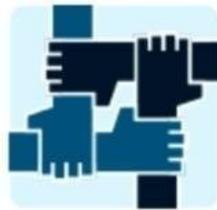




მინდა ვენდო
სასამართლოს!



კოალიცია

დამოუკიდებელი და გამჭვირვალე
მართლმსაჯულებისთვის

Coalition: The Government Should Stop Attacking Individual Judges

The Coalition for Independent and Transparent Judiciary shares concerns regarding recent statements from members of the "Georgian Dream" party. These remarks, which seek to discredit judges holding differing opinions, have a concerning impact on the freedom of expression of judges. Such rhetoric not only undermines judicial independence but also jeopardizes the country's path toward a European future.

Following the European Commission's recommendations, conducting integrity checks of members of the High Council of Justice, judges of the Supreme Court, and court presidents (as well as on candidates aspiring to these positions) is deemed essential for initiating EU accession negotiations.^[1] There has been an active and ongoing discussion on this issue in both public and professional spheres in recent days. Even within the judicial system, there are differing opinions on the matter.

A part of the judiciary has strongly criticized the proposed mechanism for integrity checks. According to the Plenum of the Supreme Court of Georgia, such a process

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fundamentally undermines the independence of the court and of individual judges.[2] Approximately 10 judges, including Supreme Court judges Nino Bakakuri and Ekaterine Gasitashvili, did not align with the statement issued by the Plenum of the Supreme Court.[3] These judges expressed their views and willingness to adhere to the European Commission's recommendations. However, they have faced criticism and attacks from the ruling team, including the Prime Minister[4] and other party members,[5] who have questioned their integrity.

It is evident that the ruling party not only refuses to acknowledge the necessity of integrity checks for judges as recommended by the European Union but also seeks to discredit and suppress discussion on this matter. Particularly concerning is the open attack by members of the ruling team on judges who hold dissenting opinions. This political rhetoric amounts to direct pressure on particular judges. Moreover, such statements have a chilling effect on other judges who might hold differing opinions. Accordingly, with the recent statements, the government appears to be suppressing the already limited diversity of opinions within the judiciary, thereby undermining both the independence and freedom of expression of the judiciary as a whole and of individual judges.

The Coalition believes that any effort to enhance trust in the judiciary and advance the country's European integration process merits support. Moreover, the diversity of opinions within the judicial system is generally indicative of its robustness, and dissent should be encouraged rather than persecuted, both within and outside the system.

In light of the above, the Coalition for Independent and Transparent Judiciary calls the ruling party to cease attacks on judges due to their differing positions on the integrity checking mechanism; stop the campaign aimed at discrediting the recommendations of the European Commission. We call on the Parliament, especially the ruling party to start the process of fundamental justice system reform.

[1] 2023 Communication on EU Enlargement Policy, COM(2023) 690. Available at: <https://shorturl.at/mINU8>

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(Accessed: 11.03.24).

[2] Supreme Court Plenum Statement, Supreme Court website, 11 March 2024, available at: <https://www.supremecourt.ge/ka/news/gantskhadeba> (Accessed: 15.03.24).

[3] Netgazeti, Ten Judges Support Integrity Check Mechanism, 15 March. 2024, Available at: <https://netgazeti.ge/life/713813/> (Accessed: 15.03.24).

[4] Kobakhidze: [] least one of these two judges has an integrity issue and is lazy. A "Publica" information portal on March 14, 2024. Available at: <https://publika.ge/kobakhidze-am-oridan-minimum-erts-ketilsindisierebis-problema-aqvs-zarmacobs/>

[5] Davit Matikashvili: [] seems that the time has come for these two judges to respond with thanks and gratitude to the NGO sector, the National Movement and the relevant forces behind them. A IPN information portal. Available at: <https://www.interpressnews.ge/ka/article/791459-davit-matikashvili-bekakuri-dagashvili-arian-is-mosamartleebi-vizec-mdidari-arasamtavrobo-organizaciebi-did-psons-debdnen-rogorc-chans-dadga-zhami-rom-enjeoebs-nacmozraobas-da-mat-ukan-mdgom-zalebs-sapasuxo-madlobit-upasuxon> (Accessed: 15.03.24).