



# **GYLA DEMANDS TIMELY INVESTIGATION OF ALLEGED OFFENCES COMMITTED BY POLICE OFFICERS**

**GYLA responds to the cases of prolonged investigations into alleged offences committed by police officers and calls on the Prosecutor's Office to timely carry out an objective and comprehensive investigation, identify and prosecute persons responsible thereof.**

**The investigation into the cases of alleged ill-treatment by police officers has been pending on three cases submitted to the GYLA's Adjara branch:**

1. On 26 July 2016, police officers of the MIA 6<sup>th</sup> Police Department of Batumi Police Division as a result of beating inflicted less severe bodily damage on I.K who was detained under the administrative law. On 6 September 2016, I.K was recognized as a victim, but the persons who committed the alleged offence have not been charged so far. I. K. indicated concrete individuals in the interrogation protocol who had assaulted

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



him verbally and physically. Although I.K says he is able to identify the offenders, and despite requesting thereof, no investigative action- identification of alleged offenders- has taken place.

2. On 25 August 2017, T.K. and L.B together with their transgender friends were in Batumi Boulevard when citizens showed aggression towards the transgender friends of T.K. and L.B. The latter tried to ease the situation, but the citizens directed their aggression towards them too - they swore at them, tried to hit them and told them how they dared protect transgender people. Due to the demonstrated attitude, T.K. announced loudly that he was going to call the police when he was approached by a man (one of the four men) standing nearby who was wearing a dark, short-sleeved T-shirt with the white inscription [REDACTED]A and told him that the police were standing nearby from the very beginning and there was no need to call them. As the individuals witnessing the incident later explained, throughout the whole confrontation, the men idling around were police officers who assaulted T.K. and L.B, arrested them under the administrative law and physically and verbally insulted them. Despite a number of requests, T.K. and L.B have not been recognized as victims so far and have not been given the opportunity to get acquainted with the case materials.

A serious problem with regard to the above case is the fact that the investigation into the case is carried out under Article 333 (3) (b) of the Criminal Code of Georgia (CCG) (exceeding the official powers by a public official using violence or weapon), which does not provide an adequate and comprehensive assessment of all circumstances which may be related to an incident. In the course of the investigation, law enforcement bodies must pay special attention to discriminatory motives of the crime, which is an aggravating circumstance under Article 53<sup>1</sup> of the CCG.

3. On 12 September 2017, M.G., M.I, N.V. and T.G. were arrested under the administrative law by police officers who physically and verbally assaulted the detainees. An investigation into the incident was launched by the Investigation Department of the Prosecutor's Office of the Autonomous Republic of Adjara. Despite the request, M.G., M.I, N.V. and T.G. have not been recognized as victims so far and they have not been given the opportunity to get acquainted with the case materials and therefore, they do not know what investigative actions have been conducted by the police.

**GYLA once again emphasizes the special responsibility of the State towards investigating any alleged facts of torture or inhuman treatment committed by police officers. When investigating any alleged offense committed by**

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**police officers, the State should make a special effort not to give rise to any questions about objective, impartial and efficient conduct of case proceedings.**

**GYLA urges the Prosecutor's Office to ensure a timely and comprehensive investigation of the cases indicated in the statement. Furthermore, taking into consideration the high public interest towards the investigation of the offences committed by the police, to disseminate the information on the stage of the investigation and criminal prosecution of the above-mentioned cases and any investigative actions carried out regarding the cases so far.**