

Annex 3

Ministry of Corrections and Probation
First Local Council of Eastern Georgia

Decision N01/18-0678
(Without oral hearing)

July 4, 2018

Tbilisi, 27 Zurab Abjaparidze str.

On July 4, 2018, First Local Council of Eastern Georgia of the Ministry of Corrections and Probation of Georgia has assembled composed of following members:

1. Vladimer Dzmanashvili – acting Chairman of the Council;
2. Temur Shengelaia – member of the Council;
3. Tamar Devdariani – member of the Council;
4. Nana Maisuradze – member of the Council;

Has reviewed the motion and related materials submitted to the First Local Council of Eastern Georgia of the Ministry of Corrections and Probation of Georgia, regarding early conditional release of the convict Ivane Merabishvili and

Established:

- 1. Name, surname, patronymic: Ivane Merabishvili, Sergo**
- 2. Date of birth: 15.04.1968**
- 3. Place of birth: Adigeni**
- 4. Citizenship: Georgian**
- 5. Charged for/sentenced for:**

- I. By the verdict of the Kutaisi City Court of February 17, 2014, was found guilty for violation of paragraph B of the Part 3 of the Article 160, paragraph D of the Part 2 and paragraph B of the part 3 of the Article 182 (first episode), paragraphs A and D of the Part 2 and paragraph B of the Part 3 of the Article 182 (second episode) and Article 164¹ of the Criminal code of Georgia and sentenced to 10 years of imprisonment. Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment was halved and the final term was

established for 5 years of imprisonment in the penitentiary facility. In addition, he was deprived of the right to be appointed at public service for 1 year and 6 months.

The decision of Kutaisi Appeal Court of October 21, 2014, left the verdict of the Kutaisi City Court of the February 17, 2014, unchanged.

By the decision of the Supreme Court of Georgia of June 18, 2015, the appeal was not found admissible for the review.

- II. By the verdict of the Tbilisi City Court of February 27, 2014, was found guilty for violation of paragraph B of the Part 3 of the Article 333 of the Criminal code of Georgia and sentenced to 6 years of imprisonment. Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment was reduced by one fourth and the final term was established for 4 years and 6 months of imprisonment in the penitentiary facility. In addition, he was deprived of the right to be appointed at public service for 1 year, 1 months and 15 days.

The decision of Tbilisi Appeal Court of August 11, 2014, left the verdict of the Tbilisi City Court of the February 27, 2014, unchanged.

By the decision of the Supreme Court of Georgia of February 27, 2015, the appeal was not found admissible for the review.

- III. By the verdict of the Tbilisi City Court of October 20, 2014, was found guilty for violation of the Part 2 of the Article 332 (the version acting before May 31, 2006) and Article 341 (the version acting before May 31, 2006) of the Criminal code of Georgia and sentenced to 4 years of imprisonment. Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment was reduced by one fourth and the final term was established for 3 years of imprisonment in the penitentiary facility. In addition, he was deprived of the right to be appointed at public service for 2 year and 3 months.

The decision of Tbilisi Appeal Court of August 4, 2015, left the verdict of the Tbilisi City Court of the October 20, 2014, unchanged.

By the decision of the Supreme Court of Georgia of February 29, 2016, the appeal was not found admissible for the review.

- IV. On January 13, 2017, Director of the Penitentiary Department of the Ministry of Corrections and Probation of Georgia, addressed Tbilisi City Court according to the Article 286 of the Criminal Procedure Code of Georgia, with the motion to define the final term of punishment for the convict Ivane Merabishvili.

On January 16, 2017, Tbilisi City Court has fulfilled the motion and based on several unexecuted verdicts, has defined the final punishment for the convict according to these verdicts, namely: verdicts of Kutaisi City Court of February 17, 2014, of Tbilisi City court of February 27, 2014 and of Tbilisi City Court of October 20, 2014, based on which, more severe punishment sentenced to Ivane Merabishvili has absorbed less severe punishment and finally convict Ivane Merabishvili was sentenced to 5 years of imprisonment. In addition, he was deprived of the right to be appointed at public service for 2 year and 3 months. Period of being in prison – from May 21, 2013, till January 16, 2017, was counted as part of a served sentence.

- V. By the verdict of the Tbilisi City Court of September 22, 2016, was found guilty for violation of paragraph E of the Part 5 of the Article 25,117 and paragraph B of the Part 3 of the Article 333 of the Criminal code of Georgia and sentenced to 9 years of imprisonment. Based on the

Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment was reduced by one fourth and the final term was established for 6 years and 9 months of imprisonment in the penitentiary facility.

The decision of Tbilisi Appeal Court of February 23, 2017, left the verdict of the Tbilisi City Court of the September 22, 2016, unchanged.

By the decision of the Supreme Court of Georgia of September 29, 2017, the appeal was not found admissible for the review.

- VI. On October 24, 2017, Director of the Penitentiary Department of the Ministry of Corrections and Probation of Georgia, addressed Tbilisi City Court according to the Article 286 of the Criminal Procedure Code of Georgia, with the motion to define the final term of punishment for the convict Ivane Merabishvili.

On October 26, 2017, Tbilisi City Court has fulfilled the motion and based on several unexecuted verdicts, has defined the final punishment for the sentenced person according to these verdicts, namely: verdicts of Kutaisi City Court of February 17, 2014, of Tbilisi City court of February 27, 2014, of Tbilisi City Court of October 20, 2014 and of Tbilisi City Court of September 22, 2016, based on which, more severe punishment sentenced to Ivane Merabishvili has absorbed less severe punishment and finally convict Ivane Merabishvili was sentenced to 6 years and 9 months of imprisonment. Period of being in prison – from May 21, 2013, till October 26, 2017, was counted as part of a served sentence.

- VII. By the verdict of the Tbilisi City Court of May 3, 2017, was found guilty for violation of the Part 2 of the Article 333 (the version acting before July 1, 2004) of the Criminal code of Georgia and sentenced to 3 years of imprisonment. Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment was reduced by one fourth and the final term was established for 2 years and 3 months of imprisonment in the penitentiary facility.

The decision of Tbilisi Appeal Court of October 27, 2017, left the verdict of the Tbilisi City Court of the May 3, 2017, unchanged.

The decision of Tbilisi Appeal Court of October 27, 2017, is currently disputed at the Supreme Court of Georgia.

- VIII. Director of the Penitentiary Department of the Ministry of Corrections and Probation of Georgia, addressed Tbilisi City Court according to the Article 286 of the Criminal Procedure Code of Georgia, with the motion to define the final term of punishment for the convict Ivane Merabishvili.

On June 25, 2018, Tbilisi City Court has merged the final verdict of Tbilisi City court on October 26, 2017, and verdict of Tbilisi Appeal Court of October 27, 2017.

More severe final verdict of Tbilisi City court on October 26, 2017, has absorbed less severe verdict of Tbilisi Appeal Court of October 27, 2017, and final verdict for Ivane Merabishvili was set for 6 years and 9 months. In addition, he was deprived of the right to be appointed at public service for 2 year and 3 months.

Counting of a prison term for convict Ivane Merabishvili has begun from June 25, 2018. Period of being in prison – from May 21, 2013, till June 25, 2018, was counted as part of a served sentence.

- IX. Convict Ivane Merabishvili was charged for committing a crime according to the Part 3 of the Article 333 of the Criminal Code of Georgia. The main hearing of the case is proceeding at the Tbilisi City Court.

On May 23, 2013, the convict Ivane Merabishvili was placed at the N9 Penitentiary Facility of the Ministry of Corrections and Probation of Georgia.

On February 1, 2017, by the order N1036 of the Director of the Penitentiary Department of the Ministry of Corrections and Probation of Georgia, Ivane Merabishvili's prison term was defined to be served at closed type prison facility.

On July 28, 2017, Convicts' Threat Assessment Team has defined high threat risk for Ivane Merabishvili, based on which, by the order N12337 of August 4, 2017, of the Director of the Penitentiary Department of the Ministry of Corrections and Probation of Georgia, Ivane Merabishvili's prison term was defined to be served at closed type prison facility.

6. Character, gravity, circumstances and description of the crime:

First case: Minister of Internal Affairs of Georgia, Ivane Merabishvili, using his official position, against the will of the owner LTD International Investment Company, illegally occupied summer house in village Kvartiati, Khelvachauri District, in May 2009 and afterwards systematically used it together with his family for holidays. The Ministry of Internal Affairs was conducting an investigation regarding this house from the same period. Securing of the house was illegally ordered to the employees of the Adjara Autonomous Republic Main Division of the Constitutional Security Department of the Ministry of Internal Affairs. Ivane Merabishvili, having an official authority to handle legal property of the Ministry of Internal Affairs due to his official position, used his position, made an illegal decision regarding this property, namely – he ordered the Director of the Human Resources and Organizational Department of the Ministry of Internal Affairs, Otar Gogodze to conduct renovation works of the above mentioned summer house, which was under his use illegally, using the finances of the Ministry of Internal Affairs. Due to the illegal order of Ivane Merabishvili, on April 21, 2012, an agreement was signed between the Adjara Autonomous Republic Main Division of the Ministry of Internal Affairs of Georgia and LTD Gumbati-1 and 131 884,6 GEL was spent from the budget of the Ministry of Internal Affairs of Georgia for full renovation of the summer house in village Kvartiati. Thus, Ivane Merabishvili has embezzled the above mentioned large sum from the state funds. Additionally, 25 784,7 GEL was embezzled for the salaries of the personnel serving at the summer house under illegal use of Ivane Merabishvili. In total, 157 669,3 GEL from state funds were embezzled for personal reasons.

On July 4, 2012, Ivane Merabishvili was appointed as Prime-Minister of Georgia. On July 5, 2012, by the decree N234 of the Government of Georgia "Job Seekers' Registration Program" was approved, the goal of which was to support the Office of the State Minister of Employment of Georgia by creating unified database of the job seekers. By the decree N1292 of July 5, 2012, of the Government of Georgia, the quantity of part-time (not in permanent staff) employees was defines as 3584. Implementation of this program, which was financed from the state budget, was assigned to the LEPL Social Service Agency, working under the Ministry of Labor, Health and Social Affairs of Georgia.

In order to bribe voters in favor of political party United National Movement at the October 1 Parliamentary Elections of 2012, Ivane Merabishvili has worked out a criminal plan of using

“Job Seekers’ Registration Program” and finances from state budget to bribe voters in favor of the political party United National Movement and thus embezzle state funds. The implementation of this plan was assigned to the Minister of Labor, Health and Social Affairs of Georgia, Zurab Tchiaberashvili and the Director of the LEPL Social Service Agency, Ramaz Sulamanidze.

On July 24, 2012, according to the assignment from the Prime-minister Ivane Merabishvili and by the agreement between Zurab Tchiaberashvili and Ramaz Sulamanidze, Social Service Agency addressed the Ministry of Labor, Health and Social Affairs of Georgia with the letter N04/44357, requesting to increase the quantity of part-time employees by 10932 without any grounds. On July 26, 2012, two days after sending the above mentioned letter, the Director of the Agency, Ramaz Sulamanidze, according to agreed criminal plan, directly addressed the Minister of Labor, Health and Social Affairs of Georgia, Zurab Tchiaberashvili, clarifying the previous letter and requesting to increase number of part-time employees by 21864, again without any grounds and false motivation, as if for technical support of employment agents and creation of unified database. The two months’ salary for this staff would be 13 118 400 GEL. Based on this, on July 30, 2012, the Ministry of Labor, Health and Social Affairs of Georgia addressed the Prime-Minister of Georgia, Ivane Merabishvili with the letter and without any grounds provided draft decree for signature, agreed with Zurab Tchiaberashvili and gone through the process of questioning of the Members of Government, regarding increase of quantity of part-time employees within the “Job Seekers’ Registration Program”, the presenter of which was assigned Zurab Tchiaberashvili.

By the decree of the Government of Georgia, N1485 of July 31, 2012, signed by Ivane Merabishvili, the quantity of the part-time employees within the “Job Seekers’ Registration Program” was defined as 26027, while, with the permission of the Minister of Finance of Georgia, an additional 7 754 000 GEL was given to the “Job Seekers’ Registration Program” for the salary of part-time employees, after certain cuts in other programs under the Ministry of Labor, Health and Social Affairs of Georgia. Lists of the part-time employees were submitted to the Social Service Agency in the period until September 3, 2012, through regional branches and service center, selected by local self-government bodies throughout the Georgia from local citizens according to electoral districts.

On September 3, 2012, Ramaz Sulamanidze issued an order N04-814, regarding regulations of recruitment and giving salaries to the part-time employees within the “Job Seekers’ Registration Program”, according to which agreements would be signed with the individuals listed in the annex of the same order, as previously agreed with Ivane Merabishvili and Zurab Tchiaberashvili. Initially the term of the employment contracts and fulfillment of the work was defined for 1 month, from September 1, 2012, until September 30, 2012. In the period until about September 7, 2012, agreements were signed with 21837 individuals, who were supposed to fulfill assignments given by the Agency, described in the annexes of the agreements and involved participation of employees in trainings and seminars, informing the population regarding the “Job Seekers’ Registration Program”, supporting employment agents in registering job seekers and monitoring of the work done by the employment agents. These agreements were misleading, since their goal was to avoid limitations set out by the law of Georgia “on Political Union of Citizens” and bribing of voter by state funds, namely: while signing the agreements, citizens were not introduced to the real aims of the program and the essence of their job. On the contrary, promised certain amount of money, they were used for

electoral reasons in favor of the political party United National Movement in the pre-election period before the Parliamentary Elections of October 1, 2012. By this action, directed against public interest, certain electoral subject gained advantage, which caused substantial violation of state legal interest.

On October 14, 2012, according to preliminary agreement among Ivane merabishvili, Zurab Tchiaberashvili and Ramaz Sulamanidze, based on the order of Ivane Merabishvili, regarding which Zurab Tchiaberashvili was informed as well, LEPL Social Service Agency has paid through JSC Liberty Bank each of the 21837 individuals one-month salary of 240 GEL, without them fulfilling their duties foreseen by “Job Seekers’ Registration Program” and annex of the agreement, fulfillment of which was not possible because by this moment, not only the one month term foreseen by the agreement has not passed, but the work has not begun yet as well. Thus, 5 240 880 GEL of state funds has been embezzled.

Second Case: On December 18, 2004, Ivane Merabishvili was appointed as the Minister of Internal Affairs of Georgia and occupied this position until June 30, 2012. According to Law of Georgia “On Public Service”, he represented state political official. According to the statute of the Ministry of Internal Affairs, he, as a Minister, was responsible for fulfillment of the Constitution of Georgia, Georgia’s international treaties and Georgian laws in the sphere within the competence of the Ministry. Conducted official supervision of the decisions and activities of the Ministry’s officials and other employees, within regulations set out by the law.

On May 25, 2011, from about 16:00 a rally organized by Representative Public Assembly was held on the territory in front of the Parliament building in Tbilisi. Motivating by the fact that on May 26, a parade regarding Georgia’s Independence Day was to be held on Rustaveli Avenue in Tbilisi, Minister of internal Affairs Ivane Merabishvili ordered mass detention of demonstrators after the deadline of the rally expired and preliminary blocking of the streets adjacent to the Rustaveli Avenue for this reason. In addition, he ordered to cancel the rally immediately and disperse it as soon as the warning regarding the use of force was made, without giving them proper time.

Above mentioned order was illegal, since it clearly was beyond the authority provided by the law, because the rally of May 25, 2011, in front of the Parliament was peaceful and actions of the demonstrators were predictable. In such circumstances, Minister of Internal Affairs of Georgia, Ivane Merabishvili could effectively use forces under his command and safely clear the territory from the demonstrators. On the contrary, by the order Ivane Merabishvili, the dispersal of the rally was planned in a way that half an hour before the deadline of the rally expired, the police occupied every street around the territory and did not leave an exit for the demonstrators deliberately, as a result they were not able to leave the territory before the dispersal began.

According to the Georgian Law “on Police”, after issuing a warning regarding use of physical force and special equipment, an individual must be given enough time to obey the law. In contrary to the requirements of the law, on May 26, 2011, at about 00:10, after the demonstrators were given a warning regarding the use of physical force and special equipment, their dispersal began immediately, without giving them any time, by the order of the Ivane Merabishvili who was at the command center by that time.

Police did not allow the demonstrators to leave the territory even after the dispersal of the rally began, thus increasing danger of physical contact and use of force between the demonstrators

and the police. In addition, police simultaneously and intensively used different special equipment, in violation of law and without taking into account the specific situation: water cannon, tear gas, special acoustic device of psychological influence, rubber bullets and batons. Use of these equipment was not necessary as demonstrators began to disperse without any resistance right after the water cannon was used and tried to leave the territory, but they were not allowed to do so, because the adjacent streets were blocked and they had to find the shelter in the buildings of Kashveti Church, Rustaveli cinema, Palace of Youth and the Gallery of the Parliament.

In addition, police intensively used physical coercion while detaining the demonstrators, as ordered by Ivane Merabishvili, namely: demonstrators, who were surrounded and had no path left to exit, were attacked by numerous police squads using batons and rubber bullets simultaneously from several directions. They physically confronted demonstrators, in the streets, as well as inside the building, when possibility of using nonviolent methods – water cannons and other equipment - was not exhausted yet. This contradicts the requirement of the Georgian Law “on Police”, which states that physical coercion may be used to stop the violation of the law in case if nonviolent methods do not ensure execution of the law.

Due to physical coercion and indiscriminate use of special equipment by the police, number of (more than 200) individuals, who were not allowed to leave the territory of the rally, have received different body injuries, while two of them have died.

In addition, according to an order of Ivane Merabishvili, demonstrators were detained indiscriminately and in large quantities, which was illegal, because according to the law an administrative detention of an individual is permitted only when other measures of stopping administrative violation are exhausted.

Violent actions applied based on the order of Ivane Merabishvili, which was given abusing official authority, has caused violation of legitimate interests of the state and its citizens.

Third case: From December 18, 2004, until June 30, 2012, Ivane Merabishvili served as the Minister of Internal Affairs of Georgia and according to paragraph G of the Part 3 of the Article 1 of the Law of Georgia “On Public Service”, he represented state political official. He, as a Minister of Internal Affairs of Georgia, was responsible for strengthening of rule of law and ensuring of the protection of human rights and liberties guaranteed by the Constitution of Georgia. On January 27, 2006, at about 23:00, in café-bar “Sharden Bar” in Tbilisi, following individuals were gathered to celebrate the birthday of the Head of General Inspection of the Ministry of Internal Affairs of Georgia, Vasil Sanodze: Tamar Merabishvili (Salakaia) wife of the Minister of Internal Affairs of Georgia, Ivane Merabishvili, Davit Akhalaia, Head of the Constitutional Security Department of the Ministry of Internal Affairs of Georgia, Oleg Melnikov, operational officer of the same department, Guram Donadze, Head of the Press Service of the Ministry of Internal Affairs, Ana Kalandadze and her friend Tatia Maisuradze.

Later, A.(S)G. and his friend L.B. arrived at the same bar. When entering the bar, A.G. noticed Tatia Maisuradze and since he had close relations with her and spoke with her on the phone before arriving at the bar, approached her and in front of others began talking with her in a rough manner and high tone, because Tatia Maisuradze concealed from him the fact that she was in “Sharden Bar”.

This quarrel between Tatia Maisuradze and A.G. was noticed by the friend of A.G., Zaal Kurtsikashvili, who was in the same bar. In order to avoid possible problems, he took A.G. away from the table of the wife of the Minister of Internal Affairs, T. Merabishvili (Salakaia) and told one of the persons sitting there that his friend was drunk and apologized for his behavior. Despite this, A.G. continued to make reproaches. As a result, Zaal Kurtsikashvili made another rebuke to A.G. and asked him to calm down. Later Tatia Maisuradze moved to the table where A.G. was sitting and their conversation involving sharp gestures continued, during which A.G. spoke regarding one of the officials of the Ministry of Internal Affairs sitting at the Minister's wife's table in insulting manner.

Tense conversation between A.G. and Tatia Maisuradze and remarks regarding them was noticed by the members of the Tatia Maisuradze's table, namely by Ana Kalandadze. She approached the table of A.G. and Tatia Maisuradze several times to find out what was going on between them.

After Tatia Maisuradze returned to Vasil Sanodze's table, A.G. who was angry with this fact, made insulting remarks loudly using sharp gestures. Because of this, Zaal Kurtsikashvili approached him and told that he was leaving the bar, regarding which A.G. replied that he would leave the bar after drinking the coffee as well.

By the order of Data Akhalaia, who was angry for A.G.'s behavior, Oleg Melnikov made several phone calls to physically punish A.G. As a result of these calls, officials of the Constitutional Security Department of the Ministry of Internal Affairs, Geronti Alania, Avtandil Aptsiauri, Aleksandre Ghachava, Mikheil Bibiluridze, Davit Kokiashvili, Ioseb Khasaia, Valerian Metreveli and others arrived near "Sharden Bar" towards Freedom Square and Leselidze Street. After certain period of time, A.G. and his friend left the bar and went out. Following the order of Data Akhalaia, Oleg Melnikov went after them to point out A.G. for the officials of the Constitutional Security Department of the Ministry of Internal Affairs. Oleg Melnikov once again delivered Data Akhalaia's order to Geronti Alania – to restrain their freedom illegally and physically punish them, after which G. Alania, together with other accompanying persons, Aleksandre Ghachava and Davit Kokiashvili, pushed A.G. and his friend into the car by force, illegally restrained their freedom and abducted them out of the city, towards Okrokana cemetery, 6 kilometers away from Tbilisi. At the spot, they were joined by Avtandil Aptsiauri and Mikheil Bibiluridze. Abductors stripped off A.G.'s and his friend's clothes in a hard frost and beat them severely. On January 28, 2006, at about 15:00, on the territory adjacent to Okrokana cemetery friends of A.G. discovered his corpse with numerous wounds. According to the conclusion of the forensic expertize, the wound in the area of the throat has caused asphyxia and the death.

Friend of the A.G., L.B., who was left at the cemetery severely beaten and naked, managed to reach the road and temporarily find a shelter in the nearest gas station. From there, he contacted patrol police, who took him to the Matatsminda-Krtsanisi police station the same morning.

At the initial stage of the investigation, Minister of Internal Affairs of Georgia, Ivane Merabishvili met with the individuals detained for the crime against A.G. at the "Moduli" building, where he cheered them up and took an alcoholic drink with them. Later the "secret" letters were composed: "secret" letter N16/27(S) of February 24, 2006, from Data Akhalaia to Ivane Merabishvili; "Secret" letter N16/12(S) of February 24, 2006, from Ivane Merabishvili to Prosecutor General of Georgia, Zurab Adeishvili, in which Minister of Internal Affairs was

sending secret letter of the Head of Constitutional Security Department, Data Akhalaia, to the Prosecutor General for further reaction, while Ivane Merabishvili in a few days after the crime was committed, knew precisely all the details of the case and identities of those involved. Despite this, he did not allow the Head of Tbilisi Police Main Division, Merab Baghaturia to detain the officials of the Constitutional Security Department.

Fourth case: From December 18, 2004, until June 30, 2012, Ivane Merabishvili served as the Minister of Internal Affairs of Georgia and he represented state political official. On July 13, 2015, Member of the Parliament, Valeri Gelashvili was physically assaulted, organized by Ivane Merabishvili. By the order of Merabishvili, Erekle Kodua, using officials and special task unit members subordinated to him, organized and headed criminal act aimed at physical punishment of the Member of the Parliament of Georgia, Valeri Gelashvili and illegal seizure of his personal belongings and legally owned firearm.

Fifth case: In July 2004, a meeting was held in the administrative building of the Ministry of Security of Adjara Autonomous Republic, on Griboedovi Street in Batumi, with participation of then Prosecutor General of Georgia, Zurab Adeishvili and Minister of State Security of Georgia, Ivane Merabishvili, regarding the case of liquidation of JSC Maritime Bank of Georgia. At the meeting, which was headed by Zurab Adeishvili and Ivane Merabishvili, transfer of amounts from the accounts of foundations created by the stockholders of the JSC Maritime Bank of Georgia and related individuals to special accounts was discussed. This required increase of financial resources at JSC Maritime Bank of Georgia by the way of returning loans given to individuals and legal entities in the shortest period, despite the fact that in some cases terms of loan agreements had not expired yet. Ivane Merabishvili and Zurab Adeishvili gave an illegal assignment to the participants of the meeting to summon debtors of the JSC Maritime Bank of Georgia to law enforcement agencies and demand from them return of loans by any means. LTD Rtveli XXI had a loan from JSC Maritime Bank of Georgia of 1 389 350 GEL and 574 065 USD. Director of this company, Vakhtang Chakhvadze was summoned to the administrative building of the Financial Police, was told about demand of Zurab Adeishvili and Ivane Merabishvili regarding return of the loan in the shortest period and warned that in case if he did not, the property of LTD Rtveli XXI would be transferred under state ownership. After this company failed to return the loan in time, then prosecutor Givi Papuashvili summoned founders of LTD Rtveli XXI, Teimuraz Megrelishvili and Nodar Modebadze to the administrative building of the Prosecutor's Office and categorically demanded from them to give the property of Rtveli XXI under state ownership. The founders decided to avoid additional troubles with law enforcement agencies and on September 7, 2004, under the directions of Givi Papuashvili, signed a gift certificated according to which they gave 100% of shares of LTD Rtveli XXI to the Ministry of Economy of Georgia.

7. Date of factually serving the term according to Articles 72, 73, 74 and 98 of the Criminal Code of Georgia:

On 21.11.2017 has factually served 2/3 of the term sentenced.

8. Beginning of the sentence, end of the sentence:

Beginning of the sentence: 25.06.2018

End of the sentence: 21.02.2020

9. Place of residence before placing to the prison facility:

Before being arrested, the convict lived at Tbilisi, Petriashvili Street N27/29, apt. N18. According to the convict, after being released he will live at the same address.

10. Name (address) of the territorial branch of the LEPL The National Agency of Execution of Non-custodial Sentences and Probation, where the convict will appear after early conditional release:

Tbilisi Probation Bureau.

11. Education, profession, skills: With higher education. Has graduated Engineering-Geodesy Faculty of Tbilisi Technical University.

12. Marital status – family circumstances – attitude of the convict towards family members, whether he has minor children, other family members with disabilities or not, financial condition of close relatives and other:

Married. Has wife – Tamar Merabishvili (born on 24.05.1981); Children – Misho Merabishvili (born on 04.07.2000), Datuna Merabishvili (born on 08.11.2009); Mother – Zhenia Tumanishvili (born on 03.07.1944); Father – Sergo Merabishvili (born on 17.04.1940); Sister – Marina Merabishvili (born on 22.06.1972). Contacts family members during short meetings at prison facility and by phone. Financial condition of the family is average.

13. Fines and status of their payment (in case if such information exists):

According to personal case file, he has not been fined.

14. Reimbursement of the damage inflicted to an aggrieved person (in case if such information exists):

According to convict, he has no aggrieved persons.

15. Position of the aggrieved person (consent) towards the convict (in case if such information exists):

According to convict, he has no aggrieved persons.

16. Motivation of the convict towards changes. Information regarding his readiness towards self-development and change (desire, future plans, skills):

The convict plans to return to the family after release.

17. Information regarding participation of the convict into social activities while serving the prison term (employment, professional, crafts, psychological-rehabilitation, sports, cultural events):

During his stay at the N9 penitentiary facility of the Ministry of Corrections and Probation of Georgia, he has not participated in social activities.

18. Risk-factors (susceptibility towards emotional aggression, tendency of antisocial behavior, psychological vulnerability, etc.):

Based on psychological interviewing, the convict does not express emotional aggression, no tendency of antisocial behavior has been observed.

19. Defensive factors (e.g. motivation to change behavior, social support, etc.):

The beneficiary speaks adequately, easily establishes contact, is visually well-organized. Problems regarding adapting with the environment is not observed. While serving in a solitary confinement, he follows healthy way of life, reads scientific literature. Does not have specific future plans, but positively views the future and would like to spend time with his family.

20. Attitude towards the crime committed:

The beneficiary feels responsibility for the crime committed.

21. Disciplinary punishment or reward during serving the prison term (when, the reason and description):

He was rewarded once during the prison term:

1. By the order N15 of the Director of the Penitentiary Facility N9 on 11.04.2014, he was allowed an additional short meeting.

Has been subjected to disciplinary punishment twice during the prison term:

1. By the order N19176 of the Director of the Penitentiary Facility N9 of the Ministry of Corrections and Probation of Georgia, on 09.07.2014 the convict was prohibited to use allowed objects, because he physically insulted Deputy Director of the Penitentiary Facility N9 of the Ministry of Corrections and Probation of Georgia and verbally insulted employees of the Facility's administration.
2. By the order N238249 of the Director of the Penitentiary Facility N9 of the Ministry of Corrections and Probation of Georgia, on 09.03.2015 the use allowed objects was limited, because the convict was loudly insulting administration of the Penitentiary Facility from his cell. Despite the warning given to him by the employees of the facility, he continued to insult them.

22. Information regarding fulfillment of the statute and schedule of the penitentiary facility, legal requirements of the administration, duties according to the law and maintaining the regime of the facility by the convict during the period of serving the prison term:

The convict follows everyday schedule, legal regime and requirements of the administration.

23. Behavior of the convict within the facility. His attitude towards the representatives of the facility administration and other prisoners (aggressive, conflictual, or polite):

The convict is polite towards the facility and representatives of the administration.

24. Facts of committing crime in past, past convictions (an Article of the Criminal Code of Georgia, date of release and grounds) (in case if such information exists):

According to personal case file, the convict Ivane Merabishvili has not been convicted in past.

25. Use of an amnesty, pardon, early conditional release, conditional sentence, change of unserved sentence towards less severe form of punishment and their results (in case if such information exists):

First case: Based on the Law of Georgia "on Amnesty" of December 28, 2012, the term of imprisonment sentenced by Kutaisi City Court on February 17, 2014 – 10 years – was halved and the final term was established for 5 years of imprisonment in the penitentiary facility.

Second case: Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment sentenced by Tbilisi City Court on February 27, 2014 – 6 years – was reduced by one fourth and the final term was established for 4 years and 6 months of imprisonment in the penitentiary facility.

Third case: Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment sentenced by Tbilisi City Court on October 20, 2014 – 4 years – was reduced by one fourth and the final term was established for 3 years of imprisonment in the penitentiary facility.

Fourth case: Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment sentenced by Tbilisi City Court on September 22, 2016 – 9 years – was reduced by one fourth and the final term was established for 6 years and 9 months of imprisonment in the penitentiary facility.

Fifth case: Based on the Law of Georgia “on Amnesty” of December 28, 2012, the term of imprisonment sentenced by Tbilisi City Court on May 3, 2017 – 3 years – was reduced by one fourth and the final term was established for 2 years and 3 months of imprisonment in the penitentiary facility.

26. Any additional punishment (in case if such information exists):

Convict Ivane Merabishvili has not been sentenced to any additional term.

The Council, based on evaluation criteria defined by the Article 13 of the Statute of Quantity and Territorial Jurisdiction of Local Councils, has discussed without oral hearing and inquired attitude of the convict towards administration of the prison facility, that currently he does not express aggressive behavior towards the staff of the Penitentiary Facility N9 and obeys legal requirements of the administration. Positively assessed the fact of rewarding him and reviewed information regarding his family circumstances. On the other hand, the council paid attention to the character and gravity of the crime, namely that there is an aggregation of crimes. The convict was found guilty for crimes of different category and gravity, including for especially grave crime. He has committed number of crimes abusing his official position and authority. In addition, the convict was accomplice in a crime against human health causing injuries, including intentional severe injuries by the group, of more than 200 individuals. Attention was also paid to the fact that while serving the prison term, the behavior of the convict has twice caused disciplinary sanctions, including for violent act. The council has also noted the fact that Threat Assessment Team has defined high threat risk for the convict.

While discussing the issue of early conditional release by the Local Council, the gravity and character of the crime, as well as circumstances in which this crime was committed, had special negative influence. In addition, behavior of the convict during his imprisonment was reviewed – how many and which types of disciplinary actions were used against him. Thus, the Council considered that at this stage the negative opinions accompanying these criteria were not nullified and outweighed by other positive criteria.

The Council, guided by Articles 12 and 72 of the Criminal Code of Georgia, Articles 40, 41 and 42 of the Prison Code of Georgia, as well as by Statute of Quantity and Territorial Jurisdiction of Local Councils of the Ministry of Corrections and Probation of Georgia and based on the analysis of the information provided has

Decided

1. The motion filed to the First Local Council of Eastern Georgia of the Ministry of Corrections and Probation of Georgia regarding early conditional release of the convict Ivane Merabishvili has not been satisfied at this stage.
2. The motion can be reviewed again only after 6 months, except the case when term of the sentence does not exceed 6 months and/or if there is special circumstance. Reviewing of the issue regarding early conditional release of the convict is mandatory every 6 months. If the prison term remaining does not exceed 6 months, the council reviews early conditional release of the convict based on convict's written appeal.
3. The proper penitentiary facility should be informed regarding this decision in a written form within 10 working days.
4. The decision can be disputed by administrative regulations within one month after its official introduction, at the Chamber of Administrative Cases of the Tbilisi City Court (David Aghmashenebeli Alley 12th km, N6, Tbilisi)

Acting Chairman of the Council:

Vladimer Dzmanashvili