

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA HOLDS THE PRESENTATION OF ITS RESEARCH “RIGHTS OF VICTIMS IN CRIMINAL PROCEEDINGS”

On 21 July 2015, GYLA held the presentation of its research: Rights of Victims in Criminal Proceedings (the legislation of Georgia, practice and international approaches).

The research aims to overview the legal status of victims in criminal proceedings and to analyse related gaps and challenges based on the specific examples and the statistics, as well as to discuss the effect of legislative changes on the rights of victims and their involvement in criminal proceedings.

Although positive changes have been made to the criminal procedure legislation in

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2014 to improve the legal status of victims, these legislative changes were insufficient in order to effectively protect the interests of victims. In addition, there are practical problems in the protection of the interests of victims. Namely:

- In individual cases, the Prosecutor's Office unreasonably refuses to grant the procedural status of a victim to persons who are caused damage by crimes;
- Although the refusal of a prosecutor to recognise a person as a victim, or to initiate criminal prosecution, or to terminate the investigation and/or criminal prosecution, may be appealed to a superior prosecutor, such decisions of refusal are pre-agreed with a superior prosecutor in most cases; therefore, appeals generally produce no results and are formal in nature only.
- In some cases, even if the status of a victim has been granted to persons, they are denied by the Prosecutor's Office in the possibility to view the materials of respective criminal cases, which is not properly substantiated;
- The legislation deprives victims of the possibility to effectively protect their rights, and specifically to appeal against certain decisions of the Prosecutor's Office or to receive the copies of the materials of respective criminal cases;
- In 21 cases of plea bargaining out of 27, including the cases of flogging and less grave bodily injuries, the judges delivered decisions neglecting the interests of the victims and at all failed to mention that the prosecutors had consultations with the victims;
- In 2015, a total of 7 facts of appealing by the victims against the final decisions of prosecutors were recorded in the Tbilisi City Court, and only one appeal has been granted. However, no appeals have been filed by the victims in the courts studied by us: Kutaisi, Batumi, Rustavi, Mtskheta, Telavi and Zugdidi City/District Courts.

GYLA believes that the recommendations prepared and the conclusions made by us will be taken into consideration by both the legislative authorities and the Prosecutor's Office and the judicial authorities. GYLA also believes that the above mentioned will improve the situation in terms of the protection of the rights of victims in a manner that will not prejudice the adversarial principle provided for by the Criminal Procedure Code of Georgia.