



**REPORT ON THE MONITORING OF THE
PROTEST RALLIES OF JULY 5-6, 2021**

Primary legal assessment

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INTRODUCTION

The purpose of the paper is to assess the events of the protest rallies held in Tbilisi on July 5-6, 2021 and the actions of the government authorities intended to protect the rights and fundamental freedoms of LGBTQ+ individuals, civil activists, and journalistic activities of the reporters of media outlets to carry out professional duties in a safe environment without interference.

In generating the Paper, HRC wishes to provide the public, especially the stakeholders, both at the local and international levels, with factual information about the protest rallies held against March for Dignity along with the information on normative documents, and respective legal assessments that are directly related to human rights.

HRC applied various methodological tools in preparing the Report. Empirical data is provided through the following main means: Through elaborating/studying monitoring reports and various documents prepared by the monitors of HRC during the monitoring of the protest rallies; through studying the public information available from the administrative bodies and the Public Defender, further, the legal framework and policy documents of Georgia. Information was also obtained through media monitoring during the research.

GENERAL CONTEXT OVERVIEW

On July 1-5, 2021, the Pride parade should have been held in Tbilisi. This should have included three major events over five days: the official first showing of *March for Dignity*, a documentary dedicated to the Pride Week held in Tbilisi for the first time in 2019 (July 1); Pride Fest featuring local and international artists (July 3); and March for Dignity organized by local public movements on Rustaveli Avenue (July 5)¹.

Following the announcement of the Pride Week by Tbilisi Pride on July 1-5 to be finalized with the March for Dignity on Rustaveli Avenue in Tbilisi on July 5, ultra-nationalist, radical forces and the actors linked with the Georgian Patriarchate became more active. Before Pride Week and during Pride Week, the groups called on the citizens to be mobilized against the March for Dignity. The actors spread disinformation, homophobic, threatening statements, and used hate speech on traditional and social media.

¹See: Tbilisi Pride statement in full: <https://bit.ly/3lyXxhE>

On June 15, shortly after the March for Dignity was announced, Levan Vasadze, the leader of the ERI movement, issued an ultimatum to the authorities, giving 10 days to cancel the march, otherwise threatening to disrupt it². On June 27, after the 10-day deadline expired, Levan Vasadze openly called on his supporters to disrupt the March for Dignity scheduled for July 5³. Homophobic discourse has also been activated by the ultra-right media platform Alt Info. On June 24, 2021, the host of the program Alt-Analytics Zura Makharadze announced the mobilization of civil groups against the March for Dignity⁴. Homophobic videos of clergymen also posted on the far-right Facebook page of the Society for the Protection of the Rights of the Child urging the authorities not to allow the propaganda of modernized sodomy sin "in the form of LGBT⁵." The Patriarchate of the Georgian Orthodox Church also released a homophobic statement. In a statement issued on July 3, the Patriarchate appealed to the 'population' not to be tempted by the instigations aimed at a violent confrontation, and on July 5, at 5 pm, to gather at Kashveti, St. George's Cathedral, where a prayer towards the Blessed Virgin Mary would be executed to show the world that "a forceful attempt to degeneration is unacceptable."⁶

On July 4, the Public Relations Office of the Georgian Patriarchate posted information on its Facebook page that, because of the "wishes of numerous parishioners," on Monday, July 5, the prayers would be held in the afternoon as well⁷. Also on July 4, the Public Relations Office of the Georgian Patriarchate published "a Statement of the Children's Initiative Group of the Chokhosani Society of the Georgian Patriarchate", where in the first place, on behalf of the children, the following words are spoken -"On July 5, we, the children, will go out on Rustaveli!"⁸ A higher hierarchy clergy spread calls against Pride⁹.

It can be said that the Georgian Patriarchate and clergy were, in fact, the organizers of the anti-Pride counter-demonstration. On July 5, 2021, they started their mobilization mainly in front of the Parliament of Georgia and near Rustaveli Avenue, near the Kashveti Church.

On July 5, members of aggressive groups brutally assaulted the journalists and civil activists, ransacked the offices of the organizations and due to these facts, the March for Dignity could not take place¹⁰.

²See Levan Vasadze's statement in full: <https://bit.ly/37kzjz0>

³See Levan Vasadze's statement in full: <https://bit.ly/3ir15AA>

⁴More information: <https://bit.ly/3lsMg2e>

⁵See the homophobic video messages of the clergy: <https://bit.ly/3ystoUL>

⁶See the Statement of the Patriarchate in full: <https://bit.ly/3hyFVzL>

⁷See information of the Public Relations Office of the Patriarchate: <https://bit.ly/3hYiaQS>

⁸See information of the Public Relations Office of the Patriarchate: <https://bit.ly/3k3fCDE>

⁹See Bishop Spiridon on Pride: "All of us must come to the streets in order not to let this horrible immorality a place": <https://bit.ly/3AWKv2K>

¹⁰See Tbilisi Pride statement in cancellation of the March for Dignity of July 5: <https://bit.ly/3r1Twmt>

CHRONOLOGY OF EVENTS ON THE JULY 5 COUNTER-DEMONSTRATION

On July 5, various groups against the March for Dignity started gathering in front of the Parliament on Rustaveli Avenue from 10 am¹¹. The police blocked Rustaveli Avenue around 11 am. The journalists gathered to tell about the events covering them live, became the targets of the attacks by the protesters from the morning¹².

Along with homophobic and anti-Western groups, representatives of the Patriarchate were in front of the Parliament in the morning, where Bishop Jacob of Bodbe made an anti-Western statement¹³.

The situation was aggravated in the morning by the political statement of the Prime Minister, Irakli Garibashvili, that "Mikheil Saakashvili and the radical opposition stand behind Tbilisi Pride"¹⁴.

By 11 am, the media had been reporting on the violent actions of those gathered. Namely, at 11 am instead of holding peaceful prayers, clerics and radical groups began to destroy the protest camp of civil activists in front of the Parliament premises on Rustaveli Avenue.¹⁵ The protest camp was erected in front of the Parliament for months. The perpetrators also tore down the U.S. flag placed in the protest camp¹⁶.

By 11:20 am, the situation on Rustaveli Avenue had sharply worsened. Radical groups opposing the March for Dignity attacked the journalists and cameramen¹⁷. According to one of the journalists, they were spat and cursed. Some aggression came also from the clergy¹⁸. Representatives of homophobic and violent groups attacked Mtavari¹⁹, TV Pirveli, Formula, Palitra reporting crews²⁰, and other media outlets trying to cover the ongoing events objectively²¹.

The media from the very beginning focused on the noticeable problem that the police were present in small numbers at the rally and were unable to prevent violent incidents.

From 11:30 am, the police only managed to remove the injured journalists from Rustaveli Avenue by police cars²².

¹¹See information on Rustavi 2 website: <https://bit.ly/3e950PM>

¹²TV Formula story: the pro-Russian, violent groups are aggressive towards the media and hinder their work: <https://bit.ly/3r2tkYR>

¹³See the statement by Bishop Jacob: <https://bit.ly/2UIY5pt>

¹⁴More information: <https://bit.ly/3hYUpbp>

¹⁵Video footage: <https://bit.ly/3hwLAX6>

¹⁶Video footage: <https://bit.ly/36stIGy>

¹⁷More information: <https://bit.ly/3i2tiMj>

¹⁸More information: <https://bit.ly/3AQpNkN>

¹⁹More information: <https://bit.ly/3r3CLal>

²⁰More information: <https://bit.ly/3hYP97A>

²¹More information: <https://bit.ly/3hYfXEP>; See also HRC, Monitoring Report on the Protest Rally held on July 5. Report prepared: July 06, 2021

²²More information: <https://bit.ly/3yEOMWu>

At 12:15 pm, the perpetrators broke the police cordon and went behind the Parliament to the office of the civil movement Shame. The abusers were armed with eggs and various objects. Violent calls and shouts of anger were heard. They threw eggs.

At 12:30 am, the perpetrators broke the windows of the Shame office, there were traces of blood²³.

At 12:40 pm, a statement was released by the Ministry of Interior, in which the Ministry called on Tbilisi Pride to refuse to hold the March for Dignity in the public space. As the reason for such a call the law enforcement body named the scale of the counter-protests of homophobic and violent groups²⁴.

At 1:00 pm, the perpetrators climbed to the balcony of the office of Tbilisi Pride. It can be seen from the footage taken by Mtavari Arkhi that they were trying to break into the office by climbing on the balcony. The perpetrators gathered on the spot, smashed various items, threw eggs²⁵, destroyed the LGBT+ flag²⁶.

At 1:30 pm, in front of the Parliament, violent protesters attacked a citizen who expressed a dissenting opinion. The police were watching the violent incident from distance. The situation was calmed down by the organizers of the rally, who called on the perpetrators through a loudspeaker not to assault the citizen²⁷.

At 1:40 pm, the protesters removed the EU flag in front of the Parliament and unlawfully and without any permission erected on the stairs an iron construction resembling the St. Nino's cross, which was blessed by the clergymen²⁸.

At 1:55 pm, the information about the attack on journalists was spread through the media. The story clearly shows how the abusers interfere with the work of and attack the journalist and the cameraman of Mtavari Arkhi. Finally, the police help the victims, trying to protect them but fail²⁹.

As the media reported in the afternoon, there were several hotbeds of violence in Tbilisi by that time³⁰.

²³More information: <https://bit.ly/2T8EILM>

²⁴See the Statement of the Ministry of Interior: <https://bit.ly/3hE9G2t>

²⁵More information: <https://bit.ly/3kc3X5o>

²⁶See full video: <https://bit.ly/3hZ9VE1>

²⁷See the post and video by an HRC monitor: <https://bit.ly/3yMB5oj>

²⁸See full video: <https://bit.ly/2U49mAN>

²⁹See full video: <https://bit.ly/2TZdHW1>

³⁰See the photo reports by Interpressnews from different locations of the confrontation: <https://bit.ly/2T5XC0n>

At about 2:30 pm, the directors of three media outlets Formula, TV Pirveli, and Mtavari - issued a special statement³¹. The media managers put the responsibility on the authorities for the current situation, first and foremost on the Prime Minister, who, as the media managers believed had encouraged the violence. Further, beyond the authorities, the media managers blamed the Patriarchate for such developments of the events. Moreover, the statement of the director of Mtavari Arkhi Nika Gvaramia was spread: "I have decided to withdraw all the reporting groups and stop covering the disgusting events"³².

At 2:40 pm, Tbilisi Pride announced the postponement of the March for Dignity as the authorities not only did not ensure the safety of the queer community and their supporters but also actively prevented them from exercising their right to assembly³³.

Despite the postponement of the March for Dignity by Tbilisi Pride, one of the organizers of the counter-demonstration on Rustaveli Avenue, the Georgian Patriarchate once again appealed to the parishioners to gather at 5 pm for the planned prayer at the Kashveti Cathedral³⁴.

On July 5, 2021, at approximately 15:00, a group of LGBTQ+ opponents attacked the Human Rights House in Tbilisi (HRHT), which also houses the office of HRC. A violent group surrounded the building and threw some pyrotechnics to the yard in the revenge for the support of the organizers of Tbilisi Pride Week, including the LGBTQ+ people and the civil union of their supporters like Tbilisi Pride and the movement Shame. One civil activist was injured in the abdomen during the explosion of the pyrotechnics³⁵.

At 4:30 pm, a joint statement was issued by the embassies accredited in Georgia, calling on all Georgian leaders and law enforcement agencies to act immediately and protect people³⁶.

At 5 pm, a 'prayer' began organized by the Georgian Patriarchate, in front of the Kashveti Church, on Rustaveli Avenue. The Georgian Patriarchate called on the opponents of the Pride to gather in front of Kashveti Church and refrain from any aggressive, violent actions³⁷.

The prayer service at the Kashveti Cathedral ended at **around 6:30 pm**, after which part of the clergy and parishioners moved to the anti-Pride rally in front of the Parliament, where the speeches were ongoing. Reverend Shio said that no matter how many times there is an attempt to hold a similar event, the nation will always unite against it. He referred to the violent acts committed during the day as misconduct and expressed regret over the incorrect actions³⁸.

³¹See the statement in full: <https://bit.ly/3wzMuq0>

³²The Statement of Nika Gvaramia: <https://bit.ly/3hz3QIF>

³³See the statement in full: <https://bit.ly/3r1Twmt>

³⁴See the statement of the Patriarchate <https://bit.ly/3e8Dq56>

³⁵See the urgent appeal — Observatory: <https://bit.ly/3rX30j6>

³⁶See more information: <https://bit.ly/3xyL54A>

³⁷Full information: <https://bit.ly/3r1XTxI>

³⁸More information: <https://bit.ly/3ggv8JC>

At 8 pm, one of the speakers addressed the protesters near the Parliament informing them that Khatia Akhalaia and Natia Koberidze, the supporters of Pride, were present at the rally. The opponents of Pride verbally abused them and threw bottles at them. Khatia Akhalaia and Natia Koberidze were taken out of the rally by a patrol police car³⁹.

At 8:30 pm, the opponents of Tbilisi Pride removed the tents from the vicinity of the Rustaveli metro station. According to one of the organizers of the rally, Guram Palavandishvili, they would stay in the vicinity of Rustaveli until midnight and then move to the Parliament.

The rally of the opponents of Tbilisi Pride in front of the Parliament of Georgia ended at 10 pm. The protesters gradually left the area around the Parliament. The traffic was restored in the vicinity of the Parliament⁴⁰.

CHRONOLOGY OF THE EVENTS AT THE RALLY OF JULY 6

The civil society protest on July 6 was spontaneously planned in front of the Parliament by various civil and political leaders and activists. Calls for rallies in front of the Parliament and protests against the violent events of July 5 were mainly spread through social media - Facebook⁴¹. Various civic groups, organizations, and parties have called on their friends and supporters to gather in front of the Parliament for the protest. Tbilisi Pride also stated that they were joining the planned silent rally in front of the Parliament and called on the supporters to come in front of the Parliament⁴².

From 6 pm, the citizens interested in the rally began to gather in front of the Parliament. At the same time, homophobic, violent groups who were targeting again the journalists from the beginning became interested in the rally. From 6:30 pm, the hate groups attacked PalitraNews journalist Beka Mshvildadze on Rustaveli Avenue, with the⁴³ police arresting several people⁴⁴.

At 7 pm, there was still noise in front of the Parliament. The violent groups tried to approach the Parliament and seize the place; among them, there was one of the leaders of homophobic groups, Guram Palavandishvili. The police removed Guram Palavandishvili from the spot together with his supporters⁴⁵.

At around 7:30 pm, the Ministry of Interior released an official statement addressed to the protesters⁴⁶ and urged them not to infringe the limits provided for by the law on freedom of assembly and expression. Moreover, the organizers of both rallies were warned not to make calls

³⁹More information: <https://bit.ly/3wvmhIZ>

⁴⁰More information: <https://bit.ly/3hwtmj9>

⁴¹See the post of Zviad Kordzadze in full: <https://bit.ly/3io5Qus>; Further, Girchi - More Freedom event on Facebook: <https://bit.ly/3ymJCP4>

⁴²The statement of Tbilisi Pride in full: <https://bit.ly/3fxFq7Y>.

⁴³**Note:** In connection with the violent incident, the interests of Beka Mshvildadze is being protected by Dimitri Nozadze, a lawyer of HRC.

⁴⁴More information: <https://bit.ly/3ytmrCC>

⁴⁵More information: <https://bit.ly/3jmLYY8>

⁴⁶The statement of the Ministry of Interior: <https://bit.ly/3AbCUvR>

for violence and to ensure that the rallies did not become violent. Also, taking into account the existing risks, MOI addressed the representatives of the media and called on them to cooperate with the police, to take into account the instructions and recommendations of the representatives of the Ministry of Interior.

Representatives of Tbilisi Pride joined the rally **at 8 pm**. At the same time, some groups of the counter-demonstrators were gathering in the vicinity of the rally, and therefore the police made a cordon around the first assembly. Initially, the number of police officers in the cordon was quite small. The mobilization of the counter-demonstrators continued near the Kashveti Church and its surrounding area, including the April 9 Park.

At 8:30 pm, in parallel with the peaceful, silent rally in front of the Parliament of Georgia, the counter-action of radical violent groups intensified near the Kashveti Cathedral. They broke through a police cordon and marched on peaceful protesters. The law enforcement officers intensified their mobilization and tried to deter radical groups⁴⁷. The journalists, activists, and other participants in the protest were thrown eggs, stones, plastic bottles full of pebbles, tiles, and other blunt objects.

At (approximately) 9:00 pm a transgender woman was attacked on Chitadze Street near the Parliament. The police did not arrest the perpetrators removing only a few of them from the scene⁴⁸.

The situation became particularly tense **after 9:30 pm**. At about 9:35 pm, the representatives of Tbilisi Pride unroll the LGBTQ + flag and displayed colorful fireworks. This caused special aggression in the representatives of the counter-demonstration. From this time on, the actions of the counter-demonstrators were exceeding the limits of a peaceful manifestation. If until now we saw aggressive actions of some of the members of the group, around 8:30 pm, the counter-demonstrators resorted to organized and systemic attacks. The attempts to attack and break through the police cordon have become more frequent. Massive attacks by members of the aggressive group, as well as the throwing the blunt objects at demonstrators, have increased the instances of injuries among the peaceful protesters.

At 9:40 pm, the counter-demonstrators attacked a group of police officers standing in a cordon and applied a spray of unknown origin onto the eyes of the police officers. After this fact, Chief Police Officer of Tbilisi Vazha Siradze appeared on the spot giving instructions directly from inside the rally, following his appearance, the number of law enforcers present on the spot increased⁴⁹.

The participants of the counter-demonstration surrounded the rally from all sides. It was possible to leave the rally only from the corridor on the left of the Parliament building. After going through

⁴⁷More information: <https://bit.ly/3s2vsQP>

⁴⁸More information: <https://bit.ly/3xr6L1J>

⁴⁹Human Rights Center, Monitoring Report on the Protest Rally held on July 6. Report prepared: July 15, 2021.

the corridor, those wishing to leave the place could do this via Zichi or Ingorokva Streets. At the same time, the safety of those who left the rally through the corridor was not sufficiently protected. Attacks on people became more frequent when leaving the rally, which is why many people wishing to leave avoided leaving the rally for a long time. However, it also became impossible to remain on the spot. The violent groups were now throwing various blunt objects from both sides of the rally, including large stones, bottles full of pebbles, and various types of unidentified explosives. There were no ambulances available nearby. Thus, the first aid arrived too late or did not arrive at all to help the injured persons⁵⁰.

The protesters were trying to escape the violence by fleeing the corridor on the left of the Georgian Parliament premises. By this time, however, small groups of perpetrators were lurking around the upper streets. On some occasions, the residents supported and joined the perpetrators. The violent groups broke the police cordon along to the Parliament several times. The law enforcers were unable to detain them at once. However, after all the police managed to stop them. The police officers were also injured during the clashes. The police arrested several radicals. The activists of the peaceful assembly called on the Chief of Patrol Police Vazha Siradze to deploy additional forces, including the riot police⁵¹.

At 10 pm, the homophobic groups issued an ultimatum to the Chief of the Patrol Police to remove from the rally the LGBTQ flags. Otherwise, they threatened to resort to violence. In parallel with the events, information about the particular facts of assaults was spread in the social network. For example 1) The perpetrators attacked "Anna's garden defender"⁵²; 2) Poet Irakli Kakabadze was also injured at the rally⁵³.

From 10 pm, it was reported that the Special Tasks Department of the Ministry of Interior was bringing water cannon vehicles and special forces to Rustaveli Avenue. At 11 pm, Mtavari Arkhi reported that special forces arrived on Rustaveli Avenue⁵⁴.

The representatives of HRC left the rally at about 10 pm. HRC staff and others leaving the rally were attacked when moving towards the back of the Parliament and trying to leave the place.

A certain group of perpetrators, due to the insufficient number of police officers, managed to enter the "safe corridor" created for the people leaving the assembly, and claimed by the police to be safe to move through. However, several peaceful protesters still became victims of physical violence there.

There were cases when people tried to take shelter in the yards of nearby houses during the attack, but often met shouts and insulting words of some of the residents. The residents were pointing to the members of the violent group where the peaceful protesters were hiding calling

⁵⁰Ibid.

⁵¹ HRC, Monitoring Report on the Protest Rally held on July 6. Report prepared: July 15, 2021.

⁵²See information: <https://bit.ly/3xqjUIe>

⁵³See information: <https://bit.ly/3xrXw1d>

⁵⁴See more information: <https://bit.ly/37oveds>

for violence against the persons in a shelter.

The riot police forces appeared on Rustaveli Avenue quite late, at about 11 pm. By that time, the protest rally was practically over and the riot police helped the remaining individuals to leave the protest area⁵⁵.

Members of the violent group broke the fence around the Palace of the Students which is under repair and began throwing stones and bottles from there. The radical groups vandalized and damaged the cars of the law enforcement officers. From 11 pm, the police began to aggressively arrest the members of the violent group on Rustaveli Avenue. The law enforcers were also trying to evacuate the peaceful protesters. The water cannon vehicles appeared on the spot along with the riot police⁵⁶.

By 11:50 pm, the peaceful civilians gradually had left Rustaveli Avenue, after which the radical groups occupied the area in front of the Parliament. The radical groups tore down and destroyed the EU flag erected in front of Parliament⁵⁷.

The representatives of the violent and radical groups remained in front of the Parliament for a long time and were moving chaotically. According to media reports, at around 1 am, the homophobic members of violent groups attacked foreign tourists on Rustaveli Avenue.⁵⁸

According to the Ministry of Interior, despite numerous calls, the counter-protesters resisted the officers of the Ministry of Interior as they threw various items injuring three law enforcers. Some police vehicles were damaged as a result of the violent actions⁵⁹.

LEGAL ASSESSMENTS

The LGBT+ people are vulnerable in Georgia. The negative attitudes towards them correspond to a relatively common approach in some of the circles of Georgian society. This negative attitude is especially evident against the background of the fact that the counter-actions of July 5-6, 2021 were discriminatory, and the target groups of discrimination: civil activists and journalists were found to be unprotected by the State.

The Constitution of Georgia and the Law of Georgia on Assemblies and Manifestations⁶⁰ provides for the possibility to cease the rally in case the protest takes an illegal nature, stipulating that in such cases the assembly shall be ended following the specific rules and procedures. At the same time, according to the Law, the assembly shall be terminated when there are calls made to overthrow or violently change the constitutional order of Georgia, to compromise the

⁵⁵HRC, Monitoring Report on the Protest Rally held on July 6. Report prepared: July 15, 2021.

⁵⁶HRC, Monitoring Report on the Protest Rally held on July 6. Report prepared: July 15, 2021.

⁵⁷More information: <https://bit.ly/3fxN2Y6>

⁵⁸More information: <https://bit.ly/3rT84Fr>

⁵⁹More information: <https://bit.ly/3AeMUEw>

⁶⁰The Law of Georgia on Assemblies and Demonstrations: <https://bit.ly/3Clj6YX>

independence and territorial integrity of the country, or such calls constitute the *propaganda of war and violence* and trigger a national, ethnic, religious or social confrontation, or create clear, direct and substantial danger of such acts⁶¹. Thus, the Law provides for a legal possibility to interfere with the freedom of assembly if there are legitimate reasons for this.

The law enforcement bodies had a positive obligation to protect the participants of the planned July 5 demonstration and the journalists. They should have considered from the beginning the following issues: Pre-existing threats and violent calls from the violent groups, the negative attitudes towards the sexual minorities by a particular part of the society, as well as the fact that the organizers of the March for Dignity warned the various agencies in advance both at national and international levels about the expected attacks.

Generally, the Pride parades are a peaceful tool of political advocacy and a way of materializing the universal right to freedom of expression and peaceful assembly⁶². At the same time, it should be noted that the European Court by the judgment from 2015, found that the failure on the part of Georgia to protect the peaceful demonstrators violates Articles 3 (prohibition of inhuman or degrading treatment) and Articles 14 (prohibition of discrimination) of the ECHR⁶³. The above case concerned a peaceful demonstration to mark the International Day against Homophobia, Biphobia, Transphobia, and Interphobia. The applicants argued that the law enforcement bodies had failed to protect them from violent counter-demonstrators and had failed to investigate the incident, in particular the underlying discriminatory grounds.

An unprecedented scale of violence against journalists was observed during the counter-demonstration. Unlike the recent actions, the participants of the protest on Rustaveli Avenue resorted to violent actions against the representatives of media and other individuals present at the rally; the facts of interfering with the professional activities were evident. Some participants of the protest severely beat media representatives. On July 5, in contrast to the July 6 rally, the police passively intervened in violent incidents and did not detain the perpetrators. The police managed to remove only some of the victims from the scene.

Finally, on July 5, 2021, 53 journalists and cameramen from various media outlets working on the spot and peaceful civilians were attacked,⁶⁴ further, the offices of the public organizations: Shame and Tbilisi-Pride were subjected to vandalism. The attacks on journalists were of varying intensity, with several media workers receiving severe physical injuries and mutilations⁶⁵.

⁶¹See: Article 11(1) of the Law of Georgia on Assemblies and Demonstrations: <https://bit.ly/3Clj6YX>

⁶²see: Pride Parades and LGBT Movements: Political Participation in an International Comparative Perspective, June 2018. Authors: Abby Peterson (University of Gothenburg); Mattias Wahlström (University of Gothenburg); Magnus Wennerhag (Södertörn University), available at: <https://bit.ly/2VAXYN6>

⁶³Case of Identoba and Others v. Georgia (12 May 2015), application no. 73235/12. The document is available at: <https://bit.ly/3jrqpP>

⁶⁴See the list of journalists attacked by the violent groups: <https://bit.ly/3yqBuNH>

⁶⁵Ibid:

Lekso Lashkarava, the cameraman of TV Pirveli, who was a victim of brutal violence while performing his professional duties on July 5, died at his home on the night of July 11⁶⁶. Despite the accelerated investigative actions and other versions disseminated by the authorities regarding the cause of the death, the relevant authorities failed up to date to release convincing evidence, including the final results of the medical examination.

The arrests of the perpetrators of the violent acts of July 5 began after an international resonance followed the incidents and many local and international organizations and friendly countries called on the authorities to investigate the violent crimes.

As what the events of July 6 concern, according to the Ministry of Interior, the protest of a part of the citizens gathered in front of the Parliament exceeded the limits of freedom of expression and peaceful assembly as provided for by the Law. The action of the people gathered in the vicinity of the First Classical Gymnasium and Kashveti cathedral became violent. Consequently, about 100 individuals were administratively detained on the facts of violations revealed by the officers of the Ministry of Interior. Out of the detainees, 68 were released on their recognizance and 32 were transferred to pretrial detention facilities⁶⁷.

It was identified that the physical violence against the journalists and interfering in their professional activities were deliberate. Article 17 of the Constitution of Georgia⁶⁸ protects the right to freely receive and disseminate information. The restriction of the rights is possible in a democratic society in the cases provided for by law for the necessary state or public security, or for safeguarding the rights of others. Under Article 154 of the Criminal Code of Georgia, the unlawful interference with the activities of a journalist shall be the ground for criminal liability⁶⁹. In this case, it is critically important for the investigative body to identify the persons responsible for various degrees of damage to the health of journalists through a timely and objective investigation. into the

Moreover, according to the OSCE report, law enforcement agencies have a constitutional obligation not to restrict the activities of journalists during public demonstrations and to differentiate them from demonstrators, especially while using force. Journalists have the right to expect fair and restrained treatment by the police, and their safety to be protected⁷⁰.

FEW NUMBERS AND PASSIVITY OF LAW ENFORCEMENT OFFICERS

On July 5, the law enforcement officials were present at several locations. Mostly, they were deployed at the outer perimeters of the protest events. There were no police officers in the middle of the assembly making the reactions to the violent attacks inefficient. The small number of police

⁶⁶More information: <https://bit.ly/3xkURWY>

⁶⁷Statement of the Ministry of Interior: <https://bit.ly/3Cm8wk6>

⁶⁸See the Constitution of Georgia, Article 17. <https://bit.ly/3lzqoLS>

⁶⁹See the Criminal Code of Georgia, Article 154. <https://bit.ly/3IEsXDj>

⁷⁰Handling the Media during Political Demonstrations, Special Report (Vienna: OSCE2007). The Document is available at <http://www.osce.org/fom/25744>.

officers was particularly noticeable. The policemen were standing in groups: 1) near movie-theater Rustaveli; 2) at the beginning of Chitadze Street; 3) at the corner of Chichinadze Street near the First Gymnasium; 4) near Kashveti cathedral, at the entrance of April 9 Park. Rustaveli Avenue and adjacent streets near Freedom Square were also blocked by cars.

Given the current threats and the actions of violent groups on July 6, the number of law enforcement officers present on the ground, especially within a few hours of the start of the rally and afterward, was insufficient. The perpetrators broke the cordons several times. As a result, the counter-protesters were able to penetrate the crowd several times and inflict physical injuries on the peaceful protesters. The law enforcers were trying to react to the facts and on several occasions, they managed to remove and/or detain the persons who had broken through the cordon. Nevertheless, due to the insufficient number of police officers and the aggression of the counter-protesters, it became increasingly impossible for the peaceful protesters to stay in the protest area.

Unlike the rallies of previous years, despite the large-scale violence, no special forces or special means were deployed at the counter-demonstration. The law enforcement officials, as noted, were rather passive which was evident by the fact that they have made no clear appeals towards the attackers to stop the violence.

According to the requirements of the OSCE / ODIHR Human Rights Handbook on Policing Assemblies, in case of identification of violent incidents, the participants should be warned using an appropriate amplification device on more than one occasion during the assembly⁷¹. It may be necessary to give the warning from more than one location so that all participants can hear it⁷². Where the assembly is multi-lingual, police should consider giving the warning in several languages and, when available, they may even consider the use of handwritten signs or electronic notice boards⁷³. This should be the routine approach unless any delay may result in immediate danger to the life and health of persons⁷⁴.

Article 1 of the ECHR taken together with Article 3, requires the State to take measures designed to ensure that individuals within the jurisdiction of the State are not subjected to any ill-treatment including such ill-treatment administered by private individuals⁷⁵. This obligation should include effective protection, including the protection of a particular person or persons from criminal acts committed by third parties immediately, as well as reasonable measures to prevent physical violence that was known to the authorities or that they should have known about⁷⁶. Moreover, Article 3 obliges authorities to effectively investigate alleged physical violence even if the physical violence was perpetrated by private individuals⁷⁷. And for an investigation to be considered

⁷¹See Human Rights Handbook on Policing Assemblies : , 2016, pp. 103-104.

⁷²Ibid: 103-104.

⁷³Ibid.

⁷⁴Ibid.

⁷⁵See A. v. the United Kingdom, 23 September 1998, § 22, Reports on Judgments and Judgments 1998-VI).

⁷⁶See. T.M. and C.M. v. the Republic of Moldova, Application № 26608/11. § 38. January 28, 2014

⁷⁷see.: MC v. Bulgaria, № 39272/98, paragraph 151, ECHR 2003-XII).

effective, it must be able to establish the facts of the case and identify and punish those responsible.

In these cases, due to the passivity of the law enforcement agencies and their quantitative little presence, it can be said that the State has not fulfilled the positive obligations imposed on it.

ONGOING LEGAL PROCEEDINGS

According to the official information of the Ministry of Interior, on July 6, 2021, 100 people were arrested under the administrative procedure, and 68 of them were soon released on their recognizance⁷⁸. As of August 5, 31 individuals have been detained under criminal proceedings for certain episodes of violent acts and interference with professional activities⁷⁹.

It is noteworthy that the law enforcement agencies have not yet launched an investigation into the facts of infringing the right to assembly (Article 161 of the Criminal Code)⁸⁰, whereas the signs of the mentioned offense were evident during the events of July 5-6 and the wrongful actions were well-organized.

HRC is processing 16 cases in connection with the July 5-6 events, the vast majority of which are related to the acts of violence against media representatives and interference with journalistic activities. Up to date, only 9 persons have been granted the status of a victim⁸¹.

Unfortunately, the investigative bodies have not yet identified all the persons involved in the violent acts and, consequently, the organizers of the violent acts have not been prosecuted.

CONCLUSION

According to the assessments by HRC, the strategy and measures taken by the police to ensure the protests took place in a safe environment were inadequate. It is clear that the actions of radical groups went beyond peaceful protests and took on an unlawful and violent character, endangering both public order and the lives, health, and safety of individuals.

Unfortunately, the reaction to the violence coming from the counter-demonstrators was ineffective either leading to the uncontrolled violence by various aggressive groups in the streets of Tbilisi and particular cruelty towards the journalists. All this has created a fear of insecurity among the public. The state agencies should properly assess the real risks from the very beginning and ensure the protection of the rights of the protesters as much as possible.

Despite the statements and demands made at both national and international levels, the Georgian authorities as in previous years refrain from taking appropriate legal actions against the

⁷⁸See the statement of the Ministry of Interior: <https://bit.ly/2WPtTtU>

⁷⁹See the statement of the Ministry of Interior: <https://bit.ly/3Ac9Bcp>

⁸⁰See the Criminal Code of Georgia, Article 161. <https://bit.ly/3IEsXDj>

⁸¹See the statement by HRC <https://bit.ly/3AcjJC7>

organizers of radical groups for the facts of committing the violent acts. Moreover, very often the rhetoric of some of the high-ranking officials and organizers of the violent groups matches, facilitating the instigations of the acts of violence and increasing the polarization of the society. The law enforcement agencies must ensure the adequate subsumption to hate crimes and must effectively investigate them. The discriminatory grounds must be considered as an aggravating circumstance, as already provided for by the national law, and the perpetrators should be punished according to the gravity of the crime committed.⁸²

HRC calls on:

The Georgian authorities:

To facilitate the identification of the organizers of the acts of violence and attacks on the reporters committed on July 5-6, which were pre-planned and well-organized actions, as well as to identify the organizations or individuals funding the radical forces;

To facilitate the identification of the possible involvement of hostile foreign state authorities and special services in the violent acts, and to react to the facts in legal and political terms.

To increase the transparency and efficiency of the process, to set up a multi-faction commission under the auspices of the Parliament, and to enhance the cooperation with the relevant agencies of the partner states to conduct the investigation effectively.

The investigative bodies:

To ensure thorough and objective conduct of the investigation process to identify all persons involved in the violent events of July 5-6 and to identify the organizers of the actions and to prosecute them legally in an appropriate manner;

To ensure a thorough and effective investigation into the actions of high-ranking officials and low-ranking police officers of the Ministry of Interior of Georgia during the July 5-6 violence, in terms of deploying the right amount of police forces, policing rallies, and taking measures to prevent the violence.

⁸²Case of Identoba and Others v. Georgia (12 May 2015), application no. 73235/12. The document is available at: <https://bit.ly/3jrqpP>