

DEMONSTRATIONS UNDER OBSERVATION



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INTRODUCTION

This report presents the results of observing demonstrations organized by political parties, civil movements, and activists from November 6, 2023, to May 30, 2024. The document also analyzes the court proceedings of those arrested directly during the protest rallies or in connection with them.

In April 2024, "Georgian Dream" re-initiated the draft law "On Transparency of Foreign Influence" (the so-called Russian law), which was followed by large-scale protests. This report dedicates a separate section to the authorities' response to the April-May protests, considering the cases and extent of excessive force used by law enforcement officers, the further tightening of the state's repressive policy towards protest participants, the bias of the courts, and the inaction of the Ministry of Internal Affairs and the Special Investigation Service.

The report assesses the behavior of law enforcement officers during demonstrations according to international standards, the case-law of the European Court of Human Rights, and national legislation.

The first part of the document provides a brief overview of the legislative framework regulating freedom of assembly. It also evaluates legislative initiatives adoption of which would negatively impact the right to assembly and demonstration. The second part reviews the results of observing the protests held from November 6 to April 15, 2024. The third part of the report is devoted to the events that took place from the initiation of the so-called Russian law "On the Transparency of Foreign Influence," up to May 30, 2024.

During the monitoring, we identified severe violations by law enforcement officers. This includes breaches of international standards, the Constitution of Georgia, and current legislation. There were also cases of incitement to violence, unfair trials, inaction by the Special Investigation Service and the Ministry of Internal Affairs, and attempts to intimidate and influence the participants of the protest rallies.



The report is based on the analysis of data gathered from observations conducted by the Democracy Research Institute's monitors during demonstrations held between November 6, 2023, and May 30, 2024. These observations include monitoring the protests, and the court sessions of demonstrators arrested during these protests. The Democracy Research Institute's monitors observed 76 gatherings and 32 court sessions.

Research Limitation - Three observers from the Democracy Research Institute monitored protests organized by civil movements and political parties in Tbilisi. Information about the planned actions was collected from public announcements and social media posts by civil movements and political parties, and via direct communication with various rally organizers. The monitoring process faced limitations due to the small number of observers and the geographic scope, as the observation was limited to political protests in Tbilisi. When demonstrations took place simultaneously, the focus of observation was chosen based on the anticipated threat to the freedom of assembly.

Research tools - Several tools were used to analyze the data obtained during the monitoring. Based on the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) guidelines on the freedom of peaceful assembly, the project team developed a special form for monitoring assemblies and demonstrations. The form was used to document all significant facts and violations observed during the protests.

Media monitoring - Information obtained from video footage and live broadcasts by various media outlets served as a significant source of data during the reporting period. Additionally, photo and video material provided directly by civil activists was reviewed as well.

Desk research - To evaluate the behavior of law enforcement officers, we followed the European standards established by the European Court of Human Rights regarding freedom of assembly and expression, as well as Georgian legislation and subordinate normative acts. To complete the report, we requested public information from various public institutions, including the Ministry of Internal Affairs of Georgia and Tbilisi City Hall.

Meetings with civil organizations and political parties organizing protests at the beginning of the reporting period helped us collect information about their planned demonstrations and their plans. In addition, during the reporting period, the parties/civil organizations kept providing us with information about the rallies they were organizing.



1. A BRIEF OVERVIEW OF THE LEGISLATIVE FRAMEWORK GOVERNING FREEDOM OF ASSEMBLY

The next parliamentary elections in Georgia will be held in October 2024. An election year is typically busy with numerous political gatherings and demonstrations. Therefore, it is crucial to evaluate the legislative initiatives and laws that regulate the freedom of assembly and expression, as well as the actions of law enforcement officers during the exercise of these rights.

1.1. APPLICATION OF ARTICLES 166 AND 173 OF THE CODE OF ADMINISTRATIVE OFFENSES IN PRACTICE

The Administrative Offenses Code currently in force in Georgia was adopted by the Supreme Council of the Georgian SSR in 1984. The vague provisions of this old, Soviet-era code often facilitate the punishment of peaceful protest participants and complicate the full enjoyment of the constitutionally guaranteed freedoms of assembly and expression.

In addition to the code's incompatibility with modern-day challenges, there are issues with how law enforcement officers interpret and apply the relevant legal norms in practice. Years of observation of protest rallies attest that law enforcement officers most frequently detain demonstrators cumulatively under two articles of the Administrative Offenses Code—Article 166 (petty hooliganism) and Article 173 (non-compliance with a lawful request by a law enforcement officer). Frequently, law enforcement officers interpret verbal insults or resistance as both, petty hooliganism and non-compliance, although these two norms diverge significantly.

Hooliganism, by its nature, involves engaging in various actions that demonstrate blatant disrespect towards society. The primary motive of a person committing hooliganism is to insult a specific individual and publicly demonstrate disrespect towards society. If the act involves violence or the threat of violence, it is classified as a criminal offense.¹ In contrast to petty hooliganism, Article 173 regulates specialized relations specifically targeting certain subjects and groups closely linked to official duties. Consequently, the automatic and indiscriminate cumulative application of Articles 166 and 173 by law enforcement representatives, without proper assessment, is often unjustified.

Another issue is the legality of the use of Article 173 itself. According to the norm, the basis for the application of Article 173 is a disobedience **to the lawful request** of the law enforcement officer. In practice, law enforcement officials interpret any instruction to demonstrators as a "lawful request." A distinct example of this flaw was

¹ Mzia Lekveishvili, Nona Todua, Gocha Mamulashvili, Criminal Law, Private Part. Book One, 7th Edition, Tbilisi, 2019, p. 776

observed during April-May 2024, in the arrests of demonstrators protesting against the so-called Russian law, which were preceded, in many cases, by an unlawful request - to vacate the premises of the venues where the demonstration was taking place.² In this context, the concern extends beyond the mere automatic and indiscriminate application of these two articles but rather pertains generally to the interpretation of their substance by judicial authorities.

1.2. HARSHER SANCTIONS INTRODUCED BY LEGISLATIVE AMENDMENTS

In 2021, the Parliament of Georgia enhanced penalties for petty hooliganism, disobeying a lawful request of a police officer, and/or insulting a police officer.

In particular, part 2 was added to Article 166 of the Code, *by which it was established that repeatedly committing the same administrative offense by a person sentenced to an administrative fine for petty hooliganism shall result in the offender being fined in the amount of 1,500 to 2,000 GEL or administrative imprisonment for a period of 5 to 15 days.*

The rule in effect before the changes provided for a fine of 500 to 1000 GEL or up to 15 days of administrative imprisonment, which meant that **regardless of the frequency of the violation of the law, the judge had the opportunity to impose an administrative imprisonment of less than 5 days for the offender.**

According to the changes made in Article 173, *during the performance of official duties, disobedience to the lawful order or request of the law enforcement body once results in the offender being fined from 2000 to 3000 GEL or subject to administrative imprisonment for a period of up to 15 days, while the offender is fined from 3500 GEL up to 4500 GEL or subject to administrative imprisonment for a period of 7 to 15 days.*

The norm in force before the changes provided for a fine from 1000 GEL up to 4000 GEL or imprisonment for less than 7 days, regardless of the frequency of violation of the law. **Furthermore, these changes abolished the judge's discretion, in case of repeated offenses, to use the possibility of exemption from liability and limit it to a verbal warning only.**³

According to the definition of the European Court of Human Rights, the application of disproportionately harsh sanctions may have a chilling effect on freedom of assembly.⁴ Similarly, the Venice Commission talks about the chilling effect and the possible

² democracyresearch.org, "Government illegally restricts freedom of assembly and expression in relation to Racha protests," 20.11.2023, available at: <https://www.democracyresearch.org/geo/1354/>

³ democracyresearch.org, "Amendments to Administrative Offenses Code Are Repressive and Reduce Space for Peaceful Protest", 30.04.2021, available at: <https://www.democracyresearch.org/geo/580/>

⁴ Council of Europe, 2022, Guide on Article 11 of the European Convention on Human Rights, Freedom of Assembly and Association, paras. 77-79,

available at: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_11_eng

violation of the right to assembly and demonstration in the case of the use of disproportionate sanctions.⁵

Despite sharp criticism from public organizations, the Parliament swiftly adopted the law. Rather than thoroughly reforming the Soviet-era code, the authorities have tightened rules that typically result in the arrest of demonstrators, thereby exerting a chilling effect on freedom of expression and protest movements.⁶

The UN Special Rapporteur, in a report published on March 6, 2024,⁷ criticized the increased fines and attempts to limit the right to assembly and expression through amending the above-mentioned articles.⁸

1.3. LEGISLATIVE INITIATIVES DETRIMENTAL TO THE FREEDOMS OF ASSEMBLY AND EXPRESSION

1.3.1. "ALT-INFO'S" INITIATIVE

On November 7, 2022, an initiative group led by the openly pro-Russian "Conservative Movement/Alt-Info" leaders proposed legislative amendments to the Law of Georgia on Assemblies and Demonstrations, the Code of Administrative Offenses, and the Criminal Code. The legislative package prohibits assemblies or demonstrations if their purpose is, or during which it is likely, to involve the *"Expression, popularization, or propaganda of sexual orientation"*... *"or includes statements and calls that are against, discredit, or insult the beliefs of any religious group or its followers."*⁹

The legislative package includes administrative and criminal liabilities for violating these prohibitions. The bill was criticized by both civil society and international organizations. In April 2023, over 140 organizations called on the government to refrain from taking steps that would hinder European integration.¹⁰ Against this backdrop of critical opposition, the Parliament's Bureau decided to postpone the discussion of the bill initiated by the openly pro-Russian political group indefinitely, although a similar initiative was later introduced by the "Georgian Dream" party.

⁵ European Commission for Democracy through Law (Venice Commission) and Office for Democratic Institutions and Human Rights (OSCE/ODIHR), Guidelines on Freedom of Peaceful Assembly (3rd Edition), 8 July 2019, para 36, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)017-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)017-e)

⁶ radiotavisupleba.ge, "Parliament approved changes to the Administrative Code in the third reading - what changed in the end", 29.04.2021, available at: <https://www.radiotavisupleba.ge/a/31229882.html>

⁷ srdefenders.org, Report of the Special Rapporteur on the situation of human rights Defenders, 06.03.2024, <https://srdefenders.org/country-visit-report-georgia/?fbclid=IwAR3pnLBKDoUxkVz9gJTbodgK4g0THjtXGTb7LB1bFxAzBQt1G9nB6Ho2s/>

⁸ ibid.

⁹ Regarding amendments to the Georgian Law "On Assemblies and Manifestations", available at: <https://info.parliament.ge/file/1/BillReviewContent/311115> ;

¹⁰ Appeal of civil society to the authorities, available at: <https://transparency.ge/ge/post/samokalako-sazogadoebis-mimartva-xelisuplebas> .

1.3.2. "GEORGIAN DREAM'S" INITIATIVE

On April 3, 2024, the parliamentary majority of the "Georgian Dream" initiated two constitutional amendments: the Draft Constitutional Law of Georgia "On Amendments to the Constitution of Georgia" and the Draft Constitutional Law of Georgia "On Family Values and Protection of Minors." According to the draft of the constitutional law on amendments to the constitution, a note is added to Article 30 of the Constitution of Georgia: "The protection of family values and minors is ensured by the constitutional law of Georgia, which is an integral part of the Constitution of Georgia."

The bill, along with several other problematic provisions, introduces new regulations concerning the freedom of assembly. The draft constitutional law prohibits assemblies that aim to promote: *"same-sex familial or intimate relationships, incest, adoption or foster care of minors by same-sex couples or non-heterosexual individuals, medical interventions related to gender change, or the non-use of sex-based concepts."*

According to Article 21 of the current version of the Constitution of Georgia, the right to assemble is limited only to persons who are part of the defense forces or the body responsible for the protection of state or public security. The authorities can break up the assembly only if it becomes unlawful. The current version of the Constitution, like the constitutions of other democracies, restricts the right to assembly only to risks to public safety potentially arising from the assembly or already established. The Constitution of Georgia does not classify assemblies or assess their permissibility based on their content or the demands of the participants. It only restricts assemblies based on their form when they pose a risk or threaten public safety. Under such constitutional regulations, it is evident that legally prohibiting assemblies based on specific content is impossible. Consequently, the package of constitutional amendments proposed by "Georgian Dream" seeks to establish a constitutional and legal order that restricts the freedom of assembly at the constitutional level, not because of the form of the assembly, but because of its specific content.

The proposed package of constitutional amendments contradicts Georgia's existing Constitution, universal human rights standards, and the principle of the rule of law. If adopted, it will jeopardize the freedoms of assembly and expression in Georgia.

1.3.3. PROHIBITION OF TEMPORARY ENCAMPMENTS

On October 2, 2023, the draft law "On Assemblies and Demonstrations,"¹¹ introduced in the Parliament by the majority party, prohibits the erection of temporary structures during assemblies and demonstrations on various grounds.

¹¹ Regarding amendments to the Law of Georgia "On Assemblies and Manifestations," available at: <https://info.parliament.ge/file/1/BillReviewContent/340742>

If the owner of a temporary structure fails to dismantle it within a reasonable timeframe, the draft law grants the police authority to dismantle the structure. The legislative amendments outline stringent penalties, including confiscation of the offending object, high fine (5,000 GEL applicable to organizers), and/or administrative imprisonment for up to 15 days.

The provisions of the draft law are broad and ambiguous, granting law enforcement officials unreasonably broad discretion. These legislative changes were prompted by a statement from the State Security Service of Georgia dated September 18, 2023, which warned of a group operating outside Georgia's territory planning to destabilize the country between October and December 2023, possibly including through the establishment of a "tent encampment city."¹²

The Public Defender¹³ and civil society organizations¹⁴ criticized the proposed legislative changes. Based on the Public Defender's request, the OSCE/ODIHR (Office for Democratic Institutions and Human Rights) prepared an expedited report on the amendments to the Law on "Assemblies and Demonstrations."¹⁵ According to the report, the grounds for limitation provided by the legislative amendments are broad and not clearly defined, which may lead to their arbitrary or discriminatory use. OSCE/ODIHR points out that such a ban on the construction of temporary structures does not correspond to the legitimate goals established by the European Convention on Human Rights and the UN Conventions, and is unjustified. Based on these observations, OSCE/ODIHR concluded that "the draft law does not meet the stringent requirements set by international law regarding the restriction of the freedom of peaceful assembly; therefore, its adoption is unacceptable."¹⁶

The President of Georgia did not agree to the legislative changes either, and passed the law back to the Parliament, with her reasoning attached.¹⁷ The president also criticized the expedited consideration of the draft law. She believed that the proposed

¹² parliament.ge, Explanatory Card on the Draft Law of Georgia "On Assemblies and Manifestations" regarding amendments to the law of Georgia, available at: <https://info.parliament.ge/file/1/BillReviewContent/340743>

¹³ ombudsman.ge, Public Defender's statement regarding the planned changes in the law of Georgia "On Assemblies and Manifestations", available at: <https://www.ombudsman.ge/geo/akhali-ambebi/sakhalkho-damtsvelis-gantskhadeba-shekrebisa-da-manifestatsiebis-shesakheb-sakartvelos-kanonshi-dagegmil-tsvli-lebebtan-dakavshirebit>

¹⁴ gyla.ge, "Increasing trend of restrictions on civil rights continues with new legislative changes," available at: <https://shorturl.at/prtvN>; Also, TI Georgia and ISFED, "Parliament should not adopt a draft law that is extremely restrictive of freedom of assembly and expression," available at: <https://www.transparency.ge/post/parlamentma-ar-unda-miigos-shekrebisa-da-gamoxatvis-tavisuplebis-ukiduresad-shemzgudavi>

¹⁵ OSCE/ODIHR, Urgent Opinion on Proposed Amendments to the Law of Georgia on Assemblies and Demonstrations and to the Administrative Offences Code of Georgia, Warsaw , November 6 , 2023 Conclusion -Nr.: FOPA-GEO/487/2023 [AIC /NR]. Available at: <https://www.osce.org/files/f/documents/3/8/560487.pdf>

¹⁶ ibid., p. 6.

¹⁷ parliament.ge, the President of Georgia's Reasoning on Draft Law, 18.10.2023, available at: <https://info.parliament.ge/file/1/BillReviewContent/342606>

ban on temporary structures through legislative amendment amounted to a blanket prohibition, posing "the risk of excessive state intervention and jeopardizing the exercise of constitutionally guaranteed rights."

Against the backdrop of criticism from Georgian civil organizations, international organizations, opposition parties, and the President of Georgia, the parliamentary majority announced that they would no longer rush to adopt legislative changes.¹⁸ The current legislation and judicial practice in Georgia allow for the setting up of temporary structures, including tents, during protests and apply the freedom of assembly protections to it.



2. RESULTS OF PROTEST MONITORING (NOVEMBER 2023 - APRIL 14, 2024)

2.1. EVALUATION OF PROTESTORS' BEHAVIOR

During the reporting period, from November 6, 2023, to April 14, 2024, observers from the Democracy Research Institute documented 41 political rallies. These gatherings primarily addressed the government of Georgia, encompassing a range of demands. At different times, the protest participants' demands included:

- Reducing the electoral threshold for parliamentary elections to 2%
- Stopping the eviction of families by the enforcement police as a coercive enforcement measure
- Request „to punish“ activist Nata Peradze "properly...for insulting the religious iconography"
- The release of "Boys of Conscience" [arrested for] July 5, 2021 events
- Free school meals
- Prohibition of child engagements and early childhood marriages
- Revoking the license issued to organize a hunting reserve in Racha
- The release of persons detained during protest rallies,
- Appeal to Europe - "Our voice to Europe!"
- Rally in support of Beka Vardosanidze summoned for questioning at the State Security Service;
- Other rallies.

The organizers of the demonstrations held at different times with different demands were the following movements: "Khma (Voice)", "Rioni River Guards", "Talga (Wave)"; Political group "Conservative Movement/Alt-Info"; President of Georgia Salome

¹⁸ radiotavisupleba.ge, "Mdinardze on the "law of tents": we were in a hurry... the chances of getting the status increased, that's why there is no hurry", 31.10.2023, available at: <https://www.radiotavisupleba.ge/a/32662070.html?fbclid=IwAR1gviR89uReGaTSdgafmhWN70e0heYl4Y29N9mg7vj2k4JZbfVBBur7DgwQ>

Zurabishvili; Medical staff of the Republican Hospital; "Gildia/Guild"; "Mozaoba/Movement" and others.

Observers from the Democracy Research Institute evaluated the conduct of organizers and participants of protest rallies within the framework of the requirements stipulated by the Law of Georgia "On Assemblies and Demonstrations." Specifically, they assessed whether the purpose and nature of the gathering aligned with legal standards, if demonstrators complied with lawful directives from law enforcement officers, whether prohibited items and hate speech were utilized, if the municipal executive body received adequate notification in instances where meetings or demonstrations were held in traffic areas or caused traffic disruptions, and whether organizers and participants adhered to the legal restrictions when protests occurred near buildings or their entrances subject to special regulations for holding protest rallies.

On November 18, 2023, during a rally near the Ministry of Environment and Agriculture, participants protested against the transfer of a special hunting license for Racha forests to HG Capra Caucasica LLC for 49 years. Approximately two hundred protestors were prevented by police from erecting tents in the Ministry's yard and blocking Marshal Gelovani Avenue. In the ensuing confrontation, law enforcement officers detained¹⁹ 11 protest participants under Articles 166 and 173 of Georgia's Administrative Offenses Code. According to OSCE/ODIHR guidelines, the erection of tents and other temporary structures is protected under the right to peaceful assembly.²⁰

The protest participants managed to set up their tent later, following prolonged negotiations with the police. However, they were only permitted to do so on the sidewalk near the entrance gate to the yard of the Ministry, not in the desired location inside the Ministry's yard.

A special rule applies to the holding of gatherings or demonstrations on the premises of administrative bodies. To prevent the obstruction of buildings and disruptions to the institution's operations, restrictions may be imposed on holding gatherings and demonstrations from a distance, but no more than twenty meters from the building.²¹ This decision should be made on a case-by-case basis to ensure the essence of the constitutional right to assembly and demonstration is upheld. Given that November 18, 2023, was a non-working day (Saturday), the protest near the Ministry of Environment Protection and Agriculture did not obstruct the institution's activities. Therefore, law enforcement's refusal to allow demonstrators to protest in the

¹⁹ radiotavisupleba.ge, "Varlam Goletiani and others arrested at the demonstration released from the courtroom", available at: <https://www.radiotavisupleba.ge/a/32691140.html>

²⁰ See: Guidelines on Freedom of Peaceful Assembly, second edition, §18, Warsaw/Strasbourg 2010. <https://bit.ly/3bpJ1C4>.

²¹ The Law of Georgia "On Assemblies and Manifestations" Law of Georgia, Article 9

Ministry's yard was unjustified and additionally, unlawfully restricted their right to set up a tent.

The protest against forced eviction is noteworthy regarding the conduct of the demonstrators. On January 23, 2024, during the eviction of a family from an apartment at Kekelidze N1, Tbilisi, law enforcement arrested 20 individuals. Among them, two were detained under subsection Article 187.2(G) of the Criminal Code, which pertains to damage or destruction of property belonging to others by a group of individuals. The charges allege that the detainees damaged a vehicle belonging to the National Enforcement Bureau by breaking its windows, potentially leading to a penalty of imprisonment for a period of 3 to 6 years as per the aforementioned article. The concept of an offense committed by a group was established as an aggravating circumstance following the rallies of March 2023. The Democracy Research Institute has challenged this provision in the Constitutional Court of Georgia, citing its potential conflict with constitutional rights about dignity and equality.²²

The case described above is an exception when the violation of the law by the demonstrators caused significant damage.

In terms of scale, the January 13, 2024, demonstration/march by the violent group "Conservative Movement/Alt-Info" deserves special mention, initially attended by over 2,000 people. Demonstrators moved from the Parliament to the Holy Trinity Cathedral, where about 400 people eventually gathered. The participants of the rally objected to the throwing of paint on the icon - of Matrona of Moscow, held at Holy Trinity Cathedral, which also features Joseph Stalin - by civil rights activist Nata Peradze. They were asking to criminally charge Nata Peradze.

On January 10, 2024, the rally organized by the "Conservative Movement/Alt-Info" in front of Nata Peradze's residence turned violent. The gathered individuals disobeyed law enforcement officers' instructions and attempted to break through the police cordon at the entrance gate of the activist's house. The participants of the rally continuously made threatening statements toward both non-governmental organizations and opposition television journalists.²³

On January 13, 2024, at a rally held in front of the Parliament, the leaders and supporters of the homophobic and pro-Russian political party "Conservative Movement/Alt-Info" took down the EU flag displayed in front of the Parliament and replaced it with the Georgian flag, an act initially prevented by several police officers.²⁴ Those gathered kept saying that "no one will be forgiven for insulting the icon" of

²² democracyresearch.org, "DRI files constitutional lawsuit regarding criminal norm of group damage/ destruction of another's property", 21.02.2024, available at: <https://www.democracyresearch.org/geo/1412/>

²³ democracyresearch.org, "DRI: Government's Selective Treatment of Protesters Fuels Aggression by Violent Groups", 11.01.2014, available at: <https://www.democracyresearch.org/geo/1372/>

²⁴ radiotavisupleba.ge, "at the rally organized by "Alt-Info" they demanded the punishment of those guilty of "insulting the icon", 13.01.2024, available at: <https://www.radiotavisupleba.ge/a/32772946.html>

Matrona of Moscow. They demanded to punishment of the activist - Nata Peradze according to criminal law. Despite the violent statements, the rally ended peacefully.

Observation of protests during the reporting period showed that, as a rule, demonstrators acted within the law. However, *exceptions* included the case of damage to the vehicle of the National Bureau of Enforcement. In several instances, demonstrators did not obey the instructions of law enforcement officers; in some cases (e.g., regarding the ban on erecting tents), according to the Democracy Research Institute, the instructions were unlawful. Several rallies were marked by hate speech, particularly those organized by the violent group "Conservative Movement/Alt-Info." In no case did the demonstrators possess any object prohibited by law.

2.2. EVALUATION OF LAW ENFORCEMENT OFFICERS' ACTIONS

According to the Police Law of Georgia, the police shall ensure the safety of the participants of gatherings, demonstrations, and other mass events.²⁵

In the period from November 6, 2023, to April 15, 2024, observers from the Democracy Research Institute monitored the behavior of law enforcement officers at 41 rallies. The actions of the law enforcement officers present at the rallies were, for the most part, proportionate and by the applicable legislation. In many cases, the police's response to the offenses taking place at the demonstrations was limited to a verbal warning. During this period, no protests or demonstrations were broken up using special means. This was due to the theme and scale of the protests. However, in several instances, the police used disproportionate physical force against the protest participants. For example, during the so-called Racha protest, law enforcement officers administratively arrested 11 people simply because they wanted to set up a tent in the yard of the Ministry.

The most significant police presence, with about 500 officers, was noted at the march organized by the "Conservative Movement/Alt-Info" on January 13, 2024. On January 23, 2024, the police mobilized a disproportionate amount of force during the forced eviction of a family from a residential building on Kekelidze Street.

Although current legislation does not prohibit the construction of temporary structures during demonstrations, observations during the reporting period reveal that, in practice, the restrictive norms of the draft law initiated by the government (see above, subchapter 1.3.3) are still applied. An example of this is the so-called Racha protest, where the government used disproportionate force against the peaceful participants of the protest, who did not resort to violence at any stage of the protest, right at the very beginning.

²⁵ Law of Georgia "On Police", Article 17.1.d.

Even though the participants of the protest announced a peaceful action, on November 18, 2023, at the beginning of the action, approximately 100 law enforcement officers were mobilized near the Ministry. During the protest, the situation turned tense on several occasions. The law enforcers did not allow the participants of the rally to enter the yard of the Ministry from the main entrance and pitch their tent, which became the cause of the confrontation. During the confrontation, the police arrested 11 participants of the protest rally for actions committed under Articles 166 and 173 of the Code of Administrative Offenses of Georgia. Among those arrested was "Broadcaster" media journalist, Rati Ratiani, who was performing his professional duties.²⁶

The Democracy Research Institute views the detention of rally organizers, participants, and media representatives by law enforcement officers as gross interference in the freedom of assembly and expression. Current legislation and judicial practice in Georgia protect the setting up of temporary structures, including tents, during protests under the protected umbrella of freedom of assembly. According to decision²⁷ by the Tbilisi Court of Appeal, a person "is guaranteed by law the right to publicly and peacefully express his opinion in that part of the street and in the form he considers appropriate. It is possible to express an opinion not only by speaking or making a statement but also in a silent form or by building temporary constructions if it does not contradict the current legislation." According to the same decision, erecting a tent is prohibited only if it interferes with the normal functioning of the institution, and on the other hand, it intentionally obstructs the movement of people. In footage distributed by open sources, it is clear that the participants of the gathering tried to pitch a tent in front of the Ministry of Environment Protection and Agriculture building, in a location where it would not interfere with the movement of people.

Compared to the participants of the rally, the authorities allocated a large number of law enforcement officers on January 23, 2024, during the forced eviction of a family from a residential building located on Kekelidze Street. The rally, attended by about 100 people, involved substantial public resources: hundreds of police officers to ensure the eviction process, the emergency coordination and emergency services unit, and rescuers with special equipment (about 200 people in total). Law enforcement officers dressed in civilian clothes were also present at the rally and kept issuing arrest warrants.

There were several clashes between the people gathered in solidarity with the soon-to-be-evicted family and the enforcement police (as well as representatives of other law enforcement agencies), during which the patrol police arrested 20 people,

²⁶ radiotavisupleba.ge, 18.11.2023, "Ministry of Internal Affairs: 11 participants of the action are detained by the Ministry of Environmental Protection," available at: <https://www.radiotavisupleba.ge/a/32690295.html>

²⁷ Decision No. 3b/170-18 of the Tbilisi Court of Appeal dated 09.02.2018 is available at: <https://drive.google.com/file/d/1WbMFEcgKYCGRI6t0bV7F1ZOocT0FuUti/view>

including journalists. The Ministry of Internal Affairs has not made a statement as to what became the basis for their detention and interference with journalists' professional activities. Several detainees suffered physical injuries. People at the protest rally were complaining about the physical violence they suffered from the police.²⁸ As in previous years, the law enforcement officers arrested the protestors based on Articles 166 and 173 of the Code of Administrative Offenses, without a real assessment of the grounds for the arrest.

The protest against the eviction of the family from the residential building on Kekelidze Street was noteworthy because out of 20 arrests, 2 individuals were detained under subsection Article 187.2(C) of the Criminal Code (damage or destruction of another's property resulting in significant damage, committed by a group). This article provisions a membership of a group as an aggravating circumstance and carries a no-alternative penalty but imprisonment for 3 to 6 years.

The rally²⁹ organized by "Conservative Movement/Alt-Info" on January 10, 2024, near activist Nata Peradze's house, was marked by hate speech and violent rhetoric. The day prior, Nata Peradze had painted an icon of Matrona of Moscow, located in the Holy Trinity Cathedral, which also depicts Joseph Stalin, as a form of protest. On January 10, members of "The Conservative Movement/Alt-Info" and their supporters gathered near Peradze's residence, accusing her of "insulting the icon" and proclaiming their intention to take action where the state and law had not intervened. Despite a significant presence of law enforcement officers mobilized by the Ministry of Internal Affairs, participants of the demonstration refused to comply with police instructions and attempted to breach the police cordon. They made threatening remarks directed at Nata Peradze and opposition television journalists.

The Democracy Research Institute believes that the Ministry of Internal Affairs effectively protected the activists by mobilizing a large number of police officers and blocking the access road to the activists' residences with a police cordon. Publicly disseminated footage shows that the police did not allow the protesters to break the law enforcement chain. Nevertheless, the loyal attitude of the law enforcement officers towards the participants of the violent rally was evident - for disobedience to the legal request of the police, the law enforcement officers did not use the measures provided for by the legislation against the violent participants of the rally, which was a continuation of the government's accommodation policy towards the violent groups. In comparison, the response of the police to peaceful protests is characterized by much more rigidity than the aggressive actions of participants in violent demonstrations.

²⁸ civil.ge, "Charter of journalistic ethics addresses the facts of physical violence against journalists by the police during the eviction," 23.01.2024, available at: <https://civil.ge/ka/archives/578680>

²⁹ democracyresearch.org, "DRI: Government's selective treatment of protestors fuels aggression by violent groups," 11.01.2024, available at: <https://www.democracyresearch.org/geo/1372/>

After the rally, activists supporting Nata Peradze were verbally and physically assaulted in the vicinity of the rally. According to the latest information, the Ministry of Internal Affairs has yet to launch an investigation into these incidents.

In general, the interaction between law enforcement officers and rally participants was neutral. Police generally maintained order, but some instances raised concerns about their neutrality and objectivity.



3. "ON TRANSPARENCY OF FOREIGN INFLUENCE" (SO-CALLED RUSSIAN) DRAFT LAW AS A PREREQUISITE FOR A LARGE-SCALE PROTEST

On April 3, 2024, one year after the March 2023 protests, when the ruling party was forced to withdraw the "Transparency of Foreign Influence" bill amid public opposition and large-scale protests, an identical bill was again introduced³⁰ in the Legislature. The only change made in the draft law was the removal of the term "agent" from the draft text. Instead of being an "agent of foreign influence," public organizations and independent media outlets must now be registered as "carrying the interests of a foreign power." In case of neglecting this requirement and the obligation to submit the relevant declaration, the organization will be fined 25,000 GEL at the initial stage.³¹

The re-initiation of the draft law sparked widespread protests, with students playing a prominent role. Some students boycotted class³² in protest. The demonstrations were exacerbated by the government's anti-European rhetoric, pressure on protestors, attempts to intimidate civil activists, illegitimate use of force by law enforcement and violent groups, unlawful arrests of protestors, and standardized court rulings against detained protestors under administrative and criminal laws.

Despite widespread protests, on May 14, the Parliament voted in favor of the draft law with 84 votes and sent it to the President for signature. President Salome Zurbishvili vetoed the law on May 18, sending it back with her reasoning. According to the President, the draft law violates several constitutional articles, including Article 22 ("Freedom of association"), Article 15 ("Rights to inviolability of private and family life, personal space and communication"), and Article 78 ("Integration into European and Euro-Atlantic structures"); "In its entire content, it is unconstitutional, therefore, un-Georgian, un-European and un-democratic" - stated the President.³³ Despite this, on

³⁰ parliament.ge, Draft Law of Georgia "On Transparency of Foreign Influence", see <https://www.parliament.ge/legislation/28355>

³¹ ibid.

³² amerikishma.com, "Students went on strike," 14.05.2024, see <https://www.amerikishkhma.com/a/no-to-russian-law-protest-in-tbilisi-georgia/7609692.html>

³³ parliament.ge, President of Georgia's Reasoning, 18.05.2024, <https://info.parliament.ge/file/1/BillPackageContent/43654>

May 28, the parliamentary majority of "Georgian Dream" overrode the president's veto.

According to report³⁴ of the Venice Commission published on May 21, 2024, the implementation of the law "On Transparency of Foreign Influence" will significantly undermine freedom of assembly and expression, the right to privacy, the right to participate in public affairs, and the European integration process. The Venice Commission asserts that the law's true aim is not transparency but the elimination of public organizations and media.³⁵ The Commission steadfastly advises the Georgian authorities to abandon the law in its current form.³⁶

Despite sharp criticism and widespread opposition, the government's agenda has included raids without legal basis, illegal arrests, physical attacks, incitements to violence, and unjustified court decisions. As of June 15, 2024, according to data from public organizations, the Ministry of Internal Affairs has administratively arrested over 200 people and criminally charged 10 individuals in connection with protests.

3.1. PROTESTS HELD AGAINST THE DRAFT LAW "ON TRANSPARENCY OF FOREIGN INFLUENCE"

Mass protests against the draft law "On Transparency of Foreign Influence" commenced in Tbilisi on April 15, 2024. From April 15 to May 31, the Democracy Research Institute observed 35 rallies in Tbilisi through direct observation and media monitoring. While protests also occurred in other Georgian cities, the Institute's observation was focused exclusively on Tbilisi.

The largest demonstration in Tbilisi occurred on May 11 at Europe Square. Tens of thousands of people from three different locations (Republic Square, Marjanishvili Square, Metro 300 Aragveli) converged for the rally, with estimates suggesting attendance by more than 200,000 people.³⁷

On average, the number of participants in anti-draft demonstrations ranged from 5,000 to 200,000.

The protests held against the draft law, in addition to their scale, were distinguished by their peaceful character. The main message of the organizers of the rally was to express the protest peacefully.

The action held against the draft law at different times had different organizers, among them: the youth movement "Dafioni," the civil movement "Jiuti (Stubborn)", the

³⁴ [venice.coe](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e), the European Commission for Democracy, Urgent Opinion of the Venice Commission on the Law of Georgia on Transparency of Foreign Influence, 21.05.2024, see [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e)

³⁵ *ibid.*, paragraph 98.

³⁶ *ibid.*, paragraph 100.

³⁷ [x.com](https://x.com/visionergeo/status/1789387098950189459) , 11.05.2024, see <https://x.com/visionergeo/status/1789387098950189459>

movement "Talga (Wave), "the organization "Greens," other civil organizations, representatives of the art field - Professional Union of Georgian Musicians. However, the majority of demonstrations were organized by the youth movement "Dafioni" and public organizations.

During April-May 2024, protests occurred almost daily, primarily centered around the Parliament of Georgia. Many of these gatherings took the form of demonstrations. Rustaveli Avenue's traffic lane was closed nearly every day from April 15 to May 15, except on April 29 when the ruling party staged a counterprotest supporting the "Russian law." On May 28, during the parliamentary process to override the President's veto on the "Russian law," traffic restrictions were reinstated near the Parliament due to the scale of the protests. Furthermore, on April 19, protesters blocked³⁸ Heroes' Square for the first time, and similar blockades occurred on May 2, 14, and 15, leading to traffic disruptions in that area as well.

Observing the protests showed that in no case did the demonstrators violate the laws on a scale that **would have resulted in an unlawful outcome or would have turned the entire assembly into a violent one.** Nevertheless, in almost all cases, sporadic incidents of lawlessness were considered by the Ministry of Internal Affairs as grounds for violently dispersing entire gatherings.

As a rule, an exceptionally large contingent of law enforcement officers was mobilized during protests against the draft law. At demonstrations near the Parliament of Georgia, significant numbers of officers were deployed in the inner courtyard of the legislative building, as well as on Chitadze and Chichinadze streets. Additionally, on several occasions, substantial deployments were observed near Pushkin Square and Freedom Square.³⁹

During the days of the parliamentary discussion of the draft law "On Transparency of Foreign Influence" (**April 16-17, May 1, May 14, May 28**), the main task of mobilizing a particularly large number of law enforcement officers was to allow the MPs to exist the Parliament's building without discomfort. For example, **on May 1, 2024**, after the adoption of the Russian law in the 2nd reading, the members of the ruling party left the building of the legislative body; despite this, several thousand individuals continued demonstrating near the Parliament. The police forces completely removed these protesters from the territory surrounding the Parliament and then moved into the inner courtyard of the Parliament.⁴⁰

³⁸ mtavari.tv, "The participants of the youth march came to Heroes' Square and took the oath/ the area was completely blocked," 19.04.2024, available at: <https://mtavari.tv/news/154025-akhalgazrduli-marshis-monacileebi-gmirta-moedanze>

³⁹ radiotavisupleba.ge, "Eyewitnesses: Police use rubber bullets against protestors," 01.05.2024, available at: <https://www.radiotavisupleba.ge/a/32929503.html>

⁴⁰ ibid.

3.2. THE ISSUE OF LEGALITY OF USING SPECIAL MEASURES DURING DEMONSTRATIONS

During the peaceful demonstrations against "Russian law", law enforcement officers used force against the demonstrators several times. On the night of **April 16, April 30, May 1, and on May 13** the law enforcement officers responded by using coercive measures to the participants of the protest during the peaceful expression of the protest.

The conduct of law enforcement officers during assemblies and demonstrations, alongside other regulatory frameworks, is governed by the guidelines outlined for Ministry of Internal Affairs employees in Georgia (hereinafter referred to as "Guidelines of the Ministry of Internal Affairs").

A meeting or demonstration where participants violate the legally established rules for its conduct and where there is a legal basis for dispersal may be terminated and disbanded by law enforcement officials.⁴¹ In addition, according to international standards, law enforcement officers shall observe the principles of legality, necessity, and proportionality when applying force.⁴²

The use of coercive measures by law enforcement officers, including active special means, is permitted solely to achieve a lawful objective, in cases of extreme necessity, and only when the situation escalates to violence. During the April-May protests, the Ministry of Internal Affairs violated this protocol on **April 16**, during the night of **April 30** and **May 1**, and on **May 13**.

To comprehensively assess the dispersal of actions using special means, it is crucial to evaluate several factors: the legal basis for the dissolution of the action, the nature of detected violations, the presence of imminent danger, the type of special means employed, the proportionality of their use, duration, frequency, and intensity of their application, as well as the necessity and adherence to the principle of proportionality.

To assess the legality and proportionality of the use of special means by law enforcement during protests, the Democracy Research Institute requested information from the Ministry of Internal Affairs of Georgia on the number of special means used at protests, the number of law enforcement officers involved, and compliance with the guidelines for the conduct of law enforcement officers.⁴³ The Ministry, like the previous year, did not provide us with the requested information, citing state secrets as the ground for denial.⁴⁴

⁴¹ Guidelines for the behavior of employees of the Ministry of Internal Affairs of Georgia during gatherings and demonstrations, Article 4.1

⁴² Amnesty International Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 2015, p. 17-21, https://www.amnesty.nl/content/uploads/2017/01/ainl_guidelines_use_of_force_short_version_0.pdf?x79902

⁴³ Letter from the Democracy Research Institute, #DRI/2024/24

⁴⁴ Letter of the Ministry of Internal Affairs of Georgia dated May 13, MIA 3 24 01391071

3.2.1. NATURE OF THE OFFENSE/IMMINENT DANGER

The right to assemble assumes a peaceful expression of protest. Article 11 of the European Convention guarantees this right to all assemblies, except where there is clear evidence that organizers or participants intend to use or incite violence against others.⁴⁵ According to the precedent set by the European Court of Human Rights, a protest may escalate to violence gradually, but individuals whose involvement in violent actions or intentions cannot be proven still enjoy the protections of Article 11.⁴⁶

Per the guidelines of the Ministry of Internal Affairs, a gathering or demonstration that violates established laws and warrants dissolution can be terminated.⁴⁷ Law enforcement officials are instructed to, to the extent possible, distinguish peaceful participants from potential lawbreakers who may face legal consequences;⁴⁸ They should also ensure that those disturbing public order are separated and removed from the area without disrupting the peaceful assembly or demonstration;⁴⁹ Any use of physical force or special means by law enforcement should strictly adhere to the principle of proportionality, being employed only in cases of extreme necessity and in the minimal amount necessary given the specific circumstances.⁵⁰

In none of the cases, when law enforcement officers used physical force and special means to break up the demonstration, there was no legal basis for breaking up the rally; In several cases, due to the sporadic nature of law violations in the area surrounding the Parliament, **the special measures employed by the police forces cannot be considered proportionate**, which in several cases (**April 16, April 30 and the night of May 1 and May 13**) caused injuries to the peaceful participants of the rally and the dissolution of the rally.

The European Court of Human Rights narrowly interprets the definition of violent action. In the case of Nurettin Aldemir and others v. Turkey, the court did not consider an assembly violent that was initially peaceful but resulted in a riot because the police resorted to the use of force.⁵¹

Not a single demonstration held from April 15 to May 30 warranted dispersal by coercive measures from law enforcement officers due to their scale of violence.

⁴⁵ Kudrevičius and Others v. Lithuania, Application no. 37553/05, ECHR (2015), para. 92, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-158200%22%5D%7D>;

⁴⁶ Cristian Ziliberberg against Moldova, Application no. 61821/00, decision of 4 May 2004, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-23889%22%5D%7D>, par. 2

⁴⁷ Guidelines for the behavior of employees of the Ministry of Internal Affairs of Georgia during gatherings and demonstrations, Order of the Minister of Internal Affairs, Article 4.1

⁴⁸ *ibid.* Article 4.2.b)

⁴⁹ *ibid.*, Article 4.2.c)

⁵⁰ *ibid.*, Article 4.4.

⁵¹ Nurettin Aldemir and Others v. Turkey, applications ##32124/02, 32126/02, 32129/02, 32132/02, 32133/02, 32137/02 and 32138/02, judgment of 18 December 2007, paras. 45-46;

At the **April 30** rally, the Ministry of Internal Affairs' decision to use physical force to disperse a peaceful gathering at the rear entrance of the Legislature, where approximately 300 demonstrators protested peacefully with banners, megaphones, and chants ("no to Russian law"), lacked a legal basis. The peaceful protest at the rear entrance of the Parliament did not obstruct MPs from exiting the legislative body.

Law enforcement officers dispersed peaceful demonstrators **throughout the night of April 30 to May 1**. Initially, they used physical force and special means to remove demonstrators from the area around the rear entrance of the Parliament on Zhvania Street. Special forces present at the scene deployed tear gas and brought in a water cannon, although the water cannon was not used on Zhvania Street itself as demonstrators were already dispersed forcibly. Later, the Ministry of Internal Affairs deployed special means again on Chichinadze Street and confronted thousands of civilians gathered on Rustaveli Avenue around midnight, using water cannons, pepper spray, and tear gas.⁵² Observation by monitors from the Democracy Research Institute and publicly available footage indicate that the peaceful nature of the protest did not warrant dispersal or the use of special means.

On May 1, the use of special measures on Chitadze Street followed a small group of protestors who threw various objects in the courtyard of the legislative body and caused noise by shaking the gates. Rather than employing localized measures aimed at separating potential violators of public order from the peaceful participants of the rally, law enforcement officers opted to use special means against the thousands of citizens gathered on Rustaveli Avenue.⁵³

Demonstrators made attempts to resist law enforcement officers on multiple occasions. **On May 13**, during the committee review of the draft law, police used physical force to disperse participants of a peaceful protest on Zhvania Street, pushing through their cordon and positioning themselves at the corner of Zhvania and Chichinadze Streets. From the rear of the police ranks, masked special unit personnel in black attire selectively targeted the most active protesters. Several officers from the rear ranks physically assaulted these demonstrators within the cordon, dragging them away.⁵⁴ Subsequently, a small group of protestors began throwing plastic bottles at law enforcement officers.

⁵² tabula.ge, "What happened in Rustaveli on the night of May 1st?", 01.05.2024, see <https://tabula.ge/news/717564-ra-khdeboda-rustavelze-1-eli-maisis-ghames>

⁵³ Democracyresearch.org, "DRI: Ministry of Internal Affairs violates the guidelines for behavior during gatherings and demonstrations," 02.05.2024, available at: <https://www.democracyresearch.org/geo/1448/>

⁵⁴ democracyresearch.org, "DRI: Physical retribution against protestors cannot be considered a legal police measure", 13.05.2024, see <https://www.democracyresearch.org/geo/1460/>

3.2.2. NEGOTIATION FOR THE PEACEFUL SETTLEMENT OF THE SITUATION

According to the guidelines for the behavior of Ministry of Internal Affairs employees, to peacefully manage situations and minimize the need for forceful intervention, law enforcement representatives shall endeavor to negotiate with organizers or participants of gatherings whenever possible.⁵⁵

In the period of April-May 2024, the law enforcement officers did not use the negotiation mechanism during any rally.

The Ministry of Internal Affairs did not utilize the negotiation mechanism on May 13, during the third reading of the draft law, when civil society organizations announced their intention to stay overnight at the legislative body and organize a "corridor of shame" for parliamentarians who supported the law. Around 7:15 AM, law enforcement officers pushed demonstrators from Zhvania Street to Chichinadze Street using physical force, while Chitadze Street was blocked by another police cordon.

Law enforcement had an opportunity to facilitate peaceful expression through negotiation, yet their use of force escalated tensions between officers and protestors.

3.2.3. COMPLIANCE WITH THE OBLIGATION OF ADVANCE WARNING AND APPLICATION, DURATION, AND INTENSITY OF SPECIAL MEANS

According to the guidelines of the Ministry of Internal Affairs, it is not allowed to break up a **legal** assembly/manifestation using physical force and special means.⁵⁶ The protests held against the draft law on the Transparency of Foreign Influence, due to their peaceful nature, did meet the requirement of "legality" established by the guidelines of the Ministry of Internal Affairs (on the nights of April **16**, **April 30** and **May 1** and **on May 13**), but still were confronted by police force and dispersed using special means and physical force. In addition to the fact that due to the peaceful nature of the gathering, there was no lawful basis for stopping the rally and dispersing the participants, even during the use of force, there were several violations committed by law enforcement officers.

Law enforcement officers used special means for the first time **on April 16**. The Ministry of Internal Affairs, around 22:00, started using active special means, probably pepper spray, against the peaceful demonstrators. Later, by 00:30, the MIA used pepper spray again without prior warning and proper legal basis. From the footage distributed by the media, it can be seen that as a result of the use of special means, several peaceful demonstrators were injured.⁵⁷

⁵⁵ Guidelines for the behavior of employees of the Ministry of Internal Affairs of Georgia during gatherings and demonstrations, Order of the Minister of Internal Affairs, Article 4.2.a).

⁵⁶ *ibid.*, Article 5.4.k)

⁵⁷ on.ge, "Tear gas and allegedly pepper spray were fired near the Parliament," 16.04.2024, see <https://shorturl.at/zYaPx>

The MIA used special means on the largest scale at the rally held **on April 30**, late at night (**on the night of May 1**). On this day, the peaceful character of the rally was particularly visible - demonstrators gathered on the streets surrounding the legislative body: Zhvania, Chichinadze, Chitadze streets, and Rustaveli Avenue; they had banners, whistles, and loudly chanted: "No to the Russian law." The demonstrators did not have any objects prohibited by law and their behavior did not exceed the scope of freedom of assembly and expression.

On April 30, In the evening, approximately 45 minutes after the end of the second reading of the bill at the plenary session, at 9:45 PM, law enforcement officers began to use special measures. At first, peaceful demonstrators gathered on Zhvania Street (at the rear entrance of the Parliament) were forced to leave the territory through the use of physical force; In some cases, pepper spray was also employed. A water jet machine was also mobilized on Zhvania Street. At the same time, special forces blocked Chitadze Street.⁵⁸ The use of the special means was preceded by a statement published online by the Ministry of Internal Affairs,⁵⁹ in which the Ministry of Internal Affairs called on those gathered to vacate the entrance and exit spaces of the Parliament building. The Ministry of Internal Affairs warned the demonstrators with vocal technical means in parallel with the use of coercive measures, which is a violation of the rules established by the guidelines of the Ministry of Internal Affairs. It is noteworthy that by this time, Chitadze Street was already freed up (it was blocked by the special forces), and MPs were free to leave through Chitadze Street. **The coordinated action of the Ministry of Internal Affairs to clear the exits of the Parliament leads to the assumption that the purpose of the dispersal of the participants of the gathering was to allow the parliamentary majority members to exit the legislative body without any discomfort.**

After the forced withdrawal of the peaceful demonstrators from Zhvania Street and the use of special means, the Ministry of Internal Affairs again issued a statement and called on the participants of the rally not to exceed the norms established by the assembly and demonstration law.⁶⁰ Later, the law enforcement officers again resorted to special means against thousands of civilians on Rustaveli Avenue and dispersed the demonstration with disproportionate force. In parallel to dispersing them with water jets, tear gas, and pepper spray, the Ministry of Internal Affairs, using megaphones, kept warning the participants of the rally to vacate the area.

According to the guidelines of the Ministry of Internal Affairs, before commencing a special operation, the designated authority shall notify assembly or demonstration participants about the potential use of physical force and special measures. They must

⁵⁸ instagram.com, 30.04.2024, see https://www.instagram.com/netgazeti/p/C6ZLebTO1i-/?img_index=1

⁵⁹ police.ge, Statement of the Ministry of Internal Affairs, 30.04.2024, see <https://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/16242>

⁶⁰ ibid. see <https://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/16243>

allow a reasonable period (at least 30 minutes) for compliance with lawful directives.⁶¹ Not once did the Ministry of Internal Affairs observe this rule of instruction, not only on the night of April 30 (May 1) but also before the use of special means.

The dissemination of statements online or through media channels cannot be considered a sufficient warning given by the Ministry of Internal Affairs. The purpose of the warning is to directly inform the participants and mitigate tensions in every feasible manner. Online distribution of announcements reduces this mechanism to a mere formality.

The MIA guidelines explicitly prohibit the direct use of tear gas, pepper gas shells, and hand grenades against individual offenders or in a group of individuals, or their repeated application in an area where the tear gas was used, except in extreme cases where repeated use is necessary to protect individuals or a group of individuals against violence or prevent other severe consequences.⁶²

On the night of April 30-May 1, on several occasions, the law enforcement officers simultaneously used special means (water jet, pepper spray, and tear gas) against civilians.

The Ministry of Internal Affairs violated this rule **on May 1 as well**. At the rally held on this day, the main part of the demonstrators was on Rustaveli Avenue, while a small group occupied Chitadze Street. Law enforcement officers stationed in the yard of the Parliament repeatedly used water cannons, especially a large amount of tear gas and pepper spray shells at the same time and contrary to the MIA instructions, against the participant of the rally who was trying to hang the EU flag on the top of the Parliament gate. This was preceded by a small group of protestors throwing various objects in the courtyard of the legislative body and causing noise by impacting the gate.⁶³

The guidelines of the Ministry of Internal Affairs also prohibit the use of non-lethal weapons and non-lethal projectiles against a person at a distance closer than twenty meters, as well as in areas of the human body that are dangerous for health and life (head, neck, abdomen, genitals). Even though the Deputy Minister of Internal Affairs denied the use of rubber bullets during a special briefing, publicly released footage proves that **on May 1** The protestors received injuries characteristic of rubber bullets in life-threatening places, including the eyes and abdomen.⁶⁴ The narrowness of Chitadze Street, the placement of law enforcement officers in the Parliament yard, and the participants of the rally on the perimeter of the street did not allow for the

⁶¹ The Decree of the Minister of Internal Affairs of Georgia "On Approving the Guidelines for the Behavior of Employees of the Ministry of Internal Affairs of Georgia during Gatherings and Manifestations", 11.07.2021, Article 7.1

⁶² *ibid.* Article 9.1.b)

⁶³ democracyresearch.org, "Ministry of Interior violates guidelines on conduct during gatherings and demonstrations," 02.05.2024, see: <https://www.democracyresearch.org/geo/1448/>

⁶⁴ radiotavisufleba.ge, "Rubber bullets hit me, they hit me, I couldn't breathe - stories of raids on the rally," 02.05.2024, see <https://shorturl.at/QPxeI>

protection of a 20-meter radius.⁶⁵ This can explain the severe injuries inflicted on the protestors.⁶⁶

According to international standards,⁶⁷ water jets or tear gas (each used separately) may be used only in extreme cases, when other means cannot defuse a violent situation and avoid imminent dangerous results.

According to the observers of the Democracy Research Institute, on April 30, the effect of a large number of special means used many times by law enforcement officers, could also be felt across other streets, where there were no demonstrators present.

Demonstrations against the draft Law on Transparency of Foreign Influence were distinguished by their scale, where children, pregnant women, disabled people, and the elderly were present. The violence of the law enforcement officers, and the unreasonable and disproportionate use of special means, demonstrate it well that the authorities could not be bothered to care to protect this segment of society.

During the rallies against the "Russian law," law enforcement officers failed to properly warn the participants about the use of coercive measures on every occasion.

The intensity, duration, and sequence of the use of special means by law enforcement officers exceeded the scope of legality and proportionality established by international standards⁶⁸ and Georgian legislation, taking on a punitive nature.

3.2.4. LEGITIMATELY APPLIED PHYSICAL FORCE OR RETALIATION?

In addition to the unlawful use of special means, the law enforcement officers physically assaulted the participants of the rally, including journalists and politicians. The nature⁶⁹ of the physical injuries inflicted on some of the protestors shows that the injuries (mainly to the face, and broken teeth) could not be the result of lawful policing measures and were reprisals against political opponents.

According to the guidelines of the Ministry of Internal Affairs, representatives of law enforcement agencies shall use physical force in compliance with the principle of proportionality, only in cases of extreme necessity and in the minimum amount necessary for specific circumstances (principle of using proportional force). According

⁶⁵ radiotavisufleba.ge, "Ministry of Internal Affairs: "What do you know that the policemen were shooting?" - rubber bullets at the rally. Eight stories," 02.05.2024, see <https://shorturl.at/7jTCC>

⁶⁶ radiotavisufleba.ge, "Rubber bullets hit me, they hit me, I couldn't breathe - stories of raids on the rally," 02.05.2024, see <https://shorturl.at/QPxeI>

⁶⁷ Amnesty International Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 2015, p. 42 , https://www.amnesty.nl/content/uploads/2017/01/ainl_guidelines_use_of_force_short_version_0.pdf?x79902

⁶⁸ Among them, the standards established by OSCE-ODIR. osce.org, Human Rights Guide to Police Discipline of Assemblies. 2016 see <https://www.osce.org/files/f/documents/7/4/429062.pdf>

⁶⁹ democracyresearch.org, "DRI: Constitutional right to assembly and expression ignored by government," 17.04.2024, available at: <https://www.democracyresearch.org/geo/1426/>

to the observers of the Democracy Research Institute, **there was no prerequisite for the use of physical force in any of the cases.**

The tactics used to arrest participants during the rally, in which a group of masked employees from the Special Tasks Department targeted demonstrators standing alone, encircled them, dragged them to the cordon of the law enforcement officers, or restricted their ability to leave the area, do not constitute a legal police measure.⁷⁰ This was particularly noticeable during the morning rally on May 13. On this day alone, 20 people were arrested in the vicinity of the Parliament.⁷¹

On April 16, during the rally, the employees of the Special Tasks Department of the Ministry of Internal Affairs chased the citizens in the alleys, encircled them, and physically assaulted them.⁷²

On April 18 Aleksandre Elisashvili, the leader of the "Citizens" party, was dragged into the police cordon near the Government Chancellery and beaten mercilessly. The law enforcement officers put him in a car, where they kept beating him with batons. The Member of the Parliament received injuries on his face and body - his rib was broken.⁷³

On the night of April 30 (May 1), law enforcers brutally assaulted the leader of the "United National Movement" party, Levan Khabeishvili. It is clear from the publicly released reports that Levan Khabeishvili suffered injuries mainly on his head and face.⁷⁴ Although, according to the information of the Special Investigation Service, the investigation was launched under Article 333.3 of the Criminal Code, with the qualifications of violence and abuse of authority by law enforcement officers, it is not yet known what stage the investigation is at.⁷⁵

On May 14 Law enforcement officers arrested and then brutally beat Davit Katsarava, the founder of the civil movement "Strength in Unity."⁷⁶ Davit Katsarava was first arrested by force, without lawful grounds, which is confirmed by the publicly distributed footage, and after the arrest, he was mercilessly beaten. Due to the severe injuries inflicted on Davit Katsarava, emergency surgery was performed on him.⁷⁷

⁷⁰ radiotavisupleba.ge, "On the morning of May 13, 20 people were arrested at the rally near the Parliament," 13.05.2024, available at: <https://www.radiotavisupleba.ge/a/32943894.html>

⁷¹ police.ge, statement of the Ministry of Internal Affairs, 13.05.2024, see <https://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/16269>

⁷² netgazeti.ge, "Rally participants are physically assaulted by riot police", available at: <https://netgazeti.ge/life/718393/>

⁷³ radiotavisupleba.ge, "Elisashvili says that the police "beat him mercilessly", 18.04.2024, available at: <https://www.radiotavisupleba.ge/a/32910513.html>

⁷⁴ radiotavisupleba.ge, "Levan Khabeishvili was severely beaten," 01.05.2024, available at: <https://shorturl.at/vjBLz>

⁷⁵ radiotavisupleba.ge, "NM demands an investigation into Khabeishvili's beating, and the investigation says that he does not communicate," 05.07.2024, available at: <https://www.radiotavisupleba.ge/a/32936738.html>

⁷⁶ radiotavisupleba.ge, available at: <https://www.radiotavisupleba.ge/a/32947284.html>

⁷⁷ radiotavisupleba.ge, "Davit Katsarava underwent an operation, he has a broken clavicle," 14.05.2024, available at: <https://www.radiotavisupleba.ge/a/32947378.html>

According to the instructions, the representative of the law enforcement body is prohibited from using a special baton in areas of the body that are dangerous for health and life (head, neck, abdomen, genitals), as well as against a person who is sitting or lying down. According to publicly reported information, it is confirmed that the law enforcement officers violated this rule of instruction at the rallies, **on the night of April 16, April 30, and May 1**, as well as **on May 13**.

According to the statement from the Special Investigation Service, an investigation has been initiated⁷⁸ under the article of abuse of authority by law enforcement officers. However, it is not known to the public what stage the investigation is currently at.

3.3. INTERFERING WITH THE ACTIVITIES OF MEDIA REPRESENTATIVES

According to the guidelines of the Ministry of Internal Affairs, the representatives of the law enforcement bodies are mandated not to interfere with the professional activities of the journalists who bear identification marks and are covering the gathering/manifestation.

During the April-May protests, media representatives were not only hindered in their professional activities but also became victims of violence by the Ministry of Internal Affairs.

From the point of view of attacks on journalists, the **April 16** rally stood out in particular. The law enforcement officers, together with several participants of the rally, physically assaulted the journalists as well.⁷⁹ **on April 30**, Journalists and other media representatives were injured while covering the rally, along with several civilians. In several cases, they were not allowed to work.

According to public sources, during the period **from April 28 to May 1**, the law enforcement officers sprayed pepper spray on the face of the "TV Pirveli" cameraman; Other journalists and cameramen of online media "Publika," and "TV Pirveli" were hindered in their professional activities,⁸⁰ while the journalists of "Ai, Fakti" and News Exclusive were physically assaulted.⁸¹

The media ombudsman applied to the Special Investigation Service regarding these incidents. The Service has started an investigation into these incidents, however, the public is not aware of the stage of the progress of the investigation.⁸²

⁷⁸ interpressnews.ge, "According to the information of the Special Investigation Service, an investigation into the facts of excessive force by the law enforcement officers against the participants of the rally was started at the Parliament," 13.05.2024, see <https://shorturl.at/JgQG2>

⁷⁹ facebook.com, 16.04.2024, see <https://www.facebook.com/watch/?v=339092342093693&ref=sharing>

⁸⁰ radiotavisupleba.ge, "According to the "Media Ombudsman", ten journalists and cameramen were targeted by special forces in four days," 01.05.2024, see <https://www.radiotavisupleba.ge/a/32929067.html>

⁸¹ ibid.

⁸² civil.ge, "Special Investigation Service is investigating police brutality," 07.05.2024, see <https://civil.ge/ka/archives/604430>

3.4. REPRESSIONS LAUNCHED AGAINST THE PARTICIPANTS OF RALLIES

3.4.1. INSTRUMENTALIZATION OF ADMINISTRATIVE AND CRIMINAL LIABILITY

In the context of the April-May protests, according to the Democracy Research Institute, law enforcement officers arrested approximately 300 people, most of them based on Articles 166 and 173 of the Code of Administrative Offenses. According to these two articles, the administrative arrest of the participants of the demonstrations is not new. However, in the context of the April-May rallies, the occurrences of arrests and imposing fines under Article 174¹ of the Code of Administrative Offenses, which imply violation of the rules for organizing and holding a gathering or demonstration, was a novelty. Due to the alleged violation of the above-mentioned article, several people kept receiving calls every, day during the May-June period.

According to the information gathered by the Democracy Research Institute, during the arrests, the police never explained the reason for the arrest and restricted procedural rights of the detainees; restricted access to legal counsel.⁸³ In several cases, the police confiscated the phones of the detainees and pressured and threatened them into signing the statements/explanations dictated by the police.⁸⁴ According to the Democracy Research Institute, the Ministry of Internal Affairs, in many cases, did not provide family members and lawyers with information about the whereabouts of detained persons. Accordingly, the lawyers had to search for detainees in the police detention centers outside of Tbilisi, including in Zahesi, Dusheti, Akhaltsikhe, Gori, Mtskheta, and Telavi.

In addition to the administrative arrests of demonstrators, the Ministry of Internal Affairs arrested several people on charges of assaulting a police officer and damaging property during the demonstrations. The investigation is being carried out under three articles of the Criminal Code: seizing or blocking an object of strategic or special importance (Article 222 of the Criminal Code), organizing, leading or participating violence in group (Article 225 of the Criminal Code) and organizing a group action that grossly violates public order or is related to obvious disobedience to the lawful request of a government representative, or which has caused a delay in the operation of transport, institution or organization (Article 226 of the Civil Code). The summoning of persons as witnesses in this case continues to this day,⁸⁵ however, their connection with the alleged crime remains unclear.

In addition to the mentioned articles, **on May 14**, during the rally in the territory adjacent to the Parliament of Georgia, the Ministry of Internal Affairs arrested several persons for allegedly damaging someone else's property by a group (Article 187.2(C)

⁸³ Code of Administrative Offenses, Article 245

⁸⁴ Mtavari.tv, "You are taking me to the fact of theft" | Police took chef Nodar Turashvili away, 10.05.2024, see <https://mtavari.tv/news/155874-kurdobis-paktze-mimgavkharo-politsiam-shepi-nodar>

⁸⁵ radiotavisupleba.ge, "The articles of the criminal law by which the Ministry of Internal Affairs summons people at the rally are known," 18.05.2024, see <https://www.radiotavisupleba.ge/a/32952845.html>

of the Criminal Code). This was due to damage to the temporary construction erected in front of the Parliament (the amount of damages estimated at 400 GEL). The detainees, who were placed in pre-trial detention facilities by the court as a preventive measure, face imprisonment ranging from 3 to 6 years.⁸⁶

The Democracy Research Institute estimates that the arrests of protestors were an attempt to intimidate and influence people and aimed at reducing the number of demonstrators.

3.4.2. VIOLENCE INSTIGATED BY THE AUTHORITIES

On May 3, 2024, around 01:20 AM, near Heroes' Square, participants of a peaceful protest were suddenly attacked without provocation by approximately 20 individuals dressed in civilian clothes and traveling in several vehicles.⁸⁷ The concerted action of the attackers during the attack strengthened the assumption that the perpetrators were members of a pre-organized violent group. According to eyewitness accounts and publicly distributed video footage, it is confirmed that the attackers mercilessly beat the protestors in the face and different parts of the body. Children also witnessed the incident. The identity of the members of the organized violent group can be identified from the distributed footage.⁸⁸ The number plates of their vehicles are also clearly visible. There was not a single patrol crew at the scene of the violent attack. They appeared at the scene after the end of the incident, late at 02:40 AM.⁸⁹

In the following days, several dissenters were physically assaulted.⁹⁰ Among them:

On May 5, the teacher Lado Abkhazava and his son were attacked by three people dressed in civilian clothes near their home.⁹¹

On May 8, in the evening, Dimitri Chikovani, one of the leaders of the "United National Movement" party and the Secretary of Public Relations, was attacked at his home. Publicly released surveillance footage depicts five assailants beating the politician, though their faces cannot be identified. Dimitri Chikovani was hospitalized due to physical injuries, including facial and brain injuries, according to the doctor.⁹² Until now, Dimitri Chikovani has not been summoned to the law enforcement agency to gather information on the incident.

⁸⁶ radiotavisupleba.ge, "Two people were arrested on charges of damaging the dam at the rally near the Parliament on May 14," 16.05.2024, see <https://www.radiotavisupleba.ge/a/32949728.html>

⁸⁷ ibid. "There was an incident at the action on Heroes' Square - several people were beaten," 03.05.2024, see <https://www.radiotavisupleba.ge/a/32931069.html>

⁸⁸ facebook.com, 02.05.2024, see <https://www.facebook.com/watch/?v=994074935616308&%3Bridid=iYBom4kFpyY5ystv>

⁸⁹ radiotavisupleba.ge, "Traffic has been restored on Heroes' Square - the action is over," 03.05.2024, see <https://www.radiotavisupleba.ge/a/32931084.html>

⁹⁰ tabula.ge, "Lado Abkhazava was attacked and physically assaulted at her entrance," 05.05.2024, see <https://tabula.ge/ge/news/717736-lado-apkhazavas-sakutar-sadarbazostan-tavs>

⁹¹ formulanews.ge, "Teacher Lado Abkhazava was attacked," 05.05.2024, see <https://formulanews.ge/News/110677>

⁹² radiotavisupleba.ge, "National Movement" member was attacked near his residence - Chikovani was beaten," 08.05.2024, see <https://www.radiotavisupleba.ge/a/32938613.html>

On June 11, approximately an hour after a statement was published on the official Facebook page of the Speaker of the Parliament of Georgia, Shalva Papuashvili, accusing civil activist Zuka Berdzenishvili of threatening Parliament members, Berdzenishvili was physically assaulted. Reports indicate that three individuals ambushed Berdzenishvili near his home, attacked him from behind, and severely beat him. Berdzenishvili sustained significant facial injuries and underwent emergency surgery as a result.⁹³

According to the findings of the Democracy Research Institute, there have been a total of at least 14 incidents of attacks on politicians and civil activists between the reintroduction of the bill and June 2024.

3.4.3. OTHER METHODS OF PROTESTOR INTIMIDATION

In addition to physical violence, organized groups openly supported by the government conducted a coordinated campaign of telephone threats to intimidate protestors. Alongside these rallies, members of public organizations, activists, journalists, and other individuals active on social media, as well as their family members (including minors), received threatening calls on their phone numbers. They were verbally insulted and warned of physical harm if they continued participating in protests.

Furthermore, these organized groups were involved in damaging vehicles belonging to NGO leaders and their family members. They also defaced the facades and gates of offices or residences of organizational heads with insulting graffiti, posters, and stencils in several instances.⁹⁴

The government's involvement in attempts to intimidate public organizations and activists is substantiated by a public Facebook post from Dimitri Samkharadze, a Member of Parliament and a leader of the Georgian Dream party, accompanied by a video on May 31. In the post, Samkharadze lists public organizations and opposition political parties whose buildings have been vandalized with offensive inscriptions and photos at their entrances.⁹⁵ MP Samkharadze calls opponents of "Russian law" "stateless agents." The MP openly claims in the post that the authorities "gave a proper answer" to these individuals and continues: "We will not tolerate you in the least and we will not forgive you... we will respond in kind, with a thousand times worse, painful, and quality answers! You won't even want to see each other, let alone be able to ambush us. This is how we will treat you! We know your identities, each one of you."

⁹³ interpressnews.ge, "Civil activist, Zuka Berdzenishvili was beaten," 11.06.2024, see <https://www.interpressnews.ge/ka/article/802834-samokalako-aktivisti-zuka-berzenishvili-scemes/>

⁹⁴ Netgazeti.ge, available at: <https://netgazeti.ge/news/721899/>

⁹⁵ ibid. "Dozens of people armed with stones and clubs ransacked the office of the National Assembly," 01.06.2024, see <https://netgazeti.ge/life/725021/>



4. RESULTS OF THE MONITORING OF TRIALS

Observers from the Democracy Research Institute monitored 32 court hearings involving individuals arrested administratively and criminally for their participation in protest actions from November 6 to May 30, 2023. Due to the substantial number of cases and limited observer availability, the organization's monitors could not attend all trials of individuals arrested during the demonstrations against the so-called Russian law. This chapter presents the findings from their monitoring efforts.

As a result of the ongoing actions during the reporting period, the court declared more than 200 people as administrative offenders. Previously, the trials of the persons arrested during the rallies held against the so-called Russian law were based only on two articles - 166⁹⁶ and 173 - of the Code of Administrative Offenses⁹⁷ Later, in June 2024, the Ministry of Internal Affairs began sanctioning the persons arrested in connection with the protests or those participating in protests under Articles 174.1¹⁹⁸ and 125.6¹⁹⁹ of the Code of Administrative Offenses.

During the reporting period, criminal trials attended by observers from the Democracy Research Institute were primarily related to cases initiated under Article 187.1 and 187.2(C)) and Article 353.1 (part 1) of the Criminal Code. In separate, mutually unlinked cases, the prosecution accuses defendants of causing property damage during protests. Additionally, six individuals involved in actions against the draft law "On Transparency of Foreign Influence" faced charges under Articles 222, 225, and 226 of the Criminal Code. These charges include seizing or obstructing an object of strategic or special importance, organizing, leading, or participating in group violence, and organizing actions that significantly disrupt public order or involve clear disobedience to lawful requests from government representatives, resulting in disruptions to transportation, institutions, or organizations.¹⁰⁰ All the defendants arrested under criminal charges were remanded in custody as a preventive measure.

Processes were usually held in a small hall, due to which not all interested persons had the opportunity to attend. The observers of the Democracy Research Institute were in the court building half an hour before the start of the proceedings, which is why they were able to attend all the proceedings. The organization received information about the trials from civil activists and lawyers.

⁹⁶ Petty hooliganism

⁹⁷ Disobedience to the legal order or request of a law enforcement officer, or taking other illegal actions against this person

⁹⁸ Violation of the rules for organizing and conducting gatherings or demonstrations

⁹⁹ Organized road blocking by vehicles in a city or other settlement or participation in group traffic when the roadway is fully occupied

¹⁰⁰ europetime.eu, "According to the Ministry of Internal Affairs, six people were detained at the May 8-9 demonstrations", 09.05.2024, available at: <https://europetime.eu/ka/article/57251-shss-s-gancxadebit,-8-9-maisi-aqciebge-egvsi-piria-dakavebuli>

The observation of court proceedings from November 6, 2023, to the end of May 2024 revealed that **the standard of evidence in court in cases of administrative offenses related to protest actions is still extremely low.** The Ministry of Internal Affairs generally submits only witness testimonies to the court to prove an administrative offense. Witnesses are usually employees of the patrol police department of the Ministry of Internal Affairs. In addition, in many cases, the court does not consider it necessary to require the MIA to present a relatively neutral witness or evidence, which would not raise questions about the bias of the judiciary.

In some cases, video footage captured by various broadcasters was presented as evidence during court proceedings. Notably, the Ministry of Internal Affairs did not submit footage from law enforcement officers' body cameras in any trial. The established practice of law enforcement officers not using body camera recordings should raise concerns for courts, so as not to rely solely on the testimony of law enforcement officers in each case. During trials of individuals arrested during protests against the "Russian law," law enforcement officers called as witnesses explained that the proximity of police force deployment hindered the full documentation of the arrest process, which they cited as the reason for not activating their body cameras.

In addition, in some cases, the individuals who were arrested claimed that they did not recognize the law enforcement officers who appeared as witnesses at the trial, nor those who conducted their arrest. This raises a logical assumption that the arrest may have been carried out by different law enforcement officers than those present at the trial, and that the arrest report was drafted by completely different personnel of the law enforcement agency who may not have been present at the scene of the alleged offense during the arrest.

Most of the evidence submitted by the Ministry of Internal Affairs of Georgia in court proceedings to establish violations of the law often lacked straightforward relevance to the actual circumstances of the cases. This deficiency was particularly evident during the hearings of individuals detained under administrative procedures amid the April-May protests, raising doubts about whether offenses were committed. Participants in the protests against the "Russian Law" were often branded as offenders based solely on photographic evidence of their presence at the protest site and the testimony of law enforcement officers. In several instances, individuals were identified as organizers of the rallies simply because they spoke through a megaphone.

The testimonies of law enforcement officers presented in court were generally inconsistent and superficial, failing to accurately reflect the sequence of events as clearly depicted in video footage. While various TV broadcaster video materials were provided, these often did not definitively prove the guilt of specific individuals. Crucially, the Ministry of Internal Affairs failed to present video recordings from law enforcement officers taken at close range during arrests, which could have acted as clear evidence regarding whether crimes were committed.



KEY FINDINGS



- Law enforcement officers primarily detain demonstrators administratively under Articles 166 and 173 of the Code of Administrative Offenses.
- Authorities tightened sanctions for violations under Articles 166 and 173, removing judicial discretion for repeated offenses, thus restricting judicial flexibility and impacting freedom of expression.
- During the reporting period, amendments to Article 187 of the Criminal Code in 2023 were observed to have a chilling effect on freedom of assembly. Those arrested for group property damage during protests face significant prison sentences.
- The homophobic legislative amendments by "Alt-Info" and "Georgian Dream" restrict freedom of assembly and contradict the current constitution.
- Despite the absence of a ban, law enforcement does not allow rally participants to erect temporary structures.
- Observations of protests during this period generally indicated compliance with legal norms by demonstrators.
- From November 6, 2023, to April 15, 2024, the actions of law enforcement officers at protest rallies were mostly proportional, and aligned with the nature and scale of the protests. However, there were instances where police used disproportionate force against assembly participants.
- During protests against the "Russian Law," demonstrators did not violate laws to an extent that would justify dispersal or escalate into violence.
- In instances where law enforcement used physical force and special measures to disperse rallies, it often lacked a legal basis for such actions.
- Several instances of disproportionate use of special measures by police in the vicinity of Parliament resulted in injuries to peaceful rally participants.
- The Ministry of Internal Affairs failed to consistently notify demonstrators before dispersing protests against the "Russian Law."
- Media representatives were repeatedly hindered from performing their professional duties during these protests.
- Over 200 individuals were arrested during protests against the "Russian Law," often without a clear explanation of grounds for detention or procedural rights, including restricted access to legal counsel. Families and lawyers were frequently denied information on detainees' whereabouts.
- Court observations revealed a low evidentiary standard in administrative offense cases related to protest actions.

- Law enforcement officers physically assaulted multiple detainees, causing injuries - particularly facial injuries and broken teeth - that indicate these were not legitimate policing actions but reprisals against political opponents.
- Organized groups openly supported by the government conducted a coordinated campaign of telephone threats to intimidate protestors.
- These groups also vandalized vehicles owned by NGO leaders or their families and defaced walls and doors of offices or residences with insulting messages, posters, and stencils.
- The publicly released statement made by a leader of the "Georgian Dream" party, along with the accompanying video, substantiates that the ruling party not only perpetuates instances of police violence but also supports the persecution and assaults directed at leaders of public organizations, civil activists, and politicians.