



GYLA's Special Statement

One of the key directions of GYLA's activities is monitoring of the operation of law enforcement agencies. Based on the received information we used to demand launch of investigation on the alleged police offences. GYLA especially focuses on the cases where citizens report about physical or other type of violence from the side of law enforcement representative. We regret that in nearly all cases with alleged police offence investigation either did not start or started with delay and was conducted inadequately and ineffectively. Obviously, such attitude creates high risk of increasing such offences.

For the past period several individuals have applied to GYLA and complained about the facts of physical and verbal abuse from the side of the police. One of them reported about torture. In each case GYLA's lawyers met with citizens individually. Written, detailed explanation provided by them contains signs of various criminal offences envisaged by the Penal Code and they need to be investigated immediately.

Lasha Shatirishvili was detained by officers of Rustavi Police, unit #3 on December 24, 2013. He was accused of Para 2, clause a) Article 260 of the Penal Code of Georgia, envisaging storage of great amount of narcotics. As it follows from his allegations, in the course of detention, police officers abused him verbally and physically. Moreover, they threatened to put narcotic substance to him, in case he disclosed the fact. Rustavi city court applied imprisonment as preventive measure in Shatirishvili's case. The medical record of Rustavi city hospital and injuries observed by the doctor while taking the detained in penitentiary establishment confirm the trace of physical violence on the body of the applicant.

Irakli Tsuladze was detained by the officers of Tbilisi main police department on November 18, 2013 in the vicinity of Varketili region. As he reported police officers had abused him verbally and physically. They also put narcotic substance. Tbilisi city

court applied imprisonment as preventive measure in Tsuladze's case. Injuries observed by the doctor, while taking the detained in penitentiary establishment confirm the trace of physical violence on the body of the applicant.

G.K. was detained by the police officers of Tbilisi #5 unit of the Police on September 24, 2013 and similar to other two cases, he was abused verbally and physically. Injuries observed by the doctor while taking the detained in penitentiary establishment confirm the trace of physical violence on the body of the applicant.

As it follows from David Chachua's statement, he had been detained and taken by the police officers to Vake-Saburtalo police department early in the morning on January 19, 2014. As he, reports, initially police officers abused him physically and afterwards released him from the police office.

Giorgi Jikurashvili also reports about the facts of verbal and physical abuse from the side of the police. As it follows from his statement, he was forced to confess guilt that he had not committed. In addition, in his statement, G. Jikurashvili also reports about one of the prosecutor's conduct containing signs of criminal offence.

GYLA is especially concerned about the information provided by Shio Kobidze. According to his allegations, on October 27, 2013 at 2 a.m. he was detained and moved to Old Tbilisi Police Department. As Kobidze reports, he was subjected to torture in the Police, namely 4-5 individuals beat him severely, pressed him with a pen in the wound, used bad language and threatened him with using "brooms". Moreover, they promised to make him invalid. The expert opinion issued by Levan Samkharauli National Bureau of Forensic Expertise confirms the traces of physical violence. As it follows from S. Kobidze's information, his friend, also detained with him, witnessed the fact of his torture. The applicant notes that for the past three months he, jointly with his lawyer has been requesting launch of investigation, yet in vain.

GYLA considers that the information contains signs of criminal offences, including the grave offence, and investigation needs to start immediately.

In the case *Dikme v. Turkey* (paragraph 78) the ECtHR stated that where an individual is taken into police custody in good health but is found to be injured at the time of release, it is incumbent on the State to provide a plausible explanation of how those

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injuries were caused. Police, however, failed to submit credible explanations on any of the given facts. Moreover, though explicitly provided by the law, no investigation was launched in certain cases.

Order #34 of July 7, 2013 of the Ministry of Justice directly prescribes that police offence shall be investigated by the investigators of the prosecution. GYLA calls on the General Prosecutor's Office to conduct effective and impartial investigation on each of the submitted information. If the offence is confirmed, each individual involved in the case shall be brought to justice within the frames of the law. Moreover, the government should think about effectiveness of applicable rule of investigative jurisdiction of criminal cases and on creation of better mechanism by the Parliament at the legislative level in terms of investigation of offences committed by law enforcement representatives.