

Schnellrecherche der SFH-Länderanalyse vom 23. Juni 2016 zu Georgien: Partei «Vereinte nationale Bewegung» (United National Movement (UNM))

Fragen an die SFH-Länderanalyse:

- Welche Informationen gibt es zur georgischen Partei «(Vereinte) nationale Bewegung» (United National Movement (UNM))?
- Gibt es Berichte von Gewalt und Repression gegen Mitglieder der UNM?
- Bieten staatliche Behörden Mitgliedern der UNM Schutz vor diesen Übergriffen?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die uns derzeit zur Verfügung stehen.

1 Partei «Vereinte nationale Bewegung» (UNM).

Das «United National Movement» (UNM) ist eine Oppositionspartei in Georgien und war 2003 bis 2012 an der Macht. Während den Wahlen im Oktober 2012 wurde die UNM nach Angaben einer Auskunft des *Immigration and Refugee Board of Canada* (IRB) vom 11. Mai 2015 durch die aktuell regierende «Georgian Dream Coalition» geschlagen. Laut derselben Quelle wurde die Partei UNM im Jahr 2001 gegründet und wird als «zentrumsrechts» und nationalistische Partei beschrieben.

Der frühere Präsident Mikheil Saakashvili ist weiterhin der Anführer der Partei, hat aber nach Angaben des Artikels der *Jamestown Foundation* vom 9. Dezember 2015 das Land im Jahr 2013 verlassen. Ihm wurde laut derselben Quelle im Dezember 2015 mittels eines Dekrets des aktuellen Präsidenten Giorgi Margvelashvili die Staatsbürgerschaft mit der Begründung entzogen, dass er die ukrainische Staatsbürgerschaft angenommen hatte.

Laut des Artikels der *Jamestown Foundation* vom 9. Dezember 2015 wird die Partei zurzeit von internen Machtkämpfen destabilisiert. Die Abwesenheit von Saakashvili schwäche die Partei weiter. Laut einer Umfrage vom August 2015 habe die Partei eine Unterstützung von lediglich 13 Prozent. Sie kämpfe zurzeit darum, überhaupt noch eine politische Rolle im Land zu spielen.

Nach Angaben eines weiteren Artikels der *Jamestown Foundation* vom 18. Dezember 2015 handelt es sich aber weiterhin um die einflussreichste Oppositionspartei in Georgien.

Jamestown Foundation, 9. Dezember 2015:

«United National Movement (UNM), Georgia's once powerful political party, which spent nine years (2003–2012) in power, is in serious trouble. The start of December 2015 brought new revelations of the party's internal power struggle and fragmentation, which turns out to be much deeper than previously believed. On



December 3, the Ukrainian website Uarevo published a wiretapped phone conversation between Goka Gabashvili, one of the highest ranking UNM members and a confidante of Georgia's former president Mikhail Saakashvili, and his brother Lado Gabashvili. In a seven-minute phone conversation, Goka Gabashvili, using highly expletive language, allegedly calls Saakashvili 'power crazed' and accuses him, as well as Georgia's former attorney general Zurab Adeishvili and the former minister of interior Bacho Akhalaia, of trying to sideline himself as well as former secretary of national security Giga Bokeria and former Tbilisi mayor Gigi Ugulava. In this brief conversation, Goka Gabashvili reveals an apparent intense power struggle happening within the party between two major clans: that of Saakashvili versus Bokeria-Ugulava.(...) **The rapid defection of its members is not the party's only problem. With Saakashvili out of the country as of 2013, UNM remains largely leaderless. Although the former president is still UNM's formal head, his physical absence from Georgia certainly contributed to the power vacuum and subsequently to the internal power struggle that was revealed by the released audio tape of the Gabashvili brothers. Saakashvili's grasp over UNM thus appears to be slipping away.(...) UNM's dismal popular support adds to its internal problems. The party that ruled Georgia with a constitutional super majority for nine years now enjoys a mere 13 percent of the public's support, according to the latest polls (Ndi.org, August 2015). With such low popularity numbers, the party may find it difficult to stay in Georgian politics, let alone fight its way back to power. The UNM failed to acknowledge or apologize for the past abuses of power it has been criticized. In addition, it has not been able to attract any new faces within its ranks. Consequently, it is unclear how it can improve its public support in the months and years to come. The most recent blow to UNM to date was President Giorgi Margvelashvili's decree, on December 4, which stripped Saakashvili of his Georgian citizenship.** The former head of state, now the governor of Ukraine's Odesa region, automatically lost his Georgian citizenship when he was granted Ukrainian citizenship in May 2015. President Margvelashvili's decree merely finalized this procedure. The political significance of the loss of Saakashvili's Georgian citizenship is much bigger, however. According to the country's law on political parties, only Georgian citizens can participate in elections (Civil Georgia, December 4). **Hence, Saakashvili lost the ability to run in the 2016 (and further) elections, which effectively deprives UNM and the party's remaining supporters of a strong personality for whom they could vote on election day.** During his presidency, Saakashvili many times asserted that UNM, which he established in 2001 and turned it into a powerful ruling party, would outlive him. But as the events since 2012 show, that may no longer be the case. UNM seems to be on a path of disintegration; and so far, it is not clear how this process can be stopped. Another question is which party will take the elusive role of the main Georgian opposition party if UNM further weakens politically and organizationally. Like never before, this spot now appears ripe for the taking." Quelle: Jamestown Foundation: Georgia's Once Powerful Former Ruling Party Is in Danger of Fragmentation, in: Eurasia Daily Monitor Volume, 12 Issue, 219, 9. Dezember 2015:

www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=44875&cHash=91a80f016e186f79a235448f4ef944bf.

Jamestown Foundation, 18. Dezember 2015:

«On the night of December 9, unidentified assailants attacked an **office of the most influential opposition party of Georgia, United National Movement (UNM)**, in the town of Dedoplistskaro, near the capital of Tbilisi (Civil Georgia, December 10). Former Georgian president (2008–2013) and the current governor of Odesa oblast in Ukraine (since May 2015), Mikheil Saakashvili, still chairs the UNM. **Current President Giorgi Margvelashvili has recently signed a decree that stripped his predecessor of Georgian citizenship, citing Saakashvili's adoption of Ukrainian citizenship** (Georgiatoday.ge, December 4). Despite that development, one of the leaders of UNM, Nugzar Tsiklauri, told this author, on December 10, that 'The opposition party does not have plans yet to elect a new chairman.' It is possible that Saakashvili will retain his status in the party until the parliamentary elections, which are scheduled for the fall of 2016.» Quelle: Jamestown Foundation: Office of Largest Opposition Party in Georgia Comes Under Attack, in: Eurasia Daily Monitor Volume, 12 Issue, 227, 18. Dezember 2015:

www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=44921&cHash=66a0161112e7891902cece71ad7b3fb7.

IRB, Mai 2015:

«United National Movement (UNM; ENM) - Overview and Mandate of Party

Sources indicate that the **UNM was formed in 2001** (RFE/RL 12 Nov. 2013; PHW 2014, 519). The Political Handbook of the World 2014 (PHW) **describes the UNM as centre-right and nationalist** (PHW 2014, 519). According to the same source, UNM's platform focuses on economic and governmental reform, closer ties with the EU and US, and restoring control over Abkhazia and South Ossetia (PHW 2014, 519). According a **2015 opinion poll** by the International Republican Institute (IRI), a non-profit, non-partisan organization encouraging freedom and democracy worldwide (IRI n.d.), as cited by Radio Free Europe/Radio Liberty (RFE/RL), support for the ruling Georgian Dream Coalition (GDC; GDM) was at 36 percent, **support for the UNM at 14 percent**, and support for the Free Democrats at 10 percent (RFE/RL 27 Mar. 2015).

1.1 Leadership

Sources state that, as of April 2015, the **leader or head of UNM is Mikheil Saakashvili** (HRIDC 23 Apr. 2015; Professor 17 Apr. 2015). In correspondence with the Research Directorate, a professor of international relations at the University of Oxford indicated that the former prime minister of Georgia, Vano Merabishvili, remains the secretary-general of the party, though he is currently incarcerated (Professor 17 Apr. 2015). PHW 2014 similarly notes that as of mid-2013, Merabishvili was under arrest (2014, 520). PHW 2014, citing information from 2013, lists the following other leading members of the party: Davit Bakradze (Chair of the Parliamentary Minority, 2013 presidential candidate, and Former Speaker of Parliament); Giorgi Gabashvili (Chair of the United National Movement faction in Parliament); Akaki Boboknidze (Chair of the National Movement-Majoritarians faction in Parliament); Taniel Londari-

dze (Chair of the National Movement-Regions faction in Parliament); and Gigi Ugulava (Mayor of Tbilisi). (ibid.)

1.2 Membership and Representation in Parliament

In a November 2013 RFE/RL article, a political analyst in Tbilisi describes the UNM as having **'a well-ordered and motivated network throughout the whole country'** (RFE/RL 12 Nov. 2013). Information on UNM membership numbers in the country could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. In correspondence with the Research Directorate, a representative of the Human Rights Center (HRIDC), a Georgia-based NGO (HRIDC n.d.), stated that the UNM holds 50 seats in Georgia's 150-seat Parliament (HRIDC 23 Apr. 2015). Other sources similarly report that the UNM holds 50 seats, while the ruling GDC holds 87 and the Free Democrats hold 8 (Civil.ge 21 Mar. 2011; RFE/RL 27 Mar. 2015). According to the representative of HRIDC, the UNM's political council consists of 68 members (HRIDC 23 Apr. 2015)

1.3 History

According to PHW 2014, the UNM, along with the United Democrats, the Union of National Security, and the youth movement Kmara, formed the United People's Alliance in 2003 (2014, 519). Sources report that the Rose Revolution [*'a peaceable uprising'* (Encyclopaedia Britannica n.d.)] drove President Shevardnadze from power in 2003 (RFE/RL 12 Nov. 2013; Encyclopaedia Britannica n.d.); it was led by former justice minister and head of the UNM Mikheil Saakashvili (ibid.).

According to PHW 2014, the UNM and United Democrats combined to form the National Movement-Democrats (NMD) party in early 2004, though the party later became known as the UNM; members of the United Democrats were reportedly absorbed into the UNM (PHW 2014, 522). According to the same source, in the March 2004 legislative elections, the UNM was the main party component in the NMD's win of 133 seats of the 150-seat Parliament (ibid.). Saakashvili was elected president in 2004 (ibid., 514; Encyclopaedia Britannica n.d.). According to PHW 2014, the UNM secured approximately two-thirds of the vote in the October 2006 municipal elections (2014, 520).

Saakashvili was reelected as president in January 2008 (ibid.; PHW 2014, 520). According to PHW 2014, Saakashvili was elected *'on a platform that called for restoration of Georgia's territorial integrity, NATO membership for Georgia, closer ties with the EU, and the expansion of social welfare programs'* (ibid.). PHW 2014 reports that UNM won 119 of 150 seats in Parliament in the May 2008 legislative elections (2014, 520).

PHW 2014 reports that in the June 2010 municipal elections, the UNM won 66 percent of the vote nationwide, including the mayoralty of Tbilisi (2014, 520).

Sources report that Saakashvili and the UNM were defeated in the October 2012 parliamentary elections by the GDC (Freedom House 2013; Jamestown Foundation 9 Jan. 2013); led by Georgian billionaire Bidzina Ivanishvili (ibid.). The UNM won 65 seats (40 percent of the national vote), while the GDC won 85 seats (55 percent of

the national vote) (*ibid.*). Sources note that after his defeat, President Saakashvili declared that the UNM would serve as the opposition (*ibid.*; PHW 2014, 520). Freedom House states that the October 2012 elections were considered 'free and fair' by international observers but that a number of electoral problems were observed during the elections, including 'abuse of administrative resources, intimidation of opposition supporters, tabulation irregularities, and an apparent pro-government bias in the activities of the State Audit Office' (Freedom House 2013). Similarly, according to a report published by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE), pursuant to their observation mission of the October 2012 parliamentary elections, the election process 'was assessed positively by international observers,' and 'procedures were generally adhered to, although counting and tabulation received a less positive assessment' (ODIHR 21 Dec. 2012, 3).

According to the Jamestown Foundation, a Washington-based institution that provides 'research and analysis on conflict and instability in Eurasia' (Jamestown Foundation n.d.), the country entered a period of political cohabitation between President Saakashvili and Prime Minister Ivanishvili following the 2012 election, with the GDC forming the government and setting the policy agenda and Saakashvili retaining 'immense' constitutional powers, though 'his influence on Georgian politics ... declined dramatically' since the election (*ibid.* 9 Jan. 2013).

Sources report that GDC candidate Giorgi Margvelashvili was elected president in the October 2013 presidential election (Freedom House 2014; PHW 2014, 511). According to sources, Margvelashvili won 62 percent of the vote, while UNM candidate Davit Bakradze won 22 percent (Freedom House 2014; PHW 2014, 511), and Irakli Garibashvili was appointed as Prime Minister (*ibid.*). Freedom House reports that the 2013 presidential elections were 'widely regarded as free and fair' (Freedom House 2014). Similarly, according to a report on Georgia's 2013 presidential election published by the Congressional Research Service, a legislative branch agency within the US Library of Congress that provides policy and legal analysis to members of Congress (US n.d.), most observers viewed the election as marking Georgia's 'progress in democratization, including a peaceful shift of presidential power' from Saakashvili to Margvelashvili (US 4 Nov. 2013, Summary). However, the US Department of State's Country Reports on Human Rights Practices for 2013 states that observers raised several concerns over the election, including 'allegations of political pressure at the local level, inconsistent application of the election code, and limited oversight of campaign finance violations' (*ibid.* 27 Feb. 2014, 1).

According to Human Rights Watch, ruling party GDC won the June and July 2014 municipal elections in an 'overwhelming victory' (29 Jan. 2015, 252).

RFE/RL reports that by February 2015, the value of the lari had declined and exports had decreased considerably (RFE/RL 27 Mar. 2015). According to the same source, the UNM and the Labor Party demanded the resignation of the ministers of economy and finance in February 2015 (*ibid.*). The RFE/RL article adds that on 21 March 2015, the UNM 'convened a demonstration in Tbilisi to demand that the government resign for its handling of the economy'; according to a UNM member cited in the article, between 10,000 to 30,000 people attended the demonstration (*ibid.*). According

to the article, the UNM is seeking to initiate a no-confidence vote in parliament against the GDC (*ibid.*).» Quelle: IRB – Immigration and Refugee Board of Canada, Georgia: The United National Movement (UNM; ENM), including its mandate, leadership, membership, representation in the country and history; treatment by authorities and opposition party members, including the Georgia Dream Coalition (GDC; GDM; Georgian Dream); state protection available (2001-April 2015), 11. Mai 2015: www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455885&pls=1.

2 Gewalt und Repression gegen politische Opposition (UNM), beschränkte Schutzmöglichkeiten

Gewalt gegen Opposition. Gemäss dem Bericht des *US Department of State* (USDOS) vom 13. April 2016 ist die Versammlungs- und Vereinigungsfreiheit in Georgien eingeschränkt und es kommt zu Gewalt gegen die politische Opposition.

Inhaftierungen von UNM-Aktivisten, UNM-Politikerinnen und -Politikern. USDOS (2016) berichtet zudem, dass Mitglieder der Oppositionspartei die Regierung beschuldigen, politisch motivierte Verhaftungen und Inhaftierungen durchzuführen. So seien der frühere Innenminister und der frühere Bürgermeister von Tiflis sowie weitere UNM-Aktivisten inhaftiert worden. IRB berichtete im Mai 2015 ebenfalls von verschiedenen Inhaftierungen und Strafverfolgungen gegen UNM-Politikerinnen und UNM-Politiker oder ehemalige, der UNM angehörende, Regierungsbeamte.

Hinweise auf staatliche Überwachung der politischen Opposition. Laut USDOS (2016) wird von NGOs und weiteren Beobachtern befürchtet, dass die Regierung trotz entgegenlaufender Bestimmungen in Verfassung und Gesetzen die politische Opposition überwacht.

Juristisches Vorgehen gegen UNM-nahe Medien. Nach Angaben von USDOS (2016) wurde ein juristisches Vorgehen gegen einen UNM-nahen TV-Sender vom Herbst 2015 durch verschiedene diplomatische Missionen in einem gemeinsamen Statement als besorgniserregend bezeichnet. Durch das Vorgehen sei die Unabhängigkeit der Justiz und die Freiheit der Medien in Frage gestellt.

Druck und Kündigungen gegen Mitglieder und Anhänger der Opposition sowie lokale Regierungsangestellte, Lehrpersonal, Gewerkschaftsmitglieder. USDOS (2016) berichtet weiter, dass einige Repräsentanten der Regierung sowie Anhänger der Regierungspartei verschiedene Mitglieder und Anhänger der Opposition, zentrale und lokale Regierungsangestellte, Lehrer wie auch Gewerkschaftsmitglieder unter Druck setzen. Dies einerseits durch Überwachung und tatsächlichen oder angedrohten Verlust der Arbeitsstelle. Die Auskunft des IRB (2015), welche sich auf verschiedene Quellen beruft, berichtet ebenfalls von gegen UNM-Mitglieder gerichtete Entlassungen und Drohungen, die Arbeitsstelle «freiwillig» zu kündigen oder stattdessen strafrechtliche Konsequenzen in Kauf zu nehmen. Die Reaktion der Regierung auf Entlassungen von lokalen UNM-nahen Regierungsangestellten sei ungenügend ausgefallen. Laut derselben Quelle haben Medien und NGOs in der Vorwahlperiode zum Juni und Juli 2014 zudem von verschiedenen Anschuldigungen berichtet, dass Kandidatinnen und Kandidaten der Opposition unter Druck gesetzt worden seien, ihre Kandidaturen für die Wahlen zurückzuziehen.

Berichte von aktuellen Übergriffen gegen UNM-Büros und keinem angemessenen staatlichen Schutz. Im Oktober 2015 wurden laut USDOS (2016) und dem neuesten Jahresbericht von *Amnesty International* vom Februar 2016 UNM-Büros in Tiflis und in anderen Regionen unter anderem durch regierungsnahe Aktivisten und lokale Behördenvertreter gezielt angegriffen. Strafverfolgungsbehörden hätten laut des Berichts von USDOS nicht angemessen reagiert und Schutz geboten. Die *Jamestown Foundation* berichtete im Dezember 2015 von einem neuen Angriff auf Büros der UNM in Dedoplistskaro. Dabei wurden von Unbekannten Schüsse auf das Büro abgegeben. IRB (2015) berichtet mit Bezug auf verschiedene Quellen zudem von gewalttätigen Übergriffen im März 2015 gegen UNM-Büros und Büros einer UNM-nahen Gruppierung in Zugdidi. Gemäss IRB (2015) gaben verschiedene Quellen an, dass die Polizei bei den Übergriffen im März 2015 anwesend war, aber die Gewalt nicht verhindert habe.

Premierminister beurteilt Aggressionen gegen UNM als «natürlich», Straflosigkeit gewalttätiger Übergriffe gegen Opposition. Der georgische Premierminister hatte laut USDOS (2016) und einem Artikel von *Civil Georgia* im Oktober 2015 öffentlich Stellung genommen, dass die UNM «kein Recht habe», in der Politik zu verbleiben. Aggressionen gegen die UNM seien «natürlich» (USDOS, 2016; *Human Rights Watch* 2016; *Civil Georgia*, 2015). Nach Angaben von *Human Rights Watch* vom 27. Januar 2016 hatte er die UNM zudem als «kriminelle Organisation» bezeichnet. Die Auskunft des IRB vom Mai 2015 zeigt auf, dass es seit 2012 regelmässig zu gewalttätigen Übergriffen gegen UNM-Mitglieder kam. Von USDOS (2016) wird berichtet, dass gewalttätige Übergriffe gegen Mitglieder der politischen Opposition in den letzten Jahren straflos blieben. Nach Auskunft des IRB vom Mai 2015 gaben zwei befragte Quellen zwar an, dass die Polizei UNM-Mitgliedern Schutz vor gewalttätigen Übergriffen biete, wohingegen andere Quellen dies in Frage stellten und mehrere Zwischenfälle im Jahr 2014 und 2015 aufzeigten, bei welchen die Polizei keinen Schutz geboten hatte. Laut der Auskunft von IRB (2015) hielten beispielsweise verschiedene georgische NGOs in einem gemeinsamen Statement im März 2015 fest, dass die Polizei bei den gewalttätigen Übergriffen im März 2015 gegen UNM-Büros und Büros einer UNM-nahen Gruppierung weder versucht habe, die Gewalt einzudämmen, noch sie zu verhindern oder zu stoppen. In der Auskunft von IRB vom Mai 2015 wird eine Kontaktperson des *Institute for War and Peace Reporting* zitiert, welche angibt, dass sich UNM-Mitglieder zwar je nach Fall an Polizei oder Gerichte wenden könnten. Allerdings seien diese Mechanismen nicht wirksam für leitende Personen der UNM, welche während der Regierungszeit der UNM Ämter innehatten.

Justiz steht unter politischem Druck, ineffektive Strafverfolgungsbehörden, Straflosigkeit. *Amnesty International* berichtet im neuesten Jahresbericht vom Februar 2016, dass die Justiz unter politischem Druck stehe und selektive Justiz («selective justice») vorherrsche. In mehreren Fällen seien friedliche Versammlungen verhindert oder eingeschränkt worden. Untersuchungen von Misshandlungen durch Strafverfolgungsbehörden sind laut *Amnesty International* langsam und ineffektiv. *Human Rights Watch* berichtet im Januar 2016 ebenfalls, dass Georgien über keinen wirksamen und unabhängigen Mechanismus verfügt, um Verbrechen zu untersuchen, welche durch Strafverfolgungsbehörden begangen wurden. Deswegen würden die Täter oft nicht bestraft.

USDOS 2016:

«*The most significant human rights problems reported during the year included: arbitrary detentions by Russian and de facto authorities of Georgian citizens along the administrative boundary line with the country's occupied territories; significant shortcomings in the administration of justice, including pressure on the judiciary in selected cases, questionable judicial appointments, **inconsistent government responses to violence or abuse, incomplete investigations**, premature charging of suspects, and inappropriate use of pretrial detention; and insufficient government efforts to combat societal discrimination against women, members of ethnic, religious, and sexual minorities, and persons with disabilities.*

***Other problems included** substandard prison conditions; ineffective mechanisms to address alleged abuses by law enforcement officials; allegations of improper electronic surveillance; political pressure on independent television broadcasters; **restrictions on freedoms of assembly and association** ; substandard living conditions for internally displaced persons (IDPs); **violence against the political opposition and lack of accountability**; and government corruption. Domestic violence against women, gender-biased sex selection, early marriage, HIV and AIDS social stigma, and trafficking in persons were also reported.*

The government took steps to promote accountability and address shortcomings in the administration of justice; one opposition party considered the investigation and prosecution of former officials to be politically motivated. In 2015, one former high-level official was charged with embezzlement and abuse of power, another former high-level official was convicted of embezzlement and misuse of authority, and a current high-level official was acquitted on charges of exceeding official authority.(...)

***Arbitrary Arrest:** There were isolated cases of arbitrary arrest during the year, and the judiciary and Prosecutor General's Office terminated controversial detentions in some cases. For example, on January 15, the Tbilisi City Court terminated the case against the director of the Institute for Development of Freedom of Information, detained in December 2014 on allegations of illicitly carrying arms, after it determined that his acts constituted an administrative offense and not a crime. The court also ruled that the director's detention was illegal and on June 23, held the Ministry of Internal Affairs and the Prosecutor General's Office equally liable for 1,180 lari (\$493) in pecuniary and 2,000 lari (\$837) in nonpecuniary damages. **Opposition party members alleged that the government engaged in politically motivated arrest and detention.**(...)*

Political Prisoners and Detainees

*The **United National Movement (UNM)** opposition party and family members of prisoners **alleged the government held political prisoners and detainees, including the former minister of internal affairs and the former mayor of Tbilisi, as well as UNM-affiliated activists detained for attacking a member of parliament in Kutaisi** (see sections 1. d. and 2.b.) The government permitted international and domestic*

organizations to visit persons claiming to be political prisoners or detainees, and several international organizations did so during the year.(...)

Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions without court approval or legal necessity and prohibit police from searching a residence or conducting nonconsensual electronic surveillance or monitoring operations without a warrant. NGOs, media outlets, and others asserted the government did not respect these prohibitions. There were **widespread concerns that the government monitored the political opposition**.(...)

Press and Media Freedoms: (...) Government officials periodically criticized certain media outlets, alleging a pro-opposition bias.(...) Some media outlets, watchdog groups, and NGOs expressed concern, however, over a restrictive environment for media pluralism and political meddling in the media, to which government critics were particularly vulnerable. (...) There were concerns over **government interference with the country's most widely viewed television station, Rustavi 2, and with judicial independence**. Rustavi 2 alleged government involvement in an August 5 decision by a Tbilisi judge to freeze the company's assets and shares pending the resolution of a lawsuit filed by one of its previous owners. On August 10, a group of seven leading NGOs stated that the court order in the Rustavi 2 case failed to meet the standard of reasonable doubt and caused a disproportionate restriction on the station's rights. The NGOs also noted that the "seemingly private legal dispute" raised questions about political influence. In a separate statement on August 10, GYLA questioned the rationale and proportionality of the court's ruling against Rustavi 2, noting that it failed to consider the "irrevocable damage" that it risked inflicting on the public interest, given the station's large viewership. In mid-October, a former president and opposition leader allegedly called for a "revolutionary scenario" to resist the court decision, according to recordings released on a foreign website. On November 3, the court ruled in favor of the former Rustavi 2 owner who filed the lawsuit, granting him 100 percent of the company's shares. It subsequently issued an interim injunction appointing temporary administrators to replace Rustavi 2's director general and chief financial officer. In issuing the injunction, the judge questioned Rustavi 2's editorial policy and provided the new managers, who had a stake in the previous owner's suit, authority to change the station's journalists and take legal actions. On November 30, an appellate court overturned the injunction, allowing the director general and chief financial officer to retain their posts. Although the government contended the Rustavi 2 case was a legal dispute between private parties, the **lower court's actions were widely seen as an attempt to change the editorial policy of Rustavi 2, which often espoused views sympathetic to the opposition UNM party**. For many, the ruling also called into question the government's commitment to media freedom, political pluralism, and judicial independence. **On November 6, a group of diplomatic missions in Tbilisi issued a joint statement expressing concern over the decision to appoint temporary managers at Rustavi 2, noting it raised 'serious questions about the independence of the judiciary and the actual degree of freedom of the media' in the country**. With the exception of the president, government figures generally downplayed the developments involving Rustavi 2.(...)

Freedom of Association

The constitution and law provide for freedom of association, but the government's respect for this right was selective. **There were reports that some government representatives and supporters of the ruling party pressured political opposition figures and supporters, central and local government employees, teachers, and union members, including by surveillance (see section 1.f) and actual or threatened job loss (see section 7).** In mid-October there were **attacks on UNM's offices in Tbilisi and in many other regions. Georgian Dream activists and local government representatives reportedly were involved in these attacks.** Eleven NGOs jointly stated that the timing and manner of the attacks indicated advance planning. **The NGOs criticized law enforcement officials for failing to react and called on them to respond to violence and the threat of violence consistently. The NGOs contrasted the lack of official response to the violence and to multiple physical assaults against UNM members of parliament with the arrests, criminal charges, and detentions of some participants in the rally in support of the Rustavi 2 television station (see sections 2.a. and 2.b.).**

The attacks on UNM offices occurred shortly after the rerelease on a foreign website of prison abuse videos from the UNM era. After the attacks, the then **prime minister stated on October 22 that UNM had 'no right' to remain in politics and that aggression against UNM was 'natural.'** NGOs said his comments condoned violence.(...) Political Parties and Political Participation: In March [2015] the UNM held a rally of approximately 15,000 supporters in central Tbilisi without incident. In the **days preceding the rally, UNM activists and Georgian Dream supporters--in some cases local officials--clashed violently in Zugdidi, Batumi, and Tbilisi.** Police arrested perpetrators on both sides; many were fined for hooliganism. The prime minister publicly condemned the incidents and accused the opposition of provocation. In April activists threw eggs at an opposition member of parliament from Gurjaani when he refused to vacate his office in the municipal building. In September the same member of parliament was physically attacked during a rally to protest cuts in grape harvest subsidies. On December 11, a court convicted the attacker on criminal charges of assaulting a member of parliament and fined him 1,000 lari (\$416). **Violence against opposition party activists in recent years did not result in meaningful accountability.**» Quelle: USDOS – US Department of State: Country Report on Human Rights Practices 2015 – Georgia, 13. April 2016:
www.state.gov/documents/organization/253061.pdf.

Amnesty International, 2016:

«Legal battles around the pro-opposition TV channel Rustavi 2 raised concerns over freedom of expression. **Allegations of political pressure on the judiciary and selective justice persisted, particularly following the rearrest and conviction of a former politician one day after the Constitutional Court ordered his release. In several instances police prevented or limited peaceful gatherings. The investigation of allegations of ill-treatment by law enforcement officials remained slow and ineffective, while a proposal for an independent investigative mechanism was put forward but not yet legislated on.**(...)

*Towards the end of the year, political tensions rose following incendiary remarks by the then Prime Minister against the opposition party United National Movement (UNM), public screenings of clandestine videos of prison rape dating back to the UNM-led government, and leaked communications between the exiled former President and managers of pro-opposition TV channel Rustavi 2. **Several UNM offices across the country were vandalized by mobs in politically motivated attacks.**(...)*

Freedom of assembly

*In several instances police unduly limited or prevented peaceful gatherings, while on a number of occasions they failed to prevent clashes between political opponents. On 15 March, approximately 50 supporters of the Georgian Dream ruling coalition **forcibly entered the local offices of UNM and an affiliated group in Zugdidi, armed with wooden sticks, throwing stones and smashing windows.** Nine people were reported injured, including one of the police officers who tried to intervene but were outnumbered by the attackers.(...)*

Torture and other ill-treatment

Local human rights organizations reported new cases of ill-treatment by law enforcement officials. The investigation of alleged abuses by members of the General Inspection of the Ministry of Internal Affairs was slow and ineffective. A draft model of an independent investigative mechanism for the investigation of criminal offences committed by law enforcement officials was jointly proposed by the human rights Ombudsman and some NGOs. However, the law required to establish the mechanism was not considered until the end of the year» Quelle: AI – Amnesty International: Amnesty International Report 2015/16 – The State of the World's Human Rights – Georgia, 24. Februar 2016:

www.amnesty.org/en/countries/europe-and-central-asia/georgia/report-georgia/.

Jamestown Foundation, 18. Dezember 2015:

*«On the night of **December 9, unidentified assailants attacked an office of the most influential opposition party of Georgia, United National Movement (UNM), in the town of Dedoplistskaro, near the capital of Tbilisi** (Civil Georgia, December 10). Former Georgian president (2008–2013) and the current governor of Odesa oblast in Ukraine (since May 2015), Mikheil Saakashvili, still chairs the UNM. **Current President Giorgi Margvelashvili has recently signed a decree that stripped his predecessor of Georgian citizenship, citing Saakashvili's adoption of Ukrainian citizenship** (Georgiatoday.ge, December 4). Despite that development, one of the leaders of UNM, Nugzar Tsiklauri, told this author, on December 10, that 'The opposition party does not have plans yet to elect a new chairman.' It is possible that Saakashvili will retain his status in the party until the parliamentary elections, which are scheduled for the fall of 2016.*

Both the authorities and radical political groups inside Georgia have ramped up their pressure on UNM. The General Prosecutor's Office has launched a new investigation against several previous officials in former president Saakashvili's

administration (Interpressnews.ge, December 12). But the pressure on the party took a violent turn early last week, when unidentified assailants fired shots at a regional UNM office in Dedoplistskaro. The same building also houses the offices of UNM parliamentarian Zaza Kadelashvili. The December 9 incident represents the kind of, presumably, **politically motivated violence that Georgia has not seen in over 20 years, since the country's civil war (1991–1993) and subsequent coup d'état.** 'The criminals fired shots at night when the building was empty. That is why luckily no one was hurt. When our party activists came in the morning, they found traces of bullet shots in the windows and called the police. The police arrived only after an hour, and they have not identified any suspects or detained anyone,' Tsiklauri recounted (Author's interview, December 10). » Quelle: Jamestown Foundation: Office of Largest Opposition Party in Georgia Comes Under Attack, in: Eurasia Daily Monitor Volume, 12 Issue, 227, 18. Dezember 2015: www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=44921&cHash=66a0161112e7891902cece71ad7b3fb7.

Civil Georgia, Oktober 2015:

«PM Irakli Garibashvili said UNM opposition party is a 'criminal organization', which has «no right to remain in politics" and 'aggression" against the party is 'natural" after videos of sexual abuse of detainees by law enforcement officers, when UNM was in power, were leaked to public domain. Speaking during a government session on Thursday morning, PM Garibashvili said, referring to UNM: 'They should be grateful for the fact that over the past three years people have not done to them the same what is depicted in these videos – my remarks might be rude, but they deserve it.(...) Of course the society is appalled... and shocked by these videos and of course I understand their reaction and aggression – every day aggression is being directed against UNM offices or [offices] are shut down. This reaction is understandable and natural for me; anyone would have such a reaction after watching those videos. Despite of that we should secure order and expression of protest should be done in frames of law and this reaction should not go beyond law,' Garibashvili said. 'I am not encouraging violence, but on the other hand I have no right to ban the right of expression for the people,' the PM said.» Quelle: Civil Georgia: PM: UNM Has 'No Right to Remain in Politics', 22. Oktober 2015: www.civil.ge/eng/article.php?id=28679.

IRB, Mai 2015:

«2. Treatment by Authorities

2.1 Arrests, Charges and Prosecutions

According to Country Reports 2013, subsequent to the October 2012 elections, '**UNM members reported arrests - including of the UNM's general secretary, a former minister of internal affairs, defense minister, and prime minister - due to their political affiliations or activities'** (US 27 Feb. 2014, 2). According to the Professor, **many senior members of the UNM including the former Prime Minister and current leader Vano Merabishvili are 'either in jail as a result of court judgments or are in preventive detention,' while others have fled the country following the**

country's 2012 parliamentary and 2013 presidential elections (Professor 17 Apr. 2015). According to the Professor, there is no evidence that those detained are being mistreated (*ibid.*). Corroborating information could not be found among the sources consulted within the time constraints of this Response.

Freedom House indicates that after 'Georgian Dream took power in late 2012, the **authorities arrested and interrogated more than 20 former officials from the previous government on charges ranging from abuse of power to bribery**' (Freedom House 2014). According to PHW 2014, '[a] **number of UNM members who had served in previous cabinets were arrested by the new Ivanishvili administration in late 2012 and the first half of 2013**' (PHW 2014, 520). Similarly, Human Rights Watch reports that the Prosecutor's Office studied thousands of complaints after the 2012 government change, and initiated dozens of criminal cases, the majority of which were against former UNM officials (Human Rights Watch 29 Jan. 2015, 253).

According to Human Rights Watch, the opposition alleged that it was being targeted for political reasons (*ibid.*). According to Freedom House, 'Georgian Dream officials denied that the cases were politically motivated and invited NATO to monitor the investigations' (Freedom House 2014). Freedom House indicates that Transparency International (TI) Georgia 'monitored the ensuing legal proceedings and found that both the defense and prosecution had enjoyed equal opportunities to present their cases' (*ibid.*). Human Rights Watch also reports that TI, in its July 2014 trial monitoring report, found that there were no 'significant violations of due process and fair trial norms' (Human Rights Watch 29 Jan. 2015, 253).

According to Human Rights Watch, during the pre-election period leading up to the June and July 2014 municipal elections, NGOs and media reported **multiple allegations of pressure on opposition candidates to withdraw their candidacies, including actual withdrawals in more than a dozen municipalities, disruption of opposition gatherings, and several episodes of violence against candidates' campaigners**. In June, the Chief Prosecutor's Office said that it had launched criminal investigations into four cases out of 80 complaints they received related to alleged pressure on opposition candidates. (*ibid.*, 252)

In July 2014, **Saakashvili was charged with several offences, including embezzlement and exceeding his authority in several different cases; his property was impounded in August 2014** (Human Rights Watch 29 Jan. 2015, 253). **According to Human Rights Watch, Saakashvili is in court-ordered pretrial detention in absentia, having left the country after leaving office in November 2013** (*ibid.*). **Amnesty International (AI) also indicates that in August 2014, Saakashvili was charged with embezzlement and abuse of office in his absence** (25 Feb. 2015, 159). Sources report that in April 2014, Prime Minister Garibashvili announced a moratorium on arrests of people involved in the 2012 municipal election campaign in the run up to the June 2014 local elections (Tabula 14 Apr. 2014; Human Rights Watch 29 Jan. 2015, 253). In July 2014, **Gigi Ugulava, former Tbilisi mayor and UNM campaign head, was detained by authorities on charges of alleged embezzlement, which occurred prior to the 2012 parliamentary election** (Human Rights Watch 29 Jan. 2015, 253; Civil.ge 3 July 2014). **According to the opposition, this**

arrest violated the moratorium on criminal prosecutions announced in April 2014 (Human Rights Watch 29 Jan. 2015, 253). **According to an article by Tabula, a monthly news magazine in Georgia that aims to contribute to ‘political pluralism, economic freedom, human rights and the rule of law’ (Tabula n.d.), NGOs, including TI Georgia, similarly called the arrest a ‘breach of the government moratorium declared during the election period’** (ibid. 3 July 2014). According to Human Rights Watch, the UNM's secretary general and former interior minister Vano Merabishvili was convicted of three separate sets of criminal charges in February and August of 2014, including bribery, property rights infringement, and exceeding his authority (Human Rights Watch 29 Jan. 2015, 253, 254). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Incidents of Violence

Sources note that **after the 2012 parliamentary elections, there were reports of harassment against UNM members** (US 27 Feb. 2014, 2; Professor 17 Apr. 2015); ‘at the local level’ (ibid.). **Sources report that there have been acts of violence against UNM members** (ibid.; HRIDC 23 Apr. 2015; Human Rights Watch 29 Jan. 2015, 252). According to the HRIDC representative, ‘[t]hough UNM members sometimes experience violence because of their political affiliation, these [incidents] are not widespread’ (23 Apr. 2015). Sources report on the following incidents of violence involving the UNM from 2012 to 2015:

In 2012, there were several violent clashes between UNM government supporters and GDC opposition supporters (Jamestown Foundation 9 Jan. 2013; Human Rights Watch 2013, 441).

In 2013, there were violent protests at UNM political events (US 27 Feb. 2014, 2; TI Georgia 12 Feb. 2013). According to TI Georgia, on 8 February 2013, former UNM government representatives and GDC protesters were involved in **violent clashes outside the National Parliamentary Library when Saakashvili was scheduled to deliver his annual speech** (12 Feb. 2013). According to TI Georgia, news reports and television footage showed both attacks on UNM members by GDC protesters and by UNM members against protestors (ibid.).

Human Rights Watch reports that in March 2014 an ‘outspoken’ UNM MP was hospitalized for minor injuries after he was attacked by unidentified assailants (HRW 29 Jan. 2015, 252).

Sources report that **in April 2014 there were violent incidents involving mobs disrupting UNM campaign events in four cities and towns** (Human Rights Watch 29 Jan. 2015, 252; UNM 14 Apr. 2014); specifically four campaign rallies in Anaklia, Tbilisi, Telavi and Tskaltubo (ibid.). According to an article on the UNM website, the groups of individuals were ‘directly linked and organized by’ the GDC (ibid.).

According to Human Rights Watch, in May 2014, several men attacked a former health minister and leading UNM member, who was briefly hospitalized for head injuries (Human Rights Watch 29 Jan. 2015, 252). **The source reports that**

the authorities failed to prosecute the assailants 'despite the fact that they were publicly identified' (Human Rights Watch 29 Jan. 2015, 252).

Sources report that on **9 June 2014, two UNM opposition leaders, Gigi Ugulava and Giga Bokeria, were attacked by members of the GDC during a pre-election meeting with voters in the town of Tsageri** (AI 25 Feb. 2015, 160; TI Georgia and ISFED 10 June 2014).

According to HRIDC, **an activist from the UNM opposition party was attacked on 21 June 2014 in Batumi by unknown men** (HRIDC 24 June 2014). The individual was **'hospitalized with injuries to his face and head'** (ibid.). HRIDC reports that police were investigating the incident (ibid.).

In a separate incident reported by HRIDC, **an activist from Free Zone, a group affiliated with UNM, was allegedly attacked by a group of GDC activists on 19 June 2014 in the town of Zugdidi in Samegrelo region** (ibid.). HRIDC reports that police were investigating the incident (ibid.).

According to AI, **on 30 September 2014, the office of UNM-associated NGO Free Zone was attacked by approximately 50 people** (AI 25 Feb. 2015, 160).

Sources report that on **March 15, 2015, the offices of UNM and N(N)LE Center for Freedom and Support [a pro-UNM group (Civil.ge 15 Mar. 2015)], were attacked** (HRIDC 23 Apr. 2015; GDI et al. 18 Mar. 2015) in Zugdidi (ibid.). According to a joint statement of NGOs [1] published on the website of Georgian Democracy Initiative (GDI), an independent non-governmental, non-profit organization dedicated to research, analysis and education to advance democratic development in Georgia (GDI n.d.), 47 of the individuals who perpetrated the attacks are public officials of various ranks including the Deputy Chairmen of the Zugdidi Town assembly, and the Deputy Governor of Samegrelo province (GDI et al. 18 Mar. 2015). An article published by Civil.ge, a daily news service in Georgia founded by the UN Association of Georgia [2] (Civil.ge n.d.), indicates that at least one policeman was injured (Civil.ge 15 Mar. 2015).

2.3 Dismissals of Individuals Associated with Former UNM Government

Country Reports 2013 reports on **dismissals of government employees from local government institutions for their alleged association with former ruling party UNM** (US 27 Feb. 2014, 1). According to an article published in the *Caucasian Knot*, a website that aims 'to ensure free access to truthful and non-engaged information' about events in the region (Caucasian Knot n.d.), **NGOs, including TI Georgia, reported on the dismissal of officials of the Tbilisi Mayoralty 'on political grounds,' and on the alleged preparation of the Tbilisi Mayor to 'dismiss older staff members for political reasons'** (ibid. 10 Oct. 2014). Similarly, **Human Rights Watch reports that shortly after the elections in 2014, 'a number of employees of Tbilisi municipality reported pressure on them to 'voluntarily' resign from their jobs or face criminal prosecutions'** (Human Rights Watch 29 Jan. 2015, 253). The source states that the **International Society for Fair Elections and Democracy (ISFED), a local election-monitoring group, reported that between 1 August and 7 September 2014, 'Tbilisi City Hall dismissed 155 employees includ-**

ing 115 based on 'voluntary' resignation letters, allegedly written under pressure, raising concerns that they had been targeted for their political affiliations' (ibid.). In contrast, according to the Caucasian Knot article, Tbilisi authorities 'emphasized that the Mayoralty continues to employ 95 percent of its staff members, who worked prior to the arrival of the new City Mayor' (10 Oct. 2014). In relation to the dismissal of local government employees for their alleged association with the UNM, Country Reports 2013 notes that the government's response has been 'insufficient' (US 27 Feb. 2014, 1). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. State Protection

*While sources indicate that **Georgian police have provided protection to UNM members from incidents of violence** (Professor 17 Apr. 2015; HRIDC 23 Apr. 2015), sources also indicate that **the police have failed to provide protection to UNM members in some instances** (ibid.; AI 25 Feb. 2015, 160).*

*In relation to the April 2014 mob violence at four UNM rallies, the UNM article states that **'the police appeared on the scene after the attacks and failed to intervene to prevent any violence'** (UNM 14 Apr. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.*

*Sources report that **during the June 2014 attack on two UNM leaders by the GDC in Tsageri, police officers standing nearby did not intervene to stop the violence** (TI Georgia and ISFED 10 June 2014; AI 25 Feb. 2015, 160).*

*According to AI, in relation to the September 2014 attack on the office of an NGO associated with the UNM party, **'several staff members were injured as the police failed to arrive promptly despite the warnings of possible violence'** (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.*

*The HRIDC representative indicated that the UNM conducted several large rallies in the recent past, where 'protection was thoroughly ensured by the police,' but **that isolated incidents have occurred where members or UNM activists have experienced violence, and where the police have failed to respond adequately, referring to the March 2015 attacks on the UNM office in Zugdidi** (23 Apr. 2015). Other sources similarly state that while the police were present during the March 2015 incident, **they failed to prevent the violence** (Civil.ge 15 Mar. 2015; GDI et al. 18 Mar. 2015). According to the **joint NGO statement published on the GDI website, police 'did not try to diffuse the incident, prevent violence, [or] stop the attack'** (ibid.). In correspondence with the Research Directorate, a representative of the **Institute for War and Peace Reporting (IWPR)**, an organization that supports local reporters, citizen journalists and civil society activists in countries in conflict and crisis (IWPR n.d.), **indicated that while UNM members can 'apply to the police or to the court directly (depending on the type of case),' these mechanisms are 'not effective for the leaders of the party who possessed positions***

during the previous government' (ibid. 29 Apr. 2015). **He noted that several former UNM officials are detained and there has been no final decision rendered in the cases to be able to ascertain the effectiveness of the court in this regard** (ibid.). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.» Quelle: IRB – Immigration and Refugee Board of Canada, Georgia: The United National Movement (UNM; ENM), including its mandate, leadership, membership, representation in the country and history; treatment by authorities and opposition party members, including the Georgia Dream Coalition (GDC; GDM; Georgian Dream); state protection available (2001-April 2015), 11. Mai 2015:
www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455885&pls=1.

HRW, 2016:

*«Following the group attacks, **Prime Minister Irakli Garibashvili publicly called the UNM a “criminal organization,” and said that “aggression” against the party is “natural.”** Some NGOs said Garibashvili’s remarks effectively condoned the violence.*

The attacks on UNM offices occurred after the online publication of a graphic video of prison officials sexually abusing two detainees in 2011, when UNM was in power. The videos appeared after polls showed a decline in public support for the ruling Georgian Dream coalition, leading to UNM accusations that the authorities may have leaked the videos to distract public attention.

Pro-government supporters organized public outdoor screenings of the video in downtown Tbilisi and Zugdidi on October 18. Local officials from the ruling coalition participated in the Zugdidi screening. Georgia’s public defender and NGOs condemned the screenings.

In September, pro-government groups held multiple rallies outside the private residences of the constitutional court chairman, condemning the court’s decision to release former Tbilisi Mayor Ugulava from pretrial detention, threatening the chairman and his family, and throwing tomatoes and eggs at his home. Under Georgian law, threatening a judge is a criminal offense, and holding a protest outside a judge’s residence is a misdemeanor. In October, the chairman informed the authorities of the threats, but police did not respond. (...)

*Georgia **does not have an effective, independent mechanism to investigate crimes committed by law enforcement officials, resulting in frequent impunity.** The Georgian Young Lawyers’ Association (GYLA), a leading human rights group, received at least 41 allegations of torture and ill-treatment in 2015 through October; 23 of them concerned abuse by police, and 18 by prison staff. According to GYLA, the authorities failed to effectively investigate those allegations.»* Quelle: HRW – Human Rights Watch, World Report 2016 – Georgia, 27. Januar 2016:
www.hrw.org/world-report/2016/country-chapters/georgia.