

SECRETARIAT GENERAL

**DIRECTORATE GENERAL I
LEGAL AFFAIRS**



Please quote : JJ6239C
Tr./005-166

Strasbourg, 13 March 2006

Your Excellency,

I have the honour to enclose a copy and a translation of a Note verbale dated 3 March 2006 and addressed to the Secretary General of the Council of Europe by the Permanent Representative of Georgia, concerning Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).

The Secretary General of the Council of Europe has asked the Georgian authorities for the full text of the Decree cited in the derogation.

This information is transmitted to you in pursuance of Resolution (56) 16 of the Committee of Ministers.

Please accept, Your Excellency, the assurance of my highest consideration.

For the Secretary General,

Guy DE VEL
Director General of Legal Affairs

Letter to all member States.
Copy for information : Georgia.

COPY (*)

Annex to the letter JJ6239C
of 13 March 2006
ETS No. 5 - Article 15

MINISTER FOR FOREIGN AFFAIRS
OF GEORGIA

10-12/76
2 March 2006

Excellency,

In conformity with Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, I have to inform you that the President of Georgia on 26 February 2006 has issued the Decree No. 173 on "State of Emergency in the Khelvachauri district" which has been approved by the Parliament of Georgia on 28 February 2006.

The Decree is aimed at preventing further spread throughout Georgia of H5N1 virus (bird flu) that has been recently detected in the district in question.

Due to the state of emergency, in accordance with Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Georgia avails itself of the right of derogation from Article 1 (Protection of Property) of Protocol to the Convention and Article 2 (Freedom of Movement) of Protocol No. 4.

The restrictions imposed upon by the Decree are fully in line with provisions of Article 21, paragraphs 2 and 3 (on the restrictions related to property rights) and Article 22, paragraph 3 (on the restrictions related to the freedom of movement) and Article 46 (on the restrictions related to constitutional rights and freedoms) of the Constitution of Georgia and respective provisions of the Law on the State of Emergency of Georgia.

You will be informed in due course when the above Decree is abolished.

(signed) Gela Bezhushvili

His Excellency
Mr Terry Davis
Secretary General
of the Council of Europe
Strasbourg

(*) *Declaration registered by the Secretariat General on 3 March 2006 - Or. Engl.*

LE MINISTRE DES AFFAIRES ETRANGERE
DE GEORGIE

10-12/76
2 mars 2006

Excellence,

Conformément à l'article 15 de la Convention de sauvegarde des Droits de l'Homme et des Libertés fondamentales, je vous informe que le Président de la Géorgie a, le 26 février 2006, émis le Décret n° 173 sur "l'Etat d'urgence dans la circonscription de Khelvachauri " qui a été approuvé par le Parlement de la Géorgie le 28 février 2006.

Le but du Décret est de prévenir la propagation à travers la Géorgie du virus H5N1 (grippe aviaire) qui a été récemment détecté dans la circonscription en question.

Du fait de l'état d'urgence, conformément à l'article 15 de la Convention de sauvegarde des Droits de l'Homme et des Libertés fondamentales, la Géorgie se prévaut du droit de dérogation à l'article 1 (Protection de la propriété) du Protocole à la Convention et à l'article 2 (Liberté de circulation) du Protocole n° 4.

Les restrictions imposées par le Décret sont en conformité avec les dispositions de l'article 21, paragraphes 2 et 3 (sur les restrictions liées aux droits de propriété), de l'article 22, paragraphe 3 (sur les restrictions liées à la liberté de circulation) et de l'article 46 (sur les restrictions liées aux droits constitutionnels et aux libertés) de la Constitution de la Géorgie ainsi qu'aux dispositions pertinentes de la Loi sur l'Etat d'urgence de la Géorgie.

Vous serez dûment informé lorsque le Décret sera aboli.

(signé) Gela Bezhuashvili

Son Excellence
M. Terry Davis
Secrétaire Général
du Conseil de l'Europe
Strasbourg

(*) *Déclaration enregistrée auprès du Secrétariat Général le 3 mars 2006 - Or. angl.*