

აქციის მონაწილეთა და ჟურნალისტთა დარღვეული უფლებები კვლავ არ აღდგენილა

Violated rights of protesters and journalists are yet to be restored

Factual circumstances of the case

On June 15, 2009, police officers dispersed a peaceful protest rally in front of the Tbilisi Main Police Division of the MIA, using disproportional force against the protesters, journalists and a representative of the Public Defender.

Police officers arrested several protesters for violating public order and non-compliance with a demand of police officers on the basis of Articles 166 and 173 of the Administrative Offences Code. The arrestees were not given sufficient time and facility to defend themselves adequately at the trial. The court sentenced them to 30 days of imprisonment.

Decisions of the ECtHR in the cases of *Bekauri and Others v. Georgia* and *Studio Maestro LTD and Others v. Georgia*

Georgia has acknowledged before the ECtHR that:

- the investigation into the incident of ill-treatment of the protesters and journalists

was ineffective;

- the courts failed to ensure the protection of the protesters' procedural rights at the time of examination of their administrative offence cases;
- the protesters were interfered with in the exercise of their right to peaceful assembly, while the journalists were unable to carry out their professional activity.

Both of these cases are under an enhanced supervision of the Committee of Ministers.

Shortcomings in the process of execution of the decisions

The acts committed by police officers against the protesters and journalists are yet to be investigated, and the perpetrators have not been identified and punished.

The Administrative Offences Code adopted during the Soviet period, on the basis of which the protesters were sentenced to imprisonment, fails to meet the requirements of a fair trial, does not contain sufficient procedural safeguards, and fails to ensure the possibility of unbiased and fair examination of the case.