

Open Letter of the Civil Society Concerning Arrests of Photo-reporters in Tbilisi

Civil society representatives call upon 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 law.

On 7 July 2011 at 3:00 am, individuals in civilian clothes simultaneously detained 5 photo-reporters at their homes. On July 9, the Tbilisi City Court imposed two-month pretrial detention on the detainees as a preventive measure at the closed court hearing. The Tbilisi City Court released a statement that the detainees “are accused of espionage, that is collecting, storing and supplying the foreign organization with the documents containing secret information for the Georgian state. The crime is punished by imprisonment of more than 10 years.”

The detained persons were the following:

- 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 *Ilia*.

Zurab Kutsikidze 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 has requested one of the photographers 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.

We do not consider that the evidences brought against the photographers are well enough grounded and consistent¹. Taking the time and the circumstances of confession of Irakli Gedenidze into account, we are concerned that the testimony might have been given under pressure. In addition, lawyer claims that Gia Abdaladze made a confession testimony under a strong psychological oppression on July 16.²

¹Phone conversations show that money to the photographers is transferred legally. The video material distributed by the Ministry of Internal Affairs to document work of Russian spied, 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.

² Irakli Gedenidze pleaded guilty at 2:00 pm on July 9. Half an hour later his wife Natela Gedenidze was freed and imposed 10 000 GEL as a bail.

We remind the Georgian authorities to respect the guarantees of international human rights law 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.

We call upon 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 (ICCPR) and Article 6 of the European Convention on Human Rights (ECHR).³

We also request to remove the Top Secret status from the case materials; to discharge the lawyers from their obligation to keep case details in secret; to publish all non-secret information related with this particular case before trial.

We call upon international organizations and the diplomatic corps in Georgia to actively involve and monitor developments in the case against the photographers and ensure that the government of Georgia respects the rights of the defendants throughout the criminal justice process.

Signed by:

- 1. Human Rights Center**
- 2. Article 42 of the Constitution**
- 3. Georgian Center for Psychological and Medical Rehabilitation of Torture Victims**
- 4. Union "Sapari"**
- 5. Association "Justice and Liberty"**
- 6. International Center for Conflict and Negotiation**
- 7. Former Political Prisoners for Human Rights**
- 8. Georgian Regional Media Association**
- 9. Public Ombudsman**
- 10. Healthy World**

We invite interested organizations to join open letter

³ Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law. Everyone charged with a criminal offence has the following minimum rights:(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;(b) to have adequate time and the facilities for the preparation of his defence;(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.