



GYLA Presented Results from Stage Three of Trial Monitoring

Georgian Young Lawyers' Association and Transparency International – Georgia, held presentation of trial monitoring results focused on criminal and administrative cases in city courts of Tbilisi, Batumi, Khelvachauri, Gori, Telavi and Kutaisi On April 2, 2013, at 15:00 in Courtyard Marriott Tbilisi. The trial monitoring is conducting by GYLA and TI Georgia in framework of the projects which are funded by the USAID though the JILEP project implemented by East-West Management Institute.

The project aims to improve transparency of criminal proceedings in Georgian courts by means of monitoring trials in courtrooms and publishing monitoring reports.

GYLA was implementing stage one and stage two of the trial monitoring projects from October 2011 through March 2012. Stage three of the monitoring covers the period from July through December 2012. The monitoring has revealed the following trends:

- Similar to previous reporting periods, court resorted to two types of preventive measures only (bail/detention) and never to a lighter form; further, during the reporting period all defendants were ordered to preventive measures by court;
- Frequently, preventive measures ordered were disproportionate and groundless in light of circumstances of the case concerned;
- Court mostly granted prosecutor's motion for a preventive measure; however, unlike previous reporting period there were several instances where prosecution's motion was rejected; however, unlike previous reporting periods, there were several unprecedented cases after October elections, 2012, where prosecution's motion for imprisonment were rejected and instead, court granted bail. Particularly, the court ordered bail against 13 defendants even though the prosecution requested

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



imprisonment; however, ten of those defendants were former high government officials.

- Unlike the previous results, the court reduced the amount requested by the prosecution in bail in 11 cases. One of these 11 cases involved a former high governmental official.
- Similar to previous reporting periods, court did not publish information about any of the initial appearances;
- Similar to previous reporting periods, all of the plea agreements were approved. Further, judges' role was mostly pro forma in approval of plea agreements;
- Court approved prosecution's all motions for search and seizure, despite the fact that search and seizure was performed in emergency situation;
- During most of the trials the right to defense was guaranteed; however, it was found that judges explained their rights to defendants in an incomplete manner;

Through monitoring we have obtained objective information based on facts and we remain hopeful that these findings will promote making of positive changes in the criminal justice reform.