



20-21 ივნისის მოვლენები გამოუძიებელია

## The events of June 20-21 are uninvestigated

On June 20-21, 2019, systemic and individual cases of violations of human rights, given its scale, have left a heavy mark on the late modern period of the history of Georgia. Although one year has passed since these events, the Prosecutor's Office of Georgia has not yet carried out a systematic analysis of the events under investigation. It is noteworthy that none of the law enforcement officers have been punished so far and criminal prosecution is initiated only against three policemen. At the same time, the relevant agencies have not carried out the important reforms yet that would have prevented such facts.

The facts examined by GYLA [confirm](#) that on the night of June 20-21 the Ministry of Internal Affairs could not properly handle the tense situation, did not resort to resources of communication, negotiation, and dialogue to achieve de-escalation, and instead used mostly illegal and disproportionate force. In parallel with the tear gas, the Ministry of Internal Affairs illegally started using rubber bullets in the direction of the protesters. Rubber bullets were used against people from whom there was no danger. Also, in several cases, law enforcement officers fired rubber bullets at close range and in the direction of vital organs. On June 20-21, some individuals were

subjected to ill-treatment, both during and after their detention.

While they were under the effective control of the police and did not resist the law enforcement officers, the police used excessive and unnecessary force against them. Law enforcement officers also deliberately fired rubber bullets at representatives of the media, despite their identification badges. As a result, the representatives of the media have interfered with their professional activities. Accordingly, the events of June 20-21, 2019 were also marked by the scale of the violation of the rights of media representatives.

As a result, according to official data, on the night of June 20-21, 275 people received injuries of varying severity, most of them were civilians and journalists. At the same time, the Ministry of Internal Affairs massively used the practice of administrative detention of protesters, which resulted in the restriction of the freedom of 342 people and 121 of them were subjected to the most severe sanction - administrative imprisonment<sup>[1]</sup>

### **Ongoing investigation of the possible misuse of authority and weapons by certain officials of the Ministry of Internal Affairs**

Even though the Prosecutor's Office of Georgia soon launched an investigation into the June 20-21 events involving possible misuse of authority or weapons by certain officials of the Ministry of Internal Affairs, there has been no systematic analysis of the events and the identification of responsible persons. Investigative bodies have not yet carried out the important investigative actions necessary to restore the full picture of the events of June 20-21. Among them, the issue of the legality of the use of rubber bullets and the unlawful actions committed by the head officers in this regard are not properly examined.

Also, GYLA's communication with the prosecutor's office and the case [materials](#) studied by GYLA confirm that the Prosecutor's Office is focused on identifying the criminal actions of ordinary law enforcement officers and not defining the responsibility of those head officers who were responsible for controlling, managing and issuing relevant orders.

According to the information provided by the Prosecutor's Office, criminal prosecution has been initiated only against three employees of the Ministry of Internal Affairs within the framework of the ongoing investigation. Unfortunately, the Prosecutor's

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Office has not yet granted the status of victims to the most of the injured. Among them, only 3 out of 27 victims under the protection of GYLA (11 of whom are journalists) have been [granted](#) the status by this time. Despite the existence of the relevant status of the mentioned three persons, the Prosecutor's Office unjustifiably refuses them to [provide full information](#) on the case.

In addition to the fact that the Prosecutor's Office does not properly involve the victims in the process of legal proceedings, the objective and thorough investigation of the case also brings into question the fact that the Prosecutor's Office has not yet been able to confirm the causes of injuries and to obtain relevant expert's conclusions. Also, despite the high public interest, regular information about the progress of the investigation is not provided to the public. Thus, the dynamics of the current case regarding the events of June 20-21 show significant shortcomings within the investigation process.

In parallel with the ongoing investigation into the Prosecutor's Office, the investigation is also being conducted by the Ministry of Internal Affairs, which is studying the facts of alleged crimes committed by citizens. 69 people, including 68 law enforcers, are recognized as victims in the case and criminal prosecution has been initiated against 16 people so far. These statistics further raise questions about the impartial and objective conduct of the investigation by the Prosecutor's Office and provide a sense of selective approach.

## **Administrative Offense Code of Georgia - a tool of the policy regime**

On June 20-21, by using the Administrative Offenses Code, the practice of mass arrest of protesters by employees of the Ministry of Internal Affairs and the court hearing of the cases of detainees was once again demonstrated that the applicable Administrative Offenses Code is an instrument for unjustifiably restricting the right to peaceful assembly and demonstration, which does not ensure the impartial and fair hearing of a case. In the absence of improper procedural guarantees, the hearing of a case under this Code from the moment of administrative detention to the last instance court hearing will result in a violation of the fundamental rights of detainees and also pose a high risk of ill-treatment. Nevertheless, the state has not yet taken any positive steps to implement a fundamental reform of the Administrative Offenses Code. On the contrary, Georgia retains existing legislation that allows using it for political purposes and is an illegal tool of the policy regime.

Given all the above, GYLA calls on once again:

**Prosecutor's Office of Georgia:**

- Timely conduct an effective, objective, and impartial investigation into the events of June 20-21, 2019, and the actions taken against the injured during the rally, including representatives of the media.
- Carry out all the important investigative actions necessary for carrying out the systematic analysis of the events of June 20-21 within the framework of the current criminal case;
- Properly examine the legality of the use of rubber bullets in the framework of investigation and, in this regard, the alleged illegal actions committed by the head officers;
- Focus on investigating not only the alleged crimes committed by ordinary law enforcement officers but also the possible responsibilities of senior head officers, in planning and carrying out the rally, including former Minister of Internal Affairs Giorgi Gakharia;
- Properly investigate the facts of ill-treatment of protesters during and after their detention, to identify the signs of alleged crimes in the actions of law enforcement officers and to impose appropriate measures of responsibility on them;

- To grant the status of victims to the protesters, as well as ordinary passers-by who happened to be on the territory of the rally and the representatives of media and ensure their effective involvement in the investigation;
- To be entitled to access the full materials of the criminal case to three persons under GYLA's protection who have been granted victim status in the framework of the investigation.
- In parallel with the misuse of authority, the investigation should be continued under Article 144<sup>3</sup> of the Criminal Code, which deals with inhuman and degrading treatment, as well as under Article 154, according to which unlawful interference with the journalist's professional activities is punishable.
- Provide the public with information on the progress of the investigation and the conducted investigative actions given the high public interest in the ongoing criminal case.

### **Parliament of Georgia**

- Carry out a fundamental reform of the Code of Administrative Offenses, which will replace the existing legislation with a new code following the Constitution and international standards and complete the practice of its use for political purposes as an instrument of the police regime;
- Abolish administrative imprisonment as a form of sanction for an administrative offense;
- Distribute the procedural rights guaranteed to the accused by the Criminal Procedure Code for misdemeanors of a criminal nature under the Administrative Offenses Code.

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[1] See full version of the report of GYLA - "Beyond the Lost Eye". Available at: <https://bit.ly/3eOKQs6>