



## **GYLA filed a case to the European Court of Human Rights on behalf of N.J.**

On July 22, 2015 GYLA in partnership with the European Human Rights Advocacy Center (EHRAC) applied to ECtHR about illegal detention of N.J. and termination of criminal investigation and criminal persecution on the fact.

As case materials provide, the applicant who by that time was a public servant, was detained by patrol policemen in summer 2012 for administrative offence and Tbilisi City Court sentenced him to 80 days of administrative arrest.

On the bases of applicant's application, investigation was launched on N.J.'s illegal detention by the patrol police and the applicant was granted victim status in November 2012. In the framework of investigation, patrol policemen were charged for illegal detention. Police officers involved in arrest of the applicant acknowledged before the prosecution that there was no legal ground for deprivation of liberty to N.J. With a view to arrest N.J. police officers drafted false protocols of administrative offence and fulfilled illegal orders of management.

In 2014 for the absence of public interest prosecution terminated investigation and criminal persecution against police officers involved in the case.

GYLA complains that termination of criminal persecution substantially violated interests of the victim. In decision-making process prosecution failed to assess adequately public and private interests when the case concerned right to liberty and security, one of the fundamental human rights. Further, it should be noted that by termination of criminal persecution both implementers of illegal order and a person who had issued the order avoided punishment, though prosecution had information

**საქართველოს ახალგაზრდა იურისტთა ასოციაცია**  
**GEORGIAN YOUNG LAWYERS' ASSOCIATION**



about his identity. Impunity on the case may have motivating effect on the police officers and may harm effective protection of concrete individuals rights, as well as public interests, instead of ensuring prevention of further criminal acts.

After termination of investigation the applicant was deprived of the chance to litigate on newly discovered circumstances and to claim invalidation of court decision that recognized him offender. Further, he was deprived of the opportunity to restore his professional reputation and to claim compensation for illegal deprivation of liberty.

In the application, GYLA complains under Article 5 (right to liberty and security), Article 8 (right to respect for private and family right), Article 13 (right to an effective remedy) and Article 18 (Limitation on use of restrictions on rights).