



Australian Government
Refugee Review Tribunal

Country Advice

Georgia

Georgia – GEO35862 – Georgia Labour
Party – Employment – Electoral
Commission – Electoral fraud – Internal
relocation

22 December 2009

1 Please provide information regarding the current treatment of Georgia Labour Party (GLP) members – both high profile and ordinary members. Are they targeted by the authorities/national government for persecution?

Limited information on the treatment of GLP members by the government was found among the sources consulted. However, a number of sources indicate that ‘opposition activists’ more generally have been attacked and detained on various occasions.

Attacks on opposition activists

The Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights Election Observation Mission report on Georgia’s 21 May 2008 elections identifies “widespread allegations of intimidation...of candidates, party activists and state employees” during the election campaign, several of which were deemed credible. Such intimidation included “pressure on opposition supporters by local officials to desist from campaigning”. It is also reported that “[t]he 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”.¹

The US Department of State human rights report on Georgia released in February 2009 similarly explains that “[u]nknown assailants attacked members of the political opposition before and after the January 5 presidential and May 18 parliamentary elections...[and that] [u]nknown assailants also physically assaulted opposition figures at other times during the year”. In addition, the report highlights problems experienced by “politically active persons who were not members of the ruling party”, including “selective prosecution for corruption”.²

An article from *Eurasia Insight* dated 13 August 2009 identifies “a disturbing pattern of arrests, beatings and kidnappings involving opposition members and supporters [which] has developed in Georgia over the past four months”. The article cites a report by “[t]he Georgian Public Defender’s Office, which monitors human rights practices”, which documents “34 physical attacks against opposition party members and political activists

¹ Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) 2008, ‘Georgia Parliamentary Elections 21 May 2008: OSCE/ODIHR Election Observation Mission Final Report’, European Country of Origin Information Network (ECOI) website, 9 September, pp. 12-13 http://www.ecoi.net/file_upload/1226_1221224961_32898-en.pdf – Accessed 7 December 2009 – Attachment 1

² US Department of State 2009, *Country Reports on Human Rights Practices for 2008: Georgia*, 25 February, Introduction, Sections 2b, 3 – Attachment 2

and 15 arrests of such individuals since April, when opposition street protests began in Tbilisi”.³

An article by the International Federation for Human Rights dated 24 April 2009 also describes “repeated acts of harassment and violence directed at peaceful demonstrators in the capital Tbilisi”:

According to information gathered by HRIDC [Human Rights Center], violent attacks on demonstrators have been occurring almost every day...All attacks seem to follow the same pattern, to target specifically figures from the opposition and/or activists taking part in the protest. Testimonies point to the lack of reaction from the police, who in some cases stands accused of turning a blind eye to the attacks.⁴

Amnesty International’s 2009 report on Georgia similarly explains that “[a] number of opposition members and activists were assaulted by unknown, in some cases masked, men in late May and early June”, although the victims were mainly members of the Republican and New Rights parties.⁵

An International Crisis Group report dated 19 December 2007 also identifies the continued targeting of opposition activists, including the arrest of some protestors involved in the November 2007 street protests in Tbilisi.⁶

In addition, Freedom House’s annual report on Georgia released in July 2009 states that:

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.⁷

Political prisoners

A report by the International Federation for Human Rights in August 2009 describes the political situation in Georgia, and provides some information on allegations of political harassment and the existence of political prisoners. In particular, the report describes the imprisonment of “the Labour party’s Archil Benidze, [who] was released in late February 2009 with no specific conditions”. The report also cites a publication by Georgia’s human rights ombudsman (known as the ‘public defender’), which describes “Georgia’s political persecution problems, including imprisonment for political

³ Corso, M. 2009, ‘Georgia: Opposition Arrests, Beatings Spark Fresh Controversy’, *Eurasia Insight*, 13 August <http://www.eurasianet.org/departments/insightb/articles/eav081309a.shtml> - Accessed 18 December 2009 – Attachment 3

⁴ International Federation for Human Rights 2009, ‘Georgia: Violent attacks on peaceful demonstrators in Tbilisi’, UNHCR Refworld website, 24 April <http://www.unhcr.org/refworld/country,...GEO.,4a2cd0cfc.0.html> – Accessed 21 December 2009 – Attachment 4

⁵ Amnesty International 2009, ‘Amnesty International Report 2009 – Georgia’, 28 May – Attachment 5

⁶ International Crisis Group 2007, ‘Georgia: Sliding Towards Authoritarianism?’, Europe Report N°189, 19 December, p. i – Attachment 6

⁷ Freedom House 2009, ‘Freedom in the World 2009 – Georgia’, UNHCR Refworld website, 16 July <http://www.unhcr.org/refworld/country,...GEO.,4a6452b7c.0.html> – Accessed 21 December 2009 – Attachment

reasons” and identifies “14 cases of repression against opposition members after the May 2008 elections”.⁸

An article dated 30 October 2009 from the Institute for War and Peace Reporting highlights claims made by “David Usupashvili, leader of the Republican Party and one of the heads of the opposition Alliance for Georgia”, who argues that “the authorities [commonly] plant illegal substances or weapons on activists they wished to detain”:

“For example, nine Republican Party activists were detained not long ago and accused of possession of narcotics. Five of them were imprisoned, with the highest sentence six years, and the rest were fined,” he said.

“There are other forms of pressure. We wanted to hold a meeting in Signagi [in eastern Georgia]. Three days earlier, police officers came to the houses of a few members of the party and announced that they were looking for weapons. They weren’t really looking for anything, they just looked at everything and left. It was attempted intimidation.”

He also accused the government of intimidating state employees who support the opposition, by trying to force them to follow Saakashvili’s line.

The article continues with allegations from the International Federation for Human Rights that the Georgian authorities are holding political prisoners:

This summer, the International Federation for Human Rights, FIDH, accused the Georgian authorities of holding political prisoners and demanded their release.

International organisations have not accused the country of holding such people – unlike neighbouring Armenia and Azerbaijan – but FIDH investigators came to their conclusions after meeting the families of inmates and their lawyers, and studying court documents.

“These cases mainly demonstrate how some political opponents, funders of the political opposition and influential individuals linked to the opposition are arrested and detained after being sentenced in totally – or partially – fabricated judicial cases,” FIDH said.⁹

An article dated 23 October 2009 expands on the above claims by the International Federation for Human Rights that Georgia is holding political prisoners, and that members of opposition parties have been subject to fabricated trials due to protests:

Georgian human rights groups are becoming increasingly concerned about the number of opposition figures being prosecuted in the country, despite government denials that they are political prisoners.

They say the number of political prisoners rose sharply following months of protests earlier this year against President Mikhail Saakashvili, who rejected protesters’ demands that he resign.

⁸ International Federation for Human Rights 2009, ‘After the Rose, the Thorns: Political Prisoners in Post-revolutionary Georgia’, UNHCR Refworld website, August, pp. 22, 24

<http://www.unhcr.org/refworld/country.COI...GEO..4a83c44d0.0.html> – Accessed 16 December 2009 – Attachment 8

⁹ Topuria, T. 2009, ‘Georgian Street Protesters Ponder Next Move’, Institute for War and Peace Reporting, UNHCR Refworld website, 30 October <http://www.unhcr.org/refworld/country.COI...GEO..4af7de541e.0.html> – Accessed 16 December 2009 – Attachment 9

The groups won support from the International Federation for Human Rights, FIDH, which in a report in August concluded that the Georgian authorities are holding political prisoners and demanded their release.

Georgian officials strongly deny the existence of political prisoners, and international organisations have not accused the country of holding such people – unlike neighbouring Armenia and Azerbaijan – but FIDH investigators came to their conclusions after meeting the families of inmates, their lawyers, and studying court documents.

“These cases mainly demonstrate how some political opponents, funders of the political opposition and influential individuals linked to the opposition are arrested and detained after being sentenced in totally – or partially – fabricated judicial cases,” FIDH said.

“The most frequently used charges involve illegal storage of weapons or drugs, extortion, and attempting to overthrow the government.”¹⁰

A report on the risk of persecution in Georgia based on political opinion published by the Ireland Refugee Documentation Centre in September 2009 also cites a number of the sources outlined above.¹¹

2 Are GLP members denied employment or sacked from jobs because of their political opinion (now or in the past)?

A statement by Sozar Subari, the public defender of Georgia (Georgia’s human rights ombudsman), published on the *Civil Georgia* website on 26 September 2008, claims that:

A person is doomed to loose [sic] job, to become a target physical violence or even more severe punishment, if his thought does not coincide with those of the authorities. This practice is equally distributed to state officials, as well as to those working in the private sector.¹²

The Office for Democratic Institutions and Human Rights (OSCE) final report on Georgia’s 21 May 2008 elections identifies a number of threats made to teachers “by school principals and UNM officials...that they would lose their jobs if they continued to work for opposition parties”. In addition, the report describes evidence in the form of an audio recording that allegedly showed “the UNM majoritarian candidate in Tsageri threatening state officials with dismissal if they did not secure 80 per cent support for the UNM...The opposition claimed such pressure on public-sector employees was widespread”.¹³

¹⁰ Topuria, T. 2009, ‘Georgia Accused of Holding Political Prisoners’, Institute for War and Peace Reporting, UNHCR Refworld website, 23 October <http://www.unhcr.org/refworld/country.COI...GEO..4ae845251a.0.html> – Accessed 16 December 2009 – Attachment 10

¹¹ Ireland Refugee Documentation Centre 2009, ‘Georgia: Risk of persecution due to political opinion’, UNHCR Refworld website, 8 September <http://www.unhcr.org/refworld/country.COI...GEO..4ab1e5cb0.0.html> – Accessed 16 December 2009 – Attachment 11

¹² Subari, S. 2008, ‘Unity in the name of Freedom and Justice’, *Civil Georgia*, 26 September <http://www.civil.ge/eng/article.php?id=19614&search=georgia%20labor%20party%20member%20employment> – Accessed 17 December 2009 – Attachment 12

¹³ Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) 2008, ‘Georgia Parliamentary Elections 21 May 2008: OSCE/ODIHR Election Observation Mission Final Report’, European Country of Origin Information Network (ECOI) website, 9 September, pp. 12-13 http://www.ecoi.net/file_upload/1226_1221224961_32898-en.pdf – Accessed 7 December 2009 – Attachment 1

Although not specifically mentioning members of the GLP, a 2007 Transparency International Georgia report on the election campaigns conducted prior to the May 2008 elections states that “opposition activists are being intimidated in a number of cities, communities, and villages. This intimidation takes two forms: (1) law enforcement bodies are identifying people who in different ways participated in organizing the November demonstrations and certain measures are taken against them, like administrative fines or detention...or (2) active supporters of the opposition are threatened physically or with dismissal from their jobs”.¹⁴

3 Please provide information regarding whether the decision of the European Court of Human Rights in July 2008 resulted in the government targeting GLP members.

No information could be found among the sources consulted regarding the impact of the European Court of Human Rights (ECHR) decision made in July 2008.

The details of the court decision can be found in the following sources.^{15 16}

The US Department of State human rights report on Georgia released in 2009 explains that:

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.¹⁷

4 Are members of the Electoral Commission (particularly at district level) at risk of harm from the government if they report election fraud or irregularities?

The OSCE/ODIHR Election Observation Mission report on the 21 May 2008 elections in Georgia cited above outlines the three tiers of the election administration – “the Central Election Commission (CEC); 76 District Election Commissions (DECs); and over 3,500 Precinct Election Commissions (PECs)”. While it is argued that the CEC “generally operated in a transparent manner”, at the district level, some opposition party members “were at times excluded from the DECs’ activities”; and at the precinct level, opposition party members were under-represented in high level positions:

¹⁴ Transparency International Georgia 2007, ‘Monitoring the Use of Administrative Resources for Election Campaign: Preliminary Report’, 5 December, p. 12

http://www.transparency.ge/files/210_368_564307_Preliminary%20report-December%205.pdf – Accessed 17 December 2009 – Attachment 13

¹⁵ Council of Europe 2008, ‘THE GEORGIAN LABOUR PARTY v. Georgia Appl N° : 9103/04’, 8 October – Attachment 14

¹⁶ European Court of Human Rights (ECHR) 2008, ‘THE GEORGIAN LABOUR PARTY v. GEORGIA- Press release issued by the Registrar’, 8 July – Attachment 15

¹⁷ US Department of State 2009, *Country Reports on Human Rights Practices for 2008: Georgia*, 25 February, Section 3 – Attachment 2

The OSCE/ODIHR EOM heard a number of allegations that party-appointed PEC members were intimidated and pressured to resign. Around 25 such claims were examined by the OSCE/ODIHR EOM and found to be credible. This trend also persisted on election day, when IEOM observers reported 15 cases of intimidation of PEC members and proxies; in 4 per cent of observations of the vote count, observers or PEC members were expelled from polling stations.

...Opposition-appointed DEC members complained to the OSCE/ODIHR EOM that they were not always given access to all relevant documentation and were not always informed about when DEC sessions were to be held. OSCE/ODIHR LTOs have confirmed this information.

In Kakheti, there were cases of PEC members being intimidated or pressured to resign. In Shida Kartli, a PEC member was told to “close her eyes” if she saw any violations or fraud on election day. In Imereti, a teacher who was a PEC member was threatened that she would lose her job if she continued her political activities.

...Two of the [post-election] cases [of violent attacks on opposition activists] 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.

...There were cases of...opposition-appointed DEC members being hindered from viewing complaints.¹⁸

A report by the Human Rights Centre in Georgia in June 2008 on the 21 May 2008 elections outlines the detention of a Republican Party member and member of the Bodbiskhevi District Election Commission:

Zaza Khatiashvili, single mandate candidate from Republic Party in Signaghi District...stated that he intends to appeal to the European Court of Human Rights in Strasbourg against the detention of Besik Khatiashvili, member of the Bodbiskhevi District Election Commission and member of the Republican Party.

Reportedly, Signaghi police arrested Khatiashvili based on request of Tamila Dzmanashvili, the head of District Sport Department for yet a second time. Dzmanashvili then blamed him for verbally insulting her and as she wrote in her statement to police that Besik Khatiashvili demanded document on his dismissal and he had insulted her.

...Khataishvili stated that the reason for his dismissal was his membership in Republic Party.

...The attorney [Tengiz Bezhashvili] added that local authority and National Movement terrorize supporters of the Republican Party.

In addition, the report claims that “[i]n Abasha, district no. 63, observers received a complaint regarding intimidation of a member of the DEC. Julieta Lomaia, DEC member for the United Opposition...in that district. Ms Lomaia stated that she had received a number of threatening phone calls, which were intended to intimidate her”. The report also describes a number of

¹⁸ Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) 2008, ‘Georgia Parliamentary Elections 21 May 2008: OSCE/ODIHR Election Observation Mission Final Report’, European Country of Origin Information Network (ECOI) website, 9 September, pp. 1-2, 8, 13, 28 http://www.ecoi.net/file_upload/1226_1221224961_32898-en.pdf - Accessed 7 December 2009 – Attachment 1

cases where Precinct Election Commissions members were forced to resign after reporting election violations.¹⁹

5 Would relocation be possible and reasonable for people active in politics in Tbilisi?

No specific information regarding the possibility of relocation within Georgia following political activism in Tbilisi was found among the sources consulted.

A UK Home Office report on Georgia dated 4 December 2006 explains that for applicants who claim ill treatment by the state authorities in Georgia, “relocation to a different area of the country to escape this threat is not feasible”.²⁰

The Transparency International report cited earlier indicates that “opposition activists are being intimidated in a number of cities, communities, and villages... (this is happening in Tbilisi, Batumi, Kaspi, Gori, Kareli, Telavi, Gurjaani, Kutaisi, Kharagauli, Ozurgeti, Chokhatauri, Ambrolauri, Tsageri, and Oni)”.²¹

In addition, the OSCE/ODIHR Election Observation Mission Final Report cited earlier notes “a lack of transparency in several DEC’s, in particular in Dusheti, Bolnisi, Tsalka, Marneuli, Zugdidi, Senaki, Khobi, Poti, Keda, and Khelvachauri”;²² while the Human Rights Centre report cited above notes that “[p]ersonnel changes were carried out in several regions of Georgia, and it is mostly reflective of those commission members who paid the least attention to the violations observed during the elections”.²³

Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office

US Department of State

Organization for Security and Cooperation in Europe (OSCE)

Non-Government Organisations

The Organization for Security and Co-operation in Europe <http://www.osce.org/>

European Country of Origin Information Network <http://www.ecoi.net/>

¹⁹ Human Rights Centre (HRIDC) 2008, ‘Georgia’s Parliamentary Elections – Unprecedented Brutality and Election Fraud Monitoring of Elections of May 21, 2008’, European Country of Origin Information Network website, June, pp. 21-23, 31 http://www.ecoi.net/file_upload/470_1213876076_hridc-election-report.pdf - Accessed 17 December 2009 – Attachment 16

²⁰ UK Home Office 2006, *Operational Guidance Note – Georgia*, 4 December – Attachment 17

²¹ Transparency International Georgia 2007, ‘Monitoring the Use of Administrative Resources for Election Campaign: Preliminary Report’, 5 December, p. 12 http://www.transparency.ge/files/210_368_564307_Preliminary%20report-December%2005.pdf – Accessed 17 December 2009 – Attachment 13

²² Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) 2008, ‘Georgia Parliamentary Elections 21 May 2008: OSCE/ODIHR Election Observation Mission Final Report’, European Country of Origin Information Network (ECOIN) website, 9 September, p. 8 http://www.ecoi.net/file_upload/1226_1221224961_32898-en.pdf - Accessed 7 December 2009 – Attachment 1

²³ Human Rights Centre (HRIDC) 2008, ‘Georgia’s Parliamentary Elections – Unprecedented Brutality and Election Fraud Monitoring of Elections of May 21, 2008’, European Country of Origin Information Network website, June, p. 22 http://www.ecoi.net/file_upload/470_1213876076_hridc-election-report.pdf - Accessed 17 December 2009 – Attachment 16

Transparency International Georgia <http://www.transparency.ge/>
Human Rights Watch <http://www.hrw.org/>
Human Security Gateway <http://www.humansecuritygateway.com/>
International Crisis Group <http://www.crisisgroup.org/>
Amnesty International <http://www.amnesty.org/>
Freedom House <http://www.freedomhouse.org/>

United Nations

ReliefWeb www.reliefweb.int/
UNHCR Refworld <http://www.refworld.org/>

International News & Politics

The Economist <http://www.economist.com/>

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BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
MRT-RRT Library Catalogue

List of Attachments

1. Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) 2008, 'Georgia Parliamentary Elections 21 May 2008: OSCE/ODIHR Election Observation Mission Final Report', European Country of Origin Information Network (ECOI) website, 9 September
http://www.ecoi.net/file_upload/1226_1221224961_32898-en.pdf – Accessed 7 December 2009.
2. US Department of State 2009, *Country Reports on Human Rights Practices for 2008: Georgia*, 25 February.
3. Corso, M. 2009, 'Georgia: Opposition Arrests, Beatings Spark Fresh Controversy', *Eurasia Insight*, 13 August
<http://www.eurasianet.org/departments/insightb/articles/eav081309a.shtml> - Accessed 18 December 2009.
4. International Federation for Human Rights 2009, 'Georgia: Violent attacks on peaceful demonstrators in Tbilisi', UNHCR Refworld website, 24 April
<http://www.unhcr.org/refworld/country,...GEO.,4a2cd0cfc,0.html> – Accessed 21 December 2009.
5. Amnesty International 2009, 'Amnesty International Report 2009 – Georgia', 28 May.

6. International Crisis Group 2007, 'Georgia: Sliding Towards Authoritarianism?', Europe Report N°189, 19 December.
7. Freedom House 2009, 'Freedom in the World 2009 – Georgia', UNHCR Refworld website, 16 July <http://www.unhcr.org/refworld/country,,,GEO,,4a6452b7c,0.html> – Accessed 21 December 2009.
8. International Federation for Human Rights 2009, 'After the Rose, the Thorns: Political Prisoners in Post-revolutionary Georgia', UNHCR Refworld website, August <http://www.unhcr.org/refworld/country,COI,,GEO,,4a83c44d0,0.html> – Accessed 16 December 2009.
9. Topuria, T. 2009, 'Georgian Street Protesters Ponder Next Move', Institute for War and Peace Reporting, UNHCR Refworld website, 30 October <http://www.unhcr.org/refworld/country,COI,,GEO,,4af7de541e,0.html> – Accessed 16 December 2009.
10. Topuria, T. 2009, 'Georgia Accused of Holding Political Prisoners', Institute for War and Peace Reporting, UNHCR Refworld website, 23 October <http://www.unhcr.org/refworld/country,COI,,GEO,,4ae845251a,0.html> – Accessed 16 December 2009.
11. Ireland Refugee Documentation Centre 2009, 'Georgia: Risk of persecution due to political opinion', UNHCR Refworld website, 8 September <http://www.unhcr.org/refworld/country,COI,,GEO,,4ab1e5cb0,0.html> – Accessed 16 December 2009.
12. Subari, S. 2008, 'Unity in the name of Freedom and Justice', *Civil Georgia*, 26 September <http://www.civil.ge/eng/article.php?id=19614&search=georgia%20labor%20party%20member%20employment> – Accessed 17 December 2009.
13. Transparency International Georgia 2007, 'Monitoring the Use of Administrative Resources for Election Campaign: Preliminary Report', 5 December http://www.transparency.ge/files/210_368_564307_Preliminary%20report-December%205.pdf – Accessed 17 December 2009.
14. Council of Europe 2008, 'THE GEORGIAN LABOUR PARTY v. Georgia Appl N° : 9103/04', 8 October. (CISNET Georgia CX230292)
15. European Court of Human Rights (ECHR) 2008, 'THE GEORGIAN LABOUR PARTY v. GEORGIA- Press release issued by the Registrar', 8 July. (CISNET Georgia CX230290)
16. Human Rights Centre (HRIDC) 2008, 'Georgia's Parliamentary Elections – Unprecedented Brutality and Election Fraud Monitoring of Elections of May 21, 2008', European Country of Origin Information Network website, June http://www.ecoi.net/file_upload/470_1213876076_hridc-election-report.pdf - Accessed 17 December 2009.
17. UK Home Office 2006, *Operational Guidance Note – Georgia*, 4 December.