

EXTERNAL

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FAIR TRIAL CONCERN IN THE
REPUBLIC OF GEORGIA (USSR)
The case of Dzhaba IOSELIANI

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Amnesty International is concerned at allegations that political prisoner Dzhaba Ioselliani, held in pre-trial detention in the Georgian capital of Tbilisi, has been denied access to a defence lawyer of his own choice. The organization fears that this may adversely affect his right to a fair trial.

Dzhaba Ioseliani, the head of an armed opposition group known as Mkhedrioni (Horsemen), was arrested on 19 February 1991 in Tbilisi. He has been charged with "organizing an armed band with the aim of attacking state or public institutions or enterprises", under Article 78 of the Georgian Criminal Code. This carries a penalty of up to 15 years' imprisonment, or death.

The day after his arrest Dzhaba Ioseliani's sister, Lili, asked a lawyer named Kartlos Garibashvili to act as her brother's legal representative during the investigation of the case. According to Kartlos Garibashvili he experienced problems in registering as such with the Georgian College of Advocates. He was only able to complete the formalities on 25 February 1991, and on the same day he approached a procuracy official investigating the case with a request to see his client. He was told this would not be possible until 1 March, although a law passed in the Georgian Republic on 28 December 1990 stipulates that a defence lawyer may participate in a case from the moment of detention, arrest or charge.

Kartlos Garibashvili was able to meet with Dzhaba Ioseliani on 1 March and on one other occasion, but claims that he was subsequently denied further access to his client or the opportunity to acquaint himself with the materials of the case. He further alleges that the procuracy threatened to bring unspecified criminal charges against him, and that one of the procuracy investigators on Dzhaba Ioseliani's case asked the Georgian Minister of Justice and the Georgian College of Advocates to exclude him from the latter body. On 22 March the same investigator removed Kartlos Garibashvili from the case. On 15 April Dzhaba Ioseliani's son Konstantin formally requested that Kartlos Garibashvili again represent his father's interests but the procuracy once more refused to grant the lawyer access.

Amnesty International campaigns for fair and prompt trials for political prisoners. The right to communicate with a defence lawyer of one's own choosing is guaranteed under Article 14 of the International Covenant on Civil and Political Rights. Amnesty International is urging the Georgian authorities to ensure that Dzhaba Ioseliani be granted such access, in accordance with international norms. Furthermore the organization is concerned that he could face the death penalty without adequate preparation of his case.

Dzhaba Ioseliani was born on 10 July 1926 and served three prison terms on criminal charges before being pardoned in 1965. He is now a playwright and professor at the Shota Rustaveli Theatrical Institute and the Tbilisi State University. In 1989 he founded the Mkhedrioni organization, described as an independent paramilitary organization intended as a step towards the creation of a national army in a Georgian republic independent of the Soviet Union, and as a peacekeeping force in areas of ethnic tension. It is said to have around 5,000 members who are politically opposed to the current government of Georgia, headed by President Zviad Gamsakhurdia. Dzhaba Ioseliani has been outspoken in his criticism of the government, including parliament's decision to abolish the autonomous status of South Ossetia, a territory within the republic, and of what he perceives as the dictatorial tendencies of Zviad Gamsakhurdia.

On 18 February 1991 some 30 members of Mkhedrioni were arrested at the organization's base in Shavnabad by Soviet troops and members of the National Guard of Georgia. Others were arrested in different parts of the republic over the next few days. At least two were said to have been killed and a number wounded during the arrests, and at least two Soviet soldiers were also reportedly wounded. Most of those arrested are believed to have been charged with possession of arms and assault with intent to rob.

On 3 May Dzhaba Ioseliani began a hunger-strike in support of a number of political demands, including the resignation of Zviad Gamsakhurdia and the release of all political prisoners (several members of the opposition National Democratic Party of Georgia, which supports Mkhedrioni, have also been arrested). He is currently being forcibly fed.