



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

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FOURTH SECTION

Application no. 33721/25
Nino DATASHVILI
against Georgia
lodged on 24 October 2025
communicated on 28 September 2026

SUBJECT MATTER OF THE CASE

The application primarily concerns the arrest and subsequent pre-trial detention of the applicant, a civil education teacher and civil society activist, on charges of attacking a court bailiff in the course of his duties (an offence under Article 352(2) § 3 of the Criminal Code). The applicant also complained that the psychiatric medical examination imposed on her had been unlawful.

In particular, according to the applicant, on 9 June 2025, while she was in the corridor of the Tbilisi City Court, she had a verbal altercation with a court bailiff, who ordered her to leave the court building without giving any reasons. Other bailiffs joined in, grabbed her by the arms and shoulders and dragged her through the main hall towards the exit. The applicant began moving her hands chaotically in an attempt to protect herself and struck one of the bailiffs. Once outside the court building, the applicant immediately called the police, complained about the bailiffs' violence and requested their intervention. However, no action was taken in response to her phone call.

On the next day criminal proceedings were initiated against the applicant for attacking a court bailiff. On 19 June 2025 the Tbilisi City Court, acting on the request of a prosecutor, ordered the applicant's arrest. On 21 June 2025 the Tbilisi City Court ordered the applicant's pre-trial detention. The court observed that the case file contained sufficient information to establish a

reasonable suspicion against the applicant. It further referred to the risks that the applicant would reoffend, destroy the evidence and abscond.

On 23 June 2023 the applicant lodged an appeal, arguing that none of the risks relied on by the prosecution and accepted by the first-instance court had been substantiated. She also asserted that she had been the victim of the bailiffs' violence, and not vice versa, and that her erratic attempt to protect herself did not constitute the offence with which she had been charged. On 25 June 2025 the Tbilisi City Court dismissed the applicant's appeal as unsubstantiated.

On 31 July 2025 the Tbilisi City Court, acting at the prosecutor's request, ordered the applicant's transfer to a medical establishment for an in-patient forensic psychiatric examination. The applicant's appeal, in which she argued that there was no medical basis for such an order, was dismissed by the Tbilisi Court of Appeal on 5 August 2025.

On 6 August 2025 the applicant's lawyer learnt that two forensic medical experts had visited the applicant in prison and interviewed her without informing her of the purpose of their visit. On 7 August 2025 they issued a report on an out-patient psychiatric examination of the applicant concluding that she had no psychiatric condition. The applicant complained that she had unknowingly been subjected to an out-patient psychiatric examination; and that the examination had been conducted in breach of the court decision ordering an in-patient psychiatric examination. Her complaint was, however, left unanswered.

On 7 and 17 September 2025 the courts dismissed the applicant's requests for alternative measures and upheld her pre-trial detention.

In view of the deterioration in the applicant's medical condition, owing to her serious spinal condition, and following repeated requests lodged by her lawyer and the intervention of the Public Defender of Georgia, on 29 October 2025 the Tbilisi City Court granted the prosecutor's application and replaced the applicant's pre-trial detention with bail in the amount of 5,000 Georgian Lari.

The applicant complains under Article 5 §§ 1 (c) and 3 and Article 8 of the Convention.

QUESTIONS TO THE PARTIES

1. Was the applicant deprived of her liberty in breach of Article 5 § 1 of the Convention? In particular, was her detention compatible with Article 5 § 1 (c) in terms of being justified and based on a reasonable suspicion (see the recapitulation of the relevant general principles in *Selahattin Demirtaş*

v. Turkey (no. 2) [GC], no. 14305/17, §§ 311-21, 22 December 2020, and *Merabishvili v. Georgia* [GC], no. 72508/13, §§ 181-86, 28 November 2017)? Was the evidence that was available in the file at the time of the applicant's pre-trial detention sufficient to satisfy an objective observer that she may have committed the offence attributed to her?

2. Did the domestic courts provide relevant and sufficient reasons justifying the applicant's pre-trial detention, as required under Article 5 § 3 of the Convention? Did they consider alternative measures to her continued detention (see the recapitulation of the relevant general principles in *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, §§ 84-102, 5 July 2016; see also *Merabishvili*, cited above, §§ 226-35, and *Ugulava v. Georgia*, no. 5432/15, §§ 98-112, 9 February 2023)?

3. Did the applicant's compulsory psychiatric examination amount to an interference with her right to respect for her private life within the meaning of Article 8 § 1 of the Convention? If so, was that interference in accordance with the law and necessary in a democratic society within the meaning of Article 8 § 2 (see, for example, *Fyodorov and Fyodorova v. Ukraine*, no. 39229/03, §§ 82-89, 7 July 2011, and *Pranjić-M-Lukić v. Bosnia and Herzegovina*, no. 4938/16, §§ 62-67, 2 June 2020)?