

## Challenges to the Presumption of Innocence in Georgia: When the 'Party' Announces the Verdict Before the Court

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### Introduction

*"It is better that 10 guilty persons escape, than that one innocent suffer,"* - this phrase is attributed to the 18th-century English jurist William Blackstone, and this principle has become known in criminal law literature as the "Blackstone Ratio."

However, the idea that punishing an innocent person is such a great evil and an irreparable mistake, one that the high societal interest in punishing dozens or even thousands of criminals cannot justify, existed long before in legal,<sup>2</sup> religious, and ethical traditions.

Legally, one of the most prominent illustrations of this principle comes from the second president of the United States, John Adams, who, in 1770, took on the defense of British soldiers accused of deliberately killing five Boston colonists during the "Boston Massacre" case. Given the context and the emotional backdrop of society at the time, defending the British soldiers was extremely unpopular, making it a bold step and, at the same time, a test of the presumption of innocence, fair trial, and the principles of evidence-based justice. This case became an example of the notion that punishment of an individual must be based solely on evidence, not on doubts, emotions, or judgments shaped by society or the political climate.

*"Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence"* - said John Adams (who succeeded in acquitting six British soldiers of intentional murder charges) and explained his ethical motivations in front of society,

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<sup>2</sup> Lord Chief Justice Hale - *"It is better five guilty persons escape, than one innocent person suffers"*; Lord Chancellor Fortescue - *"Indeed one would rather, much rather, that twenty guilty persons escape the punishment of death, than one innocent person be condemned, and suffer capitally"*. Adams' Argument For the Defense: 3-4 December 1770, National Archives, <https://founders.archives.gov/documents/Adams/05-03-02-0001-0004-0016>

quoting the words of Cesare Beccaria: *"If I can but be the instrument of preserving one life, his blessing and tears of transport, shall be a sufficient consolation to me, for the contempt of all mankind".*<sup>3</sup>

Thus, the presumption of innocence serves as an instrument that protects society from such typical mistakes (punishing the innocent) that create not only personal tragedy but also systemic distrust of the state and the justice system. Distrust, in turn, harms the state and justice far more than even one unpunished criminal.

And since the government is not only not immune from such mistakes but is also naturally inclined to abuse power arbitrarily and maliciously, the presumption of innocence also serves as a protective mechanism for the individual against the state. Therefore, it is not just a procedural guarantee, but one of the fundamental pillars of a democratic state.

### Challenges to the Presumption of Innocence in Georgia

In Georgia, the presumption of innocence is being tested, especially given the current political context. The present reality shows that common courts are considering numerous cases whose initiation, course, and outcomes are closely related to the interests of the "Georgian Dream" party. These cases are used for both political retribution and silencing critics.

Against this backdrop, the question arises: To what extent is the principle of the presumption of innocence upheld, and does it truly protect individuals who find themselves in an unequal position against the state's power?

### Main Elements of the Presumption of Innocence

The presumption of innocence, as a component of the right to a fair trial, refers to the accused's right to be considered innocent until proven guilty in accordance with the law and through a court's conviction.<sup>4</sup> It is not just an abstract principle but consists of several specific legal guarantees, each of which forms the foundation of an individual's legal security.

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<sup>3</sup> Adams' Argument for the Defense: 3-4 December 1770

<sup>4</sup> The right arises from the moment a person is charged and continues until the court delivers a guilty verdict against them. It should be noted that the eventual finding of a person's guilt does not justify violating the presumption of innocence before a guilty verdict is rendered.

According to the European Court of Human Rights' practice, two aspects of the presumption of innocence can be distinguished:

- The first refers to the procedural guarantees of the trial process of the ongoing criminal case.
- The second - protection for those who have not been convicted or whose criminal proceedings have been terminated. Namely, guarantee that public officials and authorities will not treat such individuals as if they were guilty.

Without this second aspect, the presumption of innocence could become a theoretical and illusory principle, as an individual's reputation remains at risk even after the criminal process has ended, which impacts their social status and legal position.<sup>5</sup>

As for the procedural guarantees during the trial, the presumption of innocence includes the following elements:<sup>6</sup>

- At no stage of the trial should the court operate with a presumption of guilt regarding the accused. Therefore, no judge's actions, statements, or interim decisions should express an opinion on the guilt of the accused.
- The court's decision must be based on evidence and be well-reasoned.
- The burden of proof lies entirely with the prosecution; the accused is not required to prove their innocence. The accused has the right to remain silent and the right not to testify against themselves. Accordingly, a verdict based on the exercise of this right might contradict the presumption of innocence.<sup>7</sup>
- Any doubt not supported by the evidence should be resolved in favor of the accused.
- The prosecution must fully and promptly provide the accused with information regarding the charges brought against them.
- The accused should be given sufficient time and means to prepare their defense.

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<sup>5</sup> Allen v. The United Kingdom, no. 25424/09, 12/07/2013, paragraph 94. <https://hudoc.echr.coe.int/eng?i=001-122859>

<sup>6</sup> Article 6 (criminal limb) Presumption of innocence, ECHR-KS, last updated: 28/02/2025. <https://ks.echr.coe.int/documents/d/echr-ks/presumption-of-innocence>

<sup>7</sup> However, in cases where the prosecution presents strong evidence that requires appropriate explanations from the accused, and the accused remains silent, the court may take such silence into account and draw conclusions based on common sense. However, it is obliged to rule out other possible reasons that could have caused the silence. See: John Murray v. The United Kingdom, no. 18731/91, 08/02/1996, Paragraph 54. <https://hudoc.echr.coe.int/eng?i=001-57980>

Moreover, the presumption of innocence is not a principle that applies solely within the walls of the courtroom. It also protects the individual in the public sphere. Specifically, the presumption of innocence precludes public officials and authorities from referring to the accused in such a way or making statements that on the one hand, encourage the public to believe in the person's guilt; and pose a risk of influencing the court's impartiality or forming preconceived opinions about the case, on the other.<sup>8</sup>

This does not preclude public officials from commenting on a case of significant public interest. However, they must be cautious and ensure that any statement made before a person is found guilty by the court is carefully formulated. Only expressing a supposition does not constitute a violation of the presumption of innocence, unlike making definitive statements. The terminology, formulation, context, and surrounding circumstances all play a crucial role.

As for the prosecution, as the party bringing charges, its representatives have more leeway to express their position on the person's guilt in court. However, they also have an obligation to uphold the presumption of innocence, especially when making statements outside the court - at press conferences or in TV interviews.<sup>9</sup> In such cases, only facts should be provided (but not manipulatively). The prosecution must refrain from making conclusions.

### **Presumption of Innocence in Cases Concerning Persons Detained at Pro-European Rallies**

In ongoing high-profile cases, media outlets often disseminate video footage and information reflecting the proceedings, which, at a minimum, casts doubt on the prosecution's claims and makes it difficult to believe that the accused's guilt is being proven according to the "beyond a reasonable doubt" standard. Nevertheless, we are deprived of the opportunity to assess whether the presumption of innocence was violated during the trial stage in court. It is highly likely that the European Court of Human Rights will provide answers to these questions.

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<sup>8</sup> The European Court of Human Rights assessed as a violation of the presumption of innocence the act of a high-ranking police official referring to a person as guilty during a press conference without a court having delivered a guilty verdict. In the Court's view, this statement clearly amounted to a confirmation of the accused's guilt, which, first and foremost, encouraged the public to believe in their culpability and, at the same time, could lead judicial bodies to form a preconceived opinion. See: *Allenet de Ribemont v. France*, no. 15175/89, 10/02/1995, Paragraph 41. <https://hudoc.echr.coe.int/eng?i=001-57914>

<sup>9</sup> *Fatullayev v. Azerbaijan*, no. 40984/07, 22/04/2010, Paragraph 159-163. <https://hudoc.echr.coe.int/eng?i=001-98401>; *Butkevicius v. Lithuania*, no. 48297/99, 26/03/2003, Paragraph 46-54. <https://hudoc.echr.coe.int/eng?i=001-60344>

However, we can evaluate the actions and statements whose primary target audience was the public. Therefore, the main focus of this article will be on how public opinion is manipulated and how, before the court reaches a decision, the accused is declared guilty - creating a portrait of the person as a criminal.

### Defendants Behind Bars Against Government Propaganda

When discussing the cases of those detained during pro-European rallies, defendants often address both political officials and the court directly, urging them to respect and uphold the presumption of innocence.

Regardless of how hopeless they may feel about the criminal proceedings and their eventual outcome, it remains of utmost importance for defendants that, at the very least, their dignity and reputation are preserved during the process. In fact, the prospect of imprisonment may trouble them less than the way society perceives them, how their name will be tarnished, and how their family members outside prison will cope with the daily social pressure.

Any action or statement that preemptively shapes the public's perception of them as criminals undermines this fundamental principle and places those behind bars in an unequal position. Such defendants, lacking both equal footing and the resources to defend their truth before the public and the court, are unable to counter the systematic information campaigns waged by powerful actors.

In this respect, it is worth noting the legislative restrictions on court hearing coverage,<sup>10</sup> which have given the ruling party Georgian Dream even more space for manipulation, while stripping defendants of the opportunity to fight the propaganda machine and communicate with the public.

On the contrary, we are witnessing systemic attempts to manipulate public opinion and discredit defendants, portraying them as dangerous criminals, enemies of the country, and agents of foreign influence. This tendency is evident even in already concluded cases.

On 10 July 2025, Tbilisi City Court found Saba Jikia, a participant in a pro-European rally, guilty of assaulting a police officer and sentenced him to four years and six months in prison. The verdict was swiftly picked up by pro-government media. "TV Imedi" posted a prosecution video on social media with the caption:

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<sup>10</sup> Tamar Ketsbaia - The Court Wide Shut." Research Institute Gnomon Wise, 07/07/2025. <https://gnomonwise.org/ge/publications/analytics/274>

*“Saba Jikia, who attacked a police officer with a knife, has been sentenced to four years and six months in prison.”<sup>11</sup>*

“POSTV Analytics” published on its Facebook page a specially created AI-generated illustration titled: *“A prisoner of conscience” to the opposition; in reality - violent criminal Saba Jikia.* The illustration depicted a young man (intended to be Jikia) holding a knife in the foreground, with the Parliament building engulfed in flames, the EU flag, and a fallen police officer being assaulted by youths in the background.<sup>12</sup>

According to media reports, however, Jikia’s lawyer and other trial attendees stated that the knife used in this portrayal, which the pro-government media employed to depict him as a brutal aggressor, was not mentioned in the indictment and was never examined in the case. Therefore, the court did not assess whether Jikia was armed, let alone whether this object was a knife.<sup>13</sup>

This example clearly illustrates the scale of propaganda conducted by Georgian Dream against pro-European rallies and its participant detainees, aided by the effective closure of court proceedings to the broader public.

The goal of this propaganda is to convince society that the court’s decision was fair, even lenient, toward defendants portrayed as brutal criminals controlled by external forces. To achieve this, public opinion is manipulated, facts are distorted, and attention is shifted from substantive issues to less significant or entirely fabricated points.

The main prosecution evidence, a video purportedly proving Jikia’s criminal act, would inevitably raise public doubts, as it shows the accused only briefly and does not unequivocally confirm any physical contact with the police officer. This raises further questions: Is the evidence sufficient to prove the alleged crime? Is the imposed sentence proportionate? To avoid such questions, propaganda requires shifting the focus (further aggravating the facts) and overlaying the evidence with alternative narratives.

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<sup>11</sup> “Saba Jikia was sentenced to 4 years and 6 months imprisonment”, TV Imedi, Facebook, July 10, 2025. <https://www.facebook.com/watch/?v=1258183628610241>

<sup>12</sup> “A prisoner of conscience” - in reality, a violent criminal Saba Jikia, POSTV - Analytics, Facebook, July 10, 2025. <https://www.facebook.com/photo/?fbid=745466774517239&set=a.262044246192830>

<sup>13</sup> “What do the knife and Saba Jikia’s case have in common”, Radio Liberty, July 10, 2025. <https://www.radiotavisupleba.ge/a/რა-შეჯამის-დანა-საბა-ჯიქიას-საქმესთან/33470585.html>

One such narrative, that the rally was orchestrated by foreign powers, is strongly conveyed in the aforementioned illustration, where the burning Parliament is shown alongside the EU flag. This narrative gains particular weight when political officials themselves emphasize it to the public.

The ongoing case of Mzia Amaghlobeli, accused of assaulting a police officer, demonstrates numerous such statements. Defense lawyers repeatedly - though unsuccessfully<sup>14</sup> - requested the questioning of politicians who described Amaghlobeli's actions as organized and funded by outside forces.

It can be assumed that in the Amaghlobeli case, there is a systematic disregard for the presumption of innocence by both political officials and the court. Amaghlobeli was arrested on January 11, 2025, and no guilty verdict has yet been issued against her. Nevertheless, periodic television statements have asserted her guilt. These remarks are formulated to both discredit Amaghlobeli personally and leave the impression of an attempt to influence the court and dictate the verdict.

Below, we will chronologically present several statements that clearly demonstrate these systematic violations of the presumption of innocence and substantiate the concerns outlined above.

### January 13

*"This is the simplest case, where a woman slaps a police officer in the face. Now we should agree on this, it's simple. **When a person assaults a police officer live on air, should they be punished or not? If this question is asked, then yes. Then that person is lawfully detained - that's it!**" – [said Mamuka Mdinaradze](#).*

### January 15

*"Everyone must understand that a police officer is untouchable, a police officer represents the state, represents the strength of the state, and especially when we are talking about a high-ranking police official, such an act against him is utterly unacceptable. And not only unacceptable, but it is also a very serious criminal offense. The rest will be decided by the court, **but everything is as clear as day**. Such an act is utterly unacceptable, **it is a crime, and of course, in such a case, the state is obliged to take appropriate measures**. The*

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<sup>14</sup> „The judge did not grant the motion to question Irakli Kobakhidze and Nino Tsilosani in the case of Mzia Amaghlobeli”, NEWS On.ge, July 14, 2025. <https://on.ge/story/146176-მზია-ამაღლობელის-საქმეზე-კობახიძისა-და-წილოსანის-დაკითხვის-შუამდგომლობა-მოსამართლემ-არ-დააკმაყოფილა>

*state, within its competence, takes all necessary measures in response to every fact. I don't know what kind of editing is being talked about, when everything is right in front of us, everything is visible in the footage - how a so-called journalist physically assaults a police officer. In reality, this person is not a journalist, but a party activist. However, this also does not matter for the investigation. For the investigation, what matters is that there are signs of a crime, and regarding this, it is the court that must deliver the verdict."* – [said Irakli Kobakhidze](#).

#### January 29

*"I wish health to everyone, including Ms. Mzia Amaghlobeli and any prisoner. But I have a question: why was she detained? Attacking a police officer, striking them, is categorically unacceptable. We are all human beings, anyone can make a mistake, we are ordinary people and all of us have made mistakes. But when a person commits a crime, **isn't it a crime when you hit a police officer?** I don't remember, I haven't heard, and I am sure no one has heard all this time even a word of remorse, at least coming out and saying humanly: I made a mistake, forgive me."* – [said Kakha Kaladze](#).

#### January 30

*"...When it comes specifically to Mzia Amaghlobeli, responsibility must be taken by her donors. **You know that she is a person funded from abroad.** Her organizations are financed from abroad, and **none of her donors is taking responsibility for the violence that this woman committed against the police. Every one of her donors, each organization that gave her money, is responsible for the partisan political violence committed by Mzia Amaghlobeli.** Accordingly, if anyone wants to talk about something, first of all, they should repent and express regret for encouraging violence..."*

*"...In this case [of Mzia Amaghlobeli], we are talking about a crime that was openly committed by a specific person in front of cameras, meaning the crime is absolutely clear..."* – [said Irakli Kobakhidze](#).



**February 3**

*"She deliberately assaulted the head of police in order **to damage his reputation** in the eyes of his subordinates, those under his command - that truly heroic police officer. **This is something taught through trainings.**" – [said Mamuka Mdinaradze](#).*

**April 16**

*"Mzia Amaghlobeli is not a victim. **She was fulfilling a specific order, and her task was to demean the police and insult its dignity.** Most of those in prison are victims of propaganda." – [said Irakli Kobakhidze](#).*

**May 7**

*"I have the same impression now. **Just like all the other members of their groups, not only Mzia Amaghlobeli but unfortunately everyone else also acts under orders.***

***I am deeply convinced of this.** It is unimaginable otherwise, considering what these people are doing. **I'm talking about perceptions, facts, and impressions.** In general, we have specific information about these groups. **It is a fact that Mzia Amaghlobeli participated in those agent-driven activities staged in Georgia against the government, in those revolutionary scenarios.** In this particular case as well, she struck the head of police. The rest is a matter of interpretation, perception, impression, and emotion."*

*"Mzia Amaghlobeli is a presumed criminal, something that will ultimately be confirmed by a court verdict." – [said Mamuka Mdinaradze](#).*

**June 26**

*"It is an anti-standard of a man and a woman, when one person slaps another in the face. Especially when that other person is a police officer, whose duty is to protect the rights and safety of the very citizen who assaulted him, **and when this slap occurs on order, for money, for hire, and as part of agent activity.**" – [said Nino Tsilosani](#).*

July 10

*"They intended to demean Georgia's law enforcement structures because they know very well that if law enforcement is weakened, the state as a whole will be weakened. And of course, in this respect, Mzia Amaghlobeli fulfilled a specific order. She attempted to demean specific law enforcement structures, to demean the police, but for this, she received exactly the response that must be given to such an act in a rule-of-law state. Those who try to undermine statehood are upset about this, but of course, it will not succeed. We will fully defend the interests of our state." – [said Irakli Kobakhidze](#).*

The statements presented above, are only a portion of the political remarks made about the case of Mzia Amaghlobeli. However, they are sufficient to reveal the unified rhetoric of Georgian Dream and the messages directed to both society and the court.

Barely two days after the incident in question, high-ranking political officials began voicing their opinions on Amaghlobeli's case, and they have continued to repeat them periodically. The authors of these statements clearly assert that Amaghlobeli committed a crime. Notably, they don't just mention the slap; they also provide a legal qualification for it. They speak of motives and intent and even portray the act as one that was commissioned.

It is also striking that even in those parts where we see some acknowledgment of the court's prerogative to issue the final decision, the rhetoric insists that the court will not and cannot decide otherwise. Thus, the legal outcome is already announced in advance and awaits only formal confirmation.

The open declaration by a representative of another branch of government that, in a rule-of-law state, there is no alternative to punishment for such an act (for example, Irakli Kobakhidze's statement of July 10) should be regarded as a direct signal to the judiciary. Similarly, the suggestion that the court must not only respond to the act of an individual but also protect the police uniform and save the state from a foreign-orchestrated coup serves as a pointed instruction.

Against the backdrop of such messaging directed at the courts regarding ongoing cases, the legislative changes of June 26, 2025, seem all the more cynical. Although their declared aim was to safeguard judicial independence, in reality, this sort of suggestive influence is something only Georgian Dream politicians

can exercise. Critically minded individuals, by contrast, typically confine their dissatisfaction with court decisions to negative comments.

Mzia Amaghlobeli is not the only person the Georgian Dream political elite has targeted in its effort to construct an image of guilt in the public mind. However, unlike Amaghlobeli, who is subjected to a direct and harsh campaign, other detainees from the rallies are referred to more indirectly. Politicians make more general statements about them, placing them in a broader political context.<sup>15</sup>

### Visual Verdict: How the Image of a Criminal Is Created in Court

Shaping public attitudes through official statements is not the only way in which the presumption of innocence is undermined. This can also be quite visibly observed in the case of Mzia Amaghlobeli.

In particular, it is worth noting how the defendant is presented during the trial. This is significant because, beyond the active actions and public remarks that may directly suggest guilt, there are additional factors that subtly influence the observer's psychology and push them to perceive the accused as a dangerous criminal.

A major role in shaping this perception can be played by the defendant's placement in a special enclosed space inside the courtroom, being kept in handcuffs, or by the deployment of a disproportionate amount of force, measures not strictly necessary for security but which exaggerate the impression of a potential threat. This encourages the public to see the defendant as dangerous.

In 2009, the European Court of Human Rights ruled that such practices in Georgian courts amounted to a violation of human rights in the case *Ramishvili and Kokhleidze v. Georgia*. The Court explained that

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<sup>15</sup> "What matters to us is that these people repent for the actions they committed. You saw how violent those actions were at the time, how they were attacking police officers, state buildings, and so on. The important thing is that these people repent for those actions and for the fact that, in reality, they stood by the collective United National Movement at that time," - said Irakli Kobakhidze, commenting on the letter released on behalf of those detained during the rallies. Publika, May 21, 2025.

<https://www.facebook.com/photo.php?fbid=1452175582848654&set=pb.100041686795244.-2207520000&type=3>; "The vast majority of those people who are in prison today are, I would say, victims. Such a large-scale propaganda campaign was carried out against our country, and foreigners were involved in it as well - ambassadors, even higher-ranking officials, and so on. Naturally, society is made up of different kinds of people: some live in one kind of family, others in another, some are more susceptible to propaganda, some less. ...Most of these people, especially the young, are of course victims. Therefore, our general attitude toward them should be humane. This does not mean, however, that the law should not be enforced." - said Irakli Kobakhidze. Publika, April 16, 2025. <https://www.facebook.com/photo.php?fbid=1425174972215382&set=pb.100041686795244.-2207520000&type=3>

placing defendants in barred enclosures during hearings, and thus portraying them in a hostile and harsh light without necessity, not only violated the presumption of innocence but also constituted degrading treatment. For the ordinary observer, it created the impression that the court was dealing with “extremely dangerous criminals.”<sup>16</sup>

Despite this judgment, monitoring of high-level trials by OSCE/ODIHR in 2013 still revealed similar practices. Its 2014 report<sup>17</sup> documented that defendants were frequently placed for the entire hearing inside glass boxes or, in some cases, cages. Where such facilities were not available, they were confined to small enclosures marked off by a low wall of about one meter. In addition, each detained defendant was guarded by between two and five security officers.

In Mzia Amaghlobeli’s case as well, she is confined inside a special glass enclosure, contributing further to her portrayal as a dangerous criminal in the public eye.

Interestingly, during her testimony, Amaghlobeli’s lawyers filed a motion requesting that she be allowed to sit in the place designated for witnesses so that her questioning could proceed from there. The motion was denied. As one lawyer reminded the judge, *“Even defendants accused of armed robbery were taken out of these enclosures when they gave testimony in this very courtroom.”*<sup>18</sup> Nevertheless, the judge did not allow Amaghlobeli to leave the glass box even briefly. This further reinforced the impression that the judge regarded her as dangerous - or, at minimum, wished to foster that perception among the public.

This trend is not confined to Amaghlobeli’s case. The use of isolated enclosures has repeatedly been an issue in other trials as well. The problem becomes especially acute when multiple defendants are confined together, making communication with their lawyers difficult and forcing them to endure hours in such cramped and harsh conditions, which can become unbearable.

### Pre-Trial Detention Practices and Their Possible Effect on the Presumption of Innocence

The use of pre-trial detention as a preventive measure is also noteworthy, particularly its frequent application in ongoing proceedings. The system has made exceptions only for those politicians accused of

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<sup>16</sup> Ramishvili and Kokhreidze v. Georgia, no. 1704/-6, 27/01/2009, Paragraph 100.

<https://hudoc.echr.coe.int/eng?i=001-90941>

<sup>17</sup> Trial Monitoring Report - Georgia, OSCE Office for Democratic Institutions and Human Rights (ODIHR), December 9, 2014. p. 189. <https://www.osce.org/files/f/documents/b/1/130686.pdf>

<sup>18</sup> “Mzia Amaghlobeli was questioned. What did she say at the court - report coverage”, Batumelebi, July 14, 2025. <https://batumelebi.netgazeti.ge/slideshow/580268/>

failing to appear before a parliamentary commission, who agreed to pay bail. In all other cases, regardless of circumstances, the courts applied pre-trial detention in a formulaic manner.

For example, in the case of Zurab “Girchi” Japaridze, who was accused of failing to appear before the Parliamentary commission, the court imposed pre-trial detention as a preventive measure because he refused to pay bail. This decision raises even more questions considering that Japaridze was attending court almost daily for other hearings, making it clear that there was no risk of flight. Nor, given the nature of the case, could he have destroyed any evidence or otherwise obstructed justice. The situation appeared even more questionable when his bail hearing took place under unprecedentedly heavy security, with interested parties barred not only from entering the courtroom but even from standing in the courtyard. This may well have been a tactical move to reinforce perceptions of his guilt and of him as a threat.

It is also striking that one of the grounds for pre-trial detention is the alleged risk of committing a new crime, which inherently conflicts with the presumption of innocence. Claiming that a person *will* commit another crime implies, to some degree, an assumption of guilt and frames the accused as a threat to society. At one hearing, Rezo Kiknadze (detained during the pro-European rally) reasonably asked the judge how it was possible to claim there was a risk of “new” crime when he had not been convicted of any “old” crime by a final judgment.<sup>19</sup> Moreover, in the case of politicians, pre-trial detention did not prevent the risk of re-offending: already detained individuals were once again summoned by the commission chairman, and politicians again refused to appear.

To date, in such high-profile cases, there has been no instance of the court revising a preventive measure and deciding to release a defendant before the final judgment. On the contrary, the courts have often rushed the proceedings, which defense lawyers interpret as an attempt to fit within the constitutional nine-month limit and avoid having to release defendants before a verdict.

While the use of pre-trial detention is not in itself a violation of the presumption of innocence, the surrounding circumstances matter: the factual basis, the justification of risks, the proportionality, and the duration of detention. When pre-trial detention is not properly justified and does not clearly serve the

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<sup>19</sup> “A risk for convicting a new crime [they said]. I don’t even know anything about the old one yet... I have never been fined even for a bus ticket” - Rezo Kiknadze.” Alia.ge, 05/01/2025. <https://www.alia.ge/akhali-danashaulis-chadenis-saphrthkheo-jer-dzveli-ar-vitsi-avtobusis-jarimats-ki-arasdros-mqonia-rezo-kiknadze/>

legally defined purposes as a measure of last resort, it creates the impression of arbitrariness and of a pre-formed conviction of guilt.

Pre-trial detention both restricts the defendant's ability to effectively defend themselves in court and increases the risk that society will perceive them as guilty, especially when they are confined in isolation and treated as dangerous criminals. Taken together with the other practices described above, such detention poses a significant risk of violating the presumption of innocence.

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In Georgia's current political context, the presumption of innocence, as a means for protecting individuals from the state, itself requires protection. The presented examples show that *Georgian Dream*, when its political interests are at stake, does not even attempt to respect this principle formally or show deference to the courts. Instead, it announces verdicts publicly, leaving no room for doubt.

By framing their rhetoric in the name of "state interests," Georgian Dream leaders not only sacrifice individual defendants but also undermine the credibility and institutional authority of the entire justice system. The courts, which should be the last guarantee of fairness, instead intensify public perceptions of guilt and provide legal formalization of verdicts already announced by politicians. To date, there has not been a single case where a court decision diverged from the political message of Georgian Dream.

Thus, these clear and systematic violations of the presumption of innocence should not be seen as isolated infringements on individual rights. They are alarming signs pointing to the structural erosion of rule of law in Georgia.