

Concern for continued disrespect of the right to freedom of peaceful assembly and use of violence against

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Description :

Open letter to President of Georgia Mikheil Saakashvili.

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Mikheil Saakashvili
President of Georgia

Copy to:
Ivane Merabishvili
Minister of Internal Affairs

The Human Rights House Foundation (HRHF), the International Federation for Human Rights (FIDH), the World Organisation Against Torture (OMCT) and the Norwegian Helsinki Committee (NHC) condemn the excessive use of force by the police against peaceful anti-government protest in Tbilisi on the night of 26 May 2011. Our organisations are concerned that this is yet another example of the lack of respect of the right to freedom of peaceful assembly by the Georgian authorities. Previous peaceful protests held on 3 January and 25 March 2011 were also violently dispersed by police.

The undersigned organisations have during the last few years received documentation on violent dispersal of peaceful protests that demonstrate that Georgia does not respect its international commitments nor the Constitutional provision on the right to freedom of peaceful assembly and freedom of expression.

Amendments to the Georgian Law on Assembly and Manifestations introduced in July 2009 restrict the right to assemble in front of official buildings and set a more burdensome procedure to receive an authorisation. Since then, several cases have demonstrated a negative impact of the amendments on the right to freedom of assembly.

Most recently, on 25 and 26 May 2011, hundreds of opposition supporters gathered in front of the Parliament building at Rustaveli Avenue in Tbilisi and were violently dispersed when their rally permit expired at midnight. According to the Ministry of Internal Affairs of Georgia, 8 policemen, one journalist and 27 civilians were injured while 105 persons were arrested. According to the human rights organization, Human Rights Center (HRIDC), leading the OSCE Freedom of Assembly Monitoring Project in Georgia, 17 journalists were injured and several detained. The Public Defender Office of Georgia reported that 152 persons were arrested and that "the police used disproportionate force (...), the law-enforcement officials damaged the equipments of journalists and verbally and physically assaulted them". Furthermore, some of those detained were reportedly beaten in custody and not given the possibility to communicate with their relatives and lawyers. Many were transferred several times to different temporary detentions without further notice to their respective families or lawyers raising fears about their safety. According to the Georgian human rights organization Union "Article 42 of the Constitution", dozens of protesters are still missing.

Our organisations are deeply concerned about the aforementioned events and urges Georgia to immediately disclose the whereabouts of the dozens protesters who are still missing and to fully implement the recommendations formulated by the Council of Europe ´ Committee for the Prevention of Torture (CPT) after its visit in February 2010. CPT called upon the Georgian authorities to ensure that the right to have access to a lawyer is fully effective for all detained persons, and that the right to be examined by an independent doctor is guaranteed¹.

These incidents illustrate that Georgia, as a member of the Council of Europe, does not comply with its international, as well as national human rights obligations. It committed itself to protect and promote human rights and fundamental

freedoms, including the rights to freedom of expression and to freedom of peaceful assembly and association, established in Articles 10 and 11 of the European Convention for the Protection of Human Rights and Fundamental Rights (ECHR). The same rights are protected by Article 7 of the Georgian Constitution.

Georgia has yet to accept the recommendation 106.52 of the Universal Periodic Review (UPR) made by the Czech Republic at the 17th session of the United Nations Human Rights Council in June 2011, (to "review the July 2009 Law on Assemblies and Manifestations imposing several restrictions on the right to assembly and to demonstrate in order to ensure free and unhampered enjoyment of this right."), In light of the recent events, the necessity to accept, this particular recommendations in order to fight violent repression of demonstrations by police agents in Georgia, is urgent.

Concerned about the situation, we call upon the Georgian authorities:

To ensure and respect the rights to freedom of peaceful assembly and freedom of expression, provided in the ECHR and the Georgian Constitution;

To issue clear instructions to the security forces to refrain from using excessive force against the protestors in accordance with international standards, including the Basic Principles on the Use of Force and Firearms and the Code of Conduct for Law Enforcement Officials ;

To immediately release the detained and imprisoned peaceful demonstrators and to cancel all administrative charges and fines against those who participated in the peaceful assembly on 25 and 26 May 2011;

To launch an immediate, thorough, and impartial investigation into the excessive use of force, alleged ill-treatment of protesters in custody and bring those found responsible for these violations to justice ;

To provide the victims with adequate compensation, reparation and rehabilitation; According to contravention of the ECHR (Article 5 § 5), the state of Georgia is obliged to provide compensation to every detainee for the ungrounded arrest or detention;

To take effective measures to prevent ill-treatment, including by ensuring that any individual arrested is promptly brought before a judge, has immediate access upon arrest to (1) a lawyer of his/her choosing, (2) an independent medical doctor and (3) visits by the family; any arrested persons should also at all times have the right to inform third parties about the detention;

To amend the Law on Assembly and Manifestations to make it comply with their international human rights obligations.

Copies sent to:

UN Special Rapporteur on the rights to freedom of peaceful assembly and association, Geneva

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Geneva

UN Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment or punishment

UN Working Group on Enforced or Involuntary Disappearances

Directorate General of Human Rights and Legal Affairs of the Council of Europe, Strasbourg

Office of the Commissioner for Human Rights of the Council of Europe, Strasbourg

The Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, Warsaw

Mission of the Czech Republic to the United Nations at Geneva

Mission of the United Kingdom to the United Nations at Geneva

Members of the Parliamentary Assembly of the Council of Europe
Delegation of the European Union in Georgia
The Subcommittee on Human Rights of the European Parliament
The Norwegian Ministry of Foreign Affairs
The Standing Committee for Foreign Affairs of the Norwegian Parliament
The Public Defender's Office in Georgia
Members of the Parliamentary Assembly of the Council of Europe, Strasbourg