



Statement of Georgian Young Lawyers' Association in Response to Press Conference Held at the Office of the Prosecutor on July 22

On July 22, 2012, during a press-conference held at the office of the prosecutor it was reported that the investigating authorities found no evidence that Mamuka Ivaniadze was subjected to pressure during questioning. This statement has been issued in response to the press-conference and other developments in the case of Mamuka Ivaniadze.

Notably, the press-conference held at GYLA on July 11 was not the first case where defendants charged with embezzlement of state funds allocated for buying tractors in frames of the program “for support of farmers with small land plots” publicly alleged that they had been pressured into giving a statement that investigating authorities desired. As early as on May 4, during the defendants’ initial appearance before court, all of them openly alleged pressure but the allegations were never investigated. Defendants reiterated the allegations on May 12 when GYLA’s representative met them for the first time in penitentiary facility. Consequently, GYLA made a public statement distributed by media, i.e. the office of the prosecutor was aware of the information from the very beginning. However, it failed to launch an immediate probe into alleged pressure, even though it was mandated to do so; rather, investigation was launched after the press conference held at GYLA on July 11 triggered intense public reactions. It means that the office of the prosecutor acted on public reaction as opposed to the alleged act of pressure even though it suggested crime.

Press-release of the office of the prosecutor dated July 22 contains some discrepancies. It indicates that statement of Mamuka Ivaniadze was “corroborated and validated by statements of dozens of witnesses, documents seized, material

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evidence, including video and other multiple pieces of cohesive, clear and credible evidence.” However, the very same statement later expressed an utterly different opinion: “information provided in the statement is essentially new and different from current version of the investigating authorities, which proves beyond doubt that the source of information was Ivaniadze himself as opposed to an investigator or a prosecutor.” If the office of the prosecutor already had the information provided by Ivaniadze, and the latter’s statement is corroborated and validated by statement of dozens of witnesses, as well as other “cohesive, clear and credible evidence”, why was his statement “essentially new and different”?!

Further, the press-release also notes that one of the objectives of the investigation instituted for the purpose of obtaining statement was to determine “whether information provides by Ivaniadze was false testimony.” It also notes that the investigation “has tackled the issue in a comprehensive manner.” At the end the press-release reads: “if false denouncement is found, corresponding legal decision will be made.” To put it simply, according to the statement what has been established beyond doubt has not in fact been established yet (?!).

As to the video footage, even a layperson can realize that it has been edited. Further, according to M.Ivaniadze during questioning Prosecutor Giorgi Davitashvili was telling him what to say in his testimony, which M.Ivaniadze simply repeated. This was only a portion of the pressure he was subjected to. He was visited by the prosecutor 4-5 times, including two times during nighttime.

The fact is that the video was secretly recorded at the penitentiary facility. Clearly, the prosecutor himself was hiding the camera in his clothes. The question is, whether the office of the prosecutor had the right to secretly record a video without court warrant under the Criminal Procedure Code. Planning and/or realizing recording of a video footage in secret without court warrant suggests crime.

Furthermore, according to M.Ivaniadze, following a press-conference held at GYLA on July 11 his house was under systematic surveillance by various individuals and therefore, members of his family including his children are constantly feel under stress. Outside he is always watched and followed by cars. In July 18, he was followed all the way to the office of the prosecutor where he had been summoned for questioning. GYLA’s lawyer Maia Khutsishvili, who was a passenger in Ivaniadze’s car,

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witnessed the fact. M.Ivaniadze reported during questioning on July 18 that he was being followed, indicating vehicle plate numbers and other identifying signs. The information was recorded in the protocol of questioning. The protocol also indicated that video footage corroborating statement of the witness was available for the investigating authorities upon their request. However, the investigating authorities never inquired about the footage.

At the office of the prosecutor M.Ivaniadze, summoned again for questioning, was subjected to psychological pressure. Someone opened the door in the middle of questioning and asked the investigator, Giorgi Lomtadze to step outside. The investigator was standing at the threshold when he was told in a way that both M.Ivaniadze and GYLA's lawyer could hear: "can you call them and tell them not to arrest him in the street, considering that he's ex-minister?" In couple of minutes the man returned and repeated these words, this time so that everyone in the room could hear. GYLA's lawyer requested recording of this fact in the protocol but the investigator refused. M.Ivaniadze and his attorney declined to sign the protocol. When leaving M.Ivaniadze was told by the investigator that they would guarantee not to arrest him if he was ready to tell them the reason why he decided to change his testimony.

Considering that the defendant was subjected to such psychological pressure in presence of an attorney, it is easy to conclude whether or not he was subjected to pressure in penitentiary establishment where he did not have his attorney by his side.

Regrettably, officers of the prosecutor's office acted well beyond their limits of power prescribed by law and utilized seemingly unlawful methods of investigation. We understand that certain individuals whose actions have been rather questionable in the past still continue to work at the office of the prosecutor but this may not serve as justification. For instance, the prosecutor trying to convince during the July 22 press-conference that Ivaniadze had not been subjected to pressure was the very same prosecutor who, in one of the cases where GYLA's lawyers were involved, was convincingly persuading on June 22, 2012, that Global Contact Consulting LLC perpetrated vote buying by distribution of satellite antennas.