

ANNUAL REPORT

State of Human Rights in Georgia, 2015



2016

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

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1. INTRODUCTION

The Report reviews the state of human rights in Georgia in 2015 and major facts in the beginning of 2016. The Report was prepared based on the information collected by Human Rights Center, other Georgian nongovernmental organizations, Public Defender of Georgia and international organizations.

The Report reviews major tendencies in the fields of human rights like: legislative changes, state of convicts, high profile cases, abuse of power and violations by police officers, media freedom, state of persons with disabilities, minority rights, and more.

Throughout 2015, the state institutions still did not adequately react on the breached rights of religious minorities and LGBT community members. Perpetrator into various facts of violence against the said community member stayed unpunished in the report year that contradicts the positive responsibility of the State to ensure adequate protection and security of minority groups.

Realization of the rights of people with disabilities is still one of the major challenges of the state. Inadequate and ineffective legislative base, barriers in the streets, stereotypic attitudes and feelings in the society, limited access to education and rehabilitation programs – it is incomplete list of problems which hinder complete integration of the disabled persons into society.

Several facts of alleged oppression on media from the side of the government officials were observed in 2015.

Creation of effective inter-state investigative mechanism, impartial and effective investigation into the alleged abuse of power by law enforcement officers, re-consideration of arbitrary and ungrounded judgments, defense of the right to personal life, legal rehabilitation and re-socialization are major challenges for the State.

In 2015, Human Rights Center observed several facts of beating citizens by police officers and ill treatment of prisoners in penitentiary establishments.

Elaboration of the mechanism for the identification of miscarriages of justice is still postponed for uncertain period of time.

2. ELECTION PROCESS OF THE CHAIRPERSON OF THE SUPREME COURT OF GEORGIA

On February 17, 2015 the President of Georgia presented Nino Gvenetadze to the Parliament of Georgia for the position of the Chairwoman of the Supreme Court. The legislative body supported the President's candidature and on March 20, 2015 Nino

Gvenetadze was appointed to the position of the Chairwoman of the Supreme Court for ten years.¹

Public Defender of Georgia positively evaluated election of Nino Gvenetadze for the position and noted that this lengthy and difficult process was conducted against the backdrop of greater transparency and participation of stakeholders.²

Submitting the candidates for the new Supreme Court Chair to the President of Georgia was transparent and inclusive. The process was distinguished with high engagement of different stakeholders and organizations. Before presenting the candidate to the Parliament, the President conducted consultations with the parliamentary majority and minority, with the NGOs working on the judiciary issues.³The President called on the organizations and stakeholders to recommend him candidates for the position.

The initiative group, which was composed of several NGOs,⁴ proposed Nino Gvenetadze as a Supreme Court Chair to the President.

On February 10, 2015 the President's Administration published list of the 28 candidates, who were nominated by various subjects, including political parties, NGOs and academic circles, for the position of the Supreme Court Chair.⁵

The initiator NGOs welcomed the decision of the President to present Nino Gvenetadze to the Parliament of Georgia for the position of the Supreme Court Chair.⁶ The candidate herself organized several information meetings with the NGOs and academic circles.

3. THIRD WAVE OF THE JUDICIARY REFORM AND FOLLOW-UP PROCESSES

In 2015, the Ministry of Justice of Georgia prepared legislative bill about the "third wave" of the judiciary reform. The third wave aimed to amend election rules of court chairpersons, to introduce electronic distribution of cases between judges, to improve mechanism of business trips of judges, to create management department in the judiciary system, to amend election rules of the members of the High Council of Justice, to amend the rule of making decisions on disciplinary issues. Main innovation in the disciplinary proceedings was

¹ See information at: <http://www.civil.ge/eng/article.php?id=28151>

² See <http://www.ombudsman.ge/en/news/statement-of-the-public-defender-on-election-of-the-chairperson-of-the-supreme-court.page>

³ See <http://civil.ge/eng/article.php?id=27972> and <http://civil.ge/eng/article.php?id=27989>

Human Rights Center, Public Advocacy, Youth for Justice, Human Rights Priority, Media Institute and Union of Women Lawyer

⁴ Human Rights Center, Public Advocacy, Youth for Justice, Human Rights Priority, Media Institute and Union of Women Lawyer

⁵ See information at <http://civil.ge/eng/article.php?id=28035>

⁶ See joint statement: <http://www.humanrights.ge/index.php?a=main&pid=18148&lang=eng>

service of independent inspector in the HCJ. According to the changes, the service acted as a body of disciplinary investigative body.⁷

Part of judges and members of the HCJ opposed the planned amendments to the Law on Common Courts, as initiated by the Ministry of Justice, and considered the institute of independent inspector will be punishment mechanism for unacceptable judges.⁸

On July 15, 2015 the Coalition for Independent and Transparent Judiciary⁹ stated that in view of the nature of disciplinary proceedings and risks associated with it, it is necessary that this new concept of an Independent Inspector is protected from inappropriate influence and its independence is guaranteed by law.¹⁰

On May 5, 2015, the Coalition prepared initial remarks and opinions with respect to draft laws on judiciary reform. The Coalition also prepared comments on the legal package prepared by the Ministry of Justice with respect to reforms in the judiciary authority. The comments are about the following draft amendments: Organic Law of Georgia on Common Courts, Law of Georgia on the High School of Justice, Law of Georgia about Disciplinary Liability and Disciplinary Proceedings of the Judges of Common Courts. The Coalition sent remarks to the Ministry of Justice, to the HCJ, Supreme Court Chair and Legal Committee of the Parliament. The remarks were about selection, promotion of judges, case distribution, and admission to the High School of Justice and issues of disciplinary procedures.¹¹

Throughout 2015 the nongovernmental sector actively observed ongoing processes in the judiciary system, work of the High Council of Justice, selection/appointment and promotion of judges and criticized vague criteria for the selection/promotion of judge without competition. The organizations stated that transparent process of the selection-

⁷ See the draft amendments for the implementation of the third wave of the judiciary reform prepared by the Ministry of Justice <http://www.supremecourt.ge/information23/>

⁸ See the clarification of the Supreme Court Chair <http://www.interpressnews.ge/ge/samartali/332451-nino-gvenetadze-damoukidebeli-inspektoris-instituti-tsarsulshi-chadenili-disciplinuri-gadacdomebis-shemotsmebas-ar-ithvalistsinebs.html?ar=A>

⁹ The Coalition unifies up to 35 organizations. Human Rights Center is member of the Steering Committee.

¹⁰ See the full text of the statement at http://www.coalition.org.ge/article_files/239/Coalitions%20opinion%20about%20the%20third%20wave%20of%20judicial%20reform,%202014%20July%202015-1.pdf

¹¹ See initial remarks and opinions of the Coalition about the bills of the judiciary reforms <http://humanrights.ge/index.php?a=main&pid=18319&lang=eng>

appointment of judges is significant for the independence of judges and to ensure public trust to the judiciary system.¹²

On August 18, 2015 the Coalition for Independent and Transparent Judiciary negatively evaluated closure of judicial appointment process and vague procedure of selection.¹³

The Coalition negatively evaluated the November 16, 2015 decision of the HCJ on the appointment of seven judges in the Tbilisi Appeal Court without competition. The Coalition member organizations believe this process is not only unhelpful for promoting public trust in the judiciary, but also raises questions regarding the objectives and motivation of the HCOJ and overall success of the ongoing reforms in the judicial system.¹⁴

The Public Defender negatively evaluates the appointment of judges through accelerated procedures, without competition, by the High Council of Justice. The Public Defender believes that, given the importance of the issue, the members of the Council shall show more responsibility concerning their commitments, which have already raised legitimate questions in the public and professional circles, and shall manage the process so that the decisions on promotion of judges are objective and grounded enough for outer observers.¹⁵

On December 24, 2015 the Coalition for Independent and Transparent Judiciary called for suspension of unfair process of selection/appointment of candidates for 61 vacant judicial positions and ***criticized appointment of the secretary of the High Council of Justice Levan Murusidze as a judge in the Tbilisi Appeal Court for life term with initial three-year test period.***¹⁶

The Parliament appointed three non-judiciary members of the HCJ voted for Levan Murusidze's candidature. Chairperson of the Supreme Court of Georgia did not support his candidature and the President appointed member of the Council left the session in protest.

NGOs believe the Interviews of judicial candidates did not aim to evaluate the compliance of the judicial candidate with predefined criteria and to conduct the process in a standard manner. Regardless of the number of requests made by the non-governmental organizations, the High Council of Justice did not publish the CVs of the judicial candidates and certain members of the Council would often miss the interviews. In the majority of the cases, the Council members did not ask the candidates questions that would reveal their

¹² See address of NGOs <http://humanrights.ge/index.php?a=main&pid=18527&lang=eng> and address of the Coalition

<http://humanrights.ge/index.php?a=main&pid=18429&lang=eng>

¹³ See the Address of the Coalition <http://www.coalition.org.ge/en/article245>

¹⁴ See the statement of the Coalition <http://www.coalition.org.ge/en/article252>

¹⁵ See the statement of the Public Defender at: <http://www.ombudsman.ge/en/news/public-defender-responds-to-promotion-of-judges-by-the-high-council-of-justice.page>

¹⁶ See the statement of the Coalition at: <http://humanrights.ge/index.php?a=main&pid=18584&lang=eng>

attitudes towards the human rights based justice system, as well as attitudes towards democratic values, and ideas of freedom and equality. The whole process of selection of judicial candidates has been flawed by the conflict of interest issues - the Secretary of the High Council of Justice who himself is a judicial candidate attended several interviews with other candidates.¹⁷

Chairman of the Georgian Bar Association criticized appointment of Levan Murusidze to the position of the judge at the Appeal Court: *“Supporting Levan Murusidze (who was perceived by the civil society as one of the pillars of the Saakashvili’s regime), who was judge in the murder case of Sandro Girgvliani once again revealed disrespect to the Rule of Law and democratic values in the country by those persons, who are responsible to respect those values.”*¹⁸

4. REFORM IN THE MIA AND PROSECUTOR’S OFFICE AND OTHER LEGAL ACTS

Nongovernmental organizations were very interested and actively engaged in the discussion of the bill on the “State Security Service” which was initiated in the Parliament of Georgia. The Bill aimed to separate the security service from the Ministry of Internal Affairs (MIA). According to the draft law the security services retained the law enforcement, investigative and preventative functions. The security services are granted the right to use special police measures; they are allowed to immediately and directly interfere with the freedoms of citizens.

The NGOs consider that the adoption of the draft law as it is today is fraught with significant dangers, bringing about the duplication of functions as well as the risks of unjustified use of powers by the Security Services¹⁹.

The Coalition for Independent and Transparent Judiciary and its member organizations actively reacted on the draft-law about the Security Service. The Coalition for Independent and Transparent Judiciary provides an opinion on the package of draft laws developed by the Government of Georgia within the framework of the Ministry of Interior Reform. The package envisages the separation of the State Security Service from the Ministry of Interior and possible outcomes of these amendments.²⁰

The Coalition welcomed readiness of the Government of Georgia to de-concentrate abundant powers within the Ministry of Interior of Georgia and set up functionally and institutionally separated State Security Service. Yet, it is important that instead of fragmented changes, it is crucial to develop an integrated concept of the Ministry of

¹⁷ See the statement of the Coalition at: <http://www.coalition.org.ge/en/article258>

¹⁸ See the address of the GBA Chair at: <http://gba.ge/news/2405/> (available only in Georgian)

¹⁹ See the Appeal of the NGOs at <http://www.humanrights.ge/index.php?a=main&pid=18335&lang=eng>

²⁰ See the Appeal at: <http://www.coalition.org.ge/en/article232>

Interior reform, which will be built on the consensus vision of the state and civil society on the challenges and needs that the system is facing.²¹

The Parliament of Georgia passed the draft law on the reform in the MIA and did not consider most of the opinions of the Coalition about enhanced transparency, depoliticization and accountability of the MIA system. The Reform mostly referred to the automatic separation of the security service from the MIA system instead real deconcentration of the abundant powers of the Ministry. Despite the criticism of the nongovernmental organizations, the Parliament adopted the proposed draft law.

On September 18, 2015 the Parliament of Georgia adopted the draft amendments to the Law on the Prosecutor's Office on the third reading and the Government called it the reform in the prosecutor's system.²²

Nongovernmental sector engaged in this process by publishing opinions on the draft law. In its commentary the Coalition stressed that establishing a new rule for the selection/appointment and dismissal of Prosecutor General is not sufficient for the reform of the Prosecutor's Office. The Coalition also criticized the initial draft amendments, which did not guarantee depoliticization of the selection process.²³

Later on, the Venice Commission issued almost similar conclusion and noted that although the reform process is a step in the right direction, however, it does not yet fully ensure the stated objective of the Government to ensure full depoliticization of the prosecution system.²⁴

Based on the amendments to the Law of Georgia on Prosecutor's Office in September 2015, the appointment procedures of the chief prosecutor was changed.

A newly established body – Prosecutorial Council acquired a significant role in the selection/appointment of the chief prosecutor. The Council consists of 15 members including Minister of Justice, 2 Parliament Members, 2 common court judges, 2 representatives of the academia, and 8 prosecutors. The amendments also introduced Prosecutors Assembly, which includes all prosecutors and investigators working for the

²¹ See the opinion of the Coalition in the document:

http://www.coalition.org.ge/article_files/232/Comments%20on%20the%20Ministry%20of%20Internal%20Affairs.eng.pdf

²² See the information and opinions of the Coalition at:

<http://www.humanrights.ge/index.php?a=main&pid=18389&lang=eng>

²³ See the Appeal of the Coalition at: [http://www.coalition.org.ge/en/article249/-](http://www.coalition.org.ge/en/article249/)

²⁴ See the document at: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2015\)014-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2015)014-e) and statement of the Coalition at:

<http://www.humanrights.ge/index.php?a=main&pid=18382&lang=eng>

Prosecutor's Office. The Assembly is responsible for the election of 8 members of the Prosecutorial Council.

The NGOs positively assessed the fact of introduction of Prosecutorial Council and Prosecutors Assembly as collegial bodies representing prosecutors. We hope that this novelty will serve as a mechanism for increasing independence of the Prosecutor's Office and empowering individual prosecutors with an aim to create an accountable and trustworthy Prosecutorial System.²⁵

8 prosecutor members of the Prosecutorial Council were elected on the first Prosecutors Assembly of Georgia on October 19-21, 2015.²⁶ The selection process of the members in the Prosecutorial Council was conducted in a closed nature, outside the Prosecutors Assembly, which deprived the NGOs from the possibility to observe the process.²⁷

The Ministry of Justice did not consider the recommendation of the Public Defender of Georgia about the criteria for the selection of the members in the Prosecutorial Council. The Public Defender clarified that they recommended the Ministry to limit participation of the MPs and the Minister of Justice in the selection process to avoid politicization of the process.²⁸

5. WITNESS INTERROGATION RULES AND RELATED PROBLEMS

In July 2015, Ministry of Justice proposed draft legislation on reforming the rules of witness interrogation. While until now the 2009 rules of witness interrogation were simply postponed, currently the government is trying to propose a compromise. According to the draft, witnesses can be questioned separately by both parties in front of a magistrate judge. The defense side will not have effective leverage to double check the trustworthiness of the witness. Once interrogated witnesses are restricted with the initial testimony, whose alteration will result into criminal liability for making premeditated false or substantially controversial testimonies. The interrogation of the witness before magistrate judge is obligatory.

The draft is based on the opinions of the special group created under the Legal Affairs Committee of the Parliament of Georgia. The group was created given the multiple postponements of enforcing the new rules of witness interrogation adopted in 2009 and its objective was to identify the model of witness interrogation that is in compliance with international human rights obligations. However, the government has at no stage provided

²⁵ See the assessment of the first Prosecutors Assembly at:

<http://www.humanrights.ge/index.php?a=main&pid=18502&lang=eng>

²⁶ See statement of the Prosecutor's Office of Georgia at: http://pog.gov.ge/geo/news?info_id=777 (available in Georgian)

²⁷ See at: <http://www.humanrights.ge/index.php?a=main&pid=18502&lang=eng>

²⁸ See the information in the TV-story of the Georgian Public Broadcasting at <http://1tv.ge/ge/news/view/109404.html> (available in Georgian)

reasoning as to why and in what way do the postponed rules conflict with the international best practice.²⁹

The NGOs believe that the proposed draft is inconsistent with the existing criminal justice system in Georgia and also, broadly, with the interests of effective justice. The proposed draft does not fully cover the problems associated with the current rules of witness interrogation that need to be addressed.

The draft conflicts with the spirit of the Criminal Procedure Code and the current system of criminal justice. Specifically, the MoJ amendments contradict with the adversarial principle based on equality of arms principle. In this situation the right to cross-examine witnesses becomes fictional and equality of arms becomes unattainable. Also, the main hearing of the case and examining witness reliability lose any value, since the witness has already delivered a mandatory testimony, changing of which is related to certain legal consequences.³⁰

The NGOs believe that the proposed draft amendments introduce substantially incompatible elements to the current procedural system, contains innovations that considerably worsen the legal standing of the defense party and are overall threatening to the principles of adversarial proceedings and equality of arms.³¹

The Public Defender negatively evaluated the new rules for questioning of witnesses proposed by the Ministry of Justice. According to him, this puts the defense in unequal conditions and cannot provide equality and competitiveness of the parties. Provision of equal conditions for the prosecution and the defense is essential for ensuring fair system of criminal justice in compliance with international standards that is not ensured by the proposed rule.³²

6. DRAFT LAW ON DECRIMINALIZATION OF CANNABIS

On June 30, an independent MP Goga Khachidze presented the bill about decriminalization of the use of cannabis at the meeting of the Parliament's Human Rights Committee. According to Khachidze, a person should not be charged for using cannabis. The MP believes the law should be more liberal. According to MP Khachidze, alleviated sanctions do not mean legalization. He claims the bill offers decriminalization of the use of small amounts of cannabis, but not storage and distribution.³³

²⁹ See the statement at: <http://www.humanrights.ge/index.php?a=main&pid=18428&lang=eng>

³⁰ Ibid

³¹ See the opinion of the Coalition at <http://www.humanrights.ge/index.php?a=main&pid=18551&lang=eng>

³² See the evaluation by the Ombudsman at <http://www.ombudsman.ge/en/news/public-defender-responds-to-proposed-rules-of-questioning-of-witnesses.page>

³³ See the Article at <http://www.humanrights.ge/index.php?a=main&pid=18356&lang=eng>

The bill aims to make amendments in the article 273 of Criminal Code of Georgia. According to the bill, consumption of cannabis, for the first time, without doctor's prescription shall be administrative offence even in repeated cases. The bill was not supported by the MPs during discussions and it is still pending before the Parliament.

7. JUDGMENT OF THE CONSTITUTIONAL COURT OF GEORGIA – “BEKA TSIKARISHVILI V PARLIAMENT OF GEORGIA”

The author of the lawsuit claimed that it was unconstitutional to punish someone for purchasing and possessing cannabis for personal use under the Article 260 Part II (edition working from May 1, 2014 to July 31, 2015) of the Criminal Code of Georgia with the imprisonment from seven up to fourteen years in length. The suitor claimed the sanction was inadequately grave and disproportionate for the committed action and the punishment was cruel and degrading treatment.

With its October 24, 2015 decision the Constitutional Court ruled that it was inadmissible to use imprisonment – criminal sanction for the use of cannabis for personal use. The Court noted that amount of cannabis (up to 70 grams), for what the suitor was punished, did not indicate at his purpose to sell it or at real threat of its realization. Thus, the Court concluded that criminal sanction - imprisonment of a person for similar action is equal to inhuman, cruel and degrading treatment.³⁴

8. CONSTITUTIONAL LAWSUIT AGAINST SECRET SURVEILLANCE

On April 15, 2015 the nongovernmental organizations participating in the campaign *This Affects You – We are Still Listened To* lodged appeal to the Constitutional Court of Georgia with regard to the law on so-called secret surveillance.³⁵ According to the Ministry of Internal Affairs (MIA) has non-restricted access to the citizens' telecommunications data in real time as well as an ability to copy electronic communication companies' databases without prior authorization of the court.³⁶

³⁴ See the information of the Constitutional Court of Georgia at <http://www.constcourt.ge/ge/news/2015-wlis-24-oqtombers-sakonstitucio-sasamartlom-miigo-gadawyvetileba-saqmeze-saqartvelos-moqalqe-beqa-wiqarishvili-saqartvelos-parlamentis-winaagmdeg-konstituciur-sarcheli-n592.page> (available in Georgian)

³⁵ The authors of the constitutional lawsuit were: Public Defender of Georgia; Giorgi Burjanadze, Lika Sajaia, Giorgi Gotsiridze, Tatia Kinkladze, Giorgi Chitidze, Lasha Tugushi, Zviad Koridze; NGOs - Open Society Georgia Foundation, Transparency International – Georgia, Georgian Young Lawyers' Association, International Society for Fair Elections and Democracy and Human Rights Center. The defendant was the Parliament of Georgia.

³⁶ See the information of the Constitutional Court of Georgia at: <http://www.constcourt.ge/ge/legal-acts/recording-notices/saqartvelos-saxalxo-damcveli-saqartvelos-moqalqeebi-giorgi-burdjanadze-lika-sajaia-giorgi-gociridze-tatia-qinqladze-giorgi-chitidze-lasha-tugushi-zviad-qoridze-aaip-fondi-gia->

The NGOs participating in the Campaign believe that this directly violates the Georgian citizens' constitutional rights and appealed to the Constitutional Court to remove the respective legislative passages.³⁷

On December 17, 2015 the Court held substantial hearing of the constitutional lawsuit of the NGOs.³⁸

9. CONSTITUTIONAL LAWSUIT OF HUMAN RIGHTS CENTER ABOUT ELECTION DISTRICTS AND DECISION OF THE CONSTITUTIONAL COURT

On May 28, 2015, the Constitutional Court of Georgia adjudicated upon the claim - "Georgian Citizens Ucha Nanuashvili and Mikheil Sharashenidze against the Georgian Parliament" and found norms of the Election Code of Georgia that determine the rule of defining 73 single-mandate election districts unconstitutional.

Citizens of Georgia Ucha Nanuashvili³⁹ and constitutionalist Mikheil Sharashidze appealed the Constitutional Court of Georgia on December 12, 2012. The lawsuit was prepared in Human Rights Center.

The suitors claimed the Article 110 Part I and II of the Organic Law of Georgia on the Election Code was unconstitutional.⁴⁰ They believed that the appealed norms of the Election Code contradicted the Article 14⁴¹ and Article 28 Paragraph ⁴² of the Constitution of Georgia.

According to the disputed norms, for Parliamentary elections, each municipality, apart from those of Tbilisi, represents a single-mandate majoritarian election district while 10 majoritarian election districts are established in Tbilisi. According to claimants, in majoritarian parliamentary elections, votes were not of equal power. For example, 128 545 voters registered in Saburtalo election district were electing one majoritarian member of

[sazogadoeba-saqartvelo-aaip-saertashoriso-gamchvirvaloba-saqartvelo-aaip-saqar.page](#) (available in Georgian)

³⁷ See information at: <http://www.humanrights.ge/index.php?a=main&pid=18251&lang=eng>

³⁸ See the information of the Constitutional Court at: <http://www.constcourt.ge/ge/news/aw-17-dekembers-1000-saatze-saqartvelos-sakonstitucio-sasamartloshi-gaimarteba-n625640-konstituciuri-sarchelebis-arsebity-ganxilva.page> (available in Georgian)

³⁹ At that time he was executive director of Human Rights Center

⁴⁰ In accordance to the Article 110 Section I of the Election Code of Georgia, for the elections of the Parliament of Georgia, 73 single-mandate majoritarian election districts shall be set up, including 10 majoritarian election districts in Tbilisi. Section II of the same Article states that "For the Parliamentary elections, each municipality (self-governing city, district), except for Tbilisi, shall be a single-mandate majoritarian election district." (December 27, 2011 edition)

⁴¹ The Article 14 of the Constitution of Georgia applies to the right to equality

⁴² The Article 28 Paragraph I of the Constitution refers to the right to vote

the Parliament while one majoritarian member of the Parliament in Kazbegi election district is elected by 5 810. Thus, the vote of a Kazbegi voter is 22 times more substantial than that of a voter of Saburtalo election district which indicates to discriminatory nature of the system.⁴³

The court explained with reference to importance of general elections right that it is necessary for the current election system to ensure free and equal reflection of will of people in the process of formation of state authority bodies. The Constitutional Court of Georgia determined that by adopting disputed norms the Parliament of Georgia automatically linked election districts with municipalities without taking into account the number of voters registered in municipalities. This has led to significant digression from the principle of equality of votes and unequally diminished influence of the large number of voters on election processes.⁴⁴

10. COURT JUDGMENT ON GIORGI UGULAVA'S CONSTITUTIONAL LAWSUIT AND FOLLOW-UP DEVELOPMENTS

On September 16, 2015 The Constitutional Court of Georgia upheld a constitutional claim by Giorgi Ugulava, a citizen of Georgia. The suitor claimed it was unconstitutional that a preliminary imprisonment term for several parallel charges may be determined individually for each case and as a result the length of the preliminary imprisonment may exceed 9 months, as it is determined by the Constitution of Georgia.⁴⁵

The Constitutional Court of Georgia ruled that imprisonment of the accused person equally ensures achievement of the purposes of detention for each individual charge. Consequently, the 9-month term of pre-trial imprisonment in each criminal case shall include the period of time which the accused person spent in the detention setting after the charge was brought against him/her in the frame of other case. The Court considered the content of the Article 205 Section II of the Criminal Procedural Code of Georgia as unconstitutional that allows imprisonment of an accused person in concrete criminal case if enough basis are revealed to bring a charge against him/her after he/she has already spent 9 months in pretrial detention for another charge.⁴⁶

The expedited process of announcement and enforcement of the decision by the Constitutional Court caused high public interest. One of the judges at the Constitutional

⁴³ See the information about the decision of the Constitutional Court at:

<http://humanrights.ge/index.php?a=main&pid=18304&lang=eng>

⁴⁴ See the decision of the Court at <http://www.constcourt.ge/ge/legal-acts/judgments/saqartvelos-moqalaeqebi-ucha-nanuashvili-da-mixeil-sharashidze-saqartvelos-parlamentis-winaagmdeg.page> (available in Georgian)

⁴⁵ See the information of the Constitutional Court at <http://constcourt.ge/ge/news/giorgi-ugulava-saqartvelos-parlamentis-winaagmdeg.page> (available in Georgian)

⁴⁶ Ibid

Court Merab Turava, who had different opinion, was late to sign the decision. As the Constitutional Court clarified, after the Judge Merab Turava did not appear at the plenary session, where the judges had to sign the decision, the Court several times offered him to sign the decision in most convenient time and place for him.⁴⁷The Constitutional Court members visited Merab Turava in hospital but he did not sign the decision there. As Judge Turava clarified, he needed reasonable time to study the decision and sign it that was not given to him.⁴⁸ Afterwards, the Constitutional Court published the decision without Turava's signature after what it went in force.

Based on the decision of the Constitutional Court of Georgia, on September 17, 2015 Gigi Ugulava was freed from pre-trial imprisonment. By that time, Ugulava had spent more than 14 months in prison.⁴⁹ Political party United National Movement, Gigi Ugulava one of the leaders of the party, claimed the violation of the constitutional terms of the pre-trial detention was caused by political persecution against him. However, it is noteworthy that this wrong practice was applied in the Georgian judiciary system for many years against other accused persons too, though there were no political motives in their cases at all. It is noteworthy that with the decision of the Constitutional Court this practice ended.

Gigi Ugulava spent only one day in freedom. On September 18, 2015 the court found him guilty in the waste of state funds and sent to prison for 4 years and 6 months.

There was unhealthy reaction from different groups of people against the decision of the Constitutional Court of Georgia. On December 18, 2015 the Chair of the Constitutional Court of Georgia Giorgi Papuashvili told media that there have been deliberate attempts made by groups of people to exert pressure on the Constitutional Court and threaten its members. In some cases citizens gathered in front of the houses of the judges attacked them and physically assaulted. Giorgi Papuashvili claimed the judges were intimidated because of upheld constitutional lawsuit of Giorgi Ugulava.⁵⁰

Human Rights Center believes that forced and accelerated process by the Constitutional Court and prompt publishing of the decision without the signature of the judge with

⁴⁷ See the statement of the Constitutional Court of Georgia at <http://constcourt.ge/ge/news/kidev-erti-gancxadeba-saqmeze-giorgi-ugulava-saqartvelos-parlamentis-winaagmdeg-gadawyvetilebis-gamocxadebis-gadadebastian-dakavshirebit.page> (available in Georgian)

⁴⁸ See the statement of Merab Turava at <http://news.ge/ge/news/story/152640-turava-es-aris-upativtsemuloba-mosamartlisadmi-es-aris-upativtsemuloba-sasamartlos-khelisuflebisadmi> (available in Georgian)

⁴⁹ See information in the article of the Radio Liberty/Free Europe at <http://www.radiotavisupleba.ge/content/gigi-ugulava-gaatavisuples/27254382.html> (available in Georgian)

⁵⁰ See the statement of the Constitutional Court Chair at <http://www.interpressnews.ge/ge/samartali/346064-giorgi-papuashvili-calkeul-mosamarthleebze-zetsolis-faqtebi-gakhshirda.html?ar=A> (available in Georgian)

different opinion raises some questions about the process. We assume the Constitutional Court aimed to enforce the decision before the Common Court sentenced Gigi Ugulava to imprisonment to allow him leave the prison at least for a short time. Finally we witnessed the reality which raises questions towards the judiciary: on September 16, 2015 the Constitutional Court satisfied the lawsuit of Gigi Ugulava, on September 17 he was freed from pretrial detention and on September 18 the Court found him guilty in financial crime and sentenced to imprisonment.

11. ELECTION OF THE CHIEF PROSECUTOR OF GEORGIA

On November 27, 2015 the Parliament at the plenary session elected Irakli Shotadze as the Prosecutor General with secret ballot with 82 votes for and 12 votes against for the term of 6 years.⁵¹ Before that, Irakli Shotadze was deputy chief prosecutor.

Before presenting the candidate to the Parliament of Georgia, on November 19, 2015, a meeting of the Council of Prosecutors was held to discuss election of the Chief Prosecutor. Nongovernmental organizations state the process of election, including nomination of candidates by the Minister of Justice, basis for the nominations as well as interviews with the candidates lacked openness and transparency.⁵²

In reality the only open part of the November 19 meeting was the secret ballot for choosing among the candidates. The process of interviewing candidates for the office was closed.

12. NEW DEPARTMENT OF THE CHIEF PROSECUTOR'S OFFICE

On February 13, 2015, based on the Order # 62 of the Minister of Justice,⁵³ Department to Investigate Offenses Committed in the Course of Legal Proceedings was created in the Chief Prosecutor's Office of Georgia. According to the regulations of the Department, it was authorized to investigate the alleged offence facts committed during the course of legal proceedings including the facts of torture, inhuman and degrading treatment, forcible seizure of property or other violent offences.

The Department was authorized to start investigation based on the applications submitted to the Chief Prosecutor's Office since October 1, 2012 including the cases of illegal seizure of property.

Human Rights Center has been monitoring the work of the New Department since August of 2015. The lawyers of the Center have submitted about 30 applications about past cases. The Organization believes the new department fails to meet minimal standards of

⁵¹ See official information at http://www.parliament.ge/en/saparlamento-saqmianoba/plenaruli-sxdomebi/plenaruli-sxdomebi_news/the-prosecutor-general-elected-by-the-parliament.page

⁵² See the statement of NGOs at <https://gyla.ge/en/post/arasamtavrobo-organizaciebis-mimartva-saqartvelos-parlaments-mtavari-prokuroris-kandidaturis-damtkicebastan-dakavshirebit>

⁵³ See the Order of the Minister at <https://matsne.gov.ge/ka/document/view/2728207> (available in Georgian)

transparency and accountability that raises serious questions about effectiveness of its work.⁵⁴

The Center has not yet received information about from the new department that raises well-grounded doubts into transparent and contemplated work.

The society still does not know based on which criteria the department grants priority to concrete cases and starts investigation into them and whether those criteria are determined at all. Also the society still does not know the criteria for the selection of the employees in the Department.⁵⁵ Human Rights Center spoke about the miscarriages in the work of the new department at the special press-conference.⁵⁶

Other nongovernmental organizations also criticized the work of the new department at the Chief Prosecutor's Office.⁵⁷

13. PENITENTIARY SYSTEM

Throughout 2015 Human Rights Center received most applications from the *Batumi Penitentiary Establishment # 3*. In the report year the Center received up to 50 cases of prisoners. Majority of them complained about limited access to medical care and unbearable conditions in the prison facility. Part of prisoners complained about the harassment from the prison personnel.

In the letters to Human Rights Center the prisoners wrote about delayed treatments, medical examinations and blamed the doctors of the Prison # 3 in it. The prisoners clarified that they did not receive adequate medicines; doctors do not ensure adequate surgical operations and post-operation treatment.

As the inmates of the Penitentiary Establishment # 3 claimed, aggression and provocations against them has increased. If they respond to the prisoner personnel with the same aggression, they are punished with prohibition of conjugal visits, phone calls, cannot go to the prison shop and get parcels. According to the prisoners, the facility is supplied with drinking water according to the schedule, air-ventilation does not work, the windows in the cells are too small and the building is not properly aired. Some prison personnel are aggressive towards the prisoners and talk with them ironically.⁵⁸ According to the convicts, life-threatening conditions were purposefully created in the isolation cells of the facility.⁵⁹

The monitors of the National Prevention Mechanism of the Public Defender's Office also report about hard conditions in the Batumi penitentiary establishment # 3. According to the

⁵⁴ See article at <http://humanrights.ge/index.php?a=main&pid=18426&lang=eng>

⁵⁵ See the press-release of Human Rights Center at:
<http://humanrights.ge/index.php?a=main&pid=18433&lang=eng>

⁵⁶ See the video-story by HRIDC.tv at <http://www.hridc.tv/index.php?a=view&id=1092&lang=eng>
(available in Georgian)

⁵⁷ See the statement of the Transparency International Georgia at
<http://www.transparency.ge/en/blog/new-department-within-prosecutors-office-specifics-and-case-selection-criteria-are-required>

⁵⁸ See article at: <http://www.humanrights.ge/index.php?a=main&pid=18147&lang=eng>

⁵⁹ See article at: <http://www.humanrights.ge/index.php?a=main&pid=18204&lang=eng>

NPM report, prevention of the improper treatment and aggressive attitude of the prison personnel to convicts is acute problem in the facility.⁶⁰

In 2015 Human Rights Center received letters of about 20 prisoners from the penitentiary establishment # 7. In most letters the convicts complained about improper treatment and poor sanitary-hygiene conditions in the facility.⁶¹ Human Rights Center several times petitioned the Minister of Corrections of Georgia about the hard conditions in the penitentiary establishment # 3.⁶²

According to the Report of the National Preventive Mechanism of the Public Defender of Georgia, hard living conditions in the prison facility # 7, excessive use of security measures, absence of rehabilitation activities, insufficient contact with family members and outer world and other circumstances make the imprisonment term equal to degrading treatment for convicts.⁶³

The Public Defender of Georgia, for years, called on the relevant bodies to close the penitentiary establishment # 7 because of unbearable conditions and improper infrastructure in it.⁶⁴

In 2015, up to 100 convicts applied Human Rights Center for legal assistance from the penitentiary establishment # 8, # 15 and # 17. Mostly they complained about improper treatment by the prison personnel, issues related with restoration of justice and healthcare. The convicts clarified that prisoners cannot get timely medical examinations and medical treatments.⁶⁵

In 2015, Human Rights Center received complaints of about 15 convicts from the penitentiary establishment # 6. Most of them complained about improper treatment from prison personnel and hard conditions in the facility. As the convicts clarified, the personnel of the prison # 6 psychologically abused them.⁶⁶

Usually, the Ministry of Corrections of Georgia responded to the addresses of Human Rights Center that the investigative department and general inspection of the Ministry were

⁶⁰ See the report of the NPM on the visit in the prison at:

<http://www.ombudsman.ge/ge/reports/specialuri-angarishebi/angarishi-sasdjelagsrulebis-n3-dawesebulebashi-vizitis-shehexeb-2015-wlis-7-9-maisi.page> (available in Georgian)

⁶¹ See the Address by Human Rights Center at

<http://www.humanrights.ge/index.php?a=main&pid=18337&lang=eng>

⁶² See the Address by Human Rights Center to the Ministry of Corrections

<http://www.humanrights.ge/index.php?a=main&pid=18385&lang=eng>

⁶³ See the report on the visit in the prison facility by the NPM at:

<http://www.ombudsman.ge/ge/reports/specialuri-angarishebi/angarishi-n7-penitenciur-dawesebulebashi-vizitis-shehexeb.page> (available in Georgian)

⁶⁴ See the reports of the Public Defender of Georgia about the state of human rights and basic freedoms: 2013 <http://www.ombudsman.ge/uploads/other/1/1934.pdf> and 2014

<http://www.ombudsman.ge/uploads/other/2/2983.pdf>

⁶⁵ See the address of Human Rights Center about wrong practice in the penitentiary establishment at:

<http://www.humanrights.ge/index.php?a=main&pid=18582&lang=eng;&lang=eng> and also a letter of a prisoner to the Center: <http://www.humanrights.ge/index.php?a=main&pid=18179&lang=eng>

⁶⁶ See information about the case of the convict Ilia Apkhazava at:

<http://www.humanrights.ge/index.php?a=main&pid=18590&lang=eng>

investigating the facts. However, no concrete results were observed in majority of the cases identified by the organization.

Representatives of the nongovernmental organizations reviewed two-year governance of the Georgian Dream. The report provides an overview in the following areas: general governance, the reforms and challenges in law enforcement, judiciary and penitentiary systems. The report also presents the main challenges related with the implementation of the election and local self-governmental reform, religious and ethnic minorities, LGBT community; also reviewed the state of persons with disabilities and issues related with the violence against women.⁶⁷

Human Rights Center and Open Society Georgia Foundation reviewed the reforms and miscarriages in the penitentiary system that referred to ineffective investigation into the cases launched into torture facts and inadequate medical treatment of prisoners. The organizations concluded that the torture of prisoners is no longer systemic problem in the penitentiary system of Georgia.⁶⁸

14. WOMEN AND JUVENILE PRISONERS

In 2015 Human Rights Center, in partnership with the Public Defender of Georgia, implemented project “Monitoring State of Women and Juvenile Prisoners in Georgia”. The project was implemented with financial support of the Embassy of Bulgaria and covered the period from February 15 to August 15 of 2015.

Significant problems identified during the monitoring in the prison # 5 for women convicts were ***humiliating procedure of full examination***, absence of conjugal meetings, insufficient hygiene items, late/inadequate medical treatment for women prisoners, communication problem with foreign women prisoners, insufficient information about their rights, damaged phone booths/phone cards, and more.⁶⁹

The report of the National Preventive Mechanism of the Public Defender of Georgia also underlines the problems in the penitentiary establishment # 5.⁷⁰

⁶⁷ See press-release of the TI-Georgia at <http://www.transparency.ge/en/post/report/two-years-government-georgian-dream-performance-review>

⁶⁸ See full report at http://www.transparency.ge/sites/default/files/post_attachments/two_years_in_government_performance_review_may_2015.pdf

⁶⁹ See the report by Human Rights Center – State of Women and Juvenile Prisoners in Georgia at: <http://www.humanrights.ge/admin/editor/uploads/pdf/angarishebi/hrdc/report%20-%20female%20and%20juvenile%20prisoners-engl.pdf>

⁷⁰ See the report of the NPM about the observers’ visit in the Penitentiary Establishment # 5 (February 19-20, 2015) <http://www.ombudsman.ge/ge/reports/specialuri-angarishebi/angarishi-sasdjelagsrulebis-n5-qalta-specialur-dawesebulebashi-vizitis-shesaxeb-2015-wlis-19-20-tebervali.page> ; (available in Georgian)

Significant violations revealed in the juvenile rehabilitation facility # 11 were privileges among juvenile convicts, frequent cases of repeated crimes, social isolation of some juveniles, insufficient number of psychologists, absence of distant educational programs, lack of trainings for teachers.⁷¹

The Ministry of Corrections accepted part of the recommendations of Human Rights Center. Women prisoners received hygiene items for free and their full examination can be conducted only upon their agreement.⁷²

15. JUVENILE JUSTICE CODE– INNOVATION IN JUDICIARY SYSTEM

Nongovernmental organizations welcomed development of the Juvenile Justice Code by the Ministry of Justice. Development of the Code corresponds to the Convention on the Rights of the Child, which obliges the signatory states to establish special policies, procedures and institutions for the juveniles dealing with the Justice system.⁷³

The aim of the Code is to liberalize the justice system and strengthen restorative justice principles in relation to juveniles. The code establishes new norms and standards not only for the juveniles in conflict with the law, but also for the juveniles who are witnesses and victims. The Juvenile Justice Code envisions such important changes as ensuring priority of the best interest of the juvenile, abolishment of criminal record, diversion, and training of specialized judges and prosecutors.⁷⁴

The Parliament of Georgia passed the Juvenile Justice Code on June 12, 2015.⁷⁵

16. BEATING AND INTIMIDATION FACTS BY POLICE OFFICERS

In 2015, Human Rights Center received up to 20 complaints about the abuse of power and inhuman treatment of citizens by police officers. The citizens clarified that police officers beat them and intimidated both in the streets and in the police offices. Part of the victims stated that senior officials of the district police units also participated in their abuse. Police officers verbally and physically assaulted them. Part of the victims had injuries on the

⁷¹ See full recommendations in the Human Rights Center’s report “State of Women and Juvenile Prisoners in Georgia” here

<http://www.humanrights.ge/admin/editor/uploads/pdf/angarishebi/hrdc/report%20-%20female%20and%20juvenile%20prisoners-engl.pdf>

⁷² See joint order of the Ministers of Corrections and Healthcare №88--№01-34/6

<https://matsne.gov.ge/ka/document/view/2936802> the Order # 149 of the Minister of Corrections of Georgia at: <https://matsne.gov.ge/ka/document/view/2994635> (available in Georgian) s

⁷³ See the statement of the Coalition at:

<http://www.humanrights.ge/index.php?a=main&pid=18224&lang=eng>

⁷⁴ Ibid

⁷⁵ See the Juvenile Justice Code at <https://matsne.gov.ge/en/document/view/2877281>

body.⁷⁶ Other nongovernmental organizations also reported about alleged violation facts by police officers.⁷⁷

With regard to these facts Human Rights Center addressed the Chief Prosecutor's Office for timely and effective investigation. The investigation into the facts of abuse of power by police officers is still dragged out and impartial. Mostly the same department of the MIA studies the cases, where the police officers worked for that substantially contradicts the principle of impartial investigation.

To eradicate this faulty practice, Human Rights Center, together with other NGOs, several times called on the Parliament of Georgia to establish temporary investigative body, which will investigate alleged crimes committed by law enforcement officers. The independent investigative body will be independent mechanism, which will be accountable only to the Parliament of Georgia.⁷⁸

Human Rights Center processed the cases, where the lawyers observed facts of improper treatment of citizens by police officers and ineffective investigation into the abuse of power.

Maya Kekelia was victim of the abuse of professional power by the officers of Martvili district department of MIA, Bandza unit. Maya Kekelia several times petitioned the Samegrelo-Zemo Svaneti Regional Main Department, Samegrelo-Zemo Svaneti Regional Prosecutor's Office, General Inspection and unsuccessfully requested investigation into the facts of abuse of power by the police officers from Bandza unit of the Martvili district department. The investigation is still going on. At the same time, the police blamed Maya Kekelia in disobedience that was shared by the Zugdidi district court, which found Maya Kekelia guilty in the disobedience to the police officers of the Bandza police unit. Today, Maya Kekelia's case is pending before the Supreme Court of Georgia.⁷⁹

Giorgi Tsomaia was charged for the same offence. On May 6, 2015 the Criminal Collegium of the Tbilisi City Court acquitted him in the imposed charge. The Court found Giorgi Tsomaia, accused of the assault on the police officers, innocent and freed him from the court room. The Court reviewed the evidence collected in the case, heard clarifications of the parties, testimonies of the witnesses and concluded that the evidence provided in the case and at the Court sessions did not create enough grounds to find the accused person

⁷⁶ See information on various facts at the following links:

<http://www.humanrights.ge/index.php?a=main&pid=18419&lang=eng>
<http://www.humanrights.ge/index.php?a=main&pid=18411&lang=eng>
<http://www.humanrights.ge/index.php?a=main&pid=18401&lang=eng>
<http://www.humanrights.ge/index.php?a=main&pid=18399&lang=eng>
<http://www.humanrights.ge/index.php?a=main&pid=18396&lang=eng>
<http://www.humanrights.ge/index.php?a=main&pid=18386&lang=eng>
<http://www.humanrights.ge/index.php?a=main&pid=18285&lang=eng>

⁷⁷ See a TV-story by Georgian Public Broadcaster at <http://1tv.ge/ge/news/view/87330.html>

⁷⁸ See the Address of Human Rights Center at

<http://www.humanrights.ge/index.php?a=main&pid=18396&lang=eng> and also the draft law on the mechanism: http://www.osgf.ge/files/2015/News/IIM_-_ENG.pdf

⁷⁹ See the Article at <http://www.humanrights.ge/index.php?a=main&pid=18401&lang=eng>

guilty. Consequently, the Court acquitted Tsomaia in the accusation and freed him from the courtroom.⁸⁰

On May 9, 2015, police officers in plain clothes ruthlessly beat and verbally assaulted Aleksandre Akhalkatsi in Guramishvili Avenue. As Akhalkatsi states, the officers work at the police department of Gldani-Nadzaladevi district. He said he can recognize all of them. As a result of legal aid of the Center, the police officers were severely reprimanded for the abuse of power.⁸¹

17. FACTS OF ABUSE OF POWER BY POLICE OFFICERS IN THE REGIONS

In 2015, Gurjaani office of Human Rights Center also processed several cases where police officers abused professional power.

19-years-old Ladi Elikashvili from Dzirkoki village in Gurjaani municipality, accused head of Gurjaani district MIA department and his deputies in his physical assault.⁸²

The employees of regional headquarters of MIA in Kakheti arrested and beat 30-year-old Tchabuka Tchabukadze at night on May 21. The incident took place in village Vejini of Gurjaani municipality while the young man was standing in front of his own house with his friends. As a result of beating, Tchabukadze has multiple physical injuries. He is placed in the multi-profile medical center “Geo Hospitals” in Gurjaani.

The Appeal Court acquitted convicted beneficiary of the lawyer of Human Rights Center in the administrative charge against him. The Appeal Court discharged him from the accusation on the influence of narcotic substances as it was ruled by the district court on April 30, 2015.⁸³

18. PHYSICAL ASSAULT OF THE LAWYER GIORGI MDINARADZE

Lawyer Giorgi Mdinardze at the State Legal Service clarified that when performing his professional duties officers of the Vake-Saburtalo Police Unit # 5 physically assaulted him. On November 8, 2015 at 3:15 pm Mdinardze arrived at the Vake-Saburtalo district police unit # 5 to attend the interrogation of a juvenile detainee. Having consulted with him, the juvenile and his lawyer decided to use right to silence that annoyed the police officers.

⁸⁰ See the Article at <http://www.humanrights.ge/index.php?a=main&pid=18255&lang=eng>

⁸¹ See the Article about the abuse of power by police officers at:
<http://www.humanrights.ge/index.php?a=main&pid=18285&lang=eng>

⁸² See the Article at <http://www.humanrights.ge/index.php?a=main&pid=18543&lang=eng> and documentary film of Human Rights Center at: <http://hridc.tv/index.php?a=view&id=1137&lang=eng>

⁸³ See the article at <http://www.humanrights.ge/index.php?a=main&pid=18442&lang=eng> and also the documentary film <http://hridc.tv/index.php?a=view&id=1137&lang=eng> (available in Georgian)

As Mdinardze clarified the angry police officers took him into the working room of the chief police officer and physically assaulted him. During beating Giorgi Mdinardze was handcuffed. The juvenile detainee also witnessed how police officers beat the lawyer.

Ambulance took Giorgi Mdinardze from the Police Unit # 5 to the hospital, where he spent 48 hours. The expertise concluded that the lawyer had brain concussion.

As the lawyer of Giorgi Mdinardze said the law enforcement officers physically and verbally abused and degraded him. Lawyer of Human Rights Center defends the rights of the lawyer in the frame of the project implemented by the Human Rights House Tbilisi.

Minister of Justice of Georgia Thea Tsulukiani commented on the fact and said that beating of a lawyer is incredible and it is urgently important to strictly and exemplary punish the perpetrator. NGOs⁸⁴ and Public Defender⁸⁵ also responded to the physical assault of the lawyer Giorgi Mdinardze, and requested effective investigation and punishment of the perpetrators.

As a result of the investigation activities of the Prosecutor's Office of Georgia, on November 13, 2015, the head of the Vake-Saburtalo district police unit # 5 was arrested as an accused person in the violence against the lawyer Giorgi Mdinardze. On November 15, the detained police officer was taken to hospital because of worsened health conditions as a result of hunger-strike. He claims the conflict with the lawyer was provoked by Giorgi Mdinardze himself and he was innocent.

The court hearings into the case of the lawyer Giorgi Mdinardze still continues.

19. INEFFECTIVE WORK OF GENERAL INSPECTIONS

In 2015, citizens applied to Human Rights Center who complained about partiality and malicious practice of the general inspections of the Ministry of Internal Affairs and Ministry of Corrections.

Throughout 2015, Human Rights Center processed about 40 cases where general inspections of the MIA and Ministry of Corrections ineffectively and partially investigated the alleged facts of abuse of power by their officers.

Based on the analysis of the cases processed by Human Rights Center we can conclude that general inspections either do not launch investigation into alleged violations by police or prison officers or automatically forwarded them to the investigative department of the said ministries and prosecutor's office without adequate examination. As a rule, the general inspection refrains from starting investigation into the violations allegedly committed by their employees that contradicts the principle of impartial and independent investigation.

In 2015, Human Rights Center processed cases where the representatives of the general inspection personally abused power.

General Inspection of the Ministry of Corrections did not allow the lawyer of Human Rights Center, who defended rights of E.M, to attend the interrogation of the client that was

⁸⁴ See at <http://www.humanrights.ge/index.php?a=main&pid=18514&lang=eng>

⁸⁵ See at <http://ombudsman.ge/en/news/public-defenders-statement-on-violence-against-lawyer.page>

protested by the organization.⁸⁶ During interview the employees of the General Inspection psychologically oppressed E.M.

In the case of illegal firing of patrol inspector Ioseb Abuladze from the patrol department, senior official of the General Inspection of the Ministry of Internal Affairs Erekle Tchokhnelidze was personally interested in the illegal firing and persecution of the inspector. With the legal assistance of the Human Rights Center and Georgian Young Lawyers' Association illegally fired patrol-inspector will be restored to his working place.⁸⁷

20. CREATION OF INDEPENDENT INVESTIGATORY MECHANISM

Throughout 2015 the NGOs and Georgian Bar Association actively raised the issue of the creation of independent investigatory mechanism before the Government of Georgia, which shall be authorized to investigate the alleged violations by police officers, prison personnel and prosecutor.

Human Rights Center believes the practice of investigating alleged crimes of police officers by their own offices has to stop. Especially when this kind of investigation is conducted not for revealing the truth but for erasing evidence of actions of police officers.⁸⁸ Chairman of the GBA clarified that without the independent investigatory mechanism violence will not be eliminated in Georgia.⁸⁹

Human Rights Center held several press-conferences to request creation of the independent investigative mechanism, which will be accountable before the Parliament of Georgia.⁹⁰

In February 2015, international organizations proposed the Parliament and Government of Georgia to create special model of the independent investigative mechanism. With active involvement of the NGOs the draft law was developed, which offers two models of jurisdiction:

- Exclusive jurisdiction, which includes granting the investigative and prosecution function to the body if an unlawful and offensive act resulted in manslaughter, grave, less grave or minor damage to health, beating, violence, degrading treatment, violation of sexual freedom and security of the persons under effective state control; and if criminal action is committed by a representative of law enforcement bodies regardless the fact whether he/she performed professional duties or not and his/her action

⁸⁶ See information at: <http://www.interpressnews.ge/ge/samartali/348985-sasjelaghsrulebis-saministro-qadamianis-uflebatha-centrisq-ganckhadebashi-agnishnul-garemoebes-sheistsavlis.html?ar=A> (available in Georgian)

⁸⁷ See information at: <http://www.humanrights.ge/index.php?a=main&pid=18636&lang=eng>

⁸⁸ See information at <http://www.humanrights.ge/index.php?a=main&pid=18399&lang=eng>

⁸⁹ Ibid

⁹⁰ See information on press-conferences on the following links:

<http://www.humanrights.ge/index.php?a=main&pid=18419&lang=eng>

<http://www.humanrights.ge/index.php?a=main&pid=18411&lang=eng>

<http://www.humanrights.ge/index.php?a=main&pid=18396&lang=eng>

resulted into a manslaughter, grave damage of health, violation of the sexual freedom and security.

- Another model, when independent institution shall have authority of prosecution and investigation, is direct jurisdiction when there are well-grounded assumptions of conflict of interests according to which investigation cannot be performed impartially by the state investigative structures.⁹¹

As a result of the active consultations with the NGOs the draft law was modified.

Public Defender's Office also underlined the necessity to create independent investigative mechanism. According to the Ombudsman, in 2014 the Public Defender sent 24 proposals to the prosecutor's office to respond to the facts of abuse of power and inhuman treatment in the penitentiary establishments. However, none of his proposals were responded by the criminal prosecution of perpetrators. Today, there is no service in Georgia which will respond to similar complaints and for that purpose it is necessary to create the independent investigative mechanism.⁹²

Regardless many petitions of the nongovernmental organizations, the Parliament has not yet taken actual steps to create the independent investigative mechanism.

21. INVESTIGATION INTO HIGH PROFILE CASES

Investigation of the former political prisoners' cases

Throughout 2015 Human Rights Center held several press-conferences about delayed investigations in the prosecutor's office and called on the prosecutor's offices to timely investigate the high profile cases, including the cases of the former political prisoners and to legally rehabilitate them.⁹³

The Organization clarified that ineffective reaction of the state and investigative bodies to the possible violations committed by law enforcement officers has been systemic problem for years. Effective and timely investigation has not started into the cases processed by Human Rights Center. People, who were victims of torture and inhuman treatment or were damaged by illegal activities of law enforcement officers in the past, do not hold victim status yet.

Human Rights Center believes the delay in the investigation of these cases causes additional recrudescence like assassination of former political prisoner Besik Khardziani.⁹⁴

⁹¹ See information about the draft law at:

http://www.osgf.ge/index.php?lang_id=geo&sec_id=15&info_id=4070

⁹² See the article at <http://www.tabula.ge/ge/story/81624-ombudsmeni-mnishvnelovania-sheiqmnas-damoukidebeli-sagamodziebo-meqanizmi> (available in Georgian)

⁹³ See article at: <http://humanrights.ge/index.php?a=main&pid=18211&lang=eng>

⁹⁴ See the Address of Human Rights Center

<http://humanrights.ge/index.php?a=main&pid=18208&lang=eng>

The state has not yet rehabilitated the former political prisoners and has not ensured timely and effective investigation into their cases. At the same time, the cases of the so-called “spies” still have top secret status that hinder review into their cases and rehabilitation.

On February 11, 2015 the former political prisoners and the repressed persons addressed the Prime Minister of Georgia, Defense Minister, Minister of Interior, Chief Prosecutor, Public Defender and NGOs to ensure restoration of the justice in the country.⁹⁵

Case of Yuri Vazagashvili

On January 20, 2015 Yuri Vazagashvili was killed on the grave of his son, Zurab Vazagashvili⁹⁶, in Karafila village, Kaspi district, where he had arrived on the funeral of a relative. Explosive was installed in the cemetery, which exploded when Yuri Vazagashvili stepped it.

On January 26, 2015 the NGOs called the Parliament of Georgia to create temporary investigative commission to investigate the high profile case.⁹⁷

According to the prosecutor’s office, the investigators collected part of the exploded shell, so called handle of the fuse during the examination of the cemetery and the expertise found DNA of an individual on it.

According to the prosecutor’s office, “the investigation further verified the identities of the mobile phone customers detected by the phone masts of relevant mobile operators. Tens of witnesses were interrogated and the circle of persons who might have committed the crime was identified. In result of the conduction of investigative and crime intelligence actions by the General Inspection and the Counterintelligence Department of the Ministry of Interior of Georgia, the police official G.S. was identified and arrested. The investigation revealed that G. S. was on the territory of the village of Karaphila, Kaspi District on January 19-20, 2015, and according to the Genetic Examination Report, his DNA matched with the DNA trace discovered on the so called “fuse handle” of the hand grenade seized from the crime scene (grave of Zurab Vazagashvili). Thus, it can be incontrovertibly stated that Yuri Vazagashvili was murdered by G. S. by means of the hand grenade installed on the grave by him.

On November 6, 2015, Tbilisi City Court handed down a judgment of conviction, and found the accused G.S. guilty in the murder of Yuri Vazagashvili. He was sentenced to 20-years imprisonment. The society still does not have information who ordered and organized the murder, that raises some questions about effectiveness of the investigation.

⁹⁵ See the Address of political prisoners

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

⁹⁶ On May 2, 2006, nearby the tennis courts in Tbilisi Zurab Vazagashvili and Aleksandre Khubulov were killed during the so-called special operation of the criminal police department of the MIA.

⁹⁷ See the statement of the NGOs at <http://humanrights.ge/index.php?a=main&pid=18091&lang=eng>

Case of Besik Khardziani

On March 28, 2015 businessman Besik Khardziani was killed near his house in Marabda street, Tbilisi. Reportedly, the murderer was ethnic Chechen citizen of Ukraine, who drove into Marabda Street by a moped, which was later found in nearby Kekelidze Street together with helmet. Since 2013 Besik Khardziani fought for restoration of justice. He was an owner of the assets in the Turtle Lake Complex. During years he owned shares in other business companies too. In February 2011 he was sentenced to 8-year-imprisonment for the illegal manufacturing and possession-purchase of narcotic substances. Based on the solicitation of the Patriarch of Georgia, the President Pardoned him in 2014. The businessman had spent 2 years in prison but denied the accusation. Having left the prison he claimed that he was arbitrarily imprisoned and had spent two years in inhuman conditions. As Besik Khardziani said former senior officials – Zurab Adeishvili, Gia Udesiani and Davit Kezerashvili were initiators of his arrest. After the release he started struggle to get the assets in the Turtle Lake back. He won one trial at the Tbilisi City Court but lost second. The Tbilisi Appeal Court was discussing his case.⁹⁸

On March 31, 2015 the NGOs called on the executive and legislative bodies to promptly, effectively and transparently investigate the murder of the businessman and requested the Parliament to exercise effective parliamentary control over the investigation.⁹⁹ Public Defender of Georgia also called for timely investigation of Besik Khardziani’s murder.¹⁰⁰

22. FREEDOM OF MEDIA AND DEVELOPMENTS ABOUT RUSTAVI 2

Kibar Khalvashi, a businessman who was Rustavi 2 TV shareholder in 2004-2006, filed a lawsuit on August 4, and, as an interim measure, also asked the court to freeze broadcaster’s assets pending court’s final verdict over ownership dispute.¹⁰¹

On August 5, 2015 the Judge Tamaz Urtmelidze at the Tbilisi City Court ordered to freeze the assets of the TV-Company.

Rustavi 2 assessed the Khalvash’s lawsuit as government-orchestrated attempt to take over the control on the TV-Company. On August 7, Rustavi 2 declared that the court order on asset freeze bans its current owners to sell shares, as well as to sell or rent out broadcast equipment, vehicles and other property owned by the company.¹⁰²

⁹⁸ For more information see the TV-story: <http://rustavi2.com/ka/news/12851> (available in Georgian)

⁹⁹ See the Address of NGOs at <http://humanrights.ge/index.php?a=main&pid=18206&lang=eng>

¹⁰⁰ See <http://www.interpressnews.ge/ge/samartali/323952-sakhalkho-damcveli-kitsmarishvilisa-dakhardzianis-mkvlleobis-saqmeebze-drouli-gamodziebis-tsarmoebaa-aucilebeli.html?ar=A> (available in Georgian)

¹⁰¹ See more at <http://www.civil.ge/eng/article.php?id=28486>

¹⁰² See the TV-story of the GPB <https://www.youtube.com/watch?v=kV8owR9jnKw> (available in Georgian)

Director General of Rustavi 2 said the court order barred the TV-Company from having any kind of relation with banks, would not be able to take loans and rent out equipment, which was also one of the Company's sources of income.¹⁰³

Nika Gvaramia said the court decision was absolutely illegal and would appeal it to the higher court. The Director General of Rustavi 2 accused Judge Tamaz Urtmelidze, who took the decision, of acting on government's orders.¹⁰⁴

Representatives of the nongovernmental organizations clarified that the court decision to freeze the assets of the TV-Company Rustavi 2 did not satisfy the standards of verification which shall be applied in all cases particularly when there are not only two private subjects in the dispute but when there is high public interest in the ongoing case and the decision may cause irreversible damage."¹⁰⁵

Several NGOs, who disseminated statement on August 10, 2015, stated that court decision "contained certain deficiencies." According to their clarification, the case of Rustavi 2 bears the character of a private legal dispute, though a political context is attached to it, creating risks of damaging media freedom.¹⁰⁶

On September 30, 2015 the Tbilisi City Court made another decision and froze assets of the TV-Company "Sakartvelo", which owned shares in the Rustavi 2.¹⁰⁷ In response to that, Rustavi 2 accused the government in blocking the investment deals.¹⁰⁸

11 NGO members of the Coalition for Media Advocacy stated that there are a number of circumstances, which cause serious suspicion about government's influence on the ongoing process and called on the Court to adjudicate the ongoing dispute over Rustavi 2 TV shares in a way that will not cause suspension of the broadcaster's operations and/or restriction of its editorial independence.¹⁰⁹

On October 3, 2015 the President of Georgia Giorgi Margvelashvili said that problems had been created to the operation of the Rustavi 2 and the recent developments in the Georgian media triggers serious questions.¹¹⁰

¹⁰³ Ibid

¹⁰⁴ Ibid

¹⁰⁵ See the statement of the GYLA at: <https://gyla.ge/ge/post/saias-ganckhadeba-samautsyeblo-kompania-rustavi-2-is-metsileebis-tsilebsa-da-kompaniis-qonebaze-yadaghis-dadebis-taobaze-01>

¹⁰⁶ See the statement of NGOs at <http://www.transparency.ge/en/post/general-announcement/ngos-respond-rustavi2-asset-freeze>

¹⁰⁷ Statement of the Tbilisi City Court in the TV-item of the GPB at <https://www.youtube.com/watch?v=3Mj9lJ2q96c>

¹⁰⁸ Statement of the Rustavi 2 see in the article <http://www.civil.ge/eng/article.php?id=28613>

¹⁰⁹ See the TV-item at <https://www.youtube.com/watch?v=SL-LBWUH-JQ>

¹¹⁰ See the statement of the President at <http://www.civil.ge/eng/article.php?id=28620>

On October 8, 2015 the US Ambassador to Georgia Ian Kelly said that The United States has expressed concerns to the Georgian government over actions that give the appearance of constricting media freedom.¹¹¹

On October 19, 2015 Tbilisi City Court Judge Tamaz Urtmelidze refused to recuse himself from the Rustavi 2 ownership dispute after the Rustavi 2 argued he was biased in favor of the plaintiff. The lawyers of Rustavi 2 had motioned recuse of the judge. The respondent's motion for recusal of the judge was based mostly on two main arguments. The one was a criminal case that was filed just recently against Judge Tamaz Urtmelidze's mother. Allegedly prosecutor's office may influence the decision of Judge Urtmelidze because of this case. Another one was several negative comments posted by judge's wife on her Facebook account about Rustavi 2 TV and its chief executive Nika Gvaramia, before and also after the court dispute over the ownership of the broadcaster was launched.¹¹²

On October 21, Nika Gvaramia accused the government of blackmail and the prosecutor's office launched probe in the case.¹¹³ On October 22, supporters of the TV-Company set up tents in the yard of the Rustavi 2. On the same day, representative of the US State Department said the U.S. is concerned about any steps that might lead to the closure of Rustavi 2 TV.¹¹⁴

On November 2, 2015, based on the lawsuit of Rustavi 2, the Constitutional Court of Georgia suspended clause on immediate enforcement of the Tbilisi City Court verdict. The suitors were afraid Kibar Khalvashi could request immediate enforcement of the verdict if he had won the trial at the first instance.¹¹⁵

On November 3, 2015 the Tbilisi City Court passed verdict over the Rustavi 2 ownership dispute in favor of the former owner Kibar Khalvashi and restored his property rights in the TV-Company.¹¹⁶ ***On November 5, Judge Tamaz Urtmelidze ordered to appoint temporary administrators in Rustavi 2.*** The existing management had their authority suspended that caused harsh international reactions.

¹¹¹ See <http://www.tabula.ge/ge/story/100280-ian-keli-rustavi-2-ze-chven-gavuziaret-chveni-sheshfoteba-saqartvelos-mtavrobas> (available in Georgian)

¹¹² See the TV-item at <https://www.youtube.com/watch?v=CdF6BVvrkSo>

¹¹³ See the statement of the Rustavi 2 Director General at <https://www.youtube.com/watch?v=MpskQbeXpjj>

¹¹⁴ See the TV-Item at <https://www.youtube.com/watch?v=fqSMBwiHyIo>

¹¹⁵ See the protocol of the Constitutional Court of Georgia <http://www.constcourt.ge/ge/news/saqartvelos-sakonstitucio-sasamartlos-saoqmo-chanaweri-saqmeze-shps-samauwyeblo-kompania-rustavi-2-is-da-shps-telekompania-saqartvelo-saqartvelos-parlamentis-winaagmdeg.page> (available in Georgian)

¹¹⁶ See the article at <http://www.civil.ge/eng/article.php?id=28738> and TV-item at <https://www.youtube.com/watch?v=ig8WFggABLo>

EU and US diplomats said the decision of the Tbilisi City Court raised serious questions about the independence of the judiciary and actual degree of freedom of the media in Georgia.¹¹⁷

Human Rights Center believes forced discussion of the Rustavi 2 case in the Constitutional Court also raises questions about the judiciary impartiality. It is noteworthy that on **November 2**, 2015 the Constitutional Court satisfied the lawsuit of the Rustavi 2 and next day, **on November 3**, the Tbilisi City Court ruled in favor of the former owner of the TV-Company Kibar Khalvashi. As a result of the decision of the Constitutional Court Kibar Khalvashi and his administrators will not be able to enforce the City Court verdict until all instances of court make decisions into the case.

Nongovernmental organizations stated it was urgently important to bring the process back to legal frames and avoid violent developments in the country.¹¹⁸

It is noteworthy that wiretapped recordings of two phone conversations emerged in media, where Georgia's ex-President Mikheil Saakashvili is speaking with the director general of Rustavi 2 Nika Gvaramia. Saakashvili suggest encouraging the colleagues and then they speak about ongoing trials into Rustavi 2 case. Saakashvili told Gvaramia what should be done if the court verdict against Rustavi 2 is enforced. According to the wiretapped recordings, Saakashvili calls for going through revolutionary scenario – barricades, invite people to defend the TV-Company, to mobilize about 2000 persons and to reinforce the company.¹¹⁹

Representatives of diplomatic corps and international organizations accredited in Georgia actively reacted on the developments about Rustavi 2. They said the government and judicial institutions need to uphold the principles of media freedom and political pluralism that are an integral part of Georgia's declared aspirations.¹²⁰

Public Defender of Georgia said the November 5 decision of the Tbilisi City Court casts doubt not only on the impartiality of one particular judge, but it also reveals serious problems in the judiciary system.¹²¹

On November 12, 2015 Tbilisi City Court Judge Tamaz Urtmelidze partly amended his order about temporary administration in Rustavi 2 and reinstated authority of the former management in the TV-Company – director general Nika Gvaramia and financial director

¹¹⁷ See <http://www.civil.ge/eng/article.php?id=28756>

¹¹⁸ See <http://www.civil.ge/eng/article.php?id=28491>

¹¹⁹ See more in the article of Radio Liberty

<http://www.radiotavisupleba.ge/content/article/27334301.html>

¹²⁰ See statements of international organization in the article of Civil.ge at

<http://humanrights.ge/index.php?a=main&pid=18516&lang=eng>

¹²¹ See statement of the Ombudsman at <http://www.ombudsman.ge/en/news/public-defenders-statement-on-appointment-of-temporary-management-in-rustavi-2.page>

Kakha Damenia. Gvaramia and Damenia's executive powers have been restored at least until appellate process into judge's earlier decision on replacing the management is completed.¹²²

On November 13, 2015 the Constitutional Court suspended clause of the Civil Procedural Court based on which the judge ruled to appoint temporary administrators in the TV-Company Rustavi 2.¹²³

Today, Tbilisi Appeal Court is discussing the case of Rustavi 2.

23. RIGHTS OF RELIGIOUS MINORITIES

Human Rights Center was concerned with the persecution of Jehovah Witnesses in Terjola, which started in June 2014 and continued in 2015 too. Jehovah Witnesses in Terjola were oppressed by local self-government and radical people, who opposed them to construct a "Kingdom Hall" in the town. The state did not have will to combat violence against the Jehovah Witnesses by radicals.¹²⁴

Another astonishing fact happened in November, 2015 when unidentified persons opened fire in the direction of the Kingdom Hall of the Jehovah Witnesses twice on November 23 and 30. The investigation was started for premeditated damage of other's property,¹²⁵ but the offender was not found so far.¹²⁶

The Public Defender has launched a survey of the infliction of damage to the Kingdom Hall of Jehovah's Witnesses in the Vazisubani district of Tbilisi on his own initiative and condemned the incident of November 23, 2015. He urged the law enforcement agencies to conduct prompt and effective investigation to identify and punish perpetrators.¹²⁷

On March 3, 2015 Human Rights Center published a report "Freedom of Religion in Georgia – Problems, Recommendations." The Report presents findings from the project "Promotion Freedom of Religion in Georgia", which was implemented with financial support of the Government of Canada.

¹²² See article at <http://www.civil.ge/eng/article.php?id=28765>

¹²³ See the protocol of the regulatory session of the Constitutional Court of Georgia at: <http://www.constcourt.ge/ge/news/saqartvelos-sakonstitucio-sasamartlos-ganmwesrigebeli-sxdomis-saoqmo-chanaweri-saqmeze-shps-telekompania-saqartvelo-saqartvelos-parlamentis-winaagmdeg.page> (available in Georgian)

¹²⁴ See the statement of Human Rights Center <http://humanrights.ge/index.php?a=main&pid=18233&lang=eng>

¹²⁵ Article 187 of the Criminal Code of Georgia (damage or destruction of other's property)

¹²⁶ See the TV-item <http://rustavi2.com/ka/news/32557>

¹²⁷ See the statement of the Ombudsman at <http://ombudsman.ge/en/news/public-defender-responds-to-infliction-of-damage-to-kingdom-hall-of-jehovahs-witnesses.page>

In the framework of the project, Human Rights Center studied various facts of religious intolerance and violation of freedom of religion, as well as instances of religious conflict and persecution on the grounds of victim's religious belonging, including the facts observed in city of Kobuleti in Adjara region and in villages – Mokhe, Tchela and Plate – in Adigeni municipality. Monitoring also revealed signs of persecution on religious grounds against Jehovah witness.¹²⁸

On May 15, 2015 Human Rights Center screened a documentary film **“Problems of Muslims in Georgia.”** Facts of intolerance that happened in the villages Tchela, Plate and Mokhe were shown in this documentary. NGOs, representatives of diplomatic corpus accredited in Georgia and representatives of religious minorities attended the screening. After that they had a discussion about the issues of religious minorities. The meeting revealed that the Muslim Community is still oppressed and persecuted. According to the representatives of Muslim Community, problems between the locals still exist. Only reason to this is the inactivity of the Government and fact that they create uneven conditions for Orthodox Christians and Muslims.¹²⁹

From November 2015 to February 2016 Human Rights Center implemented the project – “Preserving Heritage of Religious Minorities”. In December, the monitoring group of the Center started field visits in the regions of Georgia to study the state of the worship places of religious minorities. Representatives of Human Rights Center photo and video documented conditions of the worship places in the regions and in Tbilisi.¹³⁰ The field visits revealed problems of the functioning synagogue in Oni¹³¹ and property rights of the chapels of the Armenian Apostolic Church.¹³² Problems were identified about property rights in relation with the Kutaisi and Batumi based Catholic churches.

Nongovernmental organizations state that throughout 2015 the situation of religious freedom in the country has not essentially changed and the state has not taken any significant steps to solve the existing systemic problems. The state policy with regard to religious freedom is based on non-secular and discriminatory approaches and grants exclusive preference to the Orthodox Church.¹³³

24. RIGHTS OF LGBT COMMUNITY

Socialization of LGBT community was still an issue in 2015. Several nongovernmental organizations and associations work on the defense of the rights of sexual minorities in

¹²⁸ See more at <http://humanrights.ge/index.php?a=main&pid=18177&lang=eng>

¹²⁹ See information at <http://humanrights.ge/index.php?a=main&pid=18284&lang=eng>

¹³⁰ See information at <http://humanrights.ge/index.php?a=main&pid=18572&lang=eng>

¹³¹ See information at <http://humanrights.ge/index.php?a=main&pid=18578&lang=eng>

¹³² See more at <http://humanrights.ge/index.php?a=main&pid=18598&lang=eng>

¹³³ See the report of the Human Rights Education and Monitoring Center at <http://emc.org.ge/2015/12/10/emc-2015-wels-ajamebs/>

Georgia,¹³⁴ who provide community members with free legal and psychological assistance. Their aim is to identify discrimination facts against minorities and combat of internalized homophobia.

Some organizations state, the major problem for LGBT community is abuse by police, state institutions and citizens. As a rule, police often hides the violence facts against LGBT community members and does not qualify them as hate-motivated crime. As a rule, police views assault and clashes as minor hooliganism.¹³⁵

As NGO members state, law enforcement agencies fail to ensure the necessary systemic mechanisms for effective investigation and prevention of crimes motivated by homophobic or transphobic hatred. The state has no special strategies or action plans to fight against homophobic and transphobic crimes; does not produce in-depth statistics on hate crimes.¹³⁶

On January 26, 2015, the Public Defender of Georgia presented a written opinion to the UN High Commissioner for Human Rights in the framework of the Resolution 27/32 of the UN Human Rights Council "Human rights, sexual orientation and gender identity". The written opinion of the Public Defender of Georgia reflects legal right situation of LGBT persons in Georgia. Special attention is paid to facts of violation of rights of labour, health, social and economic rights on the basis of sexual orientation and gender identity; also, on May 17, 2013, events developed during International Day against Homophobia and Transphobia.¹³⁷

On May 16, 2015 Public Defender of Georgia published a statement regarding the International Day against Homophobia and Transphobia and condemned facts of homophobia and violence for the past years.¹³⁸

On May 12, 2015 European Court of Human Rights Center satisfied the lawsuit of the nongovernmental organization Identoba about May 17, 2012 case and concluded violation of the European Convention on Human Rights by the State of Georgia. The Court clarified that "Taking into account all the evidence, the Court reiterates its findings that the attack on the applicants during the march of 17 May 2012 to mark the International Day Against Homophobia was instigated by those with a hostile attitude towards the LGBT community

¹³⁴ Identoba, LGBT Georgian, and more

¹³⁵ See article Socialization Problems in LGBT Community at <http://humanrights.ge/index.php?a=main&pid=18265&lang=eng>

¹³⁶ See the report by ECM at <http://www.ombudsman.ge/en/specializirebuli-centrebi/genderuli-tanasworoba/siaxleebi-wom/written-opinion-of-the-public-defender-of-georgia-addressed-to-the-un-human-rights-council.page>

¹³⁷ See the written opinion of the Ombudsman at: <http://www.ombudsman.ge/en/specializirebuli-centrebi/genderuli-tanasworoba/siaxleebi-wom/written-opinion-of-the-public-defender-of-georgia-addressed-to-the-un-human-rights-council.page>

¹³⁸ See statement of the Ombudsman at: <http://www.ombudsman.ge/en/news/statement-of-the-public-defender-regarding-international-day-against-homophobia-and-transphobia.page>

in Georgia. Furthermore, that violence, which consisted mostly of hate speech and serious threats, but also some sporadic physical abuse in illustration of the reality of the threats, rendered the fear, anxiety and insecurity experienced by all thirteen applicants. The law enforcement bodies, which were obliged to defend the demonstrators, including the applicants, failed to do that.¹³⁹

On May 15, 2015 NGOs again addressed the MIA and called for the protection security of people and to more effectively combat any forms of violence and discrimination in future.¹⁴⁰

On May 17, 2015 NGOs marked the International Day against Homophobia in the Round Garden, Tbilisi. Police officers cordon was protecting them from attacks.¹⁴¹

25. RIGHTS OF PERSONS WITH DISABILITIES

Throughout 2015 people with disabilities applied to Human Rights Center for legal assistance, who complained about the violation of their social-economic rights by law enforcement bodies and other state institutions.¹⁴²

On February 12, 2015 electronic media reported that people using wheelchair, who were invited to Paata Burtchuladze's anniversary celebration, could not attend the concert because their needs were not considered [by organizers]– wheelchair ramp was not installed, though the sport palace, where the concert took place, had them. People with disabilities had to move with the support of security officers for what they left the palace in protest. Public Defender of Georgia decided to study the case with his own initiative in the frame of the authority assigned to him under the Law of Georgia on the Elimination of All Forms of Discrimination.¹⁴³

On February 7, Human Rights Center organized one-day training about hate speech in its Gurjaani office. The training was organized for journalists, lawyers, students and representatives of religious minorities. The participants discussed the problems of people with disabilities. They said the people with disabilities have problems about unadapted environment. The streets are not adapted for disabled people; persons using wheelchair and blind people cannot move in the streets independently. Public opinion about disabled people is another problem. Journalists must work on the problems of disabled people with more responsibility. These problems must not be dramatized. Often they make shows with

¹³⁹ See the Decision of the ECtHR at [http://hudoc.echr.coe.int/eng?i=001-154400#{"itemid":\["001-154400"\]}](http://hudoc.echr.coe.int/eng?i=001-154400#{)

¹⁴⁰ See the statement of NGOs at <http://humanrights.ge/index.php?a=main&pid=18268&lang=eng>

¹⁴¹ See the TV-reportage at http://maestro.ge/menu_id/12/id/21553/lang/1/

¹⁴² See Article about the issue at <http://humanrights.ge/index.php?a=main&pid=18542&lang=eng> and <http://humanrights.ge/index.php?a=main&pid=18198&lang=eng>

¹⁴³ See the article at <http://humanrights.ge/index.php?a=main&pid=18144&lang=eng>

similar stories. As a result, wrong coverage of the problems cause public compassion for disabled people.¹⁴⁴

26. PROBLEMS OF PRISONERS WITH DISABILITIES

Throughout 2015 Human Rights Center received about 15 applications of the prisoners with disabilities, who complained about unadapted environment in the penitentiary establishments, absence of rehabilitation programs, limited access to lawyer and unforeseen special needs in the facilities.

According to the assessment of the Public Defender of Georgia, there are no established criteria to identify disabled persons in prison; delayed process of adaptation of the cells is a problem, disabled prisoners do not have free access to information either; blind prisoners are deprived of possibility to get information with Braille. Low qualification of the prison personnel is one of the major problems in penitentiary establishments.¹⁴⁵

According to the evaluation of the National Preventive Mechanism of the Public Defender of Georgia, recommendations aiming at the improvement of the conditions of disabled prisoners in penitentiary establishments and temporary detention settings were not implemented completely.¹⁴⁶

27. INTERNATIONAL CRIMINAL COURT AND COMMENCEMENT OF INVESTIGATION

On October 13, 2015 Prosecutor Fatou Bensouda of the ICC requested authorization from Pre-Trial Chamber to open an investigation into the alleged grave crime committed during the August 2008 war. With the notice, the Prosecutor informed the victims and their authoritative representatives to submit their comments on whether an investigation on such alleged crimes should be opened before November 12, 2015.

On October 14, International Federation for Human Rights (FIDH) and Human Rights Center published joint press-release and evaluated significance of the commencement of investigation.¹⁴⁷

¹⁴⁴ See the Article at <http://humanrights.ge/index.php?a=main&pid=18132&lang=eng>

¹⁴⁵ See Article about the state of disabled prisoners at:

<http://humanrights.ge/index.php?a=main&pid=18556&lang=eng>

¹⁴⁶ See the special report of the Public Defender at <http://www.ombudsman.ge/en/reports/specialuri-angarishebi/report-on-the-fulfillment-of-recommendationsproposals-issued-by-the-public-defender-of-georgia-in-2014.page>

¹⁴⁷ See the joint press-release of FIDH and Human Rights Center here

<http://humanrights.ge/index.php?a=main&pid=18480&lang=eng>

On October 15, Public Defender of Georgia stated the International Criminal Court's decision to investigate the crimes committed during and after the August 2008 armed conflict in Georgia will help to establish the truth, to restore the rights of victims and to accelerate peace process between the parties to conflict and the affected population.¹⁴⁸

On October 16, Prosecutor Fatu Bensouda visited Georgia to inform the victims and their authoritative representatives to submit their comments on whether an investigation on such alleged crimes should be opened before November 12, 2015.¹⁴⁹

On November 9, lawyers of Human Rights Center paid field visits to the conflict affected villages of Nikozi and Ergneti. They met victims of the August 2008 war, recorded their positions about the need to start investigation into the alleged crimes during the war.

On November 12, with coordination by the Open Society Georgia Foundation, five Georgian non-governmental organizations addressed their written statement to the justices of the International Criminal Court concerning the commencement of investigation into the war crimes and crimes against humanity possibly committed during the August 2008 war. The statement has been signed off by the Georgian Young Lawyers' Association (GYLA), the Article 42 of the Constitution, the Human Rights Center and the Center for Psychosocial and Medical Rehabilitation of Torture Victims.¹⁵⁰

Human Rights Center submitted positions of 193 victims to the Pre-Trial Chamber of the ICC and on behalf of the victims supported the request of the Prosecutor to commence the investigation.

On November 17-22 with financial support of the Open Society Georgia Foundation, head of the Legal Aid Service of Human Rights Center Tamar Avaliani, together with the representatives of partner NGOs, participated in the 14th Assembly of States Parties to the Rome Statute (ASP) in The Hague.

On January 27, 2015 International Criminal Court (ICC) authorized the prosecutor's office to commence the investigation in Georgia.¹⁵¹

¹⁴⁸ See <http://ombudsman.ge/en/news/public-defender-welcomes-investigation-of-crimes-committed-during-and-after-august-war.page>

¹⁴⁹ See the Article at <http://www.tavisupleba.org/content/haagis-sasamartlos-prokurori-tbilisshi/27309953.html>

¹⁵⁰ See the statement of NGOs here http://www.osgf.ge/index.php?lang_id=ENG&sec_id=15&info_id=4327

¹⁵¹ See the joint press-release of FIDH and Human Rights Center here <http://www.humanrights.ge/index.php?a=main&pid=18634&lang=eng>

28. STUDY INTO THE PARDON POWER

In 2015, Human Rights Center, with financial support of the Open Society Georgia Foundation, implemented a project “Survey of Pardon Mechanism in Georgia”, which aimed to support transparent and effective functioning of the pardon power.¹⁵²

Human Rights Center studied models of pardon power in eight EU member states and the USA. Based on the experiences of democratic countries, the Organization evaluated the Georgian model of the pardon power to reveal its positive and negative sides.

Human Rights Center has long experience of working on pardon cases,¹⁵³ while the lawyers identified some problems in the practice. For example, there are cases when the Pardon Commission releases positive conclusion on the applicant prisoner but the President refuses to pardon him/her. In certain cases, the Commission unanimously makes negative evaluation but the President pardons the applicant. Sometimes the President pardons prisoners irrespective of the established criteria based on special circumstances. The “special circumstances” are reviewed in the regulations but its content is obscure and prisoners often have questions about it.

On July 30, Human Rights Center held a round table on the topic: “Pardon Mechanism in Georgia – Problems and Challenges”. The representatives of NGOs, also the current and former chairs of the pardon commission participated in the discussion. Several issues have been outlined during the discussion.¹⁵⁴ In the frame of the project, Human Rights Center met the Pardon Commission members, President’s Administration and Public Defender.

Human Rights Center believes the acting model of the pardon mechanism in Georgia shall not be substantially amended but be improved so that the implementation of the constitutional authorities by the President did not raise questions among society – people who are the source of this exclusive authority. Based on the survey results, the Center believes that Georgian model needs improvement to make it more well-grounded and predictable in respect of procedures that will make the human mechanism of pardon more effective.¹⁵⁵

On December 7, 2015 Human Rights Center evaluated the idea of the Prime-Minister to grant the right to pardon prisoners to the Patriarch of Georgia as a threat to the constitutional order of the state. According to the Organization, right to pardon is

¹⁵² See more here: <http://humanrights.ge/index.php?a=main&pid=18350&lang=eng>

¹⁵³ In 2015 the Center submitted applications of about 60 prisoners to the Pardon Commission for consideration

¹⁵⁴ See the information about the round table here

<http://humanrights.ge/index.php?a=main&pid=18406&lang=eng>

¹⁵⁵ See the press-release of Human Rights Center here

<http://humanrights.ge/index.php?a=main&pid=18569&lang=eng>

constitutional discretion of the Head of the State (President, Monarch, etc) in democratic countries. At the same time, Georgia is a secular state, where religious and secular authorities are separated. Consequently, the state cannot assign its sovereign function to the religious authority. People are source of authority, who granted constitutional prerogative of pardoning to the President.¹⁵⁶

By the end of 2015, former Chairman of the Pardon Commission Aleko Elisashvili accused MPs Eka Beselia and Manana Kobakhidze of oppression on him. Based on Elisashvili's allegations, the Chief Prosecutor's Office commenced investigation. Human Rights Center defends rights of Aleko Elisashvili.¹⁵⁷

29. USE OF HATE SPEECH ABOUT NGOS

NGOs were concerned about the oppression on and hate speech in relation to civil society organizations by the government representatives.

On May 1, 2014 Prime-Minister Irakli Garibashvili blamed CSOs participating in the campaign This Affects You in the "damage of the international reputation of the country" and evaluated their activities as undermining for the country; this statement encouraged other politicians to make critical statements about CSOs and start activities against them.¹⁵⁸

On January 26, 2015 former Prime Minister Bidzina Ivanishvili made a minatory statement about the leaders of CSOs Nino Lomjaria and Eka Gigauri, and about Kakha Kozhoridze, former chairman of the Georgian Young Lawyers' Association. In fact, he announced publishing of compromising materials about the CSO leaders.¹⁵⁹

NGOs several times noted that "Bidzina Ivanishvili's statement is not a statement of an ordinary citizen but of informal governor of the state. Groundless rhetoric of the ruling party representatives is distraction from the declared values of the government. These statements sound like the purposeful campaign against CSOs. Similar approach will not only undermine the democratic values and ideas of CSOs but will also encourage the groups opposing these values. The tendency is extremely alarming and hinders democratic development of the state."¹⁶⁰

¹⁵⁶ See the Address of Human Rights Center here

<http://humanrights.ge/index.php?a=main&pid=18558&lang=eng>

¹⁵⁷ See more in the Article <http://humanrights.ge/index.php?a=main&pid=18608&lang=eng>

¹⁵⁸ See the TV-story about PM statement here <https://www.youtube.com/watch?v=ab9Gj1KokdY>

¹⁵⁹ See the TV-item by GPB here https://www.youtube.com/watch?v=PFKG0_Z99Ls (available in Georgian)

¹⁶⁰ See the statements of NGOs here <http://humanrights.ge/index.php?a=main&pid=18111&lang=eng> and <http://humanrights.ge/index.php?a=main&pid=18234&lang=eng>

Members and partners of the Human Rights House Network and the South Caucasus Network of Human Rights Defenders, call upon political leaders in Georgia to stop slandering non-governmental organizations with unfounded accusations and suggestions that their work would harm the country. Since October 2013, public verbal attacks against human rights organizations by leading political figures in Georgia have increased. The situation is starting to resemble to an anti-civil society campaign.¹⁶¹

30. CASE OF BREACHED PROPERTY RIGHTS

Human Rights Center processes cases on breached property rights. One of the most complicated example is Merab Jikia's case.

Since November 2004 Merab Jikia owned a flat in Vazha Pshavela Avenue in Tbilisi, which he rented out in 2006 to a married couple. The parties signed rent contract in accordance to the law. Later on, the tenants registered the flat on their names based on fake documents and mortgaged it for 37 000 USD.

The Criminal Law Collegium of the Tbilisi City Court found the tenants guilty in its September 23, 2010 verdict and sentenced them to 8 years imprisonment.

Although the legal owner reinstated his property, the Court did not annul the mortgage agreement. Although Merab Jikia has victim status, he faces threat to be evicted from the flat because it may be sold on the auction.

Administrative Collegium of the Supreme Court of Georgia (speaker Levan Murusidze) rejected the cassation appeal of Merab Jikia.

Afterwards, Merab Jikia received a notice from the Enforcement Bureau about the auction of his flat where the Bureau representative clarified that he is legal representative of the mortgagers and the flat would be sold on the auction to reimburse the financial damage of his clients.

31. PROBLEMS RELATED WITH GRANTING REFUGEE/HUMANITARIAN STATUS TO ALIENS

Throughout 2015 Human Rights Center several times criticized the wrong practice of the Ministry of Refugees of Georgia about granting refugee/humanitarian status to aliens. Human Rights Center states that refusals of the Ministry of Refugees to grant shelter to

¹⁶¹ See the statement of HRHT members here <http://humanrights.ge/index.php?a=main&pid=18217&lang=eng>

aliens in Georgia are illegal and ungrounded. The Ministry conclusions do not contain any well-grounded clarifications on refusal.¹⁶²

Human Rights Center defends rights of the citizen of Azerbaijan D.A. and citizen of the Russian Federation, ethnic Ingush A.E, who were groundlessly refused to get refugee/humanitarian status by the Ministry of Refugees and Accommodation. Decisions of the Ministry about the status of D. A. and A.E. do not contain any well-grounded clarifications on refusal and do not mention anything about the possible threats, for what they refused the applicants to get the status.

Based on September 2, 2015 decision, the Ministry of Refugees concluded it was not reasonable to grant refugee or humanitarian status to A.E. One of the main grounds for their denial is that human rights were not breached and internal conflicts did not take place in Russia and if A.E. returns to the Russian Federation, nobody will breach his fundamental human rights there.

Based on October 30, 2015 decision D.A. and his son were groundlessly refused to get the status. The decision of the ministry does not contain verification part. On the one hand, the decision states that if D.A. returns to Azerbaijan he might be subjected to political persecution but on the other hand the Ministry denies him to grant refugee status in Georgia.

Human Rights Center called on the Ministry of Refugees and Accommodation to review its practice of granting refugee/humanitarian status and shelter to aliens in Georgia and make well-argued negative response to applications; also called on the Parliament and Government of Georgia to get interested in legal status of the aliens in Georgia and amend the national legislation so that facts of breached human rights and discrimination were eradicated in the country.¹⁶³

32. VISA-LIBERALIZATION AND ITS BENEFITS

In accordance to the positive conclusion of the EU about visa-liberalization in December 2015, citizens of Georgia will be able to travel to 22 EU member Schengen zone states without visa. Those states are: Austria, Belgium, Germany, Denmark, Spain, Italy, Estonia, Lithuania, Latvia, Luxemburg, Malta, the Netherlands, Poland, Portugal, Greece, France, Slovenia, Slovakia, Hungary, Finland, Sweden and Czech Republic. In addition to that, citizens of Georgia may also enjoy visa-free travel to Schengen candidate states such as Bulgaria, Cyprus, Romania and Croatia.

¹⁶² See the Address of Human Rights Center here

<http://humanrights.ge/index.php?a=main&pid=18552&lang=eng>

¹⁶³ See the Address by the Center here

<http://humanrights.ge/index.php?a=main&pid=18552&lang=eng> and TV story by HRIDC.tv here <http://www.hridc.tv/index.php?a=view&id=1124&lang=eng> (available in Georgian)

Citizens of Georgia will be able to travel to non EU member states without visa – Iceland, Liechtenstein, Norway, and Switzerland. Citizens will need biometric passports.

33. RIGHT TO ASSEMBLY AND MANIFESTATION

On June 12, 2015 Georgian police illegally created obstacles for the Human Rights House Tbilisi and its member organizations to hold peaceful demonstration in Heydar Aliyev Square in Tbilisi.

Demonstration participants under the slogan Sport for Human Rights protested launch of European Olympic Games in Azerbaijan. Having arrived at the Heydar Aliyev Square in Tbilisi, about 15 activists found it blocked by police officers and could not enter the territory. However, other citizens could easily move inside the square. Despite many requests, police officers did not clarify the legal basis of prohibiting the activists to enter the square and organize a demonstration there. The only reason they mentioned was another event which was planned in the square but in fact it was not true. Thus, demonstration organizers were groundlessly prohibited to hold rally in the square. Finally, the police forced them to move across the street and hold rally on the pavement.

The Public Defender of Georgia assessed June 12, 2015 incident as a violation of the right to freedom of assembly. During the incident policemen did not allow participants of a peaceful rally to gather in Heydar Aliyev Park.¹⁶⁴

HRHT member organizations called on the Ministry of Internal Affairs, Government of Georgia and Parliament of Georgia to adequately respond to the facts and punish perpetrators.¹⁶⁵

On October 16, 2015, Tabula TV Director Tamar Chergoleishvili and Director General Lexo Machavariani as well as student Salome Khvadagiani were detained for sticking posters to a construction fence in front of the Opera building on Rustaveli Avenue; protocols on administrative violations were drawn up against them. The posters showed cartoons of Bidzina Ivanishvili and Gazprom. Public Defender of Georgia believes that the mentioned actions of the police unjustifiably restricted the freedom of expression.¹⁶⁶

¹⁶⁴ See the statement of the Public Defender of Georgia <http://www.ombudsman.ge/en/news/statement-of-the-public-defender-regarding-violation-of-freedom-of-assembly.page>

¹⁶⁵ See the Address of HRHT <http://humanrights.ge/index.php?a=main&pid=18379&lang=eng>

¹⁶⁶ See the Statement of the Ombudsman: <http://www.ombudsman.ge/en/about-us/struqtura/departamentebi/samogalago-politikuri-ekonomikuri-socialuri-da-kulturuli-uflebebis-dacvis-departamenti/siaxleebi-ius/public-defenders-statement-on-detention-of-three-persons-for-sticking-posters.page>

34. JUNE 13 TRAGEDY

Several hours of rain in Tbilisi, on June 13, flooded river Vere. As a result, the river overflowed from its banks, flooded Heroes Square, and its adjacent areas. Up to 20 people died during the disaster, 3 are still missing. The flood destroyed the zoo. One part of the animals drowned in the water, some of them were liquidated after the escape. Road surface and infrastructure is destroyed. Total damage is approximately 100 million Lari. There were various assumptions about the trigger of the natural disaster.¹⁶⁷ Relevant services stopped search of several missing persons after the tragedy that is protested by the families.

35. SUSPENDED CITIZENSHIP OF MIKHEIL SAAKASHVILI

On December 4, 2015 ex-president of Georgia Mikheil Saakashvili lost Georgian citizenship as a result of obtaining citizenship of other country. President of Georgia Giorgi Margvelashvili signed a decree. The Ministry of Justice had recommended the President Margvelashvili to suspend Saakashvili's Georgian citizenship. The Ministry of Justice commenced the citizenship-suspension procedure on October 30, 2015 because the ex-president of Georgia, now governor of Odessa region in Ukraine, received Ukrainian citizenship.¹⁶⁸

36. ELECTIONS OF PRESIDENT IN THE GEORGIAN FOOTBALL FEDERATION

On October 3, 2015 Levan Kobiashvili was elected to be the President of the Georgian Football Federation. 18 delegates voted for Levan Kobiashvili and 15 – for Revaz Arveladze. Mamuka Kvaratskhelia, the third candidate, did not receive any votes at all.¹⁶⁹

On the Election Day, several delegates refused to take registration in protest because several hours before elections assembly delegate and Rezi Arveladze's supporter Gega Gobejishvili was arrested under the charge of drug-use. The Tbilisi City Court fined him with 500 Lari.¹⁷⁰ Gega Gobejishvili clarified he was warned from his friends from Levan Kobiashvili's circle that his arrest was planned.

On October 3, 2015 demonstrations in support of the GFF presidency candidates Levan Kobiashvili and Revaz Arveladze were held near the Hotel Holiday Inn all day long.

¹⁶⁷ See the Article here <http://humanrights.ge/index.php?a=main&pid=18334&lang=eng>

¹⁶⁸ Read more here <http://www.radiotavisupleba.ge/content/margvelashvili-saakashvili/27407282.html> (available in Georgian)

¹⁶⁹ See more here <http://www.radiotavisupleba.ge/content/pekhburtis-pederatsia/27285260.html>

¹⁷⁰ See more here: <http://www.interpressnews.ge/ge/samartali/348085-advokati-gega-gobejishvili-usafudzvloed-hyavth-dakavebuli-da-misi-gamoshveba-gushinve-sheidzleboda.html?ar=A>

Minister of Energy and Vice Premier of Georgia Kakhi Kaladze attended the elections in the GFF whole day though he was not on the list of invited guests¹⁷¹ that raises questions about transparency and impartiality of the election process.

37. PUBLIC DEFENDER OF GEORGIA ABOUT THE VIOLATION OF HUMAN RIGHTS

In the Report period, Public Defender of Georgia actively responded to the facts of human rights violations in different fields and called on the investigative bodies to promptly and impartially investigate them. Public Defender published several special reports and responded to urgent problems at different times.

The Ombudsman evaluated the reforms ongoing in the judiciary system, conditions in the penitentiary system, policy of granting refugee and humanitarian status, children's and women's rights, issues related with the accessibility of people with disabilities, labor rights, cases of improper treatment by the representatives of the law enforcement bodies, ineffective investigations, facts of religious intolerance, violence facts against women, media freedom and more.¹⁷²

38. INTERNATIONAL ORGANIZATIONS ABOUT THE STATE OF HUMAN RIGHTS IN GEORGIA

International organizations still report about the abuse of power by law enforcement bodies and other human rights abuses.

In accordance to the *Human Rights Watch's* report on the state of human rights in Georgia in 2015, Georgia does not have an effective, independent mechanism to investigate crimes committed by law enforcement officials, resulting in frequent impunity. The Georgian Dream coalition government continues to investigate dozens of criminal cases against former officials who served under the previous government, led by the United National Movement (UNM) party. Media pluralism was threatened by the closure of several political debate programs and a dispute about the most-watched television station, Rustavi 2.¹⁷³

In his report on 2015, *Human Rights Commissioner of the Council of Europe* wrote Georgia needs further efforts in justice reform and combating intolerance.¹⁷⁴ According to the

¹⁷¹ See more here <http://www.civil.ge/eng/article.php?id=28621>

¹⁷² See proposals of Public Defender of Georgia here: <http://www.ombudsman.ge/en/news>

¹⁷³ See the report of Human Rights Watch here <https://www.hrw.org/world-report/2016/country-chapters/georgia>

¹⁷⁴ See the Report here <http://www.coe.int/en/web/commissioner/-/georgia-further-efforts-needed-in-justice-reform-and-combating-intolerance?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner%2Fcountry-report%2Fgeorgia>

Commissioner, reports about repeated abuse committed by law enforcement officers in the Kobuleti police station are also alarming.¹⁷⁵

Parliamentary Assembly of the Council of Europe in its October 1, 2015 resolution, negatively evaluated abusive use of pre-trial detention with the purpose to discredit or neutralize political competitors.¹⁷⁶

In accordance to 2015 Report **of the UN Special Rapporteur** basic changes were implemented in the penitentiary system since 2012 but he underlines the necessity to properly investigate the torture and inhuman treatment facts before 2012 and punishment of perpetrators. The Report states that the state has not taken sufficient measures in this direction and underlines that perpetrators must be punished.¹⁷⁷

¹⁷⁵ Ibid

¹⁷⁶ See full resolution here <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=22206&lang=en>

¹⁷⁷ See the report here <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>