APPENDIX II

**Information regarding the criminal Cases for the violation of Article 153[[1]](#footnote-1), 154[[2]](#footnote-2), 161[[3]](#footnote-3), 166[[4]](#footnote-4) of**

**Criminal Code of Georgia**

*2011-present*

1. Statistics concerning on Articles 153, 154, 161 and 166 of Criminal Code of Georgia(CCG)

Answer:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | ***CCG, Article 153*** | | |  |  | ***CCG, Article 154*** | | |  |  | ***CCG, Article 161*** | | |  |  |  |  | ***CCG, Aricle 166*** | | | | |
| 2011  y. | 2012 y. | 2013 y. | 2014 y. | 2015y. (5 months) | 2011 y. | 2012 y. | 2013 y. | 2014 Y. | 2015 Y.(5 months) | 2011  y. | 2012  y. | 2013 y. | 2014Y. | 2015Y. (5 months) | 2011 y. | | | 2012  y. | 2013 y.  . | 2014 Y. | 2015 Y. (7months) |
| Commence of Investigation (Crime) | 0 | 0 | 0 | 0 | 0 | 1 | 21 | 3 | 3 | 0 | 0 | 2 | 2 | 2 | 0 | 1 | | | 1 | 0 | 1 | 0 |
| Commence of Prosecution (person) | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 4 | 0 | 1 | 0 | 0 | 5 | 0 | 0 | 0 | | | 0 | 0 | 0 | 0 |

1. Statistics – cases sent to the Court

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | ***CCG, Article 153*** | | | ***CCG, Article 154*** | | | ***CCG, Article 161*** | | | ***CCG, Article 166*** | | |
| 2011  y. | 2012 y. | 2013 y.  (7 months) | 2011  y. | 2012 y. | 2013 y.  (7 months) | 2011 y. | 2012  y. | 2013 y.  (7 months) | 2011 y. | 2012 y. | 2013 y.  (7 months) |
| Trial hearing (person) | 0 | 0          (9 months) | \_ | 0 | 0           (9 months) | \_ | 0 | 0           (9 months) | \_ | 2 | 0         (9 months) | \_ |
| Plea Agreement  (person) | 0 | 0           (9 months) | \_ | 1 | 0           (9 months) | \_ | 0 | 0          (9 months) | \_ | 0 | 0          (9 months) | \_ |

Note: Electronic connection between court and prosecutor’s office broke in 8 October, 2012. Thus, since 1 October, 2012 there is no possibility to update statistics regarding to Plea Agreement and trial hearings.

1. Statistics - terminated cases

Answer:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | ***CCG, Article 153*** | | |  |  | ***CCG, Article 154*** | | | ***CCG, Article 161*** | | | | ***CCG, Article 166*** | |
| 2011  y. | 2012 y. | 2013 y. | 2014 | 2015  (5 months) | 2011  y. | 2012 y. | 2013 y.  (6 months) | 2011  y. | 2012  y. | 2013 y.  (6 months) | 2011  y. | 2012 y. | 2013 y.  (6 months) |
| termination of investigation | 2     (105 I a) | 0 | 0 | 0 | 0 | 0 | 6     (105 I a) | 6        (105 I a) | 0 | 1      (105 I a) | 0 | 0 | 0 | 0 |

1. Question: How many major (full aged) were diverted from criminal responsibility according to the Article 1681 of CPC? How many of them committed the crime repeatedly.

Answer: Based on our information, from 25 October 2011 (date when diversion program was started) till 1 July 2013 diversion of majors (full-aged) did not happen regarding to the articles 153, 154, 161 and 166 of CCG.

1. Question: what is the statistics about prosecutor’s offices requirements on preventive imprisonment measures and deprivation of liberty as sentence between 2011-13 years? (Did the amount of non-imprisonment preventive measures increased?)

Answer: the use of preventive measures does not depend on concrete type of crime and therefore, analytic management of persecutor’s office does not make statistics of preventive measures based on type of crime, as well as does not make statistics on sentences  which were requested by prosecutors.

Below there is represented table on yearly statistics regarding to the preventive measures which were used for all type of crimes.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | 2011 y. | | 2012 y.( 9 months) | | 2013 y. |  | 2014Y. | |  | 2015  5 month | | Full usage of preventive measures | 13312 | | 7218 | | 11963 |  | 12857 | |  | 4457 | | Imprisonment | 6536 | 49.1% | 3307 | 45.8% | 3271 | 27.3% | 4114 | 32% | 1456 | 32.6% | | Non-imprisonment Preventive measure | 6776 | 50.9% | 3911 | 54.2% | 8692 | 72.7% | 8743 | 68% | 3001 | 67.3% | |  |

1. **Article 153. Violation of the freedom of speech** [↑](#footnote-ref-1)
2. **Article 154. Unlawful interference in the professional activities of a journalist.** [↑](#footnote-ref-2)
3. **Article 161. Violation of the right to assembly and manifestation** [↑](#footnote-ref-3)
4. **Article 166. Interference in establishing a political, social or religious organization or in their activities** [↑](#footnote-ref-4)