

The human rights situation in Georgia

Response to the Council of Europe Commissioner for Human Rights

Summary of investigations:

Investigative Unit of the Tbilisi Prosecutor's Office is currently investigating criminal cases of the alleged facts of exceeding official powers committed by employees of the Ministry of Internal Affairs of Georgia using violence against the participants of the protest and unlawful interference with journalists' professional activities occurred in 2024-2025. Following the legislative amendments, on July 1, 2025, criminal investigations were transferred from the Special Investigation Service to the Investigative Unit of the Prosecution Service and investigative and procedural actions have been actively carried out since, namely:

More than 914 witnesses have been interviewed, including potential victims of violence, employees of the Ministry of Internal Affairs and other persons relevant to the case. More than 358 persons were subjected to forensic medical examination at Levan Samkharauli National Forensics Bureau, number of examination reports are received and attached to the criminal case, other examinations are being carried out and are not completed yet. Clothes of more than 76 persons, who claimed that they wore those clothes during the violent acts and they (clothes) were damaged, were seized. In addition, other items were seized for examination. Complex forensic trace and biological examination of seized clothes and other items have been ordered at Levan Samkharauli National Forensics Bureau, number of conclusions of the examinations have not yet been received.

Upon the ruling of the Court, relevant video recordings from surveillance cameras have been requested from public and private entities, moreover more than 2700 hours long video recordings relevant to the case have been obtained from media outlets, social networks, the internet and individual persons. **Within the framework of the criminal cases, 162 persons have been granted victim status**, no prosecution has been initiated so far.

The Investigative Unit of the Tbilisi Prosecutor's Office is investigating allegations of threat of violence against women protesters as well. The Investigative Unit of the Tbilisi Prosecutor's Office and the Ministry of Internal Affairs of Georgia are investigating allegations of violence committed by individuals so called (groups of unidentified masked men) against the participants of the protests.

Prevention of torture and ill-treatment

In order to ensure the effective investigation of ill-treatment cases and compliance of quality of procedural guidance with international standards, the Human Rights Protection Department of the General Prosecutor's Office of Georgia has developed a guideline for prosecutors and investigators of the prosecutor's office "On the Effective Investigation and Implementation of Procedural Guidance in Cases of Ill-Treatment". The guideline encompasses the definition of the legal regulation of ill-treatment, the duty to conduct an investigation (including an obligation to re-open investigation) into these cases, and the main criteria of the effective investigation established by the European Court of Human Rights under Article 3 (prohibition of torture) of the European Convention on Human Rights.

Under the order of the General Prosecutor of Georgia dating to October 24, 2025, a guideline was approved for prosecutors and investigators of the prosecutor's office "On consulting case materials and provision of information to victims of ill-treatment." The guideline aims to engage the ill-treatment victim in the investigation of a case and to provide them with full information about the progress of the investigation in order to conduct an effective, objective and impartial investigation.

As in previous years, in 2025, cases of ill-treatment committed by an official or by a person equal thereto were subject to monitoring. In 2025 (11 months) on the facts of ill-treatment by police officers, prosecution was launched against 6 police officers under Article 333, §3, (b) of the Criminal Code of Georgia.

In 2012-2025, on the facts of ill-treatment prosecution was launched against 253 employees of the Penitentiary Service and representatives of law enforcement agencies. In particular, 96 were employees of the Penitentiary Service, 157 representatives of law enforcement agencies. The absolute majority of these crimes were committed before 2012.

The index of prosecutions by article (of the Criminal Code of Georgia) against 253 individuals is as follows: Article 144¹ of the CCG (torture) - against 73 individuals; Article 144³ of the CCG (inhuman or degrading treatment) - against 94 individuals; Article 333 of the CCG (exceeding official powers) - against 127 individuals; Article 332 of the Criminal Code (abuse of official powers) - against 9 individuals.¹

¹ Note: The data on the number of defendants and the number of prosecutions by article do not match. There are 253 defendants, but the data on prosecutions by article amounts to 303, since some of the defendants were prosecuted under several articles at once.

The criminal case under investigation by the State Security Service

In the criminal case under the investigation of the State Security Service of Georgia, it was established during the investigation that the chemical powder purchased by the Ministry of Internal Affairs of Georgia and used over the years, as needed, for crowd control during ongoing demonstrations, is *chlorobenzylidene malononitrile*.

Additionally, chemical expert examination determined that none of the powders or liquids submitted for expert analysis are “bromobenzyl cyanide,” also known as “camite.” The submitted samples were found to contain the following chemical substances: chlorobenzylidene malononitrile; trichloroethylene; propylene glycol.

The investigation also established that the above-mentioned chemical substances used during the protest held in 2024 were purchased by the Ministry of Internal Affairs of Georgia in 2007 and 2009.

Freedom of expression

Effective prosecutorial oversight of crimes committed against journalists and human rights defenders is a priority for the Prosecutor’s Office of Georgia. In 2025, by the order of the General Prosecutor of Georgia, the guideline “on effective procedural guidance in cases of unlawful interference with journalists' activities and violence against journalists” was approved. The guideline analyzes international standards, best practices, and case law for the protection of journalists, so that when investigating cases of unlawful interference with the professional activities of journalists and violent crimes against them, the prosecutor's procedural guidance is effective and compatible with international principles and standards in the field of human rights protection.

Furthermore, the Prosecutor’s Office has developed guidelines on “Investigation and Prosecutorial Oversight of Criminal Cases Involving Human Rights Defenders,” aimed at ensuring that the handling of such cases aligns with international declarations and universal standards relating to the protection of human rights defenders.

Since 1 July, 2025, the investigative mandate from the Special Investigation Service (SIS) has transferred to the Prosecutor’s Office of Georgia on the cases concerning unlawful interference with the professional activities of journalists. The Investigative Units of the Prosecutor’s Office respond promptly to any incident of interference with journalistic work and initiate investigations without delay. Notably, investigations may be launched on the basis of information disseminated in the media or on social networks.

Between 2022 and 2025 (10 months), criminal proceedings were initiated against 29 individuals under Article 154 of the Criminal Code for unlawful interference with journalists' professional activities, with 101 journalists/operators and 1 television company recognized as victims. With regard to other crimes committed against journalists, proceedings were initiated against 12 individuals, with 107 journalists/operators, 5 television companies, and 1 radio broadcaster recognized as victims.

From 2022 to 2025 (10 months), criminal proceedings were initiated against 30 individuals for crimes committed against human rights defenders, with 52 human rights defenders and two non-governmental organizations recognized as victims.

Local Government Elections, October 4, 2025

On October 4, 2025, the day of the local government elections, criminal prosecution was initiated against 7 individuals under Article 154 of the Criminal Code of Georgia for illegal interference in the professional activities of journalists during a protest rally held near the Presidential Residence. 9 journalists and cameramen were recognized as victims.

Journalist victims during the protest rallies

In 2024-2025, 47 journalists/cameramen were recognized as victims for illegal interference in the professional activities of journalists that took place during the protest rallies. Criminal prosecution was initiated against 7 individuals under Article 154 of the Criminal Code of Georgia. 3 journalists were recognized as victims for other crimes committed during the protest rallies.

Regarding the issues indicated in your letter, which fall under the competence of the Ministry of Internal Affairs of Georgia, please find the requested information from MIA.

Position of the Ministry of Internal Affairs Regarding the letter of the Council of Europe Commissioner for Human Rights

Within the framework of the protest rallies that have been ongoing since November 28, 2024, the Ministry of Internal Affairs of Georgia carried out policing measures in full compliance with the Law of Georgia "On Police", as well as using special means, such as water cannon, tear gas and so-called pepper spray.

On January 23, 2025, the Ministry of Internal Affairs of Georgia provided the Council of Europe Commissioner for Human Rights with detailed information, photo and video materials about the protest rallies.

The Ministry of Internal Affairs of Georgia draws attention to the following essential facts, regarding which information was also provided to the Council of Europe Commissioner for Human Rights during the meeting on January 23, 2025:

Georgian legislation, like the legislation of leading European states, protects only the right to peaceful and lawful assembly, and not violence. A legally protected assembly must be peaceful, which means that it must not be held in a violent context. In addition, the assembly must also meet the criterion of legality, which means that it must not restrict the rights of others and the participants of the assembly must not carry out actions prohibited by Georgian legislation.

Protests have been actively taking place since November 28, 2024. As the participants of the demonstration themselves state, they have been in protest mode for a year. The fact that for a year any person can gather in front of the main legislative body of the state and express their protest on any issue clearly indicates that the right to peaceful assembly is fully protected in Georgia. When gathering and expressing protest in a peaceful format, the participants of the demonstration have the full opportunity to exercise their right to peaceful assembly.

As the European Court of Human Rights noted in the case of *Kudrevičius and Others v. Lithuania*, the right to peaceful assembly does not apply to demonstrations whose organizers and participants: a) have a violent motive; b) incite violence; or c) reject the foundations of a democratic society. (§92) Within the framework of the protests taking place in Georgia over the past year, all three criteria for violent protests established by the Strasbourg Court have, unfortunately, been met.

The protests that have been ongoing since November 28, 2024, have been violent from the very beginning. A joint investigation by the Prosecutor's Office of Georgia, the State Security Service, and the Ministry of Internal Affairs has initiated criminal prosecution of 7 individuals for crimes against the state, including calls for violent change of the constitutional order of Georgia and the overthrow of the state government. The investigation confirms that in October 2024, after the defeat of the opposition parties in the parliamentary elections, under the pretext of alleged election fraud, the aforementioned individuals began to actively take action on the streets to radicalize the process, publicly calling for revolution, the overthrow of the government, the collapse of the government, picketing state buildings, and physical confrontations with law enforcement officers. In addition to the above, in order to overthrow the legitimate government, mobilize the mass of aggressive citizens, gather and engage in violent actions, they called on their supporters to engage in illegal and violent actions, that struggle and aggressive resistance were necessary. In their statements, they also called on their supporters to occupy government buildings and “topple the regime.”

According to paragraph 19 of the UN Committee on Civil and Political Rights' General Comment No. 37, “the conduct of particular participants in an assembly may be considered violent if the

authorities can provide credible evidence that, before or during the event, these participants incite others to violence and that such actions are likely to lead to violence; that the participants have violent intentions and are planning to act on them; or that violence on their part is imminent.” An identical view is expressed in paragraph 29 (f) of the Rabat Plan of Action adopted by the UN Human Rights Council. Identical reasoning has also been developed in a number of decisions adopted by the European Court of Human Rights, including in the cases of *Primov v. Russia* (§155), and *Bodson and Others v. Belgium* (§91). The restrictive nature of the right to assemble has also been highlighted in the case law of the EU judiciary, including the judgment of 12 June 2003 in *Schmidberger v. Austria* (Case C-112/00, §§79, 80), as well as in the cases *Commission v. Germany* (Judgement of 1992, Case C-62/90, §23) and *P X v. Commission* (Judgement of 1994, Case C-404/92, §18).

As soon as a sufficient number of people gathered for a demonstration, violent processes began, which escalated into attacks on the parliament building and violence against the police. For clarity, we can recall the group damage to the parliament gates by the participants of the demonstration, the purpose of which was to break into the legislative body. The burning legislative body was broadcast live on television. As a result of the attacks on the parliament building, 48 working rooms were damaged in the parliament, almost all the windows of the lower floors of the building, various types of office equipment, the wooden door of the parliament was burned, the building's outdoor lighting was completely out of order, etc. Each of the above-mentioned actions is confirmed by relevant evidence, video and photo footage. These violent actions are very far from peaceful expression of protest and cannot in any way be considered within the framework of freedom of expression or assembly by any international standard.

The participants of the demonstration used items prohibited by law during peaceful gatherings. The legislation of each country, including the legislation of Georgia, defines in detail what types of items participants of gatherings and demonstrations may not have. The fact that the goal of some of the people attending the demonstration was to carry out violent actions from the very beginning is confirmed by the fact that upon arriving at the gathering they had illegal items with them, such as so-called Molotov cocktails, pyrotechnics, iron and wooden batons, brass knuckles, so-called truncheons, stones, iron structures, etc. There were several cases of deliberate and organized confrontations with the police force, with the throwing of so-called “Molotov cocktails”, easily flammable and incendiary substances, at law enforcement officers.

As a result of investigative actions conducted by the law enforcement agencies of Georgia, various illegal items intended for the participants of the demonstration, which were actively used to attack police officers, were seized from the offices of the organizers of the demonstrations. This fact once again confirms that the violent protest was carried out according to a premeditated and developed plan. The actions of the perpetrators were coordinated with the above-mentioned politicians. At the same time, the violent groups acted in concert and systematically

maintained communication with each other through the so-called by means of “walkie-talkies (handheld transceivers)”, which, along with other items, were seized as a result of searches conducted in the offices of opposition parties, including the offices of the “United National Movement”, “Droa” and “Girchi-More Freedom”.

In parallel with the above, the collection and delivery of financial and material resources to violent groups was being coordinated, in which, along with politicians, non-governmental organizations and so-called “funds”, which in turn received funding from international donors, were created specifically for this purpose were actively involved.

As a result of violent actions conducted by the protesters, 171 officers of the MIA were injured, which, despite the dissemination of information by the MIA, remained beyond the attention of civil society, the media, and human rights organizations. During the protests, as a result of attacks by violent groups, almost all injured police officers required emergency medical assistance, and a large part of them even required surgical intervention. Of these, one police officer lost his sight, one police officer lost his hearing, and one police officer lost his reproductive ability. Most of the police officers have various types of burns, fractures, and injuries to the head and face.

In parallel with the violent actions, which took place on Rustaveli Avenue and its adjacent territory, a number of criminal acts were recorded. As a result of the violence of the protesters, infrastructure and property owned by both the state and private individuals were damaged. For example: There were numerous incidents of attacks and insults against citizens by violent groups. 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. A person was arrested who, together with his companions, damaged 7 video surveillance cameras registered with the Public Security Management Center 112 on Rustaveli Avenue during the protest. A robbery attack was carried out on the Swarovski store on Rustaveli Avenue, from which expensive items were stolen by a masked person dressed in black and armed with a knife. About 60 incidents of theft were recorded. The protesters artificially set fire to a building on Rustaveli Avenue, destroyed the infrastructure of cafes and bars, vandalized the windows of shops on Rustaveli Avenue, and ransacked and robbed shops. The damage caused to private individuals and the state through criminal means exceeds hundreds of thousands of GEL.

During the protests, it was clearly visible that when the protest 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 perpetrators were detained, and the participants of the gathering had the opportunity to express their protest within the framework of the law. After the protest began, police forces were deployed in the area adjacent to Chitadze and the rear entrance of the Parliament, so that the participants of the manifestation had the opportunity to freely express their protest on Rustaveli Avenue in a peaceful environment.

Nevertheless, some of the protesters moved to the rear entrance of the parliament and attacked and threw stones, glass bottles, pyrotechnics, explosives, various metal objects, eggs, paint at the police officers present there, inflicting physical and verbal abuse, and initiating vandalism and property damage.

Before using special means, the Ministry of Internal Affairs repeatedly warned the protest participants in advance, both through official statements and on the spot, using special sound equipment, to stop the violence, but to no avail - through live broadcasts on various television channels, it was clearly visible that despite the aforementioned warnings, the protest participants continued their illegal actions.

The destructive actions of the protest participants posed a threat to the health and lives of both the protest participants and the MIA employees. Each time, the MIA only began to use special means provided for by law to suppress the violence after multiple warnings. In addition, special means were used by the police only in case of necessity, in compliance with the principle of proportionality, only with the intensity that ensured the achievement of the lawful goal. The goal of this was to stop the violence, not to disperse the protest.

According to paragraph 85 of the UN Committee on Civil and Political Rights' General Comment No. 37, "dispersion may be used if the assembly as such is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence that cannot reasonably be deterred by more proportionate measures, such as targeted arrests."

During the ongoing protests in Georgia, each time, the police, in accordance with the law, cleared the streets surrounding the Parliament building from violent groups. After the territory surrounding the Parliament of Georgia was cleared of violent groups, police units 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, which was manifested in the throwing of various objects and pyrotechnics. In addition, violent groups artificially lined Rustaveli Avenue with chairs, garbage cans, so-called "scooters", inventory owned by cafes and bars located in the surrounding area, and then set fire to the aforementioned. All of the above is confirmed by relevant evidence, photos, and video footage.

The police acted within the framework of the Constitution of Georgia, the Law on Police, and the Instructions on Conduct of Employees of the Ministry of Internal Affairs of Georgia during rallies and demonstrations approved by order of the Minister of Internal Affairs, which are in full compliance with the OSCE/ODIHR Guidelines. The actions of the police were in full compliance with the principles of legality and proportionality, and the measures taken by them were proportionate.