

To the Ministry of Internal Affairs of Georgia

Citizen: Giorgi Kldiashvili

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## Statement

(on Retracting Defaming Information)

I Giorgi Kldiashvili \_ Director of the Institute for Development of Freedom of Information hereby report, that on December 12<sup>th</sup> 2014 representatives of Central Criminal Police Department of the Ministry of Internal Affairs illegally detained me, thus violating my rights and freedoms enshrined in the Constitution of Georgia. On the given case Tbilisi City Court held, that the detention was illegal and highlighted that it was conducted in violation of Georgian legislation.

On the 17<sup>th</sup> of December 2014 a statement was published on the official web-page of the Ministry of Internal Affairs titled: The Incident in Connection with Giorgi Kldiashvili will not Have Negative Impact on the Relations between MIA and IDFI (<http://police.ge/en/giorgi-kldiashviltan-dakavshirebuli-intsidenti-shss-sa-da-/7499>).

The statement highlighted that “Officers of Central Criminal Police Department as a result of investigative activities and personal search conducted to Giorgi Kldiashvili and searching activities held in his vehicle, seized Parabelum firearm. After the search Giorgi Kldiashvili stated to the law enforcers that the mentioned firearm belonged to him and had a relevant permit for carrying. In the process of investigation Giorgi Kldiashvili failed to submit relevant document confirming that he had the right to carry the weapon, as a result of which he was taken under arrest on December 12 for illegal carrying of firearm, under the article 236, II part of the Criminal Code and placed at temporary detention isolator. On December 14 during the trial at the court, Giorgi Kldiashvili was released from custody on bail according to the decision of the judge. Herewith, Ministry of Internal Affairs would like to state that actions of the law enforcers with regard to Giorgi Kldiashvili was just as same, as it would be against any other ordinary citizen of the country. Ministry respects non-governmental sector, including “IDFI”. The mentioned incident will not have any impact on the existing relations between IDFI and the Ministry of Internal Affairs. Ministry will be accountable to the civil sector in the future as well.”

**The information disseminated by the Ministry of Internal Affairs is defaming my honor, dignity and business reputation. The abovementioned statement did not succeed to provide society with**

**truthful information and is inconsistent with reality. It further misleads society and might have served as a reason for developing incorrect approach towards the given case in public.**

First of all I would like to attract your attention to the part of the statement stressing that as a result of the search, representatives of law enforcement agencies obtained the Parabellum Pistol, which was in my illegal possession. This statement suggests that I was carrying an unregistered handgun. This is not consistent with reality, as the handgun was officially registered on my name, was dismantled, without bullets or Magazine and was placed in the trunk of the car. This was also officially stated in the minutes of the search conducted. The information according to which I pleaded to have the permit for carrying the handgun is also misleading. Instead, I presented to the policemen a document proving that the handgun was registered on my name and I had the permit to keep the handgun. This fact was incorrectly interpreted in the statement of the Ministry.

The part of the statement discussing the issue of securing measures, which stresses that the judge accepted the motion of the prosecution on using a bail as a pre-trial measure should also be highlighted here. The mentioned is misleading and defaming. In reality, the Decree #10d/7155-14 of the Criminal Chamber of Tbilisi City Court (issued on the 14th of December 2014) stated that my detention was illegal and was conducted in violation of art.171 of the Criminal Procedural Code of Georgia. The statement of the Ministry of Internal Affairs ignores the conclusion of the abovementioned decree and gives impression that the ground for my release was the decision to use bail as a securing measure, rather than the illegal character of my detention. At the same time, it is important to highlight that the motion of the prosecution included in itself the request for bail amounting to 3000 Gel with detention as a securing measure (until the bail would be fully covered). This motion was only partially granted by the court, as I was released from detention and directed to pay the bail in the amount of 1500 gel during the period of 20 days.

What is of most importance, is the denial of Tbilisi City Court Chamber of Criminal Cases to accept case materials presented by the Office of the Prosecution. During the pretrial hearing held on the 15th of January 2015, the court stated that the proves presented by the prosecution were not acceptable and suspended prosecution due to lack of evidence suggesting that criminal act was committed. This decision was further appealed against by the Office of the Prosecutor in the Investigative Chamber of Tbilisi Appellate Court. According to the interim decision of January 23rd 2015, rendered by the Investigative Chamber the decision of Tbilisi City Court was not amended and it entered into force.

It is obvious from the above-mentioned that on the 17th of December 2014 the Ministry of Internal Affairs disseminated information on the launch of investigation for the acts committed, but it failed to inform society on the fact of suspending prosecution and my exculpation. Hence there was

impression in the public that prosecutoin against me was ongoing, which defameted my honor, dignity and business reputatoin.

**Based on the above-mentioned, I address the Ministry of Internal Affairs to:**

- 1. Retract the defaming information which was disseminated on the official web-page of the Ministry of Internal Affairs;**
- 2. Ensure that informaotin on the fact of illigal detainment as well as on the termination of criminal prosecution and my exculpation is published on the web-page of the Ministry.**

I would hereby like to stress that, in case if the requests indicated above will not be granted, proper measures foreseen by the Geogian legilsation will be addressed.

Sincerely,

Giorgi Kldiashvili

February 10th, 2015