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დამოუკიდებელი
და გამჭვირვალე
მართლმსაჯულებისთვის
Coalition for
an Independent and
Transparent Judiciary

Coalition Comments on President's Vetoing Two Legislative Acts

As it is well known, on 24 April 2013, the President vetoed the Law of Georgia on Common Law Courts and the amendments to the Criminal Procedures Code. The Coalition reacts to this fact and once again expresses its position regarding each of the two draft laws.

As you are aware, the draft amendments to the Criminal Procedures Code have undergone several changes. Experts of the Venice Commission as well as member organizations of the Coalition have been involved in the process of improving the draft law. Consultations were held with representatives of the judiciary too. Initiators of the draft law took into account the bulk of recommendations submitted by various subjects, including on issues concerning the termination of powers of members of the council, the involvement of parliamentary minority and others. An agreement was also achieved with the judiciary. As a result, both the Chairman of Supreme Court and the President of Venice Commission stated that they share the spirit of the draft law and the reform.

Nevertheless, the President vetoed this draft law which means that the process will continue in the parliament, thus requiring additional time and procedures according to the law. The Coalition believes that the draft law adopted by the parliament is a crucial component of the reform, strengthening the judiciary and increasing the degree of its independence. A timely enactment of the draft law is vitally important for the justice system. However, the President's veto may significantly impede this process which, first and foremost, will harm the interests of courts.

As regards the amendments concerning the institution of jury trial which was also vetoed by the President, the Coalition sticks to its earlier position that this draft law requires serious elaboration. Given that this issue concerns a legitimate interest of an accused person, it is important to observe a balance between the defense and the prosecution and the avoidance of jury trial must not depend on the position of prosecution alone. To this end, the parliament must, at least, state in the draft law that the final decision on the conduct of jury trial lies with a court which will be taken on the basis of a substantiated motion submitted not only by the defense but also the prosecution.

Coalition Members:

Article 42 of the Constitution
Multinational Georgia
Solidarity to Illegal Prisoners
Georgia Small and Medium
Enterprise Association
Civil Integration Foundation
Georgian Lawyers for
Independent Profession
Liberal
Center for Protection of
Constitutional Rights
International Society for Fair
Elections and Democracy
Association Green Wave
The Union "21 Century"
Georgian Young Lawyer's
Association Human Right
Center
Transparency International
Union of Meskhetian Democrats
Liberty Institute
Georgia Bar Association
Civil Development Agency
United Nations Association of
Georgia
The European Law Students'
Association
Civil Society Institute
Open Society Georgia
Foundation
Institute of Democracy
American Chamber of
Commerce
Association of Civic Initiatives
and Employees Defense
Eurasia Partnership Foundation
Institute of Development of
Freedom of Information
Human Rights Priority
Tbilisi Media Club
Human Rights Education and
Monitoring Centre
Foundation for the support of
Legal Education

In conclusion, we will note once again that it is important to take into account a high public interest towards a timely and efficient implementation of the court reform. This largely depends on timely enactment of the amendments which will be made to the Law on Common Law Courts. No less important is for the parliament to continue work on the issue of the right to refuse a jury trial.

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