



GYLA will represent Irakli Shavadze in the constitutional court

On June 29, 2018, Georgian Young Lawyers' Association sent a constitutional suit of judge of the Batumi City Court Irakli Shavadze to the Constitutional Court of Georgia.

Since January 4, 2016 Irakli Shavadze has taken up duties of judge in Batumi City Court for three years – probation period. In 2017 he appealed to the High Council of Justice for appointment for lifetime. On February 14 and 15, 2018, the members of the High Council of Justice completed the evaluation sheets. With the assessment of five member of the Council Irakli Shavadze completely met the criterion of good faith, but in the criterion of competency Irakli Shavadze was assessed above 70%.

According to the article 36⁴, paragraph 19 of organic law of Georgia on Common Courts that the person can meet the criteria of good faith and competency if: ☐☐☐☐☐ and more than three evaluator considers that the judge meets or completely meets the criterion of good faith and receives not less than 70% of scores in the criterion of competency. ☐ According to the results, Irakli Shavadze meets both requirements. Despite of this on February 22, 2018, as a result of the secret ballot Irakli Shavadze was not elected as a judge of the Batumi City Court for a lifetime period.

Good faith and competence are the objective criteria set out by the law used to assess the judge. Even the decision of lifetime appointment should be based on whether the person meets the requirements of competency and good faith. But **when the person willing to be appointed as a judge for lifetime period, meets both requirements and the High Council of Justice refuses to appoint a person as a judge for a lifetime period on the base of secret ballot, the Council is not obliged to explain the reason of its decision. This creates a threat that the Council will make an arbitrary, subjective and non-transparent decision.**

GYLA believes that the authority of the Council to refuse unreasonably the appointment of a judge for lifetime period who meets both the good faith and the competence criteria contradicts to Article 29 of the Constitution of Georgia. This constitutional provision guarantees the human rights, that the person would not be refused groundlessly and arbitrarily to work in the public service.