

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Coalition for an Independent Judiciary Responds to the Developments around the Judiciary

The Coalition for an Independent and Transparent Judiciary responds to the recent developments around the judiciary. In its official statement the Coalition deems all actions that may jeopardize impartial administration of justice unacceptable. "According to media reports, investigating authorities have taken interest in a decision of a judge and have summoned the judge of Poti City Court for questioning. At the same time, probe has been launched into alleged pressure exerted against the

judge's assistant; however, despite high public interest, information about the investigation has not been made public. The Coalition calls on the office of the prosecutor of Georgia, to take into account the high public interest and the importance of the issue and publicly explain grounds for launching the probe, for instituting the proceedings and provide circumstances that have been established so far in the case. The Constitution of Georgia straightforwardly stipulates guarantees for independence of judges.

In particular, under para.1, Article 84 of the Constitution, "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". Under para.3, Article 84 "No one shall have the right to demand from a judge an account as to a particular case," – the Coalition has explained. It also believes that everyone must respect independence of courts and that the law enforcement authorities must eliminate any pressure exerted against activities of a judge. "This must be realized in a timely, objective and transparent manner.

Further, a judge should not be obligated to account for any decision s/he has made. As to activities of judges that show clear signs of a criminal offence (e.g. accepting a bribe, abusing power, etc.), the investigating authorities must launch a probe into the allegations without jeopardizing constitutional guarantees of independence of judges.

As the law enforcement authorities must act with due professionalism, caution and in abidance of high standards of responsibility. Public statements about possible criminal actions of a judge should be made only in extraordinary cases and most importantly, based on reliable and concrete evidence. Otherwise, constitutional guarantees of judicial system may greatly suffer" – the statement notes. The Coalition for an Independent and Transparent Judiciary is observing the developments around the judiciary and remains hopeful that both political subjects and public agencies will act and make statements in relation to the judiciary with high responsibility and respect.