



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

Public Initiative – Stop Judicial Appointments!

We, the signatories of this petition, are addressing the High Council of Justice and calling for the immediate suspension of the unfair, nontransparent and unconstitutional process of judicial appointments.

We are also addressing executive and legislative branches of the government with a demand to develop a transparent, fair and well-justified system of judicial appointments without further delays.

Currently our society is witnessing the crisis in the judicial system, which is primarily connected to unjustified and arbitrary decisions made by the High Council of Justice as a result of unhealthy and flawed process.

The Council's decisions related to judicial appointment, promotion, and disciplinary persecution demonstrate the fact that they are not made on the basis of objective factors and criteria. On the contrary, these decisions are governed by interests and agreements made in conspiracy among different power groups.

The current crisis, unhealthy influences on judges and attempts of specific groups to gain control over them, is supported by flawed legislation. As a result of this process:

- The High Council of Justice appoints and rejects judicial candidates without providing any justification;
- The Council avoids consideration of minimal selection criteria established in the legislation and does not ensure fairness of the process, which should aim to select candidates based on merit;
- The decisions to appoint or reject a judicial candidate cannot be appealed.

The current legislation and the decisions of High Council of Justice threaten fairness of courts and every citizen's constitutional right and interest to have his/her case considered by an independent, impartial and competent judge.

In current circumstances the continuation of the process of judicial appointments will deepen the crisis and further distance us from the idea of independent and impartial courts. Thus it is absolutely necessary to change the relevant legislation. The term of many judges has recently expired or is about to end in upcoming months. Filling vacancies through an unjust and unconstitutional process will render future legal reforms in this area meaningless, because these future changes will not ensure adequacy of judicial cadre.

In view of these factors, we, the signatories of this petition, call for:

Coalition Members:

Article 42 of the Constitution
Multinational Georgia
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
The Union "21 Century"
Georgian Young Lawyer's
Association Human Right
Center
Transparency International
Union of Meskhetian Democrats
Liberty Institute
Georgian 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
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
Institute of Civil Engagement
Association of law firms of
Georgia
Association of Young
Economists of Georgia
European Choice of Georgia
Liberal Academy Georgia
Partnership for Human Rights
Georgian Human Rights
Network
Georgian Democracy Initiative

- Immediate suspension of judicial appointments, which are being made as a result of the unconstitutional process and proceeding with judicial appointments only after the adoption of adequate legislation;
- An immediate and real reform of the judicial appointment system by the Government.