



The South Caucasus Network of Human Rights Defenders

The South Caucasus Network of Human Rights Defenders unites 30 human rights NGOs in Armenia, Azerbaijan and Georgia. The Network seeks to facilitate creation of a safer and enabling environment for human rights defenders in the South Caucasus and to strengthen their voices in the region and internationally.

Statement of the South Caucasus Network of Human Rights Defenders on arrest and detention of the leaders of “7 November” movement in Georgia

The South Caucasus Network for Human Rights Defenders denounces the arrest and detention of the leaders of “7 November” movement – Dachi Tsaguria, Jaba Jishkariani and Irakli Kordzaia after they expressed their civil position through completely peaceful means. The Network also denounces the fact of imposing a fine on the detainees under administrative law.

On the evening of November 23, 2009, Tbilisi patrol police arrested the leaders of “7 November” movement, Dachi Tsaguria, Jaba Jishkariani and Irakli Kordzaia in front of the Parliament building. The leaders were sitting in front of the Parliament building, at the sidewalk, with photos of Amiran Robakidze and Sandro Girgvliani, the young people killed by the policemen, and a poster – “Public TV for People.” They expressed their protest against state policy by a silent action. The patrol police arrived at the Parliament shortly after the action began and arrested the young people. As the chief of Tbilisi patrol police, Giorgi Gegechkori stated, the young people breached the Law on Assembly and Association that as he said, restricts any action within a 50m radius of administrative building. He was present at the time of the arrest.

A trial was held against Dachi Tsaguria, Jaba Jishkariani and Irakli Kordzaia shortly after their detention and a fine in the amount of 500GEL imposed on each of them under administrative law.

According to Gela Nikolaishvili, the attorney of “7 November” activists, the court decision makes it clear that the defendants did not breach the law. In particular, the Judge specified in the Court decision that the activists were sitting at a distance of 25-30m from the Parliament building. Meanwhile, the Law on Assembly and Manifestations prohibits an action to be held only within the radius of 20m.

The Court decision also states that the activists restricted citizens’ movement, that they did not disperse when called so by police and resisted them. It is worth mentioning that the Judge’s decision was primarily based on testimony provided by the police. The Judge refused to watch video-material that would annul the above-mentioned accusations.

This incident is one of the first precedents of putting into practice the recent amendments to the Law on Assembly and Manifestations. This incident made it clearer that the mentioned law poses a threat to protection and implementation of fundamental rights - the right of assembly and freedom of expression.

In particular, the Law on Assembly and Manifestations allows the authorities to limit freedom of expression when there’s no necessity of protecting a right of a higher value, or when there’s no real threat to the rights and freedoms of others. The amendments also vest the authorities with the right to stop the process of expressing alternative opinions through completely non-violent means and impose sanctions against demonstrating persons. It was the case with this incident.

Due to the above reasons, it became clear that the current law is not in line with the right of assembly and freedom of expression guaranteed by the Constitution of Georgia as well as the European Convention on Human Rights.

The **South Caucasus Network of Human Rights Defenders** calls upon:

- the Government of Georgia, law enforcement and judicial authorities to make every effort to avoid using this law as a punitive mechanism against persons with alternative opinions.
- the Parliament of Georgia – to review the amendments made to the Law and bring them in line with the Constitution of Georgia as well as international agreements.
- the International Organizations – to give particular attention to the amendments and monitor cases when this law is put into practice, and call on the government of Georgia to bring the Law into compliance with the Constitution of Georgia as well as international agreements.

Creation of South Caucasus Network of Human Rights Defenders is supported by the European Union.

Network is coordinated by Human Rights Center (Georgia), Armenian Helsinki Association (Armenia) and Institute for Reporters Freedom and Safety (Azerbaijan).

Human Rights House Foundation (Oslo, Norway) is the international partner of the Network.

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