



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

Coalition responds the judicial selection meeting

Coalition for an Independent and Transparent Judiciary considers it important to reassess the judicial selection competition and react to the judicial selection meeting that will take place at High Council of Justice today. It is well known that Coalition has been criticizing the competition, which was held without following minimal procedural guarantees established in the legislation. The ongoing competition as well as previous ones did not show that Council's approach to the implementation of its constitutional duty was based on the sense of responsibility and integrity. Council did not use all possible methods to appoint judges based on merit. Numerous flaws revealed during the ongoing competition raise questions regarding adequacy of the selection process and undermine its results. This deepens public's disappointment in the court system.

We also want to respond to the Council's suggestion to provide information on judicial candidates, which was made to the Coalition at the July 11, 2016 meeting. We would like to put forward the Coalition's position on the ongoing competition, appointments made by Council and provision of information on judicial candidates to Council.

The law says that High Council of Justice members are obliged to individually assess judicial candidates. In this process they have to be guided by principles of objectivity, fairness and impartiality. The assessments have to be based on the information collected at a corresponding stage of the competition and results of the interviews.

We want to draw Council's and public's attention to the public statement published by the Coalition, which evaluated the competition's consistency with the procedures established in the law and the purpose of appointing highly qualified and impartial judges. The statement argues that High Council of Justice has essentially skipped an important stage of the competition, the background check (Council started interviews in 3 days after publishing the list candidates). This procedure is particularly important in relation to those judicial candidates whose impartiality raises harsh and legitimate questions due to their past judicial practice. Several former judges taking part in the competition have such backgrounds.

According to the law the Council was obliged to complete the background check. According to the rule established in the legislation, interested individuals are given an opportunity to submit information related to candidates to Council. However, as it is

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



noted above, Council did not complete a procedure for this purpose thereby depriving the third parties to make such submissions. Even in these circumstances Council was obliged to collect all relevant information about candidates in order to select independent and impartial judges.

Due to these flaws two important stages of the competition – background check and interviews – raise questions related to their conformity to the law and the purpose of appointing independent and impartial judges. These questions undermine trustworthiness and legitimacy of the competition carried out by Council. Moreover, the appointment of judges through the process that lacks transparency undermines the trust in the court system and its independence.