

არასრულწლოვნის გამოკითხვაში ის გამომძიებელი  
მონაწილეობდა, რომელიც ე.წ. ყინწვისის  
სპეცოპერაციის გახმაურებულ საქმეშიც ფიგურირებს

## The investigator who interviewed the juvenile also participated in a high-profile case of so-called Kintsvisi special operation

The Georgian Young Lawyers' Association is engaged in a case of psychological abuse against a juvenile from the police officers that allegedly led the teenager to attempted suicide.

On December 16th, 2019, the investigator Mariana Choloyan made explanations on the case on the Imedi TV morning program. She was involved in the process of juvenile interrogation on December 10th and 11th, 2019. According to her explanation, there was no violence against the juvenile.

It is noteworthy that the investigator, Marianna Choloyan, also appears in the case of Nikoloz Gogvadze detained during the so-called Kintsvisi special operation on May 26th, 2011.

According to the factual circumstances of the Goguadzes' case, he was detained on May 26th, 2011, during the so-called Kintsvisi special operation, adjacent to the Kintsvisi monastery complex. After his detainment, law enforcement officers took him first to Kareli and then to the Tbilisi Main Division. In both divisions, he was subjected to physical violence and psychological pressure with a purpose to punish and obtain a confession from him. According to Goguadze's explanation, he was interrogated as a witness at the Main Division by investigator Choloyan, who later compiled a protocol of his detention and personal search. According to Nikoloz Goguadze's explanation who is under GYLA's protection, in parallel to his interrogation, ill-treatment towards him was continuing, namely, two persons in a civilian uniform periodically were taking Goguadze to another room where he was physically assaulted and then they were returning him to Choloyan's room. Despite the ill-treatment towards Goguadze, in this case, Choloyan did not confirm in front of the court as a witness the fact that the latter had been beaten. At the same time, according to Choloyan's protocol of arrest and personal search, the actual time of Goguadze's arrest is indicated on May 27th, 2011, despite the fact that law enforcement officers detained Goguadze at about 11 am on May 26th, 2011.

The detainment of Goguadze on 26th May 2011 and his ill-treatment were at the same time determined by the judgment of the European Court of Human Rights on 27th June 2019.

According to the judgment of the European Court: "The Government conceded that the applicant was under their effective control on 26-27 May 2011 and he sustained numerous physical injuries during that period. [...] Taking into consideration the evidence in the case and the applicant's complaint, the Court considers that these injuries were the result of the ill-treatment he received on the day of his arrest. Accordingly, the Court finds that there has been a violation of Article 3 [prohibition of torture] of the Convention. Despite the fact that in so-called Kintsvisi case, the European Court of Human Rights has found violations of rights, investigations at the national level are still unsuccessful, and no persons have been charged by the investigative body so far with allegations of ill-treatment against Goguadze.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The factual circumstances of Nikoloz Goguadze's case, including the role of the investigator, Mariana Choloyan in the present case, call into question her explanations on the juvenile case.

The fact that no law enforcers have been prosecuted in the case of Nikoloz Goguadze makes it clear that usually the crime committed by the police remains unpunished and fails to be investigated. GYLA still hopes that the Office of the State Inspector, whose investigative mandate has been effective since November 1st, 2019, will be able to properly handle the function entrusted to him/her and lead the juvenile case investigation to an end.

GYLA addresses the Office of State Inspector:

**- In the course of the investigation, thoroughly inspect/investigate the content of Mariana Choloyan's publicly disclosed statements and their validity, provided that this investigator's explanations given on the so-called Kintsvisi case and the authenticity of the compiled documents had not been confirmed.**