



**Restriction of Freedom of Assembly
and Expression: Proceedings against
Activists Detained and Sanctioned
during Protest Demonstrations**

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Union of Human Rights Defenders – Human Rights Center



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Content

II. Introduction	4
III. Freedom of Assembly and Expression	4
IV. Code of Administrative Offences	5
- Articles 166 and 173 of the Code of Administrative Offences of Georgia	7
V. Mass Arbitrary Detentions and Subsequent Violent Incidents	7
VI. Right to Fair Trial	10
- Fine or repressive mechanism	13
VII. Conclusion	14
VII. Recommendations	15

I. Introduction

Adoption of the Law on Transparency of Foreign Influence, so-called Russian Law, was followed by active protest in Georgia. The civil society organizations state that the Law has no connection with the promotion of transparency because its primary goal is to silence free speech, to stigmatize CSOs and vanish critical opinion. Restriction of freedom of assembly and expression, facts of inhuman and degrading treatment and unlawful detentions were observed during the protest rallies against the Law. The practice of unlawful detentions is encouraged by the Administrative Offences Code of Georgia, which requires substantial reform.

The Analytic Document aims to assess the coherence of the Administrative Offences Code of Georgia with the human rights standards based on the analysis of the freedom of assembly and expression, reviews the cases of unlawful detention and follow-up violence acts, assesses the importance of fair trial and practice of applying fines for repressive purposes.

The Analytic Document reviews the rights to fair trial and following violations: applying maximum term of detention; allocation of insufficient time for the defense side to prepare; negligence of the necessity to obtain impartial proofs; using falsified detention protocols; adoption of blanket decisions, others.

II. Freedom of Assembly and Expression

The Constitution of Georgia guarantees protection of opinion, information, mass media and internet,¹ as well as freedom of assembly². As freedom of assembly and expression is guaranteed under the Constitution of Georgia, interference in these rights shall be evaluated as legitimate purpose of interference (1), feasibility (2), necessity (3) and proportionality (4),³ to determine constitutionality of interference. Freedom of assembly and expression has fundamental significance for a democratic state. Therefore, it is important to protect it with high standards to ensure democratic functioning of the society.⁴

¹ The Constitution of Georgia, Article 17

² The Constitution of Georgia, Article 21

³ Judgment No 2/482,483,487,502 of the Constitutional Court of Georgia, II, April 18, 2011; p. 4.28; 129-133; 46-70; 38.

⁴ Bychawska-siniarska D., Protecting the Right to Freedom of Expression Under the European Convention on Human Rights, Council of Europe, 2017, P 11-17.; See. [link](#)

The European Court of Human Rights has already established the principle of proportionality in the case law, in accordance with which, it is important to consider whether the restriction causes chilling effect. For example, the European Court of Human Rights examined the case, where the Government of Moldova restricted freedom of assembly of the Christian-Democratic Party. The legitimate goal of the restriction was to protect national safety and public order because the Government believed the demonstration could cause tension among the supporters of the Communist party, who composed the majority. Additionally, the appeals of the applicant about the Russian occupation caused aggression against Russian population. Having that, the Government stated they had taken interests of Moldova into account to maintain good mutual relations with the Russian Federation. In this case, the ECtHR held the violation of the Article 11 of the Convention – freedom of assembly and manifestation and underlined that those restrictions had negative influence of chilling effect.⁵

In accordance with the international practice about civil and political rights, detention of an individual even for a short time has direct impact on the freedom of assembly and expression, as it restricts right to freedom of movement, or the right to freedom and personal inviolability that is protected under the International Covenant on Civil and Political Rights and the European Convention on Human Rights.⁶

The guiding principles of the Venice Commission and OSCE/ODIHR underline that an individual may be arrested during the assembly if he/she commits grave criminal offence, acts violently during the demonstration, or his/her detention is necessary to prevent a crime. Additionally, the State shall ensure that the protester was not arrested for his/her disagreement with police officers.⁷

The Code of Administrative Offences of Georgia comes in conflict with the universally recognized human rights standards and needs substantial reform.⁸

III. Code of Administrative Offences

The acting Code of Administrative Offences of Georgia was adopted during Soviet Union. It went in force on December 15, 1984, and since then it has been one of the most repressive legislative acts in the country. At that period, human rights were not in the political agenda. Respectfully, the Code does not guarantee basic procedural rights for a person detained under the

⁵ Christian Democratic People's Party v. Moldova, no. 28793/02, ECtHR 2006- II; Para 77,7 See [link](#)

⁶ International agreement signed by Georgia, International Covenant on Civil and Political Rights, Article 4, 9; European Convention on Human Rights, Article 5, Protocol No 4, Article 2

⁷ EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (OSCE/ODIHR) GUIDELINES ON FREEDOM OF PEACEFUL ASSEMBLY; CDL-AD(2019)017; 2019; para 220; See [link](#)

⁸ Netgazeti; "Why is it necessary to reform the Code of Administrative Offences?"; 17.10.2022; [last seen: 15.10.2024]; see. [link](#)

administrative law, which are enshrined in the Constitution of Georgia and international human rights standards. Because of insufficient procedural guarantees, the Code cannot protect a citizen from the arbitrary actions of law enforcement officers and does not respect right to fair trial.⁹

In accordance with the current legislation in Georgia, the Code of Administrative Offences covers fewer grave offences than the Criminal Code of Georgia. Additionally, the Code of Administrative Offences grants lower procedural standards to the charged person than the Criminal Procedural Code of Georgia. Nevertheless, the Code of Administrative Offences envisages severe repressive mechanisms like, for example, 48-hour administrative detention of an individual.¹⁰

In accordance with the assessment of civil society organizations, the amendments made in the Code of Administrative Offences by the Parliamentary Majority on April 29, 2021, made the Code even more repressive. In accordance with the amendments, the terms of the administrative detention extended and sanctions for minor hooliganism and disobedience to the lawful order of the police officer became more severe. Namely, in the previous edition, the Code did not determine the minimum term of the administrative detention for hooliganism (Article 166) and disobedience to the lawful order of law enforcement officer (Article 173). After the amendments, the minimum detention term is 7 days. The amount of financial penalties also increased. For example, before amendments, the Article 166 envisaged fine in the amount of 500 – 1000 GEL; while after amendments this range increased with 1000 GEL and now it is 1500-2000 GEL.¹¹

The Georgian government has declared the need to reform the Code. In order to carry out the reform, a governmental commission was set up. However, systemic reform of the Code was not carried out. Another attempt to reform the Code was in 2019 but the process failed again.¹² Thus, the Code is used to restrict right to assembly that allows the police to use its power without justification, among them against protest participants.¹³

Civil society sector has been protesting the Code of Administrative Offences for years. The Public Defender of Georgia also underlined the need to amend the Code of Administrative Offences and to develop a new code in many reports.¹⁴ International organizations also reported about the shortcomings in the Code.¹⁵

⁹ Human Rights Center, Lazare Jibladze; “Administrative Error under the Shadow of Georgian Lawmaking”, 2021, p. 5 see [link](#)

¹⁰ Social Justice Center; “Code of Administrative Offences is getting more and more repressive”; 28.04.2021; see. [link](#)

¹¹ Netgazeti; “Toughened sanctions for administration violation were adopted at the third hearing too”; 29.04.2021 [last seen: 15.10.2024]; see [link](#)

¹² Human Rights Center; Lazare Jibladze; “Administrative Error under the Shadow of Georgian Lawmaking, 2021, p. 6 see [link](#)

¹³ Netgazeti; “Why sanctions for minor hooliganism and disobedience to police officers are toughened,” 26.04.2021; [last seen: 15.10.2024]; see [link](#)

¹⁴ Report of the Public Defender of Georgia; “State of Human Rights and Basic Freedoms in Georgia,” 2020; p. 115 see [link](#)

¹⁵ Human Rights Watch; „Administrative Error - Georgia’s Flawed System for Administrative Detention“, 2012; see. [link](#). UN General Assembly, Human Rights Council, Report of the Working Group on Arbitrary Detentions, 2012; see. [link](#)

- **Articles 166 and 173 of the Code of Administrative Offences of Georgia**

In practice, law enforcement officers most often apply the Article 166 (minor hooliganism) and Article 173 (disobedience to law enforcement officer) of the Code of Administrative Offences to restrict right to assembly and manifestations of citizens.

Arresting activists under the Article 166 and 173 of the Code is usual practice applied to restrain protest. In accordance with the chronology of legislative amendments, the punishment measures determined under these articles are reduced when the government is new and the measures increase, when the government tries to extend its official powers. For example, in 2014, the newly elected government reduced the administrative detention term for minor hooliganism and disobedience to the police officers from 90 to 15 days; however, in 2018, the financial penalties for the same offences significantly increased. Namely, 100 GEL fine was replaced with 500 – 1000 GEL fine; and 250 GEL fine was replaced with 2 000 – 4 000 GEL fine.¹⁶

Annually, hundreds of people are arrested during protest demonstrations and most of them are charged with minor hooliganism and disobedience to police officer. Consequently, the statistical data with regard to these administrative offences is high every year. It is noteworthy that in 2024, during the protest demonstrations against the Law on Transparency of Foreign Influence, Russian Law, within one month – from April 15 to May 15, police arrested 185 persons for the violation of the Articles 166 and 173 of the Administrative Offences Code.¹⁷

IV. Mass Arbitrary Detentions and Subsequent Violent Incidents

In 2024, after the Law on Transparency of Foreign Influence, regarded as the Russian law, was re-initiated in the Parliament of Georgia, massive and non-stop protest demonstrations started in Tbilisi under the slogan: “Yes to Europe, No to Russian Law!”¹⁸ It is noteworthy that in parallel to the protest demonstrations, the government was carrying out disinformation campaign against the human rights defenders by using administrative resources and repeated the narrative of the “internal enemy.” Additionally, there were facts of intimidation and physical violence against

¹⁶ Radio Liberty; “The most severe punishment – how government was changing the law and narrowed the space for protest”; 06.08.2024; [last seen 22.10.2024]; see [link](#)

¹⁷ Ibid

¹⁸ Civil Georgia; Live Blog: “Yes to Europe, No to Russian Law” – Rallies against the Foreign Agents Bill; 05.06.2024; see [link](#)

human rights defenders; they were attacked near their houses, received threatening phone calls.¹⁹

Earlier too, during the protest demonstrations on March 7-8, 2023, the protesters were arrested to remove them from the area of demonstration rather than to prevent any concrete offence. The police arrested everybody randomly, who they could catch while dispersing the demonstration. As a result, according to the reports of the Ministry of Internal Affairs, they arrested 149 citizens during March 7-8 protest demonstration; according to the reports of the Special Investigation Service, they had received 123 notifications about alleged violations of rights during the demonstration.²⁰

It is particularly important to mention that the peaceful demonstrations on April 30, May 1 and May 13, 2024 were arbitrarily dispersed by law enforcement officers, by using disproportionate power and special means. Monitors of Human Rights Center observed the demonstrations and recorded the facts of the use of disproportionate power by law enforcement officers, arbitrary detentions of protesters and alleged facts of abuse of official power. The monitoring reports show that the MIA officers took videos and photos of active participants and organizers of the demonstrations, after what they started persecution of concrete individuals, used administrative detentions and physical violence against them.²¹

The cases processed by Human Rights Center also demonstrate how groundless the detentions were. The HRC lawyers provide people detained during demonstrations with free legal aid. In none of the cases, where HRC lawyers represent activists, there is no offence allegedly committed by them, which could justify their detention. The stories of the people detained during the protest demonstrations in May 2024 prove the same:

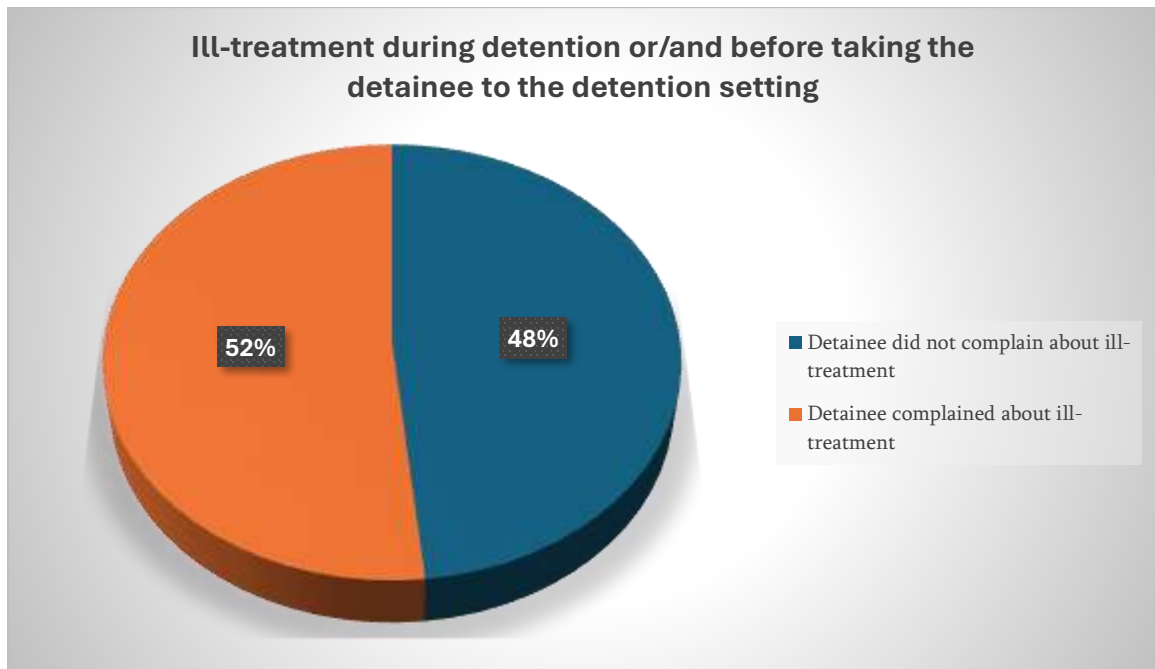
- D.J. is a student at the Tbilisi State Medical University. He was attending the protest demonstrations with medical items and assisted protesters, who received injuries during dispersal. In the moment of detention, a group of police officers attacked him, beat him and dragged him around by hair. There is a video-footage which proves this fact.
- When police cordon started moving towards people, L.G. tried to retreat while he stumbled over the chain near the parliament and fell. Police officers arrested and beat him in this moment.
- G.Zh. was standing with his back to the riot police cordon. At that moment, the riot police officers in facemasks attacked him and continued beating him during detention period.

¹⁹ Joint statement of Human Rights Center and OMCT/FIDH – Observatory for Human Rights Defenders, “Georgia: Serious deterioration of the situation of human rights defenders”; 26.06.2024; see [link](#); also Nino Chaladze, “Persecution against the Civil Society Organizations”; 2024; see [link](#); Interpresnews; Statement of the Personal Data Protection Service, 24.05.2024; see [link](#)

²⁰ GYLA; “People v. Russian Law: Assessment of the Dispersal of the March 7-9 2023 Demonstrations and Related Facts of Human Rights Violations”; 2023. p. 43-44, see [link](#); Statement of the Special Investigation Service about the investigation of the cases related with the March 7-9 protest demonstrations; 13.04.2023; see [link](#)

²¹ Human Rights Center; “Strengthening Monitoring and Advocacy Capacities for Rights in Georgia”, 03.10.2024; p. 3; see [link](#)

- G.B, who is a Russian citizen and was attending the rally to protest the Russian regime, was arrested when he was taking photos. They seized his camera and eye-glasses; officers were beating him in the moment of detention, on the way to detention setting and continued his verbal insulting.
- Officers attacked N.K, B.Tch and T.A, too, whom they were beating until bringing them to the police car; they were beating them on the ground too;
- Leader of the anti-occupation movement *Power Is in Unity* Davit Katsarava was arrested in front of the journalists, while he was addressing the law enforcement officers and underlining the need to fight against the Russian Law. As he reported, the officers of the special task unit of the MIA beat him five times during the detention in parallel to cursing and verbal insulting.²²
- Civil activist Lazare Grigoriadis said, the police had preliminarily planned to arrest him; they were kicking him in the head and assaulting physically. His friend, a girl, also received physical injuries. The police officers several times asked the friend, whether she was really a girl and after they convinced that she was a girl, they let her go.²³



To better reveal the facts of violence, it is worth to note that from April 15 to May 17, 2024, the representatives of the Public Defender of Georgia visited 180 detainees during the protest demonstrations: among them 93 persons, i.e. more than half of them, complained about ill-

²² Radio Liberty; "After beating, they were taking my photos or videos saying that they had to send them somewhere," Davit Katsarava; 15.05.2024; see [link](#); Georgian Stories; "I heard a voice of one of the executioner – kill him", Katsarava recalled the details of his beating; 21.05.2024; see [link](#)

²³ Radio Liberty; Lawyer said Lazare Grigoriadis was physically assaulted during detention; 15.05.2024; see [link](#); Radio Liberty; "Lazare Grigoriadis will leave detention setting on May 16 – Police extended his detention term until 48 hours;" 15.05.2024 see [link](#)

treatment from the side of police officers in the moment of detention or/and while they were transported to the detention settings.²⁴

In accordance with the guidelines of the OSCE/ODIHR, law enforcement officers should as far as possible avoid the use of containment or mass arrests of participants at an assembly. Such indiscriminate measures may amount to an arbitrary deprivation of liberty under international human rights law. Clear and accessible protocols for the stop, search and arrest or detention of assembly participants must be established. Often, in case of necessity, it is reasonable to postpone arrest of the protesters until the demonstration is over. It is important that only those protesters were arrested, who directly participated in the unlawful activities.²⁵ Therefore, it is inadmissible to arrest protesters for the restriction of their freedom of assembly and expression, to target active participants or select them randomly.

In the contrary to that, in April-May, 2024, when MIA officers were dispersing protesters, in the moment of detentions or afterwards, in the temporary detention settings, facts of inhuman and degrading treatment were observed, which, according to the assessment of the civil society organizations, amounted to the torture. The practice of administrative detentions was still applied to restrict right to assembly and freedom. Additionally, victims of physical assaults and inhuman treatment, mostly, were civil activists and members of the opposition political parties.²⁶

The Constitution of Georgia,²⁷ as well as the European Convention on Human Rights²⁸ prohibits torture, inhuman and degrading treatment, as well as inhuman and degrading punishment of any individual. In accordance with the contemporary law, what was perceived to be an inhuman or degrading treatment before, can now be deemed torture.²⁹

V. Right to Fair Trial

In accordance with the International Covenant on Civil and Political Rights, all persons shall be equal before the courts. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a

²⁴ 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](#)

²⁵ EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (OSCE/ODIHR) GUIDELINES ON FREEDOM OF PEACEFUL ASSEMBLY; CDL-AD(2019)017; 2019; para 35, 220; see. [link](#)

²⁶ Statement of the CSOs; "April 30 – May 1, Legal Assessment of the Dispersal of Protest Demonstrations;" 01.05.2024; see [link](#)

²⁷ Constitution of Georgia, Article 9(1)

²⁸ European Convention on Human Rights, Article 3

²⁹ Supreme Court of Georgia, Prohibition of Torture: Reflecting the standards established under the Articles 3 and 6 of the European Convention on Human Rights in the National Judicial Practice, 2019; See [link](#); also, Human Rights Center; "Strengthening Monitoring and Advocacy Capacities for Rights in Georgia", 03.10.2024; p. 3; see [link](#)

competent, independent and impartial tribunal established by law.³⁰ Firstly, the assemblies in front of the parliament were lawful and peaceful; secondly, police used disproportionate power against demonstrators and continued the problematic practice of administrative detentions. Therefore, the court hearings of the detained demonstrators had more importance. The civil sector called on the judges of common courts, to respect the constitutional rights of the citizens detained during anti-Russian Law peaceful demonstrations, to refrain from unlawful and unfair judgments, which would encourage impunity of police in the country.³¹

Regardless this recommendation, many rights of the detainees were violated, which were related with the right to fair trial. Among them were the following violations:

1. **Applying maximum terms of detention:** A person under administrative detention shall be brought in front of the court at the earliest possible time, but not later than 24 hours. This term may be extended once, for no longer than another 24 hours to obtain the evidence. For the extension, representative of the authorized agency shall present written justification of the reasonability of the extension. However, often, extension of the term was not well grounded. Moreover, the detainees were released after the maximum term of detention expired, when the release of the detainee shall be based on the exhausted grounds. In accordance with the judgment of the Constitutional Court of Georgia, it is illegal to use maximum period of administrative detention without proper justification.³² Additionally, in some instances, trials were held at night, or detainees had to spend long time in the detention cars, that may amount to ill-treatment.³³ It contradicts the right to fair trial to keep a detainee in the court during the whole day to wait for the trial, when one judge examines several cases.³⁴
2. **Insufficient time to obtain defense evidence.** The detainees did not have enough time to collect proofs. The Report of the UN Working Group on Arbitrary Detentions states that procedure that requires adjudication of the case within 24 hours is not considered to be in conformity with international human rights standards,³⁵ because pursuant to the European Convention on Human Rights, right to fair trial includes right to have adequate time for the preparation of defense.³⁶ In these particular cases, the defense side had

³⁰ International Covenant on Civil and Political Rights, Article 14

³¹ Coalition: Judges Must Protect the Rights of Peaceful Protestors Arrested at the Rally; 17.04.2024. see [link](#)

³² GYLA; "According to the Constitutional Court, it is Illegal to Use the Maximum Period of Administrative Detention without Proper Justification", 29.12.2020. see [link](#)

³³ Netgazeti; "Soviet Legislation v. Activists – how protest is being killed in Georgia"; 18.10.2023; see [link](#)

³⁴ Public Defender of Georgia; "Statement of the Public Defender about the Administrative Offences Code of Georgia and Right to Fair Trial;" 13.06.2018; see [link](#)

³⁵ UN General Assembly, Human Rights Council, Report of the Working Group on Arbitrary Detentions, 2012; para 64, 66; see. [link](#)

³⁶ European Convention on Human Rights, Article 6

inadequate time to obtain evidence, particularly when, some defense lawyers met their clients in the court first time and they had only one hour to prepare for the hearing.

3. **Obtaining impartial evidence.** Although the right to fair trial includes access to the examination of impartial evidence, mostly, at the trials of the people detained during protests, police officers did not provide recordings of their body cameras to the court. The reason may be the established practice, when police officers know that even if there are no evidence, the court may find the defendant guilty. Therefore, the officers do not take additional measures to provide additional proofs and at the trial they say that they had left body-cameras or had forgotten to switch them on.³⁷
4. **Falsified detention protocols.** Significant problem was observed in relation with the submitted administrative detention protocols, which later impacted the court decision too. Namely, as a rule, detention time was not correctly written in the protocols and information about the officer, who detained the person, was false. Unfortunately, it is well established practice that one police officer arrests protesters, whose name is not written in the protocol, but in the court, absolutely different police officer appears in front of the judge and makes testimony.³⁸
5. **Ungrounded and blanket decisions.** Right to well-grounded judgment is significant principle of fair trial. However, neither court could protect the citizens because in most cases the court makes decisions only based on the testimonies of the police officers. It contradicted the case-law of the European Court of Human Rights and resulted in the shifting of the burden of proof from the State to the citizen, which was a breach of the presumption of innocence principle.³⁹ It was important that on the cases of people arrested during protest demonstrations the court did not pass pattern judgments because the detainees, alongside with other rights, were enjoying their rights to freedom of assembly and expression in the moment of detention.⁴⁰ Nevertheless, unfortunately, the court failed to pass well-grounded judgments in some cases.

In the light of the abovementioned, we may conclude that court judgments are not well-grounded in this category of cases, which finally results into ungrounded fines. As a rule, the decisions of the City Court did not provide by what particular action they committed an administrative offence. Accordingly, the judicial decisions lack reasoning with regard to the arguments of decisive importance for the case, which is incompatible with both the local legislation and the standards set by the European Court of Human Rights.⁴¹

³⁷ Netgazeti; Why police does not present video-recordings from body cameras in the court; 10.10.2022; see [link](#)

³⁸ Netgazeti; "Soviet Legislation v. Activists – how protest is being killed in Georgia"; 18.10.2023; see [link](#)

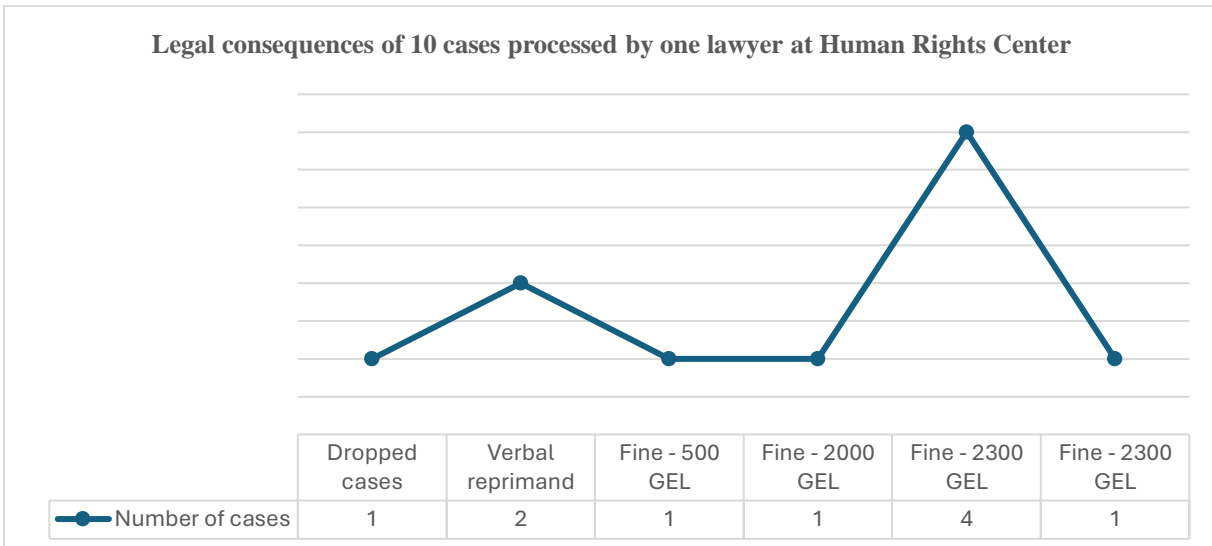
³⁹ Parliamentary Report of the Public Defender of Georgia; "State of Human Rights and Basic Freedoms in Georgia," 2020; p.117 see [link](#)

⁴⁰ *Moreira Ferreira v. Portugal* (No.2) no. 19867/12, § 84, 11/07/2017.

⁴¹ GYLA; "People Against The Russian Law. On October 30 Young Georgian Lawyers' Association presented the assessment of 7-9 March assembly dispersal and related facts of human rights violation.;" 2023; p.46; see [link](#)

- **Fine or repressive mechanism**

The government effectively used the soviet time administrative code to subdue the protest and create financial barriers for active people. For example, the total amount of fines imposed on 16 people arrested during the protest demonstrations on March 7-8, 2023, was over 40 000 GEL.⁴²



In accordance with the cases processed by Human Rights Center, every individual, who were detained during the protest rallies, were charged under the Articles 166 and 173 of the Administrative Offences Code of Georgia. Most of them were fined with 2 300 GEL regardless the fact whether their rights were violated or whether they were arrested based any grounds or not. For more clarity, we can assess the cases of people detained during protest rallies processed by one lawyer at Human Rights Center. In seven out of ten cases, the detainees had to pay 15 700 GEL fine.

Activists reported that unity of processes they have to undergo humiliates their dignity and kills their wish to live in the democratic state. The authoritarian regime has the same goal, when it punishes disobedient people in the name of the law. As a rule, activists do not pay fines in protest, for what their bank accounts are frozen for a long time. If they get salaries in their accounts, the state will fully deduct it. Therefore, students cannot use their student cards either to enjoy any benefits as students. For example, unpaid fine of one of students amounted to 15 000 GEL within 2 years. These fines have chilling effect on people. Some activists no longer want to participate in the demonstrations not to place his/her family in difficult financial situation. In relation to this issue, one of the activists stated: „*Generally, minor repressions play huge role to kill the protest. When you have a feeling that dignity of your country is stolen in front of you, when your future*

⁴² Netgazeti; “Soviet Legislation v. Activists – how protest is being killed in Georgia”; 18.10.2023; see [link](#)

perspectives are killed in front of you and the only way you have left is to protest it loudly, you do not care about any possible repressions. But when you return home in the evening (if you can return at all) and stay alone with your daily life, you discover that together with the injustice, you are now fined with thousands of GEL, and everything becomes too complicated. ⁴³

Alongside the interference in the right to freedom of assembly, strict sanctions may have chilling effect on the people wishing to participate in the protest. In cases involving minor administrative violations, it may be inappropriate to impose any sanction or penalty on assembly participants and organizers.⁴⁴

It is noteworthy that civil society organizations provided the people detained during the rallies against the so-called Russian Law with free legal aid. Also, civil sector collected donations to pay the sanctions imposed on the detained people.⁴⁵

VI. Conclusion

The Russian Law on the Transparency of Foreign Influence, alongside the marginalization of media outlets and civil society organizations, took Georgia away from the democratic space. Therefore, thousands of people participated in the anti-Russian law demonstrations. Disproportionate police forces and problematic practice of administrative arrests were used against the protesters that blatantly violates the right to assembly and manifestation. Additionally, the protesters became victims of inhuman and degrading treatment that may have amounted to torture. It is noteworthy that mostly civil activists became subjects of physical violence.

Amendments made in the administrative offences code, which was adopted in 1984 during the Soviet Union, aimed to reinforce repressive and punishment mechanisms by the state because the Code contains risks of disproportionate interference in the rights. These amendments significantly worsen the freedom of peaceful assembly and political views, increases police impunity and risks of ungrounded application of administrative sanctions. The Administrative Offences Code envisages tough penalties for administrative offences, like, administrative imprisonment. However, the Code envisages fewer procedural guarantees than the Criminal Code of Georgia, which offers more procedural guarantees to the defendant even in the grave criminal case.

⁴³ Radio Liberty; "Financial Sanctions to Activists – thousands GEL fines and sequestered bank accounts", 09.2022; see [link](#)

⁴⁴ EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (OSCE/ODIHR) GUIDELINES ON FREEDOM OF PEACEFUL ASSEMBLY; CDL-AD(2019)017; 2019; Para 222; see [link](#)

⁴⁵ Example, see, Human Rights House Tbilisi; "Updated information about the received donations and spend funds," see [link](#)

In the light of the abovementioned, the court hearings of the administrative cases against the demonstrators acquired more importance because it affects not only the rights of individual citizens but on the state of human rights in the country in general. Unfortunately, the judges, as a rule, did not request the police officers to present valid proofs and pass judgments only based on their testimonies. As a result, the circumstances in the case files, lack of evidence, blanket resolutions and applied high administrative sanctions turn the court into another punishment institution, which, in some instances, silence critical opinion and applies repressive mechanisms instead of the protection of human rights.

The sanctions have chilling effect on the people wishing to participate in the demonstrations because financial problems, firstly, places an activist in economic isolation, but secondly, shows to other people that unless they put up with the existing situation, they will also have to pay thousands GEL fines.

VII. Recommendations

To the Parliament of Georgia

- To create working group, which will elaborate the bill to reform the administrative offences code. It is essential that the bill aimed: to improve human rights guarantees for the people charged under the administrative law; to elaborate legal mechanisms to check legality of administrative detentions; to improve the proof of burden in the administrative cases and to reconsider relevance of sanctions.

To the Ministry of Internal Affairs

- To respect rights of the detainees; among them to take measures to clarify their right to have a lawyer in the moment of detention and allow them to enjoy the right to make a call in accordance with the legislation; the lawyers must be informed about the whereabouts of the detainees and be allowed to meet them immediately; to eradicate the practice of keeping detainees in the police car for unjustified period of time.
- To engage only qualified units of the MIA in the facilitation of the protests. To eradicate the cases of revenge and physical violence against the protesters during the detention and afterwards.
- During protests, where there is higher risk of citizens' detention, to oblige the law enforcement officers to have body cameras on to obtain neutral evidence for further proceedings.

- To respect freedom of assembly and eradicate any attempt of unlawful interference in it, as well as dispersal of protest rallies without legitimate grounds or the use of special means and disproportionate force.

To the Special Investigation Service

- To ensure timely, comprehensive and impartial investigation of the facts of torture, inhuman and degrading treatment of protest participants from the side of MIA officers and if the facts of alleged abuse of official power are identified, to punish perpetrators in accordance with the law.

To the Common Courts of Georgia

- To respect constitutional rights of citizens of Georgia and to refrain from passing ungrounded and blanket judgments.
- To consider the cases of administrative offences in due respect of the standards established by the European Court of Human Rights.