



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE:KF/fup-119

18 April 2017

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 13 and 14 of the concluding observations on the report submitted by Georgia (CCPR/C/GEO/CO/4), adopted at the 111th session in July 2014.

At its 115th session held in October 2015, the Committee evaluated the information provided by the State party and requested additional information on the implementation of the recommendations selected for the follow-up procedure.

On 1 April 2016, the Committee received the reply of the State party. At its 119th session held in March 2017, the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (see [CCPR/C/119/2](#)). I hereby attach a copy of the advanced unedited version of the relevant section of the report.

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The Committee would appreciate receiving the requested information by **18 July 2017**. The State party is kindly requested, when submitting its reply to the Committee, not to reiterate information that has already been provided to the Committee.

The reply should be sent in Microsoft Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: [kfox@ohchr.org](mailto:kfox@ohchr.org) and [ccpr@ohchr.org](mailto:ccpr@ohchr.org)). In accordance with the Note by the Human Rights Committee on the procedure for follow-up to concluding observations (see CCPR/C/108/2), the follow-up report should not exceed a maximum of 3,500 words.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

H.E. Mr. Mr. Shalva Tsiskarashvili  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative  
Email: [geomission.geneva@mfa.gov.ge](mailto:geomission.geneva@mfa.gov.ge)



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

A handwritten signature in black ink, appearing to read 'Mauro Politi'.

Mauro Politi  
Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee

**Report on follow-up to concluding observations of the Human Rights Committee,  
[CCPR/C/119/2](#):**

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**New assessment of replies<sup>1</sup>**

- A Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
- B Reply/action partially satisfactory:** The State party took steps towards the implementation of the recommendation but additional information or action remains necessary.
- C Reply/action not satisfactory:** Response received but actions or information not relevant or do not implement the recommendation. The action taken or information provided by the State party does not address the situation under consideration.
- D No cooperation with the Committee:** No follow-up report received after reminder(s).
- E Information or measures taken are contrary to or reflect rejection of the recommendation**

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*Georgia*

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Concluding observations:	<a href="#">CCPR/C/GEO/CO/4</a> , 23 July 2014
Follow-up paragraphs:	13 and 14
First reply:	<a href="#">CCPR/C/GEO/CO/4/Add.1</a> , 9 July 2015
Committee's evaluation (see <a href="#">CCPR/C/115/2</a> ):	Additional information required on paragraphs 13[B1][B2] and 14[B2]
Second reply:	1 April 2016
Committee's evaluation:	Additional information required on paragraphs 13[B][A][C][B] and 14[B]

**Paragraph 13: Administrative detention**

**The State party should, as a matter of urgency, reform its system of administrative detention in order to ensure its full compliance with articles 9 and 14 of the Covenant.**

**Follow-up question** (see [CCPR/C/115/2](#))

[B1]: The Committee welcomes the amendments adopted by Parliament in August 2014, which set the maximum period of administrative custody for all violations entailing administrative detention at 15 days and provided for various procedural protections. In the light of general comment No. 35 (2014) on liberty and security of person (article 9 of the International Covenant on Civil and Political Rights), the State party should provide additional information on:

- (a) Measures in place to guarantee the use of alternatives to administrative detention;
- (b) Standards and procedures in place for imposing and reviewing administrative detention, including information on the authority taking these decisions.

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<sup>1</sup> Adopted by the Committee at its 118th session (17 October – 4 November 2016). The full assessment is contained in [CCPR/C/119/3](#).

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*Georgia*

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[B2]: The Committee requires information on the rationale behind the initiative to place administrative offences under the Criminal Code as minor criminal violations or crimes. In particular, additional information is required on the types of offences that are suggested to be placed under the Criminal Code and the compatibility with articles 9 and 14 of the Covenant. The Committee also requests further information on whether and to what extent administrative detainees are being held in temporary detention facilities managed by the Ministry of Internal Affairs, and on the steps taken to reduce this practice.

**Summary of State party's reply**

(a) Alternatives to administrative detention are envisaged by a number of articles of the Code of Administrative Offences. In addition to a fine, which is a more common alternative measure, an offender may be subject to correctional services for up to 3 months.

(b) Administrative detention is imposed by a judge of district (city) court, taking into account the circumstances of the case, the impact of the crime, the personality and financial situation of an offender, and the aggravating and mitigating factors. The decision may be appealed in the Court of Appeals within 48 hours.

Administrative detainees are held exclusively in temporary detention isolators (TDIs) under the Ministry of Internal Affairs for a temporary placement, and are subject to detailed medical examinations. The Temporary Detention Department regularly monitors the municipal and regional temporary detention isolators. The Monitoring Division established within the Department carries out unexpected visits to all TDIs and the Public Defender of Georgia is also given full and unimpeded access.

**Committee's evaluation**

(a)[B]: The Committee takes note of the alternative measures to administrative detention, but requires information on measures in place to guarantee their implementation in practice, including relevant statistics on their use since the adoption of the amendments in August 2014.

(b)[A]: The Committee considers the State party's response largely satisfactory.

[C]: The Committee regrets the absence of information on the rationale behind the initiative to place administrative offences under the Criminal Code as minor criminal violations or crimes. The Committee reiterates its request for information.

[B]: The Committee notes the information regarding the holding of administrative detainees in temporary detention isolators under the Ministry of Internal Affairs and monitoring of such facilities, and requires clarification on whether such facilities are suitable for long term detention; whether administrative detainees serve their full term of imprisonment in such facilities, and whether they are segregated from other categories of persons deprived of their liberty.

**Paragraph 14: Jury trials**

**The State party should, as a matter of urgency, follow up on its intention to reform the current jury trial system with a view to ensuring its compatibility with the fair trial guarantees enshrined in article 14 of the Covenant.**

**Follow-up question** (see [CCPR/C/115/2](#))

[B2]: The Committee notes the draft law developed by the Ministry of Justice to reform the jury trial system. The State party should submit additional information on:

- (a) Whether the draft is in full compliance with article 14 of the Covenant;
- (b) The progress and implementation of the draft.

**Summary of State party's reply**

(a) The State party reiterates (see [CCPR/C/GEO/CO/4/Add.1](#), para. 11) that the Ministry of

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*Georgia*

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Justice submitted a draft law on the jury trial system and elaborates on the research that formed the basis for its drafting. The draft amendments are fully compatible with article 14 of the Covenant and envisage the improvement of jury selection process; reaffirms the organization and efficiency of jury trial system and provides for jurors to fully understand their responsibility and the essence of the charge. According to the amendments, jury trials will operate in pre-defined territorial units; the selection process of jurors will be finalized in a reasonable timeframe; cases of incompatibility of jurors will be redefined; additional guarantees will be provided to ensure impartiality and safety of jurors; the rules regulating the recusals of and voting by the jurors will be amended; the verdict forms and questions to be answered by the jurors to produce well-reasoned and grounded decisions will be prescribed and, finally, changes will be made to the rules regulating appellate revision of jury trial decisions.

(b)The draft amendments will be submitted to the Parliament for adoption in 2016.

**Committee's evaluation**

[B]: The Committee takes note of the draft law on jury trial system submitted to the Parliament and requires information regarding its provisions for appeal of jury verdicts. The Committee also requires updates on any relevant developments concerning the draft law, including the progress of its adoption and whether it fully complies with article 14 of the Covenant.

**Recommended action:** A letter should be sent reflecting the evaluation of the Committee.

**Next periodic report:**31 July 2019

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