



Unjustified use of force and rubber bullets in dispersal of protest in front of Georgian Parliament

In today's **Grand Chamber judgment¹** in the case of [Tsaava and Others v. Georgia](#) (applications nos. 13186/20, 16757/20, 20129/21, 20175/21 and 39382/21) the European Court of Human Rights held, unanimously, that there had been:

a violation of both aspects of Article 3 (prohibition of inhuman or degrading treatment/lack of effective investigation) of the European Convention on Human Rights with respect to 24 of the 26 applicants;

a violation of Article 10 (freedom of expression) with respect to 14 applicants;

a violation of Article 11 (freedom of assembly and association) with respect to 11 applicants; and

a non-violation of Article 38 (obligation to furnish all necessary facilities during the examination of the case).

The case concerned the dispersal by the police of a major anti-Government protest on the night of 20-21 June 2019 from the front of the Parliament building in Tbilisi. The approximately 12,000-strong protest, policed by about 5,000 officers, had been sparked by a prominent member of the Russian Duma sitting in the Speaker's chair in the Georgian Parliament and delivering a speech in Russian as part of a session of the Interparliamentary Assembly on Orthodoxy (an interparliamentary institution based in Athens, set up to foster relations between Christian Orthodox lawmakers).

The applicants (with one exception) were either participants in the protest or journalists covering it. Most of them sustained injuries from the authorities' use of rubber bullets ("kinetic impact projectiles"). The others were allegedly assaulted by police officers.

The Court found that, although the ensuing investigation had already lasted for more than five and a half years, it had still not resulted in a thorough assessment of all the circumstances; nor had it led to any findings concerning the ill-treatment of the applicants or the identities of the State agents who had used – or ordered the use of – excessive force.

The Court also found that there was simply no evidence that the applicants' injuries had been the inevitable consequence of their own conduct. The police appeared to have used rubber bullets as a general crowd-control weapon. In particular, there were a number of shortcomings in the Georgian legal framework as far as the police use of rubber bullets during demonstrations was concerned and in the way in which the demonstration had been dispersed. Moreover, preventing the applicant journalists from covering the events safely and freely had not been justified or proportionate.

Although there might have been some justification for wanting to disperse the demonstration, especially since it was taking place just outside the Parliament building and some protestors wanted to storm the building, the Court considered that the way in which the dispersal had taken place was not justified. In particular, no order to disperse had been given, nor a clear audible warning about the impending use of rubber bullets. Above all, an unjustified degree of force had been used, causing the applicants, and others, physical injury.

As a result of its findings, the Grand Chamber indicated measures to be taken by the Georgian authorities, notably in relation to the regulation of use of rubber bullets and the implementation of rules and adequate safeguards as to their proper use.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

A [legal summary](#) of this case will be available in the Court's database HUDOC.

The [public delivery](#) and a [video explainer](#) will be available on the Court's YouTube channel.

Principal facts

The applicants are 26 Georgian nationals. All but one (a bystander) were either participants in the demonstration or journalists reporting on the protest which took place in June 2019 and at which over 200 people were injured, including approximately 80 police officers and 40 journalists.

About 800 rounds of rubber bullets ("kinetic impact projectiles") were fired by the police over three to four hours. The applicants' injuries included bruising, open wounds, ruptured eyeballs, fractured limbs and facial bones – resulting for some in several rounds of surgery, permanent loss of eyes/sight and/or some capacity to work. Tear gas and a water cannon were also used to disperse the crowd.

The 14 applicants who were reporters, camera operators and/or photographers were easily identifiable as journalists/press workers and, according to available video footage, had posed no threat to the police or to anyone else. According to medical reports, witness statements, photo/video material and forensic evidence, many of them were targeted directly with rubber bullets. Some were hit by stray bullets, and others were hit, kicked, dragged along the ground or beaten by groups of police officers, with some of their equipment being destroyed in the process.

A criminal investigation into the means used by the police was opened by the Prosecutor General's Office within two days and monitored by the Public Defender's Office. The applicants participated in these proceedings. Various steps and measures were taken in the first year or two of the investigation, but then petered out.

On various dates between June 2020 and December 2021, ten of the applicants sought compensation in respect of the non-pecuniary damage caused by the injuries that they had sustained. Four of those also sought compensation in respect of the pecuniary damage (e.g. loss of earnings) resulting from their loss of eyesight. According to information provided by the parties, the Tbilisi City Court has so far given judgment in seven of the ten cases, finding that the police had used unnecessary and disproportionate force against the seven applicants on account of the undisputed fact that they had remained peaceful throughout the demonstration, and two cases had been finally determined following appeals to the Supreme Court. A further seven applicants have apparently not been granted victim status to date; the remaining applicants obtained victim status on various dates in 2020-23.

In June 2024 and following the Court's Chamber judgment in the case – see below – the investigation was assigned to the Special Investigation Service ("the SIS"), an independent investigative body set up to carry out impartial and effective investigations of alleged ill-treatment and abuse of authority committed by law-enforcement personnel or other officials. At the time of the Grand Chamber's examination of the case, there had been little reported activity or progress with it; the investigation had not yet concluded but was still formally ongoing.

In a decision of 12 June 2025 (CM/Del/Dec(2025)1531/H46-18) in the framework of a report on the enforcement of a Court judgment, the Committee of Ministers of the Council of Europe "noted with regret the legislative package envisaging [the] abolition [of the SIS], passed recently in the second reading" and "urged the [Georgian] authorities to refrain from its final adoption and called upon them to proceed with the outstanding measures for ensuring the independence and effectiveness of this body".

Complaints, procedure and composition of the Court

The applicants alleged, in particular, excessive use of force by the authorities resulting in their injury (and in interferences with their rights to freedom of assembly and freedom of expression), and that there had been no effective investigation in that regard. They relied on Articles 3 (prohibition of inhuman and degrading treatment), 10 (freedom of expression), 11 (freedom of assembly) and 13 (right to an effective remedy) of the Convention. In the course of the proceedings, some of the applicants also alleged a breach of Article 38 (obligation to furnish all necessary facilities during the examination of the case).

The five applications were lodged with the European Court of Human Rights between 29 February 2020 and 4 August 2021.

A [judgment](#) was delivered by a Chamber of the Court on 7 May 2024, in which violations were found of the procedural aspect (lack of effective investigation) of Article 3 in respect of 24 of the applicants. The Chamber considered that the investigation had failed to meet the required standard of thoroughness and effectiveness in a number of respects, and that it had failed to conclude within a reasonable time. The Chamber refrained from taking a decision regarding the merits of the substantive aspect (prohibition of inhuman or degrading treatment) of Article 3, and from taking a decision regarding the admissibility and merits of the complaints under Articles 10 and 11. It held that Georgia had complied with the obligations under Article 38, and that there was no need to examine the complaints under Article 13. The Chamber also indicated to the Georgian authorities under Article 46 (binding force and enforcement of judgments) their obligation to reactivate the investigation; address the identified shortcomings with it; bring it to a conclusion as soon as possible; and then to ensure accountability for any violations of the applicants' rights. The Chamber stated that if the Georgian authorities failed to comply with their obligations, it would be possible for the applicants to reapply to the Court.

On 1 August 2024 some of the applicants requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand Chamber), and on 23 September 2024 the panel of the Grand Chamber accepted that request. Third-party interventions were received from two sets of non-governmental organisations: (a) nine members of the International Network of Civil Liberties Organizations (INCLO), and (b) PEN International, PEN Georgia and English PEN. A [hearing](#) took place in the Human Rights Building, Strasbourg, on 26 February 2025.

Judgment was given by the Grand Chamber of 17 judges, composed as follows:

Arnfinn Bårdsen (Norway), *President*,
Ivana Jelić (Montenegro),
Lado Chanturia (Georgia),
Ioannis Ktistakis (Greece),
Armen Harutyunyan (Armenia) – substitute judge, replacing Marko Bošnjak,²
Georgios A. Serghides (Cyprus),
Tim Eicke (United Kingdom),
Lətif Hüseynov (Azerbaijan),
Jovan Ilievski (North Macedonia),
Péter Paczolay (Hungary),
Gilberto Felici (San Marino),
Frédéric Krenc (Belgium),
Davor Derenčinović (Croatia),
Anne Louise Bormann (Denmark),
Diana Kovatcheva (Bulgaria),

² whose term of office had expired in the course of the Grand Chamber proceedings.

Stéphane Pisani (Luxembourg),
Mateja Đurović (Serbia),

and also John Darcy, *Deputy Grand Chamber Registrar*.

Decision of the Court

The Grand Chamber analysed whether it had to examine the complaints that had not been decided by the Chamber. Although it was open to the Court to confine its examination to the main legal question(s) in an application and find that there was no need to give a separate ruling on the remaining complaints (and in some situations to dispose of complaints on procedural grounds), the substantive aspect of Article 3 and the complaints under Articles 10 and 11 were all central to this case, and so needed to be examined. The Grand Chamber also decided that it was not appropriate to adjourn the examination of those complaints until the completion of the Georgian proceedings, in particular since the issues were broader than those that could be determined in a domestic criminal case and the alleged breaches were very serious, both in terms of the individual applicants, as well as of the overall situation in Georgia.

In response to a submission by the Government, the Grand Chamber found that the provision of compensation could not be seen as sufficient redress unless accompanied by the taking of sufficient accountability measures to ensure that such practices did not happen again – especially considering that the excessive use of force by the police to suppress a demonstration could have a considerable chilling effect on the future exercise of the rights to freedom of expression and assembly.

Article 3

Regarding the procedural aspect of Article 3 – that is to say the duty on the State authorities to conduct a thorough, timely and effective investigation into the manner in which the demonstration was dispersed, so as to determine whether the means used were contrary to the prohibition of inhuman and degrading treatment – the Grand Chamber agreed on all points with the Chamber’s assessment. Although the investigation had been ongoing for more than five and a half years, it had not yet resulted in a comprehensive assessment of all the relevant circumstances, nor led to findings or charges in relation to the applicants’ ill-treatment or the identities of the State agents who had used – or ordered the use of – allegedly excessive force against them. It could not, therefore, be regarded as effective.

Regarding the substantive aspect of Article 3, the applicants’ complaint was that, whether struck by rubber bullets or subjected to direct physical force from police, such treatment had been unjustified. The Court found that, in view of the scale of the disorder and the violent conduct of some of the demonstrators, individual officers might have been justified, in the heat of the moment, in firing rubber bullets to contain violent demonstrators and avert what they perceived to be a danger to their own or others’ lives. There was, however, simply no evidence that the injuries sustained by any of the applicants had been the inevitable consequence of their own conduct.

Moreover, with regard to the technical characteristics of rubber bullets and their potential effect on human health, the Court affirmed that “States must have in place rules and precautions ensuring that if kinetic impact projectiles are deployed by the police during a demonstration, their use is appropriately circumscribed”.

Drawing on its case-law, and also on current, relevant international standards, the Court’s view was that the Georgian legal framework must, at the very least, lay out a number of safety requirements as to the use of kinetic impact projectiles by the police during demonstrations, such as that they be deployed only in a targeted manner – rather than as a means of general crowd control – and in such a way (having due regard to the technical characteristics of the model used) as to minimise the risk

to the targeted person's life and health. However, the police had used rubber bullets as a general crowd-control weapon. About 800 had been fired over three to four hours, and often towards people's heads and upper bodies, as in the case of 17 applicants. A large number of multiple-projectile rounds had reportedly been fired, and there was no indication that officers had issued any warning before firing – on the contrary, the Minister of Internal Affairs had later stated that, in such circumstances, that was not called for. It seemed also that the officers had received no training on the safety risks posed by rubber bullets, and frontline officers had not had to obey a strict chain of command.

In light of the ineffective investigation and the number of shortcomings in the Georgian legal framework that had had a bearing on the manner in which the demonstration had been dispersed, the Court found that there had been a violation of both aspects of Article 3.

[Article 10](#)

Fourteen of the applicants complained that the treatment they had been subjected to had violated their freedom of expression as journalists and had prevented them from reporting on the event safely and freely.

The Court found that the way in which those applicants had been treated had not been justified or proportionate and had breached Article 10. It emphasised that, in keeping with its case-law and the standards adopted by the Council of Europe, States had a duty to have in place an effective system for the protection of journalists during mass protests.

[Article 11](#)

Eleven of the applicants complained that their right to demonstrate peacefully had been violated. They alleged that the disproportionate use of force against peaceful demonstrators was a systemic problem in Georgia, and one that had escalated in recent years alongside increasing crackdowns on Georgian civil society.

The Court found no indication that the demonstration, at the outset, had been intended to be anything other than peaceful, or that the participants – the applicants in particular – had had violent intentions when joining it. Nevertheless, it was mindful of the fact that the demonstration had taken place around the Parliament building and of the fundamental need to ensure the effective functioning of Parliament in a democracy. It accepted that the authorities had been faced with a difficult task in preserving public order once some of the demonstrators had attempted to storm the Parliament building. However, even if statements made by some politicians present at the scene may have been incendiary, that fact – and the relatively limited group of protestors trying to storm the building – was not enough to deprive several thousand peaceful protestors, including the applicants, of their rights to demonstrate.

Although the authorities had been arguably justified in wanting to disperse the demonstration, especially since it was taking place just outside the Parliament building, the way in which the dispersal had been carried out was not justified. In particular, no order to disperse had been given, nor a clear audible warning about the impending use of rubber bullets. Above all, an unjustified degree of force had been used against the applicants, causing them physical injury. There had therefore been a violation of Article 11.

[Article 13](#)

As the Court had already found the investigation to be ineffective, it saw no need to examine this complaint.

Article 38

The Grand Chamber agreed with the Chamber's assessment that there had been no breach of this Article.

Article 46 (binding force and enforcement of judgments)

As a result of its findings, the Court indicated both individual and general measures to the Georgian authorities for the enforcement of its judgment.

To be effective, the investigation must be capable of identifying and if appropriate punishing those responsible, including senior police officers. Such an investigation needs to (a) involve a systematic analysis of the events, (b) encompass an evaluation of the legal basis, planning and execution of the police operation, and (c) determine whether any responsibility on the part of those in charge of that operation's planning and control has been engaged. The investigation should take all those steps without delay and be concluded as quickly as possible.

The Court also indicated general measures in relation to the regulation of use by the police of rubber bullets ("kinetic impact projectiles") during demonstrations. Georgia should put in place adequate safeguards, so as to minimise the risks of death and injury stemming from their use, by laying down more detailed rules on their proper use.

Just satisfaction (Article 41)

The Court held that Georgia was to pay two of the applicants 75,000 euros (EUR) each, and two of the applicants EUR 85,000 each in respect of pecuniary damage. It held that Georgia was to pay all of the applicants various amounts set out in the judgment in respect of non-pecuniary damage, and EUR 38,414.99 jointly to 22 applicants in respect of costs and expenses.

Separate opinions

Judge Serghides expressed a partly dissenting opinion, and Judge Eicke gave a statement of partial dissent. These are annexed to the judgment.

The judgment is available in English and French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.