



ACTIVITIES REPORT

2022

HUMAN RIGHTS CENTER **HRC**



In 2022, the new coronavirus Covid-19 global pandemic was over affecting the development of humanity in terms of humanitarian, economic and social aspects. The coronavirus killed thousands of people and the economy fell. That is why the spring of 2022 should have been promising for everyone and the biggest social animals on the planet, the humans should have returned to the normal rhythm of life ...

But!

On 24 February 2022, the Russian Federation armed forces invaded Ukraine threatening its sovereignty and Euro-Atlantic choice. The Russian military aggression and the growing human casualties created a danger of world war. Since World War II, Europe had never seen the scale of such brutalities and war crimes. That is why the entire civilized world has taken the Ukrainian side against the evil incarnate Russia.

Georgia, as well as other European countries, was directly or indirectly affected by the hostilities in Ukraine. Some Georgian volunteers engaged in the war against Russia. By the end of 2022, 34 citizens of Georgia were killed in the fight for freedom of Ukraine. At this time, about 2500 Georgians are fighting in Ukraine. The civil society of Georgia supports the fight of the Ukrainian government and people against the aggressor Russia. Georgians showed this support repeatedly by protest rallies gathering thousands of people. On the background of the public support, the



decision by the Georgian authorities not to participate in the sanctions against Russia caused tensions between Georgian and Ukrainian governments. The President of Ukraine has officially withdrawn the ambassador from Georgia.

During 2022, HRC was providing legal aid to the refugees from Ukraine who initially were also provided with dwelling places by Georgian authorities ending the dwelling program in July 2022. Refugees in Georgia were facing many challenges. The legal aid provided by HRC mainly concerned the procedures to obtain the refugee status and residence permit.

The Ukrainian struggle against Russia was followed by unprecedented solidarity from the West. In this situation, soon after the beginning of the war, Ukraine officially applied to the EU to consider Ukraine's accession to the EU under an accelerated procedure. On March 3, 2022, also Moldova and Georgia applied to the EU with the request to be allowed as members, soon following the recommendation by the European Commission Ukraine and Moldova were granted the status of candidates for the EU membership, while Georgia was assigned to follow 12 recommendations to gain the status. Such a position by the European Commission made clear that Georgia being once a leading country in the region has been significantly hampered in recent years on the path of democratic development and there is a need of rapid reforms in a number of directions to gain its place among the European states.

Georgian civil society organizations published a document - [12 Steps for the EU Candidacy](#), which is a detailed action plan for the timely implementation of the recommendations set by the European Commission. HRC is also a signatory to the above document. During the year, HRC representatives were actively participating in the meetings in the Parliament of Georgia held by the signatory organizations with the leaders of the parliamentary opposition and that of the majority. In return, [Action Plan for 12 Recommendations was developed by the ruling party](#). The

political or public debates on the implementation of the recommendations were one of the most live topics of the year.

Human rights organizations were particularly concerned with the process of electing the Public Defender of Georgia. HRC was involved in the process initiated by civil society organizations as a result of which [three candidates of Public Defender](#) were submitted to the Parliament of Georgia. Unfortunately, the parliamentary majority did not support any of the nominated candidates, so the Parliament failed to elect a Public Defender. The parliamentary opposition is in favor of electing the Public Defender from the candidates selected by the civil society organizations.

During 2022, the anti-Western rhetoric has been significantly strengthened. In this shameful process, not only Altinfo and other similar pro-Russian, marginal groups are involved, but also representatives of the parliamentary majority and executive branch. Rather disturbing is the campaign discrediting the activities of the US Embassy and ambassador Kelly Degnan. At the same time, the leaders of Georgian Dream and the authorities strengthened demonization campaign against civil society organizations. Representatives of the parliamentary majority drafted a bill obliging civil society organizations supported by Western funds to be registered as foreign agents which was the direct incorporation of undemocratic norms existing in the Russian Federation.





NINO TLASHADZE
Deputy Executive Director

HRC continues to work under the conditions of discrediting campaigns against human rights organizations. Such attacks are not new in Georgia, and we do remember how this might end for the government and the ruling party.

2022 was full of complicated and significant events requiring more efforts to protect human rights by teams of human rights organizations. The war in Ukraine launched by a terrorist state the Russian Federation changed the agenda and priorities followed by us all. On the other hand, the geopolitical fluctuations caused by the war created new possibilities for Georgia, which could be the acceleration in the process of EU accession along with Ukraine and Moldova, as well as the new prospects for the process of reconciliation with the populations living in Abkhazia and Tskhinvali region occupied by Russia. In both directions, HRC along with other civil society organizations was actively involved in supporting the process of successfully using the opportunities.

In 2022, with the support of the German Federal Foreign Office's foundation zivik, HRC continued the project Support for Peacebuilding Between Tbilisi, Sokhumi and Tskhinvali. Within the same project, the discussions were held inside the Georgian society to deal with the past Working meetings of Georgian, Abkhazian and Ossetian human rights advocates and civil activists are continued. Further, a training for Georgian, Abkhazian and Ossetian young activists on physical security and cybersecurity was successful.

In 2022, striving for peace, HRC held a Georgian-Ossetian meeting in Armenia where Georgian human rights lawyers and experts working on peacebuilding presented to the Ossetian colleagues the research prepared by HRC and a group of experts - *Legal Analysis of the Process of Property Restitution and Restoration of Citizenship to Ethnic*

Ossetians affected by the Conflict. The purpose of the research was to analyze existing shortcomings in Georgian legislation and practice preventing the conflict affected Ossetian and Georgian citizens to restore property and/or citizenship rights. During the meeting, it was important to hear the views of Ossetian colleagues and practicing lawyers. The future joint events were also planned to promote on the one hand the restoration of the deprived rights and on the other hand the process of trust building among the communities that are separated by the conflict.



Conference in Tbilisi "Assessment of the Confidence-Building Opportunities Based on the Analysis of the Past"
Project "Support to confidence-building between Tbilisi, Sukhumi and Tskhinvali and Promotion Dealing with Past Dialogue within the Georgian Society "
Funded by the German Federal Foreign Office's funds by ifa (Institut für Auslandsbeziehungen), Funding programme Zivik".

In 2022, HRC was carrying on free legal aid programs through which not only specific beneficiaries were assisted in restoring their violated rights, but also through strategic litigation and advocacy was continuing to alter the legislative gaps and vicious practice within the legal system and to identify the significant flaws within the judicial system. Through the support of the USA Foundation National Endowment for Democracy (NED), HRC for more than 15 years successfully carries out free legal aid projects. A team of 5 professional lawyers at Tbilisi head office and also at Kakheti and Shida Kartli regional offices provides free legal aid to thousands of individuals and provides defense to hundreds of them in local courts and administrative authorities as well at the international level in the European Court of Human Rights.

The study visit to Croatia involving HRC team and Georgia's Youth Ambassador to the United Nations on December 4-8, 2022 was rather engaging and fruitful. Georgian colleagues were hosted by Documenta a member organization of Human Rights House Zagreb working on justice in transition and documenting war crimes. The participants of study visit met with the organizations active in human rights and with representatives of the Serbian minority in Zagreb and East Slavonia. We were acquainted with the way that Croatia and local civil society organizations have gone through the process of peacebuilding and reconciliation, became aware of the challenges that still exist between the Croatian and Serbian societies separated by the war.

On consideration of the above activities and some fruitful meetings, 2022 was a successful year but still full of challenges for HRC. Together with our international partners, with the support of donor organizations, we continue to pursue important activities for the country fighting for human right, rule of law through previous and new initiatives believing in equality of all humans.



Public round table in Zagreb "Perspectives of transitional justice in Croatia and Georgia"
Project: "Study Visit to Croatia"
Funded by the Human Rights House Foundation, House to House Project Fund.



HRC successfully carries on legal counselling services within the free legal aid program, further, HRC provides telephone and online consultations using various social networks. HRC lawyers are involved *ad hoc* in all cases where gross violations of human rights are identified; and where the State as an institutional system opposes citizens and jeopardizes the rights constitutionally guaranteed to them. HRC offers free legal aid to beneficiaries to protect their rights at both local and international levels.

During 2022, HRC lawyers were involved in several strategic cases. Among them were the cases of wiretapping/eavesdropping of phone communications of individuals by the State Security Service. HRC was defending the interests of lawyers whose phone conversations were illegally intercepted by security services. Interest toward the lawyers is undoubtedly due to their professional, legal and

counselling activities.

Recently, some other cases become more frequent where the victim's party is unjustifiably restricted in the right to study the case files as they are not provided with copies. Victims may only read the case files in the investigative body. The purpose of the right to become familiar with the information available about the person in public authorities as enshrined in the Constitution is not only to read the information or visually inspect the documents. The real purpose is to create a mechanism enabling the persons concerned to properly examine information, examine its authenticity, analyze it, and make conclusions, disseminate it and/or use it for some other legitimate purposes.

HRC was involved in the number of cases over the years where violations of the rights of persons treated in medical facilities were evident. HRC successfully protects the victims, but during the proceedings HRC lawyers encounter significant problems hindering the victims from standing for their rights in full in the medical disputes.

The human right to health is guaranteed by national and international legal norms. This is the Constitution of Georgia in the first place, stipulating that the right of a citizen to accessible and quality medical services shall be ensured by the law. Furthermore, the State has taken the obligation to control all health care facilities and the quality of medical services. Every citizen of Georgia has the right to receive the medical services corresponding to the professional and service standards accepted in the country.

Administration of justice is hindered because of the refusal by doctors and physicians to be involved in the preparation of the opinions of medical expert examination. There are plenty of such cases left without reactions on the shelves of investigative authorities with always the same response that no experts are available to be involved for examination.

HRC carries on pursuing several cases in the European Court of Human Rights. There are several important applications pending with the European Court of Human Rights relating to the events of June 20-21, 2019. HRC is seeking from the Court to establish the violations of Articles 3, 10, 11 and 13 of the European Convention by the Ministry of Interior during the dispersal of the protest rally. Further, the ECtHR hears the applications by HRC pointing to the violations of Article 2 (right to life), Article 3 (prohibition of torture) and Articles 13 of the European Convention by the State of Georgia.



In 2022, within the HRC project (Legal Aid and Human Rights Monitoring), the cases of criminal and administrative offenses with alleged political motives were monitored by HRC.

The project was made possible through the financial support by National Endowment for Democracy (NED). HRC began to monitor the court proceedings in 2020. The aim of the project was to identify and document the violations revealed during the protest rallies as well as hearings of the cases with alleged political motives.

As a result of monitoring the court proceedings, HRC has accumulated significant and voluminous information. Based on this information, it was possible to assess the trends in the proceedings of criminal and administrative offenses, further, to identify and analyze the violations in the proceedings of high-profile

criminal cases.

Like in the previous years, the problems of observing the principles of fair trial both in terms of the national and international standards are still relevant.

From April 1, 2020, to December 2022, the court monitors of HRC observed in total 87 court hearings of 24 criminal, civil and administrative offenses. Some of the cases under court proceedings are pending with the court of first instance, while some others are appealed to Tbilisi Court of Appeals. Under the component of monitoring the court proceedings of the cases with alleged political motives, a final report and analytical document was prepared [Prisoner's Right to Healthcare: Legal Analysis of Mikheil Saakashvili's Case](#). The report highlights the issues

leading to the need to initiate judicial monitoring, as well as the clear problems identified in the process of monitoring in terms of the proceedings over the cases of criminal and administrative offenses

On December 14-15, 2022, HRC was invited to the annual Human Rights Forum (EU-NGO) held in Brussels for the first time in a physical space after the pandemic. One of the goals of 2022 Forum was to discuss the issue of how the EU could protect civil society organizations and human rights advocates in conflict and crisis zones. Further, the topic of discussion was the ways for improving the mechanisms for human rights protection. The Forum was attended by representatives of the EU, human rights advocates, and representatives of various civil society organizations.

HRC was in active cooperation with international organizations and networks. HRC is a member of such well-known international networks: International Federation for Human Rights (FIDH); World Organization Against Torture (OMCT); Human Rights House Network; Coalition of NGOs for the International Criminal Court, International Peace Bureau (IPB), International Land Coalition, Civil Solidarity Platform, etc.

International organization the Norwegian Helsinki Committee has been a strategic partner and donor of HRC for many years. The Committee worked on many important issues and was promoting respect for human rights in the region.



In 2022, with the support of the Committee, HRC continued to monitor and advocate for human rights in the regions affected by the conflict.

A number of artificial barriers for free movement of people were created in Abkhazia and South Ossetia as they are occupied by Russia. A check point connecting the region to completely isolated Akhagori district was partially opened. Along the dividing line, many people lost their agricultural land as a result of illegal borderization. Due to the borderization, the rights to property, freedom of movement and privacy guaranteed by the international human rights conventions are violated. The practice of illegal detention of the local population by the Russian armed forces continued with hundreds of individuals becoming victims of this policy in 2022. Up to the date, 8 citizens of Georgia are still in prisons of Sokhumi and Tskhinvali for various charges. In December, the investigation was over into the case of Akhagori activist Tamar Mearakishvili a victim of political persecution. Her case reveals the instance of restricting human movement and freedom of expression as well as discrimination that was going on for five years. The facts of murders/deaths from the previous years at or near the boundary line have not been investigated and no culpable persons have been punished.

HRC is also monitoring the continuing violations of human rights taking place at the dividing lines of South Ossetian and Abkhazian regions occupied by the Russian Federation. Representatives of the Russian Federation and de facto powers continue illegal borderization on the territory adjacent to the occupation line, restricting the local population in their access to natural resources and livelihood. There are more cases of illegal detention and abduction of citizens. Beyond the problems caused by the occupation, those residing near the occupation line suffer from severe socioeconomic problems. In the villages adjacent to the dividing line, bad roads, damaged systems of drinking water and irrigation, unavailability of medical aid and lack of transport are common. The problems are particularly acute for elderly who move hardly and often require medical care. It is noteworthy that most of the

inhabitants of the villages are elderly. Due to the lack of livelihoods and development opportunities, the youth leave the villages.

In 2022, HRC representatives visited many such villages in the region and communicated with local residents. HRC applied to central and local authorities regarding the problems existing in the villages. At the end of the year, HRC published a final report - [Human Rights Situation in the Villages Adjacent the Occupation Line of Tskhinvali Region, 2022](#)

The International Criminal Court continues to investigate the war crimes of 2008 war. In 2022, by using various platforms HRC was seeking to protect and advocate for the interests of the persons affected by the war, including through FIDH and International Coalition of NGOs for the International Criminal Court. The project supported by the Norwegian Helsinki Committee was providing legal aid to the victims of 2008 war and to the IDPs from the regions affected by the conflict. The monitoring was on in the villages adjacent to the dividing line, as well as in the IDP settlements.

HRC was advocating for the rights of the victims of August 2008 war in various bodies of the International Criminal Court. On the background of the aggressive war launched by Russia against Ukraine, the investigation conducted for 6 years by the ICC into the alleged crimes against humanity and those occurring in Georgia during 2008 war. In the last year, prosecutor Karim Khan requested the ICC to issue first arrest warrants against the culpable persons for the case of Georgia. In December, the investigation of the situation of Georgia was over. During 2022, HRC representatives met on several occasions the representatives of the ICC underlining the importance of the timeliness, comprehensiveness and objectiveness of the investigation.

In cooperation with international partner organizations and through their support, various important meetings were held in Georgia to improve the human rights situation in Georgia and to advocate for changes, as such HRC

participated in the EU-Georgia Human Rights Dialog and in the Assembly of the Eastern Partnership Civil Society Forum.



Since 2021, I have been managing the legal office of HRC being a member of HRC team since 2009. Main job duties of mine are to define and coordinate the priorities of the legal team. In order to protect human rights and restore justice, members of the legal team provide legal counseling services and are involved in the constitutional and international court proceedings. We provide answers on legal issues in face-to-face conversations and via phone.

HRC team defines the priorities and strategies for protecting human dignity and rights. HRC teams values the conditions where all individuals live without discrimination and enjoy the civil, political, social, economic, and cultural rights guaranteed by national and international laws. Respecting the rights and rule of law is the prerequisite for building peace and democracy in Georgia. In pursuing these goals, HRC *inter alia* provides free legal aid to individuals to protect their rights at local and international levels.

One of the most important directions for HRC is to monitor the human rights situation in police stations and other closed facilities. HRC lawyers study in a systematic manner the facts of violence against persons in the closed facilities and other rights violations and where necessary provide assistance to the victims.

In 2022, within the free legal aid project, HRC was actively involved in various strategic and high-profile cases. According to HRC lawyers, investigations and legal proceedings of the cases of violence against women and children remains a challenge in the country. Further, the problems stem from the facts of abuse of power by the police against the detainees. HRC pays particular attention to the legal status of aliens arriving to the territory of Georgia.

Like in previous years, as a particular problem in 2022 must be mentioned the procedure for granting the victim status to those affected by offences and afterwards the exercise of the rights by those bearing the status. HRC has been working for years on the cases of paying compensations for the damage caused by crimes. HRC is actively pleading the cause for compensating the damage caused by torture and inhuman treatment in the police stations and penitentiary facilities and also for the cases of the acquitted persons following their unlawful convictions.

LEGAL AID PROVIDED BY HRC LAWYERS IN TBILISI, SHIDA KARTLI AND KAKHETI OFFICES, 2022	
CONSULTATIONS	6037
CASES TAKEN	122
APPLICATIONS TO STRASBOURG COURT	3
CLAIMS LODGED WITH THE CONSTITUTIONAL COURT	1
SUCCESSFULLY FINALIZED CASES	52
VISITS TO PENITENTIARY FACILITIES	5



The Russian invasion of Ukraine and full-scale hostilities since February 24, 2022, forced Ukrainian citizens to leave their country. After the start of hostilities, citizens of Ukraine whose family members and close relatives were killed and their homes were destroyed as a result of the Russian aggression. Ukrainian citizens were applying to the Migration Department under the Ministry of Interior seeking asylum and refugee status, further, they were trying to move to different European countries.

Some Ukrainian citizens were also applying to HRC to be assisted with the following issues: Procedure for receiving asylum in Georgia, residency, business registration, procedure for moving abroad from Georgia (in different European countries), opening bank accounts, receiving refugee status, terms for legal stay in Georgia, NGO registration, renewing expired passports, lodging an administrative appeal with the Ministry of Interior, launching an investigation and victims' rights.

Besides the Ukrainian citizens, also activists from the Russian Federation and Belarus being persecuted by their countries were also applying to HRC, some of them left their country to not to fight against Ukraine and avoid the mobilization declared by Russia. The Russian citizens entering Georgia from Chechnya and Northern Caucasus face problems hindering them to cross the border. When refusing entry to Georgia, border guard officers refer to article 11 of the Law of Georgia on Legal Status of Aliens stipulating for "some other cases as prescribed by the law [when the person may not be allowed to Georgia]" without specifying what kind of cases or which "some other cases" are meant. The refusal by the State may be appealed to the Ministry of Interior, which does not usually hear the case in

the individualized manner and serves the party with one-size-fits-all response we then bring to the court. In 2022, HRC lodged several administrative appeals with the Ministry of Interior in relation to border crossing cases.

During 2022, HRC Shida Kartli office provided 1700 legal consultations. Beneficiaries were given information on their rights and on the means of their protection and other remedies. The office successfully finalized 17 cases. Thus, the beneficiaries were able to restore the violated rights and find satisfaction. The activities of HRC are even more popular throughout Shida Kartli as evidenced by proactive coverage of the office in central or local media. Numerous positive reviews of HRC activities should be noted in this regard. Like in previous years, EUMM assessed the activities of HRC in positive terms. A lawyer of Shida Kartli Office participated in the meetings organized by other organizations.

The main problems people were approaching us in 2022 were as follows: Disputes on social issues, including providing IDPs and eco-migrants with dwelling place; labor disputes against private or public entities; fines issued by the patrol police; illegal actions practiced by police officers; problems of local population living near the dividing line; problems of IDPs and those affected by war; domestic violence and violence against women; disputes over credits and claims against private lenders.



Among the successful cases, the matters of IDPs requesting to be provided with dwelling place should be mentioned. Another case where an eco-migrant was asking for a dwelling place was also successful. The court ordered the Agency to provide dwelling places to these persons.

The cases of civil activists and politicians were also significant, namely the case involving members of the United National Movement charged by the police for making inscriptions on the office of Georgian Dream. Gori District Court terminated the proceedings due to the lack of evidence.

There have been other 5 labor disputes ending in success, where the court found the decisions by the employers (among them were state entities) dismissing employees from office to be unlawful and ordered the employers to pay respective compensations.

It was rather challenging in 2022 to take effective actions against the unlawful acts committed by the law enforcement agencies. A clear example for this is the case of violence exerted against a journalist (Malkhaz Mikeladze), where despite the initiation of investigation no results have been achieved and the affected person has not been granted the status of victim.

Further, a significant problem is protracted court proceedings. Despite many appeals, hearings are not scheduled for various cases, including for the cases submitted on environmental issues. A judge within Gori District Court failed to finalize the hearings of the case against an individual for the offense committed on July 23, 2020, with the court hearings opened since June 14, 2021.

In 2022, we have conducted a number of important research on environmental issues, which unfortunately were never considered by the Ministry of Environment and Agriculture. Neither the Parliament has considered the draft law prepared by us on the changes to the Forest Code.

With the support of and in partnership with Norwegian Helsinki Committee, HRC Shida Kartli office was still providing legal aid to the population affected by 2008 August war, informing them about the ICC issues and the rights the people have, and was studying the needs of the victims.

I joined the legal team of HRC when the regional office in Kakheti was being opened. Since then, I have been involved in a number of projects within HRC. In 2022, with the support of NED, HRC like in previous years conventionally carried out free legal aid project providing face-to-face, telephone and online consultations to individuals and representing them in courts under criminal, administrative and civil proceedings. Within the project, in 2022, I provided consultations to 687 people and pleaded the cause for them in 30 cases during investigations and before the court.

Beside the legal representation in court, I supported beneficiaries with preparation of applications, claims, responses, appeals to be lodged with the court, prosecutor's office and administrative bodies. The beneficiaries were advised in depth to the extent that they no longer needed to have a legal counsel in the court. However, before the case is finalized, I communicate with the beneficiaries and fortunately almost all of the cases prove to be successful.



LIA KHUROSHVILI
Coordinator of the HRC Kakheti office

Many years of activities by HRC has raised awareness about us within the region evidenced by the fact that people approach us from almost every municipality of the region. Administrative disputes on land titles are quite common in Kakheti involving violations of property rights on land. The persons with infringed rights stand as a third party in disputes while the respondent party is the National Agency for Public Register as we are requesting the court to annul the unlawful decisions taken by the Agency. Three such cases were ended in success, some still pending with the court. Court disputes involving minors are particularly common, where parents are arguing about the rules for interacting with children and about the place of their residence. Behind such cases, there are usually facts of domestic violence requiring sophisticated and special approach to the beneficiaries. We have been dealing with 9 such cases during the reporting year, from these 6 ended in success and three more are still pending.

The cases of civil servants dismissed from jobs are also common. Public agencies tend to get rid of undesired staff by means of restructuring. In one of the cases, the court declared the order dismissing a civil servant void, but referred the matter to the administrative body to reexamine the issue and it by all means did not help the restoration of the person to the job or paying him the lost earnings. Such practice by the courts is quite common which has to be changed.

I participated in the proceedings involving sexual violence against minor girls ending with a just judgment of conviction rendered against the accused persons in the court of first instance. I also pleaded the cause for the legal successor of the victim in the case of femicide. The violence against women prevails in Kakheti region being on the second place after the capital Tbilisi.

As an obstacle for my work and of other lawyers of our team still remains the procrastination of the court hearings. For example, the administrative disputes started in December 2019 were ended in the court of first instance only in December 2022. There are even no preliminary hearings scheduled for some of the cases.

HRC Kakheti Office has been a member of the Gender Equality Council within Gurjaani Municipality Sakrebulo for three years now. We are also a member of a local council set up with Gurjaani and Telavi Prosecutor's Office as the participation in council meetings is important for coordinating the work. Public schools are cooperating with HRC. I was invited to the meeting with students of Gurjaani Gymnasium marking the day of tolerance; I am also in active cooperation with Gurjaani women's room and with social agents of minors.

In 2022, HRC was actively carrying on research on human rights situation, including the following significant issues: Systemic problems of human rights violations, legal amendments detrimental for human rights, cases of unlawful interference in human rights by the State, etc.

During 2022, HRC has prepared a number of analytical studies. The documents concern the following issues: Problems stemming from the legislative amendments relating to the State Inspector's Office; incompatibility of the trends in the practice of extradition with the international law and standards of human rights; the need to analyze, react to and intensify the struggle against misinformation and propaganda; the significance to take measures for improving the Georgian-EU relations; the problems in relation to enforcement of the judgments rendered by the European Court of Human Rights; non-compliance of the current legislative changes in the procedure of covert investigative actions with the right to private life, etc.



NINO CHALADZE
Legal Analyst

The analytical documents covered the examination of legal acts, analysis and identification of the problems, on the one hand, and developed significant recommendations, on the other hand. Recommendations are given to specific agencies and provided they are followed human rights standards would be raised sharply.



Since 2020, HRC is permanently monitoring judicial hearings of the cases with alleged political motives. The goal of monitoring is to assess the compliance of the court practice and national law with the international standards of fair trial, further, to show the trends and identify the violations.

From the cases I was monitoring during 2022, let me outline some of them: the hearings of the criminal cases against the third President of Georgia Mikheil Saakashvili and the situation with regard to his health causing great interest among the public. Another would be the final judgment rendered by two instances of court against former Director of TV Company Rustavi 2, Nika Gvaramia.

The criminal case against Mikheil Saakashvili involving illegal crossing of Georgian border was particularly interesting as the judge was scheduling the hearings with specific periodicity. At the moments when the defense was filing a motion to have the expert group of Empathy see Saakashvili, the court without any substantiation was adjourning the hearings creating an impression that the action of the judge was serving the procrastination of the process. Meanwhile, the judge was scheduling the hearings intensely for short periods, once in a week, despite the defense motions to adjourn the hearings with

reasonable time. According to the defense counsel, the health condition of Mikheil Saakashvili was serious as evidenced by the certificate issued by clinic Vivamedi and reports from the Penitentiary Service.

After the restrictions of the pandemic were lifted, the court hearings take place in the court rooms, so the restriction is over for attending public who can observe the trials now without obstacles.

Delayed opening of hearings remains a problem which is related to late appearance of the parties or to procrastinations of the previous hearing sessions.

Some other problems stem from the deficiencies in online questioning of witnesses which are due to technical failures hindering the coherent monitoring.

In 2022, I monitored 9 criminal proceedings, 2 civil litigations and 1 administrative offense case. From these, we can outline the civil dispute between TV Company TV Pirveli and Tbilisi Mayor Kakha Kaladze. The subject matter of the dispute was the information disseminated via live broadcast by TV Pirveli journalist Maia Mamulashvili about Tbilisi Mayor participating in corrupt deals. Kakha Kaladze was claiming GEL 100 000 in moral damages to be paid by TV company and public denial of the disseminated information by the same TV company. The court of first instance has already rendered the judgment over the case.



Judge Zaal Maruashvili ordered the TV company to pay GEL 15 000 in damages in favor of the plaintiff, and journalist Maia Mamulashvili was ordered to publicly deny the disseminated information.

During monitoring, we have identified some trends of violating the main principles of the Criminal Procedure Code like that of the principles of adversarial proceedings, impartiality and non-interference. After the amendment was made to Article 25 making paragraph 2 of the same Article became void and so forbidding the judge to put additional questions to witnesses without agreement of the parties, for when using this power, the judges oftentimes violate the principle of adversarial proceedings as well as the principle forbidding the judges to obtain the evidence in an autonomous manner, such trends being particularly evident in the criminal proceedings against Besik Tamliani and others.



In 2022, HRC was further observing the court hearings of the cases with alleged political motives. In the monitoring process, the main manual for the monitors was a predefined questionnaire, followed by the analyses of the significant legal issues as outlined by the monitors.

I attended 11 court hearings in Tbilisi City Court between October 31 to December 29, 2022. The monitoring of the cases revealed that judges mainly followed the requirements established by the procedural law, as they were safeguarding the order in the courtrooms and the requirements of public hearing of cases. At the same time, there was no violation of ethical norms by the participants of the court proceedings. It should be noted that most of the hearings started in

delay due to the late appearance of either parties or judges. Further, there were cases when the evidence by the parties could not be examined due to the technical malfunctions in the court room.

We have to note that some of the judges were actively involved in the hearings on the merits of the cases, with evident trend that they were proactively asking about the details of the case and without a permission from the parties were putting some abstract questions.

2022 was a quite productive year for HRC activities. After the end of the pandemic, no obstacles emerged for HRC operations and activities within various projects.

Statistical data show that HRC has been very active in releasing information about the activities. From the communication platforms, HRC uses the website - hrc.ge, internet newspaper - humanrights.ge, YouTube channel, Instagram, LinkedIn, most often Facebook and Twitter to ensure the best possible involvement of and interaction with interested people. On the official Facebook page of HRC, we publish on average 45 posts per month, the target audience and the number of page followers are increasing with 13 000 to 15 000 people seeing the posts. HRC staff systematically communicates with reporters from local media outlets. Last year, the



activities of HRC and comments by HRC lawyers were covered by the reporters 242 times.

HRC uses two websites to disseminate information, one of them is humanrights.ge a media resource aiming at developing human rights journalism and raising public awareness about human rights in Georgia. Through the second website - hrc.ge, HRC publishes information about the activities of HRC, also news, press releases, reports, etc. There have been 124 publications released during the year on hrc.ge and humanrights.ge. The sites have been visited by more than 70 000 people.

In 2022, HRC leadership decided to reduce working hours on Fridays to 14:00 positively reflecting on the motivation of the staff. On Fridays we have Zoom conferences with each other allowing us to talk weekly with the staff in the regions and make important decisions together.

Further, within the project funded by NED, we are monitoring and covering the court proceeding of the cases with alleged political motives. The video footages released by HRC via Facebook have many reactions by the public.



IT Manager plays significant role to create comfortable working environment for the staff members to work hard on the achievement of the organization's goals. I work to ensure that every staff-member in the office has access to modern office equipment and computer programs; I ensure software and hardware upgrading as well as safety of digital data bases in the office.



Smooth financial management drives the organization. The financial manager is responsible to correctly and transparently manage the finances of the organization. The success can be achieved only by hard work and high motivation to contribute to the development of the organization standards.



Working, to make a Difference!





HUMAN RIGHTS CENTER'S PRIORITY AREAS

Strengthening the rule of law by:

- ◆ Supporting harmonization of national legislation with international human rights standards and monitoring their implementation;
- ◆ Raising public awareness about their rights and available legal remedies/mechanisms for their realization;
- ◆ Providing free legal aid to individuals and groups to defend their rights and freedoms at national and regional/international levels;
- ◆ Monitoring, documenting and reporting on human rights violations.

Supporting freedom of expression and media by:

- ◆ • Supporting development of independent media;
- ◆ • Promoting creation of environment conducive of free expression;
- ◆ • Capacity building of journalists and media representatives;

Promoting equality and social inclusion by:

- ◆ Fighting against discrimination;
- ◆ Protecting the rights of minorities and other vulnerable groups;
- ◆ Promoting gender equality and women empowerment.

Supporting transitional justice by:

- ◆ Documenting and reporting human rights violations committed in relation with armed conflicts;

- ◆ Promoting accountability for human rights violations;
- ◆ Advocating restitution and reparation;
- ◆ Confidence building, reconciliation and peace building.

REINFORCEMENT OF DEMOCRATIC PROCESSES BY:

- ◆ Strengthening development of civil society organizations through capacity building and networking;
- ◆ Encouraging involvement of social groups in public activities;
- ◆ Promoting free and fair elections, good governance and transparency.

Activities:

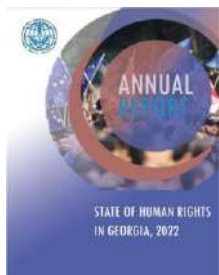
- ◆ Monitoring and Documenting human rights violations in Georgia;
- ◆ Reporting on human rights situation in Georgia to the EU, Council of Europe, OSCE, UN, ICC and others international bodies on regular basis;
- ◆ Lobbying and Advocacy of legislative and policy reforms before national and international institutions;
- ◆ Litigating cases on human rights violations through Legal Aid Office free of charge;
- ◆ Public Awareness Raising on human rights situation in Georgia by daily-updatable bi-lingual online magazine www.HumanRights.ge and website www.hrc.ge;
- ◆ Networking among human rights organizations on national and regional level.

Donors:

- ◆ National Endowment for Democracy (NED);
- ◆ The Norwegian Helsinki Committee (NHC);
- ◆ German Federal Foreign Office's funds by ifa (Institut für Auslandsbeziehungen), funding programme Zivik;
- ◆ Open Society Georgia Foundation (OSGF);
- ◆ East West Management Institute's (EWMI) ACCESS project;
- ◆ EU Monitoring Mission in Georgia (EUMM);
- ◆ The British Embassy in Tbilisi;
- ◆ The World Federal Movement – Institute of Global Politics (WFM - IGP);
- ◆ The European Commission;
- ◆ Black Sea Trust of the German Marshall Fund of the United States;
- ◆ The Embassy of Canada;
- ◆ UNICEF;
- ◆ The Embassy of Switzerland in Georgia;
- ◆ The Embassy of Lithuania in Georgia;
- ◆ The Bulgarian Embassy in Georgia;
- ◆ The US Embassy in Georgia

REPORTS PUBLISHED BY HRC

SITUATION WITH HUMAN RIGHTS IN GEORGIA (2022)



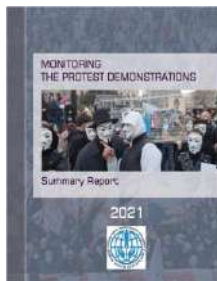
The report reviews human rights situation in Georgia for 2022. Traditionally, the report includes all the important legal and political issues affecting the standards of human rights in the country. The report is based on information and assessments by HRC, other organizations operating in Georgia, Public Defender of Georgia and international organizations. The purpose of the report is to evaluate the actions by various agencies of the State in terms of respecting the human rights, the extent of their reactions to human rights violations, efficiency of justice, legal and systemic changes aiming at consolidating the international human rights standards in Georgia.

MONITORING COURT PROCEEDINGS OF THE CASES WITH ALLEGED POLITICAL MOTIVES (FINAL REPORT)



The Report reflects the outcomes of the monitoring of the court proceedings of the criminal and administrative cases with alleged political motives for the period of February 1, 2021 and December 30, 2021. The report also covers the results of monitoring of the ongoing court hearings of the cases of attacks on media professionals on the grounds of their occupational activities.

MONITORING PROTEST RALLIES (FINAL REPORT)



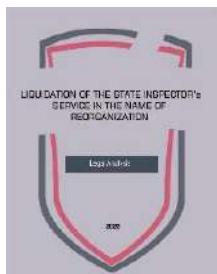
The purpose of the report is to provide a legal analysis of the violations identified during the protests held in Georgia between February 1, 2021 to November 30, 2021 and to assess the compliance of the actions of the law enforcement officials with international standards. The document reviews the results of monitoring of the social and political rallies and other protest demonstrations significant to the public as organized by civil movements, political parties, ultra-right groups, representatives of media and civil activists in Tbilisi and the regions.

LEGAL ANALYSIS OF THE PROCESS OF PROPERTY RESTITUTION AND RESTORATION OF CITIZENSHIP TO ETHNIC OSSETIANS AFFECTED BY THE CONFLICT



The report outlines two significant problems related to the process of granting Georgian citizenship to ethnic Ossetians and to the failure to enforce the *Law on Property Restitution and Compensations of the Persons Affected in the Territory of Georgia from the Conflict Held in the Former South Ossetian Autonomous District*, adopted by the Parliament of Georgia in 2006.

LIQUIDATION OF STATE INSPECTOR'S SERVICE IN THE NAME OF REORGANIZATION (LEGAL ASSESSMENT)



On December 30, 2021, the Parliament of Georgia passed the draft law on the cancellation of the State Inspector Service in the third reading, based on this the Service seized operations on March 1, 2022. The document assesses the possible outcomes of the liquidation of the State Inspector's Service and reviews the flaws allowed by the Government of Georgia in developing the draft law.

GROUND FOR PROHIBITING THE ACTIVITIES OF THE PARTY CONSERVATIVE MOVEMENT AND ALT-INFO TV COMPANY (LEGAL ANALYSIS)



The pro-Russian party, the Conservative Movement, which is distinguished by violent acts and violence inciting hate speech and threats, supports entry of Georgia into Russian "security and economic systems" and "legalization" of Russian military bases in Georgia, undermines the integration of the country into the European and Euro-Atlantic structures, should be subject to restrictions in political rights and must be dissolved. The constitutional grounds, needs and justification for this are available both at national and international levels. Moreover, violent propaganda spreading TV company Alt-Info which openly propagates war, disseminates the statements resulting in hate speech and social confrontation, must be banned from broadcasting and for this purpose the authorities must make all the relevant steps.

MONITORING COURT PROCEEDINGS OF THE CASES WITH ALLEGED POLITICAL MOTIVES

(FINAL REPORT, APRIL-JUNE 2022)



The report reflects the outcomes of the monitoring of the court proceedings of the criminal and administrative cases with alleged political motives for the period of April 1, 2022, and June 30, 2022. The report also covers the results of monitoring of the ongoing court hearings of the cases of attacks on media professionals on the grounds of their occupational activities. Based on the HRC monitoring results, it was possible to assess the available trends in the proceedings of criminal and administrative offenses, further, to identify and analyze the violations in the proceedings of high-profile criminal cases with alleged political motives.

MONITORING THE PROTEST RALLIES (FINAL REPORT, APRIL-JUNE 2022)



The purpose of the report is to provide a legal analysis of the problem trends and violations identified during the protests held, between April 1, 2022, to June 30, 2022, and to assess the compliance of the actions of the law enforcement officials with international standards. The document reviews the results of monitoring of the social and political rallies and other protest demonstrations significant to the public organized by civil movements, political parties and other groups, representatives of media and civil activists in Tbilisi and the regions.

PROBLEMATIC PRACTICE OF EXTRADITING SOME PERSONS FROM GEORGIA TO THE RUSSIAN FEDERATION (INTERNATIONAL LEGAL ANALYSIS)



Assessment of the Case of Ramzan Akhiadov

HRC was providing legal aid to Ramzan Akhiadov, a citizen of the Russian Federation, an ethnic Chechen, living in Georgia. The document evaluates the main problematic trends identified in the decision-making process regarding the extradition of Ramzan Akhiadov from Georgia to the Russian Federation as well as the compliance of the practice of extradition with international human rights law and national standards.

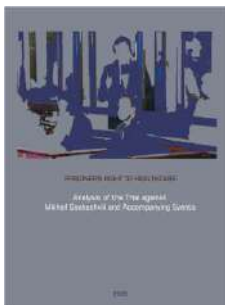
PROSPECTS OF EU MEMBERSHIP AND 12 CONDITIONS FOR GEORGIA TO RECEIVE CANDIDATE STATUS: WHAT WOULD FOLLOW?



The analytical paper aims to analyze Georgia-EU relations in the context of the EU's upcoming enlargement that was made possible due to the Russian-Ukrainian war. The paper highlights the separate stages of cooperation between Georgia and the EU since the restoration of the independence of our country and is making special emphasis on recent events that are related to the application for the EU membership and the decision of the European Council on giving Georgia the European perspective.

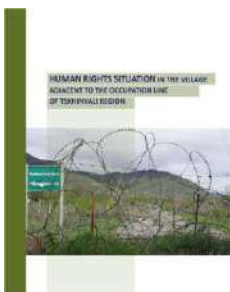
PRISONER'S RIGHT TO HEALTHCARE

ANALYSIS OF THE TRIAL AGAINST MIKHEIL SAAKASHVILI AND ACCOMPANYING EVENTS



HRC actively monitors the judicial hearings of the criminal cases against the third President of Georgia in Tbilisi City Court since the day of detention of Mikheil Saakashvili. The report includes recommendations to the judiciary, the Ministry of Justice, and the Special Penitentiary Service.

HUMAN RIGHTS SITUATION IN THE VILLAGES ADJACENT TO THE OCCUPATION LINE OF TSKHINVALI REGION



The report shows the human rights situation in the villages adjacent to the occupation line of Tskhinvali region. The report is based on the results of monitoring visits performed by HRC in the villages in 2021 and 2022. Representatives of HRC visited 14 villages in 5 municipalities of Shida Kartli and Mtskheta-Mtianeti regions talking to local residents and examining the places with some problems that could be checked. HRC also appealed to the relevant authorities of the local and central governments, requesting public information and reactions to the problems existing in the rural areas.

LEGISLATIVE CHANGES WITH REGARD THE COVERT INVESTIGATIVE ACTIONS: LEGAL ANALYSIS OF THE LEGISLATION AND PRACTICE



The expansion of the scope of the covert investigative actions cannot provide a reasonable balance between private and public interests in Georgia because the State failed to show the effectiveness of the remedies against the infringement let alone for the cases from 2021 in contradiction with the case-law of the Georgian Constitutional Court and that of the European Court of Human Rights. HRC has filed an application to the European Court of Human Rights. The case concerns the lawfulness of covert investigative actions when covert surveillance against a juvenile was conducted without a judge's ruling. The above case once again confirms that covert investigative actions were conducted with violations even before the Criminal Procedure Code was amended.



FINANCIAL STATEMENT

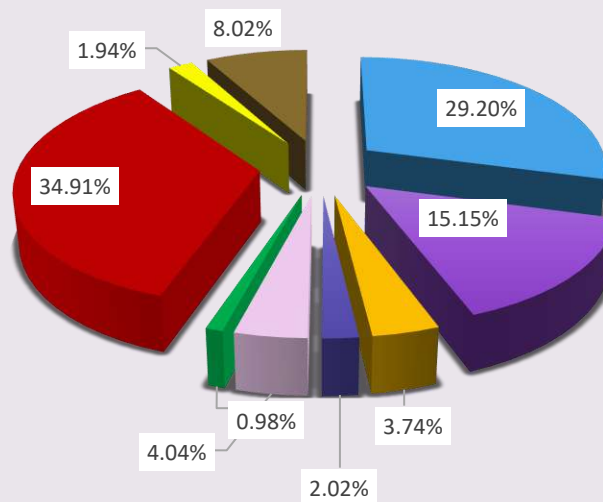
For the year ended 31 December, 2022

INCOME (GEL)

National Endowment for Democracy (NED)	301,433
Norwegian Helsinki Committee (NHC)	162,897
Open Society Georgia Foundation (OSGF)	12,327
Black Sea Trust for Regional Cooperation (BST)	0
Human Rights House Foundation (HRRH)	41,503
Council of Europe	7,840
IFA/Zivik	390,027
British Embassy	19,390
European Union Monitoring Mission in Georgia (EUMM)	45,736
Total (Income)	981,153

FINANCIAL REPORT 2022**The expenditure received from different resources:**

- National Endowment for Democracy (NED)
- Norwegian Helsinki Committee (NHC)
- Open Society Georgia Foundation (OSGF)
- Black Sea Trust for Regional Cooperation (BST)
- Human Rights House Foundation (HRRF)
- Council of Europe
- Ifa/Zivik
- British Embassy
- EUMM





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