

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **GYLA - The court has delivered an unlawful, unfair and unsubstantiated verdict in the so-called “cable case”**

The Georgian Young Lawyers' Association (GYLA) responds to the judgment of conviction passed by Besik Bugianishvili, a judge of the Criminal Panel of the Tbilisi City Court, in the so-called “cable case” of detained high-ranking officials of the Ministry of Defense and believes that the verdict is unfair, unlawful, and unsubstantiated.

The GYLA believed and continues to believe that the persons detained in connection with this case are innocent. The lack of substantiation of the charges was confirmed by testimonies of the defendants and a number of witnesses and experts at the time

of the substantive consideration of the case, as well as by written evidence.

It is paramount to mention that the existing evidence does not confirm the existence of the most important element of the crime – the motive. Specifically, the existing evidence fails to confirm the existence of mercenary purpose on the part of the accused persons, without which the elements of the crime envisaged by Paragraphs A and D of Part 2 and Paragraph B of Part 3 of Article 182 of the Criminal Code of Georgia (unlawful embezzlement of another person's property – with a prior agreement by a group, using the official position, and in large quantities – provided that this property was lawfully held or managed by the embezzler) do not exist.

It is also important that the funds the prosecution deemed as embezzled had never been lawfully held or managed by the accused persons. At the same time, the stance of the prosecution – that there was a group composed of the defendants and other senior officials of the Ministry of Defense that, on the basis of a prior agreement, ostensibly decided to unlawfully embezzle funds owned by the State – has no basis. It is important to note that the prosecution completely failed to prove that the employees of the Ministry had intended to embezzle the funds of the state budget for anyone's benefit.

Despite the aforementioned circumstances, the prosecution failed to present a totality of reliable and mutually supportive evidence that is beyond reasonable doubt, which, according to the Georgian legislation, is a necessary precondition for passing a judgment of conviction. It is also noteworthy that it only took the judge two non-working days to pass the judgment, whereas the trial had been going on for 18 months, tens of witnesses had been interrogated, and tens of pieces of written evidence had been studied. The case was also problematic from a legal point of view, as the prosecution had failed to substantiate the subject of the crime, the subjective aspect, and the motive.

The aforementioned factual circumstances reinforce the doubts – which have already been expressed on many occasions – that the case has no legal and factual grounds and that the case is politically motivated.

The Georgian Young Lawyers' Association, as the defender of the interests of one of the convicts, is going to appeal this verdict in a higher instance court in compliance with legal procedures. The GYLA hopes that the court of higher instance will show

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enough courage to deliberate only with legal arguments and to acquit the innocent persons, which will be the only fair decision in this case.