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# ACCESSIBILITY OF JUDICIAL ACTS IN CASES OF HIGH PUBLIC INTEREST



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## INTRODUCTION

Public trust in the judiciary is essential for voluntary acceptance of court decisions.<sup>1</sup> The judicial system should not only be equipped with guarantees of independence but also acquire and maintain the perception of independence in the broader society through its actions.<sup>2</sup> Activities of the judges - the judicial process and its results - must be widely accessible for public observation,<sup>3</sup> as this plays a crucial function in forming a positive perception of the impartiality and lack of political motivations within the judiciary.<sup>4</sup> The importance of transparency in justice and accessibility of judicial acts for excluding selective and biased justice and for establishing public trust toward the court has been confirmed by the Constitutional Court of Georgia.<sup>5</sup>

Despite several reforms implemented in the past decade, Georgia's judiciary faces fundamental challenges and a significant crisis of trust.<sup>6</sup> According to the latest report of the European Commission, the reform of the justice system in Georgia is experiencing regression,<sup>7</sup> systemic challenges in terms of independence and impartiality remain unresolved, and the need for the implementation of the extraordinary integrity checks of judges remains on the agenda.<sup>8</sup>

Implementing the 2019 judgment of the Constitutional Court of Georgia into legislation ultimately required a political agreement, recommendations from the EU and the Venice Commission, and five years instead of one. On January 1, 2024, amendments entered into force that substantially

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<sup>1</sup> Grimmelikhuijsen, S.G., and Klijn, A., The effect of judicial transparency on public trust: evidence from a field experiment, *Public Administration* (in press), 2015, 2.

<sup>2</sup> T.S. Ellis III, Sealing, Judicial Transparency and Judicial Independence, 53 *Vill. L. Rev.* 939, 2008, 939-940.

<sup>3</sup> *Ibid*, 940.

<sup>4</sup> Grimmelikhuijsen, S.G., and Klijn, A., The effect of judicial transparency on public trust: evidence from a field experiment, *Public Administration* (in press), 2015, 19.

<sup>5</sup> The judgment of the Constitutional Court of Georgia of 7 June 2019, №1/4/693,857, in the case N(N)LE "Media Development Foundation" and N(N)LE "Institute For Development of Freedom of Information" v. The Parliament of Georgia, para. 42-51.

<sup>6</sup> European Commission, Georgia 2024 Report, SWD(2024) 697 final, 2024.

<sup>7</sup> *Ibid*, 5.

<sup>8</sup> *Ibid*, 33.

improved normative guarantees of accessibility to judicial acts, although the practical realization of this right still cannot be achieved.

According to assessments from various international and local organizations, informal influences remain the main problem in the judiciary,<sup>9</sup> while selective justice is cited as one of the main evidence of such informal influences. Against this background, the accessibility of judicial acts in cases of high public interest acquires critical importance.

The report reviews the constitutional and legislative standards and practical challenges of accessibility to judicial acts. The report aims to assess the contrast that exists between normative requirements and the actual situation. The discrepancy between legislation and reality manifests in various directions; however, for the purposes of this report, it focuses on cases of high public interest.

## MAIN FINDINGS

- The system of common courts continues to violate the Constitution of Georgia and the Organic Law “On Common Courts.” Judicial acts in cases of high public interest remain inaccessible to the public;
- IDFI submitted **111** public information requests in the common courts between January 1, 2024, and March 5, 2025, for cases identified under seven different categories. Approximately **90%** of the requests were left without any response from the courts, while in the remaining cases, IDFI was refused the issuance of judicial acts in response to public information requests:

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<sup>9</sup> Specifically, the past reforms in the judiciary are assessed as a façade attempt at institutional modernization of the court, which failed to address the main challenge - the concentration of power and informal influences in the judicial system. (Coalition for an Independent and Transparent Judiciary, 10 Years of Judicial Reforms: Challenges and Perspectives, 2023, 7.). These influences, according to various international and local assessments, are referred to as clan rule, (U.S. Department of State, Country Reports on Human Rights Practices: Georgia, 2023, 14.), corporatism (European Commission for Democracy Through Law (Venice Commission), Opinion “On the December 2021 Amendments to the Organic Law on Common Courts”, 2022, para. 60.) or cronyism (Ibid).

- 48 out of the 50 requests under the category of politically motivated cases remained unanswered;
  - Out of 8 requests submitted within the category of court cases involving oligarchic interests and influences, all eight requests remained without any response;
  - Out of 18 requests sent within the category of court cases involving the interests of the influential group of judges, 13 remained without any response;
  - Out of 5 requests submitted within the category of multi-million disputes, all five requests remained without response;
  - Out of 9 requests submitted within the category of disputes involving personal or financial interests of high-ranking officials and their family members, 8 remained unanswered;
  - Out of 15 requests sent within the category of high-profile cases, all 15 requests remained without any response;
  - Out of 6 requests sent within the category of criminal cases against former high-ranking officials, 3 remained without any response.
- **In no case was a copy of the judicial act provided to IDFI in response to a public information request** during the reporting period;
  - In those exceptional cases when the court responds to a public information request, it cites reasons for refusing to issue judicial acts that contradict the legislation in force:
    - The court continues to violate the clear requirements of the legislation and, with formal reference to personal data protection, often refuses to provide the applicant with a copy of the judicial act adopted in an open session;

- When requesting a copy of a judicial act with clear and unambiguous identifiers (including parties to the dispute, subject of the dispute, presiding judge, etc.), it is frequently indicated that the court does not process cases according to these criteria.

## METHODOLOGY

During the preparation of the report, the Institute for Development of Freedom of Information (IDFI) relied on academic literature, assessments by authoritative local and international institutions, IDFI's previous reports and assessments regarding the accessibility of court decisions, analysis of the legislative framework, court practice, and requests for judicial acts as public information in practice.

Since the report aimed to assess the accessibility of judicial acts in cases of high public interest, IDFI identified several qualifying circumstances (indicators) that significantly increase the public interest in judicial transparency and accessibility of court decisions in relevant cases. These types of cases were selected considering their relevance for evaluating selective justice, personal and political use of justice, as well as corruption risks and political resilience of the judiciary. Based on these characteristics, IDFI identified seven categories of high public interest and separately assessed the accessibility indicator of judicial acts under each category.

To this purpose, the practical findings presented in this report are based on accumulated practice in **111** public information requests filed with the common courts of Georgia by IDFI since **January 1, 2024**<sup>10</sup> as of **March 31, 2025**. Specifically, the assessment examined the courts' responses regarding requests under each category of high public interest, the explanations provided by them, and the practical obstacles identified in accessing judicial acts.

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<sup>10</sup> The date of entry into force of the provision regulating public information in the Organic Law of Georgia "On Common Courts".



In terms of content, this report evaluates the accessibility of judicial acts of high public interest in response to public information requests. Therefore, its purpose is not to assess the effectiveness of the administrative complaint mechanism. Nevertheless, regarding the requests for which IDFI filed an administrative complaint, the document reflects the relevant outcome.

## 1. ACCESS TO JUDICIAL ACTS AS A CONSTITUTIONAL VALUE, AND ITS LEGISLATIVE REGULATION

From 2015, there began a noticeable deterioration in access to court decisions. Specifically, from this period, the publicity of decisions made by courts was restricted, and the practice of refusing to release them with reference to personal data protection emerged.<sup>11</sup> Shortly after this deterioration, constitutional proceedings began<sup>12</sup> to develop standards for the accessibility of judicial acts. The Constitutional Court established a constitutional standard for accessibility to judicial acts with its June 7, 2019 judgment. According to the Court's explanation, "It is precisely a transparent, open judiciary that has the power to have high public trust and the ability to make decisions on behalf of the public."<sup>13</sup>

The Constitutional Court recognized judicial acts as information toward which there inherently exists heightened public interest<sup>14</sup> and, as a general rule, gave priority to their openness except in those exceptional cases when, by weighing constitutional value in each individual case, a superior interest in protecting another value<sup>15</sup> is established.<sup>16</sup>

The Constitutional Court declared the disputed norms invalid from May 1, 2020, giving the Parliament of Georgia time to establish normative regulation in accordance with the balance described in the judgment. The adoption of legislative changes to implement the judgment was delayed until the issue became part of the so-called "Charles Michel Agreement" in 2021, and subsequently part of the implementation of recommendations

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<sup>11</sup> See Institute for Development of Freedom of Information, [Access to Court Decisions - the Best International Practice](#), 2016.

<sup>12</sup> On 20 November 2015 N(N)LE "Media Development Foundation" filed a constitutional complaint (N693), while on 22 November 2016 – N(N)LE "Institute for Development of Freedom of Information" (N857).

<sup>13</sup> The judgment of the Constitutional Court of Georgia of 7 June 2019, №1/4/693,857, in the case N(N)LE "Media Development Foundation" and N(N)LE "Institute For Development of Freedom of Information" v. The Parliament of Georgia, para. 45.

<sup>14</sup> Ibid, para. 51.

<sup>15</sup> The Court, within the framework of the aforementioned ruling, considers only the protection of personal data based on the subject matter of the dispute.

<sup>16</sup> Ibid.

issued by the European Commission in its conclusion of June 17, 2022.<sup>17</sup> As a result, with the legislative amendments of June 13, 2023, the Parliament of Georgia established as a normative rule the accessibility of judicial acts from the moment the court ruling enters into legal force,<sup>18</sup> and with the amendments of May 29, 2024 - from the moment the judicial act is adopted.<sup>19</sup>

## 1.1. THE IMPORTANCE OF ACCESSIBILITY TO JUDICIAL ACTS IN CASES OF HIGH PUBLIC INTEREST

According to the standards of the Constitutional Court, the importance of public oversight of certain acts is even greater. The role of transparency especially increases in cases that carry a high risk of political, oligarchic, or other informal influence on the court's ruling and selective justice, which determines the high public value of monitoring them.

In several parts of the judgment, the Constitutional Court notes that judicial transparency should create a firm belief<sup>20</sup> in the impartiality of the court and the absence of selective justice, and establish guarantees for effective public control over certain biases, tendencies, or selective justice.<sup>21</sup> According to the Court, to determine the degree of increased public interest towards a specific case, one must assess the category of the case, participants in the proceedings, and other circumstances. As an illustration of a case with high public interest, the Court mentions, for example, cases involving public political officials.<sup>22</sup>

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<sup>17</sup> For more details about the chronology of the legislative amendments, see Institute for Development of Freedom of Information, [Accessibility of Judicial Acts: Progress and Key Challenges](#), 2024, 14-15.

<sup>18</sup> On amendments to the Organic Law of Georgia „On Common Courts“, matsne.gov.ge, 27/06/2023, 3129-XIობ-Xოო. The date for the entry into force of the amendments was determined to be January 1, 2024.

<sup>19</sup> On amendments to the Organic Law of Georgia „On Common Courts“, matsne.gov.ge, 29/05/2024, 4218-XIVობ-Xოო.

<sup>20</sup> The judgment of the Constitutional Court of Georgia of 7 June 2019, №1/4/693,857, in the case N(N)LE "Media Development Foundation" and N(N)LE "Institute For Development of Freedom of Information" v. The Parliament of Georgia, para. 47.

<sup>21</sup> Ibid, para. 65.

<sup>22</sup> Ibid, para. 66.

Given the serious questions regarding the independence and impartiality of the justice system in Georgia, and considering the crisis state of public trust, the value of accessibility to judicial acts in cases of high public interest is particularly significant.

Informal (clan-based) influences remain the main systemic challenge in the judicial system. It should be noted that in 2023, a recommendation<sup>23</sup> was issued to Georgia for the first time regarding the use of extraordinary integrity checks, which implies checking the compatibility of persons employed in the judicial system, including in various judicial institutions, with the positions they hold.

Moreover, authoritative international institutions have repeatedly pointed out regarding Georgia, that the judicial system is vulnerable to oligarchic influences.<sup>24</sup> Also, over the years, numerous cases have revealed indicating the involvement of an influential group of judges in corruption.<sup>25</sup> Among these, several investigative journalism products revealed information about undocumented assets of judges,<sup>26</sup> while certain most influential judges either do not submit full asset declarations,<sup>27</sup> or deliberately obstruct the process of verification of their financial integrity.<sup>28</sup>

This context creates a reasonable assumption that the court, especially in cases where political interest is high, makes decisions not based on the interests of justice, but to its detriment, to achieve narrow political or other goals.<sup>29</sup> Therefore, the openness of court rulings is particularly important in cases of heightened public interest, where, from the perception of a

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<sup>23</sup> European Commission, Communication on EU Enlargement Policy, COM(2023) 690 final, 2023, 25.

<sup>24</sup> European Commission for Democracy Through Law (Venice Commission), Final Opinion “On the draft law on De-Oligarchisation,” 2023, para. 9: “‘Oligarchs’ ... exerting undue influence on the judiciary to their benefit.”

<sup>25</sup> U.S. Department of State, Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption, Press Statement, 2023; also, see the [statement](#) of the Coalition for an Independent and Transparent Judiciary.

<sup>26</sup> U.S. Department of State, Country Reports on Human Rights Practices: Georgia, 2023, 16.

<sup>27</sup> Ibid.

<sup>28</sup> See [statement](#) of the Coalition for an Independent and Transparent Judiciary: The Coalition Reacts to the Suspension of the Investigation of the Judges' Assets by the Anti-Corruption Bureau.

<sup>29</sup> See [statement](#) of the Coalition for an Independent and Transparent Judiciary: The Coalition Reacts to the Imposition of Sanctions on Judges.

reasonable observer, there is a high probability of political, financial, or personal interest from authorities, officials, or persons with informal influence, and where the impact of corrupt and other illegal interests on the administration of justice is high.

In such cases, full and unhindered access to judicial acts will provide society with the opportunity to assess the extent to which the court selectively applied legal or factual assessments and to what degree the decision made is based on objective, fair consideration following the principle of the rule of law.

According to the standards of the Constitutional Court, compared to other cases, the interest of publicity in cases of high public interest is particularly high and may even outweigh the interest of confidentiality<sup>30</sup> including the protection of sensitive information<sup>31</sup> reflected in the ruling in favor of comprehensive public control.

## 1.2. EXISTING LEGISLATIVE REGULATION

The reflection of the standards established by the Constitutional Court in the legislative framework had to go through a rather long and problematic path.<sup>32</sup> Amendments were introduced to the Organic Law of Georgia “On Common Courts” on June 13, 2023, which substantially improved from January 1, 2024, at the normative level, the standard of accessibility of judicial acts adopted in an open session. In particular, as a general rule, the accessibility of acts was determined from the moment the decision entered

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<sup>30</sup> The judgment of the Constitutional Court of Georgia of 7 June 2019, №1/4/693,857, in the case N(N)LE “Media Development Foundation” and N(N)LE “Institute For Development of Freedom of Information” v. The Parliament of Georgia, para. 66.

<sup>31</sup> “A judicial act may contain information about a person’s private life, the dissemination of which would have a significant negative impact on their private life and even cause them harm. For example, a judicial act may indicate a person’s health status, some intimate detail of their life, etc.” ... “However, taking into account the specifics of a particular case, the impact of specific data on the right to privacy and the degree of its constitutional and legal protections may vary.” (para. 57).

<sup>32</sup> For more details about the chronology of the legislative amendments, see Institute for Development of Freedom of Information, [Accessibility of Judicial Acts: Progress and Key Challenges](#), 2024, 14-15.

into legal force, while with the amendment of May 29, 2024, from the moment of adopting the act.

According to the current version of the Organic Law, “The full text of a judicial act adopted by a court as a result of an open court session shall become public information upon the adoption of that act and shall be issued under the procedure established by the General Administrative Code of Georgia for issuing public information. No one may publish the text of this act without depersonalising it”.<sup>33</sup>

The Organic Law imposes the obligation of depersonalization on interested persons regarding the publication of an act with the same standard as is imposed on the court/High Council of Justice within the framework of proactive publication. This restriction may conflict with both the requirements of legal technique and the scope of the Organic Law, and may hinder the preparation/dissemination of a comprehensive analytical product (including with the indication of personal data) on a case of high interest. Nevertheless, from a normative regulation perspective, the current legislative provision establishes a general rule for the accessibility of judicial acts, including the full text of acts of high public interest. According to the requirements of the Organic Law, courts are obliged to issue decisions (including interim acts) requested through public information applications in the form of full text.

### 1.3. HIGH PUBLIC INTEREST AND ITS QUALIFYING CIRCUMSTANCES

The existence of increased public interest in a judicial act/ruling as a category of information has been recognized by the Constitutional Court of Georgia. “Taking into account the role of judicial acts in a democratic and legal state and the importance of the information conveyed in them, it becomes clear that judicial acts belong to the type of information existing in a public institution for which there is inherently an increased public

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<sup>33</sup> Paragraph 3<sup>1</sup> of Article 13 of the Organic Law of Georgia “On Common Courts”.

interest in accessibility, regardless of what legal issue it concerns, against whom it is adopted, and what significance each judicial act adopted in an individual case has at a specific time or due to specific circumstances."<sup>34</sup>

This does not mean that the degree of public interest is equally high for all acts adopted by the court. When appropriate qualifying circumstances exist, the interest in the acts adopted within the framework of ongoing justice in the relevant case and, in general, the interest in transparency of justice increases even more. The Constitutional Court points to this when discussing the balance between transparency of justice and the right to protection of private life, and notes that even when a judicial act concerns a minor or a person's intimate life, the court act may be issued as public information if a special (increased/heightened) public interest is identified in the case. According to the judgment of the Constitutional Court, "For example, if a case concerns a public political official, there may be an increased/heightened public interest towards them, and the basis for closing information may be excluded."<sup>35</sup>

The presented analysis indicates that information containing high/increased public interest does not represent an absolutely definable given, and creating an exhaustive list of such information is impossible. A judicial act as a subject of high public interest is recognized at the level of a constitutional standard. At the same time, if there are appropriate qualifying circumstances, the constitutional interest in transparency of justice increases even more, and the person responsible for the issuance of public information should take this into account.

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<sup>34</sup> The judgment of the Constitutional Court of Georgia of 7 June 2019, №1/4/693,857, in the case N(N)LE "Media Development Foundation" and N(N)LE "Institute For Development of Freedom of Information" v. The Parliament of Georgia, para. 51.

<sup>35</sup>Ibid, para. 66.

## 2. JUDICIAL ACTS OF HIGH PUBLIC INTEREST - SUBSTANTIVE REVIEW OF REQUESTS

For the purposes of this report, IDFI identified qualifying circumstances (indicators) that substantially increase the public interest in judicial transparency and accessibility of judicial acts in relevant cases. These types of cases were selected based on their relevance for assessing selective justice, personal or political use of justice, as well as corruption risks and the political resilience of the justice system.

Considering the qualifying circumstances mentioned above, seven categories of high public interest were identified. The indicator of public interest for each category could be the status of interested parties in the case, the existing context, the nature of the dispute, or the risks of improper influence on justice.

### 2.1. POLITICALLY MOTIVATED CASES

IDFI identified politically motivated cases as one of the categories of cases with heightened public interest. This category included cases in which the judicial system functions as an instrument against freedom of expression, assembly and demonstration, and civic engagement.

Under this category, IDFI assessed the accessibility of judicial acts in criminal cases initiated against participants of the April-May 2024, as well as continuous protests held in Tbilisi and other cities of Georgia since November 2024, in connection with these assemblies and demonstrations. Instances of using the justice system to suppress public engagement and restrict the watchdog activities of civil society organizations, as well as administrative offense cases against demonstrators detained during protests in previous years, were also evaluated under this category.



## 2.1.1. POLITICALLY MOTIVATED CRIMINAL CASES AGAINST PERSONS PARTICIPATING IN ASSEMBLIES AND DEMONSTRATIONS

On March 5, 2025, IDFI submitted public information requests<sup>36</sup> to Tbilisi City Court and Batumi City Court. The requests concerned copies of all rulings (including those on the use of measure of restraint; changing/upholding measure of restraint; granting permission for or recognition of the legality of investigative actions restricting private property, possession, or personal privacy; as well as all other coercive measures (including detention) provided for by the Criminal Procedure Code), all verdicts, and other judicial acts (both interim and final) issued in criminal cases related to mass demonstrations held in April and May 2024, as well as continuous protests held in Tbilisi and other cities of Georgia since November 2024.

For identifying politically motivated cases, the guiding factor was not so much the content of the disputed action, or the legal basis of the charges brought against the person (article(s) of the Criminal Code), but rather the connection of these cases to mass protests and the repressive nature of criminal prosecution for suppressing public protest. To determine the political nature of these cases, IDFI relied on the assessments from both international and local observers.

In total, under this subcategory, 41 requests were sent to the Tbilisi City Court, and 5 requests to the Batumi City Court.

As of March 31, 2025, IDFI has not received copies of any judicial acts. All requests were left unanswered. The courts did not provide even interim responses, even though the public information requests included a provision stating that IDFI was ready to receive information at agreed intervals if the collection and processing of documents required additional time.

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<sup>36</sup> FOI03/25-001 and FOI03/25-002 Public Information Requests.

## 2.1.2. CASES AGAINST CIVIL SOCIETY ORGANIZATIONS WORKING ON ELECTION ISSUES

For the purposes of this report, cases initiated in September 2024 against Civil Society Organizations working on election issues were also categorized as politically motivated cases.

Specifically, on September 6, 2024, the Anti-Corruption Bureau appealed to the Tbilisi City Court and requested the right to obtain financial information about the founders of the civil movement "Choose Europe." The Bureau was granted the authority to request information from banks about the civil movement and its founders.<sup>37</sup> And on September 24, 2024, the Anti-Corruption Bureau recognized "Transparency International - Georgia" and its Executive Director, Eka Gigauri, as entities with declared electoral goals. "Transparency International - Georgia" appealed this decision to the Tbilisi City Court.

The mentioned legal proceedings were assessed as the "Georgian Dream" party using the Anti-Corruption Bureau against civil society organizations<sup>38</sup> and an attempt to interfere with the work of election observation missions.<sup>39</sup>

IDFI submitted a public information request<sup>40</sup> to the Tbilisi City Court on November 20, 2024, and requested the issuance of all judicial acts made on the two mentioned cases. The court, in its letter dated December 2, 2024,<sup>41</sup> **did not satisfy** this request. The Law of Georgia on "Personal Data Protection" was cited as the basis for the refusal to provide information, which completely contradicts both the standards established by the Constitutional Court and the current legislative regulations. IDFI filed an administrative complaint<sup>42</sup> with the Tbilisi City Court on December 16, and

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<sup>37</sup> See Radio Liberty, [Why is the Anti-Corruption Bureau investigating "Choose Europe" and why is this precedent dangerous?](#), September, 2024.

<sup>38</sup> Joint statement of the non-governmental organizations, [Prime Minister uses Anti-Corruption Bureau to attack Georgian non-governmental organizations](#), September, 2024.

<sup>39</sup> See election observation mission "My Vote", [Assessment of the pre-election environment](#), 2024, 13-14.

<sup>40</sup> FOI11/24-107 Public Information Request.

<sup>41</sup> Tbilisi City Court letter dated December 2, 2024, N1-01157/9404-10464425.

<sup>42</sup> CPT11/24-107 Administrative Complaint.

after the rejection of the complaint,<sup>43</sup> filed an administrative lawsuit on February 14, 2025. The dispute is currently ongoing in the Tbilisi City Court.

### 2.1.3. ADMINISTRATIVE OFFENSE CASES AGAINST ACTIVISTS

One of the forms of political repression and suppression of freedom of expression that has been actively used for years is the administrative detention of activists participating in assemblies and demonstrations, and the initiation of administrative offense cases against them, mostly under articles for "petty hooliganism" and "disobedience to lawful orders." The current legislation on administrative offenses and the flawed procedures for these processes have repeatedly been the subject of criticism in reports by authoritative international organizations,<sup>44</sup> local observers,<sup>45</sup> and the Public Defender.<sup>46</sup>

To assess the accessibility of judicial acts in this category of disputes, IDFI relied on its previous practice. Specifically, on January 23, 2024, IDFI sent two public information requests<sup>47</sup> to the Batumi City Court and Kutaisi City Court. The public information requests concerned obtaining copies of decisions made in administrative offense cases against participants of the protest held at the Batumi port against a cruise ship from Russia on July 31, 2023,<sup>48</sup> and against activists of the movement "Save Rioni Valley".<sup>49</sup>

In both cases, IDFI's requests were left unanswered. Only after filing administrative complaints (on March 4, 2024), the Batumi City Court on

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<sup>43</sup> Decision of the Acting Manager of Tbilisi City Court dated January 20, 2025, N10639773.

<sup>44</sup> See Institute for Development of Freedom of Information, [Venice Commission and OSCE/ODIHR Assessments of Repressive Changes Restricting Freedom of Assembly and Expression](#), 2025.

<sup>45</sup> See Social Justice Center, [What Flaws Does the Soviet-Era Administrative Offenses Code Have?](#), 2025.

<sup>46</sup> See the [2023](#) and previous years' reports of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia.

<sup>47</sup> FOI01/24-053 and FOI01/24-055 Public Information Requests.

<sup>48</sup> See Radio Liberty, ["It Was Already Too Much" - What Angered the Participants of the Batumi Protest](#), 2023.

<sup>49</sup> See Publika, [The Battle Line Is Now the Village of Gumati, We Call on Everyone to Come Here - Goletiani](#), 2021.

March 25, 2024,<sup>50</sup> and the Kutaisi City Court on March 29, 2024,<sup>51</sup> provided copies of the requested decisions.

## 2.2. COURT DISPUTES WITH OLIGARCHIC INTERESTS AND INFLUENCES

Court disputes in which Bidzina Ivanishvili or persons close to him have direct (personal and/or financial) interest in the outcomes were also identified as cases of heightened public interest, considering the high risk of selective justice.

According to the Venice Commission, the non-transparent influences of individuals with exceptional political, economic, and social power, oligarchs, represent a serious problem in Georgia.<sup>52</sup> This includes oligarchs' disregard for state jurisdictions, undermining the mechanisms of power distribution and separation between branches of government, and exerting undue influence on the justice system to gain benefits.<sup>53</sup> In Georgia, there are signs of de facto control over all three branches of government, which various assessments refer to as state capture.<sup>54</sup>

In Georgia, the primary source of oligarchic influence is considered to be the founder of "Georgian Dream," Bidzina Ivanishvili, who has exercised effective control over state institutions, including the judicial system, from 2012 to the present.

On March 5, 2025, IDFI requested<sup>55</sup> from the Tbilisi City Court copies of decisions related to 7 cases - a total of 7 requests. These cases<sup>56</sup> were

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<sup>50</sup> Batumi City Court letter dated March 25, 2024, N319-8/3.

<sup>51</sup> Kutaisi City Court letter dated March 29, 2024, N4006-1.

<sup>52</sup> European Commission for Democracy Through Law (Venice Commission), Final Opinion "On the draft law on De-Oligarchisation", 2023, para. 8

<sup>53</sup> Ibid, para. 9.

<sup>54</sup> Ibid, para. 10.

<sup>55</sup> FOI03/25-003 Public Information Request.

<sup>56</sup> The following 7 cases were selected: 1. The case against Giorgi Bachiasvili for illegal appropriation of a large amount of cryptocurrency and legalization of illegal income; 2. Decisions on disputes between N(N)LE "Green Alternative" and LLC RMG Gold; 3. Decisions on the dispute between Nino Mikiashvili and LLC RMG Gold; 4. Rulings against the Atlantic Council and its employees (Sopho Gelava and Eto Buziashvili) related to the so-called "call centers" case; 5. The "Omega Group" case; 6. The case of forced surrender of "Iberia TV's" license; 7. The case regarding the allegations of artificially bankrupting "Cartu Bank".

selected based on the high risk of oligarchic influence over them. As of March 31, 2025, IDFI was unable to receive information regarding any of the requests. The Tbilisi City Court left the public information request unanswered.

It is also noteworthy that on January 23, 2024, IDFI had requested through a public information application<sup>57</sup> a copy of the decision made by the Tbilisi City Court in the "defamation" case filed by Ucha Mamatsashvili, a person close to Bidzina Ivanishvili, against the "Anti-Corruption Movement."<sup>58</sup> The request was left unanswered. After submitting an administrative complaint, the court refused to provide a decision. The refusal was based on Article 18, Paragraph 3 of the Constitution of Georgia, which, according to the court's interpretation, protects information about natural and legal persons contained in judicial acts from disclosure.<sup>59</sup>

## 2.3. COURT DISPUTES INVOLVING THE INTERESTS OF THE INFLUENTIAL GROUP OF JUDGES

For the purposes of this report, judicial acts in cases that bear signs of abuse of justice by an influential group of judges (clan) in the court system were categorized as a separate category of high public interest.

### 2.3.1. INTERFERENCE OF THE JUDICIAL CLAN TO THE DETRIMENT OF SEPARATION OF POWERS AND DEMOCRATIC OVERSIGHT

On July 25, 2024, IDFI submitted public information requests<sup>60</sup> to the Tbilisi City Court, the first of which concerned the suspension of asset declaration monitoring of four judges, and the second - the ongoing dispute regarding the decree of President of Georgia on the appointment of Kakha Tsikarishvili as a non-judge member of the High Council of Justice.

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<sup>57</sup> FOI01/24-049 Public Information Request.

<sup>58</sup> See Radio Liberty, [The judge partially satisfied Ucha Mamatsashvili's lawsuit against the "Anti-Corruption Movement"](#), 2022.

<sup>59</sup> Letter N1-0113/2056-2057-8577098 of Tbilisi City Court dated April 3, 2024.

<sup>60</sup> FOI07/24-006 and FOI07/24-007 Public Information Requests.

On April 4, 2024, information became public that the Tbilisi City Court had halted the process of monitoring the asset declarations of four judges.<sup>61</sup> This fact was assessed as an attempt by clan members to avoid a financial integrity check through the use of the court.<sup>62</sup> In its public information request, IDFI requested the rulings<sup>63</sup> in all four cases<sup>64</sup> that suspended the review process of the declarations.

Regarding the dispute over the decree of the President of Georgia, on the appointment of a non-judge member to the High Council of Justice, on July 22, 2024, Judge Liela Poladishvili granted the motion to suspend the President's decree. The obstruction of the appointment of the High Council of Justice Member was assessed as a gross violation of the principle of separation of powers and another alarming instance of revealing the true nature of the judicial authorities.<sup>65</sup> IDFI requested<sup>66</sup> a copy of this ruling.

With a formulaic response from the person responsible for providing public information at the Tbilisi City Court, IDFI was denied access to the judicial acts. The refusal referred, on one hand, to the Law of Georgia "On Personal Data Protection," and on the other hand, to the impossibility of processing and recording for judicial acts in the requested form.<sup>67</sup> In November 2024, IDFI reapplied to the Tbilisi City Court, and the organization's request was again denied. IDFI initiated a dispute in the Tbilisi City Court with a lawsuit filed on February 14, 2025.

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<sup>61</sup> See the joint statement of IDFI, Georgian Young Lawyers' Association, and Transparency International Georgia, ["The Judges Suspended the Process of Monitoring of Their Asset Declarations by the Anti-Corruption Bureau Through the Court,"](#) 2024.

<sup>62</sup> See Coalition for an Independent and Transparent Judiciary, [The Coalition Reacts to the Suspension of the Investigation of the Judges' Assets by the Anti-Corruption Bureau,](#) 2024.

<sup>63</sup> It should be noted that all four cases were considered by different judges, however, in all four cases, the plaintiffs' request for a temporary measure to suspend the disputed act was granted.

<sup>64</sup> Administrative case N3/2045-23 of plaintiff Vasil Mshvenieradze; Administrative case N3/2032-24 of plaintiff Sergo Metopishvili; Administrative case N3/2044-24 of plaintiff Levan Murusidze; Administrative case N3/2043-24 of plaintiff Mikheil Chinchaladze.

<sup>65</sup> See Coalition for an Independent and Transparent Judiciary, [Coalition Reacts to the Suspension of a High Council of Justice Member's Appointment Process,](#) 2024.

<sup>66</sup> FOI07/24-006 Public Information Request.

<sup>67</sup> Letter N3-0187/9732924-9732887 of Tbilisi City Court dated August 8, 2024.

Regarding cases of obstruction of democratic oversight, it is also noteworthy that on January 23, 2024,<sup>68</sup> IDFI had requested the decision on invalidating the Civil Service Bureau's order (regarding a fine) against Shalva Tadumadze, who was then a judge of the Supreme Court of Georgia, for incorrectly filling out the asset declaration. It should be noted that in this case, the fact of appealing the act was used to restrict public access to Shalva Tadumadze's declaration.<sup>69</sup> The request was left unanswered. After submitting an administrative complaint, IDFI was denied access to this decision. The reason for refusal was stated as the impermissibility of disseminating information about persons mentioned in the act (with reference to paragraph 3 of Article 18 of the Constitution).<sup>70</sup>

### 2.3.2. OTHER LAWSUITS FILED BY JUDGES

On March 5, 2025, IDFI sent 12 public information requests<sup>71</sup> to the Tbilisi City Court. The requests sought judicial acts adopted in cases initiated by judges of common courts. Of these, 11 requests concerned court disputes regarding the recognition of judges' educational credentials,<sup>72</sup> while 1 request concerned a "defamation" case filed by Judge Vladimer Kakabadze.<sup>73</sup> As of March 31, 2025, all requests were left without any response.

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<sup>68</sup> FOI01/24-049 Public Information Request.

<sup>69</sup> See Institute for Development of Freedom of Information, [Non-disclosure of the monitoring results of the official's asset declaration contradicts the requirements of the Constitution and Convention](#), 2023.

<sup>70</sup> Letter N1-0113/2056-2057-8577098 of Tbilisi City Court dated April 3, 2024.

<sup>71</sup> FOI03/25-004 Public Information Request.

<sup>72</sup> Lawsuits by judges: Maka Gvelesiani, Levan Gelovani, Indira Mashaneishvili, Maia Gigauri, Lela Tsanava, Anait Oganessian, David Narimanishvili, Ararat Esoian, Nino Buachidze, David Svanadze, and Maka Chedia against the LEPL "National Center for Educational Quality Enhancement" regarding the recognition of diplomas.

<sup>73</sup> Tbilisi City Court statement, ["The judge restored his damaged dignity,"](#) 2017.

## 2.4. COURT CASES WHERE THE SUBJECT OF DISPUTE EXCEEDS SEVERAL MILLION GEL

An additional category of heightened public interest was defined as cases where the subject of dispute exceeds several million GEL (Georgian Lari). Given the size of Georgia's economy and its instability, even this amount of disputed value could be a sufficient indicator of high corruption risk and other improper interference in the case.

IDFI identified 5 such cases based on open sources.<sup>74</sup> Of these, 4 requests were sent<sup>75</sup> to Tbilisi City Court, and one request<sup>76</sup> to Batumi City Court. The public information requests were sent on March 5, 2025; however, as of March 31, 2025, IDFI was unable to obtain decisions and other acts issued in any of these cases. Both courts left the public information requests unanswered.

## 2.5. PERSONAL AND FINANCIAL INTERESTS OF HIGH-RANKING OFFICIALS AND THEIR FAMILY MEMBERS

The importance of public oversight regarding public figures, primarily politicians, is high. There naturally exists an increased public interest in the activities of officials, and they should demonstrate acceptance of this interest.<sup>77</sup>

Since international human rights standards consider the heightened public interest in officials, politicians, and their family members as a significantly protected value, this report assessed the accessibility of judicial acts in cases involving the interests of various high-ranking officials.

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<sup>74</sup> 1. The satisfaction of "Vibro Diagnostics" lawsuit against LLC "Batumi Oil Terminal"; 2. The satisfaction of JSC "Tbilisi Tobacco" lawsuit against LLC "Philip Morris Georgia"; 3. The rejection of the lawsuit of former shareholders of "Tbilaviamsheni"; 4. The imposition of seizure on the property of LLC "Basel"; 5. LLC "Basel's" lawsuit regarding compensation for damages caused by the seizure.

<sup>75</sup> FOI03/25-006 Public Information Request.

<sup>76</sup> FOI03/25-005 Public Information Request.

<sup>77</sup> *Nadtoka v. Russia*, no. 38010/05, 31 May 2016, para. 42.



### 2.5.1. CASES INVOLVING HIGH-RANKING OFFICIALS OF "GEORGIAN DREAM" AND THEIR FAMILY MEMBERS

On March 5, 2025, IDFI requested<sup>78</sup> from the Tbilisi City Court a copy of the decision on Tbilisi Mayor Kakha Kaladze's lawsuit against "TV Pirveli" and its journalist, in which the court established the fact of "defamation" and ordered the media to pay 15,000 GEL in moral damages.<sup>79</sup> Additionally, in application dated March 5, 2025,<sup>80</sup> IDFI requested from Tbilisi City Court and Tbilisi Court of Appeals the decision issued against "TV Pirveli" and its journalists in the "defamation" case based on the lawsuit filed by Irakli Kobakhidze's mother.<sup>81</sup>

On March 5, 2025, within the same category, IDFI requested<sup>82</sup> from the Tbilisi City Court judicial acts related to a case which, with high probability, involved the interests of the "Georgian Dream" Minister of Internal Affairs, Vakhtang Gomelauri.<sup>83</sup>

All these requests were left unanswered by the Tbilisi City and Appeals Courts.

This category also includes information requested by IDFI as part of legal assistance to the media and the ongoing litigation related to it. Specifically, on September 11, 2024, IDFI submitted a public information request for the decision in the case involving Badri Tsilosani, the father of the 10th convocation member of the Parliament of Georgia, Nino Tsilosani, and his business partners, concerning the alleged embezzlement-misappropriation of 65 million GEL.<sup>84</sup>

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<sup>78</sup> FOI03/25-007 Public Information Request.

<sup>79</sup> See Radio Liberty, "[The court ordered TV Pirveli and its host to pay Kaladze 15 thousand](#)," 2022.

<sup>80</sup> FOI03/25-007 and FOI03/25-008 Public Information Requests.

<sup>81</sup> See Publika, "[Kobakhidze's mother won a court case against TV Pirveli](#)," 2022.

<sup>82</sup> FOI03/25-007 Public Information Request.

<sup>83</sup> See the report aired on "Nodar Meladze's Saturday" program, "[The inspector's shocking testimony who dared to stop the minister's son-in-law](#)," 2024.

<sup>84</sup> See Publika, "[The Court of Appeals acquitted Tsilosani's father in the 65 million embezzlement-misappropriation case](#)," 2024.

In its response dated September 16, 2024,<sup>85</sup> the court did not satisfy the public information request, and in its decision of October 24,<sup>86</sup> it also rejected the administrative complaint. The court cited as grounds for refusal that **the decision contains personal data**, and therefore, it is unable to provide this information. Currently, the court's refusal to release the information is being appealed. The Tbilisi City Court accepted the lawsuit for proceedings on December 17, 2024.

## 2.5.2. CASES AGAINST LOCAL SELF-GOVERNMENT OFFICIALS

On March 5, 2025, IDFI requested<sup>87</sup> judicial acts from Rustavi City Court regarding the case brought by the Mayor of Rustavi against the Rustavi City Council,<sup>88</sup> as well as judicial acts related to the criminal case against the former Mayor of Marneuli Municipality, Temur Abazov.<sup>89</sup>

As of March 31, 2025, these requests have been left unanswered by the Rustavi City Court.<sup>90</sup>

Furthermore, on January 23, 2024, IDFI requested<sup>91</sup> from Batumi City Court and Kutaisi Court of Appeals the conviction verdicts in the corruption case against the former Mayor of Batumi, Giorgi Ermakov, and six former employees of Batumi City Hall. It should be noted that in both instances the requests were initially left unanswered, but following the submission of administrative complaints, Batumi City Court provided the requested decisions on March 25, 2024,<sup>92</sup> and Kutaisi Court of Appeals provided them on April 4, 2024.<sup>93</sup>

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<sup>85</sup> Letter N1-01132/31496 of Tbilisi City Court dated September 16, 2024.

<sup>86</sup> Decision N10076950 of the Acting Manager of Tbilisi City Court dated October 24, 2024.

<sup>87</sup> FOI03/25-009 Public Information Request.

<sup>88</sup> See statement by Rustavi Mayor, Nino Latsabidze: ["This was not a process of Rustavi City Hall against the City Council, this was a process of Rustavi and Rustavi residents against the grouping of the National Movement and Gakharia's party,"](#) 2024.

<sup>89</sup> See Civil.ge, ["Court Acquitted Former Marneuli Mayor Temur Abazov,"](#) 2020.

<sup>90</sup> After submitting the public information request, IDFI was contacted by telephone by the person responsible for providing public information at the court, who confirmed receipt of the letter and stated that a response would be provided to IDFI within the timeframe established by the legislation. However, as of March 31, 2025, IDFI has not received a written response to the request.

<sup>91</sup> FOI01/24-053 and FOI01/24-055 Public Information Requests.

<sup>92</sup> Letter N319-3/3 of Batumi City Court dated March 25, 2024.

<sup>93</sup> Letter N209-2/10 of Kutaisi Court of Appeals dated April 4, 2024.

## 2.6. HIGH-PROFILE CASES

For the purposes of this report, IDFI also assessed the accessibility of judicial acts related to several high-profile cases. A total of 14 cases were selected,<sup>94</sup> which have generated significant public interest in recent years. When selecting these cases, IDFI was guided by the intensity of media coverage and the criteria of legitimate public interest in the effectiveness of the state response.

On January 23, 2024, IDFI sent 10 requests to Tbilisi,<sup>95</sup> Batumi,<sup>96</sup> Kutaisi<sup>97</sup> City Courts, Kutaisi Court of Appeals,<sup>98</sup> and Zugdidi District Court.<sup>99</sup> The requests concerned decisions made in 9 high-profile cases. On March 5, 2025, IDFI sent 5 additional requests<sup>100</sup> to Tbilisi and Rustavi City Courts.

Of these 15 requests, all fifteen remained unanswered. Following the submission of an administrative complaint, the Batumi City Court provided copies of decisions on March 25, 2024,<sup>101</sup> regarding the criminal case related to the collapse of a residential building on May 26 Street in Batumi on October 8, 2021.

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<sup>94</sup> 1. The case of Marita Meparishvili's death; 2. The case of Tamar Bachaliashvili's death; 3. The criminal case regarding possible falsification of evidence in Tamar Bachaliashvili's case; 4. The case against Badri Esebua for the attack on the Bank of Georgia's Zugdidi branch; 5. The case of four murders at the so-called Istanbul Market in Rustavi; 6. The case of intentional murder and forced marriage of 14-year-old Aitaj Shakhmarova; 7. The case of the residential building collapse on May 26 Street in Batumi on October 8, 2021; 8. The case against Turkish businessman Galif Ozturk; 9. The case concerning the invalidation of Batumi Municipality's refusal to build a new mosque in Batumi; 10. Tbilisi City Court's decision on declaring "AIISA" as an offender; 11. Criminal cases related to violence against journalists on July 5, 2021; 12. The murder case of Giorgi Shakarashvili; 13. The murder case of Niko Kvaratskhelia; 14. The case of the attack on the Bank of Georgia branch in Kutaisi.

<sup>95</sup> FOI01/24-049 Public Information Request.

<sup>96</sup> FOI01/24-053 Public Information Request.

<sup>97</sup> FOI01/24-055 Public Information Request.

<sup>98</sup> FOI01/24-052 Public Information Request.

<sup>99</sup> FOI01/24-054 Public Information Request.

<sup>100</sup> FOI03/25-009 and FOI03/25-010 Public Information Requests.

<sup>101</sup> Letter N319-8/3 of Batumi City Court dated March 25, 2024.

## 2.7. CRIMINAL CASES OF FORMER HIGH-RANKING OFFICIALS

On November 20, 2024, IDFI requested verdicts delivered against former high-ranking state-political and political officials from the Tbilisi City Court (three requests in total).<sup>102</sup> According to the standards of the European Court of Human Rights, there naturally exists a high public interest in the activities of politicians and state representatives,<sup>103</sup> which has also been confirmed by the judgment of the Constitutional Court of Georgia.<sup>104</sup>

IDFI's requests concerned verdicts where the majority of the proceedings have been completed. Nevertheless, the Tbilisi City Court did not provide these decisions. IDFI has initiated proceedings to challenge this refusal.

It is noteworthy that on January 23, 2024, IDFI had also requested final decisions on the same cases from the Supreme Court of Georgia. Initially, the request was left unanswered, which was appealed with an administrative complaint. By decision dated April 4, 2024,<sup>105</sup> the Supreme Court Manager rejected IDFI's request. The refusal was based on the argument that the amendments to the Organic Law of Georgia on "Common Courts" that came into effect on January 1, 2024, "do not have retroactive force," and the right to public information does not extend to decisions made before this date.

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<sup>102</sup> The requests concerned verdicts in criminal cases against Georgia's 3rd President, Mikheil Saakashvili, former Minister of Internal Affairs, Ivane Merabishvili, and former Mayor of Tbilisi, Gigi Ugulava.

<sup>103</sup> This is because these individuals, through their deliberate actions, subject their activities and statements to special scrutiny from the public (see case of *Drakšas v. Lithuania*, (Application no. 36662/04), 2012, para. 61).

<sup>104</sup> Judgment of the Constitutional Court of Georgia dated June 7, 2019, №1/4/693,857 on the case "N(N)LE 'Media Development Foundation' and N(N)LE 'Institute for Development of Freedom of Information' v. Parliament of Georgia", para. 66.

<sup>105</sup> Decision of the Manager of the Supreme Court of Georgia dated April 4, 2024, № 8-87-24, 8-88-24.

### 3. ACCESSIBILITY OF JUDICIAL ACTS OF HIGH PUBLIC INTEREST IN PRACTICE — OVERVIEW OF RESULTS

To assess the accessibility of judicial acts of high public interest in practice, IDFI submitted 111 requests<sup>106</sup> for public information to common courts between January 1, 2024, and March 5, 2025, on the cases selected by various criteria.

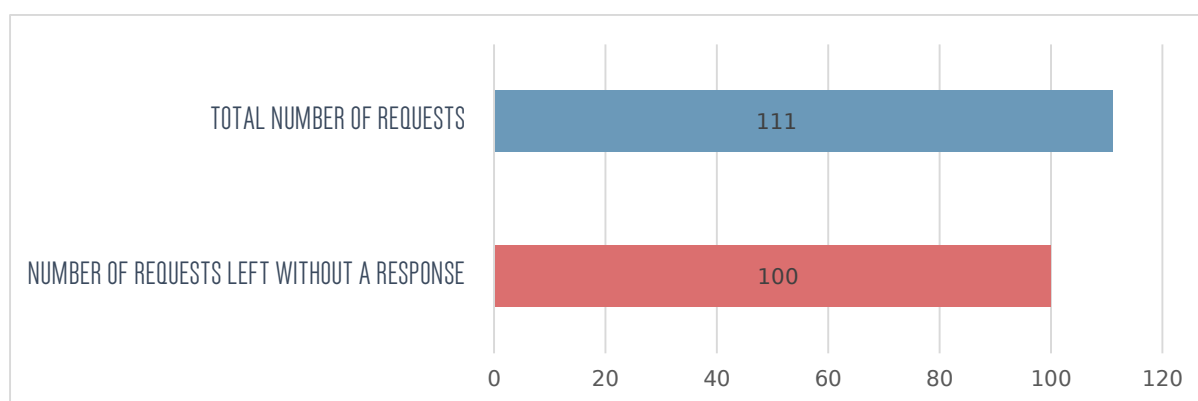
Nº	Category	Number of Requests	Not Granted in Response to FOI	Granted in Response to FOI	Left Without Response
1	POLITICALLY MOTIVATED CASES	50	2	0	48
2	COURT DISPUTES WITH OLIGARCHIC INTERESTS AND INFLUENCES	8	0	0	8
3	COURT DISPUTES INVOLVING THE INTERESTS OF THE INFLUENTIAL GROUP OF JUDGES	18	5	0	13
4	COURT CASES WHERE THE SUBJECT OF DISPUTE EXCEEDS SEVERAL MILLION GEL	5	0	0	5
5	PERSONAL AND FINANCIAL INTERESTS OF HIGH-RANKING OFFICIALS AND THEIR FAMILY MEMBERS	9	1	0	8
6	HIGH-PROFILE CASES	15	0	0	15
7	CRIMINAL CASES OF FORMER HIGH-RANKING OFFICIALS	6	3	0	3

<sup>106</sup> The public information request letters submitted by IDFI combined several substantive requests. For the purposes of this report, when calculating quantitative data, the number of substantive requests submitted is taken into account rather than the number of letters themselves.

### 3.1. QUANTITATIVE AND SUBSTANTIAL ANALYSIS OF RESULTS

It should be noted that IDFI **was not provided with copies of judicial acts in any case in response to public information requests**. Specifically, out of 111 requests, none were granted in response to public information applications.

The quantitative indicator of public information requests left unanswered is also noteworthy. **As of March 31, 2025, approximately 90% of the submitted public information requests (100 requests out of 111) remained unanswered, while in the remaining cases (11 requests), IDFI was refused the issuance of judicial acts in response to public information applications.**



According to the Organic Law of Georgia "On Common Courts," judicial acts are issued following the rules established by the General Administrative Code of Georgia for releasing public information. This means that receiving this information is subject to the same procedures and administrative legislation as other public information. For each request left without response, the maximum 10-day period defined by legislation has expired.

On January 20, 2025, IDFI published a report<sup>107</sup> based on IDFI's administrative and court practice related to public information in 2022-2024. The report revealed that the democratic backsliding in Georgia in recent years has been reflected in the deterioration of access to public

<sup>107</sup> See Institute for Development of Freedom of Information, [Freedom of information in Georgia: Media and society in the face of systemic illegality](#), 2025.

information. In most cases concerning the issuance of public information, there is a disregard for the most basic legal obligations by public institutions. Receiving requested information within the legally established timeframe and according to established procedures is an extremely exceptional case, and individuals requesting public information encounter numerous practical obstacles.

According to IDFI's observation, in the case of courts as well, general problems related to the accessibility of public information, caused by illegal practices, are mostly evident.

**High Rate of Requests Left Without Response:** According to the General Administrative Code of Georgia, requested public information must be issued immediately.<sup>108</sup> Only in exceptional cases, with the preconditions provided by the code, should the maximum period for releasing information not exceed 10 days.<sup>109</sup> At the same time, according to the code, a public institution's refusal to issue public information must be communicated to the applicant immediately. In case of refusal to issue public information, the public institution is obligated to explain in writing the person's rights and the procedure for appeal within 3 days from the decision.<sup>110</sup> The quantitative data revealed, based on this report, indicate that when requesting judicial acts on cases of high public interest, courts do not comply with the basic formal requirements of the legislation, and in most cases leave public information requests without any response.

**Reference to the Inability to Process and Record Judicial Acts in the Requested Form:** In those exceptional cases when a court responds to public information requests, it cites reasons for refusing to issue court decisions that contradict current legislation.

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<sup>108</sup> General Administrative Code of Georgia, Article 40.

<sup>109</sup> Ibid, Article 41.

<sup>110</sup> Ibid.

It is noteworthy that in several cases when IDFI requested cases identified by very clear and unambiguous identifiers<sup>111</sup> the courts responded that they do not process cases according to these criteria. Through this practice, courts place the burden on the applicant to identify the requested decisions only according to criteria/statistical forms that are defined by the courts' internal normative acts (in some cases, possibly not even according to these acts). This approach contradicts the requirements of the law and renders the right to receive public information practically unrealizable.

At the same time, concerning one of the public information requests, the court noted that current legislation supposedly prohibits it from searching for and issuing cases identified by individual characteristics.<sup>112</sup> This explanation contradicts the legislation regulating public information on one hand,<sup>113</sup> and on the other hand makes receiving judicial acts as public information even more unenforceable in practice. An interested person is deprived of the opportunity to receive a decision on a case of interest (especially when the request concerns a specific case of heightened public interest, for which, naturally, the subject of the request—the specific case—will be identified by individual rather than generic characteristics) even when they identify the case with the most clear and unambiguous identifiers (parties, subject of dispute, presiding judge, etc.).<sup>114</sup>

**Denial of Public Information Requests Referring to Personal Data Protection:** In those rare cases when courts respond to public information requests, it is common for them to refuse to fulfill the request by citing personal data protection, including in cases of high public interest.

The issue was regulated in favor of information publicity in the Organic Law "On Common Courts" based on legislative changes adopted in 2023 and

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<sup>111</sup> Including the parties to the dispute, the subject of the dispute, the presiding judge, and sometimes even the case number.

<sup>112</sup> Where a party's personal information or a specific subject of dispute is identified.

<sup>113</sup> See Institute for Development of Freedom of Information, [Freedom of information in Georgia: Media and society in the face of systemic illegality](#), 2025,14.

<sup>114</sup> In IDFI's application, both the plaintiff and defendant parties were identified, as well as the disputed act (subject of dispute), the presiding judge, and the case number.



2024, which aimed to enforce the judgment of the Constitutional Court of Georgia of June 7, 2019. The new regulatory framework established a general rule of publicity for judicial acts in a higher-ranking normative act—the Organic Law—and removed normative obstacles related to accessing these acts. **Nevertheless, the court continues to violate the clear requirements of the legislation and frequently refuses to issue copies of court decisions made in open sessions by formally citing personal data protection.** For example, in response to one of the requests, the court, in its explanation, ruled out releasing a court decision as public information in any form if it contains, even indirectly, personal information and personal data of a party, third party, and/or other individuals, which would only be possible with the consent of these subjects. Moreover, within the framework of the oral hearing of the complaint, the court went even further and stated that it is prohibited not only from issuing a decision but even from confirming the fact that a dispute is or was ongoing in court with the participation of a particular person.

**Administrative Complaint Mechanism:** Although the present report does not aim to evaluate the effectiveness of the administrative complaint mechanism, and IDFI has not submitted an administrative complaint for each unanswered or unsatisfied request, the organization's experience makes it possible to identify certain trends related to administrative complaints. When appealing the received responses, while other public institutions may demonstrate practices<sup>115</sup> of not reviewing administrative complaints or failing to meet minimal formal requirements, courts generally do not violate the formal requirements of the General Administrative Code, and complaints are reviewed through proper procedures. The decisions received on complaints also meet the minimum standards of the law from a formal perspective. However, from a substantive standpoint, the person reviewing the administrative complaint mostly shares the illegal interpretations of the person responsible for issuing public information and

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<sup>115</sup> For more details, see Institute for Development of Freedom of Information, [Freedom of information in Georgia: Media and society in the face of systemic illegality](#), 2025, 15-17.

does not extend, at a practical level, the standard of accessibility to judicial acts that is established by the Organic Law.

## CONCLUSION

Judicial acts on cases of high public interest remain inaccessible to the public. The common courts system violates the Constitution of Georgia and the Organic Law "On Common Courts."

The substantial improvement of the legislative standard for accessibility of judicial acts years later, in response to the Constitutional Court's judgment, has largely left systemic challenges in practice unchanged.

The common courts system not only disregards the substantive aspects of the existing legislative regulation on the accessibility of judicial acts but also violates the basic formal requirements of the legislation.

The continuous violation of legislation reveals that the system, governed by informal influences, deliberately avoids increasing public awareness, significantly restricting public oversight of the judiciary.

## INSTITUTE FOR DEVELOPMENT OF FREEDOM OF INFORMATION (IDFI)



20, T. Shevchenko Str.  
0108, Tbilisi, Georgia



[info@idfi.ge](mailto:info@idfi.ge)



+ 995 32 292 15 14



[www.idfi.ge](http://www.idfi.ge)