

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Statement on Ministry of Internal Affairs' “Response”

The Georgian Young Lawyers Association is responding to the “response of the Ministry of Internal Affairs (MIA) to the accusations expressed during the course of manifestations” that was posted on MIA’s official web-site.

The MIA stated that “victims did not apply to the police” regarding specific incidents of violence.

GYLA reminds the Ministry of Internal Affairs of the requirements of Article 261 of the Criminal Procedural Code of Georgia, according to which: “an investigator/ a prosecutor shall initiate criminal proceedings within his/her competence if s/he gets information about a crime committed”. Under Article 263 of the mentioned Code “preliminary investigation shall be opened based on information about a crime committed”. Such information can be passed by individuals or legal entities, state or local self-governing bodies, public officials, operative-investigative bodies or can be obtained through mass-media.

GYLA emphasizes the fact that in several cases, patrol police cars were patrolling in the areas where activists of political parties were physically assaulted. Thus, police eye-witnessed the violations and had to react.

In addition, information about the concrete incidents was also available from the reports of the Georgian Public Defender. Therefore, the MIA officials had all the necessary information about the concrete incidents and did not have to wait for the victims to apply with complaints.

The statement of the Ministry about the incident that took place at 23:00 on April 11th on Rustaveli Avenue, saying that it was “too short and therefore, did not require interference from the police” is also unacceptable. Moreover, that according to the MIA information, during this incident a group of street-cleaners “were assaulted” and “computers and sound equipment were smashed”. Georgian Young Lawyers’ Association considers this statement as unacceptable.

Under Georgian Law on Police, as well as according to Order No.1310 of the Minister of Internal Affairs dated from 15 December 2005, it is a direct obligation of patrol police to safeguard public order and prevent crimes. This includes an obligation “to protect those participating in peaceful manifestations, demonstrations and massive assembly of citizens”.

GYLA calls upon the Ministry of Internal Affairs to ensure the safety and security of the demonstrators; prevent crime; immediately investigate each incident of physical assault and hold those patrol policemen responsible who neglected their obligations.