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

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

Communication from Georgia concerning the case of Tsulukidze and Rusulashvili v. Georgia (Application No. 44681/21)

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

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Communication de la Géorgie concernant l'affaire Tsulukidze et Rusulashvili c. Géorgie (Requête n° 44681/21) **[anglais uniquement]**

The Government of Georgia**Action Report*****Case of Tsulukidze and Rusulashvili v. Georgia***Nos. [44681/21](#) and [17256/22](#), Judgement of 29/08/2024, final on 17/03/2025**I. CASE SUMMARY**

1. The case concerns the violation of the applicants' right to a fair trial in 2021 on account of Supreme Court's refusal to recuse a judge, whose judicial assistant had family ties to the lawyer representing the respondent company in the civil proceedings of both applicants (violation of Article 6 §1).
2. The European Court of Human Rights (*hereinafter* - "the Court") found in particular that the fact that the judge's judicial assistant was the daughter of Telasi's legal representative, coupled with the broad mandate granted to judicial assistants in the Georgian judicial system, had created a situation that could legitimately raise doubts as to the impartiality of the judge. The applicants were unaware of the extent to which the judicial assistant had actually been involved in their cases, and the Supreme Court failed to clarify the circumstances of her involvement. As a result, it did not dispel the applicants' doubts concerning the impartiality of that judge. The Court, therefore, found that those doubts were objectively justified and that they had not been afforded sufficient procedural safeguards in this regard.

II. INDIVIDUAL MEASURES***a) Payment of Just Satisfaction***

Name and Application Number	Non-pecuniary Damage	Costs and Expenses	Total
Tsulukidze and Rusulashvili, Nos. 44681/21 and 17256/22	7 200 EUR	3 000 EUR	10 200 EUR
			Paid on: 24/04/2025

b) Other Individual Measures

3. Following the delivery of the European Court's judgment, Mr Zurab Tsulukidze and Mr Levan Rusulashvili applied to the Civil Chamber of the Supreme Court of Georgia for the decisions of 5 March and 24 November 2021 to be set aside and for the respective proceedings to be reopened.

4. By decisions of 19 May and 18 July 2025, the Civil Chamber accepted the respective applications for examination. By decisions of 6 March 2026, the Civil Chamber granted the applications, set aside the decisions of 5 March and 24 November 2021 and reopened the proceedings from the stage at which the appeals on points of law lodged by Mr Tsulukidze, Mr Rusulashvili and JSC Telasi had been admitted for examination.
5. The reopened cases were assigned to judicial formations composed differently from those which had examined the cases in the original proceedings.
6. By a decision of 3 July 2026, the Civil Chamber of the Supreme Court of Georgia declared the appeal on points of law lodged by Mr Zurab Tsulukidze inadmissible. By a separate decision delivered on the same date, the Civil Chamber also declared inadmissible the appeals on points of law lodged by Mr Levan Rusulashvili and JSC Telasi.

III. GENERAL MEASURES

a) *Relevant Domestic Legislation*

7. The domestic legislation of Georgia has remained consistent with the fundamental judicial standards established by the Court in its judgments.
8. In this regard, the Government would like to draw the Committee's attention to the legal provisions under Georgian legislation ensuring principles of impartiality of judges. According to Article 63 (1) of the Constitution of Georgia "*a judge shall be independent in his or her functions/activities and any pressure exerted on a judge or any interference with his or her functions/activities for the purpose of influencing his or her decision-making shall be prohibited and punishable by law*".¹
9. The above constitutional provision is reinforced under Article 7 (1) of the Organic Law of Georgia on General Courts, according to which a judge shall be independent in his/her activity. The judge shall assess facts and make decisions only according to the Constitution of Georgia, universally accepted principles and standards of international law, other laws and by his/her inner conviction.²
10. Further guarantees are provided by procedural laws. For example, under Article 31 (1)(d) of the CPC a judge may not hear a case or participate in the hearing of a case if he/she is personally interested, directly or indirectly, in the outcome of the case, or if there are other grounds for questioning his/her impartiality.³ On this basis, the parties are entitled to request the recusal of the judge when there is a family or other close relationship between the judge's assistant and one of the parties involved in the proceedings. Even in cases where the parties do not make

¹ Available at: <https://matsne.gov.ge/en/document/view/30346?publication=36>.

² Available at: <https://matsne.gov.ge/en/document/view/90676?publication=61>.

³ Available at: <https://matsne.gov.ge/ka/document/view/29962?publication=178>.

such a request according to Article 32 of the CPC, a judge is obliged to recuse himself or herself whenever grounds for recusal exist.⁴

11. In addition, a judge who fails to comply with the obligation to declare self-recusal in the presence of an apparent ground for recusal prescribed by law may be subject to disciplinary liability. Disciplinary proceedings, as an important element of the accountability of the judiciary, serve to protection of the authority of the judiciary and the public trust in the judicial system. It is noteworthy that in recent years important amendments were made to improve the process of disciplinary proceedings against judges and for ensuring its compliance with international standards and the recommendations of international organizations. In order to increase the effectiveness of disciplinary proceedings, on 30 December 2021 the Organic Law on Common Courts was amended which decreased the time frames for disciplinary proceedings. Specifically, in the event of receiving a complaint, an application or other information about the alleged commission of disciplinary misconduct by a judge, the Independent Inspector has been given a period of one month for preliminary verification of the information (instead of the two-month period established by the previous edition of the organic law), which may be extended by two weeks if necessary.⁵
12. The above-mentioned legal framework concerning impartiality of judges aims to eliminate any bias within the judicial system and serves the purpose of promoting confidence in judicial institutions among the public.
13. In addition, the ethical standards applicable to the impartial performance of official duties by public servants, including judicial assistants, are set out in Georgian legislation and subordinate normative acts.
14. Article 12 of the Law of Georgia on Public Service requires public servants to exercise official powers impartially, to be guided exclusively by the public interest and not to allow personal interests to influence the performance of official duties.⁶
15. Article 13⁴ (2) of the Law of Georgia on the Fight Against Corruption also requires public servants to identify any actual or potential conflict of interest, to take appropriate measures to prevent such a conflict and to disclose any such conflict before appointment or election or, where the conflict arises or becomes known subsequently, as soon as they become aware of the relevant circumstances.⁷
16. These statutory requirements are complemented by the Internal Regulations of the Office of the Supreme Court of Georgia, approved by Order no. 4 § 1 of the Chairperson of the Supreme Court of 10 July 2024. Under Article 4 § 3 (a) of the Internal Regulations, a public servant may

⁴ *Ibid.*

⁵ *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>.

⁶ Available at: <https://matsne.gov.ge/en/document/view/3031098?publication=74>.

⁷ Available at: <https://matsne.gov.ge/en/document/view/33550?publication=106>.

not perform official duties in relation to a person qualifying as a close relative for the purposes of Article 4 of the Law of Georgia on the Fight Against Corruption.

17. Taken together, these provisions establish binding standards of impartiality and conflict-of-interest prevention applicable throughout the system of common courts. Judicial assistants are therefore required to perform official duties solely in the public interest, to avoid circumstances capable of compromising impartiality and to disclose and address any actual or potential conflict of interest.

b) Recent Institutional Indicators Reflecting Positive Developments in the Georgian Judicial System

18. 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 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 2012.⁸
19. 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 indirect indicator of litigants' overall confidence in the quality and reliability of first-instance adjudication.⁹
20. In April 2022, on the basis of the Decision of the High Council of Justice of Georgia and in accordance with the methodology determined by the Recommendations of the European Commission for the Efficiency of Justice (CEPEJ) - "For Conducting Satisfaction Surveys Aimed at Court Users in Council of Europe Member States", the user satisfaction survey was conducted. According to the survey, 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*".¹⁰
21. 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

⁸ *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.

⁹ *Ibid*, p. 20.

¹⁰ Available at: <https://hcoj.gov.ge/en/court-users-satisfaction-survey-common-c.html>.

increase compared to 2018 and surpassed the European Union average of 53%, as reported in the 2023 Eurobarometer survey. What is more, 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.¹¹

22. 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 Georgia.¹² 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.¹³ This trend constitutes one of the strongest indicators of increased public trust in the effectiveness and credibility of national institutions, including the judiciary.
23. 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.

c) Practice of Domestic Courts

24. Recent rulings by domestic courts indicate that they began to implement and apply in practice the standard established by the Court in the case of *Tsulukidze and Rusulashvili v. Georgia*.
25. In this regard, it is noteworthy that, by a *ruling dated 26 December 2024* (case no. 38/3736-24), a judge of the Court of Appeals recused himself from the examination of an administrative case. The recusal was based on the fact that, during the preparatory stage of the case, it was revealed that the judge's assistant had maintained a long-standing friendly relationship with the representative of the respondent party. By referencing the case of *Tsulukidze and Rusulashvili v. Georgia*, the judge emphasized that his participation in the examination of the case might undermine the fundamental principle of judicial impartiality. Such a situation is impermissible and contradicts an essential principle, namely the party's confidence that the judge will examine the case independently and impartially.
26. By another *ruling dated 17 March 2025* (case no. 38/601-21), the Court of Appeals granted the motion filed by the representative of a third party and recused the reporting judge from the examination of an administrative case. In particular, during a hearing held on 17 March 2025 in the Administrative Chamber of the Tbilisi Court of Appeals, the reporting judge stated that the appellant's representative and his assistant were relatives. Consequently, the parties were entitled to file a motion requesting the recusal of the reporting judge from the case. Such a

¹¹ Available at: <https://justice.gov.ge/?m=articles&id=kpVk6xQ9OO&lang=2>.

¹² Available at: https://www.echr.coe.int/d/stats_analysis_2011_eng?p_1_back_url=%2Fsearch%3Fq%3D2011%2Bstatistics.

¹³ Available at: https://www.echr.coe.int/d/cp_georgia_eng?p_1_back_url=%2Fsearch%3Fq%3DGeorgia&p_1_back_url_title=Search

motion was indeed filed by the representative of the third party present at the hearing and was subsequently granted. The ruling specifically noted that, in line with the principle of judicial impartiality, justice must not only be carried out fairly but must also appear to be fair from the perspective of a reasonable observer.

27. The domestic court's rulings described above illustrate that the violation identified by the Court in the case of *Tsulukidze and Rusulashvili v. Georgia* has been effectively addressed in practice. They demonstrate that the domestic judicial system applies the relevant standards concerning judicial recusal and impartiality, and do not demonstrate any pattern or indication of recurring shortcomings in judicial practice. These developments reflect the commitment of the Georgian courts to uphold fair trial guarantees and align domestic proceedings with the Court's case law.

d) Awareness-raising Activities

28. In order for judges of domestic courts to apply standards established by the Court, including those set forth in the case of *Tsulukidze and Rusulashvili v. Georgia*, during the consideration of cases, the High Council of Justice organizes and implements various types of training programs. These programs are aimed at enhancing the professional qualifications of judges and strengthening the quality and consistency of judicial decision-making.
29. In this regard, the Government would like to draw the Committee's attention to the fact that the annual training programs for judges of domestic courts and other court staff include training sessions on issues related to the recusal of a judge and standards for reasoning in judicial decisions in civil, administrative, and criminal law.
30. The standards established by the Court on the above matters were addressed within the framework of the 2024 and 2025 In-service Training Programs for Judges and Other Court Staff during the following training sessions: Advanced Course on Judicial Ethics, Precedential Judgments of the European Court of Human Rights, Reasoning of Judicial Decisions in Civil Law, Reasoning of Judicial Decisions in Administrative Law, Contemporary Issues, and Key Interpretations in Criminal Law. The case of *Tsulukidze and Rusulashvili v. Georgia* was discussed during the training sessions held after October 2024. A total of 83 judges participated in these trainings.

e) Publication and Dissemination

31. The Court's judgment in the present case was translated into Georgian and published in the Official Gazette of Georgia (Legislative Herald of Georgia).¹⁴

¹⁴ Available at: <https://new.matsne.gov.ge/ka/document/view/6496940?publication=0>.

IV. CONCLUSION

32. In view of the above considerations, 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.