



ხელმომწერი ორგანიზაციები 20-21 ივნისს
დაზარალებული პირებისთვის სტატუსის
მინიჭებას მოითხოვენ

THE SIGNATORY ORGANIZATIONS DEMAND TO GRANT A VICTIM STATUS TO PEOPLE INJURED ON JUNE 20-21

We, the signatory organizations, respond to the denial of granting legal status to the victims of June 20-21 events and we call upon the Prosecutor's Office to grant the victim status to all the injured people promptly and to conduct a timely, complete and objective investigation of the case.

According to official figures, 275 persons were injured on June 20-21, among them are 187 civilians, 15 journalists (according to various sources, the number of injured journalists is 32) and 73 employees of the Ministry of Internal Affairs. 28 persons needed surgery due to injuries, out of which, 8 underwent ophthalmologic surgery and 4 neurosurgery. [1] It is confirmed that 2 civilians lost an eye as a result of the injury, also, several victims suffered significant damage to their eyesight.

The Chief Prosecutor's Office of Georgia launched the investigation on possible abuse of power, by certain officials of the Ministry of Internal Affairs, with the use of force and weapons, during the dispersal of the rally and demonstrators, on June 20-21,

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2019, on Rustaveli Avenue, in Tbilisi. However, only 4 civilians were granted victim status. [2] The Prosecutor's Office, along with the others, refused to grant victim status to Mako Gomuri and Giorgi Sulashvili, who lost their eye after being hit by a rubber bullet. The victim status has not yet been granted to journalists, who sustained severe injuries, among them, neither Tamar Bagashvili, nor Irakli Khvadagiani, who was injured after the police detained him under the administrative procedure, was granted the victim status.

At the same time, the public was informed, that within the framework of the investigation carried out by the Ministry of Internal Affairs, 17 participants of the rally were charged and 67 employees of the Ministry of Internal Affairs are recognized as victims. [3]

According to the Prosecutor's Office, there is no legal basis for granting victim status. On one hand, the Prosecutor's Office confirms that "the mentioned persons were injured on June 20-21, during the termination of the protest rally and the medical documentation/information obtained on the case confirms the facts of health damage." However, the Prosecutor's office does not consider this to be sufficient ground for granting victim status and it is waiting for the results of the examination. According to the Prosecutor's Office, in order to grant the status of the victim, it is important for the expertise to determine the degree and the mechanism of health damage and the specific circumstance and basics of the use of active special means. The Tbilisi City Court has also refused to grant the status to the 16 victims. The court explained that, with the probable cause on the case, it is not established, that the crime had been committed and what crime has caused any kind of damage to the person. Regarding the refusal to grant victim status to Mako Gomuri, the Chief Prosecutor Shalva Tadumadze explained, that "the court has taken into account the legal mechanisms and the existing Georgian legislation. Accordingly she was not granted the victim status. If the legislation will change in this regard, then she will be granted the status of victim. Under current law, she cannot be granted the status of victim, therefore she does not have this status."

We would like to emphasize that the existing legislation explicitly establishes the legal basis for granting victim status. A victim is a person that has incurred moral, physical or material damage as a result of a crime. [4] Accordingly, when it is established that the crime has caused any kind of damage, the prosecutor is obliged to grant victim status to a person, regardless of whether the person, who has committed the crime

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has been identified. In the cases of June 20-21, it is explicitly established that some of the victims were injured due to the illegal use of rubber bullets, among them rubber bullets were used towards journalists, who were on the scene to cover the events. Some of the victims were injured when they were under effective police control. All the listed cases contain clear signs of crime.

The actions of the Court and the Prosecutor's Office confirm that the state does not want to acknowledge the harm inflicted on the civilians, including journalists, caused by the law enforcement officers, as a result of June 20-21 events, which casts doubt on the entire process of the investigation. Status of the victim during the investigation is not merely symbolic; by recognizing a person as a victim, access to the case file is given to the victim. Ultimately this is also one of the important guarantees of an objective and complete investigation. Given the arguments above,

We call upon the Georgian Chief Prosecutor's Office:

- To grant immediately victim status to all persons injured as a result of the events of June 20-21, as a result of law enforcement officers' actions;
- To conduct effective, objective and impartial investigation into the current case in a timely manner;
- To inform the society periodically on the progress of the ongoing investigation into the case taking into consideration the high public interest.

Signatory organizations:

Georgian Young Lawyers' Association (GYLA)

The Open Society-Georgia Foundation (OSGF)

Georgian Democracy Initiative (GDI)

Transparency International-Georgia (TI)

Human Rights Education and Monitoring Center (EMC)

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Society and Banks

Media Development Foundation (MDF)

Human Rights Center (HRC)

International Society for Fair Elections and Democracy (ISFED)

Tolerance and Diversity Institute (TDI)

Institute for Democracy and Safe Development (IDSD)

Rehabilitation Initiative for Vulnerable Groups (RIVG)

Partnership for Human Rights (PHR)

Governance Monitoring Center

Women's Initiatives Supporting Group (WISG)

The Green Alternative

Article 42 of the Constitution

[1] The letter (#01/13936 dated on August 1, 2019) of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia

[2] The letter (#13/70105 dated on October 4, 2019) of Prosecutor's Office of Georgia.

[3] The same.

[4] Paragraph 22 of Article 3 of the Criminal Procedure Code of Georgia;