



**PERSECUTION
AGAINST CIVIL SOCIETY ORGANIZATIONS**



2024

Union of Human Rights Defenders – Human Rights Center



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Introduction

The civil society organizations (CSOs) play tremendous role in the democratic development of the country, but the attempt of the government members to represent them as enemies of the national values harms the reputation of the CSOs and increases risks of attacks against them.

The Analytical Document below aims to identify current problems and challenges, analyze national legislation and practice, to make respective conclusions and offer recommendations.

The Analytical Document evaluates various phases of persecution against CSOs and their members, who oppose the Law on the Transparency of Foreign Influence: Phases of discrediting, intimidating phone calls, leaving insulting graffiti and posters, and phase of physical assaults. The Document presents the cases of ill-treatment of people detained during protest demonstrations and challenges in the investigation of those cases.

Because of contextual similarities the society calls “Russian Law” to the Law on Transparency of Foreign Influence.

First days of persecution against CSOs

Usually, the civil society organizations ensure accountability of the government officials in front of the society; they make various demands against the authorities and monitor their activities. Big part of CSOs operating in Georgia provide beneficiaries with free legal, social and psychological assistance, and the beneficiaries are: women, children, people with disabilities, IDPs, minorities and other vulnerable groups. One of their key functions is promotion democratic development of the state.¹

In the democratic countries, CSOs conduct effective control of their governments to prevent them to divert from democratic course. While in the states which undergo democratization process, the CSOs promote reinforcement of the Rule of Law, right to fair elections, human rights and eradication of poverty. Therefore, often, such organizations become subjects of repression in authoritarian states. For example, in Russia, Belarus and Azerbaijan, the activities of the CSOs were eventually restricted and finally completely banned.²

Irrespective the positive role of the CSOs, for years, the government of Georgia tried to discredit the civil society sector. Initially, the government members tried to humiliate the work done by the CSOs and to misinterpret their role. Disinformation campaign instilled mistrust towards the civil society in one part of the population. For example, the senior officials made statements, where the activities of the CSOs were evaluated as propaganda of the LGBT+ community, support to the return of the United National Movement in power, plotting provocations, discrediting the church and other misleading narratives.³

¹ Human Rights Center; Nino Chaladze; Role of Civil Society Organizations in the Democratization of Georgia – In the View of the Deeds of Human Rights Center, 2024, p. 4-7; see: [link](#)

² Civic education for everybody; Civil Society and Participation; see [link](#); also Tamar Koberidze; Reading material for the students in the university – role of the civil society, p. 30; see: [link](#)

³ Interpresnews; Irakli Kobakhidze – this bill already achieved its goal: everybody admitted that being an agent is shameful, people learned about those organizations, which are engaged in anti-state activities and it proved that the Bakuriani Plan will never be realized; 10.03.2023; see. [link](#)

In accordance with the assessment of the CSOs, in response to disclosing hundreds of facts of violence, corruption and selective justice of the government, they were punished and eventually it was implemented at the legislative level too. Namely, in 2023, the draft laws on the Transparency of Foreign Influence and on the Registration of Foreign Agents were registered in the Parliament⁴. In accordance with the initiative, CSOs and media organizations were obliged to get registered as agents of foreign influence, who received part of their funding from abroad.⁵ After large-scaled protest demonstrations and public criticism, the Parliament of Georgia dropped one of the bills at the second hearing and withdrew the second one.⁶ However, a year later, on May 14, irrespective unprecedented public protest, the Parliament of Georgia passed the Law on Transparency of Foreign Influence.⁷

On May 29, 2024, the representatives of the civil society organizations declared that they will not obey the Russian Law adopted by the Parliament⁸, because the real purpose of the Law is to silence critical voice and has nothing to do with ensuring transparency. One of the significant problems in the law is stigmatization of the CSOs by labeling them. Stigmatization and declaring the CSOs to be pursuers of foreign interests because of the funding they get from abroad humiliates their reputation and comes in conflict with the freedom of expression. The CSOs and media organizations, who are particularly critical against the government are under higher risk of oppression.

In accordance with the UN Declaration on Human Rights Defenders, Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, among them from abroad. Getting funds does not mean implementation of the interests of foreign country; in the contrary the more diverse is the funding sources of the organization is, the more independent it is.⁹ Therefore, the Venice Commission underlined ambiguousness of the links between the repressive mechanisms envisaged in the Law of Georgia on Transparency of Foreign Influence and its declared purposes of promoting transparency. In accordance with the conclusion of the Venice Commission, the law violates the following rights guaranteed by the European Convention on Human Rights and the International Covenant on Civil and Political Rights,¹⁰ like: freedom of assembly,¹¹ right to be protected from discrimination;¹² freedom of expression¹³ and right to inviolability of personal life.¹⁴ Based on the same arguments, the European Court of Human Rights passed decision against Russia.¹⁵ Similar law was passed in Hungary too and as a

⁴ Joint statement of CSOs: Russian Law is the will of Georgia," 21.02.2023 (last seen 21.12.2023); see: <https://www.hrc.ge/470/eng/>

⁵ Radio Liberty – The Parliament passed the Draft Law on Transparency of Foreign Influence at first hearing; 07.03.2023; see [link](#)

⁶ Interpresnews – the Parliament dropped the bill on the Transparency of Foreign Influence at the second hearing, 10.03.2023 (last seen: 18.12.2023); see: [link](#)

⁷ CDL-PI(2024)013; EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LA (VENICE COMMISSION) GEORGIA URGENT OPINION ON THE LAW ON TRANSPARENCY OF FOREIGN INFLUENCE issued on 21 May 2024; para. 7-17; see: [link](#); Interpresnews; The Parliament finally passed the Law on the Transparency of Foreign Influence; 14.05.2024; see: [link](#)

⁸ Statement of the CSOs; "We will not obey the Russian law!" 29.05.2024, see link: <https://www.hrc.ge/658/geo/>

⁹ UN Declaration on Human Rights Defenders, art 13; also, Human Rights Center Nino Chaladze; Role of Civil Society Organizations in the Democratization of Georgia – In the View of the Deeds of Human Rights Center, 2024, p. 4-7; see: [link](#)

¹⁰ Ibid, para. 50; see [link](#)

¹¹ European Convention on Human Rights, Article 11; International Covenant on Civil and Political Rights, Article 22

¹² European Convention on Human Rights, Article 14; International Covenant on Civil and Political Rights, Article 26

¹³ European Convention on Human Rights, Article 10; International Covenant on Civil and Political Rights, Article 19

¹⁴ European Convention on Human Rights, Article 8; International Covenant on Civil and Political Rights, Article 17

¹⁵ Ecodefence and Others v. Russia, nos. 9988/13 and 60 others, § 187; 14 June 2022; see [link](#);

member of the EU, Hungary was ordered to implement the ruling of the Court of Justice of the European Union and abolished the law.¹⁶

Discrediting CSOs in Georgia started before the repressive law was adopted. The members of the Government of Georgia told the UN Special Rapporteur on the Situation of Human Rights Defenders during her visit in Georgia in 2023 that they were not going to re-introduce the so-called foreign agents' law; however the Rapporteur underlined in her report that although the law was withdrawn, the tendency of violating the rights of human rights defenders in Georgia had already acquired alarming character. Therefore, it was significant that the Government took pro-active steps to address the harm it has done to the work of the human rights defenders instead adopting or/and withdrawal of the law. Nevertheless, firstly, adoption of the law and delegitimizing peaceful activities of the CSOs, and secondly sharing the narratives of the ultra-right groups about “internal enemies” and “foreign agents” meant going against addressing the harm and restoration of trust.¹⁷

The abovementioned developments created grounds for the persecution of civil society organizations and worsened the situation of human rights defenders. Furthermore, it was proved by inhuman treatment of the participants of protest demonstrations, and personal assaults on human rights defenders and activists.

Persecution and Organized Attacks against People with Critical Views

- Phase I – Discrediting

Ten-years-long implementation of the Russian Law in the Russian Federation is an obvious example how the “transparency” is used against the political opponents and what kind of impact it has on the democratic development of the country and silencing of critical voices. Before and after the repressive legislation was adopted in Georgia, the members of the Parliamentary Majority and the people affiliated with the ruling party actively accused the civil society sector to discredit them.¹⁸ They were stating that human rights defenders served the interests of foreign states and not Georgia that means anti-statehood activities and high treason.¹⁹

The United Nations Special Rapporteur on the Situation of Human Rights Defenders stated that during her visit in Georgia in 2023, posters depicting women human rights defenders were pasted in front of an entrance to Parliament, accusing those in the poster of being “spies against the church”. The posters had reportedly been in place for several weeks, raising questions about why they had not been removed by the authorities. Women human rights defenders, who met the Special Rapporteur, reported her about the harassment and threats against them, particularly direct

¹⁶ CJEU; C-78/18- Commission v Hungary (Transparency of associations), Para 106, see. [link](#)

¹⁷ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor; Preliminary observations and recommendations; Tbilisi - 7 November 2023; para 12, 19, 20; see [link](#)

¹⁸ Institute for Development of Freedom of Information, Law on the Foreign Influence Agents: European Practice and Georgia, 15.02.2023; see. [link](#)

¹⁹ Interpresnews: Irakli Garibashvili - ... For me, pursuing the interests of foreign country is a state treason; 11.05.2024; see [link](#);
Irakli Garibashvili: NGO representatives protect interests of foreign countries and not our country; we must finish worshipping the interests of foreign states,” 11.05.2024; see. [link](#);

threats from far-right figures, smears by high-ranking Government officials and online harassment.²⁰

The Government officials told the UN Special Rapporteur that it is a challenge to control the harassment in social platforms because of its chaotic character. However, it is worth to note that in some instances the government contributed to make the platforms chaotic.²¹ Namely, in early 2023, META, the owner of Instagram and Facebook, the most popular social media platform in Georgia, took down dozens of Facebook accounts, Facebook pages, Facebook groups and Instagram accounts for violating their policy against “coordinated inauthentic behavior”. The company found that these accounts were linked to the Strategic Communications Department of the Government of Georgia, although the operators of the accounts attempted to conceal their identity. So-called trolls and bots shared pro-government posts and criticism against the opposition political parties; purposeful campaigns against concrete individuals were also identified. Around 138,000 people followed one or more of the pages and around 238,000 had joined one or more of the groups. Around 33 500 USD was spent to fund these activities.²²

It is not strange that hostile rhetoric of the senior government officials in the past years and the abovementioned developments encouraged certain groups to attack civil society organizations, human rights defenders and critical citizens, nevertheless the Criminal Code of Georgia envisages punishment for the persecution of a person because of his/her speech, views, conscience, confession, faith or creed, or political, social, professional, religious or scientific activities. If the same act is committed using violence or threat of violence, by abusing the official position which has resulted in considerable damage, is aggravated circumstance in the charge.²³

- Phase II – Intimidating Phone Calls

At the next stage, persecution against the protesters of the Russian Law continued with intimidating phone calls. Since May 7, 2024, citizens protesting the Russian Law, members of the CSOs and their family members, among them the executive director and members of Human Rights Center received threatening phone calls from unidentified numbers.²⁴ The authors of the phone calls, which were made from numbers registered in foreign countries, demanded the people to stop protest against the law, or they threatened them with various punishment.

Allegedly, the calls were made using the CLI Spoofing technology. This system falsifies the information on the phone screen and can create combination of numbers so that it will not have any connection with the real operator network. Consequently, by using this technology, the authors of intimidating phone calls camouflaged their identity and created illusion that they were calling from Azerbaijan, Ukraine or other countries. Experts say there are serious questions about alleged participation of the Government of Georgia in this intimidating phone campaign.²⁵

²⁰ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor; Preliminary observations and recommendations; Tbilisi - 7 November 2023; para 36, 55-60; see [link](#)

²¹ Ibid

²² META; Quarterly Adversarial Threat Report; May 2023; P20; see. [link](#)

²³ Criminal Code of Georgia, Article 156

²⁴ JOINT STATEMENT – THE OBSERVATORY / HUMAN RIGHTS CENTER - Georgia : Serious deterioration of the situation of human rights defenders, 26.06.2024. see. [link](#)

²⁵ “I Fact”; What was the price of adopting the Russian Law – interrogations, beating, intimidating phone calls; 29.05.2024; see: [link](#)

- Phase III – Insulting Graffiti

At the more difficult stage of persecution, the state of human rights defenders further deteriorated after unidentified people started putting up insulting posters and graffiti on their offices and houses. In some instances, one and the same civil society organization became target of attacks several times. For example, on the door and walls of the Human Rights House Tbilisi, initially they put the posters with the photos of the executive directors of the member organizations Human Rights Center, Safari and Rights Georgia with the text – “spies”, “destroyers of the country,” etc. Next time, they painted insulting graffiti and texts on the façade, fence, gate and ground.²⁶ Likewise, in the case of Media Development Fund, initially, on May 9 they put up insulting posters near the office and afterwards on June 1 they left insulting texts, graffiti and words like: “slaves,” “spies,” “pseudo liberal fascists,” “traitors,” etc. Other human rights defenders were also under similar attack, among them were former Public Defender and founder of the Georgia’s European Orbit, executive director of the Transparency International – Georgia, and others. It is noteworthy that all CSO offices were attacked almost on the same day that demonstrates that these attacks were organized.

In parallel to attacking and damaging the offices of the CSOs and houses of their members, intimidation of human rights defenders, the Parliament Member Dimitri Samkharadze published the following post on his Facebook page: “Yesterday, bullying from the side of Neo-Fascists and agents, who do not have homeland, was adequately responded! We will not forgive you and forget any single of your action; bully each other! Whatever you will plan against us, you will receive thousands more painful and worse! We will give you such a lesson, that you will never wish to appear anywhere or even see each other! You were too excited; we know each of you and your patrons will not be able to protect you if you plan anything bad against the Georgian Dream members! Not to forget – stop looking back, nobody will attack you from the back; watch out when walking! I am attaching photos of the offices who wanted to make revolution!” The post was enclosed by the videos of insulting posters and graffiti left on the offices of the CSOs.²⁷ Thus, it is very easy to find links between the facebook post of the Member of the Parliamentary Majority and mass persecution against human rights defenders.

- Phase IV – Physical Attacks

Unfortunately, persecution of people criticizing the law did not end with leaving insulting posters and graffiti on the office and house walls. After that, physical attacks started against the people, who opposed the Russian Law. For example, in the period of May 5-11: a winner of the National Teacher Award was beaten up by several persons near his house, while he was with his son;²⁸ the Executive Director of the Institute for Development of Freedom of Information, Giorgi Kldiashvili and crew of the TV Company Formula were attacked in the street;²⁹ an activist and organizer of the bikers’ marches against the “foreign agents” law, was assaulted near his home and severely

²⁶ JOINT STATEMENT – THE OBSERVATORY / HUMAN RIGHTS CENTER - Georgia : Serious deterioration of the situation of human rights defenders, 26.06.2024. see. [link](#)

²⁷ Netgazeti; “MP Samkharadze admits that he organized insulting posters,” 31.05.2024; see [link](#); also see. Facebook post [link](#)

²⁸ Civil Georgia, over 700 teachers request “prompt and effective” investigation of the physical attack on their colleague, 07.05.2024; see. [Link](#)

²⁹ Radio Liberty; “Physical attack on the Formula’s film-crew and the IDFI director,” 07.05.2024; see. [link](#)

beaten up³⁰; the father of the co-director of Tbilisi Pride was physically assaulted,³¹ the brother of the opposition party's leader "Girchi – More Freedom" was physically assaulted,³² on June 11, activist of the movement "Shame" was attacked near his house.³³

In the light of the abovementioned, persecution of people with critical views, particularly of human rights defenders, acquired systemic character that is an action punishable under the Criminal Code of Georgia. According to the assessment of the Public Defender of Georgia, the attacks on representatives of opposition parties, journalists and participants in the rally show signs of persecution on the grounds of political views, activity and opinion, which categorically contradicts the individual rights of a person guaranteed by the constitution and international acts, as well as the basic principles of a democratic society and the rule of law.³⁴

Revenge against the participants of protest rallies

In accordance with the Constitution of Georgia, everyone shall have the right to assemble publicly and unarmed, without prior permission.³⁵ However, in parallel to the assaults on the CSOs, the situation in relation to the right to freedom of assembly also worsened.

On September 18, 2023, the State Security Service of Georgia announced that representatives of the CSOs allegedly participated in a plot against the government. Investigation started and later a video footage was released as an evidence, which was taken during the training organized by a CSO. Dissemination of this footage was a signal to the human rights defenders that they are still subjects of unlawful surveillance and eavesdropping that is not unbelievable after unprecedented number of files of unlawful surveillance was leaked in 2021 and nobody has been punished for it until now.³⁶ According to the assessment of the UN Special Rapporteur, the key topic of the training was peaceful protest and neither disseminated footage proved alternative. Nevertheless, the government officials used the accusations against the organizers and participants of the training to justify legislative restrictions on assembly and manifestation. Additionally, by extending the administrative imprisonment and increasing the upper limit of penalties under the Articles 166 and 173 of the Administrative Offences Code of Georgia, the existing practice of applying these articles against the human rights defenders worsened, and consequently the courts systematically imposed fines on detainees.³⁷

In 2024, grave facts of physical violence and verbal insulting of the people protesting the draft law by law enforcement officers and third persons were observed during the protest demonstrations against the Russian Law. The main purpose of their actions, unfortunately, was to revenge and threaten the protesters rather than elimination of unlawful resistance or offences. In some

³⁰ Formula; "Biker Lasha Gvinianidze was physically assaulted. Gvinianidze is one of the organizers of the march against the Russian Law," 08.05.2024. see [link](#)

³¹ Radio Liberty; "They beat my 73-years-old father!" Ana Subeliani wrote; 11.05.2024, see. [link](#)

³² Radio Liberty; Gia Japaridze – another opponent of the Agents' Law was physically attacked," 09.05.2024; see. [link](#)

³³ Radio Liberty, "Civil activist Zuka Berdzenishvili was attacked," 11.06.2024; see. [link](#)

³⁴ Public Defender of Georgia; Public Defender Calls on Investigative Agencies to Take Legal Measures in Response to Recent Cases of Alleged Excessive Use of Force and Ill-treatment; 13.05.2024; see [link](#)

³⁵ Constitution of Georgia, Article 21

³⁶ Human Rights Center; Nino Chaladze; "Uncontrolled surveillance and inviolability of Personal life," 2024; see. [link](#)

³⁷ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor; Preliminary observations and recommendations; Tbilisi - 7 November 2023; Para 21-31; see [link](#)

instances, law enforcement officers used such cruel methods of abuse of power that the victims needed medical assistance and emergency surgical operations. As the disseminated videos show, the committed violence against protesters can be evaluated as degrading and inhuman treatment.³⁸

In the period from April 15 to May 17, the representatives of the Public Defender of Georgia visited 180 persons, who were detained during protest demonstrations; 93 of them, which is more than half of all detainees, complained about ill-treatment from the side of police officers.³⁹

- **Case of Davit Katsarava and judicial practice**

Human Rights Center defended rights of the leader of the Anti-Occupation Movement Davit Katsarava, who was arrested during protest demonstration. He was arrested on May 13, when he was addressing the law enforcement officers and saying that the Russian army is deployed 40 kilometers away from Tbilisi and it would be more correct if they fight against this enemy rather than serving the Russian regime [in Georgia]. As Davit Katsarava recalled, after this statement, he noticed one of the officers received a phone call, who immediately made order and 5-6 police officers approached him to arrest. In the moment of detention, he did not resist the officers but they started harassing him as soon as he was taken out of the vicinities of the protest demonstration and the violence repeated several times.⁴⁰ As Davit Katsarava stated, the members of the Special Riot Police of the Ministry of Internal Affairs beat him five times cursing and insulting him. Three-four executioners were beating him simultaneously in the face and head. They even tried to suffocate him. Katsarava said that after beating they took his photos and sent to a person who was giving them orders. Before detention, Davit Katsarava had no injuries but on the same day an ambulance took him to a medical clinic from the patrol police department because of grave injuries on the face and head, where he had surgery. He was dismissed from hospital on May 20.⁴¹

The Ministry of Internal Affairs accused Davit Katsarava of the violation of the Articles 166 and 173 of the Administrative Offences Code of Georgia, which envisages minor hooliganism and disobedience to the lawful order of the police. At the court hearing, Davit Katsarava once again noted: “I am sitting here for what I have not done.” MIA could not present evidence to prove its accusation. Two police officers were invited as witnesses, who had drawn the detention protocol on Katsarava. They said they were not wearing body cameras when they arrested Katsarava.⁴² Irrespective to that, the court fined beaten Davit Katsarava with 2 000 GEL.⁴³ He said it was fabricated charge and aimed to oppress and intimidate him.⁴⁴

The situation in the court hearings of the cases of people detained during the protest demonstrations against the Russian Law was very similar. The MIA had only testimonies of the police officers against the detainees and their interrogation protocols were the only evidence in the case files. The video footage was presented very rarely. It is alarming that in some cases people were found guilty only based on the testimonies of police officers, while the officers were biased witnesses in the

³⁸ Georgian Young Lawyers' Association, Georgia: Human Rights vs. Russian Law, 2024. P. 7,8, 17, see [link](#)

³⁹ IPN; Public Defender's Office: From April 15 to May 17, representatives of the Public Defender visited 180 people arrested during the protests, 93 persons indicated ill-treatment by the police; 17.05.2024; see. [link](#)

⁴⁰ Radio Liberty; “After beating they were taking photos and videos of me; they needed to send them away,” Davit Katsarava, 15.05.2024. see [link](#)

⁴¹ Stories of Georgia; “I heard one of the executioners shouting – kill him,” Katsarava recalled the details of being beaten. 21.05.2024. see [link](#)

⁴² Radio Liberty; “Conveyers of Fines,” – Will ruthlessly beaten Davit Katsarava be punished?, 11.07.2024. see [link](#)

⁴³ Radio Liberty; “Davit Katsarava, who was beaten during the detention, was fined with 2 000 GEL by the court,” 23.07.2024. see [link](#)

⁴⁴ Formula, Katsarava: Testimonies of both police officers were contradictory, 05.07.2024. see [link](#)

cases because of their professional background as they could not make testimonies against the detention protocols they had prepared. Therefore, it is faulty practice, when judge makes decisions to fine detainees based on the testimonies of police officers only.⁴⁵

Challenges in the investigation

Where human rights defenders are under attack, States must ask questions of themselves and take their responsibility for how that has come to be. Where States do not do this, or where either denial, further repression or a “head in the sand” approach is adopted, it signals significant underlying problems and provides cause for grave concern.⁴⁶

It is important that CSOs were not discriminated because of their work.⁴⁷ State institutions and officials must refrain from any acts of intimidation or reprisals by physical or psychological harm targeting civil society organizations. The States also have a duty to protect human rights defenders from such acts by non-state actors and to take steps to prevent abuses. Public authorities should publicly condemn such acts and apply a policy of zero tolerance.⁴⁸ Authorities must not shield any unlawful actions of public officials or non-state actors directed against human rights defenders from prompt, thorough, independent and transparent investigation.⁴⁹ Thus, the principle of equality guaranteed by the Constitution of Georgia will also be respected.

Faulty practice of intimidating the civil society organizations in Georgia is inadmissible. Although the facts of persecution of CSOs are evident, that is to be punished under the Article 156 of the Criminal Code of Georgia, currently, regardless the petitions of the CSOs about the attacks on their offices and houses of members, the government does not respond to these facts and neither investigation procedures have started in any of them.

In relation with the detention of people participating in the demonstrations, despite the fact that in some cases the possible perpetrators of crimes were identified even through public sources, even after almost two months, the Special Investigation Service and the Prosecutor’s Office of Georgia have not released information about the identification and prosecution of the violent police officers at the rallies. This indicates that these agencies are either unable or unwilling to exercise their authority effectively.⁵⁰

Conclusion

Role of the civil society organizations in exposing the illegal activities of the government and promotion of democratic development of the country is tremendous. The Government of Georgia, instead of fulfilling the 9 recommendations of the EU, which, among others, recommends the Government to promote engagement of the civil society organizations, adopted the repressive

⁴⁵ Radio Liberty; “Conveyers of Fines,” – Will ruthlessly beaten Davit Katsarava be punished?” 11.07.2024. see [link](#)

⁴⁶ United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor; Preliminary observations and recommendations; Tbilisi - 7 November 2023; para 78; see [link](#)

⁴⁷ Guidelines on the Protection of Human Rights Defenders, OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2014, para. 9.

⁴⁸ Ibid, para.12

⁴⁹ Ibid, para 14

⁵⁰ Georgian Young Lawyers’ Association; Georgia: Human Rights amidst the Russian Law; 2024. p. 8, 14. See [link](#)

Russian Law, which aims to silence critical voices of CSOs and contradicts both the Constitution of Georgia and the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

Before adopting this law, discrediting and disinformation smear campaigns were conducted against the civil society sector to disgrace them in front of the society. Eventually, the state of human rights defenders was worsening in the country and after they disclosed thousands of illegal acts of the authorities, the legislative body also used “punishment instruments” against the CSOs.

In the light of years-long hostile rhetoric against the CSOs, a very fertile environment was created to start persecution against the civil society organizations that initially started with intimidating phone calls, then continued with physical attacks and punishment of people for the participation in the anti-Russian Law protest demonstrations.

More than half of the people who were detained during the protest demonstrations blames the police in ill-treatment. The disseminated videos raise doubts that law enforcement officers degraded and inhumanly treated the detainees during the protest demonstrations. Above that, the police misused the Articles 166 and 173 of the Administrative Offences Code that once again demonstrated the need to amend the Code to make it coherent with the international standards. All in all, mass detentions of protest participants prove that the real purpose of their arrests was intimidation of the protest supporters and not prevention of crimes.

The situation is further deteriorated by inactivity of the investigative bodies in relation with the facts of persecution against CSOs, their representatives and people criticizing the law. In fact, the investigation agencies refrain from any kind of investigations, or start investigations with wrong qualification, or other.

Recommendations

To the Prosecutor’s Office and the Special Investigative Service of Georgia

- Conduct prompt, effective and impartial activities to investigate the facts of persecution against the representatives of CSOs and people with critical views. Among these actions are:
 - To identify through investigation the sources, organizers and authors of intimidating phone calls made to human rights defenders and their family members;
 - To identify through investigation the organizers and authors of insulting graffiti and tests left on the facades of CSOs;
 - To impose liability on people, including senior government officials, who participated or supported the persecution of people because of their speech, views and political, civil or professional activities. To determine the aggravating circumstances in the cases of persecution committed by coercion or violence. Also, to determine whether the persecution was carried out by abuse of official power and whether this action caused significant harm.

- To conduct timely and impartial investigation of the alleged use of excessive power and ill-treatment by law enforcement officers against the participants of protest demonstrations, among them investigate alleged facts of ill-treatment to identify harasser police officers, violence groups and their supporters to impose respective liabilities on them.
- To conduct prompt, effective, comprehensive, full and impartial investigation of the cases on unlawful surveillance and impose criminal liability on all persons, who are responsible for the unlawful surveillance and eavesdropping.

To the Ministry of Internal Affairs of Georgia

- It is necessary that the Ministry of Internal Affairs ensured respect to the freedom of assembly and expression in accordance with the Constitution of Georgia, International Covenant on Civil and Political Rights and the European Convention on Human Rights
- To combat selfish misuse of the Articles 166 and 173 of the Administrative Offences Code of Georgia for the restriction of the right of human rights defenders to assembly and manifestation;
- To train law enforcement officers for the prevention of inhuman or/and degrading treatment of citizens and with regard to the measures of responsibility if these violations are committed.

To the Common Courts of Georgia

- If the MIA fails to present sufficient evidence to prove its position, it is important that judges did not find a defendant guilty based on the testimony of police officers only.

To the Constitutional Court of Georgia

- The Constitutional Court of Georgia, within its authorities, shall suspend implementation of the Law of Georgia on Transparency of Foreign Influence.

To the Parliament of Georgia

- The members of the Parliamentary Majority shall stop public statements stigmatizing the CSOs and delegitimizing their activities;
- To annul the Law of Georgia on Transparency of Foreign Influence;
- The Members of the Parliament shall pro-actively combat assaults on human rights defenders in the parliament and in the society;
- To amend the Administrative Offences Code of Georgia and the Law of Georgia on Assemblies and Manifestations to make it coherent with the internationally recognized human rights standards and to prevent selfish misuse of the Articles 166 and 173 of the Code to justify mass detention of protesters;
- To draft legislative amendments in the norms regulating the covert investigative actions to make them coherent with the international standards.