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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW
ON DISCIPLINARY LIABILITY
AND DISCIPLINARY PROCEEDINGS OF JUDGES
OF GENERAL COURTS

OF GEORGIA

**Law of Georgia
on Disciplinary Liability of Judges of Common Courts of Georgia and on Conducting
Disciplinary Proceedings**

Chapter I. General Provisions

Article 1 – Purpose of the Law

This Law defines the grounds for disciplinary liability and types of disciplinary penalties for judges of the Common Courts of Georgia; the procedure for conducting disciplinary proceedings and for imposing disciplinary liabilities on judges; the procedure for disciplinary case hearings and making decisions.

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Art. 63

Article 2 – Grounds for disciplinary liability of judges and types of a disciplinary misconduct

1. Disciplinary liability and penalties shall be imposed on judges of the Common Courts for committing disciplinary misconduct.

2. Types of a disciplinary misconduct shall include:

a) (deleted - 27.3.2012, No 5922);

b) a corruption offence or misuse of one's official status to the detriment of the interests of justice and the office held. An infringement under the Law of Georgia on Conflicts of Interest in Public Service and on Corruption shall constitute a corruption offence unless it entails criminal or administrative liability.

c) any activity incompatible with the position of a judge, or conflicts of interest with duties of a judge;

d) any action inappropriate for a judge that disgraces the reputation of, or damages the confidence in, a court;

e) ungrounded delay in proceedings;

f) failure to fulfil or improper fulfilment of the obligations of a judge;

g) disclosure of secrecy of deliberations of judges or professional secrecy;

h) impediment to or disrespect for the activities of bodies having disciplinary powers;

i) breach of judicial ethics;

j) (deleted - 27.3.2012, No 5922);

3. Incorrect interpretation of the law based on a judge's personal interpretation shall not constitute disciplinary misconduct and disciplinary liability shall not be imposed.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 1752 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 232

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5279 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 323

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 3 – Time frames for disciplinary proceedings

Disciplinary liability shall not be imposed on a judge, if five years have passed from the date of committing judicial misconduct, and one year from the date of a decision on instituting disciplinary proceedings.

Law of Georgia No 2127 of 25 November 2005 – GLH I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

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Article 4 – Types of disciplinary penalties and disciplinary measures

1. Disciplinary penalties shall include:

- a) reproof
- b) reprimand
- c) severe reprimand
- d) dismissal of a judge from the position
- e) elimination of a judge from the reserve list of judges of Common Courts.

2. Disciplinary measures shall include:

- a) application to a judge with a private recommendation letter;
- b) dismissal of a chairperson, first deputy or deputy chairperson of a court, a chairperson of a judicial panel or chamber.

3. Disciplinary penalties under paragraph 1(a-c)(e) of this Article shall apply to judges enrolled in the reserve list.

Law of Georgia No 1752 of 23 June 2005 – GLH I, No 36, 11.7.2005, Art. 232

Article 5 – Confidentiality of disciplinary proceedings

1. The process of disciplinary proceedings shall be confidential. Duly authorised officials, public servants and their auxiliary staffs shall be obliged to respect the confidentiality of any information that becomes known to them during disciplinary proceedings, except as provided by this Law.

2. Decision by an authorised body or an official on instituting a disciplinary proceeding against a judge, on suspending or terminating disciplinary prosecution against a judge, or applying to a judge with a private recommendation letter, as well as a decision under Article 48(1) of this Law shall be submitted to the complainant (applicant/author of the notification), if a Common Court has ceased to consider the case with regard to which a disciplinary proceeding was conducted.

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Law of Georgia No 581 of 1 May 2013 – website, 20.5.2013

Chapter II. Examination of Disciplinary Cases

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Article 6 – Grounds for initiating disciplinary proceedings

1. The grounds for initiating disciplinary proceedings against a judge may be:

- a) a complaint or application of any person, other than an anonymous complaint or application;
- b) an explanatory note of another judge, an employee of a court or an officer of the High Council of Justice of Georgia with regard to committing disciplinary misconduct by a judge;
- c) a notification by an investigative body;
- d) information disseminated by mass media about an act committed by a judge that could be considered to be disciplinary misconduct;
- e) a recommendation of the Disciplinary Board to initiate disciplinary prosecution of a judge based on new grounds.

2. The complaint (application) referred to in paragraph 1(a) of this Article must comply with the sample form approved by the High Council of Justice of Georgia, and must be drafted in printed form, as a rule. It may also be submitted in electronic form.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 1353 of 20 April 2005 – LHG I, No 19, 28.4.2005, Art. 125

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5279 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 323

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Article 7 – Power for initiating disciplinary proceedings

1. Disciplinary proceedings against a judge may be initiated by:
 - a) the Chairperson (or the acting chairperson) of the Supreme Court of Georgia – against judges of the Supreme Court of Georgia, the Court of Appeals and district (city) courts;
 - b) the Chairperson (or the acting chairperson) of the Court of Appeals – against judges of a respective Court of Appeals, as well as against judges of the district (city) courts within the jurisdiction of the Court of Appeals;
 - c) the High Council of Justice of Georgia – against all judges of Common Courts of Georgia.
2. For the entities empowered to initiate disciplinary proceedings to ensure that disciplinary prosecution will continue in the cases under paragraph 1(a-b) of this Article, they shall submit relevant materials to the High Council of Justice of Georgia.

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Article 63

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Article 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012.

Article 8 – Initiation of disciplinary proceedings and preliminary examination

1. Within two months after receiving a complaint, application or other information on committing disciplinary misconduct by a judge, the secretary or other member of the High Council of Justice of Georgia (or an officer of the High Council of Justice by order of the secretary of the High Council of Justice) shall preliminarily examine the validity of the complaint, application or information. The time frame for preliminary examination may be extended by two weeks, or suspended if the examination cannot be performed.
2. Imposition of disciplinary liability on a judge may be based on circumstances that have not been specified in the complaint, application or other information on committing disciplinary misconduct by a judge but that were revealed during the preliminary examination.
3. Disciplinary proceedings may not be re-initiated against the same judge on the same grounds that were already used in a disciplinary proceeding.
4. The powers of an officer of the High Council of Justice of Georgia during a disciplinary proceeding shall be defined under this Law and respective legal acts of the High Council of Justice of Georgia.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Art. 63

Law of Georgia No 1353 of 20 April 2005 – LHG I, No 19, 28.4.2005, Art. 125

Law of Georgia No 1752 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 232

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012.

Article 9 – Evaluation of validity of the grounds for initiating disciplinary prosecution

1. Based on the preliminary examination, the Secretary of the High Council of Justice of Georgia shall evaluate the validity of grounds for initiating disciplinary proceedings and decide either to terminate disciplinary proceedings or take explanations from a judge.
2. If a decision to take explanations from a judge is made, the grounds for disciplinary proceedings must be specified in the decision by making reference to a respective subparagraph of Article 2(2) of this Law.
3. The decision of the Secretary of the High Council of Justice of Georgia to terminate disciplinary proceedings shall be submitted for review to the High Council of Justice of Georgia. If the High Council of Justice fails to approve the decision, the Secretary of the High Council of Justice shall resume the disciplinary proceedings and make a decision to take explanations from a judge.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

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Law of Georgia No 1064 of 25 February 2005 –LHG I, No 9, 17.3.2005, Art. 63

Law of Georgia No 1353 of 20 April 2005 –LHG I, No 19, 28.4.2005, Art. 125

Law of Georgia No 2127 of 25 November 2005 –LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 10 – (Deleted)

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 11 – Consolidation of disciplinary cases into one proceeding

An appropriate body or an official shall be entitled, by its decision, to consolidate into one proceeding two or more disciplinary cases conducted on different grounds against one judge.

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 12 – Examination of a disciplinary case

1. Examination of a disciplinary case must be completed within one month of the decision to take explanations from a judge. If required, this time frame may be extended by not more than two weeks.

2. Explanations shall be taken from a judge against whom a disciplinary proceeding is in progress. The High Council of Justice of Georgia shall be entitled to take explanations from the complainant (applicant). The body conducting disciplinary proceedings shall be entitled to request all information, documents and material related to the disciplinary misconduct, and to invite other person to hear his/her information. The body shall be obliged to consider a motion by a judge against whom the disciplinary proceeding has been initiated, and to take additional explanations from him/her if so requested.

3. The Secretary of the High Council of Justice of Georgia shall have the right to direct the Common Courts to return a respective proceeding, except for the pending proceeding.

4. During disciplinary proceedings, verification of legality of a court ruling by a judge shall be prohibited.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5279 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 323

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 13 – Suspension of disciplinary proceedings

1. Disciplinary proceedings shall be suspended if:

a) the disciplinary case examination materials explicitly indicate a crime committed by a judge.

In this situation, the disciplinary case material shall be submitted to an investigative body;

b) any objective difficulty or obstacle (illness of a judge against whom the disciplinary proceeding is in progress, or other cases) has arisen during examination of a disciplinary case that makes it temporarily impossible to continue examination of the case. In this situation, a respective authorised body or official shall suspend the disciplinary proceeding by its decision. When the grounds for suspending the disciplinary proceeding have been eliminated, the respective authorised body or official shall be obliged to resume the proceedings;

c) (deleted – 27.3.2012, No 5922);

2. The period of suspension of a disciplinary proceeding shall not be included within the time frame determined under this Law for examination of a disciplinary case, nor within a one-year

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period for imposing a disciplinary liability, but the suspension period will be included within the five-year period determined by this Law for imposing a disciplinary liability.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Art. 63

Law of Georgia No 1353 of 20 April 2005 – LHG I, No 19, 28.4.2005, Art. 125

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5279 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 323

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 14 – Termination of disciplinary proceedings

A respective authorised body or an official shall make a decision to terminate a disciplinary proceeding against a judge, if:

- a) as a result of the examination of a disciplinary proceeding, the fact of committing a disciplinary misconduct under this Law, or its culpable commission by a judge has not been proven;
- b) the time for instituting disciplinary proceedings against, or imposing disciplinary liability and penalties on a judge, has expired;
- c) criminal prosecution has been initiated against a judge based on materials submitted;
- d) there is a decision by the body (official) conducting disciplinary proceedings with respect to the same judge and on the same grounds;
- e) the judicial power of a judge has been terminated.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 15 – Instituting disciplinary proceedings or terminating disciplinary proceedings against a judge

1. Following a disciplinary case examination, as a result of examining the validity of the grounds for initiating disciplinary proceedings, the Secretary of the High Council of Justice of Georgia shall apply to the High Council of Justice of Georgia with a proposal to institute disciplinary proceedings or terminate disciplinary proceedings against a judge.

2. The body instituting disciplinary proceedings against a judge may not approve the preliminary examination results with regard to the institution or termination of disciplinary proceedings against a judge, but may make a contrary decision. It may not approve the legal assessment of the examination and change the grounds for instituting disciplinary proceedings against a judge based on factual materials examined.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 16 – Decision on instituting disciplinary proceedings against a judge

1. The decision on instituting disciplinary proceedings against a judge must include the content of the disciplinary accusation presented against him/her.

2. By the same decision, the High Council of Justice of Georgia shall appoint its representative to the Disciplinary Board of Judges of Common Courts of Georgia to support the disciplinary accusation at the hearing. The High Council of Justice of Georgia shall be entitled to appoint several representatives to support the disciplinary accusation, or replace its representative at any stage of a disciplinary proceeding.

3. A copy of the decision shall be handed to the judge held liable.

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4. The decision on instituting disciplinary proceedings against a judge shall be submitted to the Disciplinary Board of Judges of Common Courts of Georgia along with a disciplinary case file within one week after the decision.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 17 – Making decisions on disciplinary matters by the High Council of Justice of Georgia

1. The High Council of Justice of Georgia shall make a decision on disciplinary matters under the Organic Law of Georgia on Common Courts and as determined by Regulations of the High Council of Justice of Georgia.

2. A session to consider disciplinary matters shall be chaired by the Chairperson of the Supreme Court of Georgia.

3. (Deleted - 1.5.2013, No 581).

4. The Secretary of the High Council of Justice of Georgia shall convene a session of the High Council of Justice of Georgia to consider disciplinary matters.

5. At its session, the High Council of Justice of Georgia shall consider the issue of termination of a disciplinary proceeding, as well as of institution of disciplinary proceedings against a judge, and the related materials. The Council has the right to invite a judge and a complainant (applicant) to the session to hear their information and explanations.

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art 347

Law of Georgia No 5279 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art 323

Law of Georgia No 581 of 1 May 2013 – website, 20.4.2013

Article 18 – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHG I, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012.

Article 19 – Application to a judge with a private recommendation letter

1. If the preliminary examination of the validity of the grounds for instituting disciplinary proceedings, or the examination of a disciplinary case credibly establishes the fact of committing judicial misconduct by a judge for which institution of disciplinary proceedings against him/her will be considered inappropriate, a respective body or official may terminate the disciplinary proceeding and apply to a judge with a private recommendation letter.

2. The content and the text of a private recommendation letter shall be confidential.

3. The Secretary of the High Council of Justice of Georgia shall sign a private recommendation letter.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5279 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 323

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Law of Georgia No 581 of 1 May 2013 – website, 20.5.2013

Article 20 – Prohibition of removal of a judge from considering a case and from fulfilling other official duties

A judge shall not be removed from considering a case and from fulfilling other official duties due to instituting disciplinary proceedings or imposing disciplinary liability or penalties on him/her, except as provided for under Article 56(3) of this Law.

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Chapter III. Disciplinary Case Hearing by the Disciplinary Board of Judges of Common Courts of Georgia

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Article 21 – The disciplinary hearing body and the legal basis for its activities

1. The Disciplinary Board of Judges of Common Courts of Georgia (‘the Disciplinary Board’) shall consider disciplinary proceedings against judges of Common Courts of Georgia.

2. The Disciplinary Board shall carry out activities under this Law and upon recommendation of the Disciplinary Board, according to procedures established by the Conference of Judges of Georgia.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 1278 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 62

Law of Georgia No 581 of 1 May 2013 – website, 20.5.2013

Article 22 – (Deleted)

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Article 23 – Binding nature of execution of a decision by the Disciplinary Board

Execution of a decision by the Disciplinary Board shall be binding.

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Article 24 – Procedure for establishment of the Disciplinary Board

1. The Disciplinary Board shall consist of 5 members. Three of them are judges of Common Courts of Georgia and two of them are not judges. The Disciplinary Board member judges shall be elected by the Conference of Judges of Georgia. Any judge attending the Conference of Judges of Georgia may nominate at the Conference of Judges a candidate for a member of the Disciplinary Board. The Parliament of Georgia shall elect members of the Disciplinary Board that are not judges by majority of the members on the list. These members shall be selected from among professors and researchers working at higher education institutions, members of the Georgian Bar Association and/or persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia on recommendation of a collegiate management authority of a respective organisation. The non-entrepreneurial (non-commercial) legal entity may nominate a candidate for Disciplinary Board membership if, within at least two years before the competition was announced, one of the candidate’s activities have been the exercise of representative powers in judicial proceedings. Each of the entities shall be entitled to present one candidate to the Parliament of Georgia. Members of the Parliament of Georgia, judges and public prosecutors may not be nominated as candidates for Disciplinary Board membership. The procedure and time for presenting candidates to the Parliament of Georgia, establishing compliance with the requirements under this paragraph and the second paragraph of this Article, for considering and submitting them to plenary sessions of the Parliament, as well as for electing

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them as Disciplinary Board members shall be determined by Regulations of the Parliament of Georgia. Disciplinary Board members shall be elected for a two-year term.

2. The Parliament of Georgia may elect as a Disciplinary Board member a citizen of Georgia who has higher legal education, at least 10-year's working experience in the profession, enjoys a good reputation and is a recognised expert in the field of law. The prior written consent of the candidate for membership shall be required before electing him/her as a Disciplinary Board member.

3. A Disciplinary Board member elected by the Parliament of Georgia may not hold any other official position in public service or a local self-governing body, be engaged in entrepreneurial activities, personally exercise powers of a member of a governing, supervisory, monitoring, auditing or advisory body of an entrepreneurial entity, or be engaged in any paid activity other than scientific, pedagogical and creative activities. He/she may not be a member of any political alliance and/or participate in political activities.

4. A Disciplinary Board member may not be:

a) the Chairperson, the first deputy Chairperson or a deputy Chairperson of the Supreme Court of Georgia; the Chairperson, the first deputy Chairperson or a deputy Chairperson of a court; the chairperson of a Board or Chamber, or a person who has held any of these official positions within the last one year;

b) a member of the High Council of Justice of Georgia.

5. A judge may not be a member of the Disciplinary Board if disciplinary liability and disciplinary penalties for committing judicial misconduct were imposed on him/her within the past five years.

6. The powers of a Disciplinary Board member may be terminated on the grounds of:

a) personal application;

b) entry into force of the final judgement of conviction against him/her;

c) termination of Georgian citizenship;

d) expiry of term of office;

e) recognising him/her by court as a legally incompetent person or person with limited competence;

f) his/her death;

g) disclosing confidential information of disciplinary proceedings;

h) committing judicial misconduct;

i) systematic failure to fulfil his/her obligations or their improper fulfilment;

j) holding an incompatible position or engaging in incompatible activities.

7. Powers of a Disciplinary Board member may be terminated due to the breach of other norms of judicial ethics.

8. A decision on terminating the powers of a Disciplinary Board member shall be made by the Parliament of Georgia by majority of its members, or by the Conference of Judges of Georgia which shall be obliged to examine the validity of the grounds for termination. The Parliament of Georgia or Conference of Judges of Georgia shall be entitled to invite a respective member to the session to hear his/her opinion. Under any of the circumstances specified in paragraph 6(a-f) of this Article, the Parliament of Georgia or the Conference of Judges of Georgia shall accept the information on any circumstance for reference, without making a decision; and under any of the circumstances specified in paragraph 6(g-j) of this Article – they shall vote for the decision on termination of powers of a Disciplinary Board member.

9. The Disciplinary Board shall consider the disciplinary case on its member without participation of the member.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 2792 of 17 March 2006 – LHG I, No 7, 20.3.2006, Art. 56

Law of Georgia No 4218 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 26

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Law of Georgia No 2453 of 25 December 2009 – LHG I, No 49, 30.12.2009, Art. 373

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Law of Georgia No 581 of 1 May 2013 – website, 20.5.2013

Article 25 – Chairperson of the Disciplinary Board

The Disciplinary Board shall elect the Chairperson of the Disciplinary Board from among the member judges of the Board. The chairperson of the Disciplinary Board shall chair the Board sessions and exercise other powers under the legislation of Georgia.

Law of Georgia No 251 of 20 April 2000 – LHG I, No 15, 25.4.2000, Art. 37

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 2453 of 25 December 2009 – LHG I, No 49, 30.12.2009, Art. 373

Article 26 – (Deleted)

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Article 27 – Remuneration for performance of obligations

A Disciplinary Board member elected by the Parliament of Georgia shall be remunerated for performance of his/her obligations within the budgetary allocations for Common Courts of Georgia.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 581 of 1 May 2013 – website, 20.5.2013.

Article 28 –Place of performance of the Disciplinary Board

The place of performance of the Disciplinary Board shall be at the High Council of Justice of Georgia or a location specially designated for it.

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Article 29 – Scope of considering a case by the Disciplinary Board

The Disciplinary Board has no right to go beyond the scope of a disciplinary accusation (facts of the accusation). It has no right to propose for a substantive discussion at the Disciplinary Board session the facts or circumstances that are not directly related to the disciplinary accusation presented against a judge; or to find a judge guilty for committing a disciplinary misconduct for which a disciplinary accusation has not been presented against the judge, and impose a disciplinary liability and penalty on him/her.

Article 30 – Principles of activity of the Disciplinary Board

1. The Disciplinary Board shall act as a court when considering a case. (Invalid) [Judgement of the First Board of the Constitutional Court of Georgia No 1/3/209 of 28 June 2004, 276-LHG IV, No 31, 6.7.2004, p. 2]

2. The Disciplinary Board shall consider a disciplinary case collegially. The Disciplinary Board shall be duly constituted if at least 3 of the Board members are present at its session.

3. The Disciplinary Board shall consider disciplinary proceedings impartially and objectively following the principle of adversarial nature of proceedings and equality of arms.

4. The Disciplinary Board sessions shall be closed, and the information related to a case hearing shall be confidential. A Disciplinary Board member and a presenter of disciplinary charges shall be obliged to keep the confidentiality of information.

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Judgement of the First Board of the Constitutional Court of Georgia No 1/3/209 No 1/3/209 of 28 June 2004, 276-LHG IV, No 31, 6.7.2004, p. 2

Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 31 – Time frame for a disciplinary case hearing

The Disciplinary Board shall consider a disciplinary case not later than two months of its receipt.

Article 32 – Location of a disciplinary case hearing

The Disciplinary Board shall consider a disciplinary case in a specially allocated hall. A disciplinary case hearing may not be held in a courtroom.

Article 33 – Procedure for assignment of disciplinary cases within the Disciplinary Board

Chairperson of the Disciplinary Board shall assign disciplinary cases according to the order of cases.

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 34 – Removal of Disciplinary Board members from a disciplinary case hearing

1. A Disciplinary Board member shall be obliged to withdraw from a disciplinary case hearing if there is any circumstance that can prevent him/her from considering the case impartially and objectively.

2. A Disciplinary Board member shall be obliged to withdraw from a disciplinary case hearing if a court ruling, decree, separate decision, recommendation of the Disciplinary Board made by him/her or with his/her participation, or his/her explanatory note served as the basis for initiating disciplinary prosecution against a judge.

Article 35 – Challenge of the Disciplinary Board

1. A judge on whom a disciplinary liability is imposed, as well as a representative of a liable holder authority shall have the right to challenge a Disciplinary Board member or the full Board composition. They shall be obliged to provide and substantiate their reason for the challenge. The judge held liable shall also have the right to challenge the representative of the liable holder authority who has been appointed to support disciplinary charges in his/her case.

2. The Disciplinary Board shall consider a motion for challenging the Board, its member or a representative who is appointed to support the charges in a meeting room.

3. A motion for a challenge must be satisfied if there is a well-grounded suspicion in the impartiality of the Disciplinary Board member, full Board composition or the representative appointed to support the charges.

4. If a Disciplinary Board member or a representative appointed to support disciplinary charges rescinds or overturns the judgment passed by the judge on whom a disciplinary liability was imposed in the past, it shall not constitute the grounds for impartiality and recusal of the Disciplinary Board member or the representative appointed to support the disciplinary charges.

5. A motion for recusal of a Disciplinary Board member must be satisfied if any of the circumstances under Article 34(2) of this Law is present.

6. If a motion for recusal is satisfied, the Disciplinary Board shall continue to consider the case without the Board member recused.

7. If the Disciplinary Board or the representative appointed to support charges is challenged, the period of adjournment of the case hearing shall not be included within the time frame established by this Law for imposing a disciplinary penalty.

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8. If a motion for recusal is not satisfied, the Disciplinary Board shall continue the case hearing at the same session.

Law of Georgia No 1752 of 23 June 2005 – LHGI, No 36, 11.7.2005, Art. 232

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 36 – Termination of a disciplinary proceeding due to expiry of the statutory period

1. When receiving a disciplinary case, the Disciplinary Board shall be obliged, before starting the case hearing, to verify whether the statutory period for imposing a disciplinary liability on a judge has expired.

2. If the statutory period for imposing a disciplinary liability on a judge has expired, the Disciplinary Board shall be obliged to immediately make a decision on terminating the disciplinary proceeding and to notify the decision to the body imposing the disciplinary liability on a judge, as well as to the judge held liable.

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 37 – Suspension of a disciplinary proceeding due to presence of elements of crime

1. When receiving a disciplinary case, the Disciplinary Board shall be obliged, before starting the case hearing, to verify whether the action that served as the basis for imposing a disciplinary liability on a judge contains elements of crime.

2. If, based on the disciplinary case files, the action of a judge contains explicit elements of crime, the Disciplinary Board shall not start the case hearing; it shall suspend disciplinary proceedings, forward the case files to an appropriate body and notify this fact to the judge against whom disciplinary prosecution has been initiated, as well as to the body imposing disciplinary liability on the judge.

3. If a criminal proceeding against a judge who has committed an illegal action is not initiated, or the case initiated is terminated, the Disciplinary Board shall, after being notified of either of the actions, resume the disciplinary proceeding suspended unless the period for imposing a disciplinary liability has expired.

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 38 – Making arrangements for a disciplinary case hearing

1. The Disciplinary Board assigned to consider a disciplinary case shall beforehand familiarise itself with the case material and appoint the date for hearing by the Board.

2. The Disciplinary Board must timely notify the body imposing disciplinary liability on a judge and its representative, as well as the judge held liable, of the case hearing date, time and location.

3. The Disciplinary Board shall summon witnesses and other persons to participate in the case hearing, and shall notify them of the hearing date, time and location.

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 39 –Hearing of a case by the Disciplinary Board

1. The Disciplinary Board shall hear a disciplinary case at its session. Chairperson of the Disciplinary Board or, in his/her absence, a Board member making a report on a disciplinary case shall chair the session.

2. The chairperson of the Disciplinary Board session shall open the session.

3. Disciplinary case hearing shall start with a report by one of the Disciplinary Board members. The report shall provide details of the stages of disciplinary proceeding and related factual circumstances in a chronological order.

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4. After the report, the floor shall be given to the parties involved: first to a representative of the authority initiating disciplinary liability against a judge to present disciplinary charges; then – to the judge held liable to re-join. The judge held liable shall have the right to use assistance of a counsel. He/she may invite a lawyer, any judge or any other representative as a defending counsel.

5. The parties shall be entitled to fully express and appropriately defend their positions, exchange questions, present written and other evidences, file motions for publishing various documents, materials or information, or for hearing information of persons invited to the session, or for requesting additional documents or inviting additional persons and hearing their information, for withdrawing a respective proceeding, as well as to carry out other measures. The motions shall be considered by the Disciplinary Board.

6. The Disciplinary Board shall be entitled to question the parties, or persons invited to participate in the case hearing, request additional documents, materials or information, invite additional persons to hear their information, adjourn the case for not more than two weeks, and carry out other measures.

7. Presenter of a disciplinary charge shall only be limited to presenting a disciplinary charge and its substantiation. He/she may not request imposing a specific disciplinary penalty and disciplinary measure on a judge.

8. Minutes of the Disciplinary Board session shall be drawn up at the session.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 40 – Ensuring equality of the parties

1. The Disciplinary Board shall be obliged to provide the parties with equal conditions and opportunities to express and defend their positions.

2. Disciplinary Board members may not hold prior meetings with, or obtain any information from any party in the absence of the other party, or without notifying the other party of contents of the information, unless it refers to an organisational aspect of the case.

3. Disciplinary Board members shall be obliged to abstain from expressing their attitudes or predispositions in favour of either party that may raise doubts about impartiality of the Disciplinary Board.

Article 41 – Mandatory participation of parties in disciplinary proceedings

1. During the disciplinary case hearing, participation of a judge held liable, and of a representative of a liable holder authority in the Disciplinary Board session shall be mandatory. If any of the parties fails to appear at the session, the Disciplinary Board shall be obliged to adjourn the hearing for not more than two weeks. This time frame shall not be included within a two-month period for the Disciplinary Board to consider the case.

2. If proved that the judge held liable avoids attending the Disciplinary Board session with unreasonable excuse, the Board shall be entitled to consider the case in his/her absence, to find him/her guilty if relevant grounds are present, and impose a disciplinary liability and disciplinary penalty on him/her.

3. If the judge held liable for committing a disciplinary misconduct is unable to attend the Disciplinary Board session due to a severe illness or other force majeure circumstances, the Board shall be entitled to make a decision on suspending the disciplinary proceeding for up to three months. This time frame shall not be included within the three-year period for imposing a disciplinary liability. If reasons for suspending the proceeding are not eliminated within this period, the Disciplinary Board may consider the case in the absence of the judge.

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Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 42 – Decision of the Disciplinary Board with respect to withdrawal of disciplinary accusations from judges, or recognition of disciplinary accusations by judges

1. A representative of the authority instituting a disciplinary liability against a judge may, at any stage of a disciplinary case hearing (before the Disciplinary Board goes into the meeting room), withdraw a disciplinary accusation presented against the judge. In this situation, the Disciplinary Board shall be obliged to terminate the case hearing regardless of its stage, and respectively, the disciplinary case.

2. Before the case hearing starts, the judge held liable for a disciplinary misconduct shall have the right to fully recognise the disciplinary accusation and request from the Disciplinary Board to make a decision on finding him/her guilty and on imposing a disciplinary liability and disciplinary penalty on him/her without substantive case hearing. The Disciplinary Board shall be obliged to satisfy the motion of the judge and make an appropriate decision.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 43 – Temporary suspension of a case hearing at the Disciplinary Board

1. If, before completing a disciplinary case hearing, the Disciplinary Board receives another disciplinary case initiated against the same judge, the Disciplinary Board shall be obliged to temporarily suspend the previous case hearing, consolidate both disciplinary cases, consider them simultaneously and, in case the judge is found guilty of committing two or more misconducts and a disciplinary liability is imposed on him/her, to impose one of the penalties provided for by this Law.

2. If the Disciplinary Board finds out that a disciplinary prosecution has been initiated against the same judge under another accusation, it may temporarily suspend the disciplinary case hearing and wait until this issue is solved.

2. (Deleted).

3. The Disciplinary Board shall also temporarily suspend the hearing in other cases provided for by this Law.

4. The temporary suspension period of a case shall not be included within the two-month period for the Disciplinary Board to consider the case.

5. After the grounds for suspending disciplinary proceedings are eliminated, the Disciplinary Board shall resume the case hearing.

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 44 – Noncompliance with the principle of continuity of the proceeding

The principle of continuity of the proceeding does not apply to disciplinary proceedings. If a disciplinary case hearing is adjourned or temporarily suspended, Disciplinary Board members shall be entitled to consider another disciplinary case and then resume considering the adjourned or temporarily suspended case. They shall have the right to consider a disciplinary case regardless of whether or not they participate in other (criminal, civil, etc.) proceedings.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 45 – Making a substantive decision on a case

The Disciplinary Board shall determine whether a judge committed an action for which a disciplinary charge was presented against him/her, and whether this action constitutes a disciplinary misconduct under this Law. The Disciplinary Board shall also determine whether a judge was to be blamed for committing a disciplinary misconduct. Only under all of the three

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circumstances the Disciplinary Board shall be entitled to make a decision on finding a judge guilty and on imposing a disciplinary liability and disciplinary penalty on him/her. The Disciplinary Board may reclassify the action committed by the judge and replace it with any other disciplinary misconduct under Article 2 of this Law.

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Article 46 – Recommendation of the Disciplinary Board for instituting a disciplinary proceeding with a new accusation

If, during a disciplinary case hearing, a reasonable doubt rises among Disciplinary Board members with respect to another disciplinary misconduct committed by a judge, the Board shall be obliged to apply to a respective authority or official with a recommendation to initiate a disciplinary proceeding against the judge under a new accusation. If deemed necessary, the Disciplinary Board shall be entitled to suspend a disciplinary proceeding under the current accusation until the decision on instituting a disciplinary liability against the judge for another disciplinary misconduct is made.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 47 – Making a decision by the Disciplinary Board

1. The Disciplinary Board shall make a decision in a meeting room.
2. The decision of the Disciplinary Board shall be considered to be made if the majority of the Board members present vote for it.
3. The decision of the Disciplinary Board shall be made in writing and signed by its members.
4. A Disciplinary Board member who disagrees with a decision made on a disciplinary case shall formulate his/her opinion in writing to be attached to the case file.
5. The decision of the Disciplinary Board may be appealed to the Disciplinary Board.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 48 – Types of the Disciplinary Board decisions

1. The Disciplinary Board shall be entitled to deliver decisions on one of the following issues:
 - a) suspending a disciplinary proceeding;
 - b) terminating a disciplinary proceeding;
 - c) finding a judge guilty of committing a disciplinary misconduct and imposing a disciplinary liability and disciplinary penalty on him/her;
 - d) finding a judge guilty of committing a disciplinary misconduct, imposing a disciplinary liability on the judge and applying to him/her with a private recommendation letter;
 - e) acquitting a judge.
2. The decisions under paragraph 1(c-e) of this Article shall be made only after a substantive case hearing is completed.

Article 49 – Decision of the Disciplinary Board on termination of a disciplinary proceeding

1. The Disciplinary Board shall make a decision on terminating a disciplinary proceeding if:
 - a) the time frame for imposing a disciplinary penalty on a judge has expired;
 - b) the authority instituting a disciplinary liability against a judge has withdrawn a disciplinary accusation against the judge;
 - c) the judge against whom a disciplinary prosecution has been initiated resigns before the disciplinary proceeding is completed or his/her judicial power expires;
 - d) based on files submitted by the Disciplinary Board, a criminal case was instituted against a judge, or it was not instituted due to failure to prove the guilt of a judge or the facts upon which the disciplinary accusation was based.

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2. The Disciplinary Board shall make a decision on terminating a disciplinary proceeding only before a substantive case hearing is completed, and before the Disciplinary Board goes into the meeting room.

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012.

Article 50 – Decision of the Disciplinary Board on temporary suspension of a disciplinary proceeding

1. The Disciplinary Board shall make a decision on temporarily suspending a disciplinary proceeding in cases under Article 43 of this Law.

2. A disciplinary proceeding may be temporarily suspended only before a substantive case hearing is completed, and before the Disciplinary Board goes into the meeting room.

Article 51 – Decision of the Disciplinary Board on finding a judge guilty of committing a disciplinary misconduct, on imposing a disciplinary liability on a judge and on applying to a judge with a private recommendation letter

1. The Disciplinary Board shall make a decision on finding a judge guilty of committing a disciplinary misconduct, on imposing a disciplinary liability on the judge and on applying to him/her with a private recommendation letter if a culpable commission by a judge of a disciplinary misconduct under this Law has been proven during the case hearing at the Disciplinary Board, but due to an insignificant nature of the misconduct, a minor degree of the guilt or due to other grounds (such as the delicacy of the case in question, or other reasons, taking into account the judge's personality), the Disciplinary Board considers inappropriate to impose a disciplinary penalty on the judge, and deems it sufficient to apply to him/her with a private recommendation letter.

2. A private recommendation letter is a letter of the Disciplinary Board addressed to the judge who has committed a disciplinary misconduct. The letter shall provide a negative assessment of a disciplinary misconduct committed by the judge. The letter shall also contain a recommendation and advice of the Disciplinary Board for eliminating the infringements, and the ways and solutions for overcoming the problems and difficulties associated with fulfilling the duties of a judge.

3. The content of a private recommendation letter shall be confidential. It shall only be sent to the judge who committed a disciplinary misconduct. A copy of the letter may not be forwarded to any other authority or official. A copy of the letter shall be attached to the disciplinary case file in a sealed envelope and may be opened only during a case hearing held at the Disciplinary Board if a judge commits again a disciplinary misconduct.

Article 52 – Decision of the Disciplinary Board on acquitting a judge

The Disciplinary Board shall make a decision on acquitting a judge if committing of the disciplinary misconduct under this Law or its culpable commission by the judge has not been proven as a result of the case hearing.

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Article 53 - Decision of the Disciplinary Board on finding a judge guilty of committing a disciplinary misconduct, on imposing a disciplinary liability and a disciplinary penalty on a judge

The Disciplinary Board shall make a decision on finding a judge guilty of committing a disciplinary misconduct, on imposing a disciplinary liability and a disciplinary penalty on him/her, if the culpable commission by a judge of one or several disciplinary misconducts under this Law has been proven as a result of the case hearing held at the Disciplinary Board, and the Board considers appropriate to impose one of the penalties under Article 4(1) of this Law on the judge.

Article 54 – General procedure for imposing a disciplinary penalty and a disciplinary measure

1. Disciplinary penalty and disciplinary measures shall be imposed by following the principle of independence and non-interference in the activities of a judge. When selecting a disciplinary penalty and a disciplinary measure to be imposed on a judge, the Disciplinary Board shall consider the content and gravity of a disciplinary misconduct, implications it incurred or may have incurred, and degree of guilt.

2. The Disciplinary Board shall be entitled to apply only one type of a disciplinary penalty. A disciplinary penalty may be imposed either separately or in combination with a disciplinary measure under Article 4(2)(b) of this Law. A measure under Article 4(2)(a) of this Law shall be applied only separately.

3. If the penalty imposed for a previously committed disciplinary misconduct has not been lifted, as a rule, a more severe disciplinary penalty shall be imposed on a judge.

4. If, within six months of applying with a private recommendation letter, a judge commits the similar disciplinary misconduct for which the above disciplinary measure was imposed on him/her, the Disciplinary Board shall consider imposing a disciplinary penalty on the judge.

Law of Georgia No 5279 of 11 July 2007 – LHGI, No 29, 27.7.2007, Art. 323

Article 54¹ – Imposing a disciplinary penalty

1. For committing a disciplinary misconduct under:

a) Article 2(2)(b) or Article 2(2)(d) of this Law, a reprimand, severe reprimand or removal from a position (elimination from the reserve list of judges of Common Courts) may be imposed on a judge as a disciplinary penalty;

b) Article 2(2)(c) of this Law, a severe reprimand or removal from a position (elimination from the reserve list of judges of Common Courts) may be imposed on a judge as a disciplinary penalty;

c) Article 2(2)(e), Article 2(2)(g) or Article 2(2)(h) of this Law, a reproof or a reprimand may be imposed on a judge;

d) Article 2(2)(f) or Article 2(2)(j) of this Law, a reproof, reprimand, severe reprimand or removal from a position (elimination from the reserve list of judges of Common Courts) may be imposed on a judge as a disciplinary penalty;

2. The Disciplinary Board shall be entitled to impose a more severe disciplinary penalty for committing three or more disciplinary misconducts.

Law of Georgia No 5279 of 11 July 2007 – LHGI, No 29, 27.7.2007, Art. 323

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 55 – Dismissal of a chairperson, first deputy chairperson, deputy chairperson of a court, or a chairperson of the Judicial Board or Chamber

The Disciplinary Board shall apply dismissal of a chairperson, first deputy chairperson, deputy chairperson of a court, or a chairperson of the Judicial Board or Chamber as a disciplinary measure if a judge fails to exercise or improperly exercises his/her respective administrative powers – duties of the head of court, the board or chamber, or when committing other disciplinary misconduct under this Law.

Law of Georgia No 5279 of 11 July 2007 – LHGI, No 29, 27.7.2007, Art. 323

Article 56 – Decision of the Disciplinary Board on dismissal of a judge

1. The Disciplinary Board shall make a decision on dismissing a judge, if, based on the gravity and number of specific disciplinary misconducts, also based on previously committed disciplinary misconducts, it considers inappropriate for this judge to continue to exercise his/her judicial power.

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2. If a severe reprimand, either separately or in combination with a disciplinary measure under the Law, was imposed on a judge as a disciplinary penalty for a previously committed disciplinary misconduct, and this penalty has not been lifted, the Disciplinary Board shall consider the dismissal of this judge when selecting a disciplinary penalty for a new disciplinary misconduct.

3. A judge must be removed from a case hearing and from exercising other official powers as determined by the Law immediately after the Disciplinary Board makes a decision to dismiss the judge.

Law of Georgia No 1752 of 23 June 2005 – LHGI, No 36, 11.7.2005, Art. 232

Law of Georgia No 5279 of 11 July 2007 – LHGI, No 29, 27.7.2007, Art. 323

Article 57 – Contents of a decision of the Disciplinary Board

A decision of the Disciplinary Board shall include:

- a) title of the Disciplinary Board
- b) composition of the Disciplinary Board
- c) time of a disciplinary case hearing
- d) full name and position of a judge held liable
- e) name of an official initiating a disciplinary proceeding and imposing a disciplinary liability, or title of an appropriate authority
- f) date of initiating a disciplinary proceeding and instituting disciplinary liability
- g) circumstances of a disciplinary case
- h) content of a disciplinary accusation and explanations of a judge
- i) factual and legal grounds for the decision made; content and motivation of the decision
- j) type of a disciplinary misconduct for which a disciplinary liability is imposed on a judge, and types of a disciplinary penalty and a disciplinary measure
- k) grounds for terminating a disciplinary proceeding, acquitting a judge, applying to a judge with a private recommendation letter, or for a recommendation to dismiss a judge.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 58 – Submission of a copy of the Disciplinary Board decision

1. Copies of the decision by the Disciplinary Board on a disciplinary case shall be submitted to the judge with respect to whom the decision was made, to the High Council of Justice of Georgia and the Conference of Judges of Georgia within five days of the decision.

2. A copy of the decision of the Disciplinary Board must be attached to the personal file of a judge.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 59 – Minutes of a Disciplinary Board session and its content

1. The minutes of a Disciplinary Board session shall include the date of the session, its start time, course of the session, composition of the Board, full names of the parties involved and their views, evidences and relevant substantiation presented by the parties, the essence of the motions filed by the parties and results of their consideration, names and positions of the persons invited to the session and the information they provide, the content of the decision by the Disciplinary Board, and the closing time of the session.

2. The chairperson and the secretary of the Disciplinary Board session shall sign the minutes of the session.

3. The minutes of the Disciplinary Board session shall be attached to the disciplinary case.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Chapter IV

Disciplinary Case Hearing by the Disciplinary Chamber of the Supreme Court of Georgia *Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347*

Article 60 – Appeal of a Disciplinary Board decision

1. A decision of the Disciplinary Board may be revised by appealing it at the Disciplinary Chamber of the Supreme Court of Georgia (the `Disciplinary Chamber`). Only the decisions made under Article 48(1)(b-e) of this Law shall be subject to appeal. The parties to the disciplinary case shall have the right to appeal.

2. A decision by the Disciplinary Board shall be appealed to the Disciplinary Board within 10 days. This time frame cannot be extended (recovered) and it shall commence from the time of handing the decision of the Disciplinary Board to a party. Submission of a copy of the decision to the party directly at the Disciplinary Board or sending it by post shall be considered to be the time of handing the decision.

3. The High Council of Justice of Georgia shall make a decision on appealing the Disciplinary Board decision at a Council's session. The High Council of Justice of Georgia shall appeal the Disciplinary Board decision through its representative.

4. A judge on whom a disciplinary liability has been imposed shall appeal the Disciplinary Board decision in person or through his/her defending counsel or other representative.

5. Within five days after receiving the appeal from either or both parties to a disciplinary case, the chairperson of the Disciplinary Board shall submit the disciplinary case file to the Disciplinary Chamber, along with the appeals received, and shall notify the parties to the disciplinary case about it.

6. A state duty shall not be paid for an appeal filed against a Disciplinary Board decision.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012.

Article 61 – Content of an appeal

1. An appeal must include:

- a) the title of the Disciplinary Chamber
- b) the name and address of the appellant and of the adversary
- c) exact title of the decision appealed, and the title of an authority that made this decision
- d) reference to the section of the decision that was appealed
- e) reference to the grounds (reasons) for appeal and explanation on whether the appellant requests to cancel the decision (application of the appeal)
- f) reference to the facts and evidence confirming the infringement of procedural norms, if the appeal is based on an infringement of procedural norms
- g) the list of written materials that are attached to the appeal
- h) the signature of an appellant.

2. A power of attorney verifying the right of the representative to appeal shall be attached to the appeal submitted by the representative, if the document verifying this right is not included in the case file.

3. The appeal and other additional materials received shall be submitted to the court in as many copies as the number of parties to the case.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Article 62 – Verification of admissibility of an appeal

1. Within 10 days of the receipt of an appeal, the Disciplinary Chamber must verify whether the appeal has been filed in compliance with Article 61 of this Law. If the appeal complies with the requirements of this article, the Disciplinary Chamber shall admit it to the proceeding.

2. If an appeal fails to comply with the requirements of Article 61 of this Law, the Disciplinary Chamber shall assign the appellant to fill the gap, for which it shall allow him/her a reasonable time frame (not more than 10 days). If the gap is not filled within this time frame, or if the appeal is not filed within the statutory period, the appeal shall not be considered.

3. The Disciplinary Chamber shall resolve the issue under this article without oral consideration.

4. Copies of the appeal and of the enclosed files must be forwarded to the adversary. The Disciplinary Chamber may fix a time frame for the adversary to respond in writing to the appeal.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 63 – Refusal to appeal the decision and waiver of the appeal

1. If, following the announcement of the decision, a party refuses to appeal the decision at the Disciplinary Board in writing the appeal shall not be admitted.

2. The appeal may be waived before making the decision. In case of a waiver of an appeal, the party shall be deprived of the right to appeal the decision again.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 64 – Time frame and timing for a case hearing

1. The Disciplinary Chamber shall hear a disciplinary case within one month after admission of an appeal. Under objective circumstances, the Chairperson of the Supreme Court of Georgia may extend the time frame for the case hearing for one more month.

2. Under the decision on admission of an appeal, the Disciplinary Chamber shall fix the time for an oral case hearing and shall notify the parties of it within three days of the decision.

3. The Disciplinary Chamber shall ensure that the parties/participants are invited to take part in the session of the Disciplinary Chamber.

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 65 – Scope of hearing of an appeal by the Disciplinary Chamber and principles of its activity

1. The Disciplinary Chamber shall verify a decision by the Disciplinary Board within the scope of the appeal in terms of factual and legal aspects, as well as of lawfulness of the penalty imposed.

2. A case hearing held by the Disciplinary Board in violation of legal procedures may serve as a ground for cancelling the decision only if it resulted in making a substantively incorrect decision on the case.

3. During the appeal hearing, the Disciplinary Chamber shall carry out its activity in compliance with the principles under Article 30(3),(4) of this Law.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 66 – Hearing of a case by the Disciplinary Chamber

1. An appeal against a Disciplinary Board decision shall be considered at the session of the Disciplinary Chamber. The chairperson of the Disciplinary Chamber or another member of the Chamber – by order of the chairperson – shall chair the session.

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2. The chairperson of the Disciplinary Chamber session shall open the session and announce the case to be considered.
3. The secretary of the Disciplinary Chamber session shall report on who of the people invited to the case hearing is present, and whether those absent have been notified of the session and what information is available on reasons of their absence. The Disciplinary Chamber shall check the details of persons present and verify powers of the representatives.
4. The chairperson of the session shall explain to the parties and their representatives their rights and obligations.
5. The chairperson of the session shall announce the composition of the Disciplinary Chamber, the full name of the secretary of the session, and explain to the parties that they have the right to recuse, if the recusal was not proposed on the basis of a reasonable excuse before hearing of the case at the session; or if other composition of a court is considering the case and not the one that was known at the preparatory stage of the proceeding.
6. The chairperson of the session shall ask the parties whether they have motions or statements that were not announced before the session.
7. Participants of the proceeding shall be obliged to keep order and obey the instructions of the chairperson of the session. If the order is broken, the chairperson shall warn the breaker.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 67 – Substantive hearing of the case

1. Substantive hearing of a case shall start with a judge reporting on the case which must be based on the case files submitted.
2. After the judge's report on the case, the chairperson of the session shall give the floor to the parties for providing explanations.
3. The appellant/representative of the appellant shall be the first person to provide explanations; in particular what is his/her claim, what are the circumstances the claim is based on, and how can he/she prove the circumstances; whether he/she still supports the claim, or wants to waive the appeal, etc.
4. After that the court shall hear explanations of the adversary/representative of the adversary on whether he/she admits the appeal, etc.
5. If only one party is present at the session, the Disciplinary Chamber shall take explanations from this party.
6. With the permission of the chairperson of the session, either party may ask questions to the adversary and its representative. If the question goes beyond the scope of the subject of hearing and is not intended to examine and establish circumstances of the case, the chairperson of the session can, at the request of a party or on his/her own initiative, disallow the question.
7. Members of the Disciplinary Chamber may ask questions to the parties that will help establish circumstances that are significant for resolution of the case completely and accurately, and determine their reliability.
8. The debate shall consist of speeches by the parties and their representatives. The appellant and his/her representative shall be the first to speak, and next the adversary and his/her representative.
9. After each debater speaks, the chairperson of the session shall allow the parties to make replications.
10. After the debates, the Disciplinary Chamber shall retire to make a decision, of which it shall notify the parties.

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11. After returning from the meeting room, the chairperson of the session shall announce the decision made, and explain the grounds for making this decision; afterwards he/she shall close the session.

12. Minutes of the Disciplinary Chamber session shall be drawn up to be signed by the chairperson and the secretary of the session.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Article 68 – Decision of the Disciplinary Chamber

1. The Disciplinary Chamber shall make a decision by the majority of votes.

2. When making a decision, a Disciplinary Chamber member may not abstain from voting.

3. The decision by the Disciplinary Chamber shall include the content of the Disciplinary Board decision and of the appeals admitted, results of consideration of the issue at the Disciplinary Chamber, and the essence and substantiation of the decision made.

4. The decision of the Disciplinary Chamber shall be final and without appeal.

5. At the request of the parties or on its own initiative, the Disciplinary Chamber may correct inaccuracies or obvious arithmetic errors in the decision, if it considers appropriate to make corrections. The ruling on making corrections in the decision shall not be appealed.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 69 – Types of a decision of the Disciplinary Chamber

The Disciplinary Chamber shall be entitled to make one of the following decisions on:

a) affirming a decision by the Disciplinary Board, if the appeal concerns decisions under Article 48(1)(b-e);

b) overturning a decision by the Disciplinary Board, if the appeal concerns decisions under Article 48(1)(c-d);

c) cancelling a decision by the Disciplinary Board and making a new decision, if the issue concerns decisions under Article 48(1)(b-e);

d) cancelling a decision by the Disciplinary Board and recommitting the case.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 70 – Grounds for affirming a decision by the Disciplinary Board

1. The Disciplinary Chamber shall make a decision to affirm the decision by the Disciplinary Board, if it proves that the Disciplinary Board has lawfully acquitted a judge or terminated a disciplinary proceeding against him/her; or if it has provided a proper theory for a disciplinary misconduct as determined at the Board session, and in addition, it has imposed a lawful and fair disciplinary penalty or disciplinary measure on a judge.

2. To affirm a decision of the Disciplinary Board, it is mandatory that the facts considered to have been established by the Disciplinary Board (committing a respective disciplinary misconduct, grounds for terminating a disciplinary case or acquitting a judge) are also confirmed at the session of the Disciplinary Chamber, along with presence of the circumstances under the first paragraph of this Article.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 71 – Grounds for overturning a decision of the Disciplinary Board

1. The Disciplinary Chamber shall make a decision to overturn the decision of the Disciplinary Board if:

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a) the Disciplinary Board has provided improper theory for the actions committed by a judge and failed to determine correctly which disciplinary misconduct under Article 2 of this Law the judge committed; the Disciplinary Board shall be entitled to re-characterise the action of the judge and replace it with any disciplinary misconduct under Article 2 of this Law, and also to find the judge guilty for committing another disciplinary misconduct under this Law, if it is included into the factual circumstances of a disciplinary charge;

b) The Disciplinary Board has applied an unlawful, unfair or inappropriate disciplinary penalty or disciplinary measure. In this case, the Disciplinary Chamber shall be entitled to:

b.a) affirm a disciplinary penalty, remove a disciplinary measure from or impose it on a judge;

b.b) overturn a disciplinary penalty and affirm a disciplinary measure;

b.c) overturn a disciplinary penalty and a disciplinary measure, or apply a disciplinary measure under Article 4(2)(a) of this Law;

b.d) replace a disciplinary measure with any disciplinary penalty or apply this penalty together with a disciplinary measure under Article 4(2)(b).

2. If the circumstances under paragraph 1(a-b) of this article are present in combination, the Disciplinary Chamber shall make a decision to overturn the theory for a disciplinary misconduct committed by a judge, the disciplinary penalty or disciplinary measure imposed on the judge, and consequently, to overturn the decision of the Disciplinary Board in this part.

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 72 – Grounds for cancelling a decision by the Disciplinary Board and for making a new decision

The Disciplinary Chamber shall make a decision on cancelling the Disciplinary Board decision, if the Disciplinary Board has unlawfully acquitted a judge, unlawfully terminated a disciplinary proceeding initiated against him/her, or unlawfully imposed a disciplinary liability on and applied a disciplinary penalty or a disciplinary measure against the judge. Upon cancelling the Disciplinary Board decision, the Disciplinary Chamber shall be entitled to make any decision under Article 48 of this Law, except for the decision under the same Article 48(1)(a).

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 73 – Grounds for cancelling a decision by the Disciplinary Board and for recommitting a case

The Disciplinary Chamber shall make a decision on cancelling the Disciplinary Board decision and on recommitting a case, if

a) the case has been considered by the illegitimate composition of the Disciplinary Board;

b) the Disciplinary Board has considered the case in the absence of either of the parties that was not notified of the planned session;

c) the decision has been made based on the case hearing where the confidentiality rules for the proceeding have been violated;

d) the legal substantiation of the decision is deficient, or incomplete to the extent that the legal substantiation of the decision cannot be verified;

e) the decision has not been signed by the chairperson or the secretary of the session;

f) minutes of the hearing have not been enclosed with the case file.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art 347

Article 74 – The form of the decision by the Disciplinary Chamber

1. The decision made by the Disciplinary Chamber on a disciplinary case shall be drawn up in writing. It shall be signed by the Chamber members.

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2. A copy of the decision by the Disciplinary Chamber shall be submitted to the High Council of Justice of Georgia, and the minutes shall be submitted to the parties to the proceeding and their representatives.

Decision of the First Board of the Constitutional Court of Georgia No 1/3/209 of 28 June 2004 – LHGIV, No 31, 6.7.2004, p. 2

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Chapter IV¹ (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 74¹ – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 74² – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 74³ – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 74⁴ – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 74⁵ – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 74⁶ – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Chapter V. Enforcement of the Decision on a Disciplinary Case

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Article 75 – Enforcement of the decision on a disciplinary case

1. The decision by the Disciplinary Board after expiry of the period for appeal (if it was not appealed) and the decision of the Disciplinary Council must be immediately enforced. (Invalid)

[*Decision of the First Board of the Constitutional Court of Georgia No 1/3/209 of 28 June 2004 – LHGIV, No 31, 6.7.2004, p. 2*]

2. The High Council of Justice of Georgia or the Chairperson of the Supreme Court of Georgia shall be responsible for the enforcement of a disciplinary penalty and a disciplinary measure within their powers.

3. The decision by the Disciplinary Board shall enter into force after expiry of the period for appeal, and the decision of the Disciplinary Board shall enter into force immediately.

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Decision of the First Board of the Constitutional Court of Georgia No 1/3/209 of 28 June 2004 – LHGIV, No 31,6.7.2004, p. 2

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 76 – Enforcement of the decision on dismissing the chairperson of a court, the first deputy or deputy chairpersons, and the chairperson of the Judicial Panel or Chamber

When applying the dismissal of the chairperson of a court, the first deputy or deputy chairpersons and the chairperson of the Judicial Panel or Chamber as a disciplinary measure, the Disciplinary Board or the Disciplinary Chamber shall submit its legally effective decision for enforcement to a respective authority or official; in particular to the Plenum of the Supreme Court of Georgia, if it refers to deputy chairpersons of the Supreme Court of Georgia, and to the High Council of Justice of Georgia – in all other instances.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 77 – Enforcement of a decision on dismissing a judge

When imposing the dismissal of a judge as a disciplinary penalty, the Disciplinary Board or the Disciplinary Chamber shall submit its legally effective decision for enforcement to the High Council of Justice of Georgia.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 4953 of 19 June 2007 – LHGI, No 24, 2.7.2007, Art. 216

Article 78 – (Deleted)

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 4953 of 19 June 2007 – LHGI, No 24, 2.7.2007, Art. 216

Article 79 – (Deleted)

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 1064 of 25 February 2005 – LHGI, No 9, 17.3.2005, Art. 63

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 4953 of 19 June 2007 – LHGI, No 24, 2.7.2007, Art. 216

Article 80 – Dismissal of a judge

1. After a recommendation for dismissing a judge is received, the Parliament of Georgia shall dismiss a judge of the Supreme Court of Georgia, and the High Council of Justice of Georgia shall dismiss all other judges.

2. The High Council of Justice of Georgia shall consider the legally effective decision of the Disciplinary Board or the Disciplinary Chamber on dismissing a judge based on the recommendation of the Disciplinary Board or the Disciplinary Chamber, and shall make an appropriate decision within 10 days of receiving the recommendation.

3. A person who was dismissed from the position of a judge under the procedure determined by this Law for committing a disciplinary misconduct shall cease to be entitled to receive a state compensation under Article 82(3) of the Organic Law of Georgia on Common Courts.

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Law of Georgia No 271 of 20 June 2004 – LHG I, No 20, 16.7.2004, Art. 97

Law of Georgia No 4953 of 19 June 2007 – LHG I, No 24, 2.7.2007, Art. 216

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Law of Georgia No 193 of 28 December 2012 – website, 30.12.2012

Law of Georgia No 581 of 1 May 2013 – website, 20.5.2013

Chapter VI. Publishing Decisions of the Disciplinary Board and the Disciplinary Chamber, Consequences of Breaching the Confidentiality of the Information Concerning a Disciplinary Case, and Reimbursing Travel Expenses

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 81 – Publishing decisions of the Disciplinary Board and the Disciplinary Chamber

1. Decisions of the Disciplinary Board and the Disciplinary Chamber shall be published on an official website upon their entry into force.

2. Certified copies of legally effective decisions of the Disciplinary Board and the Disciplinary Chamber shall be forwarded to the parties and/or any person upon request.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Law of Georgia No 5922 of 27 March 2012 – website, 19.4.2012

Law of Georgia No 581 of 1 May 2013 – website, 20.5.2013

Article 82 – Obligation of a member of the Disciplinary Board and a member of the Disciplinary Chamber to keep the confidentiality of information concerning a disciplinary case

1. A member of the Disciplinary Board and a member of the Disciplinary Chamber shall be obliged to keep the confidentiality of information concerning a disciplinary case, and not to disclose the grounds for the disciplinary liability of a judge, and the secrecy of meeting.

2. Failure to follow the procedure under the first paragraph of this Article shall be considered to be a disciplinary misconduct under Article 2(2)(f) of this Law. This misconduct shall become a ground for removing a judge from the composition of the Disciplinary Board or the Disciplinary Chamber, as well as a ground for imposing a disciplinary liability on the judge.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 83 – Reimbursement of travel expenses

Travel expenses of a person conducting disciplinary proceedings, and a presenter of disciplinary charges, also travel expenses of a member of the Disciplinary Board and a member of the Disciplinary Chamber related to their exercising disciplinary powers shall be reimbursed according to their work place.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Chapter VII. Lifting of a Disciplinary Penalty, and legal consequences of its imposition

Article 84 – Lifting of a disciplinary penalty

1. A 'reproof' shall be deemed lifted six months after it was imposed; a 'reprimand' – nine months after, and a 'severe reprimand' – one year after it was imposed, unless a judge commits another disciplinary misconduct within this period.

2. A judge against whom a decision on finding him/her guilty of committing a disciplinary misconduct, on imposing a disciplinary liability on the judge, and on applying to him/her with a private recommendation letter as a disciplinary measure has been made shall not be deemed to have been charged with a disciplinary penalty.

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3. Disciplinary penalty may not be lifted before expiry of a respective time frame set under the first paragraph of this Article.

Article 85 – Restriction of promotion of a judge

1. A judge shall be restricted from getting promoted at work or receiving a rank, if a disciplinary penalty imposed on him/her has not been lifted.

2. A respective authority or an official shall not grant a judge a new rank or assign him/her to a court of a higher instance, if a disciplinary penalty imposed on him/her has not been lifted.

Article 86 – Inadmissibility of finding a judge guilty for the same charges and of imposing a disciplinary penalty on him/her

After the Disciplinary Board or the Disciplinary Chamber finds a judge guilty or acquits him/her, it shall be inadmissible to initiate a disciplinary prosecution against the judge for the same grounds, to institute disciplinary proceedings against the judge for the same charges, and to find the judge guilty for the same action and to impose a disciplinary liability and a disciplinary penalty on him/her.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Chapter VIII. Storage of a Disciplinary Case, and Statistical Information

Article 87 – Storage of a disciplinary case

1. A disciplinary case shall be stored at the Disciplinary Board, and shall be inaccessible to other persons.

2. Disciplinary cases may be submitted to the authorities or officials appointing judges only by permission of the chairperson of the Disciplinary Board.

3. Storage period for a disciplinary case shall be 10 years.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 88 – Statistical information

1. Statistical information on the Disciplinary Board activities and disciplinary cases considered shall be periodically submitted to the Conference of Judges of Common Courts of Georgia and the High Council of Justice of Georgia.

2. Statistical information under the first paragraph of this Article may be submitted to other officials, agencies, as well as to mass media representatives only by permission of the chairperson of the Disciplinary Board, and following the restrictions imposed under this Law for maintaining the confidentiality of information.

Law of Georgia No 271 of 20 June 2004 – LHGI, No 20, 16.7.2004, Art. 97

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Chapter IX. Transitional Provisions

Article 89 – Procedure for resuming consideration of pending disciplinary proceedings

Consideration of disciplinary proceedings pending under the Regulation on Disciplinary Liability and Disciplinary Proceedings of Judges of Common Courts of Georgia before entry of this Law into force shall be resumed from the date the Law takes effect as determined under this Law.

Article 90 – Powers of the Council of Justice during transitional period

1. The Council of Justice of Georgia shall be authorised, from the date this Law enters into force to 1 May 2001, and in all cases under Article 2 of this Law, to initiate a disciplinary prosecution against all judges of Common Courts of Georgia, except for judges of the Supreme Court of Georgia.

2. The Council of Justice of the Autonomous Republic of Abkhazia shall be authorised, from the date this Law enters into force to 1 May 2001, and in all cases under Article 2 of this Law, to initiate a disciplinary prosecution against all judges of the Common Courts within the jurisdiction of the Autonomous Republic of Abkhazia.

3. The Council of Justice of the Autonomous Republic of Achara shall be authorised, from the date this Law enters into force to 1 May 2001, and in all cases under Article 2 of this Law, to initiate a disciplinary prosecution against all judges of the Common Courts within the jurisdiction of the Autonomous Republic of Achara.

4. If there is more than one reason under Article 7 of this Law for initiating disciplinary prosecution against a judge on one specific fact, initiation of disciplinary prosecution shall be considered by the authority or official being the first to receive the information.

5. The High Council of Justice of Georgia shall ensure that the Disciplinary Board is staffed according to a new procedure, and the previous Disciplinary Council is liquidated before 15 March 2006.

6. Appeals against the Disciplinary Board decisions pending before 15 March 2006 at the Disciplinary Council of the Judges of Common Courts shall be submitted to the Disciplinary Chamber of the Supreme Court of Georgia for consideration.

Law of Georgia No 2127 of 25 November 2005 – LHGI, No 53, 19.12.2005, Art. 347

Article 91 – Decisions made before entry of the law into force

1. All the decisions on disciplinary cases of judges of Common Courts of Georgia made before this Law was entered into force shall remain valid.

2. Disciplinary proceedings against judges of Common Courts before entry of this Law into force shall be conducted according to the provisional regulation approved under the Decree by the President of Georgia.

Law of Georgia No 251 of 20 April 2000 – LHGI, No 15, 25.4.2000, Art. 37

Article 91¹ – Change in the composition of the Disciplinary Board

If the term of office for the Disciplinary Board members expires, the Board shall be staffed again according to Article 24(1) of this Law.

Law of Georgia No 4218 of 29 December 2006 – LHGI, No 2, 4.1.2007, Art. 26

Chapter X. Final Provisions**Article 92 – Cancelling the normative act in connection with entry of the law into force**

Upon entry of this Law into force, the Regulation on the Disciplinary Liability and Disciplinary Proceedings of Judges of Common Courts of Georgia approved under the Decree No 534 of 25 September 1998 by the President of Georgia shall be considered invalid.

Article 93 – Entry of the law into force

This Law shall enter into force as from 1 July 2000.

Law of Georgia No 251 of 20 April 2000 – LHGI, No 15, 25.4.2000, Art. 37

President of Georgia, Eduard Shevardnadze, Tbilisi, February 2000 – N°150-IIS