

Հերկաբռնշղթենցաւ դարձվու մորթա քու-
լուսօնիս շրջադրու մոտեկյանուտ, ռութեածաց
մոտուածք ցանկանաւ քրջադրդեցի ոյս
ազգայնու դա տպան մասնածքնուն և անց
աշխարհութա: օրս, ցրտուն մերկու, ամենու-
յաց, որու և սահմանութա մօյնուս հոռ-
չուսու առ պյունու աջգուստ յանոնքան-
դացընքն է և անանչալուս սպազմանուն
մշակացաւ: մցորդս մերկու, ուղարկութա-
յացնալուն կը գունի, ան ոյնց նշանածքուն
ունիւնութիւննուն է, որու և սահմա-
նութա առուցքուն ցագումն անց

მისა დოლიშა:
«სასამართლომ აიღნია ის ჩვენებები,
რომელიც ადასტურებდა დანაშაულს»

— გასაჯეოლებს ბრალდა ედებით და
და ჰავაშების ხანის სახელმწიფო ხელო-
სუფლების შესტაციისას და სახელმწიფო
მოყვარეობის მიზნით. რომელ
სახელმწიფო ხელისუფლებაზე დააპარა-
კი, როცა აუკირქბის მომენტისთვის ქა-
ვანის მართვისას ჯანმრთელი ხელისუფლე-
ბისას და სწორები სახელმწიფოს ინტ-
ერჯების დამასტობებელი უკანონი სახ-
ელმწიფო საბჭო, ან რომელი სახელ-
მწიფო მოღვაწეა ჯ. იოსელიანი, რომ-
ელი იცის ცხეში იჯავ სწორები ბანდი-
ტიზმისთვის და გამოშვებულ იქნა პეტ-
რისტების მოწრ?!

ამ კითხვიზე მოსამართლებმ და მისმა
პრემის-მდგრადმ თოთქმის თუ ჩბანი უგ-
სესებს — ბას ქართველების სახლში ნორბ-
გამოუკეცად და პარლამენტში აირჩიათ,
ეტყობა მათ დაკინაცხად, რომ ეს დოადი
მოვლენა ჩიტოვანის ჭეანას აჯეთქებიდან
ოთხი თვის შედეგ მოხდა.

საქართველოს რასაცხლის უზენაა საცემოდოებული ქაზო "თავისუფალი საქართველოს" რეგისტრის

პ. ვანები მცხოვრებ მოქალაქეთა

20236038

როგორც მთელი რიგი გაზეუთებიდან ვგებულობთ, ირაკლი დო-
ვაძისა და პეტრე გელაშვილის სასამართლო მიმდინარეობდა დანა-
აულებრივი დარღვევებით. აქედან გამომდინარე, მათი სიცვლილით
ასჯის მოთხოვნა აღმუროებას იწვევს ყველა ნამდვილი ქართველის
უშიშო.

მოვითხვევის სამართლიან გამოიტებას, მოვითხვევის სასამართლო პრო-
ესი ჩატარდეს „უცხოული დამკვირებლების თანხასწრებით, რათა
იმართლე არ იქნას ასე „უხეშად და ბინძურად გათელითი (თუმცა,
კვენ იმასც კვთვლით, რომ ისინი „უდანაშაულონი არიან დანარჩენ
ლილტატიმრებიან ერთად).

1. ნუნუ კორძაძე - მასწავლებელი
 2. დალი კორძაძე - პედაგოგი, №1 საშ. სკოლა
 3. მამურორა ელენე - პედაგოგი
 4. ახორაძე როზა - პედაგოგი, პენსიონერი
 5. ბურჯაძე დალი - პედაგოგი
 6. ბარამიძე ბეგლარი - აგრონომი
 7. ლიასასიძე ლელა - პედაგოგი
 8. გიორგაძე ისო - პედაგოგი
 9. შარაშვილებე ნინა - პედაგოგი

სამართლიანი სასამართლოს მოთხოვნას
ხმას უერთებენ

ჩვენი განეთის მე-3 ნომერში გამოქვეყნებულ პეტიციას სართლიანი სასამართლოს მოთხოვნით ხელს აწერს ათიათახით მოქალაქე, შეძლებისდაგარად რედაქცია გამოქვეყნებს თავითისას, ჩატარებული არ დარღვევა.

TAVISUPALI SAKARTVELO (FREE GEORGIA)

N6 (1995) in brief

Mirza Dolidze: "The Court has chosen only those evidences which confirmed the crime"...

The press-conference with the judge Mirza Dolidze who was the Chairman of Court Board of the so called "Chikovani Street Case" was held in the building of the Supreme Court On March 10, 1995.

Press-conference started with the verbose statement which was predominantly based on the statements of the sentence and was of clearly self-justifying nature: the judge, on the one hand, was proving that in the process of trial the Law was not violated and the rights of the defendants were not abused, and on the other - he was trying to assure the journalists and/or may be the supreme bodies, that prolongation of the trial was the result of conspiracy between the lawyers and defendants rather than the consequence of violations of the Law made by the Court Board.

The very first question concerning abolition of capital punishment basing on the decision of the Military Council of February 24, 1992, to give effect to the Constitution of 1921, bewildered M.Dolidze who was confused enough as he was and the head of press-center of the Supreme Court Sulakhan Molashvili hastened to his help. He was assuring the journalists that the well-known statement of the State Council concerning suspending of articles of Constitution in relation to the Criminal Code was adopted on June 11 and thus by the time of explosion in Chikovani St., or by the moment of committing the crime, the norm of Constitution of 1921 concerning the capital punishment was not in effect. But the editor of the "Marji" newspaper B.Javakhia who was "equipped" with Xerox copies of statements, did not give in and informed the Law experts that the Statement was published in the "Sakartvelos Respublika" newspaper on June 17 and since it did not contain indication about the time of bringing this statement to effect, it came into effect only after its publication. Thus on June 13, 1992 the capital punishment article was not in effect.

To the mind of M.Dolidze neither during the preliminary nor in the course of Court investigations were made the mistakes or violations which could have influenced the final results... It was this very statement that arose the following questions:

"Why the Court did not check and investigate the testimonies given by some witnesses who claimed that there were two explosions and not one which were accompanied with gun firing; that immediately before the explosion the movement of J.Ioseliani and his escort's cars was artificially hindered first by one white "Mercedes" and then by white "Gaz-29" car; that there also was a red color "Zhiguli" car from which a man lying on the seat was firing from a sub-machine gun... Why were not publicized the testimonies of Z.Tsklauri and Z.Gogichaishvili made on August 14, 1992 And October 14, 1992 respectively?" To this question the judge Mirza Dolidze gave the answer worth of including into the treasury of jurisprudence curiosities: "The Court has chosen those testimonies which were proving the crime". Thus, the judge himself confirmed that the Court was striving for proving of the guiltiness of the defendants rather than for finding the truth and when choosing the testimonies was guided by this interest.

"We are not going to make excuses" - Claims Anzor Baluashvili

On March 16, 1995 in the building of the Prosecutor's Office of the Republic of Georgia was held a press-conference related to the completion of trial on "Gamsakhurdia and his Supporters Case". The journalists were faced with the head of investigation team engaged with this case, presently first deputy of Prosecutor General Mr. Anzor Baluashvili, head of Department for Supervision over Lawfulness

of Court Acts of the Prosecutor's Office of the Republic Mr. Kakha Koberidze who was the State Prosecutor at the trial, investigators for especially important cases Gulbat Besiaishvili and Eldar Topchiev, later they were joined by the investigator of "Kvareli Case" Davit Jinjolava.

According to A.Baluashvili, information about prisoners torturing did not correspond to truth and all these statements were basically made by the defendants themselves in the process of Court trial to escape from the charges they were accused of as well as by their lawyers who had never expressed similar complaints in the process of preliminary investigation and as a matter of fact such information is spread only by interested people. He also dwelled on such International Human Rights Organizations as "HRW/Helsinki, Amnesty International whose representatives to his mind were not aware of the details of the Case and had not met the investigators team.

A.Baluashvili believes that the investigation and Court trial were carried out with strict observance of the Law and all prisoners from the very first minutes of their arrest they were provided with the lawyers chosen by them. Their rights for defense were not abused, never was any pressure exerted on them, the Law was not violated etc.

Baluashvili explained to the audience that in our society the notion of "presumption of innocence" was misunderstood since in international sense it meant that no one could be recognized guilty and punished without Court trial. Mr. Baluashvili believes that this did not prevent the investigator to consider this or that person guilty in committing the crime in question and make an adequate statement.

The deputy of Prosecutor General failed to explain why in such case it took the investigation additional 8 months to prove the guilt of the suspects (since the Case was passed to the Court for hearing only in August, 1993) and the Court - a year and 9 months to make the verdict. As it is well known the Case of Chikovani St. was initially brought in action by Information Intelligence Service and was passed to the Procurator's office only on September 16, 1992. Irrespective of this, Irakli Dokvadze was interrogated by some workers of the Procurator's office exactly in that period which is forbidden by Law.

Baluashvili explained this problem in the following way: "When Irakli Dokvadze was arrested in Kvareli Wood the Procurator's Office was absolutely unaware that he was also charged with accusations concerning Chikovani St. Case. Our investigators interrogated him in relation to Kvareli Wood Case episodes. Some of the accused were charged with crimes committed in both cases, that was the reason why the other Case was passed to the Procurator's Office". The readiness with which the Procurator's Office gave out Irakli Dokvadze to the former KGB as well as the fact that all testimonies obtained at the first stage of investigation or in other words before passing the case to the Procurator's Office, were either withdrawn from the case or completely ignored by the investigation and Court such as for example the testimonies of Jaba Ioseliani's Guardsmen as well as of some witnesses is rather surprising.

In answer to the question how the representatives of the Law would estimate this fact, the deputy Procurator General Baluashvili and Head of Department K.Koberidze who are directly in charge of conducting supervision over the lawfulness of the Court Acts answered that journalists had only episodic information about the details of the Case which resulted in wrong impression. He did not deny that one of the members of Ioseliani's Guard did see a red "Zhiguli" car from which a man lying on the seat was firing from the gun-machine but as he had said it happened in the vicinities of TV Department after a long time since explosion and the witnesses saw this car when they were returning from the special meeting of "Mkhedrioni". Similarly the armed people seen on the previous day in Chikovani St. turned out to be the members of National Democratic Party Guard.

In relation with the investigation con-

cerning the death of Vakhtang Goksalde Baluashvili stated that he had learned about it too late. The expertise carried out in Kvareli defined heart failure as the cause of death. Mr. Baluashvili was ready to investigate this fact but the members of the family refuse to give their consent to exhumation. As for the death of Revaz Brodzeli, the representatives of the Procurator's Office preferred to completely ignore it.

Nevertheless, the Prosecutors believe that the rights of the defendants were not restricted, on the contrary the defendants restricted the Court, abused the judge and violated the order etc. Finally the representatives of the Procurator's Office demonstrated their readiness to show the materials of investigation to the interested journalists since the trial was over and there were no secrets to be kept. From the conversation with the colleagues it became evident, that some of them were intending to take advantage of this promise in the nearest future.

Political Prisoners are Executed In Accordance with the Law of War Situation

Court trial on the so-called "Chikovani St. Case" is over. The sentence is passed, but the public opinion both at home and abroad expresses mistrust in the Court and this circumstance impels the interested bodies to spare no efforts to prove the version faked by them. Thus, it is evident, that both press-conferences in Supreme Court and Procurator's Office which were held after passing the sentence were aimed at exerting favorable for them influence on the society. In fact, however, irrespective of active propaganda of "Matsne" TV information program, the opposite results were obtained.

The feeling of dissatisfaction was anyway caused by the fact that the answers of M.Dolidze and A.Baluashvili in some cases actually did not correspond to each other. Thus for example, the judge M.Dolidze actually failed to provide any sound argument to explain disparity of the death sentence with relevant articles of the Constitution of 1921 concerning Capital Penalty except unchecked information that the Statement about suspending this norm of Constitution was adopted on June 11 not on June 17, 1992, and even this explanation was immediately refuted. A.Baluashvili was more prepared for this question: he stated that Constitution norms cannot be suspended by any Statements and thus dwelling on when such statement was made is practically of no use. He said: "In special cases Capital Punishment is allowed by Article 43 of the Constitution of 1921".

This Article of 1921 Constitution reads: "Under the conditions of rebel or war situation the Parliament is authorized to temporarily suspend on the whole territory of the Republic or in some regions the guarantees of those rights which are defined in the following Articles: 19, 22, 25.

Article 19 of the same Constitution says: "The Capital Penalty is abolished". In answer to the above said it should be noted that on June 13, 1992, that is on the day of explosion in Georgia was neither the war situation nor there existed any legitimate authorities other than the heir of the Military Council - The State Council. At the same time use of war situation Laws even under the state of emergency is nothing but a juridical nonsense and is unparalleled in international practice.

Both press-conferences made it evident that both investigators and Court were interested in concealing the facts of prisoners torturing as well as testimonies of some witnesses. Supposedly those are the testimonies which contain undesirable for officials information and probably may lead to the new version of the crime, including appearance of new names. For this reason some proofs mysteriously disappeared from the Case or were ignored and not considered during the trial. M.Dolidze, A.Baluashvili and K.Koberidze with one accord are stating that on August 14, 1992 Z.Tsklauri did not give any evidence at all as well as there never existed the testimony of Z.Gogichaishvili given on October 14, 1992. At the same time, it is well known that on August 13, 1992 Z.Tsklauri "accidentally poured boiling tea over his back" and on the next day did give the testimony to the investigator of the Information Intelligence Service since by that time the Case was investigated by this department. In those days this fact was not concealed even by some members of the State Council, though today nobody wants to recall it. The testimonies given at the first stage of investigations

are also buried in oblivion or subjected to depreciation. Thus, for example the Deputy Prosecutor General failed to recall that to the existence of suspicious red "Zhiguli" car testify three witnesses, instead of one. Of those one is Mr. Bi-chiashvili who by the moment of explosion was driving along Chikovani St. in his own car and received body injury as a result of the explosion. He has never explained why the investigation and Court ignored statements of some witnesses who claimed that there were two explosions rather than one and they were nearly immediately accompanied by gun-machine fire.

Nevertheless, the Prosecutors believe that the rights of the defendants were not restricted, on the contrary the defendants restricted the Court, abused the judge and violated the order etc. Finally the representatives of the Procurator's Office demonstrated their readiness to show the materials of investigation to the interested journalists since the trial was over and there were no secrets to be kept. From the conversation with the colleagues it became evident, that some of them were intending to take advantage of this promise in the nearest future.

Thus the journalists failed to receive the answer to this question from the Procurator either and these testimonies seem to be the result of collective auditory hallucinations.

He never mentioned the fact that the armed persons seen on the previous day did not belong to National-Democratic Party Guard though it was the Guard of J.Ioseliani that suspected them not to be National-Democratic Party Guard. Neither was it defined whether investigation tried to find out the owners of white "Mercedes" and "Gaz-24" cars, as well as the identity of the stranger with beard who was seen by some witnesses near the red "Zaporozhets" car. It was such "absent-mindedness" of the investigation that provided the lawyers with all reasons to claim that the case was not investigated, other possible versions with evident indicative signs were not studied. It is noteworthy, that part of these testimonies were given at that stage of investigation when the case was investigated by Information Intelligence Service.

It naturally invites the question could not it be so that this institution had found out some facts the traces of which is trying to hide the Procurator's office?

All this evokes suspicion that both investigation and the Court were biased and that is why the most competent International Organization demand new investigation of the case and providing just trial. But Shevardnadze's servants of Law have ready answer to this too: they believe that these International Organizations themselves are biased since they represent the interested party.

How was Killed Vakhtang Goksalde

On September 30, 1992 the Prime Minister of the State Council Tengiz Sigua announced by TV that terrorist group was arrested in Kvareli Wood among the members of which was a teacher of mathematics and promised to inform the society about the identity of this man later. The family of Vakhtang Goksalde learned about his arrest on August 31, 1992 when the flat of Vakhtang Goksalde was searched under the leadership of the chief of Didube district police. At the moment of search the wife of Vakhtang Goksalde Mrs. Leila G.Taktakishvili was in her office and thus the search was carried out in the presence of elderly mother, 12 year old daughter and two witnesses. According to them the search was warranted, the policemen were not aggressive, and nothing suspicious was found in the flat. They took away only Vakhtang Goksalde's military card and three manuscripts to compare the handwriting.

On September 1 information TV program "Matsne" (in morning and evening round-ups) showed V.Goksalde who was subjected to teleinterrogation by the TV correspondent Zurab Kvitalashvili who led it in his usual manner. It was evident that the prisoner was under the pressure, he was looking like alive corpse, his teeth were broken, he could hardly speak and often involuntarily used to take hand to his mouth.

On the same day at 4.00 p.m. the Procurator's Office investigator Badashvili visited Goksalde's flat. He asked L.Taktakishvili to go with him to give testimonies. On their way to the Procurator's Office and then at the Procurator's Office he was ostentatiously polite. He informed L.Taktakishvili that in the morning or on September 1 he was in Kvareli and interrogated her husband. When he was saying this he was holding a written sheet of paper in his hands which he later put aside. L.Taktakishvili did not recognize the handwriting and she asked the investigator: "Is my husband so severely beaten that he was not even able to write himself his testimonies?" Badashvili hastily put the paper into the file folder and left the question without the answer.

On the request of the investigator L.Taktakishvili wrote the characteristic of her husband, but only later did she realize that the whole conversation was led in

the past tense "Vakhtang Goksalde was... He asked Badashvili if her husband needed anything she was ready to go to Kvareli and took the necessary things to him. However in answer she heard "Take it easy, he is not guilty, we shall investigate everything and will release him in three days". He ordered his subordinates to take L.Taktakishvili home by car so that she was in time to see the TV program "Matsne" at 8 p.m. When saying good-bye he said "If you are in need of anything, do not hesitate to contact me".

In fact by this time Vakhtang Goksalde was already dead for a long time. According to the testimonies of the political prisoners arrested in Kvareli he died in his cell as a result of inhuman torturing on September 1 at 6 a.m. After brutal beating he was not even provided with medical aid. L.Taktakishvili learned about the death of her husband from the mother of her daughter's school friend on September 3. She immediately went to the Procurator's office to find out the truth. On her question whether the information about the death of V.Goksalde was true the investigator Badashvili answered with surprise: "I do not know anything about it. I will make inquiry and inform you". Then he disappeared for half an hour. Meanwhile L.Taktakishvili tried to get some information from the internal telephone of the Procurator's Office, but in answer she heard that they did not know anything. Half an hour later Badashvili who with a tragic face declared that her husband died.

On September 4 Vakhtang Goksalde's son-in-law and nephew arrived in Kvareli to transport the body. When they were dressing the body, the nephew noticed that the late had deep scratches on his shoulders. So the nephew asked the chief of Kakheti "Mkhedrioni" Gela Goderdzhishvili why the late had those scratches. Goderdzhishvili answered that the man ran away, fell into the ravine and damaged himself. As it was learned later the Kvareli physician after he had examined the corpse refused to give his conclusion. That was why they had brought a doctor from Telavi who wrote that he had died from heart failure. It is noteworthy that in the death certificate September 2, 1992 is indicated as the date of death. It was seemingly done to justify the nonsense according to which the man who died at 6 a.m. on September 1 was interrogated by the investigator three hours later at 9 a.m. According to the information provided by the relatives the late did not have a single tooth unbroken, his palms were black from beating, one eye was heavily bruised, hair was completely torn out, clavicle was broken and penetrated the throat. The corpse was subjected to the autopsy but was not embalmed, the process of decay was on and even neighbors could not stay at home because of the unbearable odor.

Vakhtang Goksalde was buried on September 8, 1992. The scared family for a long time did not dare to say anything about this terrible death. They kept silence when they received Notice signed by D.Jinjolava, an investigator of the specially important cases at the Procurator's Office which said that "The case against Vakhtang Goksalde was closed on December 9, 1992 because of his death basing on Article 5 of the Criminal Code of the Republic of Georgia (09.12.92 #19-809-92).

After the beginning of Court trial of the so-called "Kvareli Wood Case" when it became evident that the unjust investigation would be followed by similarly unjust verdict, L.Taktakishvili made a claim to the Procurator's Office and demanded to bring a charge about the investigation the causes of her husband's death.

After completion of "Kvareli Wood Case" Court trial L.Taktakishvili this time with the petition of the All-Georgia Human Rights Association again appealed to the Procurator's Office with the same request in answer to which the President of the Association G.Kervalishvili received even more obscure answer: "In answer to your Appeal of July 1, 1993 with enclosed Statement of the citizen L.Taktakishvili concerning the circumstances of the death of her husband Vakhtang Goksalde we are informing you that we have demanded the materials from the Kvareli region Procurator's Office, and once they are studied we shall make decision envisaged by the Law. Of the results you will be informed later".

The Document (#19-801-93) is signed by A.Baluashvili.

Thus, the Procurator's Office of the Republic is for about two years studying the materials related to the Case of V.Goksalde's death but so far has not come to any conclusions.