

## damouki debel i eqspertis daskvna

saqarTvel os kanonis proeqtze  
`saqarTvel os sisxl is samarTI is saproceso kodeqsSi  
cvl il ebebisa da damatebebis Setanis Sesaxeb-

*TinaTin xidaSel i*

saqarTvel os parl amentSi warmodgenil `saqarTvel os sisxl is samarTI is saproceso kodeqsSi cvl il ebebisa da damatebebis Setanis Sesaxeb- kanonis proeqtTan dakavSirebiT warmogidgenT Semdeg SeniSvnebsa da komentarebs.

1. me-10 muxl is me-3 nawil is SemoTavazebul i cvl il ebeba *“3. gamamtyunebel i ganaCeni unda emyarebodes mxol od utyuar mtkicebul ebebs”*, Cemis azriT, arasaTanadod amcirebs moTxovnebs gamoZiebis mimarT da afarToebs maTi mxridan TviTnebobis Sesazl ebl obebs saqmis warmoebis sxvadasxva stadiaze.

utyuari mtkicebul ebebis arseboba aucil ebel ia nebismier stadiaze - iqneba es gamamtyunebel i ganaCeni Tu sxva saproceso gadawyvetil eba, romel mac Sesazl ebel ia SezRudos piris ufl ebebi da Tavisufl ebebi. bunebrivia, am mxriv umniSvnel ovanesia konstituciis me-40 muxl is moTxovnebis gaTval iswineba da ganuxrel i dacva Sesabamisi kanonomdel obiT.

2. SemoTavazebul ia cvl il ebebi 33-e muxl is pirvel nawil Si, romel ic samoqal aqo sarCel is Setanas sabral debo daskvnis Sedgenas ukavSirebs. amgvare debul ebis gaCena ramodenime uxerxul obas qmnis:

1. roca piris mimarT warmoebs saqme samedicino xasiaTis izul ebiTi RonisZiebis gamosayenebl ad, maSin saqme ar mTavrdeba sabral debo daskvniT (muxl ebi 660-679, konkretul ad 670-e muxl i). aseTi saqme sasamarTI oSi dadgenil ebiT igzavneba. ra xdeba am dros?

2. Tu sisxl is samarTI is procesSi vuSvebT samoqal aqo sarCel s, maSin misi wardgenis ufl eba unda iyos universal uri. e.i. ar izRudebodes arc sabral debo daskvnis SedgeniT (cvl il ebebis radaqcia) da arc sasamarTI o gamoZiebis dawyebiT (moqmedi redaqcia). misi vadaSi dasaSveboba unda SeizRudos mxol od sasamarTI o kamaTis dawyebiT. miTumetes, rom samoqal aqo sarCel is mocul oba yovel Tvis ar aris ucvl el i da Sesazl oa mzardi iyos (magal iTad, mkurnal obis xarj ebi). Sesabamisad, dRes dadgenil i odenoba Seizl eba Seicval os sxvadasxva mizezis gamo.

4. 44-e muxl is 57-e nawil is Canaweri Zal zed winaaRmdegobrivia: *“avadmyofoba dadasturebul i unda iyos samedicino dawesebul ebis Sesabamisi special istis mier gacemul i da xel mZRvanel is mier xel moweril i dokumentiT. informacia*

*sapatio mizezis arsebobis Taobaze weril obiT unda waredginos sasamarTI os procesis gamarTvamde 24 saaTiT adre.”*

kanonproeqtis avtorebi, rogorc Cans, ar endobian magal iTad, mkurnal eqims da avadmyofobis damadasturebel dokumentze samedicino dawesebul ebis xel mZRvanel is xel mowerasac amitom iTxoven. amgvari SezRudvis dawesebis mizezi gasagebia, avtorebi cdil oben Tavidan aicil on yal bi cnobebis gacemis safuZvel ze sasamarTI o procesis gaWianureba. Tumca vfiqrob, amgvari SezRudvis daweseba seriozul praqtikul probl emebs Seuqmnis nebismier pirs. magal iTad, martoxel a avadmyofma, romel sac ar yavs advokati da avadmyofobis gamo ver midis procesze, rogor unda waradginos weril obiTi informacia sasamarTI oSi procesis gamarTvamde 24 saaTiT adre? ratom ar SeiZl eba, rom aseTi informacia sasamarTI os komunikaciis nebismieri formiT, magal iTad, tel efoniT gadaeces, xol o pirvel i SesaZl ebl obisTanave sasamarTI os waredginos dokumentis saxiT?

Cemis azriT, aseve dauSvebel ia sasamarTI o procesis gamarTvamde sapatio mizezis arsebobis Taobaze weril obiTi informaciis warsadgenad 24 saaTiani vadis daweseba vinaidan, aseTi CanawerIT samarTI ebrivad gamoiricxeba SesaZl ebel ia, procesis dawyebamde 20 saaTiT adre SeemTxves adamians raime da es sapatio mizezad CaiTval os, da Sesabamisad gamoucxadobl oba ukanonod unda CaiTval os?!

saerTod aseTi xisti moTxovnebi kanonSi yovel Tvis qmnis uxerxul obas, iwvevs usamarTI obis gancdas da konkretul i SemTxvevis swori Sefasebis SesaZl ebl obas spobs.

6. 55-e muxl is 1-1 i nawilis axali redaqqiIT, prokuratura aRar zedamxedvel obs kanonis zust da erTgvarovan Sesrul ebaze sasamarTI os mier daniSnul i sasjel is moxdisas, iseve rogorc dakavebis, winaswari patimrobisa da adamianis Tavisufl ebis SezRudvis sxva adgil ebSi.

Tumca moqmedi redaqqiidan proeqtSi darCa fraza: “iZul ebiTi xasiaTis sxva RonisZiebaTa aRsrul ebisas”. gaugebaria sityva “sxvas” aq datovebis l ogika, vinaidan Sesabamisi CamonaTval i aRar arsebobs. al baT igul isxmeba dakavebis, winaswari patimrobisa da adamianis Tavisufl ebis SezRudvis sxva adgil ebi (magal iTad, sasamarTI o fsiqiatრიული eqspertizisaTvis piris samedicino dawesebul ebaSi moTavseba). Tumca vinaidan aseTi CamonaTval i amoRebul ia SemoTavazebul redaqqiaSi, normis axali formul ireba bundovani da gaugebaria.

sasamarTI os mier daniSnul i sasjel is moxdisas kanonebis zust da erTgvarovan Sesrul ebaze zedamxedvel obisagan prokuraturis gaTavisufl eba gasagebia, radgan mxare (am SemTxvevaSi bral debis mxare) sisxl is samarTI ebriv devnas axorciel ebs, xol o sasjel is moxdisas kanonebis erTgvarovan Sesrul ebaze zedamxedvel oba scil deba sisxl is samarTI ebrivi devnis funqcias. aRniSnul i moTxovna da cvl il eba srul TanxvedraSia evropis sabWos rekomendaciebTanac da misasal mebel ia. magram amave dros imave paketSi “prokuraturis Sesaxeb organul i kanonSi” SemoTavazebul i cvl il ebiT, prokuratura: amowmebs Tavisufl eba- aRkveTil pirTa ufl ebebis darRvevis faqtebs da awarmoebis saprocso moval eobebs dakavebis, winaswari patimrobis, Tavisufl ebis aRkveTis adgil ebsa da sxva dawesebul ebebsi, roml ebic aRsrul eben sasjel s an sasamarTI os mier daniSnul sxva iZul ebiTi xasiaTis RonisZiebebs. ufl eba aqvs: gamokiTxos dakavebul i, dpatimrebul i, msjavrdebul i pirebi da pirebi, romel Tac Sefardebul i aqvT iZul ebiTi xasiaTis RonisZiebani da sxva. mokvl evis, rogorc sisxl is samarTI is procesis stadiis gauqmebisa da SemoTavazebul i cvl il ebiT prokuraturisaTvis gaTval iswinebul i ufl ebamosil ebis SezRudvis Semdeg gaugebaria terminebis: “amowmebs” da “gamokiTxos” arsi da samarTI ebrivi daniSnul eba.

Cemis azriT, ori amgvari cvl il eba, erTi saproceso kodeqSi, xol o meore "prokuraturis Sesaxeb" kanonSi al ogikuria da SeusabamobaSia erTmaneTTan, radgan saproceso kodeqsis (55-57-e muxl ebi) mixedviT, prokuratura axorciel ebs sisxl issamarTI ebriv devnas da "Semowmeba" da "gamokiTxva" udaod scdeba am funqciis Sesrul ebis uzrunvel sayofad mistvis miniWebul i ufl ebamosil ebis fargl ebs.

12. 81-e muxl isaTvis SemoTavazebul i me-3 nawil is damateba srul iad miuRebel ia.  
*3. Tu gansasj el i (msj avrdebul i) an/da misi damcvel i ar gamocxadda sasamarTI oSi, sasamarTI o pirvel ive gamoucjadebl obis SemTxvevaSi gansasj el s (msj avrdebul s) uniSnavs damcvel s saval debul o wesiT.-*

aseve ver daveTanxmebiT verc ganmartebiTi baratis argumentebs am mimarTebiT ufro meti da saTanado dacvis uzrunvel yofis Sesaxeb. SemoTavazebul i redaqqiIT pirvel ive gamoucjadebl obis SemTxvevaSi saval debul i wesiT dacvis daniSvna, imis garkvevis gareSe, Tu ratom ar gamocxadda procesze gasasj el i / msj avrdebul i an misi damcvel i, srul iad miuRebel ia da zRudavs piris dacvis ufl ebas arCeviT. am SemTxvevaSi saxezea ara saxel mwifos mier Tavisi val debul ebis keTil sindisierad Sesrul ebis aucil ebl oba - dacvis gareSe ar darCes aravin, aramed piris iZul eba - daTanxmdes mistvis ucnob damcvel s da ufl ebis CamorTmeva - sakuTari Tavi TviTon daicvas.

aqve bevri magal iTis moyvana SeiZl eba imis Sesaxeb, Tu ra sapatio mizeziT SeiZl eba ver gamocxaddes gansasj el i. saqarTvel oSi arcTu iSviaTia SemTxveva, rodesac Sesabamisi manqanebis simciris gamo ver moxerxda gansasj el is badragireba, an misi avadmyofoba, an damcvel s aqvs sasamarTI o procesi sxva qal aqSi sxva saqmeze, an didTovl oba, da a.S. amgvari cvl il ebis ganxorciel eba ise, rom ar iyos miTiTebul i sapatio mizezebis gaTval iswinebis SesaZl ebl oba, srul iad miuRebel i da antikonstituciuria.

anal ogiuria Semdegi, 83-e muxl is me-5 nawil is SemoTavazebul i cvl il ebebis arsic. *5. Tu arCeul i an daniSnul i damcvel i monawil eobas ver iRebs winaswari gamoZiebisas sapatio mizezis gamo, procesis mwarmoebel i organo val debul ia gadados sagamoZiebo moqmedebis Catareba, romel Sic monawil eoba unda mieRo damcvel s, magram ara umetes 5 dRisa. am vadaSi damcvel is gamoucjadebl obis SemTxvevaSi gamoZiebel i, prokurori bral debul s sTavazobs moiwvios sxva damcvel i, xol o uaris an dadgenil vadaSi damcvel is gamoucjadebl obis SemTxvevaSi iZaxebis damcvel s daniSvniT.-*

saxezea survil i sapatio mizezis arsebobis pirobebSic ki SeizRudos piris mier arCeul i damcvel iT sargebl obis, da saTanado da kval ificiuri dacvis ufl ebiT sargebl obis SezRudva. kanoniT imperatiul ad 5 an Tundac dRes moqmedi 10 dRiani vadis arseboba srul iad araswori da aral ogikuria. aseTi SezRudvis arseboba seriozul probl emebs Seuqmnis dacvas, gansakuTrebiT maSin, rodesac ar arsebobs ndoba gamoZiebis mimarT da savaraudod aseTi ufl ebamosil eba Segnebul ad iqneba gamoyenebul i yvel a konkretul SemTxvevaSi, rom ama Tu im saproceso moqmedebis Catarebisas Tavidan iyos acil ebul i gamoZiebisaTvis arasasurvel i damcvel is monawil eoba. Cemis azriT, aseTi debul ebebi SezRudul i unda iyos gonivrul i vadis principis gamoyenebiT da damokidebul i konkretul sapatio mizezze. amasTanave, isev da isev gavimeorebT, pirdapir ikrZal eba piris ufl eba TviTon daicvas Tavisi Tavi.

saproceso RonisZiebis Catarebisas sapatio mizezis gauTval iswinebl oba da daniSnul i damcvel is gamoyeneba SesaZl ebel ia daSvebul i iyos mxol od im SemTxvevaSi, rodesac gamoZieba daasabuTebis, rom saproceso moqmedebis Catareba

SesaZl ebel ia mxol od swored konkretul ad miTiTebul vadaSi da ara sxva dros an daazinebs marTI msaj ul ebis interesebS.

anal ogiuri probl ema gvaqvs 443-e muxl is me-3 nawil is cvl il ebasTan dakavSirebiTac. SemoTavazebul i redaQcia bunebrivad badebs kiTxvas: ratom aRar aris saval debul o gansasjel is advokatis monawil eoba procesze, gansakuTrebiT im SemTxvevaSi, Tuki gansasjel i sxdomaze ar gamocxadda misgan damoukidebel i mizezebis gamo: didTovl obis gamo ver Camoiyvanes Tbil isSi procesze; avad aris; da mraVal i sxva. Cemis azriT, es dacvis ufl ebis arasaTanado SezRudvaa. sxva saqmea, rodesac gansasjel i Tavs aridebs process, rodesac misi advokati arasapatio mizeziT ar monawil eobs da a.S. amasTanave, miuxedavad imisa, rom damatebul i me-4 punqtiT, badragirebis ganuxorciel ebl obiT gamowveul i argamocxadebis SemTxvevaSi gaTval iswinebul ia procesis gadadeba, vfiqrob, es arasakmarisi RonisZiebaa, vinaidan isev da isev gamoiricxeba avadmyofobis SemTxveva, xol o 10 dRiani vadis imperatiul ad daweseba gamoricxavs badragirebis SeuZl ebl obis sxva obieqtur mizezebs.

kidev ufro mZimea 445-e muxl is me-2 nawil is SemoTavazebul i redaQcia. es ukanasknel i srul iad miuRebel ia da ewinaaRmdegeba dacvis ganxorciel ebis el ementarul safuZvl ebsa da pirobebs Semdegi mizezebis gamo:

*(Tu damcvel i ar gamocxadda sxdomaze, sasamarTI o gansasjel s dauniSnavs damcvel s saxazino wesiT da gadadebs saqmis ganxil vas gonivrul i vadiT, magram araumetes 10 dRisa. momdevno sxdomaze sasamarTI o ufl ebamosil ia kidev erTxel gadados saqmis ganxil va araumetes 5 dRisa, Tu dacvis mxare warmoadgens motivirebul Suamdgoml obas, romel sic dasabuTebul ia damcvel is gamoucxadabl obis obieqturi mizezi. Suamdgoml obis warmoudgenl obis, warmodgenil i Suamdgoml obis daukmayofil ebl obis an dakmayofil ebis Semdeg damcvel is kvl av gamoucxadabl obis SemTxvevaSi sxdoma grZel deba saxazino damcvel is monawil eobiT.-)*

pirvel i probl ema mdgomareobs imaSi, rom ignorirebul ia gansasjel is survil i Tavad airCios damcvel i. SemoTavazebul i formul ireba gul isxmobs saxazino wesiT dacvis daniSnis val debul ebas, rac miuRebel ia. amasTanave, aseTi dacva iniSneba manam, sanam gairkveva gamoucxadabl obis mizezebi da is, SeZl ebs Tu ara arCeul i damcvel i Semdeg procesze daswrebas. Semdeg SesaZl ebel ia gairkves, rom arsebobs dacvis gamoucxadabl obis real uri da obieqturi mizezebi da aseT SemTxvevaSi kidev 5 dRiT SeiZl eba gadaidos sxdoma. ibadeba kiTxva ra emarTeba, am dros daniSnul saxazino damcvel s? kodeqsi am kiTxvaze pasuxs ar iZl eva.

Semdegi probl ema, romel sac muxl is aseTi formul ireba qmnis mdgomareobs imaSi, Tu ra xdeba im SemTxvevaSi, Tuki Suamdgoml oba gamoucxadabl obis Sesaxeb ar dakmayofil da, magram damcvel i agrZel ebs Tavisi funqciebis Sesrul ebas da gamocxaddeba procesze. SemoTavazebul i versiit, aseT dros sxdoma grZel deba saxazino damcvel is monawil eobiT?! ra emarTeba arCeul damcvel s? ekrZal eba monawil eoba? da Tuki aseT SemTxvevaSi piri uars ganacxadebs saxazino damcvel ze, mainc saval debul oa misi monawil eoba?

amasTanave dRes moqmed debul ebebSi ewera, rom “saqmeSi axl ad Cabmul damcvel s sasamarTI o uzrunvel yofs saqmis masal ebis Sesaswavl ad sakmarisi droiT”, rom araferi vTqvaT formul irebaze “saqmeSi mis Cabmamde Catarebul moqmedebaTa ganmeorebis SesaZl ebl obiT”. orive debul eba axal i formul irebidan gamqral ia, Sesabamisad ar arsebobs pasuxi kiTxvaze, ra xdeba gansakuTrebiT rTul i, mraVal tomiani saqmeebis pirobebSi axal i advokatis famoCenis SemTxvevaSi?

Cemis azriT, amgvari formul irebis SemotaniT dacva formal uri xasiaTis xdeba da srul iad ignorirebul ia ara mxol od kval ificiuri da arCevit dacvis, aramed saerTod dacvis ufl ebis el ementarul i pirobebi.

14. absol uturad miuRebel ia 84-e muxl is me-3 nawil is `m- qvepunqtis erTi SexedviT teqniki cvl il eba, romel ic erTi sityvis “SemTxveveSi” Camatebas iTval iswinebs. swored am sityvis damatebiT izRudeba dacvis ufl eba gasaCivros gamomZiebl is yvel a ukanono moqmedeba da dadgenil eba. Tuki dRes moqmedi redaqqiIT aseTi SesaZl ebel i iyo nebi smier moqmedebasa da dadgenil ebasTan dakavSirebiT da kanoni 242-e muxl ze miTiTebas mxol od gasaCivrebis wesTan dakavSirebiT akeTebda, SemoTavazebul i cvl il ebebis miRebis Semdeg amgvani ufl eba gavrcel deba mxol od 242 muxl iT dadgenil 2 SemTxvevaze (sisxl is samarTI ebrivi denis an/da winaswari gamoZiebis Sewyvetaze da eqspertizis daniSvnis uarze).

es probl ema axal i ar aris da wl ebis ganmavl obaSi ufl ebadamcvel i ara-samTavrobo organizaciebisa da advokatebis wuxil is sagani iyo. am probl emaze yuradReba aseve araerTxel gamaxvil ebul a sxvadasxva saerTaSoriso dokumentebSi.

kidev erTxel cal saxad unda ganvacxadoT, rom amgvani SezRudva pirdapir ewinaaRmdegeba saqarTvel os konstitucias da pirs arTmevs ufl ebas Tavisi daRveul i ufl ebis aRsadgenad yvel a sakiTxze mimarTos sasamarTI os, xol o am ufl ebis romel me konkretul i kanonis konkretul i muxl iT reglamentacia da SemozRudva konkretul i viTarebebiT dauSvebel i da anti-konstituciuria.

gaugebaria “t” qve-punqtidan sityva “sasamarTI os” amoReba. ratom ar SeiZl eba damcvel ma sakuTari Sexedul eba gamoTqvas sasamarTI os moqmedebaze Tuki Tvl is, rom esa Tu is moqmedeba ukanonoa da moitXovos misi oqmSi Setana. aseTi ufl ebis arseboba gansakuTrebul mniSvnel obas izens, magal iTad: Tuki mxare mosamarTI is mimarT discipl inuri warmoebis dawyebas gadawyvets, an zemdgom sasamarTI oSi samarTI iani sasamarTI os ufl ebis darRvevis Sesaxeb davis warmoebisaTvis, da mraval sxva SemTxveveSi.

17. erTi SexedviT umtkivneulo cvl il eba, romel ic 130-e muxl is 1<sup>n</sup> nawil is Seexeba, gansakuTrebiT dRevandel i real obis gaTval iswinebiT, SesaZl oa, uaryofiti datvirTvis matarebel i aRmoCndes dacvis mxarisaTvis. dacvis mxaris Suamdgoml obebis dakmayofil ebaze statistikurad momravl ebul i uaris pirobebSi amgvanna debul eba “*eqsperti SeiZl eba daikiTxos*” SesaZl oa seriozul i probl ema Seuqmnas dacvas. Tuki sasamarTI oSi wardgenilia weril obiti daskvna, Cemis azrit, processe saval debul od unda dadges eqspertis dakiTxvis sakiTxi.

Tumca SesaZl ebel ia am sakiTxis sxvagvarad gadawyvitac. magal iTad, mxaris Suamdgoml obis arsebobis SemTxvevaSi --- unda daikiTxos. Tuki arc erT mxares kiTxvebi ara aqvs, bunebrivia, sakiTxi moixsneba dRis wesrigidan da gamoiricxeba subieqturi gadawyvetil ebis miRebis SesaZl ebl oba. amasTanave gaugebaria, ratom ar unda daikiTxos eqsperti, Tuki romel ime mxares masTan aqvs damazustebel i, an sxva kiTxvebi ukve warmodgenil weril obit daskvnasTan dakavSirebiT.

19. 145-e muxl is me-5 nawil is SemoTavazebul redaqqiaSi misasal mebel ia iseTi debul ebis gaCena, romel ic ufl ebebis ar ganmartebis SemTxvevaSi pirs gaTavisufl ebis safuZveli xdeba, Tumca gaugebaria, ratom aris amoRebul i sityvebi “Tu dakavebis oqmi ar Seudgeniat zemoaRniSnul i pirobebis dacviT,” romel ic dRes moqmedi redaqqiIT aseve iTvl eba gaTavisufl ebis safuZvl ad da romel ic Cemis azrit, aranakl eb mniSvnel ovania saqmeze obieqturi WeSmaritebis dadgenisaTvis. swored am muxl iT gaTval iswinebul i pirobebis dakavebis oqmSi saTanadod miTiTeba izl eva Ziebis Semdgomi obieqturobisa da adamanis ufl ebebis Sesabamisad dacvis safuZvel s. magal iTad, Tuki oqmSi ar aris miTitebul i

dakavebis dro. ra xdeba aseT SemTxvevaSi, visi simarTI e unda daijeros mosamarTI em?

me-6 nawil Si SemoTavazebul cvl il ebasTan dakavSirebiT (anal ogiuri moTxovna adrec aris gaTval iswinebul i), gansakuTrebul winaaRmdegobas ver vxedav, Tumca sasurvel i iqneboda me-6 nawil idan amoRebul iqnas sityvebi “misi moTxovniT” da dakiTxvis SemTxvevaSi samedicino Semowmeba saval debul o procedurad iqces. wamebis an arasaTanado mopyrobis SemTxvevaSi “misi moTxovna” rogor gaformdeba Zal ze saeWvoa da Semowmebis ar arsebobis gamarTI ebad mudam darCeba *saTanado moTxovnis ar arseboba*.

22. 161-e muxl is meore da mesame nawil ebTan dakavSirebiT unda iTqvas Semdegi. upirvel es yovl isa gaugebaria, ratom aris amoRebul i meore nawil idan vadebi. sixl is samarTI is saproceso kodeqsis bunebidan gamomdinare umj obesia yvel a muxl i da debul eba zustad, zedmeti interpretaciebis SesaZl ebl obis gareSe iZl eodes pasuxebis yvel a kiTxvebze, xol o rac Seexeba mesame nawil s, Cemis azriT, am muxl Si imis miTiTeba, rom zedamxedvel obas anxorciel ebs iusticiis saministro, garkveul wil ad miniSnebaa imisa, rom SesaZl ebel ia sxva reJmic iyos dadgenil i, anu sxva uwyebis zedamxedvel oba, rac bunebrivia sixl ea CvenTvis da Tanac uaryofiti datvirTvis matarebel i.

23. sayuradReboa 162-e muxl is SemoTavazebul i redaqqiis me-2, me-8 da me-9 nawil ebi. meore nawil i arafrit gansxvavdeba dRes moqmedi redaqqiisagan da swored amitom aris saintereso. es muxl i wl ebis ganmavl obaSi uamravjer iyo Secvl il i, Tumca arc erTi xel isufl ebis pirobebSi meore nawil is arsi ar Secvl il a. principi imisa, rom patimrobis vada Turme wydeba sabral debo daskvnis Sedgenisa da sasamarTI oSi Cabarebis momentSi, kvl avac ucvl el ad rCeba kodeqsi.

me-8 nawil iT, cvl il ebebis avtorebi praqtikul ad aRiareben wl ebis ganmavl obaSi ufl ebadamcvel ebisa da advokatebis bral debebs, rom patimrebis umetesoba ukanonod iyo sapatimroSi da gvTavazoben, rom saqmis sasamarTI oSi registraciidan 72 saatSi mosamarTI e zepiri mosmenis gareSe ixil avdes gansasjel is aRkveTis RonisZiebis sakiTxs. probl emis gamosworebis survil i mxol od misasal mebel ia, Tumca vfiqrob, rom aRniSnul i debul ebis Sesworeba TavisTavad gamosaval i ar aris da konstituciasTan kvl avac winaaRmdegobaSia.

unda iTqvas, rom kanonis aseTi redaqqia wl ebis ganmavl obaSi damkvidrebul i ukanonobis gamosworebis warumatebel i mcdel obaa, vinaidan pirvel rigSi SemoTavazebul i cvl il ebebiT 72 saatSi ganmavl obaSi piri mainc ukanono patimaria da gaugebaria, ras niSnavs saerTod meore nawil is sityvebi “patimrobis vadis dineba wydeba”. patimrobis vadis dineba wydeba maSin, rodesac piri aRar aris patimari, anu misi Tavisufl eba aRar aris SezRudul i. Tuki es vada sabral debo daskvnis Cabarebis momentSi wydeba, maSin momdevno 72 saatSi, gadawyvetil ebis gamotanamde ra statusi aqvs am piris Tavisufl ebisaRkveTis mdgomareobas? da bol os, ratom unda ganxil os sasamarTI om saqme zepiri mosmenis gareSe?

gadawyvetil eba, romel ic unda dadges adamianis umniSvel ovanes ufl ebas exeba da igi maqsimal urad unda iyos dacul i. Sesabamisad mxareebis dacvisa da sakuTari argumentebis wardgenis maqsimal uri SesaZl ebl oba unda hqondeT. magal iTad, CvenSi xSirad apatimreben imitom, rom “gamoZiebis procesSi zewol as moaxdens mowmeebze”. gamoZieba dasrul ebul ia, mowmeebi dakiTxul i da sabral debo daskvnac mzad aris. Cemis azriT, me-8 nawil iT gaTval iswinebul i sasamarTI o procesi unda mimdinareobs imave pirobebSi, rogorc aRmkveTi RonisZiebis Sefardebis pirvel i procesi.

yovl ad dauSvebel ia am muxlidan dRes moqmedi redaqqiis me-9 nawilis gaqroba, vinaidan es ufl eba sakonstitucio sasamarTl os mier iyo garantirebul i Tavisi gadawyvetil ebiT da tradiciul ad misi akrZal va an kodeqsSi ararseboba davisa da gaugebrobis safuZveli iyo. aseve SemZRudavi da arasworia me-10 nawilis amoRebac. principSi am ori cvl il ebiT, dRevandel i me-10 nawilis amoRebiT da axali me-8 nawil iT aRmkveTi RonisZiebis Secvl is SesaZl ebl oba, praqtikul ad, aRar arsebobs.

26. SemoTavazebuli cvl il ebebiT 168-e muxl is me-6 nawil s emateba Semdegi debul eba: *“giraos Setanis dadasturebas axorciel ebs prokurori.-* Cemis azriT aq mciredi probl ema SeiZl eba warmoisvas vinaidan kodeqsis mixedviT girao SesaZl ebel ia gadaxdil i iyos sasamarTl os depozitze SetaniTac (kodeqsis 168-e muxl is pirveli nawil i), aseT SemTxvevaSi rogor moxdeba, aseve prokuroris mier dadastureba iqneba saWiro, Tu es debul eba imas niSnavs, rom giraos es forma faqtiurad gamoiricxeba.

amave muxl is me-8 nawil Si aseve icvl eba erTi winadadeba da Tuki dRes moqmedi redaqqi iT giraos dabrunebis piroba iyo *“saqmeze sabol oo gadawyvetil ebis miReba”*, SemoTavazebul redaqqiaSi es ukanasknel i icvl eba *“ganaCenis aRsrul ebiT”*. Cemis azriT, vinaidan am punqtis formul ireba igive rCeba danarCen nawil ebSi, anu nakisri val ebul ebebis zustad da keTil sindisierad Sesrul eba kvl avac moTxovnil ia, gacil ebiT ufro l ogikuria darCes dRes moqmedi redaqqia.

27. Tavistavad 175-e muxl Si SemoTavazebuli damateba gansakuTrebiT sagangaSo ar aris, Tumca SemoTavazebul cvl il ebebSi naTl ad Cans tendencia (aseve ixil eT magal iTad 193 muxl i, an 243 muxl is me-10 nawil i), rom seriozul i datvirTva modis zepiri ganxil vis gareSe sasamarTl o procedurebze. isev da isev SesaZl ebel ia, rig SemTxvevebSi es sagangaSo sul ac ar iyos, gansakuTrebiT maSin, rodesac mosamarTl es moeTxoveba dasabuTebul i gadawyvetil ebis gamotana, magram rogorc tendencia sisxl is samarTl is saqmis warmoebisaTvis, gansakuTrebiT Cvens sistemaSi, rodesac procesi SejibrebiTobis principis emyareba, ra Tqma unda SemaSfoTebel ia.

magal iTad, 208.7 SemoTavazebuli cvl il ebebis mixedviT SesaZl ebel i gaxdeba piris mimaRT gamotanil i iyos sasamarTl os darbazidan gaZevebis, ufro metic, misi 30 dRiT daptimrebis gadawyvetil eba *“zepiri mosmenis gareSe”* da Tanac ise, rom es gadawyvetil eba ar saCivrdeba. Cemis azriT, muxl is amgvari formul ireba cal saxad ewinaaRmdegeba konstituciis 42-e muxl iT aRiarebul ufl ebebs.

gansakuTrebiT miuRebel ia zepiri mosmenis gareSe ganxil vis Semotana 242 muxl Si, romelic axali, me-8 nawil is damatebiT aris SemoTavazebuli (*8. sasamarTl o (mosamarTl e) ufl ebamosil ia, am muxl iT gaTval iswinebul i saCivrebi ganxil os zepiri mosmenis gareSe. zepiri mosmenis SemTxvevaSi, mosamarTl e acxadebs gadawyvetil ebis sarezol ucio nawil s.-*), da romelic swored zepiri mosmenisa da dasabuTebis gareSe iTval iswinebs gadawyvetil ebis gamotanas mosamarTl is mier gamomZiebl isa da prokuroris moqmedebebisa da gadawyvetil ebebis gasaCivrebis SemTxvevaSi.

es muxl i istoriul ad mraval i davisa da kamaTis sagani yofil a. winamdebare daskvnaSi misi probl emebis Sesaxeb ukve iyo saubari da aRar gavimeorebT, Tumca aqve unda davamotoT, rom swored amgvari gasaCivrebis pirobebSi aris umniSvnel ovanesi procesis SejibrebiTobis principis dacva da mxareTa argumentebis mosmena, raTa dacul i iyos umniSvnel ovanesi saproceso ufl ebebi da garantiebi.

28. 181-e muxl is cvl il eba vadebis Semcirebas gul isxmobs. Cemis azriT, eqpertizisaTvis vadebis aseTi SemWidroveba (dRes moqmedi redaqqiIT jamurad 2 Tve iyo gaTval iswinebul i, axal i versiIT mxol od 30 dRe) ara marTI zomieria. Znel i saTqmel ia, zustad ramdeni dRe SeiZl eba iyos optimal uri, magram vfiqrob umj obesi iqneba es iyos gonivrul i vada. SesaZl ebel ia moTxovnis formul ireba moxdes Semdegnairad, SemoTavazebul i cvl il ebebis Sesabamisad pirvel i vada ganisazRvros 30 an Tundac 20 dRiT, magram Semdgomi gagrZel eba SesaZl ebel i iyos dasabuTebis Sesabamisad sasamarTI os ganCinebis (dadgenil ebis) safuZvel ze, saWiroebisamebr. rogorc zemoT mogaxsenebdiT aris rigi sakiTxebisa, sadac kanonomdebel i aseTi konkretul i ver iqneba imis gaTval iswinebiT, rom pirobebi absol uturad individual uria da yovel konkretul SemTxvevaSi SesaZl ebel ia principul ad gansxvavdebodes erTmaneTisagan.

es sakiTxi gansakuTrebiT gaugebaria, rodesac eqspertizis vadebi patimrobis vadaSi aRar Sedis (180-e muxl i iyo or nawiliani. meore nawili, sadac miTiTebul i iyo, rom samedicino dawesebul ebaSi yofnis dro iTvl eba patimrobis vadaSi da misi gagrZel eba xdeba 163-e muxl iT dadgenil i wesiT, amoRebul iqna 2005 wl is 17 ivnisis cvl il ebebiT.) Sesabamisad, veraviTar SemTxvevaSi, misi xel ovnuri gaWianureba ver iqneba bral debul is an gansasjel is interesebSi.

30. gaTval iswinebul ia cvl il ebebi 202-e muxl Si. SemoTavazebul i cvl il ebis ganxorciel ebis Sedegad miviRebT rel obas, rodesac gamomZiebel s, prokurors da mosamarTI es sixl issamarTI ebrivi pasuxismgebl oba daekisrebaT mxol od saproceso moval eobis ganzrax darRvevisaTvis, xol o daudevrobiTa da gaufrTxil ebl obiT Cadenil i darRvevisaTvis aseTi pasuxismgebl oba ar dadgeba.

Tuki danaSaul is Cadenisa da damtkicebis SemTxvevaSi yvel a piris pasuxismgebl obis sakiTxi dgeba zogadi wesis Sesabamisad, maSin gaugebaria am muxl is saerTod arseboba kodeqsSi, xol o vinaidan aseTi muxl i arsebobs, maSin gaugebaria, ratom keTdeba aqcenti mxol od ganzrax danaSul ze.

Cemis azriT, amgvari cvl il ebebis ganxorciel eba ewinaaRmdegeba kanonis Tanabrad gavrcel ebisa da danaSaul is Cadenis SemTxvevaSi yvel a piris Tanabrad dasj is principebs.

33. 218-e muxl is axal i, me-14 nawilis formul ireba, Cemis azriT, gansakuTrebul i yuradRebis Rirsia, vinaidan sruliad miuRebel ia, rom sasamarTI o xarj ebis odenoba da gamoangariSebis meTodika dadgindes prezidentis brZanebul ebiT. araviTari institucional uri kompetencia aRmasrul ebel i xel isufl ebis meTaurus am mimarTebiT ar unda gaaCndes. ra Tqma unda, aseTi xarj ebis gaangariSebis meTodikis prezidentis brZanebul ebiT dadgena Tavistavad nonsensia, magram xarj ebis odenobis prezidentis brZanebul ebiT dadgena xom saerTod gaugebaria. anu rogoria es procedura, TviTeul saqmeze gamodis prezidentis brZanebul eba? prezidents mosamarTI eebi mimarTaven Tu igi (prezidenti) erTdroul ad yvel a process eswreba?

kidev ufro sainteresoa ganmartebiti bartis debul ebebi, romelic am sakiTxs exeba, sadac avtorebi jer erti saerTod ar axseneben im faqts, rom kanonproeqtiT xarj ebis odenobis gansazRvrac prezidentis kompetencia, xol o meores mxriv, aseTi muxl is gaCenas imiT xsnian, rom Turme sasamarTI os uWirds amgvari sirtul is daZl eva.

34. 231-e muxl is me-5 nawilis formul ireba icvl eba da emateba sityvebi "axal i arsebiti garemoebis gamovl enis SemTxvevaSi", rac Tavistavad SemzRudavi debul ebaa, vinaidan amcirebs Suamdgoml obiT mimarTvis SesaZl ebl obebs.

5. *Suamdgoml obis uaryofa ganmcxadebel s ar uspobs ufl ebas, axal i arsebiTi garemoebis gamovl enis SemTxvevaSi, mimarTos Suamdgoml obiT sisxl is samarTI is procesis imave an sxva stadiaze.*”

Cemis azriT, dRes arsebul i formul ireba gacil ebiT ufro koreqtul ia da maqsimal isturia, rac dacvis uzrunvel yofis garantiebis Tval sazrisiT met Sesazl ebl obebs izl eva.

imave muxl Si gaTval iswinebul ia sxva cvl il ebebic, romel zec unda mogaxsenoT Semdegi.

axal i me-7 nawil i (“sasamarTI oSi saqmis ganxil visas Suamdgoml oba sasamarTI os unda waredginos weril obiTi formiT, garda im SemTxvevisa, rodesac mxare axal i arsebiTi garemoebis safuZvel ze Suamdgoml obas daayenebs imave sasamarTI o sxdomaze”) damatebiT moTxovnebs uyenebs mxareebis. miuxedavad imisa, rom Tavistavad Suamdgoml obebis weril obiTi formiT dayenebis moTxovnis sawinaaRmdego SeiZl eba adamians arafebi hqondes, pirvel i: aseTi formul ireba ewinaaRmdegeba Tavad am muxl is me-2 nawil s, romel ic imperatiul ad da daTqmebis gareSe acxadebs, rom Suamdgoml obebi SeiZl eba dayenebul i iyos rogorc zepiri, aseve weril obiTi formiT, xolo meores mxriv acxadebs, rom zepiri Suamdgoml oba dasaSvebia mxol od “axal i arsebiTi garemoebis safuZvel ze imave sasamarTI os sxdomaze”. Cemis azriT, Zal ze subieqturi kriteriumia, rogor dgindeba ra aris arsebiTi da ra ara. sruliad darwmunebul i var, aseTi debul ebis Semotana praqtikaSi damatebiTi probl emebis safuZvel i gaxdeba da arafriT ar Seuwyobs xel s procesis normal izaciassa da ukeTes struqturirebas, rac, al baT, kanonproeqtis avtorTa idea iyo.

aseve miuRebul ia SemoTavazebul i me-8 nawil iT (“sasamarTI oSi saqmis ganxil visas Suamdgoml obis dasayenebl ad da dasasabuTebI ad mosamarTI e mxares ganuszRvras vadas, rac ar unda aRematebodes 10 wuTs”) 10 wuTiani vadis daweseba, rac dacvis ufl ebis seriozul i SezRudvaa. anal ogiurad, me-9 nawil iT dawesebul i 5 wuTiani regl amentic. (“sasamarTI oSi saqmis ganxil visas dayenebul Suamdgoml obasTan dakavSirebiT mosamarTI e mxares poziciis gamosaxatavad ganuszRvras vadas, magram araumetes 5 wuTisa.-) aseTive 5 wuTiani regl amentebia dawesebul i SemoTavazebul i 475-e muxl is me-5 nawil is cvl il ebiT, rac aseve procesis yovl ad gaugebari regl amentaciaa, da 491 muxl iT.

anal ogiuri probl emaa 490-e muxl is SemoTavazebul cvl il ebaSic, sadac dRes moqmedi formul irebisagan gansxvavebiT “sasamarTI os ufl eba ara aqvs SezRudos sasamarTI o kamaTSi gamosvl ebis xangrZl ivoba”, SemoTavazebul ia kamaTis maqsimum naxevari saaTIT regl amentacia.

39. 243-e muxl Si SemoTavazebul cvl il ebebtan dakavSirebiT unda aRiniSnos Semdegi. sruliad gaugebaria, ratom aris amoRebul i mesame nawil Si sityvebi “saCivris ganxil vis dRe da dro dauyovl ebl iv ecnobebs mxareebis”.

Cemis azriT, aseTi ufl eba sul ac ar igul isxmeba da aucil ebel ia amgvare ufl ebis konkretul ad gansazRvra. gansakuTrebiT ar gamocxadebis SemTxvevebtan dakavSirebiT SemoTavazebul i cvl il ebebis simkacris gaTval iswinebiT, rodesac aRar vkiTxul obT mizezebs.

44. 290-e muxl is me-7 nawil Tan dakavSirebiT arsebobs sakonstitucio sasamarTI os gadawyvetil eba, romli Tac gauqmda gasaCivrebis ufl ebis ar arsebobis Sesazl ebl oba.

Cemis azriT, SemoTavazebul i cvl il eba (am muxl is me-2 nawil iT gaTval iswinebul SemTxvevebSi sasamarTI o sxdomis oqmi ar dgeba. mosamarTI e

ufl ebamosil ia, Suamdgoml oba ganxil os zepiri mosmenis gareSe-) miuRebel ia da arafriT gansxvavdeba im formul irebisagan, romel ic dRemde arsebobda. upirvel es yovl isa, gaugebaria, ratom ar dgeba oqmi da gansakuTrebiT SemoTavazebul i damatebis gaTval iswinebiT kidev ufro saxifaTo xdeba am muxl is debul eba, vinaidan amgvare zepiri mosmenis gareSe Catarebul i sasamarTI o procesi, praqtikul ad arafriT gansxvavdeba gasaCivrebis ufl ebis ar arsebobisagan.

51. 436-e muxl is axal i formul ireba erTgvar winaaRmdegobas qmnis amave kodeqsis 435-e muxl is debul ebebTan, roml is mixedviTac saqm is ganxil vis dros sasamarTI os Semadgenl oba ucvl el ia. daTqma, romel ic imave muxl Si 436-e muxl s Seexeba dRes moqmedi redaquiIT gul isxmobs, rom saqmeSi daniSnul ia saTadarigo mosamarTI e, romel ic eswreba sxdomebs dasawyisidan da Semdeg saWiroebis SemTxvevaSi cvl is saqm is ganxil vel mosamarTI es. sxva SemTxvevibisaTvis igive 435-e muxl i acxadebs, rom Tuki aseTi cvl il eba moxda maSin saqm is ganxil va iwyeba xel axl a.

SemoTavazebul i cvl il ebiT, aseTi ram gaTval iswinebul i aRar aris da srul iad gansxvavebul i midgoma Camoyal ibebul i. nebismier mosamarTI es saqm is ganxil vis nebismier stadiaze SeiZl eba daekisros saqm is gagrZel eba da mxol od misi gadawyvetil ebiT SeiZl eba dadges ama Tu im konkretul i mtkicebul ebis xel axal i gamokvl evis saWiroeba.

kidev erTxel unda aRiniSnos, rom aseTi midgoma ewinaaRmdegeba 435-e muxl iT aRiarebul zogad wess, romel ic Tavistavad sworad aris formul irebul i. vinaidan saqm is sxva mosamarTI is mier Sua procesidan gagrZel ebis SesaZl ebl obisaTvis adgens warmoudgenl ad farTo da SeuzRudav sazRvrebs. es aRar aris gamonakl isi, aramed Tavad wesia. aseT SemTxvevaSi eWwqveS dgeba samarTI iani sasamarTI os ganxorciel ebis SesaZl ebl oba, rom Seni saqme ganxil os kompteneturma mosamarTI em, rom kompetencia mxol od kanonebis codnas ki ara, konkretul i saqm is garemoebebis codnas da am codnis safuZvel ze adekvaturi gadawyvetil ebis miRebis SesaZl obas gul isxmobs, aseve umniSnel ovanesia mosamarTI is Sinagani rwmenis sakiTxi, romel ic SemoTavazebul i cvl il ebebiT, praqtikul ad gamoricxul ia rom arsebobdes.

57. 451-e muxl is axal redaaciasTan dakavSirebiT mogaxsenebT Semdegs:

pirvel i probl ema, romel ic am muxl is axal i redaquiis pirvel i nawil is wakiTxvisas Cndeba aris is, rom avadmyofobis xarixis Sesafasebl ad gaTval iswinebul ia absol uturi eqskl uzivi saxel mwifo saeqsperto dawesebul ebisaTvis, rac Cemi azrit, araswori da aral egitimuri moTxovnaa.

kidev ufro didi probl emaa axal i, me-4 nawil i, romel sac srul iad gaugebari debul ebebi Semoaqvs. vkiTxul obT *“18 saat is Semdeg mxaris Suamdgoml obiT an sakuTari iniciativiT SesaZl ebel ia, sasamarTI om Sewyvit os sxdomis mimdinareoba.*- gaugebaria ris Semdeg 18 saat i? romel i sasamarTI o sxdoma Sewyvit os? ra droa es 18 saat i da ras efuZneba? saidan momdinareobs? aseT vadas es kodeqsi saerTod ar icnobs.

59. 468-e muxl is SemoTavazebul i axal i redaqcia miuRebel ia Semdegi garemoebebis gamo.

SemoTavazebul redaqciaSi amoRebul ia dRes moqmedi redaquiis meore nawil i, romel ic adgenda imis SesaZl ebl obas, rom magal iTad, kanonis darRveviT mopovebul i mtkicebul ebebi amoRebul i yofil iyo saqm idan. aseTi SesaZl ebl oba SemoTavazebul i muxl is axal i formul irebiT aRar arsebobs. probl ema

SesaZl ebel ia gamoswordes an meore nawil is aRdgeniT an pirvel nawil Si CamonaTval Si sityvebis “an saqmidan amoRebis” CamatebiT.

Tumca kidev ufro probl ematuria dRevandel i mesame da SemoTavazebul i saxecvl il i meore nawil i. kerZod, iq sadac saubaria imaze, Tu romel i Suamdgoml oba unda dakmayofil des, amoRebul ia sityvebi: “Tu mtkicebul eba kanonis arsebiTi darRveviT aris mopovebul i”. aseTi debul ebis arseboba adamianis ufl ebaTa dacvis saproceso uzrunvel yofis umniSvnel ovanesi piroba iyo da misi am muxl idan amoReba miuRebel ia.

aseve miuRebel ia amave nawil idan amoReba debul ebisa, roml is mixedviTac mosamarTl es ekisreboda Suamdgoml obaze uaris dasabuTeba. aseTi ram axal i redaqqiit gaTval iswinebul i aRar aris, rac, Cemi azriT, aseve dauSvebel ia.

sabol ood, STabeWdil eba iqmneba, rom 468-e muxl is axal i redaqqiis mizania gauadvil os gamoZiebas kanondarRveviT miRebul i mtkicebul ebebis gamarTl eba da saqmeSi datoveba, Tanac ise rom mosamarTl es maTi datovebis an ar datovebis Sesaxeb Suamdgoml obebis dakmayofil ebis dasabuTebac ki aRar WirdebaT.

61. 473-e muxl Tan dakavSirebiT ramodenime SeniSvna arsebobs. 5 wuTian reglamentaciaze zemoT ukve iyo saubari. amasTanave, gaugebaria, ratom aris amoRebul i, magal iTad, me-8 nawil i. mogexsenebaT, sixl is procesSi araferi ar igul isxmeba, yvel aferi unda iyos zustad da detal urad gaweril i. amasTanave, rodesac kanonidan qreba is, rac erTxel ukve iyo reglamentirebul i, kidev ufro arTul ebs ufl ebaTa praqtikul realizacias.

Cemis azriT me-8 punqti, imis gamo rom gamamarTl ebel i ganaCenis moTxovnis dayenebis damatebiT SesaZl ebl obas iTval iswinebs, aucil ebl ad unda darCes kanonSi.

72. 498-e muxl is pirvel i nawil is „z” qvepunqtis gauqmebis Sedegad sasamarTl o aRar adgens sasjel aRsrul ebis dawesebul ebis tips. Cemis azriT, es arasworia, vinaidan is, Tu romel da rogor dawesebul ebaSi moixdis piri sasjel s, anu reJimi ganaCenis da sasjel is Sefardebis nawil ia. amasTanave, Cemis azriT, unda arsebobsdes Sesabamisi formul ireba, romel ic gansxvavebul /axal wess daadgens. anal ogiuri probl ema iqmneba 509 muxl is axal i redaqqiaSi “d” qvepunqtis Secvl iTac, vinaidan es ukanasknel i adgenda ganaCeniT sasjel aRsrul ebis dawesebul ebis SerCevis val debul ebas.

anal ogiuria cvl il eba, romel ic gaTval iswinebul ia 616-e muxl is me-3 nawil Si da gul ismobs sasamarTl osaTvis sasjel aRsrul ebis dawesebul ebebtan dakavSirebul i kompetenciebis CamoSorebas, rogoric aris reJimis gansazRvra, an am SemTxvevaSi erTi dawesebul ebidan meoreSi gadayvana da a.S. Cemis azriT, es arasaTanado cvl il ebaa im mizezis gamo, rom reJimi, romel ic Seefardeba pirs sasjel is zomis nawil ia da aucil ebl ad mxol od sasamarTl os kompetenciaSi unda Sediodes misi gansazRvra. sasjel aRsrul ebis departamentis ufrosis msgavsi ufl ebamosil ebiT aRWurva aRmasrul ebel i xel isufl ebis dawesebul ebisatvis sasjel is Sefardebis erTi komponentis gadacemas niSnavs da sasamarTl os kompetenciaSi SeWris mcdel obaa.

anal ogiuria 617-e muxl is meoTxe nawil is, 620-e muxl is me-2 nawil is „e” qvepunqtis SemoTavazebul i cvl il ebebi.

73. 501-e muxl is axal i redaqqia gvTavazobs, rom saqmis gagzavna damatebiTi gamoZiebisatvis SesaZl ebel i gaxdes mxol od prokuroris Suamdgoml obis safuZvel ze, xol o dRes moqmedi pirvel i punqti, romel ic iTval iswinebda sasamarTl os mier Tavisi iniciativiT saqmis dabronebas, ratomRac amoRebul ia

axal i versiidan, rac Cemis azriT, araadekvaturi RonisZiebaa. gaugebaria, ratom ar unda sargebl obdes amgvari ufl ebiT sasamarTI o prokuraturis Suamdgoml obis gareSe.

aRniSnul muxl Tan da saerTod saqmis damatebiTi gamoZiebisaTvis ukan dabrunebis principebTan mimarTebaSi unda iTqvas Semdegi. saukeTesi SemTxvevaSi saqmis dabrunebis SesaZl ebl oba saerTod ar unda arsebobdes. aseTi ufl ebis arseboba sxa araferia, Tu ara prokurorisaTvis “meore Sansis” micemis ufl eba, rom gakveTil i, romel ic erTxel ver moamzada, meored moamzados. Tuki saqme arasaTandod aris gamoZiebul i da imdeni kiTxvebia, rom mosamarTI es uWirs sabol oo gadawyvetil ebis gamotana, aseT SemTxvevaSi unda amoqmeddes Cveni konstituciiTa da saerTaSoriso samarTI iT garantirebul i principebi da yvel a dausabuTebel i eWvi bral debul is / gansasjel is sasargebl od gadawydes, ramac sabol ood SesaZl oa gamamarTI ebel ganaCenamdec migviyvanos. aseTi ufl ebis arseboba, rogorc wesi, gamamarTI ebel i ganaCenis gamotanisanagan Tavis aridebis funcias asrul ebs, rac miuRebel ia da unda Seicval os.

magram cvl il ebebis formul ireba, romel ic SemoTavazebul ia, am sakiTxs srul iad sxva Wril Si warmogvidgens da mxol od bral debis mxaris interesebiT aros nakarnaxevi. cvl il ebebiT zemoT aRniSnul i principi mxareTa Tanasworobis principis sawinaaRmdegoa. gaugebaria, Tuki mxareTa Seamdgoml obiT sasamarTI om CaTval a, rom sasamarTI o gamoZieba unda ganaxl des (damatebiTi mowmeebi, mtkicebul ebebi da a.S.), ratom ar unda qondes mas amisi ufl eba?

76-77. 519-e da 520-e muxl ebis axal i redaqlia ZiriTadad saapel acio saCivris Setanisas ganaCenis Zal aSi Sesvl as Seexeba. 520 muxl idan meore nawil is amoReba, romel ic cal saxad acxadebda, rom “saapel acio saCivris Setana aCerebs ganaCenis aRsrul ebas” gvafiqrebs, rom cvl il ebebis miRebisa da Zal aSi Sesvl is SemTxvevaSi aseTi wesi aRar imoqmedebs, rac garkveul wil ad akninebs apel aciis arss. imave mizans emsaxureba cvl il eba 519-e muxl Sic, romel ic apel aciis pirobad aRar gansazRvravs Zal aSi arSesul i gadawyvetil ebis gasaCivrebas. amgvari cvl il eba miuRebel ia. ra azri aqvs gasaCivrebis ufl ebis arsebobs, Tuki pirvel ive ganaCenis Semdeg damnaSaved iTvl ebi da misi aRsrul eba unda moxdes.

TavisTavad is, rom pirvel i instanciis mier gamotanil i ganaCeni Zal aSi Sedis gasaCivrebis miuxedavad, 602-e muxl is “a” punqtis SemoTavazebul i redaqlia dasturdeba, rac Cemis azriT, miuRebel ia. ganaCenis aRsrul eba xSir SemTxvevebSi adamianis Tavisufl ebis aRkveTas, sakuTrebis CamorTmevas da msgavs sakiTxebs moicavs, rac miuRebel ia im viTarebaSi, rodesac jer kidev ar aris saqmeze sabol oo gadawyvetil eba da bral eul oba sabol od ar aris dadasturebul i.

anal ogiuri probl emaa 603-e muxl is gauqmebis SemTxvevaSic.

aRniSnul i cvl il ebebi kidev ufro meti simZafrIT vl indeba im SemTxvevaSi, rodesac zustad da cal saxad ar aris pasuxi gacemul i kiTxvaze Secvl il i garemoebebis gaTval iswinebiT rod is da ra momentis Semdeg dgeba piriS reabil itaciis sakiTxi.

79. swored zemoT miTiTebul i l ogikis gagrZel ebaa 528-e muxl is me-2 nawil is SemoTavazebul i redaqlia. (“2. saapel acio instanciam saqme unda ganixil os misi miRebidan ara ugvianes sami Tvisa.-) Tuki dRes moqmedi redaqlia es vada ganisazRvreboda erTi TviT da gansakuTrebul SemTxvevebSi damatebiT 15 dRiT, axl a vada gacil ebiT didia, vinaidan ganaCeni ukve aRsrul ebul ia da Sesabamisad saxel mwifos siCqaris motivacia da interesi aRar aqvs, amasobaSi ki potenciurad udanaSaul o kaci SesaZl oa cixeSi ij des, misi qoneba SeiZl eba auqcionze gaiyidos da a.S.

82-83. 531-e muxl is me-5 da me-6 nawil ebis amoRebiT mniSvnel ovnad izRudeba saapel acio warmoeba. eqpertebisa da mowmeebis dakiTxvis ufl ebis amoReba praqtikul ad imas niSnavs, rom isini ar daikiTxebian, aseve aRar iarsebebs ufl eba dakiTxul i iyvnen is mowmeebi, roml ebic pirvel i instanciis sasamarTI oSi ar dakiTxul an. anu am SemTxvevaSi saxezea procesi, romel ic mxol od formal ur xasiaTs atarebs. bunebrivia, saqmeze WeSmaritebis dasadgenad amgvari midgoma ar gamodgeba da ver akmayofil ebs veravitar moTxovnebs.

identuria 533-e muxl is SemoTavazebul i cvl il ebac, romel ic apel aciis dros mTel rig SezRudvebs iTval iswinebs da amcirebs dacvis mxaris SesaZI ebl obebs.

94-96. 607-e muxl Si cvl il ebebi srul iad araadekvaturi da gaugebaria. SemoTavazebul i cvl il ebebiT, msj avrdebul isaTvis sasjel is moxdis gadavadebisaTvis Suamdgoml obis ufl eba CamorTmeul i aqvs, magal iTad, dacvis mxares, Tavad msj avrdebul s da yvel as. amgvari Suamdgoml obiT mimarTvis ufl ebiT mxol od sasjel aRsrul ebis departmanetis Tavmj domare aris aRWurvil i.

es cvl il eba im kategoriis iniciativebs ganekutvneba, roml is sawinaaRmdego argumentebis moyvana imis codnis gareSe, rogor asabuTebis iniciatori am moTxovnas, ubral od SeuZI ebel ia, misi aral ogikurobisa da araadekvaturobis xarixis gamo.

gaugebaria, ratom unda mimarTos msj avrdebul ma sasjel aRsrul ebis departamentis xel mZRvanel s da miiRos misgan sasamarTI oSi Suamdgoml obis ufl eba, rodesac, magal iTad, mas yavs mcirewl ovani, 5 wl amde asakis Svili da ratom aRar unda hqondes ufl eba am moTxovniT Tavad Sevides sasamarTI oSi.

103. 652-e muxl is pirvel i nawil is SemoTavazebul i versia iwvevs arasrul wl ovis mimarT aRkvetis RonisZiebad dpatimrebis gamoyenebis SesaZI ebl obis gazrdas, anu am mimarTul ebiT kanonis gamkacrebas. Tuki manamde es ukanasknel i 5 wl amde vadiT iyo SezRudul i SemoTavazebul i versiit aseTi vada ukve 3 wl amde mcirdeba.

amgvari cvl il eba namdil ad ar SeiZI eba iyos misasal mebel i arasrul wl ovanebTan mimarTebaSi, miT ufro saqartvel os cixeebSi arsebul i mdgomareobis gaTval iswinebiT.