



NGOs Release Monitoring Report of the High Council of Justice

For immediate dissemination

Tbilisi, February 12, 2013 – Georgian Young Lawyers' Association (GYLA) and Transparency International Georgia release monitoring report of the High Council of Justice. The report covers the period of March-December 2012, when monitoring was carried out on judges' appointments, their transfers, disciplinary proceedings and transparency of activities of the High Council of Justice.

While monitoring **judges' appointment process**, both possible ways, envisaging designation of students of the Justice School on the judge's position and appointment of judges by the competition, were examined. The monitoring revealed that the process was not sufficiently transparent. Though, with some intervals, the Council released information about competitions, interested individuals were deprived of the chance to monitor the process. Monitoring organizations were not also able to attend the session where key decisions were adopted. It should also be noted, that registration terms for admission of students, as well as for selection of judges, were unreasonably short.

As regards **judges' transfers**, monitoring revealed that decisions are not adequately reasoned and are insufficient for implementing comprehensive monitoring. Implementation of the analysis became possible only after the working group received additional documents from the Council. Documents illustrated number of instances when grounds indicated in the decision did not come in line with legislative stipulations for transfer of judges. As for the practice of transfers, after introducing significant amendments to the law, it was not possible to make such analysis since the Council did not ensure provision of necessary information.

Unavailability of necessary information hindered the analysis of **disciplinary proceeding** carried out against judges in post-amendment period. However, assessment of information revealed that HCOJ fails to implement its obligation in terms of publication of disciplinary decisions. Even though the Council reported that disciplinary case was brought against four judges, none of the decisions were released on the website.

Insufficient transparency of the HCOJ activities was the general problem of the monitoring. It also complicated monitoring of other components. Even though the Council is a corporate administrative body obliged to conduct sessions publicly, there were instances when the Council did not release advance notification about anticipated sessions and agendas. Availability of decisions only by April 2012, should be considered as the main flaw, whereas in October and November 2012, the Council adopted number of vital decisions. NGOs have the following **recommendations** as a result of monitoring:

- Activities of the High Council of Justice need to be more transparent. In particular, official website should provide notification about sessions and agendas;
- The Council shall release adopted decisions on the official website;
- Interested individuals should have better access to decision making process and the quality of reasoning should be improved in decision making;
- For better transparency of admission process and judges' contest, assessment and argumentation provided by HCOJ members should become available;
- Judges' transfers should be undertaken only in cases provided for by law;
- The Council should ensure publication of disciplinary decisions on its website.

“Georgian Young Lawyers’ Association” and “Transparency International – Georgia” will continue monitoring of the field.



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