

ZAZA TSINADZE

St. Andrew Georgian university,
Georgia
cinadzezaza@yahoo.com

THE JURY TRIAL

A significant stride in judicial reform was marked by the introduction of the jury trial, a decision endorsed by the Parliament of Georgia on January 17, 1919. Concurrently, the Parliament of Georgia ratified the “Jury Court Regulation.”

The provision comprised two segments. In the first part, the procedure for compiling the general list of jurors and the eligibility criteria for jury candidates were outlined. Elected jurors were required to be citizens of the Democratic Republic of Georgia, representing both genders, fluent in the Georgian language, literate, at least 25 years old, and residents of the town or city for a minimum of one year where they were selected as jurors (Article 1).

Certain individuals were disqualified from serving as jurors, including those investigated or found guilty of offenses like theft, fraud, embezzlement, bribery, etc. (Article 2). Additionally, the ineligible category included individuals who had been sentenced, dismissed by the court, declared impossible debtors, under surveillance due to embezzlement, or deemed incompetent by the court.

To select jurors, both a common and alternate list had to be created (Article 3). Apart from those mentioned in Article 2, individuals such as priest-servants, monks-nuns, judicial system employees, prosecutor’s office staff, and various other officials were excluded from the list (Article 3).

City councils in cities and nations in markets were responsible for annually compiling the general list of jurors, due by the first of June each year (Article 5). These lists were to be arranged alphabetically, including names, father’s names, surnames, professions, educational certificates, and places of residence. After publication, a general discussion of the list took place (Article 6). Persons not on the list had two weeks to request inclusion, while those ineligible could apply to be removed (Article 7).

Following approval, the city and county boards forwarded the general list to the presiding judge of the local district court. The chairman of the district court finalized the list during a court session (Article 8).

Annually, the subsequent list of jurors was determined based on mar-

ket locations, ranging from Tbilisi to markets with less frequent court sessions involving juries (Article 13)

The possibility of augmenting the number of jury candidates in any “marza” (district) with individuals from neighboring marzas was allowed if there were insufficient candidates. Additionally, six reserve individuals were to be present at district court sessions with jury participation. A person could serve as a juror only once a year, with exceptions made only in cases where an adequate number of jurors could not be obtained in a city or village (Collection of Legal Acts of the Democratic Republic of Armenia, 1990).

Jurors participating in court sessions were allocated travel expenses and compensation for missed service. When criminal cases were tried by juries, the district court session consisted of only one member instead of three.

The second part of the statute of the jury court outlined rules for modifying relevant articles of the statute of criminal proceedings (Collection of Administrative Acts of the Democratic Republic of Armenia, 1990).

According to the first article, appeals for cases subject to jury trial were permitted only through the cassation procedure in the Supreme Court of the Republic. Jurors were sworn in at the jury court. During court sessions, each juror took an oath administered by a clergyman of their own denomination. If no clergyman of the juror’s faith was present in a particular district, the presiding judge of the court would administer the oath. Refusal to take such an oath would result in the juror being deprived of the public vow.

Felony cases and matters previously under the jurisdiction of the Trial Chamber were transferred to the appropriate district court, with the rights and duties of the prosecutor of the trial chamber now assigned to the prosecutor of the district court (Article 4).

The court, during the issuance of preparatory orders for a case, had to determine whether the court session with the participation of the jury would be closed or public (Article 5).

Cases subject to jury trial underwent a judicial investigation according to the statute of criminal proceedings. The jury, after examining all collected evidence, had the right to request additional evidence. The court decided on the admissibility of criminally obtained evidence and expenses incurred for proceedings during regular sessions (Article 12).

In a jury trial, the presiding judge had the authority to award money to witnesses, experts, and other subpoenaed individuals, with provisions for bribes (verses 13-14).

The session of the jury court was inaugurated by the appointed presiding judge (Collection of Administrative Acts of the Democratic Republic of

Armenia, 1990).

The adoption of the jury trial statute played a crucial role in integrating this institution into Georgia's judicial system. This significant innovation garnered substantial attention in the periodical press of the time, marking the establishment of the democratic state of Georgia from 1918 to 1921. As a testament to its historical significance, the first jury court process received considerable coverage in the periodical press, warranting a separate subsection for presentation.

The inaugural jury trial in independent Georgia took place on March 8, 1920, marking a significant moment in the nation's judicial history. The initiative for this court project originated from the government of the Democratic Republic of Georgia. The event was extensively covered by leading newspapers, including "Republic of Georgia," "Georgia," "People's Day," and "Ertoba," each dedicating special columns to this historic occasion.

At 12 o'clock in the afternoon on March 8, 1920, a jury court convened in the Tbilisi court hall. Notable figures such as Aleksandre Lomtadze, Sviimon Mdivani, Yese Baratashvili, Shalva Aleksimeskhishvili, senators, and representatives of the court's prosecutor's office and registry office were in attendance (Newspaper "People's Case," 1920 No. 774).

A total of 33 jurors were summoned, with 14 being women. The national composition of the jurors included 25 Georgians, 5 Armenians, and 3 Russians. Nineteen of those summoned attended, with 13 being women. Two attendees were unable to participate, one due to deafness and the other due to non-attendance (Newspaper "Republic of Georgia," 1920 No. 56).

Before the court session, a government delegation was introduced, including Prime Minister Noe Jordania, Minister of Justice Razden Arsenidze, his assistant Giorgi Jordania, and district court member M. Orjonikidze. M. Orjonikidze assumed the role of the court's chairman, inaugurating the first ceremonial session of the jury court. He emphasized the importance of the jury court, stating that it was a significant achievement for the Georgian nation.

Following this, Shota Dadian, the prosecutor's comrade, acted as the state accuser, and the Clerk of the Jury Session explained the jurors' powers and administered their oaths according to the law. Minister of Justice Rajden Arsenidze addressed the courtroom, highlighting the importance of the jury institution and emphasizing the equal rights of women within this framework.

The court session was briefly interrupted before two criminal cases related to theft were presented, involving a total of 15 defendants. Shota Dadiani served as the state accuser, and Giorgi Gordeziani, a sworn lawyer appointed by the treasury, defended the defendants. The jury found the defendants guilty but reserved the right to reduce the sentences (Georgia

newspaper, 1920 No. 53).

The introduction of the jury court stands as one of the greatest achievements in the history of independent Georgia. It established a precedent for people's involvement in the judiciary, reaching unparalleled levels of public engagement. Even in the 21st century, the Georgian court has yet to fully embrace this historical tradition, struggling to match the levels of publicity and freedom achieved during that pivotal period.

REFERENCES:

Stenographic Records of the Constituent Assembly of Georgia”, October 7, 1919, p. 34

Statute of the Temporary Extraordinary Court of the Republic of September 20, 1918, Collection of Legal Acts of the Democratic Republic of Georgia, 1918-1921, v. Under the editorship of Sharashenidze, ch. Iverta region, 1990, p. 6771

The Law of September 24, 1918 of the Institute of Conciliation Judges, Collection of Legal Acts of the Democratic Republic of Georgia, 1918-1921, v. Under the editorship of Sharashenidze, ch. Iverta region, 1990, p. 7176

Statute of the Senate of Georgia of July 29, 1919, Collection of Legal Acts of the Democratic Republic of Georgia, 1918-1921, v. Under the editorship of Sharashenidze, ch. Iverta region, 1990, p. 295307

c. Liberation of Gujejjani, “Georgia” newspaper, 1920, No. 65, p. 4

Decree on consideration of requests for change of court verdict, magazine “Collection of Laws and Government Decrees”, 1919, No. 6, p. 9

Decree on the Abolition of Temporary Extraordinary Courts of Tbilisi and Sukhumi, “Collection of Laws and Government Decrees” magazine, 1920, No. 22, p. 5

Elections of conciliatory judges, “Republic of Georgia” newspaper, 1918, No. 58, p. 3

Jury court, “Ertoba” newspaper, 1920, No. 55, p. 3

Jury court, “Georgia” newspaper, 1920, No. 53, p. 34

Jury court, “People’s Case” newspaper, 1920, No. 774, p. 3

The first session of the jury court, “Republic of Georgia” newspaper, 1920, No. 56, p. 3

Justice has been served! Let the culprit answer! “Georgia” newspaper, 1920, No. 64, p. 23

Court verdict, “Republic of Georgia” newspaper, 1918, No. 128, p. 4

The Law of Georgia of January 17, 1919 on the Introduction of Jury Courts, Collection of Legal Acts of the Democratic Republic of Georgia, 1918-1921, v. Under the editorship of Sharashenidze, ch. Iverta region, 1990, p. 207215



Constitution of Georgia of February 21, 1921, Collection of Legal Acts of the Democratic Republic of Georgia, 1918–1921, Vol. Under the editorship of Sharashenidze, ch. Iverta region, 1990, p. 471–472

For the legislation of Georgia, “Republic of Georgia” newspaper, 1919, No. 37, p. 2

- Central State Historical Archive of Georgia, Fund 1837, census 1, file 26, sheet. 8–10

- Central State Historical Archive of Georgia, Fund 1837, Census 1, File 1127, sheet. 7–13

- Central State Historical Archive of Georgia, Fund 1837, Census 1, File 1241, sheet. 2-3

- Central State Historical Archive of Georgia, Fund 1837, census 1, file 331, sheet. 1–7

Central State Historical Archive of Georgia, Fund 1837, census 1, file 21, sheet. 20–21

Central State Historical Archive of Georgia, Fund 1837, census 1, file 25, sheet. 32

Central State Historical Archive of Georgia, Fund 1837, census 1, case 35, sheet. 6

Central State Historical Archive of Georgia, Fund 1837, census 1, case 23, sheet. 2-4

Central State Historical Archive of Georgia, Fund 1837, Census 1, Case 32, Sheet. 2–8

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 28, sheet. 7–8

Central State Historical Archive of Georgia, Fund 1837, census 1, file 33, sheet. 10

Central State Historical Archive of Georgia, Fund 1837, census 1, file 31, sheet. 7

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 423, Sheet. 9–21

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 555, Sheet. 6–15

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 514, Sheet. 38–63

Central State Historical Archive of Georgia, Fund 1837, census 1, file 38, sheet. 3–27

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 905, Sheet. 1–26

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 20, sheet. 77–81

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 29, sheet. 1–5

Central State Historical Archive of Georgia, Fund 1837, census 1, file 22, sheet. 5

Central State Historical Archive of Georgia, Fund 1837, census 1, case 24, sheet. 5–7

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 1107, Sheet. 1–16

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 1117, sheet.

1–29

Central State Historical Archive of Georgia, Fund 1837, Census 1, File 542, Sheet. 2–7

Central State Historical Archive of Georgia, Fund 1837, census 1, case 5, sheet. 2–19

Stollerman case, “Georgia” newspaper, 1920, No. 50, p. 4

Stollerman’s case, “Georgia” newspaper, 1920, No. 49, p. 3

Georgian Legal Society, “Republic of Georgia” newspaper, 1918, No. 94, p. 3

Shmagailov case, “Republic of Georgia” newspaper, 1919, No. 23, p. 34

The case of the Dzegvi bridge explosion, “Republic of Georgia” newspaper, 1918, No. 124, p. 34

The case of the Dzegvi bridge explosion, “Republic of Georgia” newspaper, 1918, No. 127, p. 3

The case of the Dzegvi bridge explosion, “Republic of Georgia” newspaper, 1918, No. 128, p. 4

The case of the Dzegvi bridge explosion, “Republic of Georgia” newspaper, 1918, No. 123, p. 3

Petition of Dzegvikh bridge bombers, “Republic of Georgia” newspaper, 1919, No. 39, p. 2

Устав гражданскаго судопроизводства, Сводъ законовъ Российской Империи, Подъ редакциею И. Д. МордухайБолтовскаго, С.-Петербургъ, Деятель, 1914, Т. XVI, стр. 255-256

Устав уголовного судопроизводства, Сводъ законовъ Российской Империи, Подъ редакциею И. Д. МордухайБолтовскаго, С.-Петербургъ, Деятель, 1914, Т. XVI, стр. 502-503

Bendianishvili Al., The First Republic of Georgia (1918-1921), Vol. Chronicler, 2001, 366 p.

Bendianishvili Al., The National Question in Georgia 1801-1921, Vol. Science, 1980, 275 p.

Vadachkoria School, Georgian Social-Democracy in 1917-1921, Vol. Science, 2001, 496 p.

Kupatadze B., History of the Government of Georgia, Vol. Universal, 2009, 149 p.

Matsaberidze M., The Political Concept of the 1921 Constitution of Georgia, Vol. 1997, 488 p.

Matsaberidze M., Drafting and Adoption of the Constitution of Georgia by the Constituent Assembly, Parliamentarianism Experience of the Constituent Assembly of Georgia, Scientific Conference Dedicated to the 90th Anniversary of the 1921 Constitution of Georgia, Vol. Institute of Political Studies and TSU, 2011, 27 p.

Papashvili T., Judicial system of the Democratic Republic of Georgia - basic legal

aspects, I National Conference on Constitutional Law, Vol. Davit Batonishvili Institute of Law and Eastern European University, 2013, pp. 94-108.

Papuashvili G., The 1921 Constitution of the Democratic Republic of Georgia from a 90-year perspective, Publication of the Constitutional Court of Georgia, Batumi, 2011, 132 p.

History of Georgia XIX-XX century, Vol. Palette, 2012, vol. 4. 512 p.

History of Georgia XX century, Vol. Artanuj, 2003, 272 p.

Supreme Court of Georgia, Jury Court, brief history of origin and development, ch. 2002, 52 p.

Surguladze A., Surguladze P, History of Georgia, Vol. TSU, Association of Young Historians of Georgia, 1991, 461 p.

I. Putkaradze, Judicial Power According to the Constitution of February 21, 1921, 90th Anniversary of the 1921 Constitution of Georgia, Batumi, 2011, 200 p.

Kantaria B., The way to a legal state, Tb., Law, 2002, 380 p.

P. Zhovladze, Constitutional Law of Georgia, vol. 1, tb., 2009, 264 p.

Tsikarishvili K., Court of Jury, Tb., 2007, 94 p.

Chanturia N., The National Council and its struggle for the restoration and strengthening of Georgian statehood, Vol. Universal, 2006, 182 p.

Javakhishvili N., Bonds of the Democratic Republic of Georgia (1919-1921), volume, 1998, 64 p.

Javakhishvili P., Elements of Constitutional Control in the Constitution of Georgia of February 21, 1921, I National Conference on Constitutional Law, Vol. Davit Batonishvili Institute of Law and Eastern European University, 2013, pp. 113-127.

Z. Jinjolava, State Law of the Republic of Georgia, T.S.U., 1997, 43 p.