

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Responds to the Statement of the Prime Minister and Subsequent Actions of the Prosecution on the Case of Giorgi Okropiridze

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgian Young Lawyers' Association (GYLA) responds to the statement, made by the prime minister on June 8, 2015 regarding Giorgi Okropiridze and the subsequent actions of the prosecution that raise serious doubts in terms of independence and impartiality of this public body.

Referring to the well-known case to the public, in which the specific person is being accused, the prime minister has stated: "It is an absolutely fair request from the side of the family of the victim for the guilty to be punished, this must be ensured by the state. How, with what methods – this will be ensured by the relevant bodies. A With this statement, the prime minister has violated the presumption of innocence of Giorgi Okropiridze, which is the right guaranteed under the constitution.

At the same time, it is notable that immediately following the statement of the prime minister, the prosecution has presented new charges against Giorgi Okropiridze, on the motives of "reporting A" in reference to the statement, relating to the fact of inhuman treatment against him in the law-enforcement facility. According to the public information, the prosecution will shortly address the court, requesting to impose the imprisonment upon Giorgi Okropiridze, as the preventive measure.

It is notable that the imprisonment of Giorgi Okropiridze on another case is ending on June 11. Therefore, presenting charges and the prosecution again requesting his imprisonment only three days prior to the end of the current imprisonment term, raises doubts. The doubt is even further strengthened because the prosecution has brought charges against Giorgi Okropiridze based on the sub-clause "A" of the clause "A" of the Article 373 of the Criminal Code of Georgia, which covers "reporting A" committed with covetous or other private motives. A number of prisoners address GYLA for help against the alleged inhuman treatment towards them. In almost all of those cases, the prosecution initiates the investigation under the Article 333 of the Criminal Code of Georgia (exceeding one "authority"), while in this case, the prosecution has demonstrated a differentiated approach and started the investigation under the Article 1443 (degrading, inhuman treatment). The approach, differentiated from the established practice further strengthens the doubts regarding impartiality of the prosecution's actions.

All of the above creates significant doubts that the prosecution is acting deliberately, for maintaining Giorgi Okropiridze imprisoned. Procedurally, the prosecution has a right to request the imprisonment of Giorgi Okropiridze repeatedly, based on the new

charges. However, the questions existing towards the prosecution in this case give us the grounds to assume that the prosecution, instead of respecting the standards, guaranteed under the constitution (according to which the preliminary imprisonment must not exceed 9 months and that must be applied equally to any individual, regardless of the gravity of the charges brought against them), attempts the circumvention of those constitutional standards.

At the same time, it is notable that bringing charges against the prisoner, based on the reports of the inhuman treatment represents a dangerous precedent. This precedent may result in pressuring other prisoners, because this precedent gives a direct message that a prisoner, if reporting on torture or inhuman treatment, s/he might end up in much worsened conditions □ charges might be brought against him/her on the motives of □□□□□ reporting A and therefore, the imprisonment term might be prolonged.

Torture and inhuman treatment represents violation of one of the most important human rights and for fighting it, it is important to ensure for the alleged victims to be able to freely report about such facts, without any fear. At the same time, considering that the effective and unbiased investigation of the facts of inhuman treatment still represents a significant problem in Georgia, allowing such precedents will create serious threats to the effective fight against torture.

GYLA acknowledges rather difficult and sensitive context, surrounding the case, relating to the violation of the right to life of the young person. However, this context must not become the basis for allowing the dangerous precedent of violating the fundamental human right, because this will pose a threat to not only the rights of a concrete defendant, but in general □ the protection and respect of the human rights by the state, in general.

We call upon the prime minister of Georgia:

- To respect the presumption of innocence, guaranteed under the constitution;
- To restrain from commenting on the concrete cases, especially when the litigation on the cases is still ongoing, because his statements might influence both the outcome of the concrete case, but also the impartiality and independence of the prosecution and the court (or might create such a threat). This will negatively affect the image of those

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



institutions, as well as the image of the state, both inside the country and internationally.

We call upon the prosecution of Georgia:

▮o act in full compliance with the constitution and the requirements of the law and to refrain from such actions that contradict the law as well as the supreme goal, declared by the state policy – protection and respect of human rights.