



Statement on the Case of Giorgi Ugulava

Georgian Young Lawyers' Association, Transparency International Georgia, International Society for Fair Elections and Democracy and Civil Development Agency are making a statement on the repeated application of pre-trial detention against Giorgi Ugulava and specify the following:

Based on March 13/2015 decree, the prosecution has specified the factual circumstances of the charges brought against Giorgi Ugulava on July 28/2014. Specifically, the prosecution has changed the qualification of charges and applied for re-appointment of pre-trial detention as a preventive measure, while the 9 month term of pre-trial detention of Giorgi Ugulava based on other charges was already expiring in the beginning of April. The mentioned charges relate to illegal appropriation of the television **იმედი** and Mtatsminda park. It is notable that in case of **იმედი** the ex-mayor of Tbilisi was first charged on February 22, 2013 (on the case of forced relinquishment by its owner of the television "Imedi" by the use of threat).

Therefore, charges on the case of **იმედი** were brought against Giorgi Ugulava three times. It is notable that the factual circumstances and evidence, which serves as the basis of prosecutor's decrees of 2014 and 2015, are mainly the same and in part cover the facts indicated in the decree of February 22, 2013. Although the investigative body has the right to conduct investigation within the reasonable period of time, to specify the factual circumstances or change the charges, the above circumstances of the case indicate that the investigation is protracted in an artificial manner which further raises reasonable doubt about the fact that the case of **იმედი** was divided into three parts in order to enable the prosecutor's office to use pre-trial detention at any convenient time. These facts make us think about the political motivation behind these actions.

~~Such application of the law creates the possibility of arbitrary and protracted~~

detention of a person for an undefined period of time, which creates real threats that an accused person can be imprisoned endlessly, without the verdict. This contradicts the purposes of Article 18 of the Constitution of Georgia and the goals of Article 5 of the European Convention. This violates fundamental rights not only of a concrete defendant, but also creates a dangerous precedent, which might pose a threat of emergence of a negative practice in this direction.

The report relating to the preventive measures, publicized at the end of the 2014 by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) underlines that the one ☐ freedom must not be limited arbitrarily or without proper justification. At the same time, the measures of restraint, applied against the accused must be of a minimal nature and in case of the imprisonment, it must be of the shortest possible term.

The Parliamentary Assembly of the Council of Europe (PACE) also indicates on the frequent and improper use of pre-trial detention and expresses its concerns regarding the length of the preliminary imprisonment and the frequency of its application. PACE also indicates that the imprisonment must be applied as a measure of last resort and its application for political purposes is unacceptable.

Georgian Young Lawyers' Association (GYLA),
Transparency International – Georgia (TI),
International Society for Fair Elections and Democracy (ISFED),
Civil Development Agency (CiDA).