GEORGIAN YOUNG LAWYERS' ASSOCIATION

THE GEORGIAN YOUNG LAWYERS' ASSOCIATION'S ASSESSMENT OF THE CHARGE BROUGHT AGAINST GIORGI GAKHARIA

(THE ESTABLISHMENT OF A CHECKPOINT IN THE VILLAGE OF CHORCHANA)

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Tbilisi
2026

This document is the English translation of the original document prepared in Georgian. In the event of any discrepancy or inconsistency between the English translation and the original Georgian version, the Georgian version shall prevail.

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ABBREVIATIONS

GYLA - Georgian Young Lawyers Association

MIA - Ministry of Internal Affairs

EEAS - European External Action Service

EUMM - European Union Monitoring Mission

So-called FARA - Georgian law "Foreign Agents Registration Act"

GID - Geneva International Discussions

IPRM - Incident Prevention and Response Mechanism

1. INTRODUCTION

On February 8, 2025, the Investigation Department of the Prosecutor General's Office of Georgia, based on a complaint by representatives of the "United Neutral Georgia" movement, Nana Kakabadze, Bidzina Giorgobiani, Vato Shakarashvili, Levan Nikoleishvili, and Gela Nikolaishvili [which, given its activities, is a puppet „GONGO"[1] organization[2]], initiated an investigation into sabotage, attempted sabotage under aggravating circumstances, and assisting a foreign organization or organizations under foreign control in hostile activities with the aim of violating Georgia's state interests. [3]

On November 11, 2025, a criminal case was separated from the above-mentioned case into separate proceedings under the qualification of abuse of official powersby a state-political official. [4]

On November 12, 2025, Giorgi Gakharia, chairman of the "For Georgia" political party, was charged under Article 333, Part 2 of the Criminal Code of Georgia (exceeding official powersby a person holding a state-political position).

According to the Prosecutor's Office of Georgia: "[...] On August 24, 2019, then Minister of Internal Affairs Giorgi Gakharia, who was also Secretary and a permanent member of the National Security Council, ignored the Council's authority and acted without consulting the Head of Government or informing the Georgian State Security Service and the European Union Monitoring Mission. He unilaterally decided to establish an additional police checkpoint along the occupation line near the village of Chorchana and deployed armed police forces there, thereby exceeding his authority as Minister of Internal Affairs. The establishment of this checkpoint was widely covered by television channels, provoking the 'occupation regime' [...]."

On the day of the indictment, November 12, 2025, Tbilisi City Court Judge Davit Kurtanidze ordered Gakharia's detention in absentia as a preventive measure.

On November 17, 2025, authorities issued a warrant to locate, detain, and imprison him.

In this document, GYLA has examined the criminal case against Giorgi Gakharia. The assessment methodology includes a detailed analysis of the criminal case materials, as well as the results of observation of court hearings, [5] processing of publicly available sources, consideration of the human rights crisis context in the country, and a review of international practice.

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[1] For the classification and role of these types of organizations, see Abuladze G., "Gongo" Organizations - "Transmission Belt" between the State, the Party and Citizens, GYLA, 27.05.2025, https://gyla.ge/media/blogs/199?fbclid=IwY2xjawSKqCxleHRuA2FlbQIxMABicmlkETFTaURhcThnRUpPNE1qODBsc3J0YwZhcHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHj9MFQe_pkBOyvuG3LzOmDefZyYfQPg8m4grToDeiV42UjsgxlS3z7X-Trzd1_aem_MdVNszv-Xhli5qkab3YQ3Q , [Updated: 05.06.2026].

[2] The statement released by "United Neutral Georgia" on June 2, 2026 is another illustration of the fact that this group is engaged in spreading propaganda narratives about the European Union in society that lack logical and factual basis and are based on fanciful assumptions. Considering that the Constitution of Georgia stipulates Georgia's integration into European and Euro-Atlantic structures, it is unclear why the Prosecutor's Office of Georgia is not interested in the statements made about the sabotage of the aforementioned course, what purpose it serves, and who is leading it. See Statement, "United Neutral Georgia" - "Georgian Dream" keeps the country in an illusion, stubbornly insists to the public that the European Union is our "promised land", 02.06.2026, available at: https://1tv.ge/news/ertiani-neitraluri-saqartvelo-qartuli-ocneba-qveyanas-iluziashi-ackhovrebs-miukheda-vad-imisa-rom-natelia-evropashi-mdzime-mdgomareoba-sazogadoebas-jiutad-umtki/ [Updated: 05.06.2026].

[3] Criminal Code of Georgia, Article 318-1;19-18-1;319.

[4] Criminal Code of Georgia. Article 333.2. Punishable by a fine or imprisonment for a term of three to five years, with deprivation of the right to hold a position or engage in an activity for a term of up to three years.

[5] The organization received the case materials from the defense in compliance with relevant rules and with the reservation that no confidential materials, if any, would be provided for any reason.

2. PREHISTORY AND CONTEXT OF THE PROCEEDINGS

2.1. The human rights crisis in Georgia since November 28, 2024

On November 28, 2024, Irakli Kobakhidze stated that the Georgian Dream would not put the issue of Georgia's accession to the European Union on its agenda until 2028.[6] The statement became the reason for large-scale demonstrations, and November 28, 2024, in turn, became the date from which the human rights situation in the history of independent Georgia can be assessed as a human rights crisis, where fundamental rights are systematically and daily restricted. The decline in democratic standards and human rights violations in Georgia has been followed by a sharp international response.[7] Based on the indicators for the period 2019-2024, Georgia is classified as a hybrid political system that is developing in the direction of authoritarian rule.[8]

In response to the freedom of assembly (mass demonstrations), the government began various forms of repression against dissent, which continue to this day, and these forms undergo permutations from time to time:

I. State repression and systematic torture of hundreds of demonstrators.[9]

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[6] "Georgian Dream" does not want to open negotiations with the European Union until the end of 2028", information portal "Radio Liberty", November 28, 2024, available at: https://www.radiotavisupleba.ge/a/33219304.htm l, [Updated: 05.06.2026].

[7] The European Parliament adopted a resolution calling for targeted sanctions against those responsible for undermining democratic institutions. See - European Parliament resolution of 28 November 2024, para. 11; Available at: https://www.europarl.europa.eu/doceo/document/TA-10-2024-0054_EN.html , [Last updated: 05.06.2026].; The US State Department imposed sanctions on high-ranking officials for violating democratic processes and human rights. See "US Treasury Department Sanctions Bidzina Ivanishvili | All the Details Together", Radio Liberty news portal, December 27, 2024, available at: https://www.radiotavisupleba.ge/a/%E1%83%98%E1%83%95%E1%83%90%E1%83%9C%E1%83%98%E1%83%A8%E1%83%95%E1%83%98%E1%83%9A%E1%83%A1%E1%83%A1%E1%83%90%E1%%2083%9C%E1%83%A5%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%E1%83%93%E1%83%90%E1%83%A3%E1%83%AC%E1%83%94%E1%83%A1%E1%83%93%E1%83%90/33254863.html. [Updated: 05.06.2026]. Several other Western countries have also adopted similar restrictions on Georgian government officials and individuals associated with them. Transparency International Georgia: 9 Western countries have already sanctioned more than 230 representatives of the Georgian Dream, 138 of whom have been made public, while the rest have been subject to anonymous travel or visa restrictions", Information portal "Interpressnews", July 30, 2025, available at: https://www.interpressnews.ge/en/article/141473-transparency-international-georgia-9-western-countries-have-already-sanctioned-more-than-230-representatives-of-the-georgian-dream-138-of-whom-have-been-made-public-while-the-rest-have-been-subject-to-anonymous-travel-or-visa-restrictions, [Updated: 05.06.2026]. Porto Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Thirty-second Annual Session, available at: https://www.oscepa.org/en/documents/annual-sessions/2025-porto/declaration-31/5313-porto-declaration-eng/file , [Last updated: 05.06.2026]. EU to send letter to Georgia on visa-free travel - Kalas warns of possible suspension, Radio Liberty news portal, July 15, 2025, available at: https://www.radiotavisupleba.ge/a/33474647.html , [Last updated: 05.06.2026].

[8] A Region Reordered by Autocracy and Democracy, available at: https://freedomhouse.org/report/nations-transit/2024/region-reordered-autocracy-and-democracy [Last updated: 05.06.2026]. On 2 October 2025, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on Georgia. The resolution noted that "the Georgian authorities have systematically ignored its concerns and recommendations about the democratic crisis in Georgia, which are shared by the international community", and that "the rapid decline of democracy has continued to such an extent that the very existence of democracy in Georgia is now in question". PACE sees a 'breakdown of democracy' in Georgia, urging its reversal, available at: https://pace.coe.int/en/news/10050/pace-sees-a-breakdown-of-democracy-in-georgia-urging-its-reversal, [Last updated: 05.06.2026].

[9] "Human Rights Crisis in Georgia after the 2024 Parliamentary Elections", Tbilisi, 2025, available at: https://admin.gyla.ge/uploads_script/publications/pdf/HUMAN%20RIGHTS%20CRISIS%20IN%20GEORGIA%20-%20final.pdf [Updated: 05.06.2026]]. See also - 2024 Report of the Public Defender of Georgia on the Situation of Human

II. Administrative and criminal liability for events related to civil activities was tightened without violating the constitutional limit.[10]

III. One of the targets of the legislative amendments adopted by the Georgian Dream was freedom of expression and media activities.[11]

IV. The dismissal of public officials with a different position began. [12]

V. The Georgian government took systematic steps to first restrict the activities of independent non-governmental organizations, and the gradual increase in the scale of restrictions indicates the predominant goal of eliminating civil space. [13]

VI. The country has an unprecedented number of political prisoners in the history of independent Georgia. [14]

Rights. The report describes serious systemic problems in the protection of human rights in the country, including institutional shortcomings. Particular attention is paid to the multiple violations observed against the backdrop of the May and November-December protests. The document describes cases of degrading and ill-treatment, including torture.

[10] "What changes will be made to the Code of Administrative Offenses to restrict freedom of assembly?", GYLA official website, December 16, 2024, available at: https://gyla.ge/post/ra-tsvlilebebi-shedis-administraciul-samartaldargvevata-kodeqsshi, [Updated: 05.06.2026]. According to the amendments to the Code of Administrative Offenses, Article 174, Parts 9 or 10, increase the sanctions for possessing prohibited items and blocking the road during a protest rally. See GYLA's assessment - https://gyla.ge/post/GYLA-avtoritaruli-kanonshemoqmedebis-shepaseba , [Updated: 05.06.2026]. Urgent Opinion on the Amendments to the Law on Assemblies and Demonstrations, the Code of Administrative Offences and the Criminal Code of Georgia (as Adopted on 6 February 2025), available at: https://odihr.osce.org/sites/default/files/f/documents/d/2/587466.pdf, [Last updated: 05.06.2026]; Urgent Opinion on Amendments to the Code of Administrative Offences and the Law on Assemblies and Demonstrations, European Commission for Democracy Through Law (Venice Commission), https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2025)004-e, [Last updated: 05.06.2026].

[11] "Laws against speech" - GYLA publishes new research on legislation restricting freedom of expression", GYLA official website, September 1, 2025, available at: https://gyla.ge/en/post/Kanoni-sitkvis-tsinaagmdeg-sais-kvleva-gamokhatvistavisupleba , [Updated: 05.06.2026].

[12] Abuladze G. "The Destructive Effect of the Civil Service "Reform", 2025, Georgian Young Lawyers Association, available at:
https://admin.gyla.ge/uploads_script/publications/pd/%E1%83%A1%E1%83%90%E1%83%AF%E1%83%90%E1%83%A0%E1%83%9D%20%E1%83%A1%E1%83%90%E1%83%9B%E1%83%A1%E1%83%90%E1%83%AE%E1%83%A3%E1%83%A0%E1%83%98%E1%83%A1%20%E2%80%9E%E1%83%A0%E1%83%94%E1%83%A4%E1%83%9D%E1%83%A0%E1%83%9B%E1%83%98%E1%83%A1%E2%80%9C%20%E1%83%93%E1%83%90%E1%83%9B%E1%83%90%E1%83%9C%E1%83%92%E1%83%A0%E1%83%94%E1%83%95%E1%83%94%E1%83%9A%E1%83%98%20%E1%83%94%E1%83%A4%E1%83%94%E1%83%A5%E1%83%A2%E1%83%98.pdf?fbclid=IwY2xjawT1Eb1wZG9mBWV4dG4DYWVtAjEwAGJyaWQRMUdiNkFSQ1NPYmFwYmhwQ2NzcnRjBmFwcF9pZBAyMjIwMzkxNzg4MjAwODkyAAEe0BuQ-cvqUWFgADMCBP8ONkfmGidJD5Jgf4HoyI65VLgpvw8513L8SVuAeuM_aem_qBgruKxwhRXgVO5oHi5L3A (in Georgian) [Updated: 05.06.2026]. "Human Rights Crisis in Georgia After the 2024 Parliamentary Elections", Tbilisi, 2025, p. 121, available at: https://www.gyla.ge/en/post/adamianis-uplebata-krizisi-dokumentirebis-angarishi [Updated: 05.06.2026].

[13] The Russian-style law "On Transparency of Foreign Influence" adopted in 2024 made it mandatory for organizations to register in a stigmatizing registry. The situation was further aggravated by the law adopted in 2025 - a textual analogue of the American Foreign Agents Registration Act (FARA), which provides for criminal sanctions and, in the context of institutional capture, is a dangerous tool against independent organizations. In addition, on April 16, the Georgian Dream party quickly adopted another package of repressive amendments, which finally banned the receipt of foreign grants without the government's consent. For the Venice Commission's opinion on these issues, see: Opinion on the Law on the Registration of Foreign Agents, the Amendments to the Law on Grants and Other Laws Relating to "foreign Influence", European Commission for Democracy Through Law (Venice Commission), available at: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)034-e, [Last updated: 05.06.2026].

[14] GYLA, Criminal Cases of High Public Interest Containing a Risk of Political Involve-

VII. Some politicians have been brought to justice, while the rest are under investigation. [15]

The situation with politicians became particularly difficult during and after the activities of the provisional investigative commission. On September 3, 2025, at the plenary session of the Parliament, the deputies supported the conclusion of the provisional investigative commission, [16] on the basis of which, in order to ban the opposition parties, an appeal was announced to the Constitutional Court. [17] Before officially appealing to the Constitutional Court, the Chairman of the Parliament of Georgia, Shalva Papuashvili, made an extensive statement about the banning of three opposition parties as a fulfillment[18] of a pre-election promise. [19] In April 2026, he announced a new lawsuit, in which the Federalists party was added to the three existing parties. [20]

It is important to consider that, on the one hand, the discussion of the issue of banning political parties and, on the other hand, the prosecution of criminal cases against specific politicians is taking place in an essentially difficult political context, which is characterized by: the concentration of power in the hands of a single party, the gradual erosion of the principles of democratic pluralism, the systematic suppression of opposition political parties and autonomous civic spaces, as well as the instrumentalization of the legal framework for narrow party interests.

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ment, 2026, available at: https://admin.gyla.ge/uploads_script/publications/pdf/%E1%83%9B%E1%83%90%E1%83%A6%E1%83%90%E1%83%9A%E1%83%98%20%E1%83%A1%E1%83%90%E1%83%96%E1%83%9D%E1%%2083%92%E1%83%90%E1%83%93%E1%83%9D%E1%83%94%E1%83%91%E1%83%A0%E1%83%98%E1%83%%2095%E1%83%98%20%E1%83%98%E1%83%9C%E1%83%A2%E1%83%94%E1%83%A0%E1%83%94%E1%83%A%201%E1%83%98%E1%83%A1%20%E1%83%9B%E1%83%A5%E1%83%9D%E1%83%9C%E1%83%94%20%E1%8%203%A1%E1%83%98%E1%83%A1%E1%83%AE%E1%83%9A%E1%83%98%E1%83%A1%20%E1%83%A1%E1%83%20%90%E1%83%9B%E1%83%90%E1%83%A0%E1%83%97%E1%83%9A%E1%83%98%E1%83%A1%20%E1%83%A1%E1%83%90%E1%83%A5%E1%83%9B%E1%83%94%E1%83%94%E1%83%91%E1%83%98%20(2).pdf [Updated: 05.06.2026].

[15] Statement of the Prosecutor's Office of Georgia, 06.11.2025, website of the Prosecutor's Office of Georgia, available at: https://pog.gov.ge/news/sabotazhis-utskho-qveknisatvis-mtrul-saqmianobashi-dakhmarebis-saqartvelos-konstitutsiuri-tskobilebisa-da-erovnuli-ushishroebis-safudzvlebis-tsinaaghmdeg-mimartuli-saqmianobis-dafinansebis-da-saqartvelos-konstitutsiuri-tskobilebis-dzaladobit-shetsvlisaken-sakhelmtsifo-khelisuflebis-damkhobisaken-motsodebis-faqtebze-siskhlissamartlebrivi-devna-daitsko-mikheil-saakashvilis-giorgi-vashadzis-nika-gvaramias-nikanor-melias-zurab-girchi-jafaridzis-elene-khoshtarias-mamuka-khazaradzis-da-badri-jafaridzi [Updated: 05.06.2026].

[16] For an analysis of the establishment and activities of the Temporary Investigative Commission investigating the activities of political officials and current and former officials affiliated with political parties from 2003 to the present, see subsection 2.2.

[17] "The Legislative Body Adopted a Resolution on the Results of the Activities of the Temporary Investigative Commission of the Parliament", Official Website of the Parliament of Georgia, September 6, 2025, available at: https://www.parliament.ge/media/news/sakanonmdeblo-organom-parlamentis-droebiti-sagamodziebo-komisiis-sakmianobis-shedegebis-shesakheb-dadgenileba-miigho, [Updated: 05.06.2026].

[18] Shalva Papuashvili stated: "Today we are starting to fulfill the legal part of the promise." What is written in the lawsuit, with which the Georgian Dream is threatening to ban 3 parties, is available at: https://formulanews.ge/News/129769, [Updated: 05.06.2026].

[19] Statement regarding the joint constitutional lawsuit filed by members of the Georgian Dream faction, the People's Power political groups, and the European Socialists, requesting the recognition of the activities of several political parties as unconstitutional and their ban, is available at: https://www.facebook.com/shpapuashvili/posts/pfbid07aufFsUBjSCHEqPWD2dwvbkLuu3cp63ToKebXksnA8kPSQTCSsQMvXAxg15kv9b6l?rdid=QWYikQly-3wC3MNdk#, [Updated: 05.06.2026].

[20] "Papuashvili says federalists are also being added to the constitutional lawsuit to ban parties," news portal "Tabula", April 20, 2026, available at: https://tabula.ge/ge/news/747507-papuashvilis-tkmit-partiebis-akrdzalvis [Updated: 05.06.2026].

2.2. Creation of a provisional investigative commission in the Parliament of Georgia

On February 5, 2025, the Georgian Parliament established the " provisional Investigative Commission of the Parliament of Georgia to Investigate the Activities of the Regime in power during 2003–2012, Political Officials of this Regime, and Current and Former Officials United in Political Parties from 2003 to the Present." [21] On April 1, 2025, the Parliament extended the Commission's investigative scope from 2012 to the present – up to 2025. [22] The purpose of the Commission's activities, according to the explanatory memorandum, is to assess the crimes committed by the Regime in Force and Political Officials of the Regime in 2003–2012, and to put their decisions into a legal context. [23]

The work of this commission was problematic in several areas, which, in fact, called its legitimacy into question. Specifically:

a. Inadequate fulfillment of the obligation to provide justification

The parliamentary regulations directly impose a duty of justification on the initiators of an investigative commission. [24] Therefore, the initiators needed to fully and exhaustively justify not only the purpose and necessity of the commission, but also its planned activities. In practice, the explanatory note failed to provide complete information regarding which specific issues would be investigated and why, who would be questioned, or what documentation would be examined during sessions. Instead, the note was limited to general statements about the 2003–2012 regime and vaguely explained the relevance of the investigation. Furthermore, while it cited threats from the "radical opposition" as "a decisive obstacle to establishing a healthy political system in Georgia," [25] it provided no information on what constituted an immediate threat.

Although a parliamentary provisionalinvestigative commission is inherently political and operates under a lower standard of legal proof than ordinary law enforcement agencies, as an independent and impartial state body accountable to the public and parliament, it must still adhere to a standard of justification—especially since its findings may serve as the basis for the legal liability of specific individuals or parties. Proper justification remains an essential procedural requirement in establishing a commission. [26]

Given the lack of justification for creating the commission, its likely objective was not to conduct a genuine investigation into crimes committed by state officials. Instead, it appears intended to marginalize specific political parties and establish a legal and political basis for banning them, an outcome that Georgian Dream leaders have openly discussed. [27]

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[21] Resolution of the Parliament of Georgia of February 5, 2025 N240-IIMS-XIMP.

[22] "Amendments to the Resolution on the Temporary Investigative Commission of the Parliament", Official Website of the Parliament of Georgia, April 1, 2025, available at: https://parliament.ge/media/news/parlamentis-droebiti-sagamodziebo-komisiis-shesakheb-dadgenilebashi-tsvlileba-gankhortsielda?fbclid=IwY2xjawJ_6JZleHRuA2FlbQIxMABicmlkETFicjlIZFhUT05yUkU1VkZ2AR7JvVh5z2AXaU_61zwGSGFLpWnxWwbR0ippb4KAQf-gQ--HgCjDfe2hjxc3t3g_aem_6-3FfzsSoTTHIVng2V4PLg , [Last updated: 05.06.2026].

[23] Explanatory note on the draft resolution of the Parliament of Georgia "On the establishment of a temporary investigative commission to investigate the activities of the regime and its political officials in 2003-2012".

[24] Article 62, paragraph 1, of the Rules of Procedure of the Parliament of Georgia.

[25] Ibid

[26] For more details on the issue, see "Activities of the Temporary Investigative Commission of the Georgian Dream Parliament", Georgian Young Lawyers Association, May 21, 2025, available at: https://shorturl.at/IqtaL , [Updated: 05.06.2026].

[27] The draft law initiated by the "Georgian Dream" envisages "declaring the successor parties of the "National

b. The problem of the composition of the commission

In addition to the lack of justification, the commission's composition was also problematic. Under the Constitution, opposition parties must comprise at least half of any investigative or provisional commission. [28] This requirement implies not only quota distribution, but also the actual involvement of the parliamentary opposition in the commission's activities. Their participation ensures transparency, balance, and objectivity. [29] In this case, however, the commission consisted solely of the parliamentary majority and "opposition" groups that had split from the ruling Georgian Dream party after entering parliament on its electoral list. Consequently, their presence was purely formal rather than genuine opposition participation.

c. Legal consequences of failure to appear at the commission

In general, a provisional investigative commission has the right to invite any individual relevant to the issue under study and demand a written explanation. In practice, this authority ensures the proper performance of the commission's investigative function; without it, the commission could not fully examine the issue or reach an objective conclusion. A critical issue that arose during the commission's activities was the failure of summoned individuals to appear at sessions. Despite requests, opposition party leaders refused to attend or submit written explanations. In response, the commission forwarded information regarding their non-appearance to the Prosecutor General's Office. The investigative agency assessed their failure to appear as a criminal offense and subsequently filed charges against eight politicians. [30]

d. Results of the Commission's activities in connection with the ongoing case against G. Gakharia

According to a statement by the Chairperson of the provisional Investigative Commission, Tea Tsulukiani, at the parliamentary plenary session on September 2, 2025, the commission's work revealed that Georgia's territorial integrity was violated in 2019 following the August 2008 war as a result of a unilateral decision by former Minister of Internal Affairs Giorgi Gakharia to construct a police checkpoint in the village of Chorchana.

Tsulukiani stated: "The facts established by the investigative commission regarding the construction of the Chorchana checkpoint collectively raise a number of legitimate questions

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Movement" as unconstitutional", information portal "civil.ge", March 28, 2025, available at: https://civil.ge/ka/archives/672285 [Updated: 05.06.2026].

[28] Article 42, paragraph 2, of the Constitution of Georgia.

[29] The members of the commission were: the Georgian Dream faction (5 members): Tea Tsulukiani (chairman), Aleksandre Tabatadze, Tengiz Sharmanashvili, Aluda Ghudushauri, Paata Salia (later Irakli Kadagishvili), the People's Power political group (2 members): Sozar Subari (secretary), Guram Macharashvili, the European Socialists political group (1 member): Ilia Injia. Also, 2 members from non-factional deputies (from the Gakharia for Georgia party, which refused to enter the parliament) were determined by quotas. See the decision of the Bureau of the Parliament of Georgia "On the number of members and approval of quotas for proportional representation in the Temporary Investigative Commission of the Parliament of Georgia to Investigate the Activities of the Current Regime and Political Officials of the Regime in 2003-2012".

[30] **The Prosecutor's Office has filed charges against Mamuka Khazaradze, Irakli Okruashvili, Zurab Girchi Japaridze, Giorgi (Givi) Targamadze, Nika Gvaramia, Giorgi Vashadze, Nikanor Melia and Badri Japaridze for failing to comply with the lawful request of the Temporary Investigative Commission of the Parliament of Georgia. The charges are provided for under Article 349 of the Criminal Code. See GYLA's statement: "GYLA responds to the ongoing criminal cases regarding the legitimacy of the "Georgian Dream" Investigative Commission and the summons to the commission", 21.05.2025, available at: https://gyla.ge/post/sagamodziebo-komisia-GYLA, [Updated: 05.06.2026].**

about whether there was an attempt to artificially spark a conflict in Georgia, similar to 2008. They also raise questions about the role played by former Minister of Internal Affairs Giorgi Gakharia himself, as well as by Kakhaber Kemoklidze, head of the National Security Council staff. Until July 2019, Kemoklidze headed the Information and Analytical Department at the State Security Service and served for many years as the primary negotiator for the central government at Incident Prevention and Response Mechanism meetings." [31]

The conclusion of the parliamentary provisional investigative commission reads: "[...] As a result of the work of the investigative commission, it was revealed that in the period following the August 2008 war, the territorial integrity of Georgia was violated in 2019, as a result of the decision taken unilaterally by the Minister of Internal Affairs, Giorgi Gakharia, regarding the construction of a checkpoint in the village of Chorchana. The facts established by the investigative commission on the construction of the Chorchana checkpoint raise a number of legitimate questions regarding whether there was still an attempt to artificially start a fire in Georgia, as happened in 2008, and what role did the former Minister of Internal Affairs, Giorgi Gakharia himself, as well as the head of the National Security Council's staff, Kakhaber Kemoklidze, who headed the Information and Analytical Department of the State Security Service until July 2019 and for many years served as the main negotiator on behalf of the central government at the Incident Prevention and Response Mechanism meetings [...]".[32]

[31] The Parliament considered the conclusion of the temporary investigative commission, website of the Parliament of Georgia, 02.09.2025, available at: https://www.parliament.ge/media/news/parlamentma-droebiti-saga-modziebo-komisiis-daskvna-ganikhila [Updated: 05.06.2026].

[32] Conclusion of the Temporary Investigative Commission of the Parliament of Georgia investigating the activities of the regime in force in 2003-2012, political officials of this regime, and current and former officials associated with political parties from 2003 to the present. p. 363. Website of the Parliament of Georgia, available at: https://web-api.parliament.ge/storage/files/shares/media-32/september/04.09.2025/sagamodziebo13.01.2026.3869149534357782169.pdf . [Updated: 05.06.2026].

3. CONTENT OF THE CHARGE FILED

3.1. Description of the charge brought against Giorgi Gakharia

Giorgi Gakharia was indicted on November 12, 2025 in connection with the so-called Chorchana episode, under Article 333, Part 2 of the Criminal Code, which refers to abuse of official powers by a person holding a state-political position.

In terms of factual data, it is worth noting that:

- On November 13, 2017, Giorgi Gakharia was appointed Minister of Internal Affairs of Georgia, thus, according to the Law of Georgia "On Public Service", he was a state-political official.
- On May 1, 2019, Giorgi Gakharia also became the Secretary of the Security Council of Georgia.
- The prosecutor in the Giorgi Gakharia case is Tamar Iakobidze, and the judges are: David Kurtanidze (first presentation); Valeriani Bugianishvili (preliminary hearing); Demetre Jinjolia (merits hearing).

According to the prosecution, Giorgi Gakharia's criminal actions were expressed in the following:

1. On August 24, 2019, the then Minister of Internal Affairs Giorgi Gakharia, who was also the Secretary and Permanent Member of the National Security Council, ignoring the authority of the National Security Council and without agreement with the Head of Government, as well as without coordinating with the State Security Service of Georgia and informing the European Union Monitoring Mission, unilaterally made a decision to establish an additional police checkpoint along the occupation line, near the village of Chorchana. He deployed armed police forces to guard the checkpoint, thereby exceeding the authority of the Minister of Internal Affairs. The fact of the establishment of the checkpoint, with the participation of Giorgi Gakharia, was widely covered by television channels, which provoked the "occupation regime".
2. It is well known that as a result of the armed conflict in August 2008, the Russian Federation troops occupied the territories of Georgia, during which the Russian army, together with the illegal armed formations of the de facto Republic of South Ossetia, occupied the administrative territories of Georgia, including the Tskhinvali region with its villages. The Russian Federation deployed its military bases on the occupied territories and began the process of illegal demarcation between Georgia and its administrative unit - the self-proclaimed South Ossetia.
3. In view of the difficult political situation along the occupation line, on 10 October 2008, a technical agreement on the Provisional Mechanism for the Prevention and Settlement of Disputes was signed between the Georgian Ministry of Internal Affairs and the Head of the European Union Monitoring Mission in Georgia (EUMM), Hansjörg Haber. **According to the agreement, the Ministry of Internal Affairs undertook to inform the EUMM of any deployment of forces in the areas adjacent to the occupation line, as well as to provide detailed information on the police units already present in these areas, including their exact number, specific locations of deployment, types of weapons used and all armed irregular groups.**
4. As a result of the reform implemented in the Ministry of Internal Affairs of Georgia in 2015, the sphere of state security, which was within the competence of the Ministry, was trans-

ferred to the newly established independent agency - the State Security Service of Georgia. In addition, on December 21, 2015, a technical amendment was made to the agreement of October 10, 2008, and the State Security Service was declared the main agency determining the security policy in the occupied territories and along the occupation line. The Security Service, in order to ensure the security of the civilian population and maximum protection of human rights along the occupation line, coordinated security measures on the ground, using all mechanisms at its disposal, together with other responsible agencies. In addition, since August 1, 2015, the Security Service has become the lead agency in the Incident Prevention and Response Mechanism (IPRM) format meetings of the central government.

5. Given the difficult political situation along the occupation line in Georgia, according to the Law of Georgia "On the Rules for Planning and Coordination of National Security Policy", the situation in the occupied territories of Georgia, threats, risks and challenges that are directly related to ensuring national security and protecting the state interests of Georgia should have been discussed in the format of the National Security Council. It was in the format of the Council that the Head of Government and all permanent members of the Council should have been informed in case of a real threat along the "occupation line".
6. On August 24, 2019, representatives of occupied Tskhinvali informed the State Security Service via a "hotline" that a checkpoint had been set up near the "talc factory" near the village of Chorchana, road construction was underway, and armed individuals were mobilized on the site.
7. On August 29, 2019, at the 95th meeting of the Incident Prevention and Response Mechanism (IPRM), representatives of the Tskhinvali regime threatened to take retaliatory measures if the construction of the checkpoint was not stopped. A few days after the meeting, on September 5, 2019, illegal armed formations of the Tskhinvali de facto regime occupied the heights in the territory controlled by the central government. As a result, approximately 100 hectares of forest came under the control of the occupying forces. In addition, the houses of 3 residents of the village of Obi and 1 resident of the village of Tsnelisi in the Khashuri municipality fell into the occupied territory. In addition, after the 2008 war, an unprecedented scale of illegal activities was revealed, including the movement of heavy military equipment towards populated areas, which created a real threat of armed military conflict between the parties.
8. Giorgi Gakharia intentionally committed an action that clearly exceeded the scope of his authority, which resulted in a substantial violation of the legitimate interests of society and the state.

According to the prosecution, he committed a crime – provided for by the following qualification of the Criminal Code of Georgia: Article 333 (2).

Comparing the findings of the investigative commission and the charges formulated by the prosecutor's office, it becomes clear that during the investigation process, under the cover of Article 333 of the Criminal Code, the Prosecutor's Office of Georgia, although openly avoiding the legal assessment of the opinions described in the conclusion related to the issues of Georgia's territorial integrity that are within its competence [for example, with other criminal legal qualifications], nevertheless, with the narrative of the charges brought against Gakharia, it contributes to the creation of a propaganda context around the case. This, according to GYLA, may in the future cause damage to the interests of the Georgian state in terms of international law and politics.

One gets the impression that the case is formally built on the fact of possible abuse of authority, although, in content, it is accompanied by a political interpretation of damage to the state's security and territorial interests. Against this background, the selective and incomplete focus of the investigation naturally raises additional questions regarding both the objectivity of the case and the goals of the criminal prosecution itself.

3.2. Position of the defense

The defense does not agree with the content of the accusation and, on the contrary, considers Giorgi Gakharia's actions as a "saving step" in terms of the territorial integrity of the state. The defense relies on the testimony of Kakhaber Kemoklidze and the testimonies of members of parliament who previously spoke to the locals. Also, the responses provided to the defense by the EUMM, numerous parliamentary reports of the State security service and other relevant written evidence are presented as important evidence.

As can be seen from the case materials, the defense faced numerous challenges from both the executive branch and the court in obtaining evidence.[33] Despite the recommendation of the Public Defender, the State Security Service and the Ministry of Internal Affairs did not even tell the defense whether the evidence was kept with them, in order to give the defense the opportunity to request it through the court.

3.2.1. Testimony of Kakhaber Kemoklidze, Chief of Staff of the National Security Council (2019-2021)

Witness Kakhaber Kemoklidze, who was the Chief of Staff of the National Security Council from August 1, 2019 to January 2021, provides important testimony in the case.

1. In his testimony, the witness states that in November 2016, near the village of Chorchana (well within the territory controlled by the central government along the occupation line), the de facto border service arrested five residents of Khashuri municipality for allegedly crossing the border. Later, in June 2019, while hunting in the forest zone between Chorchana and Tsaghvli, Georgian citizen Besik Mchedlidze, a resident of Koda village, unexpectedly encountered armed officers from the de facto South Ossetian border service marking the border deep within Georgian-controlled territory. The officers confiscated Mchedlidze's hunting rifle as a substitute for an illegal border crossing fine and sent him back to the village with a warning: the area was historically Ossetian land, and anyone crossing the border in the future would be arrested.
2. Information regarding the detention of these individuals should be on file with the Ministry of Internal Affairs and the State Security Service. The de facto demarcation of the so-called border in Chorchana—within territories controlled by the central government—was actively discussed during the 91st and 92nd Ergneti Incident Prevention and Response Mechanism (IPRM) meetings on February 8, 2019, and March 22, 2019, respectively. Notably, representatives from the Information and Analytical Department of the State Security Service attended these meetings alongside the Ministry of Internal Affairs.

[33] Recommendation of the Public Defender of Georgia to the State Security Service, January 12, 2026, N25/254. Recommendation of the Public Defender of Georgia to the Ministry of Internal Affairs, January 12, 2026, N25/255.

3. As the witness notes, the Special Tasks Department of the Ministry of Internal Affairs, whose mandate includes maintaining public safety and order along the occupation line and ensuring citizen security, conducted its first reconnaissance in Chorchana in mid-February 2019. During the operation, officers discovered and recorded signs of "borderization" (markings on trees) deep within territory controlled by the central government. This information was submitted to both the Ministry of Internal Affairs and the State Security Service. Because these developments increased the risk of territory around Chorchana being seized, the Special Tasks Department began constructing and restoring the road connecting Tsaghvli and Chorchana in early March 2019.

4. By this time, a decision had already been made at the level of the political leadership of the Ministry to open a police checkpoint. The relevant work was suspended in April due to bad weather and continued in mid-July 2019, as "borderization" was activated during that period. A renewed process of "borderization" began in the village of Gugutiantkari, Gori Municipality, which, as a precedent, was carried out for the first time not by representatives of Russia, but by the so-called "border service" of de facto Tskhinvali. This gave clear signs that they were activating the original plan of "borderization" according to the so-called map of 1922, which implied additional territorial claims to Georgian lands.

5. It is noteworthy that in the village of Gugutiantkari, the de facto representatives pushed the existing barbed wire fences, which were built by the Russians several years ago, deeper into the territory controlled by Georgia and brought the village's water supply facility under their control. The de facto representatives of Tskhinvali planned to seize an additional 1,800 hectares of territory in the village of Chorchani. These processes in Gugutiantkari were developing approximately 2-3 weeks before the deployment of a standard police checkpoint in the village of Chorchani.

6. **In mid-July 2019,** the Ministry of Internal Affairs conducted a detailed reconnaissance and discovered ambushes set up by the de facto separatists in the forest massif of the village of Chorchana and the village of Tsaghvli, the so-called military "rastsiashki" (signal beacons for detecting infantry ground patrols), and the remains of food products consumed by them. A green banner marking the "border of the Republic of South Ossetia" fixed 350 meters from the occupation line in the territory "controlled" by us, and old and new markings on the trees. These materials should be in the Ministry of Internal Affairs. The photographic material was irrefutable evidence that representatives of the de facto Tskhinvali were practically already mastering the territory by patrolling on the ground. **The establishment of the checkpoint was critically necessary to stop the creeping occupation.**

7. The establishment of the checkpoint was also necessary because the MIA's Directorate of Security and the EU Monitoring Mission were almost unable to patrol the area due to critically high security risks. Also, the establishment of the checkpoint was particularly necessary to ensure the safety of the residents of the village of Chorchana.

8. According to the witness, as he remembers, a police checkpoint was set up on August 22, 2019, 240 meters from the occupation line in Georgian-controlled territory.

9. **Contrary to the information presented by the prosecution, the witness says that the leadership of the Information and Analytical Department of the State Security Service was informed by the Ministry of Internal Affairs in the spring.** Also, the issue of the

checkpoint was discussed between the EUMM and the State Security Service before its construction. According to him, during communication with the EUMM, the State Security Service representatives expressed concern that if the central government did not take action, there was a very high risk that the de facto forces would appropriate the Chorchana-Tsaghli forest and fence it with barbed wire.

10. . As the witness indicates in his testimony, **in May 2019**, along with the State Security Service, the issue of setting up a checkpoint was also shared with the EUMM. An official meeting was held in Tbilisi, at the MIA building, Gulua Street No. 10. The meeting was attended by the Operations Manager of the EUMM Central Office - Swede Gabriel van Horn, and the Operations Manager of the EUMM Gori Office - Finnish Ville Siikasalmi. Immediately after the meeting, Gabriel van Horn provided the information shared by the Minister of MIA to the then Head of the EUMM Mission, Erik Hoeg. He received this information from Van Horn himself.

11. In addition, at the 93rd IPRM meeting in Ergneti on May 16, 2019, the de facto demarcation of the so-called border in Chorchana was again actively discussed by the central government. In June 2019, the road from the village of Tsaghli to the village of Chorchana was leveled and paved, which the EUMM and a number of state structures were informed about, as the work was carried out using the equipment of several of them. In July, at the 94th Ergneti meeting, the issue of "borderization" in Chorchana by the de facto de facto demonstrators was again discussed.

12. All of the above confirms that both the State Security Service and the EU Monitoring Mission were informed about the checkpoint.

13. As for the consideration of this issue in the format of the National Security Council, as of August 22, 2019, the witness states that he was no longer the head of the National Security Council staff and, in his opinion, formally, the construction of a standard police checkpoint in the territory controlled by the central government of Georgia was the prerogative of the Ministry of Internal Affairs. No legislative act obliged him to consider this issue in the format of the National Security Council, except in the case when any agency officially appealed to the National Security Council to consider the issue, which did not happen either before or after the checkpoint was placed.

14. According to Kakhaber Kemoklidze, during the same period, in the fall, the occupation line in the village of Perevi, Sachkhere Municipality, advanced by approximately 800-900 meters from south to north, although this issue was not discussed in the National Security Council format either. No one has made any claims. The issue of placing a standard police checkpoint was not discussed in the National Security Council format, unless some agency requested it. Also, the events in Gugutiantkari were not discussed in the Security Council format.

15. In fact, the establishment of the checkpoint left the central government with approximately 1,680 hectares of land, still under central government control. Previously, although the area was considered a central government-controlled zone according to the 1985 map, its actual control at that time was almost impossible due to the extremely complicated security situation and geography.

16. Under the Georgian Dream government, there were only two such events: one in Chorchana and the other in the village of Perevi, when the checkpoint was raised by about 800 meters and dozens of hectares of territory came under the control of the

Georgian side. Both of these cases occurred as a result of political decisions in Gakharia, which led to the return of these territories under the effective control of the central government.

17. The marking of these "red lines" was even more important because, according to the witness, it was known to them that the de facto people claimed 28 territorial units on the occupation line in the direction of the Tskhinvali region. Obviously, the then head of the State Security Service, Vakhtang Gomelauri, and the deputy curator of the State Security Service's Information and Analytical Department, Grigol Liluashvili, must have known this information. Kemoklidze also noted in his testimony that the de facto President Bibilov, the de facto parliament, and local politicians had accused him that "the Georgians had taken action in Chorchana, as a result of which, according to their so-called 1922 map, the so-called Republic of South Ossetia lost the lands of "historical Ossetia."

18. The de facto people, according to the so-called 1922 map, like the village of Chorchana, were talking about territories that even the Russian occupation forces did not patrol and did not claim. This included: the territories of the Sachkhere, Khashuri, Gori, Kaspi, Dusheti regions, as well as the Truso and Borjomi gorges. By placing a standard police checkpoint in Chorchana, according to Kemoklidze, they also prevented a precedent for using the so-called 1922 map.

19. According to Kemoklidze, this accusation is an attempt at artificial manipulation, as the fact appears as if the representatives of de facto Tskhinvali did not claim the territory adjacent to Chorchana and had not initiated an active "borderization" process. According to the witness, in reality, approximately 1,680 ha of territory were preserved, and if the plan, which envisaged the placement of additional temporary checkpoints on the adjacent slopes, had been fully implemented, the de facto would not have been given the opportunity to set up the checkpoints that were later installed.

3.2.2. State Security Service Reports for 2019, 2021 and 2024

It is worth highlighting the 2019, 2021, and 2024 reports of the State Security Service, in which the information provided, according to GYLA, supports the arguments of the defense.

a. State Security Annual Report 2019

> The 2019 State Security Report of Georgia reflects the heightened tensions in the border zone that year. According to the report, in August 2019, occupation forces illegally erected a metal green fence approximately 430 meters long in the village of Gugutiantkari, Gori Municipality. As a result, two local residences and part of an irrigation canal were absorbed into the occupied territory.
>
> Throughout 2019, Russian occupation forces engaged in deeply concerning actions that severely damaged the security environment and disrupted life for residents on both sides of the occupation line. The developments near the village of Chorchana, Khashuri Municipality, clearly demonstrate this trend.[34]

[34] 2019 Annual Report of the State Security Service of Georgia, p. 5, available at: https://ssg.gov.ge/uploads/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%94%E1%83%91%E1%83%98/%E1%83%A1%E1%83%A3%E1%83%A1%202019%20%E1%83%90%E1%83%9C%E1%83%92%E1%

The process began in January 2019, when occupation forces painted yellow markers on trees and cleared paths for illegal patrols in the forest adjacent to Chorchana and Tsaghveli—one kilometer inside territory controlled by the central government. [35]

To prevent further illegal "borderization" and ensure local security, Georgian authorities placed a standard police checkpoint in central-government-controlled territory, approximately 250 meters from the occupation line. [36]

In response, occupation forces escalated their actions near the line: deploying heavy equipment, mobilizing illegal armed formations, constructing a road 1.3 kilometers deep into Tbilisi-controlled territory, and erecting illegal installations. [37]

In an unprecedented provocative act within central-government-controlled territory, occupation forces temporarily detained European Union Monitoring Mission (EUMM) monitors near the occupation line in Khashuri Municipality. This was particularly egregious given that the EUMM's mandate permits operations both near the occupation line and within the occupied territories. [38]

At the Incident Prevention and Response Mechanism (IPRM) meeting in Ergneti on August 29, 2019, representatives of occupied Tskhinvali issued an ultimatum demanding the removal of the Georgian police checkpoint. During a technical meeting on August 30, they reiterated this demand and insisted on creating a "buffer zone" from the talc factory to Chorchani, including the forest area.

Since August 30, 2019, seven technical meetings have taken place within the IPRM framework regarding this issue. [39]

Illegal "borderization" was also recorded near the village of Atotsi in Kareli Municipality, where Russian occupation forces partially installed a 370-meter metal green fence and barbed wire on poles erected in 2018. [40]

b. State Security Annual Report 2021

The agency's 2021 report reflects the following: "In 2021, the State Security Service of Georgia recorded 9 cases of illegal so-called borderization toward occupied Abkhazia and 130 cases toward the occupied Tskhinvali region. Illegal activities included laying new barbed wire fences, renovating existing fences, arranging firebreaks and earthworks, and erecting border banners and checkpoints. [41]

83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98.pdf [Updated: 05.06.2026].

[35] Ibid., p. 6.

[36] Ibid

[37] Ibid

[38] Ibid

[39] Ibid

[40] Ibid

[41] State Security Service of Georgia 2021 Annual Report, p. 11, available at: https://ssg.gov.ge/uploads/user-11-6512bd43d9caa6e02c990b0a82652dca/%E1%83%A1%E1%83%90%E1%83%AE%E1%83%94%E1%83%9A%E1%83%9B%E1%83%AC%E1%83%98%E1%83%A4%E1%83%9D%20%E1%83%A3%E1%83%A1%E1%83%90%E1%83%A4%E1%83%A0%E1%83%97%E1%83%AE%E1%83%9D%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%20%E1%83%A1%E1%83%90%E1%83%9B%E1%83%A1%E1%83%90%E1%83%AE%E1%83%A3%E1%83%A0%E1%83%98%E1%83%A1%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%202021%20%E1%83%AC%E1%83%94%E1%83%9A%E1%83%98.pdf [Updated: 05.06.2026].

The situation remained tense near the village of Chorchana, Khashuri Municipality, where a crisis arose in August 2019 due to the destructive actions of occupation forces. Due to their non-constructive approach, no progress is being made toward a resolution. Representatives of the central government have repeatedly expressed readiness during Geneva International Discussions (GID) and Incident Prevention and Response Mechanism (IPRM) meetings to resolve the crisis in Chorchana, but no steps have been taken to address it." [42]

g. State Security Annual Report 2024

The 2024 report states: "The practice of selectively operating the so-called checkpoints continued toward the occupied Tskhinvali region, with movement permitted for only 10 days per month. Furthermore, passage through these checkpoints was restricted exclusively to individuals holding so-called permits. [43]

At the same time, the occupying power linked these illegal restrictions on free movement to the police checkpoint erected near the village of Chorchana and demanded its removal.

This illegal process of 'borderization'—including constructing checkpoints and periodically closing them—constitutes a gross violation of fundamental human rights while worsening both the security environment and the humanitarian situation. [44]

These destructive activities took place alongside an aggressive disinformation campaign that further destabilized the fragile security environment. Disinformation was primarily used to pressure the central government of Georgia, mislead the international community, and manipulate local residents. [45]

Numerous disinformation statements were disseminated. During the reporting period, the occupation regime again raised the issues of so-called delimitation-demarcation and the signing of a 'Non-Use of Force' agreement. Additionally, to exert pressure on the central government of Georgia, the occupation forces periodically spread disinformation regarding the Truso and Ruda gorges, aiming to drag them into the conflict and portray Georgia as the aggressor. [46]

This combination of hybrid warfare tools aimed to destabilize the situation on the ground, create false legitimacy, intimidate residents living in and near the occupied territories, discredit Tbilisi, and alienate a society divided by the occupation line." [47]

It should be clearly noted that the above-mentioned reports have been approved by the Parliament:

- 10.07.2020 - The Committee on Human Rights Protection and Civil Integration, and on

[42] Ibid

[43] State Security Service of Georgia 2021 Annual Report, p. 17, available at: https://ssg.gov.ge/uploads/2025%20%E1%83%AC%E1%83%94%E1%83%9A%E1%83%98/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8% E1%83%98%202024%20pdf/%E1%83%A1%E1%83%A3%E1%83%A1%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%202024.pdf [Updated: 05.06.2026].

[44] Ibid

[45] Ibid 18.

[46] Ibid

[47] Ibid

13.07.2020 - the Committee on Legal Affairs, as well as the Committee on Defense and Security, positively assessed the activities of the State security Servicein 2019.

- Similarly, the Committee on Defense and Security of the Parliament of Georgia (20.06.2022) positively assessed the activities of the State security Servicein 2021.
- By the resolution of the Parliament of Georgia (signed by Shalva Papuashvili), the activities of the State security Servicein 2021 were positively assessed (20.09.22).
- The Defense and Security Committee positively assessed the activities of the State security Servicein 2024 (24.06.2025). Also, by the resolution of the Parliament of Georgia, the activities of the State security Servicein 2024 were positively assessed.

The above proves that in previous years, the reports of the State Security Service reflected what the defense side positions - the tense situation created near the village of Chorchana in Khashuri municipality in 2019 and the destructive actions of the occupying force. The content of these reports was also approved by the Georgian Parliament, which later became the basis for Giorgi Gakharia's accusations.

3.2.3. Information obtained by the defense from the EUMM - European Union Monitoring Mission regarding the establishment of a checkpoint in the Chorchana area in 2019

The European External Action Service (EEAS), as the supervising body of the European Union Monitoring Mission (EUMM), can assist the court in establishing objective truth. For this purpose, the defense requested the following information at their disposal:

1. Were there signs of illegal "borderization" carried out by representatives of the occupation forces in the village of Chorchana, Khashuri Municipality, in 2019? If so, what were these signs, and was the European Union Monitoring Mission (EUMM) informed about them?
2. Did the Incident Prevention and Response Mechanism (IPRM) discuss the issue of illegal "borderization" and related problems in the territory of Chorchana at a meeting in Ergneti prior to the deployment of the police checkpoint in Chorchana?
3. Was the European Union Monitoring Mission (EUMM) informed in advance by the Georgian Ministry of Internal Affairs that it planned to deploy a standard police checkpoint in the village of Chorchana, Khashuri Municipality, on Georgian-controlled territory near the occupation line?
4. Was there any communication between the European Union Monitoring Mission (EUMM) and the State Security Service of Georgia regarding the construction of a police checkpoint in the village of Chorchana, Khashuri Municipality?

According to the response sent to the defense, the European Union Monitoring Mission (EUMM) confirms that it was closely monitoring developments. On September 16, 2019, the EUMM published a statement on its observation results in the area, confirming, among other things, the presence of painted markings on trees and the establishment of a Georgian observation post. [48]

The statement of September 16 reads as follows: "[...] Since January of this year, the Mission

[48] Reply of the Secretary-General of the European External Action Service, Brussels, 13.01.2026.

has observed colored markings on trees in the area between Tsnelisi and Chorchana. The Mission assessed these markings as signs of 'borderization,' although no party claimed responsibility for these markings. On August 20–24, a new Georgian surveillance checkpoint was established by the Special Tasks Department of the Ministry of Internal Affairs on the outskirts of the village of Tsnelisi. According to the EU Monitoring Mission, the checkpoint is located approximately 240 meters from the administrative boundary line, in the territory controlled by the central authorities of Georgia, according to the traditional perception of the administrative boundary line in the indicated district [...]."[49]

Another statement, dated October 24, 2019, which the defense has submitted in the case materials, states the following:

"On October 24, in the afternoon, an EUMM team was briefly detained by armed security actors from South Ossetia while patrolling the Chorchana-Tsnelisi area. Shortly after these events, a hotline was activated from the Tskhinvali side.

The Mission is currently still investigating the details of the incident, which took place in an area considered to be administered by Tbilisi, in accordance with the traditional interpretation of the administrative boundary line.

Following recent security developments, the EUMM has significantly increased its patrols in the Chorchana-Tsnelisi area in order to support stability.

The EUMM is deeply concerned by the fact that members of the armed security forces are obstructing the Mission's observers in the daily performance of their mandate." [50]

Information regarding the concerns of the Head of the EU Monitoring Mission over the "borderization" process and the position of the de facto leader of Tskhinvali was also submitted by the defense in the following statement:

"The 91st meeting of the Incident Prevention and Response Mechanism was held on February 8 in the village of Ergneti, located near the occupation line with the Tskhinvali region.

According to a press release published by the EU Monitoring Mission, Head of Mission Erik Høgg noted that 'the current security situation remains relatively stable,' though he also raised concerns regarding checkpoint closures and events related to 'borderization.'

The issue of 'borderization' was a central topic on the agenda, as Tbilisi protested the construction of a 'watchtower' near the village of Dzukaantkari two days prior to the meeting."

Igor Kochiev, who represented Tskhinvali leader Anatoly Bibilov, told reporters after the meeting that the "watchtower" did not pose a threat to the local population in Khurvaleti, adding that it would help residents detect grass fires, which had "become very frequent recently."

Official Tbilisi rejected Tskhinvali's position. Irakli Antadze, representing the Georgian State Security Service, stated that the watchtower's construction was illegal and posed a potential threat to local residents. He also condemned the ongoing "borderization" in Chorchana and Tsagvli, Khashuri Municipality, near the occupation line.

While Antadze warned that the illegal process could destabilize the fragile security situation

[49] Statement of September 16, 2019: https://www.eumm.eu/ge/press_and_public_information/press_releases/36639/ [Updated: 05.06.2026].

[50] Statement of October 24, 2019: https://www.eumm.eu/ge/press_and_public_information/press_releases/36656/ [Updated: 05.06.2026].

on the ground, he assured that the Georgian government was monitoring developments and would take all necessary measures to protect local residents.

The EUMM noted that despite "difficult discussions," the meeting maintained a "professional atmosphere."

The mission added that discussions regarding checkpoint closures were followed by a debate on "borderization." During this segment, Head of Mission Erik Høgg and the Special Representative of the OSCE Chairperson-in-Office for the South Caucasus, Rudolf Michalka, expressed concern over how checkpoint closures impacted freedom of movement, local livelihoods, and access to education and health services.

Addressing the closures, the Tskhinvali representative emphasized that the checkpoints would reopen once the epidemiological situation in Georgia normalized, citing the spread of swine flu as the primary reason for the restrictions.

According to statements from the EU mission and the State Security Service, attendees also discussed the deaths of Archil Tatunashvili and Davit Basharuli. The Georgian delegation demanded the return of Tatunashvili's internal organs and personal belongings, as well as a thorough investigation into Basharuli's death.

The next IPRM meeting was scheduled to take place in Ergneti on March 20.

The Incident Prevention and Response Mechanism was established under the framework of the Geneva International Discussions to address on-the-ground security concerns among representatives of Georgia, occupied Abkhazia, the Tskhinvali region, and Russian border forces. [51]

3.2.4. Local assessments and public sources related to on-site markings

According to GYLA, the position of the defense is supported by information disseminated through numerous open sources, including news reports and interviews with locals who speak about markings and complicated movement in the Chorchana and Tsaghveli forests.

A story aired on Imedi TV on February 18, 2019, [52] depicts how Russian soldiers are preparing to mark the demarcation line in the Chorchana and Tsaghvili forests. The story also features interviews with local residents and reflects the situation on the ground before the construction of a standard police checkpoint. [53] Another story presents the markings on trees in the Chorchana village forest as of February 8, 2019, as signs of the expected so-called borderization. [54] In addition, in the Formula TV story, locals talk about important circumstances related to the Chorchana case. [55] The First Channel story also talks about the yellow markings made by

[51] "EU Monitoring Mission: 91st IPRM Meeting Held in Ergneti in a "Professional Environment", Civil Georgia, 09.02.2019, available at: https://civil.ge/ka/archives/276235 [Updated: 05.06.2026].

[52] Imedi TV was sanctioned by the United Kingdom on February 24, 2026, as part of a wider crackdown on Russia, for spreading "deliberately misleading information" about Russia's full-scale invasion of Ukraine, which undermines Ukraine's sovereignty. See Civil.ge, Breaking: UK Sanctions Pro-Government Imedi, POSTV Channels, https://civil.ge/archives/722559, [08.06.2026].

[53] Russian soldiers prepare to cross the demarcation line in the Chorchana and Tsaghveli forests, February 18, 2019, TV IMEDI YouTube page, available at: https://www.youtube.com/watch?v=epvlsv_2sMA&pp=0gcJCQMLAYcqIYzv [Updated: 05.06.2026].

[54] FC E0034, February 10, 2019, "Strength in Unity" YouTube page, available at: https://www.youtube.com/watch?v=yxhZi_ZD-C0 [Updated: 05.06.2026].

[55] "Living with the Heavy Burden of Occupation," June 21, 2025, Formula News YouTube page, available at: https://www.youtube.com/watch?v=LQmVo3HKx-U [Updated: 05.06.2026].

Russian soldiers in the forest and that the residents of Khashuri are afraid to enter the forest. [56]

A video uploaded to the First Channel's YouTube page features the response of then-Prime Minister Giorgi Gakharia regarding the situation at the occupation line on October 26, 2019, in which he states that any reaction from the government will be coordinated with the country's international partners and that the return of the occupied territories should only take place peacefully. The then-Minister of Internal Affairs Vakhtang Gomelauri says that the occupation of the country continues, which is a sad fact, but he also adds that it is incorrect to talk about the country losing territories now. The then-Minister of Justice Tea Tsulukiani, meanwhile, tells journalists that the government is countering the occupation with a peaceful but principled policy. [57]

As of 2016, the population of Chorchana is the most frequently captured by Russian soldiers. The First Channel report shows that the locals are afraid to move around the territory and have many problems. [58]

Also, the August 30, 2019, Channel One report stated that the official Tbilisi position and main goal is to protect the population and de-escalate the situation. With the argument of protecting security, the ruling team considers it necessary to maintain the police checkpoint in Chorchana. [59]

The defense witness Shalva Kereselidze, who is currently a member of the 11th convocation of the Georgian Parliament from the "Rejoice for Georgia" party list, speaks about the assessments of the locals. As he notes in his testimony given on December 16, 2025, on December 11, 2025, he arrived in the village of Chorchana together with members of parliament - Giga Parulava and Ketevan Bakaradze - and spoke with the local population. [60] Their goal was to find out what had changed for the population of the village of Chorchana after the Ministry of Internal Affairs installed a checkpoint in the village forest in August 2019. All the people they spoke to unanimously noted that, in fact, the installation of the checkpoint protected the village and if this had not happened in a timely manner, the village would have been occupied and the population would have been displaced. The establishment of a checkpoint, the construction of a road, the gasification carried out during this period, and the granting of the village a high-mountain status gave the population a feeling of care, protection, and stability from the authorities, revitalized the village, and curbed internal migration. According to local residents, they still use the forest surrounding the village as before: they hunt, haul firewood, collect jonjoli, graze livestock, and more.

Witness Shalva Kereselidze also notes in his testimony that locals avoid speaking publicly about these issues and giving official testimony, as they have been strictly warned by the special services not to speak about these issues, otherwise they will face problems. Kereselidze's testimony is confirmed by members of parliament Giga Parulava and Ketevan Bakaradze.

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[56] "New Occupation Marks", February 10, 2019, First Channel YouTube page, available at: https://www.youtube.com/watch?v=ubS5khEMuo8 [Updated: 05.06.2026].

[57] "Situation near the Occupation Zone", October 26, 2019, First Channel YouTube page, available at: https://www.youtube.com/watch?v=qEtpa0QC1AY [Updated: 05.06.2026].

[58] "Chorchana - a village located a hundred meters from the occupation line asks for help," March 11, 2016, Channel One YouTube page, available at: https://www.youtube.com/watch?v=HAqHoFOaRVo [Updated: 05.06.2026].

[59] "The Situation at the Occupation Line - Political Assessments", August 30, 2019, First Channel YouTube page, available at: https://www.youtube.com/watch?v=6scgi5H8vGc [Updated: 05.06.2026].

[60] Members of the 11th convocation of the Parliament of Georgia with the "Gakharia for Georgia" party list.

3.2.5. The use of the criminal case against G. Gakharia against the interests of Georgia by the Tskhinvali occupation regime and their other statements

At the stage of the indictment of Giorgi Gakharia and the ongoing criminal case against him in court, it is important to assess the statements of the Tskhinvali occupation regime in the context of creating a threat to the territorial integrity of Georgia. Given these risks, the conduct of the criminal case imposes an even greater responsibility on the Georgian Prosecutor's Office and the courts to be guided by high standards in the process of conducting the case and making decisions.

It is noteworthy that, encouraged by the criminal prosecution of Gakharia, Igor Kochiev—a representative of the Tskhinvali occupation regime—stated during an Incident Prevention and Response Mechanism meeting that removing the Georgian police checkpoint near the village of Tsnelisi remains a key objective for South Ossetia. Kochiev pointed to several positive developments in this direction, explicitly citing the criminal charges brought against former Prime Minister and Minister of Internal Affairs Giorgi Gakharia, who initiated the checkpoint's set-up.[61]

"The Georgian checkpoint located in Tsnelisi is a thorn that hurts the entire republic,"[62] said Anatoly Bibilov, the de facto leader of the occupied Tskhinvali region, following a meeting with the Geneva Co-Chairs. He added that it is time for the Georgian side to recognize that "the Republic of South Ossetia is an independent state."

[61] "Igor Kochiev - The removal of the Georgian police checkpoint near the village of Uista remains a key issue for South Ossetia - work is underway in this direction and certain positive developments are already being observed", Interpressnews, 23.12.2025, available at: https://www.interpressnews.ge/ka/article/858007-igor-kochievi-sopel-uistastan-kartuli-policiis-sagushagos-moxsna-samxret-osetistvis-kvlav-sakvanzo-sakitxad-rcheba-am-mimartulebit-mushaoba-mimdinareobs-da-ukve-sheinishneba-garkveuli-pozitiuri-zvrebi [Updated: 05.06.2026].

[62] "Anatoli Bibilov - The Georgian checkpoint located in Tsnelisi is a thorn that hurts the entire republic", Interpressnews, 20.11.2019, available at: https://www.interpressnews.ge/ka/article/573630-anatoli-bibilovi-cnelisshi-gantavsebuli-kartuli-sagushago-aris-ekali-romelic-mtels-respublikas-tkivils-aqenebs [Updated: 05.06.2026].

4. REVIEW OF THE LEGAL FRAMEWORK RELEVANT TO THE CASE

For the analysis of the presented case, GYLA considers it important to assess the constitutional framework of national security.

It is noteworthy that the National Security Council was abolished by the constitutional reform of October 13, 2017. The official reason for this was the lack of need for this mechanism in the new model of governance, as the president was distanced from the defense sphere and it was transferred to the competence of the government. [63] Instead of the National Security Council, the constitution established the National Defense Council, which is formed only during a state of war and is chaired by the president. [64] In addition to the head of state, it includes the Prime Minister, the Speaker of Parliament, the Minister of Defense, and the Commander-in-Chief of the Defense Forces. [65] The president can invite individual members of parliament and the government to become members of the council. [66]

4.1. Creation and abolition of the National Security Council

Following the abolition of the previous National Security Council, the establishment of a new coordinating body under the Prime Minister was placed on the agenda. [67] To fill this vacuum, a new National Security Council was established on April 2, 2019. [68]

This National Security Council operated for six years before being abolished on June 26, 2025, through expedited legislation. The rationale for using the expedited process was the government's definitive decision to dissolve the agency, [69] making any delay deemed unnecessary. [70] The official justification for the council's abolition was that it was not a constitutional body and its permanent members, including cabinet ministers and heads of state security institutions reporting to the Prime Minister, already coordinated on a daily basis, [71] rendering the Council redundant. [72]

The Government of Georgia initiated both the creation and the eventual abolition of this body. The executive branch's contradictory arguments, first asserting the urgent necessity of the Council and then hastily dismantling it, reflect at best a superficial and indifferent approach to state security governance. Furthermore, first abolishing the security coordination mechanism at the constitutional level, only to repeatedly create and disband it through statutory law, demonstrates a lack of strategic coherence within the executive branch. Without this perspective, finding a sound legal logic behind these frequent legislative shifts remains difficult.

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[63] Explanatory note on the draft Constitutional Law of Georgia "On Amendments to the Constitution of Georgia", Article 73, available at: https://info.parliament.ge/file/1/BillReviewContent/149115 [Updated: 05.06.2026].
[64] Constitution of Georgia, Article 73.
[65] Ibid
[66] Ibid
[67] On Amendments to the Law of Georgia "On the Rules for Planning and Coordination of National Security Policy", available at: https://matsne.gov.ge/ka/document/view/4512576?publication=0, [Updated: 05.06.2026].
[68] Explanatory note on the draft law of Georgia "On the Rules of Planning and Coordination of National Security Policy" on Amendments to the Law of Georgia, available at: https://info.parliament.ge/file/1/BillReviewContent/208711 [Updated: 05.06.2026].
[69] Explanatory note on the draft law of Georgia "On Amendments to the Law of Georgia "On the Rules of Planning and Coordination of National Security Policy", available at: https://info.parliament.ge/file/1/BillReviewContent/393281? , [Updated: 05.06.2026].
[70] Ibid
[71] Ibid
[72] Ibid

4.2. Status and Authority of the National Security Council

The National Security Council was established in April 2019 to inform the Prime Minister on issues threatening national security and state interests, assist in preparing executive political decisions, and plan and coordinate national security policy at the strategic level. [73] Operating directly under the Prime Minister, the Council served as his advisory body. [74]

The Council's mandate encompassed a broad range of responsibilities. Among these was evaluating and analyzing the situation in the occupied territories of Georgia, as well as assessing threats, risks, and challenges directly tied to national security and state interests. [75] Within this scope, the Council was authorized to study the feasibility of establishing checkpoints along the occupation line and present its findings to the Prime Minister, reflecting its advisory status to the head of government.

4.3. Planning and coordination of national security policy in the current version

After the National Security Council was abolished, policy planning and coordination have been transferred to the competence of the Government of Georgia. [76] By government decree, permanent or provisional commissions and/or working groups may be established to work on the development, revision and updating of national-level conceptual documents. [77]

4.4. Possibility of unilateral action by the Minister of Internal Affairs

According to the Statute of the Ministry of Internal Affairs, the sphere of activity of the Ministry includes, among other things, the protection of the state border. [78] In addition, one of the tasks of the Ministry is the protection and control of the legal regime of the state border of Georgia and the maritime space of Georgia. [79] The Minister regulates the issues falling within the scope of the Ministry's jurisdiction. [80]

The State Security Service, within the scope of its competence, is authorized, together with the agencies specified by law, to implement relevant measures to ensure the security of the state border of Georgia. [81]

On a practical level, the Ministry of Internal Affairs and the State Security Service could have coordinated their actions in establishing a checkpoint in Chorchana. However, according to the law, the State Security Service is authorized, but not obligated, to engage in border security within its competence. The Ministry of Internal Affairs has defined border security as its own task, which should be perceived as an obligation.

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[73] Law of Georgia "On the Rules of Planning and Coordination of National Security Policy", version of April 2, 2019, Article 19^1, paragraph 1.
[74] Ibid., paragraphs 2 and 3.
[75] Ibid., Article 192, subparagraph "c".
[76] Law of Georgia "On the Rules of Planning and Coordination of National Security Policy", Article 19, Paragraph 3.
[77] Ibid., paragraph 2.
[78] Resolution of the Government of Georgia No. 337 on Approval of the Regulations of the Ministry of Internal Affairs of Georgia, Article 3, available at: https://info.police.ge/uploads/68ac1e3464377.pdf, [Updated: 05.06.2026].
[79] Ibid., Article 4, Subparagraph "n", available at: https://info.police.ge/uploads/68ac1e3464377.pdf, updated 05.06.2026].
[80] Ibid., Article 5, Paragraph 2, Subparagraph "a", available at: https://info.police.ge/uploads/68ac1e3464377.pdf, [Updated: 05.06.2026].
[81] Article 12, paragraph 4, subparagraph "a"

4.5. Parliamentary control mechanisms

The Parliament of Georgia exercises control over the security sector and its constituent agencies, including the Ministry of Internal Affairs and the State Security Service, through the Defense and Security Committee and the Trust Group. [82] The Trust Group is a five-member body authorized to oversee institutions within the defense and security sector.

The Trust Group possesses various oversight mechanisms. Regarding the Chorchana issue, it could request information from relevant entities, [83] summon officials to its sessions, and receive on-site briefings. [84] Similarly, the Defense and Security Committee could summon officials or request official information. [85] Furthermore, parliamentary regulations allowed individual deputies to obtain information by submitting formal inquiries. [86] A political faction or a group of seven members of parliament could also interpellate the Minister of Internal Affairs or another official during a parliamentary plenary session to demand answers. [87]

Beyond these mechanisms, Parliament had the authority to establish a provisional investigative commission to examine the setup of the Chorchana checkpoint.

In his testimony regarding whether the Prime Minister, cabinet members, and agency heads were briefed, witness Kakhaber Kemoklidze noted Gakharia's position that this coordination indeed occurred. He reasoned that without the involvement of multiple actors across agencies, logistically establishing the checkpoint would have been virtually impossible.

4.6. Summary

In this case, it is essential for the court to evaluate not only the specific action charged by the prosecutor's office, but also whether the scope of abuse of power has been so broadly defined that it effectively criminalizes a political decision.

In this context, assessing the clarity of the line between an erroneous political or administrative decision and a criminally punishable act is particularly critical. Even if Gakharia's decision is deemed a mistaken or flawed political step, the court must determine whether this circumstance alone provides sufficient grounds for criminal liability. In democratic legal systems, an incorrect political decision does not constitute a crime in itself, and its criminalization is permissible only if every element of an offense is clearly established.

Furthermore, the court must consider the political context surrounding the case. In 2019, when the checkpoint was established, Giorgi Gakharia belonged to the same ruling political force under which the decision was taken. State agencies were aware of the move, the decision was not classified, and no immediate legal action was initiated. On the contrary, following the decision, Gakharia continued to serve in top political roles. While these circumstances do not automatically preclude criminal liability, they raise legitimate questions regarding how the same decision can be characterized years later as the arbitrary and criminal act of a single individual. Finally, the court must evaluate potential risks of political prosecution. In line with European human rights standards, careful scrutiny is required to ensure that criminal proceedings are not used against political opponents as a tool for political retribution.

[82] Rules of Procedure of the Parliament of Georgia, Article 154.
[83] Ibid., Article 157, paragraph 2.
[84] Ibid., Article 157, paragraph 10.
[85] Ibid., Article 147.
[86] Ibid., Article 148.
[87] Ibid., Article 149.

It is also important to determine how substantial the procedural violation alleged in the charge was. The mere existence of a procedural misconduct of a formal or technical nature is not sufficient to impose criminal liability. The prosecution must prove to the court that the violated procedure belonged to a fundamental legal mechanism, the neglect of which caused significant damage and therefore reaches the threshold of criminal liability. Otherwise, the issue may remain in the sphere of political or administrative liability.

Within the framework of the above discussion, the obligation of the Ministry of Internal Affairs to protect and control the state border was identified. [88] This is an unequivocal obligation of the Ministry. The State Security Service is only authorized, and not obliged, to engage in this procedure within the scope of its competence. The Ministry is headed by a minister who, in accordance with the legislation of Georgia, makes decisions on issues falling within his competence. Since the scope of the MIA's activities includes border protection and control, the Minister was authorized to make a decision on this issue.

As for the National Security Council, as a collegial advisory body, it could, but was not obliged to, study the issue of setting up the checkpoint and present its results to the Prime Minister. At the same time, the Council could not make an independent decision. It was limited to developing advice only, since its status was defined as an advisory body to the Head of Government.

In addition, in the present case, special importance is attached to the establishment of both intent and causality. In the conditions of the creeping occupation and the complex security environment, the court must assess the extent to which the disputed result can be directly linked to Gakharia's decision and the extent to which the prosecution's claim that it was precisely this action that caused the damage specified in the indictment is substantiated.

Accordingly, in the legal assessment of the case, it will be crucial not only to determine whether a specific procedure was violated, but also whether the prosecution can prove that this violation was of a substantial nature, constituted an abuse of authority within the meaning of criminal law, had a criminal intent, and was directly related to the resulting consequences. Only if these conditions are met will it be possible to move from the sphere of political or administrative responsibility to the sphere of criminal responsibility.

[88] Law of Georgia "On the Structure, Powers and Rules of Activity of the Government of Georgia", Article 20, Paragraph 1.

5. ASSESSMENT OF PROCEDURAL GUARANTEES OF A FAIR TRIAL IN THE CASE

5.1. Restriction of the constitutional right to protection

To obtain relevant public information regarding the Chorchana checkpoint issue and establish the objective truth in the case, defense counsel submitted formal inquiries to the Ministry of Internal Affairs, the State Security Service, and the Government Administration. However, none of these entities provided the requested information. Furthermore, the State Security Service's official response to defense counsel was notably dismissive:

"In response to your inquiry of November 19, 2025, please be informed that you submitted an extensive list of detailed questions. Answering these questions, in addition to requiring large-scale operational work, would necessitate outlining key operational priorities of our service.

In essence, you have requested a comprehensive report on matters that are withheld not only from defense attorneys representing accused individuals, but even from members of the legislative branch."

Accordingly, we will not respond to the aforementioned letter. We would also like to inform you that we do not intend to discuss similar issues in the future, either by correspondence or in any other form." [89]

It should be noted that the defense required this information to exercise its right to a complete defense.

Counsel also submitted inquiries to the Ministry of Internal Affairs regarding the number of checkpoints, when signs of illegal "borderization" by occupation forces were first observed in Chorchana, who within the Ministry was notified, and whether then-head of the State Security Service Gomelauri had requested a government discussion on the Chorchana issue.

The Ministry of Internal Affairs declined to provide the requested information. It cited statutory exemptions under state secrets and personal data protection legislation for certain details, processing complexity and volume for others, and a lack of institutional jurisdiction for the remaining questions. [90]

The Government Administration forwarded defense counsel's inquiry—which included questions on whether the State Security Service had addressed the Head of Government regarding Chorchana and "borderization" efforts—to the State Security Service for review under Article 80 of the General Administrative Code, which governs the transfer of applications to authorized administrative bodies.

Such interference with the constitutional right to defense by the State Security Service and the Ministry of Internal Affairs actually violates the principle of equality and adversarial proceedings in criminal proceedings. The defense is illegally deprived of the opportunity to obtain exculpatory evidence, thus placing it in a discriminatory position compared to the prosecution.

The right to defense is guaranteed. Everyone has the right to defend their rights in court personally, through a lawyer, or, in cases specified by law, through a representative. The unhindered exercise of a lawyer's rights and the right of lawyers to self-organize are guaranteed by law. [91]

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[89] Letter of the State Security Service of Georgia dated 24.11.2025 N SSG 6 25 00288013.
[90] Letter of the Ministry of Internal Affairs of Georgia dated 28.11.2025 N MIA 7 25 03962267.
[91] Constitution of Georgia, Article 31 (3).

An accused individual has the right to select legal counsel, retain a lawyer, and replace chosen counsel at any time. If an accused lacks financial means, the state provides a court-appointed public defender. Furthermore, the accused holds specific procedural rights, including the right to conduct an investigation independently or through counsel, as well as lawfully obtain and present evidence under the Code of Criminal Procedure. The accused may also request investigative actions, petition for evidence necessary to refute charges or mitigate liability, participate in investigative actions conducted independently or by defense counsel, and request counsel's presence during any investigative action involving the accused. [92]

To uncover circumstances that exonerate the accused or mitigate liability, defense counsel must employ all lawful means and methods of defense. Defense counsel is entitled, within the scope and procedures established by the Code of Criminal Procedure, to inspect prosecution evidence, obtain case materials and evidence, including copies of interrogation protocols, and exercise all procedural rights granted to the defense. [93]

Upon the initiation of criminal prosecution, proceedings are conducted under the principles of equality of arms and adversarial process. Each party maintains the right to file motions, obtain, court-subpoena, present, and examine all relevant evidence in accordance with statutory procedures. [94]

The accused has the right to obtain evidence at their own expense, independently or with the assistance of defense counsel. Evidence obtained by the defense carries the same legal force as evidence obtained by the prosecution. If acquiring evidence requires an investigative or procedural action that the accused or counsel cannot perform independently, the defense is entitled to apply to the judge at the place of investigation for an appropriate court order. [95]

If there is reasonable cause to believe that information or a document critical to the criminal case is stored in a computer system or database, the defense may petition the court for a ruling to compel the production of that material. Furthermore, searches and seizures may be conducted to locate and confiscate objects, documents, substances, or other items containing case-relevant information. [96] These measures may be authorized when reasonable grounds indicate that the target item is stored in a specific location or held by a specific person, making a broader search unnecessary. [97]

On this basis, the Public Defender issued a recommendation to the State Security Service[98] and the Ministry of Internal Affairs[99] that the agencies confirm the fact of possession of the information so that the lawyer would subsequently have the opportunity to apply to the court for a ruling to conduct the investigative actions necessary to obtain evidence.

Before that, on December 11, 2025, the lawyer applied to the Tbilisi City Court for a ruling on the seizure of documents and correspondence kept in the State Security Service (as well as, similarly, in the Ministry of Internal Affairs) that relate to the subsequent processes related to the placement of a police checkpoint in the village of Chorchana, Khashuri Municipality, near the occupation line.

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[92] Criminal Procedure Code, Article 38 (3, 7).
[93] Ibid., Article 44 (3).
[94] Ibid., Article 9.
[95] Ibid., Article 39.
[96] Ibid., Article 136 (1).
[97] Ibid., Article 119 (1,3)
[98] Recommendation of the Public Defender of Georgia to the State Security Service, January 12, 2026, N 25/254.
[99] Recommendation of the Public Defender of Georgia to the Ministry of Internal Affairs, January 12, 2026, N 25/255.

By a ruling of December 12 of the same year, the court refused on the grounds that the lawyer's request was general, abstract, and the petition did not specify which documents he was requesting to be seized. The lawyer appealed this ruling to the Court of Appeal, but to no avail.

When the defense faces clear barriers to obtaining relevant evidence, its right to an effective defense is severely restricted. It is critically important for the accused and their counsel to have a real, practical opportunity to secure exculpatory or mitigating evidence.

State bodies must not deliberately restrict defense access to vital information, unreasonably refuse document requests, conceal exculpatory evidence, or delay providing case materials. When such executive withholding is paired with judicial inaction, the fairness of the trial itself is called into question, undermining the constitutional right to defense as well as the fundamental principles of equality of arms and adversarial proceedings.

5.2. The prosecution's disregard of important witnesses

The prosecution did not interrogate the accused Giorgi Gakharia in the case. The defense also filed a motion on this issue, but it was not satisfied by either the prosecutor of the case or, after the complaint, by the superior prosecutor.

Another important person in determining the truth in this case, according to the defense, was Grigol Liluashvili, whose questioning was also requested by the prosecutor. However, the prosecution did not satisfy this motion either.

When the investigation is not interested in questioning key witnesses in the case, doubts arise regarding the incomplete and one-sided conduct of the investigation, as well as its lack of objectivity and impartiality.

5.3. Extension of the preliminary hearing period

The prosecution's request to extend the preliminary hearing by 57 days is noteworthy and raises a fundamental question: if they lacked sufficient evidence, why did they rush to file charges, particularly when, by their own logic, six years without an investigation had caused no harm?

The defense contends that if objective evidence existed, the prosecution could have gathered it before initiating a criminal prosecution that has been politically motivated from start to finish. Furthermore, the prosecution had nearly two months after filing charges to secure such evidence, yet failed to do so. Consequently, its request to extend the preliminary hearing to pursue uncertain evidence remains entirely unjustified. The prosecution has also failed to provide an objective reason, independent of its own control, explaining why it could not obtain this material during an investigation that had already spanned several months.

The defense urges the court to consider that more than six years have elapsed since the construction of the standard police checkpoint in Chorchana, Khashuri Municipality, providing the prosecution ample time to investigate any legal questions. In the defense's view, any objective observer reviewing the case would conclude that by prosecuting Giorgi Gakharia, the prosecution merely carried out the political revenge publicly announced by Bidzina Ivanishvili. Now, it is searching for evidence of a non-existent crime.

Nevertheless, the court disregarded the defense's position and granted the prosecution an extension of the investigation period.

6. POLITICALLY MOTIVATED LITIGATION

6.1. A general definition of politically motivated justice

It is important to have a general overview of the standards by which a trial may be considered politically motivated. There is no universally accepted definition of a politically motivated trial or a political prisoner, however, the 2012 Parliamentary Assembly of the Council of Europe Resolution 1900 and the case law of the European Court of Human Rights provide an opportunity to identify the characteristics on the basis of which a trial may be considered to be politically motivated.

The definition of a "political prisoner" is given in the 2012 Parliamentary Assembly of the Council of Europe Resolution 1900.[100] This definition is widely accepted and,[101] in turn, is based on definitions developed by independent experts over the years. In 2014, the OSCE Parliamentary Assembly supported the adoption of this resolution.[102] This definition is also used in his reports by the OSCE Parliamentary Assembly's Special Representative on Political Prisoners.[103]

According to the resolution:

"A person deprived of his liberty shall be considered a "political prisoner":

a. If he has been detained in violation of any of the guarantees protected by the European Convention on Human Rights and the Protocols thereto, in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association.

b. If he has been detained for purely political reasons, without any connection with any other violation.

c. If, for political reasons, the duration and conditions of detention are manifestly disproportionate to the violation of which the person was found guilty or accused.

d. If he has been detained in a discriminatory manner in comparison with other persons.

e. If the detention is the result of a trial that was manifestly unfair and that appears to be linked to the political motive of the authorities."

It is clear from this definition that "political prisoner" and, consequently, "political justice" do not apply only to cases where a person is persecuted, without any connection with a criminal offence, for a purely political purpose, or for the exercise of the right to assembly, expression or other fundamental rights. Justice may also be considered political where a person has al-

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[100] PACE, Resolution 1900 (2012), https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150 , updated : 10.06.2026.

[101] Ibid

[102] OSCE PA, BAKU DECLARATION, 2014, par. 113, www.oscepa.org/en/documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file, updated 10.06.2026.

[103] ANNUAL REPORT OF THE OSCE PA SPECIAL REPRESENTATIVE ON POLITICAL PRISONERS CONGRESSMAN STEVE COHEN (USA), THE 30TH ANNUAL SESSION OF THE OSCE PA JUNE 30 – JULY 4, 2023, https://www.oscepa.org/en/documents/special-representatives/political-prisoners/4720-annual-report-of-the-osce-pa-special-representative-on-political-prisoners-congressman-steve-cohen-3-july-2023/file, updated 10.06.2026; ANNUAL REPORT OF THE OSCE PA SPECIAL REPRESENTATIVE ON POLITICAL PRISONERS CONGRESSMAN STEVE COHEN (US), THE 31ST ANNUAL SESSION OF THE OSCE PA JUNE 29 – JULY 3, 2024, https://www.oscepa.org/en/documents/special-representatives/political-prisoners/5012-report-of-the-osce-pa-special-representative-on-political-prisoners-congressman-steve-cohen-29-june-2024/file, updated 10.06.2026.

legedly committed a criminal offence but, due to the political motive of the persecution, the proceedings or the sanction imposed are manifestly unfair, discriminatory or disproportionate.

This reasoning is supported by the case-law of the European Court of Human Rights in relation to Article 18 of the Convention, although the Convention and the European Court do not provide a definition of "political persecution" or "political prisoner". According to Article 18 of the Convention, restrictions permitted by the Convention on Rights and Freedoms may not be applied other than for the purpose for which they are intended.

Article 18 of the Convention does not have independent effect. It applies in conjunction with any other article. However, a violation of Article 18 may be found in relation to a specific article even if, taken separately, no violation of that article has been found. [104]

It is possible for a restriction to be based not on a legitimate aim defined in the Convention but on an ulterior motive. A restriction may be based solely on an ulterior aim or may have both a Convention and an ulterior aim. [105]

When the Court considers in this context the question of the existence of a political or other purpose in a criminal charge, it will have regard to the following factors:

i. The broader legal and political context in which the criminal case against the applicant was brought. [106]

ii. Whether the prosecution and the judiciary were motivated by an ulterior motive. [107] In particular:

iii. Public statements by government officials may, in certain cases, indicate a deliberate persecution of a person. [108]

iv. A particular political climate may create an environment which influences the decisions of the national courts in relation to the applicant or to other persons belonging to the same group or category. [109]

v. Whether there is evidence that the courts were insufficiently independent of the executive. [110]

vi. Whether the accusation against the applicant is genuine and meets the standard of "reasonable doubt" within the meaning of Article 5 § 1 of the Convention. [111] Where the charge is based on facts which, under national law, cannot reasonably be considered criminally punishable, this is particularly relevant in relation to Article 18 of the Convention and may suggest the existence of an ulterior motive. [112]

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[104] MERABISHVILI v. GEORGIA, 72508/13, 28 November 2017, par. 288. The standards for the application and interpretation of Article 18 are summarised in the judgment of the Grand Chamber of the European Court of Human Rights in Merabishvili v. Georgia (MERABISHVILI v. GEORGIA [GC]). Prior to that case, the case-law of the Court of Human Rights on this Article had been, in some cases, contradictory, and therefore, in that judgment, the Court considered it necessary to define and summarise the standard more clearly.

[105] Ibid 292.

[106] Ibid 322.

[107] BATIASHVILI v. GEORGIA, 8284/07, 10 October 2019, par. 102.

[108] MERABISHVILI v. GEORGIA, 72508/13, 28 November 2017, par. 324; Also MAMMADOV v. AZERBAIJAN, 15172/13, 22 May 2014, par 142.

[109] SELAHATTİN DEMİRTAŞ v. TURKEY (No. 2), 14305/17, 22 December 2020, par 434, 436.

[110] MERABISHVILI v. GEORGIA, 72508/13, 28 November 2017, par. 324.

[111] ISMAYILOVA v. AZERBAIJAN (No. 2), 30778/15, 27 February 2020, par 111.

[112] KAVALA v. TURKEY, 28749/18, 10 December 2019, par. 220, 224.

vii. Whether the decisions of the national court were well reasoned. [113]

viii. Whether the preventive measures applied to the accused were sufficiently related to the aims of criminal justice and their duration was adequate. [114]

On the one hand, the existence of a legitimate aim within the meaning of the Convention does not exclude the existence of an ulterior aim, just as the existence of an ulterior aim alongside a legitimate aim does not a priori entail a violation of Article 18. [115] In the case of a ulterior and a Convention-compliant aim, the Court assesses which aim was predominant. [116]

A violation of Article 18 will only be found if the ulterior aim was predominant. [117] The assessment of whether an aim is predominant depends on all the circumstances of the case. [118] In making its assessment, the Court will pay attention to the nature of the alleged ulterior aim and its degree of reprehensibility, while taking into account that the Convention was designed to protect the values of a democratic society and the rule of law. [119]

The European Court is not limited to direct evidence and may also consider circumstantial evidence. [120] Circumstantial evidence, in this case, refers to information about the main facts, contextual facts or a chain of events that may form the basis for drawing conclusions about the main facts. [121] The Court often also takes into account reports and statements by international observers, non-governmental organizations, the media, as well as decisions of other international or national courts in order to clarify the facts or verify the Court's findings. [122]

A predominant ulterior motive may be the deliberate persecution of a specific individual.[123] A tendency to persecute a specific group may also indicate an ulterior motive. For example, the unjustified detention of individuals critical of the government, activists, and human rights defenders, and the misuse of criminal justice mechanisms against them. [124]

It is worth noting that, on the one hand, the special status of a person, for example, criminal prosecution of a politician, does not automatically indicate the existence of an ulterior motive,[125] just as the absence of political status does not exclude an ulterior motive behind criminal prosecution. [126]

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[113] AZIZOV AND NOVRUZLU v. AZERBAIJAN, 65583/13, 70106/13, 18 February 2021, par. 78.
[114] NAVALNYY v. RUSSIA (No. 2), 43734/14, 9 April 2019, par. 95.
[115] MERABISHVILI v. GEORGIA, 72508/13, 28 November 2017, par, 303-305.
[116] Ibid 308.
[117] Ibid 305.
[118] Ibid 307.
[119] Ibid 307.
[120] Ibid 316.
[121] Ibid 317.
[122] Ibid
[123] For example, in the case of Navalnyy v. Russia [GC], which covered seven episodes of Navalnyy's detention, the Court considered that the targeting of the applicant as an opposition politician affected not only him or his supporters but also the very essence of democracy and constituted an underlying aim of "significant gravity". NAVALNYY v. RUSSIA, 29580/12, 15 November 2018, paras. 173-176.
[124] AZIZOV AND NOVRUZLU v. AZERBAIJAN, 65583/13, 18 February 2021, par. 76.
[125] SELAHATTİN DEMİRTAŞ v. TURKEY (No. 2), 14305/17, 22 December 2020, par 424.
[126] MAMMADLI v. AZERBAIJAN, 47145/14, 19 April 2018, par. 103.

6.2. The relevance of political justice in a human rights crisis

Since 2024, the human rights situation in Georgia has been characterized by a rapid deterioration. The actions of the government and the adopted legislation are aimed at consolidating authoritarian power, punishing and intimidating dissenters (see section 2.1.).

It is worth emphasizing that politically motivated criminal justice is one of the main instruments of this repression. In October 2025, GYLA published the results of its monitoring of politically motivated cases of persons detained in the context of protests in 2024-2025 in the courts of first instance. [127] The document concerns the criminal cases of 69 persons detained/arrested in the context of protests, of which 10 persons were charged with involvement in the spring 2024 protests, and 59 persons - in connection with the November-February 2024-2025 protests/continuation protests. According to GYLA, "the above-mentioned cases are politically motivated and the predominant goal of the proceedings is to retaliate against dissenting opinions." [128]

In 2025, various cases referred to political justice and the existence of political prisoners in Georgia, including the Parliamentary Assembly of the Council of Europe, [129] the European Parliament, [130] the European Union Spokesperson, [131] the OSCE Parliamentary Assembly, [132] and Amnesty International. [133]

The OSCE Human Dimension Mechanism (Moscow Mechanism) report, [134] published on April

[127] THE RESULTS OF MONITORING POLITICALLY MOTIVATED CASES RELATED TO DETAINEES DURING PROTESTS IN 2024–2025 AT FIRST INSTANCE COURTS 2025 https://admin.gyla.ge/uploads_script/publications/pdf/2024-2025%20wlebSi%20politikurad%20motivirebuli%20saqmeebi_eng.pdf Updated 10.06.2026.

[128] Ibid 51.

[129] PACE Resolution 2585 (2025), https://pace.coe.int/en/files/34147/html, Updated 10.06.2026.

[130] European Parliament resolution of 13 February 2025 on the further deterioration of the political situation in Georgia (2025/2522(RSP)), https://www.europarl.europa.eu/doceo/document/TA-10-2025-0019_EN.html, Updated 10.06.2026; European Parliament resolution of 9 July 2025 on the 2023 and 2024 Commission reports on Georgia (2025/2024(INI)), https://www.europarl.europa.eu/doceo/document/TA-10-2025-0158_EN.html, Updated 10.06.2026.

[131] Georgia: Statement by the Spokesperson of the European Union on the sentencing of journalist Mzia Amaglobeli, https://www.eeas.europa.eu/eeas/georgia-statement-spokesperson-sentencing-journalist-mzia-amaglobeli_en?page_lang=ka, last updated: 10.06.2026.

[132] PORTO DECLARATION AND RESOLUTIONS ADOPTED BY THE OSCE PARLIAMENTARY ASSEMBLY AT THE THIRTY-SECOND ANNUAL SESSION PORTO, 29 JUNE – 3 JULY 2025, https://www.oscepa.org/en/documents/annual-sessions/2025-porto/declaration-31/5313-porto-declaration-eng/file, updated 10.06.2026.

[133] Amnesty International, Georgia: Justice for Journalist Mzia Amaghlobeli, 14.04.2025, https://www.amnesty.org/en/documents/eur56/9262/2025/en/, updated 10.06.2026; Amnesty International, Georgia: Crackdown on government critics deepens as another opposition politician is jailed, 27.06.2025, https://www.amnesty.org/en/latest/news/2025/06/georgia-crackdown-on-government-critics-deepens-as-another-opposition-politician-is-jailed/, updated 10.06.2026; Amnesty International, Georgia: Actor protester jailed, denied justice: Andro Chichinadze, https://www.amnesty.org/en/documents/eur56/0222/2025/en/, updated 10.06.2026.

[134] The "Moscow Mechanism" (OSCE Human Dimension Mechanism) allows for the conduct of a fact-finding mission in an OSCE participating State by an independent expert(s) (rapporteur(s). The Moscow Mechanism is activated if one State, supported by at least nine other States, considers that a particularly serious threat has arisen to the implementation of human rights obligations in a particular OSCE participating State. The Moscow Mechanism was activated in relation to Georgia on 29 January 2026 by 23 OSCE participating States. On 12 March 2026, the OSCE Moscow Mechanism published a highly critical report on the situation of human rights and fundamental freedoms in Georgia from spring 2024 to early 2026. The recommendations adopted within the framework of the Moscow Mechanism are not binding on states, however, they enjoy a high reputation and allow OSCE participating States to base their responses to human rights challenges on facts and expert assessments. For GYLA's assessment of the report published on April 12, 2026, see in Georgian the link:https://admin.gyla.ge/uploads_script/publications/

12, 2026, urges the state to immediately and unconditionally release all political detainees and refrain from further politically motivated arrests. [135]

Moreover, judicial independence and impartiality have posed persistent challenges in Georgia for years, as highlighted by both national[136] **and international evaluations.** [137] **Accelerated legislative amendments enacted in 2025 have further compounded these issues, worsening internal judicial corporatism and reducing judicial independence.** [138]

The independence of Georgia's prosecutorial system remains equally problematic. In 2025, during its supervision of the execution of the European Court of Human Rights judgment in *Merabishvili v. Georgia*, the Committee of Ministers of the Council of Europe determined that measures taken to ensure the independence of the Prosecutor General and individual prosecutors were insufficient, expressing deep concern over the lack of progress. [139]

6.3. General context of restrictions on political pluralism in Georgia

Political pluralism remains a primary target of authoritarian repression, targeted through legislative amendments, constitutional proceedings, and the prosecution of individual political leaders.

Legislative measures aimed at restricting political pluralism include the May 13, [140] 2025 amendments to the Law on Political Associations of Citizens. These changes extended the

pdf/%E1%83%9B%E1%83%9D%E1%83%A1%E1%83%99%E1%83%9D%E1%83%95%E1%83%98%E1%83%A1%20%E1%83%9B%E1%83%94%E1%83%A5%E1%83%90%E1%83%9C%E1%83%98%E1%83%96%E1%83%9B%E1%83%98%E1%83%A1%20%E1%83%9B%E1%83%98%E1%83%92%E1%83%9C%E1%83%94%E1%83%91%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%20%E1%83%9B%E1%83%98%E1%83%9B%E1%83%9D%E1%83%AE%E1%83%98%E1%83%9A%E1%83%95%E1%83%90.pdf, Updated 10.06.2026.

[135] OSCE fact-finding mission on Georgia (2026) under paragraph 12 of the Moscow Mechanism Document, Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024, pg. 7, https://odihr.osce.org/odihr/662725, Updated 10.06.2026.

[136] For example, see the 2024 report of civil society organizations "9 Steps towards the European Union, Status of Implementation", pp. 34-42, https://admin.gyla.ge/uploads_script/publications/pdf/1142024.pdf_01722589653.pdf , Updated 10.06.2026; also, Coalition for an Independent and Transparent Judiciary, 10 Years of Justice Reforms: Challenges and Prospects, 2023, http://coalition.ge/files/reporma_170x240_geo_3.pdf , Updated: 10.06.2026.

[137] For example, according to the European Commission's 2025 report, the independence and impartiality of the Georgian judiciary are inadequate in both first instance and higher instance courts. The European Commission stresses the need for a deep and comprehensive reform of the judiciary, in line with the recommendations of the Venice Commission. European Commission, Georgia 2025 Report, Communication on EU enlargement policy, SWD(2025) 757 final, https://enlargement.ec.europa.eu/document/download/b3089ad4-26be-4c6a-84cc-b9d-680fe0a48_en?filename=georgia-report-2025.pdf , last updated: 10.06.2026; Regarding judicial independence, see also Freedom House's reports on Georgia: https://freedomhouse.org/country/georgia/freedom-world/2026 , updated: 10.06.2026.

[138] GYLA, 2025 Amendments to the Organic Law on Common Courts, 2025, https://admin.gyla.ge/uploads_script/publications/pdf/saerto-sasamart_geo11.pdf, updated: 10.06.2026. .

[139] 1521st meeting (4-6 March 2025) (DH) - H46-13 Merabishvili v. Georgia (Application No. 72508/13), CM/Del/Dec(2025)1521/H46-13, Last updated: 10.06.2026.

[140] GYLA, Personalized lawmaking in Georgia as a means of unjustly restricting rights, Review of restrictive legislative amendments adopted since 2024, 2026, In Georgian https://admin.gyla.ge/uploads_script/publications/pdf/%E1%83%9E%E1%83%94%E1%83%A0%E1%83%A1%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A4%E1%83%98%E1%83%AA%E1%83%98%E1%83%A0%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%98%20%E1%83%99%E1%83%90%E1%83%9C%E1%83%9D%E1%83%9C%E1%83%A8%E1%83%94%E1%83%9B%E1%83%9D%E1%83%A5%E1%83%9B%E1%83%94%E1%83%93%E1%83%94%E1%83%91%E1%83%90%20_.pdf , updated: 10.06.2026.

criteria for banning a political party to include any entity that essentially repeats the declared purpose or operational essence of a party previously banned by the Constitutional Court of Georgia. The operational essence of a party encompasses its personnel, including candidates named on election commission lists. Under the prior legal framework, the Constitutional Court could dissolve a party only if its explicit goal was to overthrow or violently alter the constitutional order, infringe upon national independence, violate territorial integrity, engage in war or violence propaganda, incite national, ethnic, religious, or social strife, or form armed groups. [141] Subsequently, on October 16, 2025, further expedited amendments to the same law prohibited individuals affiliated with a banned political party from participating in party activities. The statutory definition of a person affiliated with a party remains vague, [142] creating broad scope for arbitrary interpretation and raising significant risks of misuse to restrict opposition figures through judicial channels. [143]

On September 3, [144] at the plenary session of the Parliament, the deputies supported the conclusion of the provisional investigative commission and, based on this conclusion, announced an appeal to the Constitutional Court to ban the opposition parties (for more information on the creation, activities and results of the provisional investigative commission, see section 2.2.).[145] On October 31, 2025, 88 members of the Parliament of Georgia appealed to the Constitutional Court of Georgia with a request to ban the parties: "Unity - National Movement", "Coalition for Change - Gvaramia, Melia, Girchi, It's Time", "Strong Georgia - Lelo, For the People, For Freedom".[146] On April 21, 2026, the members of the Parliament appealed to the Constitutional Court with an updated claim, in which the "Federalist Party" was added to the list of parties. [147]

In its report on Georgia on 12 April 2026, the OSCE Human Dimension Mechanism (Moscow Mechanism) called on the state to refrain from initiating unfounded procedures to ban political parties in the Constitutional Court and to withdraw the lawsuit it has filed. [148] It is noteworthy that the Moscow Mechanism report assesses the systemic erosion of political pluralism through the destruction of the opposition and civil society as a growing problem. [149]

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[141] Ibid

[142] Ibid

[143] Ibid

[144] "The Legislative Body Adopted a Resolution on the Results of the Activities of the Temporary Investigative Commission of the Parliament", Official Website of the Parliament of Georgia, September 6, 2025, https://www.parliament.ge/media/news/sakanonmdeblo-organom-parlamentis-droebiti-sagamodziebokomisiis-sakmianobis-shedegebis-shesakheb-dadgenileba-miigho , Updated: 10.06.2026.

[145] Shalva Papuashvili stated: "Today we are starting to fulfill the legal part of the promise." What is written in the lawsuit by which the Georgian Dream intends to ban 3 parties, https://formulanews.ge/News/129769, updated: 10.06.2026.

[146] Constitutional lawsuit of members of the Parliament of Georgia (88 members in total) on the issue of the constitutionality and prohibition of the activities of political parties ("Unity - National Movement", "Coalition for Change - Gvaramia, Melia, Girchi, It's Time", "Strong Georgia - Lelo, for the People, for Freedom!"), N1912, https://www.constcourt.ge/ka/judicial-acts?legal=18680 , updated: 10.06.2026.

[147] Constitutional lawsuit of members of the Parliament of Georgia (89 members in total) on the issue of the constitutionality and prohibition of the activities of political parties ("Unity - National Movement", "Coalition for Change - Gvaramia, Melia, Girchi, It's Time", "Strong Georgia - Lelo, for the People, for Freedom!", "Federalist Party"), N1958, https://www.constcourt.ge/ka/judicial-acts?legal=19601, updated: 10.06.2026.

[148] OSCE fact-finding mission on Georgia (2026) under paragraph 12 of the Moscow Mechanism Document, Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024, pg. 6, https://odihr.osce.org/odihr/662725, updated 10.06.2026.

[149] Ibid para 298.

In addition to the ongoing legal proceedings regarding the banning of political parties, the measures taken against the political opposition also include their individual criminal prosecution.

In 2025, for failing to appear before a parliamentary commission, prosecution was initiated against 8 politicians under Article 349 of the Criminal Code ("Failure to comply with the request of the provisional Investigative Commission of the Parliament of Georgia").[150] They were mainly sentenced to 8 months of imprisonment and banned from holding public office for 2 years.[151] According to GYLA, in the context of the parallel existence of administrative liability for the same action (Article 1733 of the Code of Administrative Offenses "Failure to comply with the request of the provisional Investigative Commission of the Parliament of Georgia"), the application of criminal sanctions for failure to appear before the commission was unjustified.[152] The European Parliament also strongly condemned the arrests of political leaders, noting that it considers them political prisoners.[153] Amnesty International also called on the state to release them.[154] The detention of opposition figures was assessed in a joint statement by the foreign ministers of 20 European countries[155] and the EU High Representative as "politically motivated arrests and detentions of opposition leaders."[156]

In addition to the charges related to the parliamentary commission, the Prosecutor's Office has filed new charges against eight politicians. According to the Prosecutor General's statement of November 6, 2025, as a result of a joint investigation conducted by the Prosecutor's Office of Georgia, the State Security Service, and the Ministry of Internal Affairs, criminal prosecution has been initiated against Mikheil Saakashvili, Giorgi Vashadze, Nika Gvaramia, Nikanor Melia, Zurab Girchi Japaridze, Elene Khoshtaria, Mamuka Khazaradze, and Badri Japaridze for crimes committed against the state, specifically, sabotage, aiding and abetting hostile activities against a foreign country, financing activities directed against the constitutional order of Georgia and national security, violently changing the constitutional order of Georgia, and calling for the overthrow of the state government.[157]

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[150] Amnesty International, Georgia: Crackdown on government critics deepens as another opposition politician is jailed, 27.06.2025, https://www.amnesty.org/en/latest/news/2025/06/georgia-crackdown-on-government-critics-deepens-as-another-opposition-politician-is-jailed/, updated: 10.06.2026.

[151] Ibid

[152] GYLA responds to the ongoing criminal cases regarding the legitimacy of the Georgian Dream investigative commission and the summons to the commission, 21.05.2025, https://gyla.ge/post/sagamodziebo-komisia-GYLA?fbclid=IwY2xjawKaqoZleHRuA2FlbQIxMABicmlkETF6Y0xWdUJRSjhhNlhucVlmAR72D4CPshGlg54tXjmXylugoBF0lM8zwHoEDL3vaH7AD9gQXPgJNk2n14NSXQ_aem__bc8hxbzlPh-tsWFzwbiMA, updated: 10.06.2026.

[153] European Parliament resolution of 9 July 2025 on the 2023 and 2024 Commission reports on Georgia (2025/2024(INI)), par. 10, https://www.europarl.europa.eu/doceo/document/TA-10-2025-0158_EN.html, updated 10.06.2026.

[154] Amnesty International, Georgia: Crackdown on government critics deepens as another opposition politician is jailed, 27.06.2025, https://www.amnesty.org/en/latest/news/2025/06/georgia-crackdown-on-government-critics-deepens-as-another-opposition-politician-is-jailed/, Updated 10.06.2026.

[155] Albania, Austria, Belgium, Bosnia and Herzegovina, Canada, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Montenegro, Malta, Moldova, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, Lithuania.

[156] See The human rights situation in Georgia: Joint Statement to the OSCE, September 2025, https://www.gov.uk/government/speeches/the-human-rights-situation-in-georgia-joint-statement-to-the-osce-september-2025 , last updated: 10.06.2026.

[157] Statement of the Prosecutor's Office of Georgia, 06.11.2025, https://pog.gov.ge/news/sabotazhis-utskho-qveknisatvis-mtrul-saqmianobashi-dakhmarebis-saqartvelos-konstitutsiuri-tskobilebisa-da-erovnuli-ushishroebis-safudzvlebis-tsinaaghmdeg-mimartuli-saqmianobis-dafinansebis-da-saqartvelos-konstitutsiuri-tsko-

Levan Khabeishvili, Chairman of the Political Council of the United National Movement, has also been deprived of his liberty. [158]

In addition, on March 24, 2026, the Tbilisi City Court sentenced Elene Khoshtaria to one year and six months in prison for writing graffiti on an election banner, convicting her under Part 1 of Article 187 of the Criminal Code for intentional damage to another's property causing significant harm. According to Amnesty International, Khoshtaria's sentence is politically motivated, with the severity of the penalty reflecting her political views and the symbolic damage suffered by the ruling party rather than the actual physical damage caused. [159]

These cases primarily target the same individuals—with the exception of Mikheil Saakashvili and Elene Khoshtaria—who were previously charged with failing to appear at parliamentary commission sessions. After serving their respective sentences, these figures were again subjected to new criminal proceedings initiated by the prosecutor's office. This trend reflects a pattern of systematic persecution of politically active individuals through successive criminal charges. The OSCE Moscow Mechanism report explicitly urges the state to refrain from lodging unsubstantiated charges against political opposition leaders, specifically under Article 225 (organization of, leadership of, or participation in group violence), Article 318 (sabotage), and Article 319 (assistance to a foreign state or organization in hostile activities) of the Criminal Code.[160]

6.4. Signs of political persecution against Giorgi Gakharia

Legally speaking, the case leaves several questions unanswered: why was the investigation launched and Giorgi Gakharia's criminal prosecution for the 2019 incident initiated in 2025, after a six-year delay? Why did no member of the National Security Council request an investigation earlier if they believed Gakharia's actions regarding the standard police checkpoint in Chorchana constituted a criminal offense? Furthermore, why did no member request that the issue be formally reviewed within the National Security Council framework?

According to testimony from then-State Security Service (SSU) Head Vakhtang Gomelauri, the State security Service discovered the checkpoint's construction by chance: "We learned about it after work had already begun. When I spoke with Gakharia, he claimed the Russians intended to move their checkpoints and were marking trees, so our side moved to build the checkpoint first. My agency's position was that this should not have occurred, as it risked escalating the situation. This step ultimately led the occupation regime to erect additional checkpoints, resulting in the loss of further territory and a heightened risk of military escalation. The occupation forces deployed military equipment and demanded the checkpoint's removal under threat of force. During the Incident Prevention and Response Mechanism meeting shortly af-

bilebis-dzaladobit-shetsvlisaken-sakhelmtsifo-khelisuflebis-damkhobisaken-motsodebis-faqtebze-siskhlis-samartlebrivi-devna-daitsko-mikheil-saakashvilis-giorgi-vashadzis-nika-gvaramias-nikanor-melias-zurab-girchi-jafaridzis-elene-khoshtarias-mamuka-khazaradzis-da-badri-jafaridzi, updated: 10.06.2026.

[158] "Tabula", Khabeishvili was sentenced to 2 years and 6 months in prison, and Zodelava to 9 months, 21.05.2026, https://tabula.ge/ge/news/748535-khabeishvils-2-clita-6-tvit-patimroba-sheeparda, updated: 10.06.2026.

[159] Amnesty International, Georgia: Opposition politician Elene Khoshtaria given politically motivated prison sentence for graffiti, 24.03.2026, https://www.amnesty.org/en/latest/news/2026/03/georgia-opposition-politician-elene-khoshtaria-given-politically-motivated-prison-sentence-for-graffiti/, updated 10.06.2026.

[160] OSCE fact-finding mission on Georgia (2026) under paragraph 12 of the Moscow Mechanism Document, Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024, pg. 6, https://odihr.osce.org/odihr/662725, updated 10.06.2026.

ter in August 2019, the occupation regime categorically demanded its dismantling. Gakharia maintained his stance, leading the Ossetian side to establish additional checkpoints on Georgian-controlled territory near Tsnelisi, extending the occupation line deeper into our territory. In reality, the situation required increasing mobile patrols, notifying partner organizations, and resolving the matter through the EU Monitoring Mission in coordination with the Head of Government and the Security Service."

The prosecution itself acknowledges in the indictment that following the 2015 Ministry of Internal Affairs reform, state security competencies were transferred to the newly established State Security Service of Georgia. Furthermore, a December 21, 2015 technical amendment to the October 10, 2008 agreement designated the State security Service as the primary agency defining security policy in the occupied territories and along the occupation line. To safeguard civilians and protect human rights along the occupation line, the State security Servicecoordinated security measures on the ground alongside other responsible agencies. Additionally, effective August 1, 2015, the State security Service assumed the lead agency role for the central government in IPRM format meetings.

Therefore, it is inconceivable that an agency of this level and importance (the State Security Service) could not have known about the establishment of the checkpoint in a timely manner and could not have taken effective measures if it considered it to pose a risk to the interests and territorial integrity of the state.

It is also worth considering the fact that Giorgi Gakharia held the position of Prime Minister after these events, from September 8, 2019 to February 18, 2021. He was promoted under the Georgian Dream government, and the investigative bodies became interested in the actions he took before becoming Prime Minister only after his departure from the ruling party and opposition political activity. This further strengthens the suspicion of political persecution against him. In addition, if Giorgi Gakharia's guilt is proven, this will highlight both the political and legal responsibility of the current government.

An additional police checkpoint was placed near Chorchana on the territory controlled by Georgia, therefore, in itself, this cannot be assessed as an action that provoked the occupation regime. The fact that after the construction of this checkpoint, the occupation forces continued the policy of creeping occupation, carried out additional occupation of part of the territory of Georgia and placed new checkpoints does not create sufficient grounds to assert that the action taken by the Ministry of Internal Affairs of Georgia was the cause of the subsequent steps of the occupation regime. Especially when numerous circumstances and evidence indicated that the occupation forces already had a prior intention to occupy a certain part of the territory in the direction of the Chorchana forest.

Both the formulation of the charge and the information provided during the interrogation of the then head of the State Security Service, Vakhtang Gomelauri, refer to the tension of the situation on the ground. The factual circumstances demonstrate that the Ministry of Internal Affairs of Georgia was able to control the situation and prevent a possible escalation. There was no armed confrontation on the ground, which, from today's perspective, gives grounds for assuming that the fears related to the escalation of the situation at that time were largely hypothetical and abstract. It is also noteworthy that the formulation of the charges brought against Giorgi Gakharia does not formally go beyond the scope of possible abuse of authority and procedural violations, although the entire criminal case is accompanied by a clear narrative of damage to state interests. Nevertheless, the Prosecutor's Office practically limited itself to assessing only the technical and procedural aspects of the action and did not attempt to

determine what goal Giorgi Gakharia might have had in making this decision and whether this goal was detrimental to the state interest.

This circumstance further deepens the questions regarding the real motive of the criminal prosecution, because, on the one hand, when assessing the case, the possible harm caused to state interests is constantly appealed to, and, on the other hand, the investigation avoids a thorough investigation of the subjective elements that are of essential importance in cases of this category.

This case is also significant for evaluating the efficacy of prolonged investigations. It is difficult to comprehend why, if the Minister of Internal Affairs had committed an act of the gravity alleged in the charges, the investigative authority took six years to respond.

The legal classification of the alleged offense requires distinct clarification and scrutiny, particularly regarding how erecting a police checkpoint along the occupation line on Georgian territory constitutes a violation of the legitimate interests of the state and society.

Giorgi Gakharia faces additional charges in a separate proceeding: on November 12, 2025, he was indicted for organizing the intentional infliction of grave bodily harm against multiple individuals and for abuse of official authority in connection with the events of June 20–21, 2019.

As is public record, the investigation into the events of June 20–21 has dragged on for years. The Georgian Young Lawyers Association (GYLA) has consistently demanded an effective probe into the matter. Following proceedings brought by GYLA before the European Court of Human Rights, the Grand Chamber of the ECHR[161] found a violation of the procedural aspect of Article 3 (prohibition of torture) in 2025, ruling that the state failed to fulfill its obligation to investigate the crimes committed. Consequently, it is critical to determine what new evidence investigative authorities uncovered six years after the incident that justified bringing charges against Gakharia—and why key responsible figures were not identified sooner.

Holding the Minister of Internal Affairs accountable for the events of June 19–20, 2019, remains vital. However, while the intensity and scale of those events point to potential criminal acts by several Ministry officials, charging Gakharia without identifying other responsible parties, properly classifying their actions, or establishing legal accountability for investigative bodies' failures cannot be deemed an effective state response. This holds especially true given state practices throughout 2024 and 2025, where authorities continued the widespread use of severe physical abuse against peaceful demonstrators while fostering an environment of impunity for police violence.

On January 15, 2025, Gakharia himself became a victim of violence. Reports indicate he was physically and verbally assaulted at the Sheraton Hotel in Batumi by a group affiliated with the ruling Georgian Dream party, including Member of Parliament Dimitri Samkharadze and Giorgi Manvelidze, Deputy Minister of Finance and Economy of Adjara.[162] Gakharia suffered a fractured nasal bone and a concussion.[163] Although the Ministry of Internal Affairs initiated an

[161] TSAAVA AND OTHERS v. GEORGIA [GC], 13186/20, 11 December 2025.

[162] GYLA calls on the Prosecutor's Office of Georgia, within the framework of effective procedural supervision, to promptly prosecute the perpetrators of the crimes against Giorgi Gakharia and Zviad Koridze, 15.01.2025, https://gyla.ge/post/saias-ganckhadeba-batumshi-tavdaskhmaze?fbclid=IwY2xjawSVCWZleHRuA2FlbQIxMABicmlkETFDWFlpOHIwdFEzYlhKa0Fjc3J0YwZhcHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHj5Jllvht4SE9bFd1PcRKAoNpQJk3wHhscea_0VPdljusJd0guJvSPNMlCa-_aem_zOplJRuI7rGcAEcLVBW7yw , updated: 10.06.2026.

[163] "Tabula", "Has a fractured nasal bone and a concussion, left the clinic - doctor on Gakharia", 15.01.2025, https://tabula.ge/en/news/728446-akvs-tskhviris-dzvlis-motekhiloba-tvinis-sherqeva, updated: 10.06.2026.

investigation under Article 126 of the Criminal Code regarding battery, the perpetrators have not been brought to justice. [164]

7. CONCLUSION

According to the Georgian Young Lawyers Association (GYLA), the criminal prosecution initiated against Giorgi Gakharia regarding the Chorchana episode cannot be evaluated solely within the narrow framework of abuse of power under Article 333 of the Criminal Code. The case touches directly upon Georgia's sovereignty, territorial integrity, border security along the occupation line, and the state's fulfillment of its constitutional duties amidst creeping occupation. Consequently, any objective legal assessment must consider the broader factual, institutional, and political context beyond the formal terms of the indictment.

In 2019, clear indicators of illegal "borderization" and a deteriorating security environment emerged near Chorchana and Tsaghveli, including tree markings, cleared paths for illegal patrols, de facto troop movements into central government-controlled territory, and heightened risks to the safety and movement of local residents. These facts were corroborated by the State Security Service's 2019 report, findings by the EU Monitoring Mission (EUMM), and public records. Accordingly, placing the police checkpoint, which the EUMM verified was situated inside Georgian-controlled territory roughly 240 meters from the administrative boundary line, cannot automatically be classified as a "provocative" act toward the occupying force. On the contrary, substantial evidence suggests the action was aimed at containing creeping occupation, protecting civilians, and maintaining de facto control.

The prosecution's primary claim, that Gakharia acted unilaterally without consulting the State security Service, the EUMM, the Prime Minister, or the National Security Council, directly conflicts with evidence in the case file or, at minimum, requires thorough judicial review. Defense materials indicate that security risks and the situation in Chorchana were discussed in Incident Prevention and Response Mechanism (IPRM) meetings as early as 2019. Both the State security Serviceand the EUMM had prior knowledge of developments on the ground, while multiple state agencies and international partners were aware of the planned checkpoint and connecting road. Furthermore, the National Security Council functioned as an advisory body to the Prime Minister rather than an executive decision-making entity, and statutory law imposed no explicit obligation on the Minister of Internal Affairs to submit police infrastructure decisions within his competence for Council review.

This context underscores the necessity of distinguishing between political or administrative liability and criminal culpability. Even if the checkpoint decision were deemed politically unwise or poorly coordinated, that assessment does not satisfy the legal threshold for criminal liability. To secure a conviction, the prosecution must prove an explicit excess of official authority, substantial resulting harm, specific criminal intent, and a direct causal link between the defendant's conduct and the alleged damage. Technical or procedural irregularities alone cannot justify criminalizing a high-level political decision. Specifically, the prosecution has failed to establish how subsequent illegal actions by occupation forces, such as erecting new posts or advancing the occupation line, can be legally attributed to Georgia deploying police infrastruc-

[164] IPN, MIA launches investigation into attack on Giorgi Gakharia under the article of violence, https://www.interpressnews.ge/ka/article/827617-shss-m-giorgi-gaxariaze-tavdasxmis-sakmeze-gamozieba-zaladobis-muxlit-daicqo/ , updated: 10.06.2026.

ture within its own territory, especially when evidence shows the de facto regime harbored expansionist intentions prior to the checkpoint's construction.

The delayed and selective nature of the prosecution also raises fundamental legal questions. Charges were brought six years after the 2019 events, despite Gakharia subsequently being elevated to Prime Minister within the same administration and occupying top political offices. During those six years, state authorities, National Security Council members, and investigative bodies launched no legal action. Ultimately, if the prosecution's premise holds that establishing the checkpoint constituted a crime against state interests, it implicates the governing Georgian Dream party itself, raising serious issues of shared political and legal responsibility.

The initiation of the prosecution after six years of inaction, especially after Gakharia left the ruling political force and became the leader of an opposition party, raises legitimate questions about the real goals of the prosecution. This suspicion is further exacerbated by the fact that the case was initiated on the basis of a complaint from an organization with a dubious reputation and following the conclusion of the provisional investigative commission of the parliament, the justification for the creation, composition and objectives of which can be assessed as problematic. In particular, several essential shortcomings were identified in the activities of the provisional investigative commission: the need for the creation of the commission and the scope of the investigation were not properly substantiated; the explanatory note did not specify the issues to be investigated, witnesses and documents; the participation of the real parliamentary opposition was not ensured in the commission; and its activities took place against the backdrop of a broader process of banning political parties and criminal prosecution of opposition leaders. In these circumstances, using the Commission's conclusion as a factual or political basis for criminal prosecution requires special caution, as there is a risk that the parliamentary control mechanism will be used as an instrument to restrict political pluralism.

The situation regarding the right to defense and equality of arms during proceedings remains equally problematic. The State Security Service, the Ministry of Internal Affairs, and the Government Administration failed to provide or confirm the existence of potentially crucial documents, despite explicit calls from the Public Defender for these agencies to clarify whether they possessed the requested information. Furthermore, the court denied defense motions to compel the production of these materials, effectively depriving the defense of the opportunity to secure exculpatory or mitigating evidence. Simultaneously, the prosecution neither interrogated Giorgi Gakharia nor granted the defense's motion to question Grigol Liluashvili. These circumstances create a significant risk of incomplete, one-sided proceedings while violating the fundamental principle of adversarial trial.

The prosecution's request to extend the preliminary hearing to gather unspecified evidence is similarly problematic. If investigative authorities failed to obtain sufficient evidence to substantiate charges over six years, and remained unable to identify such evidence after filing charges, it calls into question whether a adequate factual and legal basis existed when prosecution commenced. This dynamic suggests that criminal proceedings were initiated without a proper evidentiary foundation, with subsequent investigative actions used merely to retroactively justify a pre-determined political or prosecutorial decision.

The context of the case is further complicated by its exploitation by the Tskhinvali occupation regime to bolster its political position. De facto representatives have publicly characterized the prosecution of Gakharia as a positive step toward removing the Chorchana-Tsnelisi checkpoint. Under these conditions, the prosecution and the court must evaluate with extreme caution whether the state's narrative reinforces claims by the occupying power and de facto

authorities that Georgia's internal security measures are illegitimate or provocative. Proceeding on such a premise sets a dangerous precedent, suggesting that a state official exercising sovereign authority within Georgian territory can face criminal liability simply because those actions draw objections from the occupying state or its proxy regime.

Finally, this case must be evaluated within the broader context of Georgia's ongoing democratic and judicial crisis, marked by the systemic targeting of opposition figures, efforts to ban political parties, shrinking civic space, persistent doubts regarding prosecutorial and judicial independence, and critical international assessments of political justice. In accordance with the jurisprudence of the European Court of Human Rights, these factors serve as crucial contextual evidence that must be analyzed alongside the timing, selectivity, evidentiary backing, procedural irregularities, and public statements surrounding the case.

Consequently, the court must determine not merely whether procedural irregularities occurred in establishing the checkpoint, but whether there was a clear and substantial excess of authority, criminal intent, direct causal link to specific and substantial damage, and proportionate necessity for criminal prosecution, or whether criminal justice mechanisms are being instrumentalized against a political opponent. Absent convincing, evidence-based answers to these questions, the matter remains strictly within the scope of political or administrative responsibility, rendering criminal prosecution legally inadmissible.