

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL GEO 2/2024
(Please use this reference in your reply)

29 August 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the intimidation of opponents of the 'Foreign Agents Law', **threats and a physical attack against Mr. Zurab Berdzenishvili and incidents of intimidation against Ms Baia Pataria and Mr. Georgi Meladze.**

Mr. Zurab (Zuka) Berdzenishvili is a human rights defender residing in Tbilisi, Georgia. He became well known to the public in 2019 when together with other activists he formed the so-called "Shame Movement" to protest against the "pro-Russian" actions of the Georgian government. He was also active during the peaceful protests against the introduction of the so-called 'Foreign Agent Law'.

Ms Babutsa (Baia) Pataria is a woman human rights defender, lawyer, and the Director of the human rights NGO Sapari.

Mr. Georgi Meladze is an academic, human rights defender, executive director of CANVAS, and Director of the Center for Constitutional Research at Ilia State University.

Special Procedures mandate holders have previously expressed their concerns about the re-introduction to Parliament and subsequent adoption on 28 May 2024 of the so-called 'Foreign Agent Law' ([AL GEO 1/2024](#), dated 10 May 2024). The communication also addressed allegations of excessive use of force against demonstrators in Georgia, who were protesting against the reintroduction and subsequent adoption of the law. We regret that, up to date, no reply to this communication has been provided by Your Excellency's Government.

According to the information received:

1. Threats against human rights defenders and protesters

During the process of debating and subsequently adopting the law, daily peaceful demonstrations took place in front of the Parliament in Tbilisi. Human rights defenders and political activists known for their participation in these demonstrations reported receiving threatening and intimidating phone calls and messages from unknown international numbers, both during the

protests and after the adoption of the law. Upon answering, they were met with swearing, threats, and insults from unidentified men.

Some human rights defenders, including women, reported that some intimidating phone calls had been addressed to their family members, including their children. It was believed that these calls were organized by the Government to discourage their involvement in the protests. Some of the activists targeted have further been physically attacked, including Mr. Zurab Berdzenishvili. Further, some have had their offices or private homes vandalized, including with intimidating graffiti.

In such a case, unknown individuals broke into the building where human rights defender Ms Baia Pataraiia, from Union Sapari, resides and wrote her name on the walls with swear words; as well as 'foreign agent' and 'sold on money'. Her elderly parents, ex-husband and minor son have all received threatening and intimidating messages related to her human rights work.

Another human rights defender, Mr. Giorgi Meladze was travelling to a conference in London on 8 May 2024, when the prime minister of Georgia reportedly made intimidating comments in relation to the NGO CANVAS. On the night of 8 May, a mob attacked and physically assaulted several political opponents in the streets of Tbilisi. On 9 May 2024, Mr. Meladze received a call from a credible source stating that he was on a blacklist and would be arrested on fabricated criminal charges. On 10 May 2024, his car was vandalized and posters with his name and photo saying "Foreign Agent" were displayed on the walls of the building where he lives as well as in neighboring streets.

According to the information received, up to 20 individuals, including activists and demonstrators have been physically assaulted and beaten close to their houses at different times. We have also received reports about human rights defenders who have decided to temporarily leave the country for fear of attacks.

More than 30 NGOs, individual human rights defenders, journalists and activists have reported that graffiti and posters appeared on the walls their offices and private homes, with signs such as 'enemies of the nation', 'Bolsheviks', 'sold out for money', or 'spies'.

2. *Threats and physical attack against Me. Zurab Berdzenishvili*

At the end of May 2024, Mr. Berdzenishvili received a call while he was at his village house in Phamphaleti, Ozurgeti region, Georgia. A man calling from an unknown number claimed to be [REDACTED], the husband of [REDACTED] a member of the Parliament of Georgia. He asked for Mr. Berdzenishvili's address, stating he wanted to meet him to hold him accountable for his statements. Mr. Berdzenishvili took these words as a threat of possible physical violence against him. After he replied that he was in the village, he received further calls from unknown numbers, asking him to meet in the village center, and insulting and threatening him. Unknown cars were seen in front of his house, but he did not go outside. This incident was reported to the police, but reportedly no action was taken.

On 11 June 2024, the Chairman of the Parliament of Georgia, Shalva Papuashvili, published a post on his official Facebook account accusing employees of non-governmental organizations of terrorizing members of the ruling party in Parliament. He specifically mentioned Mr. Berdzenishvili and his partner, human rights activist [REDACTED] alleging that they were calling, insulting, and threatening ruling party's members.

A few hours later on the same day, around 11 am, Mr. Zurab Berdzenishvili left his home to go to work. While preparing his moped, he was attacked from behind by three unknown men. They threw him to the ground and kicked him repeatedly in his body and face. One of the attackers screamed, "who are you swearing at, boy?" Mr. Berdzenishvili believed this to refer to the ruling party. He tried to resist and cried for help. The attack continued for several minutes until the attackers fled in a [REDACTED]. Mr. Berdzenishvili's face was covered in blood, with injuries to his eye, nose, lips, right leg and hand. A neighbor also came to help and mentioned having noticed the car or the purported attackers in the area previously.

Mr. Zurab Berdzenishvili subsequently underwent surgery for broken facial bones. Meanwhile the hospital reported to the police that the patient, a 33 year-old man, had been beaten by a group of unknown men.

The police had opened an investigation into these acts. However, reportedly no effective investigative measures have been taken and the police have not responded to the victim's lawyer's requests to grant access to the criminal case files.

Without wishing to prejudge the accuracy of the information received, we wish to express our serious concerns about the threats, harassment and intimidation against human rights defenders, journalists, political activists and peaceful protesters who have publicly expressed their opposition to the adoption of the 'Law on Foreign Influence', including the reported incidents against Mr. Zurab Berdzenishvili, Ms. Baia Pataraiia and Mr. Giorgi Meladze. We express further concerns about the significant increase in the vilification of human rights defenders by public authorities in the last months, raising serious concerns about their physical and psychological integrity.

We also remain concerned about the reported excessive use of force by police and security forces against protesters during May 2024, as well as the lack of independent, impartial and public investigations into the allegations of excessive use of force against protesters.

If confirmed, the allegations described above could constitute violations of articles 9 and 19 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by Georgia on 3 May 1994, which guarantee the rights to liberty and security and to freedom of opinion and expression. We are seriously concerned about the fact that these incidents appear to happen in reprisal to their exercise of freedom of expression, their work as human rights defenders and for being critical voices, disagreeing with some legislative or policy decisions of the authorities.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the investigations and prosecutions into the alleged threats, attacks and intimidation of human rights defenders, including the physical assault against Mr. Berdzenishvili and the intimidation and public criminalization of Ms. Baia Patariaia and Mr. Georgi Meladze. Please indicate the results of such investigations and the measures taken to ensure full accountability for those responsible. If no investigations have taken place, or if they have been inconclusive, please explain why.
3. Please provide information about the measures taken to protect the rights to freedom of peaceful assembly and of expression, as well as the safety, physical and psychological integrity of persons engaging in public criticism or protesting peacefully against the law.
4. Please provide information whether any inquiry or investigation have been carried out into the allegations of excessive use of force by police and security forces against protesters. If no investigations have taken place, please explain why.
5. Please provide information about the steps and measures taken to implement the recommendations of the Special Rapporteur on the situation of human rights defenders, following her visit to the country.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 9, 19, 21 and 22 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by Georgia on 3 May 1994, which guarantee the rights to liberty and security, to freedom of opinion and expression, to peaceful assembly and to freedom of association.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and protects the freedom of the press as one of its core elements. Any restriction to the right to freedom of expression must be "provided by law" and meet the criteria established by international human rights standards. Under these standards, limitations must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Article 22 of the ICCPR protects the right to freedom of association with others. We would like to remind your Excellency's Government that any restrictions to the exercise of the right to freedom of association must be provided by law and be necessary and proportionate to the legitimate aim.

We also wish to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We also wish to refer to Human Rights Council resolution 22/6, which reiterates that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13).

Similarly, the report of the Special Rapporteur on the situation of human rights defenders (A/73/215) noted that the right to access funding is among the key rights articulated in the UN Declaration on Human Rights Defenders (paragraph 18). It is instrumental to the defence of human rights, and its implementation is a prerequisite for the creation of a safe and enabling environment for human rights defenders in which they can carry out their work (paragraph 19). The Special Rapporteur also noted that this right protects the ability of defenders to raise funds internationally and underscores that even legitimate aims of the State cannot be used as pretexts to silence or reduce the activities of human rights defenders.

Additionally, during the 3rd UPR cycle (November 2020), the Government of Georgia supported a number of recommendations relating to civil society and human rights defenders, including to ‘increase the efforts of political leaders to publicly acknowledge and protect the important role of human rights defenders and independent human rights institutions in the democratization process’; to ‘further develop measures to ensure a safe environment for human rights defenders, including protection measures, as part of the national human rights action plan’; to ‘continue to allow and safely facilitate peaceful protests without discrimination’; and to ‘ensure prompt and impartial investigations into all incidents of excessive use of force by law enforcement authorities against protesters and journalists’; and to ‘strengthen the representation of civil society in the decision-making processes of the country’, among others.