



კოალიცია

დამოუკიდებელი და გამჭვირვალე
მართლმსაჯულებისთვის

The Coalition Reacts to the Amendments in the Organic Law on Common Courts

On June 13, the Parliament of Georgia adopted amendments to the Organic Law of Georgia on Common Courts in the third reading.¹ The Georgian Dream [1] stated purpose of adopting the amendments was to fulfill the recommendations of the European Commission. However, according to the Venice Commission [2] opinion, the draft law did not meet its recommendations concerning the judiciary.²

After receiving the opinion, the ruling party made changes to the bill. Nevertheless, the amendments still ignore the main problem in the judiciary - politicization, the closed system, and the informal influence on the judges. The legislative changes are fragmented and offer only procedural improvements.

Georgian Dream did not take into account any of the fundamental recommendations presented by the civil society organizations and the Public Defender in the working group on justice issues, in particular the recommendations concerning the reform of

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



the High Council of Justice, the adoption of decisions by the Council by a $\frac{2}{3}$ of votes of both judge and non-judge members of the Council, restricting judges occupying administrative positions from becoming the members of the Council, as well as the reform of judicial transfers and disciplinary proceedings. None of these issues was considered by the ruling party.

The election of three non-judge members to the vacant positions in the High Council of Justice indicates the Georgian Dream's lack of will to carry out real reforms. During the interviews, the selected candidates expressed approving positions toward the government and the judicial system. They avoided talking about serious problems in the system and only talked about technical/administrative flaws. In addition, by assessing their biographies, their connections with U.S.-sanctioned judges Mikheil Chinchaladze, Levan Murusidze, and Irakli Shengelia were revealed.³ It is also noteworthy that the Parliament supported these candidates as a result of negotiations behind closed doors, without reaching a broad political consensus. The decision of the Parliament further strengthened the problems of corporatism and politicization in the judicial system. The selection of conscientious and impartial non-judge members for the five vacancies in the Council, together with the introduction of decision-making by double $\frac{2}{3}$ of votes, could have improved the Council's work.

The Parliament of Georgia adopted the draft law in the third reading without resending it to the Venice Commission, despite a number of legitimate questions regarding the fulfillment of

the Commission's recommendations. Consideration of the Commission's recommendations related to judicial reforms is a part of the twelve recommendations proposed by the European Union to Georgia to meet the requirements for Georgia to receive the EU candidate status.

The Coalition believes that the June 13 amendments fail to respond to the fundamental challenges in the justice system. That is why the Coalition calls on:

1. The President of Georgia to submit the Law to the Venice Commission for urgent opinion; and

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



2. The President and the Parliament of Georgia, if necessary, to use the constitutional mechanisms that will ensure the reflection of the fundamental justice sector reforms in the law in accordance with the Venice Commission's recommendations.