



## Statement on the arrest and two-month pre-trial detention of the Rustavi 2 supporters

This statement is issued in reaction to the arrest of Rustavi 2 TV Company supporters outside the parliamentary building for assaulting MP Davit Lortkipanidze of the faction Georgian Dream. The detainees were charged with hooliganism (Article 239 of the Criminal Code of Georgia), which constitutes serious crime and is punishable by deprivation of liberty from 4 to 7 years. Notably, reports indicate that whereabouts of the detainees were unknown for three ours, until Rustavi 2 reported that they were missing. They were sentenced to pre-trial detention as a measure of restraint.

Violence is certainly a violation and law enforcement authorities are required to take further actions on acts of violence; however, in doing so they should not take measures that are selective and disproportionate to the violation concerned – the state should have similar reaction to identical acts of violence. The above arrest and use of measures of restraint is an example of selective justice motivated by political reasons. This assumption is further solidified by the following circumstances:

- 1) recent developments against Rustavi 2;
- 2) other cases where law enforcement authorities were clearly required by law to react but they failed to do so; for instance, protest rallies held outside apartments of constitutional judges, which amounts to an administrative offence mandating law enforcement authorities to take actions in response to the incidents, as prescribed by law;
- 3) many cases of assault against MPs from the United National Movement, when law

enforcement authorities did not apprehend perpetrators at all or they were punished by an administrative fine of 100 Georgian laris. In particular,

□ Georgian MP Chiora Taktakishvili was assaulted following the developments on February 8, 2013 outside the Parliamentary Library. Perpetrators were punished by an administrative fine of 100 Georgian laris each for violating Article 166 of the Code of Administrative Offences of Georgia;

□ Giorgi Ghviniashvili was assaulted during a protest rally on September 14, 2015 in Kakheti. The perpetrator was apprehended but later released on a warning;

□ UNM members were pelted with eggs in Gurjaani. State authorities did not take any actions in response to the incident;

4) The fact that one of the detainees was charged now for the beating during a domestic violence that occurred several months ago.

The fact that the defendants were sentenced to pre-trial detention and a criminal probe was launched into their actions suggests selective and disproportionate application of justice in light of the record of further actions taken in response to the above assaults against MPs. Executive and legislative officials made statements suggesting double standard and thus promoting violence and violation of rights against their political opponents. In particular, Deputy Prime Minister Kakha Kaladze stated that violence against MP is unacceptable, while Chairman of the Parliament of Georgia Davit Usupashvili stated that protest rallies against judges and their families and repeated threats against them is not a problem. Statement of Prime Minister Irakli Gharibashvili urging law enforcement authorities to “get rid of provocateurs in Kakheti who get in way of delivery of grapes [to factories] by farmers”; MP Giorgi Ghviniashvili was assaulted on account of the statement.

We urge the Government of Georgia and the law enforcement authorities to respect freedom of assemblies and manifestations guaranteed by the Constitution of Georgia and take further adequate and consistent actions in response to identical incidents, based on the fundamental principle of equality before law.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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Georgian Young Lawyers' Association – GYLA

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