



სამართლიანი არჩევნები



Opposition Leader and Her Three Relatives Arrested in Mestia Special Operation

Tbilisi, 10 July 2010

On 7 July, Local Council Member Neli Naveriani and her three relatives – Shota Japaridze, Taniel Japaridze and Davit Japaridze – were arrested on extortion charges in Mestia. The detainees were transferred to the Zugdidi preliminary detention jail on the same day. Two helicopters were sent to Mestia to take Neli Naveriani to Zugdidi since local residents had blocked the road and it was impossible to transfer her in a car.

For two years now, Neli Naveriani and her relatives have been trying to reclaim a hayfield that belonged to their ancestors but had been sold to a Canadian investor – William James Simpson – by the authorities. Although Neli Naveriani had not registered this land with the Public Registry, her family has been using it for several decades.¹ Generally, a majority of the residents of mountain areas, including Mestia, are yet to formalize legal ownership of the land that they possess.

Neli Naveriani has said that Davit Kukhilava, a resident of Tsalenjikha who is representing the Canadian investor, contacted her for negotiation after the local elections. On 7 July, he arrived in Mestia for the third time. Neli Naveriani refused to meet Davit Kukhilava but Shota Japaridze, Taniel Japaridze and Davit Japaridze met him in the Mestia Hotel. It has been reported that, at the meeting, the residents of Mestia were offered money in exchange for the land. After that, an armed special force entered the hotel. According to eye-witnesses, all three persons who had come to the hotel for negotiation were thrown to the floor and beaten. Meanwhile, Neli Naveriani was arrested by a special force at home.

On July 9, the Interior Ministry reported that the ministry's Samegrelo-Zemo Svaneti Main Regional Directorate had arrested Shota Japaridze, Taniel Japaridze, Davi Japaridze and Neli Naveriani who were suspected of extortion – a crime under Article 181 of the Criminal Code. Also, the Rustavi-2 TV station aired a secret footage today which supposedly confirms that the three individuals had been extorting money. It has to be noted that the footage had been cut. It does not show that Shota Japaridze, Taniel Japaridze and Davit Japaridze harassed or threatened the investor's representative, which is a necessary component of the crime of extortion under Article 181 of the Criminal Code. Also, several local residents sustained injuries during the special operation carried out in Mestia as they attempted to defend the detainees. According to eye-witnesses,

¹ There is a 1903 contract of purchase whereby Neli Naveriani's ancestor acquired the aforementioned land.

as a result of the use of weapons by the special force, Gela Japaridze's hand was broken,² Inga Margiani sustained a serious hand injury, Mziuri Japaridze sustained a skull fracture,³ while Goga Japaridze, who has a disability (epilepsy), was hit in the stomach by a rubber bullet.

The Ombudsman's representative visited the detainees on 8 May. Only Taniel Japaridze has visible signs of injury (on the face and other body parts not covered by clothes) though he said that he tripped over construction waste and injured himself when the special force entered the Mestia Hotel. However, eye-witnesses have confirmed that the special force members tried to hit the three detainees below the waist.

Although the special operation was carried out in the early hours of 7 July, the lawyers of the detainees were unable to visit them until the evening of 8 July. The trial of Naveriani and her relatives was held on July 9 in Zugdidi and all four were placed two months preliminary detention.

It has to be noted that Neli Naveriani is a leading member of an opposition party. She was elected to the local council in the 2010 elections. Naveriani was among the first people to publicize the violence perpetrated against the members of opposition parties in Mestia on 3 May when Samegrelo-Zemo Svaneti Governor Zaza Gorozia arrived in Mestia together with other high-ranking officials and a police unit at 11 p.m. and, according to Naveriani and other opposition representatives, resorted to harassment and pressure, demanding that they withdrew from the elections.⁴

An investigation of the 3 May incident in Mestia was launched two months ago. Not a single official has been charged so far, despite the fact that there is evidence, including the testimonies of victims and witnesses, as well as an amateur video footage showing the events that unfolded that night. In response to the publicizing of the incident, Zaza Gorozia took a leave following a recommendation by the Inter-Agency Task Force though he continues to work in the usual manner today. In a statement issued on 20 May, Transparency International Georgia, the Georgian Young Lawyers Association and the International Society for Fair Elections and Democracy urged the authorities to suspend the Samegrelo-Zemo Svaneti governor, the regional police chief, the Mestia police chief and other persons involved in the 3 May harassment until the completion of the investigation. However, all persons involved in the incident have retained their positions.

Transparency International Georgia, the Georgian Young Lawyers Association, the International Society for Fair Elections and Democracy and Human Rights Center believe that Neli Naveriani's arrest might be linked to her political activities. It is worth noting that Neli Naveriani had begun her work in the local council by examining the activities of the previous council. The legality of land sales that had been conducted without the necessary permits was among the issues that she had focused on.

Today, once again, the four organizations urge the authorities and the relevant bodies to conduct an impartial investigation of the 7 July incident and to make a decision unaffected by political considerations. The

² Gela Japaridze's interview: <http://tavisupalisitkva.blogspot.com/2010/07/2010-7.html>

³ Mziuri Japaridze's interview: http://tavisupalisitkva.blogspot.com/2010/07/blog-post_6038.html

⁴ For information about the incident, please visit: <http://transparency.ge/en/post/press-release/georgian-young-lawyers-association-transparency-international-georgia-and-interna>

organizations are also calling on the Ombudsman to examine the materials of the case, in order to ensure that the arrested individuals are not subjected to pressure and the evidence is not distorted.

We ask international organizations to show interest in this case and to attend the trial. We will monitor the investigation and provide detailed information to all interested parties.

The Georgian Young Lawyers Association is prepared to provide the detainees with legal assistance.

Contact Person: *Nina Khatiskatsi*

Mobile: 899 920 600

E-mail: nina@transparency.ge