



GYLA Presented Trial Monitoring Results

The Georgian Young Lawyers' Association presented the results of its monitoring of criminal cases in Batumi, Kutaisi and Tbilisi City Courts and Tbilisi and Kutaisi Appeals Courts on June 22, 2015. Danielle Reiff, Head of USAID's Democracy and Governance Office, and Anna Natsvlishvili, Chair of Georgian Young Lawyers' Association opened the presentation. The court monitoring conducted by the GYLA is funded by the USAID through the Promoting Rule of Law in Georgia (PROLoG) Activity implemented by the East-West Management Institute (EWMI).

GYLA's court monitoring project aims at improving the transparency of criminal proceedings in Georgian courts by monitoring court hearings and publishing monitoring reports. GYLA has prepared seven court monitoring reports that covered the period from October 2011 to January 2015. The GYLA's report N7 covers the period of August 2014 - January 2015.

Among the findings GYLA presented the following trends were observed:

Significant changes were found in the pattern of using preventive measures – judges started using measures other than bail and imprisonment more often than before. In particular, 6% of the defendants were ordered alternative preventive measures while 3% were released from the courtroom without any preventive measure. However, alternative measures are still scarcely used and bail and pre-trial detention are still ordered in 90% of cases. The court decisions on ordering imprisonment as a preventive measure were more substantiated than before.

Compared to previous reporting periods the courts seemed to have taken a more active role and demonstrated attempts to examine fairness of punishment envisaged by plea

agreement in most of the cases.

During the second time since the start of the monitoring (from October 2011 through January 2015) GYLA observed two cases when a judge deemed punishment envisaged by a plea agreement unfair and refused to approve it. The percentage share of plea agreements imposing a fine was further reduced.

In all 204 cases where a final decision was rendered (170 plea agreements and 56 merits hearings) defendants were found guilty.

Defendants mostly agreed to prosecution motions for submission of evidence. Defense usually refrained from submitting its own evidence as well as from objecting to admissibility of evidence submitted by the prosecution. Compared to previous reporting periods, defense seemed even more passive.

During the previous two monitoring periods, cases where a judge terminated criminal prosecution during initial hearing were not observed.

Seizures still raise questions regarding the fulfillment of obligations of law enforcement authorities as well as the obligations of courts prohibiting them from conducting or legalizing searches and seizures in cases where urgent necessity is not duly substantiated.

GYLA remains hopeful that its recommendations and conclusions will be considered by judges in both the courts monitored by GYLA and other district courts of Georgia where the monitoring is not performed. The GYLA believes this will encourage improvement of criminal justice system in Georgia.