

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

FOURTH SECTION

CASE OF KIGURADZE v. GEORGIA

(Application no. 25784/23)

JUDGMENT

Art 6 § 1 (civil) • Access to court • Discontinuation of the applicant's defamation proceedings against a Member of Parliament on account of parliamentary immunity protecting statements made in exercise of parliamentary duties not disproportionately limiting right of access to court • Interference with a clear basis in law • Legitimate aim of allowing free speech for the people's representatives and maintain separation of powers between legislature and judiciary • Rule of parliamentary immunity not in principle a disproportionate restriction on the right of access to court • Breadth of parliamentary immunity in Georgia comparable to a number of Council of Europe member States • Domestic application of rule of parliamentary immunity not automatic • Existence of a clear link between MP's statement and his parliamentary functions duly verified by domestic courts • Wide margin of appreciation not exceeded

Prepared by the Registry. Does not bind the Court.

STRASBOURG

23 June 2026

FINAL

23/09/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of Kiguradze v. Georgia,

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

Lorraine Schembri Orland*, President*,
Lado Chanturia,
Anja Seibert-Fohr,
Anne Louise Bormann,
Sebastian Răduleţu,
András Jakab,
Corinna Wissels*, judges*,
and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to:

the application (no. 25784/23) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Georgian national, Mr Bakur Kiguradze ("the applicant"), on 23 June 2023;

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

the parties' observations;

Having deliberated in private on 2 June 2026,

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

INTRODUCTION

1. The application concerns the discontinuation of defamation proceedings instituted by the applicant against a Member of Parliament (MP) on the basis of a legal provision exempting members of parliament from liability for statements made in the course of a political debate or while performing their official duties. The applicant relied on Articles 6, 8 and 13 of the Convention.

THE FACTS

2. The applicant was born in 1955 and lives in Tbilisi. He was represented by Mr G. Svanidze, a lawyer practising in Tbilisi.

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

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

I. BACKGROUND

5. The applicant is an entrepreneur. He is also a member of the Georgian Academy of Energy and a published author.

6. In 2011, following proceedings held in camera, the applicant was convicted of espionage and sentenced to nine years' imprisonment. On 5 December 2012 he was declared a "political prisoner" by Parliament, along with other individuals. He was subsequently released from prison under an Amnesty Act adopted by the Parliament on 12 January 2013. Following the applicant's request for the reopening of the criminal proceedings, a full retrial was conducted. On 16 July 2018 the judgment of 2011 convicting him was quashed and the applicant was acquitted of all charges.

7. On an unspecified date in 2020 various media outlets reported that a number of companies and entrepreneurs had donated over two million Georgian laris (GEL – approximately 580,000 euros (EUR)) to the ruling Georgian Dream party during the first quarter of that year. As part of that media coverage, it was reported that the applicant had donated GEL 50,000 (approximately EUR 14,500). The media outlets and certain opposition politicians questioned his motives, along with those of the other contributors.

8. Against the backdrop of media coverage of these events, a Member of Parliament, I.A., was briefly interviewed, apparently inside the Parliament building. After alleging that corrupt practices were rendering the investment environment in the country unattractive, he stated as follows:

> "As regards concrete individuals, and the attitude of Georgian Dream [party] towards spies for Russia, yes, not only Kiguradze [the applicant], but also other individuals who had been convicted of espionage were released [from prison] by Georgian Dream as political prisoners, [and the ruling party] have not revealed any spies since then. So these people are the political partners of Georgian Dream ..."

II. CIVIL PROCEEDINGS INSTITUTED BY THE APPLICANT

9. On 15 July 2020 the applicant instituted civil proceedings against I.A., the television stations Mtavari Arkhi Ltd and TV Pirveli Ltd, and the Georgian service of Radio Free Europe/Radio Liberty (RFE/RL). The applicant sought a declaration that he had been subjected to discrimination, an order for the retraction of the allegedly defamatory statement, and an award of compensation in respect of non-pecuniary damage. He argued that the media companies and I.A. had disseminated defamatory content by referring to his earlier arrest and conviction for espionage on behalf of Russia during the term of a previous government, and his subsequent release on account of having been recognised by Parliament as a political prisoner. However, they failed to mention that he had been fully acquitted of those charges in the proceedings that were reopened following his release (see paragraph 5 above).

10. In the course of the defamation proceedings, I.A. requested that the proceedings against him be discontinued on the grounds of parliamentary immunity, as set out under both the Constitution and the Freedom of Speech and Expression Act (see paragraphs 16-17 below). In particular, he submitted that his above-mentioned statement (see paragraph 8 above) had referred to a

decree issued by Parliament declaring certain individuals (including the applicant) to be political prisoners. As this was a political decision taken by Parliament, he maintained that his statement had amounted to a political argument made in the exercise of his parliamentary duties, rather than "defamation", as alleged by the applicant.

11. In reply, the applicant submitted that the criminal case against him concerning alleged espionage – which had been referred to in I.A.'s statement – had been re-examined in 2018, resulting in the dismissal of all espionage charges. That fact, he argued, had been known to I.A. While accepting in principle that a Member of Parliament was entitled to assess decisions taken by Parliament, he maintained that the impugned statement, portraying him as a convicted Russian spy released as a political prisoner, had been slanderous.

12. On 5 October 2021 the Tbilisi City Court delivered a decision by which it discontinued the proceedings against I.A. The court agreed with I.A. (see paragraph 10 above) that the impugned statement had been made in the context of his political expression and in the exercise of his duties as an MP. Referring to the Constitution, Article 10 of the Convention, the Freedom of Speech and Expression Act, the domestic legal definition of defamation ("a statement containing a materially false fact that harms a person's reputation"), the practice of the Supreme Court (as regards the distinction to be drawn between statements of fact and value judgments during a public debate), and the fact that the applicant had been declared a political prisoner by Parliament, the Tbilisi City Court stated as follows:

> "It has been established that ... [I.A.] has been a member of the Georgian Parliament since 2016. It is undisputed that the statement aired on 19 May 2020 ... was made by [him]. The Court draws the claimant's attention to section 5 of the Freedom of Speech and Expression Act, according to which statements made as part of political debates and those made by a member of parliament ... in the context of performing [his or her] duties shall not entail liability for defamation ... [The court also refers] to Article 39 of the Constitution, according to which a member of parliament shall not be held liable for views expressed inside or outside Parliament while performing [his or her] duties.
>
> In the case under consideration, it has also been established that the respondent [I.A.] was, at the time of making the [impugned] statement, a member of parliament[,] and the legislation, as it currently stands, excludes holding a member of parliament liable for [his or her] statements or opinions. The court additionally takes note of Parliament's decree no. 76, dated 5 December 2012 ..., which recognised the convicted individuals listed in the [document prepared by] Parliament's Human Rights and Civil Integration Committee as [political prisoners] ... [O]ne of the individuals on [that] list was Bakur Kiguradze [the applicant].
>
> The Supreme Court of Georgia clarified in one of its judgments that in order to distinguish between factual allegations and value judgments it is essential to take into account the circumstances of the case and the overall context in which the statements were made. It should also be taken into account that statements on matters of public interest may constitute value judgments and not factual assertions. Owing to the close link between opinion and fact, making a distinction between the two is a difficult exercise. Accordingly, in order to correctly classify a contested statement, it is necessary to examine its substance, form and the context in which it was expressed, [as

well as] the factual elements of which the statement was composed ... A statement may qualify as defamatory where the author of the statement makes assertions that are not far removed from reality, are more specific than general in nature, are predominantly objective rather than subjective and, most importantly, are capable of being verified (proved) ...

In the present case, having regard to the substance and the context of the impugned statement, the [Tbilisi City Court] concludes that the statements disseminated by the respondent [I.A.] contain both statements of fact and value judgments. In the light of the foregoing, the court considers that the case [falls within the scope of] section 5 of the [Freedom of Speech and Expression Act] and therefore considers it appropriate to allow [I.A.'s] application [for the discontinuation of the proceedings]."

13. The applicant lodged an interlocutory appeal against the decision to discontinue the defamation proceedings against I.A., reiterating his arguments (see paragraph 11 above).

14. On 24 January 2023 a three-judge panel of the Tbilisi Court of Appeal, sitting as a court of final instance, upheld the lower court's decision in a 13-page ruling. In doing so, it took note of the applicant's arguments but reiterated the lower court's reasoning. The decision was served on the applicant on 23 February 2023.

15. As regards the other parties, the proceedings ended on 15 May 2023 in respect of RFE/RL's Georgian Service. They appear to be ongoing in respect of the remaining parties (see paragraph 9 above).

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LAW AND PRACTICE

16. Article 39 § 3 ("Member of the Parliament of Georgia") of the Constitution of Georgia, in so far as relevant, provides as follows:

"... A member of parliament shall not be held liable for views expressed inside or outside Parliament while performing [his or her] duties. Conditions shall be ensured for the unhindered exercise of a member of parliament's powers ..."

17. Section 5 ("Freedom of political speech and speech in court") of the Freedom of Speech and Expression Act 2004 provides as follows:

"1. A statement shall not incur liability for defamation if it is made:

(a) as part of a political debate [or] in relation to the performance of duties by a member of parliament, the high council of an autonomous republic, or a local council [*sakrebulo*] ...

2. If a defamation claim has been lodged, the court shall determine, with the participation of the parties at a preliminary hearing, whether the circumstances referred to in the first subsection of this section exist. If those circumstances are established, the court shall issue a ruling in accordance with Articles 209 and 273 of the Code of Civil Procedure of Georgia ..."

18. Under Articles 209 and 273 of the Code of Civil Procedure, where statutory grounds exist, the court may terminate the proceedings at the preparatory stage by a reasoned ruling – either on its own initiative or at the request of the parties. If proceedings are terminated in this way, a new claim concerning the same parties, the same subject and the same grounds may not be lodged. The decision terminating the proceedings is subject to an appeal, as provided under Article 274 of the Code of Civil Procedure.

19. In a decision dated 17 May 2023 (no. ას-57-2023), the Civil Chamber of the Supreme Court upheld the rejection by a lower court of an MP's request for the discontinuation of defamation proceedings, holding that the impugned statements had gone beyond the bounds of mere political debate. In reaching this decision, the Supreme Court emphasised that the impugned statements had amounted to an accusation that a criminal offence under the Criminal Code had been committed, but that this accusation lacked sufficient factual basis.

II. COMPARATIVE-LAW MATERIAL

20. The Court's comparative-law survey of the operation of parliamentary immunity in the legal systems of 41 of the 46 member States of the Council of Europe has been summarised in *Green v. the United Kingdom* (no. 22077/19, §§ 43-50, 8 April 2025).

THE LAW

ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

21. The applicant complained about the domestic courts' refusal to rule on the merits of his defamation claim against a Member of Parliament on account of the parliamentary immunity protecting statements made in the exercise of parliamentary duties. He initially relied on Article 8 of the Convention.

22. In his subsequent submissions the applicant also referred to Articles 6 and 13 of the Convention. The matter was communicated to the parties under all three provisions. Having regard to the circumstances of the present case, the Court considers, by virtue of the *jura novit curia* principle (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018, and *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 83, 25 June 2019), that the complaint is to be examined solely under Article 6 § 1 of the Convention which, in so far as relevant, reads as follows

> "In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ..."

A. Admissibility

23. The Government submitted that the application was premature in view of the ongoing nature of the proceedings instituted by the applicant (see paragraph 15 above); that it constituted an abuse of the right of application because the applicant had allegedly failed to state clearly that the domestic courts' decision to discontinue the proceedings had been only partial (ibid.); that the applicant had suffered no significant disadvantage as a result of the MP's speech; and/or that the application was manifestly ill-founded.

24. The applicant disagreed, submitting that the objections concerning the alleged premature nature of the application and the alleged abuse of the right of application were misconceived, having regard to the limited scope of the case before the Court and the fact that the relevant domestic proceedings had been terminated by a final decision. As regards the alleged absence of any significant disadvantage and the allegedly manifestly ill-founded nature of the application, the applicant emphasised that the proceedings instituted by him had concerned his reputation, and therefore an important matter of principle for him.

25. The Court observes that the domestic courts' decision to discontinue the proceedings instituted by the applicant against the MP is final (see paragraph 14 above). The application is accordingly not premature. Furthermore, having regard to the scope of the present case, which concerns solely the above-mentioned discontinuation decision (see paragraphs 21-22 above), the applicant's alleged failure to elaborate on other aspects of the defamation proceedings instituted by him does not constitute an abuse of the right of application (contrast and compare *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014). The Government's objections in this regard must therefore be dismissed. As regards the question of significant disadvantage, and having regard to the applicant's allegation that a Member of Parliament had portrayed him as a Russian spy (see paragraph 11 above and paragraph 24 below), the Court considers that the proceedings in question concerned a matter of substantial importance for the applicant, touching directly upon his reputation and personal integrity. Accordingly, it does not find that the decision to discontinue those proceedings could constitute an "insignificant" disadvantage (see *Urechean and Pavlicenco v. the Republic of Moldova*, nos. 27756/05 and 41219/07, § 27, 2 December 2014). It follows that the Government's objection in this regard must also be dismissed.

26. The Court furthermore notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicant

27. The applicant argued that the domestic courts' decision to discontinue the defamation proceedings instituted by him on the basis of I.A.'s parliamentary immunity had impaired the very essence of the right of access to a court, as he had been left unable to contest the accusations of espionage – and, by extension, treason and disloyalty to the State – contained in I.A.'s speech. Those accusations had constituted attacks on his reputation, honour and integrity as a public figure with a reputable academic background. The applicant emphasised that being called a Russian spy was one of the most serious and stigmatising allegations that could be made against him and was damaging for his reputation – particularly, in his submission, within the context of heightened political tensions and societal polarisation.

28. Referring to *A. v. the United Kingdom* (no. 35373/97, § 87, ECHR 2002-X) and *Cordova v. Italy (no. 1)* (no. 40877/98, § 59, ECHR 2003-I), the applicant argued that the discontinuation of the proceedings owing to I.A.'s parliamentary immunity should have been accompanied by sufficient reasoning and subjected to a proportionality assessment. He submitted that, contrary to the Government's assertions, the domestic courts had not provided a balanced assessment of the various interests at stake in their reasoning and had simply referred to parliamentary immunity in rejecting his defamation claim, without considering it on the merits.

29. In particular, while referring to the distinction between "value judgments" and "statements of fact", the Tbilisi City Court had not engaged in a detailed assessment of whether I.A.'s statement had constituted a protected value judgment or a defamatory factual allegation. Nor had there been an analysis of the public profile and degree of vulnerability of the applicant, the context, content, or consequences of the impugned statement or whether it had contributed to a debate of general interest. In the absence of a structured application of those criteria, the courts' decisions could not, the applicant argued, have struck a fair balance between the right to freedom of expression and the right to protection of reputation. The applicant thus argued that the Government's assertion that the domestic courts had balanced the competing interests was unfounded.

(b) The Government

30. The Government emphasised that the Constitution granted "absolute privilege" to statements made by members of parliament in the exercise of their duties. That privilege serves the dual public interest of safeguarding freedom of speech in Parliament and preserving the separation of powers

between the legislature and the judiciary. It was not intended to protect individual MPs, but rather Parliament as an institution. In that regard, the Government contended that, although it varied in form, parliamentary immunity was a universally accepted principle. Accordingly, its application could not, as such, be regarded as imposing a disproportionate restriction on the Convention rights.

31. As to the applicant's case, the Government referred to *Jerusalem v. Austria* (no. 26958/95, §§ 36 and 40, ECHR 2001-II) and *A. v. the United Kingdom* (cited above, § 83), stating that freedom of expression was of particular importance for elected representatives, as Parliament constituted a core forum for political debate. The partial discontinuation of the domestic proceedings initiated by the applicant had been intended to ensure adequate protection for members of parliament in the exercise of their functions, enabling them to engage in a meaningful debate and to represent their constituents on matters of public interest without fear of liability. Importantly, the impugned statement by the relevant MP had been found by the domestic courts to have constituted a value judgment criticising the authorities' decision to release individuals previously charged with espionage and expressing an opinion regarding the applicant's alleged links with the Russian government. The discontinuation had therefore pursued, *inter alia*, the legitimate aim of ensuring the freedom of speech of the MP in question. The Government submitted that the domestic courts had thus struck a fair balance between, on the one hand, the applicant's right to reputation and, on the other hand, the competing interests of freedom of expression and the public's right to receive information, in line with the Court's case-law.

32. The Government submitted in this connection that domestic courts drew a clear distinction between opinion and defamation. As held by the Supreme Court of Georgia in another case, a statement framed as an allegation of criminal conduct could amount to defamation where it lacked an evidential basis. In such circumstances, MPs might be held liable notwithstanding their status (see paragraph 19 above). The Government stated that parliamentary immunity applied where the MP acted in an official capacity and the statement constituted a value judgment. Given the inherent difficulty of distinguishing between value judgments and statements of fact, courts were required to assess the context and overall form of the expression in question.

33. The Government further emphasised that the right of access to a court was not absolute and could be subject to limitations, provided that such restrictions did not impair its very essence. In this regard, States enjoyed a margin of appreciation, subject to the Court's supervision, which had not been exceeded in the present case. In this context, the Government underlined that the proceedings in the present case had been accompanied by procedural safeguards. In particular, the first-instance court had held a hearing with the participation of the parties, enabling them to present their views on the

existence of a link between the MP's expression and his parliamentary functions. Furthermore, rather than merely endorsing the lower court's findings, the appellate court had directly engaged with the substance of the applicant's arguments.

2. The Court's assessment

(a) General principles

(i) Right of access to a court

34. The right of access to a court was established as an aspect of the right to a fair hearing guaranteed by Article 6 § 1 of the Convention in *Golder v. the United Kingdom* (21 February 1975, §§ 28-36, Series A no. 18). In that case, the Court found the right of access to a court to be an inherent aspect of the safeguards enshrined in Article 6, referring to the principles of the rule of law and the avoidance of arbitrary exercise of power which underlay much of the Convention. Thus, Article 6 § 1 secures to everyone the right to have a claim relating to his or her civil rights and obligations brought before a court (see *Grzęda v. Poland* [GC], no. 43572/18, § 342, 15 March 2022; see also *Zubac v. Croatia* [GC], no. 40160/12, § 76, 5 April 2018).

35. However, the Court has itself acknowledged that the right of access to a court is not absolute and may be subject to limitations that do not restrict or reduce the access left to the person concerned in such a way or to such an extent that the very essence of the right is impaired. A limitation will not be compatible with Article 6 § 1 if it does not pursue a legitimate aim and if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be achieved (ibid., with further references).

(ii) Right to freedom of expression

36. The Court has consistently emphasised the importance of freedom of expression for Members of Parliament, given that it constitutes political speech *par excellence*. While freedom of expression is important for everybody, it is particularly important for an elected representative of the people. They represent the electorate, draw attention to their preoccupations and defend their interests. Accordingly, interferences with the freedom of expression of an opposition Member of Parliament call for the Court's closest scrutiny (see *Karácsony and Others v. Hungary* [GC], nos. 42461/13 and 44357/13, § 137, 17 May 2016, with further references).

37. These principles have been confirmed in a number of cases concerning the freedom of expression of members of national or regional parliaments (see, among other authorities, *Jerusalem*, cited above, § 36; *Féret v. Belgium*, no. 15615/07, § 65, 16 July 2009; and *Otegi Mondragon v. Spain*, no. 2034/07, § 50, ECHR 2011), as well as in a series of cases concerning restrictions on the right of access to a court stemming from the operation of parliamentary immunity (see *A. v. the United Kingdom*, cited above, § 79;

Cordova (no. 1), cited above, § 59; *Cordova v. Italy (no. 2)*, no. 45649/99, § 60, ECHR 2003-I; *Zollmann v. the United Kingdom* (dec.), no. 62902/00, ECHR 2003-XII; *De Jorio v. Italy*, no. 73936/01, § 52, 3 June 2004; *Patrono, Cascini and Stefanelli v. Italy*, no. 10180/04, § 61, 20 April 2006; *C.G.I.L. and Cofferati v. Italy*, no. 46967/07, § 71, 24 February 2009; and *Green v. the United Kingdom*, no. 22077/19, §§ 77-79, 8 April 2025).

38. The Court has expressly recognised that, in a democracy, Parliament is a unique and fundamentally important forum for political debate and that the right to freedom of speech therein enjoys an elevated level of protection (see *Karácsony and Others*, cited above, § 138, and *Green*, cited above, § 76). In fact, very weighty reasons must be advanced to justify interfering with the freedom of expression exercised in Parliament (see *Green*, cited above, § 76, with further references).

(b) Application of these principles to the present case

39. At the outset, the Court observes that the present case concerns, on the one hand, the applicant's right of access to a court and, on the other hand, the freedom of expression granted to MPs in the exercise of their parliamentary functions. In particular, the interference complained of consists of the domestic courts' refusal to rule on the merits of the applicant's defamation claim against a Member of Parliament, on account of the latter's immunity from legal action for statements made in the exercise of parliamentary duties.

40. The interference complained of had a clear basis in law (see paragraphs 16-18 above). The Court also accepts the Government's submission that the legitimate aim of the interference in the present case was to allow free speech for representatives of the people and to maintain the separation of powers between the legislature and the judiciary (see *A. v. the United Kingdom*, § 79; *Cordova (no. 1)*, § 59; *Cordova (no. 2)*, §§ 60 and 62; *De Jorio*, § 52; *Karácsony and Others*, § 138; and *Green*, § 77, all cited above; see also *Kart v. Turkey* [GC], no. 8917/05, § 88, ECHR 2009 (extracts), and *Selahattin Demirtaş v. Turkey (no. 2)* [GC], no. 14305/17, § 256, 22 December 2020).

41. Turning to the principal issue of whether the limitation imposed on the applicant's right of access to a court was proportionate to the legitimate aim pursued, the Court reiterates that States enjoy a wide margin of appreciation on the matter (see *Kart*, § 82, and *Green*, § 87, both cited above).

42. When examining the proportionality of an immunity, its absolute nature cannot be decisive (see, *inter alia*, *A. v. the United Kingdom*, cited above, § 78, with further references). In this respect, the Court has already established that a rule of parliamentary immunity – which is consistent with and reflects generally recognised rules within signatory States, the Council of Europe and the European Union – cannot in principle be regarded as imposing a disproportionate restriction on the right of access to a court as embodied in Article 6 § 1 (ibid., § 83). Just as the right of access to a court is an inherent

part of the fair-trial guarantee in that Article, so some restrictions on access must likewise be regarded as inherent – an example being those limitations generally accepted by signatory States as part of the doctrine of parliamentary immunity (ibid.).

43. As regards the material scope of parliamentary immunity afforded to members of parliament in Georgia, non-liability is not confined to the expression within the Parliament building and extends to opinions expressed "in the exercise of parliamentary duties" (see paragraphs 16-18 above; compare and contrast *A. v. the United Kingdom,* cited above, § 84). In this connection, the Court notes that a comparable breadth of parliamentary immunity exists in a number of member States of the Council of Europe (see *Green*, cited above, §§ 44-45).

44. The Court's task is not, however, to review the relevant law and practice *in abstracto*, but rather to determine whether the manner in which they were applied to or affected the applicant gave rise to a violation of the Convention (see *Cordova (no. 1)*, cited above, § 57, with further references). Accordingly, the Court is called on to assess whether the domestic courts' application of the relevant legal framework in respect of parliamentary immunity (see paragraphs 16-18 above) was, given the circumstances, in accordance with the applicant's right of access to a court under Article 6 § 1 of the Convention.

45. In this regard, it is not for the Court to assess the value of the impugned parliamentary speech or its contribution to "meaningful debate". Rather, within the context of Article 6 § 1 of the Convention the Court has preferred to focus on the existence of a clear connection with a parliamentary activity; only in the absence of any such connection has it adopted a narrow interpretation of the concept of proportionality between the aim sought to be achieved and the means employed (see *Green*, cited above, § 89, with further references).

46. Against this background, the Court cannot overlook the fact that the application of parliamentary immunity is not automatic in the respondent State (see paragraph 19 above). Nor was it so in the applicant's case. Rather, the domestic courts took note of the parties' arguments (see paragraphs 10-11 above) and considered a number of factors to conclude that the impugned statement had fallen within the scope of I.A.'s parliamentary functions and had therefore been covered by his parliamentary immunity. In this respect, before upholding I.A.'s parliamentary immunity, the courts had regard, *inter alia*, to the context in which the contested statement had been made; the content of I.A.'s statement; the Parliament's decision to recognise certain individuals as political prisoners, noting that the applicant was included in the relevant list; I.A.'s status as an MP; the relevant legal provisions on the parliamentary immunity of MPs in respect of statements made in the exercise of their functions; and the Supreme Court's established case-law on the matter (see paragraph 12 above).

47. Accordingly, the domestic courts duly verified the existence of a clear link between the MP's expression and his parliamentary functions, and found such a link to exist, thereby justifying the discontinuation of the defamation proceedings (contrast *Cordova (no. 1)*, cited above, §§ 62-63; *Cordova (no. 2)*, cited above, § 64; *De Jorio*, cited above, § 54; *Tsalkitzis v. Greece*, no. 11801/04, §§ 48-49, 16 November 2006; and *Bakoyanni v. Greece*, no. 31012/19, § 70, 20 December 2022).

48. In the light of the foregoing, and bearing in mind the wide margin afforded to States in regulating parliamentary immunity (see paragraph 41 above), the Court considers that the application of the rule of parliamentary privilege in the present case cannot be said to exceed the margin of appreciation allowed to States in limiting an individual's right of access to a court.

49. There has, accordingly, been no violation of Article 6 § 1 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been no violation of Article 6 § 1 of the Convention.

Done in English, and notified in writing on 23 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Simeon Petrovski Deputy Registrar	Lorraine Schembri Orland President