

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# GEORGIA: AUTHORITIES MUST STOP USING UNLAWFUL FORCE AGAINST PEACEFUL PROTESTERS AND ENSURE ACCOUNTABILITY

Georgian authorities have repeatedly failed to respect the right to peaceful assembly by using unlawful force against peaceful protesters and failing to prevent violence by groups of unidentified men. Amnesty International calls on the authorities to immediately end these violations and ensure that everyone is free to exercise their right to peaceful assembly. They should also withdraw the bill “On transparency of foreign influence” which manifestly aims to unduly restrict the right to freedom of association.

Police and security forces must comply with international law and standards on the use of force and stop all arbitrary detentions. Allegations of unlawful use of force, including the use of chemical irritants, water cannon and rubber bullets against peaceful protesters, as well as of beatings and other ill-treatment of protesters must be promptly, independently and impartially investigated. State officials suspected of being responsible must be brought to justice in fair trials.

### REPORTS OF UNLAWFUL USE OF FORCE, ARBITRARY DETENTION AND ILL-TREATMENT

The large-scale protests have been ongoing in Tbilisi for a third consecutive week after the Georgian ruling party endorsed the widely contested bill “On transparency of foreign influence” on 15 April. The bill proposes to oblige civil society organizations which receive foreign funding to register as “organizations carrying out the interests of a foreign power”, subject them to onerous reporting, and heavily penalize them for non-compliance. If the bill becomes law, it threatens to seriously undermine the rights to freedom of association and freedom of expression in Georgia.

Widespread peaceful protests erupted in Tbilisi with demonstrators calling on the government to recall the bill from the parliament. On 15 April, the police responded to the first day of protests by arresting 14 individuals. The following day, the stand-off between peaceful protesters and police ended with law enforcement violently dispersing demonstrators using unlawful force, including the use of chemical irritants and arbitrarily detaining 11 people. Several protesters, including journalists, were reportedly injured and required hospitalization. The same day, on 16 April, the bill was approved by the parliament on the first of three readings.

After 30 April, as the ruling party advanced the bill to the final stages of adoption and the number of protesters in the street grew, authorities escalated their crackdown. Riot police have deployed chemical irritants and water cannon to disperse peaceful crowds around the parliament building and to push protesters away from one of the parliament’s side entrances, claiming the protesters were blocking access for lawmakers.

Several protest participants caught in the crackdown told Amnesty International that the police targeted them simultaneously with pepper spray, tear gas and water cannon at close range and without prior warnings or an opportunity to disperse. As a result, they suffered difficulties with breathing, burning of skin and irritated eyes, and were on the verge of passing out. According to media footage published by the Radio Free Europe Georgia service at least eight protesters have been injured by rubber bullets, one with a penetrating wound in the lower chest and another with a serious eye injury.<sup>1</sup>

Protesters also reported police chasing, surrounding and beating individual demonstrators who posed no threat. Statements of human rights groups and available video footage also point to instances of police hitting peaceful protesters with batons, punching them, assaulting them in groups and beating those lying on the ground, as well as dragging them behind the police cordon and beating them there. Victims of such treatment included women and children, as well as journalists and opposition MPs, some of whom have suffered head injuries including concussion, broken facial bones, and other injuries.<sup>2</sup>

<sup>1</sup> Radio Free Europe, Georgia Service, [„რა იციო, რომ პოლიციელები ისროდნენ?“ - რეზინის ტყვიები აქციაზე. 8 ამბავი \(radiotavisupleba.ge\)](https://www.rferl.org/content/სსს-„რა-იციო-რომ-პოლიციელები-ისროდნენ“-რეზინის-ტყვიები-აქციაზე-8-ამბავი-radiotavisupleba.ge)

<sup>2</sup> [Civil Georgia | Georgian Watchdogs Statements: Police Resort to Disproportionate Force against Peaceful Protesters](#)

On 3 May around 1 am, a number of peaceful protesters at the Heros Square in Tbilisi were surrounded, assaulted and beaten by groups of unidentified men who drove their cars into the crowds, hitting one person on a bicycle, local media outlets reported.<sup>3</sup> An eyewitness told Amnesty International that approximately ten “athletic” men got out of the car, surrounded single protesters and started beating them and kicking them to the ground. According to the eyewitness, the police did not arrive until an hour later when the assailants had left the scene in cars. One of the individuals who had been beaten appeared to have passed out; another had injuries and bleeding from the head, the eyewitness said.

In addition to the beatings and other ill-treatment, police have accused dozens of arrested peaceful protesters of petty hooliganism and disobeying police orders.

Tamar, the daughter of an older protester detained on 30 April, told Amnesty International that her father had been beaten and detained by the police while trying to find his young granddaughter among the protesters. Tamar had spent the entire night trying to find him. A human rights lawyer finally located him in the police department outside of the city the following day and told the family that Tamar’s father had injuries to his face and body. The family has not been able to visit or communicate with him in detention or to find out if he faced any charges.

Local human rights defenders providing legal aid to the detained protesters told Amnesty International that many of the detainees were denied access to a lawyer or medical aid. The protesters, many of whom were children under the age of 18, were not allowed to notify their family members of their whereabouts. On several occasions, demonstrators were transferred to police stations outside Tbilisi and their lawyers were denied information about their place of detention.

Marie Kapanadze, a human rights lawyer who provides legal aid to those detained, said that many of her colleagues had spent the night trying to find the detained individuals, including children. At least 15 of the individuals they have managed to locate showed injuries caused by physical violence, including bruises. In almost all cases, the authorities extended detention of the detained protesters from 24 to 48 hours, without justification of exceptional circumstances as required by national law.

## GEORGIA’S INTERNATIONAL OBLIGATIONS UNDER INTERNATIONAL LAW AND STANDARDS

Under international human rights law, Georgia has the obligation to promote an enabling environment for peaceful assemblies without discrimination and any restriction must also not be discriminatory or “aimed at discouraging participation in assemblies or causing a chilling effect.”<sup>4</sup>

Peaceful assemblies, however obstructive, fall within the protective scope of the right of peaceful assembly<sup>5</sup> which means that the state has an obligation to protect and facilitate such an assembly.

The Georgian authorities also have a duty to facilitate peaceful assemblies at the organizer’s preferred location and allow them “within sight and sound of their target audience”.<sup>6</sup> The governments may disperse an assembly only if the disruption is “serious and sustained” and only in “exceptional cases”, such as the assembly no longer being peaceful or there being a clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures.

The use of all weapons, including less lethal weapons, must comply with international human rights law and standards on the use of force. In particular, the use of rubber bullets must be strictly limited to situations of violent disorder posing a risk of harm to persons; projectiles must never be aimed at the head, upper body, or groin areas. Tear gas and water cannon can only be used in the situations of extreme and uncontained violence and only after issuing a clear warning with sufficient time for people to comply with the order. Mixing water and chemical irritants for use in water cannon must be prohibited and the tear gas must not be used repeatedly, in excessive quantities or in a confined space or in situations where people cannot disperse. The use of pepper sprays on an individual who is already restrained or otherwise under control may constitute torture or other ill-treatment. The actions of Georgian police clearly failed to meet international standards while policing demonstrations – especially from 30 April to 3 May.

<sup>3</sup> Publika.ge [სქვიის მონაწილეები აცხადებენ, რომ ცირკის მიმდებარე უცნობი პირები თავს დაესხნენ \(publika.ge\)](https://publika.ge)

<sup>4</sup> UN Human Rights Committee (HRC), General Comment 37, The Right of peaceful assembly (Article 21 of the ICCPR), UN Doc. CCPR/C/GC/R.37 (HRC General Comment 37), paras. 24, 36 and 98.

<sup>5</sup> See European Court of Human Rights (ECtHR), *Makarashvili v Georgia*, <https://hudoc.echr.coe.int/?i=001-218940>, paras 80, 91-94.

<sup>6</sup> HRC, General Comment 37, cited above, para. 22.

Human rights monitors and the Georgian Public Defender have asserted that the rallies have been peaceful and there have not been reasons to stop them and use force against them.<sup>7</sup> Isolated incidents of non-compliance with police orders or violations of public order does not warrant the use of chemical irritants, water cannon or rubber bullets against a peaceful protest; and nothing can justify beating protesters or abusing them in detention. The punitive reaction of the authorities to the peaceful protests suggests that their intention was clearly to punish the protesters for gathering and to prevent further protests, in a blatant violation of the right to peaceful assembly.

With so many people demonstrating in Tbilisi and across the country, and more protests expected in the coming days, the authorities must allow all who wish to exercise their right to peaceful assembly to do so safely and without fear of ill-treatment or reprisals.

Amnesty International also reiterates its call on the Georgian authorities to withdraw the bill “On transparency of foreign influence” which manifestly aims to unduly restrict the right to freedom of association, and refrain from imposing all other repressive legislation which threatens to undermine human rights and civil society.

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<sup>7</sup> [Public Defender Echoes Use of Special Equipment for Dispersal of Peaceful Assembly \(ombudsman.ge\)](https://ombudsman.ge/en/public-defender-echoes-use-of-special-equipment-for-dispersal-of-peaceful-assembly); see as well: [Public Defender’s Statement on May 1 Rally \(ombudsman.ge\)](https://ombudsman.ge/en/public-defender-statement-on-may-1-rally); [30 აპრილი - 1 მაისის აქციის დარბევის სამართლებრივი შეფასება - საერთაშორისო გამჭვირვალობა - საქართველო \(transparency.ge\)](https://transparency.ge/)