



Georgia v. Mzia Amaglobeli

January 2026

TRIALWATCH FAIRNESS REPORT

A CLOONEY FOUNDATION **FOR** JUSTICE INITIATIVE

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The **Clooney Foundation for Justice** advocates for justice through accountability for human rights abuses around the world. **TrialWatch** is an initiative of the Clooney Foundation for Justice that provides free legal aid in defense of free speech. Its mission is to expose injustice, help to free those unjustly detained and promote the rule of law around the world.

This report is published for informational and advocacy purposes. It is based on information available from public sources, court proceedings, legal documents and interviews believed to be accurate at the time of publication. The views and opinions expressed in this report are those of the authors and do not necessarily represent the views or opinions of the Clooney Foundation for Justice, its Board of Directors, or its partners. This report is intended as a contribution to public discourse on fair trial standards and access to justice. Nothing in this report is intended to assert or imply criminal or unlawful conduct on the part of any individual or entity unless such findings have been made by a competent court.

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EXECUTIVE SUMMARY



Sir Nicolas Bratza, a member of the TrialWatch Experts Panel, assigned this trial a Grade of D and stated:

In August 2025 Mzia Amaglobeli, a leading and prize-winning Georgian journalist, was convicted of the offence of resisting a police officer with the aim of obstructing the protection of public order or interrupting or altering his lawful activities. She was sentenced to imprisonment for two years. The criminal proceedings against Mzia Amaglobeli gave rise to a series of violations of international human rights standards that cumulatively and gravely undermined the fairness of the proceedings against her. Key defense rights were breached, including the right of effective access to lawyers of the defendant's own choosing, the right to be informed of the charge of which she was ultimately convicted, which was breached by the reclassification of the charge at the conclusion of the trial, the right of effective participation in the proceedings, which was hindered by her enclosure in a glass cabin or "aquarium", and the presumption of innocence, which was breached by prejudicial statements of senior public officials made during the course of the trial.

Since at least autumn 2024, Georgia has experienced rapid democratic backsliding under the ruling Georgian Dream party, marked by what the European Parliament, the Organization for Security and Co-operation in Europe ("OSCE"), and others have called electoral manipulation, suppression of independent media, and restrictions on civil and political rights.¹ This political climate has seen intensified crackdowns on political opposition and independent civil society, including as evidenced by legislation aimed at suppressing and criminalizing civil society activities and restricting free media.² The government has also used state police power to stifle dissent and target public figures for their participation in largescale protests across the country that are critical of the Georgian Dream party.³

¹ See discussion *infra* "The Political Context."

² See discussion *infra* "Suppression of Civil Society and Independent Media."

³ See discussion *infra* "Suppression of Civil Society and Independent Media."

On January 12, 2025, Mzia Amaglobeli,⁴ a renowned and award-winning Georgian journalist, was arrested on charges of “attacking a police officer in connection with their official duties” (Article 353 Prima of the Criminal Code of Georgia) after slapping a police chief during a protest in Batumi, Georgia.⁵ The arrest and prosecution of Mzia falls against the politically charged backdrop of widespread repressive tactics against protestors, journalists, political figures and other critical voices in Georgia.⁶ Mzia’s case is emblematic of the many other examples of the authorities’ efforts to target and disproportionately punish dissenters.⁷

The Clooney Foundation for Justice’s (“CFJ”) TrialWatch initiative monitored Mzia’s trial at the Batumi City Court (the “Court”) from March to August 2025, and the appeal before the Kutaisi Court of Appeal (the “Appeal Court”) in hearings that took place on November 11, 14, and 18, 2025.

The **trial** on the merits commenced on March 18, 2025, and revealed severe procedural flaws, including in relation to defense efforts to present evidence and call witnesses who could have corroborated Mzia’s claims regarding the slap (that it had been delivered impulsively rather than as an “attack” on a police officer in connection with their duties).⁸

The Court **reclassified the charge** at the very last moment of the trial, convicting Mzia of “resisting a police officer” (Article 353(1) of the Criminal Code of Georgia) and sentencing her to two years in prison, despite evidence suggesting that her conduct did not meet the legal criteria for the crime as charged or even as convicted.⁹

The **judgment** failed to address procedural irregularities, prosecution witness inconsistencies, and allegations of alleged ill-treatment of Mzia (all presented at trial).¹⁰

⁴ Who is widely referred to in Georgia simply by her first name, Mzia, including in media reports, indicating her widespread recognition within Georgia and beyond. The authors refer to Mzia Amaglobeli using both her full name and as “Mzia” in this report.

⁵ See discussion *infra* “Subsequent Arrest and Detention.”

⁶ See discussion *infra* “The Political Context” and “Suppression of Civil Society and Independent Media.”

⁷ See discussion *infra* “Suppression of Civil Society and Independent Media.”

⁸ See discussion *infra* “Conduct of Mzia’s Trial.”

⁹ See discussion *infra* “The Judgments.”

¹⁰ See discussion *infra* “The Judgments.”

The judgment also did not justify the imposition of a custodial sentence (as opposed to a fine or house arrest) under the reclassified charge.¹¹

These deficiencies in the trial, including the sudden reclassification of the charges, were not substantively cured on **appeal**: the Appeal Court agreed with the reclassification of the charges while likewise minimizing the relevance and value of defense evidence.¹²

The documented violations of Mzia's rights under the European Convention on Human Rights ("ECHR") and the International Covenant on Civil and Political Rights ("ICCPR"), as analyzed in this report, evidence that her trial was unfair and in breach of the presumption of innocence and that it did not accordingly meet international standards.¹³ In addition, the disproportionate nature of the prosecution's decision to charge Mzia with the criminal offence of an "attack" on an officer; the judge's decision to detain her in custody and to convict her of the very different offence of "resisting" an officer at the conclusion of the trial in a judgment lacking in adequate reasoning; and the highly prejudicial public statements made during the trial by senior government officials (including the Prime Minister), when seen against the broader pattern of repression against journalists and opposition figures in Georgia since at least 2024, combine to show that the motivating factor behind Mzia's trial and conviction was to deter and intimidate her and other independent journalists in carrying out their important functions.¹⁴

¹¹ See discussion *infra* "The Judgments."

¹² See discussion *infra* "The Judgments."

¹³ See discussion *infra* "Overall Fairness of the Proceedings."

¹⁴ See discussion *infra* "Ulterior Motive."

BACKGROUND



A. THE POLITICAL CONTEXT

Georgia has experienced rapid democratic backsliding since 2024. Indications of anti-democratic tendencies appeared in 2023, including with the draft law of March 2023 on the establishment of a registry for “agents of foreign influence,” which prompted protests in the capital of Tbilisi and international criticism.¹⁵ In 2024, under the ruling pro-Russian Georgian Dream party (which has been in power since 2012¹⁶), Georgia took a sharp turn from a post-Soviet democracy aspiring to European Union (“EU”) membership, toward authoritarianism.¹⁷ This has included undermining electoral integrity safeguards,¹⁸ eroding judicial and institutional independence, and suppressing political opposition, civil society, and freedom of the press.¹⁹

In particular, the October 2024 parliamentary elections were widely denounced as illegitimate based on reports of voter manipulation and intimidation, misuse of administrative resources, and obstruction of independent observers.²⁰ The European Parliament condemned the elections as neither free nor fair, and accused the Georgian

¹⁵ European Commission, Key Findings of the 2023 Report on Georgia (Nov. 8, 2023), https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_5626.

¹⁶ See *Georgia: After the Elections*, European Parliament (Oct. 17, 2012), [https://www.europarl.europa.eu/thinktank/en/document/LDM_BRI\(2012\)120367](https://www.europarl.europa.eu/thinktank/en/document/LDM_BRI(2012)120367); Wojciech Górecki, *A Journey into a Glorious Past Three Terms of Georgian Dream*, Centre for Eastern Studies (Oct. 8, 2024), <https://www.osw.waw.pl/en/publikacje/osw-commentary/2024-10-08/a-journey-a-glorious-past-three-terms-georgian-dream>.

¹⁷ See, e.g., Press Release, *Parliament Deplores the Democratic Backsliding and Repression in Georgia*, European Parliament (July 9, 2025), <https://www.europarl.europa.eu/news/en/press-room/20250704IPR29451/parliament-deplores-the-democratic-backsliding-and-repression-in-georgia>; Press Release, *Georgia’s Elections Marred by an Uneven Playing Field, Pressure and Tension, But Voters Were Offered a Wide Choice: International Observers*, Org. for Sec. & Coop. in Eur. (Oct. 27, 2024), <https://www.osce.org/odihr/elections/georgia/579376#> (A European Parliament representative states: “We continue to express deep concerns about the democratic backsliding in Georgia.”); RFE/RL’s Georgian Service, *Georgians Continue Pro-Democracy Protests While Commemorating Independence Vote*, RadioFreeEurope/RadioLiberty (Apr. 1, 2025), <https://www.rferl.org/a/georgia-protest-anniversary-independence-referendum/33365823.html>.

¹⁸ See discussion *infra* notes 20–27 and accompanying text.

¹⁹ See discussion *infra* “Suppression of Civil Society and Independent Media.”

²⁰ See, e.g., Giorgi Meladze & Nadia Asaad, *Why Georgia’s Democracy Is Collapsing*, J. of Democracy (July 2025), <https://www.journalofdemocracy.org/online-exclusive/why-georgias-democracy-is-collapsing/>.

Dream party of rigging to consolidate power and remove democratic guardrails.²¹ The Office for Democratic Institutions and Human Rights (“ODIHR”) of the OSCE issued an election observation report that found widespread intimidation of voters and cited “concerns about the ability of some voters to cast their vote without fear of retribution.”²² To protest what they characterized as an illegitimate outcome, opposition members boycotted parliament, and the Georgian Dream subsequently cancelled a large portion of the opposition members’ mandates.²³ The Georgian Dream party thus effectively eliminated all remaining opposition representation within parliament.²⁴ Further, on November 28, 2024, Georgian Prime Minister Irakli Kobakhidze announced the suspension of Georgia’s EU membership accession process.²⁵

The year 2024 also saw changes to the Electoral Code, which were criticized by international bodies for significantly decreased checks and balances. Changes implemented in February 2024 effectively eliminated the institutional independence of the Central Election Commission (“CEC”) by giving the speaker of the parliament (that is, the ruling-party Georgian Dream) “the right to nominate CEC members” and allowing decisions to be made by simple majority, effectively precluding opposition influence.²⁶

²¹ *Parliament Deplores the Democratic Backsliding and Repression in Georgia*, *supra* note 17 (saying “the rigged October 2024 parliamentary elections in Georgia marked a clear turning point towards an authoritarian government in the EU candidate country”); Press Release, *Parliament Calls for New Elections in Georgia*, European Parliament (Nov. 28, 2024) <https://www.europarl.europa.eu/news/de/press-room/20241121IPR25549/parliament-calls-for-new-elections-in-georgia>.

²² Office for Democratic Institutions and Human Rights, Organization for Security and Co-operation in Europe, *Georgia: Parliamentary Elections 26 October 2024, Election Observation Mission Final Report*, at 1 (Dec. 20, 2024), https://www.osce.org/files/f/documents/1/6/584029_0.pdf.

²³ Nini Gabritchidze, *Backgrounder: Georgia’s October 4 Half-Elections*, Civ. Georgia (Feb. 10, 2025), <https://civil.ge/archives/703036>; see *GD Terminates Mandates of 49 Opposition MPs, Stages New Parliamentary Group Formation*, Civ. Georgia (Feb. 5, 2025), <https://civil.ge/archives/659905>.

²⁴ Meladze & Asaad, *supra* note 20; Bashir Kitachayev, *Georgia Passes Repressive Laws Amid Opposition Boycott*, Deutsche Welle (Mar. 6, 2025) <https://www.dw.com/en/georgia-passes-repressive-laws-amid-opposition-boycott/a-71851796>.

²⁵ Lucy Davalou & Andrew Naughtie, *Georgian Prime Minister Suspends EU Membership Talks Until End of 2028*, euronews (Mar. 12, 2024, 6:14 PM), <https://www.euronews.com/my-europe/2024/11/28/georgian-prime-minister-suspends-eu-membership-talks-until-end-of-2028>; see also Human Rights Watch, *World Report 2025 (Events of 2024)*, Georgia (Jan. 2025), https://www.hrw.org/sites/default/files/media_2025/01/World%20Report%202025.pdf.

²⁶ Nurlan Huseynov, *Authoritative Backsliding in Georgia*, Baku Rsch. Inst. (July 31, 2024), <https://bakuresearchinstitute.org/en/authoritarian-backsliding-in-georgia/>.

The Parliamentary Assembly of the Council of Europe (“PACE”), among others, condemned these changes, citing severe risks to democratic processes, and called for their repeal.²⁷

In response to the 2024 elections, the suspension of EU accession negotiations, and the Georgian Dream’s consolidation of power, mass pro-democracy protests erupted in the capital Tbilisi and across Georgia on October 28, 2024, and since November 28, 2024, protests have continued on a nightly basis to date.²⁸

B. SUPPRESSION OF CIVIL SOCIETY AND INDEPENDENT MEDIA

Since the 2024 elections, the Georgian Dream party has intensified its crackdown on members of the political opposition (as described above), as well as on protestors, journalists, and other parts of civil society through the enactment of laws and amendments restricting free speech and through the reported abuse of police power.

First, Georgia recently passed several laws restricting freedom of expression. The Law on Transparency of Foreign Influence (“LTFI”), initially passed in 2024, requires non-entrepreneurial legal entities, like NGOs and media outlets that receive foreign funding, to register as “foreign agents” and submit financial disclosures with the state.²⁹ The Foreign Agents Registration Act (“FARA”), enacted in 2025, criminalizes failing to register as a “foreign agent,” and applies to anyone who acts under the authority, request, order or control of a “foreign principal,” and engages in “political activities” in Georgia in the interests of that foreign principal.³⁰ Both of these laws have been condemned by the

²⁷ *PACE Condemns Rapid Democratic Backsliding in Georgia, Urges Repeal of Controversial Laws*, Civ. Georgia (Apr. 10, 2025), <https://civil.ge/archives/675067>; Venice Commission, *Opinion on the Amendments to the Organic Law “Election Code of Georgia” Pertaining to Local Elections* (Mar. 18, 2025), <https://civil.ge/wp-content/uploads/2025/03/venice-commission.pdf>.

²⁸ *See They Can’t Crush Our Protests, Vow Georgians After Year of Resistance*, BBC News (Nov. 26, 2025), <https://www.bbc.co.uk/news/articles/c208w378gg7o>; Felix Light & Lucy Papchristou, *Thousands Protest in Georgia as Opposition Challenges Election Results*, Reuters (Oct. 28, 2024), <https://www.reuters.com/world/us-eu-call-probe-after-reports-georgia-election-violations-2024-10-28/>.

²⁹ Congressional Research Service, *Georgia’s Parliament Passes “Transparency of Foreign Influence” Law* (May 28, 2024), <https://www.congress.gov/crs-product/IN12368>.

³⁰ *See Georgia: The Foreign Agents Registration Act*, Int’l Ctr. for Non-Profit L. (Apr. 2025), <https://www.icnl.org/post/news/georgia-the-foreign-agents-registration-act>; *Georgia: Drop Repressive “Foreign Agents” Bill*, Hum. Rts. Watch (Mar. 26, 2025), <https://www.hrw.org/news/2025/03/26/georgia-drop-repressive-foreign-agents-bill>.

Venice Commission for threatening the “effective function and credibility” of civil society organizations.³¹

The LTFI mimics other criticized laws on foreign funding (notably Russia’s notorious “foreign agents law”) and stigmatizes foreign-funded NGOs and media.³² United Nations (“UN”) human rights experts expressed grave concerns about its adoption, warning that the law “w[ould] have a chilling effect on civil society, journalists and human rights defenders” and would place Georgia in contravention of its human rights obligations.³³ Similarly, the European Commission has warned that the FARA represents a dangerous effort by the Georgian government “to suppress dissent, restrict freedoms, and further shrink the space for activists, civil society, and independent media.”³⁴ Human Rights Watch, European Commission leaders, and others have expressed significant concerns at the implementation of the law, and its use as a tool of repression of political dissent and pro-democracy actors.³⁵

³¹ Venice Commission on the Council of Europe, Georgia, *Opinion on the Law on the Registration of Foreign Agents, the Amendments to the Law on Grants and Other Laws Relating to “Foreign Influence,”* (Oct. 15, 2025), <https://www.coe.int/en/web/venice-commission/-/cdl-ad-2025-034-e>.

³² See Joshua Berlinger & Christian Edwards, *What Is Georgia’s “Foreign Agents” Bill, and Why Is Europe So Alarmed?*, CNN (May 15, 2024), <https://www.cnn.com/2024/05/13/europe/georgia-foreign-agents-law-explained-intl>; Marc Goedemans, *What Georgia’s Foreign Agent Law Means for Its Democracy*, Council on For. Relations (Aug. 21, 2024), <https://www.cfr.org/in-brief/what-georgias-foreign-agent-law-means-its-democracy>.

³³ Press Release, *Georgia: UN Experts Condemn Adopt of Law on Transparency of Foreign Influence*, United Nations Hum. Rts. Off. of the High Comm’r (May 15, 2024), <https://www.ohchr.org/en/press-releases/2024/05/georgia-un-experts-condemn-adoption-law-transparency-foreign-influence>.

³⁴ EU Directorate-General for Enlargement and Eastern Neighbourhood, *Joint Statement by High Representative/Vice-President Kaja Kallas and Commissioner Marta Kos on Georgia’s Foreign Agents Registration Act*, European Commission (May 31, 2025), https://enlargement.ec.europa.eu/news/joint-statement-high-representativevice-president-kaja-kallas-and-commissioner-marta-kos-georgias-2025-05-31_en.

³⁵ See *Georgia: Drop Repressive “Foreign Agents” Bill*, *supra* note 30; EU Directorate-General for Enlargement and Eastern Neighbourhood, *Joint Statement by High Representative/Vice-President Kallas and Commissioner Marta Kos on Latest Developments*, European Commission (Apr. 2, 2025), https://enlargement.ec.europa.eu/news/georgia-joint-statement-high-representativevice-president-kallas-and-commissioner-marta-kos-latest-2025-04-02_en; Expert Council on NGO Law of the Conference of INGOs of the Council of Europe, *Opinion on the Law of Georgia “Foreign Agents Registration Act”* (Aug. 25, 2025), <https://rm.coe.int/coe-expert-council-opinion-on-the-law-of-georgia-foreign-agents-regist/48802814ec>; *Opinion on the Law on the Registration of Foreign Agents, the Amendments to the Law on Grants And Other Laws Relating to “Foreign Influence” (Adopted by the Venice Commission at its 144th Plenary Session)*, Venice Commission ¶ 79 (Oct. 9–10, 2025), [https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD\(2025\)034-e; Georgia:](https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD(2025)034-e; Georgia:)

Since November 2024, the Georgian Dream has also enacted several other new laws or amendments to existing laws restricting independent media and freedom of expression, including an amendment to Georgia's Broadcasting Law that "would prohibit broadcasters from receiving direct or indirect funding" from foreign sources.³⁶

Second, there is evidence that Georgia has used state police power to stifle dissent. In an attempt to quell the mass protests since late 2024, Georgian police employed what Amnesty International has documented as "brutal dispersal tactics, arbitrary detention, torture and other ill-treatment" against protesters.³⁷ Attacks by Georgian law enforcement officials on the journalists covering the protests have been met with continuing impunity.³⁸ In December 2024, the UN issued warnings about "widespread human rights violations amid ongoing protests," citing mass arrests, criminalization of protestors, use of force, police violence, and a smear campaign against civil society and youth.³⁹ Over 500 protestors were detained in late 2024, largely on "spurious" charges according to Amnesty International.⁴⁰

Drop Repressive "Foreign Agents" Bill, Hum. Rts. Watch (Mar. 26, 2025), <https://www.hrw.org/news/2025/03/26/georgia-drop-repressive-foreign-agents-bill>.

³⁶ *Georgian Parliament Initiates Amendments to Broadcasting Law*, OC Media (Feb. 25, 2025), <https://oc-media.org/georgian-parliament-initiates-amendments-to-broadcasting-law/>; *An Analysis of Legislative Restrictions on Freedom of Expression and Media Activity in Georgia*, Georgia Young Lawyers' Ass'n (Feb.–July 2025), https://admin.gyla.ge/uploads_script/publications/pdf/LAWS%20AGAINST%20SPEECH.pdf.

³⁷ *Georgia: Police Committing Shocking Human Rights Violations Amid Ongoing Crackdown on Protesters*, Amnesty Int'l (Dec. 13, 2024), <https://www.amnesty.org/en/latest/news/2024/12/georgia-police-committing-shocking-human-rights-violations-amid-ongoing-crackdown-on-protesters/>.

³⁸ *Georgia: As Ruling Party Intensifies Crackdown, Media Freedom Groups Demand Urgent Action to Safeguard Independent Journalism*, Int'l Press Inst. (Oct. 10, 2025), <https://ipi.media/media-freedom-groups-demand-urgent-action-to-safeguard-independent-journalism/>; *Georgia: The Violence Against Reporters Covering Protests Has Been Met with Shocking Impunity*, Reporters Without Borders (Dec. 19, 2024), https://rsf.org/en/georgia-violence-against-reporters-covering-protests-has-been-met-shocking-impunity?mc_cid=eeb490580d&mc_eid=UNIQID.

³⁹ Press Release, *Georgia: UN Experts Concerned by Widespread Human Rights Violations Amid Ongoing Protests*, United Nations in Georgia (Dec. 13, 2024), <https://georgia.un.org/en/285881-georgia-un-experts-concerned-widespread-human-rights-violations-amid-ongoing-protests>.

⁴⁰ *Georgia: Elections Marred by Severe Reprisals and Risk of Further Violence*, Amnesty Int'l (Oct. 3, 2025), <https://www.amnesty.org/en/latest/news/2025/10/georgia-elections-marred-by-severe-reprisals-and-risk-of-further-violence/>.

Further, multiple opposition leaders, including Zurab Japaridze and Nika Melia – two prominent figures in the pro-European Coalition for Change – have been detained or jailed on grounds that have been deemed politically charged by PACE and the European Parliament.⁴¹ Zurab Japaridze, leader of the Girchi–More Freedom party, refused to testify before a parliamentary Temporary Investigative Commission formed by the Georgian Dream party to probe alleged abuses under former pro-European President Mikheil Saakashvili, citing the parliament’s illegitimacy and the ongoing election boycott by the opposition.⁴² As a result, in June 2025, Zurab Japaridze was sentenced to seven months in prison and given a two-year ban from holding public office for his refusal to testify.⁴³ Similarly, Nika Melia, former leader of the United National Movement party, was imprisoned for eight months and barred from running for office for two years in 2025 for refusing to testify before the same parliamentary Temporary Investigative Commission.⁴⁴

Other well-known dissenting voices have also been targeted. Nika Gvaramia, a former politician and founder of an independent opposition broadcaster critical of the Georgian Dream party, faced criminal charges in 2025 for refusing to testify before the parliamentary Temporary Investigative Commission.⁴⁵ Nika Gvaramia was the first-ever Georgian to receive the International Press Freedom Award from the Committee to

⁴¹ Sophiko Megreldze, *Court Rules to Arrest Georgian Opposition Leader as Anti-Government Protests Continue*, AP News (May 22, 2025), <https://apnews.com/article/georgia-opposition-zurab-japaridze-detained-bc23582ad28ebc48eb314849c0ab9154>.

⁴² *Zurab Japaridze Sentenced to Seven Months in Jail in First Verdict for Defying GD Commission*, Civ. Georgia (June 23, 2025), <https://civil.ge/archives/688039>; Mariam Razmadze, *Zurab Girchi Japaridze Faces Charges over Defiance of Parliament Probe*, Georgia Today (Apr. 16, 2025), <https://georgiatoday.ge/zurab-girchi-japaridze-faces-charges-over-defiance-of-parliament-probe/>; Parliament Resolution of 9 July 2025 on the 2023 and 2024 Commission Reports on Georgia, EUR PARL. Doc. (A10-0110/2025) (2025), available at https://www.europarl.europa.eu/doceo/document/TA-10-2025-0158_EN.html.

⁴³ Lucy Papachristou, *Georgia Jails Three Opposition Politicians, Including Bank Founder*, Reuters (June 23, 2025), <https://www.reuters.com/business/finance/georgia-jails-three-opposition-politicians-including-bank-founder-2025-06-23>.

⁴⁴ *Nika Melia Sentenced to Eight Months for Defying Tsulukiani Commission*, Civ. Georgia (June 27, 2025), <https://civil.ge/archives/688941>.

⁴⁵ *Nika Gvaramia Sentenced to Eight months in Prison for Defying Tsulukiani Commission*, Civ. Georgia (July 1, 2025), <https://civil.ge/archives/689223>.

Protect Journalists, in recognition of his resilience against censorship and for upholding independent journalism.⁴⁶

Finally, Andro Chichinadze, a Georgian actor known for his active participation in the pro-EU protests, was accused of throwing objects at police officers during protests in 2025.⁴⁷ Andro Chichinadze was detained and initially charged with “organizing, leading, participating in, and publicly calling for violent actions,” under Article 225 of the Criminal Code of Georgia.⁴⁸ Subsequently, the charges were re-characterized as “disruption of public order” under Article 226.⁴⁹ According to Amnesty International, the trial of Andro Chichinadze and his co-defendants has “been marred by numerous fair trial violations.”⁵⁰

These sharp turns in democratic decline in Georgia have been broadly denounced. The European Parliament called the 2024 elections a “turning point” toward authoritarian rule, paving the way for the “Georgian Dream party to illicitly capture state institutions and remove democratic safeguards, push ahead with repressive legislation[, and] crack[] down on political opponents, journalists, and peaceful protesters.”⁵¹ PACE has urged the release of political prisoners, called for the repeal of restrictive laws, and for the restoration of pluralism and free media.⁵² In 2025, PACE adopted resolutions to this effect, calling out “rapid democratic backsliding” and urging the repeal of laws restricting

⁴⁶ *Nika Gvaramia, Georgia*, Comm. to Protect Journalists, <https://cpj.org/awards/nika-gvaramia-georgia/> (last visited Dec. 14, 2025).

⁴⁷ *Georgia: Actor Protester Jailed, Denied Justice: Andro Chichinadze*, Amnesty Int’l (Aug. 22, 2025), <https://www.amnesty.org/en/documents/eur56/0222/2025/en/>.

⁴⁸ *Actor Andro Chichinadze and Comedian Onise Tskhadadze Face Up to 9 Years in Prison*, Georgia Today (Dec. 6, 2024), <https://georgiatoday.ge/actor-andro-chichinadze-and-comedian-onise-tskhadadze-face-up-to-9-years-in-prison/>; *Georgia: Sentencing of Protestors Reveals Abuse of Justice System to Silence Dissent*, Amnesty Int’l (Sept. 3, 2025), <https://www.amnesty.org/en/latest/news/2025/09/georgia-sentencing-of-protestors-reveals-abuse-of-justice-system-to-silence-dissent/>.

⁴⁹ *Georgia: Sentencing of Protestors Reveals Abuse of Justice System to Silence Dissent*, Amnesty Int’l (Sept. 3, 2025), *Georgia: Sentencing of protestors reveals abuse of justice system to silence dissent* - Amnesty International.

⁵⁰ *Georgia: Actor Protester Jailed, Denied Justice: Andro Chichinadze*, Amnesty Int’l (Aug. 22, 2025), <https://www.amnesty.org/en/documents/eur56/0222/2025/en/>.

⁵¹ *Parliament Deplores the Democratic Backsliding and Repression in Georgia*, *supra* note 17.

⁵² *See As the Situation in Georgia Continues to Deteriorate, PACE Sets Out Additional Demands to Reverse Democratic Backsliding*, Parliamentary Assembly, Council of Eur. (Apr. 10, 2025), <https://pace.coe.int/en/news/9858/as-the-situation-in-georgia-continues-to-deteriorate-pace-sets-out-additional-demands-to-reverse-democratic-backsliding>.

media freedom, association, and civil society, and expressing alarm at pretrial detention of protesters and the treatment of NGOs.⁵³ The ODIHR has also expressed “deep concern over increased pressure on civil society and political dissent in Georgia” in view of legislative measures restricting the work of civil society and hindering freedoms of assembly and expression.⁵⁴

Several EU member states, the United Kingdom, and the United States have imposed sanctions on key Georgian Dream officials (including Bidzina Ivanishvili, the founder and the leader of the Georgian Dream party, judges and prosecutors (including the trial judge and one of the prosecutors, Tornike Gogeshvili, in Mzia’s case, as well as the “victim,” Irakli Dgebuadze, and other key police witnesses)),⁵⁵ suspended financial assistance to the country, and invoked instruments like the OSCE’s Vienna Mechanism to seek to press the Georgian government to adopt reforms.⁵⁶

Following the international reaction to Mzia’s trial and conviction, the prosecutors involved in the case were promoted, as was one of the main police witnesses in the trial.⁵⁷

It was against this backdrop that the arrest and trial of Mzia Amaglobeli took place.

⁵³ *PACE Condemns Rapid Democratic Backsliding in Georgia, Urges Repeal of Controversial Laws*, Civ. Georgia (Apr. 10, 2025), <https://civil.ge/archives/675067>.

⁵⁴ *OSCE Human Rights Office Voices Deep Concern over Increased Pressure on Civil Society and Political Dissent in Georgia, Reaffirms Commitment to Support*, Org. for Sec. & Coop. in Eur. (July 7, 2025), <https://www.osce.org/odihr/594597>.

⁵⁵ For the entry ban imposed on Judge Sakhelashvili, see *UPDATE: Estonia, Latvia, Lithuania Expand Sanctions on Georgian Officials*, Civ. Georgia (Apr. 15, 2025), <https://civil.ge/archives/666721>. Estonia imposed an entry ban on prosecutor, Tornike Gogeshvili, on March 3, 2025. See *List of Subjects (Sanction of the Government of the Republic to Ensure Following of Human Rights)*, Republic of Estonia Ministry of Foreign Affs. (June 9, 2023), <https://vm.ee/en/list-subjects-sanction-government-republic-ensure-following-human-rights>. Lithuania followed suit with an entry ban on Gogeshvili. See *Unwanted Persons List*, MIGRIS Electronic Migration Servs., https://www.migracija.lt/en/app/nam?fbclid=IwY2xjawJrPGBleHRuA2FibQIxMAABHj7olBIMLF-2x9pxTHvK47GQlyF2dKF8jpEmFpRHTIYY9p2WOK4P8mLW05Gp_aem_dOAVdRjCYzYal39xxqTcSg (last visited Dec. 14, 2025); see also *Media Freedom in Georgia, Particularly the Case of Mzia Amaglobeli*, European Parliament (June 19, 2025), https://www.europarl.europa.eu/doceo/document/TA-10-2025-06-19_EN.html.

⁵⁶ Meladze & Asaad, *supra* note 20; Csongor Körömi, *U.S. Freezes \$95 Million in Aid to Georgia in Response to “Anti-Democratic” Moves*, Politico (July 31, 2024), <https://www.politico.eu/article/united-states-secretary-of-state-antony-blinken-aid-freeze-georgia-foreign-agents-law/>.

⁵⁷ *Georgian Dream Promotes Prosecutors Involved in Mzia Amaglobeli’s Politically Motivated Case*, Batumelebi.Netgazeti (Nov. 6, 2025), <https://batumelebi.netgazeti.ge/articles-in-english/593951/>.

C. BIOGRAPHICAL INFORMATION OF MZIA AMAGLOBELI

Mzia Amaglobeli is a well-respected, veteran Georgian journalist. She began her career in 2000 as a reporter for the Adjara PS newspaper in Batumi, the capital of the Autonomous Republic of Adjara in Georgia.⁵⁸ In 2001, she co-founded the independent media outlet Batumelebi with a colleague, Eter Turadze.⁵⁹ Batumelebi's legal registration was revoked in 2003 by local authorities in Adjara.⁶⁰ Mzia re-registered the organization in Tbilisi with the support of the International Center for Journalists, allowing it to continue operations.⁶¹ In 2010, Mzia and Eter co-launched Netgazeti, an online publication.⁶² Both Batumelebi and Netgazeti have received prizes for their independent news reporting, including the European Press Prize in 2015 (Netgazeti), the Fritt Ord & ZEIT-Stiftung Prize in 2015 (Netgazeti), and the Free Press of Eastern Europe Prize in 2008 (Batumelebi).⁶³ Following Mzia's arrest and detention, she has been awarded the IPI-IMS World Press Freedom Hero Award, the Free Media Award, the Forum 2000 International

⁵⁸ *Georgia: Prominent Journalist Mzia Amaglobeli on Hunger Strike as She Faces Prison Term*, Pen Int'l (Jan. 24, 2025), <https://www.pen-international.org/news/georgia-prominent-journalist-mzia-amaglobeli-on-hunger-strike-as-she-faces-prison-term>.

⁵⁹ *Id.*

⁶⁰ Nata Koridze, *Watchdogs: Amaglobeli Case Tells a Story of Persecution of Independent Press*, Civ. Georgia (Jan. 19, 2025), <https://civil.ge/archives/653309>.

⁶¹ *Id.*

⁶² *Georgian Media Founder Mzia Amaglobeli Sentenced to Two Years in Prison*, OC Media (Aug. 6, 2025), <https://oc-media.org/georgian-media-founder-mzia-amaglobeli-sentenced-to-two-years-in-prison/>; *Telling the Court Who Mzia Amaglobeli Is – Closing Statement of the Defense*, Batumelebi.Netgazeti (Aug. 5, 2025), <https://batumelebi.netgazeti.ge/articles-in-english/582881/>.

⁶³ *Telling the Court Who Mzia Amaglobeli Is – Closing Statement of the Defense*, *supra* note 63.

Award for Courage and Responsibility, and the EU Sakharov Prize for Freedom of Thought.⁶⁴ Mzia was a runner up for the PACE 13th Václav Havel Human Rights Prize.⁶⁵

Batumelebi and Netgazeti have covered a broad range of social, political, and human rights issues, with a particular focus on accountability, corruption, and civic freedoms in Georgia.⁶⁶ Notable reports include publications about the government collecting citizens' sensitive personal data, police abusing protestors, incarceration of journalists, and other threats to independent media.⁶⁷ Due to their critical reporting on human rights violations and government corruption, both Batumelebi and Netgazeti have faced retaliatory actions by the Georgian government, including being labeled "as anti-Soviet propaganda distributors" and having their Russian-language versions blocked in 2022.⁶⁸

⁶⁴ *Spotlight: Imprisoned Georgian Journalist Mzia Amaglobeli Named 2025 IPI-IMS World Press Freedom Hero*, Int'l Press Inst. (Oct. 14, 2025), <https://ipi.media/spotlight-imprisoned-georgian-journalist-mzia-amaglobeli-named-2025-ipi-ims-world-press-freedom-hero/>; *Georgian Journalist Mzia Amaglobeli Among Laureats of the 2025 Free Media Award*, Georgia Today (Sept. 9, 2025), <https://georgiatoday.ge/georgian-journalist-mzia-amaglobeli-among-laureates-of-the-2025-free-media-award/>; *Forum 2000 International Award for Courage and Responsibility*, Forum 2000, <https://www.forum2000.cz/en/projects/forum-2000-international-award-for-courage-and-responsibility> (last visited Dec. 18, 2025); Press Release, *Andrzej Poczobut Mzia Amaglobeli – 2025 Sakharov Prize Laureates*, European Parliament, <https://www.europarl.europa.eu/sakharovprize/en/laureates/2021-2030> (last visited Dec. 13, 2025).

⁶⁵ *Václav Havel Human Rights Prize*, Parliamentary Assembly, Council of Eur., <https://pace.coe.int/en/pages/havelprize>.

⁶⁶ See Batumelebi, *Articles in English*, <https://batumelebi.netgazeti.ge/category/articles-in-english/> (last visited Dec. 14, 2025).

⁶⁷ See Irma Dimitradze, *Leaked Files Reveal Georgian Dream Receives Sensitive Voter Data from State Agencies*, Batumelebi.Netgazeti (Oct. 15, 2024), <https://batumelebi.netgazeti.ge/articles-in-english/551385/>; Irma Dimitradze, *Museliantsi Given Four Years Following Claims of Beatings and Forced Confession*, Batumelebi.Netgazeti (Aug. 22, 2025), <https://batumelebi.netgazeti.ge/articles-in-english/585087/>; Tsira Zhvania, *Third Journalist of Formula TV, Arrested for Allegedly Blocking Road During Protests in Tbilisi*, Batumelebi.Netgazeti (Oct. 21, 2025), <https://batumelebi.netgazeti.ge/articles-in-english/591757/>; *Batumi-Based Newspaper Says Its Journalist Blackmailed*, Civ. Georgia (Nov. 26, 2009), <https://civil.ge/archives/119625>; Mari Nikuradze, *Newspaper Exposes Identity of Policeman Who Blackmailed Journalist*, Democracy & Freedom Watch (Nov. 23, 2011), <https://dfwatch.net/newspaper-exposes-identity-of-policeman-who-blackmailed-journalist-23941-1621/>; *Protests Against the Rules for Military Personnel to Participate in Elections*, NetGazeti (May 27, 2010), <https://netgazeti.ge/news/6455/>; *Law Enforcement Officers Asked Journalist to Leave the Precinct*, NetGazeti (May 30, 2010), <https://netgazeti.ge/news/6479/>.

⁶⁸ *Telling the Court Who Mzia Amaglobeli Is – Closing Statement of the Defense*, *supra* note 63.

D. CASE HISTORY

The Protest

On the night of January 11, 2025, according to defense witness Akaki Gvianidze (who attended the protest), there was a protest march in Batumi to inform others that there would be a large-scale strike (“Georgia goes on strike”).⁶⁹ During the march, while outside the Batumi City Court, a protester, Tatia Abuladze, was arrested for placing a sticker that stated “Georgia is going on strike” on the jacket of Gocha Vanadze, the Deputy Head of the Batumi Police Division.⁷⁰ To express solidarity, a group of the protesters “decided to pass by the [Adjara P]olice [D]epartment.”⁷¹ Upon arriving at the Adjara Police Department, another protester, Tsiala Katamidze, placed a sticker calling for a strike on the pavement near the police station entrance.⁷² Tsiala was subsequently arrested by Police Chief Irakli Dgebuadze.⁷³

Initial Arrest and Detention

Mzia then arrived at the protest in front of the Adjara Police Department to protest Tsiala’s arrest.⁷⁴ While at the protest, Mzia placed a sticker stating “Georgia is on strike” on the facade of the police station.⁷⁵ The police detained Mzia immediately.⁷⁶ According to the Administrative Arrest Protocol, Mzia was charged under Article 173(1) of the Administrative Offenses Code, which covers non-compliance with an order or request by police officers.⁷⁷ The Administrative Arrest Protocol stated that “Mzia Amaghlobeli was

⁶⁹ June 23, 2025, Trial Monitor (hereinafter “TM”) Notes.

⁷⁰ July 21, 2025, TM Notes.

⁷¹ June 23, 2025, TM Notes.

⁷² *Id.*

⁷³ June 9, 2025, TM Notes. It is disputed whether Tsiala was “arrested.” *Compare* June 23, 2025, TM Notes, *with* July 21, 2025, TM Notes.

⁷⁴ July 14, 2025, TM Notes.

⁷⁵ May 16, 2025, TM Notes; Administrative Arrest Protocol No. bi 000014542 (copy of text on file with authors).

⁷⁶ July 14, 2025, TM Notes.

⁷⁷ Administrative Arrest Protocol No. bi 000014542 (copy of text on file with authors).

hanging a poster with the inscription: ‘Georgia is on strike.’”⁷⁸ The protocol also stated that Mzia “was orally insulting the Police employees by calling them ‘Slaves of Russia,’ dogs and pigs” and that “[m]ultiple calls to stop acting unlawfully remained unheeded by her, hence, she was arrested.”⁷⁹ In the trial on the criminal charges against Mzia, the facts of Mzia’s initial arrest and detention on administrative charges were discussed.⁸⁰ The claim that Mzia had sworn at police and refused to adhere to their demands was called into question by an extended video of Mzia’s arrest, which shows her wordlessly placing the sticker on the police building and then being led away by multiple police;⁸¹ according to Mzia’s defense, the prosecution selected only a 44-second segment of the video to just show the arrest – not anything before it – which, according to the defense, enabled the prosecution to continue with the allegation that Mzia swore at police beforehand.⁸² The prosecution stated that the alleged insults led to the drawing up of an “arrest report . . . under Article 173 of the Administrative Offenses Code.”⁸³

Subsequent Arrest and Detention

The police released Mzia shortly thereafter that same night, on the basis of a written undertaking to appear before the police station as soon as requested.⁸⁴ Soon after Mzia’s release, a stampede broke out outside the police department when the police attempted to arrest some of the protestors.⁸⁵ During the stampede, Mzia stated that there was “a strong push and a blow from the back” and that she subsequently fell, emphasizing that “[t]hey trampled me, they were passing me by, this wave of police.”⁸⁶ Editor in Chief of Batumelebi, Eter Turadze, made her way to the entrance of the police station to ask the

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Mar. 31, 2025, TM Notes; Apr. 28, 2025, TM Notes.

⁸¹ See video on file with authors.

⁸² Aug. 1, 2025, TM Notes.

⁸³ July 21, 2025, TM Notes.

⁸⁴ See July 14, 2025, TM Notes; Decision on Administrative Penalty, issued Mar. 18, 2025 (Case No. 010510025010987762) (on file with authors).

⁸⁵ July 4, 2025, TM Notes.

⁸⁶ July 21, 2025, TM Notes.

officers why certain protesters had been arrested, and Mzia followed.⁸⁷ Mzia then engaged Police Chief Irakli Dgebuadze to ask why two people, Lasha and Giorgi Gabaidze⁸⁸ (who she is related to), had been detained.⁸⁹ Dgebuadze responded by asking Mzia whether she was referring to the “Gabaidzes,”⁹⁰ who he alleged were drunk and cursing at police officers.⁹¹ In response, Mzia asked when they would be released.⁹² According to Dgebuadze, he thought further engagement with Mzia was “pointless,” and he turned to walk away.⁹³ At this time, Mzia pulled Dgebuadze’s jacket and slapped his right cheek with her left hand.⁹⁴ This event was captured on video.⁹⁵ Mzia was promptly arrested by Berdia Peradze, the Head of the Investigative Division of the Adjara Police Department and another masked police officer whose identity was not revealed by the authorities at trial, according to the defense.⁹⁶ Mzia’s arrest occurred at approximately 1:00 AM on January 12, 2025.⁹⁷

⁸⁷ July 4, 2025, TM Notes.

⁸⁸ June 9, 2025, TM Notes.

⁸⁹ May 8, 2025, TM Notes.

⁹⁰ June 9, 2025, TM Notes.

⁹¹ May 8, 2025, TM Notes; July 14, 2025, TM Notes.

⁹² May 8, 2025, TM Notes.

⁹³ *Id.*

⁹⁴ May 8, 2025, TM Notes; Apr. 7, 2025, TM Notes; *see also Georgian Journalist Is Convicted of Slapping a Police Office at a Protest and Gets 2 Years in Prison*, YouTube (Aug. 6, 2025), https://www.youtube.com/watch?v=IVP_J2XPvko.

⁹⁵ May 8, 2025, TM Notes; Apr. 7, 2025, TM Notes; “ინცინდენტი, რის შემდეგაც მზია ამალღობელი მეორედ დააკავეს,” YouTube (Feb. 9, 2025), <https://www.youtube.com/watch?v=sLkXsmmJbHk>.

⁹⁶ Aug. 1, 2025, TM Notes; Apr. 7, 2025, TM Notes; Mar. 31, 2025, TM Notes (Defense Attorney Maia Mtsariashvili: “[T]here is no clear identification of the 5 masked police officers (out of 7) involved. The prosecution failed to prove that these officers were indeed the ones who arrested Mzia. . . . The court cannot consider the statements of these masked police officers as credible.”).

⁹⁷ *See* June 23, 2025, TM Notes; Indictment, issued Jan. 13, 2025 (Document No. PL0006568643ZZ) (Case No. 170120125001) (on file with authors).

At trial, Mzia testified that immediately following her arrest, Dgebuadze berated her with gender discriminatory insults,⁹⁸ spat on her, threatened her, and attempted to physically assault her.⁹⁹ She also testified that she was denied access to water and a bathroom.¹⁰⁰ Mzia was provided with a public defender after 25–30 minutes, after she was searched.¹⁰¹ Her own attorneys were initially denied access to her – they waited outside the police department for several hours before being let in at 4:00 AM.¹⁰² One of the arresting officers, Berdia Peradze, alleges this delay was because Mzia had not requested her attorneys – a claim Mzia’s attorney said “defies all common sense.”¹⁰³ These incidents are the subject of a criminal complaint lodged by Mzia’s lawyers with the Prosecutor’s Office of the Autonomous Republic of Adjara.¹⁰⁴

Over the course of that night, other protesters were arrested.¹⁰⁵ Several of them later reported being beaten by police, including by Police Chief Irakli Dgebuadze himself.¹⁰⁶ One protester described how the police would repeatedly “rush out [and] bring in the next one,” and how Dgebuadze “was hitting [him] repeatedly in the head.”¹⁰⁷ Another protester

⁹⁸ During Dgebuadze’s testimony, the defense questioned Dgebuadze on whether he was the individual in a video saying “Siskhlit, bozishvili viko, magas movut***v dedis m****s [“By the criminal code son of a bi**h, I will f**k her mother’s P***y”]” (post-Mzia’s arrest). May 8, 2025, TM Notes. Dgebuadze’s response was “I am not sure; these words are not directed at Mzia. This is not a threat . . . I apologize for these words if it is me. These words are taken out of context.” May 8, 2025, TM Notes.

⁹⁹ July 14, 2025, TM Notes; June 23, 2025, TM Notes; Interview Protocol of Mzia Amaglobeli (copy of text on file with authors).

¹⁰⁰ July 14, 2025, TM Notes; May 8, 2025, TM Notes; Interview Protocol of Mzia Amaglobeli (copy of text on file with authors).

¹⁰¹ Mar. 31, 2025, TM Notes; Aug. 1, 2025, TM Notes.

¹⁰² June 9, 2025, TM Notes; June 23, 2025, TM Notes; Aug. 1, 2025, TM Notes.

¹⁰³ Mar. 31, 2025, TM Notes; Aug. 1, 2025, TM Notes.

¹⁰⁴ See Letter to the General Prosecutor’s Office, Aug. 22, 2025 (draft on file with authors).

¹⁰⁵ July 4, 2025, TM Notes.

¹⁰⁶ July 14, 2025, TM Notes.

¹⁰⁷ *Id.*

described being “beaten so badly . . . that his bones were broken, his vertebrae were broken.”¹⁰⁸

The Indictment

On January 13, 2025, Mzia was indicted.¹⁰⁹ The indictment stated: “There is a reasonable assumption that Mzia Amaglobeli committed an attack on a policeman in connection with the policeman’s official activities.”¹¹⁰ It also stated that:

Annoyed by Irakli Dgebuadze’s official activities, Mzia Amaglobeli attacked Irakli Degebuadze with the motive of revenge – [s]he pulled his coat hard, turned him towards [her] and hit him in the face. [S]he committed a crime under the following qualifications of the Criminal Code of Georgia: 3531-1.¹¹¹

The charge of Article 353 Prima of the Criminal Code of Georgia for “attacking” a police officer carries a 4–7 years prison sentence.¹¹²

In support of the Article 353 Prima charges laid out in the indictment, at trial the prosecution argued that any “violent” or “aggressive” act of an “assaultive nature,” when connected to a police officer’s official duties, constitutes an “attack” on a police officer under the first part of Article 353 Prima.¹¹³ The prosecution argued that here, “it [wa]s unequivocal that the officer was carrying out his professional responsibilities,” as Mzia “was asking him about actions taken in his official capacity.”¹¹⁴ (By contrast, Mzia’s defense has asserted throughout the proceedings that her actions were impulsive – a

¹⁰⁸ July 4, 2025, TM Notes.

¹⁰⁹ Indictment, issued Jan. 13, 2025 (Document No. PL0006568643ZZ) (Case No. 170120125001) (on file with authors).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Crim. Code of Georgia Art. 353¹.

¹¹³ July 21, 2025, TM Notes. The prosecutor further said that in similar cases, even if the act does not result in any degree of physical injury, but its nature indicates that the perpetrator intended to cause harm to the police officer’s health, it would fall under the second part of the same article. *Id.*

¹¹⁴ July 21, 2025, TM Notes; *see also* discussion *infra* “Trial Overview.”

response to his insulting, flippant language regarding the Gabaidzes, suggesting that they were “drunks” – and thus her actions were unrelated to his duties.¹¹⁵)

Pre-Trial Detention

On January 14, 2025, two days after Mzia’s arrest, Judge Nino Sakhelashvili granted the prosecution’s request to hold Mzia in detention until trial.¹¹⁶ Judge Sakhelashvili based her decision on (1) the risk of Mzia influencing witnesses, especially protesters, and (2) Mzia’s risk of reoffending, given that she committed her second alleged crime (the slap) shortly after being released from detention for her first alleged offense (placing the sticker and according to the prosecution, swearing at police officers and disobeying their orders).¹¹⁷

On appeal of the decision to order Mzia’s pretrial detention the defense argued that pretrial detention was unjustified because (1) the prosecution had indicated that it planned to call only police officers as witnesses – witnesses over whom Mzia would have little influence – and (2) the fact of Mzia’s prior detention was irrelevant because Mzia’s liability for that offense had not yet been determined.¹¹⁸ The defense also emphasized Mzia’s declining health in light of a hunger strike Mzia commenced on January 12 in protest of her detention and her degenerative eye conditions which have worsened in confinement.¹¹⁹ The Public Defender of Georgia also filed an *amicus curiae* brief in support of the defense, arguing “that such an intensive restriction of a person’s freedom

¹¹⁵ See, e.g., Aug. 4, 2025, TM Notes.

¹¹⁶ Mar. 18, 2025, TM Notes.

¹¹⁷ See Ruling, Case No. 1/G-159-25 (Kutaisi Ct. App. Inv. Bd. Feb. 19, 2025) (on file with authors).

¹¹⁸ The defense argued in the administrative proceedings against Mzia that the first detention was unjustified and illegal (insofar as the administrative offense was predicated upon the allegation that she had sworn at and disobeyed the police – simply place a sticker on the police station could not have been charged under the provision of the Administrative Code invoked). See *Ruling*, Case No. 010510025010987762 (N4/a-172-25S). Kutaisi Ct. App. June 19, 2025) (on file with authors).

¹¹⁹ See Appeal, Case No. 1/G-159-25 (Kutaisi Ct. App. Inv. Bd., Feb. 16, 2025) (on file with authors).

based only on abstract and potential threats is inadmissible.”¹²⁰ Nevertheless, the Appeal Court upheld Mzia’s pretrial detention.¹²¹

Judge Sakhelashvili conducted a mandatory review of the basis for Mzia’s pretrial detention during an April 28 hearing.¹²² At that time, the prosecution argued that continued detention was necessary, again referencing the fact that Mzia had just been released from detention when she slapped Dgebuadze.¹²³ The defense challenged this, arguing that “a ‘threat to commit a new crime’ is not enough to justify continued detention.”¹²⁴ In fact, as noted in the initial appeal of her pretrial detention, “[s]he ha[d] not been convicted or even sentenced to administrative penalties in the past.”¹²⁵ Moreover, the defense highlighted that as a result of the detention, “Mzia must travel over 800 kilometers [to reach the courthouse], and during her journey, she is unable to drink water because it makes her sick. She then must stay in court for five hours,” and they argued that “[h]er transportation will soon reach the level of torture.”¹²⁶ The defense noted that alternative measures, such as a monitoring bracelet or house arrest, were available, which would address any concerns regarding the possible destruction of evidence or threat to commit another crime.¹²⁷ Ultimately, while Judge Sakhelashvili acknowledged that “[t]he court has an obligation to reconsider pre-trial detention” and that “there is no threat to hide or destroy evidence,” the judge determined that “there is still a threat that she may commit a new criminal act,” which warranted continued detention.¹²⁸ This same re-evaluation occurred at a June 23 hearing, when the judge again determined that “the

¹²⁰ *Public Defender Applies to Kutaisi Court of Appeal Relating to Mzia Amaglobeli Case*, Public Defender (Ombudsman) of Georgia (Jan. 16, 2025), <https://www.ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelma-mzia-amaglobelis-sakmeze-kutaisis-saapelatsio-sasamartlos-mimarta>.

¹²¹ See Ruling, Case No. 1/G-159-25 (Kutaisi Ct. App. Inv. Bd. Feb. 19, 2025) (on file with authors).

¹²² Apr. 28, 2025, TM Notes.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ Appeal of Pretrial Detention, Jan. 15, 2025 (on file with authors).

¹²⁶ Apr. 28, 2025, TM Notes.

¹²⁷ *Id.*

¹²⁸ Apr. 28, 2025, TM Notes.

elevated risk – the risk of committing the same type of offense again – is still present to this day.”¹²⁹

Starting the first day of her detention, Mzia engaged in a hunger strike.¹³⁰ After 24 days, she was transferred to a medical clinic due to declining health.¹³¹ She ended her strike on February 18, after 38 days.¹³² The strike garnered considerable domestic and international attention and heightened calls for Mzia’s release.¹³³

The Investigation (As Described During the Trial)

Eight investigators were assigned to Mzia’s case.¹³⁴ As part of the investigation, the police obtained the right to seize and examine Mzia’s phone, ostensibly in order to identify the motive of Mzia’s actions.¹³⁵

Specifically, the basis for the search order was an alleged “tip” received by detective Vladimir Chitaia that “[t]he assault committed by Mzia [Amaglobeli] was premeditated,” and that Mzia was “receiving instructions” from “unknown persons.”¹³⁶ (This theme is consistent with statements by high-level public officials which are discussed below in

¹²⁹ June 23, 2025, TM Notes.

¹³⁰ *Georgia: Prominent Journalist Mzia Amaglobeli on Hunger Strike as She Faces Prison Term*, Pen Int’l (Jan. 24, 2025), <https://www.pen-international.org/news/georgia-prominent-journalist-mzia-amaglobeli-on-hunger-strike-as-she-faces-prison-term>.

¹³¹ See *Georgia: IFJ urges authorities to release journalist Mzia Amaglobeli*, Int’l Fed’n of Journalists (Feb. 20, 2025), <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/georgia-ifj-urges-authorities-to-release-journalist-mzia-amaglobeli>.

¹³² See *Detained Batumelebi and Netgazeti Founder Mzia Amaglobeli Stops Hunger Strike*, OC Media (Feb. 18, 2025), <https://oc-media.org/detained-batumelebi-and-netgazeti-founder-mzia-amaglobeli-stops-hunger-strike/>.

¹³³ See, e.g., Rayhan Demytrie, *Hunger-Striking Journalist Challenges Georgia’s Government From Jail*, BBC (Feb. 5, 2025), <https://www.bbc.com/news/articles/cp82d5k474yo>; *Georgia: Prominent Journalist Mzia Amaglobeli on Hunger Strike as She Faces Prison Term*, *supra* note 131.

¹³⁴ See Aug. 1, 2025, TM Notes. The prosecution called three investigators to testify during the trial – Levan Gogmachadze, Guram Diasamdize, and Mikheil Darchia. See Apr. 7, 2025, TM Notes; Apr. 14, 2025, TM Notes.

¹³⁵ May 16, 2025, TM Notes.

¹³⁶ May 16, 2025, TM Notes; July 4, 2025, TM Notes.

“Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial.”¹³⁷)

The investigators also conducted interviews as part of the investigation, although their questioning of civilian witnesses was limited to one person: Eter Turadze, Editor in Chief of Batumelebi, who was standing next to Mzia outside the police station on the night in question.¹³⁸ The investigators questioned Turadze by phone on February 20, 2025.¹³⁹ However, they never questioned Mzia herself.¹⁴⁰ When asked about the investigation at trial, Investigator Mikheil Darchia stated that he reviewed the video footage that had been “requested by the Adjara Police Department” and “[a]fter that, the individuals shown in the footage were summoned and questioned regarding the fact.”¹⁴¹ Investigator Darchia later appeared to contradict this, stating that he did “not know the other individuals shown in the footage and had no way of identifying them . . . the footage clearly shows the crime taking place and its consequences, so no further measures were taken.”¹⁴² When questioned at trial as to why the investigators mainly interviewed police, not protesters or other civilians, Investigator Guram Diasamdize merely responded, “[i]t was decided,” although he conceded that he did not make the decision.¹⁴³ In response to criticisms that investigators did not question Mzia, the prosecution said that Mzia’s hunger strike made questioning “impossible,” and that “conducting investigative procedures with her was not necessary.”¹⁴⁴ Mzia ended her hunger strike on February 18,¹⁴⁵ and the case was sent to

¹³⁷ The expert report on the results of the examination of Mzia’s phone was only finalized on November 5 and admitted as evidence at the appeal hearing before the Kutaisi Court of Appeal on November 14; the report failed to uncover any evidence relevant to the charges against Mzia. See Nov. 14, 2025, TM Notes; Conclusion of Computer and Digital Technology Forensics No. 46/8-974, Nov. 11, 2025 (on file with authors).

¹³⁸ See Aug. 1, 2025, TM Notes.

¹³⁹ Ruling of the Batumi City Court (Mar. 4, 2025), No. 010100125011054171 (on file with authors).

¹⁴⁰ July 21, 2025, TM Notes.

¹⁴¹ Apr. 14, 2025, TM Notes.

¹⁴² *Id.*

¹⁴³ Apr. 7, 2025, TM Notes.

¹⁴⁴ July 21, 2025, TM Notes.

¹⁴⁵ See *Detained Batumelebi and Netgazeti Founder Mzia Amaghlobeli Stops Hunger Strike*, *supra* note 133.

the trial court for consideration on March 4,¹⁴⁶ leaving at least two weeks for Mzia to have been interviewed while not on hunger strike, before the trial commenced on March 18.¹⁴⁷

Mzia's attorneys have criticized the police and prosecution for conducting a biased investigation. Under Article 37(2) of Georgia's Criminal Procedure Code, investigators must act "thoroughly, fully, and impartially."¹⁴⁸ The defense argues that this standard was not met because investigators fabricated evidence of Mzia swearing at officers to purportedly justify the administrative detention under Article 173(1) of the Administrative Offenses Code (which was then relied on by the prosecution when seeking Mzia's pretrial detention on criminal charges), failed to interview Mzia, ignored her allegations of police mistreatment, and obtained evidence almost exclusively from police and other law enforcement officials.¹⁴⁹

Pre-Trial Evidentiary Hearings

During the pretrial evidentiary hearing on March 4, 2025, Judge Victor Metreveli denied much of the defense's proffered evidence,¹⁵⁰ including 18 defense witnesses.¹⁵¹ The judge appeared to exclude any evidence that was not strictly related to "the fact or the moment of the incident," that is, the slap.¹⁵² As a result, witnesses such as lawyers Tamar Tsulukidze and Paata Diasamidze, who could speak to "the violation of Mzia Amaglobeli's right to defense, that they were not allowed to see Mzia Amaglobeli during the administrative and criminal detention," were prevented from testifying.¹⁵³ Others of these proposed witnesses had detailed in their statements to the defense their observations of the circumstances of Mzia's arrest on administrative charges and as to the moments

¹⁴⁶ See Minutes of the Court Session, Criminal Cases Panel of Batumi City Court (Mar. 4, 2025), No. 01010012501105471 (on file with authors).

¹⁴⁷ See Mar. 18, 2025, TM Notes.

¹⁴⁸ Crim. Proc. Code of Georgia, Art. 37(2).

¹⁴⁹ See Apr. 14, 2025, TM Notes; Aug. 1, 2025, TM Notes.

¹⁵⁰ See *generally* Ruling of the Batumi City Court (Mar. 4, 2025), No. 010100125011054171 (on file with authors).

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

before the slap.¹⁵⁴ Some had also been arrested that evening and alleged physical ill-treatment by Irakli Dgebuadze, or had witnessed this happening to someone else by Dgebuadze.¹⁵⁵ According to the defense, the following witnesses were prevented from testifying:

- Witnesses Lali Antidze, Malkhaz Nakashidze, Manana Kveliashvili, Temur Gorgadze, and Salome Surmanidze were witnesses to Mzia's administrative arrest for putting up a "sticker."¹⁵⁶
- Witness "Manana Kveliashvili was also the author of all videos and live streams relevant to the case, [and] a witness to the events of the night of January 11–12" and the alleged police violence.¹⁵⁷ According to the defense, she saw and filmed Dgebuadze within seconds of the slap and could have testified that he had no resulting redness.¹⁵⁸
- Witnesses Tsiala Katamadze, Malkhaz Iremadze, Giorgi Gabaidze, Vaja Darchiya, Gaffar Ilmazi, and Theona Beridze are, according to the defense, victims of unlawful administrative detention, which according to the defense is why Mzia went to the protest and stuck a sticker on the police building "as a sign of solidarity."¹⁵⁹ According to the defense, these witnesses are also "victims of police violence" that day, including by Dgebuadze.¹⁶⁰
- Witness Giorgi Gabaidze whose arrest by the police occurred shortly before the slap.¹⁶¹

¹⁵⁴ Appeal regarding the inadmissibility of evidence submitted by the defense, as per the ruling of the Batumi City Court of Mar. 4, 2025, Case No. 010100125011054171 (Mar. 9, 2025) (on file with authors).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Ruling of the Batumi City Court (Mar. 4, 2025), *supra* note 151.

¹⁶¹ Ruling of the Batumi City Court (Mar. 4, 2025), *supra* note 151.

- Witness Salome Surmanidze saw Mzia being trampled after her administrative arrest and called for medical help for her.¹⁶²
- Witness Aza Gabunia who, according to the defense, “describe[ed] how the police provoked the [protesters] on the night of January 11–12.”¹⁶³
- Witness Tedo Jorbendzhe saw and filmed one of Dgebuadze’s threats towards Mzia.¹⁶⁴

The ruling of the Batumi City Court on defense witness testimony was upheld by the Kutaisi Court of Appeal.¹⁶⁵

Further, the Batumi City Court denied the defense’s motion to admit 19 video files presenting footage of the January 11–12 protest and news coverage of the same, as well as conversations between protestors, Malkhaz Iremadze and Goderdzi Frangishvili, regarding their arrest and the conduct of Irakli Dgebuadze.¹⁶⁶ In its discussion of these files, the Court reasoned that the collection process violated procedural norms, writing, “the public presence of video files on the Internet did not legally allow lawyers to download and record video files. . . . [T]he defense side should have applied to the court for permission to request the information.”¹⁶⁷ The denial of the motion to admit the 19 videos was overturned by the Kutaisi Court of Appeal on the basis that declaring them inadmissible could result in “a violation of the principles of equality” and would impinge upon the “proper[] exercise[e] of the right to defense.”¹⁶⁸

Ultimately, four civilian defense witnesses testified at trial (Akaki Gvianidze, member of Batumi City Council and present at the protest; Jaba Ananidze, Batumelebi journalist covering the protest; Ekaterine Davitadze, present at the protest; Eter Turadze, Editor in

¹⁶² Ruling of the Batumi City Court (Mar. 4, 2025), *supra* note 151.

¹⁶³ Ruling of the Batumi City Court (Mar. 4, 2025), *supra* note 151.

¹⁶⁴ Ruling of the Batumi City Court (Mar. 4, 2025), *supra* note 151.

¹⁶⁵ Ruling of the Kutaisi Court of Appeal (Mar. 14, 2025), Case No. 010100125011054171.

¹⁶⁶ See Ruling of the Batumi City Court (Mar. 4, 2025), *supra* note 151; Ruling of the Kutaisi Court of Appeal (Mar. 14, 2025), *supra* note 166.

¹⁶⁷ Ruling of the Batumi City Court (Mar. 4, 2025), *supra* note 151.

¹⁶⁸ See Ruling of the Kutaisi Court of Appeal (Mar. 14, 2025), *supra* note 166. See below, “The Judgments,” for the treatment of this evidence by the trial court in the judgment convicting Mzia.

Chief of Batumelebi and present at the protest).¹⁶⁹ The defense was also able to question witness Manana Kveliashvili (as above)¹⁷⁰ about the videos she filmed of the events of January 11–12, by applying to the Court for access to the video files and then seeking (and being granted) the right to examine her at trial.¹⁷¹

Trial Overview

The trial began on March 18, 2025, before Judge Nino Sakhelashvili – the same judge who had handled pretrial matters, including deciding that Mzia should be kept in detention pending trial.¹⁷² From the outset, the case drew intense public attention. Major Georgian broadcasters covered the proceedings, and several EU diplomats attended.¹⁷³ The courtroom was packed with Mzia’s family, friends, and colleagues.¹⁷⁴ Many more supporters gathered outside.¹⁷⁵ Throughout the trial, chants of “Freedom to Mzia!” “Fight before it’s too late!” and “Down with the Russian regime!” echoed inside and outside the courthouse.¹⁷⁶

At the first hearing, the defense moved for Judge Sakhelashvili’s recusal, citing her potential bias due to her role in ordering pretrial detention and her lack of specialized criminal law certifications.¹⁷⁷ Specifically, the defense alleged that there was no evidence that Judge Sakhelashvili had passed the criminal law exams that most Georgian judges who preside over criminal trials have passed.¹⁷⁸ As pointed out by the defense, this concern over the alleged lack of qualification raised doubts that Judge Sakhelashvili could

¹⁶⁹ June 23, 2025, TM Notes; June 9, 2025, TM Notes; July 4, 2025, TM Notes.

¹⁷⁰ May 30, 2025, TM Notes.

¹⁷¹ Mar. 31, 2025, TM Notes.

¹⁷² See Mar. 18, 2025, TM Notes; Decision of Batumi City Court (Jan. 14, 2025), Case No. 010802225010770739.

¹⁷³ See Mar. 18, 2025, TM Notes.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ Mar. 18, 2025, TM Notes; July 4, 2025, TM Notes.

¹⁷⁷ Mar. 18, 2025, TM Notes.

¹⁷⁸ *Id.*; see also GYLA: *Legal Team to File Petition to Lift Pre-Trial Detention of Mzia Amaghlobeli*, Civ. Georgia (Feb. 12, 2025), <https://civil.ge/archives/662321>.

competently preside over the trial.¹⁷⁹ For this reason as well, the defense argued that Judge Sakhelashvili should have recused herself.¹⁸⁰ The judge refused, noting that the defense could not “find the law which requires [the judicial exam in criminal law].”¹⁸¹

The defense then sought admission of key evidence, including Mzia’s administrative detention protocol, video recordings from the night of Mzia’s arrest, and the calling of witnesses – evidence and testimony critical to showing the actual nature of Mzia’s conduct and what the defense alleged was a disproportionate response by police.¹⁸² The judge deferred ruling on this request.¹⁸³ On March 31, the defense renewed its motion to admit evidence and testimony related to Mzia’s administrative arrest, arguing that this context was essential to rebut the prosecution’s theory that the slap was an act of “revenge.”¹⁸⁴ (This was one of several theories of her motivation advanced at different points – but was inconsistent with the notion, adduced in high-level public statements, that the act had been preplanned.) The judge admitted most of the requested evidence but denied the defense’s request to call additional witnesses.¹⁸⁵

In her opening statement, defense attorney Maia Mtsariashvili alleged violations of the ECHR Articles 3, 5, 6, 8, and 10, framing the prosecution as politically motivated and highlighting systemic flaws in the process, such as the failure to investigate police misconduct, the exclusion of nonpolice witnesses, and the reliance on the testimony of police officers who said they were on the scene, but had been wearing masks, and so their identities (and presence) were not capable of being confirmed from the videos.¹⁸⁶ She also noted that police body cameras were deliberately switched off during the

¹⁷⁹ Mar. 18, 2025, TM Notes.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ Mar. 31, 2025, TM Notes.

¹⁸⁵ Mar. 31, 2025, TM Notes. The authors understand that the denial of the request to call witnesses was specific to witnesses from the administrative proceedings against Mzia under Article 173 of the Code of Administrative Offenses Code. Specifically, the judge rejected the defense’s efforts to call civilian and police witnesses concerning the administrative arrest.

¹⁸⁶ See Mar. 31, 2025, TM Notes.

protest – which she described as an “intentional cover-up.”¹⁸⁷ She ended her opening by arguing Mzia should have been charged with an administrative offense under Article 173(1) of the Code of Administrative Offenses – punishable by a fine or up to 60 days imprisonment – not with a criminal offense.¹⁸⁸

Over the next four months, both sides presented their case. Because Georgian Criminal Code Article 7(2) says that “[a]n act shall not constitute a crime if . . . it has not caused such damage due to its minor importance that would necessitate criminal liability of its perpetrator,”¹⁸⁹ and because Article 353 Prima requires an “attack,”¹⁹⁰ much of the trial centered on the nature and impact of Mzia’s slap and whether Dgebuadze had experienced pain as a result (relevant to whether or not there had been an injury sustained as a result of the alleged “attack”).¹⁹¹ It also centered on Mzia’s alleged motivations – relevant to the question of whether the “attack” was in connection with Dgebuadze’s “official duties” – and the police’s treatment of Mzia after her arrest.¹⁹²

The prosecution’s early witnesses, all police officers, gave accounts of the slap and of Mzia’s arrest.¹⁹³ Officer Berdia Peradze testified that Dgebuadze complained that his cheek was “bruised.”¹⁹⁴ Under cross-examination, he admitted that, before the slap, Mzia had not verbally insulted anyone, but claimed that she had an “aggressive tone.”¹⁹⁵ (This was relevant to the question of whether Mzia had been motivated by “revenge” – or rather might have simply been reacting to Dgebuadze’s insulting language.)

The defense also asked why Mzia’s attorneys could not access Mzia until 4:00 AM, several hours after her arrest; Officer Peradze answered that Mzia had not requested an

¹⁸⁷ Mar. 31, 2025, TM Notes.

¹⁸⁸ *Id.*

¹⁸⁹ Crim. Code of Georgia Art. 7(2).

¹⁹⁰ Crim. Code of Georgia Art. 353¹.

¹⁹¹ See, e.g., discussion *infra* notes 209–220 and accompanying text.

¹⁹² See discussion *supra* notes 99–105, 135–138 and accompanying text.

¹⁹³ Apr. 7, 2025, TM Notes.

¹⁹⁴ Mar. 31, 2025, TM Notes.

¹⁹⁵ *Id.*

attorney.¹⁹⁶ Next, Officer Grigol Beselia claimed the sound of the slap was “so loud, the protest got dispersed.”¹⁹⁷ Later, another police witness claimed that Dgebuadze’s cheek was still red for “10–15 minutes” after the slap, which the defense also tried to contradict with video evidence.¹⁹⁸ The defense sought to impeach the officers’ testimony by pointing out that, at the time of the slap, most of the police wore black masks, making it impossible to verify if any of the witnesses were actually at the scene.¹⁹⁹

During April 2025 hearings, the defense raised additional procedural concerns. On April 7, the defense challenged as contrary to ECHR standards Mzia’s confinement in the glass enclosure, arguing that it was degrading and impeding Mzia’s communication with her lawyers, who could only speak to her through a narrow opening at the bottom of the glass panes.²⁰⁰ The judge denied the motion, saying simply that the “issue is about safety and [Mzia’s] rights,” and that “[t]here is a higher interest in protecting those rights.”²⁰¹ She then cut off further debate.²⁰² On April 28, the defense sought to admit statements by Prime Minister Irakli Kobakhidze, who, as described below, publicly alleged Mzia acted on instructions (by foreign actors).²⁰³ (This was part of the “premeditated attack” theory of the case, which again was relevant because Article 353 *Prima* requires a particular intent.) The judge refused.²⁰⁴

As discussed above, the defense also renewed its challenge to Mzia’s pretrial detention, calling it illegal and disproportionate, and announced the submission of an application challenging her pretrial detention to the European Court of Human Rights (“ECtHR”).²⁰⁵

¹⁹⁶ Mar. 31, 2025, TM Notes.

¹⁹⁷ Apr. 28, 2025, TM Notes.

¹⁹⁸ *Id.*

¹⁹⁹ Apr. 7, 2025, TM Notes.

²⁰⁰ Apr. 7, 2025, TM Notes; Aug. 1, 2025, TM Notes. See photographs from the inside of the court room below.

²⁰¹ Apr. 7, 2025, TM Notes.

²⁰² *Id.*

²⁰³ See *id.*; discussion *infra* “Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial.”

²⁰⁴ Apr. 7, 2025, TM Notes.

²⁰⁵ *Id.*

The prosecution continued to argue that detention was necessary due to a “threat of committing a new crime,” given Mzia was “newly released when she committed this action [the slap].”²⁰⁶ The judge granted continued detention, citing the threat of Mzia “commit[ing] a new criminal act.”²⁰⁷

On May 8, the prosecution called Police Chief Irakli Dgebuadze to the stand.²⁰⁸ He testified that Mzia slapped him “with full strength,” causing pain and redness.²⁰⁹ Yet under cross-examination, he admitted suffering no injury, and videos showed no redness immediately after the incident.²¹⁰ He conceded that he never heard Mzia insult police officers.²¹¹

On May 30, Manana Kveliashvili, a journalist and colleague of Mzia, testified that arrests during the protest were arbitrary and that her videos showed no verbal insults from protesters.²¹² She described Mzia as calm and emphasized that Mzia rarely attended protests and was targeted because of her journalistic role.²¹³ Prosecutors asked Kveliashvili whether Mzia was confrontational during her interaction with Dgebuadze.²¹⁴ Kveliashvili responded, “I say very firm ‘no’ to this question. She never starts conflict with anyone.”²¹⁵

May 2025 hearings also featured expert medical witnesses who testified to the slap’s alleged harm. The prosecution’s expert witness, Givi Chkhartishvili, who performed the court-ordered forensic medical examination of Dgebuadze on January 12, 2025, stated

²⁰⁶ *Id.*

²⁰⁷ Apr. 28, 2025, TM Notes.

²⁰⁸ May 8, 2025, TM Notes.

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² May 30, 2025, TM Notes.

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

that “[r]edness is not considered an objective sign of injury.”²¹⁶ Chkhartishvili later testified that “the concept of pain is not an objective sign of injury, therefore, pain is a subjective notion . . . Accordingly, as a medical expert, I do not have the competence to assess it.”²¹⁷ The defense’s expert witness, Dr. Tatia Ebravidze, analyzed video footage and concluded of the slap: “If pain was there, there would have been visible damage. The face contains the finest capillaries; any impact leaves a trace.”²¹⁸ She testified that Dgebuadze’s reaction to the slap in the moment was a defensive reflex, not a reaction to pain, and that the slap could not have caused injury.²¹⁹

Hearings in June and July 2025 featured more witness testimony and procedural skirmishes.



The most notable witness was Mzia herself, who, despite the defense’s objections, was forced to testify from her glass cage (“aquarium”) instead of from the witness stand.²²⁰ In her testimony, Mzia said the slap was a momentary, emotional reaction, not a premeditated attack.²²¹ She also compared her slap to the aggressive actions of the police, both toward the protesters before her arrest and toward her during and after her arrest.²²² She recounted how, after her arrest, Dgebuadze spat on her, verbally abused

²¹⁶ May 16, 2025, TM Notes.

²¹⁷ *Id.*

²¹⁸ May 30, 2025, TM Notes.

²¹⁹ May 30, 2025, TM Notes.

²²⁰ July 14, 2025, TM Notes. This was despite the defense’s argument that, in that very same courtroom, defendants in a gang robbery case were allowed to testify from the stand, not the glass cage. *See id.*

²²¹ *Id.*

²²² *Id.*

her, and denied her access to water or a toilet.²²³ Echoing her defense team, she said that her arrest was politically motivated and intended to intimidate journalists and protesters.²²⁴

In late July and early August 2025, the parties made their closing arguments.²²⁵ The defense argued that the state was seeking to selectively punish Mzia for political reasons.²²⁶ The prosecution maintained that Mzia's slap "clearly constitutes an assault," and that the state's sole motivation was to uphold the law.²²⁷ On August 6, 2025, Judge Sakhelashvili found Mzia guilty but, without notice to the parties during the trial, downgraded the charge to a violation of Article 353(1) – a lesser offense that covers "resisting a police officer . . . with the aim of obstructing the protection of public order, interrupting or altering [their activities]," punishable by a fine, house arrest for up to two years, or imprisonment for a term of two to five years.²²⁸ Mzia was sentenced to two years in prison.²²⁹ Two prosecutors involved in the case received promotions shortly after the trial.²³⁰

Appeal Overview

Both parties to the case filed appeals of the judgment of the Batumi City Court. The defense appeal sought acquittal,²³¹ while the prosecution sought to overturn the trial judgment and conviction on the initial charge of violating Article 353 Prima.²³²

²²³ *Id.*

²²⁴ *Id.*

²²⁵ July 21, 2025, TM Notes; Aug. 1, 2025, TM Notes; Aug. 4, 2025, TM Notes.

²²⁶ Aug. 1, 2025, TM Notes.

²²⁷ July 21, 2025, TM Notes.

²²⁸ Judgment of the Batumi City Court, issued Aug. 6, 2025, Case No. 010100125011054171 (on file with authors) (hereinafter "Judgment").

²²⁹ *Id.*

²³⁰ *Georgian Dream Promotes Prosecutors Involved in Mzia Amaglobeli's Politically Motivated Case*, *supra* note 58.

²³¹ See Brief for the Appellant, Case No. 010100125011054171 (on file with authors).

²³² See Brief for the Appellee, Case No. 010100125011054171 (on file with authors).

The appeal hearings took place on November 11, 14, and 18, 2025, at the Kutaisi Court of Appeal with Judges Nikoloz Margvelashvili (the reporting judge), Nana Jokhadze, and Marina Siradze presiding.²³³ Mzia was in attendance at the appeal hearings, represented by her lawyers Maia Mtsariashvili and Kakhaber Tsereteli.²³⁴ The prosecution was represented by Shota Chkhaidze and Tornike Gogeshvili.²³⁵ As at trial, the hearings attracted significant public attention with the former President of Georgia, Salome Zourabichvili, attending the hearing on November 18.²³⁶

At the hearing on November 11, the defense submitted a motion to admit additional evidence, detailing the international awards which Mzia had received following her conviction.²³⁷ The defense requested the Appeal Court to admit copies of correspondence to the Georgian Technical University, regarding requests to access copies of the trial judge, Nino Sakhelashvili's, educational diplomas, and reports on Mzia's eye examinations documenting the decline in her eyesight since detention.²³⁸ The defense also raised that Mzia's mobile phone, key, and card taken from her on arrest had not yet been returned.²³⁹

In response, the prosecution agreed to the request to admit the documents relating to Mzia's eyesight, but disputed the relevance of the documents concerning the international awards and access to the trial judge's diplomas.²⁴⁰ As to the return of Mzia's personal possessions, the prosecution stated that the items were not with the investigative authorities as they had not yet been returned by the expert who was instructed to examine Mzia's mobile phone records and data.²⁴¹ The prosecution stated that when the

²³³ Nov. 11, 2025, TM Notes; Nov. 14, 2025, TM Notes; Nov. 18, 2025, TM Notes.

²³⁴ *Id.* Defense lawyers Giorgi Khimshiashvili and Jumber Katamadze also attended the hearing on November 18. Nov. 18, 2025, TM Notes.

²³⁵ *Id.*

²³⁶ Nov. 18, 2025, TM Notes.

²³⁷ Nov. 11, 2025, TM Notes.

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ *Id.*

examination had been completed, the phone and other belongings would be returned to Mzia.²⁴²

The judges deliberated in the courtroom for a short while and then Judge Margvelashvili announced that the defense motions to admit the documents concerning Mzia's eyesight and the international awards were granted.²⁴³ Judge Margvelashvili refused to address in detail the motion to admit the documents concerning Judge Sakhelashvili's educational qualifications, stating "I do not touch upon my colleague's education I am not delving into the substance of it, nor am I touching upon their qualifications. I would point out that all my colleagues are independent . . . professionals, and I respect all my colleagues."²⁴⁴

The defense then presented a further motion to appeal the rejection of the motion on March 18, 2025, to recuse Judge Sakhelashvili on the basis of her alleged lack of impartiality (due to her being sanctioned²⁴⁵ and the fact that she had presided over the hearing at which Mzia's pretrial detention was ordered), and her apparent lack of qualification in criminal law.²⁴⁶ The prosecution responded, arguing that state sanctions cannot be the basis for alleging lack of impartiality of a judge.²⁴⁷

After deliberating for two minutes, Judge Margvelashvili announced that the motion to appeal the rejection of the motion to recuse Judge Sakhelashvili was denied, stating that the judges of this Appeal Court could not assess whether a judge may be influenced by being sanctioned.²⁴⁸ Regarding the educational diplomas, Judge Margvelashvili denied the motion and asked the defense to explain their interpretation of the law, claiming that the matter would be the subject of a "separate proceeding."²⁴⁹

Following a short break, the defense sought to introduce several other pieces of evidence, including to question prosecution witnesses to the administrative arrest, and three videos

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ For the entry ban imposed on Judge Sakhelashvili, see *UPDATE: Estonia, Latvia, Lithuania Expand Sanctions on Georgian Officials*, Civ. Georgia (Apr. 15, 2025), <https://civil.ge/archives/666721>.

²⁴⁶ Nov. 11, 2025, TM Notes.

²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ *Id.*

of the circumstances of the administrative arrest, which were not produced at trial.²⁵⁰ The defense argued they should be given the chance to expose that the administrative case against Mzia was a “complete fabrication.”²⁵¹ The defense also sought to allow questioning of two police officers, Gocha Vanadze and Nodar Zenaishvili, who claimed at the proceedings over Mzia’s administrative offense (contrary to video evidence) that Mzia had called them “dogs, pigs and slaves of the Russians” before placing her sticker on the police building.²⁵² This evidence would have been relevant not only to the credibility of prosecution witnesses, but also to the prosecution’s theory that the slap was consistent with Mzia’s alleged prior aggressive conduct towards police. The motions were rejected by Judge Margvelashvili.²⁵³

The prosecution and the defense (including Mzia herself) then presented their opening statements, setting out the grounds for their respective appeals as filed in writing with the Appeal Court.²⁵⁴ Before allowing Mzia to present her opening statement, Judge Margvelashvili agreed to let her sit next to her lawyers, instead of having to stand within the aquarium.²⁵⁵

At the hearing on November 14, the prosecution submitted a motion to admit as evidence in the case file the expert report on the forensic examination of Mzia’s mobile phone.²⁵⁶ The defense agreed to the request and the motion was granted.²⁵⁷ The defense submitted a motion to admit a letter to the Ministry of Health requesting that Mzia be granted third degree disability status on account of her health conditions.²⁵⁸ The prosecution agreed to the request and the motion was granted.²⁵⁹

²⁵⁰ *Id.*

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ Nov. 14, 2025, TM Notes.

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ *Id.*

The prosecution then made their closing arguments, arguing that Irakli Dgebuadze was fulfilling his official duties, and was doing so in an “unmanageable” crowd whose “goal was to provoke the police” in what the prosecution characterized as an “unlawful” protest.²⁶⁰ As to what Dgebuadze was doing, the prosecution stated that he was “responding to questions from the crowd” when a conversation took place between him and Mzia, and she was “dissatisfied with his response.”²⁶¹ The prosecution characterized Mzia’s response as “intense” and “clearly stemm[ing] from the fact that Mr. Dgebuadze was acting in his official capacity.”²⁶² They insisted that “her frustration was directed at the police function he was performing, specifically, the arrests” and that Dgebuadze did not “insult” Mzia, but that her acts “constituted an attack on a police officer” under Article 353 Prima.²⁶³ According to the prosecution, the slap still constituted an “aggressive act” beyond “mere violence,” even though the prosecution acknowledged that Mzia’s actions “could not have caused physical injury” and “no such damage occurred.”²⁶⁴

The prosecution went on to argue that Dgebuadze was acting in a “restrained and professional manner,” as supported by “his own account” and by “witness testimonies and other evidence.”²⁶⁵ The prosecution claimed, without evidence, that Mzia was frustrated from being detained and may have “intended to attack again” were she not restrained.²⁶⁶ The prosecution also insisted that Dgebuadze possessed “relevant information and was sharing it with the crowd.”²⁶⁷ The slap, according to the prosecution, should be correctly interpreted as “aggression,” violating Article 353 Prima, not as an act of resistance under Article 353(1).²⁶⁸

²⁶⁰ *Id.*

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ *Id.*

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ *Id.*

Following the conclusion of the prosecution's closing remarks, the hearing was adjourned.²⁶⁹

The final appeal hearing took place on November 18, at which defense lawyer, Maya Mtsariashvili presented her closing statement, followed by closing statements by defense lawyers, Jumber Katamadze, Giorgi Khimshiashvili, and Kakhaber Tsereteli.²⁷⁰ The defense's argument lasted several hours.²⁷¹

The defense's closing arguments centered on Mzia's work as an independent journalist who "worked tirelessly for socially vulnerable groups . . . and founded two trustworthy media outlets."²⁷² The defense stated that the case is about "systemic violence, systemic illegality, systemic abuse of police power, and systemic revenge," referring to the police evidence that the slap was "an insult to the entire police corps."²⁷³ According to the defense, the incident should never have amounted to a criminal case, which "already cost Mzia almost a year of her life and damaged her eyesight."²⁷⁴

The defense explained that Mzia went to the protest on January 11, 2025, because her friend, Tsiala Katamidze, had been arrested.²⁷⁵ The defense pointed out that on that evening, police arrested individuals whose evidence was never heard in court.²⁷⁶ The defense identified the witness testimony and video evidence that was excluded by the Batumi City Court or ignored in the Court's judgment.²⁷⁷ The defense stated that "witnesses who could testify to violence [by police] were excluded," and explained that the full video of the arrest – which includes Dgebuadze saying 'I will arrest you on criminal charges' and another officer spitting at Mzia – should outweigh the 44-second clip

²⁶⁹ *Id.*

²⁷⁰ Nov. 18, 2025, TM Notes.

²⁷¹ *Georgia: Appeals Court Upholds Journalist Mzia Amaghlobeli's Two-Year Sentence*, JAM News (Nov. 18, 2025), <https://jam-news.net/mzia-amaghlobelis-appeal-was-denied>.

²⁷² Nov. 18, 2025, TM Notes.

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ *Id.*

presented by the prosecution.²⁷⁸ The defense referred in detail to the evidence which the defense asserted was ignored by the judgment of the Batumi City Court, including medical evidence, letters and appeals, administrative detention documents, complaints about delays in Mzia's access to a lawyer, audio and video evidence, defense witness testimonies, and contradictions in police testimonies raised by the defense at trial including that of Dgebuadze.²⁷⁹ The defense stated that Mzia was never questioned about the incident.²⁸⁰

The defense then presented their legal arguments for overturning the Batumi City Court's conviction and an acquittal.²⁸¹ The defense raised the argument that the Batumi City Court's conviction was not borne out by the evidence, as Dgebuadze was not giving explanations at the time of the incident but was instead "rudely address[ing] Eter Turadze, which is not a police function" and that a slap, without intent to harm, cannot constitute criminal injury.²⁸² The defense argued that the "only possible issue is moral damage" which is not a matter for criminal law but is protected under the Administrative Offenses Code.²⁸³

Mzia's final remarks after the statements from her lawyers included her comment that:

What frightens me is not prison itself, but what I will find outside when I am released. Will I find a country that fights for freedom, democracy, and a European future? Or will I find a country conquered by Russia without tanks, subdued by propaganda and economic challenges? My love to my homeland is protecting constitution, we all have this obligation, fight until it is too late. The fight continues to the end.²⁸⁴

Following Mzia's statement to the Appeal Court, the prosecution gave brief final remarks, stating that Mzia had not been questioned during the investigation because she exercised

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ *Id.*

²⁸² *See id.*

²⁸³ *Id.*

²⁸⁴ *Id.*

her right to remain silent and “later, it became impossible due to her health condition.”²⁸⁵ There followed brief final remarks by defense lawyer Maya Mtsariashvili, questioning why the investigators did not even ask Mzia why she was on hunger strike when it happened.²⁸⁶ Mzia concluded with thanking her lawyers for her “dignified defense.”²⁸⁷

After deliberating for under an hour, the judges announced their decision, upholding the judgment of the Batumi City Court in full.²⁸⁸

In its written judgment, the Appeal Court found that the evidence in the case was examined by the Batumi City Court “in full compliance with the law” and the “substantive consideration of the case was conducted in full compliance with the principle of equality of the parties and adversarial proceedings. Mzia Amaglobeli was fully provided with the right to defense.”²⁸⁹ The Appeal Court went on to find that “there are no substantial contradictions between the testimonies of the police officers questioned in the case,” which “are . . . fully consistent with the set of other evidence presented in the case, which taken together, confirm the guilt of Mzia Amaglobeli.”²⁹⁰

The Appeal Court rejected the defense arguments on the procedural irregularities in Mzia’s arrest and search as “unfounded” and reiterated the Batumi City Court’s finding that “none of the evidence presented in the case confirms the facts of improper (illegal) treatment of Mzia Amaglobeli after her arrest.”²⁹¹

As to the parties’ arguments on the requalification of the act, the Appeal Court stated that it “shares the conclusion of the Court of First instance on the qualification of Amaglobeli’s act under Part One of Article 353 of the Criminal Code of Georgia,”²⁹² and referred to:

²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ *Id.*

²⁸⁸ *Georgia Upholds Mzia Amaglobeli’s 2-Year Prison Sentence*, Comm. to Protect Journalists (Nov. 18, 2025), <https://cpj.org/2025/11/georgia-upholds-journalist-mzia-amaglobelis-2-year-prison-sentence/>; Judgment of the Kutaisi Court of Appeal, issued on Nov. 18, 2025, (Case No. 010100125011054171) (hereinafter “Appeal Judgment”).

²⁸⁹ Appeal Judgment.

²⁹⁰ *Id.*

²⁹¹ *Id.*

²⁹² *Id.*

- The “video footage” which establishes that “Dgebuadze [wa]s directly talking to Mzia . . . [and] tell[ing her] about the detained person: ‘Giorgi Gabaidze, drunk, he cursed at the police.’”²⁹³ The Appeal Court found that the facts reflected in the video are confirmed by Dgebuadze’s testimony and that of the other police officers present at the scene, according to which “the circumstance is also confirmed that there was no confrontation between the convicted person and the victim” before the slap.²⁹⁴ The Appeal Court did not refer specifically to which video (of the many shown at trial) it meant.
- The fact that “Mzia Amaglobeli herself does not deny the fact that she hit Irakli Dgebuadze in the face.”²⁹⁵ The Appeal Court did not refer to any other part of Mzia’s testimony or any other evidence of the defense presented at trial.

As to the distinction between the two offenses, the Appeal Court stated that Article 353(1) requires the perpetrator to be “aware that he is resisting a police officer” and that it must be “clearly distinguished whether the actions of the convicted person were aimed at preventing the maintenance of public order by a police officer, terminating or changing his activities, which was accompanied by physical violence against the victim.”²⁹⁶ Recalling the events of the protest on January 11, the Appeal Court found that “police officers, including Irakli Dgebuadze, called on the protestors to maintain order, and also provided the protestors with information about the grounds for the detention of those detained at the rally. Given the situation on the ground, it is clear that all police officers were performing their official duties”²⁹⁷ The Appeal Court cited criteria to identify the “mandatory execution of an order and/or instruction issued by a police officer within the scope of his or her powers granted by law,” and found that “the participants in the rally . . . actually and objectively perceived that the police officers gathered at the perimeter . . . were acting within the scope of their official status.”²⁹⁸ The Appeal Court noted that the request of the officers needed to be “in accordance with the law,” and “the citizens gathered there objectively and logically knew what the police were asking them to do,” and assessed that Mzia “was aware that Irakli Dgebuadze was a police officer” and thus the “appeal of the defense . . . that [Mzia] was unaware that Irakli Dgebuadze

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ *Id.*

²⁹⁷ *Id.*

²⁹⁸ *Id.*

was performing his official duties as a police officer, is devoid of any basis.”²⁹⁹ According to the Appeal Court, “no evidence has been examined that would indicate a personal conflict” between Mzia and Dgebuadze.³⁰⁰

As to the defense evidence of “allegedly related issues” which sought to refute the evidence of the prosecution, the Appeal Court found that this “does not have influential effect, precisely due to its content.”³⁰¹ The Appeal Court explained that none of the witnesses summoned by the defense were “direct eyewitnesses of the fact” and they “convey the events that took place at the rally” as well as “characterize the personality of Mzia” and “none of them can point to any fact or circumstance that would confirm” her innocence.³⁰² By contrast, the Appeal Court stated that the evidence of the prosecution is “consistent, clear and unequivocal, and does not raise doubts, therefore the factual circumstances established by the said evidence cannot be invalidated by the evidence presented by the defense.”³⁰³ The Appeal Court did not indicate which specific pieces of defense evidence they were referring to.

As to the sentence, the Appeal Court’s judgment refers to the “specific circumstances of the case: Mzia Amaglobeli has no previous convictions, she is a journalist (founder and director of LLC ‘Gazete Batumelebi’), she has received a number of awards, including international ones, for her journalistic activities, [that] the court also takes into account her health conditions (corneal disease – keratoconus), [and that] no aggravating circumstances have been identified and [thus, the Appeal Court] believes that the minimum sentence provided for in the form of imprisonment . . . for a term of 2 years . . . complies with the goals of restoring justice, preventing new crimes and resocializing the offender (goals of punishment).”³⁰⁴

Mzia’s lawyers are submitting an appeal to the Supreme Court of Georgia.³⁰⁵

²⁹⁹ *Id.*

³⁰⁰ *Id.*

³⁰¹ *Id.*

³⁰² *Id.*

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *Georgia: IPI Denounces Appeals Court Verdict Against Mzia Amaglobeli*, Int’l Press Inst. (Nov. 19, 2025), <https://ipi.media/ipi-denounces-appeals-court-verdict-against-mzia-amaglobeli/>.

Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial³⁰⁶

Following Mzia's arrest, during the trial, and post-conviction (pending appeal), numerous senior Georgian Dream officials made public statements about Mzia, commenting on her motive, guilt and the need for severe sanction.

Prime Minister Irakli Kobakhidze weighed in on Mzia's trial. On January 29, 2025, the Prime Minister, in conversation with a journalist, stated of the events leading to Mzia's arrest:

[Mzia] acted as a party activist there, and therefore, linking this fact to the media is absolute speculation . . . You can't insult a police officer or a state representative. And you know that the police are one of the most respected state institutions in the eyes of the Georgian people. And you're going to demonstrate and try to tarnish the image of this state institution. All this served no other purpose. And here you don't even express regret, neither [Mzia] nor her party colleagues from the United National Movement.³⁰⁷

In March 2025, the Prime Minister, when discussing the complaints about Mzia's continued pretrial detention in a television interview, stated that:

[N]o one except foreign agents and their patrons is protesting this fact. They are foreign agents and their external patrons . . . Their main task throughout all these years has been to weaken and degrade the law enforcement structures. And then this is a turning point for them . . . If they succeed against the state, then this process will continue in a chain. Any agent can slap the police chief in the face and this should be done normally.³⁰⁸

³⁰⁶ Throughout this section, the authors were dependent on translations of YouTube footage that CFJ collected and translated from Georgian to English.

³⁰⁷ “თუ ვინმეს უნდა მზია ამაღლობელის საკითხის განხილვა, მოზრმანდნენ, ხვალვე მზად ვარ” – ირაკლი კობახიძე (“If anyone wants to discuss the issue of Mzia Amaglobeli, they should come, I am ready tomorrow” – Irakli Kobakhidze), YouTube (Feb. 8, 2025), https://www.youtube.com/watch?v=Ef7bABqdg9I&list=PL9JVEj0VBr1xax2SCmKeP2yyxCC_9JNm&index=24. The United National Movement is the largest opposition grouping in Georgia which has been targeted by the Georgian Dream since 2024. See, e.g., Ketrin Jochecova, *Georgia's Ruling Party Wants to Outlaw the Opposition*, Politico (Aug. 21, 2024), <https://www.politico.eu/article/georgia-dream-party-ban-opposition-unm-mikheil-saakashvili/>.

³⁰⁸ ირაკლი კობახიძემ კიდევ ერთხელ დაარღვია უდანაშაულობის პრეზუმფცია მზია ამაღლობელთან მიმართებაში (Irakli Kobakhidze once again violated the presumption of innocence in relation to Mzia

On January 30, 2025, the Prime Minister stated in a television interview that “[a]s a lawyer, I say that when someone insults a police officer, the strictest possible measures must be applied in order to ensure the protection of the state.”³⁰⁹ This statement was among those read out by the defense in their closing submissions at trial.³¹⁰

On July 10, 2025, the Prime Minister claimed in an interview with journalists that:

Mzia Amaglobeli carried out a specific order in this regard. She had an attempt to undermine the law enforcement agencies and the police. However, she received exactly the response that should be given to such an action in a legal state. Of course, those people are upset by this. Those who are trying to undermine the statehood of Georgia will certainly not succeed. We will defend the interests of our state to the end.³¹¹

Later in July 2025, the Prime Minister again reiterated:

Here too, there was an order. I do not mean an order specifically directed at a specific person, but the order was that the Georgian police and a Georgian police officer should be given to foreign agents. And that is precisely why we saw what we saw. In this specific case, they slapped the police chief in the face. The police chief of one of the main cities, of course, was a deliberate action. All of this is one of the main lines that the global war party has in our country, namely to undermine the law enforcement agencies, because everyone knows that as soon as the police and law enforcement agencies are weakened, the state is already dissolved.³¹²

Amaglobeli), YouTube (Mar. 20, 2025), https://www.youtube.com/watch?v=gC1j-pROgpk&list=PL9JVEj0VBrt1xax2SCmKeP2yyxCC_9JNm&index=17.

³⁰⁹ #მომამბე 18 საათზე, 30 იანვარი, 2025 #LIVE (#მომამბე 18 p.m., January 30, 2025 #LIVE), YouTube (Jan. 30, 2025), <https://www.youtube.com/watch?v=g1XH89ideMU>.

³¹⁰ Aug. 1, 2025, TM Notes (Defense Attorney Maia Mtsariashvili, after quoting multiple GD officials: “I have never seen so many statements by the country’s highest officials as have been made in relation to Mzia’s case.”).

³¹¹ “მზია ამაგლობელმა შეასრულა კონკრეტული დაკვეთა” – კობახიძის მორიგი ცრუ ბრალდება (“Mzia Amaglobeli carried out a specific order” – Kobakhidze’s next false accusation”), YouTube (July 10, 2025), https://www.youtube.com/watch?v=gThn1vfln-0&list=PL9JVEj0VBrt1xax2SCmKeP2yyxCC_9JNm&index=11.

³¹² *Id.*

The “global war party” is a reference to an alleged conspiracy theory propagated by the Georgian Dream that an unidentified group of opposition domestic and foreign interests are acting together to foment dissent and problems in Georgia.³¹³

Following Mzia’s conviction and pending the appeal hearings, in October 2025 the Prime Minister stated:

What is the end of this topic, Mzia Amogobeli? Whether the task was actually carried out by Mzia Amogobeli, whether it was direct or indirect, does not matter. The foreign agency in Georgia generally had the task of trying to undermine our law enforcement structures as much as possible, which they did not achieve, but some people appreciate their own efforts. This is what we are actually seeing. This is, of course, encouraging radicalism. This is encouraging crime.³¹⁴

Statements from Shalva Papuashvili, Speaker of the Georgian Parliament, on Mzia’s trial and conviction include:

I think the footage clearly shows that this is a deliberate attack on a police officer, which is unfortunate.³¹⁵

In addition to everything, the awarding of the Sakharov Prize to Amaglobeli once again showed us that Brussels lacks sensitivity towards the Georgian people. They do not understand the true voice of Georgia, who we are, where we come from. What worries us and what makes us happy? . . . [T]he

³¹³ See, e.g., Lela Kunchulia, *Georgian Dream Takes on the “Global War Party,”* RadioFreeEurope/RadioLiberty (May 18, 2024), <https://www.rferl.org/a/global-war--party-georgian-dream-bidzina-ivanishvili/32951749.html>.

³¹⁴ “ქართული ოცნების” პრემიერ-მინისტრი ისევ თავსმ ესხმის მზია ამაღლობელს (Georgian Dream’s Prime Minister Again Attacks Mzia Amaglobeli), YouTube (Oct. 23, 2025), https://www.youtube.com/watch?v=-9VWhIRkEwU&list=PL9JVEj0VBrt1xax2SCmKeP2yyxCC_9JNm&index=4.

³¹⁵ “განზრახ თავდასხმა პოლიციელზე” – პაპუაშვილმა აღკვეთის პროცესამდე შეაფასა მზია ამაღლობელის ქმედება (“Deliberate attack on a policeman” – Papuashvili evaluated Mzia Amaglobeli’s action before the process of suppression), YouTube (Feb. 8, 2025), https://www.youtube.com/watch?v=WJkNEv-OKjk&list=PL9JVEj0VBrt1xax2SCmKeP2yyxCC_9JNm&index=23.

Sakharov Prize, an enemy of the Georgian state, was awarded to an activist who attacked the Georgian state.³¹⁶

In May 2025, Mamuka Mdinaradze (Georgian Dream MP appointed as Head of the State Security Service of Georgia in summer 2025),³¹⁷ stated that “[t]he fact is that Mzia Amaglobeli participated in the revolutionary activities that were being carried out in Georgia against his government.”³¹⁸ Immediately following Mzia’s conviction on August 4, 2025, Mdinaradze stated:

Mzia [Amaglobeli] is not a victim; she was carrying out a specific order, and her assignment was to disparage and insult the dignity of the police. Of course, Mzia [Amaglobeli] fulfilled that order – she attempted to demean specific law enforcement structures, but she received exactly the response that must be given in a state governed by the rule of law.³¹⁹

On October 22, 2025 Georgian Dream MP Nino Tsilosani claimed that “[Mzia] spat on a police officer to demonstrate that this would all turn into chaos and extremism.”³²⁰ Similarly, on October 10, 2025, Giorgi Grdzlishvili, a Press Service member for the Georgian Dream party, reinforcing the Prime Minister and other Georgian Dream officials’ narrative of Mzia acting under outside influence to destabilize state order, stated:

³¹⁶ სახაროვის პრიზის მიღების შემდეგ შალვა პაპუაშვილი ისევ თავს ესხმის მზია ამაგლობელს (After receiving the Sakharov Prize, Shalva Papuashvili attacks Mzia Amaglobeli again), YouTube (Oct. 23, 2025), https://www.youtube.com/watch?v=qZNoQy9cdsk&list=PL9JVEj0VBrt1xax2SCmKeP2yyxCC_9JNm&index=6.

³¹⁷ *Mdinaradze Tapped as New Security Service Chief After Okhanashvili Resigns*, Civ. Georgia (Aug. 23, 2025), <https://civil.ge/archives/697754>.

³¹⁸ “ელჩების სინდისზეა, რომ ამაგლობელთან საპროცესო გარიგება არ შედგა და უწევს 2 წელი სრულად მოიხადოს” (“It is on the conscience of the ambassadors that the plea deal with Amaglobeli has not taken place, and he has to pay it in full for two years.”), YouTube (Aug. 8, 2025), https://www.youtube.com/watch?v=htXf3fJinqk&list=PL9JVEj0VBrt1xax2SCmKeP2yyxCC_9JNm&index=10.

³¹⁹ Aug. 1, 2025, TM Notes.

³²⁰ წილოსანის თქმით, მზია ამაგლობელმა პოლიციელს შეაფურთხა – ტყუილი საზოგადოებრივი მაუწყებლის ეთერში (“According to Tsilosani, Mzia Amaglobeli spat on a police officer – a lie on the air of the Georgian Public Broadcaster”), YouTube (Oct. 23, 2025), https://www.youtube.com/watch?v=Q0I0MP5ALDc&list=PL9JVEj0VBrt1xax2SCmKeP2yyxCC_9JNm&index=1.

The media space is saturated with [foreign] agents who are often forced by their masters to bang their heads against the wall, to take any illegal step to overthrow the legitimate government, and in many cases they have to serve their sentences in prisons for their crimes. Gvaramia, Melia, Japaridze and other agents are still serving their sentences today, like Mzia Amaglobeli.³²¹

³²¹ “ოცნება” კიდევ ერთხელ ესხმის თავს მზია ამაღლობელს (“‘Dream’ attacks Mzia Amaglobeli once again”), YouTube (Oct. 10, 2025)
https://www.youtube.com/watch?v=JkvpKOHhInw&list=PL9JVEj0VBr1xax2SCmKeP2yyxCC_9JNm&index=6.

METHODOLOGY



A. MONITORING

CFJ deployed monitors to observe the trial of Mzia Amaglobeli in-person before the Batumi City Court and on appeal before the Kutaisi Court of Appeal. The monitors were fluent in Georgian. They observed and took detailed notes on the hearings held from March to August 2025 at the Batumi City Court and on November 11, 14, and 18 at the Kutaisi Court of Appeal. The monitors generally did not face impediments in accessing the courtroom. However, on numerous occasions, the hearings were interrupted by various comments from the audience, and on several occasions, the monitors were unable to hear certain portions of the testimony and comments from the judge due to issues with the sound and other disruptions.

B. ASSESSMENT

To prepare this report, the authors reviewed translations of various case documents, including the protocol of arrest, the decisions to order pretrial detention, the charging document, trial monitor notes, the judgments, and translations of YouTube footage. The authors also considered facts alleged by defense counsel and additional materials shared by CFJ,³²² and conducted factual research in the public domain. The authors found that the proceedings violated Mzia's substantive and procedural rights under international law. These include violations of the right to be tried by an independent, competent, and impartial court, the right to be presumed innocent, the right to call and examine witnesses, the right to counsel, and the right to be informed of the charges, coupled with the violation of the state's obligation not to restrict Mzia's rights for ulterior purposes.

³²² CFJ provided the authors with the following case materials, *inter alia* (on file with CFJ); Indictment (Jan. 13, 2025); Ruling of the Batumi City Court (Jan. 14, 2025); Ruling of the Kutaisi Court of Appeal (Jan. 21, 2025); Interview protocol of Mzia Amaglobeli (Feb. 12, 2025); Ruling of the Batumi City Court (Feb. 14, 2025); Ruling of the Kutaisi Court of Appeal (Feb. 19, 2025); Ruling of the Batumi City Court (Mar. 4, 2025); Ruling of the Kutaisi Court of Appeal (Mar. 9, 2025); Ruling of the Kutaisi Court of Appeal (Mar. 14, 2025); Judgment of the Batumi City Court (Aug. 6, 2025); Judgment of the Kutaisi Court of Appeal (Dec. 2, 2025).

ANALYSIS



A. APPLICABLE LAW

This report draws upon the ECHR, to which Georgia acceded in 1999,³²³ and jurisprudence from the ECtHR; the ICCPR, to which Georgia acceded in 1994,³²⁴ and jurisprudence from the UN Human Rights Committee (“UNHRC”), the body tasked with interpreting and monitoring implementation of the ICCPR.

B. CONDUCT OF MZIA’S TRIAL

Article 6 of the ECHR establishes a series of fundamental rights designed to guarantee the accused a fair trial.³²⁵ This includes the right to an “independent and impartial tribunal,”³²⁶ the right to be “presumed innocent,”³²⁷ and several other procedural rights, including the right “to defend himself in person or through legal assistance of his own choosing,”³²⁸ “to examine or have examined witnesses against him,”³²⁹ and the right to be “informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him.”³³⁰ The trial must also satisfy the fundamental principle of the “overall fairness of the proceedings,” requiring examination of the

³²³ *The Council of Europe – Who We Are*, Council of Eur. Off. in Georgia, <https://www.coe.int/en/web/tbilisi/the-coe/about-coe/history> (last visited Nov. 15, 2025).

³²⁴ *See Reporting Status for Georgia*, UN Treaty Body Database, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=GEO&Lang=EN (last visited Nov. 15, 2025).

³²⁵ International Covenant on Civil and Political Rights, General Assembly Resolution 2200A (XXI), Art. 14 (1) (Dec. 16, 1966).

³²⁶ ECHR Art. 6(1).

³²⁷ ECHR Art. 6(2).

³²⁸ ECHR Art. 6(3)(c).

³²⁹ ECHR Art. 6(3)(d).

³³⁰ ECHR Art. 6(3)(a).

proceedings as a whole and their circumstances as opposed to just focusing on individual aspects of the trial.³³¹ Article 14 of the ICCPR guarantees similar rights.³³²

Mzia's trial failed to comply with these basic minimum standards in several key respects: (1) she was judged by a court that lacked objective impartiality; (2) her right to be presumed innocent was severely undermined by prejudicial public remarks of senior government officials and by her presentation in court; (3) she was denied equality of arms in the presentation of evidence; (4) she was denied the right to be informed of the charges of which she was convicted, leaving her no time at trial to react to them and prepare her defense on the reclassified charges, and (5) her right to representation and participation in the trial was hindered by her sequestration in an aquarium and denial of access to her attorneys immediately following the arrest. As a result, the overall fairness of the proceedings was compromised.

The Right to be to be Tried by an Independent and Impartial Court Established by Law

Article 6(1) of the ECHR guarantees an accused individual "a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."³³³ Article 14(1) of the ICCPR provides that "[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him . . . everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law."³³⁴ The ECtHR has said that "[t]he right to a fair trial holds so prominent a place in a democratic society that there can be no justification for interpreting the guarantees of Article 6 § 1 of the ECHR restrictively."³³⁵ The UNHRC has said that the right to a competent, independent, and impartial tribunal is "an absolute right that is not subject to any exception."³³⁶

³³¹ *Ibrahim and Others v. the United Kingdom*, Application no. 50541/08 (Sept. 13, 2016), § 250 [GC].

³³² U.N. Human Rights Committee, General Comment No. 32, § 19, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007).

³³³ ECHR Art. 6(1).

³³⁴ International Covenant on Civil and Political Rights, General Assembly Res. 2200A (XXI), Art. 14(1) (Dec. 16, 1966).

³³⁵ *Gregacevic v. Croatia*, Application no. 58331/09 (July 10, 2012), § 49.

³³⁶ U.N. Human Rights Committee, General Comment No. 32, Art. 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007).

Both the ECtHR and UNHRC assess impartiality based on subjective and objective standards. Under the subjective standard, a judge cannot hold any personal bias.³³⁷ Evidence of subjective bias includes, for example, “display[s] of hostility or ill will for personal reasons.”³³⁸ However, “the vast majority of cases raising impartiality issues [have] focused on the objective test.”³³⁹ Under this test, “it must be determined whether, quite apart from the judge’s conduct, there are ascertainable facts which may raise doubts as to his or her impartiality.”³⁴⁰ As the ECtHR has observed, to maintain a democratic society, “justice must not only be done, it must also be *seen to be done*.”³⁴¹ If there is a “legitimate reason to fear a lack of impartiality,” the judge “must withdraw.”³⁴²

Two common factors of objective partiality are whether there are “links between the judge and other protagonists in the proceedings” and whether the judge “exercise[s] . . . different functions within the same judicial process.”³⁴³ The ECtHR has held that although the “mere fact that a judge has already taken pre-trial decisions cannot by itself be regarded as justifying concerns about his impartiality,” the specific “nature and scope” of said decisions may give rise to doubts about impartiality.³⁴⁴ In particular, “it is necessary to consider whether the link between substantive issues determined at various stages of the proceedings is so close as to cast doubt on the impartiality of the judge participating in the decision-making at these stages.”³⁴⁵

As described above, Judge Sakhelashvili presided over Mzia’s initial pretrial detention hearing and imposed pretrial detention on January 14, 2025, on questionable grounds. These grounds were:

³³⁷ *Nicholas v. Cyprus*, Application no. 63246/10 (Jan. 9, 2018), § 49.

³³⁸ *Id.* § 51.

³³⁹ *Tsulukidze and Rusulashvili v. Georgia*, Application no. 17256/22 (Aug. 29, 2024), § 44.

³⁴⁰ *Id.* § 45.

³⁴¹ *Id.* § 47 (emphasis added).

³⁴² *Id.*

³⁴³ *Nicholas v. Cyprus*, Application no. 63246/10 (Jan. 9, 2018), § 53.

³⁴⁴ *Morel v. France*, Application no. 34130/96 (June 6, 2000), § 45.

³⁴⁵ *Toziczka v. Poland*, Application no. 29995/08 (July 24, 2012), § 36.

- i. That Mzia was arrested for two offenses in quick succession, suggesting a high risk of reoffending.³⁴⁶ This ignored the fact that Mzia’s liability for the first alleged offense had not been determined at the time of the decision to place her in pretrial detention, and that Mzia’s first “offense” – placing a sticker on the police building and allegedly insulting a nearby officer – may not have been an offense at all but rather the exercise of free speech.³⁴⁷ The judge’s reasoning on this ground for preventive detention also failed to address the defense’s arguments of fabricated evidence for the Article 173 Administrative Offenses Code arrest.³⁴⁸
- ii. The risk that Mzia would tamper with evidence by influencing witnesses to her alleged crime.³⁴⁹ This overlooked the fact that the closest witnesses to the event – and most of those who testified at the trial – were police officers, over whom Mzia had no influence.³⁵⁰

Judge Sakhelashvili also presided over the April 28, 2025, hearing at which Mzia’s pretrial detention was automatically reviewed, and again upheld the continued detention on similar grounds – namely, the risk that Mzia would commit another criminal act.³⁵¹

The ECtHR has established that to hold an accused in pretrial detention, the state must have “sufficient grounds” for doing so, and that the authorities’ reasoning for the detention cannot be “abstract, general or stereotyped.”³⁵² The UNHRC has said that pretrial detention “shall be the exception rather than the rule” and that “[d]etention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or recurrence of crime.”³⁵³ Judge Sakhelashvili’s pretrial decision did not meet these standards, for the reasons outlined above, nor did it

³⁴⁶ See Ruling, Case No. 1/G-159-25 (Kutaisi Ct. App. Inv. Bd. Feb. 19, 2025) (on file with authors).

³⁴⁷ See discussion *supra* “Initial Arrest and Detention.”

³⁴⁸ See discussion *supra* “The Investigation (As Described During the Trial).”

³⁴⁹ See Ruling, Case No. 1/G-159-25 (Kutaisi Ct. App. Inv. Bd. Feb. 19, 2025) (on file with authors).

³⁵⁰ See GYLA: *Legal Team to File Petition to Lift Pre-Trial Detention of Mzia Amaglobeli*, Civ. Georgia (Dec. 2, 2025), <https://civil.ge/archives/662321>.

³⁵¹ See discussion *supra* “Pre-Trial Detention.”

³⁵² *Merabishvili v. Georgia*, Application no. 72508/13, (Nov. 28, 2017), § 222.

³⁵³ U.N. Human Rights Committee, General Comment No. 35, Art. 9, § 38, U.N. Doc. CCPR/C/GC/35 (Dec. 16, 2014).

adequately address why less restrictive measures, such as being released on bail, would be inadequate.³⁵⁴ The decision was widely criticized as “unreasonable” and “politically motivated.”³⁵⁵ Indeed, Judge Sakhelashvili’s decision on Mzia’s pretrial detention prompted Estonia and Lithuania to impose entry bans on her.³⁵⁶ The decision by Judge Sakhelashvili regarding pretrial detention, and the reaction to it, raised legitimate doubts about the judge’s impartiality. Therefore, Judge Sakhelashvili should have recused herself from the trial.

³⁵⁴ *An Application on the Unlawful Detention of Mzia Amaglobeli and Other Violations Committed Against Her Has Been Lodged to the European Court of Human Rights*, Georgia Young Lawyers’ Ass’n (Apr. 28, 2025), <https://www.gyla.ge/en/post/mzia-amaglobelis-saqme-strasburgshi-gaigzavna>.

³⁵⁵ See, e.g., European Parliament, *Resolution of 9 July 2025 on the 2023 and 2024 Commission Reports on Georgia* (July 9, 2025), https://www.europarl.europa.eu/doceo/document/TA-10-2025-0158_EN.pdf (“reiterates its call for the immediate and unconditional release of Mzia Amaglobeli and the withdrawal of all charges against her, which are politically motivated, expressing deep concern over her critical eyesight deterioration in detention and urging urgent access to trusted medical care”); European Parliament, *Resolution of 18 June 2025 on Media Freedom in Georgia, Particularly the Case of Mzia Amaglobeli*, (June 19, 2025), https://www.europarl.europa.eu/doceo/document/TA-10-2025-0132_EN.pdf (“[d]emands Mzia Amaglobeli’s immediate and unconditional release and the withdrawal of all charges against her, and denounces her politically motivated arrest and prosecution”); Council of Europe Commissioner for Human Rights, *Memorandum on the Human Rights Situation in Georgia*, (Mar. 26, 2025), <https://www.coe.int/en/web/commissioner/-/commissioner-for-human-rights-calls-for-stronger-protection-of-human-rights-in-georgia> (“[T]he continuation of Ms Amaglobeli’s pre-trial detention is unjustified.”); Council of Europe Commissioner for Human Rights, *Georgia: Protect freedom of Assembly and Expression, Ensure Accountability for Human Rights Violations and End Stigmatisation of NGOs and LGBTI People*, (Jan. 24, 2025), <https://www.coe.int/en/web/commissioner/-/georgia-protect-freedom-of-assembly-and-expression-ensure-accountability-for-human-rights-violations-and-end-stigmatisation-of-ngos-and-lgbti-people> (“Without prejudice to any future decision on the merits of the charges against her, I believe that the continuation of her pre-trial detention is unjustified and I am very concerned about her situation.”); *The Legality of Mzia Amaglobeli’s Arrest, Detention, and Charges*, Transparency Int’l (Jan. 14, 2025), <https://transparency.ge/en/post/legality-mzia-amaglobelis-arrest-detention-and-charges>; *An Application on the Unlawful Detention of Mzia Amaglobeli and Other Violations Committed Against Her Has Been Lodged to the European Court of Human Rights*, Georgia Young Lawyers’ Ass’n (Apr. 28, 2025), <https://www.gyla.ge/en/post/mzia-amaglobelis-saqme-strasburgshi-gaigzavna>.

³⁵⁶ *UPDATE: Estonia, Latvia, Lithuania Expand Sanctions on Georgian Officials*, Civ. Georgia (Apr. 15, 2025), <https://civil.ge/archives/666721>.

The Right to Be Presumed Innocent

Article 6(2) of the ECHR provides that “everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”³⁵⁷ Article 14(2) of the ICCPR provides the same.³⁵⁸ The UNHRC has stated that Article 14(2):

[I]mposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle.³⁵⁹

The right to be presumed innocent is an absolute right.³⁶⁰

ECHR Article 6(2) requires that the relevant judicial authority not predetermine the outcome of the case.³⁶¹ Predetermination may be inferred from the existence of “some reasoning suggesting that the court or the official regards the accused as guilty,” even if there is no formal finding of such.³⁶² According to the ECtHR, the presumption of innocence will be violated by “a statement by a public official concerning a person charged with a criminal offence [that] reflects an opinion that he is guilty before he has been proved guilty according to law.”³⁶³ Similarly, the UNHRC has made clear that “it is a duty for all

³⁵⁷ ECHR Art. 6(2).

³⁵⁸ ICCPR Art. 14(2).

³⁵⁹ U.N. Human Rights Committee, General Comment No. 32, § 30, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007); *see also* U.N. Human Rights Committee, *Saidov v. Tajikistan*, U.N. Doc. CCPR/C/122/D/2680/2015, § 9.4, (Sept. 20, 2018).

³⁶⁰ U.N. Human Rights Committee, General Comment No. 32, § 6, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007) (“Deviating from fundamental principles of fair trial, including the presumption of innocence, is prohibited at all times.”).

³⁶¹ *Garycki v. Poland*, Application no. 14348/02 (Feb. 6, 2007), § 66.

³⁶² *See id.*; *see also* *Daktaras v. Lithuania*, Application no. 42095/98 (Oct. 10, 2000), § 41; *Nešťák v. Slovakia*, Application no. 65559/01 (Feb. 27, 2007), § 88. The issue of judicial prejudgment of a case is closely linked to judicial bias as a violation of the right to be tried by an impartial tribunal, which is covered above.

³⁶³ *Bohmer v. Germany*, Application no. 37568/97 (Mar. 10, 2002), § 54. *See also* U.N. Human Rights Committee, General Comment No. 32, ¶ 30, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007); U.N. Human Rights Committee, *Gridin v. Russian Federation*, § 8.3, U.N. Doc. CCPR/C/69/D/770/1997 (July 18, 2000).

public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused.”³⁶⁴ The UNHRC has also found violations where high-ranking police officers publicly deemed a defendant guilty, stating that the officers “failed to exercise the restraint that article 14, paragraph 2, requires,” and where a documentary allegedly funded by the presidential administration portrayed the defendant as guilty.³⁶⁵

The right to be presumed innocent also bars conduct which unnecessarily suggests the accused is guilty. The UNHRC, for example, has stated that “defendants should normally not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals.”³⁶⁶

In *Pustovoit v. Ukraine*, the UNHRC found that a Ukrainian court violated Article 14(2) when it:

[F]ailed to demonstrate that placing the [defendant] in a metal cage during the public trial at the Supreme Court, with his hands handcuffed behind his back, was necessary for the purpose of security or the administration of justice, and that no alternative arrangements could have been made consistent with the human dignity of the [defendant] and with the need to avoid presenting him to the court in a manner indicating that he was a dangerous criminal.³⁶⁷

Mzia’s right to the presumption of innocence was violated at trial in at least two ways. First, as described above, numerous high-ranking public officials made statements, including during the course of the trial, commenting on her alleged motive and predetermining her guilt.³⁶⁸ For example, Georgian Prime Minister Irakli Kobakhidze and other high-ranking officials from the ruling Georgia Dream party accused Mzia of committing a crime for the purpose of undermining the state, supposedly at the directive

³⁶⁴ U.N. Human Rights Committee, *Ashurov v. Tajikistan*, § 6.7, U.N. Doc. CCPR/C/89/D/1348/2005 (Mar. 20, 2007).

³⁶⁵ U.N. Human Rights Committee, *Kulov v. Kyrgyzstan*, §§ 3.7, 8.7, U.N. Doc. CCPR/C/99/D/1369/2005 (Aug. 19, 2010).

³⁶⁶ U.N. Human Rights Committee, General Comment No. 32, § 30, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007).

³⁶⁷ U.N. Human Rights Committee, *Mikhail Pustovoit v. Ukraine*, § 9.3, U.N. Doc. CCPR/C/110/D/1405/2005 (May 12, 2014).

³⁶⁸ See discussion *supra* “Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial.”

of some unnamed, outside power.³⁶⁹ This narrative was repeated in the public statements by the Speaker of Parliament and the newly appointed Head of the Security Service.³⁷⁰ These statements stigmatized Mzia and implied her alleged “attack” had been premeditated, and motivated by the desire to destabilize the state, including with the influence of “foreign agents.”³⁷¹

Second, Mzia’s right to the presumption of innocence was violated by her treatment throughout trial.³⁷² The Court sequestered Mzia in a glass cage, surrounded by prison guards.³⁷³ She remained in the aquarium even during her own testimony.³⁷⁴ Mzia is a well-respected journalist, with poor eyesight and no history of convictions.³⁷⁵ No safety considerations justified the stigmatizing effect of her being sequestered to the aquarium, as evidenced by the failure of the Court to refer to any such objective evidence supporting this approach.³⁷⁶ Further, the Court did not appear to consider whether the prejudicial effects of Mzia’s confinement were justified by any hypothetical threat she may have posed.³⁷⁷

³⁶⁹ See discussion *supra* “Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial.”

³⁷⁰ See discussion *supra* “Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial.”

³⁷¹ See ირაკლი კობახიძემ კიდევ ერთხელ დაარღვია უდანაშაულობის პრეზუმფცია მზია ამაგლობელთან მიმართებაში (Irakli Kobakhidze once again violated the presumption of innocence in relation to Mzia Amaglobeli), *supra* note 309; “მზია ამაგლობელმა შეასრულა კონკრეტული დაკვეთა” – კობახიძის მორიგი ცრუ ბრალდება (“Mzia Amaglobeli fulfilled a specific order” – another false accusation of Kobakhidze), *supra* note 312.

³⁷² See discussion *supra* “Trial Overview.”

³⁷³ See, e.g., Mar. 18, 2025, TM Notes, Mar. 31, 2025, TM Notes; photo, *supra* “Trial Overview.”

³⁷⁴ July 14, 2025, TM Notes.

³⁷⁵ See Nov. 11, 2025, TM Notes; Appeal Judgment.

³⁷⁶ Apr. 7, 2025, TM Notes. The judge summarily rejected Mzia’s argument to be released from the aquarium, saying simply, “the issue is about safety and [Mzia’s] rights.” *Id.*

³⁷⁷ Apr. 7, 2025, TM Notes.

The Right to Present and Test Evidence

Under the jurisprudence of the ECtHR, states must afford every defendant “a reasonable opportunity to present his case under conditions that do not place him at a disadvantage vis-à-vis his opponent.”³⁷⁸ Specifically, ECHR Article 6(3)(d) entitles defendants to the opportunity “to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.”³⁷⁹ Article 14(3)(e) of the ICCPR does the same.³⁸⁰ Although defendants do not have an unlimited right to obtain the attendance of witnesses, they do have the “right to have witnesses admitted that are relevant for the defence, and to be given a proper opportunity to question and challenge witnesses against them at some stage of the proceedings.”³⁸¹ The domestic authorities bear the burden of presenting a sufficient rationale for rejecting a witness request that is “not vexatious, and which is sufficiently reasoned, relevant to the subject matter of the accusation and could arguably have strengthened [the] position of the defense or even led to the defendant’s acquittal.”³⁸²

In addition to the right to call witnesses, defendants must also be given an equal right to present other types of evidence. As the UNHRC has recognized, selective and arbitrary admission or exclusion of evidence can create an “evaluation of the evidence [that] was partial.”³⁸³

The Court’s conduct of the proceedings created an imbalance between Mzia and the state by denying Mzia the opportunity to call certain witnesses and present certain evidence, thereby violating her right to equality of arms. In all, the pretrial evidentiary hearing excluded 16 defense witnesses, 21 pieces of written evidence, and 19 videos.³⁸⁴ The

³⁷⁸ *Bulut v. Austria* Application no. 17358/ 90 (Feb. 22, 1996), § 47.

³⁷⁹ ECHR Art. 6(3)(d).

³⁸⁰ ICCPR, Art. 14(3)(e).

³⁸¹ U.N. Human Rights Committee, General Comment No. 32, § 39, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007); U.N. Human Rights Committee, *Sirozhiddin Allaberdiev v. Uzbekistan*, § 8.8, U.N. Doc. CCPR/C/119/D/2555/2015, (Mar. 21, 2017).

³⁸² *Kartvelishvili v. Georgia*, Application no. 17716/08 (June 7, 2018), § 61; see also *Polyakov v. Russia*, Application no. 77018/01 (Jan. 29, 2009), §§ 34–37.

³⁸³ U.N. Human Rights Committee, *Rouse v. Philippines* (Comm. no. 1089/ 2002) (July 25, 2005), §§ 3.3, 7.2.

³⁸⁴ Aug. 1, 2025, TM Notes; Mar. 18, 2025, TM Notes. The denial of the motion to admit the 19 videos was overturned by the Kutaisi Court of Appeal on the basis that declaring them inadmissible could result

Court took a very narrow view of relevance in ruling that such evidence was insufficiently connected to the case.³⁸⁵ For example, the Court excluded the longer video of Mzia's initial arrest, showing just a 44-second clip.³⁸⁶ The excluded, longer video shows that Mzia was *not* cursing at the police at the time she was arrested for placing a sticker on the police building, and therefore contradicts the testimony of one of the key witnesses to Mzia's second arrest, who claimed that she was cursing and insulting the police.³⁸⁷ The video was therefore directly relevant to the impeachment of one of the state's key witnesses (this video was ultimately introduced into evidence when the Appeal Court overturned the Court's ruling regarding the 19 videos³⁸⁸).

Mzia was also denied the chance to call multiple witnesses relevant to her defense.³⁸⁹ This includes the judge's denial of the defense's request to call the public defenders, who were the most proximate non-police witnesses to the post-arrest abuse of Mzia.³⁹⁰ It also includes 18 civilian witnesses to the administrative arrest, the slap, and the events in between the two and immediately after the slap,³⁹¹ and public officials who made statements alleging that Mzia had acted on "orders" to slap Dgebuadze.³⁹² Testimony from such individuals would have been relevant to the defense's argument that Mzia was the victim of a targeted, politically motivated prosecution on unduly escalated charges.³⁹³ The overall effect of these exclusions created a fundamental inequality of arms between the prosecution and the defense.

in "a violation of the principles of equality" and would impinge upon the "proper[] exercise[e] of the right to defense." Ruling of the Kutaisi Court of Appeal (Mar. 14, 2025), *supra* note 166.

³⁸⁵ Mar. 18, 2025, TM Notes.

³⁸⁶ *Id.*

³⁸⁷ *Id.*; see video on file with CFJ.

³⁸⁸ See Ruling of the Kutaisi Court of Appeal (Mar. 14, 2025), *supra* note 166.

³⁸⁹ See discussion *supra* "Pre-Trial Evidentiary Hearings."

³⁹⁰ Aug. 1, 2025, TM Notes.

³⁹¹ See discussion *supra* "Pretrial Evidentiary Hearings."

³⁹² See discussion *supra* "Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial."

³⁹³ See August 1, 2025, TM Notes. At trial, Mzia's defense team argued that the state was using the case as "a political weapon." See *id.*

The Court's treatment of Mzia's evidence stands in contrast with its treatment of the state's evidence. The ECtHR has recognized that, where the prosecution relies solely on the accounts of "police officers who had played an active role in the contested events," the domestic court must "exhaust every reasonable possibility of verifying their incriminating statements."³⁹⁴ In other words, a court cannot treat police witnesses as more credible by default than defense witnesses. For example, in *Navalnyy and Yashin v. Russia*, the ECtHR found a violation of Article 6 of the ECHR when a judge "dismissed the testimonies given by [defense witnesses] on the grounds that they had contradicted the police officers' testimonies and reports."³⁹⁵

The trial record here shows that the Court treated prosecution witnesses with undue deference, despite many reasons for skepticism, including that: (1) many of the prosecution witnesses, including one of the arresting officers, wore masks at the time of the slap and thus could not be verifiably placed at the scene of the alleged crime;³⁹⁶ and (2) many of the witnesses were subordinates of Dgebuadze, the "victim."³⁹⁷ Despite this, the Court did not "exhaust every reasonable possibility of verifying [the police officers'] incriminating statements." In fact, the judgment makes clear that the Court accepted their evidence at trial wholesale. For example, in the judgment, the Court:

- i. Appeared to accept that Mzia called the police "Slaves of Russia," "dogs," and "pigs" before her initial, administrative arrest.³⁹⁸ This is contrary to video evidence.³⁹⁹ The only evidence of such statements is testimony by police.⁴⁰⁰
- ii. Characterized Dgebuadze's actions before the slap as "explaining" the grounds for certain arrests.⁴⁰¹ However, Dgebuadze's actual words ("they were drunk and swore at police"), in the context and in the manner in which they were delivered,

³⁹⁴ *Navalnyy and Yashin v. Russia*, Application no. 76204/11 (Dec. 4, 2014), § 83.

³⁹⁵ *Id.* § 28.

³⁹⁶ See discussion *supra* "Trial Overview"; Mtisambebi, *All About Mzia Amaglobeli's Case*, YouTube (June 17, 2025), <https://www.youtube.com/watch?v=3pGZLtzWEks>.

³⁹⁷ *GYLA: Legal Team to File Petition to Lift Pre-Trial Detention of Mzia Amaglobeli*, Civ. Georgia (Dec. 2, 2025), <https://civil.ge/archives/662321>.

³⁹⁸ See Judgment.

³⁹⁹ See Mtisambebi, *supra* note 397, at 17:11.

⁴⁰⁰ See Judgment.

⁴⁰¹ *Id.*

could have been characterized as rude and dismissive language.⁴⁰² This was a crucial issue since the Court relied on the finding that Dgebuadze was “explaining” the grounds of arrest, based purely on almost identical answers from police officers testifying for the prosecution as to what Dgebuadze was doing that evening.⁴⁰³ The Court concluded that the explanations by Dgebuadze were evidence of his official duties, in respect of which Mzia was found to have “resisted” him, in breach of Article 353(1).⁴⁰⁴

This imbalanced and unreasoned approach to assessing and determining the probative value of the evidence raises concerns that the Court unjustifiably assigned more credibility to the prosecution’s evidence than to the defense’s.

Right to Counsel

The right to counsel is a core principle that “contribute[s] to the prevention of miscarriages of justice and the fulfilment of the aims of Article 6 of the ECHR, notably equality of arms between the investigating or prosecuting authorities and the accused.”⁴⁰⁵ Both the ECHR and the ICCPR recognize a right “to communicate with counsel of [one’s] own choosing,”⁴⁰⁶ which vests at the “outset of [the defendant’s] detention.”⁴⁰⁷ The ECtHR has emphasized that one aim of Article 6(3)(c) is to establish “a fundamental safeguard against ill-treatment” in detention.⁴⁰⁸

In addition to guaranteeing an attorney from the beginning of criminal proceedings, the ECHR and the ICCPR guarantee the accused a chance to “participate effectively in a

⁴⁰² July 14, 2025, TM Notes.

⁴⁰³ See, e.g., Judgment.

⁴⁰⁴ Judgment.

⁴⁰⁵ *Salduz v. Turkey*, Application no. 36391/02 (Nov. 27, 2008), § 55; *Pishchalnikov v. Russia*, Application no. 7025/04 (Sept. 24, 2009), § 70.

⁴⁰⁶ ICCPR Art. 14(3)(b).

⁴⁰⁷ U.N. Human Rights Committee, General Comment No. 35, § 35, U.N. Doc. CCPR/C/GC/35, (Dec. 16, 2014), § 35.

⁴⁰⁸ See *Salduz v. Turkey*, Application no. 36391/02 (Nov. 27, 2008), § 54; *Mader v. Croatia*, Application no. 56185/07 (June 21, 2011) § 149.

criminal trial.”⁴⁰⁹ This necessarily requires that defendants be able to confer with counsel in real time during the proceedings.⁴¹⁰ It also requires that defendants and their lawyers be able to communicate “without the risk of being overheard,” for without such privacy, the right to counsel “would lose much of its usefulness.”⁴¹¹

These rights can be infringed by a defendant’s sequestration in an aquarium. Though courts may at times restrain defendants to maintain order, when such restraints impede the defendant’s ability to participate in the trial or communicate with their lawyer, the restraints should be applied only “in so far as is necessary and should be proportionate to the risks in a specific case.”⁴¹² For example, in *Yaroslav Belousov v. Russia*, the ECtHR considered a case in which the Russian authorities confined the applicant and his co-defendants in a small glass cabin throughout their trial.⁴¹³ As in Mzia’s case, that applicant had been accused of assaulting a police officer.⁴¹⁴ The defendant was placed in the aquarium “as a matter of routine,” without consideration for how to mitigate the effects on the defendant’s rights.⁴¹⁵ The ECtHR noted that the glass enclosure “reduced . . . direct involvement in the hearing,” “made it impossible for the applicant to have confidential exchanges with his legal counsel” out of earshot of the guards, and prevented the defendant from taking notes or receiving documents, undermining his rights to participate effectively in the proceedings and to receive practical and effective legal assistance.⁴¹⁶ Given that the trial court took no steps to mitigate these limitations, the ECtHR found that

⁴⁰⁹ *Murtazaliyeva v. Russia*, Application no. 36658/05 (Dec. 18, 2018), § 91. See also U.N. Human Rights Committee, General Comment No. 32 (CCPR/C/GC/32), § 33 (discussing “adequate facilities” that must be afforded to the accused).

⁴¹⁰ See *Yaroslav Belousov v. Russia*, Application nos. 2653/13 & 60980/14 (Oct. 4, 2016), §§ 149–154; *Mariya Alekhina and Others vs. Russia*, Application no. 38004/12 (July 17, 2018), §§ 169–173.

⁴¹¹ See *Yaroslav Belousov v. Russia*, Application nos. 2653/13 & 60980/14 (Oct. 4, 2016), § 149. See also U.N. Human Rights Committee, General Comment No. 32 (CCPR/C/GC/32), § 34 (discussing the right to meet confidentially with one’s attorney).

⁴¹² *Id.* § 150.

⁴¹³ See *id.* § 74.

⁴¹⁴ *Id.* § 31.

⁴¹⁵ *Id.* § 152.

⁴¹⁶ *Id.* §§ 151–153.

keeping the defendant in the glass cabin constituted a violation of his fair trial rights, including the right to defense.⁴¹⁷

Here, Mzia was denied her right to counsel in at least two ways. First, for approximately three hours immediately after her second arrest, Mzia was denied access to her own lawyers.⁴¹⁸ During that time, she was searched, questioned, and, she has said, abused by Dgebuadze.⁴¹⁹ The prosecution argued that Mzia was offered public defenders, but ICCPR Article 14(3)(b) affords the accused a lawyer of her “own choosing.”⁴²⁰ During a crucial period of time immediately following her arrest, Mzia was denied that. This denial may have opened Mzia to ill-treatment at the hands of Dgebuadze and deprived her of legal advice in the direct aftermath of being arrested.

Second, Mzia’s confinement to the aquarium during her trial impeded her ability to communicate with her attorneys and to effectively participate in her own defense. Throughout the trial, including during testimony from the prosecution’s witnesses, Mzia and her attorneys were only able to communicate “through a small hole.”⁴²¹ In addition, due to the size of the courtroom, she was positioned behind her attorneys, meaning that she was often not able to get the attention of her attorneys and deliver her message until the relevant moment of testimony had already passed.⁴²²

In addition to causing logistical problems with communication, the aquarium also impeded Mzia’s ability to communicate with her counsel in a confidential manner. In earshot of prison guards and the prosecution, she could not shout her questions or comments to her attorneys. Instead, she often had to write them on paper and pass them through the hole, which necessarily limited how much she could communicate and the freedom with which she could do so.⁴²³

⁴¹⁷ *Id.* §§ 152–153 (finding a violation of Articles 6(1) and 6(3)(b) and 6(3)(c) of the Convention).

⁴¹⁸ See discussion *supra* “Subsequent Arrest and Detention.”

⁴¹⁹ See discussion *supra* “Subsequent Arrest and Detention.”

⁴²⁰ ICCPR Art. 14(3)(b).

⁴²¹ See discussion *supra* “Trial Overview.”

⁴²² Aug. 1, 2025, TM Notes.

⁴²³ Aug. 1, 2025, TM Notes.

These restraints were not justified by the judge, including by reference to any legitimate concerns for safety or order.⁴²⁴ Mzia posed little threat to anyone in the courtroom, and the Court did not adequately consider ways to mitigate the effects on Mzia's rights. Rather, the judge merely said that "the issue is about safety and [Mzia's] rights," and then cut off debate.⁴²⁵

C. THE JUDGMENTS

The Batumi City Court's verdict and sentence was pronounced in court at the very end of the final hearing on August 6, 2025, with the written judgment published on August 25, 2025.⁴²⁶ The Court found Mzia guilty under Article 353(1) of the Criminal Code of Georgia, and sentenced her to two years of imprisonment.⁴²⁷ Article 353(1) prohibits "[r]esistance to a police officer . . . using violence or threat of violence, with the purpose of interfering with the protection of public order, terminating or changing his activities, [or] coercing him to commit a clearly illegal act," punishable by "a fine or house arrest for a term of up to two years, or by imprisonment for a term of two to six years."⁴²⁸

According to the Court, "[i]rritated by the official activities of Irakli Dgebuadze, and with the intent to halt his actions, Mzia Amaglobeli forcefully pulled him by the jacket, turned him towards herself, and struck him in the face," in violation of Article 353(1) of the Criminal Code of Georgia.⁴²⁹ Despite convicting Mzia of a less-severe offense than the one with which she was originally charged, the judgment raises significant fairness concerns, including the failure to provide adequate reasons for Mzia's conviction and sentence, and the last-minute reclassification of the charges.

Failure to provide adequate reasons:

In its judgment, the Court did not explain how Mzia's conduct constituted an offense under Article 353(1), although ECHR Article 6(1) encompasses the obligation of a court to give

⁴²⁴ See discussion *supra* "Trial Overview"; April 7, 2025, TM Notes.

⁴²⁵ Apr. 7, 2025, TM Notes.

⁴²⁶ Aug. 6, 2025, TM Notes; Judgment.

⁴²⁷ Judgment.

⁴²⁸ Crim. Code of Georgia Art. 353(1).

⁴²⁹ Judgment.

a reasoned judgment.⁴³⁰ As the ECtHR has held, “[i]t is only by giving a reasoned decision that there can be public scrutiny of the administration of justice.”⁴³¹ While a court is not required to give a detailed answer to every argument advanced, the obligation under Article 6(1) “presupposes that parties to judicial proceedings can expect to receive a specific and explicit reply to the arguments which are decisive for the outcome of those proceedings.”⁴³² Moreover it must be clear from the decision that the “essential issues of the case have been addressed.”⁴³³ Judge Sakhelashvili’s decision falls short of this standard, as detailed below.

First, the judgment does not explain how Mzia’s slap “resisted” Dgebuadze. When seeking to “chronologically enumerate the objective evidence . . . which confirm the accused’s resistance,” the Court does not explain the evidence which defines the slap as resistance.⁴³⁴ Instead the Court relies on the testimony of eight prosecution witnesses (including Dgebuadze), which merely confirms that Mzia did slap Dgebuadze.⁴³⁵ Five of the witnesses were at the scene when the slap occurred, and yet none of them describe how the slap did, or could, constitute “resistance.”⁴³⁶ In the evidence of Berdia Peradze (one of the arresting officers who witnessed the slap), “physical violence was carried out by the defendant at the moment when Irakli Dgebuadze explained to Mzia Amaglobeli the grounds for the detention of her family members,” and in the moment Dgebuadze “did not understand why she had struck him.”⁴³⁷ In Dgebuadze’s testimony he states that immediately after the slap, several protestors asked him for clarification as to why Mzia had done this, and “there was even speculation that perhaps the witness [Dgebuadze] had insulted Mzia Amaglobeli and that this had been her reaction. The fact, however, is very simple, as it is clearly shown in the video footage.”⁴³⁸ Nowhere does he characterize the slap as “resistance.” He also explains that Mzia “did not use insulting words” and

⁴³⁰ *Suominen v. Finland*, Application no. 37801/97 (Jan. 1, 2003), § 37.

⁴³¹ *Id.*

⁴³² *Moreira Ferreira v. Portugal*, Application no. 19867/12 (July 11, 2017), § 84.

⁴³³ *Kezerashvili v. Georgia*, Application no. 11027/22 (Dec. 5, 2024), § 107.

⁴³⁴ Judgment.

⁴³⁵ *Id.*

⁴³⁶ *Id.*

⁴³⁷ *Id.*

⁴³⁸ *Id.*

“knew he was a senior official and was demanding answers from him regarding the Gabaiadzes’ actions [sic].”⁴³⁹ Again, his description of the slap does not refer to it as a form of “resistance.” Rather, what is evidenced by the testimony relied on by the Court is that the slap was an emotional response by Mzia toward Dgebuadze after he responded to her with a condescending tone and dismissive remark as to her “drunk” relatives (the Gabaidzes) who had been detained by police following her release from administrative detention. The slap was not characterized in the evidence relied on by the Court as “resistance” by Mzia to Dgebuadze, and yet this evidentiary gap is not addressed or explained by the Court. “Resistance” is an element of Article 353(1) but not of Article 353 Prima and hence was one of the points on which the defense was denied the opportunity at trial to present their evidence and arguments.⁴⁴⁰

The judgment of the Kutaisi Court of Appeal did not cure these failures, but rather merely reiterated the findings of the lower court that the evidence established that the slap occurred, without explaining how, even taking prosecution evidence as true, the slap constituted “resistance.”⁴⁴¹ In fact, the Appeal Court even acknowledges that “there was no confrontation” between Dgebuadze and Mzia, making it even less evident how the Court still reached the conclusion (without reasoning) that Mzia had “resisted” Dgebuadze.⁴⁴²

Second, the judgment fails to explain, by reference to an objective assessment of the evidence, or to relevant Georgian case law from the Supreme Court on reclassification of offenses from Article 353 Prima to Article 353(1) discussed at trial by the defense, how it was established that the slap was carried out with the requisite intent to “obstruct the protection of public order” or “interrupt or alter” Dgebuadze’s duties.⁴⁴³ The testimony of the prosecution witnesses relied on by the Court refers to the fact of commissioning an expert report of Mzia’s mobile phone, “because there was an opinion that the crime had been pre-organized, planned, and that there might be information about this in Mzia Amaghlobeli’s telephone.”⁴⁴⁴ The testimony cited confirms that the expert report had not

⁴³⁹ *Id.*

⁴⁴⁰ Compare Crim. Code of Georgia Art. 353(1) with Crim. Code of Georgia Art. 353¹.

⁴⁴¹ See Appeal Judgment.

⁴⁴² *Id.*

⁴⁴³ Judgment (acknowledging that, to be guilty of Article 353(1), “resistance to a representative of authority must be aimed at obstructing the protection of public order, interrupting or altering his lawful activity”).

⁴⁴⁴ Judgment.

yet been completed by the time of the judgment.⁴⁴⁵ And in fact, when the expert report was completed, no such evidence was found.⁴⁴⁶ Relying on the reasons for requesting a forensic examination of her phone is not probative.

None of the prosecution witness testimony relied on by the Court in the judgment refers to Mzia's intent when slapping Dgebuadze to "obstruct the protection of public order" or "interrupt or alter" his duties.⁴⁴⁷ Dgebuadze's testimony does not even refer to such intent from the slap, merely stating that "Mzia Amaghlobeli's assault on him was related to his official duties. She was questioning him about the detained persons, saying, '[w]hen you detained me.' According to [Dgebuadze], the defendant knew he was a senior official and was demanding answers from him regarding the Gabaiadzes' actions [sic]."⁴⁴⁸

The judgment refers to the testimony of other prosecution witnesses who also stated that Mzia was seeking answers from Dgebuadze as to why her relatives had been detained,⁴⁴⁹ as opposed to aiming to obstruct the protection of public order of the continuance of Dgebuadze's duties. However, having considered the above, the Court underlined the "significance" of Mzia's testimony for the "legal qualification of the act," and cited Mzia's evidence that "[s]he was trying to find out why this person had been detained. She had no other interest," and that the slap was "was not a planned or considered act. It was an impulsive reaction to insulting, humiliating, irresponsible, and obtuse communication."⁴⁵⁰ Referring only to Mzia's testimony, the Court then concluded that:

The person who spoke of Gigi's detention grounds did so in a dismissive, humiliating tone, the kind of tone suggesting, "I will detain whomever I want." This gave her a sense of outrage and helplessness. The accused explained that this should not be understood as though she fell into repentance. She had no remorse at all, because the fact happened, i.e., she could not have acted otherwise. It was not a planned or considered act. **This very explanation by the accused confirms** that she clearly perceived that the

⁴⁴⁵ *Id.* The forensic report of Mzia's mobile phone was produced by the prosecution at the appeal hearing on November 18, 2025, in which it was accepted by the Appeal Court that this investigation had not produced any relevant evidence for the purposes of Mzia's prosecution. See Nov. 11, 2025, TM Notes.

⁴⁴⁶ Conclusion of Computer and Digital Technology Forensics No. 46/8-974, Nov. 11, 2025 (on file with authors).

⁴⁴⁷ Judgment.

⁴⁴⁸ *Id.*

⁴⁴⁹ *Id.*

⁴⁵⁰ *Id.*

person standing before her was a police officer, and that, **in her perception**, this was an officer who, because of his authority, had the sense that he could detain whomever he wished, and who therefore addressed her in a dismissive tone. **This was precisely the reason why** the accused wished, through her action, **to interfere and to create a situation that would prevent the victim from continuing his police activity**. In addition, the accused categorically disagreed with the victim's explanation regarding the detention of Giorgi Gabaidze, namely, that he had been detained on the grounds of being intoxicated and verbally insulting police officers. From the above **it follows that** the act committed by the accused – striking the victim in the face – was not carried out with the aim of assaulting a police officer, **but rather with the aim of resisting him**.⁴⁵¹

The Court's conclusion as to intent fails to explain the relevance of the evidence of the prosecution (cited above), which does not indicate that Mzia was acting to stop or interfere with Dgebuadze's duties (but rather that she was seeking answers). Relying entirely on a prejudicial interpretation of Mzia's testimony without further context, the Court's conclusion also fails to explain the evidentiary basis for deducing "the reason why" Mzia "wished . . . to interfere and to create a situation that would prevent the victim from continuing his police activity," as opposed to what Mzia told the court, that she acted impulsively, out of frustration with the way she and others were being treated by the police.⁴⁵²

The judgment of the Kutaisi Court of Appeal did not cure these failures, instead relying on (only) prosecution evidence of the events of the protest on January 11 to ascribe to Mzia the same knowledge and intent as the Appeal Court characterized the other (unnamed) protestors as having.⁴⁵³ The Appeal Court only refers to the conclusion that Mzia was aware that Dgebuadze was an officer, without explaining the evidentiary basis on which it concluded that Mzia intended to "obstruct the protection of public order" or "interrupt or alter" Dgebuadze's duties.⁴⁵⁴

Third, the judgment fails to explain how the slap constituted "violence" for the purposes of Article 353(1) but focuses instead on distinguishing the slap from the "type of

⁴⁵¹ *Id.* (emphasis added).

⁴⁵² *Id.*; July 14, 2025, TM Notes.

⁴⁵³ See Appeal Judgment.

⁴⁵⁴ See *id.*

aggressive act which . . . may be qualified as an assault” (under Article 353 Prima).⁴⁵⁵ When making this distinction, the Court stated that “an assault is an aggressive act. Moreover, the act must be carried out by means of violence, which entails beating, causing bodily harm, and the like.”⁴⁵⁶ No further explanation was provided for how the slap may be distinguished from “beating, causing bodily harm” and the like and yet still constitute “violence” for the purposes of Article 353(1). The Court’s only explanation in this regard was that:

The Court additionally notes that, although the accused struck the victim in the facial area, this conduct was not the type of aggressive act which, by reason of police officers’ official functions, may be qualified as an assault. Accordingly, in the present case, what is established is not the constituent elements of an assault on a police officer in connection with his official activity, but rather those of resistance to a police officer, with the aim of interrupting his activity, which was accompanied by the use of physical violence against the victim.⁴⁵⁷

The Court also did not refer to any of the arguments or evidence presented by the defense at trial, including in lengthy closing arguments, as to why the slap could not be considered a violent act worthy of an assault, and the relevance of this to whether it could be considered “violence” for the purposes of Article 353(1) of the Criminal Code of Georgia.⁴⁵⁸

Again, the Appeal Court judgment did not cure these failures and appeared to disregard the importance of determining whether the act itself constitutes “violence,” let alone distinguishing it from an “assault” for the purposes of Article 353 Prima.⁴⁵⁹

Fourth, the judgment failed to explain, by reference to the evidence, the grounds for imposing a two year custodial sentence on Mzia, even after the court stated that “the imposition of punishment must be based on the individual circumstances, the risks arising from the act, the preconditions for its commission, its motives and consequences, as well

⁴⁵⁵ Judgment.

⁴⁵⁶ *Id.*

⁴⁵⁷ *Id.*

⁴⁵⁸ Aug. 1, 2025, TM Notes.

⁴⁵⁹ Appeal Judgment.

as the personality of the accused.”⁴⁶⁰ The court merely referred to Mzia’s “past life, personal and economic circumstances, and behaviour after the act” and her “personal characteristics,” without providing details of any evidence as to these factors submitted by the defense or the prosecution during the trial.⁴⁶¹ There is therefore no explanation for how the stated criteria for ensuring fairness of the sentence were assessed and complied with. There was no reference to the evidence of the decline in Mzia’s eyesight introduced by the defense at trial, and the consideration of a lengthy custodial sentence on Mzia’s health.

These failures were not cured by the Appeal Court judgment. Even though expressly identifying Mzia as an award-winning journalist with a serious eye condition (which the trial court did not even do), the appeal judgment failed to explain whether either of these factors were taken into consideration as mitigation.⁴⁶²

Furthermore, the judgment unequivocally accepted the prosecution’s arguments and evidence, concluding that, “[t]he Court considers that the case contains a body of reliable and sufficient evidence, obtained in compliance with the norms of criminal procedure, which, to the standard of proof beyond a reasonable doubt, confirms that Mzia Amaglobeli, by means of violence, resisted a police officer with the aim of obstructing the protection of public order, interrupting or altering the performance of that officer’s duties.”⁴⁶³ In doing so, the judgment evidences significant bias in favor of accepting, without judicial interrogation, the prosecution evidence from trial, and without referring to the lengthy arguments and evidence presented by the defense (for example, on the circumstances of the slap, including video footage from the defense of the events of January 11–12, shown at trial). The judgment fails to refer to the frequently inconsistent evidence of the prosecution evidence, detailed by the defense at trial. The judgment wholeheartedly accepted the defense evidence at face value, despite the many inconsistencies identified by the defense.⁴⁶⁴

⁴⁶⁰ Judgment.

⁴⁶¹ *Id.*

⁴⁶² Appeal Judgment.

⁴⁶³ *Id.*

⁴⁶⁴ See Aug. 1, 2025, TM Notes (arguing the unreliability of numerous prosecution witnesses and pointing to discrepancies between police testimony and video evidence).

The Court did not address discrepancies in the testimony of the prosecution's witnesses with respect to the masking, which was relevant to Mzia's ability to identify and verify police witnesses:

- i. According to Dgebuadze, "[t]he real reason for the masking . . . was related to the actions that rally participants often carried out against police officers after rallies The masks were therefore used to prevent subsequent personal harassment."⁴⁶⁵
- ii. This is inconsistent with Dgebuadze's other statements where he "emphasized that the police had good relations with rally participants, as well as with organizers, journalists, and others."⁴⁶⁶

The Court also did not address discrepancies in the testimony of Dgebuadze regarding whether he knew who Mzia was and of her work as a journalist prior to her arrest. This is relevant to the potential political motivations behind the arrest and prosecution. Specifically, Dgebuadze claims he "had no knowledge of [Mzia's] professional activities" prior to her detention.⁴⁶⁷ However, this statement was contradicted by other witness testimony stating that according to Dgebuadze, he and Mzia knew each other.⁴⁶⁸

The judgment also did not acknowledge the procedural deficiencies in Mzia's trial. As discussed above in "Trial Overview," the defense raised several procedural issues over the course of the trial, including prejudicial comments made by Georgian Dream officials, Mzia's sequestration in a glass cage for the duration of the trial, Mzia's denial of access to her attorneys immediately after her arrest, and other issues. The judgment did not address any of these issues.

The judgment also failed to provide a reasoned analysis when addressing Mzia's complaint of ill-treatment by Dgebuadze on arrest, stating merely that "in the course of the examination of the present criminal case, such circumstances have not been confirmed by any relevant evidence."⁴⁶⁹ No reference was made in this conclusion by the

⁴⁶⁵ *Id.*

⁴⁶⁶ *Id.*

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.*

⁴⁶⁹ Judgment.

Court to Mzia's testimony about the nature and impact of Dgebuadze's conduct towards her, despite the Court citing Mzia's testimony when summarizing the evidence at trial:

According to the accused, she did not perceive Irakli's words as mere verbal threats, because he was physically advancing toward her and she constantly had the impression that he would strike her. Had other police officers not restrained him, he would have trampled her with kicks and beaten her . . . On one of his rushes into the room, he came close to her and spat in her face. . . . When he spat on her, she stood up and requested to be taken to the restroom and brought water. Female police officer Tsira Chogadze rose and took a small coffee cup, probably to fetch water, but a voice stopped her. Again, it was Dgebuadze's voice: "No, no water, do not take her to the restroom, let her pee on herself."⁴⁷⁰

The Court's response to Mzia's complaint therefore lacks reasoning as to why Mzia's own evidence supporting the complaint was not deemed "relevant."

Again, the judgment of the Kutaisi Court of Appeal did not cure these failures. The Appeal Court merely disregarded the relevance of the defense evidence in a sweeping fashion, characterizing the defense as "tr[ying] to shift attention to issues that were allegedly directly related to the crime" which did "not have an influential effect"⁴⁷¹ In contrast, the Appeal Court characterized the prosecution's evidence (again without specifically referring to which evidence) as "consistent, clear and unequivocal."⁴⁷² As with the trial court, the Appeal Court failed to address the detailed defense submissions at trial about the inconsistencies and alleged lack of credibility of prosecution evidence presented at trial.

Last minute reclassification of the charges by the trial court:

The trial court's last-minute reclassification of the charge infringed upon Mzia's fair trial rights. Under Article 6 of the ECHR, a defendant is entitled to an adequate opportunity to defend oneself, which requires having notice of the acts of which one is accused and the "legal characterisation given to those acts."⁴⁷³ When a court reclassifies a charge mid-trial – or, as in this case, after the trial – the defendant may not have adequate opportunity

⁴⁷⁰ *Id.*

⁴⁷¹ Appeal Judgment.

⁴⁷² *Id.*

⁴⁷³ *Pélissier v. France* Application no. 25444/94 (Mar. 25, 1999), §§ 51–54.

to refute the reclassified charge.⁴⁷⁴ This is especially true when the reclassified charge contains different elements from the original charge.⁴⁷⁵ For example, in *Pélissier v. France*, the prosecutor charged the defendants with “criminal bankruptcy.”⁴⁷⁶ Later, on appeal, a court reclassified the charge and found the defendants guilty of *aiding and abetting* criminal bankruptcy.⁴⁷⁷ The ECtHR held that because “aiding and abetting did not constitute an element intrinsic to the initial accusation,” the defendants should have been given a chance to prepare a defense under Article 6.⁴⁷⁸

Here, as in *Pélissier*, the trial court’s reclassification of the charge post-trial deprived Mzia of the chance to adequately defend herself. Mzia was initially charged with “attack[ing] . . . a police officer . . . in connection with [his] official activities.”⁴⁷⁹ In its judgment, the Court reclassified the charge to “resistance, through violence, against a police officer with the aim of obstructing the protection of public order, interrupting or altering the performance of that officer’s duties.”⁴⁸⁰ The reclassified, “resistance” charge (Art. 353(1)) contains different elements from the original “attack” charge (Art. 353 Prima). The “resistance” charge requires that the accused resist an officer with specific “aim[s].”⁴⁸¹ The original, “attack” charge merely requires that the attack be “in connection” with the officer’s official duties.⁴⁸² In addition, “resistance” is not intrinsic to an “attack”; one can attack an officer without “resisting” them. The two charges are distinct and would require distinct lines of defense. If Mzia had known she would eventually be charged with “resistance,” she could have tailored her defense to the particularities of that charge. Instead, her defense was necessarily focused on refuting the charge of “attack.” Thus, she was deprived of the chance to defend herself at the trial at first instance against the

⁴⁷⁴ See Amal Clooney & Philippa Webb, *The Right to a Fair Trial in International Law* at 274 (2020).

⁴⁷⁵ See *id.* at 273–76.

⁴⁷⁶ *Pélissier v. France* Application no. 25444/94 (Mar. 25, 1999), § 20.

⁴⁷⁷ *Id.* § 31.

⁴⁷⁸ See *id.* §§ 61–63.

⁴⁷⁹ Indictment, issued Jan. 13, 2025 (Document No. PL0006568643ZZ) (Case No. 170120125001) (on file with authors).

⁴⁸⁰ See Judgment.

⁴⁸¹ Crim. Code of Georgia Art. 353(1).

⁴⁸² Crim. Code of Georgia Art. 353¹.

crime for which she was convicted and is now being punished, in violation of Article 6 of the ECHR.

D. OVERALL FAIRNESS OF THE PROCEEDINGS

The ECtHR has previously held that “what constitutes a fair trial cannot be the subject of a single unvarying rule but must depend on the circumstances of the particular case. The Court’s primary concern under Article 6 § 1 is to evaluate the overall fairness of the criminal proceedings.”⁴⁸³ The ECtHR has further clarified that proceedings may be deemed “unfair because of the cumulative effect of various procedural defects” even where “[e]ach defect, taken alone, would not have convinced the Court that the proceedings were ‘unfair.’”⁴⁸⁴ Here, the violations of Mzia’s fair trial rights were related and cumulative, impacting the overall fairness of the proceedings. She was placed in pretrial detention by the same judge presiding over her trial, who accepted that she posed a risk of recidivism due to her alleged commission of an administrative offense, which in turn may not have been properly predicated by the facts. During trial, defense requests to call non-police witnesses were broadly denied, leaving the Court to hear mostly from officers who say they were on the scene (and who were in many cases subordinates of the alleged victim), but who were wearing masks at the time, rendering video corroboration impossible, and the Court then appeared to accept the prosecution evidence at face value.⁴⁸⁵ At the same time, the Court reclassified the charge Mzia was facing at the last minute, without providing the defense the opportunity to challenge the applicability of this new provision, and did not provide a sufficiently reasoned judgment to explain why she was convicted under this new provision.⁴⁸⁶ Taken together, these defects rendered the proceedings as a whole unfair.

E. ULTERIOR MOTIVE

Article 18 of the ECHR states that “the restrictions permitted under [the ECHR] to the said rights and freedoms shall not be applied for any purpose other than those [specifically allowed by the ECHR].”⁴⁸⁷ That is, under Article 18, the ECHR prohibits the use of judicial

⁴⁸³ *Ibrahim & Others v. United Kingdom*, Application no. 50541/08 (Sept. 13, 2016), ¶ 250 (internal citations omitted).

⁴⁸⁴ *Miralashvili v. Russia*, Application no. 6293/04 (Dec. 11, 2008), ¶ 165.

⁴⁸⁵ See generally Judgment.

⁴⁸⁶ See *id.*

⁴⁸⁷ ECHR Art. 18; *Merabishvili v. Georgia*, Application no. 72508/13 (Nov. 28, 2017), ¶¶ 302–303.

proceedings for an “ulterior purpose,” for example, to intimidate or punish individuals for exercising of their rights,⁴⁸⁸ or as a means to otherwise discredit or seek revenge against an individual.⁴⁸⁹ Article 18 has been applied by the ECtHR in conjunction with Article 6 of the ECHR, the right to a fair trial, which guarantees the right against fundamental abuses by a state, and with Article 5 of the ECHR, which prohibits deprivations of liberty except in six enumerated circumstances.⁴⁹⁰ While there is no express separate prohibition in the ICCPR on restrictions of individual rights by states for “ulterior motives,” the UNHCR has determined that detaining individuals based on their human rights or journalistic work violates the right to liberty under ICCPR Article 9(1).⁴⁹¹

In evaluating whether legal proceedings in general have been brought for ulterior motives, the ECtHR considers the nature of the offense and the political context in which the prosecution was brought,⁴⁹² such as a pattern of arrests and prosecutions;⁴⁹³ how the criminal proceedings were conducted;⁴⁹⁴ and whether the ultimate decision was well-reasoned and based on law.⁴⁹⁵

The ECtHR has found breaches of Article 18 together with Article 5 (regarding restrictions on liberty⁴⁹⁶) where there was insufficient evidence to justify a “reasonable suspicion” that the defendant had committed the offense alleged and hence could be detained, and the ulterior purpose of their detention under Article 5 constituted a “fundamental aspect of the

⁴⁸⁸ See, e.g. *Ilgar Mammadov v. Azerbaijan*, Application no. 15172/13 (May 22, 2014), ¶ 143.

⁴⁸⁹ See, e.g., *Sytnyk v. Ukraine*, Application no. 16497/20 (Apr. 24, 2025), §§ 146, 156–57 and 159.

⁴⁹⁰ *Ilgar Mammadov v. Azerbaijan*, Application no. 15172/13 (May 22, 2014, final as of Oct. 13, 2014). See also *Ukraine v. Russia (re Crimea)*, Application nos. 20958/14 & 38334/18 (June 25, 2024), § 1382; *Sytnyk v. Ukraine*, Application no. 16497/20 (Apr. 24, 2025), §§ 146, 156–157, 159 (in which the ECtHR found violations of Article 18 together with Article 6).

⁴⁹¹ U.N. Human Rights Committee, *Khadzhiyev and Muradova v. Turkmenistan*, § 7.7, U.N. Doc. CCPR/C/122/D/2252/2013 (May 28, 2018); ICCPR Art. 9(1).

⁴⁹² *Sytnyk v. Ukraine*, Application no. 16497/20 (July 24, 2025), §§ 137–159; *Ukraine v. Russia (re Crimea)*, Application nos. 20958/14 and 38334/18 (June 25, 2024), § 1338; *Merabishvili v. Georgia*, Application no. 72508/13 (Nov. 28, 2017), §§ 320–322.

⁴⁹³ *Ukraine v. Russia (re Crimea)*, Application no. 20958/14 & 38334/18 (June 25, 2024), § 1338.

⁴⁹⁴ *Navalnny v. Russia*, Application no. 29580/12 (Nov. 15, 2018), § 171.

⁴⁹⁵ *Id.*

⁴⁹⁶ ECHR Art. 5.

case.”⁴⁹⁷ In these situations, the ECtHR has found that the defendant’s liberty had been restricted arbitrarily for an ulterior purpose.⁴⁹⁸ The ECtHR has also acknowledged that “in the context of a criminal prosecution, it is difficult to dissociate the pre-trial detention from the criminal proceedings within which such detention was ordered.”⁴⁹⁹

The ECtHR has also found breaches of Article 18 together with Article 6 (regarding fair trial guarantees⁵⁰⁰), in respect of which the ECtHR recognizes that “fundamental abuses by a State may be likely to manifest themselves.”⁵⁰¹ It is a fundamental tenet of the protections afforded to individuals within the *espace juridique* of the Council of Europe that “trials before a court must never be used for ‘ulterior purposes’ and thereby undermined.”⁵⁰² Relevant to whether a defendant’s trial was used for “ulterior purposes” are circumstances relating to the proceedings “which might be interpreted as indicative of a certain hidden agenda being pursued”⁵⁰³ (including for the purpose of “discrediting” a defendant), considered together with established “serious shortcomings” in the judicial proceedings which were not addressed.⁵⁰⁴ A court’s “failure to address . . . decisive arguments” of the defense which resulted in a denial “of any practical opportunity to effectively challenge the charges against him” has been identified by the ECtHR as relevant when assessing the shortcomings of proceedings as potentially driven by ulterior motive.⁵⁰⁵ The ECtHR has found a violation of Article 18 as applied to abusive proceedings at trial, where the “manner in which” a trial was conducted “not only failed to

⁴⁹⁷ *Ibrahimov and Mammadov v. Azerbaijan*, Application no. 63571/16 (Feb. 13, 2020), § 150.

⁴⁹⁸ *Id.*

⁴⁹⁹ *Tchankotadze v. Georgia*, Application no. 15256/05 (June 21, 2016), § 114.

⁵⁰⁰ ECHR Art. 6.

⁵⁰¹ *Sytnyk v. Ukraine*, Application no. 16497/20 (July 24, 2025), § 138.

⁵⁰² *Ukraine v. Russia (re Crimea)*, Application nos. 20958/14 & 38334/18 (June 25, 2024); see *Area Where the European Convention on Human Rights Cannot Be Implemented*, Parliamentary Assembly of the Council of Eur. (Mar. 11, 2003), <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=10095&lang=EN> (“The European Convention on Human Rights operates in a ‘legal space’ (‘espace juridique’) in which common minimum standards in the field of human rights and fundamental freedoms apply.”).

⁵⁰³ *Sytnyk v. Ukraine*, Application no. 16497/20 (July 24, 2025), § 138.

⁵⁰⁴ *Id.* § 156.

⁵⁰⁵ *Id.*

dissipate the already existing . . . serious suspicion of predominant ulterior motives behind the applicant's prosecution but rather contributed to it.”⁵⁰⁶

The ECtHR has specifically held that an improper motive for restricting rights need not be the *sole* purpose for the prosecution; it is enough if it is the *predominant* one.⁵⁰⁷ In other words, even a prosecution that possesses a legitimate aim can be rendered unlawful due to an ulterior motive that is evidently the predominant purpose.⁵⁰⁸ In assessing situations of a plurality of purpose, the ECtHR looks to identify where “the prescribed purpose, while present, was in reality simply a cover enabling the authorities to attain an extraneous purpose, which was the overriding focus on their efforts.”⁵⁰⁹

Further, acknowledging that it is often difficult to adduce direct evidence of a state's ulterior motive, the ECtHR has held that proof of such may be shown by circumstantial evidence.⁵¹⁰ Circumstantial evidence may include, for example, “information about the primary facts, or contextual facts or sequences of events which can form the basis for inferences about the primary facts.”⁵¹¹ As such, ulterior motive for an abusive prosecution may be demonstrated where there is a “coexistence of sufficiently strong, clear and concordant inferences” suggesting that an unlawful purpose “predominated” the proceedings.⁵¹² The ECtHR's rulings in *Jafarov v. Azerbaijan*⁵¹³ and *Aliyev v. Azerbaijan*⁵¹⁴ provide examples of where ulterior motive has been evidenced by, among other factors, multiple statements of high-ranking officials which accused the defendants

⁵⁰⁶ *Id.* § 157.

⁵⁰⁷ *Merabishvili v. Georgia*, Application no. 72508/13 (Nov. 28, 2017), § 305.

⁵⁰⁸ *Sytnyk v. Ukraine*, Application no. 16497/20 (July 24, 2025), § 14; *Merabishvili v. Georgia*, Application no. 72508/13 (Nov. 28, 2017), §§ 329, 353.

⁵⁰⁹ *Korban v. Ukraine*, Application no. 26744/16 (July 4, 2019), § 211.

⁵¹⁰ *Merabishvili v. Georgia*, Application no. 72508/13 (Nov. 28, 2017), §§ 316–317; *Ibrahimov and Mammadov v. Azerbaijan*, Application no. 63571/16 (Feb. 13, 2020), § 147.

⁵¹¹ *Merabishvili v. Georgia*, Application no. 72508/13 (Nov. 28, 2017), § 317.

⁵¹² *Id.* §§ 316–317; *Sytnyk v. Ukraine*, Application no. 16497/20 (July 24, 2025), § 144; *Ibrahimov and Mammadov v. Azerbaijan*, Application no. 63571/16 (Feb. 13, 2020), § 147.

⁵¹³ *Rasul Jafarov v. Azerbaijan*, Application no. 69981/14 (Mar. 17, 2016).

⁵¹⁴ *Aliyev v. Azerbaijan*, Application nos. 68762/14 & 71200/14 (Sept. 20, 2018).

(and other independent voices) of “being a ‘fifth column’ for foreign interests, national traitors, foreign agents, and so on.”⁵¹⁵

Drawing on the ECtHR’s criteria in its assessment of violations of ECHR Article 18, the state’s ulterior motive for prosecuting and convicting Mzia is evidenced by the cumulation of overcharging and prosecuting an offense under Georgian law that appeared substantially more serious than indicated by the facts,⁵¹⁶ violations of her fundamental fair trial rights (including prejudicial statements from Georgian Dream officials),⁵¹⁷ conviction on a (still) overcharged offense based on inadequate judicial reasoning,⁵¹⁸ and the political context against which the trial took place.⁵¹⁹

The prosecution’s decision to charge Mzia with an “attack” on a police officer reflects the ulterior motive at issue in the case. Charging her under Article 353 Prima was disproportionate, especially given numerous cases where Georgian courts declined to convict defendants under this Article for far more violent conduct – such as “hitting a police officer in the head with a bottle, hitting a police officer in the head with a stone, punching him with a fist in the face repeatedly, injuring his eye socket and lip, [and] beating two police officers by four people.”⁵²⁰ Further, Georgian law explicitly provides that “[a]n act shall not constitute a crime if . . . it has not caused such damage due to its minor importance that would necessitate criminal liability of its perpetrator.”⁵²¹ In light of that principle, Mzia should have been charged with an administrative infraction, not a crime. Indeed, even the trial court itself acknowledged that “this conduct was not the type of aggressive act which, by reason of police officers’ official functions, may be qualified as an assault.”⁵²²

⁵¹⁵ *Rasul Jafarov v. Azerbaijan*, Application no. 69981/14 (Mar. 17, 2016), § 160.

⁵¹⁶ See discussion *supra* “Case History.”

⁵¹⁷ See discussion *supra* “Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial.”

⁵¹⁸ See discussion *supra* “The Judgments.”

⁵¹⁹ See discussion *supra* “The Political Context” and “Suppression of Civil Society and Independent Media.”

⁵²⁰ *Mzia Amaglobeli Remains in Illegal Custody*, Georgian Young Lawyers’ Ass’n (Mar. 5, 2025), <https://gyla.ge/en/post/Mzia-Amaglobeli-kvlav-ukanono-patimrobashi-rcheba>.

⁵²¹ Crim. Code of Georgia Art. 7(2).

⁵²² Judgment.

Following on from the overcharge, there were significant violations of Mzia's fair trial rights as analyzed above, including that her right to be presumed innocent was severely undermined by prejudicial public remarks of senior government officials, who accused her of acting as a "foreign agent" (amidst an ongoing targeting of independent voices in Georgia and the introduction of LTFI and FARA laws⁵²³), and also being an agent of the political opposition.⁵²⁴ These statements can be considered alongside the testimony of multiple police officers at trial that the slap constituted an "insult" to the entire police force.⁵²⁵

Mzia's trial also denied her equality of arms in the presentation of defense evidence and the interrogation of prosecution evidence; as discussed above, the convicting judgment fails to explain the evidential basis for the key elements of the offense under Article 353(1) even by reference to the evidence admitted at trial, and ignores large swathes of defense arguments and evidence raised at trial.⁵²⁶ The trial court also failed to explain with adequate reasons why the sentence imposed on Mzia was necessary or proportionate, imposed on the basis of a charge which was reclassified at the very last minute, and in a judgment that did not even address the defense arguments at trial as to why Mzia could have been charged with an administrative (not criminal) offense for slapping Irakli Dgebuadze.⁵²⁷

As in *Navalnyy and Yashin v. Russia*,⁵²⁸ Mzia's prosecution also took place against the backdrop of Georgian police violence towards protesters, including by Batumi police, and as in *Jafarov* and *Aliyev*,⁵²⁹ the government's use of the justice system to target political opposition groups and other critics, including journalists and human rights defenders.⁵³⁰ As described earlier, multiple opposition leaders, including Zurab Japaridze and Nika

⁵²³ See discussion *supra* "Suppression of Civil Society and Independent Media."

⁵²⁴ See discussion *supra* "Public Statements About Mzia by Georgian Dream Officials During the Investigation and the Trial."

⁵²⁵ See discussion *supra* "Appeal Overview."

⁵²⁶ See discussion *supra* "Conduct of Mzia's Trial."

⁵²⁷ See discussion *supra* "Conduct of Mzia's Trial."

⁵²⁸ See *Navalnyy and Yashin v. Russia*, Application no. 76204/11 (Dec. 4, 2014).

⁵²⁹ See *Rasul Jafarov v. Azerbaijan*, Application no. 69981/14 (Mar. 17, 2016); *Aliyev v. Azerbaijan*, Application nos. 68762/14 & 71200/14 (Sept. 20, 2018).

⁵³⁰ See discussion *supra* "Suppression of Civil Society and Independent Media."

Melia, have been detained or jailed on politically charged grounds.⁵³¹ In addition, several laws have been implemented that are suppressing freedom of expression, including the LTFI, the Georgia FARA law, and significant changes to the Georgia broadcasting law – all of which have been internationally condemned.⁵³² The LTFI enables authorities to broadly brand independent organizations receiving foreign funding as foreign agents, thereby suppressing dissent.⁵³³ And the FARA law provides the government with expansive authority to criminally prosecute those NGOs and media organizations that it deems “foreign agents.”⁵³⁴ The prosecution of Mzia is also consistent with the Georgian Dream’s broader crackdown and harassment campaign against other independent journalists and political activists who, like Mzia through her career, have been critical of Georgia’s political leadership.⁵³⁵ As described above, there is evidence of a pattern in Georgia since at least November 2024 of politically motivated arrests and detentions of critical voices and others targeted for participating in pro-democracy protests.⁵³⁶ There is even evidence that the Batumi police beat up protesters, including on the night Mzia was arrested.⁵³⁷ These repressive, authoritarian tactics have been widely condemned, threatening Georgia’s identity as a functioning democracy.⁵³⁸

The impact of this political context was directly evident in Mzia’s case. As discussed above, top-ranking government officials seized on her case publicly, with Prime Minister Irakli Kobakhidze publicly accusing her of following a “directive” to discredit the police.⁵³⁹

⁵³¹ See discussion *supra* “Suppression of Civil Society and Independent Media.”; see also Sophiko Megrelididze, *Court Rules to Arrest Georgian Opposition Leader as Anti-government Protests Continue*, AP News (May 22, 2025), <https://apnews.com/article/georgia-opposition-zurab-japaridze-detained-bc23582ad28ebc48eb314849c0ab9154>.

⁵³² See discussion *supra* “Suppression of Civil Society and Independent Media.”

⁵³³ See discussion *supra* “Suppression of Civil Society and Independent Media”; see also *Georgia: Drop Repressive “Foreign Agents” Bill*, *supra* note 30.

⁵³⁴ See discussion *supra* “The Political Context.”

⁵³⁵ See discussion *supra* “Suppression of Civil Society and Independent Media.”

⁵³⁶ See discussion *supra* “Suppression of Civil Society and Independent Media”; *Repression in Numbers*, Civ. Georgia (Aug. 30, 2025), <https://civil.ge/archives/697375>.

⁵³⁷ See discussion *supra* “Subsequent Arrest and Detention.”

⁵³⁸ See discussion *supra* “The Political Context.”

⁵³⁹ *European Parliament Debates Media Freedom in Georgia, Detained Journalist Mzia Amaglobeli*, Civ. Georgia (June 19, 2025), <https://civil.ge/archives/687814>.

Prime Minister Kobakhidze further stated that “[s]he attempted to discredit the law enforcement structures, to discredit the police, but she received exactly the kind of response such actions deserve,” and that “[t]hose who are trying to undermine statehood in Georgia are the ones who are upset by this. But this will not succeed – we will defend the interests of our state to the end.”⁵⁴⁰ That the Prime Minister himself purported to pronounce Mzia guilty so soon after the incident and prior to the case’s adjudication is a further indication that the proceedings were improperly tainted by political aims.

While Mzia may not have been singled out for retaliation *ex ante*, as is the case in some of the seminal cases under Article 18 decided by the ECtHR, it is still an improper purpose to “make an example out of someone.” As the ECtHR found in *Kavala v. Turkey*, allegations that rights were restricted “to dissuade others from taking part in such activities and to paralyse . . . civil society” can give rise to Article 18 violations.⁵⁴¹ In the *Kavala* case, the ECtHR relied upon the fact, among other factors, that the prosecution followed “speeches given by the President of the Republic,” which alleged Kavala’s involvement in a conspiracy to “finance[] terrorists in the context of the Gezi events.”⁵⁴² The ECtHR went on to note that “the fact that the prosecutor’s office referred in the bill of indictment to the activities of NGOs and their financing by legal means, without however indicating in what way this was relevant to the accusations it was bringing, is also such as to support that assertion.”⁵⁴³

The same pattern obtains here: the evidence indicates that the prosecution was intended to “dissuade others,” by effectively silencing a leader of Georgia’s independent voices.

⁵⁴⁰ Sophiko Megreldze & Katie Marie Davies, *Georgian Journalist Is Convicted of Slapping a Police Chief at a Protest and Gets 2 Years in Prison*, AP News (Aug. 6, 2025), <https://apnews.com/article/georgia-press-freedom-trial-journalist-mzia-amaghlobeli-288d950aea26bb91da030f3df9bdf3a9>.

⁵⁴¹ *Kavala v. Türkiye*, Application no. 28749/18 (Dec. 10, 2019), § 216.

⁵⁴² *Id.* § 229.

⁵⁴³ *Id.* § 230.

EXPERT CONCLUSION



The trial received a D grade in that it disclosed numerous breaches of international law standards which undermined the fairness of the proceedings against the defendant. Key defense rights were infringed prior to and during the trial of Mzia Amaglobeli. These included the initial denial of access to counsel of the defendant's own choosing; the restrictions on effective participation in the trial proceedings by her unjustified confinement in a glass cabin, which seriously hindered the defendant's ability to communicate effectively and confidentially with her lawyers; and the exclusion of the evidence of defense witnesses and of video recordings relating to the events surrounding and leading up to the incident that was the immediate subject of the charge against the defendant.

These breaches were aggravated by two further features of the case – the reclassification by the judge at the end of the trial of the offense with which the defendant had been charged and the prejudicial statements made during the course of the trial by senior public officials, including the Prime Minister.

Reclassification

It is well established that the provision of full and detailed information concerning the charges against a defendant and consequently the legal characterization that the court might adopt in the matter is an essential prerequisite for ensuring that criminal proceedings are fair.

Mzia Amaglobeli was charged under Article 353 Prima of the Criminal Code of Georgia with the offense of assault of a police officer in connection with his official duties. In her judgment the trial judge concluded that the constituent elements of the offense of assault of a police officer, of which the defendant had been charged and in respect of which she had defended herself, were not satisfied, the defendant's conduct not being of the type of aggressive act which, by reason of a police officer's official function, might be qualified as an assault. Instead, the offense of which the defendant was convicted was requalified in the judgment under Article 353(1) as resisting a police officer with the aim of obstructing the protection of public order or interrupting or altering his lawful activities and which was accompanied by the use of violence. As recognized by the Court of Appeal, the elements of the two offenses, in particular in relation to the requisite intention of the defendant, were materially different and the offense was reclassified in the judgment of the Court without an opportunity being given to the defendant to respond to the offense found to be proved. Moreover, none of the evidence before the Court was capable of establishing that it was in fact the intention of the defendant to resist the police officer concerned or that she had the aim of obstructing him from carrying out his lawful activities.

This lack of fairness was further aggravated by the passing of a custodial sentence on the defendant, as opposed to a fine or house arrest which are also provided for under the reclassified offense.

Prejudicial statements

The presumption of innocence enshrined in, *inter alia*, Article 6(2) of the ECHR may be infringed not only by a judge or court but also by other public authorities when statements are made that amount to a declaration of a defendant's guilt or that prejudge the assessment of the facts by the competent legal authority.

In the present case senior public officials made a series of highly prejudicial statements during the course of the defendant's trial, commenting on her alleged motives and predetermining her guilt. In particular, it was stated that she had not acted as a journalist but as a party activist with the intention of undermining the law enforcement agencies in the eyes of the Georgian people and that she had acted under the influence of foreign agents and external patrons.

The status of the Mzia Amaglobeli as a leading and well-respected Georgian journalist, the recent history of measures taken against political opposition groups and other critics including journalists, the political context in which criminal rather than administrative charges were laid against her, the prejudicial statements made by senior public officials during the course of the trial, the serious shortcomings during the trial, including the reclassification of the offense at its conclusion, and the disproportionate sentence of imprisonment imposed on her for the reclassified offense combine to raise a strong prima facie case that the predominant aim of the proceedings as a whole was to discredit and make an example of Mzia Amaglobeli and to dissuade others from carrying out their role as journalists.