



## The presumption of innocence is violated in the case of Mamaladze

[According to a statement released by the Prosecutor's Office of Georgia](#), on February 10, 2017, as a result of investigative actions conducted by employees of the Prosecutor's Office, Archpriest Giorgi Mamaladze was detained and charged with preparation of murder, a crime punishable under Articles 18 and 108 of the Criminal Code of Georgia.

Despite the gravity of the charges and the public's particularly sensitive attitude to this issue, **the GYLA believes that the statements that representatives of the Prosecutor's Office and a number of political officials have made in relation to the accused are unjustifiable.** The content of the said statements makes the impression that the commission of the crime and the accused person's participation in

it are already established and undisputable facts, whereas the investigation into the case has yet to be completed and the court – the only institution in Georgia that is legally authorized to declare a person guilty – has yet to start examining the case.

**The said statements contradict one of the most important rights safeguarded by the Constitution of Georgia, the European Convention on Human Rights, and other international instruments, specifically, the presumption of innocence. According to the Constitution of Georgia, “An individual shall be presumed innocent until found guilty as provided for by law and by a final court judgment of conviction.”**

The purpose of the presumption of innocence is to prevent the formation public opinion and attitudes of state bodies in connection with an individual’s guilt in advance, so that his/her reputation will not be blemished and the public attitudes towards him/her will not be biased from the outset. In view of the right to a fair trial, the public should regard all individuals innocent until the completion of the legal proceedings.

**A number of statements that have been made in connection with the case of Archpriest Mamaladze have violated the presumption of innocence and contributed to the formation of public opinion that is unequivocally against the accused.**

**The GYLA calls upon both the Prosecutor’s Office and individual politicians to observe and respect the rights safeguarded by the Constitution and legislation of Georgia and to refrain from statements and expressions that portray the accused as guilty before the court renders its judgment and the version of the investigation authorities as an proven fact.**