

Georgia: End Arbitrary Prosecution and Protect Freedom of Expression Joint statement

Geneva-Paris-Oslo-Tbilisi, June 22, 2023 - Georgian law enforcement authorities arbitrarily arrested seven activists peacefully exercising their right to protest in front of the parliament building in capital Tbilisi on June 2, 2023. Four human rights groups condemn these arbitrary arrests as they directly infringe upon the fundamental rights to freedom of expression and assembly. The signatory organisations demand an immediate and unequivocal cessation of the administrative harassment of protesters and call on the Georgian authorities to protect freedom of expression in the country in line with the country's international obligations.

On June 2, 2023, a peaceful protest took place in front of the parliament building in the capital Tbilisi, organised by the Georgian civil society group GEUT ('stubborn'). The activists were holding paper banners, calling for the respect of the rights to freedom of expression and assembly, and expressing their criticism against the Georgian authorities. In response to the action, police arbitrarily arrested at least seven protesters, including four human rights defenders: **Saba Brachveli**, lawyer and employee of the Open Society Foundation; **Eduard Marikashvili**, Chairperson of the Georgian Democracy Initiative; **Nika Romanadze**, civil society activist; and **Shota Tutberidze**, lawyer of the Tolerance and Diversity Institute. Police also detained at least three more civil society leaders, including Levan Nishnianidze, - member of the "Girchi-More Freedom" party.

Among the seven detainees, one was holding a copy of the Georgian constitution, and another was holding a blank sheet of paper at the protest action. Some protesters were holding banners where they modified the first name of Prime Minister Irakli Gharibashvili, resulting in a pronunciation that resembled an inappropriate word. The police damaged or confiscated these banners during the arrests, used excessive force, and failed to provide the grounds for detentions, as well as to explain detainees their rights. Moreover, the lawyers of the detainees were not informed about the whereabouts of their clients and were not allowed to see them in the first hours following their arrest.

Marikashvili, Romanadze and Brachveli were taken to Telavi's temporary detention facility, while others were held in the detention facility in Dusheti. Authorities released Marikashvili, Romanadze and Brachveli after 48 hours of pretrial detention - the maximum term allowed by the legislation - while the remaining detainees were released several hours earlier.

After their release, the seven detainees were accused of the administrative charges of "hooliganism" and "disobeying the order of police" (Article 166 and Article 173 of the Administrative Offences Code of Georgia, respectively). The first trial hearings were conducted on June 6. Further hearings were postponed for several weeks and will reportedly resume by late June. If found guilty, the human rights defenders will either face fines or administrative arrest of up to 15 days.

The arrests and prosecution of activists for peacefully holding paper banners infringed upon their rights to freedom of expression and freedom of assembly. The 48-hour pretrial detention, without timely court proceedings, raises concerns about arbitrary detention and denial of the right to a fair

trial. Additionally, excessive use of force by the police during the arrests and confiscation and damage to paper posters amount to police abuse, undermining the freedom from ill-treatment and individuals' right to express their opinions freely.

Freedom of assembly and the right to express one's views through it are among the paramount values of a democratic society. The recent wave of arbitrary arrests of civil society activists in Georgia constitutes a concerning trend that poses a threat to the democratic fabric of society and the ability of individuals to freely assemble and express themselves. The arbitrary practice of administrative arrests is being used to exert control over peaceful protesters and organisers, weaken citizens' ability to self-organise, intimidate individuals, and harass human rights defenders. Georgia is a party to a number of international human rights treaties, including the European Convention on Human Rights, which obliges the government to respect the right to freedom of assembly and to refrain in all circumstances from engaging in prohibited ill-treatment and harassment of protesters.

Four human rights groups condemn these arbitrary arrests and urge the authorities to immediately drop the administrative charges against peaceful protesters.

Signatories :

Human Rights Center (HRC)

International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

Norwegian Helsinki Committee (NHC)

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders