

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Publishes Important Findings it has obtained in the Case of Deprivation of Nika Kvintradze's Life

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Following May 26, GYLA has been actively working on the facts of human rights violations during

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the rally dispersal. In the nearest future, GYLA will publish a thorough report prepared about these issues. Together with other issues, the report

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also focuses on analysis of cases of deprivation of lives during the rally dispersal. While working on the cases of deprivation of lives of Nika Kvintradze and Suliko Asatiani, GYLA obtained important evidence producing substantiated doubts about the official version of the case published by the Ministry of Interior Affairs. Therefore, GYLA deems it expedient to inform public about the evidence in a timely manner and demand corresponding response from the authorities. *Namely,*

On August 17, with regard to the case of deprivation of life of Nika Kvintradze, GYLA asked DABS Fingerprints/Forensics Ltd1 to carry out forensic image comparison of photo and video materials allegedly showing the detention of Nika Kvintradze. For the purpose of image comparison and identification of an individual shown on the photo and video materials, we provided forensic expert Kenneth Linge2 with 1) video footage broadcasted by Rustavi 2; 2) photo where one of the witnesses supposedly identified Nika Kvintradze (photo N2); and 3) post-mortem and passport photos of Nika Kvintradze.

On August 26, DABS Fingerprints/Forensics Ltd provided us with the forensic image comparison findings (see the Annex). By means of a morphological comparison, it was determined that the passport image, the post-mortem photograph and image #4 (a photo still from the video footage broadcasted by Rustavi 2) are all of the same person. The forensic analysis found 7 similarities shown by the images, the most important being a significant swelling on the left temple, possibly resulting from a blow, shown by image N4 and the post-mortem photograph. Examination of the video footage revealed no evidence of any image tampering. Furthermore, the forensic analysis determined that the video material and the photograph where a witness supposedly identified Nika Kvintradze showed the same scene from different viewpoints. **Thus, the forensic image analysis confirmed that a person shown by the video and photo material recorded on the rally site was Nika Kvintradze and during the rally dispersal Nika Kvintradze was under the police detention.**

Clearly, the noted fact together with other evidence requires corresponding examination. However, findings of the forensic analysis produces a substantiated doubt about the official version released by the Ministry of Interior Affairs, alleging that Nika Kvintradze and Suliko Asatiani died as a result of electric shock they suffered on a roof of a shop located nearby the Freedom Square subway station. In consideration of the fact that findings of the forensic analysis confirm Nika Kvintradze's detention by the police during the rally dispersal (the video and photo materials show that he was cuffed) and the police was carrying out effective control of the territory throughout the May 26 night and during the parade, it is peculiar how Nika Kvintradze and a 60-year old Suliko Asatiani got on the roof of a shop located nearby the Freedom Square subway station.

In this regard, it is interesting that GYLA obtained a statement from a witness (we refrain from revealing the witness identity for safety concerns) who was hiding in the youth palace during the rally dispersal on May 26 and left the territory from the very same roof in the morning of May 26. In his statement the witness notes that he did not see any dead bodies on the roof.

Thus, findings of the forensic image analysis intensify suspicions about Nika Kvintradze being arrested by the police during the rally dispersal at the rally site and that he was subject to the police control. The fact that during the rally dispersal excessive use of force by the police was evident, resulting in serious health damages inflicted to participants, and the fact that a number of cases of inhumane treatment against detained rally participants have already been observed at police departments, produce substantiated doubts that Nika Kvintradze's death may have resulted from the use of force by the police. Correspondingly, if the fact of Nika Kvintradze's detention is proved, the state will be fully responsible for the case of deprivation of his life. In such case, the state will also be imposed with a burden of proof on how and under what conditions Nika Kvintradze's life was deprived.

In the view of the aforementioned conditions,

- GYLA is providing findings of the forensic image analysis to the prosecutor's office, asking it to adequately respond to the evidence submitted by us and provide public with corresponding explanation.
- GYLA demands the investigation to respond to all substantiated doubts in cases of deprivation of lives of Nika Kvintradze and Suliko Asatiani created, *inter alia*, after findings of forensic image analysis were revealed, and to this end, to publicize evidence that served as the basis for the investigation's findings.

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- GYLA demands the state to ensure fulfillment of procedural guarantees for carrying out independent, objective and effective investigation into the given case. To this end, GYLA calls on the state to undertake corresponding measures for dispelling doubts of public questioning impartiality of the investigation, and prosecute criminals involved.

In its final report that will be published in the nearest future, GYLA will thoroughly present additional factual circumstances it has obtained in cases of deprivation of lives of Kvintradze and Asatiani, during the rally dispersal or related to the dispersal.

Certainly, GYLA takes into consideration the situation that publication of this fact will create for Nika Kvintradze's family and expresses its concern that they will have to hear about these grave facts once again; however, in view of high public interest in the given case, we believe that public has an obligation to monitor the investigation and it has no moral right to refrain from evaluating facts of gross violation of rights.

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1 DABS Fingerprints/Forensics Ltd is a member of the British Association for Human Identification (BAHID) and the British Institute of Professional Photography, and registered in the UK Register of Expert Witnesses

2 Kenneth Linge BA. MSc., Fellow of the British Association for Human Identification (FBIPP)

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