



# On the basis of GYLA's complaint Government of Georgia recognized before ECtHR violation of the right to defense in Z.Jakheli's case

In 2010 Georgian Young Lawyers Association applied to ECtHR on behalf of the applicant Z.Jakheli. On May 12, 2015 the European Court rendered a ruling that was published on the web-page on June 4, 2015. Based on the reached agreement between parties the case [ ] vs. Georgia A has been removed from the list of pending cases.

Factual circumstances of the case are following: in the moment of committing offence the applicant had mental health problems. Though an individual with mental health problems is subject to mandatory defense, as provided by the Georgian Legislation (Article 81, Para 1, Clause b of the Criminal Procedure Code ) and the European Convention, no lawyer was provided to him at the stage of preliminary investigation.

In the complaint submitted to ECtHR, GYLA complained about violation of the European Convention on Human Rights, namely Article 6 (right to a fair trial), para 1 (right to a motivated court decision), para 3 (c) (right to be provided with free legal aid if defendant has no sufficient means when the interests of justice so require) and d) right to examine or have examined witnesses against him and to obtain attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

On September 15, 2014 ECtHR notified the government about complaint related to violation of the Articles 6 (1) and 6 (3) (c) of the Convention. On February 27, 2015

საქართველოს ახალგაზრდა იურისტთა ასოციაცია  
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the government submitted conditions of the agreement and the applicant agreed.

**As per submitted agreement conditions, the Government of Georgia recognized violation of Article 6 (3)(c) of ECHR in terms of the applicant Jakheli, since the state failed to ensure him with mandatory state legal aid at the preliminary investigation stage of the criminal case initiated against him. Moreover, the state also undertook obligation to provide compensation to the applicant.**

Committee of the Ministers of the Council of Europe will carry out monitoring on execution of the court ruling. GYLA, as the applicant  representative will also observe actively the execution process.

**GYLA has been providing strategic litigation in ECtHR since 2006. This year GYLA submitted three cases.**