



დაამოუკიდებელი ინსპექტორის სამსახური  

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OFFICE OF INDEPENDENT INSPECTOR

## **Statistical Report of Activities**

**2021**  
**Second 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 April 1, 2021 to June 30, 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 accordance with the main directions of the strategic development part of the activities was carried out, in the second quarter of 2021. The Office of the Independent Inspector started the Campaign "Learn More about Disciplinary Proceedings", which aims to provide information to various target groups about disciplinary proceedings. Within the framework of the campaign, the independent inspector held a number of public lectures, signed memoranda with both universities and the Georgian Mediators Association. As part of the campaign, a working meeting was held with representatives of the Bar Association.

With the support of the Council of Europe project, a draft Statute of the Independent Inspector's Office was prepared, which includes important issues such as: qualification requirements and job of employees, descriptions of additional functions of employees, the rules of internship in the service of an independent inspector, etc.

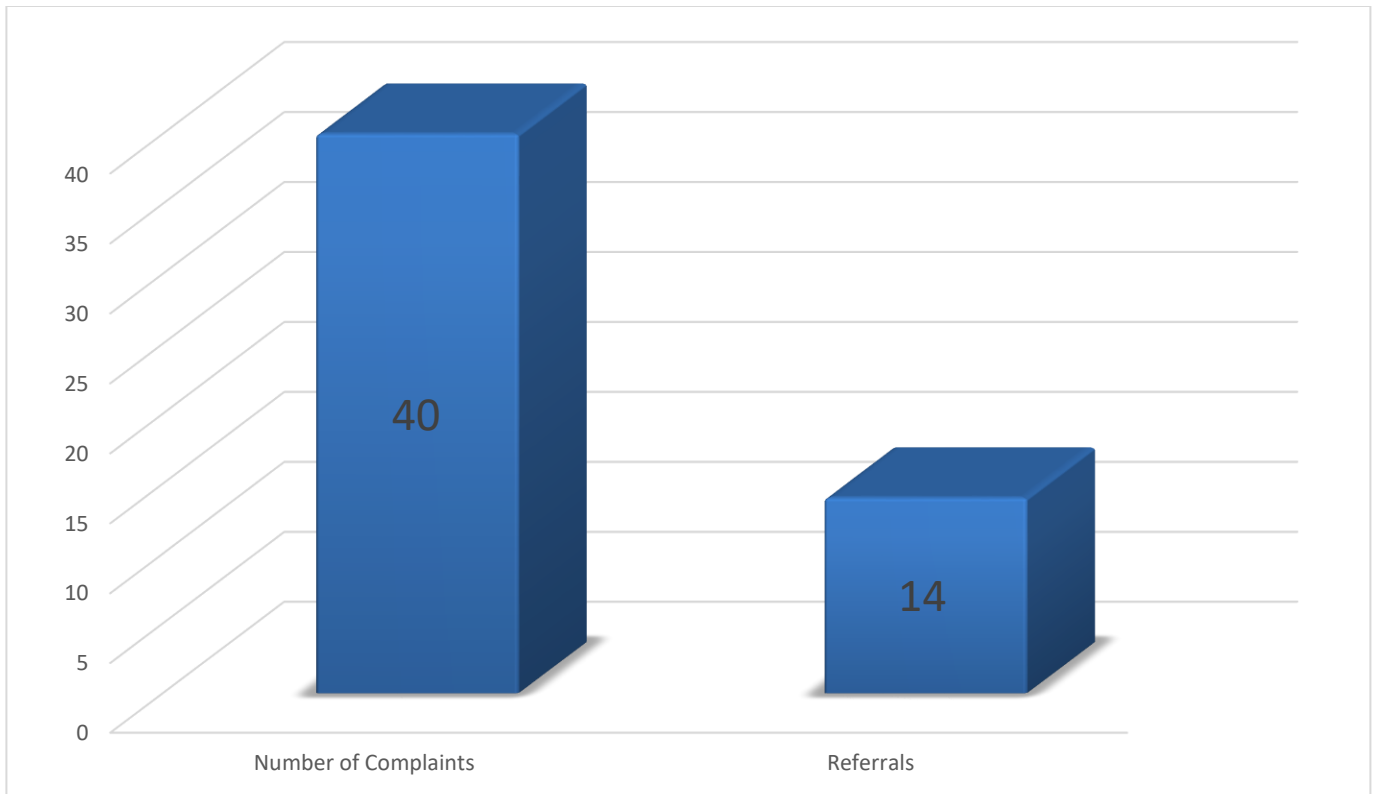
Despite the pandemic, the Office of the Independent Inspector continues to carry out certain activities to raise awareness of issues related to the disciplinary proceedings.

## 1. General Statistical Information



The Office of the Independent Inspector received 40 disciplinary complaints from 1<sup>st</sup> of April to 31<sup>st</sup> of June.

During the reporting period, 14 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 43 letters and requested relevant information for the preliminary investigation.

During the reporting period, up to 30 citizens received consultations through the hotline.

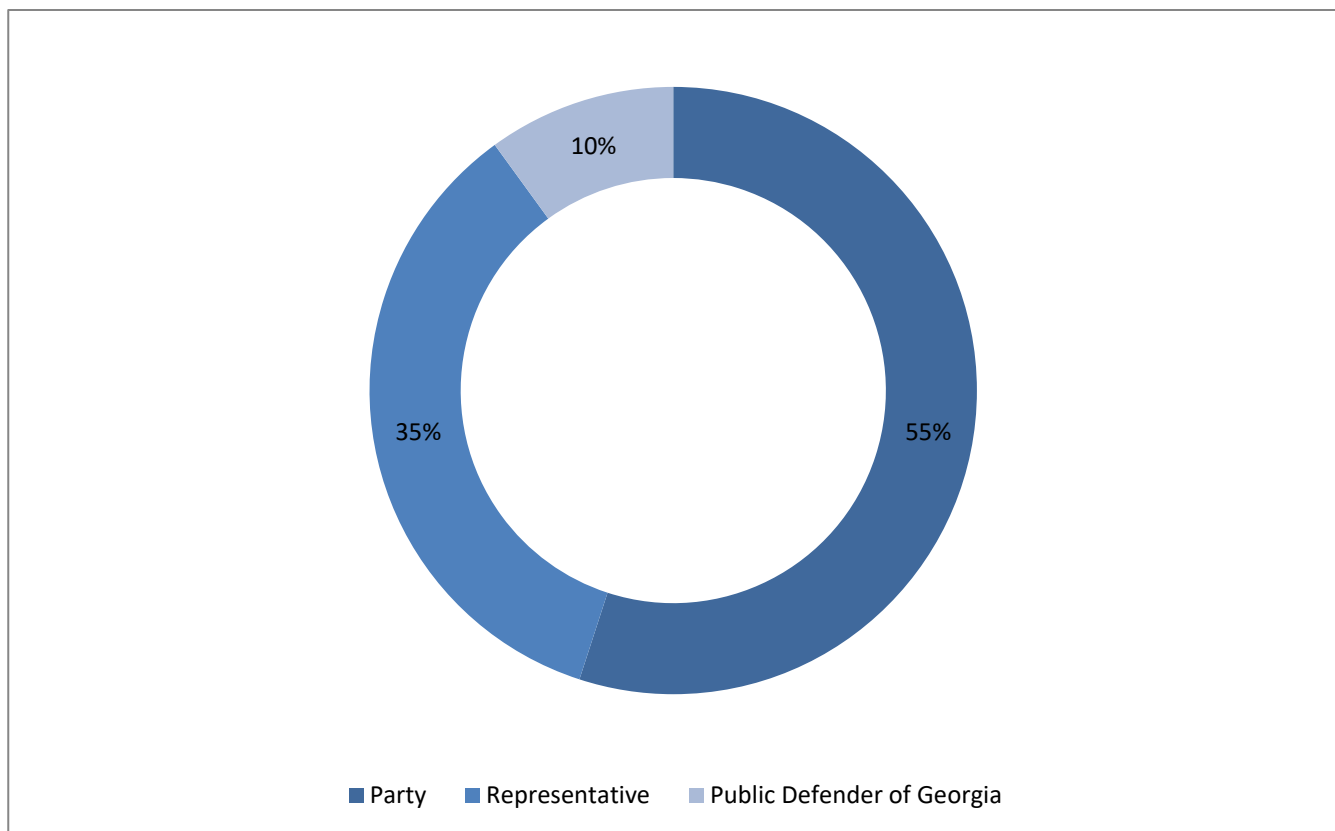
## 2. Statistical Information on the Authors of the Disciplinary Complaint



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

In the Second quarter of 2021, the majority of complainants are the parties of the pending dispute at the court (55%). The percentage of complaints filed by representatives stands at 35%, while the percentage of information in the report of the Public Defender of Georgia stands at – 10%.

During the reporting period, disciplinary proceedings were not initiated on the basis of information disseminated by the media, or explanatory note.

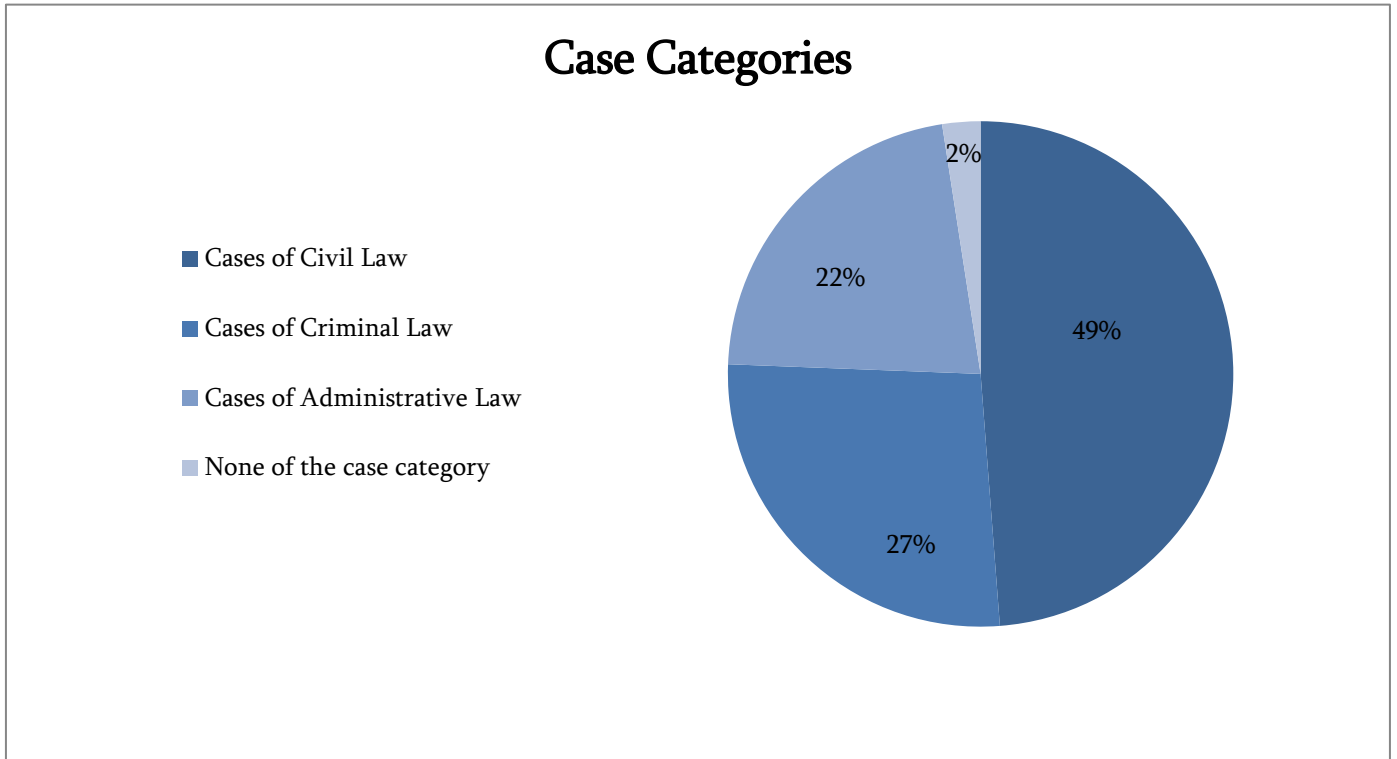


<sup>1</sup> The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings 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 second quarter of 2021 relate to civil law cases (49%). The percentage of complaints filed in criminal cases stands at 27%, while the percentage of complaints about alleged disciplinary misconduct by judges in administrative cases stands at 22%.

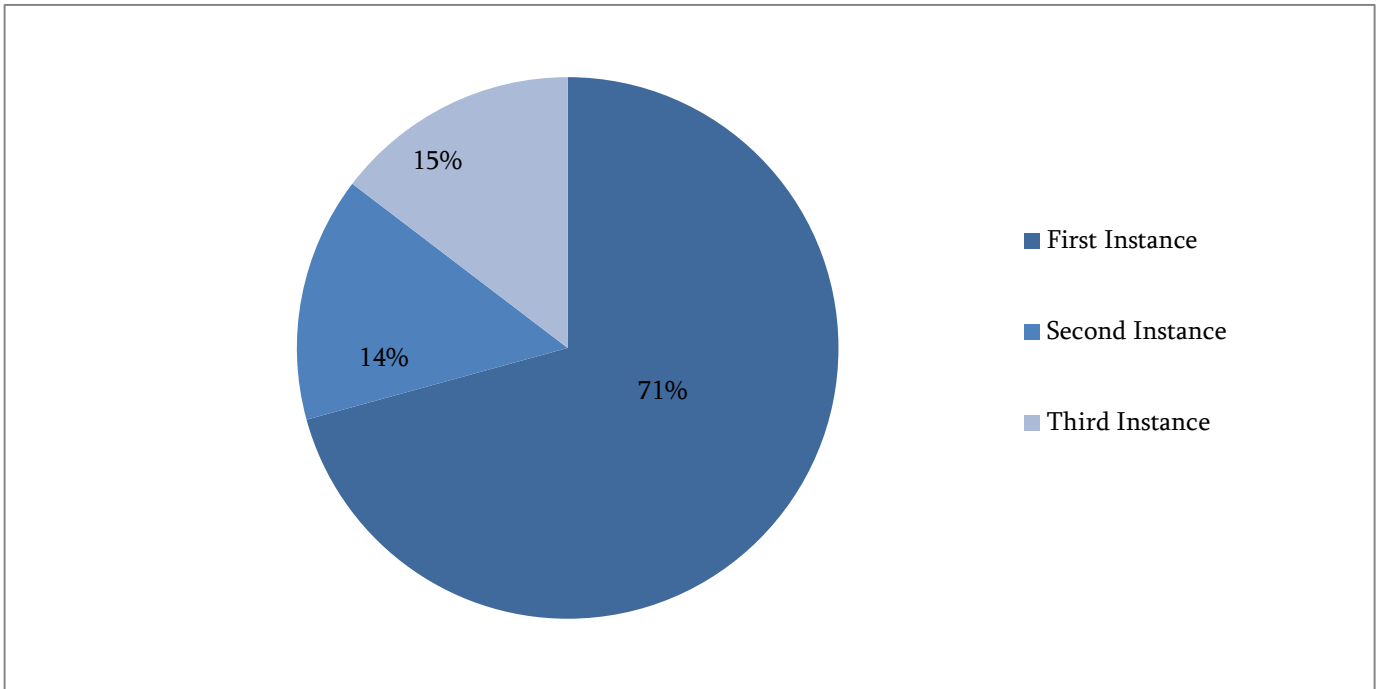


It should be noted that during the reporting period, the Independent Inspector's Office received a complaint against a person who does not hold the position of a judge.

#### 4. Statistical Information by Court Instances



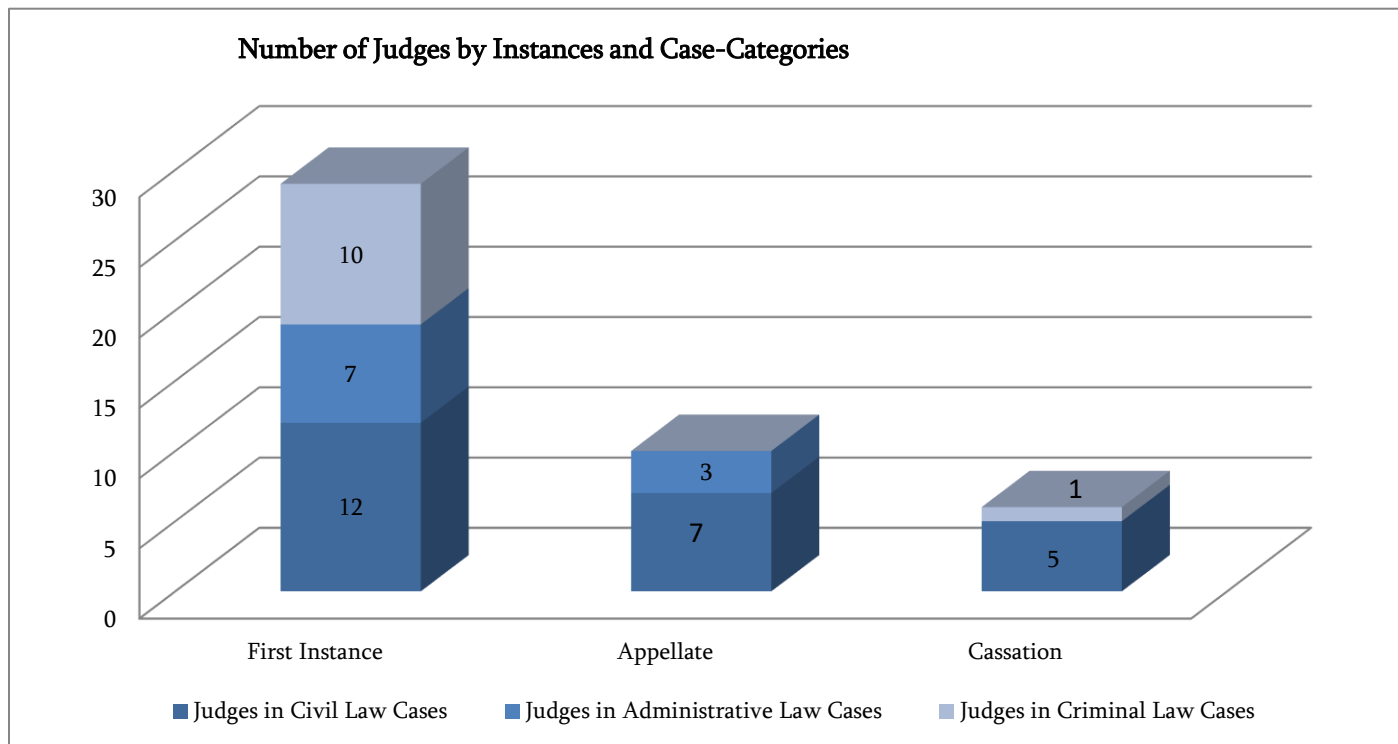
The case study found that in the Second quarter of 2021, 71% of complaints concerned the judges of the first instance court. The number of complaints filed against judges of second and third instance courts are almost identical and amounts to 14-15%.



## 5. Statistical Information by Judges



During the reporting period, 40 complaints pending before the preliminary investigation concerned 45 judges.<sup>2</sup> 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 26.6% of the complaints received, concern the judges of civil cases of the first instance court. The percentage of complaints against judges reviewing administrative cases of the same instance stands at 15.5%, while the percentage of complaints against judges reviewing criminal cases stands at 10.2%.

As for the Court of Appeals, 15.5% of the complaints were filed against the judges reviewing the civil cases and 6.6% against the judges reviewing administrative cases. No complaints have been filed against the appellate judges reviewing criminal cases during the reporting period.

As for the Supreme Court, 11% of the complaints were filed against the judges reviewing civil cases and 2.2% against the judges reviewing the criminal cases. During the reporting period, no complaints have been filed against the Supreme court judges reviewing the administrative cases.

<sup>2</sup> 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 75<sup>1</sup> 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 7 different subparagraphs. Most of them concerned the substantial violation of the deadline, conducting incompatible with the exalted status of a judge and exercising judicial authority under personal interest. At the same time, solely legality was disputed in 5 complaints and in 2 complaint, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.

25	• Substantial violation of the deadline set by the judge in accordance with the procedural legislation of Georgia due to unreasonable excuse
8	• Any other action of a judge incompatible with the high status of the latter
5	• Exercising judicial authority by a judge under personal interest, political or social influence
2	• Disclosure of confidentiality of a judiciary council by a judge
2	• Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing
2	• 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
2	• Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist



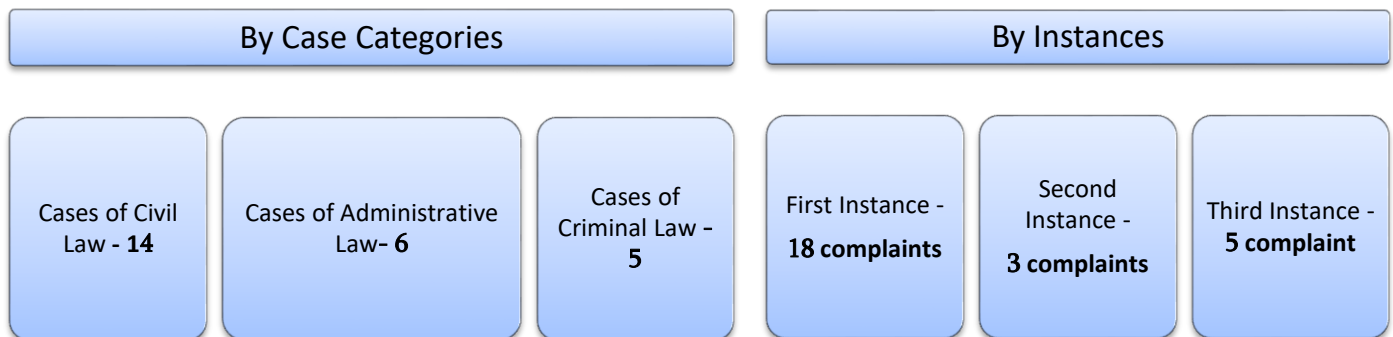
## 7. Statistical Information by Types of Misconduct and Case-Categories

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 25 complaints.

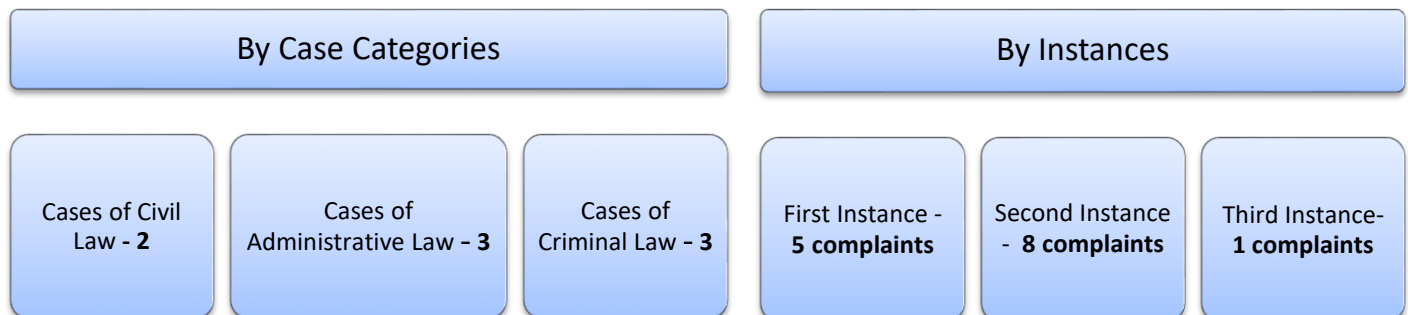
These complaints mainly concerned civil cases heard by judges of the first instance court.



### 7.2 Any conduct incompatible with the exalted status of a judge

The type of disciplinary misconduct – Any conduct incompatible with the exalted status of a judge has become the subject of the complaint for 8 times.

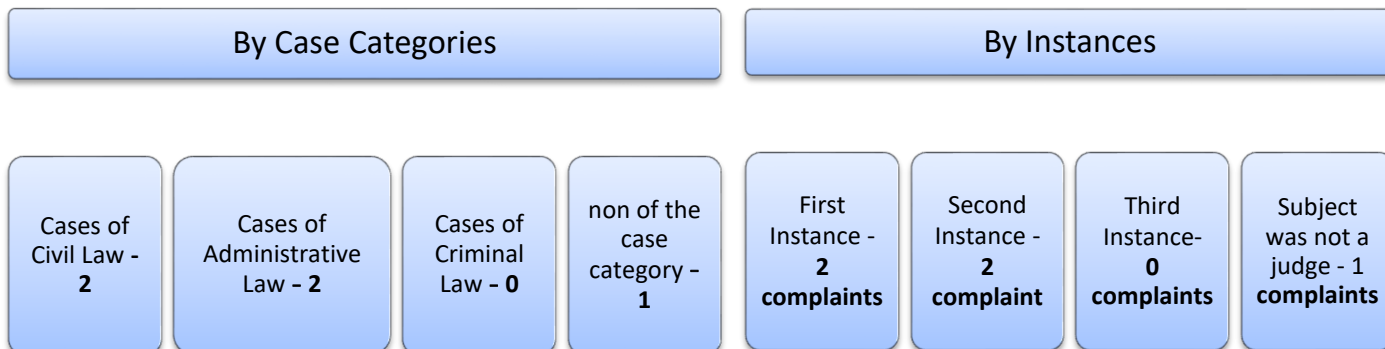
These complaints in most cases concerned the judges of the second instance.



### 7.3 Exercising Judicial Authority under Personal Interest, Political or Social Influence

Exercising Judicial Authority under Personal Interest, Political or Social Influence – is a subject of 5 complaints. These complaints concerned both district / city and appellate court cases.

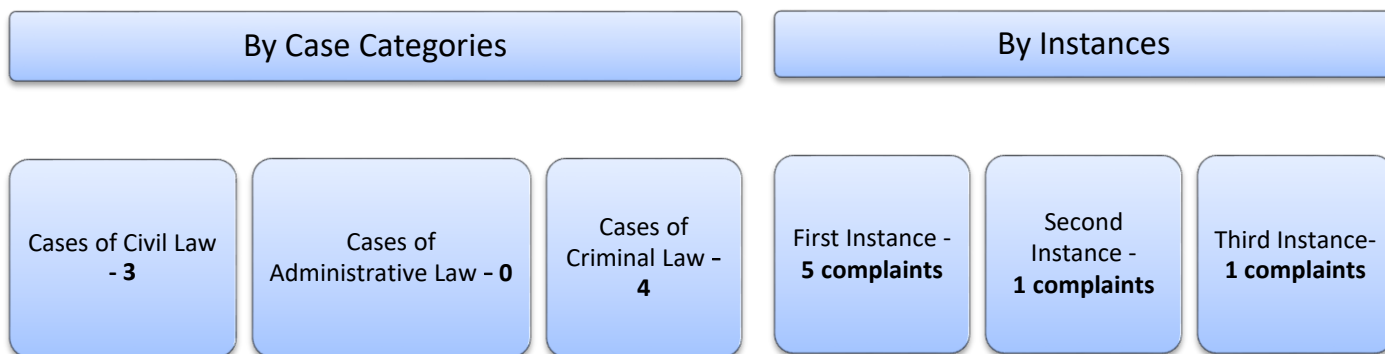
The complaints concerned only administrative and civil cases.



### 7.4 Other Types of Disciplinary Misconduct

In the Office of the Independent Inspector, disciplinary proceedings were conducted on 7 complaints related to the 8 alleged disciplinary misconduct, such as discriminatory action, Judge’s refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exists, disrespect to the participant in the trial, pre-disclosure of the outcome of the case.

Most of the complaints were related to first instance judges of the administrative law.



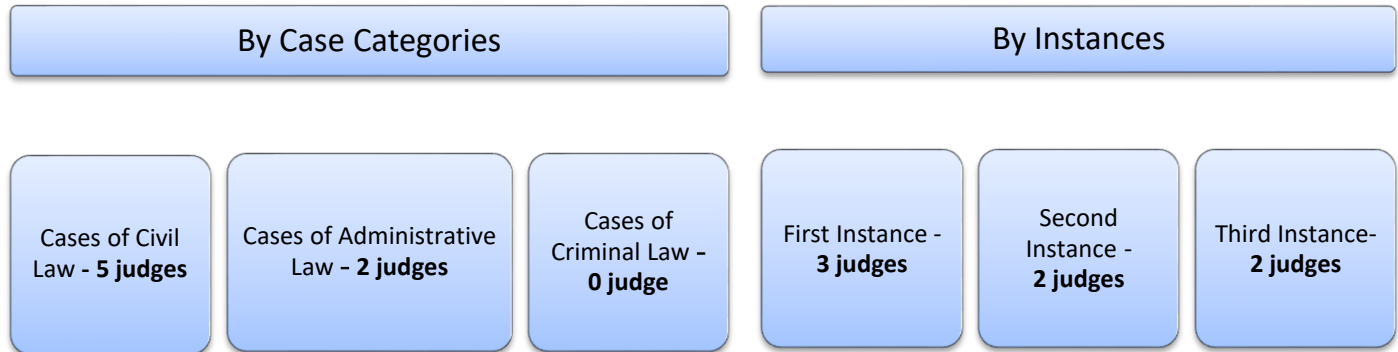


## 8. Statistics on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector conducted a preliminary investigation on 10 complaints.<sup>3</sup> As the result of the investigation, the Independent Inspector made 13 decisions<sup>4</sup>. Among them:

- ✓ 7 decisions on termination of disciplinary proceedings due to the fact that the complaints concerned solely the legality of the act rendered by judges;
- ✓ 1 decisions due to termination of judicial powers;
- ✓ 1 Decision on termination of disciplinary proceedings, as the complaint was filed against a person who is not a subject of disciplinary proceedings provided for by the Organic Law of Georgia on Common Courts;
- ✓ 4 decision on partial termination of disciplinary proceedings.

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



<sup>3</sup> Preliminary investigation of the disciplinary cases in the present quarter was conducted on 1 complaint received in 2020, 3 complaints received in the first quarter, 6 complaints in the second quarter.

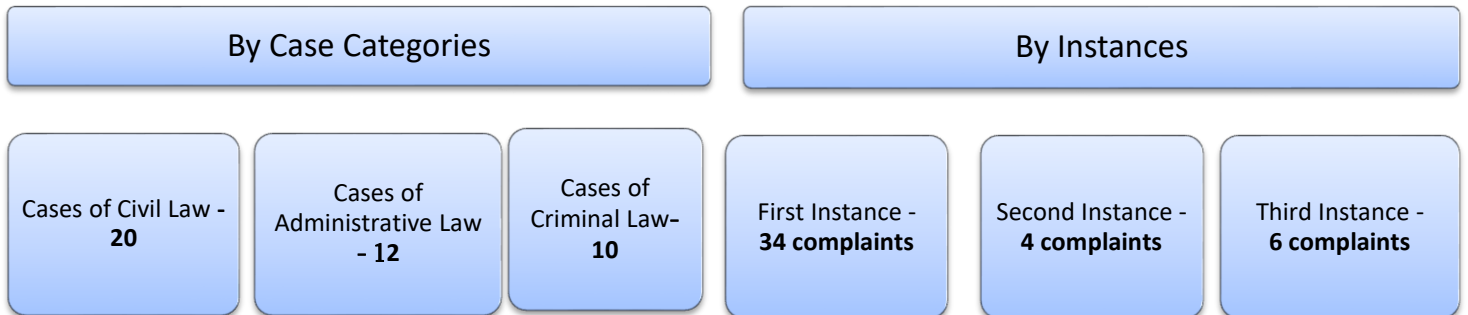
<sup>4</sup> Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made.

## 9. Statistical Information on Conclusions prepared



During the reporting period, an Independent Inspector prepared 42 conclusions on 43 complaints against 42 judges.

Conclusions were prepared in regard to the possible violation of the deadline (32 facts), actions incompatible with the high status of a judge (8 facts), personal interest (8 facts), expression of disrespect (4 facts), discriminatory action (4 facts), refusal on recusal (2 facts) and pre-disclosure of the results of the hearing (1 fact).



A judge has requested the evidence from the Independent Inspector in one case. None of the judges exercised the right to recusal or legal defence. 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.