

## **ANNEX II**

### **Statistics of 2011**

#### **Battery – Torture**

In 2011, Investigation was commenced on 20 criminal cases based on article 144<sup>1</sup> 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 144<sup>1</sup> 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 144<sup>3</sup> 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 144<sup>3</sup> of CCG.

Within the context of battery-torture, prosecution was commenced towards 2 employees of Kutaisi prison #2 based on article 333 (Case of Ramaz Pataraiia), 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. (Case of Tsintsabadze)

In sum, Article 144<sup>1</sup>- 3 prosecution, 1 sentence;

In sum Article 144<sup>3</sup>- 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.

	<b>144<sup>1</sup></b> <b>Torture</b>	<b>144<sup>1</sup></b> <b>Torture towards private person</b>	<b>144<sup>3</sup></b> <b>Inhuman treatment</b>	<b>144<sup>3</sup></b> <b>Inhuman treatment towards private persons</b>	<b>333</b> <b>Exceeding Official Powers</b>	<b>335</b> <b>Giving Evidence or Submitting Opinion under Duress</b>	<b>118</b> <b>Less Serious Damage to Health on Purpose</b>	<b>332</b> <b>Abuse of Official Authority</b>
Investigation commenced	20 <sup>1</sup>		9 <sup>2</sup>			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								

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

<sup>2</sup> 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 144<sup>1</sup> - 2 facts

Article 144<sup>2</sup> - 0 fact

Article 144<sup>3</sup> - 9 facts

Article 332 - 26 facts

Article 333 - 98 facts

Investigation started towards employees of penal institutions:

Criminal Code of Georgia:

Article 144<sup>1</sup> - 21 facts

Article 144<sup>2</sup> - 0 fact

Article 144<sup>3</sup> - 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 144<sup>1</sup>- 23 facts

Article 144<sup>2</sup>- 0 facts

Article 144<sup>3</sup>- 105 facts

Article 332- 109 facts

Article 333- 171 facts

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

Article 144<sup>1</sup>- Towards 17 persons

Article 144<sup>2</sup>- Towards 0 persons

Article 144<sup>3</sup>- 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 144<sup>1</sup>-towards 3 persons

Article 144<sup>2</sup>- towards 0 persons

Article 144<sup>3</sup>- 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 144<sup>1</sup>- 9 facts

Article 144<sup>2</sup>- 0 facts

Article 144<sup>3</sup>- 5 facts

Article 332- 37 facts

Article 333- 45 facts

## Statistics – 2013 First Half

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 144<sup>1</sup> of CCG, on 13 facts according to article 144<sup>3</sup> of CCG and there was not any investigation commenced based on article 144<sup>2</sup> 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 144<sup>1</sup> of CCG, towards 28 people based on article 144<sup>3</sup> of CCG and there was not any prosecution commenced based on article 144<sup>2</sup> 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 168<sup>1</sup> 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 144<sup>1</sup> of CCG based on article 105, paragraph 1, subparagraph "a" of CPCG, and investigation was interrupted on 4 facts regarding to article 144<sup>3</sup> of CCG on the same basis. There was not any investigation interrupted regarding to the article 144<sup>2</sup> 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 144<sup>1</sup> of CCG in 5 cases;

Based on article 144<sup>3</sup> in 4 cases and there was not investigation commenced based on article 144<sup>2</sup>, 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 144<sup>1</sup> of CCG in one case, based on Article 144<sup>3</sup> of CCG in 7 cases, there was not investigation commenced based on Article 144<sup>2</sup>, and investigation commenced on 3 facts based on article 332 and on 15 facts based on article 333 of CCG.