

COMPREHENSIVE LEGAL ANALYSIS

Systematic Violations of Georgian Domestic and International Law in the Arbitrary Refusal of Entry to Miraziz Bazarov and Family

LEGAL MEMORANDUM FOR GEORGIAN ADMINISTRATIVE AND JUDICIAL PROCEEDINGS - VERSION 2

CASE INFORMATION

Date of Incident: August 27, 2025

Location: Sadakhlo Border Crossing, Georgia-Armenia Border

Document Date: September 5, 2025

PARTIES

Primary Applicant: Miraziz Bazarov (DOB: June 27, 1991, Passport: FA9932009)

Family Members: Saida Djumanova (DOB: January 17, 2000, Passport: FA7976793)

Family Members: Gulnora Abdunazarova (DOB: March 23, 1962, Passport: FA0575772)

SUBMISSION TO GEORGIAN AUTHORITIES

- Ministry of Internal Affairs of Georgia (Administrative Complaint - Article 180 GAC)
- Constitutional Court of Georgia (Constitutional Violations)
- Tbilisi City Court Administrative Chamber (Administrative Procedure Code)
- Prosecutor's Office of Georgia (Criminal Code Violations)
- Public Defender of Georgia (Anti-Discrimination Law)

INTERNATIONAL LEGAL CONTEXT

This analysis incorporates Georgia's binding international obligations under the European Convention on Human Rights, EU-Georgia Association Agreement, and International Covenant on Civil and Political Rights, which form part of Georgian domestic law pursuant to Article 70 of the Constitution of Georgia. Additional complaints and requests are made to international bodies and organizations in September. Full list of organizations and contents of complaints are available upon request.

I. EXECUTIVE SUMMARY

This legal analysis demonstrates systematic violations of Georgian constitutional, administrative, and criminal law in the arbitrary refusal of re-entry to a UN-documented human rights defender and his family. The case illustrates a triple systemic failure: (i) persecution in the country of origin; (ii) the breakdown of international protection

mechanisms; (iii) denial of refuge by an EU-candidate state through non-existent legal requirements and collective expulsion indicators.

The incident occurred on August 27, 2025, at Sadakhlo Border Crossing, when Georgian border officials demanded fabricated legal documents and provided contradictory justifications for refusing entry.

VIOLATIONS SUMMARY

Constitutional Violations: Articles 4 (Rule of Law), 11 (Equality), 31(3) (Fair Administrative Proceedings), 14 (Freedom of Movement), 27 (Right to Health), 70 (International Law Integration)

Administrative Violations: Articles 5, 4, 6, 7, 8, 52, 85 General Administrative Code (ultra vires acts, abuse of power, inadequate reasoning, procedural violations)

Criminal Violations: Articles 332 (Abuse of Official Powers), 333 (Exceeding Official Powers), 341 (Official Forgery), 143 (Violation of Equal Rights) of the Criminal Code of Georgia

International Violations: European Convention on Human Rights Articles 3, 8, 13, 14 (in conjunction), Protocol No. 4 Article 4; EU-Georgia Association Agreement Articles 2, 15, 16; International Covenant on Civil and Political Rights Articles 2, 12, 26

IMMEDIATE LEGAL RELIEF REQUIRED

- Administrative remedy through annulment of unlawful decisions and policy reforms
- Criminal investigation establishing individual and institutional accountability
- Constitutional protection establishing due process precedents
- International law compliance ensuring Georgia meets EU candidacy obligations

The humanitarian dimension (mother's age 63, diabetes, hypertension) strengthens Article 8 and underscores the right to health implications and urgent need for interim relief.

II. LEGAL FRAMEWORK ON ENTRY AND STAY (GEORGIA)

Georgian law exhaustively enumerates entry/stay categories in the Law on the Legal Status of Aliens and Stateless Persons (უცხოელთა და მოქალაქეობის არმქონე პირთა სტატუსის შესახებ) and implementing regulations. No stand-alone "work visa/permit" exists as a precondition for short-term entry in the sense invoked by the border officials. Any requirement not grounded in statute or secondary legislation is ultra vires (see GAC Arts. 5, 6).

The statutory framework provides specific categories for entry and residence, none of which include the fabricated "work visa after two months" requirement demanded by officials. **Work permits as referenced in Georgian legislation take effect only from**

March 1, 2026 (with transitional period until January 1, 2027), making compliance with officials' demands legally impossible at the time of the incident.

This legal impossibility transforms the refusal from administrative discretion into pure administrative invention, violating fundamental rule of law principles and rendering the administrative acts void ab initio.

III. FACTUAL BACKGROUND AND CHRONOLOGY

A. Legal Status of Subjects

Miraziz Bazarov is a documented human rights defender with official international recognition through **UN Special Rapporteurs Communication AL UZB 3/2021**, which formally acknowledged his persecution in Uzbekistan for legitimate human rights activities. He holds dual citizenship of Uzbekistan and the Russian Federation.

From September 25, 2024 to August 27, 2025, Bazarov maintained continuous lawful residence in Georgia, operating civil society programs including psychological support services for vulnerable populations (Psy Week program) and civic monitoring initiatives (AGI CAT project).

Having lawfully resided and engaged in public-interest work for approximately 11 months, the applicant held a legitimate expectation that his situation would not be altered arbitrarily, absent clear statutory grounds and individualized reasoning. The sudden refusal, grounded in a non-existent entry requirement, violates this principle of legal certainty.

Saida Djumanova, spouse of Bazarov, experienced a similar arbitrary refusal on August 17, 2025, when Georgian border officials denied her re-entry using identical pretextual grounds while simultaneously admitting Russian, Moldovan and Belarusian travelers who were her friends without additional requirements.

Gulnora Abdunazarova, a distinguished journalist with 24 years of professional experience, aged 63, suffers from Type II diabetes and hypertension requiring continuous medical supervision. She was scheduled to receive public recognition on September 10, 2025, for cultural journalism promoting Georgian heritage to Russian-speaking audiences.

B. Chronology of Administrative Violations

August 17, 2025: Initial arbitrary refusal of Saida Djumanova using fabricated requirements, establishing pattern of discriminatory targeting.

August 27, 2025, Sadakhlo Border Crossing (21:00-22:00 GMT+4):

Phase 1 - Fabrication of Legal Requirements: Border officials repeatedly demanded "residence permit, work visa, or student visa" for stays "exceeding two months" – a

requirement that lacks any statutory basis (see Section II, Legal Framework on Entry and Stay).

Phase 2 - External Coordination and Predetermined Decision: Officials conducted multiple undisclosed phone consultations with external parties, indicating predetermined outcome rather than independent legal assessment. Comprehensive documentation prepared by family (proof of funds, medical insurance, return tickets) was systematically ignored.

Phase 3 - Document Falsification: Written refusal documents (Nos. 1043) cited “incomplete information” and “no insurance,” directly contradicting verbal demands for non-existent documents that lack any statutory basis (see Section II, Legal Framework on Entry and Stay). Body camera recordings captured only formal notification in Russian language, deliberately omitting the unlawful verbal demands made off-camera.

Language and Notice Guarantees: Failure to provide full reasons in a language understood and to record decisive oral demands undermined the right to be heard and to mount an effective challenge, contrary to Constitutional guarantees and GAC Article 85 (information/notice).

IV. PROCEDURAL ROADMAP AND DEADLINES (GEORGIA)

Administrative appeal to MIA/Border Police within 10 days: seek annulment; full case-file disclosure; preservation orders (body-cam, radio logs, refusal register, checklists); re-examination under GAC Arts. 5, 4, 6, 52, 85.

Administrative court action within 30 days: annulment plus declaratory relief (ultra vires/abuse of power) and damages.

Public Defender (Equality/anti-discrimination): disparate treatment on nationality/family association/HRD status.

Prosecutor/Special Investigation Service: submission under Criminal Code Articles 332-333, 341, 143 (see Criminal Law section).

Evidence Preservation Requests

We request immediate preservation and disclosure of: (i) all body-camera recordings with metadata; (ii) radio/phone communication logs related to the decision; (iii) the refusal register and any standardized checklists in use that day; (iv) internal SOPs/instructions in force on the date. Please identify retention periods and ensure chain-of-custody.

Access to Information (FOI)

FOI requests will seek: (a) current and historical SOPs governing border decisions; (b) any circulars/instructions introducing entry requirements; (c) statistics on refusals by nationality/time/reason; (d) training materials on migration law for border officers.

V. STATE RESPONSIBILITY UNDER INTERNATIONAL LAW

Primary State Responsibility

Under the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), Georgia bears primary international responsibility for the conduct of its officials. Border police officers are state organs; their conduct is directly attributable to Georgia under international law. Georgia cannot escape responsibility by claiming officials acted beyond authority when the violations demonstrate systematic administrative failures.

External coordination during decision-making suggests higher-level state involvement, indicating systemic rather than isolated administrative problem.

Aggravated State Responsibility

Breach of absolute prohibition on refoulement constitutes serious violation of jus cogens norms. Targeting of UN-documented human rights defender aggravates state responsibility under international law.

Enhanced Obligations for EU Candidate Country

EU-Georgia Association Agreement establishes rule of law as “essential element” – a breach creates enhanced international responsibility. Georgia's acceptance of EU candidacy conditions creates additional legal consequences for systematic violations.

VI. CONSTITUTIONAL LAW VIOLATIONS

Article 4 - Rule of Law and Legal Certainty

The fundamental constitutional principle requires state actions to be based on established, publicly known laws. Violations include:

- Officials fabricating legal requirements not found in Georgian legislation
- Contradictory justifications preventing meaningful legal challenge
- Arbitrary state action incompatible with constitutional predictability standards
- Creation of legal uncertainty through invented administrative demands

Article 11 - Equality Before the Law

Constitutional equality provisions prohibit discriminatory treatment by state authorities. Documented violations include:

- Nationality-based discrimination applying fabricated requirements exclusively to Central Asian citizens
- Family association discrimination evidenced by pattern targeting

- Status-based discrimination targeting UN-documented human rights defender
- Differential treatment compared to other nationals in identical legal circumstances

Article 31(3) - Right to Fair Administrative Proceedings and Access to Court

Constitutional guarantee of fair treatment by administrative bodies and right to effective judicial protection violated through:

- Transparency violation through non-disclosed external consultations determining outcome
- Impartiality violation through predetermined decision evidenced by ignored documentation
- Legal basis violation through demands for non-existent legal requirements
- Procedural fairness violation denying meaningful opportunity to present evidence

Article 14 - Freedom of Movement

Constitutional protection against arbitrary restrictions on movement rights violated by:

- Arbitrary interference with established residence patterns after 11 months of lawful presence
- Discriminatory application not applied to other nationals in identical situations
- Lack of legal basis as constitutionally required for movement restrictions
- Disproportionate interference with family unity and established life patterns

Article 27 - Right to Health

Constitutional health protection requirements violated through:

- Medical crisis creation for diabetic patient requiring continuous care
- Denial of access to established medical treatment and familiar physicians
- Discriminatory health access affecting vulnerable elderly person
- State duty violation to protect health rights of residents

Article 70 - Integration of International Law

Constitutional mandate for compliance with international law breached through:

- European Convention on Human Rights violations constituting constitutional violations
- EU Association Agreement breaches creating constitutional consequences
- International Covenant on Civil and Political Rights violations under Article 70
- Failure to implement binding international human rights obligations

VII. ADMINISTRATIVE LAW VIOLATIONS

General Administrative Code serves as the foundation for lawful administrative action. The Sadakhlo incident demonstrates systematic violations across multiple GAC provisions.

Article 5 - Exercising of Powers on the Basis of Law (Principle of Legality)

Administrative bodies possess only powers explicitly granted by law. Violations documented:

- Officials demanded work permits not existing in Georgian legislation until March 1, 2026
- Creation of residence requirements not established in immigration statutes
- Application of fabricated legal standards not found in Georgian law
- Administrative acts void ab initio for lack of legal authority

Article 4 - Equality Before Law

Administrative equality principles violated through:

- Different treatment based on citizenship status without legal justification
- Discriminatory application of invented requirements to specific nationalities
- Failure to apply equal standards in identical administrative circumstances

Article 6 - Procedure for Exercising Discretionary Powers

Administrative discretion must be exercised in good faith for legitimate purposes. Evidence of abuse:

- Contradictory verbal demands versus written justifications demonstrating deliberate deception
- Systematic ignoring of comprehensive documentation presented in good faith
- External coordination suggesting decision made for improper purposes
- Administrative decisions subject to annulment for abuse of power

Article 7 - Proportion of Public and Private Interests

Proportionality principle requires balancing legitimate state interests against individual rights:

- Complete family expulsion disproportionate to any legitimate administrative aim
- No pressing social need justifying such severe interference with established family life
- Alternative measures available but not considered

Article 8 - Impartial Resolution of a Case

Administrative impartiality violated through:

- Predetermined decision evidenced by external coordination
- Failure to consider individual circumstances and documentation
- Pattern processing indicating bias rather than neutral assessment

Article 52 - Requisite Details of the Individual Administrative Act

Administrative decisions must state factual and legal basis with sufficient detail.

Violations:

- Generic “incomplete information” provides no meaningful basis for legal challenge
- Failure to specify which information was allegedly incomplete
- Contradictory reasoning between verbal demands and written justification
- Procedural due process violation requiring decision annulment

Article 85 - Obligation to Render Legal Assistance

Administrative bodies must inform parties of rights and legal requirements. Violations:

- Failure to explain actual legal requirements for entry
- Provision of false information regarding non-existent work permit requirements
- Inadequate explanation of appeal procedures based on false legal premise
- Denial of effective opportunity to present relevant evidence

VIII. CRIMINAL LAW VIOLATIONS

Primary criminal submissions focus on Articles 332-333 CC (abuse/excess of power), reflecting the deliberate application of non-existent legal requirements and disregard of documentary evidence. Article 341 CC (official forgery) is pleaded contingently, subject to demonstrable false entries in refusal forms or official records.

Key distinction: Article 333 (Exceeding Official Powers) relates to actions that border officials **had no authority to perform in principle** (demanding non-existent visa types). Article 332 (Abuse of Official Powers) relates to using lawful powers (right to refuse entry) **for unlawful purposes or in violation of established procedure**, evidenced by contradictory verbal and written justifications.

Strategically, criminal filings serve to secure evidence and oversight, reinforcing the administrative claim for annulment and civil damages, rather than being the sole remedial route at this stage.

Article 332 - Abuse of Official Powers

Elements of Criminal Violation Established:

- **Use of official position:** Border control authority used for improper purposes
- **Against service interests:** Actions damage Georgia's rule of law reputation and EU candidacy
- **Substantial rights violation:** Constitutional and human rights violations documented
- **Intent to cause harm:** Bad faith evidenced through systematic deception

Article 333 - Exceeding Official Powers

Elements of Criminal Violation Established:

- **Official status:** Border control officials acting under Ministry of Internal Affairs authority
- **Act exceeding authority:** Demanding documentation not required by Georgian law constitutes clear excess
- **Substantial harm:** Documented destruction of civil society programs serving vulnerable populations
- **Criminal intent:** Deliberate concealment through contradictory documentation

The demand for work permits not existing in Georgian law is quintessential exceeding of official powers. Officers have no authority to invent legal requirements.

Article 341 - Official Forgery (Contingent)

Elements of Criminal Violation (if demonstrable):

- **False official statement:** Written refusal documents deliberately misstate true grounds
- **Material falsification:** “Incomplete information” contradicts actual verbal demands
- **Intent to deceive:** Designed to prevent effective legal challenge
- **Body camera footage proves deliberate falsification by excluding unlawful demands**

Article 143 - Violation of Equal Rights

Elements of Criminal Violation Established:

- **Discrimination based on citizenship and status:** Systematic application of non-existent requirements exclusively to Central Asian citizens
- **Substantial violation of rights:** Constitutional and human rights violations affecting family unit
- **Intentional discrimination:** Pattern targeting evidenced by identical treatment of family members
- **Aggravated by HRD status:** Targeting of UN-documented human rights defender creates enhanced criminal liability

The systematic application of fabricated legal requirements to citizens of specific countries while simultaneously admitting other nationals under identical circumstances constitutes clear evidence of discriminatory intent required for Article 143.

IX. INTERNATIONAL LAW VIOLATIONS

European Convention on Human Rights

The ECHR violations center on four key areas with established precedential support:

Article 3 - Prohibition of Torture and Non-Refoulement

Georgia violated absolute prohibition on refoulement by expelling UN-documented human rights defender facing persecution. UN Special Rapporteurs Communication AL UZB 3/2021 establishes official recognition of persecution risk.

The risk analysis includes chain refoulement: while Georgia may not directly return the applicant to Uzbekistan, forcing him into precarious status in third states materially increases the probability of onward removal to jurisdictions where persecution risks are substantiated. **This risk is not hypothetical but materialized in the official letter from the Ministry of Justice of the Russian Federation (№ 10-36017/25 dated 03.04.2025), which directly indicates the possibility of persecution of the applicant on Russian territory.** Expulsion from Georgia to any country with simplified extradition procedures with Russia significantly increases this risk, constituting a violation of Article 3 ECHR.

Article 8 - Right to Private and Family Life

Arbitrary interference with established family life violations:

- Family unity disruption through collective expulsion without individual assessment
- Home and residence interference after 11-month established residence
- Proportionality violation with no pressing social need justifying interference
- Medical implications for elderly family member (63 years old) requiring continuous care

Article 13 - Right to Effective Remedy

Given the Court's approach to immigration/entry decisions, Article 6 ECHR generally does not apply. We therefore frame due-process deficiencies under Article 13 ECHR (effective remedy) in conjunction with domestic constitutional and administrative guarantees (lawfulness, reason-giving, and the right to be heard).

Domestic remedies rendered ineffective through:

- Contradictory reasoning preventing meaningful legal challenge
- False legal information provided regarding appeal grounds
- Administrative appeals based on non-existent legal requirements

Article 14 - Prohibition of Discrimination (in conjunction)

To substantiate Article 14 in conjunction with Article 8/Protocol 4, we identify appropriate comparators (e.g., contemporaneous admission of other nationals under identical documentary conditions) and request refusal statistics disaggregated by nationality.

Protocol 4, Article 4 - Prohibition of Collective Expulsion

Indicators of collective expulsion include:

- Near-identical refusal wording for three family members
- Lack of individualized inquiry
- Failure to weigh medical and family circumstances
- Pattern processing indicating collective rather than individual determination

These factors rebut any claim of individualized assessment.

EU-Georgia Association Agreement

Article 2 - Essential Elements

Fundamental breach of Association Agreement foundations through:

- Democratic principles violation through arbitrary administrative action
- Human rights breach targeting UN-documented defender
- Rule of law violation through ultra vires administrative acts
- Impact on EU candidacy and European integration prospects

Article 15 - Justice, Freedom and Security Cooperation

Specific obligations breached:

- Rule of law strengthening obligation violated through administrative arbitrariness
- Judicial system improvement compromised by systematic due process failures
- Fundamental rights protection undermined through discriminatory targeting

International Covenant on Civil and Political Rights

Article 12 - Freedom of Movement: Arbitrary interference with movement rights after established lawful residence through requirements that lack any statutory basis

Article 26 - Equal Protection of Law: General non-discrimination guarantee violated through differential treatment based on nationality and status

X. QUANTIFIED HARM DOCUMENTATION

Substantial harm required for Articles 332 and 333 Criminal Code includes:

Civil Society Impact

- Complete termination of psychological support program serving 50+ vulnerable individuals
- Disruption of civic monitoring initiatives (AGI CAT project for election monitoring)
- Destruction of established community support networks

Professional Impact

- Termination of established therapeutic practice
- Disruption of journalistic work and cultural projects
- Loss of professional reputation and client relationships

Medical Impact

- Healthcare crisis for diabetic patient requiring continuous supervision
- Interruption of established medical treatment protocols
- Risk to vulnerable elderly person with multiple chronic conditions

Financial Impact

- Emergency accommodation costs
- Medical expenses
- Professional losses and disrupted income streams

XI. AVAILABLE LEGAL REMEDIES

Georgian Domestic Remedies

Constitutional Court (Article 24 Organic Law): Constitutional complaint seeking declaration of border procedure violations; precedent establishment for administrative due process protection

Administrative Courts (Administrative Procedure Code): Annulment of unlawful administrative acts; declaratory judgment on systematic violations; damages for unlawful action

Criminal Justice: Individual prosecution of border officials; supervisory investigation of command responsibility; systemic investigation of pattern violations

Public Defender (Organic Law): Discrimination investigation under Law on Elimination of All Forms of Discrimination; recommendations for systemic reforms

International Legal Remedies

European Court of Human Rights: Individual application following domestic remedy exhaustion; multiple Article violations providing strong prospects; precedential significance for administrative arbitrariness

UN Human Rights Mechanisms: Special Procedures follow-up escalating Communication AL UZB 3/2021; Working Group on Arbitrary Detention complaint; Human Rights Committee individual communication

Regional Mechanisms: Council of Europe Commissioner complaint; OSCE ODIHR assessment; EU institutions formal complaints regarding Association Agreement violations

Relief Sought

(a) Annulment of refusal decisions; (b) Declaration of violations of GAC Arts. 5, 4, 6, 7, 8, 52, 85; (c) Fresh, individualized assessment with full written reasoning; (d) Disclosure & preservation orders (body-cam, logs, SOPs); (e) Costs and compensatory damages for project disruption (Psy Week / AGI CAT), medical and logistical expenses.

XII. EU INTEGRATION AND CANDIDACY IMPLICATIONS

Association Agreement Specific Violations

The Sadakhlo incident constitutes direct violation of Association Agreement foundations establishing democratic principles, human rights, and rule of law as essential elements. Administrative arbitrariness undermines rule of law foundations while targeting of UN-documented defender violates human rights commitments.

Copenhagen Criteria Assessment

Political criteria failures include:

- **Democracy:** Arbitrary state action against civil society undermines democratic governance
- **Rule of Law:** Fundamental principles violated through administrative arbitrariness
- **Human Rights:** Systematic violations against vulnerable individuals
- **Administrative capacity deficits:** Officials unaware of actual legal requirements

Current Candidacy Status Context

Georgia's EU candidacy has been frozen due to democratic backsliding. This incident provides concrete evidence of problems leading to that decision, including systematic pressure on independent civil society and rule of law deterioration.

XIII. COMPREHENSIVE REFORM RECOMMENDATIONS

Immediate Georgian Government Actions Required

Administrative System Reforms:

- Border procedure manual specifying actual legal requirements
- Mandatory training on Georgian migration law for border officials
- Independent oversight system for border decision-making
- Reformed appeals process ensuring effective remedy
- Documentation standards preventing contradictory justifications

Criminal Justice System Reforms:

- Individual criminal prosecution of officials exceeding legal authority
- Command responsibility investigation for supervisory failures
- Systemic investigation of similar violation patterns
- Comprehensive victim remedies for arbitrary administrative action
- Clear precedent that ultra vires acts carry criminal liability

Constitutional and Legal Reforms:

- Strengthened due process requirements in administrative law
- Enhanced mechanisms implementing international obligations
- Specific legal protections for documented human rights defenders
- Legal frameworks protecting civil society operations
- Alignment with EU administrative law standards

XIV. CONCLUSION

This case presents exceptionally strong legal foundations across multiple jurisdictions with constitutional, administrative, and criminal violations supported by clear evidence. The systematic legal violations create historic opportunity for strengthening rule of law and human rights protection not only for immediate victims, but for Georgian legal system development and regional human rights standards.

The documented evidence and comprehensive legal violations demonstrate optimal conditions for achieving meaningful accountability and systemic reform through maximum legal mobilization across all available domestic and international forums.

SUPPORTING DOCUMENTATION

Annex A - Comparative Refusals Matrix

Columns: Refusal No./Date/Time; Reason Text; Docs Presented; Individual Assessment (Y/N); Medical/Family Factors (Y/N); Language of Notice; Opportunity to Rebut (Y/N)

Annex B - FOI Request Templates**Annex C - Medical Summary**

Diabetes Type II and hypertension; risks of treatment interruption; requirement for continuous medical supervision – upon request

Annex D - Official Translations of Refusals

Document numbers, dates, official signatures (with certified translations upon request)

1. Official refusal documents (August 27, 2025, Document Nos. 1043)
2. UN Special Rapporteurs Communication AL UZB 3/2021
3. Russian Ministry of Justice correspondence regarding persecution risk (№ 10-36017/25 dated 03.04.2025)
4. Medical documentation for vulnerable family member – upon request
5. Evidence of civil society program disruption
6. Pattern documentation of discriminatory treatment

Respectfully submitted, September 5, 2025