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Georgia - Risk of persecution due to political opinion

In a section titled “Political Rights and Civil Liberties” the *Freedom House* 2009 annual report for Georgia states:

“Georgia is not an electoral democracy. While the elections following the 2003 Rose Revolution were considered improvements over previous polls, OSCE monitors found a number of problems with the 2008 presidential and parliamentary elections. These included the passage of electoral code changes just weeks before voting, the abuse of state resources, reports of intimidation aimed at public employees and opposition activists, biased coverage by privately owned media outlets, suspected voter-list inaccuracies, and flaws in the tabulation and complaint-adjudication processes...

Saakashvili’s National Movement has been the dominant party since the Rose Revolution. There are numerous opposition parties, which have formed a series of shifting alliances in recent years. The violent dispersal of demonstrators and state of emergency in November 2007 quashed the opposition’s first major effort to assert itself against Saakashvili, and the outcome of the flawed 2008 elections dealt opposition parties another blow. The defection of former Parliament speaker Nino Burjanadze and other Saakashvili allies to the opposition in 2008 set off a new round of reorganization, and the political landscape remained in flux at year’s end.”
(Freedom House (16 July 2009) *Freedom in the World – Georgia*)

This report continues:

“Georgia’s constitution provides guarantees for press freedom, and the print media, though limited in reach, feature a diversity of political opinions and perspectives. The state television and radio outlets were converted into public-service broadcasters in 2005. Critics assert that over time, Georgia’s public broadcasting has become more friendly to the authorities. The broadcast media reflect the quality of the country’s political debate, which is sorely lacking in thoughtful discussion of public policy, and private ownership is often nontransparent. During the November 2007 political turmoil, security forces raided the broadcast facility of a critical television station, Imedi, and shut down its operations. Saakashvili’s assertions that Imedi used its broadcasts to subvert the government were denied by U.S.-based News Corporation, which had recently acquired the outlet. Imedi briefly returned to the airwaves in December, but the station’s management soon shut it down again, citing pressure from the authorities. It resumed broadcasting in September 2008, having been purchased by a progovernment businessman. The authorities do not restrict access to the internet, but high-speed internet connections are prohibitively expensive for many citizens.” (Ibid)

In Section 3 "Respect for Political Rights: The Right of Citizens to Change Their Government", the *US Department of State 2008 Country Report on Human Rights Practices for Georgia* states:

"There were no government restrictions on political party formation beyond registration requirements; according to the Ministry of Justice's Registration and Licensing Department, there were 189 registered political parties, of which 179 were active. However, some members of the political opposition were subjected to beatings after the May 21 parliamentary elections. There were reports that politically active persons who were not members of the ruling party experienced problems such as selective prosecution for corruption. On July 15, Parliament passed an amendment to the election law that denied six opposition parties state funding based on their refusal to take their seats after the parliamentary elections. Some opposition political members stated they were being punished by the government for their failure to participate in the new Parliament. On December 30, Parliament restored political party funding to opposition parties and endowed a foundation that will provide funding to all political parties for research and training.

On July 8, the ECHR ruled there had been a violation of the Labor Party's right to stand for election under protocols of the European Convention on Human Rights in the 2004 parliamentary elections. The ECHR called for the government to award the Labor Party 1,043 euros (approximately \$1,460) for costs and damages. The court stated that the exclusion of two electoral districts, Kobuleti and Khulo, from the general election process in 2004 had failed to comply with a number of rule-of-law requisites and resulted in what was effectively a disfranchisement of a significant section of the population, about 60,000 voters. As of January 16, the Ministry of Finance claimed they had paid the Labor Party this judgment via electronic transfer.

At year's end the government had not determined the identity and the whereabouts of the persons who in 2005 severely beat Valeri Gelashvili, then an opposition member of Parliament. Opposition parties alleged that the authorities retaliated against Gelashvili's criticism of President Saakashvili and his family." (US Department of State (25 February 2009) *2008 Country Reports on Human Rights Practices - Georgia*)

An August 2009 *Civil Georgia* report states:

"A group of opposition parties called on the foreign diplomats in Georgia to react on the authorities' "continued political repressions" against the opposition activists and their family members.

"Despite its pledge and commitment undertaken before its people and the international community, the Georgian authorities still hold dozens of political prisoners. The authorities continue political repressions against the opposition parties' representatives," eleven opposition parties and one opposition public movement said in a joint statement on August 27.

The statement is joined by Conservative Party (leaders – Kakha Kukava and Zviad Dzidziguri); Democratic Movement–United Georgia (led by Nino

Burjanadze); Georgia's Way (led by Salome Zourabichvili); Party of People (led by Koba Davitashvili); Party of Women for Justice and Equality (Guguli Magradze); Traditionalists (Akaki Asatiani) and Alliance for Georgia, involving three parties – New Rights (led by Davit Gamkrelidze); Republican Party (led by Davit Usupashvili) and Our Georgia-Free Democratic (led by Irakli Alasania). The statement was also joined by opposition politician Levan Gachechiladze's public movement Defend Georgia." (Civil Georgia (27 August 2009) *Opposition Says Authorities Continue 'Repressions'*)

In a section titled "Local documentation of pressure on the political opposition" an *International Federation for Human Rights (FIDH)* report on political prisoners in Georgia states:

"In a public speech before parliament on 13 December 2008, Georgia's public defender denounced political persecution against the opposition. The public defender studied 14 cases of repression against opposition members after the May 2008 elections. In these cases, opposition members were physically attacked by masked men. According to the public defender's information, the link between the attack and the victims' political activism was made by the attackers themselves. In several cases, particularly that of Nona Sagareishvili, the attackers not only asked her to cease her political activities but also made no attempt to hide their affiliation with law-enforcement bodies (in this case, with Georgia's Ministry of Internal Affairs' operations department). As of December 2008, none of these cases had been investigated." (International Federation for Human Rights (FIDH) (7 August 2009) *After the rose, the thorns: political prisoners in post-revolutionary Georgia*, p.24)

An April 2009 report from the *International Federation for Human Rights (FIDH)* states:

"The International Federation for Human Rights (FIDH) and its member organisation Human Rights Center (HRIDC) express their concerns on the repeated acts of harassment and violence directed at peaceful demonstrators in the capital Tbilisi.

On April 9 2009, thousands of peaceful demonstrators from the opposition have started to gather in the capital Tbilisi, calling for the resignation of President Saakashvili. The protests are ongoing to this day.

According to information gathered by HRIDC, violent attacks on demonstrators have been occurring almost every day. Dozens of demonstrators have been attacked while on their way back home in the evening, by unknown assailants often wearing masks and armed with batons (e.g. the popular singer Z. Manjavidze was attacked on his way back home from the protest on April 15)." (International Federation for Human Rights (24 April 2009) *Georgia: Violent attacks on peaceful demonstrators in Tbilisi*)

A section of this report titled "International documentation of pressure on the political opposition" continues:

“The OSCE report on Georgia’s May 2008 parliamentary elections highlights, in the specific context of elections, repression of the opposition by the majority government party. Despite its official assessment, which states, “Overall, these elections clearly offered the people of Georgia an opportunity to choose their representatives from amongst a wide array of choices,” the OSCE stressed its deep concern about numerous violations committed by the authorities or the UNM against representatives of the opposition. Among the numerous documented violations, some clearly illustrate the growing trend of orchestrated repression of political opposition by Georgian authorities and the UNM. This is particularly true in cases involving direct pressure and physical attacks on opposition candidates and activists. The FIDH also underlines the fact that the OSCE’s electoral observation mission reported cases where authorities threatened arrest and bargained for release, directly linked to opposition activism. The OSCE IEOM has identified and documented the following violations of the opposition’s rights:

- Obstruction of opposition campaign events.
- Violations of the opposition’s right to campaign.
- Political pressure from the UNM on elections days.
- Pressure on opposition candidates and activists.
- Politically motivated arrests and bargaining for release.
- No distinction made between State and party campaign activities.
- Physical attacks on opposition activists.
- Absence of effective legal remedies for electoral-rule violations.
- Lack of judicial independence in dealing with opposition complaints.
- Biased press coverage.” (Ibid, pp.24-25)

Section VIII of an *Organization for Security and Co-operation in Europe* report on the May 2008 elections in Georgia titled “The Election Campaign” states:

“The elections took place in a highly polarized political environment. Opposition politicians expressed deep mistrust in the state authorities and in the election administration, as well as a lack of confidence in the electoral process overall. This mistrust was heightened by the events at the CEC on 21–22 April, which reinforced doubts among the opposition about the impartiality of the CEC. Two leading United Opposition politicians warned of rebellion in case the elections were not fair. The polarization and lack of trust, as well as widespread intimidation in many regions of the country, did not contribute to an environment conducive to a constructive campaign.

In general, all parties were able to campaign throughout the country. Nevertheless, there were several allegations of obstruction of opposition campaign events, including cases in Kakheti, Imereti and Adjara that were assessed as credible by the OSCE/ODIHR EOM. For example, prior to a scheduled meeting of the CDM at a sports ground in Kutaisi, two local officials threatened those attending that services provided by the local administration would be withdrawn from them. The officials further insisted that the CDM could not hold a rally in the sports ground built by the UNM government. In the end, the meeting was held outside the sports ground. According to reports received by the OSCE/ODIHR EOM, obstruction of opposition campaign activities was more prevalent in rural areas.” (Organization for Security and Co-operation in Europe (9 September 2008) *Georgia Parliamentary Elections*

Another section of this report refers to the alleged intimidation of opposition candidates as follows:

“The campaign was marred by widespread allegations of intimidation, among others of candidates, party activists and state employees. Among numerous specific allegations examined by the OSCE/ODIHR EOM, several were found to be credible. Such cases were reported particularly from Kakheti, parts of Mtskheta-Mtianeti, Shida Kartli, Imereti, Guria and Adjara. These included a number of verified cases of pressure on opposition supporters by local officials to desist from campaigning. Teachers in particular were subjected to such forms of pressure. There were a number of verified cases of threats by school principals and UNM officials to teachers that they would lose their jobs if they continued to work for opposition parties. For example, a teacher in Kakheti, who had switched her support from the UNM to the Republican Party, was warned by the school director that she would be dismissed if she did not remain with the UNM. The local UNM candidate offered to double her salary if she remained with the UNM.” (Ibid, p.12)

This section of the report continues:

“A United Opposition activist in Mtskheta-Mtianeti was told by his employer that he should organize 20 voters who would vote openly for the UNM, or else he would be dismissed. His mother, a school teacher, was warned by her school director that if her son did not cease his activities for the opposition, she would be dismissed. Finally, while he was distributing invitations to an opposition meeting, he was warned that he would face arrest if he continued his work for the opposition, and that he should cease those activities if he cared about his health. In some cases confirmed by the OSCE/ODIHR, opposition activists succumbed to pressure and discontinued their election activities. For example, a CDM member in Guria left the region following pressure on him and his family by members of the local authorities.

There were also allegations that people with relatives in pre-trial detention were told that they could secure their release if they collected pledges of votes for the UNM. A credible witness told the OSCE/ODIHR EOM how a UNM candidate in Tbilisi had told a woman that her arrested son would be released if she could deliver several hundred signed pledges to vote for the UNM. In Guria, a group of young men were taken to a police station and warned that they would face arrest unless they obtained pledges of support for the UNM.

An audio recording that appeared to show the UNM majoritarian candidate in Tsageri threatening state officials with dismissal if they did not secure 80 per cent support for the UNM was presented by the United Opposition. The opposition claimed such pressure on public-sector employees was widespread. The candidate withdrew from the elections. President Saakashvili reacted strongly, warning against illegal practices. The Interior Ministry warned its officers to restrict themselves to ensuring a secure campaign environment.

The distinction between state and party was frequently blurred.” (Ibid, pp.12-13)

This section of the report also states:

“The post-election environment was marred by a series of violent attacks by unknown assailants on opposition activists, which took place daily between 29 May and 2 June. The United Opposition listed 13 cases of attacks during this period, and the Public Defender issued a statement condemning the attacks. Many of these victims were involved in taking legal action against alleged cases of election-related irregularities. Some opposition leaders accused the authorities and the ruling party of responsibility for the attacks. The OSCE/ODIHR EOM visited seven of the opposition activists concerned, and confirmed that six of them had been beaten (the seventh had been hit by a car). In one severe case, a United Opposition candidate’s leg was broken by unknown attackers, after his car was first forced to stop.

Two of the cases followed up by the OSCE/ODIHR EOM concerned opposition figures who had been PEC members or party observers, and had made allegations of ballot stuffing. In both these cases, one of which concerned a young woman who suffered a dislocated shoulder and a broken finger, the persons in question reported receiving repeated threats before the attacks took place.” (Ibid, p. 13)

An August 2009 *EurasiaNet* article reports:

“Less than one month after Georgian President Mikheil Saakashvili pledged to step up democratic reforms, human and civil rights monitors state that a disturbing pattern of arrests, beatings and kidnappings involving opposition members and supporters has developed in Georgia over the past four months. The Georgian Public Defender's Office, which monitors human rights practices, reports that it has documented 34 physical attacks against opposition party members and political activists and 15 arrests of such individuals since April, when opposition street protests began in Tbilisi. The demonstrations ended by late July.

Sophio Benashvili, head of the Public Defender's Office's Division for Freedom and Equality, said that while it is "very hard" to prove that an arrest is politically motivated, striking similarities in the 15 arrests have caused the Public Defender's Office to "suspect that something is not right" with the cases.

"Simply, the number of people who have been arrested and the motif of all the charges are identical -- either narcotics or firearms," Benashvili said. "The time period when they are arrested is a very short period, from April to June, and they are all members of the parties who were very active" in the protests. " (EurasiaNet (13 August 2009) *Georgia: Opposition Arrests, Beatings Spark Fresh Controversy*)

An August 2009 *Radio Free Europe Radio Liberty* report states:

“An activist for Georgian opposition leader Nino Burjanadze's Democratic Movement-United Georgia is in hospital after being badly beaten, RFE/RL's Georgian Service reports.

Amiran Bitsadze, a two-time karate world champion, has multiple fractures and head injuries after he was beaten and shot with rubber bullets by masked men.

Bitsadze and a friend were driving east of Tbilisi when about 10 people in vehicles blocked the road and forced them out of their car.

Bitsadze's friend was beaten and left on the side of the road, while Bitsadze was abducted by the attackers and found a few hours later.

Bitsadze told RFE/RL from the hospital that his abductors used electric shocks, batons, and rubber bullets on him.

Bitsadze said they told him that he "used to beat up people at the [protest] rallies." He said he never "touched anyone" and always tried to stop police from beating people.

Bitsadze, a close relative of Burjanadze's husband Badri Bitsadze, is convinced the attack was political.

Burjanadze served as parliament speaker from 2001-08 and is now a leading opposition figure.” (Radio Free Europe Radio Liberty (4 August 2009) *Georgian Opposition Activists Abducted, Beaten*)

A May 2009 *Human Rights Watch* report states:

“The Georgian government should not abandon its obligations to protect human rights in its negotiations with the political opposition, Human Rights Watch said today.

Georgia's political opposition has held continuous demonstrations in Tbilisi since April 9, 2009, calling for President Mikheil Saakashvili to resign. Human Rights Watch has documented a pattern of attacks on opposition demonstrators and concluded that the attacks appeared to be a concerted effort to intimidate the demonstrators and prevent them from exercising their right to freedom of assembly.” (Human Rights Watch (11 May 2009) *Georgia: Justice is not Negotiable*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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