



Presentation of GYLA's Research “Analysis of Criminal and Administrative Cases with Alleged Political Motive” in Batumi and in Kutaisi

Georgian Young Lawyers' Association held a presentation of the research “Analysis of Criminal and Administrative Cases with Alleged Political Motive” in Batumi in January 21, 2013 and in Kutaisi in January 22, 2013.

The meetings were attended by local organizations specializing in human rights and rule of law, representatives of legislative, executive and judicial authorities of Georgia, convicts concerned and/or their representatives.

Recent years have been marked with an apparent trend of increase in arrests of opposition party representatives amid strained political situation in Georgia. Subsequently, the question of whether a case has been politically motivated always arises among the public.

In 2011 GYLA published a monitoring report, containing cases of persons arrested in relation to the 2009 protest assemblies and their analysis. The monitoring revealed a number of violations in the process of administration of justice.

After the protest rallies against the authorities in 2011, the process of arresting persons who participated in these rallies one way or another ensued. Similar to the developments following the 2009 protest rallies, GYLA responded to the public

interest. In order to determine whether the proceedings were conducted in compliance with the supremacy of law and human rights protection, GYLA examined 21 cases involving 55 individuals.

Analysis of the criminal cases has revealed essential violations of law and negative trends both on the end of investigating authorities as well as courts, which puts administration of justice under a question mark:

- Arrest of opposition party activists frequently on charges of illegal possession of arms and narcotics or resisting police officers;
- Gross violation of constitutional rights of a defendant;
- Incomplete investigation;
- Contradictory and unconvincing evidence;
- Wrongful qualification of crime;
- Reasonable doubt towards investigation and court, founded on cumulative evidence

Further, GYLA identified important legal gaps in the process of analyzing the cases, which must be remedied to ensure compliance with international human rights standards, and prepared subsequent recommendations.

In addition to criminal cases GYLA also examined 12 cases involving administrative offence and revealed similar trends both in the process of arrest as well as during trial and afterwards – in pre-trial detention isolators. In particular,

- Gross violation of detainees's rights
- Excessive use of force and ill-treatment during arrest
- Pro-forma trial;
- Rejecting motions filed by the defense
- Upholding police officers' statements one-sidedly;
- Imposing disproportionate punishment;
- Unfounded decisions;
- Gross violation of rights at pre-trial detention isolators.