

The study is dedicated to the citizens of Georgia who died during the occupation of the Democratic Republic of Georgia by Soviet Russia in February 1921

The study is dedicated to the victims of the police special operation of June 20-21, 2019

An Urgent Need or a Punitive Operation?



Anti-Occupation Protest of June 20, 2019 and the Use of Law Enforcement Equipment in Georgia - An Urgent Action or a Punitive Special Operation?

Tbilisi 2021

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The present study was carried out by the interdisciplinary team of the Center “Empathy”. Doctors, psychologists, sociologists and lawyers of the Center “Empathy” participated in the research.

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The photo by Nikoloz Urushadze is used in the study

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List of Abbreviations

1. Inter – Parliamentary Assembly on Orthodoxy - I.A.O
2. Ministry of Internal Affairs - M.I.A
3. Non-Governmental Organization - NGO
4. The Human Rights Education and Monitoring Center- EMC
5. Statistical Package for Social Sciences - SPSS
6. Legal entity of public law - LEPL
7. Joint stock company - JSC
8. Limited liability Company - LLC
9. International Classification of Diseases - ICD
10. Member of Parliament - MP
11. Etcetera- etc.
12. Persons with disabilities - PWD
13. So called - s.c.
14. So/thus
15. ACPO - Association of Chief Police Officers

I. Introduction: "Gavrilov's Night" and Its Consequences

The present study refers to the events that took place on June 20-21, 2019 in Tbilisi, in the vicinity of the Parliament of Georgia, their outcomes and the launched investigation in the following period. The study also includes a comparative analysis of the national and international standards for the use of special police equipment and the recommendations for improving legislation at the national level.

The trigger for the events of June 20 was the session of the International Organization – Inter -Parliamentary Assembly on Orthodoxy (I.A.O) organized by the ruling political party in the plenary hall of the Parliament of Georgia. The session was chaired by Sergei Gavrilov - member of the State Duma of the Russian Federation and the leader of the Russian Communist Party, from the chair of the Speaker of the Parliament of Georgia, in Russian language.

It should be noted that on June 19, the session of the Inter-parliamentary Assembly on Orthodoxy was opened in the Palace of State Ceremonies (Avlabari Palace) in Tbilisi. The Ambassador of Ukraine to Georgia, Igor Dolgov, left the reception held within the framework of the 26th session of the Assembly ahead of time in an act of protest.

The ruling political party did not change the location of the June 20th session despite the tensions on June 19. The mentioned circumstance was followed by the protest of MPs from pro-western political parties, which made holding the session in the Parliament of Georgia impossible.

Meanwhile, Georgian citizens spontaneously gathered in front of the Parliament building as a sign of protest and a mass demonstration of thousands started at 19:00. The demands concerned the resignation of the Speaker of the Parliament, as well as the issue of responsibility of the Minister of Internal Affairs and the Director of the State Security Service, as the violation of the basic provisions of the Law¹ of Georgia on Occupied Territories was obvious. In particular, at least, Article 8 of the above mentioned law was violated, as the Russian Federation itself represents an occupying power that recognizes the legitimacy of all bodies declared illegal under this Law. In addition, the obligation of the government of Georgia, defined by Article 9(1) of this Law was violated, which implies that the government is responsible to apply all the mechanisms provided by the Georgian legislation and international law in order to protect the legitimate interests and national security of Georgia.

¹ Law of Georgia on Occupied Territories, Article 8 and Article 9 (Parliament, 15/07/2020 Consolidated Version)
<https://matsne.gov.ge/ka/document/view/19132?publication=8>

Peaceful protesters expressed their position. It is noteworthy that for this period, for unknown reasons, entry to the Parliament was restricted to the members of the Parliament of Georgia from the opposition political parties, as well as to the people holding special passes, including journalists, who were expelled from the Parliament building.

The situation tensioned at the demonstration in the vicinity of the Parliament building by 23:50. Opposition MPs and other individuals having entry permission protested against the illegal restriction of their rights and demanded to enter the Parliament. The special police units of the Ministry of Internal Affairs and the other representatives of the law enforcement equipped with active and passive special police means by that time were dislocated at the place of the event. The escalation of the situation was followed by a special operation in order to disperse the demonstration, during which various special police means were used, including rubber bullets, tear gas, water cannons, police batons and special handcuffs. Dispersal of the protest rally, persecution and arrests of protesters lasted almost the whole night, even in areas quite distant from the epicenter of the protest.

It should be noted that the decision to disperse the protest demonstration by special police means was not preceded by any peace negotiations or a warning public statement by the responsible politicians, thus the decision violated national and international standards for the use of special police means, which lead to ill-treatment and mass abuses of human rights.

Based on the official data given in the document provided by the LEPL Emergency Situation Coordination and Urgent Assistance Center², as part of the study carried out by the Center "Empathy", during the night of June 20-21, 202 participants of the protest demonstration received various injuries resulted by the use of special police means. 73 representatives of the special police forces were injured in the clash. According to the mentioned data, a total of 275 people received physical injuries². It should be noted that the given statistical data is insufficient, as it does not contain significant information on how many victims received emergency medical aid on the spot, as well as how many people received outpatient and/or inpatient services during the following days.

According to the study³ carried out by the NGO Georgian Young Lawyers' Association, 28 individuals required surgery, 8 - required ophthalmic surgical operation and 4 - required neurosurgery. It has been confirmed that two citizens lost one eye as a result of the trauma³.

Therefore, 202 civilians, including 38 representatives of media, who were on duty⁴, received various traumatic injuries as a result the use of special police means.

² Letter N12/1783 of 08/06/2020 submitted by the LEPL Emergency Situations Coordination and Urgent Assistance Center

³ Behind the Missing Eye, Legal Assessment of the Events of June 20/21, p. 5. © 2019, Georgian Young Lawyers' Association

According to the official data of the NGO EMC, 275 people were injured on June 20-21, including 187 civilians, up to 40 journalists, 73 police officers. Due to the injuries sustained, 28 individuals required surgery. It has also been confirmed that as a result of the trauma caused by the rubber bullet, two protesters lost an eye, several of the injured suffered significant sight impairment.⁵

In response to the letter of the Center “Empathy” the Head of Administration of the Ministry of Internal Affairs of Georgia defines that 140 individuals were detained according to the administrative code of Georgia and 18 - based on the criminal code of Georgia⁶. “On June 21, the Public Defender publicly demanded to initiate an investigation in terms the use of disproportionate force against protesting citizens, excessive use of force against detainees, violence against journalists and obstruction to media activities. Representatives of the Public Defender visited 116 persons (some of them twice) detained based on the administrative code at the protest demonstration; the office addressed the Prosecutor’s Office on the facts of the alleged ill-treatment in relation to 7 of them. The investigation was initiated simultaneously by two agencies: The Ministry of Internal Affairs - to investigate crimes committed by civilians, and the Prosecutor’s Office to investigate the legality of the actions of law enforcement officers. The Prosecutor’s Office invited the Public Defender to oversee the investigation”.⁷ According to the report of the Public Defender, “On June 22, 2019, the investigation of the criminal case N 074220619801 was initiated in the Investigative Division of the Prosecutor’s Office with the qualification of Article 333(3) (b) of the Criminal Code of Georgia. The purpose of the investigation was to reveal the facts of exceeding official power using violence or weapon by the employees of the Ministry of Internal Affairs of Georgia. Various actions were carried out within the framework of the investigation”.

It should be noted that according to the report of the Georgian Young Lawyers’ Association, 342 individuals were arrested under the Code of Administrative Offenses of Georgia⁸.

According to the above mentioned report of the Public Defender, “respondents define that they did not detain peaceful protesters. According to their testimony, they did not receive the order/permission from the senior officials to harm the citizens, nor did they issue it to the officers subordinated to them. According to the survey, patrol police arrested 151 persons, some of them were released against written acknowledgement. Only few of respondents identified themselves in the video recordings. According to the head of the Criminal Police Department, 65 individuals were

⁴ <https://www.mediachecker.ge/ka/mediagaremo/article/73300-34-dashavebuli-mediis-tsarmomadgeneli-da-zhurnalistebis-protesti-thbilissa-da-12-qalaqshi>

⁵ One year from the events of June 20-21, EMC, p. 2, <https://emc.org.ge/ka/products/erti-tseli-20-21-ivnisis-movlenebidan>

⁶ Response of the Ministry of Internal Affairs to the Letter of the Center EMPATHY, N MIA4 20 01406277, 24/06/2020

⁷ Interim Report on the Investigation of the June 20-21 Events), <http://www.ombudsman.ge/res/docs/2020062612225999085.pdf>

⁸ Behind the Missing Eye, Legal Assessment of the Events of June 20/21, p. 5. © 2019, Georgian Young Lawyers’ Association (42 pages)

detained based on the administrative code, the police mainly chased and dispersed aggressive people, no one issued an illegal order"⁹.

It should be noted that within the framework of the investigation, according to the report of the Public Defender: "On July 2, a forensic examination of 273 individuals was scheduled in order to determine the degree of damage to health, localization, the mechanism of origin, as well as in case of firing - to determine the distance and direction of firing. After September 2019 (as of February 3, 2020), the forensic medical examination report of 45 citizens was received, according to which most of them had minor injuries. According to the findings, there are injuries in various parts of the body, including the head and face, as well as diagnoses of concussion, nasal fracture, closed trauma of the skull, fracture of the skull and facial bones, fracture of the forehead bone. According to the findings, 2 persons were diagnosed with severe, life-threatening health damage. In September, the forensic medical examination of the citizens was submitted to the investigation. 3 of them were diagnosed with less severe injuries, 14 with mild injuries and in 2 cases the degree of damage to health is not specified"¹⁰.

Thus, accurate statistical information on the events of June 20-21, regarding physical or psychological harm, as well as administrative or criminal prosecution of the participants of the protest demonstration is not available. No proceedings were initiated under the article of ill-treatment, which is required by international standards and the case law of the European Court of Human Rights. Furthermore, no forensic medical examination was conducted by a state expert institution in accordance with the standards of the Istanbul Protocol.¹¹

The June 20-21 protest demonstration and its bloody crackdown was later referred to by the media and during political debates as "Gavrilov's Night", followed by a series of protests demanding the resignation of the Minister of Internal Affairs, Giorgi Gakharia, and a fully proportional electoral system. These events were followed by the formal resignation of the Speaker of Parliament, the promotion of the Minister of Internal Affairs to the position of Prime Minister and the failure to fulfill the promise of proportional elections. The Prosecutor's Office of Georgia did not consider it expedient to investigate the factual circumstances of the initiation of "Gavrilov's Night", in particular, to find out how the session of the Inter-parliamentary General Assembly on Orthodoxy (I.A.O) was arranged with the participation of the representative of the aggressor state's legislative

⁹ Interim Report on the investigation of the June 20-21 Events), <http://www.ombudsman.ge/res/docs/2020062612225999085.pdf> (17 p.)

¹⁰ Interim Report on the investigation of the June 20-21 Events), <http://www.ombudsman.ge/res/docs/2020062612225999085.pdf> (20 p.)

¹¹ Istanbul Protocol: The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <https://el.ge/articles/4627>

body in the Parliament of Georgia, which endangered the work of the Parliament of Georgia and led to destabilization followed by spontaneous public protests, dispersal of protesters and, in some cases, permanent maiming of Georgian citizens.

II. Study Methodology

The following methodology was used by the Center “Empathy” for the given research:

1. Information analysis, which includes gathering information about the events of June 20-21, 2019, as well as the analysis of publications and open-source materials;
2. Requesting the written information from the medical institutions, as well as gathering data from the state organizations;
3. This study includes the elaboration of a multi-profile questionnaire by the Center “Empathy” - "Multi-profile survey questionnaire¹² for victims of June 20-21, 2019". The document was elaborated in accordance with the principles of the Istanbul Protocol. The questionnaire is mixed, including both open-ended and closed-ended questions; consists of 6 chapters: Chapter I includes general information about the respondent; Chapter II provides a history of torture and/or ill-treatment; Chapter III describes the physical and psychological acute after-effects of the traumatic stress event; Chapter IV includes medical aid during the acute period; Chapter V includes the chronic consequences and medical aid one month later the traumatic-stressful event; and Chapter VI contains information on the effectiveness of the investigation.
4. The study includes statistical data collection: during the study 30 respondents were voluntarily interviewed, those who applied to the Center “Empathy” and participated in the study. Data has been statistically processed and analyzed using SPSS¹³ statistical program. Data analysis includes both quantitative analysis and qualitative study.
5. The legal basis for the use of special police means in Georgia, as well as international standards and practice, relevant decisions of the European Court of Human Rights were reviewed for the study. A comparative analysis of national and international standards was carried out and recommendations for harmonization of national standards with international regulations were developed.

¹² June 20/21, 2019 (Gavrilov's Night) Victim Multi - Profile Survey Questionnaire

¹³ SPSS Statistics is a software package used for interactive, or batched, statistical analysis. Long produced by SPSS Inc., it was acquired by IBM in 2009. Current versions (post 2015) have the brand name: IBM SPSS Statistics.

The software name originally stood for Statistical Package for the Social Sciences (SPSS), reflecting the original market, then later changed to Statistical Product and Service Solutions. <https://en.wikipedia.org/wiki/SPSS>

6. Analysis of the legislative framework and the relevant recommendation for the use of special police equipment and complex expertise in investigations were prepared.

III. Study Results

3.1. Analysis and Transparency of Information received from the State Organizations and Clinics

As part of the study, the Center “Empathy” requested a written information about the victims of Gavrilov’s Night from the following state and non-state organizations:

1. Medical documentation and statistical information from 24 clinics;
2. Statistical information from the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia;
3. From LEPL Emergency Situations Coordination and Urgent Assistance Center;
4. From LEPL Public Security Management Center - 112;
5. From the Temporary Detention Department of the Ministry of Internal Affairs;
6. From the Administration of the Ministry of Internal Affairs;
7. From the Minister of Internal Affairs of Georgia;
8. From the Legal Department of the Ministry of Internal Affairs of Georgia;
9. From the Department of Human Rights Protection and Quality Monitoring of the Investigation of the MIA;
10. From the Special Tasks Department of the Ministry of Internal Affairs;
11. From the Prosecutor’s Office of Georgia;
12. From the Director General of the Special Penitentiary Service of the Ministry of Justice of Georgia.

Total of 39 letters were sent.

It should be noted that in response to the letters sent by the Center “Empathy” to 24 clinics, information was received only from 7 of them. The two clinics (from 7) defined that they did not receive patients with injuries during the night of June 20-21.

Data from other clinics was categorized as follows:

N	Institution (clinics)	Number of victims - civilians	Number of victims - MIA officers	Total	Diagnoses	Report to the Ministry of Internal Affairs	Seizure of documents
	29/05/20-16/06/2020						
1	JSC Medical Corporation Evex - Traumatology Hospital	4	3	9	7	9	9
2	JSC Evex Hospitals, I. Bokeria Referral Hospital	1	0	1	0	1	1
3	LLC Khechinashvili University Clinic	17	1	18	18	17	18
4	LLC Georgian-Dutch Hospital	1	0	1	Unspecified gas intoxication	No response	1
5	LLC Rustavi Clinic	2	0	2	Submitted diagnoses	2	1
		25	4	31			

Submitted diagnoses:

JSC Medical Corporation Evex - Traumatology Hospital

N	Diagnoses of only 7 patients, two refused services, the reason is unknown	Codes ICD - 10 ¹⁴	Number of patients/sequence, for total of 7 patients
1			
1.1.	Contusion of ankle	S 90.0.	1
1.2.	Contusion of other and unspecified parts of foot, bruising of the soft tissues of the right foot	S 90.3.	1
1.3.	Residual foreign body in soft tissue, foreign body around the left buttock	M79.5.	2
1.4	Open wound of trunk, level unspecified, an open wound in the area of the left buttock at an unspecified level	T 09.1.	2
1.5.	Superficial trauma to other parts of the neck, superficial trauma to the neck area, excoriation in the neck area	S 10.8.	2
1.2.	Superficial trauma to an unspecified area of the body, multiple superficial wounds on the body	T 14.0.	2

¹⁴ ICD – 10 <http://classifications.moh.gov.ge/Classifications/Pages/ViewICD10.aspx>

1.6.	Fracture of other toes of the foot, fracture of the third fingernail flange of the right foot with acceptable positioning	S 92.5	3
1.7.	Concussion of the brain	S 06.0.	4
1.8.	Toxic effects of smoke and vapor of other specified gases. Toxic effects of smoke and steam of other gases	T 59.8.	5
1.9.	Superficial trauma to an unspecified area of the body, multiple excoriations of the body	T 14.0	5
1.10.	Superficial trauma to other parts of the head, superficial trauma of the head	S 00.8.	6
1.11.	Bruising of other and unspecified parts of forearm, bruising of soft tissue around left forearm	S 50.1.	6
1.12.	Radiological examination, not included in other sections, CT scan of the brain	Z 01.6.	6
1.13.	Chest injuries, chest closed injury, soft tissue bruising	S 20.2.	7

According to LLC S.Khechinashvili University Clinic:

15 out of 18 affected persons had traumatic injuries of various areas of the body; 1 person was an officer of the Ministry of Internal Affairs - diagnosed with: concussion, superficial injury of shoulder girdle and shoulder; in case of 3 persons, the toxic effects of gases and smoke were observed.

LLC "Clinic Rustavi"

According to the information provided by the mentioned clinic: as a result of injuries received at the protest demonstration on June 21, 2019 (rubber bullets and wounds inflicted by a foreign object), two patients applied to the clinic: one of them was transferred by the emergency ambulance crew and the other applied himself/herself.

The diagnoses:

1. Case: post-surgical treatment of wounds, Z 48.9. Tetanus immunization active and passive - Z 23.5
2. Case: closed trauma to the brain - S 600143;
Concussion of the brain - S 06.0;
Superficial trauma to the head-S 00.0.

In accordance with Order N239/n of the Minister of Labor, Health and Social Affairs of Georgia, a notification was sent regarding the both patients to the Ministry of Internal Affairs. As

part of the investigation, the Prosecutor's Office seized medical documentation for the second patient.

Hence, the information received from the clinics is scarce. We can conclude that as a result of the dispersal of the protest demonstration on June 20-21, 2019 by special police means, both civilians and MIA staff received traumatic injuries, including wounds from rubber bullets and other items the effects of indefinite gas poisoning have been reported, as well as the effects of traumatic brain injury. Data was received on 31 patients, 25 of them were civilians and 4 were officers of the Ministry of Internal Affairs. According to Order N239/n¹⁵ of the Minister of Health, notification about almost all patients from the mentioned clinics was sent to the Ministry of Internal Affairs, however, in one case the information about the officer of the Ministry of Internal Affairs was not provided to the Ministry. The original copies of the medical documentation was obtained by the investigation. It should be noted that the Center "Empathy", with the informed consent of patients, requested certified copies of medical records from clinics, which were necessary for the examination according to the Istanbul Protocol, however, the responses revealed that in most cases the original documents were obtained by the Prosecutor's Office based on the court order, and even copies were not found in the clinics. Only medical Form N100, which provides brief information about health, was available for some patients.

It was impossible for the Center "Empathy" to obtain the information from the Prosecutor's Office, even with the patient's consent. According to the Prosecutor's Office, the victim or a person who is not recognized as a victim is not entitled to have an adequate access to criminal case materials, including medical documentation. It should be noted that the current approach violates international standards of investigation and documentation in cases of suspicion on ill-treatment, as well as the Law of Georgia on Patients' Rights¹⁶, which states that the patient and his/her representative have the right to receive any information about his/her health condition.

It should be noted that in response to the application of the Center "Empathy" no statistical segregated data on the number of individuals injured during the dispersal of the protest demonstration in front of the Parliament building on June 20-21 using special policing means was received from the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia. In addition, statistical information was requested from the Public Security Management Center-112 of the Ministry of Internal Affairs, and it was found that 112 is not responsible for such statistical information - their function is redirecting only the primary information received.

¹⁵ Order N239/n of the Minister of Health

¹⁶ Law of Georgia "On patients' rights"

On June 6, 2020, the Center “Empathy” applied to the LEPL Center for Emergency Situations Coordination and Urgent Assistance, from which it requested the following information¹⁷:

1. How many individuals injured as a result of the police action of June 20-21, 2019 received an emergency assistance and how many people with traumatic injuries were transported to a medical facility by the ambulance brigade? How many out of given total indicator were civilians and how many were officers of the different units of the Ministry of Internal Affairs of Georgia?
2. To which medical institutions were the injured individuals transported and how many patients were taken to each clinic?
3. Please, provide statistical information on how many cases the relevant notification was sent by the ambulance brigades to the Ministry of Internal Affairs of Georgia, in accordance with the instruction laid down by the Order N 239/n of the Minister of Labor, Health and Social Affairs of Georgia about the persons injured as a result of the events of June 20-21, 2019 in the vicinity of the Parliament of Georgia?

The Center “Empathy” requested answers to these questions (statistical information) separately about civilians and officers of the Ministry of Internal Affairs of Georgia.

The Center “Empathy” received the answers to only the first two questions from the letter, and regarding the third request, the agency clarified that statistical information as to the number of cases on which the relevant notification was sent by the ambulance brigades to the Ministry of Internal Affairs is available only in clinics. Also, no information was provided on how many patients received outpatient aid as a result of the dispersal of the protest demonstration by the police on June 20-21.

According to LEPL Center for Emergency Situations Coordination and Urgent Assistance:

N	Information provided by LEPL Center for Emergency Situations Coordination and Urgent Assistance	Names of clinics and number of patients transferred to them	Number of civilians from the given total	Number of employees of the Ministry of Internal Affairs from the given total indicator
1	Ingorokva University Clinic, LLC University Clinic of High Medical Technologies	46	44	2

¹⁷ On June 6, 2020, the Center “Empathy” also applied to LEPL Emergency Situations Coordination and Urgent Assistance Center.

2	Acad. O. Ghudushauri National Medical Center	13	11	2
3	LLC Amtel Hospital	14	14	0
4	Caucasus Medical Center (Evex Clinic)/Regional Hospital	55	6	49
5	LLC Alexander Aladashvili Clinic	31	29	2
6	Elizabeth Blackwell Hospital	0	0	
7	LLC Academician Kipshidze Central University Clinic	23	22	1
8	JSC Medical Corporation Evex - Traumatology Hospital	7	3	4
9	Aversi Clinic	1	0	1
10	LLC Geo Hospitals	0	0	0
11	K. Eristavi National Center for Surgery	13	9	4
12	LLC New Hospitals	24	23	1
13	Javrishvili Clinic Oftalmij	0	0	0
14	Eye Clinic Akhali Mzera	0	0	0
15	JSC Evex Hospitals, I. Bokeria Referral Hospital	2	1	1
16	LEPL TSMU First University Clinic	5	3	2
17	LLC Emergency Surgery and Traumatology Center	2	2	0
18	LLC Tbilisi Central Hospital	3	3	0
19	LLC S. Khechinashvili University Clinic	17	17	0
20	LLC Ghia Guli/5th Clinical Hospital	5	5	0
21	LLC St. Michael the Archangel Multidisciplinary Clinical Hospital	11	9	2
22	LLC Georgian-Dutch Hospital	1	1	0
23	LLC Clinic Rustavi	1	0	1
24	LEPL G. Abramishvili Military Hospital of the Ministry of Defense	1	0	1
Total		275	202	73

Thus, 20 clinics in the hospital sector provided services to 202 civilians and 73 officers of the Ministry of Internal Affairs injured during June 20-21 police action. Data on outpatient services and diagnostic statistics is unknown. Consequently, the exact data on the victims of June 20-21 protest demonstration and their diagnoses remains unknown.

It should be noted that within the framework of the study, the Center “Empathy” applied in writing (letter N 31-05/20 29.05.2020)¹⁸ to various structural units of the Ministry of Internal Affairs of Georgia. Due to the importance of the issue, the content of the letter is given in full:

1. What kind of special police means were used by the relevant units of the Ministry of Internal Affairs of Georgia on June 20-21, 2019, during the police action to disperse the protest demonstration on the territory adjacent to the building of the Parliament of Georgia? Please specify the types of the used special police equipment, indicating the manufacturer, serial numbers and technical specifications. Also, please indicate when and from which manufacturer these special police equipment was purchased.
2. Please provide information on whether the personnel of the Patrol Police Department of the Ministry of Internal Affairs of Georgia, the Central Criminal Police Department and the Special Tasks Department received any special practical training on the dispersal of protest demonstrations. If the staff of the above units are regularly trained, or have ever received this type of training, please indicate the specifics of the training, theoretical and practical modules, the intensity and dates of the training and issues covered by the training course.
3. Please provide information on the number of civilians and the number of the officers of the Ministry of Internal Affairs of Georgia injured on June 20-21, 2019, during the dispersal of the protest demonstration near the building of the Parliament of Georgia and after the end of the police operation. According to your information, how many civilians and police officers were injured as a result of the special police operation and to which clinics were they taken? Please indicate the name of the clinic and the number of people accommodated. (For the purposes of personal data protection, the organization does not require the indication of first and last names as well as other identifying information).
4. Is there a written order to conduct the special police operation to disperse the ongoing protest demonstration on June 20-21, 2019 in the vicinity of the building of the Parliament of Georgia? If so, please indicate the number of the order and the source of access, and/or please provide it as a document.
5. On June 20-21, 2019, during or after the police action in the vicinity of the building of the Parliament of Georgia, how many persons were notified to the Ministry of Internal Affairs of Georgia in accordance with the instruction laid down by Order 239/n of the Minister of Labor, Health and Social Affairs of Georgia, from different medical institutions of Georgia, on how many cases has the Ministry of Internal Affairs initiated the relevant legal proceedings

¹⁸ Letter of the Center “Empathy” to the MIA (N 31-05/20, 29/05/2020)

and how many cases are still pending? (Indicate the number of civilians and officers of the Ministry of Internal Affairs of Georgia).

6. Was the personnel of the Special Tasks Department of the Ministry of Internal Affairs of Georgia equipped with special identification marks during the police operation held on June 20-21, 2019 in the vicinity of the building of the Parliament of Georgia and was there a legal obligation to equip the above-mentioned unit of the Ministry of Internal Affairs with such identification marks? If the Special Force Unit personnel was equipped with such identification marks and numbers, please indicate in detail the components of the equipment by which civilians could identify the Special Force personnel.

In response to this letter, the Center “Empathy” received the letter from the Head of the Administration of the Ministry of Internal Affairs, which, taking into consideration the importance of the issue, is given in full:

Response of Ketevan Tkeshelashvili, Head of the Administration (Department) of the Ministry of Internal Affairs (MIA 4 20 01406277, 24/06/20)¹⁹:

“In response to the statements N 31-05/20 and 37-06/20 of 2020, within the competence of the Ministry of Internal Affairs of Georgia (hereinafter - the Ministry) we would like to inform you that according to Article 33(1) of the Law of Georgia on Police, the police uses passive and active special means to protect public safety, law and order. According to paragraph 2 of the same article, passive special means ensure protection of the life and health of the police officer and/or the person to be protected by him/her. Such special means are: body armor, helmet, shield, gas mask and other special means of body protection. On June 20-21, 2019, for the purposes of protection and restoration of public safety, law and order, the officers of the Ministry were given passive special means, namely helmets, shields, body armor and passive means of defense for mass management - the so-called "Robocop" uniform. In addition, Article 33(3) of the Law of Georgia on Police defines the types of active special means permitted by law, which include handcuffs, special batons, tear gas, pepper spray, non-lethal weapons, water cannons, etc., which deprive a person of the ability to resist a police officer for a short period of time or assist a police officer in performing the police function. During the gathering and demonstration held on Rustaveli Avenue in Tbilisi on June 20-21, 2019, the officers of the Ministry were equipped with the above-mentioned special means in order to protect and restore public order.

¹⁹ Response of Ketevan Tkeshelashvili, Head of the Administration (Department) of the Ministry of Internal Affairs (MIA 4 20 01406277, 24/06/20)

As for the date of purchase of special equipment, we would like to inform you that the last purchase by the Ministry was made on August 6, 2012.

Moreover, in order to prevent the facts of arbitrary restriction of liberty and violence and to respond effectively to such cases during and after the peaceful assembly and demonstration, the Legal Entity of Public Law-the Academy of the Ministry conducts both basic and special training programs in accordance with national and international standards of police training. Particular attention is paid to the understanding and fulfillment of the positive obligation of the state to protect the rights of the participants of the assembly-demonstration and to ensure their safety. During the training, the following important issues are discussed:

- The essence and definition of freedom of assembly and demonstration in accordance with national and international law;
- Restrictions on gatherings and demonstrations provided by the law;
- The use of force during rallies and demonstrations;
- The role and importance of the police in protecting basic human right.

In addition, one of the most important functions of the Special Tasks Department of the Ministry is to protect public safety, law and order during rallies, demonstrations and other mass events. Accordingly, the staff of the Special Tasks Department of the Ministry is constantly provided by the advance training courses in mass management. At the end of each year, the Operational Planning and Management Division of the mentioned Department prepares a program of training and combat courses for the coming year. An important part of the above program is teaching of special tactics (mass management), which includes both theoretical and practical training in the following areas:

- Law of Georgia on Police;
- Guidelines for the conduct of the Ministry's staff during meetings and demonstrations;
- Dynamics of the masses;
- People management operations;
- Use of force;
- Negotiations;
- Media relations;
- Decision-making process during mass management activities;
- Special means;

- Purpose and use of individual means;
- Methods when using physical force, painful methods;
- Practical lessons on the use of water cannons (for the crew of special vehicles);
- Subdivision structure, subdivision formation and tactics to be used (non-violent);
- Unit replacement exercises;
- Training in the structural unit, tactics to be used to restore public order;
- Subdivision movement, formation and tactics to be used;
- Rules for the use of non-lethal weapons and hand grenades and shooting methods;
- Tactics for acting on stadium stands;
- Tactical movements using special equipment;
- Movements using armored vehicles.

We would also like to inform you that on June 20-21, 2019, 72 officers of the Ministry were injured during the protest demonstration in front of the building of the Parliament of Georgia.

Moreover, on June 20, 2019, no written order was issued to cease the meeting on Rustaveli Avenue, in front of the Parliament building, however we would like to inform you that according to the first, second and third paragraphs of Article 5 of the "Guiding Principles of Conduct of Servants of the Ministry of Internal Affairs of Georgia" approved by the Order N1002 of December 30, 2015 of the Minister of Internal Affairs of Georgia, as a rule, a security action plan is developed during the assembly/demonstration and in case of spontaneous assembly/manifestation, a security plan is developed within a reasonable timeframe from the beginning of the assembly/manifestation. The action plan is approved by the Minister of Internal Affairs of Georgia or an authorized person designated by him/her in compliance with the requirements of state secrets. The action plan, among other issues, reflects data on the relevant units of the Ministry participating in the special operation process, their functions and sequence of actions; the number of personnel, etc.

Please be informed that all officers of the Ministry wore uniforms at the demonstration place, which made it possible to identify them as law enforcement officers.

Also, based on the information provided by the Temporary Detention Department of the Ministry, we would like to inform you that in connection with the police action conducted on June 20-21, 2019 in the vicinity of the Parliament building, 140 people were detained based on the administrative law in the temporary detention isolators of the mentioned Department and 18 people were arrested

under criminal law. 32 out of these individuals had traumatic injuries, which were mainly manifested in the form of hemorrhages, bruises, scratches (excoriations), non-bleeding wounds, pain in various areas of the body.

Due to bodily injuries and traumas, 10 people received first aid in the temporary detention isolators of the Temporary Detention Department of the Ministry, one of them was referred to the clinic for specialist consultation and outpatient services.

In addition, the traumatic injuries on the bodies of the above-mentioned 32 persons were reported to the relevant investigative body. As for the initiation of the legal proceedings on the basis of the above-mentioned notifications, we would like to inform you that the mentioned issue is beyond the competence of the Ministry.”

It is evident from the above that: 1) special police means were used to disperse the protest demonstration near the building of the Parliament of Georgia on June 20-21 without the order of senior officials, according to the general approved plan, which violates international standards for the use of special police means; 2) the letter states that there is no written document regarding the dispersal of the protest demonstration; 3) the officers of the Special Force did not have personal identification numbers and/or any other identification marks, therefore, it is unclear how a person should be identified in case of an alleged crime; 4) it is not clear from the letter which investigative agency was informed about the injuries of 32 civilians and how the investigation was conducted.

On May 29, 2020, the Center “Empathy” addressed a letter to the Prosecutor’s Office²⁰ of Georgia requesting the following information:

„1. How many criminal cases are pending in the Prosecutor's Office of Georgia at the moment in connection with the injuries received as a result of the police action held during the dispersal of the protest demonstration on June 20-21, 2019, near the building of the Parliament of Georgia?

2. How many people were assigned the status of a victim on June 20-21, 2019, in connection with the injuries sustained during the police action held to disperse the protest demonstration in the vicinity of the building of the Parliament of Georgia? From the given total indicator, how many are civilians and how many are the officers of different divisions of the Ministry of Internal Affairs of Georgia?

²⁰ 29.05.2020, to the Prosecutor General of Georgia, Mr. Irakli Shotadze, statement of Non-entrepreneurial (Non-commercial) Legal Entity International Center for Mental Rehabilitation of Victims of Violence, Torture and Stress Exposure "Empathy" N32-05/20

3. How many people were charged on June 20-21, 2019, on the fact of possible excessive use of force during the police action to disperse the protest demonstration near the building of the Parliament of Georgia?

4. How many people were charged in connection with the events that took place on June 20-21, 2019 in the vicinity of the building of the Parliament of Georgia? From the given total indicator, how many are civilians and how many are the officers of different divisions of the Ministry of Internal Affairs of Georgia?

5. During the investigation of the events of June 20-21, 2019, how many people underwent forensic medical examination according to international standards and/or complex-commission examination? From the given total indicator, how many are civilians and how many are the officers of different divisions of the Ministry of Internal Affairs of Georgia?

6. Please provide statistical information on the number and name of medical institutions from which medical documentation related to the person was withdrawn during the investigation of the events of June 20-21, 2019. From the given total indicator, how many are civilians and how many are employees of the different units of the Ministry of Internal Affairs of Georgia?

7. Please provide statistical information on the number of civilians and employees of the Ministry of Internal Affairs of Georgia interviewed by the Prosecutor's Office of Georgia during the investigation of the events of June 20-21, 2019.

Please provide answers to these questions (statistical information) separately about civilians and the officers of the Ministry of Internal Affairs of Georgia.

Please provide the requested information in writing as soon as possible“.

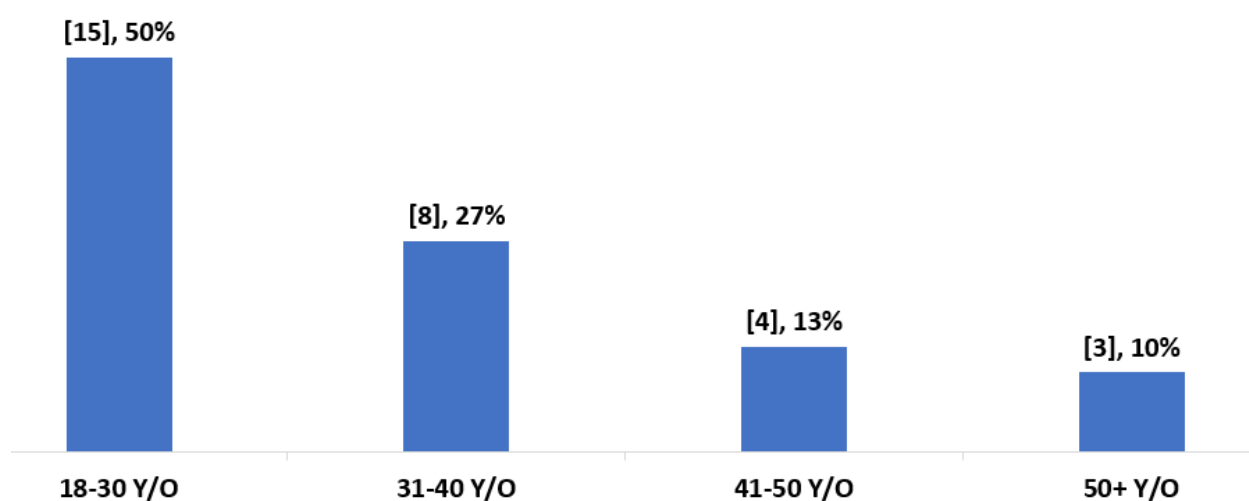
The Center “Empathy” did not receive any response to the mentioned letter. Thus, information requested by the Center from the Ministry of Health, the Special Penitentiary Service and the Prosecutor's Office of Georgia remained unanswered. This indicates to the inefficiency and bias of the investigation. In addition, we would like to clarify that the Center “Empathy” has repeatedly applied to the investigative agencies and the court regarding certain cases, however, to no avail, subsequently, one of the cases has been referred by the Center “Empathy” to the European Court of Human Rights. Other cases are also being prepared for submission to the European Court of Human Rights.

3.2 Statistical Analysis of the Data obtained from the Multi-Profile Questionnaire of the Center “Empathy” (the presented Diagrams are numbered according to the Numbering of the Tables in the given Questionnaire)

1. General Data

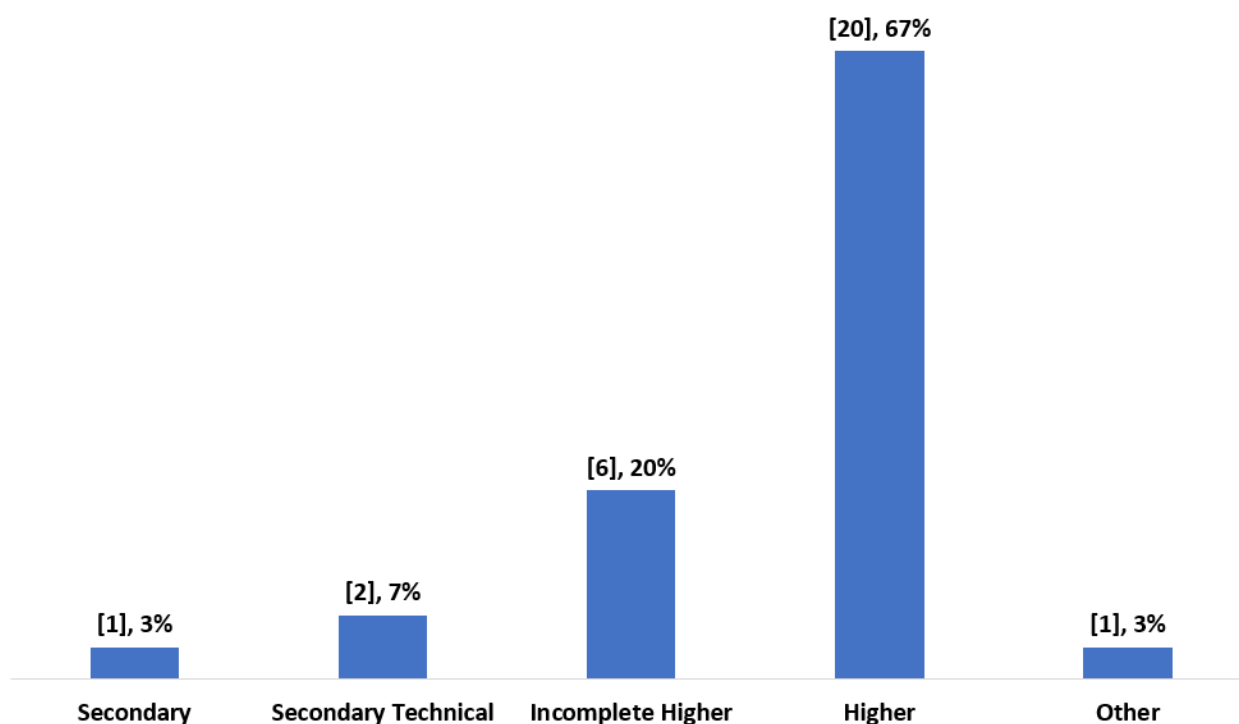
The survey was conducted on 30 beneficiaries who had various experiences of trauma as a result of the use of the special police means at the protest demonstration on June 20-21. The study was carried out from May 27, 2020 to September 3, 2020.

Graphic № 1.1.5. Age Category of the Respondents
[Frequency], %



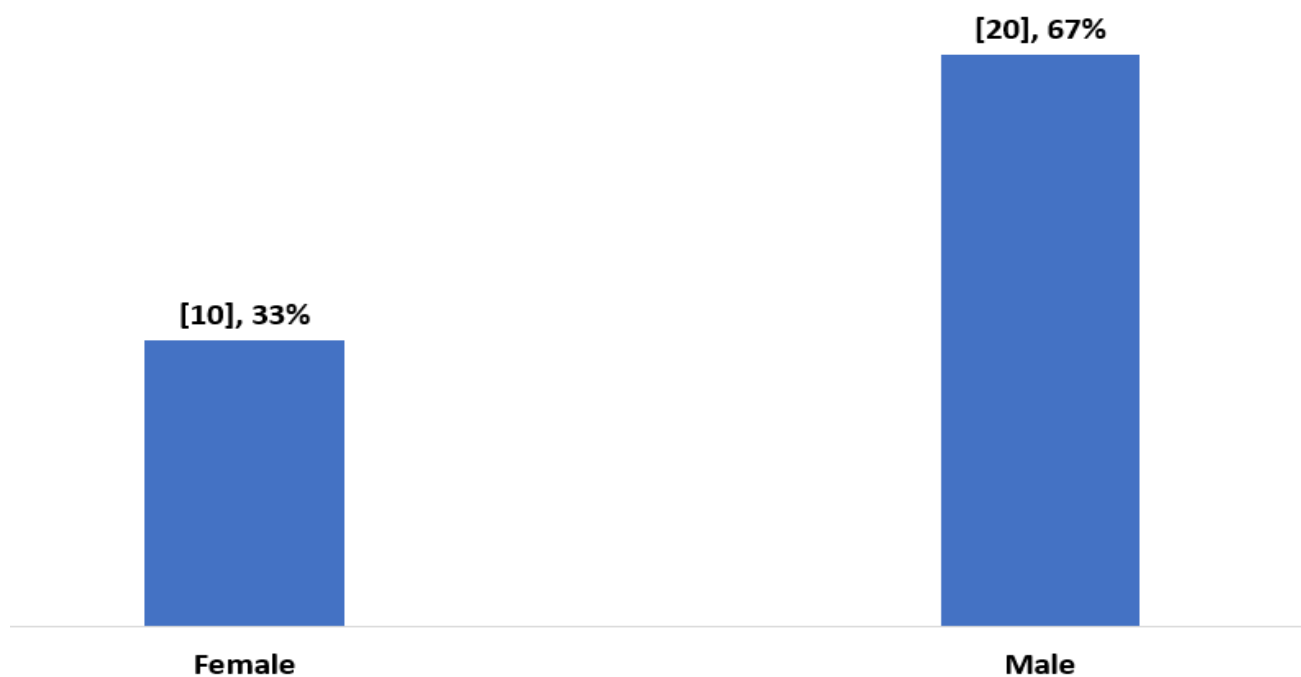
The majority of respondents - 77% were under the age of 40, and 50% of the victims at the protest demonstration were aged 18-30; 23% were aged 41-50 and above.

Graphic № 1.1.8. Level of Education of the Respondents
[Frequency], %

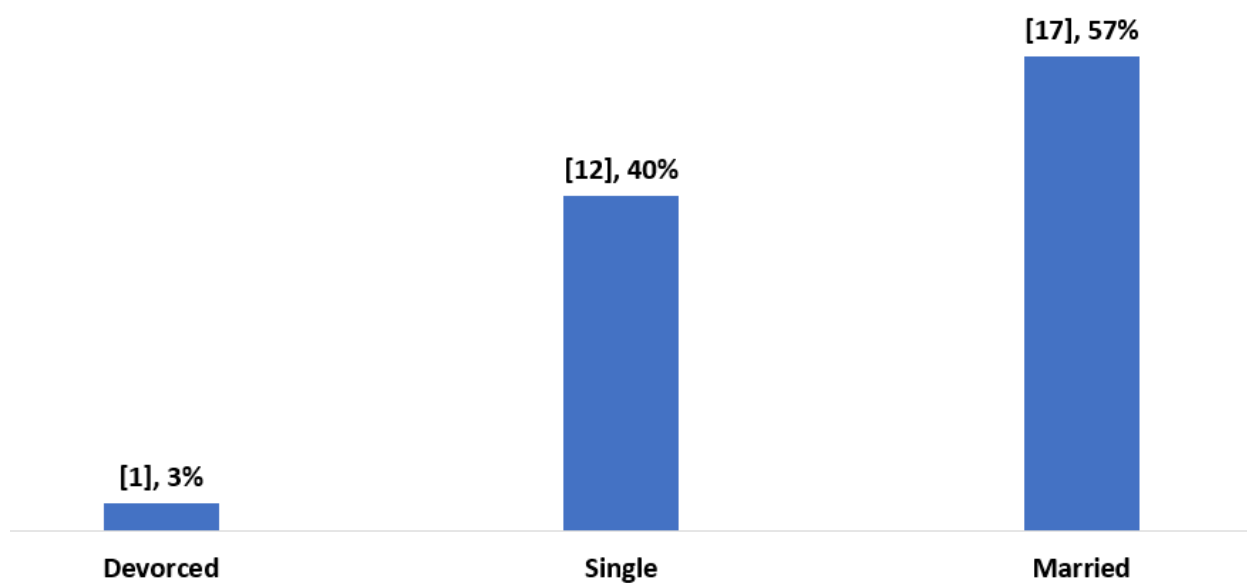


According to the Table N1.1.8., 67% of the respondents had higher education. 67% of the respondents were male and 33% were female. 57% of them were married, 3% were divorced and 40% were single. According to the Table N1.1.14., 1 person (3%) had the status of a person with disabilities before the raid, and 97% of the respondents were practically healthy. 100% of the respondents (Table N1.1.18.) did not have the status of a person below the poverty line.

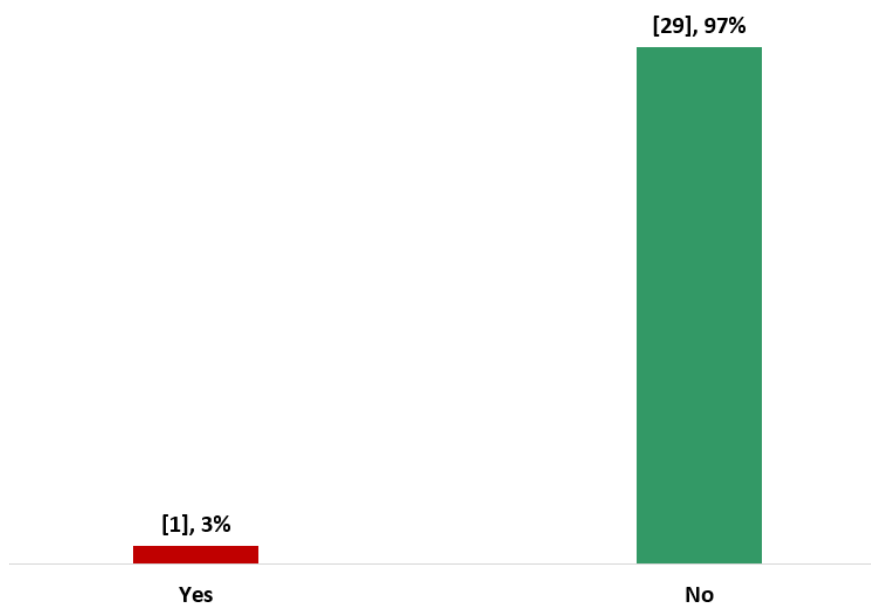
Graphic № 1.1.12. Gender of the Respondents
[Frequency], %



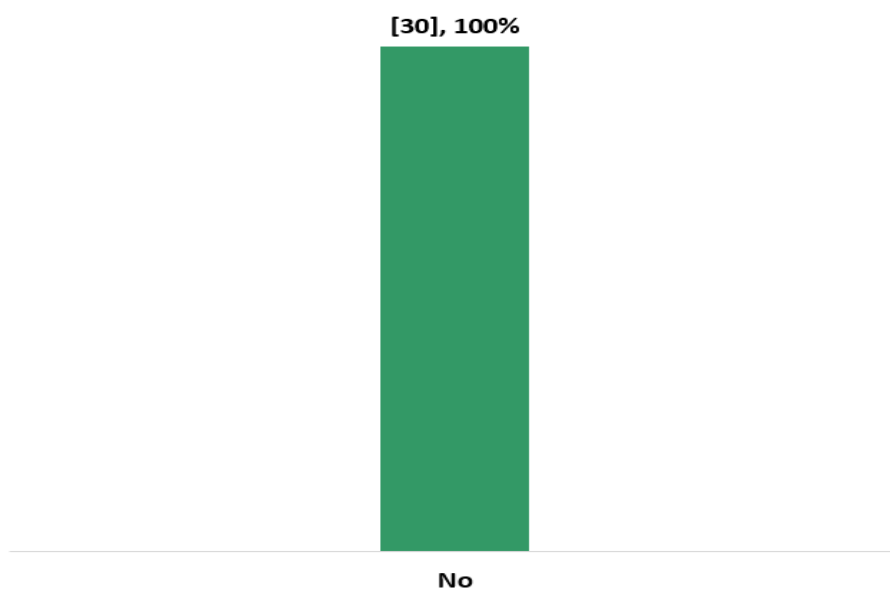
Graphic № 1.1.13. Marital Status of the Respondents
[Frequency], %



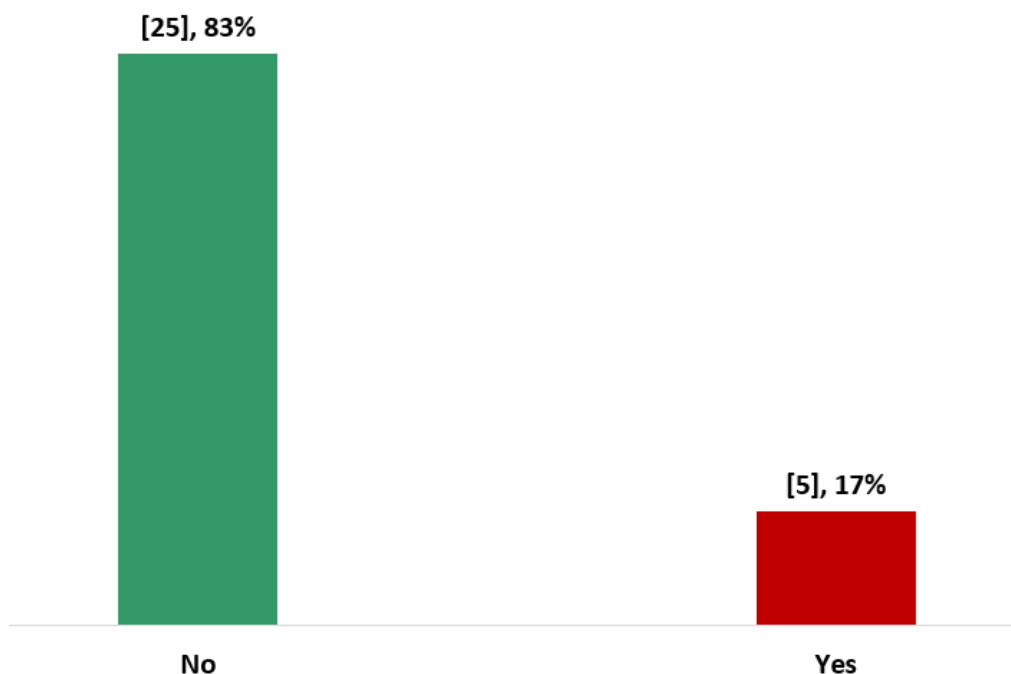
Graphic № 1.1.14. Respondents' Disability Status
[Frequency], %



Graphic № 1.1.18. Family with Status beyond the Poverty Line
[Frequency], %

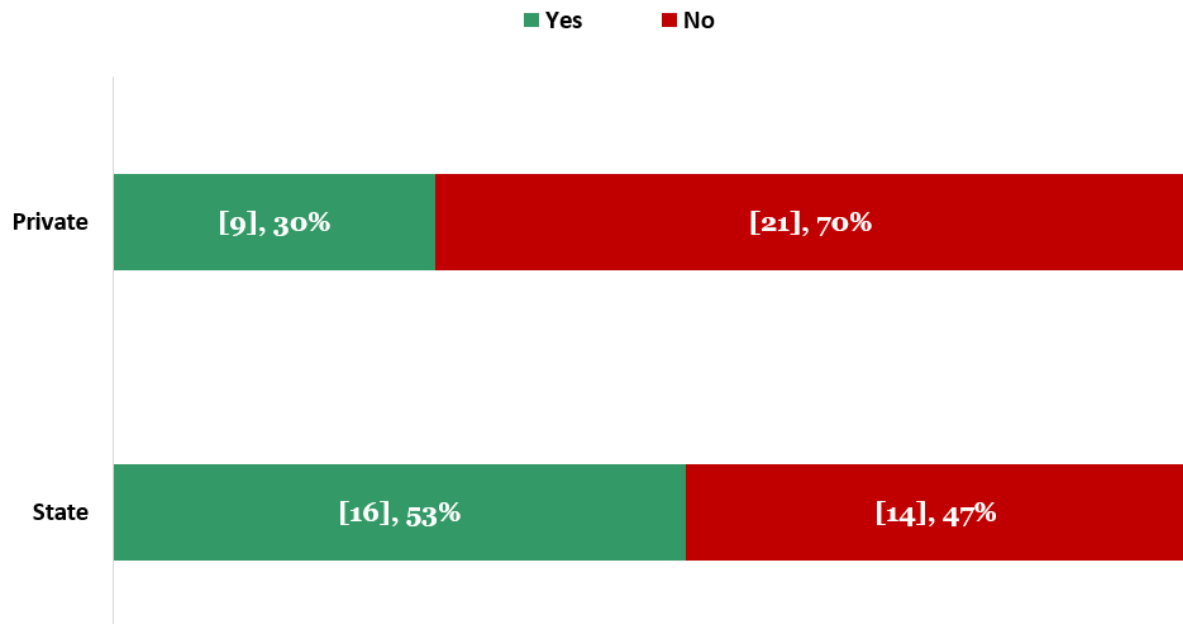


Graphic № 1.1.19. Allergy
(Medicines, Food and other Type of Reaction)
[Frequency], %



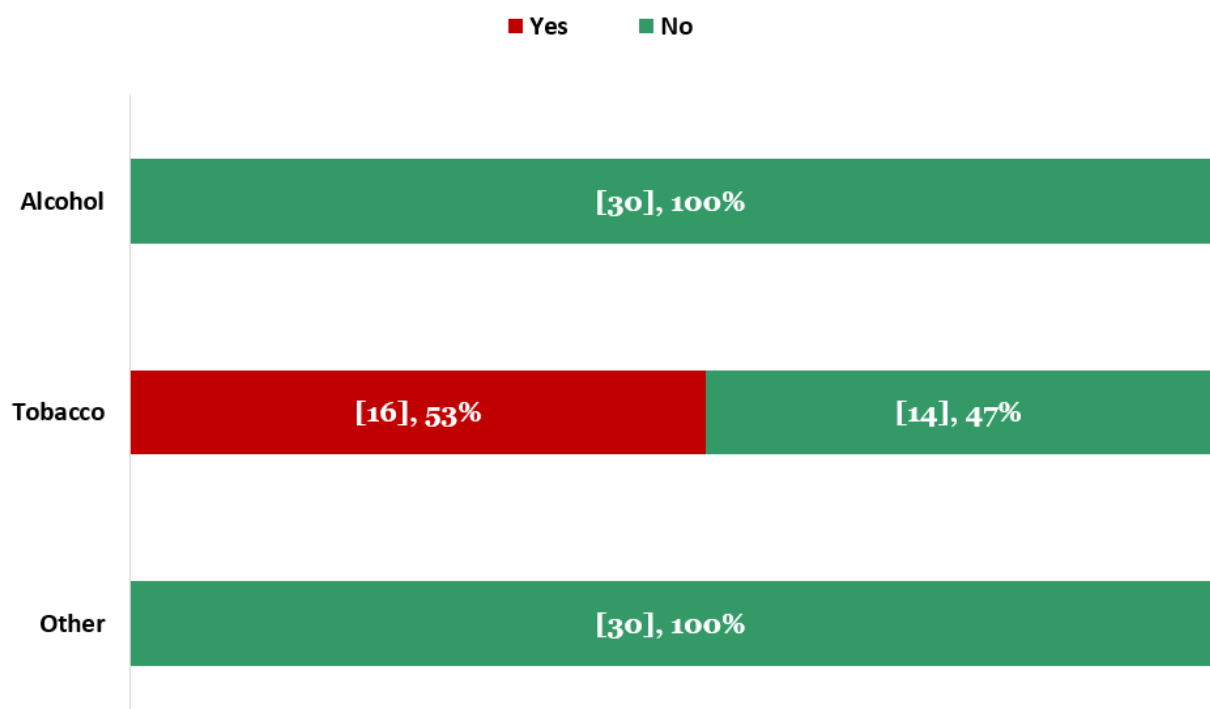
Thus (Table N1.1.19.) 17% of the respondents were diagnosed with allergies according to anamnestic data, which might be caused by special policing means, in particular, health deterioration in case of "pepper gas" intoxication. Also, as a result of the study, the examination of the initial anamnesis revealed that 63% of the respondents had undergone surgery before the case of June 20-21, and 63% - various infectious diseases, 80% of the respondents did not have any chronic diseases. **Thus, the majority of victims were psychologically and physically healthy before the use of special policing means on June 20-21, and about 20% were at risk for disease exacerbation.**

Graphic № 1.1.24. Medical Insurance
[Frequency], %

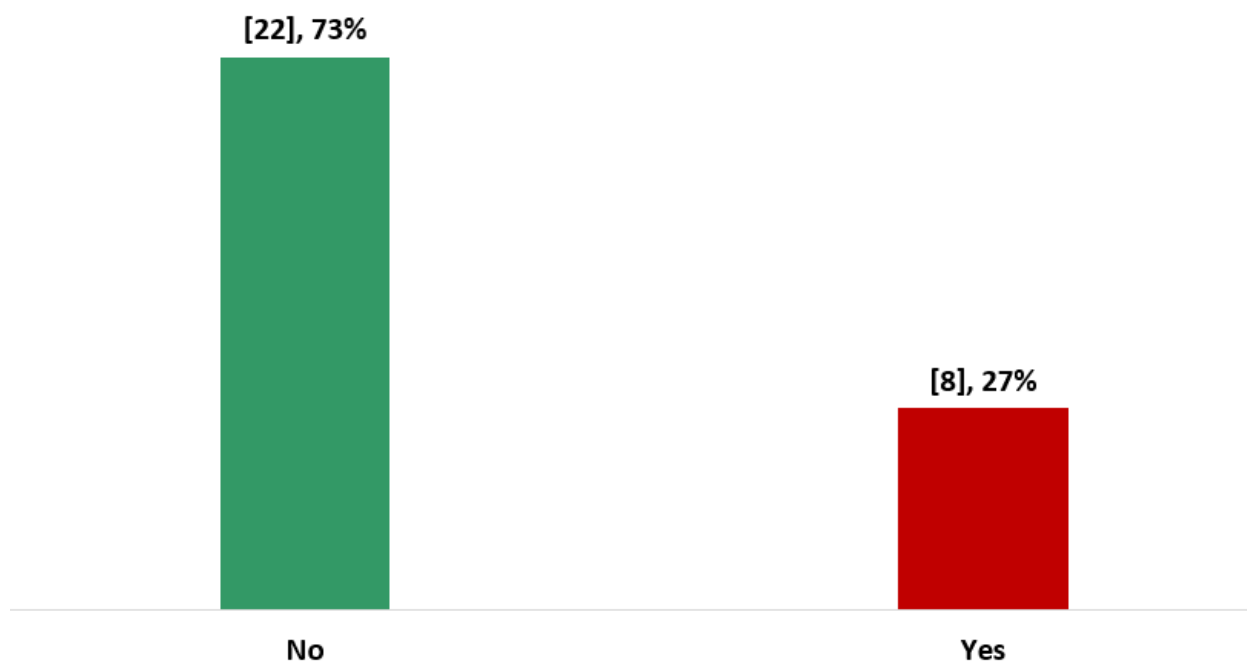


30% of respondents had private medical insurance, 53% had state universal insurance, and 17% had no medical insurance.

Graphic № 1.1.2.3. Bad Habits: Addiction Problems
[Frequency], %

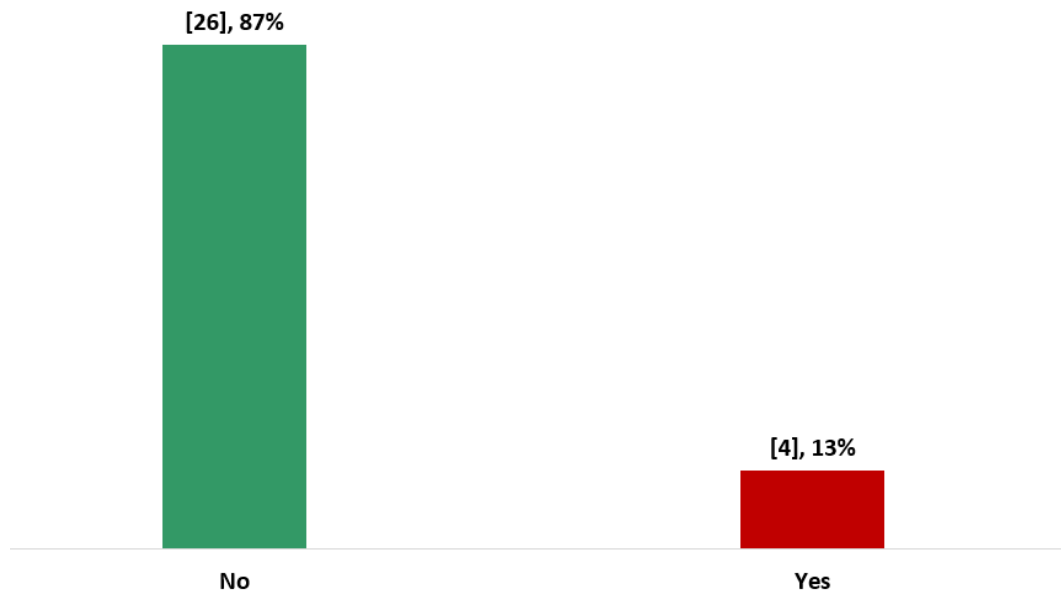


Graphic №1.1.25. Did you have a Sleep Problem before June 20/21?
[Frequency], %



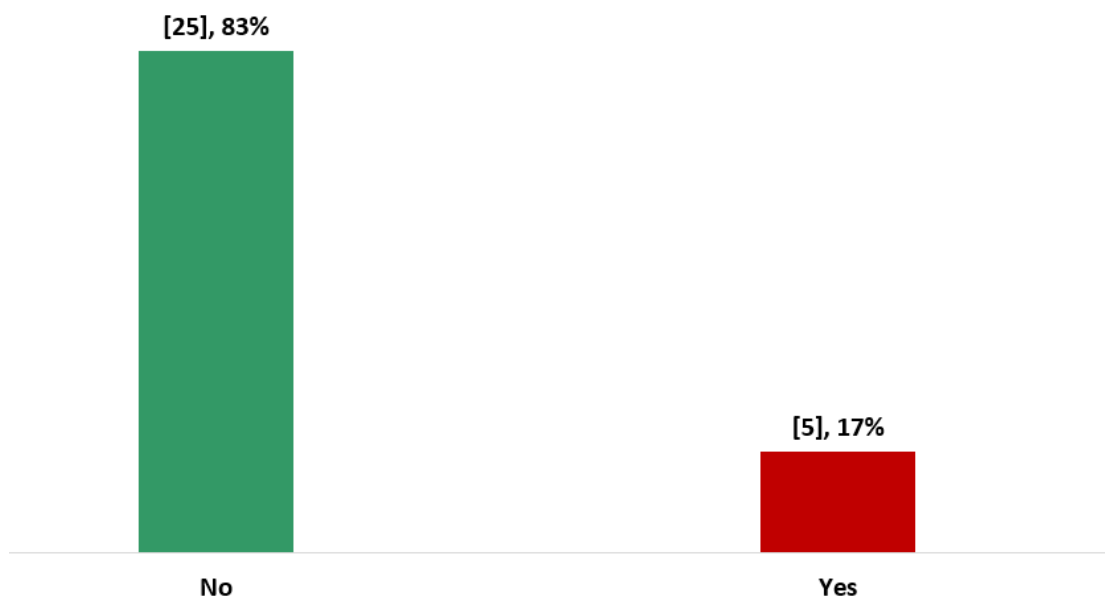
According to the given statistical data, Table: 1.1.23. 1.1.25. 1.1.26: bad habits and addiction problems are not identified, only 53% of respondents report tobacco use, 27% of respondents report sleep problems before the events of June 20-21, and 13% report various neurotic problems.

Graphic № 1.1.26. Had you applied to a Psychologist or Psychiatrist before June 20/21 due to Neurotic Problems?
[Frequency], %



100% of the respondents were citizens of Georgia, one person also had Ukrainian citizenship.

Graphic № 1.4.1. The Respondent was arrested on June 20/21, 2019 during the Events of “Gavrilov’s Night”
[Frequency], %



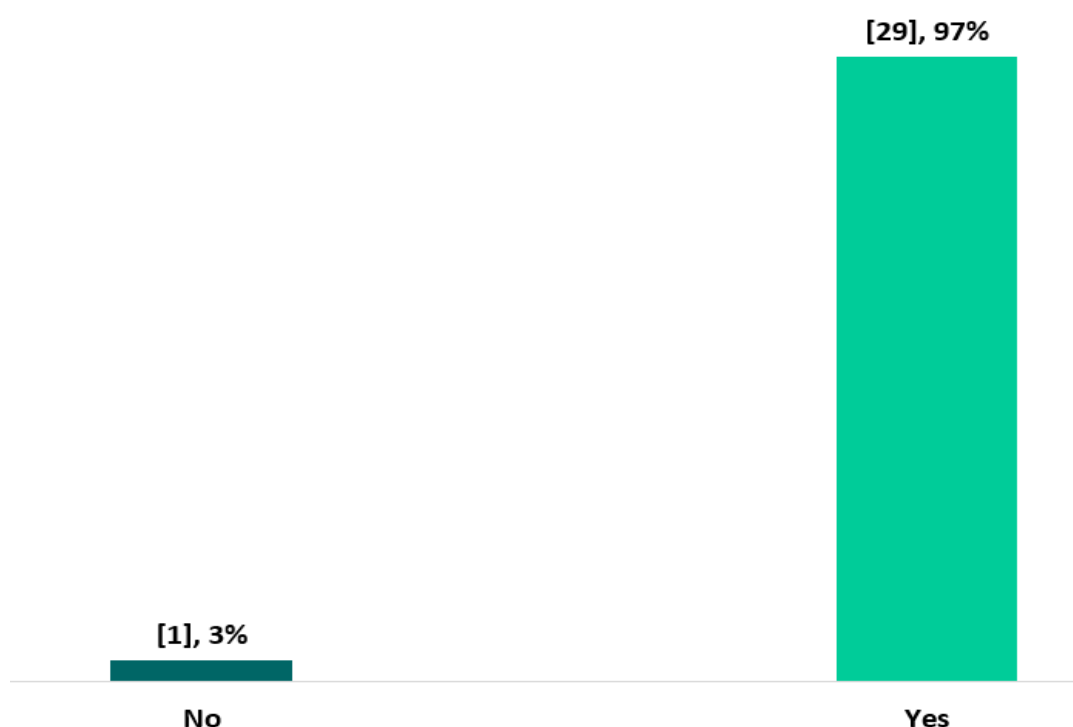
Among those surveyed, 17% reported arrests during the events of June 20-21, 7% reported administrative detention, and 7% - criminal prosecution.

13% of the respondents were students, 87% were employed, of which 80% were self-employed. 30% of the respondents were media representatives. 7% of the respondents also had the status of internally displaced persons.

2. History of Torture and/or Ill-Treatment (in Connection with the Events of “Gavrilov’s Night” of June 20-21)

It should be noted that 100% of our respondents were present at a protest demonstration near the Parliament building on the night of June 20-21. Among them were direct participants of the protest demonstration, journalists and other members of the media who carried out their professional activities; there were other individuals as well, such as a parent who was looking for their child. Therefore, all of them witnessed a tragic, unusual, stressful event, which indicates that they endured a traumatic and stressful event.

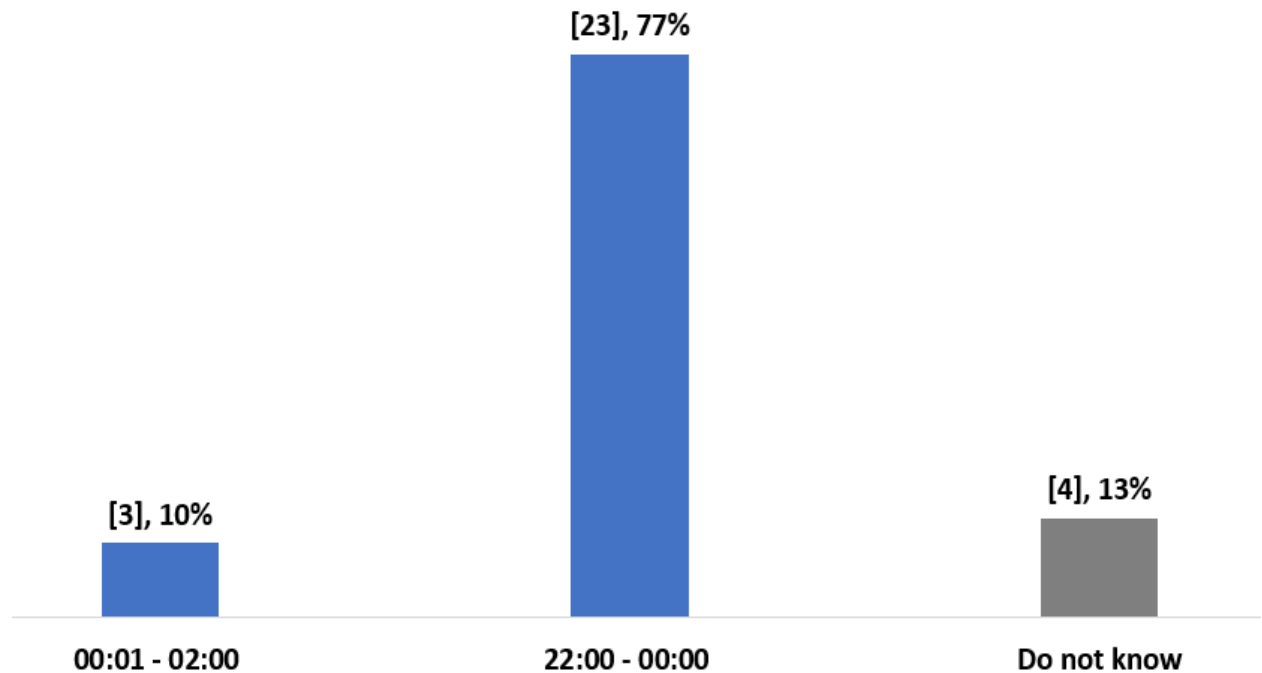
Graphic № 2.2. Do you consider the Protest Demonstration peaceful?
[Frequency], %



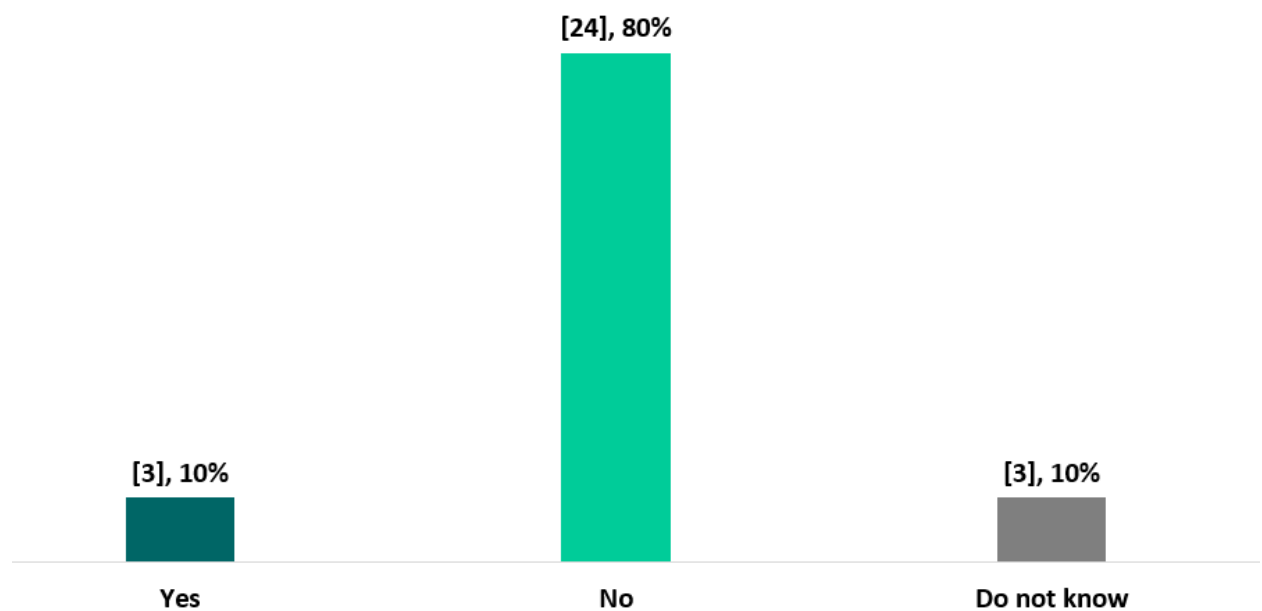
Only one of the respondents indicated that the protest demonstration was not peaceful, with 97% noting the peaceful nature of the protest. 7% of respondents said that the use of force was needed to disperse the protest demonstration, while 93% said they did not see the need to use force. Only one person mentioned that the use of special policing means was partially appropriate, and 97% of the respondents denied the need to use such means. As for disseminating information about the dispersal of the protest demonstration and the use of special policing means, 87% of the respondents could not name exactly, while 13% stated that they did not know whether the relevant

information had been disseminated, indicating that they had not been informed about the dispersal of the protest by special policing means.

Graphic № 2.6. What time did the Dispersal of the Protest Demonstration Start?
[Frequency], %



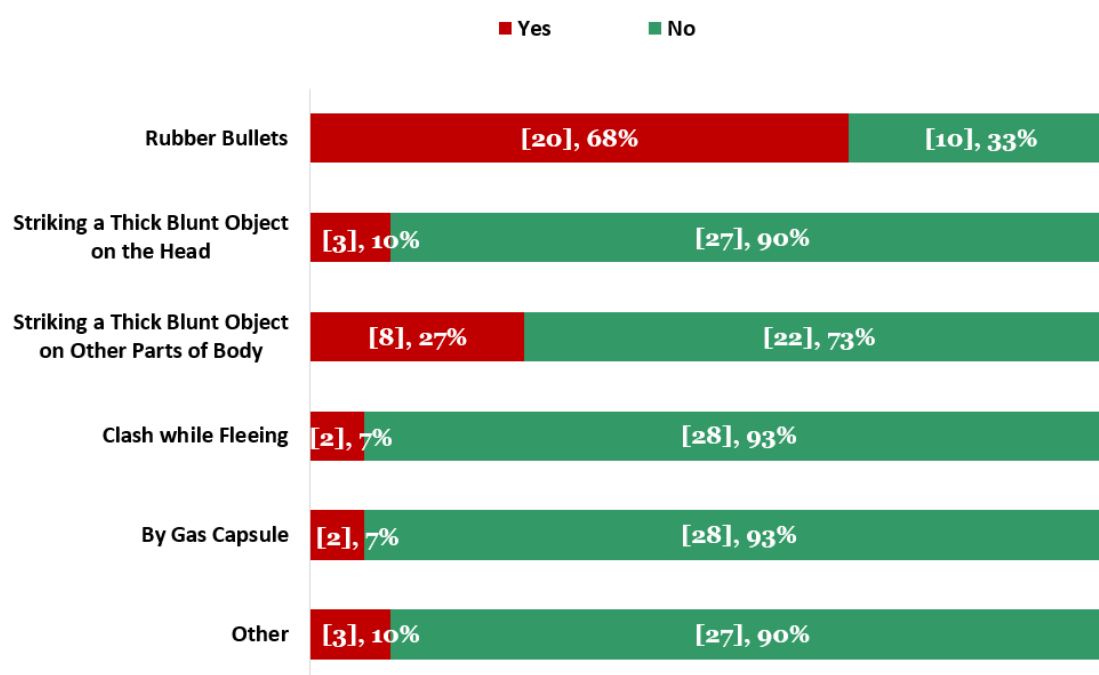
Graphic № 2.7. Was there an Audio Warning announcing that the Protest Demonstration was about to be dispersed?
[Frequency], %



Practically 80% of the respondents stated that there was no loud warning about the dispersal of the protest demonstration, 10% of them said they did not know, while 10% of the respondents stated that there was such a warning. However, in this regard, it is noteworthy that the respondents could not indicate the time of the beginning of the dispersal of the protest demonstration, which, at least, does not confirm the provision of accurate information about the dispersal of the protest demonstration.

60% of the respondents said they had received gunshot wounds from rubber bullets, 67% confirmed "pepper gas" poisoning, and 93% witnessed other people being seriously injured. To the question of how the traumatic injury was received, the answers were distributed as follows: 68% received traumatic injuries with rubber bullets, 10% - by hitting a thick blunt object on the head, 27% - reported traumatic injuries to various parts of the body with a thick blunt object, 7% - a traumatic injury while fleeing, 7% - a gas capsule injury, and 10% - other types of injuries. Thus, a total of 129 indicate the method of inflicting more than one type of injury (Table N2.12.).

Graphic № 2.12. Which of the below-mentioned caused your injury?
[Frequency], %



In case of traumatic injuries, clarifying questions were asked and the following answers received:

Table N: 2.12_6. How did you get the traumatic injury? (The question was asked to those who in response to the question "what" you got the traumatic injury with answered "other", a total of 3 respondents).	Number	Percentage (%)
I received an injury of the eyebrow with a blow by the right fist, the right eye bruised. The whole body - injuries to the knees, cracks from dragging on the ground.	1	33.3
With tear gas, there was vomiting the next day.	1	33.3
As a result of inhalation of tear-gas	1	33.3
Total	3	100.0

This additional explanation (Table 2.12.6.) indicates that in one case there was beating on the head using fists and kicks.

Table N: 2.12 In what part of the body did you receive the traumatic injury? (The question was asked to those who in response to the question what you got the traumatic injury with, ticked at least one answer, total of 28 respondents)	Number	Percentage (%)
Respiratory failure (in case of gas poisoning)	2	7.1
In the abdomen	2	7.1
Chest, shoulder and thigh area	1	3.6
In the face	2	7.1
In the face, in the eye	1	3.6
In the back head, respiratory failure	1	3.6
In the eye area	2	7.1
In the pelvis	1	3.6
The whole body, the face	1	3.6
Head, chest area, limbs	1	3.6
In the face, rib, toes and feet	1	3.6
In the head	1	3.6
In the legs, chest, throat and jaw	1	3.6
In the waist, in the chest	1	3.6
Rib	1	3.6
In the upper limbs	4	14.3
In the lower limbs	4	14.3
In the ear	1	3.6
Total	28	100.0

According to Table 2.12., most of the injuries were received in the upper part of the body (76 out of 28 cases - 76%). Two people reported being poisoned with gas, two people received injuries both in the upper and lower parts of the body.

This confirms that there was a violation of the international standard during the dispersal of the protest demonstration by special policing means, in particular, most of the respondents received injuries when rubber bullets were used in the upper part of the body, including face and head.

Table 2.13. In case of using rubber bullets, approximately from which distance was the shooting carried out? (Question was asked to those who said they were hit by some kind of bullet, a total of 20 respondents).	Number	Percentage (%)
Do not know	7	35.0
Up to 5 meters	2	10.0
5 - 10 meters	3	15.0
10 - 20 meters	6	30.0
20 meters and more	2	10.0
Total	20	100.0

According to Table N2.13., of 20 respondents who received injuries from rubber bullets, 35% named the distance from which the shooting took place; 10% indicate that the shooting took place from a distance of up to 5 meters; 15% state that the shooting took place from the distance of 5 - 10 meters; 30% state that the shooting took place from a distance of 10 - 20 meters; 10% indicate that the shooting took place from a distance of more than 20 meters. It should also be noted that

according to Table N 2.14, 60% of the respondents believe that the bullets were shot in the upper part of the body by special aiming.

Table 2.14 Was it shot by direct aiming in the upper body area? (The question was asked to those who said they were hit by some kind of bullet, a total of 20 respondents).	Number	Percentage (%)
Do not know	5	25.0
No	3	15.0
Yes	12	60.0
Total	20	100.0

Table 2.15 How many bullets were you hit with? (The question was asked to those who said they were hit by some kind of bullet, a total of 20 respondents) Description of the variable

Minimum number	Maximum number	Average	Standard deviation
1.00	11.00	3.3000	3.07964

Table 2.16 What type of bullets were you hit with? (The question was asked to those who said they were hit by some kind of bullet, a total of 20 respondents)	Number	Percentage (%)
Do not know	1	5.0
Rocket-shaped, orange, so-called "Bear Bullet"	5	25.0
Round, black, "pellet-like" bullet	10	50.0
Other	2	10.0
Both - round, black and rocket-shaped, orange	2	10.0
Total	20	100.0

According to Table N2.15., one person was hit with more than 3 bullets on average, however, the range is large - from 1 to 11 bullets. According to Table 2.18., the respondents indicate the existence of any kind of identification mark as follows: 15 of them state that they do not know, 5 state that they did not have it. According to Table N2.16, 25% of 20 people say they were hit by a rocket-shaped, orange, so-called "bear bullet"; according to data of 50% - round, black, "pellets-like" bullets, and according to 10% - they were hit with both types of bullets.

According to Table 2.17, 20% state they do not know exactly who shot the bullets, while 80% say the special forces officers fired at people. At the same time, based on the survey data, according to Table N2.18., the special purpose squad did not have any identification signs.

Table 2.17 Who carried out the shooting? (The question was asked to those who said they were hit by some kind of bullet, a total of 20 respondents)	Number	Percentage (%)
I do not know exactly, probably the special forces officer	4	20.0
Special forces officer	15	75.0
Judging by the trajectory of the bullets, they were shot from a police cordon	1	5.0
Total	20	100.0

Table 2.18 Did the special forces officers have identification signs? (The question was asked to those who said they were hit by some kind of bullet, a total of 20 respondents)	Number	Percentage (%)
Do not know	15	75.0
No	5	25.0
Total	20	100.0

It should be noted that out of 7% of the detainees, i.e., 4 out of 5 persons, report arresting and receiving injuries in the radius of 2 km from the Parliament and one of them - the fact of arresting at home (Table 2.19).

Graphic № 2.19. If the fact of detention occurred, where have you been detained, At what distance from the Parliament building?
[Frequency], %

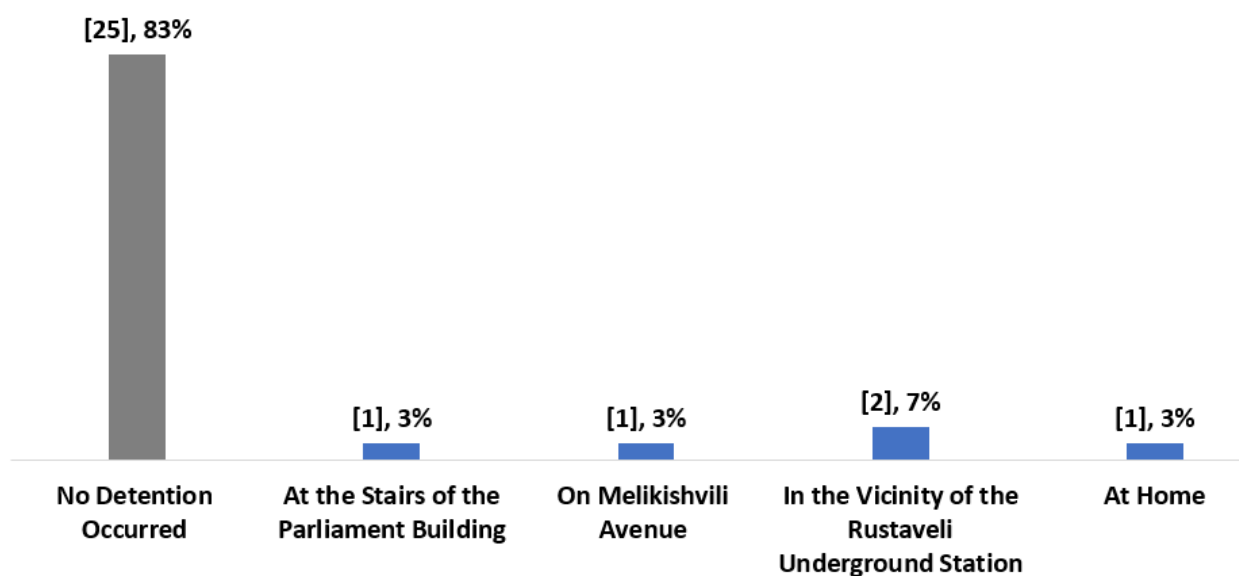


Table 2.20 Did physical beatings occur during the arrest? (The question was asked to those who claimed being arrested, a total of 5 respondents)	Number	Percentage (%)
No	1	20.0
Yes	4	80.0
Total	5	100.0

Table 2.21 Was there psychological pressure, cursing or swearing during the arrest? (The question was asked to those who claimed being arrested, a total of 5 respondents)	Number	Percentage (%)
Yes	5	100.0
Total	5	100.0

Table 2.22_1 Were plastic handcuffs used during the arrest? (The question was asked to those claimed being arrested, a total of 5 respondents)	Number	Percentage (%)
No	2	40.0
Yes	3	60.0
Total	5	100.0

Table 2.22_2 Time of the use of plastic handcuffs (the question was asked to those who claimed being arrested, a total of 5 respondents)	Number	Percentage (%)
Several hours	2	40.0
3 hours	1	20.0
No use of plastic handcuffs	2	40.0
Total	5	100.0

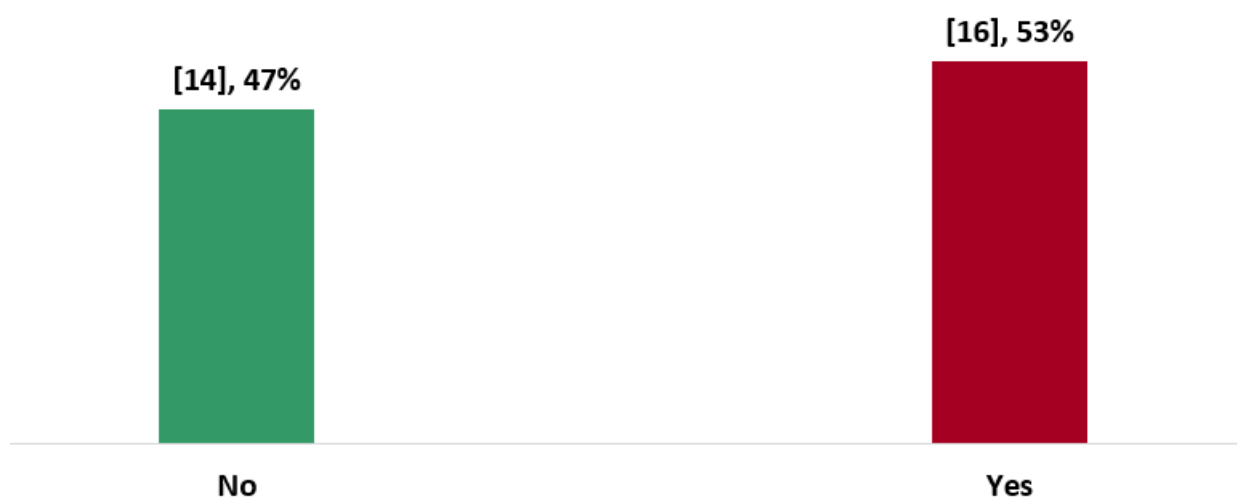
Table 2.23 Was it possible to identify the person who arrested you by identification number? (the question was asked to those who claimed being arrested, a total of 5 respondents)	Number	Percentage (%)
No	5	100.0
Total	5	100.0

Table 2.24 Did you undergo a medical examination during your detention? (the question was asked to those who claimed being arrested, a total of 5 respondents)	Number	Percentage (%)
No	4	80.0
Yes	1	20.0
Total	5	100.0

Table 2.25 In the case of injuries, have any injuries been reported in custody? (the question was asked to those who claimed being arrested, a total of 5 respondents)	Number	Percentage (%)
No	3	60.0
Yes	2	40.0
Total	5	100.0

From Table N2.20 according to Table N2.25., it is clear that 4 out of 5 detainees report the fact of physical pressure and ill-treatment, all five respondents confirm the fact of psychological pressure and abuse, and 3 respondents report using plastic handcuffs for 3 hours, which also belongs to special policing means. In the case of all five detainees, police officers did not have any identification signs. During the arrest, only 1 detainee underwent medical examination, in 3 cases no injuries were reported in the detention center.

Graphic № 2.26. In case of injury, have you been transported to a medical facility?
[Frequency], %



According to Table N2.26, 53% of the victims (16 people) were taken to a medical facility. According to Table N2.27, 47% (14 people) indicate on-site assistance by the ambulance brigade, while Table N2.27.1 shows medical care in the hospital sector.

Graphic № 2.27. Have you received on-site medical assistance ?
[Frequency], %



Graphic № 2.27.1. Did you receive Medical Assistance? Transfer

[Frequency], %

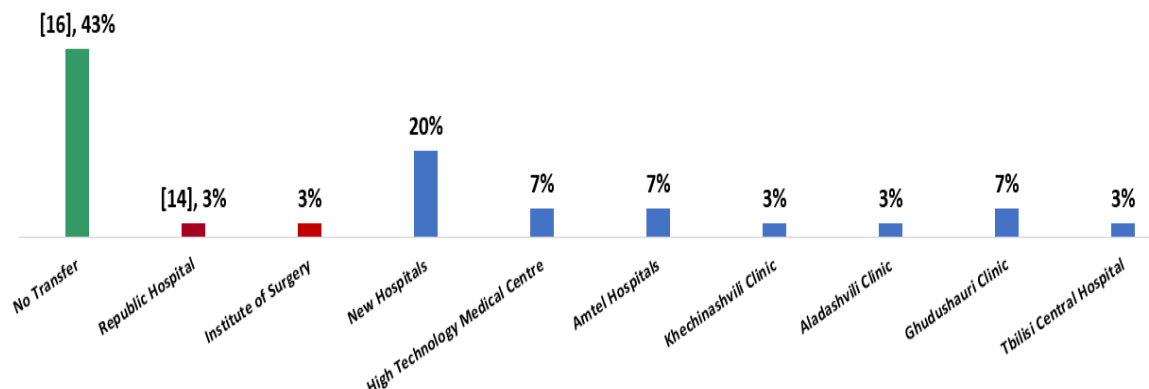


Table 2.28 In case of medical assistance, did you receive hard copy of Form N100? (The question was asked to those who received medical care either by the ambulance brigade or were transferred to a medical facility, a total of 20 respondents)

	Number	Percentage (%)
No	8	40.0
Yes	12	60.0
Total	20	100.0

Table 2.29 Did you receive explanations on your right to receive full medical documentation? (The question was asked to those who received medical care or were taken by the ambulance brigade or transferred to a medical facility, a total of 20 respondents)

	Number	Percentage (%)
No	20	100.0
Total	20	100.0

According to Table 2.28 and Table 2.29., the respondents were not fully informed about the patient's rights, only 12 people received hard copies of Form N100, and none of 20 respondents was informed about the availability of complete medical documentation, including access to the medical examination report.

Table 2.30 In case of detention, how long have you been in custody? (The question was asked to those who were arrested and had to be in custody, a total of 3 respondents)

	Number	Percentage (%)
9 months	1	33.3
3 days	1	33.3
3 months	1	33.3
Total	3	100.0

Table 2.31 Were there proper conditions in the prison? (The question was asked to those who were arrested and had to be in custody, 3 respondents in total)	Number	Percentage (%)
No	1	33.3
Yes	1	33.3
In one prison-yes, and in another-no.	1	33.3
Total	3	100.0

Table 2.32 Were you physically abused in prison? (The question was asked to those who were arrested and had to be in custody, 3 respondents in total)	Number	Percentage (%)
No	3	100.0
Total	3	100.0

Table 2.33 Has there been psychological violence against you demanding to plead guilty? (The question was asked to those who were arrested and had to be in custody, 3 respondents in total)	Number	Percentage (%)
No	2	66.7
Yes	1	33.3
Total	3	100.0

Table 2.33 Who applied psychological violence against you demanding a confession of guilt? (The question was asked to the person who claimed to be subjected to psychological violence, 1 respondent in total)	Number	Percentage (%)
By the Prosecutor's Office	1	100.0
Total	1	100.0

Table 2.33 Where did the psychological violence against you take place in order to make you plead guilty? (The question was asked to the person who claimed to be subjected to psychological violence, 1 respondent in total)	Number	Percentage (%)
In N18 facility	1	100.0
Total	1	100.0

Table 2.34 Was there any pressure on you to accuse another protester? (The question was asked to those who claimed to be arrested and had to be in custody, a total of 3 respondents)	Number	Percentage (%)
No	2	66.7
Yes	1	33.3
Total	3	100.0

Table 2.34 Who put pressure on you to blame another protester? (The question was asked to the person who claimed to be under pressure to blame another participant of the protest demonstration, 1 respondent in total)	Number	Percentage (%)
By an investigator, employees of the Prosecutor's Office, a clergyman	1	100.0
Total	1	100.0

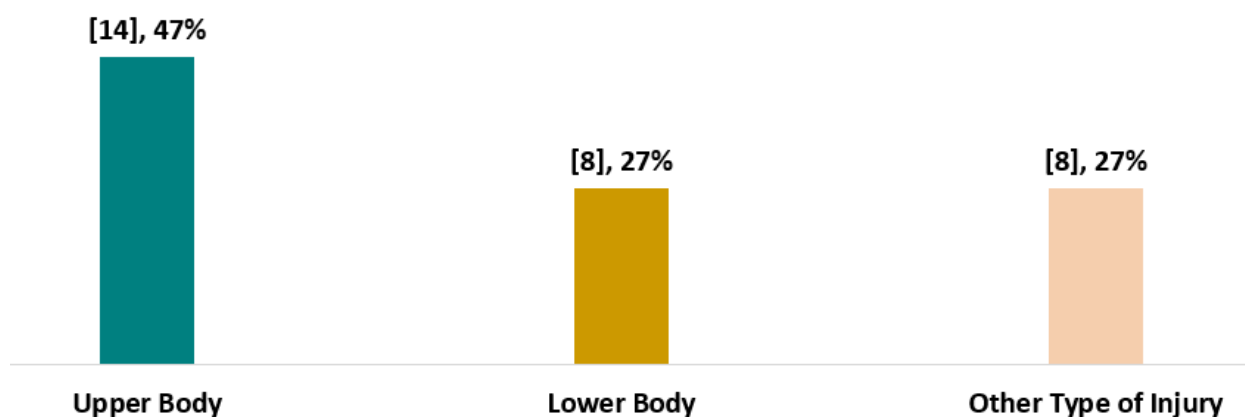
Table 2.34 Where did the pressure on you take place to accuse another protester? (The question was asked to the person who claimed to be under pressure to blame another participant of the protest demonstration, 1 respondent in total)	Number	Percentage (%)
In N18 facility	1	100.0
Total	1	100.0

According to the given Tables 2.30. – 2.34., one out of 3 detainees (in the period from 3 months to 9 months), mentioned the fact of psychological pressure during the detention, in the form of a request to blame someone else, by an employee of the Prosecutor's Office, which took place in the 18th facility; one respondent also mentioned being in poor conditions in prison.

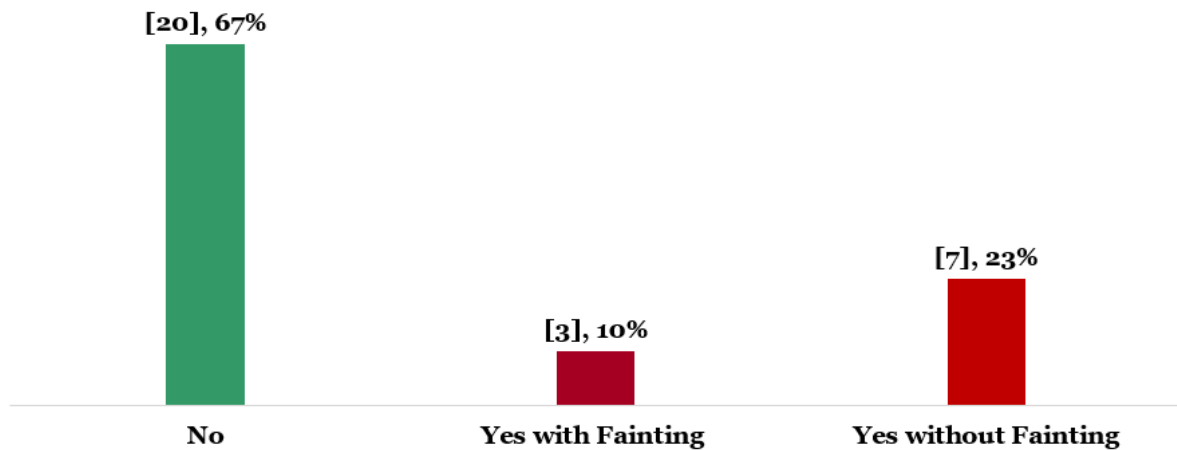
3. Severe Consequences (as a Result of "Gavrilov's Night" on June 20-21, 2019)

3.1. Severe physical consequences:

Graphic № 3.1. Physical Consequences – Type of Injury
[Frequency], %



Physical Consequences – Acute Traumatic Brain Injury with or without loss of Consciousness
[Frequency], %



Graphic № 3.1. Physical Consequences- Wound
[Frequency], %

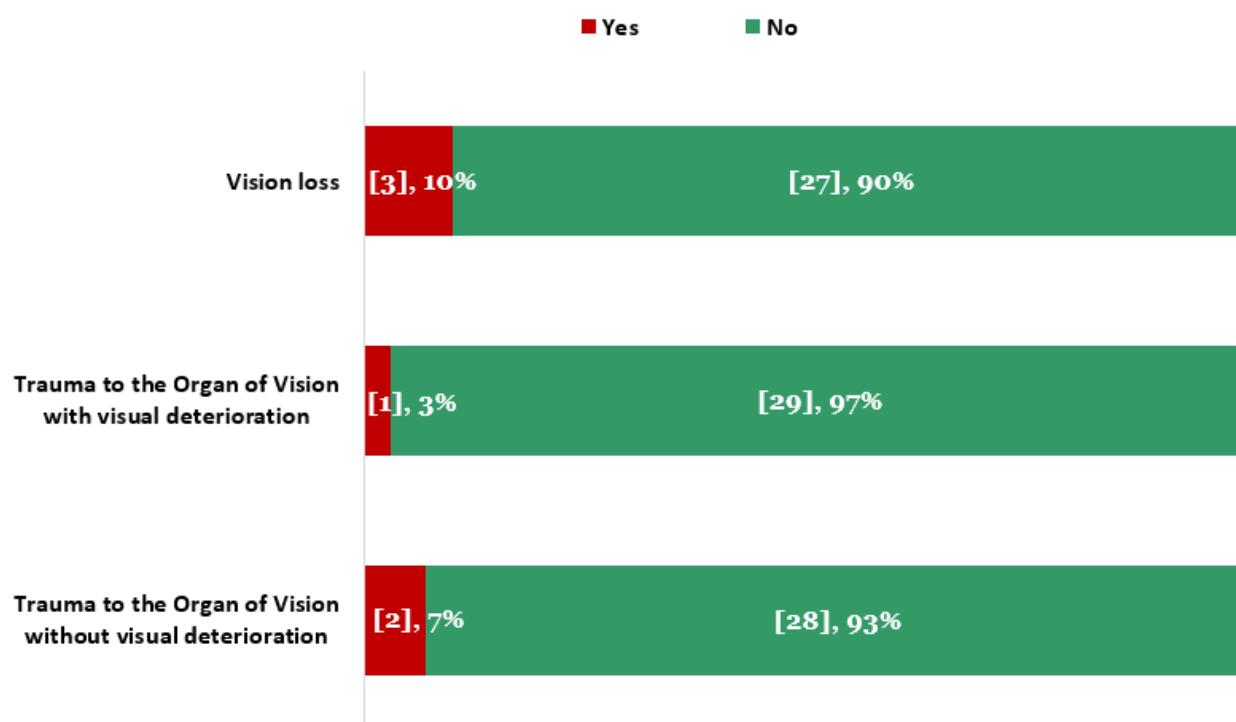


This graphic image shows that 47% of those surveyed received injuries in the upper part of the body, while 27% received other types of combined trauma. Traumatic brain injury was reported in 33% of respondents, including 10% of those who lost consciousness.

The graphic image shows wounds inflicted in 76% of the cases in the upper part of the body, which confirms violation of international standards for the use of rubber bullets.

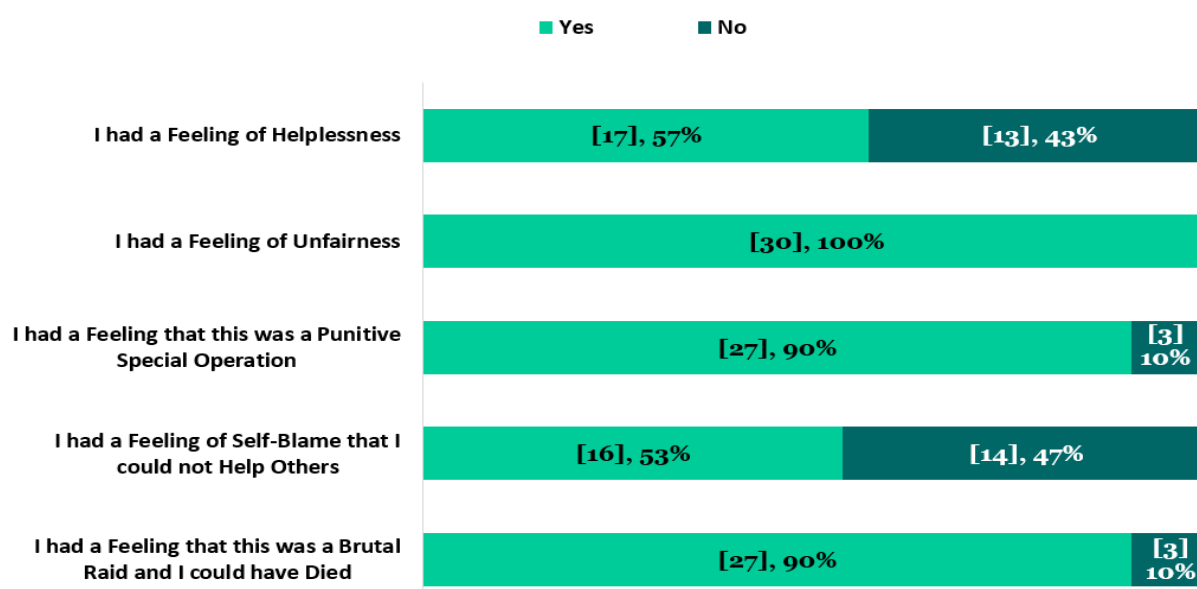
According to the results of the study, other injuries were distributed as follows: acute bleeding 16 cases (53%), burns - 1 person (3%), fracture - 6 people (20%), pain shock - 8 people (27%), acute cardiovascular failure - 1 person (3%), respiratory failure - 19 people (63%), muscle deterioration - 2 people (7%), bruising in different parts of the body - 22 people (73%), hearing loss - 1 person, damage to the nasal septum also 1 person (3%). Visual impairment is a separate issue (see diagram below (Table 3.1.) Thus, sight loss was noted in 3 people, 1 of whom reported trauma of visual organ with severe visual impairment; 2 indicated trauma of visual organ with complete loss of vision.

Graphic № 3.1.19. Physical Consequences– Vision Impairment
[Frequency], %



3.2. Mental/psychological reactions received as a result of Gavrilov's Night of June 20-21

Graphic № 3.2. Mental/Psychological reactions in the Acute Episode
[Frequency], %



Thus, according to the Table of Mental/Psychological consequences, 100% reported feelings of injustice, 53% reported feelings of self-blame, 90% indicated that it was a special punitive operation, 57% reported feelings of helplessness, and 90% considered it to be a brutal raid that could have resulted in death. Based on the above data, we can conclude that in 90% of cases, there was a strong trauma of the respondents, a particularly stressful event in their lives, against the background of fear of death.

4. Medical Care during the acute Period (in Relation to the Victims of “Gavrilov’s Night” of June 20-21 during the subsequent Month)

According to the data, during the acute period, 14 people were assisted on the spot, 16 were taken to hospital, one of whom refused medical care. According to Table 4.4. 15 out of 20 respondents (75%) continued outpatient treatment.

Table 4.4 Assistance - I continued my outpatient treatment after the hospital (the question was asked to those who had contact with the doctor, a total of 20 respondents)	Number	Percentage (%)
No	5	25.0
Yes	15	75.0
Total	20	100.0

21 out of 30 respondents stated that they were treated on an outpatient, inpatient basis, as well as at home. 7 of them continued outpatient treatment at the time of the study.

Table 4.5 How long have you been treated? (The question was asked to those who did not apply to a medical institution, but were treated at home or in a medical institution, a total of 21 respondents)

	Number	Percentage (%)
2 days	1	4.8
1 week	1	4.8
2 weeks	4	19.0
1 month	1	4.8
From 1 to 2 months	5	23.8
2 months and more	1	4.8
To this day, when I have some problem	7	33.3
Several days	1	4.8
Total	21	100.0

Table 4.6 What kind of treatment did you receive, conservative or you had surgery? (The question was asked to those who were treated, a total of 21 respondents)

	Number	Percentage (%)
Conservative	14	66.7
I had a surgery	7	33.3
Total	21	100.0

Out of 21 people examined, 7 (33%) underwent surgery, while 67% underwent conservative treatment, one of them without consulting a doctor.

Table 4.7_1 Who paid for your treatment? (The question was asked to those who were treated, a total of 21 respondents)

	Number	Percentage (%)
Do not know	2	9.5
State/universal insurance	4	19.0
Me/my family	5	23.8
Cartu Foundation	3	14.3
Private insurance	2	9.5
1) universal insurance; 2) family; 3) Center "Empathy"	1	4.8
1) private insurance; 2) Center "Empathy"	1	4.8
Center "Empathy"	2	9.5
1) Me/my family; 2) Center "Empathy"	1	4.8
Total	21	100.0

It should be noted that in 3 cases, according to the respondents, the cost of treatment was paid by the Cartu Foundation, however, the legal basis for payment is unknown.

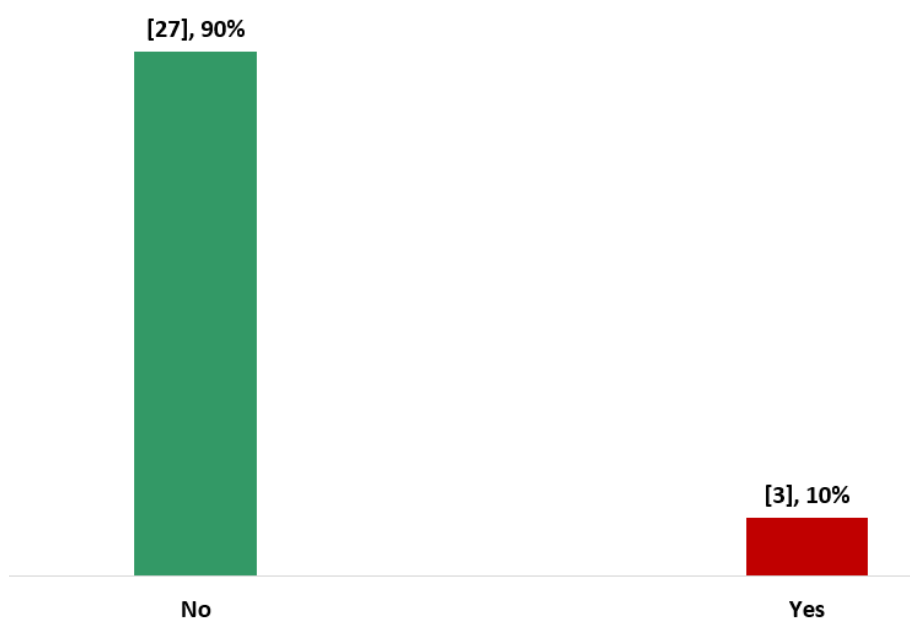
Table q4.11 Did you tell the medical staff in what circumstances you received these injuries? (The question was asked to those who applied/had contact with the doctor, a total of 20 respondents)	Number	Percentage (%)
Yes	20	100.0
Total	20	100.0

It is noteworthy that 20 respondents underwent treatment at a medical facility, while one underwent self-treatment at home. 10 out of 20 respondents (50%) stated that the circumstances of the case, i.e., the circumstances under which they received injuries, were not fully recorded in the medical records. (Table 4.12.).

Table 4.12 Has the situation been fully described by the medical staff in the medical records?	Number	Percentage (%)
Do not know, I have not seen the document	2	10.0
No	10	50.0
Yes	8	40.0
Total	20	100.0

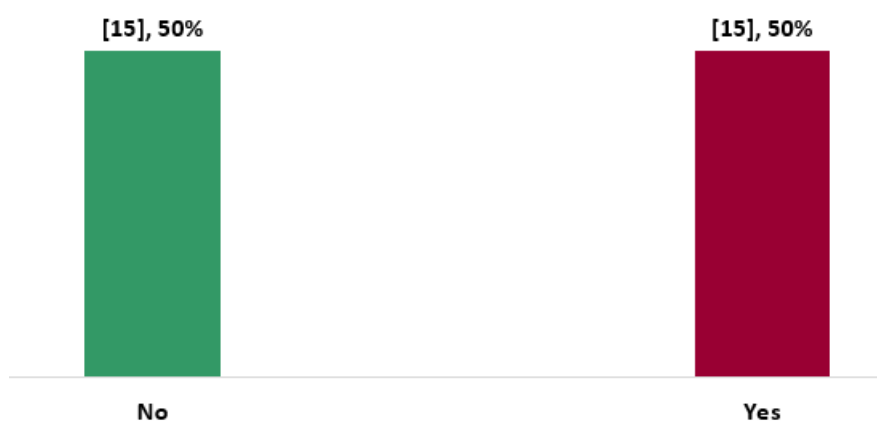
5. Later problems/chronic consequences

Graphic № 5.1. Chronic Consequences- Loss of Vision/Eye
[Frequency], %



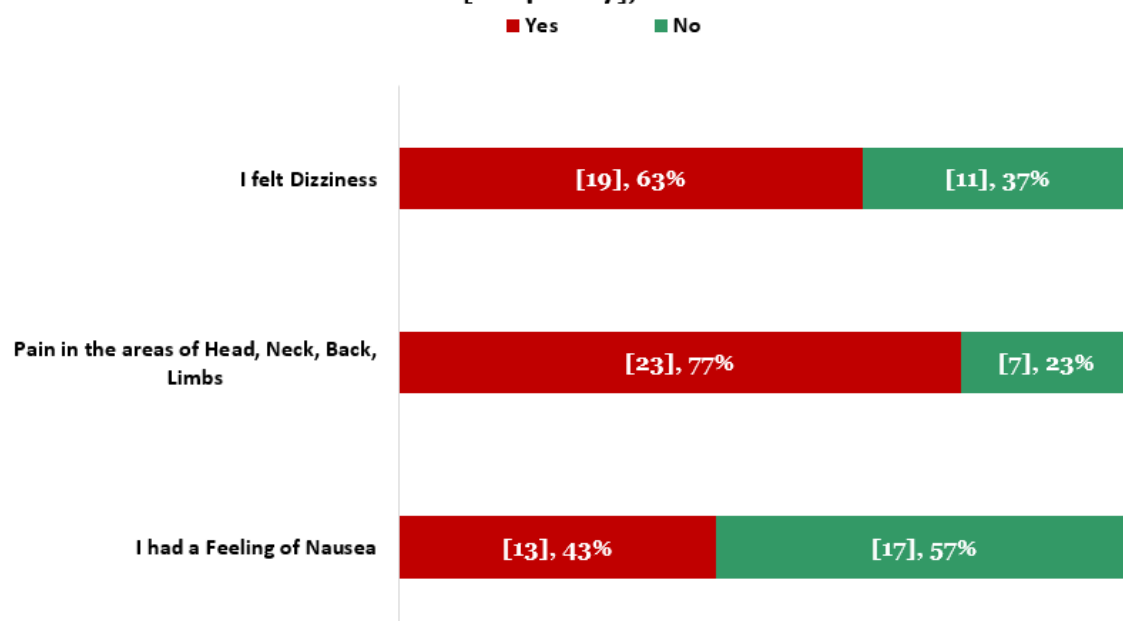
3 people lost their sight as a result of special policing means being used on June 20-21.

Graphic № 5.2. Chronic Consequences– I have Scars
[Frequency], %



15 (50%) of respondents indicated the presence of a scar in a later period as well.

Graphic № 5.3-5.5. Chronic Consequences
[Frequency], %

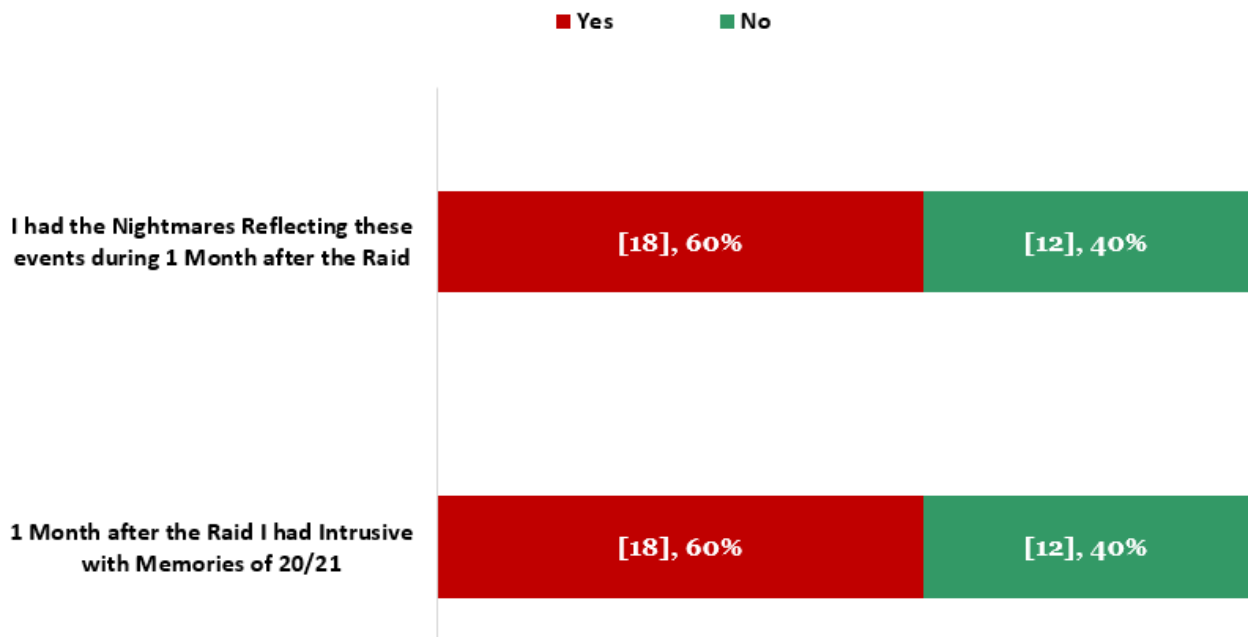


5.3_ Chronic consequences – I felt dizziness - for how long? (The question was asked to those who said they felt dizzy, a total of 19 respondents)	Number	Percentage (%)
1 hour	1	5.3
Up to 5 days	10	52.6
Several days	2	10.5
2-3 weeks	2	10.5
1 month	1	5.3
Still observed	3	15.8
Total	19	100.0

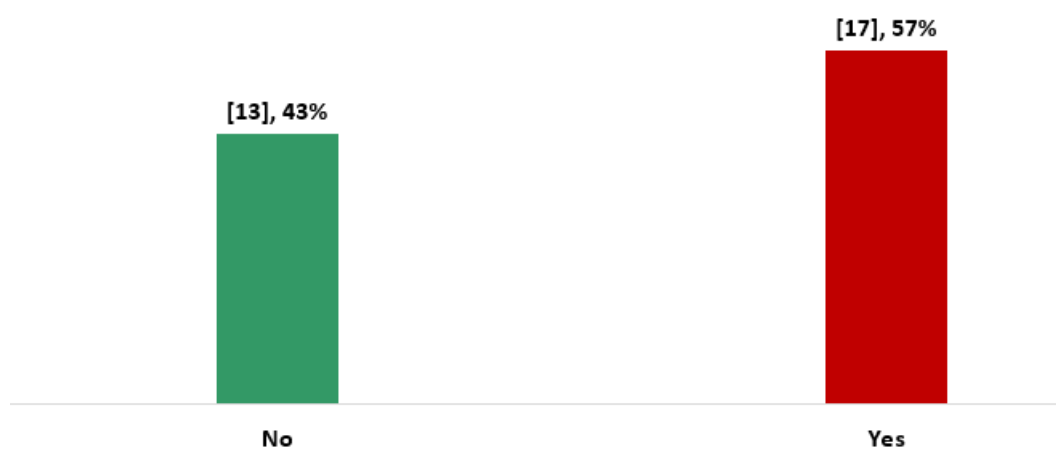
5.4 Chronic consequences - pain in the head, neck, back, limbs - how long? (The question was asked to those who said they had pain in the head, neck, back and limbs, a total of 23 respondents)	Number	Percentage (%)
10 hours	1	4.3
Up to 3 days	5	21.7
Up to 1 - 2 weeks	6	26.1
Up to 2-3 weeks	1	4.3
1 -2 months	4	17.4
Still observed	6	26.1
Total	23	100.0
5.5 Chronic consequences - I had a feeling of nausea - for how long? (The question was asked to those who said they had a feeling of nausea, a total of 13 respondents)	Number	Percentage (%)
Still observed	1	7.7
1 - 3 days	8	61.5
1 week	1	7.7
Total	13	100.0

These tables 5.3 - 5.5. indicate to the brain injury received during the dispersal of the protest demonstration, as well as the residual events of the aforementioned trauma and the distress endured.

Graphic № 5.6-5.7 Chronic Consequences [Number], %



Graphic № 5.8. Chronic Consequences - I Felt Very Angry While Watching TV and in some kind of Associated Situations I Tried to Forget Bad Memories



The data in the diagram, which correspond to the data from Table 5.6 to Table 5.8, indicate the symptoms of post-traumatic stress disorder, in particular, the symptom complex of the “repeat” group and the “expulsion” group, 18 (60%) respondents mentioned the symptom complex of obsession in the clinical picture of the traumatic event, and 17 (57%) - the symptoms of the "expulsion" or "avoidance" group.

Graphic № 5.9. Chronic Consequences [Frequency] %

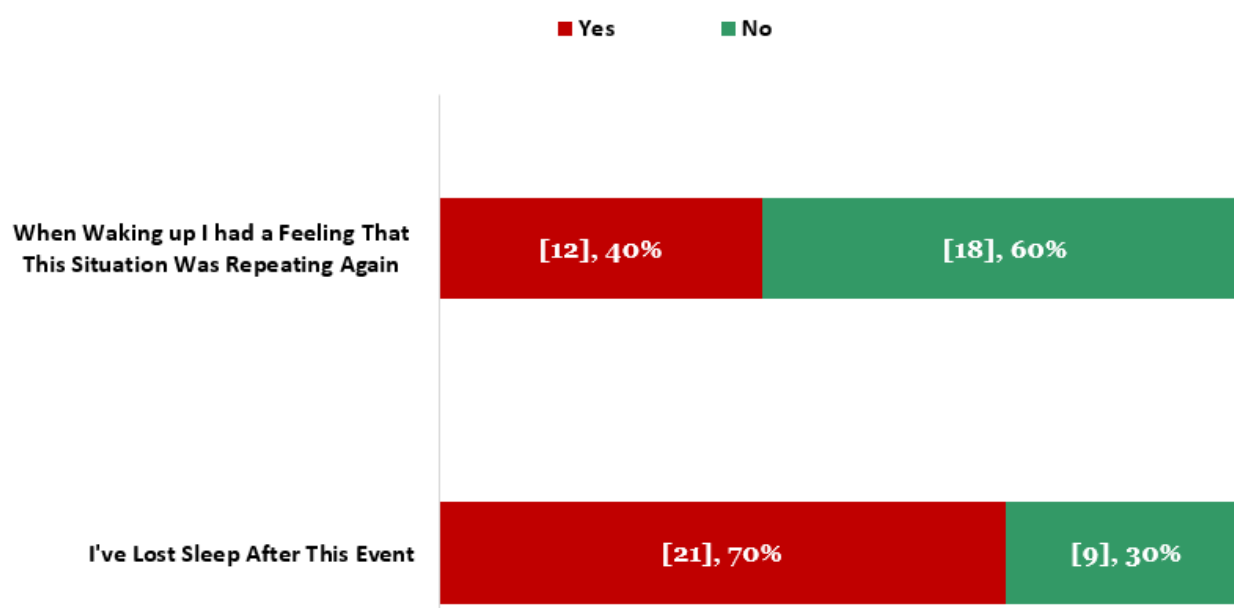
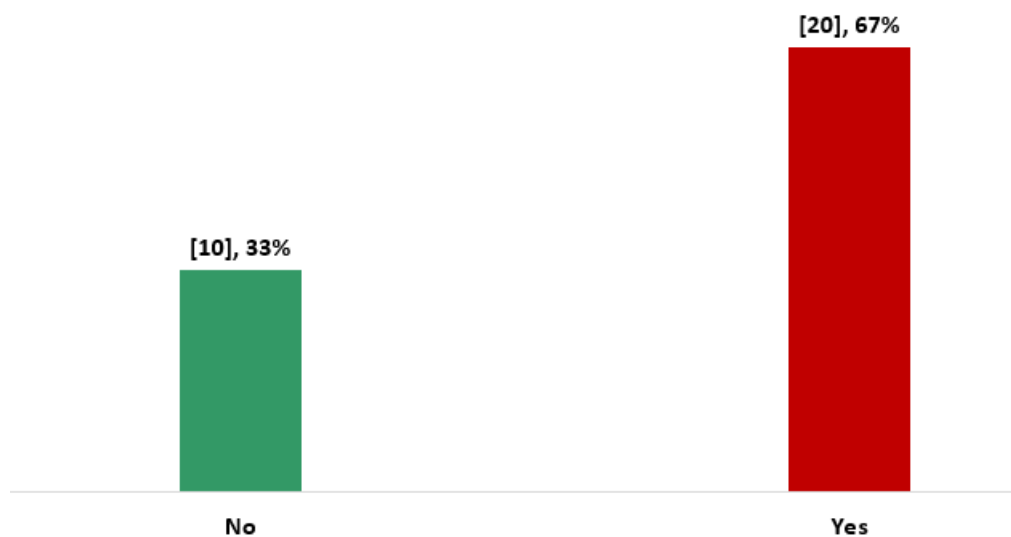


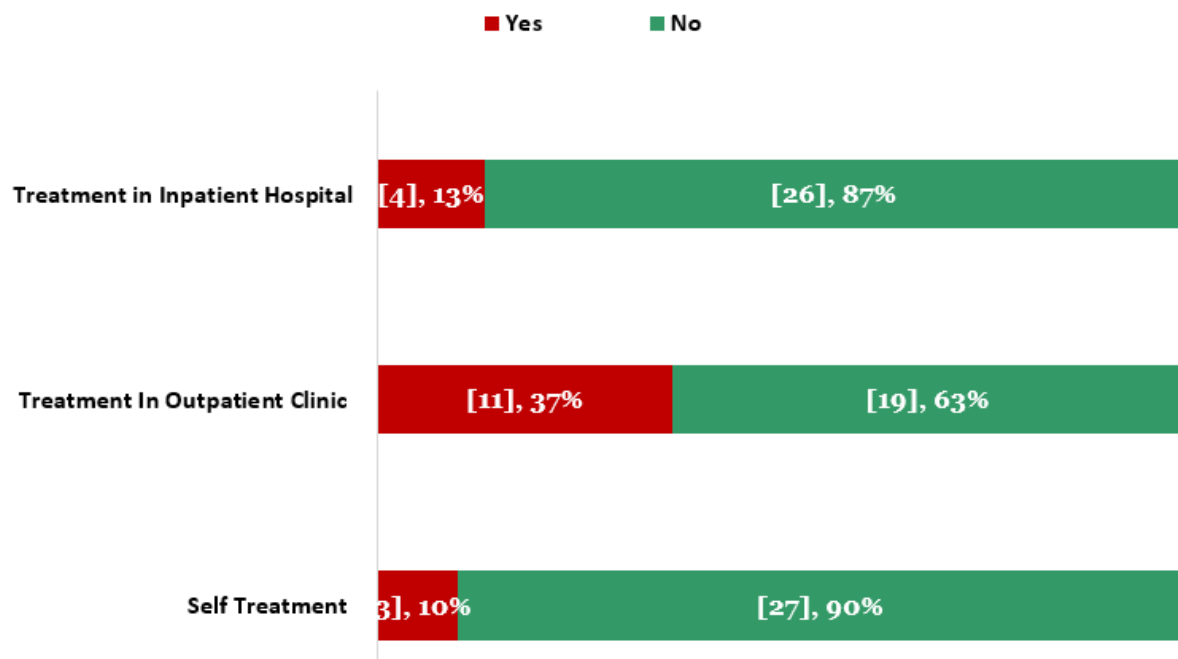
Table 5.9. and Table 5.10. (with corresponding diagrams), indicate a symptom of excessive vigilance characteristic of posttraumatic stress disorder - an increase in complexity and irritability. 60% of those surveyed (18 people) reported waking up with a feeling that the "event" was recurring, (Flashback) 30% (9 people) reported sleep disturbances, and 67% (20 people) reported an increase in irritability.

Graphic № 5.10. Chronic Consequences - I Became Easily Irritated [Frequency] %



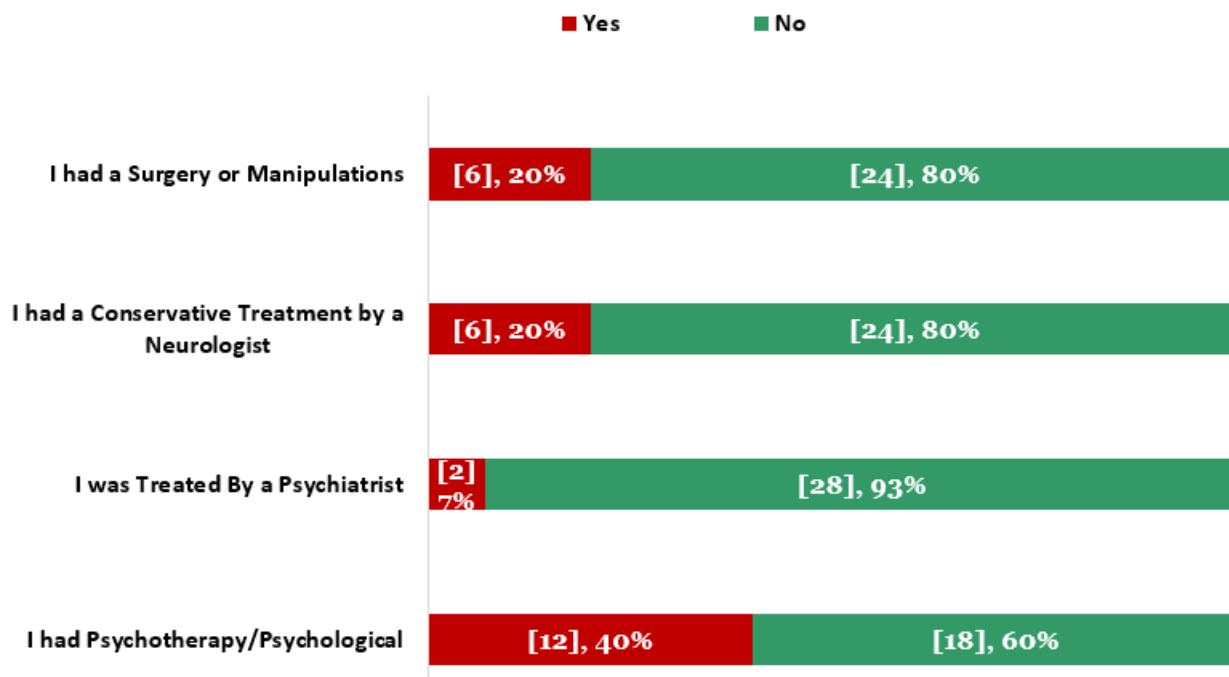
6. Medical Care in the later Period (one month after June 20-21, 2019)

Graphic № 6.1. Medical Treatment in the Subsequent Period

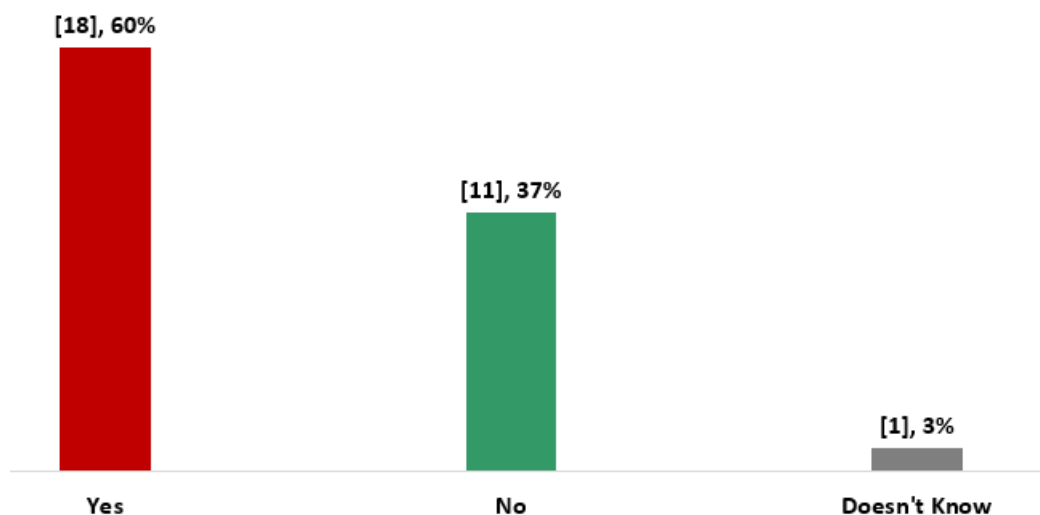


According to Table 6.1. (corresponding diagram), 4 respondents (13%) were undergoing inpatient treatment even 1 month after the traumatic stress event; 11 respondents (37%) underwent outpatient treatment, while 3 respondents (10%) underwent self-treatment at home. Table 6.2 below. - (relevant diagram) shows the types of medical and psychological assistance that the subjects applied for in the period 1 month after the traumatic-stressful situation. 18 people (60%) stated that they needed rehabilitation due to a traumatic-stressful situation (Table 6.3. - relevant diagram).

Graphic № 6.2. Medical Care in Subsequent Period

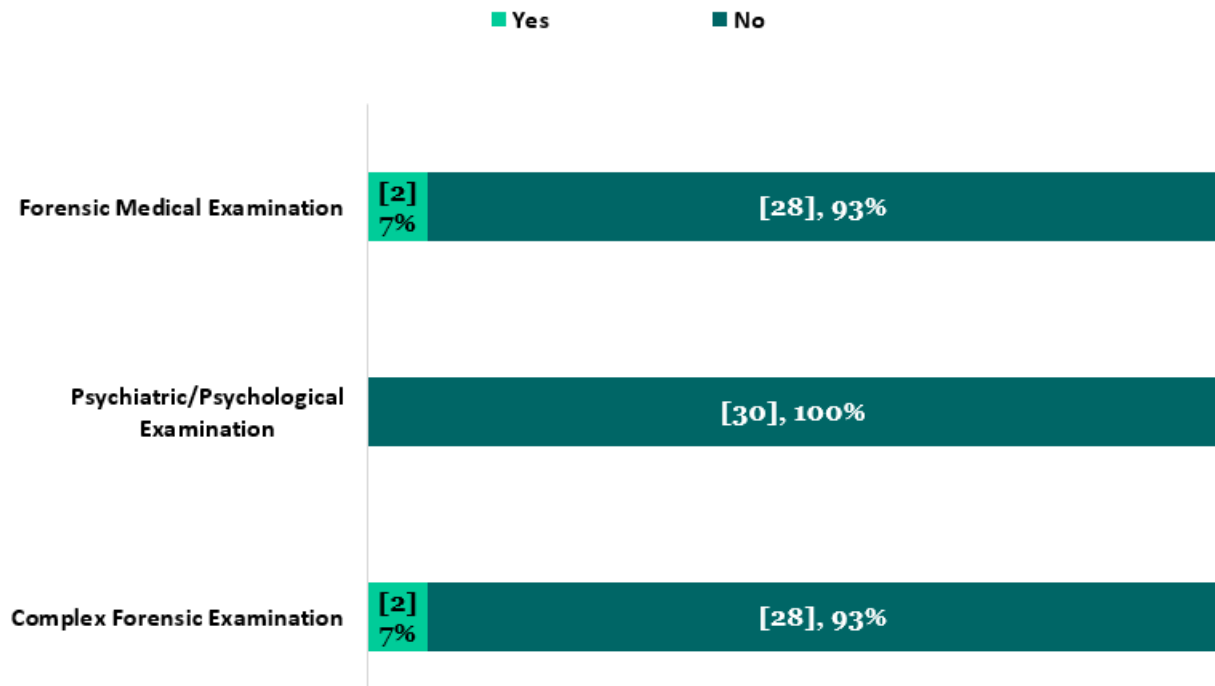


Graphic № 6.3. Medical Assistance in the Subsequent Period - Do you need Rehabilitation after this Event



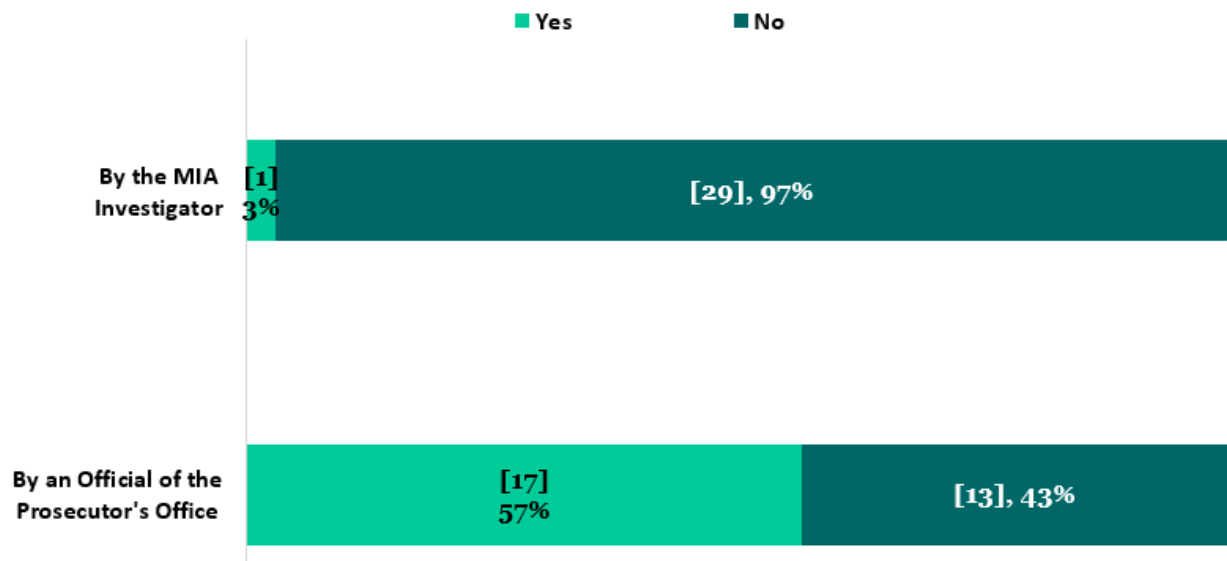
7. Investigation (in Connection with the Events of "Gavrilov's Night" on June 20-21)

Graphic № 7.1. Investigation - Did you have or not



2 persons (7%) mentioned conducting forensic medical examination at the investigation stage; psychiatric/psychological examination of the effects of traumatic stress has not been conducted on any of the studies. 2 people mentioned a commission examination, however, the examination was conducted at the Center "Empathy" and not at LEPL Levan Samkharauli National Forensics Bureau. In addition, according to Table 7.2., it turns out that one respondent was interviewed by the MIA investigator and 17 (57%) by the staff of the Prosecutor's Office, although they did not provide adequate expert services despite the withdrawal of medical records from the hospital sector. Table 7.3. (Relevant diagram) indicates that rubber bullets and clothing were seized in only 2 cases as evidence, in 3 cases - photo - video material, which also indicates the ineffectiveness of the investigation.

**Graphic № 7.2. Have you been Interviewed
[Frequency] %**



**Graphic № 7.3. Did the Investigation seize Material
Evidence
[Frequency] %**



IV. Study limitations

The study was conducted on only 30 beneficiaries whose participation was voluntary, based on their own application and informed consent. The number of study participants could not be increased considering the human resources and project capacity limit. During the study period, no comprehensive responses were received from the relevant state structures, in particular, the Ministry of Health and Justice and the Prosecutor's Office of Georgia. It became impossible to obtain complete documentation of patients from the relevant clinics, as the originals of the documentation were seized by the Prosecutor's Office of Georgia, and their copies could not be obtained from the clinics.

V. Events of June 20-21, 2019 and Special Police Action: A Comparative Analysis of International Standards and National Law

1. Special police action held on June 20-21, 2019 and violations of the legislation of Georgia

1.1. Law of Georgia "On Police"

The Law on Police defines the basic principles of the activity of the police of Georgia, the legal basis of the organizational structure of the police, the functions of the police, the policing actions and the legal forms of exercising powers by the police, the control of the police activities.

Article 8 of the Law of Georgia on Police establishes the basic guidelines for police activities. According to this article, the police officer strictly adheres to the principles of protection and respect for fundamental human rights and freedoms, lawfulness, non-discrimination, proportionality, political neutrality and transparency of police activities.

According to the same article, carrying out the police activities by the law enforcement officer in violation of the basic guidelines shall result in liability in accordance with the legislation of Georgia.

Articles 9, 10, 11, 12, 13, 14 and 15 of the Law of Georgia on Police clearly define the principles of police activity, violation of which, as mentioned above, shall result in legal liability of the police officer.

The unity of the above norms constitutes a chain of principles relevant to the study, the strict observance of which is necessary in the conduct of lawful and legitimate policing action, disregard of which is the basis for legal liability of violators of the principles. Attention should be paid to the following legal reservations:

- The forms, methods and means of carrying out policing actions must not infringe on human dignity and honor;
- According to the principle of legal reservation, conduct of a policing action, which leads to the restriction of human rights and freedoms recognized by the Constitution of Georgia, is allowed only **on the basis of law**;
- A policing action must serve achievement of a legitimate purpose. The selected policing action should be helpful, necessary and proportionate. When considering this norm, it is especially important to define the terms "**helpful**" and "**necessary**." According to the Law of Georgia on Police, a policing action is useful if it makes it possible to achieve a legitimate goal. A policing action is necessary if no other means could be used that would cause less harm to the addressees and other persons of the event while achieving a legitimate aim.
- The police are obliged to provide public information about their activities to civic organizations.

Chapter five of the Law of Georgia on Police defines the rules for the use of special policing means and the limits established by law. In particular, according to Article 31, a police officer is authorized to use a firearm or special means only if the officer has undergone special training. The same article clarifies that a police officer is obliged to warn a person in advance about the use of special means, to give reasonable time to comply with the lawful request. It is important to note that a police officer is prohibited from using any means that cause severe mutilation or are associated with unjustified risk.

According to Article 33 of the Law of Georgia on Police, police officer uses passive and active special means to protect public safety and law and order. According to paragraph 3 of the same article, active special means (including non-lethal weapons - non-lethal shells) destruct for a short time the ability of a person to resist a police officer and/or assist a police officer in performing a police function. In addition, non-lethal weapons (including non-lethal shells) are used to repel an attack on a person, police officer and/or a protected object, to prevent mass and group breaches of law, when arresting a person who committed a crime or a publicly dangerous act or forcing him/her to leave the occupied territory, vehicle or building.

Based on the facts and data obtained and analyzed by the Center “Empathy” during the study, we can conclude that on June 20-21, 2019, during a special police operation held in the vicinity of the building of the Parliament of Georgia, the Law of Georgia on Police was violated in terms of principles and standards as well as in terms of specific normative requirements, namely:

- ²¹During the mentioned police action, there were cases of abusing the honor and dignity of the demonstrators, which was manifested in the physical abuse, beating, and ill-treatment of individuals during the arrest. (Blowing in the face, spitting in the face, kicking the person during the arrest)
- During the special police action held near the building of the Parliament of Georgia on June 20-21, 2019, the principle of legal reservation established by the Law of Georgia on Police was violated, which means that the implementation of the police action, which leads to restriction of human rights and freedoms recognized by the Constitution of Georgia, is allowed only on the basis of law. In order to judge, it is important to define the term "on the basis of law", for the definition of which the so-called "legitimacy /legality test" is used. In order to judge the legality of the police action, we must take into account the formal, legal grounds for conducting the event, as well as the documentary validity of the event.

According to the official information provided by the Ministry of Internal Affairs of Georgia, no relevant written order was issued for the special police action. ²² The police units operated on the basis of a plan approved by the Minister of Internal Affairs with the consent of his deputies (Kakhaber Sabanadze, Vladimir Botsvadze and Levan Kakava), which is marked as a "secret". Thus, it is impossible to examine the documentary basis of the police action during the study. However, based on public statements made by the current Minister of Internal Affairs – Giorgi Gakharia, the Prime Minister - Mamuka Bakhtadze and other high-ranking political officials, it is highly probable that the motive of protection from the protesters in the building of the Parliament of Georgia may have been used as a basis for the policing action. The existence of the motive and the results of the police action do not coincide, as most of the severely injured protesters were physically injured several tens or hundreds of meters away from the building of the Parliament of Georgia, where the police action could not have been aimed to protect the building of the Parliament. Also, according to the confirmed information, 38 journalists were seriously injured, against whom there was no factual need to use special police means to protect the Parliament building, as the media could not pose any threat to the Parliament building.

²¹ Konstantine Japaridze, “June 20-Gavrilov’s night”, 2019. 8.08, (0:16; 0:26; 0:54; 1:15-1:16; 1:24)

[<https://www.youtube.com/watch?v=EJAXjVpzx1g&fbclid=IwAR1ioro9LtWX4Zp33lsmgFyod3fM7tU6tibcNLNu3Yuin5T3h2uGroO-NYE>]

²² Ministry of Internal Affairs of Georgia; letter N MIA 4 20 01 406 277; 24/06/2020

It is important to note that some of the protesters were chased for several hundred meters, which excludes the fact that the representatives of the relevant police units prevented the attack on the Parliament building by demonstrators. It should be noted that one of the victims, G.Ch., was severely assaulted physically (beaten, humiliating treatment) in the vicinity of Melikishvili Avenue, which is more than two kilometers away from the building of the Parliament of Georgia. Consequently, the fact of beating G.Ch. cannot be assessed as a measure of protection of the building of the Parliament of Georgia.

If we take into account the fact that the legal basis for the mentioned special police action was protection from the protesters in the building of the Parliament of Georgia, based on all the above, we can clearly conclude that the police action, in terms of its tactical and operational performance, is absolutely missing the legal purpose, which provides the basis for the conclusion that the mentioned police action does not meet the criterion of legality.

1.2. Legitimacy of the special police operation

1.2.1. Formal aspects of the police action

The issue of the legitimacy of the special police action should be divided into two equal components:

- Formal legitimacy of the event;
- Material legitimacy of the event.

In discussing the formal aspects, the study is based on Order N 1002 of December 30, 2015 of the Minister of Internal Affairs of Georgia "On Approval of the Guidelines for the Conduct of Employees of the Ministry of Internal Affairs of Georgia during Assemblies and Demonstrations", which defines procedural issues related to the use of force by police units during rallies and demonstrations, including coercive measures and the use of special means.

Article 6 of the order clarifies the need for the responsible persons to negotiate with the organizers of the assembly/demonstration in order to avoid tensions and possible violations. According to paragraph 2 of this article, "Negotiations with the organizer may be conducted by the responsible person or the head of the unit before, during and after the event."

Prior to the dispersal of the protest demonstration near the building of the Parliament of Georgia on June 20-21, 2019, there were no negotiations between the representatives of the Ministry of Internal Affairs, including the Minister of Internal Affairs, Gakharia, and the

representatives of the protest demonstration. According to the media reports, the Minister Gakharia and his Deputy, Kakhaber Sabanadze, said that the negotiations could not have been conducted due to the lack of readiness on the part of the protesters.²³ It should be noted that according to the media reports, the mediation between the Ministry of Internal Affairs and the representatives of the protest was carried out by certain individuals, which does not imply a legal, formal way of conducting negotiations. Formally, a negotiation offer would be a public call by the Minister of the Interior, one of his deputies, or the head of a police unit to initiate negotiations. This public statement could be made through television and other media outlets, as well as an official statement from the Ministry of Internal Affairs. Such a public offer was not made by the Ministry of Internal Affairs on June 20-21, 2019, thus violating Article 6 of the Guidelines for the Conduct of Employees of the Ministry of Internal Affairs of Georgia during assemblies and demonstrations.

According to Article 7 of the “Guidelines for the Conduct of Employees of the Ministry of Internal Affairs of Georgia during Assemblies and Demonstrations”: “Before the start of a special event, the person in charge is obliged to warn the participants of the assembly/demonstration about the use of physical force and special means in advance, to give them a reasonable time (not less than 30 minutes) to fulfill the lawful request. Except when the delay may result in damage to the life and/or health of a person and/or law enforcement officer or other serious consequences, or such a warning is unjustified/impossible in the current situation.”

According to paragraph 2 of the same article: “A warning shall contain a brief description of the violation of the law by the participants, a reasonable time and route for leaving the occupied territory, and in case of non-compliance with law enforcement requirements - information on the use of physical force and/or special means.”

On June 20-21, 2019, the Ministry of Internal Affairs did not make a warning under the above norm. A relevant warning under this wording would be a public address by the Minister of Internal Affairs, his deputies, and/or the heads of the units participating in the special police action to the protesters, which would be perceptible and understandable to them. This violated the requirements of Article 7 of the Guidelines for the Conduct of Employees of the Ministry of Internal Affairs of Georgia during Assemblies and Demonstrations.

Article 8 (d) of the Guidelines for the Conduct of Employees of the Ministry of Internal Affairs of Georgia during Assemblies and Demonstrations clearly defines the rules for the use of rubber bullets, according to which "the order to use non-lethal weapons, including non-lethal shells, is

²³ TV IMEDI “Gakharia explained why the negotiations with the opposition leaders failed”, June 27, 2019, [https://imedinews.ge/ge/politika/110083/gakhariam-ganmarta-ratom-chaishala-molaparakeba-opozitsiis-liderebtan]

issued by the head of the unit participating in the event with the consent of the person in charge, and in case the delay could pose a real threat to life and/or health of a person - the head of the unit participating in the event."

The special interim report of the Public Defender of Georgia on the investigation²⁴ of the events of June 20-21 contains important information for the study about the use of non-lethal weapon, in particular rubber bullets, during the dispersal of the protest demonstration on June 20-21, 2019. The report states that, according to the gunmen of the Special Forces Unit, they received the relevant order regarding the use of tear gas, although they did not receive any order from the management regarding the use of rubber bullets. The gunmen note that their commanders were also present during the use of non-lethal shells, although they did not issue an order to stop the use of shells.

According to the heads of the Special Tasks Department, the head of the department issued an order regarding the use of tear gas, while no order was issued for the use of rubber bullets.

According to the ombudsman's report, a survey of various staff members of the Special Tasks Department found that rubber bullets were used "by a decision of a particular police officer" and not by a single order.

It should be emphasized that the above practice of using non-lethal shells - rubber bullets - is in clear contradiction with Article 8 (d) of the Manual of Conduct of Employees of the Ministry of Internal Affairs during Assemblies and Demonstrations, which clearly imposes the need for the commander to issue orders when using non-lethal weapons, including non-lethal shells. This principle stems from several important circumstances. Primarily, it is assumed that the leader has the competence and experience to perceive and analyze the process, to assess potential or imminent threats and risks arising from the demonstrators. Since the use of non-lethal shells is a forceful and extreme measure, the correct assessment of the situation depends on the competence of the supervisor, i.e., determining the moment when it is necessary to use extreme force on the part of police units. In addition, the need to issue an order laid down by the instruction serves to establish the issue of accountability and responsibility and, if necessary, to identify the person responsible for human rights violations. The need to issue orders also serves a purely operational purpose, so that non-lethal shells are not used unsystematically, at the personal discretion and decision of police officers, to avoid panic among demonstrators, physical confrontation between protesters and police units, make it possible to safely manage the flow of protesters.

²⁴ Special Report of the Public Defender of Georgia Interim Report on the Investigation of the June 20-21 Events, 2020 [<https://www.ombudsman.ge/res/docs/2020062612225999085.pdf>]

Contrary to the above logic, as it is clear from the ombudsman's interim report, the responsible persons did not issue an order regarding the use of non-lethal shells - rubber bullets, which grossly violated order N 1002 of the Minister of Internal Affairs of Georgia. Most probably, the large number of facts of health damage inflicted on the demonstrators and the severity of the injuries received are the result of the use of rubber bullets bypassing the regulations established by the law of Georgia.

It should also be noted that according to Article 8(2) of Order N 1002 of the Minister of Internal Affairs of Georgia: "The decision-maker shall be responsible for the legality of the use of special means." According to sub-paragraph "d" of the first paragraph of the same article, the order on the use of non-lethal shells is issued by the head of the unit with the consent of the responsible person. According to Article 5(2) of Order N 1002 of the Minister of Internal Affairs, the security action plan developed during the assembly/demonstration shall be approved by the Minister of Internal Affairs of Georgia or a person authorized by him. According to the testimony of the Minister of Internal Affairs and his deputies, the Minister, with the consent of the deputies, approved the "Plan of measures for the protection and restoration of public order." Accordingly, the person responsible for the implementation of the plan is the Minister of Internal Affairs. Thus, the order to use rubber bullets should have been issued by the Director of the Special Tasks Department (Head of Unit participating in the operation) with the consent of the Minister of Internal Affairs of Georgia (responsible person). However, according to the testimony of the Public Defender in the interim report, during the special police action held on June 20-21, 2019, when using non-lethal shells, the chain of command established by the legislation of Georgia was completely violated.

Article 9 of Order N1002 of the Minister of Internal Affairs of Georgia establishes special requirements for the use of special means during assembly/demonstration. Subparagraph (c) of this article prohibits a law enforcement official from "using a non-lethal weapon and a non-lethal shell against a person within a distance of twenty meters, as well as in areas dangerous to the health and life of the body (head, neck, abdomen, genitals), except in cases where the delay may result in damage to the health and life of the person and/or group of persons or other serious consequences."

As a result of the police action held on June 20-21, 2019, some of the protesters gathered on Rustaveli Avenue suffered severe head injuries, which in some cases led to vision loss or impairment, severe brain injuries, paralysis of the upper and lower limbs, irreversible physical damage.²⁵The

²⁵ <https://www.youtube.com/watch?v=zK7Bb1xuu8Y> (4:35; 4:40; 4:41; 4:44; 4:46; 4:47;5:11 – 5:12)

<https://www.youtube.com/watch?v=EJAXjVpzx1g&fbclid=IwAR1ioro9LtWX4Zp33lsmgFyod3fM7tU6tibcNLNu3Yuin5T3h2uGroO-NYE>

video material clearly shows the shooting of rubber bullets by special forces targeting the parts of the body, dangerous for the health and life and is prohibited by the legislation of Georgia. It should also be noted that the video material clearly shows how the Special Forces Unit of the Special Tasks Department uses special police means - water cannons, rubber bullets, tear gas - simultaneously and in parallel, with the gross violation of Article 9(1)(p) of Order N 1002 of the Minister of Internal Affairs of Georgia, "With a gross violation of sub-paragraph, which clearly explains: "A law enforcement official is prohibited from using the water cannon, rubber bullets and tear gas against the participants of the assembly/demonstration simultaneously or in parallel."

1.2.2. The substantive component of the police action

The following aspects should be taken into account in terms of material/substantive discussion of the police action held near the building of the Parliament of Georgia on June 20-21, 2019:

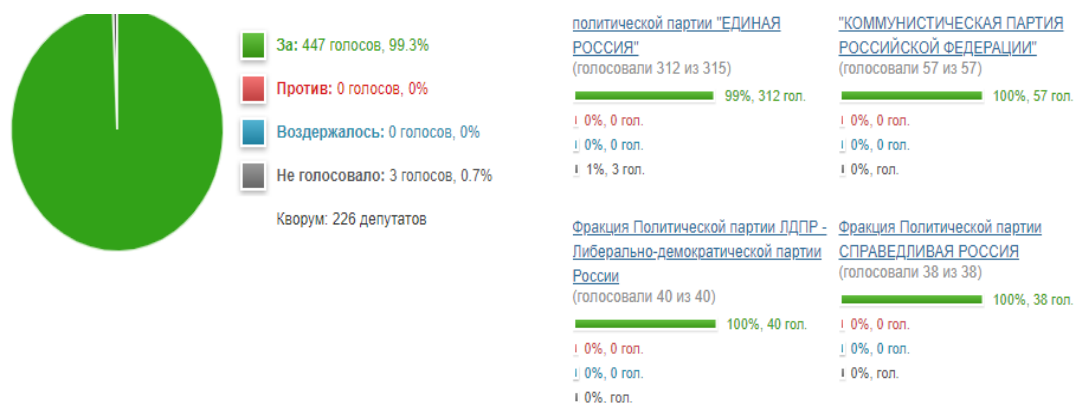
Public protest and the initial stage of the crisis

The anti-occupation protest movement that started in June 2019, including the events of June 20-21, is directly related to the arrival of Sergei Gavrilov, member of the Legislative Body of the Russian Federation from the Communist Party, in Georgia.

The Law of Georgia on the Legal Status of Aliens and Stateless Persons contains important provisions for discussion. In particular, according to Article 4(1) of the Law, a foreign citizen "enters Georgia and leaves Georgia from the border crossing point opened for international traffic at the designated hours of traffic, if he/she has a valid travel document and obtains a permit to enter Georgia." Accordingly, Sergei Gavrilov entered Georgia through the border checkpoint, which is administered by the Patrol Police Department of the Ministry of Internal Affairs of Georgia, and he also had a permit to enter Georgia issued by the relevant state body.

According to Article 11(1)(e) and (f) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, a foreign citizen may be refused entry to Georgia "if his/her presence in Georgia endangers the state security of Georgia and/or public order, protection of the health, rights and legal interests of the citizens of Georgia and other persons residing in Georgia ", or" if, due to foreign-political expediency, his/her presence in Georgia is unacceptable ".

The illegal military occupation of the regions of Georgia - Abkhazia and Samachablo/Tskhinvali Region by the Russian Federation and the recognition of these regions as independent states in August 2008 is an action against the statehood, territorial integrity and sovereignty of Georgia, which poses a daily threat to the national security of the country, the life and health of the citizens of Georgia, violates their basic civil, political, economic and social rights. After the end of the hot phase of the Russian military aggression against Georgia on August 25, 2008, the State Duma of the Russian Federation voted to recognize the regions of Georgia as independent states and establish diplomatic relations with them and addressed a special decree to the President of the Russian Federation on the implementation of relevant actions. Sergei Gavrilov, a member of the Russian Communist Party, voted in favor of recognizing occupied territories of Georgia as independent states.²⁶



Поименные результаты голосования

Все	А	Б	В	Г	Д	Е	Ж	З	И	К	Л	М	Н	О	П	Р	С	Т	У	Ф	Х	Ц	Ч	Ш	Э	Ю	Я	ЕР	КПРФ	ЛДПР	СР	
Фамилия Имя Отчество															▲	Фракция					≡	Результаты голосования										≡
Габдрахманов Ильдар Нурулович																ЕР						За										
Гаврилов Сергей Анатольевич																КПРФ						За										

Based on all the above, it can be said that Sergei Gavrilov is directly subject to the area of legal action of Article 11(1)(e) and (f) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, as far as his entry into the territory of Georgia, as well as participation in official events planned at the Presidential Palace and the Parliament of Georgia, would definitely cause public agitation. In addition, his admission to the territory of Georgia contained clear risks to the national security of Georgia. The invitation of Sergei Gavrilov is also unjustified in the context of non-recognition policy successfully implemented by the Georgian state over the years, which creates

²⁶1). http://vote.duma.gov.ru/vote/61885?fbclid=IwAR2-nOwPRb1fPCpM4V_RZnsf43sNBLouDeE2oVbWE3whfUUnrQV5GhDsMy4
2). <http://api.duma.gov.ru/api/transcriptFull/2008-08-25>

grounds for arguing that his admission to the territory of the country was unacceptable due to foreign policy expediency.

According to the rules established by the legislation of Georgia, upon entering Georgia, a foreign citizen is inspected at the border checkpoint. The procedure is carried out by the Ministry of Internal Affairs of Georgia. As a result of the inspection, the authorized body gives consent to the foreign citizen to enter Georgia or refuses it. A foreign citizen who was refused entry to Georgia as a result of an inspection at a border checkpoint shall return.

To avoid the developments on June 20-21, 2019, the Ministry of Internal Affairs of Georgia had to apply measures defined by the legislation of Georgia, which would make it impossible for a member of the legislative body of the Russian Federation to visit Georgia and participate in official events.

Pursuant to Article 21(1)(b) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, the period of stay of an alien in Georgia may be terminated if he/she performs an activity that poses a threat to the state security of Georgia. According to Article 51(1)(c) of the same law, a foreign citizen may be removed from Georgia if his/her stay in Georgia is contrary to the state security and/or public order.

Even if the Ministry of Internal Affairs of Georgia, for any technical reason, could not prevent Sergei Gavrilov from entering the territory of Georgia, with the application of the rule established by the legislation of Georgia, it was possible to put in place a mechanism of his expulsion from the territory of Georgia. In this way, it would be possible to peacefully regulate the events of June 20-21, 2019.

In conclusion, the events of June 20-21, 2019 were significantly conditioned by the inaction of the Ministry of Internal Affairs of Georgia, which allowed Sergei Gavrilov to enter the territory of Georgia, participate in official events held at the Presidential Palace and the building of the highest legislative body of Georgia, which, in turn, provoked public protest.

The need to use force and the resource to negotiate

According to the current legislation of Georgia, the use of force during a police action is the last, necessary way to protect public order and security. It remains unclear what specific circumstance became provocative of the use of force by police units during the protest demonstration held in front of the building of the Parliament of Georgia on June 20-21, 2019. It is important to determine which phase of the protest became the basis for the use of less lethal

weapons. Given that the purpose of the police action was to protect the building of the Parliament of Georgia from demonstrators, it is unclear at what point the critical threshold was crossed and the need to use force arose, as there was no positional advance from the protesters towards the Parliament building. As far as the protesters were concerned, there was no positional progress in the direction of the building of the Parliament of Georgia. An important aspect to consider is the following question: if police officers identified cases of illegal use of force by protesters, why did the violent group not separate from the peaceful demonstrators?

It should be noted that before the start of the police action, no negotiations were conducted with the protesters in accordance with the rules established by the legislation of Georgia, which made impossible the peaceful settlement of events. The non-use of the negotiation mechanism gives rise to important questions about the real purpose of the police action.

Administrative building protection or punitive operation?

As a result of the police action held on June 20-21, 2019, 38 members of the media were injured, severe physical injuries were inflicted to the protesters hundreds of meters away from the building of the Parliament of Georgia, protesters were chased, making the police action inconsistent with its official purpose - to protect the administrative building.

The tactical-operational execution of the police operation, the methods of dispersing the protest demonstration, the force used by the police units in terms of scale and intensity indicate that the police action was not aimed at protecting the administrative building, but at "punishing" the protesters.

Based on all the above, it can be concluded that the special police action held near the building of the Parliament of Georgia on June 20-21, 2019 is illegal and illegitimate. The event contains gross violations of the requirements of the law of Georgia, which leads to legal liability of those responsible for conducting the special police action.

1.3. Law of Georgia on the Occupied Territories and the Criminal Code of Georgia

When discussing the issue, we cannot ignore the norms defined by the Law of Georgia on the Occupied Territories and the Criminal Code of Georgia, the discussion of which is important to present the problem in the unified context.

The purpose of the Law of Georgia on Occupied Territories is to determine the status of the territories occupied as a result of the military aggression of the Russian Federation, to establish a special legal regime for these territories. According to Article 8(1) of this Law: “A body (official) shall be illegal if it is not established (appointed/elected) under the procedures determined by the legislation of Georgia, and/or if in any form it actually performs legislative, executive, or judicial functions or other activity in the occupied territories that fall within the functions of the State or local self-government bodies of Georgia.”

The role of the Russian Federation in relation to the occupied territories of Georgia, in particular the effective control exercised by the Russian authorities over Abkhazia and Samachablo/Tskhinvali region, should be taken into account for a broad interpretation of the content of the norm and its application to a person or group of persons.

In the case *Loizidou v. Turkey*, the European Court of Human Rights linked the notion of effective control to three main aspects:

1. Control of the territory by foreign military structures for a certain period of time;
2. Municipal management of the territory should be carried out by foreign bodies, or with their active intervention;
3. De facto authorities must be substantially supported by a third State in military/security, economic/financial and political terms.

Given all three of the above components, there is no doubt that the Russian Federation, through its legislative and executive bodies, exercises effective control over the occupied territories of Georgia. The conclusion is that the members of the State Duma of the Russian Federation, who supported the recognition of the regions of Georgia - Abkhazia and Samachablo/Tskhinvali region - as independent states in August 2008, not only recognize the legitimacy of the bodies defined by Article 8 of the Law of Georgia on Occupied Territories, but also directly create and administer the so-called state structures; provide political and financial support to illegal authorities by concluding and ratifying relevant treaties.

Based on the developed reasoning, we can conclude that the law of Georgia "On Occupied Territories" is violated by the member of the State Duma of the Russian Federation-Sergey Gavrilov.

According to Article 9 of the Law of Georgia on Occupied Territories:

„If the requirements of this Law are violated, the Georgian authorities shall be obliged to apply all mechanisms under the legislation of Georgia and international law to protect the legal interests and security of Georgia.

The Government of Georgia shall be obliged to ensure conclusion of bilateral agreements to ensure that a contracting state applies appropriate statutory sanctions of the contracting state to the persons violating this Law“.

According to the above article, violation of the Law of Georgia on the Occupied Territories by Sergei Gavrilov, Member of the State Duma of the Russian Federation, imposes an imperative obligation on the Georgian authorities to take legal measures against a person, which, of course, does not imply Gavrilov's entry into Georgia, especially, his participation in events organized by the Presidential Administration and the Parliament of Georgia.

This violates the requirement of Article 9 of the Law of Georgia on the Occupied Territories by the Georgian authorities.

According to Article 308 of the Criminal Code of Georgia:

„1. An act committed against Georgia that is intended to transfer the entire territory of Georgia or its part to a foreign country or to separate a certain part from the Georgian territory,-

shall be punished by imprisonment for a term of ten to fifteen years.

2. The same act that results in loss of the entire territory of Georgia or its part, or other grave consequences, –

shall be punished by imprisonment for a term of fifteen to twenty years or by life imprisonment.”

The object of criminal protection of this article is the territorial inviolability of Georgia. The crime provided for in Article 308 is manifested in an action taken against the state of Georgia, which aims to transfer the territory of Georgia, or part of it, to a foreign country, or to separate its part from the territory of Georgia. The second part of the article deals with material crime, i.e., action that led to the loss of the entire territory of Georgia, or part of it, or other grave consequences. It is important to define the term “other grave consequences.” According to the established scientific

approach²⁷, “a grace consequence is not specified by the legislator, it must be determined by the court in each specific case according to the circumstances of the case. It could be the start of a war, the emergence of an influx of refugees, and so on.”

The vote in the State Duma of the Russian Federation in August 2008 on the recognition of the regions of Georgia as independent states and the establishment of diplomatic relations with them and the decision made as a result of the vote is a clear act against the statehood, sovereignty and territorial integrity of Georgia, which aims to separate 20% of it from the territory of Georgia, which has led to grave consequences, in particular, the forced relocation of tens of thousands of Georgian citizens.

Accordingly, Sergei Gavrilov, a member of the State Duma of the Russian Federation who participated in the voting, falls within the scope of Article 308 of the Criminal Code of Georgia, which, naturally, should have made it impossible for him to cross the Georgian state border without taking legal measures.

It is important to note that instead of taking measures under the Criminal Code of Georgia and the legislation of Georgia, due to inaction of the relevant Georgian authorities, it became possible for Sergei Gavrilov to move freely on the territory of Georgia, moreover, to participate in the events organized by state bodies.

2. International Standards on the Use of Force - Comparative Analysis

The use of force is regulated by both international law and domestic law. Although all states regulate this issue differently, it is important that domestic law is in line with internationally established standards.

The aim of the legal part of the study is to make a comparative analysis of international and domestic standards and legislation, to show what are the gaps in the Georgian legislation and what recommendations need to be considered to harmonize domestic legislation with international standards.

²⁷ Mzia Lekveishvili, Nana Todua, Gocha Mamulashvili, Private Part of Criminal Law, Book 1, Fourth Edition, Meridian Publishing House, Tbilisi, 2011

2.1. Use of force

Geneva Guidelines on Less-Lethal Weapons and Related Equipment in Law Enforcement of 2018 set out key recommendations that are important to consider when enforcing police measures by law enforcement officers. First of all, it is important to focus on the definition of the use of force. **The use of force refers to the use or the threat of imminent use of physical means to coerce or influence behavior, harm a person or damage property. Such means may be kinetic in nature as well as chemical, electrical or otherwise. The use of force can damage human health and, in some cases, lead to death.**²⁸

2.2. Freedom of Assembly

According to the Article 20 of the “Universal Declaration of Human Rights” and Article 11 of the “European Convention on Human Rights”, everyone has the right to freedom of peaceful assembly. A similar right is enshrined in the Constitution of Georgia, in particular Article 21, which gives everyone, except those enlisted in the Defense Forces or bodies responsible for state and public security, the right to assemble publicly and unarmed without prior permission. In the sense of both international and national law, this right is not absolute, therefore it can be limited in order to protect public safety, only if it assumes an unlawful character. It should also be noted that the use of force is a complex issue and its assessment must be carried out individually in each specific situation.

It is noteworthy that the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has underlined that states have a positive obligation to protect peaceful assemblies, as well as to facilitate the exercise of the right to freedom of peaceful assembly and expression under international human rights law.²⁹

2.3. Law Enforcement Equipment

Use of force and firearms regulated by international human rights norms have legally and politically binding power. The UN Basic Principles of 1990 on the Use of Force and Firearms by Law Enforcement Officials provides important recommendations for governments and law enforcement agencies, including the use of less lethal weapons and self-defensive equipment such as shields, helmets, bullet-proof vests, and bullet-proof means of transportation, as well as the implementation

²⁸ Geneva Guidelines on Less-Lethal Weapons and Related Equipment in Law Enforcement, July 2018, p. 33 [<https://www.geneva-academy.ch/joomlatools-files/docman-files/Geneva%20Guidelines%20on%20Less-Lethal%20Weapons%20and%20Related%20Equipment%20in%20Law%20Enforcement.pdf>]

²⁹

https://omegaresearchfoundation.org/sites/default/files/uploads/Publications/HR_impact_less_lethal_weapons_ACT_30_1305_2015.pdf (p. 5;6)

and introduction of International regulations and rules to prevent arbitrary use of force in the country.³⁰

According to the Article 33 of the Law of Georgia about the Police, a police officer uses passive and active special means to protect public safety and law and order. Passive special means ensure protection of the life and health of the police officer and/or the person to be protected by him/her. Such special means are: armor, helmet, shield, air shield and other special means of body protection. Active special means deprive a person of the ability to resist a police officer for a short period of a time, and/or assist a police officer for a short period of a time in performing a police function. Such special means are: handcuffs, special batons, tear gas, non-lethal weapons, including non-lethal projectiles, etc.

2.4. "Non-lethal" or "less lethal" weapons

According to the 2nd UN Basic Principle 1990, a non-lethal weapon deprives or restricts a person of the ability to resist or to commit an unlawful act. Non-lethal weapons are designed for the use of force without causing death. It is noteworthy that potentially any non-lethal weapon can become lethal depending on how it is used.³¹ According to the Association of Chief Police Officers (ACPO), "No Technology can be guaranteed to be non-lethal."³²

³³ International Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 2015 clarify that 'non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. Considering that any weapon can be lethal it is more appropriate to replace the term "non-lethal" by the term "less lethal". According to the report by the Parliamentary Assembly of the Council of Europe, non-lethal or incapacitating weapons, can become lethal if used in a certain manner.³⁴

According to the document of the Geneva Academy 2016, "The use of force in law enforcement and the Right to Life", the less lethal category includes rubber bullets. This Manual strictly

³⁰ "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 [<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>]

³¹ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 133. [https://www.amnesty.org.uk/files/use_of_force.pdf]

³² Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 133. [https://www.amnesty.org.uk/files/use_of_force.pdf]

³³ Amnesty International, "Use of Force – Guidelines for implementation of the UN basic principles on the use of force and firearms by law enforcement officials" 2015.

³⁴ PACE, Committee on Legal Affairs and Human Rights, Urgent need to prevent human rights violations during peaceful protests, Doc. 14060, 10 May 2016, §§ 70-71 [https://www.ecoi.net/en/file/local/1351663/1226_1463488201_document-1.pdf]

distinguishes between these terms and states that "non-lethal" is an inappropriate because the weapons covered are not non-lethal in practice.³⁵

The term "non-lethal" is used in Law of Georgia about Police, as well as in Order N 1002 of the Minister of Internal Affairs of Georgia, December 30, 2015. Domestic legislation does not indicate that the use of "non-lethal" weapons can cause lethal consequences.

Based on the above, we can conclude that the national legislation is terminologically inconsistent and the term "non-lethal" is not in compliance with international standards.

2.5. Various types of less lethal projectiles

A Kinetic-energy weapon is one that threatens or inflicts harm to a person through the application to the human body of the energy that a bullet or other projectiles possesses due to its mass and motion. This category includes certain weapons termed "non-lethal" (including less lethal projectiles).³⁶ The 2015 Guidelines on the Use of Force explain the concept and types of less lethal projectiles. Projectiles can be made of wood as well as, for example, rubber and plastic.³⁷ According to the document, projectiles are designed to cause blunt trauma" on a person, which causes bruises, as well as very serious injuries such as: lacerations, broken bones, concussion, head injuries, internal organ damage and bleeding, eye injuries. Even when used according to the manufacturer's instructions launched projectiles can cause serious and life threatening injuries.³⁸

A Visual Guide published by the "Omega Research Foundation" states that markings on kinetic impact projectiles are essential as they can lead us to make an irrefutable identification of equipment. They must have serial numbers and logos. Depending on the shape, the weapons can be round, square, oblong, etc., therefore, it is important to determine their shape and the material from which the weapon is made. Attention should also be paid to the color of the less lethal weapon, as colors can also be useful indicators of what equipment is, for example, some manufacturers mark their products with different colors.³⁹

The legislation of Georgia does not differentiate "non-lethal" projectiles, which causes a significant gap between national and international standards to establish which type of bullets can

³⁵ https://www.geneva-academy.ch/joomlatools-files/docman-files/in-brief6_WEB.pdf p. 14

³⁶ Stuart Casey-Maslen "Non-Kinetic-Energy Weapons Termed "non-lethal", A Preliminary Assessment under International Humanitarian Law and International Human Rights Law, October 2010, Geneva Academy, page 4. [<https://www.geneva-academy.ch/joomlatools-files/docman-files/Non-Kinetic-Energy%20Weapons.pdf>] (Available January 2021,27)

³⁷ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 22 [https://www.amnesty.org.uk/files/use_of_force.pdf]

³⁸ Amnesty international, The human rights impact of less lethal weapons and other law enforcement, 2015, London UK, [https://omegaresearchfoundation.org/sites/default/files/uploads/Publications/HR_impact_less_lethal_weapons_ACT_30_1305_2015.pdf] (p. 17)

³⁹ A Visual Guide to Military, Security & Police Equipment [Omega Research Foundation & Mispo.org] p. S5-2

be used under national law. It remains unclear which type of bullets can cause harm. Without determination of the distinctive marks of the weapons, the identification of the manufacturer and supplier is impossible.

2.6. Use of less lethal weapons

A visualization document published by the “Omega Research Foundation” indicates that less lethal projectiles shall not be used in mass public gatherings as their inaccurate nature mean a "safe shot" cannot be guaranteed. Their use may also spread panic and cause further injuries due stampedes.⁴⁰

According to the Article 4 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990, law enforcement officials shall apply non-violent means before resorting to the use of force. They may use force only if other means remain ineffective. Law enforcement officials must respect and preserve human life and protect the universally recognized right on peaceful assembly. Steps must first be taken to avoid the use of force or to minimize damage and injury.⁴¹

According to Geneva Guidelines of 2018, the use of certain types of less lethal weapons, including rubber- coated metal bullets, is prohibited even it serves a legitimate law enforcement objective.⁴²

According to 2015 Guidelines, law enforcement officials must avoid the need to resort to the use of force. Even if an assembly is considered unlawful under domestic legislation, it does not justify the use of force by law enforcement officials.⁴³ When the use of force is directed to violence, law enforcement officials should seek to identify and isolate any violent individuals separately from the main assembly. In any case, the mere fact that an assembly is considered unlawful under domestic legislation does not justify the use of force. According to the international standards, law enforcement officials are the main actor with direct influence on the violent situation and this influence can either lead to de-escalation and improvement of the situation, or contribute to the

⁴⁰ A Visual Guide to Military, Security & Police Equipment [Omega Research Foundation & Mispo.org] p. S5-2

⁴¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. [<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>]

⁴² Geneva Guidelines on Less-Lethal Weapons and Related Equipment in Law Enforcement Text for Consultation July 2018. p. 19 [<https://www.geneva-academy.ch/joomlatools-files/docman-files/Geneva%20Guidelines%20on%20Less-Lethal%20Weapons%20and%20Related%20Equipment%20in%20Law%20Enforcement.pdf>]

⁴³ Amnesty International “Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, 2015, Amsterdam, the Nederland p. 152; 7.2 [https://www.amnestyusa.org/files/amnesty_international_guidelines_on_use_of_force-2.pdf]

escalation and deterioration of the situation. Even If some individuals engage in violence, this does not affect the right of others to peacefully continue with the assembly.⁴⁴

Before resorting to the use force, law enforcement officials must consider the risks of contributing to further escalation of an already tense situation. The containment of groups of protestors by a police cordon to prevent them from leaving a certain area is a highly problematic tactic, that should only be used to contain the violence of a smaller group. Participants who are not involved in violence must be allowed to leave the area. Less lethal weapons should be used against protestors who are engaged in violence only when other means have failed to stop the violence. Less lethal weapons may never be fired directly at a person. Police devices that have indiscriminate effects and a high potential of harm, such as tear gas and water cannons, may only be used in situations of more generalized violence. If the protestors are not allowed to leave the area and the roads around them are blocked, the use of such police devices is forbidden.⁴⁵

According to Geneva Guidelines of 2018, before action to disperse an assembly is taken, a warning must be given, in addition time must be given for protestors to obey the warning, and a safe space or route for them to leave.⁴⁶

It is noteworthy that the Guidelines on the use of Less Lethal Weapons of Geneva Academy of Human Rights , states that the use of less lethal weapons to disperse an assembly must be a last resort. It is essential that law enforcement officials must isolate peaceful demonstrators from the aggressors. If the targeted intervention is ineffective, law enforcement officers have an obligation to give prior warning regarding the use of force.⁴⁷

A kinetic-impact projectile must not be fired in the direction of the head, face or neck. Rubber-coated metal bullets are life-threatening and must be prohibited.⁴⁸

Regarding to the domestic legislation, it is important to pay attention to the prohibitions considered under the Article 9 of the Order N 1002 of December 30, 2015 of the Minister of Internal

⁴⁴ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, p. 153; 7.3, [https://www.amnestyusa.org/files/amnesty_international_guidelines_on_use_of_force-2.pdf]

⁴⁵ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, p. 147,148,149 [https://www.amnestyusa.org/files/amnesty_international_guidelines_on_use_of_force-2.pdf]

⁴⁶ Geneva Guidelines on Less-Lethal Weapons and Related Equipment in Law Enforcement Text for Consultation July 2018. P. 21; 7.3.3 [https://www.geneva-academy.ch/joomlatools-files/docman-files/Geneva%20Guidelines%20on%20Less-Lethal%20Weapons%20and%20Related%20Equipment%20in%20Law%20Enforcement.pdf]

⁴⁷ https://www.geneva-academy.ch/joomlatools-files/docman-files/Geneva%20Guidelines%20on%20Less-Lethal%20Weapons%20and%20Related%20Equipment%20in%20Law%20Enforcement.pdf p. 16

⁴⁸ The Department of Peacekeeping Operations prohibits the use of rubber bullets by United Nations police personnel, because of the risks of serious injury or even death from their improper use. United Nations, United Nations Peacekeeping Missions Military Police Manual, July 2015, para. 3.6.1

Affairs of Georgia. According to the Article 9(c), the use of non-lethal weapons and non-lethal projectiles at a distance of 20 meters is prohibited, it must not be fired in the direction of vital organs (head, neck, abdomen, genitals). The law of Georgia sets the exception by which when the delay may cause encroachment on life and health of a person or other severe consequences, law enforcement officials have the right to use non-lethal weapons. The second part of the Article 9(c) of Order N 1002 of December 30, 2015 of the Minister of Internal Affairs of Georgia repeals the prohibition, which implies the use of "non-lethal" projectiles towards to the vital organs. This article stipulates that in exceptional cases such action may be taken. For more persuasion, see the full article: **"The use of non-lethal weapons and non-lethal projectiles is prohibited against a person at a distance closer than twenty meters, as well as in vital organs of the body (head, neck, abdomen, genitals), unless the delay may cause encroachment on life and health and life of the person, or cause other severe consequences."** According to the international standards force may be used in exceptional cases, the use of weapons in the direction of vital organs is an imperative prohibition in all circumstances, national law does not prohibit the use of less lethal weapons, although their use may have fatal consequences. Thus, in this respect, national legislation is in breach of international standards.

2.7. Training

According to the principles and regulations adopted and recognized at the international level, it is important to train law enforcement officials for the effective implementation of their functions. The UN Basic Principles 18, 19 and 20 of 1990, directly defines the methods and means that ensure the selection of persons according to their moral, physical and psychological characteristics, as well as the need for ongoing professional training and appropriate methods on the peaceful resolution of conflicts through mediation and negotiation, and the analysis of the behavior of the masses. The Association of Chief Police Officers directly indicates that law enforcement agencies should provide appropriate training and certification for law enforcement officials.⁴⁹

⁵⁰The 2015 Guidelines on the Use of Force and Firearms by Law Enforcement Officials describes the procedures for the effective exercising power by law enforcement officials. The first step is the selection of law enforcement officials by proper screening procedures, have appropriate moral, physical and psychological qualities for the effective exercise of their function. Second step is focused on the training and appropriate proficiency standards of the law enforcement officials

⁴⁹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. [<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>]

⁵⁰ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland

provided by the law enforcement agencies, which is an important factor for the image of both the relevant body and the state. The training should make sure that law enforcement officials develop a range of professional skills allowing them to respond to the variety of situations they may face in their day-to-day work. Law enforcement officials skills include:

- Physical fitness to use a variety of equipment and weapons;
- Risk assessment, communication and decision-making skills in stressful situations;
- Mental and psychological endurance in stressful and dangerous situations;
- Providing Medical assistance.⁵¹

The Law of Georgia about Police regulates the recruitment procedures. According to the Article 37 of the abovementioned code, a candidate is selected by the Human Resources Department of the Ministry and a special commission, which examines the candidate's health status, physical fitness, education and professional aptitude. Candidates for certain positions in the police shall undergo a special training in a relevant educational program or course at the Academy of the Ministry before or after being recruited. According to the law, a person may be recruited to work at the police on the basis of a special competition. The candidate must be trained to exercise law enforcement functions and must have appropriate knowledge, physical fitness and mental health.

According to the basic principles of UN, the law enforcement agency is obliged to develop a training system to provide appropriate training and equipment to law enforcement officials. Their continued fitness to perform these functions should be subject to periodic review. In order to improve the quality of training, it is important to develop the training programs and operational procedures for the progress of law enforcement officials.

Within the framework of the study, the Center "Empathy" applied written (letter N 31-05/2029.05.2020) request to the Ministry of Internal Affairs of Georgia to obtain information on special practical training/exercise of personnel of the Patrol Police Department, Central Criminal Police Department and Special Tasks Department of the Ministry of Internal Affairs of Georgia which is directly related to the peaceful facilitation of protests. The Center "Empathy" requested to obtain an indication of the specifics of the training, theoretical and practical modules, the intensity and dates of the training, as well as the issues covered by the training course.

The response of the Ministry of Internal Affairs highlights: "In order to prevent violence during the dispersal of the assembly and arbitrary deprivation of freedom, the Legal Entity of Public

⁵¹ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 172 [https://www.amnesty.org.uk/files/use_of_force.pdf]

Law-the Academy of the Ministry conducts both basic and training programs in accordance with the national and international police training standards. Attention should be paid to the understanding and fulfillment of the positive obligation of the state to protect the freedom of the participants of the assembly-demonstration and to ensure their safety. The training addresses important issues such as: the essence and definition of freedom of assembly and demonstration in accordance with the national and international law; restrictions on demonstrations provided by law; the use of force during assemblies and the role of the police in protecting this right. Officials of the Special Tasks Department of the Ministry are constantly undergoing advance training courses. At the end of each year, the Operational Planning and Management Division of the department prepares a program of exercises and combat training for the coming year. An important part of the abovementioned program is the training of special tactics, which includes both theoretical and practical training in the following areas:

Law of Georgia on Police;

- Law of Georgia about rallies and demonstrations;
- Mass Dynamics;
- Operations;
- Use of force;
- Negotiations;
- Media relations;
- Decision making process during mass management activities;
- Special means;
- Purpose and use of individual means;
- Methods when using physical force, painful methods;
- Practical lessons on the use of water cannons (for special vehicles crew);
- Subdivision structure, formation of units by subdivision and tactics to be used (non-violent);
- Unit replacement exercises;
- Training in a structural unit, tactics used to restore public order;
- Subdivision movement, formation of units and tactics to be used;

- Rules for the use of non-lethal weapons and hand grenades and shooting methods;
- Tactics for acting on stadium stand;
- Tactical movements using special equipment;
- Movements using armored vehicles.“

Regardless of the record in the national legislation and the response of the Ministry of Internal Affairs, it is questionable how effectively the standards are implemented in practice or the training of the modules given in the letter of the Ministry of Internal Affairs.

2.8. Chain of Command

Accountability has the great importance of the responsibility during the use of force by law enforcement officials. This means that not only the individual law enforcement officials must be held accountable for their actions, but also all superiors who give orders to, supervise or otherwise command and control law enforcement officials.⁵² Without the functioning of the chain of command, accountability can not be ensured. Chain of command provides hierarchical structure, which further establishes responsibility in the presence of relevant illegal actions.

According to the 2018 guidelines of the Geneva Academy, to ensure effective accountability, law enforcement agencies shall establish sufficiently independent and effective internal accountability mechanisms. Monitoring, Reporting and transparency are essential components of accountability. Law enforcement officials must be identifiable by wearing nametags or individually assigned service numbers. All weapons and, where feasible, ammunition, munitions, batons, and projectiles should be uniquely marked.⁵³ In addition, it is necessary to establish impartial internal and external oversight systems that will conduct the investigation impartially and independently and that will have a mandate not only to conduct their own investigation but also to oversee the investigation.⁵⁴

Article 16 of the European Code of Police Ethics establishes the responsibility of the police officer for the action taken at any hierarchical level. Article 17 of the same Code stipulates the obligation to establish a clear command chain structure through which the identity of a senior official responsible for the policing action can be relatively easily identified.

⁵² Amnesty International “Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, 2015, Amsterdam, the Nederland, page 19, [https://www.amnesty.org.uk/files/use_of_force.pdf]

⁵³ „United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement“, Geneva, August 2019, page 7, [<https://www.geneva-academy.ch/joomlatools-files/docman-files/UN%20Guidance%20on%20Less%20Lethal%20Weapons.pdf>]

⁵⁴ Amnesty International “Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, 2015, Amsterdam, the Nederland, page 64, [https://www.amnesty.org.uk/files/use_of_force.pdf]

The structure of the chain of command should ensure that decisions are made at the appropriate level, as well as determine which decision, under what circumstances, and by whom specifically was made. To this end, it is important that all decisions be clear and documented by video or written means. Suspicious orders may be reviewed by law enforcement officers involved in the chain of command mechanism.⁵⁵

In the United Kingdom, for example, there are three levels of the chain of command in critical situations:

The **first level** considers the level of the strategic/Gold commander. The commander determines strategic oversight and sets tactical parameters, retains strategic oversight, overall command, and responsibility to give direction to the law enforcement officials. The commander communicates with law enforcement officials at all levels and assesses the expected threats.

The **second level** is the tactical commander who coordinates the tactical plan to achieve the strategic goal; responsible for the actions of officers and other personnel, establishes provisions regarding medical care, ensures the development of law enforcement officials deployment plan to complete the planned operation, and ensures that all decisions are documented.

As for the operational commander (**third level**), he/she must have special knowledge and clear understanding to be able to ensure the implementation of the tactical firearms commander's tactical plan within their territorial or functional area of responsibility.

According to the UN Basic Principles of 1990, the issue of liability should be explicitly defined in the criminal law of the country, which should apply equally to other persons as well as law enforcement officers. They shall not be exempted from criminal prosecution and investigation if there is sufficient admissible evidence that they have committed a crime which includes bodily or health damage, murder and other serious crimes as defined by criminal law. They shall not be exempted from criminal prosecution and investigation if there is sufficient admissible evidence that they have committed a crime which includes bodily or health damage, murder and other serious crimes as defined by criminal law.

Accountability should also be ensured in cases where policing action does not result in death or serious bodily injury. Under UN Basic Principle 24 of 1990, a senior official is liable if he/she knew or should have known that a law enforcement officer used illegal force under his/her command to take precautionary measures and did nothing to prevent or avoid violation of the law. It should be

⁵⁵ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 181, [https://www.amnesty.org.uk/files/use_of_force.pdf]

noted that the liability of superiors arises not only in the case of issuing an order, but also when the action of law enforcement official has resulted in injury or death of persons and superiors will not hold these law enforcement officers accountable.⁵⁶

Order No. 1002 of 30 December 2015 of the Minister of Internal Affairs defines the scope of authority of a person making a decision on the use of special policing means. In particular, in accordance with subparagraph (d) of this Article, the order on the use of non-lethal weapons, including non-lethal shells, is issued by the head of the unit participating in the event with the consent of the responsible person, and in case the delay may pose a real threat to life and/or health- the head of the unit participating in the event; the decision-maker is responsible for the legality of the use of special means. As for the domestic legal framework of Georgia, although it defines a certain kind of hierarchy, a number of issues remain quite vague and require significant clarification.

2.9. Investigation

The Article 12 of UN Human Rights Council Resolution 25/38 of 2014, calls upon states to investigate any death or significant injury committed during protests, including those resulting from the discharge of firearms or the use of non-lethal weapons by officials exercising law enforcement duties.⁵⁷

According to the Report 26/36 of UN General Assembly, an effective remedy is dependent on an effective, prompt, exhaustive and impartial investigation. The General Assembly has addressed the obligation of an exhaustive and impartial investigation of all states. According to the abovementioned report, identifying those responsible for the crime and bringing them to justice is the key mechanism to put an end to impunity.⁵⁸

According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990, Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms and they did not

⁵⁶ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 64, [https://www.amnesty.org.uk/files/use_of_force.pdf]

⁵⁷ Resolution adopted by the Human Rights Council 25/38. The promotion and protection of human rights in the context of peaceful protests, page 4, paragraph 12 [<https://www.ohchr.org/Documents/Issues/Executions/A-HRC-RES-25-38.pdf>]

⁵⁸ Human rights council "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns", 2014, 1 April, page 14, Article 83[<https://undocs.org/A/HRC/26/36>]

take all measures in their power to prevent, suppress or report such use, therefore law enforcement agencies shall ensure criminal or disciplinary sanction on law enforcement officials.⁵⁹

An effective accountability system should include the following components:

- 1) criminal investigation;
- 2) disciplinary investigation;
- 3) civil and administrative proceedings in the context of compensation, which includes compensation, restoration of rights, restitution, performance of obligations, etc.;
- 4) overview of institutional functioning.

The main function of the accountability system is to eliminate the facts of impunity and to bring to justice all civil servants, including law enforcement officers, who have committed a criminal offense. Accordingly, the direct obligation of states is to introduce and develop the principle of equality before the law, according to which law enforcement officers will not be released from criminal liability and will be brought to justice as any citizen.⁶⁰

Under UN Principle 7, 1990, governments must ensure that cases of misuse or arbitrary use of force and firearms are eliminated and that law enforcement officers are punished.⁶¹

According to Article 8 of the Law of Georgia on Police: "carrying out of a policing action by a police officer in violation of the basic principles of police activities shall give rise to liability under the legislation of Georgia." According to Article 48(4) of the same Code, a police officer has an obligation to refuse to fulfil an illegal order. According to Section 5, a police officer must notify the Inspector General of the Ministry or the Prosecutor's Office in the event of receiving an illegal order. Under section 6, a police officer who refuses to comply with an obviously unlawful order or decree will not be held liable. According to Section 7, a person who issues an obviously illegal order or decree to a police officer will be held liable in accordance with the law. Article 59 of the Law of Georgia on Police establishes responsibility for administrative violations, and in case of violation of official disciplinary norms, the following disciplinary sanctions are determined:

a) reproof;

⁵⁹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. Article 24,25,26. [<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>]

⁶⁰ Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 65-67 [https://www.amnestyusa.org/files/amnesty_international_guidelines_on_use_of_force-2.pdf]

⁶¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. [<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>]

- b) reprimand;
- c) severe reprimand;
- d) confiscation of the badge of the Ministry;
- e) demotion of a special or military rank by one step;
- f) demotion to a lower appointment;
- g) dismissal.

According to Article 8 of the Order N 1002 of December 30, 2015 of the Minister of Internal Affairs of Georgia, the decision-maker is responsible for the legality of the use of special means.

It should be noted that in most countries, criminal investigations are conducted by the police or the Prosecutor's Office, who have daily contact and official contacts with police units, which puts them at high risk of biased and ineffective conduct of investigations. That is why, according to the 2015 UN Guidelines, when it comes to investigating a crime committed by law enforcement officials, it should be conducted by an independent body or unit that has no personal or professional connection to the official subdivision of the perpetrator.

In the Netherlands, for example, the National Police Investigation Department (Rijksrecherche) is an independent, specialized investigative service whose function is to investigate and prosecute illegal acts committed by a public official.⁶²

As for Georgia, the Office of the State Inspector started operation from May 10, 2019, which is currently considered an independent state body and one of the directions of its activity is the impartial and effective investigation of official crimes committed by a representative of a law enforcement body, official or a person equal to him/her, especially serious crimes against human rights and freedoms and violence or abuse of the personal dignity of the victim.

Article 19 of the Law of Georgia on the Service of the State Inspector refers to the following articles of the Criminal Code below: torture (144¹), threat of torture (144²), degrading or inhuman treatment (144³), abuse of official authority by a state-political official through violence or the use of a weapon or abusing the dignity of the victim (Article 332(3)(b) and (c)), exceeding official authority by a state-political official through violence or the use of a weapon or insult to the dignity of the victim (Article 333(3)(b) and (c)) and so on.

⁶²Amnesty International "Use of Force Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", 2015, Amsterdam, the Nederland, page 71, [https://www.amnesty.org.uk/files/use_of_force.pdf]

VI. Concluding Remarks

1. On the night of June 20-21, 2019, the units of the Ministry of Internal Affairs dispersed the peaceful anti-occupation demonstration on the territory adjacent to the building of the Parliament of Georgia using special police means (active means) (rubber bullets of various sizes, "pepper" and tear gas, water cannons, special handcuffs, police batons). Persecution of the participants continued overnight in the territorial areas away from the protest demonstration site.
2. According to the state authorities, the reason for the dispersal of the protest demonstration was an attempt to attack the building of the Parliament of Georgia and a clash with the special forces of the Ministry of Internal Affairs. On June 26, 2019, the Ministry of Internal Affairs of Georgia charged 19 people with the leading and organizing group violence at a protest demonstration. The investigation was conducted under Articles 225 and 315 of the Criminal Code of Georgia, which stipulate the organization, management or participation in group violence, as well as conspiracy or rebellion intended to change the constitutional order of Georgia.

According to Article 315 of the Criminal Code of Georgia:

- „1. Any conspiracy intended to change the constitutional order of Georgia through violence, or to overthrow or seize state power, –
shall be punished by imprisonment for a term of five to eight years.
2. Any rebellion intended to change the constitutional order of Georgia through violence, or to overthrow or seize the state power, –
shall be punished by imprisonment for a term of seven to fifteen years.
3. An act defined in paragraph 2 of this article that results in death or other grave consequences, –
shall be punished by imprisonment for a term of fifteen to twenty years“.

During the investigation, the Ministry of Internal Affairs of Georgia and the Prosecutor's Office of Georgia failed to present a unity of evidence to prove that the purpose of the defendants was to overthrow or seize state power. We believe that Article 315 of the Criminal Code of Georgia was used in the investigation for political motives and not to establish the truth on the case, so that the protest on June 20-21, 2019 was not a spontaneous public protest, but a severe crime against the state.

3. According to the official data, in particular, according to the written information² provided by LEPL Emergency Situations Coordination and Urgent Assistance Center within the framework of the study by the Center "Empathy", on the night of June 20-21, 202 protesters received various injuries as a result of the use of special police means, and 73 special forces policemen were injured in the clash. According to the data, a total of 275 people⁶³ received physical injuries. It should be noted that the given statistics does not reflect the reality, as they do not contain significant information on how many victims received emergency medical aid on the spot and how many victims received outpatient and/or inpatient medical service in the following days.
4. Thus, accurate statistical information on the events of June 20-21, both physical and psychological damage, as well as administrative or criminal prosecution of protesters is not available. None of proceedings have been initiated under the article of ill-treatment, which is required by international standards and the case law of the European Court of Human Rights in such situations. In none of the cases was a forensic examination conducted by a state expert institution in accordance with the standards of the Istanbul Protocol. It should be noted that state medical examinations are still guided by Soviet-era bodily injury assessment standards, which differ significantly from the international standards of ill-treatment and violence, in particular the principles of the Istanbul Protocol.
5. Thus, 20 clinics in the hospital sector served 202 civilians and 73 officers of the Ministry of Internal Affairs injured during June 20-21 police special operation. Data on outpatient services and diagnostic statistics are unknown. Consequently, the exact data on the victims of June 20-21 protest demonstration and their diagnoses remain unknown.
6. It should be noted that the Prosecutor's Office of Georgia seized the original medical documentation regarding the injured individuals from the clinics, citing the examination, although the clinics did not have any copies. Consequently, the complete medical documentation was not available for the patients, as well as the conclusions of the medical examination appointed by the Prosecutor's Office, which is a gross violation of international and national standards.
7. According to the established practice in Georgia and the explanation of the Prosecutor's Office, the materials of the criminal case, including the conclusions of the medical examination, are not available to the victim and/or witness, which is a gross violation of international standards.

⁶³ Letter N12/1783 08/06/2020 submitted by LEPL Emergency Situations Coordination and Urgent Assistance Center

8. It should be noted that on June 24, 2019, the Prosecutor's Office of Georgia initiated an investigation under Article 333(3)(b) of the Criminal Code of Georgia, alleging possible abuse of power by the law enforcement officers against certain protesters in the vicinity of the Parliament building, it should be noted, however, that the results of the investigation are not yet known to the public. The Center "Empathy" appealed to the Prosecutor's Office regarding the ongoing case, but received no response.
9. According to the response of the Head of the Administration (Department) of the Ministry of Internal Affairs, Ketevan Tkeshelashvili (MIA 4 20 01406277, 24/06/20):

"... On June 20, 2019, no written order was issued to stop the assembly directly in front of the Parliament building on Rustaveli Avenue, however, we would like to inform you that pursuant to Article 5(1), (2) and (3) of the "Guidelines for the Conduct of Servants of the Ministry of Internal Affairs of Georgia" approved by Order N1002 of December 30, 2015 of the Minister of Internal Affairs of Georgia, as a rule, a security action plan is developed during the assembly/demonstration, and in case of spontaneous assembly/demonstration, the security plan is developed within a reasonable time from the beginning of the special assembly/demonstration. The action plan is approved by the Minister of Internal Affairs of Georgia or an authorized person designated by him/her in compliance with the requirements of state secrets. The action plan shall, among other issues, reflect the following data: on the relevant units of the Ministry participating in the special event process, their functions and sequence of actions; on the number of personnel, etc. Please be informed that all employees of the Ministry at the meeting place wore uniforms, which made it possible to identify them as law enforcement officers. Also, based on the information provided by the Temporary Detention Department of the Ministry, we would like to inform you that in connection with the police raid held on June 20-21, 2019 in the vicinity of the Parliament of Georgia, 140 detainees were administratively placed in the temporary detention facilities of the Department and 18 were detained under criminal law. Of these individuals, 32 had traumatic injuries, which were mainly manifested in the form of hemorrhages, bruises, scratches (excoriations), non-bleeding wounds, pain in various areas of the body. Due to bodily injuries, first aid was provided to 10 people in the temporary detention isolators of the Temporary Detention Department of the Ministry, including one person referred to the clinic for specialist consultation and outpatient services. In addition, the traumatic injuries on the bodies of the above-mentioned 32 persons were reported to the relevant investigative body. As for the initiation of legal proceedings on the basis of the above-

mentioned notifications, we would like to inform you that the mentioned issue is beyond the competence of the Ministry. "

10. It follows from the above that (1) on June 20-21, in order to disperse a protest demonstration in front of the Parliament building, law enforcement officers used special police means without the order of superior officials, according to a generally approved plan, which violates international standards for the use of special police means; (2) the letter states that there is no written document regarding the dissolution of the protest demonstration; (3) the Special Forces did not have personal identification numbers and/or any other identification mark, therefore, it is unclear how a person should be identified in case of an alleged crime; (4) it is not clear from this letter which investigative agency was informed about the injuries of 32 civilians and how the investigation was conducted.
11. The multidisciplinary study of the Center "Empathy", in accordance with the Istanbul Protocol principles, was conducted on 30 victims from June 20-21, including journalists and other members of the media.
12. Statistical analysis of the data obtained shows that in 76% of cases there was inadequate use of rubber bullets, namely injuries to the upper part of the body, including the head and face, which in some cases led to the disability of peaceful protesters. Three people lost the sight, two of them organs of sight. One person is still receiving treatment for a brain injury. In particular, it turns out that 47% of those surveyed received injuries in the upper part of the body, while 27% received other types of combined trauma. Traumatic brain injury was reported by 33% of respondents, including 10% of those who lost consciousness. All this proves violation of international standards for the use of rubber bullets.
13. Thus, according to the Table of Mental/Psychological outcomes, 100% indicated a sense of injustice, 53% indicated a sense of self-blame, 90% indicated that it was a special punitive operation, 57% indicated a sense of helplessness, 90% indicated that it was a brutal raid, as a result of which he/she might have died. Based on the above data, we can conclude that in 90% of cases, there was a strong trauma of the respondents, i.e., a particularly stressful event in their lives, amid fears of death.
14. 80% of the respondents said there was no loud warning about the dispersal of the protest demonstration, 10% said they did not know, while 10% of respondents said there was such a warning. However, in this regard, it should be noted that the respondents cannot even name the time of the beginning of dispersal of the protest

demonstration, which, at least, does not confirm the provision of an accurate information about the dispersal of the protest demonstration.

15. 60% of respondents said they received gunshot wounds from rubber bullets, with 67% confirming pepper spray poisoning and 93% witnessing other people being seriously injured. To the question of how they received the traumatic injury, the answers were distributed as follows: 68% answered that they received a traumatic injury with rubber bullets, 10% - by hitting a dense blunt object on the head, 27% - indicated a traumatic injury to various parts of the body with a dense blunt object, 7% - traumatic injuries while fleeing, 7% - gas capsule injury, and 10% - other types of injuries. Thus, a total of 129% indicate that respondents indicate a method of inflicting more than one type of injury (Table N2.12.).
16. From the chronic results, the residual events of the brain injury are noteworthy, as well as 15 (50%) examined indicate the presence of a scar in a later period. At the same time, 60% (18 individuals) indicate the presence of a complex symptom of post-traumatic stress disorder.
17. Most of the respondents who received inpatient treatment indicated that they were not informed about their rights related to the medical regulations. Also, there was no complete documentation of the circumstances of the case in the medical records.
18. Thus, on June 20-21, during the dispersal of the protest demonstration using special police means, there were incidents of ill-treatment against peaceful protesters, which are not adequately documented and investigated.
19. At the same time, no criminal proceeding has been initiated on the factual circumstances that led to the June 20-21 protest, namely the activity of Sergei Gavrilov and the Russian delegation in the Parliament of Georgia, in terms of the violation of the law of Georgia on Occupied Territories and other legislative acts of Georgia. (For a detailed analysis, see Chapter V, subsection 1.3.)
20. During the special police operation held on June 20-21, 2019, the Law of Georgia on Police was violated, as well as Order N 1002 of December 30, 2015 of the Minister of Internal Affairs of Georgia "On Approval of the Guidelines for the Conduct of the officers of the Ministry of Internal Affairs of Georgia during Assemblies and Demonstrations".
21. During the special police action conducted on June 20-21, 2019, when using non-lethal shells, the chain of command established by the legislation of Georgia was completely violated.

22. In the part of admitting Sergei Gavrilov to the territory of Georgia, the Law of Georgia on the Legal Status of Aliens and Stateless Persons was violated. The events of June 20-21, 2019 were significantly conditioned by the inaction of the Ministry of Internal Affairs, which made it possible for Sergei Gavrilov to enter Georgia, participate in official events at the Presidential Palace and the Parliament of Georgia.
23. The government of Georgia violated the requirement of Article 9 of the Law of Georgia on the Occupied Territories, according to which:
"In case of violation of the requirements of this Law, the Government of Georgia is obliged to apply all the mechanisms provided by the legislation of Georgia and international law in order to protect the legitimate interests and security of Georgia."
24. Thus, the real purpose of the brutal dispersal of the protest demonstration is doubtful: was it a punitive special operation or the dispersal of the protest demonstration caused by urgency?
25. It should be noted that the inappropriate use of special (active) police means is considered in accordance with international human rights standards as ill-treatment, which is prohibited by the UN Convention⁶⁴ against Torture and Other Cruel, Inhuman or Degrading Treatment⁶⁵ or Punishment under any circumstances (absolute prohibition).

VII. Recommendations

1. The term "non-lethal" in the national legislation governing the use of special police means should be replaced with the term "less lethal";
 2. During the special police operation carried out during the dispersal of the protest demonstrations, the law enforcement officials should be registered with the identification numbers, in order to facilitate the determination of their responsibility, if necessary;
 3. A reform of the law enforcement education and training system should be carried out;
 4. A "Police Council" should be established within the Ministry of Internal Affairs of Georgia, the composition of which will reduce the risks of political influence on the Police Council.
- The authority of the Police Council is to plan/implement special policing actions;

⁶⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <https://www.matsne.gov.ge/ka/document/view/1222504?publication=0>

⁶⁵ Submission to OHCHR on the Use of Less Lethal Weapons during Assemblies, <https://omegaresearchfoundation.org/publications>

5. The Ministry of Internal Affairs of Georgia should ensure the development and implementation of a clear chain of command during special police actions;
6. The action plan developed for the dispersal of the protest demonstrations should be made public after holding of a special policing action, so that, if necessary, the issue of responsibility can be determined without hindrance;
7. Further use of non-lethal shells used during the special police action of June 20-21, 2019 should be prohibited, because these shells, on the one hand, are a danger to human health and life, and on the other hand, make it impossible to achieve a legitimate purpose of the police operation;
8. The national legislation of Georgia should be in a full compliance with international standards, for which it is necessary to develop a guide in accordance with the UN Basic Principles of 1990;
9. The principles of "Istanbul Protocol" and "Minnesota Protocol" should be incorporated in the practice of the state expertise of Georgia, which will make the conducted expertise compatible with international standards;
10. The Prosecutor's Office of Georgia should ensure an effective investigation of the facts of humiliating and inhuman treatment of Georgian citizens by the representatives of police units on June 20-21, 2019, as well as a detailed investigation of the issues related to the organization of Sergei Gavrilov's entry in Georgia.

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