

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



10 Georgian NGOs request President to Veto the Law

Mr. President,

On June 11, 2007 the Parliament of Georgia by the majority of votes adopted amendments to the Georgian law on common courts. The draft aims ensuring of judiciary independence and considers photo and video recording in a court building, as well as, of a court hearing in a court hall inadmissible, except when it is implemented by the judiciary.

As the explanatory letter provides, during the court hearing stimulates

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parties to arranging of provocations. In such instances, hearing of the case overcomes the frames established by the legislative norms and instead of submitting and discussing evidences, it is overloaded by emotional statements and speeches, which deters the comprehensive and impartial discussion of the case and makes psychological influence on a judge. A We should recall amendments introduced a year ago to the Georgian Criminal Procedure Code (Article 208) and the Georgian Civil Procedure Code (Article 211) that envisaged quite severe penalties for any violation of court order in a court hall. The direct function of the Articles is to ensure observance of the order in a court hall, to avoid [] provocations A and [] statements and speeches.”

We are aware that in many countries (especially in common law countries) the main part of the court hearing is not subject to video recording. However, before introducing of the innovations the context of the corresponding country should be taken into account.

Today, when Georgian Judiciary is on its way to formation and makes all efforts to turn into an institute compatible with international standards, public trust and reliance is of a vital importance as never.

Publicity of court procedure is an inseparable part of a right to a fair trial. As the title of the right provides it is one of the guarantees of a [] trial A and enables public to carry out monitoring of judiciary activities. By transparent functioning of the branch, all suspicious citizens may be convinced whether authority administering justice is reliable. Prohibition of audio and video recording during the court hearings increases the number of the citizens whose trust and reliance is of a vital importance for the future of the Georgian judiciary system. We doubt that posters on the buses would be enough for achieving the goal. Public trust towards the judiciary may be gained only through maximal transparency and only if public might witness administration of the justice.

We are ready to support all legislative innovations directed to strengthening the judiciary, however presume that by the draft on introducing of amendments to the organic law of Georgia on Common Courts it is impossible to reach the objective.

Considering above, we appeal you to apply to authority conferred to you by the Constitution and legislation of Georgia and veto the draft on introducing of amendments to the organic law of Georgia on Common Courts

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The Georgian Young Lawyers' Association;

The Caucasus Women Network;

The International Research Center of Conflicts and Negotiations;

The Egalitarian Institute;

Multinational Georgia;

Healthy World;

The Young Alternative;

The Association "Law for the people";

The Center for the protection of Constitutional Rights;

Human Rights Information and Documentation Center.