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Strengthening Monitoring and Advocacy Capacities for Rights in Georgia

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Monitoring Report regarding the Amount of Police Force and Unidentifiable Law Enforcement Officers Mobilized at Protest Demonstrations

Within the scope of the project - Strengthening Monitoring and Advocacy Capacities for Rights in Georgia, - the Human Rights Center (hereinafter, the “HRC”) monitors public assemblies and demonstrations taking place in Georgia in order to inform the public about the development of events taking place during the assemblies, as well as about the compatibility of actions carried out by the governmental institutions with international human rights standards.

In the period of January through August 2023, the HRC Monitors observed 10 protest demonstrations. According to the Monitors’ assessment, a tendency to deploy a disproportionate number of law enforcement officers compared to the protest participants on the demonstration sites was observed in the reporting period. In some cases, the number of police officers on site was much higher than that of demonstrators. In other instances, the amount of police officers was insufficient to ensure public order and safety of demonstrators - namely, to protect the assembly participants from counter-demonstrators with violent intentions. Furthermore, police officers without uniforms attended the demonstrations alongside their uniformed colleagues and it was impossible to identify them.

From 28 May to 4 June, the HRC monitors observed the demonstration organized by Beka Grigoriadis in the square near the Parliament building.¹ On the night of June 3, at about 01:30 AM, the number of police officers was three times higher than that of protesters.² At the protest actions of May 29, 30, and June 1, a disproportionate number of police officers were deployed. Namely, the number of officers was three times more than the number of protesters – about 15 persons were among protesters while about 60 police officers were mobilized onsite.³ On the contrary, during the demonstration organized by Gia Gachechiladze (Utsnobi) and Zaza Papuashvili - “I Am Coming – Georgia First”, where about 11 000 persons participated,⁴ only up to 100 police officers were mobilized onsite.⁵ According to the organizers, the purpose of the said assembly was “to support peace in the country”, and was intended to be “apolitical”, even

¹ See: Monitoring Report regarding the Protest Demonstration of Beka Grigoriadis, Human Rights Center, available at: <https://rb.gy/rnrx0> [02.09.2023].

² Monitoring report of the HRC monitor, 03.06.2023.

³ Monitoring reports of the HRC monitor, 29.05.2023; 30.05.2023; 01.06.2023.

⁴ See: *How many persons participated in the demonstration organized by Utsnobi on the Republic Square*, Myth Detector, available at <https://rb.gy/gjrex> [02.09.2023].

⁵ Monitoring report of the HRC monitor, 30.04.2023.



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though some speakers made anti-Western statements during the demonstration. On the other hand, during the July 31 demonstration organized by the civil society organizations in front of the Parliament – “Russia is an enemy and not a guest!” – a disproportionate number of police officers were deployed onsite. About 350 citizens participated in the demonstration while up to 65 police officers attended it; they were standing at different sites in the vicinities of the Parliament (Kashueti Church, Parliament building, at the Tchitchinadze street near the Gymnasium No 1, at the back entrance to the Parliament, on the April 9 Street).⁶

According to the HRC Monitors, uninformed, unidentified police officers attended the three demonstrations mentioned above, and actively communicated with uniformed police officers.⁷ Best practices underline the need to have the possibility to identify the police officers mobilized on the sites of the demonstrations.⁸ Namely, every representative of the law enforcement agencies shall be clearly and individually identifiable.⁹

Under the assessment of the Human Rights Center, an insufficient number of police officers were mobilized during the Pride Festival on July 8, 2023.¹⁰ Shortly after the information about the scheduled Pride Festival was disseminated, various groups announced the counter-demonstration,¹¹ which was followed by public appeals and posts on social media to join their counter-demonstration; their posts and appeals contained hate speech.¹² The HRC is of the opinion that the State failed to fulfill its positive obligation to protect the participants of the Pride Festival from the aggressive actions of the counter-demonstrators, and as a result, the Pride Festival was canceled. The organizers share the said assessment.¹³ The media reported that as a result of the failed festival and looted site of the festival, the Tbilisi Pride received material damage of approximately GEL 10,000.¹⁴

Under the jurisprudence of the European Court of Human Rights, police officers bear the direct responsibility to protect individuals when they know or ought to have known of the risks associated with any public event organized by any vulnerable group – given the history of public hostility towards the LGBT community in Georgia.¹⁵ Information about such risks was publicly

⁶ Monitoring report of the HRC monitor, 31.07.2023

⁷ Monitoring report of the HRC monitor, 03.06.2023; monitoring report of the HRC monitor, 29. 05. 2023; 30. 05.2023; 01.06.2023

⁸ OSCE Office for Democratic Institutions and Human Rights, *Guidelines on Freedom of Peaceful Assembly*, 2nd edition, Warsaw, 2010, p. 78, §153.

⁹ Ibid.

¹⁰ See: Chronology of failed Pride Festival, which was not protected by the police from the harassers, Netgazeti, July 8, 2023 available at: <https://rb.gy/ntzsu> [05.09.2023].

¹¹ Counter-groups of Pride Festival started marching, Radio Liberty, July 8, 2023, available at: <https://rb.gy/pw9lx> [05.09.2023].

¹² See: Facebook live of Giorgi Janashvili, July 1, 2023; available at: <https://rb.gy/p3ajq> [05.09.2023].

¹³ See: Pride Festival was cancelled, organizers are leaving the area; Netgazeti.ge; July 8, 2023 available at: <https://rb.gy/8jbxq> [03.09.2023].

¹⁴ See: Approximate Material Harm Caused by the Swamped Pride Festival Amounts Minimum 10 000 GEL, Radio Liberty, July 9, 2023, available at: <https://rb.gy/fz4pp> [03.09.2023].

¹⁵ See: *Identoba and Others v. Georgia*, no. 73235/12, §72, 12 May 2015; See also: OSCE/ODIHR, Human Rights Handbook on Policing Assemblies, 2016, p. 16, available at <https://rb.gy/8ccdt> [04.09.2023].



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available.¹⁶ Therefore, since the Pride Festival was canceled as a result of a violent counter-demonstration and their property was damaged, the Human Rights Center believes the State failed to implement its positive obligation to protect the freedom of assembly.

The freedom of assembly and manifestation is protected under the Constitution of Georgia and the State bears the responsibility to effectively protect this freedom. Under the Law of Georgia on Police, police shall ensure the safety of the participants of meetings, demonstrations, and other mass events within the scope of their authority to ensure the performance of their preventive functions.¹⁷ Police play a key role in effectively and adequately facilitating a peaceful environment for the assemblies and manifestations. The policing of assemblies must be guided by the human rights principles of legality, necessity, proportionality, and non-discrimination and must adhere to applicable human rights standards.¹⁸ The State shall take reasonable and adequate measures to ensure peaceful assembly.¹⁹ It means, among others, that if violent escalation is expected in the course of the demonstration, the State shall ensure the deployment of the number of police officers, which will be enough to eliminate violent actions bearing the number of protest participants in mind. On the other side, if when planning the demonstration, the organizers have not expressed violent intentions and there are no grounds to anticipate violence, the State shall deploy a reasonable number of police officers onsite.

To protect the safety of protesters and freedom of assembly, the State shall act in accordance with the situation. It refers to the mobilization of a proportional number of police officers at the demonstration.²⁰ Disproportionate and excessive interference of police officers may create confrontation instead of prevention of violence and instead of de-escalating the conflict, it may escalate the tension.²¹ Where possible, it is good practice for the organizer(s) to agree with the law enforcement officials about what security and public safety measures are being put in place prior to the event.²² It is not recommended to mobilize large numbers of police officers on the sites of the demonstrations, where there is no need for doing so – e.g., the organizer may fear that a heavy police presence in a particular location would be perceived by participants as

¹⁶ See: MIA Still Tolerates Hate Groups – CSOs, Netgazeti, July 8, 2023, available at: <https://rb.gy/bsu48> [05.09.2023]. Morgoshia: July 8 will be last nail to the coffin from July 5, Tabula, July 7, 2023; available at <https://rb.gy/zwnwp> [05.09.2023].

¹⁷ Law of Georgia on Police, Article 17 (1) (d).

¹⁸ OSCE Office for Democratic Institutions and Human Rights, *Guidelines on Freedom of Peaceful Assembly*, 2nd edition, Warsaw, 2010, p. 19.

¹⁹ *Plattform „Ärzte für Das Leben“ v. Austria*, no. 10126/82, 21 June 1988, §34.

²⁰ OSCE Office for Democratic Institutions and Human Rights, *Handbook on Monitoring Freedom of Peaceful Assembly*, Warsaw, 2011, p. 24.

²¹ OSCE Office for Democratic Institutions and Human Rights, Report on Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2011 – June 2012), 9 November 2012, para. 201, available at: <https://rb.gy/smw90> [05.09.2023].

²² European Commission for Democracy through Law (Venice Commission)/ OSCE Office for Democratic Institutions and Human Rights, *Guidelines on Freedom of Peaceful Assembly*, 2nd edition, Strasbourg-Warsaw, 9 July 2010, Study no. 581/2010, para. 187, available at: <https://rb.gy/c0bbf> [04.09.2023].



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unnecessarily confrontational, and might thus request that the police maintain low visibility,²³ which, among others, serves the purpose of reinforcing trust and reducing the tension.²⁴

It is essential that those police officers, who participate in organizing the peaceful demonstrations, be clearly and individually identifiable during the assembly.²⁵ It will promote responsibility and increased accountability of police officers attending the assemblies because they will have a feeling that are under monitoring and if they do not meet the requirements of the law, they may be held responsible for the violation.²⁶ Consequently, to increase the effective accountability of police officers, the police officers shall be always easily identifiable to society, and shall wear uniforms or other identification symbols.

Taking into account the aforementioned, we recommend:

The Ministry of Internal Affairs:

- To effectively ensure the protection of freedom of expression and assembly of every individual;
- To guide with the principles of legality, necessity, and proportionality to ensure peaceful assembly and manifestation;
- To ensure that uniformed and identifiable police officers participated in the facilitation of assembly and manifestation;
- To ensure mobilization of a proportional number of police officers during assemblies and manifestations;
- To ensure the protection of participants of peaceful assemblies from aggressive counter-demonstrators.

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²³ Ibid.

²⁴ OSCE Office for Democratic Institutions and Human Rights, *Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States* (May 2017–June 2018), Warsaw, 19 September 2019, para. 289, available at: <https://rb.gy/ppi0u> [05.09.2023].

²⁵ European Commission For Democracy Through Law (Venice Commission)/OSCE Office for Democratic Institutions and Human Rights, *Guidelines on Freedom of Peaceful Assembly*, CDL (2008)062, 4 June 2008, p. 35.

²⁶ Boyle M., Vullierme J., *A Brief Introduction to Policing Public Gatherings: A guide for Practitioners*, Council of Europe, 2021, p. 39.