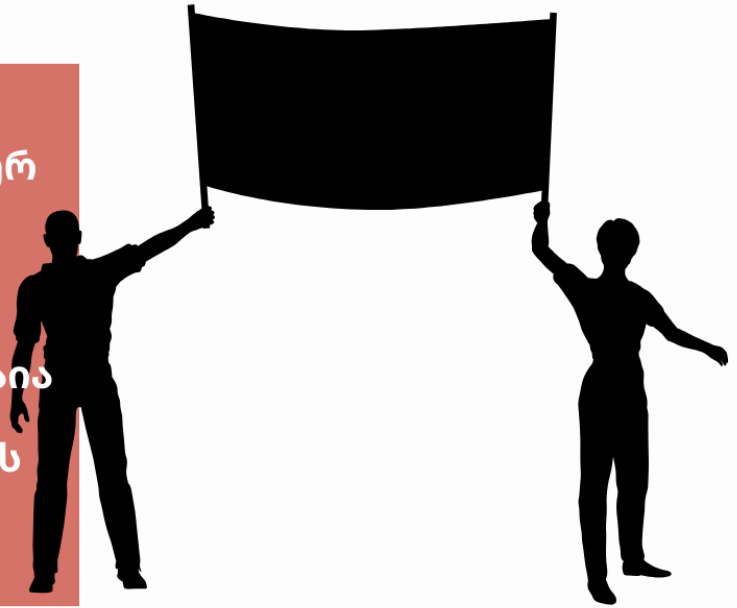


თბილისში მესაკუთრის მიერ
ან მისი თანხმობით
კლაკატების, ლოზუნგების,
ბანერების სპონტანური
აქციის ფარგლებში
განთავსების შეზღუდვას საია
საკონსტიტუციო
სასამართლოში ასაჩივრებს



GYLA APPEALS TO CONSTITUTIONAL COURT FOR RESTRICTION OF PLACEMENT OF POSTERS, SLOGANS, BANNERS BY THE OWNER OR WITH HIS CONSENT WITHIN SPONTANEOUS RALLY IN TBILISI

Today the Georgian Young Lawyers' Association has filed a new lawsuit in the Constitutional Court on behalf of Giorgi Gotsiridze. The subject of the dispute is the words of paragraph 1 of Article 1502 of the Code of Administrative Offenses – "Placement of posters, slogans, banners in locations that are not properly allotted" with the normative content excluding of probability of temporary placement of posters, slogans, banners by the owner or with the consent of owner within spontaneous rally in the location that are not properly allotted within the territory of Tbilisi municipality. The first sentence of paragraph 1 of Article 17 of the Constitution

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



of Georgia guarantees freedom of thought and expression. Paragraph 5 of the same article defines the exhaustive grounds for interfering in the right to freedom of expression.

It is noteworthy that the norm of similar content (Article 150), which regulated the cases of other self-governing entities, was declared unconstitutional by the Constitutional Court on the basis of GYLA's lawsuit of July 4, 2019 (on the case "Besik Katamadze, David Mzhavanadze and Ilia Malazonia versus Parliament of Georgia"). The Constitutional Court determined that freedom of expression by the placement of the visual objects on the private property would not be counterbalanced by the short-term and temporary change in the appearance of buildings and a municipality. Accordingly, the contestable norm disproportionately restricted freedom of expression.

In the present case, since the contestable norm like the norm considered as unconstitutional by the court, leads to a restriction of the same constitutional right, includes similar legal remedies that restrict the constitutional right and has an identical legal effect. However, there are no other factual or legal circumstances that would constitute the basis/precondition for the re-evaluation of the contestable norm. The aforementioned norm should be declared as unconstitutional by a ruling without substantive consideration by the institution of the so-called overruling norm.

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