



## The Georgian Young Lawyers' Association reacts to the case of Lazare Grigoriadis

The Georgian Young Lawyers' Association, based on publicly available sources, reacts to the case of Lazare Grigoriadis and believes that there may be cases of violation of the rights of the accused, which is why it calls on the Special Investigation Service and the Public Defender to act in accordance with their mandate. In particular,

### 1. The court did not publicly justify the imprisonment used as a preventive measure

As it is known to the public, on March 29, 2023, the employees of the Tbilisi Police Department of the Ministry of Internal Affairs and Tbilisi Prosecutor's Office arrested Lazare Grigoriadis within the framework of joint investigative actions under Articles 353 (Attacking a police officer, an employee of the Special Penitentiary Service or

other representatives of authority or a public institution) and 187 (Damage or destruction of property) of the Criminal Code. On March 30, the Prosecutor's Office brought charges against him on the facts of harming the health of police officers while performing their duties and destroying state property. On March 31, the court sentenced Lazare to imprisonment as a preventive measure, while, considering the accused and the high public interest, it did not explain the reasons at the hearing for using imprisonment.

**2. Statements made by high-ranking officials may adversely affect Lazare Grigoriadis' right to a fair trial. This, in some cases, at the same time, violates the presumption of innocence of Lazare Grigoriadis.**

Regarding the arrest of Lazare Grigoriadis, the chairperson of the ruling party, Irakli Kobakhidze, made a discriminatory statement. His statement was, not only, carrying a homophobic context, but also aimed at forming negative attitudes about Lazare Grigoriadis in the general public. The statement made by Prime Minister Irakli Gharibashvili earlier, on March 12 regarding the participants of the March 7-8 rally is also problematic. Additionally, on April 3, 2023, Irakli Gharibashvili literally accused Lazare Grigoriadis. Although he did not directly say his name. Gharibashvili's statement had a context known to the public that it was about Lazare Grigoriadis, which violated the presumption of his innocence. In addition, the day before, on April 2, 2023, the host of Imedi TV program Imedis Kvira referred to Lazare Grigoriadis as a convict, the program also broadcasted the materials of the ongoing criminal case against Lazare, in such a way to form the public's negative attitude towards Lazare Grigoriadis. It should be emphasized that on March 31, 2023, at the first presentation public hearing of Lazare Grigoriadis, the judge confirmed that Lazare has not been convicted earlier.

As a result, the presumption of innocence of Lazare Grigoriadis was repeatedly violated by the statements made by politicians, individually or with their cumulative effect, and false information about his conviction was spread.

**3. Possible violation of the privilege against self-incrimination**

On April 3, 2023, through mass media, a lawyer disseminated information, according to which, during the interrogation of Lazare Grigoriadis, there may have been coercion by the employees of the investigative body on him to provide self-disclosing

information for the investigation. It should be noted that the privilege against self-incrimination is an absolute right, and any kind of coercion to receive testimony from a person is an action against it. It does not matter if the person gives exculpatory or incriminating testimony to the investigative bodies. However, in some cases, such coercion may be equal to improper treatment.

#### **4. Possible Violation of the Prohibition of Mistreatment**

It was also reported that Lazare Grigoriadis' hair was shaved off against his will during his stay at the #8 facility of the Penitentiary Service. The Special Penitentiary Service responded to the above, stating that Lazare used the right to use barber services provided for in Article 21 of the Penitentiary Code ([...] 2. The accused/convict should, as a rule, be provided with the possibility of taking a shower twice a week, as well as receiving barber services at least once a month. The penitentiary has the right to request the accused/convict to shave off his hair if there is a doctor's request or the need to maintain hygiene). Since there is a radical difference between the assessments of the defense side and the penitentiary institution, it is important to objectively study this fact, including in the context of whether there was indirect pressure on the prisoner.

In this connection, we also note that the European Court of Human Rights in the case of Yankov v. Bulgaria (Yankov v. Bulgaria, 2003, 39084/97) explained that a person who is forced to shave off their hair in prison suffers from humiliation, such treatment insults their dignity. Forced shaving off makes a person feel inferior. In addition, a person whose hair is shaved off has to bear the mark of being subjected to such humiliating treatment for a while. This sign (shaved off hair) is easily visible to everyone and therefore a person constantly feels hurt in his dignity.

**We believe that the developments regarding Lazare Grigoriadis will significantly limit his right to a fair trial, in this regard,**

**we call for:**

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- the Government representatives - to refrain from discriminatory statements and not to go beyond the framework of the presumption of innocence in the case of Lazare Grigoriadis.
- the Special Penitentiary Service - to protect the prisoner's rights in full compliance with the national legislation and the state's international obligations.
- the Special Investigation Service - to start an investigation based on the information provided by the lawyer of Lazare Grigoriadis.
- **the Public Defender of Georgia** - as the person supervising the protection of human rights in the territory of Georgia, to act with the mechanisms stipulated by their mandate and, among them, to carry out frequent monitoring of the legal situation of the prisoner Lazare Grigoriadis.