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country summary

Georgia

Georgia's human rights record remained uneven in 2010. The government evicted hundreds of internally displaced persons (IDPs) from state-owned collective centers in Tbilisi, the capital, often leaving them homeless or without adequate compensation. State actors hindered activists' right to assembly and attacked and harassed journalists and opposition newspapers. Municipal elections on May 30 largely met international standards, but observers also identified significant shortcomings.

More than two years after the August 2008 Georgian-Russian conflict over South Ossetia, the government has not effectively investigated international human rights and humanitarian law violations. Russia strengthened its military presence in and effective control over Georgia's breakaway regions. The European Union started negotiations with Georgia to deepen economic and political ties.

Forced Evictions of Internally Displaced People

Since June the authorities have evicted hundreds 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, did not provide reasonable advance notice of eviction, and failed to provide adequate alternatives. Some IDPs received no alternative housing; others were sent to homes in remote regions, some of which had damaged roofs or lacked electricity or gas. Georgia has some 246,000 IDPs as a legacy of conflicts in the 1990s and in 2008. Over 40 percent live in 1,658 state or private collective centers, 515 of which are in Tbilisi.

In June officials gave IDPs verbal warnings five days prior to eviction. August 2 amendments to Ministry of Interior Decree No. 747 abolished the five-day warning requirement. Thereafter some IDPs received only a few hours' warning prior to eviction. The evictions violated Georgia's Law on the Internally Displaced, which prohibits the removal of IDPs without written consent and the placement in homes inferior to their current residences.

The Ministry of Refugees and Accommodation says it offered those evicted in August either financial compensation or housing in rural areas. Many IDPs refused to relocate to rural

areas citing lack of employment opportunities. They received no financial compensation and became homeless after eviction.

Freedom of Assembly and Police Violence

The authorities interfered with peaceful assembly and failed to meaningfully investigate past excessive use of force by law enforcement. On August 14, police arrested Georgian activists and writers Irakli Kakabadze, Shota Gagarin, and Aleks Chigvinadze as they peacefully protested on George W. Bush Street in Tbilisi. Police charged the three with disobeying police orders and released them the next day after a court fined each of them GEL400 (US\$220). At the closed hearing, the judge heard only police evidence and refused to watch video showing the men cooperating with police at the moment of arrest. Kakabadze alleged that police verbally and physically abused him in the police car. An Ombudsman's representative visited Kakabadze in detention and confirmed injuries on his shoulder and arm.

On November 23, 2009, police arrested Dachi Tsagauri, Jaba Jishkariani, and Irakli Kordzaia—activists from a pro-opposition youth group—as they protested government policies near the parliament. At the time of arrest police told the activists that they had violated the law on rallies, which bans holding rallies in a 20-meter radius from the Parliament building. However, the arrest protocol indicated that the protestors stood 30 meters away from the building. The Tbilisi City Court found the men in violation of rules for holding a rally and for resisting police and fined each GEL500 (US\$280). The court did not consider video footage from journalists present at the rally showing that the activists had not obstructed movement of pedestrians and had obeyed police orders at the moment of arrest.

On August 19, 2010, police detained two opposition activists allegedly for resisting police orders also outside parliament, where IDPs and others peacefully protested the spate of evictions. The protestors had informed the city municipality about the rally in advance and did not block the road. The Tbilisi City Court fined the activists GEL400 (US\$220) each for resisting police orders.

The government has refused to launch a comprehensive investigation into events of November 7, 2007, when police used excessive force against largely peaceful demonstrations in Tbilisi, resulting in at least 500 injured. The authorities have also failed to conduct an effective investigation into a June 15, 2009 police attack against 50 opposition supporters outside the police headquarters, when at least 17 demonstrators were injured. The government has also failed to conduct a thorough investigation into the March 2006 operation to quell a riot in Tbilisi Prison No. 5, which left seven prisoners dead and dozens injured.

Municipal Elections

National municipal elections took place on May 30, 2010 to elect 63 local councils, including the mayor of Tbilisi, who was directly elected for the first time. The ruling National Movement party won an overwhelming majority in all municipalities. International observers concluded that the polls marked progress towards international standards, but significant shortcomings remained, including legal deficiencies, unlimited campaigning and the use of administrative resources by some public officials, and isolated cases of election-day fraud.

Lack of Accountability for Laws of War Violations

Over two years since 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 military also used cluster munitions against the Russian military, including in civilian-populated Georgian territories adjacent to the administrative border with South Ossetia.

The Office of the Prosecutor at the International Criminal Court—to which Georgia is a party—continued with its preliminary examination of the situation and sent delegations to Russia in March and to Georgia in June 2010 to obtain additional information on domestic proceedings.

Some 20,000 ethnic Georgians from South Ossetia remain displaced.

Media Freedom

The media environment remains mixed, with diverse print media, but nationwide television broadcasting limited to the state-owned Public Broadcaster and pro-government Rustavi 2 and Imedi stations. Transparency of media ownership remains a concern.

Several journalists alleged pressure and attacks. On June 25, police assaulted Gori-based Trialeti television journalist Lado Bichashvili and cameraman Imeda Gogoladze as they filmed the removal of a Stalin statue from the city center. About eight policemen beat the journalists and confiscated their camera, which they later returned with materials deleted.

In July Vakhtang Komakhidze, a long-time Georgian investigative journalist, received asylum in Switzerland, citing threats by the authorities. The threats allegedly intensified after

Komakhidze started work on an investigative film regarding the August 2008 war in South Ossetia.

In February the opposition newspaper *Guria News*, published in Western Georgia, alleged that local authorities threatened and intimidated the private distributors who distribute the newspaper. On February 8, police briefly detained *Guria News* correspondent Irakli Dolidze as he photographed a police official, confiscating his photo camera and cell phone temporarily.

On November 25, 2009, the Ministry of Interior's Special Operations Department called in Tedo Jorbenadze, head of the investigations unit at the independent Batumi-based weekly newspaper *Batumelebi*, and threatened to publish photos of near-naked men, Jorbenadze allegedly among them, if he refused to cooperate with intelligence services.

Criminal Justice System

Prison overcrowding remains a problem, leading to poor conditions. Courts' low number of acquittals is a key factor in overcrowding. In September the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment published a report on its February visit to Georgia, noting a number of positive developments, but expressing concern regarding little or no progress on overcrowding in Georgian prisons and lack of meaningful activities for prisoners.

In February Georgia restored the minimum age of criminal responsibility to 14, after reducing it to 12 in 2008, making it consistent with the country's international commitments. In 2009 the state trained 430 investigators in juvenile interrogation techniques and made the presence of a lawyer and a legal guardian mandatory during interrogation.

Key International Actors

The United States and the EU deepened their engagement and economic ties with Georgia. Meanwhile, Russia continued to occupy Georgia's breakaway regions of South Ossetia and Abkhazia and strengthened its military presence in the region by establishing a military base and placing an advanced surface-to-air missile system in Abkhazia.

In July US Secretary of State Hillary Clinton visited Georgia and met with women leaders from civil society and government. She also met President Mikheil Saakashvili to emphasize the US commitment to Georgia's territorial integrity and pledging support for democracy and economy. Working groups met in Tbilisi and Washington in 2010 to discuss the

implementation of the U.S.-Georgia Charter on Strategic Partnership, signed in January 2009, envisaging increased cooperation, including on strengthening human rights.

The April 2010 European Neighbourhood Policy (ENP) Action Plan progress report commended Georgia for improvements in judicial reform and fighting corruption, but raised concerns on several issues including: prison overcrowding, minority rights, and media transparency. In July 2010 Georgia and the EU began negotiations for an Association Agreement, which enhances the ENP, aiming at strengthened economic and political relations.

A report on Georgia by the Council of Europe's European Commission against Racism and Intolerance issued in June expressed concern about discrimination against ethnic and religious minorities and the absence of mechanisms for addressing abuses.

In September Council of Europe Commissioner for Human Rights Thomas Hammarberg published a report on disappearances during and after the August 2008 armed conflict, calling for impartial investigations by both sides. In October Hammarberg published another report on human rights issues following the conflict, including the right to return, rights of displaced persons to care and support, and protection and release of detainees.

In August the United Nations High Commissioner for Refugees expressed concern about forced evictions of IDPs in Tbilisi.