



## VILNIUS COUNTY POLICE HEADQUARTERS

To: Vilnius Regional Administrative Court  
Žygimantų str. 2, LT-01102 Vilnius

07/03/2013, No 10-1-3272  
to 21/02/2013 No 1-2457-208-2013

### **APPLICANT:**

**Association Lithuanian Gay League**

Code: 291902980

Address for correspondence:

A. Jakšto str. 22-15, LT-01105 Vilnius

### **Applicant's representative:**

**Lawyer Vytautas Mizaras**

Professional Law Partnership

Baltic Legal Solutions Lithuania (BLS Lithuania)

Address: Subačiaus str. 7, LT-01302 Vilnius

### **RESPONDENT:**

**Vilnius City Municipality Administration Code: 188710061**

Address: Konstitucijos av. 3, LT-09601 Vilnius

### **INTERESTED THIRD PARTY**

**Police Department under the Ministry of Interior**

Code: 188785847

Saltoniškių str. 19, LT-08105 Vilnius

**RESPONSE**  
**TO THE COMPLAINT OF THE ASSOCIATION LITHUANIAN GAY LEAGUE**

Police Department (hereinafter referred to as PD under the Ministry of Interior), having surveyed the applicant's complaint, aimed specifically at the annulment of a part of the Order No A30-51 of 16 January 2013 of the Deputy Director of the Vilnius City Municipality Administration concerning „*The Parade Organised by the Association Lithuanian Gay League*“, declares disagreement with the complaint referring to the motives and arguments stated below thereafter.

**Concerning Public Safety**

Spokesman of the administrative commission on the coordination of public events (hereinafter - the Commission) at the Vilnius County Police Headquarters V. Grašys expressed the opinion that "with a view to protecting the rights and freedoms of the participants in the *Parade*, safety and security of the state and the society and public order as provided for in the *Law on Meetings*, more favourable location for organizing the parade is considered Upės (*the River*) Street, where a similar event has already been organized earlier." This position is based on the following aspects:

1. It may be stated, by comparing Gedimino av. and Upės str., that the police actions in Gedimino Avenue will be radically different, since there are many residential houses, offices and other premises on Gedimino av., all of which shall have to be inspected by the police and controlled during the event. Consequently, there is danger that various items might be thrown from the roofs of buildings disrupting public transport. Upės Street and the adjacent area next to it is much more spacious than Gedimino Avenue, therefore it creates more favourable conditions for ensuring public order, as it gives more space for the deployment and manoeuvres of police forces;
2. Part of the territory is fenced by a natural holdback, i.e. by the river Neris, so part of the territory does not require partition, moreover, there are some other natural obstacles on the territory as well as buildings which could reduce the number of portable fences;
3. The territory is convenient for organizing control posts and check-ups.
4. Parade on the Upės Street would be less disturbing for the work of shops, cafes, offices and other commercial entities. There will be no danger for such objects as banks, jeweller shops, etc.;
5. Police has acquired relevant experience in ensuring the security of participants, public order and traffic safety on this territory during the events of similar nature;

The importance of arguments stated above is justified also by similar Parade organized by the Association Lithuanian Gay League in 2010 on the Upės Street. Then there were 800 police officers protecting 300 participants of the Parade. Over 1000 persons protested against the Parade (tens of persons had inadmissible objects: gas guns, smoke and sound grenades, explosive substances, or performed rowdy actions and were arrested). The location of the Parade was fenced separating the participants of the Parade from the opponents. The event had a great response in the society, moreover, the police was forced to make use of tear-gas and take other preventive measures to avoid riots encouraged by various persons. Considering the experience of similar Parade in 2010 and the obvious danger to the participants of the

Parade and to its opponents, there shall be no arguments that in planning future Parade, the Commission, as well as the Municipality Administration, acting as the coordinating institution of the gathering, was supposed to assess all circumstances of such event and agree on the form, time and location of the gathering, that security interests of the state and the society, public order, human safety, health and morality, as well as the rights and freedoms of other people were protected in as much as possible.

### **Concerning the location of the gathering**

Though the right of the event organizer in choosing the location for the event is unquestioned, however, it should be noted that legal acts do not provide for the duty of the coordinating institution to agree on the form, the location and the time of the gathering implicitly, without assessing the measures required for ensuring security and practical implementation thereof.

We would like to draw the attention of the Court that during the sitting of the Commission for coordinating events (gatherings), representative of the Applicant did not submit any objective arguments that the selected location of the *Parade*, in this case the Gedimino av., is the qualifying feature of the *Parade*, and that objectives of the *Parade* indicated in the communication of 11 January 2013 on the *Parade* for Equality will not be achieved if the *Parade* is held in another location. On the contrary, wish of the Applicant to exercise his rights only according to his will, ignoring the interests of the society and the state, witness not about the aim of achieving the set goals for the *Parade*, but more about the striving to promote the event through disputes thereto.

Since Constitution, as well as international legislation protect essential human and public values, measures for that shall be implemented referring not to the interests of a particular group of persons, but to the interests of the entire society, and the completeness of safety protection measures shall be aimed not only at the participants of the *Parade*, but at all persons around the event, that they were safe and secure and could properly enjoy their rights without being exposed to excess inconveniences influenced by the implementation of the rights of other persons, i.e. the principle of balance in implementing rights and duties shall be observed leading to the ensured legal stability in the society.

Considering the experience of similar *Parade* held in 2010 and the huge response in the society to the planned future *Parade* on 27 July 2013, it is obvious that the initiative of the Applicant is given particular attention of the society. Subsequently, it would be fully justifiable to state that objectives the Applicant is seeking for in the *Parade* (to commemorate the importance of the equality of homosexual, bisexual and transsexual persons in the Baltic States (Latvia, Lithuania and Estonia), seeking for solidarity and support in the struggle against discrimination on the basis of sexual orientation, reasons of homophobia and raising awareness of the consequences) might not be achieved if the event is held on the Upēs street.

In the matter under investigation of the disputable order the location of the *Parade* on the Upēs street was agreed referring to objective rather than non-subjective reasons following such priority values as the safety and security of the society and the state, public order, human health and morality, rights and freedoms of other persons consolidated in par. 2 of Article 11 in the Convention and Article 36 of the Constitution. We consider that the proposal of organizing the *Parade* on the Upēs Street in itself does not make the basis for stating the violation of the principle on the freedom of gatherings.

We also support the position of the Vilnius city municipality administration stated in their response.

Referring to the stated circumstances and following the provisions of Article 88.1.1 of the Republic of Lithuania Law on the Proceedings of the Administrative Cases, **we request the Court:**

To reject as unjustified the claim of the Applicant the Association Lithuanian Gay League concerning the annulment of the part of the Order No A30-51 of 16 January 2013 of the Vilnius city municipality administration Deputy Director on “*The Parade organized by the Association Lithuanian Gay League*”, in which the location selected by the organizers was not agreed, and overrule the obligation for removing the violation.

ATTACHED HERETO:

1. a copy of the Response, 3 pages, 4 copies;
2. a copy of the Attorney of Law, 1 page, 1 copy (only for the Court)

Vytautas Grašys,  
The Authorised Representative