

# **STATE OF HUMAN RIGHTS IN GEORGIA**

**ANNUAL REPORT, 2014**



**TBILISI, 2015**

## **Report was prepared by Human Rights Center**

### **Authors:**

Tamar Avaliani  
Nino Tsagareishvili

### **Edited by:**

Aleko Tskitishvili

### **Translated by:**

Nino Tlashadze  
Nino Tsagareishvili

Non-governmental organization the Human Rights Centre (HRIDC), formerly Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia.

The Human Rights Centre (HRIDC) is dedicated to protection and promotion of human rights, rule of law and peace in Georgia. It is free of any political and religious affiliation.

The Human Rights Centre (HRIDC) believes that everyone is entitled to exercise her/his civil, political, social, economic and cultural rights freely and without any discrimination as guaranteed by national and international law. We consider that protection and promotion of these rights and respect for rule of law are the key preconditions for building sustainable peace and democracy in Georgia.

The Human Rights Centre (HRIDC) has five priority areas of action: strengthening the rule of law, supporting freedom of expression and media, promoting equality and social inclusion, reinforcing democratic processes and supporting transitional justice.

### **Address:**

M. Kantaria St. 11a, Floor 3rd, 0160 Tbilisi, Georgia.  
Tel.: (+995 32) 237 69 50, (+995 32) 245 45 33, (+995 32) 238 46 48  
Fax: (+995 32) 238 46 48 E-mail: [hridc@hridc.org](mailto:hridc@hridc.org)  
Web-portal: [www.humanrights.ge](http://www.humanrights.ge); [www.hridc.org](http://www.hridc.org).



**National Endowment  
for Democracy**

*Supporting freedom around the world*

**The Report was prepared by the financial support of National Endowment for Democracy (NED). The report does not necessarily reflect the views of the donor. Human Rights Center bears sole responsibility for the content of the report.**

## Contents

Introduction .....	4
Legislative Changes .....	5
• Legislative Changes in Legal Acts Regulating Prisoners’ Rights .....	5
• Changes in Rules on Pardon of Prisoners .....	6
• Amendments to Criminal Procedural Code of Georgia .....	7
• New Rule of Interrogation of Witness Rescheduled .....	8
• Campaign “This Affects You – We Are Still Listened to” about Secret Surveillance .....	9
• Law on Elimination of All Forms of Discrimination .....	10
• Human Rights National Strategy of Georgia .....	11
• January 22, 2015 Ruling of Constitutional Court about Indirect Testimonies .....	11
Alleged Facts of Physical Assault and Intimidation of Citizens by Police Officers .....	12
Domestic Violence and Inactivity of MIA .....	15
Facts of Assumed Persecution against North Caucasus Citizens by MIA in Georgia .....	17
Top Secret Status of Cases on Former Political Prisoners Convicted for Espionage and of Other Persons .....	18
Case of Patrol-Inspector Ioseb Abuladze .....	19
Promoted Senior Officials, Who Participated in the Investigation of Cases of Former Political Prisoners .....	20
Facts of Inhuman Treatment of Prisoners in Penitentiary Establishments .....	20
Death Cases of Prisoners .....	23
Rescheduled Establishment of Commission for Identification of Miscarriages of Justice – One of the Reasons of Prisoners’ Protest .....	24
Ineffective Investigation into Inhuman Treatment of Prisoners .....	24
Case of Iuri Vazagashvili .....	26
Officials of Ministry of Defense Detained .....	27
Alleged Political Dismissals in the Bodies of Local Government .....	28
• Case of Nato Usenashvili .....	28
Problems Related to Receipt of Residence Permits .....	29
2014 Local Self-Government Elections .....	30
Right to Fair Trial/High-Profile Cases .....	32
State of Persons with Disabilities .....	34
State of LGBT Individuals .....	36
Religious Minorities .....	37
Pressure on NGOs .....	43
Freedom of Media .....	45
Freedom of Assembly and Manifestation .....	47

## **Introduction**

The report below presents human rights situation in Georgia throughout 2014 and in the beginning of 2015. The report was prepared based on the findings of Human Rights Center, other local nongovernmental organizations, Public Defender's Office of Georgia and other international organizations. The report reviews specific trends of human rights such as right to fair trial, cases of former senior officials, legislative changes, conditions of prisoners, alleged politically motivated dismissal of public servants, abuse of power in law enforcement bodies, situation of people with disabilities, minority rights, women's rights, freedom of media, local self-governmental elections, etc.

Throughout 2014 state institutions continued inadequate reaction to the facts of human rights violations of religious minorities and LGBT community in Georgia. Facts of violence against minorities in 2013-2014 remain unaddressed that violates positive obligation of the state to ensure their protection and safety.

Realization of the rights of people with disabilities is still a significant challenge for the state. Ineffective legislative framework, unadopted environment, stereotypical perceptions of the society, low access to education and rehabilitation – this is incomplete list of the problems that hinder comprehensive integration of the people with disabilities in the society.

In 2014 violence against women acquired alarming character. Inadequate reaction to similar facts from law enforcement bodies is significant problem.

On December 9, 2014, OSCE presented report on the monitoring of ongoing court hearings in Georgia that revealed some gaps in ensuring right to fair trial for former senior officials.

2014 Local Self-Governmental Elections were held in peaceful environment. Most violations observed by Human Rights Center had procedural character and were caused by the low qualification of the commission members.

Throughout 2014 law enforcement officers did not use force or exceeded power to disperse peaceful gathering. However, some violations were observed during the pre-election period when law-enforcement bodies could not execute their positive obligation to ensure peaceful and secure environment for the pre-election meetings and events organized by the opposition political party UNM.

In 2014 some facts of alleged oppression on the journalists by governmental officials were also observed.

Creation of effective governmental investigative mechanism, impartial and effective investigation into alleged abuse of power by law enforcement officers, revision of arbitrary and unfounded judgments, protection of personal life, prevention of domestic violence and legal rehabilitation/re-socialization of torture victim prisoners remain as significant challenges before

the state. In 2014 Human Rights Center observed facts of physical abuse of citizens by police officers and inhuman treatment of prisoners in penitentiary establishments.

Another problem is that the cases of former political prisoners, who were convicted for espionage and other prisoners with the alleged arbitrary sentences still have top-secret status; establishment of the commission for identification of miscarriages of justice was rescheduled for uncertain time.

In 2014 significant legislative changes were observed in the field of human rights – National Human Rights Strategy was adopted, amendments were introduced to the Criminal Procedural Code and Prison Code; Law on the Elimination of All Forms of Discrimination was adopted. However, practical implementation of the legislative amendments is still a problem.

## **Legislative Changes**

- **Legislative Changes in Legal Acts Regulating Prisoners' Rights**

Since 2013 intensive work started on the amendments to the Prison Code of Georgia. The working process was conducted with active participation of nongovernmental organizations. Reform process continued in 2014 too. The introduced amendments significantly changed penitentiary system.

In accordance to the May 2014 amendments to the Prison Code of Georgia, after prison infrastructure are completely rehabilitated, the convicts will be divided into four different types of prisons – low, semi-open and special establishments. Specially established multi-disciplinary team will evaluate risks and prisoners.<sup>1</sup>

Convicts of the lowest danger will be placed in the low risk establishment, for whom education and work will be obligatory. After infrastructure is fully arranged, they will enjoy long term and short term conjugal visits and increased number of phone conversations. As for the establishment with particular risk, convicts of particular risk will be placed there who will not enjoy long term conjugal visits and video-visits, money transfers and short-term visits outside the prison except the funerals of close relatives. They will have possibility to make limited number of phone calls and short term conjugal visits.

In accordance to the Prison Code, special establishment for juvenile convicts is changed into rehabilitation establishment where inmates will take number of rehabilitation and education programs to create individual sentence planning.

In accordance to the amendments, visual and electronic surveillance and control rules were regulated. When there is unfounded assumption, administration has right, due to the security

---

<sup>1</sup> <https://matsne.gov.ge/ka/document/view/2332779>

of accused/convicts or other persons, to conduct visual and electronic surveillance and control. More precisely, during electronic surveillance or/and audio-video recording the administration is obliged to warn accused/convicts about it except for the cases regulated by the law.

In accordance to the May 2014 amendments to the Prison Code, number of special devices against prisoners was increased up to 12<sup>2</sup> and the following devices were added: soothing chair, soothing bed, rubber truncheon, tear gas, pepper gas, non-lethal weapon, acoustic tools, and light-sound weapon for psychological influence, water-cannon, and service dog. In accordance to the law, each of the aforementioned devices can be used only in particular cases.

Due to the amendments into the Prison Code, Human Rights Center took active part in the meetings organized for the elaboration legislative acts together with other nongovernmental organizations.<sup>3</sup> In the process of reforms, Human Rights Center presented its position about amendments to the Prison Code to the Ministry of Corrections; majority of our positions/suggestions were considered by the Ministry. Human Rights Center's recommendations related the use of special devices against convicts, elaboration of fair and transparent procedure of disciplinary procedures against them; the Center offered to introduce encouraging measures for convicts like: additional conjugal visits, additional phone calls etc. Big part of our recommendations was accepted by the Ministry of Corrections.

In general, nongovernmental organizations positively evaluated their engagement in the elaboration process and part of the adopted amendments. However, some amendments were evaluated as risky. It is important to create list of guarantees alongside the list of special devices which will ensure their correct use in practice. According to the position of the Georgian Young Lawyers' Association, It should be noted that the given list of special devices does not come in conflict with the International Human Rights Standards, nor is it a novelty for Georgia, but they envisage number of restrictions and limitations on application of special devices.<sup>4</sup>

- **Changes in Rules on Pardon of Prisoners**

On March 27, 2014, based on the Resolution #120 of the President of Georgia,<sup>5</sup> new rule of pardoning was approved which essentially improved conditions of convicts, particularly of life-sentenced convicts and use of pardon mechanism became real for them.

In accordance to the previous version of the pardon resolution, lifetime convicts had to spend 25 years in prison and only after that they could apply to the pardon commission.

In accordance to the pardon rule of March 27, 2014, lifetime prisoners can petition to the commission after they serve 15 years in prison.

---

<sup>2</sup> There were three special items before amendments

<sup>3</sup> <http://topnews.mediamall.ge/?id=106763>

<sup>4</sup> <https://gyla.ge/eng/news?info=1954>

<sup>5</sup> <https://matsne.gov.ge/ka/document/view/2299717>

Another significant amendment is that before March 27, 2014, terms for a convict, who had imprisonment and probation terms together, were collected and the convict could apply for pardon only after he/she had served half of his/her collected term. In accordance to the new provision, when there are two punishments, the commission considers only imprisonment term.

In accordance to the March 27, 2014 amendments, confession is not obligatory criteria for prisoner to appeal to the pardon commission though it will be considered by the commission during decision-making process. Another innovation is that the Commission will consider a case of a convict as an application from juvenile, if he committed crime during juvenile years but his imprisonment lasts during adult age too.

Before the amendments of March 27, 2014 Human Rights Center published its position about legitimacy of the pardon mechanisms. The organization believed the criteria for pardoning prisoners needed to be clearer.<sup>6</sup>

According to Human Rights Center's evaluation, the resolution existent prior to the amendments needed to simplify criteria and consider prisoners' interests.

- **Amendments to Criminal Procedural Code of Georgia**

Article 84 of the Criminal Procedural Code of Georgia was annulled on September 1, 2014. The provision created significant guarantee to realize rights of the defense side. It allowed the defense side to provide one piece of evidence they found particularly important at the substantial trial hearing which would not be found inadmissible by the judge. As lawyers clarify they now have unequal conditions with the prosecutor and principle of equality of arms is breached.<sup>7</sup>

In accordance to the June 14, 2013 amendments to the Criminal Procedural Code of Georgia, defendant and his/her lawyer had right to solicit search and withdrawal of evidence.<sup>8</sup>

On July 24, 2014 amendments were introduced to the Criminal Procedural Code of Georgia with regard to plea-agreements. In accordance to the amendments, one of the forms of plea-agreements was completely abolished – sentence bargaining. According to the changes, prosecutor and defendant can bargain on the sentence only after they reach agreement on the charge.

Another significant amendment for rights of defendants is that the court is obliged to give detailed clarification to the defendant about the results of the plea-agreement.

---

<sup>6</sup> <http://www.humanrights.ge/index.php?a=main&pid=17310&lang=eng>

<sup>7</sup> <http://www.batumelebi.ge/GE/batumelebi/news/35122/>

<sup>8</sup> <https://matsne.gov.ge/ka/document/view/1956658#DOCUMENT:1;>

In accordance to the July 24, 2014 amendments, victim can appeal prosecutor's decision regarding refusal of victim status to the senior prosecutor only once. The decision of the latter is final and cannot be appealed except the cases when particularly grave crime is committed. In this case, if senior prosecutor declines the appeal, the applicant can appeal the prosecutor's decision at the court. Also, the victim has right to appeal refusal of criminal prosecution or dropped criminal prosecution after he/she applies to the prosecutor<sup>9</sup>. Similar mechanisms of the appeal are particularly important in particularly grave crimes like crimes against life.

In addition, investigator shall update the victim with the information about ongoing investigation process; victim can visit investigator to study the criminal case materials on the place if it does not harm investigation interests. If similar action harms investigation interest, the possibility can be restored if the reasons are eradicated. The significant novelty is that the prosecutor, during the court hearing, has obligation to inform victim about the case materials when they are sent to the court.

2014 amendments to the Criminal Procedural Code will uphold principle of equality of arms and adversarial principle during criminal investigation and court hearing.

- **New Rule of Interrogation of Witness Rescheduled**

At the end of December 2013, the Parliament of Georgia made decision to postpone adoption of the new rule of interrogation of witness till December 31, 2015. Nongovernmental organizations categorically opposed the decision. New rule of interrogation of witness, that was determined by the 2009 edition of the Criminal Procedural Code and was rescheduled several times, envisages interrogation of witnesses only before the court and in the presence of the parties. Initially, it was planned to go in force from December 31, 2013.

NGOs protested postpone of the rule. Coalition for Independent and Transparent Judiciary<sup>10</sup> stated "yet another rescheduling of the enactment of new rule of interrogating witnesses for the period of two years – to December 31, 2015 will adversely affect the development of criminal law justice and therefore, the Coalition urges the initiators to withdraw the draft law from the Parliament. The control of courts on the interaction with witnesses, which will decrease risks of exerting pressure on witnesses and obtaining incorrect and coerced testimonies from them."<sup>11</sup>

The NGOs paid particular attention to the years-long negative practice in Georgia, when law enforcement officers threatened, intimidated and oppressed witnesses during interrogation.

---

<sup>9</sup> <https://matsne.gov.ge/ka/document/view/2434580>

<sup>10</sup> The Coalition unifies more than 30 organizations, including Human Rights Center, which is member of the steering committee too together with other eight NGOs.

<sup>11</sup>

[http://www.coalition.org.ge/article\\_files/206/Statement%20On%20Yet%20Another%20Postponement%20of%20Enactment%20of%20New%20Rule%20of%20Interrogating%20Witnesses.pdf](http://www.coalition.org.ge/article_files/206/Statement%20On%20Yet%20Another%20Postponement%20of%20Enactment%20of%20New%20Rule%20of%20Interrogating%20Witnesses.pdf)



Interrogation of witness only during court hearing essentially guarantees his/her protection in the process of criminal investigation.

- **Campaign “This Affects You – We Are Still Listened to” about Secret Surveillance**



Since 2013 organizations participating in the Campaign It Affects You<sup>12</sup> launched new joint campaign to create mechanisms to restrict government’s access to the uncontrolled secret surveillance that substantially violated legal rights and interests of citizens. In the frame of the Campaign, the NGOs focused on legislative amendments that could introduce effective mechanisms for proper judicial oversight over government surveillance practice. NGOs were concerned that MIA maintains so called 'black box' devices in the server infrastructure of major telecommunication companies, giving security agencies direct access for simultaneous monitoring of thousands of mobile phone numbers. For years the investigation bodies had been eavesdropping and carrying out surveillance on citizens and it was systemic problem.<sup>13</sup> In accordance to the

August, 2014 amendments to the law, Interior Ministry retains its direct access to telecom operators servers, but at the same time giving the office of personal data protection inspector the right to electronically supervise and control the process. MIA still holds authority to illegally eavesdrop on citizens according to their decision, without notifying the court about it.

Throughout 2014 organizations participating in the campaign This Affects You held several protest rallies.<sup>14</sup>

Besides that, according to the NGOs, MIA has appointed so-called “ODRs” (security officers)<sup>15</sup> in various state or private organizations throughout the country that contradicts the principles of democratic development and transparent governance of the country. During the Soviet Union ODRs were appointed in different departments by the Ministry of Security. This practice was

---

<sup>12</sup> Organizations participating in the campaign are: Georgian Young Lawyers’ Association, Open Society Georgia Foundation, Article 42 of the Constitution, Human Rights Education and Monitoring Center, Foundation Liberal Academy, EaP SCF Georgian National Platform, Human Rights Center, Institute for Development of Freedom of Information, Transparency International – Georgia, etc.

<sup>13</sup> <https://matsne.gov.ge/ka/document/view/2339687>

<sup>14</sup> <http://www.humanrights.ge/index.php?a=main&pid=18038&lang=eng>

<sup>15</sup> ODR is abbreviation of soviet term (ОДР – офицер действующего резерва)

preserved throughout the presidential eras of Eduard Shevardnadze and Mikheil Saakashvili, and continues to exist under the current “Georgian Dream” Government, after the parliamentary elections in 2012.<sup>16</sup>

- **Law on Elimination of All Forms of Discrimination**

On May 2, 2014 the Parliament of Georgia adopted the Law on the Elimination of All Forms of Discrimination.<sup>17</sup> The law ensures protection of people from discrimination regardless his/her race, skin color, language, gender, age... disability, sexual orientation, gender identity and others. The law was seriously amended before it was finally approved.

The Government of Georgia put the Ministry of Justice in charge of drafting the bill on the elimination of all forms of discrimination; the latter ensured engagement of the nongovernmental organizations and civil society in the elaboration process. After the bill was sent to the Government, the latter introduced some amendments to it that NGOs learned only after it was registered in the Parliament of Georgia. The bill submitted to the Parliament was different from the one which was prepared with the participation of NGOs.<sup>18</sup> Initial version prepared by the Ministry of Justice included mechanism of fining a person who committed discrimination offense as well as the equality inspector institute that was later removed from the bill. In accordance to the final version of the law, Public Defender of Georgia will be in charge of overseeing the anti-discrimination measures.

There was an assumption that authorities of equality inspector and public defender will be duplicated that could create problems in practice.

One of the values of the law is that Public Defender can pro-actively study alleged facts of discrimination. Besides, positive side of the law is that discrimination is studied as a public problem and applying appropriate measures is obligatory. Also, the law prohibits both direct and indirect discrimination.

After the bill was submitted to the Parliament of Georgia, the forms of discrimination listed in the first article of the law caused huge controversy.

Some MPs and clergymen requested not to add concrete list of discrimination forms in the law; the terms sexual orientation and gender identity caused particular protest as some clergymen evaluated them as dead sin and called on the MPs not to vote for the law.

Despite the controversy on May 2, 2014 the Parliament adopted the Law on the Elimination of All Forms of Discrimination that guarantees protection of fundamental principles of equality.

---

<sup>16</sup> <http://transparency.ge/en/blog/and-again-security-officers>

<sup>17</sup> <https://matsne.gov.ge/ka/document/view/2339687>

<sup>18</sup> Human Rights Center also participated in the process together with other NGOs.

- **Human Rights National Strategy of Georgia**

In April 2014 the Parliament of Georgia approved Human Rights National Strategy (2014-2020). The Strategy aims to establish high standard of human rights protection in all fields of human rights.

The strategic dimensions of the document are: improvement of the criminal law and reinforcement of the principle of adversarial hearing, ensured right to fair trial, reform in prosecutor's offices, high quality of the activities of law enforcement bodies and effectiveness of the investigation, reforms in penitentiary system, etc.

Nongovernmental organizations together with state institutions and international organizations participated in the elaboration of the Strategy. Human Rights Center together with other NGOs presented its views about the National Human Rights Strategy to the government administration.<sup>19</sup> Human Rights Center recommended envisaging problematic fields of human rights in the strategy, to determine effective national mechanism for the restoration of breached rights, regulations of the mechanism for the revision of the unfounded judgments and to consider human rights based approaches.

Unfortunately, Human Rights Center's recommendations on the elaboration of effective mechanisms for the eradication of judiciary miscarriages and for the revision of illegal judgments were not considered.

- **January 22, 2015 Ruling of Constitutional Court<sup>20</sup> about Indirect Testimonies**

On January 22, 2015 the Constitutional Court of Georgia upheld the lawsuit of Zurab Mikadze and declared the norms of the Criminal Procedural Code of Georgia unconstitutional which allowed courts to pass guilty verdicts and charged the person based on indirect testimonies.<sup>21</sup>

In accordance to the Criminal Procedural Code, witness testimony is indirect if it relies on the information spread by another person; the indirect testimony is accepted during the substantial hearing of the case if it is proved by other circumstances that are not indirect testimony.<sup>22</sup>

The Constitutional Court of Georgia clarified that in accordance to the Constitution of Georgia guilty verdict can be passed and a person can be charged for the crime only based on the trustworthy evidence whose authenticity does not cause any doubts. Otherwise, the risk of unfounded and willful accusations increases.

---

<sup>19</sup> <http://www.humanrights.ge/index.php?a=main&pid=17599&lang=eng>

<sup>20</sup> <https://matsne.gov.ge/ka/document/view/2714193>

<sup>21</sup> See Article 13 Paragraph 2 and Article 169 Paragraph 1 of the Criminal Procedural Code.

<sup>22</sup> See Article 78 of the Criminal Procedural Code

According to the Constitutional Court, indirect testimony is less trustworthy evidence and it can be used only in exceptional cases and not in accordance to the general rule of the criminal procedural code.

January 22, 2015 ruling of the Constitutional Court of Georgia supports the courts to pass well-grounded judgments into the criminal cases.

## **Alleged Facts of Physical Assault and Intimidation of Citizens by Police Officers**

In 2014, citizens allegedly subjected to the inhuman treatment by police officers applied to Human Rights Center for legal assistance.

Human Rights Center defends rights of **Giorgi Tsomaia** who on August 14, 2014 was beaten by eleven police officers in the Vake-Saburtalo district police unit # 2. According to the accused, he applied to the police for help according to his residential place. Giorgi Tsomaia asked the police officer in service to return his cell phone which the police had seized from him during previous sentence. As Tsomaia said, instead of help, eleven police officers attacked him and beat him during ten minutes. In the contrary to that, police officers state Giorgi Tsomaia attacked the office and insulted them.

Giorgi Tsomaia was arrested on the same night, on August 14 at 2:05 am and was taken to the temporary detention setting. Because of grave injuries of his body, the temporary detention setting refused to accept him without medical document # 100 fearing he could die in the facility of injuries.

On August 15 charge was imposed on Giorgi Tsomaia which claimed that he had assaulted police officer. A weapon – knife was also mentioned in the charge though the detainee did not have it with him.

Since August 16 2014 Giorgi Tsomaia has been placed in Gldani Prison # 8. Lawyer of Human Rights Center represents him at the court.

Human Rights Center separately<sup>23</sup> and together with other NGOs<sup>24</sup> held several press-conferences about Giorgi Tsomaia's case and requested timely investigation into the crimes committed against him as well as punishment of perpetrators who participated in his inhuman treatment.

---

<sup>23</sup> <http://primetimenews.ge/adamianis-uflebata-dacva-2/>  
<http://www.humanrights.ge/index.php?a=main&pid=17863&lang=eng>  
<http://www.hridc.tv/index.php?a=view&id=981&lang=eng>  
<http://www.hridc.tv/index.php?a=view&id=950&lang=eng>  
<http://www.hridc.tv/index.php?a=view&id=949&lang=eng>

<sup>24</sup> <http://www.humanrights.ge/index.php?a=main&pid=17922&lang=eng>  
<http://www.humanrights.ge/index.php?a=main&pid=17956&lang=eng>

On August 25 2014 Human Rights Center addressed to the Public Defender of Georgia to study the case of Giorgi Tsomaia's physical abuse.<sup>25</sup>

In August Human Rights Center sent application to the Chief Prosecutor's Office and requested investigation into the alleged fact of physical abuse of Giorgi Tsomaia by police officers. The Chief Prosecutor's Office forwarded the application to the Vake-Saburtalo district Prosecutor's Office which had charged Giorgi Tsomaia for the assault of a police officer.

After several appeals of Human Rights Center initially Vake-Saburtalo district prosecutor's office and then the Tbilisi Prosecutor's Office started investigation into the alleged abuse of power by police officers in Giorgi Tsomaia's case.

Giorgi Tsomaia's case was mentioned in the 2015 Annual Human Rights Report of Human Rights Watch.<sup>26</sup> The report underlines that there is ineffective mechanism of investigation into alleged facts of abuse of power by law enforcement officers in Georgia.

Human Rights Center defends rights of **Lasha Shatirishvili**. On December 24, 2013 officers of Rustavi police department # 3 arrested Lasha Shatirishvili. He was accused of the crime punishable under Article 26 Part II-"a" of the Criminal Code of Georgia that refers to the possession of particularly large amount of narcotics. According to the convicted person, police officers beat and verbally insulted him during the detention. According to Lasha Shatirishvili's clarification, police officers had planted narcotics on him.

Based on the lawsuit of Lasha Shatirishvili, investigation was started into alleged physical assault in January 2014; however, soon, on March 15 2014 the investigation was dropped based on the resolution of the Kvemo Kartli regional prosecutor's office.

In January 2015 convicted Lasha Shatirishvili applied to Human Rights Center for help.

On January 27, 2015 representative of Human Rights Center got explanation from Lasha Shatirishvili in Gldani Prison # 8 which was later sent to the prosecutor's office for further reaction. Regardless many petitions of Human Rights Center the prosecutor's offices still refuses to start investigation into the physical assault of Lasha Shatirishvili.

Human Rights Center defends rights of former prisoner **Zaza Azariashvili**. On December 2, 2013 torture victim and former prisoner Zaza Azariashvili applied to Human Rights Center for help. The organization appealed to the Chief Prosecutor's Office and requested investigation into alleged facts of torture during his imprisonment; he brought accusations against former directors of the Gldani Prison # 8 Tamaz Meladze and Aleksandre Mukhadze.

In addition, Zaza Azariashvili is main witness in the case of former political prisoner Vakhtang Maisaia, who was victim of torture and inhuman treatment.

---

<sup>25</sup> Public Defender's Case is studying the alleged fact of physical assault of Giorgi Tsomaia

<sup>26</sup> [http://www.hrw.org/sites/default/files/wr2015\\_web.pdf](http://www.hrw.org/sites/default/files/wr2015_web.pdf)

According to Zaza Azariashvili's clarification, after the Tbilisi Prosecutor's Office started investigation into the torture cases of Azariashvili and Vakhtang Maisaia, head of Tskneti police office Konstantine Pukhauri and his deputy Zaak Tabatadze intimidated and verbally assaulted him several times. They demanded Zaza Azariashvili to take out complaint from the prosecutor's office. According to Azariashvili, on January 27, 2014 Konstantine Pukhauri and Zaal Tabatadze attacked him at home, demanded him to withdraw complaint from the prosecutor's office and insulted him.

On February 25, 2014 Zaza Azariashvili was attacked in Pirosmeni Street in Tskneti. As Azariashvili clarifies four people in plain clothes attacked him who ruthlessly beat him. The harassers told him he was punished for suing Tamaz Meladze at the prosecutor's office.

Human Rights Center alone and together with other nongovernmental organizations held press-conferences about Zaza Azariashvili's case<sup>27</sup> and called on investigative bodies to timely investigate illegal facts against Zaza Azariashvili and take measures envisaged by the criminal procedural code to ensure his security. Tbilisi prosecutor's office is still studying Zaza Azariashvili's case. He still does not have victim status and investigation into the case of former prisoner is dragged out for unreasonable time.

On March 9 2015 at about 22:00 pm police officers of Variani village police unit of MIA visited family of Zubashvilis in Variani village, Gori district. They demanded Genadi Zubashvili to follow them to the police office.

According to Genadi Zubashvili, police officers aggressively broke into his house and demanded him to follow to the police office; Zubashvili inquired what he had done wrong but they said they will clarify everything in the office. Genadi Zubashvili held onto nearby pole and police officers tried to take him by force; then he felt several punches in the waist after what he was taken to the police office.<sup>28</sup>

Public Defender of Georgia also speaks about alleged violation by police officers.

Public Defender of Georgia sent proposal to the Chief Prosecutor's Office of Georgia to start investigation into the alleged illegal activities against **B.R.**

Accused B.R. from Kutaisi Prison # 2 told monitors of Public Defender that on November 20, 2014 when he was visiting his friend in one of the villages in Bagdati district, police officers from Bagdati district MIA office arrested him at 12:00 pm. They put him into the car and took to the forest where, as B.R. states, police officers compelled him to admit several facts of thievery; he was physically abused during 6 hours. Later he was taken to Bagdati district police office for interrogation where investigators verbally assaulted him.

---

<sup>27</sup> <http://www.humanrights.ge/index.php?a=main&pid=17653&lang=eng>  
<http://hrdc.tv/index.php?a=view&id=904&lang=eng>

<sup>28</sup> <http://www.humanrights.ge/index.php?a=main&pid=17647&lang=eng>  
<http://www.humanrights.ge/index.php?a=main&pid=18183&lang=eng>



According to the documents in the Bagdati temporary detention setting, when placed in the facility B.R had bruises on his right ear and on the right side of his belly. Also he had a wound on the upper lip. He said he had received the injuries in the forest before the arrest as a result of physical assault by Bagdati district police officers. The injuries were observed and recorded by the doctor in the medical notification as well as in the medical documents at the Kutaisi Prison # 2.

According to the 2015 Report of Human Rights Watch, in 2014 Georgian Young Lawyers Association received at least 50 complaints during 10 months; 31 of them were about the harassment by police officers and 19 by prison personnel. According to the organization statement, the government fails to effectively investigate those facts.<sup>29</sup>

## **Domestic Violence and Inactivity of MIA**

In 2014 Georgian Ministry of Internal Affairs published statistics of domestic violence in Georgia in the period of 2007-2014.<sup>30</sup> Total 1102 facts of domestic violence were observed in the period of 2007-2014 with 2223 people participating in it. Majority of violators in those cases were men – 1014 cases; as for female harassers, their number is 82. 1010 women and 117 men became victim of domestic violence. In accordance to the official statistics of MIA, the most frequent forms of violence were physical (47,2%) and psychological violence (42,8%); the rest made up 10%.<sup>31</sup>

According to 2014 statistics, the number of murder of women or bringing them to the point of suicide was the highest:

On October 17, 2014 former husband killed lecturer M. Ts. in the Tbilisi Ilia State University. The amnestied husband shot her three times and then killed himself.

On May 15, 2014 former husband killed 27-year-old woman, who was mother of his child. The former husband shot an employee of the Ministry of Justice S. 24 times and wounded her brother. It happened in Varketili. The victim had divorced her husband two months before; the husband demanded her to return to the family but the young woman was against reunion.

---

<sup>29</sup> <http://www.humanrights.ge/index.php?a=main&pid=18109&lang=eng>  
<sup>30</sup> [http://www.hrw.org/sites/default/files/wr2015\\_web.pdf](http://www.hrw.org/sites/default/files/wr2015_web.pdf)

<http://police.ge/files/pdf/9%20%E1%83%9D%E1%83%AF%E1%83%90%E1%83%AE%E1%83%A3%E1%83%A0%E1%83%98%20%E1%83%AB%E1%83%90%E1%83%9A%E1%83%90%E1%83%93%E1%83%9D%E1%83%91%E1%83%90%202007-2014--6%20%E1%83%97%E1%83%95%E1%83%94.pdf>

<sup>31</sup> Ibid p 1-3



On May 22, 2014 tragedy in Ochkhamuri village, Kobuleti district, terrified the entire Georgia. The husband killed his wife, mother of eight children, who was pregnant on their ninth child; the children found mother dead in the bedroom. Later, police found the man hung on the tree.

On March 8, 2014 former husband stabbed and killed 36-year-old mother of two children. The tragedy happened on the ground of jealousy. Exactly 6 days later, 25-year-old young man wounded a lady in Tbilisi; the woman deceased.

On April 22, 2014 a young girl was wounded in Tchavtchavadze Avenue, Tbilisi. 35-year-old P.A. wounded her former wife with a sword in the café. As a result of the wounds doctors amputated one hand-finger of the woman; her ears, hands and neck were stabbed.

17-year-old girl committed suicide in Kakheti; the reason was forced marriage. In Lambalo village, Sagarejo district 30-year-old woman, who presumably was blamed in the betrayal of her husband, committed suicide. Before the accident, the husband's relatives publicly degraded and physically assaulted her. According to the spread information, the father ruthlessly beat the young woman.<sup>32</sup>

In accordance to the 2015 World Report of Human Rights Watch, 23 women were killed in Georgia during 10 months in 2014 that creates ground for serious concern.<sup>33</sup>

<sup>32</sup> <http://presa.ge/new/?m=society&AID=31471>

<sup>33</sup> <http://www.hrw.org/world-report/2015/country-chapters/georgia?page=2>



Nongovernmental organizations evaluate work of the MIA on the prevention of domestic violence and defense of the violence victims as ineffective.<sup>34</sup> Although Georgian legislation contains a lot of mechanisms to prevent domestic violence, the MIA either does not or ineffectively use them. There is special article on the domestic violence in the Criminal Code of Georgia and administrative procedures that allows police officers to issue deterrent orders on harassers.

On December 9, 2014 Public Defender of Georgia addressed to the Minister of Internal Affairs about ineffectively of the receipts used by police officers in the cases of domestic violence. The Ombudsman's address described two letters, where regardless the high risk of domestic violence, the MIA relied only on an explanation letter from the possible violator and warning.<sup>35</sup>

## **Facts of Assumed Persecution against North Caucasus Citizens by MIA in Georgia**

Nongovernmental organizations several times expressed concern about the persecution of North Caucasus citizens in Georgia by MIA and facts of their disappearance; they called on the corresponding institutions to timely respond to the problem.<sup>36</sup>

In 2013-2014 persecution against people with Georgian citizenship and refugee status became particularly alarming, when fundamental rights guaranteed by the Constitution of Georgia and international and national laws were breached.

Citizen of Georgia Sayhan Muzaev several times tried to leave Georgia for Great Britain to study there but frontiers did not allow him to cross the border although Article 22 of the Constitution of Georgia guarantees free movement of a citizen as well as his/her right to leave the country. MIA still refuses to clarify legal and factual reasons of the restriction. It is alarming that MIA did not make requested clarification even after the address of the Public Defender's Office.

Dagestanian refugee Magamed Magamedov disappeared in obscure situation in 2012. He was waiting for refugee status at that moment. His relatives claim Magamedov is in one of the prisons in Russia. A person seeking refugee status is protected under international norms and if he appears in the country, where his life is in danger, it will show that Georgian state did not implement its responsibilities. At the same time, it is still uninvestigated and not estimated whether Magamed Magamedov appeared in Russian prison because of informal cooperation between Georgian and Russian special forces. Investigation keeps silence about it.

---

<sup>34</sup> <http://www.humanrights.ge/index.php?a=main&pid=17998&lang=eng>

<http://www.netgazeti.ge/GE/105/law/32312/>

<sup>35</sup> <http://www.netgazeti.ge/GE/105/News/39998/>

<sup>36</sup> <http://www.humanrights.ge/index.php?a=main&pid=17649&lang=eng>

<http://www.humanrights.ge/index.php?a=main&pid=17656&lang=eng>

Reportedly, there is a threat that Georgian Government intends to assign Dagestanian civil activist Mikael Kadiev, 32 years old, to the Russian Prosecutor's Office. Kadiev stayed in Georgia legally but in December 2012 officers of the counter-terrorist center of the MIA kidnapped him and seized his documents. Kadiev managed to escape them.<sup>37</sup>

On June 13, 2013 Mikael Kadiev, together with his cousin Rizvan Omarov, was arrested in Tbilisi with the blatant violation of the presumption of innocence "for the attempted terrorist act". However, later, he was judged for completely different charge – illegal possession of weapon and explosives.

Nowadays, Mikael Kadiev and Rizvan Omarov serve their terms in Gldani Prison # 8.

In March 2015 Human Rights Center sent application to the European Court of Human Rights about alleged violation of Kadiev and Omarov's rights.

## **Top Secret Status of Cases on Former Political Prisoners Convicted for Espionage and of Other Persons**

Cases of the people arrested for espionage during National Movement's government, who were later released, still have top secret status. Some of those people have status of former political prisoner; some of them were released based on the plea-agreement and in 2013 their criminal records were cancelled. Human Rights Center requests remove of the top secret status from their cases and renew investigation into them though in vain.

Vakhtang Maisaia left prison with the status of former political prisoner on January 13, 2013 but his case is still top secret. In 2014 Human Rights Center several times addressed to the MIA and requested to remove the status from Maisaia's case but in vain.

One of the most famous and scandalous case of photo-reporters also has top secret status. Human Rights Center believes the photo-reporters were arrested for their professional activities.

The Center engaged in the defense of photo-reporters' rights from the very first days of their arrest and believed they were prisoners of conscience. Although photo-reporters were released from the courtroom, it happened in very strange situation – based on the plea-agreement and were sentenced to conditional term. In July 2012, on the anniversary of their arrest, Human Rights Center requested to remove top secret status from the case of photo-reporters but in vain.<sup>38</sup>

---

<sup>37</sup> <http://gnnews.ge/?p=2018>

<sup>38</sup> <http://www.humanrights.ge/index.php?a=main&pid=15167&lang=eng>

Cases of Simon Kiladze and Bakur Kiguradze who were judged for espionage also have top secret status.

In 2014 Human Rights Center several times addressed to the MIA with the request to remove top secret status from the cases of former political prisoners. At the same time the Center requested to consider the peculiarity of those cases, who though did not have status of former political prisoners, but their cases were vivid example of politically motivated persecution.

Human Rights Center called on the Committee of Human Rights and Civil Integration at the Parliament of Georgia to take relevant legislative measures to timely and effective rehabilitation of former political prisoners.<sup>39</sup>

### **Case of Patrol-Inspector Ioseb Abuladze**

Human Rights Center defends legal interests of illegally sacked patrol-inspector Ioseb Abuladze. His dismissal was a clear example of persecution and harassment of the employee by senior officials at the MIA.

On June 19, 2014, a road close to the Metekhi Bridge in Tbilisi was blocked for traffic movement because of the celebration events of the signing of EU-Georgia Association Agreement. Patrol-inspector Ioseb Abuladze was on duty on that night and controlling the blocked street. During night hours he stopped BMW whose driver tried to enter the blocked bridge. The citizen disparagingly responded to the patrol officer's request not to drive into the bridge; the inspector rebuked him for impolite speech. The citizen appeared a friend of Erekle Tchokhonelidze, deputy head of the Disciplinary Prosecution Department at the General Inspection of MIA. On that night Tchokhonelidze was in Shardeni Street and the driver also was going to join friends there.

According to Abuladze's clarification, several days after the incident Erekle Tchokhonelidze called him to the MIA and demanded explanation for the fact. In fact, on July 30, 2014 he received severe reprimand for not having allowed a friend of MIA senior official to drive into the blocked street and then on September 16 he was fired because he took off a service hat and wiped sweat from the forehead in the heat of the midday. At the same time, MIA blames the patrol inspector Ioseb Abuladze that he did not pay attention to the cars which drove under the sign of "entrance is prohibited" though in that moment the patrol officer was controlling another car, who was using 5-minute parking permit in the prohibited place.

On September 18, 2014 nongovernmental organizations<sup>40</sup> held press-conference about illegal firing of the patrol police inspector Ioseb Abuladze by MIA; they called on the Minister of

---

<sup>39</sup> <http://www.humanrights.ge/index.php?a=main&pid=17876&lang=eng>  
<http://www.humanrights.ge/index.php?a=main&pid=18134&lang=eng>

<sup>40</sup> Human Rights Center, Article 42 of the Constitution, Transparency International-Georgia and Public Advocacy

Interior to study the case, annul the dismissal order and restore Ioseb Abuladze to his working place.<sup>41</sup>

Public Defender of Georgia studied Ioseb Abuladze's case and estimated violation in giving severe reprimand to him.

On December 9, 2014 Public Defender sent recommendation<sup>42</sup> to the Minister of Interior to study the issue of Ioseb Abuladze's firing from job and make decision in accordance to the law.

### **Promoted Senior Officials, Who Participated in the Investigation of Cases of Former Political Prisoners**

On February 10, 2015 nongovernmental organizations<sup>43</sup> held press-conference and expressed concern with the promotion of those people in the Defense and Interior Ministries, who in the past participated in the investigation of the criminal cases of former political prisoners and other politically motivated cases.<sup>44</sup>

According to the information provided by former political prisoners, Valerian Zumbadze and Robert Grigalashvili were promoted on senior positions in the Ministry of Defense and Ministry of Internal Affairs.

After the press-conference, based on the request of NGOs, Valeri Zubmadze and Robert Grigalashvili resigned from the occupied positions. However, it is still a problem that Prosecutor's Office does not respond to the complaints of former political prisoners.

### **Facts of Inhuman Treatment of Prisoners in Penitentiary Establishments**

Case of the convicted Giorgi Oganezov. In April 2014 convicted Giorgi Oganezov from Prison # 7 applied to Human Rights Center for legal aid.

On March 28, 2014 the prisoner was moved from Gldani prison # 8 to Prison # 7. According to the prisoner, before removal, on March 28, chief of the regime and special unit officers beat

---

<sup>41</sup> <http://www.humanrights.ge/index.php?a=main&pid=17883&lang=eng>  
<http://www.hridc.tv/index.php?a=view&id=1029&lang=eng>  
<http://www.hridc.tv/index.php?a=view&id=968&lang=eng>  
<http://www.hridc.tv/index.php?a=view&id=742&lang=eng>

<sup>42</sup> see recommendation (N 04-5/14244; 09/12/2014)

<sup>43</sup> Human Rights Center, Article 42 of the Constitution and Public Advocacy

<sup>44</sup> <http://www.humanrights.ge/index.php?a=main&pid=18131&lang=eng>

him in the basement of the prison. He was beaten because G.O. protested presence of those prison personnel in the Prison #8 who during years tortured and beat prisoners. The convicted person had injuries on the body after the incident.

On April 22, 2014 lawyer of Human Rights Center addressed to the General Inspection of the Ministry of Corrections and Chief Prosecutor's Office to start investigation into the physical assault of the prisoner G.O. The investigation was launched into the abuse of power by prison personnel against Oganezov. Chief Prosecutor's Office is investigating the case.

Case of the convicted Amiran Patoev. On December 19, 2013 19 inmates of the Prison # 17 started hunger strike with the request to revise their cases.

According to the clarification of the prisoner, the prisoners on hunger-strike were placed in the so-called "bur". On December 21, three of them were called for the transportation. Amiran Patoev protested the decision of the prison administration and requested clarification why hunger-strikers were transported. Suddenly 30 prison officers approached them, among them was director of the Prison #17, who told prisoners he was not going to answer their questions.

According to the prisoner, one of the prison officers grabbed his collar and struck him in the chin; he kept on insulting him too; the officer caught his hands and shook him. Finally the officer struck his head against the wall.

15 minutes after the incident the prisoner was taken to prison # 16.

On January 15 and May 2, 2014 Human Rights Center spread statements about the physical assault of A.P and expressed concern about the physical abuse of prisoners in penitentiary establishments. The organization requested timely and effective investigation<sup>45</sup>.

In the past, Amiran Patoev was victim of torture and inhuman treatment in penitentiary establishments. As a result of torture his spine was damaged and now he moves around with the support of crutch. Chief Prosecutor's Office is leading investigation into the fact of alleged inhuman treatment of A.P.

Case of the prisoner Genadi Jeladze. On April 27, 2014 prisoner G.J was taken into closed prison # 6. According to the prisoner's explanation he was degraded during transportation. More precisely, on April 27 prisoner personnel compelled him to take off clothes and he was moved from Prison # 17 into Prison # 6 naked. Due to degrading treatment the prisoner started dry hunger-strike.

On May 2, 2014 lawyers of Human Rights Center held press-conference about physical assault and inhuman treatment of prisoners Giorgi Oganezov, Amiran Patoev and Genadi Jeladze.

Human Rights Center requested to suspend authority of those officers, who allegedly participated in the inhuman treatment of prisoners, till the end of investigation process; these

---

<sup>45</sup> <http://www.humanrights.ge/index.php?a=main&pid=17500&lang=eng>

officers can repeatedly intimidate the victims who are still in prisons.<sup>46</sup> The organization's request was not satisfied so far.

Chief Prosecutor's Office is leading investigation into alleged physical assault on the prisoner Genadi Jeladze.

Case of the accused Giorgi Okropiridze. On September 22, 2014 Giorgi Okropiridze was moved from Gldani Prison # 8 to Batumi Prison # 3. According to the prisoner, officers of both prisons physically and verbally assaulted him. He named concrete officer at Batumi Prison # 3 M.M. According to the prisoner's clarification, as soon as he was delivered to the Batumi Prison # 3 he requested medical assistance but he was refused. In reply the prison officer M.M aggressively threatened him with punishment for the hunger strike.

The accused person states he was placed in the cell without window, water and air-ventilation. Giorgi Okropiridze unsuccessfully urged the Prison # 3 administration for immediate medical assistance because of grave health conditions.<sup>47</sup>

On April 1, 2014 Tbilisi Prosecutor's Office started investigation into alleged inhuman treatment of Giorgi Okropiridze, but it was dropped 12 days later on October 13.

Case of the convicted Tamaz Rasoyan. In December 2014 convicted Rasoyan, who has been beneficiary of Human Rights Center for years, reported to the organization that at 00:00 am on December 3 about 20 officers of the Prison # 8 entered his cell; they took them to the quarantine room and said they were to be taken to the drug-test.

The convicts protested the decision of the prison personnel and requested their explanation why they were taken for drug test; they also requested to invite lawyers and monitors of Public Defender of Georgia. According to Tamaz Rasoyan's clarification, the prison personnel physically abused and beat them, Tamaz Rasoyan had his eyes injured. He had bruises on the back and leg. Rasoyan said he was forced to squat naked.

On December 4, the convicts were taken to drug-test. Visual examination and urine analysis did not confirm influence of narcotic substance of all seven convicts.

They were blood-tested too but the prisoners have not learned test results so far. The convicts were on hunger-strike during three days and requested meeting with the lawyers and representatives of Public Defender's Office but the prison administration did not satisfy their requests.<sup>48</sup>

Investigation department of the Ministry of Corrections is investigating the fact of alleged inhuman treatment of the convicted Tamaz Rasoyan.

---

<sup>46</sup> <http://www.humanrights.ge/index.php?a=main&pid=17722&lang=eng>

<sup>47</sup> <http://www.humanrights.ge/index.php?a=main&pid=18037&lang=eng>

<http://www.humanrights.ge/index.php?a=main&pid=18045&lang=eng>

<sup>48</sup> <http://www.humanrights.ge/index.php?a=main&pid=18026&lang=eng>

Case of convicted I.A and G.KH. According to the prisoners personnel of Prison # 6 verbally and physically assaulted them and other prisoners too. They were placed in the isolation cell where there were no hygiene conditions. Moreover, prison personnel threatened I.A. with the abuse that could damage his life. The convicted person even tried to commit a suicide.

The expertise confirmed physical injury of the G.KH but I.A was not allowed to take medical expertise.<sup>49</sup>

## Death Cases of Prisoners

Several prisoners died in penitentiary establishments throughout 2014.

On March 4, 2014 convicted G.P died in the Prison # 14 as a result of physical fight with other prisoners. He died of grave traumas.<sup>50</sup>

Prisoner A.M was found dead in the Geguti Prison # 14 on March 23.<sup>51</sup>

On January 2, 2014 convicted D. G died in the Tuberculosis Medical-Rehabilitation Center of the Prison # 19. The convicted, who complained of grave pains in the belly, did not receive adequate medical assistance and he was not timely taken to the relevant medical clinic because of mistakes of medical personnel; as a result of the delayed medical treatment he died.<sup>52</sup>

In March of 2015, 42-year-old prisoner died in Ksani prison. He was resident of Gurjaani district. As his relatives said the prisoner was placed in the jail hospital because of illness but was taken to infection hospital due to aggravated health conditions where he died soon.

Throughout 2014 facts of suicide were also observed in penitentiary establishments.

Convicted J.I born in 1980 died committed suicide in the jail hospital. Convicted A. Tch committed suicide in Prison # 15; despite reanimation measures doctors could not save him.

On September 16, 2014 at 8:00 am convicted Z.S was found dead in the cell of Prison # 6. The doctor concluded he had hung himself.

In July 2014 J.P, 24-years-old, was found dead in Rustavi Prison # 6; official reason of his death was suicide.<sup>53</sup>

---

<sup>49</sup> <http://www.humanrights.ge/index.php?a=main&pid=18031&lang=eng>

<sup>50</sup> <http://humanrights.ge/index.php?a=main&pid=17686&lang=eng>

<sup>51</sup> <http://www.humanrights.ge/index.php?a=main&pid=17688&lang=eng>

<sup>52</sup>

[http://www.gurianews.com/ /left\\_wide/20601\\_74\\_ka/arasaTanado\\_mkurnalobis\\_gamo\\_msjavrdebulTa\\_gardacy\\_aleba\\_2014\\_welsac\\_dafiqsirda.html](http://www.gurianews.com/ /left_wide/20601_74_ka/arasaTanado_mkurnalobis_gamo_msjavrdebulTa_gardacy_aleba_2014_welsac_dafiqsirda.html)

<sup>53</sup> <http://presa.ge/new/?m=society&AID=32507>

Minister of Corrections of Georgia clarified that it is impossible to completely eradicate suicide facts though the Ministry works on the special program against suicide in penitentiary establishments.<sup>54</sup>

According to the Public Defender of Georgia number of suicide and inhuman treatment in prisons increased in 2014. Seven alleged facts of suicide were observed in the reporting year **that indicates on the necessity to launch relevant programs to mitigate the problem.**<sup>55</sup>

### **Rescheduled Establishment of Commission for Identification of Miscarriages of Justice – One of the Reasons of Prisoners’ Protest**

The convicted people hoped for the establishment of the commission on the identification of miscarriages of justice because many of them do not plead guilty and declare themselves victims of previous government. So, they protested rescheduled establishment of the commission that was followed by large-scaled hunger-strike of the prisoners.<sup>56</sup>

Initially in November 2013 the government decided not to submit draft law to the Parliament of Georgia on the establishment of the commission due to financial problems.<sup>57</sup>

Public Defender underlined that it is inadmissible to refuse victims to address violations and injustice against them or to reschedule discussion of this issue.<sup>58</sup>

The decision of the government to postpone establishment of the commission caused discontent of the human rights nongovernmental organizations.<sup>59</sup>

### **Ineffective Investigation into Inhuman Treatment of Prisoners**

Majority of prisoners, who are still in penitentiary establishments were victims of torture, inhuman and degrading treatment. There is unfortunate tendency in the prosecutor’s offices: they either do not start investigation into alleged facts of torture of prisoners or drag out the launched investigations for unreasonable time.

---

<sup>54</sup> <http://presa.ge/new/?m=society&AID=32507>

<sup>55</sup> <http://www.24saati.ge/news/story/44519-sakhalkho-damtsveli-tsikheebshi-suitsidis-da-patimarta-mimart-arasatanado-mopyrobis-ritskhvi-gazrdilia>

<sup>56</sup> <http://www.tabula.ge/ge/story/77681-subari-cixeebshi-52-patimari-shimshilobs>

<sup>57</sup> <http://civil.ge/eng/article.php?id=26739>

<sup>58</sup> <http://www.ombudsman.ge/ge/news/1876-saxalxo-damcvelis-gancxadeba-martlmsadjulebis-xarvezebis-damdgeni-meqanizmis-sheqmnis-aucileblobisa-da-am-procesis-dachqarebis-taobaze.page>

<sup>59</sup> <https://gyla.ge/eng/news?info=1863> <http://www.humanrights.ge/index.php?a=main&pid=17394&lang=eng>



Granting victim status to the victims of torture is another problem.

In 2014 the state did not create any mechanism to restore breached rights; there is no institution which will grant victim status to the torture victims; their rehabilitation did not happen; appropriate legal aid is not available for prisoners.

From November 2012 till the end of 2014 Human Rights Center sent about 200 applications/complaints to the prosecutor's office to start investigation and renew delayed investigations. Prosecutor's office delayed the process of investigation in majority of the cases which were advocated by the Center.

In accordance to many proposals of the Public Defender of Georgia, in case of reasonable doubts with regards to torture and other types of inhuman treatment, prosecutor's office should conduct impartial, effective and comprehensive investigation for identification of persons accused of these types of actions<sup>60</sup>

On January 30, 2015 based on the resolution of the Government of Georgia<sup>61</sup> a new structural unit - Department to Investigate Offenses Committed in the Course of Legal Proceedings was created at the Prosecutor's Office of Georgia.

The activities of the new department are regulated with its statute.<sup>62</sup> The department will review the complaints filed to the Prosecutor's Offices from October 1, 2012 to January 1 2015; that means the prisoners, who failed to lodge complaints to the prosecutor's office in the estimated period, will lose chance of legal rehabilitation.

The main purpose of the new department is to investigate presumed violations in the course of legal proceedings and to start criminal persecution against alleged perpetrators.

The priority will be given to the following categories: torture cases, inhuman and degrading treatment, forced seizure of properties; other facts of violence.

According to the official information, the department will first study the cases of alleged abuse of power by public servants before October 1, 2012.

52 530 complaints/applications were sent to the Chief Prosecutor's Office from October 2012 to January 2015. The applicants request launch of investigation in 10 370 of them. However, the department will study only the crimes allegedly committed by prison personnel and law enforcement officers as well as facts of property seizure that makes total 4 192 applications.<sup>63</sup>

---

<sup>60</sup> <http://www.ombudsman.ge/en/about-us/struqtura/sammartveloebi/regionuli-sammartvelo/siaxleebi-region/proposal-to-the-chief-prosecutor-regarding-an-alleged-fact-of-ill-treatment-towards-a-detainee.page>

<sup>61</sup> <https://matsne.gov.ge/ka/document/view/2724425>

<sup>62</sup> <https://matsne.gov.ge/ka/document/view/2728207>

<sup>63</sup> <http://www.netgazeti.ge/GE/105/law/42074/>

## Case of Iuri Vazagashvili

On January 20, 2015, Iuri Vazagashvili, who has been demanding investigation of the death of his son in a police operation in 2006<sup>64</sup>, died in an explosion that occurred at the grave of his son<sup>65</sup>.

According to the Office of Chief Prosecutor of Georgia, “in the course of inspecting the crime scene, the investigation seized a part of the hand grenade, the so called “fuse handle”. The examination conducted on this item revealed the traces of human DNA on it. The investigation further verified the identities of the mobile phone customers detected by the phone masts of relevant mobile operators. Tens of witnesses were interrogated and the circle of persons who might have committed the crime was identified. As a result of investigative and crime intelligence actions conducted by the General Inspection and the Counter intelligence Department of the Ministry of Interior of Georgia, the police official Gia Sosanashvili was identified and arrested. The investigation revealed that G. Sosanashvili was on the territory of the village of Karaphila, Kaspi District on January 19-20, 2015, and according to the Genetic Examination Report, his DNA matched with the DNA trace discovered on the so called “fuse handle” of the hand grenade seized from the crime scene (grave of Zurab Vazagashvili). Thus, it can be incontrovertibly stated that Iuri Vazagashvili was murdered by Gia Sosanashvili by means of the hand grenade installed on the grave by him”. The investigation is ongoing<sup>66</sup>.

On May 26, 2015, various NGOs addressed Parliament of Georgia and requested creation of temporary investigative commission that would confirm that parliamentary majority really has a desire to effectively investigate high profile cases<sup>67</sup>.

On January 21, 2015, Public Defender of Georgia called on the law-enforcement bodies to comprehensively and effectively investigate this case.

Human Rights Center held a press conference and requested timely and effective investigation of high profile cases<sup>68</sup>. According to the assessment of Human Rights Center, Iuri Vazagashvili’s murder is the result of the impunity of past crimes.

According to the Public Defender of Georgia, investigative bodies must permanently inform public about the process of investigation regarding the death case of Iuri Vazagashvili in order to ensure public control over the investigation<sup>69</sup>.

---

<sup>64</sup> On May 2 of 2006, in Tbilisi, in the surrounding territory of tennis courts, as a result of police operation, Zurab Vazagashvili and Aleksandre Khubulov were killed.

<sup>65</sup> <http://www.civil.ge/eng/article.php?id=27983>

<sup>66</sup> <http://newsday.ge/en/index.php?newsid=1608>

<sup>67</sup> <http://www.humanrights.ge/index.php?a=main&pid=18091&lang=eng>

<sup>68</sup> <http://www.hridc.tv/index.php?a=view&id=1045&lang=eng>

<sup>69</sup> <http://www.ombudsman.ge/en/news/the-public-defender-statement-regarding-the-fact-of-killing-of-iuri-vazagashvili.page>

## Officials of Ministry of Defense Detained

On October 28, 2014, Georgia's Chief Office of Prosecutor detained high officials of Defense Ministry under the charges of appropriation of 4 102 872 GEL from state budget. This event was followed by the resignation of the Defense Minister, Irakli Alasania, Minister of Foreign Affairs, Maia Panjikidze and Minister of Euro-Atlantic Integration, Alex Petriashvili. Political party *Free Democrats* left the coalition and joined opposition. They stated that the arrest of the high officials of the Defense Ministry means that the government started persecution of the leader of Free Democrats, Irakli Alasania and his team.

On October 30, 2014, Tbilisi City Court imposed imprisonment as a compulsory measure against the officials of Ministry of Defense.

The so-called "cables case" was classified as secret. Therefore, the entire case material belongs to the secret information<sup>70</sup>.

On November 4, 2014, various NGOs called on the Chief Office of Prosecutor to immediately pass the case material to the lawyers of the defendants, as well as to the counter-intelligence department of Ministry of Internal Affairs; to declassify the secret material in order to ensure the transparency and at the same time secure sensitive information.

The NGOs called on the confidence group to actively engage in the monitoring of this process<sup>71</sup>.

On November 14, 2014, according to the written statement presented to the Public Defender by the Office of Prosecutor, none of the lawyers of the defense team had a right to access the secret documentation; therefore, they were explained that the copies of the case material would not be given to them. Each lawyer was warned not to disclose the secret information and was given opportunity to get acquainted with the case material in the room allocated by the Office of Prosecutor, according to the Office of Prosecutor, but the lawyers rejected the proposal. The lawyers stated as a response that locking in a room to get acquainted with the case material gravely violates their rights. According to the lawyers, the defense team must be given every document, including the investigation material classified as secret.

According to the Public Defender, when classifying the case material as secret, the concrete documentation must be assessed separately. According to the Public Defender, in the so-called "cables case" only that material that included the information prohibited by the Law on State Secret should have been made secret.

---

<sup>70</sup> <http://www.interpressnews.ge/en/politicss/63959-confidence-group-addresses-pm-to-partially-declassify-so-called-cable-case.html?ar=A>

<sup>71</sup> <https://gyla.ge/eng/news?info=2332>

Ombudsman of Georgia called on the Chief Office of Prosecutor, as well as the Ministries of Internal Affairs and Defense, to accelerate the process of de-classifying the material which does not include secret information<sup>72</sup>. The case hearings are currently underway in the court.

## **Alleged Political Dismissals in the Bodies of Local Government**

Alleged political dismissals were frequent during 2013-2014 years. NGOs are actively talking about the alleged political dismissals in the local government bodies.

According to the dismissed local government officials, they were subject to the pressure and threats from the high officials of the local government bodies – city halls and municipalities. They attribute their dismissal to their political views<sup>73</sup>.

According to the Public Defender of Georgia, often the officials are dismissed as a result threats and pressure (according to their explanation)<sup>74</sup>.

Human Rights Center currently litigates several cases of political dismissals:

- **Case of Nato Usenashvili**

Nato Usenashvili was appointed to the position of the director of the kindergarten of Signaghi municipality on July 20, 2012. At the parliamentary elections in October of 2012, she was the member of Signaghi #13 District Election Commission from the United National Movement.

After the parliamentary elections, Nato Usenashvili was summoned to the police and office of prosecutor and was told that she committed crime as she received salary both from her job as well as district election commission.

As Nato Usenashvili states, the head of Signaghi city council and majority deputy directly demanded her to leave the job and to dismiss other workers.

The addresses of Nato Usenashvili sent to the City Council were either not responded or responded after two or three months that hindered functioning of the kindergarten and fulfillment of her duties.

---

<sup>72</sup> <http://www.ombudsman.ge/ge/about-us/struqtura/departamentebi/samoqalago-politikuri-ekonomikuri-socialuri-da-kulturuli-uflebebis-dacvis-departamenti/siaxleebi-jus/saxalxo-damcveli-tavdacvis-saministros-tanamshromlebis-saqmis-nawilis-gansaidumloebas-sachirod-miichnevs.page>

<sup>73</sup> [http://imedi.ge/archive/index.php?rec\\_start=40&rec\\_start\\_nav=33&pg=nws&id=36556&ct=1;](http://imedi.ge/archive/index.php?rec_start=40&rec_start_nav=33&pg=nws&id=36556&ct=1;)  
<http://transparency.ge/en/node/4692>

<sup>74</sup> <http://ombudsman.ge/en/news/statement-of-the-public-defender-of-georgia-regarding-dismissal-of-municipal-public-workers.page>

After several months of persecution, on April 8, 2013, the head of the Signaghi municipality city council dismissed Nato Usenashvili without any grounds. As a response, Usenashvili addressed Signaghi regional court with a compliant. The court satisfied her compliant and restored her to the job.

On August 6, 2013, Nato Usenashvili renewed her job. Following her return, the pressure from the side of the city council and the municipality intensified. She was frequently visited and inspected by various commissions. By the order of the City Council, the financial commission was created which started checking accounting documentation of the kindergarten.

In two months after the restoration to the job, Nato Usenashvili was sacked again. On November 27, 2014, Tbilisi Appellate Court fully satisfied her compliant and Nato Usenashvili was again restored to her job.

As Usenashvili states, she is also persecuted by the majority deputy of Signaghi municipality Gela Gelashvili who threatened her with the imprisonment if she refused to leave her job<sup>75</sup>.

### **Problems Related to Receipt of Residence Permits**

Since September 1, 2014, for the regulation of immigration process, new Law on Legal Status of Aliens and Stateless Citizens came in force in Georgia<sup>76</sup>. The Law regulates entry, stay-in, transit and leave from Georgia.

The following principles are stated to be the underlying basis of the law: family unity, inadmissibility of discrimination, principle of non-expulsion, protection of best interests of a child. However, the principles enshrined by the law are not implemented in practice.

During 2014, tens of foreigners who were refused residence permits in Georgia addressed Human Rights Center. The main reason of the refusal was the conclusion issued by the Counter-Intelligence Department of Georgia according to which the applicants cannot stay in Georgia due to the state and/or public security interests. The conclusion includes several sentences and ends with the verdict: "Counter-Intelligence Department believes it is not reasonable to grant residence permit to the applicant".

---

<sup>75</sup> Press Conference of Human Rights Center regarding case of Nato Usenashvili;  
<http://www.hridc.tv/index.php?a=view&id=1024&lang=eng&rate=10>

<sup>76</sup> <https://matsne.gov.ge/ka/document/view/2278806>

The Public Service Development Agency existing under the Ministry of Justice groundlessly relies on this conclusion and refuses to grant the residence permits. When the case proceeds to the court, the court does not show interest in the arguments of the Counter-Intelligence Department either. The court relies on the Law on Work of Counter-Intelligence Department according to which, the work of counter-intelligence department is secret and the operative information obtained by it cannot be used for the aims of the law-enforcement. This is a clear case of collision between the laws. Administrative act must be well grounded and the applicant has a right to know the grounds of this act. Administrative act cannot rely on the information which has not been studied by the administrative body.

None of the applicants assisted by Human Rights Center have been notified regarding the “arguments” indicated in the conclusion of the Counter-Intelligence Department. However, the Public Service Development Agency pays no attention to this fact and refuses to grant residence permits to the foreign citizens. The court shows no interest to the grounds of the refusal either.

During 2014, several foreign citizens who are married to Georgian citizens addressed Human Rights Center with the request of the legal assistance. They have children who go to Georgian schools and want to live in Georgia. When they are refused the residence permit, their families either separate or leave to a foreign country.

Human Rights Center disseminated the urgent statement regarding this issue and spoke about the violation of the principle of family unity by the Ministry of Internal Affairs<sup>77</sup>.

## **2014 Local Self-Government Elections**

In the pre-election period of 2014 elections, the alleged facts of oppression over the candidates of opposition parties who participated in the local elections represented significant problem. As a result, many of them withdrew their candidatures from the election race<sup>78</sup>. Another serious issue was that the Central Election Commission (CEC) was inconsistent in its handling of the process of electoral subject registration. According to the CEC decision, the registration of Akmamed Imamkuliev, candidate of United National Movement (UNM) in Marneuli, was revoked because he could not meet residence requirements set by the Election Code, according to which a candidate must have permanently lived in Georgia for the past two years. However, in similar cases, the registration of candidates of Georgian Dream in Rustavi and Poti were not revoked<sup>79</sup>. It should be noted that by the court decision, the registration of Akmamed Imamkuliev was eventually restored.

---

<sup>77</sup> <http://www.humanrights.ge/index.php?a=main&pid=17918&lang=eng>

<sup>78</sup> p. 7; [http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo\\_1.pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo_1.pdf)

<sup>79</sup> p. 8; [http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo\\_1.pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo_1.pdf)

Human Rights Center observed the polling process in the villages of ethnic minorities in Kakheti region as well as in the villages of conflict zone in Sachkhere district, Imereti region. The violations observed by the monitors of Human Rights Center were mostly procedural and were caused by the improper preparation and qualification of commission members<sup>80</sup>. Observers of Human Rights Center filed 9 complaints and made 30 notes in logbooks in polling stations. The majority of violations were eradicated on the spot as a result. Two complaints were filed to the DEC where Human Rights Center requested annulment of election results in concrete polling stations. As a result of these complaints, the chair, deputy and secretary of the relevant districts received written warning from the superior district commissions and were prohibited to hold the membership of the election commissions in future<sup>81</sup>. Human Rights Center also observed instances of the illegal electoral agitation in the territory of the election precincts<sup>82</sup>.

The polling day of the local self-government elections was positively assessed by the NGO “Fair Elections” (ISFED) which observed the elections in the whole country. According to the assessment of the organization, the procedure-type violations during the polling process decreased compared to both the 2010 local-self government, as well as 2013 Presidential Elections<sup>83</sup>. According to ISFED, high rate of invalid ballots and high number of errors in summary protocols represented important trend in 2014 local self-government elections<sup>84</sup>.

Voter turn-out amounted to 43.31% by 20:00 pm. in Georgia and 37.3% in Tbilisi. For the second round voter turn-out amounted to 36% in Georgia<sup>85</sup>.

---

<sup>80</sup> p. 8; [http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo\\_1.pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo_1.pdf)

<sup>81</sup> p. 10; [http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo\\_1.pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo_1.pdf)

<sup>82</sup> p. 11-14; [http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo\\_1.pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo_1.pdf)

<sup>83</sup> p. 8-9; <http://www.isfed.ge/main/777/eng/>

<sup>84</sup> p. 9; <http://www.isfed.ge/main/777/eng/>

<sup>85</sup> p. 11; [http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo\\_1.pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/inglisuri%20saboloo_1.pdf)



*2014 local self-government elections/photo by Human Rights Center*

### **Right to Fair Trial/High-Profile Cases**

Following the 2012 elections, the practice of ungrounded decisions by Georgian courts regarding the usage of compulsory measures changed. The judges are no longer routinely satisfying the request of the prosecution regarding the usage of imprisonment as a compulsory measure. This improvement is still continuing. Since 2014, the judges are more frequently using the bail and other compulsory measures<sup>86</sup>. During first 6 months of the first half of 2014, the number of those defendants who were imposed to a compulsory measure other than the imprisonment or were not imposed to any compulsory measure at all, increased from 3% to 11%<sup>87</sup>.

On December 9, 2014, Organization for Security and Cooperation in Europe (OSCE) presented report on the results of the monitoring trials of former government officials in Georgia. Monitoring was conducted over 14 cases of former government officials, including former Prime Minister, Ivane Merabishvili; former Minister of Defense and Internal Affairs, Bachana Akhalaia; former mayor of Tbilisi, Gigi Ugulava; former Minister of Justice and deputy chief prosecutor, Nika Gvaramia; former Defense Minister, Davit Kezerashvili; former Minister of Justice, Zurab Adeishvil; former Governor of Samegrelo-Zemo Svaneti, Tengiz Gunava; former Governor of Kakheti, Zurab Chiaberashvili and etc...

---

<sup>86</sup> <https://gyla.ge/eng/news?info=2363&print=1>

<sup>87</sup> p. 5; <https://gyla.ge/uploads/publications/6-GEO.pdf>



The report notes that multiple violations were revealed in various areas, including, the right to be tried by an independent tribunal established by law, presumption of innocence, the right not to incriminate oneself and the right to remain silent, the right to liberty, equality of arms, the right to a trial within a reasonable time, the right to call and examine witnesses, the right to a reasoned judgment, the right to counsel, and witness protection<sup>88</sup>.

The document notes that Georgia's legal framework overall guarantees the right to an independent tribunal established by law. However, in some cases, the judicial practices cast doubt on whether the requirement of an independent tribunal established by law is fulfilled, according to the report.

"Elements casting doubt on judicial independence, and affecting the perception thereof, relate to the practice of selecting and appointing judges in a manner that may fall short of guaranteeing the principle of irremovability. This includes transferring judges between courts, and allocating cases among judges without a fully transparent procedure, and in a manner that leaves room for manipulation and interference; and exchanging judges mid way through on-going proceedings without explanation, in breach of national procedural law. These practices may not amount to violations of the defendants' right to an independent tribunal established by law, but they raised concerns as to the independence of the judiciary as a whole, and the public's perception of such independence" – reads the passage from the document<sup>89</sup>. This problem is also indicated in 2014 report of NGO Transparency International<sup>90</sup> and 2013 Human Rights Center report<sup>91</sup>.

On August 3, 2013, NGO Human Rights Education and Monitoring Center (EMC) disseminated statement regarding the appointment of judges in cases against Bachana Akhalaia. According to the information obtained by the organization, the judges appointed in all three criminal cases against Bachana Akhalaia were moved to Tbilisi City Court from other courts on the same day<sup>92</sup>. The judicial branch of government has not yet made explanation regarding this fact.

According to OSCE report, judges rejected defense motions concerning the imposition or continuation of detention, without publicly providing reasoning, which created an impression of arbitrariness and possible bias. Report notes that written decisions contained limited reasoning on issues such as the assessment of evidence, or the arguments of the parties, as required under established international standards<sup>93</sup>.

---

<sup>88</sup> p. 6; <file:///C:/Users/B2/Desktop/OSCE%20monitoring.pdf>

<sup>89</sup> p. 7; <file:///C:/Users/B2/Desktop/OSCE%20monitoring.pdf>

<sup>90</sup> <http://transparency.ge/post/report/gakhmaurebuli-sisxlis-samartlis-saqmeebis-monitoringis-meore-angarishi-2014>

<sup>91</sup> <http://humanrights.ge/admin/editor/uploads/pdf/monitoringis%20angarishi%20inglisuri%20saboloo2.pdf>

<sup>92</sup> p. 26; <http://humanrights.ge/admin/editor/uploads/pdf/monitoringis%20angarishi%20inglisuri%20saboloo2.pdf>

<sup>93</sup> p. 8; <http://humanrights.ge/admin/editor/uploads/pdf/monitoringis%20angarishi%20inglisuri%20saboloo2.pdf>

Regarding the right to the reasoned judgment, the document notes that “monitoring found that numerous judgments neglected to thoroughly assess the evidence presented, and to provide an adequate level of legal analysis to explain how the facts established amounted to a criminal offence, and how they led to a specific sentence. These practices undermined the defendants’ right to a reasoned judgment”<sup>94</sup>.

According to the report, in multiple cases, defendants or defense counsel were not given adequate time to prepare their cases that undermined the right to participate in the trial on an equal footing with the prosecution<sup>95</sup>.

The monitoring of OSCE, as well as NGOs working in Georgia indicated on the tendencies of the deliberate prolongation of case proceedings<sup>96</sup>.

On March 13, 2015, the office of prosecutor changed the details of the charge and requested pre-trial detention under the revised charges of former mayor of Tbilisi in the case in which he had been charged twice before. According to the assessment of human rights NGOs, the facts and evidence reflected in the new decree largely identical to that of 2014 that raises questions about artificial protraction of the case<sup>97</sup>. The signs of protraction were also revealed by the monitoring conducted by Human rights Center in 2013<sup>98</sup>.

## State of Persons with Disabilities

In January of 2014, Georgian government adopted action plan to ensure *equal opportunities for persons with disabilities for 2014-2016 which aimed to implement the obligations undertaken by UN Convention on the Rights of Persons with Disabilities* which was ratified by Georgian Parliament in December of 2013<sup>99</sup>. However, the action plan does not include important information regarding the financial means necessary for the fulfillment of the prescribed obligations that raises suspicions about issue of its implementation<sup>100</sup>.

Unadopted environment still represents a major hurdle for the integration of persons with disabilities in Georgia. Though the existing legislation creates certain guarantees in this area,

---

<sup>94</sup> p. 10; <http://humanrights.ge/admin/editor/uploads/pdf/monitoringis%20angarishi%20inglisuri%20sabooloo2.pdf>

<sup>95</sup> p. 9; <http://humanrights.ge/admin/editor/uploads/pdf/monitoringis%20angarishi%20inglisuri%20sabooloo2.pdf>

<sup>96</sup> P. 76-77;

<http://humanrights.ge/admin/editor/uploads/pdf/monitoringis%20angarishi%20inglisuri%20sabooloo2.pdf>

<sup>97</sup> <http://transparency.ge/en/post/general-announcement/csos-react-extension-pre-trial-detention-gigi-ugulava>

<sup>98</sup> p. 28; <http://humanrights.ge/admin/editor/uploads/pdf/monitoringis%20angarishi%20inglisuri%20sabooloo2.pdf>

<sup>99</sup> [http://government.gov.ge/index.php?lang\\_id=ENG&sec\\_id=288&info\\_id=39187](http://government.gov.ge/index.php?lang_id=ENG&sec_id=288&info_id=39187)

<sup>100</sup> <http://www.ombudsman.ge/uploads/other/2/2147.pdf>

the factual situation shows that there are no adequate living conditions and accessible environment for persons with disabilities in Georgia<sup>101</sup>.

Realization of right to employment for persons with disabilities still represents one of the main challenges for the Georgian government. Inadequate and ineffective legislative framework, barriers in the environment, stereotypes and stigma existing in society, low access to education and rehabilitation – this is incomplete list of the problems that hinder persons with disabilities in Georgia to realize their right to employment<sup>102</sup>.

On February 13, 2015, information was disseminated in the electronic media according to which, it became known that the Sports Palace in Tbilisi which hosted a large concert of Georgian Opera Singer, Paata Burchuladze, did not install the ramps for the persons with disabilities. Therefore, the persons with disabilities who were invited were unable to attend the concert<sup>103</sup>.

Public Defender of Georgia started studying the alleged fact of discrimination by its own initiative within the mandate given by the Law on Eradication of All forms of Discrimination<sup>104</sup>.

It should be noted that the Office of Public Defender is studying another case of the alleged fact of discrimination committed by the administration of Sports Palace, against the representatives of religious minority<sup>105</sup>.

In October of 2014, Constitutional Court of Georgia found Georgian model of legal incapacity unconstitutional, based on the complaint of NGO Georgian Young Lawyers Association. Existing model of legal incapacity deprived person chance to exercise independently all of his/her rights. According to the Civil Code, persons who were deprived of legal capacity due to mental illnesses, were deprived right to make everyday contracts such as buying meals or products at stores<sup>106</sup>. Constitutional court imposed obligation on Georgian Parliament to adopt legislative regulations which would be in compliance with Georgian Constitution and international human rights standards. In February of 2015, representative of parliamentary majority, Tamar Kordzaia presented legislative package of amendments “reform of system of legal incapacity”<sup>107</sup>.

---

<sup>101</sup> <http://emc.org.ge/2014/08/26/guidelines-on-the-implementation-of-the-un-convention-on-the-rights-of-persons-with-disabilities-uncrpd/>

<sup>102</sup> *ibid*

<sup>103</sup> <http://www.ombudsman.ge/en/specializirebuli-centrebi/shshm-pirebis-uflebata-dacvis-departamenti/siaxleebi-ssm/the-public-defender-initiates-examination-of-a-fact-of-alleged-discriminatory-treatment-of-persons-with-disabilities-interested-to-attend-paata-burchuladzes-jubilee-evening.page>

<sup>104</sup> *ibid*

<sup>105</sup> p. 22;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>106</sup> <https://gyla.ge/eng/news?info=2297>

<sup>107</sup> <http://www.parliament.ge/en/law/8457/17711>

## State of LGBT Individuals

During 2014, like previous years, Georgian law-enforcement bodies continued to inadequately address the crimes committed against LGBT individuals in Georgia.

According to the analysis conducted by NGO Human Rights Education and Monitoring Center (EMC) which relies on the research of NGOs Identoba and Women's Initiatives Supporting Group (WISG), the investigation was either not started or unreasonably protracted during 2013-2014 in Georgia on the crimes allegedly committed due to the victim's sexual orientation<sup>108</sup>. Organization studied 19 cases where the signs of physical or psychological violence were observed on the grounds of victim's sexual orientation. In only two cases was the guilty verdict made against the offenders under the offences of violation of private life and less serious damage to health. According to the assessment of the organization, although the evidence existing in this case proved the hate motive, the court did not apply it as an aggravating circumstance, even though the article 53 of Criminal Code of Georgia imposed so<sup>109</sup>.

On May 17, 2014, on the International Day against Homophobia and Transphobia, representatives of LGBT community and activists refused to hold a rally as they were not confident that the state would ensure their protection and safety<sup>110</sup>.



Nobody has been punished for the violent acts committed against the LGBT activists at the peaceful rally on May 17, 2013<sup>111</sup>.

<sup>108</sup> [http://emc.org.ge/2014/05/18/lgbt\\_pirebze\\_dzaladobis\\_analizi/](http://emc.org.ge/2014/05/18/lgbt_pirebze_dzaladobis_analizi/)

<sup>109</sup> *ibid*

<sup>110</sup> <http://www.ombudsman.ge/uploads/other/2/2147.pdf>

<sup>111</sup> *ibid*

On February 4, 2014, Constitutional Court of Georgia adopted decision according to which it found unconstitutional the provisions of the Minister of Health issued on December 5 and September 27, 2007 which prohibited the homosexual individuals to give blood<sup>112</sup>.

## Religious Minorities

Like previous years, in 2014 the violent acts against the local Muslims in the villages Nigvziani, Tsintskaro and Samtatskaro committed during 2012-2013 remained uninvestigated<sup>113</sup>.

The Muslim boarding school in town Kobuleti in Georgia's South-West region was under constant harassment in 2014. In summer of 2014, the group of local residents who identified themselves as Orthodox Christians permanently harassed, verbally assaulted and hindered Muslim people to renovate the boarding school. On September 10<sup>th</sup> of 2014, when the boarding school was getting ready to receive the students, the local residents slaughtered a pig in front of the boarding school and hung its head on the entrance door. They stated that they would not allow opening of Muslim boarding school in their neighborhood<sup>114</sup>.

Similar activities particularly intensified after the incident of September 10 and still continue. Organized group of local residents permanently monitors the building. They insult Muslims, who enter the boarding school; block their way and force them not to enter the building. The entrance to the building is blocked with artificial barriers. Barricades with wooden materials and tires are set up at the entrance to the building; cross is erected in front of the barricades. Representatives of Human Rights Center made visit to Kobuleti on January 16, 2015 and witnessed this situation<sup>115</sup>.

---

<sup>112</sup> <http://dfwatch.net/constitutional-court-in-georgia-lifts-ban-on-homosexuals-giving-blood-10117-26435>

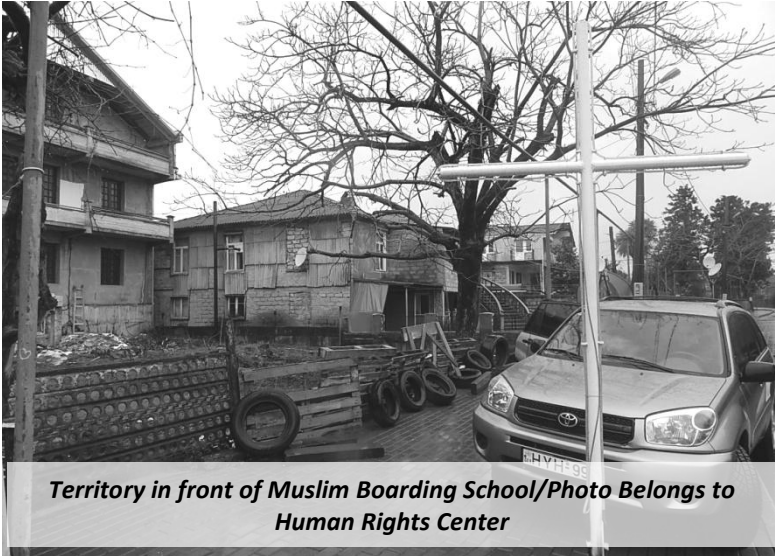
<sup>113</sup> p. 5;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>114</sup> <https://www.youtube.com/watch?v=o6J8Ka-0pPI>

<sup>115</sup> p. 5;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>



***Territory in front of Muslim Boarding School/Photo Belongs to Human Rights Center***

On November 25 and December 2, 2014, Human Rights Center conducted trial monitoring into the criminal case against Lela Shvelidze at Akhaltsikhe district court. The monitoring revealed blatant human rights violations by law enforcement officers. Since December 2014, lawyer of Human Rights Center joined the defense team of the defendant. The case was heard by the Judge Giorgi Londaridze<sup>116</sup>.

Lela Shvelidze, who is a Jehovah Witness, was accused of the physical assault of her neighbor Zina Zedginidze-Ninua living in Aspindza; the crime is punishable under Article 125 of the Criminal Code of Georgia. However, the valid evidence in the case did not support the accusation. The evidence in the case materials causes doubt that the accused Lela Shvelidze was the victim of oppression by the official “victim.” In accordance to the collective letter signed by 11 neighbors, Zina Zedginidze-Ninua was particularly aggressive person and permanently abused neighbors. One of the neighbors Eka Gorelishvili said she arrived at the police office several times and wrote notification about the oppression by Zina Ninua on the family of the Shvelidzes but the police did not take her notification into account<sup>117</sup>.

Statement of the only witness in the case materials, Giorgi Gorelishvili, according to which he had seen Lela Shvelidze insulting Zina Ninua, was denied by the witness himself. On December 16, 2014, Giorgi Gorelishvili said at the trial that police officers had compelled him to sign the initial testimony when he was drunk and that he read the testimony on next day. According to the witness, he was not on the scene of incident and had not witnessed anything<sup>118</sup>.

<sup>116</sup> p. 9;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>117</sup> p. 9;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>118</sup> p. 10;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>



The activities of law enforcement officers contain signs of criminal offence – abuse of professional power (Article 333 of the Criminal Code of Georgia). In accordance to the Article 17 of the Criminal Procedural Code of Georgia (CPCG), a person shall be charged if there is well grounded assumption that he/she really committed the crime. The evidence in the case materials did not create basis for the assumption. Just the opposite, according to the evidence, Lela Shvelidze was victim of oppression. Statements of the main witness and his family members about the alleged oppression by police officers are alarming. In accordance to the Article 335 of the CCG, forcing of the suspect, victim or witness to give evidence by law enforcement officers through threats or any other illegal action is punishable under the criminal law. Signs of this crime were detected in the activities of the law enforcement officers with regard to Giorgi Gorelishvili and his family.

Launching criminal case against Lela Shvelidze without valid evidence creates well-grounded doubt that she became subject of the prosecution because of her religion. In accordance with part 3<sup>1</sup> of article 53 of the CCG, committing crime because of the person's religious background or because of other forms of discrimination is aggravating circumstance.

On January 15, 2015, Judge Giorgi Londaridze acquitted Lela Shvelidze. On January 12, Samtskhe-Javakheti regional prosecutor's office launched investigation into possible facts of abuse of professional power by the officers of Aspindza district police with regard to Lela Shvelidze's case<sup>119</sup>.

On December 25, 2014 monitoring group of Human Rights Center visited historical mosque in Plate village, Adigeni district. The mosque is largely damaged. Monitoring group decided to arrive in Plate village after they received information from Muslim community of the neighboring villages of Mokhe and Tchela in Adigeni district. According to their statement, leader of Zarzma Monastery, Nikoloz Getsadze organized deconstruction of the historical mosque in the village; the construction materials were used to build cells in the Zarzma Monastery. Locals said the Muslim population, who makes minority in the village, denies the information because they avoid further controversy with local Orthodox people, who represent majority in the village. During the visit in Plate village, monitoring group conversed with local Muslim population who really denied the information about deconstruction of the mosque. However, significant evidence proves the opposite<sup>120</sup>.

---

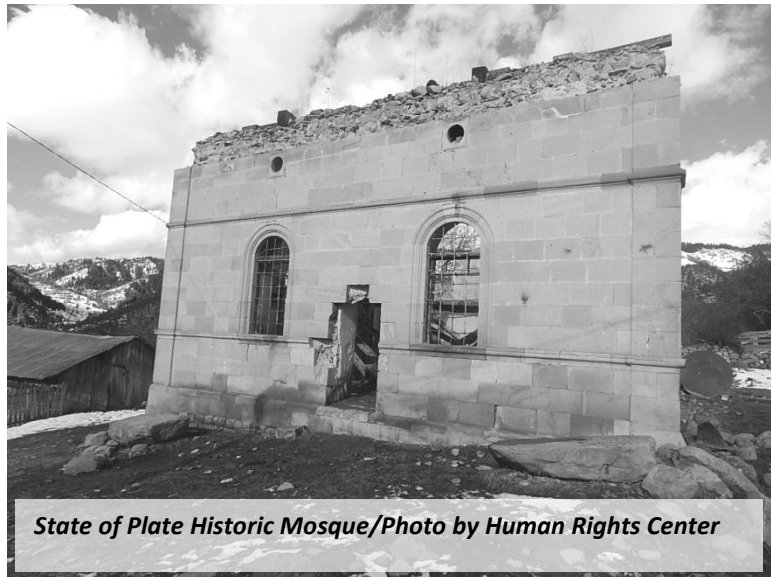
<sup>119</sup> p. 11;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>120</sup> p. 12;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

Public Defender's Office also studied the situation in Plate village. Head of the Tolerance Center under auspice of the Public Defender's Office, Beka Mindiashvili, said they had seen stolen stones and talked with a clergyman at the monastery who confirmed that they had used the mosque stones for the construction of the building in the monastery. Leader of the Zarzma Monastery also confirmed the fact of the mosque deconstruction to the newspaper Samkhretis Karibtche in the summer of 2013<sup>121</sup>.



On December 17, 2014, Human Rights Center addressed the Chief Prosecutor's Office of Georgia and requested to launch investigation into the alleged premeditated damage of the historical mosque in Plate. The organization requested to study the fact and punish alleged perpetrators. However, the Chief Prosecutor's Office of Georgia forwarded the case for further investigation to Adigeni district police.

On December 23, 2014, investigator Besik Apraimashvili at Adigeni police office called deputy executive director of Human Rights Center Tamar Avaliani on the phone and rudely demanded her to arrive in Adigeni police office to be interrogated as a witness in the case about the mosque in Plate village. He said if she did not appear to the interrogation timely, they would use force to bring her to the police office.

On December 24, 2014, monitoring group arrived in Adigeni district police where Tamar Avaliani was interrogated as a witness. The interrogation was conducted through blatant violation of the procedural law. Namely, during interrogation process investigator Besik Apraimashvili often contacted unidentified persons on the phone and received instructions. Tamar Avaliani made a note about this violation in the interrogation protocol that irritated the investigator. The interrogation lasted more than three hours. The investigator Besik Apraimashvili told Tamar Avaliani during interrogation that his ancestors fought against Muslims for many centuries and now he is sorry that nobody "protects rights of Orthodox people." He added that Muslim population of Adigeni district exaggerates the problems and nobody breaches their rights<sup>122</sup>.

---

<sup>121</sup> <http://humanrights.ge/index.php?a=main&pid=18058&lang=eng>

<sup>122</sup> p. 15;  
<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0>



These statements reveal biased approaches of investigator and gravely violate the fundamental principle of investigation – objectivity and impartiality.

On December 24, ten minutes after Tamar Avaliani's interrogation finished, Adigeni district police called Samtskhe-Javakheti region Mufti Mamuka Vashakmadze and Imam of Tchela Mosque Jambul Abuladze and summoned them to police for interrogation as witnesses. They were given only three hours to bring lawyer that is unreasonable time for finding a lawyer. After the monitoring group members told local police officers that they would contact news agencies and report them about the violation, the police changed its decision and allowed Mamuka Vashakmadze and Jambul Abuladze to appear at the Adigeni police office together with the lawyer from 12:00 pm to 14:00 pm on December 25.<sup>123</sup>

Human Rights Center is alarmed with the fact that human rights defender is interrogated in the case she monitors. The lawyers of the organization often address the prosecutor's office with the request to launch investigation into different cases but they are never questioned as witnesses. The behavior of the investigator at Adigeni district police demonstrates a threat that investigative bodies might start interrogation of human rights defenders as witnesses in the cases they monitor.

This case showed that if similar practice is introduced in the country, human rights lawyer will never participate in the case as an attorney after she/he is interrogated in it as a witness. Tamar Avaliani, who was interrogated as a witness in the case on December 24, could not continue defense of the Samtskhe-Javakheti region Mufti Mamuka Vashakmadze and leader of the Tchela Mosque Jambul Abuladze; for that reason, the organization assigned a new lawyer to represent interests of the leaders of Muslim community during interrogation process.

Another scene of religious controversy in Samtskhe-Javakheti region is village Mokhe in Adigeni municipality where the local Muslim and Orthodox population argue about the origin of the building located in the village center.

The situation particularly intensified in October of 2014, when Adigeni district administration decided to arrange a library in the disputed building. The situation got particularly tense on October 22, 2014, when the workers of the building company, which won the bid competition, arrived at the place to deconstruct the building; local Muslims protested it. Police officers made

---

[%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf](#)

<sup>123</sup>

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

live chain around the building to allow the workers to work freely. This caused concern in Muslim community. Police used force to disperse the demonstration<sup>124</sup>.

Public Defender's Office studied the situation in Mokhe village. "Words of local Muslims confirm that, on October 22 workers of patrol police used excessive force against participants of a peaceful rally. Protocols of external examinations drawn up in temporary detention isolators affirm that marks of various kinds were noted on bodies of detained persons." – reads the extract from the statement of the Public Defender about Mokhe incident<sup>125</sup>.

In February of 2015, Gela Kokhodze, who used to be the head of Adigeni regional police agency, was appointed to the position of head of newly opened police department in Mokhe. According to the Muslim congregation, Gela Kokhodze has often shown discriminative policies against Muslim congregation. According to their information, he was especially active during the crackdown of Muslim protest action on October 22, 2014 where excessive force used against peaceful protestors, according to the assessment of Public Defender of Georgia<sup>126</sup>.

On June 6-8, 2014 international evangelical event Festival of Hope was planned in the Sports Palace in Tbilisi; local and international protestant churches were to participate in it. Festival organizers had signed contract with the Sport Palace administration long before and had paid the service fee. Several days before the scheduled festival, a fire broke in one of the parts of the sport palace roof; because of the incident, the palace administration refused the religious confederations to hold festival in the building.

According to the PR manager of the festival, Lela Khonelidze, they offered the administration of Sports Palace that they would bring the group of specialists who would ensure that the building was ready to receive the festival; however, it was in vain. Lela Khonelidze talked about those problems as well that the organizers encountered during the advertisement placement<sup>127</sup>.

On February 13, 2015 nongovernmental organization Human Rights Education and Monitoring Center (EMC) petitioned to the Public Defender based on the Law of Georgia on the Elimination of All Forms of Discrimination; they requested the PDO to study alleged facts of religious

---

<sup>124</sup> p. 19;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>125</sup> p. 20;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>126</sup> p. 21;

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

<sup>127</sup> <http://humanrights.ge/index.php?a=main&pid=18154&lang=geo>

discrimination by private persons – administration of the Sports Palace and advertisement company Outdoor.ge during the planning of the International Festival of Hope<sup>128</sup>.

## Pressure on NGOs

On May 1, 2014, Prime-Minister Irakli Gharibashvili accused the NGOs involved in the campaign This Affects You for “damaging” Georgia’s international reputation and “undermining” country’s security<sup>129</sup>. The organizations involved in the campaign expressed alarm regarding the statements of the Prime-Minister.

“The remarks by the Prime Minister that non-governmental organizations are “damaging the country” are alarming, since the only goal of the bill is to protect the right to privacy as guaranteed by the European standards. Such rhetoric by the leader of the country discredits and supports formation of negative public attitudes toward non-governmental organizations. The accusations of the Prime Minister are not in compliance with the values of a rule-of-law based state and undermine importance and role of public initiatives in a democratic state” – reads the statement disseminated by the campaign<sup>130</sup>.

On January 26, 2015, former Prime Minister Bidzina Ivanishvili in an interview with Tbilisi-based Imedi TV said that his organization will prepare an “interesting research” on head of the International Society for Fair Elections and Democracy (ISFED) Nino Lomjaria; head of the Transparency International Georgia Eka Gigauri, and former head of Georgian Young Lawyers’ Association (GYLA) Kakha Kozhoridze, who is now President Giorgi Margvelashvili’s human rights adviser. Ivanishvili also said that he has “many questions” towards these persons<sup>131</sup>.

51 NGOs working in Georgia responded to this statement. According to the assessment of the NGOs, Bidzina Ivanishvili’s statements are not the statements of an ordinary citizen but of informal governor of the state and give impression of a deliberate campaign against the work of the NGOs<sup>132</sup>.

On December 12, 2014, the Department of Criminal Police of the Ministry of Internal Affairs (MIA) of Georgia detained the Director of Institute for Development of Freedom of

---

<http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf><sup>128</sup> P. 24;

<sup>129</sup> <http://www.civil.ge/eng/article.php?id=27840>

<sup>130</sup> <http://transparency.ge/en/node/4191>

<sup>131</sup> <http://www.civil.ge/eng/article.php?id=28018>

<sup>132</sup> <http://humanrights.ge/index.php?a=main&pid=18111&lang=eng>

Information (IDFI) Giorgi Kldiashvili. He was charged for the offense of illegal carrying of firearm<sup>133</sup>.

According to the information of 29 NGOs, although Giorgi Kldiashvili proved that he had an official permit for keeping the firearm, he was still arrested<sup>134</sup>.

During the court hearing on December 17, 2014, the prosecutor failed to present any arguments that would prove the threat of Giorgi Kldiashvili avoiding prosecution. Hence, the court concluded that the process of arresting Giorgi Kldiashvili was conducted in violation of article 171 of the Criminal Procedural Code of Georgia. Because of the above mentioned the court released Giorgi Kldiashvili from the courtroom on GEL 1,500 bail<sup>135</sup>.

Following the detention of Giorgi Kldiashvili, civil society representatives including Coalition for an Independent and Transparent Judiciary and more than 30 Non-governmental organizations such as Open Society – Georgia Foundation (OSGF), Georgian Young Lawyers' Association (GYLA), Transparency International – Georgia (TI-Georgia) etc. made statements calling on the authorities to (1) Investigate the legality of the actions undertaken by the Ministry of Internal Affairs and hold all those acting in violation of the requirements of law responsible; (2) Close all criminal proceedings against Giorgi Kldiashvili, based on the fact that the action committed by Giorgi Kldiashvili is not regulated by the criminal legislation of Georgia; (3) Refrain from making abusive statements regarding NGOs by high officials, addressing them as traitors and actors taking subversive measures<sup>136</sup>.

On January 15, 2015, the court has decided to terminate criminal prosecution against Giorgi Kldiashvili. The judge accepted the position of the defense side that the protocols of car search, ballistic evidence regarding firearm and interrogation report were obtained illegally<sup>137</sup>.

According to Giorgi Kldiasvhili, upon detention, the representatives of MIA spoke about the work of his organization and hinted on the campaign It Affects You and asked why he talked about the issue of illegal surveillance<sup>138</sup>.

---

<sup>133</sup> <http://humanrights.ge/index.php?a=main&pid=18030&lang=eng>

<sup>134</sup> <http://humanrights.ge/index.php?a=main&pid=18030&lang=eng>

<sup>135</sup> <http://idfi.ge/en/statement-of-idfi-on-latest-developments-regarding-illegal-arrest-of-giorgi-kldiashvili>

<sup>136</sup> <http://idfi.ge/en/statement-of-idfi-on-latest-developments-regarding-illegal-arrest-of-giorgi-kldiashvili>

<sup>137</sup> <http://idfi.ge/en/criminal-proceeding-against-giorgi-kldiashvili-has-been-terminated>

<sup>138</sup> *ibid*

## Freedom of Media

During 2014, one fact of the alleged pressure against the journalist from the government representative was observed. In June of 2014, the investigative film of the journalist, Jaba Ananidze was shown on the TV channel broadcasting in Adjara region – TV 25 – which included information regarding the work of the heads of the commissions of the Supreme Council of Adjara and their travels in foreign countries. According to Jaba Ananidze, after the TV was shown on TV, he was contacted by the head of the commission of human rights protection, Medea Vasadze. Journalist published the recording of the conversation<sup>139</sup>. Following statements are heard in the recording: “I am working against you now. I will destroy all of your facts soon”; “Jaba, do you have wife? Do you know rumors about you in the city? They say that you have suspicious manners. Your orientation is questioned”; “I have to call the Prosecutor tomorrow and tell that you, Jaba Ananidze, spit in the face of the Prosecutor of the Republic and I will tell Prosecutor he should be ashamed”.

The conduct of high official of Supreme Council of Adjara includes the signs of hindering work of the journalist and represents grave intrusion in the freedom of media. It should be noted that this case has not been investigated by the law enforcement bodies.

In September of 2014, the author of the program Anatomy on Rustavi 2, Natia Mikiashvili accused the former head of the General Inspection of MIA and the relative of the Prime Minister, Zviad Jankarashvili. Journalist stated that she was preparing program regarding the distribution of business in Georgia in which Zviad Jankarashvili was also mentioned. The journalist stated that Jankarashvili first asked her to stop the program and then threatened that if she did not do so, “he would act accordingly”<sup>140-141</sup>.

Public Defender of Georgia called on the Office of Prosecutor to launch prompt and effective investigation in this case. The results of the investigation are not yet known<sup>142</sup>.

On March 4, 2015, at the action of opposition political parties at Rose Revolution, one of the participants of the action physically assaulted the photo correspondent of new agency IPN,

---

<sup>139</sup> <https://www.youtube.com/watch?v=Cx8fMzSNH3E#t=69>

<sup>140</sup> <http://www.ombudsman.ge/uploads/other/2/2147.pdf>

<sup>141</sup> <http://www.frontnews.ge/en/news/55732-%E1%83%A1%E1%83%A2%E1%83%A3%E1%83%93%E1%83%98%E1%83%90-%E2%80%9E%E1%83%90%E1%83%9C%E1%83%90%E1%83%A2%E1%83%9D%E1%83%9B%E1%83%98%E1%83%90%E2%80%9C-%E1%83%93%E1%83%98%E1%83%9E%E1%83%99%E1%83%9D%E1%83%A0%E1%83%9E%E1%83%A3%E1%83%A1%E1%83%A1-%E1%83%90%E1%83%A0%E1%83%90%E1%83%A1%E1%83%90%E1%83%9B%E1%83%97%E1%83%90%E1%83%95%E1%83%A0%E1%83%9D%E1%83%91%E1%83%9D%E1%83%94%E1%83%91%E1%83%A1-%E1%83%9E%E1%83%A0%E1%83%94%E1%83%96%E1%83%98%E1%83%93%E1%83%94%E1%83%9C%E1%83%A2%E1%83%A1-%E1%83%9B%E1%83%97%E1%83%90%E1%83%95%E1%83%A0%E1%83%9D%E1%83%91%E1%83%90%E1%83%A1-%E1%83%93%E1%83%90-%E1%83%9E%E1%83%90%E1%83%A0%E1%83%9A%E1%83%90%E1%83%9B%E1%83%94%E1%83%9C%E1%83%A2%E1%83%98%E1%83%A1-%E1%83%97%E1%83%90%E1%83%95%E1%83%9B%E1%83%AF%E1%83%93%E1%83%9D%E1%83%9B%E1%83%90%E1%83%A0%E1%83%94%E1%83%A1-%E1%83%9B%E1%83%98%E1%83%9B%E1%83%90%E1%83%A0%E1%83%97%E1%83%90%E1%83%95%E1%83%A1>

<sup>142</sup> <http://www.ombudsman.ge/uploads/other/2/2147.pdf>

Irakli Gedenidze and broke his photo camera<sup>143</sup>. These facts are filmed in the video material of various media outlets. The video material shows that one more person is actively participating in the incident<sup>144</sup>.

The MIA detained only one person regarding the illegal hindrance into the professional activity of the journalist. Another person depicted in the video scenes who physically restrained Irakli Gedenidze and did not allow him to leave has not been detained. Public Defender called on the law enforcement bodies to ascertain all persons involved in this incident and take relevant measures<sup>145</sup>.

On February 19, 2015, Georgian Parliament adopted the changes to the Law on Broadcasting through the final hearing. Among other issues, the law envisions hourly regulation of limits of TV advertisements. According to the changes, the broadcasters can allocate only 12 minutes for the advertisement that means that during the prime time, when there are the most advertisements aired, the time is limited<sup>146</sup>.

According to the assessment of the Parliamentary opposition, these changes are directed against TV channel Rustavi 2 in reality, which has the highest income from TV advertisements. Therefore, it will suffer the most by new regulations<sup>147</sup>.

On October 31, 2014, Georgian Parliament adopted the legislative changes regarding the PSAs (public service announcement) through the third hearing. The changes will take force from April 1, 2015. These changes were adopted without considering the recommendations of the NGOs and media organizations<sup>148</sup>.

According to the changes made in Law on Broadcasting, the National Commission of Communication will decide whether or not the advertisement presented to the broadcaster by the administrative body represents a PSA. According to the assessments of NGOs and media organizations, these changes are grave intrusion into the freedom of expression and work of the media. According to the assessment of the organizations, the obligation of broadcasters to allocate airtime for PSA is practiced in other countries as well; however, it is not subject to comprehensive legal regulation<sup>149</sup>.

On June 28, 2014, the police detained the employee of TV Company Tabula and two other people with him on the grounds of administration violation under 173 article of Code on

---

<sup>143</sup> <http://www.humanrights.ge/blue/index.php?a=text&pid=18175&lang=eng>

<sup>144</sup> *ibid*

<sup>145</sup> <http://www.humanrights.ge/blue/index.php?a=text&pid=18175&lang=eng>

<sup>146</sup> <http://www.civil.ge/eng/article.php?id=28027>

<sup>147</sup> <http://www.interpressnews.ge/ge/sazogadoeba/324320-qmautyeblobis-shesakhebkkanonshi-akhal-sareklamo-regulaciebthan-dakavshirebith-sainformacio-shekhvedra-da-diskusia-gaimartheba.html?ar=A>

<sup>148</sup> <https://gyla.ge/eng/news?info=2336>

<sup>149</sup> <https://gyla.ge/eng/news?info=2336>

Administrative Violations (disobedience to the police). Georgian Young Lawyers Association defended the interests of the detainees. According to the assessment of the organization, the evidence heard at the trial did not prove that the detainees committed the violations depicted in the police protocols. According to the statement of the organization, one of the detainees had physical injuries. The police officers confirmed at the trial that the detainee did not have these injuries before the detention. Georgian Young Lawyers Association addressed chief prosecutor with the request to open investigation into this case<sup>150</sup>.

## **Freedom of Assembly and Manifestation**

During 2014, no facts of disruption of the protest rally or use of disproportionate force by the law enforcement bodies were observed. However, during the pre-election period of 2014 local elections there were instances when the law enforcement bodies did not fulfill their positive obligation to ensure safety and prevent violence during the pre-election meetings of UNM<sup>151</sup>.

On March 15<sup>th</sup> of 2015, attack was made on the offices of the United National Movement and N(N)LE Center for Freedom and Support in which public officials of various ranks participated. Though the police officers were present at the scene, they did not stop the attack<sup>152</sup>.

---

<sup>150</sup> <https://gyla.ge/eng/news?info=2226&print=1>

<sup>151</sup> p. 7; [http://humanrights.ge/admin/editor/uploads/pdf/inglisuri%20sabooloo\\_1.pdf](http://humanrights.ge/admin/editor/uploads/pdf/inglisuri%20sabooloo_1.pdf)

<sup>152</sup> <http://gdi.ge/en/news/a-joint-statement-of-ngos-regarding-the-attack-of-public-officials-on-the-offices-of-the-united-national-movement-and-the-center-for-freedom-and-support.page>