



INTERIM REPORT ON MONITORING PUBLIC ASSEMBLIES



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I. INTRODUCTION

The below report reviews the findings from the monitoring of the assemblies organized by civil activists, political parties, or civil movements. The monitoring was conducted within the scope of the project **“Strengthening Monitoring and Advocacy Capacities for Rights in Georgia”** in the period from January – to July 2023.

The Report identifies breaches of domestic legislation regarding the right to freedom of assembly and manifestation as well as its practical realization and offers legal analysis. Additionally, the Report assesses the activities of the law enforcement officers during the demonstrations in coherence with the law. The Report summarizes the monitoring results and key findings.

In the reporting period, HRC monitors observed 9 demonstrations, each of which had a concrete purpose and demand. Most of the assemblies were spontaneously planned and information about them was published on social networks.

In accordance with the assessment of the Human Rights Center, several significant violations of the right to freedom of assembly and manifestation by law enforcement officers were observed in the reporting period. In particular, the HRC monitors have reported the use of excessive force against the demonstrators during the dispersal of peaceful assemblies with special means,¹ as well as instances of breaches of procedural law during administrative detentions.²

2. METHODOLOGY

Two monitors of the Human Rights Center carried out monitoring of the demonstrations. They collected detailed information about each demonstration based on the monitoring questionnaire. The reports of the monitors were accompanied by photo and video materials to document the developments during the assemblies and manifestations.

The HRC monitors observed the rallies in Tbilisi from the sites of the protest demonstrations. The monitors received information about the time and places of gatherings from various sources like a social networking website – Facebook, where the organizers disseminated information about the planned assemblies.

Besides being present and observing demonstrations, the monitors surveyed open sources of media covering the demonstrations. Additionally, the Human Rights Center’s team conducted 2 interviews with the organizers of the rallies; namely – they interviewed two members of the civil movement and a leader of the political party European Georgia.

¹ See, e. g.: Protest Demonstration of 7 March – “No to Russian Law” *infra* p. 4; Protest Demonstration of 8-9 March - No to the Russian Law, Come to Protect Your Dignity”, p. 6.

² See, e. g.: Protest Demonstration of Beka Grigoriadis, *infra* p. 12.

To analyze the data collected as a result of the assembly monitoring, Human Rights Center additionally requested public information from administrative bodies to find out whether they were preliminarily informed about the planned protest demonstrations and expected restrictions on traffic movement.

In total, the report at hand, based on the monitoring results, evaluates how the activities of the representatives of respective state bodies comply with the national legislation as well as the international standards on the realization of freedom of assembly and expression.

3. MONITORING RESULTS AND KEY FINDINGS

In the monitoring period, the HRC monitors attended 9 demonstrations. Some of them were spontaneous. Often, information about the place, time, and purpose of the assembly was published on social networks. The assemblies were organized by political parties, civil activists, civil society organizations (CSOs), and civil movements.

1. Demonstration of the United National Movement in front of the Government's Chancellery

On February 7, 2023, at 17:00, the political party United National Movement organized the demonstration in front of the building of the Government's administration. The key demand of the demonstration participants was to postpone the imprisonment term of the third president of Georgia, Mikheil Saakashvili, and to send him abroad for medical treatment.

Before the demonstration started, the police set up iron barriers near the staircase, 30 meters away from the building of the Government's administration, and did not allow the participants to get closer to the area surrounded by the said barriers.

The police officers deployed on the site were standing in the neighboring streets. Their total number was approximately 100. About 15 patrol police cars were on-site. There was no violent incident or/and verbal conflict between the police officers and protesters. About 200 people participated in the demonstration. Representatives of the media were present, and they covered the demonstration without any obstacles. The protest demonstration was peaceful, and no incidents were observed.

Key Findings from the Monitoring

While the protest rally was to start at 17:00, the police blocked the roadway on Pavle Ingorokva Street in the morning, right after the announcement about the demonstration was published.³ The necessity of stopping the traffic movement in the morning is questionable, given that the demonstration was not taking place on the Street at that time.

³ Several police cars are mobilized at the building of the Government's administration – the traffic area is blocked, Interpresnews, available at: <https://t.ly/IBZT> [04.07.2023].

Freedom of assembly and expression were not violated during the demonstration.

2. “This Is Georgia – Glory to Heroes!” Ukraine Solidarity Demonstration in front of the Parliament of Georgia

Information about the demonstration was published one month prior to it taking place when the political parties: “Droa”, “Girchi – More Freedom,” “Strategy Aghmashenebeli” and other public figures announced this at the joint briefing.⁴ It was announced that the demonstration would start at 19:00 on Rustaveli Avenue on February 24, 2023. In parallel to that, the political party European Georgia announced a march from the Rustaveli Statue to the building of the Parliament of Georgia⁵.

On February 24, considering the number of people, it was necessary to block the traffic movement nearby the Rustaveli Statue. Before the march started, one of the Ukrainian organizers of the assembly addressed the people. They condemned the Russian invasion of Ukraine and wished for victory in Ukraine. Police cars were accompanying the marching people. Before the people gathered on Rustaveli Avenue, police had already blocked part of the Avenue from Liberty Square to the Hotel Tbilisi Marriott.

The speakers at the demonstrations mostly made statements in support of Ukraine and European integration of Georgia: “Solidarity with the Ukrainian People!”, “Glory to the heroes fighting for the freedom of Ukraine!”, “Georgia will become a member of the EU and the Government will not be able to prevent it!” – the speakers stated.

Representatives of various media were on the site and covered the demonstration without any obstacles. HRC monitors observed the process from various locations without any obstacles.

The demonstration was conducted in a peaceful environment; no incidents were observed. About 150 police officers were deployed on the site.

Key Findings from the Monitoring

Alongside the uniformed police officers, the presence of officers in plain clothes – who maintained communication with the former - was also observed at the demonstration. On one occasion, an unidentifiable person, who was sitting in a car, was periodically speaking with the uniformed police officers.⁶ It is possible that the man sitting in the car was a senior official of the Ministry of Internal Affairs, who was giving directions to police officers. The interview with the representatives of the public movement revealed that generally, non-identifiable police officers often attend the demonstrations. It has been suggested in interviews we have conducted, that they take photos of the demonstrators, which they

⁴ Part of the opposition will hold the demonstration to support the European future of Georgia and to express solidarity with Ukraine on February 24, Rustavi 2, available at: <https://rb.gy/ynib9v> [04.07.2023].

⁵ Announcement of February 24, Interpresnews, available at: <https://rb.gy/gqa0hn> [04.07.2023].

⁶ Demonstration monitoring report of the HRC monitor: 24.02.2023.

probably share with each other to identify the people participating in the demonstrations.⁷ The police officers were standing in groups in different locations. They did not take additional preventive measures during the assembly.

3. Demonstration of March 7 – “No to Russian Law”

The draft laws on Transparency of Foreign Influence and Registration of Foreign Agents initiated by the members of the parliamentary majority caused unrest and protests among the public.

The protest rally started on the morning of March 7. The situation got tense after the parliamentary majority unexpectedly changed the agenda of the ongoing plenary session and started the first hearing of the bill on so-called agents of foreign influence.⁸ The changed agenda soon was followed by the protest of more people in front of the parliament building.

Until the evening of March 7, the protest demonstration was peaceful. The participants of the protest rally were expressing their protest with noise – whistles, drums, megaphone sirens, and smoke⁹. By the end of the parliamentary session, at about 20:10, after the Parliament passed the bill in the first hearing,¹⁰ it was necessary to enable the Members of the Parliament to leave the building from the side entrances of the yard. Therefore, the law enforcement officers arranged cordons at the entrances to the Parliament and restricted the demonstrators from moving along the Chitadze and Tchitchinadze Streets. By 20:15, the HRC monitor observed that 3 police buses that might have been transporting the riot police officers - entered the yard of the parliament building from Chitadze Street.¹¹ At about 20:20, without any preliminary warning, the police started to disperse the protesters with special means – water cannon and pepper spray. On Chitadze Street, the police started the detention of protesters.¹² Regardless of such detentions, the protest continued. The police used the water cannon and pepper gas several times.¹³ After the police used the special means without preliminary warning, some protesters threw stones, various subjects, and a few so-called Molotov cocktails at the police officers.¹⁴ In addition, the protesters damaged the police barriers – solid, metal plates set up at the entrances of the parliament building.

⁷ HRC interview with Giorgi Mshvenieradze and Rafiel Kakabadze (questionnaire for the members of public movements): 25.05.2023.

⁸ On March 6, the chairman of the fraction Georgian Dream Mamuka Mdinardze announced that the Parliament would hear the bills at the March 9 session, see: Russian draft laws will be heard at the parliamentary session on March 9, Tabula, available at: <https://rb.gy/n8xzx> [05.07.2023].

⁹ Monitoring report of the HRC monitor: 07.03.2023.

¹⁰ The Parliament passed the draft law on the transparency of foreign influence with first hearing, Radio Liberty, available at: <https://rb.gy/swng3> [05.07.2023].

¹¹ Monitoring report of the HRC monitor: 07.03.2023.

¹² Ibid.

¹³ Ibid.

¹⁴ See: Facts of law violation nearby the parliament building (videos), Ministry of Internal Affairs, March 9, 2023, available at: <https://rb.gy/8vq99> [18.07.2023]. See also the statement of MIA on its Facebook page, available at: <https://rb.gy/l8iaq> [18.07.2023].

On March 7, the Ministry of Internal Affairs published a statement on its website, whereby it called upon the organizers and participants to respect the public order and obey the lawful orders of the police officers. However, during the protest rally, before the dispersal started, there was no preliminary warning from the police.¹⁵

Eventually, as a result of the use of special means and disproportionate power by the police, the protest demonstration of March 7 ended at 01:00 after midnight, on March 8.¹⁶

The Key Findings from the Monitoring

Multiple violations of national legislation and international standards from the side of law enforcement officers were observed during the March 7 protest demonstration. When dispersing the peaceful protesters with special means, the police officers violated the requirements of the Law of Georgia on Police, by-laws, and normative acts. Namely, the police officers are obliged to warn the protesters before using special means and give them enough time to leave the area.¹⁷ Besides that, the law enforcement officers shall use special means or/and physical power only in extreme necessity, in due respect of the principle of proportionality, and “with minimal amount considering the need for concrete circumstances”.¹⁸ The police warned the protest participants about the use of the special means only after they used them, while the protesters did not have enough time to leave the area.¹⁹ These actions contradict both - Georgian legislation and international standards.²⁰

Furthermore, “it is established standard that the inappropriate behavior of individual participants during a demonstration does not automatically render the entire protest non-peaceful”.²¹ If concrete individuals were acting violently, the law enforcement officers were obliged to exercise necessary and proportionate measures against them individually.²² On the contrary, the MIA officers used special means against peaceful protesters, which – according to the assessment of the Public Defender of Georgia²³ and the Human Rights Center - was an unnecessary and disproportionate interference with the freedom of assembly.

Under the Law of Georgia on Police, water cannons, armored vehicles, and other special transport means shall be used to suppress mass violations of public disorder, to repel a

¹⁵ See: the statement of the MIA on 07.03.2023, available at: <https://rb.gy/5lspo> [05.07.2023].

¹⁶ See the monitoring report of the HRC monitor: 07.03.2023.

¹⁷ The Law of Georgia on Police, Article 31 (3).

¹⁸ July 11, 2021 Order of the Minister of Interior about the “Amendments to the Minister’s Order No 1002 of December 30, 2015 on the Approval of Manual for the Officers of the MIA during Assemblies and Manifestations”, Article 4 (4).

¹⁹ HRC, Joint Statement on the Dispersal of Protest Demonstrations by Police Forces in Georgia, May 31, 2023, available at <https://rb.gy/yi523> [19.07.2023].

²⁰ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies*, 2016, p. 103, available at: <https://rb.gy/zklbi> [accessed 19.07.2023].

²¹ Police Used Illegal and Disproportionate Force against the Peaceful Civil Protest, Joint statement of CSOs available at: <https://rb.gy/ghntq8> [17.07.2023].

²² See: The Public Defender of Georgia Echoes March 7-9 Developments on Rustaveli Avenue, Public Defender’s Office, available at: <https://rb.gy/b2snc> [18.07.2023].

²³ Ibid.

group assault on state and/or public facilities, to stop a vehicle by force if the driver does not obey the demand of the police officer to stop or to detain an armed criminal.²⁴ Based on the observation of HRC monitors, during the protest rally of March 7, none of the abovementioned pre-conditions existed. Thus, the police used water cannons against the requirements of the law. Furthermore, monitors observed that pepper gas was mixed with the water cannon used against the protesters, which is a violation of international standards and creates a purposeful threat to the health of individuals.

4. Protest Demonstration of March 8-9 – “No to the Russian Law, Come to Protect Your Dignity”

The protest rally on March 8 started in front of the Parliament of Georgia at 19:00.²⁵ During the assembly, part of the protesters tried to blockade the parliament building. Later, the demonstrators walking up to the back entrances to the Parliament demolished the iron bar at the parliament’s gate, after which the riot police deployed inside the parliament yard used a water cannon against them at about 22:00.²⁶ At about 22:30, the police started dispersal of the protestors standing at the back entrance of the Parliament with water cannon and pepper gas.²⁷ On several occasions throughout the night, the police used the water cannon and pepper spray against the protesters. Furthermore, at times, they used pepper spray and water cannon simultaneously, by mixing pepper spray with water.

The protest demonstration which started at 19:00 on March 8 lasted until 07:00 on March 9. All this time, the police officers dispersed the demonstrators several times.²⁸ The riot police used special means against the protesters.²⁹ On March 9, the Ministry of Internal Affairs disseminated information about the events of March 7-8, stating that under the charge of the alleged attack on police officers, one person was arrested in accordance with the Article 353¹ of the Criminal Code of Georgia, and 133 persons³⁰ were arrested under the Articles 166 and 173 of the Administrative Offences Code of Georgia.³¹ The Special Investigative Service launched an investigation into alleged abuse of power by police officers of the Ministry of Internal Affairs.³²

²⁴ Law of Georgia on Police, Article 33 (3) (g).

²⁵ See: event on Facebook – No to the Russian Law – Come to Protect Your Dignity! available at: <https://rb.gy/48jgdr> [05.07.2023].

²⁶ Water cannon was used against the protesters at the back entrance to the parliament building, Tabula, available at: <https://rb.gy/akoocx> [05.07.2023].

²⁷ What happened on the night of March 8-9 protest demonstrations – chronology, Netgazeti, available at: <https://rb.gy/b8ksmi> [05.07.2023].

²⁸ See the Assessment of the Events Occurring at the Protest Rallies of March 7-8, Human Rights Center, available at: <https://rb.gy/elwojm> [05.07.2023].

²⁹ Monitoring report of the HRC monitor: 08.03.2023.

³⁰ See the March 09, 2023 statement of the MIA, available at: <https://rb.gy/je26u> [05.07.2023].

³¹ Statement of CSOs about the violations observed in the administrative proceedings of the people arrested during the protest rallies of March 2-3 and March 7-9, 2023, Human Rights Center, available at: <https://rb.gy/uar9u> [06.07.2023].

³² See the Statement of the Special Investigative Service, March 9, 2023, available at: <https://rb.gy/4isiw> [06.07.2023].

The Key Findings from the Monitoring

Multiple violations of the national legislation and international standards by law enforcement officers were observed during the protest rallies of March 8-9. To disperse the protest, the police again used special police means, among them – water cannon and pepper gas, and started mass detention of people in the streets, near the Kashveti Church, and in supermarkets.³³ Mixing up the pepper gas and water cannon creates a purposeful threat to the health of persons and contradicts international standards in this regard.³⁴

Furthermore, facts of interference in the professional activities of journalists were also observed – among the police officers using violence against them. With regard to the above-mentioned facts, the Media Advocacy Coalition appealed to the Special Investigative Service to “start an investigation into unlawful interference in the professional activities of journalists and other violations”.³⁵ The Special Investigative Service stated that with regard to the possible official powers being exceeded, and the law enforcement officers of the Ministry of Internal Affairs using violence against rally participants, the SIS started a rapid investigation regarding received reports with the signs of the crime provided by Article 333 (3) (b) of the Criminal Code of Georgia.³⁶ The investigation has not been concluded yet.³⁷

5. Demonstration of Alt-Info and Conservative Movement – March from Saakadze Square to Rustaveli Avenue

On March 14, Alt-Info and the Conservative Movement started a demonstration nearby Saakadze Square and then marched towards Rustaveli Avenue, in front of the parliament building. One of the leaders of the Conservative Movement, Shota Martinenko, published information about the planned demonstration in his Facebook post. According to his post, “Western agents” were planning to attack the office of Alt-Info and they planned a protest rally near their office on March 14 to prevent the attack. The Conservative Movement announced a similar demonstration on the same day at 10:00.

In the vicinities of Saakadze Square, by 10:00, about 100 persons had gathered. They were standing close to the campus of the Georgian Technical University. Law enforcement officers were standing in front of them to ensure public order. Later, the number of demonstrators increased to 2000 people.

Anti-western statements were made during the demonstration, such as “The West Is Not Our Choice”, “Our task is Georgia”, and “We say no to the European Union”. The speakers voiced three major demands: 1) to release the people arrested during the 5 July 2021

³³ The monitoring report of the HRC monitor: 08.03.2023.

³⁴ See the Assessment of the Events Occurring at the Protest Rallies of March 7-8, Human Rights Center, available at: <https://rb.gy/elwojm> [05.07.2023].

³⁵ See: the statement of the Media Advocacy Coalition, March 13, 2023, available at <https://rb.gy/25piuc> [05.07.2023].

³⁶ See the statement of the Special Investigation Service Regarding the Current Investigations on the Rally of March 7-9, available at: <https://rb.gy/37ujg> [05.07.2023].

³⁷ Regarding the legal assessment of March 7-9 developments, see Public Defender of Georgia Echoes March 7-9 Developments on Rustaveli Avenue, available at: <https://rb.gy/b2snc> [18.07.2023].

counter-demonstration;³⁸ 2) to sanction the persons who attacked police officers during the protest demonstrations of March 7-8; 3) to hold a referendum with regard to the draft law initiated by the People's Power to find out whether the population wants to pass the law or not.³⁹

About 10 police cars were mobilized in the vicinities of Saakadze Square; among them were 2 minivans, which are usually used to transport the people detained during various assemblies to temporary detention facilities.

At 12:00, the organizers announced a route of the march: from Saakadze Square to the building of the Parliament of Georgia. Via Varaziskhevi, the participants marched towards Rustaveli Avenue. Several patrol police cars accompanied them. When marching down the streets – including Pekini Avenue - the traffic movement was temporarily hindered given that the participants were marching on the traffic roadway.

Key Findings from the Monitoring:

During the march on Rustaveli Avenue, the situation was tense. Namely, the members of Alt-Info threw various objects, such as stones, at the office of the founder of Chavchavadze's Center – Zaza Bibilashvili. Zaza Bibilashvili stated that a stone almost hit one of his colleagues.⁴⁰

Having arrived at the building of the Parliament of Georgia, based on the appeal of the leader of the Conservative Movement Zura Makharadze, the protesters took down the EU flag from the flagpole in front of the parliament building and burnt it.⁴¹ At that moment, a confrontation occurred as the police tried to take the protesters down from the flagpole as they tried to raise the Georgian flag instead of the EU flag.

With respect to the burning of the EU flag, the Ministry of Internal Affairs published a statement on the same day stating that administrative proceedings have been initiated in accordance with the Article 174¹⁸ of the Administrative Offences Code.⁴² Consequently, several individuals were fined for burning the flag.⁴³

Freedom of assembly and expression was respected during the demonstration.

6. Demonstration of the United National Movement – Together in Europe

On April 9, on Rustaveli Avenue, the demonstration *Together in Europe* was held in front of the Parliament of Georgia. The leader of the United National Movement Levan

³⁸ See detailed information about the demands of the protesters, "EU flag was taken down in front of the Parliament during the protest rally of Alt-Info," Radio Liberty, available at: <https://rb.gy/vqpi7> [18.07.2023].

³⁹ Monitoring report of the HRC monitor: 14.03.2023.

⁴⁰ Zaza Bibilashvili states that members of the Alt-Info threw a stone and other subjects at his office, Interpresnews, available at: <https://rb.gy/iyaaak> [04.07.2023].

⁴¹ Representatives of the Alt-Info and the Conservative Movement held protest rally in front of the Parliament, where they burnt the EU Flag [video], Public Broadcasting Channel 1, available at <https://rb.gy/whilab> [04.07.2023].

⁴² The March 14 statement of the MIA, available at: <https://rb.gy/6tfal6> [04.07.2023].

⁴³ Several individuals were fined for burning the EU flag at the building of the Parliament, Interpresnews, available at: <https://rb.gy/kn0sas> [04.07.2023].

Khabeishvili announced the planned demonstration during the March 14 briefing and called on the Government of Georgia to fulfill the 12 Recommendations of the European Commission.⁴⁴ The purpose of the demonstration was to support the European integration of Georgia.

Members of the opposition political parties and representatives of civil society, students attended the demonstration.⁴⁵

The main demands of the demonstration participants were: fulfillment of the 12 recommendations of the European Commission; freedom of Nika Gvaramia and Mikheil Saakashvili, the release of the detained participant of March 7-9 protests - Lazare Grigoriadis; resignation of the judges sanctioned by the US State Department; de-oligarchization and reform of the Central Election Administration.⁴⁶

The area surrounding the Parliament of Georgia on Rustaveli Avenue was blocked during the demonstration. Police cars were on-site, among them - so-called minivans (10 in total), which are usually used to transport the people detained during the demonstration to the temporary detention facilities. Representatives of the media were on-site and were covering the ongoing demonstration.

Key Findings from the Monitoring

In accordance with the assessment of the HRC monitors, there were no violations either from the side of police officers or demonstrators: the demonstration was conducted constructively, in a peaceful environment. Police cars were on-site. Both - before and after the assembly, about 300 police officers were mobilized on the site to protect public order.

7. Demonstration of Gia Gachechiladze (Ucnobi) and Zaza Papuashvili – “I Am Coming – Georgia the First”

Utsnobi (stranger) – Gia Gachechiladze announced information about the planned demonstration on April 11, 2023, in his TV program Kidobani (The Ark).⁴⁷ The demonstration organized by the movement “I Ucnobi”⁴⁸ was held on Republic Square on April 30. Before the assembly started, by 16:30, the entries to Republic Square were blocked.

The people started gathering at the location by 17:00 where they watched a football match between Italian teams Napoli and Salernitana on monitors that were specifically installed for this purpose. The organizers decided to arrange the screening of the football

⁴⁴ Together in Europe – demonstration on the Rustaveli Avenue, Formula, available at <https://rb.gy/gdllo> [06.07.2023]; see also: 12 Recommendations of the European Commission: European Delegation to Georgia, *The Twelve Priorities*, EEAS, 20 September 2022, available at: <https://rb.gy/8u1xo> [accessed 19.07.2023].

⁴⁵ Monitoring report of the HRC monitor: 09.04.2023.

⁴⁶ Levan Khabeishvili presented the demands to the demonstration participants, Radio Liberty, available at: <https://rb.gy/tzfiz> [06.07.2023].

⁴⁷ “I Am Coming” – Utsnobi named the date of the demonstration, Newsposts, April 11, 23:39 GMT+4, available at: <https://rb.gy/mmcvx> [06.07.2023].

⁴⁸ Demonstration organized by the movement “I Ucnobi” on the Republic Square, Interpresnews, April 30, 2023, available at: <https://rb.gy/6s84o> [20.07.2023].

match after it was announced that a Georgian football player, Khvicha Kvaratskhelia, was to play in the Italian Championship. Consequently, due to high interest in this match, the organizers doubted the people would come to the demonstration, which is why they decided to install monitors to allow the people to watch the football match before the demonstration. Afterward, at 19:00, the official part of the assembly started, and speeches were made.

On the day of the demonstration, it was cold and rainy. The day before, the organizers suggested that the participants bring umbrellas and raincoats with them. As all participants were wearing raincoats of the same color, it might be assumed that they were provided by the organizers.⁴⁹

The slogans made during the demonstration were: “No to War!” “Peace in Our Country!” “Georgia First!”. According to the statements of the organizers, the demonstration was not political, and it merely voiced concerns of the society regarding polarization, revolutionary scenario plotting in the country, and anti-state activities.⁵⁰ Nevertheless, numerous political and anti-Western statements were made during the demonstration.⁵¹

The participants were able to assemble peacefully. By 20:00, the people from the regions of Georgia who were brought to Republic Square by mini-buses left the area in an organized manner, on the same vehicles.

Police cars (about 10), among the minivans (4) were in the vicinities of Republic Square.⁵² Skoda model cars with black-out windows were parked on Rustaveli Avenue and were not marked as police cars. Before and after the assembly, about 60 police officers were on-site; about 10,000 people participated in the demonstration.⁵³

Key Findings from the Monitoring

Before the assembly, at 16:30, police had blocked the entries to the Republic Square. The police had also blocked the underground passage from Mikheil Javakhishvili Street to Rezo Tabukashvili Street. There was no rally on Tabukashvili Street but on the street, under Republic Square, a lot of minibuses having arrived from the regions were parked.

At 17:00, police blocked the entire square as well as the Giorgi Akhvlediani, Leo Kiacheli, and Rezo Tabukashvilis Streets.⁵⁴ In accordance with the practice observed during the previous assemblies, the traffic area is blocked only when the sidewalk does not provide sufficient space to hold an assembly due to a large number of participants, and thus it is

⁴⁹ Monitoring report of the HRC monitor: 30.04.2023.

⁵⁰ Demonstration under the slogan “I Am Coming!” is starting on Republic Square, GPB Channel 1, available at: <https://rb.gy/fdafi> [06.07.2023].

⁵¹ See: Zaza Papuashvili read the letter-resume to the people gathered on Republic Square, GPB Channel 1, available at: <https://rb.gy/r2rwi> [06.07.2023].

⁵² Monitoring report of the HRC monitor: 30.04.2023.

⁵³ To analyze the number of participants in the assembly, see: how many people participated in the demonstration of Ucobi on the Republic Square? Myth Detector, available at: <https://rb.gy/ooi2a> [06.07.2023].

⁵⁴ Monitoring report of the HRC monitor: 30.04.2023.

necessary to block the street.⁵⁵ This is what the law stipulates as well. Namely, in accordance with the Law of Georgia on Assembly and Manifestations, the traffic area may be blocked only when it is required because of the number of participants in the assembly or demonstration.⁵⁶ Human Rights Center requested public information from the Tbilisi City Hall to find out whether the organizers of the assembly had made the notice to the municipal agency pursuant to Articles 5 and 8 of the Law of Georgia on Assembly and Manifestation – respectively warning them that it would be necessary to block the transport movement during the assembly.⁵⁷ The letter received from the Tbilisi City Hall just clarified that the Assembly was pre-organized and it was not a spontaneous gathering. The Tbilisi City Hall was preliminarily warned about the planned peaceful demonstration.⁵⁸ Nevertheless, the person responsible for releasing the public information did not clarify whether the executive body of the municipality had been informed that the assembly was planned on the traffic roadway.

As for the necessity to block traffic movement during the demonstration, in accordance with the assessment of the HRC monitors, considering the number of participants, there was no need to block Rezo Tabukashvili Street near Republic Square.

8. Demonstration Against Russification

Information about the planned demonstration was announced on May 19 on the social networking website - Facebook.⁵⁹ The political party European Georgia called on the citizens of Georgia to join the assembly on May 28, which was organized by Tabula, the political party European Georgia, the Voters Education Society, and Liberty Institute.⁶⁰

Nobody made speeches during the demonstration. Statements of prominent public figures from Georgian history were screened from the monitor installed on the scene; the audio and video recordings are archived in the National Archive. Also, the quotes of famous public figures of the XIX Century – Ilia Chavchavadze, Akaki Tsereteli, Vazha-Pshavela, and others about the fight against the Russian Empire were shown on the screen.⁶¹

The leaders of the organizer, the political party European Georgia – including Giga Bokeria and Tamar Chergoleishvili - attended the protest rally. Tamar Chergoleishvili was supervising the logistics of the assembly and Giga Bokeria was the key contact person with the media.⁶²

⁵⁵ See the interview of the HRC with the members of the European Georgia, 28.06.2023.

⁵⁶ Law of Georgia on the Assembly and Manifestations, Article 11¹ (4).

⁵⁷ HRC Letter N OL – 6465, May 29, 2023 to the Tbilisi City Hall.

⁵⁸ Letter of the Tbilisi City Hall, June 2, 2023.

⁵⁹ Announcement of the demonstration on the Facebook page of the European Georgia: available at: <https://rb.gy/mshpy> [06.07.2023].

⁶⁰ Against the Russification Policy –demonstration will be held in front of the parliament on May 28, at 20:00 pm, Tabula, available at <https://rb.gy/u6wz2> [06.07.2023].

⁶¹ What is going on in front of the Parliament where the demonstration “Against Russification Policy” is going on (film), Palitra Video, available at: <https://rb.gy/mw5bu> [21.06.2023].

⁶² Monitoring report of the HRC monitor: 28.05.2023.

About 500-600 people participated in the assembly. The demonstration was peaceful. Considering the small number of participants, it was not necessary to block the traffic area in front of the Parliament of Georgia.

Key Findings from the Monitoring

The organizers of the assembly acted in accordance with the formal requirements of the Law on Assembly and Manifestations. Namely, they submitted a notice to the Tbilisi City Hall⁶³ informing the local government about the planned demonstration in front of the Parliament of Georgia from 20:00 to 23:00 on May 28.⁶⁴ The City Hall was also told that the organizers planned to arrange the stage and equipment on the site from May 27.⁶⁵ Regardless of the preliminary notice, the media reported that the Ministry of Internal Affairs did not allow European Georgia to arrange a stage in front of the parliament building.⁶⁶ As it was reported later, it was a temporary problem and after some time the organizers could arrange the stage in front of the parliament.⁶⁷

After the technical problem was resolved, the demonstration was held peacefully, and the freedom of assembly and expression was respected.

9. Protest Demonstration of Beka Grigoriadis

From May 28 through June 4, the HRC monitors monitored the protest rally of Beka Grigoriadis, the father of Lazare Grigoriadis – a civil activist and participant of the March 7-8 protest rallies. Beka Grigoriadis tried to set up a tent in the square near the Parliament building to hold a permanent protest. The organizer of the protest demanded the release of his son Lazare Grigoriadis from preliminary imprisonment; the prosecutor's office had accused him of harming the health of a police officer during the March 7-8 protests.⁶⁸

Beka Grigoriadis tried to set up the tent several times but each time the police seized the tent from him by force.⁶⁹ Before seizing the tent, police officers did not call upon him to obey their orders. Moreover, when seizing the tent, which was the property of Beka Grigoriadis, the police officers did not explain to him the procedure of seizure and subsequent return of the item.⁷⁰ A disproportionate number of police officers was mobilized in the square in comparison with the protest participants.⁷¹

⁶³ Article 8 (1) of the Law of Georgia on Assembly and Manifestations stipulates that the notice of organizing and holding an assembly or demonstration shall be submitted to an executive body of a local self-government not later than five days before it is held. The notice shall include time and place of assembly, alongside with other relevant information.

⁶⁴ HRC's interview with the member of the European Georgia: 28.06.2023

⁶⁵ Notice N85/1 of the European Georgia – Movement for Freedom to the Tbilisi City Hall, May 23, 2023

⁶⁶ Giga Bokeria – We cannot succeed in our freedom without getting rid of the Putinist government; it is the purpose of today's demonstration, Interpresnews, available at <https://rb.gy/pmi9g> [06.07.2023].

⁶⁷ See: after several-hour delay the stage is being arranged on the Rustaveli Avenue, Tabula, available at <https://rb.gy/jepbd> [10.07.2023].

⁶⁸ Criminal Code of Georgia, Article 353¹ (2).

⁶⁹ Monitoring report of the HRC monitor: 28.05.2023.

⁷⁰ Monitoring report about the protest rally of Beka Grigoriadis, HRC, 13.07.2023, available at <https://rb.gy/ehc9q> [18.07.2023].

⁷¹ Monitoring report of the HRC monitor: 28.05.2023.

On May 29, after seizing the tent of Beka Grigoriadis, the police detained a civil activist, Bezhan Tsvimitidze, who was recording the actions of the police on his cell phone. The activist disappeared for several hours after his detention. The police did not allow him to contact his family or his lawyer. At around 2 am, he was placed in the preliminary detention facility of Dusheti – approximately 50 kms away from Tbilisi. According to his lawyer, Bezhan Tsvimitidze’s shirt was torn, and he was physically assaulted during the detention.⁷²

Beka Grigoriadis again tried setting up a tent during the night of June 1 as well but in vain. This time, police arrested him when he was trying to take the tent out of the bag. Beka Grigoriadis and his supporters addressed the police officers in advance and informed them about their intention to set up a tent and requested that a relevant warning be made in case such action is to be disallowed. The police did not make any warnings.⁷³ The police did not allow the detained Grigoriadis to call his family and defense lawyer in a timely manner. He spent 24 hours in a temporary detention setting. In the end, the Court found him guilty of the violation of the administrative law and fined GEL 2000.

On June 3, Beka Grigoriadis finally managed to set up a tent in the backyard square of the Parliament of Georgia, in a way that the police officers did not hinder him to do so. Although there were much more police officers on the site than the protest participants, they did not hinder Beka Grigoriadis in setting up a tent.⁷⁴ He continues his protest near the Parliament.

Key Findings from the Monitoring

As a result of monitoring, several breaches were observed in the actions of the law enforcement officers that were a violation of the right of Beka Grigoriadis and Bezhan Tsvimitidze to the freedom of assembly and expression.

Freedom of peaceful assembly and expression is guaranteed under the Constitution of Georgia.⁷⁵ Authorities may terminate an assembly only if it assumes an unlawful character.⁷⁶

In exercising their rights, citizens may express protest toward any issue publicly, unarmed – both indoors and outdoors. Moreover, they are entitled to choose the desired form of expressing the protest.⁷⁷ Therefore, they shall have the possibility to use a tent as a shelter or to attract the attention of society or protest addressees and place it in the square or other public places as it happened in the case of the protest of Beka Grigoriadis.⁷⁸

The Georgian legislation does not determine any restrictions with regard to setting up a tent during the protest. In accordance with the Law of Georgia on Assembly and

⁷² Monitoring report about the protest rally of Beka Grigoriadis, HRC, 13.07.2023, available at <https://rb.gy/ehc9g> [18.07.2023].

⁷³ Ibid.

⁷⁴ Monitoring report of the HRC monitor: 04.06.2023.

⁷⁵ Constitution of Georgia, Article 72.

⁷⁶ Ibid.

⁷⁷ Monitoring report about the protest rally of Beka Grigoriadis, HRC, 13.07.2023, available at: <https://rb.gy/ehc9g> [18.07.2023].

⁷⁸ See the August 31, 2016 judgment of the Administrative Law Chamber of the Tbilisi City Court on the case N3/6463-16. In this case, the Court found it was lawful decision of the Tbilisi City Hall to deny the members of the Guerrilla Gardening to set up tent in front of the City Hall in protest. Consequently, the City Hall was ordered not to hinder the protesters.

Manifestations, “it shall be prohibited to block the traffic roadway by cars, various structures and/or items.”⁷⁹ The law does not prohibit setting up a tent in a square or in a place where there is no risk to block the traffic area or paralyze the administrative building.

The Public Defender of Georgia echoed the protest rally of Beka Grigoriadis and stated that “placing a tent is an integral part of the exercise of freedom of assembly”.⁸⁰ “This restriction is especially problematic and disproportionate when a tent does not block the entrance to a building or when it does not obstruct traffic”.⁸¹ Pursuant to the European Court of Human Rights, setting up a camp, like a “temporary installation” may in certain circumstances constitute a form of political expression that is guaranteed by Article 10 of the European Convention on Human Rights (freedom of expression). Therefore, the restriction of this right shall comply with the requirements of the European Convention on Human Rights.⁸² The restriction of setting up the tent in the square based on incomprehensible reasons is an unjustified restriction of freedom of assembly and expression.⁸³

Furthermore, the observation revealed that before setting up the tent and its seizure, the police did not address Beka Grigoriadis to obey their lawful request. In addition, when seizing the tent that was a personal item, the police officers did not provide Beka Grigoriadis with information regarding the procedure of seizure and subsequent return of the item.⁸⁴

As for the case of the activist, who was arrested during the protest rally, in the moment of detention, the police violated the law. Namely, after arresting him in accordance with the administrative law, the police did not allow the detainee to call his family and his defense lawyer. The Constitution of Georgia stipulates that a person may request the assistance of a lawyer immediately upon arrest, and this request shall be granted.⁸⁵ Pursuant to the Administrative Offences Code of Georgia, in the event of an administrative arrest, the arresting officer shall inform the arrestee upon placing him/her under arrest, in a form that he/she understands: “a) of the administrative offense committed by him/her and the basis of the arrest; b) of his/her right to a defense counsel; c) of his/her right, if desired, to request that the fact of his/her arrest and his/her location be made known to a relative named by him/her”.⁸⁶

Thus, the rights of activist Bezhan Tsvimitdze were violated, since, following the arrest, the police officers did not explain to him the basis of his arrest and did not allow him to get in touch with the family and defense lawyer. Additionally, his placement in the Dusheti

⁷⁹ The Law of Georgia on Assembly and Manifestations, Article 111 (4).

⁸⁰ Public Defender Echoes Events Developed Near Parliament on June 1, 2023, Public Defender of Georgia, available at: <https://rb.gy/uijey> [10.07.2023].

⁸¹ Ibid.

⁸² See *Frumkin v. Russia*, no. 74568/12, §107 6 June 2016.

⁸³ Public Defender Echoes Events Developed Near Parliament on June 1, 2023, Public Defender of Georgia, available at: <https://rb.gy/uijey> [10.07.2023].

⁸⁴ Monitoring report about the protest rally of Beka Grigoriadis, HRC, 13.07.2023, available at: <https://rb.gy/ehc9q> [18.07.2023].

⁸⁵ Constitution of Georgia, Article 13 (4).

⁸⁶ Administrative Offences Code of Georgia, Article 245 (1).

temporary detention setting that was far from Tbilisi raises doubts, as the Administrative Offences Code of Georgia entitles the arresting officer to immediately take the arrestee to the nearest police station or another law-enforcement body.⁸⁷

Furthermore, during the detention of Bezhan Tsvimitidze and Beka Grigoriadis, the police used disproportionate force and unlawfully restricted their freedom of assembly and expression.

4. CONCLUSION

In the reporting period, the demonstrations observed by Human Rights Center were organized by political parties, civil activists, CSOs, and civil movements. The demonstrations had political or social context, their organizers had concrete demands and appeals. The protest demonstration of March 7-9, regardless of many facts of human rights violations – had a real impact and the Parliamentary majority revoked the draft laws which were the main reason for the protest. Some demands were voiced during other demonstrations too – such as the fulfillment of 12 recommendations of the European Commission, freedom of Lazare Grigoriadis, etc. In these cases, assemblies had less impact on political decisions and context.

One of the key findings of the monitoring is that a large portion of the demonstrations organized by civil society groups were spontaneous and they did not send a notice regarding the assemblies to the Mayor's Office. An exception was the demonstration organized by the political party European Georgia, as well as the rally organized by Gia Gachechiladze (Utsnobi) and Zaza Papuashvili, who warned the relevant body about the planned assemblies.

In the reporting period, the organizers mostly had the possibility to enjoy the right to freedom of peaceful assembly. Nevertheless, multiple facts of violation of the freedom of assembly and expression were observed, in at least 3 instances: during the March 7, and March 8-9 protest rallies, as well as during the protest rally of Beka Grigoriadis, when the police used disproportionate power and violated procedural law.

On March 7-9, the police used special means and excessive power to disperse a peaceful demonstration, notwithstanding the fact that the actions of some participants were in breach of the law.

With respect to the protest demonstrations of Beka Grigoriadis, the police used disproportionate force and unlawfully arrested the protest organizer as well as one of the activists. Besides, his personal item, the tent, was seized in breach of law.

In light of these observations, the following problems persist: the use of excessive force by law enforcement officers against participants of demonstrations during the dispersal, non-

⁸⁷ Administrative Offences Code of Georgia, Article 245 (4).

compliance with national and international standards, as well as the use of disproportionate force against persons arrested during demonstrations and interference in the professional activities of journalists.

5. RECOMMENDATIONS

To the Ministry of Internal Affairs:

- To respect the freedom of assembly guaranteed by the Constitution of Georgia and to refrain from unlawful interference in the fields guaranteed by this freedom;
- To avoid unlawful restriction of the freedom of assembly guaranteed by the Constitution of Georgia from the side of the MIA officers;
- To ensure that the MIA officers disperse the demonstrations with special means in compliance with the national legislation and international standards – among them in due respect to the principles of proportionate power and extreme necessity.

To the Special Investigative Service:

- To ensure timely, comprehensive, and impartial investigation of the alleged facts of abuse of power by law enforcement officers, facts of violence, and use of disproportionate power against demonstration participants and journalists, activists, and protesters.