



## Police abuse in a raid on LGBT office in Tbilisi breached applicants' human dignity

The case [Aghdgomelashvili and Japaridze v. Georgia](#) (application no. 7224/11) concerned a police raid on the office of a lesbian, gay, bisexual and transgender organisation in Tbilisi. The applicants, who worked at the organisation, complained that the police had insulted and threatened them, and put them through humiliating strip-searches.

In today's **Chamber** judgment<sup>1</sup> in the case the European Court of Human Rights held, unanimously, that there had been **violations of Article 3 (prohibition of inhuman or degrading treatment)** of the European Convention on Human Rights taken in conjunction with **Article 14 (prohibition of discrimination)** as concerned the police abuse during the raid and the related investigation.

The Court found that the State had been responsible for the homophobic and/or transphobic police abuse that had been inflicted on the applicants and the absence of an effective investigation into the officers' grossly inappropriate behaviour.

Of particular concern for the Court was the fact that neither the police nor the Government had given reasons for the strip-searches, leading it to conclude that their sole purpose had been to embarrass and punish the applicants for their association with the LGBT community.

### Principal facts

The applicants, Ekaterine Aghdgomelashvili and Tinatin Japaridze, are Georgian nationals who were born in 1969 and 1979 respectively and live in Tbilisi.

On 15 December 2009 around 17 police officers in civilian clothing rushed into the office of the LGBT non-governmental organisation, the Inclusive Foundation, where preparations were being made for an art exhibition. The officers announced that they were there to conduct a search, without showing a search warrant or any other judicial order.

The applicants, who both worked for the NGO, and their colleagues submit that the police, on realising that they were on the premises of an LGBT organisation, became aggressive. One of the officers forcibly seized the first applicant's mobile phone, while another said that he wished he could burn the place down. The officers insulted the women present, calling them "sick", "perverts" and "dykes", and threatened to reveal their sexual orientation to the public.

Female officers later proceeded to strip-search nearly all of the women present, including the applicants. No records of the strip-searches were drawn up, and the women concerned all felt that the measure had been carried out to humiliate them as the officers did not search the clothes they were told to take off.

The applicants' criminal complaint filed in January 2010 for police abuse is still ongoing. There has been no reply to the applicants' requests that they be granted victim status or that the investigating authorities examine the allegedly discriminatory aspects of the police's behaviour during the raid.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

## Complaints, procedure and composition of the Court

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 14 (prohibition of discrimination), the applicants alleged that the police had subjected them to physical and mental abuse with clear homophobic and/or transphobic overtones, which had moreover been overlooked in the course of the ensuing ineffective investigation.

The application was lodged with the European Court of Human Rights on 25 January 2011.

Judgment was given by a Chamber of seven judges, composed as follows:

Síofra O'Leary (Ireland), *President*,  
Gabriele Kucsko-Stadlmayer (Austria),  
Ganna Yudkivska (Ukraine),  
Mārtiņš Mits (Latvia),  
Lado Chanturia (Georgia),  
Anja Seibert-Fohr (Germany),  
Mattias Guyomar (France),

and also Victor Soloveytchik, *Section Registrar*.

## Decision of the Court

### [Article 3 \(prohibition of inhuman and degrading treatment\) and Article 14 \(prohibition of discrimination\)](#)

First, the Court examined the applicants' complaint about the inadequacy of the Georgian authorities' investigation into the police raid. It reiterated that, when investigating ill-treatment, the authorities had a duty to take all reasonable steps to unmask possible discriminatory motives.

However, the domestic authorities had not undertaken a single investigative act since the applicants had lodged their criminal complaint in January 2010. Indeed, despite numerous requests, the applicants had not even been declared victims.

The Court considered that such protraction in the investigation had exposed the authorities' inability, or unwillingness, to examine the role played by homophobic and/or transphobic motives in the alleged police abuse, against a background of Georgia's well-documented hostility towards the LGBT community.

It thus found that there had been a procedural violation of Article 3 taken in conjunction with Article 14.

Secondly, it looked into the question of whether the State could be held responsible for the alleged police abuse committed during the raid.

It considered that the applicants' version of events, uncontested by the Government and confirmed by clear and concordant eyewitness statements, had been established beyond reasonable doubt.

It went on to conclude that the police officers' behaviour, motivated by homophobic and/or transphobic hatred, had been grossly inappropriate. The officers had not only wilfully humiliated and debased the applicants through hate speech, but had also made threats. Of particular concern were the strip-searches, for which no reasons had ever been given either by the police or the Government, leading the Court to conclude that their sole purpose had been to embarrass and punish the applicants for their association with the LGBT community.

The police officers' conduct had to have made the applicants feel fear, anguish and insecurity, which had not been compatible with respect for their human dignity.

There had therefore also been a substantive violation of Article 3 taken in conjunction with Article 14.

#### [Other articles](#)

The Court held that there was no need to examine the applicants' complaints under Article 8 of the Convention and Article 1 of Protocol No. 12 to the Convention.

#### [Article 41 \(just satisfaction\)](#)

The Court concluded that Georgia was to pay each applicant 2,000 euros (EUR) in respect of non-pecuniary damage.

*The judgment is available only in English.*

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

#### **Press contacts**

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) | tel.: +33 3 90 21 42 08

**Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)**

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.