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

FOURTH SECTION

DECISION

Application no. 34585/23
Irakli ARESHIDZE
against Georgia

The European Court of Human Rights (Fourth Section), sitting on 24 March 2026 as a Committee composed of:

Lorraine Schembri Orland*, President*,
Anja Seibert-Fohr,
András Jakab*, judges*,
and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to:

the application (no. 34585/23) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 8 September 2023 by a Georgian national, Mr Irakli Areshidze ("the applicant"), who was born in 1985, lives in Tbilisi and was represented by Ms T. Avaliani and Ms T. Zarkua, lawyers practising in Tbilisi;

the decision to give notice of the application to the Georgian Government ("the Government"), represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice;

the observations submitted by the respondent Government and the observations in reply submitted by the applicant;

the comments submitted by the European Human Rights Advocacy Centre (EHRAC), ILGA-Europe, and Women's Initiatives Supporting Group (WISG), which were granted leave to intervene by the President of the Section;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's allegations of hate-motivated ill-treatment by a police officer, and the subsequent failure of the Georgian

authorities to investigate these allegations. The applicant complained under Articles 3, 13 and 14 of the Convention.

A. Circumstances of the applicant's arrest and alleged ill-treatment

2. According to the official version of events, in the early hours of 7 November 2022 the applicant, who was in a state of intoxication, insulted a member of staff at a café in Tbilisi, prompting a call to the security police. Two security police officers arrived at the scene, led the applicant out of the café, handcuffed him, and placed him in their vehicle. The relevant recordings from the security police officers' body-worn cameras show the applicant insulting them. Following the subsequent arrival of two police patrol officers at the scene, the applicant was arrested for breaching public order and disobeying the police (Articles 166^1 and 173 of the Code of Administrative Offences) and transferred to a police department. The relevant administrative-arrest report noted that a visual examination of the applicant identified no injuries. On the same day, one of the security police officers drew up a note describing the incident, in which he stated that the applicant had insulted him, his colleague, and the café personnel.

3. At the police department the applicant underwent an alcohol test, which confirmed that he was intoxicated. At around 9.30 a.m. he was taken to the toilet and then at 11 a.m. he was escorted to the Tbilisi City Court, where he was placed in a holding cell to await an administrative hearing. Kh.Ch., one of the two police patrol officers who had first arrested the applicant and then escorted him to the court building, placed him in a separate cell, claiming that the other detainees present had refused to be placed "with a guy who had an earring". The applicant spent about four and a half hours in that cell before the hearing began. During that time he was escorted to the toilet on one occasion.

4. For his part, the applicant alleged that, following his verbal altercation with the café staff, one of the security police officers who had arrived at the scene had called him derogatory names, provoking his subsequent aggressive behaviour. He further claimed that one of the arresting police patrol officers, Kh.Ch., had placed him in a separate holding cell at the Tbilisi City Court because of his sexual orientation and had denied him access to the toilet and drinking water for several hours. After becoming irritated by the applicant's repeated requests to use the toilet, Kh.Ch. had burst into the cell, violently forced him to the ground, pressed a knee against his back, and painfully bent and handcuffed his arms behind his back.

5. On 15 February 2023 the Tbilisi City Court, having examined the administrative case brought against the applicant, convicted him of disobeying the police and imposed a fine. It discontinued the proceedings in so far as they concerned the alleged breach of public order.

B. Inquiry conducted by the General Inspectorate of the Ministry of the Interior

6. On 15 November 2022 the applicant lodged a complaint with the General Inspectorate concerning the alleged homophobic statements made by one of the security police officers present during the incident at the café. On 6 December 2022 the General Inspectorate interviewed both security police officers, who dismissed the applicant's allegations of verbal insult as untrue. On the next day the two police patrol officers who had arrested the applicant were also interviewed; they similarly stated that they had not witnessed the security police officers insulting him. On an unspecified date in December 2022 the General Inspectorate closed the inquiry, concluding that no disciplinary offence had been committed.

C. Criminal investigation

7. On 8 November 2022 the applicant called the Special Investigative Service ("the SIS" – an independent authority responsible, at the material time, for investigating alleged abuse and other human rights violations committed by law-enforcement authorities), complaining that he had been subjected to homophobic insults by one of the security police officers at the café and to physical violence by a police patrol officer, Kh.Ch., in the court building. On 10 November 2022, in an interview with an SIS investigator, the applicant reaffirmed his version of events. He stated that Kh.Ch. had placed him in a separate court holding cell and had denied him access to the toilet and drinking water for several hours. The applicant maintained that Kh.Ch. had been irritated by his continued protests and, as a result, had violently forced him to the ground, pressed his knee against his back, and handcuffed him, causing him severe pain. In reply to a specific question, the applicant noted that he had not been subjected to other instances of physical violence or verbal insults by Kh.Ch.

8. On 11 November 2022 the SIS initiated an investigation under Article 333 § 3 (b) of the Criminal Code (abuse of power using violence). A forensic medical examination of the applicant, which was conducted on the basis of the results of his medical examination of 8 November 2022, identified multiple minor bruises and abrasions on his back, shoulders, abdomen, chest, hips and waist. The report stated that the injuries were minor, had caused no damage to the applicant's health, and could have been sustained on 7 November 2022.

9. On 17 January 2023 an SIS investigator interviewed the two security police officers who had been present during the incident at the café. Both stated that the applicant had not physically resisted them, although he had behaved aggressively. They maintained that they had not insulted him or used any force against him.

10. On 18 January 2023 an SIS investigator interviewed the two police patrol officers, who both denied having either verbally or physically assaulted the applicant. Kh.Ch. confirmed that the applicant had not resisted arrest and that no injuries had been identified during his visual examination at the café. He further stated that, during his transfer from the police department to the Tbilisi City Court, the applicant had behaved aggressively in the police vehicle, insulting the officers sitting next to him and kicking his legs against the windows. The two officers sitting next to him had therefore been compelled to restrain the applicant using their arms, in order to prevent his inflicting any injuries to himself or others. As regards the applicant's placement in a separate holding cell on the court premises, Kh.Ch. stated that the other detainees had not wanted to be placed with "a man with an earring". He also claimed that as soon as the applicant had requested access to the toilet, he had immediately gone into the cell, handcuffed him (without using any physical force), and escorted him there. The second police patrol officer gave an identical statement, maintaining that no physical force had been used against the applicant in the court holding cell and that he had not been subjected to any homophobic insults.

11. On 17 February 2023 the applicant requested that he be granted victim status. In his request he reiterated his allegations *vis-à-vis* the security police and police patrol officers. While complaining about physical violence in the court holding cell, the applicant also claimed, for the first time, that Kh.Ch.'s attitude and motivation had been homophobic. That request, as well as several subsequent identical requests by the applicant for victim status, were all refused; the most recent refusal, issued by the superior prosecutor, was upheld on appeal by the Tbilisi Court of Appeal on 30 May 2023.

12. On 20 January, 12 April, and 24 July 2023 the applicant was given access to the investigation file.

13. On 26 December 2023 an SIS investigator interviewed a person who had allegedly been held in another holding cell at the Tbilisi City Court on 7 November 2022. He stated that he did not remember whether he had been there that specific day, but that, in any event, he did not recall witnessing any violence against detainees during his time in that cell. On 10 January 2024 three police officers, who had allegedly also been in the court building on 7 November 2022, gave identical interviews. In January and February 2024 two other police officers, who had escorted the applicant in a police vehicle from the police department to the court premises, were interviewed. Both officers stated that the applicant had behaved aggressively and that they had had to restrain him using force. In reply to a specific question, they indicated that they could not rule out that he had sustained certain injuries while being restrained in the vehicle.

14. According to the case file, the investigation is still ongoing and the applicant has not been granted victim status to date.

15. The applicant complained, under Articles 3, 13 and 14 of the Convention, that he had been subjected to hate-motivated ill-treatment by a police officer in the court holding cell, and the relevant authorities had failed to conduct an effective investigation into his allegations.

THE COURT'S ASSESSMENT

16. The Government submitted several objections as regards the admissibility of the application. The applicant replied that the investigation had been ineffective. The Court does not consider it necessary to examine all objections raised by the Government, as the present case is in any event inadmissible for the following reasons.

17. The Court observes at the outset that the applicant's complaints under Articles 3, 13 and 14 of the Convention, as set out in the application form, were confined to his allegations of hate-motivated violence by a police officer in the court holding cell. The allegations concerning homophobic statements by a security police officer at the café therefore fall outside the scope of the present case.

18. The case file includes medical evidence – which was not disputed by the Government – indicating that the applicant sustained injuries following his arrest and while under the control of the police. Accordingly, it was for the Government to provide a plausible explanation for those injuries (see *Ribitsch v. Austria*, 4 December 1995, § 34, Series A no. 336, and *Selmouni v. France* [GC], no. 25803/94, § 87, ECHR 1999-V). The Court notes that their claim that the applicant had been intoxicated and behaving aggressively on that day is supported by video evidence in the case file, the authenticity of which was not contested by the applicant. One of the recordings shows the applicant falling to the ground and pulling one officer on top of him – an episode during which, according to the Government, the applicant may have sustained at least some of his injuries. It also cannot be excluded that, as argued by the Government and not contested by the applicant, he acted aggressively in the police vehicle and could have sustained at least some of his injuries while being restrained by the police officers. In such circumstances, noting the nature of the applicant's injuries and the Government's explanation for their origin, which appears to be plausible, and given the absence of any corroborating evidence supporting the applicant's account, the Court is not in a position to conclude, beyond reasonable doubt, that the applicant had been subjected to physical violence in the court holding cell (contrast *M.F. v. Hungary*, no. 45855/12, § 49, 31 October 2017, and *Gogaladze v. Georgia*, no. 8971/10, § 58, 18 July 2019).

19. As to the allegation that the relevant police officer's conduct had had homophobic overtones, the Court observes that the applicant was not consistent in that regard. In his initial complaints concerning his treatment in the court holding cell, he complained only of physical violence (see

paragraph 3 above). It was only subsequently that the applicant formulated allegations of homophobic treatment in general terms, without identifying any specific derogatory remarks allegedly made by the officer concerned (see paragraph 4 above). As regards the relevant police officer's statement that he had placed the applicant in a separate court holding cell because the other detainees had not wanted to be placed with "a guy who had an earring", the Court notes the Government's explanation that that measure had been taken with a view to ensuring the applicant's safety. While that remark could be understood as carrying negative connotations, in the absence of any other evidence, and having regard to the Government's explanation, the Court cannot consider it sufficient to establish that the police officer acted with a homophobic motive (see *M.F. v. Hungary*, cited above, § 68; see also *Dzerkorashvili and Others v. Georgia*, no. 70572/16, §§ 68-73, 2 March 2023).

20. As to the complaint concerning the inadequacy of the investigation, the Court considers that the applicant's complaint of police violence was such as to require an effective official investigation (see paragraph 18 above). It further observes that the investigation was initiated promptly and that many relevant investigative measures have been undertaken. Although the applicant has not been granted victim status, he has been allowed, on at least three occasions, to acquaint himself with the case material. It does not appear that he has been prevented from participating in the proceedings, for example, by having requests for certain investigative measures refused. The applicant did not identify any specific shortcomings in the gathering of the relevant evidence. Although the length of the investigation raises concerns, the Court, having regard to its case-law, does not consider that a delay of three and a half years is, in itself, sufficient to lead to a finding that the investigation has been inadequate (see *Dzerkorashvili and Others*, cited above, § 72).

21. It follows that the applicant's complaints are manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 30 April 2026.

Simeon Petrovski Deputy Registrar	Lorraine Schembri Orland President