

GYLA and EMC release the joint statement on Tsulukidze's and Bakhturidze's case

Georgian Young Lawyers' Association and the Human Rights Education and Monitoring Center release the joint statement on application of alleged disproportional police force while detaining Piruz Tsulukidze and Temur Bakhuntaridze and on their religious discrimination.

Tsulukidze's and Bakhuntaridze's case attracted public interest before their detention, when on August 10, 2013 information was disseminated on Interior Ministry's prohibition to send P. Tsulukidze, the sportsman to the European Tournament. ([Information released on media](#)). On August 14 EMC interrogated F. Tsulukidze when he alleged that, on the night of departure to the European Tournament in Bulgaria, law enforcement representatives disallowed him from leaving the country, under the argument that he was prohibited to cross the border, though no actual reasons have been submitted. As Tsulukidze reported, later Luka Kurtanidze, the head of the National Wrestling Association, explained him in personal communication, that the reason of applying restriction was "his links with undesired people." It should be noted that in his explanation, P. Tsulukidze alleged about religious discrimination and stating that before going to the tournament he was asked to shave off his beard, though he did not obey. On August 15, 2013 EMC questioned T. Bakhuntaridze, who is F. Tsulukidze's friend and religious mentor and worked in Batumi as wrestling coach. Under T. Bakhuntaridze's instruction, employees of Batumi department of the Ministry of Interior summoned him in the unit and demanded termination of religious prayers and preaching during training, otherwise they threatened with creation of problems. As Bakhuntaridze explained, his pupils were Muslims and he saw no problem of carrying out religious activity after the training. Furthermore, he stated that employee of the Batumi unit of Interior Ministry summoned his pupils and their parents to the

department and asked them to leave the classes. As P. Tsulukidze and T. Bakhuntaridze allege, they follow Muslim religious principles strictly and are not willing to make any compromise.

It should be noted that EMC applied to the Interior Ministry with official letter and asked to specify the norms and reasons for prohibiting P. Tsulukidze to leave the country territory. In addition, the Ministry was asked to react on the circumstances noted in Bakhturidze's explanation, though it did not respond until now.

As it is known, on September 13, 2013 P.Tsulukidze and T. Bakhuntaridze were detained during the arrest of Yusuf Lakaev, Russian citizen of Chechen nationality. They were accused as per Article 353 of the Penal Code. ([See official statement of the Ministry of Interior](#)). On September 17, 2013 GYLA's lawyers visited arrested P. Tsulukidze and T. Bakhturidze. In their explanations, which are similar, they stated that Lakaev was not in their car when he opened fire to the direction of police, since when they noticed that police was following them, they asked Lakaev to leave the car. Lakaev's conduct was unexpected to them. In the moment of armed incident between Lakaev and the police, Tsulukidze and Bakhuntaridze did not attempt to escape with a view to avoid the risk of opening fire against them. After the clash, for 10 minutes, they were standing in the public place, intentionally with a view to avoid unreasoned conflict with the police. After some time, police detained them in Pushkini street. As Bakhuntaridze and Tsulukidze responded, with a view to escape application of fire by the Police and avoid submission of charges, they did not resist to the Police, while in the moment of arrest and afterwards police applied unnecessary and disproportional force. Bakhuntaridze and Tsulukidze recall that after police has detained them and put cuffs on the hands, police officers applied fierce measures. Namely, they abused detainees physically and beat them violently with gun butt and feet. Furthermore, policemen also used bad language and humiliated their religion. As Bakhuntaridze and Tsulukidze report, they can recognize abuser policemen. As reported, Temur Kvantaliani, police officer, was distinguished for his aggressive conduct. He was the person calling up them to terminate religious prayers, otherwise he threatened to create problems. As a result of physical abuse, T. Bakhturidze sustained brain concussion. He also has some injuries in the area of head, neck and arm. P.Tsulukidze also has injury in the area of head. ([The statement of P.Tsulukidze's and T. Bakhturidze's lawyers](#)). [Photo materials taken in the moment of bringing them to the court](#) also illustrate the fact of physical abuse. The Public Defender of Georgia applied to the prosecution for investigation of the fact of Tsulukidze's and

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Bakhturidze's physical abuse as well. ([The statement of the public defender](#)).

In view of factual circumstances of the case, we urge the Prosecution and the Interior Ministry to:

- Make official explanation on the factual circumstances that became basis for restriction of P.Tsulukidze's and T.Bakhuntaridze's freedom of pedagogic activities and movement allegedly for the religious reason, before their detention. In addition, we ask the Interior Minister to specify the norm that served as the basis for prohibiting P.Tsulukidze to leave the country territory;

- Start independent and effective investigation on the necessity and proportionality of applied physical force by the police and to inform public timely on the outcomes of investigation. For institutional independence of investigation, we demand conduct of investigation by the prosecution as per Article 3 of the ECHR and Paragraph 2, Resolution#34 of July 7, 2013 of the Ministry of Justice.

- In addition, we call on the relevant state agencies to carry out all possible measures with a view to ensure security of T.Tsulukidze and T. Bakhuntaridze.

GYLA and EMC will monitor examination of the given criminal case and will make assessments in terms of substantiation of charges as well as fairness of the trial.