

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **GYLA responds to violence based on political views in Shida Kartli and calls on the authorities to prevent such actions**

GYLA responds to violence that erupted in the village of Mereti, Gori municipality, on June 26, 2012 and believes that failure of the police to act for prevention of violence based on political intolerance as well as politicization of public service is unacceptable.

A group of people assembled in Mereti clearly expressed their frustration with Bidzina Ivanishvili and Irakli Alasania, leaders of the coalition Georgian Dream, who had arrived in the village for meeting with voters. Eventually, [the disagreement grew into a fistfight and physical abuse](#), as a result of which [several people sustained health injuries](#). Physical violence erupted along a borderline village, where Georgian law enforcers are patrol on a regular basis; nevertheless, the police failed to take measures for preventing violence.

Article 25 of the Constitution of Georgia guarantees freedom of peaceful assembly. The state has a positive responsibility to protect freedom of assembly. In Plattform "Ärzte für das Leben" v. Austria the ECHR ruled that the participants must be able to hold the demonstration without having to fear that they will be subjected to physical violence by their opponents. The state violates the right to assembly not only by directly interfering with holding a demonstration but also by remaining passive during a physical clash between demonstrators and other persons and fails to take steps for preventing violence, making it impossible to hold an assembly in peaceful manner.

In the present case the police violated its positive obligation by failing to stand between the opposing sides and allowed a physical clash between them.

Administrative proceedings in court are also worth mentioning. The police detained four individuals – Lasha Tchigladze, Alexandre Iodishvili, Alexandre Kikolashvili and Davit Bzishvili. A protocol of administrative offence was drawn up against these four persons. GYLA's lawyers defended interests of Alexandre Kikolashvili and Davit Bzishvili before Gori District Court. Video footage submitted to court as evidence shows that not only Davit Bzishvili was not engage in acts of violence but he was physically assaulted while lying on the ground. Some of the witnesses that testified against defendants did not have IDs with them, which made it impossible to determine their identity and their relation to the case. Nevertheless, Gori District Court sentenced Davit Bzishvili and Alexandre Kikolashvili to 10 days of administrative imprisonment.

GYLA is particularly alarmed by participation of civil servants in the counter-demonstration and their actions. Information portal qartli.ge reported participation of representative of the territorial agency Vasil Tevdorashvili as well as specialist of the economic office of Gori Municipality Gamgeoba Levan Bidzinashvili in the counter-

demonstration, and Channel 5 reported participation of the chief and an officer of rescue service.

By making obscene remarks, civil servants disrupted other activities of the coalition Georgian Dream planned to be held in the village of Dirbi, Kareli Municipality the same day. Information agency info-9 has reported that representative of the territorial agency of the village Hamlet Davrashelidze as well as other employees of Kareli Municipality's Gamgeoba participated in the assembly against the Georgian Dream. There were reports of verbal abuse and isolated incidents of [use of violence against journalists by them](#).

Although a civil servant is not prohibited from membership of a political party or publicly expressing his/her political views, these actions must be fully in line with the requirements of the law of Georgia on Civil Service. Under paragraph "g", Article 13 of the Law, civil service is of non-partisan nature, whereas Article 61 of the law stipulates that a civil servant is prohibited from using its official position in favor of party activities.

The incidents in Dibri and Mereti occurred at the time when civil servants should have been occupied with performing their official duties. Based on the non-partisan nature of civil service, civil servants, when discharging their official authority, should refrain from expressing political sympathies or antipathies, let alone verbal and physical coercion for disrupting a politician's meetings with voters. Actions of civil servant involved in the incidents in Dirbi and Mereti bear signs of disciplinary offence; therefore, responsible officials must consider holding them disciplinarily liable.

We call on Gamgeobelis of Gori and Kareli municipalities to ensure observance of political neutrality in their subsequent municipal agencies and apply disciplinary measures against violators of the principle. All participants of the political process must say not to violence. The Ministry of Interior Affairs should ensure that meetings of political parties with voters are held in peaceful and safe environment and that acts of violence are dealt with in a timely manner. The Interior Ministry should hold liable all policemen who fail to fulfill their duty of preventing violence, whenever applicable.