



## **GYLA files a written submission to the European Court of Human Rights regarding the murder of Giga Otkhozoria**

**Georgian Young Lawyers' Association, in cooperation with the European Human Rights Advocacy Centre (EHRAC), has filed a written submission to the European Court of Human Rights with regards to the case of Giga Otkhozoria.**

Giga Otkhozoria was killed by Rashid Kanji-Ogli, so-called Abkhaz  guard A in

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



the Georgian controlled territory near the administrative border between Georgia and Abkhazia on May 19, 2016. Otkhozoria [] family members **appealed** to the European Court of Human Rights regarding the murder of Giga Otkhozoria on January 11, 2018. The applicants challenged the effectiveness of the investigation conducted into the fact of the illegal use of force by so-called Abkhazian border guard which resulted in the killing of Giga Otkhozoria. **The applicants claimed that the substantive and procedural provisions of Article 2 of the European Convention were violated.**

On November 8, 2018, the European Court of Human Rights **began** the examination on merits the murder case of Giga Otkhozoria and addressed the Russian Federation, the respondent State, with respective questions concerning the murder of Otkhozoria.

**In its written submission to the European Court, the Russian Federation refers** to Abkhazia as a sovereign state that has managed to escape from Georgia's aggression and become an independent state by means of self-determination. The Russian Federation claims that its jurisdiction does not extend to the territory of Abkhazia, it does not exercise effective control or influence over the "Republic of Abkhazia", [] it does not, therefore, have an opportunity to protect the human rights envisaged by the European Convention on the territory of Abkhazia.

**In response to Russia's written argumentations, GYLA and the EHRAC have provided**, both in the application and the written submissions, numerous pieces of evidence corroborating the occupation of Abkhazia and the effective control of the occupied territory by Russia. Accordingly, the Russian Federation shall be held responsible for any violation of human rights on the territory of the de-facto Republic of Abkhazia and any criminal acts committed by de-facto authorities of Abkhazia.

It is noteworthy that the European Court of Human Rights granted the applicants' motion and ordered the Russian Federation to submit the copies of all the investigative materials obtained during the investigation into the murder of Giga Otkhozoria by the de-facto authorities of Abkhazia. Despite this, the Russian Federation has not fulfilled its obligations. In its written submission to the European Court, GYLA further states that the failure of the Russian Federation to submit the case materials to the European Court **violates Article 38 of the Convention.**

The applicants, **in accordance with Article 46 of the European Convention**, request the European Court to determine specific measures to make the Russian

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Federation effectively investigate Giga Otkhozoria's killing and punish the perpetrators. Given that the Russian Federation does not comply with the requirements envisaged under Article 2 of the European Convention to carry out an effective investigation, the applicants have requested the Court to require from the Russian Federation to transfer Rashid kanji-Oghli to Georgian authorities in order to enforce the guilty verdict delivered by the Kutaisi Court of Appeals.

**The murder of Giga Otkhozoria is the case of precedential value because the European Court of Human Rights has to consider whether the Russian Federation is exercising effective control on the territory of Abkhazia and whether it is responsible for the actions of the de-facto authorities of Abkhazia.**

*The Georgian Young Lawyers' Association is conducting the litigation of the Case Giga Otkhozoria with the support of USAID / PROLoG.*