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World Report 2012 - Georgia

Events of 2011

Georgia's human rights record remained uneven in 2011. The government used excessive force to disperse anti-government protests in Tbilisi, the capital, in May, and prosecuted dozens in misdemeanor trials without full respect for due process rights. The authorities failed to effectively investigate these events and past instances of excessive use of force. Other concerns include restrictions on freedom of association and media, as well as forced evictions of internally displaced persons (IDPs) living in state-owned temporary housing.

The United States and the European Union deepened their political and economic ties with Georgia but failed to use their leverage to secure human rights improvements.

Freedom of Assembly and Police Violence

As in past years, the authorities interfered with freedom of assembly. On May 26, 2011, police used water cannons, tear gas, and rubber bullets to disperse anti-government protests in Tbilisi, 15 minutes after the rally permit expired. Police pursued fleeing demonstrators, detaining some 160, and beating many, including those who offered no resistance. Police also interfered with the work of Georgian and foreign journalists, verbally and physically assaulting at least ten and detaining two. Police also took some journalists' press cards and damaged or confiscated several reporters' equipment.

In summary trials the Tbilisi city court convicted over 90 of the protestors detained on May 26 of disobeying police orders, sentencing them to up to 30 days administrative detention. In most cases, the court relied exclusively on police testimonies to convict demonstrators and did not take any action in response to defendants' visible injuries.

In July a closed Ministry of Interior internal investigation into the May 26 events led to administrative punishments for 16 police officers including dismissal of four for excessive use of force. The authorities did not investigate allegations of ill-treatment by police.

Authorities' failure to fully address excessive use of force by police was further tainted by the continued lack of effective investigations into past instances of abuse, including the events of November 7, 2007, when police used excessive force against largely peaceful protestors in Tbilisi, injuring at least 500, and the June 15, 2009 police attack against 50 opposition supporters outside police headquarters, in which at least 17 demonstrators were injured.

Administrative (Misdemeanor) Detentions

In 2010 the government increased the maximum misdemeanor sentence from 30 to 90 days. Although the sentence is equivalent to a criminal penalty, detainees do not have access to full due process rights. Although defense counsel is permitted, some detainees had difficulties accessing a lawyer in part because they are not allowed to inform their families of their detention. Lawyers who act for those facing administrative charges have inadequate time (sometimes as little as 10 to 15 minutes) to prepare a defense. Defendants also often cannot present evidence or call witnesses in court. In 2010 the authorities decreased the appeal period for administrative sentences from ten to two days, although court records become available only three days after a trial.

Administrative detainees stay in Ministry of Interior holding cells, which are unsuitable for detention over 72 hours, with inadequate access to exercise and hygienic and medical care.

Forced Evictions of Internally Displaced People

Beginning in June 2010 the authorities evicted thousands of IDPs from state-owned temporary collective centers in Tbilisi, supposedly to provide them with durable housing solutions. The authorities failed to respect international standards regarding evictions: they did not engage in genuine consultation with IDPs and failed to agree on adequate alternative housing or compensation prior to eviction. Georgia has some 246,000 IDPs as a legacy of conflicts in the 1990s and in 2008.

In late 2010, in consultation with the Office of the United Nations High Commissioner for Refugees, the government adopted guidelines on eviction procedures, which resulted in some improvements, but the process still failed to meet international standards.

The authorities evicted hundreds of families in February and August 2011. Many families refused resettlement to remote areas, fearing limited employment opportunities, but were still forced out of collective centers.

Labor Rights Violations

In August 2011, 147 workers of the Kutaisi Hercules Steel plant, a Georgian-Indian joint venture in western Georgia, formed a trade union and elected union representatives. On September 13 the union launched a strike to demand better working conditions and higher salaries. Although the strike was in accordance with Georgian law, two days later police detained over a dozen strikers demonstrating near the front of the plant. Police released the strikers several hours later, but some reported being forced to sign a statement that they would not participate in further protests.

On September 18, police stopped three union members in various parts of the city and insisted that they each take a drug or alcohol test. The men refused, were arrested for disobeying police orders, and sentenced to 10 days administrative detention. The workers believe the charges were an attempt to intimidate them and other workers.

The government abolished the labor inspectorate in 2006, apparently to limit government interference with business, and no other supervisory agency has been created to ensure compliance with labor laws.

Lack of Accountability for Laws of War Violations

Over three years after the Georgian-Russian conflict over South Ossetia, Georgian authorities have yet to ensure a comprehensive investigation into, and accountability for, international human rights and humanitarian law violations by their forces. During the war the Georgian military used indiscriminate force including firing multiple rocket launchers, an indiscriminate weapon that should not be used in civilian areas.

The Office of the Prosecutor at the International Criminal Court – to which Georgia is a party – continued with its preliminary examination of the situation.

Freedom of Media

The media environment remains mixed, print media is diverse, but nationwide television broadcasting is limited to the state-owned Public Broadcaster and pro-government Rustavi 2 and Imedi stations. In a positive step, parliament passed a bill in April mandating that broadcasting companies make ownership information public.

In July police arrested four photo journalists – Zurab Kurtsikidze, a European Press Agency photographer; Giorgi Abdaladze, a contract photographer with the Ministry of Foreign Affairs; Irakli Gedenidze, President Mikhail Saakashvili's personal photographer; and Gedenidze's wife Natia – on espionage charges related to passing sensitive information to Russia. The case was classified as "secret" and the evidence never declassified. Local and international groups considered the charges politically motivated, allegedly in retribution for coverage of the May 26 events. Two weeks later a court released the journalists on conditional sentences of up to three years, in plea bargain deals with prosecutors.

In June the Ministry of Finance started simultaneous unannounced tax audits of several firms owned by Georgia's largest media group, Media Palitra, which also owns numerous newspapers, including the popular weekly *Kviris Palitra*, a radio station, eleven magazines, the news agency Interpressnews and the online Palitra TV. Media and civil society groups believed the audits were designed to harass Media Palitra in retaliation for its media outlets' extensive coverage of the May 26 crackdown. In August the audit was suspended indefinitely.

Criminal Justice System

Overcrowding in prisons remains a problem, leading to poor prison conditions. The Ombudsman's Office documented numerous cases of ill-treatment in prisons. In prison No. 2 in Kutaisi, inmates are forced to spend up to 24 hours in an empty two to three square meter cell wearing only their underwear as punishment for prison rules violations. The ombudsman called on the prosecutor's office to investigate.

In a June report, Thomas Hammarberg, Council of Europe commissioner for human rights, welcomed the government's efforts to reform the justice system, but urged the authorities to adopt a more human rights oriented criminal justice policy.

Key International Actors

The US and the EU deepened their engagement and economic ties with Georgia. While both actors raised human rights concerns, neither used the process toward upgraded relations to secure concrete human rights improvements.

The US, the EU, the Parliamentary Assembly of the Council of Europe (PACE), and other governments and institutions called on the Georgian authorities to investigate police conduct during the May 26 protests.

Dunja Mijatovic, the Organization for Security and Co-operation in Europe representative on freedom of the media, expressed concern about abuse, detention, and questioning of journalists during the May protests.

The Democracy Working Group of the US-Georgia Charter on Strategic Partnership met in Tbilisi in April to discuss progress and cooperation on democratic reforms in Georgia. The US committed over US\$90 million to support democracy and good governance in Georgia.

In an April resolution on Georgia's fulfillment of its obligations as a Council of Europe member, PACE welcomed the "significant progress" Georgia had made to meet its obligations, but expressed concern about the administration of justice and fair trial norms.

In its May European Neighborhood Policy progress report, the EU commended Georgia for judicial reforms, but expressed concerns about failures to guarantee political and media pluralism and protection of labor rights and freedom of association.

In July the European Commission adopted the Annual Action Programme for Georgia, committing over €50 million (\$70 million) to support the country's criminal justice system, conflict resolution efforts, and IDPs.

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