



Georgian courts failed to protect high-profile defence lawyer's reputation against clergyman's accusations on live television

In today's **Chamber** judgment¹ in the case of [Ramishvili v. Georgia](#) (application no. 4100/24) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerned civil defamation proceedings brought by the applicant, a well-known defence lawyer, against a prominent clergyman of the Georgian Orthodox Church, for statements he had made during a televised interview accusing him of being a "snitch" and feeding information to the secret services.

The Court found that the clergyman's statements had been made in the context of a matter of public interest, namely a high-profile criminal case, and that the applicant himself was a public figure who therefore had to show higher tolerance of others' opinions. However, the accusations against him had been very serious and should have had a solid basis in fact to be protected under the Convention. Instead of looking into whether this had been the case, the national courts had placed the burden of proof on the applicant to rebut the accusations against him.

The Court therefore considered that the courts had failed to strike a fair balance between Mr Ramishvili's right to respect for his dignity and reputation, on the one hand, and the clergyman's freedom of expression, on the other.

Principal facts

The applicant, Mikheil Ramishvili, is a Georgian national who was born in 1971 and lives in Tbilisi. He is well-known as the defence counsel in various high-profile criminal cases in Georgia.

In September 2017 he was representing the interests of the defendant in a case concerning the attempted murder of the Patriarch's personal secretary, also known as "the Cyanide case", and was invited to participate in a live television programme. During the televised interview the anchor telephoned a prominent clergyman of the Georgian Orthodox Church, Father I., who was also a witness for the prosecution. Father I. referred to Mr Ramishvili as an "informer" and "provocateur" who fed information to the secret services.

Mr Ramishvili subsequently brought a civil defamation claim against the clergyman, maintaining that the latter's statements had damaged his professional reputation. The Tbilisi City Court first found in his favour.

This decision was, however, overturned by the Tbilisi Court of Appeal, which ruled in particular that the statements in question had been Father I.'s personal opinions which contributed to an important public discussion at the time and that Mr Ramishvili was expected to tolerate them, given his status as a public figure.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its 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.

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.

The Supreme Court ultimately upheld this decision in June 2023, also finding that Mr Ramishvili had not provided sufficient evidence to refute Father I.'s allegations.

Complaints, procedure and composition of the Court

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Ramishvili complained that the national courts had refused to protect his professional reputation against the unconfirmed, public accusations made against him by Father I.

The application was lodged with the European Court of Human Rights on 7 February 2024.

Judgment was given by a Chamber of seven judges, composed as follows:

Jolien **Schukking** (the Netherlands), *President*,
Lado **Chanturia** (Georgia),
Lorraine **Schembri Orland** (Malta),
Anja **Seibert-Fohr** (Germany),
Ana Maria **Guerra Martins** (Portugal),
Anne Louise **Bormann** (Denmark),
Sebastian **Rădulețu** (Romania),

and also Simeon **Petrovski**, *Deputy Section Registrar*.

Decision of the Court

Firstly, the Court noted that Father I.'s statements had been made in the context of a debate on a matter of public interest, namely an ongoing high-profile murder case (the "Cyanide case") which had prompted discussion on the Orthodox Church of Georgia in general and issues within the Patriarchy in particular.

Mr Ramishvili himself was, moreover, a public figure, who had voluntarily exposed himself to public scrutiny as defence counsel in high-profile criminal cases. The Court therefore considered that he had to show a higher level of tolerance than would be expected of a non-public figure.

The Court went on to note that Father I. had accused Mr Ramishvili of misconduct, or at the very least a breach of legal ethical norms. Those were serious allegations and, according to the Court's settled case-law, the more serious an allegation was, the more solid its factual basis had to be. However, neither higher court had examined whether there had been a sufficient factual basis to call Mr Ramishvili a "planted provocateur" in the Cyanide case. Both courts had simply concluded that any opinion ("value judgment") had absolute protection under national law.

Nor had the courts established whether there had been sufficient factual basis for the allegation that Mr Ramishvili had fed information to the secret services in another high-profile murder case (known as the "Girgvliani case"). Mr Ramishvili had submitted evidence in court showing that he had acted professionally in the relevant proceedings, whereas Father I. had not corroborated his accusations at all.

Indeed, the Supreme Court had placed the burden of proof on Mr Ramishvili to rebut the accusations against him, despite his submissions, the seriousness of the allegations and the lack of any established factual basis for them.

The Court therefore considered that the Georgian courts had failed to strike a fair balance between Mr Ramishvili's right to respect for his dignity and reputation, on the one hand, and Father I.'s freedom of expression, on the other, in violation of Article 8.

Just satisfaction (Article 41)

The Court held that Georgia was to pay the applicant 4,500 euros (EUR) in respect of non-pecuniary damage and EUR 5,000 in respect of costs and expenses.

The judgment is available only in English.

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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.