



საკონსტიტუციო სასამართლომ საია-ს სარჩელი დააკმაყოფილა



საქართველოს
ახალგაზრდა
იურისტთა
ასოციაცია

The Constitutional Court upheld GYLA's claim

On December 11th, the Constitutional Court of Georgia upheld a claim filed by the Georgian Young Lawyers' Association in the case of [Giorgi Gotsiridze v. Parliament of Georgia](#). The subject matter of the dispute was the normative content of the first paragraph of Article 150² of the Code of Administrative Offenses, which excluded the possibility of temporary placement of posters, slogans, banners by the owner or with the consent of the owner as a part of a spontaneous action for a short period, in places that are not allocated for that purpose.

GYLA considered that the issue arising from the disputed norm mentioned in the claim had already been resolved in the Judgment of the Constitutional Court of Georgia of July 4th, 2019 in the case - "Besik Katamadze, Davit Mzhavanadze and Ilia Malazonia v. Parliament of Georgia," which was also litigated by GYLA. In this case, the Constitutional Court had already established that the placement of visual aids on privately owned premises could not be counterbalanced by a short and temporary change of appearance of a particular building or municipality. Consequently, the disputed norm disproportionately restricted freedom of expression.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Constitutional Court shared GYLA's arguments and held that the disputed norm had a substantially identical content to the unconstitutionally recognized norm. At the same time, no new circumstances have emerged that would have raised the need for a substantive review of the constitutional claim. The Court again shared the legal position expressed in the Judgment of the Constitutional Court of Georgia of 4 July 2019 and considered no need to change the practice. Given the above, the Constitutional Court declared the disputed norm invalid using the overriding norm institution without substantive consideration of the case.

The Georgian Young Lawyers' Association litigated the case with the support of USAID / PROLoG.