



## The court recognized Irakli Khoperia as a victim

Pursuant to the court judgment of May 2, 2017, Irakli Khoperia, who was refused to be considered as victim by the Prosecutor's Office, was recognized as a victim by the Tbilisi City Court and considered that there were sufficient grounds for the Prosecutor's Office to issue a resolution on the recognition of Irakli Khoperia as victim.

As it is known to the public, the investigation of the alleged fact of Irakli Khoperia's torture carried out by policemen has been in progress since March, 2017. The Georgian Young Lawyers' Association, which defends the interests of Irakli Khoperia,

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



with the request to recognize Irakli Khoperia as victim initially applied to the Prosecutor supervising the criminal cases which did not satisfy the claim. The complaint submitted concerning the above issue was not even satisfied by the Chief Prosecutor. According to the Prosecutor's Office, there existed no grounds for Irakli Khoperia's recognition as victim at that stage of the investigation.

After the refusal received from the Prosecutor's Office, GYLA applied to the Court on April 21, 2017 and requested the recognition of Irakli Khoperia as victim. The Court fully admitted the arguments in the complaint and satisfied the claim.

The Court explained *that effective defense means implies implementation of a thorough and effective investigation for the detection and punishment of wrongdoers. "Consequently, the investigative procedures shall be available for a litigant, through access to a criminal case can be obtained only after the receipt of a specific status. [...] At this stage of the investigation of the criminal case it has been established that the alleged torture was carried out to Irakli Khoperia by individual employees of law enforcement agencies. Despite the fact that no one has been charged yet, this circumstance shall not hinder the recognition of Irakli Khoperia as victim."* As a result, the Court ruled that "the Prosecutor's refusal to recognize Irakli Khoperia as victim was ungrounded which actually deprived the person to enjoy the rights granted by the law."

The decision made by the City Court cannot be appealed.