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Crimes allegedly committed by law enforcement officers and the State's response to them - analysis of cases litigated by the GYLA

The Georgian Young Lawyers' Association has presented to the public a report analyzing 22 cases concerning crimes allegedly committed by law enforcement officers which are being litigated by the GYLA. The GYLA is providing legal assistance to a number of victims and victims' assignees who have stated that officers of law enforcement agencies, mostly of the police, committed criminal acts against them. The report evaluates the effectiveness of the State's response in terms of investigation of these crimes and identification and punishment of the perpetrators, as well as protection of the victims' rights.

The evaluation of effectiveness of investigation of crimes allegedly committed by law enforcement officers and the provision of this information to the public and relevant agencies aim at helping identify and eliminate the deficiencies in the investigation of crimes that may have been committed by law enforcement officers themselves. Due to these allegations, the public's interest in effective investigation of such crimes, as well as the interest of local and international organizations in identifying and holding the perpetrators to account, is especially high.

As a result of analysis of the 22 criminal cases litigated by the GYLA which concern crimes allegedly committed by law enforcement officers, we have identified the following main deficiencies and problems:

- In most cases, investigations into cases of beating and other violence by law enforcement officers are carried out ineffectively, which is usually manifested in protraction of investigation and, in some cases, in other deficiencies.
- As a rule, victims of crimes committed by law enforcement officers are refused the status of victim by relevant investigative agencies.
- Individuals who stated that they were subjected to beating or other ill-treatment at the hands of law enforcement officers – in some cases, due to resistance or disobedience to law enforcers – were themselves subjected to administrative liability, and in several cases criminal prosecution was also launched against them.
- In a number of instances, during examination of cases that concern administrative offences or criminal charges of disobedience to law enforcement officers, the factual circumstances are not investigated properly and court decisions are often solely based on identical testimonies of police officers.
- As a rule, testimonies of police officers enjoy a high degree of trustworthiness in courts, and, in most cases, the trustworthiness of such testimonies is not questioned by courts.

The ineffectiveness of investigations of criminal cases litigated by the GYLA which concern crimes allegedly committed by law enforcement officers demonstrates the necessity of creating an independent, neutral, and effective mechanism for investigating such crimes. The GYLA is going to continue to protect the rights of victims of crimes committed by law enforcement officers and to work for enhancing the effectiveness of investigations of the said crimes.