



GYLA and Georgian Democracy Initiative call upon the High Council of Justice to stop appointing chairpersons of courts on the basis of subjective opinions

The High Council of Justice is considering the issue of appointment of the chairperson of the Criminal Panel of the Tbilisi Court of Appeals. It is impermissible to appoint chairpersons in the absence of pre-determined criteria and procedure. It is also

impermissible to appoint a member of an influential group within the judicial system as the chairperson of the Criminal Panel of the Tbilisi Court of Appeals. This is going to further strengthen clan governance in the judicial system, considerably increase the risks of controlling individual judges, and be destructive for judicial independence. On the other hand, appointing a person who is able to resist internal influence as the chairperson of the Criminal Panel of the Tbilisi Court of Appeals is going to reflect positively on judicial independence and have a considerable effect on the administration of criminal justice in the country. The foregoing is particularly important in a situation when Mikheil Chinchaladze, considered to be one of the main figures representing clan governance, has already been appointed as chairperson of the Tbilisi Court of Appeals.

For years, chairpersons of courts/chambers/panels have been perceived as instruments in the hands of the High Council of Justice for controlling the corresponding courts and individual judges and for exerting an influence on decisions to be taken by judges.

The influential group within the judicial system is mainly composed of chairpersons of courts. The group also includes judicial members of the High Council of Justice, who are elected to this office due to their being judges or appointed as chairpersons by the Council after they become members of the Council.

Inappropriate strengthening of chairpersons of courts and manipulation the office of chairperson was made easier by amendments made as part of the third wave of the judicial reform. It was as a result of the third wave of the reform that the Parliament abolished the restriction that used to prohibit chairpersons of courts from becoming members of the High Council of Justice.

For years, the High Council of Justice has failed to ensure even a minimum standard of transparency in the appointment of chairpersons of courts. The legislation also fails to establish criteria for selecting chairpersons and a procedure for their appointment, which is totally out of line with existing international standards. All this poses a serious threat to the independence of individual judges and to the internal independence of the judiciary.

Several days ago, Irakli Shavadze, a judge of the Batumi City Court, talked extensively [on Adjara TV](#) about the influences of Davit Mamiseishvili, chairperson of the Batumi

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City Court, on the Court and on him personally. This unprecedented speech of the judge about the problems within the judicial system demonstrates the scale of chairpersons' influence on the examination of cases in courts and once again confirms that the judicial system is managed by means of chairpersons.

We call upon the High Council of Justice to stop appointing chairpersons of courts/chambers/panels without any pre-determined criteria and procedure, to ensure a competitive process of appointment of chairpersons, and to appoint a judge as the chairperson of the Court of Appeals who is not affiliated with clan governance and enjoys trust and positive reputation among professional circles and the society in general.

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