



The Prosecutor's Office still does not grant the victim status to people injured as a result of the events of June 20-21

The Prosecutor's Office again refused to grant the victim status to the 23 persons injured as a result of the events of June 20-21, 2019, whose interests are protected by GYLA. GYLA appeals to the court against the refusal of the Prosecutor's Office and demands to grant appropriate legal status to the injured people. Without official granting of the victim status, these individuals lack the possibility to be effectively involved in the proceeding, to get acquainted with the case file and to control the effectiveness of the steps taken by the Prosecutor's Office for timely investigation of the case.

As it is known to the public, the Investigation Unit of the Georgian Chief Prosecutor's Office is investigating the criminal case, which concerns the fact of possible abuse of power with the use of force and weapon against the participants of the rally on June 20-21, 2019 (Subparagraph "b" of Paragraph 3 of Article 333 of the Criminal Code).

Within the framework of the mentioned case, in 2019, GYLA has already demanded to grant the victim status to the injured persons, however, neither the Prosecutor's Office nor the court satisfied the demand. According to the Prosecutor's Office and the court, they refused to grant the victim status mainly because the results of the examination regarding the injuries at the time of demanding the status were not known. Later, out of the mentioned persons the Prosecutor's Office granted the victim status only to Mako Gomuri and Giorgi Sulashvili, however, despite granting the status, neither they nor GYLA's lawyers were given the opportunity to get acquainted with the case file in full.

Despite the fact that almost a year has passed since the launch of the investigation, the Prosecutor's Office refuses to grant the victim status to the 23 persons this time as well on the grounds of the non-existence of examination report and it explains, that *"even an indisputable fact of receiving health injury taken separately cannot be considered as the only, imperial basis for recognizing victim, because at the same time it must be determined whether the action causing harm is a crime."*

GYLA believes that the repeated refusal to grant the status to the persons injured on June 20-21 by the Prosecutor's Office is illegal and groundless. The current legislation explicitly defines the legal basis for granting the victim status, according to which, a victim is a person that has incurred moral, physical or material damage as a result of a crime. Accordingly, when it is established that a criminal act has caused any kind of damage, the prosecutor is obliged to grant the victim status to a person, regardless of whether the person, who has committed the crime has already been identified. In the cases of June 20-21, it is explicitly established that some of the injured persons received the injuries as a result of illegal use of rubber bullets, among them rubber bullets were used towards journalists, who were on the scene to cover the events. Some of the injured persons received the injuries when they were under the effective control of the police. All of the above cases contain obvious signs of crime and create prerequisites for granting the victim status.

The dynamics of the case of June 20-21 also indicate that the investigation conducted by the Prosecutor's Office is characterized by certain deficiencies. Besides the fact that the Prosecutor's Office does not involve the injured persons properly in the proceeding, the objective and thorough investigation of the case is called into question also by the fact that the Prosecutor's Office has so far failed to confirm causes of the injuries of the injured persons and to obtain the relevant examination

findings.

GYLA hopes that the court will satisfy the submitted complaint and the injured persons will be granted the victim status. If the investigation of the case continues without proper involvement of the injured persons and significant changes, GYLA will appeal to the European Court of Human Rights to protect their interests.

¹Paragraph 22 of Article 3 of the Criminal Procedure Code of Georgia.