

Statement on the arbitrary arrest of Georgian lawyer Eduard Marikashvili

Georgian lawyer and human rights defender Eduard Marikashvili has been arrested during a demonstration in front of the parliament building in Tbilisi, Georgia. He was arrested for hooliganism and disobedience of legal order of the police under articles 166 and 173 of the Administrative Offences Code of Georgia. His hearing before the Tbilisi Citi Court takes place on 23 June 2023.

Mr. Marikashvili is a lawyer and human rights defender specialized in criminal law and juvenile justice. He has been working with the Georgian NGO “Georgian Democracy Initiative” (GDI)¹ as part of the legal team since 2014, and is currently the chair of the organisation since 2021.

On 2 June, Mr. Marikashvili learnt that the police was illegally arresting demonstration participants near the parliament building. The peaceful protests were initiated to demonstrate against the Georgian governments’ foreign policy after the Georgian prime minister said at the Global Security Forum, which took place on May 30 in Bratislava, that one of the reasons for the start of the war between Russia and Ukraine was Ukraine's intention to become a member of NATO.² As Mr. Marikashvili found that the constitutional rights of the activists present at the protest were being violated, he joined the demonstration to support colleagues and activists being arrested. Among the persons detained during the demonstration was a defense lawyer, who was released shortly after his arrest.

At the demonstration, Mr. Marikashvili was holding a blank white paper. After forcibly grabbing the paper, the police officers arrested Mr. Marikashvili as well as some other activists.³ Mr. Marikashvili and the detained activists not allowed to contact their lawyers for several hours. They were transferred from the capital to Telavi in a temporary holding cell and were released only after the maximum holding period of 48 hours had passed.

Mr. Marikashvili was arrested for hooliganism and disobedience of legal order of the police under articles 166 and 173 of the Administrative Offences Code of Georgia. His case is being heard by Tbilisi City Court on June 23, 2023.

Based on UN Basic Principles on the Role of Lawyers, principle 16: *Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Pursuant to Article 23 of the UN Basic Principles on the Role of Lawyers, *Lawyers like other citizens are entitled to freedom of expression, belief, association, and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.*

¹ <https://gdi.ge/en>

² <https://sakartvelosambebi.ge/en/news/one-of-the-reasons-for-the-war-was-ukraines-intention-to-become-a-nato-member-says-garibashvili>

³ <https://www.facebook.com/gdi.ge/videos/6286515938130628>

L4L therefore calls on the Georgian authorities to:

- Immediately cease persecution and drop all charges against human rights defender and lawyer Mr. Marikashvili as he is being targeted as a result of his peaceful and legitimate human rights work.
- Guarantee that all lawyers in Georgia are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment arbitrary arrest, deprivation of liberty or other arbitrary sanctions.
- Guarantee that all human rights lawyers and human rights defenders are provided with their freedom of expression of political and other opinions in accordance with Georgia's international obligations to respect and fulfil human rights laws and standards.
- Cease the practice of disproportionate and illegal use of administration detention of lawyers exercising their freedom of expression.

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