



Eastern Partnership Civil Society Forum Georgian National Platform Appeals to the MEPs and European Council on the Need for Judicial Reform

The political crisis in Georgia has further deepened recently. This has been confirmed by the twice unsuccessful completion of the mediation with the participation of Mr. Christian Danielsson, the Personal Envoy of the President of the European Council, Mr. Charles Michel. Political parties are showing reluctance to take all necessary steps to save the country from the political crisis.

One of such essential reforms is to introduce fundamental systemic changes to the judicial system. During the rule of the United National Movement, the court was turned into an instrument of power and became politicized. Following the change of government in the October 2012 parliamentary elections, the Georgian Dream was granted the possibility to bring about significant reforms in the judiciary, but instead we witnessed the waves of judicial reform that further strengthened the influential group in the court. The group, referred to as a clan not only at the national but also at international tribunals, holds the levers to informally manage the system. The waves of the reform only resulted in enhancing the clan's power and the refinement of the procedural norms reinforcing the clan, which neither brought tangible results nor managed to relieve the judiciary from influences.

It is quite noteworthy that the government keeps introducing legislative amendments that are merely aimed at improving procedures, and claims that the changes are those remedies recommended by international partners. However, the amendments alone cannot guarantee to rescue the court from the influence of clan power, and fundamental changes in the system are necessary.

Based on the aforesaid, the Georgian National Platform of the Eastern Partnership Civil Society Forum believes that the time has come to fundamentally reform the judiciary in Georgia in order to liberate the court from informal governance. Therefore, we believe that the following steps should be taken:

- Non-judicial members of the High Council of Justice should be appointed with the bipartisan support of the parliamentary majority and the opposition.
- Decisions on the appointment of first and second instance justices, as well as on the nomination of Supreme Court judges to Parliament should be made by the High Council of Justice with the bipartisan support of judicial and non-judicial members, while the Parliament must obtain the support of the parliamentary majority and the opposition when appointing Supreme Court judges.
- Justices already appointed to the court should be reappointed through the new procedure.
- The High Council of Justice must not be composed of judges holding administrative positions in the judiciary.

Consequently, the government must express the political will to implement the important changes and the opposition must participate in the development as well as the practical implementation of the legislative changes in order to ensure the independence of the judiciary.

We believe that your participation will have a significant impact on the launch of the necessary judicial reform and the sound conduct of the process. We also express our readiness to cooperate with the parties to implement the changes.

The signatory organizations:

1. Georgian Young Lawyers' Association
2. European Initiative – Liberal Academy Tbilisi
3. Journalism Resource Center
4. Association and Radio “Green Wave”
5. International Business and Economic Development Centre
6. The Association of Business Consulting Organizations of Georgia
7. The Greens Movement of Georgia
8. Youth Alternative
9. Samtskhe-Javakheti Regional Association “Toleranti”
10. Research-Intellectual Club “Dialogue of Generations”
11. Association of Tea Producers Georgia “Georgian Tea”
12. Union “Healthy Children”
13. New Generation for Democratic Georgia
14. Junior achievement of Georgia
15. Women’s Political Resource Center
16. International Organization of Human Rights protection and Prisoners social welfare
17. Association for the Farmers’ Rights Defence
18. Association “Imedi”
19. Save The Future Generation
20. Local Democracy Agency Georgia
21. Georgia International Development Agency
22. Institute for Euro-Atlantic integration and strategic studies
23. Foundation “Caucasus Environment”
24. Georgian Association “Woman in Business”
25. Association “Consent”
26. Peaceful and Business Caucasus
27. Human Rights Research centre
28. Women Enterprise Fund Georgia
29. HERA XXI