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CSOs call on the State Inspector to Petition the Prosecutor's Office to Relinquish Tsurtsumia's Case to Her Office

The under-signatory CSOs believe that the January 2, 2020 crime committed against Murad Tsurtsumia, 24 years-old young man, must be investigated by the State Inspector Service. Therefore, we call on the State Inspector, to use her authority under the legislation and petition the prosecutor office to relinquish the case to her office for further investigation.

In accordance to the Article 19 Part I A of the Law of Georgia on the State Inspector Service, investigation jurisdiction of the State Inspector Service applies to the crimes of torture, threat of torture and degrading and inhuman treatment committed by the representatives of the law enforcement body. In accordance to the sub-paragraph A of the same article, the State Inspector shall also investigate other

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crimes committed by the representatives of law enforcement body, officers or persons equal to them which caused the death of a person and when committing it, this person was in the temporary detention isolator or in penitentiary institution or in any other place, where he/she was forbidden to leave the place against his/her will. The mentioned provision of the law, in any case, covers the case, when a representative of the law enforcement body restricted freedom of an individual and did not allow him/her to freely move about.

The goal of the mentioned provision of the law and the main idea of the creation of the State Inspector [] Service in general was to ensure effective and timely investigation of the crimes committed by law enforcement officers. During years, one of the main recommendations of the local organizations and international partners was to ensure investigation of similar crimes by independent and politically neutral investigative body.

In order to combat the attempt to subordinate the investigation over similar cases to investigative bodies, the State Inspector holds significant legal leverages, namely they are: if the State Inspector [] Service is informed that any investigative body investigates a criminal case which falls under the jurisdiction of the State Inspector [] Service, the Inspector is authorized to request access to case files and submit well-ground petition to the supervisor prosecutor to relinquish the case to her office for further investigation. If the supervisor prosecutor considers it is unreasonable to hand over the case to the State Inspector [] Service, the latter is authorized to petition the Prosecutor General of Georgia within 24 hours. The proposal of the State Inspector or his/her deputy shall be considered within 24 hours time. It is noteworthy that concrete circumstances of the case, namely what kind of injuries the victim had, whether the person was under effective control of a law enforcement officer, or what was the purpose of the defendant to commit a crime, shall be determined in the process of investigation and it is essential that the investigation was conducted by the institution, who enjoys more trust in the society.

Considering the abovementioned circumstances, we cannot agree with the statement of the State Inspector [] Service, which states that the prosecutor [] office is investigating the case under the articles, which are not under the jurisdiction of the Inspector [] Service. In order to avoid granting incorrect or disputed qualification to the crimes committed by other investigative bodies, the law-maker allowed the State Inspector [] Service to study the case files and petition the prosecutor [] office to

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relinquish the case to his/her office. For example, if we follow the allegation of the State Inspector [] Service, their office would not have investigated the case of Sandro Girgvliani either, because the investigation was launched under the Articles 117, 143 and 333 of the Criminal Code of Georgia.

Considering the abovementioned, on the one hand, we call on the State Inspector to enjoy her authority under the law and petition the prosecutor [] office to relinquish the case to her office for investigation, and on the other hand, the prosecutor [] office shall immediately hand over the case to the State Inspector's Service.

- Georgian Democracy Initiative (GDI)
- Human Rights Education and Monitoring Center (EMC)
- Human Rights Center (HRC)
- Transparency International Georgia (TI)
- International Society for Fair Elections and Democracy (ISFED)
- Georgian Young Lawyers' Association (GYLA)
- Open Society Georgia Foundation (OSGF)
- Institute for Development of Freedom of Information (IDFI)