

**International Association of Judges
First Study Commission – Annual Meeting in Abidjan (October 28-31,2002)**

GEORGIA

The role and function of the high Council of Justice or analogous bodies in the organisation and management of the national judicial system

1. Constitution/Composition

1.1 Is there a Superior Council for the Judiciary or an analogous body, or bodies, in your judicial system?

Judicial Council is created in Georgia for appointing a judge, electing a candidate for this position , representation, removing from the position and providing of qualification test, as well as other tasks stipulated by the law.

Besides Judicial Council there are judicial Councils of abkhazian and adjarian Autonomous Republics in Georgia.

1.2. Give a brief summary of the role or function of such body or bodies.

The primary roles of the GJC /Georgian Judicial Council/ are to make recommendations and represent to President of Georgia the candidates for the judge position; determinate of the candidates skills level; to represent to the president an application on removing a judge from the position if there is a basis stipulated by the law; provide statistical analysis of court judges data.

1.3 Who are members of the body? /number, composition and qualifications of the members/

1.4 How is the body constituted and what are the procedures for the appointment of members?

Judicial Council consists of 12 members. 4 members are appointed by the President of Georgia; 4 members are elected by Parliament of Georgia; 1 member is appointed by superior Court of Georgia; Besides that, Superior under supervision of the Council is Court Chairman, as well as Chairmans of Superior Court of Abkhazia and Adjara.

1.5 Is there a majority of judges on the body?

No judge can be a member of the Council but only Chairman of superior Court of Georgia, and Chairman of Abkhazian and adjarian Superior Courts.

1.6 Are any of the members of the body elected by judge and if so how many? What is the period of office of a member of the body and under what constitution does the term of office come to an end? May a member be removed from the office against his will and if so under what circumstances?

The judges don't appoint their representatives in the Council.

1.7 To what extent is there a de facto influence on the work of the body by Executive /Government/ or the Legislature, with particular regard to its composition, its judicial functions and non-judicial responsibilities?

Taking into the consideration, that judicial Council is the superior Body of the president of Georgia, so removing from the position of the judicial Council members is made by the president and Parliament of Georgia. Naturally, indirect influence takes place, though no direct influence is indicated in the Law and Statutes of the Council.

2. Responsibilities of the superior Council or analogous body.

2.1 Is the Supreme Court subordinate to the Superior Council for the judiciary?

No.

2.2 Not applicable

2.3 does the council/body have responsibility for the nomination or appointment of a judge?

Judicial Council of Georgia takes participation in appointment of regional and provincial judges. Not later 7 days after vacancy occurs, the Council makes an announcement on a vacancy. And, within 1 month after announcement passes registration of candidates to the judge position. After that, competition is provided and winners are submitted to the President of Georgia.

2.4 Does the Council/body have responsibility for the promotion of judges?

Judicial Council doesn't participate in appointment of a judges, as they take a position on the competition basis.

2.5 Does the Council/body have responsibility in the appointment of Presidents of Courts?

Responsibility of the Judicial Council in the appointment of Courts Regional Chairman is limited only by representation of the candidates to the President of Georgia.

2.6 Does it have responsibility for organising the training or continuing education judges?

Educational Centre is organised at Judicial Council of Georgia. Here the judges and their assistants are passing the training.

2.7 Does the Council/body have responsibility for the initiation or conduct of a disciplinary procedure against a judge?

Judicial council can initiate disciplinary procedure against a judge in the case of complains received from a citizen, inadequate investigation of a case and in the case of breach of terms of legal proceedings connecting with making and issuing of judicial acts. Judicial Council is forming Bar consisting of two members of the Council and two judges.

2.8 Does such Council/body have responsibility in the evaluation of the work of a judge?

No.

2.9 Does it have responsibility for the drafting or preparation of the budget of the judiciary?

No.

2.10 Does it have responsibility concerning the allocation of resources /personal and financial/ within the budget approved by Parliament or Government?

No.

2.11 Are there any significant responsibilities of the Council/body not already mentioned?

No.

3. Superior Council and /a/ the independence of the judiciary and /b/ its advantages and disadvantages.

3.1 If you have such a body, please list, very briefly the advantages and disadvantages.

- a) none
- b) doesn't control satisfactorily discipline of the judges;

Independence of the judges is limited.

4. Particularities/Criticism

4.1 Are there some special features concerning the Superior Council or body in your country which might be of special interest to others from a comparative point of view?

None

4.2 Are there particular fundamental problems concerning the role of the Council/body in your country?

As already has been appointed, Council in Georgia has a form of President's assembly and can be under influence of executive governmental bodies.

4.3 Are reforms of such a Council/body under discussion or proposed?

No.

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No.

5. Topics

5.1 What topics do you propose for the next year's meeting of the 1st study Commission?

On independence of the judges and mechanisms for its legal support.