



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF TCHIGLADZE v. GEORGIA

(Application no. 8684/20)

JUDGMENT

STRASBOURG

20 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Tchigladze v. Georgia,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Sebastian Rădulețu, *President*,

András Jakab,

Corinna Wissels, *judges*,

and Simeon Petrovski, *Deputy Section Registrar*,

Having regard to:

the application (no. 8684/20) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 5 February 2020 by a Georgian national, Mr Gela Tchigladze (“the applicant”), who was born in 1964 and lives in Tbilisi, and was represented initially by Mr B. Botchorishvili and subsequently by Mr G. Lemonjava, lawyers practising in Tbilisi;

the decision to give notice of the application to the Georgian Government (“the Government”), represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice;

the parties’ observations;

Having deliberated in private on 29 September 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The present case primarily concerns the applicant’s complaints under Article 3 of the Convention regarding injuries observed on him upon his arrest, and the alleged ineffectiveness of the related criminal investigation.

2. The applicant was arrested on 21 June 2019, during a dispersal of a demonstration (for broader background, see *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 14-43, 11 December 2025).

3. The arrest took place over six hours after the police had started to disperse the demonstration, when the majority of the demonstrators had left the area, and only a small number of individuals remained at the site. Various individuals engaged in acts of vandalism and threw various objects at police officers (*ibid.*, § 42).

4. According to the applicant’s administrative arrest report, signed by him, he was arrested for verbally insulting police officers and throwing stones at them. The report also noted a scratch on the right side of his waist, a bruise on his left side and scabs on both shins. The administrative-offence report, also signed by the applicant, referred to Article 166 (disorderly conduct) and Article 173 (disobeying lawful orders of the police or insulting law-enforcement personnel) of the Code of Administrative Offences.

5. Before the first-instance court, the applicant stated that he had been merely talking on the phone in the courtyard of a residential building when

some demonstrators ran in, trying to escape the police, and he had followed them. He also stated that he “partly agreed” with the charges and that he had been “unable to control himself” due to the developments of that day. In response to the judge’s request to clarify what he had meant, he explained that he had joined in the chanting of some phrases, but claimed that “a man of his age would not” have sworn at the police or thrown stones at them. The arresting officers submitted, by contrast, that he had been aggressive, throwing items and swearing at them, and that they had chased him, together with two of his co-accused, to the roof of a building, where he was arrested.

6. On 21 June 2019 the trial court found the applicant, along with his co-accused, guilty of the relevant administrative offences (see the preceding paragraph). He was given a fine of 1,500 Georgian laris (GEL – approximately 480 euros (EUR)). It reasoned that the applicant had partly admitted to the charges, and the parties’ submissions and the evidence available in the case file indicated that he had committed the offences in question.

7. Subsequently, the applicant obtained two medical reports indicating the presence of bruises on his chest and a haematoma on his right thigh, and post-traumatic stress disorder.

8. On 1 July 2019 the applicant appealed against his conviction, stating that Article 6 of the Convention had been breached on account of the trial court’s failure to distinguish the factual circumstances specifically relating to him from those relating to his co-accused. He stated that he had arrived at the demonstration around midnight, in order to look for his son, and had then stayed to help injured demonstrators. He also maintained that he had been arrested in the courtyard of a residential building and had been beaten with truncheons, after which he had been escorted out and put in a police car.

9. On 6 August 2019 the appellate court held an oral hearing. The applicant maintained his arguments (see paragraph 8 above). The appellate court found that, in light of the material before it, the lower court’s reasoning had not been deficient. It emphasised that, given the time and location of the offence, the statements given by the arresting officers during the appellate proceedings were consistent with other evidence in the case file. It thus upheld the lower court’s judgment, but reduced the sanction to GEL 1,000 (approximately EUR 320). It also informed the prosecuting authorities of the applicant’s allegations of ill-treatment.

10. On 21 August 2019 the applicant was questioned by a prosecutor, as part of a broader investigation into the events related to the dispersal of the demonstration (see *Tsaava and Others*, cited above, § 107). The applicant reiterated that he had been ill-treated during his arrest but noted that he had been arrested on the roof of a residential building. When reminded of his earlier statements (see paragraphs 5 and 8 above), he explained that he had not paid attention to the facts at that time.

11. On 22 August 2019 the prosecutor collected the applicant's medical documents and ordered a forensic medical examination. The resulting report (dated 11 March 2021) noted that the injuries were minor and had not caused any deterioration of the applicant's health. The applicant was then granted the procedural status of victim.

12. On 27 September 2019 the authorities implemented an investigative experiment with the applicant's participation to determine the course of the events. They also attempted to obtain recordings made by the surveillance cameras of three private entities located there. None could be retrieved on account of technical issues and/or the videos having been deleted. The relevant reports noted that the investigating authorities had previously retrieved the recordings, in June and July 2019, as part of the investigative activities related to the dispersal of the demonstration.

13. The applicant's co-accused were questioned in April and June 2021 and noted that they had not been arrested together with the applicant and that the applicant had neither shown signs of ill-treatment nor made any complaints in that connection when they had met him. The applicant's arresting officers were questioned in June 2021. One of the officers stated that he had observed injuries on the applicant, which, according to the applicant's explanation at the time, had occurred before his arrest.

14. In 2025, criminal proceedings were instituted *in absentia* against the Minister of Internal Affairs at the time of the disputed events. He was charged with organising the intentional infliction of grievous bodily harm against more than two persons, a criminal offence under Article 117 § 3 of the Criminal Code, on account of allegations that he had instructed the special forces, in breach of the applicable regulations, to use kinetic impact projectiles, tear gas and water cannon simultaneously, without prior warning allowing peaceful demonstrators to leave the area. The proceedings against him are pending before a first-instance court. The broader criminal investigation concerning the events of 20-21 June 2019 is also ongoing.

15. Relying on Article 3 of the Convention the applicant complained that he had been ill-treated during his arrest, and that the ongoing criminal investigation in that connection had been ineffective. The applicant also complained under Article 6 of the Convention that the domestic courts had failed to provide sufficient reasons for his conviction.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

16. The Court notes that the criminal investigation about the use of force during the dispersal of the demonstration has been ongoing for approximately seven years, with different periods of inactivity (see also *Tsaava and Others*, cited above, §§ 295-97). While some developments have taken place (see

paragraph 14 above), they came about over six years after the events and do not contain any definitive findings. Similar considerations apply to the investigation of the applicant's specific allegations of ill-treatment that seems to have been dormant since 2021 (see paragraph 13 above). The complaints under Article 3 of the Convention are not, therefore, as argued by the Government, premature. Nor can the applicant be reproached for his alleged failure to seek redress through a compensatory remedy (see *Tsaava and Others*, cited above, §§ 251-54). Furthermore, these complaints are neither manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention nor inadmissible on any other grounds. They must therefore be declared admissible.

17. The Court furthermore observes that various injuries were observed on the applicant upon his arrest (see paragraph 4 above). Accordingly, the authorities were under an obligation to investigate, of their own motion, the origin of such injuries (see *Bouyid v. Belgium* ([GC], no. 23380/09, § 119, ECHR 2015; and *Mikeladze and Others v. Georgia*, no. 54217/16, § 64, 16 November 2021). By contrast, it was only after the appellate court had forwarded the applicant's complaint to the relevant authorities that the latter pursued the matter (see paragraphs 9-10 above). The delay in question ought to have contributed to the authorities' inability to retrieve the recordings from the surveillance cameras (see paragraph 12 above). Furthermore, witnesses in the applicant's case were questioned almost two years after the events complained of (see paragraph 13 above). These deficiencies, taken together, diminished the capacity of the ongoing investigation to determine what had happened to the applicant and, accordingly, undermined its effectiveness.

18. The foregoing considerations are sufficient for the Court to conclude that there has been a violation of the procedural aspect of Article 3 of the Convention.

19. As regards the substantive aspect of the complaint under Article 3 of the Convention, the Court reiterates that it must be cautious in taking on the role of a first-instance tribunal of fact where this is not rendered unavoidable by the circumstances of a particular case (see *Adam v. Slovakia*, no. 68066/12, § 52, 26 July 2016). In this regard, the evidence available to the Court is insufficient – owing not only to the deficiencies of the domestic investigation mentioned above, but also, as argued by the Government, to the inconsistencies in the applicant's account of the events (compare paragraphs 5, 8 and 10 above) – to establish beyond a reasonable doubt that the applicant was subjected to ill-treatment in the circumstances described by him. Accordingly, the Court finds that there has been no violation of the substantive aspect of Article 3 of the Convention, in the particular circumstances of the present case.

II. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

20. The Court observes that the evidence presented before the domestic courts in the criminal proceedings against the applicant included documents signed by him. Additionally, he had partly admitted to some wrongdoing and had provided a somewhat differing account of the events. Accordingly, and considering that the applicant was afforded an opportunity to present his version of the events during an oral hearing at both levels of jurisdiction, the domestic courts were better placed to assess his credibility and the reliability of the evidence, with a view to determining whether there had been a sufficient basis for the delivery of the judgment. The Court does not, therefore, consider that the domestic courts' judgments concerning the applicant lacked sufficient reasons.

21. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. The applicant claimed 3,893.30 euros (EUR) in respect of pecuniary damage, EUR 20,000 in respect of non-pecuniary damage, and EUR 2,144.48 in respect of costs and expenses incurred before the Court. As to the latter, he submitted a conditional fee agreement with his representatives and relevant time-sheets.

23. The Government submitted that the amounts were unsubstantiated and/or excessive.

24. The Court does not discern a causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. However, considering the circumstances of the present case and ruling on an equitable basis, it awards the applicant EUR 1,800, plus any tax that may be chargeable, in respect of non-pecuniary damage.

25. Finally, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. Regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 2,000 covering all expenses incurred with respect to the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 3 of the Convention admissible, and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of the procedural aspect of Article 3 of the Convention;
3. *Holds* that there has been no violation of the substantive aspect of Article 3 of the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 1,800 (one thousand eight hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 2,000 (two thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 20 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Simeon Petrovski
Deputy Registrar

Sebastian Rădulețu
President