



## The Coalition Responds to the XXXI Conference of Judges

The Coalition for Independent and Transparent Judiciary reacts to the re-election of Levan Murusidze and Dimitri Gvritishvili as members of the High Council of Justice by the Conference of Judges. We believe these decisions strengthen the clan-based governance in the court and prevent the fundamental reform of the justice system, that, among other things, is included in the recommendations of the European Commission issued in response to Georgia's EU membership application.

On October 23, 2022, the XXXI Conference of Georgian judges was held. One of the issues on the agenda was the election of two judge members of the High Council of Justice.<sup>[1]</sup> The positions in the Council became vacant after the former High Council of Justice members Gocha Abuseridze and Giorgi Goginashvili left their positions on their own initiative. It should be noted that Abuseridze has been a member of the Disciplinary Chamber of the Supreme Court since October 17, which is incompatible with being a member of the High Council of Justice.<sup>[2]</sup> It is not yet known to the public what caused Giorgi Goginashvili to leave his post prior to the expiration of his term,

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he was elected as a member of the High Council of Justice on October 31 last year.<sup>[3]</sup>

The power concentrated in the High Council of Justice naturally creates the need for staffing the Council transparently and fairly, thereby reducing the risks of internal or external influence on its activities. Unfortunately, the Conference of Judges held on October 23 is a clear example of how the High Council of Justice should not be staffed. First, the premature resignation of Judge Giorgi Goginashvili raises questions. In addition, until the day of the Conference, it was not known who would be the candidates for the positions in the Council; At the Conference, the number of nominees exactly matched the number of vacant positions. An absolute majority of the 279 judges present at the Conference supported the nominated candidates without inquiring either into the reasons for the resignation of the old members or into the plans of the newly elected members.

The process used to elect new judge members by the Conference of Judges leaves the impression that the two positions in the Council were vacated for Dimitri Gvritishvili and Levan Murusidze. The surnames of Murusidze and Gvritishvili are directly associated with informal influences and clan-based governance in the judicial system.

The decisions made in the court system during the last period directly contradict the recommendations of both local and international organizations.<sup>[4]</sup> Despite numerous calls from international partners, the High Council of Justice continues to take steps that harm the judiciary and uses all levers to maintain power. At the same time, the re-election of Murusidze and Gvritishvili to the Council appears as a direct response to the international partners, indicating the lack of will to improve the judicial system and implement an ambitious justice reform. Recent developments show that the efforts made by international partners over the years to strengthen the judicial system have been significantly damaged by the actions of the members of the clan. Accordingly, we believe that cooperating with influential judges and spending the partners' resources on them, in a situation when the actions of the clan are only aimed at maintaining and strengthening their power, cannot have a positive impact on the development of the system.

Current developments further reduce the capacity of the judiciary for systemic reform and harm the already damaged trust in the courts. At the same time, the appointment of persons to important positions in the judicial system through such processes contradicts the 12-point recommendations of the European Commission and clearly

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shows that, instead of the systemic reform of the High Council of Justice, informal influences and the concentration of power in this body are further strengthened.

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[1] The agenda for the Conference of Judges is available at: <https://bit.ly/3gBqUPR>.

[2] Paragraph 4 of Article 47 of the Organic Law of Georgia "On Common Courts".

[3] XXX Conference of Judges, October 31, 2022; Decisions made by the Conference are available: <https://bit.ly/3z8h2Ub>.

[4] Among these decisions is the election of one of the leaders of influential judges, Mikheil Chinchaladze, as the chairman of the Court of Appeals for a second term, available at: <https://transparency.ge/en/post/appointment-mikheil-chinchaladze-second-term-damages-process-european-integration>.