



კოალიცია
დამოუკიდებელი
და გამჭვირვალე
მართლმსაჯულებისთვის
Coalition for
an Independent and
Transparent Judiciary

Statement of the Coalition for Independent and Transparent Judiciary on Frustrated Sitting of High Council of Justice

On 21 March 2014, a sitting of the High Council of Justice, which was called upon the initiative of non-judge members to consider, according to the agenda, a number of important issues (a problem of the Tbilisi City Court being overloaded, an issue of the appointment of standby judges) was frustrated. The reason of this was the failure of non judge members of the Council to turn up for the sitting. This was the first Council sitting ever summoned on the initiative of non-judge members. However, the judge members not only failed to support this initiative but also completely ignored it. As employees of the office of the Council noted, each Council member was notified about the sitting in advance.

The above mentioned fact cannot be evaluated as a constructive cooperation on the part of judge members of the Council and an act in the spirit of interests of the justice. It is important for five non-judge and nine judge members to cooperate in a constructive manner and to desire to jointly tackle the challenges faced by the judiciary. Such approach is necessary if anything for that simple reason that some important decisions can only be adopted by 10 votes. Such result, however, may only be achieved in the event of joint support from non-judge and judge members of the Council.

The ability and the obligation to tackle problems and challenges faced by the court system rest, first and foremost, with the judiciary. The legislation of Georgia awards the High Council of Justice, as a constitutional body equipped with crucial functions, appropriate mechanisms for settling a number of problems existing in the judiciary. The application of these mechanisms is not only the authority of the Council but the obligation too. It is important for the Council to efficiently use mechanisms and possibilities envisaged by the legislation and in considering an issue to not give rise to a question¹ about the interests of the judiciary being outbalanced by the interests of narrow groups or other similar interests.

¹http://www.coalition.org.ge/article_files/198/Coalition%20Appeals%20to%20Judiciary%20High%20Council%20of%20Justice.GEO.pdf

Coalition Members:

Article 42 of the Constitution
Multinational Georgia
Solidarity to Illegal Prisoners
Georgia Small and Medium
Enterprise Association
Civil Integration Foundation
Georgian Lawyers for
Independent Profession
Liberal
Center for Protection of
Constitutional Rights
International Society for Fair
Elections and Democracy
Association Green Wave
The Union "21 Century"
Georgian Young Lawyer's
Association Human Right
Center
Transparency International
Union of Meskhetian Democrats
Liberty Institute
Georgia Bar Association
Civil Development Agency
United Nations Association of
Georgia
The European Law Students'
Association
Civil Society Institute
Open Society Georgia
Foundation
Institute of Democracy
American Chamber of
Commerce
Association of Civic Initiatives
and Employees Defense
Eurasia Partnership Foundation
Institute of Development of
Freedom of Information
Human Rights Priority
Tbilisi Media Club
Human Rights Education and
Monitoring Centre
Foundation for the Support of
Legal Education
Institute of Civil Engagement

The above noted attitude of the judge members of the High Council of Justice² has been not only evaluated as extremely worrying by non-governmental organizations falling within the Coalition, but it also caused a fair protest and criticism from a segment of judges within the court system. “We do not want to believe that the majority of High Council of Justice – the judge members sharing a common opinion – is, at best, indifferent towards the problems or challenges faced by the court system and, at worst, applies an attitude that aims at artificially maintaining-deepening the problems in the court system,”³ reads the statement released by the Unity of Judges association.

It is also necessary to mention here the unfavorable information which was made public by a recently published study prepared with the financial assistance of the UNDP: compared to the Ministry of Corrections and Legal Assistance, the Interior Ministry, the Prosecutor’s Office and all other state entities, the High Council of Justice proved to show the worst results in fulfilling recommendations of the Public Defender of Georgia over the period from 2008 to 2013.

The Coalition for an Independent and Transparent Judiciary calls on the High Council of Justice to properly realize that great responsibility and obligation which it has in ensuring the independence of judiciary or its further reformation. If with its actions and decisions the Council fails to gain the image of independent, reliable and efficient body among society, it will find it difficult to handle important challenges faced by the court system, thereby endangering both this system and the guarantees for the protection of rights and freedoms of each citizen in Georgia.

² We do not mean those judge members who had valid excuse for not turning up for the sitting (in case of such excuse).

³ The Union of Judges, press release: *By failing to attend a sitting, the judge members of the High Council of Justice refused to consider issues important for the court system.* (21.05.14).