

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgian Young Lawyers' Association makes statement on infringement of the rights of detainees

The Ministry of Interior of Georgia has officially announced that as a result of dispersal of peaceful manifestation there are 90 detainees, some of them has already been sentenced to administrative detention and the others were fined.



GYLA provides legal assistance to the detainees. GYLA lawyers until now are in search

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of certain individuals and/or are seeking information about identities of those detained in pre-trial detention centers. However, access to such information is strictly limited. GYLA lawyers are not allowed to visit the persons under their defense in the pre-trial detention centers.

GYLA calls upon the Ministry of Interior to publish the list of those detained on 26 May 2011 as a result of dispersal of the demonstration taking place in front of the Parliament of Georgia in order to ensure that their rights to defense is fully respected. GYLA also calls upon the Ministry to establish the whereabouts of those missing since last night.

GYLA would like to comment on court proceedings held in the Tbilisi City Court against the detainees. GYLA lawyers faced serious difficulties in getting information about those brought in the Tbilisi City Court. In the beginning GYLA lawyers were even refused to exercise their professional duties.

Some of the detainees brought before the Court had visible physical injuries. However, judges usually did not pay attention on this – they never expressed interest in clarifying what were the circumstances of a person being injured.

The only evidence the court relied on against the detainees was the statements of the police officers. The court never inquired whether there could have been additional evidence available. In most of the cases, the court did not clarify what were the particular facts of malice disobedience committed by the detainee.

Protocols of misdemeanor allegedly committed by the detainees drawn up by police and presented to the court were entirely identical - the only difference was in the names and identity numbers of the detainees.

There could be identified cases when the detainees were not treated equally by the court. In the beginning, the detainees, even if confessing their guilt, were sentenced to 30 days administrative detention, while later on, in the similar cases the only sanction used by the court was fine.

It has to be underlined that in number of cases detainees with visible physical injuries used to refuse to be assisted by GYLA lawyers in their defense before the court. GYLA believes that these facts raise serious doubts of psychological pressure used on the detainees by police.

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GYLA would like to emphasize that as a professional and human rights defense organization, under its mandate, it had to inform society about existing legislature regulating the conduct of demonstration. This information would make society fully aware of existing threats and make them able to make their own choice in this regard.

However, it has to be stressed that the formalist interpretation of the national law does not legitimize decision about dispersal of peaceful manifestation. Apart from the legislative regulations, the state bodies should have acted balancing society interests for the protection of fundamental human rights.

GYLA would like to further emphasize that excessive force was used by police and reiterates that all cases of excessive use of force shall be thoroughly and effectively investigated and the perpetrators shall be brought to justice.

GYLA expressed its condolences to the families and relatives of those deceased as a result of the events taking place on Rustaveli Avenue last night.