



The Administrative Offenses Code of Georgia violates the constitutional right to appeal

Georgian Young Lawyers' Association will file another lawsuit in the Constitutional Court today. GYLA, on behalf of Irakli Khvedelidze, is challenging the provision of the Administrative Offenses Code of Georgia under which a person's constitutional right to appeal is restricted.

In accordance with the Administrative Offenses Code of Georgia, the decision on the recognition of a person as an offender shall be appealed within 10 days from the moment of the announcement thereof in the courtroom. It is noteworthy that only the resolution part is announced in the courtroom. The statement of motivation of the court decision or the reasons why the person has been recognized as an offender is not pronounced in the courtroom. The statement of motivation is sent separately to the person. However, the 10-day period for the appeal is calculated from the moment of the announcement of the resolution part in the courtroom and not after the delivery of the statement of motivation. Naturally, unless a person knows the reasons for which s/he has been pronounced as an offender, s/he is unlikely to challenge such a decision. In practice, there have been cases when the court sent a substantiated

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decision to the person after the expiry of the 10 day period.

Article 42 (1) of the Constitution of Georgia protects the right to appeal a court decision. Since the 10-day period is calculated from the moment of announcement of the resolution part in the court room and not after the delivery to the party of the statement of motivation, the party is limited to use the constitutional right to appeal to a higher instance. Therefore, GYLA requests to recognize the provision as unconstitutional.

GYLA considers that it is necessary to timely initiate the reform of the Administrative Offenses Code of Georgia in order to ensure that this part of the legislation is in compliance with the Constitution of Georgia and international standards of human rights protection.