

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Reacts to the Statement of the Minister of Justice about the so-called Tractors Case

Yesterday media outlets released a statement of the Minister of Justice saying that “on the very first day of the so-called tractors case I said that I believed in the truth of Kirvalidze and his team before law.”

This has raised the question of whether the Minister of Justice could have had a positive legal influence on criminal proceedings instituted against the defendants if she believed from the very first day in their innocence.

Georgian legislation provides the answer. In particular, under the Law of Georgia on the Office of the Prosecutor applicable at the time of arrest and imprisonment of defendants in the so-called tractors case, the Minister of Justice also acted as a prosecutor. Subparagraph “e” of Article 4 of the law also stipulated that “unity and centralization, subordination of all subordinated prosecutors and other employees of the office of the prosecutor to the Minister of Justice of Georgia is” one of the principles of the work of the prosecutor’s office.

The Criminal Procedure Code delegated supervising prosecutor with the following rights” abolish illegal and/or unsubstantiated decisions of subordinated prosecutor; make changes in the decision or replace it with a new decision; remove him/her from the practice management of investigation and delegate his/her functions to another prosecutor; abolish resolution of subordinating prosecutor.

Therefore, it is safe to conclude that under the Criminal Code of Georgia and the law of Georgia on the Office of Prosecutor applicable at the time of the detention and arrest of the defendants delegated the Minister of Justice with the right to take a personal interest in the case and make subsequent decision if the evidence available in the case supported her belief of innocence of the defendants.

GYLA made a number of statements and held a number of press-conferences about the so-called tractors case. Together with other human rights organizations we highlighted a number of violations in the case, absurdity of the prosecution’s position, various types of alleged pressure against the defendants, illegal nature of imprisonment ordered against the defendants as a type of restrictive measure, etc. Representatives of international organizations were closely watching the case. It had a negative influence on the image of the prosecutor’s office and most importantly, illegal persons spent several months in penitentiary establishment, their business reputation (as well as business reputation of others) suffered a damage... In this light, the question that arises is why the Minister of Justice refrained from discharging her powers considering that she believed in innocence of the defendants from the very beginning and the applicable Georgian legislation delegated her with the power to

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influence the proceedings.

Every official who believes that human rights are violated and has legal powers to act on human rights violations must discharge these powers as the law not only empowers but also obligates them to act.