



Joint statement by NGOs concerning the process of investigation of the case of murder of two underage persons on Khorava Street

We, the undersigned organizations, would like to once again comment on the process of the investigation that was carried out and continues regarding the case of the murder of two underage persons on Khorava Street. We consider important the establishment and activities in Parliament of Georgia of the Temporary Investigation Commission into the Case of the Murder of Two Youngsters as a Result of the Crime Committed on Khorava Street in Tbilisi on 1 December 2017. The questioning of the representatives of the investigative agencies and other persons at the commission sessions have once again clearly confirmed the legitimacy of the questions that the public has with regard to this case.

The investigation of the murder committed on Khorava Street has aroused a feeling among the public that the process is being artificially skewed, and has once again brought up, in a pressing manner, the issue of undue influence on the process of administration of justice. The principally important actions which were not taken at all

or were carried out incorrectly during the investigation obstructed the establishment of the truth concerning the case, hampered the fair administration of justice and essentially undermined the trust of the injured party as well as the public towards the investigation process.

The Khorava Street case turned out to be the episode which has shown the scale of the systemic and complex problems and has become a basis of a powerful public protest. Despite certain steps taken by the investigative agencies, the feeling that still prevails among the public is that persons responsible for skewing the investigation process have not been identified and held responsible.

The efforts of the Public Defender concerning this case are important. In the [statement](#) made after an in-depth study of the case, the Public Defender said that the actions of the investigation were likely to be of criminal nature. Despite this, we still have questions with regard to the case to which, we believe, the investigative agencies should provide comprehensive answers. Specifically:

1. Why did the investigative agencies fail to carry out a whole range of necessary investigative measures regarding M. K.? Including the following:

a) While the testimonies given by witnesses confirmed that, after the fight, there were red stains resembling blood on the clothes of M. K. and the video recording that featured in the case and the testimony by M. K.'s brother, Luka Kalandia, confirmed that the latter threw the red-stained clothes into a maintenance hole in the vicinity of their apartment block, why was not M. K.'s residence searched?

b) Why did the investigators not try to find the clothes that M. K. wore during the incident?

2. When the forensic analysis of the 12 wounds on the deceased Davit Saralidze's body carried out by the defence raised suspicions that they were inflicted using different weapons, why was there no intensive investigation carried out to establish possible culpability of other perpetrators of the crime or accomplices?

3. Why was the main person involved in the first conflict that occurred in the restroom, D. G., questioned only on the 13th day after the crime had occurred rather than during the very first days of the investigation? It is also suspicious that one of the participants of the fight, T. N., was, too, questioned belatedly.

4. Why did the Ministry of Internal Affairs and then the Prosecutor's Office not question the parents - father, Mirza Subeliani, and mother, T. K. - of the main participant of the confrontation between the teenagers, A. S.? The investigators did not question A. S.'s aunt and M. K.'s mother, L. K., either.

From the outset, the investigators had video footage of Mirza Subeliani and T. K. visiting the Kalandia family and leaving their residence, which confirms the movement of vehicles with the aim of hiding M. K. and G. J., after which Mirza Subeliani and M. K.'s father, Tengiz Kalandia, left the residence of the Kalandias together. In addition, the investigation never looked into Mirza Subeliani's allegedly criminal actions while Tengiz Kalandia, for the actions similar to those of Subeliani, was quickly charged with concealing a crime whereas the latter faced criminal charges for a failure to report a crime six months after the crime.

5. Why was the investigation unable to document the exact measurements of the shed? Were the members of the investigating team informed about the dismantling of the shed, who gave the permission to dismantle it and why?

6. Why did the investigation not question all the witnesses who were present, saw or had any kind of information about the crime? Why did the investigators not obtain all video recordings which could show the route of the teenagers after the murder?

7. Why did the investigation not study the phones and social network activities of the participants of the confrontation which were, in all likelihood, used to plan their meeting? According to the investigator, the phones were not confiscated in order to conduct subsequent covert investigative measures, however, the investigative agencies did not carry out covert investigative measures concerning the confrontation participants.

8. Why was an investigation not initiated concerning one of the clash participants, G. M., being wounded in the back and why was a person who wounded G. M. not identified considering the fact that the investigation knew about G. M. being wounded

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as early as on 2 December? G. M. himself confirmed that he was wounded by a person wearing a green jacket, which was corroborated by the witnesses as well. It is noteworthy that the investigation also knew that D. G., an underage participant of the clash, wore a green jacket.

9. Why did the investigation not pose all the necessary questions to the expert, for example, regarding the number of objects which were allegedly used to inflict injuries on Davit Saralidze?

10. Are investigative measures being carried out to identify and hold accountable the officials whose inaction or purposeful action created obstacles to the investigation and complicated the administration of justice on this case?

11. We also have questions for the agency which conducted forensic expertise on the case, specifically:

- a) Why did the expert fail to protect the object of examination from being damaged?
- b) Why did the expert not envisage a possibility of damage to one of the key pieces of evidence, namely, the weapon of murder of Davit Saralidze - the knife, and why was the expert examination not conducted in the environment in which such damage would not occur?
- c) Was it possible to prevent the piece of evidence from being damaged?

It is our opinion that the law enforcement bodies must provide exhaustive answers to all the questions listed above.

At the same time, we call on the law enforcement bodies to direct their efforts at identifying and holding responsible the persons who obstructed administration of justice on the case either purposefully or inadvertently, by negligence or by failing to obtain and/or concealing evidence.

Otherwise, the failure to provide answers to these questions will make us think that, despite a powerful public protest and fair demands, there is no strong political will within the system for taking appropriate steps to establish the truth and to identify the persons who have allegedly influenced and skewed the process of the

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investigation.

Georgian Democracy Initiative (GDI)

Transparency International Georgia (TI)

Human Rights Center (HRC)

Institute for Democracy and Safe Development (IDSD)

Georgia's Reforms Associates (GRASS)

Human Rights Education and Monitoring Center (EMC)

Georgian Young Lawyers' Association (GYLA)

Media Development Foundation (MDF)

International Society for Fair Elections and Democracy (ISFED)

Institute for Development of Freedom of Information (IDFI)

Rehabilitation Initiative for Vulnerable Groups (RIVG)

Article 42 of the Constitution