

Amnesty International Report 2016/17 - The State of the World's Human Rights - Georgia

Concerns persisted about the lack of judicial independence and about political interference following a series of favourable rulings for the government in high-profile cases. New cases of torture and other ill-treatment by police were reported. Continuing border fencing along the administrative boundary lines of the breakaway regions of Abkhazia and South Ossetia had further negative impact on economic and social rights of local residents.

Background

Parliamentary elections on 8 October resulted in the ruling party – the Georgian Dream – increasing its majority to 115 seats. The main opposition party – United National Movement (UNM) – gained 27 seats and the right-wing conservative party – Patriot's Alliance – six.

Secretly recorded private conversations and intimate activities by opposition figures and journalists were leaked ahead of elections. Five people, including a former security official, were arrested on suspicion of being responsible for illegally obtaining the recordings. The investigation was ongoing at the end of 2016.

De facto authorities and Russian forces in the breakaway regions of Abkhazia and South Ossetia continued to restrict movement across the administrative boundary line, detaining dozens of people: several detainees complained of torture and other ill-treatment, including beatings, during the prolonged arbitrary detentions. On 19 May, a man was killed by a Russian soldier while trying to cross into Abkhazia. An investigation into his death by the de facto authorities was ongoing at the end of the year.

The increased fencing along the administrative boundary lines negatively impacted the rights to work, food and adequate standard of living of local residents, after they lost access, partly or completely, to their orchards, pasture and arable land.

Justice system

Concerns over the lack of judicial independence and selective justice were raised, by both local and international observers.

On 12 January, the Council of Europe Commissioner for Human Rights reported that courts were more likely to approve detention or give custodial sentences to members of the UNM compared with bail and fines issued to pro-government activists in comparable cases.

On 16 May, five former senior Ministry of Defence officials (appointed by former Minister of Defence Irakli Alasania, who had since become a key political opposition figure), were convicted of

“misusing” GEL 4.1 million (US\$2.1 million) by the Tbilisi City Court and sentenced to seven years’ imprisonment each. They were found guilty despite the prosecution’s failure to provide sufficient evidence of “malicious intent”, a necessary element of the crime they were charged with.

On 10 June, the Tbilisi Court of Appeals upheld the 2015 ruling of the lower court, which transferred the ownership of the pro-opposition broadcaster, Rustavi 2, to its former owner. He had claimed that he sold the company more than a decade earlier under pressure from the then UNM government. The litigation took place after the statute of limitations had expired, and was widely believed to have been supported by the current government with a view to depriving the UNM of its main mouthpiece ahead of the parliamentary elections.

On 14 June, the European Court of Human Rights ruled in *Merabishvili v Georgia* that the repeated extension of the applicant’s pre-trial detention on corruption charges “lacked reasonableness” and was used “as an additional opportunity to obtain leverage over the unrelated investigation” into the death of former Prime Minister Zurab Zhvania and financial activities of former President Mikheil Saakashvili.

On 21 July, the Chairman of the Constitutional Court stated that some judges of the Court were pressured by the authorities to delay verdicts or rule in their favour in several high-profile cases. Prosecutors opened an investigation into his allegations on 1 August.

Freedom of assembly

The right to freedom of peaceful assembly remained largely unrestricted, bar some incidents of politically motivated violence against rivals by Georgian Dream party loyalists, but also on occasion by UNM supporters.

On 22 May, around a dozen unidentified men assaulted a group of prominent UNM members at a polling station in Kortskheli village. Eyewitnesses said the attack appeared to be organized. Footage shows UNM members being punched, knocked to the ground and beaten with wooden batons. Several police officers at the scene failed to prevent the assault and allowed the attackers to leave the scene. On 1 June, six men were charged with hooliganism in connection with the attack and released on bail.

Freedom of expression

On 15 February, Parliament dropped a bill that sought to make “insulting religious feelings” an administrative offence. The bill had been approved by the parliamentary Human Rights Committee and sought, among other things, to penalize criticism of religious leaders.

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

On 9 August, President Margvelashvili refused to call a referendum on a constitutional amendment to restrict the definition of marriage in the Constitution from “the voluntary union based on equality between the spouses” to “a union between a man and a woman”. The bill originally calling for the

constitutional amendment had been endorsed by the parliamentary Human Rights Committee in May.

On 23 November, a transgender woman, attacked and beaten by two men, died of her injuries in hospital. A local women's rights NGO reported registering at least 35 attacks on LGBTI women during the year. The Public Defender Office joined local rights groups in raising concerns regarding the lack of effective investigation and accountability over crimes targeting LGBTI people.

Torture and other ill-treatment

Amid concerns about torture and other ill-treatment, and other abuses, by law enforcement officers, the government failed to bring forward legislation creating an independent investigation mechanism for human rights violations committed by law enforcement bodies.

On 7 August, a local police inspector summoned Demur Sturua, a 22-year-old resident of Dapnari, Western Georgia, for questioning about someone growing cannabis in the village. The following day, Demur Sturua committed suicide. His suicide note blamed the police inspector and mentioned beating and threats. His family's lawyer said that a postmortem examination found physical injuries. The investigation into the case was ongoing at the end of the year.

There were subsequent media reports that residents in remote villages, who may have suffered similar treatment at the hands of police officials, were not willing to present a complaint for fear of reprisals and lack of trust in the authorities.