



## Legal evaluation of the April 30 - May 1 rally dispersal

On April 30, 2024 and in the early hours of May 1, 2024, the Ministry of Internal Affairs broke up a peaceful demonstration against the Russian law was illegitimate and disproportionate, the physical force used amounted to torture, inhuman and degrading treatment, and the practice of administrative detention became an instrument of excessive restriction of freedom of assembly. Details will be reviewed below.

- **Legality of the decision on the dispersal of the action:**

**The decision to disperse the rally was illegal on 2 grounds:** (1) There was no reason to disperse the demonstrators due to blocking the entrances; (2) Even if such a basis existed, there was no legal prerequisite for the dissolution of the whole share.

Any assembly that is not violent or whose participants do not intend to commit violent acts is protected. In the case of "[Makarashvili and others v. Georgia](#)", the European

Court found that it is protected, among other things, to block the entrances to the parliament when the participants of the assembly have not committed and are not planning any violent actions and, in turn, the assembly aims to improve democratic processes in the state. Since the objectives of the organizers and participants of the gathering were peaceful, their right to express and gather is protected, especially since the discussion of the law in the second reading in the parliament was completed, and the parliamentary work process was not hindered. Moreover, even if there was a basis for the dispersal of the protestors at the entrances, it would not be a prerequisite for the dispersal of the entire protest, since the contentious circumstances surrounding a small group do not automatically make an otherwise peaceful protest non-peaceful.

- **Active special means used during the Dispersal of the Rally**

**According to public sources, tear gas, rubber bullets, pepper spray and water cannon were used to disperse the protest. The state violated the rules for the use of active special means.**

Before the start of the dispersal, the responsible person is obliged to warn the participants of the assembly/manifestation in advance about the use of physical force and special means, to give them a reasonable time (at least 30 minutes) to comply with the legal request. At 23:37, [at the same time](#) as the sound warning sounded, the special purpose squad started using water canon, so that the participants of the action were not given a reasonable time to respond to the warning. The special purpose squad continued to use water jets simultaneously with the warning or with [an interval of a few seconds](#) after the warning. The warning did not precede the use of tear gas canisters either (23:21). As for the use of rubber bullets, the representative of the special forces squad while talking to the journalist (TV First, 01:41) [denied the fact](#) of the use of rubber bullets, despite the evidence obtained by the media, which confirms the use of the said special means.

Police forces fired tear gas canisters (TV First, 02:57) and [pepper spray](#) at close range without prior warning, **targeting peaceful demonstrators on their face**. They probably shot rubber bullets as well. All this violates the rules and standards for the use of special means. The special forces **used several special means at the same time**, including water jets, [rubber bullets](#) and tear gas.

The standard of use of special means is also violated by the use of physical force and special means, if the participants do not have enough free space to leave the protest territory. Nevertheless, during the disperse of the peaceful demonstration behind the parliament, according to the participants of the demonstration, **they did not have enough space to leave the area where the police forces used pepper spray and physical force against the demonstrators.** Also, according to the participants of the protest, the number of emergency teams mobilized at the initial stage of the dispersal of the protest was [disproportionately low](#) compared to the number of injured.

### **Improper treatment of citizens during the dispersal of the rally**

**A number of facts of alleged improper treatment by the law enforcement officers was identified, which was manifested in physical and verbal retaliation against the demonstrators.** The special forces beat a number of people at the rally, they physically assaulted them, including young people, women, journalists and opposition politicians. There were cases when several special forces were dragged into the mass of policemen and physically assaulted them, hitting them with their fists, pulling their hair, and kicking those who fell down.

Specifically, according to the distributed video and photo materials, as well as according to the information of the people present at the rally, during the dispersal of the people, a number of facts of improper treatment by the law enforcement agencies were recorded: [swearing](#), [beating](#), [punching in the face](#), [encircling a citizen and beating them mercilessly](#), [dragging citizens](#). It should be emphasized that the victims of similar treatment were [women and children](#), members of the Parliament of Georgia ([Alexandre Elisashvili](#) and [Levan Khabeishvili](#)) and journalists. The persecution of the protestors [continued in the metro](#).

#### **• Administrative arrest of citizens during the Dispersal of the Rally**

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Within the framework of the current rally, the representatives of the police forces continued the [practice of illegal arrests](#). The observation of this rally also showed that the police forces periodically detained the participants of the demonstration without any factual basis, physically assaulted them [during the arrest](#), before placing them in the police cordon, and after that. It is noteworthy that the representatives of the police forces kidnapped the member of the Parliament of Georgia, the chairman of the United National Movement, Levan Khabeishvili, who was brutally [beaten](#).

According to the information announced at the press conference of the Ministry of Internal Affairs at 10:00 on May 1st, 63 individuals have been detained under Articles 166 and 173 of the Administrative Offences Code of Georgia on the grounds of disorderly conduct and non-compliance with a lawful order or demand of a police officer. At this stage, the hotline of non-governmental organizations has received information about more than 50 arrested individuals. We have already visited more than 15 detainees, most of whom have been beaten, which indicates abuse of authority by the police. Overnight, non-governmental organizations searched for the detainees, whose locations proved difficult to ascertain. We do not currently have information about the whereabouts of all detainees, some of them are still being housed in isolation cells.

## **We call unto:**

- The Georgian Dream to refuse the adoption of the Russian law;
- The Special Investigation Service to provide an immediate response, to ensure effective investigation of cases of disproportionate use of force by law enforcement officers, including crimes committed against media representatives. Taking into account the existing high public interest, to periodically provide the public with information about the progress of the investigation and the conducted investigative actions.
- To the Ministry of Internal Affairs of Georgia, to refuse violent practices that are against the law, incompatible with the protection of human rights and violate dignity.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- Employees of the special forces squad, not to obey illegal orders and not to use violent methods against peaceful demonstrators.