**QUESTIONNAIRE**

1. **Please provide detailed information, including disaggregated data, on the number of judges that have been subject to disciplinary proceedings in the last ten years. How many of them were found guilty of a disciplinary misconduct? How many of them were removed from office?**

Law of Georgia on “Disciplinary Liability of Judges of Common Court of Georgia and Disciplinary Proceedings’’ governs the disciplinary liability system of judges in Georgia. The law envisages exhaustive list of types of disciplinary misconduct as well as the types of disciplinary penalties. In terms of statistical information regarding disciplinary proceedings initiated against judges in the last ten years in Georgia, it should be noted, that in the years of 2010-2020, 4651 disciplinary proceedings were commenced against judges. As a result of these proceedings, 64 judges were found guilty of a disciplinary misconduct and 2 of them were removed from office.

1. **Has any judge belonging to your association been subjected to any form of sanctions that were not previously established by law or that were imposed through a procedure that did not meet the procedural requirements established by the law? If yes, please provide information on the case(s).**

The answer to this question is negative.

1. **Apart from disciplinary proceedings, are there any other measures that may be used to interfere with the capacity of a judge to adjudicate cases before him or her in full independence? Are you aware of any case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways in order to abandon a case pending before him or her? If yes, please provide information on the case(s).**

The answer to this question is no. Even more, Article 365(1) of the Criminal Code of Georgia lays down criminal responsibility for the threat or violence of the judge with respect to legal proceedings. According to this provision “Any threat to kill or to damage the health or destroy the property of the a judge, a juror or their close relatives in connection with the court hearing of a case or material shall be punished by a fine or imprisonment for up to three years”.

As for the second part of the question, such incidents haven’t been reported. Furthermore, as a result of the legislative amendments introduced in 2017 into the Organic Law of Georgia on Common Courts: judge may be transferred from one court to another, only upon his or her own consent. Thus, additional guarantees were introduced in order to ensure non-interference with judicial decisions.

For appointed Judge taking part into the judicial training courses is also voluntary-based. With the help of special online platform each judge can independently and voluntarily choose in which training course to enroll.

1. **What measures have been put in place in your country to enable judges to decide matters before them impartially and without any pressure or interference?**

The legislation of Georgia provides for guarantees of independence and impartiality of judges. According to the Article 63 of the Constitution of Georgia, the judge is independent in his/her activity and only complies with the constitution and the law. No one has the right to demand an account concerning a particular case from a judge. All acts that restrict judicial independence are null and void.

The Parliament of Georgia passed a law “On the Procedure for Communication with Judges of Common Courts” in 2007. The declared aim for the adoption of the law was strengthening the independence and impartiality of judges and limiting the possibilities of influence on judges by public officials and private individuals during any court proceedings. The law prohibited *ex-parte* communications for the purpose of influencing a case with judges from any outsiders including public officials. According to Article 3 of the Law “from the moment of submission of a case to a court until the enforcement of the court judgment on this case (including the investigation process) the participants of proceedings, interested persons, public servants and the state-political officials shall be prohibited from establishing any communication with the judge in connection with the consideration of the given case and/or the possible outcome of the case that violates the principles of independence and impartiality of the judge and of the adversarial proceedings”.

In addition, creation of strong social guarantees has been outlined as one of the indicators of perfecting mechanisms for combating corruption within the judiciary system. Therefore, nowadays effective social and legal protection guarantees are available within the Georgian Judiciary System and that is one of the means to ensure impartiality of the judiciary.

Furthermore, since 2012 Georgia has successfully implemented four-waves of judicial reforms to secure the independence and impartiality of judiciary. Every step made towards the reformation of the judiciary served the sole overall goal, which is it create an independent and impartial judiciary system and ensure effective administration of justice.

The goal of **first wave of judicial reform** (May, 2013) was to depoliticize and open High Council of Justice (HCoJ) for representatives of the civil society and members of academia. In addition, public access to court hearings was increased (TV cameras were allowed to the courtrooms, also an obligation was introduced to keep a record of hearing protocols (audio/video recordings)).

The **second wave of reforms** (August, 2014) introduced life tenure of the office for judges. To this end, clear and objective criteria before a lifetime appointment of judges have been set.

In February 2017, the Parliament adopted the **third wave of judicial reforms**. The package of amendments, included:

* Deprivation of presidents of courts of right to initiate disciplinary proceedings against judges;
* Automatic and electronic distribution of cases, which implies random assignment of court cases and deprives court chairpersons of the possibility to intervene in this process;
* Selection of judges based on clear criteria and fair and transparent procedures;
* Introduction of new admissibility criteria for cassation appeals with the Supreme Court of Georgia, including instances where appealed decision contradicts the European Court of Human Rights case-law;
* Publication of every court decision on courts’ website; etc.

**The “Fourth Wave” reform** (December, 2019) foresees the specific and exhaustive list of types of disciplinary misconduct. The Fourth Wave of reform addresses the key and pressing issues that are crucial for the independence and impartiality of the court, including the reform of the system of disciplinary liability.