



**Role of Civil Society Organizations in
the Democratization of Georgia**
**In the View of the Deeds of Human
Rights Center**

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Human Rights Center



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Introduction

Human Rights Center (HRC) is one of the first human rights civil society organizations in Georgia, which was established in 1996. For many years, HRC has been providing free legal aid to the victims of human rights violations, has been monitoring the state of human rights, publishes reports and analytical documents on major challenges in the country; HRC has been actively engaged in the process of trust-building, peacebuilding and reconciliation. The organization actively works on the promotion of prosperity in Georgia.

In parallel to the years-long smear campaign against the civil society organizations in Georgia, the role of CSOs was misinterpreted and discredited. On May 28, 2024, the parliamentary majority passed the repressive law, which is Russian with its context, because it aims to restrict freedom of expression and persecute and stigmatize civil society organizations, like it happened in Russia and Belarus.

The analytical document below aims to illustrate the real deed of the civil society organizations based on the example of Human Rights Center and underline the crucial role of CSOs in the democratic development of a country.

The document describes the role of the CSOs and the principles of the activities of HRC. It reviews the contribution of the HRC in various high-profile cases, in the strategic litigation on domestic and international level or in the solving important legal issues of the citizens.

Role of Civil Society Organizations

In civil society organizations, individuals are united to achieve joint goals.¹ Freedom of association is a cornerstone of the participatory democracy.² The key activities of the CSOs are to provide services to the vulnerable people, to campaign for social transformation and to advocate the solutions to the challenges in the country. In democratic countries, CSOs are primarily engaged in social services, healthcare provision, in educational and art programs; while in the countries with developing democracy, the CSOs work hard to contribute to the poverty reduction, protection of human rights, establishment of good governance, ensuring fair elections, strengthening rule of law, community development and conflict resolution. As a rule, CSOs strive to empower those fields in the country, where the government is weak.³

Civil society organizations, firstly, work on the development of society and secondly, they promote accountability of public officials before the society. For example, it is believed that one of the first civil society organizations in Georgia was the Society for the Extension of Literacy

¹ CDL-PI(2024)013; EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) GEORGIA URGENT OPINION ON THE LAW ON TRANSPARENCY OF FOREIGN INFLUENCE issued on 21 May 2024; Para 58,65, 69; see: [link](#)

² ODIHR and Venice Commission, CDL-AD(2023)016, Joint Opinion of the Venice Commission and the OSCE/ODIHR on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations, Para. 16. see [link](#)

³ Tamar Koberidze; University reading materials for the students: Role of the Civil Society, p. 30, see: [link](#)

among Georgians, which was established in the 19th century and promoted education among citizens.⁴

In Georgia, part of operating CSOs provide beneficiaries with free legal, social and psychological assistance, and the beneficiaries are: women, children, people with disabilities, IDPs, minorities and other vulnerable groups. They work hard to contribute to the poverty reduction, peacebuilding, protection of human rights and democratic development of the state. Some organizations carry out charity activities, while others work on awareness raising, on the environment and cultural heritage protection in Georgia. These organizations get funding from the funds, which have the same priorities or other nongovernmental and donor organizations both inside and outside the country. Unfortunately, due to existing material hardship in Georgia, it is difficult to raise sufficient funds locally to ensure public welfare. Therefore the CSOs prefer to get grants from foreign donors, which have the same values as the applicant organization, and work to protect the interests of women, children, people with disabilities or other focus groups of concrete organizations that finally promotes democratic development of the country.

Usually, civil society organizations hold the governments accountable, monitor their activities and stay faithful to their principles. In democratic countries, CSOs conduct effective control of their governments to prevent them to divert from democratic course. While in authoritarian states, the CSOs promote reinforcement of democratic ideas. Therefore, often, such organizations become subjects of repression in authoritarian states. For example, in Russia, Belarus and Azerbaijan, the activities of the CSOs were eventually restricted and finally completely banned.⁵

More precisely, initially, because of getting foreign funding, in Russia, the CSOs were registered as “foreign agents.” Among them were organizations, which, for example, worked only on the prevention of domestic violence and other concrete fields. In parallel to that, neither Ministry of Justice, nor the court questioned whether these organizations really were under the influence of foreign power and pursued the interests of other states or not.⁶ They neglected the fact that members of local CSOs worked for the welfare of the Russian society, for the protection of human rights, promotion of rule of law and democratic development of the country.⁷

Unfortunately, the Parliament of Georgia adopted analogically repressive law on May 14, 2024.⁸ Irrespective the unprecedented and permanent protest of the society, the Parliament overrode the President’s veto too.⁹ The law is characterized by multiple problems.¹⁰ Big part of the CSOs stated that they will not obey the Russian law and will continue support of the society.¹¹ It is worth to

⁴ Ibid

⁵ Civic education for everybody; Civil Society and Participation; see [link](#)

⁶ Ecodefence and Others v. Russia, nos. 9988/13 and 60 others, § 135; 14 June 2022; see [link](#)

⁷ Ibid, § 136

⁸ CDL-PI(2024)013; EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) GEORGIA URGENT OPINION ON THE LAW ON TRANSPARENCY OF FOREIGN INFLUENCE issued on 21 May 2024; para. 7-17; see. [link](#); Interpresnews; The Parliament finally passed the Law on the Transparency of Foreign Influence; 14.05.2024; see. [link](#)

⁹ Interpresnews; the Parliament overrode the President’s Veto on the Law on the Transparency of Foreign Influence; 28.05.2024; see [link](#)

¹⁰ Nino Chaladze, Human Rights Center; Repressive Law and Stigmatization of Civil Society Organizations, see: [link](#)

¹¹ Statement of the CSOs; “We will not obey the Russian law!” 29.05.2024, see [link](#):

mention that before and after the law was adopted, the CSOs were attacked and disinformation campaign was conducted against them. Also there was an attempt to evaluate the work of the civil sector as anti-state activities and high treason,¹² who aimed to discredit the church and to conduct propaganda in support of the LGBT+ community, to contribute to the return of the United National Movement in power, to organize provocations, etc.¹³ These accusations are very far from reality and the activities of Human Rights Center also illustrate the key importance of unrestricted functioning of the CSOs for the benefit of vulnerable groups and for the construction of the democratic state.

Activities of Human Rights Center

Human Rights Center was founded in 1996 and since then, it has implemented many projects, programs or campaigns to promote protection of fundamental rights, peacebuilding and establishment of democratic society. The activities of Human Rights Center are absolutely transparent and annual reports, among them information about income from various sources and expenditures is regularly published on the website of the organization and is available for any interested person.¹⁴

Human Rights Center provides victims of human rights violations with free legal consultations and litigates cases of human rights violations on national and international levels; HRC monitors facts of human rights violations in Georgia, documents them and prepares reports; the organization raises public awareness on human rights; advocates reforms based on the identified legislative shortcomings; promotes freedom of expression and development of free media, etc.

Only in 2023, the HRC lawyers provided 5 252 citizens with free legal consultations. The lawyers successfully advocated 48 legal cases and sent 3 applications to the European Court of Human Rights on behalf of the beneficiaries with breached rights.¹⁵

The lawyers of Human Rights Center provide every individual with free legal aid, who needs similar assistance. Particular attention is paid to the rights of children, women, people with disabilities, IDPs, elderly and minorities. It is important to note that HRC lawyers were never afraid to work on the cases, where alleged perpetrators were the people associated with the government or were government officials. Often, citizens, who stay alone in front of the crimes committed by the members of the government, trust only Human Rights Center and other human rights organizations, as firstly it is difficult for a citizen to fight alone against the system, and secondly people who face financial problems cannot properly defend his/her rights or get paid legal advocacy. Furthermore, when alleged perpetrators are government officials, others outside

¹² Interpresnews: Irakli Garibashvili - ... For me, pursuing the interests of foreign country is a state treason; 11.05.2024; see [link](#)

¹³ Interpresnews; Irakli Kobakhidze – this bill already achieved its goal: everybody admitted that being an agent is shameful, people learned about those organizations, which are engaged in anti-state activities and it proved that the Bakuriani Plan will never be realized; 10.03.2023; see. [link](#)

¹⁴ Annual Reports of Human Rights Center; see [link](#)

¹⁵ Annual Activities Report of Human Rights Center, 2023; see [link](#)

these organizations are afraid to provide victims with legal, social, economic or other support because they may also become victims of persecution.

Human Rights Center continued provision of free legal aid to citizens though many times became subject of assaults during all governments in Georgia.

In this light, since its establishment, Human Rights Center has worked on many high-profile cases, conducted litigation of important cases in domestic and international courts; on daily basis, HRC assisted citizens to solve their legal problems and protected citizens' rights. Additionally, HRC never stopped assistance of the citizens, whose rights were violated and stayed alone.

High-Profile Cases

- *Khorava Street Tragedy and Miscarriages in the Investigation*

The bloody conflict, which started among the pupils of the Tbilisi Public School N 51 in 2017, is known as Khorava Street Tragedy. Two students of the school Levan Dadunashvili and Davit Saralidze were killed in the conflict. From the very first days, the father of the deceased Davit Saralidze – Zaza Saralidze stated that alleged perpetrators were protected. Therefore, the lawyer of Human Rights Center get involved in the case as a defense lawyer of the victim's family.¹⁶

In the course of investigation, it was almost impossible to restore the real picture of the developments in Khorava Street on the tragedy day, because one part of evidence were changed and another part was destroyed. In the frame of case proceedings, HRC permanently indicated at the alleged abuse of official power. The allegation was based on the delayed investigative activities or activities which were not carried out at all. The Public Defender of Georgia also shared the position of the HRC that the investigation never intended to determine the real perpetrators,¹⁷ who stated in her conclusion that it was established that “either or both elements of the crime committed by public officials was present, was it a purposefully ineffective investigation or negligence, unprofessional attitude and/or superficial approach towards the discharge of their duties.”¹⁸

In the process of litigation, HRC found out that a son of Mirza Subeliani, deputy chairman of the Human Resources Department at the Prosecutor's Office of Georgia and his cousin were among conflict participants. Although the senior official of the prosecutor's office resigned from the position a few days after the accident, he negatively influenced the ongoing investigation and restoration of justice. Nevertheless, the investigation did not interrogate Mirza Subeliani. Neither his phone conversation records nor his movement trajectory were examined. Just the opposite, the investigative bodies did their best to hide his alleged participation in coverage/not reporting of the crime and deconstruction of evidence. Later, the influence of Mirza Subeliani on the investigative process was reported by media too, where his links with the accident became evident because the family members were allegedly destroying the evidence in the released

¹⁶ Lazare Jibladze, Human Rights Center; Khorava Street Teenage Murder Case, Chronology of Facts, 2020 p. 5 see [link](#)

¹⁷ Ibid, P. 27-30

¹⁸ Netgazeti; “The Prosecutor's Office rejected our recommendations over Khorava case – Ombudsperson,” 01.04.2019; see [link](#)

video-footage.¹⁹ After that, the court sentenced the former senior official of the prosecutor's office to imprisonment for one year and one month. However, the society doubted that Subeliani was bargaining with the authority about the information he possessed. Besides that, media released his audio-recordings, which showed that he voluntarily went to prison and made a deal with the government.²⁰

In parallel to these developments, the ruling party tried to present Zaza Saralidze as an affiliated person with the opposition political parties. They aimed to instill antipathy to Zaza Saralidze among the society to finally subdue his protest. Nevertheless, thousands of people went into the street to support the father, whose rights were breached. As a result, several hours after the protest rally started, the resignation of the chief prosecutor was reported.²¹ The State had to identify many people participating in the crime and hiding of crime, part of whom were punished under the criminal law. Also, the fact that one of the perpetrators was convicted for the crime 4 years after the accident, proved the mistakes made in the initial stage of the investigation.²²

Unity of Human Rights Center and the victim's assignee together with the civil society caused many upheavals in the investigation. However, impunity of official crimes as well as other systemic challenges in the state still remain a problem. Nevertheless, HRC still continues advocacy of the independence and transparency of investigative bodies, real reform of the Georgian judiciary authority and the need of real amendments in the system.

- Case of Vitali Safarov

Human Rights Center defends legal interests of the assignee of the brutally murdered human rights defender, Vitali Safarov, in the court; he was killed on September 30, 2018 in Tbilisi. Many pieces of evidence were identified in the criminal case, which proved the murder was committed based on ethnic intolerance. Namely, the perpetrators stabbed the human rights defenders multiple times shouting anti-Semitic phrases ("kill him, F...his Jewish mother!,,,," and other). Also the testimonies of the witnesses in the case files, pages of the defendants in the social networks and aggregation of evidence prove anti-Semitic and xenophobic language of the attackers, their ideological belonging to the neo-Nazi groups.²³ Despite all these evidence, all three instances of the national court found the defendants guilty only in the murder committed by a group, but the court did not determine the sign of ethnic intolerance as an aggravating circumstance of the intentional murder.

In accordance with the case law of the European Court of Human Rights, it is inadmissible when the state neglects discriminative motive on the stage of investigation or conviction. Furthermore, similar approach may be evaluated as indirect discrimination. Therefore, **Human Rights Center believes the inadequate response practice of the domestic court towards the hate-motivated**

¹⁹ Rustavi 2; How the evidence were destroyed in the murder case of the senior school student- Exclusive materials of Kurieri, 19.05.2018; see [link](#)

²⁰ Lazare Jibladze, Human Rights Center; Khorava Street Teenage Murder Case, Chronology of Facts, 2020 p. 5, 6, 11, 12 see [link](#)

²¹ Ibid, p. 13. 15

²² Public Broadcasting Channel 1, Court left Giorgi Menabde, defendant in the murder case of Davit Saralidze, in prison; 21.06.2021; see [link](#)

²³ Human Rights Center - MURDER OF HUMAN RIGHTS DEFENDER, VITALI SAFAROV CASE DETAILS AND LEGAL ASSESSMENT 2019, p.1-2, 10 see [link](#)

crimes undermines the public order.²⁴ In relation to such cases, the State does not have systemic approach to prevent discriminative crimes that complicates to build peace-oriented society.²⁵ For the prevention of hate-motivated crimes and promotion of development of correct judiciary practice, in January 2024, HRC sent application about Vitali Safarov's case to the European Court of Human Rights.

- *Case of Tamar Bachaleishvili*

Human Rights Center represented legal interests of the assignee of the young programmer Tamar Bachaliashvili, who died under suspicious circumstances in 2020. At the stage of the investigation, HRC identified many problematic issues, which was also reported by media.

In accordance with the judgment of the European Court of Human Rights, a state has a positive obligation in compliance with the Article 2 of the European Convention on Human Rights (Right to Life) to conduct effective investigation if a person dies in suspicious circumstances.²⁶ However, soon after the body of Tamar Bachaleishvili was found, before the conclusions of the forensic expertise were ready and main investigative actions were conducted, the prosecutor's office announced that it was suicide. Besides that, there were many questions in the course of investigation, answers to which were in the interest of the society. Nevertheless, instead answering the questions, the prosecutor's office, to reinforce the version of the suicide, published personal data of Tamar Bachaliashvili and her family members.²⁷

According to the assessment of Human Rights Center, the investigation could not answer many important questions, which was necessary to be answered firstly for comprehensive investigation of the case and secondly to convince the society that respective state institutions worked hard to answer the urgent questions. 1. According to the investigation materials, Tamar Bachaliashvili's car was locked, and all four windows were raised up. However, so called "bluebottles" were found in the car in large amount though the car was locked. This fact does not exclude the chance that before the body was placed in the car, it was in open air. However, the investigation did not get interested in it and only after the HRC got involved in the case proceeding, they were compelled to conduct additional expertise though the results are still unknown. 2. The government could not obtain the photos taken from the satellite, which could prove that the car was standing in the area during 4 days after Tamar Bachaliashvili disappeared. It is also noteworthy that the satellite photos provided by the head of the Anti-Crisis Center of Security Issues turned up fake for what the prosecutor's office arrested him for the falsification of evidence and unlawful entry to other person's computer. 3. The identity of a woman is not established, who came to the family of Tamar Bachaliashvili before funeral and was apologizing the dead young girl and her mother for unclear reasons; and then ran away. Although the experts created a photo-robot based on the testimonies of the witness, her identity was not established. 4. If the version of carrying the dead body was allowed, it was important to question the person, who

²⁴ Ibid, p. 10, 11 see [link](#); see also HRC's Address on Verbal Insulting and Intimidation of the Family Members of the Killed Human Rights Defender Vitaly Safarov, 17.03,2023; see [link](#)

²⁵ 'No to Phobia!' Civil Platform Requests to Qualify the Murder of Vitaly Safarov as Organized Crime, 01.02,2019 see [link](#)

²⁶ Iorga v. Moldova, no. 12219/05, § 26, 23 March 2010

²⁷ Humanrights.ge; The Case of Tamar Bachaleishvili - Problematic issues identified by the Human Rights Center; 26. 10. 2020; see [link](#)

switched off the electricity in Golteti village during several hours, because one of the journalists was publicly stating that there could be direct connection between the switched off electricity and transportation of the body. 5. The investigation trusted the testimonies of the shepherd father and son irrespective to the controversies in them. For example, the son stated that having discovered the car and body of Tamar, he could not call his father because the cell phone was flat. But the phone recordings in the case files showed that the witness made phone calls in that period. Moreover, it was proved that he made phone call on the site of incident. 6. One of the shepherds, who stated in video-interview, that he was pasturing cattle in the area where the car was found every day and if there had been any car, he could have definitely noticed it, was questioned in the investigative body next day without lawyer. After that he altered his testimony and said that he was drunken and did not remember what he was speaking. 7. Investigation did not identify the person, whom the DNA discovered in Tamar Bachaliashvili's car belonged to. The investigation could not determine whom the blood stain discovered on the left shoe, on the back carpets of the car and telephone of Tamar Bachaliashvili belonged too.²⁸

Based on the abovementioned circumstances, Human Rights Center believes that it is important to ensure effective work of investigative bodies. Therefore, the Center continues to advocate for the improvement of the qualifications of investigative bodies and investigators, as well as the need to implement and develop relevant reforms.

- *Cases of Torture and Inhuman Treatment in the Penitentiary System of Georgia in 2003-2012*

Human Rights Center still continues defense of the rights of those people, who became victims of torture, inhuman and degrading treatment in prisons during the governance of the previous government.

In 2016, the Parliament of Georgia adopted the Resolution regarding the Legal Assessment of the Facts of Torture and Ill-Treatment of Persons during 2004-2012 and the Inadmissibility and Complete Prevention of such Facts to take place again. The Resolution provided for that the State must take all measures within its authority to ensure that victims of violations are provided with effective protection and rehabilitation. However, in accordance with the assessment of Human Rights Center, the State has not elaborated the homogenous policy in this regard. Namely, the victims of torture and ill-treatment have to wait for years for their cases pending in the courts²⁹. One of the reasons of the procrastinated justice is the refusal of the Penitentiary Service to reimburse the harm, until they finish disputes with the torture victims in all instances of the domestic court.³⁰ Initially, the victims have to appeal the first instance court and then continue dispute in the court until the Supreme Court confirms that the criminal offence was really committed against the victim. Afterwards, a new administrative proceedings start in all three instances of the court with regard to the compensation of the victim. Therefore, in one of the cases litigated by Human Rights Center, it took 12 years of the court proceedings until the

²⁸ Ibid

²⁹ Human Rights Center, Appeal by Human Rights Center against Delayed Rehabilitation and Compensation of Victims of Torture, 23.12.2021; see [link](#)

³⁰ Human Rights Center; Penitentiary Service is to pay GEL 30 000 a Victim of Torture in Moral Damages; 16.11.2022; see [link](#)

compensation was granted to the victim. Nevertheless, the HRC protected the rights of the victims, who became subjects of cruelty, inhuman and degrading treatment, like: beating a prisoner in bathroom; spitting, torture, burning with cigarette butt, rupturing the ear drum, rape, etc. In some cases, the position of the state was that 2 000 GEL was adequate compensation for the physical assault and torture.³¹ Although both physical and moral harm must be compensated for the victims, and applicants shall be completely discharged from the payment of the court fee when claiming the compensation, there was a case when the victim was requested to pay court fee but as she could not afford it, the victim had to request lower compensation for her moral damage.³²

It is worth to mention that Human Rights Center created precedents, based on what torture victims can claim compensations in the court. For example, there were cases, when as a result of the legal advocacy of HRC, the court ordered the Ministry of Penitentiary and Probation to pay 60 000 GEL to the victim of torture and inhuman treatment.³³

Human Rights Center still continues protection of the rights of the torture victims, to keep the government implementing its obligations in front of the victims and pay adequate compensations and provide rehabilitation programs for them.

- *Kintsvisi Case*

In the morning of May 26, 2011, officers of the Ministry of Internal Affairs (MIA) detained a group of 24 persons in the vicinity of Kintsvisi Monastery. The reason for the arrest was a conspiracy to change the constitutional order in Georgia. Although the defendants were arrested in Kintsvisi, the special operation was conducted with violations and respective detention protocols were not prepared. Therefore, the police prepared the documents in Tbilisi, next day as if the defendants were arrested in Tbilisi police department. Also, initial statement about the arrest of 24 persons, which was published on the website of the MIA, soon disappeared and the prosecutor's office completely denied conduct of special operation in Kintsvisi.³⁴

It is noteworthy that in 2020, the European Court of Human Rights made decision on the case *Nikoloz Gogvadze v. Georgia*. The applicant became the victim of ill-treatment from the side of the law enforcement officer and in addition to that, the State failed to conduct effective and timely investigation into the fact. Therefore, the ECtHR held the violation of the Article 3 (Prohibition of Torture) of the European Convention on Human Rights. The investigation, which launched in June 2011, was still undergoing 8 years later. Hence, the ECtHR ordered the Government of Georgia to pay compensation to the applicants.³⁵

Because of evident violations in the case files, torture and inhuman treatment facts, political motives in the investigation, with the initiative of Human Rights Center, a petition was submitted to the Parliament of Georgia to grant status of political prisoner to the people participating in the

³¹ Human Rights Center; Just Satisfaction of Victims of Torture and Inhuman Treatment, Court Practice, 2019; p. 4-10; see [link](#)

³² Humanrights.ge; Torture victim woman was compelled to claim low compensation for moral damage; 14.03.2018; see [link](#)

³³ Human Rights Center; Just Satisfaction of Victims of Torture and Inhuman Treatment, Court Practice, 2019; p. 5; see [link](#)

³⁴ Humanrights.ge; Tbilisi Appeal Court acquitted 12 former political prisoners convicted in so called Kintsvisi case; 02.02.2021; see [link](#)

³⁵ Judgment of the Fifth Section of the European Court of Human Rights; Gogvadze v. Georgia, (*Application no. 40009/12*) see [link](#)

so-called Kintsvisi case; in 2013 the Parliament of Georgia satisfied the petition. In January 2013, all 24 participants of the Kintsvisi case received the status of political prisoner and were released from imprisonment.³⁶

As a result of multi-year work of Human Rights Center, the prosecutor's office granted victim status to the people participating in Kintsvisi case and gave up to support the old indictment in the court. In 2021, the Appellate Court acquitted all former political prisoner from Kintsvisi case.³⁷

- *Cases of Uncontrolled Surveillance*

On September 13, 2021 media reported about unprecedented leak of files of surveillance and wiretapping of citizens - civil sector, journalists, politicians, clergy and diplomats. The leaked files contained an unprecedented amount of materials of private life, allegedly obtained through illegal wiretapping and surveillance.³⁸ The files were uploaded in public platforms, allegedly by the former employee of the State Security Service, who also left a message on the webpage: *"There is no other cruel and awful job than where I worked several years! The name does not sound that horrible – just the opposite, it sounds very generous – State Security Service... in fact, nothing undermines the security of our state more than this service does! We are a cancer and I am one of the metastases! Here you will see the scopes of the disgusting work I did for years and God forgive me. I pray one day you wake up and destroy this system!"*³⁹

In the case on covert surveillance, Human Rights Center defends legal interests of up to ten journalists and lawyers both in Tbilisi and in the regions. After the parties examined the leaked files, they recognized their conversations in them and confirmed authenticity of the disseminated materials. Covert surveillance against each of the victims may be linked with their professional activities. Namely, the lawyers worked on high-profile criminal cases and journalists reported about them. They worked on such a resonant cases like: protest demonstrations against the construction of the Namakhvan Hydro Power Station; case about the death of the late Prime Minister Zurab Zhvania, so called cyanide case, case of Tamar Bachaliashvili, etc. For example, covert surveillance was conducted not only of phone calls of lawyer Mikheil Ramishvili, who works on resonant criminal cases, but a special device was installed in his office. It demonstrates interference in the professional activities of the law. Therefore, the lawyers of Human Rights Center petitioned the Tbilisi Prosecutor's Office to add Article 364 of the Criminal Code of Georgia to the case, which refers to unlawful interference in the professional activities of a lawyer. Unfortunately, the investigation did not requalify the criminal case with the additional provision of the law.⁴⁰

³⁶ Humanrights.ge; Tbilisi Appeal Court acquitted 12 former political prisoners convicted in so called Kintsvisi case; 02.02.2021; see [link](#)

³⁷ Humanrights.ge; Tbilisi Appeal Court acquitted 12 former political prisoners convicted in so called Kintsvisi case; 02.02.2021; see [link](#); also, Imedi "With the legal aid of Human Rights Center all former political prisoners in Kintsvisi case were acquitted;" 28.09.2022; see [link](#)

³⁸ Public Defender of Georgia; Public Defender Presents Annual Report in Parliament; 2022, see [link](#)

³⁹ Tabula, Mtavari Arkhi: Person, who leaked the secret files from the State Security Service, Committed Suicide, 13.09.2021; see [link](#)

⁴⁰ Nino Chaladze, Human Rights Center; Uncontrolled surveillance and inviolability of Personal life; 2024; p. 15; see [link](#)

The prosecutor's office granted victim status to all lawyers and journalists, whose legal interests were represented by Human Rights Center, in relation with the violation of private communication.⁴¹ However, it is worth to mention that they received the status after part of the victims appealed the European Court of Human Rights.⁴²

Institutional and legislative shortcomings are still problem in the country that creates grounds for uncontrolled surveillance. Lack of effective control and oversight is additional problem. In its 2022 opinion, the UN Human Rights Committee noted it is concerned that the Operative Technical Agency, which conducts electronic surveillance, lacks sufficient independence from the State Security Service.⁴³

Unfortunately, no complex investigation of the illegal surveillance has been conducted and neither perpetrators were ever punished. Investigative bodies could not substantiate ongoing criminal proceedings against concrete individuals that could create grounds for covert investigative actions.⁴⁴ Illegal surveillance files were leaked many times before too, but not a single precedent happened, when perpetrators were held responsible.

According to the assessment of Human Rights Center, frequency of facts when secret surveillance is conducted and files are disseminated, as well as ineffective response to these facts illustrate that neither legislative nor institutional framework regulating the covert surveillance process in Georgia ensures the protection of the inviolability of personal life. Therefore, **Human Rights Center advocates creation of such a system of oversight and effective control, creation of appropriate procedural guarantees, which will ensure prevention of abuse of power by state institutions.**⁴⁵

Strategic Litigation on International Level

- *Case of Vakhtang Maisaia*

In 2009, military expert Vakhtang Maisaia was arrested for the alleged espionage in favor of the Russian Federation and the Tbilisi City Court sentenced him to twenty years long imprisonment. At that time, torture of inmates was a systemic problem in Gldani prison and he also became victim of inhuman treatment. As a result of torture, he made guilty testimony that was used against him later.⁴⁶

Human Rights Center defended the legal rights of Vakhtang Maisaia on the national and international levels. In 2013, based on the Amnesty Law, people, who received status of political prisoners based on the decision of the Parliament of Georgia, were released from prison; Vakhtang Maisaia was among them. Since 2014, Human Rights Center has been requesting the Ministry of Internal Affairs to remove "top secret" status from the case files. Satisfaction of the

⁴¹ Ibid

⁴² Radio Liberty, Ombudsman petitions to the European Court to examine the "surveillance case" as a priority, 20.09.2022, see: [link](#)

⁴³ United Nations, Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, CCPR/C/GEO/CO/5 (13 September 2022) para. 39. See [link](#)

⁴⁴ Nino Chaladze, Human Rights Center; Uncontrolled surveillance and inviolability of Personal life; 2024; p. 17; see [link](#)

⁴⁵ Ibid, p.16

⁴⁶ Humanrights.ge; "Georgian State shall pay 15 000 EURO to Vakhtang Maisaia as a Compensation;" 07.05.2024 see [link](#)

HRC request could be a significant pre-condition for the rehabilitation of political prisoners, who were persecuted by the previous government based on political motives.⁴⁷

Vakhtang Maisaia stated that he had evidence against the people, who participated in his torture but during the new governance these people were promoted instead firing from jobs.⁴⁸ Human Rights Center exhausted all legal remedies on the national level but could not achieve fair investigation by the prosecutor's office or punishment of perpetrators. However, on the international level, on May 7, 2024 the European Court of Human Rights satisfied the application of Human Rights Center and held violation of the Article 3 (prohibition of torture) of the European Convention on Human Rights for ill-treatment of the applicant in prison and for the failure to conduct investigation of the case. As a result, the Court ordered the State to pay 15 000 EURO as a compensation.⁴⁹

- *Case of Zura Elibashvili-Khutsishvili*

On August 1, 2016 Zura Elibashvili (surname at birth - Khutsishvili) was driving to the Tbilisi International Airport to meet his mother and brother. However, on his way to the airport, a patrol police car chased him for uncertain reason. After Zura Elibashvili got out of the car and ran, the officers ran after him too alongside the Mtkvari River Embankment. Soon, the patrol officers returned to their car without identifying the location of Elibashvili; they did not call a rescue team either. As Elibashvili never reached the airport, the family started to look for him. Three days later, on August 3, the family found his body in the Mtkvari River. Initially the investigation started into bringing a person to the point of suicide; afterwards the criminal case changed the qualification and the investigation continued into professional negligence that caused death of an individual or other grave result. The expertise concluded that Zura Elibashvili died of asphyxia.⁵⁰

Although the police officers participating in the chase of the dead person are identified, the investigation has been underway without any results for 8 years already. Therefore, in 2021, Human Rights Center sent application to the European Court of Human Rights on the case of Zurab Elibashvili, who died in suspicious circumstances. The Court shared almost all arguments of Human Rights Center with regard to the ineffectiveness of the investigation, and rejected the arguments of the Government. The Strasbourg Court held violation of the right to life and ordered the State to pay 12 000 EURO to the applicant for the compensation of the moral harm.⁵¹

The Court clarified in its judgment that the link between the death of the applicant's son and his being pursued by the police was apparent. Even though the relevant domestic regulations provided that offences allegedly committed by police officers were to be investigated by a prosecutor's office, the investigation had been assigned to the police. It was only fifteen months later that the investigation was taken over by the prosecutor's office. Hence, the most crucial stage

⁴⁷Humanrights.ge; Address to Remove Top Secret Status from the Cases of Former Political Prisoners Convicted for Espionage; 26.01.2016 see [link](#)

⁴⁸ Radio Liberty; Vakhtang Maisaia requests to investigate his torture facts and remove top secret status from his case, 24.10.2013; see [link](#)

⁴⁹ Humanrights.ge; "Georgian State shall pay 15 000 EURO to Vakhtang Maisaia as a Compensation;" 07.05.2024 see [link](#)

⁵⁰ Human Rights Center; Strasbourg Court Held Violation of Right to Life and Ordered the State to Pay 12 000 EURO to the Applicant; 04.03.2024; see [link](#)

⁵¹ Elibashvili v. Georgia; (*Application no. 45987/21*); judgment; Strasbourg, February 22, 2024 see [link](#)

of the investigation was conducted by an authority lacking sufficient independence from the police officers whose responsibility might have been engaged in the incident.⁵²

- ***Defense of the Rights of the victims of the 2008 August War***

HRC is defending rights of 137 individuals affected by August 2008 War before the ECtHR. The organization lodged in total, 3 applications with the Court concerning the violations of various rights under the European Convention on Human Rights by the Russian Federation during the August War.⁵³

In 2021, the ECtHR in the case *Georgia v. the Russian Federation* mostly granted the application and held that Russia violated almost all key articles of the European Convention. The judgment rendered with regard to the interstate dispute is also crucial in terms of being the first legal assessment by the international court of 2008 Russian-Georgian War, establishing the liability of the Russian Federation with regard to the occupied territories. Also, the judgment has direct impact on hundreds of individual applications, which were lodged by the citizens of Georgia, among them with the legal support of Human Rights Center.⁵⁴ Although the Russian Federation was expelled from the Council of Europe in September 2022, the Strasbourg Court gave priority status to the inter-state dispute between Georgia and the Russian Federation⁵⁵ and on April 28, 2023, ordered the Russian Federation to pay up to 130 million EURO to Georgia in relation with the August War.⁵⁶ Additionally, on April 20, 2023, the European Court of Human Rights accepted the fourth inter-state application of the State of Georgia against the Russian Federation, which refers to the intimidation, arbitrary detention and non-investigated crimes committed against the Georgian population in the occupied territories of Georgia and alongside the occupation line.⁵⁷ Hence, Human Rights Center also has positive expectations with regard to the individual applications.

Significant Individual Cases

Besides the cases, which played decisive role in the country, or the cases with high profile, Human Rights Center works on the solution of ordinary daily legal problems of the citizens.

- For years, HRC defended the rights of the citizens who were victimized in the process of medical service. In accordance with the assessment of the organization, litigation of those cases revealed many systemic problems, which are related with the mistakes committed by the medical centers and medical personnel, as well as by investigative bodies and investigators. Therefore, it is important to resolve the issues related with determination of professional medical responsibilities.⁵⁸

⁵² Ibid, Para. 16

⁵³ Lazare Jibladze; Human Rights Center; Judgment of the European Court of Human Rights in the Case of 2008 War, Georgia v. Russia; p. 7 see [link](#)

⁵⁴ Ibid; p. 4

⁵⁵ ECHR; Future processing of applications against the Russian Federation; see [link](#)

⁵⁶ 17 Georgia v. Russia (II) (just satisfaction) [GC], no. 38263/08, 28 April 2023 see. [link](#)

⁵⁷ Joint statement of the CSOs: 15 YEARS AFTER THE AUGUST WAR - THE CONTINUING DAMAGE OF THE TERRORIST REGIME AND ITS CONSEQUENCES IN INTERNATIONAL COURTS; 07.08.2023 (last seen 12.12.2023); see [link](#)

⁵⁸ Nino Chaladze, Human Rights Center; Analysis of Legal Issues Faced by the Victims of Medical Services; 2023; p. 11, 12, 23; see [link](#)

- HRC pays particular attention to the victims of domestic violence; namely, HRC lawyers work on many cases of women, who became victims of domestic violence because the high number of these crimes is still a significant challenge in the country;⁵⁹
- HRC actively works on the defense of juvenile rights. Unfortunately, the lawyers of the organizations work on many cases, where minors are victims of psychological, physical and sexual harassment.⁶⁰
- For years, HRC has been assisting the elderly people to resolve their problems related with their rights to get pension. Also, the organization is actively involved in the solution of the problems related with social allowances; for example, the lawyer of HRC Shida Kartli regional office assisted a citizen, whose social allowance was stopped by the Social Service Agency and was demanded to return the money back. As a result of the legal aid of HRC, the Tbilisi Appellate Court granted the lawsuit of HRC.
- HRC lawyers helped many IDPs, who were refused to grant an IDP status or get accommodation. For example, in the case of E.Z., the Tbilisi City Court ordered the Agency for IDPs, Eco-Migrants and Livelihood Provision to give an accommodation to the IDP person. Also, with the legal advocacy of HRC, based on the March 16, 2023 ruling of the Supreme Court of Georgia, the cassation lawsuit of the Agency was rejected and the Agency was ordered to give accommodation to E.Z.
- The organization provided people living alongside the occupied territory with free legal aid in many cases. For example, in 2018, the HRC assisted I.B, resident of Ditsi village; the Public Registry refused him to register his plot as a property claiming that it was located on the occupied territory by Russia. In fact the plot was in the Georgia-controlled territory. As a result, on June 6, 2019, the Tbilisi Appellate Court did not grant the lawsuit of the National Agency of Public Registry and ordered to register the plot as a property of the applicant.
- On April 19, 2024, the Gori district court fully granted the administrative lawsuit of HRC and fined Gori Municipality City Hall. The latter was ordered to clean over 26 000 square meter nearby the cemetery. HRC believes it is important to liquidate the garbage dump because it is located nearby the residential area and harms the health of local population.
- On August 23, 2020, nearby Biso village in Dusheti municipality, 17 people died in a car accident on the road to Shatili; three were gravely injured. After the legal advocacy of HRC, the prosecutor's office granted victim status to the family members of the deceased and started prosecution of perpetrators.
- With the advocacy of the HRC lawyers, many unlawful penalties issued by the patrol police office against citizens were annulled; many illegally fired employees managed to win trials against employers; the people arrested during protest rallies managed to restore their rights; etc.

⁵⁹ Nino Chaladze, Human Rights Center; Social and Legal Aspects of the Violence against Women and Domestic Violence; 2023. See [link](#)

⁶⁰ Nino Chaladze, Human Rights Center; Challenges in the Protection of the Rights of the Child; 2023; see [link](#)

Conclusion

In the countries undergoing the democratization process, civil society organizations work to establish effective governance, eradication of poverty, resolution of conflict, ensuring fair elections, promotion of the rule of law and protection of citizens' rights. They ensure that the public servants stay accountable before the society. In this light, in the authoritarian countries, CSOs often become victims of repressions. For example, CSOs were initially oppressed and then disappeared in Russia and Belarus.

Unfortunately, in response to disclosing hundreds of facts of violence, corruption and illegality by CSOs and media, in 2024, the parliamentary majority in Georgia adopted the repressive Law on the Transparency of Foreign Influence, which is Russian with its context because it aims to silence critical opinion and restrict freedom of expression by using authoritarian mechanisms.

Although Georgian civil society organizations pay particular attention to the protection of the rights of citizens, for years, the government tried to misinterpret or narrow the role of such organizations in front of the society. However, it is enough to describe the deed of only Human Rights Center, one of the Georgian CSOs, to see the real significance of these organizations in the defense of human rights, reinforcement of the rule of law or democratic development of Georgia.

HRC has been conducting its activities fully transparently for many years and has provided thousands of citizens with free legal aid; HRC monitors court hearings and protest demonstrations, to identify, document and advocate human rights violations.

HRC's engagement in many high-profile cases caused significant changes; for example many crimes related with the abuse of official power were exposed. Also, after the miscarriages were identified in the court judgments, the system changes were advocated. The HRC appealed the European Court of Human Rights with regard to many violations. The Center still continues advocacy of the independence and increased transparency of investigative bodies, real reforms in the Georgian judiciary system and tangible changes in the system.