



## The Coalition responds to the developments in the judiciary and launches the “Make Courts Trustworthy” campaign

The recent developments in the judiciary have once again demonstrated the full severity of the systemic problems faced by the justice system. It became clear that the reforms implemented in the judiciary in the recent years failed to achieve their main goal – administration of justice by independent and unbiased judges whose good faith and competence are beyond doubt. The main challenges still remain:

### - Insufficient political will to improve the judicial system

The reforms that were carried out [ ] three waves A have failed to achieve the goal of genuine improvement of the system. The main reason for this failure is legislative changes that are flawed, belated, and, in many cases, adapted for the interests of an influential group of judges. The ruling party is also responsible for appointing such non-

judicial members to the High Council of Justice the majority of whom have failed to show appropriate allegiance to principles and without whose support the Council would have been unable to take important decisions on lifetime appointment of judges and other issues.

Today, some MPs and representatives of the ruling political team are **outraged** about the process of lifetime appointment of judges. At a time when almost half of the judges have already been appointed for life as a result of the non-transparent process, the political authorities' response to this issue is belated. It is clear that the authorities are trying to avoid responsibility for the situation in the judiciary.

### **- Clan governance in the judicial system**

At each stage of selection and appointment of judges, there is a perception that the process of appointment of judges is based on loyalty to the influential group of judges and on possible nepotism. There is a well-founded doubt that the Council uses its powers and flaws in the legislation to expel judges with dissenting opinion from the system and to strengthen its positions. In this situation, judges avoid expressing their critical views in connection with problems in the judiciary. This is confirmed by the developments that unfolded around Irakli Shavadze, a judge of the Batumi City Court. The judge's statement certainly contains signs of a crime, which should be followed by launching of an investigation.

Today, chairpersons of courts are perceived as bosses of judges, which was also confirmed by the collective **statement** of judges of the Batumi City Court. As a rule, administrative posts in the judicial system are taken by representatives of one and the same group who wield extraordinary power within the judiciary. This is also confirmed by a decision of the High Council of Justice of February 26, by which the Council appointed Levan Tevzadze, a member of the Council and of the influential group of judges, as the Chairperson of the Chamber for Criminal Cases of the Tbilisi Court of Appeals, presumably on the basis of nepotism.

### **- Vague and unsubstantiated decisions on appointment of judges**

Unfortunately, the new composition of the Council continues the undemocratic practice of appointment of judges to office. On February 22, the Council appointed 44 judges for life, including those judges towards whom the public had a clearly negative attitude due to their past decisions. The process of appointment of judges mainly took

place at closed sessions, during which Anna Dolidze, a non-judicial member of the Council, was not allowed to take part in the selection of 14 judges.

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In this difficult situation, the Coalition considers it important to critically analyze the steps taken thus far in connection with the judiciary and to acknowledge the existing problems. With this aim, **the Coalition is launching the “Make Courts Trustworthy” campaign and demands that:**

- the political authorities take their share of responsibility for the existing crisis in the judicial system;**
- the judicial system be freed from clan governance;**
- the Prosecutor's Office take an interest and conduct a thorough investigation into all possible crimes related to the system of justice;**
- the Parliament immediately carry out genuine reforms, as a result of which the influential group within the judiciary will no longer be able to use the legislation for undemocratic purposes.**

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Members of the Coalition:

1. Article 42 of the Constitution
2. Multinational Georgia
3. American Chamber of Commerce
4. Small and Medium Business Association
5. Civic Integration Foundation
6. Georgian Lawyers for Independent Profession
7. Business and Economic Center
8. Liberali
9. Center for Protection of Constitutional Rights
10. International Society for Fair Elections and Democracy
11. Union "21 Century"
12. Georgian Young Lawyers' Association
13. Human Rights Center
14. Transparency International Georgia
15. Union of Meskhetian Democrats
16. Liberty Institute
17. Civil Development Agency
18. United Nations Association of Georgia

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19. European Law Students' Association Georgia
20. Civil Society Institute
21. Open Society Georgia Foundation
22. Institute of Democracy
23. Europe Foundation
24. Institute for Development of Freedom of Information
25. Tbilisi Media Club
26. Human Rights Priority
27. Human Rights Education and Monitoring Center
28. Foundation for the Support of Legal Education
29. Institute of Civil Engagement
30. Association of Law Firms of Georgia
31. Association of Young Economists of Georgia
32. European Choice of Georgia
33. Partnership for Human Rights
34. Human Rights Network
35. Georgian Democracy Initiative
36. Union "Sapari"
37. Rehabilitation Initiative for Vulnerable Groups
38. Institute of Democracy and Safe Development
39. LLPL "Frema"

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