



DEMONSTRATIONS UNDER OBSERVATION

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INTRODUCTION

The present report includes the results of observation of rallies and political performances organised by activist groups, political parties and civil movements in Tbilisi and Rustavi from 1 February 2022 to 1 January 2023. The report also includes the results of monitoring a gathering organised by a far-right group.¹ The Democracy Research Institute (the DRI), monitors protest rallies held in Tbilisi within the project Supporting Security Reform System in Georgia.

The purpose of the report is to assess the compliance of organising and conducting assemblies and demonstrations with the legislation of Georgia, to analyse the violations identified during rallies and to assess the compliance of the law-enforcement agencies with the domestic legislation.

During the reporting period, the DRI observers monitored 50 demonstrations. These protests were caused by various causes and mainly addressed to the Government of Georgia.

The report consists of four main parts. The first part concerns the political and social context, which was the main factor leading to demonstrations and had a significant impact on how they were conducted. The second part of the document discusses the content of the demonstrations and the third part analyses the legislative framework of the freedom of assembly and expression. The fourth part of the report analyses the standard of protection of demonstrators' freedom of expression and assesses the behaviour of law-enforcement officers.

The observation carried out by the DRI demonstrates that, compared to 2020-2021,² the number of persons arrested during peaceful assemblies and the frequency of the use of excessive force by law-enforcement officers have decreased. However, the selective approach of law-enforcement officers and the court towards the persons arrested at the rally is still noteworthy. Courts usually impose disproportionately high fines on individuals arrested at rallies organised by opposition parties and civil activists whereas law-enforcement officers release individuals arrested at rallies of far-right groups only with verbal warnings.³

¹ Within the framework of the project Prevention of Far-Right Extremism in Georgia, the DRI observed assemblies of far-right groups from September 2021 to September 2022. The results of the observation are outlined in the "Report on the Observation of Assemblies and Demonstrations of Far-Right Groups." The electronic version of the report is available at: <https://bit.ly/3VZtP3P>. The present report, therefore, does not include the far-right assemblies held before 31 August 2022.

² Democracyresearch.org (website), "Demonstrations Under Observation" (2020), available at: <https://www.democracyresearch.org/geo/316/>, and "Demonstrations Under Observation" (2021), available at: <https://www.democracyresearch.org/geo/527/>.

³ Democracyresearch.org (website), 06.10.2022, the DRI Summarises the Results of One-Year Observation, available at: <https://www.democracyresearch.org/geo/1075/>.

METHODOLOGY FRAMEWORK

The DRI observers monitored 50 rallies from 1 February 2022 to 1 January 2023. During the observation, we used a special form, developed based on the guidelines of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), to monitor gatherings and demonstrations. This special form of observation gave us the opportunity to systematise the important incidents taking place during rallies.

The DRI observers monitored only rallies held by civil movements, far-right groups and representatives of political parties in Tbilisi and Rustavi. We searched for information about rallies planned by civil activists and political parties with the help of personal contacts, and social and online media.

In the first half of the reporting period (February-August, 2022), the small number of rallies monitored by the DRI observers was due to various factors. Firstly, during the aforementioned period, rallies were rarely held. In addition, assemblies were often conducted in cities other than Tbilisi.⁴ It was also difficult to monitor spontaneous rallies. When rallies were held simultaneously, we selected the object of observation where we assumed there would be a greater risk of violation of the freedom of assembly.

When monitoring rallies, we used the following research approaches to analyse the data:

- **Requesting public information from administrative bodies** – within the framework of monitoring, we requested from the Tbilisi Municipality City Hall public information related to the applications filed regarding rallies and public information regarding traffic restrictions.
- **Media monitoring** – Analysis of information obtained from video material posted in various media and online editions.
- **Analysis of photo and video material** recorded by civil activists at the rallies.

In addition, the organisation's team received from civil activists the copies of arrest reports drawn up as well as information about the fines imposed during the reporting period. The team analysed and documented this data.

⁴ For example, pro-Ukraine rallies were held in Batumi which resulted in a confrontation between demonstrators and law-enforcement officers on 1 March 2022. See 1tv.ge, 01.03.2022, *A Rally in Batumi*, available at: <https://1tv.ge/video/saprotesto-aqcia-batumshi-20/>, [accessed 12.01.2023].



1. SITUATIONAL ANALYSIS

The full-scale war unleashed by Russia on Ukraine on 24 February 2022 had an impact on Georgia as well. In late February and early March 2022, demonstrations in support of Ukraine and against Russia were held in Tbilisi. The worldwide increase in fuel prices is among the indirect global consequences of the Russia-Ukraine war. This had serious social implications and gave rise to protests in more than one country. The increase in fuel prices was also protested in Georgia.

The geopolitical situation around Georgia and the government's inappropriate response to this situation have repeatedly become the cause of protests. The geopolitical situation became the reason for large-scale demonstrations especially after Georgia, unlike Moldova and Ukraine, failed to receive the candidate country status for the EU membership. During the reporting period, rallies were held in protest of the criminal prosecution against the opposition leaders and media owners and managers⁵ critical of the government. Many rallies were held in the capital and in Rustavi demanding the release of former president Mikheil Saakashvili. With worsening of the health condition of Saakashvili, continuous demonstrations were held near the Tbilisi City Court and President Salome Zourabichvili's official residence, demanding the transfer of the former president for treatment abroad and a presidential pardon.

1.1. POLITICAL CONTEXT

During the reporting period, the political situation in the country was unstable and polarised. After the collapse of the agreement between the political parties that had been brokered by Charles Michel, it became extremely difficult to achieve cooperation between the government and most of the opposition. The political crisis peaked again after the decision of the European Commission, when Georgia, unlike Moldova and Ukraine, failed to receive the candidate country status for the EU membership. The opposition parties and the civil sector blamed the government's inaction⁶ and authorities' attacks on the EU institutions and ambassadors of friendly

⁵ Democracyresearch.org (website), 20.05.2020, the statement of the coalition For Independent and Transparent Justice *The Coalition Responds to the Decision in the Case of Nika Gvaramia* is available at: <https://www.democracyresearch.org/geo/968/>, [accessed 12.08.2022].

⁶ Interpressnews.ge (website), 19.06.2022, *Gigi Tsereteli: the Government's Inaction and Action Damaged the European Integration*, available at: <https://bit.ly/3FUBEmm> [accessed 12.08.2022].

countries for the decision of the European Commission.⁷ In parallel with the decision of the European Commission, on 20 June 2021, one of the largest rallies of recent years was held. The main purpose of the rally was to demonstrate the population's support for Georgia's European aspirations.

During the reporting period, the Russia-Ukraine war had the most serious impact on political situation in Georgia. In the new geopolitical reality created because of this war, the opposition accused the government (among others, in the speeches made at rallies) of being passive and sometimes taking pro-Russian positions. The last rallies organised in this geopolitical context demanded the formation of a technical government.⁸

Along with the European integration process and the Russia-Ukraine war, the imprisonment of former president Mikheil Saakashvili and his grave health condition had the biggest impact on the political situation. The DRI observers monitored 20 rallies held with demands related to Saakashvili. The attitudes towards Saakashvili remained one of the sources of political polarisation.

1.2. SOCIAL CONTEXT

The dire social background during the reporting period in Georgia became the basis for several isolated rallies.⁹ The deterioration of the social situation in 2022 was particularly striking based on indicators such as the double-digit annual rate of inflation.¹⁰

Among the increased prices, the increase in fuel prices turned out to be the most severe. To protest this problem, citizens gathered several times in different cities in Georgia.¹¹ However, it was not possible to organise a systematic and long-lasting rally around social demands. Several self-organised rallies turned out to be mostly spontaneous and chaotic and could not gain political momentum.

⁷ Interpressnews.ge (website), 21.07.2022, *Mamuka Khazaradze: the Pro-Russian Government Continues Attacking Friendly Ambassadors of our Country and European Institutions Which is Completely Unacceptable!* available at: <https://bit.ly/3UUFxMw>, [accessed 12.08.2022].

⁸ Netgazeti.ge (website), 27.06.2022, *Technical Government of National Consent – What Does It Mean?* available at: <https://netgazeti.ge/life/618103/> [accessed 12.08.2022].

⁹ Interpressnews.ge (website), 11.04.2022, *Members of the Wave Movement Protesting In Front of the Tbilisi Sakrebulo*, available at: <https://bit.ly/3FqBEJw> [accessed 12.08.2022].

¹⁰ Businessformula.ge (website), 03.05.2022, *Annual Inflation is 12.8% – Statstat*, available at: <https://businessformula.ge/News/8577>, [accessed 12.08.2022].

¹¹ Ajaratv.ge (website) 02.04.2022, *Batumi Drivers Again Protesting Fuel Prices*, available at: <https://www.ajaratv.ge/article/94184>, [accessed 12.08.2022].



2. RESULTS OF OBSERVING DEMONSTRATIONS

2.1. RALLIES IN SUPPORT OF UKRAINE

The Russia-Ukraine war became the basis of a number of large-scale rallies held in Georgia during the reporting period. Since that day, demonstrations in support of Ukraine have started in different cities in Georgia. Tbilisi was particularly active in this regard. The rallies were mainly organised by civil activists and opposition political parties. The speeches were mostly made in a peaceful environment. On two occasions, the number of demonstrators was up to 20,000; however, mostly, the number ranged from 1,000 to 2,000, although a number of small-scale rallies were also held.

The DRI observers monitored 11 rallies held in support of Ukraine (on 23 January, 24 February, 25 February, 28 February, 6 March, 7 March, 29 March, 3 April, 27 September, 10 October and 16 October). Demonstrations were mostly held in front of the Parliament of Georgia. Relatively small-scale gatherings were also held near the government administration building, which, unlike the more crowded rallies (up to 2,000 people) held in front of the parliament, turned out to be noisier.

On 7 March 2022, civil activists gathered near the government administration building and protested against the position of the Georgian government taken towards Ukraine. The demonstrators threw toilet paper rolls at the administration building. Law-enforcement officers arrested 16 demonstrators for allegedly violating Article 166 and Article 173 of the Code of Administrative Violations of Georgia when the rally was already over and demonstrators were leaving the place. The court fined the activists GEL 34,300 in total. Participant of the protest Davit Devdariani was sentenced to 4 days of administrative detention.¹²

The 7 March 2022 rally was preceded by the rally held on 6 March 2022 by the political party Elene Khoshtaria – It's Time. *"We should all protest against such a government. The government is disgraceful, we are not disgraceful."* Elene Khoshtaria, who said these words and poured Russian-made ketchup in front of the chancellery, was arrested along with Shushana Matsaberidze and Giga Lemonjava.¹³ They were released in 2-3 hours. However, Shushana Matsaberidze, Elene

¹² Formulanews.ge (website), 06.04.2022, *Activists Arrested at the Anti-Russia Rally of 7 March were Fined total GEL 34,300*, available at: <https://formulanews.ge/News/68131>, [accessed 29.12.2022].

¹³ Formulanews.ge (website), 06.03.2022, *Khoshtaria, Matsaberidze and Lemonjava were Arrested for Spilling Russian Ketchup at the Chancellery*, available at: <https://bit.ly/3WS4c5T>, [accessed 29.12.2022].

Khoshtaria, Natia Lethodiani, Ana Kartlelishvili and Giorgi Talakhadze were arrested again the next day, during a confrontation with law-enforcement officers, while hanging an anti-Russian poster near the chancellery.¹⁴ It is noteworthy that this inscription was made on a makeshift wall which is not an administrative violation under the Code of Administrative Violations.¹⁵ Elene Khoshtaria was released immediately whereas the rest of the demonstrators were released after 24 hours of detention.¹⁶ It should be noted that, due to its spontaneous nature, it was not possible for us to observe these events.

2.2. RALLIES IN SUPPORT OF EUROPEAN INTEGRATION

Rallies held in support of European integration began after the European Commission did not grant Georgia, unlike Moldova and Ukraine, the candidate country status for the EU membership.¹⁷ The Shame Movement and several civil society organisations organised the rallies.¹⁸

The demonstrations supporting EU integration were peaceful. The law-enforcement officers mobilised at the rally acted within the framework established by the law. The DRI observers monitored six rallies held in support of European integration. The rallies were mostly held in the area adjacent to the parliament and later in the area near the government administration building. Demonstrations were also held in Europe Square and Dedaena Garden.

Rallies in support of European integration stood out from other rallies held in the reporting period for their large number. The decision taken by the European Commission was followed by the largest rallies held in front of the parliament in June and July (20 June, 24 June, 28 June and 3 July). The largest in this regard was the rally of 20 June 2022. Approximately 160,000 people attended it.¹⁹

¹⁴ Publika.ge (website), *Several Members of Droa Remain in Custody*, available at: <https://publika.ge/droas-ramdenime-wevri-am-dromde-izolatorshi/>, [accessed 11.01.2023].

¹⁵ The Code of Administrative Violations of Georgia, Article 150.

¹⁶ Mtavari.tv (website), *Droa's Activist Shushana Matsaberidze is Freed*, available at: <https://mtavari.tv/news/52882-droas-aktivisti-shushana-matsaberidze>, [accessed 11.01.2023].

¹⁷ Radiotavisupleba.ge (website), 23.06.2022, *The European Parliament adopted a resolution on Ukraine, Moldova and Georgia*, available at: <https://www.radiotavisupleba.ge/a/31911739.html>, [accessed 29.12.2022].

¹⁸ Radiotavisupleba.ge (website), 20.06.2022, *Let's Turn Our Wrath to the Oligarch Government – the Manifesto of 20 June*, available at: <https://www.radiotavisupleba.ge/a/31906919.html>, [accessed 12.01.2023].

¹⁹ Netgazeti.ge (website), 20.06.2022, *How Many Persons Attended the Rally of Going Home to Europe?* available at: <https://bit.ly/3ZqjhxN> [accessed 29.12.2022].

After the decision of the European Commission, initially, different organisers announced simultaneously three rallies: the Shame Movement, the political party Girchi and President of Georgia Salome Zourabichvili.

On 16 June 2022, following the public call of the President of Georgia, about 300 people gathered in Europe Square, including representatives of the diplomatic corps, political parties and the civil sector. The slogan of the rally was “Let’s Show Ourselves to Europe”. The organiser did not make a speech at the rally.

The president linked the rally planned for 20 June 2022 to the so-called Gavrilov’s night of June 20 2020 and stated that she did not consider it strategically appropriate to go to the street and demand the candidate country status for Georgia at such time.²⁰

The organisers of the Rally of 20 June 2022 – Going Home to Europe which was the largest in recent years, presented a manifesto to the demonstrators gathered in front of the parliament and announced the creation of a new movement: “Failure to fulfil our demands leads to mass disobedience. All the regions and cities of Georgia will stand up so that the wave of non-violent resistance will sweep away all those who stand in our way to Europe, our home.”²¹ Law-enforcement officers were deployed near the demonstrators and had a neutral attitude towards them.

Around 80,000 people attended the large-scale rally on 24 June 2022. The organisers put forward the main demand at the rally. They gave Prime Minister Irakli Gharibashvili one week to resign and demanded the creation of a “government of national consensus”, which would fulfil the 12-point recommendation of the European Union before winter.²² Police officers were not particularly active during the rally of 24 June. This was also due to the peaceful nature of the gathering. Despite the strong statements made by the rally organisers, they tried to make it clear that they were going to achieve their goal in a non-violent manner.

The radical statements made by the organisers of the rally on 3 July 2022 caused confusion among the supporters of their idea. Later the Shame Movement issued an additional statement and, along with a public apology, expressed readiness to join the negotiating table in order to contribute to the fulfilment of the 12-point plan of

²⁰ Netgazeti.ge (website), 14.06.2022, *Zourabichvili Called on the Demonstrators to Postpone the 20 June Rally*, available at: <https://netgazeti.ge/news/615864/>, [accessed 07.09.2022].

²¹ Radiotavisupleba.ge (website), 20.06.2022, *Let’s Turn Our Wrath to the Oligarch Government – the Manifest of 20 June*, available at: <https://www.radiotavisupleba.ge/a/31906919.html>, [accessed 07.09.2022].

²² Netgazeti.ge (website), 24.06.2022, *How Many Persons Attended the 24 June Rally?* available at: https://netgazeti.ge/news/617813/?fbclid=IwAR0lnWAclpt62rUMySuZ-EGxW-2JppXJL-0LIUFGovbRR_f-xFDLvrkgGs, [accessed 07.09.2022].

the European Commission.²³ At the same time, it became clear that the government was not going to talk to the organisers of the rally and was going to implement the recommendations of the European Commission in accordance with its own plan.²⁴

Protesters gathered again in front of the parliament on 18 June and 3 July 2022 with the same demands, although in relatively small numbers. Relatively small-scale rallies supporting European integration were held in the next period as well. The rallies were mostly held in a peaceful environment. However, at times, there was aggressive rhetoric against campaigners and in some cases, they were physically assaulted. For example, on 30 June 2022, in the building of Tbilisi State University, party activists of Georgian Dream attacked students and demonstrators of the Going Home to Europe campaign.²⁵ In support of peaceful demonstrations, assembly and freedom of expression, the Public Defender of Georgia issued a statement:

“It should be taken into account that attacks on people participating in the campaign and other instances of interference in their activities create an intimidating environment and contain elements of a crime. This may have a chilling effect on the exercise of freedom of assembly and expression in the country and may serve to incite aggression and violence.”²⁶

The Ministry instituted an investigation into the incident.²⁷

2.3. RALLIES OF WAVE MOVEMENT

The Wave Movement was created in the spring of 2022. According to the movement’s official Facebook page, “The Wave Movement is for anyone who cannot bear it any longer and wants progressive change. It is open to anyone willing to join it.”²⁸

²³ Ajaratv.ge (website), 08.07.2022, *Our Heartfelt Apology – Statement Made by the Shame Movement*, available at: <https://ajaratv.ge/article/99396>, [accessed 12.01.2023].

²⁴ On 1 July 2022, the Chairperson of Georgian Dream, Irakli Kobakhidze, presented a plan to fulfil the 12-point recommendations of the European Commission. Netgazeti.ge (website), 01.07.2022, *Dream Has Presented a Plan to Fulfil the 12-Point Recommendations*, available at: <https://netgazeti.ge/news/619122/>, [accessed 12.01.2023].

²⁵ Main Channel (Facebook page), 30.06.2022, *Confrontation in the University Building*, available at: <https://www.facebook.com/watch/?v=630390228418937>, [accessed 07.09.2022].

²⁶ Radiotavisupleba.ge (website), 30.06.2022, *According to the Public Defender, Attacks on Toward Europe Representatives Contain Elements of Crime*, available at: <https://www.radiotavisupleba.ge/a/31923266.html>, [accessed 07.09.2022].

²⁷ Radiotavisupleba.ge (website), 30.06.2022, *Interior Ministry Instituted Investigation into Violence Committed at the University Building*, available at: <https://www.radiotavisupleba.ge/a/31923137.html>, [accessed 07.09.2022].

²⁸ Facebook page of the Wave Movement.

The DRI monitored seven rallies²⁹ organised by the movement. According to the data at the disposal of the DRI, there were more rallies organised by the movement in the reporting period. However, due to the spontaneous nature of the rallies and the lack of media coverage, the observers did not have the opportunity to find information about all the assemblies to attend and determine the exact number of the rallies.

The Wave Movement started rallies in April in Freedom Square. The main demand voiced at the rallies was the resignation of the Georgian government. Demonstrators were holding placards stating the reasons why the government had to resign: “You’ll Have to Go because of the Spoilt Rotten Church”, “You’ll resign because of Temirlan”, etc. The number of demonstrators was on average 25-35 people. Despite the fact that the rallies were peaceful, the number of law-enforcement officers at the Wave demonstrations was often equal to the number of demonstrators.

At the beginning of December, the Wave Movement, with a political union Droa again announced several rallies aimed at protesting the New Year's slogan City of Peace.³⁰ The rally organisers, together with civil activists, requested the Tbilisi City Hall to change the New Year's slogan against the background of the ongoing war in Ukraine, on the basis that Georgian Dream should not use the ongoing war in a friendly state for political gains.³¹

The organisers of the movement have created a Facebook group Wave, which gathered about 5,400 members. From 11 April 2022, the movement started small-scale rallies. The protests did not last long in this case either.

2.4. RALLIES IN SUPPORT OF MIKHEIL SAAKASHVILI

In 2022, rallies in support of Mikheil Saakashvili were particularly noteworthy. During the reporting period, the DRI representatives observed 20 rallies held in support of the former president of Georgia. The demonstrations were mainly held in Tbilisi. However, in one case, the DRI observers also monitored one rally held near Rustavi prison.³²

²⁹ Rallies were held on 11 April, 13 April, 18 April, 19 April, 30 November, 4 December and 9 December.

³⁰ The DRI observers attended three rallies organised for this purpose (30.11.2022, 04.12.2022, 09.12.2022).

³¹ Netgazeti.ge (website), *Tbilisi's New Year's slogan – “City of Peace” was protested on Freedom Square*, available at: <https://netgazeti.ge/news/643914/> 30.11.2022, [accessed 02.12.2022].

³² Interpressnews.ge (website), 06.05.2022, *A Rally Held Near Rustavi Prison Demanding that Saakashvili Be Transferred Abroad for Treatment*, available at: <https://bit.ly/3jDTi5r>, [accessed 29.22.2022].

There were, on average, up to 500 people present at the rallies in support of Mikheil Saakashvili (approximately 7 rallies), except for the rallies held near the President's residence in December, where there were a much smaller number of demonstrators. The number of law-enforcement officers at the rallies supporting Saakashvili was approximately 50-70. However, the number of police officers ((approximately 30-35 law-enforcement officers)) sometimes exceeded the number of demonstrators at the rallies held near Salome Zourabichvili's residence.

The rallies took place in a calm situation. Law-enforcement officers and demonstrators acted in accordance with the rules established by law. There were no objects prohibited by law observed at the rallies. The interaction between the police and the protestors was neutral. At the rally held near the Orbeliani residence in December, the police took photos of the demonstrators, but no one objected to this.

The number of rallies supporting Saakashvili increased especially in December, which was caused by the deterioration of the former president's health. The rallies in support of Mikheil Saakashvili that the DRI observes did not attend were mostly spontaneous.

From 23 December 2022, Giorgi Mumladze, the candidate for the leadership of United National Movement, announced non-stop protests in support of Mikheil Saakashvili. Supporters of Mumladze and Saakashvili gathered every day near the Orbeliani Palace demanding a pardon for the third president of Georgia. By 9 p.m., the demonstrators would move towards the residence of the President of Georgia holding the banners "Freedom for Misha", and the flags of Georgia, the US and the European Union. The rallies transitioned to a non-stop mode due to the postponement of the trial from 22 December to 29 December 2022.³³

The DRI observers attended four rallies near the Tbilisi City Court (held on 9 December, 14 December, 22 December and 29 December 2022). Initially, on average, 250 people were present near the court and the number of law-enforcement officers was approximately 50-70. In this case, too, all gatherings were peaceful.

On 28 December 2022, the permanent rallies were followed by a confrontation near the Georgian president's palace, where about 1,000 demonstrators called upon Salome Zourabichvili not to pardon ex-president Mikheil Saakashvili.³⁴ Lali

³³ As of 10 January 2023, the court has not made a decision on postponing the sentence for Mikheil Saakashvili due to his health condition.

³⁴ Radiotavisupleba.ge (website), 28.12.2022, *Salome Zourabichvili is Told at a Rally 'Not to Dare' Pardoning Mikheil Saakashvili*, available at: <https://www.radiotavisupleba.ge/a/32197240.html>, [accessed 29.12.2022].

Moroshkina and family members of the former Head of the Control Chamber Sul Khan Molashvili had organised the rally.

According to those gathered, Mikheil Saakashvili does not deserve a pardon but zero tolerance and life imprisonment for the criminal actions committed during his presidency. Lali Moroshkina said during her address: "*Now Salome Zourabichvili is standing somewhere behind the curtain and I call on her to stand with the people!*"

The President of Georgia appeared as the protesters entered the courtyard of the presidential residence after making the above statements. However, due to the noise, the President stopped her speech and scheduled a briefing. **Law-enforcement officers did not take any measures to restrain the demonstrators who entered the courtyard.** About 40 police officers attended the rally, which was disproportionately small considering the number of protestors.

The rhetoric of protestors at the rallies organised by Giorgi Mumladze changed after the President of Georgia held a briefing, exposed the government for blackmailing her, expressed her critical opinions³⁵ and answered the key question of whether she would pardon Saakashvili: "*The main question will be answered when it is answered.*" At the rally held after the briefing, Giorgi Mumladze addressed Salome Zourabichvili: "I will address Zourabichvili directly - if she takes this historic step, despite our differences and the negative attitude that I have shown towards her so far, I and my friends will put aside our personal grievances and, if necessary, I will physically protect her from Bidzina Ivanishvili and his hyenas. This is our statement. Because, for me and my friends, protection of national interests is more important than personal grievances."³⁶

The non-stop demonstrations held near the presidential palace took place in a calm situation. Both law-enforcement officers and demonstrators followed the relevant statutory provisions. In the reporting period, seven such rallies were held, the direct addressee of which was Salome Zourabichvili. Only a few members of United National Movement were actively present at the mentioned rallies and their number varied from 25 to 35.

³⁵ Salome Zourabichvili's briefing, 28.12.2022, Courier on 5 pm, available at: <https://www.youtube.com/watch?v=Q-FceSkOT-Y>, [accessed 29.12.2022].

³⁶ Tabula.ge (website), 29.12.2022, Mumladze on Zourabichvili: *If She Pardons Misha and it Becomes Necessary, I will Physically Protect Her From Ivanishvili*, available at: <https://tabula.ge/ge/news/695375-mumladze-zurabichvili-tu-mishas-sheicqalebs>, [accessed 29.12.2022].

2.5. RALLIES IN SUPPORT OF NIKA GVARAMIA

The DRI observers monitored rallies held in support of Nika Gvaramia, the director of the TV Company Main Channel. On 16 May 2022, the Tbilisi City Court sentenced Nika Gvaramia to 3 years and 6 months of imprisonment for causing damage to the company while he was the general director of Rustavi 2.

On 18 May 2022, media representatives, activists and ordinary citizens organised a march from the First Republic Square towards Rustaveli Avenue in the centre of Tbilisi. The protestors were holding banners “No to Censorship” and “No to Selective Justice”.³⁷ The protestors then moved to the office of the TV Company Main Channel located at Chubinashvili Street. About 1,500 people attended the rally.

There were up to 10 patrol cars near Freedom Square. About 150 law-enforcement officers were present at the site. Their attitude towards the demonstrators was neutral.

Rallies in support of the general director of the TV Company Main Channel were also held in other cities.³⁸ However, due to their location, the DRI representatives could not monitor these demonstrations.

2.6. RALLIES ON FUEL PRICES

After the price of fuel in Georgia reached a historical maximum, protests started in different cities of Georgia, including Tbilisi. A closed Facebook group No to Fuel Prices! was created, with approximately 161,000 users joining it. Prime Minister of Georgia Irakli Gharibashvili called the rallies on fuel prices a provocation of United National Movement.³⁹ According to the information at the disposal of the DRI, around four rallies were held with this demand. The DRI was able to observe only one rally.

On 5 April 2022, the DRI observers monitored a rally held in front of the Parliament of Georgia regarding fuel prices. The rally was mainly addressed at the ruling political party and the main demand was the abolition of the excise tax on fuel and

³⁷ Civil.ge (website), 19.05.2022, *Media Representatives Held a Rally in Support of Nika Gvaramia*, available at: <https://civil.ge/ka/archives/491323>, [accessed 29.12.2022].

³⁸ For example, a rally in support of Nika Gvaramia was held in Gori, on 16 May 2022. The information about the rally is available at: <https://bit.ly/3WuzNKR> [accessed 29.12.2022].

³⁹ Publika.ge (website), 28.03.2022, *Gharibashvili Says National Movement was Behind the Fuel Price Rallies*, available at: <https://publika.ge/sawvavis-fasebze-aqciis-ukan-nacionaluri-modzraoba-idga-gharibashvili/>, [accessed 07.09.2022].

introducing floating rates in the collection of the VAT⁴⁰. That, according to the demonstrators, would reduce the fuel price by 80-90 Tetri. About 50 demonstrators and 30 law-enforcement officers were present at the meeting. The assembly was peaceful.

Despite the fact that the rallies held regarding fuel prices were mostly peaceful, according to reports from various media sources,⁴¹ several people were arrested at the demonstration held on 27 March 2022 in Republic Square. The main reason for the arrests was that the demonstrators closed traffic junctions in several places. The Law of Georgia on Assemblies and Demonstrations provides for the necessity of a prior notification of the municipal body only if the assembly or demonstration is held on the roadway or otherwise obstructs traffic. This does not apply to situations where the traffic is blocked for a reason independent of the assembly or demonstration.⁴² According to the footage released by media outlets, the demonstration was moving from Republic Square in the direction of the Parliament of Georgia. Therefore, it was impossible for the transport to move at that time.⁴³

According to the information available to us, the rally organisers had not submitted a prior notification to the Tbilisi City Hall regarding the assembly to be held in Heroes' Square. According to publicly disseminated information, a physical confrontation between the demonstrators and the law-enforcement officers took place in Heroes' Square, as the demonstrators tried to block the road which the police did not allow.⁴⁴ This was the reason for arresting the demonstrators.⁴⁵

2.7. RALLIES ON AN ADOLESCENT'S DEATH IN VAKE PARK

On 13 October 2022, an adolescent died of an electric shock after falling into a fountain that had been installed in violation of safety rules in Vake Park. This was followed by a public outrage against the Tbilisi City Hall. The company Greenservice + that carried out restoration works in Vake Park had been contracted by the Tbilisi City Hall. The demonstrators demanded the Mayor of Tbilisi to take political responsibility and resign.

⁴⁰ Netgazeti.ge (website), 27.03.2022, *Several Demonstrators of Anti Fuel Price Rallies have been Arrested*, available at: <https://netgazeti.ge/news/602085/>, [accessed 07.09.2022].

⁴¹ *Idem*.

⁴² The Law of Georgia on Assemblies and Demonstrations, Article 5.1.

⁴³ Formulanews.ge (website), 27.03.2022, *A Rally was Held in Tbilisi Demanding a Reduction in Fuel Prices*, available at: <https://formulanews.ge/News/67428>, [accessed 29.12.2022].

⁴⁴ Ghn.ge (website), 27.03.2022, *In Tbilisi, the Police Arrested up to 10 People Protesting Rise in Fuel Price*, available at: <https://bit.ly/3GBYdLM>.

⁴⁵ Police.ge (website), 27.03.2022, the statement made by the Ministry of Internal Affairs is available at: <https://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/15191>, [accessed 12.22.2023].

The DRI representatives attended three rallies held in protests of the Vake Park tragedy. Two of these rallies were held near the Tbilisi City Hall and one near the parliament. About 150 demonstrators and about 50 law-enforcement officers were at the rally in front of the parliament. The political parties Girchi - More Freedom and Droa had organised the rallies.

All the rallies attended by the DRI representatives were peaceful.

On 18 October 2022, the Ministry of Internal Affairs arrested nine individuals with regard to the death in Vake Park.⁴⁶

2.8. FAR-RIGHT RALLY NEAR THE PUBLIC BROADCASTER

This report covers only one rally organised by far-right groups.⁴⁷ The rally was directed against Prime-House, a programme aired by Rustavi-2. The rally was held on 27 November 2022.

The organisers of the rally consider this programme “propaganda of depravity” spreading “anti-Georgian” values. They demanded the management of Rustavi-2 to discontinue the programme. The far-right party Conservative Movement/Alt-Info, their associated media platform Alt-Info, the far-right party Georgian Idea and the organisation Society for the Protection of Children's Rights organised the gathering.

There were 35 law-enforcement officers and up to 100 demonstrators present at the rally. The police officers showed a neutral attitude towards the demonstrators. In general, the rally was peaceful.

⁴⁶ Police.ge (website), *The Ministry of Internal Affairs Arrested 9 Individuals in Connection with the Incident in Vake Park*, 18-10-2022, available at: <https://bit.ly/3C5rAof>, [accessed 29.12.2022].

⁴⁷ The results of the observation of the far-right groups' rallies held from September 2021 to August 2022 are available in the DRI report *Far-Right Demonstrations Observation Report*, available at: <https://www.democracyresearch.org/geo/1075/>.



3. ANALYSIS OF THE LEGAL FRAMEWORK OF THE FREEDOM OF ASSEMBLY AND EXPRESSION

The Law of Georgia on Assemblies and Demonstrations establishes the forms of gatherings and demonstrations and the rules for their procedural implementation. Some provisions of the law are vague and create artificial barriers for individuals in terms of exercising their rights.

Under this law, prior notification to the local government body is necessary if the assembly or demonstration is going to be held on the roadway or will otherwise obstruct the movement of transportation. In accordance with international standards, the state has an obligation to protect spontaneous assemblies held without prior notification as long as the assembly is peaceful.⁴⁸

From the public information requested by the DRI from the Tbilisi City Hall, it is clear that the demonstrators usually submit a prior notification to the City Hall regarding the possibility of blocking roads.⁴⁹

3.1 PROBLEMS RELATED TO THE APPLICATION OF ARTICLE 166 AND ARTICLE 173 OF THE CODE OF ADMINISTRATIVE VIOLATIONS

Article 166 (petty hooliganism) and Article 173 (disobedience to the legal order or request of a representative of a law-enforcement agency, or performing other illegal actions against this official) of the Code of Administrative Violations have different material substance. However, these are the provisions, which serve as the ground for law-enforcement officers to make arrests during assemblies and demonstrations.

For instance, on 7 March 2022, law-enforcement officers arrested 16 demonstrators near the Georgian government administration building for allegedly violating Article 166 and Article 173 of the Code of Administrative Violations. There was a similar trend during the past years as well, which is confirmed by the observation carried out by the DRI in the past years.⁵⁰ The current trend can be explained, on the one

⁴⁸ *Oya Ataman v. Turkey*, application no. 74552/01, ECtHR, Strasbourg, 5 December 2006.

⁴⁹ According to the response received from the Tbilisi City Hall, no prior notification had been filed with the City Hall regarding the rally of 27 March 2022. According to the arrest records, the reason for the arrest of about 20 activists was blocking the traffic.

⁵⁰ Democracyresearch.org (website), Demonstrations Under Observation, 2020, available at: <https://bit.ly/3FYtcBx>; Demonstrations under Observation, 2021, available at: <https://bit.ly/3vqP0kc>, [accessed 29.12.2022].

hand, by the flawed nature of the provisions and, on the other hand, by their incorrect interpretation. In 2019-2020, the DRI observed the trials of people arrested at rallies, during which it became evident that Article 166 was interpreted incorrectly by law-enforcement officers. This provision is applied jointly with Article 173 of the code in almost all cases despite the fact that the main motive driving an individual or a group of individuals committing petty hooliganism is to offend a particular person or the public.⁵¹ However, when a demonstrator disobeys a law-enforcement officer, this is not hooliganism but a *corpus delicti* under Article 173 as the latter is *lex specialis* to apply to such acts.

In this context, the amendments made to the Code of Administrative Violations in 2021 are noteworthy. These amendments were registered by the Georgian Dream MPs on 26 April 2021. The law was adopted by the majority of the ruling party of the parliament after three deliberations in three days, on 29 April 2021. The amendments made the already disproportionately strict liability even more stringent. Under the wording in effect presently, in the case of Article 166, committing a repeated violation results in a fine of GEL 1,500 - 2,000 or his/her administrative detention for a period of 5 to 15 days.⁵² In the case of Article 173, a repeated commission of an administrative violation results in a fine of GEL 3,500 to 4,500 or administrative detention for a period of 7 to 15 days.⁵³

Furthermore, the aforementioned amendments deprived the judge of the possibility, in case of repeated violations, to exempt an individual from administrative responsibility and issue a verbal warning instead.⁵⁴ The European Court of Human Rights has repeatedly held that the application of an unduly severe sanction may have a chilling effect on the freedom of assembly.⁵⁵ The Venice

⁵¹ Democracyresearch.org (website), Demonstrations Under Observation, pp. 14-18, 2020, available at: <https://bit.ly/3FYtcBx>, [accessed 29.12.2022].

⁵² Before the legislative amendments of 2021, Article 166 of the Code of Administrative Violations of Georgia did not provide for a note regarding the repeated commission of a violation. The judge was entitled to impose on an individual a fine of GEL 500 to GEL 1000 irrespective of the number of violations or if, considering the circumstances of the case and the character of the offender, the use of this measure was considered insufficient, order the detention of the individual for a period of up to 15 days, available at: <https://matsne.gov.ge/ka/document/view/28216?publication=476>, Article 166.

⁵³ Before the legislative amendments of 2021, Article 173 of the Code of Administrative Violations of Georgia did not provide for a note regarding the repeated commission of a violation. The judge was entitled to impose on an individual a fine of GEL 1 000 to GEL 4 000, or order the detention of the individual for a period of up to 15 days, available at: <https://matsne.gov.ge/ka/document/view/28216?publication=476>, Article 173.

⁵⁴ Democracyresearch.org (website), *The Amendments of the Code of Administrative Violations are Repressive and Reduce the Space for Peaceful Protest*, 30.04.2021, available at: <https://www.democracyresearch.org/geo/580/>, [accessed 29.12.2022].

⁵⁵ 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://www.echr.coe.int/Documents/Guide_Art_11_ENG.pdf, [accessed 29.12.2022].

Commission also noted the chilling effect and the possible violation of the freedom of assembly in the case of the use of disproportionate sanctions.⁵⁶

Under the explanatory memorandum of the draft law, the previous penalties could not deter violations. An analysis of the previous practice existing over the years gives rise to suspicions that the stricter provisions are aimed at the opposition political parties, their representatives and civil activists. The judicial practice shows that the penalties imposed on these individuals are usually more severe than the ones imposed on representatives of far-right groups for committing similar violations.⁵⁷

CASES ILLUSTRATING SELECTIVE JUSTICE

NATA PERADZE'S CASE

On 25 January 2022, Nata Peradze, an activist, was arrested for putting up stickers at the rally organised near the Ministry of Internal Affairs (violation of Article 173 of the Code of Administrative Violations of Georgia).⁵⁸ The activist was protesting the beating of a disabled teenager by a police officer. On 7 March 2022, civil activists and citizens gathered near the government administration building and expressed their protest regarding the position of the Georgian government towards Ukraine; demonstrators threw toilet paper rolls at the administration building. However, the law-enforcement officers arrested 16 demonstrators, including Nata Peradze, for allegedly violating Article 166 and Article 173 of the Code of Administrative Violations when the rally was already over and the demonstrators were leaving the place. On 25 March 2022, the court joined the cases of 25 January and 7 March 2022, into one case and found Nata Peradze guilty of an administrative violation and imposed a fine of GEL 2,300.

⁵⁶ The 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), [accessed 29.12.2022].

⁵⁷ Democracyresearch.org (website), 06.10.2022, *DRI Summarises the Results of One-Year Observation*, available at: <https://www.democracyresearch.org/geo/1075/>

⁵⁸ Formulanews.ge (website), 25.01.2022, *Nata Peradze Is arrested Near the Ministry of Internal Affairs*, available at: <https://formulanews.ge/News/63545>, [accessed 15.12.2022].

On 8 March 2022, Shota Dighmelashvili, one of the founders of the civil movement Shame, was arrested for throwing eggs at the government administration building. The court sentenced him to 4-day administrative detention for using this form of protest.⁵⁹

VS

CASE OF BURNING OF EU FLAGS

On 6 June 2022, at a rally organised against Tbilisi Pride, the openly pro-Russian far-right leaders attempted to burn the rainbow flag and the EU flag near the EU Delegation office. This led to a verbal confrontation between the law-enforcement officers and the demonstrators. As a result, seven demonstrators were arrested near the EU Delegation office and released after a few hours with verbal warnings. Guram Palavandishvili and his son Aleksandre Palavandishvili were among those arrested. Article 166 (petty hooliganism) and Article 167 of the Code of Administrative Violations (shooting with firearms, gas (air) weapons, sound (acoustic) weapons or signal weapons in a residential area or a place not designated for such a purpose or in a place designated for such a purpose, but in violation of the established rules) served as the ground to make these arrests. According to the information received from the Ministry of Internal Affairs, the arrested individuals were released with verbal warnings.

⁵⁹ Democracyresearch.org (website), *DRI Summarises the Results of One-Year Observation*, 06.10.2022, available at: <https://www.democracyresearch.org/geo/1075/>.



4. DEMONSTRATORS AND LAW-ENFORCEMENT OFFICERS PRESENT AT RALLIES

4.1. DEMONSTRATORS' BEHAVIOUR AT RALLIES

The rallies held during the reporting period were mostly planned and organised in advance. However, there were exceptions. The DRI observers were unable to monitor several demonstrations during this period, mainly because they were held spontaneously.

The organisers of the rallies differed depending on the purpose of the demonstration. For example, the main organiser of the rally supporting European integration in June-July 2022 was the Shame Movement. Rallies on social topics were organised by the movement No to Fuel Prices. The organisers of the rallies related to the New Year's slogan were the Wave Movement and the political union Droa. Demonstrations in support of the leaders of the opposition parties were organised by respective political parties.

Observing the rallies made it clear that the law regulating the freedom of assembly and expression is observed by the demonstrators to a relatively higher standard.

Despite the dire political and social background during the reporting period, the plans and the calls of the demonstrators were, as a rule, fully compliant with the legal framework. The demonstrators expressed their protests with banners, posters and other objects allowed by the law. On several occasions, demonstrators tried to express their protests by throwing toilet paper rolls and spilling Russian-made ketchup at the administrative buildings, for which they were arrested by the law-enforcement officers.⁶⁰ At almost every rally, there were speeches that fully fit within the scope of the freedom of expression. Only the rally organised by the President of Georgia on 16 June 2022 and the demonstrations organised by the Wave Movement did not have speakers.

The current legislation provides for the need to submit a prior notification to the executive body of the municipality if the assembly or demonstration is intended to be held on the roadway.⁶¹ The DRI requested public information from the City Hall of the Tbilisi Municipality whether organisers submit prior notifications to the local municipality authorities about the possible blocking of traffic. According to the

⁶⁰ Formulaneews.ge (website), 06.03.2022, *Khoshtaria, Matsaberidze and Lemonjava were Arrested for Spilling Russian Ketchup at the Chancellery*, available at: <https://bit.ly/3WS4c5T>, [accessed 15.12.2022].

⁶¹ The Law of Georgia on Assemblies and Demonstrations, Article 5.

received answer, in almost all cases where a rally was planned on the roadway or depending on the estimated number of demonstrators, there was an expectation of traffic disruption (except for the rally held on 27 March 2022)⁶² rally organisers submitted prior notifications to the Tbilisi City Hall.⁶³

4.2 LAW-ENFORCEMENT OFFICERS' BEHAVIOUR AT RALLIES

Similar to previous years, a large number of law-enforcement officers were present at the rallies held during the reporting period. The largest number of law-enforcement officers was mobilised on 20 June 2022, at the rally in support of European integration held in front of the Parliament of Georgia. At the rallies held in support of the third President of Georgia in front of the presidential palace and Salome Zourabichvili's residence, the number of law-enforcement officers sometimes exceeded the number of demonstrators. A similar pattern was identified during the rallies held by the Wave Movement.⁶⁴

At the rally held in front of the presidential palace, law-enforcement officers openly took photos of the demonstrators.

In general, there was a neutral attitude between the law-enforcement officers and the demonstrators. The police managed more or less to maintain order at the rally. Despite the fact that, in general, they acted constructively, there were cases that raised doubts about their neutrality and objectivity. For example, on 8 March 2022, the police arrested a number of activists *for trying to put up anti-Russian posters on a makeshift wall. This does not constitute a violation under the Code of Administrative Violations.*⁶⁵ Furthermore, on 7 March 2022, civil activists gathered near the government administration building and protested the position of the Georgian government towards Ukraine. Demonstrators threw toilet paper rolls at the administration building. However, law-enforcement officers arrested 16 demonstrators for violating Article 166 and Article 173 of the Code of Administrative Violations after the rally was over and as the protestors started to leave the venue. Nata Peradze was initially arrested on 25 January 2022, during a rally near the

⁶² Letter of the Tbilisi Municipality City Hall, dated 10.08.2022.

⁶³ According to the response received from the Tbilisi City Hall, no prior notification had been filed with the City Hall regarding the rally of 27 March 2022. According to the information circulated, the reason for the arrest of about 20 activists was the blocking of the traffic road. See *According to the Ministry of Internal Affairs, 20 Individuals were Arrested at the Rally*, 27.03.2022, <https://netgazeti.ge/news/602105/>. [accessed 07.09.2022].

⁶⁴ For example, there were up to 30 demonstrators and approximately 20 law-enforcement officers present at the rally held by the Wave Movement on 11 April 2022.

⁶⁵ The Code of Administrative Violations of Georgia, Article 150, [accessed 11.01.2023].

Ministry of Internal Affairs, while trying to put up a protest sticker on a light pole.⁶⁶ Under the court decision of 25 March 2022, Article 173 of the Code of Administrative Violations was the basis for the arrest on 25 January 2022⁶⁷ and Article 166 and Article 173 served as the basis for the arrest made on 7 March 2022. Based on the case-files and the assessment of the parties' testimonies, the court was satisfied that Natalia Peradze disobeyed the legal request of the law-enforcement officer on 25 January 2022 and, apart from disobeying the legal request of the law-enforcement officer on 7 March 2022, she cursed, swore, and expressed disrespect towards public.

The legality of the police officers' actions is questioned by Nata Peradze's testimony: *"Ana Chakvetadze, who was interviewed as a witness, is the person who drew up an administrative violation report on 25 January 2022. She, however, did not make the arrest. According to the witness, on 25 January 2022, she was near the Ministry of Internal Affairs and saw me putting up the so-called stickers. She also maintained that I had disobeyed a lawful request of the police and continued putting up stickers. She actually repeated verbatim the circumstances that are written in a formulaic manner in the violation report. When asked by the judge, whether she herself called on me to stop putting up the stickers, the witness explained that she did not address me directly although it was perceptible. It was perceptible even though she was a few metres away, on the other side of the road."*

Despite the above testimony, Nata Peradze was imposed with an administrative fine of GEL 2,300.

The actions of the law-enforcement officers at crowded rallies during the course of the rallies were, for the most part, proportional in nature and in accordance with the relevant legislation. However, observation of the rallies mentioned above raises doubts about the proportionality of the actions taken by the police.

⁶⁶ For more details, see https://www.youtube.com/shorts/HHoL_6ub_EJ, [accessed 29.12.2022].

⁶⁷ Decision on the imposition of an administrative fine in the name of Georgia, 25 March 2022, case no. 330510022005575268, 4/1277-22.

THE KEY FINDINGS OF THE MONITORING

- Most of the rallies were organised through social networks. Information about the purpose, date/time and venue of the rally was mainly distributed online.
- Rallies held by civil activists and opposition parties have usually no outcome – none of the key demands of the rallies held during the reporting period was met.
- Most rallies held in the reporting period voiced political demands or supported a politician. The number of rallies on social issues was extremely small.
- Rallies held in June-July 2022 in support of Georgia's European Integration gained particularly large-scale public support. These rallies were the most attended out of all the rallies observed by the DRI throughout 2019-2022.
- During the reporting period, in some cases, the number of law-enforcement officers was equal to or exceeded the number of demonstrators.
- About 40 police officers attended the counter-demonstration at the Presidential Palace, which was disproportionately small considering the number of protestors. Law-enforcement officers did not take any measures to restrain the demonstrators who entered the courtyard.
- Law-enforcement officers openly took photos of demonstrators. The latter, however, did not complain in this regard.
- In the reporting period, incorrect application of Article 166 and Article 173 of the Code of Administrative Violations by law-enforcement officers was identified. This conclusion is also shared by the courts.
- In some cases, demonstrators were arrested without any legal grounds.
- The amendments introduced in the Code of Administrative Violations in 2021 that made the penalties stricter are aimed at the opposition political parties, their representatives and civil activists.
- The attitude of the courts and the law enforcers in relation to the persons arrested at rallies is selective. Courts usually impose disproportionately high fines on individuals arrested at rallies organised by opposition parties and civil activists whereas law-enforcement officers release individuals arrested at rallies of far-right groups only with verbal warnings.