



კოალიცია

დამოუკიდებელი და გამჭვირვალე
მართლმსაჯულებისათვის

Nongovernmental Organizations Call for Reforming the Repressive Drug Policy and the Police System

The Coalition for an Independent and Transparent Judiciary and the National Platform for Drug Policy react to the Kutaisi City Court decision on the case of induced suicide committed by Demur Sturia and the criminal case of the band Birzha Mafia pending at Tbilisi City Court.

On the day of the band Birzha Mafia's arrest, the court acquitted the policeman who was a defendant in Sturia's suicide case. This decision stirred justified protest by the public. Injustice was seen in the fact that in the grave suicide case the court did not even establish the fact of abuse of power by the police. In the case of musicians the court assigned pre-trial detention to defendants despite the extremely dubious grounds of the criminal case. The developments that followed the case of musicians and some politicians' statements were followed by the court changing the preventive measure, thereby confirming that in this particular case the justice bodies were

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politicized.

For many years the law-enforcement system was challenged by cases of ill-treatment and abuse of power by policemen. There were also numerous cases in which undesired persons were isolated by charging drug-related crimes. The practice was systemic in the past. Regrettably, allegations of drug-planting became topical in the last few months. The repressive drug policy, which was created as a part of the “zero tolerance” policy, still allows police and the Prosecutor’s Office to put pressure on citizens with an aim to achieve illegal goals.

Unfortunately, until now adequate measures have not been taken to eradicate the syndrome of impunity within the law enforcement body. The violations committed by policemen have not been adequately addressed. The government does not agree to create a truly independent investigative body. The court does not perform its controlling functions, thereby stimulating harmful practices such as falsification of evidence, ungrounded restriction of human rights, etc.

The above two cases clearly reflect these general tendencies. Only as a result of powerful public protest did the Prosecutor’s Office start an investigation of alleged abuse of power by policemen. This shows that justice sector bodies do not function properly and their actions mostly depend on attitudes of politicians and public opinion. Correspondingly, the trust of the society in rule of law is undermined.

Against this background it is critically important to avoid a situation in which complex problems are diminished and instead only certain policemen’s violations are addressed. While reflecting on these issues, both repressive drug policies and the need to reform law enforcement and justice sector bodies have to be discussed. The political statements on liberalizing drug policies have to be timely transformed into specific legal reforms. Also, the government’s actions should not be limited to changes in the drug policy.

Considering all of the above it is critically important:

- To adequately analyze the issues. This means that high political officials have to adequately assess the problem, which is deeper than drug policies and has systemic roots;
- To thoroughly reform the judiciary with an aim to create an independent and

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competent bench that is free from influences of political groups, executive branch and law enforcement bodies;

- To thoroughly reform the law enforcement system with an aim to create a modern police force and minimize risks of ill-treatment and abuse of power by policemen;
- To revise the existing repressive drug policy with an aim to shift the focus from punishing and isolating individuals to the rehabilitation and resocialization of persons in need;
- To create an independent investigative mechanism that will be authorized to conduct investigation and prosecution of crimes allegedly committed by representatives of law enforcement.