



დაამოუკიდებელი ინსპექტორის სამსახური

OFFICE OF INDEPENDENT INSPECTOR

Statistical Report of Activities

2021
First Quarter

Tbilisi
2021

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Introduction

A quarterly report has been prepared by the Office of the Independent Inspector, which includes information on the activities of the latter from January 1, 2021 to March 31, 2021.

The statistical information presented in the document is processed in accordance with the authors of the complaint, the case-categories, the court instances, the disciplinary misconduct and the conclusions prepared.

In the first quarter of 2021, part of the activities were carried out in accordance with the key directions of the strategic development. Trainings were conducted with the support of the EU Judiciary Support Project for the improvement of the substantiation of the Independent Inspector's conclusions. In addition, the Independent Inspector held a meeting with 150 lawyers from 8 regions of Georgia, representatives of local self-government, media and civil society through the online platform – Zoom. The meetings were organized by the “Network of Centers for Civic Engagement” and financial support of the USAID / Prolog “Rule of Law in Georgia”.

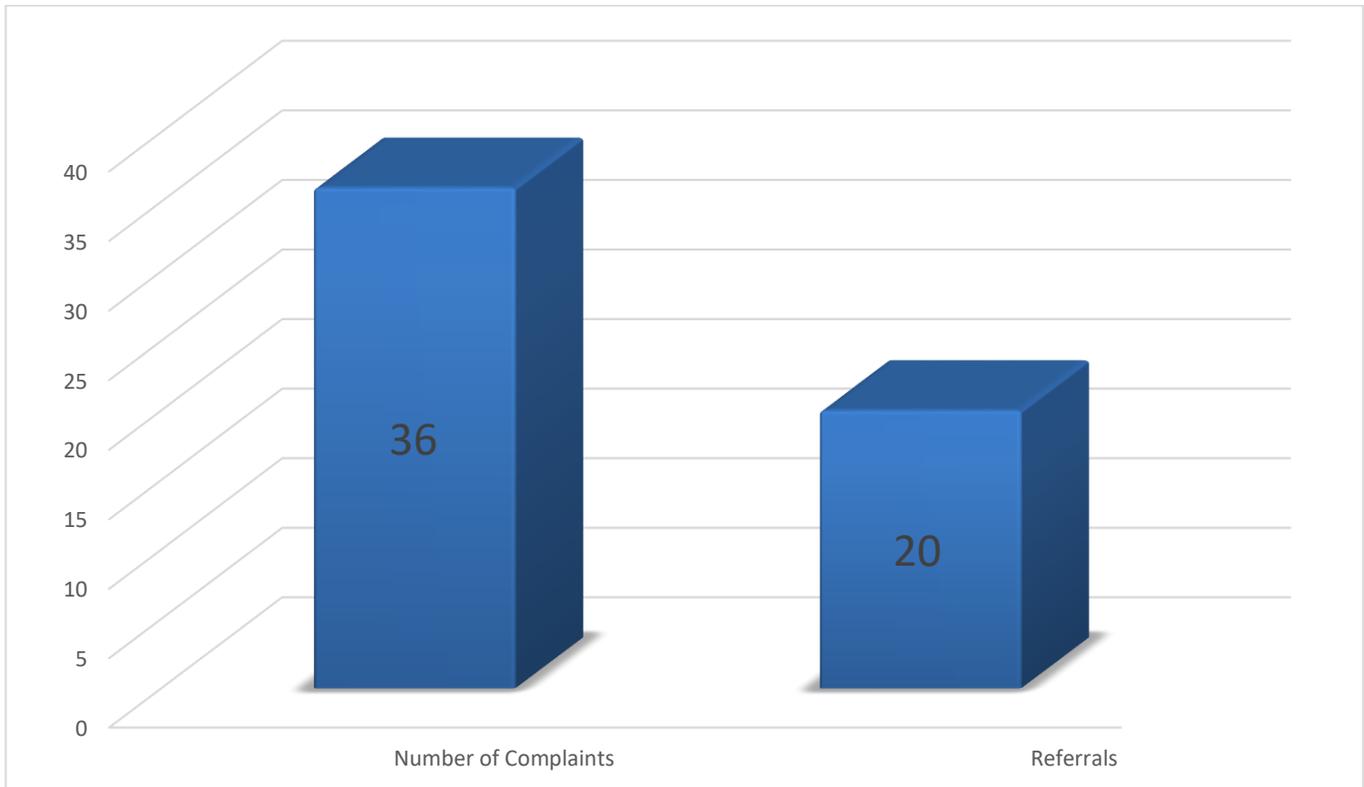
A practical handbook and a comparative legal study on the definition of the Disciplinary Liability of judges have been prepared with the support of the EU project (based on the practice of Italy and France). In the first quarter of 2021, the Office of the Independent Inspector published the 2020 Annual Report, which analyzes the decisions and conclusions of the Independent Inspector along with statistical information. The main recommendations identified based on practice are also illustrated.

Despite the pandemic, the Office of the Independent Inspector continues to carry out certain activities to raise awareness of issues related to the disciplinary proceedings.

1. General Statistical Information

The Office of the Independent Inspector received 36 disciplinary complaints from 1st of January 2020 to March 21, 2021.

During the reporting period, 20 complaints were submitted without fulfilling the requirements of the complaint form, after which the complainants were sent the latter with detailed instructions for filling it out.



In order to investigate the complaints, the Office of Independent Inspector sent 24 letters and requested relevant information for the preliminary investigation.

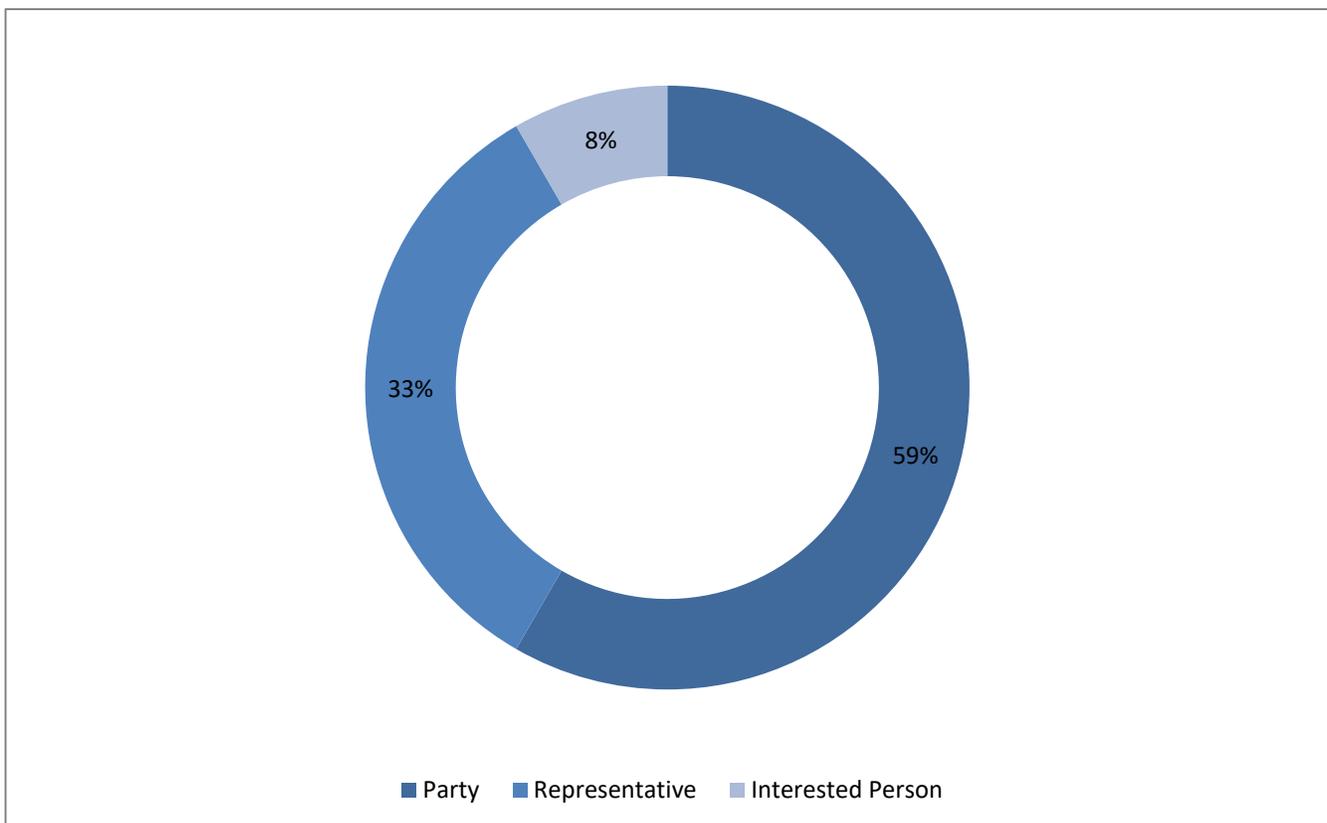
During the reporting period, up to 35 citizens received consultations through the hotline.

2. Statistical Information on the Authors of the Disciplinary Complaint

Statistical information on the authors of the complaints was processed according to their status in the pending cases at court.¹

In the first quarter of 2021, the majority of complainants are the parties of the pending dispute at the court (59%). The percentage of complaints filed by representatives stands at 33%, while the percentage of complaints filed by interested persons stands at – 8%.

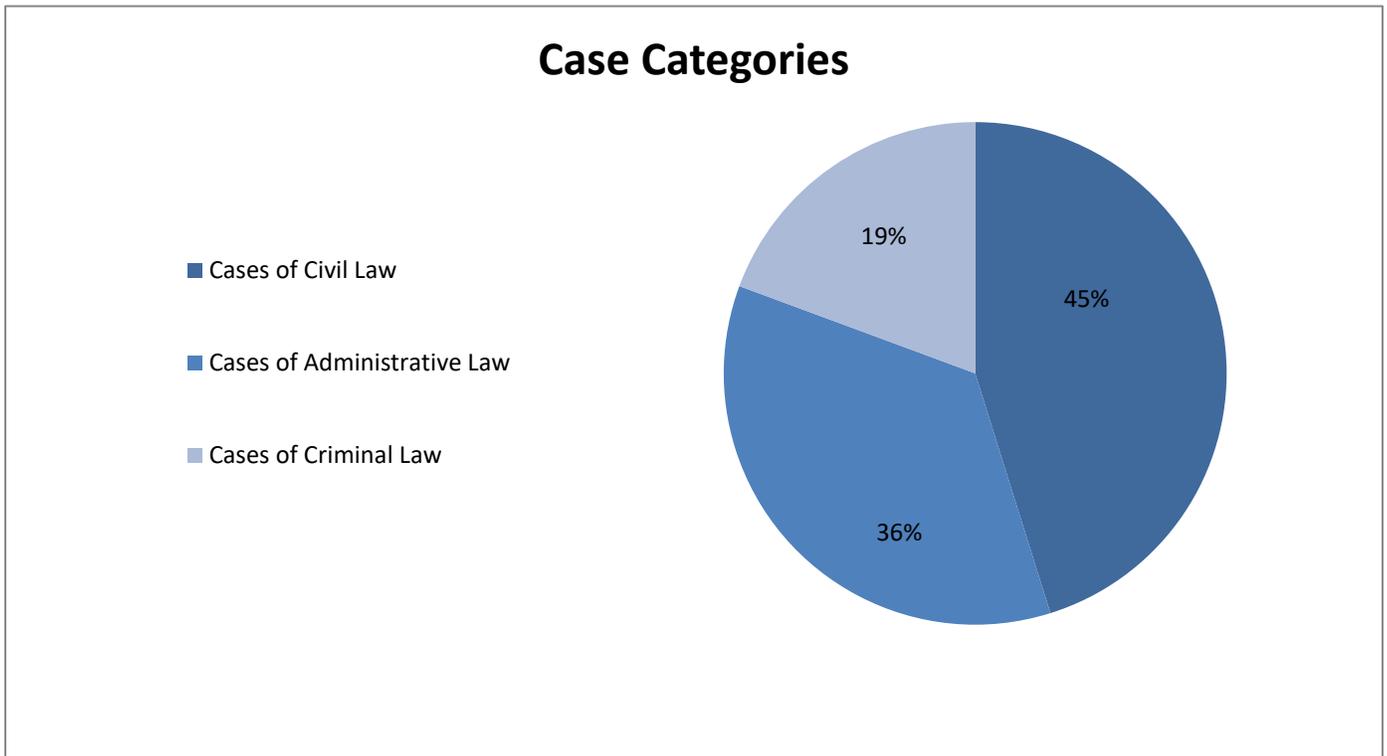
During the reporting period, disciplinary proceedings were not initiated on the basis of information disseminated by the media, the ombudsman's proposal or report cards.



¹ The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings may be initiated on the basis of information disseminated in media and report cards.

3. Statistical Information by Case-Categories

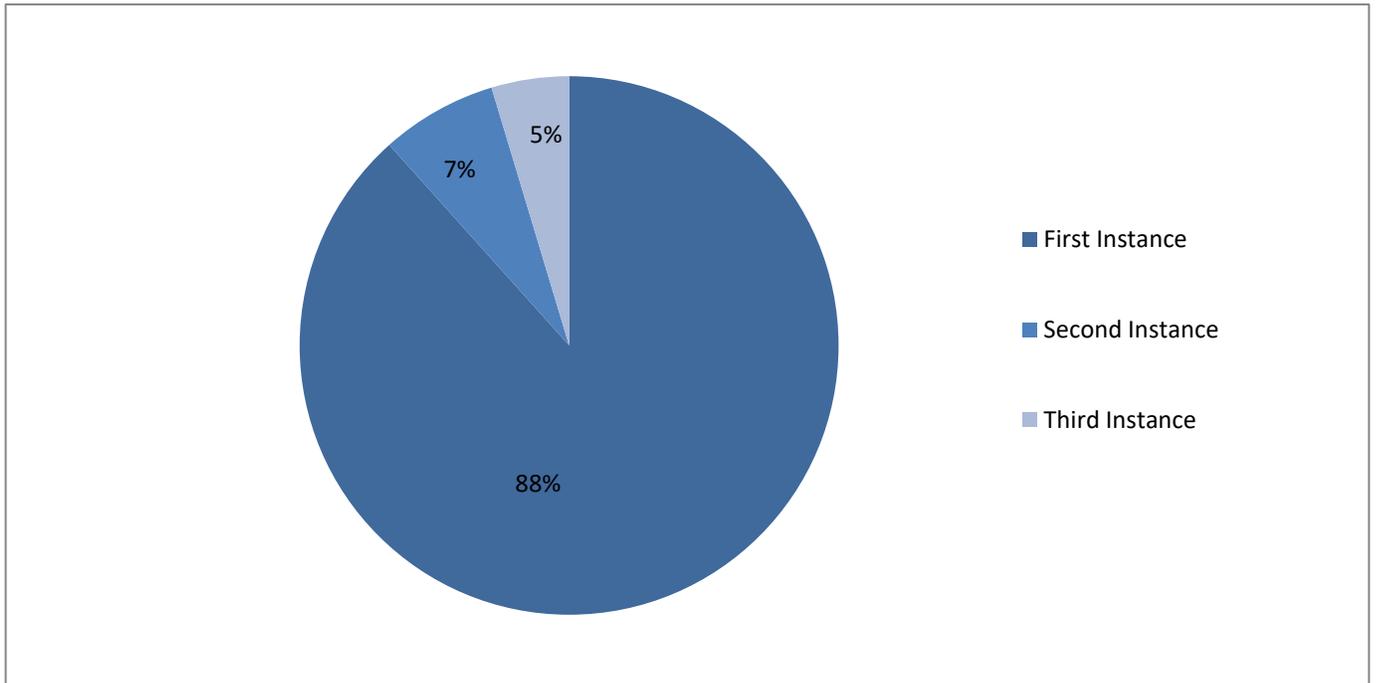
The majority of complaints filed in the first quarter of 2021 relate to civil law cases (45%). The percentage of complaints filed in administrative cases stands at 36%, while the percentage of complaints about alleged disciplinary misconduct by judges in criminal cases stands at 19%.



It should be noted that one of the complaints did not fall into any of the case-categories, as the latter did not relate either to the judicial activity or substantial hearing of the case. This figure could not be reflected in the diagram due to a lack of data.

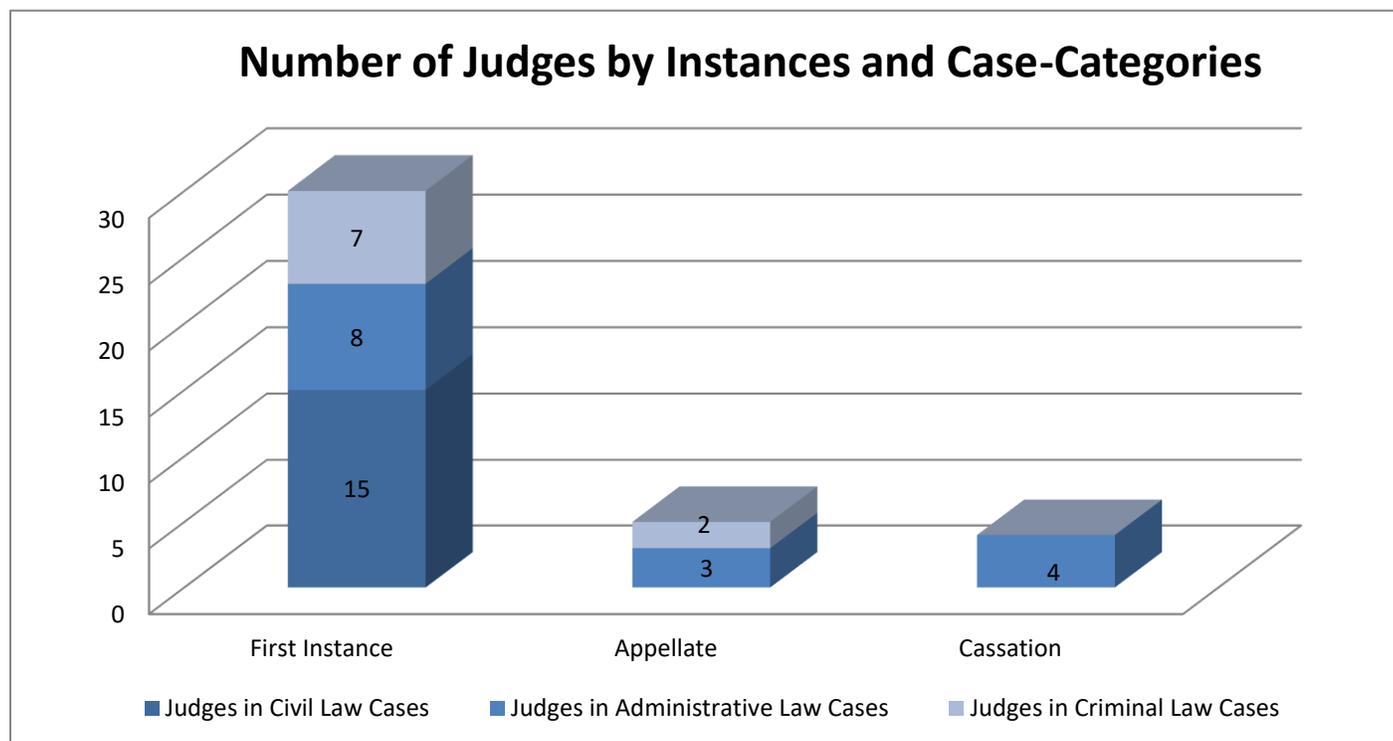
4. Statistical Information by Court Instances

The case study found that in the first quarter of 2021, 88% of complaints concerned the judges of the first instance. The number of complaints against judges of appellate and cassation instances is almost identical. 7% of complaints are filed against judges of the second instance, and 5% against judges of the Supreme Court of Georgia.



5. Statistical Information by Judges

During the reporting period, 36 complaints pending before the preliminary investigation concerned 39 judges.² The number of complaints against judges is divided by case-categories and court instances as follows:



Analyzing the number of complaints received and the data on judges in the mentioned complaints, we can assume that 38.5% of the complaints received, concern the judges of civil cases of the first instance. The percentage of complaints against judges reviewing administrative cases of the same instance stands at 20.5%, while the percentage of complaints against judges reviewing criminal cases stands at 18%.

As for the Court of Appeals, 8% of the complaints were filed against the judges reviewing the administrative cases and 5% against the judges reviewing the criminal cases. No complaints have been filed against the appellate judges reviewing the civil cases during the reporting period.

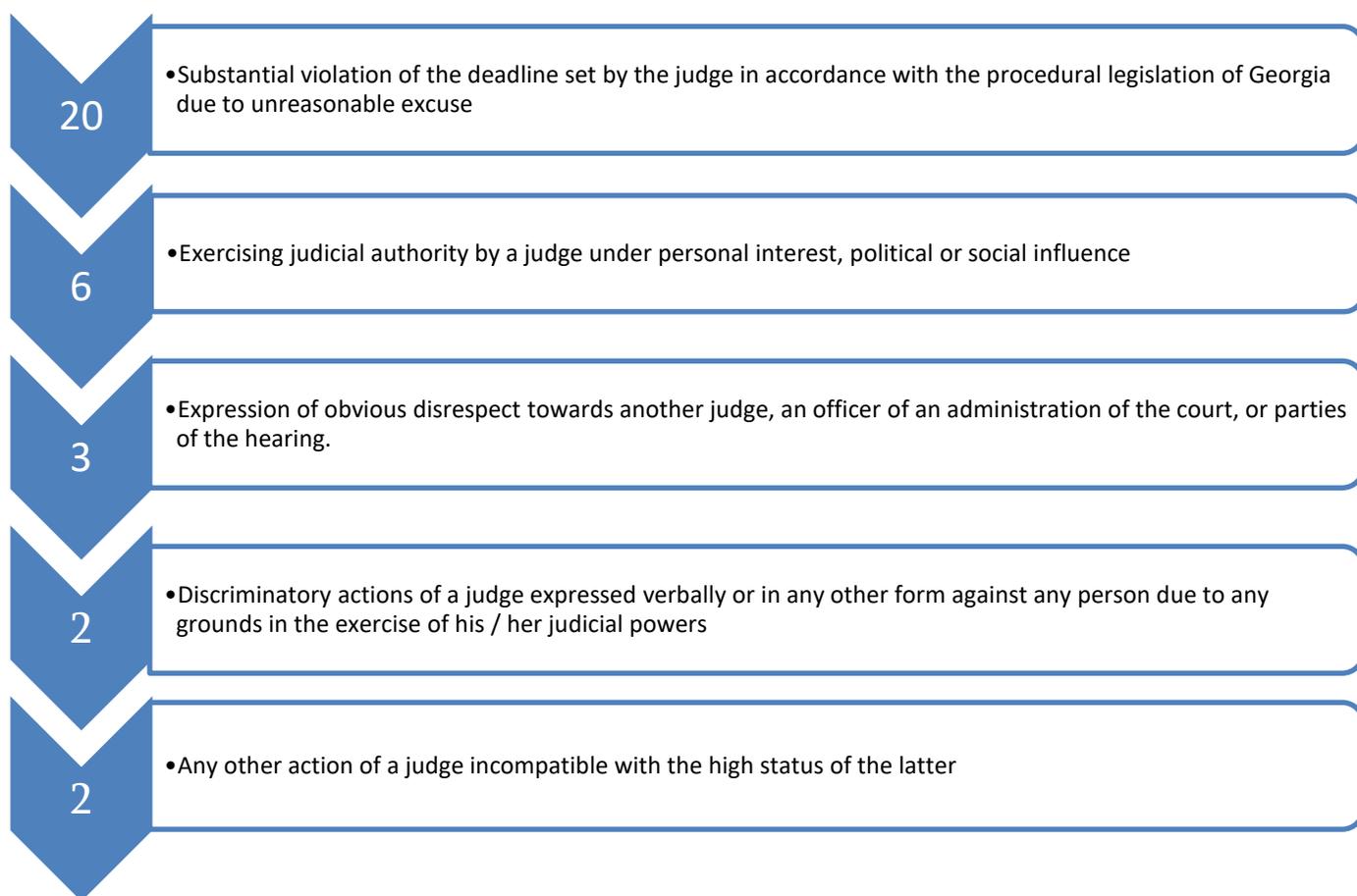
As for the Supreme Court, the complaints were filed only against the judges reviewing administrative cases, which amounted to 10% of the total number of complaints.

² It should be noted that some judges review three or two categories of cases. In addition, several complaints have been filed against same judges. Accordingly, the number of judges differs from the number of judges by case categories.

6. Statistical Information on Disciplinary Misconduct

Article 75¹ par. 8 of the Organic Law of Georgia on Common Courts sets out 20 different types of disciplinary misconduct. During the reporting period, the complaints concerned only the actions set out in 5 different subparagraphs. Most of them concerned the substantial violation of the deadline and exercising judicial authority under personal interest. At the same time, solely legality was disputed in 11 complaints and in 1 complaint, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.

During the reporting period, one complaint was filed in compliance with the form, although the circumstances stated in the complaint did not correspond to any type of disciplinary misconduct.³



³ One of the disciplinary cases concerned the violation of a requirement set by law, in particular, the complainant indicated that the judge did not allow the lawyer to interview the defendant, which did not fit in any type of disciplinary misconduct.

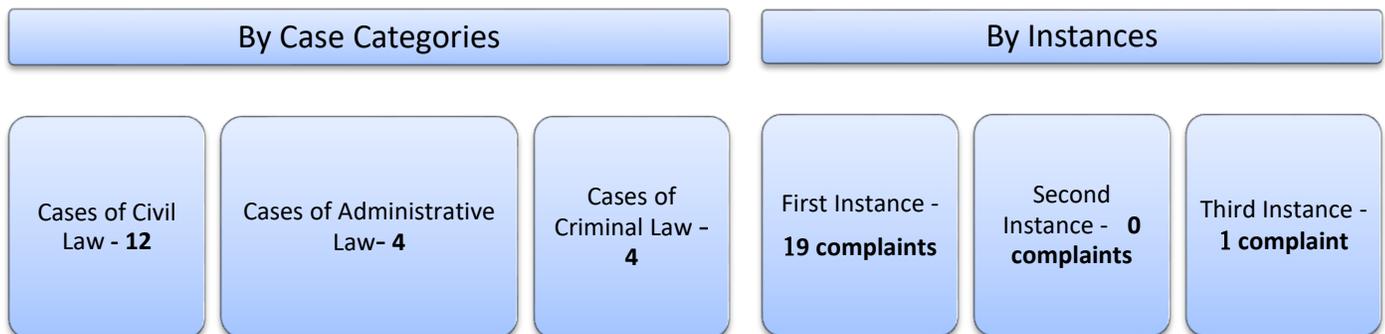
7. Statistical Information by Types of Misconduct and Case-Categories

It is important to distinguish the information on types of disciplinary misconduct by instances and case-categories, which are prevalent in the complaints submitted. The following chapter presents an analysis and statistics on the types of disciplinary misconduct reported in 36 disciplinary complaints.

7.1 Substantial Violation of the Deadline

Preliminary investigation on alleged substantial violation of the deadline due to unreasonable excuse was carried out based on 20 complaints.

These complaints mainly concerned civil cases heard by judges of the Court of First Instance.



7.2 Exercising Judicial Authority under Personal Interest, Political or Social Influence

The type of disciplinary misconduct – Exercising judicial authority by a judge under personal interest, political or social influence has become the subject of the complaint for 6 times.

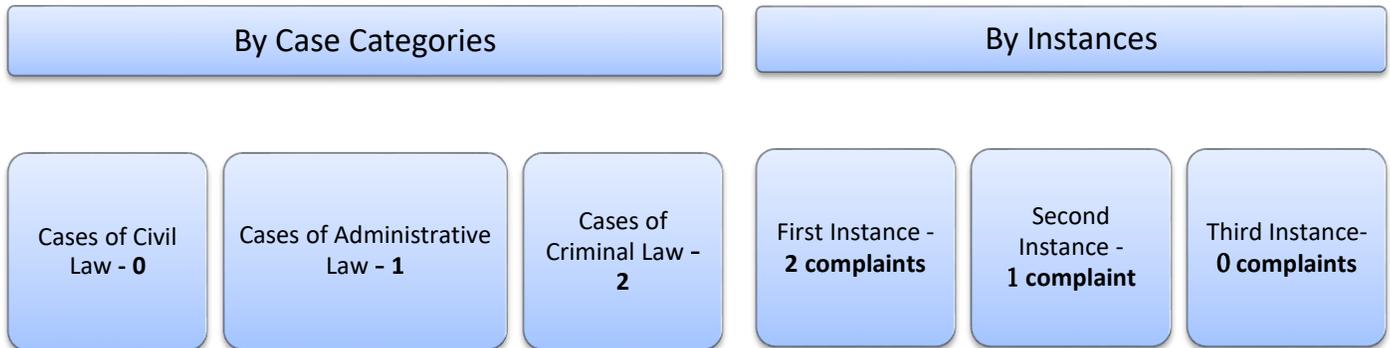
These complaints concerned only the judges of the first instance court reviewing civil and administrative cases.



7.3 Expression of obvious Disrespect towards Another Judge, an Officer of an Administration of the Court, or Parties of the Hearing.

Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing – is a subject of three complaints. These complaints concerned both district / city and appellate court cases.

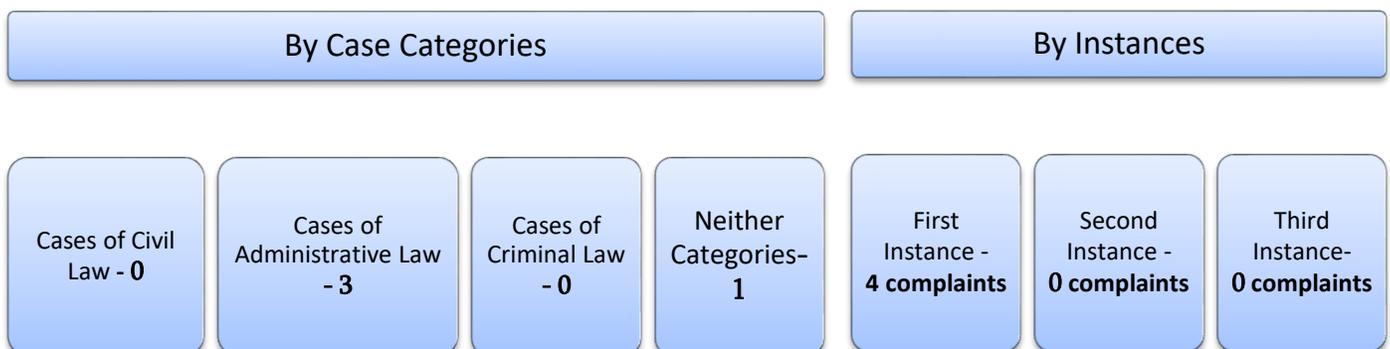
The complaints concerned administrative and civil cases.



7.4 Other Types of Disciplinary Misconduct

Any other action of a judge incompatible with the high status of the latter, or a discriminatory action – is a subject of 4 complaints.

Most of the complaints were related to administrative cases. Only the judges of the first instance were concerned.

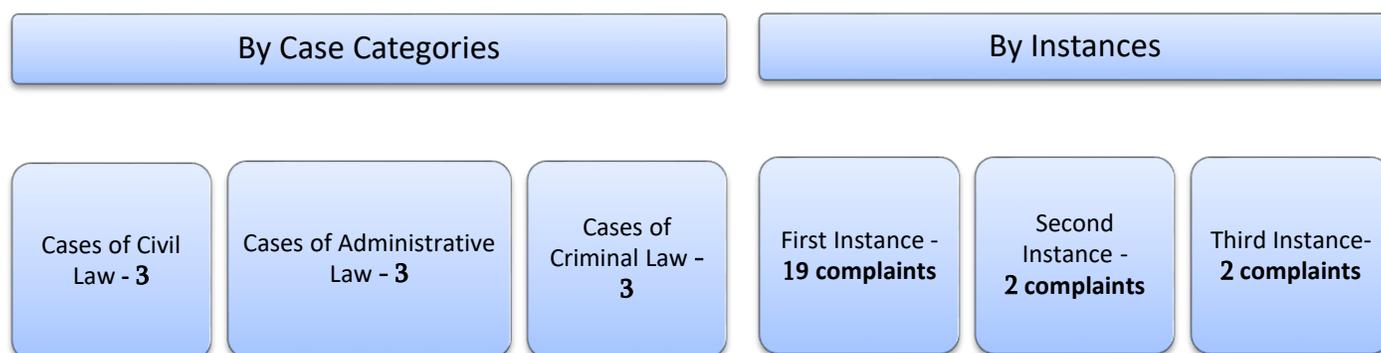


8. Statistics on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector conducted a preliminary investigation on 28 complaints.⁴ As the result of the investigation, the Independent Inspector made 17 decisions⁵ on 9 complaints to terminate the disciplinary proceedings.⁶ Among them:

- ✓ 14 decisions on termination of disciplinary proceedings due to the fact that the complaints concerned solely the legality of the act rendered by judges;
- ✓ 3 decisions on termination of disciplinary proceedings, as the complaints were filed in violation of the deadline set for initiation of disciplinary proceedings.

Complaints filed solely on the basis of legality of the act concerned:



It should be noted that deficiencies were found in 3 complaints in terms of identifying the judge. After correcting the deficiencies, the Independent Inspector initiated disciplinary proceedings.

From January 1, 2020, the Independent Inspector periodically makes a decision on termination of the disciplinary proceedings. During the reporting period, 4 decisions on termination of disciplinary proceedings were made based on the conclusions prepared in 2018-2019. In particular:

- 2 decisions due to the expiration of judicial powers of a judge;
- 1 decision due to expiration of the time limit;
- 1 decision on termination of the disciplinary misconduct due to the fact that the subject of the complaint was the legality of the act.

⁴ Preliminary investigation of the disciplinary case in the present quarter was conducted on 11 complaints received in 2020 and 17 complaints received in the first quarter of 2021. Decision / Conclusions were prepared accordingly.

⁵ According to Article 75¹² par. 1 of the Organic Law of Georgia on Common Courts, the Independent Inspector makes a substantiated decision on the refusal of initiation of disciplinary proceedings against a judge or on the termination of the latter, if:

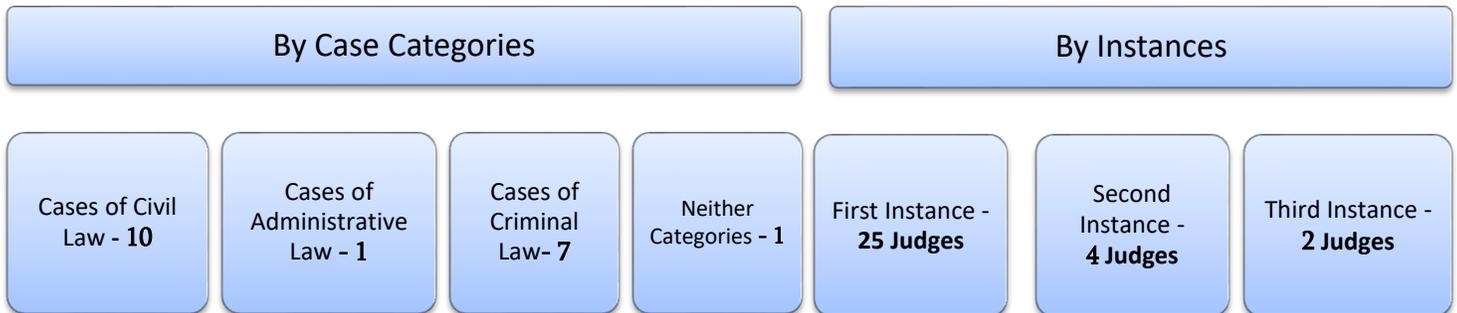
- a) The time limit for imposing disciplinary liability, or imposing disciplinary liability or penalty on a judge has expired;
- b) There is a decision made by the body conducting disciplinary proceedings against the same judge on the same grounds;
- c) Judicial powers of a judge have been terminated;
- d) The subject of the complaint is the legality of the act rendered by the judge.

⁶ Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made. However, 2 complaints were merged into a single proceeding. The same disciplinary case number was assigned and the joint decision was made on the cases mentioned.

9. Statistical Information on Conclusions prepared

During the reporting period, an Independent Inspector prepared 18 conclusions on 19 complaints against 21 judges.

Conclusions were prepared in regard to the possible violation of the deadline (10 facts), expression of disrespect (3 facts), personal interest (2 facts), refusal on recusal (1 fact), establishing of a friendly relationship (1 fact), pre-disclosure of the results of the hearing (2 facts) and actions incompatible for the high status of a judge (3 facts).



A judge has requested the evidence from the Independent Inspector in one case. None of the judges exercised the right to recusal or legal defense. An Independent Inspector has not exercised the right to self-recusal.

During the reporting period, the disciplinary session of the High Council of Justice of Georgia was not held.