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Meeting: 1514th meeting (December 2024) (DH)

Item reference: Action Report (10/10/2024)

Communication from Georgia concerning the cases of Tortladze v. Georgia (Application No. 42371/08), Megrelishvili v. Georgia (Application No. 30364/09) and Kalandia v. Georgia (Application No. 57255/10) [Group Rostomashvili]

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Réunion : 1514^e réunion (décembre 2024) (DH)

Référence du point : Bilan d'action (10/10/2024)

Communication de la Géorgie concernant les affaires Tortladze c. Géorgie (requête n° 42371/08), Megrelishvili c. Géorgie (requête n° 30364/09) et Kalandia c. Géorgie (requête n° 57255/10) [Groupe Rostomashvili] (**anglais uniquement**)

DGI

10 OCT. 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Government of Georgia

Action Report

MEGRELISHVILI v. Georgia (No. [30364/09](#))

Judgment of 7 May 2020, Final on 07/05/2020

KALANDIA v. Georgia (No. [57255/10](#))

Judgment of 22 April 2021, Final on 22/04/2021

TORTLADZE v. Georgia (No. [42371/08](#))

Judgment of 18 March 2021, Final on 18/06/2021

I. INTRODUCTION

1. The cases of *Rostomashvili Group* concern unfair criminal proceedings and trial against the applicants. The facts of these cases took place at various times between 2005 and 2011.
2. In particular, the *Rostomashvili* case concerns the failure by the authorities to give adequate reasons for the applicant's conviction for murder in view of their ignorance of the applicant's principal arguments which compromised the overall fairness of the criminal proceedings. The regional court sentenced the applicant to fifteen years' imprisonment which was upheld by the Supreme Court. The European Court found that no piece of forensic evidence had implicated the applicant, and the sole eyewitness statement was subjected to repeated reasoned yet unanswered challenges questioning its veracity and probative value (violation of Article 6 § 1).
3. In the other cases (*Kobiashvili*, *Megrelishvili*, *Bakradze*, *Tlashadze* and *Kakashvili*, *Kalandia*, *Shubitidze*) the European Court found that the manner in which the key evidence was obtained against the applicants, in particular, the procedural irregularities during the searches, the inconsistent and conflicting evidence concerning the actual circumstances of the searches, the inadequate judicial scrutiny both before and during the trial, including the failure of the domestic courts to sufficiently examine the applicants' allegations that the evidence had been planted on them, and the weakness of the corroborating evidence, rendered the applicants' trial as a whole unfair (violation of Article 6 § 1).
4. The *Tortladze* case concerns the search of the consular premises in the absence of appropriate and sufficient safeguards due to the authorities' failure to justify the recourse to the urgent procedure and to conduct adequate and efficient post-search judicial scrutiny (violation of Article 8).

5. The Government hereby submit information concerning the individual measures related to the cases of *Megrelishvili*, *Kalandia*, and *Tortladze*.

II. INDIVIDUAL MEASURES

a. *Payment of Just Satisfaction*

6. The just satisfaction awarded by the European Court in these cases has been fully paid within the timeframe set by the Court, as confirmed in the Action Plan previously submitted by the Government for this group of cases.¹

b. *Other Individual Measures*

7. According to information provided by the Common Courts of Georgia, the applicants in these cases, or their legal representatives, have not submitted any requests to the domestic courts for a review of the judgments delivered at the national level, as provided under Article 310(e) of the Criminal Procedure Code of Georgia. Furthermore, the statutory time limit for lodging such applications has long expired.

III. CONCLUSION

8. The Government hold the view that, in the cases of *Megrelishvili*, *Kalandia*, and *Tortladze*, the measures undertaken are sufficient to close supervision with respect to individual measures.
9. The individual measures in the remaining cases of the *Rostomashvili Group* and the general measures related to this group will be submitted to the Committee of Ministers in an updated Action Plan.

¹ Available at: [https://hudoc.exec.coe.int/?i=DH-DD\(2022\)204E](https://hudoc.exec.coe.int/?i=DH-DD(2022)204E)