

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



**Based on GYLA's complaint the
Constitutional Court prohibited use of
illegally obtained evidence in criminal
cases**

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On July 31, 2015 the Constitutional Court of Georgia delivered decision on the case Maia Robakhidze vs. the Parliament of Georgia. In the case concerned GYLA represented applicant's interests. Constitutional Court of Georgia declared unconstitutional words "of this Code" included in Para 1, Article 72 of the Criminal Procedure Code.

According to the norm, courts considered inadmissible (did not use) evidence of the criminal case obtained only through violation of the Criminal Procedure Code, whereas it was possible to render a convicting judgement by use of evidence obtained through violation of other laws, including the Constitution. For example, police was entitled to stop an individual with violation of the Law on Police, to conduct an inspection and to find a narcotic substance or fire-arms. Despite violation of the Law on Police, it was possible to recognize the obtained drugs or fire-arms as admissible evidence, and to find the defendant guilty on the bases of the evidence. According to the Constitutional Court, foregoing norm of the Criminal Procedure Code conflicted with Para 7, Article 42 of the Constitution (evidence obtained in contravention of law has no legal force).

GYLA welcomes the decision of the Constitutional Court and hopes that it will prevent illegal and arbitrary conduct of law enforcement agencies.