

Injunction imposed on copying criminal case materials for the victim was declared unconstitutional by the Constitutional Court

The Constitutional Court upheld the constitutional claim of the plaintiff Konstantine Gamsakhurdia and declared the norm unconstitutional, which used to put an injunction on the prosecutor banning to give the victim the opportunity of obtaining copies of the criminal case file. GYLA and the lawyer Amiran Giguashvili represented the plaintiff's interests in this case. Prior to this decision, the victim could get familiar with the case materials at the prosecutor's office or the investigative body under the supervision of the relevant prosecutor or investigator. The victim was not allowed to take away copies of the criminal case from the prosecutor's office and get familiar with it elsewhere without the supervision of public officials.

The Constitutional Court declared this injunction unconstitutional, as the victim did not have the opportunity to obtain copies even if it would not harm the interests of the investigation, nor would receiving the copies allegedly disclose another person's

private life. The victim had been deprived of the opportunity to receive criminal case materials in all cases as a set form. The Constitutional Court has entrusted the Parliament with deciding who should bear the costs of making copies of criminal case materials: the victim or the state.

Paragraph 2 of Article 18 of the Constitution of Georgia guarantees the right of every person to be familiarized with information about him/her in a public institution. The Constitutional Court found a violation of this constitutional provision in this case, as the victim of the crime did not have the opportunity to receive a copy of the information about him/her kept in the prosecutor's office and the investigative body.

The Georgian Young Lawyers' Association conducted the case with the support of USAID / PROLoG.