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Meeting: 1451st meeting (December 2022) (DH)

Communication from an NGO (27/10/2022) (Social Justice Center) in the case of IDENTOBA AND OTHERS v. Georgia (Application No. 73235/12).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1451^e réunion (décembre 2022) (DH)

Communication d'une ONG (27/10/2022) (Social Justice Center) dans l'affaire IDENTOBA ET AUTRES c. Géorgie (requête n° 73235/12) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



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Rule 9(2) submission to the Committee of Ministers of the Council of Europe concerning the implementation of *Identoba and Others v. Georgia* for the CM meeting CM-DH 1451st (6 – 8 December 2022) by the Social Justice Center

1. Introduction

1. The case of *Identoba and others v. Georgia* (Application no. 73235/12) (the *Identoba* case) concerns the failure of the Georgian authorities to provide adequate protection against inhuman and degrading treatment inflicted by private individuals on LGBTI activists who were attacked during a peaceful demonstration in May 2012 (substantive violations of Article 3 in conjunction with Article 14), as well to conduct any effective investigation into these events (procedural violations of Article 3 in conjunction with Article 14). In addition, the Court held that the authorities had breached their obligation to ensure that the march could take place peacefully by failing sufficiently to contain homophobic and violent counter-demonstrators (violation of Article 11 taken in conjunction with Article 14).
2. This submission is communicated by the Social Justice Center (former EMC) under Rule 9(2) of the Rules of the Committee of Ministers (CM) for the supervision of the execution of judgments for consideration at the meeting CM-DH 1451st (6 – 8 December 2022). This submission addresses matters arising in relation to general measures in respect of the *Identoba* case rather than the *Identoba Group* as a whole.
3. This submission refers to previous Rule 9.2 submissions of 16 November 2016 (the 2016 CSO submission), 10 May 2018 (the 2018 CSO submission), 2 August 2019 (the 2019 CSO submission), 10 August 2020 (the 2020 CSO submission) and 26 October 2021 (the 2021 CSO submission).

2. Executive Summary

4. This submission provides an assessment of the implementation of the General Measures under the *Identoba* case. The report focuses primarily on describing the facts of violence and the existing context in relation to the violent extremist, ultra-nationalist groups, and the state's legal response to these practices and groups.
5. The Submission sets out the main recommendations to be implemented by the State to achieve the significant progress towards the protection of the human rights of LGBTIQ people in Georgia.
6. The Submission asks the CM to request the State to take effective measures and demonstrate progress towards the implementation of the recommendations made by this submission.

3. Main Findings

1. Ultra-conservative, extremist groups have been growing in Georgia in recent years, and it is evident that they are interested in influencing institutional politics. Aside from the fact that the aforementioned groups openly support Russia's criminal war in Ukraine and have leaders who are in direct communication with the Kremlin, their ideology in Georgia borrows notions from the "Russian world" and is aggressively homophobic, biphobic, and transphobic.
2. The government shows tolerance for the violence demonstrated by ultra-conservative, extremist groups, which, among other things, is manifested in the ineffective investigation of the facts of demonstrative violence and harassment organized by these groups - in dozens of cases of violence identified so far, the organizers of the violence have not been held accountable. In addition, the process of investigation in all such cases of violence has not been completed and, accordingly, the persons responsible for the violent actions have not been identified;
3. The court tolerates extreme, ultra-conservative groups as well. Until now, in most of the cases considered by the common courts of Georgia, the defendants were sentenced for less serious offenses and the lightest punishment was employed in the majority of cases. In some cases, the hate motive was not proven.
4. Despite the fact that specific evidence was made public through the media, which creates a justified assumption on the alleged control of the activities of extremist, ultra-nationalist groups on the part of the Georgian State Security Services on July 5-6, the Prosecutor's Office of Georgia does not ensure the initiation of an investigation.
5. The state does not have a systematic and effective policy and action plan to combat violent extremism, which will be developed through active consultations with civil society organizations and will be accountable to thereof;
6. The state also lacks an adequate information security policy to respond to disinformation and rhetoric emanating from actors promoting the official ideologies of a hostile country and to investigate the hostilities related to them.
7. The government of Georgia does not have a systematic policy to combat homo/bi/transphobia and there is no coordinated common process between agencies, which will be aimed at overcoming and reducing social homophobia.

4. Attack on Tbilisi Pride and its investigation

8. On July 5-6, 2021, representatives of ultra-conservative, pro-Putinist, extremist groups operating in Georgia openly assaulted journalists and civil activists in order to disrupt the "March of Dignity" planned as part of the "Tbilisi Pride" week.¹ As a result of violent actions, 53 media representatives, 11 individuals/civil activists and 7 law enforcement officers were injured.² In connection with the incident, the Ministry of Internal Affairs of Georgia commenced an investigation into the commission of criminal acts under Article 225 of the Criminal Code of Georgia, after which the Prosecutor's Office of Georgia started criminal prosecution against several persons. Although the violent actions of July 5, 2021 had a pre-organized character, the criminal liability of the organizers of the violence, including the leaders of the pro-Putinist and extremist media outlet "Alt-Info", who openly called the population to violence on July 5, was not determined.
9. In total, the investigation into the violent actions of 5 July 2021 was launched in 6 criminal cases, of which 2 cases were combined into one and 5 cases were brought to court, and the remaining 1 case continues to be investigated. The Prosecutor's Office of Georgia initiated criminal prosecution against 31 persons in the above cases, and 59 individuals and 1 legal entity were identified as victims.³
10. In April-July 2022, guilty verdicts were handed down in the cases brought for consideration at the court, although in only 1 of the 5 cases indicated, the court established the commission of organized violence by the defendants, and in the other 3 cases, the court did not establish the fact of committing organized violence by the defendants in the case, and classified their actions as group violence (which is a less serious crime and is punishable by 2 years of imprisonment), persecution on the grounds of sexual orientation, and interference with the journalist's professional activities, which are provided for by Articles 126, 156 and 154 of the Criminal Code of Georgia.
11. It should be noted that the court found the persons accused in the case of breaking into the office of "Tbilisi Pride" not guilty in the part of organizing violence and on the ground of sexual orientation, and assessed their action as a violation of the inviolability of ownership (Article 160 of the Criminal Code of Georgia), thus hate motivation have been ruled out.⁴ It should also be taken into account that in most of the reviewed cases, the court applied less severe punishments to the defendants. In only 1 case, the court sentenced the defendants to 5 years of imprisonment, while in other cases, the sentences did not exceed 1 year and 6 months of imprisonment, and the court imposed a fine of 5000 GEL on the persons found guilty of breaking into the office of "Tbilisi Pride".⁵

¹ 5 news things about the events of July 5, which we heard from Gomelauri, Radio Liberty, available at: <https://www.radiotavisupleba.ge/a/31373588.html>

² The list of journalists attacked by violent groups, available at: <https://www.mediachecker.ge/ka/mediagaremo/article/88604-dashavebuli-zhurnaliste-bis-sia>

³ Legal Assessment of the Events of July 5, Social Justice Center, p. 10, available at: <https://bit.ly/3rOZrfl>

⁴ Court Monitoring Report on July 5, 2021 Violent Crackdown Cases, Democracy Research Institute (DRI), p. 5, available at: <https://bit.ly/3VjEaIF>

⁵ Judicial Monitoring Report on Violent Dispersals on July 5, 2021, Democracy Research Institute, pp. 6-9, see: <https://bit.ly/3VjEaIF>

⁵ Judicial Monitoring Report on Violent Dispersals on July 5, 2021, Democracy Research Institute, pp. 26-31, see: <https://bit.ly/3VjEaIF>

12. The light punishments applied by the court to the persons involved in violent actions and the impunity of the organizers of the violence once again show the loyal attitude of the state entities towards the far-right groups.
13. It should be noted that there is a reasonable assumption that the violent incidents of July 5, 2021 were directed by the State Security Service of Georgia and a deliberate attack was carried out on journalists. The assumption was made after, on June 11 and July 2, 2022, the "Nodar Meladze Saturday" program of "Pirveli" TV Company aired an episode related to the possible involvement of the employees of the State Security Service of Georgia in the organization of mass violence on July 5, 2021. In the mentioned reports, the alleged correspondence between the employees of the State Security Service and the audio files were presented, and, thus, the justified assumptions can be made that the employees of the State Security Service organized certain processes and mobilized people involved in violence, distributed them to locations and gave instructions.⁶ After the release of the news reports, the Social Justice Center prepared a statement and in August 2022 addressed the Prosecutor's Office of Georgia with a request to start an investigation, however, until now, the Prosecutor's Office has not ensured the start of the investigation and the examination of the issue of alleged participation of SSSG employees in violent actions on July 5.
14. Cases of threats, physical and verbal abuse against LGBTQ+ people and civil activists by "Alt-Info" and other far-right groups in Georgia took place in 2022 as well.
15. It should be emphasized that in November 2021, the leaders and supporters of the media outlet "Alt-Info" founded the political party "Conservative Movement"⁷ and started opening representation branches in the regions of Georgia, which civil activists repeatedly protested, and because of this the members/supporters of the "Conservative Movement" physically and verbally assaulted them.
16. In the summer of 2022, representatives of far-right groups again demonstrated violence against the participants of the "Tbilisi Pride" week and again tried to disrupt the planned events.
17. Below we review the instances of violence perpetrated by far-right groups in 2022 and the state's response to them.

5. General information about Alt-Info and the Conservative Movement

18. "Alt-info" LLC was registered in 2019. Alt-Info obtained the right to air broadcasting and went on the air from 2021. They received a license for general broadcasting on November 26, 2020. Majority of the funds declared to the Communications Regulatory Commission are donations from the owners, that is, the channel is mainly supported through endowments.
19. On November 20, 2021, the team of "Alt Info" TV company held a congress and presented the new party "Conservative Movement". The party was officially registered on December 7, and on January 15, 2022, the first regional office of the "Conservative Movement" was opened in Zugdidi. According to the data of June 28, 2022, "Conservative Movement" has representatives in 60 large and small cities and 2 villages of Georgia, in addition to Tbilisi.
20. In February-June 2022, "Conservative Movement" received 277,959 GEL of funding in the form of donations. According to the data of the audit service, the funds were donated to the party for the

⁶ TV Pirveli reports, Journalistic investigation of Maka Chikhladze available at: <https://www.facebook.com/watch/?v=552108309628155>

⁷ "Conservative Movement" – Alt Info founded a party, see: <https://netgazeti.ge/news/577294/>

first time on February 16 of this year. On this day, 36 individuals donated money to the political union at the same time. The next similar large-scale donations to the party were recorded on March 16, April 15, May 16 and June 15, when 35 to 44 people transferred funds to the party. Such large, coordinated donations to the party's account indicate that this process is organized at the central level.

21. In June, the State Audit Service fined the conservative movement for undeclared income. The audit addressed the court for the matter of incorrect presentation of the party's 2021 declaration and concealment of donations and requested a fine of 217,482 GEL.
22. Investigative journalists uncover information that reveals the economic and personal ties of Alt-Info and Conservative Movement leaders with the Georgian Dream government.⁸ The chairpersons of the regional offices of the Conservative Movement are in some cases employed (both currently and formerly) at the City Halls⁹ and the State Security Service.¹⁰

6. Incidents identified in 2022

6.1. An attempt to disrupt events planned within the framework of "Pride Week".

23. In 2022, "Tbilisi Pride " did not hold the "March of Dignity " in view of the threats from far-right groups and the inappropriate response of state agencies to these threats. Nevertheless, the organizers of "Pride Week" announced that instead of public events, the film screening, LGBTQ+ regional conference and music festival (Pride Fest) would be held from June 28 to July 2 in Tbilisi.¹¹
24. After the information became publicly available, the far-right groups, including the leaders of "Conservative Movement-Altinfo" openly expressed their aggression towards "Pride Week" and announced "full mobilization" against them. One of the leaders of "Conservative Movement-Altinfo" Konstantine Morgoshia said that they would not allow the festival planned within the week, while Shota Martynenko pointed out that they would use the time until July 2 to prepare a counter-attack and shape the attitudes of the people.¹² In line with the announcements, the leaders of the movement started mobilizing the people, openly calling on those living in the regions to come to Tbilisi, claiming that they would "give the necessary and sufficient response" to the participants of the "Pride Week" festival.¹³
25. Although the threats of the leaders of the "Conservative Movement-Altinfo" were mainly directed against the "Pride Festival", the members and supporters of far-right groups also organized a protest on June 28, 2022 when the first event of the week, a screening of a queer film, was held, however violent incidents did not take place and the police officers mobilized in the area removed one of

⁸ How Businessman Morgoshia's walnut garden bloomed, available here: <https://rb.gy/e0g3dq> Studio Monitor, More violence – more Russia, available here: <https://rb.gy/fcbtbb>; TV Formula, Who is covering Alt Info, 2022, available here: <https://rb.gy/ffzz6d>

⁹ Governance Monitoring Center, Where are Alt Info funds and influence coming from? 2022, available here: <https://rb.gy/aqqfvs>

¹⁰ Mti Ambebi, Alt Info - A party with 77 offices, how Russia is growing in Georgia, 2022, available here: <https://rb.gy/1c8aej>

¹¹ Radio Liberty, Information about the events to be conducted, available here: <https://www.radiotavisupleba.ge/a/31919949.html>

¹² Reg info, Statements of Alt Info leaders, 2022, available here: <https://rb.gy/pkygue>

¹³ Zurab Makharadze address: <https://www.youtube.com/watch?v=qPbXWi1RzXA>

the participants of the action from the territory in time to avoid altercations before the movie started.¹⁴

26. The second event of the week, the regional conference, was conducted without loud contentions and incidents.¹⁵ However, members and supporters of far-right groups tried to disrupt the final event "Pride Festival" planned as part of the Pride Week. For this purpose, the leaders and supporters of violent groups gathered in the vicinity of the festival on July 2 and confronted the police officers mobilized on the spot. The police officers arrested the two leaders of the group, Zurab Makharadze and Irakli Martinenko, and removed them from the area.¹⁶ There was no physical violence against the participants of the festival.

6.2. Violent incidents from far-right groups in different regions of Georgia

27. According to the analysis of the Social Justice Center, the leaders of alt-info and the conservative movement, the persons affiliated with them, from 2020 openly express aggressive, xenophobic and Islamophobic attitudes towards non-dominant religious, ethnic groups and civil activists living in Georgia.¹⁷ The rhetoric and activities of Alt-Info representatives became particularly aggressive after the start of the war in Ukraine, when they openly supported the Putin regime and justified Russian military aggression. Their rhetoric was met with outrage and peaceful protests by our citizens in the regions, which members of the Conservative Movement countered with acts of violence, threats and harassment.

6.2.1. Mestia incident

28. On February 25-27, 2022, the Conservative Movement opened regional offices in the mountainous regions of Georgia, including Svaneti. According to media reports, activists living in Mestia held a protest rally on March 1, expressing solidarity with Ukraine and condemning Russian propaganda in view of the ongoing war in Ukraine. During the protest, the participants moved to the office of the Conservative Movement in Mestia and protested the pro-Russian sentiments of this political party and Alt-Info. Activists hung the national flag of Ukraine at the entrance of the building and threw eggs at the banners of the conservative movement. On March 3, the members of the Conservative Movement came to the office and beat two young men from Mestia at around 1:00 a.m., and in about two hours they organized an even larger conflict and several dozen people physically assaulted 3 civil activists again. According to the activists, the reason behind the physical confrontation was their participation in the Ukrainian solidarity rally, and the members of the Conservative Movement indicated that the participants of the rally insulted the Christian cross by throwing eggs at the banners, which they would not tolerate.¹⁸
29. Later, as they assessed the incident in Mestia, the representatives of Alt-Info and the Conservative Movement actually admitted the physical violence against the activists and also threatened with violence the citizens who expressed positions against the conservative movement. In particular, on March 16 of this year, one of the leaders of the party, a member of the governing board, Giorgi

¹⁴ On Tbilisi Pride Week, available here: <https://www.youtube.com/watch?v=VYGFwgeDfn4>

¹⁵ On LGBTQ+ regional conference, available here: <https://1tv.ge/video/tbilisi-praidis-kvireuli-8/>

¹⁶ Formula News, Zurab Makharadze and Irakli Martinenko were arrested, 2022, available here: <https://formulanews.ge/News/73608>

¹⁷ As we know, the State Security Service is investigating the crime under Article 142 of the Criminal Code of Georgia.

¹⁸ Mstiambebi, On Mestia incident, available here: <https://mtisambebi.ge/news/item/1470>

Kardava, said on Alt-Info: *"They are ordinary, low-level activists of specific political organizations. If you look at them, visually, there are very defective people - some crazy ladies, feminists, feeble-minded men. We do not see such real power in them. As for the facts of vandalism, several such facts were very strictly prevented, well directly in the mouth-nose area, to be specific. In Mestia, there was such a case when they tried to damage our location and they got it in the nose, very bitterly, they really did. It applies to men, and with a masculine approach, if someone has any complaints with us, they will get what they deserve. Let such women scream and bark as much as they want. It is not a problem, on the contrary, it is PR for us. It seems that the government is not going to react to the vandalism and we defend ourselves with our own strength, as in Mestia, and I repeat once again, one of them was hit in the nose and mouth, and after that there is silence, we will protect ourselves with similar methods. We will not allow anyone to speak to us with the language of violence. Those who want to talk to us in the language of violence, we will show them what violence looks like. When it comes to violence, no one knows how to use force better than us. We are not going to take a single step back, the country is backing us, we cannot go back, we will only go forward. Therefore, we will be even more relentless, aggressive and sooner or later we will reach the much needed victory for this country."*

30. Another leader of the party, Irakli Martynenko, used hateful and violent language in connection with the incident in Svaneti and noted that *"we warn everyone that pushing us is not a safe thing to do. If you push, there are people here too, and our people will not back down and will not raise their hands – swear at us and beat us. No one will stand like that and all our people in any region will protect their interests. We will not allow anyone to talk to us with the language of fists and force. If they come with that attitude, I can assure you that there will be much sharper responses from our side."*¹⁹

6.2.2. The incident in Khulo

31. On March 7, 2022, the representative of the Conservative Movement opened an office in 2 municipalities of the mountainous Adjara, Khulo and Shuakhevi. According to the property owners of the rental space, the representatives of the Movement provided false information about the party and hid their affiliation with Alt-Info. After Davit Solomnidze, the owner of the space in Khulo and Davit Davitadze, the owner of the space in Shuakhevi, found out through the civil activists living in Khulo, the identity of the renters of the space and the party's pro-Russian, xenophobic and Islamophobic attitudes, the party representatives were asked to vacate the premises and were not given space to open the office.²⁰ After these actions by the owners of the rental property, the representatives of the party openly expressed their aggression towards the people of Khulo through the Alt-Info channel and openly threatened them using hateful language on religious grounds.
32. In particular, on March 9, 2022, on Alt-Info, the leader of the party, Giorgi Kardava, linked the protest against the opening of the office in Khulo with the local Muslims and noted that *"they contribute to the increase of Turkish influence in Adjara, and the Christian cross is unacceptable to them."* Moreover G. Kardava addressed the local Muslims that their *"free hand and well-being against the national interests of Georgia will soon end."* G. Kardava referred to the local Muslim

¹⁹ Reg info, Positions of I. Martinenko and G. Kardava, available here: <https://rb.gy/7u1t8i>

²⁰ Radio Liberty, According to the owner, the "Conservative Movement" was made to vacate its office in the Shuakhevi municipality - the party's response, available here: <https://www.radiotavisupleba.ge/a/31746733.html>
Netgazeti, Party Alt Info had to vacate an office in Khulo, 2022, available here: <https://batumelebi.netgazeti.ge/news/395076/>

community as the attackers of the Christian villages and stated that they *"will come up to everyone who is caught up in something, no matter how minor."*²¹ Irakli Martynenko repeated a similar narrative in the same program and noted that the people in Khulo, under the influence of Turkey, are active and have gone into resistance mode, which will be solved soon, and this is precisely what they strive for [Alt-Info, Conservative Movement].

33. One of the founders of the party and Alt-Info, Konstantine Morgoshia, used hateful language against Khulo activists and threatened them. On March 10, 2022, he referred to Khulo residents as "terrorists" and "fanatics" on the air of Alt-Info and noted that everyone will be given the appropriate answer.²²
34. Beyond the Islamophobic positions expressed in television programs, after the closure of the offices in Khulo and Shuakhevi, according to media reports, members of Alt-Info contacted local activists and demanded an explanation of their anti-Alt-Info positions. According to activists, these calls were meant to warn them.

6.2.3. The incident revealed in Ozurgeti and the threats against Irma Gordeladze

35. Attempts to open an office of the conservative movement were protested in Ozurgeti as well. On March 12, local activists held a demonstration in front of the office of the Conservative Movement in Ozurgeti and noted that they would not allow the presence of pro-Russian groups in the region and would prevent the operation of the office. After the protest, the organizer and civil activist Irma Gordeladze received threatening messages through the social network. In particular, according to the information spread in the media, one of the members of the Conservative Movement published several photos of a firearm on the social network "Facebook" with the caption "This is how we treat sick people". Civil activists perceived this post as a threat and believed that a member of the Conservative Movement was threatening to kill them.²³
36. It should be noted here that the founders of the party used insulting words against Irma Gordeladze and other activists from Ozurgeti on the air of Alt-Info and referred to them as "sect of the National Movement", "Misha sect womanioni (word play of Mkhedrioni movement) ", "Misha's crazy women".²⁴

6.2.4. The fact of threats against Samira Bayramova

37. Alt-info and Conservative Movement members expressed aggression and Islamophobic sentiments towards Marneuli civil activist Samira Bairamova after S. Bairamova painted the banners posted on the windows of the office of the Conservative Movement in Marneuli in the colors of the Ukrainian flag as part of the civil protest on March 14, 2022. After protesting, Gio Chartolani, supposedly an activist of the Conservative Movement, sent a threatening message to S. Bayramova on the social network, called her an infidel and threatened to kill her.²⁵

²¹ Positions of I. Martynenko and G. Kardava from 2:46 min.: <https://www.facebook.com/100078567395209/videos/493980012082888/>

²² Reg info, These Khulo terrorists will have to scrape prison walls – Morgoshia, 2022, available here: <https://reginfo.ge/politics/item/25473-es-xuloeli-vigazeebi-rom-arian,-teroristebi,-mouxevt-zixis-xexva-konstantine-morgoshia>

²³ Formula, Threats against civil activists from Ozurgeti, 2022, available here: shorturl.at/aNPRT

²⁴ <https://www.facebook.com/107027311937417/videos/1307954686364042/>

²⁵ Reginfo, "I should cut off your head like a chicken" - Alt-Info activist threatens the life of Samira Bairamova, 2022, available here: shorturl.at/MQSWY

38. Moreover, on March 16, 2022, members of Alt-info and Conservative Movement gathered in Marneuli and verbally insulted S. Bairamova and gave her a two-day ultimatum to restore the banners of the Conservative Movement, otherwise they threatened to incite religious and ethnic strife.²⁶ The founders of the Conservative Movement and Alt-info made comments about the incident and noted that everyone will be given an immediate answer, and one of the founders, Konstantine Morgoshia, pointed to the fact of threats against Samira Bayramova: "She painted our office, and what did she think? Samira Bairamova won't Bayram for long".²⁷
39. Alt-info and Conservative Movement representatives emphasized Samira Bairamova's religious affiliation and pointed out that she is fighting against the Christian cross and beliefs.²⁸ The voicing of such views clearly contributes to the tensions in Marneuli and creates the danger of inciting a strife on religious or ethnic grounds.
40. It should be noted that the members of the party intentionally resort to fabrication and try to affiliate Samira Bairamova with the UNM Party, despite the fact that she has never been a member of this party. It should be emphasized that the Ministry of Internal Affairs of Georgia started an investigation into the threats against S. Bairamova. However, despite the start of the investigation, on March 20, representatives of the Conservative Party and Alt-info, in Marneuli, painted the exterior facade of the office of the United National Movement red and made insulting inscriptions with the following text: "Man fuckers, chickens, straight in Samira Bayram Duduk".²⁹ The mentioned supposed represents a result of threats against S. Bairamova on March 16, 2022 by supporters of the Conservative party and Alt-info.

6.2.5. Violence against civil activists in Kobuleti

41. On March 22, 2022, a Ukrainian solidarity rally was held in Kobuleti, and the rally participants moved in front of the Conservative Movement office for peaceful protest. However, shortly after the rally began, they were approached from behind by approximately 15 members/supporters of the Conservative Movement wearing black masks and hats. The mentioned group was aggressive, they verbally insulted the participants of the rally and started physical violence against specific persons. In particular, the members/supporters of the Conservative Movement physically assaulted four participants of the rally, attacked them with batons and sticks, after which two of the injured received multiple injuries.

6.2.6. State legal response to incidents identified in 2022

42. The state had a legal response to only a few cases of threats and violence committed by members of ultra-right groups, which was mostly manifested in the initiation of an investigation, and only in one case was there a legal effect. In particular, the Prosecutor's Office of Georgia ensured the identification of the members and supporters of the far-right group that took part in the violent incident that took place in Kobuleti on March 22, 2022. At the time of the incident, the police officers arrested several persons administratively (violation of public order and disobedience to the

²⁶ Netgazeti, Alt Info came to Marneuli, is threatening me and gave me two days, 2022, available here: <https://netgazeti.ge/news/600293/>

²⁷ Radio Liberty, Where is Alt Info heading to? 2022, available here: <https://www.radiotavisupleba.ge/a/31757719.html>

²⁸ ibid

²⁹ Mtavari, The office of the UNM was painted over in Marneuli and insulting inscriptions were left on the wall, 2022, available here: <https://mtavari.tv/news/78298-marneulshi-enm-opisi-sheghebes-kedelze>

legal request of the police), and criminal prosecution was initiated against 5 persons in accordance with subparagraphs "b" and "c" of Article 126 of Article 11 of the Criminal Code of Georgia (Group violence against two or more persons in a group) and the defendants were found guilty.

43. In the mentioned case, the interests of the victims were protected by the Social Justice Center, and in our opinion, despite the fact that the Prosecutor's Office ensured the legal outcome of the case, they still ignored the organized nature of the violence and the responsibility of the organizers. The investigative actions conducted in the case, including the protocols of the interrogation of the police officers, one of the defendants, as well as the post published on the official Facebook page of the media outlet Alt-Info clearly confirmed that the violence against the activists in Kobuleti had an organized character and that it was precisely the "Altinfo-Conservative Movement" leaders that organized the incidents. The leaders of the Movement noted in the published post that a sufficient response was given to "another provocative protest" by UNM-activists held near the office of the Conservative Movement.
44. Before the start of the "Pride Week", the leaders of the far-right groups openly threatened the participants of the "Pride Festival" and announced that they would disrupt the event, the Ministry of Internal Affairs of Georgia launched an investigation into the crimes provided for by Articles 151 and 239¹ of the Criminal Code of Georgia, which encompasses threats and a public call to commit violent acts.³⁰ After the start of the investigation, the police officers interviewed two leaders of the Altinfo-Conservative Movement (Zurab Makharadze, Konstantine Morgoshia), but despite the fact that it was obvious that they had committed a crime and there was sufficient evidence, no criminal prosecution was initiated.
45. Also, there was no legal effect regarding the fact of threats by members of ultra-right groups against Samira Bairamova in Kvemo Kartli and activist Irma Gordeladze in Ozurgeti. Despite the fact that the Ministry of Internal Affairs even used a special protection measure against Bayramova, it did not ensure detection and punishment of the perpetrators.
46. There were no criminal consequences and no investigation was started on the fact of violence in Mestia. Despite the fact that the police officers on the spot witnessed the violence of the members of the far-right group against the civil activists, they did not arrest the perpetrators and did not start an investigation.

7. Lack of institutional policies to combat extremism

47. The government of Georgia does not have a systematic and effective policy related to combating and preventing violent extremism. Despite the fact that in recent years, and since 2016, in Georgia, there have been clear attempts for the rise of such groups and their entry into institutional politics, the state does not have an appropriate policy document and action plan, which would identify the systemic causes of violent practices and such groups, effectively monitor the activities of these groups, and prevent future threats coming from them.
48. Moreover, despite the fact that in recent years the most active groups "Alt-Info" and "Conservative Movement" openly show their connections with the Kremlin and the official Kremlin ideology about the Russian world, the state, in the interest of protecting the country's national security, does not combat disinformation from these groups, coming from a hostile state. The state has no policy

³⁰„The Ministry of Internal Affairs has started an investigation into the statements of the leaders of the Conservative Movement regarding the "Pride" week, available here: <https://civil.ge/ka/archives/498218>

to monitor such propaganda, identify the origins and affiliations of these groups, and respond to and combat disinformation.

8. The lack of institutional policy to deal with homophobia

49. Social homophobia and its political instrumentalization have long been significant challenges in Georgia.
50. In a quantitative study conducted by UNFPA in Georgia in 2020, 83% of men interviewed would be ashamed to have a homosexual child, in the case of women, 74% of women share this opinion. The statement that homosexual women/men should not have the right to work with children is shared by 83% of men and 64% of women. According to the CRRC study, as of 2019, when respondents were asked who they would not want in their neighborhood, after criminals (27) and drug addicts (25), homosexuals ranked third and accounted for 24% of respondents.
51. According to WISG "The analysis of the results of the 2016 and 2021 surveys shows that the attitude of society has changed significantly towards the legal equality of LGBTIQI people. The share of respondents who support the restriction of individual rights for members of the LGBTIQI community has sharply decreased. However, it should be said here that this change does not automatically translate into positive attitudes."
52. With regard to the events of July 5-6, the Prime Minister of Georgia Irakli Gharibashvili stated that he does not consider it appropriate to hold Pride on Rustaveli Avenue, because it is unacceptable for the majority of the population and contains risks of civil conflict. The Prime Minister connected Pride with the former President of Georgia Mikheil Saakashvili and the opposition. The Prime Minister indicated that the government will do what the people want because our society is traditional. This statement was the most grave example of political homophobia in recent years.
53. Regrettably, the government does not have a comprehensive, systematic and effective policy to combat homo/bi/transphobia, which would include important elements of education, culture, social and information policy.
54. Moreover, the draft of the National Strategy for the Protection of Human Rights developed by the Government of Georgia in 2022, which is now sent to the Parliament for discussion, does not cover the issue of LGBT rights and combating homophobia at all.

9. Recommendations

55. Considering the above, the Social Justice Center presents the following recommendations

The authorities of Georgia should ensure a peaceful gathering/manifestation of LGBTQ+ activists and take appropriate preventive measures to prevent violence against the participants of the gathering;

The authorities should ensure objective investigation of crimes committed by members of ultra-conservative, extremist groups, identification of organizers and imposition of criminal liability;

The Prosecutor's Office of Georgia should ensure an objective investigation of the facts of the possible participation of the employees of the State Security Service of Georgia in crimes committed by members of ultra-conservative, extremist groups;

The Government of Georgia should develop and implement a systematic and effective policy of dealing with violent extremism, which will be based on the principles of participation of civil organizations and accountability to them;

The Government of Georgia should develop and implement a policy to combat Russian propaganda coming from ultra-conservative, extremist groups, which will ensure public information security;

The Government of Georgia should develop and implement a systematic policy for combating homo/bi/transphobia, which will be based on the perspective of human rights protection and include the policy directions of various relevant agencies, including education and science, culture, information, social protection;

The state should reflect the issues related to LGBTI rights and social exclusion in its human rights policy and relevant action plans and demonstrate its willingness to respect LGBTI rights and equality.

Yours faithfully,



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Social Justice Center

Director