

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA will submit opinion to the Parliament on the pending amendments to the Criminal Code of Georgia

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Pending amendments to the Criminal Code were submitted to the Georgian Parliament for consideration. It implies introducing of some new articles to the Criminal Code, as well as alteration of the already applied ones. The newly submitted paragraph 2, of Article 353¹ provides that attack on police officer, government official or representative of public institution, as well as on their family members; infringement upon the life, health or property in connection with the professional activity of the police officer or government official will envisage punishment from 7 up to 20 years in prison or life imprisonment.

Composition of the aforementioned norm covers other already applied articles of the Criminal Code that is inadmissible in view of codification of the norms as well as common practice. Furthermore, the maximal sentence –life imprisonment is disproportionate.

Criminal Code of Georgia entails articles 117 and 118 that concern deliberate grave and less grave damage to health as well as Article 109 - intentional murder. Each mentioned norm considers “committing of such offence, in connection with the professional activity of a victim or his close relative” as separate aggravating circumstance. It means that attack on or infringement upon the life and health of police officer or government officials shall envisage punishment pursuant to the applicable articles which contain reasonable penalties.

Applicable Criminal Code envisages life imprisonment only in case of intentional murder. While, according to the amendment, the sentence might apply to all the mentioned circumstances, for example in case of less grave injury of health. The approach is disproportional, absolutely unacceptable and contradicts the aims and principles of application of punishment.

According to the draft, amendments are to be introduced also to Article 223 of the Criminal Code of Georgia that envisages punishment for participation, creation or leadership of illegal armed groups. The article introduces an additional part which penalizes the financing of illegal armed formation that is reasonable. However, the problem is in the definition of the concept of “illegal formation”.

According to the draft, the concept of “formation” is broadly interpreted. Apart from arms illegal formation also implies armament with other objects. Specifically the new list also entails armament with cold arms, or any facility or thing that might be used for injury or destruction of a human being or other object. Suggested explanation of “illegal formation” creates a risk that the norm will be given unreasonably broad interpretation, which is inadmissible.