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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LAW**

**ON AMENDMENTS AND SUPPLEMENTS  
TO THE CODE ON ADMINISTRATIVE OFFENCES**

**OF THE REPUBLIC OF GEORGIA**

**LAW ON AMENDMENTS AND SUPPLEMENTS  
TO THE CODE OF GEORGIA ON ADMINISTRATIVE OFFENCES**

**Article 1. Following amendments and supplements shall be made to the Code of Georgia on Administrative Offences of Georgia (Messenger of the Supreme Council of the Soviet Socialist Republic of Georgia, 12, 1984, article 421):**

**1. Paragraph 1 of Article 32 shall be formulated as follows:**

1. Administrative custody up to 90 days shall be applied only in exceptional cases, such as violation of the military service rules and administrative offences. The sentence on administrative custody shall be passed by a judge of the corresponding regional (city) court.

**2. Paragraph 1<sup>1</sup> shall be added to the Article 121:**

*“1<sup>1</sup>. The same offence committed repeatedly, ---  
results in a penalty in the amount of GEL 500 or administrative custody for up to 90 days”.*

**3. Article 123:**

a) Paragraph 2 shall be formulated as follows:

*“Offences provided for in this Article that resulted in a car accident or hindered traffic, shall lead to imposition of a penalty in the amount GEL 500, or administrative custody for up to 90 days, or suspension of driving license up to 2 years.”*

b) The following Paragraph 4 shall be added to the Comment:

*“4. If new specific circumstances are revealed with regard to an offence provided for in Paragraph 3 of this Article, the authorized body shall have a right to impose a penalty up to GEL 500 instead of suspending the driving license.”*

**4. Article 125**

a) Paragraph 6<sup>1</sup> shall be added to Paragraph 6 of Article 125 as follows:

*“6<sup>1</sup> Organized blockage of road by means of vehicles or participation in a group rally that fully blocks carriageway in a city or any other populated area shall be prohibited. This violation shall lead to suspension of a driving license for up to 2 years.”*

b) The following Paragraph 2<sup>1</sup> shall be added to the Comment:

*“2<sup>1</sup> If new specific circumstances are revealed with regard to an offence provided for in Paragraph 6<sup>1</sup> of this Article, the authorized body shall have a right to impose a penalty of GEL 300 instead of suspending the driving license.”*

**5. Paragraphs 2<sup>1</sup> and 2<sup>2</sup> shall be added to Article 150:**

*“2<sup>1</sup>. Willful making of inscriptions, paintings and symbols on facades of administrative buildings and adjacent territories, including roads for pedestrians and carriageways, shall lead to imposition of a penalty in the amount of GEL 500.*

*2<sup>2</sup>. The same offence committed repeatedly shall lead to imposition of a penalty in the amount of GEL 1000 or, if due to certain circumstances and considering the personality of an offender such penalty is not considered to be enough, administrative custody for up to 30 days shall be applied”.*

**6. Article 166 shall be formulated as follows:**

*“Article 166. Minor Hooliganism.*

*Minor hooliganism i.e. use of abusive language in public places, derogatory treatment of citizens and other similar actions disturbing public order and peace of citizens shall lead to imposition of a penalty in the amount of GEL 100 or, if due to certain circumstances and considering the personality of an offender such penalty is not considered to be enough, administrative custody for up to 90 days.”*

**7. Article 173 shall be formulated as follows:**

*“Article 173. Insubordination to the lawful orders of representatives of the law enforcement bodies or military servants*

*Gross insubordination to orders of representatives of law enforcement bodies and military servants performing their official duties shall lead to imposition of a penalty in the amount of GEL 400 or correctional labor from 1 to 6 months, 20% deduction from the salary or, if due to certain circumstances such penalty is not considered to be enough, administrative custody for up to 90 days.”*

**8. Article 174<sup>1</sup> shall be formulated as follows:**

*“Article 174<sup>1</sup>. Violation of rules of organizing and conducting an assemblage or a manifestation –*

*1. Violation of rules of organizing and conducting an assemblage or a manifestation shall lead to imposition of a penalty in the amount of GEL 500.*

*2. The same action committed by an organizer of an assemblage or a manifestation shall lead to imposition of a penalty in the amount of GEL 5000.*

*3. Blockage of court building entrances, conducting an assemblage or a manifestation on the territory adjacent to the place of residence of a judge, or on the territory of common courts of Georgia, or within 20 meters from court buildings, shall lead to administrative custody for up to 90 days.*

*4. Infringement of the articles 9; 11 and 11<sup>1</sup> of the Georgian Law on Assemblage and Manifestation shall lead to administrative custody for up to 90 days.”*

**9. Article 208<sup>1</sup> shall be added to the Code:**

*“If an administrative offence is committed for which an administrative custody or an administrative custody in combination with any other penalties is envisaged under the law, and the person issuing a resolution on an administrative sanction decides that an administrative custody or an administrative custody in combination with any other penalty must be imposed against the offender, the person issuing a resolution on an*

*administrative sanction shall immediately bring the offender to the corresponding court which will consider the case and issue an appropriate decision.*

**10. Article 250:**

a) The title of Article 250 shall be formulated as follows:

*“Suspension of the Right to Drive a Vehicle and/or Transfer of a Vehicle to the Special Parking Area”*

b) Paragraph 1<sup>1</sup> shall be added as follows:

1<sup>1</sup>. If under the relevant Article of this Code the sanction envisaged for an administrative offence is a suspension of a driving license, a policeman shall have an authority to transfer the vehicle to the special parking area. The same procedure shall be applied if the driving license of a person driving a vehicle is suspended.

**11. The following Article 260<sup>1</sup> shall be added to the Code:**

*“Article 260<sup>1</sup>. Consolidation of Administrative Cases  
Consolidation of Administrative Cases shall be carried out based on the decision of a judge (court).”*

**12. Paragraph 2 of Article 271 shall be formulated as follows:**

*“2. A judgment of a regional (city) court on imposition of an administrative penalty shall be final and may not be appealed, except for the cases when administrative custody is imposed or when such appeals are provided for in the Georgian legislation.”*

**13. Chapter XXII<sup>1</sup> shall be added:**

**XXII<sup>1</sup> Chapter  
Rules and Procedures of Appeal of Decisions on Administrative Custody**

**Article 281<sup>1</sup>. Terms of Appeal of Decisions on Administrative Custody**

A judgment of a regional (city) court on imposition of administrative custody may be appealed only once, within 48 hours after the judgment is issued, in the Chamber of Administrative Cases of the Court of Appeal, by the person against whom the administrative custody was imposed or his/her lawyer (legal representative), also by the institution that issued a report on the administrative offence (official person).

**Article 281<sup>2</sup>. Eligibility of Appeals**

1. A lawyer (legal representative) has a right to submit an appeal to the Court of Appeals only based on the defendant's consent, unless the defendant has psychical or physical disorder and is unable to give such consent.

2. The appeal shall specify the requirements violated by the appealed judgment and arguments proving that the judgment is mistaken. The appeal shall also contain information on the issues and evidence of material significance that were not examined by the regional (city) court and which could influence the judgment. Evidence (materials) regarding new circumstances that have been unknown to the regional (city) court and prove the complainants' position shall be attached to the complaint.

3. The parties must submit an appeal to the court that has made the judgment and the court shall immediately forward the appeal and the materials to the court of the relevant jurisdiction. Submission of an appeal shall not suspend the execution of the judgment.

4. Within 24 hours after receiving all appropriate documents related to the case, without holding a hearing, the Chamber of Administrative Cases of the Court of Appeal shall issue a decision regarding eligibility of an appeal against the administrative custody, namely on compliance of the appeal with Paragraphs 1 and 2 of this Article. Decisions about eligibility of appeals are made by the Court. If an appeal is recognized as eligible, a hearing of appeal shall be held in compliance with the terms and rules stipulated in this Code.

### **Article 281<sup>3</sup>. Consideration of Appeals and Passing of Judgments**

The Chamber of Administrative Cases of the Court of Appeals shall consider an appeal within 48 hours after the recognition of its eligibility.

1. The Chamber of Administrative Cases of the Court of Appeals shall consider an appeal at a hearing attended by the parties. Failure of a party to attend a hearing shall not prevent the hearing. The persons who have a right to participate in a hearing shall be: the person on whom an administrative custody sanction was imposed, his/her lawyer (legal representative), also the institution (official person) who issued a protocol on an administrative offence. The Court has an authority to call and question the person whose testimony has significant importance for passing a judgment and offer the parties to submit documents and other evidence necessary to check sufficiency of the appeal. The Chairman of a judicial sitting shall open the hearing and announce the case and its parties. If parties attend the hearing they shall have a right to express their views in front of the court.

2. While considering a complaint, the Court shall check whether the decision on administrative custody was made by the regional (city) court in compliance with requirements of Article 32 of this Code.

3. After considering the complaint, the Chamber of Administrative Cases of the Court of Appeals shall issue one of the following decisions:

- a) Leave the appealed decision in force and reject to satisfy the appeal;
- b) Repeal (change) the appealed decision and fully (partially) satisfy the appeal.

4. After the hearing, copies of the decision shall be handed over to the parties, sent to the court that issued the decision and to the institution empowered to execute the decision. A decision issued in compliance with this Article shall be final and may not be appealed.

Article 2. The Law shall come into force on the 15<sup>th</sup> day after its publication.