



არასამთავრობო ორგანიზაციების განცხადება 2023
წლის 7-8 მარტს განვითარებულ მოვლენებთან
დაკავშირებით

@netgazeti

Police Used Illegal and Disproportionate Force against the Peaceful Civil Protest

On March 7-8, 2023, the police used illegal and disproportionate force against peaceful civil protesters. Mass arrests were made, and according to information from the Ministry of Internal Affairs, 66 individuals were administratively detained. In some cases, physical harm was inflicted, and instances of inhuman/degrading treatment have also been identified. One such incident occurred against politician [Zurab Japaridze](#).

The Russian-style bills on Transparency of Foreign Influence have been preceded by peaceful protests for several days. On March 6, the parliamentary majority publicly announced their plan to conduct the first hearing of draft laws during the March 9 session of the Parliament. However, during the March 7 plenary session, "Georgian Dream" suddenly and unjustifiably altered the agenda and moved the

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



hearing of the issue two days earlier on Thursday. These developments unfolded amidst widespread public outcry. In light of these events, the ruling party's actions are seen as an attempt to tailor legislation to their own interests. Such a move damages the credibility, transparency, and predictability of parliamentary processes, particularly when there is a high public interest in the issue. In the first reading, 78 MPs supported the draft law.

Following the announcement of the plenary discussion, civilians began peacefully gathering on Rustaveli Avenue around 4:00 PM to protest the Russian-style draft law. Despite the peaceful nature of the rally, and no apparent need to limit the right to assembly, the Ministry of Internal Affairs issued a [statement](#) at 8:43 PM, warning of the possible use of force. During the night authorities employed several special means against the protestors, including tear gas, pepper spray, and water cannons. In some instances, these special means were used concurrently, which violates established standards.

It should be emphasized that the Constitution of Georgia and international treaties ratified by Georgia guarantee the right to peaceful assembly, and this right should be respected without hindrance. Furthermore, established standards dictate that the inappropriate behavior of individual participants during a demonstration does not automatically render the entire protest non-peaceful. **Law enforcement officials are obliged to differentiate between peaceful and non-peaceful participants. The occurrence of isolated incidents of violence or disruptive behavior of some participants is not in itself a solid basis for restricting the freedom of assembly of all demonstrating civilians.[1] Law enforcement officers must also avoid treating assembled crowds uniformly when making arrests or (as a last resort) forcibly dispersing the assembly.[2] The use of force against peaceful demonstrators who are not engaged in confrontations with the police is not justified, even if a small group of demonstrators may provoke the police.[3]**

Therefore, we assert that the interference by law enforcement officers with the right to assembly of essentially peaceful demonstrators on March 7-8 was unlawful. The initial intervention made by the Ministry of Internal Affairs was illegal and disproportionate. The law was gravely violated when the police used water cannons and other special means against the demonstrators on the side streets adjacent to the parliament without prior warning. The police only began to warn the assembled

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



citizens after using special police measures, causing irritation among some participants of the peaceful protest. During subsequent interventions, the police were unable to properly differentiate between the peaceful majority and the small group involved in a confrontation with the police. Overall, the police at the rally created a menacing and perilous environment for the peaceful gathering's participants through the mass mobilization of force.

The dissemination of publicly available information indicating that some of the detainees have physical injuries and some of them, according to unspecified information, have been taken directly to medical institutions is **extremely alarming**.

The lack of information about the location and well-being of a significant number of detainees is a **cause for concern**, as families and lawyers are unaware of their status. Since yesterday evening, our hotline has received numerous calls from concerned family members and friends of those who have been arrested, they have not been provided with detailed information regarding the condition of the detainees. The lawyers of the signatory organizations are actively seeking information about the detained persons. Presently, the identities of 42 individuals who have been arrested are known to us. As they have not yet been brought before a court, they remain in administrative detention. The detainees are located across Georgia, which makes it difficult to contact them and provide them with legal assistance.

The signatory organizations urge state institutions to uphold their mandates in accordance with the Constitution of Georgia and international agreements ratified by Georgia.

We call on:

Ministry of Internal Affairs of Georgia:

- Provide all detainees with the opportunity to contact their family members;
- Inform the lawyers of the detainees in a timely manner in which detention facilities the persons under their protection have been transferred;

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- Ensure that arrested persons are brought to court without delay and that the period of detention is not unjustifiably extended to 48 hours.

Special Investigation Service:

- Investigate cases of the use of disproportionate force by law enforcement officers;
- Conduct a thorough and impartial investigation into arbitrary arrests, physical violence against detainees, and other related incidents.

The signatory organizations will continue to gather information about the detainees and, within available resources, protect their interests in court.

Signatory Organizations:

Georgian Young Lawyers Association

Transparency International Georgia

Social justice Center

Rights Georgia

Open Society Georgia Foundation

Georgian Democratic Initiative

[Women's Initiatives Supporting Group](#)

Partnership for Human Rights

International Society for Fair Elections and Democracy

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Human Rights Center

[1] Ziliberberg v. Moldova; Ezelin v. France.

[2] Solomou and Others v. Turkey.

[3] Izci v. Turkey.