

ბვიად კუპრავასათვის პატიმრობის
შეფარდება გამოხატვის თავისუფლების
შეზღუდვის საშიში პრეცედენტია

SENTENCING ZVIAD KUPRAVA TO IMPRISONMENT IS A DANGEROUS PRECEDENT OF RESTRICTING FREEDOM OF EXPRESSION

The signatory organizations have responded today to the guilty verdict rendered by Tbilisi City Court against Zviad Kuprava and considered the fact a dangerous precedent in terms of restricting freedom of expression in the country.

The case concerns the incident of 11 June 2018 while Zviad Kuprava was in the cafeteria in the court building during an hour break announced at the case proceeding. Soon, police officers approached Zviad Kuprava and asked him to leave the cafeteria and return to the courtroom. In response to the request, Zviad Kuprava said that he had been dismissed from the courtroom for an hour, and that time had not yet expired. He also noted that he did not care about the judge (in particular, "he didn't give a f*ck" about him [the judge]). In response, the officials of the Interior Ministry forced the citizen to return to the courtroom. Afterwards, the Prosecutor's Office charged Kuprava with a violation and launched a criminal prosecution against

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him. Today, Zviad Kuprava has been convicted for the above act (insulting the judge) under Article 366(2) of the Criminal Code of Georgia, which provides for criminal liability for the contempt of court, which was allegedly expressed in the insult of the judge. According to the court ruling, Zviad Kuprava was sentenced to nine months in prison. It is noteworthy that this is the first occasion in court practice where a person has been held responsible based on the aforementioned provision for the statement made outside the courtroom.

we believe that the effective implementation of justice and disruption of court proceedings undoubtedly constitute a worthy interest that must be protected and for which certain degree of liability might be imposed, however, we find it alarming to apply the above provision where a person makes a statement outside the courtroom and does not interfere with the implementation of justice, nor the independence or impartiality of the judiciary. In such cases, prosecuting a person merely because his statement contained abusive words is contrary to freedom of expression guaranteed under the Constitution of Georgia, which, on the one hand, protects against abusive statements and on the other hand, obliges judges to tolerate statements (including offensive) made regarding them.

It is important to consider today's verdict in light of other events currently taking place in the country, in particular, the increasing desire of authorities and various groups to suppress criticism in the public and restrict the scope of freedom of expression. The ongoing interviews with the candidate judges for the Supreme Court and the opinions expressed by incumbent judges are also noteworthy, as they, along with today's judgment, indicate low sensitivity to freedom of expression in the judicial system in general. It is also worth noting that Zviad Kuprava is a person with oppositional views who actively participated along with Zaza Saralidze in the demonstration held concerning the tragedy in Khorava Street, which indicates the selective administration of the justice in the given case.

Georgian Democratic Initiative (GDI)

Georgia's Reforms Associates (GRASS)

Human Rights Center (HRC)

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Transparency International Georgia (TI Georgia)

Georgian Young Lawyer's Association (GYLA)

Tolerance and Diversity Institute (TDI)

Institute for Democracy and Safe Development (IDSD)

Partnership for Human Rights (PHR)

Media Development Foundation (MDF)