



Judges in the Supreme Court were appointed as a result of a deal between the clan and the government

On June 17, 2021, the High Council of Justice nominated 9 candidates^[1] to the Parliament for the Supreme Court.^[2] The ruling party ignored the calls^[3] of both international partners^[4] and local civil society organizations and initiated procedures for the appointment of cassation judges in a crisis of confidence^[5] in the judiciary.

The OSCE/ODIHR evaluations were published during the hearing of the candidates, where the current stage of the hearings of the High Council of Justice was discussed and where it was written that the candidates were presented to the Parliament in the conditions of low public confidence in the independence of the judiciary.^[6] In conclusion, the fairness and equality of the processes were questioned at the same stage.^[7] The procedural rules that were developed immediately before the hearings were inadequate and failed to ensure consistency and fair conditions.^[8]

On July 6, the Parliamentary Legal Committee began hearing the candidates.^[9] At the committee hearings, questions were asked to candidates about both legal and value issues, work experience, and past cases reviewed by judge candidates. Some of the candidates, in some cases, could not answer even simple legal questions. One of the candidates refused to answer the questions asked by the NGOs.^[10] This attitude is an expression of disrespect not only towards the Parliament as an institution, but also towards the process in general, and deserves a negative assessment.

One of the main lines that united the reasoning of the persons appointed as judges was the lack of criticism of the fundamental problems in the judiciary and, moreover, its instinctive rejection. Most of them think that the main challenge of the justice system is the criticism coming from the civil sector.^[11] Part of the candidates think that the recognition of clan rule internationally is the result of one-sided information or lack of communication with the court.^[12]

Despite questions regarding the competence and good faith of the candidates, the Legal Affairs Committee recommended some of the contestants.^[13] For its part, the plenary session fully shared the recommendations and appointed 6 judges to the position.^[14] It should also be noted that officials loyal to the influential group of judges – the clan, and their leaders were appointed to the positions. The decision was not based on a broad consensus between the parties, which will have a negative impact on confidence in the court in the future. The ruling power did not take into account the context, the calls of the partners and the expert assessments, thus significantly damaged the independence of the judiciary, strengthened the positions of an influential group of judges, the clan, in the Supreme Court and further alienated the justice system from the prospect of recovery.

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[1] Giorgi Gogiashvili, Gocha Abuseridze, Levan Tevzadze, Ketevan Meskhishvili, Giorgi Shavliashvili, Revaz Nadaraia, Bidzina Sturua, Eka Zarnadze, Lasha Kochiashvili.

[2] Nominations for Supreme Court Judges, website of the High Council of Justice, June 17, 2021, accessible: <https://bit.ly/3yKKrRl>, updated: 11.07.2021.

[3] US Ambassador Calls on Georgian Dream to Comply with April 19 Agreement 19, website of VOA, accessible: <https://www.amerikiskhma.com/a/usa-and-eu-slam-high-council-of-justice-of-georgia-nominating-supreme-court-judges/5935021.html>, updated: 11.07.2021

[4] The selection of candidates for judges of the Supreme Court is arbitrary and unfair, Coalition for an Independent and Transparent Judiciary, Coalition website, June 24, 2021, accessible: http://www.coalition.ge/index.php?article_id=257&clang=0, updated: 12.07.2021.

[5] Ibid.

[6] OSCE/ODIHR, third report of the nomination and appointment of supreme court judges in Georgia, December 2020 – June 2021, p. 2, OSCE/ODIHR website, accessible: https://www.osce.org/files/f/documents/c/1/492115_0.pdf, updated: 11.07.2021.

[7] Ibid.

[8] Ibid.

[9] Agenda, Sitting of the Committee of Legal Affairs, Website of the Parliament of Georgia, July 6, 2021, accessible: <https://parliament.ge/media/announcement/731?local=true>, updated: 13.07.2021.

[10] Levan Tevzadze did not answer the questions of the non-governmental organizations. Revaz Nadaraia did not answer some of the questions.

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[11] Gocha Abuseridze, Bidzina Sturua, Levan Tevzadze, Lasha Kochiashvili, Revaz Nadaraia.

[12] Levan Tevzadze, Bidzina Sturua, Gocha Abuseridze, Lasha Kochiashvili, Revaz Nadaraia, Giorgi Shavliashvili.

[13] The committee supported: Gocha Abuseridze, Giorgi Gogiashvili, Levan Tevzadze, Revaz Nadaraia, Bidzina Sturua and Lasha Kochiashvili. Ketevan Meskhishvili, Eka Zarnadze and Giorgi Shavliashvili could not get the support of the committee.

[14] Committee and Plenary voting took place on July 12, 2021.