

EVERYDAY JUSTICE

in the

REGIONS OF GEORGIA



საქართველოს
სასამართლო გეზავი
GEORGIAN COURT WATCH



Everyday Justice in the Regions of Georgia

Trial Monitoring Results

(The monitoring period is from October 2022 to July 2023)



The monitoring report was prepared by the Georgian Court Watch with the support of the USAID Rule of Law Program. The program is implemented by the East-West Management Institute (EWMI) with financial support from the United States Agency for International Development (USAID). The content of this report is the sole responsibility of the Georgian Court Watch, and the views represented therein can in no circumstances be regarded as reflecting the position of the international organizations.



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✓ Introduction

Despite judicial reforms and legislative amendments enacted in Georgia, the independence, impartiality, and accountability of the judiciary remain challenging, harming the judicial reputation and reducing its public trust. One of the reasons is that judicial reforms have been happening for years, but the public has been excluded from these processes, and thus, citizens' voices have not been adequately heard. As a result, it is crucial to adopt measures facilitating the improvement of the quality of the court's work and enhancing public trust in it.

In Georgia, Court Watch has laid the groundwork for citizen trial monitoring. It should be mentioned that citizen monitoring of trials is based on the experience of Georgian Court Watch's partner organization, Polish Court Watch. Initially, for the first time in 2021, trial monitoring was carried out in Gori District Court, which was successfully completed thanks to citizen engagement.

It should be emphasized that the correction of some issues in the justice system does not always require legislative changes or significant financial investments. Thus, the problems found by monitoring are frequently possible to be corrected or reduced by modifying procedures.

Georgian Court Watch launched the "Citizen Monitoring of Courts" project in 2022 with support from USAID's Rule of Law Program. The main goal of the project is to boost public trust in the courts by including citizens in observing of court hearings.

Georgian Court Watch expresses its profound gratitude to the volunteers who showed interest in participating in the trial monitoring and whose efforts allowed the project to conduct the monitoring.

✓ Preparation process

The citizen monitoring of trials' methodology is based on the experience of the partner organization Polish Court Watch, which has been observing court hearings in Poland with the participation of volunteers since 2010. Representatives of Georgian Court Watch visited Poland from September 24 to September 30, 2022, to familiarize themselves with the organization's long-standing expertise. Representatives of Polish Court Watch instructed Georgian Court Watch staff on the intricacies of monitoring and its implementation methods during their study visit. The meetings were held at the Supreme Court of Poland and the Torun Municipal Court. The following topics were covered in the training sessions for Court Watch representatives:

- » Development of a monitoring methodology;
- » Organization of volunteer activities;
- » Processing and analysis of monitoring data;
- » Preparation of monitoring reports, etc.



Later, in November 2022, Polish Court Watch representatives trained volunteers involved in trial monitoring in Georgia. Court monitors from Western Georgia were trained in Batumi, while those from Eastern Georgia were trained in Tbilisi. Furthermore, in Tbilisi, Polish volunteers, with the organization's leaders, shared practical knowledge with local volunteers. In addition, the court monitoring staff received further training.

Georgian Court Watch and Polish Court Watch collaborated as part of the “Partnership for Better Courts” project, co-funded by the Polish American Freedom Foundation and the RITA program – “Region in Transition.”

✓ Monitoring methodology

Court hearings shall be open, according to Article 62 of the Constitution of Georgia; consideration of the case in closed court shall be permitted only in cases stipulated by law. The ruling of the court shall be made public. An open court is essential to the development of the rule of law because it increases the transparency of the judicial system and upholds the interests of a democratic society. As a result, the ability to attend a trial is a significant tool in the hands of the public for monitoring legal compliance and the functioning of the judiciary.

Citizens monitoring of trials means that people observe the proceedings on a voluntary basis. Monitors are volunteers who act as neutral observers during the court hearings. Citizens' trial monitoring is based on an established and adopted approach used in the social sciences and based on ethnographic research methodology.

The ethnographic research method is an approach to observing people in their cultural surroundings¹ and systematically analyzing the culture of groups of people.² This kind of study is experience-based and focuses on the direct examination of the social environment; participant observation is the primary method used during the study.³ The researcher observes the subject of study, directly engages in the action, or is a passive observer.⁴ This method has the advantage of being able to describe the object of observation in detail and with pinpoint accuracy. To accomplish this, observations must be recorded in the present mode or on the day of fieldwork. For several decades, ethnographic research methodologies, including participatory observation, held an important place in sociology and are also used in court monitoring.

Court observation is viewed as a strategy that contributes not only to the development of the court but also to citizens' legal socialization.⁵ This entails increasing citizens' understanding of legal principles,

¹ “How to use ethnographic Methods & Participant Observation”. <<https://www.emeraldgroupublishing.com/how-to/observation/use-ethnographic-methods-participant-observation>> [20.06.2023].

² Guide to Coding Qualitative Data; “Ethnographic Research”. <<https://delvetool.com/blog/ethnography>> [20.06.2023].

³ *Ibid.*

⁴ “How to use ethnographic Methods & Participant Observation”. <<https://www.emeraldgroupublishing.com/how-to/observation/use-ethnographic-methods-participant-observation>> [20.06.2023].

⁵ Gill N., Hynes J., “Courtwatching: Visibility, publicness, witnessing, and embodiment in legal activism” <<https://rgs-ibg.onlinelibrary.wiley.com/doi/10.1111/area.12690>> [20.06.2023].



legislative bodies, law enforcement processes, and the activity of legal institutions.⁶ The individual's conduct in relation to the judicial system, which is carried out through observation of court proceedings, is one of the methods of legal socialization.

There are numerous trial-monitoring programs available today. Trial monitoring is typically carried out by researchers, non-governmental and international organizations, or activists. Citizen monitoring of trials is fundamentally different from more formal judicial monitoring systems.

Trial monitoring by Modern State Courts in the United States began in the 1970s as part of a larger movement, and, at the time, the monitoring procedure required the visibility of the monitors. For example, one observer group in Louisiana wore white gloves as their identification feature. Court monitoring in Texas, USA, is another excellent example of monitoring. The family courts monitoring initiative in Houston, Texas, involving 200 volunteers, 199 of whom were women, “removed an influential and entrenched group of family court judges”⁷ and paved the way for significant reform. In 2006, Bulgaria initiated a court monitoring program to improve the execution of new domestic abuse regulations. In 2006, Bulgaria initiated a court monitoring program to improve the execution of new domestic abuse regulations. Participants in the study claim that their participation in court sessions has reduced bias and discrimination. According to their findings, judicial monitoring can improve public awareness of the crime of domestic violence and assist women who have been mistreated or threatened with violence. A judicial oversight panel in France is attempting to carry out “civilian oversight of counter-terrorism legislation and practice.”⁸ They hope to educate human rights defenders and legal professionals. Trial observers, in particular, consider trial monitoring as a chance to promote legal transparency. More recently, in 2010, the Polish Court Watch adopted the methodology based on the experience of the U.S. and launched a volunteer monitoring effort in Polish courts.⁹

Georgia has prior experience with court monitoring, which is mostly carried out by the lawyers of the local non-governmental organizations. Since 2011, the Georgian Young Lawyers Association (GYLA) has been closely monitoring criminal trials.¹⁰ Furthermore, Transparency International Georgia has extensive experience of trial monitoring and is actively monitoring key civil disputes in Tbilisi and Batumi city courts, as well as the Tbilisi Courts of Appeals.

The citizen trial monitoring difference from other monitoring models is that civilians, who may or may not have a legal background, attend hearings, and then share their comments to Georgian Court Watch in the completed questionnaire.

⁶ *Fine A.; Trinkner R. J.*, “Legal Socialization”, May 2020, Arizona State University. Finckenauer, 1998, Trinkner & Cohn, 2014.

⁷ *Gill N., Hynes J.*, “Courtwatching: Visibility, publicness, witnessing, and embodiment in legal activism” <<https://rgs-ibg.onlinelibrary.wiley.com/doi/10.1111/area.12690>> [20.06.2023].

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Georgian Young Lawyers Association, Criminal Trials Monitoring Report, 2021, p. 13.



The role of volunteer observers is particularly crucial in two respects:

- ☑ Volunteers with little or no in-depth legal expertise have various advantages: Mostly, the court is an unfamiliar environment to them. Thus, they notice nuances that individuals who are deeply acquainted with the court system might overlook. They are not “burdened” by cultural norms unique to courts and the legal system. The lawyer, by contrast, readily comprehends formal and informal legal language and court practice while it might be entirely incomprehensible to other persons whom the court is supposed to serve.
- ☑ With the help of volunteers, court monitoring can take on a larger scale, covering diverse geographical areas, people from all professions, and uniting society around the concept of fair justice.

Citizen Trial Monitoring serves as a primary goal for changing individuals’ passive attitudes, improving their motivation, and presenting techniques for successful trial monitoring while preserving the principle of judicial independence. Thus, the novelty of this monitoring strategy is that it will provide volunteers with valuable educational and civic experience. Monitoring in other countries has shown that by observing court hearings, certain positive adjustments can be made, and judicial practices can be improved. Citizen monitoring has a variety of goals depending on its relevance, but it primarily serves three following purposes:

- » Obtaining trustworthy and detailed information on individuals’ perceptions on court hearings;
- » Raising observers’ awareness of the administration of justice and legal aspects in general;
- » Facilitating the improvement of the judicial system through citizen engagement.

As a result, the outcomes of trial monitoring by the citizens depend on the active engagement of volunteers. Respectively, Georgian Court Watch announced the first volunteer intake on September 12, 2022, and the second in February 2023. Simultaneously, almost 200 volunteers expressed an interest in and willingness to participate in the process, with **76 volunteers involved** in trial monitoring.

Following registration, applicants were given information sessions. Representatives of Georgian Court Watch introduced the trial monitoring methodology, ethics guidelines, and organizational issues to volunteers.

Cooperation with volunteers is based on several basic principles:

- ▶ Registering as a volunteer and attending training or educational briefings does not oblige the volunteer to monitor the trial, and the volunteer may opt-out at any time;
- ▶ Volunteers were not limited to the number of court hearings, they could choose the number of hearings based on their availability and capacity;



- ▶ Volunteers chose which court sessions to monitor, and the Georgian Court Watch was usually informed prior. The monitoring coordinator, in particular, supplied the monitors with prior notice of the trial schedule in the courts chosen for monitoring. Volunteers chose a session based on their capacities, which were shared with the organization ahead of time. It should be highlighted that the monitors were notified beforehand about the priority concerns, although the published information about schedule of trials by the courts does not allow for thematic differentiation.

A pre-designed questionnaire was used to monitor court proceedings in a variety of cases. In addition to the formal section, the questionnaire is comprised of 16 questions (Annex No. 1) to observe criminal, civil, and administrative cases. The drafted questions allow anyone of any profession or expertise to fill them out. Some questions are closed-ended, allowing only “yes or no” responses to enable quantitative data analysis while creating the monitoring report. Furthermore, monitors can describe their comprehension of the court hearing as well as address individual issues.

The monitoring concerns the following issues:

- » Organization of court work - which includes holding the hearings, punctuality, and a summary of why a hearing was adjourned, delayed, or not held. Thus, conducting hearings is an issue related to the organization of the court’s work and is one of the essential aspects in evaluating the court’s efficiency. The report includes information on how many court sessions were held or not held at the times specified in the schedule.
- » Procedural fairness - entails the judge’s ethics, performance, equality with the parties, impartiality, and clarity of decision. Given the judge’s role and authority in court proceedings, the primary object of trial surveillance is the judge and their behavior. Judges often feel that one party to the proceeding will always be disappointed when they leave court. Contrary to popular belief, individuals must leave court believing that the law has been fairly applied, even if they lose a case. Much is determined by how judges treat citizens, such as whether they give them the floor, explain court decisions clearly, etc. “Procedural fairness” requires the court to provide the parties with an equal opportunity to present their case, and if not, to justify this decision.

To help the judges identify themselves, the report includes the names of the courts and a description of the circumstances. This also results in a more accurate and clearer picture of trends and specific instances in a particular court.

The trial monitoring report includes volunteers’ observations and perceptions of the study’s outcome. It enables the reader to receive information from a primary source and learn about a fact that occurred at the court hearing from a firsthand witness. This increases transparency, making the monitoring report as helpful and trustworthy as possible.

The data in the reporting document is described using two chart types: (a) general quantitative/percentage charts and (b) charts exhibiting quantitative indicators as seen by the courts. Quantitative data charts provide monitoring data directly, with no interpretation, whereas percentages indicate overall data, making monitoring-identified trends more evident. Both sorts of information in a chart, taken together, give additional clarity and transparency to the report, giving the reader a clearer view of the monitoring results.



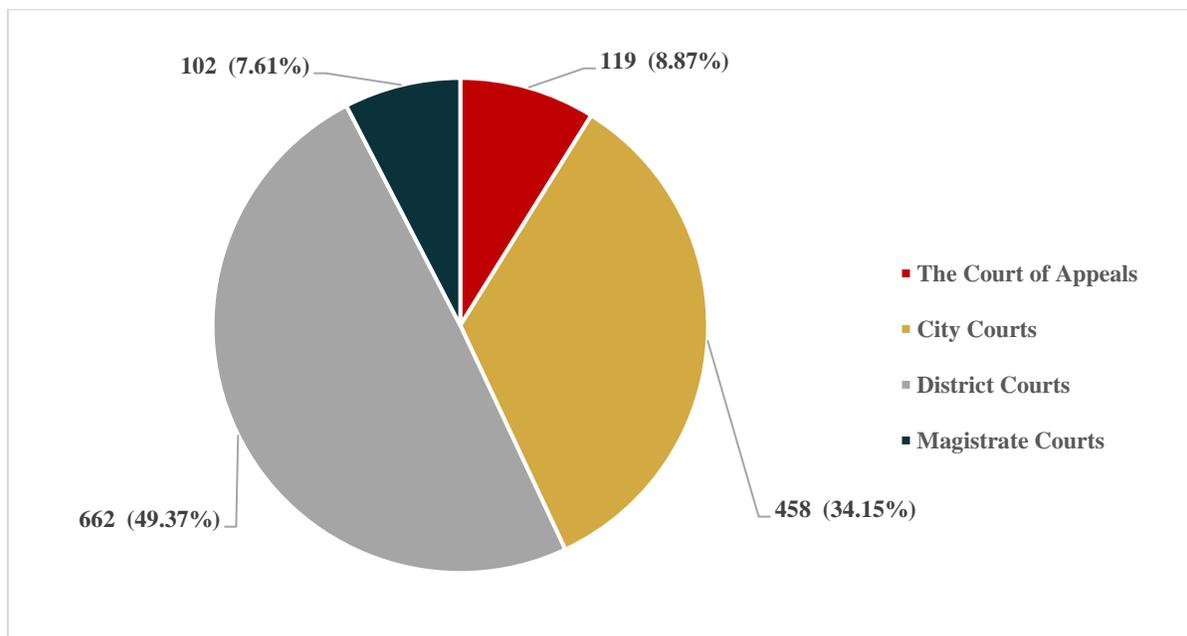
To avoid misleading the reader, generalizing specific instances, or distorting reality, courts with fewer than five hearings monitored were excluded from the charts displaying quantitative/percentage indications.

Volunteer-observers were present at 1,341 hearings in 18 courts from October 2022 to July 2023. The volunteers observed a variety of hearings, depending on their schedule, capacity, the workload of the courts, and the intensity of their work. As a result, the sessions in all eighteen courts were observed with varying degrees of intensity.

The Kareli Magistrate Court is also included in this number, although the monitor, who went to the court five times to observe the proceedings, found the court building closed. The monitor was notified that the court proceedings were halted owing to technical issues. It should be noted, however, that the Kareli Magistrate Court was included in the calendar of court hearings.

Chart #1: Monitoring of hearings by court category

(Indicators based on percentages and quantitative data)



The number of hearings by courts

Most of the hearings were observed in Rustavi City Court (312 hearings), followed by Gori District Court (308 hearings). A total of 204 hearings were observed in Khashuri District Court, 89 in Kaspi Magistrate Court, 85 in Zugdidi District Court, 66 in Batumi City Court, 64 in Kutaisi City Court, 38 in Mtskheta District Court, 16 in Gurjaani District Court and 16 in Poti City Court. Five proceedings were observed in Signaghi and Khelvachauri District Courts. The volunteer five time visited the Kareli Magistrate Court but no hearings were conducted in the mentioned court. As previously stated, in the appellate instance, the hearings were observed only in the Kutaisi Court of Appeals - observers monitored 119 hearings. The



discrepancy in the number of monitored hearings is attributable to the number of volunteers or activeness (in the relevant location) rather than other criteria (such as the size of the court or the number of cases heard).

Chart #2: Observed hearings in selected courts (the percentage indicator)

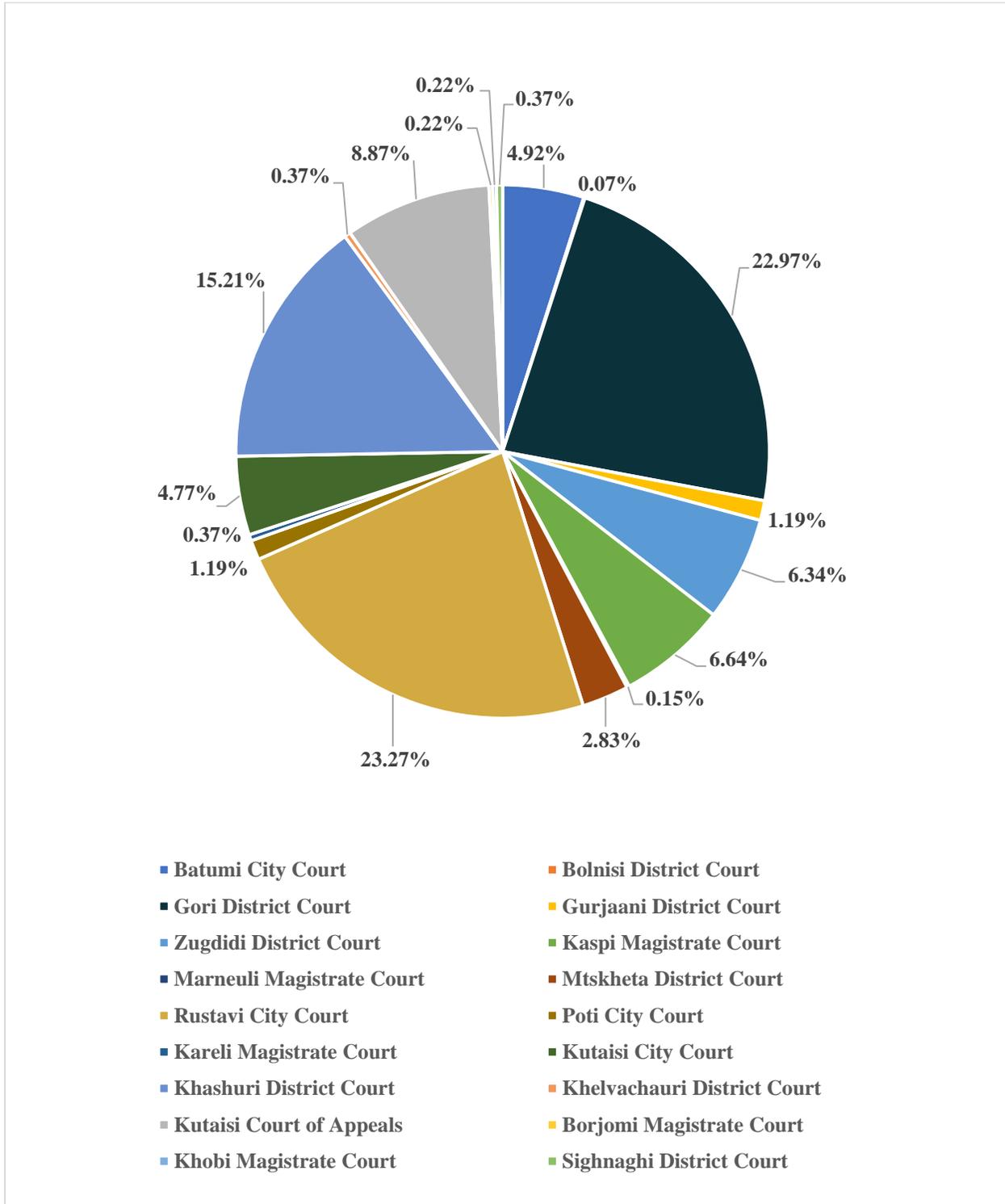




Chart #3: Observed hearings in the selected courts (the quantitative indicator)

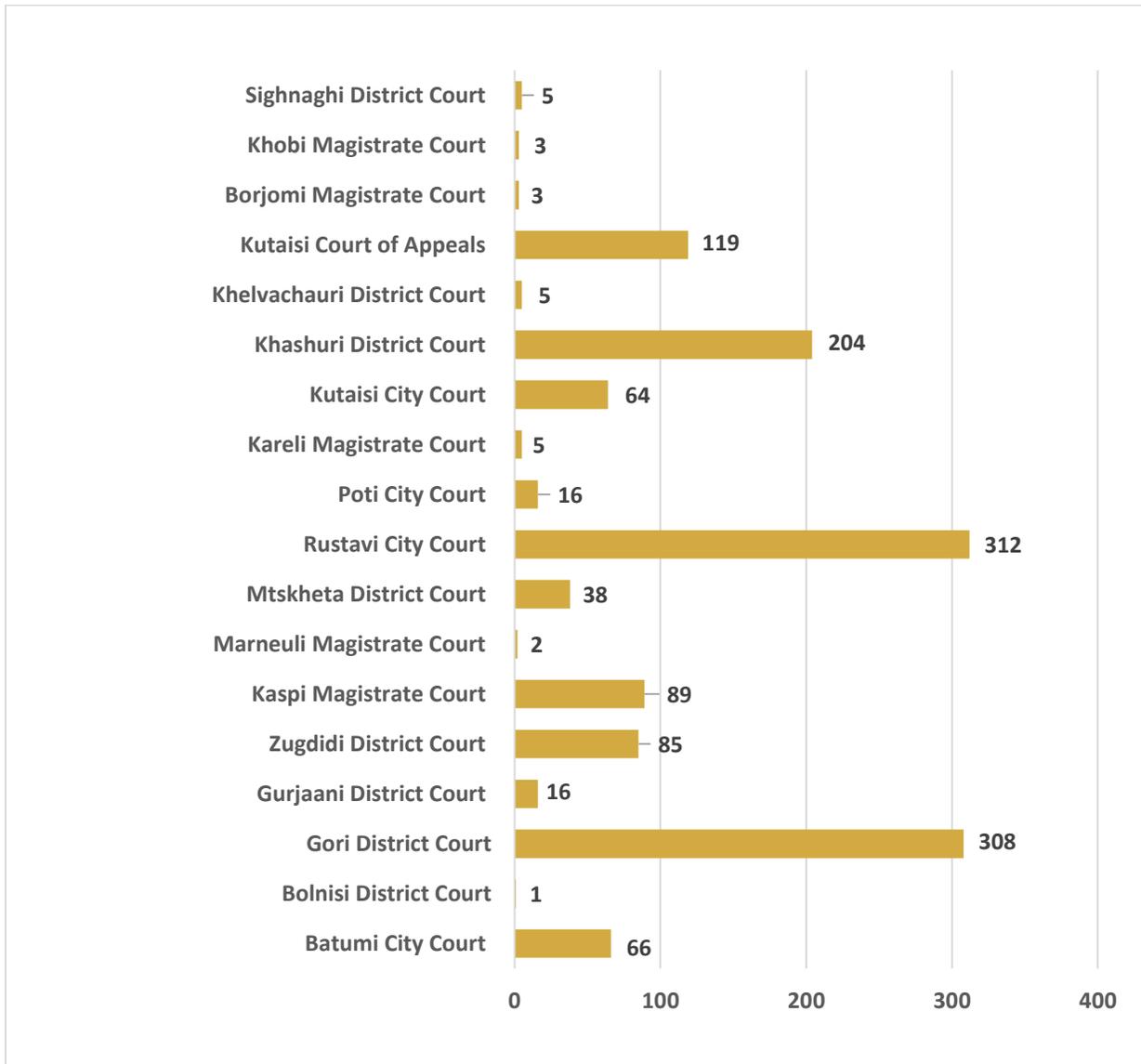
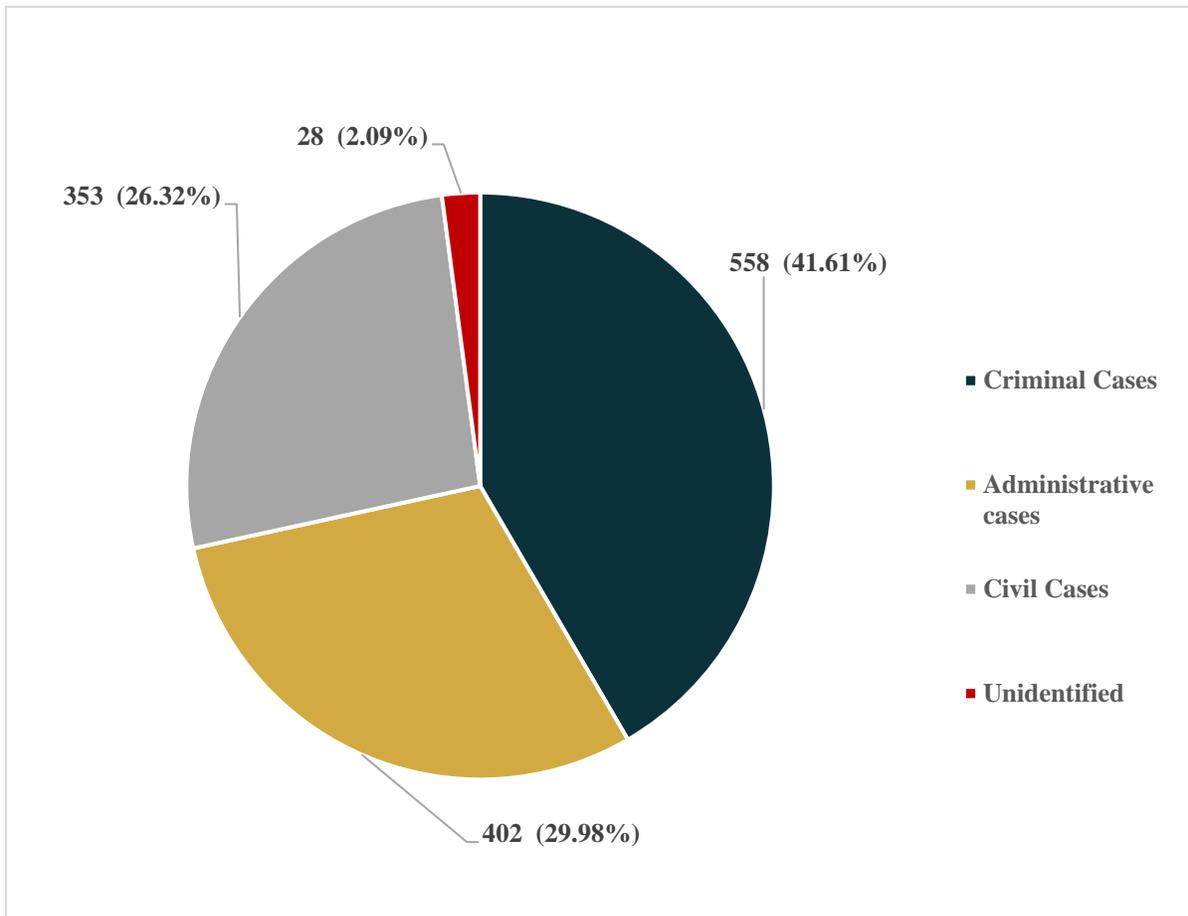




Chart #4 displays data on court procedures by case category, which includes not only those that occurred but also those that were scheduled but failed to take place for a variety of reasons, according to observers. **In total, the monitoring was conducted on 41.61% criminal, 29.98% administrative, and 26.32% civil law cases.**

Chart #4: Categories of cases (the quantitative and percentage indicators)





✓ Key findings

Monitoring at 18 courts in different regions of Georgia revealed several significant occurrences and trends. The monitoring report results are unique in that they reflect the impressions and assessments of citizen-volunteer observers concerning the processes and current status in Georgia's general court system.

Georgian Court Watch hopes that the reported data, as well as the diverse and noteworthy opinions of the volunteers, will be an asset for judges, prosecutors, defense attorneys, legislative and executive branch officials, and other policymakers, as well as civil society, institutions, and researchers interested in the justice system.

Before public presentation the monitoring report was sent to every monitored court, only Chairmen of Rustavi City Court responded and submitted its opinion with the official letter.

The report incorporates favorable and adverse assessments of the volunteers based on the court hearings they attended or their observations of the trial. It should be noted that the study only includes information from hearings observed by monitors. Therefore, it excludes the data concerning how the unmonitored court hearings were conducted.

The monitoring efforts identified a multitude of issues concerning the work of courts, but the following key tendencies are worth noting:

- ✓ Failure to start the hearings on time is a concern, as 781 (62%) of the 1,268 hearings observed started on time (with a delay of 5 minutes or less), while 487 (38.41%) started with a delay of more than 5 minutes. What influences the court's public image, the interests of the participants in the process, and the timeliness of proceedings also influences the schedule of lawyers or prosecutors. The monitoring indicated several instances in which the late start of one hearing caused a delay in the one that followed.
- ✓ The explanations for the delays at the start of the hearing were not provided in the majority of cases (77.6%) during the proceedings. Only 109 (22.38%) of the 487 hearings that started late received explanations. This approach has a negative influence on the judiciary's transparency and accountability.
- ✓ Even though the court calendar stated that the hearing would be held at the Kareli Magistrate Court, the monitor, who went there five times to observe the proceedings, discovered that the court building was closed. The monitor was informed that the court proceedings had been halted owing to technical issues. The questions arose concerning why the technical issues could not be fixed during the ten months when the monitoring was ongoing and why the court calendar included an indication on Kareli Magistrate Court if the court session were to be held in the Khashuri District Court.



- ✓ There were several occasions when the session had to be adjourned owing to organizational or technical concerns (in one example, the court hearing had to be postponed due to a lack of an additional video camera during the remote court hearing, as well as a lack of an interpreter).
- ✓ The monitoring found that at the court hearings, most of the time, the judges notified the audience concerning the phase of litigation; nevertheless, judges did not refer to the phase of litigation in 492 cases (38.80%).
- ✓ Monitoring indicated instances when the judge talked in hushed tones or a technical issue made it difficult for the observer in the room to comprehend the subject matter of the court hearing.
- ✓ Judges generally had a positive or neutral attitude on the presence of an observer during the court session (a neutral reaction is also considered positive by Georgian Court Watch). However, judges disapproved of the presence of an observer fourteen times. In particular, in Rustavi City Court, Mtskheta and Gori District Courts, Marneuli Magistrate Court, and Kutaisi Court of Appeals. One of the observers was denied the opportunity to attend a court session at the Mtskheta District Court.
- ✓ According to volunteers, reporters were present at seventeen court sessions for media coverage during the monitoring period.
- ✓ The monitoring data analysis showed that judges listened attentively to the parties of the proceedings and explained legal terminology in a manner understandable to them in 96.9% of the cases. According to the observers, the judge was not diligent and failed to listen to the parties in 19 court sessions (1.5%). The fact is even more troubling when the party/defendant does not have a lawyer/legal representative who knows legal terminology or is aware of other procedural issues.
- ✓ During the monitoring, there were cases where the judge did not give the impression that they were adequately prepared for the hearing, which was noted for a total of eighteen sessions (in one case, the judge called for a break to listen to the recording of the previous hearing to recall details. The same judge was repeatedly going through the case file, looking for the documents/case file that was initially provided).
- ✓ According to monitors, judges during proceedings primarily observed ethical principles and constructive engagement with people in the courtroom, while there were instances when judges were disrespectful or hostile to the parties. Out of all monitored hearings, in 23 cases, the judges showed unethical behavior.
- ✓ Most observers reported that judges treated the parties fairly, while on some occasions, the volunteers felt the judge was biased toward one of the parties. Monitors observed unjust treatment of the parties in 33 court sessions.
- ✓ During the monitoring period, the judges announced 528 court decisions/judgments. The judgment was ambiguous or otherwise unclear in about 20% of cases.
- ✓ Furthermore, the volunteers cited lengthy legal hearings and the uncertainty over court jurisdiction as a major concern. An observer, for example, described the case when a civil dispute was registered with the court a year ago, and the judge resolved the hearing of the case in an administrative proceeding a year later.



Part I: Organization of the work of the court

1.1. Conduct of court hearings

During the court monitoring, volunteers were informed about the court calendar, so they were aware of the location, date, and time of proceedings several days in advance. However, there have been instances where volunteers, after arriving at the court for monitoring, found that the hearing did not take place on the scheduled day.

The data analysis reveals that 1,268 of the 1,341 monitored court sessions took place, while the remaining 73 did not. The graphics below reflect the results of 1,268 monitored sessions.

Q: Did the scheduled court sessions take place?

Chart #5: Total quantitative and percentage indicators for the eighteen courts

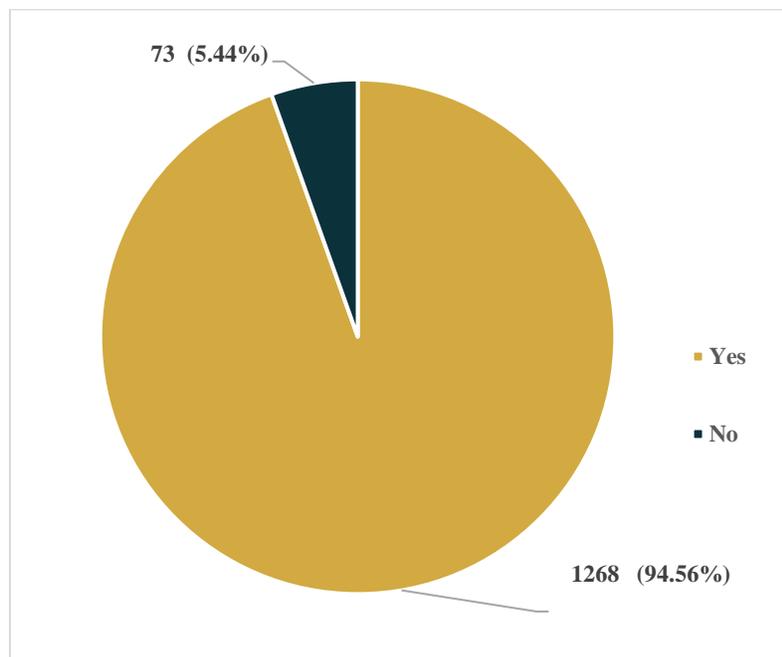
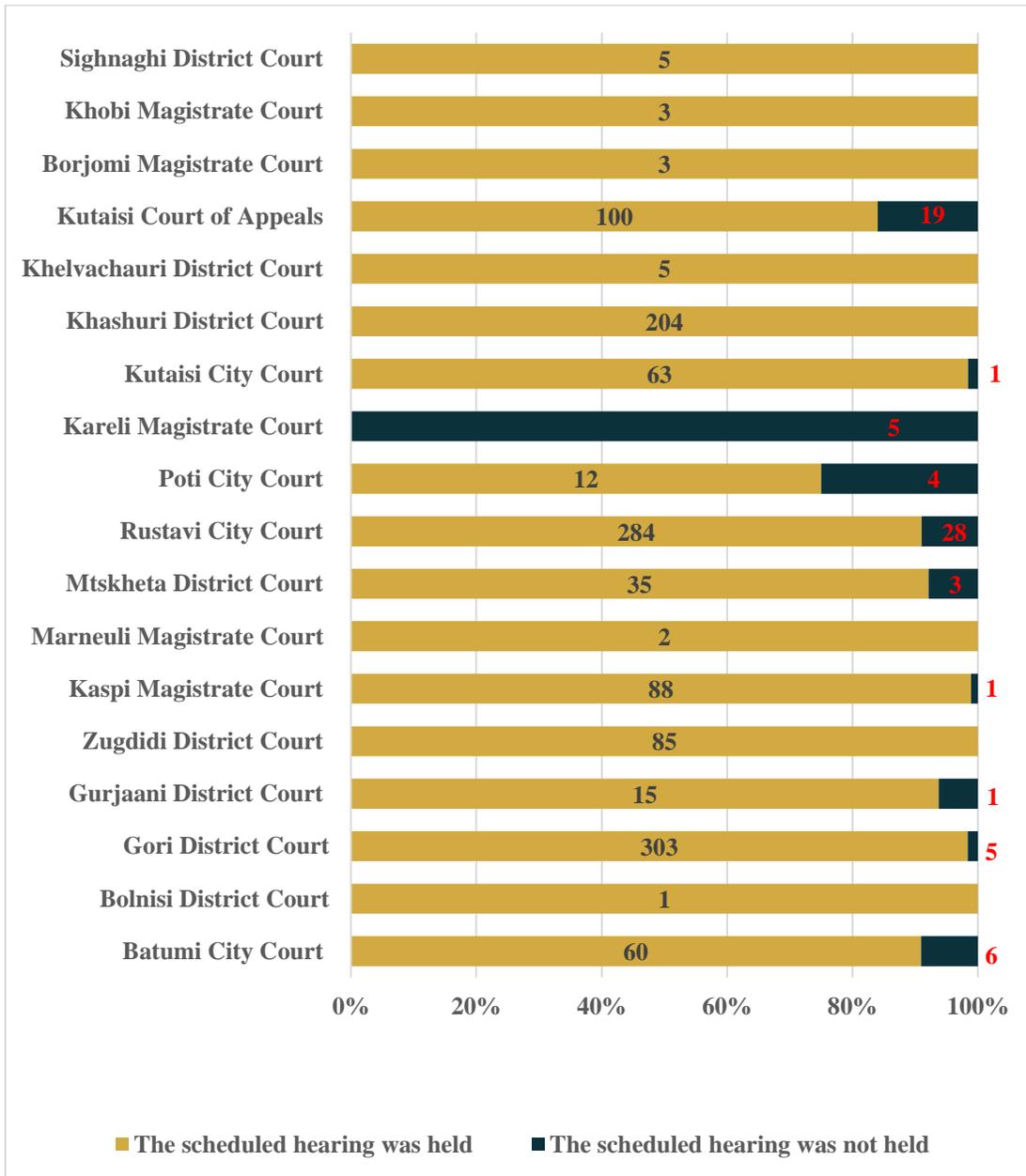




Chart #6: Quantitative assessment by courts





1.2. Punctuality of the start of the court session

To avoid jeopardizing the individual's statutory right to timely and effective justice, judges and court employees must make reasonable efforts to provide quality administration of justice in courts with excessive workloads.

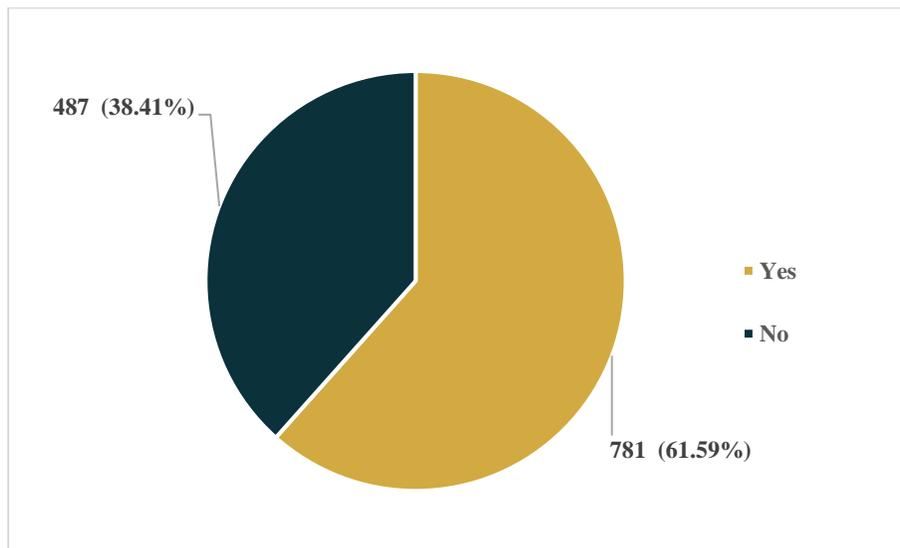
The court monitoring identified the punctuality of court sessions as one of the most troublesome issues. The monitoring found that late starting of court sessions is the systemic problem. More than 38% of the monitored sessions were held with delay (i.e., more than 5 minutes late). According to information provided by volunteers, occasionally, the court sessions lasted longer than an hour.

Of the 1,268 court sessions held, 781 sessions (62%) began on time (no more than 5 minutes late), and 487 sessions (38.41%) started late.

Q: What was the scheduled and actual court session start time?

The session began on time, or no later than 5 minutes late

Chart #7: Total number and percentage¹¹

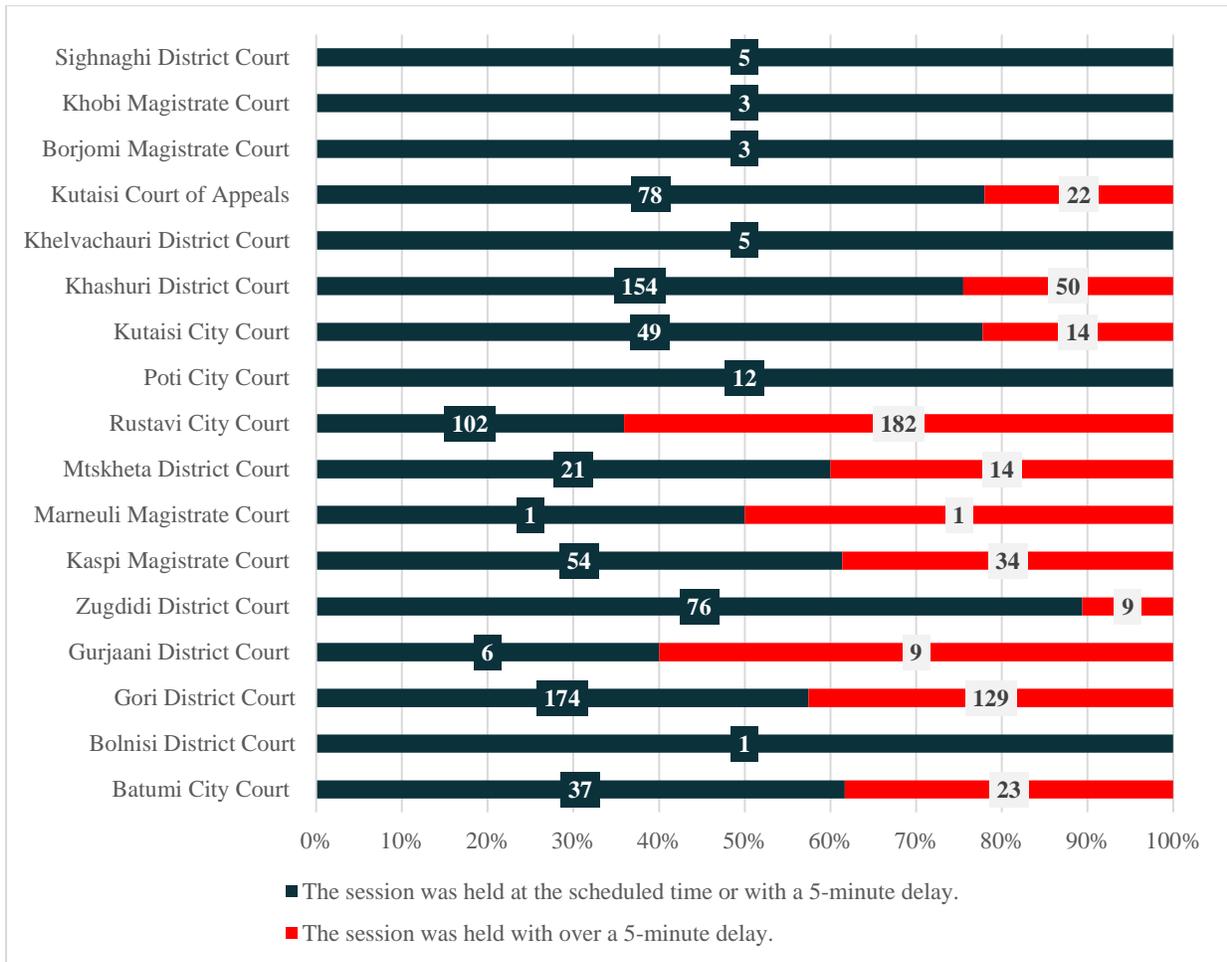


During the monitoring, the sessions started late in the following courts: Rustavi City Court - 182 sessions (more than 5 minutes); in Gori District Court - 129 out of 303 sessions; in Khashuri District Court - 50 out of 204 sessions; in Kaspi Magistrate Court - 34 out of 88 sessions, in Zugdidi District Court - 9 out of 85 sessions, in Gurjaani District Court - 9 out of 15 sessions; in Batumi City Court - 23 out of 60 sessions; in Kutaisi City Court 14 out of 63; in Mtskheta District Court - 14 out of 35 sessions; and in Kutaisi Court of Appeals - 22 out of 100 sessions.

¹¹ According to the court monitor, because the Kareli Magistrate Court was closed during the monitoring, the data in Chart #7 and subsequent charts comprise the data of the seventeen courts monitoring.



Chart #8: Quantitative assessment by courts



The typical session delay ranges from 15 to 50 minutes. Chart #8 only includes data from the courts where monitors observed more than *ten sessions*, so the average is based on this.



1.3. Reasons for late start of court sessions

According to observers, the main factors for the late start of the session were the judges' or the parties' tardiness to the court session, as well as the late end of previous sessions.

Q: If there was a tardiness of the hearing, what was the cause, and who was late for the hearing?

Observer evaluations

» **Hearings where the judge was late:**

“The court session was scheduled at 15:00 and started at 15:22. The parties were present; the judge was late and did not explain the reason2.” - Batumi City Court, 24.10.2022.

“[It was scheduled] for 13:00 and began at 13:29. The reason for the tardiness is unknown. The defense and prosecution were in the courtroom, and the judge entered late.” - Rustavi City Court, 24.10.2022.

“Scheduled time 12:00. Actual start time 12:40. The judge started the process late.” - Gori District Court, 01.03.2023.

“The scheduled time was 13:00, the actual start time was 15:10. The judge started the trial late.” - Khashuri District Court, 22.06.2023.

» **Tardiness of the parties:**

“The hearing was supposed to begin at 13:00, but it began 25 minutes late, and no one reacted. They waited for the plaintiff first, then the defendant and the lawyers arrived on time.” - Rustavi City Court, 28.10.2022.

“The hearing was scheduled at 11:00; it started at 11:30. The reason for the delay was the non-appearance of the parties, in connection with which the judge gave them a warning.” - Gori District Court, December 22, 2022.

“The scheduled time was 12:00, the actual start time was 14:00. The prosecution did not appear in court on time.” - Khashuri District Court, 06.04.2023.

“The actual start time was 11:20. The scheduled time - was 11:00. The court expected the persons be appear before it on administrative charges, but they did not show up for the trial.” - Gori District Court, 26.07.2023.



» **Finishing of previous hearings later than expected:**

“The court session was supposed to start at 14:30 but began 39 minutes late, at 15:09. Nobody explained why the delay occurred. I gathered from the bailiffs’ chat that the last court session ended late, thus the current session began late as well. The parties arrived at the agreed-upon time.” - Batumi City Court, 21.10.2022.

“The scheduled court time was 13:00; it started at 13:30. The reason for the delay is the prolongation of another trial.” - Gori District Court, 05.12.2022.

“The court session began late because the previous trial was still in progress in the courtroom where the session was to begin, and the session began late. Simultaneously, the hearing was held in courtroom #3 rather than courtroom #7.” - Rustavi City Court, 02.11.2022.

“The court session was held 1 hour late, and the reason was that the previous session was not completed on time.” - Batumi City Court, 06.06.2023.

» **Other reasons:**

“Scheduled time: 13:00, start time: 13:57. The reason for the delay was the no-show of the representative of the archive, who, even though, according to the parties, could not come, the trial still started late.” - Zugdidi District Court, 25.10.2022.

“The trials I attended rarely started on time, and no one ever mentioned it, including the judge.” - Kutaisi Court of Appeals, 08.12.2022.

“Scheduled time: 11:30, actual start time: 13:20. The defendant showed up late, at that time the next trial of the prosecutor started, so we had to wait until the said trial ended.” - Rustavi City Court, 12.12.2022.

“I do not know the reason why the session did not start on time, and it was not explained to anyone, as happens in many cases.” - Kutaisi Court of Appeals, 18.01.2023.

“The trial was late by an hour. The reason for the delay was that the assistant went to college and the judge was probably not ready for the process.” - Gurjaani District Court, 02.03.2023.

“It was supposed to start at 11:30, and it was late by 15-20 minutes. The reason is not clear to me. I did not understand what happened, and nobody explained it, it was as if it was something normal [...]” - Kutaisi Court of Appeals, 31.03.2023.

“[The parties] asked me to call and see if the trial had been postponed.” - Gori District Court, 04.13.2023.



» **Conflict of hearing schedule:**

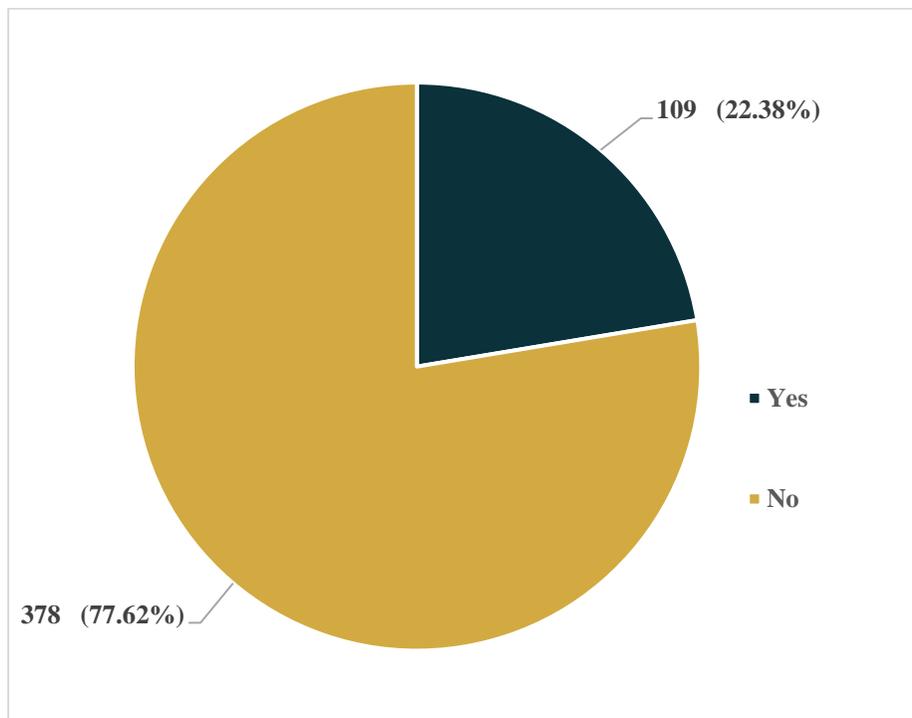
“The judge scheduled two trials at the same time. The parties took part in both trials at the same time. The judge instructed one party to the proceeding to remain in the dock until he finished with the parties in the other trial. As a result, the reason for the delay was obvious.” - Rustavi City Court, 20.12.2022.

1.4. Explanation of the reasons for the delay

A court session may be delayed for objective reasons, but the pattern of frequent and extended delays, in addition to indicating a disorganized system, undermines the court’s authority. As a result, the court must be more structured and, in the event of a delay, explain the reasons to the participants in the process or to the other people present. In this regard, a pretty unpleasant tendency can be observed, as session monitoring has revealed that in most situations, no one in the court explains the reasons for the delay of the court sessions.

Q: If a court hearing started late, did anyone explain or apologize?

Chart #9: Total numbers and percentage





☑ **Observer evaluations**

» **The explanation given by the judge regarding the delay:**

“The judge apologized and explained that the delay of the session was unintentional.” - Mtskheta District Court, 29.10.2022.

“The judge apologized and attributed the delay to the excessive workload of the court, noting that the work of the juvenile court took longer than planned.” - Gurjaani District Court, 10.31.2022.

“The judge was late and apologized.” - Zugdidi District Court, 26.12.2022.

“The judge arrived late for the court session, apologized, and stated that he was at the Gori District Court [since he has jurisdiction in both the Kaspi Magistrate Court and the Gori District Court]” - Kaspi Magistrate Court, 01.09.2023.

“The defendant did not show up at the hearing; the judge was waiting for him, and the court secretary tried to contact the defendant to find out the reasons for the no-show. The defendant did not respond. The judge noted that the hearing had been adjourned because of this.” - Mtskheta District Court, 26.10.2022.

“Due to a technical failure, the court session began 34 minutes late. The trial had been adjourned before this session for the same technical reason. After the judge entered the courtroom, It turned out the National Agency for the Public Registry was connecting remotely, and the courtroom needed an additional webcam for recording. The court secretary and the bailiffs searched other courtrooms for several minutes (approximately 5 minutes) to collect an extra webcam. As a result, the judge began the session 34 minutes late, stating that the delay was due to a technical issue.” - Mtskheta District Court, 25.11.2022.

“The judge explained that they could not find the gown and waited for another judge to borrow their court dress.” - Rustavi City Court, 10.01.2023.

“The judge explained the reason for the delay. They noted that the defendant’s legal representative contacted the court and explained the reason for the delay.” - Gori District Court, 23.02.2023.

“The judge apologized, stating he was at the university to give a lecture.” - Gori District Court, 12.04.2023.

“The start of the hearing was postponed because the judge had a court session in another court, which was given more importance. The judge explained all this and apologized.” - Kaspi Magistrate Court, 15.05.2023.

“The judge said the reason for the delay was that he had another trial.” - Kutaisi City Court, 18.05.2023.



» **Being late to the court sessions without explanation/apology:**

“They did not apologize, although we were waiting for an interpreter who was in another trial at the time, and the reason for the delay was obvious.” - Rustavi City Court, 20.12.2022.

“They did not apologize. We sat in the courtroom and waited for the defendant to be connected remotely, but it failed despite numerous attempts by the court.” - Rustavi City Court, 24.01.2023.

“They did not apologize, but the other judge’s assistant was on vacation, and it was because of this other judge that the judge in question could not start the proceeding at the scheduled time. “Another judge” entered the room and explained that [...] the start of the scheduled hearing would be slightly delayed.” - Kutaisi Court of Appeals, 02.02.2023.

“No one apologized for the delay. This trial would not have taken place if the parties’ counsel had not been persistent because there was no willingness to conduct this trial on the part of the judge or the judge’s assistant.” - Gurjaani District Court, 02.03.2023.

“I have not yet attended a trial where someone explained why the start of the trial was delayed” - Kutaisi Court of Appeals, 10.04.2023.

» **The session started before the scheduled time:**

“The trial started earlier, which the judge did not explain.” - Gori District Court, 31.10.2022.

“The actual start time was 11:30, whereas the prearranged time was noon. The judge began the trial early. In this regard, they explained and asked the parties whether there would be any problems due to the earlier start.” - Gori District Court. 15.06.2023.

» **On-time court sessions**

“The court session was scheduled for noon and began on time. In general, I attended this judge’s court sessions, and 95% of the hearings began on time. In the remaining 5% of court sessions, the reason for delays was not the judge.” - Kutaisi Court of Appeals, 03.07.2023.



Part II: Procedural Justice

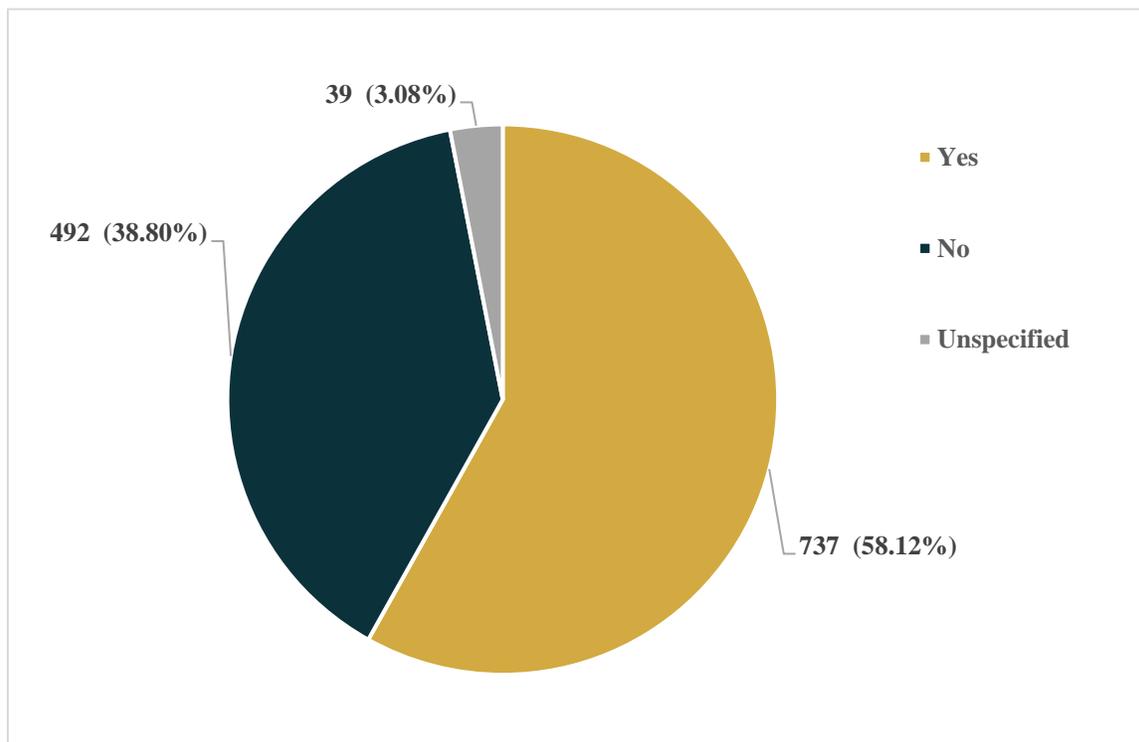
2.1. Naming of the stage of the court proceedings

The open court principle permits everyone to attend a court hearing and watch how justice is administered. However, the presence of parties at the court proceedings is insufficient to meet the minimum standard of openness. Judges must ensure that court proceedings are as transparent as possible so that every procedural action or judgment is clear and understandable to all parties involved. As a result, it is critical that the judge name and explain the stages of the case to those present at the hearing.

The monitoring found that judges informed the audience in court about the stage of litigation in most cases. In particular, the judge announced the litigation stage in 737 of the 1,268 sessions, accounting for 58.12% of the observed court sessions. **According to the monitoring data, the judges failed to announce the litigation phase in 492 court sessions.** Furthermore, it was unclear in 39 cases. The court audience could not hear the judge's statement due to noise in the courtroom, the judge's low voice, or other factors. As a result, the monitors do not know how well the judge conveyed the litigation stages to the presented parties.

Q: Did the judge announce the stage of litigation?

Chart #10: Total numbers and percentage

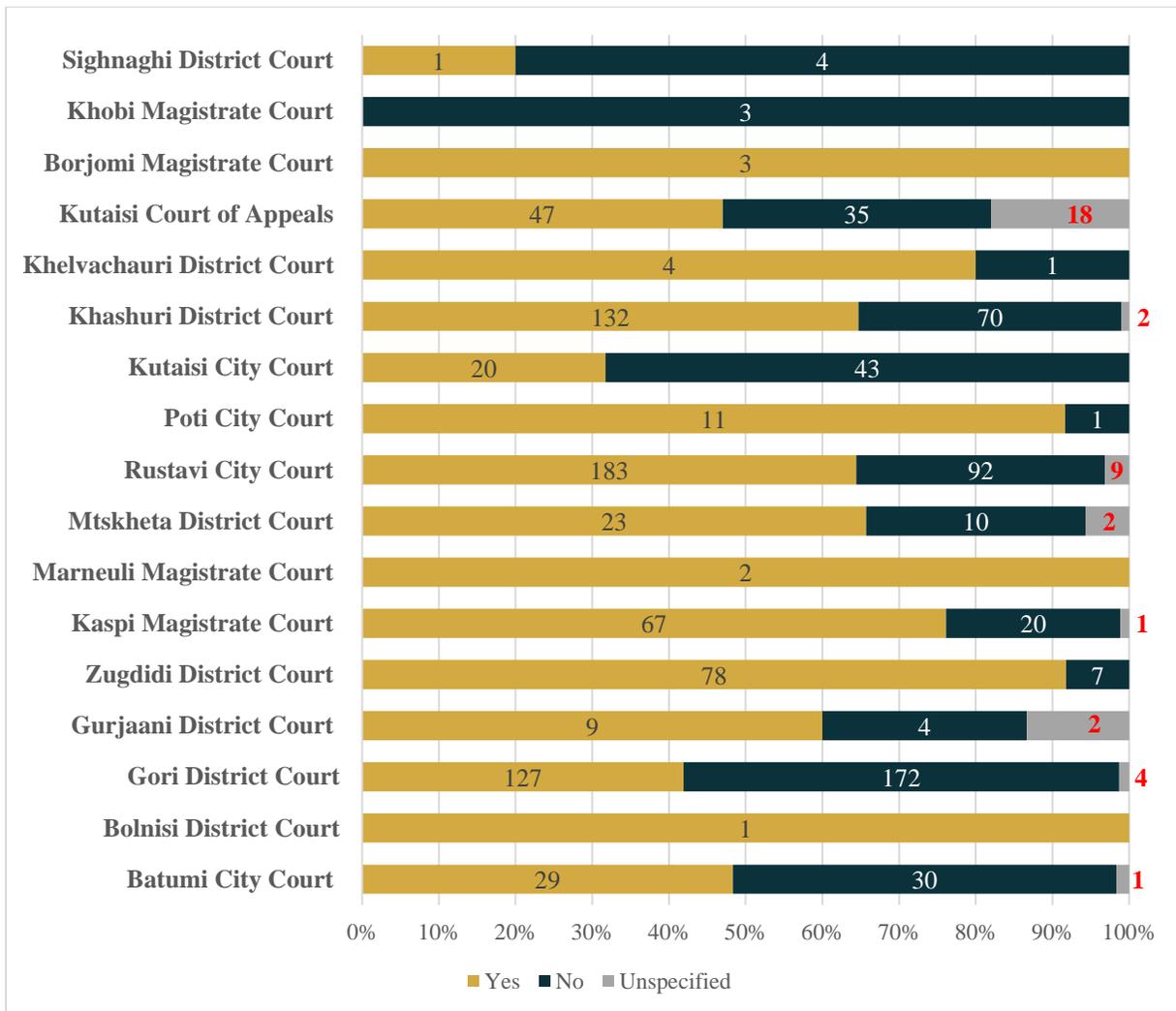




According to the monitors the judge announced the litigation stages at:

- » 183 of the 312 Rustavi City Court hearings;
- » 127 of the 308 Gori District Court hearings;
- » 132 of the 204 Khashuri District Court hearings;
- » 67 of the 89 Kaspi magistrate Court hearings;
- » 78 of the 85 Zugdidi District Court hearings;
- » 29 of 66 Batumi City Court hearings;
- » 20 of the 64 Kutaisi City Court hearings.

Figure #11: Quantitative assessment of courts





☑ Observer evaluations

“After reviewing the case, I, myself, determined the stage of litigation that the case was in. This was because the judge’s voice could not be heard at first. The words were difficult to understand because of the glass barrier in front of us.” - Rustavi City Court, 24.10.2022.

“The judge did not say what stage the litigation was at, but from the conversation I understood that it was a preliminary hearing” - Batumi City Court, 15.11.2022.

“The judge did not say anything, but the plaintiff mentioned that there was an advance first hearing.” - Rustavi City Court, 22.11.2022.

“After opening the hearing, the judge explained what the case was about, and the stage of the litigation. The court explained that it was an advance first hearing of the case.” - Mtskheta District Court, 25.11.2022.

“The judge explained, but not from the beginning. About half an hour later, I found out that it was a preliminary hearing of the case, that the aforementioned stage had ended, and the process had moved to a new phase.” - Rustavi City Court, 24.11.2022.

“There was an assigned seat in the courtroom for the jury, and the rest of us sat behind the glass. The sound in the microphone was very bad, and I could hardly hear anything.” - Rustavi City Court, 16.01.2023.

“The defendant was at the questioning stage and the judge mentioned it as soon as the trial started.” - Gori District Court, 22.03.2023.

“As I understood it, there should not have been a first trial. I have not heard anything like that from the judge.” - Kutaisi Court of Appeals, 23.03.2023.

“I was very surprised because it was the first time that this particular judge did not announce the litigation stage.” - Rustavi City Court, 02.05.2023.

“The judge noted that the court continued the stage of witnesses examination.” - Gori District Court, 24.05.2023.

“The judge immediately started discussing the case. They simply stated what the case was about.” - Gori District Court, 29.05.2023.

“At first the judge did not say it, but in the subsequent conversation they mentioned it and explained the litigation stage.” – Gori District Court, 13.07.2023.



2.2. The judge's attitude toward the observer during the hearing

The open court principle is one of the fundamental principles of the right to a fair trial. Everyone has the right to a fair and public hearing under Article 6(1) of the European Convention. This principle permits any individual of legal age to attend the trial and immediately observe the administration of justice. Aside from the legislative provisions allowing the session to be closed to members of the public and the media, a judge may not unjustly bar a citizen from attending a court session or otherwise restrict them from observing the trial.

According to the findings of the monitoring of 1,268 court sessions, the judges' responses to the presence of monitors at the hearings were mostly positive and neutral. "Georgian Court Watch" finds both favorable and neutral attitudes toward the observer to be positive in both circumstances. However, during the monitoring, there were 14 occasions when the judges, according to the observers, displayed a negative attitude to their presence at the court sessions.

Q: What was the judge's attitude toward the observer present at the hearing?

Chart #12: Total numbers and percentage by seventeen courts

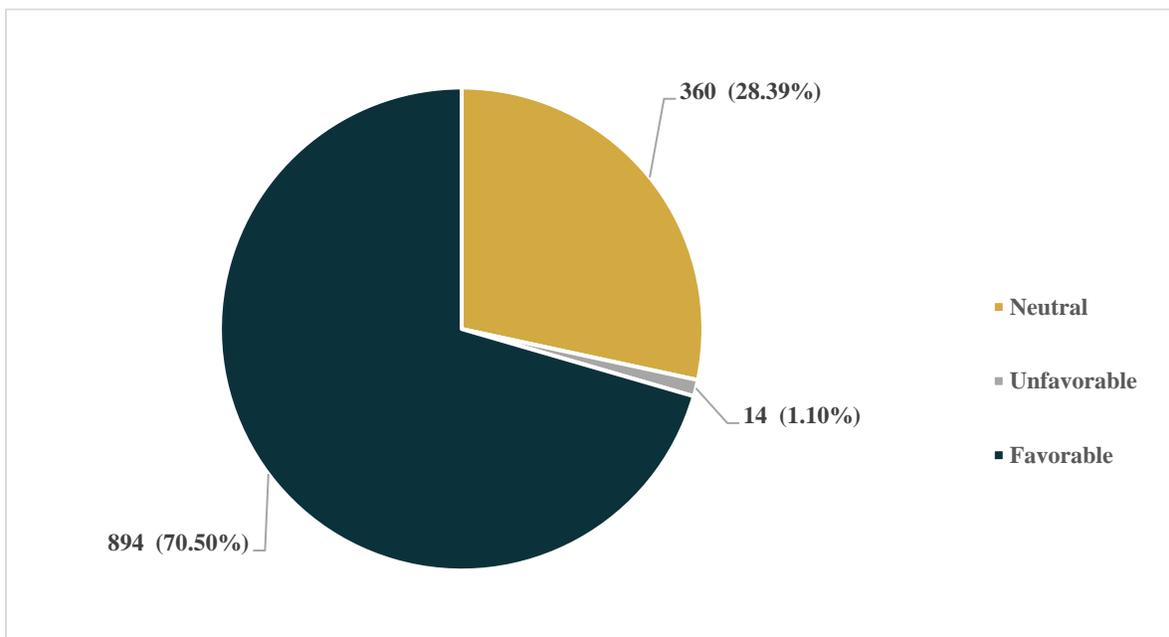
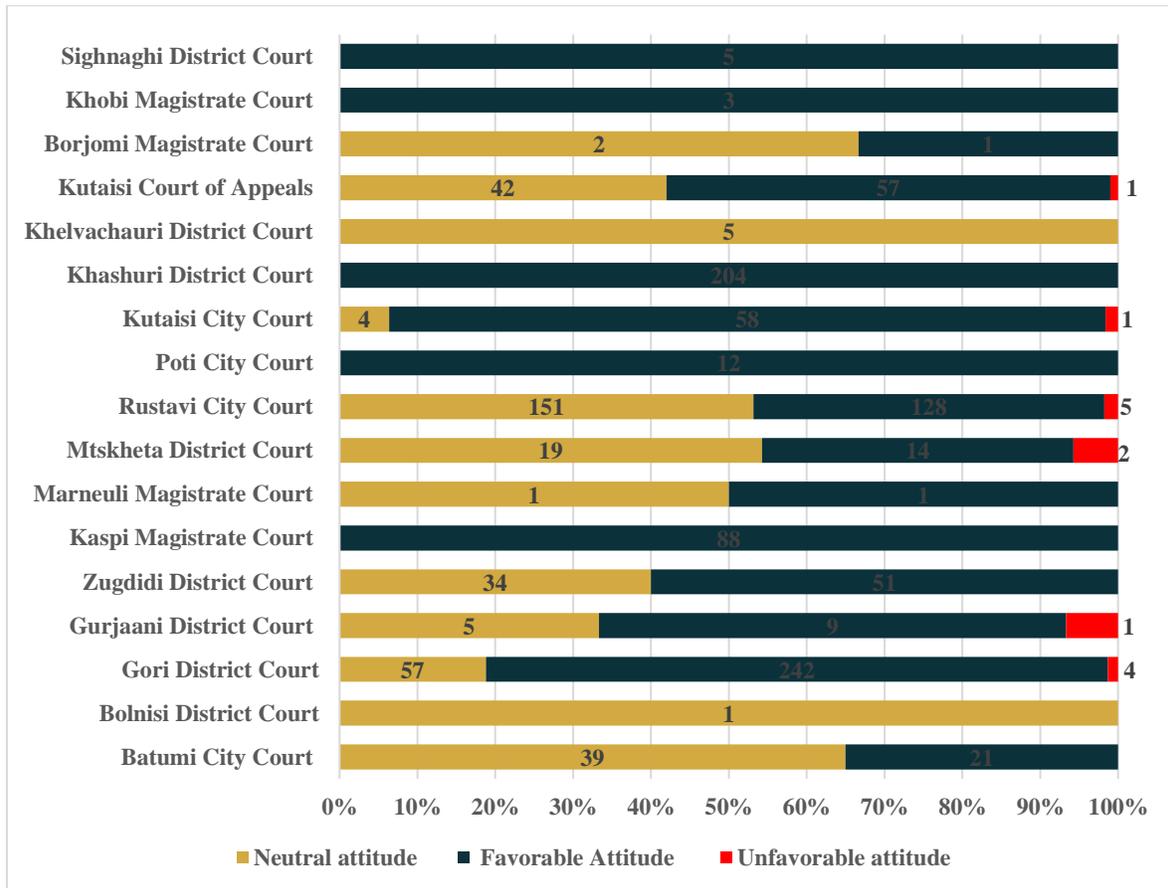




Chart #13: Quantitative assessment by courts



Observer evaluations

» **Favorable and neutral attitudes**

“The judge reacted normally; he paid no attention to the presence of the monitor at the hearing and went about his business.” - Mtskheta District Court, 29.10.2022.

“The judge did not notice the presence of unknown people in the courtroom, he was doing his work as usual.” - Gori District Court, 01.11.2022.

“In my opinion, the judge is used to this and does not react. They didn’t say anything to me before, and I didn’t feel any negative attitudes. I think the judge is used to the observers in the courtroom.” - Kutaisi Court of Appeals, 27.01.2023.



“The judge didn’t even notice me. They raised too many irrelevant issues during the process, that had barely started. They talked about everything but the case. I was left with the impression they did not understand the case at all and were trying to convince the parties to adjourn the hearing.” - Gurjaani District Court, 02.03.2023.

“None. This isn’t the first time I’ve attended said judge’s trial, I’ve attended before, I didn’t feel any attitude towards me. Not bad, more neutral.” - Kutaisi Court of Appeals, 16.02.2023.

“[...] maintained a neutral attitude. After the trial, they familiarized me with the upcoming court calendar and a list of relatively interesting trials.” - Mtskheta District Court, 24.02.2023.

“The judge asked the court secretary who we were and why we were there.” - Gori District Court, 15.03.2023.

“They noted the civil cases are more interesting to attend.” - Poti City Court, 02.04.2023.

“They asked who I was, and when I answered, there was no more communication with them.” - Kutaisi City Court, 05.04.2023.

“Unfortunately, there was almost no sound during the court hearing. Thus, I couldn’t hear anything. Unfortunately, none of the session participants used sound-amplifying equipment. The only thing I heard was that the third police station failed to provide the court with all of the case materials.” - Batumi City Court, 18.04.2023.

“The bailiff told the judge that I wanted to attend several of the court hearings, and they agreed.” - Sighnaghi District Court, 04.27.2023.

“After a minor misunderstanding, the judge discovered that I was a monitor and allowed me to attend even a closed trial, stating that both open and closed trials should be observed (the last sentence was stated by the judge)” - Rustavi City Court, 15.05.2023.

“I think judge’s attitude was completely neutral. They were just surprised when I pointed out some things, there were no other comments or actions from them.” - Gori District Court, 29.05.2023.

» **Interest of judges or court officials toward the observers**

“The judge did not appear to have an unfavorable attitude toward me. However, after the trial, the judge questioned the secretary, “Who is this girl?” Following my response, the judge inquired whether I had only attended their cases or those of other judges as well. Although, as I previously stated, I did not sense any unfavorable attitude on the judge’s side, I believe that, based on the idea of publicity, it should not matter to a judge who or how many people attend their trial. Of course, I am not referring to the parties or their representatives.” - Gori District Court, 03.11.2022.



“The judge seemed clearly interested in the monitor, although they did not ask anything. [...]” - Rustavi City Court, 14.12.2022.

“Neutral, although when stating the rights of the attendees, the judge also mentioned the observer and explained their rights and responsibilities in the courtroom.” - Rustavi City Court, 25.11.2022.

“The judge always asks those present who is who and why they are present at the trial, and no negative attitude is expressed by them.” - Gori District Court, 15.06.2023.

» **Benevolence towards volunteers**

“The judge was polite and kind during the trial. They did not show a negative attitude towards anyone.” - Rustavi City Court, 20.10.2022.

“The judge had a positive attitude toward those present. They were kind.” - Gurjaani District Court, 21.10.2022.

“When the judge entered the courtroom, he asked the bailiff if I was a party to the proceeding, to which I replied: no. After hearing my answer, the judge said: “Very well, you may sit down and listen.” In the end, I can say that the judge was kind to me.” - Mtskheta District Court, 24.10.2022.

“The judge behaved very timidly, mentioned several times to the parties that an observer was present at the trial, and it was not necessary to be emotional.” - Rustavi City Court, 28.10.2022.

“The judge treated me positively, I could feel they were slightly tensed, although they conducted the process in full compliance with the rules.” - Gurjaan District Court. 03.02.2023.

“On the positive side, the judge talked to me and realized that I was a student who wanted to attend the hearing.” - Borjomi Magistrate Court. 22.02.2023.

“The judge welcomed the monitor’s presence at the trial, and to clarify the decision on the selection of the measures of restraint, they gave an additional explanation for the parties and others present.” - Gori District Court, 12.04.2023

“They asked my name and the title of the organization and smiled at me while talking.” - Gurjaan District Court, 27.04.2023.

“The judge was interested in who I was, saying I have attended several of their hearings and who I was, [...] stated it is good that I was interested in court sessions.” - Kutaisi City Court, 18.05.2023

“The judge politely asked me who I was and why I was present, invited me to attend the trial, and asked if I was only observing their court sessions or visiting other judges as well.” - Gori District Court, 06.08.2023.



» **Negative Attitude:**

“I got a negative attitude toward this judge since I had a problem getting in before the trial began, and they attempted to keep me from entering the courtroom. The judge continued to gaze at me with suspicion. I was initially told they would first decide to let me in or not. After some wrangling, an unknown man gave a permission, and I was allowed to enter. In terms of the procedure, in the courtroom, all of the windows were open. The weather was awful, and it was raining. I believe all of the windows were open on purpose to cover the judge’s nearly inaudible voice. The judge’s statements were hazy. It was as though they said one thing and then changed their minds. The speech was confusing. I had a feeling the judge was going to decide something completely different from what they announced.” - Mtskheta District Court, 04.11.2022.

“When they first heard, I was going to attend, word got out. They told me they would decide whether they would allow me to enter. They put me in a corner under the supervision of a bailiff. Finally, they let me in.” - Mtskheta District Court, 04.11.2022.

“The judge looked at me all the time, and when they opened the session, they told me to leave my phone (I was filling out the monitoring questionnaire on my phone). I was at the same judge’s office last week, and even then, I filled out the questionnaire on my phone, but they didn’t say anything then and didn’t look at me all the time. I think they heard I was with Court Watch, and that’s why they behaved like that.” - Gori District Court, 07.11.2022.

“Personally, the judge did not show any attitude, but during the process, they often looked me in the eyes, which gives me reason to believe that they were a bit tense because of my presence, but it should be noted that they conducted the process. The process was very good.” - Mtskheta District Court, 02.11.2022.

2.3. Presence of media representatives at the court hearing

Q: Were media representatives present at the court session, and was it recorded by audio/video means?

Article 13¹ of Organic Law on Common Courts of Georgia envisages the rules for media coverage of court sessions. Accordingly, the number of trials attended by a media representative was observed by volunteers.

The monitors said media representatives attended 17 court sessions to cover the proceedings. In particular, at the Zugdidi, Gori, and Batumi City Courts.

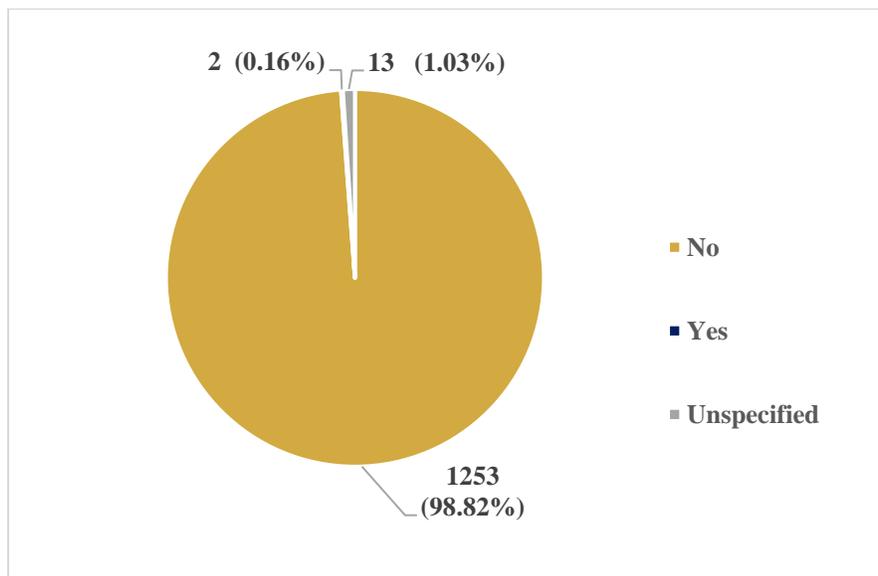


2.4. Recusal of the judge

The impartiality of a judge is one of the fundamental principles of a fair trial, which requires them to refuse to hear a case if circumstances prevent them from adopting an objective and impartial judgment. At the same time, this concept offers the parties the right to challenge the judge/court composition if they believe some circumstances would render the said judge/court composition biased. The Court hearings monitoring discovered that parties rarely challenge a judge. Observers noticed that a party to the proceeding challenged the judge in only two observed cases out of 1,268 court sessions. In 13 cases, observers do not have an exact answer since, as previously stated, it is often hard for people present at the hearing to comprehend the speech of a judge or other participants in the proceedings due to several circumstances.

Q: Did a party challenge the judge?

Chart #14: Total numbers and percentage



Observer evaluations

“The parties did not challenge the judge, which surprised me very much. I was surprised by the fact that it is known from open sources that the judge is a teacher at the plaintiff’s university. I believe that because of the conflict of interest, they should not participate in a case involving their former employer.” - Batumi City Court, 13.12.2022.

“At the beginning of the hearing, the judge mentioned that one of the parties of the proceeding was their student, and that they were former co-workers. The judge proposed recusal, but the parties responded it was not necessary.” - Batumi City Court, 05.04.2023.

“The defendant’s lawyer was also Gotsiridze, and I expected recusal, but I hope they just bore the same surname and there were no grounds for recusal.” - Gori District Court, 14.06.2023.



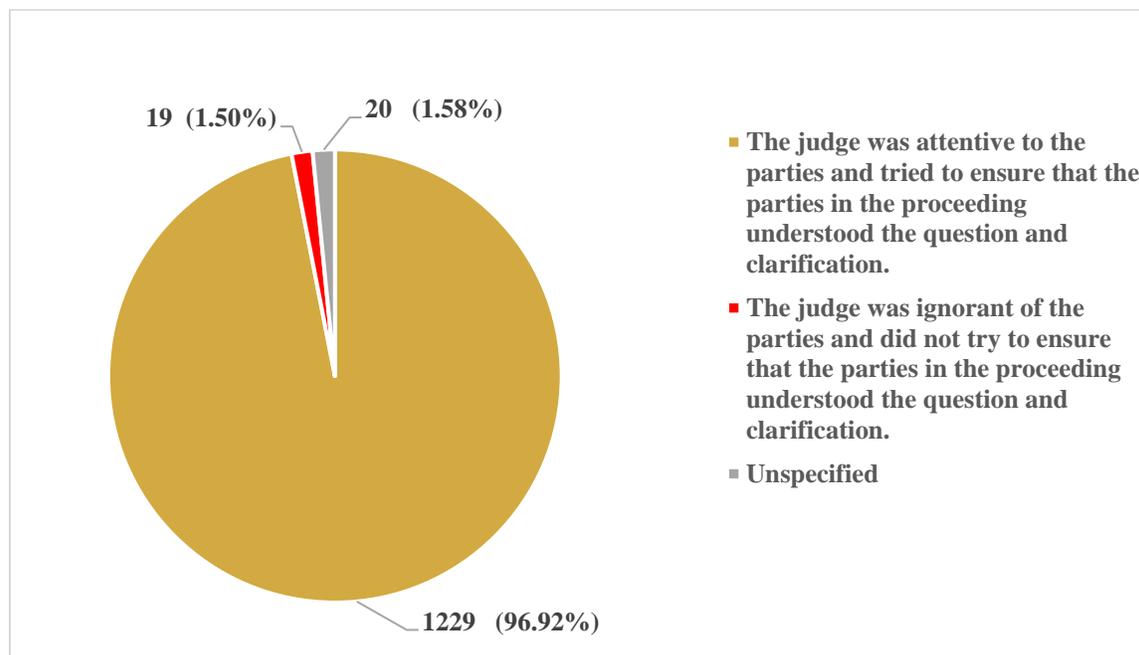
2.5. The judge listens carefully to the parties and speaks in plain language

The judge's decision is based on law and inner conviction. A crucial prerequisite for the decision to be fair and just is the judge's complete knowledge of the facts of the case, a fair assessment of the facts, and a suitable legal evaluation. Naturally, when the judge is not attentive to the parties' facts and arguments during the process, the likelihood of making an inaccurate legal assessment and, as a result, rendering an unfavorable decision increases. Thus, the responsible approach and performance of the judge to the case under consideration are essential for a fair resolution of the case.

For a fair trial, the judge and each participant in the proceedings must be adequately informed about the court trial, fully grasping the content of the statements. It is critical that the judge speaks plainly and, if required, clarifies legal language to both the parties and everyone in the courtroom. Judging from the monitoring of court hearings, the practice related to this issue should be assessed favorably. Based on the information provided by the monitors, the judge listened attentively to the parties, explained legal terminology, and attempted to ensure that the answers to the questions asked during the session were clear in more than 96% of the observed sessions. For 18 court sessions, the judge, according to observers, was not diligent and did not listen carefully to the parties. In 20 cases, volunteers did not assess this issue.

Q: Did the judge pay close attention to the parties? Did the judge make an effort to ensure that the trial participants understood their questions or explanations during the process?

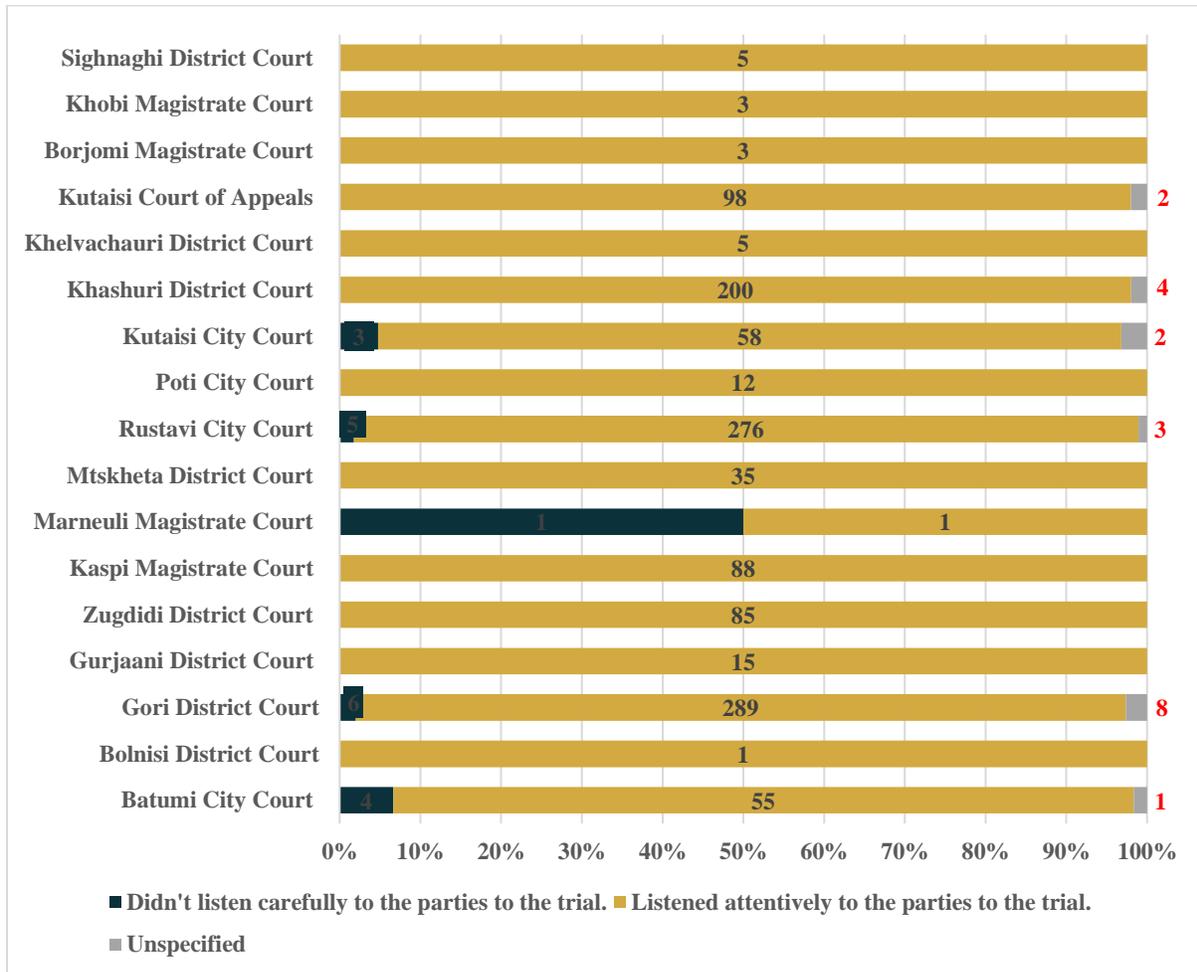
Chart #15: Total numbers and percentage





According to observers, the judge did not pay adequate attention to the participants in the process at six Gori District Court sittings, five Rustavi City Court sittings, four Batumi City Court sittings, three Kutaisi City Court sittings, and one Marneuli Magistrate’s Court sitting.

Chart #16: Quantitative assessment by courts



Observer evaluations

“Throughout the trial, the judge addressed clarifying questions to the parties, defined the questions, and did everything possible to ensure that the parties accurately understood the subject matter of the questions and explanations.” - Batumi City Court, 19.10.2022.

“In addition to the rights and standard rules, the judge described the defendant’s rights in plain language that citizens could comprehend, and the judge asked the question multiple times to ensure that the



defendant understood what the judge was saying.” - Batumi City Court, 20.10.2022.

“I believe the court listened carefully to both parties’ representatives because, during their speeches, I noticed the judge’s modest intervention in the representatives’ discourse, such as when the judge said: “Yes, that’s understandable.”. Furthermore, the judge’s facial expressions and demeanor indicated that they paid close attention to the representatives of the parties. [...] After asking a question, the judge posed another similar question to the party’s representative to check whether they had accurately understood the initial question.” - Gori District Court, 28.10.2022.

“The defendant was aggressive, despite the judge’s efforts to clarify their rights and obligations, which are required and should be considered during the trial.” - Rustavi City Court, 24.10.2022.

“The judge clearly understood the facts of the case and asked pertinent and necessary questions. As a result, they listened to both parties and provided the necessary explanations.” - Rustavi City Court, 22.12.2022.

“The judge listened carefully to the parties. It is worth noting one of them had a hearing impairment, to which the judge reacted immediately and began to speak relatively loudly. [...]” - Gurjaani District Court, 03.11.2022.

“The judge listened carefully to the parties, attempted to grasp their positions on various subjects, avoided showing personal prejudice toward the parties, and followed official ethical norms. The judge used the most plain language possible to ensure the parties’ participation. It should be observed that the judge read several questions monotonously without emphasis. The reason for this could have been the question’s insignificance to the case, but for someone unfamiliar with the process, such a tone can be uncomfortable and regarded as indifference or an attempt to expedite the case.” - Rustavi City Court, 17.11.2022.

“The trial required an interpreter. That is why the judge was particularly invested in the trial. They constantly directed the translator to slowly translate every word for the defendants and others present so that everyone understood what was being said.” - Rustavi City Court, 20.10.2022.

“The judge paid close attention to the prosecutor, the defendant’s lawyer, and the defendant himself. The judge explained everything to the defendant, who was a member of an ethnic minority, both by himself and with the assistance of an interpreter, including what it meant to challenge a witness and other issues.” - Rustavi City Court, 19.10.2022.

“Yes, the judge was trying to listen carefully. It was just a problem with the interpreter. The interpreter failed to translate correctly.” - Rustavi City Court, 24.10.2022.

“The judge was superficial.” - Batumi City Court, 20.10.2022.

“The judge was trying to understand whether the parties had correctly understood the question.” - Khelvachauri District Court, 21.12.2022.



“It seemed to me that the judge did not listen to the parties attentively, several times they switched attention to other things.” - Rustavi City Court, 22.12.2022.

“The judge was irritated, although I’m not sure why; they were rude from the moment they entered the courtroom.” - Batumi City Court, 14.12.2022.

“The judge partially tried to make sure whether the defendant heard their question, but it was insufficient.” - Rustavi City Court, 02.12.2022.

“The judge listened carefully to the parties but did not attempt to ensure that the plaintiff understood his inquiry or explanation.” - Kutaisi City Court, 03.11.2022.

“Only the defendant, one of whose representatives was online and the other physically present at the trial, received close attention from the court. [...] The judge’s indifference to the plaintiff was evident.” - Batumi City Court, 11.11.2022.

“Only the plaintiff’s representative was present at the hearing. It can be said that the judge did not listen to them.” - Rustavi City Court, 22.11.2022.

“The defendant had neither a lawyer nor legal education and could not understand the terminology, and the judge spoke to him very indifferently.” - Batumi City Court, 16.01.2023.

“The judge listened attentively to the parties and tried to make sure that the person in the courtroom understood the question or explanation [...]” - Kaspi Magistrate Court, 06.02.2023.

“The defendant could not speak Georgian and knew poor Russian. The interpreter translated the defendant’s words into Russian. I had the impression that the defendant did not understand well what the interpreter was translating for him. - Rustavi City Court, 02.06.2023.”

“The judge gave special consideration to the minors in the case. They attempted to make minors feel at ease by using great attention and the perfect language to explain what they intended to say fully and correctly. The judge provided explanations and asked more questions as deemed necessary.” - Rustavi City Court. 13.02.2023.

“The judge paid close attention to the parties. They attempted to ask the parties how clear the information was to them during the statements. The defendant did not speak Georgian and was aided by an interpreter. The judge took it into account [...]” - Rustavi City Court. 23.02.2023.

“The judge listened attentively to the parties, but the defendant’s representative was unhappy with the judge. They believed the judge was kind to the plaintiff. The judge admonished the party to the proceeding in this regard. [...]” - Gori District Court, 09.03.2023.

“Because of the language barrier, the defendant had difficulty understanding the judge, although the judge tried to convey important questions in plain language. Also, the interpreter’s attitude was very attentive



and observant. The judge gave all necessary explanations and tried in every possible way to facilitate the full provision of information to the defendant.” - Rustavi City Court, 23.03.2023.

“The judge kept reading the documentation submitted by the parties, frequently asked the parties questions [...]” - Gurjaani District Court, 04.06.2023.

“The judge explained the law several times and repeated the question several times so that the litigant would understand.” - Kutaisi City Court, 06.04.2023.

“No. The judge used the cell phone throughout the proceedings. In addition, they did not listen to the parties and always asked clarifying questions. For example: “What was the party’s reaction to this? ” It should be noted that an interpreter was involved in the case.” - Marneuli Magistrate Court, 21.04.2023.

“The judge listened carefully to the lawyer, the social worker, the caregiver, and the beneficiary who remotely participated in the process.” - Signaghi District Court, 27.04.2023.

“Yes, the judge listened and explained to the defendant in detail the rights and terms the defendant may not have understood.” - Poti City Court, 02.05.2023.

“The judge asked the prosecutor to file the same motion twice because they did not listen to the judge carefully.” - Gori District Court, 29.06.2023.

“The judge did not try to assess whether the participants of the trial understood the content of the question, and moreover, they asked the question in a hushed voice. It was difficult for the parties to concentrate.” - Gori District Court, 30.06.2023.

“The defendant did not have a lawyer and the judge tried to explain to them in plain language, without using legal terminology, what was said, and the prosecutor also explained to them.” - Kutaisi City Court, 18.07.2023.

2.6. Filing a motion with the court

In 598 court sessions of court sessions (1,268) attended by volunteers, the party filed a motion. In 663 court sessions, the party to the process did not file a motion. The monitors did not identify 7 instances.

Q: Did either party file a request (motion) and did the judge give any explanation as to whether to grant or deny the motion?



Chart #17: Total number and percentage

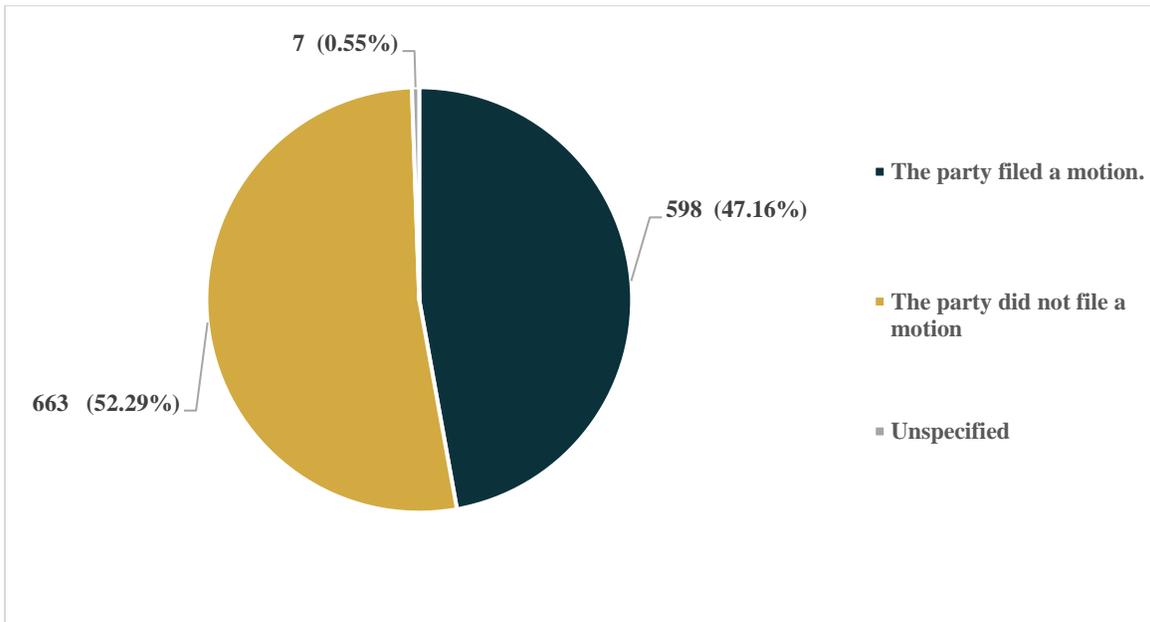
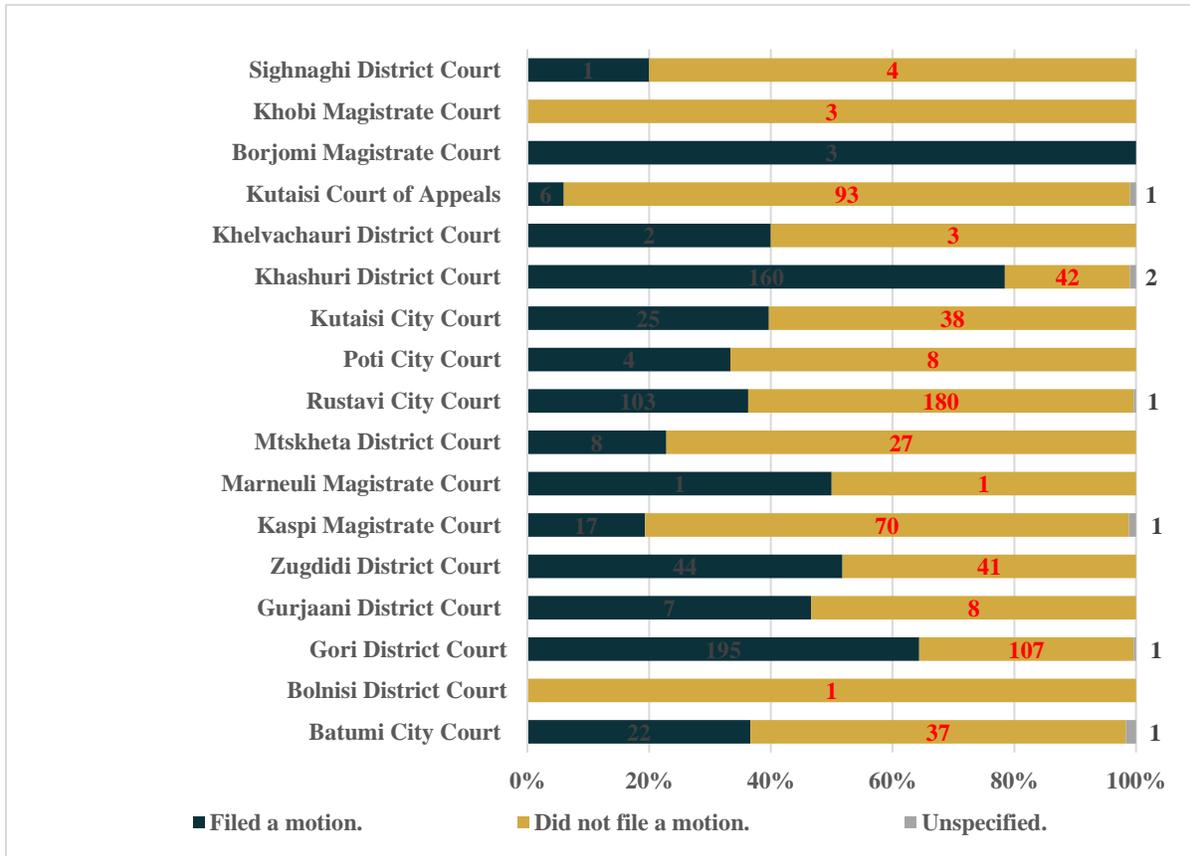


Chart #18: Quantitative assessment by courts





☑ Observer Evaluations

“The parties filed motions, and the judge explained why they were granted.” - Zugdidi District Court, 25.10.2022.

“Yes, the plaintiff filed a motion. The judge viewed it and decided it could not be granted because of the errors. The judge explained these deficiencies to the plaintiff’s legal counsel as well as how they should be remedied in the future.” - Rustavi City Court, 25.10.2022.

“Counsel filed the motion for the victim to receive the reference concerning the defendant from the neighbors. The judge discussed it with the prosecutor, explaining that it would not be evidence but a reference. The judge also noted that a similar document could have been submitted during the rebuttals.” - Rustavi City Court, 12.12.2022.

“Plaintiff’s counsel filed a motion to dismiss the complaint, which the judge granted. This satisfied both the defendant and the judge, as it was evident by the judge’s face.” - Gori District Court, 31.10.2022.

“The defendant filed a motion and requested a postponement to submit a report of the supervisory authority to the court. The judge did not grant it, stating it would overload the court and that the court lacked appropriate resources. The judge also informed the defendant that they should have filed this motion earlier or indicated it in their statements.” - Gori District Court, 07.11.2022.

“The defendant filed a motion, but the judge did not grant it. In their opinion, it would have further prolonged an already protracted case.” - Rustavi City Court, 13.12.2022.

“No, but the party to the proceeding called half an hour before the trial to tell that their house had burned down, and they would be unable to be in court. There was no documentation of the veracity of said fact. The judge clarified that a no-show was justified because 80% of the house had been burned down. Because the trial’s content required both parties to appear, the trial was postponed.” - Rustavi City Court, 13.02.2023.

“The defense had a motion to present evidence in the case. The representative of the administrative body disagreed with the motion. The judge ruled to grant the motion of the defense. [...] The representative of the administrative body had a motion to present evidence, and the judge granted the administrative body’s motion. Also, the judge granted the motion concerning the examination of witnesses. The witnesses in the case were questioned, but one more witness had to be examined.” - Khashuri District Court, 15.02.2023.

“Yes, the district prosecutor of Zugdidi filed a motion regarding the involvement of an expert remotely because they could not come due to heavy snowfall. The defense requested the judge not to grant the motion, as the expert was out of town, and the facts stated by the prosecutor did not concern them, so the judge did not grant the motion.” - Zugdidi District Court, 02.07.2023.

“The defendant, at various stages, requested several times to postpone the trial for various reasons. Each time, the judge investigated its necessity and explained that it was not a relevant/justifiable argument to postpone the hearing. Thus, the judge did not grant the motions.” - Rustavi City Court, 27.02.2023.



“Regarding the proportionality of the preventive measure, the judge explained the formal and factual circumstances in detail, discussed each threat and ground, and emphasized the proportionality of the used measure in relation to charge as well as in relation to other, socio-economic factors. Ultimately, the judge did not grant the prosecutor’s request to imprison the defendant. The defense counsel filed a motion on the admission of the evidence. The latter was crucial to the merits of the case, so the judge granted it.” - Rustavi City Court, 23.03.2023.

“The prosecution had a motion to uphold the preventive measure against the defendant. The judge pronounced the decision on the spot. The judge granted the motion.” - Khashuri District Court, 31.03.2023.

“In connection to the mental health of the defendant, the defense filed a motion to change the custodial restriction measure to a lighter form of bail. The judge did not grant it at the stage of the pretrial conference because if released, the defendant would have gone to stay with a family member against whom the alleged violence was committed [...]. Accordingly, the defendant was remanded in custody.” - Poti City Court, 02.04.2023.

“Yes, on the day of the court hearing, the plaintiff filed a motion concerning the postponement of the court hearing, but they did not present a justification as to why they could not appear at the hearing. The judge read the motion on the matter and refused to grant it on the grounds that the defendant was trying to delay the trial.” - Gori District Court, 04.04.2023.

“The defendant’s attorney requested that the preventive measure be replaced with bail. The judge rejected the motion since the reasons for the measure were missing in this case. In addition, the prosecutor filed a motion for postponement since another trial was about to begin, which the judge approved without any explanation because moving this trial to another stage was impossible anyway.” - Rustavi City Court, 28.04.2023.

“The author of the complaint explained that they had not been driving drunk but simply drinking beer near the car. The judge reprimanded the complainant for making noise and using the wrong terminology. The judge asked the representative of the Ministry of Internal Affairs if they had evidence that the man had committed a crime. The police representative motioned to examine the police witnesses who would confirm the person had committed an offense. The defendant agreed to the motion. The judge granted the motion of the Ministry of Internal Affairs representative to question witnesses. After that, the hearing was adjourned.” - Gori District Court, 30.05.2023.

“It was the examination of witnesses. In particular, the court was questioning the senior investigators of the Samegrelo-Zemo-Svaneti Division and the Criminal Service on their investigative work concerning the case of murder that took place on January 2, 2023, in Svaneti. During their questioning, the defense filed a motion to drop the questioning.” - Zugdidi District Court, 27.06.2023.

“The party to the proceeding filed a motion regarding upholding the preventive measure. The judge granted it and gave explanations in this regard, namely, that there was still a danger of influencing witnesses, and because of this, they could not change the preventive measure (imprisonment).” - Gori District Court, 30.06.2023.



“The prosecutor’s office had a motion to hear the case without the merits. According to the office, a settlement agreement was reached between the parties, and the office asked the judge to approve it. There were two defendants in the case. The defense also agreed with the prosecution’s motion. The judge granted the prosecution’s motion.” - Khashuri District Court, 05.07.2023.

2.7 The response of the judge to the viewpoint of the party/representative

The human right to a fair trial implies the right to effective participation in legal procedures, which entails being able to use all legal remedies available to a party to the proceeding in court to safeguard its interests. These legal processes include collecting and submitting evidence to the court to support their viewpoint and invalidating the opposing party’s evidence and arguments. If a party to litigation considers that the opposing party’s comments or actions will impair its interests, it has the right to object to those statements or conduct. The party to the proceeding has the right to express a different perspective on the dispute other than the judge’s decision/action. The court has a duty not to limit a party’s ability to employ these legal levers unreasonably or unjustifiably, so as not to jeopardize the right to a fair trial. Furthermore, at such times, it is critical for the judge to maintain order in the courtroom and to conduct the trial peacefully.

Q: What topics did the attorney/party disagree on before the judge, and how did the judge respond?

☑ Observer evaluations

“The representative of the National Agency for the Public Registry disagreed with the judge’s instructions that the Agency was bound by the document specified in the applicant’s (plaintiff’s) application. The Agency indicated that the retrieval or use of the document, protected by the public registry, was standard procedure. The judge did not address the parties’ disagreement on this issue.” - Batumi City Court, 19.10.2022.

“The plaintiff demanded immediate enforcement because no agreement could be reached with the defendant. From the moment the plaintiff filed the motion, the judge had been rude and aggressive with them, and the defendant had ignored the plaintiff.” - Batumi City Court, 20.10.2022.

“The plaintiff argued that this was an employment dispute, and the defendant argued it was a wage (service) dispute. The judge’s position was not defined.” - Batumi City Court, 24.10.2022.

“The prosecutor objected several times to the question asked by the defendant’s lawyer, to which the judge agreed.” - Rustavi City Court, 26.10.2022.

“Both counsel and the parties agreed with the judge on all issues, and the judge listened to and agreed with all their suggestions.” - Rustavi City Court, 27.10.2022.



“As I observed, the judge had made the decision not to hear the claim on its merits; instead, they just considered the plaintiff’s motion and sent the claim to the administrative panel rather than dismissing it.” - Batumi City Court, 15.11.2022.

“The lawyer disagreed with the wording of the questions asked by the prosecutor. The judge asked the prosecutor to clarify the question in several cases.” - Batumi City Court, 01.12.2022.

“The defendant objected to the judge’s observations and adjustments regarding the errors in the evidence. This led to some confusion and a heated confrontation between the judge and the defendant. The judge attempted to explain to the party in as much detail as possible how to appropriately and consistently present the specified evidence.” - Rustavi City Court, 28.12.2022.

“The judge had to explain specific issues to the lawyer several times. During the last explanation, they changed the tone and got a little irritated.” - Gori District Court, 20.12.2022.

“Counsel objected several times to questions asked by the opposing party because the questions were irrelevant, and the judge agreed with counsel.” - Gori District Court, 22.03.2023.

“They disagreed with the prosecutor’s charge because the defendant had not pleaded guilty. The judge took a neutral position.” - Kutaisi City Court, 05.04.2023.

“The defendant objected to the next scheduled date. They asked for the trial to be moved to the end of July, but the court refused it because they wanted to hear the case while remembering all of the specifics and held that it would be better that way. To avoid further delay, the next hearing was scheduled for June 12.” - Gori District Court, 29.05.2023.

“Objections were raised by the prosecution several times and in most cases the judge granted them.” - Gori District Court, 19.06.2023.

2.8. The judge’s competence and awareness of the facts of the case

Excessive judicial workload and other issues have a direct impact on the quality of proceedings. In such circumstances, it can be difficult to thoroughly and carefully scrutinize/remember the circumstances of each case, increasing the possibility that the judge will not be properly informed on the intricacies of the case at hand and will not be effectively prepared for the hearing.

The monitoring found that there are occasions where judges appear unprepared for the hearing owing to poor understanding of the facts of the case - in particular, the judge was not ready to hear the case on 18 occasions, according to the observers’ opinion.



Q: Did you get the impression that the judge was unprepared?

Chart #19: Total numbers and percentage

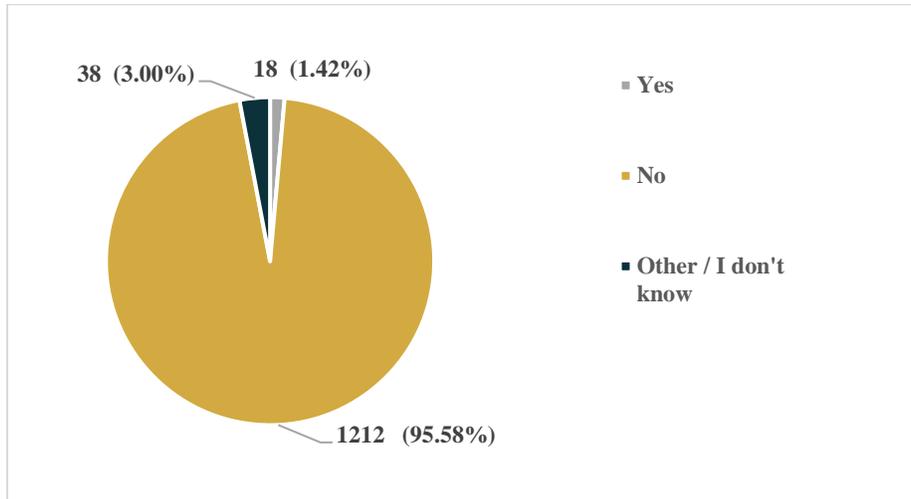
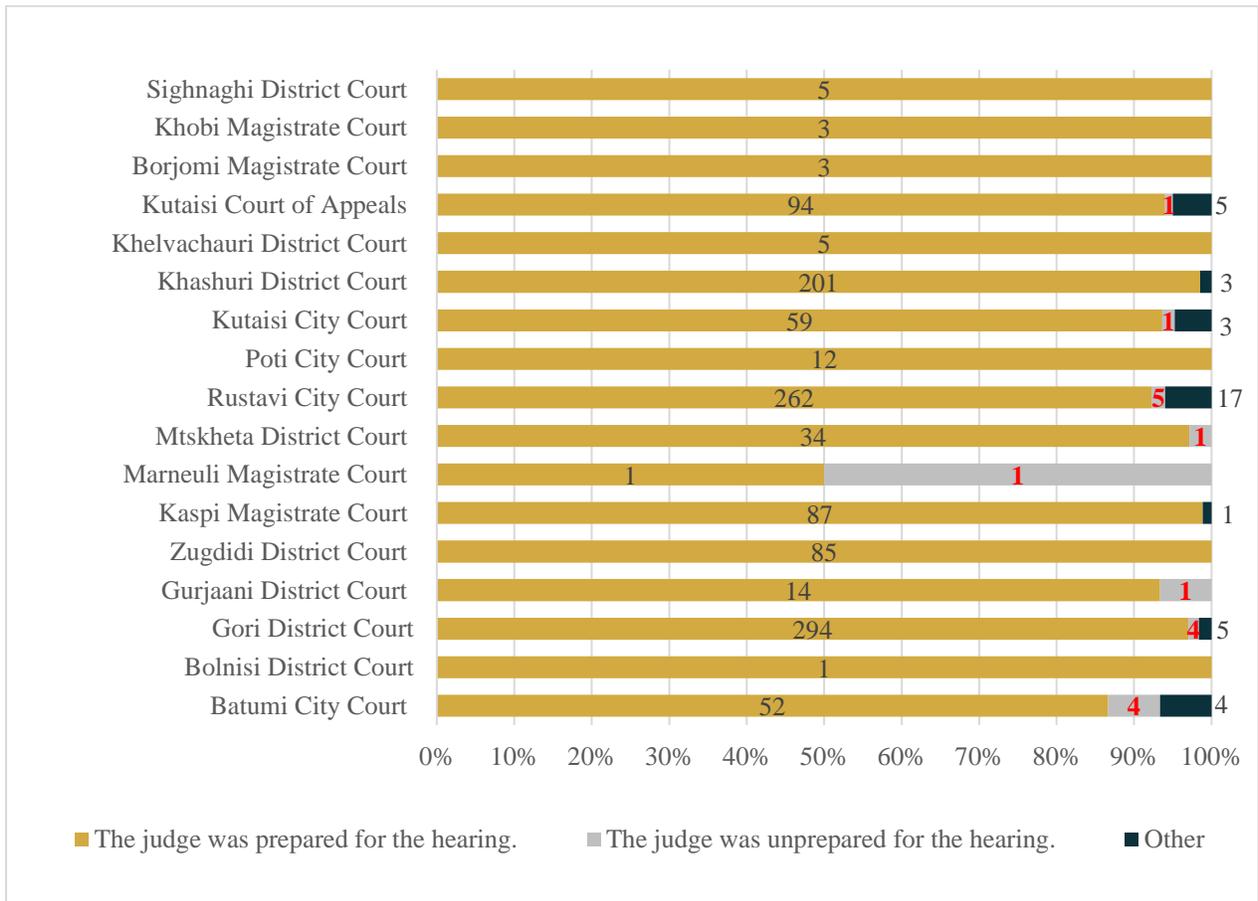


Chart #20: Quantitative assessment by courts





☑ **Observer evaluations**

“[The judge] couldn’t recall the case files, and it was evident that they hadn’t studied them before the trial. This became obvious when a Revenue Service representative had to remind the judge about the case file.” - Batumi City Court, 20.10.2022.

“[...] I had the impression that [the judge] did not fully understand the circumstances of the case, as the matter had to be reviewed from a legal standpoint, and they did not mention the litigation stage. Also, as the process revealed, there was a difficulty with the interpreter for the second time, for which a break was called shortly after the start of the protracted procedure, to no use.” - Rustavi City Court, 24.10.2022.

“I think the judge could have been more informed about some of the case details.” - Zugdidi District Court, 25.10.2022.

“When the judge is prepared, there should not be a case that takes so long to be considered.” - Batumi City Court, 14.12.2022.

“[Because the judge] did not recall the motions made at the previous hearing, they announced a technical recess in the current hearing, exited the courtroom, and listened to the prior ‘s recording. In addition, the judge was continually searching through the case file for documents/case files that had been submitted. Every case is significant, but when a judge hears a case involving the possible unlawful dismissal of a person, particularly a journalist, because of their civic position, the judge should feel a little more responsible and, at the very least, thoroughly research the matter and be convincing.” - Batumi City Court, 11.11.2022.

“During the trial, the judge systematically considered minor points in the case materials, although they had a general understanding of the case.” - Rustavi City Court, 22.11.2022.

“The judge had difficulty remembering the details of the previous session. The judge also looked confused and ultimately gave the impression of being unprepared.” - Rustavi City Court, 22.12.2022.

“The judge asked the plaintiff if they had presented specific evidence, to which the plaintiff indicated that the evidence had been presented in the lawsuit.” - Gori District Court, 23.01.2023.

“The judge was aware of the case file but did not disclose the details.” - Gurjaani District Court, 24.10.2022.

» **Cases in which observers felt the judge was well-versed in the facts of the case.**

“The judge was very well prepared because they were very attentive to details.” - Rustavi City Court, 10.28.2022.

“The judge’s smooth and concise conversation demonstrated his acquaintance with the case. The mention of previous hearings confirmed this.” - Rustavi City Court, 17.11.2022.



“The judge was not unprepared for the most part, but because the hearing required specific knowledge, such as fishing regulations and related issues, I believe the judge relied heavily on the Environmental Protection Service’s explanations.” - Rustavi City Court, 06.12.2022.

“I can’t say for sure that the judge was unprepared. They were aware of the major facts of the case. However, the judge did not participate in the conversation, instead listening to the legal representatives/lawyers’ arguments.” - Rustavi City Court, 20.01.2023.

“This was the preliminary stage of the hearing. As I previously stated, the judge went over matters during the trial but heard the gist of the case from the parties. As a result, it is difficult for me to determine if the judge adequately prepared before the trial. I formed the impression that the judge was hearing everything about the trial for the first time, but I also believe they were prepared ahead of time. This is why I am unable to say yes or no...” - Rustavi City Court. 09.02.2023.

*“The judge seemed to know the case materials very well.” - Rustavi City Court, 17.02.2023.
The lawyer consistently stated that the judge “didn’t know anything because this case is very old and he was recently appointed.” In the end, I’d say the judge was prepared, though it did leave some room for uncertainty.” - Rustavi City Court, 07.03.2023.*

“It was not the first session, so the judge was familiar with the cases.” - Rustavi City Court, 31.03.2023.

“The judge was quite prepared.” – Sighnaghi District Court. 13.04.2023.

“I think not, but I can’t say for sure. The fact is that it was the first hearing and the judge had many unclear questions [...]” - Rustavi City Court, 19.04.2023.

“The judge was not well versed in the details of the cases, so they asked a lot of questions.” - Marneuli Magistrates’ Court, 21.04.2023.

“There was no evidence that the judge was unprepared. On the contrary, I believe they were well acquainted with the case materials because, at the start of the trial, they provided various clarifications on the previous session’s conclusions.” - Rustavi city Court, 15.05.2023.

“The judge was well acquainted with the case, as the process of the preparatory session had already been held and adjourned.” - Gori District Court, 24.05.2023.

“The judge was unaware of several important details, such as who pushed whom, etc.” - Gori District Court, 29.05.2023.

“Yes, the judge listened closely, but he asked questions that if he had read the case thoroughly and knew the answers, he would not have asked.” - Gori District Court, 06.08.2023.

“The judge was not unprepared.” - Kaspi Magistrate Court, 12.06.2023.



“The judge did not know some things about the process that I believe they could have known by carefully reading the lawsuit.” - Gori District Court, 14.06.2023.

“Yes, it seemed as if the judge was hearing about the case for the first time. I didn’t notice it the previous week on the last trial, but now I do. However, it is possible I got this feeling because the judge asked too many clarifying questions of the parties.” - Rustavi City Court, 19.06.2023.

“The judge knew almost all the details by heart.” - Rustavi City Court, 27.06.2023.

2.9. Judicial ethics

According to the Bangalore Principles of Judicial Conduct, "a judge shall maintain order and decorum in all proceedings before the court and be patient, dignified, and courteous in relation to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity." Following the Rules of Judicial Ethics, a judge must also take care of the prestige of justice in the courthouse if, outside the courthouse, they do not behave in a manner inappropriate to the authority of the court and the position of a judge. A judge’s personal, public, and professional conduct must be perceived by a well-informed, objective, and conscientious observer as dignified and above reproach.

Thus, one of the areas of observation in court session monitoring was the extent to which judges followed ethical principles in using their judicial power.

According to the monitors’ observations, judges followed ethical principles in the majority of the observed court sessions, but there were 23 instances of judicial ethics infractions, including rude or violent behavior.

Unethical judge behavior occurred nine times out of 284 monitored sessions at Rustavi City Court, four times out of 60 sessions in Batumi City Court, four times out of 303 sessions in Gori District Court, and twice in Kutaisi City Court. One instance of unethical behavior occurred in each of the following courts: Kutaisi Court of Appeals (out of 100 sessions), Gurjaani District Court (out of 15 sessions), and Khashuri District Court (out of 204 sessions).

Q: Did the judge treat any of the parties in a rude or aggressive manner?



Chart #21: Total numbers and percentage

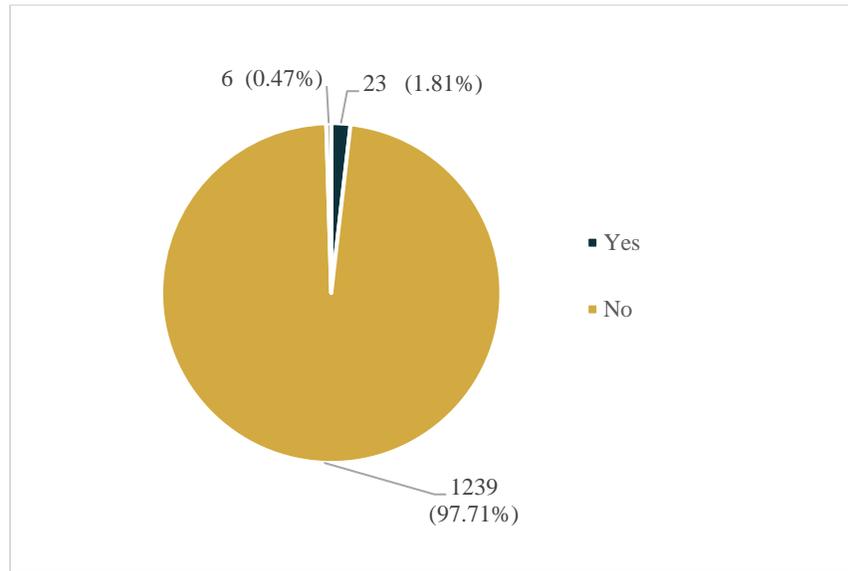
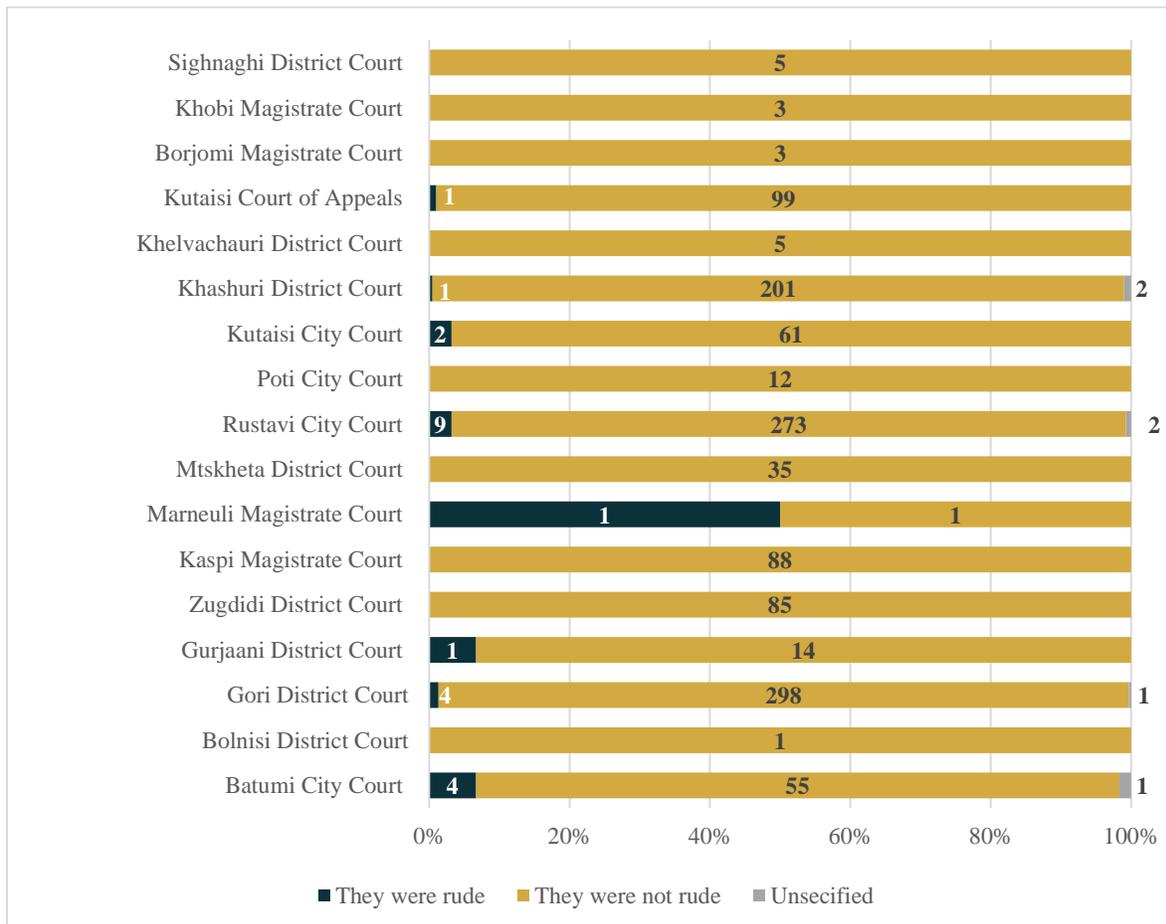


Chart # 22: Quantitative assessment by courts





☑ Observer evaluations.

“The judge was rude to the legal representative as a result of the plaintiff’s behavior failing to meet the judge’s requirements, which resulted in the hearing being adjourned.” - Rustavi City Court, 22.11.2022.

“[...] The judge’s initial tone was rather harsh. The reason for this could have been the delay of the [party’s] hearing.” - Rustavi City Court, 12.12.2022.

“Not rude, but it was odd of the judge to say, “You should have thought of that earlier.” - Batumi City Court, 13.12.2022.

“When the judge saw the same participants [from the previous case] in the session, he became aggressive.” - Batumi City Court, 14.12.2022.

“The defendant, of course, requested that the act not be annulled, arguing that the defendants should be others rather than the mayor’s office. The judge became angry, which I thought was a bit disrespectful [...]” - Rustavi City Court, 16.12.2022.

“The judge did not treat either party to the proceeding rudely or aggressively.” - Batumi City Court, 20.12.2022.

“The judge rudely addressed the defendant’s attorney and ordered that they relate the case and not expound on unrelated topics.” - Gori District Court, 23.12.2022.

“The judge did not address the party rudely.” - Kaspi Magistrate Court, 23.01.2023.

“Not rude, this judge is always strict, but not rude, from my point of view.” - Kutaisi Court of Appeals, 25.01.2023.

“In answering the motions, the judge used an elevated, judgmental tone to explain the reasoning. One of the parties was visibly upset as a result of this. It should be emphasized that the judge used such a tone on previous issues, but this does not excuse their actions toward the party to the proceeding.” - Rustavi City Court, 10.01.2023.

“Despite the parties’ disagreement, the judge acted appropriately. There was no disrespect shown to the parties.” - Kutaisi Court of Appeals, 11.01.2023.

“The judge did not address the participants rudely. However, upon entering the courtroom, they addressed the court secretary with remarks and a raised tone.” - Rustavi City Court, 13.02.2023.

“There was a minor miscommunication; the Police Department drafted the protocol improperly, which irritated the judge. They chastised the officer angrily, noting that such errors were not permitted. I don’t recall the specifics, but from my vantage point as a third party, such communication looked improper. The judge’s cynical demeanor toward the defendant was also obvious. The defendant did not understand the



penalty and questioned the judge whether the sentencing would be decided by the police or the court. The judge responded mockingly, saying that the defendant could judge their case and should have done so before getting behind the vehicle while under the influence of alcohol. In short, the judge's treatment of both sides seemed wrong to me." - Rustavi City Court, 22.03.2023.

"The judge reprimanded the witness only when they insulted the defendant, going beyond the limits of judicial ethics." - Zugdidi District Court, 23.03.2023.

"The judge was slightly harsh because the non-appearing party represented the administrative body. Because of this irresponsibility, four more procedures had to be adjourned. When he spoke with the representative of the administrative body (about whose attendance the judge had no idea), he stated that it was due to this widespread attitude. I believe the judge was just because the processes dragged out for months, and the court's image was harmed. Their rigorous tone concerned the protection of the court's and proceeding parties' interests." - Rustavi City Court, 27.03.2023.

"There was no rudeness on the part of the judge. The judge was quite polite throughout the whole process." - Rustavi City Court, 04.04.2023.

"The judge addressed the plaintiff only after the plaintiff began speaking rudely to the defendant and became agitated." - Gurjaani District Court, 06.04.2023.

"When the defendant objected to the trial's time constraints, the judge said numerous times in high tones, 'Calm down now.' The defendant began shouting and disrupting the order in the courtroom, and the judge responded with a rude attitude and shouting. To remedy the situation, the judge withdrew the defendant from the courtroom." - Rustavi City Court, 28.04.2023.

"Even though they spoke nicely and gently, it appeared as if the judge was berating the defendant. The defendant stood up and planned to talk on his feet, but the judge had instructed everyone to sit and speak while sitting because everyone in the courtroom was equal; if one sat down, everyone sat down, and if one raised, everyone would have stood up." - Gori District Court, 29.05.2023.

"The judge advised the mayor's office (defendant) to approach the case more prepared. Why would they agree to bring the case to the main hearing if they weren't prepared? When the City Hall refused to settle, the court warned the City Hall representative that they had done the same thing previously and regretted it." - Gori District Court, 08.06.2023.

"Even though the lawyer attempted to persuade the witness throughout the examination, the court remained neutral." - Kutaisi City Court, 04.07.2023.

2.10. Equal treatment of the parties

Equality of arms is one of the basic principles of judicial proceedings. The Rules of Judicial Ethics require a judge to ensure equality before the law of the parties to the proceedings. According to the Bangalore



Principles of Judicial Conduct, “a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.”

The notion of equality is an essential component of procedural fairness and entails, first and foremost, putting the parties in the same circumstances and giving them equal opportunity. As a result, one of the primary objectives of court hearing monitoring is to observe a judge’s commitment to the principle of equality.

Importantly, volunteers at court sessions when both parties to the proceeding were present could only judge whether the procedure was handled in conditions of equal rights for the parties and whether they had equal opportunities to state their perspectives and defend their interests. Several court proceedings were attended by only one party to the proceeding during the monitoring.

From the court sessions where both parties or their representatives were present, the observers concluded that at 33 sessions, the process was not conducted in equal conditions for the parties to the proceeding, and the parties were not given equal opportunities to protect their interests. And, for the reasons stated above, volunteers do not have a specific answer for the 20 sessions.

Q: Did the judge invite both sides to present their position equally and did the judge treat them equally?

Chart # 23: Total numbers and percentage

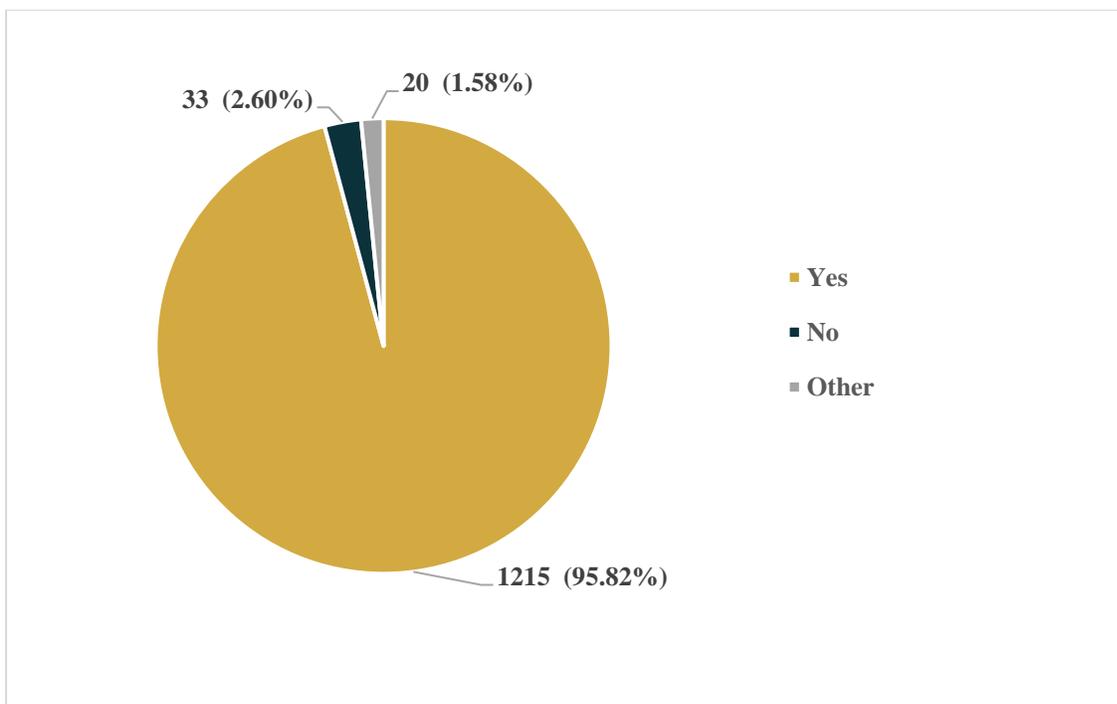
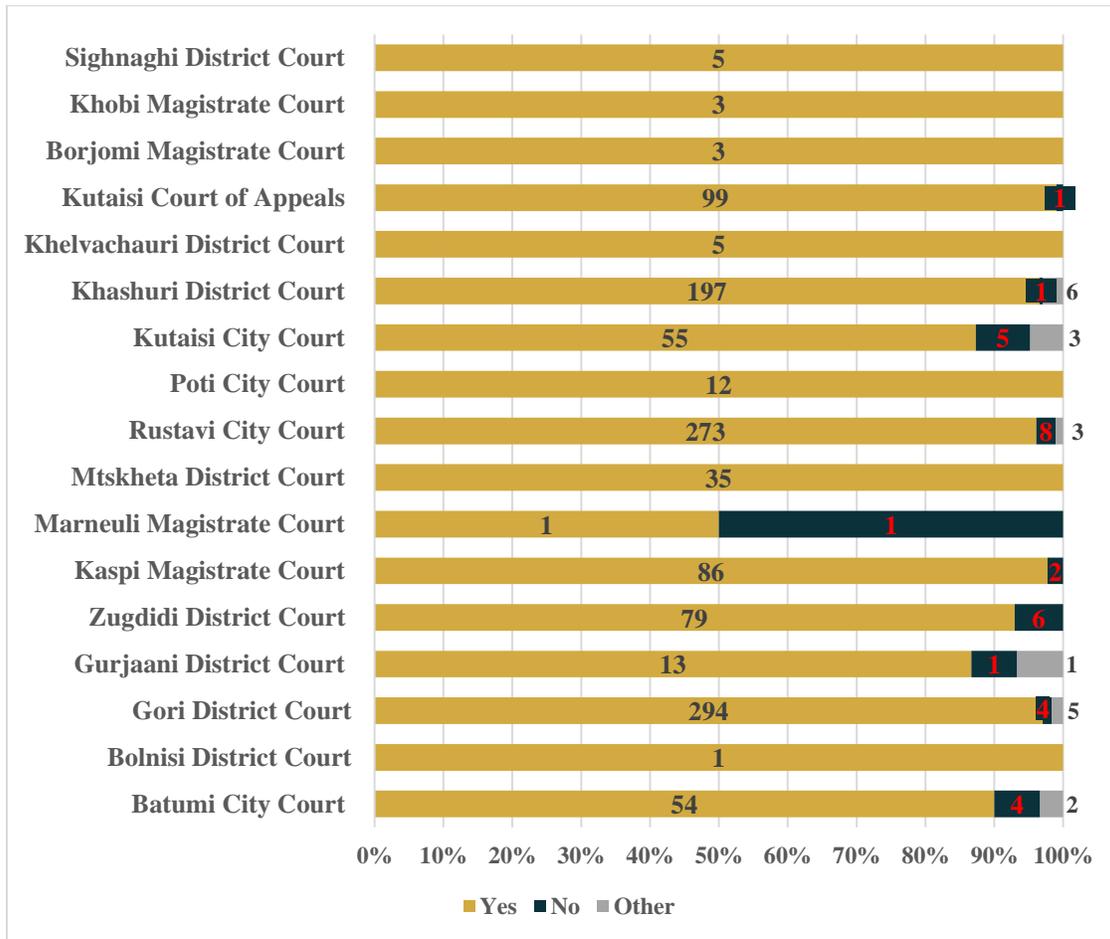




Chart #24: Quantitative assessment by courts



2.11 Clarity of the judgment

One of the primary markers for determining the fairness of justice is the rationality of a court’s ruling. A well-reasoned judgment based on the entirety of indisputable evidence and an exhaustive analysis would boost public trust in the legal system. The verdict should be written in a manner that there is no doubt about the decision’s fairness or the judge’s impartiality and objectivity.

According to Georgian law, the judge shall explain only the operative provisions of the judgment in the courtroom during the pronouncement of the verdict, but this should not be interpreted as the judge is entirely free from the obligation to explain their decision during the pronouncement of the judgment. The judge must clarify the verdict in a clear and intelligible manner.

Analyzing the results of court monitoring, it was discovered that the challenges with the clarity of the court decision was a major issue. The arguments of a judge’s decision was often unclear to people present at the hearing. Within the framework of the project, a total of 528 court sessions ended with the announcement of



the judgment/sentence. In 105 of these instances, the reasoning behind the court’s decision was confusing to the observers, accounting for nearly 20% of the sessions that ended with the announcement of the judgment.

Q: If the court session ended with the announcement of the final judgment (or sentence), did you understand the motivation of the judgment (sentence)?

Chart # 25: Total numbers and percentage

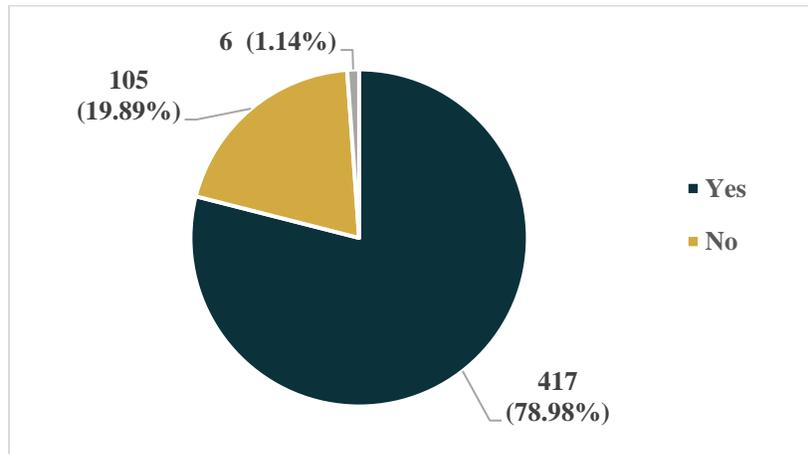
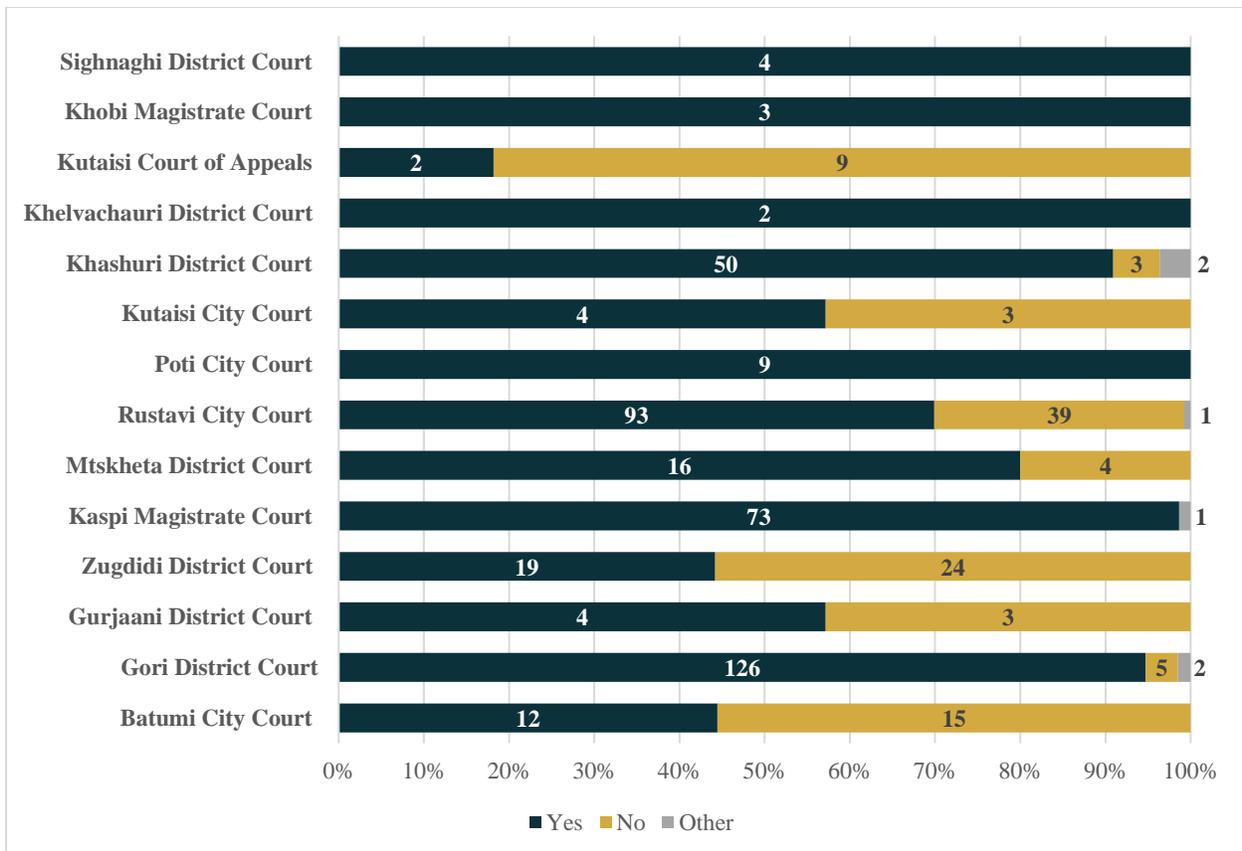


Figure No. 26: Quantitative assessment by courts





☑ Observer evaluations

“The judge ruled in the case in question but provided no explanation and expressed the result succinctly. As a result, the decision’s content was somewhat hazy for me.” - Gori District Court, 26.12.2022.

“For me, the argument was illogical since, even if the claim had administrative substance, it should have been rejected from the start or submitted to the administrative panel, and the most valuable thing is that the time, almost one year, should not have been squandered.” - Batumi City Court, 15.11.2022.

“Judge clarified the operative provisions of the judgment.” - Khashuri District Court, 10.01.2023.

“The case concerned verbal and physical abuse committed by a mother against minors. The judge found her guilty. As for the punishment, the judge replaced a year and six months of imprisonment with a suspended sentence. The judge explained to the convict what this punishment entailed and how she should serve it. The judge also answered the questions on the matter.” - Rustavi City Court, 21.10.2022

“The judge made the final decision. Considering this was the first wrongful action for the accused party, the judge issued a warning and did not impose a fine. The judge gave a very brief (concise) explanation of the decision.” - Gori District Court, 07.11.2022.

“The judge’s decision was clear so that no one had any questions, they gave explanations why the court made such a decision.” - Rustavi City Court, 26.10.2022.

“The court carefully explained and defended the final verdict to each party, leaving no uncertainty or ambiguity.” - Rustavi City Court, 27.10.2022.

“The judge explained and justified the decision in such a way that no one had any questions.” - Rustavi City Court, 31.10.2022.

“The final decision was announced after the conclusion of the court session. The judge’s verdict seemed just to me because they detailed every aspect and defended their conclusion.” - Rustavi City Court, 24.11.2022.

“[...] finally, the verdict was discussed in court, and the defendant was sentenced to a year and six months in prison, which was commuted to two years of probation due to their limited capacity. The judge noted the defendant’s active cooperation with law enforcement agencies, their sincere remorse, the explanation of family members that they were concerned about what had happened, and gave a positive reference, including the fact that the victim was visiting the defendant and providing for their needs while they were imprisoned.” - Rustavi City Court, 22.12.2022.

“The judge clarified the content of the judgment in absentia.” - Gori District Court. 07.02.2023.

“The court session ended with the final judgment, and it was clear to me.” - Kaspi Magistrate Court, 13.02.2023.



“The judge satisfied the defendant’s argument, and the verdict’s legality was clear to the defendant and me.” - Rustavi City Court, 27.02.2023.

“The judge explained the decision in a way that was clear to everyone.” - Rustavi City Court 27.02.2023.

“Based on the fact that the person pleaded guilty and confirmed the factual circumstances stated by the other party, the judge made a final decision, the operative part of which was announced in the courtroom, summarized the content of the decision, and explained the convict’s rights.” - Gori District Court, 15.03.2023.

“The judge explained the operative provisions of the judgment, by which the motion of the author’s representative was not satisfied.” – Khashuri District Court, 22.03.2023.

“The court session ended with the final judgment; the validity of the sentence was clear to me.” - Kaspsky Magistrate’s Court, 27.03.2023.

“Finally, the judge granted the party’s motion. The loan repayment period was prolonged, but not to the point where the plaintiff was prejudiced. I believe the decision was justified.” - Rustavi City Court, 29.03.2023.

“The decision was perfectly clear, the judge granted the parties’ motion concerning the plea deal, and the judge’s reasoning behind the decision was also clear.” - Rustavi City Court, 04.04.2023.

“The judge clarified the operative provisions of the sentence, the defendant was released from the courtroom, and a suspended sentence was imposed.”- Khashuri District Court, 06.04.2023.

“The operative provisions of the verdict were read out by the judge. The proceedings in the lawsuit were discontinued, and the parties agreed. An amicable settlement act was signed. Because neither party to the proceeding filed an appeal, the ruling came into force.” - Gori District Court, 11.04.2023.

“In the courtroom, the judge determined to satisfy the submission of the National Probation Agency to extend the probation period for three months and read the part of the ruling.” - Signaghi District Court, 18.04.2023.

“The hearing concluded with the announcement of the final judgment, which was followed by proper explanations from the judge.” - Signaghi District Court, 27.04.2023.

“The court session concluded with the final decision, and the verdict’s lawfulness was clear to me.” - Kaspi Magistrate Court, 01.05.2023.

“The judge annulled the act. Both parties were informed of the decision’s grounds, as well as the procedure and circumstances for filing an appeal. The judge also clarified issues that the parties to the proceeding had.” - Rustavi City Court, 15.05.2023.



“It [the trial] was clear to me. I learned the substance of the matter during the trial when both the party of the proceeding and the judge described everything in detail. It is just that the judge spoke very quietly and fast. I was listening tensely.” - Gori District Court, 16.05.2023.

Cases where the court’s decision was not entirely clear:

“Partially. The judge sufficiently justified the decision on the satisfaction of the complaint. Concerning its immediate enforcement, the judge cited the ruling of the Supreme Court and refused to grant it. This is an unpopular decision-making, and the judge needed to issue a valid justification for the refusal of its immediate enforcement instead of using the term “because of the Supreme Court’s decision.” - Rustavi City Court, 28.04.2023.

“The judge sentenced the individual to a year and six months in prison. I could not understand why.” - Gori District Court, 19.06.2023.

2.12 Citizens’ perceptions of the fairness of the trial.

The primary goal of citizen court monitoring is to acquire trustworthy and detailed information on how people from various backgrounds and occupations evaluate the administration of everyday justice in Georgian courts. As a result, court monitoring is reliant on the perceptions of court observers. The following observations from monitoring participants explain how they view the trial to have gone and how much they believe the hearing was fair.

Q: How fair do you think the trial was overall? What is your takeaway and why?

Observer evaluations

“Despite the judge’s tardiness, they were prepared for trial. The judge conducted a fair hearing and followed all of the procedures. They were respectful to both parties and treated them fairly. I had the impression that none of the parties would feel oppressed by the judge during the trial because everything was done honestly and following the regulations.” - Rustavi City Court, 19.10.2022.

“I think the trial was fair, but because of a protracted and ineffective justice system, the amount of compensation in 2022 for the damage caused in 2015 is even less fair.” - Batumi City Court, 19.10.2022.

“It went quite fairly. The court treated both parties fairly. The sole issue was the interpreter’s remote attendance, which caused the trial to be delayed owing to technical difficulties on the interpreter’s part.” - Rustavi City Court, 19.10.2022.

“The judge was available to continue the trial because there was no impediment, but they adjourned the hearing. I find the judge’s rudeness and anger inadequate. I believe the judge ought to preserve balance and serenity because, unlike others, they must be patient. The evidence presented in the case gave me the impression of injustice.” - Batumi City Court, 20.10.2022.



“This trial, in my opinion, was just, on equal terms, and effective. The judge attempted to clarify the concerns to the parties as clearly as possible to avoid misunderstandings and ensure that the procedure was carried out correctly.” - Rustavi City Court, 20.10.2022.

“The trial, in my perspective, was quite fair, just, and equal. [...] The judge described the judgment as clearly as possible so the parties could comprehend it.” - Rustavi City Court, 20.10.2022.

“I thought the process was fair and interesting. I liked the judge’s demeanor. They were equally sympathetic to both sides, holding their position throughout the session, which I believe highlights their objectivity, which is a good thing. However, as I previously indicated, the hearing began late, and no one explained why or specified the stage of the litigation, even though, from what I understand, it lasted 11 months. Even though it was the final hearing, I remained informed and quickly identified the grounds for the argument, owing to the court secretary. In the end, I believe the judge reached a fair conclusion because the positive moments outnumbered the flaws.” - Rustavi City Court, 21.10.2022.

“I believe that the court was fair, however [...] I did not like that the court hearing was adjourned due to a technical error.” - Rustavi City Court, 27.10.2022.

“Because the litigants in the case were members of an ethnic minority, interpreters were provided. When only the court secretary was present, the defendant’s counsel harshly addressed the interpreter before the start of the court session. Despite the apparent harsh tone, the court secretary made no comments or took notes.” - Gurjaani District Court, 24.10.2022.

“Finally, the trial was conducted fairly and objectively following all standards. I had no reason to believe the judge was unprepared or biased. However, I believe such hearings should be a standard rather than an exception, and this standard should not surprise us, the citizens attending the trial. Most individuals are unaware that they can just show up in court without any bureaucracy or court introductions, which is crucial. I’ve previously attended several trials (...). The courtroom, however, this time was once again empty.” - Rustavi City Court, 26.10.2022.

“Although the hearing was not held, the staff acted loyally at the court; there was no sour mood, and on the contrary, they attempted to help in any way they could.” - Rustavi City Court, 28.10. 2022.

“[...] Through this project, the public has a chance to raise awareness of what is happening in reality and today’s context, if where stands the court in Georgia.” - Rustavi City Court, 10.28.2022.

“I believe the process went smoothly, and the court handled the case fairly and impartially. The procedure was simultaneously translated, and the judge explained the conditions to ensure everything was clear, which I believe is vital during the process.” - Bolnisi District Court, 28.10.2022.

“In my opinion, the trial was fair because the judge allowed both sides to express their opinions. But it was unclear to me why the trial started earlier, which I did not like. I was present at the hearing of the same parties in the same courtroom, and if I had not been there, I would not have known that the trial scheduled for 13:00 was held.” - Gori District Court, 31.10.2022.



“The judge did not appreciate the party’s motion during the preliminary hearing. Thus, it was denied. Overall, I believe the procedure was fair because the court allowed all parties to express their views and treated them equally.” - Gori District Court, 07.11.2022.

“I believe the trial was unjust, biased, and skewed in favor of the defendant. It also drew my attention to how the judge commented on the defendant’s legal representative’s remote participation. Although the representative did not seem to be ill, the judge unfairly praised them, saying, “Wow, how sick you are. Your appearance shows your state of health, and well for you, you still manage to participate in the remote hearing.” - Batumi City Court, 11.11.2022.

“The trial was objective and fair. The parties’ competencies, communication abilities, and knowledge were taken into account. The judge carefully listened to the parties and made every attempt to understand their point of view and all relevant circumstances. The judge did not become irritated or bored when asked for clarifications. They patiently explained the matter until everyone understood, even if it meant repeating it several times. It’s worth noting the judge’s cheerful tone and efforts to put the parties to the proceeding at ease. The process left a sense of fairness, as indicated by both sides’ satisfaction with the final judgment. They even refused to appeal.” - Rustavi City Court, 11.11.2022.

“The process was delayed for more than an hour due to the judge’s heavy workload. Because of these conditions, it was difficult for the judge to determine if a party appeared in court and subsequently left. Because the start time had been pushed back, the judge decided they should be allowed to identify themselves. The judge explained why they were late at the opening of the session, which was appreciated.” - Gurjaani District Court, 31.10.2022

“The court hearing was unsettling. As it turned out, the civil lawsuit entered the court system a year ago, and at the hearing, the judge realized it was an administrative dispute, which he had no right to hear. Thus, the judge had to send it to the administrative panel. All of this left me with a broad sense of judicial injustice, incompetence, and/or indifference.” - Batumi City Court, 15.11.2022.

“First and foremost, I like the judge’s approach, which attempted to familiarize the parties with the matter fully and clearly. The judge listened carefully to all parties to the proceeding, and because the motion was granted, the court hearing was partially adjourned.” - Khelvachauri District Court, 15.11.2022.

“My favorable evaluation of the judge, whose hearing was the first I attended, and which charged me positively. The hearing was on the arbitrary detention of three guys. A police officer and three defendants attended the trial [...] The judge exempted the defendants from paying a fine of GEL 2,000. The patrol arrested the man based on his prejudice because he had long hair and refused to produce the police officer his ID card (since he did not have it with him).” - Batumi City Court, 16.11.2022.

“I feel the trial was fair; nevertheless, before the hearing began and before the defendant’s lawyer came, the prosecution spoke with the defendant about the case. When the judge entered the courtroom (before the lawyer arrived), they joined the conversation too. The judge seemed to have a biased opinion but then instructed the defendant not to speak without counsel and to wait for the lawyer. The lawyer seemed



unpleasant to me throughout the trial because they shouted at the defendant, which the judge scolded.” - Rustavi City Court, 7.11.2022.

“[...] The lawyer [who had arrived 15 minutes earlier] entered the courtroom. The bailiffs requested him to leave the courtroom, emphasizing that no one had the right to be there before the hearing began. They further claimed that no one ever told them they could allow anyone in the courtroom before the hearing began and believed the lawyer’s presence violated the law [...]. The lawyer claimed it was within their rights to enter the courtroom to prepare for the trial. Nonetheless, the bailiff continued to argue and summoned additional colleagues for assistance. The lawyer was repeatedly requested to leave the room, but they refused, and the confrontation lasted until a senior bailiff arrived and ordered the other bailiffs to leave. They left the lawyer alone in the courtroom. When the judge arrived, the bailiffs reported the incident, to which the judge replied that it was the party’s right to enter the courtroom early and to prepare for the trial if the courtroom was available.” - Mtskheta District Court. , 25.11.2022.

“The trial was not fair in general. The defendant was in poor health and called an ambulance twice. In this case, the defendant represented himself and did not have counsel. The prosecutor and judge spoke swiftly and in the language of law. The defendant could not effectively defend himself since he was utterly unable to understand the charge and the circumstances.” - Rustavi City Court, 02.12.2022.

“I feel the trial was emotional since the natural person justified his acts by citing financial difficulties. He also requested assistance from the judge. The judge appeared to want to help but lacked the legal authority to do so [...]. The sum of the fine stipulated by law did not appear to please the judge.” - Rustavi City Court, 06.12.2022.

“ In light of the judge’s rude treatment of the lawyer, I cannot say that the trial was conducted fairly. Although there was a reason for this rudeness, I believe the judge should be more patient.” - Rustavi City Court, 22.11.2022.

“I believe the court was not quite ready to hear the case. During the trial, an interpreter was required, and the judge called for a break [...]. Because it was impossible to respond promptly to the inclusion of an interpreter, the process was adjourned. I believe that adjournment could be avoided if not for this fact.” - Gori District Court, 28.12.2022.

“The fundamental difficulty here, as in all previous court sessions, is that the session begins late, [the judge] does not introduce or present themselves to the litigation parties, even though this is not the first meeting with them. I believe all these elements must be properly followed to protect the formal aspects. On the other hand, everything was well; the judge made a very fair judgment and provided adequate grounds.” - Rustavi City Court, 05.01.2023.

“I have attended the said judge’s sessions multiple times, and in each case, including this one, my impression is that the judge departs the courtroom without explanation. I believe the plaintiff did not even understand the purpose of today’s proceedings.” - Batumi City Court, 16.01.2023.

“The trial was fair, I would say with certainty, if I could hear the judge’s voice clearly.” - Rustavi City Court, 16.01.2023



“There was also a quarrel. The judge intervened harshly and diffused the situation. The judge listened to the litigation parties, and I did not get the feeling that the judge was uninterested in the hearing; on the contrary, the judge was engaged and listened to the parties, as well as made internal observations due to interruptions.” - Kutaisi Court of Appeal, 12.01.2023.

“The court questioned the defendant if their rights had been explained to them at the start of the trial. Even though the defendant responded with an agreement, the judge reaffirmed all of the rights and explained what each meant. The judge also encouraged the defendant to ask questions if something was unclear and to “interrupt me if you don’t understand something.” - Rustavi City Court, 31.01.2023.

“A key flaw throughout the trial, in my opinion, was the interpretation problem, which prevented the defendant from receiving information in the language they knew best. “ - Rustavi City Court, 06.02.2023.

“The defendant was uninformed about the final verdict, the regulations of appeal and payment, and the option of paying in installments. They were not allowed to find out since the judge instantly left the courtroom. The defendant turned out to be the plaintiff’s attorney in the hopes of learning these not-so-great details, which is understandably suspicious. This, too, was not enough, and after leaving the courtroom, the defendant inquired for clarification from the observer.” - Rustavi City Court. 13.02.2023.

“It is, in my perspective, fair. I looked at everything and didn’t see anything that gave me a sense of injustice.” - Kutaisi Court of Appeals. 10. 02. 2023.

“I’m not sure how a trial can be considered fair when so many issues are violated, and the judge can’t control the process.” - Gurjaani District Court, 02.03.2023.

“The court session started late, and the judge did not explain why. The judge also did not specify the litigation stage. On the other hand, I think everything was in order.” - Rustavi City Court, 17.05.2023.

Recommendations

The court monitoring, conducted with the active participation of citizens, revealed that citizens have an interest in the court. The results of trial monitoring confirm that the judicial system faces several problems, both in terms of the organizational work of the court and procedural justice. However, it should be noted that in different regions of Georgia, there are positive trends in the administration of everyday justice.

Recommendations of Georgian Court Watch:

- Improvement of the organization of court proceedings so that they begin at the scheduled time.
- For judges to provide clarification on delays.
- Elimination of the practice of appointing multiple court sessions at the same time.



- ✓ Elimination of technical issues in the courts that concern the remote hearings. For the chairpersons of the courts to examine the challenges concerning the adjournment of the hearings due to the absence of an interpreter and adopt the appropriate measures within their authority.
- ✓ For judges to speak clearly and understandably; for courts to eliminate technical problems, which will ensure that the parties and other participants in the proceedings understand the content of the judge's speech.
- ✓ In the 23 instances of the observed hearings, the monitoring revealed unethical behavior of judges. Therefore, judges must adhere to high standards of judicial ethics.
- ✓ Judges need to listen carefully to the parties, especially if the party of the proceeding does not have a lawyer/representative.
- ✓ From a procedural point of view, it is important that judges clearly and explicitly define the litigation stages.
- ✓ It is crucial to rule out any factors that might prohibit the judge from properly preparing for a hearing. A thorough understanding of the case materials is required for a fair resolution of the case.
- ✓ Judges' conduct must meet high standards of impartiality and objectivity. They must ensure that they create equal conditions for the parties and equal opportunities to protect their interests.
- ✓ Although procedural law does not oblige the judge to pronounce a reasoned verdict/judgment, they should convey the content of the rendered judgment/decision in a clear and understandable form for the parties and those present at the hearing.
- ✓ Retraining court officials (capacity building) on legal issues and ethical norms to reduce incidences of unprofessional behavior by court officials toward lawyers or individuals.



Annex No. 1

QUESTIONNAIRE FOR MONITORING OF COURT HEARINGS

Observer's name, surname: ----- Date: ----- City: -----
 Name of court and chamber: ----- Judge: -----
 Hall #: ----- Category of the case: ----- The case concerned: -----

Question	Yes	No	N/A	No trial was held
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1. Did the scheduled court sessions take place?

2. What was the scheduled and actual starting time of the court session?

3. If there was a tardiness of the hearing, what was the cause, and who was late for the hearing?

4. If a court hearing started late, did anyone explain or apologize? *(If this happened, who apologized and what did they say about it?)*

5. Did the judge announce the stage of litigation? *If yes, at what stage was the trial?*

6. What was the judge's attitude toward the observer present at the hearing? *Please describe the details.*

7. Were media representatives present at the court session, and was it recorded by audio/video means?

8. Did a party challenge the judge? *If so, what was the judge's reaction to this matter? Please describe the details.*

9. Did the judge listen carefully to the parties? Did the judge try to make sure that the litigant understood his question or explanations during the proceedings? *Please describe the details.*

10. Did either party make a request (motion) and did the judge make any clarifications about granting or denying the motion? *If yes, please describe the details.*

11. What topics did the attorney/party disagree on before the judge, and how did the judge respond? *Please describe the details.*



12. Did you get the impression that the judge was unprepared? *If yes, please describe why you think so?*

13. Did the judge treat any of the parties in a rude or aggressive manner? *If yes, please describe the details.*

14. Did the judge invite both sides to present their position equally and did the judge treat them equally? *Please describe the details.*

15. If the court session ended with the announcement of the final judgment (or sentence), did you understand the motivation of the judgment (sentence)? *Please provide as much detail as possible.*

16. How fair do you think the trial was overall? *What is your perception and why?*

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