



# **The Government of Georgia acknowledged violation of the right to life against Vartazar Egizaryan with regards to case lodged at the European Court**

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



On November 24, 2015, the European Court of Human Rights delivered a judgment in relation to the case of *Egizaryan v Georgia*. The decision was published on the website of the European Court on December 17, 2015. The applicant in the case was represented by the Georgian Young Lawyers' Association and the European Human Rights Advocacy Center (EHRAC). With its judgment the Court struck the case out of the court's list of cases.

The case was lodged in relation to developments following the Rose Revolution. In 2004, the then Head of Ajarian Autonomous Republic (the AAR) Aslan Abashidze ordered planting mines on the edge of Choloki River, which represented an administrative border between the AAR and the rest of the country. Mines were also planted throughout the territory of AAR.

On August 21, 2014, the applicant Vartazar Egizaryan, who was vacationing in Daba Chakvi, ARR, was driving a car on the beach of Chakvi when suddenly his car blew up on AT mine. As a result, he underwent an amputation of both shanks. In 2005, the applicant sued the Ministry of the Interior of Georgia in Tbilisi City Court demanding a compensation for pecuniary and non-pecuniary damages. He claimed that the Ministry was aware of mines planted in Chakvi but failed to take preventive measures for timely and thorough mine clearance of the territory. As a result, he had received life-threatening injuries.

The applicant argued violation of Article 2 (right to life) of the European Convention of Human Rights.

On July 21, 2014, the Government of Georgia made a unilateral declaration acknowledging violation of Art.2 of the Convention as a result of its failure to fulfill its positive obligations to undertake adequate measures (mine clearance) aimed at protection of the applicant's right to life. With its unilateral declaration the government undertook the obligation to pay EUR 8,000 to the applicant. The European Court awarded additional EUR 1,100 to the applicant to cover lawyer fees.

The European Court stated that based on the court's judgment the applicant has the right to request re-launch of proceedings before national courts.

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The Court also noted that the application could be returned to the Court if the Government failed to comply with the terms of its unilateral declaration.