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Interim Report on Monitoring Public Assemblies

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2024



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A non-governmental organization, **Human Rights Center**, was established on December 10, 1996, in Tbilisi. The objectives of HRC are to strengthen the respect for human rights and fundamental freedoms and to promote peace processes in Georgia.

The HRC is a member of the following international networks:

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- Human Rights House Network www.humanrightshouse.org
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Introduction

This report at hand aims to present the key findings of the monitoring of public assemblies held in Tbilisi from 1 January 2024 to 30 June 2024. Given the vast amount of information and materials obtained by the Human Rights Center (hereinafter, the “HRC”), additional relevant issues regarding protest demonstrations - as well as the main tendencies and human rights violations identified throughout their course - will be provided in the Summary Report on Monitoring Public Assemblies, which will be published in December 2024.

Within the scope of the project *“Strengthening Monitoring and Advocacy Capacities for Rights in Georgia”*, the HRC Monitoring Team observed 12 public assemblies in the reporting period,¹ out of which 8 were protest demonstrations against the Law on the Transparency of Foreign Influence (hereinafter, the “Russian Law”). The decision of the Georgian Dream to re-introduce the said law² was followed by large-scale and continuous protest demonstrations after the draft law was registered in the Bureau of the Parliament.³

In parallel to the human rights violations identified during the protest demonstrations,⁴ the HRC identified the following systematic problems: dissemination of the “internal enemy” narrative against the participants of the protest demonstrations and human rights defenders (hereinafter, the “HRDs”) by the government of Georgia through the use of administrative resources,⁵ smear disinformation campaign, the use of disproportionate police force against protester participants and HRDs, their arbitrary arrests, and further - instances of intimidation, threats, and physical assault.

This report mostly provides an overview of violations identified during protest demonstrations against Russian Law, grave human rights breaches related to the facilitation of assemblies, and the legality of the dispersal of peaceful assemblies through the use of special means. Moreover, the report assesses the compliance of the law enforcement agents’ actions with international human rights standards and includes recommendations to respective state institutions.

¹ Assembly organized by Irma Inashvili close to the Rustaveli Statue (January 11, 2024); March against eviction (February 4, 2024); “You have achieved it” (March 8, 2024); No to Russian Law and Freedom to Lazare (April 8, 2024); March – Yes to Europe, No to the Russian Law! (April 9, 2024); “No to Russian Law” (April 15, April 16-17, April 30, May 1, May 1-2 of 2024); Counter-Demonstration [of the Georgian Dream] against the Assembly against the Russian law (April 29, 2024); “Spend Night Awake for Georgia” (May 12, 2024).

² TV Company Mtavari Arkhi, “GD Re-Introduces the Russian Law in the Parliament,” April 3, 2024. Available at: <https://bit.ly/3XGSwXf> [26.06.2024].

³ Online edition on.ge: The Russian Law was registered in the Parliament, April 8, 2024. Available at: <https://bit.ly/45MdyWu> [26.06.2024].

⁴ Online edition civil.ge; News Blog: Yes to Europe, No to the Russian Law – demonstrations against the Foreign Agents Bills, June 5, 2024. Available at <https://civil.ge/archives/600995> [26.06.2024].

⁵ Available at: <https://www.hrc.ge/666/eng/> [17.07.2024].

Methodology

Two monitors of the HRC conducted monitoring of public assemblies, identified the violations during the demonstrations, and prepared monitoring reports based on their findings. The monitors' reports included photo and video materials to document the developments during the assemblies and manifestations.

The HRC monitors observed the assemblies in Tbilisi from several locations. They received information about the time and places of both - organized and spontaneous assemblies from various sources, such as a social network – Facebook, where the organizers disseminated information before the assemblies.

Apart from monitoring, the report is based on the information available in open sources and disseminated by the media. Moreover, the HRC Monitoring Team interviewed organizers of the assemblies to substantiate their key findings; namely – interviews were conducted with representatives of a political party, as well as human rights organizations, and civil activists.

As a result of the analysis, the Interim Report presents key findings from the assembly monitoring and the violations identified throughout their course. The report aims to provide information on the situation regarding the freedom of assembly in Georgia and assesses the existing practice in the light of domestic legislation and international human rights standards.

The Scope of the Freedom of Assembly and Grounds for Its Restriction

The freedom of assembly is linked to other civil and political rights. The right to peaceful assembly, given its expressive character, is closely linked to the freedom of expression – they both serve the purpose of making an impact on public opinion (when these rights are exercised simultaneously).⁶ The freedom of assembly is also connected with the freedom of association, the right to participate in public affairs as well as electoral rights. All of the aforesaid forms a group of rights, which lays a foundation for a wider “right to protest”.⁷ Effective realization of freedom of assembly has crucial importance for the formation and resilience of democratic society, as it is an *instrumental right* that enables any individual to publicly express his/her (political, social, artistic, religious, or other) views,⁸ while at the same time determining the ability to effectively realize other rights.

⁶ Ibid, in reference to: Article 19 (2) and (3) of the International Covenant on Civil and Political Rights (ICCPR), 16 December 1966; Article 10, European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 4 November 1950 (as amended by Protocols 11 and 14).

⁷ Ibid, in reference to: Article 22, Article 25(a), Article 25(b), ICCPR; Article 11, Article 3 ECHR; Eva Molnár v. Hungary, 2008; Barankevich/Russia, 2007.

⁸ Ruling №3/3/1635 of December 14, 2023 of the Plenum at the Constitutional Court of Georgia on the case “Public Defender of Georgia v. Parliament of Georgia”.

Only peaceful assemblies are protected under the law.⁹ An assembly should be deemed peaceful if its organizers have peaceful intentions and the assembly is conducted peacefully.¹⁰ The term “peaceful” should be interpreted to include the conduct that may disturb or offend individuals or groups, who oppose those ideas or complaints aimed to be popularized by a given assembly;¹¹ moreover, it encompasses the conduct that temporarily hinders, impedes, or obstructs the activities of third parties.¹²

Establishing whether or not someone’s participation in an assembly is peaceful entails a two-stage process¹³ - it shall be established (1) whether the actions of a person in question fall within the scope of the right; and (2), whether these actions infringe upon other legal goods protected under the law.¹⁴

The notion of peaceful assemblies excludes such assemblies that have a violent character, given that the freedom of assembly cannot be exercised through the use of violence. The guarantees of the protection of peaceful assembly do not encompass such gatherings, where organizers and participants have violent intentions, incite violence, or neglect the principles of a democratic society otherwise.¹⁵ Consequently, “violence”, in general, means the use of physical force by participants against others or incitement to resort to such force, which may result in injuries or death, as well as the destruction of property. However, impeding the movement of pedestrians or traffic, or the day-to-day activities cannot be deemed as “violence”.¹⁶ Furthermore, civil disobedience, strikes, and counter-demonstrations are also protected under the freedom of assembly.¹⁷

In some cases, it might be challenging to draw the line between assemblies that are peaceful and those that are not, which is why the presumption that assemblies are peaceful applies.¹⁸ The burden of proof regarding the organizers’ violent intentions is born by governmental

⁹ Law of Georgia on Assembly and Manifestations, Article 2.

¹⁰ OSCE Office for Democratic Institutions and Human Rights (ODIHR), Guidelines on Freedom of Peaceful Assembly, 2010, 15.

¹¹ European Commission for Democracy Through Law (Venice Commission), OSCE Office For Democratic Institutions And Human Rights (OSCE/ODIHR), Guidelines On Freedom Of Peaceful Assembly, 2019, 9.

¹² OSCE Office for Democratic Institutions and Human Rights (ODIHR), Guidelines on Freedom of Peaceful Assembly, 2010, 15.

¹³ UN, Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (article 21), 2020, 11.

¹⁴ Law of Georgia on Assembly and Manifestations, Article 2 (3,a), 14 (1); these benefits are: protection of state or public safety or territorial integrity that is important for the democratic society; protection of others’ rights; restraint from dissemination of confidential information; promotion independence and impartiality of judiciary authorities.

¹⁵ *Kudrevičius and Others v. Lithuania [GC]*, 2015, § 92.

¹⁶ UN, Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (article 21), 2020, 15.

¹⁷ *Ibid*, 16.

¹⁸ *Ibid*, 17.

authorities.¹⁹ Besides that, the acts of sporadic violence²⁰ committed by an individual or a small group of participants do not *a priori* make the assembly violent, in cases where the majority of the participants as well as the organizers demonstrate lawful intentions and act in accordance with the legislation.²¹ Isolated incidents of sporadic violence, even if they are committed during demonstrations and by participants, are neither enough to justify the restriction of the freedom of assembly and the rights of peaceful participants, nor to justify the dispersal of a given assembly.²²

Obligations of Governmental Authorities during Facilitation of Public Assemblies

The right to peaceful assembly obliges the State to respect and ensure its realization without discrimination. This also includes an obligation to facilitate assemblies without any unjustified interference, whereby the State shall promote the realization of the said right and ensure the protection of participants.

According to the domestic legislation, the Ministry of Internal Affairs (hereinafter, the “MIA”) is the body responsible, *inter alia*, for ensuring the safety of assembly participants,²³ regulating the situation peacefully,²⁴ observing a safe distance between different assemblies when counter-demonstrations or simultaneous assemblies are organized.²⁵ Overall, the function of law enforcement bodies is to ensure the conduction of peaceful assemblies by maintaining communication with the organizers and to cease or disperse the assembly in situations set forth in the legislation.

During the assembly, all actions of police officers shall be based on the principles of the protection of public order – knowledge, facilitation, communication, and differentiation.²⁶ As noted above, law enforcement bodies are only authorized to cease or disperse a public assembly when it is violent. Besides that, when actions of certain individuals fall beyond the scope of the freedom of assembly, all measures taken by law enforcement bodies shall be centered upon the distinction of peaceful participants from the alleged offenders - who may be subjected to measures prescribed by law²⁷ - as well as identification of individuals allegedly breaching the

¹⁹ *Christian Democratic People’s Party v. Moldova (no. 2)*, 2010, § 23.

²⁰ Sporadic violence means irregular and periodic violent actions.

²¹ European Commission for Democracy Through Law (Venice Commission), OSCE Office For Democratic Institutions and Human Rights (OSCE/ODIHR), *Guidelines on Freedom Of Peaceful Assembly*, 2019, 17.

²² *Ziliberberg v. Moldova*, 2004, § 47.

²³ *Ibid*

²⁴ Order of the Minister of Internal Affairs of Georgia on the Approval of the Guiding Instructions for the Conduct of the MIA Officers during the Assemblies and Manifestations, Article 4 (2)(a).

²⁵ *Ibid*, Article 4 (2)(d).

²⁶ OSCE Office For Democratic Institutions and Human Rights (OSCE/ODIHR), *Human Rights Handbook on Policing Assemblies*, 2016, 24-27. In reference to: *Reicher, S., Stott, C., Drury, J., Adang, O., Cronin, P., Livingstone, A.*, Knowledge Based Public Order Policing: Principles and Practice, 1/4, 2007, 403-415.

²⁷ Order of Minister of Internal Affairs of Georgia regarding the Guidelines on Conduct of Employees of Ministry of Internal Affairs of Georgia during Assemblies and Manifestations, Article 4 (2)(b).

public order and their subsequent removal them from the territory to ensure that a peaceful assembly is not terminated or dispersed due to their actions.²⁸

Taking into account the aforesaid, the requirements of the Georgian legislation comply with international standards. Contrary to that, its practical implementation is not ensured - as demonstrated by recent protest demonstrations and namely the instances of the use of excessive force by the police, alongside the unlawful dispersal of such assemblies.²⁹

Apart from protests regarding Russian Law, the Human Rights Center observed other assemblies during the reporting period. According to the assessment of the HRC monitors, the aggressive and violent attitude of the police officers during the demonstrations organized against the government was a common tendency during large-scale anti-governmental protests,³⁰ while during other assemblies – such as those concerning social issues,³¹ and/or smaller-scale assemblies³² - the police were open to collaborating with the organizers.

“You Made It Happen” – during the demonstration law enforcement officers actively maintained communication with the organizers. They constantly tried to identify and respond to the organizers’ needs within the scope of their capacity.³³

“March for Students’ Accommodation” – throughout the duration of the march, which started in front of the Tbilisi State University and continued towards the Ministry of Education of Georgia, the police ensured the safe movement of participants and also regulated the traffic movement without delay; they maintained active communication with the organizers.

As for the protest demonstrations following the 15th of April 2024, the actions of the law enforcement bodies were drastically different.

Similar to last year, when the initial registration of Russian Law in the Parliament was followed by violent dispersal of protest demonstrations,³⁴ in the period of April-May 2024, special means were actively used to disperse the protests against the Russian Law.

²⁸ Ibid, Article 4 (2)(c).

²⁹ See Radio Liberty, Before and After Gavrilov’s Night, June 19, 2020. Available at: <https://t.ly/KhrVm> [02.07.2024]. See online edition civil.ge, Partners Respond to Ongoing Developments in Georgia, March 9, 2023, available at: <https://civil.ge/archives/529892> [02.07.2024].

³⁰ Reports of the HRC assembly monitors- demonstrations against the Russian Law.

³¹ Human Rights Center, Report of Assembly Monitoring, March against Eviction, February 4, 2024; Human Rights Center, Report of the Assembly Monitoring, March for Students Dormitory, April 7, 2024.

³² Human Rights Center, Report of Assembly Monitoring, Rally of Irma Inashvili near Rustaveli Statue, January 11, 2024; Human Rights Center, Report of Assembly Monitoring, demonstration “You Could Do It,” March 8, 2024.

³³ Human Rights Center, Report of Assembly Monitoring, March 8, 2024 from the demonstration “You Could Do That.” HRC interview with a leader of the youth organization “Step” Luka Chokhonelidze, April 1, 2024

³⁴ Human Rights Center, Brief Report of Human Rights Center about the Use of Special Means by Police, October 31, 2023, available at <https://www.hrc.ge/files/291HRC%20-%20Monitoring%20Report%20-%20the%20Use%20of%20Special%20Means%20by%20the%20Police.pdf> [10.07.2024].

It is noteworthy that, besides the patrol police, other units of the MIA were also mobilized on the site during assemblies against Russian Law, including, among others: the Special Tasks Department, Community Officers, and Criminal Police; in other cases, as pointed out in the reports of HRC monitors, unidentified individuals were constantly communicating with the MIA units and were taking photos and videos of protest participants.

Additionally, according to the assessment of the HRC monitors, brutality was most evident on the part of the MIA's Special Tasks Department. Besides the disproportionate force used for the dispersal of the assemblies and persecution of protesters, they also physically abused the detainees³⁵ and resorted to physical violence as a form of punishment during arrests as well.³⁶

The HRC believes that utilizing all types of police force for the facilitation of public assemblies is a concerning issue, given that this significantly increases the risk of the use of disproportionate force and creates a threat of escalation. At the same time, the involvement of community police officers in the process shall be evaluated positively - considering their qualifications, specificities of the job, and training.

³⁵ See the Statement - 12 Georgian Non-Governmental Organizations Continue Protection of the Rights of People Arrested, Harmed and Fined During the Protest Demonstrations against the Russian Law, June 18, 2024, available at <https://bit.ly/3XT2wg3> [26.06.2024]; See, the Representatives of the Public Defender Met the Detainees during the Protest Demonstrations, May 15, 2024 <https://bit.ly/45YiyHx> [26.06.2024]; See the statement of the attorneys of the Public Defender of Georgia with regard to the Detainees, May 13, 2024, available at <https://bit.ly/3XOOYSD> [26.06.2024]; See, the Attorneys of the Public Defender Try to Find out Whereabouts of the Detainees, May 3, 2024, available at <https://bit.ly/3zBIGvA> [26.06.2024]; See the Attorneys of the Public Defender Are Meeting the Detainees, May 1, 2024, available at <https://bit.ly/4cOOtF0> [26.06.2024]; See the Office of the Public Defender works to find whereabouts of the detainees, April 16, 2024, available at <https://bit.ly/3XKGEDF> [26.06.2024]; See the Attorneys of the Public Defender visited the detainees during the demonstration, April 16, 2024, available at <https://bit.ly/3ztghYN> [26.06.2024].

³⁶ *Human Rights Center*, Brief Report of Protest Demonstrations of April 15-17, April 29, 2024. Available: <https://bit.ly/4cJ5Oqr> [26.06.2024]; online edition: April Media, Riot Police Used Violence against Several Citizens When Detaining Them, May 1, 2024. Available: <https://bit.ly/3RT0rgg> [26.06.2024]; Radio Liberty: Several Police Officers Use Violence against One Protester, May 1, 2024. Available: <https://bit.ly/4cEjgMs> [26.06.2024]; Radio Liberty: Witnesses: Police Uses Rubber Bullets against Protesters, May 1, 2024. Available at: <https://www.radiotavisupleba.ge/a/32929503.html> [26.06.2024]; See: statement of the Public Defender of Georgia about Ongoing Developments during the Protest Demonstrations, April 16, 2024. Available at: <https://bit.ly/4bwqVuY> [26.06.2024]; See the statement of the Public Defender of Georgia, preliminary findings from the monitoring of the April 16-17 Protest Demonstrations, April 17, 2024. Available at: <https://bit.ly/3XOvXje> [26.06.2024]; See the statement of the Public Defender of Georgia about the Demonstration in front of the Parliament, April 29, 2024. Available at: <https://bit.ly/45PIJ46> [26.06.2024]; See: Public Defender of Georgia about the protest demonstration in front of the Parliament, April 30, 2024. Available at: <https://bit.ly/3XQArpU> [26.06.2024]; See the statement of the Public Defender of Georgia about the use of special means to disperse the peaceful assembly, May 1, 2024. Available at: <https://bit.ly/3xQRgWQ> [26.06.2024]; See the statement of the Public Defender about the Protest Demonstration of May 1, May 1, 2024, available at: <https://bit.ly/3Lax0Td>; [26.06.2024]; See, Statement of Public Defender with Regard to the Events nearby the Parliament of Georgia, May 13, 2024, available at: <https://bit.ly/3zDBrmT> [26.06.2024]; See: Public Defender of Georgia Calls on the Investigative Bodies to Address the Alleged Facts of Abuse of Power and Ill-Treatment, May 13, 2024, available at: <https://bit.ly/3LcFZ6g> [26.06.2024]; See the Statement of the Public Defender of Georgia about the Demonstration on the Rustaveli Avenue, May 14, 2024; available at: <https://bit.ly/3XJ9N22> [26.06.2024]; See the Statement of the Public Defender of Georgia about the Alleged Facts of the Ill-Treatment During the Demonstration, May 14, 2024. Available at <https://bit.ly/4ePWdQr> [26.06.2024].

Dispersal of Public Assemblies by Law Enforcement Bodies

A public assembly may be terminated or dispersed by law enforcement officers if participants breach the law and there are grounds for the dispersal, as prescribed bylaw.³⁷ Besides that, representatives of the law enforcement bodies shall differentiate between peaceful protesters from alleged perpetrators or those disturbing the public order and shall remove them from the territory so that a peaceful assembly does not end up being dispersed due to their actions.

Any restriction of freedom of assembly shall be applied on a case-by-case basis while distinguishing the conduct of individuals taking part in the assembly. General restrictions imposed merely judging based on the conduct of specific individuals would fail to meet the criteria of proportionality.³⁸

The main requirement of the right to peaceful assembly is that any interference in the exercise of this right has to be neutral – as opposed to content-based; accordingly, it should not be directly related to certain messages voiced during an assembly. Specifically, the government shall not apply such restrictions to silence political dissent directly or indirectly.³⁹

In April and May 2024, mass protest demonstrations against Russian Law were dispersed with special means and by disproportionate force, which contradicts both national legislation and international human rights standards. Namely, instead of reacting to individual incidents, the police started using special means against the demonstrators in general.

According to the report of the HRC monitor, during the demonstrations of April 15-17, there were cases when protesters threw bottles in the direction of the police cordons on April 9th Street. Soon the law enforcement officers started using pepper spray.⁴⁰

Per the monitoring report of the protest demonstrations of April 30 and May 1,⁴¹ when the MPs were about to leave the parliament building and head towards Sololaki by car via the yard of the Government's Administration, the organizers of the demonstration called on the protesters to peacefully walk towards the building of the Government's Administration. In parallel to that, police forces started mobilization in all adjacent streets, where the protesters were marching. The police blocked all roads leading to the Government's Administration, including the stairs behind the shopping center Tbilisi Gallery and stairs near the Metro Station "Liberty Square", as well as Sulkhan-Saba Orbeliani and Pavle Ingorokva Streets. At that moment, water cannon vehicles, several

³⁷ Order of Minister of Internal Affairs of Georgia regarding the Guidelines on Conduct of Employees of Ministry of Internal Affairs of Georgia during Assemblies and Manifestations, Article 4(1)

³⁸ UN, Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), 2020, 42.

³⁹ Ibid, 44-45

⁴⁰ Reports of the HRC assembly monitors- demonstrations against the Russian Law, April 15-17, 2024

⁴¹ Reports of the HRC assembly monitors- demonstrations against the Russian Law, April 30-May 1, 2024

buses of riot police units, and other vehicles were mobilized on Liberty Square. The tension between the protesters and police officers started when the MPs were leaving the building of the Parliament and the situation further escalated at about 11:10 PM. According to with the monitoring report,⁴² the majority of protest participants were standing in front of the law enforcement agents with their hands up. There were instances when several individuals threw plastic water bottles in the direction of the police officers, which was their response to the violent actions of the police. As a result, after these incidents, police started using pepper spray, teargas, and water cannons against the protest participants.

In addition, the media reported that, during the protest demonstration on 14 May 2024, when an isolated group of protesters damaged the metal construction in front of the parliament building, the police forces started using special means against the whole demonstration.⁴³

Warning before the Use of Special Means

During the protest demonstrations against the Russian Law on 30 April⁴⁴ and 14 May,⁴⁵ 2024, the riot police used special means from a short distance without a prior warning.

Order of the Minister of Internal Affairs of Georgia regarding the Guidelines on Conduct of Employees of the Ministry of Internal Affairs of Georgia during Assemblies and Manifestations determines the obligation of law enforcement bodies to warn the participants of public assemblies before using physical force and special means and give them reasonable time (at least 30 minutes) to obey their lawful order. Furthermore, the Order enumerates those exceptional cases, when a delay may harm the life or health of an individual or/and law enforcement officer or cause another grave result, or if making a warning is not feasible under the existing circumstances.

According to the information disseminated by local CSOs on 30 April 2024, in parallel to the warning,⁴⁶ the special riot police officers released the **water cannon** without giving the protest participants reasonable time to react to the warning.

On May 14, 2024, a protest demonstration was held simultaneously with the third hearing of the Russian Law in the Parliament. The citizens were hitting the iron barriers with sticks and

⁴² Ibid

⁴³ Online edition Tabula, “What is happening? Protest dynamics by 16:00 of May 14, May 14, 2024.” Available at <http://tbl.ge/6sax> [14.07.2024].

⁴⁴ Online edition civil.ge; CSOs: Physical Force Used against Protesters Amounted to Torture, May 1, 2024; available at: <https://civil.ge/archives/602890> [05.07.2024].

⁴⁵ Radio Liberty, Protesters Are Being Arrested near the Parliament, May 14, 2024. Available at: <https://www.radiotavisupleba.ge/a/32947051.html> [05.07.2024].

⁴⁶ TV Pirveli, MIA Used Water Cannon against Peaceful Protesters, April 30, 2024; available at: <https://t.ly/p9AuJ> [05.07.2024].

fists to express their protest. It was reported that the police officers were mobilized in the yard of the Parliament, and were taking photos of those protesters, who were kicking the barriers.⁴⁷

Additionally, according to the reports, the riot police officers rushed out of the parliament yard after a group of demonstrators cut out an iron barrier in front of the parliament building.⁴⁸

Under international practice,⁴⁹ when the decision to disperse a violent assembly by using force is made, a warning mechanism shall be used. A warning must be given using an appropriate amplification device in the appropriate language and on more than one occasion. The warning should be clear and audible and not impeded by other sounds, such as excessive engine noise. It may be necessary to give the warning from multiple locations so that all participants can hear it. Where an assembly is multilingual, police should consider giving the warning in several languages and, when possible, may also consider the use of handwritten signs or electronic notice boards. The police must allow an appropriate amount of time for the participants to comply before making a second warning or resorting to the use of force.

As an exception, a public assembly might be dispersed without warning when there is an imminent threat to the lives of individuals.

The Use of Special Means during the Dispersal of Public Assemblies

The decision on the necessity to use police force shall target only the individuals involved in violent acts and shall be minimal to stop violence and restore public order. Accordingly, when individual protesters disturb public order and act violently, measures shall be taken against specific individuals while other protesters shall be able to continue the exercise of freedom of assembly. The decision on dispersal shall be based on the actions of the majority of protest participants, as opposed to those of a few individuals.

Only minimal, necessary, and proportionate force may be used when required for a legitimate purpose during an assembly. Once the need for any use of force has passed, such as when a violent individual is safely apprehended, no further resort to force is permissible. Law enforcement officials may not use greater force than is proportionate to the legitimate objective.⁵⁰

Less-lethal weapons with wide-area effects, such as tear gas and water cannons, tend to have indiscriminate effects. When such weapons are used, all reasonable efforts should be made to limit risks, such as causing a stampede or harming bystanders. Such weapons should be used

⁴⁷ Online edition Radio Liberty, “Protesters Are Being Arrested near the Parliament,” May 14, 2024; available at: <https://www.radiotavisupleba.ge/a/32947051.html> [05.07.2024].

⁴⁸ Ibid.

⁴⁹ *OSCE Office For Democratic Institutions And Human Rights (OSCE/ODIHR)*, Human Rights Handbook on Policing Assemblies, 2016, 105-106.

⁵⁰ UN, Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (article 21), 2020, 79.

only as a measure of last resort, following a verbal warning, while also giving the participants an adequate opportunity to disperse. Tear gas should not be used in confined spaces and from short distances.⁵¹

During the protest demonstrations against Russian Law, multiple instances of the use of special means without reasonable necessity were observed.⁵²

According to the HRC monitors, the law enforcement bodies, on multiple occasions, violated the rule of using special means during assemblies and manifestations. Namely, as noted in the statement of CSOs about the demonstrations of April 30 and May 1,⁵³ the special riot unit continued using water cannons in parallel to the warning or a few seconds after the warning was announced.⁵⁴ **Tear gas** capsules were thrown without preliminary warning (11:21 PM). As for rubber bullets, the riot police officer completely denied the use of **rubber bullets** in his interview with the journalist (TV Pirveli, 01:41 AM),⁵⁵ notwithstanding video evidence obtained by the media, which proved the use of special means.

The Use of Police Force during and after Arrests of Protest Participants

Monitoring protest demonstrations against Russian Law and the media reports exposed instances of the abuse of power against protest participants both - during and after their arrests.⁵⁶ Physical violence was used against journalists as well.⁵⁷

Facilitation of demonstration requires that the State authorities only use legitimate force, which is necessary to achieve a legitimate aim – e.g., to protect public order or the rights of others.⁵⁸

⁵¹ Ibid, 87

⁵² TV Company Formula, Riot police used pepper spray against clergyman, May 14, 2024; available at: <https://tinyurl.com/yc2ka8e3> [05.07.2024]; online edition Commercant, Public Defender's Statement – There were no grounds to use pepper spray, - Preliminary Assessment of the Public Defender about April 30 Demonstration, available at: <https://tinyurl.com/3ytammcs> [05.07.2024].

⁵³ Online edition civil.ge; CSOs: Physical Force Used against Protesters Amounted to Torture, May 1, 2024; available at: <https://civil.ge/archives/602890> [05.07.2024].

⁵⁴ TV Company Formula, Riot police is using water cannon to free Rustaveli Avenue from citizens, April 30, 2024. Available at: <https://t.ly/OLbky> [05.07.2024].

⁵⁵ TV Pirveli, Rubber bullets are shot against the protesters on the Rustaveli Avenue, April 30, 2024 available at: <https://t.ly/3kSeQ> [05.07.2024]; online edition Publika: "Member of the Girchi-More Freedom Tsotne Koberidze states he was shot rubber bullet," May 1, 2024; available at: <https://tinyurl.com/u88v34my> [05.07.2024].

⁵⁶ Human Rights Center, Brief Monitoring Report of April 15-17 Protest Demonstrations, April 29, 2024; available at: <https://bit.ly/4cJ5Oqr> [26.06.2024]; video-footage disseminated by citizens about the violence used against the protesters - Facebook.com/Irakli Geleishvili - <https://tinyurl.com/3yx5z5m4> [06.07.2024], Facebook.com/ Natia Gamkhitashvili - <https://tinyurl.com/bdhtpjri> [06.07.2024], Facebook/Formula - <https://bitly.cx/TGAS> [06.07.2024]; TV Company Mtavari Arkhi, Traces of Violence on Davit Katsarava's Face after Detention, May 20, 2024; available at: <https://bitly.cx/Or0X> [06.07.2024].

⁵⁷ Human Rights Center, Brief Monitoring Report of April 15-17 Protest Demonstrations, April 29, 2024; available at: <https://bit.ly/4cJ5Oqr> [26.06.2024];

⁵⁸ *European Commission For Democracy Through Law (Venice Commission), Osce Office For Democratic Institutions And Human Rights (Osce/Odihr), Guidelines On Freedom Of Peaceful Assembly, 2019.*

Additionally, the primary response shall aim to combat concrete incidents rather than declare the demonstration violent in general.

Even when participants of the demonstration act unlawfully, they retain other rights,⁵⁹ whose violation is inadmissible without grounds.

The role of journalists, human rights defenders, election monitors, and others involved in monitoring or reporting on assemblies is of particular importance for the full enjoyment of the right of peaceful assembly. They may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials⁶⁰. It is inadmissible to arrest a journalist if they do not leave the territory after the order on dispersal is released, except the cases when their presence on the site hinders the police work.⁶¹ Even when the assembly is unlawful, the above-listed people shall not be restricted to conduct monitoring.⁶²

During the protest demonstrations against Russian Law, many facts of violence, arrest, and interference in the professional activities of journalists and human rights defenders were observed.⁶³ Among others, the editor of the online edition Tabula was arrested while he was covering the protest demonstrations; he was released based on the written clarification several hours later.⁶⁴

⁵⁹ UN, Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), 2020, 9.

⁶⁰ Ibid, 30

⁶¹ Human Rights Center, I am a journalist – toolkit for the journalists’ rights, 2024, 5

⁶² UN, Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), 2020, 31

⁶³ Online edition civil.ge; Riot police physically abused journalists, April 17, 2024; available at <https://civil.ge/ka/archives/599437> [10.07.2024].

⁶⁴ Online edition MediaChecker, Court verbally rebuked the editor of Tabula, May 27, 2024. Available at: <https://bit.ly/3WhrLrm> [10.07.2024].

Developments after Protest Demonstrations against the Russian Law

After the protest demonstrations, a campaign of persecution, physical violence, and intimidation was launched against civil activists, protest participants, members of the political parties, and human rights defenders.⁶⁵ In addition to that, criminal and administrative proceedings started against the protest participants.⁶⁶

Using the government's resources for intimidating individuals or initiating illegitimate administrative and criminal proceedings will inevitably have a *chilling effect* on the freedom of assembly and expression.

According to the case-law of the European Court of Human Rights, any action of the state institutions, which may have a chilling effect on the realization of this right, restricts the freedom of assembly.

Arrest, detention, and/or further administrative penalties imposed on the protesters may hinder their participation in similar assemblies in the future.⁶⁷ The *chilling effect* continues when the court changes measures of restraint into, for example, fines or frees the detainees from the courtroom.⁶⁸ The chilling effect is often observed in the cases related to political assemblies because in general, it creates obstacles for the organizers and participants to plan and participate in protest demonstrations or/and actively engage in opposition politics. Systematic use of similar measures inevitably creates barriers for the citizens to participate in the protest assemblies against the government's actions and in general, to publicly express their critical views.⁶⁹

Furthermore, the arrest of those protest participants by the police force, who were not involved in violent actions, may have a chilling effect on these individuals and others and prevent their participation in future public assemblies.⁷⁰

⁶⁵ TV Company Mtavari Archi, Government's Intimidation Campaign – Calls from foreign country numbers and open psychological terror against politicians and activists, May 7, 2024; available at <https://bitly.cx/YS5> [07.07.2024]; Online edition News of Georgia, Protesters of the Russian Law are called from unidentified phone numbers, curse and intimidate them, May 7, 2024; available at <https://bitly.cx/9uH2> [07.07.2024]; Radio Liberty, Call to 11-years-old Lile, 16-years-old Keso, 13-years-old girl, 10-years-old boy – why they call children? May 10, 2024. Available at: <https://www.radiotavisupleba.ge/a/რატომ-რეკავებენ-ბავშვებს/32941355.html> [07.07.2024]. See also: Joint Statement of the Human Rights Center and the OMCT-FIDH / The Observatory, Georgia: *Serious deterioration of the situation of human rights defenders*, 26 June 2024, available at: <https://www.omct.org/en/resources/statements/georgia-serious-deterioration-of-the-situation-of-human-rights-defenders> [10.07.2024].

⁶⁶ Radio Liberty, "It Is Ordinary State Terror," – MIA summons the protest participants, May 17, 2024; available at: <https://shorturl.at/bQr5s> [07.07.2024].

⁶⁷ *Balçık and Others v. Turkey*, no. 25/02, §41, 29 November 2007.

⁶⁸ *The United Macedonian Organization Ilinden and Ivanov v. Bulgaria*, 2005, § 135.

⁶⁹ *Nemtsov v. Russia*, 2014, §§ 77-78.

⁷⁰ *Zakharov and Varzhabetyan v. Russia*, 2020, § 90; *Navalnyy and Gunko v. Russia*, 2020, § 88.

Other Tendencies and Violations Observed during the Protest Demonstrations of April and May 2024

Demonstrations against the Russian Law were held continuously in April and May of 2024. Within the scope of monitoring of public assemblies, the Human Rights Center identified multiple violations that became a tendency during the protest demonstrations.

In all monitoring reports regarding protest demonstrations against Russian Law, the HRC monitors referred to the mobilization of a disproportionate number of police forces on the sites that created the feeling that such mobilization had only one purpose – to intimidate demonstrators.

In accordance with the reports of the HRC monitors, the mobilization of a large number of police forces, in most cases, did not aim to better facilitate the assemblies or protect public order. For example, during the demonstrations of April 17 and April 30, the police forces were not mobilized in the vicinities of the ongoing demonstration at all, but near the Government's administration.

The reports of the assembly monitoring showed that there was a problem in identifying law enforcement officers that often encouraged them to abuse power or intimidate the protesters. The attitude of the special operational forces, as well as the members of the unit under the control of Zviad Kharebava, a high-ranking official of the MIA, (“Khareba’s unit”), were particularly aggressive towards citizens; in some cases, they were punishing people intentionally.

The HRC Monitoring Team observed instances where police officers physically assaulted,⁷¹ cursed at, or intimidated protest participants, and videos demonstrating the said facts were also made public by the media.⁷²

It is noteworthy that many facts of physical assault against the detained demonstrators were documented;⁷³ the Public Defender of Georgia also voiced concerned in this regard.

⁷¹ Radio Liberty, Several police officers are beating one protest participant, April 30, 2024. Available at: <https://www.facebook.com/reel/643729087938574> [22.07.2024].

⁷² TV Company Pirveli, Riot Police officer is cursing a protest participant and threatens him, May 1, 2024. Available at: <https://www.facebook.com/watch/?v=458302933544634> [22.07.2024]. TV Company Formula, Robocop threaten participants of the protest, April 14, 2024; available at: <https://www.facebook.com/watch/?v=382181588155218> [22.07.2024].

⁷³ Radio Liberty; “They almost broke my head with fists:” who were detained last night – list, April 17, 2024; available at: <https://bit.ly/3JvVmWU> [22.07.2024]. Online edition Aprili.Medea, The detainees are ruthlessly beaten, we cannot find most of them – GDI’s lawyer, May 13, 2024; available at: <https://aprili.media/დაკავებულები-არიან-სასტი/> [22.07.2024]. Online edition Radio Liberty, “He tried to suffocate me with the lace of my hoodie,” the detainees during the April demonstrations are leaving detention settings, April 18, 2024; available at: <https://bit.ly/3WcTh85> [22.07.2024]. TV Company Matavari Arkhi, “We received about 160 messages, absolute majority of people detained during the demonstrations are beaten,” the lawyer, May 13, 2024. Available at: <https://bit.ly/3A4q73m> [22.07.2024].

It is important to note that during the demonstrations law enforcement officers were taking photos of protesters. According to the HRC monitoring and public reports, representatives of law enforcement bodies, mostly criminal police officers or unidentified people, were taking photos of active participants of the demonstration,⁷⁴ and if those citizens asked questions about why their photos were taken, they were subjected to physical abuse.⁷⁵ Another problem was that participants of the protest demonstrations used to lose personal items or/and they were seized and then could not get their belongings back.

Conclusion

The Report evaluated the violations observed during monitoring public assemblies by the HRC Monitoring Team; they are mostly related to the tendencies identified during the protest demonstrations against Russian Law. The conduct of the MIA's certain units was particularly alarming during the protest demonstrations, as well as the widespread violations in the facilitation of assemblies, cases of abuse of power and physical abuse of protesters by unidentified people; stigmatization campaign of the CSOs and civil activists and public statements to scare people.

According to the assessment of the Human Rights Center, Georgian legislation, mostly, complies with international standards, but the practical implementation of the respective guiding principles is problematic.

According to the Human Rights Center, the following facts of blatant violation of freedom of assembly were observed during the protest demonstrations in April and May 2024: dispersal of peaceful assemblies without legally determined grounds and legitimate objectives; use of disproportionate forces and special means through violation of the national legislation and international human rights standards. It was also problematic that all police forces of the Ministry of Internal Affairs were used to facilitate the assemblies; particularly problematic was the action of the units, whose functions and professional backgrounds were not relevant to the facilitation of assemblies.

Initiating proceedings against the participants of peaceful assemblies for the purpose of their further detention and punishment contradicts the internationally recognized human rights standards; also, during the detention, during transportation, and in the temporary detention settings the protesters became subjects of abuse and ill-treatment; in some cases – the treatment amounted to torture. Above all that, the investigation of alleged crimes committed by law enforcement officers was delayed and often ineffective; also, the qualification of the ongoing investigations was problematic.

⁷⁴ Voice of America, Bilanishvili: Georgian Dream implements the Russian politics and not pro-Russian politics, May 21, 2024; available at: <https://www.amerikiskhma.com/a/7619853.html> [22.07.2024].

⁷⁵ Online edition On.ge: Participant of the demonstration was arrested near the parliament – police dragged him into the cordon, May 14, 2024; available at: <https://bit.ly/4bSETaP> [22.07.2024].

Recommendations

To the Ministry of Internal Affairs:

- to abstain from using special means against the peaceful participants of public assemblies;
- to react to specific incidents during large-scale protest demonstrations and to abstain from declaring the entire assembly violent and/or unlawful to justify its termination or dispersal;
- to warn the demonstrators about the use of special means in accordance with the national legislation;
- to only engage those units that have relevant competence in the facilitation of assemblies and use only the appropriately trained MIA employees for the facilitation of assemblies;
- to combat “persecution operations” against the protesters for the purpose of their physical retaliation and intimidation that may have a chilling effect on the freedom of assembly and expression;
- to ensure that all members of police forces are identifiable.

To the Special Investigation Service:

- to ensure timely, effective, and impartial investigation of all instances of alleged abuse of power against the protest participants;
- to initiate an investigation regarding alleged crimes committed by law enforcement officers under the correct qualification.

To the Personal Data Protection Service:

- to strengthen the efforts for the protection of personal data of citizens;
- to efficiently look into the citizens’ complaints regarding the evident facts of processing their personal data in relation with their participation in protest demonstrations.