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# SUMMARY REPORT ON MONITORING PUBLIC ASSEMBLIES



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## This document was prepared by the Human Rights Center

Human Rights Center (HRC) was founded on December 10, 1996 in Tbilisi. Its mission is to promote respect for human rights and fundamental freedoms, and to promote peace processes in Georgia.

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## INTRODUCTION

This report presents the main findings from monitoring assemblies and demonstrations organized by political parties, civil movements, and activists in Tbilisi, as well as spontaneous gatherings. Within the scope of the project “Strengthening Human Rights Monitoring and Advocacy Capacity in Georgia,” the Human Rights Center’s monitoring team observed 15 assemblies from January to December 2024,<sup>1</sup> of which 8 were related to public protests against the “Transparency of Foreign Influence” law (hereinafter referred to as the Russian law). The reinitiation of this law<sup>2</sup> led to large-scale and continuous protests from the day the Parliamentary Legal Affairs Committee began its deliberation.<sup>3</sup> Most of these assemblies were spontaneous with information about them spread through social media.

The report at hand aims to review violations observed during the exercise of the right to freedom of assembly in Georgia, assess them legally, and analyze the identified trends’ compliance with national legislation and international standards. The Human Rights Center has also developed recommendations for various government bodies, which are essential to ensuring the protection of the right to peaceful assembly.

According to the Human Rights Center’s assessment, during the reporting period, numerous breaches of the freedom of assembly and expression were identified. These include: the use of special measures against participants in protests without legitimate purpose, legally defined grounds, or adherence to established procedures; the disproportionate use of force by the police; illegal administrative detentions; and the disregard for the rights of detainees, including instances of torture or inhuman and degrading treatment. Additionally, a noticeable trend observed was the disproportionate mobilization of police forces and unidentified law enforcement officers during the facilitation process, as well as, in some cases, verbal threats or insults directed at protest participants by Ministry of Internal Affairs representatives.

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<sup>1</sup> 1. Irma Inashvili’s rally at the Rustaveli Monument (January 11, 2024); 2) “March Against Evictions” (February 4, 2024); 3) “You Can Do It!” (March 8, 2024); 4) “March for Housing for All!” (April 7, 2024); 5) “No to the Russian Law!” (April 8, 2024); 6) “Yes to Europe! No to the Russian Law!” (April 9, 2024); 7) “Yes to Europe! No to the Russian Law!” (April 15, 2024); 8) “No to the Russian Law!” (April 16–17, 2024); 9) “No to the Russian Law!” (April 29, 2024); 10) “No to the Russian Law!” (April 30, 2024); 11) “Yes to Europe! No to the Russian Law!” (May 1–2, 2024); 12) “Let’s Wake Up for Georgia!” (May 12, 2024); 13) “Georgia Will Never Apologize!” (September 13, 2024); 14) “Georgia Chooses Europe” (October 20, 2024); 15) Public assembly organized by the President of Georgia and the opposition political parties (28 October 2024).

<sup>2</sup>The TV company “Mtavari Arkhi” reports that “Georgian Dream” is reintroducing the “Russian Law” in Parliament on April 3, 2024. Available at: <https://bit.ly/3XGSwXf> [September 26, 2024]; see also: the online publication “on.ge,” “The Russian Law Has Been Registered in Parliament,” April 8, 2024, available at: <https://bit.ly/45MdyWu> [September 26, 2024].

<sup>3</sup> The online publication “Tabula” reports that the Legal Affairs Committee will discuss the Russian Law on April 15. April 8, 2024, available at: <https://tabula.ge/ge/news/716614-iuridiul-sakitkhta-komiteti-rusul-kanons-15> [October 21, 2024].



## METHODOLOGY

The monitoring of assemblies and demonstrations was conducted by two monitors from the Human Rights Center (hereinafter, the “HRC”), who prepared monitoring reports based on the results of their observations. To document the events, each report was accompanied by photographic and video material depicting the facts. In 2024, the organization prepared one interim<sup>4</sup> and three brief monitoring reports.<sup>5</sup>

The monitors observed the protests in Tbilisi directly at the locations where the events took place. Information about the time and place of announced protests was gathered by the monitors from various sources, including social media platforms such as Facebook, where organizers would publish information in advance.

In addition to the findings from the monitors, the report also includes information available in open sources. Furthermore, in the reporting period, the HRC conducted 9 interviews with protest organizers and active participants, including members of political parties, representatives of human rights organizations, and civil society activists. The HRC representatives also met with officials from the Public Defender's Office, the Special Investigation Service, and the Administration of the President of Georgia.

This report reflects the main findings of the protest monitoring and the identified human rights violations. Its aim is to provide the public with information on the quality of the protection of freedom of assembly in Georgia and to assess the compatibility of current practices with both -national legislation and international human rights standards.

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<sup>4</sup> Human Rights Center, *Interim Report on Monitoring Public Assemblies*, September 13, 2024. Available at: <https://www.hrc.ge/677/geo/> [September 26, 2024].

<sup>5</sup> Human Rights Center, *Brief Monitoring Report regarding 15-17April Protest Demonstrations, 2024*, April 19, 2024. Available at: <https://www.hrc.ge/640/geo/> [September 26, 2024].

## 1. RESULTS OF MONITORING 2024 PUBLIC ASSEMBLIES, IDENTIFIED TRENDS AND HUMAN RIGHTS VIOLATIONS

In 2024, under the project framework, the HRC monitors observed 15 protests, the majority of which had a political nature, targeting the executive or legislative branches of Georgia's government. Additionally, small-scale and socially oriented protests were also monitored. In contrast, with large-scale protests, a noticeable disregard for established standards of managing and facilitating assemblies was observed. Law enforcement's behavior was often unpredictable, and their response to developments at the protests was disproportionate, sometimes leading to escalation. These incidents were especially frequent during protests against the Russian law. Furthermore, there was an impression that the excessive mobilization of police forces at the protests did not stem from the need to facilitate the protest or maintain public order. In contrast, law enforcement's approach to apolitical and small-scale protests was fundamentally different. It was generally aimed at supporting the realization of the right to assembly and expression, with a positive trend in police actions toward facilitating public assemblies and cooperating with the protest organizers.

As an example, we can examine two socially oriented protests observed by the HRC monitors: the "March for Student Housing"<sup>6</sup> and the "March Against Evictions."<sup>7</sup> During the monitoring of both protests, a positive trend was observed in law enforcement's facilitation of the protests and their cooperation with the organizers. This was also reflected in the support provided to the marchers by facilitating the movement of the demonstrations. In both cases, citizens who gathered at the initial location continued the protest with a march. During this time, police officers communicated with the participants and sought to guide the protest in a way that did not restrict the participants' freedom of assembly while at the same time maintaining public order. Given the number of participants, there was no need to completely block roadways during the protest, but after negotiations between the organizers and law enforcement, the patrol police allocated a public transport lane for the march participants. In some cases, they completely stopped vehicular traffic.

In contrast to the above-mentioned protests, during protests held in April and May, due to their scale, it was often necessary to block Rustaveli Avenue fully. For example, during the protest against the Russian law on April 24,<sup>8</sup> about 2,000 participants blocked the roadway in front of the Parliament building. At this point, law enforcement was mobilized on-site, but they did not issue any warnings regarding violations of administrative legislation applicable to public assemblies and demonstrations. Moreover, the protest participants occupied the roadway under the supervision of the police. A few days later, some of the participants identified on television received notices regarding the initiation of administrative proceedings for offenses related to organizing and holding assemblies and demonstrations.<sup>9</sup> In this case, the protesters did not initially intend to block the road and only moved onto it when the number of people gathered no longer allowed the protest to continue on the sidewalk.

The use of Article 1741 of the Administrative Offenses Code against the participants of the protest regarding the Russian law was a new development, as this provision had not been applied in previous years to participants in other protests. This, along with other sanctions under the Administrative Offenses Code, became a repressive and punitive tool against the participants in the April and May protests, which could have a chilling effect on the realization of the right to assembly and expression in the future.<sup>10</sup>

<sup>6</sup>Internet Publication "Publika," April 7, 2024. Available at: <https://www.facebook.com/watch/?v=1652866665247525> [September 26, 2024].

<sup>7</sup>Internet Publication "Maustkebeli" February 4, 2024. Available at: <https://www.youtube.com/watch?v=SGU3oll7aVU> [September 26, 2024].

<sup>8</sup>Radio Free Europe, "Protesters Blocked the Road in Front of Parliament and Headed Toward Europe Square," April 24, 2024. Available at: <https://www.radiotavisupleba.ge/a/32919307.html> [September 26, 2024].

<sup>9</sup>Article 1741 of the Administrative Offenses Code of Georgia.



## 1.2 PROHIBITION OF DISCRIMINATION AND GROUNDS FOR RESTRICTING THE FREEDOM OF ASSEMBLY

According to Article 2, (3) of the Law of Georgia on Assemblies and Demonstrations,<sup>11</sup> restrictions on the right to assemble must be: aimed at achieving a legitimate aim enshrined in the Constitution; prescribed by law; necessary in a democratic society; non-discriminatory; proportionally restrictive; and such that the benefit protected by the restriction outweighs the harm caused by the restriction. According to the Constitutional Court of Georgia, criticism of the government, including calls for a change in the form of governance or demands for the resignation of the government, falls within the area protected by the right to freedom of assembly and, therefore, shall not be prohibited.<sup>12</sup> The high level of protection for politically motivated assemblies is emphasized in the OSCE/ODIHR and Venice Commission guiding principles of freedom of assembly<sup>13</sup> and in the judgments of the European Court of Human Rights,<sup>14</sup> which states that the prohibition of an assembly or demonstration by the authorities on the grounds that its message is unacceptable cannot be justified.

The right to peaceful assembly imposes an obligation on the state to respect and ensure its implementation without discrimination.<sup>15</sup> This requirement also implies that assemblies should take place without unjustified interference, with the state helping to facilitate the exercise of this right and protecting participants regardless of the content of the assembly. Any attempt to interfere with this right must be substantively neutral and therefore should not be connected to the message expressed during the assembly. More specifically, the restriction of this right cannot be used as a clear or indirect instrument to suppress opposition ideas against the government.<sup>16</sup> In the HRC's assessment, as in previous years,<sup>17</sup> 2024 also saw a tendency of aggressive and violent police behavior during large-scale protests against the government, while during smaller-scale protests, the police were more focused on cooperation with the organizers.

This tendency is emphasized by the respondents in the interviews conducted as part of the project. All of the respondents stressed that the number and attitude of the police always differed regarding politically motivated protests. Respondents, when asked "How protected is the right to freedom of assembly in Georgia?", noted that "there are obstacles and challenges from the state when it comes to the content of the assembly, the choice of location, and the use of necessary infrastructure."

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<sup>10</sup> Radio Free Europe, "Court Fines Several Participants of the Protest Against the 'Agents Law' 500 GEL Each," May 20, 2024. Available at: <https://www.radiotavisupleba.ge/a/32955283.html> [October 21, 2024].

<sup>11</sup> Article 2, Paragraph 3 of the Law of Georgia on Assemblies and Manifestations.

<sup>12</sup> Judgment of the Constitutional Court of Georgia Decision, №2/482,483,487,502, 18 April 2011, in the case of the Political Union of Citizens "Movement for a United Georgia", the Political Union of Citizens "Conservative Party of Georgia", Georgian citizens – Zviad Dziridze and Kaha Kukava, the Georgian Young Lawyers' Association, citizens Dachi Tsaguria and Jaba Jishkariani, the Public Defender of Georgia v. the Parliament of Georgia, para. II-106.

<sup>13</sup> OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission), *Guidelines on the Freedom of Assembly*, 2nd edition, 2010, para. 94.

<sup>14</sup> See, for example: *Alekseyev and Others v. Russia*, nos. 14988/09 and 50 others, 27 November 2018.

<sup>15</sup> Human Rights Center, *Interim Report on Monitoring Public Assemblies*, available at: <https://www.hrc.ge/677/geo/> [26.09.2024].

<sup>16</sup> UN Human Rights Committee, *General Comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 2020, paras. 44-45.

<sup>17</sup> Human Rights Center, *Summary Report on Monitoring Public Assemblies, 2023*, available at: <https://www.hrc.ge/587/geo/> [26.09.2024].

### 1.3 ORGANIZED CAMPAIGN OF PERSECUTION AND DISCREDITING OF ASSEMBLY ORGANIZERS AND CIVIL ACTIVISTS

Parallel to the protests against the Russian law, one of the significant trends was the government's organized campaign of persecution, physical violence, and intimidation against civil activists, participants in the protests, opposition politicians, and human rights defenders.<sup>18</sup> According to the HRC, the goal of these actions was to instill fear in society, reduce the momentum of protests, and discredit the civil sector. Violent groups created for this purpose attacked and physically harmed: citizens, politicians, and civil activists who were active in opposing the Russian law.<sup>19</sup>

It should be noted that some acts of violence directly followed public statements by government officials. For example, on June 11, the Chairman of the Parliament of Georgia, Shalva Papuashvili, posted on his official Facebook page posts accusing civil activist Zuka Berdenishvili of threatening parliament members. About an hour after the statement, Zuka Berdenishvili was attacked and physically assaulted by three individuals near his home.<sup>20</sup>

In addition to the dozens of cases of physical violence, organized groups carried out a coordinated phone intimidation campaign against the participants in the protests.<sup>21</sup> During the protests, members of public organizations, activists, journalists, and individuals with high social media presence, as well as their family members (including minors), were called on their personal cell phones, verbally insulted, and threatened with physical retaliation if they continued participating in the protests. In some cases, vehicles belonging to leaders of NGOs or their family members were damaged, and offensive slogans and posters were placed on the façades of office buildings and the homes and gates of the organization's leaders.<sup>22</sup>

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<sup>18</sup>"Mtavari Arkhi," *Government's Threat Campaign, Calls from Foreign Numbers, and Open Psychological Terror against Politicians and Activists*, 07.05.2024, available at: <https://bitly.cx/YS5> [26.09.2024]; Internet publication "Georgia News," *Calls from Foreign Numbers to Opponents of the Russian Law, Insults and Threats*, 07.05.2024, available at: <https://bitly.cx/9uH2> [26.09.2024]; Radio "Liberty," *Calls to 11-year-old Lile, 16-year-old Keso, 13-year-old Girl, and 10-year-old Boy – Why Are They Calling Children?*, May 10, 2024, available at: <https://www.radiotavisupleba.ge/a/ha8m8-hj3a3j6-d3j3j6d0a6/32941355.html> [26.09.2024].

<sup>19</sup>TV "Formula," *Teacher Lado Abkhazava Attacked*, 05.05.2024, available at: <https://formulanews.ge/News/110677> [26.09.2024]; Radio "Liberty": *Another Opponent of the Agent Law Attacked – Gia Jafaridze*, May 8, 2024. Available at: <https://www.radiotavisupleba.ge/a/32938659.html> [26.09.2024]; Radio "Liberty": *Protest Activist Attacked on the Street*, May 8, 2024, available at: <https://www.radiotavisupleba.ge/a/32938651.html> [26.09.2024]; Radio "Liberty": *Member of the National Movement Attacked at His House*, May 8, 2024, available at: <https://www.radiotavisupleba.ge/a/32938613.html> [26.09.2024]; Internet publication Netgazeti: *Member of Girchi Boris (Chele) Quruas and New Force Member Nodar Chachanidze Attacked*, 09.05.2024, available at: <https://netgazeti.ge/news/721828/> [26.09.2024].

<sup>20</sup>Internet publication "Interpressnews.ge": *Civil Activist Zuka Berzenishvili Attacked*, 11.06.2024, available at: <https://www.interpressnews.ge/ka/article/802834-samokalako-aktivisti-zuka-berzenishvili-scemes/> [26.09.2024].

<sup>21</sup>Internet publication "Netgazeti": *Threatening Calls to Family Members of Anti-Russian Protesters*, 08.05.2024. Available at: <https://netgazeti.ge/life/721550/> [26.09.2024].

<sup>22</sup>Internet publication "Netgazeti": *Nino Zuriaashvili's Car Damaged and Hate Posters Placed on Her House*, 10.05.2024. Available at: <https://netgazeti.ge/news/721899/> [26.09.2024]; <https://www.omct.org/en/resources/statements/georgia-serious-deterioration-of-the-situation-of-human-rights-defenders> [26.06.2024].

Particularly alarming was the public Facebook post made on May 31 by one of the leaders of the Georgian Dream party, MP - Dimitri Samkharadze,<sup>23</sup> which included a video. In his statement, the MP listed the names of public organizations and opposition political parties whose buildings had been vandalized with offensive inscriptions and photos<sup>24</sup>. He referred to opponents of the Russian law as "unpatriotic agents." In the post, the MP directly stated that they had been "properly answered."

Despite the criminal actions possibly committed by organized groups,<sup>24</sup> as of today, there has been no identification, arrest, or prosecution of the individuals involved in the violence, even though some individuals could have been identified with the help of eyewitnesses.<sup>25</sup> Furthermore, indirect statements by political officials may have given the perpetrators a sense of impunity, which could lead to future incidents of violence.

In the HRC's assessment, the campaign of persecution, physical violence, and intimidation against civil activists, protest participants, political party representatives, and human rights defenders could have a "chilling effect" on the exercise of the right to peaceful assembly and freedom of expression.

## **1.4. INSTANCES OF INHUMAN AND DEGRADING TREATMENT AND TORTURE OF DETAINED PARTICIPANTS IN PROTESTS AGAINST THE RUSSIAN LAW**

According to the results of monitoring the protests, one of the major issues in the management and facilitation of the public assemblies was the organizational model of the law enforcement involved. It is noteworthy that, in addition to the patrol police, but also representatives of other departments of the Ministry of Internal Affairs (MIA) were mobilized at the protests against the Russian law, including the Special Tasks Department, community officers, criminal police, and in some cases, unidentified individuals. As highlighted in the reports of the HRC's monitors, these individuals were in active communication with the MIA subdivisions, and they were taking photographs of protest participants.

According to the monitoring by the HRC, officers of the Special Tasks Department of the MIA were particularly notorious for their brutality. In addition to the disproportionate use of force to disperse the assembly and the operations targeting participants,<sup>26</sup> there were particularly concerning instances of inhuman and degrading treatment during the arrest process or when transferring detainees to temporary detention facilities. In some cases, such a treatment could amount to torture.<sup>27</sup> Victims of such treatment during protests against the Russian law included both civil activists and representatives of opposition political parties.

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<sup>23</sup> Internet publication "Netgazeti": "Deputy Samkharaadze Admits He Organized Offensive Writings," 31.05.2024. Available at: <https://netgazeti.ge/life/724973/> [26.09.2024].

<sup>24</sup> Criminal Code of Georgia, Article 27.

<sup>25</sup> Internet publication "Publika.ge": "Eyewitness Testimony about the Attack at Heroes Square," 03.05.2024. Available at: <https://publika.ge/ras-yveba-tvitmkhilveli-gmirta-moedanze-momkhdar-tavdashkmaze/> [26.09.2024].

<sup>26</sup> Human Rights Center, Brief Monitoring Report regarding 15-17 April Protest Demonstrations, 29.04.2024, available at: <https://bit.ly/4cJ5Oqr> [26.09.2024].

<sup>27</sup> Joint Statement of Human Rights Organizations on the Dispersal of Peaceful Demonstrators on April 30 and May 1. Available at: <https://www.hrc.ge/641/geo/> [26.09.2024]; Human Rights Center; Brief Monitoring Report Regarding Torture and Inhuman Treatment against Protest Participants, 03.10.2024, available at: <https://www.hrc.ge/681/geo/> [17.10.2024].

<sup>28</sup> "Radio Liberty": Levan Khabeishvili Brutally Attacked, available at: <http://surl.li/bwxvkz> [26.09.2024].

<sup>29</sup> "Radio Liberty": Elisashvili Says He Was "Brutally Beaten" by Police, April 18, 2024, available at: <https://www.radiotavisupleba.ge/a/32910513.html> [26.09.2024].

<sup>30</sup> Criminal Code of Georgia, Article 333.

The founder of the anti-occupation movement "Strength in Unity," Davit Katsarava, was arrested on May 14 in front of the Parliament building. Before his arrest, he was addressing the gathered law enforcement officers when masked special forces approached him. Without any resistance, they arrested him and took him to the detention vehicle. Later, information spread in the media that Davit Katsarava had been severely beaten on his head and face. He was transferred to a clinic where he underwent several surgeries. According to the activist, after his arrest, he was forced into a circle, and they began to beat him repeatedly. After the beating, they filmed him and verbally insulted him.

During the arrest, the leader of the "United National Movement" party, Levan Khabeishvili,<sup>28</sup> and the chairman of the "Citizens" party, Aleko Elisashvili,<sup>29</sup> were also severely beaten. In both cases, there are signs of excessive use of force and inhuman treatment during the arrest process. The Special Investigation Service is investigating these incidents under the charge of abuse of authority through violence.<sup>30</sup>

According to the Constitution of Georgia, "[h]uman dignity is inviolable and is protected by the state".<sup>31</sup> The Constitution prohibits torture, inhuman or degrading treatment, and the use of inhuman or degrading punishment.<sup>32</sup> This provision of the Georgian Constitution fully aligns with Article 3<sup>33</sup> of the European Convention on Human Rights, which bans such practices. Under international law, the prohibition of torture is an absolute right, and deviation from this is impermissible, even when a protest loses its peaceful nature.<sup>34</sup>

Furthermore, for the purposes of modern law, torture should not be understood solely as the act of one person inflicting harm on others for purposes such as retaliation, obtaining information, or securing a confession. "It can also be used for broader purposes, such as instilling fear in society,<sup>35</sup> which can be achieved through deliberate criminal acts and instances of torture. As a result, what was previously considered merely inhuman or degrading treatment may now be classified as torture."<sup>36</sup>

According to the case-law of the European Court of Human Rights, the treatment falls within the scope of Article 3 of the Convention if it: "attains a minimum level of severity, involves actual bodily injury, or intense physical or mental suffering. Where treatment humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance, it may be characterized as degrading and also fall within the prohibition of Article 3".<sup>37</sup>

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<sup>31</sup> Constitution of Georgia, Article 9, Paragraph 1.

<sup>32</sup> *Ibid*, Paragraph 2.

<sup>33</sup> European Convention on Human Rights, Article 3.

<sup>34</sup> UN Protocol for Law Enforcement Agencies, 2024, Paragraph 26.

<sup>35</sup> Internet publication "Netgazeti": Zviad Kharaisvili's Statement about a Possible List of People Targeted for Retaliation for Protest Participation. Available at: <https://netgazeti.ge/life/724434/> [26.09.2024].

<sup>36</sup> Supreme Court of Georgia, Prohibition of Torture: Reflection of Standards Under Articles 3 and 6 of the European Convention on Human Rights in National Court Practice, 2019, ed. Marine Kvachadze, available at: <https://www.supremecourt.ge/uploads/files/1/pdf/adamianis-uflebata-centri/wamebis-akrzalva-me3-me6-muxlebit.pdf> [26.09.2024].

<sup>37</sup> *Pretty v. the United Kingdom*, no. 2346/02, §52, ECHR 2002-III.

In assessing the severity of treatment, attention should be given to its nature, form, duration, physical and mental harm, and sometimes to factors such as gender, age, and health status. It is important to consider not only the objective circumstances but also the subjective assessment of the victim, as well as society's attitudes and the level of tolerance towards a particular act. Accordingly, in the three cases presented, the physical violence inflicted on the victims, its purpose, intensity, and duration likely amounts to inhuman treatment or torture, the determination of which falls under the prerogative of objective investigation.

In addition to the three cases actively covered in the media, numerous incidents of the use of disproportionate force, physical violence, inhuman and degrading treatment by law enforcement against peaceful protesters have been reported in statements by the Public Defender of Georgia<sup>38</sup> and international human rights organizations.<sup>39</sup> Among them, the use of Turkish-made rubber bullets from a suspected prohibited non-lethal weapon has been mentioned as a special means.<sup>40</sup>

According to various reports, since mid-April 2024, during the police's violent dispersal of peaceful protesters, at least 300 individuals were detained, and dozens of demonstrators were severely beaten during their arrest and while being transferred to detention facilities. According to information provided to the HRC by the staff of the Public Defender's office, the Public Defender's monitors, within their mandate, visited 183 individuals detained during the protests against the Russian law. Of these, 95 reported that they had been subjected to physical violence during the arrest process and/or before being transferred to detention centers.

In addition, the detainees were mostly deprived of their basic procedural rights. Law enforcement officials did not inform them of the reasons for their detention, and they were not given access to communication with their lawyers and/or family members. In some cases, detainees did not have access to timely and adequate medical care. Human rights defenders and family members were also left in the dark about the whereabouts of the detainees for an extended period.

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<sup>38</sup> See the Ombudsman's Website, *Ombudsman Representatives Meet with Persons Detained during Protests, May 15, 2024*, available at: <https://ombudsman.ge/geo/akhali-ambebi/sakhalkho-damtsvelis-rtsmunebulebi-aktsiaze-dakavebul-pirebs-khvdebodnen> [26.09.2024].

<sup>39</sup> World Organization Against Torture, *Statement on the Use of Force Against Peaceful Demonstrators in April 2024*, available at: <https://www.omct.org/en/resources/statements/georgia-stop-police-brutality-and-effectively-investigate-allegations-of-torture> [26.09.2024].

<sup>40</sup> *Protest Participants Discovered Pepper Spray Likely of Turkish Origin*, available at: [https://x.com/Omega\\_RF/status/1790728347162456476](https://x.com/Omega_RF/status/1790728347162456476) [26.09.2024].



## 2. STANDARDS FOR THE USE OF SPECIAL MEANS IN DISPERSING PROTEST GATHERINGS

Monitoring reports confirm that one of the main challenges is the proper selection of special means to be used against participants in a gathering, which would allow for the proportional use of force in line with human rights protection standards. One of the main issues in this regard is the lack of direct and clear legislative regulation. In order to determine the peaceful nature of a gathering, the evaluation of facts and decision-making is left to the discretion of the police, which, from the police perspective, places an unreasonable and excessive responsibility on them.

It is important to note that, at present, a certain standard is set by the Ministry of Internal Affairs of Georgia's Order "On the Approval of the Code of Conduct for Employees of the Ministry of Internal Affairs During Gatherings and Demonstrations",<sup>41</sup> which determines the obligation of the police to distinguish between participants in peaceful and non-peaceful gatherings and have a case-by-case approach to prevent the disruption of peaceful gatherings. However, the rights violations identified during the 2024 peaceful protests indicate that due to the legal nature of this Order, its regulatory effect is insufficient to fully resolve this issue (including from the perspective of citizens' awareness). Therefore, improving this standard—specifically through more detailed legislative regulation on determining the peaceful nature of gatherings and the police's response to violent incidents during gatherings—would be an important step forward. According to the MIA's guidelines, the use of tear gas, pepper gas shells, and grenades is prohibited directly against an offender, or a group of people, or their repeated use in a gas-released area, except in extreme cases where repeated use is necessary to protect individuals or groups from violence or to prevent other serious consequences.<sup>42</sup>

On the night of April 30th, law enforcement used special means (water cannons, pepper spray, and tear gas) several times and simultaneously against peaceful citizens.

The Ministry of Internal Affairs violated this rule again on May 1st. During a protest held that day, the majority of the demonstrators were located on Rustaveli Avenue, while a small group occupied Chitadze Street. Law enforcement officers stationed in the Parliament yard used water cannons, an excessive amount of tear gas, and pepper gas shells simultaneously and repeatedly, in violation of the instructions, against a participant in the protest who was attempting to attach the European Union flag to the top of the Parliament gates. This was preceded by a small group of protesters firing various objects into the Parliament yard and creating noise by manipulating the gates.

The MIA's guidelines also prohibit the use of non-lethal weapons and non-lethal projectiles against individuals located within a 20-meter distance, as well as against parts of the physical body that are dangerous to health and life (head, neck, abdomen, genitals). Despite the Deputy Minister of Internal Affairs denying the use of rubber bullets during a special briefing, publicly released footage confirms that on May 1st, protestors sustained injuries consistent with rubber bullets in life-threatening areas, including the eyes and abdomen.<sup>43</sup> The narrowness of Chitadze Street and the positioning of law enforcement officers in the Parliament yard and around the street perimeter did not allow for a 20-meter radius of protection. This may explain the severe injuries sustained by protestors.<sup>44</sup>

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<sup>41</sup> Order No. 1002 of the Minister of Internal Affairs of Georgia, „On the approval of the Manual for the Conduct of the Ministry of Internal Affairs' personnel during assemblies and manifestations“, dated December 30, 2015, amended on 11.07.2021.

<sup>42</sup> Minister of Internal Affairs of Georgia, „On the approval of the Manual for the Conduct of the Ministry of Internal Affairs' personnel during assemblies and demonstrations“, 11.07.2021, Article (9)(1)(b).

<sup>43</sup> Radio Free Europe, „MIA: 'What do you know, that police were shooting?' – Rubber bullets during the rally. Eight stories,“ 02.05.2024. Available at: <https://shorturl.at/7jTCC> [26.09.2024].

<sup>44</sup> Radio Free Europe, „I was hit by rubber bullets, they were hitting me, I couldn't breathe – Stories from the rally,“ 02.05.2024. Available at: <https://shorturl.at/QPxel> [26.09.2024].

According to international standards, water cannons or tear gas (separately) may only be used in extreme cases when it is impossible to defuse a violent situation or prevent severe consequences with other means.<sup>45</sup>

According to the UN Basic Principles on the use of force and firearms by law enforcement officials,<sup>46</sup> when faced with an illegal but non-violent assembly, law enforcement officers should refrain from using force, and if this is not practical, such use of force should be limited to the minimum necessary level.<sup>47</sup> Moreover, it is important for the state to show a certain degree of tolerance<sup>48</sup> even toward illegal but peaceful assemblies.

In such cases, the specific circumstances of the case must be evaluated, particularly the boundaries of the "disruption of the usual rhythm of life." In this context, it is noteworthy that during the protests against the Russian law held in front of the Parliament of Georgia in April–May 2024, tear gas and water cannons were used against the participants for several hours. Although some of the participants' behavior was contrary to the Law of Georgia on "Assemblies and Manifestations,"<sup>49</sup> according to the standards discussed above, this fact did not exclude the peaceful nature of the protest, especially given that the participants did not engage in any violent actions. Despite the fact that the members of parliament gathered to discuss the bill faced discomfort when leaving the Parliament building, such protest-related inconveniences are an allowable event and require a certain level of tolerance.<sup>50</sup> Furthermore, if an increased interest in ensuring the uninterrupted functioning of the legislative body was observed, and this interest outweighed the protection of the participants' freedom of expression, it would have been more appropriate for law enforcement to have resorted to less severe measures, such as water cannons, which would meet the strict requirements of proportionality. As for the use of pepper spray and tear gas to clear the entrances to the Parliament building after the deputies left the area, this cannot be considered as "necessarily democratic in society," as it responds to a "pressing public need," given that during the indicated period (outside working hours), there was no interest in freeing the entrances to the legislative body.<sup>51</sup>

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<sup>45</sup> Amnesty International, „Guidelines for Implementation of the UN Basic Principles on the Use of Force and firearms by law enforcement officials“, 2015, p. 42.

<sup>46</sup> Available:  
<http://www.humanrights.ge/files/ZiriTadi%20principebi%20marTlwesrigis%20damcvel%20Tanamdebobis%20pir.pdf>  
[26.09.2024]

<sup>47</sup> „The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials“, para. 13. Adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 27 August – 7 September 1990.

<sup>48</sup> See, for example, *Oya Ataman v. Turkey*, no. 47738/99, 22 May 2007.

<sup>49</sup> Law of Georgia on Assemblies and Demonstrations.

<sup>50</sup> Article 111 of the Law of Georgia on Assemblies and Demonstrations.

<sup>51</sup> See, for example, *Kudrevičius and Others v. Lithuania [GC]*, no. 37553/05, ECHR 2015.

## APRIL 15-17: "NO TO THE RUSSIAN LAW, YES TO EUROPE"

The monitoring group of the HRC observed the protests organized on April 15, 16, and 17, titled "No to the Russian Law!" Various groups, representatives of civil movements and organizations spontaneously joined the protests.

The protest began on Monday, April 15, at 10:00 AM, at the back entrance of the Parliament. The purpose of the protest was to oppose the bill initiated by the "Georgian Dream" party on "Transparency of Foreign Influence" while it was being discussed by the Parliament's Legal Issues Committee.

On April 15, 2024, the Legal Issues Committee supported the transfer of the bill for plenary session discussion.<sup>52</sup> The following day, Parliament began the first reading of the bill in a plenary session,<sup>53</sup> and on April 17, 83 MPs supported it. On each day of the protests, the number of police officers and participants varied, including at different times of the day. Specifically, during the first half of the day, the maximum number of protestors gathered at the back entrance of the Parliament was around 300 people, while at certain times, the number of law enforcement officers on site was significantly higher than the number of protesters. On all three days, by 7:00 PM, the number of participants increased sharply. A large portion of the protestors gathered in front of the Parliament building, which led to the closure of Rustaveli Avenue. Additionally, on April 16, some participants gathered at the side entrances of the Parliament, on Chichinadze and 9 April Streets, which the police fully blocked at 7:30 PM and 8:07 PM. According to the HRC monitors, by 9:00 PM on April 16, special forces of the Ministry of Internal Affairs had also blocked 9 April and Ignorokhva Streets.

In contrast, on April 17, only Rustaveli Avenue was blocked (by the protesters), while the overwhelming majority of patrol and criminal police officers, as well as the so-called detention minibusses, were mobilized only near the Government Administration (Chancellery). Monitors from the HRC also recorded several minibuses in the parking area of "Gallery Tbilisi." They also observed a small number of special forces personnel from the Ministry of Internal Affairs near the Government Chancellery.

During the protests of April 15-17, unlike the protests of March 7-9, 2023, according to the HRC's assessment, police responsible for the area facilitated the movement of residents near the Parliament. Additionally, monitoring revealed attempts by several unidentified individuals to provoke the protesters, including with offensive remarks. However, police officers removed them from the location to prevent physical confrontations. The monitors did not encounter any obstruction in carrying out their duties.

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<sup>52</sup> The website of the Parliament of Georgia, the Legal Issues Committee supported the draft law „On the Transparency of Foreign Influence,” 15.04.2024. Available at: <https://parliament.ge/media/news/iuridiul-sakitkhta-komitetma-utskhouri-gavlenis-gamchvirvalobis-shesakheb-kanonproekts-mkhari-dauchira> [26.09.2024].

<sup>53</sup> The website of the Parliament of Georgia, Parliament began the first hearing of the draft law „On the Transparency of Foreign Influence,” 16.04.2024. Available at: <https://parliament.ge/media/news/parlamentma-utskhouri-gavlenis-gamchvirvalobis-shesakheb-kanonproektis-pirveli-mosmenit-gankhilva-daitsqo> [26.09.2024].

On all three days of the protests, the HRC monitors noted water cannon trucks, the so-called detention vehicles, and took photos showing non-lethal weapons (rubber bullets) among the equipment of the police officers near the Parliament and the Chancellery. Furthermore, on the night of April 16 and at 00:30 on April 17, based on the number of protesters, the HRC monitors assessed that the special forces personnel from the Ministry of Internal Affairs were disproportionately deployed near the back entrance of the Parliament and Zurab Zhvania Street. It is noteworthy that according to the OSCE/ODIHR's guiding principles, disproportionate and excessive police interference can create a confrontational situation rather than de-escalating tension, which may exacerbate potential conflicts instead of easing them.<sup>54</sup>

According to the HRC monitors, there were significant violations of the freedom of assembly: the protest remained entirely peaceful throughout all three days, including on April 16 at 10:00 PM, when police officers first used pepper spray to disperse the protesters near the back entrance of the Parliament, and again at 00:40 on April 17, when special measures were used for the second time. There was no justification for dispersing the assembly at that time, especially using special measures. Furthermore, on April 16 and 17, police officers used pepper spray several times without warning,<sup>55</sup> which constitutes a violation of significant requirements established by national law<sup>56</sup> and OSCE/ODIHR standards.<sup>57</sup>

On April 16-17, 18 individuals were arrested during the protests.<sup>58</sup> Among the detainees were representatives of the political party "Girchi - More Freedom," and according to the party chairman, physical violence was used against them.<sup>59</sup> Furthermore, according to information released by the Public Defender of Georgia, of the 16 individuals visited, 11 reported inappropriate treatment and the use of disproportionate force, requesting action in response.<sup>60</sup>

Footage captured by both journalists and protesters and actively shared on social media depicted instances of violence by representatives of the Ministry of Internal Affairs against protesters and journalists.<sup>61</sup> According to media reports, journalists from "Tabula," "Publika," and "April" were also assaulted.<sup>62</sup>

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<sup>54</sup> OSCE Office for Democratic Institutions and Human Rights, *Report on Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2011 – June 2012)*, 9 November 2012, para. 201, available at: <https://rb.gy/smw90> [26.09.2024]

<sup>55</sup> See the footage released by TV „Pirveli“ showing the use of pepper spray against M. Ramishvili, available at: <https://www.facebook.com/share/v/neFEg2F5h5PwHheU/?mibextid=WC7FNe> [26.09.2024].

<sup>56</sup> „On the approval of the Manual for the Conduct of the Ministry of Internal Affairs' personnel during assemblies and manifestations“ - Order No. 1002 of the Minister of Internal Affairs of Georgia, dated December 30, 2015, amended on 11.07.2021.

<sup>57</sup> OSCE Office for Democratic Institutions and Human Rights, *Human Rights Handbook on Policing Assemblies*, Warsaw, 2016, p. 103, available at: <https://rb.gy/m5t9g> [26.09.2024].

<sup>58</sup> Radio Free Europe, regarding those detained during the protests, available at: <https://bit.ly/3JvVmWU> [26.09.2024].

<sup>59</sup> TV „Formula“: Zura Jafaridze: Every detainee was beaten – "Not 'hit during detention'; they were beaten," 17.04.2024, available at: <https://formulanews.ge/News/109494> [26.09.2024].

<sup>60</sup> The Public Defender's Office, *Preliminary Results of Monitoring the April 16-17 Protests*, available at: <https://bit.ly/3Jujw3T> [26.09.2024].

<sup>61</sup> See the footage showing the special forces beating and toppling protestors, TV Formula, available at: <https://www.facebook.com/watch/?v=970013414795480> [22.04.2024]; See the protestor injured with a broken elbow, Publika, available at: <https://bit.ly/49SB5W2> [22.04.2024]; See, also: Georgian Young Lawyers' Association, *Georgian NGOs Defend the Rights of Every Detainee*, 17.04.2024, available at: <https://www.gyla.ge/ge/post/qartuli-arasamtavrobo-organizaciebi-vicavt-yvela-dakavebulis-uflebe#sthash.7hN6Fa58.3TZL30y1.dpbs> [26.09.2024].

<sup>62</sup> Public Defender's Statement on the Beating of Journalists and Interference with Their Work During the Protests, available at: <https://bit.ly/3UqzhPI> [26.09.2024].

## APRIL 30 - MAY 1: „YES TO EUROPE! NO TO RUSSIAN LAW!“

On April 30 and May 1, the Ministry of Internal Affairs used special measures most extensively. According to the monitoring report on the protest actions on April 30 and May 1,<sup>63</sup> approximately 45 minutes after the completion of the second reading of the bill in the plenary session, at 09:45, law enforcement began using special measures against the protesters. Initially, physical force was used to remove peaceful demonstrators gathered on Zhvania Street (the back entrance of the Parliament). Pepper spray was used multiple times. A water cannon vehicle was also mobilized on Zhvania Street, while Chitadze Street was blocked by special forces.<sup>64</sup>

The use of special measures followed a call from the protest organizers for the participants to move peacefully towards the Government Administration building, in parallel with the probable movement of parliament members out of the building and towards Sololaki through the Administration's yard. It should be noted that at all stages, the protesters' movement was mainly organized and was not violent in any instance. However, police forces began mobilizing on all streets that the protesters could potentially use, creating tensions and, in some cases, escalating confrontations. The police blocked all routes leading to the Government Administration, including the path from the "Tbilisi Mall" shopping center and the stairs near the "Freedom Square" metro station, as well as Sulkhan-Saba Orbeliani and Pavle Ingorokva streets. This coordinated police action appeared to be primarily aimed at preventing any inconvenience for the members of parliament while leaving the building.

At the same time, water cannon vehicles, several minibusses designated for special forces, and other types of law enforcement vehicles were mobilized at Freedom Square. Tensions between the protesters and law enforcement escalated as members of parliament were being escorted out of the building. The situation further intensified around 23:10. Demonstrators had gathered around the parliamentary building, on Zhvania, Chichinadze, Chitadze Streets, and Rustaveli Avenue, holding banners and whistles, while loudly chanting "No to the Russian Law!" The protesters did not possess any items prohibited by law, and their behavior remained within the boundaries of the freedom of assembly and expression. The demonstrators, for the most part, stood with their hands raised in front of the police. There were isolated incidents where they threw bottles filled with water at the police, which were largely a reaction to the police's violent actions.<sup>65</sup>

According to the HRC monitors, law enforcement authorities repeatedly violated the rules for the use of special measures during assemblies and protests. During the April 30th protest, there was no legal basis for dispersing the peaceful gathering of around 300 participants at the back entrance of the parliament using physical force, as they expressed their protest peacefully with banners, sound devices, and chanting. Given the peaceful nature of the protest, the mobilization of demonstrators at the back entrance of parliament did not hinder the MPs from leaving the legislative body. Special forces present at the scene used a small amount of gas and deployed water cannons. Later, the Ministry of Internal Affairs used special measures on Chichinadze Street and confronted thousands of peaceful citizens gathered on Rustaveli Avenue around midnight with water cannons, pepper spray, and tear gas.<sup>66</sup>

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<sup>63</sup> Human Rights Center, *Monitoring Reports on Protests - Demonstrations Against Russian Law, April 30 – May 1, 2024*.

<sup>64</sup> Internet Publication Interpressnews, *Protestors Heading Toward Parliament Entrances from Chitadze and Chichinadze Streets*, 30.04.2024, available at:

<https://www.interpressnews.ge/ka/article/797575-akciis-monacileebi-chitazis-da-chichinazis-kuchis-mxridan-parlamentis-s-hesasvlelebisen-msvlelobit-miemartebian/> [17.10.2024].

<sup>65</sup> Human Rights Center, *Monitoring Reports on Protests - Demonstrations Against Russian Law, April 30 – May 1, 2024*.

<sup>66</sup> Tabula, „What Happened on Rustaveli on the Night of May 1st?“, 01.05.2024, available at:

<https://tabula.ge/ge/news/717564-ra-khdeboda-rustavelze-1-eli-maisis-ghames> [26.09.2024].



On May 1st, the use of special measures on Chitadze Street followed a small group of protesters throwing objects into the legislative building's yard and making noise by hitting the gates. Instead of conducting localized measures to separate potential public order offenders from the peaceful protesters, law enforcement used special measures against the thousands of citizens gathered on Rustaveli Avenue.

Additionally, according to a joint statement released by non-governmental organizations, no warning was issued prior to the use of special measures.<sup>67</sup> The use of water cannons was either simultaneous with the warning or occurred within seconds of it.<sup>68</sup> No prior warning was given before the use of tear gas canisters (at 23:21). The Ministry of Internal Affairs (MIA) published an online statement<sup>69</sup> urging the assembled crowd to clear the entrances and exits of the parliament building, but this cannot be considered a proper warning, as the purpose of a warning is to communicate information effectively to the intended audience and to avoid escalation by all possible means. Publishing a statement while implementing special measures reduces this legal obligation to a mere formality, which violates the MIA's guideline protocols.<sup>70</sup> Regarding the use of rubber bullets, a special forces representative denied their use in a conversation with a journalist.<sup>71</sup> However, photos circulated in the media confirm the use of this special measure.<sup>72</sup>

After forcibly removing peaceful demonstrators from Zhvania Street and using special measures, the Ministry of Internal Affairs (MIA) again released a statement, urging protest participants to remain within the legal limits of assembly and demonstration. Later, law enforcement authorities once more deployed special measures against thousands of peaceful citizens gathered on Rustaveli Avenue, dispersing the protest with disproportionate force. Alongside the use of water cannons, tear gas, and pepper spray, the MIA issued an audio alert instructing demonstrators to vacate the area.

According to MIA's guidelines, prior to the initiation of special measures, the responsible official is required to issue a warning to assembly participants about the use of physical force and special measures, allowing a reasonable time (no less than 30 minutes) for compliance with legal demands.<sup>73</sup> The MIA did not adhere to this rule of the guideline, neither on the night of April 30 (early May 1) nor at any time prior to using special measures.

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<sup>67</sup> Internet publication Civil.ge, NGOs: Physical Force Used Against Protestors Was Equivalent to Torture, 01.05.2024, available at: <https://civil.ge/ka/archives/603209> [26.09.2024].

<sup>68</sup> TV „Formula,” Special Forces Clearing Rustaveli Avenue with Water Cannon, 30.04.2024, available at: <https://t.ly/0LbkY> [26.09.2024].

<sup>69</sup> „Ministry of Internal Affairs Statement,” 30.04.2024, available at: <https://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/16242> [26.09.2024].

<sup>70</sup> „On the approval of the Manual for the Conduct of the Ministry of Internal Affairs' personnel during assemblies and manifestations“ - Order No. 1002 of the Minister of Internal Affairs of Georgia, dated December 30, 2015, amended on 11.07.2021.

<sup>71</sup> TV „Pirveli,” Rubber Bullets Fired at Protestors on Rustaveli Avenue, 30.04.2024, available at: <https://t.ly/3kSeQ> [26.09.2024]; Internet publication „Publika,” Member of „GIRCHI – More Freedom” Zaza Kobuladze Says He Was Hit by a Rubber Bullet, 01.05.2024, available at: <https://tinyurl.com/u88v34my> [26.09.2024].

<sup>72</sup> Radio Free Europe, Rubber Bullets During the Protest. Eight Stories. 02.05.2024, available at: <http://surl.li/cgttco> [26.09.2024].

<sup>73</sup> „On the approval of the Manual for the Conduct of the Ministry of Internal Affairs' personnel during assemblies and manifestations“ - Order No. 1002 of the Minister of Internal Affairs of Georgia, dated December 30, 2015, amended on 11.07.2021.

### 3. THE RIGHT TO SPONTANEOUS ASSEMBLY AND THE LEGALITY OF BLOCKING ROADWAY

Under international law, spontaneous assembly is recognized as a form of peaceful gathering. It allows people to come together without prior planning in response to specific, unexpected events.<sup>74</sup> According to a decision by the Constitutional Court of Georgia, the right to assembly protected by Article 21 of the Georgian Constitution covers both organized and spontaneous gatherings and assemblies.<sup>75</sup> Since timing is often crucial in expressing opinions and reactions to current events,<sup>76</sup> any delay may render the response meaningless.<sup>77</sup> A spontaneous assembly provides this kind of opportunity, as it represents an immediate response to a particular incident and is generally unplanned, often without a designated organizer.

It should be noted that advance notice from the relevant state authorities plays an essential role in managing protests and ensuring participant safety. Such notice serves as a key legal and practical mechanism that enables the police to implement the most effective and justified rights-protection strategy, known as the negotiated management strategy. In the case of spontaneous gatherings, however, where specific regulations may be lacking, police must operate under general rules, which do not always provide a precise and adequate regulatory framework for managing spontaneous assemblies.<sup>78</sup>

Under Georgian legislation, there is a requirement for advance notice to local government authorities when organizing assemblies that block the carriageway or impede transportation.<sup>79</sup> However, the law does not define the concept of a spontaneous assembly, nor does it exempt situations where advance notice is impractical due to time constraints or other objective circumstances. In practice, this uncertainty may question the legal feasibility of holding a spontaneous assembly on a roadway or where traffic flow is obstructed.

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<sup>74</sup>OSCE/ODIHR Guidelines on the Freedom of Peaceful Assembly, available at: <https://www.osce.org/files/f/documents/5/d/82979.pdf> [17.10.2024].

<sup>75</sup>Judgment of the Constitutional Court of Georgia in the case of the Public Defender of Georgia v. the Parliament of Georgia, 14.12.2023, available at: <https://www.constcourt.ge/ka/judicial-acts?legal=16052> [17.10.2024]

<sup>76</sup>The so-called Gavrilov's Night on June 20, 2019:

The Parliament of Georgia hosted the "Interparliamentary Assembly on Orthodoxy." Sergey Gavrilov, a member of the Russian Duma, took the seat of the Chairman of the Parliament of Georgia, which led to a mass protest on the same day, available at: <https://shorturl.at/EpoTS> [26.09.2024]

<sup>77</sup>Judgment of the Constitutional Court of Georgia's №1/5/1271 in the case of "Besik Khatamadze, David Mzhavanadze, and Ilia Malazonia v. the Parliament of Georgia", 4 July 2019.

<sup>78</sup>Special Report of the Public Defender of Georgia for the Year 2020. *The Right to Peaceful Assembly (Protected Area and Standards for Managing Assemblies)*, pp. 36–37.

<sup>79</sup>Law of Georgia on Assemblies and Manifestations: Article 5, Paragraph 1, Article 8, Part 1, and Part 2.

actively detained<sup>80</sup> on grounds of disorderly conduct<sup>81</sup> and noncompliance with lawful police orders.<sup>82</sup> In contrast, during the blockade of Rustaveli Avenue and the motorcycle parade, law enforcement did not warn spontaneous participants that they were violating the law. After these events, however, based on video footage captured by police and aired on television, administrative proceedings were initiated against the demonstrators. In the first case, pedestrians received court summons regarding the "violation of the rules for organizing and conducting assemblies,"<sup>83</sup> while in the second, identified motorcycle owners were fined 1,000 GEL under Article 125 (6)1 of the Administrative Offenses Code, which penalizes the "organized road blockage or group participation in road blockage when the entire carriageway is occupied in urban or settlement areas."

Thus, administrative sanctions may often serve as a tool to suppress citizens' desire to protest, which inevitably negatively impacts the freedom of assembly.<sup>84</sup> This chilling effect is common in events related to political gatherings, as suppressing these gatherings generally hinders organizers and participants from planning or engaging in protest actions or participating actively in opposition politics. Systematic use of such measures compels citizens to refrain from joining protests against government actions and, more broadly, from openly expressing opposition-oriented views.<sup>85</sup>

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<sup>80</sup> Formula TV:

*On Heroes Square, the police used force to detain participants of the protest.* 14.05.2024 Available at: <https://formulanews.ge/News/111285> [26.09.2024].

<sup>81</sup> Code of Administrative Offences of Georgia, Article 166.

<sup>82</sup> *Ibid*, Article 173.

<sup>83</sup> Code of Administrative Offences of Georgia, Article 1741.

<sup>84</sup> See, for example, *Balçık and Others v. Turkey*, no. 25/02, 29 November 2007.

<sup>85</sup> See, for example, *Nemtsov v. Russia*, no. 1774/11, 31 July.



## CONCLUSION

This report outlines the key findings of the Human Rights Center's monitoring team, based on observations of protests conducted from January to December 2024. During this period, the Human Rights Center monitored 15 protests, including 8 demonstrations held in opposition to the "Russian law."

Of the monitored protests, only a few exhibited positive trends in terms of cooperation between police and protest organizers and participants, which was mainly observed in smaller-scale protests.

Regarding the protests against the "Russian law," the Human Rights Center assesses that government authorities not only failed to protect the right to peaceful assembly but also intervened directly and severely in this protected right, using disproportionate force on several occasions to disperse peaceful gatherings. Among the serious human rights violations identified in April and May 2024 were:

1. The dispersal of peaceful protests with disproportionate force, lacking legitimate aims or legally defined grounds;
2. The use of special measures during protest dispersals without adherence to legal standards and in violation of national regulatory provisions;
3. Incidents of inhuman and degrading treatment of protest participants during detainment and prior to transfer to detention facilities;
4. Unlawful arrests of protest participants and violations of the procedural rights of individuals detained administratively;
5. Imposition of administrative sanctions on participants after detention without proper examination of evidence;
6. Involvement of unidentified police officers and disproportionate police mobilization during protest facilitation;
7. Unauthorized surveillance of protest participants, including photo and video recording.

On the one hand, Georgian legislation clearly defines the grounds for restricting freedom of assembly and regulates the rules for the use of special measures by the Ministry of Internal Affairs. However, each rights violation reflected in this report directly contravenes both the Georgian Constitution and national law, as well as international human rights standards. Specifically, during protests against the "Russian law," there was an absence of lawful grounds to justify the cessation or dispersal of protests, nor were there any legal grounds for deploying special measures. Therefore, it is essential that state bodies comply with legal requirements and investigate any actions by public officials that may constitute rights violations.



## RECOMMENDATIONS

Based on the findings from protest monitoring, the Human Rights Center has developed the following recommendations for state authorities:

### **To the Ministry of Internal Affairs of Georgia:**

- Respect the right to freedom of assembly and avoid dispersing protests without a legitimate aim or legal grounds;
- Refrain from disproportionate use of special measures without legally defined grounds or legitimate aims, and ensure compliance with rules on the use of special measures;
- Engage only qualified units with the relevant competencies and specially trained personnel in the facilitation of protests;
- Adhere to the universal prohibition against torture and inhuman treatment in the facilitation of protests, including during the arrest and post-arrest periods;
- Eliminate physical violence against protest participants during and after detainment;
- Avoid "pursuit operations" against protest participants aimed at physical retribution and suppression, which would have a chilling effect on freedom of assembly and expression;
- In large-scale protests, respond to specific problematic incidents and refrain from categorizing the entire protest as violent or illegal for the purpose of subsequent dispersal.

### **To the Special Investigative Service:**

- Ensure timely, comprehensive, and impartial investigations into alleged cases of excessive force against participants of assemblies and demonstrations;
- Conduct timely, thorough, and objective investigations into incidents of torture, inhuman, and degrading treatment by Ministry of Internal Affairs personnel against protest participants;
- Proactively provide the public with periodic updates on the progress of investigations, given the high level of public interest.





