

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA calls on the Ministry of Internal Affairs to respect the right to hold assembly by setting up a tent on a sidewalk

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According to media reports, on 19th February 2021, in front of the parliament building on Rustaveli Avenue in Tbilisi, police prevented protesters from setting up a tent. Police officers detained 20 activists gathered outside the parliament building to set up tents.

According to Article 11¹, Paragraph 4 of the Law on Assemblies and Manifestations:

"It shall be prohibited to block the traffic roadway with vehicles, various constructions and/or vehicles."

This norm prohibits the placement of a tent, other construction or object on the **traffic roadway**, which will cause traffic jams and/or block the entrance to the building. The law does not prohibit the placement of tents on the sidewalk or pedestrian area when holding assemblies and manifestations. Protesting by setting up a tent on the sidewalk is not prohibited by law, but as the Tbilisi City Court ruled on August 31, 2016, in the case of the "Partisan Gardeners", it is an integral part of the constitutional right to assembly and demonstration. In the case of the "Partisan Gardeners", the Tbilisi City Court considered the prohibition of setting up a tent on a sidewalk admissible only if it paralyzes the administrative body or interferes with its normal activities.

The disseminated footage shows that the protesters planned to set up a tent, not on the traffic carriageway but on the sidewalk, where this action is not prohibited. The setting up of a tent was meant to continue the peaceful assembly in the cold weather. Thus, there is no need for the police to restrict the assembly by banning the tent placement.

GYLA calls on the Ministry of Internal Affairs to respect the human right to hold a peaceful assembly by placing a tent on the sidewalk. We also call on the relevant authorities to investigate the fact of restriction of the right to peaceful assembly and respond accordingly.