

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

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(Please use this reference in your reply)

11 December 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 alleged widespread violations of the human rights to security and liberty of person, freedom of expression and freedom of peaceful assembly in the context of the protests in Georgia, which started on 28 November 2024.**

Concerns as to the serious deterioration of the environment for the exercise and protection of human rights in Georgia have been communicated to your Excellency's Government by multiple Special Procedures mandate holders on several recent occasions ([GEO 3/2024](#), [GEO 2/2024](#), [GEO 1/2024](#)), as well as in the report of the UN Special Rapporteur on the situation of human rights following her official visit to the country in November 2023 ([A/HRC/55/50/Add.2](#)). We regret not receiving a reply to these communications and that the recommendations included in the report of the Special Rapporteur on human rights defenders remain to be unimplemented. We urge your Excellency's Government to engage with the Special Procedures to address these concerns, particularly in light of the gravity of the below detailed allegations.

According to the information received:

On 28 November 2024, the Georgian Prime Minister, Mr. Irakli Kobakhidze, announced that Georgia would suspend its pursuit of accession to the EU and not seek financial assistance from the bloc until 2028. The announcement sparked large-scale spontaneous protests across the country, with rallies taking place in the cities of Tbilisi, Kutaisi, Zugdidi, Gori and Batumi as well as in rural areas. At the time of writing, these protests were still ongoing.

On 29 November 2024, around approximately 2 a.m., the Georgian Ministry of International Affairs launched a large-scale police operation in response to the protests, deploying special equipment, including tear gas used directly on participants and water cannons mixed with chemical irritants, in order to disperse the protests, despite their peaceful nature up until that point. In the course of the policing operation, which has since continued, widespread instances of the unnecessary and disproportionate use of force by security forces have been recorded. This has reportedly included the indiscriminate

beating of protestors by masked police and special forces at the locations of protests and in the surrounding areas, which left multiple protestors injured and hospitalised, as well as mass forceful, arbitrary arrests and detention of protestors and their severe mistreatment while detained, including when being transported to places of detention, with their faces, eyes and heads particularly targeted. It has also been reported that the personal belongings of those detained, including phones, laptops and wallets have been seized. Furthermore, over 50 journalists were targeted at the site of protests by police and special forces, including through severe beatings and the destruction of their equipment. Attacks against human rights defenders have also been reported.

As of 9 December 2024, according to the Ministry of Internal Affairs, 372 persons who participated in the protests had been detained on administrative charges, of which 63 had been placed under administrative detention, while more than 30 had been detained on criminal charges and over 100 had received fines ranging from 2,000 to 3,000 GEL. Those detained and charged have reportedly been denied timely access to medical care and legal assistance. The Public Defender reports that at least 85% of those detained from 28 November to 6 December were physically abused. At least 8 students have been sentenced to pre-trial detention of up to two months, raising concerns about the punitive targeting of youth activists.

Civil society organizations report systematic intimidation, including the use of police checkpoints and mass searches to discourage participation in protests. In the course of the police operation, searches were carried out at the homes of 6 individuals and the offices of several groups, including an activist group and political parties, with 7 people arrested for their alleged role in organising the protests and 'participating in group violence', a charge carrying up to 9 years in prison. While there have been some documented instances of protestors using violence and damaging property, primarily in response to the use of force by police, the protestors have been overwhelmingly peaceful in their demonstrations since 28 November 2024.

We have received information of vigilante groups, armed and masked assaulting protestors and journalists, allegedly operating with the tacit support of state authorities, as police located nearby to these incidents has no reaction, echoing patterns observed during protests against the so-called "Foreign Agents Law".

Members of society expressing solidarity with those engaging in the protests and condemning the acts of violence against them, including civil servants, have reportedly been threatened with reprisals by high-ranking government officials, including the Prime Minister, while the authorities have sought to stigmatise NGOs and human rights defenders as the instigators of the protests.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our grave concern as to the alleged systematic use of unnecessary and disproportionate violence by police and security forces against peaceful protestors since 28 November 2024. We are also alarmed by the apparent widespread, arbitrary

and violent arrest of peaceful protestors, including children and persons with disabilities, as well as the equally widespread ill-treatment of people arrested in detention and the alleged direct targeting of journalists reporting on the protests. The seemingly baseless criminal and administrative proceedings initiated against multiple individuals, including leaders of political parties, activists and members of civil society are another matter of concern. We express further concern at the discourse of high-ranking government officials from the ruling party in response to the protests, notably their stigmatisation of those engaging in the protests, young people, civil society and human rights defenders, and the reported serious threat of reprisals against those exercising their right to freedom of expression in support of people peacefully protesting, including state employees.

The allegations appear to constitute violations of articles 9, 19 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 of person, including freedom from arbitrary detention, and the rights to freedom of expression and assembly.

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 the number of individuals that have been detained and prosecuted in the current context of protests initiated on 28 November 2024, indicating the charges brought against them.
3. Please provide information as to any investigation carried out in relation to the allegations regarding the use of force against people participating in the protests which have taken place since 28 November 2024, as well as any prosecutions that have been concluded concerning the perpetrators of violence. If no investigations have taken place, or if they have been inconclusive, please explain why and how this is compatible with Georgia's obligations under international human rights law (see annex).
4. Please provide information as to any investigation carried out in relation to the allegations of human rights violations by members of State security forces during the policing operation that has taken place in the context of the protests since 28 November 2024, as well as any prosecutions that may have taken place. If no investigations have taken place, or if they have been inconclusive, please explain why and how this is compatible with Georgia's obligations under international human

rights law (see annex).

5. Please provide information on the measures taken by your Excellency's Government to uphold and protect the right to freedom of peaceful assembly and freedom of expression, including in support of the protests and criticism of the authorities, without fear of reprisals, in accordance with Georgia's obligations under international law. Please indicate the measures taken to protect the safety of journalists reporting on the demonstrations and ensure that they can perform their work without fear of attacks or reprisals.
6. Please provide information on 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 in November 2023 (see (A/HRC/55/50/Add.2)).

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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 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 and to freedom of assembly.

Article 9 of the ICCPR establishes that everyone has the right to liberty and security of person, and that no one shall be subject to arbitrary arrest or detention. The Human Rights Committee, in its general comment No. 35 interpreting the article's scope, has underscored the arbitrariness of any arrest or detention without a legal basis and further held that an arrest or detention may be arbitrary irrespective of its being authorized by domestic law. In the same comment, the Human Rights Committee stated that the notion of "arbitrariness" introduced in article 9 should be broadly interpreted to include elements of "inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality."¹ The Committee also held any arrest or detention carried out as punishment for the legitimate exercise of the rights as guaranteed by the ICCPR to be arbitrary, including the rights to freedom of expression and assembly.

Article 9 also guarantees the right to security of person, which refers to protection against physical or psychological injury, or attacks on physical and moral integrity, and obliges State parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or non-State actor. State officials violate the right when they unjustifiably inflict bodily injury on another person. As the Human Rights Committee has underlined, States parties should respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders and journalists, and should take appropriate measures to protect the victims of such violence.²

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, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

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 states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a

¹ Human Rights Committee, *General Comment No. 35*, CCPR/C/GC/35, para 12

² CCPR/C/GC/35, para 9

corresponding right of the public to receive media output.

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).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. ([CCPR/C/GC/34, para. 34](#)).

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Yet, this prohibition, that may entail restrictions of free expression, has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43).

Article 21 of the Covenant, which guarantees the right to peaceful assembly, may only be restricted where such restrictions are provided for by law, and where they are necessary in a democratic society, in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Elaborating on the obligations of state parties to the Covenant stemming from article 21, the Human Rights Committee, in general comment No. 37, has stressed that peaceful assemblies “can in some cases be inherently or deliberately disruptive and require a significant degree of toleration. “Public order” and “law and order” are not synonyms, and the prohibition of ‘public disorder’ in domestic law should not be used unduly to restrict peaceful assemblies.”³ Concerning direct action and civil disobedience, the Committee further stressed that collective civil disobedience or direct action campaigns “can be covered by article 21, provided that they are non-violent.”⁴ On what should be considered “violence”, the

³ Human Rights Committee, *General Comment No. 37*, CCPR/C/GC/37, para 44

⁴ *Ibid*, para 16

Committee held that this entails “the use by participants [in the given assembly] of physical force against others that is likely to result in injury or death, or serious damage to property.”⁵ In the same General Comment, the Committee further held there is a presumption in favour of considering assemblies as peaceful and non-violent.⁶

The United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement clearly indicates that “even less-lethal weapons must be employed only when they are subject to strict requirements of necessity and proportionality, in situations in which other less harmful measures have proven to be or are clearly ineffective to address the threat”⁷. Also, “the use of less-lethal weapons to disperse an assembly should be considered a measure of last resort. Before approving dispersal, law enforcement agencies should seek to identify any violent individuals and isolate them from the other participants. This may enable the main assembly to continue”. If des escalation and/or isolation of participants with violent behaviour are ineffective, “law enforcement officials may employ weapons that target groups rather than individuals (such as water cannon or tear gas) after having issued an appropriate warning (...) participants in the assembly should be given time to obey the warning and a safe space or route for them to move to shall be ensured”⁸.

According to the guidance, “Chemical irritants should only be deployed where a law enforcement official has reason to believe there is an imminent threat of injury”⁹, “irritant projectiles should generally not be fired at an individual. In any event, projectiles should not be fired at the head or face, owing to the risk of death or serious injury from impact trauma”¹⁰, “water cannon should only be used in situations of serious public disorder where there is a significant likelihood of loss of life, serious injury or the widespread destruction of property”¹¹, the use of water cannons entail certain risks including “hypothermia and cold-water shock in cold weather (especially if the water is not heated)”¹².

“Medical assistance shall be rendered to any injured or affected person at the earliest possible moment. The duty to assist applies without discrimination of any kind. Thus, assistance shall be duly provided, irrespective of whether the injured person is a suspected offender.”¹³

Besides, “under international human rights law, there is an obligation on the State to investigate all alleged or suspected violations of human rights, in particular the rights to life, and security, and to freedom from torture or other forms of cruel, inhuman or degrading treatment or punishment”¹⁴, even when inflicted by the use of the so called less lethal weapons, including irritants, water cannons and other less lethal weapons.

⁵ Ibid, para 15

⁶ Ibid, paras 15-17

⁷ United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, pág 5.

⁸ Ibid, pág 34.

⁹ Ibid, pág 37.

¹⁰ Ibid, pág 40.

¹¹ Ibid, pág 48.

¹² Idem.

¹³ Ibid, pág 28.

¹⁴ Ibid, pag. 21.

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 would further like to refer to articles 5(a), which states that for the purposes of promoting and protecting human rights, everyone has the right to meet or assemble peacefully; 6(b), which states that everyone has the right, individually or in association with others, to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and 6(c), which states that everyone has the right, individually or in association with others, to study, discuss, form and hold opinions on the observance in law and in practice of all human rights and fundamental freedoms and to draw public attention to these matters;

In addition, we would like to bring to the attention of your Excellency' Government article 12 of the Declaration, and in particular paragraphs 2 and 3, which provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would further like to recall the report of the Special Rapporteur on the situation of human rights defenders, delivered at the 55th session of the Human Rights Council in March 2024, following her official country visit to Georgia, and in particular the recommendations made therein (A/HRC/55/50/Add.2).