



Crossing the Line

Georgia’s Violent Dispersal of Protestors and Raid on Imedi Television

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Summary

Georgia under President Mikheil Saakashvili has been hailed by Western governments as an example of a successful transition to democracy in the former Soviet Union. However, the fragility of Georgia's commitment to human rights and the rule of law was revealed on November 7, 2007, when government forces used violent and excessive force to disperse a series of largely peaceful demonstrations in the capital, Tbilisi. In the course of breaking up the demonstrations law enforcement officers hastily resorted to the use of teargas and rubber bullets. Police and other law enforcement personnel, many of them masked, pursued fleeing demonstrators of all ages, kicking and punching them and striking them with truncheons, wooden poles, and other objects. Heavily armed special troops raided the private television station Imedi, threatening and ejecting the staff and damaging or destroying much of the station's equipment. Outside the studios, Imedi staff and their supporters found themselves set upon by riot police again using teargas and rubber bullets and pursuing those who fled. Extensive photographic and video evidence captured that day by journalists and others illustrates these incidents.

The violence capped several days of peaceful demonstrations by Georgia's opposition parties and supporters, who were calling for parliamentary elections to be held in early 2008 and for the release of individuals whom they consider political prisoners, among other demands. It contrasted sharply with the reputation the Georgian government—brought to power by the 2003 Rose Revolution—had cultivated for being committed to human rights and the rule of law.

The Georgian government denies the widespread use of violence against demonstrators. It maintains that law enforcement officers used legitimate means to disperse protestors who were holding illegal demonstrations, and accuses demonstrators of initiating violence against police. The government also claims that opposition leaders intended to use protestors to storm Parliament as part of an alleged Russian-backed coup attempt, in which Imedi television was playing an instrumental role.

The situation on November 7 was extremely tense, and the Georgian government faced an enormous challenge in retaining law and order. Many demonstrators refused to follow initial police orders to disperse, and there were instances of protestors attacking individual police officers, particularly later in the day. It is the right and duty of any government to stop such attacks. However in doing so, governments are obligated to respect basic human rights standards governing the use of force in police operations. These universal standards are embodied in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,¹ which state, [w]henver the lawful use of force ... is unavoidable, law enforcement officials shall ... exercise restraint in such use and act in proportion to the seriousness of the offense.² In accordance with its obligations as a party to the European Convention on Human Rights and the International Covenant on Civil and Political Rights, the government of Georgia is responsible for the injuries caused by law enforcement officials to demonstrators and bystanders and has the burden to demonstrate with convincing arguments that the use of force was not excessive.

The circumstances described in this report do not justify the level of violence used against demonstrators documented here, particularly given that many of those beaten were peaceful protestors, protestors attempting to disperse, or individuals merely observing the events or coming to the aid of victims of police violence.

The physical assaults on these individuals by Georgian law enforcement officers were not a legitimate method of crowd dispersal and resulted in a large number of serious human rights violations, all of which must be thoroughly investigated. Georgian law enforcement officers resorted too quickly to the use of force, including simultaneous use of canisters of teargas and rubber bullets, without fully exhausting non-violent methods of crowd dispersal. There was no apparent measured or proportionate escalation of the use of force either to disperse demonstrators or to respond to sporadic violence.

¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

² Ibid., principles 4 and 5.

The raid on and closure of Imedi television was a violation of Georgia's commitments to guaranteeing freedom of expression. The legal basis for the decision to raid and close Imedi has been seriously called into question, and there is evidence to suggest that the legal basis was established after-the-fact and backdated. The government's allegation that a single broadcast by Imedi posed an urgent threat to public security is also questionable and deserves further scrutiny. In any case, the raid on Imedi using hundreds of heavily-armed law enforcement officers, which was initiated without warning against hundreds of journalists and other staff, was clearly disproportionate to the threat posed by unarmed Imedi personnel and an act of intimidation unjustified by the actions of Imedi television or any of its staff, leadership, or ownership.

Sequence of Events

On November 2, a coalition of Georgian opposition parties led a demonstration on the steps of Parliament and on Rustaveli Avenue in the center of Tbilisi. Many were opposition supporters but many also came out to protest what they perceived to be government corruption and failures to deliver on promised political and economic reforms. Approximately 50,000 people participated on the first day. On subsequent days, the opposition continued to hold a demonstration in front of Parliament, with the number of supporters steadily decreasing. Several people had announced a hunger strike on November 4 and they, together with a few other supporters, spent each subsequent night on the steps of Parliament.

Human Rights Watch documented excessive use of police force at four demonstrations on November 7. Early that morning, police without warning charged the approximately 70 people who had spent the night on the steps of Parliament, pulling them off the steps and beating several of them. Also beaten were a few other demonstrators and supporters who tried to resist police attempts to remove the hunger strikers. Policemen also confiscated the cameras and equipment of several journalists and arrested Giorgi Khaindrava, an opposition leader and the former minister of conflict resolution.

Later that morning, when demonstrators gathered in front of Parliament, some tried unsuccessfully to push through a police cordon on Rustaveli Avenue. Eventually

protestors became too numerous to fit on the steps and sidewalk in front of Parliament, and they forced their way through the police cordon and onto Rustaveli Avenue. There were some altercations between police and protestors and incidents of police force against protestors. Police arrested some demonstrators.

Riot police and other law enforcement officers assembled on Rustaveli Avenue, ordered the crowd to disperse, and warned that legal means of crowd dispersal would be used. When most demonstrators did not heed the request, riot police briefly sprayed the front lines of protestors with water cannons. Most demonstrators still did not disperse. Without subsequent warnings, law enforcement officers then launched a volley of teargas canisters into the crowd and opened fire with rubber bullets, causing demonstrators to flee immediately in the few directions available and into nearby buildings. Riot police and other law enforcement officials, many in black masks and all without any identification, pursued the dispersing protestors and attacked them with fists, kicks, truncheons, wooden poles, and other objects.

As demonstrators dispersed through the side streets leading away from Rustaveli Avenue, some of them joined a large number of additional demonstrators to gather at the other end of Rustaveli Avenue, from the direction of Republican Square. When this crowd did not disperse, law enforcement officials again used large volumes of teargas and rubber bullets against the crowd. A few demonstrators damaged a police car and others threw stones and active teargas canisters at riot police. Police beat individual fleeing demonstrators.

Seeing that the majority of demonstrators were unwilling to disperse, opposition leaders called on people to go to Rike, a large open area several kilometers from the city center with no through streets. Riot police and other law enforcement personnel essentially surrounded the protestors at Rike, fired teargas and rubber bullets at them, and again pursued and attacked individual demonstrators, many of whom were attempting to flee. At Rike there were several incidents of attacks by demonstrators on police, some of them quite violent.

At approximately 8:45 p.m., after all demonstrators at Rike had been dispersed, hundreds of special forces troops armed with machine guns and other weapons

entered the Imedi television studios, and forced journalists and other staff members to lie on the floor with their hands behind their heads, deliberately intimidating them by pointing guns to their heads and with aggressive language. The government troops forced Imedi off the air, after anchors managed to describe the raid to viewers in the final minutes of broadcasting. Journalists and other staff were forced to leave the studios and troops damaged or destroyed much of the station's equipment. Imedi was founded by Badri Patarkatsishvili, an exiled Georgian businessman, and is partly owned by Rupert Murdoch's News Corporation.

After seeing Imedi forced off the air on live television, dozens of relatives and friends of Imedi staff members and Imedi supporters gathered outside of the Imedi studios. As Imedi staff, forced by police to leave the property, also gathered outside the studios' main gate, riot police and other law enforcement agents fired teargas and rubber bullets into the small crowd and pursued people as they fled, attacking them with truncheons and fists and firing rubber bullets. During the operations on Rustaveli Avenue and Rike, law enforcement agents had also targeted journalists, including both Imedi journalists and others.

Accountability for the Excessive Use of Force

The Georgian government has said it was facing the threat of a coup d'état organized by opposition leaders with support from the Russian counter-intelligence service. The government claims to possess recordings of phone conversations and video recordings of opposition leaders meeting with members of Russian intelligence. The authorities also claim that Badri Patarkatsishvili, who openly provided financial support to opposition parties in Georgia, had called for the overthrow of the government.³ The coup d'état figures prominently in contemporary Georgian history, and Russia and Georgia have a tense political relationship. Most significantly, Georgia accuses Russia of seeking to undermine its territorial integrity through its open support of Georgia's two breakaway territories, Abkhazia and South Ossetia. While Human Rights Watch cannot assess the validity of the above claims, they have

³ Patarkatsishvili said in a statement, "Let no one have doubts that all my forces, all my financial resources until the last tetri [Georgian monetary unit] will be used to free Georgia of this fascist regime," Giorgi Lomsadze, "Georgia Grapples with Restricted News Coverage," EurasiaNet, November 8, 2007, <http://www.eurasianet.org/departments/insight/articles/eav110807a.shtml> (accessed November 29, 2007).

no bearing on the government's obligation to respect basic human rights and to ensure that law enforcement officials respond to protests in a lawful and proportionate manner. Similarly, the government's response to any perceived threat posed by Imedi television was clearly excessive and a violation of freedom of expression guaranteed under Georgian and international law.

Georgia's international partners, including, most prominently, the United States and the European Union, have provided unwavering support for President Mikheil Saakashvili and his government since the Rose Revolution brought it to power. Georgia has been seen as a small but crucial bulwark to counter Russian dominance in the region and as an important ally for the United States. It has also been held up as an example of a successful transition to democracy in the former Soviet Union region. As a result, the US and EU have refrained from criticizing Saakashvili in public and from engaging in robust discussion of the country's human rights problems. They have relied on the Georgian government's repeatedly-stated good intentions and promises of reform, ignoring warning signs that the government was not only failing to live up to the principles of the rule of law and human rights it espoused during the Rose Revolution, but taking many serious steps to undermine these principles. Among them has been the dangerous mix of a quick resort to use of force by law enforcement agents, the willingness at the highest levels of government to condone these actions, often publicly, and a failure to ensure accountability for abuses committed by law enforcement agents.

Human Rights Watch is calling on the Georgian government to conduct a thorough and independent investigation, in line with human rights standards, into the dispersal of protestors on November 7, 2007, including into all allegations of assault and the excessive use of force by law enforcement personnel. Human Rights Watch calls on the Ministry of Interior to make public the exact composition of forces engaged in the dispersal of protestors to ensure full transparency and accountability for the actions of law enforcement. The General Prosecutor's Office should conduct a thorough investigation into the allegations of intimidation and ill-treatment of Imedi journalists during the raid on Imedi and into the allegations of destruction and theft of Imedi equipment and property. Georgia's international partners should offer, where appropriate, expertise and assistance to the Georgian government in fulfilling

these recommendations. They should also include as a principle benchmark for further assistance to and deepening engagement with Georgia the government's commitment to ensuring accountability for human rights abuses, including the abuses documented in this report.

Methodology

This report is based on interviews with 35 witnesses and victims of the events of November 7, 2007, in Tbilisi, Georgia, including the police dispersal of demonstrators on Rustaveli Avenue, the police dispersal of demonstrators at Rike, the raid on Imedi television, and the dispersal of people outside of the Imedi television studios. The interviews were conducted by a Human Rights Watch researcher and a consultant from November 12 to 16, 2007, in Tbilisi.

Human Rights Watch identified victims and witnesses of the events of November 7, 2007, with the assistance of the Office of the Ombudsman of Georgia and Georgian nongovernmental organizations. In addition, the Human Rights Watch consultant identified several victims and witnesses through his professional and personal contacts.

Most interviews were conducted in Russian, and some in English, by the researcher and consultant who are fluent in both Russian and English. A few interviews were conducted in Georgian, during which the Human Rights Watch consultant, a native speaker of Georgian, translated into English for the researcher. In a few instances the full names of interviewees have been disguised with first names and initials (which do not reflect real names) at their request and out of concerns for their security.

Human Rights Watch also met with representatives of the Ministry of the Interior and received written responses to questions submitted to the Office of the Prosecutor General of Georgia.

Background

In November 2003 a popular uprising following fraudulent parliamentary elections, which became known as the Rose Revolution, ended in the bloodless ouster of the government of President Eduard Shevardnadze. Mikheil Saakashvili, leader of the Rose Revolution, was elected president in January 2004 with 96 percent of the vote. He was enormously popular at home and in the West, but faced significant challenges. Conflict in the breakaway regions of Abkhazia and South Ossetia remained frozen, leaving some 220,000-247,000 people internally displaced in Georgia,⁴ organized crime had laid waste to the economy, widespread corruption paralyzed state institutions, and unemployment and poor economic conditions drove a large portion of the population to seek employment abroad.

President Saakashvili launched a series of institutional reforms—most notably to overhaul the famously corrupt police and judiciary—and prioritized fighting organized crime. He successfully reasserted control over Adjara, a region of Georgia that had refused to cooperate with the central government.

Parliamentary elections in March 2004 gave Saakashvili's ruling National Movement party an overwhelming majority in Parliament, and its decisive victory in October 2006 local elections further strengthened the president's mandate.

In December 2006 the Georgian Parliament amended the constitution to extend the term of the current Parliament and allow for simultaneous presidential and parliamentary elections at the end of 2008. Parliamentary elections were initially scheduled for April 2008, and a presidential election for early 2009.⁵ In doing so, the government sought to de-link Georgia's election cycle from two external events that it said risked destabilizing the political environment: the March 2008 presidential

⁴ International Crisis Group, "Abkhazia: Ways Forward," Europe Report No. 179, January 18, 2007, http://www.crisisgroup.org/library/documents/europe/caucasus/179_abkhazia___ways_forward.doc (accessed November 30, 2007), p. 5.

⁵ "Georgian Parliament Approves Proposed Constitutional Amendments," RFE/RL Newsline, December 29, 2007, <http://www.rferl.org/newsline/2006/12/2-TCA/tca-291206.asp> (accessed December 6, 2007).

election in Russia and the impending determination of a final status for Kosovo.⁶ Opposition parties opposed the amendments, claiming that the schedule gave an unfair advantage to the National Movement party.⁷

Georgia's political opposition has been weak and fragmented. Some analysts have observed that Saakashvili alienated the opposition and others by constantly rebutting criticism and using his supporters' majority in Parliament to dominate politics and reject constructive dialogue and social consensus on reforms.⁸ While it is beyond the scope of this report to enumerate all of the opposition's criticisms of Saakashvili's government, it is worth noting that the resignation and then arrest of former Defense Minister Irakli Okruashvili, who had been one of Saakashvili's closest associates, served to galvanize it.⁹ Okruashvili was arrested on September 27, 2007, two days after making public statements accusing Saakashvili of corruption and claiming that the latter had instructed him to kill Badri Patarkatsishvili, founder and part-owner of Imedi television.¹⁰

⁶ President Saakashvili was quoted as saying, "It is too risky for Georgia to have elections in spring, at the time when presidential elections are also held in Russia [March 2008]. In January or February [2008] the fate of Kosovo will be decided and it is most likely that it will be internationally recognized. Russia made it clear it planned to recognize Abkhazia and South Ossetia in case of Kosovo's recognition, which in turn means a risk of having confrontation. That is why we have decided to shorten the president's term in office for at least eight months and to prolong the parliament term in office." See "Confrontation Deepens as Saakashvili Rejects Early Polls," *Civil Georgia*, November 5, 2007, <http://www.civil.ge/eng/article.php?id=16190> (accessed November 29, 2007).

⁷ "Ruling Majority Stands Firm on Constitutional Amendments," *Civil Georgia*, December 13, 2006, <http://www.civil.ge/eng/article.php?id=14290> (accessed December 5, 2007). The Council of Europe's Venice Commission criticized the amendments. European Commission for Democracy Through Law (Venice Commission), "Opinion on the Draft Constitutional Law of Georgia on Amendments to the Constitution," 69th Plenary Session of the Commission, December 15-16, 2006, [http://www.venice.coe.int/docs/2006/CDL-AD\(2006\)040-e.pdf](http://www.venice.coe.int/docs/2006/CDL-AD(2006)040-e.pdf) (accessed December 3, 2007).

⁸ Uwe Klusmann, "Ruckus in the Caucasus: Saakashvili's Firm Grip in Georgia," *Der Spiegel* (Hamburg), June 12, 2006, <http://www.spiegel.de/international/spiegel/0,1518,421518,00.html> (accessed November 29, 2007).

⁹ In addition, a number of government actions drew sharp criticism from the opposition, among them the killing of Sandro Girgvliani, head of United Georgian Bank's international relations department, by Ministry of Interior employees in January 2006. Girgvliani's body was found on the outskirts of Tbilisi bearing signs of a severe beating. In July 2006, four Ministry of Interior employees were convicted of causing the injuries that resulted in Girgvliani's death, and were sentenced to prison terms. However, many believe that the senior ministry officials involved in the disagreement with Girgvliani had ordered his kidnapping and beating but escaped prosecution. Paul Rimple, "Murder Case Verdict Stirs Controversy," *EurasiaNet*, July 7, 2006, <http://www.eurasianet.org/departments/civilsociety/articles/eavo70706.shtml> (accessed December 6, 2007).

¹⁰ Okruashvili was jailed on corruption charges, and was eventually released on bail after he publicly retracted his statements. The night before the November 2 rally, he left Georgia, allegedly under pressure from the Georgian authorities. He was arrested in Germany on November 27 and awaits an extradition hearing. Salome Asatiani, "German Police Hold Wanted Former

The Opposition Demonstrations

Shortly after Irakli Okruashvili's arrest, 10 opposition parties and movements established the United National Council to coordinate their activities. The council initially issued four main demands to the government, the most important of which was to restore parliamentary elections to their original scheduled date of April 2008. Other demands included the creation of new local election commissions with representatives from political parties; changing the current majoritarian electoral system; and the release of "political prisoners."¹¹ The opposition also accused Saakashvili of corruption and the use of the police and the judiciary for political purposes.¹²

The coalition organized a series of protest rallies in Georgia's regions, including in Kutaisi (October 19), Batumi (October 23), and Zugdidi (October 28). These protests drew between a few hundred and a few thousand peaceful demonstrators. The protest rally in Zugdidi, in western Georgia, turned violent after a group of unidentified men, believed to be security officials, attacked the protestors and severely injured two members of Parliament as they were leaving the demonstration site.¹³

The United National Council also planned for a large rally to be held in front of the Parliament building in the capital, Tbilisi, on November 2. This demonstration attracted over 50,000 protestors,¹⁴ making it the largest public demonstration since the Rose Revolution. The demonstrations continued after November 2, although the

Georgian Defense Minister," RFR/RL, November 29, 2007, <http://www.rferl.org/featuresarticle/2007/11/BC56A494-CC43-4084-9B3A-4Co2DE9A8966.html> (accessed December 6, 2007).

¹¹ "Opposition Vows to Keep Protesting," Civil Georgia, November 2, 2007, <http://www.civil.ge/eng/article.php?id=16166> (accessed December 2, 2007).

¹² "Georgia, No Peace I Find," *The Economist* (London), November 10, 2007, http://www.economist.com/daily/news/displaystory.cfm?story_id=10110247&top_story=1 (accessed December 3, 2007); and "Georgia's Leader Calls Early Elections to Decide His Fate," *New York Times*, November 9, 2007, http://www.nytimes.com/2007/11/09/world/europe/09georgia.html?_r=1&ref=world&oref=slogin (accessed December 2, 2007).

¹³ "Opposition want Criminal Proceedings against 'Zugdidi Attackers,'" Civil Georgia, October 30, 2007, <http://www.civil.ge/eng/article.php?id=16134> (accessed on November 27, 2007).

¹⁴ The number of protesters is disputed. Some opposition leaders claim that there were over 100,000 participants.

number of participants rapidly decreased to only 3,000 to 4,000 during the day on November 6.¹⁵

While many demonstrators in Tbilisi and other cities joined the protests to express support for the political opposition's platform, many also participated to express frustrations about continued economic hardship. Despite strong economic growth in recent years and significant progress in structural reforms, the effects of an improved economic climate have been far less significant for ordinary people. Poverty remains widespread in Georgia, particularly outside of Tbilisi.¹⁶ According to the International Monetary Fund, unemployment continues to increase and poverty remains at approximately 30 percent.¹⁷ Furthermore, the public has increasingly low confidence in the judiciary.¹⁸

Until November 3, opposition leaders focused on their original four demands. However, feeling that the government had largely failed to respond to their concerns,

¹⁵ Human Rights Watch interview with Shota Utiashvili, head, Analytical Department, Ministry of Interior, Tbilisi. November 15, 2007.

¹⁶ Annual GDP Growth is nearly 10 percent. "People Power," *The Economist*, November 8, 2007, http://www.economist.com/world/europe/displaystory.cfm?story_id=10113464 (accessed December 3, 2007). The World Bank's 2008 Doing Business project, which ranks 178 countries on the ease of doing business, ranked Georgia 18th. *Doing Business 2008*, <http://www.doingbusiness.org/ExploreEconomies/?economyid=74> (accessed December 3, 2007). The project named Georgia the top reformer in the world in 2006. "Doing Business: Georgia is This Year's Top Reformer," September 6, 2006, <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/GEORGIAEXTN/0,,contentMDK:21042336~pagePK:141137~piPK:141127~theSitePK:301746,00.html> (accessed December 3, 2007).

¹⁷ Official rate of unemployment increased from 12.6 percent in 2004 to 13.9 percent in 2006. International Monetary Fund, "Georgia: Sixth Review under the Three-Year Arrangement Under the Poverty Reduction and Growth Facility and Request for Waiver of Performance Criteria," August 2007, IMF Country Report No. 07/299. In a 2007 Poll by the International Republican Institute, respondents overwhelmingly stated that their top concerns were unemployment and "economy" as well as territorial integrity. International Republican Institute, "Georgian National Voter Study," August 31-September 10, 2007, <http://www.iri.org.ge/eng/engmain.htm> (accessed December 3, 2007). The same priorities were registered in a February 2004 poll. International Republican Institute, "Georgian National Voter Study," February 2004, <http://www.iri.org.ge/eng/engmain.htm> (accessed December 3, 2007).

¹⁸ In a survey conducted in 2004, the Eurasia Foundation's Caucasus Research Resource Center (CRRRC) found that 36 percent of respondents said that they fully or somewhat distrusted the judicial system; the figure increased to 37 percent in 2005 and 62 percent in 2006. CRRRC, "2006 Data Initiative Survey for Georgia and the South Caucasus. Introduction, Results and Application," <http://www.crrrccenters.org/index.php/en/11> (accessed December 3, 2007).

opposition leaders' demands became increasingly strident, ultimately calling for President Saakashvili's resignation.¹⁹

Georgian Media and Imedi Television

Georgia has a vibrant media. There are four main national television stations, including the state-funded National Public Broadcaster, three private stations (Rustavi 2, Mze, and Imedi), as well as a few smaller regional television channels. The Georgian print press is very diverse, but very limited in circulation. The majority of Georgians receives news through the broadcast media.

The popular Imedi television station was founded in 2002 by wealthy businessman Badri Patarkatsishvili, a former close associate of exiled Russian tycoon Boris Berezovsky. Imedi became increasingly critical of the authorities after Patarkatsishvili fell out with Saakashvili's government in 2006, allegedly amidst business disputes. The station aired investigative pieces into controversial subjects, including on the murder of Sandro Girgvliani, head of United Georgian Bank's international relations department, by Ministry of Interior employees in January 2006.²⁰ Government officials criticized Imedi, calling it an opposition mouthpiece, and refused all invitations to participate in debates or talk shows on Imedi.²¹

In August 2006 News Corporation, run by media mogul Rupert Murdoch, acquired a 49 percent stake in Imedi. Patarkatsishvili retained 51 percent of the shares.²² Lewis

¹⁹ "Opposition Demands Saakashvili's Resignation," *Civil Georgia*, November 3, 2007, <http://www.civil.ge/eng/article.php?id=16179> (accessed December 5, 2007). In a televised interview on November 4, 2007, President Saakashvili referred to the opposition as a "dark, black, 100 % negative force," "Full Text: Transcript of Saakashvili's Televised Interview," *Civil Georgia*, November 5, 2007, <http://www.civil.ge/eng/article.php?id=16195> (accessed November 22, 2007). See also "No Signs of Compromise as Opposition Vows to Keep Protesting," *Civil Georgia*, November 2, 2007, <http://www.civil.ge/eng/article.php?id=16172> (accessed December 5, 2007.)

²⁰ Molly Corso, "Murdoch-Affiliated Broadcaster in Georgia Generates Controversy," *EurasiaNet*, March 21, 2007, <http://www.eurasianet.org/departments/civilsociety/articles/eavo32107.shtml> (accessed December 3, 2007). For more on the Girgvliani murder see above, footnote 9.

²¹ "News Ban Bodes Ill for Democracy," *Newsweek*, November 11, 2007, <http://www.newsweek.com/id/69785/page/1> (accessed December 2, 2007); and "News Corp. Takes Management of Patarkatsishvili's Imedi Shares," *Civil Georgia*, October 31, 2007, <http://www.civil.ge/eng/article.php?id=16145> (accessed December 3, 2007).

²² "Newscorp buys Georgian media group- report," *Reuters*, October 31, 2007, <http://www.reuters.com/article/mergersNews/idUSL31741020071031> (accessed December 3, 2007).

Robertson, a News Corp executive, was named CEO of Imedi.²³ On October 31, 2007, Patarkatsishvili announced that he would sell an additional 2 percent of Imedi shares to News Corp to give it a controlling stake and transfer the management rights of his shares in Imedi to News Corp for one year. The transfer came three days after Patarkatsishvili announced his decision to finance the campaign of Georgia's united opposition.²⁴ The Georgian government has claimed that despite the October deal, Patarkatsishvili retained effective control over the television company, and dictated its editorial policy to advance his personal political goals.²⁵ Patarkatsishvili and News Corp deny these allegations.²⁶

The Coup d'Etat in Recent Georgian History

Coups, attempted coups, and government allegations of coups have featured prominently in Georgia since the collapse of the Soviet Union. Georgia's first president, Zviad Gamsakhurdia, faced several coup attempts²⁷ and was ousted on January 6, 1992, after two weeks of bloody fighting in Tbilisi.²⁸ Following Gamsakhurdia's ouster, Georgia was plunged into civil war and political chaos for almost two years. In this period several coup attempts were made by Gamsakhurdia and his supporters, including on June 25, 1992, when Gamsakhurdia supporters

²³ "News Corp to Appeal License Suspension in Georgia," Agence France-Presse as carried by Yahoo News, November 14, 2007, http://news.yahoo.com/s/afp/20071114/bs_afp/georgiapoliticsmediacompanynewscorp_071114175256 (accessed December 3, 2007).

²⁴ Stefan Wagstyl and Quentin Peel, "Georgian TV Chief Turns to Rupert Murdoch," *Financial Times* (London), November 1, 2007, <http://www.ft.com/cms/s/0/0c01a0cc-8810-11dc-9464-0000779fd2ac.html> (accessed December 10, 2007); and Giorgi Lomsadze, "Georgia: With Rupert Murdoch as an Ally, Billionaire Pledges Big Bucks for Opposition," EurasiaNet, October 31, 2007, <http://www.eurasianet.org/departments/insight/articles/eav110107a.shtml> (accessed December 2, 2007).

²⁵ "Authorities Want Imedi to Change Hands," Civil Georgia, November 28, 2007, <http://www.civil.ge/eng/article.php?id=16447> (accessed November 29, 2007).

²⁶ Molly Corso, "Tbilisi to News Corp: Show us the Ownership Documents for Pro-Opposition TV Station," EurasiaNet, December 3, 2007, <http://www.eurasianet.org/departments/insight/articles/eav120307.shtml> (December 3, 2007).

²⁷ See, for example, "Foes of Georgia's Leader Seize Republic's Station," *New York Times*, September 23, 1991, <http://query.nytimes.com/gst/fullpage.html?res=9DoCE7D71030F930A1575ACoA967958260> (accessed December 2, 2007).

²⁸ John Kohan, "Georgia Descending into Chaos," *Time*, January 20, 1992, <http://www.time.com/time/magazine/article/0,9171,974693-1,00.html> (accessed December 2, 2007).

seized the television and radio center in Tbilisi and urged people to gather and demand the return of the deposed president.²⁹

During his 11 years as Georgia's leader, Eduard Shevardnadze survived repeated assassination attempts, and his government also alleged at various times the existence of plots to overthrow it.

In November 2003, following parliamentary elections that were largely considered fraudulent, thousands of demonstrators gathered on the streets of Tbilisi to protest the election results. On November 22, opposition leaders, including Mikheil Saakashvili, stormed the Parliament building and forced President Shevardnadze to resign the next day.

Since 2003 the Georgian government has alleged a number of coup attempts. On July 22, 2006, Emzar Kvitsiani, the leader of an illegal militia in the Upper Kodori Gorge region of Abkhazia (the only part of Abkhazia still under Tbilisi's control), announced that he refused to disband his militia as requested by the government and no longer recognized the government's rule in the area. Georgian troops entered the area and Kvitsiani fled Georgia. On July 29, police arrested Irakli Batiashvili, former security minister and leader of the small opposition Forward Georgia movement, on charges of failing to report a crime and assisting a coup attempt by providing "intellectual support" to Kvitsiani. The allegations were in part based on a secret recording of a phone conversation between Kvitsiani and Batiashvili on July 26, in which Batiashvili allegedly conveyed his view of public support for Kvitsiani. Irakli Batiashvili was sentenced to seven years' imprisonment in May 2007.

On September 6, 2006, Georgian police detained 29 supporters and allies of former security minister Igor Giorgadze, now a fugitive living in Russia, and charged 14 of them with treason and plotting to overthrow the government. Georgian authorities

²⁹ Serge Schmemmann, "Shevardnadze Dodges a Coup and Ends a War," *New York Times*, June 25, 1992, <http://query.nytimes.com/gst/fullpage.html?res=9EoCE7D8153FF936A15755CoA964958260&sec=&spon=&pagewanted=print> (accessed December 2, 2007).

accused the Russian government of financing the coup attempt.³⁰ Thirteen of those charged were sentenced in August 2007 to prison terms of up to eight years and six months for plotting a coup, following a closed trial.³¹

Relations between Russia and Georgia

Political tensions between Russia and Georgia have persisted since South Ossetia and Abkhazia attempted to secede from Georgia prior to and following the collapse of the Soviet Union. Although both South Ossetia and Abkhazia remain de facto independent since early 1990s, neither Georgia nor the international community recognizes the regions' claims to independence. For many years, Georgian authorities have accused Russia of secretly supporting the separatist movements in both regions.³²

After coming to power in 2004, President Saakashvili took an openly pro-Western stance, seeking political, economic, and military cooperation with the European Union (EU) and the United States (US), including membership in NATO.³³ Russia openly opposes Georgia's NATO aspirations.³⁴

In 2006, Russia, a major market for Georgian exports, initiated a series of import restrictions on Georgian goods, including wine, mineral water, vegetables, and

³⁰ Diana Petriashvili, "Georgian Opposition: Coup Arrests are Campaign Tactic," EurasiaNet, September 13, 2006, <http://www.eurasianet.net/departments/insight/articles/eav091306.shtml> (accessed December 2, 2007).

³¹ "Supporters of Fugitive Georgian Ex-Minister Sentenced", RFE/RL Newline, August 27, 2007, Vol. 11, No. 158, <http://www.rferl.org/newline/2007/08/270807.asp> (accessed December 5, 2007.)

³² International Crisis Group, "Abkhazia: Ways Forward." See also "Full Text: Saakashvili's Address at UN General Assembly-2006," Civil Georgia, <http://www.civil.ge/eng/article.php?id=13622> (accessed November 22, 2007).

³³ In September 2006 NATO offered Georgia an Intensified Dialogue, in recognition of Georgia's aspirations to join the organization. However, Georgia will move on to the next step of the NATO accession process (the Membership Action Plan, MAP) only if it implements reforms. See "Georgia Moves Closer to NATO Membership, but Reforms Must Continue," NATO Parliamentary Assembly press communique, April 24, 2007, <http://www.nato-pa.int/Default.asp?SHORTCUT=1191> (accessed May 15, 2007), and NATO, "NATO-Georgia Relations," May 2, 2007, <http://www.nato.int/issues/nato-georgia/index.html> (accessed May 15, 2007).

³⁴ See Ministry of Foreign Affairs of the Russian Federation, "A Survey of Russian Federation Foreign Policy," http://www.mid.ru/Brp_4.nsf/arh/89A30B3A6B65B4F2C32572D700292F74?OpenDocument (accessed May 15, 2007).

fruits.³⁵ On September 27, 2006, Georgian police arrested four Russian military intelligence officers, whom it accused of espionage. In response, Russia effectively introduced economic sanctions against Georgia, beginning with a halt to all air, land, and sea traffic, as well as postal communication.³⁶ Russia recalled its ambassador to Georgia and stopped issuing visas to Georgians.³⁷ Russian police undertook widespread inspections and closures of Georgian businesses in Russia and stopped, detained, and expelled thousands of ethnic Georgians from Russia.³⁸

In November 2006 Russia's state-controlled natural gas company, Gazprom, threatened to more than double the price of gas supplies to Georgia for 2007, and Georgia accepted the price increase after Gazprom threatened to cut off supplies.³⁹

In March 2007 Georgia claimed that Russian combat helicopters fired on villages in the Upper Kodori Gorge region of Abkhazia. A September report by the United Nations Observer Mission in Georgia said that it was not clear who had fired at the

³⁵ "Russia Extends Georgian, Moldovan Wine Ban," Radio Free Europe/Radio Liberty (RFE/RL), April 6, 2006, <http://www.rferl.org/featuresarticle/2006/04/f813834f-6fd6-4b60-a6c8-77e2a48d5553.html> (accessed May 16, 2007); Maria Levitov, "Russian Ban on Georgian Mineral Water," *St. Petersburg Times*, May 12, 2006, http://www.sptimes.ru/index.php?action_id=2&story_id=17547 (accessed May 16, 2007); "Bans Cost Georgia \$100M," *The Moscow Times*, May 16, 2007, <http://www.themoscowtimes.com/stories/2007/05/16/061.html> (accessed May 16, 2007).

³⁶ "Transportation blockade of Georgia" ("Transportnaya blokada Gruzii"), *Kommersant* (Moscow), no. 184 (3515), October 3, 2006, <http://www.kommersant.ru/doc.aspx?DocsID=709686> (accessed August 1, 2007); and "How the Russian government explains the introduction of sanctions against Georgia" ("Kak rossiiskie vlasti obiasniaiut vvedenie sanktsii protiv Gruzii"), *Kommersant*, No. 184 (3515), October 3, 2006, <http://www.kommersant.ru/doc.aspx?DocsID=709684&print=true> (accessed August 1, 2007).

³⁷ Prior to the ban, Russia had issued approximately 100,000 visas per year to Georgians. "Vizi dobroi voli," ("Visas of good will"), *Vremya Novostei* (Moscow), July 20, 2007, <http://www.vremya.ru/2007/127/5/183126.html> (accessed August 2, 2007); and "Russia Partially Resumes Visas for Georgia," *Civil Georgia*, May 29, 2007, <http://www.civil.ge/eng/article.php?id=15185> (accessed June 25, 2007).

³⁸ Human Rights Watch, *Singled Out: Russia's Detention and Expulsion of Georgians*, vol. 19, no. 5(D), October 2007, http://hrw.org/reports/2007/russia1007/5.htm#_ftn26; See also "Anti-Georgian campaign" ("Antigruzinskaia kampania"), *Lenta.ru*, <http://lenta.ru/story/antigeorgia/> (accessed April 17, 2007).

³⁹ Neil Buckley, "Russia Threatens to Double Gas Price to Georgia," *Financial Times* (London), November 2, 2006, <http://www.ft.com/cms/s/2c275652-6a58-11db-83d9-0000779e2340.html> (accessed August 6, 2007); "Gazprom to Double Georgia Charges," *BBC News Online*, November 2, 2006, <http://news.bbc.co.uk/2/hi/business/6108950.stm> (accessed August 6, 2007); and "Georgia 'Agrees Russia Gas Bill,'" *BBC News Online*, December 22, 2006, <http://news.bbc.co.uk/2/hi/business/6203721.stm> (accessed August 6, 2007).

Georgian territory.⁴⁰ In August 2007 Georgia alleged that a Russian attack aircraft violated Georgian airspace and dropped a guided missile, which did not explode, near two villages approximately 80 kilometers south of the Russian border. Russia denied the allegation.⁴¹ Tensions remained high in September and October 2007 after a series of incidents involving Russian peacekeeping troops in Abkhazia and South Ossetia.

⁴⁰ “Georgia Lashes out at Russia Over Attack,” Reuters, March 14, 2007, <http://www.reuters.com/article/latestCrisis/idUSL14608394> (accessed December 3, 2007); and “Russia Accuses Georgia over Attack,” CNN, August 9, 2007, <http://www.cnn.com/2007/WORLD/europe/08/09/russia.georgia.ap/index.html> (accessed December 3, 2007).

⁴¹ Michael Schwartz and Jon Elsen, “Georgia accused Russia of Missile Attack; Russia Denies it,” *New York Times*, August 8, 2007, http://www.nytimes.com/2007/08/08/world/europe/08georgia.html?_r=1&oref=slogin (accessed December 3, 2007).

Map of Rustaveli Avenue



November 7, 2007

Widespread Use of Police Violence to Disperse Demonstrators

Dispersal of protestors and hunger strikers on the steps of Parliament

After the demonstrations began on November 2, 2007, each subsequent night a small group of demonstrators stayed on the steps of the Parliament building, including some individuals who had announced a hunger strike on November 4. On the night of November 6-7, they numbered approximately 70, including 41 hunger strikers.⁴² A few policemen as well as three or four television journalists and a few cameramen also remained in front of Parliament through the night.⁴³ A section of Rustaveli Avenue in front of Parliament remained closed by police, who had barred traffic from entering the area since the protests started on November 2.

Because it had been raining for several days, a blue plastic tarp, approximately 20 meters long and three meters wide, had been propped up on poles taken from protestors' flags and on metal police barricades to shelter those spending the night on the steps of Parliament.⁴⁴ There was also a wooden platform and sound equipment used during the day by opposition leaders. There were no tents or other structures on the steps of Parliament or on the sidewalk in front of Parliament.

Several witnesses interviewed separately by Human Rights Watch consistently described the same sequence of events on the steps of Parliament on the morning of November 7. Sometime shortly after 7 a.m. approximately 10-15 city garbage trucks and street cleaning vehicles arrived on Rustaveli Avenue and on the sidewalks in front of the Parliament building. Men in sanitation worker uniforms quickly collected garbage from the sidewalk.⁴⁵

⁴² Human Rights Watch interview with Tinatin Khidasheli, Tbilisi, November 12, 2007.

⁴³ Human Rights Watch interview with Bidzina Gegidze, Tbilisi, November 14, 2007; and Human Rights Watch interview with Dato D., Tbilisi, November 14, 2007.

⁴⁴ Human Rights Watch interview with Bidzina Gegidze, November 14, 2007.

⁴⁵ Although on previous days garbage trucks had arrived to clean up the garbage left by protestors, the number of trucks on November 7 seemed disproportionate given the number of protestors remaining. Human Rights Watch interview with Tinatin

As the men cleaned the sidewalk, two buses drove down Rustaveli Avenue and appeared prepared to enter the section of Rustaveli Avenue in front of Parliament that had been closed to cars since the demonstrations began on November 2. Soon thereafter, at approximately 7:50 a.m., a large number of police officers in long yellow raincoats began to approach the front of Parliament from the direction of Freedom Square. The police began to file into rows on Rustaveli Avenue facing Parliament.⁴⁶ Some police coming from this direction placed metal crowd control barriers along Rustaveli Avenue and the sidewalk in front of Parliament, apparently in order to prevent people from going into Rustaveli Avenue.⁴⁷

At the same time, a large number of police came along Rustaveli Avenue from the direction of the Marriott Hotel Tbilisi and Republican Square, and amassed on the sidewalk in front of Parliament. This group wore jeans, black coats, and masks.⁴⁸ Witnesses interviewed by Human Rights Watch could not determine the exact number of police gathered on Rustaveli Avenue, but they appeared to number in the hundreds.⁴⁹ The garbage and street cleaning trucks that had arrived earlier appeared to be parked in such a way as to create a corridor for the police to approach the front of Parliament.⁵⁰

After amassing, the police officers divided into three groups and quickly began to approach the hunger strikers, demonstrators, and journalists on the steps of Parliament. According to multiple witnesses, the police made no audible demand for anyone to disperse nor gave any indication that force would be used to disperse people who did not do so willingly.⁵¹

Khidasheli, November 12, 2007; Human Rights Watch interview with Bidzina Gegidze, November 14, 2007; and Human Rights Watch interview with Dato D., November 14, 2007.

⁴⁶ One witness claimed that the policemen came from inside the Rustaveli Cinema. Human Rights Watch could not confirm this. Human Rights Watch interview with Bidzina Gegidze, November 14, 2007.

⁴⁷ Human Rights Watch interview with Dato D., November 14, 2007.

⁴⁸ Human Rights Watch interview with Bidzina Gegidze, November 14, 2007.

⁴⁹ Ibid.; Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007; and Human Rights Watch interview with Dato D., November 14, 2007.

⁵⁰ Human Rights Watch interview with Dato D., November 14, 2007.

⁵¹ Ibid.; Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007; and Human Rights Watch interview with Bidzina Gegidze, November 14, 2007.

The first group of police rushed at the hunger strikers and other demonstrators, and without any warning began to pull them off of their makeshift beds and punch and kick them. This group of policemen made no attempt to arrest anyone.⁵² Bidzina Gegidze, a former professional rugby player and opposition supporter who had spent the night on the steps of Parliament, described the actions of the police:

Without any warning, without any announcement from a megaphone or anything else, they came rushing towards us. I could only think of one thing, that the other hunger strikers were still sleeping and did not know what was happening. I yelled out, “Don’t do it! Don’t touch them!” Two or three of us tried to stop some of the police. We put our arms around them, but they burst past us and made a circle around the sleeping hunger strikers. I again ran toward the police and shouted, “I am also a hunger striker, don’t touch them!” The police started to pull people off of their blankets and pads [for sleeping] and to punch them and throw them down the steps.⁵³

Other witnesses similarly described the police attack on the hunger strikers. According to one journalist, who declined to be named out of concerns for his safety,

The hunger strikers were asleep and they were just waking up. The police just attacked and started to disperse people.... Several policemen ran at us [journalists] and at the hunger strikers. The police were hitting people.... They demolished the covering over the hunger strikers and turned it upside down. They were punching and kicking people.... People shouted and screamed, “Leave us alone! What are you doing?” I was also at a loss for what to do. It happened so fast. People were scared and screaming and shouting.⁵⁴

⁵² Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

⁵³ Human Rights Watch interview with Bidzina Gegidze, November 14, 2007.

⁵⁴ Human Rights Watch interview with Dato D. (pseudonym), November 14, 2007.

Witnesses described seeing the police beat Levan Gachechiladze, a member of Parliament from the New Right Party and one of four opposition leaders participating in the hunger strike. According to Tinatin Khidasheli, a Republican Party leader, who arrived at Rustaveli Avenue just as police began to approach the protestors, “The police grabbed Levan Gachechiladze and beat him even as he lay on the ground.”⁵⁵ Bidzina Gegidze also described the police attack on Gachechiladze: “They were beating a lot of people, but they especially went after Levan. They hit him hard and he fell. He couldn’t stand up. Five or six guys descended on him, kicking him. [A few of us] went to try to protect him. ... I wasn’t resisting anymore. I was just trying to protect him.... Some of our supporters dragged Levan away in order to protect him.”⁵⁶ Witnesses described other instances in which demonstrators or those who had just arrived on the scene attempted to protect hunger strikers or other demonstrators, interfering with the actions of police.⁵⁷

The second group of police approaching the steps of Parliament immediately went towards the eight to ten journalists and cameramen who were already filming the attack on the demonstrators. Some of this footage was later broadcast on television. One journalist told Human Rights Watch,

[The police] didn’t say anything... they came at us and grabbed the camera [from our station’s cameraman], our microphone, and the tripod for my microphone. One of them hit me. He had grabbed my microphone and as I pulled back on it, his fist came forward and hit me in the lip. I shouted, “Leave us alone! We are doing our job!”⁵⁸

The same witness reported that a journalist and cameraman from Russia Today fled the steps as the groups of police approached and were pursued by policemen for

⁵⁵ Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

⁵⁶ Human Rights Watch interview with Bidzina Gegidze, November 14, 2007.

⁵⁷ Ibid., and Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

⁵⁸ Human Rights Watch interview with Dato D., November 14, 2007.

several hundred meters but managed to escape. Police confiscated the cameras and other equipment from all of the other journalists and cameramen present.⁵⁹

Without their equipment, journalists were prevented from documenting the police attack on the demonstrators, which continued for approximately another 10 minutes. One journalist told Human Rights Watch, “The very reason I went into journalism was this idea to be where I was needed. ... What happened [on November 7] was really awful for me. They took away our right to do our job.”⁶⁰ Police returned the journalists’ equipment an hour after confiscating it.

At the same time as groups of police launched attacks on demonstrators and journalists, a third group of police moved directly towards opposition leader and former Minister of Conflict Resolution Giorgi Khaindrava. Khaindrava told Human Rights Watch that he did not resist the six men who surrounded him in order to detain him. “I put my hands behind me. They grabbed me and picked me up from behind by the belt of my pants and pushed my head down. They forced me forward and into a car. I was immediately taken to court,” he said.⁶¹ According to his lawyer, Khaindrava was initially charged with hooliganism, resisting arrest, and use of narcotics. The first two charges were dropped when the judge learned that the police officers filing the report and testifying at the court hearing were not present during Khaindrava’s arrest.⁶² Khaindrava was fined 400 lari (US\$235) for refusing to submit to a drug test and then released.⁶³

Government officials gave conflicting accounts of police actions on that morning. One Ministry of Interior official told Human Rights Watch that in the early morning of November 7, police had come to set up barriers to prevent protestors from entering Rustaveli Avenue from the sidewalk in front of Parliament. According to this official,

⁵⁹ Police took the equipment, together with the sound equipment the demonstrators had used and was also on the steps of Parliament that morning, into the nearby Rustaveli Cinema, across from Parliament on Rustaveli Avenue. Human Rights Watch interview with Dato D., November 14, 2007.

⁶⁰ Human Rights Watch interview with Dato D., November 14, 2007.

⁶¹ Human Rights Watch interview with Giorgi Khaindrava, Tbilisi, November 16, 2007.

⁶² Human Rights Watch interview with Gela Nikoleishvili, Tbilisi, November 14, 2007.

⁶³ Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007.

because some of the demonstrators resisted police efforts to block access to the street and open the street to traffic, there were “minor clashes” between police and protestors, and Giorgi Khaindrava was arrested for resisting police.⁶⁴ Witnesses acknowledged scuffles with police, as described above, but none said they tried to stop police from blocking access to Rustaveli Avenue. Bidzina Gegidze said, however, that demonstrators verbally protested when they saw the approaching buses.⁶⁵

Another Ministry of Interior official denied that police took any action with respect to demonstrators, but only that patrol and neighborhood police cleaned up garbage from the area in front of Parliament and on Rustaveli Avenue and opened the road to traffic.⁶⁶

On the day of the events, Tbilisi Mayor Gigi Ugulava stated that the authorities had acted in the early morning of November 7 in response to opposition plans to set up tents, which he viewed as an indication of their intention to continue demonstrations until their demands would be met. He also stated that the small number of demonstrators remaining justified the government’s desire to reopen Rustaveli Avenue to traffic.⁶⁷

Violent dispersal of protestors on Rustaveli Avenue in front of Parliament

After the early morning police actions on the steps of Parliament, opposition party leaders and others went to the nearby office of the Republican Party where they publicly called for a demonstration at 2 p.m. in front of Parliament. Many people did not wait until 2 p.m. to gather, instead arriving in front of Parliament almost immediately. Some had seen on television some footage of the police dispersal of protestors earlier that morning.⁶⁸

⁶⁴ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

⁶⁵ Human Rights Watch interview with Bidzina Gegidze, November 14, 2007.

⁶⁶ Human Rights Watch interview with Shota Khizanishvili, head of administration, Ministry of Interior, November 29, 2007.

⁶⁷ “Police Break up Rally; Opposition Vows to Keep Protesting,” Civil Georgia, November 7, 2007, <http://www.civil.ge/eng/article.php?id=16211> (accessed November 29, 2007).

⁶⁸ Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

At about 11 a.m. leaders of the opposition parties returned to the front of Parliament. Several hundred police in long yellow raincoats remained on Rustaveli Avenue. According to the Ministry of Interior, these police officers were unarmed, except for a few who had truncheons.⁶⁹ By approximately 11:30 a.m. there were three lines of police surrounding the demonstrators and containing them on the sidewalk in front of Parliament, which holds at most a few thousand people, and preventing them from entering Rustaveli Avenue. The demonstrators were unarmed.



Demonstrators attempt to push through the police line on Rustaveli Avenue on November 7, 2007. © 2007 Justyna Mielnikiewicz for The New York Times/Redux

Demonstrators break through the police line

As the number of demonstrators grew, to approximately 3,000-5,000 people,⁷⁰ it became increasingly difficult for police to contain them on the sidewalk. According to one witness, “There was a huge flood of people coming very quickly. There were so

⁶⁹ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

⁷⁰ “Riot Police Disperse Protesters,” Civil Georgia, November 7, 2007, <http://www.civil.ge/eng/article.php?id=16218> (accessed December 4, 2007).

many people that they could no longer fit on the territory in front of Parliament.”⁷¹ Some individuals, including some opposition leaders, were talking to police and demanding that they allow the demonstrators to move into the street. Individual demonstrators also pushed policemen, who pushed back as necessary to maintain the police line. There were some scuffles between police and protestors.⁷² Police made some arrests. At the same time, demonstrators continued to approach Parliament along Rustaveli Avenue and some of them amassed behind the police line.⁷³

At approximately 12 p.m. the Ministry of Interior ordered the police to retreat from the cordon they were maintaining in front of the Parliament.⁷⁴ Individual police officers moved away and the police lines broke apart and the crowd flowed into Rustaveli Avenue. As this happened, there were individual clashes between police and demonstrators.⁷⁵ One witness told Human Rights Watch, “I saw two policemen in yellow coats holding a young man by his arms and dragging him, while a third policeman punched him on the head. The boy was not resisting. I shouted, ‘Don’t beat him!’ They saw that I was filming them with my mobile phone and they let him go.”⁷⁶ A senior Ministry of Interior official told Human Rights Watch that four police officers were beaten by demonstrators and a police car was damaged. When asked to elaborate, the official stated that one policeman was struck in the back by a demonstrator using a flag pole, but did not provide detailed information about the other three.⁷⁷

Nugzar N., a 19-year-old opposition supporter who had moved with the crowd onto Rustaveli Avenue, said that around 20 men dressed in black coats with hoods, whom

⁷¹ Human Rights Watch interview with Vakho Komakhidze, Tbilisi, November 12, 2007.

⁷² Human Rights Watch interview with Shota Khizanishvili, November 29, 2007; also photos and video on file with Human Rights Watch.

⁷³ Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

⁷⁴ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

⁷⁵ Human Rights Watch interview with Natia Khaindrava, Office of the Ombudsman, Tbilisi, November 13, 2007.

⁷⁶ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

⁷⁷ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

he believed to be law enforcement agents, but who could not be identified, came and started fights with some of the protestors. Together with a friend, Nugzar N. started to move across the street and the men in black pursued him, grabbed him, and started kicking him. He told Human Rights Watch that he did not resist, as he was outnumbered and “it was nonsense to fight [back].”⁷⁸

As the crowds continued to move through the police line, two policemen grabbed an employee of the Office of the Ombudsman who was in the midst of the crowd moving onto Rustaveli Avenue. When she told them that she was a representative of the Ombudsman,” the policemen responded, “We don’t care who you are!” and started to push her back toward the Parliament building.⁷⁹ A journalist approached and shouted to the policemen, “She is from the Ombudsman’s Office. You don’t have any right to touch her!”⁸⁰ In response, the police let her go.⁸¹

As they moved into Rustaveli Avenue, protestors pulled the metal barriers that the police had set up in front of Parliament to help control the crowd and formed a barricade line approximately from the corner of Chichinadze Street near School No. 1 across Rustaveli Avenue to the front of the Kashueti church.⁸² Several thousand protestors amassed behind this line along Rustaveli Avenue towards Parliament facing in the direction of the Marriott Hotel Tbilisi.⁸³

Deployment of riot police and other law enforcement personnel

When the patrol police were ordered to retreat from their line, riot police and other law enforcement personnel, who had been mobilizing at Republican Square and

⁷⁸ Human Rights Watch interview with Nugzar N., Tbilisi, November 12, 2007.

⁷⁹ Human Rights Watch interview with Natia Khaindrava, November 13, 2007.

⁸⁰ Ibid.; and Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

⁸¹ Human Rights Watch interview with Natia Khaindrava, November 13, 2007; and Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

⁸² Human Rights Watch interview with Vakho Komakhidze, November 12, 2007; and Human Rights Watch interview with Nugzar N., November 12, 2007.

⁸³ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

elsewhere, were called in.⁸⁴ They moved towards Parliament from the direction of Republican Square and established their own line across Rustaveli Avenue stretching approximately from the corner of Lesia Ukrainka Street and the edge of School No. 1 to the front of the Blue Gallery. Police also brought in two large blue trucks labeled “Police,” at least one equipped with a water cannon apparently designed for crowd dispersal. There were also ambulances and fire trucks behind the police line on Rustaveli Avenue.

The first line of law enforcement personnel consisted of riot police in plastic helmets and holding plastic shields and truncheons. Behind them were other personnel in various types of dress. Many were in camouflage uniforms; some of those wearing camouflage had helmets, some had black cloth ski masks, and some were also wearing black plastic body armor. Others were dressed in all black and wearing black ski masks, typical of Georgian special forces troops. Yet another set of forces wore jeans, black jackets, and black ski masks; some of the black jackets had “Criminal Police” written across the back. The police in yellow raincoats also gathered near or behind the police line. No witnesses whom Human Rights Watch interviewed said they saw any of the law enforcement personnel wearing any visible form of identification such as a name or number badge.

⁸⁴ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.



Security forces prepare to confront anti-government protesters on Rustaveli Avenue in downtown Tbilisi on November 7, 2007.
© 2007 AP Photo/George Abdaladze

According to Shota Utiashvili, head of the Ministry of Interior's Analytical Department, only two types of law enforcement personnel were deployed on Rustaveli Avenue that day: riot police in full crowd control gear, who made up the front lines, and regular patrol police, including many from outside of Tbilisi. When asked about the lack of uniforms on some law enforcement personnel and the various forms of dress, Utiashvili replied that the black uniforms were used for patrol police and criminal police brought in from the regions as reinforcements for whom uniforms were not available.⁸⁵ Another Ministry of Interior official stated that there were only riot police engaged in the operations on November 7, after patrol police were pulled aside.⁸⁶ Both officials also claimed that black face masks were typical for police engaged in riot control in all countries.⁸⁷

⁸⁵ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

⁸⁶ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

⁸⁷ Human Rights Watch interview with Shota Utiashvili, November 15, 2007; and Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

It was not possible for Human Rights Watch to determine the exact composition of law enforcement personnel operating on Rustaveli Avenue. However, a doctor interviewed by Human Rights Watch told us that one law enforcement officer admitted to City Hospital No. 1 stated that he was a member of the special forces of the penitentiary department, which are under the authority of the Ministry of Justice.⁸⁸ Many witnesses referred to the law enforcement officers as “special forces” and some witnesses speculated that some of those participating were not officially part of any force structure.

Warnings to disperse

At approximately 12:30 p.m., using a loudspeaker, police began to demand that the crowd clear the street and to warn that if people did not disperse, police would be required to use all legal means to disperse the crowd. According to witnesses, the announcement was repeated several times.⁸⁹ The Ministry of Interior maintains that the announcement was made for 10 minutes.⁹⁰ Some witnesses told Human Rights Watch that the announcement was difficult to hear, as there was a great deal of noise from the crowd itself.⁹¹ Human Rights Watch could not determine whether some protestors began to disperse in response to the announcement, but video evidence and witness testimony confirm that at least the front lines of demonstrators did not make any attempts to disperse.⁹²

Witnesses told Human Rights Watch that some protestors remained standing in place with their hands up.⁹³ Video and photographic images confirm this.⁹⁴ According to one witness, some people also said, “Let’s get on our knees so that they won’t take any action against us.”⁹⁵ Opposition party activist Nuzgar N., who

⁸⁸ Human Rights Watch interview with Dr. Levan Labauri, MD, assistant of the Patients’ Rights Center, United Nations Development Programme, and assistant professor, Tbilisi State Medical University, Tbilisi, November 15, 2007.

⁸⁹ Human Rights Watch interview with Maia Baiaromelashvili, Office of the Ombudsman, Tbilisi, November 14, 2007.

⁹⁰ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

⁹¹ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

⁹² Human Rights Watch interview with Natia Khaindrava, November 13, 2007; Human Rights Watch interview with Vakho Komakhidze, November 12, 2007; and photos and video on file with Human Rights Watch.

⁹³ Human Rights Watch interview with Natia Khaindrava, November 13, 2007.

⁹⁴ Photos and video on file with Human Rights Watch.

⁹⁵ Human Rights Watch interview with Natia Khaindrava, November 13, 2007.

stood at the front of the crowd of protestors, told Human Rights Watch, “My friends and I stood behind the metal barriers [facing the riot police] and put our hands up. We shouted, ‘We are all Georgians, don’t use force against us.’”⁹⁶ A senior Ministry of Interior official described the “crowd of 5,000 people” as “very violent,” although he was not himself present.⁹⁷

Immediately following the warnings for the crowd to disperse, law enforcement personnel began firing bursts of water from the water cannon at the front line of protestors. A few demonstrators were knocked down by the force of the water. Some demonstrators began to move away from the water.⁹⁸ However, most protestors remained in place, defying the police orders to disperse. Some waved their fists and shouted at the police.⁹⁹ The Ministry of Interior claimed that “the water cannon was not effective in dispersing people,”¹⁰⁰ although witnesses testimony and video evidence reveal that law enforcement officials used the water cannon for a very short time and only at the very front line of protestors.¹⁰¹

Use of teargas and rubber bullets

The evidence available to Human Rights Watch strongly suggests that law enforcement officials did not fully exhaust the use of warnings and water cannons to disperse demonstrators before resorting to more severe methods of crowd dispersal, including use of more extreme force. When many protestors refused to clear the street after verbal warnings and a limited use of water cannons, riot police began to

⁹⁶ Human Rights Watch interview with Nugzar N., November 12, 2007.

⁹⁷ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

⁹⁸ Human Rights Watch interview with Natia Khaindrava, November 13, 2007; Human Rights Watch interview with Nugzar N., November 12, 2007; and video on file with Human Rights Watch.

⁹⁹ Human Rights Watch interview with Nugzar N., November 12, 2007; and video and photographs on file with Human Rights Watch.

¹⁰⁰ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

¹⁰¹ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007; and Human Rights Watch interview with Nugzar N., November 12, 2007.

use force, initially firing teargas into the crowd and firing rubber (or plastic) bullets at demonstrators.¹⁰² They gave no warning that these methods would be used.

In using teargas and rubber bullets simultaneously against protestors, the government failed to implement a measured escalation in its response to the demonstrators. That law enforcement officials were authorized or chose to use rubber bullets at all, when at most there was sporadic violence from few demonstrators, and most demonstrators fled quickly as a result of the overwhelming effects of the teargas, raises serious concerns. Because rubber bullets may in certain circumstances have lethal force, they must be treated for practical purposes as firearms. They should be used strictly in accordance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, which state that “law enforcement officials must not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury.”¹⁰³

Human Rights Watch was not able to fully document injuries resulting from the use of rubber bullets. A detailed forensic examination into the number and type of injuries documented as a result of the use of rubber bullets should be a key aspect of the Georgian government’s investigation into the use of force on November 7, as should accountability for those using and ordering the use of rubber bullets in a manner inconsistent with the UN guidelines.¹⁰⁴

¹⁰² It is beyond the scope of Human Rights Watch’s investigative capacity to determine the exact ammunition that was used against demonstrators. Both rubber bullets and the less lethal plastic bullets have been used by governments as a means of crowd dispersal. For the purposes of this report, we will use the more common “rubber bullets,” when describing the ammunition used by law enforcement officers.

¹⁰³ See Amnesty International, “Amnesty International calls for full transparency in UNMIK inquiry into deaths of Mon Balaj and Arbën Xheladini,” AI Index: EUR 70/002/2007 (Public), February 15, 2007, <http://web.amnesty.org/library/Index/ENGEUR700022007> (accessed December 7, 2007).; and UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, principle 9.

¹⁰⁴ The use of plastic and rubber bullets as a means of crowd control has caused controversy worldwide. One territory with extensive history in the use of plastic bullets as a means of public order control is Northern Ireland, where the large number of deaths and injuries arising from their use has led to an inquiry with the aim of eliminating their use. The Patten Commission in Northern Ireland, which conducted the most extensive review of policing practices ever (“A New Beginning: Policing in Northern Ireland: The Report of the Independent Commission on Policing for Northern Ireland,” September 1999), supported a call for the use of plastic bullets to “be discontinued as soon as possible.” The Northern Ireland Human Rights Commission has also called for their use to be discontinued, and in October 2002 the UN Committee on the Rights of the Child recommended that plastic baton rounds be abolished as a means of riot control in the United Kingdom.

One witness who stood at the front of the demonstrators and had refused to move even after the official requests told Human Rights Watch that immediately after the water cannons were used, “I saw [law enforcement officers] put on gas masks and I realized that they would use teargas.... Without any announcement they began to shoot the gas canisters over my head [into the middle of the crowd].”¹⁰⁵ Paata Zakareishvili, a Republican Party activist and prominent political analyst, went to the demonstration with his wife and two children. He confirmed there were no warnings before teargas or rubber bullets were fired into the crowd. Another participant called the use of the teargas “completely unexpected.”¹⁰⁶

People fled immediately in response to the teargas and rubber bullets. Many people panicked, and the atmosphere became chaotic as people ran in all directions,¹⁰⁷ suffering burning eyes and throats and other effects of the teargas. Most people ran onto the side streets leading away from Rustaveli Avenue. Others sought shelter in the Parliament building, in the Kashueti Church, and in School No. 1.

¹⁰⁵ Human Rights Watch interview with Nugzar N., November 12, 2007.

¹⁰⁶ Human Rights Watch interview with Paata Zakareishvili, Tbilisi, November 13, 2007; Human Rights Watch interview with Vakho Komakhidze, November 12, 2007; and Human Rights Watch interview with Nugzar N., November 12, 2007.

¹⁰⁷ Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007.



A young woman flees after riot police attempt to disperse protestors with teargas and rubber bullets on Rustaveli Avenue on November 7, 2007. © 2007 Dato Rostomashvili

A Human Rights Watch representative who monitored the events saw that the large volumes of teargas left several hundred meters of Rustaveli Avenue almost completely covered in gas.¹⁰⁸ Witnesses reported that the teargas caused the eyes, nose, and throat to burn severely and left many people nauseated and short of breath, often making it difficult for them to disperse.¹⁰⁹ The Human Rights Watch representative and others witnessed many people vomiting, including many policemen who, unlike the riot police and other law enforcement officials, had not been given gas masks or any other gear to protect them from the teargas.¹¹⁰

¹⁰⁸ Also photos and video on file with Human Rights Watch.

¹⁰⁹ Human Rights Watch interview with Natia Khaindrava, November 13, 2007; and Human Rights Watch interview with Giorgi Gotsiridze, chief specialist, Office of the Ombudsman, Tbilisi, November 14, 2007. The Human Rights Watch representative monitoring the demonstrations experienced these same effects.

¹¹⁰ Human Rights Watch interview with Natia Khaindrava, November 13, 2007.

The large number of demonstrators and limited exits for dispersal made it difficult for people to flee quickly, causing them to be further exposed to the large amounts of teargas. According to one witness, “I ran to the small street in between Parliament and School No. 1. A large number of people also wanted to go up the same street, and it was packed. As a result, I could not run fast and had to breathe more of the gas. I fell down as I could not run.”¹¹¹

Former State Minister of Georgia Avtandil Jorbenadze, who is 56 years old, went to Rustaveli Avenue after seeing television footage of the events earlier that morning. He described to Human Rights Watch his experience:

[After they shot the teargas] the results were strong and immediate. My eyes burned, I felt as if I was suffocating. I tried to help two young women who were sick, but then I felt very sick myself [and could no longer help them]. The crowd divided and one wave of people swept me and others towards Parliament. People were screaming and shouting. People were climbing the Parliament gates trying to escape the gas.¹¹²

The guards eventually opened the gates of Parliament to allow people inside, as the gas was accumulating in the doorway and causing people to become increasingly sick.¹¹³

Many people sought medical help after inhaling the gas, although most or all were treated and released after a few hours, including several children.¹¹⁴ Typically, the effects of nausea, vomiting, eye irritation, and difficulty breathing would last for one to two days.¹¹⁵ The Ministry of Interior did not name or identify the composition of the gas in any public statement, nor would it do so to Human Rights Watch.¹¹⁶ A

¹¹¹ Human Rights Watch interview with Giorgi Gotsiridze, November 14, 2007.

¹¹² Human Rights Watch interview with Avtandil Jorbenadze, Tbilisi, November 13, 2007.

¹¹³ Human Rights Watch interview with Paata Zakareishvili, November 13, 2007.

¹¹⁴ Human Rights Watch interview with Dr. Levan Labauri, November 15, 2007.

¹¹⁵ Ibid.

¹¹⁶ Human Rights Watch interview with Shota Utiashvili, November 15, 2007; and Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

statement posted on the Ministry of Interior website on November 7 stated only that the gas is widely used in crowd control in many countries and is not lethal.¹¹⁷

One official claimed that the Ministry of Interior had informed the Ministry of Health about the use of teargas, but claimed that no hospital requested information about the chemical composition of the teargas.¹¹⁸ A medical doctor interviewed by Human Rights Watch stated that it was “a big mistake” for the authorities not to make available information on the type or composition of the teargas that they planned to use. He said that ambulances on the scene and hospitals were unprepared to treat those suffering from the effects of the gas.¹¹⁹

Many people already suffering from the effects of the teargas entered School No. 1 in search of breathable air. Law enforcement officials pursued demonstrators fleeing into the school. One witness told Human Rights Watch that the door of the school was too small to accommodate the large group of people trying to enter and in desperation some young men broke windows in order to enter the building.¹²⁰ One witness reported that there was a large amount of gas in the school.¹²¹

During the operation on Rustaveli Avenue, law enforcement officials used long-range acoustic devices (LRAD), large round dishes that emit a strong, shrill noise that is apparently intended to disorient anyone within range of hearing it. Two police pickup trucks drove along Rustaveli Avenue equipped with these devices. The Human Rights Watch representative observing the events on Rustaveli Avenue described the noise as “unbearable,” and one witness stated that the unbearable noise very much contributed to the initial panic among protestors.¹²²

¹¹⁷ “During the dispersal of the rally tear gas was used. [This tear gas] is always used in similar cases by law enforcement agencies in every country. The aforementioned gas does not cause danger to the life and health of human beings.” Ministry of Interior of Georgia statement, November 7, 2007, <http://www.police.ge/en/curview.aspx?newsid=30467&categoryid=1> (accessed December 2, 2007).

¹¹⁸ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

¹¹⁹ Human Rights Watch interview with Dr. Levan Labauri, November 15, 2007.

¹²⁰ Human Rights Watch interview with Natia Khaindrava, November 13, 2007.

¹²¹ Human Rights Watch interview with Nugzar N., November 12, 2007.

¹²² Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

Attacks on fleeing demonstrators

Immediately following the initial use of teargas and rubber bullets, the police line advanced along Rustaveli Avenue toward the dispersing protestors who were fleeing in all directions. The Ministry of Interior maintains that “in only a few instances did police or riot police use violence against protestors,” and that many small groups of demonstrators attacked policemen.¹²³ Human Rights Watch could not confirm the attacks on policemen during this particular period of the events on Rustaveli Avenue; witnesses did not elaborate on this and none of the video and photographic evidence viewed by Human Rights Watch provides corroboration for the allegations.

We did confirm, however, that dozens of individual law enforcement officials scattered to pursue protestors. In doing so, they also attacked and beat dozens of individuals, using truncheons, fists, and kicks. Some also shot rubber bullets at fleeing protestors at close range. Law enforcement officers attacked those demonstrators who continued to linger on Rustaveli Avenue, as well as those who were not able to flee or had already moved away from Rustaveli Avenue towards School No. 1, Parliament, the Kashueti church, or onto side streets. Witness testimony and video and photographic evidence confirm these attacks by police officers, riot police, and other law enforcement personnel on demonstrators and journalists.

Nugzar N. told Human Rights Watch that immediately after riot police launched teargas into the crowd, he ran from Rustaveli Avenue and entered School No. 1, but quickly came out again because the gas inside was so thick that he could not breathe. As soon as he emerged from the school, “Six policemen in yellow raincoats grabbed me and said, ‘We saw you [supporting the opposition].’ One of them hit me on the head with a truncheon. I was trying to run away. They dragged me across Rustaveli and said they wanted to take me to the police station,” he told Human Rights Watch.¹²⁴

¹²³ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

¹²⁴ Human Rights Watch interview with Nugzar N., November 12, 2007.

Only when another policeman intervened on his behalf was Nugzar N. released. Nugzar N. found an ambulance nearby and was taken to hospital. He received several stitches in the top of his head, but did not suffer a concussion or any other physical injuries. Nugzar N., a law student, told Human Rights Watch that he will not file a complaint against the police who attacked him. “I think that making a complaint would be in vain. I do not trust the judiciary in Georgia,” he told Human Rights Watch.¹²⁵

Vakho Komakhidze told Human Rights Watch that he, too, sought shelter in School No. 1 and immediately ran up the stairs to the second floor, where he stayed for several minutes. Looking out the window, he witnessed how five or six riot police in gas masks dragged a young man, about 25 years old, from the front of the school building and began to beat him: “They threw him to the ground and kicked him. The man managed to stand up and appeared to beg that they stop beating him. Another policeman intervened [and the beating stopped]. But as soon as this policeman left, the others started beating the protestor again.”¹²⁶ Komakhidze left the school at that time and did not see what happened to the young man.¹²⁷

Avtandil Jorbenadze had fled toward Parliament but as the gas cleared he returned to Rustaveli Avenue, where he was attacked by masked law enforcement officers. He told Human Rights Watch,

I saw that Rustaveli Avenue was mostly clear, and I saw a Public Television reporter with a camera and I thought I should make a call for the authorities not to continue the attack [on demonstrators] because there could be very negative consequences. I made my way across Rustaveli to the cameraman. I was halfway across Rustaveli Avenue when I was attacked.¹²⁸

¹²⁵ Ibid.

¹²⁶ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

¹²⁷ Ibid.

¹²⁸ Human Rights Watch interview with Avtandil Jorbenadze, November 13, 2007.



Masked law enforcement officers attack former State Minister Avtandil Jorbenadze as he tries to cross Rustaveli Avenue after riot police dispersed thousands of demonstrators with teargas and rubber bullets.

Photo evidence shows a law enforcement officer in a black mask and blue jeans approaching Jorbenadze from behind and striking him several times with a wooden stick, approximately one meter long, as Jorbenadze made his way across the street. Jorbenadze described to Human Rights Watch what happened as he moved away from this attacker and made it to the other side of the street. He was in the yard in front of the Kashueti Church when

... six or eight people attacked me. Unfortunately I fell down. They beat me very severely ... with sticks, fists, and kicks ... and continued to beat me even while I was down [on the ground]. Some people who came to assist me were also beaten. I think that when they saw that I was lying still, they stopped beating me.¹²⁹



A law enforcement officer prevents additional attacks on former State Minister Avtandil Jorbenadze, who lies on the ground after masked law enforcement agents struck him with a wooden stick and then punched and kicked him.

¹²⁹ Ibid.

Photos show a crowd gathered around Jorbenadze as he lies on his side on the ground trying to protect his head and face with his hands and arms as law enforcement officers in black masks kicked him. Law enforcement officers said nothing to Jorbenadze during the attack and made no attempt to arrest him. As a result of the attack, Jorbenadze suffered a concussion, a broken finger on his right hand, and multiple contusions all over his body, including on the back of his head, on his neck, shoulders, sides, arms, and hands. His eyesight was affected for several days as a result of exposure to large amounts of teargas. He told Human Rights Watch that he did not file a complaint regarding his attack.¹³⁰

Nino Soselia, a 60-year-old pensioner who is not affiliated with any political party, was attacked by law enforcement officials immediately following the initial use of teargas. Soselia had seen the protestors gathering while watching television. She told Human Rights Watch, “I decided to go [to Rustaveli Avenue] because I wanted to be with my people.”¹³¹ When she arrived, Soselia joined the crowd, standing near the corner of Rustaveli Avenue and Chichinadze Street, in front of School No. 1. She considered leaving the demonstration when she saw riot police arriving on Rustaveli Avenue, but other demonstrators persuaded her to stay:

People were calling out, “Don’t disperse. Don’t be scared. Let’s stay together.” We raised our hands and continued to stand. [After the teargas was launched], a wave of people moved up Chichinadze Street and pushed me towards School No. 1. It was a completely chaotic environment. People fell down. When the [law enforcement officers] started to attack people, they did so mercilessly. They did not distinguish between man, woman, big, small, child. I tried to protect a boy who was shouting “Georgia! Georgia!” He was about 14 years old. He wasn’t swearing or anything. Riot police were coming to attack him.

A riot policeman in a white gas mask started hitting me on the head with a rubber truncheon. I shouted, “Tell me! What do you want?” He

¹³⁰ Ibid.

¹³¹ Human Rights Watch interview with Nino Soselia, Tbilisi, November 16, 2007.

didn't answer my cries for him to stop.... I hit the policeman back. I resisted.... After he hit me, he grabbed me and threw me into the wall of School No. 1. I hit my right shoulder and my back and even now I still have pain in my shoulder when I try to move it. After I hit the wall, I felt very bad. Some demonstrators helped me across Rustaveli and towards the opera and I went home.¹³²

Soselia did not immediately seek medical attention, but she had headaches and felt very ill, so on November 8 she went to hospital. She was diagnosed with head trauma and severe bruising. At the time of her interview with Human Rights Watch Soselia continued to complain of headaches, was bedridden, and had difficulty moving or sitting up in bed.¹³³

Soselia witnessed policemen in yellow raincoats beating the teenage boy whom she had tried to protect. She told Human Rights Watch that a large number of policemen dragged the boy and other boys away. As she was being assisted and led away by other demonstrators, she also witnessed policemen beating others. "Police even beat those who had fallen down and were helpless, including the elderly who had fallen down after being pushed by the waves of running people," she said.¹³⁴

Nikoloz N., age 36, also described to Human Rights Watch the severe beating he received by several police officers near the April 9 Park:

I was running as fast as I could. Several police [and law enforcement officers] came after me. One dressed all in black grabbed me and after a few more steps I fell down. They jumped on me. They beat and kicked me. I tried to protect my head. There were probably 15 people kicking me. There were so many of them who wanted to kick me, they were saying to each other, "Move over, I also want to [kick him]. Give me a shot!" Only

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid.

after two priests and a woman appeared and started screaming did these guys move away from me.

I could hardly breathe. I thought I had broken a rib. [Someone] put me in a taxi and I went to the hospital. I had damage to the pleura [the membrane surrounding the lung].¹³⁵

Nikoloz N. received surgery on his lung. He also had severe bruising over much of his body and pain in his liver, kidney, and sides.¹³⁶

One journalist who was covering the events on Rustaveli Avenue described an attack on an elderly woman on the steps of Parliament. This witness stated,

By that time the square was mostly empty of [demonstrators]. I saw an elderly woman collapse near the fountain [in front of Parliament]. She [appeared to be] sick from the teargas. Some special forces in black plastic body armor hit her with a truncheon on the back several times. An ambulance drove up and took her away.¹³⁷

A Human Rights Watch representative also witnessed police beatings of demonstrators well after the area in front of Parliament had been cleared. He saw several groups of five or six policemen each beating demonstrators near the Kashueti church. At least two of the victims were lying on the ground while police kicked them.

At least two witnesses described law enforcement officers' use of rubber bullets against fleeing protestors. One of them, Giorgi Gotsiridze, an employee of the Ombudsman's Office, told Human Rights Watch, "[After running from Rustaveli Avenue], I went behind Parliament to Chitadze Street. I saw about 100 protestors running, and they were being chased by riot police, shooting rubber bullets at their

¹³⁵ Human Rights Watch interview with Nikoloz N., Tbilisi, November 17, 2007.

¹³⁶ Ibid.

¹³⁷ Human Rights Watch interview with Natia Mikiashvili, Tbilisi, November 14, 2007.

backs at close range. There were about 30 riot policemen. Several of them were shooting rubber bullets, directly aiming at the backs of fleeing people.”¹³⁸

Human Rights Watch received reports of several attacks on journalists covering the demonstrations and the police response on November 7.¹³⁹ A Ministry of Interior official was quoted as saying that “every officer had clear instructions not to touch ... journalists.”¹⁴⁰ After the first dispersal of protestors, law enforcement officers in black masks attacked Imedi journalist Levan Tabidze near School No. 1. He and his cameraman had sought shelter from the teargas by going into School No. 1 for about 15 minutes. When they left the school, Rustaveli Avenue had been mostly cleared of people, but Tabidze and his cameraman started filming riot police chasing fleeing protestors up Chichinadze Street between the school and Parliament. Tabidze told Human Right Watch,

It was one of the worst things I saw that day. A man was walking up the street between Parliament and School No. 1. Riot police were coming down the street. Without any apparent reason they attacked him one by one. As each [policeman] passed him, they would hit him. I remember his face very well. I was at a loss. I could not believe that this was happening to him. We were filming this all.

I started to walk up the side streets. We weren't filming at that point. People were gathering in groups. All of a sudden some [law enforcement officials] came at me and were yelling, “Badri [Patarkatsishvili], Fuck your mother!” They saw that I had an Imedi microphone and they came at me, swearing at me, yelling, “Badri's puppies—this is what you get!” I was yelling, “I am just working!” Then they started to beat me.

¹³⁸ Human Rights Watch interview with Giorgi Gotsiridze, November 14, 2007.

¹³⁹ The Office of the Ombudsman also documented numerous attacks on journalists throughout the day on November 7. Office of the Ombudsman, “Georgia: November 2007,” December 3, 2007. On file with Human Rights Watch.

¹⁴⁰ Shota Utiashvili as quoted in “Georgia Leader Calls Early Election to Decide His Fate,” *New York Times*.

I put both of my hands up and continued to hold the microphone in one hand. I repeatedly said, “I am just doing my job!” Another Imedi journalist was there shouting and swearing, saying “Leave him alone!” One of the policemen hit me with a truncheon from behind on my left leg. They continued to swear at me. I also remember very clearly that one of the policemen said to me, “This is nothing. We will come to you [Imedi] this evening and fuck you all.”

A man who seemed to be a commander or leader of these policemen ran down and intervened. He said, “What are you doing? Why him?” He seemed very angry. After this the beating stopped. The pain in my leg was very bad. I couldn’t move my leg. I sat down for about 15 minutes before I could get up and leave. I continued to limp the next day.

I couldn’t understand this aggression against me because we weren’t even filming them anymore. I understood that this was not personally against me but against the television station and me as a journalist of this television station. I think that the logo on the microphone made me a target of the attack, but I also feel that maybe they didn’t go as far as they could have because of the microphone and they could see that I was a journalist.¹⁴¹

Police did not attack the Imedi cameraman who was with Levan Tabidze at this time.

The Ministry of Interior denied that there were attacks on fleeing demonstrators. When asked about the approved use of a truncheon, a senior Ministry of Interior official told Human Rights Watch that truncheons are used only as a defensive weapon by riot police attempting to maintain a police line.¹⁴² When asked about the wooden stick that was used by a law enforcement officer to attack Avtandil Jorbenadze, a senior Ministry of Interior official denied that such a stick is part of the approved equipment for riot police or others engaged in crowd dispersal. He stated

¹⁴¹ Human Rights Watch interview with Levan Tabidze, Tbilisi, November 15, 2007.

¹⁴² Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

that any object of that description was probably a flag pole taken from the flags being carried by the demonstrators.¹⁴³ Other witnesses described seeing law enforcement officers wielding these wooden sticks and using them as weapons.¹⁴⁴

During the operation many law enforcement officials used highly intimidating and threatening language, mainly directed against Badri Patarkatsishvili, apparently because of his financial support for some opposition parties. When attacking Imedi journalist Levan Tabidze, phrases used by law enforcement officers indicated they were targeting him because he was employed by Imedi, which was founded by Patarkatsishvili. Video footage shows law enforcement agents in all black marching on Rustaveli Avenue chanting, in the military style of a rhyming question and response, “What [do we have] for Badri?” “[We’re gonna] fuck Badri’s mother!” This kind of language directed against a person with strong links to Georgian opposition parties is deliberately threatening and intimidating to anyone who would wish to support the political opposition or participate in opposition-organized public demonstrations.

The violent dispersal of protestors on Rustaveli Avenue, from the Marriott Hotel to Republican Square

After the dispersal of people on Rustaveli Avenue in front of Parliament, as described above, some riot police, police in yellow raincoats, and other law enforcement personnel walked along Rustaveli Avenue in front of Parliament and others pursued demonstrators and beat many. Further down Rustaveli Avenue in the direction of Republican Square, a line of riot police stretched across the avenue in front of the Marriott Hotel Tbilisi. This cordon had apparently been established to protect from behind the riot police and other law enforcement officials engaged in the dispersal of the demonstrators in front of Parliament.

Very soon after the riot police started dispersing the demonstrators in front of Parliament, crowds began to gather along Rustaveli from the direction of Republican Square and approached this rear guard of riot police, who turned to face them. The

¹⁴³ Ibid.

¹⁴⁴ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007.

crowd most likely consisted of some of the same demonstrators who had been dispersed from the front of Parliament and had circled around using small side streets to reach Rustaveli Avenue again as well as additional demonstrators just arriving from the direction of Republican Square.

As the crowd continued to gather, the front lines of protestors moved directly to the line of riot police, separated by only a few meters. Photographic evidence shows protestors damaging a police car on Rustaveli Avenue, near the Drama and Ballet Theatre. A few protestors threw stones and swore at police, although some witnesses reported that other demonstrators attempted to subdue those who were acting aggressively.¹⁴⁵ Otherwise, most demonstrators were not aggressive.

Around 1:15 p.m., opposition leaders made their way to Rustaveli Avenue. Tinatin Khidasheli told Human Rights Watch that she and other opposition leaders sensed the crowd might press forward into the police line and so used a megaphone to tell people to stop moving forward.¹⁴⁶ Paata Zakariashvili confirmed this, saying people were moving toward the riot police and were cursing and yelling. He said he and several opposition leaders stood between demonstrators and the riot police. Zakariashvili told Human Rights Watch, “This was a very nervous situation. We stood like this for maybe about 10 minutes. We really didn’t want people to clash with police.”¹⁴⁷ Khidasheli stated that she spoke with the riot police on the front line and explained to them that the crowd would not act against them.¹⁴⁸

At approximately 1:30-1:45 p.m. riot police started to push forward into the demonstrators. They again fired a volley of teargas into the crowd and opened fire against demonstrators using rubber bullets. Multiple witnesses told Human Rights Watch that no warning was given.¹⁴⁹ Tinatin Khidasheli, who was standing at the front of the crowd, told Human Rights Watch that a teargas canister hit a tree branch

¹⁴⁵ Human Rights Watch interview with Paata Zakariashvili, November 13, 2007.

¹⁴⁶ Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

¹⁴⁷ Human Rights Watch interview with Paata Zakariashvili, November 13, 2007.

¹⁴⁸ Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

¹⁴⁹ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007; Human Rights Watch interview with Paata Zakariashvili, November 13, 2007.

above her and both the branch and the tear gas canister fell down on her, knocking her unconscious. Others later told her that after she collapsed, law enforcement officials in black masks kicked her. “I don’t know what happened,” she said, “But I am covered in bruises on my back and legs.”¹⁵⁰ Khidasheli also had a severe allergic reaction to the teargas, which engulfed her.

The Human Rights Watch representative witnessed how following the launching of the teargas and rubber bullets, many protestors fled. However, several hundred people continued to linger on Rustaveli Avenue, and, because the wind blew much of the teargas back towards the riot police maintaining the cordon across Rustaveli, the air would clear and demonstrators would again steadily advance toward the riot police line. Ambulances standing along Rustaveli Avenue amidst the protestors had handed out surgical masks to help people cope with the teargas. Several witnesses confirmed that protestors retaliated against the police at this point.¹⁵¹ According to one witness, “The protestors cursed the police and yelled, ‘What are you doing? Why are you beating people?’ Some protestors threw the teargas canisters back at the riot police. Others threw whatever was at hand: rocks or pieces of brick from the sidewalk [which was under repair].”¹⁵²

¹⁵⁰ Human Rights Watch interview with Tinatin Khidasheli, November 12, 2007.

¹⁵¹ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

¹⁵² Human Rights Watch interview with Petre P., Tbilisi, November 12, 2007.



A protestor hurls a teargas canister back at police on Rustaveli Avenue. © 2007 Dato Rostomashvili

Meanwhile, other law enforcement officers again pursued the protestors who fled. Some continued to fire teargas canisters at people who fled while others swung truncheons and attacked individual protestors. One witness said that he ran into the courtyard of a building off of Rustaveli Avenue and sought shelter in a small shed located in the yard. He told Human Rights Watch,

After about five minutes I came out of the shed and looked out onto the street. One special forces officer saw me and turned and started to shoot at me with rubber bullets. I ran into the courtyard again and another special forces officer chased me and threw a gas canister at me. The smoke was so strong that I felt I was losing consciousness, and again ran into the shed. After 10-15 minutes, I ran out again, but

the [teargas] smoke was still so thick that I went back into the courtyard and stayed another 30-40 minutes before I left.¹⁵³

As had happened previously, law enforcement officials, particularly those in black masks, pursued the fleeing demonstrators and beat them.

Among those beaten was Georgia's ombudsman, Sozar Subari, who had arrived on Rustaveli Avenue at approximately 10 a.m. and was monitoring the demonstration and police response. In an interview with Human Rights Watch, Subari described the attack:

[Law enforcement agents] in blue jeans and black masks were beating one young man. They were kicking him. I bent over to help him and they started to beat me. There were three or four of them. They used truncheons and wooden sticks. I told them, "I am the Ombudsman!" They seemed to beat me even harder after that. I simply stood. They beat me on my arms, back, and legs. One of my employees yelled, and eventually they stopped beating me.¹⁵⁴

Subari did not seek medical attention, but he complained of bruising on his back, shoulders, sides, arms, and legs.¹⁵⁵ Human Rights Watch representatives documented extensive bruising on Subari's legs.

Another official from the Ombudsman's Office told Human Rights Watch, "I saw three or four police in black masks beating a man. He was 45 to 50 years old. He fell and they continued to beat him with truncheons and started kicking him. I've never seen anything like this in my life."¹⁵⁶ Another witness told Human Rights Watch that he saw men he described as special forces pursuing demonstrators down Rustaveli Avenue. "I was standing [on the edge of the street] and I saw how they attacked

¹⁵³ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007.

¹⁵⁴ Human Rights Watch interview with Sozar Subari, Ombudsman of Georgia, Tbilisi, November 12, 2007.

¹⁵⁵ Ibid.

¹⁵⁶ Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007.

several people with truncheons. There were even women. The women started cursing them and saying, ‘We are your daughters and your mothers.’”¹⁵⁷ Paata Zakareishvili, who fled from Rustaveli Avenue, told Human Rights Watch that the police pursued him and others and shot rubber bullets and teargas canisters as the demonstrators fled.¹⁵⁸

The violent dispersal of protestors at Rike

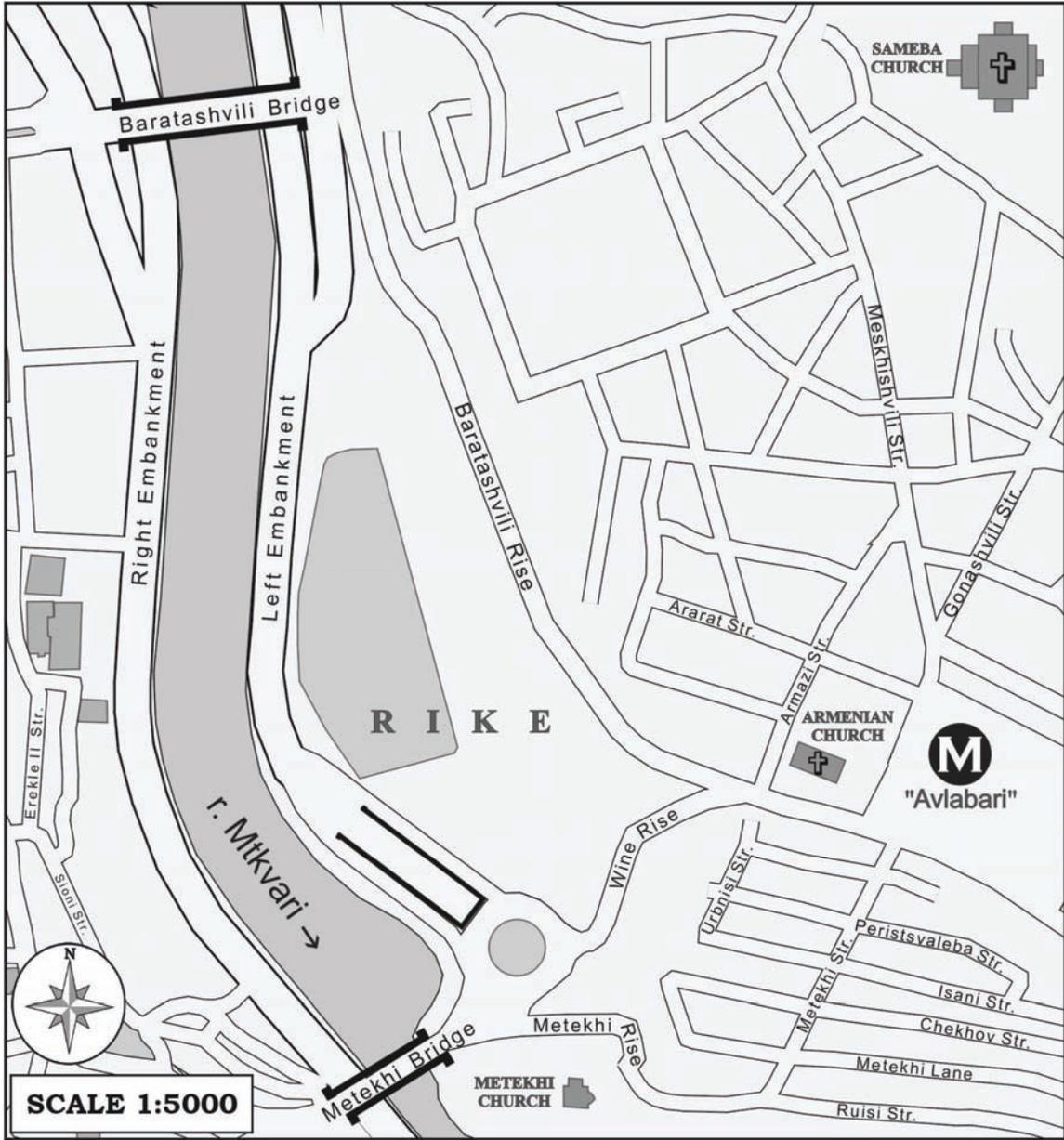
Crowds assemble

Although some people left Rustaveli Avenue following the second attack on protestors, witnesses reported that the majority of the crowd seemed unwilling to completely disperse. Opposition leaders took a decision to encourage everyone to go to Rike (pronounced REE-khay), a large open area several kilometers from the Parliament building and located on the other side of the Mtkvari River, which flows through the center of Tbilisi. Rike is a partly paved and partly grassy area that is regularly used for drivers’ education classes and had been used in the past for large concerts. It is approximately 500 meters long (from north to south) and 200 meters wide (from west to east) with a large rock outcrop rising directly on the eastern side. It is accessed by the Baratashvili Bridge and the Metekhi Bridge from the western (river) side and by three roads rising steeply on the east side on either side of the outcrop.

¹⁵⁷ Human Rights Watch interview with Petre P., November 12, 2007.

¹⁵⁸ Human Rights Watch interview with Paata Zakarieshvili, November 13, 2007.

Map of Rike



Hundreds, perhaps thousands, of demonstrators walked from Rustaveli Avenue to Rike, and several thousand more joined this group at Rike. Because the government has claimed that opposition leaders were calling for the crowd to march to Parliament it is important to describe the setting of this demonstration. According to one witness, at Rike, “Opposition leaders gathered on a stage-like structure on one side of Rike, with their backs to the River and addressed the crowd through a single megaphone.”¹⁵⁹ Giorgi Khaindrava, who was among the opposition leaders addressing the crowd, told Human Rights Watch, “We only had one megaphone, so what really could we say to people? Opposition leaders made a few short speeches. We didn’t know what to do. We were talking to each other about what to do.”¹⁶⁰

Video footage shows Dato Berdzenishvili, a member of Parliament from the Republican Party, saying to the crowd, “Speaker of Parliament Nino Burjanadze requests a meeting [with us] in her office,” to which the crowd responds, “No! No!” Zviad Dzidziguri, a Conservative Party member of Parliament, shouts, “We will wait for another hour for the entire Georgia at Rike and we know what we will do then,” but does not elaborate as to what, specifically, will be done.¹⁶¹ One witness reported that a prayer was read at one point by someone on the stage.¹⁶² According to other witnesses in the crowd at Rike, few people could actually hear what was being said by the opposition leaders, as the sound from the megaphone did not carry very far.¹⁶³

¹⁵⁹ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007; and Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007.

¹⁶⁰ Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007.

¹⁶¹ Georgian Public Service Broadcaster, “From November to November- part 7,” date unknown, available on YouTube, <http://www.youtube.com/watch?v=ndiYmW89jj8> (accessed December 3, 2007).

¹⁶² Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007.

¹⁶³ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007; and Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007.



Demonstrators gather at Rike in the late afternoon on November 7, following the dispersal of demonstrators on Rustaveli Avenue in the morning.

By approximately 5:00-5:15 p.m., approximately 40 minutes to one hour after protestors began to arrive at Rike, thousands of people had assembled. Witness estimates of the number of people present varied widely, but a Ministry of Interior official stated that there were “up to 10,000 people” at Rike and most of them “were very angry and were young and unemployed. Many had criminal records.” He also claimed that initially unarmed patrol police were present at Rike before any operation to disperse protestors took place and that some demonstrators started attacking these policemen without any provocation.¹⁶⁴ Human Rights Watch could not confirm this from witnesses or photographic or video evidence.

¹⁶⁴ Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

Police arrive

Multiple witnesses told Human Rights Watch that some time around 5:15 p.m. they saw large numbers of law enforcement officers arrive at Rike from multiple directions almost simultaneously. Two large military trucks full of men in camouflage uniforms, who appeared to be soldiers, parked along the Left Embankment, which runs along the river side of Rike.¹⁶⁵ A few hundred police or other law enforcement agents in yellow raincoats and armed with truncheons approached Rike from across the Metekhi Bridge followed by others dressed all in black and behind them a few rows of riot police in full gear.¹⁶⁶

At the same time, several lines of riot police approached Rike by crossing the Baratashvili Bridge accompanied by a blue and white police vehicle equipped with a water cannon.¹⁶⁷ A journalist who was on Baratashvili Bridge at the time estimated that there were over 500 law enforcement officers crossing the bridge. She also told Human Rights Watch that other law enforcement officers followed the riot police, including men in jeans and black coats, men all in black, and men in camouflage all wearing black masks, as well as others in yellow raincoats.¹⁶⁸

Police disperse and attack the crowd

As riot police and others approached from the Baratashvili Bridge, they effectively blocked access to the bridge and to Baratashvili Rise. As they continued onto Rike they also blocked the Left Embankment.¹⁶⁹ They moved steadily at first but then moved quickly towards the crowd and began firing water cannons, teargas, and rubber bullets into the crowd. The government claims that they issued warnings for people to disperse for approximately 15 minutes.¹⁷⁰ However, witnesses consistently described the actions of the riot police coming across the Baratashvili Bridge and

¹⁶⁵ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007.

¹⁶⁶ Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007.

¹⁶⁷ As earlier on Rustaveli, riot police wore uniforms, helmets, and plastic gas masks and held plastic shields and truncheons.

¹⁶⁸ Human Rights Watch interview with Natia Mikiashvili, November 14, 2007.

¹⁶⁹ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

¹⁷⁰ *Ibid.*

confirmed that they did not hear any demands for the crowd to disperse or any warnings that force would be used.¹⁷¹

One witness who was in the center of Rike near the stage described the approach of the riot police: “We had been at Rike for about 30 minutes. Some people started to scream. We saw special forces coming across the Baratashvili Bridge. A huge wall of special forces with shields came towards us. People began to panic ... [and cried], ‘Where do we go?’ ... [Riot police] had already begun shooting tear gas and rubber bullets.”¹⁷² Another witness stated, “The special forces came from all sides; they were surrounding people [and] shot water and teargas at us.”¹⁷³ Other witnesses told Human Rights Watch that “[t]here were rubber bullets going in all directions. There were huge numbers of bullets,”¹⁷⁴ and that “Rike was almost completely covered in gas.”¹⁷⁵

Seeing the riot police coming from the Baratashvili Bridge side of Rike, most demonstrators, the majority of them running, began to head in the direction of the Metekhi Bridge and the Wine Rise and the Metekhi Rise, two small streets that sharply ascend away from the traffic circle, called Europe Square, at the south end of Rike.¹⁷⁶ Some demonstrators stood briefly with their hands up to show that they were unarmed. Riot police continued to shoot gas and rubber bullets at the fleeing demonstrators.¹⁷⁷

¹⁷¹ Human Rights Watch interview with Eka Beselia, Tbilisi, November 13, 2007; Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007; Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007; Human Rights Watch interview with Natia Mikiashvili, November 14, 2007; Human Rights Watch interview with Vakho Komakhidze, November 12, 2007; and Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007.

¹⁷² Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007.

¹⁷³ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

¹⁷⁴ Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007.

¹⁷⁵ Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007; Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007; and Human Rights Watch interview with Eka Beselia, November 13, 2007.

¹⁷⁶ Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007; and Human Rights Watch interview with Eka Beselia, November 13, 2007.

¹⁷⁷ Human Rights Watch interview with Eka Beselia, November 13, 2007.

Witnesses consistently described the panic and fear that they felt when riot police approached them using force, particularly given the lack of exits for them to leave Rike. Although the Ministry of Interior maintains that the goal of the operation was to disperse people,¹⁷⁸ the absence of easily accessible exits created a strong sense for the demonstrators of being surrounded. One said, “We were trapped.... People panicked. People already had the experience of being dispersed on Rustaveli.”¹⁷⁹ Another witness told Human Rights Watch, “People started to run, but we were in a sack. [It seemed] there was nowhere to run.”¹⁸⁰ Another stated, “People were so shocked. We felt there was no escape,” and described some people jumping into a small boat docked on the bank of the river. “The captain shouted at people ‘Don’t jump! The boat will sink!’ but people didn’t have anywhere else to go,” he said.¹⁸¹

Some 100-150 protestors rushed into the group of police coming across the Metekhi Bridge apparently in an attempt to flee Rike. Initially, most police retreated across Metekhi Bridge, and some people managed to flee across the bridge. Law enforcement forces quickly regrouped on Metekhi Bridge and again advanced on the crowd at Rike.¹⁸²

At Rike many witnesses reported numerous confrontations between protestors and law enforcement agents. This happened particularly near and on the Metekhi Bridge, in some instances as people attempted to flee in that direction,¹⁸³ as well as on the Left Embankment.¹⁸⁴ In addition to a number of individual fist fights, some groups of young men attacked policemen or law enforcement agents who had separated from

¹⁷⁸ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007; and Human Rights Watch interview with Shota Utiashvili, November 15, 2007.

¹⁷⁹ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007.

¹⁸⁰ Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007.

¹⁸¹ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

¹⁸² Human Rights Watch interview with Maia Baiaromelashvili, November 14, 2007; Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007; and Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007.

¹⁸³ Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007.

¹⁸⁴ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

the police lines.¹⁸⁵ The Ministry of Interior also states that demonstrators threw stones at police vehicles.¹⁸⁶

Widely distributed television footage shows a group of about 20 young men attacking a young law enforcement agent in camouflage uniform. Some others appear to try to assist the young man by calling off the attackers, although their intentions are not entirely clear. The video shows that the young man's face is bloodied, and he runs from his attackers along the underpass under Metekhi Bridge.¹⁸⁷



Two demonstrators attempt to assist a law enforcement officer who was attacked during the operation to disperse the protestors at Rike on November 7, 2007.

As had happened earlier in the day on and near Rustaveli Avenue, riot police and other law enforcement agents also attacked demonstrators, often without

¹⁸⁵ Human Rights Watch interview with Giorgi Khaindrava, November 16, 2007; and Human Rights Watch interview with Natia Mikiashvili, November 14, 2007.

¹⁸⁶ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

¹⁸⁷ Video on file with Human Rights Watch.

provocation. Almost as soon as riot police began firing teargas and rubber bullets into the crowd, they also began chasing people and attacking them with truncheons or one-meter wooden sticks, and punching and kicking them. The Ministry of Interior claims that law enforcement officers chased individuals only as necessary to disperse them.¹⁸⁸

Gela Nikoleishvili, who sought shelter in his car which was parked at Rike, reported seeing approximately 20-30 separate incidents in which individual law enforcement officers or small groups of them attacked individual protestors. He told Human Rights Watch, “They beat mostly men, but they didn’t really distinguish. People were swearing at the police. The police beat people with large flashlights and truncheons.”¹⁸⁹

Nana Kakabadze, who was in the car with Gela Nikoleishvili, described one particular attack:

I saw a young man, 18 or 19 years old, standing and filming [the operation] on his mobile phone. Three or four police came up behind him, grabbed his phone and started to beat him. They beat him with a long wooden stick ... and rubber truncheons. The man fell and was lying on the ground ... They continued to beat him and kick him. He was completely alone. After a while they just left him there. He wasn’t moving. I don’t know what happened to him.¹⁹⁰

As people fled Rike by moving up the small Metekhi Rise and Wine Rise streets, police continued to pursue them, firing rubber bullets and teargas and beating those whom they could catch.¹⁹¹ Vakho Komakhidze fled in the crowd along Wine Rise toward the Avlabari metro station. He told Human Rights Watch,

¹⁸⁸ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

¹⁸⁹ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007.

¹⁹⁰ Human Rights Watch interview with Nana Kakabadze, Tbilisi, November 14, 2007.

¹⁹¹ Human Rights Watch interview with Natia Mikiashvili, November 14, 2007; and Human Rights Watch interview with Eka Beselia, November 13, 2007.

When I got to the metro I saw two armed men in gas masks. Suddenly there was a huge amount of gas ... I couldn't breathe and looked for a place to get away. I saw people running into the small shops [near the metro] to get away from the gas. Men in camouflage uniforms stood outside one small shop. Someone inside was forcing people to leave the shop. As people were forced out of the shop, these men in camouflage hit them with the butt of their guns. I maybe saw seven or ten people hit like this.¹⁹²

Video evidence also shows law enforcement officers attacking demonstrators with truncheons and pursuing fleeing protestors with rubber bullets and teargas.¹⁹³ Police also broke the windows of parked cars, and in at least one case broke the windows of a vehicle and beat the young man who was sitting inside.¹⁹⁴

Police attacked a journalist and cameraman filming the events at Rike. Imedi journalist Natia Mikiashvili and her cameraman were on the Baratashvili Bridge filming the law enforcement officers making their way towards Rike. She told Human Rights Watch,

They started to shoot rubber bullets at us. I started to run and I took cover behind a truck that had been parked on a small road near the start of the bridge. My cameraman also came with me.... They threw at least two teargas canisters toward us. The cameraman continued to film from underneath the truck. As the riot police started to cross the bridge, two riot police came toward us. One of them stopped behind me and started to shoot directly at me. He was only five or six meters away. A few bullets hit me. They did not say anything to us. We ran away farther from the bridge.¹⁹⁵

¹⁹² Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

¹⁹³ Video on file with Human Rights Watch.

¹⁹⁴ Human Rights Watch interview with Gela Nikoleishvili, November 14, 2007; Human Rights Watch interview with Natia Mikiashvili, November 14, 2007; and video on file with Human Rights Watch.

¹⁹⁵ Human Rights Watch interview with Natia Mikiashvili, November 14, 2007.

Law enforcement officers continued to patrol Rike and to mobilize at the Avlabari metro station, along the small streets near the metro station, and above Rike. Many people fled towards the Sameba (Holy Trinity) Cathedral, and several hundred sought shelter in the church and in its yard for many hours.¹⁹⁶ By 7:30 p.m. the operation to disperse demonstrators from Rike was over,¹⁹⁷ but people remained afraid to leave the cathedral grounds, as there were rumors that police were waiting to attack or detain people who left Sameba.¹⁹⁸

The Ministry of Interior maintains that certain opposition leaders planned a march from Rike back to Parliament, making it necessary to disperse the crowd.¹⁹⁹ Opposition leaders deny that this was their intention. They maintain that they encouraged demonstrators to gather at Rike specifically to move demonstrators away from government institutions and eliminate further confrontation with law enforcement officers intending to open streets. According to Paata Zakareishvili, the opposition leaders chose Rike as a gathering place because “it is an open space, it is not near any government buildings, and there are no through streets that demonstrators could obstruct.”²⁰⁰ No opposition leaders were arrested at Rike or subsequently for making calls to attack Parliament.

Assault and Kidnapping of Koba Davitashvili

After opposition leaders had decided to assemble at Rike, People’s Party leader Koba Davitashvili volunteered to go to the Eliava market before going to Rike to buy necessary equipment for them to set up a sound system. Davitashvili described to Human Rights Watch in detail the attack he suffered as he attempted to purchase the equipment:

¹⁹⁶ Human Rights Watch interview with Eka Beselia, November 13, 2007; and Human Rights Watch interview with Natia Mikiashvili, November 14, 2007.

¹⁹⁷ Human Rights Watch interview with Natia Mikiashvili, November 14, 2007.

¹⁹⁸ Human Rights Watch interview with Vakho Komakhidze, November 12, 2007.

¹⁹⁹ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

²⁰⁰ Human Rights Watch interview with Paata Zakarieshvili, November 13, 2007.

I was in a shop with three other party members. As we were ready to go out, a group of about 20 men approached the shop. About seven of them came into the shop and without saying a word attacked me. They were in civilian clothes, but in all black and in black coats.... The three party members who were with me were beaten and forced out of the shop. Then they started a serious physical assault on me. I don't know how long it lasted... they used whatever they could find in the shop, [such as] chairs to hit me. Several of them had some kind of weapon, like a metal truncheon.

Then they dragged me out of the shop and continued to beat me outside. I cried out and asked people for help. There was a priest there and I cried out, "Father, can you help me?" Some people started to intervene to help me. [For some reason] the attackers couldn't get to their own car so they found another, a white van.... They threatened the driver, "Drive or else see what's going to happen to you!"

The van was full of packs of [new] tires. They [the attackers] stuffed me inside the back of the van, and two or three got in the back with me. One sat in the front with the driver.... I could hear people banging on the van, pounding on it.

They told the driver that they were heading to Gori via Gldani. They continued to beat me inside the van. They twisted my arm behind my back and dislocated my shoulder. I actually wouldn't even call it a beating, but torture. They used all means possible. [One thing they did was to] pinch my finger between two hard objects. It was very painful. They said, "We will never see your face on television any more."

I was very worried at the beginning because they did not hide their faces when they beat or kidnapped me. I believed the goal was to ultimately kill me....

[As I lay in the van] I could feel blood gushing from my head. I knew I was losing a lot of blood. I started to pray because I thought I was dying. That is when the situation changed a bit. Some human nature woke up in them. They drove the car into a wooded area. They stopped the car and cleaned my face with a handkerchief.

They left me in the van and were talking on the phone.... I couldn't walk because I felt very weak ... but they dragged me out of the van and put me into a black Toyota jeep. Nearby there was a black BMW with [what appeared to be] a military officer in it. The license plate had the numbers 735....

At least one of my attackers plus two additional people got in the jeep with me. They took me towards Gori. Periodically one of them would make a phone call and let the person on the other side of the line listen to my groans [of pain]. The one holding the phone then seemed very happy to hear the response of the other side of the line to me groaning. But they told me, "You have nothing to worry about now. We will take you to the hospital."

Indeed, I was taken to Gori, to the military hospital there. [Although] the military hospital is a closed institution ... the jeep went immediately through the gates without any problem. When I was taken out of the jeep, I was put on a stretcher and taken into the hospital. The nurses ... were very surprised to see me, [but] the doctor who met me seemed well informed that I was coming.²⁰¹

²⁰¹ Human Rights Watch interview with Koba Davitashvili, Tbilisi, November 15, 2007.



Koba Davitashvili, leader of the opposition People's Party, who was abducted and severely beaten by men believed to be law enforcement officers on November 7, at home after he was released on November 8, 2007. © 2007 AP Photo/George Abdaladze

Davitashvili was essentially held in custody at the Gori Military Hospital for two days. He was diagnosed with a concussion and received four stitches in his head. He also suffered severe bruising over much of his body. He was not allowed to leave the hospital, use his mobile phone, or make a phone call, but with the help of some members of the hospital staff, Davitashvili made a few clandestine phone calls, including to the speaker of Parliament, Nino Burjanadze. According to Davitashvili, Burjanadze secured his release from the hospital on November 8, by speaking with the minister of defense.

Although Davitashvili stated that immediately after his arrival the Gori Military Hospital submitted the necessary documentation describing the nature of his wound to the Gori police, he was questioned only on November 14, one week after his attack and kidnapping. Although he claimed to be recovering very quickly and to be in

“high spirits,” Human Rights Watch representatives interviewing Davitashvili documented extensive bruising to his right eye more than a week after his assault and kidnapping.²⁰²

Irakli I., who was at Eliava market on November 7, confirmed that seven or eight men in black clothing pulled Davitashvili out of a shop and beat him as they dragged him toward the entrance of the market. He attempted to assist Davitashvili, and told Human Rights Watch, “I followed Koba and the attackers. I begged them to stop, but they wouldn’t let me get close to Koba.” Then, at one point, “Koba fell down. I could see that he had fallen on his face on the pavement. A small pool of blood formed around his head,” Irakli I. told Human Rights Watch. Irakli I. also witnessed how the men put Koba into a white van without windows and drove away.²⁰³

The Special Operation to Close Imedi Television

Throughout the day on November 7, all major television stations including Rustavi 2, Imedi, and Mze as well as other stations, broadcast footage—much of it live—of the demonstrations on Rustaveli Avenue and Rike and the government’s attempts to disperse protestors. Although in numerous incidents law enforcement officials interfered with the work of journalists, none of the television stations were prohibited from broadcasting extensive footage.

However, at approximately 8:45 p.m., without warning and without possession of a court order, hundreds of troops armed with automatic weapons forcefully entered the Imedi television station, detained at least 300 Imedi staff members and several members of Parliament preparing for an upcoming live broadcast, and forced the station off the air.²⁰⁴ According to Lewis Robertson, CEO of Imedi television, who was at Imedi during the raid, “[Special forces] did not present a warrant; neither did they offer any explanation.”²⁰⁵ Robertson stated that had an official warrant come to Imedi

²⁰² Ibid.

²⁰³ Human Rights Watch interview with Irakli I., Tbilisi, November 15, 2007.

²⁰⁴ A few minutes after the authorities forced Imedi off air, a small television station, Kavkasia, which airs only in Tbilisi, was also forced off the air. Kavkasia was also considered to be a “pro-opposition” television station.

²⁰⁵ Giorgi Lomsadze, “Georgia Grapples with Restricted News Coverage,” EurasiaNet, November 8, 2007, <http://www.eurasianet.org/departments/insight/articles/eav110807a.shtml> (accessed November 29, 2007).

at any time, “We would have turned off the TV station immediately. We, Imedi and News Corporation, obey laws. We are a business and we do not break laws.”²⁰⁶

Special forces entering the Imedi studios were heavily armed, and many sought to intimidate journalists. In a press interview immediately following the raid, Imedi General Director Bidzina Baratashvili stated that the troops forced Imedi staff members onto the floor and made them put their hands behind their heads. He also stated, “Some [special forces] are behaving in a very restrained manner, but one of them promised to put a bullet in my forehead.”²⁰⁷

Human Rights Watch interviewed several journalists present in the Imedi station when the raid took place who similarly described the actions of special forces troops. Maia Asatiani, who worked as a journalist for the analytical show “Droeba” [Times], was in the basement cafeteria when the special forces stormed into the building. She described the raid to Human Rights Watch:

We heard horrible cries from upstairs. ... Special forces ran into the basement and [Imedi staff] people were running all over [out of fear]. They pointed their guns at us and yelled at us to lie down on the floor. They yelled, “Put your heads down!” Everyone went down on the floor. I was hysterical. I started crying. They took all of our mobile phones and put them on the table. They forced us to lie on the floor for about 20 minutes.²⁰⁸

Twenty-three-year-old Anna Gochiashvili was working in the studio, located on the second floor, when the raid started. As she recalled,

[One of my colleagues] came in to say that she was going home [for the day]. The next thing I know, this young woman ran back into the

²⁰⁶ Ketil Khachidze, “Interview: Lewis Robertson,” *The Georgian Times*, November 19, 2007, <http://www.geotimes.ge/index.php?m=home&newsid=7842> (accessed November 29, 2007).

²⁰⁷ Giorgi Lomsadze, “Georgia Grapples with Restricted News Coverage.”

²⁰⁸ Human Rights Watch interview with Maia Asatiani, Imedi journalist, Tbilisi, November 13, 2007.

studio, yelling, “Special forces are in the building!” We were completely shocked. We closed the door to the studio and told our anchors who were on live television that we have been attacked but that we will continue to work in an emergency situation. The announcers made this announcement.²⁰⁹

Video footage shows the two evening news anchors, Levan Javakhishvili and Sopo Mosidze, announcing that the building had been raided by special forces. They glance upwards several times, apparently watching special forces standing at the windows on the third floor that overlook the studio. They are silent for many seconds, apparently uncertain about what is happening or what to say to viewers.²¹⁰

Gochiashvili described what happened to her next:

I told my boss that I will go to find a cameraman who can film what is happening in Imedi. As I ran down the stairs to the first floor, I saw our staff [members] on the floor with their hands behind their heads. There were [about] 100 special forces troops with their guns directed at our staff. I got very scared and started to run back up the stairs.

Some special forces troops ran at me and yelled, “Lie down immediately!” But I didn’t lie down. I said, “You have no right to order me to lie down. I am not a criminal or a suspect.” Five of them with truncheons threatened me, [saying], “Lie down or we will hit you.” Another one said, “It’s OK, it’s OK, she’s a girl, don’t make her lie down.” So I sat on the stairs.... They confiscated my phone.

When I asked them [several times], “What do you want from us?” They all had the same answer: “You are agents of Russia. You are Badri [Patarkatsishvili]’s slaves. You are trying to make chaos in the country.”

²⁰⁹ Human Rights Watch interview with Anna Gochiashvili, Imedi journalist, Tbilisi, November 14, 2007.

²¹⁰ Imedi television broadcast, November 7, 2007, on file with Human Rights Watch.

They took us all to the newsroom and held us there [for several minutes]. We wanted to use the phones to call our families because our families had seen on live television that Imedi was raided. They threatened to beat us when we tried to use the phones. They kept us in the newsroom [for several minutes] before ordering us to leave the territory and forcing us outside and into the yard.²¹¹

Giorgi Targamadze, “Droeba” anchor and head of Imedi’s political programming, also described the events to Human Rights Watch:

I was preparing to go on at 9 p.m. for the “Kronika” program. We had invited seven or eight members of Parliament and representatives of civil society, including human rights activists, writers, and artists. I was in the green room when I heard someone yell, “They [government forces] are coming!” I ran downstairs to the first floor to tell the guards not to resist, when I saw our [staff] people lying on the floor. One of them came running at me aiming a pistol at my head. It was a man wearing all black and with a machine gun across his body and holding a pistol. He put the gun to my head. I looked at him and said, “Don’t you know me?” ...

He let me go back up to the second floor to the studio. I told the technicians to close the door to prevent [the special forces] from entering. I went on the air and started describing what was happening. I said that the closure of the television station violated the [Georgian] constitution. I said that I hoped that none of our staff members would be hurt. From the third floor windows that overlook the studio, [the special forces] surrounded me from above, holding weapons. I continued to speak, thinking that they would not shoot me on live television.²¹²

²¹¹ Human Rights Watch interview with Anna Gochiashvili, November 14, 2007.

²¹² Human Rights Watch interview with Giorgi Targamadze, Imedi journalist, Tbilisi, November 13, 2007.

Video footage shows Targamadze enter the studio and the two anchors leave the news desk. He describes the raid on the television station and then says, “I really hope, really do hope that they will not attack people physically. But there is loud noise at the television station and something terrible is happening. So far we are still on the air, but the guests have arrived. Goodbye, and don’t worry. Everything will be all right.”²¹³ He glances upwards towards the windows from the third floor which overlook the studio several times.²¹⁴

I heard shouts from the control room. [I later learned that] special forces came into the control room.... [T]hey were beating the operators who had prevented them from coming in. Even once the special forces broke down the door ... the operators refused their requests to stop filming. They shouted, “We won’t turn [the cameras] off for anyone!” The special forces then started smashing the equipment because they did not know how to turn the equipment off.

Six special forces troops came into the studio and said to me, “Don’t move! One word and you are finished.” Three men in masks detained me on the spot. They said, “One step to the left or to the right and we don’t guarantee your life.”

They took [all of] us downstairs and I saw everyone on the floor, including a journalist who was eight months pregnant ... There were so many of them [special forces], we could barely pass them in the hallway. ... At this point they started to be calmer and act more correctly. They took some of us [back] up to the technical room to turn everything off. To shut everything down completely. They said, “Thank you,” and we went out and they took us all outside. For one hour they stood with me outside [before allowing me to go].²¹⁵

²¹³ Imedi television broadcast, November 7, 2007, on file with Human Rights Watch. Translation by Giorgi Gogia.

²¹⁴ Ibid.

²¹⁵ Human Rights Watch interview with Giorgi Targamadze, November 13, 2007.

Targamadze told Human Rights Watch that there appeared to be conflicting orders about whether to release him. Eventually he was allowed to go home in his car.²¹⁶

After forcing the journalists out of the building, special forces troops destroyed much of Imedi's television equipment and its video archive. In an interview with EurasiaNet, Andrew Butcher, a spokesman for News Corp., said, "Every piece of electrical equipment was smashed or broken ... We estimate the extent of damage is so severe it will take at least three months to become operational again... Everything's down; TV, radio, internet ... there simply isn't the equipment to do anything."²¹⁷

Photographs and video taken by mobile phone and widely distributed on the internet show equipment toppled and broken in at least two station rooms.²¹⁸ Georgian officials deny that any equipment was destroyed.²¹⁹



Photos of damaged television equipment following the armed raid and closure of Imedi in Tbilisi on November 7, 2007.

²¹⁶ Ibid.

²¹⁷ Dierdre Tynan, "Pro-Opposition Television Channel Likely Out of Action for Special Election," EurasiaNet, November 9, 2007, <http://www.eurasianet.org/departments/insight/articles/eav110907a.shtml> (accessed November 29, 2007).

²¹⁸ Peter Fedynsky, "Georgia's Media Shutdown has Significant Impact," Voice of America, November 11, 2007, <http://www.voanews.com/english/2007-11-11-voa23.cfm> (accessed November 29, 2007).

²¹⁹ On November 11 Georgian officials gave a tour of the station to the EU Special Representative for the South Caucasus, Peter Semneby, and two other European diplomats. During a press conference that same day Semneby stated, "What we did notice is that the premises were clean and orderly, but at the same time there were also clear signs of disorder that had obviously taken place as a result of the interior forces entering the premises." He added "We did not see any equipment that was destroyed, but as I said there was some equipment missing and most of the technical equipment had clearly been disconnected." "Officials Counter Claims of Destroyed Imedi TV," Civil Georgia, November 11, 2007, <http://www.civil.ge/eng/article.php?id=16299> (accessed November 29, 2007).

The Violent Dispersal of Imedi Journalists and Supporters Outside of Imedi Television

Imedi supporters assemble

As the raid on Imedi took place, several dozen people gathered outside of the side and main gates to the property where the Imedi studios and are situated. Many of them were friends and relatives of Imedi journalists who had witnessed the raid on live television. Others were simply Imedi supporters. Television video footage shows some of those gathered outside of the side gate on Akhmeteli Street pulling on the gate and some of them shouting at the law enforcement officers amassed in the courtyard.²²⁰

Rustavi 2 television footage also shows a police attack on one of the men who had been standing outside the Imedi studio gates. The video shows him in a crowd of patrol police who are in gray pants and yellow raincoats with “Police” written on the back; some are wearing surgical masks. Two policemen raise their truncheons and strike the man two or three times. The man starts to run away, but police follow him. One policeman catches up to him and punches the man on the back of the head, causing him to fall down. Two other policemen also begin to attack the fallen man, one of them by kicking him. The man makes one attempt to kick at a policeman, but then curls into a fetal position with his hands and arms protecting his head and face. One policeman kicks him while another strikes him aggressively with a truncheon on the man’s side and hip several times.

Another man, apparently a civilian, runs over and lies on top of the fallen man in order to protect him from the police. One police officer begins to punch this second man in the back and kidneys repeatedly. Another policeman punches the two men on the ground and yet another strikes them with a truncheon. A third man, again apparently another civilian, comes to protect the first two on the ground. At the same time a police officer steps in and stops the others engaged in the beating from continuing and encourages them and others to step away. People are seen shouting at police and others are trying to assist the fallen man. Altogether there were at least

²²⁰ Rustavi 2 television broadcast, November 7, 2007, available on YouTube, <http://www.youtube.com/watch?v=DGkJJCR7rRo> (accessed November 29, 2007).

five or six policeman engaged in the beating and at least 12 other policeman watching. The attack lasted approximately 30 seconds.²²¹

The attack on Lubliana Street

Many journalists and Imedi staff members who had been forced to leave the Imedi studios building went initially to the gate on Akhmeteli Street. Some Imedi journalists spoke with people in the crowd on the other side of the gate and some gave interviews to a Rustavi 2 journalist and others. However, they were not allowed to leave through this gate. Law enforcement officers redirected them to the main gate on Lubliana Street, where only a few people, including friends and relatives of Imedi journalists and staff members, had gathered.²²² Imedi journalists and others stood outside of the gate for a brief period and spoke with those gathered, and then some of them started walking down Lubliana Street. Imedi journalists interviewed by Human Rights Watch consistently said that Lubliana Street was usually well lit at night but on that evening it was completely dark, and there were numerous ambulances parked on the street, leaving little room.²²³

Anna Gochiashvili said that she had spoken to her father using the mobile phone of a bystander gathered outside of the main gate and was on her way to meet him. As she turned to walk down Lubliana Street, without warning, an unknown number of riot police who had gathered at the end of the street started making their way towards the small group of people gathered outside of the Imedi studio gate. They shot rubber bullets and launched teargas canisters at the group. Gochiashvili told Human Rights Watch, “During my stay in the [Imedi] building during the raid I was not scared for a second, but when this happened, I really became very scared. And everyone started to panic.”²²⁴

²²¹ Ibid.

²²² Human Rights Watch interview with Inga Grigolia, Imedi journalist, Tbilisi, November 16, 2007.

²²³ Human Rights Watch interview with Anna Gochiashvili, November 14, 2007; and Human Rights Watch interview with Maia Asatiani, November 13, 2007.

²²⁴ Human Rights Watch interview with Anna Gochiashvili, November 14, 2007.

One group of journalists and others ran down Lubliana Street away from the approaching riot police, and another group ran away from the Imedi property across Lubliana Street into an empty lot. Riot police pursued people down Lubliana Street, continuing to shoot rubber bullets and teargas. According to Anna Gochiashvili, a young woman who had been an intern at Imedi was hit in the head by a rubber bullet at close range. “The young woman fell to her knees, and as a man reached down to help her, a policeman hit him on the head with a truncheon.”²²⁵ Gochiashvili and others continued to run down Lubliana Street with the young woman and took her into the nearby Iashvili Children’s Hospital, where she waited until her relatives came to take her home.²²⁶

Inga Grigolia, anchor of the “Reaktsia” [Reaction] program, also stood among the group outside the Imedi gate on Lubliana Street. She and some of her colleagues started to walk down Lubliana Street, hoping to join the people gathered on Akhmeteli Street. She told Human Rights Watch,

All of a sudden a large number of riot police marched towards us. People were screaming. There were car alarms going off. The riot police fired teargas and rubber bullets and were using rubber truncheons to attack people. All I remember was [turning] and running on Lubliana [in the other direction], towards the hospitals.

I have health problems. One year ago I had an operation on my lung. Because of the running or because of the teargas I felt that I couldn’t breathe.... We ran into an empty lot and found an apartment building. We ran inside and begged that they call an ambulance. I was given an injection and oxygen and ... [spent the night] in the Republican Hospital.²²⁷

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Human Rights Watch interview with Inga Grigolia, November 16, 2007.

Natia Mikiashvili came out of the Imedi main gate after special forces had already begun approaching. She told Human Rights Watch,

I came out of the gate and a large group of riot troops in plastic gear were less than one meter away. I was all by myself and I was terrified. One of the riot police shoved me with his [plastic] shield. He simply hit me without saying anything. Some rubber bullets hit me and there was a lot of gas all around. Lubliana is a narrow street and [the riot police] were coming in a big group and shooting [rubber bullets] all around and at people [already fleeing] farther down on Lubliana.

I was terrified. I ran up to a parked car [with someone inside it] and demanded that they open the door, but they wouldn't open the door. Then I grabbed one policeman and said, "Please get me out of here, I'm scared!" He said nothing to me, and he grabbed me and threw me over a parked car and I landed on the sidewalk.

Then I stood up and ran [back towards the gate]. At the gate I found a man in black from the special forces and I said, "Please let me into the television [station] or get me out of this place." I couldn't breathe, my eyes were watering [from the gas]. They continued to shoot the teargas. I begged the man to help me. I yelled, "I am afraid, I am afraid!"²²⁸

When an acquaintance in the police force came out of the main gate and Mikiashvili asked him for help, he escorted her from the main gate and Mikiashvili found a neighbor to take her away.

Maia Asatiani was also outside the Imedi studios' main gate on Lubliana Street after the raid. She described seeing "a huge number" of riot police coming towards them, and told Human Rights Watch,

²²⁸ Human Rights Watch interview with Natia Mikiashvili, November 14, 2007.

They were coming towards us with shields and truncheons. They started shooting teargas and rubber bullets. They started chasing people and I heard some awful screaming. Together with one other journalist we ran into the empty lot [across the street from the main gate of Imedi]. We ran into some bushes and crouched down and hid like little children.

But the riot police had large flashlights and were looking for people and they found us. One of them said, “Beat them!” But another said, “No! Leave them alone!” We were crying and started begging them to please take us out of here. One of them escorted us to [an official] car and we got in. They drove us to the corner [to where it was safe].

I was in a panic all night. My profession has always protected me in the most extreme situations. But not that day. Before this I always believed that my [public] persona as a journalist protected me. For the first time, I was afraid of my persona as a journalist.²²⁹

The Ministry of Interior claims that it was necessary to disperse the crowd gathered outside of Imedi so that “they would not create further problems.”²³⁰ “There was ... the danger that it would not be possible to control them and they would march on government buildings,” said Shota Khizanishvili, chief of staff for the Ministry of Interior.²³¹ Khizanishvili flatly denied that there were any attacks on the journalists leaving the Imedi studios courtyard.²³²

²²⁹ Human Rights Watch interview with Maia Asatiani, November 13, 2007.

²³⁰ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

²³¹ Ibid.

²³² Ibid.

Injuries Sustained by Demonstrators and Law Enforcement Agents

The Georgian Ministry of Health reported on November 7 that 508 people were treated for injuries, some of them serious, as a result of the day's events.²³³ The Office of the Ombudsman maintains that the number of people who sought medical attention on November 7 and on subsequent days was much higher. Human Rights Watch could not gain comprehensive information regarding the types of injuries sustained or medical treatment rendered. However, Dr. Levan Labauri visited three hospitals on the evening of November 7 and told Human Rights Watch the types of injuries he documented in those institutions; his descriptions provide some indication about the numbers and types of injuries. Hospitals supposedly maintained lists of all patients admitted for injuries sustained during the demonstrations, although in at least one case a hospital reluctantly registered a woman as having sustained injuries during the demonstration only after she insisted repeatedly that they do so.

City Hospital No. 1 reported to Dr. Labauri that at least 38 patients with injuries sustained during the demonstrations were admitted. Dr. Labauri described seeing four patients who sustained injuries caused by trauma from an unknown source that hospital doctors had difficulty explaining. Dr. Archil Talakvadze from the Office of the Ombudsman also described the same patients to Human Rights Watch.²³⁴ One patient believes that a gas canister exploded on the ground near him and the pressure and the debris from the exploding capsule caused the severe damage to his knee. A complex surgery will be necessary and the patient may face amputation or serious risk of other disability. Two other victims sustained broken leg bones apparently by the same trauma and one a fracture of a finger on his right hand.

A Ministry of Interior official told Human Rights Watch that one law enforcement officer, whom he described as a "riot policeman," received knife wounds to his stomach and thigh and received surgery.²³⁵ The stabbing occurred during the clashes

²³³ Nina Akhmeteli, "Hundreds Injured as Police Use Force to End Protests; TV Shut Down," *Georgia Today*, No. 382, November 9, 2007, http://www.georgiatoday.ge/article_details.php?id=3866 (accessed December 2, 2007).

²³⁴ Human Rights Watch interview with Dr. Archil Talakvadze, MD, Office of the Ombudsman, Tbilisi, November 13, 2007.

²³⁵ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

at Rike. Dr. Labauri described a case of an officer with incision wounds who underwent surgery in City Hospital No. 1. The officer told officials from the Ombudsman’s Office that he was from the special forces of the penitentiary department.²³⁶

At Central University Hospital, more than 350 people had been admitted after participating in the demonstrations. Here there were mostly light wounds, including bruises, cuts, light bleeding, and affects of teargas. One patient with serious injuries—a ruptured liver and serious injuries to his abdomen and head—was admitted to the intensive care unit. He underwent neurosurgery and was in a coma sustained on life support.

At the pediatric hospital, six children were treated and released for poisoning by “an unidentified gas.” A colleague of Dr. Labauri reported that the Mikhailov hospital treated 120 outpatient cases and one individual with chest trauma. The Gudushauri hospital admitted four—three law enforcement officers and one demonstrator—in serious condition.²³⁷

Investigations into the Events of November 7

The General Prosecutor’s Office stated that several criminal investigations had been opened with respect to the events of November 7. The Tbilisi Main Division of the Ministry of the Interior opened a criminal investigation into the alleged physical assault on Ombudsman Sozar Subari, and both questioned him and conducted a forensic medical exam on November 24, 2007.²³⁸ Although the investigation was opened in response to a television interview during which Sobari accused law enforcement officials of attacking him, a Ministry of Interior division, rather than the prosecutor’s office, is overseeing the investigation, suggesting a presumption that a citizen rather than a police official was involved: Georgian law states specifically that departments of the Ministry of Interior shall not be responsible for investigating

²³⁶ Human Rights Watch interview with Dr. Levan Labauri, November 15, 2007.

²³⁷ Ibid.

²³⁸ General Prosecutor’s Office of Georgia, December 1, 2007, response to questions submitted by Human Rights Watch.

cases of alleged crimes committed by police and provides for exclusive jurisdiction of the prosecution service in investigating such crimes.²³⁹

On November 8, 2007, the Tbilisi City Prosecutor's Office opened an investigation into alleged participation in mass disorder on November 7, 2007. According to the General Prosecutor's Office, "On the basis of the investigation around 37 individuals were arrested as suspects in the criminal case on November 13-14. The relevant investigative measures further identified that the conduct of 30 persons did not involve criminal elements." Criminal charges against 30 of them were dismissed, and 28 were subjected to administrative, or misdemeanor, proceedings. Charges were brought against seven individuals for "participation in mass disorder." Two were released on bail and five were remanded to pretrial detention.²⁴⁰

The General Prosecutor's Office claims that administrative charges were brought against 75 people under articles 166 (petty hooliganism) and 173 (disobedience to the lawful order/request of the representative of law enforcement organs) of the Code of Administrative Violations. Fifty-four people were fined for administrative violations in the amount of 100-400 lari (US\$57-227) and 21 were given administrative detention of up to 30 days.²⁴¹

The Zveli Tbilisi District Prosecutor's Office opened an investigation into the alleged physical abuse of protesters on November 7, 2007. The case was transferred to the Tbilisi City Prosecutor's Office on November 10. The General Prosecutor's Office supplied information regarding only 12 cases of alleged abuse, all of which had been forwarded by the Office of the Ombudsman to the General Prosecutor's Office. Despite the fact that one of the victims of alleged assault by law enforcement agents remains in the Republican Hospital in the intensive care unit as a result of injuries, the investigation was only opened under article Article 118 (3) of the Criminal Code "intentionally inflicting less serious injury."²⁴² No law enforcement officers have

²³⁹ Criminal Procedure Code of Georgia, art. 62(2).

²⁴⁰ General Prosecutor's Office of Georgia, December 1, 2007, response to questions submitted by Human Rights Watch.

²⁴¹ Ibid.

²⁴² Ibid.

been charged in connection with the events on November 7 and none has been suspended pending the investigation.²⁴³

Human Rights Watch has received reports of law enforcement agents detaining numerous demonstrators in the days and weeks since November 7, often identifying them by photographs or video. Most were charged with administrative violations.²⁴⁴

²⁴³ Ibid.

²⁴⁴ Human Rights Watch interview with Sopo Benashvili, Office of the Ombudsman, Tbilisi, November 16, 2007.

Aftermath

State of Emergency

At approximately 10 p.m. on November 7, Prime Minister Zurab Nogaideli announced to the public that President Saakashvili had declared a state of emergency that restricted assemblies and imposed some media restrictions in Tbilisi. At 1 a.m. on November 8 Economy Minister Giorgi Arveladze announced that the state of emergency would last for 15 days and would be imposed throughout the country. The state of emergency suspended articles 24 (freedom of speech), 25 (freedom of assembly), and 33 (the right to strike) of the Georgian constitution, and it prohibited private television stations from broadcasting news programs; the publicly-funded Georgian Public Broadcaster was the only station allowed to broadcast news coverage (a local cable company suspended foreign news broadcasts, including CNN and BBC for several days). Parliament confirmed the state of emergency on November 9.²⁴⁵ The state of emergency was lifted after eight days, on November 16, and television stations were allowed to resume news broadcasts.

The Alleged Coup Plot and the Alleged Role of Imedi Television

On the evening of November 7, before the prime ministers announcement of the state of emergency, President Saakashvili gave a televised address to the nation in which he claimed that in taking the actions against the demonstrations, his government had faced down a Russian-backed coup. He announced that the Georgian authorities had “received information that alternative government had already been set up in Moscow, [and] that Saakashvili and his government would be overthrown by the end of this year.”²⁴⁶ He accused the opposition of colluding with

²⁴⁵ The vote was 149 to 0 in a session of the 235-seat Parliament that the opposition boycotted. C.J. Chivers, “Georgian Parliament Confirms Emergency Rule,” *New York Times*, November 10, 2007, http://www.nytimes.com/2007/11/10/world/europe/10georgia.html?_r=2&ref=world&oref=slogin&oref=slogin (accessed December 3, 2007).

²⁴⁶ “Full Text: Saakashvili’s Televised Address to the Nation,” *Civil Georgia*, November 8, 2007, <http://www.civil.ge/eng/article.php?id=16241> (accessed December 4, 2007). On November 7, Tbilisi recalled its ambassador to Russia and later expelled three Russian diplomats. “Georgia to Expel Three Diplomats,” *Civil Georgia*, November 8, 2007, <http://www.civil.ge/eng/article.php?id=16240> (accessed December 4, 2007).

Russian intelligence services in attempting to overthrow the government. Earlier in the day the Ministry of Interior released audio and video recordings that show some opposition leaders meeting with persons allegedly identified as Russian counter-intelligence agents.²⁴⁷

In the same November 7 speech Saakashvili accused Badri Patarkatsishvili—to whom he did not refer by name but only as “one of the Russian oligarchs”—of openly calling “on Georgian society to overthrow the government; he directly called for mass anti-constitutional actions, which are not admissible in any democratic country.”²⁴⁸ On November 9 the General Prosecutor’s Office officially named Patarkatsishvili a suspect in a coup plot,²⁴⁹ and alleged that two security firms with links to Patarkatsishvili have been involved in an attempt to set up “an illegal armed group.”²⁵⁰

On November 15 the Tbilisi City Court issued a statement about Imedi, the first statement since the court allegedly issued its decision to suspend Imedi’s broadcasting and seize its equipment on November 7 (for more on the court decision, see below). In its statement the court claimed that Imedi television was used as “a major tool” for organizing the November 7 demonstrations and that Imedi’s assets “could have been used to achieve the goal [of overthrowing the government by armed rebellion].” The court also cited the written statement by Patarkatsishvili read on Imedi and rebroadcast on other television stations in which he said he would spare no resources to liberate Georgia from what he called the “Saakashvili regime.”²⁵¹ On November 29, a Tbilisi court gave the Revenue Service a 15-day permit

²⁴⁷ The audio and video materials are available on the Ministry of Interior website at <http://www.police.ge/en/curview.aspx?newsid=30470&categoryid=1> (accessed December 4, 2007).

²⁴⁸ “Full Text: Saakashvili’s Televised Address to the Nation.” Civil Georgia.

²⁴⁹ “Georgian magnate suspected of coup plot-prosecutor,” Reuters, November 9, 2007, <http://www.reuters.com/article/newsOne/idUSLo888987920071109> (accessed December 4, 2007).

²⁵⁰ “Patarkatsishvili’s Security Wanted to Set up ‘Armed Group’ – Official,” Civil Georgia, November 16, 2007, <http://www.civil.ge/eng/article.php?id=16355> (accessed December 4, 2007).

²⁵¹ “Court Explains Reasons Behind Suspending Imedi TV’s License,” Civil Georgia, November 15, 2007, <http://www.civil.ge/eng/article.php?id=16342> (accessed November 17, 2007).

to examine the station's finances. The ruling coincided with financial probes into several other businesses associated with Patarkatsishvili.²⁵² For nearly a month, government authorities and News Corporation officials engaged in discussions about the future of Imedi television in Georgia.²⁵³ The EU, the US and others dispatched Polish journalist and former Solidarity activist Adam Michnik to help negotiate a solution to the standoff.²⁵⁴ Imedi remained closed until a December 5 court decision allowed it to resume broadcasting.²⁵⁵ Upon entering the studios on December 7, Imedi executives stated that much of the equipment was badly damaged or missing.²⁵⁶

Police Violence against Peaceful Protestors on November 8

At approximately 9:30 a.m. on November 8 a few hundred students gathered at Batumi State University to protest the police violence against peaceful demonstrators in Tbilisi the previous day. Eyewitnesses interviewed by Human Rights Watch said about 30 to 50 masked riot police attacked the group without warning, chasing and beating protesters trying to flee.²⁵⁷

One witness described how five police beat one student who accidentally fell on the stairs after running into the university building. Riot police chased other students into classrooms. Some students broke ground-floor windows in attempts to flee. The police also used teargas to disperse the students. Georgia's Public Broadcaster

²⁵² Corso, "Tbilisi to News Corp.: Show us the Ownership Documents for Pro-Opposition TV Station," EurasiaNet.

²⁵³ The government's initial demands were that News Corporation should take sole ownership of Imedi TV and radio stations; unnamed journalists "engaged in politics" should quit journalism; Imedi should submit to quarterly financial audits; and there should be guarantees of journalistic integrity and professional standards. See, for example, "Authorities Want Imedi to Change Hands," Civil Georgia, November 28, 2007, <http://www.civil.ge/eng/article.php?id=16447> (accessed November 29, 2007).

²⁵⁴ "Imedi Opposition TV to Return to Airwaves," RFE/RL, December 4, 2007, <http://www.rferl.org/featuresarticleprint/2007/12/6cb1e86a-251e-409d-b83b-f364a161d372.html> (accessed December 6, 2007).

²⁵⁵ "Georgian authorities restore top independent station's broadcasting license," *International Herald Tribune*, December 5, 2007, <http://www.ihf.com/articles/ap/2007/12/05/europe/EU-GEN-Georgia-Media.php> (accessed December 6, 2007).

²⁵⁶ "Imedi Studio Equipment Badly Damaged," Civil Georgia, December 7, 2007, <http://www.civil.ge/eng/article.php?id=16519> (accessed December 7, 2007).

²⁵⁷ Human Rights Watch telephone interview with Alexander A., November 8, 2007; and Human Rights Watch telephone interview with Mariam M., November 8, 2007.

reported that seven students were injured and hospitalized, but were soon treated and released. Demonstrators apparently were unaware that the state of emergency and the ban on demonstrations was no longer restricted to Tbilisi, as had been announced initially. Participants told Human Rights Watch that had they known the ban on protests was countrywide, they would not have participated in the demonstration.²⁵⁸

International Reaction

Individual governments and international organizations condemned the Georgian government's actions and imposition of a state of emergency. On November 8 the United States called on the Georgian authorities to "lift the state of emergency and restore all media broadcasts," adding, "These are necessary steps to restore the democratic conditions for the election and referendum."²⁵⁹ Matyas Eörsi and Kastriot Islami, co-rapporteurs for Georgia of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, issued a statement on November 10 during their snap visit to Georgia, saying, "The measures taken in the last few days represent a huge step backwards from the aspiration to become a fully-fledged democratic state that respects the fundamental values of pluralistic democracy and human rights."²⁶⁰ A number of senior diplomats from Western countries were immediately dispatched to Tbilisi, including United States Deputy Assistant Secretary of State Matthew Bryza and EU Special Representative for the South Caucasus Peter Semneby.

Announcement of Presidential Election

²⁵⁸ Human Rights Watch telephone interview with Alexander A., November 8, 2007.

²⁵⁹ "Georgia: Need for Restraint and Respect for Rule of Law," US Department of State press statement, November 8, 2007, <http://www.state.gov/p/eur/ci/gg/c4398.htm> (accessed December 3, 2007).

²⁶⁰ "Building bridges through political dialogue is essential to restore confidence in Georgia" stress PACE rapporteurs," Council of Europe press release, November 10, 2007, <https://wcd.coe.int/ViewDoc.jsp?id=1209809&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE> (accessed December 3, 2007). NATO Secretary General Jaap de Hoop Scheffer said that imposition of emergency rule and the closure of media outlets in Georgia are of particular concern for NATO and not in line with Euro-Atlantic values. "Statement by the Secretary General on the situation in Georgia," NATO press release, November 8, 2007, <http://www.nato.int/docu/pr/2007/p07-114e.html> (accessed December 3, 2007). The EU, Council of Europe Secretary General Terry Davis, the United Nations High Commissioner for Human Rights Louise Arbour, the OSCE, and individual governments also issued statements. See <http://www.unomig.org/media/headlines/?id=9528&y=2007&m=11&d=9> (accessed December 2, 2007).

On November 8, in an apparent effort to diffuse the political crisis, President Saakashvili announced a snap presidential election for January 5, 2008. Saakashvili also proposed holding a non-binding referendum on the same day to allow people to vote on whether parliamentary elections should be held in the spring, as proposed by opposition parties, or in late 2008.²⁶¹

²⁶¹ “Georgia Leader Calls Early Election to Decide His Fate,” *New York Times*.

Georgia's Legal Obligations

The Conduct of the Operations to Disperse Protestors

Governments are obligated to respect basic human rights standards governing the use of force in police operations, including in the dispersal of legal or illegal demonstrations. As noted above, these universal standards are embodied in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.²⁶² The Basic Principles provide the following:

Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

When using force, law enforcement officials shall exercise restraint and act in proportion to the seriousness of the offence and to the legitimate objective to be achieved. Law enforcement officials must seek to minimize damage and injury.²⁶³

With respect to the dispersal of assemblies that are unlawful but non-violent, “law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”²⁶⁴

The European Code of Police Ethics states that “police shall use force only when strictly necessary and only to the extent required to obtain a legitimate objective” and that “police must always verify the lawfulness of their intended actions.”²⁶⁵

²⁶² Basic Principles on the Use of Force and Firearms.

²⁶³ *Ibid.*, principles 4 and 5.

²⁶⁴ *Ibid.*, principle 13.

As this report shows, Georgian law enforcement officials did not observe these rules when seeking to disperse the crowds gathered on Rustaveli Avenue, at Rike, and outside of the Imedi television station on November 7. Although law enforcement officials did use some non-violent means of crowd dispersal, including water cannons and sound devices, law enforcement officials did not exhaust non-violent means before resorting to the use of force. Furthermore, much of the force used against demonstrators, as documented in this report, was not a proportionate or necessary response to the objective of dispersing a predominately peaceful crowd. This use of force included physical assaults with truncheons and wooden sticks as well as punches and kicks on unarmed demonstrators, many or most of whom were attempting to disperse, as well as shooting rubber bullets at close range into the backs of demonstrators, many of whom were also attempting to disperse. The use of force in this manner strongly suggests that law enforcement personnel were seeking not only to disperse demonstrators, but also possibly to punish them for their participation in the rallies, or deter them from any further opposition.

Article 3 of the European Convention on Human Rights (ECHR) to which Georgia has been a party since 1999, prohibits torture or inhuman or degrading treatment or punishment. The European Court of Human Rights has found on several occasions that where individuals have sustained injuries as a result of the use of force by law enforcement officers to disperse demonstrators, the burden rests on the Government to demonstrate with convincing arguments that the use of force was not excessive.²⁶⁶ Human Rights Watch believes that many of the beatings of demonstrators by law enforcement personnel that took place on November 7 (as well as beatings that took place in Batumi on November 8) violate the prohibition against inhuman and degrading treatment. Article 3 also places a positive obligation on governments to effectively investigate all allegations of ill-treatment by law enforcement personnel and hold those responsible accountable.

²⁶⁵ Council of Europe Committee of Ministers, Recommendation Rec (2001) 10 of the Committee of Ministers to member states on the European Code of Police Ethics (Adopted on September 19, 2001 at the 765th meeting of Ministers' Deputies), paras. 37-38.

²⁶⁶ See most recently, *Balcik and others v Turkey*, (application no. 25/02), judgment of November 27, 2007, available at www.echr.coe.int.

A recent viewpoint issued by the Council of Europe’s commissioner for human rights, on impunity for police violence, states that “illegal behaviour by policemen is particularly serious as the very role of the police in a democratic society is to defend the population against crime, including violent crime. When the law enforcement forces themselves break the law, the whole system of justice is derailed.” Citing European Court of Human Rights case law, the commissioner noted also that “[t]he use of force is justified only in a situation of absolute necessity and should be practiced with the maximum restraint. The ... police action against demonstrators in Tbilisi recently fell short of these standards.”²⁶⁷

The fact that violence against demonstrators was widespread and the methods used quite consistent strongly suggests that the force was condoned or at least tolerated by senior officers responsible for commanding the operations. These individuals, in addition to individual officers engaged in assault and other crimes, should be investigated and held accountable. In accordance with the Basic Principles on the Use of Force and Firearms, “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 take all measures in their power to prevent, suppress or report such use.”²⁶⁸

The Decision to Disperse the Protestors

The dispersal of peaceful demonstrations by use of excessive force is also a violation of freedom of assembly guaranteed both by article 25 of the Georgian constitution and under international law. Article 11 of the European Convention on Human Rights guarantees the right to freedom of assembly and sets out circumstances in which this right may be limited. As with several other rights under the ECHR, freedom of assembly is only subject to restrictions “prescribed by law” and “necessary in a democratic society.” Restrictions may be justified by the “interests of national

²⁶⁷ Thomas Hammarberg, “There must be no impunity for police violence,” Viewpoint of the Council of Europe Commissioner for Human Rights, December 3, 2007, http://www.coe.int/t/commissioner/Viewpoints/Default_en.asp (accessed December 3, 2007).

²⁶⁸ Basic Principles on the Use of Force and Firearms, principle 24.

security or public safety, the prevention of disorder or crime, the protection of health or morals,” among other interests.

Human Rights Watch recognizes governments’ rights to conduct police operations to effect crowd control or to disperse demonstrations that genuinely pose a threat to public order. Human Rights Watch notes that whether all the demonstrations on November 7 were legal at all stages under Georgian law remains in dispute. However Human Rights Watch also notes that while a demonstration may be unlawful according to domestic law, such an unlawful situation does not justify a violation of the freedom of assembly by resort to unjustified use of force to disperse a crowd.²⁶⁹ In any event, the decision to use force to disperse a demonstration must be in strict proportion to the danger to public order posed by the demonstration. The European Court of Human Rights has noted that where demonstrators do not engage in acts of violence it is important for the public authorities to show a degree of tolerance towards peaceful unauthorized gatherings in order to uphold the guarantee of freedom of assembly.²⁷⁰

Human Rights Watch has concluded that, in addition to the manner in which the crowds were dispersed raising violations of the prohibition on inhuman and degrading treatment and punishment, the decision to disperse demonstrators on the steps of Parliament at 8:00 a.m., and the decision to disperse the Imedi supporters and Imedi staff following the raid on Imedi studios, were incompatible with respect for freedom of assembly under international law.²⁷¹ With respect to the

²⁶⁹ European Court of Human Rights, *Cisse v. France*, (application no. 51346/99), judgment April 9, 2002, available at www.echr.coe.int, para 50.

²⁷⁰ European Court of Human Rights, *Oya Ataman v Turkey*, (application no. 74552/01), judgment December 5, 2006, available at www.echr.coe.int, para 42.

²⁷¹ Article 21 of the International Covenant on Civil and Political Rights states, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Article 11 of the European Convention on Human Rights and Fundamental Freedoms also guarantees peaceful assembly. European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8, and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively. Article 25 of the Constitution of Georgia states that “everyone, except members of the armed forces and Ministry of Internal Affairs, has the right to public assembly without arms either indoors or outdoors without prior permission. The

demonstrations on Rustaveli Avenue and at Rike, it has not been possible for Human Rights Watch to establish independently whether the government's decision to disperse these demonstrations complied with its obligations under international law to respect the right to peaceful assembly, although it is clear that the manner in which they were dispersed was unlawful.

Dispersals at 8:00 a.m. on Rustaveli Avenue and outside of the Imedi studios

According to Georgian law, peaceful assemblies do not require any prior permission, except in cases when the public gathering risks disrupting the movement of people and vehicles, when prior notice must be given to the local government five days before the gathering.²⁷² Opposition leaders notified the Tbilisi Municipality of their intention to demonstrate on November 2 and the likelihood that traffic on Rustaveli Avenue would be disrupted.

Although the number of demonstrators quickly diminished after November 2, police blocked the section of Rustaveli Avenue in front of Parliament to traffic until the early morning of November 7, when they decided to clean the streets and open the road. At this time there were no demonstrators on Rustaveli Avenue, but only 70-100 individuals who had spent the night on the steps of Parliament, whom the police attacked and forcibly dispersed, as described above. The government claims variously that the opposition planned to set up tents in front of Parliament or had already set up a tent, perhaps referring to the rain tarp several demonstrators were using during the night.²⁷³ There is nothing in Georgian law preventing the construction of tents as part of a manifestation or assembly.

Given that, by the morning of November 7 or earlier, the number of protestors had diminished such that they would not be forced to occupy any part of Rustaveli Avenue, the authorities' decision to open the road to traffic, which police themselves

necessity of prior notification of the authorities may be established by law in the case where a public assembly or manifestation is held on a public thoroughfare. Only the authorities shall have the right to break up a public assembly or manifestation if it assumes an illegal character." Constitution of Georgia, adopted on August 24, 1995, with amendments.

²⁷² Constitution of Georgia, art. 25, and Law of Georgia on Assembly and Manifestation, art. 1, para 3.

²⁷³ Shortly after the dispersal of the demonstrators on the steps of Parliament, Tbilisi Mayor Gigi Ugulava announced that Tbilisi will never become a "town of tents." "Police Break up Rally; Opposition Vows to Keep Protesting," Civil Georgia, November 7, 2007, <http://www.civil.ge/eng/article.php?id=16211> (accessed December 5, 2007).

had blocked for five previous days, was justified. However, it is not apparent that the decision to disperse the several dozen peaceful protestors on the steps of Parliament on the morning of November 7 had a basis in Georgian law. In particular, as stated above, there was no justification for the use of force to disperse them, particularly the violent force documented above.

The government claims that the demonstrators gathered outside of the Imedi television station in the evening following the raid on the Imedi studios posed a danger to public order because they “might march on government buildings,” but supplies no evidence of any individual or collective intent to do so.²⁷⁴ Although there were some Imedi supporters outside of the Imedi studio gates and expressing anger through shouting or pulling on the gates, the overwhelming majority of people outside of the Imedi studios were peaceful, including a large number of Imedi staff who had just been forced to leave the studios and had gathered just outside the gates. Thus, again it is not apparent that there was a basis in Georgian law for the dispersal of the protestors outside of the Imedi television studios.

Dispersals on Rustaveli Avenue and Rike

Human Rights Watch was not able to determine whether the government’s decision to disperse the demonstrators on Rustaveli Avenue and at Rike was a legitimate interference with the demonstrators’ freedom of assembly, yet a few important issues deserve discussion. As described above, as crowds began to gather at the steps of Parliament later in the morning, police prevented demonstrators from entering Rustaveli Avenue so as to allow for the flow of traffic. Under Georgian law, protestors enjoy no right to “intentionally” block traffic, and so efforts to contain protestors on the steps and sidewalk in front of Parliament can be reasonably justified.²⁷⁵ Several government officials, however, had made statements on national television that morning stating that if the available space on the steps and sidewalk in front of Parliament would be insufficient then demonstrators could enter the road.²⁷⁶

²⁷⁴ Human Rights Watch interview with Shota Khizanishvili, November 29, 2007.

²⁷⁵ Law of Georgia on Assembly and Manifestation, art. 11, para 3.

²⁷⁶ Rustavi 2 broadcast, November 7, 2007.

Although protestors had the right to occupy the street, because they could no longer fit on the sidewalk, the General Prosecutor's Office states that clashes with police that occurred as people were entering the street changed the character of the demonstration from "peaceful" to "violent" and therefore rendered it illegal. The government also claims that opposition leaders were inciting protestors to violence. On this basis the government made the decision to call in the riot police to disperse the crowd.²⁷⁷ Evidence available to Human Rights Watch suggests that while there were incidents of clashes between demonstrators and police, and of stone-throwing by demonstrators, the majority of demonstrators were not engaged in violence and the demonstration itself was peaceful, as described above. Human Rights Watch is not in a position to assess whether these clashes fundamentally changed the character of the demonstration.

With respect to the events at Rike, the government claims that certain opposition leaders "made explicit statements inciting violence, calling for the forceful storm of Parliament and other government buildings" posing "a clear and imminent danger to public order."²⁷⁸ Human Rights Watch could not confirm through any video and witness testimony that an explicit call to storm parliament was made by opposition leaders on Rike. As described above, at least one opposition leader made strong announcements condemning the existing government, but announcements were being made by a single megaphone to thousands of protestors dispersed across a wide area. Most in the crowd, with the exception of those standing very close to the opposition leaders themselves, could not hear anything being said. Some witnesses stated that the opposition leaders had no particular plan. Most demonstrators at Rike appeared to have no intention to disperse and to be intent on participating in a demonstration. Human Rights Watch could not confirm the General Prosecutor's Office's allegation of a "clear and imminent danger" posed by the crowd in these circumstances, nor could we ultimately confirm the intent of the protestors and opposition leaders.

²⁷⁷ General Prosecutor's Office of Georgia, December 1, 2007, response to questions submitted by Human Rights Watch.

²⁷⁸ *Ibid.*

The Raid on and Closure of Imedi Television

The closure of Imedi television and the suspension of its broadcasting license was a violation of freedom of expression guaranteed both by article 24 of the Georgian constitution and under international law. Article 10 of the European Convention on Human Rights guarantees the right to freedom of expression. Restrictions on freedom of expression are the same as those permitted on freedom of assembly, that is they must be “prescribed by law,” “necessary in a democratic society,” and justified by reference to a legitimate aim such as the “interests of national security, territorial integrity or public safety, the prevention of disorder or crime, the protection of health or morals.” Human Rights Watch believes that the closure of Imedi television does not fall within the scope of these restrictions.

The legal basis for the decision to raid and close Imedi has been seriously called into question, and there is evidence to suggest that the legal basis was established after-the-fact and backdated. The Tbilisi District Court issued a decision purportedly on November 7, 2007, ordering the physical property of Imedi television to be seized and the owner denied the right to continue use of the property and the broadcasting license. The court decision claims that Imedi was being used by its founder and partial owner, Badri Patarkatsishvili, as a tool to “overthrow the state government by rebellion.”²⁷⁹ Although Imedi’s general director, Bidzina Baratashvili, was in the Imedi studios at the time of the raid on November 7, law enforcement officials did not serve him with the court order, claiming that they could not find him. Baratashvili was served only on November 13, because the government claims it could not find him for six days, although Bidzina Baratashvili maintains that he was in Tbilisi and frequently in public meetings with foreign diplomats and journalists during that period.²⁸⁰ Prior to November 13 no government official spoke of the court order to close Imedi. No one from Imedi was informed of or present for the Tbilisi District Court hearing issuing the order on November 7. The Georgian National Communications Commission officially suspended Imedi’s broadcasting license for

²⁷⁹ On file with Human Rights Watch.

²⁸⁰ “Imedi Will Have to Answer for Everyone,” RIANovosti, November 16, 2007, <http://en.rian.ru/analysis/20071116/88440955.html> (accessed November 29, 2007). See also “PACE Monitors Meet Shut Down TV Executives,” Civil Georgia, November 10, 2007, <http://www.civil.ge/eng/article.php?id=16284> (accessed November 29, 2007).

three months purportedly on November 8, 2007, responding to the court order, although only on November 16 did it confirm having done so, having previously denied it.²⁸¹

With respect to the need to close Imedi for interests foreseen by article 10 of the European Convention on Human Rights, the General Prosecutor's Office maintains that Imedi broadcasts posed an "imminent and irrevocable threat" to public safety because Imedi "started broadcasting ... alerts that the police were about to storm the main Orthodox Cathedral in Tbilisi. In a country with an overwhelming majority of Orthodox Christians ... this was in effect calling hundreds of thousands of citizens to the street, to defend their Church."²⁸² The broadcast in question occurred at 8:30 p.m. during the "Kronika" news program. The journalist stands in front of the Sameba Cathedral and states,

Several minutes ago information was spread that special forces started to move towards the Sameba Cathedral.... Up until now we have not been able to verify the truthfulness of the information that special forces together with police forces plan to come to the Sameba Cathedral. If we find out additional information or get footage of special forces coming to the church, we will offer that footage to our viewers. However, people coming to Sameba Cathedral are panicking, because, as they are saying, it is not excluded that Ministry of Interior and defense troops will disperse those people and participants of the rally that have found refuge in the yard of the Sameba Cathedral.²⁸³

A thorough investigation would be necessary to determine whether this broadcast indeed meets the threshold of incitement and a threat to public safety.

²⁸¹ "Imedi TV License Suspended for Three Months," Civil Georgia, November 17, 2007, <http://www.civil.ge/eng/article.php?id=16356> (accessed December 3, 2007).

²⁸² General Prosecutor's Office of Georgia, December 1, 2007, response to questions submitted by Human Rights Watch.

²⁸³ Imedi television, "Kronika" [excerpt], November 7, 2007, as appears in Georgian Public Broadcaster, "From November to November- part 7." Translation by Giorgi Gogia.

Evidence strongly suggests that well before this particular broadcast the government wanted to close Imedi and force it to stop broadcasting. The government itself claims that a court order was issued on November 7 requiring the property to be seized and attempted to deliver this court order to Imedi General Director Baratashvili just before the raid on Imedi. Given that the raid occurred at 8:46 p.m., only 15 minutes after the broadcast in question, it is hard to understand how the prosecutor's office would have had time to approach a judge for a hearing and obtain the order in such a short period. Furthermore, the fact that the raid involved hundreds of heavily-armed law enforcement personnel and took place only several minutes following the broadcast in question suggests that these personnel had already been mobilized in preparation for a special operation on the Imedi studios.

The government's claim that the closure of Imedi was necessary in a democratic society on the basis of an urgent threat to security posed by a single broadcast is clearly questionable and deserves further scrutiny. The response, in any case, was clearly excessive to the objective of securing the premises. The use of hundreds of heavily armed special forces troops to raid and close Imedi television, initiated without warning, and targeting hundreds of unarmed journalists, editors, cameramen and support staff, was clearly disproportionate to the threat posed by unarmed journalists and other Imedi staff members and an act of intimidation unjustified by the actions of Imedi television or any of its staff, leadership, or ownership. Subsequently suspending Imedi's broadcasting license was also excessive and an unambiguous stifling of freedom of expression, particularly given that the demonstrations had already ceased, the political situation appeared to be stabilizing, and the country prepared for presidential elections in less than two months.

Recommendations

To the Georgian Government

Regarding the dispersal of and attacks on protestors

- The General Prosecutor's Office should conduct a thorough and independent investigation into the dispersal of protestors on November 7 on Rustaveli Avenue, at Rike, and outside of the Imedi television studios. The investigation should:
 - Pay particular attention to allegations of assault and the excessive use of force by law enforcement agents;
 - Make use of all available video and photographic evidence as well as witness testimony;
 - Determine whether the use of force and firearms was consistent with national law and international human rights law and standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
 - Examine the rules of engagement, including the risk assessment made in advance and resulting in the deployment of forces armed with rubber bullets, and orders given to the law enforcement units involved;
 - Carefully examine not only individual responsibility for use of excessive force but the command responsibility of those overseeing operations in which force was found to be excessive;
 - Undertake forensic investigations into the number of rounds of rubber bullets used by law enforcement officials, the number of persons sustaining injuries from the use of rubber bullets, and the nature of those injuries;
 - In accordance with the requirements of the European Convention on Human Rights, the investigation should be open to public scrutiny and capable of leading to the prosecution of any determined to be responsible for causing injuries in violation of article 3.

- In conducting the investigation, the government should avail itself of independent expertise including that of the Council of Europe to ensure that the investigation is conducted in accordance with the applicable human rights standards, including European Court of Human Rights standards.
- The General Prosecutor's Office should investigate with particular rigor all allegations of targeting of journalists, including assault on journalists and interference with their professional duties.
- The Ministry of Interior should immediately suspend from active duty any law enforcement personnel under investigation for possible crimes committed on November 7.
- All law enforcement personnel found responsible for crimes on November 7 should be promptly prosecuted in accordance with due process.
- The General Prosecutor's Office should conduct a thorough and independent investigation into the assault and kidnapping of Koba Davitashvili. Given the seriousness of the allegations in this case and the apparent involvement of law enforcement agencies, the General Prosecutor should assume direct control of the investigation.
- Given the sufficient evidence indicating the involvement of law enforcement personnel in the assault on Ombudsman Sozar Subari on Rustaveli Avenue, the General Prosecutor should assume direct control of the investigation in accordance with article 62(2) of the Criminal Procedure Code, which provides for exclusive investigative jurisdiction of the Prosecution Service with respect to any crime committed by particular persons including officials of the Ministry of the Interior. This step would also be consistent with the requirements for an investigation under article 3 of the European Convention on Human Rights.
- The Ministry of Interior should conduct a thorough internal investigation into the conduct of the operations to disperse protestors on November 7. This investigation should seek to determine whether law enforcement agents acted in full accordance with Georgian law and regulations on the use of force. The results of the investigation should be made public.

- Without delay, to ensure full transparency and accountability for the actions of law enforcement officers on November 7, the Ministry of Interior should make public the exact composition of forces engaged in the dispersal of protestors on Rustaveli Avenue, at Rike, and outside of the Imedi television studios and in the special operation to close Imedi.
- Not a single witness interviewed for this report said that they saw police wearing visible identification. Without delay, the government should enact legislation that requires all law enforcement agents, including riot police and members of the special forces, to wear identification, and provide all law enforcement agents with uniforms that include appropriate identification.
- The government and Parliament should review all legislation related to policing and crowd control and ensure that all laws relating to use of force are in full accordance with the ICCPR, the ECHR and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- The government and Ministry of Interior should make public the nature of the training in crowd control received by all of the forces on duty on November 7. They should review all such training given to law enforcement officials to ensure that it fully integrates established human rights principles and obligations. To this end the government and Ministry of Interior should consider drafting a Manual on the Use of Force, incorporating the obligations set out under the ICCPR, the ECHR and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, with the assistance of international and Georgian experts and members of civil society.

Regarding freedom of the media

- The General Prosecutor's Office should conduct a thorough investigation into the allegations of intimidation and ill-treatment of Imedi journalists during the raid on the Imedi television studios and should prosecute those found responsible for committing crimes.
- The General Prosecutor's Office should conduct a thorough investigation into the allegations of destruction and theft of Imedi television equipment and property.

- The government should compensate Imedi television in full for the damage to the equipment and property.

To the United States and the European Union

Since President Saakashvili came to power four years ago, the United States and the European Union have been reluctant to openly criticize the president they hailed as a reformer and democrat. In response to criticism of the government's human rights violations and reform policies, the US and EU very readily sought to give the Georgian authorities the benefit of the doubt, frequently citing the authorities' promises and good intentions to establish the rule of law and ensure human rights protection in the country.

The US and the EU must make clear to Georgian authorities that their future engagement with Georgia depends fundamentally on Georgia's demonstrating its genuine commitment to the rule of law, human rights, and accountability for human rights abuses, including:

- A thorough investigation into the actions of law enforcement officials on November 7;
- A genuine commitment to freedom of expression by thoroughly investigating the actions of law enforcement officials during the special operation to close Imedi television and investigating all allegations of ill-treatment of journalists and preventing journalists from doing their professional duty on November 7;
- Ensuring that all law enforcement personnel receive practical training on the use of force and the limits with regard to established human rights principles.

To the Council of Europe

- Make available expertise and assistance to the government of Georgia to ensure that the investigations into the allegations of human rights violations that occurred on November 7, 2007, are conducted in line with the standards required by the European Court of Human Rights.

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