



## **Statement of the Human Rights House Tbilisi and its Member Organizations Regarding the Recent Trials**

Human Rights House Tbilisi and its member organizations express concern about the recent developments in Georgia and call the authorities to protect the rights of human rights defenders and activists.

Following the [events](#) of June 20, the Georgian Dream has [announced](#) to hold fully proportional elections with zero election barrier in Georgia in October 2020. On November 14, only 101 Members of Parliament [supported](#) the transition to a proportional election system that is not enough for the constitutional amendment.

It's a Shame Movement announced permanent rallies and demanded [amendments to the Election Code of Georgia](#) that would retain the existing mixed electoral system but the final percentage of MPs' representation would be determined by the votes under the proportional elections. Activists also required setting up a transitional government.

Activists and political parties organized a rally near the parliament and [picketed](#) the building on November 18. The government dispersed the protesters with the use of water cannons and with the mobilization of law enforcement officers on the place. 37 activists or members of political parties were [arrested](#).

The detainees were charged with Article 173 (Non-compliance with a lawful order or demand of a law enforcement officer) and Article 166 (Disorderly conduct) under the Administrative Offences Code of Georgia. The court's decision on the twelve detainees was announced on November 20 – almost all of them were sentenced to [administrative detention](#). The cases of the rest 25 detainees were postponed for the future ruling.

Member organizations of Human Rights House Tbilisi believe that the detention of the activists as a form of administrative punishment is disproportionate. The court did not take into account the circumstances of the detained activists being peaceful while protesting and not using violent forms of protest while picketing. They had declared peaceful civil disobedience in defense of their fundamental constitutional values.

The detainees were not able to use the full right to a fair trial – their attorneys had no enough time to prepare for the trial and the testimony of police officers was the only ground against them. The European Court of Human Rights [has noted](#) that if the defendant is sentenced to detention as a punishment for the action, the court trial should be equated with a criminal court trial. Administrative detention is as intense interference with human rights as in case of criminal cases. So, the court trial of the persons detained on November 18 should have been held in accordance with the standard of a fair trial that is not guaranteed by the Georgian law. As a result, the judge

delivered the verdict regarding the detainees in a hurried manner, without full-fledged overviewing the case materials.

When judicial independence remains a problematic issue in the country and when it comes to the possible misconduct regarding the political protest against the ruling political party, an independent judge should not deepen the suspicions on the impartiality of the court while imposing the punishment.

Possibly politically motivated prosecution against Giorgi Rurua, one of the owners of the TV channel Mtavari Arkhi, supporter of the protest 'It's a Shame and an active participant of the picket near the parliament building, is a case of particular concern. Giorgi Rurua is currently sentenced to pretrial detention on charges of illegal possession and carrying of a weapon. According to the attorneys, Giorgi Rurua was charged without proper pieces of evidence and the weapon [does not actually belong to him](#).

Human Rights House Tbilisi and its member organizations call the authorities to ensure the freedom of expression of human rights defenders, civil activists, members of political parties or their supporters; to end politically motivated prosecution and to make sure the trials are held considering the principles of fair trial and other constitutional values.

Member organizations of the Human Rights House Tbilisi:

- Human Rights Center
- Article 42 of the Constitution
- Media Institute
- Sapari
- The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims

