

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Statement of GYLA about Magda Papidze's Case

We would like to respond to the interim information released by the Georgian Prosecution Service about Magda Papidze's criminal case. We believe that type and nature of the report, the terminology used and concrete evidence provided in detail is substantially limiting and harmful to the defendant's rights. The information may also have a negative impact on future course of the proceedings.

According to the statement of the prosecution, the materials were made public "in light of high public interest"; however, we must note that high public interest in Magda Papidze's case first and foremost pertains to her alleged ill treatment but the information released to public by the prosecution made no mention of these allegations. Instead, the prosecution released a detailed account of evidence against

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Magda Papidze made imperative statements about her culpability. It is especially alarming that the prosecutor made affirmative statements against Magda Papidze, including: “Magda Papidze killed her husband by hitting him with a blunt object – a hammer – in his head, and asphyxiated her small child. Afterwards, she tried to remove all traces of the crime.”

While the investigation is ongoing and pre-trial hearing has not been held, release of the above information and conclusions curtails important rights of the defendant, including presumption of innocence, the right to closed trial and/or the right to be tried by the jury.

Ensuring transparency of high-profile cases and keeping public informed about course of the proceedings is an obligation of investigative authorities. However, in addition to ensuring transparency the authorities must also protect constitutional and procedural rights of persons concerned. Form and type of statements made and the terms used play essential role in striking a balance between the two interests, in addition to proportionality between the public interests and details released to public. We believe that the balance has not been struck in the given case.

In addition, use of imperative terms and turning public opinion against the defendant is a problem not only in terms of realization of constitutional rights but also in terms of safety and security of the defendant herself and members of her family, especially in light of the defendant’s allegations about ill treatment.

The prosecution should be proving guilt of the defendant inside the courtroom only, in abidance by the principles of adversarial proceedings. It should not allow violation of the defendant’s right to be presumed innocent and other constitutional rights.