



Judgments and decisions of 28 March 2019

The European Court of Human Rights has today notified in writing five judgments¹ and 83 decisions²: one Chamber judgment is summarised below;

a separate press release has been issued for one Committee decision, in the case of *Eiseman-Renyard and Others v. the United Kingdom* (applications nos. 57884/17, 57918/17, 58019/17, 58326/17, 58333/17, 58343/17, 58377/17, and 58462/17);

four Committee judgments, concerning issues which have already been submitted to the Court, including excessive length of proceedings, and the 82 other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment below is available only in English.

Kereselidze v. Georgia (application no. 39718/09)

The applicant, Irakli Kereselidze, is a Georgian national who was born in 1975. The case concerned his complaint about the manner in which the starting date of a cumulative sentence imposed on him had been calculated.

In March 2002, while serving a 20-year sentence for aggravated double murder, he attempted to escape.

After a series of decisions, he was convicted in April 2006 of attempted escape. His outstanding sentence from the murder conviction was added to the new sentence, resulting in a cumulative sentence of 13 years and six months, with a starting date of March 2002, namely the date on which he had committed the second offence. In 2008, while proceedings regarding his second conviction were pending before an appellate court, the Supreme Court confirmed the starting date of the cumulative sentence as part of its decision to reduce the length of his first sentence for aggravated double murder. That sentence was to expire in September 2010.

However, in April 2009, following a legislative amendment, the Court of Appeal, in a written procedure, rectified the starting date of the cumulative sentence to April 2006, that is to say the date of the imposition of the sentence for the second offence. The Supreme Court upheld this decision, stating that Mr Kereselidze's sentence was due to expire in April 2013. Mr Kereselidze became aware of the rectification in question after the Supreme Court reached its final decision.

He subsequently requested a rectification of the Supreme Court's decision and lodged an interlocutory appeal on points of law, arguing that the change to the starting date for his cumulative sentence lacked a legal basis and had substantially affected the duration of his sentence. Both challenges were unsuccessful.

He was amnestied and released from prison before his sentence was due to expire, in January 2013.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

Relying on Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights, Mr Kereselidze complained that the decision to rectify the starting date of his cumulative sentence had unduly prolonged his imprisonment beyond September 2010, and had rendered his detention unlawful. He also alleged, in particular under Article 6 § 1 (access to court), that he had not been given the opportunity to make either oral or written submissions regarding the rectification procedure, despite the substantial impact the change in starting date had had upon the duration of his sentence.

No violation of Article 5 § 1

Violation of Article 6 § 1

Just satisfaction: 1,500 euros (EUR) for non-pecuniary damage and EUR 2,370 for costs and expenses

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.