

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Evaluates the November 23 Incident

GYLA evaluates the incident that occurred on November 23 as gross infringement of the right of peaceful assembly, as three members of the social movement November 7 - Irakli Kordzaia, Dachi Tsaguria and Jaba Jishkariani were obstructed to exercise their freedom of peaceful assembly. Under Article 25 of the Constitution of Georgia, “everyone, except members of the armed forces and Ministry of Internal Affairs, has the right to public assembly without arms either indoors or outdoors without prior permission. The necessity of prior notification of the authorities may be established by law in the case where a public assembly or manifestation is held on a public

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thoroughfare”.

As media outlets have reported, the City Council of Tbilisi rejected notification of rally organizers, declaring that “on St. George’s day religious and civil festivities will be held in Tbilisi, in front of the Parliament and outside Kashueti Church of St. George. Correspondingly, your notification is not taken”.

The November 5, 2002 decision of the Constitutional Court of Georgia declared power of a local self-governanment body to reject notification unconstitutional. The only legitimate right that the City Council could exercise was to address rally organizers with a recommendation to change place and time of the rally, which was not the case.

Announcement made by the patrol police on Irakli Kordzaia, Dachi Tsaguria and Jaba Jishkariani having allegedly violated the right of assembly and manifestation, lacks basic legal substantiation. Footage broadcasted by television companies Maestro TV and ITV.ge clearly demonstrate that protesters were as away as possible from parliament premises. They didn’t block thoroughfare or interfere with the movement of traffic. Correspondingly, rally participants did not violate regulations of assembly and manifestation.

According to GYLA, the patrol police clearly exceed its authority by arresting rally participants immediately, without a call to stop rallying. Noted circumstance offsets allegations regarding disobedience to the law enforcement officers’ order.

Regrettably, Tbilisi City Court did not uphold arguments of the defense side as it is frequently the case in the review of analogous cases of administrative arrest. The court’s ruling was biased and lacked objective analysis of circumstances.