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დამოუკიდებელი
და გამჭვირვალე
მართლმსაჯულებისთვის
Coalition for
an Independent and
Transparent Judiciary

Statement regarding the recent events surrounding the Constitutional Court

The Coalition for an Independent and Transparent Judiciary intends to provide comments on the recent developments surrounding the Constitutional Court and to the statement from February 29, 2016 by George Papuashvili, the President of the Constitutional Court. Mr. Papuashvili talked about a deal offered by the Minister of Justice, pointing out that the Minister had promised that he and one more member of the Constitutional Court would have their membership in the Venice Commission extended in return for close cooperation with the authorities. The Coalition notes that such communication, if it really took place, poses a threat to independent operation of

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the country's major constitutional institutions and to the independent and impartial administration of justice.

Mr. Papuashvili's statement about a possible deal was preceded by protests of organized groups against judges, including manifestations in front of judges' residential houses, which obviously contained elements of an offence. However, these facts were not followed by any response by law enforcement bodies, while the Speaker of the Parliament and other political officials assessed the said acts as protected by freedom of expression.

In addition, the Constitutional Court decisions in high profile cases were accompanied by the Minister of Justice statement about the necessity to reform the Constitutional Court. It should be noted that the government has yet to present its vision on concrete directions of this reform. Obviously, the idea of reforming the judiciary, including the Constitutional Court, is not an object of our criticism, though the chronology of events that took place both before and after the statement raises well-founded doubts that the Minister's statement reflected the ruling political team's negative reaction to the Constitutional Court decisions.

It should be emphasized once more that independence and safety of all judges are particularly important factors for real independence of the judiciary, as well as creation of safeguards against interference with their activity, and respect for court decisions. This does not rule out healthy and well-argued discussions or even criticism regarding problems in the justice system. However, it is important to ensure that the judiciary and its individual members feel protected from threats and/or unlawful activities, the political system is committed to institutional strengthening of the judiciary, and its rhetoric in relation to reforming the judiciary is not a blunt reaction to the Court's past or expected decisions.

In view of the aforementioned, the Coalition believes it important that:

- the Government present a concrete vision in connection with reforming the Constitutional Court, if such vision exists;
- the relevant bodies respond to the offences that took place at the time of the protests against judges;
- the heads of the executive and legislative branches of Government take an interest in the possible communication of the Minister of Justice with the

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President of the Constitutional Court.