



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

Coalition for an Independent and Transparent Judiciary Comments on Recent Events Unfolding around Court System

The Coalition for an Independent and Transparent Judiciary reacts to events unfolding around the court system recently and deems unacceptable any such action which may jeopardize impartial implementation of justice.

According to media reports, the investigation has become interested in a ruling of a judge and to this end, summoned a judge of the Poti City Court for interrogation. In parallel with that, an investigation is underway into an alleged pressure on an assistant judge. However, despite heightened public interest towards this allegation, the information about the progress of investigation has not been made public. Given the high public interest and significance of the issue, the Coalition calls on the Prosecutor's Office of Georgia to provide public explanation about the grounds of launching investigations into these particular cases, the procedural actions undertaken by the prosecutor's office and those circumstances of those cases, which have already been established.

The Constitution of Georgia explicitly provides guarantees for the independence of judges. In particular, pursuant to paragraph 1 of Article 84, "A judge shall be independent in his/her activity and shall be subject only to the Constitution and law. Any pressure upon the judge or interference in his/her activity with the view of influencing his/her decision shall be prohibited and punishable by law." Paragraph 3 of the same article reads that "No one shall have the right to demand from a judge an account as to a particular case."

The Coalition believes that every subject shall respect the independence of courts whilst the law enforcement bodies must prevent any pressure on the activity of judges and must do that in a timely, impartial and transparent manner. Moreover, it is unacceptable to demand from a judge an account about his/her decision on a particular case.

As regards actions of judges, which clearly contain signs of criminal offense (for example, taking bribe, abuse of official power, etcetera), the investigative bodies are obliged to initiate investigation into such action. At the same time, however, they have an obligation not to jeopardize the constitutional guarantees of the independence of judges. Consequently, law enforcement bodies shall act with proper professionalism and caution

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
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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
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Georgia Bar Association
Civil Development Agency
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The European Law Students'
Association
Civil Society Institute
Open Society Georgia
Foundation
Institute of Democracy
American Chamber of
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Association of Civic Initiatives
and Employees Defense
Eurasia Partnership Foundation
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Freedom of Information
Human Rights Priority
Tbilisi Media Club
Human Rights Education and
Monitoring Centre
Foundation for the Support of
Legal Education

and in accordance with the high standard of responsibility. Public statements concerning alleged offenses by judges must be made only in exceptional cases and, more importantly, based on concrete, irrefutable evidence. Otherwise, constitutional guarantees of court system may be significantly damaged.

The Coalition keeps a close watch on the developments around the court system and expresses the hope that both political subjects and public entities will treat their own actions and statements related to courts with high degree of responsibility and respect.

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