

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers

Ref.: AL GEO 1/2025

(Please use this reference in your reply)

20 January 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/7, 53/4, 52/9, 50/17, 51/21, 52/4 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged disproportionate use of force causing serious injuries to demonstrators and media workers, in response to the peaceful protests that have been taking place in Georgia since November 2024, as well as serious allegations of the torture and/or other cruel, inhuman or degrading treatment of those arrested and taken into custody.

Within this context, we respectfully call on your Excellency's Government to conduct independent, impartial, transparent and effective investigations, in accordance with international standards, into all the allegations reported below; to consider the prompt release of all those who, as a result, may be found to be arbitrarily deprived of liberty; and to allow access to adequate medical care to all those currently detained who may be in need of such assistance, as a matter of urgency. At all times persons exercising their rights to peaceful assembly, association and expression are to be treated humanely and with dignity. The absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment applies while policing peaceful assemblies including to any persons subsequently arrested or detained by the authorities.

According to the information received:

Between November and December 2024, the Government of Georgia reportedly decided to suspend the EU accession negotiations for four years, until 2028.

In response, and to protest such suspension, hundreds of thousands of people took to the streets in Tbilisi, and other cities throughout the country.

It is alleged that even though the protests were mostly peaceful, police forces violently repressed them, resorting to excessive use of force and arbitrary detention against protesters and journalists, causing concern in the international community.¹

There were reports of incidents of the use of less-lethal weapons in violation of their recommended modalities of deployment, very violent physical attacks on protesters and media representatives at protest sites as well as during their transportation to detention facilities, and threats and insults towards detained protesters. Attacks against human rights defenders have also been reported.

According to reports, in order to disperse demonstrators, law enforcement officers shot rubber bullets, used water cannons, pepper spray and allegedly other chemical irritants indiscriminately, causing physical and psychological trauma to many. Information available suggests that at least hundreds of individuals, as well as numerous journalists, were injured. Many victims sustained severe injuries, including nasal bone fractures, concussions, and extensive soft tissue damage. In some cases, severe hypothermia, potential neurological injury, as well as psychological trauma, were documented. The percentage of individuals sustaining severe head trauma and facial injuries is uncommonly high and indicates a widespread, consistent and purposeful practice of targeting physical force at the heads of individuals.

In one case, for instance, the police reportedly took a picture of a protester at the beginning of a protest and later on, while the person was giving an interview to a TV channel, shot a rubber bullet at his face, close to the eyes. In another case, a protester was allegedly hit in the face by a gas canister and reportedly fell into a coma for several days. Another individual reported that a police officer deliberately poured tear gas into her face. Furthermore, tear gas was used against individuals who had also gathered in closed spaces, allegedly resulting in dozens of them being injured.

Testimonies provided information of alleged instances of protesters being isolated from the crowd and subjected to beatings from the police - receiving punches and kicks - despite displaying no violence or posing no threat. Attacks were often allegedly accompanied by insults, threats (including of sexual violence) and sarcastic and humiliating comments.

According to forensic examination of some of the injured, individuals exhibited bruises and abrasions to the lower extremities, including the backside of the thighs, consistent with testimony that they were stomped on or beaten after falling, being forced to the ground and/or lying face down.

¹ See OSCE human rights office condemns use of excessive force by police during protests in Georgia: <https://www.osce.org/odihr/581962>; Türk calls on Georgian authorities to protect freedoms of expression and assembly amid violence: <https://www.ohchr.org/en/press-releases/2024/12/turk-calls-georgian-authorities-protect-freedoms-expression-and-assembly>; and Georgian authorities must fulfil their obligation to uphold the right of peaceful assembly: https://www.coe.int/en/web/commissioner/-/georgian-authorities-must-fulfil-their-obligation-to-uphold-the-right-of-peaceful-assembly?fbclid=IwZXh0bgNhZW0CMTEAAR2gHLsHS7DEDZQHIY4OhIBRCsy-GmONS5RaiJKA1ax8b8IwoZNYBCbyuqg_aem_eAp4_i43-6qjsf614uL3Vg; and UN experts concerned by widespread human rights violations amid ongoing protests <https://www.ohchr.org/en/press-releases/2024/12/georgia-un-experts-concerned-widespread-human-rights-violations-amid-ongoing>.

In many cases, the injuries sustained by individuals are highly consistent with victims' allegations that they were restrained and then punched and stomped on while subdued, frequently in a transport vehicle, and not that those injuries were the result of a two-sided physical altercation, such as a common fight or brawl between protesters and police.

On occasions, "non-State actors" may have acted on behalf of State's officials, allegedly under their direction, or otherwise their acquiescence. A number of video footages available on the internet would allegedly show protesters being confronted by armed men belonging to such groups, wearing no uniform or identifying insignia.

Stores and shops were also allegedly pressured to not sell items, such as face masks, that protesters could use to protect themselves against tear gas.

During calls for protesters to disperse, several victims reported that police provided no clear or safe exit routes.

Within this context, hundreds were reportedly arrested without a warrant (some reports say up to 500 people), kept with no access to a lawyer or to their families. Many were allegedly severely beaten during transfers from the streets to police stations or pretrial detention facilities, and were deprived of personal items such as phones, shoes, crosses, glasses, and wallets.

Once deprived of liberty, many were reportedly subjected to alleged forms of torture or ill-treatment, including verbal abuse, prolonged and repeated beatings, spitting in their faces, threats of rape or breaking body parts, and denial of medical assistance (while, according to reports, a large number of those hospitalised were diagnosed with cranial damage and concussion).

The Special Investigation Service and the Prosecutor's Office of Georgia reportedly launched an investigation into the above-mentioned events. To date, however, no law enforcement officials have been identified or held accountable, and a large number of protesters, including many reportedly requiring medical assistance, remain deprived of liberty.

There are also reports of significant delays in investigating earlier protests in April and May 2024, when hundreds of individuals were detained in Georgia during a violent police crackdown on mass peaceful protests against the re-introduction of the Law on Transparency of Foreign Influence. This issue was raised with the Government of Georgia by a number of special procedures in May 2024, through AL GEO 1/2024. Thus far, no reply from the Government has been received.

These heavy-handed responses to peaceful demonstrations appear designed to foster an environment of fear, intimidation, and retaliation against those publicly opposing government policies. Members of society expressing solidarity with those engaging in the protests and condemning the acts of violence against them have reportedly received threats of reprisals. There have also been attempts to

stigmatize NGOs and human rights defenders as the instigators of the protests.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are of the view that, if established, they could amount to violations of the right to life, protected by article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Georgia in 1994; the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane treatment in detention, contained, *inter alia*, in article 5 of the UDHR, articles 7 and 10 of the ICCPR, and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified in 1994; the right to liberty and security of the person (article 3 UDHR; and 9 ICCPR); the right to equality and non-discrimination (article 7 UDHR; and 26 ICCPR); the right of peaceful assembly and association (article 20 UDHR; and 21 ICCPR); the right to freedom of opinion and expression, including freedom of the press to report on events without intimidation or harassment (articles 19 UDHR and ICCPR); the right to effective remedies (article 8 UDHR; and 2 ICCPR), including the State' duty to conduct effective investigations into alleged human rights violations with a view to identify, prosecute and punish those responsible, as appropriate; as well as the right to the enjoyment of the highest attainable standard of physical and mental health, recognized in article 25 of the UDHR and 12 of the International Covenant on Economic, Social and Cultural Rights, acceded by Georgia in 1994.

We emphasize that any use of force by security forces must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination and must be strictly regulated in accordance with applicable international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

The use of less-lethal weapons must be restricted to situations of necessity and in proportion to the associated risks. In other words, the force used must be the very minimum required under the circumstances at hand.

We warn against the risk that the use of such weapons may amount to torture or ill-treatment if it is not “proportionate to the aim pursued, namely, to disperse a non-peaceful gathering” and depending on the resulting injuries.

We remind further that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and that this obligation is not confined to acts carried out against persons deprived of their liberty but also covers excessive police violence (See, Human Rights Council resolution 25/38; as well as A/72/178; A/78/181).

In this regard we would like to recall that states must promote an enabling environment for the exercise of the right of peaceful assembly without discrimination and must put in place a legal and institutional framework so that this right can be exercised effectively.² They must also protect participants in peaceful assemblies

² Human Rights Committee, General Comment n. 37 (CCPR/C/GC/36) on the right of peaceful assembly (article 21):

against possible abuse by non-State actors, such as interference or violence caused by other members of the public.³ Any possible collusion between law enforcement agents and “non-State armed groups” should therefore be effectively investigated; and any form of tacit or explicit support afforded by the police to such groups should be condemned.

Journalists and those involved in monitoring or reporting on assemblies should not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment and, even if an assembly is declared unlawful or is dispersed, that does not invalidate their right to monitor and report. Intentionally targeting media crew, and firing rubber bullets at the face or spraying gas directly at a protester blatantly violates international law. They are also acts of cruelty that should have no place in any police force.

While it may not always be possible to distinguish assemblies that are peaceful and assemblies that are not, the question of whether or not an assembly is peaceful must be carefully determined with reference to the violence that originates from the participants, and its level. Violence against participants by the authorities or by participants in counterdemonstrations, for instance, does not render the assembly non-peaceful. The conduct of specific participants in an assembly may be deemed violent if authorities can present credible evidence that, before or during the event, those participants were inciting others to use violence, and such actions were likely to cause violence; that the participants had violent intentions and planned to act on them; or that violence on their part was imminent. Isolated instances of violent conducts do not suffice to taint an entire assembly as non-peaceful.

Where the presence of law enforcement officials is required, the policing of an assembly should be planned and conducted with the objective of enabling the assembly to take place as intended, and with a view to minimizing the potential for injury to any person and damage to property. Clear command structures must exist to underpin accountability, as must protocols for recording and documenting events. Superior officers should be held accountable “if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.”

We wish to reiterate that law enforcement officials should seek to de-escalate situations that might result in violence. They must exhaust all non-violent means before and give prior clear warning if the use of force becomes absolutely necessary. Only in exceptional cases may an assembly be dispersed, when, for instance, it is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence that cannot be addressed by more proportionate measures. When the decision to disperse is taken, force should be avoided. Where that is not possible, only the minimum force necessary to that objective may be used. Where law enforcement officials are prepared to use of force, or violence is considered likely, authorities must also ensure that

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGG B%2bWPAXj3%2bho0P51AAHSqSubYW2%2fRxcFiagfuwxycuvi40wJfdPL19%2fECEDWBX%2fj2tgqDXgdjx 8wTKKbloysyDPtsMO>

³ Ibid.

adequate medical facilities are available.⁴

Less-lethal weapons should not be used in situations of crowd control, especially in situations involving the exercise of the right to peaceful assembly. Such weapons should be used only as a measure of last resort, following a verbal warning, and with adequate opportunity for assembly participants to disperse. When less-lethal weapons are used, all reasonable efforts should be made to limit risks, such as causing a stampede or harming bystanders.⁵ Besides, extra precautions are needed to protect from harm individuals and groups in situations of vulnerability when using any force in the context of protests. This can include, for instance, giving additional considerations when using less-lethal weapons in the proximity of children, pregnant women, older persons, persons with disabilities, persons with intellectual or psychosocial disabilities and persons under the influence of drugs or alcohol⁶.

We stress that it is not always possible to draw a clear line between lethal and non-lethal weapons, and that less-lethal weapons may have indiscriminate effects. For example, even though tear gas is not in principle a lethal weapon, when used inappropriately, it can cause serious injuries or even death.

Lastly, we underline that any allegation of unlawful use of force or other violations by law enforcement officials in the context of assemblies, must be investigated effectively, impartially and in a timely manner. Victims must be involved and kept updated on the status of such investigations and effective remedies to seek and obtain redress, including adequate compensation, as appropriate, must be made available to them.

Those using force, and their commanding officers, must be accountable for each use of force. Any use of force should, in fact, be recorded and reflected in a transparent report. Such report should contain sufficient information to establish whether the use of force was necessary and proportionate, including the reasons why force was used, its effectiveness and the consequences of it.⁷

On these bases, we respectfully call on Your Excellency's Government to urgently and effectively investigate all allegations reported above, in accordance with international standards.

In this regard, we remind that States have a heightened duty of care to implement human rights for all those held in their custody. Such persons must be treated with humanity at all times and provided with all the protections required under international human rights law. These include, inter alia, access to legal representation and medical assistance, prompt judicial review of their deprivation of liberty and access to remedies for any violations, as well as the possibility to communicate with their relatives and to be visited by independent human rights monitoring bodies. Persons deprived of liberty have the right to be informed at the time of arrest of the reasons for their arrest, and subsequently of any charges brought against them.

⁴ Ibid.

⁵ Ibid.

⁶ Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, para. 79. b: <https://documents.un.org/doc/undoc/gen/g24/006/57/pdf/g2400657.pdf>

⁷ GC n. 37

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 also provide detailed information on whether the use of force by law enforcement officials in the context of the above-mentioned demonstrations was in compliance with the requirements of legality, necessity and proportionality, as well as the rights to life and to be free from torture and other forms of ill-treatment. Please include protocols, procedures and guidance related to protests and the use of force, including detailed lists of law enforcement units, weapons and equipment used for the facilitation of protests; and explain what measures were taken to ensure adequate protection of protestors, human rights defenders and journalists.
3. Please provide information on any chemicals allegedly used by law enforcement officials during the above-mentioned demonstrations and explain whether any assessment on their potential health impact on human beings was ever conducted.
4. Please provide detailed and updated information on any investigation launched into the above-mentioned events and allegations and please explain the steps taken to ensure its independence. Please provide updated information on where does any such investigation currently stand and please explain whether there has been any result in terms of accountability, including disciplinary or prosecutorial action, of any person potentially responsible of alleged violations, including superior officers; as well as with regard to victims' right to effective remedies, including compensation. If no investigation was undertaken, or there was no result from it, please provide information on the reasons why and explain how this is compatible with Georgia's international human rights obligations.
5. Please provide information on whether any investigation was launched or is being conducted into allegations of torture or ill-treatment, in compliance with international standards, including the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition). Please provide information regarding investigations opened in respect of the March – April 2024 protests also.

6. Please provide detailed information on the number of people arrested during the above-mentioned events; the charges brought against them and their current status. Please include specific information concerning access to legal assistance and contact with their families. Please also provide updated information on the number of people who currently remain deprived of liberty in connection with the above-mentioned demonstrations and please explain what charges are being brought against them.
7. Please provide detailed information on measures adopted to prevent “armed non-State groups” from engaging in purported “policing”. Please provide information on whether any investigation was conducted into any such allegation and please explain whether any alleged member of these groups was identified and/or arrested and, if so, how many and on what charges.
8. Please provide information on what grounds, within the context of the protests reported above, the use of pepper spray, tear gas and rubber bullets was authorized and by whom.
9. Please provide detailed information on steps taken to prevent future instances of excessive use of force by law enforcement officials and incidents of torture and/or other cruel, inhuman or degrading treatment or punishment including, for instance, the provision of adequate trainings on the lawful use of force and the policing of protests and the application of the prohibition on torture in this context.
10. Please provide information on measures taken or envisaged to be adopted to ensure that alleged victims of excessive use of force and allegations of torture and/or cruel, inhuman or degrading treatment or punishment by law enforcement officials can effectively report their cases to the authorities with no negative consequences (further violence, intimidation, harassment); and please also provide information on measures in place or envisaged to be adopted to ensure that law enforcement officials, and their commanding officers, eventually found responsible for disproportionate use of force do not continue to work in law enforcement contexts.
11. Please provide information on the medical assistance and access to healthcare, including psychological care provided to the persons requiring such care, following the demonstrations and/or while in detention.
12. Please provide detailed information on the number of people arrested during the above-mentioned events; the charges brought against them and their current status. Please include specific information concerning access to legal assistance and contact with their families. Please also provide updated information on the number of people who currently remain deprived of liberty in connection with the above-mentioned demonstrations and please explain what charges are being brought

against them.

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.

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

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 article 6 of the International Covenant on Civil and Political Rights (ICCPR) (right to life), acceded by Georgia in 1994; article 7 ICCPR (absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane treatment in detention (article 10 ICCPR), as well as and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified in 1994; article 9 ICCPR (the right to liberty and security of the person); article 26 ICCPR (right to equality and non-discrimination); article 21 ICCPR (right of peaceful assembly and association); article 19 ICCPR (right to freedom of opinion and expression, including freedom of the press to report on events without intimidation or harassment); and article 8 ICCPR (right to effective remedies, including the State' duty to conduct effective investigations into alleged human rights violations with a view to identify, prosecute and punish those responsible, as appropriate; as well as the right to the enjoyment of the highest attainable standard of physical and mental health, recognized in article 25 of the UDHR and 12 of the International Covenant on Economic, Social and Cultural Rights, acceded by Georgia in 1994.

Attached to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims. In line with the principles enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), States should establish all acts of torture as offences under domestic law (article 4); exercise jurisdiction over said offences (article 5); receive complaints and examine them promptly and impartially (article 13); and investigate those allegations promptly and impartially (article 12). Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (article 15). Victims are to be protected from reprisals or intimidation during said investigations (article 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (article 14). At no time shall torture be used to extract information or a confession (article 1), and any statement which has been obtained via such methods, shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (article 15)⁸.

Article 9 of the ICCPR enshrines the right to liberty and security of person, establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, as well as the right to legal assistance from the moment of detention. International law on deprivation of liberty includes the right to be presented with an arrest warrant, which is

⁸ For a full explanation on the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, see Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/77/502); and Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture (A/HRC/52/30).

procedurally inherent to the right to liberty and security of person and the prohibition of arbitrary deprivation of liberty, as well as under principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. The United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation.

In its general comment no. 35, the Human Rights Committee also clarified that an arrest or detention may be arbitrary irrespective of its being authorized by domestic law. It also stated that the notion of “arbitrariness” 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.” The Committee also held any arrest or detention carried out as punishment for the legitimate exercise of the rights as guaranteed by the Covenant to be arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention.

We also remind that article 19 of the ICCPR protects the right to freedom of opinion and expression. Article 22 of the ICCPR protects the right to freedom of association with others. Any restrictions to the exercise of the right to freedom of opinion and expression and the right to freedom of association must be provided by law and be necessary and proportionate to the legitimate aim. As the Human Rights Committee observed in general comment no. 27 (CCPR/C/21/Rev.1/Add.9), restrictive measures must “be appropriate to achieve their protective function” and “be the least intrusive instrument amongst those which might achieve the desired result” (paragraph 14), while “the principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law” (paragraph 15). Furthermore, as the Human Rights Committee emphasised in general comment No. 34 (CCPR/C/GC/34), any restrictions to the freedom of expression “must not be overbroad” (paragraph 34), “may not put in jeopardy the right itself” (paragraph 21) and may never be invoked to justify the muzzling of any advocacy of human rights (paragraph 23).

In addition, we wish to refer to articles 2.2 and 12 of the International Covenant on Economic, Social and Cultural Rights, to which Georgia acceded on 3 May 1994 related to the enjoyment of the right to physical and mental health without discrimination. This includes an obligation on the part of all States parties to, inter alia, refrain from denying or limiting equal access for all persons, including prisoners or detainees, to medical care (general comment 14 of the Committee on Economic, Social, and Cultural rights, para 34). In this connection, we would like to refer to the UN Standard Minimum Rules for the Treatment of Prisoners adopted unanimously by the UN General Assembly (A/RES/70/175) in December 2015 (“Mandela Rules”). Rules 24 to 35 establish that healthcare for prisoners is a State responsibility; prisoners should be ensured prompt access to medical attention in urgent cases and those requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

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. Furthermore, we would like to bring to the attention of your Excellency's Government such provisions of the Declaration as article 5(a) and (b) reiterating the right to meet or assemble peacefully and the right to form, join and participate in non-governmental organizations, associations or groups; article 6(b) and (c) stating the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; and article 13 reiterating the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom. 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 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).

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).