

Tolerance and Diversity Institute (TDI)

**Racism and Xenophobia in Georgia
The State's Policy towards Foreign Nationals**

Quarterly Report
January-March 2019

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1. Cases of racial discrimination and intolerance

Investigation of Vitali Saparov's murder

The murder of Vitali Safarov committed in 2018 on alleged ground of racial/ethnic intolerance raised concerns with respect to the qualification of the crime. Even though evidence pertaining to the case pointed to the commitment of the crime by two persons, one of the two individuals apprehended by the Ministry of Internal Affairs had been charged with premeditated murder on the ground of intolerance, while the other was accused of failing to report a crime committed under aggravating circumstances. Over the course of this period human rights activists and organizations had been demanding that the case should be requalified as a group crime. The Prosecutor's Office requalified the case as a group crime as late as in April 2019. As of today the case is being tried in the court.

Vitali Safarov, 25, was killed on 30 September 2018 following a confrontation in one of bars at the Freedom Square, Tbilisi. Safarov was pronounced dead at the scene as a result of multiple stab wounds inflicted by a cold weapon.

Alleged discrimination against a national of Egypt

In February 2019, a national of Egypt fell victim to an alleged discrimination by an interpreter. The foreign national was summoned in one of the police departments in Tbilisi to provide a witness statement in relation to a criminal case.

In the testimony the national of Egypt stated that her husband who was in hospital at the time of the crime was not given due attention by doctors allegedly due to the former's ethnic origin and religious belief. An interpreter categorically refused to translate the above circumstance as s/he believed that the witness was trying to instigate tension by telling lies. The interpreter left the police department.

Pursuant to Article 54 of the Criminal Code of Georgia, the interpreter is responsible for providing accurate and through translation except for the case when s/he believes that her/his knowledge is not sufficient for providing accurate account. Therefore, the interpreter had no right to refuse his/her services based on subjective attitude. In addition, the above described act of the interpreter in question contained signs of an alleged crime stipulated by Article 142 of the Georgian Criminal Code (implying the breach of equality).

TDI appealed to the Tbilisi Prosecutor's Office to launch an investigation on the above described occurrence.¹

¹ TDI provides legal assistance to the national of Egypt

Violence against a national of Nigeria

In February 2019 a national of the Federal Republic of Nigeria was subject to verbal and physical abuse by a stranger on alleged ground of racial intolerance. The Nigerian citizen was commuting on his motorcycle in Tbilisi when he was accidentally hit by a man from the side. When he took off his helmet and got off the motorcycle to make sure the man was unharmed, the latter verbally and physically assaulted him by hitting in the face and calling a 'nigger'. The victim called police patrolling nearby at the Marjanishvili Square for help. The Ministry of Internal Affairs of Georgia launched an investigation on the occurrence under Article 126 of the Criminal Code of Georgia (Violence). The same afternoon the national of Nigeria provided a witness statement whereby he reported that he believed racial intolerance to be an alleged motive for the crime. Investigators examined the crime scene, performed a medical examination and undertook other due actions under the investigation which is ongoing to this day.²

Violence against a Peruvian national

In January 2019, a Peruvian tourist staying in one of Tbilisi's guesthouses was verbally and physically abused by a neighbour. The conflict was reportedly fuelled up because of Russian plates on the tourist's motorcycle parked in a parking lot near the guesthouse. The neighbour demanded that the guest must move the motorcycle to another place. However, when the Peruvian national approached his motorcycle in order to move it, he found out that it was tipped over and damaged. The neighbour, under the influence of alcohol, was standing nearby, yelling at the tourist in Russian calling the latter a 'Russian pig' and demanding him to leave Georgia. Presumably, because of the Russian plates, the neighbour took the tourist for a Russian citizen.

As a result of the assault, the Peruvian national sustained injuries. Further to a report filed to the Police the same day, an investigation was launched under the first section of Article 187 of the Criminal Code of Georgia (damage to property). In his statement he indicated racial/ethnic intolerance as alleged motive of the crime. Medical and crime scene examination were carried out as part of an investigation into the case. Investigators did not qualify the crime as an act of violence. Nor did they identify intolerance as a possible motive for the crime. As of today, the investigation has not been completed.³

Violence against an Iranian national

In March 2019, a citizen of Iran residing temporarily in Georgia was subject to a group verbal and physical assault by the security staff of one Tbilisi restaurants on alleged motive of racial intolerance.

The citizen of Iran was attending a private party in a restaurant. He reported wearing a special wristband as a sign that he had purchased a ticket for the party. While trying to re-enter the restaurant after temporarily leaving it, he was repeatedly asked by the security to produce the ticket. After a brief altercation with the latter, the guest was allowed to join the party. However, one of the security team followed him to the restaurant observing closely and trying to not let him

² TDI provides legal assistance to the national of Nigeria

³ TDI provides legal assistance to the Peruvian national

out of the sight. Later on, the security approached the Iranian national and hit his face which grew into a frenzy and fistfight. Other members of the security team backed up their colleague and joined in battering of the guest as a result of which the latter sustained physical injuries.

The Ministry of Internal Affairs of Georgia launched an investigation under Article 126 (violence) of the Criminal Code of Georgia. A medical examination and other actions were undertaken as part of the investigation. The victim and other individuals provided witness testimonies. Later on during the investigation the Iranian national provided additional information on the identity of the security personnel involved in the crime and pointed out the presence of possible racial/ethnic intolerance motive. The investigation is still ongoing.⁴

Violence against Indian nationals in Mtatsminda Park

On 23 March 2019, during Festival of Colours a conflict ensued between Georgian and Indian youth entailing physical abuse of one of the Indian nationals. A video of the incident was released to a social [network](#).

According to the Ministry of Internal Affairs of Georgia, an investigation was launched on 24 March under Article 126 (violence).

2. Statistics for the investigation of cases involving racial bias (January-March 2019)

According to the information provided by the General Prosecutor's Office of Georgia, from January 1 to April 1, 2019 **one person** was charged with a crime committed on the ground of racial discrimination under Section II of Article 238¹ (carrying a cold weapon with the purpose of committing premeditated crime or particularly grave crime and/or carrying a cold weapon by a person with a criminal record) and Section I of Article 126 (violence) of the Criminal Code of Georgia.

Based on the information provided by the Supreme Court of Georgia from January 1 to April 1, 2019:

- No case went to district (city) courts of Georgia involving crimes based on grounds of race/ethnicity/nationality.
- One case of racial discrimination (Article 142¹ of the Criminal Code of Georgia) was referred to the Court of Appeals. The case is still under review.
- No case involving the aforementioned crimes was referred to the Supreme Court of Georgia during the reporting period.

⁴ TDI provides legal assistance to the national of Iran

3. Xenophobic and populist statements made by politicians

A discriminatory statement made by Mariam Jashi, MP

On 26 February 2019 the chair of the parliamentary committee on education, science and culture Mariam Jashi made a public statement concerning the condition of ethnic Georgians residing in the Azerbaijani territory. More specifically, Jashi stated that ‘the rights of the ethnic Georgians living in Azerbaijan in education as well as other services, should be brought to the same level as those of the Georgian citizens of Azerbaijani descent.’ She also spoke about plans of the Georgian state authorities to resort to mechanisms of bilateral negotiation and partnership with the Azeri government in order to improve the condition of ethnic Georgians residing in Azerbaijan.

 An appraisal of Jashi’s statement can be found [here](#).

A xenophobic statement made by Emzar Kvitsiani, MP

On January 2019, during a session of the working group in the Parliament of Georgia, Emzar Kvitsiani, MP, asked the chair of the Supreme Administration of all Muslims of Georgia Mirtagi Asadov whether or not the latter was a citizen of Georgia. After receiving a positive answer from Asadov, Kvitsiani frowned upon the former’s inability to speak Georgian.

By making such a statement, the MP used the language issue as an instrument for the latter’s marginalization. Pursuant to the Code of Conduct of the Parliament of Georgia, an MP shall treat other members of the Parliament and citizens respectfully and shall not use the hate speech based on racial, religious, ethnic or other grounds. In this particular case, Kvitsiani demonstrated a discriminatory attitude towards the citizen of Georgia based on linguistic and ethnic grounds, which qualifies as a hate speech pursuant to the Code of Conduct of the member of the Parliament.

At the same time, the head of the Parliament’s Human Rights and Civic Integration Committee Sopio Kiladze, who chaired the session, did not respond to Kvitsiani’s statement. Kiladze demonstrated lack of action and failure to prevent the fellow MP from resorting to hate speech. Nor did she made any attempt to slam the usage of hate speech by her colleague.

 Assessment of the occurrence by Coalition for Equality can be found [here](#).

A populist statement of Mikheil Saakashvili

In an interview aired on Rustavi 2’s ‘Nanuka’s Show’ on 27 February 2019 the third president of Georgia Mikheil Saakashvili, currently a leader of an opposition political party United National Movement explained the reason behind his taking of a genetic test:

‘When you are confronted with a dirty lie [...] and when we do not respond to these lies for years, it appears to be a mistake, because [they] implanted these viruses in people’s brains [...] it turned out that my ancestors had not mingled with anybody else except for Georgians throughout centuries.’ Under ‘lies’ Saakashvili meant those speculations according to which he was not ethnic

Georgian. Saakashvili called on his opponents, who were suspicious of his 'ethnic Georgian descent', to undertake the test.

In support of legitimacy of the genetic test, Saakashvili provided scientifically unjustified, populist and racist arguments: *'When they ask me why I look at genetics, I say that Georgia is being depopulated. The pace of depopulation today is incomparable even to those times when kings and lords were taking the country apart and kidnapping girls and boys [...] and all these happen under circumstances whereby marijuana is legalized, and Georgia is turning into a drug plantation. This means that not only is Georgia losing its population, but it is being altered genetically'*.

The information about the test was first released on Saakashvili's Facebook page on 17 February: *'There is not a single drop of non-Georgian blood in me – Out of curiosity I have undertaken a very popular genetic test in the U.S. I turned out to be 99% Georgian and only 1% of Greek descent. The test measures your ancestral origin at least for the past thousand years with great precision'*.

Against the backdrop of an increased presence of various radical, fascist and racist groups, and growing intolerant sentiments, manipulation with ethnic superiority theories by politicians for attaining specific political outcomes is particularly unacceptable.

4. Restriction over foreign nationals to acquire agricultural land

Issues related to selling agricultural land remain high on the agenda. As a result of constitutional amendments taking effect on 16 December 2018 agricultural land qualifies as a 'resource of particular significance'. The same amendments impose restrictions over foreign nationals to acquire property rights over agricultural land in Georgia.

On 27 February 2019 the parliamentary committee on agrarian issues initiated a draft organic law of Georgia on agricultural land ownership. Provisions of the draft law allow ownership of agricultural land only to Georgian citizens and companies/organizations with the majority of Georgian shareholders/Georgian founders. Foreign nationals can own the land only if they inherit such land. As for the legal entities where the majority of shares is owned by foreign nationals or the majority of the founders are foreigners, they can purchase the agricultural land with certain investment conditions. The latter shall be responsible for alienating the land if they fail to abide by conditions enshrined in the law.

The reporting period saw committee reviews with respect to the draft law underway in the Parliament of Georgia.

5. Issues related to crossing Georgia's state border by foreign nationals



[According to data](#) provided by the Ministry of Internal Affairs of Georgia:

Iran, India and Azerbaijan top the list of those countries whose citizens were denied an entry to Georgia. Below is the statistics of refused entry to the country in the period from January to March 2019:

- January 2019: Iran - 576, India – 366, Azerbaijan – 124
- February 2019: Iran – 564, India – 428, Azerbaijan – 141
- March 2019: Iran – 1815, India – 404, Azerbaijan – 228.

Importantly the past few years have seen the State's policy harshened towards foreign nationals' crossing the state border. The state often refuses the entry to the country to representatives of specific countries without justification. More information on this issue can be found in [TDI's report](#).

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