

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## The Georgian Young Lawyers' Association assesses events held on March 19-20

On March 19, society witnessed once again the court having rendered unfair judgment.

GYLA emphasizes once more, that judiciary independence and inviolability are the main values on the way to the establishment of the Rule of Law state. We regret that the latest judgments made by courts give rise to unfavorable trends. Judiciary became direct implementer of the so called    tolerance A policy; it is extremely strict

towards juveniles and persons who have committed less grave offences and who are not attractive candidates for investigation in making plea-bargaining agreements, however on the other hand judiciary is surprisingly tolerant to the accused/persons in trial who represent law enforcement agencies. Considering the latest amendments introduced to the legislation it creates prolific basis for a court to be the obedient executor of the investigation [ ] requirements. The law, however still leaves the room to judiciary for bringing in acquittals, when guilt can not be proved, but the contemporary practice demonstrates, that judiciary rarely applies to the authority.

According to the applicable legislation, the most sever measure of punishment against juveniles- restriction of freedom is applied only in extreme cases. The law envisages other alternative sentences that might be applied against juveniles. Giorgi Zerekidze [ ] case-14 years old, is one more fatal fact, when the court failed to apply to the [ ] opportunity granted by the law for administering justice. Rather than using extreme benefits and humanity principles envisaged by the law in case of rendering judgments in juveniles' cases, the judiciary revealed extreme severity.

We want to express our concern on application of irrelevantly strict measure against the minor that diminishes public trust towards the judiciary. After the court hearing on Zerekidze [ ] case society witnessed prosecutor [ ] unethical behavior and application of disproportional force by the court guards and thus abusing of their authorities against attendants of the hearing and media representatives.

The judiciary was also inadequately strict against representative of the [ ] Institute A [ ] Jishkariani, who was sentenced to maximum sentence, 30 days of restriction of freedom, for violation of court order, while the law grants discretion to the judiciary to apply to non-custodian measures like fine or turning out of a person from a court room. It should also be stressed that judiciary did not carry out the same measures against other violators of order.

We evaluate the happened as abuse of power by state authorities, violation of human rights and extreme partiality from the side of judiciary that diminished public trust towards the judiciary and legislation. We hope that the Supreme Court will carry out its authority and adopt fair judgment, while violations from the side of public servants will not be left without reaction. We anticipate that at least disciplinary liability will be imposed against them.

P.S. The Georgian Young Lawyers' Association reacts on the statements of the state officials: Mr. Nika Gvaramia and Valeri Tsertsvadze and Mrs. Tamar Alania. In the application we expressed hoped that the developments that followed Giorgi Zerekidze's case would have adequate reaction from the state officials, their statements were, however contrary.

The representative of the Parliament of Georgia, body identifying state priority, gives instructions to media on the priorities when airing of the daily news. He mentioned the liberal legislation that parliament created to media and that media is inadequate to the granted privileges. We consider that by making such statements the Parliament grossly interferes in media activities and implements pressure on the forth estate.

The secretary of the Council of Justice expressed gratitude to the court guards while public witnessed application of disproportional force from their side. We think that such behavior will only promote abuse of power and violation of law by law enforcement agencies.

The speaker judge provided public with false facts in regard to Giorgi Zerekidze's offence.

Considering above we want to distinguish the problems that civil society witnesses:

**Partiality and lack of judiciary independence;**

**Unreasonably strict criminal liability politics against juvenile offenders that was especially painfully reflected on administrating criminal justice;**

**Inadequate reaction on violation of law and abuse of power by law enforcement agencies which promote further violations;**

**Increasing tendency of restricting freedom of media and freedom of expression.**

Since we join public protest in regard to the listed problems, we appeal civil society of Georgia and international organizations to apply to the Georgian government and implement pro-active measure for solving the problem.

We also want to apply to each person, including mass media representatives whose rights were violated during Giorgi Zerekidze's court hearing in appeal court and

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



stimulate them to protection of their rights in the frames of the legislation. The Georgian Young Lawyers' Association is ready to protect your rights.