

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Assesses Dispersion of Peaceful Rally as Unlawful Violence

Georgian Young Lawyers' Association (GYLA) has noted a number of times that any act of violence, regardless who is standing behind the violence, is unacceptable to us. Recently, society witnessed operative and effective arrest of participants of incidents that took place outside Parliament and Sh. Rustaveli Theatre by Georgian authorities. GYLA hopes that the authorities will be equally operative in investigating and punishing those who took part in the violent dispersion of peaceful protestors outside the Tbilisi police headquarters on June 15.

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GYLA assesses the incident as unlawful violence sanctioned by the Ministry of Interior Affairs (MIA), as a result of which dozens of citizens suffered different degrees of injuries and dozens were illegally arrested.

GYLA expresses particular concern regarding the fact that representative of Public Defender, who was attending the meeting in a special indentifying form, was intentionally beaten severely.

Video footage released by media outlets, namely iTV internet broadcasting demonstrate that participants of the rally did not act violently, while police started sudden raid of the peaceful protestors (ref. video <http://itv.ge/?p=10381iTV>). GYLA clarifies that under the Georgian Law on Police, while performing professional duty a police officer is allowed to use physical force, although he is obligated to “warn the individual in advance, give him enough time to follow the lawful order of the police officer”.

GYLA considers that even if the rally was held within the perimeter forbidden by law (within the radius of 20 meters from the department), police was required to warn rally participants and give them enough time to abide to the lawful command of police; but the released footage demonstrates that police did not address to the rally with a demand to break up.

As GYLA assesses, the chain of unlawful acts that was started with violent dispersion of peaceful protestors outside the police department was continued in the second half of the day by hindering GYLA lawyers to visit prisoners at the preliminary detention cell and to defend them in court.

Under paragraph 3 of Article 42 of the Constitution of Georgia, “the right to defense shall be guaranteed”; this, along with other procedural rights, entails the detainee’s right to have an appointment with his defense attorney after the arrest and make use of his service without any hindrance.

Despite a number of attempts, GYLA lawyers were not allowed to visit their defendants at the preliminary detention cell, justified by the claim that the detainees were not held at the preliminary detention cell.

GYLA lawyers also faced difficulties at Tbilisi Civil Court where by creating physical obstructions representatives of mandaturi (supervisor’s) service did not allow us to attend trial of Dachi Tsaguria who was under arrest; additionally, some employees of

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the court were intentionally trying to keep away information on trials of detainees who were transferred to the court building from defense lawyers.

GYLA considers that the June 15 development of events do not serve the process of restoring public's confidence in state institutions and calls upon the authority to punish all responsible individuals who ordered violent dispersion of peaceful protesters in the shortest term possible, in order to restore justice; also to give proper evaluation to infringements of constitutionally guaranteed rights of detainees at the preliminary detention cell and at Tbilisi City Court.