



Georgia

Ratified the European Convention on Human Rights in 1999

National Judge: Nona Tsotsoria

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Mindia Ugrekhelidze (1999-2008)

The Court dealt with 152 applications concerning Georgia in 2016, of which 148 were declared inadmissible or struck out. It delivered 4 judgments (concerning 4 applications), which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	80	74	44
Communicated to the Government	47	76	17
Applications decided:	201	152	135
- Declared inadmissible or struck out (Single Judge)	157	124	108
- Declared inadmissible or struck out (Committee)	37	24	21
- Declared inadmissible or struck out (Chamber)	3	0	1
- Decided by judgment	4	4	5
Interim measures:	2	2	5
- Granted	0	0	1
- Refused (including out of scope)	2	2	4

* January to July 2017

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/07/2017	
Total pending applications*	1995
Applications pending before a judicial formation:	1986
Single Judge	28
Committee (3 Judges)	10
Chamber (7 Judges)	1947
Grand Chamber (17 Judges)	1

*including applications for which completed application forms have not yet been received

Georgia and ...

Its contribution to the Court's budget

For 2017 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Georgia to the Council of Europe's (EUR 328 million) budget is **EUR 541,712**.

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **8** are Georgian.

Noteworthy cases, judgments delivered

Grand Chamber

[Georgia v. Russia \(I\)](#)

03.07.2014

The case concerns the alleged existence of an administrative practice involving the arrest, detention and collective expulsion of Georgian nationals from the Russian Federation in the autumn of 2006.

[Violation of Article 4 of Protocol No. 4 \(prohibition of collective expulsion of aliens\)](#)

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

[Violation of Article 5 § 4 \(right to judicial review of detention\)](#)

[Violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

[Violations of Article 13 \(right to an effective remedy\) in conjunction with Article 5 § 1 and with Article 3](#)

[Violation of Article 38 \(obligation to furnish all necessary facilities for the effective conduct of an investigation\)](#)

The Court also found no violation of Article 8 (right to respect for private and family life), no violation of Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) and no violation of Articles 1 and 2 of Protocol No. 1 (protection of property and right to education).

[Assanidze v. Georgia](#)

08.04.2004

The case concerned the continued detention of Tengiz Assanidze, former mayor of Batumi, in a short-term remand prison in the Adjarian Autonomous Republic, despite his acquittal by the Supreme Court of Georgia.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

[Violation of Article 6 § 1 \(right to a fair hearing\)](#)

Chamber

Cases concerning the right to life (Article 2)

[Makharadze and Sikharoulidze v. Georgia](#)

22.11.2011

Georgian authorities' inability to provide effective treatment to a prisoner suffering from multi-drug resistant tuberculosis.

[Violation of Article 2](#)

[Violation of Article 34 \(individual applications\)](#)

[Ehlukidze and Girgvliani v. Georgia](#)

26.04.2011

The case concerned the death of a young man, allegedly at the hands of representatives of the Ministry of the Interior, and the complaint that no effective investigation was carried out into it.

[Violation of Article 2 \(lack of effective investigation into the death of the applicants' son\)](#)

[Violation of Article 38 \(obligation to cooperate with the Court\)](#)

Cases concerning inhuman or degrading treatment (Article 3)

[Identoba and Others v. Georgia](#)

12.05.2015

The case concerned a peaceful demonstration in Tbilisi in May 2012 to mark the International Day against Homophobia, which was violently disrupted by counter-demonstrators outnumbering the marchers.

[Violation of Article 3 taken in conjunction with Article 14 \(prohibition of discrimination\)](#)

[Violation of Article 11 \(freedom of assembly and association\) in conjunction with Article 14](#)

[Begheluri and Others v. Georgia](#)

07.10.2014

The case concerned the severe harassment of a large number of Jehovah's Witnesses in Georgia in the years 2000-2001.

[Violation of Article 3, taken separately and in conjunction with Article 14 \(prohibition of discrimination\) with regard to 32 of the applicants, on account of the inhuman and](#)

degrading treatment to which they were subjected – and no violation, in that respect, of Article 3 taken separately or in conjunction with Article 14 with regard to the remaining applicants

Violation of Article 3, taken separately and in conjunction with Article 14 with regard to 46 of the applicants on account of the authorities' failure to conduct an effective investigation into their complaints – and no violation, in that respect, of Article 3 taken separately or in conjunction with Article 14 with regard to the remaining applicants

Violation of Article 9 (freedom of thought, conscience, and religion), taken separately and in conjunction with Article 14 with regard to 88 applicants

Ghavidze v. Georgia

03.03.2009

The case concerned the failure of the Georgian authorities to comply with their obligation to protect the applicant's health during his detention and to provide him with appropriate treatment for his viral hepatitis C and tuberculous pleurisy.

Violation of Article 3

Poghosyan v. Georgia

24.02.2009

The case concerned the failure to provide the applicant, who suffered from viral hepatitis C, with proper medical care in prison.

Violation of Article 3

The Court, under Article 46 (binding force and execution of judgments), invited Georgia to take legislative and administrative steps to prevent the transmission of viral hepatitis C in prisons, to introduce screening arrangements for this disease and to ensure its timely and effective treatment.

Ramishvili and Kokhraidze v. Georgia

27.01.2009

The case concerned the imprisonment on suspicion of extortion of Shalva Ramishvili and Davit Kokhraidze, who were co-founders of and shareholders in a private media company which owned "TV 202", a broadcasting television channel in Tbilisi.

Violation of Article 3) on account of the inhuman and degrading conditions in which the first applicant was detained in the punishment cell at Tbilisi No. 5

Violation of Article 3 on account of the second applicant's detention in an overcrowded cell at Tbilisi No. 5 Prison
Violation of Article 3 on account of the applicants' placement in a metal cage during a court hearing

Violation of Article 5 § 1 (c) (right to liberty and security) on account of the absence of a valid court order authorising the applicants' detention between 27 November 2005 and 13 January 2006

No violation of Article 5 § 4 on account of the applicants' inability to have prompt access to a video recording used as evidence against them

Violation of Article 5 § 4 on account of the manner in which the judicial review of 2 September 2005 was conducted and the absence of a speedy reply to the applicants' complaint of 6 December 2005

97 Members of the Gldani Congregation of Jehovah's Witnesses & 4 Others v. Georgia

03.05.2007

The case concerned an October 1999 attack on a Congregation of Jehovah's Witnesses by a group of extremist Orthodox believers, led by Basil Mkalavishvili (known as "Father Basil") and the lack of an appropriate response by the Georgian authorities.

Violation of Article 3

Violation of Article 9 (freedom of thought, conscience and religion)

Violation of Article 14 (prohibition of discrimination)

Shamayev and 12 Others v. Georgia and Russia

12.04.2005

The case concerned the extradition of alleged Chechen terrorists from Georgia to Russia.

See the Court's findings in the press release

Cases concerning the right to liberty and security (Article 5)

Tchankotadze v. Georgia

21.06.2016

The case concerned the pre-trial detention of the former the chairperson of the Civil Aviation Agency (CAA) of Georgia and his criminal conviction of abuse of power.

Violation of Article 5 § 1

Violation of Article 6 § 1 (right to a fair trial)

Kakabadze and Others v. Georgia

03.10.2012

The case concerned the applicants' arrest and punishment by detention, imposed as an administrative sanction by a court on the day of their arrest, for their participation in a demonstration.

[Violation of Article 5 § 1](#)

[Violation of Article 6 §§ 1 and 3 \(c\) \(right to a fair trial\)](#)

[Violation of Article 11 \(freedom of assembly and association\)](#)

[Violation of Article 2 of Protocol No. 7 \(right of appeal in criminal matters\)](#)

Giorgi Nikolaishvili v. Georgia

13.01.2009

The case concerned the unlawful detention on remand of the applicant who had been called to serve as a witness in a murder case in which his brother was a suspect.

[Violation of Article 5](#)

Cases concerning Article 6

Right to a fair trial/hearing

Natsvlishvili and Togonidze v. Georgia

29.04.2014

The case essentially concerns the compatibility of the plea-bargain procedure, introduced into the Georgian judicial system in 2004, with the right to a fair trial.

[No violation of Article 6 § 1](#)

[No violation of Article 2 of Protocol No. 7 \(right of appeal in criminal matters\)](#)

[No violation of Article 6 § 2 \(presumption of innocence\)](#)

[No violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

The Court further held that Georgia had not failed to comply with its obligations under Article 34 (right of individual petition).

The Court also noted that in Mr Natsvlishvili's case, the plea bargain had been accompanied by sufficient safeguards against abuse. Mr Natsvlishvili had entered into the plea bargain voluntarily, having understood its contents and consequences.

Khoniakina v. Georgia

19.06.2012

The case concerned the retirement pension of a former Supreme Court judge, which had been modified under a retroactive legislative amendment.

[No violation of Article 6 § 1](#)

[No violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

The Court found in particular that the adjustment requirement of Ms. Khoniakina's initial pension entitlement had been preserved, as well as the idea of a more generous welfare scheme for retired Supreme Court judges. The modification to Ms. Khoniakina's retirement pension was similarly applied to 850 persons affected by the general reform of retired civil servants' pensions.

30 cases similar to Ms. Khoniakina's - brought by civil servants - are pending before the Court. This is the first judgment in which the Court examined the modification of Georgian civil servants' pensions under the amended Supreme Court Act.

Gogoladze v. Georgia

11.12.2007

The case concerned the applicant's complaint that there had been no hearing before the Supreme Court in her case.

[No violation of Article 6 § 1](#)

Apostol v. Georgia

28.11.2006

The case concerned the authorities' refusal to enforce the judgment in the applicant's favour.

[Violation of Article 6 § 1](#)

Cases dealing with private and family life (Article 8)

N.Ts. v. Georgia (no. 71776/12)

02.02.2016

The case concerned proceedings for the return of three young boys – who had been living with their maternal family since their mother's death – to their father.

[Violation of Article 8](#)

Other noteworthy cases, judgments delivered

Gogitidze and Others v. Georgia

12.05.2015

The case concerned the court-imposed measure of confiscation of property belonging – in particular – to the former Ajarian Deputy Minister of the Interior.

[No violation of Article 1 \(protection of property\) of Protocol No. 1](#)

[Ashlarba v. Georgia](#)

15.07.2014

The case concerned the precision and foreseeability of a law which punishes individuals for their membership of a criminal syndicate and which was introduced in Georgia in 2005 as part of a legislative package aiming to fight against the criminal underworld.

[No violation of Article 7 \(no punishment without law\)](#)

Noteworthy cases, decisions delivered

[X. and Y. v. Georgia \(no. 5358/14\)](#)

02.10.2014

The case concerned the criminal proceedings instituted against 16 public officials, including the head and deputy head of the Georgian prison department, after video footage of ill-treatment in prisons had been broadcasted on national television. One of the videos included scenes of X., the second applicant, being verbally and physically abused by prison officers.

[Application declared inadmissible as it was lodged with the European Court of Human rights outside the six-month time-limit.](#)

Noteworthy pending cases

Grand Chamber

[Merabishvili v. Georgia \(no. 72508/13\)](#)

The case concerns the pre-trial detention of a former Prime Minister of Georgia.

Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial / right to have lawfulness of detention decided speedily by a court), Mr Merabishvili alleges that the decisions of 22 and 25 May 2013 ordering his pre-trial detention were based on unclear legal rules – notably in that they did not give a specific time-limit for his detention – and lacked reasonable grounds and that the courts failed to carry out a proper judicial review of his request for release in its decision of 25 September 2013.

Further relying on Article 18 (limitation on use of restrictions on rights) taken in conjunction with Article 5 § 1, he alleges

that the initiation of criminal proceedings against him and his arrest were used by the authorities to exclude him from the political life of the country, resulting in the weakening of his party, UNM, and preventing him from standing as a candidate in the presidential election of October 2013.

In its Chamber [judgment](#) of 14 June 2016, Court held, unanimously, that there had been no violation of Article 5 §§ 1 and 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) as concerned the lawfulness of and grounds for the court decisions of 22 and 25 May 2013 ordering Mr Merabishvili's pre-trial detention. It further held, unanimously, that there had been a violation of Article 5 § 3 as concerned the court decision of 25 September 2013 reviewing Mr Merabishvili's pre-trial detention. Lastly, the Chamber found, unanimously, that there had been a violation of Article 18 (limitation on use of restrictions on rights) taken in conjunction with Article 5 § 1 on account of the fact that Mr Merabishvili's pre-trial detention had also been used by the prosecuting authorities as an opportunity to obtain leverage in another unrelated investigation.

[Case referred to the Grand Chamber on 17 October 2016](#)

[Grand Chamber hearing on 8 March 2017](#)

[Georgia v Russia \(No. II\) \(no. 38263/08\)](#)

The case concerns the August 2008 conflict in South Ossetia. In the context of a Rule 39 (Rules of Court) request by the Georgian Government, on 12 August 2008 the Court considered that the situation gave rise to a real and continuing risk of serious violations of the Convention and requested both parties to comply with their obligations under the Convention, especially under [Articles 2 \(right to life\) and 3 \(prohibition of inhuman and degrading treatment and punishment\)](#).

[The formal application was received by the Court and communicated to the Russian Government in February 2009](#)

[A public hearing took place in September 2011](#)

[A witness hearing took place from Monday 6 June to Friday 17 June 2016.](#)

Chamber

A group of cases concerning the shooting of prisoners in the prison No. 5 in Tbilisi in March 2006:

Chitashvili v. Georgia (no. 41891/07)

Case communicated to the Georgian Government in October 2007

Koukhalachvili and Gordadze v. Georgia (no. 8938/07)

Case communicated in August 2007

A group of cases concerning complaints related to events in the Autonomous Republic of Abkhazia :

Mamassakhlissi v. Georgia and Russia (no. 29999/04)

Case communicated to the Georgian Government in August 2006

Wounded, the applicant who was suspected of terrorism was imprisoned allegedly without medical attention. His application concerns his conviction and the conditions in which he was detained in the Abkhazian Autonomous Republic, Georgia.

Mekhuzla v. Georgia (no. 5148/05)

Case communicated to the Georgian Government in February 2007

Sanaia v. Georgia (no. 26166/05)

Case communicated to the Georgian Government in February 2007

Dvalia and Goguia v. Georgia (no. 42765/05)

Case communicated to the Georgian Government in February 2007

The applicants in the above three cases complain that they had been deprived of their houses and that their private and family life had been negatively affected as a result of the armed conflict which took place in the Abkhazian Autonomous Republic, Georgia, between 1992 and 1993.

A group of cases concerning judges' dismissal

Gabaidzé v. Georgia (no. 13723/06)

Case communicated to the Georgian Government in August 2007

[Mariamidze v. Georgia \(no. 9154/06\)](#)

Case communicated to the Georgian Government in December 2007

Other noteworthy pending cases

Chamber

[Edzgveradze v. Georgia \(no. 59333/16\)](#)

Case communicated to the Georgian Government in November 2016

The case concerns the suicide of a Georgian man on 6 July 2013 after having been interrogated by the police the previous day. Relying on Article 2 (right to life) of the Convention, the applicant's wife, Ms Edzgveradze, contends that the relevant Georgian authorities failed to conduct an effective investigation into the circumstances surrounding her husband's death.

[Aghdgomelashvili and Japaridze v. Georgia \(no. 7224/11\)](#)

Case [communicated](#) to the Georgian Government in December 2013

The case concerns the alleged ill-treatment and unlawful search of two staff members of a NGO promoting LGBT rights during a police raid of the NGO's office.

The applicants rely on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private life) and 14 (prohibition of discrimination) read in conjunction with Articles 3 and 8 of the Convention, and Article 1 of Protocol No. 12 (general prohibition of discrimination) to the Convention.

[Badri Meladze v. Georgia \(no. 30635/09\)](#)

Case communicated to the Georgian Government in February 2010

Deprivation of property in expensive districts of Tbilisi.

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