

CHRONOLOGY AND LEGAL ASSESSMENT OF THE EVENTS OF JULY 5-6



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

Georgian Young Lawyers' Association

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THE EVENTS OF JULY 5-6**

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INTRODUCTION

The rights of LGBTQ + individuals have remained unprotected in Georgia for years. A particular challenge for them is the inadequate implementation of their freedom of expression and assembly. The number of cases of interference with the professional activities of media representatives and violence against them has also increased. Furthermore, the assaults committed in recent years largely remain uninvestigated.¹ A clear example of the culmination of the challenges is the events of July 5, 2021, that took place in Tbilisi.

The Tbilisi Pride organized and was planning to hold a week of pride in Georgia, but the proper implementation of the events was obstructed by homophobic groups. On July 5, during the counter-protest against the March for Pride, the members of the far-right group attacked dozens of media representatives, physically and verbally abused them and destroyed their equipment. The state failed to provide an effective response to incidents and to prevent violence. As a result, Tbilisi Pride was forced to cancel the event.

On July 5, the Ministry of Internal Affairs (MIA) launched an investigation into unlawful interference with journalistic activities, violence,² damage to and destruction of other people's property.³ On the same day, the MIA made a statement alleging that the investigative activities revealed facts of violence against 55 individuals, including 53 representatives of different media outlets.⁴ Besides, between July 5 and July 30, the Prosecutor's Office of Georgia launched criminal proceedings against 31 persons. The status of the victim was granted to 53 individuals, among them 42 journalists and cameramen.⁵

Ultimately, although the Ministry of Internal Affairs responded to the incidents and started the investigation, including against the organizers of the violence, the progress of the investigations, given the number of defendants, did not prove to be effective and comprehensive. In addition, the investigation has not yet identified the organizers of the violence.

¹ The investigation of the cases of demonstrators and journalists injured during the dispersal of the anti-occupation protest manifestation on June 20-21, 2019, is flawed, incomplete and does not meet the standard of effective investigation. See "GYLA applies to the European Court on behalf of the demonstrators and journalists affected by June 20 events", *the website of the Georgian Young Lawyers' Association*, 07.04.2021, available at: <https://bit.ly/3obRnn5>, updated: 09.11.2020.

² The investigation was launched under Articles 154 and 126 of CC. A statement of the Ministry of Internal Affairs, *the Ministry's website*, 05.07.2021, available at: <https://bit.ly/31IKguM>, updated: 09.11.2021.

³ *The website* of the Ministry of Internal Affairs, 05.07.2021, available at: <https://bit.ly/3ktf0GM>, updated: 10.11.2021.

⁴ "Information of the Ministry of Internal Affairs on violations identified by the police on July 5 and response measures", *the MIA website*, 05.07.2021, available at: <https://bit.ly/31UKTld>, updated: 10.11.2021.

⁵ Letter №13/50232 of the General Prosecutor's Office of Georgia, 17.08.2021.

METHODOLOGY

This paper reviews the status quo prior to the Week of Pride, statements made by various groups, and general attitudes of the public. In addition, we studied the developments of the week and analyzed to what extent the state fulfilled the obligations imposed on it by the Constitution in the above respect. Furthermore, the paper assesses the progress of the ongoing investigations, their results and compliance with the factual circumstances.

The report was prepared using various instruments:

Public information: The study evaluates the official statements voiced publicly by various bodies regarding the events of the Week of Pride. The organization additionally requested public information from the Ministry of Internal Affairs, the General Prosecutor's Office of Georgia and the Tbilisi City Court.

Media monitoring: While working on the report, the live coverage provided by media outlets, online publications and other open sources of information about the events before, during and in connection with the Week of Pride were analyzed.

Criminal case materials: In order to determine whether the investigation is effective, a part of the criminal case materials has been studied,⁶ which includes cases of 19 victims represented by the GYLA.

Analysis of legislation and relevant standards: The organization analyzed domestic legislation, relevant constitutional and international standards, the case law of the Constitutional Court and the European Court of Human Rights.

⁶ Despite the request, the Prosecutor's Office of Georgia did not provide GYLA with the materials of the criminal case in full.

CHRONOLOGY OF FACTS

SITUATION PRIOR TO PRIDE WEEK

On June 4, 2021, the Tbilisi Pride, the organization protecting the human rights of LGBTQ + community, announced the Tbilisi Pride Week to be held from July 1-5.⁷ As the day approached, the organizers actively requested a meeting with state officials to discuss the safety-related matters of the planned events. The meetings were held with representatives of the Ministry of Internal Affairs,⁸ however, the agency still failed to ensure full protection of the rights guaranteed by the Constitution.

Statements made by state representatives

The statements made by public authorities during the Tbilisi Pride Week concerning the March of Pride were almost identical. They mainly conveyed a message that nobody's rights were violated in the country: *"I am against popularizing it, but we are all equal before the law"* - Giorgi Volski,⁹ Member of Parliament of Georgia; *"It is difficult to say, I do not think it is a restriction of rights, nobody prevents them from doing what these people are eager and committed to. As for the stronger expression, well, I do not know, they should probably ask the other part of the society and they must not provoke any confrontation anyway,"* said Davit Sergeenko, a member of the majority.¹⁰ Irakli Kobakhidze, the leader of the parliamentary majority, Aluda Ghudushauri, an MP, and Kakhi Kaladze, the mayor of Tbilisi,¹¹ also considered it unreasonable to hold the March of Pride, because, as they deemed, the context was difficult and some specific individuals could manipulate with the March of Pride. *"I have my personal attitude - I think that given the broader context, these individuals should be refused to hold the event"* - Kakha Kaladze; *"The context is very complex and because of this, responsible people, as a rule, should not have planned it"* - Irakli Kobakhidze.¹² According to Aluda Ghudushauri, the goal of organizing the Pride was to generate tension artificially.¹³

Comments made by clergymen

The issue of holding the March of Pride was very actively discussed among clerics. They considered the Pride as an insult to the country's identity, traditions, lifestyle, and opposed its

⁷ "Tbilisi Pride will hold a "March for Dignity" on Rustaveli on July 5." *The "Netgazeti" website*, 04.06.2021, available at: <https://netgazeti.ge/news/546305/>, updated: 09.11.2020.

⁸ "We are trying to meet with the authorities on security details - Tabagari on the Pride", *the website of the TV channel "Mtavari Channel"*, 29.06.2021, available at: <https://bit.ly/3urZkr1>, updated: 09.11.2020.

⁹ "I am against the promotion of this" - Volski about the Tbilisi Pride Week, *the website of the TV channel "Mtavari Channel"*, 16.06.2021, available: <https://bit.ly/3ATOOeK>, updated: 09.11.2020.

¹⁰ "I cannot explain what Pride is - David Sergeenko", *the "Batumi News" website*, 18.06.2021, available at: <https://bit.ly/3H3u7QW>, updated: 09.11.2020.

¹¹ "Kakha Kaladze - I do not deem it reasonable to hold the Pride Week - there are specific groups that may manipulate with it", *the Interpressnews website*, 29.06.2021, available at: <https://bit.ly/3ifZjSl>, updated: 09.11.2021.

¹² "Irakli Kobakhidze on the Pride - I think that, considering the full context, these individuals should be refused to hold the event", *the Interpressnews website*, 17.06.2021, available at: <https://bit.ly/3uokrdY>, updated: 09.11.2021.

¹³ "It will be better if they refrain from holding it - Ghudushauri on Tbilisi Pride, *the website of the Mtavari channel TV*, 18.06.2021, available at: <https://bit.ly/3ujqnp>, updated: 09.11.2021.

implementation. The clergy called on the parishioners to protest against “obscenity”¹⁴ in defense of their religion. Three days prior the Tbilisi Pride Week, the Patriarchate of the Georgian Orthodox Church had made an official statement regarding the matter and assessed the Pride as propaganda for a non-traditional lifestyle.¹⁵

Statements made by far-right groups

After the announcement of the Pride, several statements were made by ultra-right groups as well. A few days prior to the event, Zurab Makharadze, the founder of Alt-Info, had been calling for mass mobilization to disrupt the week.¹⁶ Guram Palavandishvili, the head of the Society for the Protection of Children’s Rights, had also urged his supporters to occupy certain areas and obstruct any event to be held within the week.¹⁷ The far-right groups imposed on the government the full responsibility for any individuals who would possibly be affected by the announced actions.¹⁸

Response of the Public Defender and the international community

The Public Defender has been talking about the violations of the rights of LGBTQ + people in the country for years.¹⁹ Following the violent calls of the right-wing groups and the inappropriate response of the authorities, the Public Defender urged the law enforcers to take preventive measures and protect the freedom of expression of the citizens.²⁰ As the threat of violation of minority rights was of large scale, statements were also made by local²¹ and international organizations.²² Human rights activists, members of European Parliament and

¹⁴ “Reverend Daniel on Tbilisi Pride - something that insults the country’s identity, traditions, way of life, should take place in public”, *the Interpressnews website*, 27.06.2021, available at: <https://bit.ly/3maMNEu>, updated: 09.11.2021; “On June 20, the Sodomites launched an attack on the Parliament - Reverend Stephen”, *the website of the TV channel “Mtavari Channel”*, 21.06.2021, available at: <https://bit.ly/3F0GZ9q>, updated: 09.11.2021; “Reverend Stephen on the manifestation planned in parallel with Tbilisi Pride - this is a protest against the propaganda of Sodom sin”, *the Interpressnews website*, 27.06.2021, available at: <https://bit.ly/3CVVedG>, updated: 09.11.2021; “Reverend Spiridon” on Tbilisi Pride “- Every single man must go out to protest, not to allow those pervert and unfortunate persons to pour the wrath of God on Georgia”, *the Interpressnews website*, 28.06.2021, available at: <https://bit.ly/3zT9SAu>, Updated: 09.11.2021.

¹⁵ “Statement of the Patriarchate of Georgia”, *the website of the Georgian Patriarchate*, 29.06.2021, available at: <https://bit.ly/2XV5kwq>, updated: 09.11.2021.

¹⁶ “Opponents of the March for Dignity are going to control Rustaveli Avenue”, *the Radio Liberty website*, 24.06.2021, available at: <https://bit.ly/3zJUiqU>, updated: 09.11.2021.

¹⁷ “Guram Palavandishvili plans to set up tents on Rustaveli to disrupt the Pride”, *the Radio Liberty website*, 28.06.2021, available at: <https://bit.ly/3uj4XaS>, updated: 09.11.2021.

¹⁸ “Guram Palavandishvili - We will fight against Tbilisi Pride with our bare hands, we will take up the areas where they plan to march”, *the Interpressnews website*, 29.06.2021, available at: <https://bit.ly/3AOKUzv>, updated: 09.11.2021.

¹⁹ “Public Defender’s Statement on International Day against Homophobia and Transphobia”, *the website of the Public Defender of Georgia*, 17.05.2021, available at: <https://bit.ly/3wtuLIH>, updated: 09.11.2021.

²⁰ “I urge the police to take preventive steps to deter violence - Lomjaria on the Pride”, *the website of the Mtavari Channel TV*, 29.06.2021, available at: <https://bit.ly/3zKekBL>, updated: 09.11.2021.

²¹ “Civil Platform “No-Phobia! “,”Coalition for Equality” and other civil society organizations condemn the homophobic statements of the representatives of the Georgian Dream”, *the website of the Coalition for Equality*, 21.06.2021, available at: <https://bit.ly/3uxRUCR>, updated: 09.11.2021.

²² “MEPs appeal to the Minister of Internal Affairs of Georgia and urge to effectively protect the participants of “Tbilisi Pride”, *the website of InterpressNews*, 28.06.2021, available at: <https://bit.ly/3m98DIM>, updated: 09.11.2021.

ambassadors called on the government to allow participants of the Pride to exercise their constitutionally guaranteed rights, as well as to protect their freedom of assembly and expression without endangering their lives or health.²³

THE TBILISI PRIDE WEEK

On July 1, 2021, the Tbilisi Pride published photos on social media, by which Pride Week was officially opened.²⁴ On the same day, a British documentary about Pride was scheduled to be presented, on July 3 - an open-air festival with the participation of LGBTQ + community artists and musicians, and on July 5 – March of Pride.²⁵

Events of July 1-4

July 1 - Movie screening

Tbilisi Pride Week began on July 1.²⁶ The presentation of the British documentary about the 2019 Pride events was held at the opening ceremony.²⁷ Along with LGBTQ + representatives and supporters, the screening was attended by members of the diplomatic corps, including the ambassadors from Germany, Britain and Israel.²⁸

Prior to the event, the MIA had issued a statement saying that it would take appropriate measures to ensure the safe conduct of the film screening, the rule of law, and the freedom of assembly/expression of each individual.²⁹ Accordingly, police officers were gathered in the area.³⁰

Ultraconservative groups gathered around to disrupt the event.³¹ They threw various items at the film viewers, including eggs and bottles.³² Although law enforcement officers were standing at the entrance of the club trying to contain the flow of aggressive individuals, an egg hit an employee of the US Embassy.³³ At the end of the event, the film-viewers were escorted by

²³ “We hope everything will be done peacefully – Degnan on the Pride Week”, *the website of the TV channel “Mtavari Channel”*, 29.06.2021, available at: <https://bit.ly/3ujr3Kt>, updated: 09.11.2021.

²⁴ Tbilisi Pride [Facebook page], 01.07.2021, “The first event of the Pride Week has started”, available at: <https://bit.ly/3ynWkfD>, updated: 09.11.2021.

²⁵ “Tbilisi Pride Week 2021,” *the Tbilisi Pride website*, 16.06.2021, available at: <https://bit.ly/3yrhQQD>, updated: 09.11.2021.

²⁶ “The first event within the framework of “Tbilisi Pride” is being held, which is attended by representatives of the diplomatic corps”, *the InterpressNews website*, 01.07.2021, available at: <https://bit.ly/3bSaSeP>, updated: 09.11.2021.

²⁷ “Tbilisi Pride Week is opened with the presentation of a documentary film on the events of 2019”, *the website of “ImediNews”*, 02.07.2021, available at: <https://bit.ly/3mYcAkZ>, updated: 09.11.2021.

²⁸ “I am proud to have attended this evening the premiere of “March for Dignity - Ambassador of Israel”, *On.ge website*, 02.07.2021, available at: <https://bit.ly/3jth3dW>, updated: 09.11.2021.

²⁹ “Statement of the Ministry of Internal Affairs”, *the MIA website*, 01.07.2021, available at: <https://bit.ly/3yqsze9>, updated: 09.11.2021.

³⁰ “The organizers of “Pride Week” positively assess the work of the police at this stage”, *the Radio Liberty website*, 01.07.2021, available at: <https://bit.ly/3F1OPP4>, updated: 09.11.2021.

³¹ “An egg thrown by members of a violent group hits an employee of the US Embassy”, *the Radio Liberty website*, 01.07.2021, available at: <https://bit.ly/2WDDzmf>, updated: 09.11.2021.

³² *Ibid.*

³³ *Ibid.*

police through a live cordon of police to avoid clashes with aggressive individuals. This step was highly appreciated by the organizers of the Pride Week.³⁴ Twenty-three members of the violent group were administratively detained, twenty of which were released the next day on the basis of a written acknowledgement.³⁵

July 3 - Festival in Lisi Lake territory

The second event of the Week, the festival, was held in the area of Lisi Lake.³⁶ Apart from hundreds of visitors, the event was attended by representatives of the diplomatic corps, including the ambassadors of the European Union, France and the Netherlands.³⁷ The right-wing groups tried to disrupt this event as well.³⁸ However, law enforcement officers controlled the entire perimeter of the festival. The inner territory was also supported by private security members.³⁹ Thus, the event ended without violence and attendees were able to go home in a minibus provided by the police.⁴⁰

Response of government representatives

Representatives of state authorities responded to the commencement of Pride Week. Anri Okhanashvili⁴¹ and Kakha Kuchava,⁴² the MPs, noted that the state is obligated to take all necessary measures to protect freedom of expression. A statement made by President of Georgia Salome Zurbishvili shall also be highlighted. She condemned all forms of violence, threats, pressure, and hate speech.⁴³

Response of the Public Defender and the international community

In her statement on the Week of Pride, the Public Defender called on the competent bodies and officials to take measures, considering the experience of previous years, that would actually protect the safety, freedom of expression and assembly of the participants of the March of

³⁴ “The organizers of “Pride Week” positively assess the work of the police at this stage “, *the Radio Liberty website*, 01.07.2021, available at: <https://bit.ly/3F1OPP4>, updated: 09.11.2021.

³⁵ “Police released 20 members of the arrested violent group under a written acknowledgement”, *the website of Radio Liberty*, 02.07.2021, available at: <https://bit.ly/3BtXLLD>, updated: 09.11.2021.

³⁶ “Photo report: Festival of Dignity - Tbilisi Pride Week continues”, *the On.ge website*, 04.07.2021, available at: <https://bit.ly/3BjSmXg>, updated: 09.11.2021.

³⁷ *Ibid.*

³⁸ “The Society for the Protection of Children’s Rights” [Facebook page], 03.07.2021, “№ 2 at the new hippodrome (at Lisi). Against the LGBT Week Propaganda Concert “, available at: <https://bit.ly/3yw3wGA>, updated: 09.11.2021.

³⁹ “Photo report: Festival of Dignity - Tbilisi Pride Week continues”, *the On.ge website*, 04.07.2021, available at: <https://bit.ly/3BjSmXg>, updated: 09.11.2021.

⁴⁰ *Ibid.*

⁴¹ “Anri Okhanashvili on the Tbilisi Pride - the state ensures all the necessary measures for the realization of freedom of expression”, *the Interpressnews website*, 01.07.2021, available at: <https://bit.ly/3gIBLEG>, updated: 09.11.2021.

⁴² “Kakha Kuchava on the Tbilisi Pride Week - I hope our law enforcement bodies will not have the work to do that will be talked by all parties, that violence took place somewhere”, 01.07.2021, available at: <https://bit.ly/2WEyhFJ>, updated: 09.11.2021.

⁴³ “The President of Georgia - All forms of violence, threats, pressure and hate speech are unacceptable “, *the website of the Administration of the President of Georgia*, 01.07.2021, available at: <https://bit.ly/3yulWro>, updated: 09.11.2021.

Pride,⁴⁴ also, to respond effectively to any alleged violations and make statements in support of the LGBTQ + community in order to avoid impunity and similar incidents in the future.⁴⁵

As for the response of the international community, a joint statement was made by the United Nations, the European Union Delegation, Austria, the Embassies of the United States of America, Belgium, Germany, the United Kingdom, Spain, Estonia, Israel, Canada, the Kingdom of Netherlands, Norway, Greece, France, Finland, Sweden and Switzerland, the Czech Republic and the Head of the EU Monitoring Mission in Georgia urging everyone to protect freedom of expression.⁴⁶

Statements of religious organizations

In the statement published on July 3, the Patriarchate of the Georgian Orthodox Church invited citizens to “peacefully protest” the March of Pride scheduled to be held on July 5.⁴⁷ The position of several clerics that the issue of holding Tbilisi Pride was not a matter to be discussed by the church should also be underlined.⁴⁸ Apart from the Georgian Patriarchate, representatives of other confessions also issued statements. In particular, the Great Synagogue of Tbilisi demanded from the government not to allow the Pride to take place.⁴⁹ The same was required by the Administration of Muslims of All Georgia.⁵⁰

July 4 - Mobilization of radical groups and violent statements

Given the developments of July 4, there was a high probability that clashes would take place and people would get affected on July 5. This was indicated by the actions and statements made by representatives of extreme groups.

On July 4, a video clip “Appeal of the Patriarchate’s Chokhosnebi Society: Everyone to Rustaveli Avenue on July 5!” was released. The video was urging the public to join the protest on Rustaveli Avenue to prevent the Pride.⁵¹ On July 4, a protest entitled “Pride Imposing Embassy” was also held in front of the EU Embassy.⁵² The footage also showed the car convoys heading from the regions to Tbilisi.⁵³

⁴⁴ “Public Defender’s Statement on March for Dignity”, *the website of the Public Defender of Georgia*, 01.07.2021, available at: <https://bit.ly/2WuaRd3>, updated: 09.11.2021.

⁴⁵ *Ibid.*

⁴⁶ “Protect the right to freedom of assembly in Tbilisi at 2021 Pride Week in Tbilisi”, *the website of the EU Delegation to Georgia*, 01.07.2021, available at: <https://bit.ly/3t6BRuY>, updated: 09.11.2021.

⁴⁷ “Statement of the Patriarchate of Georgia”, *the website of the Georgian Patriarchate*, 03.07.2021, available: <https://bit.ly/3kyk384>, updated: 09.11.2021.

⁴⁸ “Some clergymen declare that it is not the church’s business whether or not to hold Tbilisi Pride, *the website of “Radio Liberty”*, 04.07.2021, available at: <https://bit.ly/3jtAQtf>, updated: 09.11.2021.

⁴⁹ “Pride was also opposed by the Administration of All Muslims of Georgia and the Great Synagogue of Tbilisi”, *the website of Radio Liberty*, 04.07.2021, available at: <https://bit.ly/3gQsDhl>, updated: 09.11.2021.

⁵⁰ *Ibid.*

⁵¹ The Society for the Protection of Children’s Rights [Facebook page], 04.07.2021, “Call of the Patriarchate’s Chokhosnebi Society: Everyone on Rustaveli on July 5!”, Available at: <https://bit.ly/3t15Lk8>, updated: 09.11.2021.

⁵² The Society for Protection of Children’s Rights [Facebook page], 04.07.2021, “Another protest in front of the EU Embassy forcing Pride”, available at: <https://bit.ly/3mNWLOf>, updated: 09.11.2021.

⁵³ Free Georgia [Facebook page], 04.07.2021, “Georgia is heading to Tbilisi, the highway is congested”, available at: <https://bit.ly/3DBaOwm>, updated: 09.11.2021.

In addition, representatives of the Society for the Protection of Children's Rights and the youth wing of the political party "Georgian Idea" gathered in the vicinity of the Rustaveli metro station and set up tents to protest the Tbilisi Pride.⁵⁴ They made it clear several times that the next day they were going to take over police functions, seize the posters of participants of the March of Pride and remove them from the area.⁵⁵ Moreover, Guram Palavandishvili, a representative of the Society for the Protection of Children's Rights, repeatedly declared that confrontation and escalation of the situation,⁵⁶ as well as victims, was anticipated.⁵⁷ A similar statement was disseminated by Irakli Shikhiashvili, Secretary-General of the "Georgian March," who did not rule out the likelihood of a confrontation during the protest.⁵⁸

Campers in front of the Rustaveli metro station were expecting an increase in the number of

⁵⁴ "Opponents of "Tbilisi Pride" plan to set up tents near the Rustaveli metro station and spend the night there", the *Interpressnews website*, 04.07.2021, available at: <https://bit.ly/3F9afe0>, updated: 09.11.2021.

⁵⁵ The Society for the Protection of Children's Rights [Facebook page], 04.07.2021, "We are starting to set up tents. Against Pride near Metro Rustaveli!", 05:03-05:20 am. Available at: <https://bit.ly/3kHOgBD>, updated: 09.11.2021; The Society for the Protection of Children's Rights [Facebook page], 04.07.2021, "The tents have been set. We are waiting for you near Rustaveli metro, do not allow the so-called Pride to happen", 05:35-05:40 am. Available at: <https://bit.ly/3jyr2OS>, updated: 09.11.2021; Guram Palavandishvili - "[...] there is a fight, we are physically going to [...] stop them. [...] We are going to snatch their posters and force them out of the territory." The Society for the Protection of Children's Rights [Facebook page], 04.07.2021, "Come to Rustaveli Metro station, come out to protect your children", 00:39-01:25 am. Available at: <https://bit.ly/3jEJDsA>, updated: 09.11.2021; *Ibid.*, Guram Palavandishvili - "[...] we want to take over police functions", 11: 58-12:00 am.

⁵⁶ Guram Palavandishvili - "Irreparable things, escalation may happen", see the Society for Protection of Children's Rights [Facebook page], 04.07.2021, "We are starting to set up tents. Against the Pride at Metro Rustaveli", 05:29-05:35 min. Available at: <https://bit.ly/3kHOgBD>, updated: 09.11.2021; Guram Palavandishvili - "We are not going to just stand, we are here to fight, to fight physically", see the Society for Protection of Children's Rights [Facebook page], 05.07.2021, "We are waiting for you in the morning at Metro Rustaveli", 04:28-04:36. Available at: <https://bit.ly/2V9vXwx>, updated: 09.11.2021; *Ibid.* Guram Palavandishvili - "An irreversible commotion will occur", 05:29-05:33; *Ibid.*, Guram Palavandishvili - "June 20 will seem a fiction", 07:55-07:58. Guram Palavandishvili - "[...] there will be an amazing confrontation", see the Society for the Protection of Children's Rights [Facebook page], 05.07.2021, "Come to Rustaveli Metro, come out to protect your children", 08:30-08:32. Available at: <https://bit.ly/3jEJDsA>, updated: 09.11.2021; *Ibid.*, "[...] If we are overridden by the police [...], people will rage and something much worse will happen than in 2013", 11: 19-11:30; *Ibid.*, Alexander Palavandishvili - "Exactly as it happened back in 2013, in that manner we will prevent them [...] from attempting to disgrace our country", 14: 47-14: 55.

⁵⁷ Guram Palavandishvili - "I want to tell you that victims are expected", see The Society for Protection of Children's Rights [Facebook page], 04.07.2021, "We are starting to set up tents. Against Pride at Metro Rustaveli!", 03:55-04:00. Available at: <https://bit.ly/3kHOgBD>, updated: 09.11.2021; Guram Palavandishvili - "Tomorrow is a very dangerous day, there might be casualties, I announce it once again", see the Society for Protection of Children's Rights [Facebook page], 04.07.2021, "Tents have been set up. We are waiting for you near Rustaveli metro, do not let the so-called Pride to happen", 02:57-03:03 min. Available at: <https://bit.ly/3jyr2OS>, updated: 09.11.2021; *Ibid.* Guram Palavandishvili - "There is a great danger [of victims], so we call on the government not to doom their people and if there are any victims, they must not feel guaranteed that people will not demand an answer from the government and will not go against them, and then the night of [...] Gavrilov [...] will seem so easy", 05:59-06:16; Guram Palavandishvili - "[...] victims are expected", see the Society for Protection of Children's Rights [Facebook page], 04.07.2021, "It is necessary to gather near the Rustaveli metro", 04:10-04:14. Available at: <https://bit.ly/38rSRIQ>, updated: 09.11.2021; *Ibid.*, Guram Palavandishvili - "There is a danger of this [victim]", 16: 03-16: 06; There, Guram Palavandishvili - "Whoever we are here, we will start to attack, so that to snatch their posters and drive them away, this can naturally lead to affecting people, confrontation", 18:00-18:20; Guram Palavandishvili - "Even if there is a congestion, people may die there", see the Society for Protection of Children's Rights [Facebook page], 05.07.2021, "To the Rustaveli Metro, come out to protect your children", 00: 39-01: 25. Available at: <https://bit.ly/3jEJDsA>, updated: 09.11.2021.

⁵⁸ "The Secretary-General of the "Georgian March" demands a meeting with representatives of "Tbilisi Pride", the website of *Interpressnews*, 04.07.2021, available at: <https://bit.ly/3ofGmky>, updated: 09.11.2021.

protesters from 10 am.⁵⁹ Alexander Palavandishvili, another member of the Society for the Protection of Children's Rights, declared on July 4 that, according to their information, participants of the March of Pride would possibly start to appear by noon.⁶⁰ Consequently, there was a legitimate expectation that the clashes would occur from the morning.

Events of July 5-6

July 5 - Cancellation of the March of Pride and a large-scale assault on media representatives

As expected from the developments of July 4, indeed, hundreds of people started to gather in the morning on the territory of Rustaveli Avenue to protest the March of Pride.⁶¹ The risk of confrontation was exacerbated by a number of negative and violent statements made by radical groups towards media representatives.⁶² They demonstrated a hostile attitude towards reporters.⁶³ With the crowd growing, their aggression was also increasing.⁶⁴ Despite all this, only a small group of police officers was provided near Rustaveli Avenue.⁶⁵

At the same time, representatives of the counter-protest gathered near Kashueti Cathedral. Zurab Makharadze, a member of Alt-Info, called on the protesters to attack the tents set up in front of the parliament: *"See, over there in front of the legislature, there are the parties who [...] affixed their signatures to this nonsense. It is them who allowed this pride [...]"*, *"[...] Now, I will tell you what we are going to do. Now we will walk towards there, to the legislature and clean the territory from the garbage [...]"*.⁶⁶ The footage also shows Zurab Makharadze

⁵⁹ The Society for Protection of Children's Rights [Facebook page], 05.07.2021, *"Prayer at Rustaveli Metro." Come out and together we will defend our share of Georgia. No to the Pride of sins*, 55:25-55:30. Available at: <https://bit.ly/3kQGxrt>, updated: 09.11.2021.

⁶⁰ The Society for Protection of Children's Rights [Facebook page], 04.07.2021, *"It is necessary to gather near the Rustaveli metro"*, 01: 10-01: 15. Available at: <https://bit.ly/38rSRIQ>, updated: 09.11.2021.

⁶¹ The Society for Protection of Children's Rights [Facebook page], 05.07.2021, *"Come to Rustaveli Metro, come out to protect your children"*, available at: <https://bit.ly/3jEJDsA>, updated: 09.11.2021.

⁶² Alexander Palavandishvili - *"Media [...] is in enmity to our country"*, see the Society for Protection of Children's Rights [Facebook page], 05.07.2021, *"Come to Rustaveli Metro, come out to protect your children"*, 22: 25-22: 30. Available at: <https://bit.ly/3jEJDsA>, updated: 09.11.2021; Ibid, Guram Palavandishvili - *"We will enter the parliament, those embassies [...] and televisions, and close up those televisions. [...] We will physically enter and turn them off the air"*, 38: 00-38: 15.

⁶³ The Society for Protection of Children's Rights [Facebook page], 05.07.2021, *"Come to Rustaveli Metro, come out to protect your children"*, 1:17-15-1:18:20, Available at: <https://bit.ly/3jEJDsA>, updated: 09.11.2021;

⁶⁴ TV Pirveli [Facebook page], 05.07.2021, *"Pirvelebi" LIVE "*, 20:10-21:55. Available at: <https://bit.ly/3yFiudB>, updated: 09.11.2021; Ibid., 27:03-29:20; Ibid., 1:36:40-1:37:00; Formula TV [Facebook page], 05.07.2021, *"Formula Special News Edition - July 5"*, 11:35-11:50. Available at: <https://bit.ly/3yGQ0jq>, updated: 09.11.2021; Radio Liberty [Facebook page], 05.07.2021, *"Hate groups set up tents in front of the Parliament building"*, 0:00-1:51. Available at: <https://bit.ly/3mZpe3j>, updated: 09.11.2021; Formula TV [Facebook page], 05.07.2021, *"Attack on the Media - Homophobic and violent protesters attacked the film crew of "Formula""*, 1:20-1:58. Available at: <https://bit.ly/3mVJIQr>, updated: 09.11.2021.

⁶⁵ TV Pirveli [Facebook page], 05.07.2021, *"Pirvelebi" LIVE "*, 20: 10-21: 55. Available at: <https://bit.ly/3yFiudB>, updated: 09.11.2021; Ibid., 27:03-29:20; Radio Liberty [Facebook page], 05.07.2021, *"Hate groups set up tents in front of the Parliament building"*, 0:00-1: 51 min. Available at: <https://bit.ly/3mZpe3j>, updated: 09.11.2021; Formula TV [Facebook page], 05.07.2021, *"Attack on the Media - Homophobic and violent protesters attacked the film crew of "Formula""*, 1:20-1: 58 min. Available at: <https://bit.ly/3mVJIQr>, updated: 09.11.2021.

⁶⁶ Publika [Facebook page], 30.07.2021, *"The organization of July 5"*, 8:34-9:38. Available at: <https://bit.ly/3DEHuoO>, updated: 09.11.2021.

giving instructions during the raid on the tents.⁶⁷ It is noteworthy that at that moment, law enforcers were barely present on Rustaveli. This is also indicated by a protest participant in the footage.⁶⁸

Aggressive statements were soon followed by numerous instances of verbal insults and violence against media representatives. Radical groups attacked cameramen and reporters, damaged their equipment,⁶⁹ tried to drive them out from the demonstration and chased after them all along Rustaveli Avenue.⁷⁰ The footage also shows that only a few police officers were on Rustaveli during these events.⁷¹ Finally, more than 50 violent incidents against media representatives were reported during the day.⁷² Among them is the attack on Formula reporter Rati Tsverava, during which he was physically assaulted by dozens of protesters.⁷³ This was preceded by Zurab Makharadze's instruction to remove Rati Tsverava from the territory of the Parliament.⁷⁴

There were several places of confrontation in the capital city during the day. Opponents of the March of Pride were gathered at various locations, including near Kashueti Cathedral, the Parliament, the Philharmonic, the Office of "Shame" movement, the Tbilisi Pride Office, the Round Garden, and other locations.⁷⁵

The disseminated footage shows that one of the protesters, as well as Zurab Makharadze, called on the crowd in front of the parliament to attack the office of the "Shame" movement.⁷⁶

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, 9:50-11:00.

⁶⁹ Netgazeti [Facebook page], 05.07.2021, "*The situation escalated during the violent rally against Pride*", available at: <https://bit.ly/3idzySG>, updated: 09.11.2021; "*Radical groups are attacking reporters – Rustavi-2 cameraman is injured*", the Rustavi-2 website, 05.07.2021, available at: <https://bit.ly/2SRFaIK>, updated: 09.11.2021; "*Violent groups physically and verbally abuse journalists in Rustaveli Avenue*", the Publika's website, 05.07.2021, available at: <https://bit.ly/2XKgowy>, updated: 09.11.2021; TV Imedi [Facebook page], 05.07.2021, "*A journalist and cameraman of 'Imedi' were attacked on Rustaveli Avenue*", 0:07-1:03 min. Available at: <https://bit.ly/3wsEwAR>, updated: 09.11.2021; *NEWS.On.ge* [Facebook page], 05.07.2021, "*Participants of Homophobic and Violent Counter-Protest Oppose an On.ge Journalist*", Available at: <https://bit.ly/3hjzlwQ>, Updated: 09.11.2021; "*Participants of the anti-Tbilisi Pride protest near the Parliament physically assaulted media representatives*", the InterpressNews website, 05.07.2021, available at: <https://bit.ly/3kLSiZV>, updated Available: 09.11.2021; TV Pirveli [Facebook page], 05.07.2021, "*Attack on Media*", available at: <https://bit.ly/3DFM6LG>, updated: 09.11.2021; "*Hate groups physically assaulted Radio Liberty reporters*", the Radio Liberty website, 05.07.2021, available at: <https://bit.ly/3hAnwL4>, updated: 09.11.2021.

⁷⁰ "*Journalists are being abused at a homophobic protest rally*", the Netgazeti website, 05.07.2021; available at: <https://bit.ly/3hD3kPy>, updated: 09.11.2021.

⁷¹ Netgazeti [Facebook page], 05.07.2021, "*The situation has escalated during the violent protest against Pride*", available at: <https://bit.ly/3idzySG>, updated: 09.11.2021; TV Imedi [Facebook page], 05.07.2021, "*Imedi journalist and cameraman were attacked on Rustaveli Avenue*", 0:07-1:03. Available at: <https://bit.ly/3wsEwAR>, updated: 09.11.2021.

⁷² "*List of Journalists Attacked by Violent Groups*", the Mediachecker's website, 05.07.2021, available at: <https://bit.ly/3qbRrEA>, updated: 09.11.2021.

⁷³ Radio Liberty [Facebook page], 05.07.2021, "*Formula's reporter, Rati Tsverava, was physically assaulted by hate groups*", available at: <https://www.facebook.com/watch/?v=213762617288460&t=0>, updated: 09.11.2021.

⁷⁴ Publika [Facebook page], 30.07.2021, "*The organization of July 5*", 15:25-15:50. Available at: <https://bit.ly/3DEHuoO>, updated: 09.11.2021.

⁷⁵ "*There are several hotbeds of violence in Tbilisi at the moment – the Interpressnews photo report from various locations of the confrontation*", the Interpressnews website, 05.07.2021, available at: <https://bit.ly/3t8xKyh>, updated: 09.11.2021.

⁷⁶ Publika [Facebook page], 30.07.2021, "*The organization of July 5*", 11:08-11:40. Available at: <https://bit.ly/3t8xKyh>.

Accordingly, a part of the radical group started for the “Shame” office.⁷⁷ Despite the fact that they were aggressive, only a few police officers arrived at the site.⁷⁸ Radical groups started throwing bottles and other objects at the building, rattling on the doors.⁷⁹ As a result, the office was damaged and the windows smashed.⁸⁰ Eventually, the gang managed to break into the building.⁸¹ While climbing up the stairs, violent shouts were heard – “Kill them”.⁸² At that moment, Miranda Baghaturia, a reporter of TV Pirveli, and Lekso Lashkarava, a cameraman, were in the office.⁸³ The latter was physically attacked by persons storming into the building.⁸⁴ It should be stressed that only one police officer arrived at the site during these events.⁸⁵

After the attack on the office of the movement “Shame”, the violent groups went to the Tbilisi Pride office. The call to do so was made to the protest participants by Zurab Makharadze⁸⁶ and Alexander Palavandishvili.⁸⁷ Individuals who arrived on the spot broke into the office of Tbilisi Pride,⁸⁸ climbed onto the balcony, tore down the LGBTQ + flag and hanged down the Georgian flag.⁸⁹ They were aggressive towards the journalists working at the location.⁹⁰ At that very moment, Alexander Palavandishvili made a statement that Georgia had never had a bigger enemy than Tbilisi Pride.⁹¹ He also noted that if those who climbed up onto the building were

ly/3DEHuoO, updated: 09.11.2021; The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, “Protest in front of the Parliament. People are staying near the Rustaveli metro as well”, 00:40-00:51. Available at: <https://bit.ly/3gV0N3C>, updated: 09.11.2021.

⁷⁷ Radio Liberty [Facebook page], 05.07.2021, “Hate groups have moved to the office of “Shame”, available at: <https://bit.ly/3C1Vgjr>, updated: 09.11.2021; “Violent groups are trying to invade the office of “Shame”, the Publika’s “website”, 05.07.2021, available at: <https://bit.ly/3IJsmyy>, updated: 09.11.2021.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ “Opponents of “Tbilisi Pride” arrived at the office of “Shame” and are throwing stones and bottles at the building”, the *Interpressnews website*, 05.07.2021, available at: <https://bit.ly/2VbyRAU>, updated: 09.11.2021. TV Pirveli [Facebook page], 05.07.2021, “Pirvelebi” LIVE “, 1:35:18. Available at: <https://bit.ly/3yFiudB>, updated: 09.11.2021.

⁸¹ Radio Liberty [Facebook page], 05.07.2021, “Hate groups moved to the office of “Shame”, 1:40-2:20. Available at: <https://bit.ly/3C1Vgjr>, updated: 09.11.2021 .

⁸² *Ibid.*, 2:20-4: 52.

⁸³ TV Pirveli [Facebook page], 05.07.2021, “Pirvelebi” LIVE “, 1:17: 38-1:18:25. Available at: <https://bit.ly/3yFiudB>, updated: 09.11.2021; TV Pirveli [Facebook page], 05.07.2021, “Offenders destroyed the camera of the TV Pirveli in the office of “Shame”, snatched a journalist’s mobile phone and smashed it, so that he could not film the incident”, available at: <https://bit.ly/3bSRa2q>, updated: 09.11.2021.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ Zurab Makharadze - “[...] a part will head for the Philharmonic. 200-300 men are enough [...], if necessary, we will shed blood as well”, see Publika[Facebook page], 30.07.2021, “The organization of July 5”, 12:20-12:50. Available at: <https://bit.ly/3DEHuoO>, updated: 09.11.2021.

⁸⁷ The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, “The MIA makes adequate statements”, 6: 20-6: 25; Available at: <https://bit.ly/38zQMEq>, updated: 09.11.2021.

⁸⁸ Radio Liberty [Facebook page], 05.07.2021, “A part of the hate groups stormed into the office of Tbilisi Pride”, available at: <https://bit.ly/3F35CBI>, updated: 09.11.2021.

⁸⁹ “Violent groups tore down the LGBTQ + flag on the balcony of Pride and displayed the Georgian flag”, the *Publika’s website*, 05.07.2021, available at: <https://bit.ly/2Zjshdh>, updated: 09.11.2021.

⁹⁰ “A part of the opponents of the organization “March for Dignity” is trying to break into the office of “Tbilisi Pride” from the balconies”, the *Interpressnews website*, 05.07.2021, available at: <https://bit.ly/3BD5A1k>, updated: 09.11.2021; The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, “The MIA makes adequate statements”, 7:00-11:40. Available at: <https://bit.ly/38zQMEq>, updated: 09.11.2021.

⁹¹ The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, “The MIA makes adequate statements”, 18:20-18:40, available at: <https://bit.ly/38zQMEq>, updated: 09.11.2021.

arrested, their supporters would enter the police stations and the court by force.⁹² It should be highlighted yet again that these events were witnessed only by several police officers who arrived at the scene without ammunition.⁹³ They did not prevent the offenders from climbing onto the balcony.⁹⁴

Furthermore, opponents of Tbilisi Pride pulled down the EU flag in front of the parliament and raised a cross.⁹⁵ They also reached the back entrance of the parliament building and threw eggs at the building.⁹⁶ They were shouting insulting words in the direction of MPs.⁹⁷ The aggressive groups then headed to the UN office, where a big number of police officers had already been mobilized.⁹⁸

Along with the attacks, offensive statements were being made and shouts were heard during the day against media representatives.⁹⁹ During the protest, a priest called on the parishioners to violence: *“Don’t say no to violence, on the contrary, you are obliged to use violence for the sake of your homeland, to use violence for the holly thing.”*¹⁰⁰ Guram Palavandishvili was distinguished with similar rhetoric: *“[...] First of all, journalists are criminals as they promote this to our children [...]”*;¹⁰¹ *“[...] When you commit a filthy sin, you may receive fury from people [he addresses journalists] [...]”*;¹⁰² *“[...] If the Pride marches, the primary aggression will be directed at journalists [...]”*;¹⁰³ Alexander Palavandishvili as well: *“[...] These televisions are our country’s enemy, they are accomplices and it is necessary to prevent their evil deeds [...]”*;¹⁰⁴ *“[...] The media is in our enmity [...]”*;¹⁰⁵ *“[...] Run, run, because these people may attack you [addresses journalists] [...]”*.¹⁰⁶ One of the protesters: *“[...] I will be merciless and break open everybody’s*

⁹² *Ibid.*, 22:00-22:16

⁹³ *Ibid.*, 13: 50-15: 10.

⁹⁴ *Ibid.*, 11:40-18:00. *“A part of the opponents of the organization “March for Dignity” is trying to break into the office of “Tbilisi Pride” from the balconies”, the Interpressnews website, 05.07.2021, available at: <https://bit.ly/3BD5A1k>, updated: 09.11.2021.*

⁹⁵ *“Opponents of “Tbilisi Pride” tore down the EU flag in front of the Parliament and raised a cross”, the Interpressnews website, 05.07.2021, available at: <https://bit.ly/3yxTdlq>, updated: 09.11.2021.*

⁹⁶ *Opponents of “Tbilisi Pride” threw eggs at the Parliament building “, the Interpressnews website, 05.07.2021, available at: <https://bit.ly/3kFM1ig>, updated: 09.11.2021.*

⁹⁷ *Ibid.*

⁹⁸ The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, *“The MIA makes adequate statements “, 1:21:58 min. Available at: <https://bit.ly/38zQMEq>, updated: 09.11.2021; “Opponents of the “March for Dignity” have arrived at the UN Office”, the InterpressNews website, 05.07.2021, available at: <https://bit.ly/3BBImJ0>, updated: 09.11.2021.*

⁹⁹ The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, *“The MIA makes adequate statements “, 4:20- 4:30; Available at: <https://bit.ly/38zQMEq>, updated: 09.11.2021. *Ibid.* 2:43:00-2:44:00*

¹⁰⁰ *“A clergyman calls on the parish to commit a crime”, the Publika’s website, 05.07.2021, available at: <https://bit.ly/3Cyub8g>, updated: 09.11.2021; Tbilisi Pride [Facebook page], 05.07.2021, “Instead of no to violence, you are obliged to commit violence for the homeland”, available at: <https://www.facebook.com/watch/?v=1162285374239814>, updated: 09.11.2021.*

¹⁰¹ The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, *“The MIA makes adequate statements”, 0:59-1:17 min. available at: <https://bit.ly/38zQMEq>, updated: 09.11.2021.*

¹⁰² *Ibid.*, 1:30-1:39.

¹⁰³ *Ibid.*, 2:50-2:59.

¹⁰⁴ *Ibid.*, 2:00:50-2:01:00.

¹⁰⁵ The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, *“Religious service”, 18:00-18:04. Available at: <https://bit.ly/3jzW8po>, updated: 09.11.2021.*

¹⁰⁶ The Society for Protection of Children’s Rights [Facebook page], 05.07.2021, *“The MIA makes adequate statements”, 4:00-4:13. Available at: <https://bit.ly/38zQMEq>, updated: 09.11.2021.*

head [..]”.¹⁰⁷

Due to the developed events, the Tbilisi Pride called off the planned march.¹⁰⁸ In response to violent actions, police made a live chain near Kashueti Cathedral.¹⁰⁹ They also tried to escort reporters and cameramen from the territory.¹¹⁰

July 6 – “Silent protest” and “Counter-Protest” of Radical Groups

On July 6, a silent protest was announced in front of the parliament to protest the outrage of the previous day.¹¹¹ Simultaneously, another protest was planned by radical groups.¹¹² As a result, July 6 also began with confrontations and attacks.¹¹³ However, unlike the previous day, this time police arrested offenders and removed them from the area.¹¹⁴

Many people gathered in front of the parliament as part of the silent protest.¹¹⁵ Peaceful demonstrators, who were joined by representatives of Tbilisi Pride, placed LGBTQ + flags in front of the parliament and sang the national anthem.¹¹⁶ In parallel, their opponents gathered near the First School and Kashueti Cathedral,¹¹⁷ and were still acting aggressively.¹¹⁸ They tried to break into the ongoing protest in front of the parliament, but the police did not allow them to do so.¹¹⁹

¹⁰⁷ *Ibid.*, 2:07:00-2:07:10.

¹⁰⁸ Tbilisi Pride [Facebook page], 05.07.2021; “A declared War against Civil Society, Democratic Values and the European Course of the Country”, available at: <https://bit.ly/3yPHWNE>, updated: 09.11.2021.

¹⁰⁹ “Traffic movement on Rustaveli Avenue is partially limited, the police arranged a live chain near the Kashueti Church”, the *Interpressnews* website, 05.07.2021, available at: <https://bit.ly/3kLRzI0>, updated: 09.11.2021; “The police restricted journalists to move in certain directions on Rustaveli Avenue”, the website of the “*Publika*”, 05.07.2021, available at: <https://bit.ly/3zn5qtC>, updated: 09.11.2021.

¹¹⁰ “Participants of the anti-Tbilisi Pride protest in the vicinity of the Parliament physically assaulted media representatives”, the *Interpressnews* website, 05.07.2021, available at: <https://bit.ly/3kLSiZV>, updated: 09.11.2021.

¹¹¹ “On July 6, at 20:00, a silent protest will be held in front of the Parliament”, the *Netgazeti’s* website, 06.07.2021, available at: <https://netgazeti.ge/news/552490/>, updated: 09.11.2021.

¹¹² The Society for Protection of Children’s Rights [Facebook page], 06.07.2021, “Today at 7 pm at the Parliament, let’s not give the revanchists the right to insult the cross”, 2:50-2:57; Available at: <https://bit.ly/3AqDC97>, updated: 09.11.2021.

¹¹³ TV Pirveli [Facebook page], 06.07.2021, “Daily News - LIVE”, 31:50-34: 40. Available at: <https://bit.ly/3kkE5nz>, updated: 09.11.2021.

¹¹⁴ *Ibid.*, 39:37-40:13; “A cameraman physically injured near the Parliament, where a silent pretest manifestation is to start”, the *Publika’s* website, 06.07.2021, available at: <https://bit.ly/3kqZulj>, updated: 09.11.2021.

¹¹⁵ “Silent protest in Front of the Parliament”, the *Netgazeti* website, 06.07.2021, available at: <https://netgazeti.ge/news/552769/>, updated: 09.11.2021.

¹¹⁶ *Ibid.*

¹¹⁷ “Police are standing between the silent protesters and the opponents of Tbilisi Pride”, the *Interpressnews* website, 06.07.2021, available at: <https://bit.ly/3obFFc3>, updated: 09.11.2021.

¹¹⁸ The Society for Protection of Children’s Rights [Facebook page], 06.07.2021, “Let’s protect the cross and the city from LGBT revanchists”, 11:06-13:21; Available at: <https://bit.ly/3hOZnZ3>, updated: 09.11.2021; “An opponent of “Tbilisi Pride” – Just as the office of “Shame” was destructed yesterday, so the office of Zura-Girchi Japaridze will be destroyed”, the *Interpressnews* “website”, 06.07.2021, available at: <https://bit.ly/2Z8R43z>, updated: 09.11.2021.

¹¹⁹ “Police are standing between the silent protesters and the opponents of Tbilisi Pride”, the *Interpressnews* website, 06.07.2021, available at: <https://bit.ly/3obFFc3>, updated: 09.11.2021.

Law enforcers brought metal fences¹²⁰ to isolate the site and installed them between the two counter protest rallies.¹²¹ Nevertheless, the aggressive gangs of individuals were trying to break through the police cordon and iron barricades,¹²² were flinging stones, eggs and bottles at the protesters in front of the parliament.¹²³ The sounds of explosions were also heard.¹²⁴ Because of this, several clashes took place between police and aggressive groups.¹²⁵As a result, police arrested a number of people and removed them from the area.¹²⁶ Some of the opponents of the Tbilisi Pride tried to reach the participants of the silent protest by detour,¹²⁷ but the police made a live chain and stood between them.¹²⁸ Due to the complexity of the situation, the number of police officers on the scene increased several times.¹²⁹ Additional iron fences were supplied.¹³⁰ At the same time, some of the silent protesters were leaving the area with the help of the police.¹³¹After the end of the peaceful silent protest, only aggressive groups stayed on the site,¹³² who continued throwing stones and bottles.¹³³ .Later, a special

¹²⁰ *Ibid.*

¹²¹ *Ibid*

¹²² TV Pirveli [Facebook page], 06.07.2021, "Pirvelebi - LIVE", 1:56:57-2:01:05; Available at: <https://bit.ly/39i8xIO>, updated: 09.11.2021; TV Imedi [Facebook page], 06.07.2021, "Qronika at 20:00", 46:38-46:59. Available at: <https://bit.ly/3H6Bnv9>, updated: 09.11.2021; *Ibid.*, 1:00:45-1:08:45; Publika [Facebook page], 06.07.2021, "Violent groups opposing the silent protest in front of the Parliament are trying to break the police cordon from time to time", available at: <https://bit.ly/3mYmAlf>, updated: 09.11.2021; "Opponents of "Tbilisi Pride" broke through several police cordons and iron barriers", the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3qq2dbQ>, updated: 09.11.2021; "Radio Liberty" [Facebook page], 06.07.2021, "The protest for Freedom is coming to end", 17:30-20:32. Available at: <https://bit.ly/3c0f1gw>, updated: 09.11.2021.

¹²³ "Opponents of "Tbilisi Pride" are throwing stones, eggs and bottles at the protesters in front of the Parliament", the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3mYc4n0>, updated: 09.11.2021.

¹²⁴ "Violent groups break through the cordons, the sounds of explosions are heard at the manifestation", the Radio Liberty website, 06.07.2021, available: <https://bit.ly/305pyEP>, updated: 09.11.2021.

¹²⁵ TV Pirveli [Facebook page], 06.07.2021, "Pirvelebi - LIVE", 20:45-22:27; Available at: <https://bit.ly/39i8xIO> , updated: 09.11.2021; *Ibid.*, 2:04:03-2:04:10; *Ibid.*, 1:56:57-2:01:05; *Ibid.*, 2:25:19-2:25:30; *Ibid.*, 2:38:29-2:38:40; TV Imedi [Facebook page], 06.07.2021, "Qronika at 20:00", 1:00:45-1:08:45. Available at: <https://bit.ly/3H6Bnv9> , updated: 09.11.2021; *Ibid.*, 1:12:50-1:13:39.

¹²⁶ TV Pirveli [Facebook page], 06.07.2021, "Pirvelebi - LIVE", 1:56:06-1:56:10; Available at: <https://bit.ly/39i8xIO> , updated: 09.11.2021; *Ibid.*, 2:04:03-2:04:10; *Ibid.*, 2:37:11-2:37:23; TV Imedi [Facebook page], 06.07.2021, "Qronika at 20:00", 6:25-6:39. Available at: <https://bit.ly/3H6Bnv9> , updated: 09.11.2021; *Ibid.*, 31:20-31: 26; *Ibid.*, 1:00: 45-1:08:45; *Ibid.*, 1:12:50-1:13:39; *Ibid.*, 1: 38: 05-1: 38: 15; "Radio Liberty" [Facebook page], 06.07.2021, "Protest manifestation for Freedom is coming to end", 17:30-20:32. Available at: <https://bit.ly/3c0f1gw>, updated: 09.11.2021.

¹²⁷ "Several opponents of Tbilisi Pride are trying to approach the silent protesters by detour - the police made a live chain and added iron barriers", the Interpressnews website, 06.07.2021; available at: <https://bit.ly/3F2TYX8>, updated: 09.11. 2021.

¹²⁸ *Ibid.*

¹²⁹ "Police are standing between the silent protesters and the opponents of Tbilisi Pride", the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3obFFc3>, updated: 09.11.2021.

¹³⁰ "Additional police forces are being provided near the Parliament", the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3klgyCE> , updated: 09.11.2021.

¹³¹ "A part of the silent protesters are living the area with the help of the police", the Interpressnews website, 06.07.2021, available at: <https://bit.ly/2YtnHZN> , updated: 09.11.2021.

¹³² "Special Forces appeared on Rustaveli, hate groups are attacking law enforcement officers", the Radio Liberty website, 06.07.2021, available at: <https://bit.ly/3hP5xIE> , updated: 09.11.2021.

¹³³ "Law enforcers are urging citizens and journalists in front of the parliament to leave the territory and clear the motorway", the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3qjKx1F> , updated: 09.11.2021.

task force arrived on Rustaveli Avenue.¹³⁴ Police blocked the entrances of Chichinadze and Chitadze streets with iron fences.¹³⁵

Opponents of the Tbilisi Pride again tore down the EU flag in front of the parliament.¹³⁶ They also kept on attacking media representatives and throwing stones at them.¹³⁷

Ultimately, around 1:00 am, police managed to remove radical groups from the area and both protest demonstrations were over.¹³⁸

Statements by state representatives

Statements made by public officials about the March of Pride on July 5 were characterized by similar rhetoric, mainly highlighting the scale of the protest manifestations and the risks of confrontation.

On the morning of July 5, the Prime Minister made a statement in response to the events. He noted that the March of Pride contained a risk of civil unrest and therefore considered it unreasonable to be held: *“As you know, holding the protest is unacceptable for the majority of the population, therefore, I think it should not be held on Rustaveli Avenue [...]”*.¹³⁹ Later, Irakli Gharibashvili declared on Rustavi-2 that he could not understand how the state should protect 30 individuals when the majority of the society is against the assembly.¹⁴⁰

Furthermore, the Ministry of Internal Affairs publicly urged the participants of the Tbilisi Pride to refrain from holding the march in public places due to the scale of the protest manifestations planned by the opponent groups on Rustaveli Avenue: *“[...] We once again publicly urge the participants of Tbilisi Pride, please refuse to hold the march in an open, public space due to the scale of the manifestation planned by the opposing groups [...]”*.¹⁴¹

The leader of the parliamentary majority linked the goals of the March of Pride to the biased

¹³⁴ *“Special forces appeared on Rustaveli, hate groups are attacking law enforcement officers”, the Radio Liberty website, 06.07.2021, available at: <https://bit.ly/3hP5xIE>, updated: 09.11.2021.*

¹³⁵ *“The police have blocked the entrances of Chichinadze and Chitadze streets with iron barriers”, the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3F4amqF>, updated: 09.11.2021.*

¹³⁶ *“Violent groups removed and burned the EU flag in front of the Parliament”, the Reginfo website, 07.07.2021, available at: <https://bit.ly/3054A94>, updated: 09.11.2021.*

¹³⁷ *“Pride” opponents threw stones at media representatives - a cameraman of one of the TV companies is injured”, the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3F0UTHG>, updated: 09.11.2021.*

¹³⁸ *“Both protest manifestations in front of the Parliament are over, the participants have been withdrawn from the territory by the police - traffic movement has been resumed on Rustaveli Avenue”, the Interpressnews website, 06.07.2021, available at: <https://bit.ly/3H9c63u>, updated: 09.11.2021.*

¹³⁹ *“Irakli Gharibashvili - I consider it inappropriate to hold the march announced today, there should be order and the rule of law in the country; I, as the Prime Minister and the Head of the Government, will not allow any chaos and civil unrest, as our people and population wish, so everything will be in our country”, the website of the Government of Georgia, 05.07.2021, available at: <https://bit.ly/3H6FU0D>, updated: 09.11.2021; “Irakli Gharibashvili: When 95% are against the march, everyone must obey”, the Radio Liberty website, 12.07.2021, available at: <https://bit.ly/3roGQZb>, updated: 09.11.2021.*

¹⁴⁰ *“Irakli Gharibashvili - how should the state protect 30 men, it means it should override the majority, or what should have been done,” the Prime Minister said on July 5, the on.ge website, 18.09.2021, available at: <https://bit.ly/31fV1Vq>, updated: 09.11.2021.*

¹⁴¹ *“Statement of the Ministry of Internal Affairs”, the website of the Ministry of Internal Affairs, 05.07.2021, available at: <https://bit.ly/3dMkjH5>, updated: 09.11.2021.*

political interests of the opposition party.¹⁴² As he pointed out it was predicted that a large number of participants would arrive at the manifestation and clashes might take place as well.¹⁴³

It is quite noteworthy that the President of Georgia¹⁴⁴ and the Mayor of Tbilisi¹⁴⁵ condemned the acts of violence against media representatives on the day they took place. The next day, similar statements were made by Prime Minister¹⁴⁶ and Member of Parliament Shalva Papuashvili.¹⁴⁷ The latter drew attention to the suddenness of the mass violence against journalists,¹⁴⁸ which was also pointed out by the MIA in a statement disseminated on July 7 regarding the response of the police to the developments of July 5 and July 6.¹⁴⁹ The statement says: “[..] **Based on the analysis, during the large events and marches, large-scale confrontation would be inevitable, as well as individual persecution and retaliation.** [..]”; “[..] According to information obtained from open and operative sources, a large number of citizens were being mobilized, who were planning to hold counter manifestations in various locations [..]”.¹⁵⁰ Nevertheless, the MIA also focused the attention on the suddenness of the confrontation: “[..] During the protest on Rustaveli Avenue, **suddenly**, some participants of the opposing groups of the March of Pride became aggressive and started committing violent acts [..]”; “[..] At the same time, some of the protesters **suddenly** headed from the area around the parliament building to the office of the movement “Shame” on Ingorokva Street, which is a few meters away from the parliament building [..]”.¹⁵¹ The statement also says that on July 5, from the morning hours, police units, were deployed according to a pre-designed plan on Rustaveli Avenue and the surrounding locations, in addition, if required, special riot reserve forces would be involved in the actions based on specific instructions.¹⁵² According to the statement, in total up to 3,200 police officers were provided to handle the July 5 protest manifestations,¹⁵³ although their distribution by locations and hours is not specified. The organization twice applied to the MIA to receive information about these details. However, the Ministry did not provide any further information and only referred to the public statement in its letter.¹⁵⁴

Even after the events of July 5-6, the positions and attitudes of the state representatives were

¹⁴² “Irakli Kobakhidze - What is happening in Tbilisi is in the interests of the radical opposition behind the Pride, the National Movement and its partner parties”, *the Interpressnews website*, 06.07.2021, available at: <https://bit.ly/2WTOWxQ> , Updated: 09.11.2021.

¹⁴³ *Ibid.*

¹⁴⁴ “President of Georgia - Violence is unacceptable! I condemn the development of today’s events and manifestations of violence in any form “, *the website of the Administration of the President of Georgia*, 05.07.2021, available at: <https://bit.ly/3jJbPL8> , updated: 09.11.2021.

¹⁴⁵ “The violence we witnessed a few days ago is categorically unacceptable” - Kakha Kaladze”, *the Pia.ge website*, 08.07.2021, available at: <https://bit.ly/3F2RHLB> , updated: 09.11.2021.

¹⁴⁶ “Irakli Gharibashvili - Violence against journalists is unacceptable and, of course, it is to be condemned”, *the website of the Government of Georgia*, 06.07.2021, available at: <https://bit.ly/3BPOnUA> , updated: 09.11.2021.

¹⁴⁷ “Shalva Papuashvili - it was unexpected that such a mass violence against journalists would take place”, *the Interpressnews website*, 06.07.2021, available at: <https://bit.ly/2WZ8uPm> , updated: 09.11.2021.

¹⁴⁸ *Ibid.*

¹⁴⁹ “Statement of the Ministry of Internal Affairs”, *the website of the Ministry of Internal Affairs*, 07.07.2021, available at: <https://bit.ly/3yO2Xbd> , updated: 09.11.2021.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ Letter №MIA 5 21 01984519 from the Ministry of Internal Affairs of Georgia dated July 29, 2021.

quite noteworthy, as they further contributed to the escalation of aggression against the media. On July 22, 2021, the First Vice-Prime Minister, the Minister of Culture of Georgia, grabbed away the microphone of the journalist of the “Mtavari Channel”, thereby depriving the reporter of the opportunity to do her job.¹⁵⁵ On July 23, 2021, the Prime Minister made a comment in which he named the journalists “abusers” and “partisan activists.”¹⁵⁶

Response from religious organizations

The Patriarchate of Georgia condemned the violence against the media on July 5. They appealed to the parishioners to calm down and refrain from aggressive actions.¹⁵⁷ However, the Public Relations Department of the Patriarchate of Georgia disseminated a statement on July 22 which severely criticized media representatives and, in fact, contained a call for the clergymen to give up communicating with those media outlets that were distinguished by the critical editorial policy.¹⁵⁸

Response from the Public Defender and non-governmental organizations

The Ombudsman¹⁵⁹ and non-governmental organizations responded to the July 5 events - both within the coalition¹⁶⁰ and independently.¹⁶¹ It is noteworthy that in their statements, all of the organizations deem the attacks on media representatives, the impossibility of exercising the freedom of assembly of LGBTQ + persons as alarming, and impose the main responsibility on the state.

¹⁵⁵ Radio Liberty [Facebook page], 22.07.2021, “Tea Tsulukiani snatched the microphone from the journalist of the “Mtavari Channel” at the opening ceremony of the theater rehabilitated by “Cartu”, available at: <https://bit.ly/2Y5R7gc>, updated: 09.11.2021.

¹⁵⁶ “You are ordinary abusers - Gharibashvili to journalists”, *the Reginfo website*, 23.07.2021, available at: <https://bit.ly/3kYbANO>, updated: 09.11.2021.

¹⁵⁷ “Statement of the Patriarchate of Georgia”, *the website of the Georgian Patriarchate*, 05.07.2021, available at: <https://patriarchate.ge/news/2780>, updated: 09.11.2021.

¹⁵⁸ “Statement of the Patriarchate of Georgia”, *the website of the Georgian Patriarchate*, 22.07.2021, available at: <https://patriarchate.ge/news/2797>, updated: 09.11.2021.

¹⁵⁹ “Public Defender’s Statement on the current events on Rustaveli Avenue”, *the website of the Public Defender of Georgia*, 05.07.2021, available at: <https://bit.ly/3DXJiK2>, updated: 09.11.2021.

¹⁶⁰ “The MIA must protect the safety of the participants of the “March for Dignity”, *the website of the Georgian Young Lawyers’ Association*, 01.07.2021, available at: <https://bit.ly/3CkjExk>, updated: 09.11.2021; “Due to the grave consequences of the July 5 violence, the Prime Minister of Georgia must resign immediately”, *the website of Partnership for Human Rights*, 11.07.2021, available at: <https://bit.ly/3oc4LI3>, updated: 09.11.2021.

¹⁶¹ “GYLA’s Statement on the violence of July 5”, *the website of Georgian Young Lawyers’ Association*, 05.07.2021, available at: <https://bit.ly/3Ccs8Ct>, updated: 09.11.2021; “The Government’s populism regarding the Pride is unconstitutional and anti-social”, *the website of the Center for Social Justice*, 05.07.2021, available at: <https://bit.ly/2XEf5iw>, updated: 09.11.2021; “Current violent processes are the responsibility of the Georgian government”, *the website of the Georgian Democratic Initiative*, 05.07.2021, available at: <https://bit.ly/3nP1qkM>, updated: 09.11.2021; “The attacks on journalists are extremely disturbing”, *the website of the Democratic Initiative of Georgia*, 05.07.2021, available at: <https://bit.ly/3CtgB61>, updated: 09.11.2021; “The State cannot ensure the protection of the constitutional rights of citizens”, *the website of the International Society for Fair Elections and Democracy*, 05.07.2021, available at: <https://bit.ly/3zp9WRB>, updated: 09.11.2021; “Government’s inaction encourages violence by aggressive groups against the media”, *the website of Transparency International Georgia*, 05.07.2021, available at: <https://bit.ly/3kn7dL>, updated: 09.11.2021.

At the same time, the Ombudsman additionally called on the President of Georgia, the Speaker of the Parliament and all public figures to make appropriate statements in order not to promote violence.¹⁶² The Ombudsman also referred to past experiences when, in the case of other manifestations, police acted differently if there were any risks of confrontation and took preventive steps, which, in her opinion, did not happen on 5 July.¹⁶³ In particular, “although the group violence was quite easy to predict, the Ministry of Internal Affairs did take effective preventive measures to stop violence, and has not yet responded fully and adequately to the criminal acts.”¹⁶⁴

International response

Representatives of the international community also condemned the violence in Tbilisi on July 5 and called on the authorities to respond adequately. Particular attention should be paid to the joint opinion of **Austria, Bulgaria, Estonia, the observation missions of the European Union, Finland, France, Germany, Greece, Ireland, Israel, Italy, Latvia, Lithuania, the Netherlands, Norway, Spain, Sweden, the United Kingdom, the United Nations in Georgia, the embassy of the United States and the EU Delegation in Georgia.**¹⁶⁵ They criticized the fact that government leaders and clergy did not condemn the violence.¹⁶⁶ The statement of the US Ambassador to Georgia shall be undelivered,¹⁶⁷ who said that they could not see the leading role of the Prime Minister in easing the situation and curbing aggression.¹⁶⁸

The UN High Commissioner for Human Rights,¹⁶⁹ the Council of Europe Commissioner for Human Rights,¹⁷⁰ the OSCE/ODIHR,¹⁷¹ the Georgian National Platform for the Eastern Partnership

¹⁶² “Nino Lomjaria - today it was not about holding or not holding the “Pride” and the realization of the right to assembly or expression, but the elementary civil security was at stake”, *the Interpressnews website*, 05.07.2021, available at: <https://bit.ly/38KfnXh>, updated: 09.11.2021.

¹⁶³ “Nino Lomjaria - We have seen how the police responds to other protest manifestations, when they believe that violence is taking place - today we have not seen any preventive actions”, *the InterpressNews website*, 05.07.2021, available at: <https://bit.ly/3n7dZGn>, updated: 09.11.2021.

¹⁶⁴ “Public Defender’s Statement on the investigation of the actions of the organizers of the July 5-6 events”, *the website of the Public Defender of Georgia*, 12.07.2021, available at: <https://bit.ly/3DXKH3g>, updated: 09.11.2021.

¹⁶⁵ “Joint Statement on Violence in Tbilisi”, *the website of the EU Delegation to Georgia*, 07.07.2021, available at: <https://bit.ly/37YrjEf>, updated: 09.11.2021.

¹⁶⁶ *Ibid.*

¹⁶⁷ “Degan on July 5: It is unfortunate that we have not seen the leading role of the Prime Minister to ease the situation”, *the Formula website*, 10.07.2021, available at: <https://bit.ly/3tVgCwu>, updated: 09.11.2021.

¹⁶⁸ *Ibid.*

¹⁶⁹ Office of the United Nations High Commissioner for Human Rights - Calls on the Georgian Authorities to Protect Peaceful Participants and Investigate Violence and Discrimination against LGBTI Persons, *the InterpressNews website*, 05.07.2021, available at: <https://bit.ly/2Yy7ToM> 09.11.2021.

¹⁷⁰ Commissioner for Human Rights, “The violence v activists & journalists in #TbilisiPride21 is a woeful illustration of repeated threats #LGBTI people face in #Georgia. Authorities have the #human rights obligations to uphold free expression & assembly, ensure demonstrators& journalists’ safety & punish the perp. of attacks”, *Twitter*, 05.07.2021, available at: <https://bit.ly/3wtg6qS>, updated: 09.11.2021.

¹⁷¹ „OSCE Media Freedom Representative denounces violence against journalists in Tbilisi, calls on authorities to hold perpetrators responsible“, *website of OSCE*, 06.07.2021, available at: <https://bit.ly/3qlaFsV>, updated: 09.11.2021.

Civil Society Forum,¹⁷² the Director-General of Amnesty International,¹⁷³ the Associate Director of Human Rights Watch,¹⁷⁴ MEPs Viola von Cramon¹⁷⁵ and Petras Austrevicius,¹⁷⁶ British MP Martin Dokhert Hughes,¹⁷⁷ Dutch MP Ruben Breckelmans,¹⁷⁸ Czech Ambassador¹⁷⁹ and others. In their statements, they also condemned the facts of violence.

¹⁷² "Georgian National Platform of the Eastern Partnership Civil Society Forum - a similar-scale aggression against the media shows the incompetence of the government or the loyalty of their representatives to extremist violent groups", *the Interpressnews website*, 05.07.2021, available at: <https://bit.ly/2W3YRyE>, updated: 09.11.2021.

¹⁷³ Callamard, Agnes, „Absolutely revolted by violence against #TbilisiPride and police inaction when these gangs stormed Tbilisi Pride Office. #Georgia has #human rights obligations to protect #LGBTI freedom of expression and assembly. They must investigate and prosecute those behind this violence.“, *Twitter*, 05.07.2021, available at: <https://bit.ly/3kk5pSu>, updated: 09.11.2021.

¹⁷⁴ Gogia, Giorgi, "Violent hate groups emboldened by Church & officials attack journalist reporting on counter rally against planned Pride March in #Georgia. At least 20 injured. State is failing miserably to protect them & instead calls on Pride organizers to cancel. Shame!", *Twitter*, 05.07.2021, available at: <https://bit.ly/3bTiU7h>, updated: 09.11.2021; Gogia, Giorgi, "@Tbilisi Pride had to cancel today's planned March of Dignity after the state made it clear that they are not willing to provide security & ensure their safety, as violent ultra-right groups roamed the city center, attacking journalists & pride office. Big step backward! Sad!", *Twitter*, 05.07.2021, available at: <https://bit.ly/3n6w9YJ>, updated: 09.11.2021.

¹⁷⁵ Von Cramon, Viola, „Constitution of #Georgia guarantees the right of peaceful assembly & expression to everyone & it is the obligation of the state to protect these freedoms. When a violent group beats up journalists & #LGBT+ while Gov watches, it is a dangerous sign of crumbling rule of law.“, *Twitter*, 05.07.2021, available at: <https://bit.ly/3D2PgYS>, updated: 09.11.2021.

¹⁷⁶ Austrevicius, Petras, "The Government of #Georgia has clearly failed to live up to its promises of diversity and tolerance. Violence is a bad sign of state of democratic freedoms. Tbilisi Pride March cancelled after far-right attack on headquarters", *Twitter*, 05.07.2021, available at: <https://bit.ly/3mWorAc>, updated: 09.11.2021.

¹⁷⁷ Docherty-Hughes, Martin, "... democracy requires #diversity to thrive, this is nothing other than the tyranny of the mob #Solidarity with @Tbilisi Pride", *Twitter*, 05.07.2021, available at: <https://bit.ly/30fRuGn>, updated: 09.11.2021; Docherty-Hughes, Martin, "Liberty comes at a cost...the defence of principles which uphold freedom; the tyranny of the mob unleashed in #Georgia on @Tbilisi Pride is fundamentally at odds with the statement below", *Twitter*, 06.07.2021, available at: <https://bit.ly/3wwDeVj>, updated: 09.11.2021.

¹⁷⁸ Breckelmans, Ruben, "What a sad day! The #LGBT #pride in #Tbilisi is canceled. Diplomatic pressure on the authorities was not enough to secure a safe pride. The statement below by 20 embassies in #Georgia doesn't make a difference anymore. Too little too late! @Tbilisi Pride", *Twitter*, 05.07.2021, available at: <https://twitter.com/rubenbreckelmans/status/1412059463427690503>, updated: 09.11.2021.

¹⁷⁹ Mikyska, Petr, "Shocked by scenes of violence, attacks on journalists and NGOs offices in Tbilisi. Perpetrators must be brought to justice immediately, Constitutional rights and freedoms restored. Democracy in Georgia is at stake and all actors incl. Government must act with full responsibility.", *Twitter*, 05.07.2021, available at: https://twitter.com/mikyska_petr/status/1412157904896004099, updated: 09.11.2021.

ASSESSMENT OF THE STATE'S ACTIONS

THE GENERAL POSITIVE OBLIGATION OF THE STATE WITH RESPECT TO FREEDOM OF ASSEMBLY AND EXPRESSION

Freedom of assembly

The Constitution of Georgia¹⁸⁰ and the Law of Georgia “On Assemblies and Demonstrations”¹⁸¹ guarantee the right to assembly and manifestation. This includes any kind of meeting, public or private, including demonstrations, marches and parades.¹⁸² This applies to everyone without discrimination and is, therefore, the foundation of an active civil society and democracy.¹⁸³

The freedom of assembly not only obliges the state not to interfere with a peaceful assembly, but the Constitution itself guarantees the peaceful conduct of this process.¹⁸⁴ According to the European Court of Human Rights, the effective exercise of the right to peaceful assembly cannot be merely an obligation of the State not to interfere with the implementation of that right.¹⁸⁵ The state shall take all necessary and appropriate measures to ensure the peaceful expression of assembly participants, as well as to protect their lives and health.¹⁸⁶

This positive commitment is of particular importance to people who have unpopular views or belong to minorities.¹⁸⁷ States often try to refer to “public morality”, “protection of children’s rights” and “public order” to justify restrictions on the freedom of assembly and expression of individuals and organizations that arrange various events to protect the rights of LGBTQ + individuals. However, such justifications have been rejected by both the UN Human Rights Committee and the European Court of Human Rights.¹⁸⁸ The UN Human Rights Committee held that banning assemblies advocating for the rights of sexual minorities was not necessary in the interests of security in a democratic society and violated Article 21 of the International Covenant on Civil and Political Rights.¹⁸⁹ In this regard, the European Court of Human Rights has often reiterated that pluralism and democracy are based on a genuine recognition and respect for diversity.¹⁹⁰ Harmonious interaction of individuals and groups of different identities is essential to achieving social unity.¹⁹¹ In this context, the Court adds that democracy does not always simply mean the superiority of the majority: it is necessary to strike a balance

¹⁸⁰ Constitution of Georgia, Article 21.

¹⁸¹ Law of Georgia on Assemblies and Demonstrations, Article 2.

¹⁸² Kudrevičius and Others v. Lithuania [GC], App no. 37553/05, (ECtHR. 2015), §91; Djavit An v. Turkey, App no. 20652/92 (ECtHR. 2003), §56.

¹⁸³ *Ibid.*

¹⁸⁴ Decision №1/3/538 made by the Constitutional Court of Georgia on June 24, 2014, in the case of the “political union “Free Georgia” v. the Parliament of Georgia”, §8. Öllinger v. Austria, App no. 76900/01, (ECtHR. 2006), §35.

¹⁸⁵ Platform “Arzte für das Leben” v. Austria, App no. 10126/82, (ECtHR. 1988), §34.

¹⁸⁶ Decision №1/3/538 made by the Constitutional Court of Georgia on June 24, 2014, in the case of the “political union “Free Georgia” v. the Parliament of Georgia”, §8. Giuliani and Gaggio v. Italy, App no. 23458/02, (ECtHR. 2009), §251; The United Macedonian Organization Ilinden and Ivanov v. Bulgaria, App nos. 29221/95 and 29225/95, (ECtHR 2005), §115.

¹⁸⁷ Bączkowski and Others v. Poland, App no. 1543/06, (ECtHR 2007), §64.

¹⁸⁸ Human Rights Committee, Concluding Observations on Georgia (CCPR / C / GEO / CO / 4), 2014, §8; Nikolai Alekseev v. Russian Federation, Communication No. 1873/2009 (CCPR / C / 109 / D / 1873/2009), 2013.

¹⁸⁹ Nikolai Alekseev v. Russian Federation, Communication No. 1873/2009 (CCPR / C / 109 / D / 1873/2009), 2013. §9,6.

¹⁹⁰ Gorzelik and Others v. Poland [GC], App no. 44158/98, (ECtHR 2004), §92.

¹⁹¹ *Ibid.*

that ensures fair, appropriate treatment of the minority and avoids the abuse of a dominant position.¹⁹²

A peaceful manifestation can irritate or upset people who oppose opinions and statements of demonstrators.¹⁹³ In either case, participants should be able to gather without fear of physical retaliation from the opponents.¹⁹⁴ Such fears can impede associations or groups supporting common ideas and interests from openly expressing their views on highly controversial issues affecting the community.¹⁹⁵ Counter-demonstrations in democracies cannot transform into an impediment in the exercise of the right to hold manifestations.¹⁹⁶

It should also be stressed that in some cases the inaction of a government prevents individuals and groups from enjoying their freedom of expression and peaceful assembly, which is also a violation of these rights.¹⁹⁷ Consequently, the government is imposed with an obligation to protect members of LGBTQ + demonstrations as well as other individuals who support them from violence.¹⁹⁸

Freedom of expression and media

The Constitution also guarantees freedom of opinions and expression. Therefore, it is inadmissible to persecute a person because of his/her opinion and expression.¹⁹⁹ It also guarantees the right of every human to receive and impart information without any hindrance.²⁰⁰ An important aspect of freedom of expression is the ensuring a safe political environment for journalistic activities.²⁰¹ Without this, it is impossible to establish a pluralistic society and realize democratic values.²⁰² Freedom of media includes the positive obligation of the state to protect representatives of media against violence by other members of society and to provide appropriate conditions for journalistic activities.²⁰³

OBLIGATION TO TAKE APPROPRIATE PREVENTIVE MEASURES

Advocating for a tolerant, conciliatory position by state representatives

According to the European Court of Human Rights, when aggression from homophobic groups is anticipated and there is a danger of confrontation, one aspect of the state's positive obliga-

¹⁹² Young, James and Webster v. the United Kingdom, 1981, Series A, №44, p. 25, §63; Sørensen and Rasmussen v. Denmark [GC], App nos. 52562/99 and 52620/99, (ECtHR 2006), §58.

¹⁹³ Platform "Ärzte für das Leben" v. Austria, §32. Identoba and others v. Georgia, App no. 73235/12, (ECtHR 2015), §95.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ UN Human Rights Council, Report of the Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A / HRC / 39/41), 2018.

¹⁹⁸ Nikolai Alekseev v. Russian Federation, Communication No. 1873/2009 (CCPR / C / 109 / D / 1873/2009), 2013, §9.6.

¹⁹⁹ Constitution of Georgia, Article 17, Part 1.

²⁰⁰ *Ibid.* Part 2

²⁰¹ Lingens v. Austria, 1986, Series A no. 103, §41; Fressoz and Roire v. France [GC], App no. 29183/95, (ECtHR 1999), §45.

²⁰² The Observer and Guardian v. the United Kingdom, Series A no. 216, (ECtHR 1991), §59; Lentia and Others v. Austria, Series A no. 276, (ECtHR 1993), §38.

²⁰³ Dink v. Turkey, App no. 2668/07, (ECtHR 2010), §137; X and Y v. the Netherlands judgment of 26 March, Series A no. 91, 1985, §23). Gzgür Gündem v. Turkey, App no. 23144/93, (ECtHR 2000), §42-43.

tion is to take all possible preventive measures, which, among others includes advocating for a tolerant, conciliatory position through unambiguous public statements.²⁰⁴

Prior to and during Pride Week, government officials almost on a daily basis claimed that human rights were protected in the country and that freedom of assembly was not restricted. At the same time, however, “suggestions” were made that Pride participants should have taken into consideration the views of the majority and refrain from taking “provocative steps.” However, the mere risk of a counter-demonstration clash is not sufficient to restrict the event.²⁰⁵ It is true that the relevant authorities did not explicitly ban the March of Pride, but the calls of the head of state and public authorities to the organizers due to the danger of confrontation over the inexpediency of holding the event²⁰⁶ proved to be practically equivalent to the restriction. The shift of responsibility to the peaceful demonstrators further intensified the already tense background.

Mobilization of a proper number of police forces

State officials have a duty to ensure that violence is restrained or prevented when they know or should have known of real and immediate risks and dangers to life or physical health of individuals from criminal acts committed by a third party.²⁰⁷ To achieve this, member states must take appropriate preventive measures, such as providing an adequate number of police forces or evacuating individuals to a safe place.²⁰⁸ It is also important that these measures should be effective and timely.²⁰⁹

In the case of “Identity and Others v. Georgia”, the European Court of Human Rights found that given the attitude of a part of Georgian society towards sexual minorities, the authorities were aware, or should have been aware, of potential tensions associated with the International Anti-Homophobia Day March.²¹⁰ Consequently, they had an obligation to utilize all possible means, for example, to warn potential offenders of possible sanctions.²¹¹ Due to the likelihood of street clashes, a precautionary step by the authorities would be to provide more police forces, such as riot police unit.²¹²

On July 5, not only did the general attitude of citizens create an anticipation of a possible confrontation, but the statements made by the organizers of the counter manifestation indicated the violent purpose and threatened the life and health of the marchers.²¹³ The risks of violence on their part was known in advance.²¹⁴ Furthermore, these individuals were distinguished

²⁰⁴ Platform “Arzte für das Leben” v. Austria, §42. Identoba and others v. Georgia, §99.

²⁰⁵ Faber v. Hungary, App no. 40721/08, (ECtHR 2012) §40, §43.

²⁰⁶ See the chapters “The situation prior to the Pride Week” and “Pride Week”.

²⁰⁷ Council of Europe, Recommendation CM / Rec (2016) 4 [1] of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, 2016, “Protection”, §9.

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

²¹⁰ Platform “Arzte für das Leben” v. Austria, §37-38. Identoba and others v. Georgia, §99.

²¹¹ *Ibid.*

²¹² *Ibid.*

²¹³ See the Chapter “Tbilisi Pride Week”, “July 4 - Mobilization of Radical Groups and Violent Statements”, “July 5, Cancellation of the March for Dignity”, and “Large-Scale Attacks on Media”.

²¹⁴ *Ibid.*

by aggressive attitudes and statements towards the media.²¹⁵ Consequently, the authorities knew, or should have known, about the possible confrontation, since the statements from those homophobic groups were multiple and public.²¹⁶ Nevertheless, the state did not take appropriate preventive measures to stop the groups and to protect the protest organizers as well as the media.²¹⁷ They did not provide promptly an adequate number of police forces to respective locations.²¹⁸

RESTRAINING VIOLENT INCIDENTS IN A TIMELY AND EFFECTIVE MANNER

In addition to preventive measures, the state is obliged to protect demonstrators and other individuals who support the rights of LGBTQ + people²¹⁹ from violence, as well as media representatives.²²⁰ It is also important that responding to such facts must also be effective and timely.²²¹

In the case of “Identity and Others v. Georgia”, the Human Rights Court clarified that the state had failed to adequately protect the marchers from attacks.²²² Given that the organizers of the march had warned the police about the possible violence, state officials had a relevant obligation to protect the protesters.²²³ The fact that only a few police officers were present at the scene and they did not respond to the verbal abuse cases facilitated the transformation of the verbal confrontation into physical violence.²²⁴

On July 5, the Ministry of Internal Affairs failed to ensure the effective management of the process, despite the fact that it knew of the gathering of violent groups, as well as the risks posed by them. As a result, this further contributed to the escalation of the processes. The police forces responded to the incidents of targeted violence with inaction or delayed formal response and were unable to restore order.²²⁵ The measures taken by law enforcement officers were not sufficient to stop the violence.²²⁶ Instead of arresting the offenders, police urged media representatives to leave the area, which hindered journalists from carrying out their professional duties.²²⁷ In addition, law enforcement officers did not prevent aggressive groups from illegally dismantling the tents in front of the parliament, nor did they protect the offices of “Shame” movement and Tbilisi Pride from aggressors.²²⁸

²¹⁵ *Ibid.*

²¹⁶ *Ibid.*

²¹⁷ See the Chapter “Tbilisi Pride Week”, “July 5, Cancellation of the March for Dignity”, and “Large-Scale Attacks on Media”.

²¹⁸ *Ibid.*

²¹⁹ Nikolai Alekseev v. Russian Federation, Communication No. 1873/2009 (CCPR/C/109/D/1873/2009), 2013, §9.6.

²²⁰ Dink v. Turkey, §137; X and Y v. the Netherlands, §23; Gzgür Gündem v. Turkey, §§42-43.

²²¹ Council of Europe, Recommendation CM / Rec (2016) 4 [1] of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, 2016, “Protection”, §9.

²²² *Identoba and others v. Georgia*, §73.

²²³ *Ibid.*

²²⁴ *Ibid.*

²²⁵ See the Chapter “Tbilisi Pride Week”, “July 5, Cancellation of the March for Dignity”, and “Large-Scale Attacks on Media”.

²²⁶ *Ibid.*

²²⁷ *Ibid.*

²²⁸ *Ibid.*

Consequently, the executive government did not take appropriate measures to protect journalists. The actions aimed at restoring order were merely formal, because of which more than 50 representatives of media became the victims of violence inflicted by the organized gang,²²⁹ and Tbilisi Pride was forced to cancel the planned event. As a result, the state failed to ensure freedom of assembly for LGBTQ + individuals and their supporters, and freedom of expression for representatives of the media.

MANAGING COUNTER-MANIFESTATIONS

The state has a positive obligation to protect the freedom of assembly of two opposing groups and to ensure that the least restrictive measures are used so that both protest rallies can be held.²³⁰ In the event that the actions of the participants of any of the gatherings go beyond the law, the state is obliged to protect the lawful demonstration from the counter-demonstration.²³¹ Authorities should take adequate measures to prevent or at least minimize the scale of violence against peaceful protesters.²³² Law enforcers must respond adequately to any manifestation of hate speech, such as homophobic calls and statements by counter-demonstrators.²³³ The state should take into account the past experience of conducting such events and the impact of counter-manifestation on peaceful assembly when there is a danger of a violent confrontation between the two groups.²³⁴

Unlike July 5, a larger number of police officers were deployed during the counter manifestation on Rustaveli Avenue on July 6. Moreover, police officers were evacuating peaceful protesters from the territory and detaining aggressive individuals. Nevertheless, the state did not take measures to allocate, protect or isolate specific areas to separate the participants of the protest manifestation and counter manifestation.²³⁵ During the day, supporters of the counter-demonstration were moving chaotically through Rustaveli Avenue and the surrounding streets,²³⁶ throwing various objects, attacking media representatives, etc²³⁷. Thus, the state failed to ensure proper management of the two manifestations.

²²⁹ "List of Journalists Attacked by Violent Groups", *the Mediachecker's website*, 05.07.2021, available at: <https://bit.ly/3qbRrEA>, updated: 09.11.2021.

²³⁰ *Faber v. Hungary*, §§ 40, 43.

²³¹ *The United Macedonian Organization Ilinden and Ivanov v. Bulgaria*, §115.

²³² *Ibid.*

²³³ *Berkman v. Russia*, App no. 46712/15, (ECtHR 2020), §56.

²³⁴ *Faber v. Hungary*, §44.

²³⁵ See the Chapter "Tbilisi Pride Week", "July 6 - Silent Protest" and "Counter demonstration of Radical Groups".

²³⁶ *Ibid.*

²³⁷ *Ibid.*

INVESTIGATION INTO THE INCIDENTS OF JULY 5

For the persecution and prevention of a crime, an instant response thereof is important. After receiving relevant information, an investigator, and a prosecutor are obliged to initiate an investigation.²³⁸ A crime is an illegal and culpable act which is defined in the Criminal Code of Georgia.²³⁹ A person authorized to initiate an investigation may be informed of the crime from various sources, including through publications in media.²⁴⁰ Learning of a crime imposes an obligation to launch an investigation. The investigator must conduct the investigation thoroughly, comprehensively and impartially,²⁴¹ to identify both the perpetrator²⁴² and his/her accomplices²⁴³ and, most importantly, an organizer - the person who planned or led the crime, as well as who created or was the leader of an organized group.²⁴⁴ After the initiation of the investigation, the investigator shall obtain information, any item containing information, document, substance or other objects in accordance with the procedures established by the Criminal Procedure Code of Georgia. Based on such evidence, the prosecution must confirm the charges in court, and the court must establish whether the person committed this or that act, whether he/she is guilty, as well as assess the circumstances that affect the nature and degree of responsibility of the accused, characterize the personality of the accused.²⁴⁵

In order to conduct the investigation in the right direction and to assign an act an appropriate qualification, it is important to find out the object of the crime, the signs, the motive, the purpose of its commission, etc, which, in turn, will enable the court to determine a sentence based on mitigating and aggravating circumstances if a person is found guilty.

An investigation is deemed effective if it meets the following standards: it is independent and impartial, is timely and thoroughly conducted, is managed by a competent body, its publicity is ensured, a victim is involved therein.

The following chapters of the study assesses the ongoing investigation into the events of 5 July - to what extent it meets the standards of an effective investigation and the requirements of the legislation.

²³⁸ Criminal Procedure Code of Georgia, Article 100.

²³⁹ Criminal Code of Georgia, Article 7 (1).

²⁴⁰ Criminal Procedure Code of Georgia, Article 101.

²⁴¹ Criminal Procedure Code of Georgia, Article 37(2).

²⁴² Criminal Code of Georgia, Article 22.

²⁴³ *Ibid.* Article 23.

²⁴⁴ *Ibid.* Article 24(1).

²⁴⁵ Criminal Procedure Code of Georgia, Article 3(23).

THE CHRONOLOGY OF INVESTIGATION AND PROSECUTION OF ALLEGED CRIMES COMMITTED DURING THE PROTEST AGAINST TBILISI PRIDE

On July 5, violent groups on Rustaveli Avenue physically assaulted media representatives and damaged their equipment.²⁴⁶ They stormed into the offices of Tbilisi Pride²⁴⁷ and the civil movement “Shame” and raided them. The cameraman and reporter of TV Company Pirveli who were severely and physically assaulted near the “Shame” office were also prevented from doing their job as journalists.²⁴⁸

In connection with the above incidents, the Ministry of Internal Affairs launched an investigation on July 5 on the facts of illegal interference with journalistic activities, violence,²⁴⁹ damage and destruction of another person’s property.²⁵⁰ According to a statement issued by the Ministry of Internal Affairs on the same day, investigative activities identified facts of violence against 55 individuals. Of these, 53 were representatives of various media outlets.²⁵¹

As part of the ongoing investigation, between July 5 and July 30, the Prosecutor’s Office of Georgia launched criminal proceedings against 31 persons, and recognized 53 individuals as victims,²⁵² including 42 journalists and cameramen.²⁵³ It is also important to note that, in contrast to violence against journalists and obstruction of their professional activities on June 20-21, 2019,²⁵⁴ the interference with the professional activities of media representatives on July 5, 2021, was in most cases properly qualified. The investigation of the cases is still in progress, yet none of the perpetrators of violence against journalists have been prosecuted since July. The investigating body has neither established the guilt of the organizers.

*In the chart below, you can see the articles the participants of the protest against Tbilisi Pride have been charged with.*²⁵⁵

²⁴⁶ See the Chapter “Tbilisi Pride Week”, “July 5, Cancellation of the March for Dignity”, and “Large-Scale Attacks on Media”.

²⁴⁷ *Ibid.*

²⁴⁸ *Ibid.*

²⁴⁹ Articles 154 and 126 of CC, a statement by the Ministry of Internal Affairs, *the MIA website*, 05.07.2021, available at: <https://bit.ly/31IKguM>, updated: 09.11.2021.

²⁵⁰ *The MIA website*, 05.07.2021, available at: <https://bit.ly/3ktf0GM>, updated: 10.11.2021.

²⁵¹ “The MIA Information - on the incidents of violation of the law revealed by the police on July 5 and the response to them”, *the MIA website*, 05.07.2021, available at: <https://bit.ly/31UKTld>, updated: 10.11.2021.

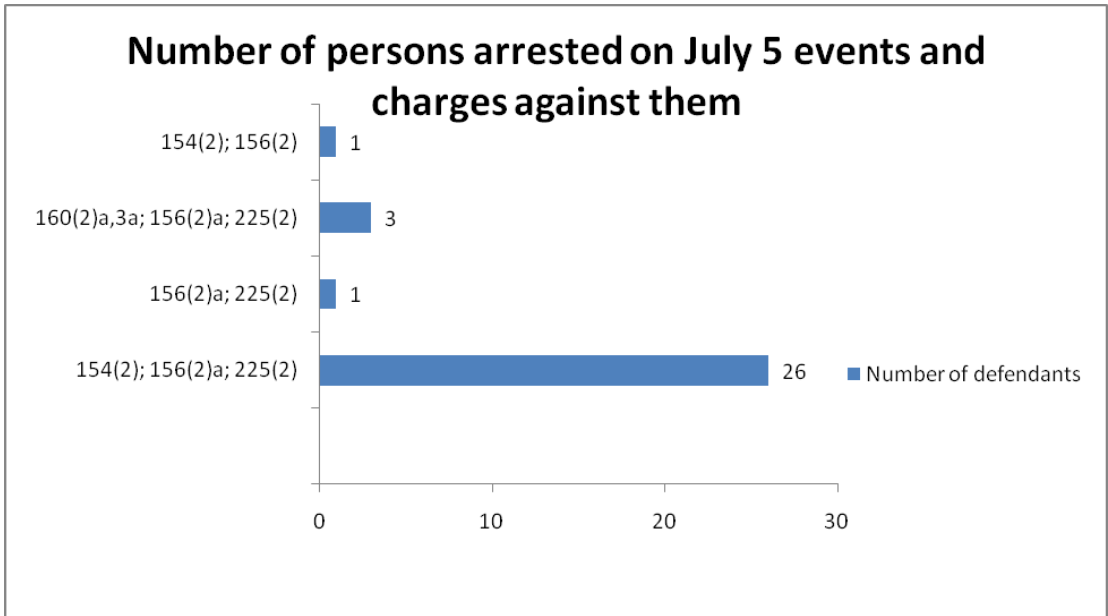
²⁵² “The Prosecutor’s Office has charged two individuals with persecution and violence against a Formula TV photographer for his journalistic activities”, *the website of the Prosecutor’s Office of Georgia*, 30.07.2021, available at: <https://bit.ly/3c3RKe0>, updated: 24.11.2021.

²⁵³ Letter №13/50232 dated 17.08.2021 of the General Prosecutor’s Office of Georgia.

²⁵⁴ See GYLA’s study “Beyond the Missing Eye”, Legal Assessment of the June 20-21 Events, p. 62-67, available at: <https://bit.ly/3ov05gl>, updated: 11.11.2021.

²⁵⁵ Articles of the Criminal Code: 154.2 (unlawful interference with a journalist’s professional activities, committed with the threat of violence); 156.2a (persecution for professional activities, committed - with violence); 225.2 (participation in group violence); 160,2a, 3a (violation of the inviolability of an apartment or other property, committed - by violence or threat of violence, in a group).

Chart №1



Currently, the merits hearings into the cases of all defendants are underway in Tbilisi City Court.

GYLA'S PARTICIPATION IN THE INVESTIGATION

Since July 5, the Georgian Young Lawyers' Association has been actively involved in the cases of the victims affected during the protest against Tbilisi Pride. GYLA is representing the interests of 19 victims in various case proceedings. All of these individuals were questioned on July 5-6. The victims provided the investigation with information about the actions committed against them. The persons who mentioned or visibly had physical injuries underwent forensic examination. Shortly after the interviews, in accordance with the procedural law, all persons under GYLA's protection were granted the victim status. They participated in the identification procedure and cooperated with the investigation as much as possible by submitting video materials or information to the investigation. Twenty-one individuals have been charged with alleged crimes committed against 7 persons represented by the GYLA. All of them were sentenced to detention, which, after the review of the imposed punishment, was left in force. Currently, substantive hearings are in progress in court.²⁵⁶ **An investigation against the organizers of the group violence and the unidentified persons involved in the violence was separated as another case proceeding.**

It is important to note that the investigation into the violent incidents against 12 individuals represented by the GYLA is still ineffective. Although they became the victims of violence and were granted the victim status, no one has been prosecuted for the crime so far.

The criminal case materials provided to GYLA show that during the investigation the victim

²⁵⁶ The information is based on the evaluation provided by GYLA representatives of the case materials provided to them by the MIA.

witnesses were interviewed, offenders were identified, court rulings on searches and seizures, as well as decisions on the appointment of expert examinations for certain individuals, were made, and publicly disseminated video recordings were examined, etc.

The GYLA believes that the investigator should be focused on obtaining as much information as possible during the first interview. An additional interview may be necessary in order to find out or clarify new circumstances, yet this should not give rise to the perception that the first interview was not conducted comprehensively. The failure to get the information that could have been obtained from the victim during the very first interrogation impedes the investigation and deprives it of the opportunity to gather other evidence in a timely manner.

It is noteworthy that the video recordings available simplified the perception of the events of July 5. Reporters were working at the epicenter of the events, covering the situation live. In addition, audio-video recordings were provided by the Ministry of Internal Affairs. At the scene, there were representatives of the patrol police, not sufficient though, who were equipped with body cameras. Thus, the investigation had the possibility to obtain information from various sources, as well as the grounds for interrogating the police officers who happened to be present at the locations to establish whether they had any information recorded on their body cameras, specifically what incidents they witnessed and whether they could identify any of the culprits. Their interrogation is important to meet the standard of a thorough investigation as it adds more credibility to the evidence. It should also be noted that in relation to police officers, unlike other civilians, it is highly likely that the risk of being influenced by offenders is very low.

According to GYLA, the investigation should have also focused on the reasons for the actions or inaction of the police officers present on the spot. It was them who were authorized to detain perpetrators and it was in their area of vision that a number of alleged crimes were happening. **It should also be stressed that the investigation was reluctant to interview police officers. Unlike other crimes, in the above cases, the investigative team was not focused on solidifying the information in the criminal case with the testimony of police officers.**

For example, according to a representative of the GYLA, one of the footages showed several vehicles parked at the scene, which may have had video registrations. Moreover, a police officer was present in the area of the violence in whose vision the incident was taking place. Nevertheless, until the victim's lawyer indicated these facts, the investigation did not focus on the same and tried to get information only from the victim.

THE ONGOING INVESTIGATION INTO THE ORGANIZERS OF THE VIOLENT GROUP

The investigations into the incidents taken place during the protest manifestations on July 5 against the March of Pride are one of the most visible examples of an organized crime, where the perpetrators of violence can be identified.

The criminal case files provided to GYLA prove that on July 10, 2021, as part of a thorough and impartial investigation, the qualifications of the charge were changed with the view to locating the organizers and leaders of the group violence. The materials contain the decision of July 21, 2021, on the qualification. It states that since public calls were made encouraging violence, which resulted in damage to the physical health of people, it is advisable to add to the criminal

case and continue the investigation under paragraph 2 of Article 239¹ of the Criminal Code (public call for violent actions). However, the investigation has so far been ineffective in terms of identifying the defendants.

It should be highlighted that the footage disseminated publicly shows how a specific person is organizing violent groups and leads them to the office of the civil movement “Shame”, where the cameraman of TV Pirveli was brutally beaten, a journalist of the same TV company was injured and the office was raided.²⁵⁷

The above individual was questioned on July 15, after which, in an interview with the media, he again justified the violence against journalists and made homophobic statements.²⁵⁸ The authors of other violent appeals were also questioned.²⁵⁹ After that, an investigative action - search-seizure - was carried out in the residence of Konstantine Morgoshia,²⁶⁰ Zurab Makharadze and Guram Palavandishvili.²⁶¹ Furthermore, on September 3, 2021, based on the footage released by the publication “Publika”,²⁶² in which Zurab Makharadze organizes group violence at various times in connection with the protests against Tbilisi Pride, the Public Defender of Georgia sent a proposal²⁶³ to the Prosecutor’s Office of Georgia to initiate criminal prosecution against Zurab Makharadze with the charges of organizing and leading group violence (the crime under Article 225, Part 1 of CC). In addition, the Public Defender appealed to the Prosecutor’s Office to launch a criminal prosecution against Spiridon Tskipurishvili for making public calls for violent actions on July 5, 2021.²⁶⁴ The latter submission was based on a video recording released by Tabula.²⁶⁵ Alexander Darakhvelidze, the Deputy Minister of Internal Affairs, commented on the Public Defender’s proposals, saying that, “*At this stage, there is not sufficient evidence in the case to prosecute these individuals. This is the Ombudsmen’s assessment. However, only the prosecutor has the power to prosecute an individual in the country and the prosecutor makes this decision based on the case materials.*”²⁶⁶ **Nevertheless, the Prosecutor’s Office has not still identified the organizers of the July 5 group violence and the person/persons who publicly called for the violence.**

It is important to note that after the appeal of GYLA’s lawyers, the Tbilisi Prosecutor’s Office

²⁵⁷ See the Chapter “Tbilisi Pride Week”, “July 5, Cancellation of the March for Dignity”, and “Large-Scale Attacks on Media”.

²⁵⁸ “The founders of Alt-Info were interrogated by the police”, *the “Formula” website*, 15.07.2021, available: <https://bit.ly/3C8MBM3>, updated: 11.11.2021.

²⁵⁹ “Guram Palavandishvili and members of “Alt-Info” were interviewed at the Tbilisi Main Division”, *the First Channel website*, 16.07.2021, available at: <https://bit.ly/3C8Pz39>, updated: 11.11.2021.

²⁶⁰ “It is unknown whether Konstantine Morgoshia is at home or not - the police are now searching his residence”, *the Rustavi-2 website*, 16.07.2021, available at: <https://rustavi2.ge/ka/news/204706>, updated: 11.11.2021.

²⁶¹ “Guram Palavandishvili’s and Zurab Makharadze’s houses are being searched”, *the Radio Liberty website*, 16.07.2021, available at: <https://www.radiotavisupleba.ge/a/31361384.html>, updated: 11.11.2021.

²⁶² “The organization of “July 5”, “Facebook” page, 30.07.2021, available at: <https://bit.ly/3qsDPGH>, updated: 11.11.2021.

²⁶³ “Public Defender’s Proposal to Initiate Criminal Prosecution against Citizen Zurab Makharadze for Organizing Violence on July 5, 2021”, *the Public Defender’s website*, 03.09.2021, available at: <https://ombudsman.ge/res/docs/2021090615354912875.pdf>: updated: 11.11.2021.

²⁶⁴ “The Public Defender’s Proposal to initiate criminal prosecution against Spiridon Tskipurishvili on the fact of public incitement to violence on July 5, 2021”, *the Public Defender’s website*, 03.09.2021, available at: <https://bit.ly/3quZ6iR>: updated: 11.11.2021.

²⁶⁵ “The archpriest who was calling for violence against people on July 5 is in the police”, *the Tabula’s website*, 05.07.2021, available at: <https://bit.ly/3quKwbl>, updated: 11.11.2021.

²⁶⁶ “There is not enough evidence to file charges - Deputy Minister”, *the Netgazeti website*, 06.09.2021, available at: <https://netgazeti.ge/news/562067/>, updated: 11.11.2021.

provided the victims only with those materials in which the defendants in their case are directly involved. However, the victims were not provided with information on video materials requested from the media or private individuals in the manner as established by law, which may be related to the factual circumstances relevant to the prosecution and confirm the commission of the crime by more individuals than it is presented in the criminal case files. This is particularly important as the perpetrators of the violence against twelve victims represented by the GYLA are still unknown. In addition, the organization has not been handed a portion of the criminal case files relating to the organizers of the group violence and those who publicly called for the action.

The GYLA believes that such an attitude contradicts the standard of an effective investigation, deprives the victim of the opportunity to receive comprehensive information about the steps taken by the state against the perpetrators of violence, and at the same time leaves no possibility for the victim to provide additional information to the investigation about the organizers after reviewing the materials. This presents the fact of group violence as an issue separated from the victim, beyond his/her interest, and creates the feeling that the organized violence committed against the victim does not at all concern him/her. This is against the right of the victim to review the materials of the criminal case and receive copies of them. In this regard, the clarification made by the Constitutional Court is important, according to which:

“The victim, by his own interest, is naturally more than just a witness, which, in itself, requires his proper and sufficient involvement in the process. The victim should be informed about the progress of the case proceedings at all stages, have the opportunity to appeal against all categories of crimes, including in court, the refusal to be recognized as a victim and to initiate prosecution, as well as a decision of the prosecutor to terminate the prosecution/ investigation, receive criminal case materials, unless this does not conflict with the interests of the investigation. The victim must be given the opportunity to attend the trials and present his/her statements, opinions, evidence. The victim of a crime usually has the desire and aspiration to voice his or her story during the criminal proceeding, his or her position to be considered and taken into account. The victim should feel satisfied, because he/she is the most direct, immediate target of the crime.”²⁶⁷

It is also interesting that the Public Defender, despite her request, was not allowed to get acquainted with the materials of the July 5 case.²⁶⁸ However, the Prosecutor’s Office has numerous examples when the Public Defender reviewed the materials of other high-profile cases at the same stage of the criminal proceedings.²⁶⁹ Among them, the General Prosecutor’s Office of Georgia, in the framework of the investigation of the events of June 20-21, 2019, expressed its readiness to involve the Public Defender in the process.²⁷⁰

²⁶⁷ Citizen of Georgia Khatuna Shubitidze v. Parliament of Georgia, decision №1/8/594 of September 30, 2016, available at: <https://bit.ly/3n4YqPg>, updated: 11.11.2021.

²⁶⁸ “The Ombudsman’s Representative on the July 5-6 Crime: If the evidence is present in the case, then it is sufficient to charge the organizers,” *the website of Radio Liberty*, 07.09.2021, available at: <https://www.radiotavisupleba.ge/a/31447595.html>, updated: 11.11.2021.

²⁶⁹ “The Prosecutor’s Office is ready to allow the Public Defender to review the materials of Giorgi Shakarashvili’s case”, *the Interpressnews website*, 13.07.2020, available at: <https://bit.ly/3wDj4ZS>, updated: 11.11.2021.

²⁷⁰ “Briefing at the Prosecutor’s Office of Georgia”, *the website of the Prosecutor’s Office of Georgia*, 24.06.2019, available at: <https://bit.ly/3oW9bmB>, updated: 24.11.2021.

THE CASE OF ALEXANDER (LEKSO) LASHKARAVA

Lekso Lashkarava was one of those who were brutally assaulted by homophobic violent groups. As a result of the attack on the office of the civil movement “Shame”, he developed concussions, bruises and fractures of the facial bones, due to which he underwent surgery.²⁷¹ According to the forensic examination report, the health injuries pertained to the less severe category of injuries.²⁷²

During the protest against Tbilisi Pride on July 5, the Prosecutor’s Office charged six people with illegal interference in journalistic activities, persecution for professional activities, intolerance on other grounds of discrimination and participation in gang violence against TV Pirveli cameraman Alexander Lashkarava.²⁷³

On July 11, 2021, Lekso Lashkarava was found dead in his home.²⁷⁴ Vake-Saburtalo Police Department launched an investigation into the case under the article of incitement to suicide.²⁷⁵ The GYLA was involved in the investigation to represent A. Lashkarava’s interests. A forensic examination was commissioned. A. Lashkarava’s body was transferred to L. Samkharauli Forensics Bureau. This was done in a manner that inflicted extra torture on the family.²⁷⁶ GYLA’s lawyer attended the forensic examination together with an independent expert.²⁷⁷

Shortly after A. Lashkarava’s death, on July 11, a number of briefings were scheduled at the Ministry of Internal Affairs, which, according to the MIA, was aimed at satisfying the high public interest. At the briefings, a spokesman of the Ministry informed the public about the interrogations conducted, as well as the route of A. Lashkarava’s movement, and published the footage thereof.²⁷⁸

On July 12, the MIA also released video recordings obtained during inspections of private facilities and 112 general-vision video surveillance cameras, which, according to them, were confirmed by witness testimonies. At the same briefing, the head of the Central Criminal Police Department declared that “according to the chemical examination report, a sample taken from the body contained the following narcotic drugs: morphine, codeine, tetrahydrocannabinol, gabapentin and monoacetylmorphine. Per the expert examination, the probable cause of

²⁷¹ “The TV Pirveli cameraman Lekso Lashkarava, who was severely beaten on July 5, has died”, *the “Formula” website*, 11.07.2021, available at: <https://formulanews.ge/News/53377> , updated: 11.11.2021.

²⁷² Article 117 of CC.

²⁷³ According to Article 154(2) of CC (unlawful interference with a journalist’s professional activity, committed with the threat of violence), Article 156, Part 2, Subparagraph (a) (persecution of a person in connection with professional activity, committed - with violence) and Article 225, Part 2 (Participation in group violence; “The Prosecutor’s Office Charges Another Person with Persecution and Violence against TV Pirveli Cameraman Alexander Lashkarava for Journalistic Activities,” <https://bit.ly/3Hqkl6j> , updated: 11.11.2021.

²⁷⁴ “The cameraman of TV Pirveli, who was severely beaten by violent groups, has been found dead.” The website of TV Company Pirveli, 11.07.2021, available at: <https://bit.ly/3kPpBfx> , updated: 11.11.2021.

²⁷⁵ Statement of the Ministry of Internal Affairs, the MIA website, 11.07.2021, available at: <https://bit.ly/30iOf7> , updated: 11.11.2021.

²⁷⁶ “Despite the resistance from the family, the body of Lekso Lashkarava was transferred for examination”, the website of “TV Mtavari”, 11.07.2021, available at: <https://bit.ly/31OivRz> , updated: 11.11.2021.

²⁷⁷ “Independent expert Alexander Gejadze to be involved in the investigation of the deceased operator”, “TV Pirveli”, 11.11.2021; available at: <https://bit.ly/3DcLyMo> , updated: 11.11.2021.

²⁷⁸ Briefing of the Ministry of Internal Affairs on the ongoing investigation into the death of Alexander Lashkarava, the MIA website, 11.07.2021, available at: <https://bit.ly/3F7ZCHF> , updated: 11.11.2021.

death could have been an overdose with these substances.”²⁷⁹ This information was presented by the Ministry of Internal Affairs as a preliminary examination report, **which is not envisaged by the criminal procedure legislation at all.**

At the same time, since July 11, personal, including special category data, about Alexander (Lekso) Lashkarava was spread by various individuals through social networks. The Office of the Inspector General responded to this fact by saying that the materials were disseminated by persons who should not have access to criminal or administrative data, as well as to the databases under the supervision of law enforcement authorities, where the mentioned data, if they are accurate, may have been stored.

The State Inspector’s Office launched an investigation into the alleged access to the above-mentioned information.²⁸⁰ On September 24, 2021, the Ombudsmen reported to the public the results of the inspection on the legality of the processing of A. Lashkarava’s personal data. The inspector said that the disclosure of the videos released by the MIA had no specific and clearly defined legal purpose.²⁸¹ In particular: *“As none of the footage released by the Ministry on July 11, 2021, could answer the main question of the public regarding the specific cause of the person’s death and, at the same time, did not explain a link between the death of Alexander (Lekso) Lashkarava and the video recordings shown during the briefings, the disclosure of the footage depicting the movement of deceased Alexander (Lekso) Lashkarava was assessed as a violation of the principle of data processing provided for in Article 4 (b) of the Law of Georgia on Personal Data Protection.”*²⁸²

The Inspector also found that the MIA had obtained one of the audio-video recordings published at the briefing on July 12, 2021, from a medical institution upon a written request, yet without a relevant legal justification. At the moment of accessing the material and downloading it from the computer device of the medical institution, the Ministry did not draw up a procedural document reflecting the conduct of the investigative action. In this respect, the State Inspector found a violation of the principle of data processing by the Ministry of Internal Affairs of Georgia and the medical institution.²⁸³

In addition, the Inspector noted that the information disseminated through the Internet about A. Lashkarava turned out to be identical to the information registered in the database of the Ministry of Internal Affairs (info.pol.ge). Accordingly, the Inspector established the fact of disclosure of A. Lashkarava’s personal data by an employee (s) of the Ministry of Internal Affairs Georgia. **Based on the inspections conducted by the State Inspector, the Ministry of Internal Affairs of Georgia was imposed with administrative responsibility.**²⁸⁴

It is noteworthy that the MIA obtained other video recordings of the criminal case of Lekso

²⁷⁹ Briefing of the Ministry of Internal Affairs on the ongoing investigation into the death of Alexander Lashkarava, the MIA website, 11.07.2021, available at: <https://bit.ly/3c6oLWE> , updated: 11.11.2021.

²⁸⁰ Statement of the State Inspector, the Facebook page, 11.07.2021, available at: <https://bit.ly/311eABN> , updated: 24.11.2021.

²⁸¹ Statement of the State Inspector, the Facebook page, 11.07.2021, available at: <https://bit.ly/3oVvxVs>, updated: 24.11.2021.

²⁸² “Data may be processed only for specific, clearly defined, legal purposes. It is inadmissible to further process the data for other purposes incompatible with the original purpose”, Article 4(b) of the Law of Georgia on Personal Data Protection.

²⁸³ *Ibid.*

²⁸⁴ *Ibid.*

Lashkarava's death on July 11 and 12, 2021, from various individuals, based on a written consent of the owners of the video surveillance cameras, and viewed those materials using technical means. According to the State Inspector's Office, the case law they have examined shows that court decisions on this matter are heterogeneous. Also, according to the results of GYLA's criminal court monitoring, the practice of the investigative body in obtaining information/documents stored in a computer system as evidence differs and is rarely based on obtaining this evidence through an examination.

Therefore, it is probable that in this particular case, the MIA's goal was not to strengthen the criminal case with evidence, but to form a certain negative opinion in the society about the personality of Lekso Lashkarava. This was evidenced by the publication of the conclusion of the chemical examination, which was only one part of the complex examination that could not answer the question about the real cause of death of the cameraman. The MIA's actions suggest that the prime purpose of the investigation was not to establish the unbiased truth, but in some cases, to generate a public opinion about the deceased with the help of incomplete information obtained through unethical means. This has been proved by the fact that even five months after A. Lashkarava's death, the family and his lawyers still do not know the results of the forensic examination and do not have a conclusion as to what caused his death.

CONCLUSION

On July 5, 2021, the state did not take appropriate measures to protect the safety and health of its citizens. Aggressive groups violated public order, committed hate crimes, breached the right to assembly and expression of LGBTQ + individuals and their supporters, as well as infringed private property rights, and grossly interfered with media freedom and journalistic activity.

The government did not fulfill its positive obligations. Instead of advocating for a tolerant, conciliatory position, state officials made statements encouraging violence. The possible confrontation could have been predicted not only by the general attitude of population, but also by the statements of the counter-protest organizers who explicitly conveyed the violent intent. Nevertheless, the MIA did not provide an adequate number of police forces, ensure effective response and prevention of violence.

The investigations into alleged crimes committed during the protest manifestation against the March of Pride remain problematic as well. At the stage of the investigation, the victims under GYLA's protection were not yet allowed to fully review the evidence. It should be noted here that much of the evidence is available to the investigating authorities, as the incidents and participants of the alleged crime are visible in publicly available video recordings. Consequently, within the framework of an effective investigation and in the presence of a proper will, the prosecution can identify the organizers of the group violence and other individuals involved in it based on the standard of reasonable doubt.

The state does not provide timely prevention of interference and assaults on media representatives and leaves the above crimes without proper response through the ineffective investigation. These attitudes incite violence, strengthen the "syndrome of impunity" and pose a threat to society. These facts in the country raise fears of professional activities, personality identity, expression and free development. This, in turn, contradicts the idea of a democratic state.

RECOMMENDATIONS

For state agencies and their representatives

- They shall stop using hate speech, condemn violent calls and actions, and advocate for a tolerant, human rights-oriented position in their public statements.

For the Government of Georgia

- Develop effective policies to fight against homophobia and to change public attitudes.

For the Ministry of Internal Affairs

- Protect the rights and safety of LGBTQ + people, and take appropriate measures to ensure that those individuals enjoy adequate freedom of expression and assembly;
- Protect media representatives against unlawful interference with journalistic activities, ensure their safety and freedom of expression;
- Take effective preventive measures in the event of a risk of confrontation, including provide an adequate number of police forces;
- Have a prompt and relevant legal response to violent calls and actions;
- Carry out active investigative actions to identify persons and organizers involved in the violent acts on 5 July.

To the Prosecutor's Office of Georgia

- To establish the guilt of the organizers of group violence and other persons involved in it according to the standard of reasonable doubt.