



Amnesty International Report 2015/16 - Georgia

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Georgia

Head of state: **Giorgi Margvelashvili**

Head of government: **Giorgi Kvirikashvili (replaced Irakli Garibashvili in December)**

Legal battles around the pro-opposition TV channel Rustavi 2 raised concerns over freedom of expression. Allegations of political pressure on the judiciary and selective justice persisted, particularly following the rearrest and conviction of a former politician one day after the Constitutional Court ordered his release. In several instances police prevented or limited peaceful gatherings. The investigation of allegations of ill-treatment by law enforcement officials remained slow and ineffective, while a proposal for an independent investigative mechanism was put forward but not yet legislated on.

BACKGROUND

Towards the end of the year, political tensions rose following incendiary remarks by the then Prime Minister against the opposition party United National Movement (UNM), public screenings of clandestine videos of prison rape dating back to the UNM-led government, and leaked communications between the exiled former President and managers of pro-opposition TV channel Rustavi 2. Several UNM offices across the country were vandalized by mobs in politically motivated attacks.

A 26% devaluation of the national currency against the US dollar affected numerous families who had taken out loans in earlier years, and increased economic vulnerability for many.

Movement in and out of the breakaway territories Abkhazia and South Ossetia remained restricted, while security and humanitarian concerns over the two dormant conflicts persisted. Tensions heightened when, on 10 July, border posts were unilaterally moved several hundred metres outward from South Ossetia. Several civilians were reportedly detained and fined for "illegally" entering into South Ossetia across a largely undemarcated de facto border.

In October, the Prosecutor of the ICC visited Georgia, shortly after requesting that the ICC authorize an investigation into the situation during the Georgian-Russian war in August 2008.

JUSTICE SYSTEM

Concerns over fairness of judiciary selective justice and politically motivated prosecutions persisted.

On 17 September, the Constitutional Court ruled to release Gigi Ugulava, an opposition activist and former Mayor of the capital, Tbilisi. It deemed his pre-trial detention since 2013 – on charges of misappropriation of public funds and money laundering – illegal as it exceeded the nine-month legal limit. The Court's judges came under heavy criticism from senior government officials for this decision and were threatened with violence by some pro-government groups. On 18 September, Gigi Ugulava was sentenced to four-and-a-half years' imprisonment on account of these charges, and rearrested the same day.

Contrary to widely held expectations, the judge who presided in a controversial 2006 murder trial was reappointed by the High Council of Justice on 25 December at the end of his tenure. He had been criticized for his handling of the case in which, according to the European Court of Human Rights 2011 decision, "the different branches of State power ... acted in concert in preventing justice from being done."

FREEDOM OF EXPRESSION

Concerns over freedom of expression were voiced by local NGOs and political commentators who believed that a lawsuit by a former shareholder of Rustavi 2 against its current owners was prompted by the government to deprive the opposition of its main mouthpiece. On 21 October, the director of Rustavi 2 reported having been blackmailed, claiming that the security services threatened to release intimate footage of him unless he resigned. The Tbilisi City Court found in favour of the former shareholder, and Rustavi 2 managers were forcibly replaced with pro-government caretakers on 5 November, against the Constitutional Court ruling that an appeal had to be heard first.

FREEDOM OF ASSEMBLY

In several instances police unduly limited or prevented peaceful gatherings, while on a number of occasions they failed to prevent clashes between political opponents.

On 15 March, approximately 50 supporters of the Georgian Dream ruling coalition forcibly entered the local offices of UNM and an affiliated group in Zugdidi, armed with wooden sticks, throwing stones and smashing windows. Nine people were reported injured, including one of the police officers who tried to intervene but were outnumbered by the attackers.

On 12 June, 15 activists attempted to stage a protest at Heydar Aliyev Square in Tbilisi against Azerbaijan's poor human rights record, ahead of the first European Games in Azerbaijan's capital Baku. Ahead of the picket, police officers cordoned off the square and denied access to activists without providing a reason.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

The International Day against Homophobia and Transphobia (IDAHOT) proceeded peacefully in Tbilisi in a discreet location on 17 May. The authorities had refused to guarantee the event's safety unless it was held at a specific location without any prior public announcement.

On 12 May, the European Court of Human Rights ruled in *Identoba and Others v. Georgia* that the police's failure to protect participants of the 2012 IDAHOT march constituted discrimination and restricted participants' freedom of assembly.

On 7 August, Tbilisi City Court convicted a man of arson and battery and sentenced him to four years in prison for physically assaulting one transgender woman and burning the flat of another whom he had killed. However, the Court ruled that the killing was an act of self-defence and acquitted him of the relevant charge.

On 23 October, Tbilisi City Court acquitted four men charged with attacking the 2013 IDAHOT rally in Tbilisi due to "insufficient evidence" despite the men reportedly being identifiable on video and photo footage of the event. A fifth man, also identifiable in the footage, had been acquitted earlier. Dozens of men had taken part in the attack but none were convicted.

TORTURE AND OTHER ILL-TREATMENT

Local human rights organizations reported new cases of ill-treatment by law enforcement officials. The investigation of alleged abuses by members of the General Inspection of the Ministry of Internal Affairs was slow and ineffective.

A draft model of an independent investigative mechanism for the investigation of criminal offences committed by law enforcement officials was jointly proposed by the human rights Ombudsman and some NGOs. However, the law required to establish the mechanism was not considered until the end of the year.

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