



Office of Independent Inspector

Statistical Information

First Quarter of 2020

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Introduction

Since First of January 2020 the types of disciplinary misconduct have been altered and the disciplinary proceedings – refined, in line with implementation of legislative amendments of fourth wave reforms. As a result, the types of disciplinary misconduct committed by a judge became more foreseeable and they were divided into 7 categories:

- An action that violates the principle of independence;
- Actions that violates the principle of impartiality;
- Actions that violates the principle of good faith;
- Actions that violates the principle of propriety;
- Actions that violates the principle of equality;
- Actions that violates the principle of competence and diligence;
- Other actions that do not fit the status of a judge.

Different compositions have been established according to each type of disciplinary misconduct. In the process of disciplinary proceedings, the institution of a defect was introduced, according to which if the complaint does not indicate the identity of the judge, the case and / or the possible commission of a disciplinary misconduct, the independent inspector will identify the defect and set a deadline of no more than 10 days.

The independent inspector was authorized to terminate the disciplinary proceedings. In particular, an independent inspector shall make a reasoned decision to refuse to initiate disciplinary proceedings against a judge or to terminate the initiated disciplinary proceedings if: the time limit of disciplinary liability or imposition of a penalty has expired; There is a decision of a competent body conducting the disciplinary proceedings against the same judge for the same act; Judicial power of a judge has been terminated; The complaint addresses the legality of the acts issued by the judge.

As a result of the legislative amendments, the Independent Inspector was obliged to proactively publish statistical information. The following quarterly report includes information on the activities of the Independent Inspector's Office from January 1, 2020 to March 31, 2020.

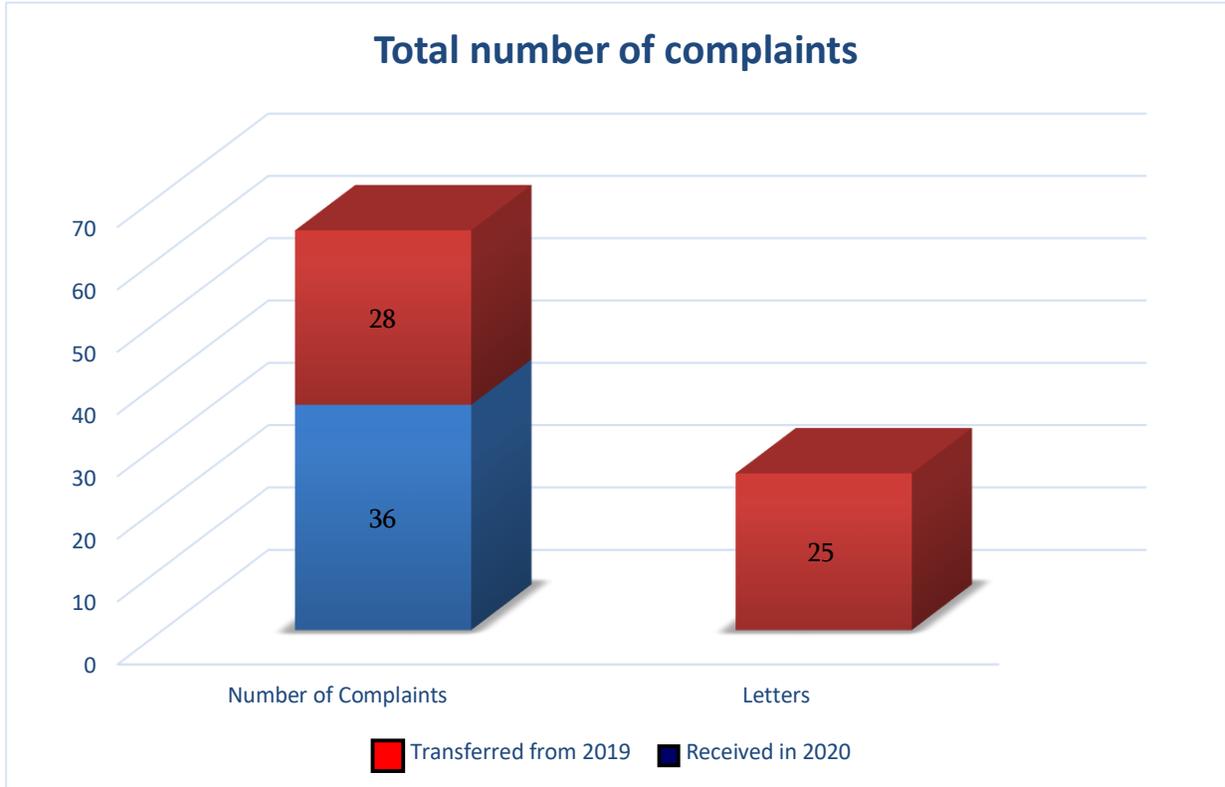
Statistical information is processed according to the categories of cases, court instances, disciplinary misconducts and conclusions. The statistical data on the status of the authors of complaints and judges are also analyzed.

It should be noted that after the appointment of Ketevan Tsintsadze as a judge of the Supreme Court of Georgia (December 12, 2019), a new Independent Inspector was elected to the position by the High Council of Justice of Georgia on January 4, 2020. Unfortunately, the disciplinary proceedings on certain disciplinary complaints have been delayed, but as of March 31, 2020, the decisions will be made in full compliance with the deadlines set by law.

1. General Statistical Information

From January 1, 2020 to March 31, 2020, the Independent Inspector's Office received 36 disciplinary complaints, and from 2019¹, 28 disciplinary complaints have been transferred.

During the same period, 25 letters were registered without compliance with the relevant forms. Therefore, the complaint forms and detailed instructions were sent to the complainants.



Up to 100 letters have been sent by the Independent Inspector's Office to investigate the complaints, and the relevant information required for the preliminary investigation has been requested. Documents related to the cases were received in the form of 80 letters during the reporting period.

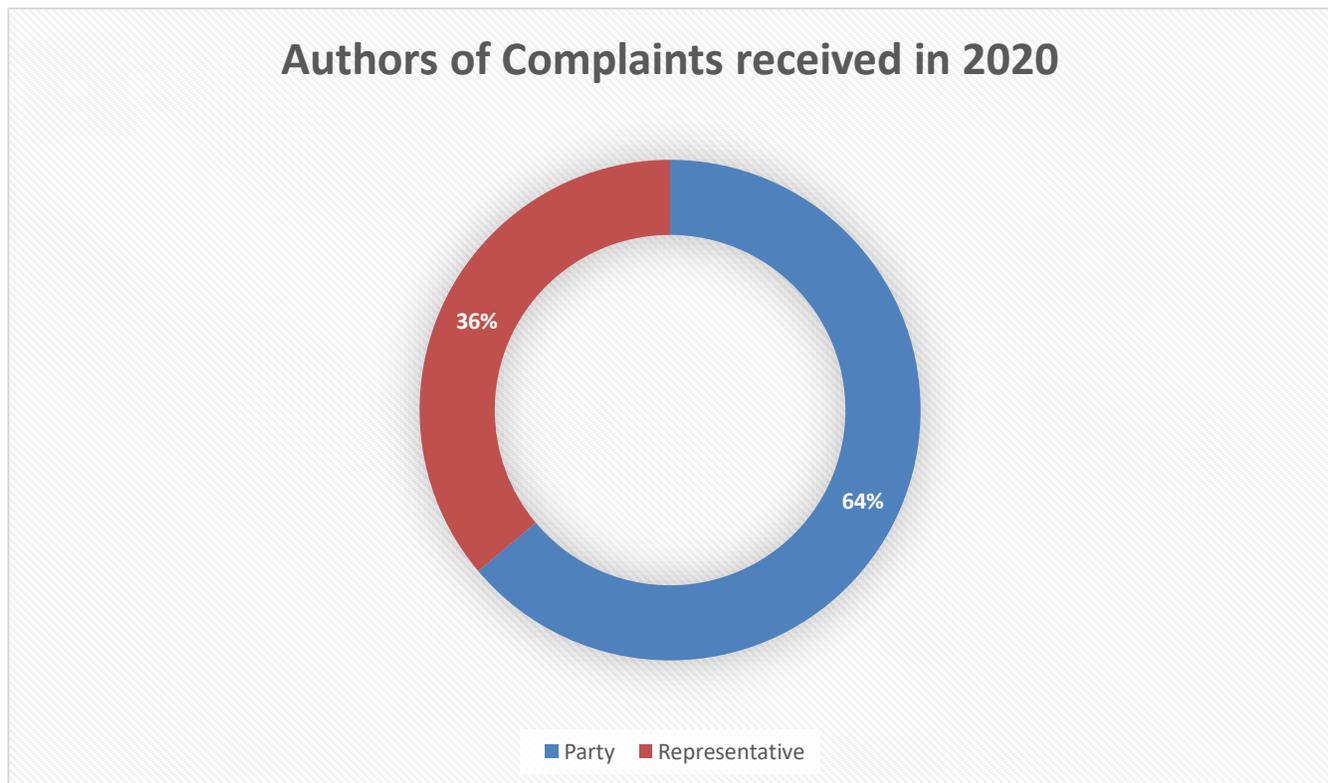
¹ In 2019, the 2-month deadline set by law for the preliminary investigation of these complaints were not expired.

2. Statistical Information on the Authors of Disciplinary Complaints²

The statistical information about the authors of the complaints was processed in accordance with their status in hearings³.

Out of 36 complaints received in 2020, most of the authors are litigants in court (64%). The number of complaints filed by the representatives is - 36%.

During the reporting period, disciplinary proceedings were not initiated on the basis of complaints from interested persons, information disseminated to the media, the proposal of the Public Defender or report cards.

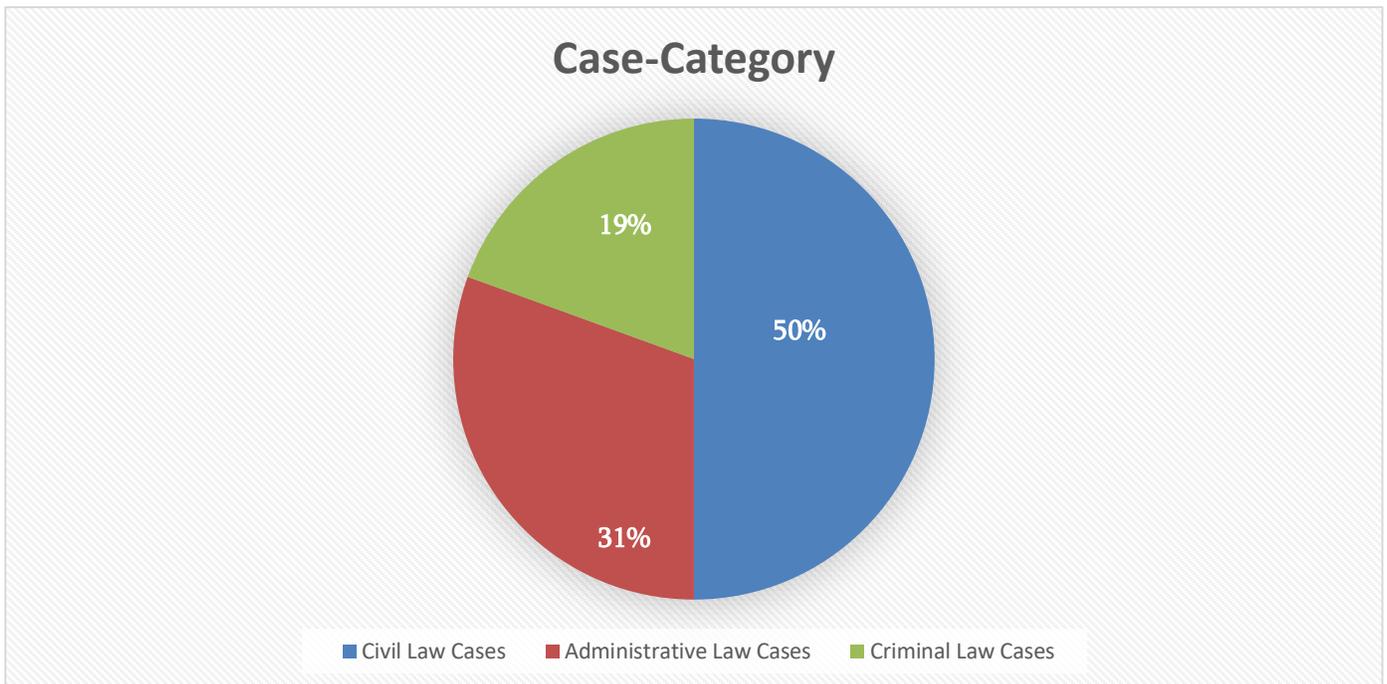


² The following chapter analyzes information on the complaints registered in 2020, as the information about complaints transferred from 2019 is reflected in the 2019 report.

³ The authors of the complaint are: the parties, representatives (legal representatives or persons with representative powers, lawyers), other interested persons (family members, person present at the hearing or any other person), the Public Defender. Also, the disciplinary proceedings may be initiated on the basis of information disseminated in the media and report cards.

3. Statistical Information in Accordance with the Case-Category⁴

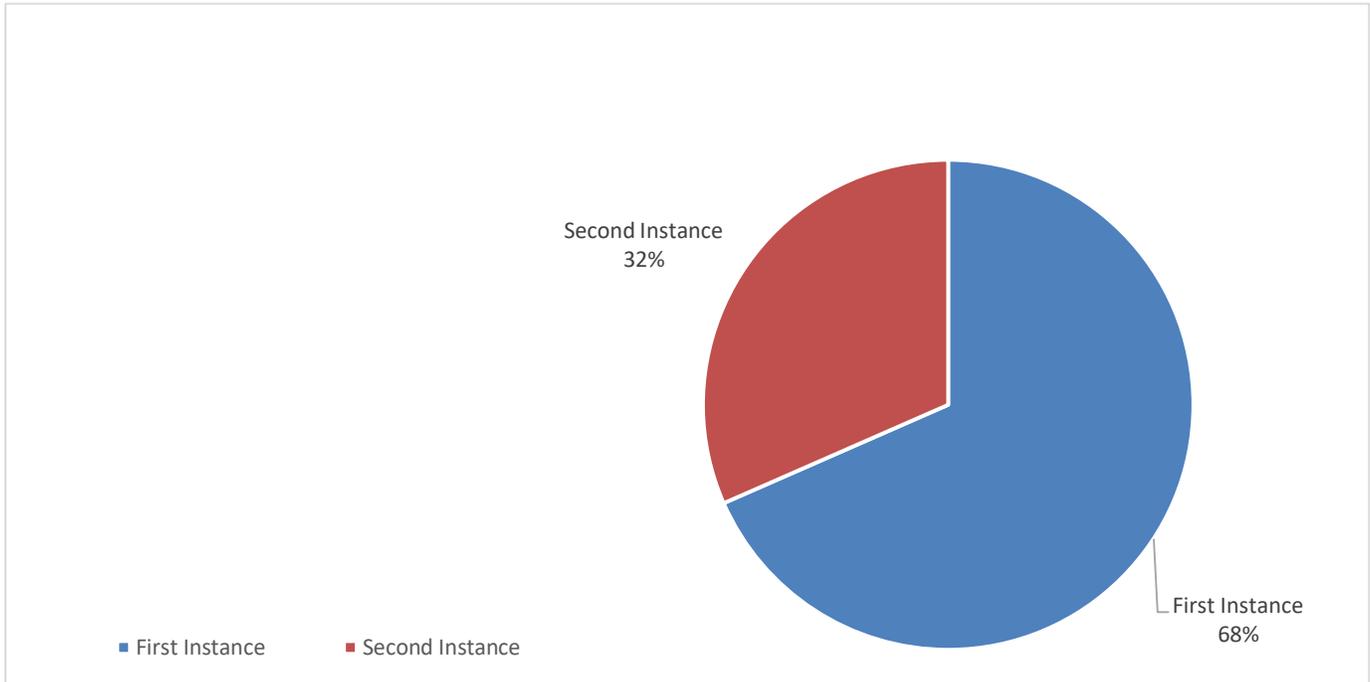
The number of complaints filed in the first quarter of 2020, according to the Case-category, largely repeats the data of previous years. As in previous years, most complaints are in regard with civil law cases, while the authors of the complaints point to the possible disciplinary misconduct in the smallest number in criminal cases.



⁴ The following chapter analyzes information on the complaints registered in 2020, as the information about complaints transferred from 2019 is reflected in the 2019 report.

4. Statistical Information in Accordance with the Court Instances⁵

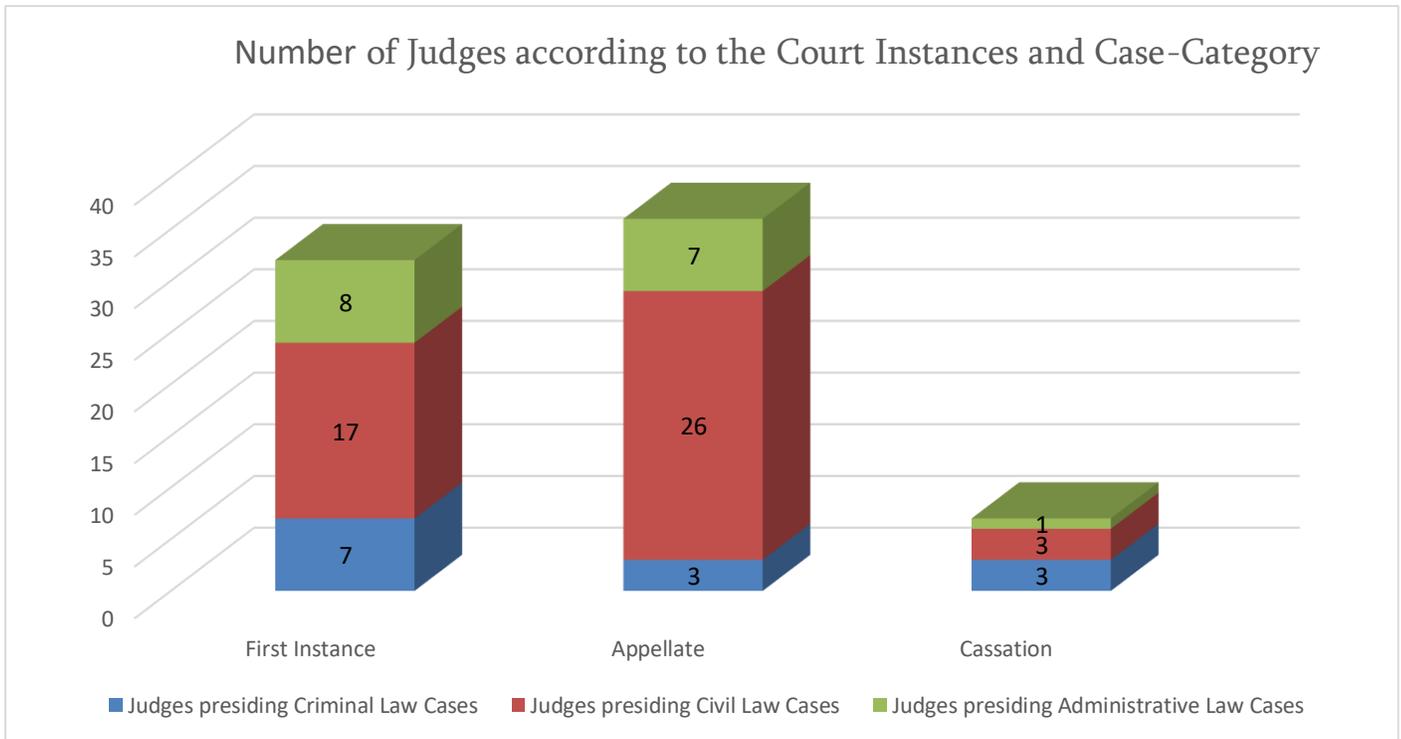
As a result of the generalization of the cases, it was found that in the first quarter of 2020, 69% of the complaints concerned first-instance judges, and 32% - appellate judges. From January 1, 2020 to March 31, 2020, no complaints were filed against the judges of the Supreme Court of Georgia for possible disciplinary misconducts.



⁵ The following chapter analyzes information on the complaints registered in 2020, as the information about complaints transferred from 2019 is reflected in the 2019 report.

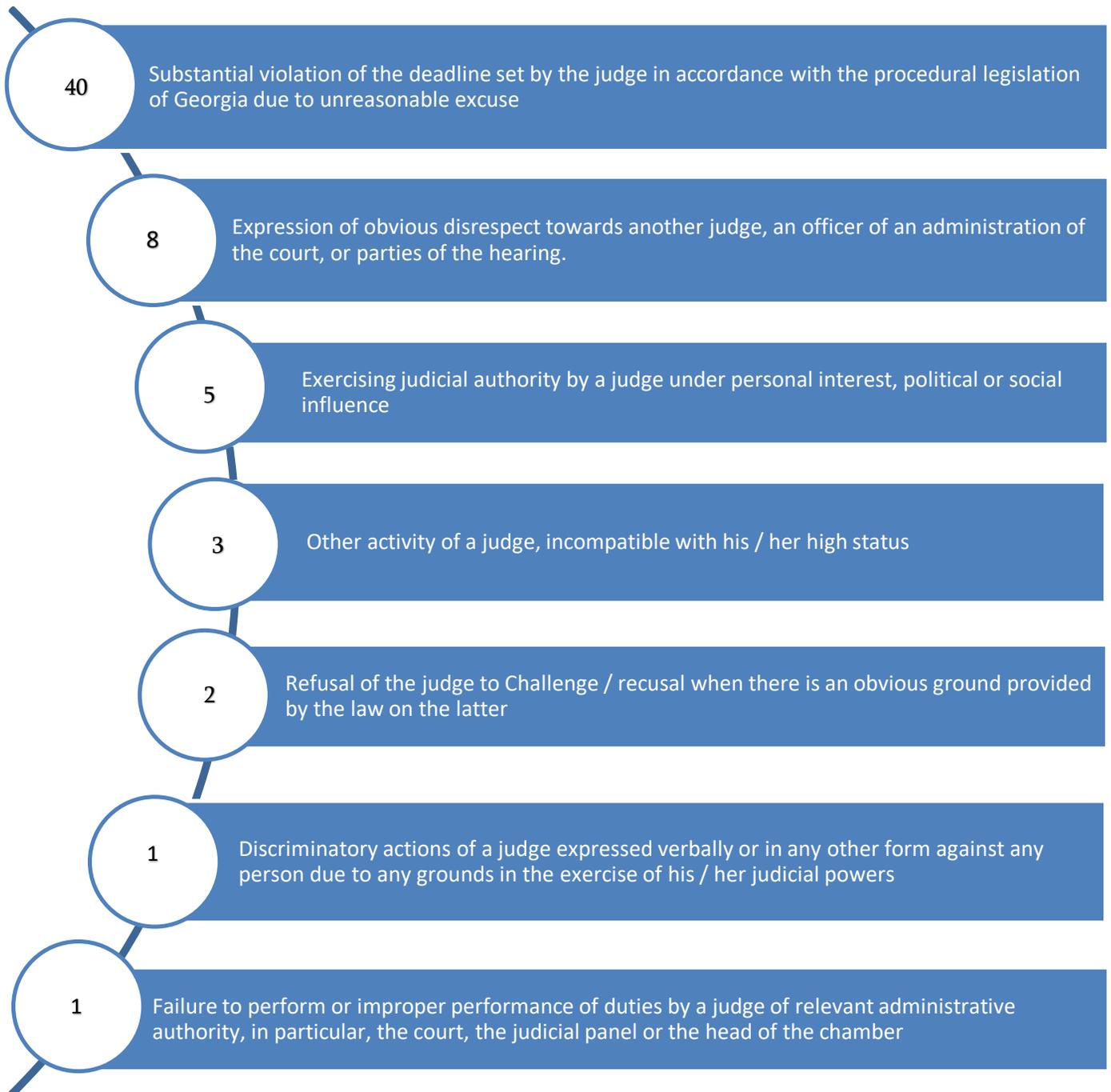
5. Statistical Information in Accordance with Judges

During the reporting period, 64 complaints were filed against 62 judges. The number of complaints filed against judges is divided according to the Court Instances and Case-Category:



6. Statistical Information on Disciplinary Misconducts

Article 75¹ paragraph 8 of the Organic Law of Georgia on Common Courts provides 20 different types of disciplinary misconducts. Complaints concerned only the actions reflected in 7 different sub-paragraphs. Most complaints were filed on the basis of violation of the procedural deadline; On the grounds of the exercise of judicial authority and the manifestation of obvious disrespect towards the party in the proceedings, in line the personal interest of the judge. It should be noted, that in 17 complaints, in addition to various types of misconducts, the authors of the complaint indicated on the legality of the act, and solely the legality was disputed in 12 complaints.



0

Interference by the judge in the activities of another judge in order to influence the court decision

0

Public expression of opinion by a Judge on a case pending before a court. However, Judge's explanation on organizational and technical issues related to the case for the purposes of informing the public, will not be considered as disciplinary misconduct.

0

Pre-disclosure of the Court decision on the pending case by the judge, except in cases provided for by the procedural legislation of Georgia

0

Violation of the requirements of the 1st Paragraph of Article 72¹ or the 1st Paragraph of Article 72² of the Organic Law of Georgia on General Courts by the judge

0

A judge may not be a member of any political association or participate in political activities. A judge may not publicly endorse electees or express political views.

0

Unlawful interference by a judge in the distribution of court-cases

0

Violation of Articles 5, 52, 7, 8, 10, 11, 13, 13⁴, 13⁵ or 20⁴ of Georgian Law on Conflict of Interest and Corruption in Public Service

0

Hinderance of Disciplinary Proceedings by a judge

0

Forming a personal and intensive (friendly, family) relationship directly with the participant in the proceedings, which causes the judge to be biased and / or give preference to the participant if he / she had information about the party.

0

Sexual harassment by a judge

0

Disclosure of secrecy of court deliberations by a judge

0

Inactivity of a judge towards a discriminatory action, expressed verbally or in any other form by an officer of court administration or a participant of a hearing against another participant, if a judge witnesses such fact.

0

Inactivity of a judge towards violation of the law and possible disciplinary misconducts provided for in this paragraph, by another judge, an officer of court administration or participants in the proceedings, if a judge witnesses such fact.

7. Statistical Information in accordance with the Types of Misconduct and Case-Categories

It is important to set aside information, which type of disciplinary misconduct prevails among different instances or panel of judges presiding the cases. For this purpose, the present chapter analyzes statistical information on 64 disciplinary complaints according to the types of misconducts.

7.1 Violation of Procedural Deadline

In the first quarter of 2020, a preliminary investigation was conducted on the basis of 40 complaints on possible substantial violation of the deadline set by the judge in accordance with the procedural legislation of Georgia due to unreasonable excuse.

The complaints mainly concerned civil and administrative law cases, which were mostly heard by first instance and appellate court judges.



7.2 Expression of obvious Disrespect towards Participant of the Hearing.

8 complaints have been filed against judges based on expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing. These complaints concerned pending cases in both district / city and appellate courts.

Disciplinary proceedings were mainly initiated against judges in the criminal law on the grounds of manifestation / expression of obvious disrespect towards the participants in the proceedings.

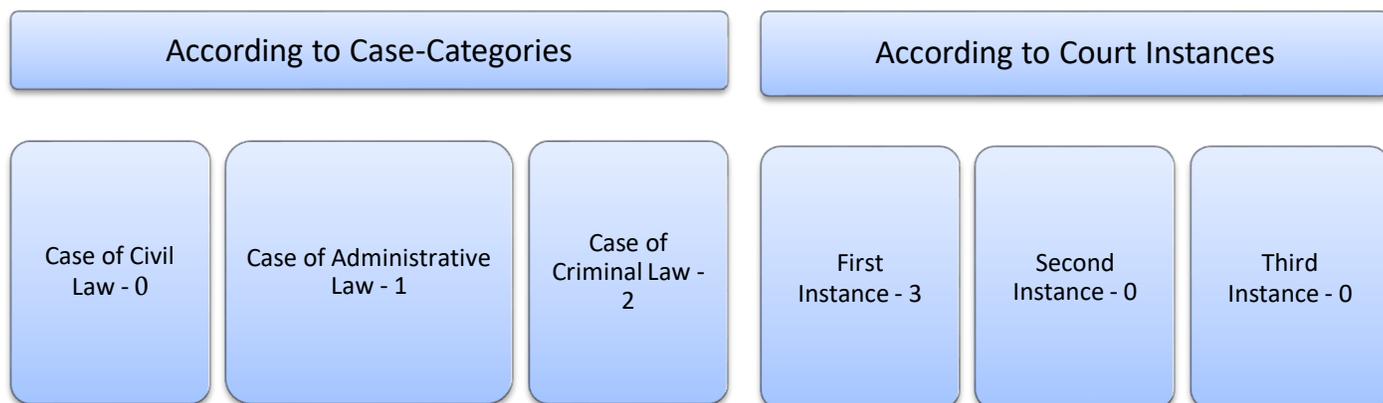


7.3 Personal Interest, political or social Influence

The following type of misconduct – the exercise of judicial powers by a judge under personal interest, political or social influence – has become the subject of discussion in 5 complaints. All five complaints concerned first-instance judges, 4 of which were criminal and one civil.

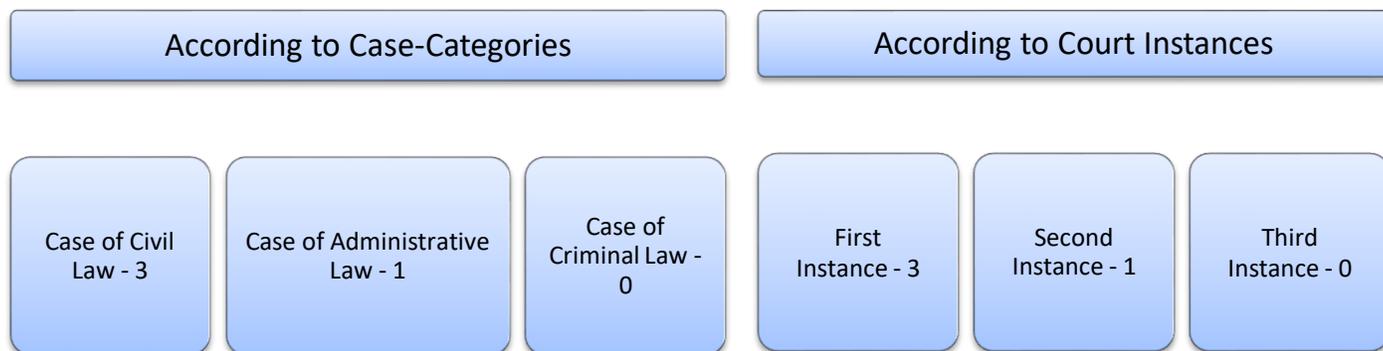
7.4 Activity of a Judge, Incompatible with his / her high Status

3 complaints were filed against judges for incompatible activities with their high status. Out of three, two complaints were criminal cases, and one – administrative. However, all three complaints were filed against first instance judges.



7.5 Other Types of Disciplinary Misconducts

Independent Inspector’s Office conducted disciplinary proceedings on 4 complaints in regard with the discriminatory actions of a judge expressed verbally or in any other form against any person due to any grounds in the exercise of his / her judicial powers; or in regard with the refusal of the judge to Challenge / recuse when there is an obvious ground provided by the law on the latter.



8. Statistics on Decisions of an Independent Inspector

During the reporting period, the Independent Inspector made 32 decisions on the termination of disciplinary proceedings out of 64 complaints (3 complaints were merged into one proceeding) Among them:

- ✓ Disciplinary proceedings have been terminated in 2 cases due to the expiration of the judicial power of judges;
- ✓ 30 decisions concerned the legality of an act issued by judges.

Complaints about the legality of the act issued by the judge concerned 20 civil law cases, 7 criminal cases and 2 administrative law cases. In regard with the Instances – these decisions included the legality of the acts issued by 19 judges of the first instance, 13 judges of the second instance and 3 judges of the third instance.

Disciplinary proceedings in certain cases have been terminated only in accordance with Article 75¹², paragraph 1, (c) and (d) of the Organic Law of Georgia on Common Courts. Alleged disciplinary misconducts are either subject of preliminary investigation or the relevant conclusions have been drawn.

It should be noted that one complaint was not accepted due to not correcting a defect.

9. Statistical Information on the drawn Conclusions and Results of the Disciplinary Hearings

For the purposes of better investigation of the disciplinary case, the Independent Inspector's Office requested the case materials, video and audio recordings from both from the courts and various administrative bodies, and found different types of written evidences (information on the hearings schedule, judges' property declaration, etc.).

During the reporting period, the Independent Inspector prepared 48 conclusions and 30 decisions on the termination of disciplinary proceedings. The disciplinary Session on the High Council of Justice of Georgia has not been held to discuss the conclusions.

It should be noted that neither any judge has exercised his / her right to challenge the Independent Inspector, nor has an Independent Inspector recused himself.