

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



ეს კოდექსი ჩვენს უფლებებს არღვევს



GYLA appeals to the Constitutional Court against the norms related to an administrative arrest

Today the Georgian Young Lawyers' Association addressed the Constitutional Court of Georgia on behalf of Irakli Jugheli and requested two norms of the Code of Administrative Offenses to be recognized as unconstitutional.

GYLA has been talking about unjustified interference in human rights by using Administrative Offenses Code of Georgia for many years and taking strategic judicial proceedings. GYLA has filed six lawsuit to the Constitutional Court so far with the demand to recognize various articles of the Administrative Offenses Code of Georgia of as unconstitutional. [\[1\]](#) This time GYLA demands to recognize the norms related to an administrative arrest as unconstitutional.

In particular, GYLA appeals against the grounds for detention provided by paragraph 1 of Article 244 of the Administrative Offenses Code of Georgia which allows the law enforcement authority to place a person under administrative arrest in order to identify him. GYLA believes that an administrative arrest with the grounds to identify a person contradicts the human rights and freedoms provided by the Constitution of Georgia. [\[2\]](#)

GYLA also considers different period of an administrative arrest prescribed by the Article 247 of the Administrative Offenses Code of Georgia as unconstitutional. According to the paragraph 2 of this article, a person whose arrest period coincides with a non-working time may be arrested and placed in a preliminary arrest cell for 48 hours, while detention during working time may be last 12 hours. GYLA estimates that the arguable norm contradicts the right of equality prescribed by the Article 11 of the Constitution of Georgia, as it establishes unequal treatment between persons detained during working and non-working times.

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[1]<https://gyla.ge/ge/post/saias-sakonstitucio-sarchelebi-administraciul-samartaldarghvevata-kodeqsis-shesacvlelad#sthash.DnyytQSP.dpbs>

<https://gyla.ge/ge/post/saia-administraciul-samartaldarghvevata-kodeqsis-rva-mukhlis-arakonstituciurad-cnobas-moitkhovs#sthash.e7RGpuVW.dpbs>

[2] Paragraphs 1 and 3 of Article 13 of the Constitution of Georgia.