



# **In protest of the developments in the judicial system, NGOs refuse to present their report and demand that issues in the judicial system be addressed in the parliamentary format and prompt reforms be implemented**

On May 30, Georgian Young Lawyers' Association and Transparency International – Georgia were scheduled to hold a presentation of their fifth report of monitoring the High Council of Justice of Georgia (HCJ)[\[1\]](#) but in protest of the situation in the judicial system they refused to present the report.

**The NGOs explained that monitoring reports constantly suggest that the HCoJ uses its powers against the interests of justice, instead of protecting them. Failure of the Ministry of Justice, the entity responsible for the reform, and the legislative authorities to act, and inadequacy of changes that they have made grants the HCoJ absolute arbitrariness, which has led to a crisis in the judicial system. However, the authorities are failing to take effective measures in response to all this.**

The authorities often state that a **comprehensive reform of the judiciary requires time and the important thing is that the reform is on the right track, which is misleading and a way to escape from responsibility. The judiciary reform in Georgia is not on the right track and the three waves of the reform that have been implemented so far have not resulted in any tangible results.**[2] **Individuals not trusted by public and viewed as incompetent are returning back to the judicial system and this time - permanently; moreover, they are appointed to high administrative positions. The reins of the judiciary continue to be concentrated into the hands of a single group, transforming the judiciary into a closed corporate system. Such developments can only take place if they are supported by the political authorities.**

NGOs also noted that for many years the civil sector has been actively and constructively working on problematic issues of the judiciary. For instance, they actively participated in the process of revision of the Constitution under the relevant commission and provided many recommendations and opinions, including about the chapter on the judiciary,[3] and together with foreign experts and representatives of the judicial authority. The strategy and the action plan for the judicial system – a commitment undertaken under Georgia’s Association Agreement with the EU - was developed and approved with their active involvement.

However, in view of the crisis that exists in the judicial system, as clearly illustrated once again by the developments over the last few days (recent arbitrary decisions made by the HCoJ to allow a single group to exercise control over the judiciary, which the Council is trying achieve before term of office of majority of its members expire in a few days, as well as the competition for the selecton of candidates for vacant position of the Georgia-nominated judge to the European Court of Human Rights) led

the organizations to believe that the presentation of the monitoring report as another activity would have been inadequate.

GYLA and Transparency International – Georgia continue to monitor the Council and to actively address the problems and challenges faced by the judiciary. However, **the Coalition urges the Parliament of Georgia to create a parliamentary format for addressing the crisis in the judicial system and to immediately start working on a comprehensive package of reforms. The Coalition is ready to actively engage in the process and to cooperate for preparing all changes that will promote a healthy judicial system and increase public trust in the judiciary.**

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[1] Georgian Young Lawyers' Association (GYLA) and Transparency International – Georgia, with support from the United States Agency for International Development (USAID) and the East-West Management Institute (EWMI) have been implementing monitoring of the HCoJ performance since 2012. Reports of the monitoring provide important problematic issues faced by the judiciary. The full report can be accessed here:

<https://gyla.ge/files/news/2006/MONITORING%20REPORT%20OF%20THE%20HIGH%20COUNCIL>

[2] The new government that came into power following the 2012 parliamentary elections announced that it would focus on liberating the judiciary from political influences and ensuring independence of judges. However, the process of implementation of these reforms makes it clear that the government failed to show a strong political will for any meaningful and consistent changes in the judicial system. It gradually made concessions about principal issues to influential groups that dominate the judicial corps.

Adoption of legislative amendments for the so-called Third Wave of the judicial reform was delayed for almost two years. During parliamentary discussions, numerous

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changes were made in the draft laws, often without public discussions.

Eventually, the contents of the draft laws for the Third Wave of the judicial reform greatly deteriorated and the authorities rejected a number of progressive changes at the last minute.

[3] The Coalition for an Independent and Transparent Judiciary sent a document to the Venice Commission summarizing its views about the judiciary chapter in the new Constitutional draft, 29.05.2017, available at [http://coalition.ge/index.php?article\\_id=153&clang=0](http://coalition.ge/index.php?article_id=153&clang=0)