



Georgia

7 April 2011

Obstacles to freedom of assembly and judicial harassment of seven defenders - GEO 001 / 0411 / OBS 059

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in Georgia.

Description of the situation:

The Observatory has been informed by the Human Rights Centre (HRIDC) of the dispersion by the police of a peaceful protest rally calling for the respect of prisoners' rights in front of the Ministry of Corrections, Probation and Legal assistance in Tbilisi, and of the subsequent arrest and sentencing of Messrs. **Merab Chikashvili**, leader of the human rights organisation Ratom ("Why"), **Giorgi Kharabadze**, member of Ratom, **Otar Bekauri**, member of the youth human rights organisation "No", **Giorgi Burjanadze** and **Besik Tabatadze**, both members of the political organisation People's Assembly, as well as **Vladimir Sadgobelashvili** and **Akaki Chikovani**, political opponents.

According to the information received, on March 25, 2011, a protest rally was held to denounce cases of arbitrary detention of prisoners, including political prisoners, bad sanitary conditions and overcrowding of prisons, cases of ill-treatment and torture sometimes leading to the death of prisoners. Officers of the Patrol Police Department of the Ministry of Internal Affairs reportedly dispersed the peaceful protest and arrested the seven above-mentioned protesters, on the ground that they had blocked the Kazbegi Avenue, thus committing a disobedience to legal orders or instructions of law enforcement as stipulated in Article 173 of the Georgian Code of Administrative Offences.

Hearings took place before the Administrative Chamber of Tbilisi City Court from March 25, 2011 at 8 p.m. to March 26 at 2 a.m. The Court sentenced Mr. Merab Chikashvili and Mr. Giorgi Kharabadze to 20 days of imprisonment at the Tbilisi detention centre, Messrs. Giorgi Burjanadze, Besik Tabatadze, Vladimir Sadgobelashvili and Otar Bekauri to a fine of 400 GEL (about 165 Euros), and Mr. Akaki Chikovani to 10 days of jail for violating Article 173 of the Georgian Code of Administrative Offences. They all appealed their sentence.

The peaceful rally was the second one to be held at the initiative of the National Public Movement of Resistance (NPMR) [\[1\]](#) and the Media Union "Obiektivi", within the framework of the NPMR campaign to promote prisoners' rights. This campaign involves the dissemination and signature of a bill of general amnesty for victims of arbitrary detention in Georgia. The objective of the rally was also to ask the Minister of Legal Assistance and Corrections, Ms. Khatuna Kalmakhelidze, to meet with prisoners' mothers.

According to the information received, the organisation of the rally complied with legal requirements, as a prior

notification on the holding of the rally was delivered to the City Hall in adherence to the requirements of the Georgian Law on Assembly and Manifestations. The blocking for a short period of time of the Kazbegi Avenue, due to the amount of participants, was a natural and predictable fact. Finally, officers of the Patrol Police were reportedly not entitled to urge participants to stop the rally even in the event of a breach of the law, since it is the prerogative of the local municipality pursuant to Paragraph 4 of Article 111 of the Georgian Law on Assembly and Demonstrations.

The Observatory denounces the restriction on the right to peaceful assembly as well as the judicial harassment against Messrs. Merab Chikashvii, Giorgi Kharabadze, Otar Bekauri, Giorgi Burjanadze, Besik Tabatadze, Vladimir Sadgobelashvili and Akaki Chikovani, as it seems to aim at sanctioning their human rights activities.

Action requested:

Please write to the authorities in Georgia urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Merab Chikashvii, Giorgi Kharabadze, Otar Bekauri, Giorgi Burjanadze, Besik Tabatadze, Vladimir Sadgobelashvili and Akaki Chikovani as well as of all human rights defenders in Georgia;
- ii. Release Mr. Merab Chikashvii, Mr. Akaki Chikovani and Mr. Giorgi Kharabadze immediately and unconditionally since their detention is arbitrary as it only aims at sanctioning their human rights activities;
- iii. Put an end to acts of harassment - including at the judicial level - against them as well as against all human rights defenders in Georgia;
- iv. Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly on December 9, 1998, in particular:
 - Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels"
 - Article 5 and 6 (c), which stipulate that "for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually or in association with others, [...] to meet or assemble peacefully" and "to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these matters and other appropriate means, to draw public attention to those matters";
 - Article 12.1, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the [...] Declaration";
- v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights standards and human rights instruments ratified by Georgia.

Addresses:

- Mr. Mikhail Saakashvili, President, State Chancellery, 7 Ingorokhva Street, 0134 Tbilisi, Georgia; Tel : (995 32)

28-27-13; (995 32) 28-24-00; (995 32)99 96 53; (995 32) 98-72-62, (995 32) / 99-87-50, Fax: (995 32) 98-72-62 (99532) 28-27-68; (99532)28-27-14; E-mail: pr@president.gov.ge, vano@president.gov.ge

- Mr. Giga Bokeria, Secretary of the National Security Council of Georgia, 7, Ingorokhva Street. 0134 Tbilisi, Georgia, Tel: (995 32) 93 23 22 ; Fax: (995 32) 98 99 72 ; E-mail: snsc@gol.ge
- Mr. Vano Merabishvili, Minister of Interior, Ministry of Interior of Georgia, 10, Gulua street, Tbilisi, Georgia. Tel: (995 32) 74 62 50; +995 32 99 62 96 / 99 80 50 / 99 95 55/27 28 44/99 53 50/98 39 43; Fax995 32) 98 71 46 / 99 95 24; E-mail: presscenter@pol.ge, press_center@pol.ge
- Mr. Tordia Lasha, Chairman of the Parliamentary Committee on Human Rights and Civil Integration, Parliament of Georgia, 8 Rustaveli Avenue. 380018 Tbilisi, Georgia; Tel: (995 32) 28 13 88; Fax: (995 32) 92 15 63. Email: Humanrights@parliament.ge
- Mr. Zurab Adeishvili, Minister of Justice, 19, Griboedov st, Tbilisi, 0108, Georgia, Tel: (995 32) 93 27 21 / 93 50 49 / 75-82-22; Fax: (995 32) 93 02 25 / 75-82-22 ; Email: justice@justice.gov.ge
- Mr. Giorgi Tugushi, Ombudsman of Georgia, 11, Machabeli street, Tbilisi 0107, Georgia, Phone: (995 32) 92 39 60 / 92 24 78 / 92 24 81 / 93 15 85; Fax: (995 32) 92 24 70; Email: info@ombudsman.ge
- H.E Mr. Zurab Tchiaberashvili, Ambassador, Permanent mission of Georgia to the United Nations in Geneva, Rue Richard Wagner 1, 1202 Geneva, Switzerland, Fax: + 41 22 733 90 33 ; Email: geomission.geneva@bluewin.ch
- Diplomatic Mission of Georgia to Brussels, Belgium, Fax: + 32 2 732 85 47

Please also write to the diplomatic mission or embassy of Georgia in your respective country as well as to the EU diplomatic missions or embassies in Georgia.

[1] NPMR is an NGO created a few months ago to call for the amnesty of political prisoners and prisoners who are considered as being arbitrarily detained, in particular when they are sentenced to lengthy terms of prison for committing minor crimes.

<http://www.fidh.org/Obstacles-to-freedom-of-assembly-and-judicial>