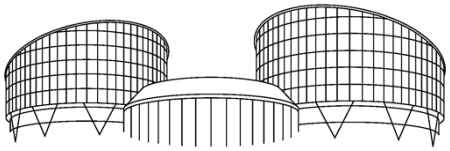

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF RAMISHVILI v. GEORGIA

(Application no. 4100/24)

JUDGMENT

Art 8 • Private life • Unsuccessful civil defamation claim in respect of statements made by a prominent clergyman, during a live televised interview, accusing a publicly known defence counsel in high-profile criminal cases of being an informer and provocateur who fed information to the State Security Services • Impugned statements capable of damaging the applicant's professional reputation and fomenting prejudice against him in both his professional and social environments • Art 8 applicable • Domestic courts' failure to establish a factual basis for the accusations • Unattainable burden of proof imposed on the applicant to rebut the accusations • Failure to strike fair balance between competing interests

Prepared by the Registry. Does not bind the Court.

STRASBOURG

3 February 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Ramishvili v. Georgia,

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

Jolien Schukking*, President*,
Lado Chanturia,
Lorraine Schembri Orland,
Anja Seibert-Fohr,
Ana Maria Guerra Martins,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,
and Simeon Petrovski, *Deputy Section Registrar*,

Having regard to:

the application (no. 4100/24) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Georgian national, Mr Mikheil Ramishvili ("the applicant"), on 7 February 2024;

the decision to give notice of the application to the Georgian Government ("the Government");

the parties' observations;

Having deliberated in private on 13 January 2026,

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

INTRODUCTION

1. The case concerns civil defamation proceedings brought by the applicant, a publicly known defence counsel, in respect of several statements made by Father I., a prominent clergyman of the Georgian Orthodox Church, during a televised interview. The applicant complained under Article 8 of the Convention that the domestic courts had failed to protect his right to reputation.

THE FACTS

2. The applicant was born in 1971 and lives in Tbilisi. He was initially represented by Ms M. Ratiani, a lawyer practising in Tbilisi, and subsequently represented himself.

3. The Government were represented by their Agent, Mr B. Dzamashvili of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

I. BACKGROUND

5. The applicant is a publicly known counsel who represented the interests of the injured party in a widely publicised high-profile criminal case

concerning the murder of Sandro Girgvliani (hereinafter "the Girgvliani case"; see *Enukidze and Girgvliani v. Georgia*, no. 25091/07, 26 April 2011). At the material time the applicant was also representing the interests of the defendant in another high-profile criminal case, that received significant media attention, concerning an attempted murder of the Patriarch's personal secretary (hereinafter "the Mamaladze case" – also referred to in the domestic proceedings as "the Cyanide case"; see *Mamaladze v. Georgia*, no. 9487/19, 3 November 2022, and *Mamaladze v. Georgia* (dec.), no. 5855/23, 17 June 2025). Father I., a well-known clergyman of the Georgian Orthodox Church, was one of the prosecution witnesses in the Mamaladze case.

II. STATEMENTS MADE IN RESPECT OF THE APPLICANT

6. On 21 September 2017 at 6 p.m. the applicant was invited to participate in a live television programme, "Axali Ambebi", on the private television channel Iberia. During the programme the anchor called Father I., who, during his live telephone intervention, referred to the applicant as an "informer" and "provocateur" when discussing his role as defence counsel in the case concerning the attempted murder of the Patriarch's personal secretary. He also claimed that the applicant had fed information to the former Director of the Constitutional Security Department at the Ministry of the Interior while representing the interests of the victim's family in the Girgvliani case. The transcript of the relevant part of the interview reads as follows:

> "Why are they defending those murderers, why are they defending Mamaladze ... the person, who is Father Petre's snitch (მაბეზღარა ადამიანი), what's his name ... Mishiko Ramishvili, doesn't he remember that he was also planted in the case of Girgvliani, and was as much of a provocateur, providing information to Akhalaia [the former head of the Constitutional Security Department]"

III. CIVIL DEFAMATION PROCEEDINGS INSTITUTED BY THE APPLICANT

7. On 20 October 2017 the applicant brought a civil defamation claim against the clergyman, asserting that the latter's statements had been defamatory, as they had contained substantially false information which had inflicted damage on his honour and professional reputation. He claimed 2,000 Giorgian laris (GEL, approximately 650 euros ("EUR")) in respect of non-pecuniary damage and requested a retraction of the defamatory statements by the same means as they had been disseminated. On 26 November 2017 Father I. lodged a counterclaim, arguing that the statements he had made on the television channel Iberia constituted his personal opinion and judgment and that, notwithstanding factual accuracy, they fell within the ambit of protected speech under the Freedom of Speech and Expression Act ("the Freedom of Speech Act"; see paragraph 17 below).

8. On 11 December 2018 the Tbilisi City Court ruled in the applicant's favour, ordering Father I. to publicly retract his statement and to pay the applicant the symbolic amount of GEL 1 in respect of non-pecuniary damage. The court considered that the disputed statements had contained specific information that could have been either confirmed or refuted. It further noted:

> "[T]he statements made during the interview were such as to leave the listener with an impression that these were confirmed facts. There was no discussion or an indication that [this] could be regarded as an opinion. [These statements] could clearly lead the listener to the impression that, in one of the high-profile and publicly sensitive cases, [the applicant] had been planted by the special services and was providing them with information."

9. The first-instance judge further observed that Father I. had failed to explain what had prompted him to make those factual statements and on what grounds had he disseminated such information. The court noted that even if the statements were to be regarded as value judgments, they nonetheless lacked any basis, as Father I. had failed to specify whether he had read, heard, or otherwise obtained the relevant information about the applicant, either formally or informally, from any other person. The judge observed in this connection that Father I.s' representative had expressly indicated that he was unaware of any information that could have formed the basis for such statements.

10. On 16 November 2022 the Tbilisi Court of Appeal overturned the decision of the first-instance court, finding that the impugned statements had constituted value judgments and that the applicant, being a public figure, was expected to tolerate them. The appellate court noted that the first thing it had to determine was whether the disputed statements represented "an opinion and/or thought" or "a substantially false fact". With reference to the Court's case-law, the appellate court differentiated facts, which could be proven, and value judgments, the validity and truthfulness of which could not be proven. The court further noted the following:

> "20. It should be noted that in the present case the information disseminated by the respondent party concerned the [applicant's] work [as counsel], in respect of whom, owing to the high-profile nature of his cases, there exists high public interest. At the same time, when the disputed statements were disseminated, society was actively discussing the circumstances around the [so-called] 'Cyanide case', during which the parties were, to some extent, defending different positions. In particular, [the applicant] was the defendant's counsel, while the respondent party was representing the interests of the Patriarchy. ...
>
> 21. ... In the present case, it is not disputed that both the appellant and the respondent were considered public figures in the context of the disputed statements ... in line with the standard established by the relevant special law [Freedom of Speech and Expression Act], each party had an increased duty to tolerate ... the expressions made in respect of one another."

11. The appellate court further observed that from the relevant extract of the video-recording of the disputed television programme, it was not entirely

clear whether Father I. had been duly informed that his telephone interview would be televised live. The court considered this factor important, as Father I. had believed that he had been engaged in a private conversation with a journalist and that his statements would not be made public. The appellate court further noted, as regards the burden of proof, the following:

> "27. ... Accordingly, the special law [Freedom of Speech and Expression Act] distributes the burden of proof for [alleged] defamation of private and public figures (in both cases) in such a way that the plaintiff has to prove that the information disseminated against him [or her] is false and that the disputed information caused damage to [him or her]. Regarding a public figure, in view of [his or her] public-legal status, that Act additionally requires that [he or she] prove that the false information against [him or her] was disseminated with malice, that is, the plaintiff should in addition show that [the person] who disseminated the information knew or should have known that the information he or she was disseminating was false. ...
>
> 30. In view of the cumulative assessment of the evidence and the special rule on the distribution of the burden of proof, the chamber cannot accept the plaintiff's submission and ... cannot restrict [Father I.'s] right to express a harsh, critical and unpleasant position or a statement or assessment regarding a public figure in the context of a matter that was significant in society at the relevant time. The chamber does not share the first-instance court's assessment that [Father I.'s] statement fell within the scope of a fact and, therefore, if unproven, [should fall] within the category of defamation, because when the statements are seen cumulatively, it is evident that [Father I.] expressed his personal, subjective attitude towards a public figure in relation to the latter's public an counselling activity ... this, according to the chamber, cannot be characterised as a statement of fact, since, pursuant to section 7(5) of the special law [Freedom of Speech and Expression Act], any statement that cannot be unambiguously characterised as an opinion or a fact shall be deemed an opinion in order to avoid restricting a value as fundamental to a democratic society as freedom of speech."

12. On 15 December 2022 the applicant lodged an appeal on points of law. He disputed the appellate court's finding that Father I. had not been duly warned by the journalist about the interview being broadcast live. He noted that the very purpose of Father I.'s live intervention was to discredit the applicant and damage his professional reputation in the eyes of the general public. The applicant maintained that statements such as "planted in the case of Girgvliani", "was agent provocateur" and "acted as an informer" were statements of fact, not opinion, as they provided, affirmatively, information about a fact rather than expressing a subjective attitude of Father I. *vis-à-vis* the applicant. He stressed that the evidence given in court by the family members of Sandro Girgvliani, as well as another member of their defence counsel, showed that he had acted professionally in the relevant criminal case and had not breached any of the rules on legal ethics. This implied that he had met the standard of the burden of proof required under section 14 of the Freedom of Speech Act and that it had been up to Father I. to show that his allegations had a certain factual basis, which he had failed to do.

13. On 23 June 2023 the Supreme Court upheld the appellate court's decision. It affirmed that both parties were public figures and that the criminal case in which they had been involved (the applicant as defence counsel for

the defendant and Father I. as a prosecution witness) had attracted substantial public interest. The court went on to find that the disputed statements had been made in the context of Father I. expressing his negative attitude towards the fact that the applicant was representing the interests of the defendant in the so-called "Cyanide case" and, in particular, made reference to another of his statements – "Why defend those murderers, why defend Mamaladze?". It then examined the statements separately and noted that the term "snitch" was of an evaluative nature similar to an adjective and implied a person's subjective attitude towards another. The relevant statement was abstract and lacked factual concreteness; accordingly, it should have been classified as an opinion subject to absolute protection under Article 4 of the Freedom of Speech Act. As for the statement that the applicant had been planted in the Mamaladze case in a similar role to that which he had held as provocateur in the Girgvliani case and his providing information to Akhalaia (the former head of the Constitutional Security Department), the Supreme Court observed the following:

> "14.17 ... The part of the disputed statements in which the plaintiff was referred to as a planted agent and provocateur (in the Mamaladze case), as he had been in the case of Girgvliani, cannot, in the chamber's view, be examined separately from the first part of the phrase ("Why defend those murderers, why defend Mamaladze?") ... the overall context of the expression leads an outside objective observer to conclude that the interplay of words in the phrase cited above was not an attempt to make an affirmative statement of fact, but rather [constituted Father I.'s] subjective assessment – the result of discussion, observation and analysis; hence, an opinion, which, even if disturbing and unacceptable, enjoys absolute privilege."

14. As regards the second statement concerning the applicant's role in the Girgvliani case, the Supreme Court noted the following:

> "14.18. The assessment of the plaintiff, a lawyer participating in the Girgvliani case, as a planted [agent] and a provocateur who was feeding Akhalaia with information contains a certain level of affirmation and is closer to a [statement] of fact than the statement in relation to the Mamaladze case; however, it should be noted that "planted agent" or "provocateur", in view of the meaning they were given in the disputed statements, did not imply acts punishable under criminal or administrative law; accordingly, the plaintiff's submissions that with these disputed statements he was accused of committing a crime is groundless."

15. The Supreme Court then considered the evidence presented by the applicant regarding his involvement in the Girgvliani case, notably the statement from the victim's family, who had expressed satisfaction with his work, and from the second defence lawyer, who had similarly described his involvement in the criminal case as purely professional. The Supreme Court noted that the above-mentioned evidence could not dispel "the accusations made in the disputed statements". It found that the testimony of those witnesses reflected their subjective perception and evaluation of the applicant's work on the Girgvliani case and that they were not in a position to provide information relevant to the allegations that the applicant had acted

as a planted agent and provocateur. The Supreme Court then observed the following:

> "14.21. At the same time, as has already been mentioned, the plaintiff and the respondent are both public figures and, in order for a statement [made in respect of a public figure] to be classified as defamatory [as opposed to a statement made in respect of a private person], it is not sufficient to show that the statement was false, but it is also necessary [to demonstrate] (1) that the respondent knew in advance that the statement was false or (2) that the respondent acted with apparent and gross negligence, which led to the dissemination of a statement containing a substantially false allegation. Accordingly, civil liability for defamation against a public figure is based on the principle of fault and the burden of proof, pursuant to the law, lies with the plaintiff (section 14 of the special law [Freedom of Speech and Expression Act]). The chamber considers that the plaintiff has failed to meet the element of fault as required by the applicable standard of proof, which ... constitutes the basis for dismissing his claim."

16. Lastly, the Supreme Court noted that the extract of the video-recording submitted by the applicant in support of his civil claim did not contain a warning given to Father I. that his interview would be aired live. In such circumstances the court accepted the respondent's argument that he had acted under the belief that the dialogue with the journalist had been private and that his intention had not been to make those statements publicly.

RELEVANT LEGAL FRAMEWORK

17. The relevant provisions of the 2004 Freedom of Speech and Expression Act read as follows:

Section 1: Definition of terms

> "The terms used in this Act shall be defined as follows:
>
> ...
>
> (b) thought – a value judgment, point of view, comment or expression of an opinion in any form that reflects a person's position toward an individual, event or object and does not contain any fact that may be either confirmed or denied;
>
> ...
>
> (d) defamation – a statement containing a substantially false fact and damaging a person's reputation;
>
> ...
>
> (i) public figure – an official as defined in section 2 of ... the Conflict of Interest and Corruption in Public Service Act; a person whose decision or opinion has an important influence on public life; [or] a person in whom there is public interest as a result of certain actions carried out in relation to particular matters."

Section 4: Freedom of opinion and appeal

> "1. Opinion shall be protected by absolute privilege. ..."

Section 7: Standard and burden of proof

"1. Any restriction of the right recognised and protected by this Act shall be based on conclusive evidence.

2. Any doubt that cannot be proved in accordance with the procedure established by this Act shall be resolved against the restriction of these rights.

...

5. When considering the issue of granting the status of opinion or of fact, any reasonable doubt that cannot be proven in accordance with the procedure established by this Act shall be resolved in favour of granting the information presented in the statement the status of opinion.

6. The burden of proof in cases of restriction of freedom of speech lies with the initiator of the restriction. Any doubt that cannot be proven in accordance with the procedure established by this Act shall be resolved against the restriction of freedom of speech."

Section 14: Defamation of a public figure

"A person shall bear responsibility under civil law for defamation of a public figure if the plaintiff proves in court that the respondent's statement contains a substantially false fact directly related to the plaintiff, that the latter suffered damage as a result of the statement, and that the falseness of the assertion was known to the respondent in advance or that he latter acted with apparent and gross negligence which led to the dissemination of a statement containing a substantially false fact."

18. Article 18 of the Civil Code, as in force at the material time and in so far as relevant, provided as follows:

"...

2. A person may protect in court, in accordance with the procedures laid down by law, his or her honour, dignity, privacy, personal inviolability or business reputation from defamation.

3. If information defaming the honour, dignity, business reputation or privacy of a person has been disseminated through the mass media, it shall be retracted by the same means ...

...

6. The values referred to in this provision are protected regardless of the culpability of the wrongdoer. If a violation is caused by a culpable action, [the victim] may claim damages. Damages may be claimed in the form of the profit accrued by the wrongdoer. In the event of a culpable violation, [the victim] may also claim compensation in respect of non-pecuniary (moral) damage ..."

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

19. The applicant complained that the domestic courts' refusal to protect his professional reputation against the publicly voiced, unconfirmed

accusation by a well-known clergyman that he was an informer and provocateur who fed information to Security Services amounted to a violation of his rights under Article 8 of the Convention. That provision reads as follows:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

1. The parties' submissions

20. The Government submitted that the application was inadmissible on three distinct grounds: (1) it was incompatible *ratione materiae* with the provisions of the Convention, as the interference, if any, with the applicant's right to reputation, had not been sufficiently serious to cause prejudice to his rights under Article 8; (2) the complaint was of a fourth-instance nature and, hence, manifestly ill-founded, as the domestic courts had thoroughly examined his defamation claim and dismissed it in a reasonable manner; and (3) the applicant had not suffered any significant disadvantage.

21. The applicant contested the Government's objections. He maintained that his reputation had been seriously damaged by Father I.'s defamatory comments and that the domestic courts' inadequate procedural response had brought his complaint within the ambit of Article 8 of the Convention.

2. The Court's assessment

22. The Court reiterates that the right to protection of reputation is a right which is protected by Article 8 of the Convention as part of the right to respect for private life (see *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no. 17224/11, § 76, 27 June 2017). In order for that provision to come into play, an attack on a person's reputation must attain a certain level of seriousness and in a manner causing prejudice to personal enjoyment of the right to respect for private life (see *Bédat v. Switzerland* [GC], no. 56925/08, § 72, 29 March 2016, and *Axel Springer AG v. Germany* [GC], no. 39954/08, § 83, 7 February 2012). This requirement covers social reputation in general, as well as professional reputation in particular (see *Denisov v. Ukraine* [GC], no. 76639/11, § 112, 25 September 2018).

23. The Court notes that the domestic courts, which are bound to apply the Convention standards, considered that the applicant had standing to bring defamation proceedings against Father I. and examined his claim on the

merits. Accordingly, they accepted that the relevant principles concerning the right to respect for one's private life and reputation were engaged in the applicant's case. The Court finds no reason to hold otherwise. It considers, in the light of its case-law and having regard to the circumstances of the present case, that the impugned statements, made during a televised interview broadcast on a private television channel (see paragraph 6 above), were capable of affecting the applicant's dignity and professional reputation as a lawyer to such a degree as to engage Article 8 of the Convention. They suggested that the applicant had been acting in breach of the fundamental ethical norms of the legal profession. In this connection, the Court finds irrelevant the Supreme Court's finding that these accusations did not amount to Father I. claiming that the applicant had committed either a criminal or administrative offence (see paragraph 14 above). Regardless of whether these statements should have been understood literally as statements of fact or by putting them in a wider context as value judgments – which is a matter to be examined below (see paragraphs 35-37 below) – the Court considers that they were capable of damaging the applicant's reputation and also fomenting prejudice against him in both his professional and social environments (see *Kajganić v. Serbia*, no. 27958/16, §§ 61-62, 8 October 2024; see also *Dorota Kania v. Poland (no. 2)*, no. 44436/13, § 73, 4 October 2016; *Matalas v. Greece*, no. 1864/18, § 45, 25 March 2021, and *Mesić v. Croatia*, no. 19362/18, § 84, 5 May 2022). Article 8 is therefore applicable in the present case. Accordingly, the Government's objections of inadmissibility *ratione materiae* and of no significant disadvantage (see paragraph 20 above), both pertaining to the seriousness of the accusations and their impact on the applicant, must be dismissed.

24. Furthermore, the Court considers it more appropriate to examine the Government's remaining arguments concerning the manner in which the domestic courts dealt with the applicant's defamation claim at the merits stage (see paragraphs 32-39 below).

25. In view of the foregoing, the Court considers that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

26. The applicant submitted that Father I.'s statements had had, in view of his professional activities, a particularly negative connotation, inasmuch as they had implied that he had breached the rules of legal ethics. The accusation that he had cooperated with the State's security services in general, and in the context of the high-profile Girgvliani case in particular, had badly damaged his professional reputation. In the absence of any evidence or sources, these statements were clearly defamatory, falling outside the scope

of speech which was protected by domestic law and international law standards. The applicant further asserted that the Tbilisi Court of Appeal and the Supreme Court had failed to properly balance the two competing rights protected under Articles 8 and 10 of the Convention. The interference with his rights had not pursued a legitimate aim because the domestic courts had given excessive weight to the protection of Father I.'s freedom of expression at the expense of his reputation.

27. The Government submitted that the applicant had failed to produce any evidence supporting his allegation that the disputed statements had impacted his private life. In the absence of objective evidence, his subjective perception of possible reputational damage was, in their view, merely speculative. They further argued that, if the Court were to find Article 8 of the Convention applicable in the present case, they would not deny that there had been an interference with the applicant's private life. However, the interference in question had been in accordance with the law, it had pursued a legitimate aim, and it had been necessary in a democratic society. The Government noted in this connection that the domestic courts had conducted a detailed balancing exercise between the competing interests protected under Articles 8 and 10 of the Convention and, with due regard to the Court's case-law on the subject, had delivered well-reasoned and nuanced decisions. They distinguished the present case from *Jishkariani v. Georgia* (no. 18925/09, 20 September 2018), noting that what was at the core of the present case was a dispute between two private individuals (unlike in *Jishkariani*, where the author of the disputed defamatory statements had been a minister) and that the disputed statements had, therefore, carried less weight. The Government reiterated that, in the light of the principle of subsidiarity and the wide margin of appreciation accorded to member States on issues related to the regulation of freedom of expression, the Court's role in the present case was supervisory only. Hence, it was not the Court's task to substitute its own assessment of the facts for that of the domestic courts.

28. As to the nature of the disputed statements, they maintained that Father I.'s statements had been made in the context of a public debate surrounding the so-called "Cyanide case" and the applicant had participated therein by responding to Father I.'s accusations publicly. They reiterated the findings of the domestic courts to the effect that the applicant had to be considered, on account of his professional activities, a public figure and as such had to be expected to have a greater degree of tolerance of criticism.

2. The Court's assessment

(a) General principles

29. The relevant general principles were summarised in *Jishkariani v. Georgia* (cited above, §§ 41-46; see also *Couderc and Hachette Filipacchi Associés v. France* [GC], no. 40454/07, §§ 82-91, ECHR 2015 (extracts)).

30. The Court observes that in cases such as the present one, what is in issue is not an action by the State, but the alleged inadequacy of the protection afforded by the domestic courts to the applicant's private life. It reiterates that the positive obligation inherent in Article 8 of the Convention may oblige the State to adopt measures designed to secure respect for private life even in the sphere of the relations of individuals between themselves. The applicable principles are, nonetheless, similar and regard must be had to the fair balance that has to be struck between the relevant competing interests (see *Von Hannover v. Germany (no. 2)* [GC], nos. 40660/08 and 60641/08, §§ 98-99, ECHR 2012, with further references), namely, on the one hand, freedom of expression as protected by Article 10 and, on the other, the right to respect for private life enshrined in Article 8 (see *Couderc and Hachette Filipacchi Associés*, cited above, §§ 90-93; see the general principles on the balancing of Article 10 and Article 8 of the Convention summarised in *Perinçek v. Switzerland* [GC], no. 27510/08, § 198, ECHR 2015 (extracts)).

31. In order to assess the justification of an impugned statement, a distinction must be made between statements of fact and value judgments in that, while the existence of facts can be demonstrated, the truth of value judgments is not susceptible of proof. The requirement to prove the truth of a value judgment is impossible to fulfil and infringes freedom of opinion itself, which is a fundamental part of the right secured by Article 10. The classification of a statement as a fact or as a value judgment is a matter which in the first place falls within the margin of appreciation of the national authorities, in particular the domestic courts. However, even where a statement amounts to a value judgment, the proportionality of an interference may depend on whether there exists a sufficient "factual basis" for the impugned statement: if there is not, that value judgment may prove excessive. In order to distinguish between a factual allegation and a value judgment, it is necessary to take account of the circumstances of the case and the general tone of the remarks, bearing in mind that assertions about matters of public interest may, on that basis, constitute value judgments rather than statements of fact (see *Morice v. France* [GC], no. 29369/10, § 126, ECHR 2015).

(b) Application of the above principles to the present case

32. The present case concerns a conflict between competing rights, namely the applicant's right to respect for his dignity and reputation on the one hand, and Father I.'s freedom of expression, on the other, requiring an assessment in conformity with the principles laid down in the Court's relevant case-law (summarised in paragraphs 29-31 above). The Court will, therefore, examine the domestic proceedings from this perspective.

(i) The subject of the disputed statements and their contribution to a debate of general interest

33. As to the subject of the disputed statements, the Court notes that they were made in the context of the public debate surrounding the so-called "Cyanide case", which attracted significant media attention at the material time, and with reference to the applicant's role as a lawyer in that case. The applicant was accused of having defended the interests of "murderer(s)" and of having been planted as a provocateur in the "Cyanide case", in a role allegedly similar to that which he had played in the Girgvliani case, where he was said to have provided information to the security services. The Court concurs with the domestic courts' finding that, at the material time, a debate concerning the so-called "Cyanide case" was ongoing, attracting significant public interest (see, in this connection, *Mamaladze v. Georgia*, no. 9487/19, §§ 16-32, and 33, 3 November 2022). It has recognised the existence of such an interest, for example, where the publication in question concerned information about criminal proceedings in general (see *Dupuis and Others v. France*, no. 1914/02, § 42, 7 June 2007, and *July and SARL Libération v. France*, no. 20893/03, § 66, ECHR 2008 (extracts)) or information regarding a specific criminal case (see *White v. Sweden*, no. 42435/02, § 29, 19 September 2006, and *Egeland and Hanseid v. Norway*, no. 34438/04, § 58, 16 April 2009). The so-called "Cyanide case" prompted a broad public discussion concerning the Orthodox Church of Georgia in general and specific issues within the Patriarchy in particular. The disputed statements clearly concerned issues of public interest and attracted wide media coverage (see paragraph 5 above). Accordingly, the Court takes the view that, in the circumstances of the present case, the statements made by Father I. fell within the context of a debate on a matter of public interest.

(ii) How well-known the applicant was

34. The Court observes that the applicant, a publicly known defence lawyer, was considered by the domestic courts to be a public figure rather than a private person for the purposes of the Freedom of Speech Act. Furthermore, the debate and the disputed statements did not concern the applicant's private life but his public activities in the above-mentioned domain. Considering the applicant's position and his involvement in various high-profile criminal cases, the Court does not see any reason to depart from the domestic courts' finding concerning the applicant's status as a public figure (see, in this regard, *Kajganić*, cited above, §§ 66-67). Hence, he voluntarily exposed himself to public scrutiny by virtue of his role as defence counsel in high-profile criminal cases and was, therefore, required to display a higher level of tolerance than would be expected of a non-public figure (see *Jishkariani*, cited above, § 51).

(iii) Content, form and consequences of the statements

35. The Court has already found that Father's I.'s accusations were serious, involving serious allegations of misconduct on the part of the applicant, and suggesting that the applicant had acted, at the very least, in breach of the legal ethical norms (see paragraph 23 above). Yet the appellate court concluded that the disputed statements constituted Father I.'s personal opinions which had been aimed at contributing to an important public discussion on the matter and were to be tolerated by the applicant in view of his status as a public figure (see paragraphs 10-11 above). It held that the disputed statements constituted value judgments which merited absolute protection (ibid.). The Supreme Court engaged in a more nuanced examination of the disputed statements, considering that the last part of the second statement, that the applicant had been planted as provocateur in the Girgvliani case and had been providing information to the former head of the Constitutional Security Department, was rather a statement of fact (see paragraph 14 above).

36. In the circumstances of the present case, as far as the first disputed statement concerning the applicant's role in the Mamaladze case is concerned, even if the Court were to accept the classification of the allegation voiced against the applicant as a value judgment, it notes the conclusions of the Tbilisi Court of Appeal and the Supreme Court to the effect that any value judgment enjoyed absolute protection under the Freedom of Speech Act (see paragraph 13 above). Hence, they did not examine whether there was sufficient factual basis to call the applicant a planted provocateur in the Mamaladze case. The Court finds it difficult to reconcile the domestic courts' above approach with the Court's settled case-law, which holds that even when a statement amounts to a value judgment, there must exist a sufficient factual basis to support it, failing which it will be excessive (see *Pedersen and Baadsgaard v. Denmark* [GC], no. 49017/99, § 76, ECHR 2004-XI; see also *Jishkariani*, cited above, § 53, with further references).

37. As to the second part of the accusation concerning the applicant's role in the Girgvliani case, which the Supreme Court itself characterised as more of a statement of fact than a value judgment (see paragraph 14 above), the Court notes that in his appeal the applicant submitted that the evidence heard in court showed that he had acted professionally in the relevant proceedings and had not breached the rules of legal ethics (see paragraph 12 above); Father I., for his part, did not corroborate his accusation at all. His representative had expressly indicated before the first-instance judge that he was unaware of any information that could have formed the basis for such statements (see paragraph 9 above). In such circumstances, and having regard to its case-law that the more serious an allegation is, the more solid its factual basis must be (see *Barata Monteiro da Costa Nogueira and Patrício Pereira v. Portugal*, no. 4035/08, § 38, 11 January 2011; see also *Ziembiński v. Poland*, no. 46712/06, § 51, 24 July 2012), the Court notes with concern

that the domestic courts failed to ascertain whether such a factual basis existed in the present case.

38. Furthermore, despite the applicant's submissions, the seriousness of the accusations, and the absence of any established factual basis for them, the Supreme Court placed the burden of proof on the applicant to rebut them (see paragraph 15 above) and found that the evidence adduced by the applicant had not been sufficient to refute Father I.'s allegations (ibid.). The Court considers that, in the circumstances of the case, this imposed an unattainable standard of proof on the applicant.

39. As to the manner of communication of the statements and the extent to which they could affect the applicant, the Court notes that the parties disagreed as to whether Father I. was duly informed that his telephone interview would be aired live. In any event, the fact remains that Father I. voiced his accusations to a media representative, thereby assuming the risk of their dissemination to the wider public. Moreover, the domestic courts disregarded the fact that, regardless of Father I.'s alleged lack of knowledge, his intervention had been aired live and, thus, the potential negative impact of his accusations on the applicant's reputation was significant (contrast *Matalas*, cited above, § 58).

40. Lastly, as regards the consequences of the disputed statements, the Court has already noted that the impugned allegations were susceptible of tarnishing the applicant's professional and social reputation (see paragraph 23 above). The Court recalls in this respect that damaging the reputation and credibility of lawyers can have serious consequences for the rights of the accused and the right of access to a court, which are essential components of the right to a fair trial guaranteed by Article 6 § 1 of the Convention (see *Mesić*, cited above, § 109).

(iv) Conclusion

41. In the light of the foregoing, the Court considers that the domestic courts failed to strike a fair balance between the competing interests involved under the Convention.

42. There has accordingly been a violation of Article 8 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

43. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

44. The applicant claimed 450,000 euros (EUR) in respect of pecuniary damage with regard to the alleged loss of income and EUR 50,000 in respect of non-pecuniary damage.

45. As for pecuniary damage, the Government submitted that the applicant had failed to demonstrate any causal link between the alleged violation of the Convention and the pecuniary damage claimed. Furthermore, the applicant had failed to justify the amount claimed in respect of non-pecuniary damage, which, in any event, was excessive. Even in the event that a violation was found, they submitted that the finding of a violation was sufficient for the purposes of just satisfaction.

46. The Court rejects the applicant's claim in respect of pecuniary damage as unsubstantiated. However, it awards the applicant EUR 4,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

47. The applicant also claimed EUR 73,259 for the costs and expenses in the proceedings before the domestic courts in which he had represented himself, and EUR 45,424 for those incurred before the Court. In support of the latter claim he submitted a copy of a signed contract with his representative, under which the amount claimed was to be paid upon completion of the proceedings.

48. The Government objected to those claims. As regards the court fees incurred before the domestic courts, the Government noted that the hours and amount of work carried out by the applicant himself could not be considered costs actually incurred. In any event, the claim was not supported by appropriate documentary evidence and was not substantiated as to quantum. They also submitted that the copy of a legal contract signed with his representative in the proceedings before the Court was incomplete, as it did not specify the billing hours or the hourly legal fee.

49. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum (see *Merabishvili v. Georgia* [GC], no. 72508/13, § 370, 28 November 2017). In the present case, regard being had to the documents in its possession and the above criteria, the Court rejects the claim for costs and expenses concerning the domestic proceedings (see *Steel and Morris v. the United Kingdom*, no. 68416/01, § 112, ECHR 2005-II) and considers it reasonable to award EUR 5,000 in respect of the costs of legal representation in the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 8 of the Convention;

3. *Holds*,
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 5,000 (five thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

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

Simeon Petrovski Deputy Registrar	Jolien Schukking President