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I am very thankful to the Tom Lantos Human Rights Commission for convening this very important hearing. I feel humbled by the opportunity to be able to present about the human rights in Georgia at his commission. This occasion has symbolic significance for me for two main reasons. First, in March 2007, when I met with Chairman Lantos here in the US Congress to discuss human rights in Georgia, I would not have imagined that one day I would appear before the Commission bearing his name. Second, I find myself in a unique position of being interlocked between two homelands. Georgia, the country where I was born, gave me warmth, courage, values, and aspirations. The United States received me with open arms when I was a 16 year old adolescent, and generously provided recourses, security, and guidance that was indispensable for the fruition of my aspirations.

Today, I appear before this commission to inform the American populace about the human rights situation in Georgia, which they have been strongly and continuously supporting, both emotionally and practically . As many of you are aware, the country is facing a moment of great importance. This moment, if grasped adequately, could turn into the heyday of historic transformation and of paradigmatic change. I am referring specifically to the parliamentary elections of October 1st. On that day, the Georgian people will head to the election polls and will make their choice. This is the opportunity for Georgians to break away from and put to the rest the history of power usurpation.

Nevertheless, unfortunately, today I stand in front of you to express my concern over the protection of human rights in Georgia. As we are approaching elections, my remarks concentrate on violations of rights most closely associated with the fairness of electoral process. This does not mean that other rights are guaranteed and enforced in Georgia. Georgian human rights organizations and the Georgian Public Defender have been active in publicizing information about the aggravating human rights situation in the country.

Today, I will emphasize violations with respect to four groups of rights: freedom of expression, including the freedom of speech and association; the right to vote, specifically in relation to emigrant population; the right to a fair trial; and the prohibition of arbitrary arrest and detention.

Let me start with describing the overall climate with regard to freedom of expression.

Georgia is characterized by tight government control over media resources, low levels of diversity, and the lack of guarantee of inviolability of freedom of expression. For instance, Reporters without Borders, an organization concerned with freedom of expression worldwide, indicates that press freedom in Georgia decreased in 2010 relative to previous years. Press Freedom Index for 2011 ranks Georgia 104 out of 174 countries worldwide. Similarly, Human Rights Watch reported in its annual World Report 2011 that the state interfered with the right of association and assembly, as well as “attacked and harassed journalists and opposition newspapers.”

The lack of the right to freely engage in association with others and express personal views is of particular concern in this election season. Opposition activists and media entities have well documented incidents when individuals who expressed critical opinion of the government were harassed, arrested and silenced. These activities occur, in particular, when opposition leaders and representatives conduct meetings in the regions. The assault on the populations in villages of Mereti and Karaleti where opposition meetings were held in July 2012, where many individuals, including journalists, were physically injured, are examples of this trend. The assaults usually take place by people in plainclothes, although the continued and organized characters of these assaults, as well as law enforcement’s apathy to prosecuting the offenders lead to the conclusion that the attacks are orchestrated. In any event, there is an overall responsibility of the government to investigate these instances and to duly punish the perpetrators.

Newspaper Liberali reports that even yesterday, September 10, unidentified persons attacked a family in the village of Tbilistkaro and tried to intimidate family members. The day before the family attended a public demonstration organized by the opposition group of Georgian dream. Similar events take place in Georgia almost every day, especially when the opposition party attempts to organize in the regions. Activists are attacked, harassed, and undergo surveillance of their activities and movement. I personally believe that there is an abundance of evidence that the attacks are instigated and supported by the Georgian government. However, the least that we can speak of confidently is the culpability of the government in fostering the impunity of attackers. Whether or not the attackers act in private capacity, these acts are not investigated and the culprits are not punished.

Young Lawyers’ Association has demonstrated with ample evidence in their report on Criminal and Administrative Cases with Political Motive, 2011, that individuals who actively take part in politics or merely express critical opinion are subject to

persecution and prosecution. Ombudsman of Georgia has expressed similar concerns numerous times in his reports.

Journalists are being harassed for their professional activity. Georgian journalists, who work for TV channels, allegedly affiliated with the opposition, including TV Maestro and TV Channel 9, are being besieged by unknown individuals. They are being confronted publicly, harassed, and followed. Although there have been many complaints, the government representatives maintain that these are acts committed by private citizens. Nevertheless, if this is true, the Georgian government is obliged to prosecute these private actors and charge them with “hindrance of journalistic activity” - a crime under the Georgian Criminal Code. Georgian law enforcement has previously prosecuted a number of persons under this charge. Thus this is a matter of political will to guarantee the freedom of expression of media critical of the government.

Moreover, media concentration and transparency of media ownership remains a problem. Television remains the main source of information and news for the population of 4.5 million Georgians. The Georgian Parliament recently passed a number of amendments to the law on broadcasting on April 8, 2011 in response to some of the criticisms voiced in relation to governmental control of media entities. New provisions established novel reporting requirements for private broadcasting companies. However, the information about ownership does not lead to the absence of government influence. On the contrary, the information provided exacerbates suspicions about government influence on major television channels.

NDI polls of March 2012 indicate that individuals polled receive their information from two channels, Imedi TV and Rustavi 2. These two channels are closely affiliated with the government. For instance, Imedi TV’s records indicate that a close and long-time ally of the ruling National-Movement Party, George Arveladze, owns 45 percent of its shares. Prior to becoming the head of the company, he was the Minister of Economic Development, the Chief of Staff to President Saakashvili, and a Member of Parliament of Georgia. Furthermore, the current owner of ten percent of the shares of channels Rustavi 2 and Mze, Giorgi Gegeshidze, is also a business partner with Irakli Chikovani, the Chair of the Communications Commission (the highest regulatory body for communications).

Lastly, Georgian law does not expressly prohibit individuals from owning shares in a number of media entities. Respectively, 90 percent and ten percent of Rustavi 2 and Mze shares are owned by the same persons, Levan Karamanashvili and Giorgi Gegeshidze. To limit the possibility of overwhelming influence on public opinion, the Parliament needs to adopt a specific legal amendment to forbid the possibility of media concentration.

With regard to the availability of information, the immediate policy step should be to guarantee that the principle of “must carry” remains in force even after the elections are over. It is illusory to think that Georgian regions do not necessitate access to the same diversity of information after the elections. On the contrary, deliberation and debate on the future of Georgia will take place on October 2. We will learn of election results and will start discussing the course that the country shall take. People in Georgian regions have an undeniable right to be aware of and part of these national debates.

I would also like to raise awareness of the violations of the freedom to vote. Freedom to vote includes the possibility to abstain from voting for a particular party and to remain free from pressure to vote for a specific political organization. This freedom is being violated in Georgia almost on daily basis, as workers, both of government and private agencies, report pressure to go to election polls and to vote for the National Movement. Individuals at government offices, construction companies, schools, and banks report being threatened and pressured to vote for the ruling party. Those who verbally express disapproval of NM politics, are outright dismissed. Residents report being questioned by district policemen during routine visits to residential buildings about their political views and their plans for voting. Family members of prison inmates report threats to the life and physical security of their relatives in prison if they do not guarantee that the whole family will vote for the ruling party. Family members of thousands of people on probation indicate similar pressures as well. In sum, currently, the freedom to vote in Georgia is severely curtailed. As a result, the free spirit of elections is increasingly contaminated.

As you may be aware and as it is being underlined by major international organizations, including the UNHCR and the IOM, emigration is a major problem for Georgia. Georgian government continues to violate the requirement of Georgian laws by a failure to conduct a recent census of its population. Nevertheless, through international organizations we are aware that approximately 1 million of Georgian citizens reside abroad. Many of them reside here in the United States, toiling in the streets and homes in New York, New Jersey, California, and elsewhere. Many of these persons are illegal immigrants, who maintain their Georgian citizenship, yet have overstayed their visas. Recently, the right to vote was indirectly taken away from Georgian citizens residing abroad. The Georgian Ministry of Foreign Affairs adopted a decree this past spring, mandating that individuals willing to vote in the election polls in Georgian consulates abroad should reveal the legal basis of their stay. The decree caused major discontent of Georgian immigrants and immigrant organizations, as many immigrants will abstain from going to the polls due to their fear of revealing their illegal status and the possibility of deportation.

Furthermore, this year the Georgian government took an unprecedented step for Georgia and designated elections on Monday. In Georgia, the Parliament announced October 1st to be a holiday. To say the least, this step expresses major insensitivity to the political will of hundreds of thousands of Georgian citizens who work outside of Georgia. In fact, this step will indirectly prohibit most of them from attending election polls on October 1st.

Last, but certainly not the least, the issue of arbitrary arrests, unlawful detention and lack of fair trials remains a major problem. Although Georgia recently moved to a new Criminal Procedure Code, the guarantees that are enshrined in the constitution and subsequent legislation remain unenforced. Arrest and detention on political premises is of particular concern. Individuals who choose to participate in political activities or merely express negative opinion about the government are targeted. The political motives behind the arrests and detention are evident in the disregard of procedural rights of the defendants. Charges have been raised on the illegal possession of firearms, or drugs. Reports and statements by the Public Defender of Georgia, as well as Georgian human rights organizations, such as the Human Rights Center and the Georgian Young Lawyers' Association are rife with facts such as these.

Moreover, Georgian law enforcement uses a familiar tactic of intimidation. Attempting to avoid criticism from international organizations and foreign governments, Georgian law enforcement does not arrest high profile government critics and opposition leaders. Yet, it is their family members, close friends, and relatives who are targeted. Once in prison, these persons serve as "hostages," whose physical well-being is used as a means to silence government critics. In relation to this, one should note the alarming rise of the Georgian prison population and the increasing number of persons under probation.

Unfortunately, jury trials, adopted recently have not remedied the problem. This issue should be of particular concern to American constituencies, as jury trial reform was implemented with active support by the US taxpayers and American organizations. So far there have been only two jury trials. The trials have failed the international standards for fairness of trials. The main witness in the first case, a prisoner, served as a defendant in the second criminal case. Additionally, all the main witnesses in the second case were prisoners currently serving their sentences in prison. As we know from international human rights law, the free will of prisoners, subject to direct physical control of the law enforcement, is curbed. Moreover, Georgian and international human rights organizations have documented the severity of human rights violations in Georgian prisons. The fact that both cases are closely intertwined, and that they heavily relied on testimonies of individuals in custody undermine the credibility and legitimacy of these trials.

Lastly, all of these trends are particularly worrisome when we take into account the fact that we are soon facing major elections. Many persons are concerned about their physical security and well-being, especially if they have expressed their sympathies for the opposition openly, or even indirectly. This fear causes the opposition supporters to hope only for a victory. Election victory, in their view, is the only way to avoid retribution by the government. They fear that only mass mobilization can prevent a major crackdown and reprisals by government agents on those who have been critical. Videos of large scale aggressive trainings of SWAT teams in Western Georgia recently disseminated through social networks exacerbate these fears. The memory of the brutal crackdown on the peaceful protest on May 26, 2011, as a result of which three persons died and many were severely injured, is still fresh. Moreover, the Georgian President's recent statements, asserting that the National Movement is not ready to relinquish power, foster these concerns. In order to prevent further destabilization, Georgian leadership and its President should make at least an unequivocal, clear, and repeated promise in front of its domestic and international audiences that the freedom of expression through voting and other peaceful means on October 1st and its aftermath shall be guaranteed.