



## GYLA PRESENTED RESULTS OF CRIMINAL TRIAL MONITORING

The aim of the report is to identify gaps in the legislation and practice, as well as positive trends, by attending criminal court trials and analyzing identified cases. GYLA's new report, Monitoring of Criminal Trials Report N14 will present the results of more than 2700 court proceedings from March 2018 to March 2019.

The monitoring carried out by GYLA is funded by United States Agency for International Development (USAID) through the project "Promoting Rule of Law in Georgia" (PROLoG), implemented by the East-West Management Institute (EWMI). The project aims at improving the transparency of criminal proceedings and standards of human rights protection in Georgian courts by monitoring court hearings and analyzing factual information collected.

### **Key findings regarding proper judicial control:**

- For the last two reporting periods, the number of defendants appearing before the first court hearing with the status of the detainee has been rising significantly. In particular, out of 686 defendants, 518 (76%) appeared before the court as the detainees, which is 8 percent higher than in the previous reporting period, and if we compare the statistics of two years ago, it is 20 percent more.
- In most cases, the proper judicial control over the lawfulness of the arrest is not implemented at a court hearing. In the majority of 518 arrested defendants - 448 (86%), the lawfulness of the pre-trial detention was not examined at all during the court hearing.
- As in the previous reporting period, the total number of bail and pre-trial detentions imposed as a measure of restraint accounted for 98%. The GYLA monitors attended 619 first appearance court hearings against 686 defendants. Of these, the preventive measures were used in 667 cases, of which 653 were bails or remand detention. In actuality, the courts do not apply alternative measures of restraint.
- The unsubstantiated imposition of remand detention and bail as a measure of restraint was a problem during the reporting period. The rate of unsubstantiated bail and remand detention increased significantly. Of the 334 detentions, 69 (21%) were unsubstantiated, so as were 98 court rulings ordering bail in 320 cases.
- The analysis of the information received from Tbilisi, Rustavi, Kutaisi City and Telavi District Courts regarding searches and seizures has revealed that the courts, as a rule, grant the motions of the Prosecutor's Office on the recognition of the lawfulness of searches and seizures carried out without a prior court warrant. Out of 16226 motions requesting searches and seizures, only 19 (0.1%) were rejected by the court.
- GYLA attended 213 pre-trial court hearings reviewing the expediency and lawfulness of the remand detention. The court left the imposed measure of restraint unchanged in 195 (92%) cases out of 213. In 155 (80%) cases, the court did not substantiate or insufficiently substantiate why the custody was required. In 18 (4%) of the 213 cases, the court changed the pre-trial detention of the accused with bail.