

"Police State" Fears in Georgia

Author: [Shorena Latatia](#)

Legislative changes strengthen police and weaken right to public protest.

Laws restricting the right to demonstrate and increasing the powers of the police will turn Georgia into a more repressive state, rights activists say.

Rights groups and opposition parties are particularly concerned about new legislation on policing and public meeting, changes to detention rules, constitutional amendments allowing the state to seize private property, and a "Freedom Charter" that will give the law enforcement agencies increased powers.

"Although there's been a series of successful legal reforms, most of the legislative amendments passed in 2010 do not increase protection of civil rights, but the reverse," Nino Gvedashvili, coordinator of Human Rights House Tbilisi, said.

"Leaving aside the fact that a significant number of the changes contravene international human rights standards, the process by which they were adopted entailed breaches of national law – there was no public discussion, and recommendations from international organisations were ignored."

Gvedashvili's principal concerns are about greater powers for the police and the limits placed on freedom of assembly. Police are now allowed to use non-lethal weapons against protesters, and a list of public buildings outside which demonstrations are banned has been drawn up. The maximum penalty for breaching this ban has increased from 30 to 90 days imprisonment.

Sopho Verdzeuli of the Georgian Young Lawyers' Association has additional concerns about the police's mandate.

"The police law states that an officer has the right to stop and search any citizen on grounds of 'reasonable suspicion'. That is the case in several other countries, but there, an individual may be detained only if there is a real threat to the policeman or people in the vicinity," she said. "In Georgia, the police now have the right to detain someone on grounds of 'reasonable suspicion' if they just think the person may have committed a crime. The problem is that the detainee has no legal status, and therefore no legal protections, during the search. This raises concerns about possible illegal actions or abuse of power on the part of police."

Opposition parties, which organised mass protests against President Mikhail Saakashvili in 2009 but failed to force him to step down, are concerned at the diminution of freedom of assembly in the law.

Giorgi Akhvlediani, a Christian Democrat member of parliament from the opposition Christian Democrats, said it was a "total catastrophe" to allow the police to deploy non-lethal force as this would permit the use of weapons he described as "semi-lethal".

He also expressed concern that people convicted of demonstration-related civil offences could be held for long periods alongside serious criminals.

Georgia's human rights ombudsman has raised the alarm about constitutional changes introduced last year, which affect the state's right to confiscate private property and the compensation due in such case.

He explained, "The Georgian constitution says that private property can be seized where there is a need to do so in the public interest. The constitution used to set out clearly that preliminary compensation would be based on the value of the property concerned, but this has now been amended to 'fair compensation', a change which allows scope for manipulating payments."

All in all, says Ucha Nanuashvili, director of the non-government Human Rights Centre, "The legal amendments allow the creation of a police state, the imposition of mechanisms for total control, and the instruments with which to pursue dissidents. In this sense, you could call 2010 the year in which Georgian legislation prepared the way for further repression."

The authorities reject accusations that they are restricting civil liberties, arguing that changes to the law were designed to make it more liberal and to ensure human rights were better, while giving wider powers to the police was needed in order to maintain public order and safety.

Lasha Tordia of the ruling National Movement, who chairs the parliamentary committee for human rights, said the law now made provision to save minors from arrest and trial, juries had been introduced in the courts, and prison conditions were being improved.

Experts remain concerned about the Freedom Charter, which is soon to have its third reading in parliament, and will again extend the powers of law-enforcement agencies.

Shorena Latatia is a freelance journalist in Georgia.

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