The Coalition Reacts to the Election of Non-judge Members to the High Council of Justice

The Coalition negatively assesses the election of Tristan Benashvili, Giorgi Gzobava, and Zurab Guraspashvili as non-judge members of the High Council of Justice by the ruling party and some members of the opposition on May 17.[1]

After June 2021, for almost two years, the Council has been working without its five non-judge members and operating with only ten members. The election of non-judge members of the High Council of Justice, together with the fundamental reform of the Council, is also a part of the recommendations issued by the European Commission for Georgia to receive EU candidate country status.[2] International partners and local actors often urged the Parliament to appoint impartial and competent candidates as non-judge members to the Council based on a broad political consensus.

In October 2022, the Parliament announced a competition to select non-judge members.[3] Among the 32 candidates, five were nominated by the Coalition member

non-governmental organizations and higher educational institutions.[4] None of the candidates supported by the Coalition received a sufficient number of votes.[5]

Non-judge members of the Council should ensure accountability of the judiciary to the public. Practice showed that some non-judge members encouraged and strengthened clan-based governance; however, on the other hand, it was the non-judge members who were expressing dissenting opinions. When trust in the judiciary is critically low, it was crucial to elect candidates who properly identified the main problem in the judicial system: clan-based governance.

The interviews of Tristan Benashvili, Giorgi Gzobava, and Zurab Guraspashvili showcased that they do not identify the main challenges in the system. Therefore, their election in the Council cannot change the status quo and will strengthen the positions of the “clan”.

Today's events once again clearly showed that the ruling party continues to support clan-based governance and helps them maintain their power. Regrettably, the ruling party had the support of some opposition MPs in this process. This decision is particularly alarming as it will damage the country's European integration process. The political actors who supported the elected candidates do not have the real political will to improve the judicial system, nor the vision for fundamental reforms.

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[1] The Parliament elected three new members to the High Council of Justice, Parliament.ge, 17 May 2023. Available at: https://parliament.ge/media/news/parlamentma-iustitsiis-umaghlesi-sabchos-3-akhali-tsevri-airchia?fbclid=IwAR0Xq-3jQ44dtwVux4HHVqGnl8bKdhHOTCAVzxqqp7AtmfZLg-Pm5VmF3OY. (Accessed: 17.05.2023).

[2] Opinion on Georgia □□ application for membership of the European Union, European Commission, 16 June 2022.

[3] Candidates for the non-judge member positions in the High Council of Justice. Parliament.ge, 20 October 2022. Available at: https://bit.ly/3o40Hxw. (Accessed: 17.05.2023).

[4] Coalition for an Independent and Transparent Judiciary nominated five candidates

for the non-judge member positions in the High Council of Justice, 10 November 2022. Available at: https://tinyurl.com/4dp9ec7d. (Accessed: 17.05.2023).

[5] The election of non-judge members of the High Council of Justice was postponed for the spring session of the Parliament, December 22, 2022. Available at: https://tinyurl.com/4z32ycst (Accessed: 17.05.2023).