



კოალიცია  
დამოუკიდებელი  
და გამჭვირვალე  
მართლმსაჯულებისთვის  
Coalition for  
an Independent and  
Transparent Judiciary

## The Coalition's Statement on Developments Related to the State Inspector

**Coalition for an Independent and Transparent Judiciary** responds to the procedural violations in the competition for the selection of the State Inspector and the failure to provide financial guarantees for the Inspector's office

On May 17, 2019, The Government of Georgia [announced](#) a call for the position of State Inspector. The Selection Commission, as suggested by the existing legislation, included the Chair of one of the Coalition ☐ member organizations ☐ Georgian Young Lawyers ☐ Association (GYLA) ☐ ☐ the Deputy Public Defender of Georgia. Both of them [are asserting](#) that the competition was held with severe violations.

Only one out of the seven applicants who were invited for an interview (2<sup>nd</sup> stage of the competition) had fulfilled all the requirements established by the Commission ☐ Statute ☐ this applicant only submitted a letter of motivation as required. On June 1, 2019, the Commission interviewed five candidates who came for an interview and selected two candidates to be submitted to the Prime Minister, despite the fact that one of the two had not passed the first stage of the competition. On the 3<sup>rd</sup> of June, 2019, both candidacies were [submitted](#) to the Parliament of Georgia for review (see the illustration of the procedure for selecting the State Inspector in the annex below).

- According to the requirements of the Law on State Inspector ☐ Service, the Selection

Commission must submit at least two candidacies to the Prime Minister.

- Thus if only one candidate meets the qualification requirements, a competition must be re-announced. In order to avoid a new competition, the Commission decided to admit the applicants who failed to pass the first stage of the competition to an interview.

Therefore, this process raises a reasonable suspicion that the Commission members' decision was motivated by an intention to appoint a predetermined candidate for the position of State Inspector

There were further violations in the communication with the members of the Commission and decision-making procedures.

The Coalition negatively assesses these procedural violations. It should be noted that the competition carried in violation of the law can undermine the legitimacy of the State Inspector's future work.

This process is even more alarming in the context of the public [statement](#) made by the acting State Inspector on May 29<sup>th</sup>. The statement revealed that the Government of Georgia has not assigned adequate funds to ensure operation of the Inspector's office. It is worth mentioning that the office was temporarily shut down twice, due to insufficient financial guarantees. Furthermore, according to the information provided by Tamar Kaldani, the list of staff required for fulfilling investigative duties from 1<sup>st</sup> of July onwards is not yet determined.

The critical need for activating the State Inspector's Office (whose limited investigative powers are extended to possible wrongdoings by representatives of certain law enforcement bodies) is confirmed by the [statistics](#) from recent years, where in almost every case, the investigation of an offence allegedly committed by a representative of a law enforcement body representative does not generate any results.

**Consequently, the Coalition calls on the Parliament and Government of Georgia to take the following actions:**

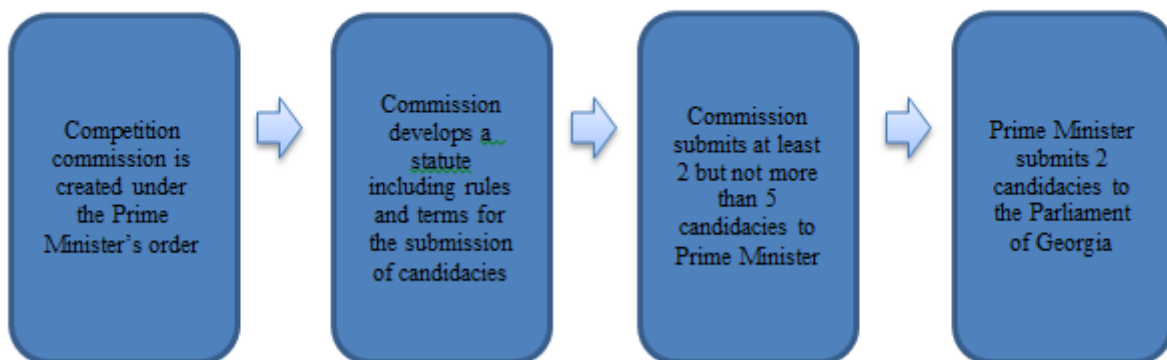
- **The Parliament of Georgia** shall not support the candidates selected in violation of the rules of the competition;

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- **The Prime Minister** shall announce a new competition;
- **The State Inspector** ☐ **Office** shall be provided with sufficient funds to ensure an effective launch of the investigational mechanism on July 1, 2019.

## The procedure for the selection of the State Inspector under the law on the State Inspector's Service



\*Mandatory structure of the commission:

- A member of the Government;
- Chairperson of the Parliament Human Rights and Civil Integration Committee
- Chairperson of the Parliament Legal Committee
- Deputy Chairperson of the Supreme Court
- First Deputy Prosecutor General or Deputy Prosecutor General
- Public Defender or a representative of the Public Defender's Office
- A person with a relevant experience selected by the Public Defender

The Parliament of Georgia elects the State Inspector by the vote of the majority of the full composition.