



## GYLA SUBMITTED A WRITTEN ARGUMENTATION TO THE EUROPEAN COURT REGARDING THE CASE OF TORTURE OF IRAKLI KHOPERIA

On March 10, 2020, the Georgian Young Lawyers' Association, in collaboration with its partner organization, the European Human Rights Advocacy Centre (EHRAC) submitted a written argumentation to the European Court on the case of torture of Irakli Khoperia.

On February 16, 2017, Irakli Khoperia was taken to the 5th unit of Vake-Saburtalo Police Department without any explanation, where he was subjected to verbal and physical abuse by law enforcement officers. The purpose of the ill-treatment was to obtain a confession from Khoperia of a crime he did not commit. Otherwise threatening him to plant drug and a multi-year custodial sentence. Khoperia was held in the police department for 4 hours and was released only after they found out that Irakli was arrested by mistake instead of another person.

On April 17, 2019, an appeal was filed to the European Court on the case of torture of Khoperia. In his complaint, the applicant argued about the violation of Article 3 (prohibition of torture) of the European Convention on Human Rights because he had been subjected to ill-treatment by police officers and the ongoing investigation into the case had been ineffective.

On May 20, 2019, the European Court of Human Rights started hearing the case of torture of Irakli Khoperia. According to new court practice, the parties were given a 12-week time limit before September 16, 2019, to agree on terms of amicable conciliation. Since no agreement was reached between the parties on the terms of amicable conciliation, on October 11 the court set an additional 12-week time limit for the Government to respond to its questions.

Georgia explains in a written argumentation submitted to the European Court that the investigation into the case of torture of Irakli Khoperia is being conducted effectively on the national level and that all necessary measures are being taken by the investigative authorities. Accordingly, the Government states that the complaint of the applicant was sent to the European Court prematurely.

Contrary to the position of Georgia, GYLA and EHRAC substantiate in a written argumentation submitted on March 10 that the ongoing investigation into the torture of Irakli Khoperia does not meet the efficiency standard set out by the European Court. Although it has been three years since using the violence by the police officers against Irakli Khoperia and the launch of the investigation into the incident, the investigative authorities have not yet taken any significant action. Besides, numerous pieces of evidence obtained during the investigation directly confirms the fact of ill-treatment of Khoperia by the particular police officers, but the offenders have not been punished yet. Instead of conducting an effective investigation, the Prosecutor Office has not conducted any investigative action since March 2019. Instead of conducting an effective investigation, the Prosecutor's Office has not conducted any investigative action since March 2019.

Also, GYLA asserts that Irakli Khoperia suffered injuries while he was under police control and that state officials used violence against him. Accordingly, the responsibility for torturing the applicant is imposed on Georgia.

GYLA also submitted information to the European Court on torture and ill-treatment

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



and the inefficiency of the ongoing investigation into the case. Based on reports from local and international organizations, GYLA substantiates that effective investigation into ill-treatment by law enforcement officers is still a systematic problem in Georgia. Failure to investigate the facts reinforces the sense of impunity in law enforcement officers and encourages the commission of such offenses.

GYLA requests the European Court to approve a violation of Article 3 of the Convention by Georgia on the ground of ill-treatment against Irakli Khoperia and the inefficiency of the investigation into this case.

The Georgian Young Lawyers' Association is proceeding the case with the support of USAID / PROLoG.