

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Parliament of Georgia should not support postponement of the enactment of the new rule of witness examination

Today, at the plenary session, the Parliament will review with the first reading the government's initiative on yet another postponement of the enactment of the new rule of witness examination.

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The new procedure of witness examination abolishes those unfair advantages which the prosecution enjoys to date and thus guarantees equality of parties. In particular, the prosecution will not be entitled to oblige the witness to provide testimony on the stage of investigation. In contrast, the witness will be interrogated by the prosecution and the defense in equal conditions only at the trial.

The postponement of the new rule of interrogating witnesses until December 31, 2015 is a clearly negative fact and runs counter to the rights guaranteed by the Constitution of Georgia. Furthermore, adoption of the amendment will hinder development of the criminal justice and will extend unequal condition of the parties in the criminal process.

Postponement of enactment of the norm became permanent, while the approach generates doubts in terms of government's will to establish the recognized principles of Human Rights Protection. Furthermore, the practice undermines the principle of the rule of law and gives rise to a sense of lawlessness among society.

In view of above, we call on the Parliament of Georgia to reject the submitted initiative and to refrain from postponement of adoption of the new rule of witness examination, as well as to fulfill its constitutional role and to determine the state policy itself in terms of the decisive issue.

Georgian Young Lawyers' Association
Transparency International – Georgia
Georgian Democracy Initiative (GDI)
Human Rights Education and Monitoring Center (EMC)
International Society for Fair Elections and Democracy (ISFED)
Article 42 of the Constitution
Human Rights Center