

Georgia

# Court of Appeal must restore justice

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Joint press release: International Federation for Human Rights (FIDH) - Human Rights Center (HRIDC) - Civil Society Institute (CSI)

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### **Our organisations express their concern on the case of Mr. Vahagn Chakhalyan, sentenced to a 10-year prison term at the conclusion of a trial marred by irregularities, and who was subsequently brutally beaten in prison in Tbilisi.**

On April 7, 2009 the Akhaltsikhe district court in Georgia sentenced Mr. Vahagn Chakhalyan, a local activist from the ethnic Armenian-populated Javakheti region in the south of Georgia to 10 years in prison. The court found Mr. Chakhalyan guilty of the following counts: acquisition and possession of firearms and ammunition, participation in mass riots, organisation of a group action disturbing public order, resistance to the police or to another representative of the authorities, and hooliganism. The court also condemned his father Mr. Ruben Chakhalyan and his younger brother Mr. Armen Chakhalyan to fines equivalent to 3,000 and 1,200 USD respectively. On April 16, 2009 Mr. Vahagn Chakhalyan was taken out of his cell in Tbilisi prison No. 8 to be brutally beaten by prison officers.

Since his arrest in July 2008, the legal proceedings against Mr. Chakhalyan have been marred by irregularities.

Mr. Chakhalyan was originally accused of illegal possession of firearms. Despite his lawyer requests, no fingerprints were ever collected on the weapons reportedly found in his house. Charges against him for violating public order are a later addition, and relate to protests that followed the October 2006 elections in Akhalkalaki.

Mr. Chakhalyan's trial only started on November 6, 2008, and hearings were repeatedly postponed. All legal proceedings took place in Akhaltsikhe district court, although the events that led to the arrest of Mr. Chakhalyan, his father and younger brother took place in Akhalkalaki, their place of residence.

For unknown reasons, the Ministry of Justice of Georgia rejected Mr. Chakhalyan's request to be represented by the lawyer of his choice. Considering that this decision violates the right of the defense, the Ombudsman of Georgia officially requested the Minister of Justice to permit the lawyer of his choice to defend Mr. Chakhalyan, to no avail. According to his lawyers and his relatives, the translation provided to Mr. Chakhalyan during his trial was incomplete and of poor quality. The written records of the proceedings are therefore likely to be flawed.

Our organisations conclude that the procedure against Mr. Chakhalyan was carried out with blatant violations of national, regional and international legal standards on the right to a fair trial. FIDH, HRIDC and CSI intend to follow closely the appeal trial of Mr. Chakhalyan, and call upon the Georgian authorities to guarantee him a thorough and independent trial in appeal, in conformity with Georgia's obligations under regional and international Human Rights law.