

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Calls on the Authorities not to allow Selective Application of Administrative Liability on Political Grounds

In response to the recent frequent administrative arrests in Georgia, GYLA would like to state that identity and status of certain individuals, their political or civil activities and circumstances of their arrest as well as proceedings where court ordered administrative imprisonment against them raises doubts about motivation of

measures applied.

GYLA is particularly concerned with the fact that during recent days there has been a frequent cases of application of administrative detention. According to various reports, from September 21 to September 24, there were total of 23 administrative arrests on charges of disobedience to the police in several cities of Georgia . Some of the detainees are representatives of or associated with the opposition coalition Georgian Dream, including Davit Patsatsia arrested on September 21, and Kakhaber Zhorzholiani arrested on September 23. The detainees' relation with the coalition Georgian Dream was confirmed by one of the representatives of the coalition, who informed GYLA that the detainees are coordinators and members of the coalition's mobile group. The detainees also include persons actively involved in recent protest assemblies – Dachi Tsaguria and Beka Aladashvili, arrested on September 22, whose interests were defended by GYLA's representative in court.

Over the recent days MIA released information about arrest of persons under identical circumstances and on similar grounds - disobeying and insulting police officers. Specifically, the reports indicate that certain individuals committed same offence on the same day and under similar circumstances – verbally insulting police officers after they acted on violation of traffic rules. Identical circumstances and similar nature of violations that occurred in a short period of time raises suspicions about political motivation of these facts and measures applied by the police. Representative of the Georgian Dream confirmed to GYLA that representatives of the coalition, including Zviad Imerlishvili and Ilia Kelekhsashvili were arrested on the noted grounds on September 23.

It must be highlighted that throughout this year GYLA has stated and still reiterates that such application of administrative arrest contradicts all guarantees to fair trial. Further, flawed legal base and unhealthy judicial practice in this regard have turned the mechanism of administrative arrest into an unlimited power in hands of law enforcement authorities.

It is particularly alarming that under the circumstances court has failed to act as a watchdog and a guarantor of human rights protection. Furthermore, with its unsubstantiated trust and loyalty towards the law enforcement, the judiciary hinders due administration of justice, making punishment under administrative proceedings basically uncontrollable and arbitrary. Such practice certainly fails to prevent

utilization of the mechanism of administrative liability on political grounds.

The recent developments have confirmed once again that the judiciary has chosen to play a formal and passive role in administrative proceedings. Part of the cases where interests of detainees were defended by GYLA's representative, there were instances of wrongful interpretation of law which resulted in gross violation of the right to defense. GYLA was defending Davit Patsatsia, Dachi Tsaguria and Kakhaber Zhorzholiani. In none of these cases did the court allow the defense to ask questions, which greatly curtailed their right to defense. Court did not grant any of the defense's motions, except for questioning of police officers as witnesses. Court also refused to request and examine video tapes and other recordings from the scene of detention that may have contained important evidence. Additionally, the court failed to act on contradictions and discrepancies in police statements, which heightened doubts about motivation and interest of using administrative arrest in these cases.

Under the circumstances and in view of the risk associated with application of administrative imprisonment on political grounds, GYLA once again calls on all relevant agencies to refrain from resorting to mechanisms that contradict human rights. Further, GYLA would like to particularly address the judiciary with a request to prevent arbitrary, unsubstantiated and illegal deprivation of liberty and ensure fair proceedings based on absolute neutrality.