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OZURGETI DISTRICT COURT ESTABLISHES A DANGEROUS PRECEDENT FOR RESTRICTING FREEDOM OF EXPRESSION

Ozurgeti District Court has pronounced the participants of the protest rally "Wake up the Oligarch" as violators and issued a verbal reprimand. The Court's ruling is alarming in terms of regulating the freedom of assembly and expression and creates a dangerous precedent that the state may regulate the form and content of expression.

According to the Court, as the purpose of the protesters was to make noise, their assembly was not protected by the Law of Georgia on Assemblies and Manifestations. The Court held that "the expression of solidarity with a view to protecting human rights will certainly be evaluated as a gathering, although the subject of a protest cannot become exercising human rights by any person which is the basis of human existence."

The decision creates a dangerous precedent for restricting the content of the freedom

of expression. Ozurgeti District Court provides for issues which if protested may not be protected by freedom of assembly and expression. In doing so, the State actually tells the citizen what topics to speak about and what ideas and opinions to refrain from in order not to be imposed legal liability, which is a substantive regulation of freedom of expression.

According to the case-law of the Constitutional Court of Georgia, “Restricting freedom of expression by introducing content regulation is one of the most severe forms of interference with the right. The statutory indication which content / opinion may be impermissible implies setting up an 'information filter' into the minds of individuals. A democratic state undoubtedly means a free society, a free information space, an environment where everyone is free to exchange and contest with their ideas. Where free speech is not guaranteed, there is no room for development, for freedom. ”

Article 9 of the Law of Georgia “On Freedom of Speech and Expression” clearly defines cases where the State has the right to impose substantive regulations. The law may regulate the content of speech and expression if it concerns: a) slander; b) obscenity; c) face-to-face abuse; d) incitement to commit a crime; e) threat; f) personal data, state, commercial or professional secrets; g) advertising, teleshopping or sponsorship; h) freedom of speech and expression of military servicemen, an administrative body, as well as its official, member or employee; i) freedom of speech and expression of an imprisoned person or a person with restricted freedom. In addition, content regulation may be implemented only in the form of the viewpoint of neutral, non-discriminatory restrictions.

Thus, the decision of Ozurgeti District Court unjustifiably regulates the content of freedom of expression and violates the constitutionally guaranteed rights of persons enjoying the right to assemble. GYLA will appeal the decision to Kutaisi Court of Appeals.