



NGOs: Investigation of Kortsikheli incident is Ineffective

We the undersigned organizations consider the investigation of the incident in Kortsikheli as ineffective and call on the Ministry of Internal Affairs and the Chief Prosecutor's Office of Georgia to take adequate and timely steps in order to bring to justice all perpetrators and organizers of this violent act.

It has been more than a week since the violent attack that occurred on 22 May during

the local by-election in Zugdidi Municipality, however it is still unclear to the public at which stage the investigation actually stands, what procedural and investigative activities have been conducted to gain full information regarding the case and why the perpetrators of violent actions still are not being prosecuted. These questions are even more legitimate considering the fact that it is easy to identify specific perpetrators from the publicly accessible video footage of the attack.

Legal qualification of the incident is of importance as well. Investigation is presently ongoing under Article 125 of the Criminal Code, which concerns beating. However, the footage and information on the incident indicate that there was most likely a pre-organized action by a group of individuals whose violent actions go beyond just beating and constitute graver crime. It is necessary to qualify actions correctly, so that the incident gets adequate legal response. Correct legal qualification is also important for public trust towards the investigation and for individuals to cooperate with the investigative agencies. It is incorrect to qualify the present case as a “beating”, since this does not adequately represent the actual character and scale of the violent attack.

In addition, it has not been explained why the police did not prevent and/or timely stop the violence, and why enough police resource was not timely deployed.

Such passivity of the police and investigative agencies, their lack of will to investigate the crime and bring the perpetrators to justice, once again bring the question of the law enforcement system’s neutrality into spotlight. It must also be noted that measures previously taken by the police during peaceful and/or less violent rallies, including detention of activists, clearly show that the police and prosecutors use double standards. Passivity and ineffectiveness of the investigation cause perception of defenselessness and encourage violent tendencies in the society, which has been lately demonstrated in cases of various social groups. It is clear that the state provides no unequivocal and firm response to the acts of violence and responses by the state apparatus depend on political and other factors.

This is especially dangerous in the run up to the elections. If there are no even minimal security guarantees, it will be practically impossible to have free and competitive election campaign and free expression of popular will. Also, without safe environment, peaceful and democratic development of the country will be practically impossible.

Therefore:

- We call on the Ministry of Internal Affairs and the Chief Prosecutor's Office of Georgia to clarify on which stage is the investigation and what legal procedures are taking place regarding the case;
- We call for the investigation to be based on the article(s) of the Criminal Code which include all crimes that were possibly committed;
- We call for the legal measures envisioned by law to be used against the organizers and perpetrators of violent acts;
- We call on the Government of Georgia to discuss the strategy for safety measures and law enforcement agencies' efficiency during the pre-election period and the election.

Human Rights Education and Monitoring Center (EMC)

Georgian Democracy Initiative (GDI)

Article 42 of the Constitution

Partnership for Human Rights (PHR)

Media Development Foundation (MDF)

Tolerance and Diversity Institute (TDI)

Open Society Georgia Foundation (OSGF)

Transparency International Georgia (TI)

International Society for Fair Elections and Democracy (ISFED)

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Human Rights Center

Georgian Young Lawyers Association (GYLA)

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