

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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

The Parliament of Georgia is considering [draft of amendments to the Criminal Procedure Code](#), envisaging important changes that will have an essential influence on criminal proceedings and justice.

[The civil society organizations highlighted the need to address certain gaps in the draft law](#)

; however, overall they welcomed the amendments. The draft of amendments adopted with the second reading is even more flawed than the initial one.

The provision that delegates the defense with the right to file a substantiated motion in court for an investigating measure – search and seizure – was welcomed initially, as without having the right to file the foregoing motion, the defence would be put at an essential disadvantage in the process of collecting evidence. Further, the restriction would be in conflict with the principle of equality of arms. The proposed amendment was to be enacted immediately, due to its importance. During parliamentary readings the initial draft was deteriorated and the document adopted with the second hearing now stipulates that the amendment will come into effect on September 1, 2014. Further, it also indicates that the prosecutor has the right to be the first in examining the evidence collected this way.

The legal draft underwent the following negative modifications: immediately after coming into effect of the draft (September 1, 2014) the exceptional right of the defense (Article 84 of the CPC), representing an important guarantee, will be abolished. The foregoing provision authorizes the defense to submit during main hearing one piece of evidence of particular importance for providing defense, without having the evidence deemed inadmissible. Further, the revised draft no longer includes a provision delegating a defendant with the right to request a certificate, a reference letter or any other document from a state or private agency, enterprise or an organization, while fulfillment of the request was mandatory.

We, the below signatories, believe that the foregoing modifications have deteriorated the initial draft and lowered the standards initially offered by the government. We call on the parliament of Georgia to utilize all means available to prevent deterioration of the initial draft; moreover, it should take into account corresponding initiatives of the civil society and work to improve the proposed draft.

Signatories:

Georgian Young Lawyers' Association

Georgian Bar Association

Article 42 of the Constitution

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Transparency International – Georgia

Public Advocacy

Human Rights Priority

Georgian Lawyers for Independent Profession

Penal Reform International