



GYLA PRESENTED RESULTS OF CRIMINAL TRIAL MONITORING

On October 9, 2019, the Georgian Young Lawyers' Association will present its 13th monitoring report of criminal cases in Tbilisi, Kutaisi, Batumi, Gori and Telavi courts and Tbilisi and Kutaisi Appellate Courts.

The monitoring carried out by GYLA is funded by United States Agency for International Development (USAID) through the project "□□□□□□□□ 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.

So far, GYLA has already prepared thirteen monitoring reports, which covered the trends identified from October 2011 to March 2019. GYLA □□ new report will present the results of more than 2700 court proceedings from March 2018 to March 2019.

The report has shown that criminal proceedings are conducted with shortcomings but

some improved approaches have been observed either.

Key findings:

- The report has indicated that the issues identified at initial court hearings of defendants in the past still persist. This reporting period, like the previous ones, has been characterized by a high rate of the imposition of the most severe preventive measures – remand detention and bail (98%). The courts do not actually use other preventive measures;
- GYLA observed an increasing trend in the Prosecutor's Office requesting detention and critically high rate of granting such requests by the court.
- The number of defendants appearing as the detainees at pretrial court hearings has increased dramatically. During this reporting period, 452 (68%) out of 668 defendants showed up as the detainees at the initial appearance court hearings, which is 12 percentage points higher compared to the previous reporting period. In most cases, judges do not examine the lawfulness of arrests at court trials (376 – 83%).
- The court monitoring has shown that judges demonstrate less diligence towards the periodic review of the imprisonment and almost in all cases leave detention unchanged, and in most cases the Court fails to substantiate the necessity of extending the term of imprisonment.
- The report has shown that the court less often discusses the lawfulness and fairness of the sentence during plea agreement hearings.
- The monitoring of main court hearings has revealed numerous pending cases, which is due to the delayed commencement of case hearings. Frequent were the cases when the court trial was postponed once it was opened. GYLA has identified the cases where the 24-month timeframe as envisaged by the law for the deliberation and adjudication of the case was violated.
- In the current reporting period, the number of initial appearance hearings relating to domestic offences has dramatically increased, indicating that the State has improved the crime detection rate.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- As regards drug-related offences, the monitoring has shown that the amount of bail and fines imposed as the punishment for such crimes is significantly higher than the average amount of bail or fine determined for other offences.
- The observation of court hearings and the judgments rendered by the Constitutional Court of Georgia have proved that the current legislation on drug-related offences is flawed and should be revised. It is necessary to improve the list of narcotic drugs and provide adequate punishment in accordance with the decisions of the Constitutional Court.