

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

FOURTH SECTION

DECISION

Application no. 5855/23
Giorgi MAMALADZE
against Georgia

The European Court of Human Rights (Fourth Section), sitting on 11 March and 17 June 2025 as a Chamber composed of:

Jolien Schukking*, President*,
Lado Chanturia,
Faris Vehabović,
Tim Eicke,
Lorraine Schembri Orland,
Ana Maria Guerra Martins,
Sebastian Răduleţu*, judges*,

and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to the above application lodged on 19 December 2021,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

INTRODUCTION

1. The case concerns the applicant's complaint that his right of individual application was breached while the proceedings in respect of his substantive complaints under the Convention were pending before the Court. The applicant relied on Article 34 of the Convention.

THE FACTS

2. The applicant, Mr Giorgi Mamaladze, is a Georgian national, who was born in 1984 and lives in Kobuleti. He was represented by Mr D. Jandieri, a lawyer practising in Tbilisi.

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

The circumstances of the case

4. The facts of the case, as submitted by the parties, may be summarised as follows.

5. On 31 January 2019 the applicant lodged an application with the Court (*Mamaladze v. Georgia*, no. 9487/19, 3 November 2022 – "the initial application"). He was represented by Mr D. Jandieri.

6. On 4 April 2019 Mr Jandieri informed the Court that he would no longer be representing the applicant in the proceedings before it.

7. On 27 May 2021 the complaints concerning the alleged unfairness of the criminal proceedings against the applicant, the holding of the criminal trial in camera and an alleged violation of the right to the presumption of innocence were notified to the Government and the remainder of the application was declared inadmissible, pursuant to Rule 54 § 3 of the Rules of Court.

8. In a programme broadcast on 1 August 2021, apparently a pro-opposition television channel, Mtavari Arkhi, accused the State Security Service ("the SSS") of conducting unlawful surveillance and collecting data regarding the personal, professional, and/or intimate lives of members of the clergy and other publicly active individuals. The general director of the company, N.G., implied that an anonymous source had leaked a collection of transcripts and reports supporting this claim, and read out various excerpts. The SSS denied the allegations.

9. Mr D. Jandieri resumed the applicant's representation before the Court on 6 August 2021.

10. Late in the evening of 12 September 2021, an anonymous source who claimed to have worked for the SSS disseminated what appears to have been a message via email and Facebook to multiple individuals and television companies. The message contained a link to what was purportedly a large database containing approximately 56,000 electronic files. The original link to these files has not been made available to the Court, nor does it appear to be still accessible on the internet. The disseminated files allegedly contained personal information concerning numerous individuals and what the media described as reports on, and transcripts of, allegedly monitored telephone conversations and written exchanges, involving mainly members of the clergy but also journalists, politicians and civic activists, describing their public and private lives. Various individuals who featured in the files publicly confirmed that the transcripts reflected real conversations. A number of politicians from the ruling party accused the opposition party, the United National Movement (which had governed the country between November 2003 and October 2012) of a "provocation ... against State institutions", and alleged that the United National Movement had plans to release secret recordings, or fabricated recordings, to spark further tensions.

11. The files were reported as having been disseminated under the title "*kompromat* [compromising material] by the SSS against the Patriarchate [of the Georgian Orthodox Church]" and accompanied by the following note:

> "There is no service more evil or more terrible than that in which I have spent [the past] several years! Its name does not reflect this – the name is noble – the State Security Service ... while in reality, nothing endangers our State, nothing corrupts (ხრწნის) it more than we do! We are a cancer, and I am one of the metastases! We listen to you all; we gather information, compromising material about you, we use your weaknesses, we devise rumours, tarnish your name – we rule you by means of evil! ..."

12. On 14 September 2021 the Tbilisi Prosecutor's Office opened, of its own motion, a criminal investigation under Article 158 of the Criminal Code (see paragraph 23 below) in respect of the offence of unauthorised recording, eavesdropping, usage and provision of access to private conversations, causing significant harm. The SSS denied having any involvement with the files in question and stated that it would cooperate with the investigating authorities.

13. On 17 September 2021 media sources reported that the files contained information involving the applicant. On that same day, Mr Jandieri (see paragraphs 5, 6 and 9 above) asked Mtavari Arkhi (see paragraph 8 above) whether the files contained information about him and/or the applicant.

14. On 27 September 2021 the Government submitted their observations on the admissibility and merits of the initial application.

15. On 1 December 2021 N.G., in his capacity as the general director of Mtavari Arkhi, provided the applicant and Mr Jandieri with documents containing details of the information about them which allegedly appeared in the leaked files, presented over sixteen pages. The cover letter, addressed to Mr Jandieri, stated:

> "In reply to your letter dated 17 September 2021, ... we inform you that we are sending you, with a view to its submission to the European Court of Human Rights ..., the material available to us in which there is talk of the so-called "cyanide case", which attracted considerable public interest, and of you personally, in your capacity as a lawyer in that case. Please note that part of the material is an excerpt from the so called "SSS files", provided to the media.
>
> Enclosed: 16 pages.
>
> ..."

16. These sixteen pages of documents, as presented to the Court, contain several types of note. The first is an undated, two-page note entitled "materials in the cyanide case do not exist", which contains information on the applicant's arrest, the criminal case against him (see paragraph 7 above), and discussions within the clergy in that connection. This is followed by five entries, each entitled "information note", presented over six pages. The notes describe various alleged conversations between various clergymen in 2018 regarding the applicant's criminal case and their opinions on the prospects of success of his subsequent application to the Court, Mr Jandieri's interactions

with journalists in August 2018, with a friend (indicating the latter's personal data) in November 2018, and with the representative of the Public Defender's Office in 2019, about the applicant's state of health. These five notes start with the phrase "based on the information obtained ..." without any reference to who had "obtained" it. The following eight pages contain short entries. The period covered by these entries starts on 27 March 2019 and ends on 2 October 2020. Each entry was made by a named individual (mostly a certain A.N. but also a certain T.A.) and contains what appears to be the date and time that it was made. An entry dated 4 April 2019 notes that on that same day the applicant informed his brother, by means of a telephone in the prison hospital (where he had apparently been placed sometime towards the end of February 2019), that his representative, Mr Jandieri, had visited him to say that he intended to cease representing him. The applicant expressed concerns that Mr Jandieri might have been subjected to some pressure. At the end of the entry there is the following note: "at this stage, the operative-technical measures implemented in respect of D. Jandieri do not reveal the reason behind his decision". An entry dated 6 April 2019 notes that the applicant had asked his brother, via a prison telephone, to ask Mr Jandieri to visit him. In some cases, the entries contain what appears to be a short message exchange between A.N. and T.A. discussing the content of the entries. In one such exchange, following an entry made by A.N. on 2 May 2019 concerning the content of an alleged conversation between the applicant and his brother via a prison telephone, T.A.'s message instructed A.N. to exercise "exceptional control of the Mamaladze brothers, starting in the morning" and to "bring in the person listening to them [earlier]." A.N.'s reply stated, "we are in control". Some entries note that Mr Jandieri had appeared or was due to appear on television to discuss various events. Several entries describe the content of purported telephone conversations between the applicant and his brother via the prison telephone, regarding the latter's discussions with religious figures and other persons about the possibility of the applicant being pardoned, his health, his representation by Mr Jandieri, the latter's involvement with various individuals, and other issues. An entry dated 7 January 2020 notes the applicant's intention, allegedly expressed during a telephone call with his brother, to apply to the Court in connection with his health issues. An entry dated 22 May 2020 notes a conversation between the applicant's brother and a representative of an NGO regarding Mr Jandieri's intention to apply to the Court in connection with the applicant's state of health. An entry dated 28 September 2020 refers to an alleged conversation between the applicant's brother and a journalist, in which the applicant's brother had mentioned that the applicant's case was pending before the Court and would be decided in his favour.

17. On 19 December 2021 Mr Jandieri submitted, in the course of the proceedings before the Court concerning the initial application, the applicant's observations in reply to those of the Government (see

paragraph 14 above). Among other points, he referred to the leak of documents that had been published in the media (see paragraph 16 above) and complained that the Government had breached their obligations under Article 34 of the Convention by having unlawfully wiretapped the applicant's and his lawyer's communications. That complaint was subsequently registered as a separate application and assigned the present number (5855/23).

18. On 9 August 2022 the applicant was questioned as a witness in relation to the ongoing criminal investigation into the alleged offence of unauthorised recording, eavesdropping, usage and provision of access to private conversations, causing significant harm (see paragraph 12 above). He confirmed that the content of the leaked material reflected real conversations.

19. In August and December 2022 respectively Mr Jandieri and the applicant were granted the procedural status of a victim in relation to the above investigation.

20. On unspecified dates the investigating authorities sent requests for legal assistance to other countries; carried out audits of State agencies to verify whether covert investigative measures had been used in respect of the persons identified in the disseminated files; contacted the Personal Data Protection Service of Georgia; examined websites and media sources to retrieve the relevant files; requested information from telecommunication operators; and identified and questioned various individuals. The material available to the Court does not include a copy of the criminal case file. The applicant has been given access to that case file. At least part of that file appears to be classified.

21. On 3 November 2022, the Court adopted a judgment in the initial application, which became final on 6 March 2023 (see *Mamaladze v. Georgia*, no. 9487/19, 3 November 2022).

22. At the date of the latest information available to the Court (2 May 2024), the criminal investigation into the events was ongoing.

RELEVANT LEGAL FRAMEWORK

A. Domestic law

23. Article 158 of the Criminal Code reads as follows:

Article 158 – Breach of the secrecy of private communication

"1. Unauthorised recording of or eavesdropping on private conversations, or unauthorised obtaining, by technical means, of computer data or electromagnetic waves containing such data transmitted to or from a computer system during private communication, or unlawful storage of recordings of private communication or of the information or computer data obtained through technical means, shall be punished by a fine or by two to four years' imprisonment.

2. Unlawful use, dissemination or otherwise providing access to a recording containing private communication, [or to] information or computer data obtained through technical means, shall be punished by a fine or two to five years' imprisonment.

3. The conduct provided for in paragraphs 1 or 2 of this Article, where it is committed:

(a) for personal benefit;

(b) repeatedly;

shall be punished by imprisonment for a term of three to six years.

4. The conduct provided for in paragraphs 1, 2 or 3 of this Article, which:

(a) has resulted in considerable damage;

(b) was committed by abusing one's official position;

shall be punished by three to seven years' imprisonment, with a deprivation of the right to hold an office or to carry out [official] activities for up to three years.

..."

B. International materials

24. Human Rights Watch, in its World Report 2022 (issued on 16 December 2021), noted, in so far as relevant:

> "In September, an anonymous source claiming to have worked for the state intelligence agency, leaked thousands of documents to media containing compromising information on Georgian clergy, including information on their intimate relationships, sexual orientation, or illegal drug use. The documents were gathered allegedly through illegal surveillance and wiretapping, The files also included conversations of Georgian journalists, opposition politicians, civil servants, and foreign diplomats. The prosecutor's office launched an investigation into the leak."

25. Amnesty International, in its "Report 2021/22: The State of the World's Human Rights", issued in March 2022, stated, in so far as relevant:

> "On 12 September, thousands of files revealing widespread surveillance and wiretaps by the State Security Service of Georgia were leaked to the media and the internet, featuring details about the personal lives of journalists, civil activists, politicians, clerics and diplomats. An investigation into the alleged illegal surveillance had produced no result by the year's end."

COMPLAINT

26. The applicant complained under Article 34 of the Convention that he had developed a genuine belief, because of the dissemination of the allegedly intercepted material in September 2021 (see paragraphs 10 above), that his conversations with his representative were being listened to while proceedings in respect of his substantive complaints under the Convention (see *Mamaladze*, cited above) were pending before the Court.

THE LAW

A. Scope of the case

27. The Court observes that, in his observations submitted in reply to those of the Government, the applicant raised, briefly, a complaint about the conditions in the meeting room in which he and his lawyer had met following the outbreak of COVID-19 pandemic and the adoption of the related sanitary protection measures. However, this does not constitute an elaboration of his original complaint, which had exclusively concerned the dissemination of the allegedly intercepted material in September 2021. The new complaint accordingly falls outside the scope of the present application (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 121-25, 20 March 2018).

28. Similarly, the Court has regard to the additional material obtained by the applicant in 2024 in support of his new argument, elaborated on in the observations submitted in reply to those of the Government, that his lawyer's email may have been unlawfully monitored at the relevant time. The Court points out, however, that the scope of the present case is limited to determining whether the applicant and his lawyer could have had a genuine belief, held on reasonable grounds, that their conversations concerning the Convention proceedings were not confidential at the time when those proceedings were ongoing. The emergence of any new information following the completion of the Convention proceedings, suggesting that the lawyer's email communication may have been monitored at the time, without any indication that such communication had been with the applicant, while a serious matter necessitating verification at domestic level, falls beyond the scope of the present case.

B. Alleged violation of Article 34 of the Convention

29. The applicant alleged a breach of Article 34 of the Convention (see paragraph 26 above), which reads as follows:

> "The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right."

1. The parties' submissions

(a) The Government

30. The Government requested that the application be struck out of the Court's list of cases on the grounds that it had the same factual basis as the initial application. In the alternative, the Government argued that the

applicant had failed to demonstrate due diligence with regard to his complaint, specifically concerning the allegedly compromised communication with his lawyer, on account of his failure to use the relevant remedy under the Imprisonment Code. The Government also argued that in the absence of any evidence that the applicant's conversations with his lawyer had been intercepted, he had failed to demonstrate the existence of a deliberate and calculated effort by the authorities to obstruct his right of application to the Court. Thus, the complaint did not fall within the scope of Article 34 of the Convention or establish the applicant's victim status. Lastly, the Government stated that Article 34 of the Convention could not be relied upon in the absence of a complaint under a substantive provision of the Convention or the Additional Protocols thereto.

31. The Government also submitted, among other arguments, that the matter in question concerned a large-scale situation of alleged interception of communications, involving hundreds of potential victims, and that the ongoing criminal investigation had yet to determine all the relevant circumstances. The only evidence produced in support of the applicant's complaint was unverified material obtained from a media source. Its "accuracy or fabrication" ought thus to be addressed as part of the ongoing investigation, rather than through the applicant's "speculative assertions". In this regard, the Government stated that the applicant's lawyer had exercised his right to review the domestic investigative material; in consequence, he ought to have relied on concrete evidence from that file to substantiate his complaints, rather than on "speculative" documents or a generic allegation of "widespread eavesdropping". The Government emphasised that in addition to unresolved questions regarding the authenticity and provenance of the material submitted by the applicant, the documents in question could also not be relied on, since N.G., the individual who had provided them to the applicant (see paragraph 15 above), had been his lawyer in the domestic proceedings underlying his initial application to the Court.

32. Alternatively, and with regard to the content of the material in question, the Government argued that it had no temporal or substantive connection with the Convention proceedings arising from the applicant's initial application. The Government emphasised that no item in the submitted material (a) related to the applicant's complaints in his initial application to the Court (see paragraphs 5 and 7 above); or (b) reflected any conversation actually held between the applicant and his representative. The Government added that the applicant had failed to submit evidence proving he had experienced any impediment in communicating with his lawyer and noted that he had been able to make voluminous submissions (including over 140 supporting documents) to the Court in the course of the Convention proceedings arising from his initial application.

33. In conclusion, the Government reiterated their submission that there had been no breach of Article 34 of the Convention in the present case and

noted that it was open to the applicant to lodge a separate complaint under Article 8 of the Convention should he have other complaints in respect of the ongoing criminal investigation.

(b) The applicant

34. The applicant argued, among other things, that he was not required to exhaust domestic remedies, on account of the procedural nature of Article 34 of the Convention. He also submitted that the ongoing nature of the criminal investigation, in which it had been considered appropriate to grant him the procedural status of a victim (see paragraph 19 above), indicated, on that very account, the existence of prima facie evidence that a criminal offence had been committed against him. At the same time, in the applicant's submission, the Court ought not to wait for the outcome of that investigation, as it already had sufficient evidence before it to decide on the case. He also stated that he had been granted access only to those sections of the domestic criminal file which had concerned him specifically, and that he had been unable to make any copies. The applicant argued in that connection that it was for the Government to present official evidence to substantiate any assertion that the applicant's conversations had not been intercepted.

35. The applicant stated that the dissemination, by an anonymous source, of a massive amount of material containing transcripts of hundreds of individuals' private exchanges, including those involving him and his lawyer, pre- and post-dating the submission of his initial application to the Court, had amounted to an interference with his right of individual application. Specifically, as a result of the leak of those files and their content, he had developed a genuine belief, held on reasonable grounds, that lawyer-client privilege had been compromised while the proceedings in his case were still pending before the Court. In that connection, the applicant maintained that such a genuine belief was sufficient to engage Article 34 of the Convention and to establish an eventual breach of that provision, and that it was not necessary under the Court's case-law for an actual interception of communications between him and his lawyer to have taken place. He referred to the Court's judgments in the cases of *Cebotari v. Moldova* (no. 35615/06, 13 November 2007) and *Oferta Plus S.R.L. v. Moldova* (no. 14385/04, 19 December 2006). It was also irrelevant, in the applicant's opinion, that he had been able to submit his observations and supporting material to the Court.

36. In commenting on the manner in which he had communicated with Mr Jandieri, the applicant stated that even before the dissemination of the leaked material, the telephone calls between them had been kept very short and they had not discussed important matters. As for their meetings in person, the applicant stated that the two men had "communicated secretly by whispering in [each other's] ear" when discussing his case in order to avoid being overheard. The applicant claimed that the subsequent dissemination of the files in question had confirmed his earlier fears of potential

eavesdropping. The applicant added that, following the outbreak of the COVID-19 pandemic, he met his lawyer in two different rooms which "were presumably free", without elaborating on the meaning of that statement.

37. As regards the authenticity of the material provided to him under cover of N.G.'s letter of 1 December 2021 (see paragraphs 15-16 above), the applicant argued that there was no reason to doubt it. He emphasised that the disseminated files in his regard had correctly reflected the timeline of Mr Jandieri's representation in his case (compare paragraphs 6, 9 and 16 above). In addition to the letter of 1 December 2021, the applicant submitted, in reply to the Government's observations concerning the present case, material which he claimed proved the authenticity of N.G.'s letter. In particular, he submitted a letter dated 6 March 2024, signed by the new general director of Mtavari Arkhi (see paragraph 8 above), which contained the same files as those accompanying the letter of 1 December 2021. He also submitted a letter dated 15 March 2024 from a different media company (TV Formula). The applicant also referred to the media coverage of the relevant events and the response of international bodies to the revelations in question (see paragraphs 24-25 above).

38. The applicant also stated that there was a general problem in the country regarding the alleged abuse of power in the context of intercepting private communications, and that the Constitutional Court of Georgia had been asked to assess the adequacy of the relevant legislation.

2. The Court's assessment

39. The Court reiterates that Article 34 of the Convention imposes an obligation on a Contracting State not to hinder the right of the individual effectively to present and pursue a complaint with the Court. While the obligation imposed is of a procedural nature distinguishable from the substantive rights set out in the Convention and Protocols, it flows from the very essence of this procedural right that it is open to individuals to complain of alleged infringements of it in Convention proceedings (see *Manoussos v. the Czech Republic and Germany* (dec.), no. 46468/99, 9 July 2002).

40. It is of the utmost importance for the effective operation of the system of individual application instituted by Article 34 of the Convention that applicants or potential applicants are able to communicate freely with the Court without being subjected to any form of pressure from the authorities to withdraw or modify their complaints (see *Sisojeva and Others v. Latvia* (striking out) [GC], no. 60654/00, § 115, ECHR 2007-I; *Salman v. Turkey* [GC], no. 21986/93, § 130, ECHR 2000-VII; and *Akdivar and Others v. Turkey*, *Reports of Judgments and Decisions* 1996-IV, § 105, 16 September 1996). In this context, "pressure" includes not only direct coercion and flagrant acts of intimidation, but also other improper indirect acts or contacts designed to dissuade or discourage applicants from pursuing

a Convention remedy (see *Konstantin Markin v. Russia* [GC], no. 30078/06, § 158, ECHR 2012 (extracts)).

41. In the context of cases concerning lawyer-client privilege, the Court has held that one of the key elements in a lawyer's effective representation of a client's interests is the principle that the confidentiality of information exchanged between them must be protected (see *Oferta Plus S.R.L.*, cited above, § 145). It has found in this regard that an interference with lawyer-client privilege may constitute a breach of the right of individual application guaranteed by Article 34 of the Convention (see *Cebotari*, cited above, §§ 58-60). Such an interference does not necessarily require an actual interception or eavesdropping to have taken place. A genuine belief held on reasonable grounds that their discussion was being listened to might be sufficient to limit the effectiveness of the assistance which the lawyer could provide. Such a belief would inevitably inhibit a free discussion between a lawyer and a client and hamper the client's right to be effectively defended or represented (ibid., § 60).

42. Turning to the present case, the Court takes note of the Government's objection that Article 34 cannot be relied on alone (see paragraph 30 above). However, the present complaint was raised while the proceedings in respect of the applicant's initial application concerning complaints under Article 6 of the Convention were pending before the Court. The applicant specifically referred to the exercise of his right of individual application in connection with those proceedings (see paragraphs 17 and 26 above). In such circumstances, the fact that those proceedings have ended (see paragraph 21 above) does not preclude the Court from examining the related complaint made under Article 34 of the Convention, given that it is expressly linked to the proceedings in respect of the applicant's initial application to the Court and was raised by the applicant while those proceedings were still pending (see, for instance, *mutatis mutandis, Mehmet Ali Ayhan and Others v. Turkey*, nos. 4536/06 and 53282/07, § 38, 4 June 2019).

43. As to the substance of the applicant's complaint, while it involves the allegation that lawyer-client privilege was compromised in his case, it differs from the cases decided by the Court thus far. Namely, in *Oferta Plus S.R.L.* and *Cebotari* (both cited above, §§ 149-54 and §§ 62-66 respectively), relied on by the applicant (see paragraph 35 above), the relevant applicants were found to have held a genuine belief on reasonable grounds that lawyer-client privilege may have been compromised in the meeting room of a detention centre on account of the physical setup of the room. They also faced physical impediments created by the setup in question (ibid.).

44. By contrast, in the present case the hindrance of the right of individual application is alleged on account of the dissemination, by an anonymous source, of a massive amount of material, allegedly containing transcripts of hundreds of individuals' private exchanges, including those involving the

applicant. That material did not, however, include any interactions between the applicant and his lawyer.

45. The Court notes that multiple factual elements are currently being clarified at domestic level, including the authenticity of the disseminated information, the perpetrators of what may have been a massive breach of privacy, and the degree or extent of their association with the State (see paragraphs 12 and 18-22 above).

46. In any event, however, the Court reiterates (see paragraph 44 above) that irrespective of its authenticity or provenance, the disseminated material did not – and this is not disputed by the applicant – describe any instances of direct interaction between him and his lawyer, either in the context of the proceedings pending before the Court or with regard to any other matter. Rather, it reflected, on the one hand, information about what may have been telephone conversations between the applicant and his brother and, on the other, the applicant's lawyer's interaction with journalists and other individuals (see paragraph 16 above). The presence of that information in the disseminated material cannot be regarded as sufficient, in and of itself, for the applicant to form a genuine belief held on reasonable grounds that his discussions with his lawyer were being listened to.

47. The Court also has regard to the applicant's own admission, in his submissions to the Court, that he and his lawyer had never discussed important matters on the telephone, and that even before the dissemination of the material, they had whispered in each other's ear when using the meeting rooms in the prisons where the applicant was being detained, to avoid being overheard (see paragraph 36 above). The applicant's caution when interacting with his lawyer does not, on the face of it, appear unusual given that the criminal case against him had involved covert surveillance measures (see *Mamaladze v. Georgia*, no. 9487/19, 3 November 2022, §§ 8-9). In any event, given that such precautions on the applicant's part preceded the dissemination of the leaked material and were not prompted by it, they cannot be linked to that latter event. By contrast, following the dissemination of the material in question, the applicant would have had no reason to fear that his exchanges with his lawyer could be overheard, precisely because of the manner in which they had carried out their interactions.

48. Having regard to the applicant's ability to successfully pursue his initial application before the Court (ibid., §§ 102 and 115) and to submit a large volume of material pertaining to it without hindrance (see paragraph 32 above), the nature of the disseminated material (see paragraphs 44-46 above), and the manner in which the applicant and his lawyer structured their interactions at domestic level (see paragraph 47 above), the Court considers that the events complained of as part of the present application could not have had any impact on the applicant's exercise of the right of individual application in relation to the proceedings involving his initial application. This finding is without prejudice to the eventual outcome of the criminal

investigation opened following the dissemination of the relevant material (see paragraphs 20-22 above) and/or the admissibility and merits of any complaints the applicant may have under the substantive provisions of the Convention.

49. In this regard, the Court emphasises that the dissemination, by an unidentified source, of material appearing to contain sensitive personal data pertaining to hundreds of individuals and containing indications that the material may have been processed by an official authority raises serious concerns, and certainly necessitates an effective investigation. However, the Court cautions against conflating, however serious the claims, the allegation of mass surveillance in the respondent State with an allegation of compromised lawyer-client privilege in connection with Convention proceedings in a particular case.

50. In the light of the above considerations the Court concludes that the applicant's complaint under Article 34 of the Convention is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 10 July 2025.

Simeon Petrovski Deputy Registrar	Jolien Schukking President