

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Constitutional Court of Georgia found admissible Constitutional lawsuit of the Georgian Young Lawyers' Association

On March 21 2006 Constitutional Court of Georgia found admissible Constitutional lawsuit of the Georgian Young Lawyers' Association (GYLA) concerning several provisions of the General Administrative Code of Georgia.

According to the lawsuit GYLA claims to find unconstitutional paragraph 3 and 4 article 3 of the General Administrative Code of Georgia as they violated its constitutional rights, namely freedom of expression guaranteed by the article 24 of the Georgian Constitution which includes the right to receive information and the right to access to the official documents stored in state institutions unless they contain state, commercial

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or professional secret guaranteed by article 41 of the Constitution.

According to the disputable norms information kept in specific state agencies (The Parliament, National Security Council and so on) is not accessible, despite their content and character. Judicial practice proves the same. Pursuant to the second disputable norm freedom of information chapter does not apply to certain activities of executive branch instead of specific information resulted from the activity itself, which for its content should have been considered classified according to the procedures prescribed by law. (E.g. criminal proceedings; operation-investigative activities; implementation of foreign policy and international treaties and agreements; execution of court judgments; appointing of a state official by the president; making of decision on military matters).

The Constitutional Court considered that the constitutional lawsuit meets all formal requirements envisaged by law. The date of hearing the case on merits would be identified in the nearest future.