

# EHRAC

## Bulletin



In partnership with Memorial Human Rights Centre (MHRC), the Georgian Young Lawyers' Association (GYLA) and Article 42 of the Constitution

## Political prisoners in contemporary Georgia

*Kirill Koroteev, EHRAC Case Consultant; Research and Teaching Assistant, University of Strasbourg*

The issue of political prisoners in Georgia did not disappear following the 2003 'Rose Revolution'. After coming to power, President Saakashvili released those who had been considered as political prisoners under the rule of President Shevardnadze, but the policies of the new administration against the opposition forced civil society to raise the issue anew. The former Public Defender, Mr Sozar Subari, issued reports on the matter, naming a number of persons as political prisoners,<sup>1</sup> and the US Department of State dedicated a chapter of its *2008 Human Rights Report: Georgia*<sup>2</sup> to this problem. A commission comprising representatives of Georgian NGOs, albeit under the aegis of the Georgian Conservative Party, sits regularly to discuss whether a convicted person is actually a political prisoner.

This controversy prompted the International Federation for Human Rights (FIDH) to conduct a mission to Georgia in order to investigate the issue. The mission's report, published in autumn 2009,<sup>3</sup> does not aim to provide a comprehensive list of political prisoners, but rather to ascertain whether there are indeed political prisoners in contemporary Georgia - even one being too many for a modern democratic European state. In its assessment, the mission relied on the Council of Europe (CoE) criteria first elaborated in the framework of the accession of Armenia

and Azerbaijan to the CoE. The criteria include a conviction in violation of the ECHR (in particular under Arts. 9-11 (freedom of thought, conscience and religion, freedom of expression and freedom of assembly and association)), a conviction based on purely political reasons unrelated to any offence, disproportionate length or conditions of detention imposed for political reasons, discrimination for political reasons or unfair trial for political reasons.

The mission examined 8 'pilot cases'. These either involve a large number of people, are representative of a larger group of cases or are isolated high-profile cases. Nora Kvitsiani, an economist by education, was convicted for illegal possession of weapons found in her home and misappropriation of humanitarian aid for the distribution of which she was responsible as the *de facto* head of the local government in a village in the Kodori Valley, which separates the undisputed territory of Georgia from its breakaway region of Abkhazia. The case is linked to the Government's actions against her brother, Emzar Kvitsiani, who had led the Monadire Squadron that was in charge of protecting the local neighbourhood and who fled from prosecution following a conflict with Irakli Okruashvili, the then Minister of Defence. Jony Jikia, Merab Ratishvili and Demur Antia were all convicted of drug- or weapon-related charges. However, there were strong reasons to believe that they were arrested and tried in order to put an end to their political activities. Revaz Kldiashvili, the former

head of the Georgian Military Police, was a prominent supporter of Mr Okruashvili at the time when the latter declared his opposition to President Saakashvili. Kldiashvili was arrested on charges of illegal possession of and failure to return his military police ID to the authorities after being dismissed from his post. Even if the charges against him were genuine, there is no explanation as to why a first-time offender, whose service to the country had been recognised, was sentenced to the maximum terms under both offences. Maya Topuria and her numerous co-defendants were sentenced for masterminding a *coup d'état* in favour of Igor Giorgadze, a Georgian politician heavily supported by Russia. The prosecution's only evidence was that the accused gathered together on a certain date, not that they were plotting something against the Government.

The report found that political persecution still exists in Georgia. It also highlighted the problems faced by the accused in criminal proceedings in Georgia, notably the exceptionally low percentage of acquittals and large discretion of trial judges on sentencing matters.

1 See, e.g., <http://www.ombudsman.ge/uploads/reports/annualreport2007part2.pdf> (in English) or [http://www.ombudsman.ge/uploads/reports/moxseneba\\_2008\\_1naxevari.pdf](http://www.ombudsman.ge/uploads/reports/moxseneba_2008_1naxevari.pdf) (in Georgian).

2 <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119080.htm>.

3 <http://www.fidh.org/IMG/pdf/PolPrisGeorgia.pdf>.

