



## NGOs demand a probe into a possible leak of tests for judicial certification exam

We are concerned about a public statement made by Tbilisi City Court's chair about a candidate receiving the highest possible score in a written test for judicial certification exam and another candidate, whose answers to the same test were identical to phrases and the line of reasoning from the test answers prepared beforehand by author of the test. The chair also provided materials as evidence to substantiate his claim.

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Mamuka Akhvlediani's statement suggests that the exam tests and their answers may have been leaked to some of the candidates, which constitutes basis for launching a probe under Article 100 of the Criminal Procedure Code of Georgia.

Members of the High Council of Justice have stated that they knew about these facts before and that the Council has launched subsequent "examination". According to the Council, results of the examination will be made public.

If the HCoJ members had knowledge of the possible criminal actions, it is unclear as to why they chose not to report them to investigative authorities.

Neither the Constitution nor any other normative act envisages the HCoJ's power to launch "an examination" over a possible criminal action under Article 100 of the Criminal Procedure Code. Rather, investigation falls within the exclusive powers of a prosecutor and an investigator.

The fact that the Council failed to report the alleged crime to the prosecutor's office and launched its own "examination" may be liable under the Criminal Code.

The Council's failure to act reduced the possibility of obtaining evidence and solving the crime. The investigation should determine whether the Council's inaction aimed to destroy evidence of the alleged crime. It should also find out which member of the Council in particular had knowledge of the alleged crime and since when, and whether they acted within the law.

There is a high public interest in the work of the High Council of Justice and in current

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processes in the judicial system. Such facts are harmful to the status and the reputation of the judiciary, and beg the question of how many more of the active judges engaged in fraud during their certification exam.

We urge the General Prosecutor's Office to launch immediate probe into the possible leak of the tests and examine involvement of the Council members in the possible act of crime.

Article 42 of the Constitution

Human Rights Center

Open Society – Georgia Foundation (OSGF)

Human Rights Education and Monitoring Center (EMC)

International Society for Fair Elections and Democracy (ISFED)

Transparency International – Georgia (TIG)

Georgian Young Lawyers' Association (GYLA)

Institute for Development of Freedom of Information (IDFI)