



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

Recommendations Regarding Criteria and Procedures for the Selection of the Supreme Court Justices

Coalition for an Independent and Transparent Judiciary submitted recommendations regarding criteria and procedures for the selection of the Supreme Court justices to the Speaker of the Parliament of Georgia, Chair of the Fourth Wave Judicial Reform Working Group.

The Coalition believes that impartiality and transparency of the process of appointment of justices for the highest instance court can be ensured only in case of resignation of those judge and non-judge members of the High Council of Justice who supported submission of the list of the Supreme Court nominees to the Parliament of Georgia on December 24, 2018. The Coalition believes that the Supreme Court judicial candidates can only be selected by the renewed composition of the Council and the process shall resume after relevant legislative amendments are made.

As far as the Working Group led by the Parliament Speaker and the process of work on legislative amendments are concerned, the Coalition thinks that the current composition of the Working Group does not ensure fair representation of professional and interest groups. The majority of the Group are the members of the High Council of Justice and those judges who were directly interested in hastened consideration and approval of the list. If the current composition of the Group is maintained, a discussion of substantive changes becomes impossible and contributes to only superficial

improvement of the process. Thus, the Coalition refuses to take part in the Working Group and calls on the Parliament to significantly revise the existing format and composition of the Group.

The Coalition's recommendations concerning selection of the Supreme Court justices are based on three major principles:

- Merit-based approach;
- Transparency and openness of the process;
- Objectivity and impartiality of the process.

The process of selection of the Supreme Court shall include the following major elements:

- The High Council of Justice shall announce an **open competition** allowing all interested individuals meeting the formal eligibility requirements to apply;
- A candidate is obliged to provide full and comprehensive information about him/herself to the High Council of Justice, e.g.: full bio reflecting an entire professional career and academic work (indicating accurate dates of employment and names of direct supervisors); the European Court of Human Rights or the United Nations Committee decisions regarding cases involving candidate judges or prosecutors; if an applicant is a defense lawyer, information on the cases litigated at the Constitutional Court of Georgia, European Court of Human Rights, International Court of Justice and/or international arbitrations; sources of income for the last 6 months, etc;
- The Council must check the **candidates' compliance** with the position of the Supreme Court justices to be appointed for life in open hearings, based on merit and objective criteria;
- The Council shall nomination candidates upon support of 2/3 of judge members and 2/3 of the non-judge members; The Council shall have the obligation to substantiate its decision and shall nominate at least three candidates for each vacancy to the Parliament.
- A working group must be established by the Parliamentary Legal Affairs Committee, its mandate being evaluation of the candidates. Specifically, the working group should

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be composed of highly reputable 7 members, of which two are chosen by the Parliamentary majority, two are chosen by the Parliamentary minority, one represents the Bar Association, one is the Ombudsman or her representative, and the final expert is also chosen by the Ombudsman. The working group shall then select the chair from among its members.

- The Legal Affairs Committee shall have access to all materials collected and analyzed by the working group and the final report on each of the candidates.

- Public hearing of the candidates □ interview with the Legal Affairs Committee session must be ensured. **The media must be given an opportunity to record the interview process.**

- The conclusion of the Legal Affairs Committee must be made regarding all the candidates heard; All candidates are voted on at the plenary session of the Parliament, irrespective of the Committee conclusion.

The recommendations submitted by the Coalition are supplemented by the judicial candidates □ evaluation criteria and the list of documents and information to be submitted by the persons who want to partake in the competition.