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GYLA Filed a Constitutional Complaint

The Georgian Young Lawyers' Association filed a constitutional complaint. The case concerns article 208 of the Criminal Code.

Lately judges frequently apply to article 208 of the Criminal Procedure Code and sentence citizens to administrative detention for violating of the order in the court. For instance on June 22 the judge Giorgi Chemia sentenced Vakhtang Masurashvili to administrative detention for 20 days. Based on the mentioned article representatives of the Equality Institute were also sentenced to 30 days of administrative detention.

In both of the cases judges Giorgi Chemia and Eka Tkeshelashvili were governed by the article 208 of the Criminal Procedure Code, which envisages restriction of the freedom without involvement of a defense. According to the article, the judge may make unilateral decision without a court hearing and the decision can not be appealed.

The Georgian Young Lawyers' Association thinks that the mentioned norm expressly contravenes with the Georgian Constitution and international principles.

According to article 42 of the Georgian Constitution, has the right to apply to a court for protecting of his rights and freedoms. In the specific case the court judgment is not appealed and a person is deprived of the opportunity to protect his rights by a court. According to the Constitution of Georgia, the court can not judge a person if he has not guaranteed right to protection.

The Georgian Young Lawyers' Association applied to the Constitutional Court on declaring article 208 of the Criminal Procedure Code unconstitutional.