

To the Chief Prosecutor of Georgia

Mr. Giorgi Badashvili

Citizen Giorgi Kldiashvili

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S t a t e m e n t

(Request to launch investigation on the facts of falsification of evidence against me)

I, Giorgi Kldiashvili, the Director of the Institute for Development of Freedom of Information (IDFI) inform you herein that on December 12th, 2014 the representatives of the Ministry of Internal Affairs (MIA) Criminal Police Department illegally arrested me thus violating rights and freedoms guaranteed by the Constitution of Georgia. On the given case Tbilisi City Court ruled that the arrest was conducted in violation of law.

On December 12th, 2014, at ca. 15:10 I was stopped by the representatives of Criminal Police Department, who stated that they had received information on probable case of criminal act being conducted, i.e. that I was illegally transporting gun and weaponry. I presented them document no IB0185482, that is the permit indicating that the gun was registered on my name and also showed the police the handgun, which was placed in the baggage hold of my car, dismantled in four pieces (Parabelum No. 4625). I was carrying the fire gun home after it was repaired by the handicraftsman. At first, Criminal Police officials stated that the action was punishable by a fine enshrined by the Code of Administrative Violations.

By 16:00 I followed the officials of Criminal Police Department to MIA Building (in Ortachala) where the police stated that they were going to question me. In the building of the Ministry, I was explained that representatives from the management, most likely the Deputy Head of the Criminal Police Department – Mr. Mirzoev (as I recall) would talk to me. The person emphasized that my action constituted criminal act enshrined by art.236.2 of the Criminal Code

of Georgia, that is illicit carrying of firearm. This was followed by the talks on my professional activities. The official asked why I was misleading the society stating that the government was conducting wiretapping on everybody. I tried to explain that this was my own opinion and that I had all the right to suppose so. I also made it clear, that when making the statement I was speaking on the reform of MIA and the Office of the Prosecutor, launched by the government itself. After this, I did not have the will to continue the conversation. The Head of one of the Units at Criminal Police Department (cannot recall the name and surname) and one of the officers, which had stopped me on Gamrekeli Street (cannot recall the name and surname) were also attending the conversation. After the conversation, Mr. Mirzoev stated that "I would have to visit the pre detention isolator for two days". I protested against the decision and highlighted that there was no need for detention, as I showed readiness to present myself in the police building whenever necessary. I also made it clear that I would contact relevant persons, which would serve as individual guarantors that I would not hide from investigation. Nevertheless, Mr. Mirzoev stated that the decision has already been made and I would be placed in pre-detention isolator before the court hearing on the case would be held. I obeyed the decision. After our conversation the investigator, Mr. Mindia Peradze, which officially declared me a suspect in the case at 18:40 questioned me. After this, I was taken to the so called Moduli Building isolator, where I was detained for ca. 48 hours.

On December 14th, 2015 I was officially accused of illicit transpiration of fire gun (crime foreseen by art.236 of the Criminal Code of Georgia). On the same day the court hearing was held on the issue of securing measures to be used. The prosecution has requested a securing measure in the form of 3000 GEL bail, with the detention as a guarantee until the bail would be covered. The court partially granted the request and the securing measure in the form of 1500 GEL bail was applied. Moreover, the court ruled that my detention was illegal and directly released me from the courtroom.

On December 14th, 2014 by the decision #10d/7155-14 the Chamber of Criminal Cases of Tbilisi City Court held that my detention on December 12th 2014 was illegal and was conducted in violation of art.171 of Criminal Procedural Code. The court held that there was no urgent necessity to detain me, as I voluntarily participated in investigative measures, which excluded the probability of me hiding from prosecution. The court referred to art.176.1.e. and released me directly from the courtroom after two days of illegal detainment.

On the pre-trial hearing held on January 15th, 2015 the Chamber of Criminal Cases of Tbilisi City Court held that the proofs and case materials presented by the prosecution were not admissible and suspended criminal prosecution against me, highlighting that there was no evidence of criminal action been committed. The prosecution further appealed against the

decision of the court in the Investigative Chamber of Tbilisi Court of Appeals. By decision of January 23rd, 2015 the Investigative Chamber of left the decision of the first instance court without amendment, hence the decision went into force.

The evidence presented by the prosecution, that is the minutes of my questioning, conducted by the Criminal Police Investigator, is in my opinion falsified and was composed after my detention, that is before the official launch of investigation. This is evidenced by the incompatibility of the facts given in the minutes of questioning with the reality as well as by the time difference between my detention and the time when the minutes of the questioning were prepared. Moreover the case materials referred to me by the prosecution (i.e. minutes of questioning signed by Mr. Razhen Margiani) are composed with different date and font and there are differences in the text, in contrast with other evidences presented by the prosecution. The court declared minutes of the questioning, conducted by Mr. Razhden Margiani inadmissible, as the prosecution was not able to nullify the doubt that documents were replaced or corrected in the course of investigation.

Based on the above mentioned I have well grounded doubt that illegal wiretapping and eavesdropping of my conversations was conducted, based on which the criminal police illegally got information, seized me and obtained evidence.

According to the above stated, and taking into consideration the fact that I was accused based on wrong qualification of the actions, I suspect that the officials of the criminal police and the office of the prosecution were personally interested to spread misleading information on the case in the public and thus defame my name and dignity, being an active member of civil society and the director of a well-known non-governmental organization. I also suppose that the officials were personally interested to convict me of criminal crime. I find that my illegal detainment aimed at intimidating me and applying psychological pressure.

In my opinion, the representatives from MIA as well as from the Prosecutor's Office of Georgia violated my freedoms guaranteed by the Constitution of Georgia. I have well founded fear that illegal wiretapping and eavesdropping was conducted on my conversations, and that based on the evidence obtained in violation of Georgian legislation, I was illegally arrested and detained. I also suppose that case materials of the investigation were falsified. The doubt is based on the fact that the prosecution provided me with documentation, which was not in compliance with the evidence presented in the court. Hence, the court declared evidence inadmissible and stated that the doubt that evidence was replaced or corrected could not be nullified by the prosecution. There is also enough ground for suggesting that certain officials were personally interested to defame my name and honor in society by detaining me and accusing of committing a criminal

action. Moreover, I find that officials aimed at intimidating me, when talking about my professional activities and when illegally placing me in so-called Moduli building.

Based on art.100 of Criminal Procedural Code of Georgia Prosecutor's Office is obliged to start investigation on the case after receiving a relevant statement from a citizen. Art.37 of the Code states that investigation shall be conducted in a comprehensive, objective and complete manner.

Decree #34 of the Minister of Justice (July the 7th, 2013) states that Prosecutor's Office shall investigate the cases on the probable act of criminal character been committed by the President of Georgia, Members of the Parliament, members of the Government, Judges, Public Defender, General Auditor, members of the committee of National Bank of Georgia, Ambassadors, employees of the Office of the Prosecutor, Policemen, high officials and officers having highest military rank or persons equal thereto.

Hence, Prosecutor's Office is obliged to conduct investigation on the facts described in the statement.

Sincerely,

Giorgi Kldiashvili

Date: February 11th, 2015