



საიამ განაჩენის გადასინჯვის წესი
საკონსტიტუციო სასამართლოში
გაასაჩივრა

GYLA appealed to the Constitutional Court the Rule of Review of the Verdict

The Georgian Young Lawyers' Association addressed the Constitutional Court on behalf of Jemal Dumbadze and requested to recognize the rule of review of the verdict envisaged by the Criminal Procedure Code of Georgia as unconstitutional.

Subparagraph "d" of article 310 of the Criminal Procedure Code due to newly revealed circumstances consider the decision of Constitutional Court of Georgia as one of the grounds for reviewing of the verdict which has recognized criminal law used in this case as unconstitutional.

According to the decision of the Constitutional Court the normative content of the norm of the Criminal Procedure Code of Georgia on the case "Citizen of Georgia Zurab Mikadze versus Parliament of Georgia" [1] was recognized as unconstitutional, which envisaged the possibility of sentencing and accusing of a person on the grounds of indirect testimony. Consequently, on the basis of this decision, several individuals

appealed to the Tbilisi and Kutaisi Court of Appeal and demanded a review of the verdict based on indirect evidence. However, according to the current practice, the Supreme Court of Georgia does not satisfy the complaints of those persons who were convicted by the Criminal Procedure Code of 1998.

GYLA believes that the explanation made by the Supreme Court contradicts the authenticity standard corroborated by the Constitution of Georgia and those who have been convicted by the Criminal Procedure Code of 1998 put in an unequal situation towards the persons convicted by the Criminal Procedure Code of 2009. The blanket approach of the Supreme Court that does not recognize such verdicts, does not allow the court to assess the verdict is really is based on true evidence or not.

GYLA considers that the normative content of subparagraph "d" of article 310 of the Criminal Procedure Code, which excludes review of verdict based on the Criminal Procedure Code of 20 February 1998, contradicts paragraph 1 of article 11 of the Constitution, which envisages the right of equality, as well as paragraphs 1 and 7 of article 31 of the Constitution, which strengthens the right to a fair trial and indicates that the resolution on conviction of a person should be based on substantiated assumption and the incriminatory verdict on ineffective evidence.

[1] Decision of the Constitutional Court of Georgia of 22 January 2015