



Lack of correct qualification of the alleged crime investigated in Lasha Tordia's case will hinder comprehensive and unbiased investigation

GYLA reacts once more to the lack of correct qualification of the alleged crime investigated in Lasha Tordia's case. The investigation in connection to the alleged crime committed against the General Auditor of Georgia, Lasha Tordia has been launched under para.1 of Article 126 of the Criminal Code of Georgia – battery or other type of violence, while media has reported that the official has been attached in

connection to his official activities (Article 3531 of the Criminal Code of Georgia).

GYLA believes that qualifying the developments described by the applicant as battery or other type of violence envisaged by Article 126 of the Criminal Code of Georgia is wrong. Correct qualification of crime is important for ensuring that investigative measures are objective and comprehensive. Here we must also note that the surveillance video obtained from the scene is crucial evidence for establishing the truth. However, because the investigation has been launched under para.1 of Article 126 of the Criminal Code of Georgia (that falls under the category of less serious crimes), the investigative authorities will not be obligated to officially request the surveillance footage [1].

Therefore, for effective investigation it is principally important that the alleged crime is qualified correctly.

Here we must also note that in consideration of the substance of the case and the parties involved, the case in question is more than just a criminal case. Therefore, it is important that the investigation is conducted in a prompt, effective and unbiased manner, and in abidance by the most important principle of the legal state according to which the law applies to everybody and no one is above the law.

[1] According to Articles 136-138, 1433 and the established judicial practice, footage recorded by a surveillance video is a computerized data. In addition, access to computerized data can be requested only in connection to crimes that fall under the category of serious or especially serious crimes. In general, we believe that the fact that procedures of secret investigative actions apply to obtaining of computerized data is a legal flaw and it greatly hinders the right of the defense and the prosecution to obtain important evidence like the information recorded by a surveillance camera.