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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (13/10/2026)

Communication from Georgia concerning the case of Glonti and Others v. Georgia (Application No. 13708/18)

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Réunion : 1577^e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (13/10/2026)

Communication de la Géorgie concernant l'affaire Glonti et autres c. Géorgie (Requête n° 13708/18)
[anglais uniquement]

The Government of Georgia

Action Report

GLONTI AND OTHERS v. Georgia (no. [13708/18](#))

Judgement of 11 February 2025, Final on 11/02/2025

I. CASE DESCRIPTION

1. The case concerns a violation of the applicants' rights under Article 6 §§ 1 and 3 (a) and (b) of the Convention, arising from the authorities' failure to inform them, in a timely and adequate manner, of the nature and cause of the accusation, and the resulting lack of sufficient time and facilities to prepare their defence. These shortcomings occurred in the context of criminal proceedings conducted in 2016-2017, following the appellate court's reclassification of the offence without ensuring the applicants' effective awareness of the new legal characterisation or affording them a meaningful opportunity to adjust their defence.

II. INDIVIDUAL MEASURES

(a) Payment of Just Satisfaction

2. The applicants did not submit any claim under Article 41 of the Convention. The Court therefore found no basis to award them any sum under this head.

(b) Reopening of the Domestic Proceedings

3. According to the information provided by the Common Courts of Georgia, on 9 February 2026, the representatives of the applicants, Mr Davit Tsipuria and Mr Nugzar Kaishauri, lodged applications with the Tbilisi Court of Appeal under Article 310(e) of the Criminal Procedure Code of Georgia ('CPCG'). They requested the reopening of the criminal proceedings and the review of the judgment delivered by the Tbilisi Court of Appeal on 26 January 2017.
4. On 1 May 2026, the Tbilisi Court of Appeal dismissed the applications, finding no grounds for reopening the proceedings or reviewing the judgment. The appellate court held that the applicants had, to the extent possible, already been restored to the position in which they would have found themselves had the violation not occurred.

5. In this connection, the Tbilisi Court of Appeal noted that, on 27 January 2017, immediately following the conclusion of the appellate proceedings in the criminal case, the President of Georgia had granted a pardon to all the applicants, including Mr Davit Tsipuria and Mr Nugzar Kaishauri. As a result, they were released from serving both the principal and additional sentences imposed on them, their convictions were expunged, and they were released immediately.
6. The Tbilisi Court of Appeal also expressly referred to the Committee of Ministers' approach in the comparable case of *Pélissier and Sassi v. France*. The appellate court noted that, in that case, the applicants' convictions had been declared null and void, had ceased to produce any effects under criminal law, and the applicants were therefore regarded as never having been convicted. In those circumstances, the Committee of Ministers had concluded that no further individual measures were necessary.¹
7. Drawing an analogy with that case, and having regard to the fact that the legal consequences of the applicants' convictions had already been removed in the present case, the Tbilisi Court of Appeal concluded that reopening the criminal proceedings was not required as a further individual measure. Accordingly, the appellate court dismissed the applicants' applications for reopening.
8. The judgment of the Tbilisi Court of Appeal of 1 May 2026 has been appealed to the Supreme Court of Georgia, where the proceedings remain pending.

III. GENERAL MEASURES

(a) Applicable Domestic Law on the Reclassification of the Offence

9. Under the CPC, the reclassification of the offence constitutes a procedural measure forming part of the final judgment and may be effected *ex officio* by courts at all levels of jurisdiction.
10. In accordance with Article 273 of the CPC, which prescribes the requirements for the structure and reasoning of a conviction judgment, domestic courts are required, *inter alia*, to provide a reasoned and substantiated justification for any modification of the charges in favour of the accused, including where elements of the indictment are found to be unsubstantiated or where the legal characterisation of the offence is found to be inaccurate.² In such cases, the courts must set out, with sufficient clarity and detail, the legal and factual reasons underlying the decision,

¹ Available at: <https://hudoc.exec.coe.int/eng?i=001-101039>.

² Available at: <https://matsne.gov.ge/document/view/90034?publication=170>.

including modifications leading to acquittal on a distinct factual episode or to the reclassification of the legal characterisation of the acts imputed to the accused.

11. Article 298 of the CPC, which sets out the types of decisions available at the appellate stage, provides that the appellate court is authorised to amend the judgment delivered by the first-instance court.³ Such an amendment may directly affect the legal characterisation of the offence and, as a result, give rise to a modification of the original judgment.
12. In addition, Article 300(1)(b) of the CPC provides for the possibility of setting aside a judgment delivered by the Criminal Chamber of the appellate court where the offence has been subject to an improper legal qualification.⁴ Such circumstances generally arise from a misapplication of substantive criminal law, leading to a flawed legal assessment of the individual's conduct.
13. Furthermore, the Government consider that the violation found in the present case is of an isolated character and does not disclose any pattern or indication of repetitive shortcomings in domestic judicial practice.

(b) Domestic Judicial Practice concerning the Reclassification of Offences

14. The following examples from the domestic courts' case-law demonstrate that, where a court reclassifies an offence, the defence is duly informed of the nature and cause of the accusation and is afforded adequate time and facilities to prepare the defence. The examples also illustrate the manner in which the domestic courts have examined and addressed this issue. In particular:
 - **Decision of the Supreme Court of Georgia of 10 January 2024** – The case concerned the reclassification by the first-instance court of a charge of attempted intentional killing under Article 19, read in conjunction with Article 108, of the Criminal Code of Georgia ('CCG') as the offence of causing serious harm to health by exceeding the limits of necessary self-defence under Article 122 of the CCG. The Supreme Court examined the compatibility of the reclassification with the rights of the defence. The Supreme Court observed that the defence had been afforded a genuine and effective opportunity to contest the revised legal classification before both the appellate court and the court of cassation. The legal basis for the reclassification, the constituent elements of the reclassified offence and the arguments advanced by the defence had also been duly examined by

³ *Ibid.*

⁴ *Ibid.*

the domestic courts. Relying on the case-law of the European Court, the Supreme Court concluded that the change in legal classification had been accompanied by sufficient procedural safeguards. In particular, the convicted person had been duly informed of the nature and cause of the revised accusation and had been afforded adequate time and facilities to prepare and present an effective defence.⁵

- **Judgment of the Tbilisi Court of Appeal of 13 June 2025** – The case concerned the reclassification by the first-instance court of a charge of intentional damage to another person's property causing substantial damage under Article 187 of the CCG as negligent damage to or destruction of another person's property causing substantial damage under Article 188 of the same Code. The Tbilisi Court of Appeal examined the compatibility of the reclassification with the rights of the defence. Referring to the case-law of the European Court, the appellate court observed that a change in the legal classification of an offence does not, in itself, infringe the rights of the defence, provided that the accused is afforded an effective opportunity before a higher court to contest the revised classification and to obtain a review of the legal basis and justification for that classification. The appellate court also had regard to the constituent elements of the reclassified offence and concluded that the revised legal characterisation corresponded to the factual circumstances of the case and to the conduct imputed to the convicted person.⁶

15. In addition, in a number of recent cases, including cases №18/1550-24,⁷ №18/976-24,⁸ №18/574-25⁹ and №18/444-25,¹⁰ the defence was afforded adequate time and facilities before the appellate court to prepare and present submissions concerning the revised legal classification of the offence.

(c) Recent Institutional Indicators Reflecting Positive Developments in the Georgian Judicial System and Capacity-Building Measures for the Judiciary

16. Recent data indicate a sustained trend reflecting increased judicial impartiality in criminal proceedings. One of the most indicative metrics in this regard is the significant rise in the number

⁵ Supreme Court of Georgia, Decision №76633-23, 10 January 2024, <https://www.supremecourt.ge/ka/fullcase/45694/2>, § 28.

⁶ Tbilisi Court of Appeal, Judgment №18/1741-24, 13 June 2025.

⁷ Tbilisi Court of Appeal, №18/1550-24, 19 March 2025.

⁸ Tbilisi Court of Appeal, №18/976-24, 25 March 2025.

⁹ Tbilisi Court of Appeal, №18/574-25, 17 June 2025

¹⁰ Tbilisi Court of Appeal, №18/444-25, 22 December 2025.

of acquittals. According to the Judicial System Activity Report for the period 2020-2023, acquittals were granted in respect of 2,392 individuals – representing an eleven-fold increase compared to the corresponding figure recorded between 2009 and 2012.¹¹

17. Furthermore, statistical data from recent years indicate that, on average, approximately 1.4% of civil cases, 7% of administrative cases, and 6% of criminal cases adjudicated by courts of first instance are appealed to the Court of Cassation. This relatively low rate of cassation appeals may be interpreted as an indicator of litigants' overall confidence in the quality and reliability of first-instance adjudication.¹²
18. A user satisfaction survey conducted in April 2022 across the Common Courts of Georgia found that approximately 64.2% of respondents perceived the judiciary as fully independent, 69.8% expressed trust in the court system, and 67.7% reported no association between the judiciary and corruption. The survey was conducted in line with the methodology developed by the European Commission for the Efficiency of Justice (CEPEJ), as set out in the Recommendation entitled *"Conducting Satisfaction Surveys Aimed at Court Users in Council of Europe Member States"*.¹³
19. In addition, a nationwide public perception survey conducted in Georgia by Ipsos France, in cooperation with Professor Jan van Dijk, indicated that 61% of respondents from the general population assessed the independence of the judiciary as either "very good" or "mostly good". The survey, carried out between 14 July and 9 August 2024, was based on face-to-face interviews with 2,000 individuals across the country. The results reflect a ten-percentage-point increase compared to 2018 and surpass the European Union average of 53%, as reported in the 2023 Eurobarometer survey. Concurrently, a dedicated survey component targeting legal professionals – namely judges, prosecutors, lawyers, and members of the High Council of Justice – demonstrated a broadly positive assessment of the judicial reforms implemented in recent years.¹⁴
20. As a related development, the overall number of cases against Georgia before the European Court of Human Rights has decreased significantly. By 2011, a total of 3,045 cases had been filed against

¹¹ *Activity Report of the Judicial System 2020-2023* (High Council of Justice of Georgia, 2024) <https://hcoj.gov.ge/Uploads/2024/5/Activity%20Report%20of%20the%20Judicial%20System%202020-2023.pdf>, p. 16.

¹² *Ibid*, p. 20.

¹³ Available at: <https://hcoj.gov.ge/en/court-users-satisfaction-survey-common-c.html>.

¹⁴ Available at: <https://justice.gov.ge/?m=articles&id=kpVk6xQ9OO&lang=2>.

Georgia.¹⁵ As of January 2026, only 225 applications are pending before the Court – representing one of the lowest levels since Georgia's accession to the Council of Europe.¹⁶ This trend constitutes one of the clearest indicators of increased public trust in the effectiveness and credibility of national institutions, including the judiciary.

21. In addition, the High School of Justice, whose mandate is to contribute to the staffing of the justice system with highly qualified professionals, provides training to judicial candidates, judges, judicial assistants and other court staff. A training course entitled "Case-Law of the European Court of Human Rights" is delivered regularly as part of the annual training programme for judges and court officials. The course covers, *inter alia*, the principal requirements of Article 6 of the Convention, including the guarantees set out in Article 6 § 3 (a) and (b).
22. The information submitted attests to substantial progress in the reform of the judiciary, notably by means of legislative, institutional, and procedural measures aimed at reinforcing judicial independence and impartiality. These reforms have contributed to the consolidation of public confidence and to the promotion of greater transparency in the administration of justice.

(d) Publication and Dissemination

23. The judgment was translated into Georgian and published in the *Official Gazette of Georgia* (Legislative Herald of Georgia).

IV. CONCLUSION

24. In view of the above, the Government take the view that the violation found by the Court in the present case has been duly remedied and respectfully invite the Committee of Ministers to close the examination of this case.

¹⁵ Available at:
https://www.echr.coe.int/d/stats_analysis_2011_eng?p_1_back_url=%2Fsearch%3Fq%3D2011%2Bstatistics.

¹⁶ Available at:
https://www.echr.coe.int/d/cp_georgia_eng?p_1_back_url=%2Fsearch%3Fq%3DGeorgia&p_1_back_url_title=Search.