

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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GEORGIA: AUTHORITIES MUST GUARANTEE FREEDOM OF PEACEFUL ASSEMBLY

As the anti-government rally continues in the Georgian capital of Tbilisi, the authorities must restrain from using unnecessary force against peaceful protesters. Force must only be used if non-violent means are unlikely to be effective and law enforcement officials must seek to minimize harm and injury. In the dispersal of peaceful assemblies which are unlawful under domestic legislation law enforcement officials must exercise utmost restraint and if force has to be used, it needs to be proportionate to the level of resistance by the demonstrators; force that is likely to cause harm should be directed only at those individuals who are engaged in violence.

The anti-government protests erupted on 18 November after the ruling party, Georgian Dream, backtracked on its promise to reform the electoral system. Tens of thousands gathered in front of the parliament and declared that they would start to block the parliament entrances using peaceful sit-ins and not allow MPs to enter, unless the ruling party pledged to act on their promise and pass the electoral system reform.

Dozens of protesters attempted on at least two occasions to block the entrances of the parliament to prevent MPs from entering – on 18 and 26 November. On both occasions, special police forces used water cannons in cold temperatures to disperse them hours after they started blocking the entrances of the parliament building. On 26 November, four participants were injured and 28 were detained under administrative law for allegedly unlawfully resisting police orders. Thirty-seven demonstrators were detained on similar grounds on 18 November.

The Georgian human rights ombudsperson has raised concern that the administrative detention as well as trials of those detained on 18 November have failed to meet “minimum human rights standards.”¹ This concern has been echoed by many local independent human rights monitors.

Reports emerged that some of the protesters sustained injuries as a result of the use of water cannons. One person is reported to have sustained an eye injury, with several head bones fractured.

International human rights law, including the International Covenant on Civil and Political Rights and the European Convention on Human Rights, to which Georgia is a state party, guarantee the right to freedom of peaceful assembly. Restrictions on the right to freedom of peaceful assembly can only be placed when absolutely necessary, proportionate and provided by law in order to achieve one of a limited number of proscribed goals.

In the current context, the assemblies that are blocking the entrances to the Georgian parliament can only be dispersed if the authorities can demonstrate a clear pressing social need for a dispersal, and only if the demonstration has caused substantial disruption for a significant period of time. This was not the case on 18 and 26 November, when entrances to the parliament building were blocked by protesters for a few hours.

The use of water cannons was neither proportionate nor necessary. They may only be used in those situations in which it is strictly necessary to contain or disperse individuals or a group participating in a public assembly and when the level of violence has reached such a degree that law enforcement officials cannot contain the threat by directly focusing on violent persons only. Any decision to use them must also take into account contextual factors, such as extremely cold weather, which may exacerbate the harm they may cause. According to the United Nations Human Rights Guidance on Less Lethal Weapons in Law Enforcement, “[i]n general, water cannon should only be used in

¹ Public Defender Responds to the Trials of Persons Arrested During the 18 November Rally outside Parliament, 22 November 2019, available at: <http://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsveli-ekhmianeba-2019-tslis-18-noembers-parlamenttan-aktsiis-dros-dakavebuli-pirebis-sasamartlo-protsesebs>

situations of serious public disorder where there is a significant likelihood of loss of life, serious injury, or widespread destruction of property” and “[w]ater cannon shall not target a jet of water at an individual or group of individuals at short range owing to risk of causing permanent blindness or secondary injuries due to the individual being energetically propelled by the water jet.”²

The authorities must also cease the practice of so-called administrative detention of up to 15 days of peaceful protesters for merely resisting the police’s instructions to unblock the public building entrances. Doing so violates the right to freedom of peaceful assembly, the right to liberty and the right to a fair trial. Such practices risk having a significant ‘chilling effect’ on the perception of people in Georgia of their freedom to assemble.

BACKGROUND INFORMATION

In November, the ruling party Georgian Dream declared that it was not able to deliver on its promise of an electoral reform claiming that not enough of its members in the parliament supported it. The promised reform would have changed the electoral system from a mixed to fully proportional system, with no minimal threshold applied for political parties, thus guaranteeing a more pluralistic parliament. The existing system is believed to favor the ruling party.

The reform was promised in June 2019, in an effort to meet some of the demands put forward by the anti-government protesters during mass rallies at the time. The rallies erupted after a Russian MP took the speaker’s seat in Georgia’s Parliament as part of a regional inter-parliamentary event. The event was suspended and tens of thousands of people took to the streets to protest the visit of the Russian delegation to Georgia’s Parliament. The Parliament’s Speaker and a Georgian MP who organized the regional inter-parliamentary event resigned.

In 2008, Georgia and Russia were at war over the Georgian breakaway region of South Ossetia/Tskhinvali Region, where Russia retains a military presence after unilaterally recognizing it as an independent state. The conflict and its aftermath resulted in numerous human rights violations, including the forced displacement of thousands of people, primarily ethnic Georgians, and continue to adversely impact the rights of local communities.

² the United Nations Human Rights Guidance on Less Lethal Weapons in Law Enforcement, available at https://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf