



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 Ugrehelidze (1999-2008), Nona Tsotsoria (2008-2017)

[List of judges of the Court since 1959](#)

The Court dealt with 151 applications concerning Georgia in 2018, of which 141 were declared inadmissible or struck out. It delivered 10 judgments (concerning 10 applications), 9 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	89	99	61
Communicated to the Government	25	15	5
Applications decided:	244	151	531
- Declared inadmissible or struck out (Single Judge)	183	101	520
- Declared inadmissible or struck out (Committee)	48	36	4
- Declared inadmissible or struck out (Chamber)	1	4	1
- Decided by judgment	12	10	6

* January to July 2019

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 01/07/2019	
Total pending applications*	1424
Applications pending before a judicial formation:	1400
Single Judge	753
Committee (3 Judges)	532
Chamber (7 Judges)	115
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 **643** Registry staff members.

Noteworthy cases, judgments delivered

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

[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)

Interstate case

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

03.07.2014

The case concerned 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).

On 31 January 2019, the Court decided on [the question of just satisfaction](#).

It held that Russia had to pay Georgia 10,000,000 euros (EUR) in respect of non-pecuniary damage suffered by a group of at least 1,500 Georgian nationals; that that amount was to be distributed to the individual victims by paying EUR 2,000 to the Georgian nationals who had been victims only of a violation of Article 4 of Protocol No. 4 (collective expulsion), and EUR 10,000 to EUR 15,000 to those among them who had also been victims of a violation of Article 5 § 1 (unlawful deprivation of liberty) and Article 3 (inhuman and degrading conditions of detention), taking into account the length of their respective periods of detention.

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

Rustavi 2 Broadcasting Company Ltd and Others v. Georgia

18.07.2019

The case concerned an ownership row over a privately owned television channel, Rustavi 2, the first applicant in the case. The dispute led to a ruling in March 2017 by the Supreme Court of Georgia finding that a former owner of Rustavi 2 had been

coerced into giving up the television channel and that the current owners, the second to fourth applicants in the case, were not therefore *bona fide* third-party acquirers. Pending those proceedings, Rustavi 2's corporate assets and all of the owners' shares in the company were frozen.

In the case before the European Court of Human Rights, the current owners of Rustavi 2 alleged in particular that the judges examining the ownership row had lacked independence and impartiality.

No violation of Article 6 § 1 as concerned the judge deciding the case at first-instance

No violation of Article 6 § 1 as concerned the court deciding the case on appeal

No violation of Article 6 § 1 as concerned the composition of the bench deciding the case during the cassation proceedings before the Supreme Court

The Court also rejected as inadmissible the remaining complaints brought by Rustavi 2's owners (the second to fourth applicants) as well as all those brought by Rustavi 2 (the first applicant) itself, including in particular their allegations that the proceedings had been a State-led campaign to silence the television channel.

Given those inadmissibility findings, the Court decided to lift the interim measure under Rule 39 of its Rules of Court indicating to the Georgian Government that it should among other things suspend enforcement of the decision of March 2017.

Tchokhanelidze 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

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.

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)

[Jishkariani v. Georgia](#)

20.09.2018

The case concerned defamation proceedings brought in 2005 by a psychiatrist, who is also a civil society activist, against the Minister of Justice at the time. The Minister had accused her on live television and in a newspaper of issuing medical reports to prisoners in exchange for money.

[Violation of 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

[Kudukhova and Kudukhova v. Georgia and Naniyeva and Bagayev v. Georgia](#)

13.12.2018

The cases concerned complaints by the applicants that their lives were put in danger by the actions of Georgian forces in South Ossetia in August 2008 and that their property had been damaged or destroyed.

[Cases declared inadmissible as manifestly ill-founded.](#)

[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.](#)

Inter-state case

[Georgia v. Russia \(III\) \(no. 61186/09\)](#)

was lodged on 16 November 2009 in connection with the detention of four Georgian minors by the *de facto* authorities of South Ossetia. Following a visit to South Ossetia by the Human Rights Commissioner of the Council of Europe, the four minors and a further one who had been previously detained were released from detention. On 29 January 2010 the Georgian Government informed the Court that they no longer wished to maintain the case. Therefore, on 16 March 2010 a Chamber decided to [strike the application out of its list](#) of cases (Article 37 § 1 (a) of the Convention).

Noteworthy pending cases

Inter-State cases

There are two Georgia v. Russia inter-State applications pending before the Court:

One case before the Grand Chamber:

Georgia v. Russia (II) (no. 38263/08) was lodged on 11 August 2008. It relates to the 2008 armed conflict between Georgia and the Russian Federation and its aftermath. On 12 August 2008 the Court adopted an interim measure inviting both Governments to respect their obligations under the Convention. This decision is still in force. A [hearing](#) was held on 22 September 2011. The application was declared [admissible](#) by a Chamber on 13 December 2011 and relinquished to the Grand Chamber on 3 April 2012. After several exchanges of observations between the parties, a witness [hearing](#) was held from 6 to 17 June 2016 and a [hearing](#) on the merits was held on 23 May 2018.

Another case before the Chamber:

Georgia v. Russia (IV) (no. 39611/18) was lodged on 22 August 2018. It relates to the alleged deterioration of the human rights situation along the administrative boundary lines between Georgian-controlled territory and Abkhazia and South Ossetia.

In addition to the inter-State cases, there are almost **2,000 individual applications** concerning the hostilities in 2008, against Georgia, against Russia or against both States.

Noteworthy pending cases

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 to the Georgian Government 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.

Cases concerning the armed conflict in the Abkhazian Autonomous Republic between 1992 and 1993:

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 these 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 between 1992 and 1993.

Dzhioyeva v. Georgia (no. 24964/09)

Case [communicated](#) to the Georgian Government in November 2018

The case concerns the applicant's complaints that her life was put in danger by the actions of Georgian forces in South Ossetia in August 2008 and that her property has been damaged or destroyed. The applicant relies on Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment), Article 13 (right to an effective remedy) and Article 14 (prevention of discrimination) of the Convention.

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.

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