

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **GYLA's Announcement Regarding the Report Broadcasted by Rustavi 2**

Georgian Young Lawyers' Association (GYLA) responds to the report broadcasted in programme 'Courier P.S.' on December 12 about GYLA's work regarding release of persons who were illegally arrested and disappeared after the August war. As author of the report and programme producer significantly distorted certain details and subjective, unverified opinion of journalists was based on essentially wrong facts, GYLA deems it necessary to make the following announcement.

After the August 2008 conflict GYLA filed 55 complaints on behalf of more than 350 victims to the European Court of Human Rights (ECHR). GYLA based its case selection criteria on the scope of human rights violations and presence of evidence

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corroborating the violation, but by no means on victim's nationality.

GYLA deems discrimination of people based on ethnic origin or any other distinctions unacceptable human rights protection without discrimination is the founding principle of our work.

The noted principle guided us when on September 17, 2009 we submitted two complaints – one versus Russia and another versus Georgia to the Human Rights Court in Strasburg. First complaint regarded four citizens of Georgia of Georgian nationality, illegally detained in Tskhinvali and it demanded their immediate release. Another complaint regarded three citizens of Georgia, of Ossetian nationality, who disappeared without a trace in hands of the Georgian authority.

In the report broadcasted in 'Courier P.S.' these three Georgian citizens, released as a result of GYLA's efforts, were referred to as "Ossetian criminals", allegedly detained during the August war and the Georgian authority was keeping them to exchange with detained Georgian citizens.

In reality, Lavrenti Kaziev and Ibragim Laliev were detained in October 2008, two months after the August war and accused of illegal bearing of arms. Vladimer Elev was arrested in April 2009, eight months after the conflict, on the accusations of illegal border crossing, illegal bearing of arms and taking a police officer as a hostage. The prosecutor's office plea bargained with all three of them. Afterward, on August 4, 2009, Georgian court released the claimants from courtroom.

Kaziev, Laliev and Eloev, released by the Georgian court disappeared without a trace after August 4. Their family members who reside on Georgian territory and are Georgian citizens turned to GYLA for help. GYLA failed to obtain any information of their whereabouts from the Ministry of Justice and the Ministry of Interior Affairs, and after waiting for a month, the complaint was submitted to the European Court of Human Rights.

At the end of September 2009 European Court called upon the Georgia side to provide information regarding the detained. As a result, the Ministry of Justice admitted that Kaziev, Laliev and Eloev, who had disappeared without a trace, were under the police surveillance. The Georgian side hasn't clarified to ECHR the motive for detaining its citizens.

GYLA declares that the act of Georgian authority in relation to our fellow citizens – Kaziev, Laliev and Eloev were illegal and unjustified due to following circumstances:

- According to the Constitution of Georgia and Georgian legislation, "deprivation of personal liberty without a court decision shall be impermissible". There are no exceptions to the rule;

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- Involvement in kidnapping and disappearance will not encourage peaceful resolution of the conflict and restoration of confidence among the population left on the other side of administrative border.

Georgian Young Lawyers' Association assesses the announcement of Rustavi 2 regarding the release of our fellow-citizens detained in Tskhinvali having allegedly been spoiled by GYLA's complaint submitted to ECHR as a slander. Author of the report and programme producer released information without proper verification or corroborating factual circumstances.

What measures Georgian authority took to release four Georgian citizens detained in Tskhinvali, why were three Georgian citizens of Ossetian origin detained, whether exchange of the detainees (which is an illegal process) was being prepared, and if it was, why was it spoiled? – Georgian authority hasn't made any announcement to respond to these questions. Correspondingly, Georgian society still awaits the answers.

Despite the slander and false information disseminated by Rustavi 2, GYLA hopes that the report aired on Rustavi 2 on December 12 was the result of unprofessionalism of a journalist and programme producer, instead of deliberate misinformation disseminated on behalf of the third party.