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Public Defender Delivers Human Rights Report

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New public defender **Giorgi Tugushi** delivered his first biannual human rights report to the Parliament on December 18 with the ruling majority reacting with mild criticism of the document [in contrast to reports](#) delivered by ex-ombudsman Sozar Subari.

"If Public Defender is not politically motivated then we have to listen to his criticism and that's natural from the Public Defender to criticize the authorities," MP Giorgi Gabashvili of the ruling party said during the debates in the Parliament.

"It, however, of course does not mean that we are happy with everything that is written in this report," he added.

Subari, who now is with the opposition Alliance for Georgia and is a running mate of Irakli Alasania eyeing for the Tbilisi City Council's chairmanship (Alasania is running for mayoral office) was a frequent target of the ruling party's criticism. Subari and his biannual human rights reports to the Parliament were slammed by the ruling majority as "being politicized".

MP Gabashvili said that he hoped the new Public Defender would not be guided in his activities with the goal to gain popularity – something, which he said was the case with the previous Public Defender.

"Just see where Sozar Subari is now [referring to his membership into Alliance for Georgia] and it will become clear why he was so politically motivated while being the Public Defender," MP Petre Tsiskarishvili, the leader of parliamentary majority, said during the debates.

MP Davit Darchiashvili of the ruling party said that there was a clear difference between the recent report and the reports presented by Subari. He said in the recent document complaints filed by citizens to Public Defender's Office (PDO) were not presented as "as facts" and "unlike the previous reports, in this recent one separate cases of human rights violations are not generalized for claiming that there are undemocratic trends in the country."

But the ruling party will likely continue the previous practice of reacting on the ombudsman's report, involving passing resolutions saying that the Parliament "takes a note" of the report. The parliamentary minority was calling on the ruling party to instead pass a resolution calling on the government ministries and other state agencies to follow the recommendations laid out in the report.

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“Otherwise passing a resolution only saying that we ‘take a note’ of the report amounts to ignoring the report,” MP Giorgi Akhvlediani of the Christian-Democratic Movement (CDM), the leading party in parliamentary minority, said.

The Parliament failed to pass any resolution following more than three-hour long hearings late on December 18 as there were not enough lawmakers in the chamber required for taking decision.

Before moving to questions and answers, Giorgi Tugushi delivered a brief summary of the 340-page report, which covers the first half of 2009. Drafting of the report started before expiration of ex-public defender Sozar Subari’s term in office in mid-September and it was finalized under the supervision of his successor.

Tugushi spoke of cases of excessive use of force by the police, including against participants of protest rallies in spring. Adhering to the line of his predecessor, Tugushi also said that the use of rubber bullets and other type of projectiles by the police against the protesters outside the Tbilisi police headquarters on May 6 was at the time illegal.

He told the lawmakers that although as usually the prosecutor’s office was formally launching investigation into reported cases of wrongdoings by the police, such cases were “unreasonably dragged out” and it was “a trend.”

MP Giorgi Gabashvili responded that although there had been cases of excessive use of force by the police, “I would disagree with assumption that this is a trend.”

Tugushi said that torture of detainees was no longer “a systemic problem,” but separate cases still persisted.

A lawmaker from the ruling party, Eka Kherkheulidze, who is a deputy chairperson of the parliamentary human rights committee, strongly rejected it saying that she would be “intolerant to such statements, because I do not know any case of torture”.

Tugushi said that number of complaints filed by citizens to PDO over violation of property rights had “significantly decreased” in the reporting period.

He also said that “positive trend” was observed in respect of protection of national minorities’ rights, but also added that problem persisted with minorities’ limited skills in Georgian saying that the authorities’ efforts to offer them the possibility to learn Georgian were not adequate.

He said that number of cases related with violation of religious minorities’ rights, involving both physical and verbal insults, increased in the reporting period with 21 such cases reported – 20 of them related with Jehovah’s Witnesses. Tugushi also said that the police were inadequately responding to these cases of violation of religious minorities’ rights.

Religious rights were the key topic which triggered most of the criticism of the Public Defender from some lawmakers from the parliamentary minority groups.

A lawmaker from the parliamentary minority, Guram Chakhvadze of National-Democratic Party (NDP) criticized Public Defender for writing in his report the following phrase: “In the reporting period facts of intolerance towards religious minorities on the part of the society remained unchanged...”

"I think this is an insult of the society to describe the entire society as intolerant just because 20 cases of violation of one religious group's rights were reported," MP Chakhvadze told the Public Defender and asked him based on what he was making this assumption.

"This is at least a mistake; this is a false wording, which discredits Georgia and we can not in any way support such formulation," he added.

Giorgi Tugushi responded that number of public opinion surveys available for POD indicated that "society's attitude in general towards the religious minorities was intolerant.

But later during the debates Tugushi returned back on this topic and specified the issue saying that the phrase in the report was read by MP Chakhvadze out of context and he then read the full sentence: "In the reporting period facts of intolerance towards religious minorities on the part of the society remained unchanged, which was mainly reflected in harassment of persons [representing the religious minorities] and attacks on buildings having religious purposes, as well as in inadequate reaction by the law enforcement agencies on these cases."

"So the word 'society' here refers particularly to those persons who were committing these violations," Tugushi said.

Another opposition lawmaker, Jondi Bagaturia, leader of Georgian Troupe party, criticized Tugushi for not condemning and for not protecting those Orthodox Georgians who were insulted by videos mocking head of the Georgian Orthodox Church, Ilia II.

MP Levan Vepkhvadze of the Christian-Democratic Movement told the Public Defender that there was kind of, as he put it, "self-flagellation instinct" and "for some reason we do not consider insult of majority's religious feelings as a violation of this majority's rights."

Tugushi, however, responded that disseminating video footage, even though he deemed them "indecent", was part of freedom of expression and that particular case was not the one requiring his reaction.

In his closing remarks the Public Defender told lawmakers that ombudsman's reports on human rights "should in no way be a political document."

"I will try to keep up with this principle with my future reports and not to politicize them," Tugushi added.

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31

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