



კოალიცია

დამოუკიდებელი და გამჭვირვალე
მართლმსაჯულებისთვის

The High Council of Justice refuses to release public information concerning judicial candidates for the Supreme Court

The Coalition for an Independent and Transparent Judiciary is extremely concerned by the refusal of the High Council of Justice (the Council) to disclose public information regarding judicial candidates for the Supreme Court to the society. Under the May 1, 2019 amendments to the Organic Law of Georgia on Common Courts, this information (except for the candidates' medical records) is public and has to be accessible to everyone. By refusing to release public information, the Council is violating the law.

More specifically, in its June 13 letter, the Council [refused](#) to disclose applications and supporting documents submitted by participants of the competition for the selection of Supreme Court justices for the reasons related to the personal data protection, even though this information is public under the law. The law, thus interpreted, raises doubts about the Council's intention to hide information on certain candidates.

The [original draft of legislative](#) amendments included a clause according to which the candidate-related information submitted to the Council was supposed to be

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confidential. In response to harsh criticism raised by this clause, the Chair of the Parliament Legal Committee, Anri Okhanashvili, while presenting the draft law in the Parliament, clearly stated that it would be amended. Eventually, this provision was removed from the bill. [The Venice Commission](#) was also urging the Parliament to ensure maximal disclosure of information on candidates. In this context, a different interpretation of the law by the Council is arbitrary and is detrimental to the credibility of the competition.

In the debates over the draft legislation, the Government representatives reiterated that their version of the bill was aiming at an [unprecedentedly transparent](#) A selection of Supreme Court Justices. The Council's recent decision makes the competition for the selection of Supreme Court justices less transparent compared to the selection of any other public official. Under Article 44 of the General Administrative Code of Georgia, the information regarding a candidate for a public office is open and cannot be closed due to considerations related to the personal data protection.

The Coalition believes that the Council's decision to conceal documents related to candidates eliminates likelihood of public trust in the results of the competition. As of today the Council has only published the candidates' short biographies on its webpage and the society does not have an opportunity to check validity of this information and supporting documents. Stakeholders are unable to review the documents provided by candidates including their researches, court decisions and other relevant information that can be used for the evaluation of their competence and integrity.

The Coalition is calling on the High Council of Justice to immediately disclose the information submitted by candidates (except for their medical records) and collected by the Council and suspend the competition procedures in the meanwhile.