



Government's Inaction Demonstrates its Support for Clan of Judges

On 26 May, the Conference of Judges elected four members to the High Council of Justice (HCJ) for a four-year term thus completely ignoring calls by [international partners](#) and [non-governmental organisations](#) and further strengthening the positions of the clan dominating the judicial system as a result of this decision. It is our opinion that, without a systemic re-evaluation of past reforms and without implementing fundamental changes, the staffing of the HCJ directly contradicts the spirit of the agreement reached through the EU mediation and endangers the achievement of its goals.

As concerns the Conference held on 26 May, the ruling party opted for a strategy of completely ignoring the processes, shifting the burden of responsibility entirely to concrete judges and the influential group within the judiciary. The government's inaction and evasion of actual responsibility pose a serious threat to the prospects of a fundamental judicial reform, which represents one of the important conditions of the

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19 April agreement. This state of affairs indicates that the government is not willing to carry out real reforms and take steps to defuse the political crisis that has taken shape in the country.

It is also concerning that there is an extreme lack of dissenting, critical opinions within the judiciary. The judges at the 26 May Conference had not been informed in advance about the identity of the HCJ membership candidates; they only learnt this on the day of the Conference. Correspondingly, the judges participating in the Conference did not have an opportunity to actually hear the candidates' vision and opinions about the situation in the judicial system. Despite this, an absolute majority of judges supported the nominated candidates without asking any questions or showing deeper interest. The 26 May Conference indicates not only that there is a group of influential judges in the judiciary but also that it is exceptionally difficult to express a dissenting, critical opinion within the system.

Today, using façade reforms, the Georgian government is trying to convince its international partners and the Georgian public that it wants to reform the judicial system. At the same time, the government refuses to recognise the main problem in this system: the existence of a judicial clan. The ruling team should first and foremost recognise the difficult situation that has taken shape in the judiciary as a result of a clan-based rule and implement subsequent reforms precisely by facing these challenges.

A working group formed with the aim of implementing the announced judicial reform is an important opportunity to carry out a reform designed to address a real problem. Correspondingly, Georgian Dream must ensure the adoption of specific legal amendments whose aim would be to clear the judiciary, including the HCJ, of the clan members, suspend the process of electing the Supreme Court judges, and to appoint impartial non-judicial members to the HCJ.

Considering all of the above, we, the undersigned organisations, call on:

- The Parliament of Georgia to promptly start working on the fundamental judicial system reform and, to this end, ensure an inclusive discussion process based on political and public consensus;
- The international society to become actively involved in the judicial reform process and take concrete steps against all the groups which hamper the

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establishment of an independent judicial system in Georgia.

Social Justice Centre (former EMC)

Georgian Young Lawyers' Association

Transparency International Georgia

Georgian Democracy Initiative

Open Society Foundation

Rights Georgia

Institute for Development of Freedom of Information

International Society for Fair Elections and Democracy