



### Strategy #5 – Change through Courts Listening Guide

*Courts interpret laws and adjudicate conflicts in our communities. An independent judiciary bases decisions on laws and regulations rather than political ideologies or pressures. Changing unjust practices through courts is an important strategy for advancing rights. These are the voices of people who sought to promote change through courts. Please review the quotations and answer the questions below.*

	Mary Beth Tinker, United States	Tina Khidasheli, Georgia	Baasan Geleg, Mongolia
Who were the parties to the case?			
What rights were at issue in the court case?			
What was the outcome of the decision?			

*For further discussion:*

Why did these activists choose the legal system as a vehicle for making change?

What are the implications when the judiciary is not independent?

What are the limitations of using the legal system to effect change?

Provide a contemporary example of a court decision changing society.

## Change through Courts Quotations

### **Mary Beth Tinker, United States**

I had thought that we weren't going to win the whole time. Because I had thought there was no way that kids could win over the principals and the school board and the courts and the judges and, you know, all of these powerful people, because I felt like kids don't have much power, which is the experience of most young people growing up. And so, I felt that we were going to lose the whole thing, but – so I wasn't really surprised when we lost at the district level and we lost at the appeals. I was surprised when the Supreme Court decided to take our case, because they felt that it was an important case about the rights of kids, and there hadn't been that many cases through history having to do specifically with the rights of young people in the public space. So I was really happy when they took our case, and then when we won, of course, I was really happy.

**Background:** On Feb. 24, 1969, the U.S. Supreme Court ruled in *Tinker v. Des Moines* that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

### **Tina Khidasheli, Georgia**

Among those days, the most important for me was the day when I won a case against Levan Mamaladze [a politician convicted of election fraud and money laundering], and I deprived him a mandate. I'll never forget that day. At 6 in the morning, the judge made the decision, and I didn't know that it was being shown live on TV. We got out of the car on Rustaveli Avenue, and the crowd turned to me to greet me roaring. I did not understand and became afraid. I thought something had happened, but later I was told that they had seen the process on TV. Unfortunately, if I did not win the process against Levan Mamaladze, he could have been an MP [Member of Parliament] ‘till the 2008 parliamentary elections. However, all the others stayed. Now I regret that we did not study other cases. We took one case to the court because it was the principal case and we thought that it would be precedent setting; in normal circumstances, it develops that way.

**Background:** Rustaveli Avenue in Tbilisi, the capital of Georgia, was the primary location for the Rose Revolution, a series of mass protests that brought a change in government in November 2003.

### **Baasan Geleg, Mongolia**

There is no fairness in Mongolian society. Those who say fair things are put under pressure and despised. When we report information about wrong things, it is used against us as a weapon to repress us. The main obstacle to this is, in my opinion, the Mongolian courts. Why is a court system an obstacle to this? Because everything is regulated by law, the illegal things are determined by courts. But our court process is dominated and controlled by one party, the personnel are the same, have not been changed and still have a large revolutionary party following. The big example of this was July 1, 2008, when Mongolian election promises were all about big numbers, excessive, and the people's election relied on

these promises, which were manipulated by the Election Commission. As a result, election results came out falsely, which led to the people's demonstration at Sukhbaatar Square. This demonstration was dispersed with weapons and five innocent people died; 800 people were rounded up and arrested. There were tortures and 300 youngsters were sent to jail and received lengthy prison sentences. I was personally involved in this process and sat in on the court proceedings. The prosecutor and judge were there and were acting as one person. In these court proceedings, they did not allow the advocate to speak and collected information from people without their lawyers and forced them to sign by beating them. They were sent to jail without any proof and there were even mentally ill people who were sent to prison.