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

FIFTH SECTION

DECISION

Application no. 12699/18
Tatia TORADZE
against Georgia

The European Court of Human Rights (Fifth Section), sitting on 2 December 2021 as a Committee composed of:

Lətif Hüseynov, *President,*
Lado Chanturia,
Mattias Guyomar, *judges,*
and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 12699/18) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 6 March 2018 by a Georgian national, Ms Tatia Toradze, who was born in 1988 and lives in Tbilisi ("the applicant") who was represented by Georgian lawyers - Mr E. Marikashvili, Ms G. Tsulukidze, and Mr T. Svanidze, and six lawyers practicing in the United Kingdom - Mr. P. Leach, Ms. J. Sawyer, Mr. V. Grigoryan, Ms. K. Levin, Ms. J. Gavron, and Ms. J. Evans;

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 Human Rights Clinic of the University of Miami Law School (HRC), Casa de Esperanza (CASA), End Violence Against Women International (EVAWI), Futures Without Violence (FUTURES), and Women in Federal Law Enforcement (WIFLE), who was granted leave to intervene by the President of the Section;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. In autumn 2014 the applicant started dating G.B., a senior employee at the Ministry of Internal Affairs at the material time. According to the applicant, soon G.B. became abusive towards her. In July, August and early October 2015 the first physically violent incidents against her occurred, although she did not report them to police. On 19 October 2015 G.B. assaulted the applicant while on a street in Tbilisi. The police arrived, however, no proceedings were subsequently initiated. Another violent incident followed on 20 October 2015. Criminal investigation was initiated under Article 125 of the Criminal Code (offence of beating) and the applicant was questioned. On 12 May 2016 the investigation was discontinued for lack of elements of a crime. The applicant was informed about the above decision by the Public Defender's Office on 28 September 2016.

2. After two other allegedly violent assaults, on 28 July 2016 G.B. allegedly beat the applicant, pushing her down the stairs, and hitting her head against a door and a wall. A criminal investigation was initiated against both of them into mutual beating. The applicant submitted various applications regarding the investigation, requesting, *inter alia*, the reclassification of the offence into violence.

3. On 10 September 2018 the applicant was informed by the Public Defender's Office of Georgia that on 19 May 2017 the prosecutor had decided to discontinue the criminal proceedings against G.B.

4. The applicant complained under Articles 3 and 14 of the Convention alleging that the respondent State failed to protect her from continuous domestic violence and to conduct an effective investigation into the matter.

THE COURT'S ASSESSMENT

5. The applicant alleged a breach of Articles 3 and 14 of the Convention. The Government submitted that the application was inadmissible for, *inter alia,* being lodged outside of the six months' time-limit. Whereas the current application form was lodged with the Court on 6 March 2018, the applicant's lawyers had been informed about the discontinuation of the two sets of criminal proceedings on 28 September 2016 and 26 July 2017 respectively. The applicant replied that the various incidents of violence had to be treated in the context of a continuum of repeated domestic violence. She also claimed that she had learnt about the discontinuation of the second set of proceeding only on 10 September 2018.

6. Even if treating the various alleged incidents of violence as amounting to a continuous act of domestic violence (see *Galović v. Croatia*, no. 45512/11, § 116, 31 August 2021, with further references), the Court, nevertheless, finds that the application was introduced outside the six months' time-limit. Thus, by a letter of 26 July 2017 the prosecutor's office, acting in

reply to the applicant's lawyer's request, informed the latter about the discontinuation of the second set of criminal proceedings pending against G.B. The applicant alleged that by that time she had chosen new lawyers working for another NGO to represent her interests. However, the initial lawyer's authority form was still valid at the relevant time and the applicant did not allege that the prosecutor's letter of 26 July 2017 had not been served on her initial lawyer. It was thus incumbent on the new and old representatives to act diligently in the applicant's interests while transferring the applicant's case from one NGO to another (see *Bekauri v. Georgia* (preliminary objection), no. 14102/02, §§ 22-23, 10 April 2012). In such circumstances and since the six-month period starts to run from the date when the applicant and/or his representative had effective and sufficient knowledge of the final domestic decision, the Court concludes that 26 July 2017 should be taken as the starting point for calculation of the six-month period in the present case.

7. The applicant lodged the present application with the Court on 6 March 2018, that is, more than six months later. Accordingly, this application has been introduced out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 13 January 2022.

Martina Keller Deputy Registrar	Lətif Hüseynov President