



GYLA calls on the Ministry of Foreign Affairs to utilize international measures to ensure that the rights of the victims of the Russian Federation are effectively protected

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



As it is known to the public and state institutions, the Georgian Young Lawyers Association (GYLA) has been representing the interests of those affected by the 2008 Russia-Georgia international armed conflict and continuous occupation before the European Court of Human Rights against the Russian Federation. Additionally, GYLA has actively participated and continues to participate in the work of the Georgian Coalition for International Criminal Court, aiming to contribute to the establishment of the accountability for crimes committed by the Russian Federation in Georgia in 2008 as well as providing legal support to victims of these crimes.

It is alarming that the Russian Federation persists, to this day, in its administrative practice of harassing, illegally detaining, assaulting, torturing, murdering, and threatening ethnic Georgians, as tragically exemplified by the murders of Davit Basharuli, Giga Otkhozoria, Archil Tatumashvili, Tamaz Ginturi.

In light of these actions, it is vital that international organizations enforce the law promptly, swiftly hold the aggressor state accountable, and identify the perpetrators of international crimes at the earliest possible moment.

On 28 April 2023, the European Court ruled that the Russian Federation must pay Georgia 130 million euros based on the judgment on the inter-state case of 21 January 2021. Currently, individual applications remain under consideration of the Strasbourg Court. Furthermore, on 20 April 2023 the European Court declared Georgia's fourth inter-state application (no. 39611/18) against the Russian Federation admissible.

It is noteworthy that the Russian Federation does not cooperate with international organizations and as of today has been excluded from the Council of Europe. In addition, its declared policy is not to meet its obligations imposed by the European Court, including not paying just satisfaction.

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The Georgian Young Lawyers' Association suggests establishing an international compensation fund for the victims of the Russian Federation as a result of the August war and subsequent developments under the auspices of the Council of Europe, and in this regard, the Georgian authorities, particularly, the Ministry of Foreign Affairs of Georgia in collaboration with other state institutions, including the Ministry of Justice, shall take appropriate measures on international level. This proposal was already put forward to the European Court by GYLA during the litigation of individual applications against Russia in March 2023.

Considering the mandate of the Ministry of Foreign Affairs of Georgia in shaping the will of international community, it is vital that the Ministry employs all mechanisms at its disposal to introduce this issue to the international agenda and safeguard the rights of the affected individuals.

In the current reality, the proposed mechanism constitutes an only mean to ensure the just satisfaction imposed on the Russian Federation by the European Court of Human Rights on 28 April 2023 in the II inter-state case is received. The fund should collect material assets owned by the Russian Federation and located outside its borders and allocate them to those whose rights and freedoms, as guaranteed by the European Convention on Human Rights, were violated by the Russian Federation, including, in this specific case, the citizens of Georgia.

Setting up the above-mentioned fund would also contribute to the execution of the judgments of individual applications in which accountability of the occupying force for human rights violations has been determined. The vivid example is the judgment of the European Court of 19 December 2023 on the case **██████████ and Others v. Russia** A█ related to the murder of Giga Otkhozoria across the occupation line and the imposed just satisfaction on the Russian Federation.

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GYLA has addressed the Ministry of Foreign Affairs of Georgia to utilize available resources and take further actions. It would contribute to the execution of the judgment of the European Court of Human Rights in the II inter-state case of Georgia and already ruled/subsequent judgments establishing Russia's liability in 2008 and beyond through sustained and effective external advocacy for the creation of an international compensation fund.