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Strengthening Monitoring and Advocacy Capacities for Rights in Georgia

29 April 2024

Monitoring Report regarding 15-17 April 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.

For this purpose, the monitoring team of the Human Rights Center observed the protest demonstrations “*No to the Russian Law!*” on April 15, 16, and 17 from various locations; the monitors documented the developments during the protest demonstration with photos and videos and reported the instances of the use of disproportionate force for eradicating specific incidents during the protest, arbitrary detentions and alleged abuse of power by police officers alongside the mobilization of a large number of law enforcement officers on the site – both in the first and second half of all three days.

Various groups, representatives of civil movements, and CSOs organized or/and spontaneously joined the public assembly. The information about the scheduled protests was disseminated on social media and various communication channels; the organizers also announced the dates of the next gathering at the end of each assembly.

According to the reports of the HRC monitors, the protest started at the back entrance of the Parliament of Georgia at 10:00 am on Monday, April 15. The purpose was to protest the Draft Law on the Transparency of Foreign Influence - initiated by the political party Georgian Dream – in parallel to the hearing of the Legal Issues Committee of the Parliament of Georgia on the said draft. It is noteworthy that last year, the political party *People’s Power* initiated an identical draft law in the Parliament, which was not adopted given the large-scale protests that took place on 7-9 March 2023. Concerning these protests, the Human Rights Center, in cooperation with the partner organizations, published a joint statement¹ and a brief monitoring report regarding the use of special means by the police.²

¹ Human Rights Center, *Joint Statement on the Dispersal of Protest Demonstrations by Police Forces in Georgia, June 1, 2023*; available at: <https://www.hrc.ge/507/eng/> [18.04.2024].

² Human Rights Center, *Brief Report Regarding the Use of Special Means by the Police, October 31, 2023*; available at: <https://www.hrc.ge/567/eng/> [18.04.2024].



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On April 15, 2024, the Parliamentary Committee on Legal Issues approved the draft law to be examined at the plenary session of the Parliament.³ The next day, the Parliament commenced the first hearing of the draft law at the plenary session,⁴ and on April 17, 83 MPs voted in its favor. Like in 2023, the registration of the draft law on the Transparency of Foreign Influence in the Parliament was strictly criticized by civil society and the opposition political parties,⁵ and by international partners this year as well.⁶ Thousands of citizens demonstrated their strong protest in front of the building of the parliament.

The number of police officers and protest participants varied on each day of the protest and also depended on the time of the day. Namely, in the first half of each day, around 300 people were gathered at the back entrance of the Parliament. At times, the number of police officers mobilized on the sites was much higher than that of the protest participants. All three days, at around 7 PM, the number of protesters increased significantly, and the majority would gather in front of the Parliament building, thereby blocking Rustaveli Avenue. In addition, on April 16, protesters gathered at the side entrances of the Parliament – on Tchitchinadze and 9th of April Streets, which were fully blocked by police officers at 7:30 PM and 8:07 PM, respectively. According to the HRC monitors, on April 16, at around 9:00 PM, the riot police officers of the Ministry of Internal Affairs blocked the 9th of April and Ingorokva Streets.

On the contrary, on April 17, only Rustaveli Avenue was blocked (by the protesters), while the majority of the patrol police and criminal police officers, as well as so-called detention mini-vans, were deployed in the vicinities of the administrative building (Chancellery) of the Government of Georgia. HRC monitors observed several minivans in the parking area of the Tbilisi Gallery too. The HRC monitors also observed a small number of riot police officers of the MIA in the vicinities of the Chancellery.

³ Website of the Parliament of Georgia; *The Legal Issues Committee Approved the Draft Law on the Transparency of Foreign Influence Law*, April 15, 2024; available at: <https://parliament.ge/en/media/news/iuridiul-sakitkhta-komitetma-utskhourigavlenis-gamchvirvalobis-shesakheb-kanonproekts-mkhari-dauchira> [18.04.2024].

⁴ Website of the Parliament of Georgia; *The Parliament Commenced Consideration of Draft Law on Transparency of the Foreign Influence*, April 16, 2024; available at: <https://parliament.ge/en/media/news/parlamentma-utskhourigavlenis-gamchvirvalobis-shesakheb-kanonproektis-pirveli-mosmenit-gankhilva-daitsqo> [18.04.2024].

⁵ See: Joint statement of the pro-European opposition political parties with regard to the bill on the Transparency of Foreign Influence, available at: <https://bit.ly/4aAT9oR>, [22.04.2024].

⁶ See: Radio Liberty, *Josep Borrell and Oliver Várhelyi* : “Adoption of the law will have negative affect on the Georgia’s aspiration to the EU, available at: <https://www.radiotavisupleba.ge/a/32909345.html> [22.04.2024]; see also: Radio Liberty, *Foreign Agents Bill Would Impede the Civil Society and Derail Georgia from its European Path – Matthew Miller*; available at: <https://www.radiotavisupleba.ge/a/32906551.html> [22.04.2024]; Civil.ge, *International Reactions to Reintroduction of Draft Law on Foreign Agents*, available at: <https://civil.ge/archives/589823> [22.04.2024].



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In the course of the April 15-17 protest demonstrations, unlike the protests of March 7-9, 2023, in accordance with the assessment of the Human Rights Center, relevant police officers facilitated the movement of the people living in the neighborhood of the Parliament. At the same time, the monitoring revealed that a few unidentified individuals tried to provoke incidents – among them by insulting the assembly participants. However, police officers removed them from the sites of protest to eradicate the risk of physical confrontation. Also, the monitors were not hindered in conducting their activities.

On all three days of the protest, HRC noticed the water-cannon vehicles and so-called “detention vans” in the vicinities of the Parliament and the Chancellery and took photos, which show that MIA officers had nonlethal weapons (for rubber bullets) among other equipment. Additionally, on the night of April 16 and at about 12:30 AM on April 17, as HRC monitors reported, in comparison to the number of protest participants, a disproportionate number of the MIA riot police officers were deployed at the back entrance of the Parliament and on the Zurab Zhvania’s Street. It is noteworthy that pursuant to the OSCE/ODIHR guiding principles, the deployment of large numbers of police officers in riot gear (and the open display of handcuffs and less-than-lethal shotguns) may have had an intimidating effect on peaceful protesters and briefly contributed to the escalation of tension.⁷

Unlike the March 7-9, 2023 protest rallies, during the April 15-17, 2023 demonstrations, the peaceful protesters were not massively dispersed; neither water cannons nor rubber bullets were used against them. In most cases, the police officers reacted to individual cases of violations and did not disperse the entire assembly. At the same time, on April 15, at about 9:40 pm, the warnings on the use of special means were heard several times, however, they were not used by the MIA officers. The warnings were heard only in the vicinities of the protest demonstration, where the dispersal vehicles and respective forces were deployed; nevertheless, in the areas far from that area, for example near the scene, the protesters could not hear those warning messages.

By the assessment of the HRC monitors, serious breaches of the freedom of assembly were observed: the protest demonstrations all three days were peaceful, including the period around 10:00 PM on April 16, when MIA officers used pepper spray for the first time to disperse protesters at the back entrance of the Parliament and on April 17, at about 12:04 AM, when they used pepper spray for the second time. In those moments, there were no grounds to disperse the assembly, especially through the use of special means. Additionally, on April 16 and 17, the MIA officers

⁷ 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].



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used pepper spray several times without a warning and legal grounds,⁸ which constitutes a breach of domestic legislation⁹ and contradicts the OSCE/ODIHR standards¹⁰.

18 persons were arrested during the April 16-17 protest demonstrations.¹¹ Among them were the members of the political party “Girchi – More Freedom,” who – according to the Chairperson of the party - were subjected to physical violence.¹² Additionally, according to the information disseminated by the Public Defender of Georgia, 11 out of 16 detainees they met indicated ill-treatment and use of disproportionate force and demanded a response.¹³

The footages taken by journalists and protest participants was actively disseminated on social networks, which demonstrated the facts of violence against protesters and journalists from the side of the MIA officers.¹⁴ As reported in the media, the journalists of Tabula, Publika, and Aprili were also subjected to violence.¹⁵

On the night of April 17, police officers used force to remove a Member of the Parliament - Aleko Elisashvili from the assembly site.¹⁶ According to the MP, he was “brutally beaten up” by the

⁸ See: footage disseminate by the TV Pirveli, which show use of the pepper spray against Mikheil Ramishvili, available at: <https://www.facebook.com/share/v/neFEg2F5h5PwHheU/?mibextid=WC7FNe> [22.04.2024].

⁹ See: amendments to the Order No 1002 of the Minister of the Internal Affairs of December 30, 2015 regarding the Guidelines on Conduct of Employees of Ministry of Internal Affairs of Georgia during Assemblies and Manifestations, Article 7.

¹⁰ OSCE Office for Democratic Institutions and Human Rights, Human Rights Handbook on Policing Assemblies, Warsaw, 2016, §3. 103, Available at: <https://rb.gy/m5t9g> [17.09.2023].

¹¹ See information about the detained persons during the protest rallies, Radio Liberty, available at: <https://bit.ly/3JvVmWU> [22.04.2024].

¹² See Formulanews.ge, available: *Zura Japaridze: All detainees are beaten – “he was hit during detention” No, he is beaten*, April 17, 2024 available at: <https://formulanews.ge/News/109494> [22.04.2024].

¹³ Public Defender’s Office, Initial Monitoring Results of April 16-17 Protests, available at: <https://rb.gy/n4p0vs>; [22.04.2024].

¹⁴ See: Riot police officers pushed a protester down and beat him, Formula, available at: <https://www.facebook.com/watch/?v=970013414795480> [22.04.2024]; See: Protester was injured and has elbow broken, Publika, available at: <https://bit.ly/49SB5W2> [22.04.2024]; See: No to Russian Law! – Riot police is punishing a citizen, Formula, available: <https://www.facebook.com/watch/?v=1018740922986734> [22.04.2024]; See: Georgian Young Lawyers’ Association, Georgian nongovernmental organizations defend the rights of all detainees, April 17, 2024 available at: <https://www.gyla.ge/ge/post/qartuli-arasamtavrobo-organizaciebi-vicavt-yvela-dakavebulis-uflebe#sthash.7hN6Fa58.3TZI30y1.dpbs> [18.04.2024].

¹⁵ Comment of the Public Defender of Georgia about the physical assault of journalists during the protest demonstration and facts of interference in their professional activities, Aprili Media, available at: <https://bit.ly/3UqzhPI> [22.04.2024].

¹⁶ Radio Liberty: *Police took Aleko Elisashvili away from the demonstration by car*, available at: <https://www.radiotavisupleba.ge/a/32909837.html> [22.04.2024].



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police.¹⁷ As the press-center of the Special Investigative Service reported, the investigation was launched on grounds of Article 333 of the Criminal Code of Georgia (abuse of office power).¹⁸

The tendency to restrict the right of the detainee to inform family members and defense lawyers about his/her detention was observed to continue. In the course of the monitoring, HRC identified the instances when the whereabouts of the detainees were not known.¹⁹ Another tendency is that the period of administrative detention with respect to detained during the protest demonstration was extended until 48 hours, without the relevant grounds prescribed by the Administrative Offences Code of Georgia;²⁰ as per the duration of the arrest of individuals released on grounds of the explanation letter – it lasted for precisely 24 hours. Both cases violate the national legislation and universally recognized principles on the protection of human rights. Additionally, in accordance with the assessment of the Human Rights Center, there is a negative tendency to use criminal police officers for the facilitation of demonstrations, considering their competencies and the specificities of their authority.

In the light of the abovementioned, we recommend:

The Special Investigative Service:

- To ensure timely, comprehensive, and impartial investigation of the cases related to the alleged abuse of power by MIA officers;
- To promptly respond to the facts of illegal interference in the professional activities of journalists as well as to the facts of violence against them.

The Ministry of Internal Affairs of Georgia:

- To ensure that the participants of the protests exercise their constitutional right to the freedom of assembly and not interfere unjustifiably in the protected scope of this right;
- Not to use special means against peaceful protesters and eradicate individual incidents of breaches of law during public assemblies;
- To refrain from conducting so-called “pursue operations” against the protest participants for the purpose of their detention, as it turns into the abuse of power;

¹⁷ Radio Liberty, *Elisashvili said the police officers ruthlessly beat him*, April 18, 2024 available at: <https://www.radiotavisupleba.ge/a/32910513.html> [22.04.2024].

¹⁸ Radio Liberty, *The Special Investigative Service launched an investigation regarding violence against Aleko Elisashvili*, 18 April 2024, available at: <https://www.radiotavisupleba.ge/a/32911053.html> [22.04.2024].

¹⁹ See: Radio Liberty, *Injured Levan Budagashvili wrote that the teacher beaten by police officers, whose family members could not find him, was in the hospital together with him*; available at: <https://www.radiotavisupleba.ge/a/32909019.html> [22.04.2024].

²⁰ Administrative Offences Code of Georgia, Article 247 (2).



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- To respect the rights of the detainees, not to use disproportionate force against them and to justify the lawfulness of the detention of protest participants with the totality of convincing evidence.

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