

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## In the Incident Involving Gela Mtvlishvili Burden of Proof Rests with the State

Georgian Young Lawyers' Association and its Georgian Media Legal Defense Center respond to the detention of journalist Gela Mtvlishvili at Tianeti Police Station and argue that burden of proof rests with the Ministry of Interior Affairs of Georgia.

GYLA's lawyer Amiran Zenaishvili reported about the details from the site of the incident. According to our information, on May 20, 2012, at around 13:00, journalist

Gela Mtvlishvili was carrying out his work-related activities in the regional center of Tianeti when he was approached by officers of MIA's regional division in Tianeti and demanded a document for identification.

Gela Mtvlishvili clarifies that he showed his ID card to the police and identified himself. Afterwards, he was forced into the police station for seizing his video camera and examining the footage. At the police department he was abused verbally and physically, beaten in his head and then they called an ambulance.

In an interview with GYLA's lawyer, deputy chief of the police Mamuka Shalamberidze explained that since an unknown individual was recording on his video-camera outside the police station, officers approached him with an intention to establish the his identity. Gela Mtvlishvili was taken to the police station for identification. M. Shalamberidze confirmed the fact of seizing the journalist's camera. They had to call the ambulance as G. Mtvlishvili had an anxiety attack.

GYLA's lawyer also interviewed Rusudan Sisauri, a representative of the Georgian Dream. According to Ms Sisauri, she witnessed how officers took Gela Mtvlishvili together with his camera to the police station by force, despite the fact that he had already been identified. He was released in an hour but since he was feeling extremely bad he had to be transported to the hospital.

According to Malkhaz Iarajuli, a doctor at Tianeti Hospital who was working the shift that day, the patient was brought by an ambulance. He had bruises on top of his head; he was feeling pain in the soft tissue on his head and was suffering from a temporary insanity.

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The state has an obligation to fully ensure physical and psychological integrity of an individual when s/he is under the control of authorities. We believe that in this incident burden of proof rests with the state and more specifically, with the Ministry of Interior Affairs of Georgia, in order to dispel public's suspicions about violation of integrity of the individual concerned. We believe that a probe must be launched into the incident with a particular focus on signs of interference with professional activities and beating of a journalist.