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Coalition for
an Independent and
Transparent Judiciary

Coalition Statement on Draft Amendments for Reforming Trial by Jury During Criminal Proceedings

The Parliament of Georgia is fast-tracking government-initiated draft amendments to the Criminal Procedure Code. The objective of the amendments is to address the deficiencies detected in practice and to bring the legislation in line with international standards.

We believe that, compared to the initial draft of the amendments, the current version significantly improves the core aspects of jury trial functioning. It is worth noting that the current draft reflects the majority of comments and suggestions expressed at the

initial stages by the Coalition, as well as international experts.

Specifically, under the current draft the jury trial hearings are now open, save for specific exceptions. The verdict forms for jurors remain unchanged. This means that, unlike the initial draft amendments, jurors will not have to substantiate verdicts by answering a set of factual and legal questions. The rules for appealing a conviction based on a jury's "guilty" verdict remain unchanged, and an appeal is permissible only in exceptional circumstances in accordance with the current legislation.

Despite the above mentioned improvements, we believe the draft still contains major deficiencies concerning the jurisdiction of the jury. Unlike the initial draft of the amendments, the current draft significantly reduces the jurisdiction of juries over specific crimes. The Coalition believes this may be due to the limited state resources. However, because trial by jury is a constitutional right in Georgia, it is important for the legislators to clearly note, that expanding the jurisdiction of the jury is irreversible. Hence, the draft must assert the state's readiness that in future all criminal defendants will have the possibility to fully exercise this right.

In addition, the principles and criteria used to determine to which crimes the jury trial will be extended starting January 1, 2017, and to which crimes it will not be extended, are unclear.

We call on the Parliament of Georgia to address these crucial problems and consider the above critique during parliamentary hearings. Otherwise, the proposed draft will not be systemically sound and will not be in line with the Constitution and human rights standards.