



დაამოუკიდებელი ინსპექტორის სამსახური

OFFICE OF INDEPENDENT INSPECTOR

Statistical Report of Activities

**2021
Third 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 July 1, 2021 to September 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.

Following the main directions of the strategic development, part of the activities was carried out in the third quarter of 2021. Within the campaign "Learn More about Disciplinary Proceedings" the Independent Inspector held a working meeting with representatives of the law faculties of several higher education institutions, and as a result of the meeting, joint activities were planned.

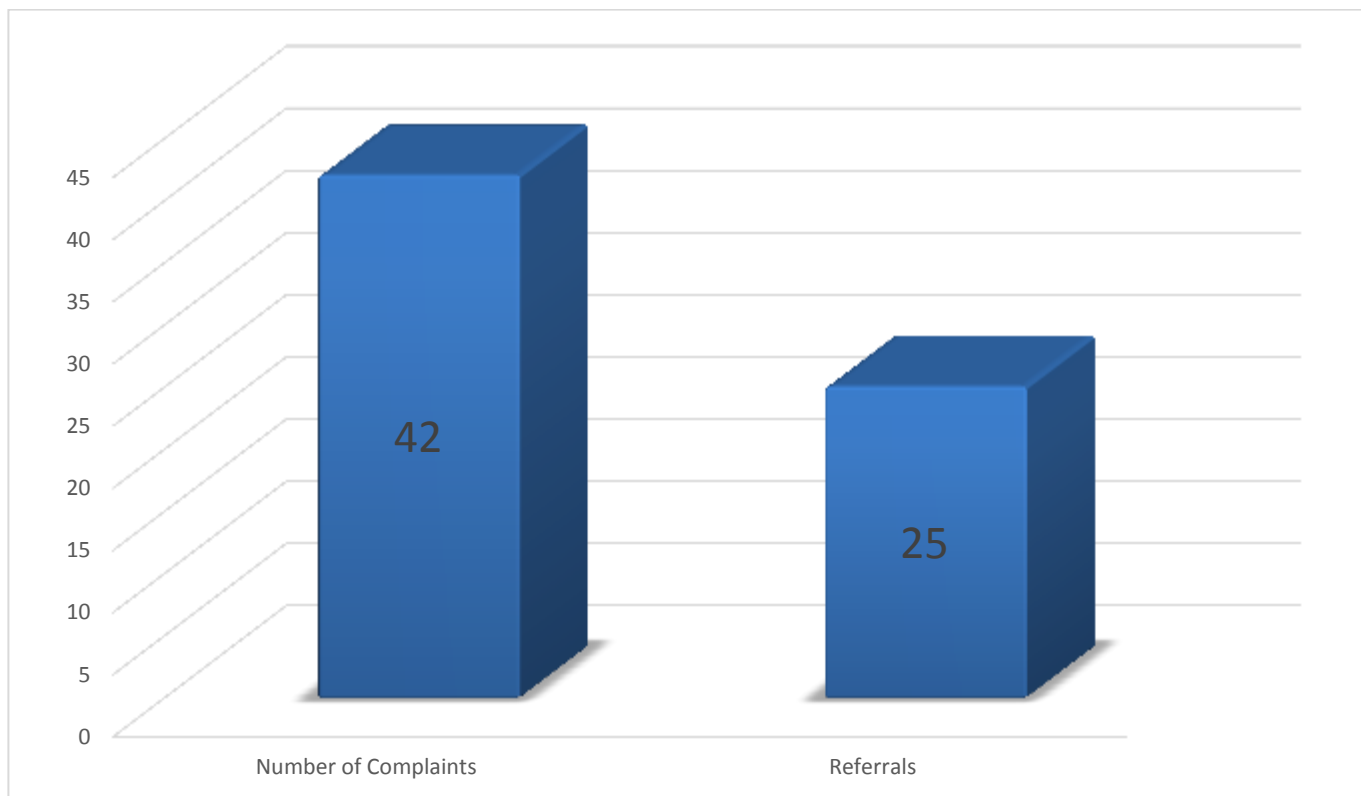
Despite the pandemic, the Office of the Independent Inspector continues to carry out certain activities to raise awareness of issues related to the disciplinary proceedings.

1. General Statistical Information



The Office of the Independent Inspector received 42 disciplinary complaints from 1st of July to 30th of September.

During the reporting period, 25 complaints were submitted without fulfilling the requirements of the complaint form, after which the complainants were sent the letter with detailed instructions for filling it out.



In order to investigate the complaints, the Office of Independent Inspector sent 32 letters and requested relevant information for the preliminary investigation.

During the reporting period, up to 40 citizens received consultations through the hotline.

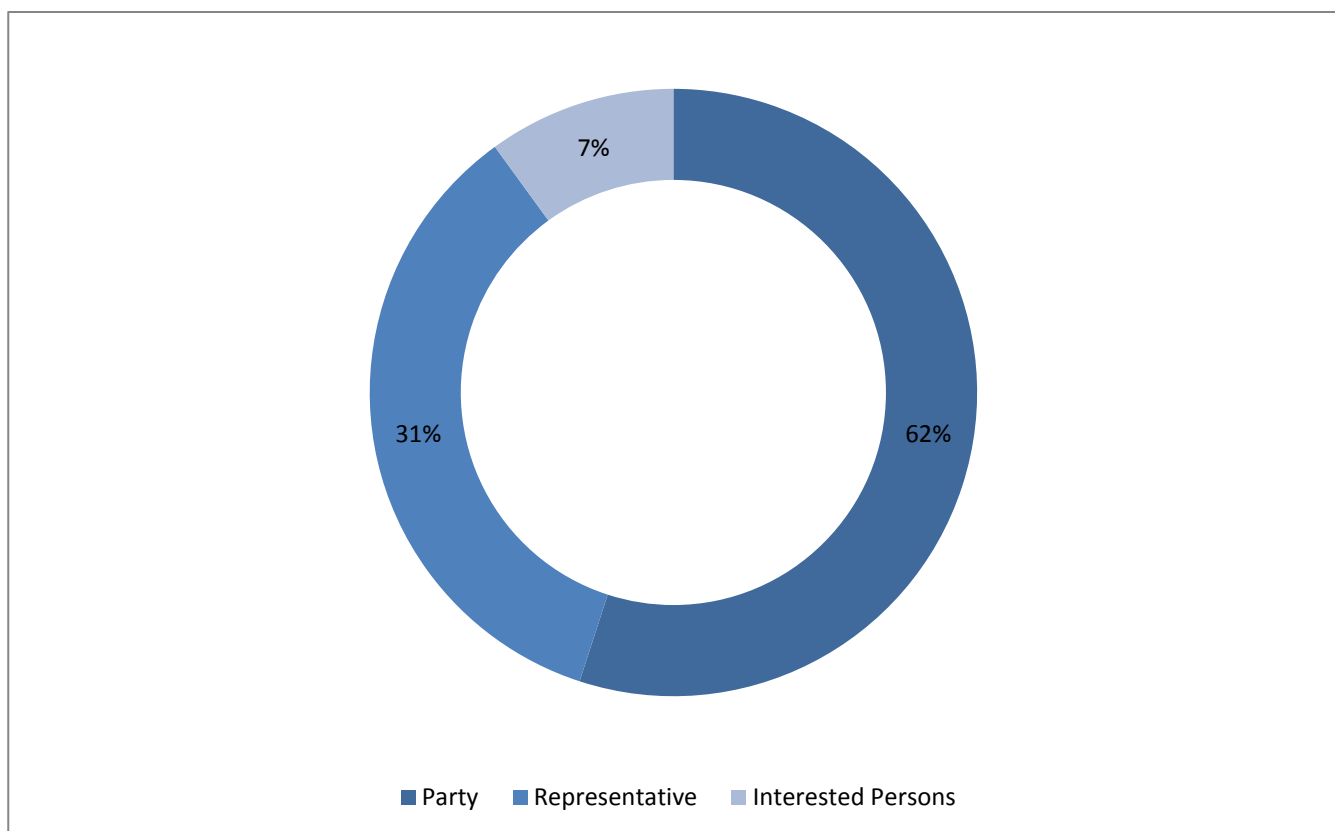
2. Statistical Information on the Authors of the Disciplinary Complaint



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

In the Third quarter of 2021, the majority of complainants are the parties of the pending dispute at the court (62%). The percentage of complaints filed by representatives stands at 31%, while the percentage of Complaints filed by interested persons reached – 7%.

During the reporting period, disciplinary proceedings were not initiated based on information stated in the report of the Public Defender of Georgia, also Information disseminated by the media, or for the explanatory notes.

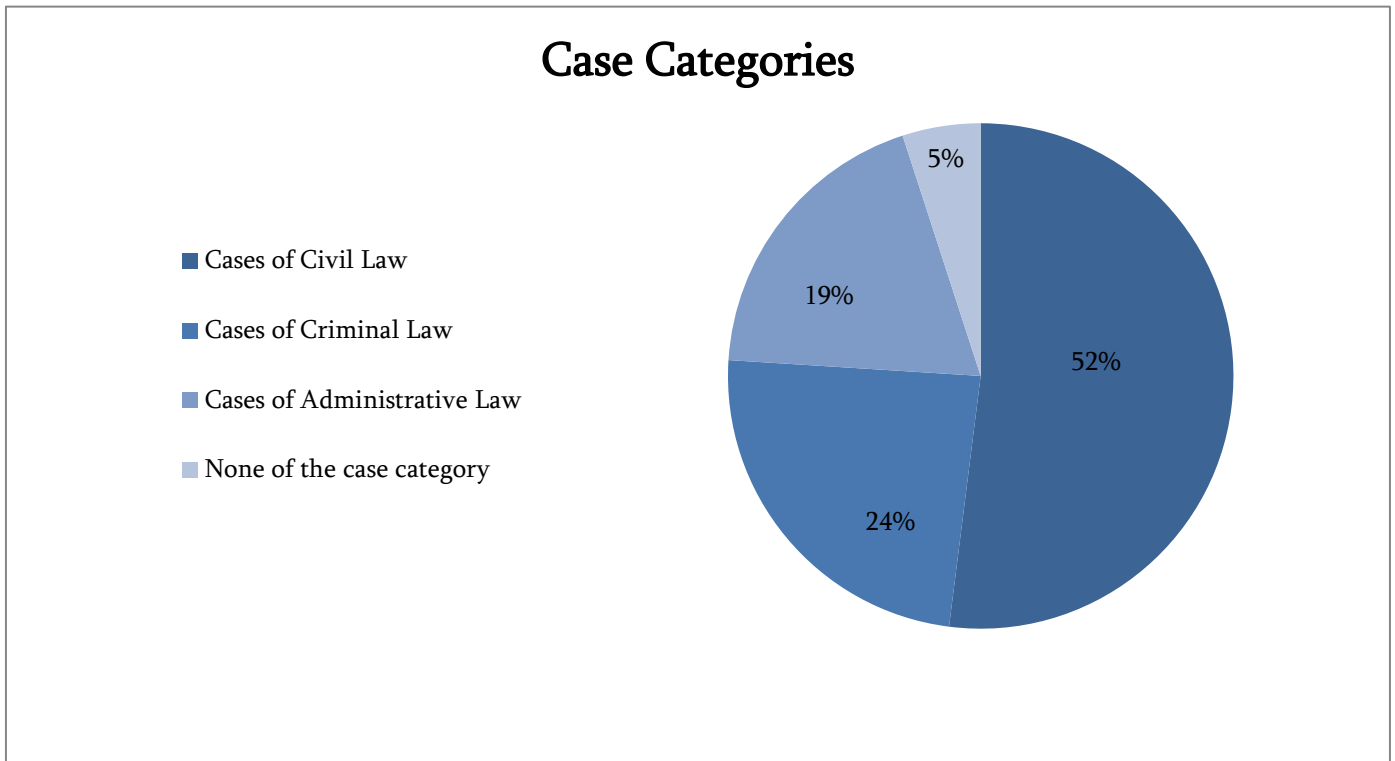


¹ The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings may be initiated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

3. Statistical Information by Case-Categories



The majority of complaints filed in the third quarter of 2021 relate to civil law cases (52%). The percentage of complaints filed in criminal cases stands at 24%, while the percentage of complaints about alleged disciplinary misconduct by judges in administrative cases stands at 19%.

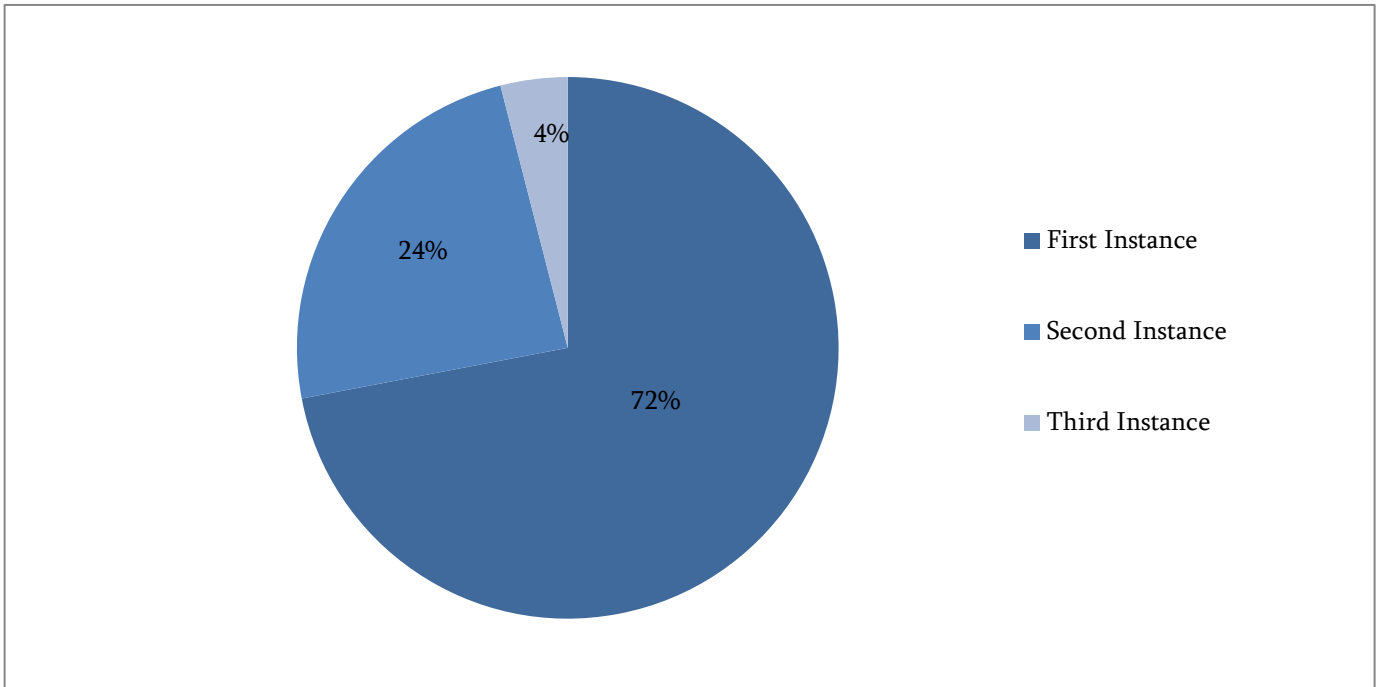


It should be noted that during the reporting period, the Independent Inspector's Office received 2 complaints, which are not derived from any category of case.



4. Statistical Information by Court Instances

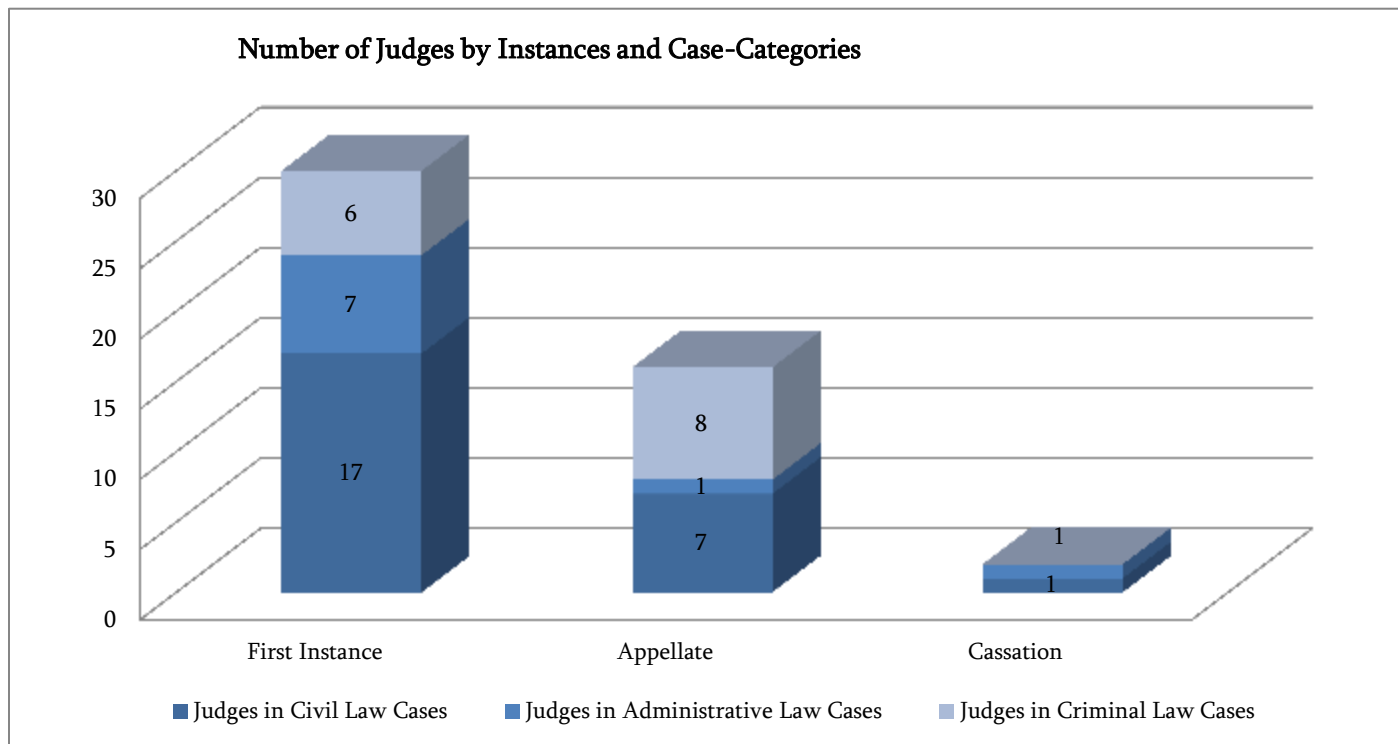
The case study found that in the third quarter of 2021, 72% of complaints concerned the judges of the first instance court. The number of complaints filed against judges of the second instance courts amounts to 24%, while against judges of the third instance courts amounts to 4%.



5. Statistical Information by Judges



During the reporting period, 42 complaints submitted to the preliminary investigation concerned 48 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 35.4% 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 14.5%, while the percentage of complaints against judges reviewing criminal cases stands at 12.5%.

As for the Court of Appeals, 14.5% of the complaints were filed against the judges reviewing the civil cases and 2% against the judges reviewing administrative cases. At the same time, 16.6% of the complaints were filed against the appellate judges reviewing criminal cases.

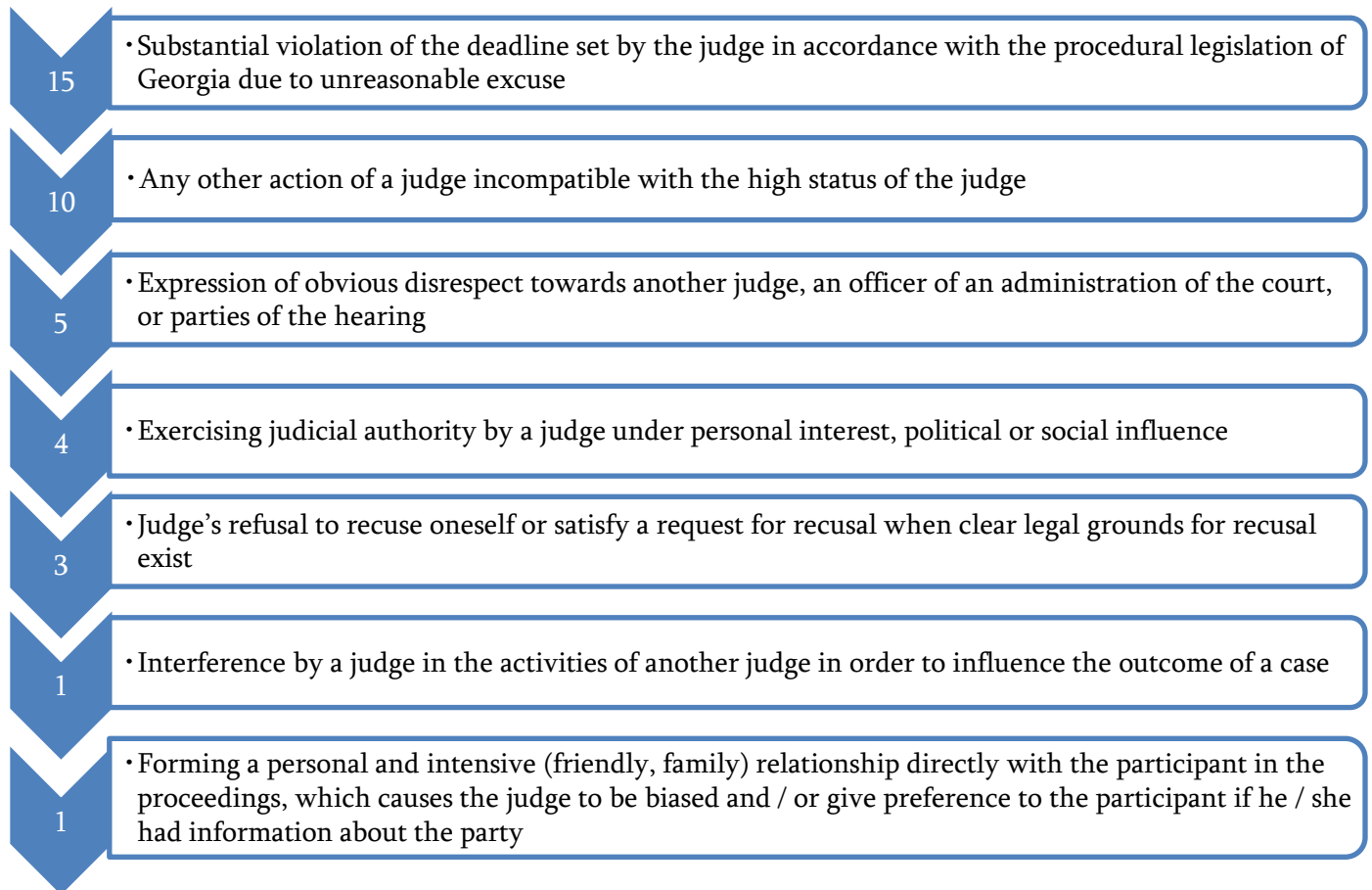
Furthermore, 2-2% of the complaints were filed against the Supreme Court judges reviewing civil and administrative cases. During the reporting period, no complaints have been filed against the Supreme Court judges reviewing the criminal cases.

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 7 different subparagraphs. Most of them were concerned about the substantial violation of the deadline and committing any action incompatible with the high status of the judge. At the same time, solely legality was disputed in 5 complaints and in 2 complaints, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.





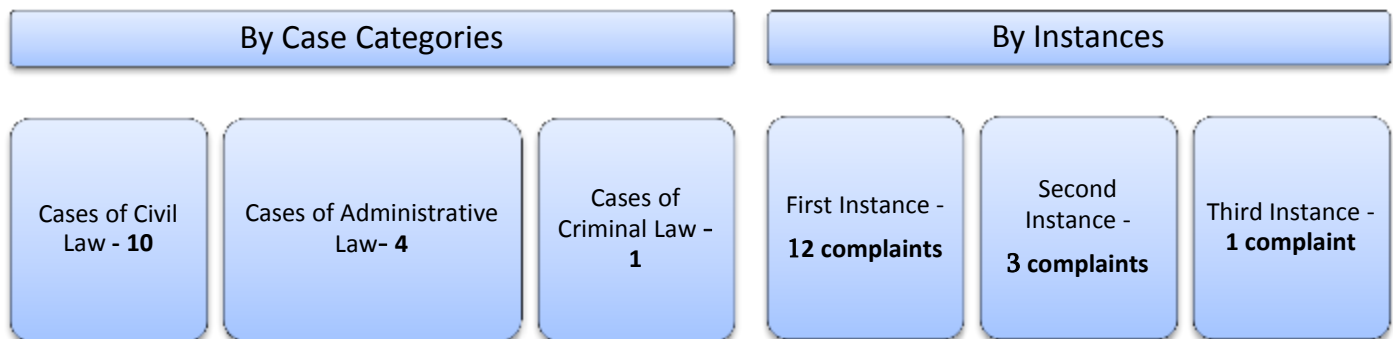
7. Statistical Information by Types of Misconduct and Case-Categories

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 40 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 15 complaints.

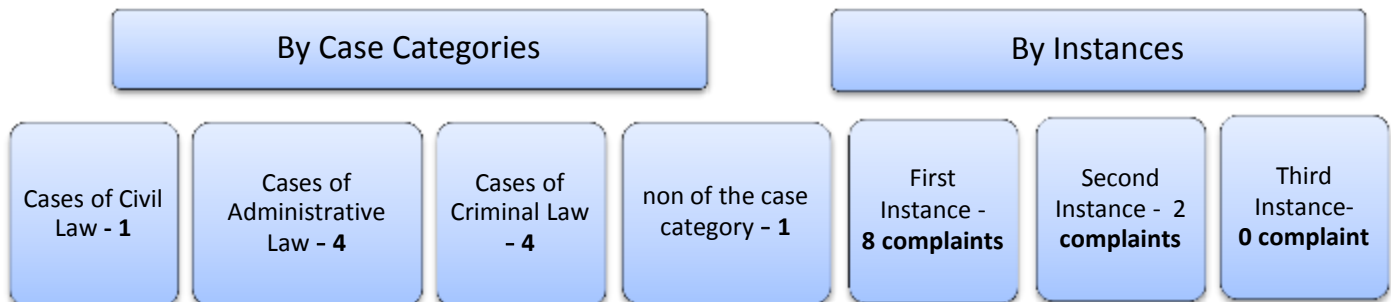
These complaints mainly concerned civil cases heard by judges of the first instance court.



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 10 times.

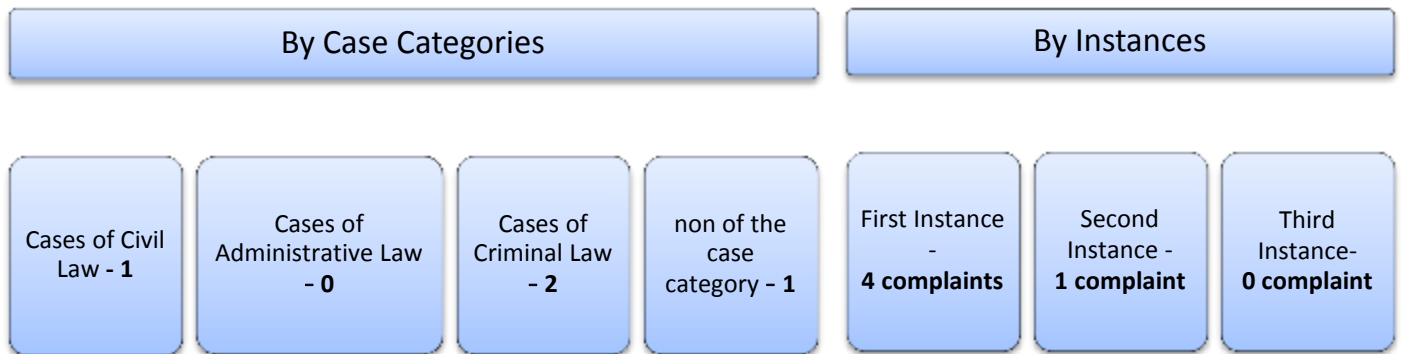
These complaints in most cases concerned the judges of the first instance court.



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 5 complaints. These complaints mainly concerned district and city court cases.

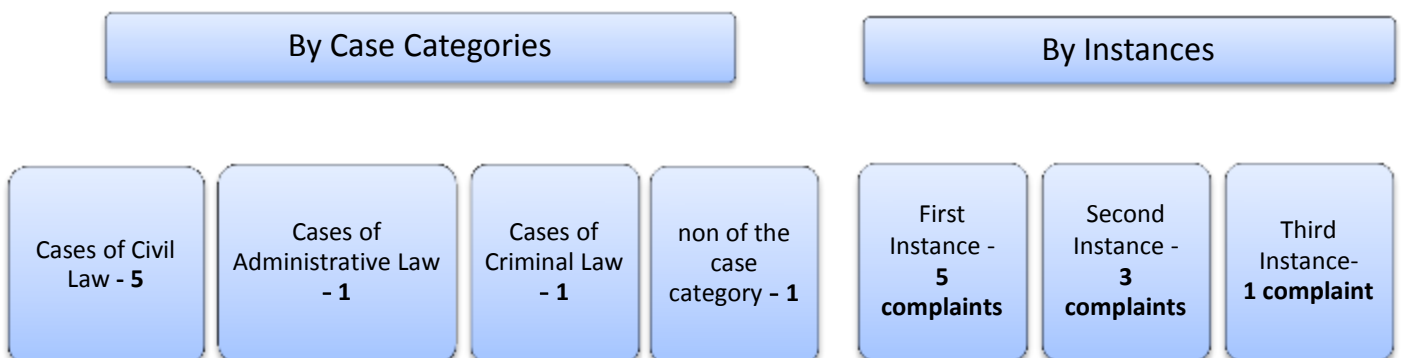
The complaints concerned only administrative and civil cases.



7.4 Other Types of Disciplinary Misconduct

In the Office of the Independent Inspector, disciplinary proceedings were conducted on 9 complaints related to the 4 alleged disciplinary misconduct, such as Judge’s refusal to recuse oneself or satisfy a request for recusal, exercising judicial authority by a judge under personal interest, political or social influence, interference by a judge in the activities of another judge in order to influence the outcome of a case, 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.

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



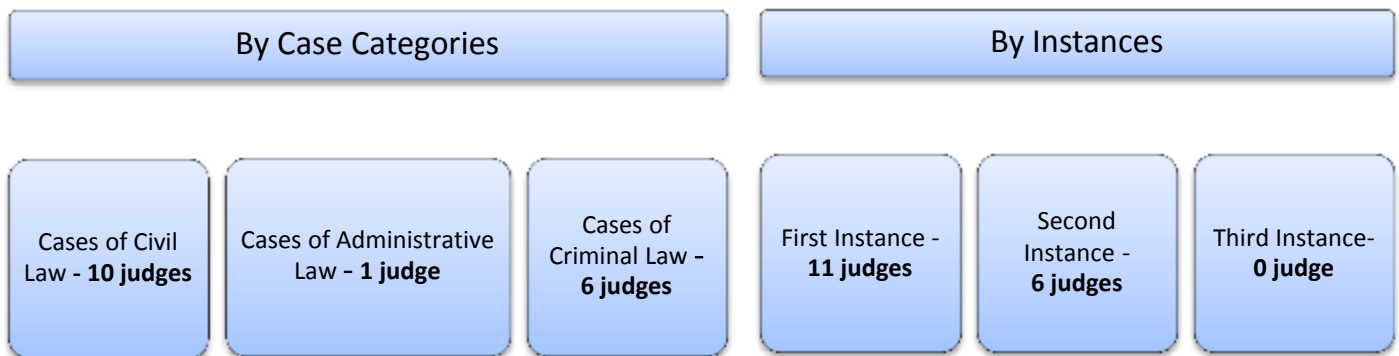


8. Statistics on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector conducted a preliminary investigation on 15 complaints submitted on the grounds of the legality of the act.³ As the result of the investigation, the Independent Inspector made 22 decisions on the termination of disciplinary proceedings⁴. Among them:

- ✓ 17 decisions on termination of disciplinary proceedings due to the fact that the complaints concerned solely the legality of the act rendered by judges;
- ✓ 5 decision on partial termination of disciplinary proceedings.

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



³ Preliminary investigation of the disciplinary cases in the present quarter was conducted on 4 complaints received in 2021, of the second quarter, and 11 complaints in the third quarter.

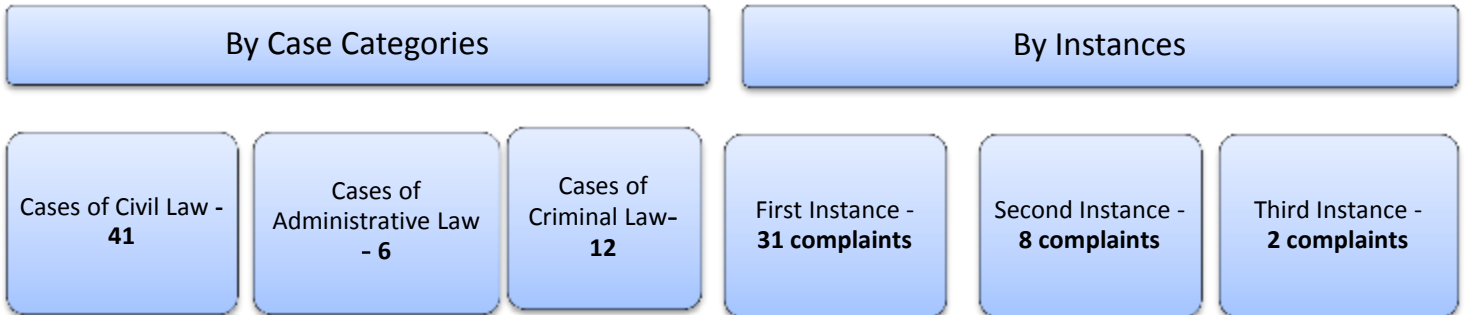
⁴ Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made.

9. Statistical Information on Conclusions prepared



During the reporting period, an Independent Inspector prepared 29 conclusions on 30 complaints⁵ against 45 judges.

Conclusions were prepared in regard to the possible violation of the deadline (18 facts), actions incompatible with the high status of a judge (9 facts), personal interest (5 facts), expression of disrespect (4 facts), refusal on recusal (1 fact), pre-disclosure of the results of the hearing (1 fact) and forming a friendly relationship (1 fact).⁶



None of the judges exercised the right to recusal or legal defence, as well as, an Independent Inspector has not exercised the right to self-recusal.

⁵ According to Article 75⁹ of the Organic Law of Georgia on Common Courts, by the decision of an independent inspector, two complaints were combined into one proceeding and assigned one number.

⁶ In some cases, the complainants point to several possible misconducts. Consequently, the number of complaints differs from the number of types of alleged misconduct indicated in the complaints.



10. Statistical Information on the Results of Disciplinary Sessions

During the reporting period, the High Council of Justice of Georgia held 1 disciplinary session for hearing the conclusions prepared by the Independent Inspector.

At the disciplinary session, the High Council of Justice of Georgia reviewed 50 reports⁷ by an independent inspector and made 55 decisions⁸ on termination of disciplinary proceedings.

It should be noted, that in 17 cases out of the 50 conclusions reviewed, towards several facts, there was an Independent Inspector's report on initiating disciplinary proceedings against the judge and taking explanations. In 1 case, the High Council of Justice of Georgia agreed with the conclusion of the Independent Inspector and initiated disciplinary proceedings against the judge, whereas in 16 cases, the High Council of Justice of Georgia failed to make a decision by 2/3 of the votes, to initiate disciplinary proceeding against the judge and take explanation, due to which, the disciplinary proceedings against judges were terminated based on the 1st paragraph of Article 75⁸ of the Organic Law of Georgia on Common Courts.

It is noteworthy that, the members of the High Council of Justice of Georgia did not present a dissenting opinion on the decision made by the High Council of Justice. Also, none of the judges exercised the right to make the hearing public.

⁷ The High Council of Justice of Georgia reviews the conclusions, as a rule, due to the date of registration of the complaints. Accordingly, the sessions reviewed 22 conclusions prepared based on the complaints of 2019, and 28 conclusions prepared based on the complaints of 2020.

⁸ Regardless of the number of judges indicated in the disciplinary complaint, the independent inspector prepares one conclusion on one disciplinary complaint, in which he evaluates the actions of each judge individually and submits the prepared conclusion to the High Council of Justice of Georgia. The High Council of Justice of Georgia makes a decision on the commission of disciplinary misconduct by each judge individually. Due to the above, the number of complaints, conclusions submitted and decisions made by the High Council of Justice of Georgia varies.