

AMNESTY INTERNATIONAL

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Georgia: De facto authorities in a disputed region stifle freedom of expression

The de facto authorities in Georgia's disputed region of South Ossetia shortly detained and have brought defamation charges against a critical social media blogger in a move that constitutes a blatant violation of freedom of expression.

Tamar Mearakishvili was detained on 16 August and charged for defaming the de-facto ruling party of South Ossetia – “United Ossetia”. The authorities referred to her comments for the “Ekho Kavkaza” – an online publication of the Radio Free Europe/Radio Liberty. The article published on 26 April featured Tamar Mearakishvili's criticism of the arbitrariness of the “United Ossetia” party representatives in her town of Akhagori, namely her description of how the party representatives harassed doctors at a local hospital and tried to extort free medical supplies.

Tamar Mearakishvili told Amnesty International that while she was detained, she was denied a lawyer and an interpreter and her personal belongings were confiscated. Tamar was released the same day, apparently as the result of an outcry by local activists and international organizations. However, the charge of criminal defamation is still pending and she is due to be summoned to the investigation office in the upcoming days. Tamar's house was also searched on 16 August.

Tamar Mearakishvili is an active social media blogger in the small town of Akhagori in Georgia's disputed region of South Ossetia. She has been outspoken on various social and economic problems that her community is facing.

On 31 July Tamar Mearakishvili received a letter from the local prosecutor's office informing her that an investigation was being launched in relation to defamation charges brought against her by a member of “United Ossetia”.

Tamar Mearakishvili has often been harassed due to her social media activism. Before her recent detention, she had been summoned to the Prosecutor's Office six times since 2008 and threatened because of her critical comments in social media and news outlets.

The defamation charge against Tamar Mearakishvili must be dropped, and her harassment because of her criticism of the de facto authorities must end. Defamation, if proven, should only be treated as a matter for civil litigation by the injured party.

Background Information

The UN Human Rights Committee has encouraged states to consider decriminalizing defamation and underlined that, in any case, the criminal law should only be used in the most serious of cases. It has explained that defamation laws must be crafted with care to ensure that they comply with states' international human rights obligations and do not in practice stifle freedom of expression; a public interest in the subject matter of the criticism should be recognised as a defence, and states should take care to avoid excessively punitive penalties.

Amnesty International opposes all laws criminalising defamation, whether of public figures or private individuals, which should only be treated as a matter for civil litigation.

Parts of South Ossetia broke away from Georgia in early 1990's. Russian armed forces occupied South Ossetia in 2008 after the Russian-Georgian armed conflict. Russia recognised the independence of South Ossetia shortly after the war. Georgia and a large part of the international community consider South Ossetia to be the Russian occupied territory of Georgia.

Public Document

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