

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Constitutional Litigation

Throughout years constitutional litigation has been one of the strategic strands of GYLA which greatly contributed to establishment of constitutional practice. Currently the strand of constitutional litigation is funded by the East West Management Institute (EWMI) and the Swedish International Development Agency (SIDA).

GYLA was the first organization to take advantage of the new regulations introduced to the Law of Georgia on Constitutional Litigation in 2009 and filed amicus curiae briefs in the Constitutional Court. The latter not only examined the briefs but also upheld and reflected GYLA's position in its decision. GYLA filed amicus curiae briefs with respect to two lawsuit brought by the Public Defender against the Parliament of

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Georgia. The Constitutional Court shared GYLA's opinions this time as well.

GYLA's arguments had a significant impact on the April 18, 2011 decision of the Constitutional Court, when GYLA managed to persuade the Court that the blanket prohibition of holding a protest rally within 20-meter radius from an office of a state agency violated the freedom of assembly and expression guaranteed by the Constitution of Georgia.

In 2012 the Constitutional Court granted yet another claim of GYLA which involved the issue of extending the term of telephone interceptions without court warrant. The court deemed the applicable norm unconstitutional.

In 2011 and the first half of 2012, GYLA filed total of nine claims in the Constitutional Court, one of which was deemed inadmissible by the Court. In two of the lawsuits, where one involves the issue of monitoring private Internet communication and the other involves the issue of stop and frisk by the police, the court has finished hearings and is currently preparing its decision.

In 2011-2012 the Constitutional Court delivered two decisions in constitutional lawsuits filed by GYLA in previous years. One claim was granted fully and the other was granted in part.