



Coalition Considers Legislative Regulation Needed for the Selection Process of Supreme Court Justices and Chairperson

The new version of the Constitution went into effect at the moment the newly elected President was sworn in. According to it, Supreme Court justices are no longer nominated by the President but rather by the High Council of Justice (HCOJ), and they are appointed for life by the Parliament. The Chairperson of the Supreme Court is selected for a 10-year term by the same procedure.

Notably, at this moment the legislation does not provide a transparent procedure for selecting and nominating the candidates for Supreme Court justice and Chairperson positions. Neither are there clear criteria against which the candidates are to be evaluated.

The Supreme Court is the highest instance of justice over the whole territory of

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Georgia. Its decisions are final and are not subject to appeal by parties. The Supreme Court plays a huge role in establishing and developing court practices and the interpretation of legal norms. Given the important role of the Supreme Court in the justice system, Supreme Court justices must enjoy high public trust. A justice must be an independent, impartial, veracious and honorable professional who enjoys a good reputation with the public and professional circles.

Since the Constitution of Georgia clearly states that additional qualification requirements for common court judges are determined by Organic Law, it is important to implement appropriate amendments to the Organic Law on the Common Courts **before starting the selection process** for candidates for the Supreme Court. These amendments should establish additional selection criteria and the procedure for nominating the candidates by the High Council of Justice.

In addition, given the important role of the Supreme Court, we believe that the Organic Law should provide for the same vote requirement for nominating a Supreme Court justice candidate that is required for judges appointed to the first and second instance courts – no less than 2/3 support of the full composition of the High Council of Justice.

To guarantee the selection of the judges of the Supreme Court of Georgia complies with international standards and to ensure public trust in the selected candidates, the interviews with judicial candidates at the High Council of Justice must be open and their biographies must be available for the public.

The Coalition positively assesses Article 205 of the newly adopted Rules of Procedure of the Parliament of Georgia, which obligates the relevant committee to create a working group to assess candidates for the positions of Supreme Court justice and Chairperson in accordance with the requirements provided in the Constitution of Georgia and/or other laws.

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We believe that the working group should be made up of those legal professionals and representatives of civil society who uphold principles of democracy and human rights in their work. The working group should be given reasonable time for this process. The candidate hearings in the committee must be public and stakeholders must be allowed to pose questions. This type of process will ensure the maximal engagement of civil society, thereby raising public trust in the process.

The Coalition believes that Supreme Court judges should not be elected before the Organic Law establishes detailed rules for the selection and nomination of candidates by the High Council of Justice.

- We call on the Parliament of Georgia to immediately start working on the amendments to the Organic Law of Georgia on Common Courts.
- We call on the High Council of Justice to refrain from nominating candidates before the relevant legislative amendments are adopted.