



დაამოუკიდებელი ინსპექტორის სამსახური  

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OFFICE OF INDEPENDENT INSPECTOR

## **Statistical Report of Activities**

**2022**  
**First 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 January 1, 2022, to March 31, 2022.

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.

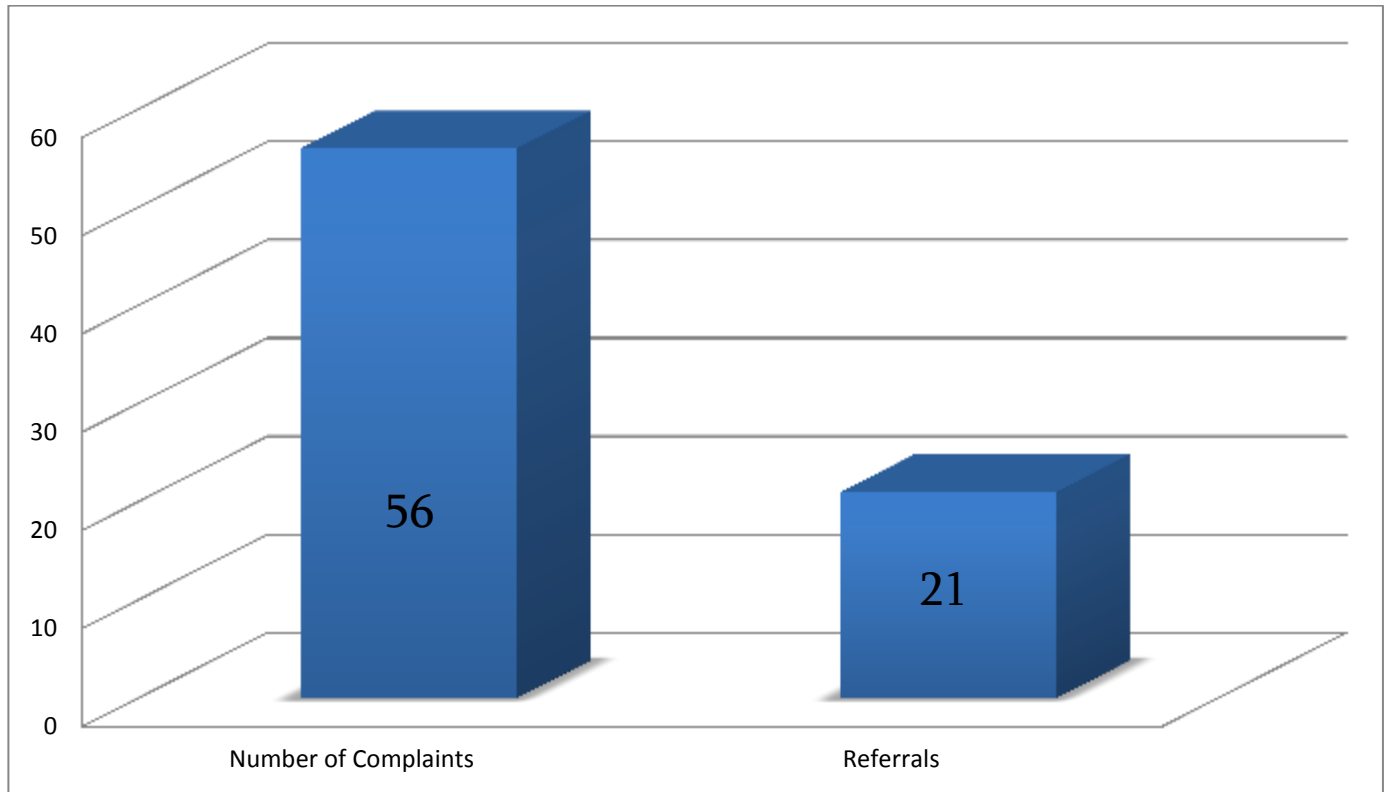
Among conducting disciplinary proceedings, the Office of the Independent Inspector is working on the Strategy and Action Plan of the office, which is scheduled to be reviewed and approved in the second quarter of 2022.

## 1. General Statistical Information



The Office of the Independent Inspector received 56 disciplinary complaints from the 1<sup>st</sup> of January, 2022 to the 31<sup>st</sup> of March.

During the reporting period, 21 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 48 letters and requested relevant information for the preliminary investigation.

During the reporting period, up to 50 citizens received consultations through the hotline. Each of them was given appropriate advice on the procedure of the disciplinary proceedings.

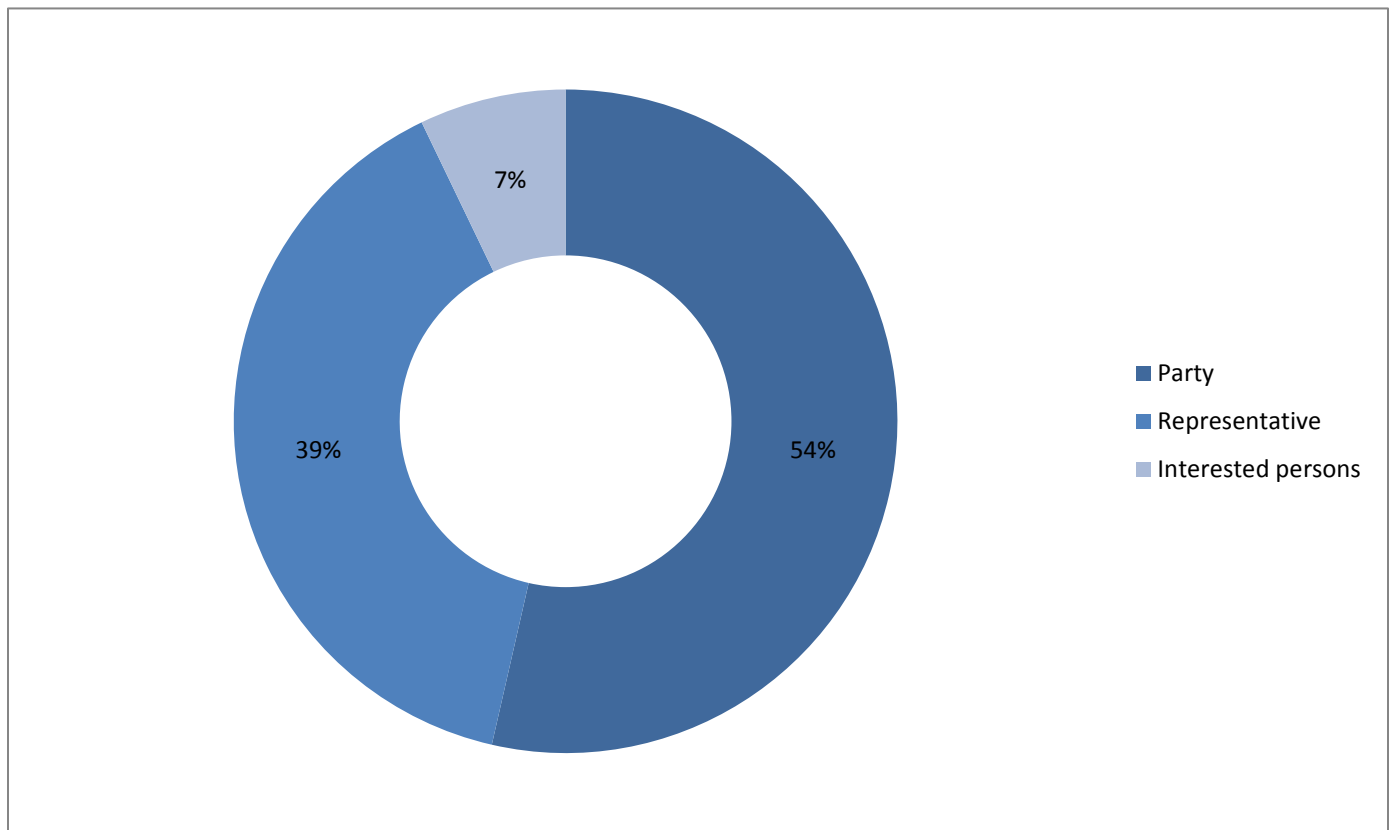
## 2. Statistical Information on the Authors of the Disciplinary Complaint



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 first quarter of 2022, the majority of complainants are the parties of the pending dispute at the court. The percentage of complaints filed by the parties of the pending dispute at the court stands at 54%, the percentage of complaints filed by representatives amounts to – 39%, while the percentage of complaints filed by interested persons stands at - 7%.

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

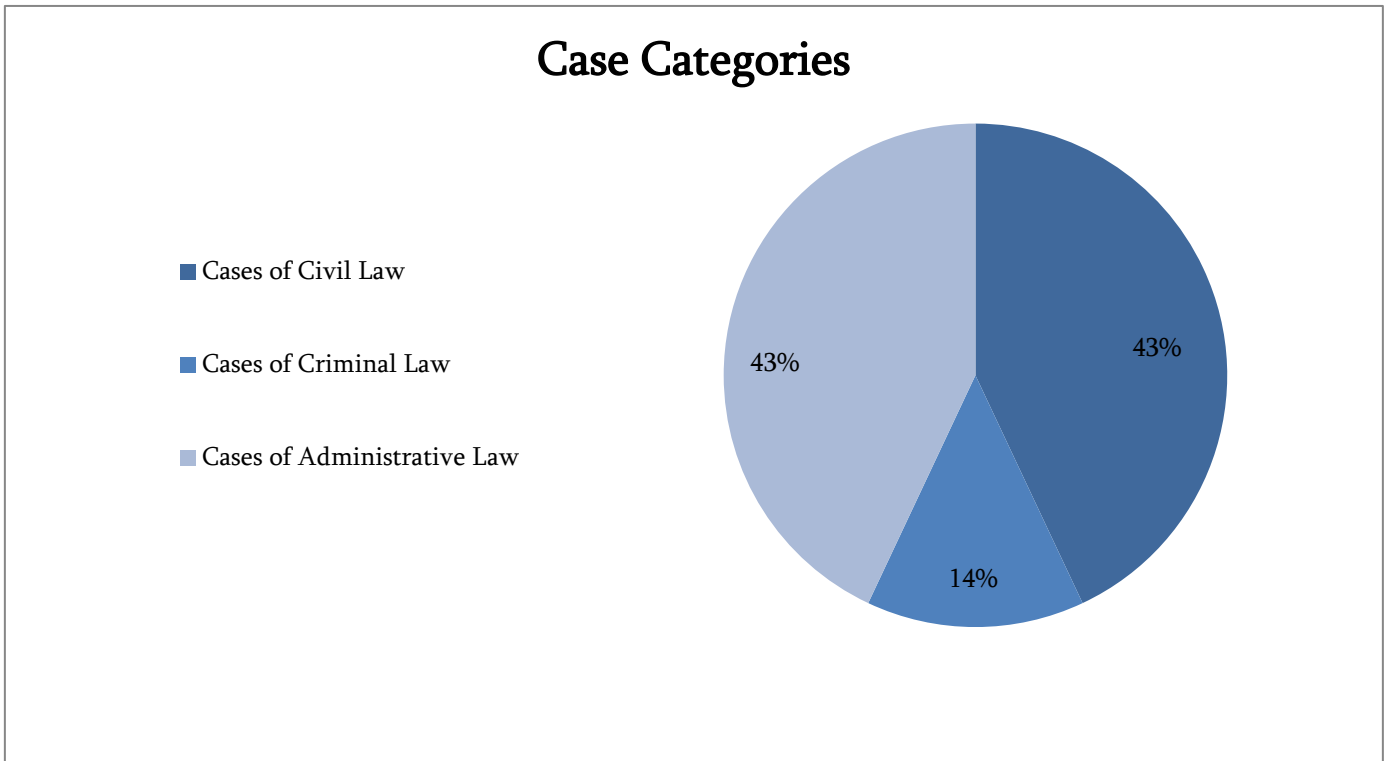


<sup>1</sup> The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings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

### 3. Statistical Information by Case-Categories



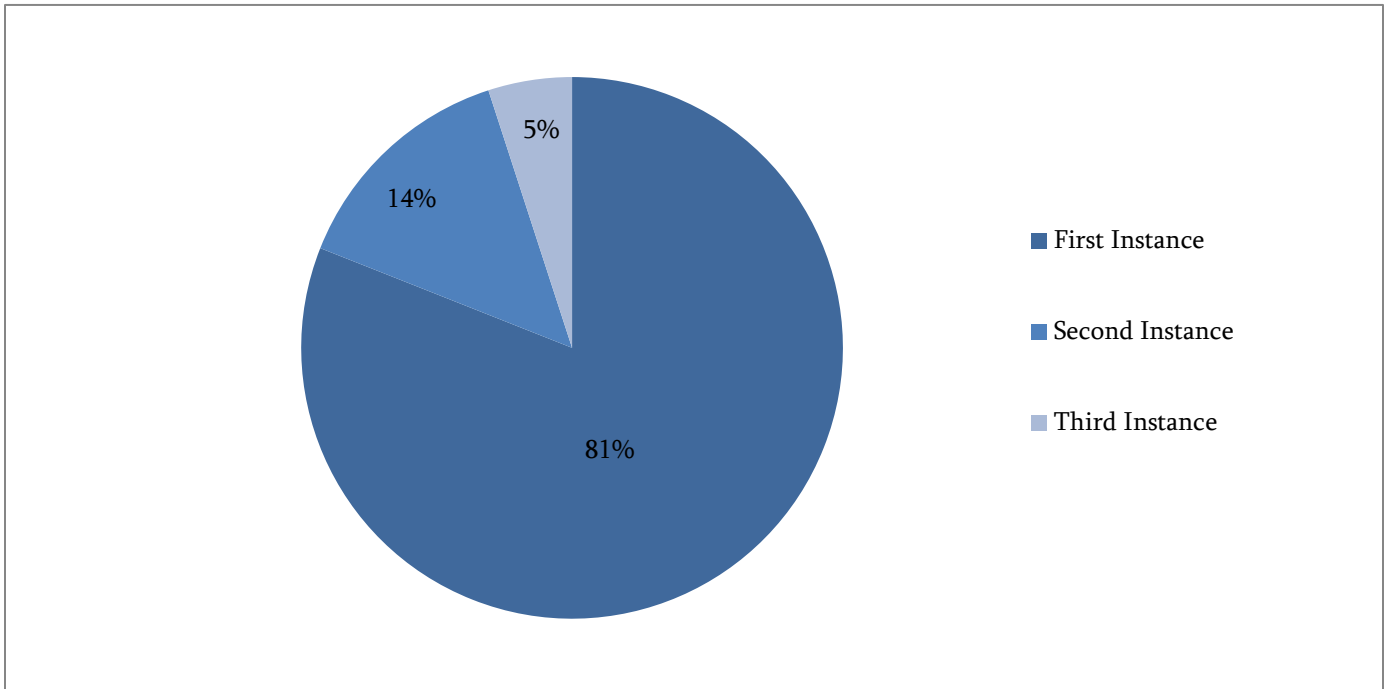
The complaints filed in the first quarter of 2022 mostly relates to civil and administrative law cases and their percentage stands at 43-43%. The percentage of complaints about alleged disciplinary misconduct by judges in criminal cases stands at 14%.





#### 4. Statistical Information by Court Instances

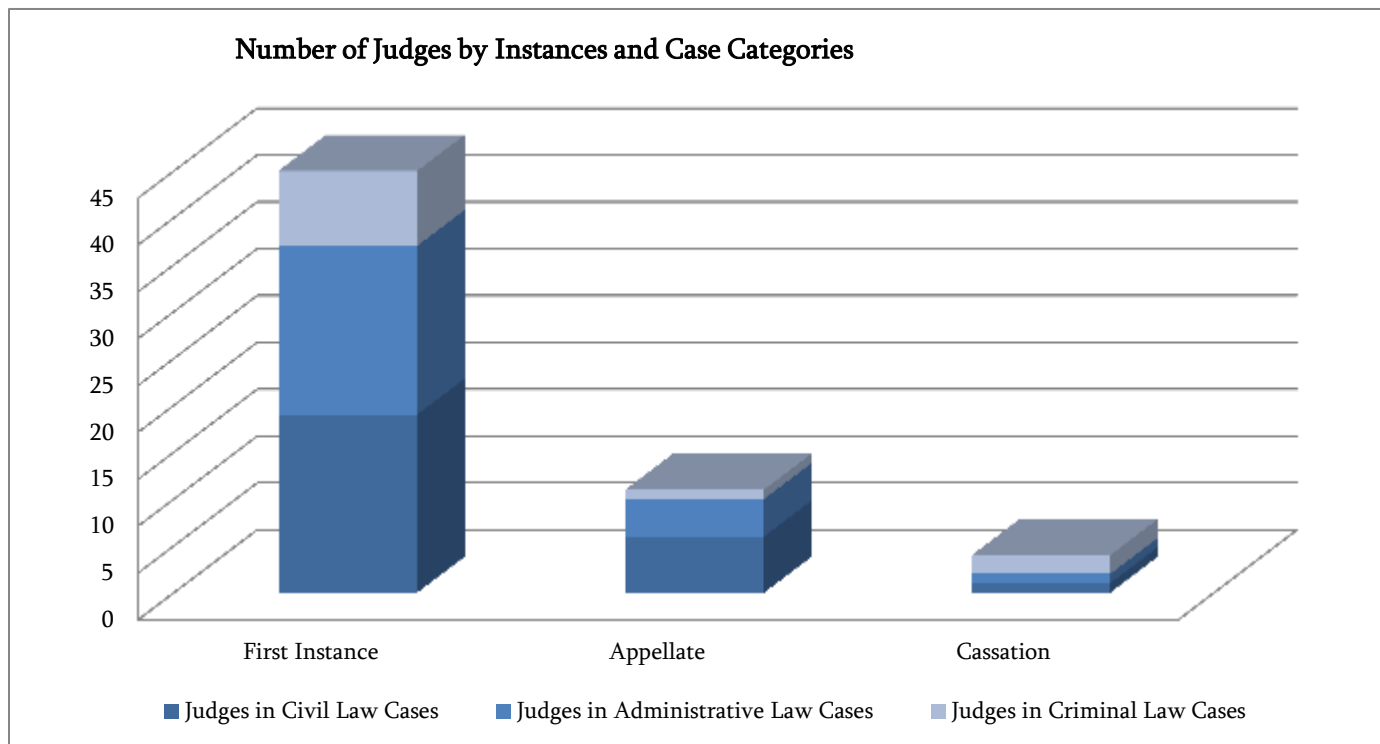
The case study found that in the first quarter of 2022, 81% of complaints concerned the judges of the first instance court. The number of complaints filed against judges of the second instance courts amounts to 14%, while against judges of the third instance courts amounts to 5%.



## 5. Statistical Information by Judges



During the reporting period, 56 complaints submitted to the preliminary investigation concerned 53 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 35.8% 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 court stands at 33.96%, while the percentage of complaints against judges reviewing criminal cases stands at 15%.

As for the Court of Appeals, 11.3% of the complaints were filed against the judges reviewing the civil cases, whereas 7.5% complains against judges reviewing administrative cases and 1.8% against the judges reviewing the criminal cases.

Furthermore, 1.8% of the complaints were filed against the Supreme Court judges reviewing civil and administrative cases, while 3.77% of complaints were against 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.

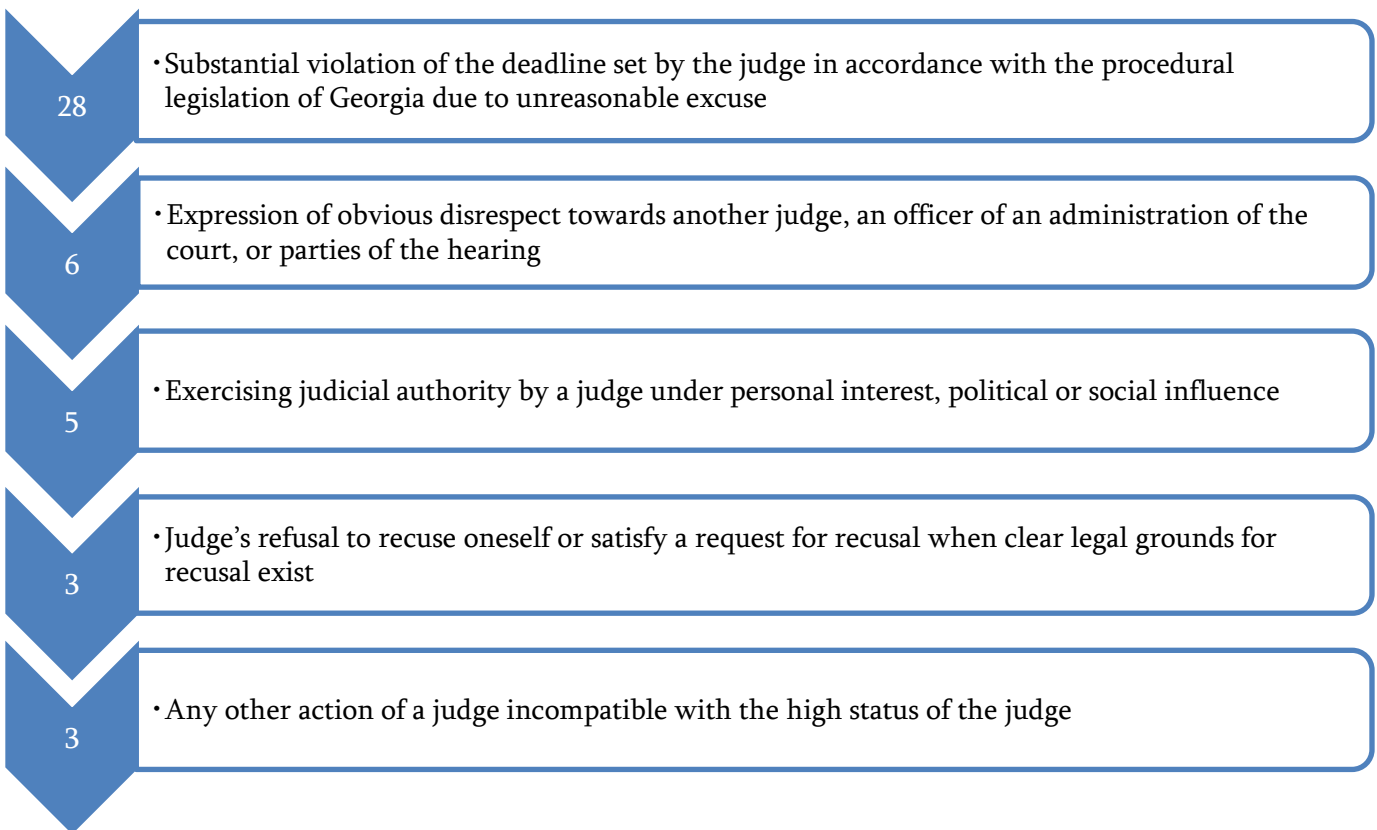




## 6. Statistical Information on Disciplinary Misconduct

Article 75<sup>1</sup> par. 8 of the Organic Law of Georgia on Common Courts sets out 21 different types of disciplinary misconduct. During the reporting period, the complaints concerned only the actions set out in 5 different subparagraphs. Most of them were concerned about the substantial violation of the deadline and exercising judicial authority by a judge under personal interest.

At the same time, solely legality was disputed in 18 complaints and in 9 complaints, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.





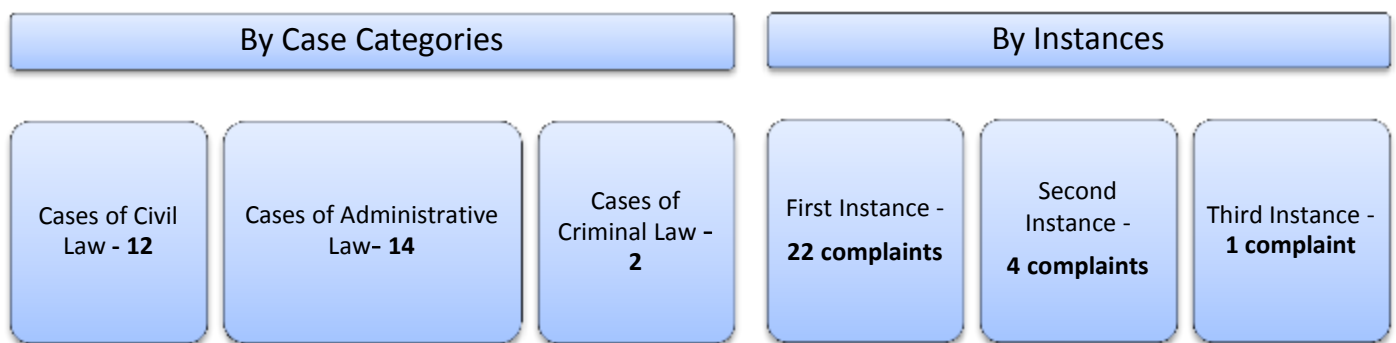
## 7. Statistical Information by Types of Misconduct and Case-Categories

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 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.

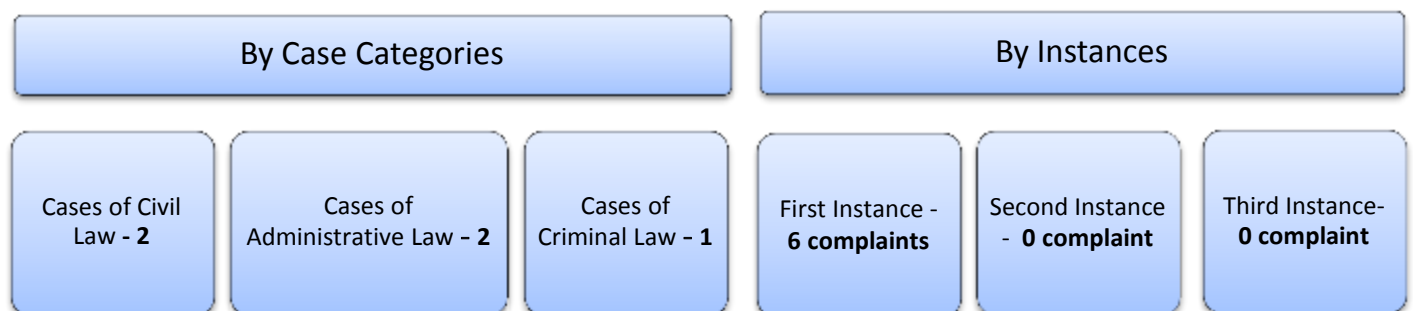
These complaints mainly concerned civil cases heard by judges of the first instance court.



### 7.2 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 6 complaints.

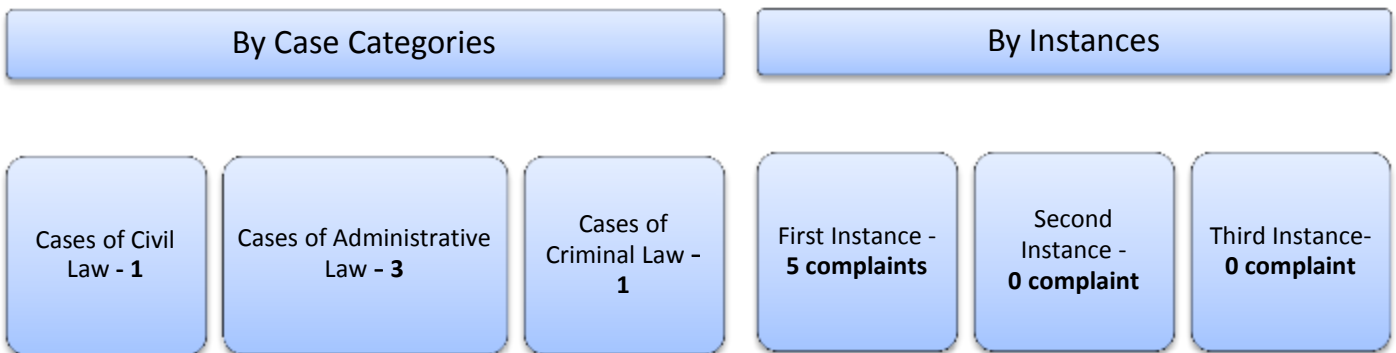
The above complaints concerned judges of the first instance court.



### 7.3 Exercising judicial authority by a judge under personal interest, political or social influence

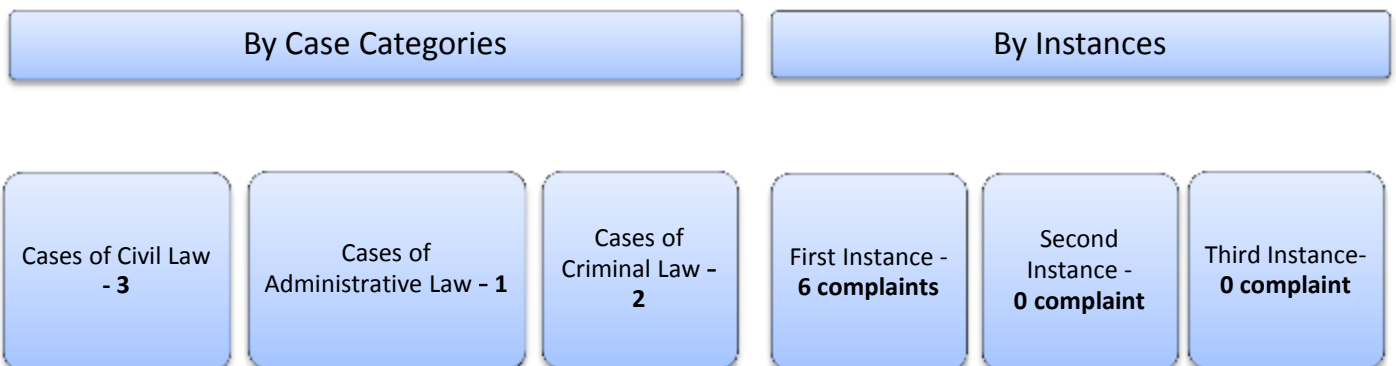
The type of disciplinary misconduct – Exercising judicial authority by a judge under personal interest, political or social influence has become the subject of the complaint 5 times. These complaints concerned district and city court cases.

These complaints were filed in all categories of cases.



### 7.4 Other Types of Disciplinary Misconduct

In the Office of the Independent Inspector, disciplinary proceedings were conducted on 6 complaints related to the 2 alleged disciplinary misconduct, such as Judge’s refusal to recuse oneself or satisfy a request for recusal and any other action of a judge incompatible with the high status of the judge.



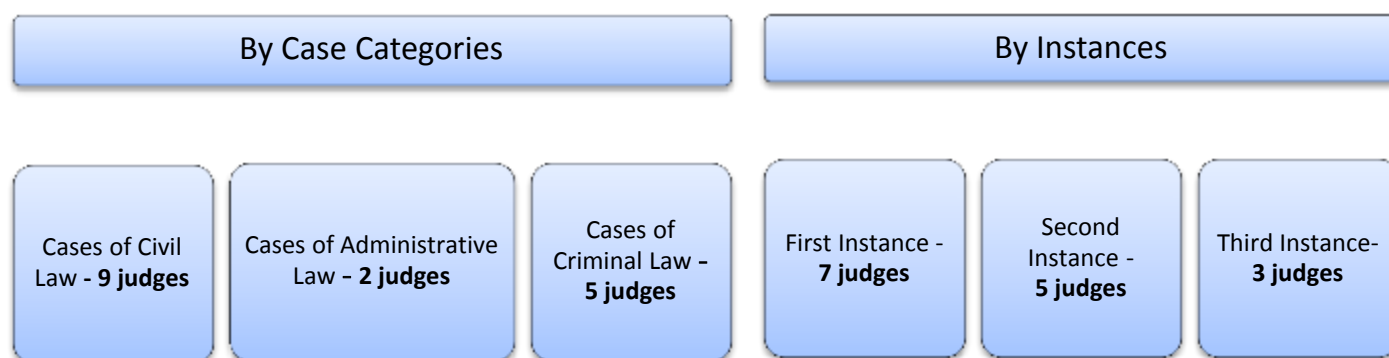


## 8. Statistics on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector conducted a preliminary investigation on 22 complaints submitted on the grounds of the legality of the act.<sup>3</sup> As the result of the investigation, the Independent Inspector made 26 decisions on the termination of disciplinary proceedings<sup>4</sup>. Among them:

- ✓ 16 decisions on termination of disciplinary proceedings due to the fact that the complaints concerned solely the legality of the act rendered by judges;
- ✓ 6 decisions on partial termination of disciplinary proceedings.
- ✓ 3 Decisions due to the expiration of the term of office.

16 decisions on which disciplinary proceedings were terminated on the grounds of inability to verify solely the legality of the act concerned:



Furthermore, in one complaint, the party was refused to initiate a disciplinary proceeding, because there was already a decision made by the body conducting the disciplinary proceedings against the same judge for the same action.

<sup>3</sup> Disciplinary proceedings in the present quarter terminated on 1 complaint received in 2020, on 4 complaints received in the fourth quarter of 2021, and 17 received in the first quarter of 2022.

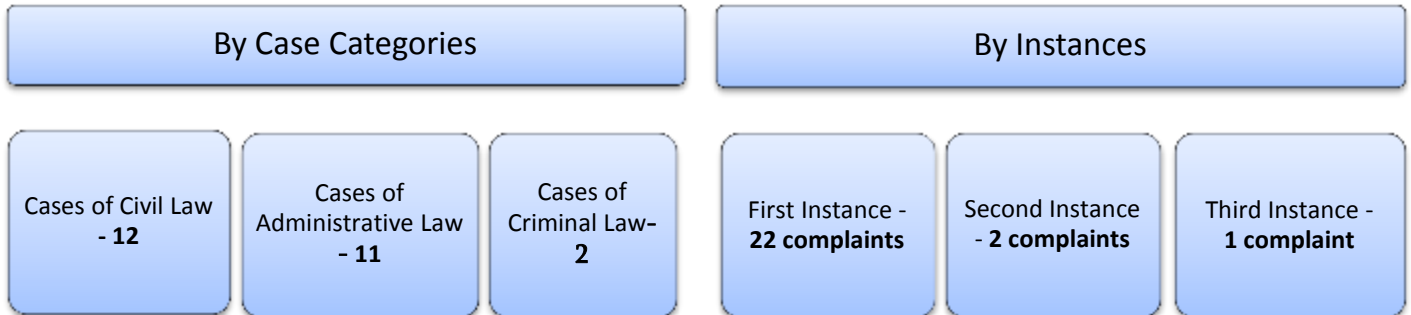
<sup>4</sup> Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made. Also the number of judges according to the categories differs from the number of decisions made, because 2 decisions were made against the same judge.



## 9. Statistical Information on Conclusions Prepared

During the reporting period, an Independent Inspector prepared 25 conclusions against 21 judges.

The above conclusions were prepared regarding the possible violation of the deadline (18 facts), expression of disrespect (4 facts), exercising judicial authority by a judge under personal interest and any other action of a judge incompatible with the high status of the judge (3-3 facts), refusal on recusal (2 facts) and Expressing opinion publicly (1 fact).<sup>5</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> 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.