



Georgia – Shadow Report

Civil Society Submission to the UN Human Rights Committee's 135th Session

Introduction

This is a civil society submission to the Human Rights Committee ahead of the review of Georgia's 5th periodic report at the Committee's 135th session. This report primarily focuses on Georgia's obligations in relation to Articles 9, 17, 19 and 21 of the ICCPR. It is a joint submission made by the following organisations:

Human Rights House Foundation

Human Rights House Foundation (HRHF) establishes, supports, and connects Human Rights Houses – coalitions of civil society organisations working together to advance human rights at home and abroad. Today, 17 Houses in 11 countries are united in an international network of Human Rights Houses. HRHF and the Human Rights Houses together advocate for the freedoms of assembly, association, and expression and the right to be a human rights defender. These four rights underpin a strong and independent civil society and protect and empower human rights defenders.

Human Rights House Tbilisi

Human Rights House Tbilisi (HRHT) is a membership-based organisation that unites five Georgian civil society organisations working in the field of human rights. The member organisations have developed a joint strategy focusing on protecting and strengthening human rights defenders and human rights organisations and raising awareness on human rights issues. The five organisations include:

- Rights Georgia
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)
- Human Rights Centre (HRC)
- Media Institute
- Sapari

Article 9: Freedom from arbitrary arrest and detention

The existing law in Georgia does not have a clear and complete framework on administrative detentions and this is often used as a tool to repress human rights defenders. Moreover, the practice of administrative detention violates substantive rights of the human rights activists, such as freedom of expression or assembly. As political protest has been increasingly not tolerated in recent years, hundreds of human rights activists have been arbitrarily detained during different peaceful protest actions or rallies.

Administrative detentions and the need of reform of the system of such detentions, had previously been raised as part of the principal matters of concern and recommendations in 2014, within the last concluding observations by the Human Rights Committee.

The Administrative Offences Code of Georgia needs to be amended since it does not meet basic human rights standards. The grounds for detention stipulated within the Code are vague and open to misuse, while the ensuing judicial process does not meet the requirement of the equality of arms. The [Public Defender of Georgia](#)¹, as well as [non-governmental organisations](#) have been demanding amendments to the code and challenged its use against human rights activists. Human Rights Defenders are particularly vulnerable to such practices, specifically to prevent them taking part in rallies, protest actions or to implement different activities for the protection of human rights. The Administrative Offences Code does not oblige the state to adhere to as high a standard of proof when imposing a prison sentence as required by Criminal Procedure Code.

Specific examples of arbitrary arrest and detention in Georgia in recent years, include:

- During the November [2019 rallies](#) that were demanding amendments to the Election Code of Georgia, the government dispersed protesters with the use of water cannons and with the mobilisation of law enforcement officers. In total, 37 activists were arrested. The detainees were charged under Article 166² and Article 173³ of the Administrative Offences Code of Georgia, while 10 of the activists were sentenced to [administrative detention](#) on the same day.
- On 19 February 2021, activists attempted to shift an existing protest from the back of the Parliament building to the front. Despite constitutionally guaranteed rights to gather and protest without prior permission, police reportedly detained nearly 25 activists for setting up protest tents. Four days later, on 23 February 2021, the authorities again detained a peaceful activist from the “Shame Movement” [for criticising](#) Prime Minister Gharibashvili.
- In June 2021, according to the Shame Movement, [activists Giga Makarashvili and Nika parulava](#) were beaten by the police during his arrest and their hands were broken intentionally in front of video cameras. Also in June 2021, three activists were temporarily administratively detained and fined during a protest linked to abuse of children’s rights by the Orthodox Church.
- In November 2021 there were several parallel protests linked to the alleged ill-treatment of the jailed 3rd President of Georgia. In total, [46 individuals were administratively detained](#) across Georgia and denied contact with the family and lawyers for a considerable amount of time. Two days later a Georgian writer was detained administratively during a peaceful single person picket-performance in front of the State Security Service Building in Eastern Georgia.
- On March 2022 [activists were detained](#) for throwing flour and toilet paper at the State Chancellery, some policemen were also covered in flour. They were detained after the protest and were kept in inhumane prison conditions without heating.

¹ The Georgian human rights ombudsperson

² Article 166: Disorderly conduct

³ Article 173: Non-compliance with a lawful order or demand of a law enforcement officer

- On May 17, 2022, [Giorgi Mzhavanadze](#), a civil activist and director of the “Shame Movement”, was detained and beaten. Mzhavanadze went to the police station to receive a fine letter, during which he was allegedly beaten by police officers. According to a statement issued by Mzhavanadze later, he was attacked by three policemen and physically assaulted. An investigation later requested video recordings from the Ministry of Internal Affairs (MIA), however, according to an MIA statement, there was no recording available from the video camera which covered the circumstances of the administrative detention of Mzhavanadze in the police station. There is a possibility that the recordings were either destroyed, or the police officers knew the so-called “blind spots” and acted in an organised manner so that cameras would not capture the footage of the alleged beating of the civil activist.

Recommendation: Georgia must amend its Administrative Offences Code to ensure its alignment with the ICCPR and international law and ensure that arrest and detention also occurs in alignment with its obligations.

Article 17: Right to Privacy

[In September 2021](#), a large amount of information was leaked through the media and internet, revealing widespread surveillance and wiretaps by Georgia's State Security Services. The leaked files included illegally obtained information on the private lives, conversations, and banking operations of different people, including human rights activists and journalists, with a particular focus on minority rights defenders. Leaked files also contained short written dossiers from professional and/or private conversations of civil society representatives and human rights defenders. The documents showed that the State Security Service was even listening to and monitoring members of the clergy and their associates. According to civil society representatives, confidential telephone conversations between lawyers and clients, as well as personal communications, were covertly being monitored. In addition to telephone conversations, representatives of civil society organisations also believe that their physical movements may have been monitored.

Recommendation: Investigative bodies must promptly and effectively investigate cases of alleged covert surveillance of civil society representatives, grant them “victim status” in the process of investigation, and provide them with the possibility to have access to the investigation.

Article 19: Freedom of opinion and expression

Attacks on the media

In Georgia, the media often engages in activities similar to those of activists and human rights defenders, especially when the media has an editorial position that is critical of the government, essentially acting as a watchdog. However, there continue to be cases in Georgia when critical media outlets or journalists face undue and significant pressure from the government.

Recent cases of media pressure create a reasonable suspicion that the government is fighting and pressuring media and journalists who are backing the opposition or who just have critical or independent views. Of particular concern are the developments at Adjara TV and Radio Company in 2020, a publicly funded broadcaster, where a number of journalists were dismissed from their jobs due to their critical views and independence. It is obvious that the organisational and staff changes aim at changing [critical editorial policy](#). The pattern of fighting the opposition or critical media is so apparent

that there are clear signs of the application of selective justice by the state in launching criminal investigations against media owners and/or their representatives.

On 16 May 2022, the Executive Director of the largest opposition TV channel, Nika Gvaramia, [was sentenced](#) to 3.5 years in jail in a criminal case brought against him by the Prosecutor's Office. Gvaramia had been charged with, amongst others, abuse of power, commercial bribery and embezzlement during the times when he was the Executive Director of the then-biggest opposition channel Rustavi 2. The [Ombudsperson of Georgia assessed](#) the charges as largely linked to “unprofitability of entrepreneurial decisions”, unprecedented and insufficient to cause criminal liability.

In early 2022, some non-Georgian journalists experienced harassment and government interference when coming to Georgia at the border. Several independent journalists were not allowed to enter in Georgia from Russia, including [representatives from Mediazona](#) and Dozhd. Some were allowed to enter. [No logical](#) or substantive explanation was given from the Ministry of Internal Affairs

The Ministry of Culture is increasingly [attacking](#) freedom of expression of artistic institutions and circles. Full-scale assaults against artistic freedom of expression, threatening Georgian film with criminal investigation, appointing political nominees to various positions, constantly dismissing employees based on political grounds, and refusing to allow journalists into art galleries are just some of the issues that arts and cultural sector face.

Human rights defenders

In recent years, it has been alarming that activists, including a representative of the Social Justice Center (SJC), have been [summoned](#) to the State Security Service of Georgia (SSG). According to the general explanation by the SSG, human rights defenders are summoned as part of the investigation concerning racial discrimination, as they believe that certain individuals are trying to stir up ethnic strife between ethnic Georgians and Azeris in the Kvemo Kartli and Kakheti regions. While no information about the ongoing investigation or the need of summoning civil activists and human rights defenders has been disclosed, there is reasonable cause for concern that it might be connected to controlling and examining activists' freedom of expression and activism.

The investigation launched by the SSG concerns the region inhabited by ethnic minorities in Georgia. The investigation began after the ultimatum of the Bishop of Marneuli region – he gave the “deadline” to government officials to take down the monument of Nariman Narimanov. His demand was perceived as xenophobic. Moreover, the restoration of the monument was criticised by anti-liberal groups on social media – this criticism did not take into account the in-depth understanding of Nariman Narimanov's historical role and instead of that, was aimed at stirring up ethnic strife and stigmatisation of ethnic minorities.

It is particularly disturbing that human rights defenders are interrogated during such investigations, and the authorities are obliging them not to disclose the details of the investigation in accordance with the Criminal Code (as they are signing non-disclosure agreements during their interrogation). It is likely that the use of this mechanism is the way to control the freedom of expression of human rights defenders and it will be followed by the so-called “chilling effect” - as the result of such interference in the work of human rights defenders, the government will be reducing the possibility of public monitoring by human rights defenders over the investigation process and deprives respondents of the opportunity to defend their positions and express dissatisfaction.

Human rights defenders who are sheltering in Georgia

Human rights defenders from other countries who seek shelter in Georgia can be particularly vulnerable. Of particular concern is the [case of Afgan Mukhtarli](#), Azerbaijani activist and investigative reporter who in May 2017, disappeared from Tbilisi city centre and was later found in detention in Azerbaijan. According to Mukhtarli's testimony, he was kidnapped by people dressed in Georgian police uniforms and speaking Georgian.⁴ Afterwards, he was later arrested in Baku, Azerbaijan on several charges. Afgan Mukhtarli was released in March 2020, however the investigation in Georgia is still pending and his alleged abduction should be effectively investigated.

Furthermore, [after May 2021](#) due to the airspace sanctions imposed on Belarus, Georgia remained among the few countries where Belarus citizens can travel and have shelter. Due to the gross human rights violations carried out in Belarus in the context of the 2020 presidential elections, many countries, including EU member states, have not recognized the legitimacy of the current government in Belarus and have cancelled any form of cooperation with the government. However, a cooperation agreement between the Georgian State Security Service and the Belarusian Security Service Committee [entered into force in August 2021](#). The use of the agreement will pose a threat to Belarusians sheltering in Georgia, particularly human rights defenders and activists. In December 2021, according to a Tbilisi city court ruling, the Prosecutor General's Office has filed a motion requesting investigative actions and seizure of bank accounts of one Belarusian activist. The motion referred to the request on legal aid from the side of the Prosecutor General's Office of Belarus within the ongoing investigation and criminal case under Article 243 paragraph 3 of the Criminal Code of Belarus relating to "non-payment of taxes and duties, facilitation of tax evasion", which is widely considered to be politically motivated.

Growth in the use of "SLAPPs"

Another development of concern is the rise of strategic lawsuits against public participation (SLAPPs) targeting human rights defenders and media. SLAPPs are vexatious criminal or civil lawsuits normally submitted by private individuals or government representatives in their private capacity, aiming to interfere with the legitimate activities of the civil society and media and create obstacles in their work.

[In late 2021](#), a policeman won a civil defamation lawsuit against an opposition TV channel for their coverage of policeman's alleged involvement in a corrupt scheme. At the end of April 2022, the head of the State Security Service won a civil defamation lawsuit against two main opposition TV channels, while a member of parliament from the ruling party won another civil defamation case against the leader of the civic and political movement, Shame Movement. [Both lawsuits](#) were linked to concerns and opinions expressed about alleged illicit acts by the state representatives.

Recommendations: To guarantee freedom of expression and non-intervention in the work of media; To end the practice of arbitrary inspection and control of human rights defenders and activists' freedom of expression and their activities; To ensure the release of all unjustly detained and imprisoned journalists.

Article 21: Freedom of Peaceful Assembly

⁴ *Case of Afgan Mukhtarli: Facts and Evaluation*, Human Rights House Tbilisi, [available here](#).

Despite some success in the fight against discrimination in recent years, the freedoms of peaceful assembly and expression are still under attack in Georgia, especially with regard to the LGBTQI+ community and defenders of their rights.

At the beginning of 2019, organizers of the first ever Tbilisi Pride announced that Pride week would take place on 18-23 June 2019, however, according to the organizers, after a long negotiation process, the Ministry of Internal Affairs of Georgia (MIA) informed them that law enforcement agencies would not be defending the LGBTQI+ community's freedom of assembly due to what they see as "[increased risks and threats coming from radical groups](#)". Thus, the MIA created a dangerous precedent indicating that the state could not protect people and support them to exercise their constitutional rights in certain circumstances. When activists gathered in front of the government chancellery to call on the police to ensure security of Pride, they were [met by violent counter-demonstrators](#), verbally assaulted, threatened and eventually evacuated by police officers.

Of further concern in 2019 was the use of excessive police force during the dispersal of mass rallies when the people of Georgia were protesting the visit of the chair of the Inter-Parliamentary Assembly of Orthodoxy, Sergei Gavrilov. As the Chair of the Assembly, Gavrilov took the place of the Speaker of Parliament of Georgia. More than ten thousand protesters gathered in front of the Georgian Parliament in Tbilisi on 20 June to emphasize that Gavrilov, who recognized Abkhazia and South Ossetia as independent states, in contravention of Georgian and international law, should not sit in the place of the Chairman in Parliament. The protestors gathered in front of the Parliament to peacefully protest and demand the resignation of the Chair of the Parliament of Georgia, Irakli Kobakhidze, and other officials. Elements of the largely peaceful protest tried to enter Parliament and the security services then used rubber bullets, tear gas and water cannons indiscriminately against everyone in the vicinity. Ironically, just a few minutes before using them, the Georgian Prime Minister, Mamuka Bakhtadze, had said of his own party that "rubber bullets and different types of gas have never been the handwriting of the Georgian Dream [political party] and never will be used when it comes to civilians".

During the dispersal, 240 citizens [were transferred](#) to clinics, of which 80 were members of the security services. [Two of the injured](#) lost their eyes, including an 18-year-old girl who was passing by and had not participated in the protest at all.

Rise of far-right, radical, homophobic groups and their attacks against HRDs

On 5 July 2021, far right, radical, homophobic groups [disrupted](#) Tbilisi Pride's attempt at a Pride March. It was known publicly that a counter assembly against the "March for Dignity" had been planned, posing a real and immediate threat to the safety and security of the representatives of the LGBTQI community, their defenders and supporters. Instead of supporting the March, the Prime Minister of Georgia, made [a statement](#) in the morning of 5 July, stating that holding the "March for Dignity" was unreasonable, goes against the wish of "majority" and the assembly should not be organised on Rustaveli avenue. The members of the far-right, radical, homophobic groups beat journalists and cameramen in central Tbilisi, demonstratively removed the EU flag hanging in front of the Parliament and hoisted the St. Nino Cross. A severely beaten cameraman [died a few days later](#).

As the day evolved, far-right groups were chasing the representatives of the LGBTQI+ community and their supporter HRDs from street to street, raiding the office of Shame Movement and ransacking the office of Tbilisi Pride. Later, the members of radical groups attacked Human Rights House Tbilisi with a pyrotechnic device: HRH Tbilisi was one of the co-sponsors of the Pride March and the representatives of the LGBTQI+ community and their supporters had found a shelter there during the attack. In light of these developments, the March for Dignity was cancelled.

Due to the violent actions of the far-right, radical, homophobic groups more than 50 cases of assault on journalists have been reported. Most of the affected media actors [were recognized as the victims](#) within the ongoing criminal proceedings.

Some of those who participated in the assaults on 5 July 2021 have subsequently been [convicted](#). Sentences are mostly around five years, though the person who assaulted RFE journalists received just over a year. However, no instigators or organisers of the violence have been convicted, including those who are known to harass, threaten and assault journalists, peaceful protesters and human rights defenders across Georgia. Some cases have not been referred to the court at all, since the security services appeared to lack the will to identify all those involved in the attacks. The names and actions of instigators of the 5 July violence are [documented](#) by media and are well-known to the public.

In March 2022 the far-right group Alt-Info, operating a nationwide TV station and registered as a political party, and related individuals physically [assaulted](#) peaceful protesters in front of their newly opened office in Western Georgia. The same month, Alt Info and/or related individuals [attacked](#) a journalist also in Western Georgia.

There seems to be no political will on the part of the authorities to investigate these crimes – none of the organisers of the violent, pre-organised rallies against the Pride March have been prosecuted, despite their open and direct incitements for violence, giving specific instructions at the rally. In addition, the investigation into the attack on the HRHT premises [did not grant](#) the organisation (and those activists who were physically injured and whose property was damaged) any victim status.

Environmental protests

"Rioni Valley Defenders", a local movement consisting of villagers from Western Georgia, gained [nationwide attention](#) in late 2020. Dozens of local inhabitants started camping around the clock in tents near the construction site of a large Namakhvani hydropower plant (HPP), to protest its construction in their region. [The process](#) resulted in the termination of the agreement between the private company and the Georgian state. However, over [the course of many months, including in 2021](#) in particular, the police interfered with the peaceful protest of the villagers, administratively detaining them, blocking entrances to the entire valley, installing iron checkpoints, hindering the work of journalists, and dismantling protest tents on the land plot of one of the villagers.

Recommendations: For Georgia to ensure an effective legislative framework and practice to ensure respect for freedom of assembly, particularly ensuring protection for the LGBTQI community and human rights defenders; To ensure effective investigations into the excessive use of force on 20 June, 2019 protest action, as well as attacks and criminal threats against Tbilisi Pride activists and their supporters from the side of ultra-nationalist groups; To bring the leaders of the violent far right groups to justice in accordance with the law.