



GYLA addresses the Parliament with a legislative proposal

Today, on January 25, GYLA addressed the Parliament with a legislative proposal, in which the organization requests the amendment of the Law of Georgia **□□ Assemblies and Demonstrations A** and improvement of the judicial mechanisms for the protection of the right to assembly.

Nowadays, timely deliberation of disputes related to the right to assembly in all three instances of the court is the challenge in the country. Although the law requires that this type of dispute shall be reviewed within three working days, the courts often grossly violate the required term. The violation of the timeframe by the court is due to the fact that administrative bodies frequently bring various unreasoned grounds that cause the adjournment of court sessions. The problem was particularly acute when considering the [complaint](#) of Zaza Saralidze and Malkhaz Machalikashvili at the Tbilisi City Court when the case deliberation lasted for more than two months due to the failure of the Ministry of Internal Affairs to submit

important evidence into the case. Such actions affect the right of the person to exercise his constitutional right and are the indication of an alarming tendency that the government will always have the possibility to unreasonably restrict the right to assembly and diminish the urgency of a planned rally by delaying the consideration of the dispute in the court.

The aspect which prevents the timely completion of these types of disputes is that **the legislation does not provide for the tight deadlines for the court to deliver a judgment, to inform parties upon such a decision and the terms of the appeal, and the court applies the general timeframes established by the procedure law which may unreasonably extend the term of a case deliberation.** The possibility of appealing a case in the three instances of the court further delays the consideration of cases.

Another shortcoming of the law is that it does not envisage the possibility to appeal against all decisions related to the illegal restriction of the right to assembly issued by the Ministry of Internal Affairs and municipalities. Tbilisi City Court also emphasized the problem when it [ruled that the act of Tbilisi City Hall preventing the "Partisan Gardeners" from setting up tents was unlawful](#). The Court observed that the law only provides for the timeframe for hearing an appeal against a decision on termination and refusal to the assembly, but not the term and the procedure for reviewing appeals regarding any decision on the restriction of a 20-meter radius assembly.

With the view to eliminating the foregoing practical problems and legislative gaps, GYLA offers the Parliament to clearly determine the following:

- A uniform standard for hearing appeals against any decision delivered by the Ministry of Internal Affairs of Georgia and local self-government bodies;
- The possibility to appeal a decision of the court rendered with regards to a decision of local self- governing authorities;
- To determine a three calendar day time period for appealing a decision related to the right of assembly in all instances of the court and the prohibition of extending this term;

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- A decision/ court ruling of the first instance court should be appealed at the Court of Appeals whose decision shall be final;
- To establish a special one-day term for submitting a court decision / ruling instead of the general 30-day term;
- To establish a one-day term for appealing a court decision / ruling instead of the 14-day term.