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Human Rights in Eastern Europe and Central Asia - Review of 2019 - Georgia [EUR 01/1355/2020]

Trust in prosecutorial and investigatory agencies decreased further as investigations into alleged human rights violations by state officials were not completed. Also, fears of politically motivated prosecutions marked high-profile cases. Police used disproportionate and indiscriminate force to disperse mass protests in the capital, Tbilisi, resulting in injuries to dozens of protesters. Authorities refused to protect what would have been Georgia’s first ever Pride march. Russia and the breakaway territories of Abkhazia and South Ossetia/Tskhinvali Region continued to restrict freedom of movement with the rest of Georgia, negatively impacting on economic and social rights of local residents.

Background

In June anti-government and anti-Russian protests erupted in Tbilisi, after a visiting member of the Russian parliament occupied the Georgian parliamentary speaker’s seat while chairing the Interparliamentary Assembly on Orthodoxy. Russia responded by banning air travel to Georgia. In an effort to meet some of the protesters’ demands the ruling Georgian Dream party announced electoral reform measures aimed at guaranteeing a more pluralistic parliament. These were not delivered, however, provoking further protests in November.

Ongoing judicial reform provoked criticism from civil society organisations who blamed a group of ‘old-guard’ judges for taking over the reformed judiciary by appointing their supporters and preventing independent judges from joining the system.

The Russian Federation retained a military presence in and overall control of the breakaway regions of Abkhazia and South Ossetia/Tskhinvali Region. Russian forces and the de facto authorities in the breakaway regions continued to deny access to international monitors, including the unarmed civilian monitoring mission of the European Union (EUMM). In October, the South Ossetian/Tskhinvali Region de facto authorities briefly detained EUMM monitors as they patrolled along the division line.

Impunity

Criminal investigations into past alleged abuses of authority failed to deliver tangible results.

The State Inspector’s Service commenced its investigatory functions in November, as a stand-alone official agency for the investigation of grave crimes committed by public officials, including torture and other ill-treatment. The Prosecutor’s Office, however, retains its “supervisory role” over the agency’s investigations.

The investigation into the killing of 18-year-old Temirlan Machalikashvili in 2017 by the State Security Service forces during an anti-terror operation in Pankisi Gorge, was not completed. His family was refused victim status, thus obstructing their access to case materials. Their objections to the official claim that Temirlan Machalikashvili had tried to detonate a grenade during his arrest in their home, were dismissed.

The investigation into the 2017 abduction of Azerbaijani investigative journalist Afghan Mukhtarli, allegedly by Georgian officers, and his forced return across the border to Azerbaijan, remained open and inconclusive. Afghan Mukhtarli remained in prison in Azerbaijan under trumped-up charges of illegal border crossing and money smuggling.

In June, authorities detained a participant of the 2017 high school student brawl in Tbilisi, where two teenagers were killed, on charges of murder. For two years Zaza Saralidze, the father of one of the victims, David Saralidze, had campaigned for justice and against the results of the initial investigation. He asserted that the murderer had been shielded from prosecution by certain officials at the Prosecutor’s Office and the Interior Ministry. Despite the suspect’s arrest, no investigation was launched into the alleged obstruction of justice by officials overseeing the criminal case. A parliamentary inquiry into these allegations named 10 officials at the Prosecutor’s Office and the Interior Ministry as allegedly responsible for the cover up.

Media Freedom

Concerns over media freedom persisted, specifically in cases of widely perceived, or as reported in opposition media, politically motivated prosecution of government critics.

In August, media manager and outspoken government critic Nika Gvaramia was charged with abuse of authority during his time as director of a pro-opposition TV channel, Rustavi 2. In subsequent months, additional charges related to misappropriation of funds and fraud were pressed against him. Conspicuously, these charges followed a long-standing legal battle over Rustavi 2 ownership which passed into the hands of its former owners who were known for their support of the government.

Another high-profile case involved businessman Mamuka Khazaradze, charged with money laundering. He claimed the authorities had sent him a threatening letter in 2018 demanding that TV Pirveli, owned by his business partner, change its editorial policy. In August, the father of TV Pirveli’s owner was also charged under the same case of alleged money laundering.

Excessive use of force

Police used disproportionate and indiscriminate force on 20 June to disperse an anti-government demonstration of thousands in Tbilisi. Police fired rubber bullets and tear gas after some participants tried to storm the Parliament building. Video footage and witness testimonies showed that police fired indiscriminately into the crowd failing to distinguish between the few violent protestors and the peaceful majority. Around 240 people were injured during the dispersal, including up to 40 journalists. More than 100 participants were detained on charges of confronting police and obstructing public order; most of them were released after having spent up to 15 days in administrative detention.

Authorities launched a criminal investigation into the events, prosecuting 17 participants of the demonstration including one opposition member of parliament, on charges of participating in or organizing group violence, and four police officers on charges related to disproportionate use of force.

During new protests in Tbilisi in December demanding electoral reform, water cannons were used by police on at least two occasions when some protesters tried to block entry into the Parliament building, and 12 individuals were arrested for alleged minor hooliganism and refusing to obey police orders.

Freedom of movement

Russian forces and de facto authorities in the breakaway territories of Abkhazia and South Ossetia/Tskhinvali Region continued to install physical barriers and restrict movement across the division line with the rest of Georgia. This encroaching fencing along the line deprived local communities of access to orchards, pasture, and farmland negatively affecting their rights to livelihood and an adequate standard of living,

Since September, the de facto authorities in South Ossetia/Tskhinvali Region have suspended all movement across the only two remaining crossing points, further worsening local economic conditions and denying many residents of the breakaway region access to medical care, education and family visits to the rest of Georgia.

Dozens of people were also detained and fined by Russian forces and de facto authorities for “illegal border crossings.” On 9 November, Georgian doctor Vaja Gaprindashvili was detained as he attempted to cross into the South Ossetia/Tskhinvali Region. The de facto authorities charged him with “illegally crossing the border” and sentenced him to 21 months’ imprisonment. After mounting international pressure, he was released on 28 December.

Rights of lesbian, gay, bisexual, transgender and intersex people

There was a continuing failure to uphold the rights of LGBTI people and protect them from threats.

Authorities refused to protect Georgia’s first ever Pride march planned in Tbilisi in June and insisted the event be cancelled due to the police’s purported inability to ensure the safety of the participants. Instead, LGBTI activists organised a short impromptu protest in front of the Ministry of Internal Affairs.

A homophobic group led by a local businessman with close links to the Georgian Orthodox Church vowed to organize a violent counter-demonstration to stop the Tbilisi Pride march going ahead and formed vigilante “civil guard” units to assault all those perceived to be part of the LGBTI community. The event organizers and many public allies of the LGBTI community also received death threats.

Authorities failed to adequately respond to these threats. While the Ministry of Internal Affairs launched an investigation into “the establishment of illegal formations”, the investigation had not resulted in any prosecutions by the end of the year.

Labour rights

Against a backdrop of inadequate monitoring and enforcement, more than a dozen fatal accidents were reported throughout the year, particularly among miners and construction workers.

In February the Parliament further expanded the legal powers of the Labour Conditions Inspection Department, established in 2015. Under the new legislation, the Department can inspect safety standards in all industries without a court order or giving a warning. However, it still lacks powers to inspect working conditions beyond safety standards to address the broader impact of long working hours and production pressures – all of which are enduring problems in various industries of Georgia and contribute to frequent occupational accidents.

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