



The Coalition Strongly Criticizes Arbitrary Dismissal of Tbilisi City Court Criminal Collegium Chair

On July 24, the High Council of Justice dismissed Giorgi Ebanoidze, Tbilisi City Court Criminal Collegium Chair. The Coalition believes that the Council's decision is illegal and represents another example of power abuse.

The possible merger of the Investigative and Pre-trial Collegium with the Criminal Collegium was included in the High Council of Justice meeting agenda. Vasili Mshvenieradze, the newly appointed Tbilisi City Court Chair, made a comment stating that the purpose of this merger was to decrease the workload of the Criminal Collegium. At the beginning of the discussion all of the Council members welcomed this change. However, prior to voting for the adoption of the draft decision, it became clear that this change was made to dismiss the Criminal Collegium Chair in violation of the law. More specifically, following Vakhtang Mchedilishvili's request to keep Giorgi Ebanoidze in his position, the other members of the Council directly pointed out the

real reason for the change. They said that they were dissatisfied with Giorgi Ebanodize's performance and intended the change management of the Criminal Collegium.

In this meeting the Council made a number of decisions: to merge the collegiums, to dismiss the Criminal Collegium Chair, and to replace him with Badri Shonia in the position of Interim Chair. It needs to be noted that Giorgi Ebanoidze was appointed as the Criminal Collegium Chair for a five-year term in 2016, while Badri Shonia was performing the functions of the Interim Chair of the Investigative and Pre-trial Collegium since 2017. In these circumstances, Badri Shonia's appointment as the Interim Chair of the unified collegiums indicates that the Council wanted to dismiss the unacceptable Chair. It needs to be noted that only three non-judge members of the Council (Vakhtang Mchedlishvili, Nazi Janezashvili, Irma Gelashvili) opposed this decision.

Giorgi Ebanoidze's dismissal was not envisioned in the meeting agenda. Giorgi Ebanoidze was not invited to the meeting to hear his opinion on this issue. The Council members' argument that Giorgi Ebanoidze was not handling the inflow of cases submitted to the Criminal Collegium are unfounded considering the fact that the Civil and Administrative Collegiums are far more overloaded, while the managerial skills of the chairs of these collegiums have not been questioned. It is also unclear to what extent Giorgi Ebanoidze is responsible for the overload, as cases have to be assigned according to the established rules and the number of judges serving the Chamber is decided by the High Council of Justice.

The Coalition has made clear many times that the Council has important levers over the judiciary through the appointment and dismissal of chairs of collegiums and chambers. This is the reason for the Council's resistance to the introduction of the election of chairs by judges. The July 24 decision is not the first case when a chair was illegally dismissed. In 2016, two months after making critical statements, Mamuka Akhvlediani, Tbilisi City Court Chair was dismissed. At the time the Council's decision was assessed as a dangerous precedent, which significantly damaged independence of individual judges.

The Coalition is concerned about the continuation of problematic practices by the new composition of the Council, including the adoption of unjustified decisions. The Coalition believes that this indicates that the court system is run by clan-based

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interests rather than the law. This situation further damages the public trust in the judiciary. The Coalition calls on the Council to reverse the illegal decision and terminate the practice of arbitrary appointments and dismissals of chairs of court collegiums and chambers.