

სახალხო დამცველის აპარატისა და საიას დახმარებით
პატიმრებმა დისციპლინური პასუხისმგებლობის
დაკისრების შესახებ დავები მოიგეს

Prisoners Win Disputes over Disciplinary Action with the Help of Public Defender's Office and GYLA

In March 2021, the Georgian Young Lawyers' Association (GYLA), in cooperation with the Public Defender's Office and with the support of USAID/PROLoG, launched a pilot project aimed at providing legal aid to prisoners. Within the framework of the project, the Public Defender's Office and GYLA identified the practice of illegal use of various measures of disciplinary responsibility against prisoners.

In accordance with the pre-designed criteria, the cases a total of ten prisoners were selected, against whom various measures of disciplinary responsibility had been applied. The prisoners were represented in the court by GYLA.

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By this time, the hearing of five cases has already been completed in Rustavi and Tbilisi City Courts. **In all five cases, the courts granted the claims and, consequently, they found the imposition of disciplinary sanctions on prisoners by specific penitentiary institutions illegal.** The other five cases are still pending.

The court held that penitentiary institutions had taken disciplinary action against prisoners without examining essential circumstances of the cases and that the institutions had failed to provide the court with evidence of the violations for which they had used the measures of disciplinary responsibility.

It should be noted that according to the established practice, the procedure of taking disciplinary action is usually carried out without ensuring the direct involvement of the prisoner, holding an oral hearing or obtaining neutral evidence. Disciplinary action against prisoners in most cases is not substantiated. Prisoners mostly do not have the opportunity to be involved in the process and express opinions, and they are not even handed over the relevant acts in accordance with law.

For example, one of the plaintiff inmates only learned of the ban on telephone conversations due to disciplinary action against him only after he decided to make a call and the administration of the institution did not allow him to do so.

The Public Defender's Office has been talking about the flawed and often illegal/unjustified practice of disciplinary punishment of prisoners in penitentiary institutions for years. In 2019, a special report of the Public Defender was dedicated to this issue.

The above-mentioned ten cases identified by GYLA in cooperation with the Public Defender's Office once again unequivocally proved that penitentiary institutions make a decision to impose disciplinary sanctions on prisoners without the relevant evidence. It should also be noted that, unfortunately, in recent years, a very low number of prisoners has applied to courts relating to this type of cases due to a number of obstacles, including the obligation to pay a fee.

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GYLA continues to represent the legitimate interests of prisoners in courts and hopes that the courts will grant the prisoners' complaints like in the abovementioned five cases.

In addition, the Public Defender's Office and GYLA hope that the pilot project and the positive results achieved, the standards set by the court, will have a positive impact on the existing practice of taking disciplinary action against prisoners by penitentiary institutions.