



The European Court determined liability of Georgia on the fact of ill-treatment of Nikoloz Gogvadze detained during the special operation of Kintsvisi

On June 27, the European Court of Human Rights adopted a judgment on the case litigated by GYLA: Nikoloz Gogvadze v. Georgia. The court found a violation of Article 3 of the European Convention (prohibition of torture) as the applicant became a victim of ill-treatment from law enforcement representatives and at the same time, the state failed to conduct an effective and prompt investigation onto this fact.

According to the circumstances of the case, on May 26, 2011, the applicant Nikoloz Gogvadze together with 24 men were detained during the so-called special operation of Kintsvisi, in the vicinity of Kintsvisi monastery. After the detention, the law enforcers transferred the detainees into Kareli and then into Tbilisi Police Department. In both departments, the applicant was subjected to physical violence and psychological pressure with the purpose of punishment and extracting a confession

from him. On 4 June 2011, Shida Kartli Regional Prosecutor's Office launched an investigation on the ill-treatment of the applicant. In 2016, the criminal case was handed over to the Chief Prosecutor's Office of Georgia, which has been investigating the case to date.

According to this judgment, the European Court found a violation of substantial part of Article 3 of the European Convention and observed that the objective evidence in the case confirmed that on May 26-27, 2011, the applicant had a number of injuries on his face and body while being under the control of the government which he never had prior to his detention. At the same time, the State failed to present a convincing argument about causes of these injuries. On contrary, the State submitted a prosecutorial resolution on requalification of the criminal case according to which the investigating authorities concluded that there was sufficient evidence confirming the ill-treatment of the applicant.

In the present case, the Court also found a violation of the procedural part of Article 3 of the European Convention. The Court established that the investigation, which was launched in June 2011, continued for almost eight years. During this period there were several years of inactivity within the investigation conducted by the investigative bodies. In particular, the only action that was carried out by the investigative bodies for almost 18 months since the start of the investigation, was the interrogation of the applicant. This intensive phase was completed in April 2013 and until May 2016, during three years investigative bodies remained still inactive. In May 2016, the case was handed over to the Chief Prosecutor's Office, however despite this, the period of inactivity continued over the next year. The Court underlined that the State failed to provide a convincing explanations for the inactivity of the investigative bodies.

The Court also emphasized the following shortcomings made within the investigation:

- Investigative bodies failed to conduct the medical expert examination of the applicant although he had suffered a number of injuries on his body after his detention;

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- Investigative bodies have not yet identified the unit of the Special Forces that had conducted the arrest operation, consequently, not a single officer who had participated in Kintsvisi special operation has been questioned so far;
- The investigation into the ill-treatment of the applicant is pending for 8 years although the investigative bodies have not yet identified the responsibility of a single person.

The European Court found Georgia responsible for ill-treatment of Nikoloz Gogvadze detained during the special operation of Kintsvisi.

The European Court has obliged Georgia a payment of fine in amount of 10,000 euros to the applicant for the moral damage.

GYLA will actively monitor the individual and general measures undertaken by the Government of Georgia for the execution of the judgment.