



GYLA addressed the European Court of Human Rights on behalf of Zurab Japaridze

On December 12, 2018, Georgian Young Lawyers Association addressed a complaint to the European Court of Human Rights on behalf of Zurab Japaridze.

On May 2, 2018, Zurab Japaridze, together with members of the political party "Girchy", witnessed the process of detention of a citizen by the representatives of the law enforcement agencies due to the possible use of drugs. The above mentioned fact was followed by the verbal protest of Z. Japaridze and the members of "Girchy". They explained to policemen the negative sides of repressive drug policy and legislation, including the detention of a person because of using of drug. The protest started on Kavtaradze Street in Tbilisi and continued near the second police department.

According to local courts decision Z. Japaridze was recognized as an offender on the basis of Articles 166 and 173 of the Administrative Offenses Code of Georgia for minor

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



hooliganism and disobedience to the lawful request of police. The complainant was fined by the court by 2000 GEL.

The domestic courts considered the complainant იუს case on the basis of the Administrative Offenses Code of Georgia remaining from the Soviet period. The judge იუს ruling did not include the reference to the complainant იუს individual responsibility and role, specifically what action of Japaridze was considered as an offence. The courts also did not discuss the factual circumstances on the basis of which the complainant იუს actions considered as insulting and disobedience to the police's request. Tbilisi Court of Appeals imposed a burden of proof against the presumption of innocence on the complainant, explaining that he had to prove his innocence. In addition, the courts did not assess how much the complainant იუს statements on the particular issue were protected by the freedom of expression.

GYLA substantiates the violation of Article 6 (Right to Fair Trial) and Article 10 (Freedom of Expression) of the European Convention in a complaint addressed to the European Court.

This case once again confirms a number of systemic problems in the Administrative Offenses Code of Georgia. This Code is not able to meet the requirements of the fair process and does not contain sufficient procedural guarantees for the alleged offender. In addition, this case creates a precedent that may have "stinging effect" to person or persons' group using the right to freedom of expression