

Rallies Under Observation



Results of the monitoring of rallies and trials held in February 2020

The present monitoring report was prepared by the Democracy Research Institute (DRI) as part of the Rallies Under Observation Project that is financially supported by the Open Society Foundation. The views and opinions expressed in this publication belong to the project team and should not be perceived as an official position of the Open Society Foundation.

Data processing and monitoring: Giorgi Tsikarishvili, Ketevan Murgulia, Tatia Koniashvili, Giorgi Gamkhitashvili

Persons responsible for the publication: Ucha Nanuashvili, Tamar Khidasheli

Democracy Research Institute

www.democracyresearch.org

E-mail: info@democracyresearch.org

Introduction

The number of protests held in February was lower compared to January 2020. The rallies organized by opposition parties and civil movements were mostly peaceful and remained within law. No one was detained during the February rallies and therefore, monitors did not have to observe any trial.

On February 10, 2020, the Supreme Court of Georgia found Gigi Ugulava, one of the leaders of the European Georgia Party, guilty in the case of Tbilisi Development Fund and sentenced him to 3 years, 2 months and 8 days in prison.¹ Opposition parties and civil movements strongly condemned Ugulava's arrest and announced that they would hold a large-scale rally on April 4.

The re-appointment of former Chief Prosecutor Irakli Shotadze² as Prosecutor General in February was also a high-profile issue, which was criticized by civil movements and the united opposition.

Methodological framework

Monitors of the Democracy Research Institute had been observing rallies of political content organized by political parties and civil movements in Tbilisi from February 1 to February 29, 2020.

We were focused on general description of the rallies and demonstrations. In addition, we analyzed the identified violations in the legal context.

For the purpose of carrying out thorough observation, the Democracy Research Institute requested public information from the Parliament of Georgia and the Tbilisi City Hall. Our monitors examined photos taken by civil activists at various rallies, as well as their video footage.

Based on the OSCE/ODIHR Guidelines on Freedom of Peaceful Assembly, we developed a special monitoring form for observing assemblies and demonstrations, which helped us systemize important facts and violations identified during the observation process.

Monitoring results

Organizers

Monitors of the Democracy Research Institute observed 8 rallies in February. The rallies were organized by: civil movements - Dare, Change and Shame; opposition parties - Lelo for Georgia, United National Movement, European Georgia, Girchi, etc; a non-governmental organization - Law Enforcement Reform Center.

During the reporting period, the civil movements held local, relatively small rallies, while the rallies of the united opposition were usually attended by more people.

¹ See <http://pog.gov.ge/news/e-w-Tbilisis-ganviTarebis-fondis-saqmeze-msjavrdebuli-pirebi-uzenaesma-sasamarTlom-48-180-960-lar>

² Irakli Shotadze served as Chief Prosecutor of Georgia in 2015-2018.

Observation results

The number of participants of the rallies ranged from 20 to 500. Large-scale rallies were held near the Parliament of Georgia on February 5 and 18.

The demonstrators' main demands were:

- To introduce proportional electoral system;
- To change the "pro-Russian political course" of the State;
- To release political prisoners.

Apart from voicing the political demands, the NGOs and civil movements held rally-performances in February. One of them was organized by the Dare Movement near Bidzina Ivanishvili's business center on his 64th birthday, on February 18.

Demonstrators' freedom of movement vs protection of public safety

During the February protests, citizens and persons with special permits were restricted from entering the building of the Parliament of Georgia (including its chancellery, which is located in the public part of the building).³ Citizens have not been allowed to enter the Parliament building by officers of the Special State Protection Service three times (February 4, 17 and 18).

According to the Law of Georgia on the Special State Protection Service, the task of the Special State Protection Service is to protect the premises of higher state bodies of Georgia from **unlawful actions** and to maintain order there, within its competence⁴.

In addition, the law authorizes representatives of the Special State Protection Service to restrict movement or entry into a specific territory for the purpose of carrying out a special protection measure.⁵ For the purpose of stepping up security, it is also possible to restrict the issuance of a permit for entering the Palace of Parliament of Georgia, **if necessary**.⁶

Consequently, it is only possible to restrict the entry of persons with relevant permits into the Parliament building if the above is necessary for the protection of public safety or security against unlawful actions. At the same time, if it is necessary to step up security, it is possible to restrict the issuance of a permit for entering the Palace of Parliament, **but no such necessity was evident in the**

³ The same tendency was identified in January, when MPs from the United National Movement Party were denied access to the City Assembly building, which represents a violation of the requirements of the Rules of Procedure of the Parliament of Georgia.

⁴ Law on Special State Protection Service, Article 4.1.

⁵ Law on Special State Protection Service, Article 8, subparagraph (e).

⁶ Order 259/3 of the Speaker of Parliament of Georgia of December 30, 2016 on the Security Regime in the Premises of the Parliament of Georgia, paragraph 19¹.

given case.

"According to the monitors of the Democracy Research Institute, the rallies held in February, given their peaceful nature and the number of people involved, did not create any danger that would make it necessary to restrict entry into the Parliament building (especially into the chancellery located in the public part of the building) for the purpose of protecting the goodness of law. The absence of danger was also proved by the fact that the officers of the Special State Protection Service did not know what the grounds for the restrictions were.

Given that there was no real or specific danger to public safety/order, the Democracy Research Institute considers that there were no legal grounds for restricting the entry of persons with special permits into the Parliament building (including the chancellery) and that the restriction was a disproportionate measure.

Regulation of rallies by law enforcers

In several cases, the number of law enforcement officers was significantly higher than the number of demonstrators. Monitors of the Democracy Research Institute noticed a group of people in plain clothes in the vicinity of rallies several times, whose frequent and direct communication with law enforcement officers raised a suspicion that they were also representatives of the law enforcement agencies.

The actions of law enforcement officers were mostly proportionate and compliant with law. In most cases, police officers only gave verbal warnings about violations.

However, in one of the cases, on February 18, when regulating an assembly in front of the business center of Bidzina Ivanishvili, Chairman of the Georgian Dream political party, the law enforcement officers used a police measure – full blockage of a road leading to public space, which was not necessary or proportionate in its nature, since the police could freely achieve its likely aim of "public safety" by other, less restrictive means.⁷ It is important to note, however, that on another occasion, on February 25, when the second rally was held in front of business center, the police did no longer block the part of the tunnel, which is an entrance to the Tbilisi Botanical Garden on the one hand and Bidzina Ivanishvili's business center on the other hand.

Importance of demonstrators' awareness and the violations identified during the rallies

The monitoring also highlighted the importance of raising public awareness of the law on assemblies and demonstrations. At certain rallies, demonstrators put up posters and photos on public buildings, painted sidewalks and even tried to symbolically set fire to an item, although no real threat of unlawful consequences has been created in any of these cases.

⁷ <http://www.democracyresearch.org/geo/232>