



კოალიცია  
დამოუკიდებელი  
და გამჭვირვალე  
მართლმსაჯულებისთვის  
Coalition for  
an Independent and  
Transparent Judiciary

## Statement on Events Having Unfolded Around Akhaltsikhe District Court

We would like to react to the events that have unfolded around the Akhaltsikhe district court in recent days. As it is well known, this court conducted a trial on the case which involved the former head of the Borjomi district department of the Ministry of Internal Affairs and other persons. The trial ended in the acquittal of accused persons.

After the court had delivered its verdict, the Chief Prosecutor's Office of Georgia released a statement describing the gravity and content of charges leveled against those persons. The Prosecutor's Office also mentioned an improper communication of a judge, who heard that case, with the prosecutor. Reacting to this statement, the Supreme Court denied the information released by the Prosecutor's Office and said that it was the prosecutor which had improper communication with the judge. On 5 July, a protest rally was staged outside the district court. The protest of a segment of citizens took on unacceptable forms further degrading into lawlessness actions. According to the statement, released by the Ministry of Internal Affairs (MIA), the investigation has been launched into this incident.

Firstly, we would like to firmly declare that a verdict of a judge, regardless of its content and gravity of charges, cannot become a ground for assaulting a court and such lawless protest against the judiciary. We appreciate a timely response of the MIA to this fact and hope that the ongoing investigation into this incident will be conducted in an impartial and transparent way. Any form of pressure upon or offense of the judiciary must be prevented timely and in so doing the law enforcement bodies play a special role.

As regards other circumstances related to the above mentioned events, we believe that there is a need to duly launch an inquiry into an alleged fact of improper communication between the judge and the prosecutor. It must, inter alia, establish, by observing corresponding procedures, whether or not the judge or/and the prosecutor breached the Law on Rules of Communication with Judges of Common Courts. We have repeatedly stated and reiterate it now too that any form of improper communication between the judiciary and other branches of power, especially, the state prosecution, is unacceptable regardless of who

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initiated the communication. To ensure the increase of trust towards courts and the independence of court system, it is necessary to timely establish whether such an improper communication took place and in case it did, to react to this fact accordingly.

We would like to express our position regarding the statement of the Supreme Court, in which it noted that “the verdict of acquittal delivered by the Akhaltsikhe district court on 3 July, was based only on the materials submitted on the case and the adversarial principle.” It is not clear how the Supreme Court arrived at such a conclusion. The Supreme Court would have been unable to study the materials of the case because the case has not been appealed to the court of appeal. Without studying case materials, it is impossible to say whether a decision was based on the evidence existing in the case or whether the adversarial principle was observed. The Supreme Court, as a cassation body, must refrain from expressing its own opinion on a concrete case in advance. It must also be taken into account that if this case is appealed, it will be considered by the court of appeal and the position expressed by the higher body, the Supreme Court, in advance may influence the objectivity of the appeal court. Moreover, the key guarantor of the independence of judges is the High Council of Justice which is authorized and obliged to react to such facts. The legislation draws a clear line between the competencies of the Supreme Court and the High Council of Justice in this area.

At the end, we would like to note that we are waiting for the actions of the investigative bodies as well as the reaction of relevant entities towards the alleged improper communication with extreme interest. As regards the decision taken by the Akhaltsikhe district court, a legal analysis of this ruling can be made possible only after the substantiated decision in writing has been received.

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