

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

FOURTH SECTION

CASE OF VEKUA v. GEORGIA

(Application no. 43537/22)

JUDGMENT

Art 6 § 2 • Presumption of innocence • Administrative courts' annulment of an administrative act for being based on a fraudulent document obtained by the applicant, referring to evidence and findings from earlier criminal proceedings against her for fraud discontinued as time-barred • Wording used by the administrative courts could not reasonably be read as an affirmation imputing criminal liability to the applicant considering the nature and context of administrative proceedings and the specific legal language used

Prepared by the Registry. Does not bind the Court.

STRASBOURG

16 December 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.



In the case of Vekua v. Georgia,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Jolien Schukking*, President*,
Lado Chanturia,
Faris Vehabović,
Lorraine Schembri Orland,
Ana Maria Guerra Martins,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,
and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to:

the application (no. 43537/22) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Georgian national, Ms Nana Vekua ("the applicant"), on 2 September 2022;

the decision to give notice to the Georgian Government ("the Government") of the complaints under Article 6 §§ 1 and 2 of the Convention and Article 1 of Protocol No. 1;

the parties' observations;

Having deliberated in private on 25 November 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case mainly concerns an alleged violation of the applicant's right to be presumed innocent and the overall fairness of administrative proceedings initiated following the discontinuance of criminal proceedings against her as time-barred. She complained under Article 6 §§ 1 and 2 of the Convention and under Article 1 of Protocol No. 1.

THE FACTS

2. The applicant was born in 1957 and lives in Poti. She was represented by Ms N. Bukia, a lawyer practising in Poti.

3. The Government were represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

I. BACKGROUND INFORMATION

5. On 13 December 1991 the Poti municipality issued decision no. 1/322 transferring possession of two buildings in the city of Poti to Interterminali-Poti Ltd, a company founded by the applicant ("the decision of

13 December 1991"). The plot of land on which the buildings were situated, measuring 3,516 sq. m, was subsequently transferred into the possession of the above-mentioned company on 17 March 1993. On 31 December 1998, at the applicant's request and on the basis of, among other documents, the decisions of 13 December 1991 and 17 March 1993, the Public Registry registered the title to the plot concerned in the company's name.

6. On 21 August 2009 the applicant bought half of the above-mentioned plot, measuring 1,750 sq. m, from the then director of the company ("the agreement of 21 August 2009"). According to the case file, the applicant sold her shares in that company sometime in 2010.

II. CRIMINAL PROCEEDINGS

7. On 18 June 2012 a criminal investigation was initiated into allegations that the applicant had had her title to the plot concerned registered in a fraudulent manner. The investigation concluded that the applicant, who had been working for the Poti municipality as head of the Economic Affairs Department since 10 July 1991, had obtained a falsified document – specifically, the decision of 13 December 1991, purportedly adopted by the Poti municipality, and by which two buildings had been transferred into the possession of Interterminali-Poti Ltd, a company established by her. On 31 December 1998 the Public Registry, acting at the request of the applicant and on the basis of, among other documents, that falsified decision, had registered the title to the plot, comprising the two buildings and the underlying land, in the name of the company. On 21 August 2009 the applicant had bought half of that plot from her own company. On the basis of the purchase agreement, the Public Registry had then registered the applicant's title to half the plot concerned. The prosecution decision further stated that the respective buildings, while being State property, had at the material time been assigned to the Ministry of Defence. The National Agency of State Property ("the Property Agency") was granted victim status in the above-mentioned investigation.

8. On 17 May 2017 the investigation was discontinued because the limitation period had expired. The decision by the prosecutor to discontinue the proceedings stated that the applicant had committed aggravated fraud under Article 180 § 3 (b) of the Criminal Code by using a forged document to register the title to the plot of 3,516 sq. m in her company's name. Nonetheless, in view of the limitation period provided for in Article 71 § 1 (g) of the Criminal Code, and on the basis of Article 105 § 1 (e) of the Code of Criminal Procedure, the applicant was exempted from criminal liability.

9. On 25 May 2017 the applicant lodged an appeal with the Chief Prosecutor of Georgia against the above-mentioned decision. She disputed the results of the investigation, maintaining her innocence, and argued that

the decision violated her reputation and honour. Her appeal was rejected by a final decision of the Poti Regional Prosecutor on 13 June 2017.

III. ADMINISTATIVE PROCEEDINGS

10. On 28 June 2017, one month after the discontinuation of the criminal proceedings, the Property Agency instituted civil proceedings against the Public Registry, the applicant, and the former director of the company. The Agency sought, among other things: the annulment of the decision of 31 December 1998 registering the title to the disputed plot in the name of the applicant's company; the annulment of the agreement of 21 August 2009 under which the applicant had bought half of the plot of land on which the two buildings were situated from her own company; and an award of damages (see paragraphs 5 and 6 above). On 30 June 2017 the Poti City Court granted an application by the Property Agency for an interim freezing order in respect of the applicant's property.

11. On 6 June 2019 the Poti City Court divided the proceedings into two separate sets of proceedings. The first set of proceedings, to be heard in the administrative courts, concerned the question of the annulment of the administrative act of 31 December 1998; and the second set of proceedings, to be heard in the civil courts, concerned the Property Agency's remaining claims, including those against the applicant, with a request to annul her property title and seek damages. The Public Registry was the respondent in the first set of proceedings, while the applicant was joined as a third party under Article 16 of the Code of Administrative Procedure. At the applicant's request, the examination of the civil case was suspended pending the outcome of the administrative case.

12. On 28 January 2020 the Poti City Court annulled the registration of Interterminali-Poti Ltd's title to the plot of 3,516 sq. m in question. The first-instance court referred to the decision of 17 May 2017 discontinuing the proceedings and to the evidence reproduced therein, as well as other evidence submitted by the parties in the administrative proceedings, concluding that the decision of the Poti municipality dated 13 December 1991 had been falsified. It further concluded that the registration of the company's title on 31 December 1998 had been based on that falsified document and that, without it, the request to register the title to the plot in question in the name of the applicant's company would not have been granted. The relevant part of the decision read as follows:

> "10.5 The decision of 17 May 2017 by the Poti District Prosecutor discontinuing the criminal case [forming part of the present case] established that decision no. 1/322 of 13 December 1991 taken by the Poti municipality, according to which ... buildings were purportedly transferred to Interterminali-Poti Ltd, had been forged. The same decision [discontinuing the criminal proceedings] established that [the applicant] knew that [the Poti municipality's] decision was forged, since the substance of [that decision] was

beneficial to her as it conferred a proprietary interest on the company established by her ...”

13. The Poti City Court then reproduced in detail the evidence and findings as set out in the prosecutor’s decision discontinuing the criminal proceedings, including the following conclusion:

“... it is unequivocal and unambiguous to an objective person that the preparation and subsequent use by [the applicant] of the forged decision no. 1/322 of 13 December 1991 ... served as a means to acquire possession of another’s (the State’s) immovable property and to derive pecuniary benefit, which she did ultimately obtain.”

14. The court then examined the 13 June 2017 decision of the Poti Regional Prosecutor, which confirmed the results of the investigation and rejected the applicant’s appeal against the discontinuation, and noted the following:

“10.6 The court fully agrees with the factual circumstances, legal assessment and conclusion set out in the above-mentioned decision regarding the forged decision no. 1/322 of 13 December 1991 by the Poti municipality.

The court notes that, in accordance with Article 106 § 1(1) of the Code of Criminal Procedure of Georgia, the decision of a higher prosecutor to discontinue an investigation and/or criminal prosecution is final and is not subject to appeal. Procedural legislation does not provide for any other mechanism for appealing against such a decision.

Therefore, the court accepts the above-mentioned decision of the prosecutor as evidence confirming that the document – decision no. 1/322 of the Poti municipality dated 13 December 1991 – was forged.”

15. Lastly, in the context of Article 22 of the Code of Administrative Procedure, which regulates the procedure for challenging administrative acts in court (see paragraph 23 below), the Poti City Court considered that the Property Agency had lodged its application in time, that is, within one month of becoming aware of the prosecutorial decision regarding the fraudulent nature of the disputed 31 December 1991 decision.

16. On 9 March 2020 the applicant lodged an appeal, alleging a violation of her property rights. She maintained that the decision of 13 December 1991 had not been forged and that, in the absence of a forensic report, there was no basis for such a conclusion. She further alleged that the Poti City Court, without having conducted its own examination of the evidence, had based its decision on the findings of facts set out in the prosecutor’s decision of 17 May 2017, treating it essentially as *res judicata*. She also complained in that connection of a breach of her right to be presumed innocent.

17. On 20 July 2021 the Kutaisi Court of Appeal upheld the first-instance decision. In so far as relevant, the appeal court decision read as follows:

“Pursuant to the Poti District Prosecutor’s decision of 17 May 2017 discontinuing the criminal case [which is part of the present case], the investigation established that the Poti municipality’s decision no. 1/322 dated 13 December 1991 ... was forged.

> The decision of 17 May 2017 notes: '[the applicant] knew that the impugned decision was forged, since the substance of [that decision] was beneficial to [her] as it conferred a proprietary interest on a company established by her ...' The above conclusion was reached by the prosecutor on the basis of the following factual circumstances established by the investigation ...

18. Having recapitulated in detail the evidence obtained during the criminal investigation, the appeal court also considered the evidence examined in court, notably, additional information provided by the Ministry of Defence and the Property Agency concerning the nature of the property at stake. The Kutaisi Court of Appeal then concluded the following:

> "Accordingly, the case materials unequivocally prove, on the one hand, the falsification of the Poti municipality's decision no. 1/322 of 13 December 1991, and on the other hand, the unlawfulness of decision no. 472 of 31 December 1998, inasmuch as the [latter] is based on the forged document ..."

19. The Kutaisi Court of Appeal did not address the applicant's argument that the lower court had referred to the prosecutor's decision as the basis for establishing the fraudulent nature of her conduct, and that there had consequently been a violation of her right to be presumed innocent.

20. On 16 March 2022 the Supreme Court of Georgia rejected as inadmissible an appeal on points of law by the applicant. The Supreme Court observed that the decision of 13 December 1991 had served as a basis for registering the property concerned in the name of the applicant's company. It further summarised the evidence from the criminal case file as well as other evidence provided by the parties and came to the following conclusion:

> "In view of all the above-mentioned [considerations], the cassation court fully endorses the appeal court's conclusion that the registration [of the title] did not comply with the registration-related legislation in force at the material time, since [the applicant's company] did not hold a document conferring the right to possess the land ..."

RELEVANT LEGAL FRAMEWORK

21. Article 1 of the Code of Administrative Procedure provides that, unless otherwise specified, the examination of administrative cases is to be conducted in accordance with the rules and procedures set forth in the Code of Civil Procedure.

22. Article 16 of the Code of Administrative Procedure authorises a court to notify a person whose interests may be affected by its decision to initiate administrative proceedings, and to join that person to the case as a third party. Paragraph 2 of Article 16 provides that a third party must be joined as a party to the proceedings where he or she is a party to the legal relationship in respect of which the court is empowered to give a decision of a general nature. Such a third party enjoys all the rights and bears all the obligations of a claimant or defendant in the proceedings.

23. Under Article 22 of the Code of Administrative Procedure, an interested party is entitled to challenge the validity of an administrative act (a piece of delegated legislation, or by-law) in court, if that legal act causes direct prejudice to his or her rights or legitimate interests. The statutory time-limit for bringing such a court action is one month, and that period is to be calculated from the moment the claimant first learned of the existence of the by-law in question.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 §§ 1 AND 2 OF THE CONVENTION

24. Relying on Article 6 §§ 1 and 2 of the Convention, the applicant complained that the administrative proceedings conducted with her involvement as a third party had been unfair and that the domestic courts had breached her right to be presumed innocent. The Court, which is the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018), will examine the above complaint from the standpoint of Article 6 § 2, which reads as follows:

> "2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."

A. Admissibility

1. The parties' submissions

25. The Government submitted that the applicant lacked victim status as the administrative proceedings in question had concerned solely the annulment of the administrative act forming the basis for the recognition of the title to the property in question in the company's name, and not hers. They noted that although the applicant had ceased to be the owner of the company in 2010, she had lodged the present application with the Court on her own behalf. They further noted that the civil proceedings concerning the applicant's property rights, which had been suspended at her own request, were still pending, which was further evidence that the administrative proceedings at the heart of the present application did not concern any of her rights *per se*. Alternatively, the Government argued that the applicant's complaint under Article 6 § 2 was inadmissible *ratione materiae*, as the administrative proceedings in question had not related to any criminal investigation or charge against the applicant, but had merely concerned the annulment of administrative acts. In that connection, they also raised a preliminary objection of failure to exhaust domestic remedies, as the

applicant had not brought proceedings in the domestic courts seeking compensation for the alleged damage to her reputation.

26. The applicant stated simply that she had appealed against the decision by the prosecutor to discontinue the criminal proceedings, arguing that its wording had violated her right to be presumed innocent, and that she had raised that issue throughout the administrative proceedings in question.

2. The Court's assessment

27. The Court will address the Government's inadmissibility pleas in turn.

(a) The applicant's victim status

28. The Court reiterates that the term "victim", in the context of Article 34 of the Convention, denotes the person or persons directly or indirectly affected by the act or omission which is in issue. A person cannot complain of a violation of his or her rights in proceedings to which he or she was not a party (see *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, § 92, ECHR 2012).

29. The Court observes that in the present case, after the initial proceedings had been divided into two separate sets of proceedings – administrative and civil – the Poti District Court joined the applicant as a third party in the administrative proceedings and examined her arguments pertaining to the alleged violation of her rights. The applicant was able to lodge an appeal (see paragraph 15 above) and then an appeal on points of law (see paragraph 20 above). Under domestic law, in cases where proceedings may affect the rights and obligations of a third party *vis-à-vis* the claimant or defendant, that party may be granted the status of a third party to the proceedings (see paragraph 22 above). By joining the applicant to the administrative proceedings as a third party, the domestic courts tacitly accepted that her rights might have been affected by their outcome. The Court is thus satisfied that the applicant's rights and obligations were at issue in the proceedings (see *Ezgeta v. Croatia*, no. 40562/12, §§ 32-33, 7 September 2017; compare *Khural and Zeynalov v. Azerbaijan (no. 2)*, no. 383/12, §§ 30-32, 19 January 2023, and *Margulev v. Russia*, no. 15449/09, § 36, 8 October 2019). In view of the foregoing considerations, the Court dismisses the Government's objection and finds that the applicant can claim to be a victim of the alleged violation of Article 6 § 2 of the Convention.

(b) Applicability of Article 6 § 2

30. The general principles concerning the applicability of Article 6 § 2 of the Convention in proceedings that follow the conclusion of criminal proceedings were most recently summarised in *Nealon and Hallam v. the United Kingdom* ([GC], nos. 32483/19 and 35049/19, §§ 120-25, 11 June 2024).

31. The Court points out that the administrative proceedings in the present case were instituted one month after the criminal proceedings against the applicant had been discontinued. The applicant was a suspect in the criminal investigation and had thus been "charged with a criminal offence" for the purposes of Article 6 of the Convention, until the proceedings against her were discontinued (see *Stirmanov v. Russia*, no. 31816/08, § 39, 29 January 2019, and *Agapov v. Russia*, no. 52464/15, § 32, 6 October 2020). The Court considers therefore that in the present case the second aspect of Article 6 § 2 of the Convention comes into play, the role of which is to prevent the principle of the presumption of innocence from being undermined after the relevant criminal proceedings have ended with an outcome other than a conviction (such as an acquittal, discontinuance of the criminal proceedings as statute-barred, the death of the accused, and so on) (see *Allen v. the United Kingdom* [GC], no. 25424/09, § 94, ECHR 2013).

32. In determining whether Article 6 § 2 applies to subsequent proceedings, the Court reiterates that whenever the question of the applicability of Article 6 § 2 arises in that context, the applicant must demonstrate the existence of a link between the concluded criminal proceedings and the subsequent proceedings. Such a link is likely to be present, for example, where the subsequent proceedings require examination of the outcome of the prior criminal proceedings and, in particular, where they oblige the court to analyse the criminal judgment, to engage in a review or evaluation of the evidence in the criminal file, to assess the applicant's participation in some or all of the events leading to the criminal charge, or to comment on the subsisting indications of the applicant's possible guilt (see ibid., § 104, and *Nealon and Hallam*, cited above, § 122).

33. The Court notes that the administrative proceedings at issue in the present case did not concern the applicant's property rights *stricto sensu.* However, these proceedings should be seen as the initial phase of the broader situation about which the Property Agency complained, namely, that the applicant was allegedly unlawfully recognised as the owner of part of the plot of land subject to the impugned decision of 31 December 1998. This is demonstrated by the nature of the related claims that the Property Agency submitted simultaneously against several defendants, including the applicant, and the fact that the civil courts suspended the examination of the civil case against the applicant pending the outcome of the administrative proceedings (see paragraphs 10 and 11 above). Furthermore, the Court observes that to examine the issue of the alleged unlawful nature of the disputed administrative act, the domestic courts had regard to the evidence and findings from the discontinued criminal proceedings. They undertook an evaluation of the evidence in the criminal file and assessed the applicant's participation in the events which had led to the criminal charge (see paragraphs 12-14, 17-18, and 20 above). This created a sufficient link between the discontinued criminal case and the administrative proceedings in

question, which can be seen in the domestic courts' assessment of the applicant's knowledge of the alleged falsified document (see, *mutatis mutandis*, *Ravier v. France*, no. 32324/22, § 30, 19 June 2025).

34. Regard being had to the above, the Court considers that the complaint cannot therefore be rejected under Article 35 § 3 (a) of the Convention as incompatible *ratione materiae* with the provisions of the Convention.

(c) Exhaustion of domestic remedies

35. The Court has previously accepted that a remedy under civil law can, in principle, be considered effective in respect of alleged violations of the principle of the presumption of innocence (see *Okropiridze v. Georgia*, nos. 43627/16 and 71667/16, §§ 113-15, 7 September 2023, and *Mamaladze v. Georgia*, no. 9487/19, § 63, 3 November 2022). It notes, however, that in the circumstances of the present case, the applicant framed her complaint under this head as being closely linked to the alleged breach of the principles of fairness and equality of arms during the administrative proceedings. The applicant argued that the domestic courts, taking into account the outcome of the discontinued criminal proceedings and without having undertaken their own assessment of the evidence, had treated her as guilty of fraud. In view of the procedural nature of the applicant's complaint in the present case, and pointing out that the Government have not explained how a purely compensatory remedy could have remedied an alleged violation of the presumption of innocence from the procedural standpoint in the context of the administrative proceedings, the Court considers that it was reasonable for the applicant to pursue the matter as part of the administrative proceedings without availing herself of a civil remedy (see, *mutatis mutandis*, *Mamaladze*, cited above, §§ 66-67; see also *Machalický v the Czech Republic*, no. 42760/16, § 38, 10 October 2024). The Government's objection as to inadmissibility raised in this regard must therefore also be dismissed.

(d) Other grounds of inadmissibility

36. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

37. The applicant argued that her right to be presumed innocent had been breached in the administrative proceedings. She maintained that the domestic courts had referred to the prosecutor's decision of 17 May 2017 as a substantive basis to conclude that she had committed the relevant offence,

even though her criminal prosecution had been discontinued and no evidence on that matter had been heard in the administrative proceedings.

38. The Government submitted that the domestic courts had thoroughly and comprehensively examined all the evidence submitted by the parties and had given a reasoned and well-substantiated decision as a result. They asserted that the prosecutor's decision was only one of many pieces of evidence considered by the courts. In that connection, they noted that the Property Agency had submitted more than 20 pieces of evidence, totalling 377 pages, in support of its claim.

2. The Court's assessment

(a) General principles

39. The Court reiterates that the second aspect of the protection afforded by the presumption of innocence comes into play when the criminal proceedings end with a result other than a conviction. It aims to protect individuals who have been acquitted of a criminal charge, or in respect of whom criminal proceedings have been discontinued, from being treated by public officials and authorities as though they are in fact guilty of the offence with which they had been charged. That is because those persons are innocent in the eyes of the law and must be treated in a manner consistent with that innocence. To this extent, therefore, the presumption of innocence will remain after the conclusion of criminal proceedings in order to ensure that, as regards any charge which is not proven, the innocence of the person in question is respected (see *Nealon and Hallam*, cited above, § 108).

40. Furthermore, regardless of the nature of the subsequent linked proceedings, and regardless of whether the criminal proceedings ended in an acquittal or a discontinuance, the decisions and reasoning of the domestic courts or other authorities in those subsequent linked proceedings, when considered as a whole, and in the context of the exercise which they are required by domestic law to undertake, will violate Article 6 § 2 of the Convention in its second aspect if they amounted to the imputation of criminal liability to the applicant. To impute criminal liability to a person is to reflect an opinion that he or she is guilty to the criminal standard of the commission of a criminal offence, thereby suggesting that the criminal proceedings should have been determined differently (ibid., § 168).

41. This approach reflects the fact that at national level judges may be required, outside the context of a criminal charge, to sit in cases arising out of the same facts as a previous criminal charge which did not result in a conviction. The protection afforded by Article 6 § 2 in its second aspect should not be interpreted in such a way as to preclude national courts in subsequent proceedings – in which they are exercising a different function to that of the criminal judge, in accordance with the relevant provisions of domestic law – from engaging with the same facts as were decided in the

previous criminal proceedings, provided that in doing so they do not impute criminal liability to the person concerned. A person who was acquitted or in respect of whom criminal proceedings were discontinued will remain subject to the ordinary application of domestic rules as to evidence and the standard of proof outside criminal trials (ibid., § 169).

42. Lastly, the Court reiterates that a judicial decision may reflect the opinion that the applicant is guilty even in the absence of any formal finding of guilt; it suffices that there is some reasoning suggesting that the court regards the accused as guilty (see *Böhmer v. Germany*, no. 37568/97, § 54, 3 October 2002; *Baars v. the Netherlands*, no. 44320/98, § 26, 28 October 2003; and *Cleve v. Germany*, no. 48144/09, § 53, 15 January 2015).

(b) Application of the general principles to the facts of the case

43. The Court notes that the criminal proceedings against the applicant were discontinued as the limitation period had expired. Consequently, by reference to the above-mentioned test, a violation of Article 6 § 2 of the Convention would only arise if the domestic courts, in the context of the subsequent administrative proceedings, regarded the applicant as guilty by imputing criminal liability to her. In assessing the compatibility of those decisions and their reasoning with Article 6 § 2 of the Convention, the Court will therefore focus on the language used by the courts, which is of critical importance in this regard (see *Fleischner v. Germany*, no. 61985/12, § 64, 3 October 2019, and *Pasquini v. San Marino (no. 2)*, no. 23349/17, § 53, 20 October 2020). It will also look at the context of the proceedings as a whole and any special features thereof in order to determine whether the administrative courts breached that provision (see *Agapov*, cited above, § 40).

44. The court observes that in the present case the administrative courts were tasked with determining whether the administrative act recognising the applicant's company's title to the disputed property – the Public Registry's decision of 31 December 1998 – should be annulled on the grounds that it had been based on a forged document obtained by the applicant. The Poti District Court, referring to the material in the criminal case file and other evidence submitted by the parties, concluded that the decision of 13 December 1991, on which the impugned decision of 1998 had relied, had been falsified and that the applicant had used it despite knowing that it had been forged (see paragraphs 12-14 above).

45. The findings of the Poti District Court were endorsed by the Kutaisi Court of Appeal and the Supreme Court, which, in different, more neutral terms, concluded that the decision of 13 December 1991 had been forged (see paragraphs 17-18 and 20 above). None of the above courts examined the applicant's actions with a view to determining whether they had amounted to the criminal act of fraud.

46. The Court reiterates that extra care ought to be exercised when formulating the reasoning in a civil judgment after the discontinuance of

criminal proceedings (see *Fleischner*, cited above, §§ 64 and 69). The first-instance court stated that it fully agreed with the factual circumstances, legal assessment and subsequent conclusion set out in the prosecutor's decision (see paragraph 14 above). The Court considers that this formulation is open to different interpretations and may be understood to suggest that the first-instance court, like the prosecutor, considered the applicant to have committed the impugned offence. Although the choice of words was unfortunate, this formulation cannot, in itself, amount to an explicit affirmation imputing liability for the criminal offence of fraud to the applicant. Having regard to the domestic decisions as a whole, the Court observes that the courts at all three levels of jurisdiction focused on finding that a certain public document had been falsified and that the applicant had knowingly used it to the benefit of her own company. They did not examine whether this amounted to the applicant committing fraud as such (contrast *Lagardère v. France*, no. 18851/07, §§ 84-87, 12 April 2012). The wording used by the administrative courts reflected their position that the applicant had benefitted from the falsified document, but not that the applicant had been guilty of that act (contrast *Pasquini*, cited above, §§ 62 and 64, and *Agapov*, cited above, § 41; see also *Ilias Papageorgiou v. Greece*, no. 44101/13, § 54, 10 December 2020). Moreover, it is necessary to look at the context of the proceedings as a whole and their special features (*Fleischner,* cited above, § 65, with further references). The nature and context of the proceedings at stake was very specific – administrative proceedings aimed at determining whether certain administrative act had been unlawful. As courts operating under the rules governing the conduct of civil proceedings (see paragraph 21 above), the domestic courts examined the evidence presented by the parties and applied the civil burden of proof. The evidence from the criminal case file was accompanied by other evidence, the totality of which was examined and re-evaluated by the courts in adversarial conditions, and it was on the basis of the totality of that evidence that the courts made their decisions.

47. In the light of the foregoing, considering the nature and context of the administrative proceedings in the present case, as well as the specific legal language used by the domestic courts, the Court considers that the finding that the administrative act in question had been issued unlawfully because it had been based on a fraudulent document did not run counter to the presumption of the applicant's innocence. The wording used by the domestic courts in that regard could not reasonably have been read as an affirmation imputing criminal liability to the applicant. There has accordingly been no violation of Article 6 § 2 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1

48. The applicant complained that her property rights had been breached on account of the outcome of the administrative proceedings. She relied on Article 1 of Protocol No. 1 to the Convention, which reads as follows:

> "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
>
> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

A. The parties' submissions

49. The Government submitted that the applicant's complaint under Article 1 of Protocol No. 1 was either premature, on account of the second set of proceedings which were still pending at the domestic level, or inadmissible *ratione materiae* insofar as the administrative proceedings at the heart of the present application did not concern the determination of her rights under Article 1 of Protocol No. 1, but those of her former company.

50. The applicant maintained that by finding that the Poti municipality's decision of 13 December 1991 had been fraudulent and, consequently, the subsequent administrative act granting her company (at the material time) title to the disputed property had been unlawful, the domestic courts had unlawfully interfered with her right to the peaceful enjoyment of her possessions.

B. The Court's assessment

51. The Court notes that the second set of the proceedings, which is to be seen as part of the broader situation complained of by the Property Agency (see paragraph 33 above) and which concerns specifically the applicant's property rights, is still ongoing at the domestic level (see paragraph 11 above). In such circumstances, the Court considers that the applicant's complaint under Article 1 of Protocol No. 1 is inadmissible for non-exhaustion of domestic remedies.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 2 of the Convention admissible and the remainder of the application inadmissible;

2. *Holds* that there has been no violation of Article 6 § 2 of the Convention.

Done in English, and notified in writing on 16 December 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Simeon Petrovski Deputy Registrar	Jolien Schukking President