





„გრადელის უფლებები კვლავ ირღვევა“

ნათქვამია საჭიროების შემთხვევაში... საჭიროების შემთხვევაში...

პროკურატორის მიერ ადვოკატ მერაბ... პროკურატორის მიერ ადვოკატ მერაბ...

კომისია გამოხატავს შეშოვობას... კომისია გამოხატავს შეშოვობას...

მოითხოვს, რომ პარტიებთან და შედეგ... მოითხოვს, რომ პარტიებთან და შედეგ...

სერგეი კოვალენკო პრადში, რადიო... სერგეი კოვალენკო პრადში, რადიო...

რუსეთში ბუდეონოვსკის სინდრომი... რუსეთში ბუდეონოვსკის სინდრომი...

საკობლო სიტუაცია უზენაესი სასამართლოს თავმჯდომარის კეპუტის

უკვე ოთხი თვე გადის, რაც უზენაესი... უკვე ოთხი თვე გადის, რაც უზენაესი...

დაცვის შეთანხმების საფუძველზე, იცავდა... დაცვის შეთანხმების საფუძველზე, იცავდა...

რაც შეეხება პოლიტიკაში ირაკლი დოკუ... რაც შეეხება პოლიტიკაში ირაკლი დოკუ...

სადილი დროს განსაკუთრებული მით... სადილი დროს განსაკუთრებული მით...

გაბ. „მოსკოვსკი ნოვოსტი“ აღნიშნა... გაბ. „მოსკოვსკი ნოვოსტი“ აღნიშნა...

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გილიბა ურჩეა ახალი პუნქტი შეიქმნას სჯულის კანონში, რომელიც ითვალისწინებს მილიციის ნაწილების გამოყენებას სასულიერო პირების „დასაშინებლად“.

უნიჩეს: მამა ირაკლი, მამა დავითი, მამა... უნიჩეს: მამა ირაკლი, მამა დავითი, მამა...

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საგულისხმოა ცნობილი. სამართალ-...

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საერთოდ, ჩვენს არეულ-დაერულ...

ისე, უნდა ითქვას, რომ ფორუმი...

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დ. ბიბაური

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თბილისის ჯარისკაცმა ჩვენთვის...

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გვონებ, იცის საზოგადოებამ, თუ როგორი შეუ...

გახეი "თავისუფალი საქართველოს" 23 ივნისის...

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მინდა მეთხოვებო იცოდეს, თუ როგორ მონებდა...

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რეკლუცია არ არის, უარი განაცხადოს...

ზარანდიას ასეთი განცხადება ცილისწამებაა...

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რეკლუცია არ არის, უარი განაცხადოს...

რეკლუცია არ არის, უარი განაცხადოს...

ოთარ ბერიშვილი

TAVISUPALI SAKARTVELO (FREE GEORGIA) N15 (1995) in brief

We Demand to Abolish Death Sentence

In March 6, 1995 two death sentences were passed in Tbilisi at the Court Trial which proceeded with rough violations of the human rights and juridical norms...

Presumption of innocence was violated, investigation and the Court were subjected to the pressure, the relatives of the defendants were arrested and terrified...

We, the undersigned, strongly demand to abolish the death sentence of I. Dokvadze and P. Gelbakhiani, we express our protest against tortures, threats and violation of the presumption of innocence...

A. Esenin-Volpin - Professor, former dissident, the son of the poet Sergel Esenin (the USA);

Bulat Okujava, the writer; Bella Akhmadulina, the poet; Vladimir Voinovich, the writer; Mark Zakharov, director; Iuri Ljubimov, chief director of the Taganka Theater

Valeri Zolotukhin, an actor of the Taganka Theater

Larisa Bogoraz, former dissident; Sergel Zaligin, the writer, editor-in-chief of the "Novi Mir" magazine

V. Loshak - editor-in-chief of the "Moscovskie Novosti" newspaper

A. Tkachenko - Pen-Center of Russia.

I. Schmidt - Chairman of the barristers' Committee "For Defense of Human Rights"

G. Padva - the lawyer

A. Kaligman - the lawyer, member of the Executive Committee of the Barristers' Union of the Russian Federation

Egor Gaidar - member of the State Duma, Chairman of the fraction "Demokratischeski Vibor Rossii"

Sergel Kovalev - deputy of the State Duma, Chairman of the Human Rights Commission of the President of the Russian Federation

Gleb Jakuin - Chairman of the health Care Commission in the State Duma, the priest.

V. Pokhmelkin, - Deputy Chairman of the Committee of the Legislative And Juridical Reform

Baron V. Knoring - Chairman of the Board of the Moscow Nobles

K. Lubarski - Chairman of Moscow Helsinki Group

B. Miller - Russian Section of International Human Rights Society

O. Orlov - Chairman of the Society "Memorial"

E. Zakharov - Kharkov group of "Memorial", Ukrainian-American Bureau for Human Rights

E. Proshechkin - Chairman of the Moscow Anti-Fascist center

P. Kaznacheev - Chairman of the

Youth Anti-Fascist Movement

E. Airapetjan - International Assembly of the Armenians

M. Babaev - Doctor of Juridical Sciences, professor

A. Babushkin - Director of the Supervisors Council for Penitential Institutions, members of the Human Rights Commission of the President of Russia

A. Smirnov - Director of the Center for Human Rights

A. Simonov - Chairman of the Publicity Defense Fund

Total of 141 signatures. Of those 28 belong to the deputies of the State Duma and Council of Federation, 9 - to the lawyers, 8 - to the workers of culture.

Political Parties: "Demokratischeski Vibor Rossii", Union "December 12", "Jablochko", Society "Memorial", "Helsinki Union", Committee of the Soldiers' Mothers, and other human rights organizations. Some of these signatures are confirmed by the stamp of the organization.

"The Rights of the Defendants are Violated Again.."

Says the Statement distributed by the Human Rights Commission of Helsinki Union. Specifically, this Commission stresses that the Republican Prosecutor's Office violates the right for defense of the member of the Supreme Court Zviad Dzidziguri, Koba Dzidziguri, Vazha Tsereteli, Gia Korbesashvili and Zaza Danelia who were arrested on June 27, 1995.

The Prosecutor's Office did not allow the members of Zviad Dzidziguri's family to hire the lawyer Merab Navrozashvili under the pretense that this lawyer is defending the member of the Supreme Council Nugzar Molodinashvili kept under the arrest whose Case is united with the Case of Zviad Dzidziguri and thus they cannot have one and the same lawyer. Later the Commission learned that after being transferred to the KGB isolator Dzidziguri was placed in the same cell with Molodinashvili which should be considered as a serious violation under the same pretense. Hence the Helsinki Union considers ungrounded the refusal of Prosecutor's Office concerning the appointment of Merab Navrozashvili as Dzidziguri's lawyer.

The private lawyers Revaz Doborjenidze and David Sulakvelidze were also not allowed to provide defense of Gia Korbesashvili's interests and after making agreement with the members of his family from July 5 to July 15 the lawyers were not allowed to meet with the defendant. Its refusal the Prosecutor's Office explains by the fact that it does not trust the private lawyers. "This statement does not have any sound juridical basis, since the private firm where are working both of the above lawyers, has the State License and thus the right to perform defense of the defendants and participate in the preliminary investigation", reads the Statement of the Commission. The family was impelled to hire a new layer and on July 15 they made the agreement with the lawyer Mdinardze from Saburtalo District Consultation.

The Commission expresses its concern

about the health state of Gia Korbesashvili, since the provocation of the conflict with other prisoners was inspired on July 2 in the isolator of the municipal police department. As a result the injuries of the feet he had received during the interrogations aggravated and the wounds on his hands were opened. The administration of the isolator did not bother themselves with calling the doctor and the prisoners rendered the medical aid to the defendant.

At the same time, according to the information of the Commission on July 11, after he had been transferred to the isolator located in the building of the Ministry of Internal Affairs, Korbesashvili in the token of protest declared hunger-strike since he was not allowed to meet his lawyer. On July 15 the staff members of the Isolator told his relatives, that Korbesashvili ceased this action though this did not correspond to the truth. Gia Korbesashvili continues his hunger-strike.

The Human Right Commission of Helsinki Union strongly demands that the representatives of the International Red Cross and independent physicians are allowed to see the defendant, since according to the information available to the Commission the confessions of all five defendants were obtained under physical and psychological pressure.

After the Case was passed from the Municipal Department of the Ministry of Internal Affairs to the Republican Prosecutor's Office Roin Kakachia was appointed as an investigator instead of Romeo Zarkua. The prisoners for the reasons unknown were redistributed in various isolators: Dzidziguri brothers were placed in the KGB isolator (in the vicinities of Ortachala Prison), while Tsereteli, Korbesashvili and Danelia were placed in the isolator located in the building of the Department of the Ministry of Internal Affairs. Helsinki Union Commission considers that these three prisoners can be very soon subjected to the pressure again, especially as during one of the last interrogations Vazha Tsereteli denied his testimony given previously and did not recognize himself guilty in the charges brought against him.

"I consider the Sentence Unlawful"

States the Lawyer Bekauri

On July 10, 1995, the Court Board of the Supreme Court of the Republic of Georgia chaired by Lery Sakvarelidze passed the sentence to two political prisoners, Zurab Bardzimashvili and Omar Kochlamazashvili, tried by the "Zviad Gamsakhurdia and his Supporters' Case". Basing on the testimonies given in the course of preliminary investigation, the Court recognized the charges brought against them proved and sentenced Bardzimashvili and Kochlamazashvili respectively to 13 and 6 year of imprisonment in colony with strict regime with property confiscation. As expected, the descriptive part of the sentence nearly word for word repeats the indictment.

He asked the defender of Z. Bardzimashvili's interests, Mrs. Ketevan Bekauri to comment this sentence: "For a number of reasons I consider the sentence unlawful.

In my word of defense I demanded to acquit Bardzimashvili since of those three episodes which he was charged with none is proved: the role of Bardzimashvili in the attempt to attack Razmadze was never stated in the course of preliminary investigation and during the Court hearing - not a single witness names him

as a participant of this crime, for this crime does not exist corpus delicti or the victim (Vakhtang Razmadze himself denies his being the victim), there is no object of the crime, there are no proofs of criminal actions, that is, the crime itself has never been committed. As for the second episode in the charges brought against Bardzimashvili - the attempt to explode Gomi-Sachkhere highway - here too, no witness names Bardzimashvili as being present at the place of the crime. The defendants Kapanadze, Gogichaishvili, Tamaz Tsiklauri refused from their testimonies given in the course of preliminary investigation under the physical and psychological pressure. Even if judging by the testimonies of the preliminary investigation the idea to explode the highway belonged to Bardzimashvili - we are dealing with idea only and idea does not fall within a jurisdiction of Court hearing, neither the idea nor the plan cannot be punished in accordance with the Criminal Law.

The third charge against Bardzimashvili was bandit actions, and this charge was not proved either - there are no proofs confirming his participation in bandit actions, not a single witness names this bandit group or its members not to mention the facts of torturing of Bardzimashvili - we are aware of more than one episodes when he was subjected to physical and psychological pressure. And the Court did not show any interest in these facts. Besides, Bardzimashvili was unlawfully removed from the Court hall. He was not given a chance to say his last word.

The Court Board more than once violated the Law, viz., Articles 202, 236, 237, 46 and others of Criminal Code, items 10 and 22 of #14 Statement of the Plenary Session of the Supreme Court - we were not allowed to look through all materials of the Case, to interrogate additional witnesses. Without any sound grounds our demand to provide complex medical expertise was rejected; the Court ignored our well grounded motions".

As Mrs. Bekauri stated, to the fact that Bardzimashvili's Case as well as the whole "case of the President" was diligently faked by the Prosecutor's Office of the Republic testifies the existence of two absolutely different indictments. It is noteworthy, that irrespective of the lawyer's statements, the Court Board did not consider this fact noteworthy.

Nino Chechelashvili

The Chairman of the Supreme Court has the Final Say

It is already four months since the day when the verdict was passed for the participants of "Zviad Gamsakhurdia and his Supporters' Case". Within this period the majority of the convicts were transferred to the various places of serving their terms: the great majority of the political prisoners are serving their terms in the Avchala Colony of Strict Regime, three participants of the "President's Case" were transferred to #1 and #3 Rustavi Colonies of Strict Regime, one convict was hospitalized in Republican Prison Hospital and four others - Irakli Dokvadze, Petre and Gedevan Gelbakhiani and Victor Domukhovski are kept in investigatory isolator where they are getting familiar with the Protocols of the Court Sessions.

Particular interest of the society is caused by the fate of the political prisoners sentenced to death - Dokvadze and Gelbakhiani. We are aware that on March 8, 1995 the convict Petre Gelbakhiani addressed the Chairman of the Supreme Court M. Ugrekhelidze with the appeal against the decision of the Court according to the supervision

order. On April 4, 1995 Petre Gelbakhiani was appointed for juridical registration of the appeal against the decision of the Court according to the supervision order in concord with the will of the convict. We would like to remind you what has caused this change of lawyers in such a critical moment. As we know the interests of Petre Gelbakhiani in the course of preliminary investigation and Court trial were defended by the lawyer Oriag Konstantinidi in accordance with the defense agreement. In the summer of 1994 in the course of Court hearing the convict and the lawyer failed to agree on the positions of the defense and in concord with the instruction of the defendant Petre Gelbakhiani in accordance with Article 45 of The Legal Procedure, the members of his family annulled the treaty with the lawyer Konstantinidi.

Irrespective of this fact, the Chairman of the Court Board Mirza Dolidze under the pretense of avoiding of the further delay of Court hearing as usually sent the letter to the Presidium of the Board of Barristers in advance where he demanded to appoint the lawyer rejected by Petre Gelbakhiani for the second time (!) to defend his interests. Basing on this demand the Head of Juridical Consultation of Chuguretu district having ignored the wish of the defendant and without his agreement appointed O. Konstantinidi again (!!).

The lawyer refused to sign this unlawful agreement. Thus the lawyer rejected by the defendant was impelled to "defend" Petre Gelbakhiani's interests at the Court hearing. This incident found its continuation in the following fact: political prisoner refused to speak with the lawyer who had visited him in the isolator to agree on the speech of defense. Instead he declared that he himself would say his word of defense. Later during the debates of the parties the lawyer Konstantinidi stated that he did not have the permission and agreement of the defendant to make the speech of defense, and under such situation he did not know to whom he had to obey.

The Judge Dolidze was not at all confused with this statement of the lawyer - he did not hesitate to answer that the lawyer had to obey to the Court only and pronounce his speech of defense notwithstanding anything. Thus, the lawyer received a direct instruction from the Court to defend the interests of the defendant rather than the interests of the defendant.

Proceeding from the all above said, it is obvious that Petre Gelbakhiani who was facing the possibility of death sentence was actually left without the defense.

It took the new lawyer of the convict Gelbakhiani Tamar Lashaberidze a month and a half of active struggle to receive the permission to meet with her defendant. In the first half of May after paying visits to various instances (A. Kavsadze, the Chairman of the Human Rights State Committee, J. Kipiani, Deputy Chairman of the Supreme Court, G. Kvarelashvili, Head of Department of the Ministry of Internal Affairs, T. Gellashvili, Head of the Isolator) and after conversations with a number of high-rank officials, the lawyer at last managed to meet the convict and agree the positions with him. Presently the political prisoner and his lawyer are getting familiar with the Case and in the nearest future will present their considerations about the necessity of the appeal against the decision of the Court.

As for the political prisoner Irakli Dokvadze. We were informed that by the end of May his lawyer Giorgi Mosesjan made the appeal against the decision of the Court to the Chairman of the Supreme Court basing on the numerous violations so richly encountered in this much talked-of Case.