

Open Letter to US Secretary of State **Hillary Clinton**
Regarding Human Rights and Democracy in Georgia

July 4, 2010

Open Letter to the Secretary of State of the United States of America
The Honorable **Hillary Clinton**
Department of State
Washington, DC

Dear Secretary Clinton,

We, independent human rights NGOs in Georgia - Article 42 of the Constitution, Former Political Prisoners for Human Rights and Human Rights Centre (HRIDC) – the members of the South Caucasus Network of Human Rights Defenders –are very pleased with your first official visit to the South Caucasus Region in your official capacity as the Secretary of State of the United States of America. We particularly appreciate your interest to meet with civil society in Georgia.

We would like to take this opportunity to bring to your attention our concerns regarding the state of human rights and democracy in the country, also reflected in the US Department of State's report of 2009 on Georgia:

“The main human rights abuses reported during the year included at least one suspected death due to excessive use of force by law enforcement officers, politically motivated kidnappings and assaults, poor prison conditions, abuse of prisoners, including juveniles, arbitrary arrest and detention, politically motivated imprisonment, excessive use of force to disperse demonstrations, pressure that appeared politically motivated on owners of property, lack of due process, government pressure on the judiciary, and senior-level corruption in the government. Respect for media freedom declined, and there were cases of government interference with the rights of assembly and association. While three months of protests by the nonparliamentary opposition were generally held peacefully, there was a clear imbalance in protest-related incidents--crimes against government officials were investigated and solved quickly, while this was not the case for crimes committed against non-parliamentary opposition activists...According to the public defender's report for the first half of the year, in criminal cases the courts did not adequately implement the right to a fair trial provided by the European Convention of Human Rights.”

Taking the abovementioned trends and concerns into consideration, we call upon you to raise the following issues with the government of Georgia:

- To take prompt and effective measures to ensure that prison conditions do not violate human dignity and do not amount to degrading and inhuman treatment (current problems include lack of

access to immediate and proper medical treatment, overcrowding, hygienic conditions, physical and verbal abuse of prisoners, and non- isolation of prisoners with contagious illnesses with the rest, etc);

- To make legislative changes allowing human rights non-governmental organizations carry out regular monitoring of penitentiary institutions;
- Free political prisoners and take all effective measures to ensure that persons are not detained, imprisoned or persecuted on political grounds in Georgia;
- Urge the state to take effective measures to guarantee full enjoyment to every citizen of the right to peaceful assembly and manifestation. Initiate prompt and effective investigation leading to identification and accountability of individual perpetrators into well-documented violations of the right to peaceful assembly on November 7, 2007 and during the spring demonstrations in 2009 (including use of illegal weapons and excessive use of force to dismantle peaceful demonstrators);
- Abolish the amendments introduced into the laws on Freedom of Assembly and Manifestation, Law on Police and Code of Administrative Offences on July 17, 2009; The amendments disproportionately limit the freedom of peaceful assembly and exert the chilling effect on the enjoyment of these rights;
- Take all measures to ensure safe and enabling environment for human rights defenders, critical voices and watchdog organizations in the country;
- Effectively investigate cases of physical attacks and harassment against journalists and media outlets, bring perpetrators to justice, ensure safe and enabling environment for the media to exercise its watchdog activities freely from fear of persecution, retaliation and attacks;
- Take all necessary measures to ensure full independence of the judiciary, especially in criminal and administrative cases. Take prompt and effective steps to bring to account those individuals and bodies whose actions violate judicial independence;
- Initiate institutional changes in the Ministry of Internal Affairs of Georgia in order to decentralize the numerous functions which this organ has accumulated during the current government (such as policing, security forces, counter-intelligence, frontier-security, etc.);
- Take effective measures to ensure accountability for alleged violations of international human rights and humanitarian law norms committed in Russia-Georgia 2008;
- Take all necessary measures to ensure that living conditions of IDPs fully respect principles of human dignity, other rights and fundamental freedoms;
- Urge authorities to establish meaningful dialogue between the state institutions and broad spectrum of human rights NGOs and defenders;

- Pay particular attention to judgments, recommendations and reports by national human rights institutions (particularly the Ombudsman) as well as those given by international mechanisms, including ECHR, COE and UN bodies;
- Restore constitutional balance between the executive, judicial and legislative branches; the Constitution now grants overwhelming power and control over the other branches to the executive authority.

If you would like to receive more information regarding these issues, we would be very pleased to elaborate further.

Undersigned:

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