

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The GYLA responds to reports about Natia Gujabidze

On June 1 this year, news outlets disseminated a [statement](#) about Natia Gujabidze, the judge considering the case of Rustavi 2, according to which her expenses for renting an apartment had been paid from the state budget, whereas the judge was renting the apartment from her family member. We believe that the aforementioned act, if confirmed, constitutes disciplinary misconduct, specifically, an act unbecoming of a judge which infringes on the authority of the judiciary or causes damage to the public's trust in the judiciary; in addition, this act may contain elements of a criminal offense, due to which the Prosecutor's Office of Georgia should launch an investigation into the aforementioned.

The aforementioned fact and the [explanation](#) made by the High Council of Justice in

this regard – which failed to properly dispel the doubts that arose in the society – pose a threat to the authority of the judiciary and to the public’s trust in it, and, also, question the possibility that the judge who is considering the case will consider the ongoing dispute impartially and independently.

In the existing situation, it is necessary that the HCOJ give comprehensive answers to the questions that arose in the society. In addition, the Prosecutor’s Office should launch an investigation into possible commission of a crime by Judge Natia Gujabidze in accordance with the procedure established by law; the Prosecutor’s Office should also study the adequacy and lawfulness of the HCOJ’s response to the aforementioned fact.

At the same time, the case of Rustavi 2 should not continue to be considered by the panel of judges whose independence and impartiality is under question.

It should also be noted that this case once again raises doubts about the existence of malpractice within the system of judicial administration, including in terms of disciplinary proceedings against judges. The inadequate response by the HCOJ to possible disciplinary misconduct, on the one hand, and its failure to notify the possible crime to relevant bodies (leaving the case uninvestigated for an indefinite period of time, whereas an investigation into the case may be launched at any time), on the other, make the judge vulnerable both to the HCOJ and other branches of the government and pose a threat to her impartiality and independence.

Such cases cause a serious damage both to concrete judges and to the independence and reputation of the judicial system as a whole, and once again confirm the necessity of fundamental reforms in the area of judicial administration.

Additional factual circumstances

It is known that:

- According to the information on the official website of the High Council of Justice of Georgia, the expenses of Judge Natia Gujabidze for renting a residential apartment was reimbursed from 2007. The HCOJ’s decision no. 1/1 of January 20, 2014, and the May 8, 2014 decision no. 1/39 on changes to the aforementioned decision confirm

that Judge Natia Gujabidze's expenses for renting the residential apartment were also reimbursed in the period from January 20 to May 8, 2014. The judicial tenure of Natia Gujabidze expired on September 22, 2015, and from January 2016 she was again appointed as a judge of the Tbilisi Court of Appeals.

- In [comments](#) broadcast by the Rustavi 2 TV station, the judge's mother confirmed that the State had paid for the rent of her apartment;
- The asset declaration of Judge Natia Gujabidze, which is available on the official website of the Civil Service Bureau – www.declaration.gov.ge, confirms that neither in 2014 nor now did/does Judge Natia Gujabidze own residential real estate;
- The Director-General of Rustavi 2 [stated](#) that the HCOJ had refused to send the case of Natia Gujabidze to the Prosecutor's Office; the HCOJ had not launched disciplinary proceedings against the judge either and only sent her a recommendation letter;
- According to the information on the official website of the High Council of Justice, Natia Gujabidze was appointed as a judge of the Tbilisi City Court in 2005; from 2007 she was temporarily transferred to the Tbilisi Court of Appeals, and on October 16, 2012, by the decision of the HCOJ, she was promoted and appointed as a judge of the Tbilisi Court of Appeals for the entire duration of her remaining tenure. The aforementioned decision of the HCOJ does not contain substantiation of the judge's transfer, which is problematic not only in this case but also in general. In practice, the HCOJ fails to ensure proper observance of the principle of irremovability of judges. On June 2, in response to the aforementioned factual circumstances, the HCOJ released a [statement](#) by which it confirms the following two factual circumstances: the HCOJ has never applied a measure or sanction of disciplinary responsibility in relation to Natia Gujabidze; the HCOJ has never applied to bodies of the Prosecutor's Office with a proposal to launch a criminal investigation against Judge Natia Gujabidze.

In the aforementioned statement, the High Council of Justice left unanswered a number of important questions that arose in the society due to the reports about Judge Natia Gujabidze. In particular, in its statement, the HCOJ:

- does not deny the reports that the judge's mother received a rent for the apartment from the State;
- fails to explain why it stopped reimbursing Judge Gujabidze's expenses for renting

the apartment, whereas the judge still did not own any residential space;

- fails to say on the basis of which circumstances it decided to reimburse the expenses for renting an apartment for the judge, whether the HCOJ knew that the funds allocated from the state budget would be paid for the apartment of the judge's mother, and when the HCOJ learned about the aforementioned;
- fails to explain whether there are elements of a crime in the aforementioned act of the judge and why the HCOJ failed to notify the aforementioned to bodies of the Prosecutor's Office;
- fails to explain whether it deliberated on this issue and, if it did, why it did not deem the aforementioned act of the judge as disciplinary misconduct.