

There are Still Many Problems in the Judiciary Branch - Court Monitoring Report №2

For immediate release

Tbilisi, 2nd April, 2013 – Transparency International Georgia (TI Georgia) presents the results of a four month court monitoring project. The hearings of high profile cases were also monitored. These disputes basically concerned the breach of party-financing legislation in the pre-election period.

In contrast with the previous court monitoring, which covered the period of 5 October, 2011 to February 20, 2012, TI Georgia observed number of procedural improvements during the Second court monitoring, which was conducted between June 1, 2012 and October 31. More precisely:

- **In most of the cases hearings started on time;**
- **Judges delivered final decision in reasonable time;**
- **Judges showed better results in ensuring that the parties to the dispute had more extensive information about their rights when opening the hearings.**

Despite the above-mentioned improvements, it should be highlighted that there are still many problems in the judiciary system. The court monitoring showed, for example, that the judges' conduct and attitude towards high profile cases, as well towards the parties to the dispute, significantly differed from other routine cases. IN these cases there is no ground to discuss the improvements of the system.

Precisely, During the hearings on the high profile cases conducted before the parliamentary elections of October 2012, the following violations were observed:

- **The court was biased** when one of the parties to the dispute was a political opponent of the government.
- **The court hindered citizens' right to attend hearings** of high public interest by failing to publish the schedule of those hearings, and selecting inappropriately small courtrooms for those cases.
- **The court's administrative staff refused to provide the information on the date and time of the hearings that were postponed for an indefinite period of time.**
- **The court deliberately dragged out the delivery of the final decision on a time-sensitive dispute for an extensively long period of time.**
- **In cases involving a major political opponent of the then-ruling party, the court did not give equal opportunity to the parties to study the case materials.**

- In cases when judges showed initiative, they did so **to put the state party in an advantageous position.**
- **The success rate of the state party** in administrative court cases is still overwhelming, raising questions and concerns as to the objectivity of the courts.

Methodology and Principles observed:

The report is based on the observations in the first instance courts of Tbilisi, Batumi, Khelvachauri, Gori and Telavi. We monitored 282 hearings on 142 cases.

The following criteria have been monitored by TI Georgia:

- Punctuality and Reasonable Time;
- Right to a Public Hearing;
- Handling of the Hearing by the Judge;
- Inquisitorial Principle;
- Adversarial Principle (Equality of Arms, Unbiased Settlement of Dispute).

The report is prepared under the auspices of Judicial Independence and Legal Empowerment Project. The Project is funded by the United States Agency for International Development (USAID) and implemented by the East-West Management Institute (EWMI).

The monitoring project is made possible by the generous support of the American People through the United States Agency for International Development (USAID). The contents are the responsibility of TI Georgia and do not necessarily reflect the views of USAID, the United States Government or EWMI.



USAID
FROM THE AMERICAN PEOPLE

E A S T • W E S T
M A N A G E M E N T
I N S T I T U T E
*The Judicial Independence and
Legal Empowerment Project (JILEP)*