

How Political Are “Political Prisoners” in Georgia? Narratives versus Judgements by the European Court of Human Rights

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ABSTRACT

The label “political prisoner” is one of the most contested signifiers in contemporary Georgian politics. Since the change of government in 2012, opposition parties, loyal TV channels and a range of Western politicians have repeatedly framed high-profile convicts – such as Mikheil Saakashvili, Vano Merabishvili, Gigi Ugulava, Nikanor (Nika) Melia, and Nika Gvaramia – as political prisoners and have called for their release. By contrast, the European Court of Human Rights (ECHR) has adopted a more restrictive approach, using Articles 5, 6, and 18 of the European Convention on Human Rights rather than the political vocabulary used by domestic and international actors. Building on definitional debates around the term “political prisoner” in international law and political science, the article asks: how political are Georgia’s “political prisoners” when assessed through the lens of the Strasbourg jurisprudence and related legal standards? The analysis proceeds in three steps. First, it reconstructs the conceptual field of the term “political prisoner” through Resolution 1900 (2012) of the Council of Europe, the narrower notion of “prisoner of conscience,” and recent attempts to reserve the term for victims of politically biased trials. Second, it examines media and political narratives produced by Georgian opposition channels and Western actors, including European Parliament resolutions, campaigns around Mikheil Saakashvili’s release, and US sanctions against Georgian judges. Third, it juxtaposes these narratives with the ECHR’s handling of five cases (Mikheil Saakashvili, Vano Merabishvili, Gigi Ugulava, Nikanor Melia, and Nika Gvaramia), using Article 18 case-law and the Court’s Guide on Article 18 as benchmarks. The article argues that Georgian “political prisoner” discourse is systematically broader than the legal standards applied by Strasbourg and UN bodies. While some patterns of selective justice and abuse of pre-trial detention are acknowledged (most notably in *Merabishvili v. Georgia*), subsequent judgments reveal a high evidentiary threshold for improper motives and a strong emphasis on procedural correctness. The resulting gap between narrative and legal assessment does not simply reflect misuse of the term “political prisoner,” it shows how different actors strategically mobilise competing normative frameworks to contest the boundary between legitimate accountability and politicized repression.

KEYWORDS

Georgia, political prisoners, ECHR, opposition politicians

Introduction

Since the early 2010s, the term “political prisoner” has re-emerged as a central category in Georgian political conflicts. After the 2012 electoral turnover and the consolidation of Georgian Dream as the dominant governing force, criminal proceedings against prominent former officials and opposition-linked figures have routinely been interpreted through a binary frame: legitimate accountability for abuse of power versus politicized repression. In this environment, “political prisoner” operates less as a narrow legal descriptor and more as a mobilizing label that compresses multiple allegations – selective justice, judicial capture, and democratic backsliding – into a single morally charged claim.¹

The label has been applied to a heterogeneous set of cases, including Mikheil Saakashvili, Vano Merabishvili, Gigi Ugulava, Nika Melia, and Nika Gvaramia. Despite major differences in factual background and procedural trajectories, opposition discourse frequently aggregates them into a unified narrative of criminal law used to neutralize political challengers. Government representatives, conversely, reject the label as a protective shield for politically connected elites and as a tool for delegitimizing institutions.

This domestic struggle is reinforced by external political signaling. Parliamentary resolutions, public statements by foreign officials, and targeted measures against members of Georgia’s judiciary have repeatedly been interpreted inside Georgia as indirect interventions into politically salient trials. The result is an internationalized narrative environment in which the boundary between political contestation and legal adjudication becomes itself an object of political conflict.²

At the same time, Strasbourg applies a different language. The European Court of Human Rights does not determine whether someone is a “political prisoner” in domestic terms. Instead, it assesses whether detention and trial complied with the guarantees set forth by the Convention, and whether restrictions pursued an ulterior purpose, especially under Article 18 and the Grand Chamber’s framework developed in *Merabishvili v. Georgia*. This creates an analytically productive tension: the same individuals can be constructed as “political prisoners” in political discourse while failing to meet the ECHR’s evidentiary thresholds for ulterior purpose or bad faith.

This article uses Georgia as a critical case for examining that gap. It asks: how political are Georgia’s so-called “political prisoners” when evaluated against European Court of Human Rights standards and related legal criteria, and what does the divergence between media narratives and Strasbourg case-law reveal about the politics of the term itself?

1 Berglund 2014; Bolkvadze 2016.

2 “European Parliament Resolution of 9 June 2022 on Violations of Media Freedom and the Safety of Journalists in Georgia (2022/2702(RSP)),” June 9, 2022, accessed April 2, 2026, www.europarl.europa.eu/doceo/document/TA-9-2022-0239_EN.html; “European Parliament Resolution of 15 February 2023 on the Situation of the Former President of Georgia Mikheil Saakashvili (2023/2543(RSP)),” February 15, 2023, accessed April 2, 2026, www.europarl.europa.eu/doceo/document/TA-9-2023-0046_EN.html; “Statement by Secretary Antony J. Blinken: Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption,” The US Embassy in Georgia, April 5, 2023, accessed April 2, 2026, www.ge.usembassy.gov/public-designations-of-four-individuals-associated-with-the-georgian-judiciary-due-to-involvement-in-significant-corruption/; “US Blocks Four Georgian Officials Entering Country over Corruption – Blinken,” Reuters, April 5, 2023, accessed April 2, 2026, www.reuters.com/world/us/us-blocks-four-georgian-officials-entering-country-over-corruption-blinken-2023-04-05/.

The “political prisoner” controversy is embedded in Georgia’s post-2012 political structure, defined by durable polarization and a relatively concentrated party arena. Georgian Dream has framed its rule as a mandate to restore legality after the United National Movement (UNM) period, emphasizing stability, state capacity, and “de-politicization” of institutions as official goals. Opposition forces, led for years by UNM and later joined by multiple splinter and coalition actors, have emphasized institutional capture, selective enforcement, and the instrumentalization of prosecution as a mechanism for maintaining power. In programmatic terms, parties routinely converge on declarative support for European integration, while diverging sharply on the interpretation of rule-of-law standards, the legitimacy of prosecutions of former officials, and the political meaning of judicial decisions. The “political prisoner” label therefore functions as a shortcut within a broader dispute over institutional trust: it translates complex legal processes into a credibility test for the governing order.¹

During the period under review (2012–2024), Georgia’s domestic agenda was repeatedly shaped by contested electoral cycles and disputes over the rule of law, including debates over judicial reform, prosecution of former officials, and the use of pre-trial detention in politically salient cases. In foreign policy, parties largely converge on declarative support for EU integration, while disagreeing over the meaning of conditionality and the interpretation of “European standards.” These tensions were particularly visible during the 2021 political crisis and the EU-mediated April 19 agreement, and later in the candidate status process after 2022.²

The term “political prisoner” has a long record of politicization: it can designate prisoners detained for political activity, prisoners of conscience (a narrower category focused on non-violent expression), or defendants convicted of ordinary crimes in allegedly biased or instrumentalized proceedings. Across regions, the label has been used both to protect genuine victims of repression and to reframe politically costly prosecutions as illegitimate. In the Council of Europe system, the ECHR has increasingly operationalized the problem through Article 18 litigation, which targets restrictions pursued for ulterior purposes and therefore provides an indirect legal pathway for addressing political motivation. Scholarship on Article 18 emphasizes that the Court’s post-Merabishvili doctrine set a structured test but retained a high evidentiary threshold for proving “hidden agendas,” a design that systematically limits how often political narratives can be confirmed legally.³

This is the comparative baseline for assessing whether Georgia is “unique.” Georgia is not unique in the existence of politicized claims about prosecutions; such claims are common in polarized systems. Georgia is, however, analytically distinctive in the degree to which the label “political prisoner” became a cross-arena instrument – domestic opposition mobilization, international signaling, and judicial legitimacy

1 Berglund 2014; Bolkvadze 2016; Kakachia, Minesashvili 2015.

2 For the 2021 crisis and EU mediation framework, see: “Statement by the Delegation of the European Union to Georgia on the Implementation of the EU-Mediated Agreement of 19 April,” The Diplomatic Service of the European Union, April 27, 2021, accessed April 3, 2026, <https://clck.ru/3ToHv5>. On selective compliance dynamics and EU conditionality, see: Bolkvadze 2016.

3 “Resolution 1900 (2012): The Definition of Political Prisoner,” The Parliamentary Assembly of the Council of Europe, October 3, 2012, accessed April 19, 2026, www.pace.coe.int/en/files/19152/html; Steinert 2021; Gruffydd-Jones 2021; Tsampi 2020; Finnerty 2023; Tan 2018.

struggles – while Strasbourg doctrine remained comparatively restrictive in confirming ulterior purpose claims across the set of flagship cases.

To answer the main question, the article analyses five cases that structure the Georgian debate – Mikheil Saakashvili, Vano Merabishvili, Gigi Ugulava, Nikanor Melia, and Nika Gvaramia – drawing on three interrelated layers of material: a) ECHR judgments and decisions, complemented where relevant by domestic court rulings and international treaty-body procedures; b) reports and statements by Georgian and international monitoring organizations; c) political and media discourse at domestic and international levels. Methodologically, it combines a doctrinal analysis of human-rights standards with discourse analysis, using PACE Resolution 1900 (2012), Amnesty International's (Amnesty International Ltd 28.05.2025 включена Минюстом в Перечень иностранных и международных организаций, деятельность которых признана нежелательной на территории Российской Федерации) criteria and Christoph Steinert's typology as conceptual reference points.¹

The article argues that in the Georgian context, the category of “political prisoner” is consistently broader than what follows from a strict application of legal standards. It further demonstrates how the European Court's insistence on procedural precision and high evidentiary thresholds – particularly under Article 18 – limits its capacity to validate politically salient claims of persecution. Rather than viewing this divergence as a simple case of rhetorical excess or judicial timidity, the article suggests that it reflects a structural tension between law's narrow categories and politics' reliance on expansive, mobilising concepts.

Analytical Framework

The study combines a constructivist approach to political language with a doctrinal analysis of European human-rights adjudication. Conceptually, “political prisoner” is treated as a contested signifier: an actor-deployed label that stabilizes a moral and political interpretation of coercion and redistributes legitimacy in a polarized arena. The purpose is therefore not to confirm or deny the label as an intrinsic property of a case, but to examine how the label is constructed, circulated, and strategically linked to claims about legality, legitimacy, and international alignment.²

In parallel, the legal benchmark is not the political vocabulary of domestic actors, but the European Court of Human Rights' (ECHR) case-law under Articles 5, 6, and 18 of the Convention. Article 18 is central because it provides the Court's most explicit pathway for addressing allegations of ulterior purpose, while Articles 5 and 6 operationalize safeguards relevant to pre-trial detention and fair-trial standards. This dual design allows a structured comparison between a) narrative claims of political imprisonment and b) Strasbourg's legally relevant findings and evidentiary thresholds.³

The article's research strategy is a structured cross-case comparison of five high-salience trajectories in Georgia. “How political” is operationalized through the degree

1 Steinert 2021

2 Wendt 1992; Finnemore, Sikkink 1998; Entman 1993; Miskimmon et al. 2013.

3 “Guide on Article 18 of the European Convention on Human Rights,” The European Court of Human Rights, August 31, 2025, accessed April 27, 2026, www.ks.echr.coe.int/documents/d/echr-ks/guide_art_18_eng; Tsampi 2020; Finnerty 2023; Tan 2018.

to which the ECHR's reasoning and outcomes support claims of improper motives or Convention-incompatible deprivation of liberty. The analysis therefore distinguishes between: a) findings or reasoning compatible with ulterior purpose logic (most strongly under Article 18); b) Convention violations that may indicate procedural abuse without legally confirming ulterior purpose (Articles 5 and 6); c) judgments or decisions that do not substantiate the claim under Strasbourg standards. This framework makes explicit what is otherwise left implicit in public debates: the difference between political characterization and legally validated findings.

The empirical base consists of two linked datasets.

A purposive corpus of elite communications is used to reconstruct how the "political prisoner" label is produced and maintained. This includes opposition-party statements, aligned media framing, and salient external political signaling relevant to the named cases. Materials are selected based on agenda-setting capacity, repetition across outlets / actors, and direct reference to the individuals under study.

The study draws on the ECHR's judgments and decisions in the five trajectories and on relevant interpretive materials (including the Court's guidance on Article 18 and admissibility) to ensure doctrinal consistency in how standards and thresholds are applied across cases.

Given that academic work directly devoted to the Georgian use of the "political prisoner" label remains limited, reliance on primary legal materials and elite discourse is both necessary and methodologically typical for introducing an under-researched empirical object into scholarly circulation. Academic literature is used to anchor the conceptual discussion (political imprisonment as a category, politicization dynamics, and Article 18 doctrine) and to situate Georgia within a broader post-Soviet and Council of Europe context.¹

Methods of Research

The article proceeds in two strands that are analytically linked through the operationalization above.

Qualitative discourse analysis. The narrative corpus is examined using qualitative content analysis with a compact codebook. Coding focuses on: a) actor type (opposition party, aligned media, foreign political actor); b) justificatory criteria invoked (selective justice, judicial dependence, disproportionality, unfair trial, humanitarian framing, calls for release / pardon); c) implied political objective (delegitimation, mobilization, international pressure, reputational costs); d) target audience (domestic or international). Coding is iterative and memo-based, with attention to how different justifications are combined to construct the boundary between "accountability" and "repression."

Normative legal analysis. The ECHR materials are analyzed using a standardized reading protocol: identification of the applicant's main allegations (Articles 5, 6, and 18), extraction of the Court's legal tests, mapping of evidentiary requirements, and classification of findings (violation / no violation; admissibility outcomes). Particular

¹ On the relative scarcity of Georgia-specific scholarship and the use of primary legal materials when introducing a new empirical object, see: Steinert 2021; Gruffydd-Jones 2021

attention is paid to Article 18 reasoning on ulterior purpose and evidentiary inference; the Court's treatment of pre-trial detention and procedural safeguards, and any explicit or implicit engagement with political motivation claims.

Case selection is justified by visibility and agenda-setting capacity: these trajectories became focal points of "political prisoner" discourse domestically and internationally and generated a documentary record sufficient for comparing narrative claims against Strasbourg reasoning. The scope condition is deliberate: the goal is not representativeness across all Georgian prosecutions, but analytical leverage on the specific mechanism under study – how the "political prisoner" label is constructed and how it interacts with Strasbourg adjudication in the country's most politically salient cases.

Two limitations follow from the design. First, Strasbourg standards are not a comprehensive measure of political repression; they are legal thresholds that may under-capture broader political dynamics. Second, elite narratives are strategic by nature, and the study does not treat them as neutral descriptions of fact. Robustness is pursued through triangulation: narrative claims are systematically juxtaposed with the ECHR's tests, evidentiary standards, and outcomes across multiple cases rather than inferred from a single high-profile episode.

Saakashvili v. Georgia

The judgment of the European Court of Human Rights in *Saakashvili v. Georgia* (applications no. 6232 / 20 and 22394 / 20, judgment of 23 May 2024) constitutes a key reference point for assessing how Strasbourg evaluates the criminal prosecution of former heads of state following regime change.¹ The Court examined two convictions of former President Mikheil Saakashvili: for complicity in the 2005 assault on opposition MP Valeri Gelashvili and for abuse of official authority in connection with the 2008 presidential pardon of Interior Ministry officials convicted in the Sandro Girgvliani murder case.²

Although formally framed as prosecutions for abuse of power and obstruction of justice, the proceedings unfolded in a highly polarized post-2012 political context. This explains both the international attention to the case and attempts to frame the convictions as politically motivated.³ The Court, however, deliberately set aside political controversy and focused on conventional standards.

Under Article 6 of the ECHR, the Court found no violation of the right to a fair trial. It emphasized that the defence had effective opportunities to challenge evidence, examine witnesses and present its case; that key testimonies were treated as direct rather than hearsay evidence; that allegations of personal animosity were addressed by reasoned domestic decisions; and that there were no objective grounds to doubt judicial independence or impartiality.⁴ This reasoning effectively validated the post-

1 "Case of Saakashvili v. Georgia (Applications nos. 6232/20 and 22394/20)," The European Court of Human Rights, May 23, 2024, accessed April 16, 2026, <https://hudoc.echr.coe.int/eng?i=001-233761>. Ibid

2 Ibid

3. See, inter alia: "European Parliament Resolution of 14 December 2022 on the Implementation of the EU Association Agreement with Georgia 2021/2236 (INI)," The European Parliament, December 14, 2022, accessed April 16, 2026, www.europarl.europa.eu/doceo/document/TA-9-2022-0442_EN.html.

4 "Case of Saakashvili v. Georgia (Applications nos. 6232/20 and 22394/20)."

reform Georgian judiciary as institutionally capable of handling politically sensitive cases and reflects Strasbourg's broader approach of treating robust procedural guarantees as a buffer against allegations of political justice.¹

The most controversial issue concerned Article 7 of the ECHR. By a narrow majority, the Court held that Saakashvili could reasonably have foreseen criminal liability arising from the use of presidential pardon powers where clemency formed part of a broader pattern of interference with the investigation of a grave crime. The Court rejected the view that presidential pardon constituted an unfettered act of sovereign discretion, aligning the judgment with an emerging trend towards judicial scrutiny of clemency powers, while dissenting judges warned of risks to legal certainty and separation of powers.²

The Court also rejected the Article 18 complaint as manifestly ill-founded. Reiterating its Grand Chamber judgment in *Merabishvili v. Georgia*, it held that political context or incidental political benefit is insufficient to establish a violation. What must be shown is that an illegitimate political motive became the predominant purpose of the prosecution (§ 161–163).³ In Saakashvili's case, the Court accepted that prosecution for concrete criminal offences constituted a legitimate core purpose that was not displaced by the evidence presented.⁴

From an analytical perspective, the judgment confirms Strasbourg's restrictive approach to claims of political imprisonment. Where domestic proceedings meet the formal requirements of fairness and legality, the Court is reluctant to re-characterize prosecutions of former leaders as politically motivated. The case thus illustrates the structural gap between political narratives of "political prisoners" and the ECHR's narrow, procedural understanding of political misuse of criminal justice.

Melia v. Georgia

The judgment in *Melia v. Georgia* (application no. 13668 / 21, judgment of 7 September 2023) extends the Strasbourg approach developed in *Saakashvili v. Georgia* to a different factual setting: mass protests and pre-trial detention rather than abuse of high executive powers. The applicant, opposition politician Nika Melia, challenged the lawfulness of his pre-trial detention arising from the events of 20–21 June 2019 ("Gavrilov night"), arguing that the measures pursued a predominantly political aim of neutralising him as an opposition leader. The case originated in criminal proceedings opened in June 2019 for Melia's alleged role in organising and participating in an attempted violent storming of Parliament. After the lifting of his parliamentary immunity, domestic courts initially rejected pre-trial detention and relied on bail and later electronic monitoring. Only after Nika Melia publicly removed the electronic bracelet and

1 See, for example: "Case of Ramanauskas v. Lithuania (Application no. 74420/01)," The European Court of Human Rights, February 5, 2008, accessed April 16, 2026, www.hudoc.echr.coe.int/eng?i=001-84935; "Case of Mammadov (Jalaloglu) v. Azerbaijan (Application no. 34445/04)," The European Court of Human Rights, January 11, 2007, accessed April 16, 2026, www.hudoc.echr.coe.int/eng?i=001-78978

2 "Case of Saakashvili v. Georgia (Applications nos. 6232/20 and 22394/20)."

3 Ibid.; "Merabishvili v. Georgia [GC] – 72508/13," The European Court of Human Rights, November 28, 2017, accessed April 17, 2026, www.hudoc.echr.coe.int/?i=001-226433.

4 "Case of Saakashvili v. Georgia (Applications nos. 6232/20 and 22394/20)."

repeatedly refused to comply with increased bail conditions did the Tbilisi City Court order his detention in February 2021, explicitly presenting it as a measure of last resort.¹

The Court's analysis focused primarily on Article 5 §1 (c) of the ECHR. It unanimously found no violation, accepting that the detention was lawful, pursued legitimate aims and was proportionate. Two elements were decisive. First, the progressive escalation of measures demonstrated restraint: detention followed the failure of less intrusive alternatives rather than being imposed automatically in response to political activity. Second, the domestic courts provided individualized and sufficiently reasoned decisions, grounding detention in concrete risks of re-offending, obstruction of justice and disregard of prior measures, rather than abstract appeals to public order.²

From a doctrinal perspective, the judgment confirms that in protest-related cases the Court grants States a wide margin of appreciation where domestic law is clear, judicial reasoning is individualized and non-custodial measures are genuinely considered. Analytical emphasis is placed on the quality of domestic judicial behavior rather than on the broader political climate.

Nika Melia also relied on Article 18 of the ECHR, arguing that his detention served the ulterior purpose of removing a prominent opposition figure during the 2020–2021 political crisis. The Court rejected this complaint, explicitly stating that there was “no ulterior motive behind [the] decision to detain an opposition leader.”³ Reiterating the predominant-purpose test articulated in *Merabishvili v. Georgia*, the Court stressed that political context or incidental political benefit is insufficient to establish a violation.⁴ Several factors were decisive. Melia was not the sole target of investigation; *prima facie* evidence existed at the opening of proceedings; domestic courts initially protected his liberty and political participation, allowing him to campaign and even suspending proceedings at one stage; and detention was triggered by his refusal to comply with bail conditions rather than by his political status or electoral performance. Political controversy surrounding the arrest, including criticism by non-governmental organizations (NGOs) and international actors, was not considered sufficient to demonstrate a coherent hidden agenda.⁵

For Article 18 doctrine, *Melia v. Georgia* reinforces a restrictive line of case law: even in highly polarized environments, Strasbourg will not infer a predominant political aim where domestic courts show some autonomy, restraint and procedural pluralism.⁶ In practical terms, the judgment entrenches a Strasbourg practice of deferring to State responses to mass protest when formal requirements of lawfulness, proportionality and individualization under Article 5 are met.

1 “Case of Melia v. Georgia (Application no. 13668/21),” The European Court of Human Rights, September 7, 2023, accessed April 17, 2026, www.hudoc.echr.coe.int/?i=001-226433.

2 Ibid.

3 “No Ulterior Motive Behind Georgian Court’s Decision to Detain an Opposition Leader,” The European Court of Human Rights, September 7, 2023, accessed April 17, 2026, www.hudoc.echr.coe.int/eng-press?i=003-7735810-10702997.

4 “Merabishvili v. Georgia [GC] – 72508/13.”; “Case of Melia v. Georgia (Application no. 13668/21),” The European Court of Human Rights, September 7, 2023, accessed April 17, 2026, www.hudoc.echr.coe.int/fre?i=001-226433.

5 “Case of Melia v. Georgia (Application no. 13668/21).”

6 See also: “Case of Ugulava v. Georgia (Application no. 5432/15),” The European Court of Human Rights, February 9, 2023, accessed April 17, 2026, www.hudoc.echr.coe.int/ukr?i=001-222898; “Case of Lutsenko v. Ukraine (Application no. 6492/11),” July 3, 2012, accessed April 17, 2026, www.hudoc.echr.coe.int/eng?i=001-112013.

For Georgian political dynamics, this significantly narrows the strategic value of Strasbourg litigation as a tool for validating political-prisoner narratives. Read together, *Saakashvili v. Georgia* and *Melia v. Georgia* signal a stable pattern: where basic structural fairness is observed and domestic authorities articulate a minimally coherent legal rationale subject to judicial control, findings under Article 18 are highly unlikely. From a comparative perspective, *Melia v. Georgia* thus contributes to the normalization of criminal accountability for protest leaders within the bounds of procedural legality, reinforcing the gap between political narratives of repression and the ECHR's narrowly framed understanding of political misuse of criminal justice.

Ugulava v. Georgia

In Strasbourg jurisprudence, the figure of Gigi Ugulava is constructed through two interconnected judgments that reveal structural vulnerabilities of Georgian criminal justice in politically salient cases: the elastic use of pre-trial detention and compromised judicial impartiality at the level of the Supreme Court. A former mayor of Tbilisi and senior opposition figure, Ugulava became subject to multiple prosecutions after the 2012 change of power, notably in the Tbilisi Development Fund and related cases involving allegations of embezzlement and abuse of office.¹

The first judgment concerns Gigi Ugulava's pre-trial detention between July 2014 and September 2015. Arrested at Tbilisi airport while attempting to travel abroad, Gigi Ugulava complained under Articles 5 and 18 ECHR that his detention was unlawful and aimed at excluding him from politics. The Court adopted a strict temporal approach. For the initial period (from 3 July 2014 to 2 April 2015), it found no violation of Article 5 §1, accepting the existence of reasonable suspicion and concrete risks of absconding or interference with the investigation.²

For the later period (from 2 April to 17 September 2015), however, the assessment reversed. By that stage, the nine-month constitutional maximum for pre-trial detention had effectively expired, and the Georgian Constitutional Court had ruled that prolonging detention through procedural re-labelling was unconstitutional. Ordinary courts nevertheless ordered renewed detention without identifying genuinely new circumstances or engaging with the constitutional-limit argument. Relying in part on the Constitutional Court's reasoning, the ECHR found a violation of Article 5 §1 for lack of lawfulness.³

Under Article 5 §3, the Court accepted that initial detention was justified but held that, from February 2015 onwards, domestic courts failed to reassess the necessity of continued detention and relied on increasingly formulaic reasoning, thereby shifting the burden onto the applicant. This resulted in a separate violation of Article 5 §3 for the later phase. The Article 18 complaint was dismissed. While acknowledging the political sensitivity of prosecuting a leading opposition figure and concerns expressed publicly, the Court held that the established Article 5 violations did not demonstrate that a political aim had become the predominant purpose of

1 "Case of Ugulava v. Georgia (Application no. 5432/15)."

2 Ibid.

3 Ibid.; "Citizen of Georgia Giorgi Ugulava v. the Parliament of Georgia," Constitutional Court of Georgia, September 15, 2015, accessed April 18, 2026, www.constcourt.ge/en/judicial-acts?legal=917.

the detention. It attached weight to the existence of reasonable suspicion, the absence of evidence of direct executive interference and the favorable Constitutional Court ruling in Ugulava's case.¹

The second judgment shifted the focus from detention to judicial impartiality. It concerned the Supreme Court decision of 10 February 2020 upholding Ugulava's conviction, delivered by a panel that included Shalva Tadumadze, a former Prosecutor General who had previously overseen investigations against the applicant. Applying the objective-impartiality test under Article 6 §1, the Court held that Tadumadze's participation could reasonably undermine public confidence in the court's independence and found a violation of the right to an independent and impartial tribunal established by law.²

From the perspective of this article's research question, the Ugulava judgments occupy an intermediate position within Georgia's "political prisoner" cluster. Strasbourg identifies serious procedural and structural deficiencies – unlawful extension of pre-trial detention and problematic overlap between prosecutorial and adjudicative roles – yet refuses to reclassify the proceedings as politically motivated justice under Article 18. In the Court's 2025 Guide on Article 18, *Ugulava v. Georgia* is cited alongside *Merabishvili v. Georgia* and *Melia v. Georgia* as an example of a "mixed-motive" case in which significant violations fall short of the high threshold required to establish an ulterior political purpose.³

Gvaramia v. Georgia

The trajectory of Nika Gvaramia's case differs from those of Saakashvili and Melia primarily at the procedural level. A former director of the opposition-leaning TV channel Rustavi 2 and founder of Mtavari Arkhi, Gvaramia was convicted in May 2022 for abuse of power under Article 220 of the Georgian Criminal Code in connection with managerial decisions at Rustavi 2. He was sentenced to three years and six months' imprisonment; the conviction was upheld on appeal, and the Supreme Court declared the cassation appeal inadmissible in June 2023.⁴ Although President Salome Zurbashvili pardoned Gvaramia shortly thereafter, domestic NGOs, opposition actors and international organizations continued to frame the case as politically motivated and harmful to media freedom.

Nika Gvaramia subsequently applied to the European Court of Human Rights, alleging violations of his right to a fair trial and freedom of expression and arguing that his conviction constituted retaliation against a critical media actor. In March 2024, Georgian media reported that the ECHR, acting through a single-judge formation, had declared the application inadmissible. Unlike Mikheil Saakashvili and Nika Melia, whose complaints resulted in reasoned judgments, Nika Gvaramia's case was terminated at the admissibility stage.

Under Protocol 14 to the Convention, single judges may declare applications inadmissible without a full examination on the merits. Such decisions are typically

1 "Case of Ugulava v. Georgia (Application no. 5432/15)."

2 Ibid.

3 "Guide on Article 18 of the European Convention on Human Rights."

4 "Critical TV Boss Sent to Prison for 3.5 Years," Civil Georgia, May 16, 2022, accessed April 27, 2026, <https://civil.ge/archives/490282>.

brief, unpublished and accompanied only by minimal indication of the ground for inadmissibility.¹ As a result, the Court did not pronounce on whether Gvaramia's conviction violated Articles 6, 10 or 18 ECHR. Inadmissibility at this stage usually reflects procedural deficiencies – such as non-exhaustion of domestic remedies, failure to comply with time limits, or manifestly ill-founded complaints – rather than substantive endorsement of the domestic judgment.²

This procedural outcome has important analytical implications. First, the absence of a reasoned decision sharply limits legal analysis compared to the detailed Strasbourg reasoning in *Mikheil Saakashvili and Nika Melia*. Second, it allows competing domestic narratives: the government can point to Strasbourg's refusal to proceed, while critics emphasise that the Court declined to examine the substance of the allegations. Third, the case illustrates the filtering power of the ECHR in politically salient media disputes, even where sustained criticism has been voiced by domestic watchdogs, the Public Defender and EU institutions.³

Following the inadmissibility decision, Nika Gvaramia announced that he would pursue his case before the UN Human Rights Committee under the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).⁴ This move highlights the increasingly multi-layered character of international human-rights litigation involving Georgia. An adverse or inconclusive outcome before the ECHR does not preclude recourse to global treaty bodies capable of examining alleged violations of fair-trial guarantees (Article 14 ICCPR) and freedom of expression (Article 19 ICCPR). Although the Committee's Views are not enforceable in the same manner as ECHR judgments, they carry significant normative and political weight. Georgia has recognized the Committee's competence and has introduced mechanisms for giving effect to treaty-body findings, including the possibility of reopening domestic proceedings.⁵ In practice, the UN Human Rights Committee's Views are frequently cited as authoritative interpretations of international human-rights standards, particularly in cases involving judicial independence and media freedom.

Placed alongside *Saakashvili v. Georgia* and *Melia v. Georgia*, the Gvaramia episode marks the outer edge of Georgian actors' engagement with Strasbourg. Where politically salient complaints fail to pass the admissibility threshold under Articles 6 and 18 ECHR, contestation shifts towards alternative international fora. For the purposes of this article, the case underscores a central finding: narratives of political imprisonment

- 1 "Details of Treaty No. 194," The Council of Europe, May 13, 2004, accessed April 17, 2026, www.coe.int/web/conventions/full-list?module=treaty-detail&treatynum=194; "Practical Guide on Admissibility Criteria," The European Court of Human Rights, February 28, 2026, accessed April 17, 2026, www.echr.coe.int/d/admissibility_guide_eng.
- 2 Ibid.; "Case of *Mugemangango v. Belgium*," The European Court of Human Rights, July 10, 2020, accessed April 17, 2026, www.hudoc.echr.coe.int/eng?i=001-203885.
- 3 "Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia," The Public Defender of Georgia, 2022, accessed April 17, 2026, www.ombudsman.ge/res/docs/2023120411211781277.pdf.
- 4 "Nika Gvaramia: Not a Single Step Back! Behind Us Is Our Homeland! The Oligarchy Must Be Overthrown!" Georgia Today, June 13, 2025, accessed April 17, 2026, www.georgiatoday.ge/nika-gvaramia-not-a-single-step-back-behind-us-is-our-homeland-the-oligarchy-must-be-overthrown/; "Optional Protocol to the International Covenant on Civil and Political Rights," The UN Office of the High Commissioner for Human Rights, accessed April 18, 2026, www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-civil-and-political.
- 5 "Rules of Procedure of the Parliament of Georgia," Legislative Herald of Georgia, December 6, 2018, accessed April 16, 2026; <https://matsne.gov.ge/en/document/view/4401423?publication=27>; "General Comment no. 33: Obligations of States Parties under the Optional Protocol to the International Covenant on Civil and Political Rights," The UN Office of the High Commissioner for Human Rights, June 25, 2009, accessed April 18, 2026, www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no33-obligations-states-parties.

and media repression operate in a broader transnational legal space than the ECHR alone, while Strasbourg's procedural filters significantly constrain its role as an arbiter of politically charged justice in hybrid regimes.

Merabishvili v. Georgia

Merabishvili v. Georgia (no. 72508/13, Grand Chamber judgment of 28 November 2017) remains the central Strasbourg benchmark for the application of Article 18 ECHR in politically sensitive criminal proceedings. It is the first Georgian case in which the Court, sitting as a Grand Chamber, found a violation of Article 18 in conjunction with Article 5. The judgment concerned not the criminal conviction itself, but the purposes and lawfulness of the applicant's pre-trial detention. Ivane (Vano) Merabishvili, former Prime Minister and Minister of the Interior, was arrested in May 2013 on charges of embezzlement and vote-buying and later convicted by domestic courts. Before Strasbourg, Merabishvili argued that his detention served a hidden political purpose: excluding him from politics and weakening the United National Movement. Central to the case was an alleged December 2013 incident in which he was taken from his cell at night to meet the Chief Prosecutor and questioned about matters unrelated to the charges against him, including the death of former Prime Minister Zurab Zhvania and alleged foreign accounts of former President Mikheil Saakashvili.¹

Under Article 5 ECHR, the Grand Chamber drew a clear temporal distinction. It unanimously held that the initial arrest and detention were based on a reasonable suspicion and complied with domestic law, finding no violation of Article 5 §1 at that stage. However, it found a violation of Article 5 §3 from at least 25 September 2013 onwards, when domestic courts extended detention using increasingly formulaic reasoning, failed to engage with defence arguments and did not seriously consider alternatives to detention. Judicial control thus became largely formal rather than substantive.²

The core doctrinal significance of the case lies in the finding of a violation of Article 18 in conjunction with Article 5 §1. By a narrow majority, the Grand Chamber accepted that although the detention initially pursued a legitimate aim, its predominant purpose later shifted. This conclusion rested on a convergence of factors: the applicant's consistent and detailed account of the night-time removal; partial corroboration by a penitentiary official; the authorities' failure to produce complete CCTV recordings; and the absence of a plausible alternative explanation by the Government. On this evidentiary basis, the Court concluded that detention was used as leverage to obtain information in unrelated, high-profile investigations, exceeding the aims permitted under Article 5.³

Doctrinally, *Merabishvili v. Georgia* is foundational in two respects. First, it explicitly recognized the possibility of "mixed motives": a restriction may simultaneously pursue legitimate and illegitimate aims. Second, it articulated the predominant-purpose test, according to which Article 18 is violated only when the illegitimate aim becomes dominant at a particular stage. Subsequent scholarship has treated the case as the leading authority on the evidentiary threshold under Article 18, reconstructing

1 "Merabishvili v. Georgia [GC] – 72508/13."

2 Ibid.

3 Ibid.

a three-step inquiry: existence of a restriction, identification of an ulterior purpose, and proof of its predominance.

The political and legal effects of the judgment are ambivalent. On the one hand, the Court did not characterise the criminal proceedings or initial detention as purely political, allowing the authorities to emphasise the legitimacy of holding former officials accountable. On the other hand, the Article 18 finding provided opposition actors and NGOs with a powerful legitimising resource, as Strasbourg acknowledged that detention was at a specific point transformed into an instrument of pressure serving extraneous investigative aims. For subsequent Georgian cases, *Merabishvili v. Georgia* functions as a demanding benchmark. It demonstrates that Strasbourg will “unmask” hidden agendas only where allegations are supported by exceptionally robust and corroborated evidence. In later cases, such as *Saakashvili v. Georgia* and *Melia v. Georgia*, where no comparable factual constellation was established, the Court maintained a high threshold and declined to extend Article 18 findings.¹

Framing Georgia’s “Political Prisoners”: Actors, Vocabularies and Discursive Clusters

Across all five cases – Mikheil Saakashvili, Vano Merabishvili, Gigi Ugulava, Nika Melia, and Nika Gvaramia – the label “political prisoner” functions not as a legal conclusion but as a framing device deployed by specific coalitions of actors. What varies is not the core accusation, but who articulates it, which aspects of the individual case are foregrounded (former office, protest leadership, media role), and how each case is embedded in a broader narrative about Georgia’s political regime and geopolitical trajectory. The most consistent framers are domestic opposition parties (United National Movement, European Georgia, Strategy Agmashenebeli, Lelo, and others) and aligned television channels (Rustavi 2, Mtavari Arkhi, TV Pirveli, Formula). Their shared narrative portrays criminal law as an instrument for neutralising opponents of Georgian Dream and its informal leader Bidzina Ivanishvili, rather than as a mechanism of ordinary accountability.²

In Mikheil Saakashvili’s case, the political-prisoner frame is closely tied to questions of geopolitical orientation. Opposition rhetoric and mass rallies in 2021–2022 presented his imprisonment as a political *vendetta* and linked it explicitly to Georgia’s “European choice.” Mikheil Saakashvili’s lawyers and supporters routinely describe him as a political prisoner in international media, framing the prosecutions as an attempt to exclude a pro-Western leader from politics.³

Vano Merabishvili’s case is more ambivalent, given his record as a powerful interior minister. Nevertheless, upon his release in 2020, UNM officially described him as a political prisoner, and Merabishvili himself embedded his experience in a collective narrative, declaring that all those imprisoned under the current authorities were political prisoners.⁴

1 “Case of Saakashvili v. Georgia (Applications nos. 6232/20 and 22394/20).”; “Case of Melia v. Georgia (Application no. 13668/21).”

2 “Opposition,” Civil Georgia, accessed April 18, 2026, www.civil.ge/archives/tag/opposition.

3 David Chkhikvishvili, “Returning Home, Georgian Ex-Leader Arrested after Call for Election Protest,” Reuters, October 1, 2021, accessed April 18, 2026, www.reuters.com/world/europe/georgian-ex-leader-says-he-is-back-home-despite-jail-threat-authorities-deny-2021-10-01; “Thousands Rally in Georgia Demanding Release of Saakashvili,” Reuters, October 15, 2021, accessed April 19, 2026, www.reuters.com/world/europe/thousands-rally-georgia-demanding-release-jailed-pro-west-ex-leader-2021-10-14.

4 Vano Merabishvili Released from Prison,” February 20, 2020, accessed April 18, 2026, www.civil.ge/archives/339515.

For Gigi Ugulava, the political-prisoner label became central following the Supreme Court judgment of 2020. Opposition figures, including former president Giorgi Margvelashvili, publicly described his imprisonment as politically motivated and damaging to Georgia's international standing. Civil-society coalitions characterized the ruling as a continuation of political persecution, highlighting procedural deficiencies and selective justice.¹

In Nika Melia's case, the framing is inseparable from protest politics. His arrest and pre-trial detention following the June 2019 "Gavrilov night" protests were portrayed by opposition parties and civic groups as political persecution of protest leaders. The EU's decision to post bail for Melia in 2021 was widely interpreted as an intervention to resolve a political crisis, reinforcing opposition narratives that depicted him as a political hostage.²

For Nika Gvaramia, the political-prisoner frame is anchored in media freedom. A joint NGO statement in May 2022 argued that his imprisonment sent a chilling signal to independent media and constituted politically motivated retaliation. Subsequent appeals linked his case explicitly to Georgia's EU integration path, presenting him as a political prisoner in his capacity as a media manager rather than a traditional politician.³

Despite differences in emphasis, opposition framing across cases shares recurring elements: a central agent (Georgian Dream, Ivanishvili, a "captured" judiciary), a mechanism (selective prosecution, abuse of pre-trial detention, politicized courts) and high stakes (democratic quality, European integration, avoidance of "authoritarian drift").

The second cluster of framers operates in a more legalistic register: the Public Defender, Georgian human-rights NGOs (HRC, GYLA, TI Georgia, Media Advocacy Coalition) and international watchdogs. These actors rarely employ the term "political prisoner" directly, but translate the same concern into the language of selective justice, politically motivated prosecution and misuse of criminal law, often referencing PACE Resolution 1900 criteria.⁴ In *Merabishvili v. Georgia*, NGO commentary emphasized that the Article 18 finding confirmed improper political motives at a specific stage; in *Ugulava v. Georgia*, civil-society statements mapped procedural violations onto political-persecution narratives; and in *Gvaramia v. Georgia*, NGO language was more explicit, treating his case as emblematic of pressure on independent media.

External political actors reinforce these framings in a more cautious but convergent manner. The European Parliament has repeatedly addressed individual cases – calling for Mikheil Saakashvili's release on humanitarian and political grounds, condemning Nika Gvaramia's conviction as a blow to media freedom, and increasingly referring to a broader problem of "political prisoners" in Georgia.⁵ Similarly, US sanctions against

1 "The Supreme Court Ruling on Ugulava's Case Is a Continuation of Political Persecution against Opponents," The Civil Society Foundation, February 11, 2020, accessed April 18, 2026, www.csf.ge/en/the-supreme-court-ruling-on-ugulavas-case-is-a-continuation-of-political-persecution-against-opponents/; "Human Rights in Georgia, 2020," Georgian Democracy Initiative, December 10, 2020, accessed April 18, 2026, www.gdi.ge/en/news/adamianis-uflebebi-saqartveloshi-2020-tseli447.

2 "Statement by the Delegation of the European Union to Georgia on the Implementation of the EU-Mediated Agreement of 19 April," Delegation of the European Union to Georgia, April 27, 2021, accessed April 18, 2026, www.eeas.europa.eu/delegations/georgia/statement-delegation-european-union-georgia-implementation-eu-mediated-agreement-19-april_en.

3 "Statement of the Media Advocacy Coalition on the Case of Nika Gvaramia," Media Advocacy Coalition, May 18, 2022, accessed April 18, 2026, www.mediacoalition.ge/en/statement-of-the-media-advocacy-coalition-on-the-case-of-nika-gvaramia/.

4 "Resolution 1900 (2012): The Definition of Political Prisoner."

5 "European Parliament Resolution of 15 February 2023 on the Situation of the Former President of Georgia Mikheil Saakashvili (2023/2543(RSP))."; "European Parliament Resolution of 9 June 2022 on Violations of Media Freedom and the Safety of Journalists in Georgia (2022/2702(RSP))."

Georgian judges in 2023, officially framed as anti-corruption measures, were widely interpreted in political and media discourse as linked to concerns over politicized justice in high-profile cases.¹

Taken together, these clusters demonstrate that “political prisoner” operates as a discursive bridge between domestic opposition politics, rights-based legal critique and external political signalling. The breadth and persistence of this framing help explain why the category remains politically powerful even when Strasbourg jurisprudence, operating through narrower procedural standards, declines to endorse it as a legal finding.

Conclusion

This article has examined Georgia as a critical case for understanding the gap between narratives of political imprisonment and judicial assessments produced by international human-rights adjudication. Focusing on five high-profile cases – Mikheil Saakashvili, Vano Merabishvili, Gigi Ugulava, Nika Melia, and Nika Gvaramia – it has demonstrated that the category of “political prisoner” operates in Georgian politics primarily as a discursive and mobilising construct rather than as a legal qualification derived from Strasbourg standards.

The comparative analysis of ECHR case-law shows that Strasbourg consistently resists adopting the political-prisoner label, even in highly polarized contexts. Instead, the Court fragments politically salient claims into narrowly defined procedural questions under Articles 5, 6, 7, 10 and, in exceptional circumstances, Article 18. Only in *Merabishvili v. Georgia* did the Court find that an illegitimate political aim became predominant, and this finding was grounded in an unusually robust and corroborated factual constellation. In subsequent cases – *Saakashvili v. Georgia*, *Melia v. Georgia*, and *Ugulava v. Georgia* – the Court identified procedural or structural violations but declined to recharacterize the proceedings as politically motivated justice. In *Gvaramia v. Georgia*, the Court did not reach the merits at all, illustrating the filtering role of admissibility mechanisms in politically sensitive cases involving media actors.

These outcomes point to a first core conclusion: in the Georgian context, the political-prisoner narrative is systematically broader than what follows from a strict application of ECHR standards. Opposition actors, aligned media and segments of civil society aggregate diverse cases – former heads of state, protest leaders and media managers – into a single category that symbolises regime capture, democratic backsliding and geopolitical deviation. By contrast, Strasbourg evaluates each case in isolation, prioritising procedural legality and evidentiary precision over contextual political interpretation.

Second, the analysis highlights the centrality of Article 18 as both a focal point of political expectations and a doctrinal bottleneck. While frequently invoked by applicants and political actors, Article 18 remains reserved for exceptional situations. The Court’s insistence on the predominant-purpose test and on highly specific proof of ulterior motives significantly limits its willingness to validate claims of political

1 “Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption,” The US Department of State, April 5, 2023, accessed April 19, 2026, <https://clck.ru/3U5UW5>.

persecution. This doctrinal choice reflects not merely judicial caution, but a structural preference for preserving the Court's role as a legal, rather than political, arbiter.

Third, the Georgian cases illustrate a broader tension between law and politics. For domestic and international political actors, the label "political prisoner" functions as a powerful tool of mobilization, external signalling and normative pressure. For the ECHR, however, adopting such a label would entail a shift from adjudicating individual rights violations to passing judgment on regime character and political intent – an expansion the Court has consistently resisted. The resulting divergence is therefore not accidental, but structural.

Finally, the Gvaramia episode underscores that Strasbourg is only one node in a wider transnational legal field. When access to a merits review before the ECHR is blocked, actors increasingly turn to alternative fora, such as UN bodies, to sustain internationalization of their claims. This multi-level litigation strategy further decouples political narratives of repression from the outcomes of any single judicial institution.

Taken together, the findings suggest that debates over "political prisoners" in Georgia are best understood not as disagreements over legal classification, but as the interaction of legal adjudication and political interpretation operating at different levels. The continued use of the political-prisoner narrative alongside Strasbourg's jurisprudence reflects the distinct functions of political discourse and judicial review, rather than a contradiction between them. Acknowledging this functional differentiation allows for a more precise understanding of how rule-of-law standards, accountability mechanisms and democratic contestation coexist in Georgia.

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Насколько политические «политические заключенные» в Грузии? Нарративы против правовых позиций ЕСПЧ

АННОТАЦИЯ

Понятие «политический заключенный» является одним из самых спорных в грузинской политике. После смены правительства в 2012 г. оппозиционные партии, лояльные им телеканалы и ряд западных политиков неоднократно характеризовали таких высокопоставленных осужденных, как М. Саакашвили, В. Мерабишвили, Г. Угулава, Н. Мелия и Н. Гварамия, как политических заключенных, призывая к их освобождению. В противовес этому Европейский суд по правам человека (ЕСПЧ) придерживается более строгого подхода, руководствуясь статьями № 5, 6 и 18 Европейской конвенции по правам человека, а не политической лексикой, которую используют внутригосударственные и международные акторы. Опираясь на дискуссии об определении термина «политический заключенный» в международном праве и политологии, авторы статьи ставят следующий вопрос: насколько политически обусловлен этот маркер в Грузии, если рассматривать его сквозь призму решений ЕСПЧ и соответствующих правовых стандартов? Анализ проводится в три этапа. Во-первых, реконструируется концептуальное поле термина «политический заключенный» на основе Резолюции № 1900 Совета Европы, рассмотрения более узкого понятия «узник совести» и недавних попыток закрепить этот термин за жертвами политически ангажированных судебных процессов. Во-вторых, исследуются нарративы, формируемые грузинскими оппозиционными каналами и западными акторами, включая резолюции Европейского парламента, кампании за освобождение М. Саакашвили и американские санкции против грузинских судей. В-третьих, эти нарративы сопоставляются с тем, как ЕСПЧ рассматривал дела пяти указанных выше политиков: в качестве ориентиров используются прецедентное право по статье № 18 и Руководство ЕСПЧ по этой статье. В результате доказано, что дискурс о «политических заключенных» в Грузии шире тех правовых стандартов, которые применяют ЕСПЧ и структуры ООН. Хотя избирательное правосудие и злоупотребление досудебным содержанием под стражей действительно имеют место (заметнее всего – в «деле Мерабишвили»), последующие решения свидетельствуют о высоком пороге доказывания неправомерных мотивов и соблюдении процессуальных норм. Возникающий разрыв между нарративной и правовой оценками свидетельствует не просто о злоупотреблении термином «политический заключенный», а о том, как различные акторы используют конкурирующие нормативные рамки, чтобы оспорить разницу между законной ответственностью и политизированными репрессиями.

КЛЮЧЕВЫЕ СЛОВА

Грузия, политические заключенные, Европейская конвенция о защите прав человека и основных свобод, оппозиционеры

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