



Georgia

24 December 2009

Police raid of the Inclusive Foundation, a LGBT NGO, and arrest of its leader Mr. Paata Sabelashvili - GEO 002 / 1209 / OBS 199

The Observatory has been informed by the Human Rights Centre (HRIDC) about the police raid of the Inclusive Foundation, a well-known Georgian Lesbian, Gay, Bisexual and Transgender (LGBT) organisation, and harassment of its members.

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in **Georgia**.

According to the information received, on December 15, 2009, at 7 pm, the office of the Inclusive Foundation was raided by five armed men without uniform. The leaders of the organisation, together with about 15 members of the LGBT community who attended a regular meeting of the "Women's Club", were present in the office. They were ordered not to leave the room and were told that "only their chief was of interest to them". The Head of the Inclusive Foundation, Mr. **Paata Sabelashvili**, was then taken to a separate room, and the men made a telephone call. At about 8 pm, an additional group of armed men came in. According to witnesses, the men did not wear police uniforms (several of them put on jackets with the police inscription on them only in the office), they did not provide a search warrant, did not inform about their identity or the agency they represented and did not explain the purpose of their intrusion.

The men confiscated cell phones of all those present in the office, did not allow them to contact their families, laughed at them and made degrading and humiliating remarks, such as calling the persons "perverts", "sick persons", "Satanists". Several men threatened to take photos of the women and disseminate them to reveal their sexual orientation. The armed men also searched through all bags of staff members in the office. Two women officers forcibly took girls to the bathroom, stripped them naked and searched them.

Some men also threatened "to kill" one of the leaders of the organisation, Ms. **Eka Agdgomelashvili**, together with Ms. **Tinatin Japaridze**, if they did not stop demanding search warrants and identification documents of the police. In particular, one man, who later turned out to be the Head of the police division, threatened with death Ms. Agdgomelashvili if she did not stop immediately pointing out that they were violating the law. Some of the armed men responded that "they would only show papers to those to whom they would need to show them".

Mr. Paata Sabelashvili was arrested as a result of the raid. Soon after his arrest, he confessed to the possession of eight grams of marijuana. However, because he made the confession before seeing his lawyer, without the presence of anyone except law enforcement officials, the validity and voluntary character of the confession is highly suspicious. As of December 24, 2009, Mr. Sabelashvili remained detained in a pre-trial detention cell in Tbilisi.

One of the armed men, distinct with homophobic statements and his aggressive behaviour towards staff members, introduced himself as an Operative Officer of the Constitutional Security Department of the Ministry of Interior Mr. Giorgi Gegechkori. However, on the pre-trial measure hearing of Mr. Paata Sabelashvili he appeared as Investigator David Khidesheli.

Since then, staff members of the organisation remain under continuous surveillance. Their homes, movement in the city and offices are under constant surveillance by cars full of men without uniform. One such car is permanently stationed outside the entrance to the house of one of the staff members.

The Observatory expresses its deepest concern about these acts of harassment against members of the Inclusive Foundation as well as about Mr. Paata Sabelashvili's arbitrary arrest, which seem to merely aim at sanctioning their human rights activities, and calls upon the Georgian authorities to release Mr. Paata Sabelashvili immediately and unconditionally.

The Observatory recalls that as a Participating State of the Organisation for Security and Cooperation in Europe (OSCE), Georgia must conform with paragraph 8 of the OSCE Parliamentary Assembly Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions, which states that the OSCE Participating States recognise "the need for particular attention, support and protection for human rights defenders by the OSCE, its institutions and field operations, as well as by participating States";

The Observatory also urges the Georgian authorities to conform to the Declaration of the Committee of Ministers of the Council of Europe on Human Rights Defenders, so as to create an environment conducive to human rights defenders, to take effective measures to protect, promote, and respect them, to ensure their access to effective remedies and to take action to prevent attacks and harassment against them.

Actions requested:

Please write to the authorities in Georgia urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Paata Sabelashvili, Ms. Eka Agdgomelashvili, Ms. Tinatin Japaridze, as well as all members of the Inclusive Foundation and human rights defenders in Georgia;
- ii. Release Mr. Paata Sabelashvili immediately and unconditionally since his detention is arbitrary as it only aims at sanctioning his human rights activities;
- iii. Conduct a prompt, effective, thorough, independent and impartial investigation into the above-mentioned acts of harassment, the result of which must be made public, in order to identify all those responsible, bring them before a competent, independent and impartial tribunal and apply to them the penal, civil and/or administrative sanctions provided by the law;
- iv. Put an end to any kind of harassment - including at the judicial level - against Mr. Paata Sabelashvili, Ms. Eka Agdgomelashvili, Ms. Tinatin Japaridze as well as all members of the Inclusive Foundation and all human rights defenders in Georgia and ensure in all circumstances that they are able to carry out their work without unjustified hindrances;
- v. Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General

Assembly on December 9, 1998, in particular Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and Article 12(2), which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the [...] Declaration";

vi. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights standards and human rights instruments ratified by Georgia.

Addresses:

* Mr. Mikhail Saakashvili, President, State Chancellery, 7 Ingorokhva Street, 0134 Tbilisi, Georgia; Tel : (995 32) 28-27-13; (995 32) 28-24-00; (995 32)99 96 53; (995 32) 98-72-62, (995 32) / 99-87-50, Fax: (995 32) 98-72-62 (99532) 28-27-68; (99532)28-27-14; E-mail: pr@president.gov.ge, vano@president.gov.ge * Mrs. Eka Tkeshelashvili, Secretary of the National Security Council of Georgia, 7, Ingorokhva Street. 0134 Tbilisi, Georgia, Tel: (995 32) 93 23 22 ; Fax: (995 32) 98 99 72 ; E-mail: snsnc@gol.ge * Mr. Ivane Merabishvili, Minister of Interior, Ministry of Interior of Georgia, 10, Gulua street, Tbilisi, Georgia. Tel: (995 32) 74 62 50; +995 32 99 62 96 / 99 80 50 / 99 95 55/27 28 44/99 53 50/98 39 43; Fax:(995 32) 98 71 46 / 99 95 24; E-mail: presscenter@pol.ge, press_center@pol.ge * Mr. Giorgi Arsenishvili, Head of the Parliamentary Committee on Human Rights Petitions and Relations with the Civil Society, Parliament of Georgia, 8 Rustaveli Avenue. 380018 Tbilisi, Georgia; Tel: (995 32) 28 13 88; Fax: (995 32) 92 15 63. Email: Humanrights@parliament.ge * Mr. Zurab Adeishvili, Minister of Justice, 19, Griboedov st, Tbilisi, 0108, Georgia, Tel: (995 32) 93 27 21 / 93 50 49 / 75-82-22; Fax: (995 32) 93 02 25 / 75-82-22 ; Email: justice@justice.gov.ge * Mr. Giorgi Tugushi, Ombudsman of Georgia, 11, Machabeli street, Tbilisi 0107, Georgia, Phone: (995 32) 92 39 60 / 92 24 78 / 92 24 81 / 93 15 85; Fax: (995 32) 92 24 70; Email: info@ombudsman.ge * H.E Mr. Giorgi Gorgiladze, Ambassador, Permanent mission of Georgia to the United Nations in Geneva, Rue Richard Wagner 1, 1202 Geneva, Switzerland, Fax: + 41 22 733 90 33 ; Email: geomission.geneva@bluewin.ch * Diplomatic Mission of Georgia to Brussels, Belgium, Fax: + 32 2 732 85 47

Please also write to the diplomatic mission or embassy of Georgia in your respective country as well as to the EU diplomatic missions or embassies in Georgia.

<http://www.fidh.org/Police-raid-of-the-Inclusive-Foundation-a-LGBT>