

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA's statement about Saakashvili summoned to interrogation

According to the information released by the Prosecutor's Office, Mikheil Saakashvili, ex-president of Georgia was summoned to interrogation on March 27 at 13:00. Summoning former or present senior state officials for examination may be caused by legal as well as political aspects, though, GYLA, in view of its mandate, will be limited only to legal findings.

It is true that everyone is equal before the law and criminal justice does not envisage any immunity for the former senior state officials. On the way to establishing rule of law exceptions should be eliminated from the politics as well. Prosecutor's Office has

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to investigate alleged offences of present and former high officials and to bring relevant individuals to criminal justice. Furthermore, in the past, GYLA already stressed the need of impartial and effective investigation in terms of the cases where ex-president is summoned as a witness by the Prosecutor's Office. Moreover, it is decisive that operations implemented by law enforcement representatives were in line with legislative requirement, without the slightest doubt about bias.

As it is known, Saakashvili may be interrogated on 10 different cases, though the law sets no limits on the number of cases on which witness may be interrogated at once. Among other issues, he will be examined for pardon of defendants in high profile case of Sandro Girgviani, in the case of Zurab Zhvania's death and about the cases related to arbitration settlement made with the Patarkatsishvili family.

[Mikheil Saakashvili has been criticized by GYLA on pardon issues in the past.](#) However, Constitution of Georgia sets neither procedural nor legislative restrictions to the President in exercising the right to pardon. Accordingly, only the fact of pardon (if it is not related to any independent criminal act) could not be the subject of interest of investigative agencies, since examination of the issue may not lead to any type of offence.

[In the statement released about Zhvania's case](#) GYLA alleged that investigation should have been conducted in a highly professional and objective manner, without politicizing the case, without confrontation of political forces, and multiple announcements that the investigation will be closed in coming days. The Association also expressed some doubts about adequate process of investigation and raised legitimate questions in terms of certain circumstances.

[In its statement released about arbitration settlement made between Georgia and Badri Patarkatshishvili](#) GYLA noted that there may be possible fact of offence of the ex-president in the settlement and law enforcement agencies should express interest to the issue.

As for the procedural issue of summoning the President, in case he fails to appear in the Prosecutor's Office on the indicated time, judge, upon investigator's motion, may take decision on bringing him forcefully in the Prosecutor's Office. If it is impossible for witness's escape, holiday, business trip, critical health condition or other reasons, the

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decision will be returned to the relevant judge for enforcement. As for interrogation of the witness on the territory of other country, the issue is regulated by the Law of Georgia on “International Cooperation in Criminal Law”, unless Georgia has bilateral agreement with the concrete state on other issue. It should be noted that Georgian legislation also envisages distance interrogation with the help of technical means, which may also be applied in the instant case.

It should be stressed that public has questions about ongoing process, namely whether President's interrogation under witness status is a political retribution of the present government. With a view to dispel such doubts, conduct of law-enforcement representatives should be not only lawful but also consistent. For example, [GYLA and other organizations demanded effective investigation about the statement released by Ivane Merabishvili](#), the former prime minister. He reported that O. Partskhaladze, the General Prosecutor offered him cooperation in investigation of Zhvania's case and also asked Mikheil Saakashvili's bank accounts. Though, despite explicit requirement of the Law, investigation did not start. Regretfully, we also have other examples.

[GYLA noted repeatedly](#), that applicable legislation is free to make political influence over the prosecution. High awareness of the Prime Minister about the details of the cases on which the President shall be interrogated also raises some doubts.

In view of above, in this and all other cases, Prosecution's Office should act reasonably with full observance of law. Moreover, state authorities should carry out meaningful actions for implementing appropriate reforms with a view to improve law-enforcement system in general.