



2021 წლის 5-6 ივლისს განვითარებული
მოვლენები ამ დრომდე სათანადოდ არ
არის გამოძიებული

The events that took place on July 5-6, 2021 have not been yet properly investigated

2 years have passed since the events of July 5-6, 2021, however, until now not all the episodes of possible crime actions have been properly investigated. As it is known to the public, GYLA protects the rights of the victims of violent events that took place on July 5-6, 2021. At this time, GYLA is involved in the cases of 19 persons. From which, 17 persons are representatives of various media organizations, against whom there was violence and interference in the implementation of journalistic activities, and 2 persons were physically assaulted by the violent groups due to the fact that they were associated with the LGBT+ group due to the accompanying people and various accessories.

During the last two years, GYLA has been actively communicating with investigative bodies, including the Tbilisi Prosecutor's Office, the General Prosecutor's Office and

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the Special Investigation Service. During this period, more than 10 applications/complaints were sent to the above-mentioned agencies, which were mostly not responded to promptly.

During the last two years, the Tbilisi City Court have passed the judgments of conviction in the cases of Aleksandre (Lekso) Lashkarava, Miranda Baghaturia, Vakhtang Kareli, Ilia Tsiashvili, Rati Tsverava and Dea Mamiseishvili. In the episode of Lekso Lashkarava and Mindia Baghaturia, according to the judgment of first instance court, on the facts of persecution and violence carried out due to journalistic activities, participation in organized group violence, and damage to health, all six defendants were fully convicted, and each defendant was sentenced to 5 years in prison using the principle of absorption of sentences in the case of cumulative crimes, and, in the episode of the other persons, the defendants were found guilty in the part of persecution and unlawful interference with the professional activities, the accused persons were acquitted in the part of involvement in organized group violence. In the relation of these persons, the court used a sentence close to the minimum. Later, the Tbilisi [] Court of Appeals reversed the judgment of the first instance court in the case of Miranda Baghaturia and Lekso Lashkarava and acquitted the accused in the facts of involvement in organized group violence. Currently, the mentioned cases are being considered in the Supreme Court.

Nowadays, it is clear that, despite the punishment of certain perpetrators, the agency in charge of criminal proceedings does not have the necessary will to punish the organizer of violence actions, the leader or the persons who publicly incited to violent acts. It is true that the investigation, among others, is going against the organizers of violence, however, it is not all-round, objective and properly effective, due to the focus of the investigation and not bringing charges to specific persons. GYLA believes that the victims have been artificially limited the access to the materials obtained by the investigation in the respect of organizers, leaders or the persons who publicly incited to the violent acts.

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In addition to this, the issue of the responsibility of the state, which was its duty on July 5, 2021, to fully protect journalists, so that they could carry out their professional activities without interference, has been left without a response. Until now, it is unknown whether the investigation has been started or not, based on the story broadcasted by [] Pirveli A on June 12, 2022, due to the possible criminal actions carried out by employees of the State Security Service.

GYLA believes that the persons who committed crime actions against the plaintiffs, in most cases, are not identified at all, and in some cases are incompletely detected. With all these requests GYLA has applied to investigative agencies several times, however, despite the request, we have not received any information yet regarding the progress of the investigation.

According to the latest information known to the GYLA, final decision has not been made regarding the episode of Alexandre Lashkarava [] death, despite the fact that two years have passed since the incident. This may indicate that the investigation does not have answers to certain issues so far. During this period, the family of the deceased is still waiting for the results of the investigation.

On November 4, 2022, GYLA has sent a complaint to the European Court of Human Rights on behalf of representatives of media organizations (journalists, cameramen, photographer) affected by the attacks of hate groups on July 5, 2021. The applicants allege violations of Article 3 (prohibition of torture), Article 10 (freedom of expression), Article 13 (right to effective remedy) and Article 14 (prohibition of discrimination) of the European Convention.

It is mentioned in the complaint that the official authorities failed to prevent violence on July 5, 2021 and did not respond properly to the subsequent events, in particular, the effectiveness of the operation planned by the Ministry of Internal Affairs of Georgia on July 5, 2021 and the effectiveness of the subsequent investigation, especially on the part of identifying the responsibility of the leaders/organizers of hate groups, is questionable.

The effectiveness of the operation planned by the Ministry of Internal Affairs on July 5, 2021 and the subsequent investigation, especially in identifying the responsibility of the leaders/organizers of hate groups, is questionable. In addition, the complaint focuses on the fact that the statements made by high-ranking officials practically

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encouraged the events that took place on July 5. The appellants believe they have been victimized because they are representatives of media, which is critical to the government and are associated with the LGBT+ community by homophobic groups.

The European Court asked the state questions regarding all the disputed articles of European Convention mentioned in the appeal, for which the deadline was set until May 9, 2023. At the state request, the court extended the deadline for the response until June 23, 2023. At this moment, the case is at the stage of hearing on the merits and submission of counter positions and evidence is underway between the parties.

It should also be noted that the both the Committee of Ministers of Council of Europe and the European Parliament called on state agencies to effectively investigate the events of July 5-6. Among them, the resolution of June 09, 2022 states that the impunity of the perpetrators of such actions cannot be tolerated under any circumstances, because it violates both the national legislation of Georgia and the international obligations of the state.