

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL GEO 4/2025

(Please use this reference in your reply)

1 October 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 52/4, 51/8, 59/4 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arrest, prosecution and pre-trial detention of Nino Datashvili**.

Ms. **Nino Datashvili** is a teacher, human rights defender and member of the Talgha movement. The Talgha movement is an informal women-led initiative which has been involved in pro-democracy campaigns on subjects such as participation in elections, as well as peaceful protests, including against the adoption of the so-called 'Foreign Agents Law', and campaigns against human rights violations, such as those committed against children at Ninotsminda St Nino Children's Boarding School, ran by the Georgian Orthodox Church.

According to the information received:

On 9 June 2025, Ms. Datashvili presented herself at Tbilisi City Court in an attempt to observe hearings concerning eight individuals prosecuted in connection with their peaceful participation in protests in 2024. Along with other people there to observe the hearings, she was prevented from doing so by court bailiffs, who blocked their passage to the courtroom. In response, Ms. Datashvili asked the bailiffs to explain the legal basis for their actions, and was surrounded by approximately 4 male bailiffs, who attempted to grab her. When Ms. Datashvili raised her hands in response, attempting to resist, she was grabbed by three of the bailiffs, who carried her away and forced her to the ground with her hands held behind her back. She was then allowed to get to her feet and sit, before a larger group of approximately 6 to 8 bailiffs manhandled her, using excessive force, and threw her out of the courthouse. Upon being thrown out, Ms. Datashvili flailed at one of the bailiffs, swatting at him with her hand in which she held her glasses and phone.

On 20 June 2025, Ms. Datashvili was detained by plainclothes police officers at a bus stop in Tbilisi. She was forced into a car by the police, who did not explain the reason for her arrest or that she was in fact being arrested.

On 21 June 2025, Ms. Datashvili was remanded to preventative pre-trial detention during a hearing at Tbilisi City Court, accused of assaulting a court bailiff and charged under article 353(2)(3) of the Georgian Criminal Code, which carries a potential sentence of four to seven years imprisonment or a fine. An application for bail made by Ms. Datashvili's lawyers was rejected by the presiding judge.

On 31 July 2025, a request by the prosecutor for the transfer of Ms. Datashvili to a psychiatric institution, in order to undergo a compulsory psychiatric evaluation, was granted by the presiding judge at Tbilisi City Court. The prosecution made the request based on medical records submitted by Ms. Datashvili's defence lawyers showing that the human rights defender suffers from back pain due to a spinal condition, with heightened emotions as a symptom of the condition. The records were introduced in order to demonstrate Ms. Datashvili's health needs in detention, as her back pain had been intensifying.

On 2 August 2025, the presiding judge at Tbilisi City Court granted the prosecution's request for Ms. Datashvili to be involuntarily transferred to a psychiatric institution for a period of up to 20 days.

On 4 August 2025, fake AI-generated images depicting Ms. Datashvili began to circulate on Facebook, showing her with fangs, holding a flag of the European Union and a picture of former Georgian President Mikheil Saakashvili.

On 6 August 2025, Ms. Datashvili was subjected to a psychiatric evaluation in her cell. The evaluation was carried out by the L. Samkharauli Forensic Bureau without her consent and without prior warning being communicated to either her or her lawyers.

On 8 August 2025, Ms. Datashvili's pre-trial detention was upheld by the Tbilisi City Court on the basis of the alleged risk of her absconding, interfering with witnesses or committing new crimes.

On 22 August 2025, Ms. Datashvili's lawyers argued for the transfer of the case against Ms. Datashvili to the Court of Appeals, arguing for the recusal of the court given that the witnesses against Ms. Datashvili are bailiffs working at the court. This motion was denied by the presiding judge.

A hearing in the case, scheduled for 8 September 2025, was postponed upon request of Ms. Datashvili's lawyer in response to her deteriorating health in detention.

On 17 September 2025, the preventive detention of Ms. Datashvili was renewed in a hearing at Tbilisi City Court. The human rights defender was unable to attend the hearing, due to her continuing poor health in detention.

Without wishing to prejudge the accuracy of the information received, we express our concern at the arrest, ongoing pre-trial detention and prosecution of Ms. Datashvili, which we fear to be arbitrary, carried out in direct retaliation for her

human rights activism. Our concerns in this regard are aggravated by multiple details within the allegations, notably the treatment of Ms. Datashvili by bailiffs at Tbilisi City Court on 9 June 2025, in particular their apparent excessive use of force, as demonstrated in publicly available videos; the alleged manner of her arrest on 20 June 2025, in particular the allegation that the police involved did not identify themselves or inform Ms. Datashvili that she was being arrested; and the request by the prosecution for the transfer of Ms. Datashvili to a psychiatric institution against her will, about which we would like to underline our extreme concern. We express further concern as to the deteriorating health of Ms. Datashvili in detention, and the necessity and proportionality of her confinement given this and our above-detailed concerns.

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 as to the legal and factual circumstances surrounding Ms. Datashvili's arrest, including information as to the measures taken during her arrest to comply with article 9 of the International Covenant on Civil and Political Rights, notably, by informing her at the time of her arrest of the reason for it. Please provide information as to the legal and factual rationale for Ms. Datashvili's continued pre-trial detention and the charge against her.
3. Please provide information as to the legal and factual basis for the request submitted by the prosecution in the case against Ms. Datashvili for her transfer to a psychiatric institution for a psychiatric evaluation, as well as for the psychiatric examination that was allegedly carried out without her consent in her place of detention.
4. Please indicate what specific legal and administrative measures have been taken to ensure that human rights defenders are able to carry out their legitimate work, including through the exercise of their right to freedom of opinion and expression, their right to freedom of peaceful assembly and of association in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort against either themselves or their families.
5. Please provide information about the current state of health of Ms. Datashvili in detention and her access to adequate medical care while in detention.

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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Matthew Gillett  
Vice-Chair on communications of the Working Group on Arbitrary Detention

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

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

## **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 the international human rights law and standards outlined below.

In particular, we would like to again make reference to the obligations of your Excellency's Government under article 9 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Georgia on 3 May 1994, which guarantees the right to freedom from arbitrary detention. We recall that in elaborating on States obligations under article 9, the Human Rights Committee, in its general comment No. 35, made clear that an arrest or detention may be authorized by domestic law and nonetheless be arbitrary. As stated by the Committee, "The notion of "arbitrariness" is not to be equated with "against the law", but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, proportionality." Remand in custody on criminal charges, the Committee holds, must in all cases be reasonable and necessary, and arrest or detention in retaliation for the legitimate exercise of rights guaranteed under the ICCPR is arbitrary. In its General Comment, the Human Rights Committee also emphasizes the particular harms that may result in cases of involuntary hospitalisation. Paragraph 2 of article 9 states that "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him." This information must be provided immediately upon arrest, except for under exceptional circumstances. Paragraph 3 of article 9 holds that detention in custody of persons awaiting trial shall be the exception rather than the rule, and the Human Rights Committee, in general comment No. 35, clarifies that pretrial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances.

In addition, we would like to recall that the Special Rapporteur on the situation of human rights defenders noted in his report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22, paragraph 2 of the ICCPR. These provisions require the interference in question to be pursuant to 'legitimate aims', such as in the interests of national security or public safety; public order (*ordre public*); the protection of public health or morals, or the protection of rights and freedoms of others. Without such a legitimate aim, interference is rendered contrary to international human rights law, and in the context of the activities of NGOs, the Special Rapporteur has argued that "difficulties in the formation and registration of human rights associations; criminal sanctions for unregistered activities; government interference, supervision and monitoring of NGO activities; and difficulties in accessing funding may restrict the right to freedom of association and therefore must reach the very high threshold under article 22, paragraph 2, of the International Covenant on Civil and Political Rights in order to be admissible." (A/64/226, para. 58.)

We would also like to refer to the Convention on the Rights of Persons with Disabilities (CRPD), ratified by Georgia on 13 March 2014. The CRPD builds on other international human rights instruments to challenge long-standing harmful practices in

mental health systems, such as the denial of legal capacity and the use of coercive practices. We refer in particular to 12, 14, 15 and 17, which state that the existence of a disability shall in no case justify deprivation of liberty (article 14). Persons with disabilities have the right to enjoy legal capacity on an equal basis with others and states must provide support to this exercise (article 12). Article 15 prohibits torture and ill-treatment, which includes forced psychiatric interventions without consent. Article 17 provides for the protection of the integrity of the person, which includes respect for the physical and mental integrity of persons with disabilities, on an equal basis with others.

In its 2023 concluding observations on Georgia (CRPD/C/GEO/CO/1), the Committee on the rights of persons with disabilities expressed concern over access to justice under article 13 CRPD whereby the Criminal Procedure Code denies persons with disabilities undergoing compulsory psychiatric treatment the right to request a review of the treatment by a judicial authority and excludes persons deprived of their legal capacity the right to be interrogated as a witness in judicial proceedings. The Committee further urged the government to repeal all legislation permitting forced treatment, in particular in the Law on Mental Health, and recommended that the government withdraws provisions allowing for the involuntary deprivation of liberty and treatment on the basis of disability. These findings and recommendations were echoed by the former Special Rapporteur on the rights of persons with disabilities in his report on the visit to Georgia (A/HRC/55/56/Add.1). Moreover, the 2023 joint WHO-OHCHR guidance on “Mental health, human rights and legislation: guidance and practice” also calls on legal and policy reforms to ensure informed consent and eliminate coercive practices in mental health services.

Additionally, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment explicitly stated that some involuntary medical interventions in psychiatric settings may amount to torture or ill-treatment, depending on their nature, severity, duration, and whether there are legal safeguards in place (A/HRC/22/53, para. 32).

We would also like to underline 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, we would like to refer to articles 1 and 2 of the Declaration which 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.

In addition, we would like to highlight article 12 of the Declaration, which provides 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 therein.

We further note the report of the Special Rapporteur on the situation of human rights defenders, in her report on her official country visit to Georgia (A/HRC/55/50/Add.2), in which she warned that “that systematic efforts were being

undertaken by the State to undermine human rights defenders and their vital, necessary work” (para. 80) and called on the authorities to recognise the legitimate work of human rights defenders and work with them towards the respect and fulfilment of human rights for all (para. 77).