

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

1 June 2011

Index: EUR 56/002/2011

Georgia: Authorities must ensure justice for detained protestors

Georgia must immediately investigate all allegations of ill-treatment and police violence that occurred during and after the dispersal of protests in central Tbilisi on May 26. The authorities must also ensure that all of these people who were reportedly detained are afforded their rights in accordance with international standards. These rights include access to medical assistance and effective legal counsel, and to have someone informed about the fact and place of detention. Amnesty International also calls on the Georgian government to ensure fair and transparent trials for all detainees charged with violations.

According to the latest reports, more than 105 demonstrators were arrested early on 26 May, most reportedly face up to two months of imprisonment for resisting police. Following their arrest, the detainees were reportedly transferred to different temporary detention isolators in Tbilisi and other parts of Georgia. However, in a majority of these cases, the authorities have failed to notify the families of the detainees of the arrest of their relatives, as well as their current whereabouts.

Local human rights groups have raised concerns regarding the authorities' failure to allow detainees to contact family members and lawyers, as well as their failure to provide them with access to adequate medical care. Lawyers and human rights defenders said they were initially unable to visit the detainees, or to access information on their whereabouts. On 27 May the Ministry of Interior published the names of those detained during the rally, but without indicating the place of their detention.

Amnesty International has also received reports of ill-treatment of detainees, as well as allegations of violations of their rights to due process of law. The Georgian Public Defender's office, which carried out monitoring of the temporary detention isolators on 27 May, reported that several detainees had serious injuries, while most had injuries of some kind. Detainees said they received the injuries both at the time of the dispersal of the protest and while in police custody.

The Georgian Young Lawyers Association (GYLA), which provided legal assistance in court proceedings against the detained demonstrators in the Tbilisi City Court, reported serious pre-trial and procedural violations, as well as being obstructed from representing their clients in a timely and effective manner. According to GYLA, in all cases the court single-handedly relied on the testimonies of police officers, failing to examine other witnesses or evidence or to clarify the particular allegations of disobedience levelled against the detainees. The lawyers also said that the court failed to ensure the right of those detained to challenge the lawfulness of the arrest, or to examine allegations of police ill-treatment of the detainees, despite their injuries being clearly visible.

Amnesty International has earlier called on the Georgian government to investigate allegations of excessive use of force by police against anti-government protests, as well as reports that several journalists have been beaten and injured in the clashes and had their cameras and other equipment confiscated.

Amnesty International acknowledges that law enforcement officials have both a responsibility and an obligation to ensure the safety and security of people and property. However, in doing so, the policing of demonstrations should be carried out in a manner that complies with international standards; standards that include the duty to exercise restraint, to act in proportion to the seriousness of the offence and the legitimate objective to be achieved, to minimize damage and injury, and to respect and preserve human life. In dispersing the protestors on 26 May, however, police officers appear to have used force in violation of these standards. Amnesty International is aware that several police officers were also injured, with one losing his life, as well as the numerous and credible reports of violence being perpetrated by protestors, but it is concerned that these allegations should not be used as an excuse to ignore the law and international standards on the use of force by police officers.

Amnesty International welcomes the public apology issued by the Ministry of Internal Affairs to journalists who were injured or prevented from carrying out their work. However, Amnesty International regrets that the public apology was limited to journalists and did not address violations reported against those participating in the demonstration. Georgia has an international obligation to ensure that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

Amnesty International regrets that until now no effective open and transparent investigation has been carried out in the instances of alleged excessive use of force by the law enforcement officials into the incidents of violent dispersals of demonstrators that took place in 2009 and 2007.

Amnesty International calls the Georgian government:

- To conduct full and impartial investigations into all individual allegations of the use of excessive force and other ill-treatment as well as into the incidents of death and to bring anyone reasonably suspected as being responsible to justice, and ensure reparation and redress for victims.
- To ensure that all detained persons have access to lawyers, food and appropriate medical care, as well as to ensure that their relatives or a third party of choice are informed of their specific whereabouts and conditions;
- To ensure that those detained are afforded fair trials that meet the requirements of international law.

Background

Protests in the capital Tbilisi calling for the resignation of President Mikheil Saakashvili were violently dispersed by riot police officers overnight on 26 May, scattering about 1,000 demonstrators, leaving four dead, including one police officer, and dozens injured.

A police officer and a civilian were killed after being hit by a speeding car, allegedly carrying an opposition leader away from the scene. The investigation is under way into the circumstances of death of two other protesters, who reportedly died after being electrocuted on the roof of a shop close to the protest venue. This version has been contested by another protester, who claims that one of the alleged electrocution victims was a friend who was arrested by the police during the dispersal of the rally; he claims to be able to identify him in a press photo from the protest scene, handcuffed among other arrested protesters.