

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## De-Facto Authorities of South Ossetia Released Georgian Hostages under Legal Protection of GYLA

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On February 21, 2011, de-facto authorities

of South Ossetia released 7 ethnic Georgians detained on various dates after the August 2008 War.

The Georgian Young Lawyers' Association and the Russian Justice Initiative (RJI) represents interests of five of them – Zviad Kobaladze, Demur Chigladze, Davit Kapanadze, Beka and Vaza Takadzes – before the European Court of Human Rights against the Russian Federation.

Beka and Vazha Takadzes were detained by Ossetians dressed in military uniforms in February 201 in the village of Kirbala, Gori district, where they had gone for hunting. Representatives of the de-facto authorities of South Ossetia charged them for illegal border crossing. They served one year in Tskhinvali Prison.

Zviad Kobaladze, who was serving in Georgian army and participated in the Russian-Georgian war in 2008, was detained by Ossetian militaries on November 8, 2008 in the village of Avnevi, Kareli district. De-facto law enforcement authorities of South Ossetia charged him with murder, genocide and illegal carriage of arms. Z. Kobaladze was unlawfully detained in Tskhinvali prison for two years and three months.

Demur Chigladze and Davit Kapanadze, together with their two friends were detained by Ossetians dressed in military uniforms on February 27, 2009 near the village of Chvrinisi, Kareli district. Two of the detainees were released right away on the condition that they would bring 6,000 Euros as a ransom. Up until now Demur Chigladze and Davit Kapanadze had been serving time in Tskhinvali prison on charges of illegal border crossing and illegal acquisition/storage/carriage of arms.

Application on behalf of Zviad Kobaladze, Demur Chigladze and Davit Kapanadze was lodged with the European Court of Human Rights on 17 September, 2009 (Karkishvili et al v the Russian Federation, case no. 750135/09). The application was filed over multiple violations of fundamental human rights, such as prohibition of torture,

inhumane and degrading treatment (Article 3), right to liberty and security (Article 5), right to a fair trial (Article 6), right to respect for private and family life (Article 8), right to effective legal remedies (Article 13) and prohibition of discrimination (Article 14).

Georgian Young Lawyers' Association and the Russian Justice Initiative also represents interests of Malkhaz Akhvlediani before the European Court of Human Rights. He served one year and ten days in unlawful detention in Tskhinvali prison. M. Akhvlediani was sentenced to one year imprisonment for illegal border-crossing by the de facto court of South Ossetia. He was released on 11 February 2011 after having one year served in prison.

Despite the release of the detainees, the Georgian Young Lawyers' Association intends to follow the case filed with ECtHR to the end in order to ensure that the Russian Federation is ordered to pay compensation for moral and material damages to the applicants.

To our knowledge, four ethnic Georgians still remain in unlawful detention in Tskhinvali prison. GYLA and RJI represent the interests of one of them before the European Court.