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Coalition for
an Independent and
Transparent Judiciary

The High Council of Justice dismissed Mamuka Akhvlediani in violation of the law

Yesterday the High Council of Justice made a decision to dismiss Mamuka Khvlediani from the position of the Tbilisi City Court Chair. The dismissal resolution referred to the case assignment decisions made by Mamuka Akhvlediani. The members of the High Council believe that Tbilisi City Court Chair ignored the will of the High Council of Justice and abused his power by assuming the Council's authority.

We believe that the Council's decision to dismiss the Chair grossly violates the requirements of the law and contradicts clear and unambiguous procedures set in the

legislation. The decision is beyond any legal logic and reveals the abusive and inappropriate application of the law by HCOJ. This decision violates the rights and legal interests of an individual judge. It may also have repercussions for the development of the judicial system, since this decision is not only directed against Mamuka Akhvlediani, but can also be interpreted as a notice to the judiciary to avoid critical statements in the future, because such statements will trigger the use of the similar mechanisms by the Council.

According to the law, the High Council of Justice appoints Court Chairs for 5 years. A Court Chair can be dismissed prior to the completion of his/her term on the specific ground, which is a disciplinary violation. However, it has to be established in accordance with an adequate procedure. It is possible to assign a disciplinary sanction such as a dismissal only after carrying out the disciplinary adjudication process and establishing a violation. The law does not provide for any other legal grounds for dismissing a Court Chair. In this particular case the Court Chair was dismissed without complying with this procedure, in gross violation of the law.

It needs to be noted that the civil society representatives have been discussing the flaws of the case assignment rules for many years. This is a systemic problem and is not solely connected to Tbilisi City Court. Unfortunately, the Council has not been active or effective in addressing this and other systemic issues. In this particular case the Council became active in relation to Tbilisi City Court and Mamuka Akhvlediani following his critical statements in relation to the current state of the judiciary. This is a clear example of the selective approach, which casts doubts on the actions of the Council, which are triggered by an individual judge's critical statements rather than being guided by an intention to address systemic problems. Instead of assuming a systemic approach, the Council is trying to use repressive mechanisms at its hands against 'undesirable' judges. We believe that Council's decision creates a dangerous precedent to the detriment of the independence of individual judges.