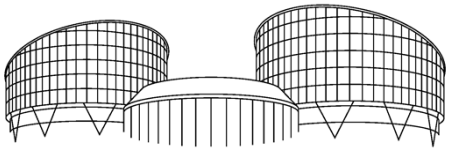

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF RODINA AND BORISOVA v. LATVIA

(Applications nos. 2623/16 and 2299/16)

JUDGMENT

Art 11 (read in the light of Art 10) • Freedom of peaceful assembly • Domestic authorities' refusal to authorise demonstrations and march sought by an association and a private person for security and safety concerns in the context of a tense situation in Latvia in 2014 • Somewhat wider margin of appreciation than the limited margin afforded in respect of political parties • No place in a democratic society for calls for expressing the superiority of one nation over another nation or aggressive "war propaganda" messages aimed at expressing support for unrecognised separatist entities in eastern Ukraine • Real risk of disorder and legitimate reasons to fear for Latvia's own security, territorial integrity, and democratic order • Sufficiently reasoned domestic courts' assessment of the level of the threat posed by the impugned events • Relevant and sufficient reasons • Interference meeting a "pressing social need", "proportionate to the aims pursued" and "necessary in a democratic society"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

10 July 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Rodina and Borisova v. Latvia,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ivana Jelić*, President*,
Erik Wennerström,
Alena Poláčková,
Frédéric Krenc,
Kateřina Šimáčková,
Alain Chablais,
Artūrs Kučs*, judges*,
and Ilse Freiwirth, *Section Registrar,*

Having regard to:

the applications (nos. 2623/16 and 2299/16) against the Republic of Latvia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by an association "Rodina" ("the first applicant"), and by a Latvian national, Ms Anda Borisova ("the second applicant"), on 5 January and 4 January 2016 respectively;

the decision to give notice to the Latvian Government ("the Government") of the complaints under Articles 10 and 11 of the Convention and to declare inadmissible the remainder of the applications;

the parties' observations;

Having deliberated in private on 18 March and 17 June 2025,

Delivers the following judgment, which was adopted on the latter date:

INTRODUCTION

1. The case concerns the applicants' complaints under Articles 10 and 11 of the Convention that the domestic authorities and courts refused to authorise assemblies that they wished to hold on 9 May and 23 September 2014.

THE FACTS

2. The first applicant is an association registered in 2004 and based in Riga. The second applicant was born in 1972 and lives in Riga. Both applicants were represented by Mr A. Kuzmins, who was granted leave to represent them. Following the death of Mr A. Kuzmins, Mr D. Gorba was granted leave to represent them.

3. The Government were represented by their Agent, Ms K. Līce.

4. The facts of the case may be summarised as follows.

I. FACTS RELATING TO THE FIRST APPLICANT (APPLICATION NO. 2623/16)

5. The registered goals of the first applicant (its name "Rodina" in Russian – *родина* – means "motherland" in English) include the representation of the Russian-speaking community in Latvia and the protection and development of the national identity of Russians in Latvia.

A. Background and context of the application

6. Following World War II, 9 May was declared Victory Day in the USSR and from 1965 it was a public holiday. In 1985, a monument dedicated to the Soviet Army – "Liberators of Soviet Latvia and Riga from the German Fascist Invaders" (commonly known as "the Soviet Victory Monument") – was unveiled in Riga.

7. Following the restoration of Latvia's independence in 1991 (see, for more details, *Savickis and Others v. Latvia* [GC], no. 49270/11, §§ 12-16, 9 June 2022), 9 May ceased to be a public holiday.

8. The Soviet Victory Monument and celebration of Victory Day also became the subject of a continuous debate in Latvia, which focused on the symbolism of the Soviet Victory Monument and the different interpretations of the events that had taken place during World War II and thereafter.

9. On the one hand, the military personnel and pensioners who had remained in Latvia after 1994 and those who had migrated to Latvia during the Soviet occupation of Latvia from other parts of the Soviet Union, considered the Soviet army to have been the liberators of the Soviet Union (including Latvia) from the Nazis. For the almost thirty years following the restoration of Latvia's independence, those groups of society had continued to publicly commemorate and celebrate Victory Day. Large public events had been organised in the vicinity of the Soviet Victory Monument and elsewhere which had been attended by many people – mainly Russian-speaking local residents, politicians, and people from other countries. During those events, people had lain flowers, celebrated the victory of the Soviet Army over Nazi Germany and uttered and waved slogans aimed at the glorification of Russia's greatness. Some of those people had even at those events worn uniforms of the former Soviet Army and pins depicting a hammer and sickle at the centre of a red star – symbols of the former Soviet Union.

10. On the other hand, other groups in society – mostly (i) Latvians who during the unlawful occupation and annexation of Latvia by the Soviet Union had been subjected to Russification policies (see, in a case involving the field of education, *Valiullina and Others v. Latvia*, nos. 56928/19 and 2 others, §§ 6-12, 14 September 2023) and had been otherwise oppressed (having been subjected to mass deportations and persecutions, see *Larionovs and Tess v. Latvia* (dec.), nos. 45520/04 and 19363/05, §§ 11-12 and 15-21,

25 November 2014), and (ii) their descendants – considered that the Soviet Victory Monument and celebration of Victory Day symbolised the atrocities that had followed the loss of the independence that Latvia had enjoyed prior to World War II.

11. After the Russian Federation acquired military and political control of Crimea (including the city of Sevastopol) in the spring of 2014 (see *Ukraine v. Russia* (re *Crimea*) (dec.) [GC], nos. 20958/14 and 38334/18, §§ 315-49, 16 December 2020) – and, in particular, after the Russian Federation's armed attack and military invasion of Ukraine on 24 February 2022 (see *Ukraine v. Russia* (re *Crimea*) [GC], nos. 20958/14 and 38334/18, § 16, 25 June 2024; see also *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, § 90, 30 November 2022) – debates about whether the Soviet Victory Monument should be demolished and about Victory Day celebrations resurfaced in Latvian society. On 25 August 2022 the Soviet Victory Monument was completely demolished. In 2023 Parliament adopted a special law prohibiting public demonstrations, marches and pickets throughout Latvian territory on 9 May – save for events that, *inter alia*, expressed solidarity with the Ukrainian nation (whose national sovereignty, independence, and territorial integrity were threatened as result of the Russian Federation's military aggression) and commemorated those who have suffered and died in Ukraine.

B. Previous events organised by the first applicant

12. According to the first applicant, it had organised annual demonstrations in Riga on 9 May and on other dates for several years. The first applicant provided the following information about events that it had organised. The Government disagreed, but did not provide further explanation in that respect.

13. As regards the event planned for 8 September 2007, on 31 August 2007 Riga City Council prohibited the first applicant and another organisation from organising a demonstration and a "Russian march" (*krievu gājiens*). It was planned to use similar slogans as those in the impugned events in the present case (see paragraph 29 below), and also such slogans as "Citizenship – for everyone! The Russian language – the official language [of Latvia]!" and "Russians – [should have] education [in Latvia] in Russian!". Riga City Council – citing a 2007 report prepared by the Security Police (*Drošības policija* (on 1 January 2019 renamed the State Security Agency – *Valsts drošības dienests*) and information distributed via the mass media by the organisers – concluded that the aim of the planned march was not peaceful. If it were to be allowed, public calls for action against the administrative order of the Republic of Latvia could be made and breaches of domestic law could take place. On 6 September 2007, following an appeal by the first applicant against the decision, the Administrative District Court examined, among

other issues, the proportionality and necessity of the ban, and upheld it. While the organisers had not made any calls for violence, the court referred to the indication contained in the Security Police's above-mentioned report that the planned event would pose a serious threat to public safety – in particular, that persons who had participated in similar events and mass riots in other countries (Ukraine and the Russian Federation) were planning to attend the event in Latvia. However, on 12 April 2010, following a further appeal lodged by the first applicant, the Administrative Regional Court lifted the ban imposed on it – in essence, because it deemed that the planned march posed no real threat to national security and that no assessment had been made as to whether the police would be able to prevent the threats identified and to ensure public safety and order during the event; there had been no assessment as to the availability of police resources or the means at their disposal. Some of the risks that had been identified had been averted by the relevant domestic authorities. As the first applicant did not request compensation, the domestic court did not issue any ruling in that respect (see paragraph 64 below). The court terminated the proceedings in respect of the other organisation, which had been dissolved in the meantime. No appeal on points of law appears to have been lodged against that judgment; it took effect on 13 May 2010.

14. As regards events planned for 9 May 2009, on 29 April 2009 Riga City Council prohibited the first applicant from organising a march from the Square of Latvian Rifleman (*Strēlnieku laukums*) to the Soviet Victory Monument. On 8 May 2009 the Administrative District Court, following a closed hearing (a common practice at that time – see paragraph 64 below), quashed that decision and allowed the march to take place. Only a short extract of that judgment was submitted to the Court; the domestic court's reasoning in that respect is not available. It appears that the judgment took effect on 30 June 2009.

15. On 9 May 2013 a planned demonstration took place. According to the first applicant, it was peaceful.

C. Impugned events

16. On 9 May 2014 the first applicant wished to organise a demonstration and a "Russian march" from the Square of Latvian Rifleman to the Soviet Victory Monument. The stated aim of the demonstration was to conduct a "gathering of Russians living in Latvia and to create a human chain between participants". The stated aim of the march was to express support for "Russian schools" – that is to say for maintaining Russian as the language of instruction (see, for an overview of education reform in Latvia, *Valiullina and Others*, cited above, §§ 13-20; see also, regarding earlier protests against the education reform conducted in 2003-04, *Petropavlovskis v. Latvia*, no. 44230/06, §§ 7-8, ECHR 2015). The first applicant indicated that approximately hundred people would attend those events.

17. On 23 April 2014 Riga City Council informed the first applicant that the use of sound-amplifying devices – for which it had sought authorisation – was allowed only during demonstrations, but not marches. The first applicant was advised to choose another venue for the march that would present less of an obstacle for vehicles and pedestrians. It was also asked to clarify the intended venue for the demonstration, given that it had wished to hold the demonstration during the march (which was not possible). According to the Government, the first applicant did not respond. According to the first applicant, the doubts in relation to the venue were not substantiated.

18. On 6 May 2014 the Security Police issued a report, which was made available to the first applicant. It noted that several organisations, including the first applicant, had applied for authorisation to organise events on 8 and 9 May 2014 in the vicinity of the Soviet Victory Monument. At one of those events (for which the expected attendance was up to 10,000 persons) it was planned to broadcast footage of a military parade from Moscow, and to organise a concert and fireworks. Additionally, a threat of a suicide-bomb attack in the vicinity of the Soviet Victory Monument had been received. The Security Police advised against allowing the events for which the first applicant sought authorisation, as there was a high risk of endangering public order and safety (*sabiedriskā kārtība un drošība*); the organisers could not ensure the maintenance of order during the events. The Security Police stated that the first applicant's activities were aimed at: "dividing society, [creating] ideological conflicts, ethnic tensions and intolerance in Latvian society, as [its activities] were based on the categorical demonstration of the superiority of the Russian nation and on the indirect rejection of the Latvian nation and language". Considering the time and venue chosen, there was a possibility that more people might participate in the events than stated in the application; the events might also be attended by people who were radicalised and sought confrontation. The report further submitted that there could be attempts to use the symbols of the former USSR or Nazi Germany, which were prohibited in Latvia. Furthermore, the events organised by the first applicant had previously been attended by members of a Latvian-based Cossack Association (*Pribaltijskij kazačij krug*) ("the Cossack Association") wearing military uniforms, holding flags and displaying other symbols. Although it was not unlawful to wear military uniforms in public events, it could be perceived negatively by society. The report also stated that the identity of Russian Cossack associations was closely connected with the protection of the interests of Russia – including the participation of volunteers in military conflicts in the region around Latvia. The latter had been demonstrated by the recent arrival of Russian Cossacks on the territory of Ukraine, where they had taken active steps against the territorial integrity of Ukraine.

19. On 7 May 2014 the first applicant's representative, A.Ž., was invited to comment on the Security Police's report, to present his views and to discuss the arrangements for the planned events and potential problems as to public

order and safety with officials from Riga City Council, the Security Police, and the State and municipal police. He clarified that the demonstration would take place only at the Square of Latvian Rifleman. In his view, the concerns expressed by the Security Police were exaggerated. A.Ž. emphasised that previously organised events had taken place without any breaches of domestic law. He asked whether the police could ensure public order and safety. An official from Riga City Council responded that, in the light of the events then unfolding in Ukraine, the situation in 2014 was different from that of previous years. Society perceived the kind of radical slogans used by the first applicant in a more aggravated manner (*saasinātāk*). It was not possible to disregard the Security Police's report, as its job was to ensure national security. Also, the issue was not whether the law-enforcement authorities could ensure public order and safety, but whether the first applicant's goals were legitimate. An official from the Security Police informed Riga City Council of an ongoing criminal investigation into the first applicant's activities with a view to determining whether they amounted to incitement to national, ethnic, racial hatred or discord (section 78 of the Criminal Law).

20. On the same date Riga City Council, relying on the report by the Security Police, refused to authorise the assemblies for which authorisation was being sought by the first applicant. It referred to the relevant domestic law (see paragraphs 52-60 below) and the case-law of the administrative courts, indicating that freedom of assembly could be restricted with a view to ensuring the interests of other persons, public safety and national security; those were legitimate aims. Restrictions could be justified if there were no alternative means of achieving the same goals that would affect those fundamental rights to a lesser extent.

21. Riga City Council examined whether there were grounds to consider that there might be calls for breaking the law, the advocating of violence, nationality-based or racial hatred, or the propagation of "war propaganda" during the above-mentioned events (see paragraph 56 below). Reference was made to two videos posted on the first applicant's webpage containing calls to participate in the above-mentioned march (see paragraph 29 below). Riga City Council stated that those videos did not depict the stated aim of the march (allegedly in support of "Russian schools"). Instead, those videos confirmed information provided by the Security Police to the effect that the first applicant's activities were aimed at: "dividing society, [creating] ideological disagreement [and] promoting ethnic tension and intolerance in Latvian society, as its activities [were] aimed at the categorical demonstration of the superiority of Russian nation and at the indirect rejection of the Latvian nation and language" (see paragraph 18 above).

22. Riga City Council concluded that the planned events were aimed at inciting national hatred, which was prohibited by law. Moreover, the above-mentioned slogans contradicted Chapter I of the Latvian Constitution

(*Satversme*) (see paragraph 52 below). Although similar slogans had been used in earlier events organised by the first applicant, in view of the situation unfolding in Ukraine in 2014, those slogans could be regarded as more provocative by society – and possibly even unlawful.

23. Referring to the Constitutional Court's case-law, Riga City Council noted that freedom of assembly could be restricted in order to protect the rights of other persons and also in the event of a clear and direct threat to society. Freedom of assembly could be restricted if there were grounds to consider that an assembly might not be peaceful. Referring to the 2007 Guidelines on Freedom of Peaceful Assembly (prepared by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, in consultation with the European Commission for Democracy though Law of the Council of Europe, first edition, 2007), Riga City Council noted that assemblies were considered peaceful if their organisers had peaceful intentions; events aimed at the public incitement of hatred against racial, ethnic, religious or other groups or aimed at another aggressive goal were unlawful. The State had no positive obligation to ensure that such events could take place. In stating that it had legitimate reasons for the restrictions imposed, Riga City Council referred, firstly, to national security, and, secondly, to public order and safety. Given the first applicant's goals (as expounded by the Security Police), Riga City Council concluded that the first applicant's goals were not peaceful, and that the impugned events should be banned in order to protect public order and safety and to prevent intentional provocation with respect to matters of national importance.

24. Riga City Council also examined whether the impugned restrictions were necessary and whether more lenient measures were available. Considering the above-mentioned report by the Security Police, Riga City Council concluded that even if it were to change the time, venue, nature and duration of the impugned events, "unwanted side effects" could still not be prevented. Any changes to the time, venue, nature, and duration of the impugned events would not decrease the threat to public order and safety and would not decrease the nature of that threat. Riga City Council therefore did not authorise the impugned events.

25. On 7 May 2014 the first applicant challenged this ban in the administrative courts. It argued that (i) the refusal was unlawful and contrary to Article 103 of the Constitution; (ii) the interpretation of its slogans was incorrect; (iii) affirmation of the full value of Russian people did not put into question the role of Latvian people and their language; (iv) previous events organised by it had taken place without any breaches of domestic law, and similar slogans had been used at them; and (v) claims that the impugned planned events had been banned in order to protect public order and safety and to avoid the deliberate provocation of "national issues" were based on unfounded assumptions; thus, the imposed restrictions were not proportionate. The first applicant emphasised that the aim of the planned

march was to express support for "Russian schools" and that its intention was to ensure social cohesion. It was not directed against the Constitution, the State language or territorial integrity. There was no proof that the impugned events would not be peaceful; if unrest were indeed to arise as a result of the events, it could be stopped by the State.

26. On 8 May 2014 the Administrative District Court held a hearing in the presence of the first applicant's representative, A.Ž., and a lawyer. Officials from Riga City Council and the Security Police were also present. An official from Riga City Council requested that the court view the videos available on the first applicant's website. Although no significant breaches had been previously detected in the events organised in the past by the first applicant, given the then-current political situation (viewed within the context of the events in Ukraine and the Security Police's report), the impugned events displayed "elements of fight" (*cīņas elementi*) and "political position" (*politiskā nostāja*); the planned march was aimed at creating ethnic tension. Even if it were the case that slogans used in the past by the first applicant had only struck an emotional tone within society, the situation was now more tense, and such slogans struck a more provocative and aggressive tone. They could be perceived as supporting events in Latvia that would be similar to those unfolding in Ukraine. The State did not have a positive obligation to allow an assembly where calls could be made against the State (*vēršanās pret valsti*) that contradicted Chapter I of the Constitution. Riga City Council had banned other events in 2014 that could have caused ethnic tension; the first applicant was not the only organisation affected by such a ban. During a closed part of the hearing, an official from the Security Police provided further information and gave details regarding the difference of the situation that had prevailed, respectively, in 2013 and in 2014. The first applicant was invited to ask questions and provide comments in that regard.

27. On 8 May 2014 the Administrative District Court upheld the ban of the impugned events and dismissed the first applicant's appeal. The court reiterated that the Constitution and the Convention protected the right to freedom of peaceful assembly and freedom of expression. Freedom of assembly was one of the values of a democratic society. It was an essential precondition for the functioning of a State governed by the rule of law. The State had a duty to ensure the exercise of that freedom. In a democratic country, people enjoyed freedom of assembly and the right to freely express their opinions on issues that they believed were important – even if those opinions did not align with the views of the government. However, those freedoms were not absolute and could be restricted.

28. As to the lawfulness of the impugned restrictions, the Administrative District Court referred to section 15^{1}(2) of the Law on Demonstrations, Marches and Pickets (see paragraph 58 below). Furthermore, it noted that the impugned events had been banned in order to ensure public order and safety

and to prevent intentional provocation with respect to matters of national importance (see paragraph 23 above).

29. The Administrative District Court went on to examine whether the impugned events posed a threat to public order and safety, and whether the imposed restrictions were proportionate. It described the videos available on the first applicant's website as follows:

> "The first video shows war scenes (probably events from World War II) and [still camera] shots from the first applicant's previously organised events. Representatives of the association [known as] '*Pribaltijskij kazačij krug*' are also visible in the video; they are dressed in Cossack [military] uniforms, [and carrying] Cossack flags and other symbols. The video states: 'Glory to the heroes!' and 'Glory to the Baltic Russian land!'.
>
> The second video shows burning flames, accompanied by the noise of rifle shots; a new slogan appears after each rifle shot. The video includes the following text: 'Russians – the oldest nation (*senākā pamattauta*) of Latvia; Russians [comprise] 60% of the inhabitants of Riga, 40% of the inhabitants of Latvia. Riga – our city; Latvia – our country. The Russian language – the language of Latvia. Russians do not give up!'
>
> The court notes that after the court hearing and the delivery of the summary judgment, the above-mentioned videos were removed from the first applicant's webpage."

30. Having assessed the videos (which invited people to attend the planned events) and the stated aim of the impugned events, the court held that the videos published on the first applicant's website had not depicted or even mentioned the stated aim of the events – allegedly that of supporting "Russian schools". The court established that the slogans that had appeared in the videos had been inconsistent concerning the stated aims of the impugned events. The videos had not contained anything related to "Russian schools". The Administrative District Court held that the video material had contained information that had been presented in an aggressive manner and that the slogans used therein had been provocative. It considered that the impugned events were not intended to ensure social cohesion (as claimed by the first applicant). On the contrary, they were aimed at dividing society – and creating ideological conflict, ethnic tensions, and intolerance – in Latvia. The information provided on the first applicant's website was aimed at a categorical demonstration of the superiority of the Russian nation and at the indirect rejection of the Latvian nation and language. Accordingly, the Administrative District Court concluded that the first applicant's activities (including the impugned events) went against the core values protected under Chapter I of the Constitution. In view of the already existing tensions regarding sensitive national issues, the first applicant's open invitation to participate in the march could not be regarded as peaceful. That was evidenced not only by the content of the videos in question, but also by the fact that, during the hearing, the first applicant's representative had expressly refused to acknowledge their actual contents. He denied that gunshots had been heard in the videos or that they had depicted war scenes, insisting that

those videos had conveyed a positive tone. It followed that the first applicant had a different understanding of what constituted a "peaceful gathering". The court agreed that the planned events constituted a threat to public order and safety. It emphasised that members of the above-mentioned Cossack Association had planned to participate in the impugned events, and it emphasised the risks explained by the Security Police in that regard (see paragraph 18 above). Even though the same videos had been posted a year earlier, they had to be assessed in the light of the current international political situation and the mood in society. If a year previously the slogans contained in the videos could have been seen as merely "emotionally tainted", in view of the events in Ukraine unfolding now in 2014, any gatherings organised by the first applicant at which such slogans were voiced would not enhance social cohesion but would prompt an opposite reaction in the nationalistically-minded part of society. Accordingly, it was considered that the planned events would not be peaceful, and the restrictions imposed on the first applicant's freedom of expression and assembly pursued the legitimate aims of the protection of public order and safety.

31. As to proportionality, the Administrative District Court noted that anyone whose rights and freedoms were restricted had the right to know the reasons for those restrictions. It was not sufficient to refer in general terms to evidence of the existence of a threat. The threat to public security had to be real. The court also emphasised that only convincing and compelling reasons could justify an interference with the freedom of assembly (it referred to *Barankevich v. Russia*, no. 10519/03, § 25, 26 July 2007). In the case at issue, it considered that the nature of threats had been assessed; they could not be prevented by merely changing the time, venue, nature and duration of the events. The first applicant was not capable of preventing the above-mentioned threats; the State had to ensure that proposed assemblies had peaceful goals. Referring to the Security Police's report, the court noted that it was aware of "specific and precise circumstances indicating an existence of the threat and its possible consequences". Thus, the threat to public security and order was more significant than the restrictions imposed on the first applicant's freedoms. Measures aimed at ensuring public safety were not compatible with the necessity to organise the events in question: that is, the threat to public safety and security was greater than the possibility for the police and the organiser to prevent breaches of domestic law during those events. In conclusion, the prohibition on organising the impugned events was appropriate and proportionate to the legitimate aim of protecting public order and safety.

32. The first applicant lodged an appeal on points of law. However, on 7 July 2015 the Supreme Court refused to institute proceedings in respect thereof. It held that the Administrative District Court had examined the evidence and views expressed by both parties and had concluded that the interference with the first applicant's rights had been proportionate. The

Supreme Court agreed with that assessment. It further stated that it shared the first applicant's view that freedom of expression also protected opinions that contradicted or caused offence to others. However, the Supreme Court reiterated that the freedoms of assembly and of expression were not absolute. Freedom of assembly applied only to peaceful assemblies. Such assemblies where the organisers and participants had violent intentions or otherwise denied the founding principles of a democratic society were not protected (the court referred to *Fáber v. Hungary*, no. 40721/08, § 37, 24 July 2012). In making such assessment, not only formally stated aims but also the actions of the organisation in question and the position it defended had to be taken into account (the court referred to *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos. 29221/95 and 29225/95, § 90, ECHR 2001-IX). The Supreme Court also pointed out that under Article 17 of the Convention, any ideas aimed at the destruction of other persons' rights – for example, hate speech and incitement to ethnic hatred – were not protected. In the present case the aims of the proposed march were not peaceful.

33. It was not decisive that there had been no problematic incidents during the earlier events. The warfare in Ukraine, which at the time of the impugned events had only recently started, constituted a serious consideration that had to be taken into account in view of its impact in Latvia. The Supreme Court noted that the lower court had assessed whether less restrictive measures had been available and had agreed with the local municipality that they had not been available. The Supreme Court concluded that there had been no breach of the first applicant's rights.

II. FACTS RELATING TO THE SECOND APPLICANT (APPLICATION NO. 2299/16)

A. Background and context of the application

34. The chronology of the conflict and events in Crimea (including the city of Sevastopol) and the Donetsk and Luhansk regions of the Donbass area of eastern Ukraine (which began in the spring of 2014) have been described in *Ukraine v. Russia* (re *Crimea*) (dec.) (cited above, §§ 32-104 and 149-84), and *Ukraine and the Netherlands v. Russia* (cited above, §§ 43-77).

B. Impugned events

35. On 5 September 2014 the second applicant requested authorisation for a demonstration to be held on 23 September 2014 in front of the Ukrainian embassy in Riga. The stated aim of the demonstration was to call for the end of the war in south-east Ukraine. The application indicated B.A. as the person actually responsible for keeping order during the demonstration. The second applicant indicated that some fifty people would attend the event.

36. On 10 September 2014 the Security Police issued a report stating that B.A. had engaged in activities aimed against the independence, sovereignty, and territorial integrity of Ukraine. Those activities appeared to be contrary to the stated aim of the planned 23 September 2014 demonstration (namely, to stop the war in Ukraine), as B.A. had previously expressed support for the self-proclaimed separatist entities in south-east Ukraine and had taken part in activities against the independence of that State. Hence, the demonstration (if allowed to go ahead) would divide society and endanger the democratic order of the State and public safety. Riga City Council informed the second applicant of the aforementioned report, and on 15 September 2014 the second applicant replaced B.A. with another person, G.F., as the person actually responsible for keeping the order during the demonstration. On 18 September 2014 the Security Police issued another report stating that, according to information at its disposal, B.A. was actually organising the demonstration. That was also confirmed by publicly available information. The Security Police reiterated that there had been information about actions taken by B.A. which indicated that the stated aim of the demonstration contradicted its real goal, which was directed against the territorial integrity, sovereignty and independence of Ukraine.

37. On 22 September 2014 the second applicant and G.F. were invited to attend a meeting with officials of Riga City Council and the State and municipal police. Officials of the Security Police were not present. Riga City Council presented all the information at its disposal to those who attended. The second applicant and G.F. were heard and the arrangements for the event were discussed. Information available on the Internet about the demonstration was also discussed. The second applicant stated that it was she who was organising the event. However, she also revealed that B.A. would participate in the event and that he was helping with its organisation – particularly by disseminating information about it. G.F. added that one could not believe everything that was published by the mass media. An official from Riga City Council noted that the second applicant had failed to express her attitude towards B.A.'s actions and his stated goals. Beliefs held by B.A. and his views on Ukraine were known to all. The official added that since B.A. was helping to disseminate information about the event, it followed that he was acting in the interests of the organisers; the content of that information bolstered the Security Police reports. Lastly, an official from the State police stated that the facts included in the reports by the Security Police had to be taken into account and could not be ignored.

38. On the same date, Riga City Council refused to authorise the demonstration. It referred to the relevant domestic law (see paragraphs 52-58 below) and case-law of the administrative courts, indicating that it was permissible to restrict freedom of assembly with a view to ensuring the interests of other persons, public safety and national security; those were

legitimate aims. Restrictions could be justified if there were no alternative means that would impinge upon fundamental rights to a lesser extent.

39. Riga City Council referred to publicly available information, taken together with the Security Police's reports. In particular, it referred to news reports published on 13, 15 and 17 September 2014 on several Internet news portals; in those reports B.A. had presented himself as the organiser of the demonstration and had submitted that the aim of the event was to demand the cessation of the aggression against "the nation of Donbass". According to the information disseminated by B.A., the goal of the proposed demonstration was to show to the "Russian junta" that Latvian society was against the war in "Novorossiya" and to demand that the Ukrainian government withdraw its armed forces from those territories and recognise the independence of the "Donetsk People's Republic" (the "DPR") and the "Lugansk People's Republic" (the "LPR"). That information confirmed the conclusion reached by the Security Police that B.A. was the real organiser of the event; the real goal of the demonstration was not to stop the war in south-east Ukraine. Rather, B.A. had described the planned event as being intended to express the opinion of Latvian society about, *inter alia*, internationally unrecognised and unlawful entities. Riga City Council noted that the highest-ranking Latvian officials, expressing the official position of the State, had condemned the armed attack by the Russian Federation on the Ukrainian territory and regarded it as aggression against the sovereignty and territorial integrity of Ukraine, thus undermining the fundamental principles of international law. Latvia had called on the Russian Federation to withdraw immediately its armed forces from the territory of Ukraine, as well as to stop sending weapons and mercenaries to the terrorist groups of the "DPR" and the "LPR".

40. Referring to the Constitutional Court's case-law, Riga City Council noted that freedom of assembly could be restricted in order to protect the rights of other persons and also in the event of a clear and direct threat to society. Freedom of assembly could be restricted if there were grounds to consider that it was not peaceful. Referring to the "Guidelines on Freedom of Peaceful Assembly" (see paragraph 23 above), Riga City Council noted that assemblies were considered peaceful if their organisers had peaceful intentions; events aimed at the public incitement of hatred against racial, ethnic, religious or other groups or aimed at another aggressive goal were unlawful. The State had no positive obligation to ensure that such events could take place. As regards legitimate aims for the imposed restrictions, Riga City Council referred, firstly, to national security, and, secondly, to public order and safety. Considering that the goals sought by B.A. and his previous activities had not been peaceful, the impugned event should be banned in order to protect the democratic order of the State and public safety.

41. Riga City Council also examined whether the impugned restriction was necessary and whether more lenient measures were available. Considering the information provided by the Security Police, Riga City

Council concluded that even if it were to change the time, venue, nature and duration of the planned event, "unwanted side effects" could not be prevented. Any changes to the time, venue, nature, and duration of the event would not decrease the threat to the democratic order of the State and public safety, and would not decrease the nature of that threat.

42. Despite the prohibition of the planned event, on 23 September 2014 a smaller demonstration (a picket – see paragraph 55 below) was held in front of the Ukrainian embassy. Both the second applicant and B.A. participated. The participants held posters calling for the recognition of the independence of the "DPR" and the "LPR". Those posters bore slogans such as: "We ask for the recognition of the ['DPR'] and the ['LPR'] as independent States!"; the participants also held printouts of a flag used by the separatists and by supporters of "Novorossiya", which also bore the following slogans: "We will win!" (followed by "Eastern Front" immediately below); "Ukraine – stop the genocide in Novorossiya"; "Fascism – the last reactionary stage of capitalism!"; and "Donbass: goodbye Ukraine". The picket proceeded without any intervention by the authorities. According to the second applicant, no fines were imposed on her or any participants for having participated in the event.

43. On 1 October 2014 the second applicant lodged an appeal against the ban in the administrative courts. She argued that: (i) the refusal to give authorisation for the planned event had been unlawful and contrary to Article 103 of the Constitution and Article 11 of the Convention; (ii) even though the event had been organised by her, that refusal had been issued on the grounds of B.A's views and actions; (iii) she had not purported that the event would reflect the view of Latvian society as a whole; and (iv) references to Latvia's official position were irrelevant. Therefore, there were no grounds for considering that the demonstration would "endanger the rights of others, the democratic system of the State, public safety, welfare, or morals" (see paragraph 58 below). Furthermore, there were no grounds for considering that threats could not be prevented, since the police could stop any demonstration in the event that any unlawful actions occurred (see paragraph 60-61 below). She also requested compensation in the amount of 500 euros (EUR).

44. On 6 October 2014 the Administrative District Court held a closed hearing in the presence of the second applicant's lawyer. Officials from Riga City Council and the Security Police also attended the hearing. The second applicant's lawyer requested that he be acquainted with any documents that might have been submitted by the Security Police. His request was refused, since no documents had been submitted by the Security Police; an official from the Security Police was invited to participate in the hearing to provide information. At the same time, the Administrative District Court allowed a request from Riga City Council to include in the case material a document derived from the Security Police's 2014 report that contained classified

information. The second applicant's lawyer was given time to become acquainted with that document but did not receive a copy of it.

45. On 27 October 2014 the Administrative District Court upheld the ban on the impugned event and dismissed the second applicant's complaint. Similarly (as in the case of the first applicant), the court reiterated that the Constitution protected freedom of peaceful assembly; however, that freedom could be restricted (see paragraph 27 above).

46. As to the lawfulness of the impugned event, the Administrative District Court referred to the Law on Demonstrations, Marches and Pickets (see paragraphs 56-57 below). Furthermore, it noted that the impugned event had been banned in order to protect the democratic order of the State and public safety.

47. The court went on to examine whether the impugned event had posed a threat to the democratic order of the State and public safety, and whether the imposed restriction had been proportionate. In addition to the media reports referred to by Riga City Council (see paragraph 39 above), the Administrative District Court referred to other publicly available reports containing similar information. Moreover, it also referred to other media reports indicating that: (i) B.A. had travelled to Ukraine, where he had volunteered to serve in the so-called "self-defence forces of Crimea" in March 2014; (ii) the Security Police had instituted criminal proceedings against him for public incitement to violently overthrow the government and to act against the national independence of Latvia; and (iii) B.A. had been detained in Latvia in connection with those proceedings. The court observed that the information contained in those media reports had been confirmed by the Security Police reports and by the classified information provided during the domestic proceedings. It had no doubt that B.A. had had connections with internationally unrecognised and unlawful entities. He had travelled to Ukraine, where he had been arrested and expelled by the Ukrainian government for participation in an unlawful armed organisation, after which he had nonetheless attempted to re-enter the territory of Ukraine in order to continue fighting against the authority of the State. B.A. had publicly stated that he was a member of the coalition known as "the Other Russia" – a non-registered National Bolshevik organisation in Russia that had actively recruited paramilitary fighters (*kaujinieki*) in the Russian Federation and the European Union to serve in the war in south-east Ukraine on the side of internationally unrecognised, paramilitary and unlawful entities. In addition to that, the Administrative District Court noted that B.A. had been charged in Latvia with public incitement to violently overthrow the government and with acting against the national independence and territorial integrity of Latvia and that the case had been sent for trial on 15 October 2014.

48. The Administrative District Court agreed with Riga City Council that the goals sought by B.A. and his previous activities had not been peaceful; the demonstration planned for 23 September 2014 had had to be prohibited

in order to protect the democratic order of the State and public safety. In response to the second applicant's argument that it was she who had been in charge of organising the planned demonstration, the District Court noted that there was no information indicating that she would have distanced herself from B.A.'s activities. According to media reports, B.A. had portrayed himself as the organiser of the planned event. The second applicant had herself confirmed that B.A. would participate in the demonstration and that he had helped with its organisation (see paragraph 37 above). Moreover, B.A. and the second applicant had both participated in the picket eventually organised on 23 September 2014, where they had called for the recognition of internationally unrecognised entities (in so doing contradicting the aim indicated in the authorisation request).

49. Lastly, the Administrative District Court referred to the Court's judgement in the case of *Ždanoka v. Latvia* ([GC], no. 8278/00, § 98, ECHR 2006-IV) to the effect that democracy was a fundamental element of the "European public order". The court emphasised that without pluralism, tolerance and broadmindedness there was no democracy (it referred to *Handyside v. the United Kingdom*, 7 December 1976, § 49, Series A no. 24, and *Socialist Party and Others v. Turkey*, 25 May 1998, § 41, *Reports of Judgments and Decisions* 1998-III). However, referring to Article 17 of the Convention and the Court's judgment in *Ždanoka* (cited above, § 99), it noted that nobody could be authorised to rely on the Convention's provisions in order to weaken or destroy the ideals and values of a democratic society. Moreover, the Convention did not protect any statements, thoughts and ideas that denied the Holocaust, justified Nazism and Neo-Nazism, alleged the persecution of Poles by the Jewish minority, attacked all Muslims and linked them to terrorism, and incited violence (it cited such cases as *Lehideux and Isorni v. France* [GC], no. 24662/94, Reports 1998-VII; *Garaudy v. France* (dec.), no. 65831/01, Reports 2003-IX (extracts); *W.P. and Others v. Poland* (dec.), no. 42264/98, Reports 2004-VII (extracts); and *Norwood v. the United Kingdom* (dec.), no. 23131/03, Reports 2004-XI).

50. The court stated that "war propaganda" and calls to recognise internationally unrecognised entities could not be protected, as they were contrary to the values of democratic society protected by the Constitution and the Convention. It concluded that the interference with the freedom of assembly of the second applicant – given the aim of protecting democracy as a fundamental value of the State (which was part of the constitutional identity of the Latvian State) – had been proportionate.

51. The second applicant lodged an appeal on points of law. On 8 July 2015 the Supreme Court rejected the appeal. It had no doubts about the lawfulness of the lower court's judgment. The Supreme Court reiterated that the right to freedom of assembly enshrined in Article 103 of the Constitution and Article 11 of the Convention was not absolute. That freedom could be restricted, provided that the restriction was in accordance with law, had a

legitimate aim and was necessary in a democratic society. The Supreme Court noted that the Administrative District Court had examined in detail the circumstances of the case and had concluded that the banning of the demonstration had been justified. The Supreme Court endorsed the findings of the lower court and agreed that the restrictions in the present case had not amounted to a breach of rights. The Supreme Court concluded that the case did not raise any new issues that would be significant for case-law development.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LAW

A. Constitutional provisions

52. The relevant provisions of the Constitution read as follows:

Chapter I – General provisions

Article 1

"Latvia is an independent democratic republic."

Article 2

"The sovereign power of the State of Latvia is vested in the people of Latvia."

Article 3

"The territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale."

Article 4

"The Latvian language is the official language in the Republic of Latvia ..."

53. Article 103 of the Constitution provides that the State protects the freedom of previously announced peaceful demonstrations, marches and pickets.

54. These rights, as provided by Article 116 of the Constitution, may be subject to restrictions in circumstances provided by law in order to protect the rights of other people, the democratic structure of the State, and public safety, welfare and morals.

B. Law on Demonstrations, Marches and Pickets

55. The procedure for organising and holding such events as demonstrations and marches are laid down, *inter alia*, in the Law on Demonstrations, Marches and Pickets (*Par sapulcēm, gājieniem un piketiem*). Under section 1(1) of this law, the State ensures and protects expressions of

freedom of peaceful assembly in the form of demonstrations, marches and pickets. A demonstration is organised for the purposes of assembly, in order to enable people to meet and express ideas and opinions (section 1(2) of the Law). A march moves along roads, streets, squares, pavements (or other areas designed for traffic) in order for ideas and opinions to be expressed (section 1(3) of the Law). A picket is an event during which a person or persons express ideas and opinions in a public place, using posters, slogans, banners, or other means, but during which no speeches or public addresses are made (section 1(4) of the Law).

56. At the material time, section 10(1) of that Law provided that during demonstrations, marches and pickets one had to comply with laws on public order. Under section 10(2), during demonstrations, marches and pickets it was prohibited to: inveigh against the independence of the Republic of Latvia; express proposals that the [democratic] system in Latvia be overthrown (*priekšlikumi par Latvijas valsts iekārtas vardarbīgu grozīšanu*); call for the breaking of the law; advocate violence, or national or racial hatred; blatantly propagate Nazi, fascist or communist ideology; promulgate "war propaganda"; or commend or call for criminal and other offences.

57. Section 15 of the Law provides as follows:

> "1. After receiving an application, the local municipality shall ascertain that all the provisions of this Law have been complied with.
>
> 2. In addition to that laid down in subsection 1 of this section, the local municipality shall ascertain that:
>
> 1) the event will not interfere with other previously announced public events, events organised by the State or local government, or previously announced demonstrations, marches, or pickets;
>
> 2) the organisation of the event at the anticipated time and location will not cause significant problems for vehicle or pedestrian traffic;
>
> 3) the organisation of the event at the planned time [and] location, and [in the planned] form will not endanger the rights of others, the democratic system of the State (*demokrātisku valsts iekārtu*), public safety, welfare or morals.
>
> 3. In order to prevent the conditions referred to in paragraph two of this section, the local municipality, together with the organiser, shall examine what changes are needed to the venue, time or form of the event. For that examination, police and (when applicable) representatives of other concerned persons shall be invited.
>
> 4. When examining an application to organise a demonstration, march, or picket the local municipality shall take into account the opinion of the police and other relevant State authorities regarding conditions [referred to] in the [above-mentioned] subsection two of this section, and options for preventing them."

58. As of 11 December 2013, a new section 15^1 was introduced. In order not to endanger the participants in an event and to prevent the conditions referred to in section 15(2) of this Law arising, the local municipality was authorised to place limitations on the venue, time, and form of that event – without interfering with its purpose – if it could not agree with the organiser

on necessary changes (section 15^1(1) of the Law). A local municipality is authorised to ban an event if it will endanger the rights of others, the democratic system of the State, public safety, welfare or morals, or will promote activities that are prohibited by this Law – including the propagation of Nazi and communist ideology, the promulgation of war propaganda, military aggression, and the promotion of hatred and enmity – and these risks cannot be prevented by placing limitations (section 15^1(2) of the Law).

59. As of 11 December 2013, section 16(1) provides that a local municipality must, under normal circumstances, take the decision referred to in section 15(1) of this Law not later than five working days prior to the date of the event in question (as announced), or no less than six hours before the event if the request was made belatedly. Under section 16(2), if the conditions indicated in section 15(2) of this Law have been established after the time period laid down in section 16(1) has expired, the local municipality may take the decision referred to in section 15(1) of this Law after clarifying the relevant conditions. Under section 16(3), if the conditions indicated in section 15(2) of this Law have been established during the event concerned, a police officer may determine whether any restrictions are necessary for maintaining public order and safety – regardless of the decision taken by the local municipality. A person may ask that such restrictions be documented in writing and may – under the Administrative Procedure Law – lodge an appeal against that decision.

60. Section 20(1) provides that the organiser (*vadītājs*) of a demonstration, march or picket and his or her aides shall ensure compliance with this Law and the maintenance of order during that event, and must maintain order during that event both personally and with the help of persons designated to be in charge of maintaining order. Under section 20(2), participants must avoid activities that could impede the peaceful and organised nature of the event and must obey instructions given by both the organiser, his or her aides and the person responsible for keeping order, and police officials. Pursuant to section 21(1), municipal and police officials shall monitor compliance with this Law during the event. Under section 21(2) a police official is entitled to give binding instructions to the organiser of the event, its participants, and the persons responsible for order, in order to ensure compliance with the requirements laid down in this Law.

61. Section 23(1) provides that if participants infringe the provisions of this Law and do not obey the instructions of the organiser, his or her aides, or the persons responsible for maintaining order, the organiser shall either declare the event to be over or request a municipal or police officer to restore order. Under section 23(2) if participants do not obey the instructions of municipal or police officials regarding compliance with the requirements of this Law, the latter shall declare the event to be over or shall request the participants to disperse. Under section 24, the police shall not allow to proceed (*nepieļauj*) demonstrations, marches or pickets that have been

organised in a manner that is not in compliance with the provisions of this Law.

II. DOMESTIC REPORTS

A. Reports by domestic authorities

62. In its Public Annual Report of 2014, the Security Police summarised the most important events affecting national security. The "compatriots policy" pursued by the Russian Federation was noted as the most important security threat to Latvia's constitutional order – especially in view of the aggression perpetrated by Russia in Ukraine that year. It was noted that the declared objectives of the "compatriots policy" included the protection of "compatriots" residing abroad, strengthening the role of the Russian language and the promotion of Russian culture. However, Russia exploited it as a foreign-policy and manipulation tool to achieve its geopolitical interests in foreign countries including Latvia. Supporters of the "compatriots policy" aligned with Russian interests and were expected to continue posing significant security risks in Latvia. While supporters of this policy wished to strengthen Russian influence, they had different approaches in doing so with some subtly leveraging democratic mechanisms but some others openly provoking society through confrontational rhetoric. A radicalisation of rhetoric was observed in 2014; it was expected to continue. Justifying Russian aggression in Ukraine was one of the main areas of activities for supporters of the "compatriots policy" in Latvia in 2014. Their uncritical support for Russia raised reasonable concerns about their attitude towards the use of violence for achieving political objectives in other countries.

63. In its Public Annual Report for 2014 by the Constitutional Protection Bureau (*Satversmes aizsardzības birojs* – the "SAB") summarised the most important issues for the year of 2014 as follows:

> "So far, existing internal and external threats to national security have remained unchanged. These include Russia's military activities in the region, extremism, terrorism, economic threats, espionage and cyber-threats. In 2014, the largest activity was observed in the information-related hostilities [conducted by] Russia in Latvia in the international information space.
>
> Russia's aggression in eastern Ukraine and annexation of Crimea have led Russia to open political confrontation with Western countries. Geopolitical factors have had a direct impact on Latvia's national security.
>
> Hybrid war and information warfare have become defining elements of geopolitical tensions between Russia and Western countries. With hybrid-war methods, Russia is affirming its capacity to undertake a complex use of force in order to achieve political objectives.
>
> Information warfare, as part of a hybrid war, has been used to create confusion [and] uncertainty, [and to] undermine conviction and cohesion among its adversaries in Ukraine, NATO and the EU member States.

In 2014, the SAB saw a number of [measures aimed at increasing] influence and propaganda measures taken by various institutions of Russia, which had to be assessed within the context of Russia's aggression in Ukraine. Some of these measures were aimed at influencing the opinion of Latvian society and its decision-makers."

B. A report by experts

64. On 9 October 2014, a number of experts from the Institute of Social and Political Research of the Faculty of Social Sciences of the University of Latvia, a public policy think tank (Providus), the Latvian Human Rights Centre and Vidzeme University presented a research paper entitled "How Democratic is Latvia? Audit of Democracy 2005–2014" (scientific editor Juris Rozenvalds, Riga: University of Latvia Advanced Social and Political Research Institute, 2014). They assessed the state of democracy in Latvia in the ten years that had elapsed since Latvia had become a member of the European Union and a NATO member State. In its relevant part, it reads as follows (references omitted):

"3.2. How effective and equal is the protection of the freedom of ... assembly?

...

Freedom of assembly

Legal framework

Since 2004, a range of changes have been introduced in the key law governing freedom of assembly in Latvia – the Law on Demonstrations, Marches and Pickets. [Those changes were] influenced by a judgment of the Constitutional Court of 23 November 2006 [that resulted] in the revocation of eight legal provisions that had hitherto [limited] the right to freedom of assembly. Considerable case-law has evolved in [respect of] interpreting different aspects of freedom of assembly; [this has] gradually facilitated the understanding of freedom of assembly among local [municipalities] and the general public as one of the political freedoms key for a pluralist democracy. The [Constitutional] Court [has] ruled that a system that required authorisation from the municipality to organise assemblies was incompatible with the Constitution. The system of authorisation was replaced with a system of notification. The restriction on organising events closer than 50 metres from specific buildings (the building of Parliament, government buildings, etc.) was also lifted. The provision that [had] previously prescribed that a local [municipality had to] issue a permit (or [give] a well-founded refusal [to do so]) for the organising of an event no later than forty-eight hours before the beginning of that event (as a result of which the terms of appeal were often not met) was replaced by one prescribing a longer period – namely, no later than four days before the beginning of the event. The [Constitutional] Court also recognised as inconsistent with the Constitution provisions [under] which organisers were required to have a written contract with a security company (and more security personnel was required in cases when information was received about threats to the event); it also ruled unconstitutional the ban of voicing slogans during a picket.

On a number of occasions (e.g. in 2006 and 2009), public officials, Riga City Council, and law-enforcement authorities tried to have restrictions imposed on assemblies at places important for the public and at commemorative sites (including the Freedom Monument) if their aims were contrary to the symbolic importance of the place [in

question]. In 2006, a meeting at the Freedom Monument planned for 8 May to honour the victims of World War II was prohibited. The reason behind the ban was the inappropriateness of the event in relation to the symbolic significance of the Freedom Monument.

However, the restrictions were not introduced as they would have lacked a legitimate aim and considerably restricted freedom of assembly, as the [determination of the] place of an assembly, procession or demonstration is [crucial] in order to properly safeguard freedom of assembly, as the participants [in such events] wish their opinions to be heard by the public or specific groups.

Current situation

The vast majority of processions, demonstrations, and assemblies concerning different issues have taken place without any restrictions. In 2010, authorisation was sought for 202 planned events in Riga, of which four were prohibited; the [relevant authorities declined to examine plans] for seven events, and nine [plans] were withdrawn. Manifestations of freedom of assembly have served various aims, and such events have been organised by individuals and organisations representing various target groups and political parties; turnout has ranged from a few people to several thousand. Assemblies have been organised by ultra-national and far-left wing organisations. Even though discussions have often been heated and controversial, assemblies in Latvia (except in one case) have been peaceful.

...

Restrictions on assemblies have most often been imposed in relation to events concerning historical dates that are subject to public controversy (16 March – the Day of the Latvian Legion; 9 May – Victory Day [the end of World War II, as celebrated in the former Soviet Union] or relating to a minority group/sexual minorities. As counter-protests have usually been planned, the key reasons for prohibition have included considerations of public safety and morals. From 2006 to 2012, Riga City Council regularly prohibited events planned for 16 March (in 2006 – four; in 2008 – five; in 2009 – three; in 2010 – two; and one in both 2011 and 2012). Riga Pride was also banned on several occasions (in 2005 and in 2006), [as was] Baltic Pride (in 2009). Most of the bans were appealed against in the administrative courts, and in many cases the appeals were successful.

Since 2005 [domestic] court judgments on bans on the freedom of assembly have generated significant precedents and [have created well-established] administrative case-law; [those judgments have] gradually facilitated and solidified the understanding of different aspects of freedom of assembly. However, for a certain period [domestic court] judgments did not guarantee that the right to peaceful assembly [would be] respected in practice [owing to the actions taken by] local municipalities and law-enforcement authorities. For a longer period [of time] the executive [power] ignored the [principles established in domestic judgments] by banning events and by imposing responsibility for the decision-making [in respect of whether to allow or ban events] on the administrative courts. Often, the real reasons behind such bans were political, such as the proximity of local government elections (Baltic Pride in 2009 was initially permitted, then prohibited by Riga City Council, and then permitted by [a domestic] court).

Initially, parts of cases [heard] in first-instance courts were heard in closed court sessions. This was explained by security considerations owing to confidential information [being divulged in such sessions by the Security Police]. Therefore, full court judgments (including the [domestic] court's reasoning) were not made available

to the parties concerned or other stakeholders. Appeals against the prohibition of certain assemblies continued to be examined in closed hearings at the Administrative District Court up until 2009.

The administrative courts have provided the [definitive] interpretation of different aspects of freedom of assembly: the positive duty of the State to ensure freedom of assembly, the duty to protect assemblies in which opinions have been voiced that might anger or offend certain parts of society [and] counter-protests as part of freedom of assembly, [and the duty to ensure] the proportionality of restrictions of fundamental rights. The [domestic] courts have highlighted the need for the relevant institutions to examine closely whether a threat to public safety is real and not abstract. They have emphasised that information about possible threats must be considered alongside the State's duty to prevent threats – that is, whether the police have reasonable and suitable resources at their disposal. The [domestic] courts have also emphasised that particular events must not be evaluated on the basis of their content, but that only specific, objective circumstances and facts must be assessed. Within the context of freedom of assembly, courts have specified the right of legal entities to compensation for losses inflicted by State institutions,

Although courts have often lifted the ban imposed by Riga City Council, only in very few cases have individuals or organisations requested compensation for damage inflicted ...

During the reference period, the police's capacity to guarantee public safety during controversial events has improved, and this has sometimes been recognised and appreciated by event organisers and the general public. Unlike in other democratic States, a frequent sight at assemblies in Latvia is a large number of police officers deployed compared to a relatively small turnout (up to several thousands), which can have a chilling effect on event participants ...

There have not been many cases when banned Nazi or Soviet symbols have been used by assembly participants – a few individuals have been detained and fined for the use of Soviet symbols. At times, the Latvian courts have faced problems in interpreting the use of banned Nazi symbols (for example, the swastika) by failing to assess the wider context of their use and have concluded that these are symbols of Latvian mythology.

Overall, fundamental freedoms are well provided for in the Constitution and other laws, and in some cases provisions restricting fundamental freedoms (e.g. freedom of assembly ...) have been revoked as a result of Constitutional Court judgments. As a result of administrative court judgments, since 2012 there has been a positive trend to [only] minimally restrict assemblies in practice – including counter-protests on dates marking controversial historic events and events related to the protection of the rights of sexual minorities. Problems remain with spontaneous pickets, which do not require the [local] municipality to be notified. The police have tended to disrupt these events by attempting to establish whether such a notification has been made ... Furthermore, the context of the Ukraine-Russia conflict has brought the issues of restrictions of freedom of speech and of assembly to the forefront. However, even in such situations, restrictions of these freedoms must be carefully assessed in terms of proportionality and necessity. Overall, ... freedom ... of assembly can be assessed as [being] satisfactory."

III. INTERNATIONAL MATERIAL

A. The International Covenant on Civil and Political Rights (ICCPR)

65. The relevant provisions of the ICCPR (adopted by the United Nations General Assembly on 16 December 1966), to which Latvia is a State Party, read:

Article 20

"1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

Article 21

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

B. Other international material

66. The relevant parts of the summary of the results of a project entitled "Russia's (Dis)Information Activities Against the Nordic-Baltic Region", which was initiated in 2016 as an ongoing project to monitor and analyse Russia's informational influence in the Nordic-Baltic region ("the NB8") – which includes Denmark, Estonia, Finland, Iceland, Norway, Latvia, Lithuania, and Sweden (Bērziņa I., Cepurītis M., Kaljula D., Juurvee I., *Russia's Footprint in the Nordic-Baltic Information Environment 2016/2017*, Riga: NATO Strategic Communications Centre of Excellence, 2018) – reads as follows (emphasis as in the original):

"In the period of 2016-2017 four pilot studies were conducted to answer questions about the aims of Russia's information activities in the region; the use of the 'compatriot' policy as a tool of influence; the narratives Russia is using to advance its aims in the NB8 region; how the information provided by Russian state-funded media in some of the NB8 countries is used and how much it is trusted; and about public opinion regarding the narratives Russia promotes in some countries in the region. The main findings are structured around these research questions:

What are the aims of Russia's information activities in the NB8 region?

- In the **political dimension** Russia aims to become one of the great powers in the new polycentric world order, to become an equal player in the international system, to challenge the unipolar world order, to counter the post-Cold War interventions of the West, to counter Western liberal democracy as a universal value, to call for the revival of Westphalian sovereignty, and to subvert the unity of the Western states.

- In the **military dimension** Russia aims to counter NATO expansion towards Russia's borders and to combine military force with other instruments of power.
- In the **informational dimension** Russia aims to develop its own global media system for the promotion of its worldview, to position itself as a distinct civilization, to support Russian 'compatriots abroad', and to develop the concept of the 'Russian World'- an ideological space that exceeds the territorial boundaries of Russia, as well as to promote its own perspective on Russian and world history.
- The **main tools** for advancing Russia's aims are identified as: Russia's domestic and international media system; the Internet and social media; government-organized non-governmental organizations (GONGOs); Russia's compatriots policy; pipeline diplomacy; economic interdependency; the encouragement of political radicalization and polarization of Western societies; intelligence operations; and demonstrations of military force.

How is Russia's compatriot policy being used as a tool of influence in the NB8 region?

- The concept of Russia's 'compatriots abroad' is rather ambiguous and widely interpretable, which gives Russia an opportunity to use the idea of protecting compatriots' rights as a moral justification for interfering in the internal matters of the sovereign states, for using military force, and for violating the territorial integrity of its neighbouring states.

  ...

- However, from the perspective of the national security of the NB8 countries, the main concern is not the actual interactions between Russia and its compatriots in the region, but the fact that the narrative of 'discrimination' may be used as a political excuse for intervention, as evidenced by the five-day war with Georgia and the crisis in Eastern Ukraine. It may be assumed that Russia exaggerates both the number of its compatriots and the effects of activities to 'engage' with them, so that Russia can intervene (if expedient) to 'protect' them in a military or non-military manner.
- Latvia and Estonia are the countries most vulnerable to the application of the narrative regarding the violation of the rights of Russia's compatriots, due to their large number of ethnic Russians and speakers of the Russian language as their first language, and to the phenomenon of 'non-citizens'- people who immigrated to Latvia or Estonia during the Soviet occupation and could have applied for citizenship through naturalization once these countries regained their independence, but have chosen not to do so. If Russia chooses to use this narrative as a basis for violations of sovereignty it will be determined by its strategic interests rather than by any perceived discrimination against Russia's compatriots, because it is a tool and not a strategic goal.
- The regional coordination of Russia's compatriot policy began in 2015, when the Regional Coordination Council of the Northern Europe and the Baltic Sea countries was established. From the perspective of coordinating Russia's compatriot policy, the Baltic States belong to Northern Europe instead of the 'Near Abroad'.

- The most intensely promoted of Russia's compatriot activities in the NB8 region is the propagation of Russia's historical narratives, which are mainly related to the victory of the Soviet Union in World War II. These activities take place in all NB8 countries.
- Marginalizing Russia's compatriot organizations and activists in the Baltic States reduces the possibility of Russia using them as a 'soft power tool'. Russia's opportunities for using soft power have been diminished by the Ukrainian crisis because of the increased wariness towards such activities."

THE LAW

I. JOINDER OF THE APPLICATIONS

67. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLES 10 AND 11 OF THE CONVENTION

68. The applicants complained about the refusals of the domestic authorities to authorise the assemblies they had wished to hold on 9 May and 23 September 2014. They relied on Articles 10 and 11 of the Convention, which read as follows:

Article 10 – Freedom of expression

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

Article 11 – Freedom of assembly and association

"1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State."

69. The Government contested the applicants' arguments.

A. Classification of the applicants' complaints

70. The Court notes that the applicants' complaints under Articles 10 and 11 of the Convention are based on the same facts and allegations – namely, that the domestic authorities and courts refused to authorise assemblies sought by them. In such circumstances, Article 11 is to be regarded as a *lex specialis* and it is unnecessary to take the complaint under Article 10 into consideration separately (compare *Kemal Çetin v. Turkey*, no. 3704/13, § 26, 26 May 2020, and *Ekrem Can and Others v. Turkey*, no. 10613/10, § 68, 8 March 2022). At the same time, notwithstanding its autonomous role and the particular sphere of application, Article 11 must also be considered in the light of Article 10, since, in the present case, the aim of the exercise of freedom of assembly was the expression of personal opinions, as well as the need to secure a forum for public debate and the open expression of protest (see *Kudrevičius and Others v. Lithuania* [GC], no. 37553/05, §§ 85-86, ECHR 2015).

B. Admissibility

1. The Government's request that Article 17 of the Convention be applied in respect of both applicants

(a) The parties' submissions

71. For the Government, the applicants' complaints were incompatible *ratione materiae* with the provisions of the Convention by virtue of Article 17. The Government stated that the aims of the assemblies of 9 May 2014 and 23 September 2014 – in the light of the background information posted by the applicants themselves on various Internet platforms, as well as in the light of the findings of the domestic authorities (including the Security Police and the Supreme Court) – had not been peaceful; on the contrary, they had constituted attempts to engage in activities aimed at the destruction of rights and freedoms set forth by the Convention system. The Government invited the Court to assess the information at its disposal – taking into account the previous activities of both applicants and other persons associated with them, the statements given by their representatives to Riga City Council and the administrative courts, and the broader geopolitical context of the case.

72. In that regard, of particular relevance was the annexation of Crimea and the outbreak of armed hostilities in eastern Ukraine. The Government considered that the events planned by the first and second applicants had been intended as a coordinated part of the implementation of the so-called "compatriots policy" pursued by Russia. In 2014 the key focus of the "compatriots policy" had remained the annexation of Crimea and the armed hostilities in eastern Ukraine, with the primary aim of that policy's

coordinators being that of the widespread and public espousal of narratives supporting those hostilities within the informational domain of the European Union (the Government referred to the domestic material cited in paragraph 62 above).

73. The first applicant rejected what it considered baseless accusations of it having anti-democratic aims or that the aim of the planned 9 May 2014 demonstration and march had not been peaceful. In its view, the Government were not able to indicate any illegal activities on its part. If such activities had been found then steps would have been taken by the Latvian authorities with a view to its dissolution.

74. The second applicant denied that the planned demonstration had been aimed at the destruction of rights and freedoms set forth by the Convention system. She submitted that her peaceful intentions were confirmed by the fact that the smaller picket that had eventually taken place on 23 September 2014 had been conducted in accordance with law and no sanctions had been imposed.

(b) The Court's assessment

75. The relevant general principles concerning the applicability of Article 17 of the Convention have been summarised in the cases of *Paksas v. Lithuania* ([GC], no. 34932/04, §§ 87-88, ECHR 2011 (extracts)) and *Perinçek v. Switzerland* ([GC], no. 27510/08, §§ 113-14, ECHR 2015 (extracts)); see also *Roj TV A/S v. Denmark* ((dec.), no. 24683/14, §§ 26-38, 17 April 2018) and *Ayoub and Others v. France* (nos. 77400/14 and 2 others, §§ 96-101, 8 October 2020).

76. In the present case, the Court notes that the first applicant's actions, the position it defended and some of the slogans used in its previous events (see paragraph 29 above) may be seen as causing intolerance, tension and conflict in society, as they sought to express the superiority of one nation over another. Such activities may also be considered provocative and even aggressive within the specific domestic and regional context at the material time. Furthermore, the demonstration planned for 23 September 2014 by the second applicant was aimed at dividing society by expressing support for the separatist armed groups in eastern Ukraine and calling for the independence of the "DPR" and the "LPR", which was against the sovereignty and territorial integrity of Ukraine (see paragraphs 39, 47 and 50 above).

77. That being said, the Court considers that the issue of the applicability of Article 17 of the Convention is closely linked to the substance of the applicants' complaints raised under Article 11, read in the light of Article 10, and, in particular, to the question of whether the interference "was necessary in a democratic society". It therefore joins the Government's objection to the merits (see *Soulas and Others v. France*, no. 15948/03, § 23, 10 July 2008, and *Féret v. Belgium*, no. 15615/07, § 52, 16 July 2009).

2. Victim status of the second applicant

78. The Government submitted that the second applicant lacked victim status, since – notwithstanding the refusal to authorise the initially envisaged demonstration – she (together with several other persons) had gathered on the same date, time, and venue for a picket at which they had held the same posters that had been prepared for the event as initially planned. No sanctions or penalties had been imposed on the participants. The second applicant disagreed arguing that she had only been able to conduct a picket – not the demonstration (with speeches) for which she had sought authorisation.

79. The Court finds that the Government's objection as to the victim status of the second applicant is closely linked to the question of whether there has been an interference with her rights under Article 11 of the Convention, read in the light of Article 10. It therefore joins the Government's objection to the merits (see *Cengiz and Others v. Turkey*, nos. 48226/10 and 14027/11, § 34, ECHR 2015 (extracts); and *Jhangiryan v. Armenia*, nos. 44841/08 and 63701/09, § 108, 8 October 2020).

3. Conclusion on the admissibility

80. The Court notes that the applicants' complaints under Article 11 of the Convention, read in the light of Article 10, are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

C. Merits

1. The parties' submissions

(a) The first applicant

81. The first applicant doubted whether there had been any serious potential obstacles to vehicles and pedestrians that would have justified the banning of its march (see paragraph 17 above). It referred to marches that it had organised previously and submitted that they had been peaceful and conducted in accordance with the law. The first applicant insisted that the video referred to by Riga City Council (see paragraphs 21 and 29 above) had been posted online prior to the annual march held in 2013 (and not in 2014), while emphasising that the 2013 march had been peaceful.

82. The first applicant emphasised that it had organised marches in the same area every year. It disagreed with the Security Police's evaluation of its activities and narratives (see paragraph 18 above), but in any event it submitted that Articles 10 and 11 of the Convention protected controversial opinions (it cited *Handyside v. the United Kingdom*, 7 December 1976, § 49, Series A no. 24). It also argued that unnamed members of Cossack associations and their activities in Ukraine had been irrelevant as far as events organised by the first applicant had been concerned.

83. The first applicant disagreed with the Government's assertion that the planned demonstration and march – had they been allowed to go ahead – would have been used for entirely different purposes than those stated in its application; in particular, it contested the assertion that the planned demonstration and march had been intended to demonstrate ethnic superiority with a view to provoking national and ethnic hatred or enmity (see paragraph 90 below). Such provocation was a crime in Latvia, and the first applicant had not been convicted of that crime. According to the first applicant, the geopolitical situation, the outbreak of armed hostilities and the events in eastern Ukraine and Crimea had been of no relevance to the impugned events, which had been intended to take place in Latvia – a stable member State of the EU and the NATO.

84. If there had been a genuine suspicion that the aim of the planned demonstration and march had not been peaceful, the domestic authorities could have cited section 24 of the Law on Demonstrations, Marches and Pickets in dispersing them had they really not been carried out in a lawful manner (see paragraph 61 above). The first applicant submitted that the ban on its planned events had been imposed for preventive purposes and that it had constituted a disproportionately harsh measure against it. The first applicant contested the Administrative District Court's assessment, referring to a video published on the first applicant's website prior to events organised in 2013 (see paragraph 30 above), and submitting that (i) that court had relied on the report issued by the Security Police (see paragraph 31 above) – disregarding the fact that bans imposed in previous years had been later lifted by the domestic courts; (ii) it had misinterpreted the notion of a "peaceful assembly" (see paragraph 30 above) – disregarding the case-law that held that even controversial ideas ought to be protected (the first applicant cited *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos. 29221/95 and 29225/95, §§ 85-86, ECHR 2001-IX); (iii) it had failed to assess whether less restrictive measures had been available – arguing in particular that the police had had the power to disperse any event should there be any non-compliance with the domestic law (see paragraphs 60 and 61 above); and (iv) the Administrative District Court and the Supreme Court had used vague, incorrect and politicised references to the events in Ukraine and to some people in Russia who had not had any connection with the first applicant (see paragraphs 30 and 33 above).

(b) The second applicant

85. The second applicant emphasised that she had been the actual organiser of the demonstration – not B.A., who had overstated his own role in it. His opinions in relation to Ukraine were not relevant for the present case. The second applicant denied that the aim of the planned demonstration had been to engage in "war propaganda" and aggressive rhetoric. She emphasised that no penalties or sanctions had been imposed in respect of the smaller

picket that had taken place on 23 September 2014. There had been no aggressive or provocative "war propaganda" messages. Had there been anything like that the event would have been dispersed and she would have been prosecuted, as "war propaganda" was a crime in Latvia. She emphasised that the picket had been peaceful; she disagreed with the first-instance court's evaluation of the demands that she had made during the picket (see paragraph 48 above).

86. The second applicant argued that the ban on the planned demonstration had been imposed for preventive purposes and that it had constituted a disproportionally harsh measure against her. It had been based only on vague suspicions. The domestic authorities had merely suspected the motivation behind the organising of the demonstration. Their suspicions had turned out to be wrong – as evidenced by the undisturbed picket that had taken place on the day and at the same place of the planned demonstration. However, even if their suspicions had turned out to be true, the domestic authorities had had the power – under section 24 of the Law on Assemblies, Marches and Pickets – to disperse any event that was not carried out in accordance with law (see paragraph 61 above).

(c) The Government

87. The Government acknowledged that the refusal to authorise the 9 May 2014 demonstration and march planned by the first applicant and the 23 September 2014 demonstration planned by the second applicant had constituted an interference with their freedom of assembly and freedom of expression. As regards the 23 September 2014 demonstration, they emphasised that B.A. had been actively involved in organising it (as attested to by the information posted on various Internet news portals prior to that date, and by his own interviews and statements). That information had been the main reason for the authorities suspecting that the aims of the assembly were entirely different from those declared by the second applicant.

88. Although the applicants had never disputed the lawfulness of the interference, the Government submitted that the disputed interference had had a clear statutory basis – namely, the Law on Demonstrations, Marches and Pickets and the Administrative Procedure Law. The provisions of the former had established the authority of the municipal authorities to permit or refuse permission for such events, whereas the provisions of the latter had established the procedural rules for judicial review of decisions taken by the municipal authorities. According to the Government, the domestic procedural requirements had been duly observed. Procedural safeguards had been ensured, the applications for the planned demonstrations and march had been examined in a timely manner, the views of the organisers had been heard and it had been possible to challenge (in adversarial proceedings before the domestic courts) the respective decisions refusing to grant authorisation for the planned demonstrations and march. The Government further noted that

the applicants had not contested before the domestic authorities the quality of the domestic law, or its accessibility or foreseeability.

89. The interference had pursued the legitimate aims of (i) the protection of the democratic order, public safety and security, (ii) the prevention of disorder, and (iii) the protection of the rights and freedoms of others. The Government explained that the authorisation for the planned 9 May 2014 demonstration and march and the planned 23 September 2014 demonstration had been refused because the relevant domestic authorities had received indications that they would be used for entirely different purposes than those stated in the applications lodged by the first and second applicants. The fact that Latvia was a member State of the EU and NATO did not eliminate all possible threats to democratic order and public safety.

90. As regards the planned 9 May 2014 demonstration and march, the real aims had been very different from the stated aim of expressing "support for Russian schools". With reference to the findings of the domestic courts, the Government argued that the underlying message for the planned 9 May 2014 demonstration and march had been to demonstrate ethnic superiority with a view to provoking national and ethnic hatred or enmity. Analysis of the previous activities organised by the first applicant had indicated that participants in the planned demonstration and "Russian march" might also resort to uttering hate speech. The first applicant, being an association, could not have been prosecuted for hate crimes. The representatives of the first applicant had themselves implicitly acknowledged that different opinions and topics for discussion would be raised during the event, and that the first applicant had not intended to assume any liability in that regard. The video material posted on the first applicant's website had, in the opinion of the domestic authorities, been borderline provocative – especially in the light of the 2014 events in eastern Ukraine, where statements relating to national and ethnic superiority had been used to provoke social strife that had subsequently been used as a pretext to launch armed hostilities.

91. As regards the planned 23 September 2014 demonstration, the domestic authorities had established that its aim had been to promulgate "war propaganda" and aggressive rhetoric against the sovereignty and territorial integrity of another State – Ukraine. The planned demonstration had, in fact, been organised and actively promoted by another person – B.A. The domestic authorities had also taken into account B.A.'s public statements about the event and had scrutinised them in the light of his personality – in particular, his previous criminal record. In 2000 and 2001 he had been convicted of aggravated hooliganism (*huligānisms*) and been given a suspended prison sentence of two years. In 2005 and 2006 he had been convicted on two separate charges of public incitement to act against the national independence (*valstiskā neatkarība*) and territorial integrity (*teritoriālā vienotība*) of Latvia and had been fined. The Government provided additional information indicating that other criminal proceedings had been brought against him,

namely: (i) a charge of illegal participation in an armed conflict (*prettiesiska piedalīšanās bruņotā konfliktā*) outside the State's territory, and (ii) three charges of public incitement to act against the national independence and territorial integrity of Latvia. They also noted that in March 2014, Ukraine had banned B.A. from entering its territory for three years, but that he had nevertheless travelled to Ukraine in May 2014 and had been arrested on the border (see paragraph 47 above). The picket that had taken place on 23 September 2014 had fully confirmed the concerns of the domestic authorities, as the posters used by the participants had voiced "war propaganda" and support for unrecognised separatist entities and their paramilitary arms in eastern Ukraine. In addition, the choice of the venue and the use of slogans had been intentional and deliberate; the aggressive and provocative "war propaganda" messages had been publicly and openly voiced in front of the Embassy of the Republic of Ukraine.

92. As to whether the interference had been "necessary in a democratic society", the Government submitted that the municipal authorities, the Administrative District Court and the Supreme Court had convincingly demonstrated that the reasons for refusing to authorise the planned 9 May demonstration and march and the planned 23 September 2014 demonstration had been well-founded and sufficient.

93. As regards the planned 9 May 2014 demonstration and march, the municipal authorities had established (and the administrative courts had subsequently confirmed) that their aims had not been peaceful; rather, as had been stated by the first-instance court, "the association had [had] a very different understanding of what constitutes a peaceful assembly". During the court proceedings the representative of the first applicant had been unable to provide a plausible explanation in respect of the first applicant's choice of words and slogans during past events, its use of controversial audiovisual material on its website and how the first applicant had intended to gather support for maintaining Russian as the language of instruction in "Russian schools" by using such slogans. The Administrative District Court had also expressly referred to the information submitted to it by the Security Police, acknowledging that it had acquainted itself with this information and had drawn its own conclusions as regards the possible risks to public safety and security should the meeting be authorised. Moreover, the first applicant had not denied that members of the above-mentioned Cossack Association had planned to participate in the march in Latvia or that Cossack associations had been involved in illegal paramilitary activities in eastern Ukraine. Moreover, the Security Police had provided the municipal authorities with a comparative analysis (including an overview of the activities and actions of other persons who had taken part in the previous marches) and had raised several concerns: (i) the number of participants would very likely be significantly higher than indicated and might include members of Cossack associations; (ii) there was a high risk of provocations and confrontations arising during the march; and

(iii) previously there had been attempts to use the symbols of the former USSR or Nazi Germany.

94. As regards the planned 23 September 2014 demonstration, the reasons for the ban had been based on objective evidence furnished by the Security Police, as well as the information provided by the second applicant. The municipal authorities had particularly emphasised that it had been the undisclosed aims of the demonstration that had led the authorities to suspect that it would be used to further "war propaganda". This was evidenced by the choice of the venue for the event – but more particularly, by the posters held by the second applicant and B.A. at the picket. According to the Government, the presentation styles used by the second applicant and B.A. and their choice of wording had been intentional and deliberately aimed at fuelling hatred and expressing support for unrecognised entities and unlawful paramilitary actors engaged in the armed hostilities in eastern Ukraine.

95. In the light of these considerations, the refusal to authorise the planned demonstrations and march had constituted the only possible means of achieving the legitimate aims pursued, given that holding those planned events in another venue or on a different date or time would not have remedied the existing serious security and safety concerns. Accordingly, the Government considered that the disputed interference had been proportionate and thus "necessary in a democratic society" to achieve the legitimate aims pursued.

2. The Court's assessment

(a) Whether there was an interference with the applicants' rights

96. It is not disputed that the refusal to authorise the demonstration and the march planned by the first applicant on 9 May 2014 and the demonstration planned by the second applicant on 23 September 2014 had constituted an interference with their rights under Article 11 of the Convention, read in the light of Article 10 (see paragraph 87 above). In the Court's view, the fact that the second applicant had been able to participate in the smaller picket on the same date as the planned demonstration (for which authorisation had been refused) has no bearing on that finding. Given such circumstances, the Court dismisses the Government's objection as to the lack of victim status in relation to the second applicant (see paragraph 78 above).

(b) Whether the interference with the applicants' rights was justified

97. An interference with the right to freedom of peaceful assembly will constitute a breach of Article 11 unless it is "prescribed by law", pursues one or more legitimate aims under paragraph 2 and is "necessary in a democratic society" for the achievement of the aim or aims in question (see *Kudrevičius and Others*, cited above, § 102, and *Laguna Guzman v. Spain*, no. 41462/17, § 44, 6 October 2020).

(i) "Prescribed by law"

98. It has not been contested that the interference was prescribed by law – namely the Law on Demonstrations, Marches and Pickets (see paragraphs 55-57 above).

(ii) Legitimate aim

99. The Court accepts that the interference with the applicants' rights pursued several of the legitimate aims referred to in Article 11 of the Convention – notably national security, public safety, the prevention of disorder, and the protection of the rights and freedoms of others. The Court considers that the first applicant has failed to show that the domestic authorities banned the proposed events of 9 May 2014 for purely preventive purposes. The Court will consider below whether the reasons adduced by the national authorities and courts were "relevant and sufficient" when it examines whether the interference was necessary in a democratic society.

(iii) Necessary in a democratic society

(α) General principles

100. The right to freedom of assembly, one of the foundations of a democratic society, is subject to a number of exceptions which must be narrowly interpreted and the necessity for any restrictions must be convincingly established. When examining whether restrictions on the rights and freedoms guaranteed by the Convention can be considered "necessary in a democratic society" the Contracting States enjoy a certain but not unlimited margin of appreciation. It is, in any event, for the Court to give a final ruling on the restriction's compatibility with the Convention and this is to be done by assessing the circumstances of a particular case (see *Kudrevičius and Others*, cited above, § 142, and *Mushegh Saghatelyan v. Armenia*, no. 23086/08, § 238, 20 September 2018).

101. When the Court carries out its scrutiny, its task is not to substitute its own view for that of the relevant national authorities but rather to review under Article 11 the decisions that they took. This does not mean that it has to confine itself to ascertaining whether the State exercised its discretion reasonably, carefully and in good faith; it must look at the interference complained of in the light of the case as a whole and determine, after having established that it pursued a "legitimate aim", whether it answered a "pressing social need" and, in particular, whether it was proportionate to that aim and whether the reasons adduced by the national authorities to justify it were "relevant and sufficient". In so doing, the Court has to satisfy itself that the national authorities applied standards that were in conformity with the principles embodied in Article 11 and, moreover, that they based their decisions on an acceptable assessment of the relevant facts (see *Kudrevičius*

and Others, cited above, § 143, and *Körtvélyessy v. Hungary*, no. 7871/10, § 26, 5 April 2016).

102. The proportionality principle demands that a balance be struck between the requirements of the purposes listed in paragraph 2 on the one hand, and those of the free expression of opinions by word, gesture or even silence by persons assembled on the streets or in other public places, on the other (see *Kudrevičius and Others*, cited above, § 144).

103. Freedom of assembly as enshrined in Article 11 of the Convention protects a demonstration that may annoy or cause offence to persons opposed to the ideas or claims that it is seeking to promote. Any measures interfering with freedom of assembly and expression other than in cases of incitement to violence or rejection of democratic principles – however shocking and unacceptable certain views or words used may appear to the authorities – do a disservice to democracy and often even endanger it (ibid., § 145; see also *Annenkov and Others v. Russia*, no. 31475/10, § 131, 25 July 2017).

104. The Court reiterates that democracy constitutes a fundamental element of the "European public order". In view of the very clear link between the Convention and democracy, no one should be authorised to rely on the Convention's provisions in order to weaken or destroy the ideals and values of a democratic society. Consequently, in order to guarantee the stability and effectiveness of a democratic system, the State may be required to take specific measures to protect itself. Every time a State intends to rely on the principle of "a democracy capable of defending itself" in order to justify interference with individual rights, it must carefully evaluate the scope and consequences of the measure under consideration, in order to ensure that the aforementioned balance is achieved (see, for example, *Ždanoka v. Latvia* [GC], no. 58278/00, §§ 98-100, ECHR 2006-IV, and *Petropavlovskis v. Latvia*, no. 44230/06, § 72, ECHR 2015).

(β) Application of those principles in the present case

105. The Court observes at the outset that the primary purpose of Article 11 of the Convention is to protect the right of peaceful demonstration and participation in the democratic process. Associations and others organising demonstrations are generally regarded as "actors in the democratic process" (see *Friend and Others v. the United Kingdom* (dec.), nos. 16072/06 and 2 others, § 50, 24 November 2009). However, as the Court has emphasised above, no one should be authorised to rely on the Convention's provisions in order to weaken or destroy the ideals and values of a democratic society, and the State may be required to take specific measures to protect itself (see paragraph 104 above).

106. The Court notes that the planned 9 May 2014 demonstration and march was banned primarily because the first applicant's activities and the slogans used in its previously organised events were considered to have been aimed at causing intolerance, tension and conflict in society, as they had been

intended to express the superiority of the Russian nation and the indirect rejection of the Latvian nation and language. That aspect was reviewed by Riga City Council (on the basis of the above-mentioned report issued in 2014 by the Security Police) and the administrative courts at two levels of jurisdiction. They concluded that the first applicant's activities and slogans had not been peaceful, had gone against the core values protected by Chapter I of the Latvian Constitution and, overall, had expressed a rejection of democratic principles (see paragraphs 30 and 32 above). Against the background of war scenes and visual depictions of flames, the Court accepts that the slogans used in previous events organised by the first applicant (such as "Glory to the Baltic Russian land!", "Riga – our city", "Latvia – our country", "The Russian language – the language of Latvia", and "Russians do not give up!") had had an aggressive tone (see paragraphs 29-30 and 32 above).

107. The Government argued that similarly provocative statements asserting the alleged superiority of the Russian nation had been used to provoke strife in Ukrainian society and then used as a pretext for launching an armed attack in eastern Ukraine and Crimea in 2014 (see paragraph 90 above). The first applicant considered the events in eastern Ukraine and Crimea to be irrelevant (see paragraph 83 above). In this regard, the Court cannot overlook the fact that Latvia is a country neighbouring the Russian Federation, which from 2008 onwards, invaded parts of Georgia (see *Georgia v. Russia* (II) [GC], no. 38263/08, §§ 36-39, 21 January 2021) and acquired military and political control over parts of Ukraine (see *Ukraine v. Russia (*re *Crimea)* (dec.) [GC], nos. 20958/14 and 38334/18, §§ 315-49, 16 December 2020; *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, §§ 690-97, 30 November 2022; *Gapoņenko v. Latvia* (dec.), no. 30237/18, § 43, 23 May 2023; and *Ždanoka v. Latvia (no. 2)*, no. 42221/18, § 55, 25 July 2024). Given these circumstances, and in view of Latvia's historical background, the Court duly notes the domestic authorities' contention – and, in particular, the domestic courts' assessment – that the situation in Latvia in 2014 had been more tense than in the previous years and that there had been not only a heightened but also a real risk of disorder at that time (see paragraph 26 above).

108. As to the Government's argument that there were indications that participants in the planned 9 May 2014 demonstration and march might resort to hate speech and statements proclaiming ethnic and national superiority, the Court observes that incitement to national and ethnic hatred (and any action taken against the national independence, sovereignty, territorial integrity, State power or administrative order of the Republic of Latvia) constitutes a criminal offence (see *Gapoņenko*, cited above, §§ 6-7). There is no information contained in the case-file material available to the Court regarding the results of the above-mentioned criminal investigation into allegations of incitement to national and ethnic hatred (see paragraph 19 *in*

fine above). In any event – as can be seen from the Government's submissions – the first applicant, as an association, could not have been prosecuted for committing a hate crime (see paragraph 90 above). Given such circumstances, the Court cannot draw any conclusions from the alleged absence of any criminal conviction in relation to the first applicant's activities.

109. As to the demonstration planned for 23 September 2014, it was banned because the domestic authorities considered that it would not be peaceful (see paragraphs 47-48 and 50-51 above) and was not – contrary to what was stated in the application for the authorisation of the demonstration – aimed at expressing support for stopping the war in Ukraine. Although the second applicant emphasised that she herself – and not B.A. – had been the actual organiser of the planned demonstration, it appears that B.A. had openly presented himself to the wider public as its organiser and had clearly intended to participate in it (see paragraphs 39 and 48 above). Those elements were reviewed by Riga City Council (on the basis of the reports issued by the Security Police) and by administrative courts at two levels of jurisdiction – which all had access to classified information in that respect. They concluded that the genuine organiser of the demonstration had been B.A. and that he had been suspected of participating in various activities directed against the territorial integrity and independence of both Ukraine and Latvia (see paragraphs 47-48 and 50-51 above). The Government provided more details about specific crimes that B.A. was either suspected of having committed or in respect of which he had been charged and convicted (see paragraph 91 above). In that connection, the Court considers that the domestic authorities – and, in particular the domestic courts – were in a better position than is an international judge to evaluate the real intentions behind the impugned demonstration, given the specific local context at the material time (see, *mutatis mutandis*, *Sanchez v. France* [GC], no. 45581/15, § 189, 15 May 2023). Given such circumstances, the Court considers that the domestic courts' assessment of B.A.'s personality, criminal record and pending criminal investigations was relevant.

110. The Court observes that the Government, referring to the domestic courts' conclusions, are of the view that the planned demonstration for 23 September 2014 was aimed at conveying aggressive and provocative "war propaganda" messages and at expressing support for unrecognised separatist entities and their paramilitary arms in eastern Ukraine (see paragraphs 48, 50, 76 and 91 above). The Court sees no reason to disagree with the Latvian authorities' and courts' assessment that those activities had been directed against the territorial integrity and sovereignty of Ukraine, in breach of the fundamental principles of international law (see paragraphs 39, 48 and 50 above).

111. As to the general context of the present case, the Court can accept that the situation in Latvia in 2014 was more tense than in the preceding years (see paragraph 107 above). As noted by the Latvian security agencies in their

publicly available reports, the so-called "compatriots policy" pursued by the Russian Federation and its supporters constituted one of the most important threats to the national security of Latvia in 2014. Certain individuals made use of provocative statements with a view to causing conflict in Latvian society; it was also observed that rhetoric used by those persons had become more radical following the events in 2014, when the Russian Federation had acquired military and political control over parts of Ukraine (see paragraphs 62-63 above). As explained in the above-mentioned report issued by the NATO Strategic Communications Centre for Excellence (see paragraph 66 above), it was not the so-called "compatriots policy" itself that posed a threat to national security in the region. Such a threat was seen in the fact that the Russian Federation – by creating the narrative of, *inter alia*, "discrimination" in its neighbouring countries – was able to refer to it when justifying interference in the internal matters of neighbouring States and using, for example, military force against them. Given that Latvia is a neighbouring country of the Russian Federation – which (starting from 2008) invaded parts of Georgia, and which, more specifically, in the spring of 2014 acquired military and political control over Crimea (including the city of Sevastopol), and over the Donetsk and Luhansk regions in the Donbass area of eastern Ukraine – there was a real risk, at the time in question, of disorder in Latvia, and Latvia had increasingly legitimate reasons to fear for its security, territorial integrity, and democratic order at the material time (see, *mutatis mutandis*, *Ždanoka (no. 2)*, cited above, § 56). The Court dismisses the applicants' contention that the domestic courts' references to the events in Ukraine or views held by other persons in that regard had been irrelevant (see paragraphs 84-85 above).

112. As to the scope of the measures complained of, the Court notes that although authorisation for the planned 9 May 2014 demonstration and march sought by the first applicant was refused, the association itself was not proscribed or dissolved (see, by contrast, *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98 and 3 others, § 49, ECHR 2003-II; *Herri Batasuna and Batasuna v. Spain*, nos. 25803/04 and 25817/04, § 51, ECHR 2009; *Vona v. Hungary*, no. 35943/10, § 32, ECHR 2013; *Ayoub and Others*, cited above § 56; and *Internationale Humanitäre Hilfsorganisation e. V. v. Germany*, no. 11214/19, § 42, 10 October 2023). Nor is there any indication in the case-file material that any sanction had been imposed on the first applicant in connection with any previous events organised by it. Moreover, the first applicant was not indefinitely stripped of (indeed, it continued to enjoy) the rights and freedoms normally secured to any registered association without any other reported hindrance to its activities being exercised by the domestic authorities.

113. As regards the planned 23 September 2014 demonstration, the Court observes that, despite the prohibition on holding it, on 23 September 2014 another – albeit smaller – event (the picket) was nonetheless held. Its

participants, including the second applicant and B.A., called for the recognition of the "DPR" and the "LPR" as "independent States" and unequivocally expressed support for "Novorossiya" (see paragraph 42 above) – a "confederation" established by the "DPR" and the "LPR" that aimed at their ultimate unification and the merging of their respective armed groups (see *Ukraine and the Netherlands v. Russia*, cited above, §§ 61, 76, 183 and 692). Such slogans – in support of unrecognised separatist entities and their paramilitary arms in eastern Ukraine and openly supporting the Russian Federation's activities there – were directed against the territorial integrity and sovereignty of Ukraine. Although the domestic authorities allowed the participants to proceed with that picket without any hindrance, this in itself is not indicative of whether their views – and the posters displayed and slogans used at the picket – could be deemed acceptable in a democratic society. Instead, the Court refers to the domestic courts' assessment that their actions on 23 September 2014 had plainly contradicted the banned demonstration's stated aim of expressing support for stopping the war in Ukraine (see paragraphs 48, 76 and 109 above).

114. The Court turns next to the date and venue chosen by the applicants for the impugned events. It cannot but note that both the date on which the first applicant sought to organise the events (9 May 2014) and the place at which it planned for them to take place (the planned destination of the march was the Soviet Victory Monument) have been the subject of public controversy within Latvian society in view of Latvia's history and, in particular, its unlawful occupation and annexation by the Soviet regime following World War II (see paragraphs 8-11 and 64 above). The planned 23 September 2014 demonstration was intended to take place in front of the Ukrainian embassy in Riga and thus aggressive "war propaganda" messages and support for unrecognised separatist entities and their paramilitary arms in eastern Ukraine were intended to be expressed in front of the embassy of the very country whose territorial integrity and sovereignty was under an armed attack. Furthermore, the Court observes that Riga City Council – having examined the reports issued by the Security Police (see paragraphs 18 and 41 above) – concluded that a change in the time and venue would not decrease the threat to public order and safety that existed at the material time in Latvia. The Court finds it particularly important to emphasise that the level of the threat was assessed by the domestic court and found to be grounded on "specific and precise circumstances indicating an existence of the threat and its possible consequences" (see paragraph 31 above) and that B.A. had "had connections with internationally unrecognised and unlawful entities" in Ukraine. He had travelled to Ukraine on several occasions to fight against the authority of that State (see paragraph 47 above).

115. The Court further notes in that connection that the first applicant submitted rather selective information about previous events that it had organised. That information covered certain events organised in the years

2007, 2009 and 2013, but did not cover other events organised by it in different years (see paragraph 12 above). It can be seen from the material submitted to the Court that: (i) the domestic courts assessed that no real threat to national security would be posed by an event that had been planned for 8 September 2007, and lifted (albeit belatedly) a ban on a planned repeat of that event in 2010; (ii) the domestic courts lifted a ban on another event scheduled for 9 May 2009 in due time and it was possible for it to take place as planned; and (iii) no ban appears to have been issued with respect to an event planned for 9 May 2013 and it took place as planned (see paragraphs 12-15 above). In the absence of any further information, the Court cannot but note that the first applicant was able to organise events in other years without any other reported hindrance on the part of the domestic authorities. The Court concludes that the scope of the measures complained of in the present case was limited to the refusal to authorise two specific events planned for 9 May 2014 and one specific event planned for 23 September 2014.

116. The Court reiterates that Article 11 of the Convention protects a demonstration that may annoy or cause offence to persons opposed to the ideas or claims that it is seeking to promote (see paragraph 103 above). On the one hand, the Court has held that a distinction must be made between content-based restrictions on freedom of assembly (which should be subjected to the most serious scrutiny by this Court) and restrictions of a technical nature (see *Navalnyy v. Russia* [GC], nos. 29580/12 and 4 others, § 136, 15 November 2018). On the other hand, the Court has also noted, within another context, that the justification for taking preventive restrictive measures in respect of an association may legitimately be less compelling than those in respect of a political party. In view of the difference in the importance for a democracy between a political party and a non-political association, only the former deserves the most rigorous scrutiny of the necessity of a restriction on the right to associate. However, this distinction has to be applied with sufficient flexibility (see *Vona*, cited above, § 58). The Court considers that similar principles apply in the present case concerning the freedom of assembly of the first applicant – an association – and finds that the justification for the banning of the impugned events sought by the first applicant may be less compelling than in respect of events organised by political parties. Moreover, as to the planned 23 September 2014 demonstration, the Court has already noted above that despite the prohibition of the demonstration, the picket was held instead, where its participants (including the second applicant and B.A.) were able to express their views (see paragraph 113 above).

117. The test of necessity in a democratic society requires the Court to determine, *inter alia*, whether the interference complained of corresponded to a "pressing social need" (see paragraph 101 above). In assessing whether such a "need" exists and what measures should be adopted to deal with it,

States have only a limited margin of appreciation, which goes hand in hand with rigorous European supervision embracing both the law and the decisions applying it – including those given by independent courts (see, for example, *Sidiropoulos and Others v. Greece*, 10 July 1998, § 40, *Reports* 1998-IV).

118. Turning to the determination of the State's margin of appreciation, given the specific circumstances of the present case, the Court has established above that the scope of the measures complained of in the present case was limited to the refusal to authorise two specific events on 9 May 2014 and one event on 23 September 2014. In view of the fact that authorisation for the planned events were sought by an association (the planned 9 May 2014 demonstration and march) and a private person (the planned 23 September 2014 demonstration) – and not by a political party – the Court considers that the margin of appreciation afforded to the States in that respect was somewhat wider than the limited margin afforded in respect of political parties (compare *Refah Partisi (the Welfare Party) and Others*, cited above, § 100).

119. As for the existence of a "pressing social need", the Court considers that calls for expressing the superiority of one nation over another nation or aggressive "war propaganda" messages aimed, in the particular circumstances of this case, at expressing support for unrecognised separatist entities and their paramilitary arms in eastern Ukraine have no place in a democratic society.

120. As to the first applicant, the Court finds that (i) the intimidating character of the slogans used during the previous events organised by it and (ii) the videos available on its website – which contained scenes taken from a war and showed people wearing military uniforms – is an overriding consideration in this regard. What matters for the Court's assessment of the proportionality of the interference is that the repeated organisation of similar events was capable of intimidating others and therefore affecting their rights – especially in view of the date and venue chosen by the first applicant (see, *mutatis mutandis*, *Vona*, cited above, § 69). The Court considers that it is not decisive that similar videos had already been accessible on the first applicant's website in 2013. The domestic courts examined in detail the visual, graphic, and textual content of those videos specifically in the light of the 2014 events and with respect to the wider context within which they were used. As to the second applicant, the Court cannot find "any pressing social need" capable of justifying aggressive "war propaganda" messages aimed at supporting unrecognised separatist entities and their paramilitary arms in eastern Ukraine at the time when an active conflict was taking place. In any event, the domestic authorities did not impose any sanctions on the second applicant for participating at the smaller picket on 23 May 2014, despite the aggressive messages displayed.

121. As to the level of the threat to public safety and security, the Court notes that that consideration was subjected to detailed scrutiny by the domestic authorities and, in particular, the domestic courts; the latter's

assessment was that the events for which authorisations were sought by the applicants constituted a high risk to public order and safety. The Court notes that their assessment was based on specific and precise circumstances; their assessment was not merely theoretical or superficial. Within the specific context of the present case – in particular, the real risk of disorder, and the legitimate reasons to fear for Latvia's own security, territorial integrity, and democratic order in view of the Russian Federation having acquired military and political control over Crimea (including the city of Sevastopol), and the Donetsk and Luhansk regions in the Donbass area of eastern Ukraine in 2014 (see paragraph 111 above) – the Court considers that the domestic courts' assessment of the level of the threat posed by the impugned events was sufficiently reasoned (to the extent permitted by the interests of national security).

122. Consequently, the Court – having verified the existence of relevant and sufficient reasons justifying the ban on the planned events for 9 May 2014 and 23 September 2014 – considers that the interference with the applicants' rights met a "pressing social need" and was "proportionate to the aims pursued". It follows that the banning of the impugned events may be regarded as "necessary in a democratic society" within the meaning of Article 11 § 2.

123. In view of the foregoing, the Court finds that the applicants' activities and events cannot be said to have reached the high threshold necessary to justify the applicability of Article 17 of the Convention in the present case. Accordingly, the Court dismisses the Government's objection in that regard. The Court finds that here has been no violation of Article 11 of the Convention, read in the light of Article 10 in the present case.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Joins* to the merits the Government's objections concerning the applicability of Article 17 of the Convention and the second applicant's victim status and *dismisses* them;

3. *Declares* the applications admissible;

4. *Holds* that there has been no violation of Article 11 of the Convention read in the light of Article 10.

Done in English, and notified in writing on 10 July 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth Registrar	Ivana Jelić President