

Third Court Monitoring Report on administrative cases revealed significant improvements, but there are still many problems

For immediate release

Tbilisi, 8th April , 2014– Transparency International Georgia presents the results of court monitoring project. We monitored 532 hearings on 253 cases in the first instance courts of Tbilisi, Batumi, Khelvachauri, Kutaisi, Gori and Zugdidi. Court Monitoring covered the period of February-December 2013.

TI Georgia observed a number of improvements from the previous monitoring period. Yet, there are still several problems.

The following could be considered as a positive changes:

- The overall share of cases won by state parties has significantly decreased during this monitoring period, when compared to the first and second monitoring periods.
- Overall, the judges are complying with the adversarial principle at all courts, thus, ensuring any lack of bias.
- Compared to the previous periods, there is a clear trend of improvement in the punctuality of administrative cases monitored at Tbilisi City Court, Batumi City Court and Kelvachauri District Court. However, there have been low percentages of punctuality at Gori District Court and Zugdidi District Court.

The monitoring revealed the following problematic areas:

- Judges showed a low initiative in suggesting that the parties settle their disputes in Tbilisi and Kutaisi City Courts and Gori Disctrict Court– compared to the other courts that TI Georgia monitored.
- The court’s administrative staff refused to provide the information on the date and time hearings that were postponed for an indefinite period of time. As a result the monitors in some cases were not able to identify the dates of postponed hearings.
- Tbilisi City court frequently failed to publish the relevant articles of law at issue in dispute

- Throughout this monitoring period, judges showed a low initiative in applying their inquisitorial powers, especially in the areas of: giving instructions/recommendations to the parties, requesting additional information and evidence from the parties and etc. The inquisitorial powers granted to judges are highly important, since there is no legal aid available for unrepresented parties in Georgian administrative cases.
- In the majority of hearings, Tbilisi City Court judges are not providing case summaries, explaining the rights afforded to parties at the opening of hearings, nor explaining the meaning of stages in hearings, when compared to the regional courts.

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(Judge’s initiative) ;
- Adversarial Principle (Equality of Arms, Unbiased Settlement of Dispute).

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