment for attempted murder. The source stressed that this was an example of using the law selectively because the killer, who was supported by the police, was only imprisoned for 11 years. The source gave the reason that the victim was against the hydropower plant.
6. According to the source, the locals do not trust the police. The source mentioned an example from a few years ago where the educational centre was set on fire due to a women's rights campaign. The source described another example where a group of Salafists burned down a Christmas tree, because the Salafist do not celebrate public holidays. The police were involved in the case but concluded that no crime was committed and that the tree burned down due to an accidental electrical problem. According to the source, everyone knew that the Salafists had burned down the tree, because they spoke openly and proud about it, and therefore the trust in the police was compromised.
7. The obstacle to citizen's participation in civic life in Pankisi Gorge is lack of employment. The source opined that the high unemployment rate among the youth in Pankisi Gorge is one of the contributing factors as to why they are subjected to stereotyping from local authorities and the government, who might perceive them as terrorists.
8. When asked about whether the police handle cases properly and how often the police will reject a case, the source mentioned that it is perceived as shameful within the community to involve the police in cases concerning local or small conflicts. The majority of people would therefore resort to local complaint mechanisms in order to solve conflicts. Furthermore, the source stated that there could be a long processing time, if a Kist decides to approach the police in a private conflict.

#### **Protection of women**

9. The source described that there are two groups of Kist women: the ones that wear hijab and the ones that do not. The rights of these women are different. The source stated that Sufi women are active in social and public life while most of the Salafi women are not participating in the activities within the community. In general it is difficult to be a Muslim woman in Georgia regardless of whether being a radical Salafist or Sufi woman.
10. The source explained that in cases of sexual violence the local community would blame the woman for being exposed to sexual violence and therefore Kist women would not approach the police but would prefer to remain silent. The source described that sexual violence is happening in Pankisi Gorge because of local traditions and men's view on gender roles.
11. The source explained that even if a woman approaches the police and files a case of sexual violence she risks being blamed for the crime. The source mentioned an example from a couple of years ago where a woman filed a case with the police, because she was a victim of a sexual violence. The

police officer asked the woman not to file a case and to remain silent, because it would be perceived as shameful.

12. When asked if the police had received any special training in handling cases regarding women exposed to violence in familiar relationships, the source repeated that women do not approach the police because she would be blamed for the crime committed. In some cases the police would arrest the offender, but the woman would be in a very vulnerable position in the community due to societal attitudes towards women exposed to sexual violence. If a woman would choose to go to the police, her life in the Gorge is finished. Therefore, Kist women prefer to remain silent. The source mentioned that one training of the police has been conducted by a local NGO and the local Women's council. However, it was very difficult for the NGO to persuade the Ministry of Internal Affairs to allow the training. The source opined that it is important for the local police officers to take part in the training. However the attitude from the police was not cooperative.

#### **Access to shelters**

13. The source was aware of a case from 2017-18 where two women from Pankisi were subject to violence from an uncle. They went to a shelter in Tbilisi and are now rejected by the local community in Pankisi Gorge, because they involved the authorities in the conflict. They will never be able to go back to Pankisi.

#### **Alternative conflict resolution**

14. The source informed that there is a Women's Council in Pankisi Gorge that supports local women in private conflicts. The Council was created by a local NGO in 2011 and it functions as a mediator between women and the Council of Elders. The Women's Council was created because women cannot speak of their personal lives and about intimate situations in front of men in Pankisi Gorge. The source did not have details about specific cases but mentioned that most cases have been about divorce and child custody. The Women's Council cannot make decisions in private conflicts, because only men are allowed to do so.
15. According to the source, the Council of Elders is a highly respected organ and is used by Kists. Currently they are working on changing Adat together with the Women's Council.



## Appendix B: Sources consulted

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Ombudsman/the Office of the Public Defender of Georgia (PDO)

State Minister of Georgia for Reconciliation and Civic Equality (SMRCE)

The Council of Elders in Pankisi Gorge

Kakheti Police Department in Telavi

A Diplomatic Source

A Western Embassy

Georgian Young Lawyers Association (GYLA)

Transparency International (TI)

The Roddy Scott Foundation

The Human Rights Education and Monitoring Center (EMC)

A Non-Governmental Organisation (an NGO)

A Local Kist Non-Governmental Organisation (a local Kist NGO)

## Appendix C: Terms of reference

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Situation of the Kist community and Chechens in Georgia

- Complaint mechanisms and access to seek redress
  - In particular in private conflicts regarding
    - Women – conflicts in family
    - Conflicts with criminal groups
  - Discriminatory treatment by the authorities
  - Level of corruption
- Alternative conflict resolution in Pankisi Gorge