

Georgia

Although the Georgian government takes pride in its stated commitment to the rule of law and human rights protection, it continues to have an uneven human rights record. Restoration of territorial integrity and the fight against organized crime remain the priorities of the government's agenda. Beginning in December 2005, the government stepped up its fight against crime and sought to break the power of organized crime bosses, including within the prison system, which resulted in more frequent use of force to subdue or punish detainees. Impunity for the actions of law enforcement officers remains a serious problem; effective investigations are rare. The executive wielded strong influence over the judiciary and took several steps to restrict freedom of expression. Some human rights groups reported government harassment.

Prison Conditions, Use of Lethal Force, and Torture and Ill-Treatment

The majority of Georgia's prisoners—some 63 percent of whom are held in pre-trial detention—live in overcrowded, poorly ventilated, filthy cells. They receive inadequate nutrition and substandard medical care, have limited access to information and family visits, and in 2006 some went for weeks or months without an opportunity to leave their cells for exercise or fresh air. In some cases the conditions of detention amount to degrading treatment.

Since December 2005 there has been a marked increase in the use of violence by law enforcement officers in prison facilities. Inmates report periods of frequent beatings and degrading treatment such as repeated strip searches. This treatment has at times constituted torture. Security forces repeatedly used force to suppress prison disturbances. On March 27, 2006, special forces used automatic gunfire in Tbilisi Prison No. 5 to suppress a disturbance, resulting in the deaths of at least seven inmates.

A number of suspects were killed by Georgian law enforcement officers during special operations and at the time of arrest, continuing a trend begun in 2005. In 2006, 17 suspects were killed; in one instance, over 50 bullet wounds were recorded on the suspect's body.

The government has failed to confront the long-standing problem of impunity for excessive use of force by law enforcement agents. Senior officials, including President Mikheil Saakashvili and the minister of the interior have made public statements condoning the use of lethal force and praising the professionalism of law enforcement agents. In late November the prosecutor general's office reported that it was investigating the deaths of 13 people killed in the course of special operations, though at this writing it was not possible to determine the effectiveness of these investigations. For three months the General Prosecutor's Office failed to open an investigation into the actions of law enforcement officers during the March 27 special operation in Tbilisi Prison No. 5, and instead the Ministry of Justice investigated the planning of the alleged riot only. Investigations into torture and ill-treatment in the prison system are not prompt, do not meet international requirements for effectiveness, or are not opened at all.

Following a dispute with senior Ministry of Interior officials in a Tbilisi cafe on January 27, 2006, the body of 28-year-old Sandro Girgvliani, head of the United Georgian Bank's international relations department, was found on the outskirts of Tbilisi bearing beating signs. In July, four Ministry of Interior employees were convicted of causing the injuries that resulted in Girgvliani's death, and were sentenced to prison terms. However, many believe that the senior Ministry officials involved in the disagreement with Girgvliani had ordered his kidnapping and beating but escaped prosecution.

Independence of the Judiciary

Constitutional amendments in early 2004 increased the Georgian president's authority to dismiss and appoint judges. The government then began an effort to address corruption in the judiciary, but the procedures for removing allegedly corrupt judges have lacked transparency and due process. In 2005 the authorities told a number of judges that they should either resign or face disciplinary hearings; 21 of 37 Supreme Court judges resigned under this pressure. Nine refused to resign but were then made

subject to disciplinary proceedings in December 2005, were found guilty, and were suspended from office. The proceedings addressed matters related to the judges' interpretation of law rather than issues of ethics or conduct subject to disciplinary evaluation. On August 10, 2006, the Disciplinary Chamber of the Supreme Court upheld the decision against the judges. These steps have had a chilling effect on new and remaining judges, who may legitimately see their positions as tenuous and their decisions as subject to executive approval.

Freedom of Expression

On June 29, five activists from the NGO Equality Institute peacefully protested the trial of two journalists by standing outside the Appeals Court in Tbilisi and making statements in support of the accused. Court guards detained the men and forced them into the court building, causing injuries to two of them. The five activists were charged with disrupting court proceedings and were immediately sentenced to 30 days' administrative arrest. Ten days after his release, one of the activists, Lasha Chkhartishvili, was again arrested following a peaceful protest, allegedly for swearing at police, and sentenced to two days' detention. Video footage of the incident did not reveal any violations by Chkhartishvili during the protest.

Eka Khoperia, an anchor of a popular political talk show on the Rustavi-2 television channel, announced during a live program on July 6 concerning the Girgvliani murder that she was resigning to protest government authorities' requests to alter that program's format.

On August 26 Rustavi-2's owner, reportedly a close friend of Defense Minister Irakli Okruashvili, fired the station's director general and replaced her with Koba Davarashvili, who previously headed an advertising company with links to the government and is reportedly a close friend of the chief of the presidential administration. In response, many of the station's journalists immediately went on strike, and on September 8 six resigned, citing their commitment to independence in reporting. In November, Rustavi 2's owner sold the station, reportedly under pressure, and Okruashvili resigned soon thereafter.

On July 29, police arrested former Security Minister and current leader of the Forward Georgia opposition movement Irakli Batiashvili on charges of failing to report a crime and assisting a coup attempt by providing “intellectual support” to Emzar Kvitsiani, the leader of an illegal militia. While it remains unclear whether Batiashvili committed a crime, the evidence against Batiashvili includes public statements he made on television, some or all of which may be legitimate and protected speech.

Human Rights Defenders

Several human rights defenders reported harassment at the beginning of 2006. In January top government officials, including the defense minister, publicly accused the current leadership of the Georgian Young Lawyers’ Association (GYLA, a professional lawyers’ association) of being politicized and of misusing US\$12 million in funding. The officials, who are themselves GYLA members, called for the resignation of the organization’s chairperson. GYLA claimed that this was in retaliation for its criticism of government policies.

On February 1 and 2, Ministry of Interior officials visited the office of the Human Rights Information and Documentation Center (HRIDC), claiming they wanted to learn about the organization’s activities. They threatened several of the organization’s employees. On February 7, an official from the Ministry’s Counterterrorism Department requested that HRIDC director Ucha Nanuashvili go to the ministry to discuss the organization with senior officials. When Nanuashvili requested a formal summons, the official refused to provide one and threatened to bring him to the ministry by force. Nanuashvili did not go to the ministry and did not face any repercussions.

Key International Actors

On January 24, 2006, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on Georgia, concluding that despite some legislative reforms, Georgia had yet “to produce concrete results in most areas.” The PACE specifically called on Georgia to prioritize ratifying the European Charter for Regional or Minority Languages, guaranteeing judicial independence, eliminating torture in prisons, and applying a policy of zero tolerance for impunity for torture and ill-treatment. The

Council of Europe commissioner for human rights visited Georgia in July and made prison conditions one of his key areas of focus.

The United Nations Committee against Torture reviewed Georgia in May. The committee noted some progress but found many shortcomings, including the use of excessive force, torture, and other forms of ill-treatment by law enforcement officials, and the low number of convictions for those crimes; it also expressed concern about prison conditions. The committee called for investigations of all allegations of torture and ill-treatment and for implementation of policies to reduce prison overcrowding.

The European Union and Georgia signed the European Neighborhood Policy Action Plan, which will serve as the primary framework guiding EU-Georgian relations for the next five years. The plan sets out steps that the Georgian government should take in numerous fields including the rule of law, democracy, economic and business development, trade, energy, and resolution of internal conflicts.

The United States continued to offer the Georgian government strong public support. President Saakashvili visited the United States in July and September. On the occasion of these visits, US President George Bush praised the Georgian government for its commitment to democracy and economic reform, and expressed support for Georgia's NATO membership aspirations.