

**Comments of the Ministry of Justice of Georgia  
to the Memorandum on the human rights situation in Georgia  
of the Council of Europe Commissioner for Human Rights  
21 March, 2025**

***Moj Response to Para. 28, Para. 30 and Para. 43 (Recommendation of the Commissioner):***

*“fully implementing the judgments of the European Court of Human Rights concerning the lack of effective investigations into allegations of excessive use of force by law enforcement.”*

***Tsintsabadze Group***

- ⇒ The majority of the facts of death and torture or other inhuman or degrading treatment which took place in the cases of *Tsintsabadze Group* date back to the first decade of the 2000s. Therefore, it should be emphasised that in a number of cases, the investigation is hampered by the significant circumstance - long time has passed after the alleged crimes. Accordingly, the witnesses found it difficult to recall the detailed factual circumstances and they could not provide any valuable information for the investigation and it is also difficult to obtain relevant evidence.
- ⇒ Nevertheless, it is noteworthy that the Committee of Ministers (“the Committee”) has adopted the Final Resolutions and decided to close supervision of 13 cases<sup>1</sup> of *Tsintsabadze Group*. In addition, the Committee decided to close the supervision of the individual measures in *Tsintsabadze case* and in *Mindadze and*

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<sup>1</sup> [\*Gharibashvili v. Georgia\*](#); [\*Khaindrava and Dzamashvili v. Georgia\*](#); [\*Surmanidze and Others v. Georgia\*](#); [\*Gegenava and Others v. Georgia\*](#); [\*Vazagashvili and Shanava v. Georgia\*](#); [\*Dvalishvili v. Georgia\*](#); [\*Sakvarelidze case v. Georgia\*](#); [\*Ilashvili v. Georgia\*](#); [\*Baghashvili v. Georgia\*](#); [\*Mikiashvili v. Georgia\*](#); [\*Mzekalishvili v. Georgia\*](#); [\*Kopadze v. Georgia\*](#); [\*Chantladze v. Georgia\*](#).

*Nemsitsveridze case* and to continue supervision of general measures under these two cases.<sup>2</sup>

- ⇒ Furthermore, up to 10 cases should be considered as completed. The tangible progress has been achieved and concrete persons have been identified/found guilty by the domestic courts. In some of these cases, all the individual measures which could be enforced by the Government are already implemented, and no other attainable activities could be carried out, hence it follows that, they should be deemed completed.

### ***Tsaava and Others v. Georgia***

- ⇒ On 7 May 2024, the European Court of Human Rights (“the Court”) rendered its judgment in the case of *Tsaava and Others v. Georgia*. The Court found a violation solely in relation to the procedural aspect of Article 3 of the Convention, while refraining from ruling on the applicant’s complaints under the substantive limb of Article 3, as well as Articles 10 and 11 of the Convention. Furthermore, the Court held that the respondent State had complied with its obligations under Article 38 of the Convention.
- ⇒ The Court affirmed the authorities’ right to resort to force to restore public order when demonstrators attack law enforcement, breach security cordons, or assault State institutions. However, it emphasised that the necessity and proportionality of such force could only be properly assessed upon the completion of the domestic investigation. While the Court found no deficiencies in Georgian legislation or substantive violations of the Convention, it identified procedural shortcomings, underscoring the need for a comprehensive assessment of the investigative process.
- ⇒ One month after the Chamber’s judgment, the case was transferred to the Special Investigative Service to address the deficiencies identified by the Court. The Georgian Government concurred that the investigation should assess the planning and execution of the operation in accordance with Court’s standards.
- ⇒ The applicants subsequently requested referral of the case to the Grand Chamber, which was granted on 23 September 2024. The oral hearing took place on 26 February 2025, during which both parties presented their submissions. The case remains pending before the Grand Chamber. At this stage, it is premature to speculate on the outcome, as the Grand Chamber has the authority to revise the judgment in its entirety.

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<sup>2</sup> Available at: [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2024\)1492/H46-14E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2024)1492/H46-14E)

### ***Moj Response to Para. 34***

- ⇒ The Ministry of Justice clarifies that the short-term contracts under which personnel was employed by the agencies of the Ministry expired and each and every employee were duly informed about the expiration in advance.
- ⇒ It is important to emphasize that these employees were aware that their contracts would expire and there was no legal obligation to automatically extend period of the contract, which has been standard legal practice in all public institutions for years.
- ⇒ Furthermore, they received the full remuneration in accordance with their contracts and New Year's bonus additionally.
- ⇒ The termination or expiration of contracts were fully in line with the domestic legal framework. If any of the employees do not agree the procedure, they have right to fair trial and may apply to the courts.

### ***Moj Response to Para. 53, Para. 56, Para. 63 and Para. 64 (Recommendation of the Commissioner):***

*“fully and swiftly implementing the judgments of the European Court of Human Rights concerning the rights of LGBTI people and organisations”*

### ***Legislative packages concerning protection of family values and minors and gender equality***

- ⇒ The Government would like to emphasise that the legislative packages have appropriate justification - preserve Georgia's traditional family values and interests of the minors.
- ⇒ It should be noted that the Constitution of Georgia and other legislative acts safeguard and uphold the fundamental rights of all individuals irrespective of their lifestyle. Therefore, the legislative packages are not intended to undermine any of these fundamental rights.
- ⇒ The Committee of Ministers is regularly updated with detailed information on this matter.

## **Memorandum on the human rights situation in Georgia**

### **The Council of Europe Commissioner for Human Rights**

#### **The Prosecution Service of Georgia commentary:**

##### **§13-16 and §26**

On April 16, 2024 the investigation was launched by the Special Investigation Service into the facts of exceeding official powers committed by individual employees of the Ministry of Internal Affairs of Georgia using violence against the participants of the protest that took place in Tbilisi, near the building of the Parliament under the Article 333 §3 “b” of Criminal Code of Georgia. Within the framework of the above-mentioned criminal case, 49 persons, including 1 journalist, were recognised as victims. No criminal prosecution has been initiated thus far, investigation is ongoing.

The investigation, which is still ongoing, was launched by the Special Investigation Service into the facts of exceeding official powers using violence against the participants of the protest that took place in November-December of 2024 in Tbilisi, as well as, unlawful interference with the journalist’s professional activities under Articles 333 §3 “b” and 154 §2 of Criminal Code of Georgia.

Within the framework of the ongoing investigation, participants of the protests (including journalists and law enforcement officers) have been interviewed, crime scenes have been inspected, electronic data carriers containing audio-video recordings have been identified and seized by carrying out appropriate investigative actions and the audio-video evidence is being studied. The records documenting medical services provided to the victims and the materials of the administrative proceedings concerning the persons arrested at the protests are being seized/requested, relevant medical, biological and trace evidence forensic examinations have been appointed.

In the framework of the procedural guidance over the investigation, the persons who incurred damage are being granted a victim status. In particular, 88 persons, including 28 journalists, were recognised as victims in the above-mentioned criminal case. 526 persons have already been interviewed, including 51 journalists and 180 law enforcement officers. Forensic medical examination is requested towards 249 individuals, who were injured during protests. Duration of the recordings obtained thus far exceeds 2000 hours. No criminal prosecution has been launched yet, investigation is ongoing.

Within the framework of the above-mentioned criminal case, the Special Investigation Service investigates the alleged inaction from the law enforcement officers regarding the violence committed against the participants of the protest as well.

Moreover, an investigation under Articles 154 §2, 118 §2 and 178 §3 “a” of Criminal Code of Georgia is ongoing at the Special Investigation Service regarding an unlawful interference with television company “TV First” journalist Maka Chikhladze’s and cameraman Giorgi Shetsiruli’s and journalist Maka Janashia’s professional activities, infliction of harm to their health and robbery, which took place on December 7, 2024.

The evidence are still been being collected in the criminal case, in particular: dozens of witnesses have been identified and interviewed, audio-video and mobile phone masts data relevant to the case have been obtained, forensic facial examinations have been requested, necessary investigative actions (search, seizure, requesting information, inspection) are carried out in order to identify the perpetrators of the crimes, forensic computer examinations of electronic data carriers have been requested, forensic medical examinations were performed on the victims and complex biological-genetic, trace and chemical examinations are requested to obtain important evidence for the investigation.

All three journalists: Maka Chikhladze, Giorgi Shetsiruli and Maka Janashia, have been recognised as victims. No criminal prosecution has been initiated thus far, investigation is ongoing. Maka Chikhladze and Giorgi Shetsiruli were provided with every evidence of criminal case concerning the crimes committed against them.

Within the framework of the above-mentioned criminal case, the Special Investigation Service investigates the alleged inaction from the law enforcement officers regarding the violence committed against the Maka Chikhladze and Giorgi Shetsiruli as well.

The Special Investigation Service investigates the alleged facts of violence committed by individuals against the participants of the protests as well.

Taking abovementioned facts into account, the legal response to the acts committed against the participants of the ongoing protests in Tbilisi in November-December 2024 was immediate, investigation was launched and active investigation is ongoing to ensure the necessary standard for making the final decision.

### **§17 and §35**

On February 3, 2025 the investigation was launched by the Special Investigation Service into the facts of alleged exceeding official powers using violence committed by employees of the Ministry of Internal Affairs against the participants of protests, that took place in Tbilisi on David Aghmashenebeli Avenue under the Article 333 §3 “b” of Criminal Code of Georgia.

The evidence are still been being collected in the criminal case, in particular: dozens of witnesses have been identified and interviewed, audio-video recordings relevant to the case have been obtained, forensic medical, biological and trace examinations have been requested to obtain important evidence, necessary investigative actions (search, seizure, requesting information,

inspection) are carried out in order to identify the perpetrators of the crimes. One (1) person has been recognised as victim and no criminal prosecution has been initiated thus far.

Taking abovementioned facts into account, the legal response to the acts committed against the participants of the protests on February 2<sup>nd</sup>, 2025, was an immediate and active investigation is ongoing to obtain evidence and ensure the necessary standard for making the final decision.

Eight (8) persons were prosecuted for group attempt to block a facility of strategic or special importance, which could have disrupted the normal operation of this facility, under Article 19-222, §2 “a” of the Criminal Code of Georgia in February 2025, during the protest rallies in Tbilisi. Detention was imposed on every defendant in order to ensure the application of bail and as of today, all eight defendants have already posted the bail and were released from the detention facility. Criminal investigation under the Ministry of Internal Affairs is ongoing.

## **§20**

Pursuant to Article 353<sup>1</sup> of Criminal Code of Georgia, four (4) persons were prosecuted for attacking a police officer during protests in Tbilisi in April-May of 2024 and six (6) persons were prosecuted for damaging the property pursuant to Article 187 of Criminal Code of Georgia.

The investigation, which is still ongoing, was launched by the Ministry of Internal Affairs under Article 225 §1 and §2 of the Criminal Code of Georgia into facts of organisation, management and participation in group violence committed by a number of citizens during the protest rallies near the Parliament of Georgia and its surrounding areas in November-December 2024. In the framework of above-mentioned criminal case, criminal prosecution was launched against nineteen (19) individuals, three (3) of them were charged with the organisation and management of group violence pursuant to Article 255 §1 of Criminal Code of Georgia and sixteen (16) of them were charged with participation in group violence pursuant to Article 255 §2 of Criminal Code of Georgia. Twenty-seven (27) individuals were recognised as victims.

Moreover, within the framework of criminal case under investigation of the Ministry of Internal Affairs, one person was prosecuted for preparation of explosion pursuant to Article 18 - 229 §1.

During the ongoing protests in Tbilisi in November-December 2024, thirteen (13) persons were prosecuted on criminal cases investigated by the Ministry of Internal Affairs of Georgia.

Eight (8) persons were prosecuted for attacking a police officer pursuant to Article 353<sup>1</sup> of Criminal Code of Georgia. Five (5) persons were prosecuted for damaging the property pursuant to Article 187 of Criminal Code of Georgia.

## **§25**

There is an ongoing investigation under the Special Investigation Service into the facts of exceeding official powers committed by number of employees of the Ministry of Internal Affairs of Georgia using violence against the participants of the protest that took place in Tbilisi, on March 7-9, 2023, near the building of the Parliament, as well as unlawful interference with the journalist's professional activities under Articles 333 §3 "b" and 154 §2 of Criminal Code of Georgia.

More than 100 witnesses have been identified and interviewed, audio-video recordings relevant to the case have been obtained, in order to obtain evidence forensic medical, biological and trace examinations have been requested, necessary investigative actions (search, seizure, requesting information, inspection) are carried out in order to identify the perpetrators of the crimes. Eleven (11) individuals have been recognised as victims and no criminal prosecution has been initiated thus far.

Taking abovementioned facts into account, the legal response to the acts committed against the participants of the above-mentioned protests was immediate and active investigation is ongoing to obtain evidence and ensure the necessary standard for making the final decision.

## **§38-40 – Criminal case of Mzia Amaglobeli**

On January 13, 2025 the investigation was launched by the Special Investigation Service into the facts of exceeding official powers using violence against the arrested participants, including Mzia Amaglobeli, of protests, that took place on 11-12 January of 2025, near the building of Police Department of Autonomous Republic of Adjara of the Ministry of Internal Affairs under the Article 333 §3 "b" of Criminal Code of Georgia.

Within the framework of the above-mentioned criminal case participants of the protest as well as law enforcement officers and other witnesses of the case have been interviewed, medical records and clothes of Mzia Amaglobeli have been seized and forensic medical, trace and biological examinations have been requested. The audio-video evidence obtained by the investigative bodies are being studied. No criminal prosecution has been initiated thus far, investigation is ongoing.

On January 12, 2025, the Ministry of Internal Affairs of Georgia launched investigation into facts of attaching police officer under Article 353<sup>1</sup> of the Criminal Code of Georgia. On January 11, 2025, at 10:58 PM, before the investigation was launched, Mzia Amaglobeli was arrested near the administrative building of the Police Department of the Autonomous Republic of Adjara under Article 173 of the Administrative Offenses Code of Georgia (Non-compliance with a lawful order or demand of a law-enforcement officer). Despite numerous calls from the police officers, Mzia Amaglobeli did not cease her illegal behavior. The protocol of administrative detention is signed by Mzia Amaglobeli herself and she was released from administrative detention based on her own written notice.

In couple of minutes after Mzia Amaglobeli was released, on January 12, 2025, at approximately 00:50, Irakli Dgebuadze, the chief of the Police Department of the Autonomous Republic of Adjara, was near the building located at 11a Tbel Abuseridze Street (administrative building of the Police Department of the Autonomous Republic of Adjara), to maintain public safety and public order and he was explaining to the citizens gathered at the scene why the participant of the protest rally were previously arrested. Mzia Amaglobeli, irritated by Irakli Dgebuadze's official activities, attacked him out of revenge - she pulled him hard by the jacket, turned him towards her and slapped him in the face.

Within the framework of the criminal case, a video recording of the attack has been requested from the Adjara TV and Radio Public Broadcaster. Upon reviewing the video recording, it was determined that Irakli Dgebuadze, who was standing near the administrative building of the Police Department of the Autonomous Republic of Adjara, was explaining the grounds for the detention of a specific person. Irakli Dgebuadze turns his face towards the camera (turning his back to Mzia Amaglobeli) and is about to leave, when Mzia Amaglobeli pulls him by his jacket with her left hand, preventing him from leaving, pulls him towards herself, releasing the jacket from her hand and slapping Irakli Dgebuadze.

The witness testimonies and video recordings do not confirm the fact that Irakli Dgebuadze verbally or physically abused or ill-treated Mzia Amaglobeli before the attack. Mzia Amaglobeli herself never discuss this issue either during the investigation stage or during the court hearings. The criminal case is currently being heard on merits in Batumi City Court.

**Information within the competence of the Ministry of Internal Affairs of Georgia**  
**In response to the**  
**Memorandum on the human rights situation in Georgia**

***The Police did not violate the right of peaceful assembly of participants of the demonstrations held since November 28, 2024***

Since November 28, 2024, protests have been actively taking place, both in various cities of Georgia and in Tbilisi, on Rustaveli Avenue, in the vicinity of the building of the Parliament of Georgia.

During the demonstrations, within the framework of peaceful assembly, when there were no violent incidents, the Police ensured all necessary measures so that the participants of the rallies had the opportunity to freely express their protest. During the rallies, it was vivid that when the protest was held within the framework of peaceful assembly prescribed by law and no violent incidents were recorded, accordingly, the Police did not have to use force provided for by law, thus no offenders were detained, and the participants of the rally had the opportunity to express their protest within the framework established by the law.

In Georgia, any person is guaranteed the freedom of assembly, and the assembly must be peaceful. It is noteworthy that after the violent protests, as a result of the appropriate measures taken by law enforcement agencies, the arrest of violent individuals and the seizure of relevant evidence, the protests that have been taking place since the second week of December have been largely peaceful. In particular, as a result of the measures taken by the Ministry of Internal Affairs, the protest demonstrations on December 4, 5 and 6 (early morning), December 7 evening and December 8 early morning were largely peaceful, therefore, the MIA did not use special measures. However, the MIA took appropriate measures regarding the individual misconduct of the protest participants. Since December 8, 2024, the protest demonstrations have been largely peaceful, therefore, during this period; the MIA did not use special measures.

Notably, during peaceful gatherings, the Police ensure the peaceful conduct of the gathering and in case of violent manifestations - they act immediately. This is evidenced by the numerous so-called peaceful marches held in the second half of December, in particular, since mid-December, dozens of so-called peaceful marches have been held daily across the country with the participation of representatives of various fields, including marches of IT/Tech commune, designers, PR specialists, animal lovers, grandparents, couriers, etc.

***The demonstration took a violent character and the Police used proportionate measures to maintain public order and security during the non-peaceful, violent rally***

The demonstrations that have been ongoing since November 28, 2024, have repeatedly exceeded the norms established by the Law of Georgia “On Assemblies and Manifestations” and have taken a massively violent character.

As soon as a sufficient number of people gathered at the demonstration, violent excesses began, which turned into vandalizing of the Parliament building and violence against Police officers. The MIA repeatedly called on the participants of the demonstration to remain within the framework of a peaceful assembly. The right to peaceful assembly also implies that the participant of the demonstration should not resort to violence, which may harm other participants of the demonstration. The state is the only one that has the legitimate right and obligation to use force to prevent crime and protect citizens, if necessary. This obligation is especially evident when there is a violent mass protest.

Since November 28, 2024, the public has been observing that a certain group of people on Rustaveli Avenue, immediately after gathering, began causing vandalism, damage to property, and physical violence against Police officers, by throwing stones and explosives. Each time, the MIA repeatedly warned the participants of the demonstration, both in public statements and on the spot, to stop the violence, but to no avail. Each time, only after multiple warnings did the MIA begin the use of special means provided for by law to prevent violence. The goal was not to disperse the demonstration, but to stop the violence. The goal of a certain group of the participants of the demonstration was to precisely conduct violence and the use of appropriate tools: Molotov cocktails, pyrotechnics, and special liquid solutions - the use of these means is dangerous to health and may even be life threatening. Instead of holding a rally peacefully on Rustaveli Avenue, some of the protesters deliberately moved to the side streets of the Parliament, to April 9 and Chichinadze Streets, and attacked the Police forces deployed on these streets, who were guarding the entrances to the Parliament located on these streets. The Police forces were obliged to use special means to prevent such violence in order to protect public order and a peaceful assembly, including the lives of the perpetrators. For clarification, we can recall the damage to the Parliament gate by the group of protesters, the alleged purpose of which was to break into the legislative body. During the aforementioned violent act, because of repeated attacks by the protesters, a heavy iron element was broken off the gate of Parliament and fell on the head of one of the persons who was trying to break into the gate. In addition, the pyrotechnics exploded in the hand of the person who attacked a Police officer with pyrotechnics.

Employees of the MIA were mobilized during all gatherings and demonstrations and maintained public order. After the start of the protests, Police forces were deployed in the area around Chitadze Street and the rear entrance of the Parliament, so that the participants of the demonstrations had the opportunity to freely express their protest on Rustaveli Avenue peacefully. Nevertheless, some of the participants of the demonstration moved to the area around the rear entrance of the Parliament and carried out provocative actions, which involved verbal and physical confrontations with the Police. The participants of the demonstration threw stones, glass bottles, pyrotechnics, various metal objects, eggs, and paints towards Police officers and verbally abused the Police officers located at the rear entrance of the Parliament and on Chitadze Street.

To de-escalate the situation and protect the lives and health of law enforcement officers, the MIA decided to replace patrol and criminal Police officers with specially equipped officers of the Special Tasks Department, upon need, nevertheless, violent acts against law enforcement officers continued.

Through live broadcasts on various television channels, it was clearly visible that despite numerous appeals made to the protesters by law enforcement officers, as well as official statements issued by the MIA calling them to cease their violent actions and express their protest peacefully, the protesters

continued their illegal actions. The destructive actions of the protesters posed a threat to the health and lives of both the protesters and law enforcement officers.<sup>1</sup>

The actions of the protesters repeatedly exceeded the limits set by the law on assembly and demonstration and escalated into violent actions. Accordingly, the Police, in accordance with the law, emptied the streets surrounding the Parliament building from violent groups. After the territory surrounding the Parliament of Georgia was emptied of violent groups, Police units were deployed in the territory surrounding the Parliament of Georgia, near the Tbilisi Marriott Hotel. Members of the violent group continued to engage in aggressive and violent actions against the Police in front of the Tbilisi Marriott Hotel, by the throwing of various objects and pyrotechnics. In addition, the violent groups artificially blocked Rustaveli Avenue with chairs, garbage cans, so-called "scooters", and inventory owned by cafés and bars located in the surrounding area, and then set fire to the aforementioned.

**Damage caused by the attack on the Parliament building:** The burning legislative body was broadcasted live by TV channels, as a result of the attacks on the Parliament building, 48 working rooms of the parliament were damaged, almost all the windows of the lower floors of the Parliament building from Chichinadze and Rustaveli Avenues were damaged, various types of office equipment were damaged, the wooden door of the Parliament from Chichinadze Street was burned, the heating and cooling units of the central building of the Parliament were destroyed, storage spaces and the computer laboratory of the training centre were damaged. As a result of the violence committed by violent groups, the external lighting of the Parliament building was completely disordered.

**As a result of the violence of the participants of assembly, the infrastructure owned by the state and private individuals was damaged, and a number of thefts were recorded:** As a result of the violence of the participants of the assembly, the infrastructure owned by both private individuals and the Tbilisi Municipality was damaged - including benches, garbage cans, road signs, and the property of private owners was destroyed. The participants of assembly artificially set fire to one of the buildings on Rustaveli Avenue, destroyed the infrastructure of cafés and bars, vandalized the shop windows of shops on Rustaveli Avenue, shops were raided and robbed.

The protesters deliberately destroyed both private and state-owned video surveillance cameras located on Rustaveli Avenue in order to further hinder the Police from conducting a quick and effective investigation of the crime. This caused damage to both private individuals and the state. Also, there were numerous incidents of attacks and insults against citizens by violent groups.

Since November 28, together with the violent actions of the participants of assembly on Rustaveli Avenue and its surrounding areas, a number of criminal acts were recorded. Among them, a robbery attack was carried out on the Swarovski store on Rustaveli Avenue, from which a masked person dressed in black and armed with a knife stole expensive items, and about 60 cases of theft were recorded: including from shopping centres, shops, open bars, restaurants and supermarkets. Various types of inventory, cash, clothes and various items were stolen. Various inventory, including ATMs and cash registers, were at first stolen from various facilities on Rustaveli Avenue, and then used as

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<sup>1</sup> The violent actions carried out by the protesters are clearly visible in the following footage: <https://www.youtube.com/watch?v=s3PFferfKvc>

barricades. Dozens of cases of theft of personal belongings was recorded. Citizens and private entrepreneurs have been reporting damage to cars, motorcycles, scooters, outdoor furniture and inventory. The exterior facades of the political party "Georgian Dream", as well as the stores "Boss", "Time" and "Clean House" have been broken and damaged. The damage caused to private individuals and the state by criminal activities exceeds hundreds of thousands of GEL.

**The participants of the demonstration used items prohibited by law during peaceful assemblies:** to carry out above-mentioned actions, the violent groups of the demonstration actively used pyrotechnics, so-called Molotov cocktails, they were armed with various objects: including iron and wooden batons, brass knuckles, and also actively applied so-called stun guns to carry out attacks, with which they aimed and threw iron objects and intentionally damaged Police equipment, as well as attacked Police officers.

The initial goal of some of the people attending the demonstration was to carry out violent actions. This is confirmed by the fact that upon arriving at the gathering, they carried illegal items with them, stones, iron structures, pyrotechnics, etc. In addition, as a result of the carried out investigations, various illegal items were seized from the offices of the organizers, which have been actively applied to attack Police officers during the demonstration, and which were deliberately intended for the participants of demonstrations.

**As a result of violent actions carried out by the participants of the demonstration, 171 law enforcement officers have been injured. However,** despite the dissemination of information by the MIA, this fact remained beyond the attention of civil society, the media and human rights organizations. Footage of the injured Police officers is prominently displayed at the following web link: <https://www.youtube.com/watch?v=MYXwtJCdGsQ> Also, photographs of the injured Police officers are attached to this document (see Appendix 1).

During the protests, because of attacks by violent groups, almost all injured Police officers required emergency medical assistance, and a substantial number of them even required surgical intervention. Most of the Police officers have various types of burns, fractures, and injuries to the head and face. Some of the harmed Police officers received various significant injuries, namely:

- ❖ 9 law enforcement officers required complex surgical intervention (2 officers underwent surgery in the hospital under general anaesthesia; 7 Police officers required surgical intervention on open wounds to the head, face, hands, and feet under local anaesthesia);
- ❖ 39 law enforcement officers received significant injuries to the face, head, eyes, groin, and limbs as a result of being hit by stones thrown by participants of the demonstration;
- ❖ 54 employees of MIA received multiple burns to the face, limbs, abdomen, and eyelids as a result of being hit by pyrotechnics;
- ❖ 6 employees of the MIA received a cast for a broken finger, a contusion, and damage to the ankle and shin tendons;
- ❖ One employee suffered damage to the auditory nerve (hearing loss) as a result of a pyrotechnic explosion near his ear;
- ❖ 62 employees have various types of injuries.

**In order to de-escalate the situation, the MIA carried out consistent measures provided for by law.** Before the use of special equipment by the Police at the demonstrations taking place since November 28, 2024, the participants of the gathering were constantly warned in advance, both through official statements and locally, using special acoustic means. In addition, the Police used special equipment only in case of necessity, in compliance with the principle of proportionality, only with the intensity that ensured the achievement of the legitimate objective.

According to the standard established by the European Court of Human Rights (ECtHR), the prevention of violence is an obligation of the Police. Inaction of the Police is a breach of their positive obligation. In the case of *Ouranio Toxo and Others v Greece* (2005), the European Court of Human Rights found the state in breach of Article 11 of the European Convention on Human Rights, as the Court indicated that the Police should have identified a foreseeable threat that would escalate into violence. The state should have taken measures to prevent or cease acts of violence. The state's inaction became one of the reasons for determining a violation of Article 11. In the case of *Christian Democratic People's Party v. Moldova* (2010), the ECtHR considered that the Police is entitled to use special equipment after the assembly has massively taken a violent turn and peaceful means of resolving the issue was exhausted.

Preventing violence is the obligation of the Police, and inaction of the Police is a violation of its positive obligation. The state has the obligation to maintain a balance between the freedom of assembly or demonstration and the rights of persons living, working or carrying out entrepreneurial activities in places where an assembly or demonstration is held. These persons shall not be interrupted in carrying out their activities.

Information regarding injured protesters was spread in various media outlets and social networks. After the violent demonstration ended, the arrest of those remaining at the scene was the measure aimed to enforce the lawful measure of dispersal of the gathering. The Police arrested the violent individuals, who in many cases disobeyed law enforcement officers. In most cases, the violent individuals disobeyed the Police officers during the arrest, which inflicted physical injuries on both the detainees and the employees of the MIA.

The MIA and other relevant agencies launched an investigation regarding each violent clash, and intensive investigative actions are being carried out to identify the perpetrators of the crime and bring them to criminal liability. As for the alleged cases of using excessive force by Police officers, an investigation is underway in the Special Investigation Service, and the MIA actively cooperates with the investigative agency, within the framework of its competence.

***There was no unjustified interference by the police with the right to liberty and security of person, the arrests were carried out in accordance with the law and were not arbitrary***

There was no unjustified interference by the police with the right to liberty and security of person, the arrests of persons were carried out in accordance with the law and they were not arbitrary.

Since November 28, 2024, protest rallies have been actively taking place, both in various cities of Georgia, as well as in Tbilisi, on Rustaveli Avenue, in the vicinity of the Parliament building. During the rallies, it was clearly visible that when the protest rally was held within the framework of a peaceful assembly established by law and no violent facts were recorded, accordingly, the police did not have

to use force provided for by law, no violators were detained, and the participants of the gathering had the opportunity to express their protest within the framework of the law. However, the protest rallies that have been ongoing since November 28, 2024 have repeatedly exceeded the norms established by the Law of Georgia “On Assemblies and Manifestations” and have taken on a massively violent character. As soon as a sufficient number of people gathered at the rally, violent excesses began, which turned into vandalism of the Parliament building and violence against police officers. The Ministry of Internal Affairs repeatedly called on the participants of the demonstration to remain in the form of a peaceful demonstration. The right to peaceful assembly also implies that the participant of the demonstration should not resort to violence, which may harm other participants of the demonstration. The state is the only one that has the legitimate right and obligation to use force to prevent crime and protect citizens, if necessary. This obligation is especially evident when there is a violent mass demonstration. Accordingly, in extreme cases, the police had to use the measure of detention when there was a gross violation of public order, disobedience to a police officer or an insulting act towards him. Detention served to maintain public order at the gathering and remove the person who committed the violent act from the territory.

In each case, individuals were deprived of their liberty on the basis of a legally defined and legally prescribed procedure, which complies with the provisions and principles of the European Convention on Human Rights, such as the rule of law, legal certainty, proportionality, and protection against arbitrariness.<sup>2</sup>

It is noteworthy that the ECtHR has addressed the practice of administrative detention in the case *Makarashvili and others. v. Georgia*, where the Court found compliance with international standards. Specifically, the applicants in this Case challenged the government's restrictions on the right to assemble during a demonstration near the Parliament building and their subsequent detention. The Court examined the case in the context of freedom of assembly and the right to a fair trial. The Court highlighted that certain forms of protest, such as blocking the entrances to the Parliament building, sitting in the path of the Parliament, and obstructing Police activities, constituted serious public order violations that exceeded minor infractions and disregarded the importance of the Parliament's effective functioning in a democratic society. The Court found that the Georgian authorities demonstrated sufficient tolerance towards the demonstrators. Furthermore, in reviewing the procedures related to the administrative offence, the Court noted that the applicants' recognition as offenders was based not only on Police testimony but also on video evidence presented. Consequently, the Court concluded that the right to a fair trial was not violated during the administrative proceedings.

*At the time of arrest, each person was informed of the reasons for his arrest and of the charge against him*

*Detention under criminal law*

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<sup>2</sup> See *Simons v. Belgium*, European Court of Human Rights, Application No. 71407/10, judgment of 28 August 2012, paragraph 32; see also the European Court of Human Rights Guide to Article 5 of the European Convention on Human Rights, 31 August 2024, available at: [https://ks.echr.coe.int/documents/d/echr-ks/guide\\_art\\_5\\_eng](https://ks.echr.coe.int/documents/d/echr-ks/guide_art_5_eng) (last accessed 7 February 2025) paragraph 32, p. 13.

*Arrests carried out in connection with ongoing criminal investigations related to the protest rallies since November 28, 2024, were in full compliance with Georgian legislation on criminal procedure.*

According to the Criminal Procedure Code, a person shall be arrested if there is probable cause that a person has committed a crime for which the law provides imprisonment, or the person will flee or will not appear before a court, destroys information important to the case, or will commit a new crime.

Arrests by the MIA in connection with ongoing criminal investigations related to the protest rallies since November 28, 2024, were carried out upon existence of legal grounds envisaged by criminal procedure legislation.

Upon arrest, each individual was informed in a clear manner:

- About grounds for arrest and crime he/she was suspected of committing;
- That everything he/she would have said could be used against him/her in court;
- About the right to use the services of a defence lawyer;
- About the right to remain silent and refrain from answering questions;
- About the right not to incriminate himself/herself.

As soon as the arrested person was brought to temporary detention isolators, the person was mandatorily examined by a physician in order to establish his/her general health condition, all injuries were recorded in detail and photographed upon request, in accordance with the Istanbul Protocol.

According to the Criminal Procedure Code, the term of arrest shall not exceed 72 hours. The judge, within the 24 hours, made a decision for applying a measure of restraint.

### **Administrative Detention**

The Administrative Offences Code of Georgia recognizes administrative detention as one of the measures to ensure performance of the proceedings related to the administrative offense. Within the scope of ongoing rallies since November 28, individuals detained under the Administrative Offences Code of Georgia were provided with appropriate legal guarantees. During administrative detention, immediately upon detention, detainees were informed in clear manner:

- About the administrative offence committed by him/her and the basis of the arrest;
- About his/her right to a defence counsel;
- About his/her right, if desired, to request that the fact of his/her arrest and his/her location be made known to a relative named by him/her, also to the administration at his/her place of work or study.

**Everyone arrested or detained on a criminal charge was brought promptly before a judge and the issue of the deprivation of liberty of the detained persons was decided by a court. Georgian legislation also provides for the right to request and receive compensation in the event of unlawful detention.**

Persons detained during administrative detention were brought before a court at the earliest opportunity, but no later than 24 hours. In order to obtain evidence, this period was extended once, if necessary, by no more than 24 hours (in total, no more than 48 hours).

Those detained during the ongoing protests since November 28, 2024, had the opportunity to enjoy the right to a fair trial. There are a number of guarantees for fair trial that are fully applicable to administrative offense cases. These guarantees include equality of arms, the right to use the services of a defence lawyer, and the right to present evidence.

At the stage of judicial review, persons held administratively liable had full and timely access to the case materials; the opportunity to present evidence to the Court, the opportunity to challenge the evidence presented by the state institution and present their own arguments/opinions. The detained persons took advantage of all these opportunities. Lawyers, in many cases, human rights defenders, represented the detainees. Thus, they could influence the outcome of the case. To date, the Court has not established the fact of illegal detention in the administrative cases reviewed.

The court heard the cases of the violation of the law in a public hearing, which was attended by the detainee and defence attorney selected by him. The Court hearings were fully accessible to the media, representatives of the civil society and non-governmental organizations, as well as international organizations. The media and private individuals intensively recorded and distributed the open Court hearings.

The Police presented all the evidence necessary to decide the cases to the court. The Police presented witness testimonies (including the testimony of a neutral witness), as well as video footage obtained through media outlets, street video surveillance systems, and other technical means. Accordingly, the Court made its decision based on the mutually compatible and total evidence.

Notably, the decision of the Court of first instance can be appealed and reviewed through an appeal procedure. In addition, administrative detention is subject to compensation for moral damage if, after consideration of the case, a decision is rendered against the person in question or the detention is found to be unlawful.

***The detention of individuals under criminal and administrative law was in accordance with the standards established by international and national legislation***

The detentions carried out in connection with the ongoing protests since November 28 in connection with the ongoing criminal cases were fully in accordance with the criminal procedural legislation of Georgia.

According to the Criminal Procedure Code, the detention of a person is permissible if there is a reasonable suspicion that the person has committed a crime for which deprivation of liberty is provided as a punishment, and in addition, the person will abscond or fail to appear in court, destroy information important to the case, or commit a new crime. The Ministry of Internal Affairs of Georgia detained violators in criminal cases related to the ongoing protests since November 28, based on the grounds provided for by the Criminal Procedure Code.

During the detention, each person was explained in an understandable manner:

- The grounds for the arrest and the crime they were accused of committing;

- That anything they said could be used against them in court;
- The right to have a lawyer;
- The right to remain silent and not to answer questions;
- The right not to be accused of a crime.

Upon arrival at the Temporary Accommodation Center, a health check was mandatory, all injuries were described in detail and, if requested, photographed, in accordance with the Istanbul Protocol.

According to the Code of Criminal Procedure, the maximum period of detention is 72 hours. In addition, no later than 48 hours after the arrest, the detainees were brought before a judge who was served with the indictment. The judge made a decision on the use of a preventive measure within 24 hours.

During the protests that have been taking place since November 28, the Police ensures the safety of the participants in the protests, including civil society, journalists and media representatives. There was held a special call (during the briefing) for journalists/press to wear distinctive signs. The Strategic Communications Department of the Ministry of Internal Affairs, as well as the Administration of the Government of Georgia, is in constant contact with journalists.

As a result of the measures taken by the Police during the violent protests, unlawful actions of violent groups were prevented, and therefore, the realization of the right to peaceful assembly was ensured, as well as journalists were given the opportunity to carry out their activities in a safe environment. The ongoing protests since November 28 have been actively and continuously covered by both local and international television channels, including CNN, BBC, Sky News, NBC, Telegraph, DW, Georgian Public Broadcasting (Channel One), Imedi TV, Rustavi 2, Mtavari TV, Post TV, TV Pirveli, Formula, etc.

Notably, the Ministry of Internal Affairs has active communication with Georgian and foreign television channels. The MIA proactively published statements about the measures to be taken by the Ministry during the rallies.

In addition, information about the briefings scheduled at the Ministry of Internal Affairs was announced in advance, which any journalist could attend and ask questions. In particular, briefings were held at the Ministry of Internal Affairs for journalists accredited in Georgia on November 29 at 18:30 pm,<sup>3</sup> November 30 at 17:00 pm,<sup>4</sup> December 01 at 00:36 am,<sup>5</sup> December 3 at 20:00 pm,<sup>6</sup> December 4 at 20:00 pm,<sup>7</sup> December 8 at 18:30 pm.<sup>8</sup> The Ministry disseminated information about the scheduled briefings in advance through the official website. The briefings discussed the measures taken by the Police during

<sup>3</sup> <https://Police.ge/ge/anonsi/16476>. <https://Police.ge/en/brifingi-shinagan-saqmeta-saministroshi/16477>. <https://www.youtube.com/watch?v=uKlw7idWxOI>; <https://www.facebook.com/share/v/3ryLrcXDgrPftJb7/>.

<sup>4</sup> <https://Police.ge/ge/anonsi/16482>. <https://Police.ge/en/brifingi-shinagan-saqmeta-saministroshi/16483>. <https://www.facebook.com/share/v/pG1nfy8XiwcoNQd3/>. <https://www.youtube.com/watch?v=Ylom2XTAmyY>.

<sup>5</sup> <https://Police.ge/en/shinagan-saqmeta-saministros-gantskhadeba/16485>. <https://www.facebook.com/share/v/RZ8qHJtpRjUWNpTt/>. [https://www.youtube.com/watch?v=SQ33\\_JMWkig](https://www.youtube.com/watch?v=SQ33_JMWkig).

<sup>6</sup> <https://Police.ge/ge/anonsi/16495>; <https://Police.ge/en/brifingi-shinagan-saqmeta-saministroshi/16496>.

<sup>7</sup> <https://Police.ge/ge/anonsi/16500>.

<sup>8</sup> <https://Police.ge/ge/anonsi/16514>. <https://Police.ge/en/brifingi-shinagan-saqmeta-saministroshi/16515>. <https://www.facebook.com/share/v/vmBgckaZwr5vR266/>. [https://www.youtube.com/watch?v=8aBzPrTBryM&embeds\\_referring\\_euri=https%3A%2F%2FPolice.ge%2F&source\\_ve\\_path=MjM4NTE](https://www.youtube.com/watch?v=8aBzPrTBryM&embeds_referring_euri=https%3A%2F%2FPolice.ge%2F&source_ve_path=MjM4NTE).

the violent protest, and the participants and organizers of the protest were repeatedly called upon to protest within the limits established by law. It was also noted recurrently that each illegal action would be followed by an appropriate legal response from the Police. During the briefings, it was mentioned that the Police would ensure to protect the right of each peaceful protestor to assemble and demonstrate.

Additionally, the MIA published daily statements regarding the progress of the protest and called on protest participants to express their position peacefully.

### *Persons held in temporary detention centers were provided with decent living conditions and treatment*

In accordance with the legislation of Georgia, persons detained and/or administratively imprisoned for executing the decision of an authorized body were placed in the temporary detention isolators of the Temporary Detention Department of the Ministry of Internal Affairs of Georgia.

The protection of the rights of persons detained in the temporary detention isolators of the Ministry of Internal Affairs was carried out in accordance with international standards. The Ministry of Internal Affairs constantly implements the recommendations of international organizations/monitoring institutions, for example, the recommendations of the UN Subcommittee on Prevention of Torture and the Committee for the Prevention of Torture of the Council of Europe, as well as recommendations provided by the Public Defender of Georgia. Notably, in recent years, a number of important reforms have been carried out specifically aimed at implementing the above-mentioned recommendations.

All temporary detention isolators provided medical care to detainees in accordance with the “Instructions for Conducting Medical Examinations of Persons Placed/Detained in temporary detention isolators of the Temporary Detention Department of the Ministry of Internal Affairs of Georgia” approved by Order No. 1/81 of the Minister of Internal Affairs.<sup>9</sup> This document represents a guideline for medical workers employed in isolators to ensure that they receive complete information from the detainee about their health status and existing complaints with maximum accuracy, document in detail any injuries on the body in accordance with the Istanbul Protocol, and identify possible acts of violence against the detainee.

During the examination of detainees in the isolator, a special form was filled out for each person, which described in detail the person's health condition, including minor scratches and scars, as well as signs of possible ill-treatment. According to the enforced rules in the temporary detention isolator of the Ministry of Internal Affairs, in the event that a doctor suspects ill-treatment of a detainee, the doctor immediately sends a report on this matter personally to the Special Investigation Service. Sending a report does not depend on the person's statement of violence - it is sent even if the detainee does not indicate the fact of violence, although the doctor has reasonable suspicions of it.

It is important to note that video surveillance cameras are installed in all temporary detention isolators. The Monitoring Service conducts video surveillance of the activities within the isolators from a specially designated central video surveillance control room. In the event of detection of a fact of ill-treatment, the Monitoring Service is obliged to notify the relevant investigative agency. It is noteworthy that in 2022-2023, in order to protect the safety of persons in temporary detention isolators, all medical

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<sup>9</sup> Order of Minister of Internal Affairs N1/81, dated February 27, 2020.

and investigative rooms of the isolators were equipped with a video surveillance system. In addition, the number of people employed in the monitoring services who constantly monitor 24/7 has increased.

### *Information regarding legislative amendments:*

#### **According to the Paragraph 34 of the Memorandum on the human rights situation in Georgia**

“in December 2024 amendments were also made to the Law on Police, introducing the possibility of appointing individuals to police ranks without competition”.

**Taking into consideration that various media outlets and social networks had been actively spreading similar information, MIA made a relevant public clarification,<sup>10</sup> observing that:**

The Police consists of various units, including paramilitary units, which have diverse functions, requiring distinct rules and specifics for admission to different units. Persons with military ranks serve in paramilitary Police units, where a distinct service regime operates. In addition, military service is admitted without a competition. However, it is worth noting that from January 1, 2025, military service will exist only in the Ministry of Defence of Georgia, respectively, from January 1, 2025, military ranks will not be appointed to the Ministry of Internal Affairs, which will lead to the transition of paramilitary units to Police rules and their subjection to a Police competition. Accordingly, the planned amendments to the Law “On Police” provide for the modification of certain rules for accepting service in the Police and the establishment of a different rule for accepting positions related to the paramilitary regime.

Of course, acceptance/appointment to the Ministry of Internal Affairs assumes the satisfaction of the established criteria. In particular, a citizen of Georgia from the age of 18 who speaks the state language, meets the requirements established by the legislation of Georgia and who, in accordance with his personal and professional qualities, education, health condition and physical training, is able to perform the assigned functions shall be accepted/appointed to the position provided for by the Ministry's staff. All these circumstances will be checked during the recruitment process. A candidate who does not meet the education, physical training, health condition requirements established for the relevant position shall not be accepted for the job.

The aforementioned change does not apply to employees of the Patrol Police Department, investigators, law enforcement officers and employees performing administrative functions.

#### **According to the Paragraph 32 of the Memorandum on the human rights situation in Georgia**

„In December 2024 Parliament adopted a number of amendments to the Law on Assemblies and Demonstrations and the Administrative Offences Code (AOC), at the initiative of the Ministry of Internal Affairs. The changes include, among others, a blanket ban on covering the face with a mask or any other means by protesters, expanded grounds for administrative arrest, search and seizure, and significantly higher fines for protest related administrative offences.“

**Taking into consideration that several NGOs have spread similar information, claiming that as a result of the adopted legislative amendments, the Police have been granted the authority to**

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<sup>10</sup> <https://Police.ge/en/shinagan-saqmeta-saministros-gantskhadeba/16520>.

**detain a person without any justification, the Ministry of Internal Affairs made a relevant public clarification,<sup>11</sup> namely:**

The implemented legislative amendment established that in the event that a person has already committed an offence and, at the same time, there is reliable information that he will commit an illegal act again, the Police have the authority to detain this person in order to prevent the possible commission of an offence and to administer justice to him.

We would like to emphasize that the aforementioned amendments are in line with the standards of the European Court of Human Rights and the best practices of European countries. It is noteworthy that the 2018 decision of the Grand Chamber of the European Court in *S., V. and A. v. Denmark* (Applications nos. 35553/12, 36678/12 and 36711/12) indicated that preventive detention is in line with Article 5 of the European Convention (right to liberty and security). In this decision, the Court indicates that Article 5 of the Convention cannot be interpreted in such a way that it becomes impossible for the Police to fulfil their duty to protect public safety and order. The Police must use their discretionary power to make operational decisions in a certain way. The Court notes that in order to make this decision, the Police have access to information and operational material that is not available to the public. Precisely, the adoption of a reasoned decision protects a person from unjustified and arbitrary detention. Preventive Police measures, including preventive detention, are known in a number of European countries, including the legal systems of Denmark, the Czech Republic and Germany, in order to prevent the repetition of a crime. It is worth noting that no preventive measure gives the Police the opportunity to take any action by appealing to a general, abstract threat, especially because a person or group of persons is inclined to commit a crime or other violent act. Prevention of the repetition of an administrative offence implies a case when a person has committed a crime and there is a real threat of committing the crime again. Prevention of the real threat of committing a crime implies that there is a high probability that person will commit a specific crime again. The reality of the threat shall be proven by facts or information that must be presented to the Court. It is also worth noting that any detained person has the right to apply to the court to verify the legality of his or her detention and, if the detention is declared unlawful, to receive appropriate compensation.

**In order to combat crime, along with appropriate legal responses, preventive measures included further refinement of legislation:**

The encouraging and determining factor for the violent clashes of the protesters may have been the feeling of impunity, which was determined by the possibility to cover their faces and incapability to identify the perpetrators of violent actions. This may be clearly attributed to the preliminary preparation and training that the protest participants have undergone. The practice of previous years, when it was impossible to hold violent groups liable under criminal law due to inability to identify masked violent groups, also provides a basis for this conclusion.

The Parliament of Georgia has adopted amendments to the Law of Georgia “On Assemblies and demonstrations”, which establish new restrictions on participation in assemblies/demonstrations, in particular, among other things, participants of an assembly or demonstration shall be prohibited from:

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<sup>11</sup> <https://Police.ge/en/shinagan-saqmeta-saministros-gantskhadeba/16523>.

- Possession of pyrotechnic products;
- Possession of any means of laser and/or sharp radiation, the use of which may obstruct the activities of representatives of state agencies and/or the proper functioning of technical means at their disposal;
- Covering the face with a mask or any other means;
- In addition, the import, export, production and/or realization of pyrotechnic products in Georgia will be permitted only on the ground of a permit/licence.

The prohibition of wearing masks and other clothing that prevents identification during demonstrations is a common practice in many European countries. For instance, Germany has had a similar law in place since 1985. Laws prohibiting masks during demonstrations are also in force in Austria, Canada, Italy, Spain and Belgium. In a number of European countries, various forms of face coverings in public spaces are prohibited. We believe that the adoption of this law will significantly contribute to the peaceful conduct of assemblies and demonstrations, eliminate the feeling of impunity for violent groups at the demonstrations, and allow the Police to identify the perpetrators in a timely manner and held them liable appropriately. The Public Defender of Georgia also made a statement on this legislative initiative, acknowledging that this regulation is also used in Western countries.<sup>12</sup>

In addition, according to the amendments to the Code of Administrative Offences, penalties have been tightened for defacement of the appearance of the territory within the administrative borders of the municipality, vandalism, violation of the rules for organizing and holding assemblies or demonstrations, and organized blocking of roadway with vehicles.

The new legislative amendments adopted by the Parliament have been signed by the President and they have entered into force.

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<sup>12</sup> <https://www.ombudsman.ge/geo/akhali-ambebi/sakartvelos-sakhalkho-damtsvelis-gantskhadeba-gankhortsiel-ebuli-rigi-sakanonmdeblo-tsvlilebebis-taobaze>.