



Statement of the Coalition for an Independent and Transparent Judiciary on the suspension of judicial appointments by the High Council of Judges

For several years the Coalition for an Independent and Transparent Judiciary has been monitoring and analyzing the processes taking place in the court system. This time the Coalition is addressing the fact of suspension of the appointment of judges at the High Council of Justice.

In January 2015 the High Council of Justice announced a competition to fill 35 vacancies in appellate and district courts of Georgia. The Council carried out a two-stage competition including individual interviews. At the end of this process the Council had to make final decisions on appointments. The issue was included in the HCOJ February 17 meeting agenda.

At the February 17 2015 meeting the High Council of Justice did not discuss the appointment issue and made a decision to postpone voting until a new Chief Justice is elected and starts implementation of his/her duties in the position of the Chair of High Council of Justice. The members who supported this decision argued that the new Chief Justice has to share responsibility for appointing judges. The High Council of Justice did not include the appointment issue in the March 11 meeting agenda either.

The High Council of Justice makes appointment decisions by the 2/3 of the

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membership. The Chair participates in the voting as an individual member. His absence does not prevent the decision making if there is an adequate quorum. We believe that the postponement of the decision making related to the appointment of judges until the election of a new Chief Justice contradicts the principle of decision making at HCOJ as an independent collegial body. We think that in the absence of any legal restrictions the majority decision to postpone decision making due to the absence of Chief Justice sheds doubt on internal independence of HCOJ members and their commitment to making decisions only on the basis of law. There were cases when some members of HCOJ took part in the voting despite the fact that they had not attended the candidate interviews , these facts contradicted the existing procedures for the appointment of judges and the principle of independent decision making by individual members. If the new Chief Justice takes part in the voting without having taken part in the interviews that took place before his/her election, the same principle will be violated.

We believe that the ongoing process of the election of Chief Justice shall not hinder the appointment of judges to fill existing vacancies and correspondingly shall not prevent the effective functioning of Georgian. It is even more important to proceed with the appointment process in such a way that will not raise questions regarding independence of High Council of Justice members.