



## Statement of NGOs about the Developments in Batumi

The signatory organizations condemn the acts of violence and vandalism that broke out in Batumi at night on March 11-12, 2017, irrespective of their cause, and urge the authorities to conduct a prompt, comprehensive and objective investigation.

On March 11, locals in Batumi blocked a central road to express their protest. They protested a fine issued by a patrol officer claiming that the police patrol often arbitrarily fines citizens, which takes a heavy economic toll.<sup>[1]</sup> Residents also accused the patrol chief of making insulting statements but so far it is difficult to say if these accusations have any merit.<sup>[2]</sup> Representatives of several opposition parties joined the protest rally outside the police building and expressed their support for the participants.

The police attempted to unblock the road and arrested several individuals, which then led to a confrontation between the police and the rally participants,<sup>[3]</sup> followed by some protesters attempting to invade the police department.<sup>[4]</sup> The rally became violent at night as participants disobeyed police orders and resorted to acts of vandalism. They damaged and set cars on fire<sup>[5]</sup>; trees and buildings were also set ablaze<sup>[6]</sup>. Protesters and police officers were injured as a result of the violent clash.<sup>[7]</sup>

The moment the situation escalated, numerous police officers were stationed outside the building of police patrol but they didn't take any effective measures for stopping the violent unrest and mostly operated in the self-defense mode.

One of the protesters, a supporter of the United National Movement (UNM) and a member of the Free Zone named Irakli Chkhvirkvia gave an ultimatum to the authorities together with and on behalf of other aggressive young participants of the rally. Chkhvirkvia demanded resignation of the police patrol chief within an hour and a half, a meeting with the Interior Minister (who had already arrived in Batumi by that time) and an immunity for the young participants of the rally.

As soon as the special response unit appeared, most of the protesters fled, which essentially prevented a physical clash between the participants and the law enforcement. For those observing the rally, police actions did not seem disproportionate. The police arrested several protesters and transferred them to different police stations.

It has been reported that following yesterday's developments, individuals transferred to a pre-trial detention isolator were visited by a lawyer from the Public Defender's local office in Ajara-Guria, and none of them confirmed allegations that the police had physically assaulted them or made insulting and discriminatory remarks motivated by

one's religion or ethnicity.

Here we must also note that Merab Ghoghoberidze, head of a non-governmental organization the Center for Combating Corruption staged a protest in Batumi on March 9, together with 4 other individuals, demanding resignation of Ajara Police Patrol Chief, Kakha Bukhradze. During the rally Merab Ghoghoberidze alleged that Kakha Bukhradze had replaced local employees of the police patrol with his friends. Participants of the small rally were holding signs that said "Ajarian is not a Muslim", claiming that the new patrol chief discriminated against the local population because of their ethnicity and religion, and urged other law enforcement officers visiting Batumi for a temporary duty to do the same. One of the drivers who had joined the rally stated that patrol officers wrote him a ticket two times, without any valid cause. Ghoghoberidze has been notorious for his aggressive protests against judges of the Constitutional Court of Georgia and representatives of an opposition party.

The Constitution of Georgia guarantees the right to a peaceful assembly but when a protest becomes violent it no longer falls within the realm protected by the freedom of assembly; in this case the police becomes responsible to protect public order and take proportionate measures to prevent violent actions. The circumstances of yesterday's protest suggest that at some point part of the protesters exited the realm protected by freedom of assembly as their actions became unlawful and violent. Furthermore, organized groups that appeared at the scene at the end of the day demonstratively resorted to acts of vandalism and promoted escalation of the situation on purpose. Some protesters made public statements with the spirit of intolerance because of a person's nationality, religion and place of residence. To determine the truth, ensure civil peace and give a proper political and social interpretation to the process, it is essential for the authorities to examine the intentions of the violent organized groups, including their political affiliation.

Beyond the violent actions of concrete groups, it is important for the state to adequately examine the cause of concern of the local population in Batumi and take systemic actions in response.

It must also be highlighted that the Interior Ministry had no effective strategy for ensuring safety during the rally and acts of vandalism by concrete groups became completely uncontrollable and large-scale. We'd like to also note that to our best knowledge the police didn't use disproportionate force against the arrestees, which

deserves recognition.

In light of the above, to ensure prompt, effective and comprehensive examination of the factual circumstances, to take adequate measures in response to possible violations and prevent any similar acts in the future, we urge:

**The government of Georgia:**

- to examine timeliness and lawfulness of the state's response to yesterday's situation in a prompt and objective manner, and take adequate measures in response to any gaps and challenges identified;
- to examine causes of the public protest. Despite forms of protest that demonstrators resorted to, it is important for the authorities to examine whether the allegations about unfair fines and insulting remarks have any merit, and if they do, adequate legal measures must be taken in response;
- it is also important to examine possible orchestrated nature of these developments.

**The law enforcement authorities:**

- to carry out a timely and comprehensive investigation of the incident, take adequate legal measures and prosecute perpetrators;
- it is vitally important to protect rights of the arrestees guaranteed by law, while final decision about their actions should be made by guaranteeing the right to a fair trial.

**Political parties:**

- to act responsibly and refrain from encouraging a confrontation or violence in a direct or indirect manner. We believe that any statement that as much as implies justification of violence, can potentially increase the risk of a violent confrontation;
- to refrain from making public statements based on xenophobic, ethnic and religious intolerance and animosity.

**Citizens of Georgia**

- here we must note that individual citizens have the responsibility to obey and respect the law, and if they believe that outcomes of its enforcement are unfair, they

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should first and foremost seek a legal redress, instead of acting outside the legal framework as this will cause a damage to interests of individual citizens, as well as the state and the public.

## **Georgian Young Lawyers' Association**

## **Transparency International - Georgia**

## **International Society for Fair Elections and Democracy**

## **Human Rights Center**

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[1] <http://www.interpressnews.ge/ge/regioni/422647-bathumshi-mosakhleobam-tcavtcavadzis-qucha-gadaketa.html>

[2] <http://www.myvideo.ge/tv/rustavi2/2017-03-12/14:22:48>

[3] <http://www.interpressnews.ge/ge/regioni/422654-bathumshi-tcavtcavadzis-quchaze-mosakhleobasa-da-policias-shoris-dapirispirebaa.html>

[4] <http://www.interpressnews.ge/ge/regioni/422660-atcaris-policiis-mthavar-sammarthvelosthan-moqalageebi-da-samarthaldamcvelebi-erthmaneths-fizikurad-daupirispirdnen.html>

[5] <http://www.interpressnews.ge/ge/regioni/422685-atcaris-policiis-sammarthvelos-shenobis-tsin-dapirispireba-da-areuloba-grdzeldeba.html>

[6] <http://rustavi2.com/ka/news/70408>

[7] <http://netgazeti.ge/news/179268/>