



საქართველოს შინაგან საქმეთა სამინისტრო
MINISTRY OF INTERNAL AFFAIRS OF GEORGIA

№ 49223

06/01 2017.

Mr. Bjørn Engesland, Secretary General, Norwegian Helsinki Committee

Ms. Brigitte Dufour, Executive Director, International Partnership for Human Rights

Ms. Justina Tylaite, Director, International Elections Study Center

Ms. Stefanie Schiffer, Chair of Board, European Platform for Democratic Elections

Dear Mr/Ms,

In response to your letter regarding the investigation over the attack on international Elections Observers in Jikhashkari, Georgia, the Ministry of Internal Affairs of Georgia is pleased to share with you some information within the competence of the Ministry.

The letter has cited three distinct issues around Jikhashkari incident.

First, you are concerning that police investigation was not relevant to the offence took place in Jikhashkari.

It should be noted that initial investigation has been launched by the Zugdidi Police Division under the Article 163 of the Criminal Code of Georgia, which implies - Interference with the work of Election Commission. However, certain investigation proceedings made it clear and police has additionally launched investigation under the first paragraph of the Article 162¹ of the Criminal Code of Georgia, which implies - to battery and other forms of violence inside the polling station.

Incident, which we are briefly describing below, disrupted the elections and expressed violence into the polling station.

Alleged offenders Mr. Giorgi Mkheidze and Mr. Manuchar Gabechava, accompanied with other at this stage unidentified persons invaded into the polling station, verbally abused commission members, scattered the ballots and walked over. Alleged offenders took away international observers Mr. Paskal Messerly and Mrs. Shorena Messerly's cell phones and physically attacked to Ms. Palina Bakhtina.



Therefore, Mr. Giorgi Mkheidze was charged under the Article 163 of the Criminal Code of Georgia and Mr. Manuchar Gabechava under the first paragraph of the Articles 162¹ and 163 of Criminal Code of Georgia.

The Ministry of Internal Affairs of Georgia confidently declares, that the first paragraph of the Article 162¹ and the Article 163 of Criminal Code of Georgia directly address to the nature and gravity of the offense committed in Jikhashkari's #79 polling station. However, in accordance to the criminal legislation of Georgia, Prosecution Office represents the most competent authorities to discuss even more deeply about legal qualification of the charges against the alleged offenders Mr. Giorgi Mkheidze and Mr. Manuchar Gabechava.

Second, you considered that Internal Inquiry Proceedings carried out by the General Inspection of the Ministry represent neither an administrative or criminal proceedings and concerned that gravity of the Jikhashkari case was not properly assessed.

October 12, 2016 the General Inspection of the Ministry has started the Internal Inquiry Proceedings of the improper performance of duties of certain Police Officers.

According to the inquiry the following was established: October 8, 2016, on the day of elections, four officers of the Ministry of Internal Affairs were assigned to the #79 polling station in Jikhashkari, Georgia.

To have assessed the conducts of the police officers, international observers Mr. Paskal Messerly and Mrs. Shorena Messerly were interviewed. The observers noted that vote count procedure was disrupted because police force was not enough against the flow of people invaded into the polling station. Inspector-Investigator, Kakha Nanava tried to interfere alleged offenders actions, but due to unequal forces he could not avoid raid. Pascal Messerly pointed that when he was cuffed, he gestured the policeman to take his cell phone away from him, but police officer could not assist to the observer, because in these circumstances it would be risky from the aggressors – explained Paskal Messerly himself. Also, Shorena Messerly stated that when she addressed to the police officers for specific requirements the police officers did not act promptly.

Assigned Police Officers were also interviewed. They rejected claims raised by observers and stated that no one applied them for the assistance.

Assigned Police Officers, on the other hand, described that flow of people invaded the polling station and they could not avoid raid. Since the assigned Police Officers were instructed not to leave the place of deployment, Kakha Nanava still left the area due to the noise of the nearby station. Hereby, Kakha Nanava did not notice the flow of people towards the #79 polling station.

Inspector-Investigator Kakha Nanava could not respond promptly and failed to inform Police Officials operatively for an additional forces.

As the result of internal inquiry, Police Officers – Kakha Nanava and Zviad Gardava’s performance and non-performance have been evaluated as official misconduct - an administrative offence and in disciplinary both were convicted with “Reprimand”.

Internal Inquiry conducted by the General Inspection of the Ministry represents Administrative Proceedings. According to these proceedings, General Inspection, while applying disciplinary sanction analysis all relevant circumstances together – gravity of misconduct, result of misconduct, employee's personality and merit. In case the General Inspection reveals the elements of the criminal offense, under the Police Law of Georgia, it is obliged to transmit certain materials to the Office of the Chief Prosecutor for further investigation. In relation of the assigned Police Officers, violation of the Criminal Code of Georgia was not revealed.

Third, you are interested weather the government, local or central was involved in the attack on polling station #79 in Jikhashkari.

Under the investigation, carried out by the Zugdidi Police Division, government officials’ involvement was not established.

Investigation of the incident, that took place on the polling station #79 in Jikhashkari, due to its importance has been taken under the Minister’s personal control. We would like to express our appreciation to Ms. Justina Tylaite, Director, International Elections Study Center and to Ms. Palina Bakhtina, Mr. Paskal Messerly and Mrs. Shorena Messerly - Representatives of Norwegian Helsinki Committee, for their cooperation and assistance to the investigation. Zugdidi Police Division is still intensively investigating this case and they are applying all necessary measures to establish the truth about the offence committed at the polling station #79 in Jikhashkari.

We hope you will find this information helpful.

For further discussion, please, don’t hesitate to contact to the Ministry of Internal Affairs of Georgia.

Sincerely,

Deputy Minister
Shalva Khutsishvili

