

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Protesting against the Dispersion of Veterans' Rally

On January 3, 2011, representatives of the law enforcement agencies dispersed the protest rally at Hero Square in Tbilisi by use of force and detained several participants of the rally.

The rally organized by veterans of war has been held since December 27, 2010, in full compliance of stipulations of the Georgian legislation on assemblies and manifestations.

Although blocking the traffic in frames of the rally had not been planned, on December 24, 2010, the rally organizers applied to the administration of Tbilisi City Hall in order to notify about the rally that was planned.

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Footage released by various media outlets clearly demonstrates that the rally participants were acting in compliance of the applicable legal provisions, expressing their demands in a peaceful manner. Nevertheless, the law enforcement officers dispersed the peaceful assembly by using force and physically insulting the rally participants.

The footage released by Kavkazia TV shows patrol police officers in civilian clothes assaulting the rally participants and detaining persons that are not acting illegally or resisting the law enforcers.

We consider that MIA officers grossly violated the law considering the following circumstances:

1. The rally participants were acting in full compliance of the applicable legal provisions. They did not violate the provisions of the law on Assemblies and Manifestations". Therefore, there were no legal grounds for dispersing the rally;
2. As the organizers of the rally themselves declare, local self-governance had not issued an instruction to stop rallying, which pursuant to the applicable law is a necessary precondition for stopping a rally;
3. Representatives of the law enforcement agencies that were assaulting and arresting the rally participants were wearing civilian clothes, which made it impossible to identify them;
4. Representatives of the law enforcement agencies physically insulted the rally participants and detaining the citizens, notwithstanding the fact that grounds for detention of the noted persons was not evident in their actions;

Therefore, it is clear that the law enforcers, in violation of applicable legal provisions and by excessive use of force, dispersed the January 3, 2011 rally at the premises of Freedom Square. On the one hand, it amounts to illegal restriction of the right of assembly, guaranteed by the Georgian Constitution and on the other hand, it is qualified as abuse of the authority, which amounts to crime.

We call on the Minister of Interior Affairs of Georgia and the General Prosecutor's Office of Georgia to examine and investigate the developments concerning the January 3, 2011 veterans' rally and hold the persons that made the decision about dispersing the rally responsible, as well as the persons that were personally involved in dispersion, abusing their authority granted by the law.