

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **GYLA calls on the Prosecutor's Office to ensure timely and effective investigation of alleged facts of offence committed by the police**

For the past several months some 20 individuals applied to GYLA and reported about unlawful and abusive conduct of police officers. Namely, some of GYLA's beneficiaries allege that police officers have abused them verbally and physically in the course of arrest and after detention, while others report about police putting narcotics and

firearms to them. The General Inspection and/or Prosecution was informed about these facts in different periods. Majority of cases are on the stage of investigation, though applicants have not been granted a victim status so far, neither were they informed about the status of investigation. Moreover, part of these individuals are in arrest with different charges. According to our information, disciplinary measure was applied only in one case against a police officer, while no other facts of disciplinary or criminal responsibility measure were observed so far.

We would like to emphasize that use of force by the police in the course of arresting alleged criminals may be justified only when it is strictly necessary due to the conduct of these individuals. Even in such case, police is entitled to use only the physical force proportional to revealed resistance/threat. In all other cases, use of force, as well as putting of narcotics and fire arms, reported by beneficiaries, represents violation of law and relevant state agencies should make immediate and adequate response.

Information submitted to GYLA about unlawful and abusive conduct carried out by the police contains signs of criminal offence. Accordingly, prosecution is obliged to carry out immediate and effective investigation about all foregoing cases and to ensure intervention of victims in the process. Further, it should inform them periodically about status of investigation and to launch criminal persecution against relevant individuals if offence is revealed.

GYLA calls on the Ministry of Interior to carry out all possible legislative measures with a view to avoid facts of police offence, which questions respect of human rights by the state and diminishes public trust to the police. Moreover, GYLA calls on the prosecutor's office to ensure timely and effective investigation of alleged facts of police offence.

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## **Alleged Facts of Police Offence**

According to Zakaria Mekokishvili's statement on September 19, 2014 at 00:15 he was driving a car in the vicinity of Phonichala, when policemen dressed in civilian clothes stopped him, made him switch off the phone and asked him to follow to Vake-Saburtalo regional police. Policemen refused to provide any explanation about reasons of restricting his movement or taking him to police. At about 2.00 a.m. he was taken in the cabinet of the head of Vake-Saburtalo regional police. 8 policemen were there. They asked questions about individuals who were unknown to him.

Afterwards they abused Zakaria Mekokishvili verbally and physically. At about 4.00 a.m. an investigator examined him under witness status, though after end of examination, he was still kept in the police building until 4.00 p.m. As he provides, during this period his phone was confiscated, while policeman continued to abuse him verbally and physically. Investigation is launched on the case and Mekokishvili was questioned once under the witness status, though he was not recognized as victim so far.

As Shalva Chachanidze and Malkhaz Bartava report, on October 2, 2014 at about 1:30-2:30 they were detained by employees of Isani Samgori region No.8. Criminal proceeding was initiated as per Article 353 of Penal Code (group resistance). As reported by the detainees, they were arrested unreasonably and police abused them physically on the scene, as well as in police station. Physical violence and pressure continued through the whole night. According to their statement, head of the unit and the deputy, were especially severe. Video recoding handed by investigation to the defense illustrates Shalva Chachanidze in the police department. His hands are fastened on his back, some red spots are visible on his shirt, he has a scar on the eyebrow and traces of blood. In one moment the footage depicts him barefooted, on the floor with fastened hands. Visual examination record drafted in temporary detention isolator also illustrates Shalva Chachanidze's injuries. As provided, Shalva Chachanidze had face bruises, upper lip swollen, scratch on the right eyebrow, throat redness, back scratches, right arm muscle and armpit with redness, lower lip scratch, old scars on the stomach and redness on both wrists. He was taken from the temporary detention isolator to Rustavi Central hospital. Emergency medical service was also invited.

Chachanidze is in prison now about another case, while Bartava's case is under investigation. On November 4, 2014 Chachanidze's lawyer was informed from Isani-Samgori regional prosecutor's office that a case filed to General Inspection was sent to them and investigation is underway. These individuals were not recognized as victims.

Paata Kvirikashvili alleges that on August 31, 2014 at 21:00 he stopped his car at the petrol station in Vazisubani settlement. At that moment, patrol car approached him, police officers came out of the car and asked him to leave the car and show the documents in a rough tone. Kvirikashvili told them that there was no necessity to talk

in such a rude manner, though police officers abused him verbally. Afterwards, Patrol inspector L.K. issued a fine of GEL 100. Kvirikashvili declared to police officers that he was going to challenge the fine and would not forgive insults. In response, police officers started to beat him, threw him on the ground and kicked him in the head and body, afterwards he was detained. Forensic examination report issued by Levan Samkharauli National Forensic Bureau confirms presence of injuries on Paata Kvirikashvili's body. Investigation is initiated on the case, though Kvirikashvili is not recognized as victim. The General Inspection confirmed disciplinary offence of the police, one police officer received strict reprimand, while another was granted a reprimand. Investigation is underway on abuse of power by police officers, though Kvirikashvili has not been considered a victim so far.

Mamuka Bekauri reports that on September 11, 2014 at about 14:25 he was detained by employees of Kvemo Kartli main division of MIA at the crossing of Sheshelidze and Sarajishvili avenues in Tbilisi. He was charged under Article 236 (carrying of firearms) of the Penal Code. As Bekauri explains, he was standing near the car when police officers pushed him in the police car forcefully without any explanation and put handcuffs. Bekauri reports about being abused physically and verbally by the police. Namely they beat him with an open hand in the area of face and ears and abused him verbally. Police officers stated that he was detained for the fault of his brother (he is a missing person). As Bekauri reports that in the vehicle, they put a gun in his belt. Afterwards he was moved in another car and taken in the building of Rustavi division. His lawyer had no chance to see him. They called an emergency medical service in temporary detention isolator for the reason of sustained injuries. Bekauri is detained for illegal carriage of firearms.

Tamaz Gorgodze states that he was detained by Police officers on August 26, 2014 in Zestaphoni. In the moment of detention, policemen put narcotics and abused him physically and verbally. "I was pulled out from the car, thrown on my back and they poured on me some unknown liquid. Then they put handcuffs and put Subotex in the sock of my left knee. " Medical records issued by the medical institution provide that he suffered from closed brain injury.

David Khitarishvili was detained on September 18, 2014 in his own house by Tskhaltubo Police officers. As he reports, police officers were dressed in civil clothes and they put Marihuana in his house. As Khitarishvili reports, he was taken away in



the forest, was undressed and some 12 individuals abused him physically. He was kept in the forest nearly for 24 hours. According to his statement, police forced him to confess robbery, which was not committed by him. Khitarishvili is in detention now and investigation is underway on the case.

Tornike Mamulashvili and Giorgi Valishvili, residents of Dusheti, also allege about facts of physical and verbal abuse from the side of police. They have been detained for resistance to police. The detainees do not confess guilt and state that police officers abused them verbally and physically. According to Tornike Mamulashvili's arrest report numerous injuries are observed in the area of head and body.

Zaza Chetkovi reports that on April 17, 2014 he was in a mini-bus with his friend. When they arrived at the place of destination and left the bus, police officers approached them, detained without any explanation and abused them verbally. Afterwards, they were moved to Vake-Saburtalo Police division and taken to the ground floor with no window. Some Lasha and Valeri, police officers, started to beat them, covered them with a blanket so that nothing was visible and continued physical violence on them. Afterwards, they were moved to temporary detention isolator. As Zaza Chetkovi reports, he had terrible pain and police had to call an emergency medical service in a temporary detention isolator. Chetkoevi is convicted at this moment, serving his sentence in a penitentiary. Investigation was launched on the incident.

Luka Jokharidze states that on November 13, 2013 at 9 p.m. special military unit rushed in his house with no explanation and put handcuffs on him, his brother and a friend. They were also forced to lie on the floor. Afterwards criminal police officers arrived, including K.B. They put a plastic bag on his head and he could not breathe. Police officers kicked him with butts in his back, while Koba Badzagua hit him with a gun butt in the head. As Jokharidze reports, physical and verbal abuse continued in the police unit as well. Police officers threatened with detention of his girlfriend unless they confessed guilt. Visual examination record issued by temporary detention isolator on November 14, 2013, as well as medical examination report of Penitentiary No.8 confirm injuries sustained by Luka Jokharidze.

Tamusha Akhalaia reports that on August 29, 2014 he was in district Prosecutor's Office of Samegrelo Zemo-Svaneti asking a meeting with a General Prosecutor,

though he was unsuccessful. (Tamusha Akhalaia's son died in unclear circumstances, and he complains of ineffective investigation process. He wanted to meet with a prosecutor on this issue). On his way back to home, a car stopped besides him and two unknown individuals approached him. They put a sack on his head and handcuffs on his hands, he was pushed in the car forcefully and taken in unknown direction. After some minutes he was left alone in an unknown place with a sack on his head. In addition, individuals demanded to stop drafting of applications about investigation of his son's murder case. As Tamusha Akhalaia reports, later policemen still put him in a car and left him in the vicinity of police division of the village Lee, only early in the morning. Tamusha Akhalaia applied with a statement to the police division of the village Lee and reported about the incident. Investigation started only on the third day, though it was terminated later. He doubts that he was kidnapped by MIA officers.

As Giorgi Bolkvadze reports, on August 28, 2014 he was with his friend in a church near the village Pare (Adigeni region). A man dressed in civil clothes, who later appeared to be MIA officer L.M. approached him and without any explanation asked Bolkvadze to stay on the place and abused him physically. Later on, some P, also from MIA joined L.M. They were under alcoholic influence and abused Giorgi Bolkvadze physically and verbally during five minutes. Afterwards, other six policemen stopped his car, he was taken from the car forcefully and police officers inflicted physical and verbal violence upon him during 10 minutes. L.M. and some P. from MIA also joined them. Afterwards Giorgi Dolidze was taken to Adigeni police division, where head of police asked him to confess the fact of disobedience to police, otherwise he threatened with creation of problems from G.M. who is a director of penitentiary No.18 and L.M.'s brother. Afterwards, Giorgi Bolkvadze was taken to temporary detention isolator. On the way police officers still attempted to extort a confession. It should be noted that detention record was drafted on August 29, and foregoing date was indicated in the document, while detention took place a day earlier, on August 28. During the medical examination Giorgi Bolkvadze did not mention that bodily injuries were inflicted by the police, since he was scared.

Alexandre Samushia reports that he worked in the Ministry of Defense, though he was dismissed unreasonably. He was summoned in the Ministry of Interior in so called "Moduli Building" and was asked about whereabouts of firearms that were hidden by Bacho Akhalaia and Megis Kardava. On March 11, 2014, Alexandre Samushia was invited in police department unreasonably and by deceit police dropped narcotic

substance in his cold drink. Afterwards they made a drug test and he appeared drug positive. He was accused of robbery and detained. Alexandre Samushia opines that his fabricated case is a revenge from G.D. who is the head of Tbilisi main division.

Dimitri Kukhalashvili also alleges about physical and verbal abuse from the side of the police. Namely, on September 7, 2014 he was detained in Dinamo Arena by police officers of the IV unit of Didube-Chugureti police. On September 9, 2014 the prosecutor accused him as per Para 1, Article 353 of the Penal Code. Later on, he was discharged from the arrest upon the prosecutor's decision. On September 7, 2014 he together with a minor son wanted to attend a football game. He was drunk. He and a policeman had a conflict about a ticket. As a result, policeman dropped him on the ground and started to beat him in different parts of the body. One of the policeman pressed his hands on his neck, he could not breath, at the same time he heard the cry of his child was left unattended in a crowd. Examination report confirms injuries on his body. After mass media released information about the incident, General Inspection started to study the case. As far as we are informed, documentation was submitted to the same prosecutor who leads a criminal case initiated against Dimitri Kukhalashvili.

As reported by Ivane Gabuevi, on September 3, 2014 he was detained by employees of police division No.2. As he reports, in the moment of arrest and afterwards he was abused physically, namely he was beaten in the area of face and legs.

Ruslan Dumbadze states that in July-August 2014, police officers of Old Tbilisi division No.2 abused him verbally and physically. He is accused of theft. We applied to the Prosecutor's Office on February 12, 2015 for adequate response. Our application was sent to Old Tbilisi regional prosecutor's office for adequate reaction.

Nugzar Oniashvili was detained on September 30, 2015 by police officers of Isani-Samgori division No.2. As he reports, he and his friend were abused physically and verbally. He was accused of resistance to the police. Nugzar Oniashvili is in prison. We applied to the Prosecutor's Office about Oniashvili's case on March 11.

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