

Georgian Judiciary 2023





Responsible for the preparation of the Report:

Georgian Democracy Initiative (GDI), Rule of Law Program.

2023.

Table of Content

Introduction.....	3
Main Findings.....	4
Judiciary Reform	6
Influences on the Judiciary System	12
Sanctioned Judges.....	12
Personnel changes.....	14
Independent Council of the High School of Justice	14
Independent Inspector	14
Prosecutorial Council	15
The Sessions of the High Council of Justice of Georgia.....	17
Agenda of the Sessions	19
Important Decisions	21
Appointment of Judges	21
Dismissal of Judges.....	22
Judge’s Transfer	25
Additional Activities	28

Introduction

The provided report delves into the unfolding events within the Georgian Judiciary system throughout the year 2023. This encompasses developments within the realm of judicial reform as well as the activities of the High Council of Justice of Georgia (hereinafter “the Council of Justice”).

The report dedicates pertinent chapters to various facets, including the assessments and findings of the Venice Commission and the European Commission regarding judicial reform. Additionally, it explores the sanctions taken against judges, the reinstatement of familiar figures to pivotal roles within the justice system, and the comprehensive analysis of the Council of Justice's activities, along with pivotal decisions made by the Council.

The pursuit of effective justice reform stands as a paramount consideration in Georgia's journey toward European integration, representing a key concern highlighted by the European Commission. Remarkably, the year 2023 witnessed significant legislative alterations within the judicial system. Regrettably, the inclusivity of the legislative process was lacking, with the majority of changes failing to address the core challenges within the realm of justice. In accordance with the European Commission's assessment, Georgia demonstrated limited progress in this sphere. Notably, the existing strategy and action plan lack provisions for a comprehensive reform of the Council of Justice.

The challenges within the justice system are underscored by the decision of the US State Department to impose sanctions on three current judges and one former judge. Each of these individuals wields substantial influence within the justice system, embodying the core of an influential group of judges. Despite the imposition of sanctions, the ruling political authority persisted in endorsing these individuals and thwarted the establishment of an investigative commission on three occasions.

The influence wielded by the "Clan" is evident in various appointments, such as those of the independent inspector, the independent council of the High School of Justice, and the members of the Prosecutorial Council. Additionally, the appointment of five new non-judge members to the Council of Justice occurred against the backdrop of considerable political tension, drawing criticism from both opposition parties and the civil sector.

In 2023, one new judge was incorporated into the judicial system, while 33 judges were granted lifetime appointments until reaching the legal retirement age.

A remarkable occurrence unfolded in the case of Judge Nino Giorgadze. Notably, she stands as the sole judge who encountered a denial of a lifetime appointment subsequent to the conclusion of the probationary period. The challenges apparent in the justice system give rise to legitimate doubts regarding the basis on which this decision was rendered, calling into question its adherence to legal principles.

Similar to the occurrences in 2022, the sessions of the Council of Justice in 2023 were characterized by a degree of disorder. Throughout the year, a total of 71 sessions were announced, with the Council failing to adhere to the obligation of timely publication of information in 70 instances. Out of these announcements, only 33 meetings transpired. Notably, nearly all sessions experienced substantial delays, and in recent months, there has been a growing trend of conducting meetings during non-working hours.

Main Findings

- In 2023, despite numerous recommendations from the Venice Commission, Georgia fell short of executing a comprehensive reform of the Judiciary system. Notably, the envisioned comprehensive reform of the Council of Justice remained unrealized;
- The European Commission has recommended the establishment of a "special integrity checking system" with the active engagement of international experts. This system is proposed for both candidates and presently appointed individuals vying for key positions within the judicial system, including members of the Council of Justice, judges of the Supreme Court, and presiding officers of the court;
- Despite the appointment of 5 new non-judge members, the Council of Justice continues to function at full capacity after a span of 2 years. Regrettably, dissenting or critical opinions within the Council remain unacknowledged, suggesting a persistent lack of inclusivity in decision-making processes;
- Three sitting judges: Mikheil Chinchaladze, Levan Murusidze, and Irakli Shengelia, as well as the former judge Valerian Tsertsvadze faced individual sanctions from the US State Department due to their substantial involvement in Corruption. Notably, in a display of solidarity with the sanctioned judges, the "Georgian Dream" party obstructed the establishment of an investigative commission on this matter three times;
- Shota Kadagidze, a former member of the Council of Justice, has been appointed to the position of independent inspector;

- Former members of the Council of Justice, Vasil Mshvenieradze and Paata Silagadze, have been appointed to the Prosecutorial Council;
- Dimitri Gvritishvili, a former member of the Council of Justice, has resumed his position on the Independent Council of the High School of Justice;
- The Council of Justice convened for sessions on 71 occasions, yet the meetings were actually held only 33 times. Notably, the Chairman of the Council, Nino Kadagidze, was absent from 20 out of the 33 meetings;
- The agenda for the sessions of the Council of Justice is consistently published, albeit in contravention of the legally stipulated deadline. Furthermore, the wording of the issues is frequently overly broad and, on occasion, encompasses matters unrelated to the session at hand. Notably, the agenda item pertaining to the determination of chamber/college composition - in certain regional (city)/appellate courts has been removed on 21 separate occasions;
- The decisions made during the sessions have not been published for a duration of six months;
- In the course of 2023, one new judge assumed a position, while eight judges departed from the court system. Additionally, 33 judges initially appointed on a probationary basis were subsequently reappointed for lifetime until reaching the legally prescribed age;
- Judge Nino Giorgadze was relieved of her duties as a judge. Despite the judge's explicit request to make her case files public, the Council of Justice has not yet published the judge's evaluation reports;
- In 2023, four judges were reassigned to different courts. Notably, Judge Ketevan Thinadze experienced a relocation to another court on four occasions within a single year.

Judiciary Reform

As of June 17, 2022, the European Commission released an opinion concerning Georgia's application for EU membership. In the opinion, the Commission recommended that Georgia be conferred candidate status contingent upon the fulfillment of specific priority requirements.¹ One of these priorities pertained to the judicial system. As per the Commission's recommendation, Georgia was advised to adopt and execute a transparent and effective Judicial reform strategy and action plan for the post-2021 period, grounded in the following principles, in accordance with European standards and recommendations of the Venice Commissions: (1) Broad and Inclusive Consultative Process: (2) Measures must be taken to safeguard and enhance the independence, accountability, and impartiality of the judiciary, (3) Steps should be taken to guarantee the seamless operation and integrity of all judicial and investigative institutions, encompassing the Supreme Court and the Office of the Prosecutor General, (4) A systematic reform of the Council of Justice, including the appointment of the remaining five members, as the Council has operated with only 10 members since June 2021.

On March 14, 2023, the Venice Commission issued an opinion concerning proposed amendments to the Organic Law of Georgia "on the Common Courts".² These amendments were asserted by the ruling party to be geared towards accomplishing a task delineated by the European Commission within the framework of the 12-point plan, with the ultimate objective of securing Georgia's candidacy³ for EU membership. Furthermore, as outlined in the explanatory documentation submitted to the Venice Commission, these changes were positioned⁴ as the initial phase of a broader strategy for judicial reform in the country, with additional reforms being contemplated for subsequent implementation.

The Venice Commission noted that the Draft Amendments are limited in scope and do not provide a holistic reform of the Law on Common Courts.⁵ Moreover, the Venice Commission

¹ Commission Opinion on Georgia's application for membership of the European Union, Communication From The Commission To The European Parliament, The European Council And The Council, COM(2022) 405 final, 17.06.2022. Available at: <https://bit.ly/479R9Cl>

² Follow-up opinion to four previous opinions concerning the organic Law On Common Courts, European Commission For Democracy Through Law (Venice Commission), CDL-AD(2023)006, 14.03.2023. Available at: <https://bit.ly/48n3uDI>

³ Public Comments of the Chairperson of the Legal Affairs Committee of the Parliament of Georgia – Anri Okhanashvili. 04.11.2022. Available at: <https://bit.ly/41QPBvc>

⁴ Follow-up opinion to four previous opinions concerning the organic Law On Common Courts, European Commission For Democracy Through Law (Venice Commission), CDL-AD(2023)006, 14.03.2023. Para. 12. Available at: <https://bit.ly/3RVNe5K>

⁵ *Ibid.* Para. 12.

stressed that persistent and widespread claims of corporatism and self-interest in the Council of Justice damages the public trust in the judiciary and should be taken seriously.⁶

The Venice Commission presented five key recommendations:⁷

- Addressing the issues of judicial corporatism and self-interest in the High Council of Justice which should involve a comprehensive reform of the High Council of Justice;
- Circumscribing the wide powers of the High Council of Justice to second or transfer judges without their consent by adding narrower criteria for the secondment/transfers, introducing time and location limitations on secondments/transfers, providing for a random system of secondments/transfers;
- Revising the procedure for suspension of judges from office by defining more precisely the grounds for suspension, allowing for more time for appealing such decisions and maintaining the salary during the suspension period;
- Restricting the grounds for disciplinary liability of a judge related to the expression of opinion to the manifest violations of the duty of political neutrality, while leaving space for the comments by the judges on such issues as reforms of the court system;
- Ensuring that the instructions by the Supreme Court are mandatory for the High Council of Justice.

On 17 May, the Parliament of Georgia elected three out of five non-judge members to the Council of Justice.⁸ Tristan Benashvili with 93 votes, Giorgi Gzobava with 91 votes, and Zurab Guraspashvili with 93 votes. The voting process was marked by disruptions and noise. Following the successful election of the three new Council members, the part of the opposition left the hall in protest, prompting a technical break in parliamentary proceedings. Upon the session's resumption, none of the subsequent candidates managed to garner sufficient votes for election.

The coalition for an Independent and Transparent Judiciary has expressed a negative assessment of the election of Tristan Benashvili, Giorgi Gzobava, and Zurab Guraspashvili as

⁶ *Ibid.* Para. 15.

⁷ *Ibid.* Para. 52.

⁸ Available at: <https://bit.ly/3Rwh14G>

non-judge members of the Council.⁹ The Coalition highlighted that out of 32 candidates, five were nominated by organizations and higher educational institutions within the coalition. None of these candidates managed to secure a sufficient number of votes. Additionally, as per the coalition's evaluation, - the interviews of Tristan Benashvili, Giorgi Gzobava, and Zurab Guraspashvili showcased that they do not identify the main challenges in the system. Therefore, their election in the Council cannot change the status quo and will strengthen the positions of the “clan”.

On 13 June 2023, during the third hearing, the Parliament of Georgia adopted¹⁰ amendments to the Organic Law of Georgia "On Common Courts," which were made public only after the release of the new opinion from the Venice Commission.

Subsequently, on 9 October, the Venice Commission issued another opinion¹¹ concerning the Organic Law of Georgia "On Common Courts." The commission reiterated its emphasis on five main recommendations:

1. The comprehensive reform of the High Council of Justice, which means Appointment of Non-Judge Members, clarifying and ensuring a clear decision-making process within the Council, particularly emphasizing the requirement for a double $\frac{2}{3}$ majority, a systematic and sequential approach to the appointment of Council Members, Restrictions on Re-appointment of former members of the Council, and establishing a clear and objective procedure for the selection of judicial members. The Commission emphasised the priority of the first key recommendation and stressed, that minor or technical amendments to the law would not meet this recommendation;¹²

The Venice Commission notes that the necessity of using such an extraordinary tool as “vetting” integral to the ongoing reform¹³ of the Council of Justice, elucidating that the recommendations ought to be expeditiously implemented, devoid of unwarranted delays.¹⁴

2. Ensuring transparent and unbiased procedures for appointing non-judge members to the Supreme Council of Justice, addressing effectively the persistent allegations of lack of integrity of the HCoJ; reconsidering its powers, functions, decision-making

⁹ The Coalition Reacts to the Election of Non-judge Members to the High Council of Justice. Available at: <https://bit.ly/3tDXY0x>

¹⁰ Available at: <https://bit.ly/48HWb9o>

¹¹ Follow-up opinion to previous opinions concerning The Organic Law On Common Courts, European Commission For Democracy Through Law (Venice Commission), CDL-AD(2023)033. 09.10.2023. Available at: <https://bit.ly/3tjOyR7>

¹² Ibid. Para. 49.

¹³ Ibid. Para. 11.

¹⁴ Ibid. Para. 14.

procedures, and the manner of election of members. Minor or technical amendments to the law would not meet this recommendation. The process of the reform should be thorough and inclusive, involving all the relevant stakeholders.

3. To circumscribe the wide powers of the HCoJ when transferring or seconding judges. Despite the amendment of the relevant provision and further draft amendments, **this recommendation remains outstanding**; ¹⁵
4. To revise the procedure for suspension of judges from office. The Commission welcomes the relevant changes and considers that this **recommendation has been followed**; ¹⁶
5. To restrict the grounds for a judge's disciplinary liability based on the violation by a judge of the principle of "political neutrality". **This recommendation has been followed partly**. However, the proposals contained in the September 2023 draft amendments, if adopted, would sufficiently address this recommendation; ¹⁷
6. Enhancing the binding nature of Supreme Court decisions. **This recommendation has been followed in part** and further amendment could be made to expressly provide that the HCoJ should comply with the decisions of the Supreme Court adopted following an appeal. ¹⁸

Furthermore, the commission delineated seven supplementary recommendations, a subset of which continues to languish unaddressed. These include: refining the age criteria for candidates aspiring to serve as Supreme Court judges, formulating an anti-deadlock mechanism within the nomination procedure for the Supreme Court, specifying criteria for the transfer of judges, incorporating specialization considerations, and abbreviating the tenure of the Supreme Court chairman.¹⁹

The Coalition for an Independent and Transparent Judiciary published its own vision²⁰ regarding the Justice Reform and called the Parliament of Georgia initially to acknowledge the intricacy inherent in the challenges faced by the justice system. This necessitates a comprehensive understanding that incorporates the perspectives of both the Venice Commission and local stakeholders. Commence an inclusive process that is geared towards effecting substantial and genuine reform within the system. ²¹

¹⁵ Ibid. Para. 50.

¹⁶ Ibid. Para. 51.

¹⁷ Ibid. Para. 52.

¹⁸ Ibid. Para. 53.

¹⁹ Ibid. Para .54.

²⁰ Justice Reform A Vision of the Coalition for an Independent and Transparent Judiciary 09.10.2023. Available at: <https://bit.ly/3ScRuz0>

²¹ Statement of the Coalition. 16.10.2023. Available at: <https://bit.ly/3Sa5ZUj>

On 17 October, the Parliament of Georgia appointed the remaining two non-judge members to the Council of Justice, selecting Goga Kikilashvili and Levan Nemsadze.²² It is noteworthy that Goga Kikilashvili, nominated by the International Black Sea University, is the son of Constitutional Court Judge Khvicha Kikilashvili. Notably, Judge Khvicha Kikilashvili, in a decision on October 16 with the support of six out of nine plenum members, found a constitutional violation by President Salome Zurbishvili. Goga Kikilashvili has refuted any insinuation that his appointment to the council position is attributable to familial connections.²³

On 8 November, the European Commission put forth a recommendation endorsing the conferment of candidate status²⁴ for EU membership to Georgia. Notably, among the nine reservations attached to this recommendation, one pertains to the conclusion of judicial reform.

The Commission's report indicates²⁵ that Georgia, on the whole, has made limited progress in this domain. The assessment contends that the devised strategy and action plan do not effectively address the primary challenges within the judicial system. Furthermore, it is highlighted that key recommendations from the Venice Commission concerning the reform of both the High Council of Justice and the Supreme Court remain unaddressed.

The commission formulated 3 priority issues that Georgia should fulfill by 2024:

1. Adopt amendments to the Law on Common Courts to bring it fully in line with Venice Commission recommendations as regards the powers of the High Council of Justice (HCJ) concerning transfers and disciplinary proceedings of judges, and an effective right of appeal for appointments of Supreme Court judges;
2. Adopt a broader reform of the judiciary; in particular, reform the HCJ in line with Venice Commission recommendations. In particular, establish a system of extraordinary integrity checks, with the involvement of international experts with a decisive role in the process, for candidates and persons currently appointed to all leading positions in the judiciary, in particular the HCJ, the Supreme Court and court presidents. Furthermore, establish a system of effective permanent and periodic asset

²² Available at: <https://bit.ly/48sD17I>

²³ Public Comment. Available at: <https://bit.ly/49D6i0s>

²⁴ What does the 9 reservations include - the European Commission recommended granting candidate status to Georgia. 08.11.2023. Available at: <https://bit.ly/3RWbrj9>

²⁵ COMMISSION STAFF WORKING DOCUMENT Georgia 2023 Report, SWD(2023) 697 final, European Commission, 08.11.2023. p. 20. Available at: <https://bit.ly/3sArUtR>

declarations with the involvement of international experts in an oversight and advisory function;

3. Adopt the draft constitutional amendments which include changing the appointment procedure of the Prosecutor General from simple to qualified majority in Parliament; align the law on the Prosecutor's Office with European standards, following the recommendations of the Venice Commission, OECD and the TAIEX peer review on the functioning of the justice sector and the fight against organised crime.

On 25 December 2023, the document on measures for the implementation of steps defined for Georgia in the European Commission's Communication on the 2023 Enlargement Policy was published.²⁶ According to the document, in 2024, the Georgian government intends to "finalize and execute a comprehensive and impactful judicial reform, encompassing an extensive overhaul of the Council of Justice and the Prosecutor's Office, by fully incorporating the recommendations set forth by the Venice Commission and guaranteeing a transparent and inclusive process." Nevertheless, the roster of activities earmarked for implementation encompasses solely the establishment of a functional framework involving the participation of all parliamentary political parties and non-governmental organizations concerning judicial and prosecutorial reform. This includes the revision or adoption of existing legislative amendments. According to the action plan, the initiation of these activities is slated to commence in January 2024 and conclude within a three-month timeframe. Notably, the action plan exclusively outlines the adoption of legislative changes and the formation of a working group.

²⁶ "The measures for the implementation of steps defined for Georgia in the European Commission's Communication on the 2023 Enlargement Policy" 25.12.2023. Available at: <https://bit.ly/3RPztFD>

Influences on the Judiciary System

Sanctioned Judges

On 5 April 2023, the U.S. Department of State publicly designated Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze under Section 7031(c) visa restriction authorities, due to their involvement in significant corruption.²⁷

Mikheil Chinchaladze currently holds the position of Chairman of the Tbilisi Court of Appeal since 2017 and also serves as the chairman of the investigation panel of the same court since 2020. His prior roles include being the Chairman of the Administrative Affairs Chamber of the Tbilisi Court of Appeal from 2019 to 2020. Additionally, he served as a judge of the Supreme Court from 2007 to 2017 and was a member of the Supreme Council of Justice from 2007 to 2015. Mikheil Chinchaladze is widely recognized as one of the most influential figures in the Georgian judicial system. This reputation has persisted over different political periods, spanning both the rule of the National Movement and the Georgian Dream.

Levan Murusidze presently serves as a member of the Council of Justice. His extensive judicial career includes a notable period from 2013 to 2017 when he held the position of Secretary of the Council of Justice. Earlier in his career, spanning from 2006 to 2015, he served as a judge of Tbilisi City Court and the Supreme Court of Georgia. Levan Murusidze's name is linked with several high-profile cases, contributing to his recognition within the legal sphere. Among these cases are those involving Sandro Girgvliani, Sulkhan Molashvili, Paata Rostomashvili, Giorgi Mikiashvili, and Anania Gachechiladze (Aissa).

Irakli Shengelia presently serves as the Deputy Chairman of the Tbilisi Court of Appeal and holds a membership on the Prosecutorial Council. In his previous roles, he was a member of the Council of Justice from 2017 to 2021. Notable positions he held include Chairman of the Civil Affairs Chamber of the Tbilisi Court of Appeal in 2019, Deputy Chairman of the same court in 2017, and Chairman of the Administrative Affairs Chamber in 2007, 2012, 2016, and 2017. It's worth noting that Irakli Shengelia has faced accusations of nepotism.²⁸

As of 2017, Valerian Tsertsvadze no longer holds the position of a judge. Throughout his career, he has occupied several significant positions within the judiciary. Notably, he served

²⁷ STATEMENT BY SECRETARY ANTONY J. BLINKEN: Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption, U.S. EMBASSY TBILISI, 05.05.2023. Available at: <https://bit.ly/46euCCU>

²⁸ Nepotism in the Judiciary System. Georgian Court Watch. 02.05.2023. Available at: <https://bit.ly/3NXZRMa>

as the Chairman of the Court of Appeal, the Chairman of the Criminal Chamber, the Chairman of the Council of the High School of Justice, and the Secretary of the High Council of Justice.²⁹

The sanctioned judges in different periods were publicly supported by the nine members of the Council of Justice,³⁰ acting judges of the Supreme Court of Georgia: Vladimer Kakabadze³¹ and Levan Tevzadze,³² Judge of the Criminal Chamber of the Tbilisi Court of Appeals Davit Mamiseishvili,³³ Chairman of the Investigative and Pretrial Panel of the Tbilisi City Court Sergo Metofishvili and the Judge Badri Kochlamazashvili.³⁴

Judges Nana Jokhadze, Tamar Bezhanishvili, and Konstantine Kopaliani declined³⁵ to participate in a study visit to the USA. Information gathered by Formula indicates that these judges, who expressed an interest in undergoing training in the USA, faced pressure from influential colleagues.

On 10 April, Prime Minister Irakli Gharibashvili held a meeting³⁶ with members of the Council of Justice, including the sanctioned judge Levan Murusidze. Gharibashvili voiced his complete support for all judges, emphasizing that the court achieved independence during the rule of the Georgian Dream party. He asserted that any interference or influence on the judges is deemed unacceptable.

On 6 April, the parliamentary opposition called for³⁷ the establishment of a temporary investigation commission. Subsequently, on 18 April, during the plenary session in the Parliament, a vote on the matter was scheduled. However, the ruling party chose not to register in solidarity with the judges, and as a result of the insufficient quorum, the vote on this issue could not proceed.³⁸ This scenario repeated twice more.³⁹

The Coalition for an Independent and Transparent Justice viewed the ruling party's actions as a display of support for an influential group or clan within the judiciary.⁴⁰

²⁹ Available at: <https://bit.ly/3SfqaO>

³⁰ Nino Kadagidze, Nikoloz Marsagishvili, Tamar Ghvamichava, Ketevan Tsintsadze, Dimitri Gvritishvili, Levan Mikaberidze, Temur Gogokhia, Badri Shonia, Paata Silagadze.

³¹ Public Facebook post of Nazi Janezashvili. Available at: <https://bit.ly/3RVAf3L>

³² Public Facebook post of Judge Levan Tevzadze. Available at: <https://bit.ly/40G4TCu>

³³ Public comment of Judge Davit Mamiseishvili. Available at: <https://bit.ly/3QDYq6h>

³⁴ Available at: <https://bit.ly/3G2VACM>

³⁵ Available at: <https://bit.ly/3ukx5hQ>

³⁶ Available at: <https://bit.ly/49xhYSz>

³⁷ Available at: <https://bit.ly/47zeqgT>

³⁸ Available at: <https://bit.ly/47zeqgT>

³⁹ Available at: <https://bit.ly/41TMgLO>

⁴⁰ Statement of the Coalition. 19.04.2023. Available at: <https://bit.ly/47q7Cl6>

Personnel changes

In 2023, an influential group of judges significantly consolidated their presence within the justice system. Alongside the appointment of five new non-judge members to the Council of Justice, familiar figures also resumed administrative roles, such as independent inspector, membership in the Independent Council of the High School of Justice, and positions within the Prosecutorial Council. This development underscores the strengthened influence of this particular group within various key administrative and oversight bodies in the justice sector.

Independent Council of the High School of Justice

On May 24, Badri Shonia, a member of the Council of Justice and chairman of the Administrative Panel of the Tbilisi City Court, tendered⁴¹ his resignation from the position of a member of the Independent Council of the High School of Justice, citing personal reasons in his statement. Concurrently, at the same meeting and in adherence to the formal requirements of the law, which stipulates that 2 out of 7 members of the Independent Council (1 judge member and 1 non-judge member) are elected by the Council of Justice of Georgia from its own composition, Dimitri Gvritishvili was appointed to the position.⁴²

Dimitri Gvritishvili concurrently serves as a member of the Council of Justice and holds the position of Chairman of the Administrative Chamber of the Tbilisi Court of Appeals. Notably, he also assumed the roles of both a member and the chairman of the independent board of the High School of Justice in November 2021.⁴³ However, he resigned from these positions on October 18, 2022, citing personal reasons in his statement.⁴⁴

Remarkably, within a span of six days following his departure from the Independent Council of the High School of Justice, Dimitri Gvritishvili, alongside Levan Murusidze, was elected as a member of the Council of Justice by the judges' conference.⁴⁵

Independent Inspector

On 16 June, the independent inspector Zurab Aznaurashvili was relieved⁴⁶ of his duties, and this decision was made based on a personal statement. In the same session, the Council of Justice appointed him to the role of Deputy Chairman of the Department of Common Courts.

⁴¹ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/47x6Ras>

⁴² Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3QXtnTl>

⁴³ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3Sfrd2U>

⁴⁴ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3TORIDc>

⁴⁵ Available at: <https://bit.ly/3TZwa1d>

⁴⁶ Report on the High Council of Justice's sessions. June 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3QWlv4f>

In the competition for the position of independent inspector, 32 candidates were initially registered. However, only 9 individuals⁴⁷ submitted statements and accompanying documents that met the specified requirements.⁴⁸ Subsequently, only 5 candidates⁴⁹ successfully passed the interview process.⁵⁰

In a recent development, Shota Kadagidze, a former non-judge member of the Council of Justice from 2017 to 2021, has been appointed⁵¹ to the position of an independent inspector. The Coalition for an Independent and Transparent Judiciary has raised concerns regarding the transparency of the selection process for the independent inspector. In their assessment,⁵² the appointment of an individual perceived as loyal to a particular group poses a risk to the credibility of the disciplinary process and introduces significant concerns about potential interference with the independence of individual judges.

Prosecutorial Council

On 24 October, the Council of Justice elected two members of the Prosecutorial Council, Vasil Mshvenieradze and Paata Silagadze.⁵³ The Council of Justice of Georgia elects 2 members of the Prosecutorial Council from among the judges of the general courts of Georgia who have at least 5 years of experience as judges.

More than 100 judges are appointed in the field of criminal law in Georgia, and a significant part of them have been exercising their powers for more than 5 years, however, the Council chose 2 influential judges:

1. **Vasil Mshvenieradze**, who has held the following administrative and organizational positions since 2008:
 - Chairman of Gori Regional Court (2008);
 - Chairman of Mtskheta Regional Court (2008);
 - Chairman of Tbilisi City Court (appointed in 2017 and 2020);

⁴⁷ Nino Dokadze, Nino Elikashvili, Zaza Taktakishvili, Ana Murachashvili Oniani, Levan Nemsadze, Beka Fatsatsia, Shota Kadagidze - former member of the High Council of Justice (2017-2021); Zaza Kharebava - former member of the High Council of Justice (2017-2021), Maggie Jgharkava.

⁴⁸ Report on the High Council of Justice's sessions. July 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3vwsLwH>

⁴⁹ Ana Murachashvili, Levan Nemsadze, Beka Fatsatsia, Shota Kadagidze and Zaza Kharebava.

⁵⁰ Report on the High Council of Justice's sessions. July 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3vwsLwH>

⁵¹ Ibid.

⁵² Statement of the Coalition. Available at: <https://bit.ly/3Ser0x1>

⁵³ Report on the High Council of Justice's sessions. October 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3vwoqtq>

- Chairman of Civil Panel of the Tbilisi City Court (in 2022 he was assigned to exercise the authority of the chairman, he was appointed chairman in 1 month);
- Head of Administrative Panel of Tbilisi City Court (appointed in 2017 and 2021);
- Chairman of Kutaisi Court of Appeals (appointed in 2020);
- Head of the Civil Chamber of Kutaisi Court of Appeals (appointed in 2020);
- Member of the Council of Justice (2017 - 2021);
- Member of the Prosecutorial Council (2015 - 2019);
- Member and Chairman of the Independent Board of the High School of Justice (appointed in 2022 and still holds the said position);

2. **Paata Silagadze**, who has held the following administrative and organizational positions:

- Member of the Council of Justice (from 2021 to the present);
- Judge of the Tbilisi Court of Appeals (in 2019 he was appointed to the investigative panel, from 2021 he is a judge of the Criminal Chamber);
- Judge of the Criminal Chamber of the Supreme Court of Georgia (2008 - 2018);
- Head of Mtskheta Mtskheta Regional Court (2006 - 2008);

An influential group of judges is persistently consolidating power within the justice system and strategically placing loyal individuals in key positions. This perception raises concerns about the potential impact on the independence and integrity of the judiciary. Such concentrations of power and appointments based on loyalty can indeed have implications for the functioning and credibility of the justice system.

The Sessions of the High Council of Justice of Georgia

The sessions in the Council of Justice in 2023 were characterized as chaotic, similar to the situation observed in the previous year. Notably, in 2023, three non-governmental organizations independently monitored the sessions of the Council of Justice.⁵⁴ Despite the dedicated efforts of the representatives from these organizations, monitoring the sessions proved to be a significant challenge due to the perceived irresponsibility of the state structure in carrying out its activities.

In the year 2023, notices⁵⁵ regarding the convening of sessions were disseminated 71 times, with only one session adhering to the specified 3-day timeframe. The official publication of meeting details on the Council's website typically occurred a day prior to the scheduled meeting, frequently during non-working hours. Out of the 71 sessions slated for scheduling, **merely 33 sessions (constituting 46%) were convened.** This data underscores a significant incongruity between the announced sessions and the actual convening thereof, accompanied by challenges in prompt and transparent communication of such proceedings. The disclosure of session postponements is not promptly made available on the official website of the Council. In numerous instances, information regarding session delays had to be sourced from the website following references made by non-governmental organizations. Furthermore, when utilizing the Council's hotline and contact phone number, even up to 30 minutes before the commencement of the meeting, the operator, in the majority of cases, lacks information regarding the rescheduling of the session, if they answer the call at all.

The sessions are frequently canceled with short notice—either one hour, 30 minutes, or a few hours after the originally scheduled start time. In instances where the session fails to commence at the designated time, information about the postponement is typically relayed to monitoring non-governmental organizations and numerous Council employees with a delay ranging from 40 minutes to 2 hours. In several instances, awareness about the session's occurrence remains unknown to the aforementioned individuals, persisting even beyond 9 pm. This recurrent lack of timely notification poses challenges for effective communication and organizational transparency within the Council.

⁵⁴ Georgian Democracy Initiative (GDI), Georgian Court Watch, Georgian Young Lawyers Association (GYLA).

⁵⁵ The information is derived from the monitoring conducted by the Georgian Democratic Initiative (GDI) from 1 January to 28 December 2023.

In the year 2023, there was a growing tendency to schedule meetings during non-working hours. Initially, meetings set for the early part of the year either were conducted until 6 o'clock, with a 40-minute delay, or were canceled before 7 o'clock. However, from the summer onwards, the occurrence of cancellations or the conduct of council meetings after 6 o'clock became more prevalent. Notable instances include the postponement of a session until 10:00 p.m. on June 15, a session held at 9:00 p.m. on July 10, a session concluding at 8:30 pm on July 27, information about the postponement of a session remaining unknown even after 10:00 p.m. on August 4, and a session not commencing by 7:00 p.m. on August 9. Additionally, on October 24, a session concluded as late as 10 o'clock at night. These instances highlight a shift towards conducting council activities during unconventional hours, raising concerns about the impact on operational efficiency and stakeholder engagement.

Nino Kadagidze, in her capacity as the Chairperson of the Council of Justice of Georgia, possesses the authority to convene council sessions as required. Alternatively, she may delegate this responsibility to the Secretary of the Council of Justice of Georgia, Nikoloz Marsagishvili.

The attendance of Council members during sessions poses a notably significant challenge. Nino Kadagidze, the Chairperson of the Council of Justice and the Supreme Court of Georgia, stands out as the undisputed leader in terms of frequency of absences. She did not attend 20 out of 33 sessions, accounting for 60% non-participation. In two instances, it remains uncertain whether Nino Kadagidze attended the session or not, as representatives from monitoring organizations were unable to confirm her presence.

As of now, the Secretary of the Council of Justice, Nikoloz Marsagishvili, has maintained a perfect attendance record at the council's meetings. He consistently participates and assumes a leading role in directing the proceedings of the council's sessions. Notably, he actively engages in the session processes, performing essential functions, even in cases where the Chairman, Nino Kadagidze, is present at the session.

Ketevan Tsintsadze, a judge of the Supreme Court, ranks second in terms of frequency of absences, having missed 7 out of 33 sessions.

Levan Murusidze has missed 3 sessions, Tamar Gvamichava missed 2 sessions, while Levan Mikaberidze, Temur Gogokhia, and Goga Kikilashvili each missed one session.⁵⁶

⁵⁶ The recently appointed non-judge member, Goga Kikilashvili, was absent from the first session. The session addressed the matter of his resignation from the position of an independent council member of the High School of Justice of Georgia, as it was deemed incompatible with his new role within the Council of Justice.

Agenda of the Sessions

The lack of specificity in the established agenda emerges as a significant issue during the sessions. The issues outlined in the agenda are often presented in a generalized manner, leaving interested parties unaware of the content discussed in the absence of session attendance. The Council of Justice frequently employs vague wordings such as "organizational matters," "on amendments to some statutory acts," "on determining the composition of panels/chambers in some regional (city)/appellate courts," "on the authority of some judges," and a letter from the Chairman or judge of any court.

The lack of session attendance results in interested individuals being uninformed about various critical matters within the Council of Justice. This includes details about: the organization of field meetings for judges, decisions related to salary and bonuses, allocation of additional funds in the budget, renting of private property for judges, provision of gasoline, determination of narrow specialization in different instances, the conduct of the judicial qualification exam, the enrollment of trainees in the High School of Justice, the swearing-in of judges, infrastructure developments in the court, and the overall situation regarding the filling or creation of various positions by the Council. The absence of detailed information on these matters contributes to a lack of transparency and understanding for external stakeholders.

Additionally, a concerning practice involves the inclusion of irrelevant issues in the agenda. Specifically, the agenda of the sessions consistently features the following items:

- Changes to certain normative acts;
- Determining the composition of panels/chambers in some district (city)/appellate courts;
- Organizational issues;

These recurring issues are consistently included in nearly every agenda. However, in most instances, the Secretary of the Council, Nikoloz Marsagishvili, provides explanations during the course of the meeting. Notably, he often does not elaborate on the reasons for removing these issues. In those few cases where he does state a reason, it is revealed that either the Council had nothing to discuss or the issue was not adequately prepared. For instance, in 2023, the matter of determining the composition of panels/chambers in some district (city)/appellate courts was removed 21 times, amendments to normative acts were removed 17 times, and organizational issues were removed 12 times. This repetitive removal of agenda items raises concerns about the efficiency and preparation of the Council's sessions.

The sessions typically have a short duration, ranging from 10 to 15 minutes. In the rare instances when a session extends to 40 minutes, it is either conducted in an unorganized manner or involves specific interviews with individuals. The majority of council members remain inactive during the sessions. Notably, dissenting opinions are not recorded even after the appointment of new non-judge members, and all decisions are consistently made unanimously. The occurrence of a dissenting vote in a secret ballot process is exceedingly rare.

The lack of transparency in the Council's activities is further underscored by its irresponsible approach to the timely publication of its decisions. Starting from 2023, there has been a noticeable delay in the Council's decision publication. For instance, a decision on the appointment of judges was published on 7 February with a delay of 6 weeks. Since June, however, the Council has not published any decisions. The most recent decision, regarding the dismissal of Shota Getsadze from the position of judge of the Tbilisi Court of Appeals, was made on June 2. Despite 17 meetings held after June 2, during which the Council made several decisions, none have been published.

Important Decisions

Appointment of Judges

In 2023, the sole appointment of a new judge on a 3-year probationary period was Kristine Kopaliani.⁵⁷ While not a newcomer to the judicial system, having held various positions in the Kutaisi City, Tbilisi City, Tbilisi Appellate, and Supreme Courts of Georgia since 2011, Kopaliani represents the only addition to the judiciary during that year.⁵⁸

In 2023, a total of 33 judges were appointed for lifetime before reaching the legal age. As an example, on 7 February, the unanimous appointment of 8 judges⁵⁹ took place, with 7 of them being appointed for life:

1. Tamar Chuniashvili - in the Civil Chamber of Tbilisi Court of Appeals;⁶⁰
2. Zaza Ramishvili - in the Civil Chamber of Kutaisi Court of Appeals;⁶¹
3. Tariel Tabatadze - in the Civil Panel of Tbilisi City Court;⁶²
4. Giorgi Lobzhanidze – as Magistrate Judge of Batumi City Court in Kobuleti Municipality;⁶³
5. Nana Chalataashvili - in Gurjaani Regional Court;⁶⁴
6. Nata Tedeshvili - in the Civil Panel of the Rustavi City Court;⁶⁵
7. Ia Labadze - in the Administrative Panel of Mtskheta Regional Court.⁶⁶

On 3 November, 26 judges were appointed on a probationary period, but the decisions regarding their appointments have not been published on the official website of the Council of Justice. Furthermore, the interviews with the judges took place on 2 November, but they were conducted in a closed format, and no information about the progress or outcomes of the interviews was posted on the website.⁶⁷

⁵⁷ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3vwHdF4>

⁵⁸ Available at: <https://bit.ly/3tQ2qsZ>

⁵⁹ Kristine Kopaliani was appointed for a 3-year probationary period in the Criminal Panel of the Rustavi City Court.

⁶⁰ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/300wt89>

⁶¹ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3SdoEOR>

⁶² Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3ScUCLb>

⁶³ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3NXYKwc>

⁶⁴ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/48sWcOV>

⁶⁵ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3SeG6Tp>

⁶⁶ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3RUhazd>

⁶⁷ Available at: <http://bit.ly/3GTrX7n>

Dismissal of Judges

Nino Giorgadze

An unprecedented case was noted in the instance of judge of Bolnisi Regional Court – Nino Giorgadze. She was appointed on 18 November 2020, for a 3-year probationary period, and her term of office expired on 1 December 2023.⁶⁸ According to the Organic Law of Georgia “on Common Courts”, „*In order to evaluate the activity of a judge assigned to the position for a three-year term, after one year and after two years of his/her assignment to the position, also four months before expiration of the three-year term of office of a judge, the High Council of Justice of Georgia shall select, by lot, one judge member and one non-judge member of the High Council of Justice of Georgia (“the evaluators”). The evaluators shall evaluate the activity of the judge for the given period within two months, independently from each other*“.⁶⁹

If, when assessing a judge based on the integrity criteria, more than half of the evaluators consider that the judge fails to meet the integrity criteria, and/or the sum of the points gained by the judge based on competence criteria does not make up 70% of the maximally available points, the Chairperson of the High Council of Justice of Georgia shall issue a legal act on the refusal by the High Council of Justice of Georgia to review the indefinite appointment of the judge to office.⁷⁰ It is true that Judge Nino Giorgadze is aware of the names of her evaluators, but she has not disclosed this information yet.

Based on the reports prepared by the evaluators, Nino Giorgadze could not accumulate enough points.⁷¹ Consequently, the chairman of the Council of Justice made a decision to refuse to consider the issue of the appointment of Nino Giorgadze as a judge for lifetime. This decision suggests that the assessment process did not meet the criteria necessary for appointment to a permanent judicial position.

Judge Nino Giorgadze appealed this decision during the session of the Council of Justice on 1 November. However, none of the members of the Council supported her appeal. It is noteworthy that Mrs. Nino Kadagidze, the chairperson of the Council of Justice who made the initial decision, was not present at the session.⁷²

⁶⁸ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3Hfi97X>

⁶⁹ Organic Law of Georgia “on Common Courts”, Article 36 (4⁴).

⁷⁰ Ibid. Article 36(4¹³)

⁷¹ Statement of Georgian Court Watch. Available at: <https://bit.ly/48qvmXN>

⁷² Ibid.

Nino Giorgadze is the first judge who was not appointed for lifetime after the expiration of the probationary period. Her term of office expired on 2 December, and she was dismissed from office based on a decision on 14 December (the decision has not been published).

In a public statement⁷³ made on her personal Facebook account, Nino Giorgadze demanded timely public disclosure of information to inform the public. She also highlighted a progressive decision she received, which led to the cancellation of the discriminatory rule of financing only one religious organization established by the Marneuli Municipality Council.

The coalition for an independent and transparent judiciary has assessed⁷⁴ the incident as persecution of judges from the judicial system. The statement highlights Nino Giorgadze's publicly stated dissenting opinion regarding the amendments included in the Organic Law of Georgia "on Common Courts"⁷⁵ in 2021. In her criticism, she addressed both the changes related to disciplinary issues for judges and expressed concerns about the accelerated review of the law and the lack of transparency in the process.

Shota Getsadze and Aleksandre Tsuladze

Shota Getsadze, the judge of the Administrative Chamber of the Tbilisi Court of Appeals, departed⁷⁶ from the judicial system in June based on a personal statement. During the session of the Council of Justice, it was announced that he was leaving the position of a judge to assume the role of the head of the Department of Events and Ceremonies in the Diplomatic Protocol Department of the Ministry of Foreign Affairs.⁷⁷ However, it was later revealed that Shota Getsadze was effectively appointed to the position of extraordinary and plenipotentiary ambassador of Georgia in the Swiss Confederation, as revealed by the Georgian Court Watch.⁷⁸

At the conclusion of 2023, Supreme Court judge Aleksandre Tsuladze also departed⁷⁹ from the judicial system. He transitioned from the justice system to the Ministry of Education and was appointed as the first deputy of the Minister of Education and Science, Giorgi Amilakhvari. Having been involved in judicial activities since 2019, Aleksandre Tsuladze had been appointed to the position of a judge of the Supreme Court of Georgia for life, until reaching the legal age.

⁷³ Facebook post of former Judge Nino Giorgadze. Available at: <https://bit.ly/3tdynvf>

⁷⁴ Statement of the Coalition. Available at: <https://bit.ly/3TW8PNT>

⁷⁵ Statement of former Judge Nino Giorgadze. Available at: <https://bit.ly/472Kt8a>

⁷⁶ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/48NY2th>

⁷⁷ Report on the High Council of Justice's sessions. June 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3RKcVaw>

⁷⁸ Available at: <https://bit.ly/3NYk6d0>

⁷⁹ Available at: <https://bit.ly/3ROtyk6>

Termination of a judge's authority on other grounds

Due to reaching the retirement age, the judicial authority was terminated for the following judges:

- Jemal Kopaliani, judge of the Investigation and Pre-trial Panel of Tbilisi City Court;⁸⁰
- Liana Orkodashvili, judge of Criminal Cases Panel of Tbilisi City Court;⁸¹
- Ketino Luashvili, judge of Rustavi City Court (decision not published);⁸²
- Tamar Chuniashvili, judge of Civil chamber of Tbilisi Court of Appeals (the decision has not been published).

Additionally, the unfortunate passing of Judge Irina Zarkua, who had served in the administrative chamber of the Tbilisi Court of Appeals since 1999, resulted in the formal decision to terminate her judicial authority (the decision has not been published).

⁸⁰ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/48vYT28>

⁸¹ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3TW9ij7>

⁸² Report on the High Council of Justice's sessions. July 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3G03G2L>

Judge's Transfer

Appointment of Judge without the competition

On October 12, 13, and 27, 2022, the Council of Justice issued a decree to initiate the appointment of a judge without competition to fill vacant positions in regional (city) courts and the Tbilisi Court of Appeals. Following the addition of new members to the Council in 2023, a vote was conducted on this matter. The Council did not endorse any of the candidates because the newly appointed Council members were not present during the candidate interviews.⁸³

Accordingly, on 24 May, the Council of Justice of Georgia refused⁸⁴ to appoint 6 judges to their desired positions. At the same session, it was first announced to accept applications for the appointment of a judge without competition for the vacant position of a judge (in addition to other positions as well). The registration deadline for the mentioned procedure was extended several times, and on 4 July, the council conducted interviews with 13 persons.⁸⁵

Regrettably, it remains unclear whether the Council accepted the candidacy of any individual. None of the organizations monitoring the Council could attend one of the meetings, held late at night, almost 4 hours behind schedule. Furthermore, no decisions made during that meeting have been published on the official website of the Council. This specific matter has not been addressed in subsequent meetings. Notably, three new non-judge members have been appointed to the Council who did not participate in the candidate interviews.

Changing the panel upon request of the Judge

The transfer of judges within the system is not solely initiated by the Council; in 2023, several judges also sought transfers themselves. For instance, in February, Judge Lasha Kldiashvili from the Investigative and Pre-trial Panel of Tbilisi City Court requested⁸⁶ to be appointed to

⁸³ Report on the High Council of Justice's sessions. May 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3GJcFIT>

⁸⁴ Giorgi Bukhrashvili, Manuchar Tsatsua, Tsitsino Rokvadze, Sergo Metofishvili, Ekaterine Maghardze, Guliko Kazhashvili. During the meeting of the council, Giorgi Lobzhanidze, in a telephone conversation with Nikoloz Marsagishvili, himself declared his refusal to discuss his candidacy, because he was appointed to the desired position by a different procedure.

⁸⁵ Report on the High Council of Justice's sessions. July 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3G03G2L>

⁸⁶ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/47wrNOp>

the Criminal Panel. On the same day, Judge Nino Taranishvili requested⁸⁷ the transfer from the Administrative Panel to the Investigative and Pre-trial Panel.

In March, Giorgi Gelashvili, the judge of the Investigative and Pre-Trial Panel of Tbilisi City Court, requested to be appointed⁸⁸ as a judge of the Criminal Panel of the same court. Meanwhile, the transfer of Davit Mgeliashvili, judge of the Criminal Panel of Tbilisi City Court, to the investigative and pre-trial Panel, which the council unanimously approved.⁸⁹

In September, Judge Vefkhvia Lomidze of Tbilisi Court of Appeals was transferred from the Criminal Chamber to the Administrative Chamber based on his personal request. This decision received unanimous support from all members of the Council (the decision is not published).⁹⁰

In December, Judge Nata Tedeshvili from the Civil Panel of Rustavi City Court requested a transfer to the Administrative Panel. The Council unanimously supported this decision as well (the decision is not published).

Secondment

In 2023, only four judges were assigned to different positions within the judicial system.

Judge Zaza Ramishvili from the Kutaisi Court of Appeals was assigned⁹¹ to the lower instance, specifically Khashuri Regional Court, for a period of 1 month. This reassignment took place immediately after his suspension for life. Judge Ramishvili had previously served in the Khashuri Regional Court for nearly 10 years. Following his appointment to the Kutaisi Court of Appeals, the transfer to the District Court was made with the judge's consent to prevent any delays in handling cases associated with Zaza Ramishvili in Khashuri District Court.

Judge Ketevan Tkhelidze, currently serving in Kutaisi City Court, has given consent for systematic transfers to the Tsageri District Court. This decision follows the retirement of Judge Nana Jankhoteli from the Tsageri District Court in 2022. Notably, Ketevan Tkhelidze has faced secondments four times within the span of one year at the same court.

⁸⁷ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/300RGPn>

⁸⁸ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/47xPIT9>

⁸⁹ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3vnWZ4T>

⁹⁰ Statement of Georgian Court Watch. Available at: <https://bit.ly/3GLzKUL>

⁹¹ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3v4YCEJ>

Judge Roin Kakhidze from Batumi City Court has been assigned to Ambrolauri Regional Court for a period of 1 year with the judge's consent (the decision has not been published). Despite his appointment as a judge of Batumi City Court since 2019, Judge Kakhidze has been systematically assigned to Ambrolauri Regional Court for one year periods since 2021. Additionally, since 2022, he has been entrusted with the exercise of the authority of the chairman of the same court.⁹²

Judge Ekaterine Bebia from Zugdidi District Court has been assigned, with the judge's consent, to serve in Gali-Gulrifshi and Ochamchire-Tkvarcheli Regional Courts (the decision has not been published). Similar to Roin Kakhidze, Ekaterine Bebia has been systematically assigned to the mentioned court since 2021.

Acceptance of Justice Listeners

In 2023, the Hig3 School of Justice enrolled⁹³ 19 new listeners out of the 30 positions announced⁹⁴ for admission. However, by the end of 2024, the number of vacant judge positions in the judicial system is projected to increase to 110.⁹⁵

⁹² Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/4aTsl30>

⁹³ Report on the High Council of Justice's sessions. October 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3Rq9unT>

⁹⁴ Report on the High Council of Justice's sessions. May 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3GJcFIT>

⁹⁵ Report on the High Council of Justice's sessions. July 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3G03G2L>

Additional Activities

Providing housing and fuel expences

Within the Council of Justice, the matter of augmenting the funds allocated for judges' apartment rent has been raised on multiple occasions. The provision of housing for judges presented a considerable challenge throughout Georgia, leading several judges to approach⁹⁶ the Council seeking additional financial assistance. Additionally, addressing the urgent issue of fuel provision for judges was deemed necessary.

Salary Increments

In 2023, several decisions were made regarding the official status and remuneration of employees within the judicial system. For instance, in January, the monthly allowances for official salaries were determined⁹⁷ as follows:

1. Chairman of the Court of Appeals - 4100 GEL;
2. Deputy Chairman of the Court of Appeals - 4025 GEL;
3. Chairman of the chamber (panel) of the Court of Appeals - 3885 GEL;
4. Judge of the Court of Appeals - 3745 GEL;
5. Chairman of Tbilisi / Batumi / Kutaisi city court - 4170 GEL;
6. Chairman of the Board of Tbilisi / Batumi / Kutaisi City Court - 4170 GEL;
7. Judge of Tbilisi / Batumi / Kutaisi city court - 4030 GEL;
8. Chairman of other Regional (city) court - 3540 GEL;
9. Other Regional (city) court judge, magistrate judge - 3260 GEL;

For judges of Common Courts of Georgia (excluding the Supreme Court), additional increments to the current monthly increment were established during various months. In March, an increment equivalent to 50% of the official salary was determined.⁹⁸ Subsequently, in July, judges in the common courts were granted a 70% increment to their official increments.⁹⁹ In November, the Council decided to provide an additional salary, this time giving judges in the first and second instance courts a 30% increment.¹⁰⁰ In December,

⁹⁶ Report on the High Council of Justice's sessions. June 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3RKcVaw>

⁹⁷ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3TV4Lxy>

⁹⁸ Decree of the High Council of Justice of Georgia. Available at: <https://bit.ly/3TRR8zb>

⁹⁹ Report on the High Council of Justice's sessions. July 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3G03G2L>

¹⁰⁰ The issues discussed on the sessions of the High Council of Justice in November. Georgian Court Watch. Available at: <https://bit.ly/48tHVS6>

depending on the budget availability, judges in the common courts once again received increment, including 100% of the official salary (decision not published) and 10% (decision not published).

In July, the Council decided to standardize the salaries of officials in the first instance court office to match those of employees in the Tbilisi City Court office.¹⁰¹

Infrastructure

The Council deliberated on various matters concerning the restoration of court infrastructure and the disposition of court property. For instance, discussions involved the leasing of premises for the Khulo Magistrate's Court due to the dilapidated condition of the court building. Additionally, considerations were made regarding the refurbishment of roofs/rooms in several regional courts and the removal of vehicles from the balance sheet of the Common Courts Department.¹⁰²

Workshops

The Council of Justice introduced an initiative to conduct workshops for judges of common courts autonomously, without reliance on international donors. In February, Council members expressed their views during a session, emphasizing that donors should establish more proactive communication with the High Council of Justice and the High School of Justice regarding training sessions organized by international partners. Discussions centered on matters such as determining experts, forming compositions, and selecting judges to participate.¹⁰³

Following the imposition of sanctions by the US State Department on Georgian judges, including Council member Levan Murusidze, and subsequent meetings between Council members and the Prime Minister of Georgia, discussions in May entered a more active phase. The Council of Justice formally requested an additional allocation of 900,000 GEL to facilitate the organization of workshops for judges.¹⁰⁴

¹⁰¹ Report on the High Council of Justice's sessions. July 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3G03G2L>

¹⁰² Report on the High Council of Justice's sessions. October 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3Rq9unT>

¹⁰³ The issues discussed on the sessions of the High Council of Justice in February. Georgian Court Watch. Available at: <https://bit.ly/4am5Rlh>

¹⁰⁴ Report on the High Council of Justice's sessions. May 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3GjcFIT>

Judge Levan Murusidze emphasized the genuine necessity of workshops and the development of uniform practices within the Georgian court system. He highlighted that these meetings address actual needs rather than being mere formalities, which occasionally occur with certain organizations. Nikoloz Marsagishvili mentioned that two working meetings on the challenging aspects of civil, criminal and administrative law were held before the May 5 session, although the exact dates of these meetings are unknown. Marsagishvili expressed the view that such meetings should have a permanent character, ensuring they are not solely dependent on so-called donor organizations, which may set their own agenda and propose issues that do not align with judicial practice.¹⁰⁵

At the subsequent meeting, the initially requested amount for organizing working meetings was reduced from 900,000 GEL to 400,000 GEL. The reduction was made after adjusting the required amount based on the expenses incurred for the organization of the previously conducted working meetings.¹⁰⁶

Remuneration of Expenses

The Council also endorsed the proposed changes to be implemented in the 2023 state budget, necessitating compensation for the escalated expenses. Overall, there was a recorded increase of 650,000 GEL for the Council, primarily attributed to a substantial rise in translation costs, as highlighted by the Chairman of the Department of Common Courts.¹⁰⁷

¹⁰⁵ Report on the High Council of Justice's sessions. May 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3GJcFIT>

¹⁰⁶ Ibid.

¹⁰⁷ Report on the High Council of Justice's sessions. October 2023. Georgian Democracy Initiative (GDI). Available at: <https://bit.ly/3Rq9unT>