



NGOs' Statement concerning findings and recommendations by Temporary Investigative Commission on Khorava Street Crime

We, the undersigned organizations, would like to comment on the final conclusion made by the Temporary Investigative Commission of Parliament of Georgia on the murder of two young persons as a result of the crime committed on Khorava Street in Tbilisi on 1 December 2017 and on the problems which the Commission identified in the process of its work.

The creation of the Investigative Commission on the crime committed on Khorava

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Street and staffing it mostly with the representatives of the opposition was an unprecedented occurrence. Especially considering the fact that no commission was created on the minority initiative in Parliament of the two previous convocations. Correspondingly, any action taken by the government in terms of the implementation of the Commission recommendations should aim to prevent any damage to the idea and the work of the Parliamentary Temporary Investigative Commission as an important mechanism of parliamentary oversight. We also understand that a commission created within a political body and staffed with politicians and the work of such a commission as well as its conclusion cannot be fully insulated from political sentiments. However, we also believe that the conclusion of the Investigative Commission is generally consistent with the goal set by the Commission and is an important document.

The process of the Commission work has clearly demonstrated the fundamental problems prevailing within the law enforcement system, the critical challenges with regard to the objective and competent investigation of crimes, indicating the need for carrying out immediate and cardinal reforms. Therefore, **we call on the relevant agencies to take effective steps to comprehensively reform the system of the Ministry of Internal Affairs and the Prosecutor Office. In addition, the corresponding measures of legal responsibility should be applied to the persons who, in any form, intentionally or by negligence, created obstacles or hampered the administration of justice with regard to a grave crime and whose actions possibly involve irregularities and indications of a crime.**

The **Parliamentary Commission conclusion** contains the total of 32 recommendations, including a recommendation concerning corresponding measures against civil servants/public officials responsible for the investigation of the criminal case (11 persons).

The Investigative Commission conclusion has once again demonstrated numerous flaws in the investigation of this case, the number and seriousness of which cast doubt on the objectivity of the investigative bodies. The suspicions are strengthened by two factors: on the one hand, the investigation failure to conduct investigative actions with regard to identifying the role of one of the brawl participants, M. K., or conducting them belatedly and incompletely, is striking.

On the other hand, there is an important factor of M. K. uncle, a high-ranking official

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



at the Prosecutor [] Office, Mirza Subeliani, which, in combination with fundamental, rather than individual and superficial flaws prevailing in the case, creates a feeling that the investigation was biased. Precisely these circumstances were the reason of serious distrust towards the investigative agencies on a significant part of the public, causing large-scale protest rallies as a result.

The Investigative Commission has uncovered many important violations in the process of the investigation. Specifically, the Investigative Commission has established that the Prosecutor [] Office should have known from the materials of the investigation that M. K. possibly had a weapon-like object during the brawl; it could have received information from the witnesses that M. K. put his hands in his pockets at the start of the brawl. It could have established whether there were traces of Saralidze [] blood on M. K. [] clothes. It could have determined the motive of the crime. However, the law enforcers did not properly study the video footage obtained within the framework of the investigation. The witnesses were not asked appropriate questions. We read in the conclusion that, in some cases, the prosecutor told a witness that his/her information [] that M. K. put his hands in his pockets at the start of the brawl [] was not important and convinced him/her not to provide the court with this piece of information. The law enforcers did not seize M. K. [] allegedly blood-stained clothes and did not carry out secret investigative actions concerning the main participants of the brawl, including M. K. They did not question all witnesses that the investigation was aware of, who had information about M. K. and other. It is important to say that the manner of the investigation of this case and the concrete bias with regard to the flaws in the investigation process virtually rule out that these were procedurally insignificant errors made at the level of individual investigators. Despite the fact that the quality of investigation in the country is generally low, the existence of the whole set of the aforementioned factors, in this case, points at a specific nature of this incident.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



It is a fact that the state failed to protect Davit Saralidze ☐ right to life and failed to fulfill its responsibility to investigate the case of infringement on life in an unbiased and impartial manner. The investigation was marred by significant flaws, and obstacles were created to the administration of justice. This is why we, the undersigned organizations, consider the Temporary Investigative Commission ☐ conclusion substantiated and well-founded and call on Parliament of Georgia and relevant agencies:

- Within the scope of their role and functions, to take into consideration the recommendations provided in the Investigative Commission ☐ conclusion, which will facilitate proper investigation of this case and prevention of similar instances in the future;*
- To pass legislative amendments concerning the investigative and law enforcement system in order to improve the quality and objectivity of investigation. Also, to take steps to provide for the secure environment in schools and to prevent conflicts, as recommended by the Investigative Commission's conclusion;*
- To start without delay an investigation into the indications of a crime in the actions of persons who were involved in the investigation in any form in order to establish the reasons for a bias in the investigation and persons responsible (The Public Defender talks about the need for this as well).*

In other case, the inactivity of responsible agencies and turning the findings and recommendations made by the Commission into nothing but a subject of political discussions, makes us think that the decision on the creation of the Commission supported by 95 MPs served to assuage the public outcry caused by the protest of Zaza Saralidze, father of the killed young man, and was not aimed at achieving real results.

Signatory Organizations:

1. Transparency International Georgia (TI-Georgia)
2. Georgian Young Lawyers' Association (GYLA)

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



3. Georgian Democracy Initiative (GDI)
4. Human Rights Education and Monitoring Centre (EMC)
5. Georgia's Reforms Associates (GRASS)
6. International Society for Fair Elections and Democracy (ISFED)
7. Institute for Democracy and Safe Development (IDSD)
8. Society and Banks
9. Media Development Foundation (MDF)
10. Article 42 of the Constitution
11. In-Depth Reporting and Advocacy Center
12. Equality Movement
13. Sapari