

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Mikautadze's Case should be investigated by the Office of the Prosecutor

Georgian Young Lawyers' Association believes that investigation into the death of Mikautadze should immediately be transferred to investigators of the office of the prosecutor.

It has been reported that Mikautadze committed a suicide after he was questioned as a witness at the Ministry of Internal Affairs. His family and relatives allege use of physical and psychological coercion by the police. Witness statement of Mamuka Mikautadze itself raises a number of questions, including whether someone would

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willingly give such testimony that incriminates himself and his friend. An independent expert has already confirmed per-mortem external injuries on Mikautadze's body inflicted with a "hard, blunt object". Clearly, most questions about the investigation pertain to actions of MIA officers, which engenders a reasonable doubt that it was their allegedly criminal actions that drove Mikautadze to a suicide.

Under the circumstances, it has been officially confirmed that the MIA investigators are continuing with the investigation into the crime envisaged by Article 115 of the Criminal Code (bringing to the point of suicide).

GYLA believes that the fact that Mikautadze's case is investigated by the Interior Ministry questions effectiveness and independence of the investigating, which must be immediately addressed.

According to the ECHR case law, whenever there is a reasonable doubt that the crime has been committed by the state authorities, in order for the investigation to be effective and independent investigation it must be carried out by a different agency. Further, September 29, 2010 order of the Minister of Justice, prescribing procedures that regulate subordination of investigation, directly stipulates that investigation of a crime allegedly committed by the police falls under the subordination of the office of the prosecutor.