



STATE OF HUMAN RIGHTS IN GEORGIA, 2019



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Non-governmental organization the Human Rights Center, formerly Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia. The HRIDC aims to increase respect for human rights, fundamental freedoms and facilitate peace building process in Georgia. To achieve this goal it is essential to ensure that authorities respect the rule of law and principles of transparency and separation of powers, to eliminate discrimination at all levels, increase awareness and respect for human rights among the people in Georgia.

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INTRODUCTION

The below report reviews the state of human rights in Georgia in 2019. The report assesses the events developed in Georgia throughout 2019 in the legal context and relies on the data collected and evaluations made by Human Rights Center, other Georgian civil society organizations, the Public Defender of Georgia and international organizations.

The goal of the report is to assess the activities of various state bodies in terms of human rights protection, also the level of response of different state organs towards human rights violations, the efficiency of the judiciary and the legal and systemic changes which should aim to implement international human rights standards on the national level.

The report evaluates the state of human rights in the main areas, such as: equality before the law, freedom of expression and speech, judiciary system, state of human rights in the penitentiary system, occupation and its impact on the state of human rights, labor rights, cases which caused high public interest (hereinafter referred as high-profile cases), issues related with media freedom, the state of people with disabilities, rights of LGBTQ+ individuals, violence against women, including the facts of domestic violence, election system, rights of ethnic and religious minorities, hate-motivated crimes and more.

In 2019, elections of judges in the Supreme Court of Georgia were particularly problematic process. The High Council of Justice failed to convince objective observers in the competence of the elected justices that further humiliated the reputation of and trust to the judiciary system.

In terms of the freedom of assembly and expression, number of problems was identified throughout 2019. Particular problems were identified during the dispersal of the June 20-21 protest rallies, during protest demonstrations against the construction of hydro-electro stations in Pankisi Gorge and against the election system in the capital with special means, which clearly revealed the systemic miscarriages. The facts of the use of disproportionate power from the side of law enforcement officers are still alarming as well as deficiency of the adequate response to the violations committed by police officers.

In 2019, the media environment is still polarized in Georgia. The State still tries to amend editorial policy of critical media outlets through different methods. Particularly alarming was record number of facts of interference in the professional activities of journalists and physical injuries of journalists during

June 20-21 events, which were not adequately responded by the responsible state bodies so far.

In 2019, the state of human rights is still serious challenge in the occupied territories of Georgia, where neither central authority nor international organizations can comprehensively document the human rights violations. With the frozen relations, many criminal offences remain unpunished. The people living alongside the occupation line have their basic rights restricted that create humanitarian crisis in the occupied territories of Abkhazia and South Ossetia.

Discrimination and stigmatization of various minority groups is still a huge problem in the country. LGBTQ+ community is particularly vulnerable, whose rights were violated throughout the year. Violence actions of the ultra-conservative homophobic groups are still unpunished. The Government still fails to be faithful to the ideas based on equality and has not taken concrete steps in this direction.

There are no elementary conditions necessary for dignified work in the country. Due to insufficient protection of labor rights and supervision of violations, the labor safety is still significant challenge on the chaotic labor market with high number of mortality on working places, labor exploitation and more.

In the end, the report presents the evaluations of respectful international organizations about the state of human rights in Georgia.

POSITIVE LEGISLATIVE AMENDMENTS

- **Amendments in the anti-discrimination law**

The Law of Georgia on the Elimination of All Forms of Discrimination, which was adopted in 2014, still contained many miscarriages that hindered effective work of the equality mechanisms in the country. In 2019, the amendments introduced in the anti-discrimination legislation significantly improved the legal and institutional guarantees of the fight against discrimination in Georgia.

Both procedural and material-legal aspects of the law were amended. Namely, the law prohibits/sanctions harassment and sexual harassment. At the same time, the principle of equal rights of all individuals in the fields of labor, pre-agreement relations, education, social defense and healthcare became better protected. The law now prohibits not only encouragement, coercion and support of discrimination but also giving orders on discrimination. At the same time, the period for appealing the court was also expanded (from three months up to one year), the mandate of the Public Defender of Georgia with regard to individuals was reinforced: if private persons do not fulfill or share the recommendations of the Public Defender, the latter can sue them in the court and demand fulfillment of the recommendations. Simultaneously, violators have responsibility to provide the Public Defender with all requested information and documentation¹.

- **Organic Law of Georgia on Occupational Safety**

Since September 1, 2019 several new regulations and amendments related with the occupational safety have been enforced. The amendments shall be positively evaluated but there are still many challenges in this direction in the country.

Since September 1, 2019, the draft law approved during the 2018 spring session of the parliament of Georgia went in force, according to which, the scope of the law on occupational safety is now unlimited and applies to all spheres of economic activity and to the public sector².

In accordance to the amendments, the supervisory body for occupational safety is now authorized to inspect any working place without preliminary notification and court warrant at any time of a day or night (since September 1, 2019).

¹ See the Law of Georgia on the Elimination of All of Forms of Discrimination

² See full information <https://bit.ly/2SSafK0>

The law also determined effective and differentiated sanctions the amount of which vary from 100 GEL to 50 000 GEL, in accordance to the level of violation and scope of the inspected company. In case of critical insufficiency of the situation, inspector is authorized to terminate the working process that should be later confirmed by the court judgment³.

Since September 1, 2019, the Organic Law of Georgia on Occupational Safety applies to all organizations carrying out economic activities, including the labor relations regulated by the organic law of Georgia – Labor Code of Georgia and the Law of Georgia on Public Service. Based on the Articles 2 and 7 of the Organic Law of Georgia, since September 1, 2019, all companies functioning in the spheres of economic activities are obliged to hire occupational safety specialists⁴.

- **Criminal law justice**

Like in 2018, it was still impossible to fully depoliticize law enforcement structures. Regardless many appeals of the civil society organizations and recommendations of the Venice Commission, throughout the past years, unfortunately the amendments in the work of the prosecutor's office could not fully eradicate the problems in the system. The faulty rule of the selection and appointment of the prosecutor general was not changed. Therefore, selection/appointment process of the candidate on the position of the prosecutor general is still performed based on biased political interests⁵.

Unfortunately, the large-scaled reform aiming at clear dissociation of investigative and prosecutorial competences in the process of investigation, creation of strong investigative bodies to ensure higher standards of comprehensive and impartial investigation, is very slow. In 2019, the working process did not reach the concrete reform or legislative amendments. Similar situation hinders establishment of effective and impartial investigative system in the country.

The drug-policy is still a challenge in the country regardless many steps taken in this regard in the past years, which at some point made the drug-policy more liberal but the current policy is still repressive. Unfortunately, many people still serve imprisonment terms for the purchase-possession of small amount of

³ See the Organic Law of Georgia on Labor Safety
<https://matsne.gov.ge/en/document/view/4103880?publication=2>

⁴ Ibid

⁵ See the publication of the IDFI about the prosecutorial reform <https://bit.ly/2MUfPaF>

narcotic substances for personal use. Without acknowledgement of the negative outcomes of the punishment-oriented drug-policy it will be impossible to fundamentally reform the drug-policy in the country⁶.

- **State Inspector's Service**

State Inspector's Service is an independent state authority that, as a legal successor of the Office of the Personal Data Protection Inspector, operates in Georgia since 10 May, 2019. The key directions of its activities are: monitoring lawfulness of personal data processing; monitoring covert investigative actions and activities performed within the central databank of electronic communications identification data; impartial and effective investigation of grave crimes committed by a representative of law-enforcement authorities, by an official or a person equal to an official against human rights and freedoms, investigation of crimes committed by public officers with the use of violence or insulting personal dignity of a victim⁷.

The Law on the State Inspector's Service was adopted in July 2018. Initially, the investigative authority of the Service was scheduled to start activities on January 1, 2019 but the date was first postponed to July 1 and then to November 1, 2019. The civil society organizations many times criticized the postponed activation of the investigative authority of the inspector, particularly after the June 20, 2019 events, when due to lack of relevant authority of the State Inspector, the prosecutor's office was put in charge to investigate the facts of alleged abuse of power by law enforcement officers during the dispersal of large-scaled protest demonstration in Tbilisi on June 20⁸.

Since November 1, the violent crimes allegedly committed by the law enforcement officers and other public officers are effectively investigated by the State Inspector's Service. The Law of Georgia on the State Inspector's Service authorizes the State Inspector's Service to conduct independent and impartial investigation of similar crimes. The creation of similar independent investigative mechanism by the State was response to the recommendations of the Public Defender of Georgia, international and local human rights organizations and experts.

⁶ See Drug Policy in Georgia - Canceled Reform and New Tendencies – EMC <https://bit.ly/2SNRtU1>

⁷ See the webpage of the State Inspector's Service <https://personaldata.ge/en/about-us>

⁸ See the statement of the Coalition for Independent and Transparent Judiciary http://coalition.ge/index.php?article_id=212&clang=1

- **Sexual Harassment**

For years, the legislation did not contain the notion of sexual harassment for what it was impossible to identify and punish similar incidents. With the February 2019 amendments in the Law of Georgia on the Elimination of All Forms of Discrimination, the sexual harassment was defined as one of the forms of discrimination and consequently, in accordance to the law it is prohibited for all persons in any fields regulated by the law.

At the same time, it is noteworthy that respective amendments were made in four other laws – labor code, the law on public defender, the code of administrative offences and the civil procedural code.

The law defines the sexual harassment, according to which sexual harassment is unwelcome conduct of a sexual nature aiming or resulting in violation of one's dignity and creating an intimidating, hostile, degrading or offensive environment.

In a remark to the amendments, the conduct of sexual nature was additionally clarified: "conduct of sexual nature implies making comments of a sexual nature, showing genitalia, or/and any verbal, non-verbal and other physical behavior of a sexual nature."

In accordance to the legislative amendments, Article 166¹ was added to the Administrative Code of Georgia⁹, which defines sexual harassment in public space. The mentioned article also envisages aggravating circumstances and respective sanctions are envisaged for the harassers. The amendments were applied to those articles, based on which the representatives of the relevant bodies of the MIA are able to issue protocols against sexual harasser and final decisions about sanctions are made by the court.

With the abovementioned amendments, the definition of the sexual harassment was added to the Article 2 Paragraph 4 of the Labor Code according to which direct or indirect harassment of a person (including sexual harassment), which aims or causes violation of one's dignity and creation of an intimidating, hostile, degrading or offensive environment, or creation of such conditions for a person, which directly or indirectly worsens his/her state in comparison to other individuals in similar conditions, will be considered a discrimination.

⁹ See the Administrative Offences Code of Georgia
<https://matsne.gov.ge/en/document/view/28216?publication=381>

With the mentioned amendment package, the timeframe for appealing the court was increased to 1 year. Previously existing three-month period was largely criticized by the civil society organizations and experts of the field. Consequently, the expanded application period is a step forward.

From January 1 to November 1, 2019, ten individuals petitioned the Public Defender with regard to sexual harassment facts. Proceedings on 4 cases were stopped after examination, 1 case was dropped, 1 case was forwarded to another department and the Public Defender issued recommendation over 1 case. The PDO is still processing three more cases¹⁰.

JUDICIARY

2018 constitutional amendments concern the composition of the Supreme Court of Georgia and selection and appointment process of the justices in the Supreme Court. In accordance to the amendments, the number of the Supreme Court justices increased from 16 up to 28 and ten-year-long appointment term was changed into lifelong term. Also, instead of the President of Georgia, now the High Council of Justice is authorized to present the justice candidates of the Supreme Court to the Parliament of Georgia. The ground of the amendment was nomination of 10 candidates to the Parliament of Georgia by the HCoJ on December 24, 2018. In that moment, there was no legislation which could determine the criteria and selection procedures of the candidates. This fact caused large scaled discontent of the society and civil society, Public Defender, political opposition and some representatives of the ruling party.

On May 1, 2019 the Organic Law of Georgia on Common Courts and the Regulations of the Parliament of Georgia were amended and the newly adopted constitutional process of the justice selection and appointment was regulated. In accordance to the law, the HCoJ conducts initial selection of the candidates publicly, determines compliance of the applicants to minimal requirements, creates short-lists through secret ballot, examines accuracy of the provided data and conducts public interviews with all candidates individually. Afterwards, the HCoJ members evaluate the candidates and grant points to them through secret ballot. Each candidate with the highest points will be repeatedly voted through secret ballot. The list of the candidates, who gain at least 2/3 of the votes of the HCoJ members, is submitted to the Parliament of Georgia. Afterwards, the

¹⁰ See the Letter N 24/12306 of the Public Defender of Georgia to Human Rights Center 13/11/2019

Parliament Committee publicly hears each candidate. Those applicants become the judges of the Supreme Court, who gain most votes in the Parliament. Although some remarks of the local and international organizations were considered, the final document was criticized on the local and international levels¹¹.

Observing each stage of the selection-appointment of judges revealed various miscarriages. Regardless several waves of the judiciary reform, the current system of the selection and appointment does not meet the requirements of the impartiality, reasonability, and transparency. At the same time, the members of the HCoJ are allowed to pass subjective decisions. Comparative analysis of the appointment principles and different stages of the selection process demonstrated that element of professionalism is still less valued during decision making. On May 1, 2019, regardless the necessary amendments for the regulation of the appointment process¹², which finally changed the rule of decision-making process through secret ballot, some circumstances indicate at political nature of the process. Problematic logic of the law, together with the judge appointment practice, may become the basis of the doubts that the HCoJ uses its authority and legislative miscarriages to expel the judges with different views from the system and to reinforce their own positions in the system. For example, only influential or acceptable judges were inserted on the short-list of candidates. It is also noteworthy that the Supreme Court of Georgia directs the legal policy in the country and establishes common practice. From the 20-candidate list, absolute majority of the applicants failed to satisfy the high level of legal consciousness and personal inviolability. Except rare instances, the candidates demonstrated low quality of legal judgment and their answers were ungrounded. Some candidates refused to answer the questions asked by concrete subjects.

At the same time, regardless number of amendments in the rule of judges selection-appointment, which should have ensured conduct of the process in peaceful and stable environment, there was acute internal conflict and controversy between judge and two non-judge members of the HCoJ. For a long time, the two non-judge members of the Council criticized other members and stated that they are group of influential judges, who control the judiciary system. They argued over procedural and substantial issues. Besides that, the HCoJ had tense relation with the representatives of the civil society, who monitored the

¹¹ See the assessment by the Coalition for Independent and Transparent Judiciary <https://emc.org.ge/en/products/koalitsia-uzenaesi-sasamartlos-mosamartleta-tsardgenisa-da-archevis-akhal-tsess-afasebs>

¹² See the Organic Law of Georgia on Common Courts, Article 35-36

judiciary system and the independence of the supervisory body of the judiciary authority.

A significant fact should also be mentioned that hearing of the candidates first in the HCoJ and then in the Parliament was first time in the history of Georgia aired online by various TV channels. It allowed the Georgian population to personally watch and evaluate the sessions of the HCoJ as well as ongoing developments during the interviews with the candidates in the Parliament of Georgia and evaluate the fairness of the interview process.

It is important that the HCoJ did not adopt the rule of interview. Therefore, the process was not well-organized, it was obscure and inconsistent both in terms of content and format¹³. In some instances, fewer questions were asked to the candidates and interviews over one and the same issue continued for a long time. Often, there was perception that the members of the HCoJ asked candidates for professional advice instead of interviewing them. The Council members publicly demonstrated their support to concrete candidates.

Generally, hearings of the candidate judges for lifetime tenure in the Supreme Court of Georgia were conducted transparently in the Legal Committee of the Parliament of Georgia. The process, which was transmitted live, once again demonstrated the problems in the judiciary system. It revealed the tendency that majority of the candidates inadequately evaluated the miscarriages in the judiciary system, could not detect the past and present problems in the court or do not want to speak about them; significant part of the applicants either openly supported the influential group of the judges – so called clan, or refrained to openly express opinion against them.

December 12, 2019 session of the Legal Committee of the Parliament of Georgia is worth to single out, where life-long appointment of the new justices in the Supreme Court of Georgia was discussed under the protest. The resource officers of the parliament hindered the professional activities of the media representatives, physically assaulted them and expelled them from the session hall by force.

Despite the discontent of the civil society, public defender, political opposition, at the December 12, 2019 plenary session the Parliament of Georgia approved 14

¹³ See the 2010 ODIHR Kiev Recommendations, Paragraph 21, according to which the topic of the interview and its value in the entire selection process shall be preliminarily defined

judges for lifetime tenure out of those 19 candidates, who were recommended by the Committee of Legal Issues¹⁴.

FREEDOM OF ASSEMBLY AND MANIFESTATION

Right to freedom of assembly and manifestation is one of the special forms of the freedom of expression and plays key role in the development of culture and maintenance of the identity of minorities. Therefore, protection of the right to peaceful assembly has particular importance in the establishment of pluralist and tolerant society, where individuals with different faith, opinions and views peacefully co-exist and have opportunity of development¹⁵.

Culturally non-dominant communities in Georgia face particular difficulties to freely realize this right. Often, the State continues the practice of the past years and due to security interests, fails to ensure freedom of assembly and manifestation of LGBTQ+ individuals. In 2019, we observed dispersal of demonstrations with special means, use of disproportionate power by law enforcement officers that once again clearly demonstrated systemic problems.

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• June 20-21 Events

In June 2019, Russian delegation visited Georgia to participate in the Inter-parliamentary Assembly on Orthodoxy. The Russian delegation was headed by the Member of the Russian Duma Sergei Gavrilov, who had supported independence of Abkhazia and South Ossetia in Duma¹⁶.

On the second day of the Assembly – on June 20, the Russian MP Gavrilov sat in the chair of the Georgian Parliament Speaker in the plenary hall of the Parliament of Georgia and led the 26th Parliamentary Assembly in Russian language that caused outrage and protest of the Georgian society.

The spontaneous action, which started during the day, in the evening of June 20 turned into a large-scale protest demonstration. The anti-occupation rally of the civil activists under the slogan “It is a shame” lasted several hours in peaceful environment. The participants protested occupation and requested resignation

¹⁴ See information – Parliament appointed 14 candidates for lifelong justices of the Supreme Court of Georgia. Public Broadcaster 12.12.2019 <https://bit.ly/375azJ0>

¹⁵ See the guideline – “Freedom of Assembly and Manifestation” <https://bit.ly/2PXONBn>

¹⁶ See June 20-21 Events – Legal Analysis, HRC <https://bit.ly/2QP65Zl>

of some government officials, who were responsible for the created situation¹⁷. One part of demonstrators, as called by the opposition politicians, tried to break into the parliament building, which ended up into heavy physical clash between the protesters and the police. There were some incidents when protesters violated public order and acted unlawfully. In response to that, police dispersed the protesters with special means. During the dispersal, police used disproportionate and excessive force. The police violated sequence and rules for use of special means. In some cases, the actions of law enforcement officers contained signs of criminal offence. As a result of shooting rubber bullets from the short distance, targeting at the faces and heads of protesters, the demonstration ended up with high number of injured protesters¹⁸.

The use of special means for the dispersal of the demonstration lasted throughout the night that resulted into dozens of gravely injured people: 275 individuals received various injuries mostly in the face. Three persons lost eyes at that night. 39 journalists received physical injuries while performing their professional duties¹⁹. 28 persons needed surgical operations, among them, 8 patients needed ocular surgery, and 4 – neurosurgery. 305 individuals were arrested during the dispersal, who complained about the abuse of power and ill-treatment from the side of police officers²⁰.

The June 20-21 events were one of the gravest in the recent history of Georgia. Unfortunately, neither parties managed to avoid regrettable outcomes of the protest demonstration and the dispersal, which increased polarization in the Georgian society. The society once again witnessed the facts of use of excessive force and violence against the citizens from the side of the state, and most of those facts are still without response. June 20-21 events were clear example of years-long unresolved problems in the country. It showed the lack of political will to depoliticize and recover the law enforcement system and absence of guarantees that citizens will not become victims of the excessive force used by the state when they decide to enjoy their right to freedom of expression. Systemic miscarriages with regard to the use of special means and protest management during the dispersal of the demonstrations are still urgent on the institutional level.

In parallel to the frequency and scope of the demonstrations, in 2019, the MIA actively applied the practice of administrative arrests of the protesters. During

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Data provided by the Journalistic Ethic Charter <https://bit.ly/36qofhV>

²⁰ Ibid

June 20-21 events, 342 persons were arrested. It once again demonstrated that the state still applies the soviet time administrative code to restrict freedom of peaceful assembly and manifestation. Fundamental problem as to how the burden of proof should be shared and lack of standard of proof was clearly seen in the cases of the June 20-21 protesters, and of the participants of other rallies. Existing legislation cannot ensure impartial and fair trials over similar cases that maintain high risks of the violation of fundamental rights similarly to past years.

- **Criminal prosecution of the protesters**

In 2019, number of detention or criminal prosecution facts, which raised doubts and questions of impartial observers, increased. Besides politicians, charges were brought against media representatives, civil activists and businessman for old or new cases. For example: **Nikanor Melia** – one of the leaders of the United National Movement and **Irakli Okruashvili** - leader of the Victorious Georgia were arrested with regard to June 20-21 events. According to the recent information, criminal liabilities were imposed on 17 persons under the charges of organizing, leadership and participation in group violence during June 20-21 events. Two of the detainees are law enforcement officers. By now, 67 MIA officers and only 7 citizens have received victim status that intensifies doubts about biased investigation. It must be noted that issues related with granting the victim status are connected with many problems. For example, the Prosecutors' Office of Georgia granted victim status to **Mako Gomuri, 19**, who lost eye on June 20 night, only on November 11, 2019 five months after the incident. Initially, both the prosecutor's office and the Tbilisi City Court, which examined her application for victim status, refused Mako Gomuri to grant the status. The victims cannot have access to case files without the victim status.

Among detainees was board member of the scientific-research center Nakresi and conservation program director **Bezhan Lortkipanidze**. The charges brought against him became suspicious after full video-recording of the incident was aired by media. As a result of the protest of civil society, the compulsory measure against him was changed from imprisonment into a bail. There are questions over the detention of **Moris Machalikashvili**, cousin of Temirlan Machalikashvili, killed during the special operation in Pankisi Gorge. The case files provided by the investigation body fails to create well-grounded assumption that during the protest demonstration Moris Machalikashvili participated in group violence, moreover, attack on police officers or any other forms of violence.

On November 18, shareholder in the independent TV-Company Main Channel **Giorgi Rurua** was arrested. According to his lawyers, charges were brought against Rurua without valid evidence and they claim that the weapon was planted on him.

- **Demonstrations about proportional electoral system**

In response to the tragic events of June 20-21, 2019 the ruling political party publicly promised the population to hold 2020 Parliamentary Elections with the proportional electoral system that was long-term desire of the civil society, opposition and big part of the society. Therefore, one of the main achievements of the June protest demonstrations was the promise on conducting fair elections, which deescalated the protest. The decision was positively evaluated both inside the country and by international partners.

However, the promise was not kept. On November 12, 2019 the majoritarian MPs of the Georgian Dream voted down the draft law on the transition to the proportional electoral system that was followed by another strong wave of protest demonstrations in front of the parliament²¹. The protesters several times tried to picket the parliament building but special riot units used force against them and dispersed the protesters with water cannon twice – on November 18 and 26. On November 28, the entrance to the Parliament building was blocked with iron fences²².

Although blocking the parliament building contradicted the law, the activities of law enforcement officers and the force they used against protesters was still disproportionate.

During the demonstrations police arrested tens of individuals under the administrative law, majority of whom were imprisoned. Like the court proceedings over the cases of the people detained during June 20-21 events, the court hearings of their cases were also conducted through multiple violations.

Big part of the society was dissatisfied with the decision of the ruling power to vote down the shifting to a fully proportional electoral system for 2020 Parliamentary Elections²³. The consolidation of the entire opposition specter

²¹ See the official website of the Parliament of Georgia <https://bit.ly/2sRel4K>

²² See the November 28, 2019 article of the Radio Liberty <https://bit.ly/350qRkS>

²³ See Public Opinion Survey Residents of Georgia, September-October 2019, p 69

proved the same as well as ongoing protest demonstrations both in Tbilisi and other cities of the country. It is noteworthy that on December 2, 2019 the protest rally of the civil activists in Mtskheta was held in parallel to the counter-demonstration of the supporters of the ruling power. Because of some unlawful actions, MIA arrested 7 persons. Later, the protest demonstration in Tbilisi was held with the same scenario.

In the last period, the government particularly intensified mobilization of its supporters through the use of administrative resources. Georgian Dream authority continues the practice of the previous governments – they organize counter-demonstrations of their supporters against the opposition protesters and actively use administrative resources. It is proved by organized transportation of the employees of public agencies, teachers, students, pupils and other individuals from the regions to Tbilisi to attend the concert organized by the youth branch of the Georgian Dream on December 2. According to the organizers, the concert was organized to celebrate the take up of the CoE Chairmanship by Georgia.

Particularly alarming was attack on the offices of the UNM and the United Opposition by the supporters of the Georgian Dream in the regions²⁴. It is also unacceptable to evaluate the activities of the aggressive groups and peaceful protesters in one context by the Government that undermines realization of the freedom of assembly and manifestation by peaceful protesters.

Existing tense environment increases the risk of further escalation of the situation, particularly in 2020 considering the upcoming Parliamentary Elections. Therefore, it is necessary that the Government took the request of the big part of the society, as well as recommendations of the international partners into account and hold 2020 Parliamentary Elections with fair system and in peaceful environment.

- **Controversy in Pankisi Gorge**

In the morning of April 21, 2019, MIA sent large police power, including special riot unit, to the Pankisi Gorge. The reason of their mobilization was planned resume of the construction of the Hydro-Electro Station (HES) Khadori 3 by the Ltd Alazani Energy. Before that, it was voiced during the visit of senior government officials in Pankisi Gorge that the government planned to consider the issue with the participation of experts. However, the local population was not

²⁴ See full information <https://bit.ly/2ETJQD9>

informed about the resumed construction of the HES and they learned about it only after a tractor entered the Gorge. It caused protest of the population that turned into a clash with the police. With the support of the special riot police, the construction resumed though the government had not exhausted all resources of negotiation with the local community. After the morning clash between the locals and police, government representatives arrived in Telavi to speak about the HES; among them was that time Minister of Interior Giorgi Gakharia, Minister of Regional Development and Infrastructure Maia Tksitishvili and Minister of Environment Levan Davitashvili. In parallel to the meeting between the locals and the government officials the situation became tenser in the Gorge. The special riot police used tear gas and rubber bullets against protesters. The locals threw stones and clubs at the police. According to the Minister of Interior, as a result of the controversy in the Gorge 55 individuals were injured, among them 38 were police officers and 17 citizens.

- **Case of Buba Natchkebia**

In the context of the freedom of speech and expression, in 2019, the case of the student of the Tbilisi State University Buba Natchkebia required particular attention.

Old Tbilisi police department started investigation against Buba Natchkebia under the Article 166 of the Administrative Code of Georgia that refers to minor hooliganism. More precisely, Buba Natchkebia wrote insulting post about the TSU lecturer Giorgi Gorashvili in the 3000-member closed group of the TSU students on the social network Facebook, and the text was forwarded to the lecturer. The latter appealed police and the police started investigation. The case was largely discussed in civil society and academia and was evaluated as alarming precedent of interference in the freedom of speech and expression. Nongovernmental organizations released critical statements about the case²⁵. On September 25, 2019, the Tbilisi City Court found Buba Natchkebia guilty under the Article 166 of the Administrative Code of Georgia (minor hooliganism) but considering the personal character of the offender and the case circumstances, based on the Article 22 of the same Code, discharged him from punishment. The applicant appealed the decision of the Tbilisi City Court in the Appellate Court, which on December 9, 2019 annulled the decision of the first instance court and fully acquitted Buba Natchkebia in the imposed charge.

²⁵ See the statement of Human Rights Center, August 14, 2019 <https://bit.ly/36FAWWI>

FREEDOM OF MEDIA

In Georgia, like in previous years, media environment was pluralist but also polarized. Practice showed that the level of polarization increases particularly during the election period. Consequently, considering upcoming 2020 Parliamentary Elections, deepened polarization is largely expected.

Georgian legislation determines and ensures transparency of media-ownership in the state. So, there are no foreign media companies in the Georgian media market. Mostly, the media-owners in Georgia are the individuals or companies, who are associated with either the government or opposition parties that influences editorial policy of concrete media organizations and the state of media freedom in general²⁶.

In 2019, with regard to several cases, there were questions on possible attempt of the government to neutralize critical media that undermines the development of media-pluralism. For example, summoning the director channel of the Main Channel Nika Gvaramia and the owner of the 100% share in the TV Pirveli Vakhtang Tsereteli to the prosecutor's office and criminal proceedings against them. Also, several facts of violence against journalists during the dispersal of the protest demonstrations with special means are subjects of particular criticism.

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On 20 December 2019, Facebook removed 418 Georgian assets (39 profiles, 344 pages, 13 groups and 22 Instagram accounts) on its core platform for engaging in coordinated inauthentic behavior. In accordance with the Atlantic Council's Digital Forensic Research Lab, which cooperates with Facebook and provides information in regard to disinformation campaigns, these pages were spreading posts with a strong anti-American content. Based on Facebook's statement, although the people behind these assets attempted to conceal their identities and coordination, Facebook's investigation linked this activity to Panda, an advertising agency in Georgia, and the Georgian Dream-led government. These pages have spent nearly USD 316,000 for advertisements on Facebook and Instagram; that is, for sponsoring their posts²⁷.

²⁶ See Concentration of Media Owners – Threat for Media Freedom, Media Checker <https://bit.ly/2Mvb0VO>.

²⁷ See the article Fact Check: The Great Facebook Purge <https://bit.ly/2MTtRJK>

- **Interference in the journalistic activities**

Facts of violence against media representatives from the side of police during June 20-21 events in Tbilisi are particularly alarming. Several hours before the dispersal, police did not allow the journalists and MPs, who had left the Parliament building, to return back to the parliament. There were incidents when police expelled journalists from the parliament building by force²⁸. Law enforcement officers verbally insulted the media representatives and ill-treated them. Police physically and verbally insulted journalist Giorgi Diasamidze of Netgazeti, damaged his equipment and interfered in his journalistic activities²⁹.

On June 20-21, during the dispersal of the demonstration, among the victims of the use of excessive power and disproportionate use of special means by the MIA, were media representatives too, who carried out their professional activities in front of the parliament. According to the information of the Journalistic Ethics Charter of Georgia, during the dispersal of the June 20 demonstration, 39 media representatives were injured. As reported by the injured journalists, although they wore respective symbols indicating at their profession, riot police officers shot rubber bullets targeting at them³⁰.

It is particularly alarming that facts of violence against journalists and interference in their professional activities are not yet investigated independently from the cases of other victims that could ensure effective investigation/procedural activities over criminal cases and comprehensive, full and impartial investigation of each similar case considering the sensitivity and importance of the issue.

None of the journalists, injured during the June 20-21 dispersal, received the victim status although they video-recorded the illegal activities committed against them and these videos are available both for the investigation and the wider society. Similar inactivity of the investigative bodies demonstrate the lack of political will, which was observed during the dispersals of past protest demonstrations too (November 7 and May 26) and unfortunately, nothing has changed in this regard. Also, none of the senior officials of the MIA took responsibility for the unlawful conduct of police officers against journalists. Lack of the accountability hinders prevention that makes the media representatives vulnerable in similar situations in Georgia.

²⁸ See full information <https://bit.ly/2sbowGJ>

²⁹ See article <https://bit.ly/2Omcgxp>

³⁰ See full information <https://bit.ly/2n8XEUP>

- **Developments in Adjara TV and Radio Public Broadcasting**

On April 19, 2019 the Adjara TV and Radio Public Broadcasting was left without the director after the Council of Advisors declared mistrust to the former director Natia Kapanadze and dismissed her through impeachment. Four members of the Council declared mistrust to her. Due to the questions over the process, the civil society and the Public Defender of Georgia negatively evaluated the fact³¹.

In three out of four competitions announced for the selection of the new director finished without results because none of the candidates could obtain enough votes of the members of the Council of Advisors and the fourth competition was terminated by the court. As a result, the process was frozen during 5 months and then the newly elected Council of Advisors received chance to appoint the new director. In accordance to the national legislation, a commission is being composed in the High Council of Adjara, which selects candidates for the membership of the Council of Advisors in the Adjara TV and Radio Public Broadcasting and present them to the High Council of Adjara.

Part of the employees of the Adjara Public Broadcasting, including the interim director Natia Zoidze, stated on September 30, 2019 that the Adjara Television faced the threat of changing the editorial policy considering the recent developments and the decision of the Batumi City Court, which suspended the director's selection competition³².

The New Council of Advisors elected Giorgi Kokhreidze on the position of the director at the Adjara TV and Radio Public Broadcasting. After his election, the journalists of the Adjara Television held protest demonstration and called on the new director to stop blackmailing and surveillance of the employees³³.

Giorgi Kokhreidze plans reorganization in the TV-Company and states that the news programs of the Television are partial. Journalists blame him in the interference in the editorial activities.

Under Natia Kapanadze's management, the Adjara TV and Radio has been evaluated by a number of international and local reputable organizations as a

³¹ See the statement of Media Institute
<http://www.humanrights.ge/index.php?a=main&pid=19838&lang=eng>

³² See September 30, 2019 article of the On.ge <https://bit.ly/34XAW23>

³³ See information <https://bit.ly/2s1cZtu>

free, impartial and progressing institution, operating in an extremely polarized and politicized media environment³⁴.

On December 23, 2019, the director of the Adjara TV and Radio Public Broadcasting Giorgi Kokhreidze amended the labor agreement with his first deputy Natia Zoidze and removed the paragraphs based on which she was authorized to coordinate all three platforms of the Company and to elaborate the policy.

After Kokhreidze's election, Natia Zoidze stated that the new director wanted to amend her labor agreement and to discharge her from the editorial policy for what Giorgi Kokhreidze threatened her with publishing some facts indicating at her connections with politicians. Natia Zoidze said when journalists asked Khokhreidze what he meant, the director did not clarify anything but during their private meeting in the past Kokhreidze alleged that Natia Zoidze had committed a criminal offence, namely she had released requested public information with a delay³⁵.

After the election of the new director of the Adjara Television, one part of the journalists openly spoke about possible infringement of their editorial independence³⁶.

Abovementioned facts shall be negatively evaluated in terms of media freedom and media pluralism. It is necessary to maintain editorial independence of the TV-Company and the rights of the journalists and other employees of the Television shall be respected.

- **Case of Rustavi 2**

On July 18, 2019 the European Court of Human Rights announced ruling over the Rustavi 2 case. The ECtHR unanimously (except one judge) passed verdict and annulled its temporary measure on the suspension of the enforcement of the Supreme Court judgment in Georgia with regard to Rustavi 2 based on the Article 39 of the ECtHR regulations.

The ECtHR verdict is accompanied with the clarification of the Judge De Gaetano's opinion, who did not agree with the other 6 justices in two parts of the

³⁴ See the joint statement of the CSOs <https://bit.ly/2QtFPMx>

³⁵ See <https://netgazeti.ge/news/410578/>

³⁶ See detailed information <https://bit.ly/37bJlei>

judgment. Namely, De Gaetano believes that the City and Supreme Courts of Georgia violated the right to fair trial with regard to the TV-Company Rustavi 2³⁷.

In the end, the European Court of Human Rights ruled that there had been no violation of Article 6 § 1 (right to a fair trial by an independent and impartial tribunal) of the European Convention on Human Rights by the judges of the Tbilisi City Court, Tbilisi Appellate and Grand Chamber of the Supreme Court of Georgia, including in relation with the independence and partiality of the Supreme Court Chairman and Judge.

Rustavi 2 claimed violation of four articles of the European Convention on Human Rights in the ECtHR: right to fair trial, property right and right to freedom of expression. Rustavi 2, together with the rights of property and freedom of expression, requested determination of the violation of the Article on the use of legal remedies with illegitimate purposes.

Although there was chance of appealing the ECtHR judgment in the Grand Chamber of the European Court, the Public Registry of Georgia satisfied the application of Kibar Khalvashi on the change of the TV-company's owner on the same day, on July 18, 2019. Soon, Kibar Khalvashi's attorney Paata Salia arrived in the Rustavi 2 and announced that they did not plan to change the editorial policy of the television and dismiss the personnel. Afterwards, the assembly of the Rustavi 2's partners was held. Based on the assembly decision, Nika Gvaramia was dismissed from the position of the TV-Company director and Paata Salia replaced him. Before that, the head of the news room of the Rustavi 2, Nodar Melia made announcement on behalf of the news room team that they stood with Nika Gvaramia and stated that the former director general of the Rustavi 2 was the main guarantee of the editorial policy.

Besides that, they called on the Public Registry of the Ministry of Justice not to register the changes of the owners unless the Rustavi 2 used its right to appeal the ECtHR verdict in the Grand Chamber. They also requested the Public Registry not to register the change of the director general because existing labor contract with Nika Gvaramia did not envisage management changes in the company before 2020 and termination of the agreement would be violation. In response to that Justice Minister Thea Tsulukiani stated that the State was not authorized to decide when the ruling of the Strasbourg Court should be enforced and the new owner was free to make respective decisions.

³⁷ See articles of the Tabula.ge – Case of the Rustavi 2 <https://bit.ly/2ZuUc5V>

On August 14, 2019 Kibar Khalvashi announced his intention to sell the TV-Company³⁸ and fixed one-week term for applications but as there were no applicants on August 19 he announced³⁹ that he would not allow the TV-Company to go bankrupt and will make Rustavi 2 “politically independent” television.

On August 20, 2019 the Director General of the Rustavi 2 Paata Salia dismissed the head of the news room Nodar Meladze from the position and stated that his dismissal will not affect the editorial independence of the news room negatively because “one person cannot be guarantee of the editorial independence.⁴⁰” On the same day, the Director General of the Rustavi 2 announced that after coming back from the vacation the anchors of the political talk-shows Eka Kvesitadze and Giorgi Gabunia, as well as the producer Giorgi Laferashvili would also leave jobs in the TV-channel⁴¹. However, they were dismissed during vacation time. In response to that, Giorgi Gabunia and others stated that they planned to appeal the court because as they clarified the TV-Company had illegally terminated their labor contracts. Paata Salia said that the reason of their dismissal was “conflict of interests” because he planned to start civic dispute against them over the financial damage to the TV-Company. With regard to Eka Kvesitadze, Salia said that she had publicly announced desire to create a new channel together with Nika Gvaramia.

After the abovementioned developments, on August 20, 2019, the main news program of the Rustavi 2 Kurieri lasted only few seconds. The anchors Diana Jojua and Mikheil Sesiashvili left the program in protest. Afterwards, in solidarity with the anchors, many employees of the TV-Company Rustavi 2 voluntarily quitted jobs.

- **TV Pirveli**

One year after criminal prosecution started against the founders of the public movement Lelo – Badri Japaridze and Mamuka Khazaradze, on August 8, the 100% shareholder of the TV-Company Pirveli Vakhtang Tsereteli was questioned in the Tbilisi City Court in front of the magistrate judge. Vakhtang Tsereteli is mentioned in the criminal case, which the prosecutor’s office launched against

³⁸ See more information <https://bit.ly/2MObnKA>

³⁹ See more information <https://bit.ly/2rLJ2xg>

⁴⁰ See more information <https://bit.ly/2ZH1LXv>

⁴¹ See more information <https://bit.ly/2FeTYqe>

Mamuka Khazaradze and Badri Japaridze under the charge of “money laundering.” His name was mentioned in scandalous letter with initials (V.Ts), which Mamuka Khazaradze published and presented to the prosecutor’s office. However, nobody invited businessman Vakhtang Tsereteli to interrogation for one year.

According to Mamuka Khazaradze, he was threatened with the discreditation of his reputation but anyway he published the letter.⁴² According to Khazaradze, he received the letter from Giorgi Gakharia before the second round of the presidential elections. As Khazaradze stated, Gakharia threatened him “with ruining his reputation”. The document, which was later published by the prosecutor’s office, is about the request to change the editorial policy of the TV Pirveli.⁴³ Afterwards, criminal case on alleged money laundering was launched against Mamuka Khazaradze and Badri Japaridze, later on against Vakhtang Tsereteli too. The commenced investigation had negative impact on the construction of the Anaklia port because logically investors avoid investing money with the partners who are charged for money laundering.

Although the case of money laundering against Vakhtang Tsereteli refers to other companies – “Samgori M” and “Samgori Trade”, he is sure the main target of the process is the TV-Company Pirveli⁴⁴. Besides that, in the abovementioned letter, as Mamuka Khazaradze stated, the government (Prime Minister Giorgi Gakharia) demanded the TV Pirveli to shift to the trend of the TV Company Imedi.

The abovementioned doubts are reinforced by the December 25, 2019 decision of the Revenue Service of the Ministry of Finances to levy TV Companies TV Pirveli, Kavkasia and Rustavi 2 because of accumulated unpaid taxes for what the televisions are deprived of the possibility to carry out financial operations⁴⁵. The Ministry of Finances gave one-day to the TV-Companies to cover the principle payment of their accumulated debts since October 1 that, according to the TV-Companies Kavkasia and TV Pirveli, place other televisions in privileged conditions. Pro-governmental TV-Companies Imedi and Maestro also have old unpaid debts.⁴⁶

⁴² See electronic version of the letter <https://bit.ly/2NdHpzR>

⁴³ See more information <https://bit.ly/2uyy27r>

⁴⁴ See more information <https://bit.ly/37bTUDC>

⁴⁵ See more information <https://bit.ly/2EUtU3E>

⁴⁶ See more information <https://netgazeti.ge/news/416712/>

- **Georgian Public Broadcasting**

In 2018, dozen employees of the Georgian Public Broadcasting were sacked, who were working for the GPB based on the permanent labor agreements. Similar contracts with the employees establish long-term relationship vision and promote creation of more social stability for the employees.

Nevertheless, in August 2018, tens of GPB employees were “offered” to sign different contracts, which completely changed their working conditions.

To defend the rights of the illegally dismissed GPB employees, HRC and the Trade Union of GPB appealed the court with the request to restore labor rights of the employees. HRC represented 20 dismissed employees of the GPB in front of the Court. By now, the dispute of 18 applicants ended successfully⁴⁷.

HUMAN RIGHTS IN THE OCCUPIED TERRITORIES

Occupation is still one of the key challenges of the country and the state of human rights in the occupied territories is the topic of particular concern of human rights organizations. The rights of the population living in the occupied territories of Georgia are not protected at minimal level either because there are no effective mechanisms to ensure safety and order, which could guarantee respect of human rights⁴⁸.

Human rights are permanently violated in the occupied territories, among them – freedom of movement, right to receive education in mother tongue, freedom of speech and expression, and more. Because of “creeping Russian occupation,” every year, more and more people become inhabitants of the occupied territory. The fact that neither Public Defender of Georgia, nor international organizations have possibility to study the situation on the ground complicates the assessment of the state of human rights in those regions.

In accordance to the information requested from the State Security Service, from January 1 to November 1, 2019, the central authority of Georgia observed 71 facts of arbitrary detentions of the citizens of Georgia in the direction of Tskhinvali region; among them 9 detainees were women and 1 juvenile⁴⁹.

⁴⁷ See Successfully litigated cases of Human Rights Center , 2019 <https://bit.ly/37AIWsl>

⁴⁸ See Ten Years after the August War: Victims of the Situation in Georgia, 2019 <https://bit.ly/2ZQPeAA>

⁴⁹ See the Letter N 216072 of the State Security Service to the Human Rights Center

In the report period, Russian occupation forces arbitrarily detained 20 individuals in the direction of Abkhazia for the violation of the so-called border; among the detainees 1 was woman and 2 juveniles.

Besides that, in 2019, in the occupied Abkhazia, in the military base of the Russian Federal Security Service, Georgian citizen **Irakli Kvaratskhelia** passed away in an obscure situation, who was taken to the military base after the arbitrary detention⁵⁰.

The situation alongside the so-called border with occupied Tskhinvali region complicated in the end of August after the occupant regime demanded the Government of Georgia to remove the police blockpost nearby the Chorchana village of Khashuri municipality. After the refusal, occupant regime opened two so-called border blockposts near the Tsnelisi village, on the Georgia-controlled territory⁵¹.

Besides that, on September 4, 2019, the de-facto government of South Ossetia closed the Mosabruni crossing point (so-called Razdakhani), which particularly aggravated the situation of the Georgian and Ossetian population of the occupied territory and created humanitarian crisis there. The closure of the so-called border disabled the local population to have access to adequate medical service, food and pension that put them in absolute isolation. With the restricted movement, and lack of adequate medical services in Tskhinvali, a few people died in the occupied region in 2019. Among them was resident of Ikoti village in the occupied Akhagori district – **Margo Martiashvili**⁵².

The de-facto government of South Ossetia liberated the border regime in Akhagori on December 2, 2019 and allowed the sick people and retired people to cross the so-called border based on special lists. However, it must be noted that for the majority of the population in the occupied territory the restrictions are still in force⁵³.

The case of the civil activist from Akhagori district **Tamar Mearakishvili**, who was first detained by the de-facto investigative bodies of South Ossetia on August 16, 2017, is still very urgent problem. Although several criminal proceedings

⁵⁰ See the article of the Radio Liberty <https://bit.ly/34ZqNC5>

⁵¹ See more information <https://bit.ly/3503mbG>

⁵² See more information <https://bit.ly/2Sstae8>

⁵³ See news "One more patient was transported from the occupied Akhagori" <https://bit.ly/2ZrG915>

against her were dropped, another criminal case was launched against Tamar Mearakishvili in 2019. This time, she was accused of producing false documents and illegally obtaining the citizenship of South Ossetia. Unverified accusations against her and the problems created by the occupation regime for her civil activism prove political motive of the criminal prosecution against her⁵⁴.

In August, the Russian border officers and occupation forces started new process of borderization in **Gugutiantkari village** that made several more people internally displaced in 2019⁵⁵.

On October 24, 2019, de-facto armed forces of South Ossetia temporarily arrested the members of the EU Monitoring Mission in the territory of **Chorchana-Tsnelisi villages**. The hotline was immediately launched with Tskhinvali and EUMM observers were shortly released⁵⁶.

Representatives of the Russian occupation forces arrested the Tbilisi resident **doctor Vazha Gaprindashvili** on November 9, 2019. South Ossetian media shortly reported that the occupation regime had arrested four citizens of Georgia on November 9 and 11. On November 13, the Akhagori de-facto court imposed administrative penalty on three of them and released under the bail⁵⁷. As for the doctor, the de-facto government of South Ossetia charged him for intentional violation of the so-called state border under the Article 322 of the Criminal Code of Georgia, which is punishable with 200 000 Russian rubles, two-year long compulsory community work or imprisonment up to two years in length. On November 15, the so-called Leningori district sentenced Vazha Gaprindashvili to two-month pre-trial detention.

As Vazha Gaprindashvili did not plead guilty and did not recognize the so-called state borders of South Ossetia, the charges brought against him had political connotation from the very beginning. On December 20 Akhagori district de-facto court found Vazha Gaprindashvili guilty for the intentional violation of the so-called state border and sent him to prison for one year and nine months. On December 28, the doctor was released after 49-day imprisonment as a result of coordinated effort of the central authority and international organizations.

⁵⁴ See the analysis of Tamar Mearakishvili's case by EMC <https://bit.ly/2N02IZI>

⁵⁵ See the Article – "Gugutiantkari – two weeks of new occupation" <https://bit.ly/35YqLfb>

⁵⁶ See Article – "EUMM observers arrested in the territory of Chorchana-Tsnelisi" <https://bit.ly/2QlbUVp>

⁵⁷ See more information <https://bit.ly/2t1Yi9y>

International Committee of the Red Cross played key role in the support of the captured doctor; despite many difficulties, representatives of the Red Cross visited him in Tskhinvali prison twice – on November 18 and 28 as a result of intensive negotiations in the frame of its international humanitarian mandate⁵⁸. With the request of the freedom of illegally captured doctor Vazha Gaprindashvili the US Embassy in Tbilisi also made a statement and called on Russia to fulfill all of its obligations under the 2008 ceasefire agreement, including the withdrawal of its forces to pre-conflict positions and the provision of free access for humanitarian assistance to these regions, as well to reverse its recognition of the Georgian regions of Abkhazia and South Ossetia as independent states⁵⁹.

Human Rights Center, together with other human rights CSOs, petitioned the bodies of the Council of Europe with regard to Vazha Gaprindashvili's case. Among the addressees were the CoE Human Rights Commissionaire, PACE and the International Committee of the Red Cross and urged for more engagement.⁶⁰

Unfortunately, the Russian government, together with the occupation regimes, continues provocations as a result of what fundamental human rights and freedoms of the people are violated on daily basis⁶¹.

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11 years after the August War, the victimized people face many problems in their daily lives; the services offered by the State are not sufficient to improve their conditions. Social-economic problems are particularly acute in the IDP settlements – in this regard, unbearable living conditions, unemployment, inability to start farming, limited access to medical services, income and education are particularly alarming.⁶²

In similar situation, it is important that the Government of Georgia more actively applied to international legal instruments. Unfortunately, the GoG could not take effective steps, with the engagement of international community, to ensure the freedom of movement of the people from and to the occupied zones to get humanitarian aid. Regardless many appeals, the GoG has not appealed the

⁵⁸ See more information <https://bit.ly/35hilOT>

⁵⁹ See more information <https://ge.usembassy.gov/the-us-embassy-statement-on-detention-of-dr-vazha-gaprindashvili-november-16/>

⁶⁰ See the full text of the petition at <http://humanrights.ge/index.php?a=main&pid=20003&lang=eng>

⁶¹ See the HRC Report: "Zone of Barbed Wires – Mass Human Rights Violations Alongside the Dividing Lines of Abkhazia and South Ossetia" <https://bit.ly/2QXzHLy>

⁶² See the joint statement of CSOs: "11 Years after the August War: Current Challenges". <https://bit.ly/2uxoDx3>

European Court of Human Rights to request use of temporary measures in response to the humanitarian crisis in Akhlagori district based on the Article 39 of the ECtHR Regulations.

It is important that the GoG reinforced its effort to promote peaceful resolution of the conflict through various methods and with all possible mechanisms promote better protection of human rights of the people residing in the occupied territories.

RIGHT TO EQUALITY

Like past years, protection of the right to equality was one of the main challenges for the state in 2019. Insufficient execution of the positive obligations by the state reinforces the stigmas and discrimination originated from wrong stereotypes in the society.

One of the key challenges in the protection of the right to equality is the stirred up activities of the ultra-conservative, nationalist groups in the past few years, whose clearly discriminative and in some instances, criminal activities are left without adequate response from the State. At the same time, the statements of some politicians and representatives of the dominant religious groups as well as inactivity of law enforcement bodies encourages similar groups and supports increased discrimination of the vulnerable groups.

Based on the information requested from the Public Defender's Office of Georgia, from January 1 to November 1, 2019, the PDO studied 136 facts of alleged discrimination and released 2 recommendations and 1 general proposal. Like in the past year, the most applications about alleged discrimination facts (64%) were filed in connection to the public sector. In the report period, the PDO received most applications about discrimination based on religious grounds (14,7%), then about the facts of alleged gender-based discrimination (12,%%), about the discrimination based on sexual orientation (11%), discrimination based on different views (11%), based on political views (9,5%) and sexual harassment (7,5%). As for the most problematic fields, the most part of the applications referred to the alleged facts of discrimination in labor relations⁶³.

⁶³ See the letter N 24/12306 of the PDO to Human Rights Center 13/11/2019

- **Discrimination on national grounds**

In the past years, the cases of racial discrimination and intolerance towards the citizens of foreign countries and migrants (particularly those from Asian and Africa continents) have significantly increased in Georgia. The intensified activities of the ultra-nationalist groups and attempts to increase popularity through creating irrational threats in the political agenda worsen the problem.

It is noteworthy that like in the past years, in 2019 too, the increased visibility of the ultra-nationalist groups was maintained. Besides physical spaces, those groups became particularly active in social networks. Negative, xenophobic feelings against foreigners and migrants in the society are promoted by populist and discriminative statements of some politicians.

The state's discriminative policy towards the citizens of some countries is particularly alarming when people apply for residence or other permits when crossing the state border of Georgia. In this regard, the citizens from African and Asian countries face particular problems. As a rule, the refusals of the State Services Development Agency are mostly unsubstantiated and do not meet the necessary requirements of standard for substantiation. When making the decision with regard to residence permit, the Agency relies on the conclusion of the State Security Service about the reasonability of granting the residence permit to an applicant. In practice, the State Security Service mostly indicates at the inadmissibility to grant residence permits to the citizens of the Asian and African states due to public safety issues. Disrespect to the substantiation standard of the act and neglecting the private interests of the applicant (ex. Unification of the family, work or other) increases the risks of discriminative approach. In reality, the Agency uses the negative conclusion of the State Security Service for rejecting the residence applications of the citizens of ineligible countries without substantiation⁶⁴.

The evidence obtained by the State Security Service, which should prove that permit-seeker is a threat to the state or/and public safety of Georgia, holds top secret status. At neither stage of the case processing in the administrative body and the court, the residence permit seeker is able to get acquainted with the evidence and present his/her well-grounded response to the allegation.

Moreover, Human Rights Center has worked on number of cases of the citizens of African and Asian states, who, based on their years-long legal residence in

⁶⁴ See TDI's Racial Discrimination in Georgia <https://tdi.ge/en/news/353-racial-discrimination-georgia>

Georgia, were very close to meet the requirement of getting permanent residence permit as estimated by the national law but based on the new conclusion of the State Security Service, they are threat to the state or/and public safety of the State of Georgia. It is another clear example of discriminative policy of the state towards the citizens of foreign countries.

Examination of the lawsuits on the elimination of the outcomes of the discrimination and reimbursement of respective moral damage is still unresolved problem in the court. The court, mostly, relies on the conclusion of the State Security Service. Non-determination of the discrimination mostly demonstrates very low level of substantiation.

- **The rights of the Internally Displaced Persons (IDPs)**

Poverty, lack of normal living conditions, high level of unemployment, health problems and social isolation are still major problems for the Internally Displaced Persons (IDPs) in Georgia. The state does not have consistent policy with regard to the resettlement of the IDPs from the demolished buildings. Long-term resettlement process of the Tbilisi residing IDPs is still dragged out.

Based on the 2018 amendments to the August 9, 2013 Edict N 320 of the Minister of IDPs from the Occupied Territories, Accommodation and Refugees, IDP families no longer receive points evaluating their grave living conditions that negatively affected the state of the socially vulnerable IDP families.

After the years-long displacement, the IDPs still suffer from psychological problems caused by complicated adaptation with the environment. Many mixed ethnic families stayed in the occupied territories. In 2019, the facts of arbitrary kidnapping of the people living alongside the occupation line were frequent and in most cases force was used against them. Regardless the occupation-based agenda, it is essential that the state reinforced its efforts for the defense of the rights of kidnapped citizens as well as for the prevention of similar facts.

- **Discrimination based on disability**

The rights of the people with disabilities are violated in almost all fields of public life. Although Georgia ratified the UN Convention (UNCRPD)⁶⁵ in 2013, equality rights of these people are not even formally guaranteed. Significant legislative, institutional or practical issues are not resolved yet.

⁶⁵ See the UN Convention on the Rights of the Persons with Disabilities <https://bit.ly/2PWY7Ko>

Refusal on reasonable adaptation, like one of the forms of discrimination, has not become part of the Georgian legislation. The national legislation and practice does not recognize the right to adequate living in coherence with the international standards, including for the persons with disabilities.

Such specialized services like mental health centers and boarding houses acquired the function of the place of permanent living for the persons with disabilities.

Regardless the declared de-institutionalized policy of the state, the practice of the institutionalization and violation of the right to adequate living and other fundamental rights of the persons with disabilities is still acute problem in the country, which is caused by low quality of community service development and unimplemented or limited implementation of adequate support services by the state.

The persons with disabilities working in public agencies are in unequal conditions, who, except rare cases, do not have access to social programs.

- **Rights of the LGBTQ+ Community Members**

LGBTQ+ people, like in the previous years, are still one of the most vulnerable groups in the country. The year of 2019 was singled out with particular activism of the ultra-conservative violent groups. Throughout the year, various facts of violence against LGBTQ+ people were observed, and realization of their rights was hindered. Politicization of the issue by anti-democratic groups particularly complicates the realization of the rights of the LGBTQ+ community members and importance of their protection⁶⁶.

Still, there is no political will in the state to oppose the violent practice. The Government refrains from the implementation of its positive obligations. Moreover, deficiency of the government's response to possible violations further reinforces the violent environment. There is no common preventive and legal approaches; the government representatives rarely make statements in support of equality and statements demonstrating irreversible respect to human rights. Faulty reaction of the GoG towards the actions of the violent groups, often their

⁶⁶ See the statement of the international community
https://eeas.europa.eu/delegations/georgia/62663/node/62663_en

rhetoric and political activism reinforces doubts that the ruling party uses these groups for their political interests⁶⁷.

It is already well-learned practice that the state neglects the obligation to ensure freedom of assembly of the LGBTQ+ people. By leaving the violent acts committed against LGBTQ+ people on the International Day against Homophobia and Transphobia, on May 17 in 2012 and 2013 without adequate response, the government created syndrome of impunity that encouraged aggressive groups. In 2019 too, the Government got rid of the implementation of its positive obligation to ensure freedom of assembly of the LGBTQ+ community and protect them from any threat coming from the third party. Consequently, as the state could not give safety guarantees to the people, the Tbilisi Pride could not organize the scheduled March of Dignity in Tbilisi, though it was organized in a smaller scale in front of the MIA on June 8⁶⁸.

The violent acts committed against the LGBTQ+ community members and their supporters in front of the Government's Chancellery on June 14, 2019 remained without reaction. The state still has not adequately responded to the violence acts committed by the anti-democratic groups. The problem was clearly demonstrated during the screening of the movie "And Then We Danced" in November 2019, when clearly violent statements of the leaders of the radical groups remained without reaction. Regardless many recommendations, the Government refrains from applying the legal mechanisms against similar violent facts that shall have preventive effect. The results of the violent protest demonstrations proved the inactivity of the authority.⁶⁹

Regardless recent positive amendments in the Georgian legislation, like adoption of the anti-discrimination legislation, ratification of the Istanbul Convention and other legal or institutional amendments, in practice, realization of the rights of the LGBTQ+ people is still a problem.

Same-sex couples and trans-gender people, who were victims of the crimes committed based on the motive of sexual orientation and gender identity, cannot enjoy the mechanisms of the victims' protection and receive the support ensured under the Convention. The issue of legal recognition of the gender is still a problem that particularly complicates the protection of the rights of transgender people. Besides that, the Gender Equality Council of the Parliament of Georgia

⁶⁷ See more information <https://bit.ly/2soKHsR>

⁶⁸ See more information <https://bit.ly/2PW355t>

⁶⁹ See the Article of the Reg Info: <https://bit.ly/34RzH4A>

fully removed the protection of the rights of victims of homophobia and LGBTQ+ people from its agenda.

The government is still not aware of grave social-political outcome of homophobia and does not create necessary systemic mechanisms to fight against it. With sharp politicization of the problems, the government creates particular threats for the members of this community.

- **Religious minorities**

Despite significant legislative amendments, with regard to the freedom of religion, the issues of systemic discrimination and intolerance are still urgent. Like in the past years, in 2019 too, it is complicated to restitute historical properties of religious minorities as well as have effective and timely reaction against the artificial barriers created for the construction of places of worships or against the crimes committed based on religious intolerance.

Demonstration of intolerance and hate speech is still problematic in politics, media and social networks. After the scandalous statements of Bishop Jacob on TV Company Pirveli the doubts about rude interference of the state in the affairs of the Orthodox Church increased⁷⁰. He claimed that senior government officials offered him to remove the patriarch from his position.

On December 25, election of Adam Shantadze to the position of the Mufti of Georgia was followed by noise and controversy in the Administration of Muslims of All Georgia. The representatives of the Administration of the Muslims Rezo Mikeladze and Temur Gorgadze stated that the State Security Service elected Adam Shantadze and not the Mejlis. According to their scandalous statement, the representatives of the State Security Service called 19 members of the Council and warned to vote for Shantadze. Mikeladze and Gorgadze quitted their jobs in protest⁷¹.

⁷⁰ See more information <https://bit.ly/2sn7PrN>

⁷¹ See "With 13 Votes Adam Shantadze Was Elected to Be Mufti of Georgia"
<https://ajaratv.ge/article/53380>

PENITENTIARY SYSTEM

Regardless the improved conditions in the penitentiary system in the past years, there are still problems and challenges which shall be necessarily responded for the better protection of human rights in penitentiary establishments.

In 2019, the Minister of Justice approved the Penitentiary and Crime Prevention Systems Development Strategy and 2019-2020 Action Plan⁷², that shall deserve appreciation but in order to eradicate the problems, it is necessary to intensify the work based on joint concept.

Lack of procedural and institutional guarantees to be secured from ill-treatment is still a challenge in the penitentiary system. In this regard, we observed particular problems in large establishments. Lack of unified system to assess the risks and needs of the prison inmates and the practice of creating artificial barriers which reduce the motivation of the convicts to move to low risk penitentiary establishments⁷³.

The rehabilitation-resocialization programs have fragmental character and they are not designed on individual needs of the convicts. Individual planning of the imprisonment term is also formal process because considering the current situation it is impossible to determine the individual needs of the convicts.

Glass barrier in the rooms for short conjugal meetings is still a problem which limits confidential environment during family visits. Differentiated treatment of the LGBTQ+ prisoners from heterosexual convicts during conjugal meetings is discriminative.

Besides that, the Special Preventive Group of the Public Defender of Georgia detected violations in four prisons of Georgia during their visits in July and August of 2019. Namely, psychological and physical violence between prisoners, and increased influence of criminal sub-culture is notable in the penitentiary establishments. The Public Defender of Georgia states that criminal sub-culture is particularly visible in semi-open facilities, where non-formal governors enjoy privileges. Besides that, the monitoring revealed that prisoners are not fully aware of their rights and obligations and due to the influence and fear of criminal

⁷² See the Edict N 385 of the Minister of Justice on the Approval of the Penitentiary and Crime Prevention Systems Development Strategy and 2019-2020 Action Plan
https://www.matsne.gov.ge/ka/doc/the_ument/view/4490017?publication=0

⁷³ See the Report on Monitoring of Penitentiary Establishments in Georgia, HRC 2019,
<https://bit.ly/36u9quO>

subculture they refuse to enjoy their right to file complaints. At the same time, according to the PDO report, the facilities are overcrowded and there is lack of prison personnel for what the administration is tempted to “maintain the order” and resolve conflicts with the support of non-formal governors⁷⁴.

PARDON MECHANISM

In the history of independent Georgia, Georgian society observed several cases of pardoning, when the presidents enjoyed their constitutional right to pardon prisoners and it caused public turmoil at different times in the recent decades⁷⁵. In 2019, big part of the society got concerned with pardoning the people convicted for particularly grave crimes by the President of Georgia Salome Zurbashvili. The low certainty of the pardon acts and sensitiveness of the cases once again raised questions about willful decisions of the president to pardon a convict⁷⁶.

Instead finding the adequate solution to the crisis the President announced moratorium on the use of her discriptive authority that was criticized by the civil society and was protested by prisoners.

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Later on, the administration of the President of Georgia elaborated a new rule of pardon mechanism. The new rule does not envisage the pardon commission – the President’s administration will prepare the cases for pardoning. When the new rule was enforced, the President of Georgia did not consider the opinion of the civil society and experts with regard to significant role of the pardon commission. The new model of the pardon mechanism will more likely increase the risks related with the process and will fail to ensure the transparency of the process.

⁷⁴ See the Report of the Public Defender on the Monitoring of Penitentiary Establishments N 2, N 8, N14 and N 15.

⁷⁵ See the Pardon Mechanism – Georgian Model and International Experience, HRC 2016, <http://humanrights.ge/admin/editor/uploads/pdf/angarishebi/hrdc/Pardon%20Power-eng.pdf>

⁷⁶ See the Statement of Human Rights Center in relation with the president’s moratorium on pardons <http://humanrights.ge/index.php?a=main&pid=19959&lang=eng>

LABOR POLICY

The state of occupational safety was still a serious challenge in 2019 as well as fair and adequate labor conditions for the people working in the enterprises with specific labor regime.

In February 2019, the Parliament passed the Organic Law on Labor Safety and miscarriages in the respective law were significantly eradicated. In accordance to the amendments, the Supervisory Body for Occupation Safety became responsible to inspect any working place at any time of a day and night without preliminary warning and court warrant (since September 1, 2019). The law also determined effective and differentiated sanctions varying from 100 GEL to 50 000 GEL considering the level of the identified violation and scope of the work of the inspected company. In case of critical insufficiency, inspector is authorized to suspend working process of the enterprise that should be approved by the court judgement at a later stage.

Since September 1, 2019, the Organic Law of Georgia on Occupational Safety, as well as the Labor Code of Georgia and the Law of Georgia on Public Service, regulate labor relations in all organizations implementing economic activities. Based on the Articles 2 and 7 of the Organic Law of Georgia, since September 1, 2019, the companies functioning in economic field are obliged to have occupational safety specialists⁷⁷.

Despite that, 2019 statistic data revealed that legislative amendments and activation of the monitoring systems did not significantly affect the number of casualties and injured as a result of enterprise incidents.

In January-July, 2019, 22 persons were killed and 51 person were injured on working places and the number of casualty is increasing. The number of accidents is particularly high in the construction business. According to the seven months data in 2019, 50% of casualties on working places happened on the constructions⁷⁸.

Nowadays, the Labor Inspection is not pro-active. It is necessary to increase and reinforce its institutional independence as well as the creation of regional representations and staffing them with sufficient number of qualified inspectors.

⁷⁷ See the Law of Georgia on Labor Safety
<https://matsne.gov.ge/en/document/view/4103880?publication=2>

⁷⁸ See more information <https://bit.ly/34Ylulp>

In 2019 too, we observed prolonged and ineffective investigation of casualties. It is necessary to ensure predictability of criminal liability and politics for the violation of safety rules. It is necessary to widen the mandate of the labor inspection so that it covered the people working in the field of service providing agencies, who in case of regulated conditions, are victims of systemic exploitation.

Unfortunately, considering the recent developments, after four meetings of the working groups on Occupational Safety Law in the Parliament of Georgia in October – November, 2019⁷⁹, initiation of the draft laws was postponed for unidentified time that should promote regulation of the working time, improve discrimination or maternity-leave vacations, will increase the mandate of the labor inspection and reinforce its institutionalization. It is necessary to continue this process in the short period that will promote creation of civilized labor guarantees for the employees.

HIGH PROFILE CASES

- Case of Luka Siradze

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On December 11, 2019, Luka Siradze, 15, jumped off the ninth floor of the residential building and received multiple injuries. On December 17, he passed away in the hospital. Before the suicide, the underage boy made some inscriptions on the walls of the private school Green School for what he was interrogated in the Didube-Chugureti police unit N1. According to official information, before the suicide, he was questioned in the police unit on December 10 and 11, where he became victim of psychological oppression of police officers.

On December 12, 2019, the lawyer of the Georgian Young Lawyers' Association appealed the State Inspector's Service with regard to the intimidation fact of the juvenile in the police unit.

On December 17, 2019, the State Inspector's Service arrested the investigator of the Didube-Chugureti Police Unit N1 Mariana Choloiani, who is charged for compelling the juvenile to make testimony. It is noteworthy that Mariana Choloiani was in charge of the investigation of the special operation conducted in Kintsvisi on May 26, 2011 and in the process of investigation she allegedly committed systemic violations and crimes. With the June 27, 2019 ruling, the

⁷⁹ See the official website of the Parliament of Georgia <https://bit.ly/2ZuXmGP>

European Court of Human Rights determined violation of the Article 3 of the European Convention (prohibition of torture). This fact once again demonstrated the systemic problems in the Georgian law enforcement system that is particularly acute in the field of juvenile justice.

- **Case of Tamta Todadze**

Victim Tamta Todadze reported that the majoritarian member of the Tbilisi City Assembly from Isani district Ilia Jishkariani attacked her and tried to rape her. The victim worked in the bureau of the majoritarian deputy. According to Tamta Todadze, Jishkariani attacked her on September 30 but she managed to escape the harasser. However, she received injuries as a result of beating. The victim took medical expertise and on October 8, 2019 she received the victim status after the case became publicly resonant. During the investigation there was doubt that the prosecutor's office, considering the context of the case, did not conduct adequate and effective investigation to punish the alleged harasser (the member of the city assembly). After the media reported about the fact, the majoritarian deputy of the city assembly from the Georgian Dream was taken to hospital, according to official reports, because of worsened health conditions.

In the end, on September 30, 2019, Ilia Jishkariani was charged for sexual harassment and beating of the specialist of his bureau Tamta Todadze under the Article 138 Part 2 –“b” of the Criminal Code of Georgia (violent act of sexual nature, which does not contain the signs of the crime punishable under Article 137 of the same code, committed by abusing official position) and Article 126 Part 1 of the Criminal Code of Georgia.

- **Case of Ana Subeliani**

Civil activist Ana Subeliani became victim of assault during the homophobic rally in front of the Tbilisi based cinema Amirani when Levan Akin's movie “And We Danced” was screened. She was hit with the blunt subject in the head and was required hospitalization and medical assistance as a result. The police arrested the harasser on the place. Initially the accused person was charged under the Article 118 Part 1 of the Criminal Code of Georgia, which refers to less grave injury of health. HRC, together with partner organizations, urged adequate qualification of the accusation. We welcome that the prosecutor's office took real factual environments into consideration and the charges brought against the person arrested for the physical assault of Subeliani were burdened. Article 53¹ of the CCG envisages the motive of discrimination as aggravating circumstance

of the crime. The suspect is sent to pre-trial imprisonment for the injury of the health of Ana Subeliani (Article 120.1 of the CCG)⁸⁰.

- **Khorava street teenage murder case**

HRC still works on the case of ruthless murder of two teenage boys in Khorava Street, in Tbilisi on December 1, 2017. On June 3, 2019, the Tbilisi Appellate Court changed the May 31, 2018 judgment of the Tbilisi City Hall and found G.J guilty in the intentional group murder of Davit Saralidze. He was sent to prison for 11 years and 3 months. Next day, on June 4, 2019, the MIA arrested Mikheil Kalandia, who is accused of the group murder of Davit Saralidze in aggravating circumstances. The Tbilisi City Court is examining the criminal case against Kalandia. The final judgment is still pending. The tragedy of the Khorava Street demonstrated to the society and state institutions that significant reforms must be carried out in the prosecutor's office and investigative bodies. Inadequate investigation of the case significantly damaged the public trust towards law enforcement organs.

- **Case of Temirlan Machalikashvili**

42 Two years after the December 26, 2017 special operation of the Special Security Service in the family of Machalikashvilis in Duisi village, the investigation over the murder of Temirlan Machalikashvili still does not have any results.

In the course of investigation, the criminal liability of the senior officials of the State Security Service was not identified yet, who committed substantial violations during the planning and carrying out of the special operation. Nobody was charged under the criminal law and the parents of Temirlan Machalikashvili still do not have the status of the victim's assignee. Besides that, the investigation has not started over the inhuman treatment of the family members of Machalikashvili and falsification and destruction of the evidence by the State Security Service. Moreover, the family members of Machalikashvili have become victims of dehumanization and persecution from the side of the state.

It is important to note that with the legal advocacy of human rights organization EMC, the application was sent to the European Court of Human Rights with regard to murder of Temirlan Machalikashvili, where the applicant claims violation of the Article 2 (right to life), Article 3 (prohibition of torture and

⁸⁰ See the statement of the HRHT about the November 8 incident <https://bit.ly/2RONC3l>

inhuman treatment) and Article 13 (right to effective remedy) of the European Convention on Human Rights.

- **Case of Vitali Safarov**

Human Rights Center continues defending legal interests of the assignee of the brutally murdered human rights defender, Vitali Safarov in the court; he was killed on September 30, 2018 in Tbilisi. On April 8, 2019, the HRC petitioned the Tbilisi Prosecutor's Office and requested impartial and comprehensive investigation into the case considering the evidence and witness statements into it, which proved active participation of both defendants in the act of murder. Finally, on April 17, 2019, the Tbilisi Prosecutor's Office notified Human Rights Center that the request was satisfied and both Avtandil Kandelakishvili and Giorgi Sokhadze were charged under the Article 109 Part II – "d" and "e" of the CCG which refers to the intentional murder committed with aggravating circumstances by a group based on national intolerance.

On April 16, 2019, the Tbilisi City Court started hearing of Vitali Safarov's murder case. Before the hearing, the CPD organized peaceful solidarity action in support of Vitali Safarov's family in the yard of the court. The participants protested racism, xenophobia and violence. At the proceeding, regardless the solicitation of the defense side to change imprisonment into 10 000 GEL bail as compulsory measure for Avtandil Kandelakishvili and to release Giorgi Sokhadze, the Tbilisi City Court left both defendants in preliminary imprisonment.

After the court finished trial on merits on June 10, 2019, the Tbilisi City Court passed verdict. The Judge found the defendants Giorgi Sokhadze and Avtandil Kandelakishvili guilty under the Article 109 Part 2 – "e" of the CCG, which refers to the intentional murder by a group of people. As for the Article 109 Part 2 – "d" of the CCG, the court removed the charges under that article from both defendants.

HRC continues defending legal interests of the assignee of Vitali Safarov in the higher instance of the court and hopes the Appellate Court will consider all circumstances in the process of examination of the case and make right and professional evaluation of the action. It is important to achieve justice over this

case and also to prevent hate motivated crimes and to develop correct case law of the judiciary system in future⁸¹.

- **Case of Tatia Lortkipanidze**

On April 9, 2019, athlete Tatia Lortkipanidze sued the trainer of the National Team of Athlete Women for sexual harassment and the Federation of Athletes for gender discrimination. Union Safari defends her legal interests. The criminal case has two defendants: the chief trainer, whom Lortkipanidze blames in sexual harassment and the Federation of Athletes, which allegedly committed discriminative action against Lortkipanidze and removed her from the Batumi European Championship. The Athlete woman requests reimbursement of moral and material damage from the Federation, because she had real chance of winning the championship and receiving award in it. According to Tatia Lortkipanidze, on April 5, 2019, she learned that she was not going to participate in the championship in Batumi. She said it was personal revenge of the chief trainer of the women's team – Temur Janjgava, because she disclosed the fact of sexual harassment in the federation and opposed the trainer. The court has not yet passed verdict.

ANAKLIA DEEP SEA PORT

The project of the Anaklia Deep Sea Port, which is fairly perceived to be the vital for the long-term security and economic development of Georgia, was commenced in 2016. In December 2017, the Anaklia Development Consortium, which won the international competition, started construction activities. In the action plan of the EU Commission and World Bank's "Trans-European Transport Union" the Anaklia Port is mentioned as a primarily important project. According to the action plan. EU will fund the second phase of the port construction with 233 million EURO, which demonstrates transport and economic importance of the port. Nowadays, the implementation of the project of the first deep sea port in Georgia, which aims to launch alternative trading route between Asia and Europe, is under threat. Regardless initial pompous opening of the project, today the project is a topic of controversy. The natural opponent of the port is Russia – Russia does not wish implementation of another international project in Georgia, which will economically strengthen the country and bring it closer to the West. Besides Russia, the port has strong internal

⁸¹ HRC- Case Details and Legal Assessment of the Murder of Human Rights Defender Vitaly Safarov, 2019
<https://bit.ly/2QAGhsa>

opponents too. Namely, the individuals, who have business-interests in the Poti port, are afraid of losing their economic profit and do their best to stop construction of the Anaklia port. They try to encourage the government to implement utopic idea that construction of the deep sea infrastructure in Poti. However, in 2014, the Japanese consortium – Oriental Consultants Company Limited, as a result of the order of the Partnership Fund, named the Anaklia to be the best place for the port in the Black Sea Area⁸².

In April 2019, Bidzina Ivanishvili violated months-long silence and stated that he was sceptic about the chances of the private company to implement such a complex project like Anaklia port. Reportedly, one of the main triggers of the dispute over the project is the personal controversy between the Georgian Dream's chairman Bidzina Ivanishvili and the founder of the consortium Mamuka Khazaradze. After all these developments, on July 24, 2019, the prosecutor's office officially charged the founders of the public movement Lelo – Mamuka Khazaradze and Badri Japaridze for legalization of illegal revenues 11 years ago. The government categorically denies the connection of the case with the Anaklia port. The government claims that the main problem for the Anaklia project was unimplemented obligations and disability of the consortium to attract investments. Although the Government postponed the deadline of the financial closure for the Anaklia Development Consortium till December 2019, the Government is less willing to cooperate with the consortium. In parallel to that, the government officials make statements that if the consortium fails to implement the project, the State will do it. Nowadays, the constructions of the port are suspended.

EXTRADITION TO THE RUSSIAN FEDERATION

On September 19, the Government of Georgia satisfied the request of the Russian Federation on extradition of Ramzan Akhyadov, ethnic Chechen citizen of Russia, who is accused of terrorism and was sought by the International Police. Ramzan Akhyadov denied all accusations on terrorism and spoke about politically motivated persecution because of his public criticism of Ramzan Kadirov, President of Chechnya. Consequently, the detainee and his defense lawyer from the very beginning spoke about the high risk of torture and inhuman treatment in case of his extradition to Russia.

It is not first case when the Government of Georgia extradites the detainees to Russia. The “guarantee” of the Prosecutor General's Office of Russia to the

⁸² See more information <https://bit.ly/2R8SfbR>

Ministry of Justice of Georgia cannot be enough to exclude objective risks of torture considering the fact that international and Russian human rights organizations, US State Department and independent media organizations actively report about grave human rights situation, politically motivated murders, disappearances of political opponents and unbearable conditions in penitentiary establishments in Russia, and more. The same is stated in the rulings of the ECtHR against Russia.

Consequently, when making similar decisions, the Government of Georgia is obliged to protect fundamental rights and freedoms of individuals and respect its obligations under international agreements and national legislation.

On October 8 and 22, 2019, Human Rights Center petitioned the Minister of Justice to provide public information whether the Ministry monitored, as promised, how the Russian Federation executes the guarantees declared in relation with Ramzan Akhyadov. The Minister did not release the requested information within 10 days, as it is required by the law. The Ministry of Justice did not answer the petition of the Human Rights Education and Monitoring Center (EMC) where the organization also requested public information about the same case. Therefore, the two human rights organizations – Human Rights Center (HRC) and Human Rights Education and Monitoring Center (EMC) requested public information from the Ministry of Justice through court litigation. The organizations lodged administrative lawsuit to the Tbilisi City Court on December 20 after the Ministry of Justice did not provide them with the requested public information about the state of Ramzan Akhyadov, ethnic Chechen prisoner, who was extradited to the Russian Federation by Georgia⁸³.

INVESTIGATION OF THE 2008 AUGUST WAR BY THE ICC

In 2019, with regard to the ongoing investigation into the 2008 August War by the International Criminal Court, the statement of the Prosecutor Fatou Bensouda at the Assembly of the Rome Statute Member States in The Hague, in December 2019 was significant news. The Prosecutor Fatou Bensouda noted that the investigation into the situation of Georgia is followed by numerous challenges, including the fact that long period has passed since the war as well as Russia's refusal to cooperate with the investigation. Despite this, according to the

⁸³ See more information <http://www.humanrights.ge/index.php?a=main&pid=20019&lang=eng>

Prosecutor, the investigation has entered active phase and there may be certain results in the nearest period⁸⁴.

In 2019, the ICC Trust Fund for Victims supported the assessment of the state of victims in Georgia and in May 2020, the TFW board will make decision regarding the need of implementation of concrete assistance programs for the support of victims in Georgia.

The outreach office of the ICC continues operation in Georgia. The office implements various awareness-raising and informative activities, including the meetings with the victims and wider society. It is essential that the local office was better equipped with human and financial resources to make its work more active and effective. Throughout the year, the office held informative meetings with the NGOs, in which the members of the Georgian Coalition for the ICC also participated⁸⁵.

In May 2019, the delegation of the ICC composed of the representatives of the Registry, Public Information and Outreach Section, Victim's Participation and Reparation Section, OTP and Trust Fund for Victims visited Georgia. The ICC delegation held meetings in two IDP settlements in Shavshvebi and Prezeti. The members of Human Rights Center and other member organizations of the GCICC participated in the meetings. The ICC Delegation members informed the victims about the ongoing investigation into the Georgian situation and their rights; they answered the questions of the victims. Representatives of the Section on Victims' Participation and Reparation held training about the rights of victims and legal representation for the lawyers.

On May 20-24, 2019, annual round table meetings took place between the representatives of International Criminal Court and non-governmental organizations in Hague, Netherlands. The representatives of Human Rights Center, Article 42 of Constitution, Georgian Young Lawyers Association and Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims attended the meetings from Georgia. The representatives of Georgian NGOs highlighted the challenges related to the ongoing ICC investigation of 2008 August War in Georgia and called on the representatives of the ICC Office of

⁸⁴ See more information <http://humanrights.ge/index.php?a=main&pid=20010&lang=eng>

⁸⁵ Article 42 of Constitution; Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT); Georgian Young Lawyers Association; Human Rights Center; Human Rights Priority; International Center on Conflict and Negotiation; Justice International.

Prosecutor to pay attention to the most large-scale and grave crimes, including ethnic cleansing of Georgian population. The representatives of the NGOs also underlined the fact that considering the mass scale of the crimes committed against the ethnic Georgians, the OTP must determine the highest ranking officials responsible for the crimes. The attention was also drawn to the importance of the Georgia investigation for the regions beyond the African continent, considering that it is the first non-African investigation which will have an impact on public support and trust towards the ICC in future as well as raising awareness⁸⁶.

INTERNATIONAL ORGANIZATION ABOUT THE STATE OF HUMAN RIGHTS IN GEORGIA

Human Rights Center, traditionally, pays attention to the assessments of the international human rights organizations about various significant developments in the country.

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The EU and Georgia held the 12th round of their annual Human Rights Dialogue in Tbilisi on 23 May 2019. The EU reaffirmed its support to the sovereignty and territorial integrity of Georgia within its internationally recognized borders. The EU expressed concerns about the deterioration of the human rights situation in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, affecting in particular ethnic Georgians, especially with regards to ethnic discrimination, restriction of freedom of movement, property rights, and education in mother tongue, as well as about the persistent obstacles to the right of internally displaced persons and refugees to a safe and dignified return to their homes.

The EU took note of the OSCE/ODIHR Electoral Observation Mission's report on the October/November 2018 presidential elections and stressed the importance to address in a timely manner shortcomings identified such as: instances of misuse of administrative resources, cases of pressure on voters, negative campaigning and harsh rhetoric as well as the media sharp polarization. Both sides agreed on the importance of maintaining a free and pluralistic media environment, and political pluralism as a prerequisite for the conduct of

⁸⁶ See more information <http://humanrights.ge/index.php?a=main&pid=19877&lang=eng>

democratic elections. The EU encouraged Georgia to increase participation of women and national minority representatives in politics⁸⁷.

The EU encouraged Georgia to continue ensuring the effective implementation of its anti-discrimination law and praised the efforts on awareness raising on anti-discrimination due to the extensive training of civil servants and law enforcement officers⁸⁸.

The EU welcomed the adoption of amendments enlarging the scope of the Law on Occupational Safety to all economic sectors and encouraged further efforts to ensure that the labour inspectorate is transformed into a full-fledged labor inspectorate.⁸⁹

The EU encouraged Georgia to enhance its social dialogue and to continue to work closely with the International Labor Organization. The EU noted progress in addressing the situation of vulnerable children and children in extreme poverty and invited the authorities to increase efforts to improve the situation of children living in poverty and to finalize the deinstitutionalization process⁹⁰.

On July 3, 2019, the international human rights organization Amnesty International presented the report in Tbilisi and Moscow – “Behind the Barbed Wire – Human Rights Toll of “Borderization” in Georgia.”⁹¹ The report in-depth reviews the problems caused by the occupation and makes assessments based on factual materials. The report tells about the hardship and the facts of grave human rights violations alongside the occupation line. The report tells about those people, who live on both sides of the division line of Abkhazia and Tskhinvali region. The report presents the histories and documented stories about restricted freedom of movement, arbitrary detentions, facts of ill-treatment, loss of income, misappropriation of agricultural plots and pastures by the Russian soldiers. The report also provides information about the restricted right to family life and freedom of religion.

The report describes the efforts by the Russian forces and de-facto authorities of the breakaway regions to “securitize” the administrative boundary lines between

⁸⁷ See information about the EU and Georgia 12th annual round of human rights dialogue https://eeas.europa.eu/delegations/georgia/63067/node/63067_en

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ See the „BEHIND BARBED WIRE“ HUMAN RIGHTS TOLL OF “BORDERIZATION” IN GEORGIA -Amnesty International: <https://www.amnesty.org/download/Documents/EUR5605812019ENGLISH.PDF>

South Ossetia/Tskhinvali Region, Abkhazia, and the rest of the Georgian territory after the armed conflict in August 2008, which has had a long-lasting negative human rights impact on the communities living there. The Amnesty International believes the “borderization: negatively affects the lives of people living on the both sides of the Administrative Border Line”⁹².

International human rights organization Freedom House published the 2019 rate of world freedom, according to which Georgia is still among semi-free states. Georgia received 63 out of 100 points in the survey. It is noteworthy that last year, Georgia received 64 points. Like last year, in the fields of personal freedom, political rights and civil freedoms, Georgia received three out of seven points (one point for mostly free, seven points for the least free)⁹³.

In the full version of the report, the Freedom House states that Georgia holds regular and competitive elections, and its democratic trajectory showed signs of improvement during the period surrounding a change in government in 2012–13. However, progress has stagnated in recent years. *“Oligarchic actors hold outsized influence over policy and political choices, and the rule of law continues to be stymied by political interests.”* The organization mentions the informal role of Bidzina Ivanishvili, the chairman of the Georgian Dream and underlines his influence in connection with his financial and business interests. The organization mentions the corruption and states that while the country has made significant progress in combating petty corruption, corruption within the government remains a problem⁹⁴.

According to the survey of the Freedom House, in 2019 Georgia is on the list of ten best countries with the index of free internet and ranks the tenth place with 75 points together with Italy.⁹⁵

The researchers alongside the lack of censorship and regulations in Georgia spoke about the challenges too – for example dissemination of disinformation about political opponents and trolling for the purpose of their discreditation to manipulate the public opinion. The report claims that alongside the pro-governmental groups, the method is actively applied by the opposition supporters and other groups⁹⁶.

⁹² Ibid

⁹³ See the Freedom in the World 2019, Freedom House <https://bit.ly/2SqRuwl>

⁹⁴ See full information <https://freedomhouse.org/report/freedom-world/2019/georgia>

⁹⁵ See the article <https://1tv.ge/news/fridom-hausi-sagartvelo-internetis-tavisuflebis-reitingshi-msofli-ateulshia/>

⁹⁶ See more <https://civil.ge/archives/325254>

In connection with the developments about the Pride scheduled in Tbilisi in June 2019, the CoE Human Rights Commission released a statement, which called on the Government of Georgia to protect the safety of the Tbilisi Pride participants.

The CoE Commissionaire published respective statement on her facebook page and stressed that “All Georgians have the same human rights and they should enjoy them free from discrimination. This means that everyone, including LGBTI people, must be protected from violence and hate speech, be able to exercise freedom of expression, and to conduct peaceful demonstrations.”⁹⁷

On June 19, Human Rights House Foundation released the statement with regard to the Tbilisi Pride, whose 37 under-signatory organizations called on the Government of Georgia to take all necessary measures to fulfill their international obligations⁹⁸.

With regard to the Tbilisi Pride, the international organization *Amnesty International* stated that The Georgian authorities must do their utmost to ensure the safety and security of participants of the Tbilisi Pride⁹⁹.

On June 18, the US State Department released statement, where the Department expressed deep concern about reported threats targeting the LGBT community ahead of a planned Pride parade and categorically condemned the persecution of individuals for any reason, including their sexual orientation or gender identity¹⁰⁰.

According to the report “World Press Freedom Index 2019” by the Reporters without Borders, in 2012 Georgia ranked 104th position. In comparison to 2012, Georgia improved its position with 44 positions and in 2019 it ranked 60th place among 180 states across the world¹⁰¹.

In 2019, international organization Human Rights Watch published report – “No Year without Death”, which describes how insufficiently the labor rights are protected and limited supervision by the government flourished malicious practice of mining, which violates the safety of workers. The Georgian legislation does not sufficiently regulate working hours, rest break hours, weekly rest hours

⁹⁷ see the statement of the CoE Human Rights Commission <https://bit.ly/2QJqyax>

⁹⁸ See full statement <https://bit.ly/2sVqfiT>

⁹⁹ See more information <https://bit.ly/37Spw1t>

¹⁰⁰ See more information <https://bit.ly/36lojtl>

¹⁰¹ See full report <https://rsf.org/en/georgia>

and night work and does not ensure full inspection of the labor conditions by the government. The HRW criticizes the current situation in the country and calls on the Government of Georgia to make the national legislation coherent with the international standards¹⁰².

Human Rights Watch also echoed the dispersal of June 20-21 protest demonstration in Tbilisi. The statement reads that “riot police in Tbilisi fired rubber bullets and used teargas without warning against thousands of nonviolent protesters outside the Georgian Parliament...” The HRW underlines the norms of the international law and UN conventions and calls on the GoG to act in due respect to them¹⁰³.

Following the meetings in Washington between Deputy Assistant Secretary of State George Kent and the Georgian Dream delegation, the U.S. Department of State released the following statement: *“The United States supports a secure, prosperous, and democratic Georgia. We commend the recent progress made on the fourth wave of judicial reform and support the ongoing dialogue between representatives of the ruling party and the opposition parties on electoral reform. We urge the Georgian government to reinforce its commitment to the principles of democracy, individual liberty, and rule of law by ensuring that its judicial and prosecutorial system is free of political bias. The United States will continue to work with its strategic partner Georgia to promote the rule of law and accountable institutions.”*¹⁰⁴

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On January 9, 2020 OSCE/ODIHR published the report – “Second Report on the Nomination and Appointment of Supreme Court Judges in Georgia¹⁰⁵”. The Report criticizes the selection and appointment process of the Supreme Court judges in Georgia. According to the ODIHR, while legal reforms regulating the appointment of Supreme Court judges in Georgia are an important step toward improving the independence of the judiciary, they fail to ensure an impartial process based on clearly defined and objective criteria without the influence of partisan politics.

¹⁰² See the report No Year without Death, Human Rights Watch, 2019

<https://www.hrw.org/report/2019/08/22/no-year-without-deaths/decade-deregulation-puts-georgian-miners-risk>

¹⁰³ See full information <https://www.hrw.org/news/2019/06/21/georgia-police-use-teargas-rubber-bullets-against-protesters>

¹⁰⁴ See the Statement of the US State Department <https://bit.ly/35IjDIY>

¹⁰⁵ See the full report <https://www.osce.org/odihr/443494>

As it is stated in the report, the final plenary vote on the judicial appointments took place amidst a political crisis, a boycott by the opposition, and widespread calls for an adjournment. The decision to proceed in the current political environment further calls into question the sincerity of the authorities' stated aim to have an open, transparent process that garners wide political support and builds public confidence in the judiciary.