



European Court has started hearing on the merits of the case of the protesters and journalists affected by the June 20-21 events

The European Court of Human Rights has started a hearing on the merits of the applications filed by GYLA and EHRAC on behalf of the journalists and demonstrators affected by the June 20-21 events of 2019. In particular, the court addressed relevant questions to the Government of Georgia, as the respondent State, in the cases of **Baghashvili and others v. Georgia** and **Kurdovanidze and others v. Georgia**.

GYLA filed applications with the European Court on 7th April 2021. The submitted applications/complaints include the cases of a total of 22 persons who were affected during the events of June 20-21. The applicants are substantiating in the submitted applications that there is a violation of Article 3 (prohibition of torture), Article 10 (freedom of expression - in the case of media representatives), Article 11 (freedom of assembly and association - in the case of demonstrators), and Article 13 (right to an effective remedy).

The European Court has raised the questions to the Georgian Government concerning all the articles in the application. According to the questions raised by the court, the state must present its position before the court on the issue of whether the rights of journalists and protesters mentioned in the complaint have been violated. Under the European Court of Human Rights case law, the parties were given until 3 September 2021 to agree on the terms of the amicable settlement. If no such agreement is reached between the parties within the time limit set by the court, the Government shall, within an additional 12 weeks, submit its views on the questions raised by the Court.

In addition to the questions about the violation of rights, the European Court granted the request of GYLA's lawyers and instructed the Government of Georgia to submit the materials of the criminal case filed by the Prosecutor's Office in connection with the dispersal of the rally on June 20-21, 2019. It should be noted that despite numerous requests from GYLA lawyers at the national level, the Office of the Prosecutor General does not allow victims to access the full materials of the criminal case. It should also be noted that only 3 out of 22 persons under GYLA protection are currently granted victim status at the national level.

In the context of the situation when a substantive hearing on the applications of journalists and protesters affected during the dispersal of the rally on 20-21 June goes on in the European Court, GYLA once more elucidates that it is inadmissible to apply amnesty/pardon to serious human rights crimes, including the violations of Article 3 of the European Convention on Human Rights. The law on amnesty will jeopardize the full enforcement of the Judgment of the European Court of Human Rights.

Questions raised by the Court to the State:

The European Court raises the following questions about the substantive part of Article 3 of the European Convention:

Based on the evidence presented by the applicants, would the applicants have been subjected to inhuman and degrading treatment by the police during the dispersal of the June 20-21 rally? Did the use of rubber bullets comply with the law? Did the measures taken under national law comply with Article 3 of the European Convention?

With regard to the procedural part of Article 3 of the European Convention, the European Court raises the following questions:

Whether the investigative bodies conducted an effective investigation into the alleged ill-treatment towards the applicants during the dispersal of the protest, as required by Article 3 of the Convention? At what stage is the investigation currently underway? Whether the applicants had been given an opportunity to participate effectively in the investigation process?

With regard to the Article 10 of the European Convention (concerning journalists), the Court raises the following questions:

Given the applicants' position that the police used force against them when they, as journalists, were covering ongoing events, did the State interfere with their freedom of expression under Article 10 (1) of the European Convention? If so, was it lawful and "necessary in a democratic society" for the purposes of Article 10 paragraph 2 of the Convention?

With regard to Article 11 of the European Convention (concerning protesters), the European Court raises the following questions:

Have the applicants been interfered with in their freedom of assembly under Article 11 (1) of the European Convention? If the interference took place, was it provided for by law and "necessary in a democratic society" for the purposes of Article 11 (2) of the Convention?

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Court raises the following question in relation to Article 13 of the Convention:

Did the applicants have access to domestic remedies under Articles 3, 10 and 11 of the European Convention as required by Article 13 of the European Convention?