



დაამოუკიდებელი ინსპექციის საბსახური

OFFICE OF INDEPENDENT INSPECTOR

Statistical Report of Activities

2022
Second 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 of the latter from April 1, 2022, to June 30, 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.

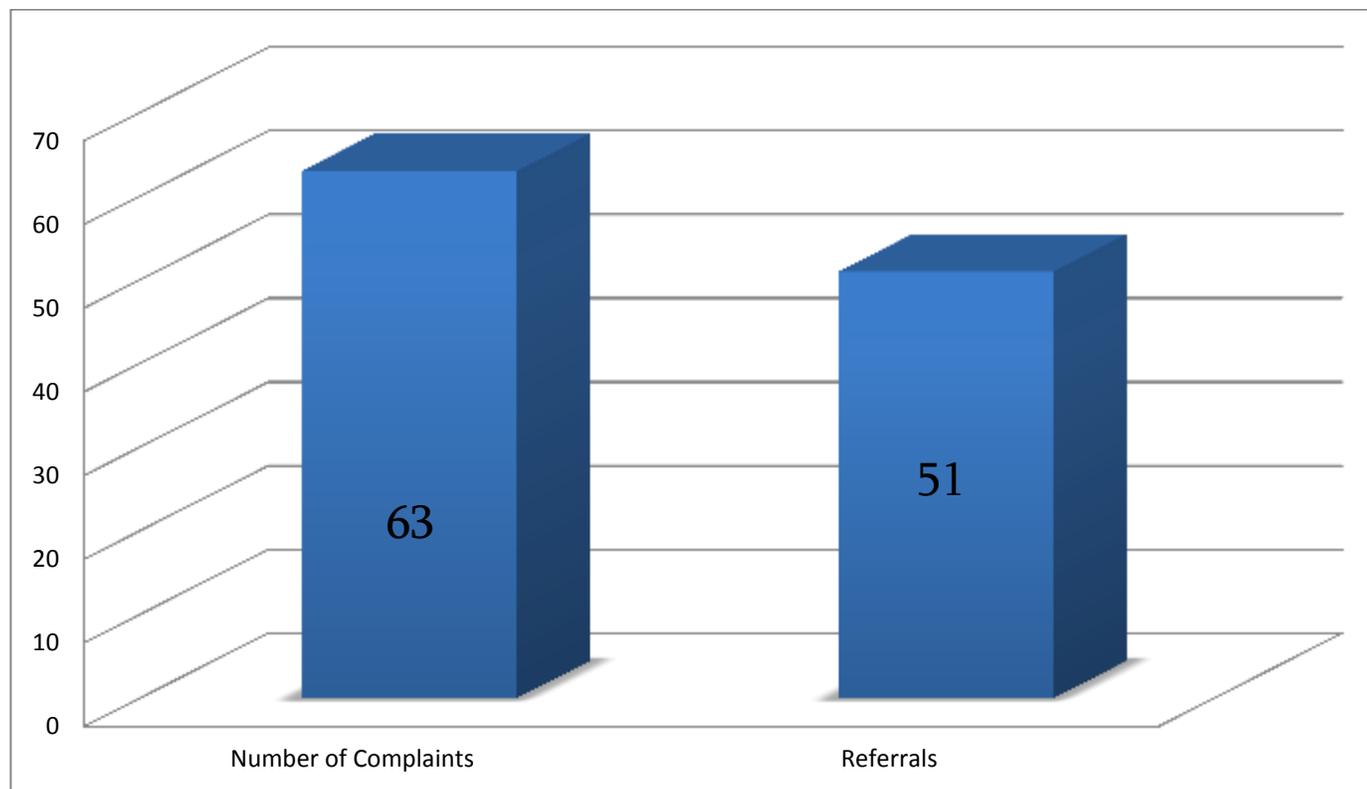
Within the reporting period, the Independent Inspector held several public lectures and signed a memorandum of cooperation with Grigol Robakidze University. In addition, the Independent Inspector participated in the "Business and Law with Nino Lipartia" program of Radio "Kommersant". The aim of these activities was to raise public awareness about the disciplinary proceedings and the activities of the Independent Inspector's office.

1. General Statistical Information



The Office of the Independent Inspector received 63 disciplinary complaints from the 1st of April, 2022 to the 30th of June.

During the reporting period, 51 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 101 letters and requested relevant information for the preliminary investigation.

During the reporting period, up to 60 citizens received consultations through the hotline. Each of them was given appropriate advice on the procedure of the disciplinary proceedings.

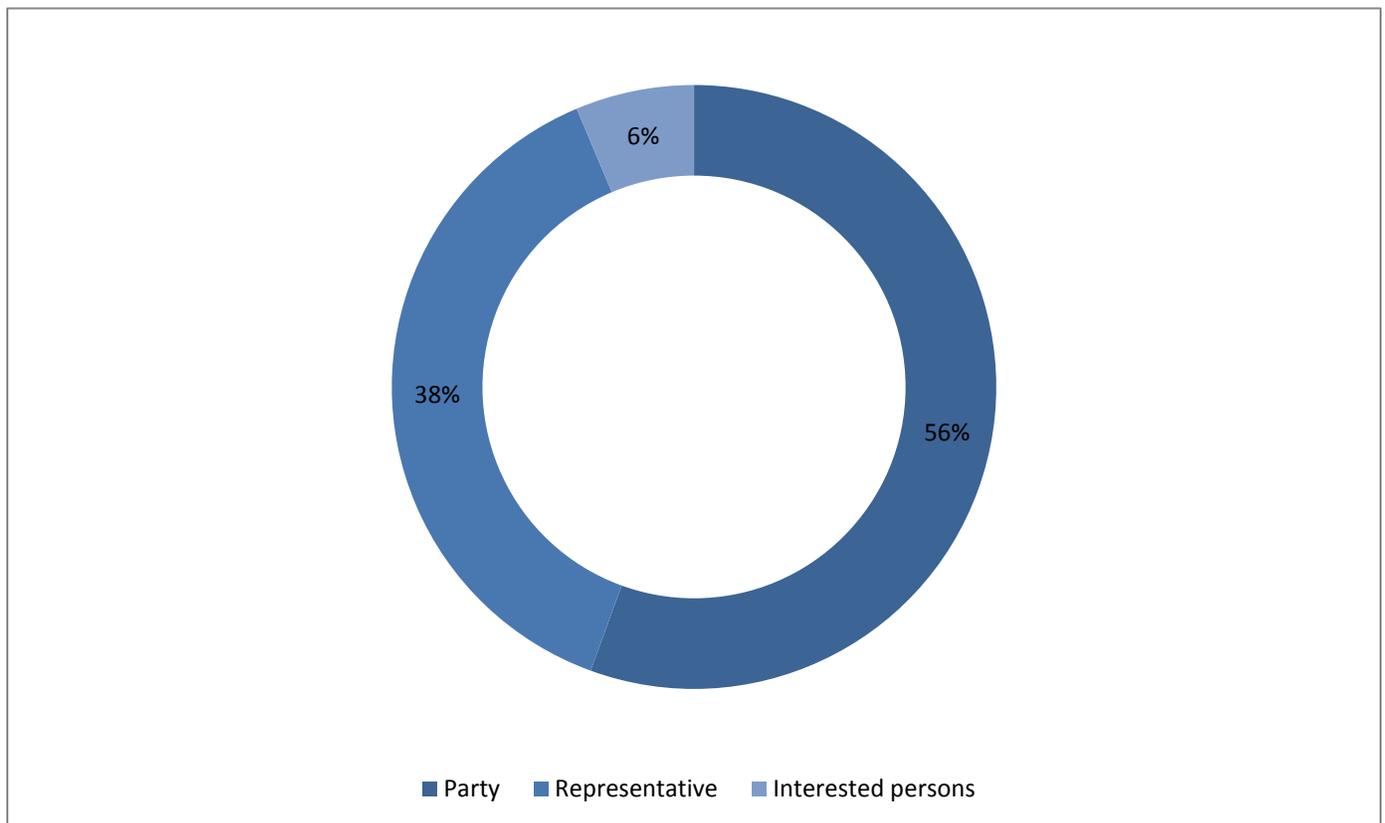
2. Statistical Information on the Authors of the Disciplinary Complaint



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.¹

In the second 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 56%, the percentage of complaints filed by representatives amounts to – 38%, while the percentage of complaints filed by interested persons stands at - 6%.

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.

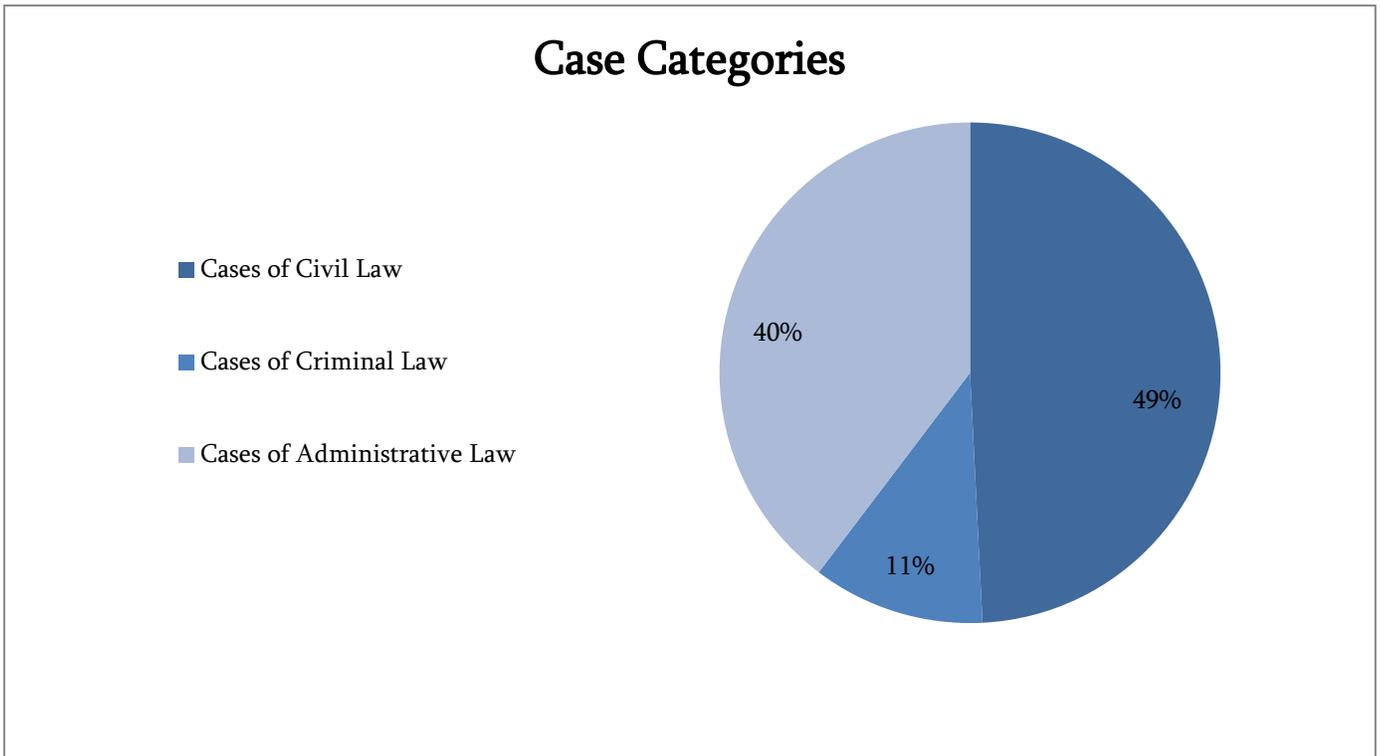


¹ The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings may be initiated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

3. Statistical Information by Case-Categories



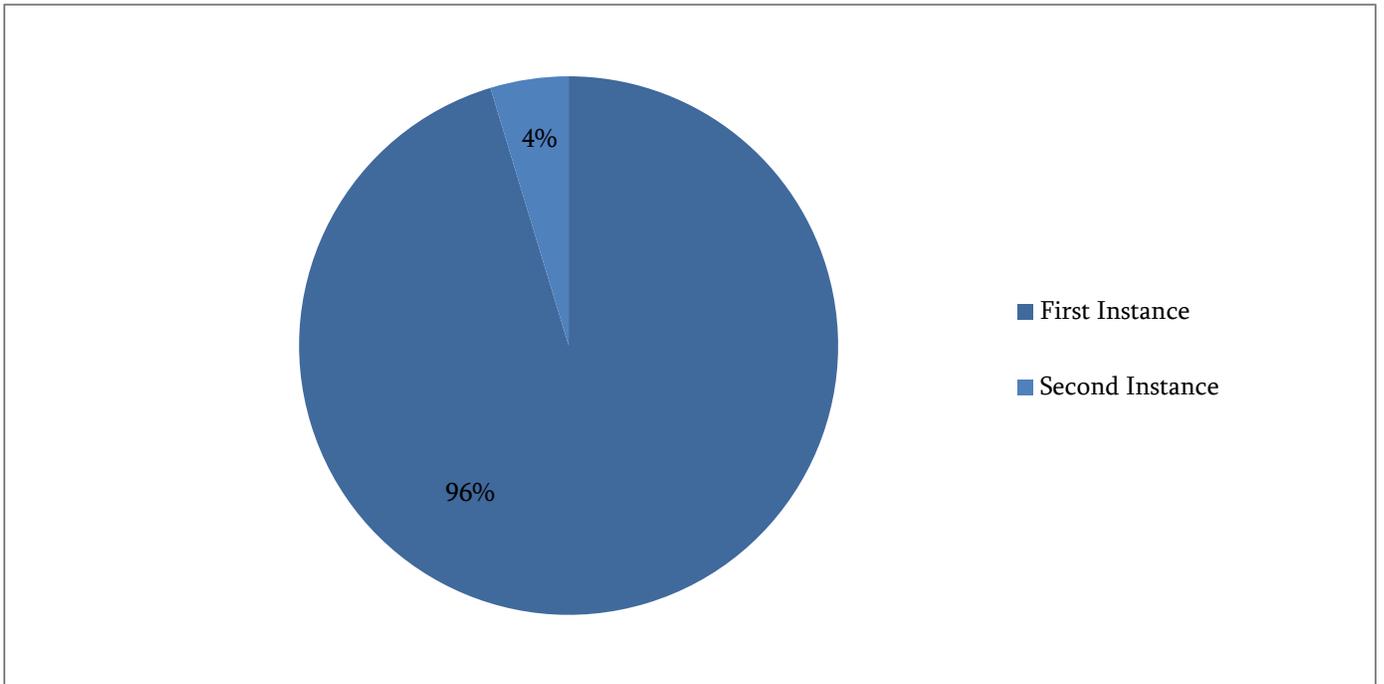
The majority of complaints filed in the second quarter of 2022 relate to civil law cases - 49%. The percentage of complaints about alleged disciplinary misconduct by judges in administrative cases stands at 40%, while the percentage of complaints filed in criminal cases stands at 11%.





4. Statistical Information by Court Instances

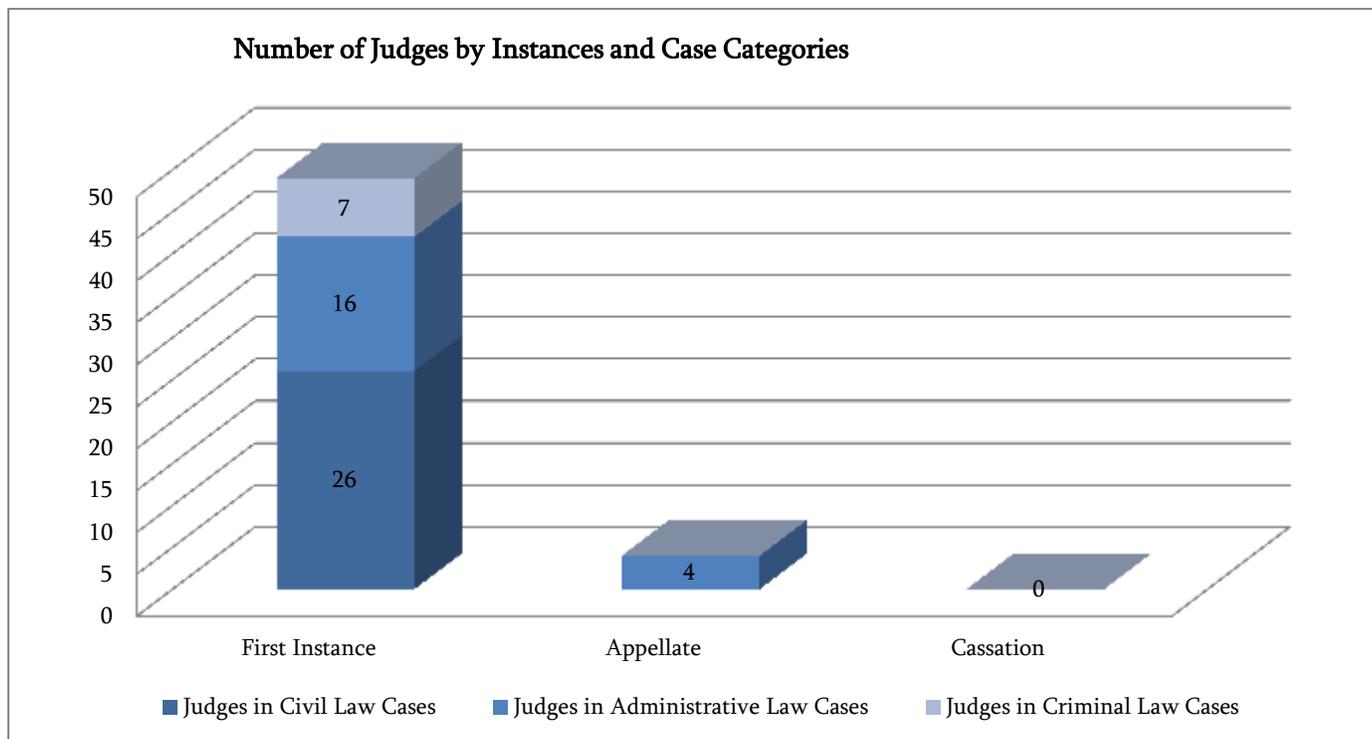
The case study found that in the second quarter of 2022, 96% of complaints concerned the judges of the first instance court, while the number of complaints filed against judges of the second instance courts amounts to 4%. During the reporting period, no complaints were filed against the third instance court judges.



5. Statistical Information by Judges



During the reporting period, 63 complaints submitted to the preliminary investigation concerned 51 judges.² The number of complaints against judges is divided by case categories and court instances as follows:



Analysing the number of complaints received and the data on judges in the mentioned complaints, can be summed up that 49% 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 30%, while the percentage of complaints against judges reviewing criminal cases stands at 13%.

As for the Court of Appeals, 8% of the complaints were filed against the judges reviewing the administrative cases. During the reporting period, complaints haven't been filed against the judges reviewing the civil and criminal cases.

Furthermore, within the reporting period, complaints haven't been filed against the Supreme Court judges reviewing the civil, administrative and criminal cases.

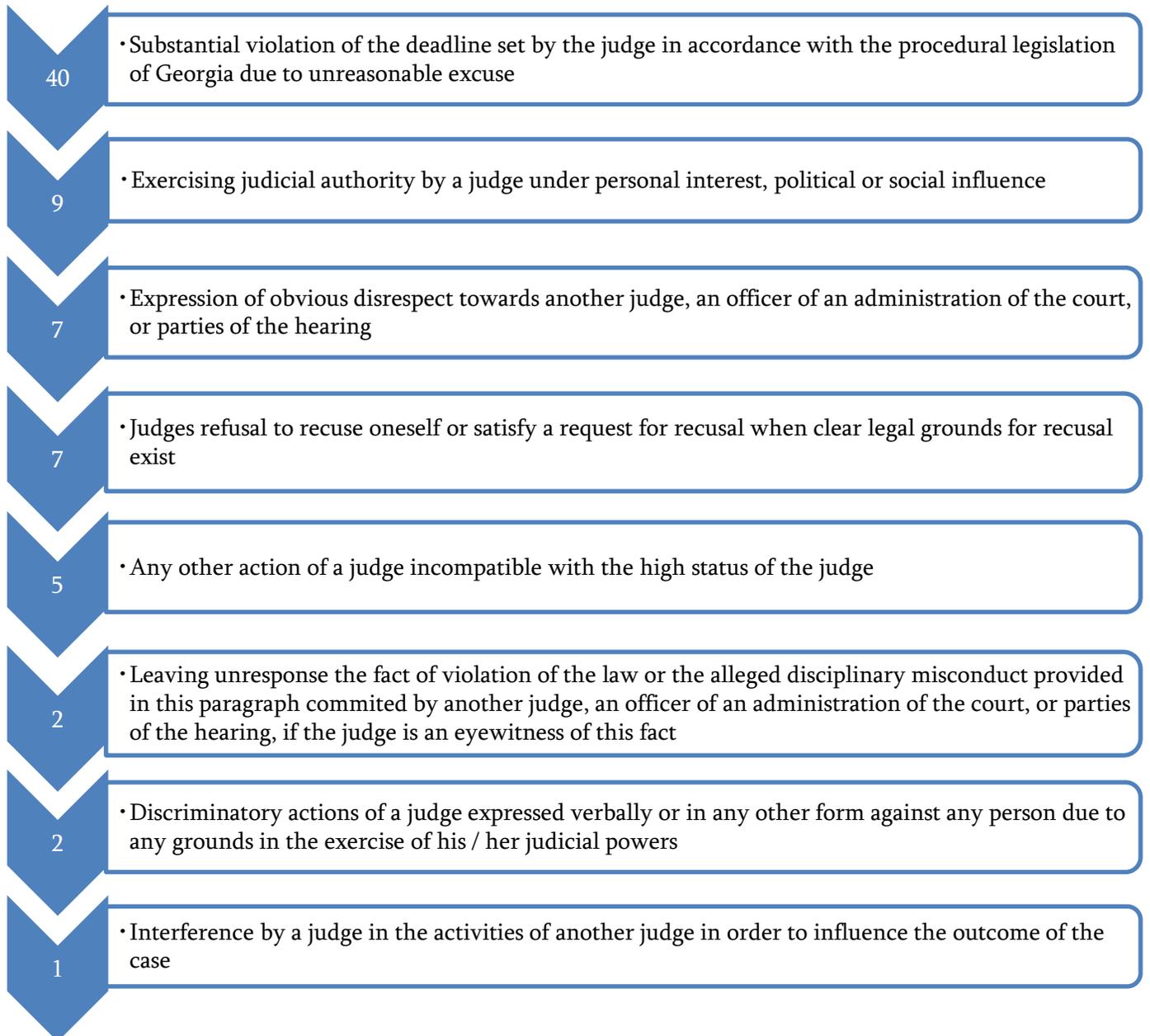
² It should be noted that some judges review three or two categories of cases. In addition, several complaints have been filed against same judges. Accordingly, the number of judges differs from the number of judges by case categories.



6. Statistical Information on Disciplinary Misconduct

Article 75¹ par. 8 of the Organic Law of Georgia on Common Courts sets out 21 different types of disciplinary misconduct. During the reporting period, the complaints concerned only the actions set out in 8 different subparagraphs.³ Most of them were concerned about the substantial violation of the deadline and exercising judicial authority by a judge under personal interest.

Furthermore, solely legality was disputed in 5 complaints and in 12 complaints, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.



³ In some cases, the authors of the complaint indicate several possible grounds for violations of disciplinary misconduct. Accordingly, the number of complaints and the number of types of alleged misconduct specified in the complaints are different.



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 63 disciplinary complaints.⁴

7.1 Substantial Violation of the Deadlines

A preliminary investigation on alleged substantial violation of the deadlines of legal proceedings due to unreasonable excuse was carried out based on 40 complaints.

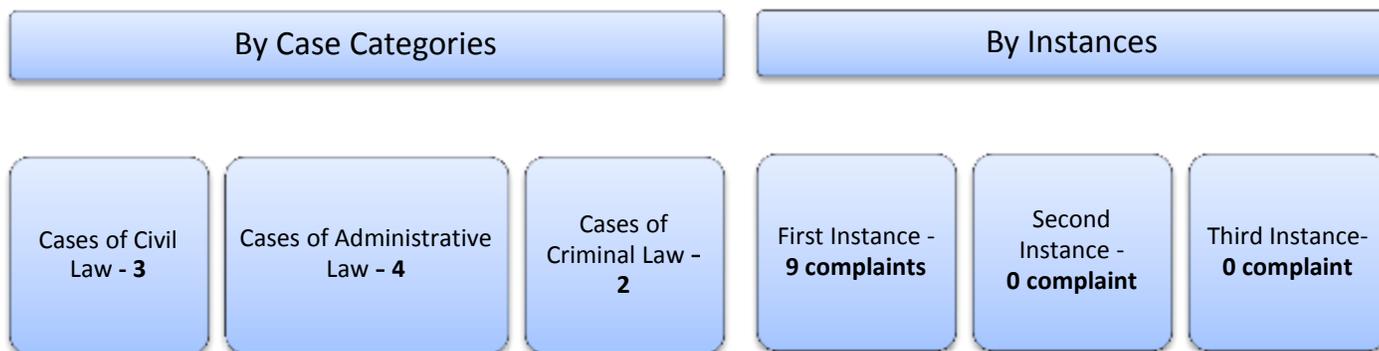
These complaints mainly concerned civil cases heard by judges of the first instance court.



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 9 times. These complaints concerned district and city court cases.

These complaints were filed in all categories of cases.

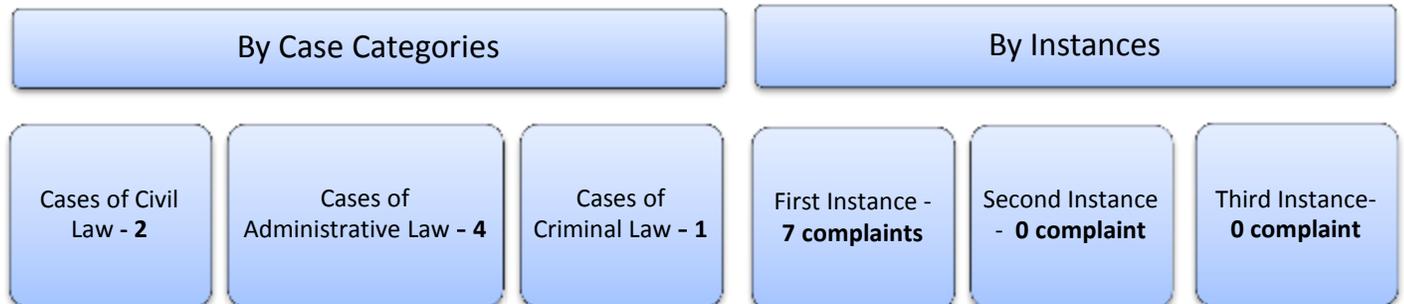


⁴ At the corresponding misconduct, the number of case categories and instances are different from the number of complaints because 1 complaint was filed against a judge of 2 instances of one category.

7.3 Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing

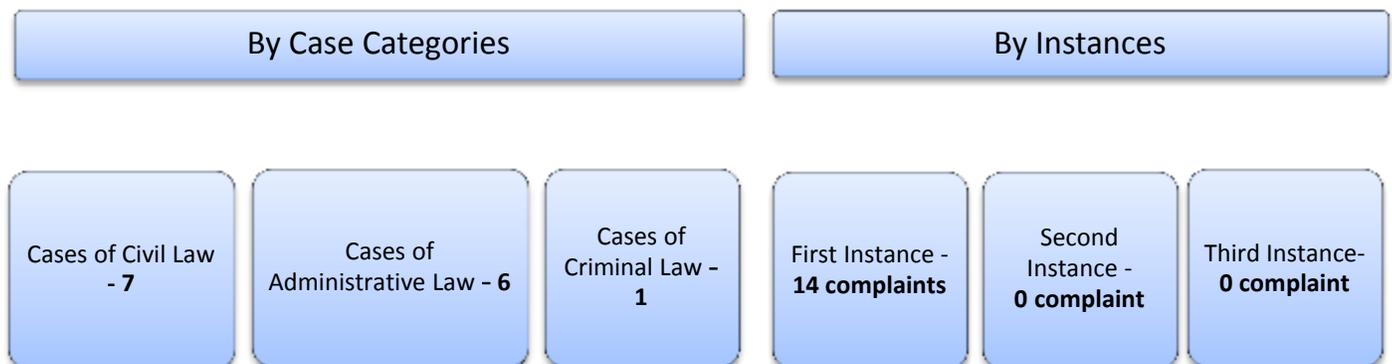
Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing – was a subject of 7 complaints.

The above complaints concerned 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 14 complaints related to the 5 alleged disciplinary misconduct, such as 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, 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, 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 and interference by a judge in the activities of another judge in order to influence the outcome of the case.



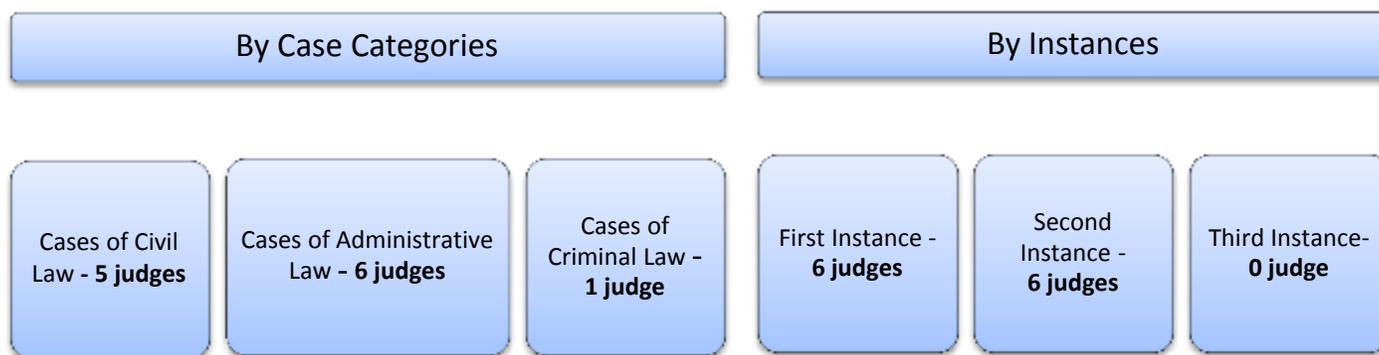


8. Statistical Data on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector made 25 decisions to terminate disciplinary proceedings on 24 complaints⁵. Among them:

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

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



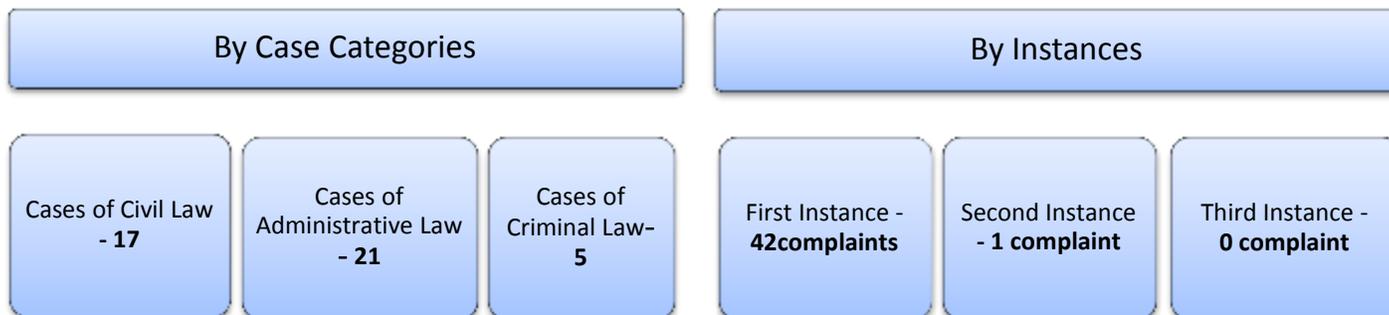
⁵ Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made. Also the number of judges according to the categories differs from the number of decisions made.

9. Statistical Data on Conclusions Prepared



During the reporting period, an Independent Inspector prepared 43 conclusions against 39 judges, among them, the one-month period prescribed by law for preliminary inspection, was extended for 3 complaints.

The above conclusions were prepared regarding the possible violation of the deadline (32 facts), expression of disrespect (6 facts), exercising judicial authority by a judge under personal interest and refusal on recusal (5-5 facts), discriminatory action (2 facts), leaving unresponsive to the fact of violation of the law or the alleged disciplinary misconduct and other action of a judge incompatible with the high status of the judge (1-1 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.

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 Data 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 52 decisions⁸. Among them, 46 decisions on termination of disciplinary proceedings.

It should be noted, that in 14 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 6 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 8 cases, the High Council of Justice of Georgia failed to make a decision by the majority of the full composition, 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 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.