



დაამოუკიდებელი ინსპექტორის სამსახური  

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OFFICE OF INDEPENDENT INSPECTOR

## **Statistical Report of Activities**

**2021**  
**Fourth Quarter**

**Tbilisi**  
**2022**

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## Introduction

A quarterly report has been prepared by the Office of the Independent Inspector, which includes information on the activities from October 1, 2021, to December 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.

Following the main directions of the strategic development, part of the activities was carried out in the fourth 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.

The Office of the Independent Inspector held a national competition "Judicial Conduct and Discipline" Which is a simulation of the process of disciplinary proceedings against judges. To participate in the first national competition, up to 30 teams have registered among them, 14 teams submitted written opinions, while 11 teams participated in the oral simulation. The purpose of the national competition was to raise students' awareness about disciplinary proceedings against judges and popularize the Office of the Independent Inspector. The competition was conducted with the support of the Council of Europe's Office in Georgia and the High School of Justice of Georgia. The winners were awarded prizes by the Council of Europe, as well as, the High School of Justice and the Office of the Independent Inspector.

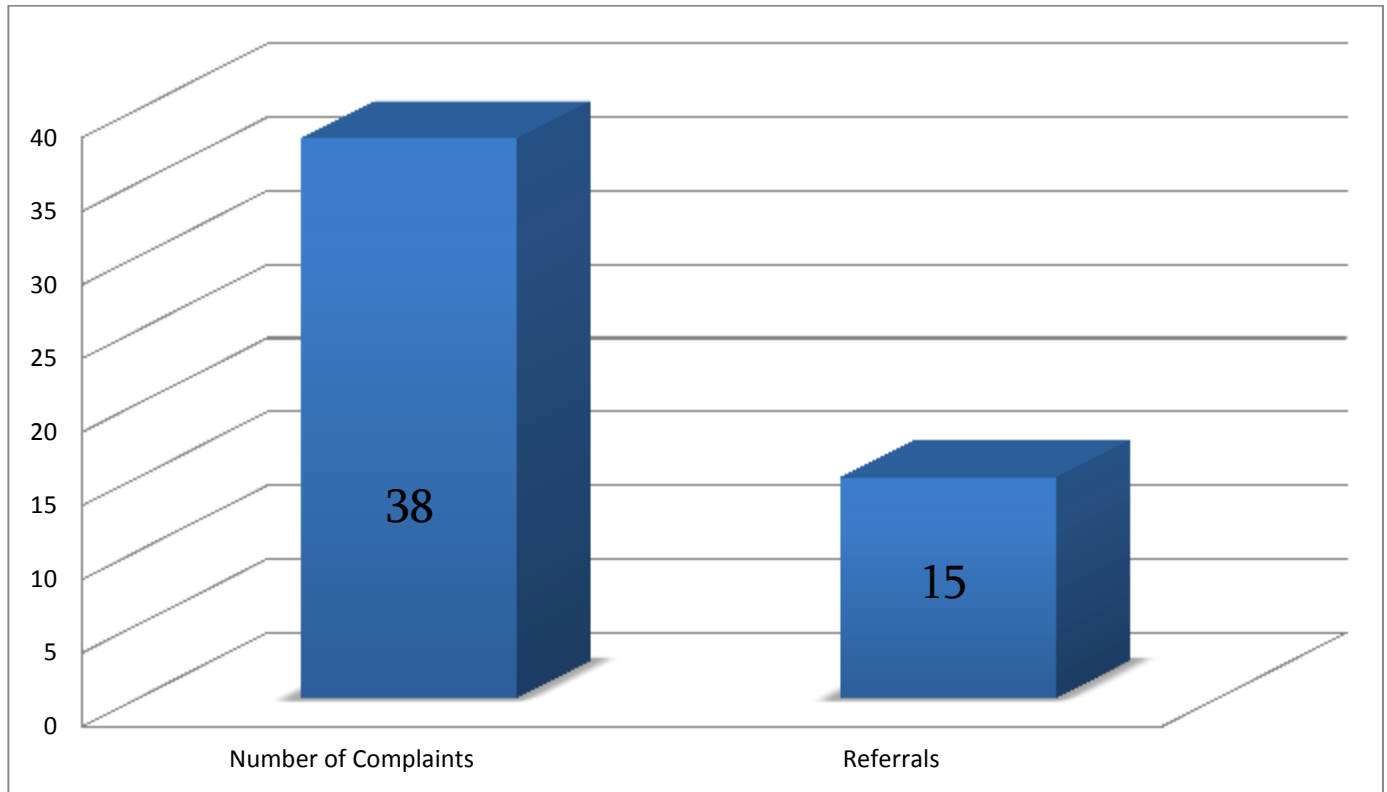
Despite the pandemic, the Office of the Independent Inspector continues to carry out certain activities to raise awareness about disciplinary proceedings.

# 1. General Statistical Information



The Office of the Independent Inspector received 38 disciplinary complaints from the 1<sup>st</sup> of October to the 31<sup>st</sup> of December.

During the reporting period, 15 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.



To investigate the complaints, the Office of Independent Inspector sent 45 letters and requested relevant information for the preliminary investigation.

During the reporting period, up to 50 citizens received consultations through the hotline.

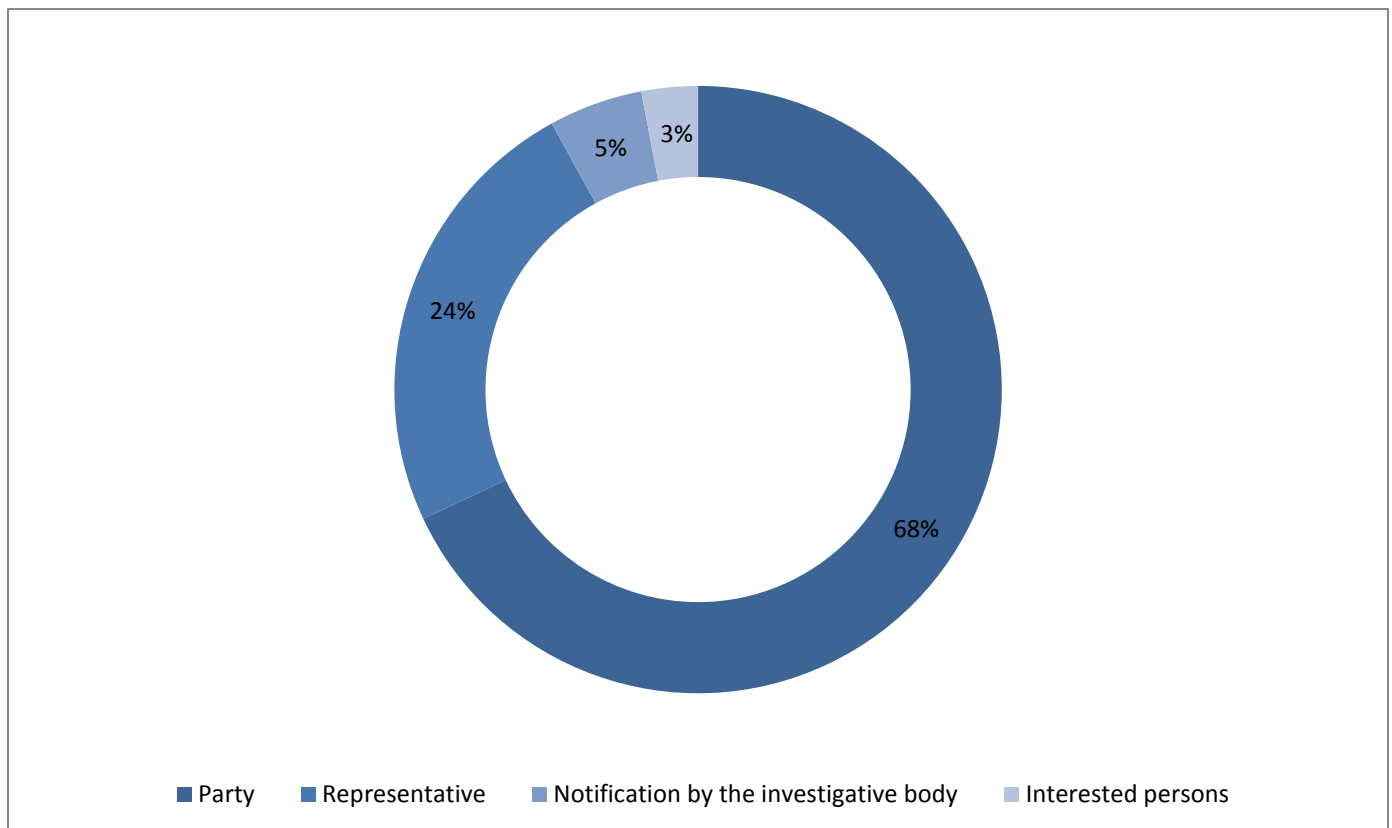
## 2. Statistical Information on the Authors of the Disciplinary Complaint



Statistical information on the authors of the complaints was processed based on the list provided in the Organic Law of Georgia on Common Courts and according to their status in the pending cases at the court.<sup>1</sup>

In the fourth quarter, majority of complainants are the parties of the dispute at the court. The percentage of complaints filed by the parties of the dispute at the court stands at 68%, the percentage of complaints filed by representatives stands at – 24%, while the percentage of complaints filed by interested persons amounts to - 3%. It is noteworthy that the information provided by the investigative body became the basis for initiating disciplinary proceedings in 5% of cases.

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 a media, or with explanatory notes.

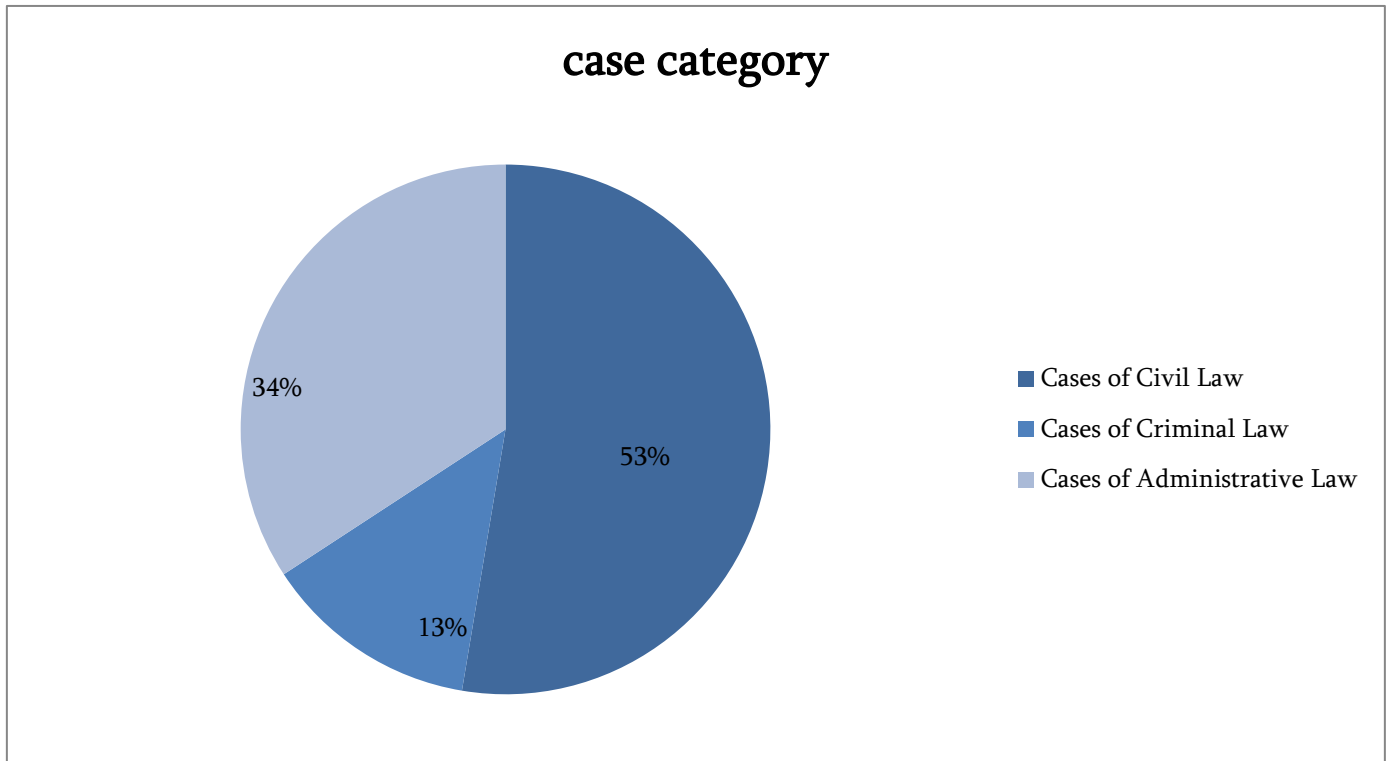


<sup>1</sup> The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings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

### 3. Statistical Information by Case-Categories



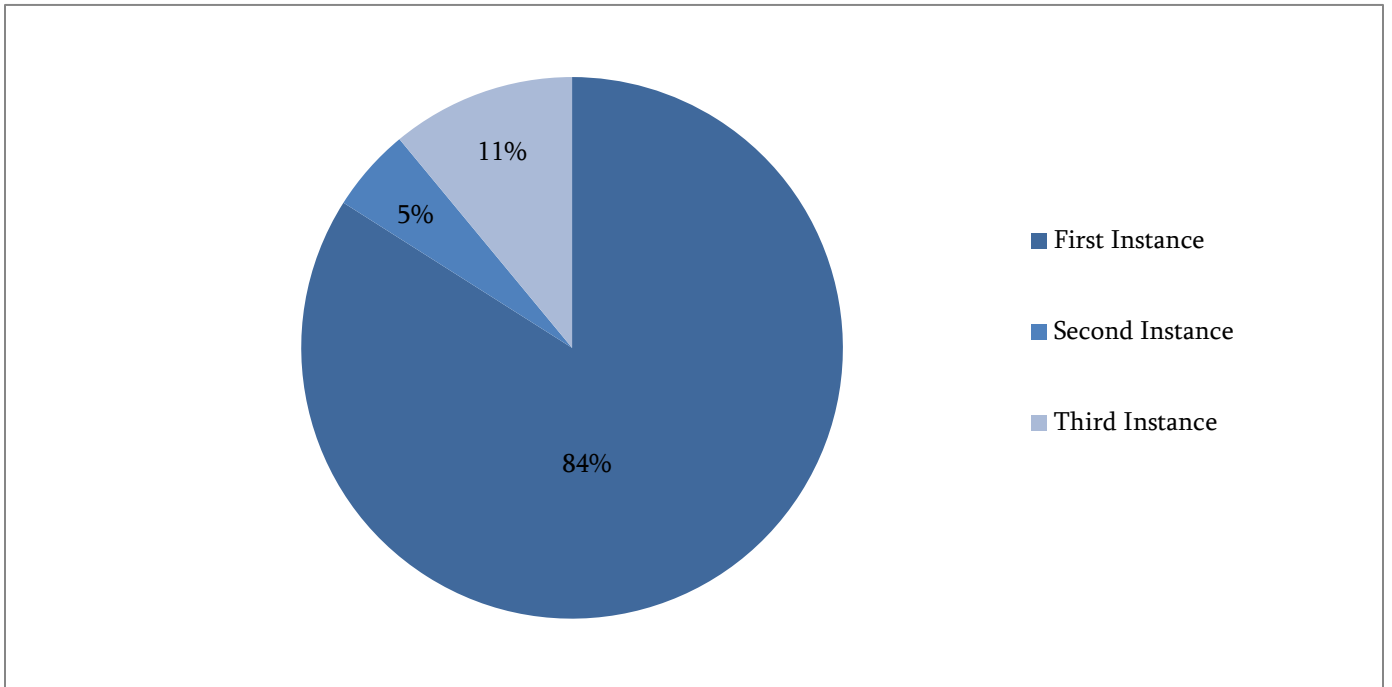
The majority of complaints filed in the fourth quarter of 2021 are relate to civil law cases and their percentage stands at 53%. The percentage of complaints filed in administrative cases stands at 34%, while the percentage of complaints about alleged disciplinary misconduct by judges in criminal cases stands at 13%.





#### 4. Statistical Information by Court Instances

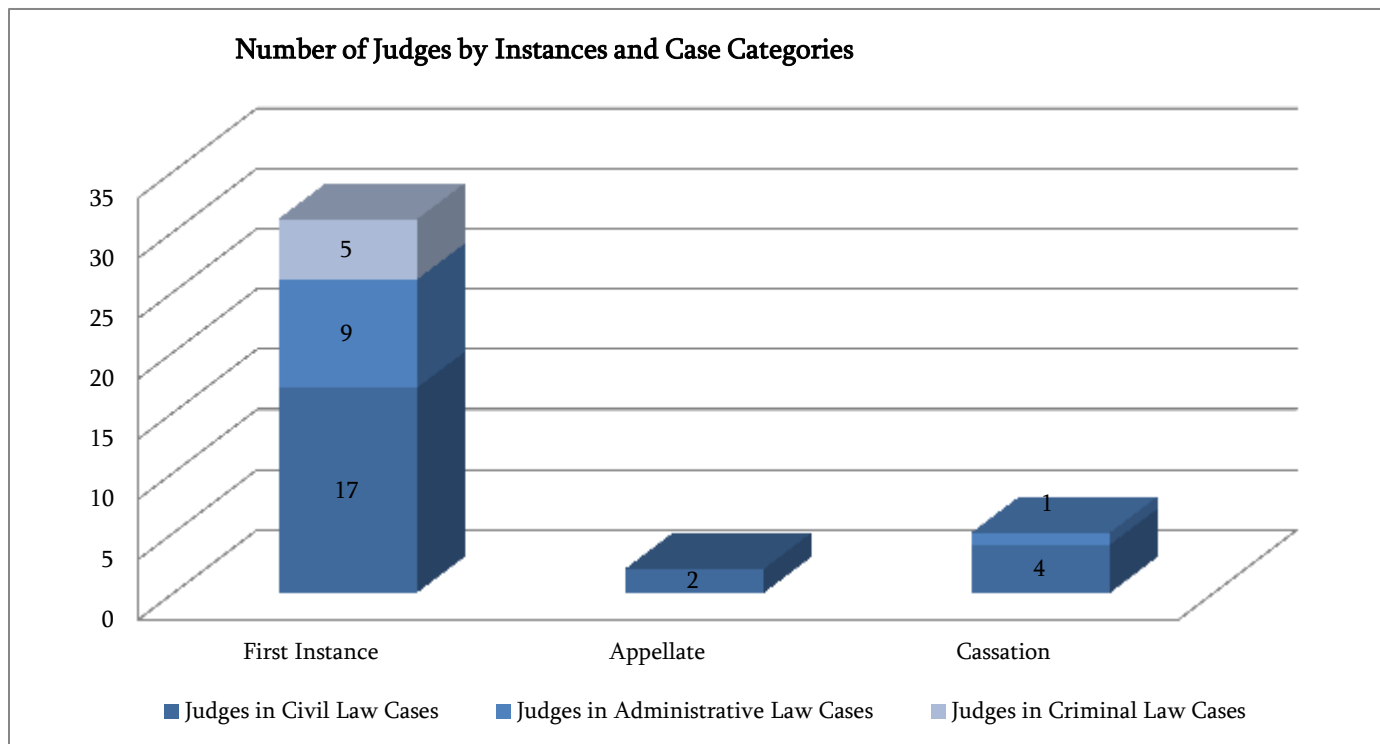
The case study found that in the fourth quarter, 84% of complaints concerned the judges of the first instance court. The number of complaints filed against judges of the second instance courts amounts to 5%, while complaints against judges of the third instance courts amounts to 11%.



## 5. Statistical Information by Judges



During the reporting period, 38 complaints submitted to the preliminary investigation concerned 37 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 53.3% 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 30%, while the percentage of complaints against judges reviewing criminal cases stands at 5%.

As for the Court of Appeals, 100% of the complaints were filed against the judges reviewing the civil cases of that instance.

Furthermore, 80% of the complaints were filed against the Supreme Court judges reviewing civil cases, while 20% of complaints against judges reviewing administrative cases. During the reporting period, no complaints have been filed against the Supreme Court judges reviewing the criminal 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 10 different subparagraphs. Most of them were concerned about the substantial violation of the deadline of the procedural legislation of Georgia due to unreasonable excuse.

At the same time, solely legality was disputed in 5 complaints and in 3 complaints, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.

22	• Substantial violation of the deadline set by the judge in accordance with the procedural legislation of Georgia due to unreasonable excuse
5	• Exercising judicial authority by a judge under personal interest, political or social influence
4	• Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing
3	• Leaving unresponse the fact of violation of the law or the alleged disciplinary misconduct provided in this paragraph committed by another judge, an officer of an administration of the court, or parties of the hearing, if the judge is an eyewitness of this fact
3	• 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	• Violation of Articles 5, 5 <sup>2</sup> , 7, 8,10,11,13, 13 <sup>4</sup> , 13 <sup>5</sup> or 20 <sup>4</sup> of Georgian Law on conflict of Interest and Corruption in Public Service
2	• Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist
1	• Any other action of a judge incompatible with the high status of the judge
1	• 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
1	• Pre-disclosure of the Court decision on the pending case by the judge, except in cases provided by the procedural legislation of Georgia



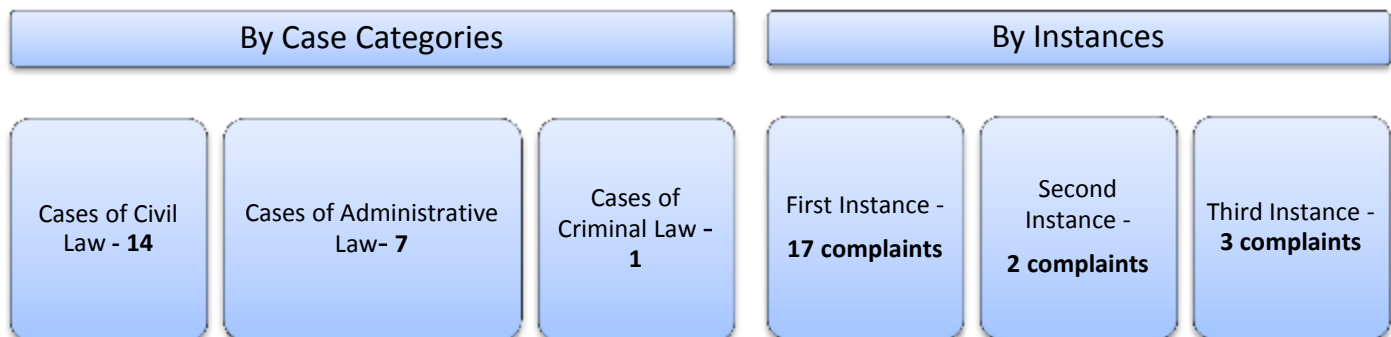
## 7. Statistical Information by Types of Misconduct and Case-Categories

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 38 disciplinary complaints.

### 7.1 Substantial Violation of the Deadline

A preliminary investigation on alleged substantial violation of the deadline due to unreasonable excuse was carried out based on 22 complaints.

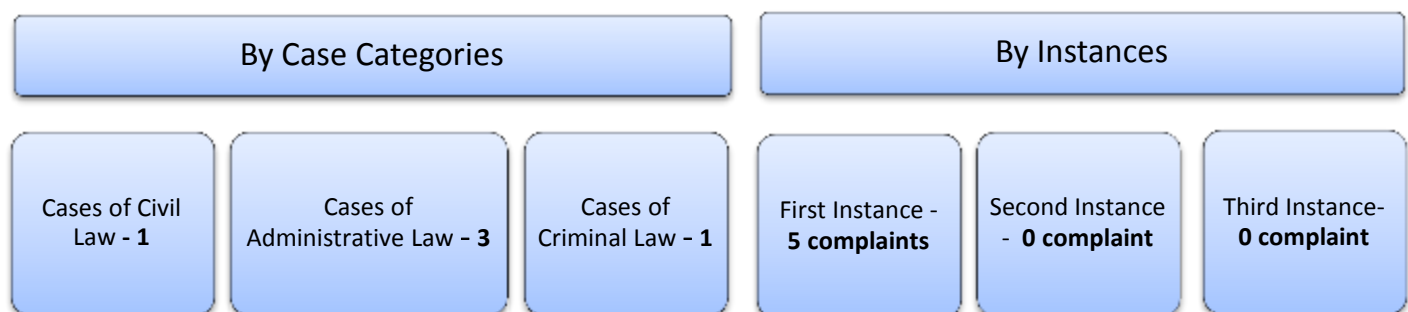
These complaints mainly concerned civil cases heard by judges of the first instance court.



### 7.2 Exercising judicial authority by a judge 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 5 times.

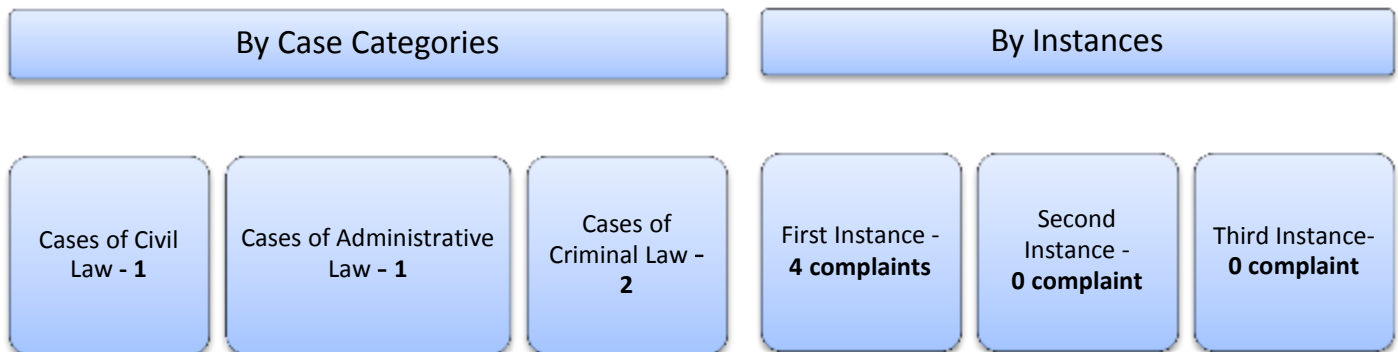
These complaints in all cases concerned the judges of the first instance court.



### 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 – was a subject of 4 complaints.

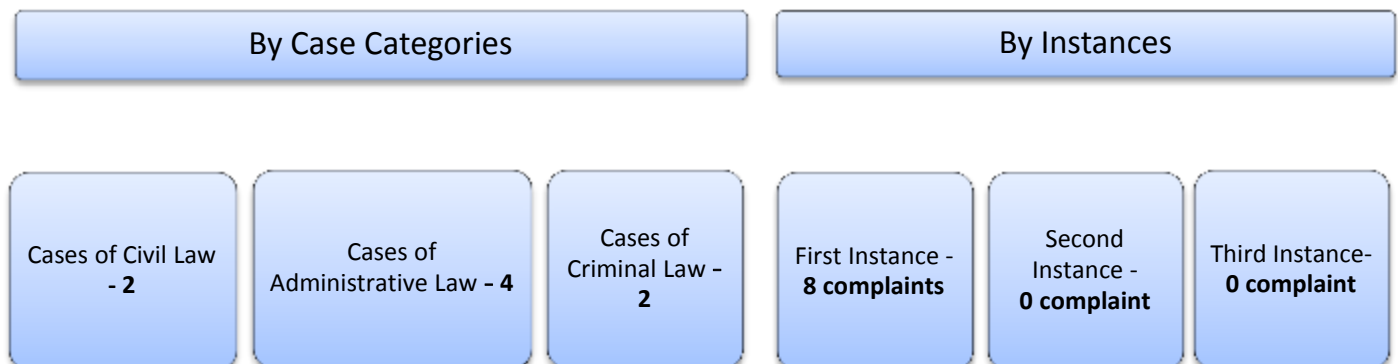
These complaints in all cases concerned the judges of the first instance court.



### 7.4 Other Types of Disciplinary Misconduct

In the Office of the Independent Inspector, disciplinary proceedings were conducted on 8 complaints related to the 7 alleged disciplinary misconduct, such as 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, Leaving unresponsive to the fact of violation of the law or the alleged disciplinary misconduct provided in this paragraph committed by another judge, an officer of an administration of the court, or parties of the hearing, if the judge is an eyewitness of this fact, Committing a corruption offense by a judge, Judge's refusal to recuse oneself or satisfy a request for recusal, Any other action of a judge incompatible with the high status of the judge, 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, Pre-disclosure of the Court decision on the pending case by the judge, except in cases provided by the procedural legislation of Georgia.

In these cases, most of the complaints were related to first instance judges.



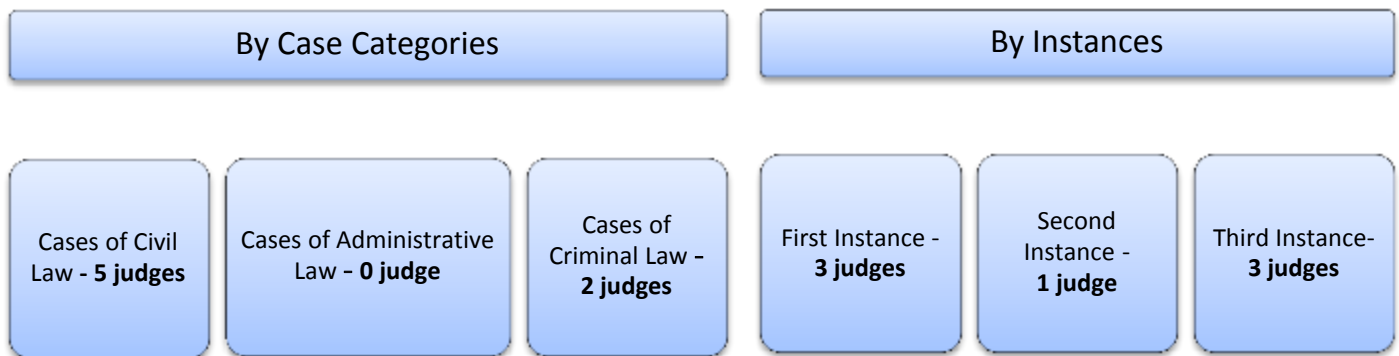


## 8. Statistics on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector conducted a preliminary investigation on 13 complaints submitted on the grounds of the legality of the act.<sup>3</sup> As the result of the investigation, the Independent Inspector made 15 decisions on the termination of disciplinary proceedings<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;
- ✓ 8 decision on partial termination of disciplinary proceedings.

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



Furthermore, in one complaint, due to the expiration of the 3-year limitation period, the party was refused to initiate a disciplinary proceeding.

<sup>3</sup> Preliminary investigation of the disciplinary cases in the present quarter was conducted on 9 complaints received in 2021, of the third quarter, and 4 complaints in the fourth quarter.

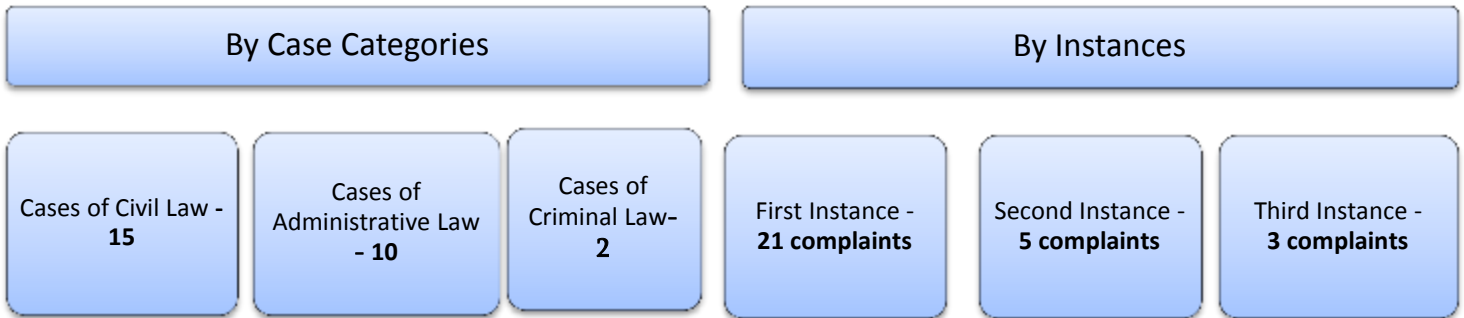
<sup>4</sup> Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made.



## 9. Statistical Information on Conclusions Prepared

During the reporting period, an Independent Inspector prepared 29 conclusions<sup>5</sup> against 32 judges.

The above conclusions were prepared regarding the possible violation of the deadline (18 facts), actions incompatible with the high status of a judge (18 facts), Leaving unresponsive to the fact of violation of the law or the alleged disciplinary misconduct provided in this paragraph committed by another judge, an officer of an administration of the court, or parties of the hearing if the judge is an eyewitness of this fact (4 facts), expression of disrespect (4 facts), refusal on recusal (2 facts), Any other action of a judge incompatible with the high status of the judge (2 facts), Committing a corruption offense by a judge (1 fact) and Pre-disclosure of the Court decision on the pending case by the judge (1 fact).<sup>6</sup>



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.

<sup>5</sup> According to Article 75<sup>9</sup> 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.

<sup>6</sup> 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.