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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

ORGANIC LAW OF GEORGIA
ON AMENDING THE ORGANIC LAW OF GEORGIA ON COMMON
COURTS *

*** Unofficial translation**

Unofficial translation**Organic Law of Georgia****On Amending the Organic Law of Georgia on Common Courts**

Article 1. The Organic Law of Georgia on Common Courts (Legislative Herald of Georgia №41, 08.12.2009, art. 300) shall be amended as follows:

1. Paragraph 3¹ of Article 13 shall be formulated as follows:

“3¹. The full text of a judicial act made by a court as a result of an open court hearing shall be publicly available immediately after the entry into force of the final court decision in the relevant case and shall be issued in the manner prescribed by the General Administrative Code of Georgia. At the same time, the depersonalised text of this judicial act shall be published on the relevant website after the entry into force of the final court decision in the relevant case. For the purposes of this paragraph, a judicial act is any decision of a common court, including a decision that does not resolve the case on the merits. For the purposes of this paragraph, depersonalization of the text of a judicial act means the complete depersonalization of the following information contained in it:

- a) the identity of a person, name, date of birth, personal number, identification number, number of an identity document, name of the place of work and position held;
- b) address of a person’s place of registration, location, place of residence and place of work;
- c) phone number and email address of the person;
- d) Other types of information related to the personal data determined by the High Council of Justice of Georgia. The information prescribed by this subparagraph in case of necessity shall be determined by the High Council of Justice of Georgia.

2. The first paragraph of Article 19¹ shall be formulated as follows:

“1. The Qualification Chamber of the Supreme Court shall, in the cases and in the manner prescribed by this Law, consider an appeal against a decree/decision of the High Council of Justice of Georgia, adopted in the process of appointing to the position of a judge of the district (city) court or court of appeal for a period of 3 years or for life, an appeal against a decree/proposal of the High Council of Justice of Georgia adopted in the process of selecting candidates for the position of a judge of the Supreme Court and a decision of the High Council of Justice of Georgia on the secondment of a judge to another court.”.

3. Article 21 shall be supplemented with paragraph 1¹ as follows:

“1¹. President of the Supreme Court shall be elected by the Parliament of Georgia from among the judges of the Supreme Court on the proposal of the High Council of Justice of Georgia for a term of 10 years, but not more than the term of his/her term of office as a judge of the Supreme Court by a majority of votes from the full composition. It shall be inadmissible to re-elect the same President of the Supreme Court. At least one fifth of the full composition of the High Council of Justice of Georgia shall have the right to nominate a candidate for the position of President of the Supreme Court. Candidates shall be voted together. A candidate who receives at least two thirds of the votes of the full composition of the High Council of Justice of Georgia shall be considered nominated. If none of the candidates has received the prescribed number of votes, the candidate with the best result shall be elected (if the number of votes is equal, preference shall be given to a candidate with a long record of work in the specialty). A candidate shall be considered nominated if he/she receives a majority of votes from the full composition of the High Council of Justice of Georgia. If the High Council of Justice of Georgia fails to nominate a candidate for the post of President of the Supreme Court, the procedure for nominating candidates shall be resumed not earlier than 2 weeks after the last vote. A candidate, who has not received the required number of votes of the members of the Parliament of Georgia as a result of voting, may be nominated only twice to the Parliament of Georgia for election to the position of the President of the Supreme Court, during the term of office of the Parliament of the same convocation.”.

4. Article 34 shall be formulated as follows:

“Article 34. Requirements for judicial candidates

1. Subject to the requirements established by this article, a capable citizen of Georgia over the age of 30 who has a higher legal education with at least a master’s degree or an equivalent academic degree/diploma of higher education, has at least five years of working experience in the specialty, speaks the state language, has passed a judge’s qualification exam, has completed a full training course of the High School of Justice and is entered on the Justice Trainee Qualifications List shall be appointed/elected as a judge.

2. A convicted person, as well as a person dismissed from the position of a judge on the grounds provided for in Article 43(1)(b) of this Code (with the exception of cases when the provision of Chapter XIII¹ of this Law has become invalid, on the basis of which a person was dismissed from the position of a judge) or on the grounds provided for in paragraph (1)(h) of the same article may not be appointed/elected to the position of a judge.

3. In order to hold the position of a judge, the following persons shall be exempted from passing the qualification examination for the position of a judge:

- a) a person nominated for the position of a judge of the Supreme Court;
- b) current or former member of the Supreme Court;
- c) current or former member of the Constitutional Court of Georgia;

d) a former judge of Common Courts of Georgia until the expiration of 10 years from the date of termination of judicial powers.

4. To hold the position of a judge, the following persons shall be exempted from studying at the Higher School of Justice:

a) a person nominated for the position of a judge of the Supreme Court;

b) current or former member of the Supreme Court;

c) current or former member of the Constitutional Court of Georgia;

d) a former judge who has passed a judge's qualification exam, appointed to the position of a judge of the Supreme Court or a district (city) court and/or court of appeals on a competitive basis and has at least 18 months of work experience as a judge;

e) a person who has completed a full training course at the Higher School of Justice and is entered on the Justice Trainee Qualifications List, regardless of how long he/she held the position of a judge or whether he/she was appointed to this position after graduating from the Higher School of Justice.”.

5. Article 34¹ shall be amended as follows:

a) paragraph 11 shall be formulated as follows:

“11. After a public hearing of candidates before the next meeting of the High Council of Justice of Georgia, the members of the Council shall, having regard to Article 35¹ of this Law, evaluate a candidate without judicial experience with points in accordance with paragraph 16 of the same article and a candidate with judicial experience with points in accordance with paragraph 17 of the same article. Members of the High Council of Justice of Georgia shall, having regard to Article 35¹ of this Law, also evaluate candidates by the criterion of integrity in accordance with paragraph 15 of the same article. At the same time, each member of the High Council of Justice of Georgia shall, when evaluating a candidate, substantiate in writing each point, provided for in Article 35¹(16/17) of this Law, and each element of the criterion of integrity provided for in the same article. These assessments and justifications shall include the name, surname and signature of the relevant member of the High Council of Justice of Georgia. If a member of the High Council of Justice of Georgia does not assess all candidates in accordance with this paragraph and does not submit these assessments, together with the justifications specified in the same paragraph, to the Office of the High Council of Justice of Georgia, it is considered that this member of the Council does not participate in the procedure provided for in this paragraph. In addition, the results of the evaluation of all candidates carried out by him/her shall be cancelled. If a member of the High Council of Justice of Georgia submits an incomplete or unfounded assessment of a candidate to the Office of the High Council of Justice of Georgia, the Office of the Council shall inform the member of the Council about this deficiency. A member of the High Council of Justice of Georgia may eliminate this deficiency within 2 working days. If the deficiency is not eliminated within this period, it shall be deemed that this member of the High Council of Justice of Georgia does not participate in the procedure provided for by this paragraph, and the results of the evaluation of all candidates carried out by him/her shall be cancelled. The number of points scored by candidates and the grounds

for these points, the assessments provided for in Article 35¹(15) of this Law, and the grounds for these assessments shall be public and published on the website of the High Council of Justice of Georgia, indicating the names of the members of the High Council of Justice of Georgia.”

b) paragraph 13 shall be formulated as follows:

“13. In accordance with paragraph 12 of this article, after the publication of the list of candidates who have passed to the next stage and a decree of the High Council of Justice of Georgia to nominate a candidate for the position of a Supreme Court judge to the Parliament of Georgia, the candidates included in the list shall be voted at an open meeting of the Council individually, in the following manner: first, the candidate with the best result among these candidates shall be voted, based on the sum of points scored in the evaluation by the criterion of competence, and then, based on the same principle, the other candidates shall be voted in order. In addition, if any candidate fails to win the support of at least two thirds of the full composition of the High Council of Justice of Georgia, the other candidates shall not be voted. If it turns out that the sum of points scored when assessing two or more candidates by the criterion of competence is equal, priority shall be given to the candidate when determining the voting procedure, who was assessed better by more members of the High Council of Justice of Georgia by the criterion of integrity, and if these assessments are also equal - to the candidate who has a longer work experience in the specialty. Voting under this paragraph is open. When voting, members of the High Council of Justice of Georgia shall be guided by the criteria of integrity and competence established by Article 35¹ of this Law. A member of the High Council of Justice of Georgia participating in voting shall, immediately after voting, submit a written justification for his/her decision recorded during the voting to the Secretary of the High Council of Justice of Georgia. A candidate is presented to the Parliament of Georgia for election to the position of a judge of the Supreme Court, if he/she is supported by at least two thirds of the full composition of the High Council of Justice of Georgia. Candidates shall be presented to the Parliament of Georgia together, on the proposal of the High Council of Justice of Georgia. This presentation, as well as the voting results provided for in this paragraph, the decisions taken by the members of the High Council of Justice of Georgia during the voting, and the reasoning for these decisions shall be published on the website of the Council.”;

c) paragraph 17 shall be formulated as follows:

“17. If the High Council of Justice of Georgia fails to nominate a candidate to the Parliament of Georgia, the vacancy of a judge of the Supreme Court is not filled after using all the due procedures provided for by law, or a sufficient number of members of the Supreme Council of Justice of Georgia cannot participate in the relevant vote held by the Supreme Council of Justice of Georgia due to any of the restrictions provided for in Article 34³(12 and 13) of this Law, the selection procedure of the relevant candidate shall be restarted within 1 month.”.

6. Article 34³ shall be amended as follows:

a) subparagraph (c) of the first paragraph shall be formulated as follows:

“c) a member of the High Council of Justice of Georgia has exceeded the powers granted to him/her by the legislation of Georgia, as a result of which the rights of a candidate have been violated;”;

b) paragraphs 12 and 13 shall be formulated as follows:

“12. If the Qualification Chamber of the Supreme Court adopts a decision to annul the decision of the High Council of Justice of Georgia provided for in Article 34¹(12) of this Law and remand the case for a new trial, the High Council of Justice of Georgia shall adopt a new decree in accordance with the same paragraph. In addition, it is considered that the results of the evaluation of all candidates, made by a specific member of the High Council of Justice of Georgia, are annulled if the Qualification Chamber of the Supreme Court determines that this member of the Council has committed any of the actions provided for in subparagraphs (a – c) of the first paragraph of this article by a decision taken to annul the decision of the High Council of Justice of Georgia and return the case for review as provided for in Article 34¹(11) of this Law. In the evaluation member of the High Council of Justice of Georgia may not participate if Qualification Chamber of the Supreme Court concludes commission of act prescribed by subparagraph (a-c) of the first paragraph. Such member of the High Council of Justice of Georgia shall not take part in procedures conducted to fill the vacancy of a judge of Supreme Court of Georgia as well according to procedures determined by the Article 34¹(12) of this Law.

13. If the Qualification Chamber of the Supreme Court decides to cancel the proposal of the High Council of Justice of Georgia and remand the case for a new trial, as provided for in Article 34¹(13/15) of this Law, the High Council of Justice of Georgia shall adopt a repeated proposal in accordance with the same paragraph. The specific member of the High Council of Justice of Georgia shall not participate in any of the votes held on the acceptance of these proposals, if the Qualification Chamber of the Supreme Court by its decision establishes that he/she has committed any of the actions provided for in subparagraphs (a – c) of the first paragraph of this article.”;

c) paragraph 13 shall be supplemented with paragraphs 13¹ and 13² as follows:

“13¹. A repeated decree/re-proposal of the High Council of Justice of Georgia may be appealed within 3 working days after its publication on the website of the Council in the manner established by this article. The Qualification Chamber of the Supreme Court shall consider a complaint within 1 week after the High Council of Justice of Georgia sends the complaint to it in the manner established by the same article.

13². The right to appeal against a decree/proposal of the High Council of Justice of Georgia, provided for by this article, taking into account the time limits for filing a complaint, established by the same article, can be used at each relevant stage of selecting a candidate/candidates to the Supreme Court of Georgia until the Qualification Chamber of the Supreme Court makes a decision on leaving unchanged a decree/proposal of the Supreme Council of Justice of Georgia.”.

7. Articles 35 and 35¹ shall be formulated as follows:

“Article 35. Rules for filling vacant positions of judges of district (city) court and court of appeals

1. A person shall be appointed to a vacant position of a judge of a district (city) court or court of appeals for a period of 3 years, or in the cases provided for by this Law - for life.

2. Not later than 3 months before the opening of a vacancy for a judge of a district (city) court or court of appeals and not later than 1 month after its opening, the High Council of Justice of Georgia shall announce a competition through the official press organ of Georgia and its official website and conduct an appropriate procedure for appointment of a judge to the vacant judicial position of this court. The High Council of Justice of Georgia shall provide relevant information about this to the public broadcaster and at least 2 national broadcasters.

3. The High Council of Justice of Georgia shall, in the manner prescribed by the legislation of Georgia, appoint a judge to a vacant position of a judge of a district (city) court or court of appeals by a decision adopted by at least two-thirds of the full composition. When appointing a judge on a competitive basis, and for the purpose of selecting a candidate to propose to the Parliament of Georgia for the position of a judge of the Supreme Court, the Council shall act in the manner established by the legislation of Georgia. When evaluating a candidate for a judge who has judicial experience and participates in a competition (with the exception of a current or former member of the Constitutional Court or the Supreme Court of Georgia) by the criteria of integrity and competence in accordance with Article 35¹ of this Law, it is mandatory to assess 5 cases considered by him/her, for which the summary/final decisions have come into legal force (including the evaluation of at least 2 cases (if any), the summary/final decisions of which were cancelled/partially cancelled by a higher instance court). Cases for evaluation shall be selected randomly. The purpose of studying the case/decision shall be to assess the level of knowledge of the candidate for the position of a judge of substantive and procedural legislations, human rights law (including the case law of the European Court of Human Rights), the correctness of the application of the relevant legal norms in his/her decision, the validity and persuasiveness of the decision, the analytical thinking of the judge, the ability to express thoughts clearly and understandably, as well as the ability of logical reasoning and analysis. When examining the case/decision, the nature and severity of the legal error made in the annulled/partially annulled decision by a higher instance court shall be also assessed.

4. If it is impossible to appoint a candidate for a judge to an appropriate vacant position of a judge, after the end of voting, at least 3 members of the High Council of Justice of Georgia may, with the consent of the candidate, apply to the Council to repeat voting for the candidate for any of the remaining vacancies in the current competition. The High Council of Justice of Georgia shall take a decision on repeat voting by a majority of those present at its meeting. Repeat voting shall be carried out according to the general rules. In addition, a candidate for the position of a judge shall meet the necessary requirements for the appointment of a judge to the vacant position established by Article 34 of this Law, for which he/she is running for the repeated voting.

Article 35¹. Evaluation criteria, their characteristics and evaluation system for a judicial candidate and a judge of a district (city) court or court of appeals appointed for a period of 3 years

1. A judicial candidate and a judge of a district (city) court or court of appeals appointed for a period of 3 years shall be evaluated by two major criteria - the criteria of integrity and competence.

2. Characteristics of the criterion of integrity are as follows:

a) personal integrity and professional conscience;

b) independence, impartiality and fairness;

c) personal and professional behaviour;

d) personal and professional reputation;

e) financial liability - only in the case of evaluation of a judicial candidate who has judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years.

3. Characteristics of the competence criterion are as follows:

a) knowledge of legal norms;

b) the ability for legal reasoning and competence;

c) writing and oral communication skills - only in case of assessment of a judicial candidate without judicial experience;

d) writing skills - only in the case of evaluation of a judicial candidate with judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years;

e) oral communication skills - only in the case of evaluation of a judicial candidate with judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years;

f) professional qualities - only in the case of evaluation of a judicial candidate without judicial experience;

g) professional qualities, including behaviour in the courtroom - only in the case of evaluation of a judicial candidate who has judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years;

h) academic achievements and professional training;

i) professional activity.

4. When evaluating a person with the characteristics of personal integrity and professional conscience, his/her honesty, conscientiousness as a judge (in the case of evaluating a judicial candidate who has judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years) and as a citizen, as well as proper awareness of duties and responsibilities, transparency, correctness and accuracy in the performance of official or other duties, financial and other obligations (for example, when filling in an Official's Asset Declaration, paying a bank or other debts, utility or other taxes, payment of a fine for violating traffic rules), etc., shall be

taken into account, and in case of evaluating a judicial candidate who has judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years - integrity is added.

5. When evaluating a person with the characteristics of independence, impartiality and justice, his/her integrity, ability to make decisions independently and resistance to influence, personal strength, optionality and others shall be taken into account, and in case of evaluating a judicial candidate who has judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years – impartiality on political or other grounds, fairness are added.

6. When evaluating a person with the characteristics of personal and professional behaviour, his/her correctness in relations with colleagues and other persons, self-control, the ability to manage his/her emotions, court disputes in which he/she participated as a party, the presence of criminal charges against him/her and others shall be taken into account, and in case of evaluating a judicial candidate who has judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years – his/her compliance with judicial ethics, behaviour and image corresponding to the high rank of a judge, behaviour in disciplinary proceedings taken against him/her are added.

7. When evaluating a person with the characteristics of personal and professional reputation, his/her business and moral reputation and authority in legal circles and society, the nature and quality of relations with legal circles and others shall be taken into account.

8. When evaluating a judicial candidate who has judicial experience, or a judge of a district (city) court or court of appeals appointed for a period of 3 years with a characteristic of financial liability, information about his/her source of income, assets, property owned and/or used, and the debt and liabilities corresponding to this property and income shall be taken into account. The purpose of checking a financial liability is to assess whether there are grounds for a conflict of property interests of this person with the interests of justice, which may jeopardize his/her impartiality.

9. When evaluating a person with a characteristic of knowledge of legal norms, the level of his/her knowledge of substantive and procedural legislation, human rights law (including the case law of the European Court of Human Rights) shall be taken into account. In order to evaluate a judicial candidate who does not have judicial experience with this characteristic, the High Council of Justice of Georgia shall be authorized to request the results of the qualification exam passed by this person for the position of a judge and the assessment of the independent council of the High School of Justice. For evaluating a judicial candidate with judicial experience or a judge of a district (city) court or court of appeals appointed for a period of 3 years, an evaluator shall take into account the correct application of legal norms, including the case law of the European Court of Human Rights, in decisions taken by this person in the cases. In order to evaluate a judicial candidate with judicial experience or a judge of a district (city) court or court of appeals appointed for a period of 3 years with this characteristic, an evaluator shall also request the results of the qualification exam passed by this person for the position of a judge and the assessment of the independent council of the High School of Justice.

10. When evaluating a person with the characteristics of legal reasoning ability and competence, his/her ability for analytical thinking and professional experience shall be taken into account, and when evaluating a judicial candidate with judicial experience or

a judge of a district (city) court or court of appeals appointed for a period of 3 years - the justification and persuasiveness of the decisions made on the cases considered by him/her are added.

11. When evaluating a person with writing skills, the ability to clearly and understandably express an opinion in writing, the skills for logical reasoning and analysis shall be taken into account, and when evaluating a person with oral communication skills, the ability to speak correctly, the ability to patiently listen to someone else's opinion, openness, the ability to listen to different opinions and others shall be taken into account.

12. When evaluating a judicial candidate without judicial experience with the characteristics of professional qualities, his/her punctuality, diligence, ability to think independently, ability to work in a stressful situation, purposefulness, managerial abilities and others shall be taken into account. When evaluating a judicial candidate with judicial experience or a judge of a district (city) court or court of appeals appointed for a period of 3 years with the characteristics of professional qualities, including behaviour in the courtroom, his/her punctuality, an organized and responsible preparation of the case, behaviour in the courtroom and ability of proper conduct of the court session, behaviour in dealing with parties, diligence and hard-working nature, ability to make decisions without outside help and independent thinking, ability to work in a stressful situation, purposefulness, productivity and speed, compliance with procedural deadlines, managerial qualities and others shall be taken into account.

13. When evaluating a person with the characteristics of academic achievements and professional training, his/her openness to innovations, the ability to self-development, office culture, interest in obtaining new knowledge and skills, participation in professional training programmes, application of acquired knowledge and skills in practical activities and others shall be taken into account.

14. When evaluating a person with a characteristic of professional activity, his/her ability to take the initiative, put forward ideas and proposals, his/her scientific and other publications, his/her merits to the bar and society, and others shall be taken into account, and when evaluating a judicial candidate with judicial experience or a judge of a district (city) court or court of appeals appointed for a period of 3 years – his/her participation in various formats of discussions, meetings and seminars on issues of the legal system and justice, open and free expression of his/her position and views shall be also taken into account.

15. When evaluating a judicial candidate or a judge of a district (city) court or court of appeals appointed for a period of 3 years with the criterion of integrity, the relevant characteristics of the criterion of integrity established by this article shall be taken into account. As a result of the analysis and reconciliation of these characteristics, an evaluator shall make one of the following conclusions:

a) a judicial candidate / a judge of a district (city) court or court of appeals appointed for a period of 3 years does not meet the criterion of integrity;

b) a judicial candidate / a judge of a district (city) court or court of appeals appointed for a period of 3 years meets the criterion of integrity;

c) a judicial candidate / a judge of a district (city) court or court of appeals appointed for a period of 3 years fully complies with the criterion of integrity.

16. A judicial candidate without judicial experience shall be evaluated by the points of the criterion of competence, based on the respective characteristics of the criterion of competence defined by subparagraphs (a – c), (f), (h) and (i) of the third paragraph and paragraphs 9-14 of this article. Depending on the significance of the specified characteristics of the criterion of competence, the maximum number of points that must be obtained for each of these characteristics differ from each other and are determined as follows:

- a) knowledge of legal norms - 25 points;
- b) the ability for legal reasoning and competence - 25 points;
- c) writing and oral communication skills - 20 points;
- d) professional qualities - 15 points;
- e) academic achievements and professional training - 10 points;
- f) professional activity - 5 points.

17. A judicial candidate with judicial experience or a judge of a district (city) court or court of appeals appointed for a period of 3 years, shall be assessed by points of the criterion of competence, in accordance with the relevant characteristics of the competence criterion determined by subparagraphs (a), (b), (d), (e) and (g – i) of the third paragraph and paragraphs 9-14 of this article. Depending on the significance of the specified characteristics of the competence criterion, the maximum number of points that must be obtained for each of these characteristics differ from each other and are determined as follows:

- a) knowledge of legal norms - 20 points;
- b) the ability for legal reasoning and competence - 20 points;
- c) writing skills - 20 points;
- d) oral communication skills - 15 points;
- e) professional qualities, including behaviour in the courtroom - 15 points;
- f) academic achievements and professional training - 5 points;
- g) professional activity - 5 points.

8. Article 35² shall be deleted.

9. Article 35⁴ shall be removed.

10. Regarding Article 36:

a) the title shall be formulated as follows:

“Appointment of a judge for life”;

b) the first paragraph shall be deleted;

c) paragraphs 4-4³ shall be formulated as follows:

“4. The High Council of Justice of Georgia shall appoint a judge of a district (city) court or court of appeals for life, until reaching the age established by this Law, by a decision taken by at least two-thirds of the full composition, in accordance with the same law.

4¹. Not earlier than 2 months and not later than 1 month before the expiration of the term of office of a judge of a district (city) court or court of appeals appointed for a period of 3 years, the High Council of Justice of Georgia shall, based on an analysis of the results of the assessment provided for in paragraph 4⁴ of this article, consider and decide on the appointment of this judge to the office for life or not. A three-year term of appointment to the position of a judge shall not apply to a current or former member of the Constitutional Court or the Supreme Court of Georgia, a current or former judge of the court of appeals, district (city) court, if he/she has at least 3 years of judicial experience and 10 years have not passed since the moment of termination of the judicial powers of the former judge. These judges are appointed to the position for life if they successfully pass the relevant competition and collect the required number of votes of the High Council of Justice of Georgia (at least 2/3 of the full composition of the High Council of Justice of Georgia). In case of refusal to appoint an active judge for life, who is appointed to office for a period of 10 years, he/she shall continue to exercise his/her powers within the remaining term of the judicial power.

4². A member of the High Council of Justice of Georgia participating in voting on the issue of appointing a judge to the position of a judge of a district (city) court or court of appeals for life by the High Council of Justice of Georgia shall submit to the Secretary of the High Council of Justice of Georgia a written substantiation of his/her decision taken during the voting. The results of this voting, the decision of the High Council of Justice of Georgia, the decisions taken by the members of the High Council of Justice of Georgia during the voting, and the reasons for these decisions shall be published on the website of the Council. A member of the High Council of Justice of Georgia shall have the right to submit his/her dissenting opinion in writing to the High Council of Justice of Georgia, which is published on the website of the Council. If the High Council of Justice of Georgia decides to appoint a judge for life, the judge shall be appointed for life until reaching the age established by this Law.

4³. The judicial power of a judge shall, in respect of whom a decision on appointing for life has not been made, terminate after the expiration of a 3-year term of office in the manner prescribed by this law, and his/her position shall be considered vacant and a competition shall be announced to fill it. During the next 3 years, this judge shall not be able to take part in the announced competition for filling the vacant position of a judge.”.

11. Article 36² and Article 36³ shall be deleted.

12. Regarding Article 36⁴:

(a) Paragraphs 7 and 8 shall be formulated as follows:

“7. When evaluating a judge by the criterion of integrity, the appropriate characteristics of the criterion of integrity defined by Article 35¹ of this Law shall be taken into account. As a result of the analysis and reconciliation of these characteristics, an evaluator shall make one of the conclusions provided for in paragraph 15 of the same article.

8. A judge shall be evaluated by points of the criterion of competence, in accordance with the relevant characteristics of the competence criterion determined by subparagraphs (a), (b), (d), (e) and (g – i) of the third paragraph and paragraphs 9-14 of Article 35¹ of this law. Depending on the significance of these characteristics of the competence criterion, the maximum number of points to be obtained for each of these characteristics differ from each other and are determined by paragraph 17 of the same article.”;

b) paragraph 20 shall be formulated as follows:

“20. The Supreme Council of Justice of Georgia shall, based on the analysis of the results of the examination and interview with a judge, deliberate in the manner established by Article 36(4¹ and 4²) of this Law and by open voting, at least 2/3 of the full composition, decide on appointing this judge to the position for life, until reaching the age established by this Law. If less than 2/3 of the full composition of the Supreme Council of Justice of Georgia supports the appointment of a judge to the position for life, the Supreme Council of Justice of Georgia shall decide to refuse the appointment of a judge for life. A copy of the decision of the Supreme Council of Justice of Georgia on appointment/refusal to appoint a judge for life shall be handed to the judge immediately after the decision is made, together with the dissenting opinion or justifications of the members of the Supreme Council of Justice of Georgia.”.

13. The first paragraph of Article 37¹ shall be formulated as follows:

a. paragraph 1 shall be formulated as follows:

“1. If necessary, when this is caused by the lack of a judge in a district (city) court or court of appeals and/or by a sharp increase in the number of cases under consideration and/or when it is required by other objective circumstances related to the interest of the proper administration of justice, the High Council of Justice Georgia shall address judges of other courts with a proposal to exercise the judicial powers. If any judge expresses his/her consent within 5 days after the address, the High Council of Justice of Georgia shall make a decision on his/her secondment to another court (including from a court of appeals to a district (city) court or from a district (city) court to a court of appeals) for a term determined by the High Council of Justice of Georgia.”

b. paragraph 5 shall be added

“5. A monthly travel supplement shall be added to regular salary of a judge in case of secondment to another court. The amount of this supplement is determined by the High Council of Justice of Georgia.

The amount of the supplement should not be less than 10% of the monthly official salary of the judge seconded to another court.

In case of secondment of a district (city) court judge to another district (city) court, the sum of the amount of the supplement and the amount of the monthly official salary of the seconded judge shall not exceed the amount of the monthly official salary of the judge of the appellate court.”

14. Article 45 shall be formulated as follows

Article 45. Removal of a judge from consideration of the case

1. The High Council of Justice of Georgia is authorized based on the reasoned motion of the Independent Inspector of the High Council of Justice of Georgia to apply to the Disciplinary Board of Judges of Common Courts of Georgia for a decision on the removal of a judge of a district (city) or appellate court from consideration of case if a criminal prosecution has been initiated against a judge, and the High Council of Justice of Georgia by a decision made by the majority of the full composition of the Council based on body of compatible and convincing evidence considers that judge’s remaining in his/her position will interfere with processing of criminal case.

2. The High Council of Justice of Georgia upon making a decision to apply to the Disciplinary Board of Judges of the Common Court of Georgia in case of the support of the majority of the full composition, appoints a representative who will participate in the proceedings related to the review of submission by the Disciplinary Board of judges of the Common Courts of Georgia, and in the case of appealing the decision of the Disciplinary Board of Judges of the Common Court of Georgia - also in the proceedings related to the consideration of the appeal by the Disciplinary Chamber of the Supreme Court of Georgia.

3. The Disciplinary Board of Judges of the Common Courts of Georgia shall consider the proposal of the High Council of Justice of Georgia within 10 working days from the date of its receipt in accordance with the general procedure established by this Law. The non-appearance of the parties to the disciplinary case when considering the proposal of the High Council of Justice of Georgia shall not prevent the High Council of Justice of Georgia from considering the proposal and making a decision.”

4. If the Disciplinary Board of Judges of the Common Courts of Georgia agrees with the proposal of the High Council of Justice of Georgia and concludes that there is a set of mutually compatible and convincing evidence, which is sufficient for a high degree of probability that due conduction of the criminal case will be hindered in case of a judge remains its position the High Council of Justice of Georgia makes a decision on the removal of this judge from consideration of cases until the final completion of the relevant criminal case. Otherwise, the Disciplinary Board of Judges of the Common Courts of Georgia takes a decision on rejecting proposal of the High Council of Justice of Georgia.

5. The parties to a disciplinary case may appeal a decision made by the Disciplinary Board of Judges of the Common Courts of Georgia regarding the proposal to the High Council of Justice of Georgia to the Disciplinary Chamber of the Supreme Court within 10 working days of its submission. Renewal or extension of this period may not be allowed. A complaint must be submitted to the Disciplinary board of Judges of the Common Courts of Georgia. Within 2 working days after receiving the complaint, the Chairperson of the Disciplinary Board of Judges of the Common Courts of Georgia shall send the disciplinary case together with the complaint to the Disciplinary Chamber of the Supreme Court and inform the parties to the disciplinary case about it.”;

6. The Disciplinary Chamber of the Supreme Court shall consider the appeal according to the general rule established by this law, according to the following different procedural terms:

a) Within 2 working days after receiving the complaint, the Disciplinary Chamber of the Supreme Court checks whether the complaint was submitted in accordance with the requirements of the Article 75⁵⁵ of this Law or not. If the appeal meets the requirements of the mentioned article, the Disciplinary Chamber of the Supreme Court accepts it;

b) If the complaint does not meet the requirements of the Article 75⁵⁵ of this Law, the Disciplinary Chamber of the Supreme Court instructs the person submitting the complaint to eliminate the deficiency and sets a deadline of no more than 3 working days. If the gap is not eliminated within this period or if the complaint is not submitted within the period established by law, the complaint remains unresolved;

c) The Disciplinary Chamber of the Supreme Court shall consider a complaint within 10 working days after its receipt. The complaint may be considered in an oral hearing if, in the opinion of the Disciplinary Chamber of the Supreme Court, this will contribute to making a lawful and reasoned decision. In addition, the non-appearance of the parties to the disciplinary case at the oral hearing of the complaint shall not prevent the consideration of the disciplinary case and the adoption of a decision.”;

7. The powers of the judge shall be suspended for the period of validity of a decision on recusing a judge from trial. At the same time, the judge shall retain the rights, salary and other material benefits provided for in Article 40 of this Law during the specified period.”;

15. Paragraph 12 of Article 47 shall be formulated as follows:

“12. The term of office of a member of the High Council of Justice of Georgia shall be 4 years. After the expiration of the term of office, the member of the High Council of Justice of Georgia may not perform his/her duties. A member of the High Council of Justice of Georgia shall be elected not earlier than 30 calendar days before the expiration of the term of office of the respective member of the High Council of Justice of Georgia, and in case of early termination of powers of the member of the High Council of Justice of Georgia - not earlier than 10 calendar days after the termination of his/her powers. To elect a member of the High Council of Justice of Georgia by the Parliament of Georgia, a competition shall be announced not earlier than 3 months and not later than 2 months before the expiration of the term of office of the respective member of the High Council of Justice of Georgia, and in case of early termination of the powers of the member of the High Council of Justice of Georgia - not later than 1 month after the early termination of his/her powers. More than 4 judges-members of the High Council of Justice of Georgia may not be elected in any three-month period.”.

16. Paragraph 1¹ of the following content shall be added to the Article 50:

"1¹. The High Council of Justice of Georgia is authorized to appoint/elect an official no later than 3 months before the date of occurrence of the vacant position or no later than 1 month after the early termination of the term of office of the same official, The High

Council of Justice in accordance with the procedure established by this law, will start and implement the procedure of selecting a candidate for the appointment/election of a person to the said position.

17. Paragraph 3 of Article 65 shall be formulated as follows:

“3. The Conference of Judges of Georgia shall separately vote on candidates for membership of the High Council of Justice of Georgia for the position of a member judge who, in accordance with Article 47(4) of this Law, has the right to concurrently hold the position of a judge of the Council and the position of a chairperson of the court, his/her first deputy or deputy, or the position of a chairperson of the judicial collegium or chamber, and shall separately put to vote candidates for membership of the High Council of Justice of Georgia for the position of a member judge that has no right to concurrently hold any of the above positions. Before voting, a candidate shall have the right to apply to the conference of judges and present his/her vision and opinion on issues related to the exercise of his/her powers as a member of the High Council of Justice of Georgia, if elected. a member who is not entitled to hold any of the above positions, if elected. A person holding the position of a member of the Disciplinary Chamber or the Qualification Chamber of the Supreme Court or a Chairperson of the court, his/her first deputy or deputy, chairperson of the judicial collegium or chamber and running for the position of a member who is not eligible to concurrently hold any of the above positions, in case of his/her election as a member of the Council, shall terminate the authority to hold a position incompatible with the position of a member of the Council. If the number of candidates, who wish to be elected for membership, who is entitled to concurrently hold the position of chairperson of the court, his/her first deputy or deputy, chairperson of the judicial collegium or chamber, is less than the number of eligible persons or if, as a result of voting, the number of persons who received required number of votes is less than the number of eligible persons, a person who does not hold the position of a chair[person of the court, his/her first deputy or deputy, or a chairperson of the judicial collegium or chamber may be elected to the vacant position.”.

18. Article 66²² shall be formulated as follows:

“Article 66²². Training programme for trainee judges

The training programme for trainee judges must ensure the deepening of theoretical knowledge, the development of practical skills and qualities in accordance with the criteria established by Article 35¹ of this Law. In addition to compulsory subjects, optional subjects may be included in the training programme for trainee judges. The list of subjects shall be approved by an independent council on the recommendation of the principal.”.

19. Subparagraph (b.g) of paragraph 8 of Article 75¹ shall be formulated as follows:

“b.g) public expression of opinion by a judge in violation of the principle of political neutrality. Scientific or analytical substantiation by a judge of judicial reform and/or legal changes related to justice shall not be considered a violation of the principle of political neutrality;”;

20. The first paragraph of Article 75⁸ shall be formulated as follows:

“1. As a result of the preliminary examination, the High Council of Justice of Georgia shall assess the validity of initiating disciplinary proceedings against a judge and, within the overall time limit determined under Article 75⁷(1) of this Law, by a majority of the full composition, issue a reasoned decision to initiate disciplinary proceedings against the judge and take an explanation from the judge. When making this decision, the High Council of Justice of Georgia shall observe the principle of reasonable assumption. If this decision is made, the disciplinary proceedings against a judge is considered to have begun from the moment this decision is made. If the High Council of Justice of Georgia fails to make such a decision, the disciplinary proceedings against the judge shall be terminated. A member of the High Council of the Justice of Georgia, who disagrees with this decision, may express his/her dissenting opinion in writing, which shall be attached to the disciplinary case.”.

Article 2

1. This Law, with the exception of Article 1(1) of this Law, shall enter into force immediately after its promulgation.

2. Article 1(1) of this Law shall enter into force on 1 January 2024.

President of Georgia

Salome Zourabichvili