

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 15/10/2026

DH-DD(2026)1313

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: 1577th meeting (December 2026) (DH)

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

Communication from Georgia concerning the group of case of Ugulava v. Georgia (Application No. 5432/15)

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

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

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

Communication de la Géorgie concernant le groupe d'affaires Ugulava c. Géorgie (Requête n° 5432/15)
[anglais uniquement]

The Government of Georgia**Action Report****UGULAVA v. Georgia (no. [5432/15](#))**

Judgement of 9 February 2023, Final on 09/05/2023

I. OVERVIEW OF THE CASE

1. The *Ugulava* case concerns the authorities' failure to protect the applicant against arbitrariness in connection with the imposition of a second period of pre-trial detention in parallel criminal proceedings in 2015 (violation of Article 5 § 1 of the Convention). The case also concerns the absence of relevant and sufficient reasons justifying the applicant's continued detention from 18 February 2015 onwards (violation of Article 5 § 3 of the Convention).
2. The Committee of Ministers closed the supervision of the execution of the judgment in the *Okropiridze* case by adopting a Final Resolution on 4 December 2025 at the 1545th meeting of the Ministers' Deputies.¹

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

Title and Application Number	Non-Pecuniary Damage	Costs and Expenses	Total
<i>Ugulava v. Georgia</i> (Application no. 5432/15)	EUR 10,000	—	EUR 10,000 Paid On: 07/07/2023

(b) Release of Mr Giorgi Ugulava from Pre-Trial Detention

3. The Constitutional Court of Georgia by the decision of 15 September 2015 – *Giorgi Ugulava v. the Parliament of Georgia*, declared unconstitutional the "normative content" of Article 205, paragraph 2 of the Criminal Procedure Code of Georgia (*hereinafter* – "the CPCG"), which could

¹ Available at: <https://hudoc.exec.coe.int/?i=001-247936>.

be understood as allowing repeated imposition of nine-month pre-trial detention separately in parallel criminal proceedings without any safeguards against arbitrariness.²

4. On 17 September 2015, the applicant referring to the Constitutional Court's ruling on his case, requested the Tbilisi City Court to release him from pre-trial detention. On the same date the court granted his request, noting that his further detention, in view of the Constitutional Court's recent ruling, was impermissible (§49).
5. The Government consider that no further individual measures are necessary in the present case, as the payment of just satisfaction and the applicant's release from pre-trial detention have afforded adequate redress for the violation found by the European Court of Human Rights (*hereinafter* – "the Court").

III. GENERAL MEASURES

6. The Government would like to emphasise that the practice and legislation about imposing pre-trial detention in parallel ongoing criminal cases have been changed pursuant to the above-mentioned Constitutional Court's ruling.
7. In particular, as the Committee of Ministers (*hereinafter* – "the Committee") is aware, the Constitutional Court held that the nine-month period could in principle be calculated separately for each set of criminal proceedings, provided that an accused already charged with one offence was again indicted for another offence committed after he or she had been remanded in custody in relation to the initial charges. Hence, it confirmed that there would be nothing inappropriate in authorising an accused's pre-trial detention (for the duration of the statutory period of nine months) repeatedly if the cases had been initiated consecutively (§47).
8. Nevertheless, it stated that the repeated imposition of pre-trial detention in concurrently initiated sets of criminal proceedings – which were opened and took place simultaneously called for caution. After assessing Article 205, paragraph 2 of the CPCG and the existing court practice on the matter, the Constitutional Court held that, while the CPCG in general conferred broad discretion on the prosecution authorities as to when to press charges, it was silent on the application of the nine-month time-limit in cases involving multiple parallel indictments, and furthermore did not set a different overall maximum time-limit for pre-trial detention in cases involving multiple

² Available at: <https://matsne.gov.ge/ka/document/view/2998549?publication=0>

consecutive indictments. Given this omission, the provision thus created the possibility of indefinite detention of a person subject to multiple indictments, which was against the spirit of the Constitution that pre-trial detention should in principle be limited in time. The Constitutional Court thus concluded, that the interpretation of Article 205, paragraph 2 of the CPCG as allowing the application of the nine-month time-limit separately for each consecutive indictment would only be constitutional if it precluded any instances of arbitrariness as outlined above (§47).

9. Based on the above-mentioned, the relevant note has been added to Article 205, paragraph 2 of the CPCG: *"The normative content of Article 205, paragraph 2 permitting the detention of the accused on a specific criminal case has been declared invalid if after bringing the charges on this case or after revealing sufficient grounds for bringing charges, the total period of time spent by the accused in detention is nine months within the scope of any criminal proceedings instituted against him/her".*³
10. Furthermore, in order to bring the provisions regulating pre-trial detention in compliance with international and common European standards, as well as to implement the OSCE/ODIHR recommendations, the Ministry of Justice of Georgia submitted the legislative amendments to the CPCG, which were adopted by the Parliament on 8 July 2015.⁴ By these amendments, Article 230¹ was added to the CPCG according to which a presiding judge has to review the necessity of a pre-trial detention at least once in two months and should order the accused's release if no compelling reason to leave the defendant in custody is found with the passing of time.⁵
11. In addition, Article 219 of the mentioned Code was modified and as of today, if detention has been imposed on an accused person, the judge shall, on his/her own initiative, review, at the first preliminary hearing, the necessity to leave the detention in force, regardless of whether the party has filed a motion for change or annulment of the detention. Subsequent to that, the court shall, on its own initiative, review, at least once in two months, the necessity to leave the detention in force.⁶
12. In this regard, the courts of first instance, following the initial order for pre-trial detention, carry out a reasoned examination of the necessity of continued deprivation of liberty. Where the continuation of detention is no longer justified by relevant and sufficient reasons, the courts

³ Available at: <https://matsne.gov.ge/ka/document/view/90034?publication=178>

⁴ Available at: <https://matsne.gov.ge/ka/document/view/2912924?publication=0#DOCUMENT:1>

⁵ Available at: <https://matsne.gov.ge/ka/document/view/90034?publication=178>

⁶ *Ibid.*

substitute pre-trial detention with a less severe preventive measure and order the accused to be released forthwith from the courtroom. This practice has been confirmed by a consistent line of recent decisions of the courts of first instance, which ordered the replacement of pre-trial detention with bail, as illustrated, *inter alia*, by the following cases: №1/2989-25;⁷ №1/3037-22;⁸ №1/3000-23;⁹ №1/6279-24;¹⁰ №1/7362-24;¹¹ №1/5283-23;¹² №1/4803-25;¹³ №1/4134-25;¹⁴ №1/3872-25;¹⁵ №1/3322-25;¹⁶ №1/4533-25;¹⁷ №1/3009-22;¹⁸ №1/2235-24.¹⁹

13. The decisions in question demonstrate that the domestic courts reassess the continued necessity of detention in the light of developments in the proceedings and replace detention with a less restrictive preventive measure where the relevant risks no longer justify deprivation of liberty. In case №1/3037-22, for example, the Tbilisi City Court examined new and material information submitted by the defence which had not been available to the parties or the court when detention was initially ordered. Having assessed that material together with the other circumstances of the case, the first-instance court found that, although grounds for applying a preventive measure remained, the risks relied upon had diminished and were no longer of sufficient intensity to justify the accused's continued detention. The Tbilisi City Court accordingly concluded that detention was no longer necessary at that stage of the proceedings and replaced detention with bail.
14. Similarly, the practice of the Tbilisi and Kutaisi Courts of Appeal demonstrates that the continued necessity of detention is assessed in the light of the relevant case-law of the Court and the circumstances obtaining at the particular stage of the proceedings. The appellate courts examine whether the risks of absconding, reoffending or interference with witnesses or evidence remain sufficiently established and compelling to justify continued deprivation of liberty. Such an assessment is not based solely on the nature or seriousness of the charges, but also takes account

⁷ Decision of the Tbilisi City Court of 5 June 2025, Case №1/2989-25.

⁸ Decision of the Tbilisi City Court of 16 June 2022, Case №1/3037-22.

⁹ Decision of the Tbilisi City Court of 14 June 2023, №1/3000-23.

¹⁰ Decision of the Tbilisi City Court of 24 October 2024, Case №1/6279-24.

¹¹ Decision of the Tbilisi City Court of 25 December 2024, Case 1/7362-24.

¹² Decision of the Tbilisi City Court of 2 October 2023, Case №1/5283-23.

¹³ Decision of the Tbilisi City Court of 26 August 2025, Case №1/4803-25.

¹⁴ Decision of the Tbilisi City Court of 22 July 2025, Case №1/4134-25.

¹⁵ Decision of the Tbilisi City Court of 10 July 2025, Case №1/3872-25.

¹⁶ Decision of the Tbilisi City Court of 16 June 2025, Case №1/3322-25.

¹⁷ Decision of the Tbilisi City Court of 6 August 2025, Case №1/4533-25.

¹⁸ Decision of the Tbilisi City Court of 16 June 2022, Case №1/3009-22.

¹⁹ Decision of the Tbilisi City Court of 1 August 2024, Case №1/2235-24.

of the accused's personal circumstances and conduct, including any previous convictions, family and social ties, employment, permanent residence, compliance with procedural obligations and cooperation with the investigating authorities. Where the circumstances indicate that the risks have diminished or may be adequately addressed by a less restrictive measure, the appellate courts set out relevant and sufficient reasons for that conclusion and replace detention with an alternative preventive measure.²⁰

15. For instance, by a decision of 4 September 2025 (case №18/1346-25),²¹ the Tbilisi Court of Appeal replaced detention on remand with bail following an individualised assessment of the circumstances of the case. In particular, the court found that the nature of the alleged offence and the fact that the accused had allegedly acted under the influence of alcohol were insufficient, in themselves, to establish a risk of reoffending capable of justifying continued detention. In reaching this conclusion, the court had particular regard to the absence of previous criminal convictions or administrative sanctions, as well as the accused's admission of the offence and expression of remorse. Having assessed these circumstances, the court concluded that the risks of reoffending and interference with the administration of justice, including through exerting pressure on the victim or witnesses, were not of sufficient gravity to warrant continued detention on remand. Accordingly, the appellate court amended the first-instance decision and substituted bail for detention on remand. In another case, by a decision of 12 May 2024 (case №18/499-24),²² the Kutaisi Court of Appeal set aside the detention order without imposing any alternative preventive measure, finding that the risks of absconding, interference with the administration of justice and reoffending had not been substantiated by concrete circumstances of the case. In particular, the

²⁰ See, *inter alia*, Decision of the Tbilisi Court of Appeal of 4 September 2025, Case №18/1346-25; Decision of the Tbilisi Court of Appeal of 4 August 2023, Case №18/1143-23; Decision of the Tbilisi Court of Appeal of 3 August 2023, Case №18/1138-23; Decision of the Tbilisi Court of Appeal of 5 July 2023, Case №18/964-23; Decision of the Tbilisi Court of Appeal of 22 May 2026, Case №18/670-26; Decision of the Tbilisi Court of Appeal of 26 March 2024, Case №18/452-24; Decision of the Tbilisi Court of Appeal of 14 March 2024, Case №18/378-24; Decision of the Tbilisi Court of Appeal of 6 February 2025, Case №18/168-25; and Decision of the Tbilisi Court of Appeal of 24 January 2024, Case №18/100-24.

See also Decision of the Kutaisi Court of Appeal of 12 May 2024, Case №18/499-24; Decision of the Kutaisi Court of Appeal of 10 January 2026, Case №18/13-26; Decision of the Kutaisi Court of Appeal of 3 April 2026, Case №18/267-26; Decision of the Kutaisi Court of Appeal of 8 May 2026, Case №18/379-26; Decision of the Kutaisi Court of Appeal of 7 June 2025, Case №18/509-25; and Decision of the Kutaisi Court of Appeal of 7 June 2025, Case №18/511-25.

²¹ Decision of the Tbilisi Court of Appeal of 4 September 2025, Case №18/1346-25.

²² Decision of the Kutaisi Court of Appeal of 12 May 2024, Case №18/499-24.

court considered that the accused's foreign nationality and connections with the victim and witnesses could not, in themselves, justify the assumption that such risks existed. Particular weight was attached to the fact that the accused had been unaware of the criminal proceedings, that the victim and witnesses had already been interviewed and relevant evidence obtained, and that the accused had no previous criminal convictions or known history of unlawful conduct. The court also had regard to the less serious nature of the alleged offence and the availability of non-custodial penalties. On the basis of an individualised assessment of these circumstances, the court concluded that the alleged risks rested on abstract assumptions rather than concrete and sufficiently substantiated grounds and were therefore insufficient to justify the imposition of any preventive measure.

16. Conversely, where the material in the case file discloses specific and persisting risks of absconding, reoffending, interference with witnesses or evidence, or obstruction of the proceedings, the appellate courts maintain detention. The assessment is based on the circumstances obtaining at the relevant stage of the proceedings and takes account, *inter alia*, of the nature and seriousness of the charges, the manner in which the alleged offence was committed, the accused's role, personal circumstances and conduct, the severity of the sentence liable to be imposed and compliance with procedural obligations. The appellate courts examine those factors cumulatively and assess whether the risks which initially justified detention remain sufficiently established and compelling. The courts also consider whether the identified risks could be adequately addressed by bail or another less restrictive preventive measure. Where the risks remain of such intensity that an alternative measure would not ensure the proper conduct of the proceedings, the appellate courts provide relevant and sufficient reasons for maintaining detention and explain why continued deprivation of liberty remains necessary and proportionate.²³

²³ See, *inter alia*, Decision of the Tbilisi Court of Appeal of 28 December 2023, Case №18/1855-23; Decision of the Tbilisi Court of Appeal of 29 September 2023, Case №18/1361-23; Decision of the Tbilisi Court of Appeal of 7 August 2025, Case №18/1228-25; Decision of the Tbilisi Court of Appeal of 30 July 2024, Case №18/1218-24; Decision of the Tbilisi Court of Appeal of 24 June 2025, Case №18/958-2025; Decision of the Tbilisi Court of Appeal of 6 June 2023, Case №18/819-2023; Decision of the Tbilisi Court of Appeal of 17 April 2024, Case №18/596-24; Decision of the Tbilisi Court of Appeal of 16 April 2026, Case №18/527-26; Decision of the Tbilisi Court of Appeal of 7 April 2026, Case №18/478-26; and Decision of the Tbilisi Court of Appeal of 16 January 2025, Case №18/80-25.

See also Decision of the Kutaisi Court of Appeal of 21 April 2026, Case №18/321-26; Decision of the Kutaisi Court of Appeal of 7 September 2025, Case №18/849-25; Decision of the Kutaisi Court of Appeal of 7 October 2025, Case

17. For instance, in the decision of 7 August 2025 (case №18/1228-25),²⁴ the Tbilisi Court of Appeal upheld the accused's detention on remand, providing reasons grounded in the specific circumstances of the case. In assessing the risks of absconding, reoffending and obstructing the investigation, the court had regard to the accused's personal circumstances and background, the severity of the potential sentence, and the nature and quantity of the narcotic substance seized. Particular consideration was given to the fact that the origin of the substance and the identities of other potentially involved persons had yet to be established. Against this background, the court identified a risk of collusion with suspected accomplices, which could impede the gathering of evidence. Accordingly, the court concluded that continued detention was necessary to mitigate the identified risks. In another case, by a decision of 7 April 2025 (case №18/849-25),²⁵ the Kutaisi Court of Appeal declared the application inadmissible, thereby leaving the detention order in force. The necessity of continued detention was assessed in the light of the specific circumstances of the case. In particular, the risks of absconding and reoffending were assessed with reference to the nature and seriousness of the charges, the severity of the potential sentence, the accused's residence abroad since 2018, his arrival in Georgia on 22 January 2025 and his previous convictions. Particular regard was given to the fact that the accused had previously been convicted of offences against property and was currently facing, *inter alia*, a charge of theft under Article 177 of the Criminal Code of Georgia. As regards the risk of interference with the administration of justice, the court took into account the outstanding investigative measures and the fact that the principal witness, who was also the victim, was a childhood friend of the accused, giving rise to concerns about possible interference with the collection of evidence or exertion of pressure on witnesses. The court therefore concluded that no new material circumstances had emerged since the initial imposition of detention on remand that would warrant the lifting of that measure or substitution with a less restrictive alternative. Consequently, the detention order issued by the first-instance court remained in force.
18. Furthermore, available statistical data indicate that the use of pre-trial detention by domestic courts remains relatively limited, with judicial authorities increasingly resorting to alternative, non-

№18/959-25; Decision of the Kutaisi Court of Appeal of 18 November 2025, Case №18/1089-25; and Decision of the Kutaisi Court of Appeal of 24 December 2025, Case №18/1218-25.

²⁴ Decision of the Tbilisi Court of Appeal of 7 August 2025, Case №18/1228-25.

²⁵ Decision of the Kutaisi Court of Appeal of 7 April 2025, Case №18/849-25.

custodial preventive measures. In 2020, detention on remand was ordered in 47.5% of applicable cases; in 2021 – 41.5%;²⁶ in 2022 – 38.5%;²⁷ in 2023 – 37.9%;²⁸ and in 2024 – 41.1%.

19. Moreover, it should be mentioned, that under the legislative changes of 18 October 2022, the national courts should proactively use the European Court's case law. In addition, pursuant to the Law of Georgia "On Common Courts", the criteria for evaluating the judge's performance were changed. Today, the evaluation of the judge includes not only the quantitative component of the application of the judgments of the Court, but also their relevancy as well. In addition, it became mandatory to have a structural unit with the function of analysing the European Court's judgments in the Supreme Court of Georgia and the appellate courts. Furthermore, amendments were made in the Civil Procedure Code and the Criminal Procedure Code which highlights the importance of the articles of the European Convention on Human Rights (*hereinafter* – "the Convention") and the case law of the Court at different stages of the proceedings and encourages their use.
20. The aforementioned legislative amendments/national practice, as well as the statistical data on pre-trial detention clearly illustrate that the practice concerning pre-trial detention is in line with the Convention standards.

Publication and Dissemination

21. The Court's judgment in the present case has been translated into Georgian and published in the *Official Gazette of Georgia* (the Legislative Herald of Georgia).²⁹

IV. CONCLUSION

22. In view of the foregoing, the Government consider that the violations found by the Court in the present case have been duly remedied. The Government therefore respectfully invite the Committee of Ministers to close the supervision of the execution of the judgment.

²⁶ Available at:

https://www.supremecourt.ge/supreme_court/public/uploads/files/1/statistikuri%20monacemebi%202022/7-arkv%2012.pdf

²⁷ *Ibid.*

²⁸ Available at: <https://www.supremecourt.ge/uploads/files/1/statistics/statistikuri%20monacemebi%202023/7-arkv23.pdf>

²⁹ Available at: <https://matsne.gov.ge/ka/document/view/5956322?publication=0>