

The State Inspector's Service, based on the law on "the State Inspector's Service" has been exercising the powers of an independent investigative body since November 1, 2019. The investigative jurisdiction of the Service extends to alleged crimes committed by a representative of law enforcement agency, a civil servant or a person equal to them.

Article 19 (1) of the above-mentioned law provides the lists of the crimes under the investigative jurisdiction of the State Inspector's Service. In particular, the Service investigates the following crimes defined by the Criminal Code of Georgia, committed by civil servants or a person equal to them:

- Torture (Article 144¹ of the Criminal Code of Georgia);
- Threat of torture (Article 144² of the Criminal Code of Georgia);
- Degrading or inhuman treatment (Article 144³ of the Criminal Code of Georgia);
- Abuse of official power, committed using violence or a weapon, or by offending personal dignity of the victim (Article 332, section 3, subsections "b" and "c" of the Criminal Code of Georgia);
- Exceeding official power committed using violence or a weapon or by offending personal dignity of the victim (Article 333, section 3, subsections "b" and "c" of the Criminal Code of Georgia);
- Coercion to provide an explanation, testimony or opinion (Article 335 of the Criminal Code of Georgia);
- Coercion of a person placed in a penitentiary establishment into changing evidence or refusing to give evidence; as well as coercion of a convicted person in order to interfere with the fulfilment of his/her civic duties (Article 378, section 2 of the Criminal Code of Georgia);
- Other crimes committed by the representatives of law enforcement body, officers or persons equal to them which caused the death of a person and when committing it, this person was in the temporary detention isolator or in penitentiary institution or in any other place, where he/she was forbidden to leave the place against his/her will by a representative of a law enforcement body, an officer or a person equal to him/her, and/or this person was otherwise under the effective control of the state.

For the purpose of effective and unbiased investigation of the crimes falling under its jurisdiction, the State Inspector's Service actively cooperates with the Office of the Public Defender, non-governmental organizations and relevant public agencies.

Crime reports are sent to the State Inspector's Service from various sources, including from the Office of the Public Defender and the Special Penitentiary Service of the Ministry of Justice.

Crime reports are also received from accused/convicts indicating possible acts of violence from the penitentiary establishments. Information regarding death of inmates and of detainees placed in the penitentiary establishments of the Special Penitentiary Service is provided to the Service round the clock. The State Inspector's Service immediately launches investigations into the reports indicating signs of crime.

With respect to the facts mentioned in the letter of Mr. Melzer, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the forgoing possible facts do not contain signs of the crimes falling under the investigative jurisdiction of the State Inspector's Service. Nor has the Service received any information as regards the circumstances mentioned in the letter with respect

to alleged involvement of civil servants, including from the Office of the Public Defender. Therefore, the Investigative Department of the State Inspector's Service does not investigate the above-mentioned facts.

For further information on the activities of the State Inspector's Service, please see the links of the 2019 and 2020 activity reports of the Service that provide detailed information on the activities of the Service in the framework of its authority.¹

¹ 2019 Activity Report of the State Inspector's Service

<https://stateinspector.ge/uploads/files/report-on-the-activities-of-the-state-inspectors-service-2019.pdf>

2020 Activity Report of the State Inspector's Service

<https://stateinspector.ge/uploads/files/engpersonaldata2020.pdf>