

Image not found or type unknown



The Coalition Statement on Recent Developments Concerning the Judiciary

The Coalition for an Independent and Transparent Judiciary is concerned about recent developments which demonstrated disrespect of political forces and certain public groups towards judicial independence and rule of law thereby threatening independence of important constitutional institutions in the country. On September 18, 2015 Giorgi Papuashvili, President of the Constitutional Court of Georgia made a media statement according to which certain judges and their family members are under pressure coming from threatening statements by different groups of citizens gathered in front of the judges' private homes. Giorgi Papuashvili believes that the reason for the pressure directed against the Constitutional Court judges is that the Constitutional Court has upheld Giorgi Ugulava's appeal. In addition to this statement, the media have been circulating declarations of representatives of certain civil groups, which threaten judges.

In parallel with these facts representatives of the governing political force have made statements based on which their respect towards rule of law and court rulings becomes questionable.

President of Georgia has also talked about the pressure on the judiciary in the context of Gigi Ugulava's case. He stated: [REDACTED] have been made recently to politicize the ongoing court trials. These attempts have been made by both representatives of

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



the local political spectrum as well as a representative of the government of a foreign country – the former President of Georgia”.

In addition to the representatives of the Constitutional Court, the judges of common courts have also been subjected to verbal assaults including unethical and offensive assessments made by representatives of different political parties and parties to a trial.

It needs to be noted that despite ongoing judicial reforms and certain progress achieved in this process, judicial independence still remains fragile. In order to achieve real independence of the judiciary, it is important to practically guarantee independence, security and non-interference and respect in relation to individual judges.

The Coalition respects freedom of assembly and expression. It also believes in the importance of the right of free expression of political opinions in a democratic society. However, this right should not encourage threats and violence against judges and their family members. It is important for all parties including politicians and public servants to understand that the commitment to the principles of rule of law implies respect towards rule of law in those cases when court rulings differ from private or party interests. Therefore, they have to be particularly careful in their comments on court decisions.

In order to ensure smooth functioning of the court system it is important to sustain a healthy evidence based discussion on the problems of the justice system. This

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



objective cannot be achieved through violence and threats, which can undermine the court system and make the judiciary even more fragile.

The Coalition finds the threats against judges and their family members unacceptable and calls for the prevention of violence by law enforcement bodies which should carry out their obligations in full political neutrality. The Coalition also calls on all political forces to refrain from statements which discredit the judiciary and can be perceived as attempts of pressure and interference in the work of judges. Such statements deepen mistrust in the judiciary and diminish importance of their role and reputation in a democratic society.