THE RESULTS

OF MONITORING

OF PROTEST RALLIES

DEMOCRACY RESEARCH CENTER

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TABLE OF CONTENTS

Introduction 4

Key findings 5

The Methodology 7

1. The legislation limiting the right to assembly and expression 8

2. Causes of rallies, assessment of protesters' and law enforcement officers' behavior 12

2.1 The issue of the lawfulness of using special measures in light of international standards 13

2.1.1 Legitimate basis for the dispersal of an assembly – the violent nature of an assembly 13

2.2 Specialized measures and equipment used against peaceful rally participants, timing and intensity of these measures 15

2.3 Repressive policy of the Georgian Dream – unlawful detentions and arrests 18

2.3.1 Tactics employed during detention and physical retaliation 19

2.4 The cases of assaulting journalists 21

3. Limiting the right to a fair trial 23

INTRODUCTION

For the first time in over a decade, repressive measures used during the dispersal of peaceful rallies and the detention of protesters in November-December 2024 were classified as torture. The use of systemic violence to disperse rallies, its organized nature, the severity, and the location of injuries sustained by the absolute majority of detainees have raised credible suspicions that the police were employing violent methods to punish and intimidate protesters. The failure of patrol police to intervene when witnessing violence, clear signs of torture and inhuman treatment, as well as law enforcement officers personally engaging in physical retaliation and bias or omissions by the court, have normalized torture and inhuman treatment. During the protests in November and December, it became evident that not only politicians and civic activists were the targets and victims of direct retaliation from the Georgian Dream but any protester as well. Simply being present at a rally was enough to warrant cruel treatment. Additionally, during the same period media representatives were targeted with particular aggression. The Georgian Dream's repressive policy intensified with the initiation and passage of legislation that restricted human rights.

According to data published by the Georgian Young Lawyers' Association (GYLA)[1], from November 19 to March 1, 2024, the NGOs' hotline received reports about 1,084 individuals who were subjected to administrative proceedings on various grounds. The network's lawyers provided services to 486 administrative detainees. The Ministry of Internal Affairs has made allegations against 600 individuals for committing an act covered under Article 174[1], such as artificially blocking traffic way.[2] During the reporting period criminal cases were instituted against approximately 50 individuals. Primarily, the court imposed detention, the most severe form of restraint against criminal defendants. However, in the case of two detainees, the court later replaced the detention order with bail at the request of the Prosecutor's Office.[3] Furthermore, the court imposed bail as a measure of restraint against 8 individuals who are charged with attempting to block a particularly important facility as a group.[4] Despite numerous pieces of evidence, no law enforcement officer has been held accountable under the law so far. Additionally, the members of the informal violent group who committed cruel physical retaliation against rally participants were released on bail.[5] The majority of detainees are victims of physical retaliation. They have shared their grievous experiences of inhuman and degrading treatment with the lawyers.

In accordance with international standards, *the accountability system must give due attention to the rights and needs of victims of the use of force. These include: the right to medical assistance, to file a complaint, to be informed of the progress of the investigation, to name and interrogate witnesses, to receive legal and psychological support, to be informed of the outcome of the investigation. If the use of force was found to be unlawful, victims should receive compensation, rehabilitation and guarantees that such unlawful*

[1] See https://www.facebook.com/share/p/16GS3vgRM4/

[2] *Note: the number of individuals subjected to administrative proceedings may be higher than reported in the data, as the data only reflects those cases reported to the network.*

[3] gyla.ge, 09.01.2025, See https://gyla.ge/post/aqciebis-konteqtshi-siskhlis-samartlis-wesit-dakavebulebi

[4] netgazeti.ge, 05.02.2025, See https://netgazeti.ge/news/762490/

[5] tvpirveli.ge, 23.12.2024, See https://shorturl.at/nmpqR

treatment will not be repeated.[6] The afore-mentioned international standards were largely disregarded during the reporting period.

This report presents the results of observing protest rallies from September 1, 2024 to March 1, 2025. The report evaluates the behavior of protesters and law enforcement officers, including in accordance with national legislation and international standards. The document specifically highlights the unlawfulness of implementing special measures, the unjustified and illegal use of physical force, particularly brutal retaliation against media representatives, the instrumentalization of administrative and criminal consequences, and impunity that incentivizes violence.

The already restrictive environment that illegally limited the freedom of assembly and expression in April and May, during the parliamentary hearings of the Law on the Transparency of Foreign Influence,[7] became even more cumbersome in November and December. During the reporting period, rallies were sparked by two key causes:

- After the October 26, 2024 Parliamentary Elections, rallies resumed in the capital city. Protesters rallied against the unfair conduct of Parliamentary Elections where key electoral principles outlined in the Constitution of Georgia, such as ensuring a free voting environment and vote secrecy were disregarded. As of now, the parliamentary elections held on October 26 have not been recognized either domestically or internationally.
- Massive and continuous protest rallies started on November 28. The daily protests, which have been taking place in numerous cities in addition to the capital city of Georgia, were preceded by the decision of the Georgian Dream to suspend the opening of negotiations on EU membership until 2028.[8] The latest incessant protest in Georgia is a continuation of the protests against nondemocratic policies and those that hinder EU integration.

The report presents key findings that were identified through monitoring.

KEY FINDINGS

- For the first time in over a decade, repressive measures used during the dispersal of peaceful rallies and the detention of protesters in November-December 2024 were classified as torture.
- The overwhelming majority of detainees were subjected to inhuman and degrading treatment.
- The nature of injuries inflicted on the majority of detainees, primarily to their faces and teeth being broken, indicates that these injuries may not be the result of legal police measures. Instead, they appear to be a clear retaliation against political opponents.
- During the reporting period legislation governing the right to assembly and expression became extremely restrictive.

[6] Amnesty International, „Guidelines for Implementation of the UN Basic Principles on the Use of Force and firearms by law enforcement officials“, 2016, p. 27, k)
[7] democracyresearch.org, Protests Under Observation, 2024, See https://shorturl.at/G3WWH
[8] radiotavisupleba.ge, 28.11.2014, See https://www.radiotavisupleba.ge/a/33219304.html

- Observations of protest rallies during the reporting period have revealed that protesters typically act within the bounds of the law.
- During the reporting period there has not been a single case of a protester breaching legislation to such an extent as to give rise to an unlawful act or render the entire assembly violent.
- There were no legal grounds to disperse the rallies in either of the cases where law enforcement officers used physical force, special measures and equipment for the dispersal of the rally.
- During the reporting period, protesters reported that tear gas was mixed with water during the dispersal of a peaceful rally. This was confirmed by the Ministry of Internal Affairs in its statement on October 21, 2024.
- The organized violence used during the reporting period has no connection to legitimate police actions.
- During protest rallies held in the reporting period, the MIA rarely complied with the obligation to provide advance warning to protesters as required by legislation.
- During the reporting period, the tactics of direct retaliation against journalists were particularly evident. In November and December rallies, over 90 cases of assaulting journalists, physical retaliation, and targeted use of special measures against them were identified.
- During the protest rallies in the reporting period, according to the DRC, administrative proceedings were initiated against over 1,000 individuals, and approximately 50 individuals were detained on criminal charges.
- The standard of proof in trials for cases of administrative offenses related to protest rallies remains very low. The court showed extreme bias, and its decisions were formulaic.
- During the reporting period, the practice of prolonged administrative detention was applied to almost all detainees. On several occasions, detainees, mainly women and juveniles, were released based on a signed note.
- In almost all cases the court found detainees guilty of an administrative offense and imposed a sanction, typically the highest fine or detention. In certain cases, judges used verbal rebuke.
- During the reporting period, at the request of a prosecutor, the strictest restraining measure, detention, was imposed on almost all criminal defendants.
- As of March 1, despite numerous pieces of evidence, none of the law enforcement officers have been held accountable or punished.
- Along with police forces, the Georgian Dream utilized informal groups for intimidating of and retaliating against peaceful protesters.
- During the reporting period the practice of illegal searches became common. People heading to a rally had their gas masks, face masks and other protective gear seized. These items do not pose a threat to the life and health of those in possession of them and/or to others.
- Special Task Force Officers captured valuable items from detainees, such as mobile phones, earphones, chargers, jackets and shoes. As a result, many of the detainees were barefoot when they were brought to a medical facility.

THE METHODOLOGY

The report is based on the analysis of data collected by DRC observers during the monitoring of protest rallies held between September 1, 2024 and March 1, 2025. In total, 101 assemblies were monitored by the DRC observers. The organization did not monitor court hearings for the protesters detained during the rallies. However, court hearings process has been evaluated based on reports from the lawyers of the detainees. Personal stories from unlawfully detained individuals provide evidence of instances of degrading or inhuman treatment, which, based on the previous period assessment, amounts to torture. The document describes and analyzes the behavior of law enforcement officers in relation to current legislation and international standards.

Research limitation - Two DRC observers monitored the protest rallies held in Tbilisi. During the reporting period, in addition to the protest rallies held on the grounds near the Parliament of Georgia, there were also regular protest marches. DRC observers relied on social media posts to obtain information about the commencement of marches from various locations and their destinations. The limitations during the monitoring process were mainly due to a small number of observers and secondly to the geographic scope. Observations only covered political rallies and marches held in Tbilisi, even though rallies were held in numerous cities throughout Georgia during the reporting period. In the event of simultaneous rallies, the priority was to observe the rally with a high potential for violations of the freedom of assembly. Throughout the reporting period, there were instances where on-site observers were unable to conduct thorough observations due to the extensive use of special measures and equipment. For security and health reasons, they were forced to leave the rally sites. In such cases, media monitoring was conducted to provide a comprehensive description and analysis of the process and dispersal of a rally.

Research tools - The DRC used several tools to analyze the data obtained from monitoring. Based on the OSCE/ODIHR guidelines on the freedom of peaceful assembly, the project team created a special form for monitoring assemblies and rallies. This form is used to document all significant facts and violations observed at protest rallies.

Media monitoring - In cases of dispersal of particularly massive rallies, where it was physically impossible to perform on-site observation and analyze the complete picture, video recordings and live broadcasts by various media outlets served as a significant source of information.

Desk research - The standards set by the European Court of Human Rights standards regarding the freedom of assembly and expression, along with Georgian legislation and sub-legal normative acts, were analyzed to assess the extent of restrictions of the right to assembly and expression. This analysis also aimed to evaluate the behavior of both law enforcement officers and protesters. Since the Ministry of Internal Affairs Guidelines for Officer Conduct, a sub-legal normative act, is not publicly available, the DRC requested the document from the MIA.

1. THE LEGISLATION LIMITING THE RIGHT TO ASSEMBLY AND EXPRESSION

The Constitution of Georgia guarantees the freedom of assembly and expression. Additionally, Article 10 of the European Convention on Human Rights states that "Everyone has the right to freedom of expression." This Convention also protects the freedom of assembly.[9] Additionally, the Human Rights Committee has underscored the importance of the right of assembly and noted that *"[It] is important in its own right, as it protects the ability of people to exercise individual autonomy in solidarity with others. Together with other rights related to political freedom, it also constitutes the very foundation of a system of participatory government based on democracy, human rights, the rule of law and pluralism."*

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety or territorial integrity, for the protection of rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The Administrative Offences Code of Georgia, adopted in 1984, outlines actions or omissions that constitute administrative offenses, along with the corresponding administrative sanctions, an institution (official) authorized to impose sanctions and rules for imposing sanctions on offenders.[10] The Code adopted during the Soviet era, which is still in force, lacks sufficient procedural safeguards and fails to guarantee the complete realization of the right to a fair trial. **Furthermore, legislative amendments initiated and adopted in Georgia since November have significantly worsened the state of the right to assembly and expression.** On March 3, the Venice Commission published a conclusion[11] criticizing the adoption of legislation that restricts freedom of assembly and expression. The report highlighted that the amendments include vague provisions that increase the risk of rights abuses. Additionally, the imposed sanctions do not meet the tests of proportionality and necessity.

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For years, Articles 166 (minor disorderly conduct) and Article 173 (non-compliance with a lawful order of a law enforcement officer) of the Code of Administrative Offences were consistently used to detain protesters at rallies. Starting in 2021, the penalties for violating these articles have been increased.

- As a result of amendments made in February, the penalty for minor disorderly conduct was increased from GEL 1,000 to GEL 3,000. The maximum term of detention was also increased to 20 days, up from 5 days. Repeat offences of minor disorderly misconduct will result in a fine ranging from GEL 3,000 to GEL 5,000 or administrative detention lasting from 5 days to 60 days. Additionally, the definition of minor disorderly conduct was revised, replacing "swearing in public gathering places" with "swearing in a public space".

[9] Convention for the Protection of Human Rights and Fundamental Freedoms, Article 10, 11, See https://matsne.gov.ge/ka/document/view/1208370?publication=0

[10] The Code of Administrative Offences of Georgia, See https://matsne.gov.ge/ka/document/view/28216?publication=565

[11] Venice Commission, Urgent Opinion on Amendments to the Code of Administrative Offences and the Law on Assemblies and Demonstrations, 03.03.2025, See https://shorturl.at/NBTNJ

- Noncompliance with a lawful order from a law enforcement officer and/or insulting them will result in a fine ranging from GEL 2,000 to GEL 5,000 and up to 60 days of administrative detention. A repeated offense will result in a fine ranging from GEL 3,500 to GEL 6,000 and up to 60 days of detention.

Amendments were also made in the vandalism section. Specifically, in cases of repeated offences, administrative detention was increased to 60 days, up from 5 days.

Under the previous edition relevant sanction could be imposed on an offender within 4 months after an offense. According to the new amendments these timeframes have been extended to up to 6 months.

Furthermore:

- *Participants of assemblies or manifestations are now prohibited from possessing* devices with laser beam and/or sharp light beams*. They are also not allowed to cover their face with masks or any other means. According to the amendments introduced in December, if this provision is violated en masse, an assembly or manifestation must stop immediately upon demand from the Ministry of Internal Affairs of Georgia.*
- *According to the amendments, the concept of an "organizer" was modified and became even more vague.*
- *A concept of a spontaneous assembly has been introduced – "A spontaneous assembly or manifestation" is held without prior planning, occurring spontaneously due to* ***an important public event*** *that was unforeseeable in advance.*
- Furthermore, the obligation to notify a municipal executive body if an assembly or a manifestation is held on a traffic way was introduced in the case of a spontaneous rally as well. This represent an absolute disregard of the decision of the Constitutional Court made in 2023.[12]
- *It is prohibited to hold an assembly and demonstration in a confined space or building without written consent from the owner.* This presents another obstacle for protesters, especially when continuous protests are taking place at various universities.
- *The previous edition of the law prohibited blocking of building entrances, highways and railways. The recent amendments have introduced new prohibitions on conducting assemblies that result in blocking bridges, tunnels, overpasses, as well as transport hubs designated by the municipality as their blockage that will significantly impact the normal operation of businesses, institutions and organizations and/or cause significant delays in the movement of transport streams*.[13] This represents an extreme restriction of the right to assembly and expression and lacks a legitimate goal and is contrary to the practices of the European Court.[14]

The strictest sanctions have been introduced in the Administrative Offences Code for breaching the amendments to the Law on Assembly and Demonstration enacted in December and February:

[12] The Decision of the Plenum of the Constitutional Court of Georgia, №3/3/1635, 14.12.2023, See https://matsne.gov.ge/ka/document/view/6004741?publication=0

[13] The Law of Georgia on Assemblies and Demonstrations, See https://matsne.gov.ge/ka/document/view/31678?publication=22

[14] ECtHR, CASE OF KUDREVIČIUS AND OTHERS v. LITHUANIA, See https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-158200%22]}

- A fine of GEL 2,000 is imposed for covering one's face, possessing pyrotechnic items and a device with a laser beam at a protest rally. For a repeat offence, the fine ranges from GEL 2,000 to GEL 5,000. Additionally, administrative detention for up to 20 days may be imposed as a sanction, along with the seizure of any item involved in the offences.
- A new sanction has been added to the Administrative Offences Code for failing to notify a local municipal authority of a protest rally being be held on a traffic way, with a fine of GEL 2,000. If the same offence is committed by the organizer of the assembly or manifestation (the reasoning is unclear), a fine of GEL 5,000 will be imposed. A repeat offense will lead to a fine of GEL 6,000 or administrative detention for up to 60 days.
- A sanction has been added for the organized blockage of a road using transport vehicles or participating in a group march when a traffic way is fully occupied. A fine of GEL 1,000 has been introduced, along with the additional penalty of having the driver's license revoked for a year.
- The fine for posting posters without permission and defacing the appearance of the city has increased from GEL 50 to GEL 1,000.
- Blocking a court entrance, holding an assembly or staging a protest at the residence of a judge or a common court of Georgia will result in a fine in the amount of GEL 5,000 or administrative detention for up to 60 days. Previously, only up to 15 days of administrative detention was imposed for these offenses.
- Conducting a protest rally in a prohibited area, possessing banned items (other than covering one's face and a device with a laser beam) at a protest rally, or artificially blocking a traffic way will result in a fine of GEL 5,000. Additionally, the item involved in the offense will be seized. If the offender is the organizer – they will face a fine of GEL 15,000, and the seizure of the object involved in the offense. For a repeat offense, the fine will range from GEL 5,000 to GEL 10,000 or administrative detention for up to 20 days, along with the seizure of an item involved in the offense. If the offender is the organizer, they will face a fine ranging from GEL 15,000 to GEL 20,000 or administrative detention from 5 days to 60 days. The item involved in the offense will also be seized.
- A fine of GEL 5,000 and up to 60 days of administrative detention have been imposed for the participating in a rally that has been terminated based on the decision of the Ministry of Internal Affairs.
- Article 244 (1) of the Administrative Offences Code has been amended, to expand the discretion of the police, authorizing them to perform preventive detention. According to the law, if a law enforcement officer believes that there is a high likelihood of the same person committing the offense repeatedly, they can detain that person preventively. This provision enables the restriction of a person's liberty based on the assumptions of a police officer. Under the same grounds, it became allowable to perform personal inspection, search of belongings and seizure of belongings and documents. if it is established that a person has been detained unlawfully, it is clear that their liberty has been restricted unlawfully for 48 hours, based on an assumption of a law enforcement officer, without any legal grounds.

According to the Code of Administrative Offences, an arrest should be based on legitimate grounds. The arresting officer must inform the arrestee in a way they understand, of the administrative offense they

have committed and the basis for their arrest.[15] **Thus, an offence that has been committed by an individual represents a valid basis for arrest.** According to a vicious practice, arrestees are never informed of the basis for their arrest. Monitoring has shown that in a significant number of cases, there are no legal grounds for arrest. These vague legislative amendments by the Georgian Dream serve to legalize the troubling practice that has become increasingly common.

The rapid adoption of legislation that explicitly restricts the space for assembly and expression in the country is particularly alarming, given when there is no assurance of a fair trial.

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According to international standards, law enforcement officers should wear the necessary equipment when interacting with the public. This includes being identifiable by their names and/or relevant codes, as well as carrying a body-worn camera.[16] Understandably, the main purpose of equipping police forces with identification marks is to minimize the risk of abuse of power, as it simplifies establishing liability. Otherwise, when a law enforcement officer expects impunity the risk of an excess of power increases. *According to the European Court, maintaining the confidentiality of police officers may be a legitimate security concern, although this should not be an obstacle to investigating the cases of ill-treatment committed by them.*

During the reporting period, all patrol police officers at rallies wore masks, rendering their identification extremely difficult. Furthermore, members of special task forces did not wear any identification marks. Additionally, their outfit and equipment makes it extremely difficult to establish the identity of an alleged offender. Representatives of special task forces openly committed organized crime, in front of cameras. However, none of the law enforcement officers have been identified by the Special Investigation Service or held accountable.

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According to the Government Decree dated January 31, 2025, international highways, such as the Tbilisi-Senaki-Leselidze highway, have been added to the list of strategic sites.[17]

Taking possession or blocking an object of strategic or particular importance that interferes with the normal operation of an establishment or facility is a crime and is subject to imprisonment.[18] This amendment was enacted after participants of a rally announced the blocking of the highway at the main entrance to Tbilisi on February 2.

[15] The Code of Administrative Offences of Georgia, Article 245,
See https://matsne.gov.ge/ka/document/view/28216?publication=565
[16] Amnesty International, „Guidelines for Implementation of the UN Basic Principles on the Use of Force and firearms by law enforcement officials", 2016, p. 27,
See https://www.amnesty.nl/content/uploads/2017/01/ainl_guidelines_use_of_force_short_version_0.pdf?x79902
[17] The Government of Georgia Resolution N 28, 31.01.2025, See https://shorturl.at/cwN5f
[18] The Criminal Code, Article 222. See https://www.matsne.gov.ge/ka/document/view/16426?publication=77#

2. CAUSES OF RALLIES, ASSESSMENT OF PROTESTERS' AND LAW ENFORCEMENT OFFICERS' BEHAVIOR

During the reporting period, from September 1, 2024 to March 1, 2025, the DRC observers conducted observation of 101 protest rallies. These rallies were primarily caused by two main reasons, but they also served as a continuation of protests against the significantly deteriorated state of rights in the country in 2024:

1. On October 26, 2024, On October 26, 2024, massive violations of the principles of vote secrecy and free expression of will, as guaranteed by the Constitution, were observed at election precincts using electronic technologies for voting. The systemic violation of vote secrecy prevented voters from freely expressing their will, which is fundamental for realizing the electoral right. After analyzing the pre-election environment, the forging schemes used on election day, the unprecedented influence over voters' will and instances of violence, the majority of the population of Georgia believes that the results from the Central Election Commission (CEC) did not reflect the citizens' will. Consequently, protest rallies began after the Parliamentary Elections.
2. Massive, daily, continuous protests were sparked by Irakli Kobakhidze's announcement on November 28 that the Georgian Dream had decided to suspend negotiations with the EU until the end of 2028. From November 28 through December 30, rallies were held on a daily basis, with multiple marches organized on one day. These marches started from various locations and eventually converged at the Parliament of Georgia.

The main demand of the protest that began in October was for repeated elections; as the protesters did not recognize the election results published by the CEC. Later, during protest rallies held after the decision of the Georgian Dream, as repressive policies became more severe and there were massive detentions, another main demand of the rallies was the release of unlawfully detained individuals.

Rallies and marches did not have a specific organizer. In the second half of the day large numbers of protesters gathered by the legislature without any organization. However, in the second half of December various marches had different organizers. For example, on the 24th day of the protest, only on December 21, over 20 marches were conducted in Tbilisi.[19] In addition to Tbilisi, continuous protests occurred in several other cities in Georgia. However, due to limited resources, the report only covers the monitoring results of the demonstrations held in Tbilisi.

The document provides an analysis of the following issues:

- Whether rallies became violent due to protesters' behavior, which could be a legitimate basis for their dispersal;
- Whether protesters used banned items and hate language;
- To what extent did law enforcement officers' use of special means align with national legislation and international standards in terms of time, intensity, and degree;
- Whether the standard for advance warning about the dispersal of a protest rally was adhered to;
- Legal grounds for the use of physical force;
- The instances of interference in the activities of media representatives;
- Repressions that were launched against protesters;

[19] radiotavisupleba.ge, 21.12.2024, See https://www.radiotavisupleba.ge/a/33248409.html

- The right to a fair trial.

2.1 THE ISSUE OF THE LAWFULNESS OF USING SPECIAL MEASURES IN LIGHT OF INTERNATIONAL STANDARDS

During the peaceful protest rallies demanding repeated elections and the release of illegally detained individuals, as well as in opposition to the decline of democratic processes and EU integration in the country, law enforcement officers repeatedly used various active special measures, equipment and/or physical force unlawfully. Specifically, on November 19, 28-29, 29-30, on November 30 - December 1, at dawn and in the evening hours, as well as on December 6-7, they dispersed participants of peaceful rallies near the Tbilisi State University through illegal use of special measures, equipment and physical force.

The conduct of law enforcement officers is strictly regulated under international acts and documents, as well as the current legislation of Georgia and the Ministry of Internal Affairs of Georgia Guidelines for officer conduct (hereinafter referred to as the MIA Guidelines). *The Guidelines outline key principles for officer conduct during assemblies and demonstrations. On the whole, the content of the document is aligned with the Constitution of Georgia, international treaties and covenants, as well as other normative acts of Georgia.*

The basic principles of the UN require law enforcement officials to adhere to the principles of legality, necessity and proportionality when using force.[20] When law enforcement officials use physical force and/or special measures, it should be in accordance with the principle of proportionality. These actions should only be taken in cases of extreme necessity and to the minimum degree necessary for the situation at hand (the principle of the use of proportional force).[21] *According to the MIA Guidelines, an assembly or manifestation will be subject to termination and dispersal if its participants violate the rules prescribed under the law and in the presence of legal grounds set out in legislation for its dispersal.*[22]

2.1.1 LEGITIMATE BASIS FOR THE DISPERSAL OF AN ASSEMBLY – THE VIOLENT NATURE OF AN ASSEMBLY

The safeguards outlined in Article 11 of the European Convention for the Protection of the Freedom of Assembly may be limited only in case where an assembly turns violent and/or when it is evident that organizers and participants intend to use violence or incite others to do so.[23] According to case law the safeguards of the European Convention do not apply to a rally where the organizers and participants have violent intentions.[24]

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[20] Amnesty International, „Guidelines for Implementation of the UN Basic Principles on the Use of Force and firearms by law enforcement officials“, 2016, p. 17-21.
See https://www.amnesty.nl/content/uploads/2017/01/ainl_guidelines_use_of_force_short_version_0.pdf?x79902

[21] The MIA Guidelines for Officers' Conduct During Assemblies and Demonstrations, The Order of the Minister of Internal Affairs. Article 4.4.

[22] Ibid. Article 4.1.

[23] ECtHR, Kudrevičius and Others v. Lithuania, Application no. 37553/05, ECHR (2015), Para. 92.
See https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-158200%22]}

[24] ECtHR, CASE OF STANKOV AND THE UNITED MACEDONIAN ORGANISATION ILINDEN v. BULGARIA, (Applications nos. 29221/95 and 29225/95), Para. 77, See https://hudoc.echr.coe.int/#{%22itemid%22:[%22001-59689%22]}

The DRC found that in all 8 cases, law enforcement officers had no legal justification for using physical force and/or special equipment to disperse the rally.

In almost all cases, the MIA cited the use of pyrotechnic items towards law enforcement officers and the legislature by a small portion of protesters as the reason for dispersing peaceful assemblies. In addition to pyrotechnics, starting from November 28, protesters heavily relied on laser devices. The MIA stated that the sporadic actions of a small group within the rally escalated the entire event into violence.

According to the Guidance, one of the obligations of law enforcement officers is to differentiate and distinguish peaceful protesters from alleged offenders against whom measures envisaged under the law may be applied.[25] Law enforcement officers should separate possible breaches of public order and remove them from the area so that a peaceful assembly or demonstration is not stopped or dispersed because of their actions.[26] Instead of following the legislative provisions, law enforcement officers confronted tens of thousands of peaceful protesters with intensive special measures, equipment and physical force.

The European Court of Human Rights provides a narrow definition of a violent action. In the case of Nurettin Aldemir and others v. Turkey, the Court determined that an assembly was not initially violent as it began peacefully. However, clashes later erupted due to the use of force by the police.[27]

During the reporting period, representatives of the special task forces, along with the use of special measures and equipment, also physically abused protesters in a cruel manner. In the majority of cases, the use of pyrotechnic items by a small group of protesters was in response to organized offence and aggression by law enforcement officers.

- Initially, police used physical force to disperse peaceful rally participants near the Tbilisi State University on November 19. Protesters had been blocking the area near the Tbilisi State University since November 17 in protest of the October 26 Elections, which were held in violation of constitutional principles. The protesters had set up tents on site. The MIA cited the protesters' artificial blockage of the road as the reason for dispersing the rally. [28]
- Following the events of November 19, law enforcement officers utilized physical force and specialized equipment during the rally on November 28-29. The dispersal of tens of thousands of peaceful protesters involved the use of force after several periodic standoffs between the police and a small group of protesters in front of the Parliament of Georgia. Law enforcement officers believed that these incidents provided enough justification to resort to violent measures in order to disperse the major protest.[29]
- It was on November 29-30 when a small group of protesters used pyrotechnic items for the first time. However, the rally did not turn violent at any stage. In this instance, too, law enforcement officers dispersed the protest rally without any legal grounds, in harsh violation of legislation.[30] The MIA

[25] The MIA Guidelines for Officers' Conduct During Assemblies and Demonstrations, The Order of the Minister of Internal Affairs. Article 4.2.b
[26] Ibid., Article 4.2.c)
[27] ECtHR, Nurettin Aldemir and others v. Turkey, applications ##32124/02, 32126/02, 32129/02, 32132/02, 32133/02, 32137/02 and 32138/02, judgment of 18 December 2007, paras. 45-46 See https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-84054%22]}
[28] police.ge, The statement of the Ministry of Internal Affairs, 19.11.2014,
See https://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/16462
[29] radiotavisupleba.ge, 29.11.2014, See https://www.radiotavisupleba.ge/a/33220080.html
[30] democracyresearch.org, 30.11.2014, See https://www.democracyresearch.org/geo/1564/

dispersed a peaceful rally on similar grounds and using similar methods at dawn and in the evening on December 1, as well as on December 6 and 7.

After analyzing Georgia's current legislation, international standards and the facts, it is evident that there was no legal basis for dispersing rallies in any of the above cases.

2.2 SPECIALIZED MEASURES AND EQUIPMENT USED AGAINST PEACEFUL RALLY PARTICIPANTS, TIMING AND INTENSITY OF THESE MEASURES

Law enforcement officers repeatedly used specialized measures against participants of peaceful rallies in November and December. These measures *are part of a complex set of actions outlined in Georgia's legislation for dispersing assemblies and demonstrations*.[31] Law enforcement officers are required to strictly adhere to the principles of legality and proportionality when utilizing specialized equipment and measures, among them:

- *A tear gas cartridge (a type of tear gas/pepper spray that is used individually, with a law enforcement officer making a decision on its use);*
- *The decision to use a special club is made by each officer individually;*
- *A supervisor of a unit that utilizes nonlethal measures issues an order regarding the use of nonlethal weapons, including nonlethal shells. This order is made in agreement with an authorized official on-site;*
- *A supervisor of a unit involved in utilizing a special measure issues a permission/order to use a water cannon. This permission/order is made in agreement with an authorized official;*
- *An authorized official makes a decision to utilize tear gas (a type of tear gas used against large crowds), pepper spray shells and hand grenades.*

The responsibility for lawfulness of the use of specialized measures and equipment rests with the decision-making official.[32]

A security action plan is typically created when designed when special measures and specialized equipment are necessary during assemblies or manifestations. The plan *includes details about the leadership at the site, the individual/s responsible for implementing the special measures, the legal basis for the measures, and the goals and objectives of the measures, etc.* [33] **The plan mentioned above is classified[34], making it difficult to identify responsible individuals and reducing the level of accountability.** It is not publicly known who makes decisions regarding the use of cruel retaliation methods against participants of peaceful rallies. Additionally, it is unclear whether the Special Investigation Service has requested an action plan from the MIA to identify law enforcement officers involved in organized crime and prosecute them.

[31] The MIA Guidelines for Officers' Conduct During Assemblies and Demonstrations, The Order of the Minister of Internal Affairs. Article 3 (i).
[32] Ibid., Article 8.
[33] Ibid., Article 5.
[34] *Note: Although, this does not hinder the authority of a representative of the Special Investigation Service to access the mentioned document in order to identify the alleged offender.*

Despite the lack of legitimate grounds, law enforcement officers used specialized equipment and measures against peaceful protesters on November 28-29, November 29-30, November 30-December 1, twice, at dawn and in the evening and on December 6-7. In all instances, the MIA confronted protesters with policing measures, trying to disperse rallies that involved several thousand individuals using active special measures and physical force. However, protesters continued to occupy the streets until early the next morning:

- At dawn **on November 19**, police forces used completely disproportionate force to break up a peaceful gathering on Chavchavadze Avenue. Video footages clearly show that the number of police officers was significantly higher than the number of peaceful protesters and that the use of physical force by them was unwarranted. It was reported that the MIA detained 16 peaceful protesters under administrative custody. They had sustained physical injuries during the incident.[35]
- The violence used by the police **on November 29** was not in line with legitimate police actions. In the early hours, the MIA dispersed a peaceful rally without justification, using disproportionate force. On that day, at least 22 journalists were injured to the head and face.
- Initially, law enforcement officers used special measures, such as pepper spray, tear gas and water cannons on Chichinadze Street in violation of the rules of advance warning, following periodic confrontations between police and protesters.[36] At around 2:30 am, a special task force unit and a water cannon vehicle moved from the area near Freedom Square towards peaceful protesters to clear the vicinity using special measures.[37] The MIA reported that 43 individuals were detained for disobeying police orders and engaging in minor disorderly conduct during the rally.[38]
- During the late hours of **November 29-30,** police forces deployed near the legislature forcefully dispersed a peaceful rally around midnight, in clear and gross violation of the law. While protesters did use pyrotechnic devices, the rally did not escalate to violence by international standards, which would have justified its dispersal. The MIA Guidelines prohibit the use of non-lethal weapons against an individual who is closer than twenty meters away as well as in spots that are dangerous to health and life, such as the head, neck, belly, and genitals).[39] **The disseminated footages show that police used rubber bullets unlawfully against peaceful protesters.**[40]
- During the **rally on November 30-December 1**, a small group of protesters threw plastic bottles and pyrotechnic items at the police. Around 00:25, the police used water cannons without warning, in gross violation of the rules for warning. Despite the peaceful protest by tens of thousands of citizens on Chichinadze Street and Rustaveli Avenue, special forces unexpectedly deployed gas shells (including in the area near the Kashueti Church), injuring many peaceful citizens.[41]
- **On December 1,** starting around 9:00 PM, law enforcement officers intermittently used water cannons against protesters. At the same times, a small group of protesters was throwing pyrotechnic items towards the legislature and the special tasks unit. Law enforcement officers are mandated by international standards and MIA Guidelines to refrain from dispersing a peaceful rally over minor

[35] radiotavisupleba.ge, 19.11.2014, Se. https://shorturl.at/BR3Eg
[36] *Note: several minutes after a bullhorn warning, law enforcement officers began dispersing and detaining protesters.*
[37] netgazeti.ge, 29.11.2024, See https://netgazeti.ge/news/753728/
[38] The MIA Facebook page, See https://www.facebook.com/share/p/1AeR3JNSD2/
[39] The MIA Guidelines for Officers' Conduct During Assemblies and Demonstrations, The Order of the Minister of Internal Affairs. Article 9 (c)
[40] netgazeti.ge, 29.12.2024, See https://netgazeti.ge/life/754017/
[41] See https://www.facebook.com/share/p/1CboAKij8p/

offenses by a small group. Media reports indicate that police forces, in addition to employing special measures, threw stones, glass bottles and other prohibited objects at protesters, causing injuries.

- **During the rally on December 6-7,** law enforcement officers once again used disproportionate force against tens of thousands of peaceful citizens gathered on Rustaveli Avenue. They utilized special measures, deploying gas capsules, water cannons and pepper spray without any legal basis. Around 12:34 AM, some of the police forces began moving from Freedom Square without warning. By 1:50 AM, they started to forcefully disperse the peaceful rally without any legal grounds.[42] The disproportionate use of force came after the MIA issued a default statement[43] accusing protesters of various offenses that did not correspond to the truth.

The protesters have reported that tear gas was mixed in water stream during the dispersal of a peaceful rally in the reporting period. This was confirmed by the Ministry of Internal Affairs in a statement made on October 21, 2024. According to Amnesty International Guidelines,[44] special means specified in legislation should be used strictly proportionately, lawfully and with minimal force. Water stream and tear gas should only be deployed when necessary to control a violent crowd during a gathering, especially in cold weather. The Guidelines also strictly warn against the simultaneous use of tear gas and water cannons.

The use of gas capsules containing large amounts of an unknown chemical substance by police forces was concerning, especially because officers seized gas masks, face masks and other protective gear from individuals heading to the rally. This occurred after an unlawful search, even though those items did not pose any threat to the life and health of the people being searched or others.[45] The MIA has claimed that this was a superficial check, which is not accurate. *A superficial check of an individual involves touching an individuals' clothes from the outside using a hand, specialized device, or equipment.[46] Even during a superficial check, a report must be prepared.[47]*

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According to the MIA Guidelines, before implementing special measures, the officer in charge must inform participants of an assembly or demonstration about the use of physical force and special means and give them a reasonable amount of time (a minimum of 30 minutes) to comply with lawful demands.[48]

Several minutes before implementing special measures, the MIA typically issued a default announcement urging protesters to disperse from the gathering location. According to the statement, the rally had turned unlawful.[49]

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[42] Publika, See https://www.facebook.com/share/p/15pkmRsBaB/
[43] The MIA Facebook page, See https://www.facebook.com/share/p/1AB8hgMawr/
[44] policehumanrightsresources.org, Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 2015
See https://policehumanrightsresources.org/content/uploads/2015/01/ainl_guidelines_use_of_force_0.pdf?x86271
[45] Publika, See https://www.facebook.com/share/v/1BrzUcN9Tu/
[46] The Law of Georgia on Police, Article 22.1, See https://matsne.gov.ge/ka/document/view/2047533?publication=36
[47] Ibid., Article 22.9
[48] The MIA Guidelines for Officers' Conduct During Assemblies and Demonstrations, The Order of the Minister of Internal Affairs, Article 7.1.
[49] For example, according to the statement posted on November 30, "protesters are physically confronting and verbally abusing law enforcement officers, as well as throwing various items at them." 30.11.2024, See. https://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/16474

The dissemination of an announcement by the MIA online and via mass media cannot be considered a legally compliant warning. The purpose of a warning is to inform the intended recipients in order to prevent tensions using all available lawful methods. Posting the warning online turns it into a mere formality. According to the MIA Guidelines for Officer Conduct, a warning is a verbal caution given to participants of an assembly or demonstration regarding the potential use of specialized measures and equipment.[50] Posting the warning online diminishes the impact of this mechanism and makes it tokenistic.

Based on the facts mentioned above, the MIA rarely complied with the obligation to provide advance warning to protesters as required by legislation in the reporting period.

2.3 REPRESSIVE POLICY OF THE GEORGIAN DREAM – UNLAWFUL DETENTIONS AND ARRESTS

According to international standards*, everyone has the right to personal liberty. An arrest or detention is permissible only if carried out in accordance with the law. It must not be arbitrary.*[51]

During the reporting period, the DRC has discovered that over 1,000 individuals faced administrative proceedings as a result of protest rallies.[52] GYLA reported that lawyers from a network of NGOs alone provided legal assistance to 486 individuals in administrative detention.[53] Additionally, approximately 50 individuals were arrested under criminal charges. For example, 43 individuals were detained during the November 28-29 rally in just one day, despite no justification for dispersing the peaceful gathering, detention of citizens and physical retaliation.[54] At least 22 journalists were physically injured on that day.[55]

Detentions were widespread during protest rallies on January 11-12 in Tbilisi and Batumi. Police forces detained about 20 peaceful protesters on one day, some of whom were later released under a signed note.[56] Mzia Amaglobeli, Founder and editor of Batumelebi was detained twice late at night on January 12: first administratively (for posting a sticker on a wall), on the grounds of failure to comply with lawful demand of the police (was released based on signed note) and later under criminal charges. Mzia Amaglobeli is accused of assaulting a police officer, which is punishable by 4 to 6 years of deprivation of liberty under Article 353[1](1) of the Criminal Code. She went on a 38-day hunger strike while in custody and is currently still detained.

During a protest at the Tbilisi Mall trading center on February 2, Georgian Dream once again violated the right to assembly and expression by unlawfully detaining 31 protesters. Eight individuals were sub-

[50] The MIA Guidelines for Officers' Conduct During Assemblies and Demonstrations, The Order of the Minister of Internal Affairs, Article 3 (h)

[51] amnesty.org, See https://www.amnesty.org/en/wp-content/uploads/2021/06/pol300012002en.pdf

[52] *Note: the number of individuals subjected to administrative proceedings may be higher than reported in the data, as the data only reflects those cases reported to the network.*

[53] See. https://www.facebook.com/share/p/16GS3vgRM4/

[54] radiotavisupleba.ge, 29.11.2024, See https://www.radiotavisupleba.ge/a/33220080.html

[55] democracyresearch.org, 29.11.2024, See https://www.democracyresearch.org/geo/1563/

[56] interpressnews.ge, 12.01.2025, See https://shorturl.at/8zyJU

sequently charged under Article 222 of the Criminal Code[57] with release on bail imposed. The Public Defender's Office reported that 11 of the detainees had visible bodily injuries, primarily on their faces.[58]

Administrative detention is typically based on Article 166 and 173 of the Administrative Offences Code. They pertain to *minor disorderly conduct and failure to comply with a lawful demand of a law enforcement officer. In a number of instances, Articles 174[1] and 125 of the Code have also been used as grounds for detention. These articles relate to breaching the rules for organizing or holding an assembly or demonstration, and violating traffic regulations as a driver of a transport vehicle.*

Starting from November 28, the fine for violating Article 174[1] of the Administrative Offences Code that pertains to artificially blocking traffic way has been raised from GEL 500 to GEL 5,000. Throughout the reporting period protesters obstructed Rustaveli Avenue on a daily basis. GYLA has reported the MIA has initiated administrative actions against 600 individuals for allegedly violating the afore-mentioned article.[59]

Those detained on criminal grounds have been charged with assaulting a police officer, an Officer of the Special Penitentiary Service or another representative of the government and/or public institution, including as a member of a group (Article 353[1] (1;2) of the Criminal Code of Georgia)) damaging and/or ruining someone else's belongings, including as a member of a group (Article 187 (1;2) of the Criminal Code of Georgia)), involvement in, organizing or leading group violence (Article 225 (1;2) of the Criminal Code of Georgia), persecution of an individual for political activities, involving violence (Article 156 of the Criminal Code of Georgia), and violence committed by a group of persons (Article 126(1[1]) of the Criminal Code of Georgia)).

After observing and analyzing the developments during the reporting period, it is clear that the Georgian Dream is attempting to limit freedom of expression and dissent in the country through repressive policies. This is supported by the high number of detainees, biased trials, as well as methods used during and post detention.

2.3.1 TACTICS EMPLOYED DURING DETENTION AND PHYSICAL RETALIATION

Law enforcement officers used special measures against participants of peaceful rallies for several hours during dispersal. As the number of protesters decreased early in the morning, they were detained using physical force.

The tactics employed for detaining protesters during rallies should be highlighted. A group of masked officers, likely from the Special Tasks Department, surrounded a peaceful protester, either dragging them towards a line of law enforcement officers or restricting their ability to exit the area. On several occasions, law enforcement officers used physical force during arrests. However, physical retaliation, degrading and inhuman treatment were common after detention. These practices were especially prevalent when

[57] netgazeti.ge, 05.02.2025, See https://netgazeti.ge/news/762490/
[58] netgazeti.ge, 03.02.2025, See https://netgazeti.ge/news/762232/
[59] *Note: the number of individuals subjected to administrative proceedings may be higher than reported in the data, as the data only reflects those cases reported to the network.*

dispersing peaceful protests, although, individuals with dissenting views were also detained outside of protest areas, including near their homes, in vehicles and on the streets.

According to the MIA Guidelines for Officer's Conduct, *a law enforcement officer may only use physical force for a legitimate purpose, in strict adherence to the principle of proportionality, and only when absolutely necessary and to the minimum extent required (in accordance with the proportionality principle).*[60] *Physical force and/or special means may not be used against a detainee who is in handcuffs or under other physical restraint measures, except in cases where the detainee does not comply law enforcement officers and poses threat to the life and health of themselves or others.*

The DRC observers have noted that there were no legitimate grounds for the use of physical force during rallies and detentions.

Special Task Force Officers captured high-value items from detainees, including mobile phones, earphones, chargers, jackets and shoes. As a result, many of the detainees were barefoot when they were brought to a medical facility.[61]

According to the lawyers from the network of CSOs, the vast majority of detainees at protest rallies were severely beaten.

The prohibition of torture and inhuman or degrading treatment or punishment is absolute. Both the Constitution of Georgia and the European Convention on Human Rights provide a complete and comprehensive ban on torture.

The use of physical force by law enforcement officers against peaceful protesters during the reporting period was deemed as torture. According to the statement by the Public Defender of Georgia, the location, nature and severity of injuries sustained by detainees and individuals affected at rallies provide a credible indication that the police employed violent methods as a form of punishment purposes, amounting to torture.[62]

Detainees have reported being subjected to violence by law enforcement officers both during and after their detention. Some detainees claimed that they were beaten while at the MIA premises. Those affected have shared details of the torture and inhumane treatment they were subjected to with lawyers from CSOs: **stating that at least six members of the Special Tasks Unit mercilessly beat them in police mini buses. Law enforcement officers took turns abusing the detainees, with a supervisor directing the inhuman and degrading treatment. This person gave instructions on where to hit the detainees – either in the liver or the back of the head. In addition to physical abuse, the detainees reported that the officers spat at them, swore at them and verbally abused them.** [63] **After prolonged and relentless beatings, pools of blood accumulated in the police minibuses used to transport the detainees. Once the detainees were removed from the minibuses, they were taken through a "corridor" of law enforcement officers, before being transferred to patrol police vehicles. Each police officer kicked them to the face and back as they passed through. In every instance of physical abuse against individuals detained at**

[60] The MIA Guidelines for Officers' Conduct During Assemblies and Demonstrations, The Order of the Minister of Internal Affairs, Article 4.4

[61] democracyresearch.org, 02.12.2024, See https://www.democracyresearch.org/geo/1567/

[62] ombudsman.ge, The statement of the Public Defender of Georgia, 03.12.2024, available at: https://ombudsman.ge/geo/akhali-ambebi/241203081257sakhalkho-damtsvelis-gantskhadeba

[63] radiotavisupleba.ge, 02.12.2024. Available at: https://shorturl.at/7xcml

protest rallies, they ensured, based on a supervisor's instructions, that the individuals would not die as a result of inhumane treatment. Several victims have reported that their beatings were being filmed, by Zviad Kharazishvili, the Head of the Special Tasks Department of the Ministry of Internal Affairs, among others.

2.4 THE CASES OF ASSAULTING JOURNALISTS

According to international standards, *journalists who uncover human rights violations, corruption and ill-treatment are entitled to special protection*. Due to their work, they should not be subject to criminal prosecution or face obstacles in their activities. The government must acknowledge the significance of independent journalism in exposing abuses of power by officials.[64]

According to OSCE/ODIHR Guidelines, countries should have appropriate safeguards in place to enable journalists to carry out their professional activities in a free environment, without fear of possible reprisal. Any crime committed against journalists defending human rights must be promptly, effectively and independently investigated in a transparent manner by an independent authority.[65]

Georgian legislation contains safeguards for journalistic work. According to Article 143 of the Criminal Code, *unlawful interference with a journalist's professional activities, such as coercing a journalist into disseminating or not disseminating information, is a crime.* [66] *Furthermore, the Constitution of Georgia protects the right of every person to receive and impart information freely.*[67]

Throughout the reporting period, journalists encountered interference with their work during protest rallies. Furthermore, it was clear that they were directly targeted by law enforcement officers. **The data published in December indicate that there have been over 90 cases of targeted assaults on journalists, physical retaliation, and the use of active special measures and equipment against them.**[68]

Representatives of almost all critical mass media encountered retaliation. Among others, journalists from TV Pirveli, Mtavari Arkhi, Palitra News, Publika, Formula, Studia Monitori, Interpressnews, and Radio Tavisufleba faced interference in their journalistic work.

For example, on November 28-29, Guram Rogava, a journalist sustained injuries during the unlawful dispersal of a peaceful protest rally that involved the use of force. A representative of the Special Task Forces severely beat him during a live broadcast, resulting in broken facial bones and neck vertebra.[69]

On December 7-8, in addition to interference in journalistic activities by Special Task Forces, Maka Chikhladze, a TV Pirveli journalist and Giorgi Shetsiruli, a cameraman, were assaulted by masked members of an informal group while they were carrying out their professional duties during a live broadcast. Giorgi

[64] osce.org, Guidelines on the Protection of Human Rights Defenders Para. 54, Pg. 11
See https://www.osce.org/files/f/documents/c/1/119633.pdf
[65] Ibid.
[66] The Criminal Code of Georgia, Article 154, See https://matsne.gov.ge/ka/document/view/16426?publication=264#!
[67] The Constitution of Georgia, Article 17, Para 2, See https://matsne.gov.ge/ka/document/view/30346?publication=36
[68] mediachecker.ge, 09.12.2024, See https://www.mediachecker.ge/ka/mthavari/article/99207-28-noembridan-mediis-saqmianobashi-khelsheshlis-80-ze-meti-incidenti-mokhda
[69] radiotavisupleba.ge, 29.11.2024, See https://www.radiotavisupleba.ge/a/33219996.html

Shetsiruli sustained head injuries, and Maka Chikhladze had injuries to the face. Both of them suffered concussion, requiring them to be transferred to a clinic.[70]

Media representatives sustained injuries during the use of active specialized measures as well. On November 28-29, journalist Philipe Tsereteli was injured when a gas capsule was launched. He claimed that tear gas capsules were deliberately aimed at him. A photograph from Interpressnews reports that on the same day, media representatives were deliberately targeted by water cannons and rubber bullets, resulting in injuries to his leg.[71]

Journalists were not only physically attacked, but also had their equipment targeted. Law enforcement officers and/or informal groups damaged the equipment of media representatives on several occasions while they were reporting on disturbing events near the Parliament. For instance, on November 28-29, journalist Aleksandre Keshelashvili from Publika was detained while performing his official duties, beaten in the face and head, and had his working equipment seized. He required surgery because of the seriousness of his injuries.[72]

On two occasions media representatives were administratively detained for failing to comply with the legitimate demands of law enforcement officers.[73]

On January 11-12, the protest was no exception in this regard. In Batumi, Guram Murvanidze, a cameraman and photographer from Batumelebi, was administratively detained at the Constitutional Court Batumelebi while carrying out his professional duties and covering the rally.[74] On the same day, Mzia Amaglobeli, the Founder and Editor of Batumelebi was detained for an alleged criminal offense. She is charged with assaulting a police officer, a crime under Article 353^1(1) of the Criminal Code, and could face imprisonment for 4 to 6 years.

According to established international standards, journalistic activities should be protected. In cases where this right is breached, effective investigations should be conducted promptly. However, in one instances, a group of law enforcement officers engaged in organized retaliation, while in another case, patrol police officers witnessed assaults on journalists but did not respond in any way.[75]

It is clear from publicly disseminated footages, the location of injuries inflicted on journalists (face and head) and their severity that a particular cruelty was intentionally directed towards them.

[70] tvpirveli.ge, 07.12.2024, See https://shorturl.at/usyHL
[71] Personal Facebook page, See https://www.facebook.com/share/p/1AnXNKjpbg/
[72] Publika, See https://www.facebook.com/share/v/14ShUauoEN/
[73] Mediachecker, See https://www.facebook.com/share/p/1GSNfAcM6G/
[74] batumelebi.netgazeti.ge, 12.01.2025, See https://batumelebi.netgazeti.ge/slideshow/558306/
[75] Radio Tavisufleba, on December 7-8, Patrol Police witnessed an assault on a TV Pirveli journalist and a cameraman, but they did not take any action. See https://www.radiotavisupleba.ge/a/33230604.html

3. LIMITING THE RIGHT TO A FAIR TRIAL

According to international standards, *everyone has the right to personal liberty. An arrest or detention can only if carried out in accordance with the law. It must not be arbitrary*.[76]

Another indication of arbitrary detention is that in the majority of cases, the detention time was inaccurate in the detention report. In all cases, the identity of the individual actually performing detention in an administrative violations protocol did not match the identity of the law enforcement officer indicated as the individual who performed the detention. More than half of the law enforcement officers called to court as witnesses gave false testimony during the trial. Although alleged false statements from witness law enforcement officers are not uncommon, relevant bodies failed to take any action in all those cases.[77] Furthermore, patrol police officers failed to present recordings from body-mounted cameras during all trials.

The practice of prolonged administrative detention was used against almost all detainees (except for several cases where detainees were released based on a signed note). Despite lawyers' motions requesting the court to assess the lawfulness of detention first and to also consider the prolongation of the term of detention by 48 hours, judges dismissed these motions altogether.

According to Amnesty International standards on the right to a fair trial, *all prisoners of conscience should be released immediately. These are people detained for their political, religious or other conscientiously held beliefs or because of their ethnic origin.*[78]

The court is the institution mandated to make judgements based on objective circumstances and evidences. It determines whether detention was performed by an authorized individual, the circumstances of detention, whether the detainee was given access to a lawyer, whether their detention period was artificially extended, and whether there were legitimate grounds for detention, among others.[79]

DRC lawyers have reported that there was not a single instance when a judge would make a decision based on a complete and objective examination of evidence during the trials of individuals detained during rallies. Despite the absence of adequate pieces of evidence, in nearly all cases, judges found detainees guilty of an administrative offense and imposed the maximum amount of fine or arrest. In certain cases, judges used verbal rebukes.

Another indication of the lack of a fair trial was judges giving unreasonably short time to the defense party for obtaining evidence, especially since some lawyers met their defendants for the first time in court.

According to international standards, *everyone in detention or facing a criminal charge must be given adequate time and facilities to communicate confidentially with their lawyer. Access to a lawyer should be immediate.*[80]

[76] amnesty.org, See https://www.amnesty.org/en/wp-content/uploads/2021/06/pol300012002en.pdf
[77] democracyresearch.org, Protests Under Observation, 15.07.2024, See https://www.democracyresearch.org/geo/1504/
[78] amnesty.org, See https://www.amnesty.org/en/wp-content/uploads/2021/06/pol300012002en.pdf
[79] The Constitution of Georgia, Article 13, See https://matsne.gov.ge/ka/document/view/30346?publication=36
[80] amnesty.org, See https://www.amnesty.org/en/wp-content/uploads/2021/06/pol300012002en.pdf

During the reporting period, meetings with individuals detained under administrative charges were particularly difficult due to artificial barriers created by the MIA. For several hours after detention, the families and lawyers of detainees were not aware of their whereabouts. Some lawyers have reported that the defense party was not given the opportunity to attend relevant legal procedures before a detainee is placed in a detention facility.

Moreover, trials for individuals detained at protest rallies are often scheduled at night, hindering their ability to exercise their defense rights. In many cases, the lawyers representing the detainees were not informed of the trial's start time.

When individuals detained during a protest rally and presented before a judge had visible signs of inhuman treatment, judges never inquired about the causes of the injuries, despite motions from lawyers. Their main reasoning was that examining the origin of injuries fell beyond the scope of the case at hand.

During the reporting period the court imposed detention, the most severe form of restraint, on nearly all individuals detained under criminal charges. However, in the case of two detainees, the court later replaced the detention order with bail at the request of the Prosecutor's Office.[81] Additionally, the court imposed bail as a measure of restraint on 8 individuals charged with attempting to block a particularly important facility as a group.[82] Lawyers representing the detainees have claimed that the prosecutor's motion was formulaic and unjustified. They have also reported that judge did not inquire about the grounds necessary for imposing detention.[83]

[81] gyla.ge, The cases of individuals detained under criminal charges in the context of rallies, 09.01.2025, See https://gyla.ge/post/aqciebis-konteqtshi-siskhlis-samartlis-wesit-dakavebulebi

[82] netgazeti.ge, 05.02.2025, See https://netgazeti.ge/news/762490/

[83] The Criminal Procedure Code of Georgia, Article 205, See https://matsne.gov.ge/ka/document/view/90034?publication=164