



Inside IRIS Georgia

Inside IRIS Georgia is a monthly newsletter published by IRIS Georgia, a USAID contractor implementing the Rule of Law Program in Georgia.

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IRIS announces Requests for Applications

IRIS Georgia, in cooperation with Horizonti Foundation and with the financial support of USAID, announced three grant competitions for Georgian NGOs. The aim of the \$225,000 grants program is to promote innovative approaches to public awareness and find the most effective ways of delivering useful legal information to the public.

Through the program focusing on culture, IRIS Georgia will try to eliminate the widespread belief that human rights and other related liberal values are "foreign" and "imposed" concepts.

The program targeting public officials will enable selected NGOs to involve high-level public officials in a public awareness campaign on legal

mechanisms of transparency and accountability.

NGOs selected through the journalism-related program will familiarize journalists with human rights issues as well as legal mechanisms of transparency and accountability of public agencies.

Internews police academy documentary

Through an IRIS grant, Internews is producing ten, 30-minute documentaries on human rights issues.

On 21 April 2003, *Rustavi* 2 TV channel aired Internews' third documentary on a police academy.

In the documentary, young men and women age 16 to 17, who have decided to become police officers, talk about their perceptions of civil rights.

Previous Internews documentaries have been "The Trace" and "The Verge." (see page 2)

IRIS Georgia welcomes new staff member



Jason Anderson

IRIS Georgia welcomes new Grants and Finance Manager Jason Anderson.

Jason is responsible for monitoring all IRIS-awarded grants and for managing the office finances. He previously worked in External

Relations at the World Bank and as a US Peace Corps volunteer in Turkmenistan. Jason received his Bachelor of Arts in English from the University of Illinois and his Master of Arts in International Affairs from Columbia University.



Internews working on PSAs

Featuring IRIS grantee Internews Georgia

Internews Georgia is one of the key partners in Task 1 of IRIS's 5-Task Work Plan. The purpose of Task 1 is raising public awareness and public confidence to communicate to the citizens of Georgia their rights under reformed laws. It also aims to teach Georgian citizens how to exercise those rights and how to respond when the government violates established rights. For these purposes, Internews Georgia produced 11 Public Service Announcements (PSAs). Another 5 PSAs are under production and will be ready by mid-June. Internews also produces

and broadcasts 10 monthly Rule of Law programs.

"The Trace" – the first documentary in the series – describes the torture and violence committed by police officers against detainees. Victims of torture, as well as medical experts, psychologists and the Public Defender, relate police methods of extorting "confessions" and about the traces – both physical and psychological – left on the victims after mistreatment.

"The Verge" portrays religious intolerance, multiple facets of discrimination, and attacks on certain religious groups

and fellow citizens with different faiths.

The third film goes inside a police academy. In the documentary, young men and women age 16 to 17, who have decided to become police officers, talk about their perception of civil rights.

The grant has also allowed Internews to conduct two-week training seminars for television program production teams from Tbilisi and the surrounding area, resulting in finalized program formats and first production assignments.



Constitutional Court decision

On 12 February 2002, the Georgian Parliament enacted progressive amendments to the Law on Constitutional Court. These amendments are the result of close cooperation between the Constitutional Court and the non-governmental sector, including IRIS Georgia. As a result of these amendments, the procedures of appeal to the court and court hearings have been significantly simplified. Most importantly, legal entities were granted the right of appeal to the court, which enabled more effective and active

protection of human rights by NGOs.

These very amendments prompted filing of a lawsuit with the Constitutional Court regarding unconstitutionality of certain articles of the Criminal Procedures Code. Plaintiffs included the Public Defender's Office of Georgia, Georgian Young Lawyers' Association (GYLA) and Article 42. The Constitutional Court's 65-page decision of 29 January 2003 partially satisfied the claim.

Some very important

issues dealt with in the above-mentioned decision are worth discussing in detail:

Legal grounds for the arrest of suspects: The arrest of suspects is regulated under Articles 141 and 142 of the Criminal Procedures Code. Paragraph 2 of Article 142 stated that a person could be detained even if any of the detailed criteria listed in Paragraph 1 were not met. Namely, detention was permitted based on suspicion that the person committed a crime, if the person had

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The Constitutional Court of Georgia

Constitutional Court decision

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no permanent residence, or if his/her identity was not determined. This very ambiguous formulation, which could be interpreted very broadly, was extensively used by law enforcement agencies in illegal detentions, followed by various violations of human rights, including physical and psychological pressure and torture. The Constitutional Court, by declaring Paragraph 2 of Article 142 of the Code unconstitutional, eliminated the possibility of flagrant human rights

violations in this field.

Right to Defense: Article 18 of the Georgian Constitution guarantees the right of an individual to request and be assisted by counsel immediately after his/her arrest or detention. Contrary to that article, the Criminal Procedures Code defined that an arrested person could not exercise this right during the first 12 hours of detention. Law enforcement agencies frequently arrested individuals with no sufficient grounds and had 12 hours at their disposal to exert physical and psychological pressure on

detainees. Consequently, the counsel was unable to effectively defend the client. The Constitutional Court declared these practices unconstitutional and declared that a detained person can be assisted by a counsel right after detention.

The Court also deliberated on the provision of the Criminal Procedures Code, whereby a counsel was not allowed to meet with a suspect or accused in person more than one hour every day. The Constitutional Court declared this provision

unconstitutional and commented that the counsel shall be given a reasonable amount of time to assist clients in a qualified and effective manner.

Other news

Bakuriani GYLA seminar



Participants of the GYLA seminar

On 18-20 April 2003, the Georgian Young Lawyers' Association (GYLA) organized a seminar for judges on Administrative Process. The seminar, held in Bakuriani, Georgia, was the fourth in a series of seminars on

administrative law, specifically designed for judges.

The objectives of these events were twofold: to deliver training in the specific field of law to judges from courts of all levels, and to provide a forum for active discussions on hot topics. On the other hand, the discussions enabled GYLA to identify ambiguities and gaps in the legislation that resulted in inconsistent jurisdiction of the courts. GYLA plans to prepare draft amendments to the Administrative Procedures

Code, which will eliminate existing ambiguities and leave minimum room for subjective interpretations.

The seminar succeeded in reaching common understanding on some controversial issues, including different standings on what constitutes an administrative contract, whether materials of court cases should be fully accessible to public, and even admissibility issues over certain types of cases.

This seminar was a vivid example of the importance of continuing education for representatives of the legal profession, and even more importantly, of the necessity of clear legal practices that leave little room for different interpretations and inconsistent court jurisdiction courts. It is worth mentioning that judges from the District Courts specifically pointed out that the positive impact of these seminars on Administrative Law could already be seen in the increased number of cases they receive from the Raion Courts.

Introducing IRIS Georgia staff

Gia Getsadze, Chief of Party



Gia Getsadze

Gia manages the office in Tbilisi and directs its activities, including relations with the USAID Mission, grantees, and local organizations. Gia has an international law degree and journalism degree from Tbilisi State University.

He previously served as a member of the Council of Justice of Georgia, where his duties included

advising the President of Georgia on issues relating to judicial reform. He also lectured at Tbilisi State University's Department of Humanitarian Studies on International Public Law and Constitutional Law.

He was a legal advisor with the National Security Council of Georgia, where he advised the President of Georgia on constitutional law issues

and drafted presidential decrees on constitutional law and national security issues.

He also served as president, vice-president, and as a board member of the Georgian Young Lawyers' Association.

Gia is a native Georgian and speaks fluent Russian, English and German.

IRIS Georgia calendar of events – May 2003

| Date | Events |
|------------|---|
| May 3, 4 | JTC/ Training for Judges |
| May 5 | GYLA/THM Gardabani region, village Martkhopi |
| May 7 | GYLA/ Meeting with the bodies of local governance, Borjomi |
| May 10 | Liberty Institute/ Roundtable in Akhaltsikhe JTC/ Training for Judges |
| May 11, 12 | GYLA/ Round Table for NGOs on Freedom of information THM Gardabani region, Akhalisopeli GYLA/Tbilisi FOI Workshop JTC/ Training for Judges |
| May 14 | GYLA/ TH Meeting with teachers and local government representatives on women rights, Zugdidi |
| May 15,16 | GYLA/ Workshop for FOIA officers from Shida Kartli region UNAG/ Working on Akhaltsikhe-Akhalkalaki questionnaires |
| May 16 | Internews documentary "Freedom of expression" on Rustavi 2 |
| May 17, 18 | JTC/ Training for Judges |
| May 19, 20 | GYLA/Workshop for FOIA officers from Kvemo Kartli region - THM Signagi, Telavi, Dusheti UNAG/ Publishing brochure on public register |
| May 20 | GYLA/Town Hall Meetings in Signagi, Telavi, Dusheti |
| May 20-22 | UNAG/ Visit to Akhaltsikhe-Akhalkalaki |
| May 22 | GYLA/ Round table (Involvement of a lawyer in pre-trial Investigation stage) GYLA/THM Meeting with representative o Local government Tsageri |
| May 23 | Liberty Institute/ Press Club Session |
| May 24, 25 | JTC/ Training for Judges |
| May 27 | GYLA/Round Table for Rustavi NGOs |
| May 30 | GYLA/ TH Meeting in Tskaltubo for population |

Editorial Policy

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