



საზღვარგარეთო საარჩევნო სისტემების საზოგადოება



Non-governmental organizations respond to the comment of the Ministry of Internal Affairs of Georgia (MIA), published on July 14, concerning the arrests made in Mestia on July 7.¹

July 16, 2010

Four organizations – Human Rights Center, Transparency International Georgia, International Society for Fair Elections and Democracy and Georgian Young Lawyers' Association are responding to the statement made on July 14 by the Ministry of Internal Affairs. First of all, we would like to point out that we support the efforts of the state to fight crime and corruption in the country, and we are happy to contribute to this effort in any way possible.

Our joint statement made on July 10 serves the goal of having an impartial investigation and a transparent process. In order to avoid various interpretations of our statements, we would also like to emphasize the aspects that we consider most important. Namely, these issues are:

Procedures and terms of conducting the investigation: the MIA's statement of July 14 says that on July 2nd, 2010 Davit Kukhilava, the representative of a Canadian investor applied to the Samegrelo-Zemo Svaneti regional department of the MIA, stating that he had been a victim of extortion on July 1st.² The MIA responded immediately and a special operation was carried out on July 7, as the result of which four people were detained. Apparently, within only five days of Kukhilava's first contact to the MIA, officials carried out the whole operation - obtained various pieces of evidence (including from wiretaps), planned the special operation and implemented it successfully.

On the contrary to this specific MIA operation, the investigation of alleged intimidation against opposition activists by high-ranking officials of the local government on May 3rd in Mestia has not yet been concluded. Moreover, despite the existence of several pieces

¹ The MIA statement is available at: <http://www.police.ge/index.php?m=8&newsid=1179>

² In accordance with the excerpts from the Public Registry, the specified land parcel in Mestia was registered by the Canadian investor William James Simpson under his name on June 25 of this year.

of evidence related to this incident (statements of many witnesses and not of one witness only – (among them including the statement testimony of Neli Naverani, the arrested member of the Mestia Sakrebulo, who was openly speaking about these issues, and the victim’s testimony, as well as video material documenting the incident), investigators started to interrogate witnesses only after a month and half – in the second half of June. One of the first witnesses, Mirza Dadvani, was taken from his home at 5 am to Zugdidi for interrogation, but his family members did not know where he was and why the law enforcers took him until that evening.

We have the impression that it takes several days to carry out investigations and identify a suspect if the authorities' interest in a specific case is high. If there is no state interest, then it takes months to carry out certain processes. Considering the above mentioned circumstances, obviously, this raises the question: is there a link between the interest of law enforcement bodies and the political activities of the detained Sakrebulo member during the pre-election period while being a Sakrebulo member?!

Presumption of Innocence: Unfortunately, the practice of releasing statements that neglect a detainee's presumed innocence until found guilty by the court is still widespread. . The statement³ made by the President of Georgia on July 14 is one such example, where he commented on the special operation held in Mestia, stating that for asking some business shares from foreign investors, the detained “will have to go to European-style Georgian prisons for many years”. It should be pointed out that the arrested individuals are in pre-trial detention and they retain the presumption of innocence.

Considering these circumstances, in order to challenge the perception of political motivation behind the arrest, we request the investigation to be carried out in an open and transparent way, we request unlimited access to evidence (as being offered by Shota Utiashvili in the statement of July 14), including the original and unedited version of the video broadcast by the TV stations Rustavi 2 and Imedi and the wiretap evidence and contact information of the Canadian investor.

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³ <http://www.civil.ge/geo/article.php?id=22963>