

ხალხი რუსული კანონის წინააღმდეგ

7-9 მარტის აქციის დაშლასა და მასთან
დაკავშირებული სიმართლის უფლებათა
დარღვევის ფაქტების შეფასება

People Against The Russian Law. On October 30 Young Georgian Lawyers' Association presented the assessment of 7-9 March assembly dispersal and related facts of human rights violation.

Since its establishment, for 29 years, the Georgian Young Lawyers' Association has monitored a number of major public protests regarding the right to freedom of assembly and demonstrations. It has prepared relevant assessments of the State's violations of its obligations under the Constitution and International Treaties at different times. Additionally, it has issued relevant recommendations for the purposes of improving legal status of people, which would guarantee their right to peaceful

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assembly without either excessive interference or a limitation of the space for freedom of expression. It is unfortunate, that despite a number of judgments of the European Court of Human Rights on similar issues, the existence of relevant international obligations and/or recommendations, as well as the improved legal safeguards through the justice implemented by the Constitutional Court of Georgia over the years, the Government has demonstrated no willingness to respect the Constitutional principles of a democratic and the state of rule of law, especially during the major assemblies, which are of particular importance due to their interdependence on more politically sensitive matters.

According to the report, the decisions of the Ministry of Internal Affairs of Georgia regarding the dispersal of the 7-9 March 2023 protests violated the right to freedom of peaceful assembly and demonstration guaranteed by the Constitution of Georgia and international agreements of Georgia. Particularly, the right of the participants of the rally to gather and peacefully enjoy the assembly was repeatedly interfered and this interference neither had a legitimate aim nor was proportionate; In some situations, the authorities failed to effectively manage the conflict situation, including by failing to resort to the negotiations with the organizers or participants of the assembly in order to reduce the necessity and urgency of using special means. The vast majority of participants of the rally peacefully enjoyed the right to freedom of assembly and demonstration, and the response of law enforcement agencies to local law-breakings should not have had a significant impact on the course of the entire rally, and specific incidents could have been eliminated by applying individual means.

The increased restriction of the right to freedom of assembly and demonstration was also facilitated with the practice of administrative detentions, in particular, the dispersal of the 7-9 March assemblies again demonstrated that the Administrative Offences Code of Georgia, the detentions in accordance with it and the judicial practice continue to be a tool to further limit the space for the exercise of civil rights.

It is still alarming that during the dispersal of the rally and administrative detentions, some participants of the assembly were subjected to ill-treatment, which was manifested in various methods, including verbal and physical abuse. In some cases, the application of single-use handcuffs was also problematic.

The report also makes relevant recommendations, which are addressed to the Ministry of Internal Affairs of Georgia, the Special Investigation Service, the Parliament

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of Georgia and the Court.

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