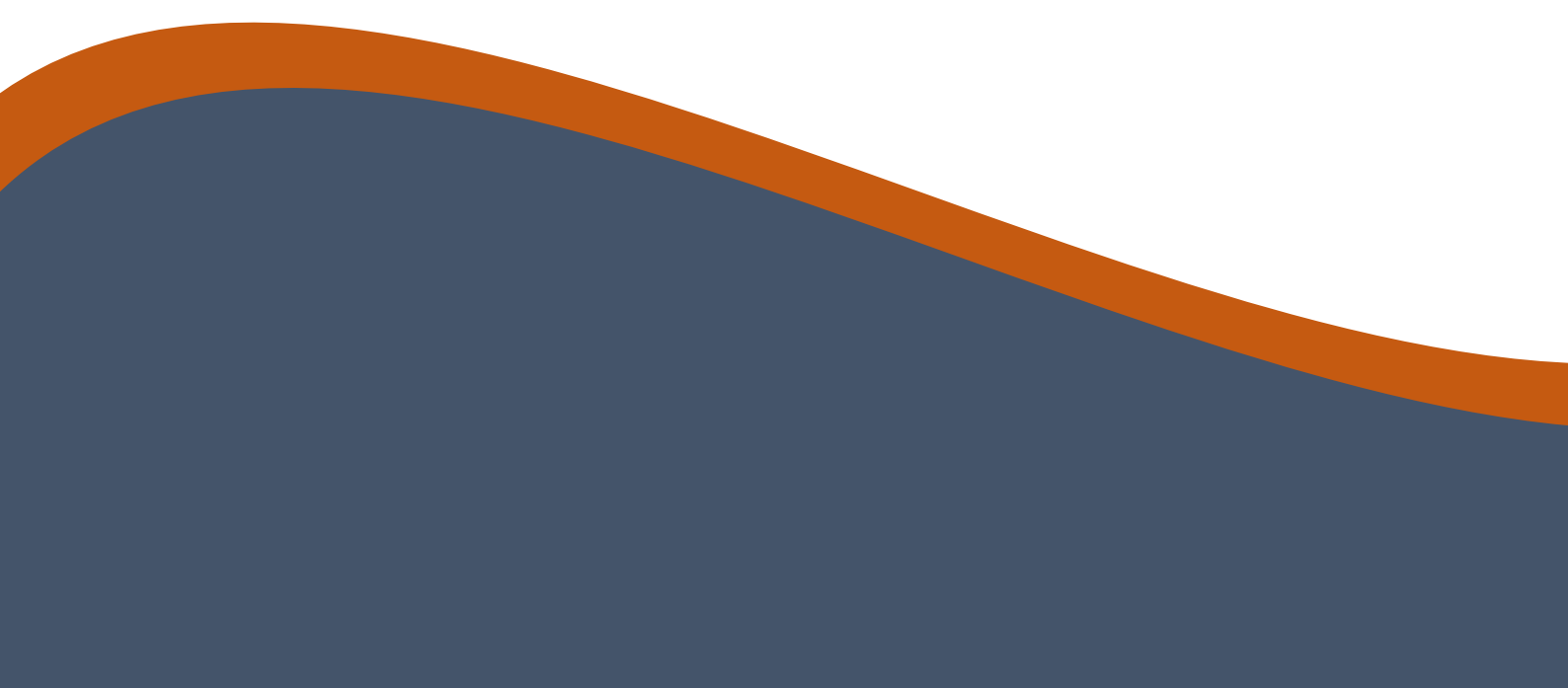




Repressive Laws and Selective Justice: Restrictions on the Freedom of Expression and Assembly in Judicial Practice

Summary Report of the Trial Monitoring



Human Rights Center (HRC)



Human Rights Center (HRC) was established on December 10, 1996, in Tbilisi.

The objectives of HRC are to strengthen the respect for human rights, and fundamental freedoms and to promote peace processes in Georgia.

To achieve the above objectives, it is of utmost importance that the awareness of the public is raised, and human rights are observed, further the government respects the rule of law and principles of transparency and distribution of power and ensures the elimination of discrimination at all levels.

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- International Federation for Human Rights (FIDH); www.fidh.org
- World Organization Against Torture (OMCT - SOS Network - Torture); www.omct.org
- Human Rights House Network; www.humanrightshouse.org
- Coalition of NGOs for the International Criminal Court (CICC); www.coalitionfortheicc.org

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Introduction

In recent years, the legal framework regulating the freedoms of expression and assembly in Georgia has undergone substantial changes. As a result of legislative amendments, the amounts of administrative fines have increased, and the range of administrative offences for which administrative detention may be imposed has been expanded. At the same time, certain acts related to peaceful assembly, when committed repeatedly, have been defined as criminal offences, while critical opinions expressed in public and online spaces are increasingly becoming grounds for imposing legal liability.

The practical implications of these legislative amendments become particularly evident from the monitoring of court proceedings. As part of the trial monitoring conducted by the Human Rights Center, attention was paid not only to the decisions rendered by the courts, but also to the evidence presented by the prosecutor's office and administrative authorities, the position of the defense, the court's assessment of the evidence, the procedural opportunities available to the parties, and the proportionality of the sanctions imposed.

The purpose of this report is to assess how the legislative amendments adopted in recent years have affected the freedoms of assembly and expression. It also examines how the legislation is interpreted and enforced by administrative authorities, the prosecution, and the courts in individual cases. The report identifies the main tendencies emerging in judicial practice and assesses whether the existing legal practice creates a risk of selective justice, arbitrary enforcement, and a chilling effect on peaceful protest and the expression of critical opinions.

The document examines the practice of imposing administrative and criminal liability in connection with peaceful protest, including cases concerning the obstruction of roads and sidewalks; criminal cases that are allegedly politically motivated; court decisions concerning critical opinions expressed in public and online spaces; and others. In summary, the document analyses the tendencies identified through the monitoring of court proceedings, including the standards applied in the assessment of evidence, the proportionality of sanctions, and the risks of selective justice.

I. Restriction on Assemblies on Roads and Sidewalks and the Criminalization of Repeated Protest Actions

One of the most significant restrictions on the freedom of peaceful assembly is the legislative amendment adopted on 16 October 2025, as a result of which the repeated commission of certain protest-related acts was reclassified from an administrative offence into a criminal offence. In particular, pursuant to the Article 347 of the Criminal Code of Georgia, a person, who has already been subjected to an administrative sanction for the relevant protest-related act may, if they subsequently commit the same or a similar act, will be punished by imprisonment for up to one year, while in the event of a further repetition, the penalty may be increased to up to two years. This model shifts protest-related conduct from the sphere of administrative offences into the sphere of criminal law.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) assessed the legislative amendments adopted in October 2025 as problematic and, in particular, strongly criticized the criminalization of repeated non-violent protest activities. According to the ODIHR, such regulations create, on the one hand, a risk of arbitrary deprivation of liberty and, on the other, a significant chilling effect on the exercise of the freedom of assembly. The organization further concluded that imposing criminal liability on the basis of the repeated obstruction of a road or the commission of another non-violent act is similar to imposing severe liability for participation in a peaceful assembly¹.

One of the clear examples of the application of this regulation in practice is the **case of Zura Menteshashvili**. Monitoring of the court proceedings revealed that the prosecution's principal evidence in the case was footage from the 112 emergency response video camera. According to the prosecutor, although the camera captured the events from only one angle and the defendant appeared in the footage for only a few minutes, this was deemed sufficient to conclude that he had deliberately blocked the road. The prosecutor argued that the number of participants in the protest did not necessitate the obstruction of the road and that the defendant, having previously been subject to an administrative sanction, was deliberately violating the rules regulating assemblies and demonstrations. The court found Menteshashvili guilty and

¹ OSCE/ODIHR, URGENT OPINION ON THE AMENDMENTS TO THE CODE OF ADMINISTRATIVE OFFENCES AND THE CRIMINAL CODE OF GEORGIA (AS ADOPTED ON 16 OCTOBER 2025) November 12, 2025, <https://odihr.osce.org/sites/default/files/f/documents/4/1/601503.pdf>

sentenced him to nine months' imprisonment. According to publicly available sources, he became the first person to be imprisoned under this criminal provision².

The mere fact that a citizen is present on the blocked road should not, in itself, be sufficient evidence to establish that the person personally blocked the road or created an artificial obstruction for that purpose. This is particularly important where criminal liability and deprivation of liberty are at issue, as a high evidentiary standard must be maintained. Under the Criminal Procedure Code of Georgia, a conviction must be based solely on the evidence that is mutually consistent, clear, and convincing, and that establishes the person's guilt beyond a reasonable doubt.

In *Kudrevičius and Others v. Lithuania*, the European Court of Human Rights held that a peaceful assembly held in a public space may to some extent disrupt everyday life, including traffic, but this circumstance alone cannot justify an interference with the freedom of assembly. The State is required to demonstrate a degree of tolerance towards peaceful assemblies. In assessing the severity of the measures taken in response, consideration must be given to the scale and duration of the disruption, as well as other relevant circumstances³. In this particular case, the court did not consider these circumstances.

The **case of Luka Malashkhia** also demonstrates the importance of taking the specific context into account. The administrative offence case concerns the obstruction of the road in front of the Parliament of Georgia on 7 March 2026. The Ministry of Internal Affairs of Georgia alleged that Luka Malashkhia had deliberately blocked the road in front of Parliament. Initially, a representative of the Ministry stated that he had remained on the road for 20 minutes, while during the adversarial stage of the proceedings, the representative stated that he had remained there for 10 minutes. The defense, for its part, stated that Luka Malashkhia had been waiting for other participants near the Parliament while a previously agreed march was taking place under the police escort. After hearing the parties, the judge rendered a decision and issued a verbal warning to Luka Malashkhia.

Although the cases of Menteshashvili and Malashkhia differ legally, their comparison demonstrates that the mere presence of a person on a road is not, in itself, sufficient to establish the actual nature of their conduct. Where the repeated commission of the same act may result in deprivation of liberty, the court has an obligation to examine the evidence to a particularly rigorous standard and to establish individual responsibility solely on the basis of a clear and consistent body of evidence.

The **case of Dimitri Javakhishvili** is related to the same issue. According to the administrative offence report dated February 7, 2026, Javakhishvili was standing on a roadway with a loudspeaker and, despite repeated requests from the police, did not move onto the sidewalk.

² **Social Justice Center**, "Zurab Menteshashvili is the first political prisoner to be convicted for the criminalization of road obstruction during an assembly." May 30, 2026, www.socialjustice.org.ge/ka/products/zurab-menteshashvili-pirveli-politikuri-patimaria-romelsats-shekrebis-dros-gzis-gadaketvis-kriminalizebis-gamo-msjavri-daedo

³ European Court of Human Rights, *Kudrevičius and Others v. Lithuania* [GC], no. 37553/05, 15 October 2015, § 150, 155, HUDOC

According to the defense, however, the large number of participants made it impossible to clear the road immediately, and Javakhishvili was using the loudspeaker precisely to urge citizens to move onto the sidewalk and allow traffic to resume. Despite this, Judge Manuchar Tsatsua found Dimitri Javakhishvili guilty for the administrative offence and imposed a fine of GEL 5,000. The case raises concerns both regarding the lack of evidence demonstrating that the road had been intentionally obstructed and with respect to restrictions on the right to a defense and the stereotypical attitude displayed towards a person with a disability. In particular, based on Javakhishvili's disability status, the judge questioned his legal capacity and ordered a psychiatric examination, despite Javakhishvili's objection to the examination.

Cases involving allegations of obstructing pedestrian movement on sidewalks contribute to the further narrowing of the space available for protest. For example, on 19 May 2026, **Nanuka Zhorzholiani** was sentenced to three days of administrative detention on the grounds that she had obstructed the free movement of pedestrians on a sidewalk. According to the defense, the video footage presented by the Ministry of Internal Affairs showed that Zhorzholiani had been present at the disputed location only briefly and had been urging citizens to move along⁴.

The tendency of shifting protest-related conduct into the sphere of criminal law is not limited to cases involving road obstruction. Another example is the **case of activist Isako Devidze**, who was charged both with contempt of court and with repeated disobedience to a lawful police order. According to media reports, the disobedience constituted the third such incident involving him, which resulted in his criminal liability⁵. In the end, a plea agreement was concluded between Devidze and the prosecutor's office, and he was sentenced to one year of imprisonment for both charges. His case once again demonstrates that, in practice, the imposition of criminal liability for repeated administrative offences encompasses various forms of protest-related conduct and significantly intensifies the State's response to protest activity.

The examined cases demonstrate that the practical enforcement of restrictions concerning the use of roads and sidewalks results in significant interference with the freedom of peaceful assembly. Of particular concern are cases in which the individual conduct of the person concerned, their intent, duration of the disruption to traffic or pedestrian movement, and its actual scale are not adequately assessed, while severe fines, administrative detention, or criminal liability are imposed as sanctions. Furthermore, the transfer of repeated administrative offences into the sphere of criminal law further increases the legal risks associated with participation in peaceful protest. Accordingly, there is a growing risk that the State's response may go beyond the legitimate aim of protecting public order and instead become a mechanism for restricting and punishing protest activity.

⁴ Batumelebi/Netgazeti, „Nanuka Zhorzholiani sentenced to three day administrative detention for standing on the sidewalk“, May 19 2026, <https://batumelebi.netgazeti.ge/news/617095/>

⁵ Civil Georgia, “Activist Isako Devidze was sentenced to one year in prison pursuant to a plea agreement and will be released after six months,” July 13 2026, <https://civil.ge/ka/archives/744442/>

II. Criminal Prosecution of Political Opponents and Selective Justice

The use of criminal law against opposition politicians requires particular scrutiny. While a person's political status, in itself, cannot establish the political motivation of a prosecution, the timing of the initiation of proceedings, the formulation of the charges, the quality of the evidence presented, and the court's approach may constitute significant indicators of selective justice.

The case of Levan Khabeishvili is a significant example in this regard, as the charges initially brought against him were subsequently modified. The prosecution accused Levan Khabeishvili of promising a bribe to law enforcement officers based on a statement in which he said that, following a change of government, he would offer financial rewards to police officers, who would refuse to participate in the dispersal of citizens. The second charge concerned calls for the violent overthrow of the government. The defense, for its part, argued that there had been no offer to provide a bribe from personal funds or as part of a covert arrangement, and that Khabeishvili had referred to the future allocation of funds from the state budget. The defense further maintained that his statements referred to the "peaceful overthrow" of the government, rather than the use of violence.

At the conclusion of the court proceedings, the judge changed the legal classification of the charge concerning the promise of a bribe and found Khabeishvili guilty of sabotage under Article 318 of the Criminal Code of Georgia. He was sentenced to two years and six months' imprisonment. This circumstance is particularly significant because the change in the legal classification of the charge was made by the court itself, while throughout the proceedings the prosecution had maintained its position that Khabeishvili should be convicted of promising a bribe. In such circumstances, attention should be drawn not only to the legal basis for the new classification, but also to the fact that the judge arguably went beyond the role of a neutral judicial arbiter and, in effect, assumed the functions of the prosecution.

The case also raises concerns regarding the criminal-law assessment of the political expression. Political expression enjoys a particularly high level of protection under the Article 10 of the European Convention on Human Rights. Although a direct call for violence may constitute grounds for criminal liability, characterizing strong political rhetoric concerning a change of government as a call for violence requires a detailed assessment and substantiation of the full context of the statements, the wording used, the existence of a genuine risk, and the potential

consequences. Against this background, the argument of the defense side was also significant that Khabeishvili himself used the phrase “peaceful overthrow” in his statements.

An important issue is the impact of a reclassification of the charges on the right to a defense. In *Pélissier and Sassi v. France*, the European Court of Human Rights held that an accused must be informed not only of the facts attributed to them, but also of their legal classification, so as to enable them to prepare their defense specifically against that classification⁶. Accordingly, if the proceedings were structured around challenging the charges of promising a bribe and making calls for violence, while the final conviction was based on the constituent elements of sabotage, the accused’s right to a defense may have been restricted, as they were not afforded an opportunity to formulate a fully developed defense against the charge of sabotage.

In the **case of Murtaz Zodelava**, the charges were related to the transfer of Levan Khabeishvili’s mobile telephone to another person. According to the prosecution’s position, Zodelava attempted to hide the telephone, the seizure of which had been ordered by a court ruling. The court found him guilty under the Article 364 of the Criminal Code and sentenced him to nine months’ imprisonment, while the maximum penalty prescribed by the relevant provision is imprisonment for up to one year. At the same time, the defense argued that the law enforcement officers at the scene had not informed him that the mobile telephone was the subject of the search and seizure. This circumstance is significant for the assessment of the subjective part of the offence, since the mere transfer of the telephone is not sufficient to establish criminal liability — it must be proved that the person was aware of the ongoing investigation and deliberately sought to obstruct it⁷. In these circumstances, imposing almost maximum term of imprisonment, without clearly establishing the intent to obstruct the investigation, raises questions both as to the lack of sufficient grounds for criminal liability and as to the proportionality of the sentence.

Problems concerning the quality of the evidence are also apparent in the **case of Gela Khasaia and Vasil Kerdikoshvili**. On September 1, 2025, the prosecution charged them jointly with intentionally causing less serious bodily injury. However, during the substantive examination of the case, it became apparent that there was no video recording directly depicting the act of violence. According to the prosecutor, no cameras had been installed at the scene, while the video footage contained in the case file only showed the movements of the defendants and the injured party. The testimony of the injured party is also important for the assessment of the prosecution’s evidence. He stated that he had been drunk at the time of the incident and would not have been able to identify the person who attacked him. Although both defendants pleaded guilty, the deficiencies in the prosecution’s evidence raise further questions as to whether the criminal prosecution was sufficiently substantiated. As Gela Khasaia was a member of an

⁶ European Court of Human Rights, *Pélissier and Sassi v. France* [GC], no. 25444/94, 25 March 1999, §§ 51-54, 62-63

⁷ Publika, “Was the Transfer of the Telephone a Crime? Another Court Hearing in the Khabeishvili–Zodelava Case Was Held”, January 29 2026, <https://publika.ge/ivo-tu-ara-telefonis-gadacema-danashauli-sasamartloshi-khabeishvili-zodelavas-morigi-procesi-gaimarta/>

opposition political party and an active participant in pro-European protests, his lawyer linked the criminal prosecution to a political motive⁸.

The **case of Giorgi Gakharia** is particularly noteworthy in terms of both its political context and the timing of the criminal prosecution. The criminal prosecution against the former Prime Minister and current leader of an opposition party concerns two incidents that took place in 2019, during his tenure as Minister of Internal Affairs: the dispersal of the 20 June protest and the establishment of a police checkpoint near the village of Chorchana.

In the episode of the June 20th dispersal, the prosecutor's office alleges that, during his tenure as a Minister of Internal Affairs, Gakharia instructed officers of the Special Tasks Department to use special means simultaneously and in parallel, in violation of the procedure established by the law, which resulted in protesters sustaining serious injuries. The issue of the State's responsibility for the events of June 2019 is no longer disputed, as the Grand Chamber of the European Court of Human Rights, in the case of *Tsaava and Others v. Georgia*, found violations of Articles 3, 10 and 11 of the Convention and pointed to the disproportionate use of force during the dispersal of the protest, the failure to provide adequate warnings, and serious deficiencies concerning the use of rubber bullets. However, the European Court's judgment does not establish Giorgi Gakharia's individual criminal liability⁹. Accordingly, within the framework of the domestic criminal proceedings, his specific conduct, intent, and the causal link between his actions and the resulting consequences must be established independently. Establishing violations committed during the dispersal of the protest alone is insufficient to determine Gakharia's individual culpability; it is necessary to establish, on the basis of evidence, a direct link between his decision-making and the consequences that followed. Such a link has not emerged from the evidence examined by the Human Rights Center as part of its monitoring.

In the episode of the Chorchana incident, the prosecutor's office charges Gakharia with exceeding his official powers as a person holding a state-political office. According to the indictment, in August 2019, he decided to establish an additional police checkpoint near the village of Chorchana without adequate inter-agency coordination, which allegedly harmed the state interests. However, according to the testimony of the former Commander of the Defense Forces, who was questioned in the court, the Ministry of Internal Affairs had no legal obligation to notify the Ministry of Defense in advance regarding the establishment of the checkpoint. In addition, according to the testimony of a second witness, occupation markers had been placed in the Georgia-controlled territory, indicating a plan by the Ossetian side to seize the territory. In such circumstances, the decisive question is to what extent the prosecution can prove not

⁸ Publika, "Khasaia's Prosecutor: There Were No Cameras at the Scene of the Violence", February 19, 2026, <https://publika.ge/khasaias-prokurori-dzaladobis-adgilze-kamerebi-ar-iyol/>; Publika, 'I Don't Know, Were You There? I Don't Remember It Like That' | What the Injured Party in the Gela Khasaia Case Said", May 4, 2026, <https://publika.ge/ravi-tqven-iyavit-tu-ar-makhsavs-ase-ra-tqva-gela-khasaias-sagmis-dazaralebulma/>; Publika, "Gela Khasaia Reaches a Plea Agreement: He Will Be Released from Prison in September, May 8 2026, <https://publika.ge/gela-khasaias-saprocso-shetankhmeba-gauformda-is-cikhes-seqtembershi-datovebs/>; Civil Georgia, "Gela Khasaia from Girchi – More Freedom was arrested under criminal charges", September 30 2025, <https://civil.ge/ka/archives/703217/>

⁹ European Court of Human Rights, *Tsaava and Others v. Georgia* [GC], applications nos. 13186/20, 16757/20, 20129/21, 20175/21 and 39382/21, 11 December 2025, HUDOC.

that the decision was questionable or insufficiently coordinated, but that Gakharia intentionally exceeded the scope of his official powers.

Gakharia's case is particularly noteworthy due to the timing of the initiation of the criminal prosecution. The charges concerning both episodes from 2019 were brought against him in November 2025, specifically after he had broken away from the ruling party and became the leader of an opposition party. The 2026 report of the OSCE Moscow Mechanism refers to Gakharia's case separately in the context of possible politically motivated criminal prosecutions against politicians. The report also draws attention to the fact that both charges were brought shortly after his party decided to participate in the municipal elections¹⁰. Accordingly, in Gakharia's case, the issue is not the necessity of investigating the events of 2019 as such, but rather the extent to which his individual criminal liability is being established in a consistent, timely, and evidence-based manner. The revival of issues that remained uninvestigated or unresolved for years after a former senior government official becomes a political opponent is a particularly significant factor when assessing the possibility of selective justice.

The **case of Aleko Elisashvili** is even more serious in terms of the gravity of the criminal charge. The opposition politician was accused of entering the premises of the Tbilisi City Court's administrative office and attempting to start a fire on November 29, 2025. Initially, the investigation was opened under the provision concerning an attempt to damage or destroy property, but the legal classification was subsequently changed to an attempted terrorist act. On July 10, 2026, the court found Elisashvili guilty and sentenced him to 13 years' imprisonment.

Elisashvili did not deny that he had committed the act; however, he disputed its classification as a terrorist act. The defense likewise challenged the legal classification, arguing that there was no evidence in the case establishing a terrorist purpose on his part. This circumstance is essential because, for the elements of the offence under the Article 323 of the Criminal Code to be established, setting fire to property or creating a risk of significant property damage alone is insufficient. It is also necessary to establish the specific terrorist purpose, including the purpose of intimidating the population, coercing a state authority, or destabilizing the relevant state institutions. According to the defense, the video surveillance cameras at the scene were switched off for a certain period of time, leaving it unclear what occurred at the location before the experts arrived. In addition, an expert stated in the court that the firearm present in the case had not been placed in a firing-ready condition. The assessment of these circumstances was important for determining both the existence of a purpose characteristic of terrorism and the gravity of the conduct.

¹⁰ OSCE Moscow Mechanism Rapporteur, Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024, 12 March 2026, § 161, p. 57.; www.osce.org/sites/default/files/documents/official_documents/2026/03/odgal0009c1%20ODIHR%20NV%2082-2026%20report_Moscow%20Mechanism%20invoked%20in%20respect%20of%20Georgia_0.pdf

The principal legal issue in the case is the failure to establish a sufficient consistency between the conduct in question and its classification. In order to secure a conviction for terrorism, the additional circumstances distinguishing the conduct from the property offence or violent offence must be proven beyond a reasonable doubt. In the present case, however, those circumstances were not sufficiently substantiated.

The cases examined differ both in the substance of the charges and in their evidentiary foundations; however, they share a common context: criminal prosecution has been brought against current or former opposition politicians. In individual cases, broad legal interpretations of the charges, questions concerning the quality of the evidence, the timing of the initiation of the prosecutions, and the surrounding political circumstances reinforce concerns regarding the existence of selective justice. In such cases, the State bears high responsibility to ensure that criminal prosecutions are based on clear, consistent, and compelling evidence and do not give rise to concerns that criminal justice is being used for political purposes.

III. Restrictions on Critical Expression in Public and Online Spaces

In 2026, the use of administrative liability in response to critical and protest expression has expanded significantly. One of the main mechanisms used for this purpose is Article 166 of the Code of Administrative Offences, which regulates petty hooliganism and requires an actual disturbance of public order or public peace in order for liability to be imposed. At the same time, administrative sanctions are also being applied in response to harsh or offensive criticism directed at public officials. In practice, the application of these provisions extends both to statements and slogans made in protest areas and to comments and posts published on social media. This practice raises questions as to whether the protection of public order and other legitimate interests is being sufficiently and clearly distinguished from the punishment of individuals because of the content of their critical or protest expression.

- *Restriction of freedom of expression in public space*

The case of Ia Melitauri is a notable example of the direct application of the Article 166 in the context of a protest. It concerns a protest held in front of the Tbilisi City Council on July 26, 2026, where participants were holding protest banners and various slogans were being chanted. According to the position of the Ministry of Internal Affairs, the police called on the protesters to stop using obscene slogans, but Ia Melitauri failed to comply with the request, following which she was detained under administrative procedure. During the court proceedings, the defense lawyer argued that the disputed banners and slogans constituted expression made in the context of a protest and were protected by the Constitution of Georgia and the European Convention on Human Rights. The court stopped the proceedings against Ia Melitauri under the Article 173, while found her liable for an administrative offence under Article 166 and imposed five days of administrative detention.

The case is particularly noteworthy because the most severe administrative sanction, deprivation of liberty, was imposed on an individual for non-violent protest expression, while the court itself stopped the proceedings concerning the alleged failure to comply with the police order. In such circumstances, particularly clear reasoning was required from the court as to how Melitauri's expression specifically disrupted public order and why a less severe sanction would not have been sufficient to achieve the legitimate aim pursued.

A similar outcome was reached in the **case of Tornike Tikaridze**. The case concerns a protest held in front of the Tbilisi City Council on July 26, 2026, during which some of the participants were detained by the police under Articles 166 and 173. Tikaridze expressed distrust towards the court and refused to participate in the proceedings. The state-appointed lawyer requested that the hearing be adjourned on the grounds that he had been unable to establish contact with Tikaridze. However, the court denied the motion and sentenced Tornike Tikaridze to five days of administrative detention under Article 166, and stopped the proceedings under Article 173. In this context, the court's imposition of a custodial sanction also raises concerns regarding the effective guarantee of the individual's right to defense.

- *Restriction of the freedom of expression in online space*

Recently, the expanded application of the Article 166 has extended beyond the public sphere to the digital space as well. Two additional fundamental issues arise in this category of cases: the extent to which a particular social media account can be reliably linked to the individual concerned, and how a violation of public order or public peace can be established on the basis of an online comment in the first place.

For example, **the case of Giorgi Melitauri** concerns an offensive comment he allegedly made on social media about an acquaintance on June 6, 2026. According to the Ministry of Internal Affairs, the comment constituted the offence of petty hooliganism, and, in support of this allegation, it submitted a screenshot of the comment and a video recording showing the so-called "scrolling" through the social media page. The defense challenged the identification of the author and presented the court with a video demonstrating how easily a comment can be imitated or posted under another person's name. In addition, the defense requested that the intended recipient of the comment be examined as a witness; however, the court denied the motion. On July 3, 2026, the court found Giorgi Melitauri guilty under the Article 166 of the Administrative Offences Code and imposed a fine of GEL 2,000.

It is questionable whether a screenshot and a visual inspection of an account alone can be considered sufficient evidence to establish that a particular account or comment actually belongs to the person held liable. This is particularly significant where an administrative sanction may entail a substantial financial burden or, in some cases, deprivation of liberty. The identification of the individual should therefore be based on reliable and sufficient evidence, rather than on a conclusion drawn solely from the account name or an assumption as to its ownership.

The same issue was identified in the **case of Giorgi Gogia**, which concerns a post published on social media on June 14, 2026 and directed at Bera Ivanishvili (son of the founder of the Georgian Dream Bidzina Ivanishvili). In addition to that, in similar cases, it is important to examine an essential element required to establish the offence under Article 166 itself, namely, the disturbance of public order or the peace of citizens. However, in response to a question from the defense during the proceedings as to how many people had viewed or reacted to the

post, the representative of the Ministry of Internal Affairs stated that it was irrelevant how many people had viewed the post, or whether anyone had viewed it at all. Moreover, the court imposed a fine of GEL 3,000 on Giorgi Gogia.

In this context, the 2026 judgment of the European Court of Human Rights in *Miladze v. Georgia* is particularly noteworthy. Although the Court found that the imposition of liability under Article 166 in that case was compatible with Article 10 of the Convention, its judgment was based on the specific circumstances of the case, including the widespread dissemination of the video, more than 100,000 views, the extremely offensive nature of the personal expression, and the relatively mild sanction imposed¹¹. Accordingly, this judgment demonstrates that, in order to impose liability, an individual assessment is required of the context in which the expression was made, the scale of its dissemination, its actual impact, and the proportionality of the sanction.

Another example of the use of administrative liability in response to critical online expression is the **case of lawyer Shota Tutberidze**, who was fined with GEL 4,000 for a comment he posted under a Facebook post of the Member of the Parliament of Georgia Nino Tsilosani. Unlike the cases discussed above, liability in his case was imposed under the Article 173¹⁶ of the Administrative Offences Code of Georgia, which imposes liability for verbally insulting a political office-holder, state or public official, as well as for other insulting conduct. It is also significant that the proceedings were initiated as a result of state monitoring of social media, rather than on the basis of a complaint or request submitted directly by the person concerned¹². When the State itself monitors critical statements on social media and initiates administrative proceedings on the basis of such statements, the risks of selective enforcement, self-censorship, and a chilling effect are heightened.

Another example of the application of the same provision is the **case of Nata Peradze**. On February 4, 2026, the court fined her with GEL 4,000 for a post she published on social media concerning MP Nino Tsilosani. Subsequently, for a comment she posted on Facebook concerning Bera Ivanishvili, Peradze was fined with additional GEL 3,000 under the Article 166¹³. When announcing the decision, the court additionally referred to Peradze's alleged propensity to use obscene language, including towards the judge himself. The application of different administrative provisions to the online expression of the same individual further raises questions as to whether legal liability is being applied consistently and proportionately in cases involving critical expression.

It should also be noted that particular caution is required when assessing criticism directed at political office-holders, as, according to the case-law of the European Court of Human Rights, politicians and other public officials are required to demonstrate a

¹¹ European Court of Human Rights, *Miladze v. Georgia*, no. 41585/23, 19 May 2026, §§ 68, 70, 75.

¹² Radio Free Europe/Radio Liberty, "Lawyer Shota Tutberidze Fined GEL 4,000 for Comment on Nino Tsilosani's Post", June 15, 2026, www.radiotavisupleba.ge/amp/33781496.html

¹³ Tabula, "The Court Fined Nata Peradze GEL 4,000 for a Post Concerning Nino Tsilosani", February 4, 2026, www.tabula.ge/ge/news/745204-sasamartlom-nata-peradze-nino-tsilosanze-dacerili; Radio Free Europe/Radio Liberty, "Nata Peradze, Who Is Living Abroad, Fined for Facebook Post About Bera Ivanishvili", June 30, 2026, www.radiotavisupleba.ge/a/33791918.html

greater degree of tolerance towards criticism. Accordingly, the imposition of substantial fines and other severe sanctions for critical expression directed at political office-holders is particularly problematic and raises questions as to whether administrative liability is being used merely as a means of restricting critical speech.

Taken together, these cases demonstrate that, in practice, administrative liability is imposed in response to critical and protest expression on the basis of various legal provisions. Where liability is imposed without a proper assessment of the context of the expression, its actual impact, and the existence of a disturbance of public order, and where sanctions include substantial fines and administrative detention, such practices restrict freedom of expression and create a chilling effect, discouraging individuals from expressing critical views.

IV. Systemic Problems Identified during Trial Monitoring and Signs of Selective Justice

The cases examined differ from one another both in terms of their factual circumstances and their legal grounds. Nevertheless, the court monitoring conducted by the Human Rights Center reveals several recurring problems that extend beyond individual cases and point to broader tendencies in judicial practice.

One of the main problems is **the insufficiently critical assessment by the courts of the evidence presented by State authorities**. For example, during the court proceedings, for the establishment of liability it was enough to observe a defendant on a several-minute video footage or presenting a screenshot of a comment posted on social media, even where the person's intent, authorship, or connection to the specific conduct required further substantiation. At the same time, the alternative account presented by the defense and the countervailing evidence submitted by the defense lawyer were not always examined adequately. In practice, however, a fair determination of liability requires a clear and reasoned analysis of the arguments provided by the defense side.

The trial monitoring also revealed **instances of practical restrictions on the right to a defense**. These included, in particular, allowing a lawyer extremely limited time to examine a witness, continuing the hearing when the appointed lawyer had not had an opportunity to communicate with the client, and other similar instances. There was also a case in which the court called into question a person's capacity to act on the basis of their status as a person with a disability, even though the mere existence of a disability cannot, in itself, constitute grounds for questioning a person's ability to understand their own conduct. Such an approach creates a risk of stereotyping persons with disabilities and is contrary to the principle of equal recognition before the law enshrined in the UN Convention on the Rights of Persons with Disabilities, under which persons with disabilities enjoy legal capacity on an equal basis with others.

A common problem also emerges **with regard to the severity and proportionality of the sanctions imposed**. In cases concerning peaceful protests and non-violent expression, both substantial fines and administrative and criminal detention have been imposed. Deprivation of liberty constitutes one of the most severe forms of interference with human rights, and its use requires clear justification as to why such a sanction was necessary in the particular case and why a less severe measure would not have been sufficient to achieve the legitimate aim pursued.

Combination of these circumstances also **give rise to the signs of selective justice**. The timing of the initiation of proceedings, the political context, the broad or inconsistent application of legal provisions, differing evidentiary requirements, and insufficient judicial scrutiny of the actions of State authorities are significant indicators of selective justice. Particular attention is also warranted in cases where a State authority itself proactively monitors critical expression and independently determines in which cases to initiate legal proceedings.

When participation in a peaceful protest, a public chant, or an online comment becomes grounds for severe legal liability, the **cumulative effect of the sanctions may discourage citizens from expressing critical views and participating in protests**. This is precisely what creates a chilling effect that extends beyond the individual case and restricts the exercise of freedom of expression and freedom of assembly throughout society.

Conclusion and Recommendations

Legislation restricting freedom of expression and freedom of assembly is actively applied in the Georgian legal practice. Of particular concern is the criminalization of peaceful protest activities, the imposition of severe administrative sanctions for critical expression, the criminal prosecution of political opponents and activists, and the use of broad legal interpretations.

The evidentiary and procedural problems identified during the trial monitoring demonstrate that, in the context of restrictive legislation, effective judicial oversight is of crucial importance. Where courts fail to properly scrutinize the evidence presented by the prosecution, do not adequately assess the alternative accounts put forward by the defense, and fail to provide sufficient reasoning as to the necessity of imposing a severe sanction, the risks of arbitrary interference with human rights and selective justice are heightened.

Human Rights Center calls on the political party Georgian Dream:

- Repeal or substantially revise the legislative amendments that criminalize repeated non-violent protest activities and expand the possibility of imposing deprivation of liberty for the exercise of the freedoms of expression and assembly;
- Ensure that legislation regulating freedom of expression and freedom of assembly is consistent with the European Convention on Human Rights, the case-law of the European Court of Human Rights, and OSCE/ODIHR standards;
- Cease the punitive and selective use of administrative and criminal law mechanisms against peaceful protest and critical expression;
- Ensure that the temporary use of a road or other public space during a peaceful assembly does not automatically constitute grounds for severe administrative or criminal liability, and that, in each case, the individual's conduct and intent, as well as the actual extent of any disruption caused, are assessed;
- Ensure a high level of protection for political and critical expression and clearly distinguish sharp or coarse political rhetoric from direct incitement to violence;
- Cease the selective monitoring and punishment of critical statements in the online space and ensure that liability is not based solely on unsubstantiated assumptions regarding authorship of a social media profile;
- Ensure a proper assessment, in cases concerning freedom of expression, of the context, the scale of dissemination, the status of the addressee, the actual impact, and the proportionality of the sanction imposed;

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- End political influence over the administration of justice and ensure the conditions necessary for independent and impartial judicial oversight, including in cases involving political opponents;
 - Ensure the effective exercise of the right to a fair trial and the right to an effective defense, including by providing the defense with adequate opportunities to present evidence, fully examine witnesses, communicate with the defense lawyer, and prepare its case;
 - Ensure that deprivation of liberty in cases concerning freedom of expression and freedom of peaceful assembly is used only as a measure of last resort and only where its necessity and proportionality have been duly justified;
 - Cease approaching the persons with disabilities based on stereotypical assumptions and ensure their equal participation in legal proceedings;
 - Ensure the collection and publication of comprehensive and publicly accessible statistics on administrative and criminal proceedings related to freedom of expression and freedom of assembly.