



დაამოუკიდებელი ინსპექტორის სამსახური

OFFICE OF INDEPENDENT INSPECTOR

Statistical Report of Activities

2022
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 of the latter from October 1, 2022, to December 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.

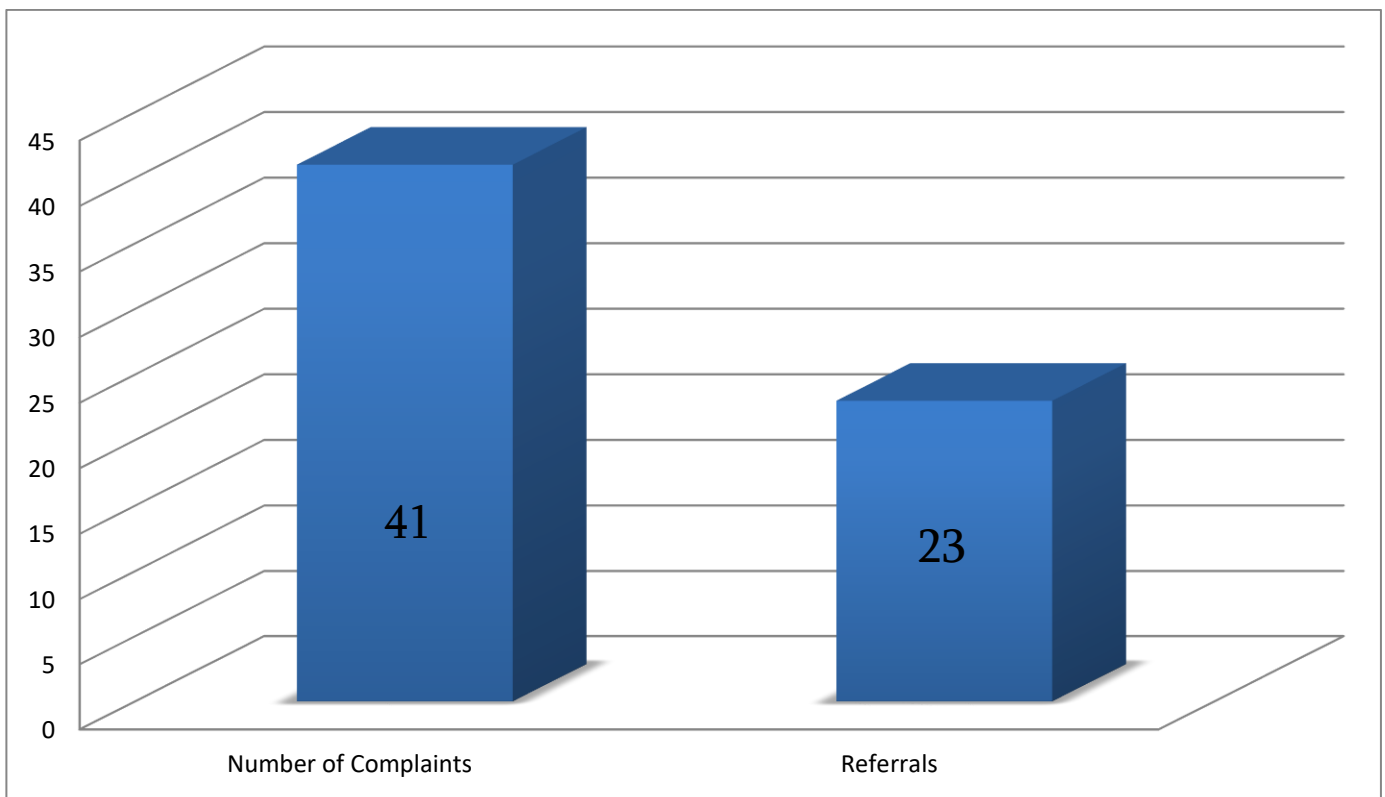
Furthermore, within the reporting period, the Office of the Independent Inspector held a national competition "Judicial Conduct and Discipline" which is a simulation of the process of disciplinary proceedings against judges. To participate in the national competition, up to 25 teams have registered, among them, 14 teams submitted written opinions, while 10 teams participated in the oral simulation. 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.



1. General Statistical Information

The Office of the Independent Inspector received 41 disciplinary complaints from the 1st of October, 2022 to the 31st of December.

During the reporting period, 23 letters were submitted without fulfilling the requirements of the complaint form, after which the authors were sent detailed instructions for filling it out. The authors were explained that in order to initiate disciplinary proceedings against a judge on the fact of possible disciplinary misconduct, they had to submit a complaint in accordance with the rules established by the Organic Law of Georgia on Common Courts.



To investigate the complaints, the Office of Independent Inspector sent 201 letters and requested relevant information for the preliminary investigation.

During the reporting period, more than 40 citizens received consultations through the hotline. Each of them was given appropriate advice about the procedures of the disciplinary proceedings.

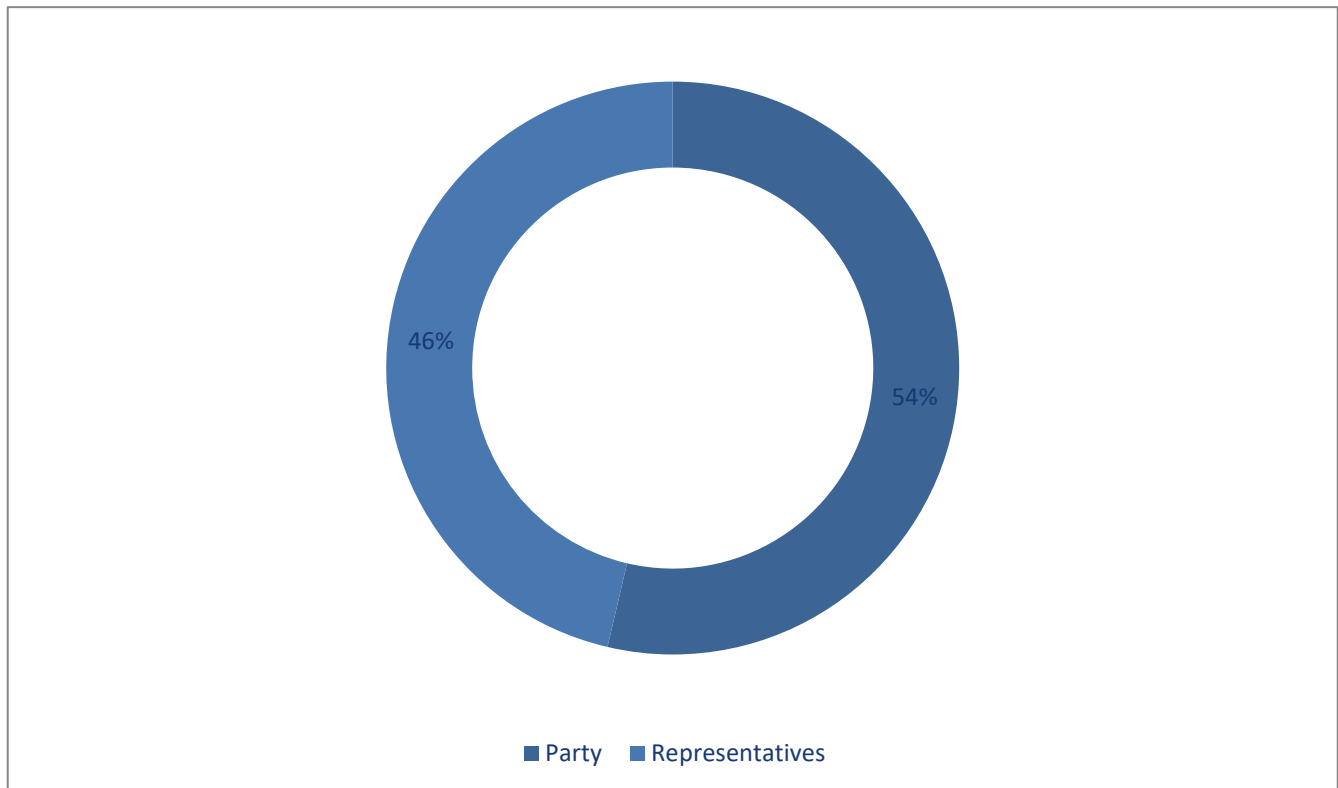
2. Statistical Information on the Authors of the Disciplinary Complaint



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 fourth quarter of 2022, most 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%, while the rate of complaints filed by representatives amounts to – 46%.

During the reporting period, disciplinary proceedings were not initiated based on complaints filed by interested persons, also, the information provided by the investigative body, disseminated by the media, or with explanatory notes.

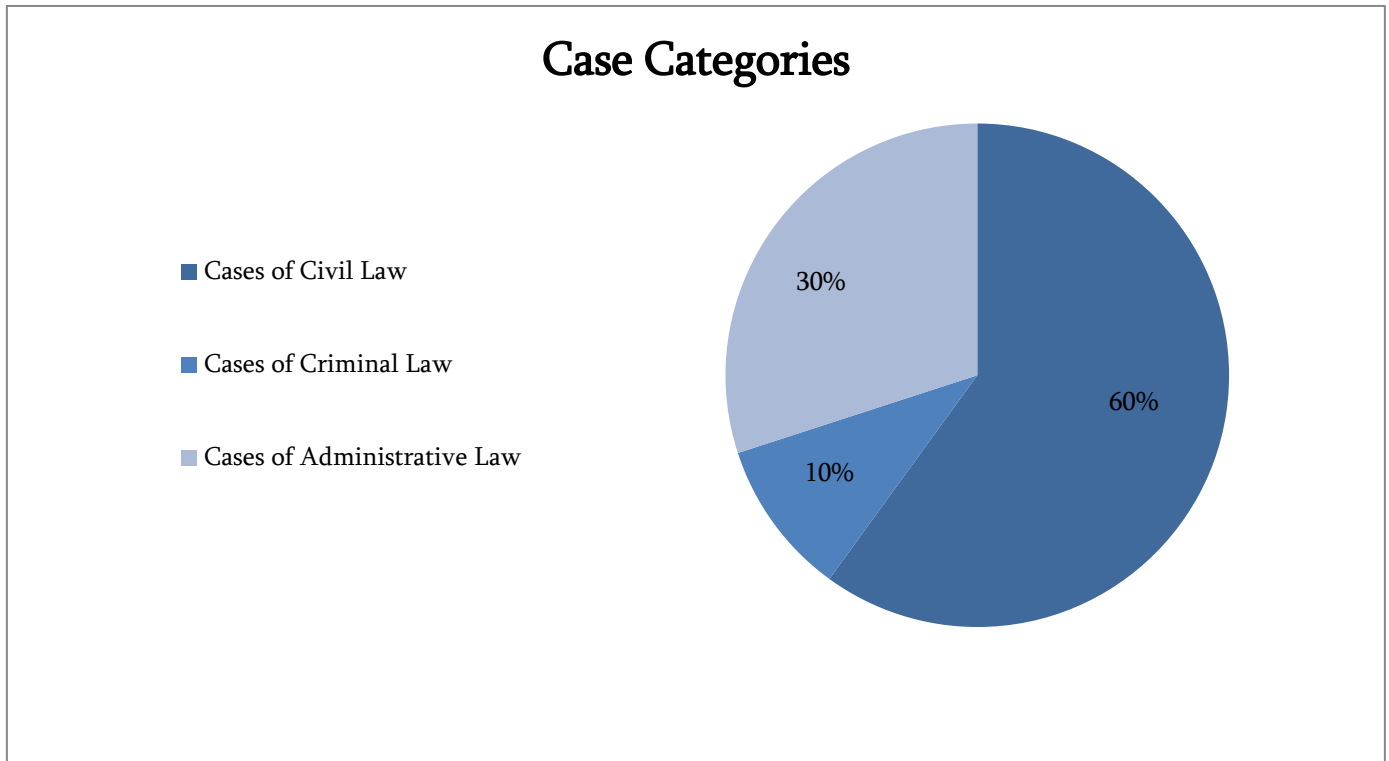


¹ The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings may be initiated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

3. Statistical Information by Case-Categories



The majority of complaints filed in the fourth quarter of 2022 relate to civil law cases - 60%. The percentage of complaints about alleged disciplinary misconduct by judges in administrative cases stands at 30%, while the percentage of complaints filed in criminal cases stands at 10%.²

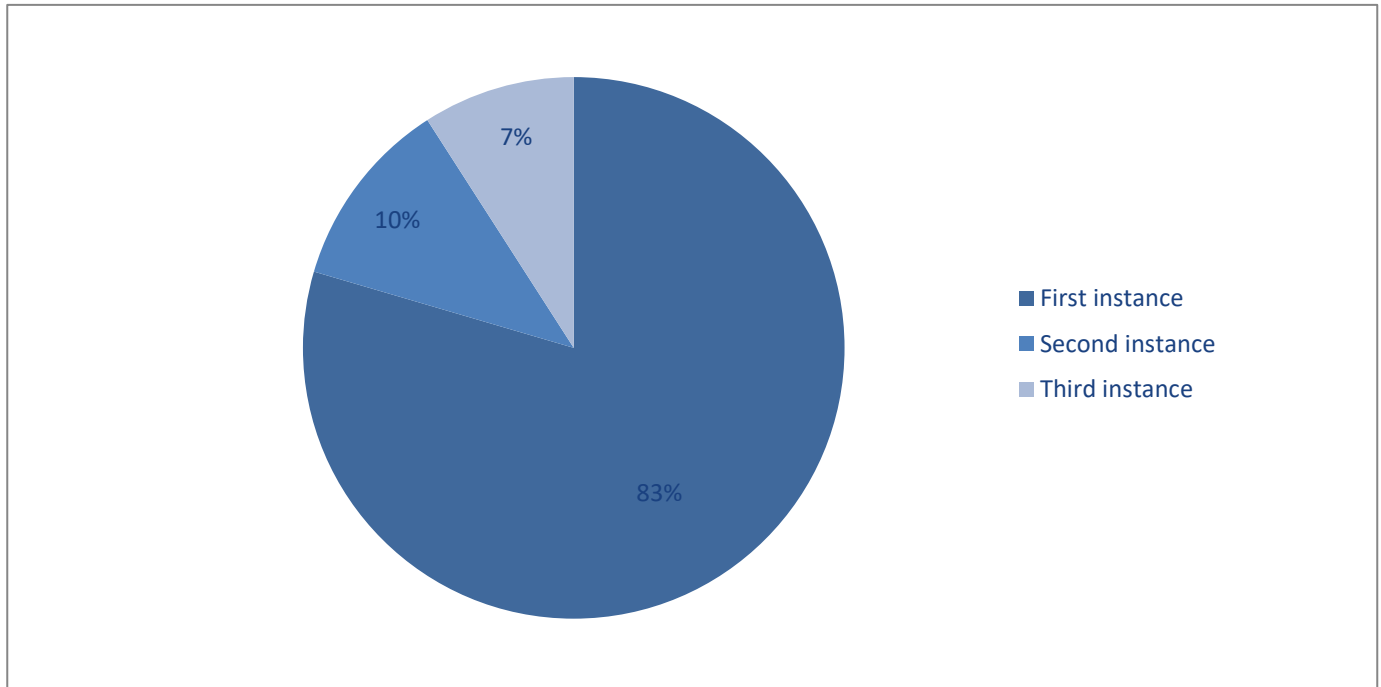


² 1 complaint submitted during the reporting period did not correspond to the case category.



4. Statistical Information by Court Instances

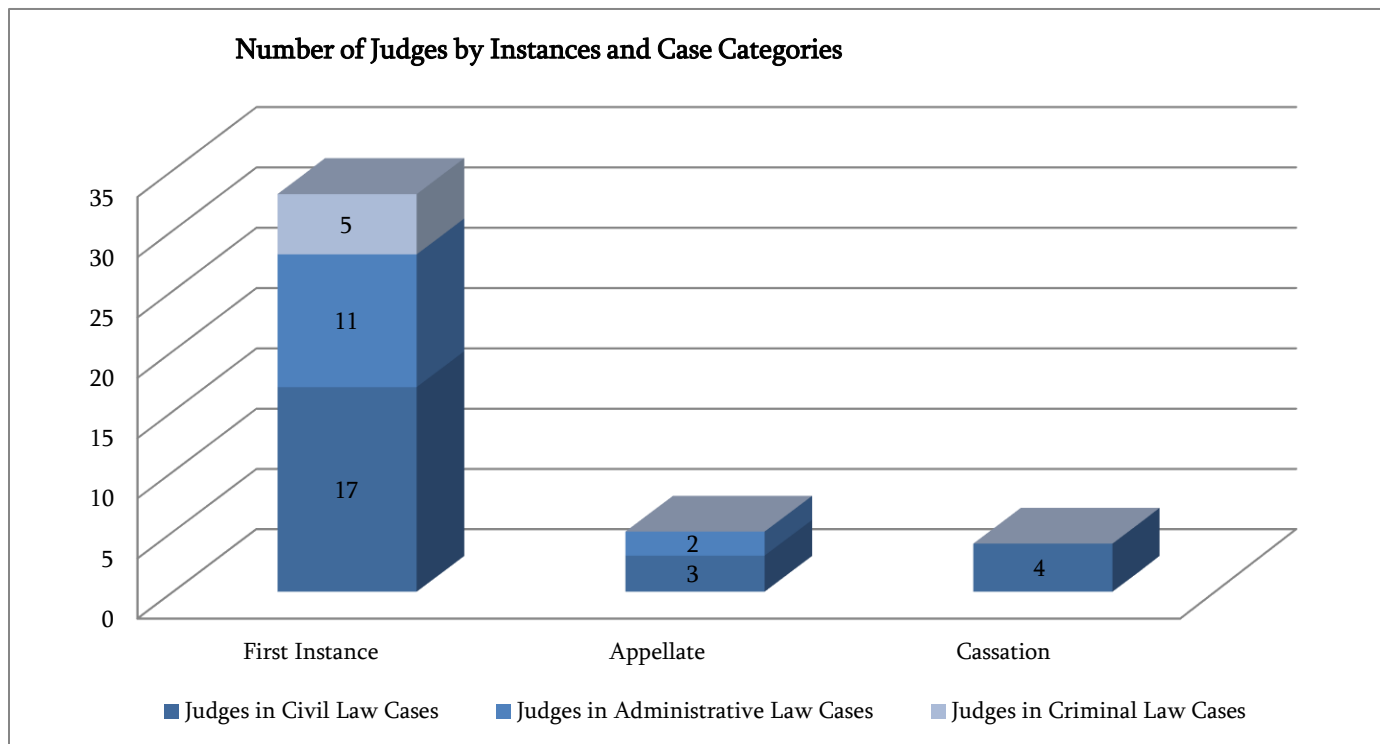
The case study found that in the fourth quarter of 2022, 83% of complaints concerned the judges of the first instance court, the number of complaints filed against judges of the second instance courts amounts to 10%, while against judges of the third instance courts stands at 7%.



5. Statistical Information by Judges



During the reporting period, 41 complaints submitted to the preliminary investigation concerned 40 judges.³ 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 41% 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 26%, while the percentage of complaints against judges reviewing criminal cases stands at 11%.

As for the Court of Appeals, 7% of the complaints were filed against the judges reviewing the civil cases and 5% against the judges reviewing administrative cases. During the reporting period, no complaints have been filed against the appellate judges reviewing criminal cases.

Furthermore, 10% of the complaints were filed against the Supreme Court judges reviewing civil cases. During the reporting period, no complaints have been filed against the Supreme Court judges reviewing the administrative and criminal cases.

³ 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 7 different subparagraphs. 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 7 complaints and in 4 complaints, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.





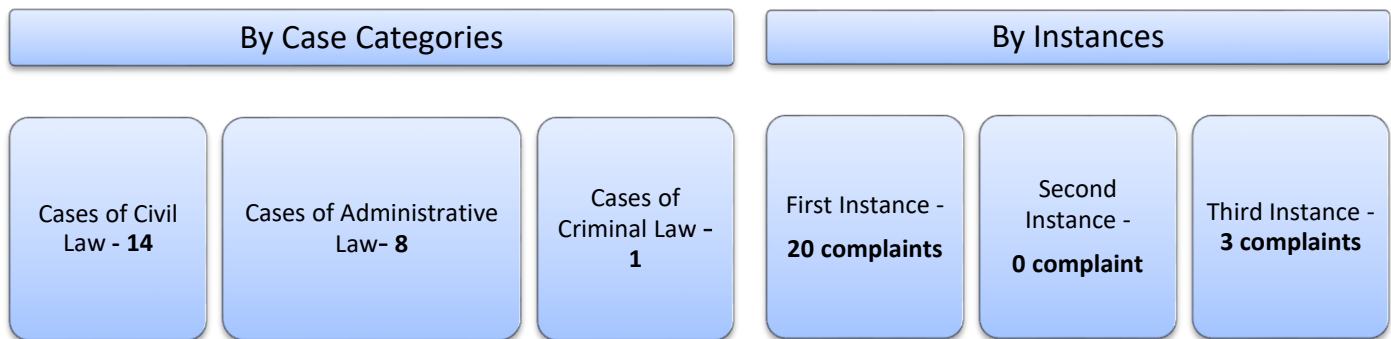
7. Statistical Information by Types of Misconduct and Case-Categories

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 41 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 23 complaints.

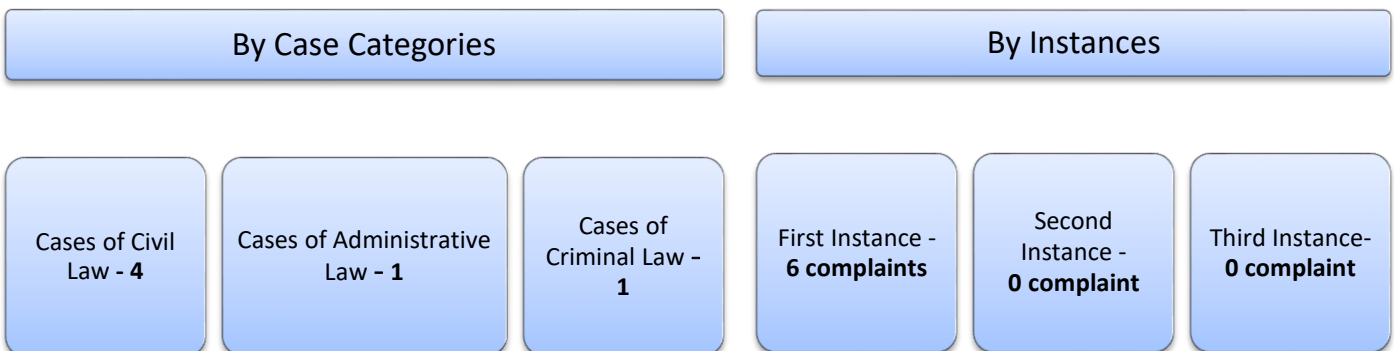
These complaints mainly concerned the first instance judges reviewing civil cases.



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 6 times. These complaints concerned district/city court cases.

These complaints were filed in all categories of cases.

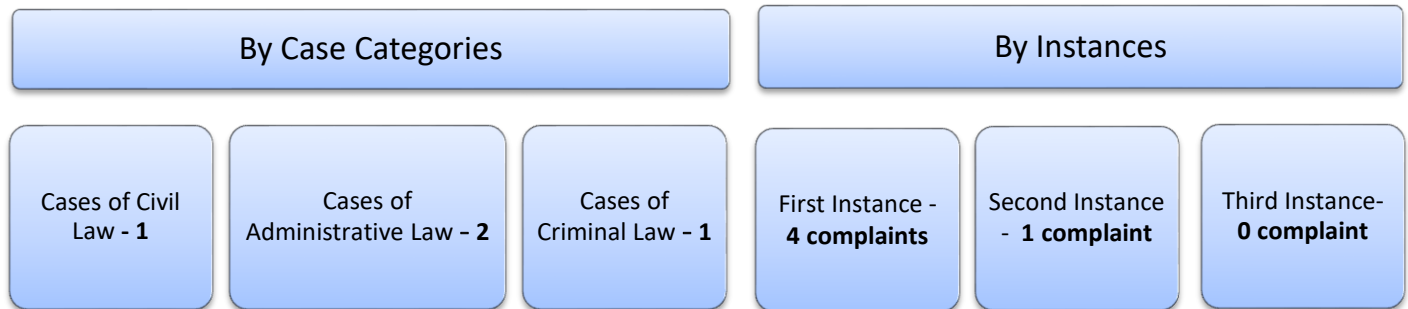


⁴ In some complaints, the number of case categories and instances are different from the number of complaints because 1 complaint was filed against a judge of 2 instances of one category, or contrary.

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

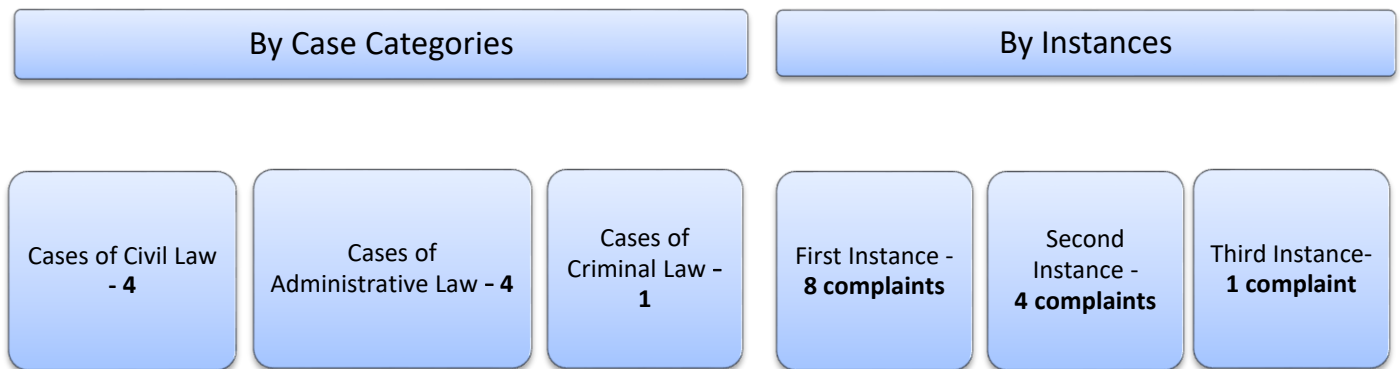
Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing – was a subject of 5 complaints.

These complaints were filed against the judges of the first and second instances.



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 expression Judges 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 the fact of violation of the law or the alleged disciplinary misconduct and 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.⁵



⁵ In some complaints, 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, or contrary.

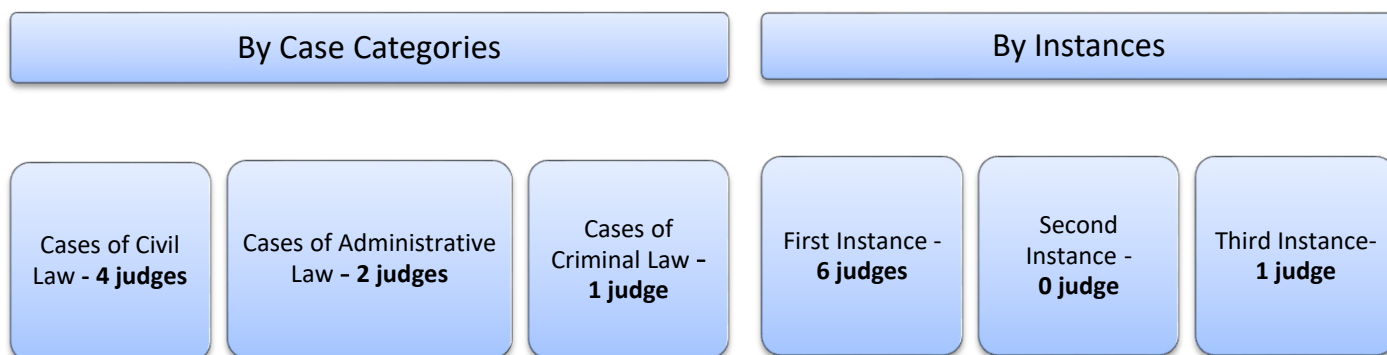


8. Statistical Data on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector made 13 decisions to terminate disciplinary proceedings on 15 complaints⁶. 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;
- ✓ 4 decisions on partial termination of disciplinary proceedings.
- ✓ 3 decisions on termination of disciplinary proceedings as the complaint submitted in violation of the deadline for the initiation of disciplinary proceedings;
- ✓ 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.

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



In addition, Independent Inspector made 6 decisions to terminate disciplinary proceedings based on the conclusions prepared in 2019. Among them, in five cases, the disciplinary proceedings were terminated on the basis of the expiration of the term of imposing disciplinary liability on the judge, and one on the basis of the expiration of the term of judicial authority for the judge.

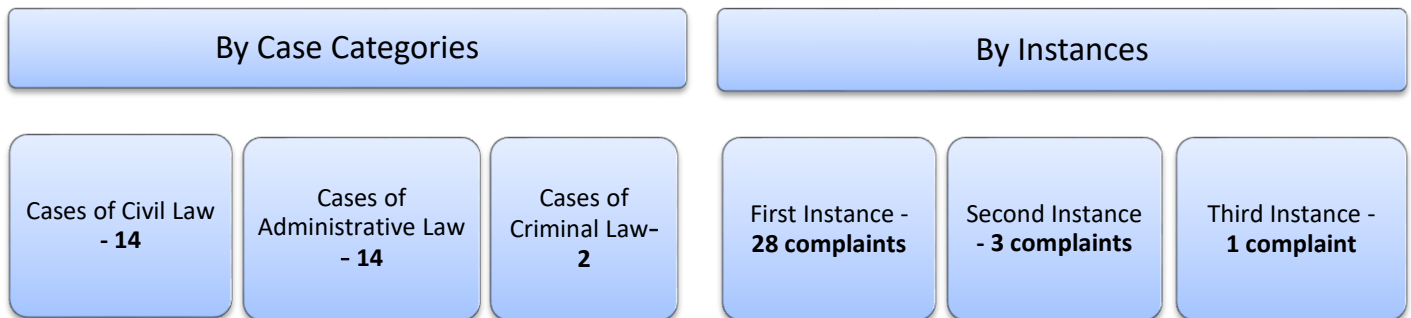
⁶ Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made. Also the number of judges according to the categories differs from the number of decisions made.



9. Statistical Data on Conclusions Prepared

During the reporting period, an Independent Inspector prepared 30 conclusions against 34 judges, among them, the decision about the renewal of the disciplinary proceeding was made in 1 case.

The above conclusions were prepared regarding the possible violation of the deadline (21 facts), exercising judicial authority by a judge under personal interest (8 facts), expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing (5 facts), refusal on recusal (4 facts), pre-disclosure of the Court decision on the pending case by the judge and interference by a judge in the activities of another judge in order to influence the outcome of the case (2-2 facts), other action of a judge incompatible with the high status of the judge, expression of disrespect and leaving unresponsive to the fact of violation of the law or the alleged disciplinary misconduct, 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 failure to perform or improper performance of duties by a judge of relevant administrative authority, in particular, the court, the judicial panel or the head of the chamber (1-1 fact).⁷



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.

⁷ In some complaints, 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, or contrary. Also, 1 complaint submitted during the reporting period did not correspond to the case category.



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 independent inspector's 64 reports⁸ and made 69 decisions⁹ on termination of disciplinary proceedings.

It should be noted, that in 9 cases out of the 64 conclusions reviewed, towards several facts, there was an Independent Inspector's report on initiating disciplinary proceedings against the judge and taking explanations. In 2 cases, the High Council of Justice of Georgia agreed with the conclusion of the Independent Inspector and initiated disciplinary prosecution against judges, whereas in 7 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.

At the session, the High Council of Justice reviewed 8 cases submitted to impose judge's disciplinary liability or terminate the disciplinary proceedings against the judges, out of which in 1 case High Council of Justice made a decision to impose disciplinary liability on a judge, and in 7 cases the disciplinary proceeding against judges were terminated.

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 of Georgia. Also, none of the judges exercised the right to make the hearing public.

⁸ 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 2018-2019 years.

⁹ 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.