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The right to a fair trial for the Arrested Photo-Journalists in Tbilisi must be respected

- [english] - Eastern Europe & Central Asia - Georgia -

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Description :

18 July, 2011 - Paris, Geneva, Oslo, The Hague, London - We, international human rights organizations, call on the Government of Georgia to guarantee the right to a fair and public trial for the detained photographers and to carry out an impartial and transparent investigation in accordance with international human rights standards.

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On 7 July 2011 at 3:00 am, individuals in civilian clothes simultaneously arrested 5 photo-reporters at their homes and detained them.

The following persons were detained:

Zurab Kurtsikidze, photographer for the European Pressphoto Agency (EPA);
Shah Aivazov, photographer for the Associated Press;
Irakli Gedenidze, personal photographer of the President of Georgia,
Natela Gedenidze, photographer for the newspaper Prime Time, and
Giorgi Abdaladze, photographer for the Foreign Ministry of Georgia and newspaper Alia.

Zurab Kurtsikidze and Irakli Gedenidze had taken photos of the protest demonstrations on May 21, 2011 and documented the dispersal of protest rally in Tbilisi on May 26, 2011, which were subsequently disseminated by the European Pressphoto Agency (EPA). The state security requested Giorgi Abdaladze to hand over the photos. According to Kurtsikidze's lawyer - Nino Andriashvili, he had bruises on his face when she met the detainee first day, however, Kurtsikidze refused to appeal on this ground.

In the afternoon of 7 July 2011, the Ministry of Internal Affairs emphasized in its official statement that "Detainees are accused of supplying the organization, operating under the cover of one of the foreign country's special service, with various information, against the interests of Georgia." The five photographers were accused of distributing the list of Georgian citizens working in the UN. No further details were given. [1]

Irakli Gedenidze confessed to the charges brought against him at 2 a.m on 9 July 2011. Our organisations are concerned that the testimony might have been given under pressure. Half an hour later, his wife, Natela Gedenidze was released. A 10 000 GEL bail (about 4240 Euros) was imposed for the release of Natela Gedenidze, considering that she had confessed and has two little children.

On 9 July 2011, the Tbilisi City Court approved two months preliminary imprisonment for three of the detained photographers- Zurab Kurtsikidze, Giorgi Abdaladze, Irakli Gedenidze. The court session was closed to the public, but the statement of the Tbilisi City Court reads that the defendants are charged with espionage and collecting, keeping and transferring documents or any other data containing state secret to representatives of a foreign organization. The crime carries the penalty of imprisonment for more than 10 years.

We do not consider that the known evidence against the photographers is sufficiently convincing and compelling [2]. Taking the timing and circumstances of the confession of Irakli Gedenidze into account, we are concerned that his testimony may have been given under duress.

We would like to remind the Georgian authorities that international human rights obligations must be met throughout the criminal proceedings against the photographers. In particular, we encourage the authorities to conduct an impartial, independent, and effective investigation in accordance with international human rights standards.

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We call on Georgian authorities to respect the photographers' right to a fair and public trial in accordance with Article 14 of the International Covenant on Civil and Political Rights and Article 6 of the European Convention on Human Rights. In particular, we remind the authorities that all defendants are entitled to the presumption of innocence until proven guilty; the assistance of legal counsel of his/her own choosing and the preparation of an adequate defense; the opportunity to examine the prosecution's witnesses and present witnesses in the defense's favor; and to not be compelled to testify against her/himself or confess her/his guilt. These procedural guarantees for all defendants represent an important safeguard for ensuring respect for human rights and the rule of law in Georgia.
Finally, we call on international organizations and the diplomatic corps in Georgia to monitor the case against the photographers and ensure that the government of Georgia respects the rights of the defendants throughout the criminal justice process.

Signed,

Souhayr Belhassen, FIDH President
International Federation for Human Rights (FIDH)
17, passage de la main d'or, 75011 Paris, France
Tel: +33 1 43 55 25 18
Email: fidh@fidh.org

Eric Sottas, Secretary General
World Organisation Against Torture (OMCT)
International Secretariat
8, rue du Vieux-Billard, 1211 Geneva 8, Switzerland
Tel: + 41 22 809 4939
Email: omct@omct.org

Harry Hummel, Executive Director
Netherlands Helsinki Committee
P.O. Box 11717, 2502 AS The Hague, The Netherlands
Tel: +31 70 392 6700
Email: hhummel@nhc.nl

Aage Borchgrevink, Adviser
Norwegian Helsinki Committee
Kirkegata 5, 0153 Oslo, Norway
Tel: +4790751150
Email: borchgrevink@nhc.no

Rohan Jayasekera
Associate Editor and Deputy Chief Executive
Index on Censorship
Free Word Centre
60 Farringdon Road
London, EC1R 3GA, UK
Tel: +44 (0) 20 7324 2522
Email: rj@indexoncensorship.org

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[1] It is noteworthy that the list which the photographers are accused of having distributed is not a confidential document and that the status Top Secret was a handwritten note on the document.

[2] Phone conversations between the Photo reporters show that money to the photographers is transferred legally. The video material distributed by the Ministry of Internal Affairs to document work of Russian spies, does not show any connection with Zurab Kurtsikidze. The list of Georgian citizens working in the UN, which the photographers are accused of having distributed, is not a confidential document. It is noteworthy that the status Top Secret was a handwritten note on the document.

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