
1531st meeting, 10-12 June 2025 (DH)

H46-45 Makarashvili and Others v. Georgia (Application No. 23158/20)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1531/H46-45

Decisions

The Deputies

1. recalled that these cases concern violations of the rights to freedom of assembly and fair trial on account of the domestic courts' failure to properly assess evidence and provide relevant and sufficient reasons for administrative convictions and/or sentences imposed in the context of demonstrations, as well as a violation of the right to liberty and security due to arbitrary administrative arrest and detention;

As regards individual measures

2. noted that the just satisfaction was paid in all cases and that the relevant applicants did not request reopening of administrative proceedings, considered however that the obligation to safeguard the applicants' continuing freedom to take part in peaceful demonstrations is closely linked to the general measures;

As regards general measures

3. emphasised the importance of ensuring that any interference with the right to freedom of assembly adheres to the principles of lawfulness, necessity and proportionality, in order to prevent a possible chilling effect on the exercise of this fundamental right;

4. called upon the authorities to provide information on the measures taken or planned to bring the legislative framework, judicial and law enforcement practices related to administrative arrests/detentions and convictions in the context of demonstrations, in compliance with the Convention standards, including by ensuring availability of adequate safeguards and effective remedies against disproportionate and arbitrary application of the law; further invited the authorities to provide statistical data and analysis of the relevant practices;

5. underlining the significance of the issues raised, and the need for concrete progress in the execution process, decided to transfer this group to the enhanced supervision procedure and to resume its consideration in June 2026 at the latest.