



## GYLA FILES A COMPLAINT WITH THE EUROPEAN COURT OF HUMAN RIGHTS

On 29 July 2016, the Georgian Young Lawyers' Association filed a complaint with the European Court of Human Rights on behalf of R.P.

On 23 August 2014, R.P. was detained by the employees of the Ministry of Internal Affairs of Georgia on the charge of theft. During the detainment, the police officers exceeded their powers, which is confirmed by eyewitnesses and as a result of which R.P. received bodily injuries. The injuries of the complainant are proved by medical documents and an expert's examination report. On 5 September 2014, the Prosecutor's Office initiated an investigation in connection with fact of exceeding of official powers by police officers. Starting from the initiation of investigation till today, the complainant filed multiple applications with investigative bodies to enquire what investigative actions have been conducted within the frame of the ongoing

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



investigation. Furthermore, despite multiple requests, R.P. has not been granted the status of victim.

Having filed the complaint in Strasbourg, GYLA litigates that the power used by the police officers was exceeded and was non-proportional, especially in conditions when the complainant did not show resistance. In addition, the authorities failed to ensure effective investigation of the facts of mistreatment by the police officers.

At the same time, R.P. was accused of theft, due to which he was detained. During the legal proceedings of this case, the court of appeals, and later the Supreme Court, restricted his right to interrogate an important witness who would confirm his nonculpability. Both courts unreasonably refused to satisfy R.P.'s petition for interrogating a witness and, consequently, the defence was restricted in certain rights and was placed in unequal position as compared to the position of the prosecution, which derogates the right to a fair trial.

In the complaint filed with the European Court, GYLA puts forward the violation of the material and procedural part of Article 3 (Prohibition of Torture) and Article 6(1) and (3)(d) of the Convention (Right to a Fair Trial).