



Joint Statement of NGOs and the Georgian Bar Association about Pending Amendments to the Criminal Procedure Code of Georgia

NGOs react to the pending amendments to the Criminal Procedure Code and call on the parliament of Georgia to create effective legal mechanisms for realization of the right to defense.

The draft law initially proposed by the Government of Georgia envisaged important guarantees for effective realization of the right to defense, including the right of the defense to:

- request from public or private entities evidence necessary for providing defense
- file in court a motion for search and seizure
- appeal a verdict and other decisions made in legal proceedings in best interests of defendant

The civil society supported and approved the foregoing initiative of the government as it significantly improved effectiveness of defense, promoted adversarial proceedings and provided guarantees for realization of fair trial.

The Parliament of Georgia adopted the legal draft with two readings and significant modifications. In particular, defense attorney has not been granted with the right to request information from private or public entities, while enactment of the right to file a motion in court for search and seizure was postponed until September 1, 2014.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Clearly, these modifications will hinder effective realization of the right to defense, which in its turn will deteriorate the quality of administration of justice in Georgia. Notably, such restrictions placed on the rights of defense have been criticized by lawyers and civil society representatives on a number of occasions.

On May 1, 2013, during the meeting of the parliament's legal affairs committee, the foregoing draft law was adopted with the third hearing, while postponement of enactment of the defense's right to file a motion for search and seizure was justified by the fact that "the office of the prosecutor is not ready for it yet". Final draft was adopted with the third reading at the plenary session.

We believe that whether the office of the prosecutor is ready or not is not a valid argument to justify the postponement, which in its turn will hinder effective realization of the right to defense. Furthermore, same justification can be used to delay enactment of new regulations not favored by the office of the prosecutor or the state, which will have an adverse impact on the quality of justice in Georgia.

Article 42 of the Constitution
Georgian Young Lawyers' Association
Georgian Bar Association
Penal Reform International
Public Advocacy