



ქვეყნური გაეროს განყოფილებასთან და სხვა  
საერთაშორისო ორგანიზაციებთან  
საქართველოს მუდმივი წარმომადგენლობა

MISSION PERMANENTE DE LA GÉORGIE  
AUPRÈS DE L'OFFICE DES NATIONS  
UNIES ET DES AUTRES ORGANISATIONS  
INTERNATIONALES À GENÈVE

N 49/863  
12/01/2015

Dear Special Rapporteurs,

With reference to the reports A/HRC/25/74, A/HRC/25/55/Add.3 and A/HRC/26/29/Add.1, I have the honour to kindly bring to your attention that the response of the Government of Georgia to your joint letter of 13 June, 2013 (*Reference: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) GEO 1/2013*) has been duly submitted to the OHCHR by the letter №49/32829 of 12 August, 2013 (see enclosure).

I further have the honour to kindly suggest to refer to the above-mentioned letter and attached information in the appropriate reports and your deliberations on the matter.

Please accept, dear Special Rapporteurs, the assurances of my highest consideration.

Enclosure: 7 pages

Sincerely yours,

  
Shalva Tsiskarashvili  
Permanent Representative

Mr. David Kaye  
Special Rapporteur on the promotion and protection of the right  
to freedom of opinion and expression

Mr. Maina Kiai  
Special Rapporteur on the rights to freedom of  
peaceful assembly and of association

Mr. Michel Forst  
Special Rapporteur on the situation of human rights defenders



ქვეყნური გეაროს განყოფილებაზე და სსპ  
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MISSION PERMANENTE DE LA GÉORGIE AUPRÉS  
DE L'OFFICE DES NATIONS UNIES ET DES  
AUTRES ORGANISATIONS INTERNATIONALES À GENÈVE

№ 49/32829  
12. August 2013

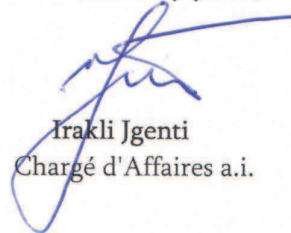
Dear Special Rapporteurs,

In reply to your letter of 13 June, 2013 (Reference: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) GEO 1/2013), I have the honor to transmit herewith the overview of the facts of and police measures in response to events of and following May 17, 2013 Manifestations.

Please accept, dear Special Rapporteurs, the assurances of my highest consideration.

Enclosure: 6 pages

Sincerely yours,



Irakli Jgenti  
Chargé d'Affaires a.i.

Mr. Frank La Rue  
Special Rapporteur on the promotion and protection of the right  
to freedom of opinion and expression

Mr. Maina Kiai  
Special Rapporteur on the rights to freedom of  
peaceful assembly and of association

Ms. Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

## **Overview of the facts of and police measures in response to events of and following May 17, 2013 Manifestations**

Considering the past experiences with regard to the demonstrations during the International Day against Homophobia and the possibility of escalation of the situation, on the 17<sup>th</sup> of May, the Ministry of Internal Affairs took preventive measures and started communication and negotiations in advance with both Groups of demonstrators – in support of International Day against Homophobia and counter demonstrators. It was agreed that the groups will hold the manifestation in the separate areas. Counter demonstrators gathered in front of the Parliament building, and activists of “Identoba” and other NGOs - nearby the Freedom Square.

On May 17, the Minister of Internal Affairs of Georgia (MIA), Mr. Garibashvili was present at the Freedom Square and in the adjacent area of Parliament together with his deputies in order to negotiate with the leaders of opposing manifestations and prevent any violence by the demonstrators. During the manifestation, operative personnel of the Patrol Police and Criminal Police Departments were mobilized at the scene of the manifestation.

In order to ensure unhindered transportation to the location and safety of representatives of Diplomatic Corps, special route was secured and parking space was allocated. The representatives of the embassies were informed in advance.

Due to active media coverage and call for action from social media sources, instead of expected 2,500 – 3,000 persons, the number of people joining counter manifestation has escalated up to 35,000 – 40,000.

There were 3 separate police cordons mobilized, which separated demonstrators from counter demonstrators.

During the manifestation, MIA spread an announcement, in which the citizens were advised to avoid central streets of Tbilisi and act in full compliance with the law.

Taking into account the scale of the opposing manifestation and its aggressive character, MIA had two options: 1) Use special measures (water cannons, rubber bullets, tear gas, etc.), which would have further escalated the situation and would have resulted in high number of casualties, or 2) Evacuate

the participants of the manifestation in support of International Day against Homophobia in specially allocated vehicles in accordance with the evacuation plan elaborated in advance.

In view of situation on the ground, MIA operative services assessed that second option would achieve best result, and participants of the manifestation in support of International Day against Homophobia were evacuated from the Freedom Square according to the previously elaborated plan. Each vehicle was accompanied by the law-enforcement officers.

Following the demonstrations, the Prime Minister, Speaker of Parliament and other high officials have issued the statements, which condemned the aggressive character of counter demonstration and assured that breach of civil rights of one group of society by another group will not be tolerated and therefore, thoroughly investigated.

On May 24, 2013, two opposing manifestations were held in the vicinities of 'Deda-Ena' Park. A demonstration organized by the human rights activists with the theme "No to Theocracy" and a manifestation organized by the supporters of the church. Police was mobilized at the scene and the manifestations were carried out unhindered. By the assessment of the NGOs present at the manifestations, police ensured the right to freedom of manifestation.

It is the main objective of the Georgian government to provide as comprehensive information as possible and address all the concerns within the competence.

**1) Are the facts alleged in the summary of the case accurate?**

The facts in the summary of the case in overall correspond to the information at our disposal, though requires some clarifications:

- As a result of confrontations ensued between two opposing demonstrations, 23 persons have been injured – 8 Police Officers, 3 Media Representatives and 12 demonstrators;
- According to the summary of the facts, it was unclear from received reports, whether all participants in the LGBT demonstration have made it into the buses that evacuated them from the Freedom Square. All the demonstrators have been evacuated from the Freedom Square to the safety in previously allocated vehicles, each accompanied by the mid-level law-enforcement officers (heads of Unit and Divisions);

**2) Has a complaint been lodged by or on behalf of the alleged victims?**

Investigations have been launched with regards to 6 cases reported during May 17 demonstrations, and 5 more investigations were launched in response to complaints lodged regarding the incidents and threats reported following days. (For more details see answer to question 3).

**3) Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.**

With regards to the incidents occurred on May 17, 2013, 14 complaints have been lodged, out of which 8 have been dismissed in agreement with Prosecutor's office and initial examination and 6 investigations have been launched:

- VII Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation regarding bodily injuries of 4 persons under article 118 (1) of Criminal Code of Georgia;
- VII Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation regarding bodily injuries of 7 persons under article 118 (1) of Criminal Code of Georgia;
- VII Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation regarding bodily injuries of 1 person under article 118 (1) of Criminal Code of Georgia;
- VII Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation regarding the fact of damaging the cars on the Nato Vachnadze street under article 187 (1) of Criminal Code of Georgia;
- VII Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation regarding the fact of damaging the Minivan on the Nato Vachnadze street under article 187 (1) of Criminal Code of Georgia;
- I Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation regarding the fact of damaging the municipal minivan on the Kote Apkhazi street under article 187 (1) of Criminal Code of Georgia;

On May 22, 2013, these investigations have been merged as one criminal case under article 161 (1) of the Criminal Code - illegally and forcefully breaching the right to gatherings and manifestations. 5 persons have been detained; two of them were churchmen (no preventive measure was imposed by the court) and 3 three were civilians (the court imposed a bail as a preventive measure); (for further details, see question 4).

On July 9, 2013, the case was divided in two cases, with one with identified perpetrators forwarded to the court for revision and second remaining at the VII Unit of Old Tbilisi Division of Tbilisi Main Division for further investigation.

With regards to the incidents occurred following May 17, 2013 manifestation, 4 investigations have been launched:

- On June 10, Detectives Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation under Article 125 (1) of Criminal Code regarding the incident of beating of LGBT supporter M.J. that occurred on May 17, 2013, at the adjacent area of Metro “Rustaveli”. The investigation is ongoing.
- On June 10, Detectives Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation under Article 150 (1) of Criminal Code regarding the incident of restraining of employee of Identoba G.D. that occurred on May 29, 2013, at the Agmashenebeli Avenue. The investigation is ongoing.
- On June 10, Detectives Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation under Article 151 of Criminal Code regarding the incident of threatening of employees of Identoba M.K., R.J, and S. G. that occurred on May 14-28, 2013. The investigation is ongoing.
- On June 10, Detectives Unit of Old Tbilisi Division of Tbilisi Main Division has launched an investigation under Article 151 of Criminal Code regarding the incident of threatening of employee of Identoba M.K. The investigation is ongoing.

**4) Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary and administrative sanctions been imposed on the alleged perpetrators?**

On May 17, 2013, the VII Unit of Old Tbilisi Division of Tbilisi Main Division launched an investigation on the criminal case - the fact of illegal obstruction accompanied with violence of the demonstration organized in celebration of International Day against homophobia. The alleged offence is being investigated under the article 161 (1) of the Criminal Code of Georgia. The following persons were charged in the criminal case for the commission of illegal interference in the right to peaceful demonstration and assembly with the use of violence punishable under Article 161 (1) of the Criminal Code of Georgia: Beka Salukvadze, Tital Davrishiani, Tamaz Bachinashvili (the archimandrite of Sameba church) and Irakli Basilaia (Hegumen of St. Ioane-Tornike Eristavi Convent).

On July 10, 2013, the case of Giorgi Basiashvili, Beka Salukvadze, Tital Davrishiani, Tamaz Bachinashvili and Irakli Basilaia was brought to the Tbilisi City Court for the purpose of further examination. On August 1, 2013, according to the pre-Court Order, the Criminal investigation of the case of Tamaz Bichinashvili has been terminated (the prosecutor plans to appeal to the higher court institutions), while the Court meeting on the cases of Giorgi Basiashvili, Beka Salukvadze, Tital Davrishiani and Irakli Basilaia is scheduled for August 15, 2013.

In addition, for the purpose of preventing the encouragement of the acts committed on hate grounds against the sexual minorities, the law enforcement authorities carefully examine all statements of this type. Apart from the offenders, involved in the developments on May 17, 2013, following persons were charged in April 2013 on the grounds of physically abusing Z.S. due to his sexual orientation: Davit Tatanashvili, Mikheil Kvirikashvili and Davit Razmadze. The Tbilisi City Court imposed the measure of constraint in the form of bail in the amount of 3000 GEL in the case of the accused Davit Tatanashvili. Mikheil Kvirikashvili and Davit Razmadze, as juvenile offenders, were released under the supervision of parents. Currently, the case is being examined in the Tbilisi City Court.

- 5) Please indicate what measures have been taken to ensure that the legitimate right to assemble peacefully and also the related right to freedom of expression is respected and that the physical and psychological integrity of those exercising this right is guaranteed, especially for those espousing or promoting minority views.**

Ensuring protection of human rights by the law-enforcement authorities is one of the priorities and in this regard, the Government of Georgia devotes special attention to the capacity building and training of relevant employees.

At the beginning of 2013, MIA Academy carried out reforms, according to which the duration of the basic training courses for the police officers has been extended from 12 weeks (376 hours) to 20 weeks (600 hours). Academic hours dedicated to some subjects like: criminal law and criminal procedure law, Human Rights, including hate crime and issues of equality, and Code of Police Ethics, administrative law infringement cases, computer skills, general English, physical and tactical training were prolonged.

Ad hoc trainings are also organized for the purpose of capacity building of relevant police units during crowd management situations. The trainings have been organized within the framework of EU and CoE joint project, bilateral cooperation with France and the US. The training cover the topics relevant to crowd management, such as legal grounds, police role and proportional response and

ensuring order and safety of individuals. Bilateral cooperation has been launched with Baltic States to share their experience in ensuring protection of LGBT rights.

**6) Please provide information on measures taken to ensure the security of members of Identoba.**

As it was already elaborated in the overview of the police measures during May 17 manifestation, law-enforcement officers have undertaken all necessary measures in order to ensure the safety of the demonstrators.

After the manifestations, all the complaints lodged have been thoroughly investigated and investigations are still ongoing.

On May 29, 2013, representatives of the MIA Tbilisi Main Division met with the representatives of Public Defender's Office and local LGBT rights organizations. MIA representatives expressed their readiness for cooperation in order to insure the LGBT rights to the highest standards. As a result of the meeting, creation of working group was agreed, which will work in the direction of awareness raising of the law-enforcement officials and capacity building in the area.