



**Information from Civil Society Organization
Submitted to the OSCE Vienna (Human Dimension) Mechanism**

Prepared by

Georgian Young Lawyers' Association (GYLA)

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1. Introduction

The **Georgian Young Lawyers' Association (GYLA)**, which has been monitoring human rights issues and providing legal aid to victims in Georgia, submits this alternative report in response to the invocation of the **OSCE Vienna (Human Dimension) Mechanism** by 38 participating States¹. Key issues include the excessive use of force against peaceful protesters, arbitrary detentions, ill-treatment by law enforcement, and the harassment of political opposition, journalists, and media actors.

GYLA seeks to address these violations through the monitoring and documentation of incidents, presenting the available information to the OSCE. Additionally, GYLA calls for measures to ensure the protection of freedom of expression, peaceful assembly, and political pluralism without reprisal. *For further information about GYLA, please refer to the end of this document.*

2. Background Information

On November 28th the suspension of EU accession talks was publicly announced by the political party “Georgian Dream”,² a decision in direct contravention of the constitutional obligation “*to take all measures within the scope of their competences to ensure the full integration of Georgia into the European Union and the North Atlantic Treaty Organization*”.³ This statement sparked widespread protests throughout cities in Georgia.⁴ The announcement came in the aftermath of the 2024 parliamentary elections, during which, among other breaches, voting secrecy was widely violated.⁵

Even though overwhelming majority of demonstrators are peaceful,⁶ the ongoing protests are met with arbitrary and violent crackdowns. Public Defender of Georgia (Ombudsperson), local NGOs

¹ Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Montenegro, The Netherlands, North Macedonia, Norway, Poland, Portugal, Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, the United States of America and Ukraine.

²Euronews, Georgian prime minister suspends EU membership talks until end of 2028, 28.11.2024, <https://www.euronews.com/my-europe/2024/11/28/georgian-prime-minister-suspends-eu-membership-talks-until-end-of-2028>, [21.01.2025].

³ Constitution of Georgia, art. 78, <https://matsne.gov.ge/en/document/view/30346?publication=36>, [21.01.2025].

⁴ Amnesty International, Georgia: Protesters face arrests, abuse, and denial of fair trial rights, 02.12.2024, https://www.amnesty.org/en/latest/news/2024/12/georgia-protesters-face-arrests-abuse-and-denial-of-fair-trial-rights/?fbclid=IwY2xjawG9JNlleHRuA2FibQIxMQABHWzeCm-t8NybeAZbM7LQOU40Q-RPk-6qmF8rrbNIQ5o0TnjDlcDNYb0bmA_aem_YqVbeWMU3UdwiTwaT_OchA, [21.01.2025].

⁵ GYLA, GYLA is requesting the annulment of the results from all polling stations (2,263 stations) where technology was used, due to violations of voting secrecy, 30.11.2024, <https://gyla.ge/en/post/GYLA-gancxadeba-30octoberi>, [21.01.2025].

⁶ OSCE, human rights office condemns use of excessive force by police during protests in Georgia, 30.11.2024, https://www.osce.org/odihr/581962?fbclid=IwY2xjawHCHQNIleHRuA2FibQIxMQABHQR9IheQTVJCFJ3oLk1xeP8PAfXi3iaEjQgzCmSJ_XIMY10IstC5tLMPHg_aem_XXvlpTvRDJK4xDqh5nHi8A, [21.01.2025].

as well as Universal and Regional Human Rights Supervisory Bodies were unanimous in condemning the use of unprovoked and brutal force by authorities.⁷

As stated by the **OSCE human rights office**, the disproportionate and indiscriminate use of force impacted a large number of protestors and journalists during protests in which the overwhelming majority of demonstrators were peaceful⁸. In addition, the **OSCE Troika** (Malta, North Macedonia, Finland) strongly condemned the Georgian authorities' violent response to peaceful protests by Georgian civil society, independent media, and politicians, who are standing up for the country's democratic future and urged the Georgian authorities to immediately cease the use of repressive tactics and intimidation, including arbitrary detention and physical violence.⁹ According to the **Council of Europe Commissioner for Human Rights**, the police used disproportionate force against predominantly peaceful demonstrators and journalists covering the ongoing protests in Georgia.¹⁰ As stated by the **three special Rapporteurs of the United Nations**, they are seeing “[...] *daily violence by state security forces against peaceful protestors, mass arbitrary arrests and criminalisation, and a smear campaign by the government and state agencies under its control to stigmatise and intimidate protestors, in particular young people, civil society and human rights defenders.*”¹¹

As per the assessments of the “**Amnesty International**”, the scale of the unlawful force and torture and other ill-treatment used by police suggests that they are operating under government sanctioned directives, and emboldened by impunity.¹² According to **Human Rights Watch**, the level of the authorities' violence against largely peaceful protesters is shocking, blatantly retaliatory, and violates Georgia's domestic laws and international norms. The scale of the police ill-treatment of protesters and the failure of Georgian authorities to hold them accountable for it indicates they either authorized or condoned the violence.¹³ According to the preliminary findings of the **joint mission of the member organizations** (IRCT, IFEG, OMCT, Omega Research

⁷ For the detailed information about the human rights violations and international statements, see: GYLA, Civil Rights Facing Increased Police Terror, 2024, 4-5, https://admin.gyla.ge/uploads_script/publications/pdf/CIVIL%20RIGHTS%20FACING%20INCREASED%20POLICE%20TERROR.pdf, [21.01.2025].

⁸ *ibid.*

⁹ Troika, OSCE Chairpersonship, Statement by the OSCE Troika on the Situation in Georgia, 13.12.2024, <https://www.osce.org/chairpersonship/583315>, [21.01.2025].

¹⁰ CoE, Commissioner for Human Rights, Georgian authorities must fulfil their obligation to uphold the right of peaceful assembly, 04.12.2024, <https://www.coe.int/en/web/commissioner/-/georgian-authorities-must-fulfil-their-obligation-to-uphold-the-right-of-peaceful-assembly>, [21.01.2025].

¹¹ Georgia: UN experts concerned by widespread human rights violations amid ongoing protests, 13.12.2024, <https://www.ohchr.org/en/press-releases/2024/12/georgia-un-experts-concerned-widespread-human-rights-violations-amid-ongoing>, [21.01.2025].

¹² Amnesty International, Brutal Crackdown on Protesters and Journalists in Georgia: “They May Have Broken Our Bones, But They Won’t Break Our Spirits” Testimonies of Survivors of Human Rights Violations Amidst Protests in November–December 2024 in Georgia, 2024, 2, <https://www.amnesty.org/en/documents/eur56/8845/2024/en/>, [21.01.2025].

¹³ Human Rights Watch, Georgia: Brutal Police Violence Against Protesters, 23.12.2024, <https://www.hrw.org/news/2024/12/23/georgia-brutal-police-violence-against-protesters?ref=oc-media.org>, [21.01.2025].

Foundation) of the United Against Torture Consortium (UATC)¹⁴ „The consistency of these testimonies, the recurring nature of such incidents throughout the three weeks of protests, and the lack of accountability for acts of torture and ill-treatment suggest a systematic and coordinated policy of repression. This appears to be designed to foster an environment of fear, intimidation, and retaliation against those publicly opposing government policies.“¹⁵ „The pattern of injuries sustained by individuals does not support the suggestion of a two-sided physical altercation such as a common fight or brawl between protesters and police. Altogether, the forensic evidence, including injury patterns, suggests a coordinated policy and practice of systematically torturing and ill-treating protesters and supporters, often after they are already under the physical control of the police.”¹⁶

Since April 2024, Georgian authorities have consistently employed police brutality, intimidation, and other practices in violation of national and international human rights law.¹⁷ However, since 28 November 2024, the methods employed by the Georgian authorities to suppress peaceful and legitimate protests have reached new levels of severity,¹⁸ which can be summarised as follows:

¹⁴ United Against Torture Consortium – UATC, which was established in 2023 brings together the global memberships of the World Organisation Against Torture (OMCT), the International Rehabilitation Council for Torture Victims (IRCT) and the International Federation of Action by Christians for the Abolition of Torture (FIACAT) with the Association for the Prevention of Torture (APT), Omega Research Foundation and REDRESS. One of the reasons for establishing UATC was increasing concern regarding torture, other inhumane treatment and human rights violations that take place before, during or after protests and other public gatherings. From 10-24 December 2024, the International Rehabilitation Council for Torture Victims (IRCT), together with its Independent Forensic Expert Group (IFEG), and the World Organisation Against Torture (OMCT) conducted a joint mission to Tbilisi in support of GYLA, GCRT, HRC and other Georgian organisations. Omega Research Foundation assisted this mission with research. See: IRCT, IFEG, OMCT, Omega Research Foundation, GYLA, GCRT, HRC, Preliminary Findings on the Investigation of Torture and Ill-Treatment Against Protesters in Georgia from 28 November to 20 December 2024, 24.12.2024, <https://gyla.ge/post/tsameba-da-araadamianurimopkroba-saerto-gancxadeba> , [21.01.2025].

¹⁵ IRCT, IFEG, OMCT, Omega Research Foundation, GYLA, GCRT, HRC, Preliminary Findings on the Investigation of Torture and Ill-Treatment Against Protesters in Georgia from 28 November to 20 December 2024, 24.12.2024, <https://gyla.ge/post/tsameba-da-araadamianurimopkroba-saerto-gancxadeba> , [21.01.2025].

¹⁶ *ibid.*

¹⁷ For a detailed account of these violations, see "GEORGIA: HUMAN RIGHTS AMIDST THE RUSSIAN LAW Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill", 2024, <https://gyla.ge/files/Human%20rights%20Amidst%20the%20russian%20law.pdf>, [21.01.2025].

¹⁸ The ongoing protest on Rustaveli Avenue is being dispersed with unlawful and disproportionate use of force, 29.11.2024, <https://gyla.ge/en/post/%20Darebva-kvlav-araprriuli-zaliat-da-ukanonod-mimdinareobs>, [21.01.2025]; The Ministry of Internal Affairs continues to suppress legitimate protests through demonstrative violence in Tbilisi and Batumi, 29.11.2024, <https://gyla.ge/en/post/Gyla-gancxadeba-aqciis-dzaladobit-darebva>, [21.01.2025]; Situation on Rustaveli Avenue, <https://gyla.ge/en/post/29-30octoberi>, [21.01.2025]; Throughout the night, riot police repeatedly used special forces against peaceful demonstrators in over a dozen incidents, employing water cannons and tear gas, <https://gyla.ge/en/post/2dekemberigancxadeba>, [21.01.2025]; Public Defender Calls on Ministry of Internal Affairs not to Use Special Equipment against Participants in Peaceful Assembly, 02.12.2024, <https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsveli-moutsodebs-shss-s-ar-gamoiqenos-spetsialuri-sashualebebi-mshvidobiani-shekrebis-monatsileta-mimart>, [21.01.2025]; GYLA, On December 3-4, the sixth consecutive day of peaceful protests, the Ministry of Internal Affairs once again resorted to violent measures to disperse demonstrators, 04.12.2024, <https://gyla.ge/en/post/3-4-dekembris-darbevis-Sefaseba-GYLA>, [21.01.2025].

- 1. Torture; inhuman; degrading treatment of a large group of demonstrators and media representatives; the majority of the arrested people have been beaten.**
- 2. Violation of not only the rules for employing active special means (water cannons, tear gas, pepper spray), but also using them in ways that pose significant risks to life and health;**
- 3. Attacks by informal criminal groups against demonstrators and media representatives;**
- 4. Targeted persecution of media representatives, in some cases leading to injuries and necessary hospitalization;**
- 5. Unlawful arrests under administrative offences (up to 500 individuals were affected by arbitrary arrests);**
- 6. Unlawful search of citizens in public places, search and seizure operations in private residences/offices;**
- 7. Applying criminal law mechanisms against the demonstrators (54 individuals are/were¹⁹ arrested *in toto* in the context of demonstrations in 2024);**
- 8. Threats against public servants – in addition to the physical violence, the Georgian Dream Government attempts to suppress freedom of expression of public servants through direct or indirect threats regarding their dismissal and calls for their resignation;**
- 9. Amending the legislation to target individuals with dissenting opinions, particularly, amendments have been made to the following laws: the Law of Georgia on Public Service; the Law on Assemblies and Demonstrations; the Law on Police; the Administrative Offences Code.²⁰**

Considering the context, it is important to further outline those developments leading up to the mass protest on 28 November. The protest that started on 28 November marks the continuation of the wave of demonstrations that had been unfolding in the country since the reintroduction of the “Russian law” until now, including those related to the elections.

¹⁹ One person was pardoned, while 2 individuals have not been presented imprisonment as the restraint measure.

²⁰ For detailed Information on these human rights violations, see: GYLA, CIVIL RIGHTS FACING INCREASED POLICE TERROR, 2024, https://admin.gyla.ge/uploads_script/publications/pdf/CIVIL%20RIGHTS%20FACING%20INCREASED%20POLICE%20TERROR.pdf, [21.01.2025].

Since 28 May 2024, namely, since the Parliament of Georgia overcame the veto of the President of Georgia and adopted the Law on “Transparency of Foreign Influence” (the Russian Law²¹) initiated on 4 April 2024,²² the protection of civil rights at the legislative level has been significantly restricted. “The Russian Law” entered into force on 1 August 2024.²³ The effects of the Law were neither suspended by the Constitutional Court.²⁴

On 17 October 2024, the civil society organizations lodged an application on behalf of 140 applicants (16 media organizations, 120 civil society organizations, 4 individuals) to the European Court of Human Rights.²⁵ The Application has already been registered.²⁶ The Parliament of Georgia, also, adopted the Law “on the Protection of Family Values and Minors”, which imposes various restrictions that undermine the right to equality, access to healthcare, right to private life,

²¹ The law mandates the creation of a discriminatory and stigmatizing registry for non-governmental and media organizations that receive more than 20% of their annual funding from foreign sources. Such organizations must be registered as ‘organizations pursuing the interest of a foreign power’ and submit relevant declarations. If they fail to fulfill the obligation to submit the registration and declaration, the law imposes severe financial sanctions, ultimately making it impossible for these organizations to function. [...] Similar legislation in Russia has already led to the termination of civil society organizations.” See: GYLA, Georgia: Human Rights amidst the Russian Law, Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill, 2024, 5; Also, Ecodefence and Others v. Russia, no. 9988/13, 14.06.2022; Kobaliya and others v. Russia, no. 39446/16, 22.10.2024. GYLA, Georgia: Human Rights amidst the Russian Law, Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill, 2024, 5, <<https://gyla.ge/files/ადამიანის%20უფლებები%20რუსული%20კანონის%20პირისპირ.pdf>>, [21.01.2025].

²² GYLA, Georgia: Human Rights amidst the Russian Law, Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill, 2024, 5, <<https://gyla.ge/files/ადამიანის%20უფლებები%20რუსული%20კანონის%20პირისპირ.pdf>>, [21.01.2025].

²³ Formula, The Russian Law came into force from today, 01.08.2024, <https://formulanews.ge/News/114970> , [21.01.2025].

The registry of organisations pursuing the interests of a foreign power has been established and it is available electronically on the website of the National Agency of Public Registry. The website allows users to access the financial documentation of these entity: <https://fitreg.napr.gov.ge/fitr/fitr-pub> , [21.01.2025]. In addition, respective organizations are required to register in the mentioned registry and submit financial declarations; failure to comply will result in the imposition of fines. The Law of Georgia on Transparency of Foreign Influence, Articles 9-10.

²⁴ To assess the constitutionality of the law, on 18, 24, 31 July 2024 and 19 August 2024, the constitutional complaints were lodged by the President of Georgia, 38 Members of the Parliament of Georgia, the civil society and media organizations. On 29-31 August 2024, the preliminary hearing took place at the Constitutional Court, while about one month later, the Court published its Record Notice, indicating that while the case was declared admissible, however, the Court opted not to grant the claimants’ request to suspend the disputed provisions until a final decision was reached. See: The Recording Notice of the Constitutional Court of Georgia, 04.10.2024, regarding the case “The President of Georgia, Members of the Parliament of Georgia: Tamar Kordzaia, Ana Natsvlshvili, Levan Bezashvili and others (38 members), NNLE ‘The Institute for Development of Freedom of Information’, NNLE ‘Rights Georgia’, NNLE ‘Civil Society Foundation’ and others (122 complainants), LTD ‘Network of Information Centers’, NNLE ‘Studio Monitor’ v. The Parliament of Georgia”, N3/3/1828,1829,1834,1837.

²⁵ GYLA, Legal battle against the “Russian law” to continue in Strasbourg, <https://www.gyla.ge/en/results/8418>, 17.10.2024, [21.01.2025].

²⁶ GYLA, The European Court of Human Rights registered the Application against the Russian Law, 13.11.2024, <https://www.facebook.com/photo/?fbid=981321547373201&set=a.485094683662559>, [27.12.2024]. It is noteworthy that 99% of the non-governmental organizations refuse to register as an agent. Mtavari Arkhi, 02.09.2024, <https://www.facebook.com/watch/?v=851021856744778> , [14.01.2025].

and the freedom of assembly and expression.²⁷ Even more, the Law, with its content, introduces a constitutionally prohibited control mechanism - censorship. The law was published on 3 October and came into effect on 2 December of this year.²⁸

The Parliamentary Elections of Georgia on 26 October 2024 took place in an environment marked by significant violations, inter alia, massive violations of ballot secrecy,²⁹ largely characterized by inequality, violence, and tension,³⁰ which sparked protest within the public.³¹

Similar to the protests against the Russian Law in April-May 2024, the protests mentioned above were also disrupted by informal groups of unidentified individuals (so-called “Titushky”), the instances of police violence also took place.³² It is also noteworthy that the protocol regarding management of protests has deteriorated.³³

Instead of responding appropriately, the State encourages violence against vulnerable groups, and a vivid example of this is the early release of those who assaulted journalists and cameramen on 5 July 2021.³⁴ In addition, during the October-November 2024 protests, there were multiple instances of violence against journalists and deliberate interference with their professional activities by both informal groups (“Titushky”) and law enforcement officers.

²⁷ The Law of Georgia “on the Protection of Family Values and Minors”, 2024; GYLA, the Georgian Young Lawyers’ Association addresses the discriminatory legislative amendments that are against the human rights and democracy, iminatory, human rights and democracy, 20.09.2024, <https://gyla.ge/post/saqartvelos-akhalgazrda-iuristtaasociacia-diskriminaciul-adamianis-uflebebis-da-demokratiis-tsinaagmdeg-mimartul-sakanonmdeblo-cviliilebebsekhmaureba>, [21.01.2025].

²⁸ In the Parliamentary Elections of 26 October 2024, it was revealed that the quality of the ballots could not prevent coloured marks from being left on the reverse side. GYLA, 29.10.2024, <https://www.facebook.com/GYLA.ge/videos/1097292615073077>, [21.01.2025].

“Georgian Dream” installed video cameras in the majority of polling stations, which in some cases faced the registrars’ tables and verification devices, and in others, the voting booths and main ballot box. GYLA, 28.10.2024, <https://www.facebook.com/GYLA.ge/videos/1072581891028234>, [14.01.2025]. Additionally, various episodes of secrecy violations were recorded, including instances where voting occurred alongside unauthorized accompanying persons. GYLA, 26.10.2024, <https://www.facebook.com/GYLA.ge/videos/1283197176372073>, [14.01.2025].

²⁹ GYLA, Assessment of the Parliamentary Election Voting Day on 26 October 2024, 27.10.2024, <https://gyla.ge/en/post/gancxadeba-27octoberi-11saati>, [21.01.2025].

³⁰ Civil.ge, “Reclaim Your Vote” Rally in Tbilisi, Opposition Sets Up Tents Near Tbilisi State University, <https://civil.ge/archives/636018>, 17.11.2024, [21.01.2025].

³¹ TV Pirveli, “Titushky’ were sent to us - Students claim they were physically assaulted at dawn at TSU”, 22.11.2024, https://tvpirveli.ge/ka/siaxleebi/sazogadoeba/86547-titushkebi-mogvigzavnes-studentebi-amtkitseben-rom-gamteniisas-tsu-shi-pizikurad?fbclid=IwY2xjawGxOMRleHRuA2FlbQIxMQABHVdV4QOS_B3f7SpyJdX9Nu71xJv4FOrD63v9HE4e68lhWShKeVnsPdAEMA_aem_1AoRrybwDyDZ2ZjLbwpMaQ, [21.01.2025].

³² Formula, 19.11.2024, <https://www.facebook.com/watch/?v=911716597690977>, [21.01.2025].

³³ On 30 December 2015 by Order N1002, the Minister of Internal Affairs of Georgia approved guidelines for the behavior of Ministry of Internal Affairs personnel during assemblies and demonstrations. On 11 July 2021, a new Order N1002 was adopted, which weakened the previous standards for managing assemblies and demonstrations.

³⁴ GYLA, Those who assaulted journalist and cameramen on 5 July 2021 were released early, 20.11.2024, <https://gyla.ge/post/Gyla-5-ivlisis-saqme>, [21.01.2025].

Particularly, the police not only used water cannons and broke cameras,³⁵ but also assaulted and arrested journalists and cameramen.³⁶ The ineffectiveness of the investigations into the episodes of violence during the current protests, as well as those in April-May 2024 and March 2023, remains a significant challenge. Specifically, no accountability has been placed on the law enforcement officers responsible for the violence.

3. Alternative Responses Submitted by GYLA in Response to Questions for the Georgian Government on the Effectiveness of the Investigation

It is alarming that, to date, there has been no indication of an effective investigation into the acts of violence by law enforcement officers or the identification of those responsible, both in relation to the protests following 28 November and the protests against the Russian Law. In particular, despite public commitments from the Special Investigation Service to investigate these incidents,³⁷ the results remain inadequate, with critical gaps in identifying and prosecuting those responsible for excessive use of force, violence against protesters, and attacks on journalists.

As of January 17, 2025, the investigative actions reported include the questioning of 343 individuals, including 49 journalists.³⁸ However, evidence points to widespread obstruction of journalistic activity during these protests, with 91 documented cases of interference, damage to equipment, disproportionate use of force, and direct violence. Notably, these incidents overwhelmingly targeted representatives of critical and digital media outlets, further suggesting a deliberate suppression of dissenting voices.³⁹

Medical examinations were initiated for 226 injured individuals, and forensic analysis of biological and trace evidence was conducted on clothing from 59 persons.⁴⁰ The Public Defender stated on

³⁵ GYLA, the Statement, 02.12.2024, <https://www.facebook.com/photo/?fbid=994618546043501&set=a.485094690329225>, [21.01.2025].

³⁶ Mediachecker, Over 50 journalists injured while covering the pro-European protests, <https://www.mediachecker.ge/ka/mediagaremo/article/99134-proevropuli-aqciebis-gashuqebisas-50-ze-meti-zhurnalisti-dashavda>, 02.12.2024, [21.01.2025].

³⁷ Special Investigation Service, Statement of the Special Investigation Service on the progress of the investigation into the rallies taking place in November and December 2024, 17.01.2024, <https://www.facebook.com/photo/?fbid=586832767309689&set=a.107516725241298>, [21.01.2025].

³⁸ *ibid.*

³⁹ For detailed information about all actions taken against media representatives are intended to suppress the functioning of the media, see: GYLA, CIVIL RIGHTS FACING INCREASED POLICE TERROR, 32, 2024, https://admin.gyla.ge/uploads_script/publications/pdf/CIVIL%20RIGHTS%20FACING%20INCREASED%20POLICE%20TERROR.pdf, [21.01.2025]. Also, see: List of incidents involving Georgian media representatives, The Georgian Charter of Journalistic Ethics, 16.12.2024, <https://www.qartia.ge/ka/siakhleebi/article/99312>, [21.01.2025].

⁴⁰ Special Investigation Service, Statement of the Special Investigation Service on the progress of the investigation into the rallies taking place in November and December 2024, 20.12.2024, <https://sis.gov.ge/media/Statement-of-the-Special-Investigation-Service-on-the-progress-of-the-investigation-into-the-rallies-taking-place-in-November-and-December-2024?lng=eng>, [21.01.2025].

December 5, 2024 that they interviewed 260 individuals, and 188 of them reported ill-treatment by the police.⁴¹

The Special Investigation Service claims to have obtained 1400 hours of video material from publicly available sources, footage from surveillance cameras placed at the protest area and on surrounding streets.⁴² However, the investigation of violence against peaceful demonstrators and media workers during the protests against "Russian Law" reveals an interesting pattern: various institutions cite technical issues to justify the unavailability of footage, claiming that surveillance cameras were not working.⁴³ Even more concerning is the statement by the Chief of the Georgian Parliament's Administration, who confirmed the absence of video recordings from the Parliament's cameras that could be essential in investigating violence against peaceful protesters and journalists. This has been explained by the amendment to the Law of Georgia on Personal Data Protection in March 2024. However, the law does not prohibit the retention of video recordings when there is a legitimate purpose such as ensuring public safety and a proportional timeframe.⁴⁴

According to Special Investigation Service, by the decision of the Prosecutor's Office of Georgia, the victim status was granted to all citizens who applied to the prosecution for recognition as victims.⁴⁵ The number as of January 17 is 52 citizens. **The reported number is significantly lower than the actual number of individuals harmed during the protests, especially considering that nearly two months have passed since November 28.**

The principle of publicity in investigations requires the participation of the public to some extent and their oversight. It entails public scrutiny and transparency of the investigation and its

⁴¹ According to the information dated 05.12.2024, Public Defender of Georgia, Public Defender's Briefing on Current Developments, <https://ombudsman.ge/eng/akhali-ambebi/sakartvelos-sakhalkho-damtsvelis-brifingi-mimdinare-movlenebtan-dakavshirebit>, [21.01.2025].

On the night of January 11-12, 2025, Public Defender's representatives visited 10 citizens detained in Tbilisi and Batumi, 5 of them indicate alleged ill-treatment by the police. Public Defender of Georgia, Public Defender's Representatives Visit Detainees, 12.01.2025, <https://ombudsman.ge/eng/akhali-ambebi/250112011245sakhalkho-damtsvelis-rtsmunebulebma-dakavebulebi-moinakhules>, [21.01.2025].

On January 12-13, 2025, Public Defender's representatives additionally visited 16 detainees in Tbilisi, Ozurgeti, Lanchkhuti and Poti. Four of them indicate alleged use of excessive force and ill-treatment by the police. Public Defender of Georgia, Public Defender's Authorized Representatives Visit Detainees in Tbilisi, Ozurgeti, Lanchkhuti and Poti, 13.01.2025, <https://ombudsman.ge/eng/akhali-ambebi/250113031809sakhalkho-damtsvelis-rtsmunebulebma-dakavebulebi-moinakhules>, [21.01.2025].

⁴² Special Investigation Service, Statement of the Special Investigation Service on the progress of the criminal cases initiated in November and December 2024, 17.01.2025, <https://sis.gov.ge/media/Statement-of-the-Special-Investigation-Service-on-the-progress-of-the-criminal-cases-initiated-in-November-and-December-2024?lng=eng>, [21.01.2025].

⁴³ The letter from the Chief of the Parliament's Office dated May 23, 2024, No. 3821/2-1/24.

⁴⁴ The Law of Georgia on "Personal Data Protection," Article 10.

⁴⁵ Special Investigation Service, Statement of the Special Investigation Service on the progress of the investigation into the rallies taking place in November and December 2024, 20.12.2024, <https://sis.gov.ge/media/Statement-of-the-Special-Investigation-Service-on-the-progress-of-the-investigation-into-the-rallies-taking-place-in-November-and-December-2024?lng=eng>, [21.01.2025].

outcomes, which, in turn, ensures the accountability of the state both theoretically and practically. In cases involving alleged human rights violations by law enforcement officials, it is especially important for the materials and documents that form the basis for specific decisions to be disclosed to the public. Understanding these factual and legal grounds reduces the possibility of bias between investigative authorities and the alleged perpetrators within law enforcement, thus contributing to the strengthening of public trust in the investigative process.⁴⁶

A failure to publicly disclose evidence, lack of substantive progress in holding perpetrators accountable, combined with the fact that 54 individuals were detained under criminal law in relation to the protests⁴⁷ (read also *Case of Mzia Amaghlobeli* below), raises serious questions about the impartiality of state institutions and effective investigation, which not only a legal obligation but also essential for rebuilding public trust and demonstrating the state's commitment to justice. Without meaningful accountability, the cycle of impunity for human rights violations risks further eroding democratic principles in Georgia.

Below GYLA outlines the actions that the state is obligated to undertake, particularly in addressing the most severe human rights violations within the context of the demonstrations, and which will offer a possibility for comparison with the information already submitted by the state under the Vienna Mechanism:

1. Despite the frequent and severe practice of violence by law enforcement officers against protesters and journalists, the Ministry of Internal Affairs does not assign identification numbers to the employees of the Special Tasks Department, preventing the identification of perpetrators. It remains unclear whether the Special Investigation Service has asked the Ministry of Internal Affairs to assign identification marks to law enforcement officers.

The head of the Special Investigative Service explained that identifying law enforcement officers committing acts of violence is impossible due to the lack of proper identification numbers.⁴⁸ The absence of distinguishing marks on special tasks department officers enables

⁴⁶ GYLA, Lawyers' Guide, Effective Investigation of Alleged Human Rights Violations by Law Enforcement Officials, Comprehensive Case Management at the National Level for the Purpose of Strengthening a Complaint at the European Court, 2021, 18.

Also see: *14th General Report on the CPT's activities, CPT/Inf (2004) 28, para. 36; Mckerr v. The United Kingdom, no.28883/95, 04.05.2001, para. 115, 338; Tahsin Acar v. Turkey, no. 26307/95, 08.04.2004, para. 225. Edwards v The United Kingdom), no. 46477/99, 14.03.2002, para. 84.*

⁴⁷ For detailed information about the cases of individuals detained under criminal law in relation to the protests, see, GYLA, THE CASES OF INDIVIDUALS DETAINED UNDER CRIMINAL LAW IN RELATION TO THE PROTESTS, 2024, https://admin.gyla.ge/uploads_script/publications/pdf/cases.pdf, [21.01.2025].

⁴⁸ "We are trying with the resources we have. If they are not numbered, how will we find out?" says the head of the Special Investigation Service, Karlo Katsitadze, in an interview.

TV Pirveli, around 300 beaten and tortured people, and no convicted torturers - Karlo Katsitadze on "Saturday's Air" face-to-face. 21.12.2024, <https://tvpirveli.ge/ka/siaxleebi/politika/89868-300-mde-natsemi-da-natsamebi-adamiani-da-artserti-dasjili-jalati-karlo->

the Ministry of Internal Affairs and Special Investigative Service to claim that, despite conducting the investigation, no results were reached because of objective obstacles. This situation can be seen as fostering a sense of impunity, which not only encourages future acts of violence but also grants perpetrators with protective guarantees.

The Special Investigation Service in the context of the 2024 protests has never taken decisive and proactive steps, rather than simply observing the situation, also failing to call the Ministry of Internal Affairs to ensure the proper identification of individuals involved in protest dispersals, especially in scenarios where violence is foreseeable. This includes failure of publicly calling on the Ministry to provide officers engaged in such operations with visible identification markers to ensure accountability for acts of violence.⁴⁹

However, identification marks are not the only prerequisite for an effective and successful investigation. This is particularly relevant in Georgia, where the European Court of Human Rights set a precedent regarding the June 20, 2019 protest, providing guidelines on how investigations should proceed when law enforcement officers do not have identification marks.⁵⁰

- 2. Determination of Responsible Individuals:** Firstly, the investigation among other things, should determine whether any responsibility on the part of those in charge of planning the police operation had been engaged.⁵¹ The responsibility for planning and assessing the risks of law enforcement operations, including the use of force, lies with individuals designated under Order No.1002 of the Minister of Internal Affairs.⁵²

According to Article 5 of Order No. 1002, during assemblies or manifestations requiring special measures, the use of active special tools, and the involvement of the Special Tasks Department, a security action plan must be developed. In the case of spontaneous assemblies, the plan is created within a reasonable time after the event begins. The plan is prepared by the Special Tasks Department in coordination with relevant units of the Ministry.⁵³

Former high-ranking official of the Ministry of Internal Affairs, *Colonel Irakli Shaishmelashvili*, who led the operational planning division of the Special Tasks

katsitadze?fbclid=IwY2xjawH1uCFleHRuA2FibQIxMQABHWL2rfCh8aJ_9YBy7ZJfxXAN2BPPUXvbIJizDPZoIQ43_REO6ce8iT2g_Q_aem_Tco6XNUVLYcJckwidjX6Ew, [21.01.2025].

⁴⁹ *ibid*, para 224.

⁵⁰ Tsaava V. Georgia, nos. 13186/20, 07.05.2024.

⁵¹ *ibid*, para 220.

⁵² On 30 December 2015 by Order N1002, the Minister of Internal Affairs of Georgia approved guidelines for the behavior of Ministry of Internal Affairs personnel during assemblies and demonstrations. On 11 July 2021, a new Order N1002 was adopted, which weakened the previous standards for managing assemblies and demonstrations.

⁵³ Order N1002 of the Minister of Internal Affairs of Georgia, Guidelines for the behavior of Ministry of Internal Affairs personnel during assemblies and demonstrations, Article 5, 21.07.2021.

Department⁵⁴, stated in an interview that he prepared dispersal plans for protests.⁵⁵ However, **he noted that the actual dispersals were not carried out according to his plans.**⁵⁶ Moreover, he emphasized that there was no need for direct arrests, beatings, or fights; instead, people were encircled and punished as an example.⁵⁷ Mr. Shaishmelashvili directly names individuals, deputy ministers *Soso (Ioseb Tchelidze)*⁵⁸ and *Shalva (Bedoidze)*⁵⁹, as coordinators of police units and states that when the Special Tasks Department becomes involved, it assumes full responsibility.⁶⁰ It is important to know whether these officials are interviewed. According to the public information, Karlo Katsitadze, the head of the Special Investigation service, states that the questioning of law enforcement officers, including special forces, patrol, and criminal police, has begun, however does not specify what position do they hold.⁶¹

In this context, it is noteworthy, that the head of the Special Investigation Service admitted that he had not questioned **Zviad Kharazishvili**, the head of the Special Tasks Department and the official responsible for the protest dispersal about the demonstrations after 28 November, 2024. In a fact, he tries to explain that Zviad Kharazishvili was already questioned about the previous demonstration cases.⁶²

3. **Systemic Analysis of the Riot Control Operation:** A comprehensive, systematic analysis of the events must be conducted. This includes assessing whether the Special Investigative Service took appropriate action, especially considering the time-sensitive nature of such operations. Special Investigative Service should gather official reports from individual officers detailing the scope of force used during the operation. An official report must contain a detailed timeline of the events, description of the planning and the implementation stages

⁵⁴Interview With Former Senior Official Reveals Systemic Violations in Ministry of Interior, 29.12. 2024, <https://civil.ge/archives/648728>, [21.01.2025].

⁵⁵ Exclusive interview with Irakli Shaishmelashvili, 27:58-28:07, <https://www.youtube.com/watch?v=ZMOUjqLcfao>, [21.01.2025].

⁵⁶ *ibid*, 28:07-28:10.

⁵⁷ *ibid*, 28:40-28:54.

⁵⁸ Ioseb Chelidze, Deputy Minister of the Ministry of Internal Affairs since, September 2019, <https://police.ge/en/ministry/the-minister-and-his-deputies/ioseb-chelidze>, [21.01.2025].

⁵⁹ Shalva Bedoidze, First Deputy Minister of the Ministry of Internal Affairs since May 2021, <https://police.ge/en/ministry/the-minister-and-his-deputies/shalva-bedoidze>, [21.01.2025].

⁶⁰ Exclusive interview with Irakli Shaishmelashvili, 29:10-29:29.

⁶¹ TV Pirveli, around 300 beaten and tortured people, and no convicted torturers - Karlo Katsitadze on "Saturday's Air" face-to-face. 21.12.2024, https://tvpirveli.ge/ka/siaxleebi/politika/89868-300-mde-natsemi-da-natsamebi-adamiani-da-artserti-dasjili-jalati-karlo-katsitadze?fbclid=IwY2xjawH1uCFleHRuA2FibQIxMQABHwL2rfCh8aJ_9YBy7ZJfxXAN2BPPUXvbIJzDPZoIQ43_REO6ce8iT2g_Q_aem_Tco6XNUVLYcJckwidjX6Ew, [21.01.2025].

⁶² TV Pirveli, around 300 beaten and tortured people, and no convicted torturers - Karlo Katsitadze on "Saturday's Air" face-to-face. 21.12.2024, https://tvpirveli.ge/ka/siaxleebi/politika/89868-300-mde-natsemi-da-natsamebi-adamiani-da-artserti-dasjili-jalati-karlo-katsitadze?fbclid=IwY2xjawH1uCFleHRuA2FibQIxMQABHwL2rfCh8aJ_9YBy7ZJfxXAN2BPPUXvbIJzDPZoIQ43_REO6ce8iT2g_Q_aem_Tco6XNUVLYcJckwidjX6Ew, [21.01.2025].

of the dispersal, and possibly any conclusions as regards the prevention of similar incidents from occurring in the future.⁶³

It remains unclear whether the Special Investigation Service has prepared the aforementioned report, as no official information about it is available.

This is important also in the context, where there must be taken proper precautions to avoid a forceful intervention or minimize its intensity and impact, including, for instance, by giving meaningful advance warnings on the ground before resorting to the use of force to disperse the demonstration. The investigation must explore the effectiveness and timeliness of prior warnings issued before dispersing protests and examine whether these warnings were properly enforced.⁶⁴

Mr. Shaishmelashvili mentions that *the excessive use of tear gas is unacceptable and unnecessary—it does not serve any legitimate purpose. Such actions should be controlled by the director or their deputy. [...] What happened wasn't about restoring public order—it was about instilling fear in the protesters.*⁶⁵

4. **Proper Identification of the Perpetrators:** The investigation must evaluate the rotation timeline and forms of law enforcement units deployed during the operation and their individual use of force. It should also narrow the circle of potential perpetrators based on records of non-lethal weapon and ammunition usage.⁶⁶

The ineffectiveness of the investigation further aggravates the following: During the dispersals of rallies from 28 November 2024, a key target has become the **media**. Since the beginning of the protest, 91 incidents of interference with journalists' professional activities, equipment damage, excessive use of force, and violence have been reported, the overwhelming majority of which have targeted critical mass media and digital media representatives.⁶⁷ Instances of intentional interference with journalists' professional activities, including the use of water cannons against media personnel, intentional destruction of cameras, physical violence, and arrests - have accompanied the demonstrations, outlining the interest of the police forces to prevent coverage of the violent dispersal of the protests and other violations.⁶⁸

⁶³ Tsaava V. Georgia, nos. 13186/20, 07.05.2024, para 221.

⁶⁴ Tsaava V. Georgia, nos. 13186/20, 07.05.2024, para 220.

⁶⁵ Exclusive interview with Irakli Shaishmelashvili, 26:07- 27:00, <https://www.youtube.com/watch?v=ZMOUjqLcfao>, [21.01.2025].

⁶⁶ Tsaava V. Georgia, nos. 13186/20, 07.05.2024, para 222.

⁶⁷ List of incidents involving Georgian media representatives, The Georgian Charter of Journalistic Ethics, 16.12.2024, <https://www.qartia.ge/ka/siakhleebi/article/99312>, [21.01.2025].

⁶⁸ GYLA, Throughout the night, riot police repeatedly used special forces against peaceful demonstrators in over a dozen incidents, employing water cannons and tear gas, 02.12.2024. <https://gyla.ge/en/post/2dekemberigancxadeba>, [21.01.2025]. In a democratic society, the media, as a safeguarding institution, plays a crucial role. The “primary function” of media is to cover public and political gatherings and manifestations and to provide the public with

Similar to the protests against the Russian Law in April-May 2024, the protests mentioned above were also disrupted by informal groups of unidentified individuals (“Titushky”),⁶⁹ which were waiting for rally participants and organizers, and their family members, at their houses or in the streets, and severely assaulted them, which was left without any reaction from the law enforcement bodies,⁷⁰ further having encouraged and spread the scale of the violence.⁷¹ Even in May of 2024, Georgian Dream member Dito Samkharadze shared a video showing unidentified individuals vandalizing offices, providing an evidence of Titushky being in alliance with state authorities.⁷²

The state's tolerance towards Titushky is further confirmed by the court's decision to impose a 2,000 GEL bail on the violent individuals⁷³, following the prosecutor's request.⁷⁴ In contrast, against protest participants and journalists, the prosecution and the court apply the measure of restraint - detention.⁷⁵ As seen with the lenient bail decisions, contrasts sharply with the case of **journalist Mzia Amaghlobeli** where the Prosecutor's Office presented a weak, hypothetical motion, which was not backed by investigation findings, and the court accepted the arguments and imposed detention.⁷⁶ During detention Mzia Amaghlobeli was victim of ill treatment within police station.⁷⁷

information about the developments during protests. **Law enforcement officials are obligated not to interfere with the work of journalists during such demonstrations; on the contrary, they should assist the media to report ongoing developments.**

⁶⁹ TV Pirveli, “Titushky’ were sent to us - Students claim they were physically assaulted at dawn at TSU”, 22.11.2024, https://tvpirveli.ge/ka/siaxleebi/sazogadoeba/86547-titushkebi-mogvigzavnes-studentebi-amtkitseben-rom-gamteniisas-tsu-shi-pizikurad?fbclid=IwY2xjawGxOMRleHRuA2FlbQIxMQABHVdV4QQS_B3f7SpyJdX9Nu71xJv4FOrD63v9HE4e68lhWShKeVnsPdAEMA_aem_1AoRrybwDyDZ2ZjLbwpMaQ, [21.01.2025].

⁷⁰ *ibid.*

⁷¹ For detailed information about the actions of Titushky during after 28 November protests, see: Civil Rights Facing Increased Police Terror, 2024, 22-24, https://admin.gyla.ge/uploads_script/publications/pdf/CIVIL%20RIGHTS%20FACING%20INCREASED%20POLICE%20TERROR.pdf, [21.01.2025].

⁷² For detailed Information about The practice of state-organized persecution, see: GEORGIA: HUMAN RIGHTS AMIDST THE RUSSIAN LAW, Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill, 2024, 17, <https://gyla.ge/files/Human%20rights%20Amidst%20the%20russian%20law.pdf>, [21.01.2025].

⁷³ Tabula, The video footage shows how unidentified individuals use violence against demonstrators in Metro. 16.12.2024, <https://www.facebook.com/watch/?v=2596142560555960>, [21.01.2025].

⁷⁴ “Two of the oligarch’s Titushky, Giga Shubitidze and Akaki Fitchkhouri, were released from court after paying a 2,000 GEL bail each. The case concerns the Titushky who, a few days ago, loudly discussed killing protest participants in the metro, and later attacked citizens on Rustaveli Avenue.” Mtavari Arkhi, 19.2024, <https://www.facebook.com/TvMtavari/posts/-ოლიგარქის-ორი-ტიტუშკა-გიგა-შუბითიძე-და-აკაკი-ფიჩხაური-ოლიგარქის-სასამართლომ-დარ/987529616763042/?locale=ka_GE>, [21.01.2025].

⁷⁵ GYLA, GYLA's assessment of the case involving 11 individuals arrested in the context of protests: Detention remains unjustified, 11.01.2025, <https://gyla.ge/en/post/saias-shefaseba-11-piris-patimrobis-saqmeze>, [21.01.2025].

⁷⁶ GYLA, Mzia Amaghlobeli's Case Highlights Alarming Threats to Political Justice and Media Freedom, 14.01.2025, <https://www.gyla.ge/en/post/mzica-amagloblis-saqme-politikuri-marthmsajulebisa-da-mediis-tavisuflebis-shezrudvis-sagangasho-precendentia>, [21.01.2025].

⁷⁷ “Following her detention, Irakli Dgebuadze verbally insulted her and later attempted physical assault several times within the police station. However, other police officers managed to restrain Irakli Dgebuadze and remove him from the room. Despite this, he repeatedly returned to the room, continuing his aggressive behavior. During one such

It is noteworthy that opposition party politicians were arrested and/or subjected to violence.⁷⁸ A particularly significant case involves former Georgian Prime Minister Giorgi Gakharia, against whom the violence was initiated and executed by Georgian Dream representatives.⁷⁹

Case of Mzia Amaghlobeli

The detention and criminal prosecution of Mzia Amaghlobeli, the founder of "Batumelebi" and "Netgazeti," are unlawful and constitute a form of political repression. As the public is aware, Mzia Amaghlobeli was initially arbitrarily detained under administrative law on January 11, 2025, while putting up a protest sticker. She was later released on a personal guarantee. Shortly after her release, she was detained again under criminal law, charged with an offense under Article 353¹, Part 1 of the Georgian Criminal Code, which pertains to an assault on a police officer in connection with their official duties. The Batumi City Court unjustifiably imposed the strictest measure of restraint—detention—against her.

Mzia Amaghlobeli's case reveals numerous violations, underscoring the politically motivated nature of her prosecution. Evidence of political persecution includes:

Arbitrary Administrative Detention

On January 11, 2025, activists gathered in Batumi for a protest, displaying stickers with the inscription: "Georgia goes on strike on January 15 at 15:00." During the protest, the police began arbitrarily detaining participants. Upon learning that her colleague, Tsiala Khatamadze, had been detained, Mzia Amaghlobeli arrived at the scene and took a sticker from one of the individuals and placed it on the wall herself. At this moment, without any warning, she was arbitrarily detained under administrative law. Approximately one hour after her detention, Mzia Amaghlobeli was released on a personal guarantee.

The Administrative Offences Code outlines the grounds under which a police officer is authorized to detain an individual. The act of posting a protest sticker, which does not require extraordinary effort or resources to remove, does not constitute an administrative offense. Even if this act were considered as altering the appearance of property, a Ministry of Internal Affairs officer would not have the authority to detain an individual for such an act.⁸⁰

In order to justify the arbitrary detention, the police drew up a detention report under Article 173 of the Administrative Offenses Code. However, to date, no formal administrative offence report has been created, nor has a court confirmed that an offence was committed. Nevertheless, this

incident, he spat in Mzia Amaghlobeli's face. Additionally, under his orders, she was denied access to drinking water and the use of restroom facilities for a certain period." GYLA, Today, at Rustavi Penitentiary #5, GYLA Chairperson Nona Kurvanidze visited Mzia Amaghlobeli, the founder of "Batumelebi" and "Netgazeti," and attended her questioning regarding allegations of mistreatment., 15.01.2025, <https://gyla.ge/en/post/batumipoliciisuprosi-gylastatement>, [21.01.2025].

⁷⁸ <https://www.facebook.com/share/v/12ECUSdqRvT/?mibextid=wwXIfr>, [21.01.2025]; <https://www.facebook.com/watch/?mibextid=wwXIfr&v=1507372506625884&rdid=XARlyuOwnsizieHR>, [21.01.2025].

⁷⁹ Radio Liberty, Opposition Accuses Georgian Ruling Party Of Cover Up Over Beating Of Former PM, 16.01.2025, <https://www.rferl.org/a/33277486.html>, [21.01.2025].

⁸⁰ Administrative Offenses Code of Georgia, Article 246.

circumstance was used by the Prosecutor's Office and the Batumi City Court in the criminal case initiated against Mzia Amaghlobeli.

Inappropriate Treatment of Mzia Amaghlobeli

After her release on a personal guarantee, Mzia Amaghlobeli left the police station building and found herself on the side of the police cordon, while protestors continued their protest outside the police yard. Mzia Amaghlobeli noticed that her colleague was surrounded by the police, and she tried to approach him. In the commotion, she fell and was stepped on several times by the police officers. After getting up, she was able to reach her colleague and learned that, during her detention, the police continued their unlawful actions against the protestors, including arbitrary detentions.

After her open hand touched Irakli Dgebuadze's face, Mzia Amaghlobeli was detained under criminal law. Following her criminal detention, Mzia Amaghlobeli was subjected to inappropriate treatment by the head of Batumi Police, Irakli Dgebuadze, both in the police yard and inside the police station building. Before being taken into the building, Dgebuadze verbally abused her several times in the yard and threatened to initiate a criminal case against her.⁸¹ Inside the station, Dgebuadze attempted to physically confront her multiple times. Other police officers intervened and managed to remove Dgebuadze from the room. During one of the entries into the room, he spat in Mzia Amaghlobeli's face. Moreover, for some time, she was not provided with access to drinking water or other basic necessities.

Mzia Amaghlobeli repeatedly requested to contact her lawyers, but her requests were ignored. Meanwhile, her lawyers spent approximately three hours trying to enter the police station and meet with her, without success.

Failure of the Special Investigation Service to Address Inappropriate Treatment of Mzia Amaghlobeli

The Special Investigation Service is responsible for investigating cases of inappropriate treatment. On January 12, the Special Investigation Service was informed about the incident, which provides sufficient grounds to initiate an investigation.⁸² However, instead of starting an investigation, the Special Investigation Service initiated an "examination" process, which does not constitute a procedural action. On January 15, Mzia Amaghlobeli provided detailed information to the investigator of the Special Investigation Service regarding the inappropriate treatment. The Special Investigation Service confirmed the initiation of an investigation only today, January 20, during a phone conversation, and only after an official statement was submitted by GYLA. As of now, the Special Investigation Service has not granted victim status to Mzia Amaghlobeli.

Unlawful Criminal Charge

⁸¹ Video footage: <https://www.facebook.com/watch/?v=589294457041491&rdid=Y1kJUWZRZhSF73tK>, [21.01.2025].

⁸² Criminal Procedure Code of Georgia, Article 100.

The Prosecutor's Office charged Mzia Amaghlobeli under Article 353¹, Part 1 of the Criminal Code. This article criminalizes an assault on a police officer or their service or residential building, transport vehicle, or family member, provided the assault is related to the officer's professional duties. For the act to be classified under this article, the following key elements must be present:

- Assault – defined as a particularly violent, aggressive act.
- Intent – the assault must be carried out with direct intent.
- Connection to professional duties – the assault's purpose must be related to the police officer's professional activities.

Mzia Amaghlobeli's action – the open hand that touches Irakli Dgebuadze's face – does not contain any of the elements required for the charge under Article 353¹. Even Irakli Dgebuadze's own statements, which he gave to the investigation in this case, do not support the qualification under Article 353¹. According to his description, after the contact, he experienced redness on his right cheek and ear and felt pain. However, according to case law, physical pain confirmed only by perception does not fall under the definition of assault. Moreover, Mzia Amaghlobeli's action could not even have caused physical pain, which excludes a criminal charge under this article or any other, less severe articles of the Criminal Code. Therefore, the criminal charge against Mzia Amaghlobeli represents an act of intimidation and political repression.

Unjust Use of the Strictest Measure of Restraint – Detention

On January 14, 2025, the first hearing was held in the Batumi City Court. The prosecutor, without justification, requested the most severe measure of restraint - detention. Judge Nino Sakhelashvili granted the prosecutor's unsubstantiated request. The court's decision was based on the prosecution's abstract and hypothetical claim regarding the risks of committing a new offense and destroying evidence. The prosecutor's motion did not present any real arguments or circumstances that would substantiate the existence of such risks. Both the prosecutor and the court ignored the requirement of the Criminal Procedure Code of Georgia, which stipulates that detention as a measure of restraint should only be applied in exceptional cases and the alternative preventive measures are always preferred.

Despite the absence of any grounds for applying a measure of restraint, Mzia Amaghlobeli's lawyers suggested to the court the use of a lighter measure of restraint—bail—rather than detention. However, the judge unconditionally accepted the prosecutor's request. The court used the fact of Mzia Amaghlobeli's administrative detention and the potential for a legal violation as the basis for its decision, even though the legality of her detention and the commission of a violation had not yet been established. By doing this, the judge violated Mzia Amaghlobeli's presumption of innocence and demonstrated clear bias in favor of the prosecution.

Delay in Forwarding the Appeal to the Court of Appeals

On January 15, 2025, at 5:45 PM, Mzia Amaghlobeli's legal representatives submitted an appeal to Batumi City Court, seeking to change her unlawful detention. According to the law, the appeal should be reviewed by the Court of Appeals in Kutaisi, but the physical submission of the document must first be made to the court that issued the detention order. Batumi City Court was obligated to promptly forward the appeal to the Court of Appeals immediately upon receipt.

However, this clear legal requirement was not fulfilled.⁸³ The court delayed sending the appeal by four days. The Investigative Panel of the Court of Appeals received the case materials today at 12:00 and is now beginning the review of the appeal.

Questioning the Judge's Qualifications

The first hearing in Batumi City Court, which resulted in the decision to impose detention on Mzia Amaghlobeli, was conducted by Judge Nino Sakhelashvili. According to information available on the High Council of Justice's official website, Judge Sakhelashvili passed the judicial qualification exams in the field of civil-administrative law. In 2022, she began her judicial career in the Civil Division of Batumi City Court.⁸⁴

However, there is no information on the website indicating when or if she was officially reassigned to a different division or when she began handling criminal cases. If the High Council of Justice reallocated her to another division, this highlights a problematic practice whereby judges are assigned to divisions without regard to the area in which they passed their qualification exams. This practice could potentially be seen as a violation of the right to a fair trial.

Considering the Circumstances, GYLA called⁸⁵:

- The prosecution to immediately terminate the unlawful criminal case against Mzia Amaghlobeli;
- Mzia Amaghlobeli to be released immediately from unlawful detention;
- The Special Investigation Service to fulfill its obligations and promptly investigate the inhumane treatment of Mzia Amaghlobeli;
- Irakli Dgebuadze to be suspended from his official duties pending the completion of the investigation.

3. Conclusions and Recommendations

The recent developments in Georgia, including reports of excessive use of force against peaceful protesters, torture, and targeted harassment of journalists and opposition figures, and terror indicate serious violations of fundamental human rights. International observers and domestic institutions,

⁸³ Criminal Procedure Code of Georgia, Article 207.

⁸⁴ Information on the High Council of Justice website is available at the following link: High Council of Justice - Nino Sakhelashvili.

<http://hcoj.gov.ge/ka/%E1%83%9C%E1%83%98%E1%83%9C%E1%83%9D-%E1%83%A1%E1%83%90%E1%83%AE%E1%83%94%E1%83%9A%E1%83%90%E1%83%A8%E1%83%95%E1%83%98%E1%83%9A%E1%83%98.html>, [21.01.2025].

⁸⁵ GYLA, The Prosecutor's Office Must Terminate the Unlawful Criminal Prosecution of Mzia Amaghlobeli, 20.01.2024, available: <https://gyla.ge/en/post/mziaamaghlobeli-ukanonodevna-GYLA>, [21.05.2025].

such as the Public Defender of Georgia, and NGOs have highlighted the authorities' failure to adequately address these violations, with a prevailing culture of impunity for perpetrators.

International bodies are asked to take immediate action, including monitoring the situation and holding perpetrators accountable through mechanisms like the **Moscow Mechanism**.⁸⁶ **As of now, it is essential that the Special Investigation Service of Georgia should:**

1. Publicly disclose the investigation's progress, including details of those interviewed, evidence reviewed, and measures taken to address identified gaps.
2. Ensure public access to materials forming the basis of key decisions to promote accountability and reduce perceptions of bias.
3. Ensure all actual victims are granted victim status considering the significantly lower number of the citizens with legal status of victim (52 individuals). Provide transparent data on the number of individuals granted victim status and implement proactive measures to identify and support affected individuals.
4. Require all officers involved in protest dispersals to wear visible identification marks, as stipulated by international standards.
5. Examine the responsibilities and actions of high-ranking officials, including those tasked with planning and overseeing law enforcement operations.
6. Conduct interviews with all individuals identified as having played key roles in operational planning and execution, ensuring accountability at every level.
7. Produce a comprehensive report on riot control operations, detailing the timeline, planning, implementation, and use of force.
8. Evaluate whether advance warnings were issued before dispersals and assess their adequacy and enforcement.
9. Investigate gaps in video surveillance, including claims of technical malfunctions, to ensure accountability for incidents of violence.
10. Enhance forensic evidence collection and analysis to identify and prosecute perpetrators effectively.
11. Ensure timely medical and psychological assistance to all victims of violence during protests.
12. Incorporate findings from civil society organisations, to strengthen investigative processes and outcomes.

⁸⁶ GYLA, Preliminary Findings on the Investigation of Torture and Ill-Treatment Against Protesters in Georgia from 28 November to 20 December 2024, 24.12.2024, <https://gyla.ge/en/post/tsameba-da-araadadianurimopkroba-saerto-gancxadeba?ref=oc-media.org>, [21.01.2025].

Information about Georgian Young Lawyers' Association

Who we are

The Georgian Young Lawyers' Association (GYLA) has been fighting to protect human rights since 1994. It is one of the largest and most trusted human rights organizations in Georgia. Over the years, GYLA has played a significant role in the protection of human rights, strengthening democracy, and establishing the rule of law.

GYLA actively monitors and scrutinizes the activities of all branches of government to ensure they adhere to human rights protection standards. The organization conducts studies, prepares reports, and develops recommendations, advocating for necessary reforms at both national and international levels. GYLA was the first organization in Georgia to offer free legal aid, significantly enhancing public access to justice. This service remains available throughout the country. Additionally, GYLA develops strategic litigation as a key tool for advancing human rights, advocating within domestic and international legal frameworks. A number of precedent cases won by GYLA have had a meaningful, positive impact on people's everyday lives.

What We Do

GYLA promotes the protection of human rights, the strengthening of democratic institutions and the creation of fair governance. The organization's activities are centered around several key priority areas.

(1) Within the framework of the human rights program, GYLA operates in three main directions.

Watchdog Function: The program provides a quick, evidence-based response to human rights violations at any time (24/7) across the country, through statements, reports, or other feedback.

Analytics and Education: The program conducts in-depth legal research and produces policy and advocacy documents on important human rights issues in Georgia. Since 2011, it has been monitoring the implementation of criminal justice in Georgian courts to ensure fairness and transparency. Additionally, the program organizes educational events for students, helping to train the next generation of human rights defenders by equipping them with the necessary knowledge and skills.

International Advocacy: The program prepares detailed reports for international bodies such as the United Nations, the European Union, and the Council of Europe. It actively participates in global sessions and conferences to advocate for the adoption and implementation of key international human rights standards in Georgia.

(2) The goal of the Democratic Institutions Support Program is to promote transparent and accountable governance in the country.

The program operates across several strategic areas: the justice system, elections, enhancing parliamentary processes, strengthening public administration principles at both central and local levels, promoting effective self-government, European integration.

The Democratic Institutions Support Program monitors the justice system and develops appropriate proposals to strengthen institutional independence. In addition, it monitors electoral processes and issues research and evidence-based recommendations to ensure a fair electoral environment.

The program actively monitors parliamentary activities and legislative processes, ensuring transparency within both central and local public institutions while contributing to their improvement.

Additionally, the program supports decentralization and the strengthening of local self-government. In the area of European integration, it monitors compliance with obligations related to the European Union and publishes corresponding assessments.

(3) Legal Aid Program

In its 30 years of operation, GYLA **has provided over 1.3 million instances of free legal aid and consultations.** The organization's lawyers work on strategic cases that have transformed the lives of individuals and groups, enhancing their legal status. GYLA lawyers actively defend those whose rights have been violated, not only in local courts but also in international courts.

The program focuses on helping those most in need: women, children, people with disabilities, LGBTQ+ individuals, and representatives of minority groups. GYLA lawyers defend people who have been unjustly dismissed, displaced for political reasons, arrested during protests, and victims of discrimination. They also assist citizens in their everyday legal challenges, striving to ensure justice and equality for all.

In addition, the program actively engages in the legislative reform process, advocating for systemic changes to improve legal frameworks. Each year, approximately 40 students participate in its internship program, providing them with a unique opportunity for professional development and practical experience.

What We Are Fighting For

GYLA's mission is to protect human rights, strengthen democratic values, establish the rule of law, and promote social equality in Georgia. The organization is dedicated to creating a fairer and equitable society where fundamental human rights are upheld and respected, ensuring that all individuals can live in a fair and equal environment.