



HUMAN RIGHTS ORGANISATIONS RESPOND TO VIOLENCE AT 'EQUALITY MOVEMENT'S" OFFICE

Civil society organisations and groups working on protection of human rights in Georgia are extremely concerned about the violence and threats committed on homophobic motives against four activists of the organisation Equality Movement in Tbilisi. We call on law enforcement agencies to investigate the case in a timely and effective manner in order to address difficult situation with just and human rights-based approach and to restore activities of the Equality Movement.

On the evening of September 28, 2018, an informational meeting was being held in the office of the CSO [REDACTED] Movement A in Tbilisi, which was attended approximately by 30 people. People participating in the meeting were smoking in the backyard of the office of the organisation. There is another house in the yard where the neighbouring family resides. At around 22:00-22:30 the woman living in the neighbouring house addressed guests with yelling and aggressive attitude. Her irritation was caused by the sound of the organisation [REDACTED] guests. She threatened the guests in front of the office for several minutes using the following phrases: [REDACTED] will force you to move out A [REDACTED] [REDACTED] will see what will happen to you soon. A Due to this incident, by the decision of [REDACTED] Movement, A the event ended and the organisation [REDACTED] staff asked the guests to leave the office. The vast majority of guests left the organisation within 20 minutes. At about 23:00, only few employees and guests were left in the office of the organisation. Four of them [REDACTED] M.K., S.J., A.B., and M.K., were in front of the office in the street where they were waiting for a taxi. Another four people [REDACTED] V.K., R.K.TS., T.E., and A.U., [REDACTED] went to the back door of the organisation to lock it and then walk through the backyard out towards the street. When the four activists were in the yard, a man from a neighbouring house approached them. He was verbally insulting them and once he approached, he engaged in physical violence. The attacker was trying to choke one of the activists for a few seconds. In this process, the attacker was cursing, using phrases such as [REDACTED] will kill you, chickens A [REDACTED] [REDACTED] gave you the rights A and so on. Suddenly the attacker ran into his house to bring an unidentified item. This situation was witnessed by M. K., who was on the other side of the gate and assisted V.K, R.K, T.E, A.U to open the gate of the backyard while the attacker was in his house. M.K. recorded the video depicting this situation. Soon, the attacker went out of the house towards his car to take something out, while continuing threatening the activists. He was referring to the thing he was planning to take out of the car in the context of the purpose of killing the

activists. His family and neighbours tried to stop him. The members and activists of the community suspected that the attacker intended to take out and use a firearm from the car. Due to the fear, the activists hid behind cars.

It is noteworthy that the Ministry of Internal Affairs released a statement on September 29, the day after the incident, which evaluated the incident as a two-sided confrontation. The assessment of the violent incident by the MIA as two-sided confrontation, where the aggressor and the victims are seen as equal sides, misses the accurate evaluation of the legal and social aspects of the nature of such violence and creates room for the suspicion of the bias of the law enforcement authorities. Within the first days of the investigation, without proper examination and study, this statement substantially reduces trust in the ongoing investigation.

The trust towards police and investigation is also negatively affected by the insensitive behavior by the police and emergency doctors who were called on the scene. As witnesses recalled, the patrol officers talked aggressively to the victims, while the doctors were reluctant to report the injuries inflicted on the victims. Also, one of the employees of the [REDACTED] Movement A was cursed by the same neighbors in front of the police. Moreover, the neighbours said that they would not let [REDACTED]A in the precinct. The police did not react to these incidents. This approach is a manifestation of institutionalized homophobic practices by the police, where the police reiterate and discourage discriminatory attitudes revealed by the abuser by ignoring the interests of victims or by negative rhetoric.

The qualification of criminal activity is also problematic. The investigation is under the Article 126 of the Criminal Code of Georgia, which indicates violence. It is noteworthy that in addition to the act of violence, the composition of Article 151 of the Criminal Code of Georgia (the threat of life-threatening) can also be seen in the case. The circumstances of the case show that the threat from G.P. [REDACTED] side caused a genuine fear among the victims and witnesses, but this aspect seems to be ignored by the investigation. In addition, the factual circumstances in the case, in particular, the content of humiliating and offensive appeals from G.P., specifically indicate a homophobic motivation under Article 53 of the Criminal Code, which constitutes an aggravating circumstance of criminal action. Identification of the motive at this stage has a critical importance for complete and proper investigation.

Until now, the aggressor has not been detained by the police. Equality Movement [REDACTED]

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office is closed due to the risks of violence and potential escalation of the situation.

Human rights organisations positively assess the reforms launched within the Ministry of Internal Affairs and the Prosecutor [] Office, but it is clear that the police system is still not ready to adequately respond to the hate-motivated crimes and its work is still fragmented and oriented on individual incidents. The statement made by the MIA on September 29 also emphasises the problem of understanding of such crimes in the law enforcement institutions. Considering the social nature and specific context of discriminatory crimes, the law enforcement agencies [] and, more broadly, the government [] preventive policies remain weak and unsystematic, which significantly complicates the possibility of preventing such violence.

Obviously, the existing ineffective policy and the problem of homophobic practices and culture in the law enforcement system strengthens the homo/bi/transphobic prejudices existing in the society, creating an environment of impunity and the exclusion of discriminated groups from political and social space.

Considering the above-mentioned assessments, we, the signatory organisations, call on:

~~The Prosecutor [] Office of Georgia and the Ministry of Internal Affairs to ensure~~ The timely, independent and effective investigation on the attack on [] Movement A and its activists by individual persons, including granting victims the status of victims timely, use of appropriate qualifications of the criminal case, as well as revealing homophobic hate motive and reflecting it in the documents. In addition, taking into account the high public interest in the case, to inform the public about the progress and results of the investigation.

In addition, we call on ~~law enforcement agencies~~ to ensure timely and adequate use of preventive measures to enable the NGO [] Movement A to be able to carry out its activities in a safe environment.

~~Signatory organizations:~~

Equality Movement

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Human Rights Education and Monitoring Center (EMC)

Tolerance and Diversity Institute (TDI)

Media Development Foundation (MDF)

Georgian Young Lawyers Association (GYLA)

Article 42 of the Constitution

Georgian Democracy Initiative (GDI)

International Society for Fair Elections and Democracy (ISFED)

Institute for Democracy and Safe Development (IDSD)

Georgia's Reforms Association (GRASS)

Women's Initiatives Support Group (WISG)

Partnership for Human Rights (PHR)

Transparency International Georgia (TI)

Georgian Young Greens (GYG)