# The Coalition Responds to the Initiative on Closing the High Council of Justice Sessions to Public

At the March 26 session of the High Council of Justice (HCOJ), judge-member Sergo Metopishvili announced that he plans to put forward an initiative for closing the HCOJ sessions to the public on the official agenda. We believe the judge-member □ initiative contradicts both the law and the principles of democratic governance. Such initiatives can only be damaging to the transparency of the HCOJ □ work, the possibility of voicing dissent at the HCOJ, and the reputation of the judiciary.

The High Council of Justice is a collegial body and falls under the regulations of Chapter 3 of the General Administrative Code. Specifically, according to the law, the HCOJ is obliged to conduct its sessions in an open and public manner. The HCOJ judge-member □ initiative on conducting sessions behind closed doors contradicts the legislation, the nature of collegial bodies, and the principle of openness.

The High Council of Justice must be accountable to the public. This is first and

foremost served by the openness and publicity of the sessions. According to Opinion #10 of the Consultative Council of European Judges *transparency in the actions undertaken by [a Judicial] Council must be guaranteed. Transparency is an essential factor in the trust that citizens have in the functioning of the judicial system and is a guarantee against the danger of political influence or the perception of self-interest, self-protection and cronyism within the judiciary*."[1]

The existence of influential groups and their activities, which is one of the factors hindering the HCOJ independence, have been revealed precisely thanks to the sessions openness. Numerous legal gaps in the judiciary, significant problems in the work of the HCOJ, and the need for specific reforms have also been identified through observation of the open sessions of the HCOJ. Judge Sergo Metopishvili initiative can only serve the interest of hiding information regarding the fundamental problems and challenges in the work of the HCOJ and suppressing dissent inside the HCOJ.

Additionally, the HCOJ judge-member declared disrespect for the principle of openness and the wish for holding the sessions behind closed doors is damaging for the reputation of the judiciary. A judge, who should himself be the main defender of the right to public trial, is now voicing opposition to openness and publicity of the HCOJ work, thereby seriously undermining the authority and public trust of the judiciary.

We call on the High Council of Justice to adequately assess the damaging effects of Judge Sergo Metopishvili initiative on judicial independence, trust towards and reputation of the judiciary, and principles of democratic governance. We call on the HCOJ to publicly affirm its respect to the fundamental principles of law and preclude any encroachment on them.

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[1] Opinion #10 of the Consultative Council of European Judges, para 91. https://rm.coe.int/168074779b