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Date: 05/05/2025

DH-DD(2025)503

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Meeting: 1531st meeting (June 2025) (DH)

Communication from the applicants (30/04/2025) in the cases of Ochigava, Mamulashvili and Edzgveradze v. Georgia (Applications No. 14142/15, 15355/15, 59333/16) (Tsintsabadze group).

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1531e réunion (juin 2025) (DH)

Communication des requérants (30/04/2025) relative aux affaires Ochigava, Mamulashvili et Edzgveradze c. Géorgie (requêtes n° 14142/15, 15355/15, 59333/16) (groupe Tsintsabadze) ***[anglais uniquement]***

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DH-DD(2025)503: Rule 9.1: Communication from the applicants in Ochigava, Mamulashvili and Edzgveradze v. Georgia.
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Rule 9 (1) communication to the Committee of Ministers of the Council of Europe in respect of the execution of the

DGI

30 AVR. 2025

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Tsintsabadze Group of Cases:

Edzgveradze v. Georgia (no. 59333/16)
Ochigava v. Georgia (no. 14142/15)
Mamulashvili v. Georgia (no. 15355/15)

Georgian Young Lawyers' Association (GYLA)

European Human Rights Advocacy Centre (EHRAC)

April 29, 2025

DH-DD(2025)503: Rule 9.1: Communication from the applicants in Ochigava, Mamulashvili and Edzgveradze v. Georgia.
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EXECUTIVE SUMMARY

1. The **Georgian Young Lawyers' Association** (GYLA) and the **European Human Rights Advocacy Centre** (EHRAC) present this communication pursuant to Rule 9(1) of the Rules of Committee of Ministers to draw attention to the inadequacies in the execution of the following European Court of Human Rights' judgments and decisions delivered in the *Tsintsabadze* Group of Cases*: Edzgveradze v. Georgia (no. 59333/16)*; *Ochigava v. Georgia (no. 14142/15); Mamulashvili v. Georgia (no. 15355/15)*. This submission is communicated to the Committee of Ministers (CM) ahead of its consideration of these cases at the 1531st CM-DH meeting (June 2025). In this communication, GYLA and EHRAC provide recommendations for specific steps that the Georgian authorities should undertake for the full and effective execution of the individual measures in the three cases that form a part of the *Tsintsabadze Group* of cases.

2. This communication pertains to and should be read together with the most recent Rule 9(2) submissions filed by the Georgian Young Lawyers' Association, the European Human Rights Advocacy Centre and the Social Justice Center (SJC) in the Tsintsabadze group of cases and the Makarashvili group of cases. Furthermore, taking into account the fact that the problems addressed in the submission remain unresolved since our previous submissions in the past years, this submission also refers the CM to the previous Rule 9.2 communications of 2020[1]-2022[2]-2023[3] and 2024[4] communications submitted by GYLA and EHRAC, as well as additional submission in 2024 under Rule 9(1) with regards to the case of Ochigava[5].

3. **All key issues arising in the domestic investigations of these cases before the investigative authorities remain unresolved**.

I. Information on the Execution of Individual Measures

1. *Edzgveradze v. Georgia* (no. 59333/16)

4. On 20 January 2022, the European Court of Human Rights (ECtHR or the Court) delivered a judgment on the case - *Edzgveradze v. Georgia (no. 59333/16)*. The ECtHR declared a violation of the procedural aspect of Article 2 (Right to life) of the Convention. The Court has found that no effective investigation was carried out into M.M's suicide, which had taken place the day following his questioning by the police as a witness in a case involving a friend of his. GYLA has represented the interests of the family of the deceased on a domestic level, as well as before the ECtHR.

5. According to the Court, *"the criminal investigation left unanswered potentially decisive questions, namely whether M.M. was indeed taken to a separate room and, if so, what happened there. Furthermore, the most notable gap of the investigation was the fact that it did not offer any hypothesis as to why an individual with no prior suicidal intentions, psychological issues, or any other apparent problems would commit suicide following an encounter with the police."*[6] The Court concluded that the investigation lacked thoroughness, and although the investigation into M.M.'s death had been pending for more than two years and eight months, no investigative measures were taken between November 2014 and March 2016.

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[1] Communication from NGOs (Georgian Young Lawyers' Association (GYLA) and European Human Rights Advocacy Centre (EHRAC)) (20/10/2020) concerning the case of TSINTSABADZE GROUP v. Georgia (Application No. 35403/06), available at: https://hudoc.exec.coe.int/eng?i=DH-DD(2020)944E, [15.04.2025]

[2] Communication from NGOs (The Georgian Young Lawyers' Association (GYLA) and European Human Rights Advocacy Centre (EHRAC)) (21/01/2022) in the case of the Tsintsabadze group v. Georgia (Application No. 35403/06), available at: https://hudoc.exec.coe.int/ENG?i=DH-DD(2022)141E, [15.04.2025]

[3] Communication from NGOs (The Georgian Young Lawyers' Association (GYLA) and European Human Rights Advocacy Centre (EHRAC)) (21/04/2023) in the case of the Tsintsabadze group v. Georgia (Application No. 35403/06), available at: https://hudoc.exec.coe.int/?i=DH-DD(2023)556E, [15.04.2025]

[4] Communication from NGOs (Georgian Young Lawyers' Association (GYLA), European Human Rights Advocacy Centre (EHRAC)) (24/01/2024) concerning the TSINTSABADZE group of cases v. Georgia (Application No. 35403/06), available at: https://hudoc.exec.coe.int/?i=DH-DD(2025)376E, [15.04.2025]

[5] Communication from the applicant (23/02/2024) concerning the cases of Ochigava and Tsintsabadze v. Georgia (Applications No. 14142/15, 35403/06), available at: https://hudoc.exec.coe.int/?i=DH-DD(2024)225E, [15.04.2025]

[6] *Edzgveradze v. Georgia*, no. 59333/16, ECtHR, 20.01.2022, §43.

6. According to the Court, *"the investigation was opened on 6 July 2013 and was closed on 25 March 2016 – a period of slightly more than two years and eight months. However, no investigative measures were taken between November 2014 and March 2016. The Government has not provided any explanation as to that period of apparent standstill."*[7] Although the case was re-opened following the Court's judgment in 2022, as can be seen from the Government's most recent action plan of 31 March 2025, its latest update on the investigation dates 8 June 2022 (see para 270). Therefore, the representatives of the Applicant point to the fact that three years following the judgment, the Government continues failing to provide an update on the current or future investigative steps, which is suggestive of their unwillingness to investigate this case. There has been no information provided by the investigative body whether there had been any investigative steps taken to determine Article 144[1] (torture) of CCG.

7. We note a worrying practice that the Government of Georgia merely copy its previous submissions and present them to the Committee as an update without explaining the absence of further investigative measures. More particularly, in 2023,[8] 2024[9] and 2025[10], the Government of Georgia presented identical submissions regarding the case of *Edzgveradze v. Georgia*, repeating the same investigative steps, without indicating its current or future steps in this case. Such an action not only demonstrates a lack of effective investigation but also violates the state's obligation before this honorable Committee to provide information regarding the execution of the Court's judgments. At the same time, this approach highlights systemic deficiencies that the Ministry of Justice has in the context of effectively supervising execution of judgements at the domestic level, especially investigations.

2. *Ochigava v. Georgia* (no. 14142/15)

8. On 16 February 2023, the ECtHR delivered the judgment on the case - *Ochigava v. Georgia (no. 14142/15)*. The ECtHR declared a violation of both the substantive and procedural aspects of Article 3 of the Convention on account of the applicant's ill-treatment, the certain acts of which amounted to torture, and the lack of an effective criminal investigation thereof. GYLA has represented the interests of the applicant on a domestic level, as well as before the ECtHR.

9. On 24 January 2024, GYLA and EHRAC submitted a communication pursuant to Rule 9(1) and Rule 9(2) of the Rules of Committee of Ministers to draw attention to the inadequacies in the execution of the European Court of Human Rights' judgments and decisions delivered in the *Tsintsabadze Group of Cases*.[11] In respect to the case of Ochigava, the submission outlined the failure of the Special Investigation Service (SIS) to reopen the investigation and/or respond to the letters from GYLA in that regard.[12] On 14 February 2024, the Government of Georgia presented its update with regards to this case, asking the Committee to close its supervision.[13] In response to this Submission, GYLA and EHRAC submitted a Rule 9(1) update on 23 February 2024, asking the Committee to reject the submission of the Government as the Government were referring to investigative steps that had been taken before, and were taken into account by the assessment of the Court when it found a violation of the procedural obligation under Article 3. In addition, the submission reiterated that Akaki Ochigava was still detained, and as he stated, some of the perpetrators who were involved in his torture are still working in the same penitentiary facilities, with some even being promoted. As a result, in March 2024, the Committee of Ministers *"invited the authorities to ensure that the SIS speedily re-examines the case files in light of the Court's findings in the Machalikashvili and Others and Ochigava cases and informs the applicants and the Committee on the decision taken with regard to the reopening of those investigations"*[14].

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[7] *Edzgveradze v. Georgia*, no. 59333/16, ECtHR, 20.01.2022, §45.
[8] Available at: https://hudoc.exec.coe.int/?i=DH-DD(2023)535E
[9] Available at:https://hudoc.exec.coe.int/?i=DH-DD(2024)82E
[10] Available at: https://hudoc.exec.coe.int/?i=DH-DD(2025)376E
[11] Communication from NGOs (Georgian Young Lawyers' Association (GYLA), European Human Rights Advocacy Centre (EHRAC)) (24/01/2024) concerning the TSINTSABADZE group of cases v. Georgia (Application No. 35403/06), 24.01.2024, available at: https://hudoc.exec.coe.int/?i=DH-DD(2024)136E, [15.04.2025]
[12] *ibid*, paras. 12-14.
[13] Communication from the authorities (14/02/2024) concerning the case of TSINTSABADZE v. Georgia (Application No. 35403/06), Rule 8.2a, 14.02.2024, available at: https://hudoc.exec.coe.int/?i=DH-DD(2024)184E, [15.04.2025]
[14] The Committee of Ministers, 1492nd meeting (12-14 March 2024) (DH) - H46-14 Tsintsabadze group v. Georgia (Application No. 35403/06), CM/Del/Dec(2024)1492/H46-14, 14.03.2024, para. 4.

10. According to the Government's most recent action plan of 31 March 2025, *"[s]ubsequent to comprehensive review of the case materials by the SIS, on 15 June 2024, a decision was made to continue investigation of the criminal case. Subsequently, by order of the prosecutor, on 11 July 2024, criminal case №074110724801 was separated from case №073110400, on the fact of degrading and inhuman treatment of Akaki Ochigava, crime provided under Article 144[3], paragraph 2 off the CCG. The criminal case was sent to the SIS for investigation."*[15]

11. On 19 August 2024, GYLA addressed the Special Investigation Service asking what investigative steps had been taken, and requested for access to the criminal case-file.[16] GYLA has not received any answer to that letter. On 7 March 2025, GYLA addressed the relevant unit of the Prosecutor's Office, which supervises the Special Investigation Service, indicating that considering that the State refuses to comply with its international obligations, Akaki Ochigava resorts to an extreme form of protest - a hunger strike, also reiterating his demand - to be transferred to a medical facility.[17] On the same day, GYLA addressed the General Prosecutor's Office Human Rights Department to examine the case of Akaki Ochigava and respond accordingly.[18] The request to examine this case was also sent to the Public Defender of Georgia.[19] The only response that GYLA received was from the Public Defender of Georgia, outlining that they are examining the case.[20] Prosecutors office, including their human rights protection department as well as the Special Investigative Service simply ignores the applicant, does not even send a reply to his requests and hides from their responsibilities.

12. It shall be outlined that in early March 2025 Akaki Ochigava has swallowed a nail clipper, which poses a serious threat to his health and life. He took this action because he remains denied justice on a domestic level, despite the findings made by the ECtHR. On 13 March 2025, GYLA addressed the Head of the Special Penitentiary Service, setting out the following: *"Akaki Ochigava is on a hunger strike to protest the continued indifference shown by state agencies, as the investigative agencies have not yet investigated the facts of his merciless torture. In addition, according to the information I have, he has resorted to extreme forms of torture and self-harm. As of today, he has swallowed a nail clipper, which poses a serious threat to his health and life. I ask for immediate response and transfer to an appropriate medical facility."*[21] As GYLA was informed on 20 March 2025, Akaki Ochigava was transferred to the medical facility on 17 March 2025 after several days of delays that were vital for the applicant's health.[22]

13. The very evident unwillingness of the State agencies to investigate this case has already resulted in the severe health damage of Akaki Ochigava and has very serious consequences on his well-being and the overall loss of belief in achieving justice. The representatives ask the Committee to call on the Government to provide the details of the investigation, including on the current status of the investigation and its next steps.

3. *Mamulashvili v. Georgia* (no. 15355/15)

14. On 4 July 2024, the Court delivered the judgment on the case - *Mamulahvili v. Georgia (no. 15355/15)*. It declared a violation of both the substantive and procedural aspects of Article 3 of the Convention on account of the applicant's ill-treatment, and that it was attributable to the State, based on medical evidence, a failure to conduct an effective investigation, and a broader pattern of systemic abuse in Georgian prisons.

15. With its latest Action Plan, the Government of Georgia informed the Committee of Ministers that on 26 September 2024, the case was transferred to the Special Investigation Service for further investigation under Article 144[3] of the CCG.[23] In addition, the Action Plan states that *"all necessary investigative and procedural actions are being planned and will be carried out within a strict timeframe"*.[24] Again, the Government fails to list specific investigative measures that either had been or are planned to be taken and does not indicate what the timeframe is.

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[15] Action Plan 1531st meeting (June 2025), Communication from Georgia concerning the group of cases of TSINTSABADZE v. Georgia (Application No. 35403/06), 01.04.2025, para. 286.
[16] Letter ჯ-01/92-24 of GYLA to the Head of the Special Investigation Service, 19.08.2024.
[17] Letter of GYLA to the Prosecutor's Office, 07.03.2025.
[18] Letter of GYLA to the General Prosecutor's Office, 07.03.2025.
[19] Letter of GYLA to the Public Defender of Georgia, 07.03.2025.
[20] Letter №25/2743 of the Public Defender of Georgia to GYLA, 07.04.2025.
[21] Letter of GYLA to the Special Penitentiary Service, 13.03.2025.
[22] Letter №77408/01 of the Special Penitentiary Service to GYLA, 20.03.2025
[23] Action Plan 1531st meeting (June 2025), Communication from Georgia concerning the group of cases of TSINTSABADZE v. Georgia (Application No. 35403/06), 01.04.2025, para. 313.
[24] *ibid.*

16. It is noteworthy that on 31 July 2024, GYLA addressed the Special Investigation Service requesting information on any investigative actions taken, as well as access to the criminal case file for the victim and their representatives.[25] To date, GYLA has received no response. This lack of communication from state authorities highlights not only their unwillingness to investigate the case but also their lack of even formal engagement with the victim's representatives.

II. Recommendations for execution of individual measures

17. The signatory NGOs, Georgian Young Lawyers' Association (GYLA) and European Human Rights Advocacy Centre (EHRAC), refer the Committee to their recommendations set out in their previous submissions concerning the case of TSINTSABADZE GROUP v. Georgia (Application No. 35403/06). Furthermore, we wish to draw the Committee's attention to the following recommendations:

18. Firstly, in light of the authorities' continuing failures to effectively investigate these cases, the Committee should continue examining these cases under its close scrutiny and urgently request the Government to provide a clear plan for the investigation of the respective cases, indicating specific steps and timeframes. Furthermore:

I. ***Edzgveradze v. Georgia*** *(no. 59333/16)*;

- ➢ The authorities should promptly undertake all necessary investigative measures to remedy the deficiencies outlined above and bring charges against those responsible.
- ➢ The Government should also ensure that most updated information is provided to the next of kin and their representatives regarding the progress of the investigation and that they are effectively involved in the pending investigation.

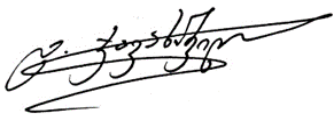
II. ***Ochigava v. Georgia*** *(no. 14142/15)*

- ➢ The relevant state authorities shall take timely action to protect the life and health of Akaki Ochigava, through medical care, as well as to promptly respond to Akaki Ochigava's requests.
- ➢ The Special Investigation Service should effectively investigate the case without further delays, and fulfill its duty under the domestic law and the Convention.
- ➢ The Special Investigation Service, as well as other institutions, should engage with the victim's representatives, including responding to their letters, and provide relevant information/access to the case file, as prescribed by the Georgian legislation.

III. ***Mamulashvili v. Georgia*** *(no. 15355/15)*

- ➢ The Special Investigation Service should effectively investigate the case and fulfill its duty under the domestic law and the Convention.
- ➢ The Special Investigation Service, as well as other institutions, should engage with the victim's representatives, including responding to their letters, and provide relevant information/access to the case file, as prescribed by the Georgian legislation.

Davit Javakhishvili
Head of the International Litigation Team,
GYLA



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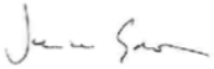

[25] Letter of GYLA to the Special Investigation Service, 31.07.2024