



კოალიცია
დამოუკიდებელი
და გამჭვირვალე
მართლმსაჯულებისთვის
Coalition for
an Independent and
Transparent Judiciary

THE PARLIAMENT POSTPONES THE APPROVAL OF THE INVESTIGATIVE POWERS OF THE STATE INSPECTOR FOR THE FORTH TIME

On 28 June 2019, the Parliament of Georgia supported the draft bill [initiated](#) by Mamuka Mdinaradze, David Matikashvili, Anri Okhanashvili, Vano Zardiashvili, Rati Ionatamishvili, and Goga Gulordava, based on which the approval of the investigative powers of the State Inspector was [postponed](#) for the fourth time already until **November 1, 2019**. As anticipated, due to the processes prior to the adoption of the law, the statements made by the State Inspector and documents obtained by the NGO sector, the reason for the postponement is the lack of finances that the Georgian Government has not made available for almost a year for ensuring the logistics and staffing of the Service.

The “Coalition for an Independent and Transparent Justice”, as well as the Public Defender of Georgia, since 21 July 2018 (the adoption of the Law of Georgia “On the State Inspector's Service”) have constantly and persistently provided evidence and [reminded](#) relevant state agencies of the importance to timely and effectively launch the independent investigative mechanism.

The urgent necessity to timely and effectively enact the State Inspector's Service has become obvious with respect to alleged violations committed by law enforcement

during the public assembly of 20-21 June 2019, in front of the Parliament building, during and after the detention of the protest rally participants (305 persons were arrested). It has been reported that the Chief Prosecutor's Office of Georgia launched an investigation under Article 333, paragraph 3 (b) of the Criminal Code of Georgia - the provision to which the investigative authority of the State Inspector's Service would have applied if the funds had been allocated and the Service had launched its operations in a timely manner.

Due to the mistrust of the society and the impunity of law enforcers, the non-governmental sector has been requesting to set up the mechanism for years. According to the internal statistics, more than 50 violations were reported and relevant applications were sent to the Prosecutor's Office in [2017-2019](#). However, no one has been charged yet.

The Coalition is alarmed by the Georgian government's failure to comply with the requirements of the law and international obligations, which has served as the ground for the fourth postponement of the enactment of the independent investigative mechanism.

Apart from the requirement for the timely approval of the Service, we would like to remind the public, the executive and legislative authorities of Georgia of the [discrepancies](#) that exist in the model of the State Inspector provided by law:

- **The mandate of the Service** - the current law completely **excludes** from the mandate of the Inspector the authority to conduct investigations into violations allegedly committed by the **Minister of Internal Affairs of Georgia** and **Head of the State Security Service of Georgia**. The events that developed on 20 June 2019 clearly showed how unreasonable and illogical is to remove from the scope of the Service those individuals in whose hands the power is accumulated and therefore the risks of power abuse and influencing the investigation is high.

- **Scope of the Service** - under the current law, criminal persecution is still the authority of the Prosecutor's Office, which significantly weakens the operational independence of the State Inspector. The Service must at least have the power to conduct an investigation without the prosecutorial supervision.

- **Offences that can be investigated by the Service** - it is necessary to broaden the list of the offences within the investigative jurisdiction of the State Inspector which

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



is envisaged by the Law of Georgia “On the State Inspector” and remove special provisions from the draft law which prevent a case from falling within the jurisdiction of the investigative powers of the new agency. Furthermore, in any case, where there is a suspicion about the irrelevant determination of a charge in a specific case, the State Inspector should automatically acquire the superior jurisdiction.