

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2012

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The Human Cost of Environmental Neglect

When "Values" Trample Over Rights

A Failed Approach to Corporate Accountability

The October 2012 parliamentary elections marked Georgias first peaceful transition of power since independence. The opposition Georgian Dream coalition, led by billionaire Bidzina Ivanishvili, defeated President Mikheil Saakashvilis ruling United National Movement (UNM), gained a majority in parliament, and formed a new government. Harassment and intimidation of opposition party activists and other violations marred the pre-election environment. Authorities used administrative (misdemeanor) charges to detain activists for minor public order breaches without full due process.

Graphic video material showing torture and ill-treatment of inmates illustrated a long-standing problem. Lack of judicial independence is a serious problem.

International observers, led by the Organization for Security and Co-operation in Europe (OSCE), concluded that the October 1 parliamentary elections were in line with Georgias commitments. However, the pre-election environment was polarized and tense, with some instances of violence. Georgian Dream activists were targeted in several violent incidents in June and July.

On June 26, during Ivanishvilis campaign visit to Mereti village, ruling party supporters, including civil servants, allegedly provoked a fistfight. Several people sustained injuries. Police detained four, including two opposition supporters, and the courts sentenced them to ten days of administrative imprisonment. No officials were held accountable.

A similar incident took place on July 10, when government supporters in Karaleti village threw stones and swore at opposition supporters campaigning in the village. Thirteen people, including ten journalists, sustained injuries and were hospitalized. Police arrested six, including four opposition members, and sentenced them to fifteen days of administrative imprisonment.

Domestic observers reported misuse of administrative resources by the incumbent party. UNM candidates at times had preferential access to public venues and transport, and some of them had their campaign offices in local administration buildings.

The State Audit Office, which monitors parties compliance with campaign financing rules, overwhelmingly targeted the opposition. In March, it summoned and questioned over 100 opposition supporters as witnesses in cases of possible breaches of campaign finance regulations. OSCE said the authorities selectively targeted the opposition, raising questions about the impartiality of enforcement. According to Georgias ombudsman, in some cases the authorities investigated these individuals without respecting due process and in an intimidating manner that may have deterred other potential donors. Courts imposed staggering fines sometimes as high as five times the amount of the donation on donors they found to have violated regulations, often leading to seizure of their property.

The government continued to resist reforming its system of administrative detention. Georgias Code of Administrative Offences sets out misdemeanor sentences of up 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 sometimes as little as 10 to 15 minutes to prepare a defense. Defendants also often cannot present evidence or call witnesses in court.

For example, in September, police detained at least seven individuals under similar circumstances in four separate incidents in Tbilisi. The Ministry of Interior stated that all seven defendants disobeyed police orders and insulted them. Courts sentenced the detainees to administrative imprisonment ranging from 10 to 40 days. Two of those detained alleged ill-treatment in police custody and bore visible bruises at a trial, but the court failed to refer this for investigation.

Administrative detainees are held in Ministry of Interior holding cells. Although some of them were renovated, many are unsuitable for long-term detention, with inadequate access to exercise and hygienic and medical care.

In September, local media broadcast a series of video recordings showing graphic images of beating and sexual abuse of prisoners in several penitentiary facilities. Hours before the videos were released, the Ministry of Interior said that it arrested three officials of Tbilisis Gldani prison for ill-treatment of inmates. The ministry released footage depicting two prison guards beating an inmate, and a television station broadcast further video materials showing Gldani prison officials beating and humiliating newly arrived inmates. Shortly afterward, another television station aired further footage graphically depicting prison staff raping inmates.

The authorities acknowledged both the systemic nature of prison abuse and their failure to react effectively to years of warnings about such abuse. The ministers for prisons and interior resigned, and police arrested 16 penitentiary staff, pending investigations.

In March, the Georgian Young Lawyers Association published a report showing that in all 520 cases it monitored at the Tbilisi City Court during a six-month period between 2011 and 2012, the judges granted all motions filed by the prosecution regarding the admissibility of evidence, while denying all defense motions that prosecution did not support.

The court satisfied all requests for pre-trial custody and of the 113 judgments it handed down during the six months there was not a single acquittal. Since the Tbilisi City Court accounts for about 40 percent of all cases handled by Georgias courts, the report raised serious questions on the independence of the judiciary.

The policy of zero tolerance towards crime and high conviction rates led to a rise in the prison population. According to the ombudsmans 2012 report, prison overcrowding is a persistent problem, leading to poor prison conditions. The report noted that in four prisons, inmates did not have their own personal beds.

Georgias print media presents diverse political views, but nationwide television broadcasting was limited to the state-funded public broadcaster and two pro-government stations, which were often biased in favor of the government. One partial improvement was an amendment to the election code requiring cable networks and satellite content providers to broadcast all television stations that carry news for 60 days ahead of elections. This allowed the three pro-opposition private channels, Maestro, Kavkasia, and TV 9, to increase their penetration into the urban areas being reached by cable networks. Most networks continued to broadcast all stations following the elections.

In July, the cable network provider Global Contact Consulting (GCC) and Maestro TV unsuccessfully attempted to increase their penetration by distributing satellite receivers. The authorities seized their satellite dishes on grounds that they were intended for vote-buying and released them only after the polls. In June, the authorities detained and questioned Alexander Ronzhes, a United States citizen and GCC shareholder. During questioning, authorities claimed Ronzhes had been involved in suspicious financial transactions but they released him the same day without charges.

In July, the OSCE media freedom representative, Dunja Mijatovic, expressed concern over violence against journalists, highlighting the Mereti and Karaleti incidents when journalists were physically and verbally assaulted.

In September, Giorgi Abdaladzeone of four photographers arrested in 2011, charged with espionage and released after plea bargainingsaid in a media interview that prison staff and investigators coerced him into rejecting his legal counsel and making a false confession under threats of ill-treatment.

The authorities still failed to ensure full accountability for excessive use of force on May 26, 2011, when police used water cannons, tear gas, rubber bullets, and other violence to disperse anti-government protests in Tbilisi.

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.

In October, the European Court of Human Rights (ECtHR) ruled that Georgia had violated the prohibition against inhuman or degrading treatment in the case of Giorgi Mikiashvili. Police used excessive force when they arrested Mikiashvili in 2005, causing multiple bruises on his face and head. The court denounced the authorities failure to effectively investigate the incident.

The United States, the European Union, the Council of Europe (CoE), OSCE, and other institutions and bilateral partners of Georgia welcomed the October parliamentary elections and subsequent peaceful political transition as a significant step forward in the countrys democratic development.

A large number of foreign governments and international organizations condemned the abuses depicted in the prison video footage and urged the authorities to ensure prompt, thorough, and transparent investigation and accountability for those responsible.

In its May European Neighborhood Policy progress report, the EU expressed concerns about a dominant executive branch, weak parliamentary oversight, and lack of judicial independence. It also, for the first time, made concrete recommendations to the authorities to address these and other concerns.

While visiting Georgia in June, US Secretary of State Hillary Clinton highlighted the importance of the 2012 and 2013 parliamentary and presidential elections in meeting the countrys Euro-Atlantic aspirations. She also stressed the importance of labor rights, judicial independence, and media independence.

In its June report, the UN special rapporteur on the rights to freedom of assembly and association expressed concern about a climate of fear and intimidation against members of opposition political parties and civil society.

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