



GYLA CALLS ON THE MINISTRY OF INTERNAL AFFAIRS TO RESPECT THE RIGHT OF ASSAMBLY THROUGH THE TENT

According to the media reports, on September 11, 2018, there was a clash between Zaza Saralidze and the police on Rustaveli Avenue, in the vicinity of the parliament building. The widespread footage demonstrates that the supporters of Zaza Saralidze and Malkhaz Machalikashvili were trying to set up the tent, when the police arrived. After that, there was a dispute between Zaza Saralidze and the police on setting up the tent. According to the demonstrators' explanation, which can be heard in footage, they needed the tent to continue the protest in the rainy weather.

According to the Paragraph 4 of Article 11¹ of the law on „Assembly and Manifestations *It is inadmissible to halt the transport carriageway by vehicles, various constructions or/and other objects.*”

The norm prohibits placement of the tent, other forms of construction or subject on the transport carriageway, which might result in impending traffic movement. The law does not prohibit the presence of the tent on a sidewalk that is, in the place of pedestrians, while assembling or manifesting. The expression of protest by means of the tent on the sidewalk is not a restricted act, furthermore, it is a part of the constitutional right of assembly and manifestation, as ruled by Tbilisi City Court on „Partisan gardeners` case, on August 31, 2016. In the case of „Partisan gardeners Tbilisi City Court found the ban on pitching the tent on the sidewalk admissible only when it paralyzes the administrative body or hinders its normal functioning.

It is obvious from the widespread footage that the supporters of Zaza Saralidze and Malkhaz Machalikashvili intended to set up the tent not on the passageway of the transport, but on the sidewalk where the action mentioned is not prohibited. Besides, the tent was being set up at night, away from the entrance of the parliament. This circumstance excluded that the tent would paralyze or hinder normal functioning of the parliament. The presence of the tent has been conditioned by the necessity of continuing peaceful assembly in the rainy weather. Thus, there came no need to the police to limit the manner of assembly by prohibiting the tent placement.

GYLA calls on the Ministry of Internal Affairs to respect human right to exercise the right of peaceful assembly through placing the tent on the pedestrian. Also, we call on relevant institutions to examine the fact of restricting the right of peaceful assembly and respond appropriately.