

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA reacts on the statement of the Supreme Court

Georgian Young Lawyers' Association reacts on the statement of the Supreme Court of 10 June 2011 regarding the published Research "Legal Analysis of the Cases of Criminal and Administrative Offences with Alleged Political Motive".

The Research mainly entails legal analysis of the cases of detained/arrested persons during and following spring 2009 protest rallies. We saw the necessity of doing the research after the topic of political prisoners in Georgia became widely discussed in public and among international community. Following served as criteria for case selection: high public interest in a particular case, as well as alleged political motive of criminal prosecution or administrative responsibility.

The Research was not aimed at establishing either culpability or innocence of certain individuals. We intended to define to what extent the legislative norms were observed in the process of administration of justice and whether the requirements of fair trial were considered by the investigative /judiciary organs.

Legal analysis of cases reviewed in the research determined serious gaps in the execution of criminal justice. The fact is reinforced by legislative flaws and wrong interpretation of procedure legislation, as well as malpractice upheld by inaccurate practice of the applicable law.

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It should be noted, that prior to its publication the Research was sent to the Council of Justice of Georgia, the Ministry of Justice of Georgia and the Ministry of Interior of Georgia and they were asked to submit their remarks and comments on the discussed topics. No reaction followed though. We tried our best to cooperate with the state agencies in that direction and we regret that our attempts were futile. Representatives from Supreme Court of Georgia as well as the Council of Justice of Georgia attended the presentation of the Research held on 10 June 2011, however, they made no comments.

The reaction from the Supreme Court, even at this stage, should be still welcomed and it proves the significance of our Research once again. We hope that in future the Supreme Court as well as other state agencies would submit reasoned and well-grounded comments and remarks on the problems, flaws and malpractices described in the Research, since we have no doubt that the competence, professionalism and independence is revealed in the struggle of arguments.

Georgian Young Lawyers' Association is ready to cooperate with any interested state agency and to listen to submitted specific arguments regarding the topical issues stated in the Research.