



# FEMICIDE MONITORING REPORT 2018

PUBLIC DEFENDER OF  
GEORGIA | 2020





PUBLIC DEFENDER  
(OMBUDSMAN) OF GEORGIA



UN JOINT PROGRAMME  
FOR GENDER EQUALITY



# FEMICIDE MONITORING REPORT 2018

PUBLIC DEFENDER OF GEORGIA | 2020

**Author of the methodology:** Tamar Dekanosidze

**Criminal Cases and statistics were analyzed by:** Giorgi Gotsiridze and Nino Iakobidze

UN Women is a United Nations agency working on the promotion of gender equality and empowerment of women. The purpose of the foundation of the organization was to protect the interests of women and girls around the world and to meet their priorities. UN Women supports the UN Member States in the development of universal standards of gender equality; cooperates with governments and civil society in the process of developing legislations, policies, programmes and services in compliance with the mentioned standards. UN Women promotes women's equal participation in all spheres of life and particularly focuses on five main areas: increasing women's leadership and participation in public life; elimination of violence against women; ensuring women's participation in all aspects of peace and security processes; economic empowerment of women; integration of the principles of gender equality, as an important priority, in the planning of country's development and budget. In addition, the organization coordinates and promotes gender equality-related activities within the UN system. The views expressed in this publication belong to the author and may not express the views of UN Women, the United Nations or any of its member organizations. The document was prepared with the financial support of the Swedish government within the framework of the UN Joint Programme for Gender Equality in Georgia.

© (UN Women)

# CONTENT

Introduction	3
1. Research Methodology	4
2. Statistics on Femicide/Attempted Femicide	6
3. Challenges at the Investigation Stage	10
3.1. Collection of evidence	10
3.2 Recognition as a victim	11
3.3 Application of measures of restraint	11
3.4 Determination of the gender motive	12
3.5 Studying pre-history of violence	12
4. Analysis of Rulings/Resolutions on Termination of Criminal Prosecution and Investigation	13
5. Shortcomings at the Trial Stage	14
5.1 Application of Article 53 <sup>1</sup> in femicide/attempted femicide cases	14
5.2 Circumstances taken into account by the court during imposition of the sentence	15
Conclusion	16
Recommendations	16
Annex №1: Statistics of the General Prosecutor's Office of Georgia	18

# INTRODUCTION

Despite steps and positive changes taken by the state to combat violence against women and domestic violence in recent years, the prevention of gender-motivated killings of women, and the effective enforcement of justice and law enforcement functions in such cases, remain challenging.

The Public Defender of Georgia, based on a specially developed methodology, has been monitoring femicide cases since 2016. The purpose of the monitoring is to analyze each case of gender related murder, attempted murder and incitement to suicide, in order to identify the shortcomings of the mechanism for protection of victims of violence, to further refine and develop these mechanisms.

The Public Defender, in accordance with the developed methodology, analyzed in details the cases of femicide in 2014-2017 and developed relevant recommendations for the agencies.<sup>1</sup> The Public Defender welcomes that part of the recommendations issued have been implemented, which has improved victim protection and assistance mechanisms. One of the most important recommendations of the Public Defender was to determine femicide as a gender-motivated crime separately in the Criminal Code.

In response, significant amendments were introduced in the Criminal Code in 2018. In 2019, the Tbilisi City Court applied Article 109 (2, “f”) of the Criminal Code for the first time, with regard to the murder of an ex-wife and mother-in-law on December 22, 2018.

In accordance with the recommendation of the Advisory Board<sup>2</sup> set up under the Femicide Monitoring Mechanism, the Public Defender monitored the cases of 2014-2018, with the aim of assessing the dynamics of the administration of justice and statistics, measuring the progress made and identifying existing gaps.

The cases of femicide and attempted femicide in 2018 were analyzed within the framework of the 5-year monitoring report, however, taking into account the recent trends, we considered it necessary to issue a separate report.

This report is a special report developed by the Office of the Public Defender of Georgia under the Femicide Monitoring Mechanism. The crimes analyzed in the report are committed in 2018. We express our hope that the presented findings and recommendations will be taken into account in the planning and implementation of the state policy against femicide.

---

1 Femicide monitoring reports for 2016 and 2017 are available on the following websites: <https://bit.ly/39DNi1L>; <https://bit.ly/2waW6yw> [last visited on April 1, 2020].

2 Information is available on the website: <http://www.ombudsman.ge/geo/femitsidze-zedamkhedvelobis-meqanizmis-sakonsultatsio-sabchos-shesakheb> [last visited on March 11, 2020].

# 1. RESEARCH METHODOLOGY

The methodological framework for monitoring gender-related killings of women (femicide) was developed by the Office of the Public Defender, which we also used in the preparation of this report<sup>3</sup>.

For the purposes of the study, based on the context in Georgia and based on the Latin American Model Protocol,<sup>4</sup> the Public Defender uses the following definition of femicide:

*Femicide is a gender related killing of a woman, in other words, killing of a woman the motive or context of which is related to gender-based violence, discrimination, or subordinate role of a woman, manifested by a sense of entitlement to or superiority over women, by an assumption of ownership of women, by controlling her behavior or any other reason related to gender, also incitement to suicide based on the above grounds.*

The fact that a woman is murdered does not automatically mean that a femicide was committed. According to the Latin American Model Protocol for the investigation of the gender-related killings of women femicide constitutes when murder or the death of a woman is linked to a

woman's gender, in particular, there must be some indication that the motive or context for the killing was related to gender-based violence and/or discrimination.<sup>5</sup>

As for the motive of crime, during the analysis of court cases, we considered the following signs of the motive of femicide important for the present study, namely:

- Discriminatory or sexist attitude towards the victim;
- Sense of entitlement;
- Control of the behavior;
- Demanding obedience to stereotypical gender roles.<sup>6</sup>

Disobedience to and going against the gender roles assigned to the victim is seen as the reason/motive for the perpetrator to commit the crime.

The monitoring of femicide cases was carried out in three stages. **The first phase of the study** involved requesting statistical information and convictions related to femicide and femicide attempts from common courts,<sup>7</sup> as well as requesting statistical information, decrees on prosecution and termination of investigations from the General Prosecutor's Office of Georgia.

3 "Femicide Monitoring Report: Gender related killings of women" Analysis of 2016 Criminal Cases, Public Defender of Georgia 2017

4 Latin American Model Protocol for the Investigation of Gender-related Killings of Women (femicide/feminicide); High Commissioner for Human Rights, Latin American Office, ISBN 978-9962-5559-0-2, pp. 13-14.

5 Latin American Model Protocol for the Investigation of Gender-related Killings of Women (femicide/feminicide); High Commissioner for Human Rights, Latin American Office, ISBN 978-9962-5559-0-2, pp. 13-14.

6 Detailed information on methodological issues can be found in the 2016 Femicide Monitoring Report. pp. 6-10. Available online at: <https://bit.ly/2KrEn9k> [last visited on April 23, 2020].

7 We have requested information regarding the Articles of the Criminal Code of Georgia, which are applied for the qualification of the femicide cases, in particular: Intentional killing (Article 108), Intentional killing under aggravating circumstances (Article 109), Intentional murder in a state of sudden, strong emotional excitement (Article 111), Intentional infliction of grave injury, that caused death (Article 117.2), Incitement to suicide (Article 115), Articles 19, 108 and 19, 109 of the Criminal Code (attempted crime). In 2018, Article 117.1 of the Criminal Code was added to the list of articles - Intentional serious damage to health, i.e. bodily injury that is dangerous for life, and Article 118.2, an intentional less grave bodily injury which has caused the loss of life, where femicide can also be detected.

In addition, we have requested court rulings in relation to articles of criminal law which, where possible, could also identify different types of femicide. In particular, rape of a woman that caused death of a person affected (Article 137.4.b), Another action of a sexual nature that caused death of a person affected (Article 138.3.b), Illegal abortion resulting in death (Article 133.3), Sterilisation without consent that caused death (Article 133<sup>1</sup>.3), Female genital mutilation that caused death (Article 133<sup>2</sup>.3), Human trafficking that caused death (Article 143<sup>1</sup>.4.b), Torture that caused death (Article 144<sup>1</sup>.3.c). Nevertheless, none of the cases were considered under these articles. Letter №3-811-19 of the Supreme Court of Justice of Georgia of 14.05.2019.

**During the second phase** of the study, convictions obtained from the first instance and appellate courts were analyzed to identify a femicide or attempted femicide.

**On the third stage of the study**, we requested full case materials on verdicts on femicide and attempted femicide cases selected according to the methodology from all three court instances; we have also requested information on the mentioned cases from the Ministry of Internal Affairs to identify shortcomings in the administration of justice.<sup>8</sup>

The Office of the Public Defender received 31 verdicts from the common courts. Out of these judgments, only 17 cases were assessed as femicide and attempted femicide. A total of 16 criminal cases were analyzed. In one case only the sentence was assessed.<sup>9</sup> There were 6 cases related to the killing of a woman, 10 cases related to the attempted killing, one case considered by the Batumi City Court related to the completed murder of one woman and the attempted murder of another woman by one and the same man.

Out of the cases related to the killing of a woman, one decision was made by the Gori District Court, one by the Batumi City Court, two by the Rustavi District Court, and three by the Tbilisi City Court, respectively. Out of the analyzed cases of the attempted murder, the majority - 6 cases fall on the Tbilisi City Court, two - on the Zugdidi District Court, one - on the Samtredia District Court, one - on the Kutaisi City Court, and one - on the Batumi City Court, respectively.

Decrees/decisions submitted to the Office of the Public Defender of Georgia by the General Prosecutor's Office of Georgia on termination of investigation or prosecution on killing/attempted killing of women in 2018, in total 6 cases, were also analyzed to reveal femicide/attempted femicide.<sup>10</sup>

The statistical information cited in the study is based on an analysis of case materials obtained from the courts. Therefore, the statistics provided in the report should not be construed as accurate statistics on the number of killings and attempted killings of women in 2018.

---

8 Part of the cases were submitted to the Office of the Public Defender in a material form, and some of the cases were reviewed at the Tbilisi City Court.

9 The case concerns an attempted femicide in 2018; during the study period there was only a first instance court ruling on the case, which was appealed at the Court of Appeals. The latter had not yet made a final decision during the period of the study.

10 Letter №13/57408 of the General Prosecutor's Office of Georgia of 07/August/2019.



## 2. STATISTICS ON FEMICIDE/ATTEMPTED FEMICIDE

The Gender Department of the Office of the Public Defender of Georgia analyzed a total of 17 cases of femicide and attempted femicide perpetrated in 2018.

Out of the 17 cases analyzed, 6 relate only to femicide, 10 – to attempted femicide, 1 case related to both femicide and attempted femicide, respectively.

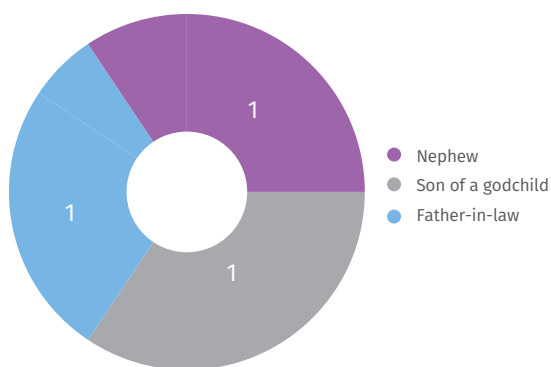


Chart 1: Family members perpetrating femicide

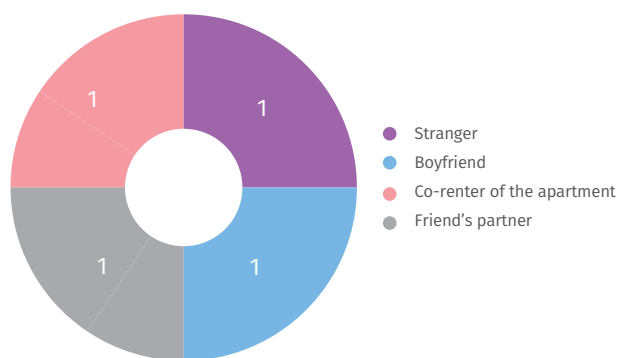


Chart 2: Perpetrators of femicide outside the family

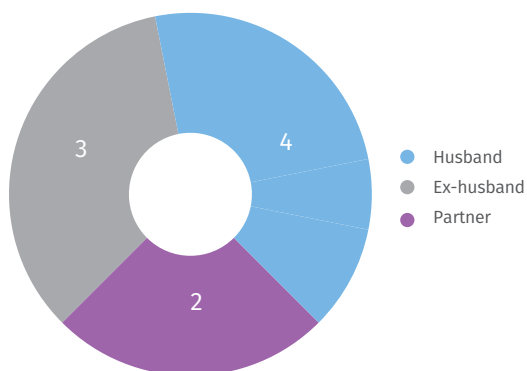


Chart 3: Family members perpetrating attempted femicide

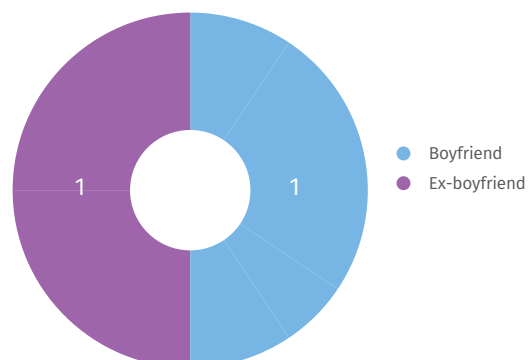


Chart 4: Other Persons Committing Attempted Femicide

Statistics show that both femicide and attempted femicide are most often committed against women by husbands/partners, ex-husbands/ex-partners or boyfriends<sup>11</sup>, regar-

dless of whether they ever lived together with the victim or whether the victim sympathized them at all.

<sup>11</sup> The term "boyfriend/girlfriend" refers to persons who, as far as the case file shows, did not have sexual relations with each other, as well as persons who unilaterally loved the other person in a way that was known to the other party but the latter did not sympathize him.

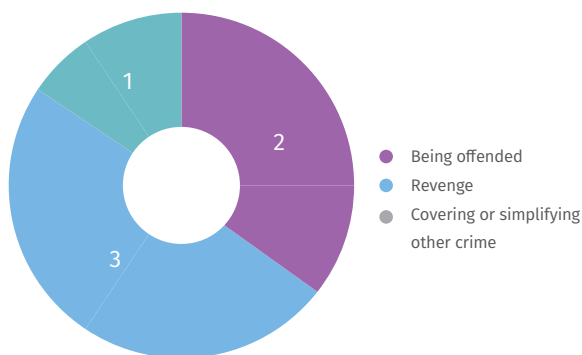


Chart 5: Ground of Femicide

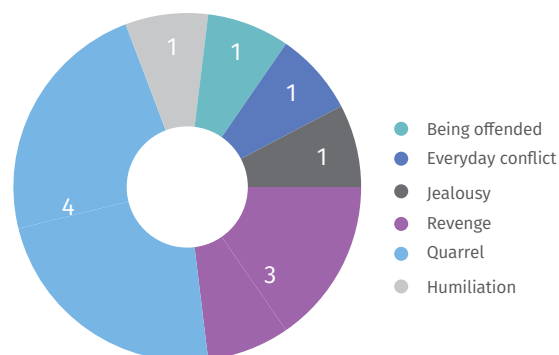


Chart 6: Ground of Attempted Femicide

The gender motive for the crime is read in the testimonies of the accused, the victim and other witnesses, where the use of gender-defined vocabulary is frequent. Nevertheless, both at the investigative and judicial stages, identifying and discussing gender motives are

problematic. “Revenge” is most often indicated as a motive for both femicide and femicide attempts. The analysis of cases of 2018 shows that the motive cannot be defined in only one case.

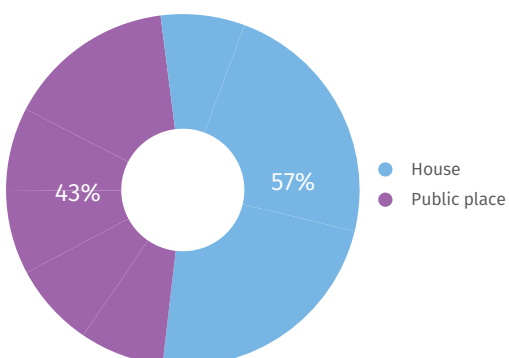


Chart 7: Place of Femicide

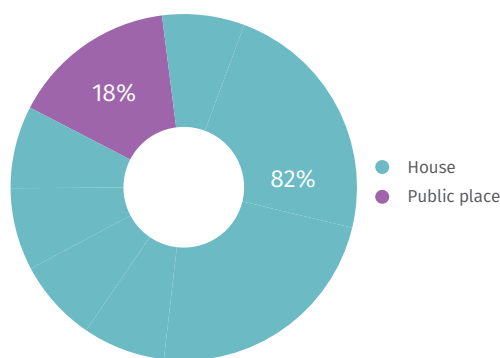


Chart 8: Place of Attempted Femicide

The materials of the analyzed criminal cases show that the house is most often the place of committing the crime, which is natural, if we consider the nature of femicide as a gender crime.

The weapon of both the femicide and the attempted femicide was, for the most part, a knife.<sup>12</sup> Most of

the perpetrators of femicide or attempted femicide were vigilant during committing crimes, however, the difference is small.<sup>13</sup> The analyzed cases show that the vast majority of perpetrators have secondary education, and are unemployed at the time of the crime.<sup>14</sup> As for the convictions of perpetrators, the statistics show the following:

<sup>12</sup> The weapon used to commit the femicide in 1 case was a stone, in another case - a large stick, 1 case was committed with an electric wire, 1 - with a firearm, a knife was used in 4 cases. As for the cases of attempted femicide, in 8 cases the weapon was a knife, in 1 case - a firearm, in another case - a gas pipe, in the other case the weapon is unknown.

<sup>13</sup> In femicide cases, 3 defendants were sober at the time of the crime, 4 defendants were under the influence of alcohol at the time of committing a crime. As for the attempted femicide cases, in 8 cases defendants were sober at the time of the crime, or it was unclear whether they were drunk or not, while 3 defendants were under the influence of alcohol at the time of the crime.

<sup>14</sup> 5 out of the total number of femicide perpetrators had secondary education, 2 had incomplete higher education. As for the employment data, 5 defendants were unemployed and 2 - employed, respectively. 10 perpetrators of attempted femicide had secondary education and 1 had higher education, respectively. As for their employment, 9 defendants were unemployed, 1 - employed, whereas this data is unclear in one case.

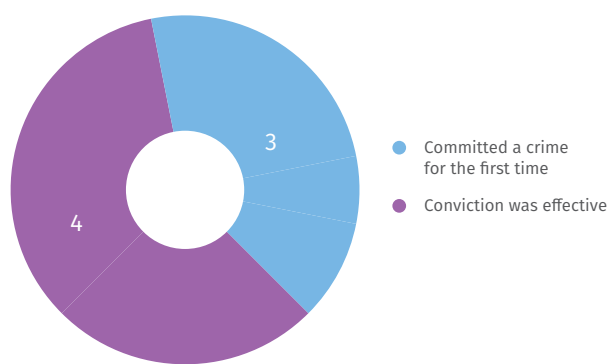


Chart 9: Conviction of perpetrators of femicide

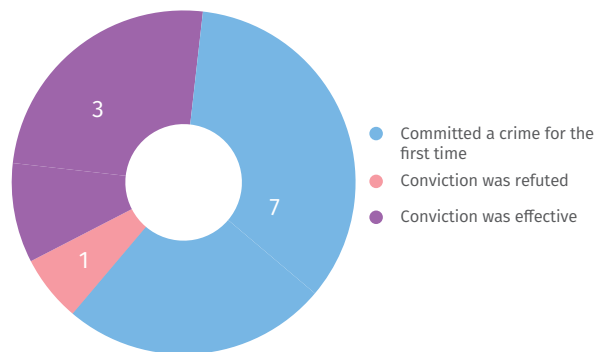


Chart 10: Conviction of perpetrators of attempted femicide

The number of women and men accused of ethnic minority background was also analyzed in terms of statistics. We considered both subjective and objective criteria when considering a person as an ethnic minority. The objective criterion includes the lack of knowledge of the Georgian language or having the citizenship of another country by both the victim and the accused. The subjective criterion

is when a person knows Georgian and has the citizenship of Georgia, but states at the investigating bodies that she/he is a representative of an ethnic minority.<sup>15</sup>

It is important to note that 7 femicide crimes were committed in 2018, five of which involved women victims with ethnic minority background.<sup>16</sup>

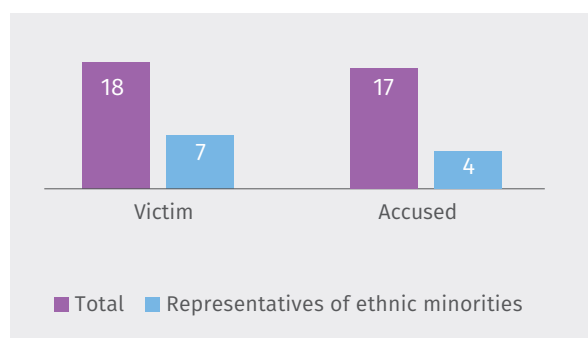


Chart 11: Representatives of ethnic minorities in cases of femicide/ attempted femicide

As for the sentences, the most severe sentence - life imprisonment was applied in the case of the gender related killing of three women committed in 2018.<sup>17</sup> The lightest sentence for femicide was 12 years imprisonment. The largest sentence imposed for attempting a femicide is 18 years imprisonment.<sup>18</sup> The lightest sentence for attempted femicide, 3 years imprisonment, was applied by the Tbilisi City Court in two cases.<sup>19</sup>

<sup>15</sup> In the absence of either objective or subjective criteria, neither the defendant nor the victim was included in the ethnic minority statistics. Consequently, although in some cases there were defendants and victims with non-Georgian surnames, they were not considered to be representatives of ethnic minority group as there was neither a subjective nor an objective criterion for considering them as such.

<sup>16</sup> Only two of the seven perpetrators of femicide were ethnic minority men.

<sup>17</sup> Such a sentence was applied by the Gori District Court in 2018 against M.K., who first killed the husband and a minor child with a firearm in order to rape, then raped the woman and drowned her in a waterfall. The second case also took place in 2018, when the stepfather killed the stepdaughter in the presence of two minor children because she opposed to the accused's relationship with her mother. This case was considered by the Tbilisi City Court. As for the third case, the man killed the bride with a stone and a knife. Tbilisi City Court in 2018 applied life imprisonment in this case as well.

<sup>18</sup> Decision №1/3253-18 of the Tbilisi City Court of September 4, 2018.

<sup>19</sup> One case addresses incitement to attempted suicide, and another to the crime foreseen under Article 117 respectively.

## 3. CHALLENGES AT THE INVESTIGATION STAGE

### 3.1. Collection of evidence

In the case of one of the crimes committed in 2018, the investigation failed to provide proper documentation of the victim's injury and failed to gather evidence that would allow medical expertise to determine the weapon inflicting the life-threatening injuries on the victim. The uncertainty of these circumstances ultimately affected the qualification of the action.

Also, for example, in the case reviewed by the Zugdidi District Court<sup>20</sup>, the conclusion of the medical examination states that "it is impossible to identify the object causing the injury, as the submitted documents do not indicate a complete morphological picture of it (the wound). The wound is considered a serious degree of life-threatening injuries". The victim herself was not examined. According to the victim, her husband stabbed her. The use of the knife was also confirmed by biological examination, although the investigation failed to provide proper documentation of the victim's injury, making it impossible to determine the means of committing the crime and, as a result, the criminal intent was not clear.

The weapon of committing a criminal act could not be identified in the case considered by the Tbilisi City Court<sup>21</sup> too. The conclusion of the victim's medical examination states that she "had a stab wound in her head". On the other hand, it was clear from the case materials that the accused kicked the wife in the head, as a result of which the victim lost consciousness. Despite the attempt, neither the victim's testimony nor the defendant's confession, or any other investigative action, could not establish what could have been the "stabbing object", causing the victim a life-threatening injury.

### 3.2. Recognition as a victim

A positive trend is the fact that in the cases of killing and/or attempted killing in 2018, persons were identified as victims or legal successors of the victim in a timely manner.

### 3.3. Application of measures of restraint

In none of the femicide and attempted femicide cases considered in 2018 did the prosecutor request a measure lighter than the detention, nor did the court apply a measure of restraint other than detention to the alleged perpetrators of the femicide or attempted femicide.

A novelty in 2018 was the substantiation of a decision on applying a measure of restraint with *the threat of repeating a gender-motivated crime in the future*. In particular, in two cases, when selecting detention as a measure of restraint, the Tbilisi City Court stated that the accused had not had an exhausted conflict with his wife, domestic violence was repeatedly experienced in the past; therefore in case a measure of restraint other than the detention was applied in the case, the accused would either repeat the offense against the wife, or coerce her in order to change the testimony. In justifying the measure of restraint, the prosecution submitted to the court protective or restraining orders<sup>22</sup> issued against the accused in the past, as well as decisions made in the past for domestic crimes,<sup>23</sup> which is a clearly positive practice.

In 2018, no plea agreement was concluded in any of the femicide cases, the plea agreement was signed in only 1

<sup>20</sup> Zugdidi District Court, case of M.K. №1/164-2018.

<sup>21</sup> Tbilisi City Court, case of E.P. №1/4483-18.

<sup>22</sup> Tbilisi City Court, case of I.T.S. №1/737-18; Tbilisi City Court case №1/1311-18.

<sup>23</sup> Tbilisi City Court, case of V.B. №1/3152-18.

case of attempted femicide (Article 117 (1) of the Criminal Code, intentional serious damage to health, which is dangerous for life).<sup>24</sup> This circumstance points to a zero-tolerance policy toward domestic and gender-motivated crimes.

### 3.4 Determination of the gender motive

In parallel with the positive trends discussed above, it is becoming more difficult to determine the gender motive at the investigation stage. Often, the confession of the accused is the only evidence in the case pointing to the gender motive of the crime.

A clear example of this is the case of L.G., who claimed during the investigation that he killed his girlfriend for cheating. After the charge was aggravated, the accused also denied the existence of a gender motive and even the commission of the crime. Even though L.G. was found guilty in this case based on a biological examination and correspondence on social media, the court could not determine what became the motive for the murder of the young woman by the groom due to the denial of confession at the trial stage.<sup>25</sup> Despite the efforts of the investigation, the motive in this case could not be identified.

Given that the motive is the subjective side of the offense and often only the accused knows why he is committing the crime, it is necessary, to attach importance to the defendant's confession of the motive for qualifying the case as a discriminatory offense given the specifics of the femicide crime.

### 3.5 Studying pre-history of violence

Femicide and attempted femicide are often the culmination of gender inequality and systematic gender-based violence; therefore when qualifying a crime as femicide or attempted femicide, it is of fundamental importance to investigate whether the victim experienced gender-based discrimination and violence before the murder. Examining previous history of violence is important to investigate the motive of the crime and to impose the sentence.

In 2018, the investigation began to examine the pre-history of violence and additionally made a legal qualification for these actions. Since 2018 previous stories of violence help prosecutors and courts to justify the use of detention as a measure of restraint.<sup>26</sup>

The Office of the Public Defender of Georgia requested information from the Ministry of Internal Affairs of Georgia on previous allegations of violence in the cases analyzed in the study. According to the information received, prior to the femicide/attempted femicide, the victim reported violent acts of the accused in 5 cases.<sup>27</sup>

It can be said, that in 1 case in 2018, the commission of the more severe violence, attempted femicide against the victim, was caused due to the lack of timely and effective police response.<sup>28</sup>

<sup>24</sup> Zugdidi District Court, case №1/649-18.

<sup>25</sup> Tbilisi City Court case №1/2163-18.

<sup>26</sup> At the first hearing of the accused, the prosecutor presents the protective and restraining orders issued against the accused, as well as the decision on recognizing him as an administrative offender if the orders are violated, and the decision on the commission of a crime against the victim. Based on this evidence, the prosecutor argues that there is still a risk that, the accused may commit a gender offense or influence the victim or her close relative if a lighter measure of restraint other than detention is applied. It is important that the court shares each such motion.

<sup>27</sup> We requested information on some of the cases; some of the cases were examined by the Public Defender individually and we already had information on previous allegations of violence prior to the femicide/attempted femicide: Letters of the Ministry of Internal Affairs of Georgia: MIA 0 19 02918078, 01/11/2019; Also, letters submitted on cases studied by the Office of the Public Defender: MIA 0 18 01738638, 20/07/2018; MIA 5 18 01257321, 29/05/2018; 22/02/2018, MIA 1 18 00431324; MIA 0 18 00446741, 23/02/2018; MIA 2 18 00901864, 18/04/2018; MIA 4 18 00708555, 27/03/2018; MIA 8 18 03133932, 28/12/2018; MIA 5 18 03046783, 18/12/2018; MIA 3 19 00094825, 14/01/2019.

<sup>28</sup> Letter №13/40179 of the General Prosecutor's Office of Georgia, 04/June/2019. Attempted murder of his girlfriend by police officer A.J. in 2018 and murder of his girlfriend's ex-husband, where 2 patrol police officers were charged with neglect of official duties (under Article 342 (2, 2) of the Criminal Code).

## 4. ANALYSIS OF RULINGS/ RESOLUTIONS ON TERMINATION OF CRIMINAL PROSECUTION AND INVESTIGATION

In 2018, the Office of the Public Defender received resolutions/rulings on the termination of the investigation and criminal prosecution in 6 cases. In 5 of them, the criminal prosecution was terminated due to the insanity of the accused, whereas the investigation was terminated in 1 case as a result of the absence of signs of a crime.

The Office of the Public Defender also requested information on reports of possible violence given to the Ministry of Internal Affairs prior to the crime in these cases. In 2018, only 1 case is reported to the police before the murder/attempted murder.<sup>29</sup>

The Public Defender takes cautious in classifying cases as femicide or attempted femicide when committed by

persons with psycho-social needs in a state of insanity. The reason behind being the difficulty in determining the circumstances in which these individuals perceive the concept of gender.

In addition, it should be noted that the rulings provided on the termination of criminal prosecution and the imposition of compulsory psychiatric treatment sometimes contain almost no indication of the factual circumstances of the case. In particular, such judgments do not contain any indication of the factual circumstances under which a person with a disability attempted to kill a woman, or the circumstances in which a woman was killed.

---

29 Letter of the Ministry of Internal Affairs of Georgia: MIA 9 19 03066775, 15/11/2019, MIA 1 19 02218922, 21/08/2019.

## 5. SHORTCOMINGS AT THE TRIAL STAGE

### 5.1 Application of Article 53<sup>1</sup> in femicide/attempted femicide cases

This period marked significant changes in the case law. Judges are increasingly referring to Article 53<sup>1</sup> of the Criminal Code, the first paragraph of which states that committing a crime on the basis of gender is an aggravating circumstance. The second part of the same Article aggravates the responsibility if the act is committed against a family member. Citation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), as well as the reference to the European Court of Human Rights' case-law, where positive obligation under Article 2 was established for failure to protect life of a woman from her ex-husband (e.g., *OPUZ v Turkey*, *Halime Kilic v Turkey*), in the cases of femicide considered by the court shall be assessed positively.

Courts more often refer to the second paragraph of Article 53<sup>1</sup> of the Criminal Code, which foresees aggravation of responsibility for a crime committed against a family member, than to the gender sign provided for in the first paragraph of the same Article. The perception of the meaning of the term "gender sign" remains a problem in the courts as well as in legal circles.

It is particularly problematic to qualify a femicide or attempted femicide on the basis of gender that has not been committed against a family member. For example, *M.K.'s case*<sup>30</sup>, which was heard by the Gori District Court in a jury trial. In this case, it was unequivocally established that the convict had killed a woman in order to satisfy his sexual needs, together with killing her husband and

a child. The sentence in this case was handed down by a judge without the participation of a jury, although the judge did not see a gender motive in the murder in order to achieve the purpose of the rape. Although life imprisonment was imposed in this case, it did not occur due to the gender ground of the crime.

The same can be said in the case of *M.M.*<sup>31</sup>, considered by the Zugdidi District Court, where a man stabbed his girlfriend because he asked her to marry him. In this case too, due to the fact that the accused and the victim did not live together and share a common household, the court did not indicate a gender motive in its decision. From the case law, it can be said that the "gender sign" provided for in the first paragraph of Article 53<sup>1</sup> of the Criminal Code is mainly used in conjunction with paragraph 2 of the same Article, only when the crime is committed against women members of the family.

Noteworthy is the case of *A.J.*, considered by the Tbilisi City Court, where a man tried to kill his girlfriend out of jealousy.<sup>32</sup> In this case, the defense in its appeal criticized the conclusion of the Tbilisi City Court, according to which the action was committed on the grounds of gender. According to the defense, the crime was motivated not by gender, but, as the defense claimed, by the *"wrong lifestyle of the victim"*. It is noteworthy that in this case, the lawyer complains about the existence of a gender motive, although he/she indicates to the existence of this motive in a non-sensitive form.

This circumstance shows that it is still unclear to some part of the legal circles that committing a crime on the grounds of jealousy or betrayal indicates to the attitude of entitlement of the perpetrator towards the victim and is a crime committed on the grounds of gender.

30 Case №1/485-18 of Gori District Court.

31 Zugdidi District Court, case №1/649-18.

32 Tbilisi City Court, case №1/3253-18.

## 5.2 Circumstances taken into account by the court during imposition of the sentence

Although court decisions refer to the Istanbul Convention, this circumstance sometimes does not affect the severity of the sentence. For example, in the case of M.K.<sup>33</sup>, a person was convicted for inflicting intentional grievous bodily harm to his wife with a knife, a crime foreseen under Article 117 of the Criminal Code. Although the court explained the need to fight such a crime under the Istanbul Convention, the court sentenced the accused with up to four years of imprisonment – a sentence with a year higher than the minimum measure – only because the crime was committed during a conditional sentence. In addition, the court considered the fact that the accused had four children as a mitigating circumstance in the present case. It is noteworthy that the accused abused his children as his wife, whom he inflicted life-threatening injuries. Consequently, it remained unclear how this circumstance could have been considered as mitigating.

During the reporting period, a Batumi City Court heard a case<sup>34</sup>, involving a man attempting to kill his partner, as well as the murder of a partner's friend for preventing

her from continuing to have an intimate relationship with the accused. Although the accused did not live with his partner and, moreover, the murdered woman was not a member of his family, the Batumi City Court referred to the second paragraph of Article 53<sup>1</sup> of the Criminal Code. This norm states: "Commission of crime by one family member against another family member, against a helpless person, a minor or in his/her presence, with the extreme cruelty, with the use of a weapon or under the threat of using a weapon, by abusing the official position shall be an aggravating factor for liability for all respective crimes". Although the gender motive was reflected in the crime and therefore the judge had the right to aggravate the sentence under the first paragraph of Article 53<sup>1</sup> of the Criminal Code, none of the female victims of this crime were the family members of the accused. The decision does not substantiate why the second paragraph of Article 53<sup>1</sup> of the Criminal Code was relevant in the present case.

On the other hand, the Tbilisi Court of Appeals aggravated the sentence with one year in the case of A.J.<sup>35</sup> The accused tried to kill his female partner and killed the father of the female partner's child out of jealousy. The prosecutor's office appealed the decision of the Tbilisi City Court at the Court of Appeals, which aggravated the sentence.

---

33 Zugdidi District Court, case №1/164-2018.

34 Batumi City Court, case №1-5/19.

35 Tbilisi City Court, case №1/3253-18.



# CONCLUSION

An analysis of femicide and attempted femicide cases shows that despite a number of positive steps taken toward combating violence against women and domestic violence, many challenges remain in the fight against femicide and the administration of justice in femicide cases.

We particularly welcome that, in comparison with previous years, the pre-history of violence preceding the femicide and attempted femicide is being examined at the investigation stage. Investigation often gives additional legal qualifications to such prehistory, mainly under Article 126<sup>1</sup> of the Criminal Code. It is also important to note that by studying the pre-history of violence, the prosecution substantiates application of detention as a measure of restraint.

Prosecutors continued their zero-tolerance policy towards femicide during the reporting period and did not conclude plea agreements on such crimes. Nevertheless, during the reporting period, the investigation had

problems in identifying weapons for attempted femicide. It is also noteworthy that part of the common courts has actively started referring to the first and second paragraphs of Article 53<sup>1</sup> of the Criminal Code, as well as the Istanbul Convention in cases of femicide and attempted femicide. Compared to previous years, the courts applied the highest measure of punishment - life imprisonment in the cases of femicide and attempted femicide in 2018.

Nevertheless, both the judiciary and the legal community in general, face a problem to classify murder/attempted murder for the purpose of jealousy and sexual gratification as femicide (attempted femicide); such crimes are considered as acts committed on the grounds of gender; the fact that the prosecutors, at times, do not appeal such decisions to higher instances, to aggravate the sentence by establishing a gender motive is an additional problem. Using incomprehensible criteria by judges to mitigate the sentence by courts (having many children by the accused, etc.) was also problematic.

# RECOMMENDATIONS

## **To the Government of Georgia:**

- Develop a mechanism to provide compensation in a timely, adequate and effective manner, in compliance with Article 30 of the Council of Europe Convention on preventing and combating violence against women and domestic violence
- Develop a unified methodology for the collection and analysis of administrative data/statistics on violence against women and domestic violence, and ensure that government agencies enforce it effectively.

## **To the Interagency Commission on Gender Equality, Violence against Women and Domestic Violence:**

- Establish a special working group that will critically analyze existing prevention system in relation to cases of gender-motivated killing and attempted killing of women, and that will work specifically to develop and refine the femicide prevention system with the participation of key agencies, including the Ministries of Health and Education.

## **To High School of Justice:**

- Train the judges of criminal specialization in detecting crimes committed on the grounds of gender, foreseen under Article 53<sup>1</sup>(1) and Article 109 (2, “d”) of the Criminal Code.

## **To the Supreme Court of Georgia:**

- Admit and consider cassation appeals related to the interpretation of crimes committed with the “gender sign” under Article 53<sup>1</sup>(1) and Article 109 (2, “d”) of the Criminal Code, in order to facilitate the development of the uniform practice of definition of such crimes
- Develop a method for detecting femicide and attempted femicide cases and produce accurate statistics.

## **To Common Courts:**

- To substantiate in detail the existence of a gender motive in the crime and the commission of the crime on the basis of gender; In addition, in case of citation of the Article 53<sup>1</sup>(2) of the Criminal Code, to substantiate specifically why this norm is relevant in view of the factual circumstances of the case
- Ensure that the powers conferred on the judge under Article 55 of the Criminal Code are not exercised in femicide cases, and in the event of a plea agreement, to not impose a sentence below the minimum of the Criminal Code to the defendant, when the action clearly shows a gender sign
- Consider as a guide the new wording of Article 53<sup>1</sup> of the Criminal Code and the requirement of the Istanbul Convention, according to which a crime committed in the family is an aggravating (and not a mitigating) circumstance.

## **To the General Prosecutor’s Office of Georgia:**

- Take all measures to identify the weapon of the crime, including the provision of timely and qualified medical, as well as the medical expert services. When the conclusion of the expertise cannot be obtained, obtain information about the weapon of the crime from another source
- When investigating cases of gender-motivated murder or attempted murder of a woman, investigate circumstances of alleged neglect of official duties in cases where a woman has referred to the law-enforcement agencies, about the violence before committing a crime.

#### **To the Ministry of Internal Affairs of Georgia:**

- Continue training of staff in the territorial bodies of the Ministry of Internal Affairs of Georgia on issues of violence against women and domestic violence. In addition, develop a post-training evaluation document that will make it possible to measure the progress made by the trained staff
- Establish a rule of specialization for investigators in cases of violence against women and domestic violence to effectively protect and assist victims of violence
- Improve the analysis of statistics on violence against women and domestic violence, in particular, analyze statistics on violence against women and domestic violence between intimate partners, including same-sex partners, to study specific characteristics of violence.

# ANNEX №1: STATISTICS OF THE GENERAL PROSECUTOR'S OFFICE OF GEORGIA<sup>36</sup>

According to the prosecutor's office, 22 cases of killing of women were detected in 2018 (one of them incitement to suicide); out of this number in 7 cases domestic crime was revealed, and 15 cases - other motives (one of them incitement to suicide) respectively.

Also, in the same years, there were 18 attempted murders (2 of them incitement to the attempted suicide), out of which 11 cases included family crimes (2 of them 1 one of them incitement to attempted suicide), whereas 7 cases revealed other motives.

## **Domestic Crimes (7 cases)**

Out of the murders committed with the domestic crime sign, prosecution was launched in 4 cases under Articles 11<sup>1</sup>-108, in 2 cases under Articles - 11<sup>1</sup>-109 respectively.

In 1 case there was suicide of the person to be charged, in 3 cases the criminal prosecution was terminated due to insanity.

**The territorial distribution of the crime is the following:** Tbilisi - 1 case, West - 1, Kakheti - 1, Adjara - 1, Kvemo Kartli-2, Mtskheta-Mtianeti-1, respectively.

**Age of victims:** from 30 to 40 years - 3 women; 40 to 50 years - 1 woman; 60 to 70 years - 2 women; Above 70 years - 1 woman.

**Link between the accused and the victim:** murder of wife/ex-wife by husband/ex-husband - 1, murder of mother by child - 1, murder of a stepdaughter by a stepfather - 1, murder of sister by sister - 1, murder of sister by brother - 1, murder of aunt by a nephew-1, Murder of another family member (person, with whom the common household was shared)- 1 respectively.

## **Attempted murder with the domestic crime sign (11 cases)**

In 4 cases of attempted murder the prosecution was launched under Articles 11<sup>1</sup>-19-108, in 5 cases under Articles 11<sup>1</sup>-19-109, and in 2 cases under Articles - 11<sup>1</sup>-115 respectively.

In one case the prosecution was terminated due to insanity.

---

36 Letters of the Human Rights Protection Unit of the General Prosecutor's Office of Georgia: №13/6816, 31/01/2019; №13/86239, 09/12/2019; №13/1865, 14/01/2020.

**The territorial distribution of crime is as follows:** Tbilisi - 4, Shida Kartli - 1, Adjara - 2, Samegrelo-Zemo Svaneti - 1, Imereti - 3.

**Age of victims:** under 18 - 1; 18 to 30 years - 3; 30 to 40 years - 4; From 40 to 50 years - 3.

**Link between the accused and the victim** - in 10 cases the husband or ex-husband committed the crime, in 1 case - the son.

#### **Killings of Women Perpetrated on Other Grounds (15 cases)**

The criminal prosecution of the mentioned persons was launched under the following articles of the Criminal Code of Georgia: Article 108 of the Criminal Code - against 2 persons, Article 109 of the Criminal Code - against 6 persons, Article 117 (2) of the Criminal Code of Georgia - against 1 person, Article 115 - against 1 person.

The criminal prosecution was not initiated in 4 cases, as the investigation could not determine the identity of the perpetrator. The investigation of 1 case was terminated due to the absence of signs of a crime.

**Territorial distribution of crime:** Tbilisi - 3, Kakheti - 1, Shida Kartli - 3, Adjara - 3, Kvemo Kartli - 1, Samtskhe-Javakheti - 2, Mtskheta-Mtianeti - 1, Abkhazia-1.

**Age of victims:** under 18 - 4 women; 18 to 30 years - 1 woman; 30 to 40 years - 2 women; 40 to 50 years - 4 women; 50 to 60 years - 3 women; Above 70 years - 1 woman.

**Link between the accused and the victim** - 4 cases of murder were committed by an acquaintance, 1 case involves incitement of a juvenile to a suicide by the man, 2 cases - by a stranger, 1 - by an ex-partner, 2 - by a partner, in 4 cases by an unidentified person for the investigation. (The investigation was terminated due to the absence of signs of crime in one case).

#### **Attempted Killing on Other Grounds (7 cases)**

Prosecution of 3 persons was initiated under Articles 19.108, and under Articles 19.109 against 2 persons.

The prosecution in 1 case was terminated due to insanity of the accused; in 2 cases the prosecution was not initiated because the identity of the perpetrator could not be established.

**Territorial distribution of crime:** Tbilisi - 3, Shida Kartli - 2, Adjara - 1, Imereti - 1.

**Age of victim women:** from 18 to 30 years - 1; 30 to 40 years - 2; 40 to 50 years - 1; 50 to 60 years - 3.

**Link between the accused and the victim** - in 2 cases the attempted murder was committed by a neighbor, in 2 cases - by a stranger, in 1 case - by a partner, in 2 cases - by an unidentified person for the investigation.

# ANNEX №2: DETAILED ANALYSIS OF CASES REVIEWED

## Femicide

### 1. Case of M.K. (Gori District Court, case №1/485-18)

The indictment against accused person states that on July 4, 2018, under the influence of alcohol, M.K., killed tourists in the local area - R.S., his wife L.S., and their 4-year-old son Q.S and raped L.S.

M.K.'s action was qualified under Article 109, Part 1, Subparagraph "c" of the Criminal Code (intentional murder to cover up another crime or to facilitate committing it); Article 109, Part 2, Subparagraph "b" (intentional murder of a minor with prior knowledge of the offender), Article 109, Part 3, Subparagraph "a" (intentional murder of two or more persons) and "B" (intentional murder, committed with special cruelty) of Criminal Code, as well as the first part of Article 137 of the Criminal Code (rape).

On July 11, 2018, Mtskheta District Court used detention as a measure of restraint against M.K. at first hearing of the accusation.

On March 27, 2019, the Gori District Court, composed of a jury, found M.K. guilty under Article 109, Part 1, Subparagraph "c" of Criminal Code (intentional murder for the purpose of covering up another crime or facilitating its commission); Article 109, Part 2, Subparagraph "b" (intentional murder of a juvenile with prior knowledge of the offender), Article 109, Part 3, Subparagraph "a" (intentional murder of two or more persons) and "b" (intentional murder, committed with special cruelty), as well as in crime under Article 137 of the Criminal Code (rape).

The sentence was determined by the judge without the participation of jury. The judge applied the highest sentence to M.K. - lifetime imprisonment. Nevertheless, the judge did not consider gender motive in the verdict.

On April 25, 2019, the defense appealed the verdict of Gori District Court to the Court of Appeals. On June 20, 2019, Tbilisi Court of Appeals ruled that the appeal of defense appeal was inadmissible.

According to the information provided by the Ministry of Internal Affairs of Georgia, before the murder of M.S., L.S. and their 4-year-old Q.S. by M.K. The police had not received any notice on possible violence against the mentioned persons.<sup>37</sup>

### 2. Case of N.M (Rustavi City Court, case №1-71-19)

The indictment of December 18, 2018 states: On December 10, 2018, in his own home, N.M. decided to kill his aunt, B.M.,

---

<sup>37</sup> Letter of the Human Rights Protection and Investigation Monitoring Department of Ministry of Internal Affairs of Georgia MIA 0 19 02918078, 01/11/2019

who lived permanently with him and they had joint household; N.M. decided to kill her because of her not satisfactory attitude. While arguing in the bedroom, N.M. pushed B.M. with the intention to kill her, B.M. fell down, hit her head on the couch and lose consciousness. N.M. took unconscious B.M. to the basement in order to cover tracks of the action. When B.M. regained consciousness, N.M. took a piece of wooden stick and struck her several times in the head / face, that caused the death of the B.M.

N.M. committed a crime qualified under Article 111-108 (intentional murder of a family member) of Criminal Code.

On December 19, 2018, at the first hearing of the accusation, the Rustavi City Court ruled to N.M. imprisonment as a measure of restraint.

On February 21, 2019, the Rustavi City Court found N.M. guilty for the crimes in which he was accused and sentenced him to 12 years in prison.

According to the Ministry of Internal Affairs of Georgia, the police did not receive any notice related to (or by) B.M. regarding the family conflict.<sup>38</sup>

### 3. Case of A.K. (Rustavi City Court, case №1-754-18)

In the morning of September 15, 2018, A.K. offended with the behavior of L.B., who lived with him and had shared household, decided to kill her. A.K. entered L.B.'s bedroom, with the intention to kill her, took advantage of her helpless condition (L.B. is elderly with limited ability to move due to her health condition, and is mostly lying) and suffocate the 73-year-old L.B. by power cable; A.K. committed a crime under Article 1<sup>1</sup>-109-2 "b" of the Criminal Code (murder of a family member in a helpless state with prior knowledge).

At the first hearing of the accusation, the Rustavi City Court used detention as a measure of restraint against A.K.

On November 12, 2018, the Rustavi City Court found A.K. guilty for crimes in which he was accused and he was sentenced to 14 years in prison. On January 11, 2019, Tbilisi Court of Appeals upheld the verdict of the Rustavi City Court. On July 30, 2019, the Supreme Court of Georgia declared A.K.'s cassation appeal inadmissible.

According to the Ministry of Internal Affairs of Georgia, before the fact of premeditated murder of L.B. under aggravating circumstances by A.K., the police had not received any notice on the possible violence related to the mentioned persons.<sup>39</sup>

### 4. Case of G.Kh (Tbilisi City Court, case №1/826-19)

On November 27, 2018, at night, G.Kh. tried to establish sexual intercourse with S.A. by force. S.A. resisted and inflicted damage on his genitals. Because of this, G.Kh. inflicted multiple wounds on S.A.'s throat and various parts of her body with a knife in order to kill her with the motive of revenge.

G.Kh. committed a crime qualified under Article 19-137-1 (attempt of rape) and Article 108 (intentional murder) of Criminal Code of Georgia.

On November 29, 2018, the Tbilisi City Court, at the first hearing of the accusation used detention as a measure of restraint against G.Kh.

On July 25, 2019, Tbilisi City Court, composed of jury, found G.Kh innocent in attempt of rape, but found him guilty for intentional murder. Tbilisi City Court sentenced G.Kh. to 14 years in prison.

---

38 Letter of the Ministry of Internal Affairs - MIA 3 19 00094825, 14/01/2019.

39 Letter of the Human Rights Protection and Investigation Monitoring Department of Ministry of Internal Affairs of Georgia - - MIA 0 19 02918078, 01/11/2019

According to the Ministry of Internal Affairs of Georgia, the agency received only one notice on the fact of possible violence committed by G.Kh against S.A. The notice was made by M.Ch. On November 27; M.Ch. called 112 and asked for a patrol police crew and rescue brigade, as the persons presumably being in apartment were not available for contact.<sup>40</sup>

## 5. Case of V.B. (Tbilisi City Court, case №1/3152-18)

V.B. And N.G. got married on March 30, 2018. They have been in an unregistered marriage for years. During their cohabitation, their relationship became problematic and they had frequent conflicts. Because of this N.G. was trying to separate with his spouse. V.B. was against this and was trying anything possible to maintain the relationship. N.G.'s daughter from her first marriage, T.G., who was a frequent witness of the family conflict between the spouses, prevented V.B. from reconciling with her husband. Offended with this action, V.B. inflicted multiple stab wounds to the chest and throat of T.G. with a knife, with intention to kill her, in order to take revenge. He took the action in the presence of her minor children G.A born in 2011 and N.A. born in 2015. As a result of the received wounds, T.G. died in place.

V.B. committed the crime under Article 11<sup>1</sup>-109, Part 3, Subparagraph "b" of the Criminal Code (murder of a family member by other one with special cruelty). On April 17, 2018, at the first hearing of the accusation, Tbilisi City Court used detention as a measure of restraint against the accused one.

Tbilisi City Court found that V.B. had killed his daughter in law with special cruelty. This was reflected in the fact that the murder was committed in the presence of minor children. In addition, the accused inflicted up to 30 wounds to the victim. In the verdict, the court referred to Article 53<sup>1</sup> of the Criminal Code, which provides aggravation liability in the case of a crime committed on the basis of gender or against a family member. Tbilisi City Court applied the maximum sentence foreseen under Article 109, Part 3 of the Criminal Code - lifetime imprisonment.

According to the Ministry of Internal Affairs of Georgia, the following notices have been received by the Police on facts of possible domestic violence related to N.G. and T.G.:<sup>41</sup>

- On 19 February 2014, N.G. stated that she applied to the police regarding her ex-spouse, on the basis of which V.B. was prohibited to approach her, although he did not fulfill this restriction, as he had taken her mobile phone and was contacting her friends. The initiator told to 112 that she intended to make an additional notice to the police. According to the information requested from the Information-Analytical Department of the Ministry of Internal Affairs, the fact of violation of the restraining order by V.B. is not recorded.
- On August 18, 2014, the Ministry of Internal Affairs received a notification on the fact of severe damage to N.G.'s health, in connection with this fact, V.B. Was prosecuted for the crime under the first part of Article 11<sup>1</sup>,117 of the Criminal Code.
- On April 13, 2018, a restraining order was also issued on the fact of psychological violence against N.G. by V.B.

## 6. Case of L.G. (Tbilisi City Court, case №1/2163-18)

L.G. and A.N. have been friends for years, they have been seeing each other and had love affair. In February of 2018, L.G. physically retaliate on A.N. and kill her. To accomplish the intention, L.G. called A.N. out of house on February 22, 2018, approximately at 5:30 a.m. he inflicted multiple 33 (thirty-three) wounds to the head and neck with special cruelty, with the intention to inflict severe pain and suffering. A.N. died in place because of multiple injuries of carotid artery, and complete crossing of the jugular vein, that lead to heavy bleeding.

The court was unable to determine the motive of the murder. Nevertheless, the accused was found guilty for crimes in which he was accused and was sentenced to lifetime imprisonment.

According to the Ministry of Internal Affairs of Georgia, there was not made any notification on possible violence against

<sup>40</sup> Letter of Ministry of Internal Affairs - MIA 5 18 03046783, 18/12/2018.

<sup>41</sup> Letter of Ministry of Internal Affairs - MIA 5 18 01257321, 29/05/2018; MIA 7 18 01128731, 14/05/2018



A.N. In addition, according to the electronic database of the Information-Analytical Department of the Ministry of Internal Affairs, there is also no information on the issuance of a restraining order on the fact of possible violence against A.N.<sup>42</sup>

## 7. Case of L.U. (Batumi City Court, case №1-5/19)

The indictment of the accusation states: On November 24, 2018, at about 3:15 p.m., in a casino, L.U. intentionally killed the friend of his beloved women with the motive of revenge, using a knife. L.U. inflicted life-threatening wounds on I.Z. in the chest and right thigh. I.Z. Died in place as a result of the wounds. Using the same knife, L.U. also inflicted five wounds on his beloved woman, Kh.M. In the area of the left eyelid, scapula, left side, right forearm and left thigh.

L.U. committed a crime under Article 19-109-3, "a" (attempted intentional murder of two persons) and Article 108 (intentional murder) of the Criminal Code of Georgia.

Batumi City Court sentenced L.U. to 17 years in prison. It is noteworthy that Article 109, Part 3 of the Criminal Code provides sentence - imprisonment for a term of 16 to 20 years or lifetime imprisonment. In this case, taking into account the fact that according to Batumi City Court there was no mitigating circumstance, the convict was sentenced to one year more than minimum years foreseen for crime - Imprisonment for 17 years.

According to the Ministry of Internal Affairs of Georgia, the Ministry of Internal Affairs of Georgia did not receive any notifications on the fact of possible violence against the mentioned women before the murder of I.Z. and the attempt of intentional murder of Kh.M.<sup>43</sup>

# Attempt of femicide

## 1. Case of M.Kh (Zugdidi District Court №1/164-2018)

On February 4, 2018, during a family conflict due to a dispute, M.Kh., who was drunk, verbally abused and threw a knife at his wife, E.Ch. who got injury penetrating into the abdomen which was life-threatening.

The accused committed a crime under Article 11<sup>1</sup>-117-1 (intentional grievous bodily harm of family member, which is life-threatening) of Criminal Code of Georgia.

While using detention as a measure of restraint, the context of domestic violence was taken into account.

M.K. was found guilty under the first part of Article 117 of the Criminal Code. Due to the crime recidivism, the court sentenced the accused person to 4 years in prison, that was one year greater than minimal punishment foreseen with the mentioned article, imprisonment for 3 years.

On June 15, 2018, the defense appealed the verdict of Zugdidi District Court to Kutaisi Court of Appeals demanding to mitigate the punishment. Kutaisi Court of Appeals upheld the decision of the First instance. On May 13, 2019, Supreme Court of Georgia declared M.Kh.'s cassation appeal inadmissible.

According to the Ministry of Internal Affairs of Georgia, the following notices on possible violence in the mentioned family were received:<sup>44</sup>

- On August 9, 2016, according to the citizen E.Ch., she had a conflict with her husband. A patrol police crew responded to the call. The police explained to the initiator about the essence of the restraining order, but since the violence had not been in place between the spouses, a response protocol was drawn up, the correctness of which was confirmed by a signature.

42 Letter of the Ministry of Internal Affairs - MIA 8 18 03133932 28/12/2018.

43 Ministry of Internal Affairs - MIA 8 18 03133932 28/12/2018.

44 Letter of Ministry of Internal Affairs of Georgia - MIA 0 18 00446741, 23/02/2018.

- On December 7, 2017, according to the E.Ch., she had a conflict with her husband M.K., who abused her and her children both physically and verbally. A patrol police crew responded to the call. A restraining order was issued against the abuser for a period of 30 days.
- On February 4, 2018, according to E.Ch., her spouse M.K. wounded her in the abdomen. The case was transferred to the Samegrelo and Zemo Svaneti Main Division of the Patrol Police Department of the Ministry of Internal Affairs for further response.

## 2. Case of M.M. (Zugdidi District Court, case №1/649-18)

On December 8, 2018, at night, on the ground of a conflict, M.M. stabbed his girlfriend, I.M. twice in the right and left shoulder area, this caused hard bodily injury of I.M.; M.M. committed a crime under the first part of Article 117 of the Criminal Code of Georgia (intentional grievous bodily harm, which is life-threatening).

On December 11, 2018, the Zugdidi District Court used detention as a measure of restraint against M.M. at the first hearing of the accusation.

On December 26, 2018, Zugdidi District Court upheld the plea agreement between the prosecutor and M.M. in a verdict without a substantive hearing. M.M. was found guilty for crime in which he was accused and sentenced to 4 years in prison, 2 years and 6 months were spent in a penitentiary institution, and 1 year and 6 months were suspended.

According to the Ministry of Internal Affairs of Georgia, prior to the fact of severe, life threatening bodily injury of I.M. by M.M. on December 8, 2018, the police had not received any notice on possible violence related to the mentioned persons.<sup>45</sup>

## 3. Case of M.G. (Kutaisi City Court, case №1-193-18)

The indictment of the person of February 11, 2018 states: M.G. had a conflict relationship based on household issues with his underage spouse, N.O., born on November 11, 2003. With whom he was in unregistered marriage. On February 9, of 2018 at home, M.G.; based on household conflict, inflicted life-threatening injuries to his underage spouse N.O., with the blunt object in the different areas, including chest and abdomen area, with the intention to kill her. M.G. hid from the place of crime.

M.G. committed a crime under Article 11<sup>1</sup>-19-109-2 “b” of the Criminal Code (intentional murder attempt by a family member against a juvenile with prior knowledge).

On February 12, 2018, at the first hearing of the accusation, Kutaisi City Court picked detention as a measure of restraint against the accused. Kutaisi City Court, with the verdict of August 9, 2018, M.G. was found guilty for crimes and was sentenced to 13 years in prison. Pursuant to Article 73 -2 of the Juvenile Justice Code, the sentence was reduced by ¼ and the final sentence was imprisonment for 9 years and 9 months.

According to the Ministry of Internal Affairs of Georgia, the relevant agency of the Ministry of Internal Affairs has not received any notifications on the facts of possible domestic violence against N.O.<sup>46</sup>

## 4. Case of G.K. (Samtredia District Court №1-25/18)

On January 2, 2018, G.K. who was drunk, stabbed his wife R.K. with knife, on the right side of her back and in the chest; while she was in bedroom of their own house; as a result of infliction the victim got a severe, life-threatening bodily injury.

G.K. committed a crime under Article 11<sup>1</sup>-117-1 of the Criminal Code (intentional grievous bodily harm).

<sup>45</sup> Letter of the Human Rights Protection and Investigation Monitoring Department of Ministry of Internal Affairs of Georgia - MIA 9 19 03066775, 15/11/2019.

<sup>46</sup> Letter of Ministry of Internal Affairs - MIA 2 18 00901864, 18/04/2018.

On January 5, 2018, the Samtredia District Court sentenced G.K. to imprisonment as a measure of restraint at the first hearing of the accusation.

Samtredia District Court sentenced G.K. to 4 years and 6 months in prison. The crime provided in the first paragraph of Article 117 of the Criminal Code foresees imprisonment from three to six years. The judge in this case sentenced one year and 6 months more than the minimum punishment foreseen by the article.

According to the Ministry of Internal Affairs of Georgia, prior to the fact of grievous bodily harm of R.K. by her husband G.K. the police had not received notice on fact of possible violence related to mentioned persons.<sup>47</sup>

## 5. Case of T.A. (Tbilisi City Court, case №1/3544-18)

T.A. was accused for crimes foreseen in Article 111-126-1 (violence against a member of the family, systematic abuse) and Article 111-115 (leading to the suicide of a family member) of the Criminal Code, because of systematic violence against his girlfriend.

On July 4, 2018, the Tbilisi City Court, at the first hearing of the accusation, used detention as a measure of restraint against T.A.

On February 25, 2019, Tbilisi City Court found T.A. guilty in crimes in which he was accused. Article 115 of the Criminal Code absorbed the sentence provided in all other articles, and finally T.A. was sentenced to three years in prison. On June 18, 2019, the verdict of the Tbilisi Court of Appeals upheld the verdict of the first instance Court.

According to the Ministry of Internal Affairs of Georgia, before the fact when T.A. brought his wife, F.L, to the point of suicide attempt, the police had not received any notice on the possible violence against the mentioned persons.<sup>48</sup>

## 6. Case of Z.M (Tbilisi City Court, case №1/1311-18)

On January 11, 2018, Z.M., on the grounds of jealousy, intentionally stabbed his ex-wife - F.F. and her boyfriend, G.D. with knife and wounded them in the different areas of body, with intention of murder. Z.M. was unable to carry out the intention for reasons beyond his control as G.D. resisted him. Medical assistance saved the lives of G.D. and F.F.

On January 13, 2018, the Tbilisi City Court sentenced Z.M. to imprisonment at the first hearing of the accusation. while explanation of the verdict, the court stressed that in the past, a protective and restraining order had been issued against Z.M., and that Z.M. had been fined for violating the terms of these orders. Accordingly, in the Court's view, there was a possibility that in the event of the application of a more lenient measure of restraint, the accused would continue his criminal activities and destroy information relevant for the case.

The action was qualified under Article 111-19-109, Part 3, subparagraph "a" of the Criminal Code of Georgia (murder attempt of two or more persons, including a family member).

On July 13, 2018, the Tbilisi City Court, in its verdict, found Z.M. guilty and sentenced him to 16 years in prison. On January 30, 2019, Tbilisi Court of Appeals rejected the appeal of defense and upheld the judgment of Tbilisi City Court. On September 9, 2019, the Supreme Court of Georgia declared the defense cassation appeal inadmissible.

According to the Ministry of Internal Affairs of Georgia, the following notifications had been received by the agency before the incident:<sup>49</sup>

---

47 Letter of the Human Rights Protection and Investigation Monitoring Department of Ministry of Internal Affairs of Georgia - MIA 0 19 02918078, 01/11/2019.

48 Letter of the Human Rights Protection and Investigation Monitoring Department of Ministry of Internal Affairs of Georgia - MIA 0 19 02918078, 01/11/2019.

49 Letter of Ministry of Internal Affairs of February 28, 2018 MIA 1 18 00431324.

- On February 9, 2017, citizen F.F. applied the police department stating that Z.M. was verbally abusing her and demanded to warn him. As a result, Z.M. was warned in written.
- On February 24, 2017, Z.M.- applied to the Police Department. He stated that that his wife was verbally abusing him, as a result F.F. was also warned in writing.
- on May 3, 2017, based on the application of the citizen F.F., a restraining order was issued against Z.M., F.F. and her minor children were taken to a shelter.
- On June 15, 2017, F.F. applied to the police department, and stated that despite a restraining order, Z.M. still continues to contact her by phone. Because of this, the lawyer of shelter applied to the court to issue a protection order. On June 8, 2017, a protective order was issued, however, Z.M. violated its terms. After that, both F.F. and Z.M. were interviewed. On June 21, 2017, a report of an administrative offense was drawn up at the police station, the application was made to the court, on the basis of which Z.M. was sentenced to 2 days of administrative detention for violating of terms of a protection order.

## 7. Case of I.C. (Tbilisi City Court, case №1/737-18)

The indictment against the person states: On January 7, 2018, during the day, while telephone conversation ex-husband I.C. threatened to kill G.I., and G.I. had reasonable fear that he would fulfill the threat. On January 8, 2018, in the morning, I.C., with the motive of revenge, intentionally stabbed his ex-wife - G.I. 12 times in various parts of the body, but because of reason beyond his control, he was unable to carry out the intention; as a citizen passing by the scene, G.L. interfered. G.I. was taken to a hospital where her life was saved through medical treatment.

Action was qualified under Article 11<sup>1</sup>-19-108 (murder attempt of a family member), Article 11<sup>1</sup>-151 (threat to kill a family member) and Article 238<sup>1</sup>, Part 2 (carrying a cold weapon for an intentional serious crime, by a convicted person) of Criminal Code.

Tbilisi City Court used detention as a measure of restraint against I.C. at the first hearing of accusation on January 10, 2018.

According to the verdict of the Tbilisi City Court of May 17, 2018, the accused was found guilty for all crimes in which he was accused. The sentence provided in Article 108 of the Criminal Code absorbed all sentences provided for other crimes, and finally, Tbilisi City Court sentenced I.C. to 10 years in prison. On October 10, 2018, Tbilisi Court of Appeals upheld the verdict of the Tbilisi City Court.

According to the Ministry of Internal Affairs of Georgia, before the fact of murder attempt of G.I. by her ex-husband, I.C. several notices had been received by the police:<sup>50</sup>

- On November 17, 2014, according to G.I. she had a conflict with her ex-spouse. A restraining order was issued in connection with this fact.
- On January 26, 2015, citizen G.I. reported that her ex-husband had threatened to physically assault her, though he did not think he would actually do so. A restraining order was issued in connection with this fact.
- On February 1, 2015, according to G.I., her ex-spouse was disturbing her and violating the terms of the restraining order.
- On March 17, 2015, an investigation was launched on criminal case №004170315002, on the fact of rape of G.I. by I.C. and violation of the terms of a protective order. I.C. was accused in crimes under Article 11<sup>1</sup>-137, Part 1 and Article 11<sup>1</sup>-381<sup>1</sup> of the Criminal Code of Georgia.

## 8. Case of A.J. (Tbilisi City Court, case №1/3253-18)

From January 2017 A.J. was in an unregistered marriage with E.B. A.J. was systematically abusing physically and verbally his wife and was humiliating her. The action was qualified in relation to Article 126<sup>1</sup>, paragraph 2, sub-paragraph “b” of

50 Letter of the Human Rights Protection and Investigation Monitoring Department of Ministry of Internal Affairs of Georgia - MIA 0 19 02918078, 01/11/2019.

the Criminal Code of Georgia (violence, systematic abuse and humiliation of a family member on the grounds of gender discrimination, which caused physical pain and suffering, and which did not result consequences foreseen by Article 117, 118, and 120, committed in presence of minor).

On May 31, 2018, approximately at 3 p.m., A.J., a inspector-investigator of the Ministry of Internal Affairs, on the grounds of jealousy, in the apartment of E.B. used a firearm with the intention to kill her in presence of her minor daughter, T.G. A.J. inflicted life-threatening wound to his family member, wife – E.B. As a result, the bullet fell 15 centimeters away from T.G. who was lying on the bed. In addition, blood of E.B. covered the face of T.G. From the same weapon, at the entrance to the kitchen, with the intention to kill with special cruelty, A.J. fired 3 times at T.G.'s father, M.G., and inflicted a fatal wound to his chest and abdomen.

A.J. committed crime foreseen in Article 19-109-1, b – 3; a, b of the Criminal Code, (intentional murder with special cruelty, intentional murder attempt of two persons with special cruelty, with such tool which creates special threat to live and health of others, committed by one family member against other).

At the first hearing of the accusation, Tbilisi City Court used detention as a measure of restraint against A.J.

Tbilisi City Court sentenced A.J. to 17 years in prison, which is one year more than a minimum punishment foreseen under Article 109, 3 of the Criminal Code (this norm provides punishment from 16 to 20 years in prison or life imprisonment). In order to aggravate the sentence, on September 4, 2018, the Tbilisi City Court verdict was appealed to the Tbilisi Court of Appeals by prosecutor.

According to the verdict of Tbilisi Court of Appeals, "In order to achieve the purpose of the sentence, the sentence imposed on A.J. should be aggravated and with the integration of crimes it should be 18 years in prison. This will help to achieve aim of the punishment, besides will be basis in the future for his further secure integration of accused person in the society and will be thought-provoking for him to better understand the nature of violence against woman, wife, as well as another member of the family, public danger, the degree of accountability and the severity of the consequences.

According to the Ministry of Internal Affairs of Georgia, the relevant department of the Ministry of Internal Affairs has received one notice on the possible domestic violence against E.B. In particular, in September 2017, E.B. applied to the police department and requested the issuance of a restraining order. E.B. stated that she no longer wanted A.J. to approach her, as there were often conflicts between them and she wanted to live peacefully without him. Based on the statement, the unit investigator spoke to both parties and issued a restraining order against A.J. A month was set as a term of restraining order and the abuser was forbidden to approach the victim, her office and the places where the victim was staying, as well as to stay away from the house where the victim lived. The fact of violation of the restraining order by the abuser was not recorded. We were further informed that the issue of how correctly the risks were identified in September 2017 and whether the decision taken was adequate was investigated by the Inspector General. Based on the facts established as a result of the investigation, two police officers were disciplined (one of them was reprimanded and the other was severely reprimanded).<sup>51</sup>

## 9. Case of E.P. (Tbilisi City Court, case №1/4483-18)

In the period from December 2016 to June 8, 2018, E.P. was systematically abusing physically and verbally L.V, with whom he was in unregistered marriage. The fact of abuse was causing the suffer of the victim.

On the night of June 8, 2018, on the grounds of a conflict, E.P. physically assaulted L.V., a person with whom he was in an unregistered marriage, namely, beat to the head with hand and leg, that inflicted a life-threatening trauma of skull and a single stab wound. That caused serious damage to health. The action was qualified under Articles 11'-117 of the Criminal Code. The criminal case is accompanied by a restraining order issued on June 9, 2018.

E.P. also committed a crime under Article 126'-1 of the Criminal Code (domestic violence).

---

<sup>51</sup> Letter of Human Rights Protection Department of MIA - MIA 0 18 01738638, 20/07/2018.

On June 11, 2018, the Tbilisi City Court sentenced E.P. to imprisonment at the first hearing of the accusation.

According to the verdict of November 27, 2018, E.P. was found guilty for crimes and sentenced to three years in prison, of which one year was suspended and two years - in fact, to serve in a penitentiary institution.

According to the Ministry of Internal Affairs of Georgia, until the fact of violence and intentional grievous bodily harm to L.V., there had not been any notices made to the police on the possible violence against the mentioned persons.<sup>52</sup>

## 10. Case of G.S. (Tbilisi City Court, case №1-923-19)

G.S., during his cohabitation, systematically verbally and physically assaulted M.C. to whom he was married. Because of this they divorced. G.S. had a disagreement with his ex-wife, M.C., and his mother, V.E., regarding the seeing and taking of minor children, this led to the intention to kill them.

In order to carry out the criminal intent, G.M. took children out to his home on December 22, 2018. That same night, with the intention to kill his ex-wife and mother-in-law, he went to their house and tried to kill them by injecting a large amount of natural gas into their house, but was unable to carry out his criminal intent.

According to the verdict of Tbilisi City Court, G.S. was found guilty for crimes provided in Article 11<sup>1</sup>-19-109, part 1, b (Murder attempt of family member with the method that intentionally causes the threat to live and health of others), Article 19-109, Part 2, Subparagraph “f” (murder attempt of a family member) and Article 11<sup>1</sup>-19-109, Part 3, Subparagraph “a” (intentional murder attempt of two persons) of Criminal Code. The sanction provided by last mentioned norm absorbed all other sanctions and eventually, G.S. was sentenced to 16 years in prison.

According to the Ministry of Internal Affairs of Georgia, from 2012 to December 22, 2018, no notice had been received by the LEPL 112 service on the fact possible domestic violence in relation to citizens M.C. and V.E.<sup>53</sup>

---

52 Letter of the Human Rights Protection and Investigation Monitoring Department of Ministry of Internal Affairs of Georgia - MIA 0 19 02918078, 01/11/2019.

53 Letter of Ministry of Internal Affairs of Georgia - MIA 1 19 03199635, 29/11/2019.

