

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



NGOs' Statement on Violation of the Right to Assembly of "LGBT"

On May 17, 2012 LGBT rights protection organization "Identity" arranged the outdoor LGBT related event/rally to mark the International Day against Homophobia and Transphobia. On May 8, 2012 the organization "Identity" filed the notice to Tbilisi City Hall. The letter #07/63542-7 provided that on May 17, 2012 "Identity" planned the rally from Philharmonic Concert Hall to the direction of Grigol Orbeliani Square. The event started on the indicated time nearby Philharmonic building and followed the planned route. At the Rustaveli Avenue, near the Academy of Science, members of the "Orthodox Parents' Union" and "the Society of Saint Vakhtang Gorgasali", blocked

the movement of the rally by the live chain.

Paragraph 9, Article 8 of the Law of Georgia on Assembly and Manifestations provides that an assembly or a manifestation must be held at the place and time indicated in the notification, in accordance with the route and purposes specified therein. Having blocked the Rustaveli Avenue, members of the Orthodox Parents' Union disallowed participants of the rally to continue the manifestation according to the indicated route and thus violated paragraph 2, Article 12 of the Law of Georgia on Assembly and Manifestations. The article obliges citizens not to obstruct conduct of assembly or manifestation held in accordance to the rules prescribed by this law. In addition, according to one of the key principles of freedom of assembly and expression, law enforcement representatives are obliged to take measures with a view to separate the participants of the rally and counter - demonstrators and thus ensure exercise of the right to assembly and manifestation by the both parties.

The materials disseminated by various TV companies report that in view of the small number of rally participants, in the beginning, the event could have been organized on the pavement. According to the Georgian legislation, notwithstanding the preliminary notice, if the number of rally participants allows conduct of the similar event on people's movement place (pavement, underground passages and so on) the assembly or manifestation shall not be held on the transport movement place. Video recording show that participants of the assembly had observed the requirements until they approached the nearby territory of the Science Academy. The pavement was crowded by rally members as well as by counter-demonstrators and ordinary pedestrians. In view of this, continuation of the route was impossible. We consider that, this was the moment when law enforcement representatives should have played especially active role and should have separated participants of the rally and counter-demonstrators with a view to prevent physical conflict. In addition, with its active role, the police should have promoted peaceful continuation of the rally.

The news program "Kurieri at 6 o'clock" of the TV Company Rustavi 2 reported how some individuals beat one of the rally participants. Supposedly, the conduct contained signs of offence. In this situation the police had only the "peace keeping" function and helped the beaten activist to escape from the group of aggressors, which represents violation of the state's positive obligation to protect rally participants from counter-demonstrators.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



As far as the video recording clearly demonstrates that counter-demonstrators were initiators of the attack, we think arrest of employees and activists of the organization “Identity” by law enforcement representatives was illegal. It should also be noted, that attempt of rally participants to block the transport movement, following the arrest of one of the activists of the organization “Identity”, was not in compliance with legislative requirement and should be avoided during the similar manifestations. We consider, that on May 17, 2012 LTGB’s right to assembly and manifestation has been violated by destructive acts of the counter-demonstrators, as well as by omission and in certain cases by illegal actions of law enforcement representatives, that requires comprehensive and effective investigation.

The Georgian Young Lawyers’ Association
Open Society Georgia Foundation
Multilingual Georgia
Human Rights’ Center
European Initiative – Liberal Academy Georgia
The Association “Green Alternative”
Caucasus Environmental NGO Network (CENN)