



GYLA statement regarding transferring Ekaterine Mishveladze case by the Prosecutor's Office to the Ministry of Internal Affairs

March 16, 2016, Ekaterine Mishveladze was at the Prosecutor General's Office accompanied by a lawyer. Ekaterine Mishveladze provided the Prosecutor's Office the information concerning the fact of releasing information regarding private lives. The protocol of the interview indicated that releasing the personal correspondence may include the culpability of staff of the Ministry of the Internal Affairs (MIA). Ekaterine

Mishveladze was summoned to the Administration of MIA, where she was told that the case was transferred from the Prosecutor's Office to MIA, that is direct violation of the Law.

Most of the questions regarding the circumstances of the case are towards the staff of MIA that arise reasonable doubts that releasing the private correspondence was a result of their possible criminal activities.

GYLA considers that transferring the case for investigation to MIA undermines independency and effectiveness of the investigation.

Based on the judgements delivered on several cases by the European Human Rights Court, when there is a reasonable doubt that the crime was committed by state officials, for the investigation to be effective and independent, the case should be investigated by representatives of other office. Additionally, ordinance of the Minister of the Justice of July 7, 2013, that defines the rules of investigatory subordination of criminal cases, establishes directly that the possible crimes committed by the policemen are investigated by investigators of the Prosecutor's Office.

According to the abovementioned, we urge the Ministry of the Internal Affairs and the Prosecutor's Office, to observe the requirements of legislation, also the standards set up by the European Human Rights Court and the case of Ekaterine Mishveladze should immediately be returned to the Prosecutor's Office of Georgia.