

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Responds to the President's Remarks concerning a Student of School N53, Mikheil Aleksidze

On February 28, 2012, during his annual speech in Parliament, President of Georgia Mikheil Saakashvili referred to a student, Mikheil Aleksidze, who has been expelled from the public school N53 as a hooligan.

Mikheil Aleksidze was expelled from the public school N53 on October 13, 2011, citing gross violation of the school regulations as grounds for his expulsion. However, the

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decision failed to note the nature of alleged violation or corroborating evidence. Furthermore, on October 13, 2011, the investigation was launched into the alleged hooliganism perpetrated against the principal of the public school N53 (i.e. the investigation was not instituted against Aleksidze). The investigation is ongoing.

Public Defender of Georgia took interest in the case of Aleksidze. He revealed a number of violations in the case and addressed the Minister of Education and Science with a recommendation to restitute the right of education violated against Aleksidze. However, no further actions were taken on the basis of the recommendation of the Public Defender.

The decision on expulsion of Mikheil Aleksidze has been appealed in court, where his interests will be defended by Georgian Young Lawyers' Association.

Hooliganism is a crime envisaged by the Criminal Code of Georgia and a person can be recognized as a criminal solely based on court's decision. A person is considered to be a criminal after the verdict of guilty delivered by court comes into force. By President Saakashvili's referral to Mikheil Aleksidze as a hooligan, presumption of innocence guaranteed by Article 40 of the Constitution of Georgia was violated and rights of a juvenile were grossly violated.

In light of the fact that not only there is no legally enforced verdict of guilty against Aleksidze but he has not even been deemed as a defendant in a criminal case, and furthermore, there is an administrative dispute ongoing that involves a claim to annul the unlawful decision on expulsion, we believe that it is unacceptable to refer to him as a hooligan. The president's statement not only violates presumption of innocence but it also allows us to believe that it may influence outcomes of the court proceedings.