



Trials of Detained Demonstrators Were Held with Grave Violations

The court has, at this point, heard the cases of only 12 of the 37 demonstrators who were arrested at the protest of November 18. Ten of them were sentenced to administrative detention, one was fined, and one was given a verbal warning. The judge was supposed to hear the cases of the remaining demonstrators today, but in the morning it became known that the trials had been postponed.

It can be argued unequivocally that, in the process of consideration of the detained demonstrators' cases, the judge ignored the requirements of the law, was biased and restricted the detainees' rights. Specifically:

- In spite of the fact that the Tbilisi City Court has tens of judges who hear administrative cases and such cases should be considered within tight time frames, 37 cases were assigned to one judge, Valeriane Pilashvili, which, together with other circumstances, caused an unreasonable delay in the

consideration of cases and gross violations of the detainees' rights;

- Law enforcement officers made the decision to arrest the demonstrators on controversial grounds. In addition, due to the delays in the trials, the maximum period of administrative detention provided for by law was not observed, and on November 19 detainees already have been illegal detention. Finally, late at night on November 20, the judge was compelled to release the arrestees and to postpone the trials until the following day;
- While hearing the cases, the judge restricted the ability of the demonstrators' lawyers to properly defend their clients' rights;
- The lawyers were given unreasonably little time for familiarizing themselves with the case files and for obtaining evidence;
- In some cases, the lawyers were only given two minutes to present their positions;
- There was practically not a single case in which the police were able to submit proper evidence;
- The case files mainly contained police detention protocols and in rare cases, video materials disseminated by the media, although even in these materials police officers were unable to identify the detainees and to specify the actions due to which they were regarded as offenders;
- In one case, a police officer stated in the courtroom that he had not himself watched the video he had submitted as evidence;
- It should also be noted that none of the police officers who had taken part in the arrests submitted recordings of shoulder-mounted police cameras, although they had these recordings. The absolute majority of the police officers found it difficult to describe the moment of the arrest;
- Frequently, the judge stopped the proceedings and left the courtroom, seemingly to receive instruction;
- It was unclear what principle the judge relied on when choosing sanctions. The duration of detentions applied ranges from three to 13 days, although the logic by which the number of days was determined remains unclear. Particularly strict penalties were imposed on organizers of the protest.

Although there was practically no evidence in the cases, on November 20, the Court found all the 12 demonstrators guilty and sentenced 10 of them to administrative detention:

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1. Giga Makarashvili – detention for 12 days;
2. Beka Basilaia – detention for 13 days;
3. Elguja Bagrationi – detention for 12 days;
4. Zuka Berdzenishvili – detention for 7 days;
5. Irakli Kacharava – detention for 4 days;
6. Davit Mzhavanadze – detention for 4 days;
7. Irakli Nadiradze – detention for 13 days;
8. Dimitri Bidzinashvili – detention for 13 days;
9. Giorgi Bunturi – detention for 5 days;
10. Luka Chichinadze – detention for 5 days;
11. Paata Sosanashvili – a verbal warning;
12. Guram Mchedlishvili – a fine of GEL 1,000.

Due to the foregoing, it can be argued unequivocally that the trials were biased and politicized. Against the background when courts rarely apply detention as an administrative penalty, the decisions are taken in relation to the activists obviously point to a possible goal of weakening the protest, which may have a negative effect on freedom of assembly and expression in the future. At the same time, the logic of determining the penalties applied is unclear. The courts approach to the cases has shown that the Court applied stricter penalties against the leaders of the protest, who would presumably be involved in the rally of November 25, Monday. The foregoing once again demonstrates that the situation in the judicial system is extremely grave. These administrative trials have shown that, when desired by the ruling elite, the system is easily used for achieving political ends.

We call upon the ruling party and its leader, Bidzina Ivanishvili, to stop the persecution of activists and political opponents and to abandon the use of state institutions for narrow party interests.

Transparency International Georgia (TI Georgia)

Atlantic Council of Georgia

Society and Banks

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GEORGIAN YOUNG LAWYERS' ASSOCIATION



Economic Policy Research Center

Center "Empathy"

Article 42 of the Constitution

Georgian Democracy Initiative (GDI)

Media Development Foundation

Green Alternative

Center for Research Journalism and Economic Analysis

International Society for Fair Elections and Democracy

Human Rights Education and Monitoring Center (EMC)

Georgia's Reforms Associates

Georgian Young Lawyers' Association (GYLA)

Partnership for Human Rights (PHR)

Regional Center for Strategic Research

Tolerance and Diversity Institute (TDI)

Open Society Georgia Foundation