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Date: 02/06/2025

DH-DD(2025)633

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting:	1531st meeting (June 2025) (DH)
Item reference:	Action Plan (30/05/2025)

Communication from Georgia concerning the group of cases of Tkhelidze v. Georgia (Application No. 33056/17)

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Réunion :	1531e réunion (juin 2025) (DH)
Référence du point :	Plan d'action (30/05/2025)

Communication de la Géorgie concernant le groupe d'affaires Tkhelidze c. Géorgie (requête n° 33056/17) ***(anglais uniquement)***

DH-DD(2025)633: Communication from Georgia.
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The Government of Georgia

Action Plan

Case of Tkhelidze v. Georgia

No. 33056/17, Judgement of 08/07/2021, final on 08/10/2021

Case of A and B v. Georgia

No. 73975/16, Judgment of 10/02/2022, final on 10/05/2022

Case of Gaidukevich v. Georgia

No. 38650/18, Judgment of 15/06/2023, final on 15/09/2023

Case of Oghlishvili v. Georgia

No. 7621/19, Judgment of 04/07/2024, final on 04/10/2024

DGI
30 MAI 2025
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

I. INTRODUCTION

1. These cases concern the State's failure to take preventive action with a view to protecting the domestic violence victims from murder and to investigate the law enforcement authorities' inaction and gender-based discrimination (violations of Article 2 in its substantive positive and procedural limbs taken in conjunction with Article 14 of the European Convention on Human Rights (*hereinafter* - "the Convention")).

2. The Committee of Ministers of the Council of Europe (*hereinafter* - "the Committee") on its 1451st, 1483rd and 1514th meetings adopted decisions on *Tkhelidze Group*,[1] recalling the Court's finding that there existed an adequate legislative and administrative framework designed to combat domestic violence against women in Georgia in general.[2]

3. The following action plan represents updated information regarding the measures undertaken by the investigative authorities in these cases in the light of the Decision adopted by the Committee in December 2024 (1514th DH meeting).

II. INDIVIDUAL MEASURES

a) Payment of just satisfaction

4. By the action plans of 12 April 2022[3], 27 October 2022[4] and 3 October 2024[5] the Government informed the Committee that the just satisfaction was paid to the applicants in following cases: *Tkhelidze v. Georgia*, *A and B v. Georgia* and *Gaidukevich v. Georgia*.

[1] Available at: https://hudoc.exec.coe.int/?i=CM/Del/Dec(2022)1451/H46-14E, https://hudoc.exec.coe.int/?i=CM/Del/Dec(2023)1483/H46-14E and https://hudoc.exec.coe.int/?i=CM/Del/Dec(2024)1514/H46-15E
[2] *Ibid.*, para. 1.
[3] Available at: https://hudoc.exec.coe.int/eng?i=DH-DD(2022)427E
[4] Available at: https://hudoc.exec.coe.int/eng?i=DH-DD(2022)1152E
[5] Available at: https://hudoc.exec.coe.int/?i=DH-DD(2024)1115E

5. Further information is provided below:

Name and application number	Non-Pecuniary damage	Total
Oghlishvili v. Georgia № *7621/19*	12 000 euros	12 000 euros Paid on: **17/12/2024**

b) Investigation

➢ ***Tkhelidze v. Georgia***

6. On 22 November 2021, the Office of the Prosecutor General of Georgia (*hereinafter* - "the OPG") launched an investigation into the criminal case №074221121803 on the fact of neglect of official duty by employees of the Ministry of Internal Affairs (*hereinafter* - "the MIA"), under Article 342, paragraph 2 (neglect of official duty) of the Criminal Code of Georgia (*hereinafter* - "the CCG").

7. Following the abovementioned judgment of the European Court of Human Rights (*hereinafter* - "the Court") the ensuing investigative and procedural actions were carried out in the context of the investigation:

- The applicant - Taliko Tkhelidze was interrogated as a witness on 1 December 2021. She provided the investigation with information on the calls made to LEPL Public Security Management Center "112" (*hereinafter* - "112 service") in 2014 regarding the illegal acts committed by deceased's ex-husband L.M. against her daughter M.T.;
- On 3 December 2021 the information was requested from the "112 service" of the MIA, as well as the administration of the MIA;
- Based on the domestic court's decision, certified copies of the materials of the criminal case on the murder of M.T. was obtained from the Tbilisi Police Department of the MIA on 11 February 2022 and the documents relevant to the case submitted by Taliko Tkhelidze's representative on 24 December 2021 were attached to the case;
- By the letter of 3 December 2021, the copies of the administrative case were requested from the Tbilisi City Court, as well as the copies of the decision on granting compensation for moral damages based on the complaint of Taliko Tkhelidze, which was provided by the domestic court on 25 March 2022;
- In order to find out which telephone numbers were used by M.T., Taliko Tkhelidze and L.M., web portal "pol.ge" was inspected on 14 June 2022;
- Based on the motion filed, the court delivered ruling on requesting detailed information about the concrete telephone numbers from the telecommunication companies;

- Following the abovementioned ruling, on 4 July 2022 the information from the LLC "MAGTICOM" was requested on the detailed list of incoming and outgoing calls, SMS and other information from M.T.'s and L.M.'s telephone numbers;
- The information received from the LLC "MAGTICOM" was examined on 6 July 2022;
- Relevant information and documentation were requested from the First Unit of Didube-Chughureti police division of the MIA on 27 June 2022;
- By the ruling of 29 November 2022, Taliko Tkhelidze, the mother of the deceased was recognised as a victim. On 30 November 2022, she was acquainted with the said ruling, she was explained the rights of the victim and was interviewed as a victim;
- In order to clarify the issue of the possible existence of audio/video recordings relevant to the case, information was requested from the MIA by the letter of 6 February 2023. According to the response received on 8 February 2023, due to the expiration of the deadlines established by the relevant acts, the mentioned information could not be found;
- 13 employees of the MIA were questioned as witnesses. In particular:
  - Sh.G. was interviewed on 15 November 2022, K.T. was interviewed on 17 November 2022, M.G. was interviewed on 29 November 2022, V.G. was interviewed on 23 January 2023, Z.Z. was interviewed on 26 January 2023, M.G. was interviewed on 27 January 2023. The mentioned persons worked as patrol officers of the Patrol Police Department of the MIA in 2014. They provided the investigation with information regarding their responses to relevant messages;
  - On 6 February 2023, G.A., who worked as a head of one of the departments of the MIA in 2014, was interviewed as a witness. He provided the investigation with information about the responses to the reports received in the department;
  - On 1 February 2023, R.K., who worked as a patrol-inspector of the Patrol Police Department and was an acting squad commander in 2014, was interviewed as a witness. On 8 February 2023, K.E., who worked as a patrol officer of the Patrol Police Department in 2014, was interviewed as a witness. They provided information to the investigation regarding the responses to the reports received by the patrol police.
- Following the abovementioned activities, the investigation continued interviewing of the employees of the MIA.
  - On 14 February 2023, N.Gh., who in 2014 worked as an assistant-investigator of one of the departments of the Rustavi City Division of the MIA, was interviewed as a witness; On 14 February 2023, D.B., who in 2014 worked as a detective-investigator in one of the departments of the Rustavi City Division of the MIA, was interviewed as a witness; On 17 February 2023, L.K., who also worked as a district inspector-investigator of one of the divisions of the Rustavi City Division of the MIA in 2014, was interviewed as a witness. They provided the investigation with information regarding their response to the report received at the Rustavi police station;

- On 16 February 2023, K.M., who worked as a platoon commander of the MIA Patrol Police Department in 2014, was interviewed as a witness. He provided information to the investigation about the response made to the received message by the patrol inspectors under his authority;
- On 17 February 2023, L.K., who in 2014 worked as a district inspector-investigator of one of the units of the Rustavi City Division of the MIA, was interviewed as a witness. He provided the investigation with information regarding their response to the report received at the Rustavi police station.

8. On 7 August 2023, based on the written request of the lawyer representing the interests of the victim, the lawyer was given the opportunity to familiarise with the complete criminal case materials. As a result of the request, the lawyer was given copies of the materials of the criminal case.
9. The investigation into the case is ongoing and final decision will be delivered shortly.

- ***A and B v. Georgia***

10. On 13 April 2022, criminal case №088170215801 was transferred to the Investigation Unit of the OPG for further investigation. Subsequently, several investigative and procedural actions were carried out in the context of investigation. In particular:

- A.J. (victim's relative), G.B. (victim's lawyer), P.Tch. (victim's mother) and K.J. (victim's father) were interrogated as witnesses;
- Essential information about the investigation was requested and received from the MIA on several occasions;
- The statement of the victim's lawyer (G.B.) was reviewed and corresponding answer was sent;
- Inspection of the MIA's database was carried out;
- A motion requesting the relevant information from communication network operators was filed with the Tbilisi City Court; After issuing and sending the ruling to the telephone operators, mentioned information was obtained by the subsequent investigative action;
- P.Tch. (victim's mother) was recognised as a legal successor of the victim on 2 August 2022;
- Information was requested from the archives of the Department of Common Courts (in two instances);
- A motion to the archives of the Department of Common Courts was filed to request case files (in two instances);
  - The case files related to the administrative claim of P.Tch. was retrieved from the archive of the Department of Common Courts;
  - The criminal law cases on conviction of S.S. (victim's husband), who was tried for the murder of S.J. (victim), were requested from the archive of the Department of Common Courts.

- Investigative action - inspection - was carried out in two instances;
- A new criminal case № 074301122801 was separated from the criminal case № 088170215801 on the fact of alleged neglect by the employees of the Zestaponi District Prosecutor's Office, the crime is provided for by Article 342, paragraph 1 of the CCG;
- The mentioned separate case was transferred to the General Inspection of the Office of General Prosecutor for further investigation;
- On 16 January 2023, the classification of the crime was changed in the criminal case № 088170215801 and the investigation is underway under Article 332, paragraph 3, sub-paragraph (c) of the CCG (abuse of official powers). Detailed clarification on the legal classification of the offence and the scope of the investigation was provided by the action plan of 6 October 2023.[6]
- Thus, as a result of change of classification, on 20 January 2023, P.Tch. (victim's mother) was recognised again as a legal successor of the victim;
- The statements of the lawyers of the successor of the victim - P.Tch., were considered and approved; In particular, the application on changing the classification in the criminal case and the request to receive detailed information on the criminal case, in order to familiarise with the case materials and transfer of its copy (material and electronic part) in full volume, was approved.

11. The investigation into the case is ongoing and final decision will be delivered shortly.

➢ ***Gaidukevich v. Georgia***

12. As the Committee was informed by the previous action plan, the case on the fact of neglect of official duty by the employees of the MIA, under Article 342, paragraph 1 (neglect of official duty) of the CCG was transferred to the Special Investigation Service (*hereinafter* - "the SIS") for investigation.
13. After the case was transferred to the SIS, several investigative and procedural actions were carried out in the context of investigation. In particular: the applicant - Albina Gaidukevich was recognised as the legal successor of the victim and her rights were explained to her. She was questioned again about the circumstances of the case and was given copies of the case materials. Records of telephone calls made by A.L. (the applicant's daughter) to the hotline of the "112 service" were reviewed.
14. Furthermore, the information was requested from/about:

- The mobile operators on how long information on incoming and outgoing calls, short text messages, service towers and internet traffic data is stored;
- The Public Security Management Center of the MIA on the period for which data on notifications recorded in the agency are stored;

[6] Available at: https://hudoc.exec.coe.int/?i=DH-DD(2023)1193E

- The MIA and the State Security Service regarding the recordings of radio stations (so-called "walkie-talkies") installed in patrol police vehicles and allocated to patrol inspectors that are of interest of investigation;
- The MIA and the State Security Service about the persons and addresses who searched for information in the electronic databases of the MIA concerning the cases of family conflict (from 1 February 2013 to 20 February 2017);
- The MIA on whether data on round-the-clock reports compiled regarding crimes and administrative offenses committed between 1 February 2013 and 20 February 2017 is stored;
- The MIA on call-telephone numbers of the Information and Surveillance Division of the Patrol Police Department and the Tbilisi Main Division for the period from 1 February 2013 to 20 February 2017;
- The MIA on who were assigned individual mobile phone numbers owned by the Patrol Police Department between 1 February 2013 and 20 February 2017;
- The MIA regarding the registration of documentation (protocols, notifications, reports and explanations) drawn up in connection with the notifications of A.L. in the chancellery, in the journal and in the electronic program;
- The persons who registered the aforementioned documentation in the electronic program and who were assigned to perform the above, as well as information on the complete movement of documentation and the implementation of the response;
- The protocol drawn up by patrol inspectors regarding the notification made by A.L.;
- The Tbilisi City Court and the Archives of the Department of the Common Courts regarding the storage location of the protocols of administrative offense cases of interest of investigation.

15. As for the information on measures in respect of the Court's findings concerning the deficient implementation of the criminal-law mechanisms in relation to the perpetrator (G.K.), under Article 18, paragraph 2 of the Criminal Procedure Code of Georgia, a person may not be charged with and/or convicted of a crime for which he/she once already been acquitted or convicted. Therefore, since G.K. has already been convicted for domestic violence, re-indictment does not comply with Georgian legislation and is against the fundamental legal principle - ne bis in idem.

➢ ***Oghlishvili v. Georgia***

16. According to the information provided by the Special Investigation Service, decision was made to transfer the case to the SIS. Therefore, the SIS will continue investigation of the case. The investigative plan will be developed and appropriate investigative/procedural actions will be taken to ensure thorough, comprehensive and impartial investigation.

c) Publication and dissemination

17. By the action plans of 27 October 2022[7] and 3 October 2024[8] the Government informed the Committee about the publication and dissemination of judgments - *Tkhelidze v. Georgia*, *A and B v. Georgia* and *Gaidukevich v. Georgia*.

18. In addition, the Government would like to update the Committee that case of *Oghlishvili v. Georgia* was translated into Georgian and published in the Official Gazette of Georgia (Legislative Herald of Georgia).[9]

III. CONCLUSION

19. The Government express their readiness to continue complying with their obligations under Article 46 of the Convention and to update the Committee in respective time-frame regarding steps undertaken by the investigative authorities in the above-mentioned cases.

[7] Available at: https://hudoc.exec.coe.int/?i=DH-DD(2022)1152E
[8] Available at: https://hudoc.exec.coe.int/?i=DH-DD(2024)1115E
[9] Available at: https://www.matsne.gov.ge/ka/document/view/6464302?publication=0