



# Georgia

## Ratified the European Convention on Human Rights in 1999

### National Judge: Lado Chanturia

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

Previous Judges: Mindia Ugrekhelidze (1999-2008), Nona Tsotsoria (2008-2017)

The Court dealt with 244 applications concerning Georgia in 2017, of which 232 were declared inadmissible or struck out. It delivered 12 judgments (concerning 12 applications), 9 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2016	2017	2018**
Applications allocated to a judicial formation	74	89	56
Communicated to the Government	76	25	6
Applications decided:	152	244	71
- Declared inadmissible or struck out (Single Judge)	124	183	55
- Declared inadmissible or struck out (Committee)	24	48	12
- Declared inadmissible or struck out (Chamber)	0	1	1
- Decided by judgment	4	12	3

\*\*January to July 2018

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

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2018	
Total pending applications*	1913
Applications pending before a judicial formation:	1907
Single Judge	8
Committee (3 Judges)	78
Chamber (7 Judges)	1821
Grand Chamber (17 Judges)	0

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

## Georgia and ...

### 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 **668** Registry staff members.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Merabishvili v. Georgia](#)

28.11.2017

The case concerned the arrest and pre-trial detention of a former Prime Minister of Georgia, Ivane Merabishvili, and his complaint that there had been ulterior purposes behind these measures. Mr Merabishvili namely alleged that the arrest and the pre-trial detention had aimed to remove him from the political scene, and that the Chief Public Prosecutor – by having him covertly removed from his cell late at night several months after his arrest to question him – had attempted to use his detention as leverage to pressure him to provide information about the foreign bank accounts of the former President of Georgia Mikheil Saakashvili and about the death in 2005 of the former Prime Minister of Georgia Zurab Zhvania.

No violation of Article 5 § 1 (right to liberty and security) with regard to Mr Merabishvili's arrest or his pre-trial detention

No violation of Article 5 § 3 (entitlement of a detainee to trial within a reasonable time or to release pending trial) with regard to his initial placement in pre-trial detention

Violation of Article 5 § 3 in that, at least from 25 September 2013 onwards, his pre-trial detention had ceased to be based on sufficient grounds; and

Violation of Article 18 (limitation on use of restrictions on rights) taken in conjunction with Article 5 § 1

#### [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)**

#### [Sarishvili-Bolkvadze v. Georgia](#)

19.07.2018

The case concerned the applicant's complaint about the authorities' duty to protect her son's life from medical negligence and the adequacy of their response to his death.

Violation of Article 2 because of the authorities' failure to provide an effectively functioning regulatory framework

Violation of Article 2 because of shortcomings in the civil proceedings for compensation

**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)

**Enukidze 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

**Ghvtadze 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 Kokhreidze v. Georgia**

27.01.2009

The case concerned the imprisonment on suspicion of extortion of Shalva Ramishvili and Davit Kokhreidze, 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**

**Tchokhonelidze v. Georgia**

28.06.2018

The case concerned the alleged police entrapment of a senior regional Government official. Following an undercover police operation, he was convicted of requesting a bribe in exchange for his help in obtaining a building permit. In the criminal proceedings against him he unsuccessfully alleged that he had been incited into committing the offence.

Violation of Article 6 § 1

**Natsvlshvili 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 Natsvlshvili's case, the plea bargain had been accompanied by sufficient safeguards against abuse. Mr Natsvlshvili 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](#)

[Right to obtain attendance and examination of witnesses](#)

### **Kartvelishvili v. Georgia**

07.06.2018

The case concerned a penknife found during a search of Mr Kartvelishvili's cell while he was serving a nine-year sentence for murder. He was convicted of infringing prison regulations and sentenced to a further three years in prison essentially on the basis of statements by prison officers who had carried out the search. The courts refused Mr Kartvelishvili's requests to have his cellmates, who were present during the

search, called as witnesses in the proceedings.

[Violation of Article 6 §§ 1 and 3 \(d\)](#)

### **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**

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#### **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**

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#### **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

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### Grand Chamber

#### [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

Grand Chamber [hearing](#) on 23 May 2018

### 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.

## Other noteworthy pending cases

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### 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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