

APPENDIX IV

Statistics of 2011

Battery – Torture

In 2011, Investigation was commenced on 20 criminal cases based on article 144¹ of CCG.

Investigation was interrupted on 11 criminal case (including 5 case, which were commenced in 2011)

Prosecution was launched towards 3 policemen, including one case finished with condemned verdict based on article 144¹ of CCG. On the act of rest 2 policemen act qualification was changed on the article 333 of CCG and finished in 2011 with condemned verdict.

In 2011, Investigation was started on 9 criminal cases, based on article 144³ of CCG. Investigation was interrupted on 3 criminal case (including 2 which was commenced in 2011) One person was condemned to be guilty based on article 144³ of CCG.

Within the context of battery-torture, prosecution was commenced towards 2 employees of Kutaisi prison #2 based on article 333, and they were found guilty in 2011.

In 2011, 2 employees of Sighnaghi unit were condemned to be guilty based on article 333 of CCG.

In 2011, 2 employees of Mtskheta unit were condemned to be guilty based on article 333 of CCG.

In addition, in 2011 based on article 342 of CCG ex-director of Kutaisi #2 unit was found guilty and criminal responsibility was appointed.

In sum, Article 144¹- 3 prosecution, 1 sentence;

In sum Article 144³- 0 prosecution, 1 sentence;

In the context of Battery and torture- article 333 of CCG, prosecution – 2 cases, Verdict 6 (4 policemen + 2 Prison Employees)

In 2011, investigation was started on 1 case based on article 335 and investigation was finished on the same case.

	144 ¹ Torture	144 ¹ Torture towards private person	144 ³ Inhuman treatment	144 ³ Inhuman treatment towards private persons	333 Exceeding Official Powers	335 Giving Evidence or Submitting Opinion under Duress	118 Less Serious Damage to Health on Purpose	332 Abuse of Official Authority
Investigation commenced	20 ¹		9 ²			1		
Investigation interrupted	11 (5 - 2010)		3			1		
Trial hearing								
Verdict was found (cases)	1			1				
Verdict was found (persons)	1			1				
Criminal responsibility (persons_	3							
Criminal responsibility towards policemen	3							
Criminal responsibility towards prison employees								

¹ West Georgia- 5, Kvemo kartli - 5, Shida Kartli-1, Kakheti-3, Samegrelo 3, Adchara -2, Tbilisi -1

² Kakheti _2, West Georgia -3, Adchara 2, Samegrelo-1,

Verdict was found towards policemen	1							
Verdict was found towards prison employee.								

Statistics 2012

Battery-Torture

Investigation started towards employees of Ministry of Internal Affairs of Georgia (MIA):

Criminal Code of Georgia:

Article 144¹ - 2 facts

Article 144² - 0 fact

Article 144³ - 9 facts

Article 332 - 26 facts

Article 333 - 98 facts

Investigation started towards employees of penal institutions:

Criminal Code of Georgia:

Article 144¹ - 21 facts

Article 144² - 0 fact

Article 144³ - 93 facts.

Article 332- 1 fact

Article 333 - 46 facts.

TOTAL SUM:

In Sum, investigation started based on the following articles of Criminal Code of Georgia:

Article 144¹- 23 facts

Article 144²- 0 facts

Article 144³- 105 facts

Article 332- 109 facts

Article 333- 171 facts

Prosecution started based on the following articles of Criminal Code of Georgia

Article 144¹- Towards 17 persons

Article 144²- Towards 0 persons

Article 144³- Towards 22 persons

Article 332- Towards 44 persons

Article 333- Towards 36 persons

Trial hearing was appointed on the following article of Criminal Code of Georgia: (data from 1 January 2012 till 30 September 2012)

Article 144¹-towards 3 persons

Article 144²- towards 0 persons

Article 144³- towards 1 person

Article 332- towards 83 persons

Article 333- Towards 10 persons

Investigation stopped on the following articles of Criminal Code of Georgia:

Article 144¹- 9 facts

Article 144²- 0 facts

Article 144³- 5 facts

Article 332- 37 facts

Article 333- 45 facts

Statistics – 2013 -2014

Statistical dates regarding prison staff:

In 2013 3 cases were initiated under Article 144(1); 9 cases – under Article 144(3); 3 cases – under Article 332 (misuse of official power) and 23 cases under Article 333.

In 2013 48 employees of the penitentiary establishment have been prosecuted for the torture and inhuman treatment of the inmates. Among them were former heads of the Penitentiary Departments and their deputies, 8 heads of the penitentiary establishment and their 8 deputies.

In total in 2013 verdict has been reached against 31 prison staff members (a plea bargain was concluded only with 13 defendants), out of which 28 persons have been found guilty of ill-treatment (Under the charge of Article 144 (1) of the CCG 9 person were convicted; under the charge of Article 144 (3) of the CCG 24 person were convicted); 2 persons have been found guilty of the crime prescribed by Article 376 of the CCG (non-reporting of crime) and 1 person was acquitted. As to the measures of punishments they varied from nine months to seven years. All convicts have been additionally sentenced to deprivation of right to occupy an official position from period of 1 up 3 years.

In 2014 investigation under Article 144(1) has been initiated in 2 cases, under Article 144(3) in -2; under Article 333 – 15 cases.

6 persons were prosecuted under Article 144 (1) and 2 persons were prosecuted under Article 333.

During the 2014 a guilty verdict has been reached against 9 persons (to avoid any misunderstanding regarding numbers please take into consideration that in majority cases one accuser was prosecuted under several Articles of the CCG or for the several episodes): under article 144(1) 8 persons; under article 144(3) -1 person; under article 333-1 person; the majority of them were sentenced to deprivation of liberty up to 6 years.

statistical dates regarding police officers:

In 2013 totally 3 cases were initiated under Article 144(1), among them one case was initiated on the crime committed before 2013;

4 cases – under Article 144(3);

21 cases – under Article 332 (misuse of official power), among them 9 cases were initiated on the crime committed before 2013;

174 cases under Article 333; among them 88 cases were initiated on the crime committed before 2013;

In 2013 29 employees, including high officials of the Ministry of Internal Affairs (hereafter police officers) have been prosecuted for the torture and inhuman treatment of the detainees.

14 persons were prosecuted under Article 144 (1);

4 persons were prosecuted under Article 144 (1);

2 persons were prosecuted under Article 147 (intentional unlawful arrest)

7 persons were prosecuted under Article 332;

10 persons were prosecuted under Article 333.

In total in 2013 verdict has been reached against 8 police officers, among them 5 were acquitted. One was found guilty under the charge of Article 332 and 2 under the charge of Article 333.

In 2014 totally 95 cases were initiated under Articles 332 and 333, among them 3 cases qualified by article 332 and 92 cases qualified under Article 333 was initiated on the mistreatment facts committed during 2014;

In 2014, 27 employees of the Ministry of Internal Affairs (hereafter police officers) have been prosecuted for the torture, inhuman treatment of the detainees and other related crimes.

3 persons were prosecuted under Article 144 (1);

4 persons were prosecuted under Article 144 (1);

7 persons were prosecuted under Article 147 (intentional unlawful arrest)

25 persons were prosecuted under Article 333.

During the 2014, a guilty verdict has been reached against 10 police officers.

3 persons were found guilty under the charge of Article 144 (1);

3 - under the charge of Article 144 (3);

7 - under the charge of Article 333;

7 under the charge of Article 143 (unlawful deprivation of liberty)

3 - under the charge of Article 138 (Sexual Violence).

Once more please take into consideration that in majority cases one accuser was prosecuted under several Articles of the CCG or for the several episodes under the same Article of the CCG.

Since 1 January 2013 till 30 June 2013, the investigation has commenced on 221 facts according to article 332 of Criminal Code of Georgia (*hereinafter "CCG"*), on 188 facts according to article 333 of CCG, on 6 facts according to article 144¹ of CCG, on 13 facts according to article 144³ of CCG and there was not any investigation commenced based on article 144² of CCG.

Since 1 January 2013 till 30 June 2013, the Prosecution has commenced towards 68 person based on article 332 of CCG, towards 65 person based on article 333 of CCG, towards 33 people based on article 144¹ of CCG, towards 28 people based on article 144³ of CCG and there was not any prosecution commenced based on article 144² of CCG.

During the period from 1 January 2013 till 30 June 2013:

- Investigation was interrupted on 56 fact regarding to the article 332 of CCG, from which on 39 facts based on article 105, paragraph 1, subparagraph "a" of Criminal Procedural Code of Georgia (Hereinafter CPCG), on 10 facts based on article 105, paragraph 1, subparagraph "e" of CPCG, on 1 fact based on article 105, paragraph 2, subparagraph "b" of CPCG, on 2 facts based on article 105, paragraph 2, subparagraph "l" and on 4 facts based on article 105, paragraph 3 and article 168¹ of CPCG.
- Investigation was interrupted regarding to the article 333 of CCG, from which on 36 facts based on article 105, paragraph 1, subparagraph "a" of CPCG, on 16 facts based on article 105, paragraph 1, subparagraph "e" of CPCG and on 3 facts, based on article 105, paragraph 1, subparagraph "l" of CPCG.
- Investigation was interrupted on 2 facts regarding to article 144¹ of CCG based on article 105, paragraph 1, subparagraph 'a" of CPCG, and investigation was interrupted on 4 facts regarding to article 144³ of CCG on the same basis. There was not any investigation interrupted regarding to the article 144² of CCG.

Since 2012 October, Prosecutor's office of Georgia does not make update of statistics regarding to the cases referred to the criminal court of Georgia.

Contact with policemen and prison employees

During the period from 1 January 2013 till 30 June 2013, towards the employees of Ministry of Internal affairs of Georgia investigation was started based on article 144¹ of CCG in 5 cases;

Based on article 144³ in 4 cases and there was not investigation commenced based on article 144², based on article 332 investigation was commenced on 72 facts and based on article 333 of CCG on 131 facts.

During the abovementioned period, towards the employees of Ministry of Corrections and legal assistance of Georgia investigation was commenced based on article 144¹ of CCG in one case, based on Article 144³ of CCG in 7 cases, there was not investigation commenced based on Article 144², and investigation commenced on 3 facts based on article 332 and on 15 facts based on article 333 of CCG.