



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

Coalition for an Independent and Transparent Judiciary Appeals to Judiciary High Council of Justice

On 12 November 2013, one of the issues on the agenda of a sitting of the High Council of Justice of Georgia was a statement of the former Supreme Court judge, Lali Lazarashvili. In this statement, Lazarashvili accused the Chairman of Supreme Court and members of Plenum of infringing her judicial independence and forcing her to leave the job in May 2010. This, according to the statement, was expressed in transferring Lazarashvili to the Chamber of Criminal Cases of the Supreme Court against her will, repeatedly exerting pressure on her with the demand that she leave the position and directly interfering with her judicial activity.

Even though the above mentioned actions contain signs of breaching disciplinary, criminal and constitutional norms, the High Council of Justice left this statement without reaction. At its sitting on 12 November 2013, the Council did not discuss a possibility of instituting disciplinary proceeding against concrete judges or/and forwarding the statement to investigative bodies. Moreover, the Council refused to consider the Lazarashvili's demand concerning the recusation of six member judges although several incumbent members of the Council participated, as members of Plenum of Supreme Council, in taking a decision on the transfer of Lazarashvili to the Chamber of Criminal Cases, whilst one of them was involved in a disciplinary prosecution against Lazarashvili.

The consideration of Lazarashvili's case revealed that the activity of the Council largely depends on subjective, inconsistent interpretations of its members and agreements among them, which often run counter to principles of legal state and jeopardize interests of justice.

The above mentioned case clearly indicates about shortcomings in the activity of the Council, namely:

- The rule of conducting the consideration of issue;
- Regulation of conflict of interests;
- Substantiation of decisions of the Council;
- The rule of appeal of Council's decisions;
- The rule of drawing up an agenda of the Council and putting issues on the agenda, et cetera.

Coalition Members:

Article 42 of the Constitution
Multinational Georgia
Solidarity to Illegal Prisoners
Georgia Small and Medium
Enterprise Association
Civil Integration Foundation
Georgian Lawyers for
Independent Profession
Liberal
Center for Protection of
Constitutional Rights
International Society for Fair
Elections and Democracy
Association Green Wave
The Union "21 Century"
Georgian Young Lawyer's
Association Human Right
Center
Transparency International
Union of Meskhetian Democrats
Liberty Institute
Georgia Bar Association
Civil Development Agency
United Nations Association of
Georgia
The European Law Students'
Association
Civil Society Institute
Open Society Georgia
Foundation
Institute of Democracy
American Chamber of
Commerce
Association of Civic Initiatives
and Employees Defense
Eurasia Partnership Foundation
Institute of Development of
Freedom of Information
Human Rights Priority
Tbilisi Media Club
Human Rights Education and
Monitoring Centre
Foundation for the Support of
Legal Education

The practice of the Council's activity has also shown that media coverage of sittings is a problematic issue. Even though Council sittings are open, journalists are often prohibited to take video recording or are allowed for only several minutes at the beginning of a sitting. Moreover, it is not clear how the Council arrives at a decision of restricting video recording because this issue is not put to vote.

Considering all the above said, we deem it necessary that the work on regulating the activity of the Council starts timely. Moreover, we believe that it is especially important that this process is initiated by the Council itself whilst the legislative body creates corresponding legal mechanism to regulate the issues which now depend on a good will of Council members.

The Coalition calls on the High Council of Justice to ensure efficient use of legal mechanisms and levers envisaged by the Constitution of Georgia and to fulfill its constitutional functions in accordance with healthy and principled attitudes which are free from political or narrow group interests.