

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA demands a comprehensive investigation into Zviad Mtavrishvili's death

GYLA responds to the [death](#) of Zviad Mtavrishvili on 15 April 2019, who died several days after the alleged violence carried out against him by police, and calls upon the Prosecutor's Office to conduct a timely and effective investigation, including determine the alleged responsibility of police officers regarding the fact.

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According to information disseminated through media as well as a family member of the deceased, on 22 March 2019, a police crew was called with respect to a fact of domestic violence. According to the sister of the deceased, upon entering the room, the police officers started talking rudely with Zviad. The law enforcers took Zviad Mtavrishvili to the police station for questioning. Upon returning home, Zviad Mtavrishvili complained of a headache and claimed that the policemen physically assaulted and beat him in his head. On the following day, Zviad Mtavrishvili's health condition deteriorated, namely, he started to develop severe headaches and memory problems. On 1 April 2019, he was brought unconscious to Gurjaani hospital where he was diagnosed with traumatic subdural hemorrhage, a coma. On the same day, Zviad Mtavrishvili was hospitalized to Tbilisi O. Gudushauri National Medical Centre. According to the certificate on the health status, Zviad Mtavrishvili was diagnosed with "Coma, a closed brain injury, left hemisphere traumatic subdural hemorrhage, head/brain contusion, interbrain structure dislocation and acute breathing insufficiency." On 15 April 2019, Zviad Mtavrishvili died in hospital.

Reportedly, the Kakheti Regional Prosecutor's Office is investigating the case under Article 333 (3) (b) of the Criminal Code of Georgia, which envisages exceeding of powers by using violence or weapon. GYLA represents the interests of the family of the deceased in the case and believes that the investigation should not be carried out into an abuse of official powers. In the conditions where a person, while being under an effective control of the State, sustained the injuries and there is a reasonable doubt that he was subjected to ill-treatment within the police premises, it is of crucial importance that the investigation be conducted pursuant to a relevant article (torture / ill-treatment) from the very beginning rather than the general article such as an official offence. In addition, the District Prosecutor's Office should conduct all relevant and necessary investigative actions in the framework of the ongoing investigation.

GYLA calls on the Prosecutor's Office:

- To ensure effective and comprehensive investigation into the death of Zviad Mtavrishvili in order to establish the alleged liability of the law enforcers, timely obtain the records of the video cameras installed inside and / or outside the police station, question all relevant witnesses and determine the cause of Zviad Mtavrishvili's death in an expedient manner;

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- To change the qualification of the criminal case and proceed with the investigation under the article of torture and / or inhuman and degrading treatment;
- To assign the family of the deceased the status of victims and ensure their effective involvement in the ongoing investigation process.

The given case once again puts into the agenda the necessity for an independent investigation mechanism, which will be equipped with a complete mandate to investigate such cases. Unfortunately, the Parliament of Georgia has postponed the enactment of the State Inspector Service due to organizational and technical works by July 2019.