



The Norm prohibiting temporal display of a protest banner off a private building with the consent of its owner is deemed unconstitutional by the Constitutional Court

On July 4, 2019, the Constitutional Court partially satisfied GYLA`s claim and ruled that Article 150 (1) of the Code of Administrative Offences, which had banned from displaying the protest placards or banners off the building without the consent of the City Hall, is unconstitutional. In the given case, GYLA advocated for the interests of the three activists of the [REDACTED] Movement A and [REDACTED] Zone A who, on September 15, 2015, to protest Irakli Garibasgvilis` then-

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



acting Prime Minister`s visit in Zestafoni, hung the banner from the residential house in the private ownership with inscription on it [REDACTED] Government. A The banner was immediately removed then and the activists were detained.

All the tree activists were recognized to the administrative offenders, Ozurgeti District Court found them guilty in committing the offence prescribed by Article 150 of the Code of Administrative Offences (displacement of the banner in a place allocated not for that purpose). The court has satisfied with the verbal warning against offenders.

By the decision of July 4, 2019, the Constitutional Court has recognized that normative content of the appealed norm, which deprives the owner the right to temporarily hang the banner over his/her own house`s façade without the permission of the City Hall, is unconstitutional. The Constitutional Court has also considered that punishment of the person who displayed the protest banner from the building, especially under the permit of its owner, is unconstitutional. **In the given case, the Constitutional Court had determined the violation of freedom of expression.**