



Dispersal of rally at the Parliament of Georgia is unlawful

On April 30, 2024, during the rally against the "Russian law" and after the announced repressions, in the vicinity of the Parliament of Georgia, the members of the special forces squad used an active special means of "[pepper spray](#)" from close range, without prior warning, illegally and disproportionately (21:43). The footage also shows facts of physical violence by members of the special forces against [citizens](#), including [women](#) (21:43). According to the participants of the demonstration, they did not have enough space to leave the area and avoid the places where the police force used pepper spray. The tactic of the police force, which detains or surrounds the participants and prevents them from leaving the area, violates international norms

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and the right to peaceful assembly. Also, in this situation, the number of mobilized emergency medical teams is [disproportionately low](#).

The use of special means was preceded by the fact that, before that, the Ministry of Internal Affairs issued a [statement](#) calling on the gathered people to vacate the entrance and exit spaces of the Parliament building. At 22:17, the Ministry of Internal Affairs issued another [statement](#), according to which the Ministry of Internal Affairs "used special means established by law".

We call onto the employees of the Ministry of Internal Affairs, who are currently participating in the operation to break up the demonstration, that they are violating the guidelines for the conduct of internal affairs officers during gatherings and demonstrations.

- Representatives of law enforcement agencies should ensure negotiations with the organizers or participants of the rally in order to avoid violent intervention as much as possible and to settle the situation peacefully.

- The minister's order also regulates the standards for the use of force by the representatives of law enforcement agencies and establishes the principle of using proportional force, namely: "The use of physical force and/or special means by the representatives of law enforcement agencies should be carried out in compliance with the principle of proportionality, only in case of extreme necessity and in the minimum amount necessary for specific circumstances. "

- According to the order, before the start of the special event, the responsible person is obliged to warn the participants of the assembly/demonstration about the use of physical force and special means, to give them a reasonable time (not less than 30 minutes) to comply with the legal request.

- According to the Minister's order, the use of physical force and special means is prohibited if the participants do not have enough space to leave the occupied territory.

Currently, the special forces squad violates the above-mentioned provision.

At the same time, starting the operation to break up the rally just because of the blocking of the entrances violates the international standard.

In the case "Makarashvili et al. v. Georgia", the European Court of Human Rights

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discussed the issue of blocking the entrances to the parliament building by the participants of the gathering, in particular - in that particular case, to what extent blocking the entrances to the building would hinder the effective functioning of the parliament and to what extent this action was damaging to the foundations of a democratic society. According to the court, Article 11 of the European Convention on Human Rights protects any assembly that is not violent or whose participants do not intend to commit violent acts. The Court indicated that "peaceful assembly" for the purposes of the Convention has an independent meaning and does not derive from prohibitions or procedures established in national law. Accordingly, the court indicated that such use of expression by assembly participants (blocking entrances) may, in certain circumstances, be protected within the framework of peaceful assembly. In this case, the court explained that the participants of the gathering did not commit and were not planning any violent actions. In addition, according to the court's assessment, despite the fact that the blocking of the parliament building by the participants of the meeting was an acute form of their political expression, in that particular case it did not damage the foundations of a democratic society and, on the contrary, contributed to the development of democratic processes in the country. Accordingly, the Court considered that the actions of the participants of the assembly fell within the scope of Article 11 of the Convention (the right to peaceful assembly) and the question of their restriction should be considered on the basis of the proportionality test.

Since the objectives of the organizers and participants of the meeting are peaceful, and tend to protect the western course of the country, contribute to the development of democratic processes in the country, as the above practice of the European Court shows, such expression is protected. Especially since the in the second hearing of the law in the Parliament has been finished, and the parliamentary work The process is not hindered. Peaceful protest is a mechanism for promoting democratic processes in the hands of citizens, and any attempt to suppress it is an anti-constitutional act.

We call

Ministry of Internal Affairs

- Ensure the development of an action plan for safety of assembly and demonstration

according to national legislation & international standards and stop the illegal practice of breaking up the rally.

Members of the special forces squad:

- obey the guidelines for the behavior of internal affairs officers during gatherings and demonstrations regarding the basis and procedure for the use of special means;
- Do not obey illegal orders and do not use violent methods against peaceful demonstrators.

Special Investigation Service:

More than 10 days have passed since the civil society organizations appealed to the head of the Special Investigation Service, Koka Katsitadze, regarding the violence carried out by the police forces against peaceful demonstrators on April 16-17, 2024 during the break-up of the ongoing demonstration against the Russian law. In fact, such practice continues today. It is necessary to immediately start an investigation and carry out all necessary investigative actions in order to identify and respond to all facts of excessive force by law enforcement officers.