



THE CHRONOLOGY OF THE ONE-YEAR-LONG PROCESS OF SELECTION OF JUDGES OF THE SUPREME COURT

On December 24, 2018, at a meeting of the High Council of Justice (thereinafter the “Council”), the Secretary of the Council, Giorgi Mikautadze, unexpectedly presented a controversial 10-person list of judicial candidates for the Supreme Court. The list was supported by 11 members of the Council and was forwarded to the Parliament on the same day. The candidates had been nominated behind closed doors, in an extremely non-transparent manner, unexpectedly and suspiciously quickly. The process was followed by broad political and public protest and severe criticism by the international community. Against the background of this opposition, the nominated candidates were compelled to withdraw their candidacies from the Parliament.

After this, the Parliament started working on developing the criteria and procedures for the selection of candidates, although the process proceeded with significant shortcomings. The draft law submitted by the ruling party was evaluated by many independent actors involved in the process as tailored to the interests of the influential judges in the judiciary (so-called “clan”). Unfortunately, the Parliament failed to take account of remarks of local NGOs as well as of a considerable part of recommendations of the Venice Commission and the ODIHR. The process of staffing the Supreme Court with judges caused a tangible damage to the country’s reputation among her international partners and created an atmosphere of complete distrust in the process.

Ultimately, on the basis of the legal framework that had been created, the Council submitted a list of 20 candidates to the Parliament, of which the Parliament elected 14 to the judicial office on December 12, 2019. The majority of the judges elected are believed to be implementing the interests of the clan of judges or those of the authorities. Besides, there are important questions regarding the qualifications of most of the elected candidates.

In this document, TI Georgia and Georgian Democracy Initiative are presenting a full chronology of events related to the selection of judges.

NEW RULES

🏛️ **On December 16, 2018**, following the [inauguration](#) of the new President of Georgia, Salome Zurbashvili, a new wording of the Constitution of Georgia entered into force, which provides for certain changes with regard to the Supreme Court. [Specifically](#):

- There will be no fewer than 28 judges in the Supreme Court (at that time, 11 judges were exercising their powers in the court of highest instance);
- The High Council of Justice, instead of the President, will nominate candidates for membership of the Supreme Court to the Parliament;
- Members of the Supreme Court will be elected for an indefinite term, instead of a 10-year term, and will serve until they reach the pension age.

The Parliament of Georgia was unprepared for the entry into force of the new wording of the Constitution. In particular, the law which was supposed to lay down the criteria and procedures and on whose basis the High Council of Justice was to select candidates for the Supreme Court was in need of being refined.

FIRST NOMINATION – UNEXPECTED AND NON-TRANSPARENT PROCESS

🏛️ **On December 24, 2018**, at a meeting of the High Council of Justice, the Secretary of the Council, Judge Giorgi Mikautadze, unexpectedly presented a 10-person list of candidates for the Supreme Court. It still remains unknown – and the Council also failed to provide a convincing explanation at that time – how the 10 candidates in the list were selected. For example, in one of his [interviews](#), Judge Dimitri Gvritishvili, a member of the Council and the Chairperson of the Kutaisi Court of Appeals, failed to give a concrete answer about where and under what circumstances the list had been compiled. He failed to provide the public even with minimum information on the process of compiling the 10-person list. Non-judge members of the Council, Nazi Janezashvili and Ana Dolidze, who made public statements about the foregoing and publicly criticized the Secretary of the Council, also didn't have any [information](#) about the candidates. In addition to the fact that the list had been compiled behind closed doors and in a non-transparent manner, the names of the candidates included in the list caused a broad public protest.

The list [included](#) the following individuals:



MIKHEIL CHINCHALADZE
Chairperson of the
Tbilisi Court of Appeals



DIMITRI GVRTISHVILI
Chairperson of the
Kutaisi Court of Appeals



GIORGI MIKAUTADZE
Secretary of the High
Council of Justice



TAMAR ALANIA
Judge of the Tbilisi
Court of Appeals



MERAB GABINASHVILI
Judge of the Tbilisi
Court of Appeals



GIORGI TKAVADZE
Judge of the Tbilisi
Court of Appeals



MARIAM TSISKADZE
Judge of the Tbilisi
Court of Appeals



NINO KADAGIDZE
Judge of the Tbilisi
Court of Appeals



NINO SANDODZE
Judge of the Tbilisi
Court of Appeals



PAATA SILAGADZE
Judge of the
Supreme Court

The positions are indicated as of the time of nomination of the candidates.

The absolute majority of the candidates in the 10-person list were leaders, members, or supporters of the influential group in the judiciary. At the same time, some of them were associated with recent high-profile and politically motivated cases and with the informal governance in the judiciary. And number one in the list was the most influential judge in the system, the Chairperson of the Tbilisi Court of Appeals, [Mikheil Chinchaladze](#).

The list was supported by all members of the Council except three non-judge members (Irma Gelashvili, Nazi Janezashvili, and Ana Dolidze).

Soon this process was criticized severely by NGOs, critically-minded non-judge [members](#) of the Council, the Public Defender, and other professional groups. **On the same day, 12 NGOs released a [statement](#)**, expressing concern about the list submitted as a result of gross procedural violations and about the candidates included in the list. The NGOs called upon the Parliament not to support the nominated candidates and to immediately start working on legislative amendments that would limit the ability of influential judges in the judiciary to make arbitrary decisions.

🏛️ **On December 25**, the Public Defender [responded](#) to the process, calling upon the Parliament to suspend the process of selection of members of the Supreme Court. Against the background of severe criticism, the then Chairperson of the Parliament, Irakli Kobakhidze, [stated](#) that **the process would be suspended and the submitted list would be considered at the spring session**, after the legislative body had developed relevant procedures and criteria for selection.

🏛️ **On December 27**, the Coalition for an Independent and Transparent Judiciary [called upon](#) the Parliament to refuse to consider the list of candidates' altogether and to adopt legislative amendments that would be in line with international practice. In the opinion of the Coalition, the process of selection was supposed to start anew only after the legislative amendments had been adopted. After this, the then Chairperson of the Parliament, Irakli Kobakhidze, [stated](#) that the list of judges would be renewed.

INTERNAL CONFRONTATION WITHIN THE PARLIAMENTARY MAJORITY

🏛️ **On December 27**, the then Chairperson of the Legal Issues Committee of the Parliament, Eka Beselia, made a [statement](#) about resignation, though she filed an official statement later, on December 31. **She explained that by resigning from her position she had stopped the process of examination of judicial candidates for the Supreme Court in the Parliament.** Before Eka Beselia, Vano Zardiashvili had resigned from the position of the Deputy Chairperson of the Legal Issues Committee of the Parliament. Vano Zardiashvili has been [considered](#) as a liaison between the influential judges in the Council and the authorities for years now. He is a close friend of the most influential judge, Mikheil Chinchaladze, and, in the past, he actively lobbied for laws suitable for the group of influential judges in the judiciary.

THE REPLY OF THE JUDGES' CLAN TO CRITICISM AND RESPONSE OF THE COALITION OF NGOS

🏛️ **On December 27**, against the background of suspension of examination of the 10-person list in the Parliament, the Council scheduled a job interview with Levan Murusidze (a judge who had considered a number of high-profile and politically motivated cases) with the aim of appointing him to judicial office for an indefinite term. The [civil](#) society as well as a part of MPs and the critically-minded members of the Council [assessed](#) this act as the **Council's "reply to the Parliament" for the suspension of examination of the nominated candidates.** According to Nazi Janezashvili, "By doing this, [the influential judges in the Council] are probably saying: OK, you are not appointing Chinchaladze, but we will appoint Murusidze, because we have the right to do so". Finally, **Levan Murusidze was [appointed](#) to the office for life** at the Council's session.

🏛️ **On December 28**, several MPs, representatives of the civil society, and the critically-minded members of the Council made harsh [statements](#) in connection with Levan Murusidze's appointment for an indefinite term.

🏛️ **On December 29**, the Coalition for an Independent and Transparent Judiciary **demand**ed the resignation of Mikheil Chinchaladze, Levan Murusidze and **those members of the Council who had supported decisions made on the basis of clan principles**. By these decisions, the Coalition meant both the December 24 decision on the nomination of candidates and the appointment of Levan Murusidze for an indefinite term.

Later, protest rallies were also held with similar demands, and various petitions and manifestos were created. In parallel, representatives of various political groups also expressed their protest.

CONTINUATION OF THE CRISIS IN THE PARLIAMENTARY MAJORITY

🏛️ **On December 31**, the then Chairperson of the Legal Issues Committee of the Parliament, Eka Beselia, nominated a member of her team and ally, Gedevan Popkhadze, for the position of the First Deputy Chairperson of the Committee, which meant that he was supposed to exercise the powers of the Chairperson after Eka Beselia's resignation. The Committee supported Mr. Popkhadze's candidacy.

🏛️ **Later, on January 3, 2019**, the Georgian Dream recalled MP Gedevan Popkhadze from the Committee, after which he was deprived of the opportunity to exercise the powers of both the Chairperson and the First Deputy Chairperson. Her former team accused Eka Beselia that she had violated the Rules of Procedure of the Parliament by nominating Gedevan Popkhadze.

WORK ON NEW PROCEDURES AND PARALLEL POLITICAL PROCESSES

🏛️ **On January 12**, the then Chairperson of the Parliament, Irakli Kobakhidze, met with Giorgi Mikautadze, Secretary of the Council, with the aim of collaboration. Mr. Kobakhidze made an announcement that the Parliament was beginning to work on the procedures and criteria for the selection of judges.

🏛️ **On January 21**, one more protest rally titled "For Saving Justice" was held. The demands of the civil society were the same – **the resignation of leaders of the judicial clan, Judges Mikheil Chinchaladze and Levan Murusidze, and those members of the Council who had supported decisions made on the basis of clan principles**.

On the same day, against the background of severe public protest, the nominated candidates themselves applied to the Parliament and withdrew their candidacies.

🏛️ **On January 24**, the Coalition held a briefing and announced that they would not take part in the work of the task force set up by the Parliament for elaboration of criteria and procedures. The reason for this was that the authorities were going to work on this issue together with those individuals who had taken part in the submission of the disputed 10-person list. The Coalition explained that maintaining the task force with the existing composition only served to superficially improve the process. In spite of this, the Coalition still submitted proposals and recommendations regarding the criteria and procedures for the selection of judges of the Supreme Court to the Chairperson of the Parliament.

🏛️ **On January 26**, a conference of judges was held where the judges unanimously supported the representatives of the influential group of the judiciary and publicly tried to demonstrate that they were independent in their activity.

🏛️ **On January 27**, the first meeting of the task force was held against the background of a protest rally. In the opinion of the organizers of the rally, the authorities, represented by then Chairperson of the Parliament, Irakli Kobakhidze, were going to elaborate the legislative amendments together with members of the Council and those representatives of the influential group of judges "who were trying to sentence the country to the presence of unfair and obedient judges in the Supreme Court for an indefinite term". The Coalition didn't take part in the meeting. Other participants also left the task force together with the Coalition.

🏠 **Later at night on January 27**, sex tapes of a member of the Parliament of Georgia who actively opposed the election of members of the clan to the Supreme Court were uploaded to the Internet. The MP related the foregoing to personal revenge.

🏠 **On February 5**, the Political Board of the Georgian Dream issued a [statement](#) in which, among other issues, they openly supported the decision of the influential group of judges regarding the nomination of the judicial candidates for the Supreme Court.

🏠 **On February 11**, TI Georgia organized a [discussion](#) titled “How to Save the Judicial System”, which involved a broad public and united various actors around a single problem. The meeting was attended by representatives of the civil society, the Public Defender, representatives of international missions, politicians, journalists, representatives of business associations, lawyers, representatives of academic circles, civic activists, and other groups.

🏠 **On February 15**, in a situation where the draft law prepared by the authorities didn’t have a single ally within the country, the then Chairperson of the Parliament, Irakli Kobakhidze, after meeting with international partners, [stated](#) that the international partners had approved of the document and noted that the authorities were “on a right path”. Later, various actors interested in the issue of judiciary responded to this fact and sent an [open letter](#) to the heads of the diplomatic missions. In the letter, they asked the diplomatic missions to assess the results of the judicial reform once again, noting that they remained hopeful that the diplomats had not expressed support for the draft law at the meeting.

🏠 **On February 16**, one more petition was created to “save justice”. The demands of the public remained the same, with the main demand still being the resignation of Judges Mikheil Chinchaladze and Levan Murusidze, who had become symbols of injustice, and those members of the Council who had supported decisions made on the basis of clan principles.

🏠 **On February 21**, MP Eka Beselia [stated](#) in her speech at the plenary session that Irakli Kobakhidze was not a “decent chairperson of the Parliament” and that the MPs should have protected the dignity of the Constitution when “they sent us ‘cue notes’ about the articles that dealt with judges”. Eka Beselia [stated](#) that the Chairperson of the Parliament had not dared oppose the judges in the final week of December. According to her, it was Irakli Kobakhidze who had [demanded](#) that the 10-person list of the nominated candidates be considered in an accelerated manner in December.

At the plenary session, the ruling team didn’t support the draft law submitted by MP Eka Beselia, by which she demanded the suspension of election of judges for life. Due to this, Beselia [left](#) the Georgian Dream. After this, [other](#) MPs also [started](#) to gradually leave the parliamentary majority. Ultimately, the Georgian Dream party [lost](#) the constitutional majority in the Parliament against the background of the ongoing developments.

🏠 **On February 22**, the Coalition got involved in the work of the task force on the judicial reform again, as the authorities had decided to change its format. At the meeting, the Coalition raised five pivotal issues, which, in their opinion, would create the prospects of selecting judicial candidates in a relatively fair environment and weaken the risks of nomination of candidates in the Parliament only by one interest group. Irakli Kobakhidze, who was in charge of the task force, failed to demonstrate readiness to take any of these issues into consideration, due to which the Coalition [left](#) the task force again. It is noteworthy that the authors of the draft law were still compelled to reflect a part of the issues raised by the Coalition in the draft law after the recommendations of the Venice Commission.

🏠 **On February 26**, a number of lawyers [launched](#) the “Challenge Murusidze” campaign. According to them, this demand also pertained to other “odious” judges, including Mikheil Chinchaladze, for example.

🏠 **On March 6**, MPs Eka Beselia, Levan Gogichaishvili, and Gedevan Popkhadze filed a disciplinary complaint [against](#) judge members of the High Council of Justice, Sergo Metopishvili and Dimitri Gvritishvili. The authors of the complaint stated that statements of the judges had a clearly political content,¹ which was unsuitable for a judge’s activity.

1 Since the developments of December 24, members of the Council, especially [Sergo Metopishvili](#) and [Dimitri Gvritishvili](#), have expressed their political, and unethical, views in relation to certain MPs, representatives of NGOs, and non-judge members of the Council, Nazi Janezashvili and Ana Dolidze, on several occasions.

🏛️ **From March 6 to March 11**, the Parliament of Georgia registered [draft laws](#) regarding the procedure of selection of judges of the Supreme Court, which had been initiated independently by Eka Beselia, Irakli Kobakhidze, and European Georgia. Non-judge members of the High Council of Justice, Nazi Janezashvili and Ana Dolidze, submitted a legislative [proposal](#) on the same topic to the Parliament. One more non-judge member of the Council, Irma Gelashvili, also sent her opinions to the task force.

! You can see the differences between the draft laws submitted by the MPs at the following web address: <https://bit.ly/2XPWNJz>

🏛️ **On March 20**, the parliamentary majority [passed](#) the amendments to the Law on Common Courts without waiting for the recommendations and opinions of the Venice Commission regarding this issue. The committee hearings about the draft law [took place](#) against the background of heated discussions and criticism.

🏛️ **On March 25**, the Coalition for an Independent and Transparent Judiciary sent a [letter](#) regarding the draft law on selection of judges of the Supreme Court to the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), assessing the draft law as harmful for the judiciary branch of government.

🏛️ **On April 16**, the Venice Commission issued an [opinion](#) on the draft law prepared by the staff of the Chairperson of the Parliament, which took account of almost all the main recommendations of the civil society sector.

WHAT IS WRITTEN IN THE OPINION OF THE VENICE COMMISSION



In its opinion, the Venice Commission notes that, in a situation where the High Council of Justice enjoys a low public trust and the country is waiting for elections, the appointment of nearly all the Supreme Court judges by the current Parliament cannot enjoy a proper level of trust. Therefore, the Venice Commission calls upon the current Parliament to only **appoint the number of judges that is absolutely necessary to render the work of the Supreme Court manageable.**

AT THE SAME TIME, ACCORDING TO THE RECOMMENDATIONS OF THE VENICE COMMISSION:

- The requirement for non-judge candidates to have passed the judicial qualification examination should be abolished;
- Conducting secret ballots in the High Council of Justice should be abolished and the candidates should be assessed according to scores, while information regarding the qualifications of candidates should be made public;
- The High Council of Justice should produce reasoned decisions regarding the nomination of candidates, with the possibility for a judicial appeal;
- A member of the High Council of Justice, who is a candidate for judges of the Supreme Court, should be excluded from all procedures pertaining to the competition;
- A higher age requirement and more emphasis on a candidate's experience should be provided in the eligibility criteria.

🏛️ **On May 1**, the Parliament finally [passed](#) the draft law, which failed to [take account](#) of a considerable part of the recommendations of the Venice Commission, with 87 votes against 33 in the third reading. The draft law did reflect the part of the recommendations in which the Venice Commission pointed to the need to abolish the judicial qualification examinations for candidates.

🏛️ **On May 3**, the EU Ambassador to Georgia, [Carl Hartzell](#), made a statement in which he assessed the Parliament's giving so little time to the recommendations of the Venice Commission as a "missed opportunity".

Ultimately, the process conducted by the authorities and the disregard for a large part of the recommendations of the Venice Commission have caused a considerable damage to the country's reputation.

BEGINNING OF THE COMPETITION IN THE COUNCIL

🏛️ On May 11, the competition for selection of judges of the Supreme Court [got under way](#).

🏛️ On June 7, the Council [registered](#) 139 judicial candidates for the Supreme Court. In spite of the fact that, according to the law, the information about the candidates was supposed to be public from the moment of registration, the Council refused to provide this information to NGOs TI Georgia and Open Society Georgia Foundation. The list of candidates included [a number of](#) individuals whose past activities raised certain questions. One of the candidates was the current Prosecutor General, Shalva [Tadumadze](#). [Doubts](#) were expressed about him that the authorities might be preparing him for the position of the Chairman of the Supreme Court.

🏛️ On June 20, the Coalition for an Independent and Transparent Judiciary [demanded](#) the recusal of two members of the Council from the next stages of selection of judges of the Supreme Court. The Coalition deemed that, as it had become evident that a judge member of the Council, Tamar Oniani, and one of the candidates, Zurab Aznaurashvili, were relatives, Tamar Oniani was supposed to recuse herself from the selection process on the grounds of conflict of interest. As for the second member of the Council, Zaza Kharebava, his candidacy had been nominated in the Parliament in an essential violation of law, which was an obvious pre-condition for the termination of his authority. Accordingly, in the opinion of the Coalition, Zaza Kharebava was supposed to voluntarily abstain from engaging in all review and voting procedures in the Council. Ultimately, none of them recused themselves from the selection process.

🏛️ On June 28, the Public Defender [evaluated](#) the process of selection of judges of the Supreme Court and pointed out important violations. In the opinion of the Public Defender, suspicious coincidences had been discovered in the ballot papers at the stage of secret voting, which gave rise to certain questions. Another problem mentioned by the Ombudsman was that the High Council of Justice had refused to provide TI Georgia with the information that the candidates had submitted to the Council as part of the competition. The Public Defender issued a [recommendation](#) to make this information public.

🏛️ On July 11, non-judge members of the Council, Ana Dolidze and Nazi Janezashvili, [demanded](#) the termination of the selection process of judges of the Supreme Court and announcement of the competition anew because of important violations. The main violations referred to by the members of the Council were the Council's refusal to provide NGOs with public information about candidates, which is a requirement of law, and the suspicious coincidences which, according to the Public Defender, had been discovered in the ballot papers of 50 candidates selected secretly by the Council.

🏛️ On July 12, the Council made a [decision](#) to issue the public information after they had listened to representatives of the Public Defender's Office, the State Inspector's Service, and NGOs. Until that time, the Council, despite a number of demands, had refused to issue the information about the candidates on the grounds of protection of personal data.

THE PROCESS OF INTERVIEWING THE CANDIDATES IN THE COUNCIL

🏛️ On July 17, in parallel with the start of the stage of interviews, the Coalition for an Independent and Transparent Judiciary [assessed](#) the ongoing process. In the opinion of the Coalition, the process was proceeding with significant violations. The problems identified included: cases of conflict of interest; participation of an unauthorized member of the Council, Zaza Kharebava, in the selection process; management of the Council staff by Giorgi Mikautadze; suspicious coincidences identified in the ballot papers at the time of the first secret voting; and delay in the decision to issue the information about candidates.

🏛️ On July 19, two members of the Council, Nazi Janezashvili and Ana Dolidze, [left](#) the process of the interviews in protest, because the interviews continued after the end of the working hours. They explained their decision by the fact that the Council was trying to interview the candidates in an accelerated manner in order to submit the list to the Parliament in August. The interviews lasted for about 10-11 hours a day. The process went on without interruption, with only short breaks, which ultimately made the work difficult for members and the staff of the Council as well as for representatives of monitoring organizations.

🗓️ **On July 24**, the Coalition for an Independent and Transparent Judiciary released a [statement](#) about cases of gender inequality and indirect discrimination at the High Council of Justice. Specifically, the Council's practice of interviewing judicial candidates with an unfixed schedule constituted indirect discrimination of female judge members of the Council.

🗓️ **On August 15**, the Council interviewed the last candidate, and the process of interviews was [completed](#).

🗓️ **On August 16**, two members of the Council, Nazi Janezashvili and Ana Dolidze, brought a scale model of the building of the Supreme Court in front of the Council's office and [held](#) a briefing-performance. By doing so, they protested against the superficiality and falseness of the process underway at the Council.

🗓️ **On September 4**, the Council put 48 candidates to vote² using a secret ballot voting procedure and, ultimately, [approved](#) a 20-person list to be submitted to the Parliament. One of the members of the Council, Ana Dolidze, didn't take part in the voting.

🗓️ **On September 12**, the Coalition for an Independent and Transparent Judiciary [assessed](#) the process of selection of the Supreme Court judges that had taken place at the Council. In the opinion of the Coalition, the analysis of developments that had unfolded and the nomination of predictable candidates showed that the process had mostly been formalistic and had not been directed at solving grave the problems of the justice system.

In addition to the shortcomings observed before, according to the Coalition, the process of interviews was also fraught with deficiencies. Other problems identified by the Coalition included verbal attacks of influential judges of the Council against two non-judge members of the Council, Nazi Janezashvili and Ana Dolidze, who had asked critical questions; answers given by the candidates; and attempts of some members of the Council to help candidates by giving hints or suggesting answers. The Coalition gave an unequivocally positive assessment to the transparency of the process of interviews, as it had enabled the public to clearly see the real situation in the judicial system.

A particularly important problem identified by the Coalition was that, at the stage of elaborating the legislation, the authorities had failed to demonstrate a political will to create as competitive an environment as possible for the competition and to make it possible to nominate the most qualified candidates in the Parliament. Finally, under the existing defective legislation, it had become possible to form a list that [was](#) mainly in the interests of the influential group in the judiciary and the authorities.

2 Two of the 50 candidates selected as a result of the first secret vote withdrew their candidacies.

Ultimately, the following 20-person list was submitted to the Parliament:

 SHALVA TADUMADZE Prosecutor General	 MAMUKA VASADZE First Deputy Prosecutor General	 GIORGI MIKAUTADZE Secretary of the High Council of Justice	 TAMAR ALANIA Judge of the Tbilisi Court of Appeals	 MERAB GABINASHVILI Judge of the Tbilisi Court of Appeals
 SHOTA GETSADZE Judge of the Tbilisi Court of Appeals	 MIRANDA EREMADEZE Judge of the Tbilisi Court of Appeals	 PAATA SILAGADZE Judge of the Tbilisi Court of Appeals	 VLADIMIR KAKABADZE Judge of the Tbilisi Court of Appeals	 LASHA KOCHIASHVILI Judge of the Tbilisi Court of Appeals
 LEVAN MIKABERIDZE Judge of the Tbilisi Court of Appeals	 NINO KADAGIDZE Judge of the Tbilisi Court of Appeals	 ZAZA TAVADZE Chairman of the Constitutional Court	 LALI PAPIASHVILI Former justice of the Constitutional Court	 KETEVAN TSINTSADZE Independent inspector
 ALEKSANDRE TSULADZE Trial lawyer	 GOCHA JEIRANASHVILI Judge of the Tbilisi Court of Appeals	 TAMAR ZAMBAKHIDZE Judge of the Tbilisi Court of Appeals	 MAIA VACHADZE Judge of the Supreme Court	 NUGZAR SKHIRTLDZE Judge of the Supreme Court

 The positions are indicated as of the time of nomination of the candidates.

🏛️ **On September 13**, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which had been monitoring the process underway in the Council, released a [report](#). The report mainly concurred with the assessments of the Coalition and was sharply critical of the process that had taken place in the Council. The document included the issues of conflict of interest and the Council's failure to substantiate its decisions, which, according to the [report](#), could even have caused the violation of the right to a fair trial.

🏛️ **On September 17**, the Open Society Georgia Foundation [published](#) individual portfolios of the judicial candidates for the Supreme Court, which were later distributed to members of the Legal Issues Committee of the Parliament.

🏛️ **On September 19**, the influential group within the Council severely [criticized](#) the OSCE report.

🏛️ **On September 22**, TI Georgia [published](#) the biographical data of the candidates.

THE PROCESS OF INTERVIEWING THE CANDIDATES IN THE PARLIAMENT AND PARALLEL DEVELOPMENTS

🏛️ **On September 23**, the process of interviewing the judicial candidates for the Supreme Court [resumed](#), this time in the Parliament. On the same day, the Parliament [demanded](#) that, before the voting, certain candidates, including Shalva Tadumadze, submit information confirming the correspondence of their law diplomas with statutory requirements.³

🏛️ **On September 25**, co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) [expressed](#) concern about the process of selection of judges that had taken place in the Council, noting that now the Parliament had a unique opportunity to rectify the shortcomings in this process. They also expressed hope that, out of the 20-person list, the Parliament would only appoint the minimum number of judges needed to ensure the proper functioning of the Supreme Court. The authors of the [statement](#) also underlined those shortcomings in the process that had taken place in the Council, the failure to provide reasoned decisions, the obvious conflict of interest, and the lack of uniform criteria.

🏛️ **On September 30**, the influential group within the Council severely [criticized](#) the assessment of the PACE, noting that the criticism in the document was not substantiated.

🏛️ **On October 7**, TI Georgia released a [statement](#), indicating that there were certain questions regarding the authenticity of the law diploma of Shalva Tadumadze, one of the candidates and the incumbent Prosecutor General. Specifically, it was unclear how Mr. Tadumadze had managed to get admitted in 1993 to a university which was established in 1994. This issue was also included in the [portfolio](#) prepared by the Open Society Georgia Foundation. Later, during the interview, Shalva Tadumadze made certain explanations about this issue, though he failed to provide answers to the existing questions, which was [responded](#) to by the Coalition for an Independent and Transparent Judiciary.

🏛️ **On October 8**, the Public Defender [presented](#) the Monitoring Report on the Selection of Supreme Court Judicial Candidates by the High Council of Justice of Georgia. Together with a number of problems, the report dealt with the three candidates who could not prove that they held university degrees required by law. These candidates were Zaza Tavadze, Shalva Tadumadze, and Miranda Eremadze.

🏛️ **On November 8**, hearings of the candidates at the Parliament [were completed](#). We should give an unequivocally positive assessment to the format of the interviews conducted at the Parliament, where both MPs and representatives of academic circles, the Bar Association, the Coalition, and the Public Defender were given an opportunity to ask critical questions to candidates during the time allotted to them. It was also important for the openness of the process that the interviews were aired live.

🏛️ **On November 11**, the Public Defender filed a constitutional [claim](#) in the Constitutional Court with regard to unconstitutionality of the procedure of selection of judicial candidates for the Supreme Court, demanding the suspension of the disputed norms.

🏛️ **On November 22**, one of the candidates and the incumbent Chairman of the Constitutional Court, Zaza Tavadze, sent a [letter](#) to the Parliament, asking the legislative body to postpone the vote on his candidacy, citing the failure to establish the equivalence of his education with a master's degree as the reason. Later, he [refused](#) to participate in the competition altogether.

🏛️ **On December 3**, Ana Dolidze, a non-judge member of the High Council of Justice, together with like-minded individuals, held a rally-performance titled "Vote down the list" in front of the Parliament and [presented](#) to MPs 11 reasons for which they were supposed to vote down the candidates.

³ The Chairman of the Supreme Court, Zaza Tavadze, whose diploma raised questions, withdrew his candidacy before the voting. As for the former Prosecutor General, Shalva Tadumadze was elected to the Supreme Court without confirmation of correspondence of his education degree with law.

🏛️ **On December 12**, TI Georgia [responded](#) to the issue of the Prosecutor General’s diploma again. As a result of examination of additional documents, the organization found out that the authenticity of Shalva Tadumadze’s diploma still could not be confirmed.

VOTING IN THE PARLIAMENT

🏛️ **On December 12**, voting on the judicial candidates began in the Legal Issues Committee of the Parliament. The process was accompanied by grave violations. Several MPs demanded an opportunity to make a speech and to evaluate the candidates, though the Chairperson didn’t let them do so. In parallel, a technical break was announced at the session, during which journalists were forcibly made to leave the hall and were restricted in carrying out their professional activities without any legal grounds. After the session was resumed, the MPs were allowed to make assessments, which was followed by a vote. **The Legal Issues Committee supported 14 candidates.**

The plenary session was also scheduled quickly on the same day. The session was interrupted due to pouring of an unidentified substance in the session hall. As it was [found out](#) later, the solution was poured by members of the civic movement “In the Country’s Service” as a sign of protest. According to the Parliament, “five people were harmed” as a result of pouring of this substance, while the organizers of the protest act explained that the solution was “completely harmless and safe”. An investigation was also launched in connection with this incident under the article of intentional infliction of grave injury. Several MPs from the parliamentary majority [assessed](#) this incident as a “chemical attack” and a “terrorist act”.

Later, the plenary session was resumed and the judicial candidates for the Supreme Court were finally put to a vote. The MPs supported the appointment of precisely those 14 candidates for an indefinite term whom the Legal Issues Committee had recommended.

Ultimately, the following candidates were appointed as judges of the Supreme Court:

 SHALVA TADUMADZE Prosecutor General	 MAMUKA VASADZE First Deputy Prosecutor General	 GIORGI MIKAUTADZE Secretary of the High Council of Justice	 MERAB GABINASHVILI Judge of the Tbilisi Court of Appeals	 MIRANDA EREMAZDE Judge of the Tbilisi Court of Appeals
 VLADIMER KAKABADZE Judge of the Tbilisi Court of Appeals	 LEVAN MIKABERIDZE Judge of the Tbilisi Court of Appeals	 NINO KADAGIDZE Judge of the Tbilisi Court of Appeals	 LALI PAPIASHVILI Former justice of the Constitutional Court	 KETEVAN TSINTSADZE Independent inspector
 ALEKSANDRE TSULADZE Trial lawyer	 TAMAR ZAMBAKHIDZE Judge of the Tbilisi Court of Appeals	 MAIA VACHADZE Judge of the Supreme Court	 NUGZAR SKHIRTLDZE Judge of the Supreme Court	

 The positions are indicated as of the time of nomination of the candidates.

The vast majority of the appointed 14 judges are perceived to be implementing the interests of the influential judges in the judiciary or those of the authorities.

SEVERE CRITICISM BY INTERNATIONAL PARTNERS

The one-year-long selection process conducted by the authorities and the High Council of Justice and its outcome have caused a considerable damage to the country's reputation, including in the eyes of Georgia's international partners. The appointment of the 14 judges was followed by a number of critical assessments.

The U.S. [Embassy](#):

"The hearings for the nominees in the Parliament's Legal Committee were open and transparent. During the hearings, a number of candidates were unable to demonstrate sufficiently their legal expertise or a commitment to impartiality. We regret the list of candidates approved in Parliament today includes such nominees."

The [European Union](#) (EU):

"The selection procedure did not adhere to all recommendations made by the Venice Commission and was characterised by key shortcomings, including a lack of transparency that undermines a genuinely merit-based nomination process. A number of the appointed candidates do not enjoy broad public trust, as was obvious in the course of the selection process. While the hearings carried out in the Parliament were transparent, more efforts should have been devoted to justify the choice of candidates ahead of the final vote.

Georgia's commitment to uphold the highest standards of ethics and integrity in its judiciary remains key for the credibility of the judiciary in the eyes of the Georgian citizens and for the advancement of the EU-Georgia agenda. "

The Parliamentary [Assembly](#) of the Council of Europe (PACE):

"We now see that the parliament has appointed 14 out of 19 candidates, without proper reasoning and reportedly including persons who have not demonstrated during the selection process that they have the legal knowledge and independence required for such an important position. This can only be deplored."

The OSCE [Office](#) for Democratic Institutions and Human Rights (OSCE/ODIHR):

"While legal reforms regulating the appointment of Supreme Court judges in Georgia are an important step toward improving the independence of the judiciary, they fail to ensure an impartial process based on clearly defined and objective criteria without the influence of partisan politics...

[...]Despite some positive aspects, their overall assessment found that neither the HCJ nor the parliament took sufficient measures to ensure objectivity, fairness, or consistency during the selection process."

[Letter](#) of U.S. Senator, Roger Wicker, to the Prime Minister of Georgia, Giorgi Gakharia:

"Georgian Dream's unilateral appointment of 14 judges to life terms on the Supreme Court last week, despite serious questions about some of their legal qualifications, further undercuts public trust in the rule of law."

“We are particularly concerned that the independence of Georgia’s judicial system is being undermined by the appointment of 14 new Supreme Court justices for lifetime tenures before their qualifications were fully evaluated, as noted in the January 2020 Organization for Security and Co-operation in Europe monitoring report. Installing political allies into the highest court, instead of impartial judges with robust credentials, undermines the very democratic institutions that have made Georgia the envy of the region.”

SUMMARY

With the vote in the Parliament, the one-year-long difficult process of selection of judges of the Supreme Court was over. Ultimately, the Parliament elected 14 judges for an indefinite term through a competition that had been announced for 20 vacancies. The vast majority of the elected judges are thought to be implementing the interests of the influential judges in the judiciary or those of the authorities. It was particularly disturbing that the incumbent Prosecutor General, Shalva Tadumadze, was elected to the judicial office without the Parliament having studied the authenticity of his diploma. The same three individuals⁴ who had been included in the problematic 10-person list in December 2018 were also appointed to the Supreme Court. Even such candidates were ultimately elected to the Supreme Court who, as shown by the interviews with them, didn’t meet the minimum requirements of competence, to say nothing of competence sufficient for the Supreme Court.

The final results have shown that the goal of the authorities was not to fill the vacancies in the Supreme Court with conscientious and qualified judges. In reality, the process of selection of judges had a formal character. The authorities failed to adopt legislation that would be in line with international practice, which made it easier for the parliamentary majority to achieve a result planned in advance by means of the selection process. Ultimately, the Supreme Court was mainly staffed with judges who had been lobbied for by the authorities, not with applicants with high qualifications. Due to all this, the process was criticized by both local NGOs and international organizations. The process of selection of judges of the Supreme Court also received clearly negative assessments by Georgia’s friend countries. The said process is going to further decrease trust in the judiciary. Due to shortcomings in the norms regulating the selection process, partisan interests involved in the process, low qualifications of judges, and other problematic issues, this process may even lose legitimacy, which may, in the future, subject the Supreme Court, as well as the entire judicial system, to reforms, grave systemic interventions, in-depth changes, and hefty processes in general.

4 Judges: Giorgi Mikautadze, Nino Kadagidze, and Merab Gabinashvili