

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA's statement on reforming prosecutor's office of Georgia

The Parliament of Georgia reviews MP Koba Davitashvili's initiative on introducing amendments to the Law of Georgia on Prosecutor's Office and some other laws, targeting to reform the system of the prosecutor's office.

The key issue, that needs to be attained within the framework of the reform, is to ensure political neutrality of the prosecutor's office. To this effect, removal of the criminal persecution and prosecutorial supervision functions from the Ministry of Justice is a decisive step, nevertheless insufficient.

Important safeguard for prosecutor's impartial operation should have been also:

- Development of the rule of appointing/releasing the general prosecutor, including

indication of the long term appointment, impossibility of reappointing the same person on this position, the necessity to indicate the specific and comprehensive grounds for pre-term termination of authorities, granting the lawyers or civil society organizations the right to nominate candidates for the general prosecutor;

- Creation of the mechanism safeguarding impartiality of the general prosecutor. Namely, restriction of political activities prior to appointment and for a certain period after termination of the authorities;
- Regulation of the criminal responsibility issue of the General Prosecutor. Specifically, clear provision of the law specifying an individual entitled to launch criminal persecution against the general prosecutor in case of committing an offence.

Furthermore, we consider impermissible reexamination of the court judgments on administrative offence cases upon the demand of the prosecution. According to the draft, by the prosecutor's protest it is possible to examine already enforced decisions of the regional (city) courts and appellate courts. Instead of removing the old provision of the law, the draft enlarges its scope in that regard.

It should be noted that the process of the draft examination was inconsistent. The draft was examined at the legal issues committee of the Parliament with the third reading with violation of regulations. The Parliament released information about the committee session after the start of the session. We opine that importance of civil society's participation should be considered adequately while reviewing such decisive drafts. In view of this, we apply to the Parliament of Georgia to refrain from adopting the Law with the third reading, and to return it to the second reading and ensure participation of civil society representatives in examination of the draft.