



## **The report of Venice Commission's indicates the need for fundamental reforms in the Prosecutor's Office and the Court**

The report of the Venice Commission was published with regard to the arrangement and functions of the High Council of Justice of Georgia and the Prosecutorial Council. Once again the report of the Venice Commission has confirmed the importance of implementing important reforms in the judiciary system, which GYLA and other public organizations have been actively pointing to responsible government agencies for

many years. In addition, the report of the Venice Commission contains a number of important recommendations on specific ways of implementing reforms, which are significant for making real changes in the court and the Prosecutor's Office. The parts of the report of the Venice Commission that indicate the roads and the need for the depoliticization of the prosecution system is most important, in particular:

- The need for a more pluralistic composition of the Prosecutorial Council, including an enhanced representation from civil society in the Council.
- It is necessary to increase the functions of the Prosecutorial Council in a number of directions, including competences of the Prosecutorial Council should be provided regarding the careers of the prosecutors; the function of response to the report of the Prosecutor General; In order to achieve a balance between the hierarchical control of Prosecutor General and prosecutors the Prosecutor Council shall be given a number of functions.
- According to the current legislation, one of the functions of the Prosecutorial Council is to ensure transparency of the prosecution system, although the law does not provide the mechanism for the council to carry out this function.

The current model operating in Georgia - a centralized prosecution system and the subordination of all prosecutors to the Prosecutor General is the main line of the report of the Venice Commission that has been rejected by the Commission with several points of views. Among them is the inconsistency of such a system with the external and internal independence of the Prosecutor's Office. It also notes that the existing structure of this system is a hindrance to ensure public confidence.

The Georgian Young Lawyers Association bring its attention to this issue in its public statement, which was published with regard to reorganization announced right after the appointment of Shalva Tadumadze as the Prosecutor General. Then GYLA called on Shalva Tadumadze to carry out the work to make changes in the structural units of the Prosecutor's Office within a larger reform that would serve the purpose of depoliticization of the prosecution system by ensuring public engagement. The public did not get any information about the consequences of the reorganization in the prosecution system.

**საქართველოს ახალგაზრდა იურისტთა ასოციაცია**  
**GEORGIAN YOUNG LAWYERS' ASSOCIATION**



The views and recommendations of the Venice Commission with regard to the High Council of Justice also refer to the issues that GYLA has been drawing its attention in its statements or reports for many years. Among them is the need for all the decisions of the Council to be substantiated; In order to determine the general requirement to the Council of holding open sessions and so on.

It is noteworthy that the report of the Venice Commission includes the indications to the previous reports of the Commission, which have been published in the last years regarding the reforms of Prosecutor's Office and judiciary systems. The Commission emphasizes the recommendations in this regard that have not been taken into account by the agencies responsible for reform and are still unregulated.

We call on all relevant agencies responsible for implementing reforms in the judiciary system in Georgia to ensure that the reforms of the court and prosecution systems become more comprehensive, timely and focused on the real challenges and problems.

GYLA once again expresses its readiness to take active part in the process of working on the reform of the judiciary system and calls on the Parliament of Georgia and the Government of Georgia to create relevant formats to work effectively on the changes indicated in the report of the Venice Commission, together with the participation of all interested persons.

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