



September 20, 2017

His Excellency David Bakradze  
Ambassador of Georgia  
1824 R Street Northwest  
Washington, DC 20009

**Dear Mr. Ambassador:**

We write to you out of deep concern over a recent incident that took place in Batumi, Georgia in which the human rights of two Georgian citizens appear to have been severely violated.

According to numerous reports, on the morning of August 25, two Georgians — Levan Berianidze and Tornike Kusiani — were attacked and beaten by a mob that was shouting homophobic slurs. When the two men sought help from the police nearby, the police appear to have joined in the attack, rather than protecting the victims. They too allegedly used homophobic slurs, arbitrarily detained the victims, prohibited them from using the phone to contact legal counsel, subjected them to further violence and humiliation, and verbally assaulted them.

Unfortunately, this incident fits a pattern of neglect with regards to the human rights of lesbian gay, bisexual, transgender (LGBT) Georgians. In spite of your country's 2014 legislation that bars all forms of discrimination based on sexual orientation and gender identity, and the amended Criminal Code that calls for tougher sentencing for those found committing crimes against individuals based on sexual orientation, to date there has been no unified strategy and systemic policy for battling hate crimes in Georgia.

According to analysts, anti-LGBT crimes in Georgia frequently go unreported and unsolved, and the victims are all too often subject to repeat victimization. Police have even accused the victims themselves of deserving such treatment, and sometimes arrest them for disorderly conduct and the like, rather than pursuing the perpetrators and bringing them to justice. This can lead to further lawlessness, as criminals realize that members of the LGBT community will not report crimes to the authorities, thus making them even more vulnerable. In its most recent report on human rights, the U.S. State Department reported that "victims of discrimination and violence also were reluctant to report incidents to police due to fear of disclosing their sexual orientation or gender identity to family members and of homophobic reactions by police."

With that in mind, a coalition of Georgian non-governmental organizations have called upon your government and other Georgian authorities to:

- Condemn violence against the LGBT community and against LGBT individuals in Georgia;
- Conduct a fair and impartial investigation into this case;
- Punish the police officers involved; and
- Create and carry out a hate crimes policy and strategic plan.

We strongly support these requests, which we have attached to this letter. We would like to request a meeting with you and your staff at your earliest convenience in order to better understand the environment in Georgia and to explore possible avenues for improving the situation for LGBT Georgians, so that Georgia can truly live up to its human rights laws and commitments.

Thank you for your attention to this letter. We look forward to working with you.

Sincerely,

**Human Rights Campaign**

**Advocates for Youth**

**Council for Global Equality**

**Global Forum on MSM & HIV (MSMGF)**

**Global Justice Institute- Metropolitan Community Churches**

**GLSEN**

**Human Rights First**

**The Matthew Shepard Foundation**

**National Center for Lesbian Rights**

**National Center for Transgender Equality**

**Robert F. Kennedy Human Rights**

### **Non-Governmental Organizations Respond to the Beating of Members of Equality Movement by the Police**

We, the organizations and groups working on the protection of human rights, are utterly outraged by the beating, arbitrary detention, and inhumane treatment of members of the Equality Movement, Levan Berianidze and Tornike Kusiani. The beating occurred in Batumi and was perpetrated by police officers *allegedly* acting on homophobic motives. We call on the Prosecutor's Office to investigate the case in a lawful and timely manner, so that the policemen responsible are punished accordingly. Moreover, we request the Ministry of Internal Affairs to suspend the authority of the respective police officers and, in the case the violation is proven, to dismiss those officers, while carrying out an effective policy for fighting hate crimes and implementing an equality-based police culture within the system.

At dawn on the 25 August 2017, in Batumi, an unknown person, *allegedly* acting on the basis of homophobia and transphobia, physically and verbally assaulted Tornike Kusiani, Levan Berianidze, and three other persons accompanying them. Other people also took part in this violent incident. The victims asked the police officers nearby for help, but, in spite of witnessing the criminal incident, the officers did not react at all and restricted the victims from calling the police. Furthermore, they arbitrarily detained L. Berianidze and T. Kusiani and used obvious homophobic language towards them. The police officers did not explain [the procedural rights of the detainees or the](#) reason of their detention, and also did not permit them to use the phone. During the transfer of detainees to the 6<sup>th</sup> headquarters of the Batumi municipal police, the officers committed violence against the detained activists. Moreover, during physical inspection in police headquarters, the officers demanded the detainees to [strip](#) and, along with derogatory treatment, verbally [assaulted](#) them. In addition to the above, the detainees noted that the doctor treated them indifferently during medical inspection in temporary detainment isolators, did not properly evaluate the degree of injuries inflicted on L. Berianidze, and did not [document them](#).

In addition, a few days ago, officers of the 6<sup>th</sup> precinct of the Batumi municipal police did not take adequate measures with respect to violent acts committed against several members of the LGBT community and, instead of the perpetrators, detained the aforementioned members. There have been a few cases in the past (the [arbitrary detainment](#) of White Noise Movement activist, Paata Sabelashvili, on 20 August 2016 and the beating of one of the members by police officers on transphobic motives) which *also* show *probable* participation of police officers in arbitrary detainments and incidents of homophobic violence.

The factual circumstances presented above point to inhumane and derogatory treatment of L. Berianidze and T. Kusiani, including the beating of the latter, *allegedly* on homophobic motives and inflicting physical, mental pain and suffering on the victims, which, *respectively*, qualify as criminal activities envisaged under articles 126 and 144<sup>3</sup>.2 of the Criminal Code of Georgia (CCG), committed on the basis of sexual orientation (article 53<sup>1</sup> of the CCG).

Over the years, organizations working on protecting human rights have been pointing out the absence of a unified strategy and systemic policy for battling hate crimes, however, because of the lack of political will, the authorities have not even begun working on such reform. Crimes motivated by homo/bi/transphobia frequently remain without due attention and investigation from the police and the victims of such violations of human rights become subject to repeat victimization, due to homophobic policies and police culture. In such cases, the police are showing a [tendency](#) of shifting the blame onto the victims and arresting them. Even more, on certain occasions the

police themselves turn to violence towards LGBT members and show their homo/bi/transphobic attitude in the cruelest ways.

The existing inefficient, discriminatory, and repressive law enforcement policy reinforces the predisposed homo/bi/transphobic notions entrenched in society, creates the environment of impunity, and excludes discriminated groups from political and social systems. Homophobia institutionalized in law enforcement authorities deepens the oppression of LGBT groups and makes it impossible to carry out equality-based policies. Police involvement in such violent incidents weakens the trust of members of the LGBT community and other minorities in state institutions and leaves them alone in the face of violence.

The case of L. Berianidze and T. Kusiani makes the issue of the lack of an independent investigative mechanism acutely clear, the existence of which should ensure impartial and efficient investigation of crimes committed within law enforcement authorities.

In consideration of all of the above, we, the signees of this document, call for:

***The Prosecutor's Office of Georgia, to ensure***

Timely, impartial, and efficient investigation regarding the beating of L. Berianidze and T. Kusiani by police officers and private individuals, including the assignment of respective status to the victims, adequate qualification of criminal activities, and with respect to the activities of the policemen, the application of article 144<sup>3</sup>.2 of the CCG (derogatory and inhumane treatment), as well as ensuring the appropriate punishment of the police officers involved. Additionally, considering the high degree of public interest in the case, to inform the public on the progress and results of the investigation;

***The Ministry of Internal Affairs, to ensure***

The study of the activities of the police officers and, in case of confirmation of criminal wrongdoing, the dismissal of the officers from their positions. In the process of investigation, it is essential that the Ministry suspends the authority of said persons;

The carrying out of a systemic and efficient policy on hate crimes which, on an institutional level, requires the establishment of a strategic plan, specialized police services, and the commissioning of independent internal monitoring mechanisms;

***Government of Georgia, to ensure***

The establishment of efficient policies and mechanisms for an appropriate reaction to hate crimes, as well as other criminal activities committed by law enforcement authorities, which includes the commissioning of independent internal monitoring mechanisms; and

***Parliament of Georgia, to ensure***

An efficient parliamentary control of hate crimes and activities of law enforcement authorities that have committed such crimes;

The making of public announcements and the carrying out of policies condemning violence motivated by homo/bi/transphobia and supporting equality.

<b>Human Rights Education and Monitoring Center (EMC)</b>
<b>Equality Movement</b>
<b>Women's Initiative Support Group (WISG)</b>
<b>Georgian Young Lawyers' Association (GYLA)</b>
<b>Open Society Georgia Foundation (OSGF)</b>
<b>Georgian Democratic Initiative (GDI)</b>
<b>Transparency International (TI)</b>
<b>Tolerance and Diversity Insitute (TDI)</b>
<b>Safari Association</b>
<b>Media Development Fund (MDF)</b>
<b>Partnership for Human Rights (PHR)</b>
<b>Women's Movement</b>
<b>Temida</b>
<b>Article 42 of the Constitution</b>
<b>Hera 21</b>
<b>Identoba</b>