

mosazrebebi „operatiul -samZebro saqmianobis Sesaxeb”
saqarTvel os kanonSi damatebis Setanis Taobaze” da
„saqarTvel os sisxl is samarTI is saproceso kodeqsSi
cvl il ebis Setanis Sesaxeb”
saqarTvel os kanonproeqtebze

*irakl i kobal aZe
daviT xaJal ia*

warmodgenil i kanonproeqtebis ganxil visa da miRebis aucil ebl oba ganpirobepul ia saqarTvel os konstituciaSi 2004 wl is 23 april s Setanil i mniSvnel ovani cvl il ebebiT. kerZod, saqarTvel os konstituciis III Tavis 52-e muxl is meore nawil i aRniSnul i cvl il ebis Sedegad Camoyal ibda Semdegi redaqqiit: „parl amentis wevris („sisxl is samarTI is pasuxisgebaSi micema”) dakaveba an dpatimreba misi binis, manqanis, samuSao adgil is an piradi gaCxreka SeiZl eba mxol od parl amentis TanxmobiT. gamonakl isia danaSaul ze waswrebis SemTxveva, rac dauyovnebl iv unda ecnobos parl aments. Tu parl amenti ar miscems Tanxmobas, parl amentis dakavebul i an dpatimrebul i wevri dauyovnebl iv unda gaTavisufl des.” (23.04.2004#6)

adre moqmedi redaqqiisagan gansxvavebiT, zemoxsenebul i muxl is meore nawil is pirvel i winadadebidan amoRebul i iqna sityvebi „sisxl is samarTI is pasuxisgebaSi micema”, rac iuridiul i Sedegebidan gamomdinare niSnavs sadeputato imunitetis nawil obriv SezRudvas. es gaxda parl amentis mier gamovl enil i keTil i nebis aqti, rac gamoixata sisxl issamarTI ebrivi pasuxisgebis winaSe sadeputato xel Seuxebl obis moxsnaSi. Sesabamisad, konstituciis dRes moqmedi redaqqiit parl amentis wevri _ deputati saqarTvel os rigiTi moqal aqisagan sisxl issamarTI ebrivi pasuxismgebl obis sakiTxis gadawyvetisas aranairi damcavi gansakuTrebul i privil egiit ar gamoirCeva.

imuniteti (ingl . immunity, l aT. immunitas – dan _ risganme gaTavisufl eba) _ konstituciuri samarTI is zogadi principebis Tanaxmad aris zogierTi kategoriis saxel mwifo Tanamdebobis pirebis privil egia, roml is arsic mdgomareobs maT xel Seuxebl obaSi. ganasxvaveben kerZod saparl amento, saprezidento da samosamarTI eo imunitetis saxeobebs. parl amentis deputatis xel Seuxebl oba zogadad niSnavs misi dakavebis, dpatimrebis da sisxl is samarTI is pasuxisgebaSi micemis akrZal vas, maT Soris saparl amento ufl ebamosil ebebis aRsrul ebasTan ardakavSirebul i qmedebebisaTvis. xeSeuxebl obiT deputati sargebl obs mxol od saparl amento mandatis moqmedebis vadaSi.

2004 wl is april is redaqqiamdel i saqarTvel os konstitucia deputatebs aRWurvavda imunitetis sakmaod maRal i xarixiT, rac gamoixateboda sisxl is samarTI is devnis ganmaxorciel ebel i organos mier deputatis bral debul is saxiT sisxl is samarTI is pasuxisgebaSi micemisas (sakmarisi mtkicebul ebebis arseboba) saval debul o wesiT parl amentis Tanxmobis miRebis pirobis aucil ebl obaSi.

2004 wl is 23 april is zemoxsenebul i cvl il ebidan da Sesabamisad konstituciis 52-e muxl is meore nawil is moqmedi redaqqiidan gamomdinare, sisxl is samarTI is devnis organos _ prokuraturas, sakmarisi mtkicebul ebis arsebobis SemTxvevaSi dasabuTebul i varaudis gamoTqmisas rom deputatma

Caidina danaSaul i, am ukanasknel is (parl amentis wevris) sisxl is samarTI is pasuxisgebaSi micemis sakiTxis gadawyvetisas konstituciuri normis Tanaxmad aRar esaWiroeba saqarTvel os parl amentis Tanxmoba. aRniSnul i saqarTvel os konstituciis 52-e muxl is moqmedi redaqlia avtomaturad moiTxovs sisxl is samarTI is saproceso kodeqsis saTanado muxl ebis konstituciasTan SesabamisobaSi moyvanas. aRniSnul i cvl il ebebiT sssk-is 29-e muxl is „z” qvepunqtidan da 282-e muxl is me-4 nawil idan amoRebul iqna parl amentis wevris garantiabi, saqarTvel os konstituciis 52-e muxl Tan SesabamisobaSi moyvanis mizniT, rasac ver daveTanxmebiT Semdeg garemoebaTa gamo:

warmodgenil i cvl il ebebiT, sisxl is samarTI is saproceso kodeqsi iqmneba iseTi sistema, roml is mixedviTac, parl amentis wevris dasakavebl ad, dasapatimrebl ad anu sisxl issamarTI ebriv pasuxisgebaSi misacemad, saerTod ar aris saWiro parl amentis Tanxmoba, rac winaaRmdegobaSi modis saqarTvel os konstituciis 52-e muxl is me-2 nawil Tan (23. 04. 2004 wl is cvl il ebebiT), rameTu konstituciis aRniSnul i norma garantias aZl evs parl amentis wevrs, rom parl amentis wevris dakaveba da dapatimreba, misi binis, manqanis, samuSao adgil is an piradi gaCxreka SeiZl eba mxol od parl amentis TanxmobiT. gamonakl isia danaSaul ze waswrebiS SemTxveva, rac dauyovnebl iv unda ecnobos parl aments. Tu parl amenti ar miscems Tanxmobas, parl amentis dakavebul i an dapatimrebul i wevri dauyovnebl iv unda gaTavisufl des. swored am ukanasknel i SemTxvevebiS Tvis SeiZl eba ganvixil oT warmodgenil i kanonproeqtis mizanSewonil oba da konstituciasTan Sesabamisoba, sxva SemTxvevaSi sisxl is samarTI is saproceso kodeqsi aSkara winaaRmdegobaSi iqneba konstituciasTan, parl amentis wevris xel Seuxebl obis ZiriTad principTan.

aqedan gamomdinare, mizanSewonil ia, saproceso kodeqsi miTiTebul iqnas da aisaxos, rom es cvl il ebebi gaTval iswinebul ia parl amentis wevris danaSaul is faqtze waswrebiS SemTxvevebze.

gasaTval iswinebel ia da migvaCnia, rom saproceso kodeqsi unda ganimartos konstituciis moTxovnis Tu parl amenti ar miscems Tanxmobas, parl amentis dakavebul i an dapatimrebul i wevri dauyovnebl iv unda gaTavisufl des. parl amentis wevris Semdgomi samarTI ebrivi mdgomareoba da statusi, radganac rogorc konstituciaSi, aseve sisxl is samarTI is saproceso kodeqsi araferia amis Sesaxeb naTqvami, parl amentis ar Tanxmobis SemTxvevaSi, parl amentis wevrs eavl eba Tu ara sasamarTI os mier SerCeul i dapatimreba, sxva aRkveTis RonisZiebiT, ra safuZvl ebiT xdeba sasamarTI os mier gacemul i brZanebis gauqmeba, am SemTxvevaSi rogoria misi saproceso mdgomareoba, Cerdeba Tu ara mis mimarT samarTal warmoeba (rac aseve Semdgom unda aisaxos sssk-is 29- muxl is „z” qvepunqtsi) da a. S.

praqtikidan gamomdinare, migvaCnia, rom es yvel aferi naTI ad unda aisaxos saproceso kodeqsi, winaaRmdeg SemTxvevaSi Tavidan ver avicil ebT samarTI ebriv kazusebs, rasac adgili eqneba praqtikaSi da mosal odnel ia antikonstituciuri maxinj i praqtikis danergva mohyves.