

საქართველოს ახალგაზრდა იურისტთა ასოციაცია  
GEORGIAN YOUNG LAWYERS' ASSOCIATION



# **GYLA applies to the General Prosecutor and the Appellate Court about the journalist of Tabula TV and other individuals sentenced to administrative liability**

GYLA has been protecting interests of the employee of [REDACTED] TV A and his two other companions brought to administrative liability, who were detained by police officers on June 28, 2014 as per Article 173 of the Administrative Code of Offences

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(disobedience to lawful order of the police). Shortly after his detention information was released about alleged abuse of power by police and violation of the detainees' rights.

Doubts about legality of detention and abuse of power by police officers, as well as lack of effective procedural means in Administrative Code of Offences for exercise of the right to defense and violation of the right to fair trial on such category of cases generated GYLA's interest and it took a lead on the case.

It should be noted that examined circumstances of the City Court fail to confirm the conduct that served as the basis for drafting protocols of administrative offence by policemen. Nevertheless, by its July 1, 2014 decision court found detainees administrative offenders and imposed GEL 400 as a penalty to each. According to the court decision emotional, loud statements of the detainees: "going on? Tell us what are we blamed for! Tell us something! A were recognized as disobedience and humiliation of the police, which is impossible. According to the Constitution of Georgia, arrested or detained individual should receive explanation about his/her rights and about grounds for restriction of freedom. It is obligation of police to tell to any detained individual in an easily understandable, clear and nontechnical form about legal and factual circumstances of detention. The policeman's statement at trial "a policeman approaches you and asks you documents, there should not be any additional question like "A was very symptomatic (these and other similar phrases are incorporated in the minutes of the session.)"

As far as the court decision is unsubstantiated and comes in conflict with the law, GYLA will lodge a lawsuit in the Appellate Court on behalf of individuals recognized as administrative offenders and will claim invalidation of the court decision and termination of administrative case against "A employee and his two companions for absence of administrative offence.

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Furthermore, GYLA will apply to the Prosecutor General with a request to launch investigation about alleged criminal conduct of policemen envisaged as per Criminal Code of Georgia. Namely, according to medical documentation injuries were observed in the area of eye and back after detention of one of the detainees. As he alleged, this was the result of physical abuse inflicted from the police. At the trial, police employees confirmed that the detained had no bodily injuries prior to detention.

According to the interpretation of the European Court of Human Rights (*Dikme v. Turkey*), when prior to interaction with a police, an individual has no bodily injuries, though afterwards they are observed, the state bears an obligation to submit a credible explanation about causes of injuries, otherwise it will constitute violation of Article 3 of the Convention.

Furthermore, in the released video materials (that was submitted to the trial as evidence) the phrase of the police is audible "I will detain you where I will notice you!" (from the moment 6:02). The phrase is directed against individual/individuals brought to administrative liability and might contain signs of criminal offence envisaged by the Criminal Code of Georgia. We remain hopeful that the facts will be investigated completely, quickly and effectively.