

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Calls for Effective Investigation of Tsikhisdziri Incident

GYLA responds to the April 24 incident in the village of Tsikhisdziri, Kobuleti Municipality, in which officers of Senaki Military Police allegedly abused local population verbally and physically on religious grounds.

As witnesses explain in a [video-footage](#) posted on netgazeti, military police officers stopped and frisked several individuals and demanded their identification cards. One of the citizens recalls that the militaries pressed a weapon against his throat and threatened to shoot him in his forehead if they found that he was not a Christian. The

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military officers were allegedly driving official vehicles - white pickup trucks - in the village of Tsikhisdziri and made threats to kill one of the village dwellers with the use of their duty weapon. It is particularly alarming that victims were first abused on alleged religious grounds by public officers and military police officers in particular, by abusing their official powers. These actions of military police officers is in conflict with the Georgian legislation and the responsibilities of a military officer.

GYLA welcomes the fact that the Ministry of Defense acted in a timely manner and dismissed three military police officers involved in the incident; further, criminal proceedings were brought against them. These officers clearly acted in violation of criminal law.

Further, the footage suggests the incident also involved abuse on religious grounds, which amounts to violation of one of the fundamental human rights. For future prevention of similar crimes, it is important that perpetrators are prosecuted.

We welcome the fact that according to the statement released by the office of the prosecutor on April 18, investigation has been launched under para.2a and para.3 of Article 239 (hooliganism) and para.3b and 3c, Article 333 (abuse of official power) of the Criminal Code of Georgia. However, in addition to the criminal actions envisaged by the foregoing Articles, the incident also involved a crime committed on religious grounds. Therefore, we believe that the investigating authorities must also look into alleged violations of Article 117 (inflicting grave damage to health intentionally, motivated by religious intolerance), Article 118 (inflicting less serious damage to health, motivated by religious intolerance), Article 126 (violence motivated by religious intolerance) and Article 142 (violation of equality of humans) of the Criminal Code of Georgia. Qualification of crime must be duly substantiated.

GYLA calls on the office of the prosecutor to carry out an objective and timely investigation. Hereby, we would like to also highlight once more the importance of correct legal qualification of crime.

In view of the highly sensitive issue involved and also, in consideration of the fact that the right to religion is one of the fundamental human rights, GYLA will closely monitor the investigation.