



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

The Coalition calls for the recusal of two members of the High Council of Justice from the next stages of selection of Supreme Court Justices

The Coalition for an Independent and Transparent Judiciary responds to the commencement of the selection of Supreme Court Justices and calls on two members of the High Council of Justice to recuse themselves from the next stages of the review.

On June 7, 2019 the High Council of Justice of Georgia started the process of consideration of judicial candidates for the Supreme Court of Georgia. Prior to the registration of candidates, it became evident that the judge member of the Council, Tamar Oniani, and one of the applicants, Zurab Aznaurashvili were relatives. According to the Organic Law of Georgia on Common Courts, a member of the High Council of Justice is required to disclose a conflict of interest in advance and abstain from participating in the decision-making process regarding a specific candidate. The requirement to inform a collegial body about existence of personal interests and to recuse oneself from the decision-making process is also established in the Law of Georgia on Conflict of Interest and Corruption in Public Service. Even though the accuracy of the information regarding Tamar Oniani's familial connections with one of the candidates for the position of Supreme Court Justices was confirmed during the

session, she neglected the requirements of the law, namely, she failed to inform the Council about the conflict of interest in advance. Furthermore, she refused to recuse herself from the process regardless demands of several non-judge members of the Council raised during the session.

On May 14, 2019 the Coalition for an Independent and Transparent Judiciary addressed the Parliament of Georgia with a request to study lawfulness of selection of another member of the High Council of Justice, Zaza Kharebava. During the selection process, the candidacy of Zaza Kharebava was presented by an organization, which was not eligible to do so. This is a severe violation of the Rules of Procedure of the Parliament of Georgia and the Organic Law of Georgia on Common Courts and represents a clear ground for the termination of his authority. However, despite the significance of this issue, the Parliament has not yet discussed it and Mr. Kharebava continues carrying out his duties in the Council, including participation in the review and voting procedures for the selection of judicial candidates for the Supreme Court.

The selection of Supreme Court Justices consists of several stages where each of the Council members' votes is important. Participation of certain members of the Council in this process while lawfulness of their engagement raises legitimate questions in the society makes it difficult to carry out an objective, fair, and impartial selection of Supreme Court Justices. This may undermine the public trust in this process.

In light of these arguments, the Coalition urges:

1. **Tamar Oniani**, a member of the High Council of Justice, to recuse herself from the further stages of the process of selection of Supreme Court Justices;
2. **The Parliament of Georgia** to immediately review the lawfulness of selection of Zaza Kharebava as a member of the High Council of Justice;
3. **Zaza Kharebava**, a member of the High Council of Justice to voluntarily abstain from engaging in all review and voting procedures of the Council until the lawfulness of his selection is considered by the Parliament.