



GYLA Presented Results of Criminal Court Monitoring

The Georgian Young Lawyers' Association presented the results of its monitoring of criminal cases in Tbilisi and Kutaisi City Courts on October 22, 2013. The court monitoring by GYLA is funded by USAID through the Judicial Independence and Legal Empowerment Project (JILEP) implemented by the East-West Management Institute.

GYLA's court monitoring project aims to improve the transparency of criminal proceedings in Georgian courts by monitoring court hearings and publishing monitoring reports. GYLA previously presented three court monitoring reports that covered the combined period of October 2011 to December 2012. GYLA's new report covers the period January 2013 to June 2013. Among the findings that GYLA will present will be the following:

- Criminal court judges are displaying a slightly greater objectivity in the way they handle ordinary criminal cases than previously. For example, judges showed less of an inclination to use pre-trial detention as a preventative measure than they had in the past (using bail more often instead). They also approved far fewer unsubstantiated prosecutor requests for pre-trial detention.
- Monitoring revealed that the courts are still failing to exercise their discretion to release people accused with crimes on their own recognizance or utilize alternative preventative measures, choosing instead – in nearly every case – to impose detention or bail. The monitors also found that the courts are routinely favoring the prosecution when they rule on pre-trial motions, although they also observed that the defense was typically inactive at motion hearings. (Defense counsel was, however, observed to be extremely active in high-profile cases.)
- Similar to previous reporting periods, court did not publish information about any of the initial appearances; However, in Kutaisi Criminal Court the bailiff verbally

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announced information concerning the first appearance hearings.

- As in previous reporting periods, judges were seen to be too passive in plea agreement hearings, automatically approving the prosecution's motion to approve the plea agreement. However, the percentage of plea agreements imposing fines, as well as the amount of the average fine, decreased when compared to previous monitoring periods.

- Of 30 search and seizure hearings monitored by GYLA, only one search was performed with prior authorization by the court. The remaining 29 searches were justified based on "urgent necessity" and legalized later by the court, creating doubt as to the compliance of law enforcement authorities and the court with their obligations not to conduct or legalize searches that are not appropriately justified on the basis of urgent necessity.

- In only one of the 84 final dispositions monitored by GYLA, did the court acquit the person accused (69 plea agreements, 15 hearings on the merits).

- GYLA found that the court treated current and former high government officials much more favorably than ordinary defendants when considering the imposition of preventative measures.

GYLA remains hopeful that these findings will promote positive changes in the criminal justice system.