



კოალიცია

დამოუკიდებელი და გამჭვირვალე
მართლმსაჯულებისთვის

The Coalition Reacts to the Competition of Supreme Court Judicial Candidates

The Coalition for an Independent and Transparent Judiciary calls on the Parliament to elect Supreme Court judges based on a political consensus between the parliamentary majority and the opposition, otherwise, to refrain from making a decision regarding this issue until a fundamental justice reform is implemented.

On June 1, 2021 the High Council of Justice selected nine Supreme Court judicial candidates to be nominated to the Parliament of Georgia.^[1] By making this decision, the High Council of Justice did not take into account the April 28 recommendation of the Venice Commission. In this document, the Venice Commission generally approves the legislative changes to the rules for the selection and appointment of Supreme Court judges; but it also indicates the need for further reforms. To ensure equality of candidates, the Commission proposes the Georgian authorities re-announce the competition of judges.^[2]

The continuation of the process of selecting the Supreme Court judges, by ignoring the recommendation of the Venice Commission, has once again revealed that the High Council of Justice has no real will to improve the justice system. The appointment

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of judges to vacant positions in the Supreme Court through flawed procedures poses an even greater risk to the prospect of justice reform and reduces the possibility of increasing public trust in the judiciary.

The recent developments in the High Council of Justice unequivocally prove that the Council is unable to fulfill its constitutional functions. First of all, the Council not only failed to ensure independence and efficiency of the judiciary, but also became one of the main sources of the problems in the system. In this situation, to avoid even greater damage to the Court's reputation, it is important that the parliamentary processes are driven by public and political consensus. The ruling party must demonstrate the political will to select and appoint candidates in a democratic manner, which implies the appointment of judges based on a consensus with opposition parties. It is noteworthy that the legislation requires the Parliament to elect non-judge members of the High Council of Justice by a qualified majority ($\frac{3}{5}$ of the full composition), which in the current situation also demands a political consensus between the parliamentary majority and the opposition. At the same time, it is important that the Parliament adopts a formal rule for the appointment of Supreme Court judges based on a consensus between a minority and a majority.

Taking into account all of the above, the Coalition calls on the Parliament of Georgia:

- To promptly start working on a fundamental justice reform, and to this end, create a working format. Interested civil society organizations, professional and academic groups, the Public Defender, and international partners should be allowed to participate.
- Decisions concerning appointments of Supreme Court judges should be made based on a political consensus with opposition parties. If this is not possible, the Parliament should suspend the selection and appointment of judges until a fundamental reform of the justice system is carried out.

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[1] High Council of Justice Decree N1/41, June 1, 2021 on [REDACTED] of Supreme Court Judicial Candidates to be Submitted to the Parliament of Georgia A [REDACTED] at: <https://bit.ly/3vQhjre>

[2] European Commission for Democracy Through Law (VENICE COMMISSION), Urgent Opinion on the Amendments to the Organic Law on Common Courts of Georgia, Opinion No. 1039/2021 CDL-PI(2021)007, Strasbourg, 28 April 2021. Available at: <https://bit.ly/3yUbTgx>