



## Statement of NGOs on confrontation between representatives of "Free Zone" and "Free Generation"

In recent days the public has witnessed dangerous confrontation evolve between representatives of NGOs "Free Zone" and "Free Generation". We would like to express our position in respect of several circumstances:

Constitution of Georgia and other pieces of legislation grant wide opportunities to all individuals and groups of persons to express their critical positions in various forms. Yet, freedom of expression is not an absolute right and it can be restricted when infringing upon the rights of others, whereas if the realization of the right to expression is accompanied by physical violence, it may include elements of a crime. We find it unacceptable and condemn the expression of a position in the form of physical violence. Hence, we believe due investigation is required concerning the beating of journalist Zaza Davitaia, as well as the intrusion of group of persons in the offices of "Free Zone", followed by physical confrontation.

Further, there is no justification for the demand of "Free Generation" on the self-liquidation by "Free Zone". From legal perspective, in this case the affiliation of "Free Zone" with any political force is not a matter of importance: legislation of Georgia does not prescribe a possibility of liquidation of a non-governmental organization due to affiliation with a political party. Critical statements made against "Free Zone" have also included references on potential criminal activities of this organization. If this is true, it must be reacted upon by a law-enforcement authority pursuant to procedure established by the law - and not by another non-governmental organization by means of an ultimatum.

We condemn any demonstration of violence irrespective of its addressee and motives driving the violator. We find the authorities must react to all such facts rapidly, effectively and impartially. In view of this, it must be definitely probed into how timely have the police reacted to the information provided by the organization's

representatives concerning the intentions to ravage their offices during the September 30 incident by the offices of "Free Zone". In addition, the extent of objective and adequate actions of the police during the incident must be determined as well.

We would like to express our special concern in relation to explanations given by member of "Free Zone" Davit Gogokhia, who was detained by the police, to GYLA's lawyer, in which he notes: "[Following the detention] in the car a police officer has hit me twice with a fist in the rib ... the strike was powerful; as a result, my breath was taken away". He also alleges that after arriving in the police building, attorneys Giorgi Oniani and Romeo Sajaia have visited him, and after they departed his beating was continued. Gogokhia refers to his retaining of attorney Giorgi Oniani as a motive behind beating. He claims also that in order to intimidate him, one of the police officers shouted "take his clothes off, I'll show him what the rape is". In the same explanations Gogokhia describes that while handcuffed, the police officers were beating him in the ribs, face, ear, he was thrown with his face on the table, etc. Visual inspection has revealed injuries on Gogokhia's face and body. Notably, his attorney was deprived of a possibility to bring an expert in the isolation ward for carrying out medical examination.

We think the statement made by the Prime Minister of Georgia Irakli Gharibashvili today about this fact will clearly obstruct impartial investigation of this incident. It is unclear why the Prime Minister became concerned only about media outlets not showing "any solidarity" towards their colleague Zaza Davitaia. In fact, all media outlets have adequately covered this incident and the Prime Minister's criticism is exaggerated. We believe the Prime Minister should express such interest as well towards the protection of rights of detained persons who allege physical violence exercised by the police officers. Nevertheless, instead of unconditional condemnation of violence and urgency to investigate potentially criminal actions of the police, in his interview with media the Prime Minister calls "Free Zone" "destructive forces" and refers to their link with National Movement. Similar statements of the Prime Minister may be perceived as fostering improper investigation by the law-enforcement authorities and aggressive actions against certain groups of citizens. If the Prime Minister (or any other person) possesses concrete information on a crime, under legislation of Georgia he is obligated to provide such information to law-enforcement agencies, whereas if such concrete information does not exist, then it is preferable that the head of the Government refrains from making such harsh statements.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Statements with above-referred content will not only fail to diffuse existing dangerous confrontation between the young groups, but may further escalate tense situation as it is.

Given the importance of above-described circumstances, we urge:

**The Prosecutor's Office**, to timely and impartially investigate circumstances described in Davit Gogokhia's explanations; as well as the facts of beating Zaza Davitaia and attack on the offices of "Free Zone";

**The Government**, to duly analyze the rightness, impartiality and effectiveness of actions of the law-enforcement authorities. Further, to take timely measures within legal framework in order to avoid further escalation of violence and confrontation;

**Representatives of "Free Generation" and "Free Zone"**, to refrain from violent actions, and respect public order and rule of law;

**The authorities, political parties and political officials**, to unconditionally condemn physical retribution, demonstrate more responsibility and disallow escalation of confrontation and violence.

Georgian Young Lawyers' Association  
Transparency International Georgia  
Open Society Georgia Foundation  
Human Rights Center  
Article 42 of the Constitution  
Civil Development Agency (CiDA)  
International Society for Fair Elections and Democracy (ISFED)