



დაამოუკიდებელი ინსპექციის საბიუროს
OFFICE OF INDEPENDENT INSPECTOR

Statistical Report of Activities

2023
First Quarter

Tbilisi
2023

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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 January 1, 2023, to March 31, 2023.

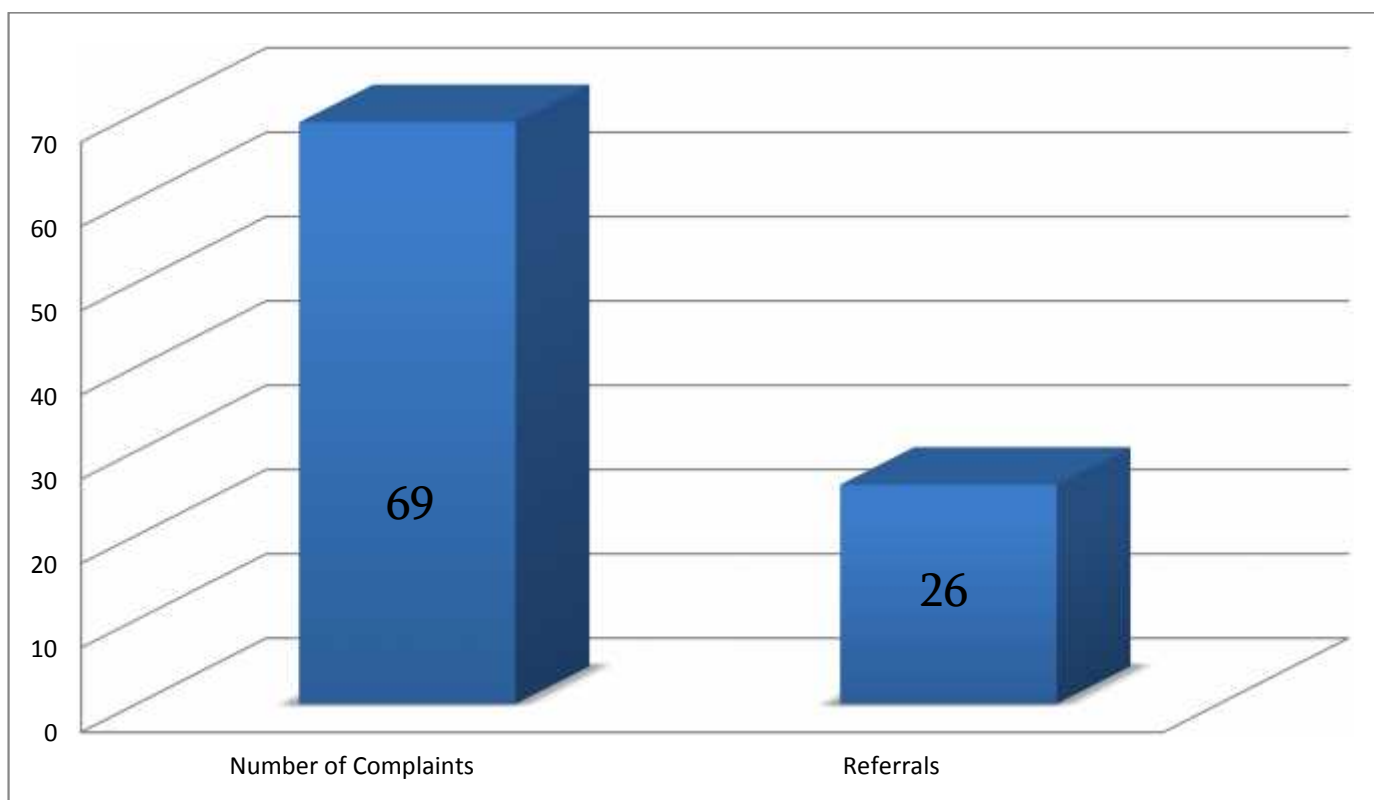
The statistical information presented in the document is processed in accordance with the authors of the complaint, the case categories, the court instances, the disciplinary misconduct and the conclusions prepared.



1. General Statistical Information

The Office of the Independent Inspector received 69 disciplinary complaints from the 1st of January, 2023 to the 31st of March.

During the reporting period, 26 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. The authors of the above complaints explained that in order to initiate disciplinary proceedings against the 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 180 letters and requested relevant information for the preliminary investigation.

During the reporting period, more than 50 citizens received consultations through the hotline. Each of them was given appropriate advice about the procedures of the disciplinary proceedings.

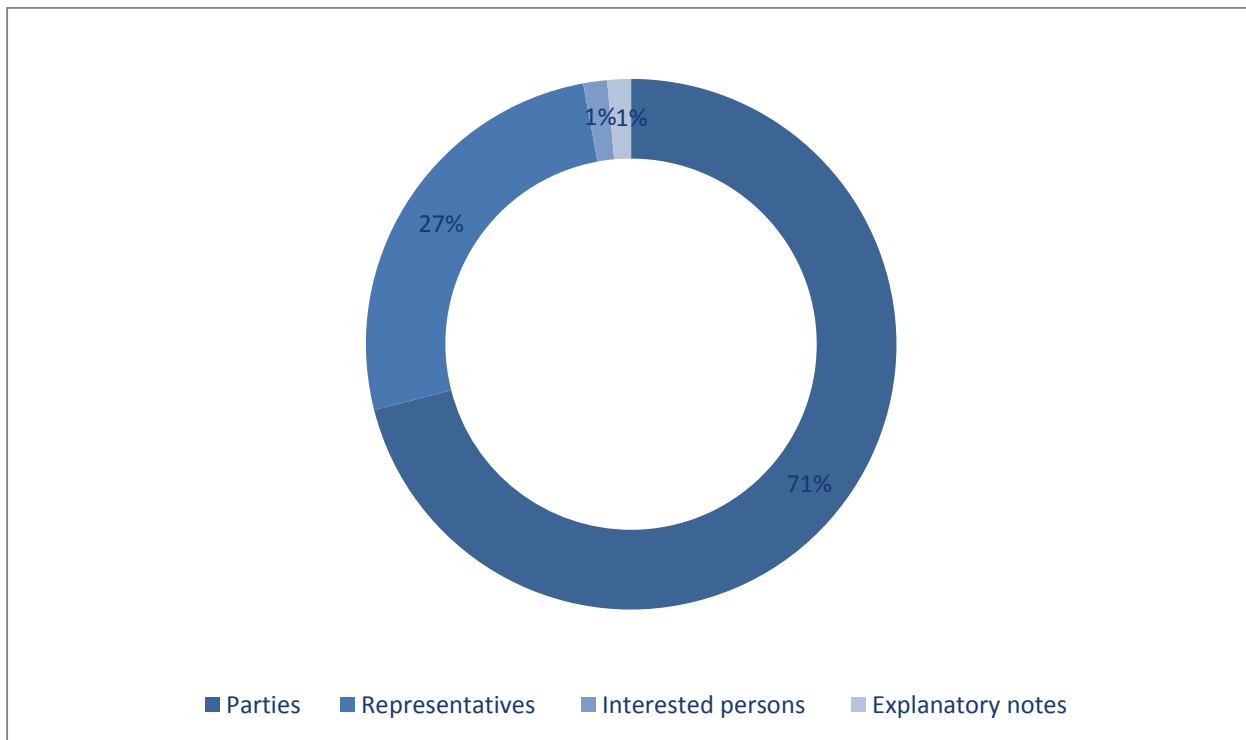
2. Statistical Information on the Authors of the Disciplinary Complaint



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 first quarter of 2023, 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 71%, the rate of complaints filed by representatives amounts to – 27%, the percentage of complaints filed by interested persons stands at - 1%, while the amount of initiation of disciplinary proceedings based on an explanatory note of the official of the High Council of Justice of Georgia is 1%.

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.

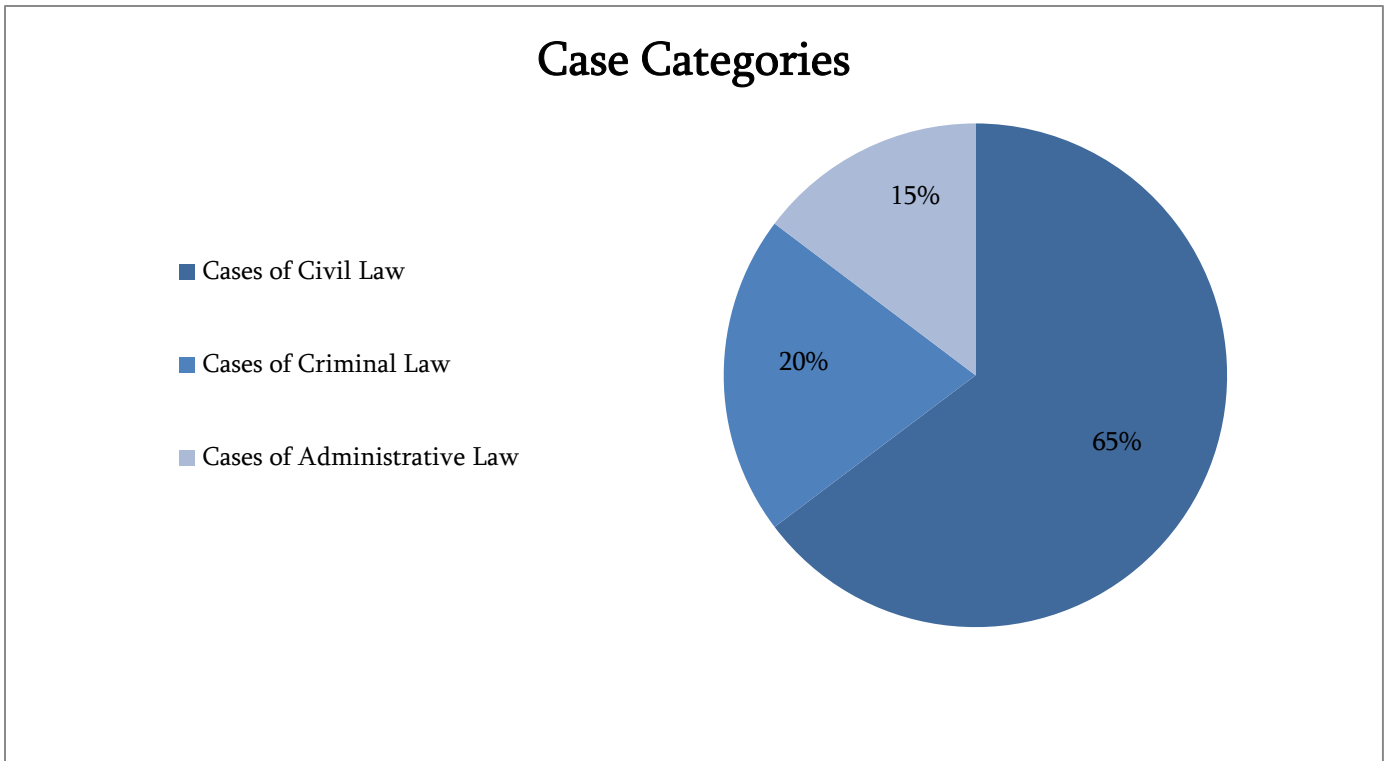


¹ The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings may be initiated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

3. Statistical Information by Case-Categories



The majority of complaints filed in the first quarter of 2023 relate to civil law cases - 65%. The percentage of complaints about alleged disciplinary misconduct by judges in criminal cases stands at 20%, while the percentage of complaints filed in administrative cases stands at 15%.²

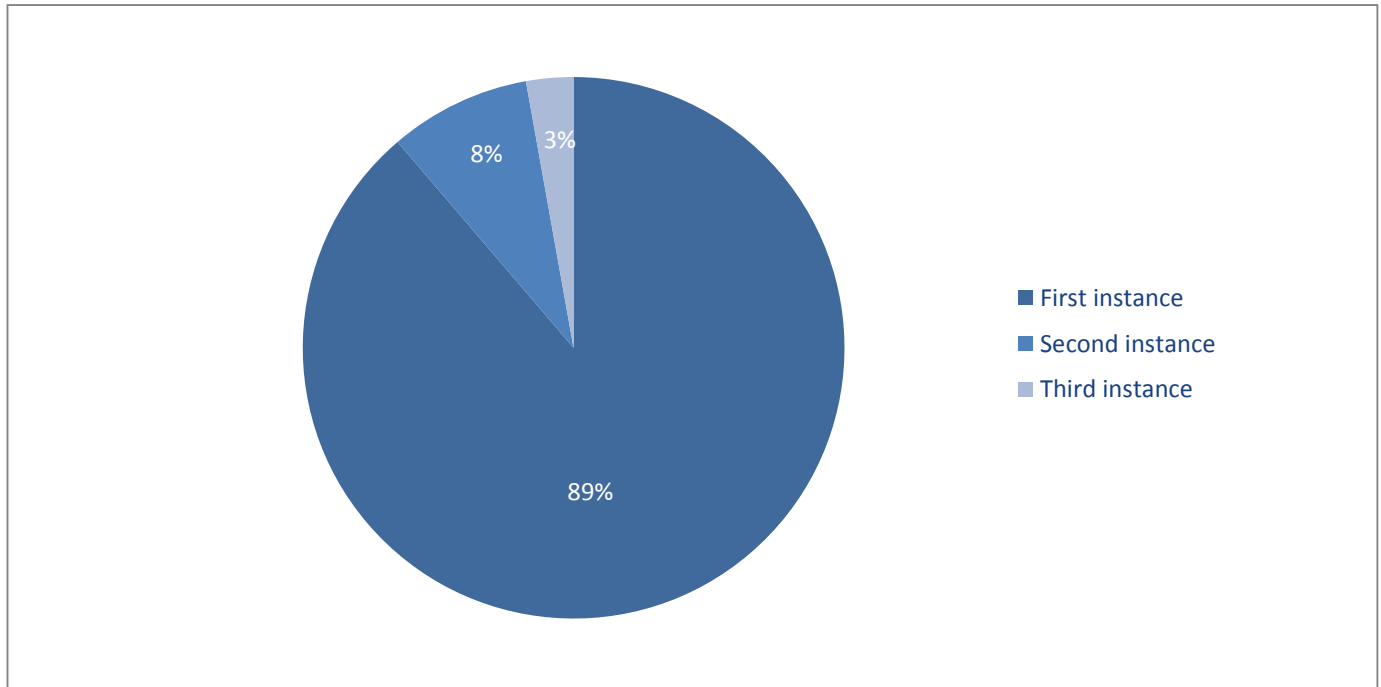


² 1 complaint submitted during the reporting period did not correspond to the case category.



4. Statistical Information by Court Instances

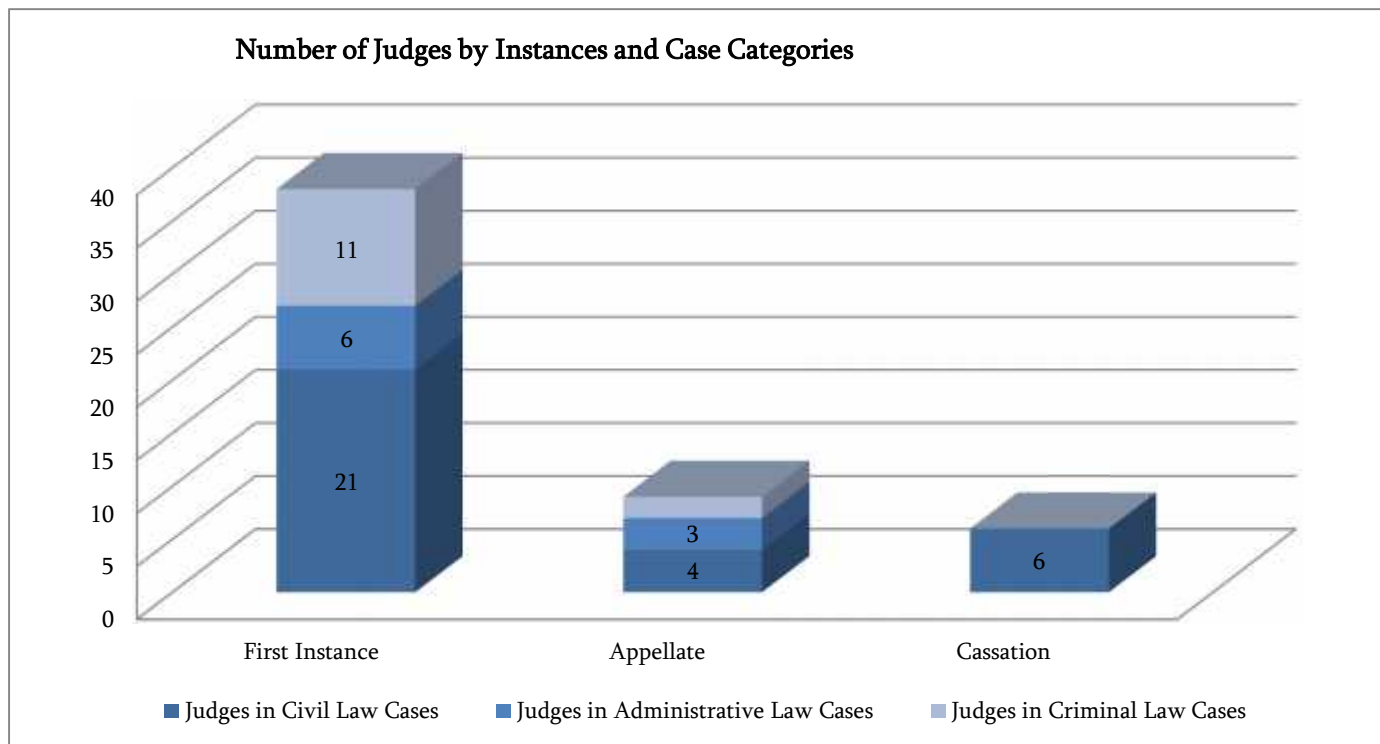
The case study found that in the first quarter of 2023, 89% of complaints concerned the judges of the first instance court, the number of complaints filed against judges of the second instance courts amounts to 8%, while against judges of the third instance courts stands at 3%.



5. Statistical Information by Judges



During the reporting period, 69 complaints submitted to the preliminary investigation concerned 56 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 40% of the complaints received, concern the judges of civil cases of the first instance court. The percentage of complaints against judges reviewing civil cases of the same instance court stands at 21%, while the percentage of complaints against judges reviewing administrative cases stands at 11%.

As for the Court of Appeals, 8% of the complaints were filed against the judges reviewing the civil cases and 5% against the judges reviewing administrative cases. At the same time, 4% of the complaints were filed against the appellate judges reviewing criminal cases.

Furthermore, 11% 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.

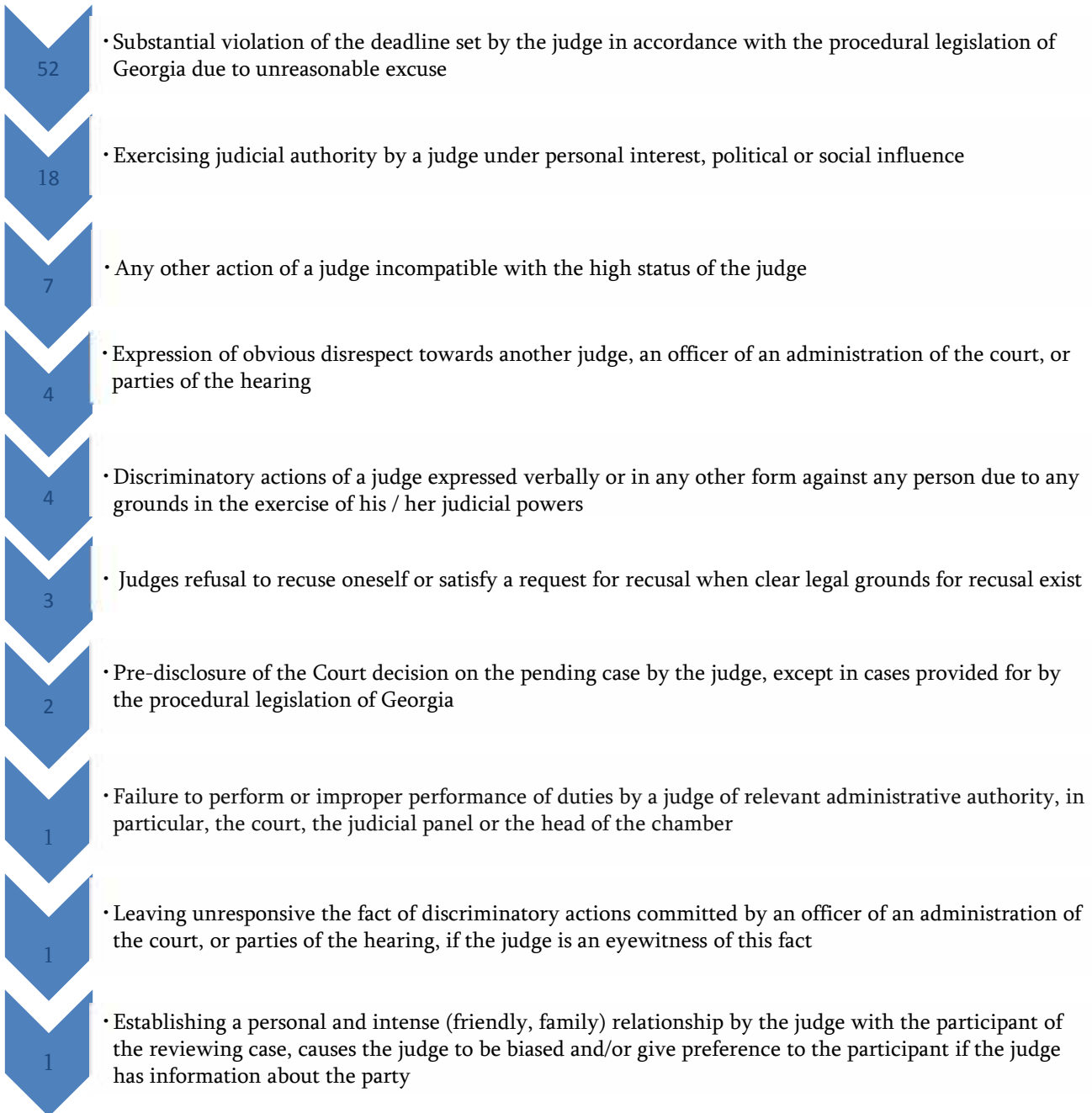
³ It should be noted that some judges review three or two categories of cases. In addition, several complaints have been filed against same judges. Accordingly, the number of judges differs from the number of judges by case categories.



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 10 different subparagraphs. Most of them were concerned about the substantial violation of the deadline and exercising judicial authority by a judge under personal interest.⁴

Furthermore, solely legality was disputed in 4 complaints and in 15 complaints, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.



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



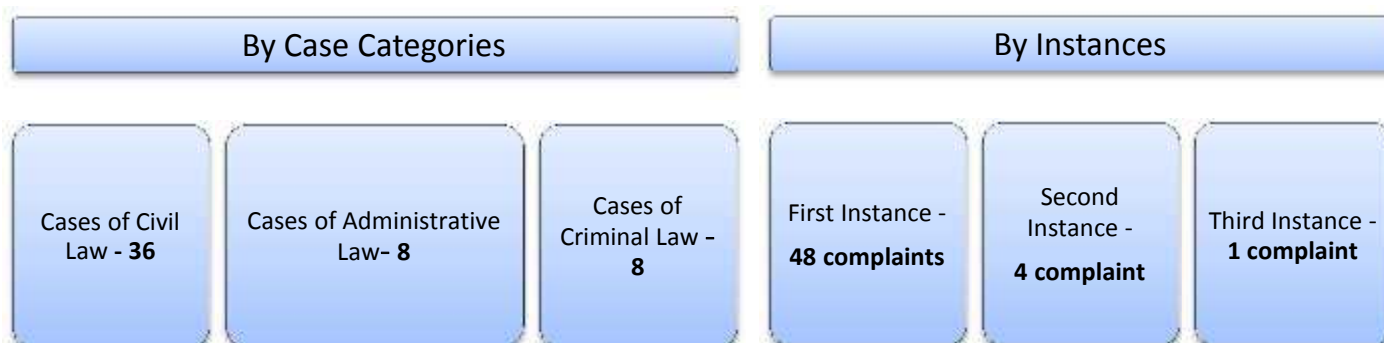
7. Statistical Information by Types of Misconduct and Case-Categories

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 69 disciplinary complaints.⁵

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 52 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 18 times. These complaints concerned district/city court cases.

These complaints were filed in all categories of cases.

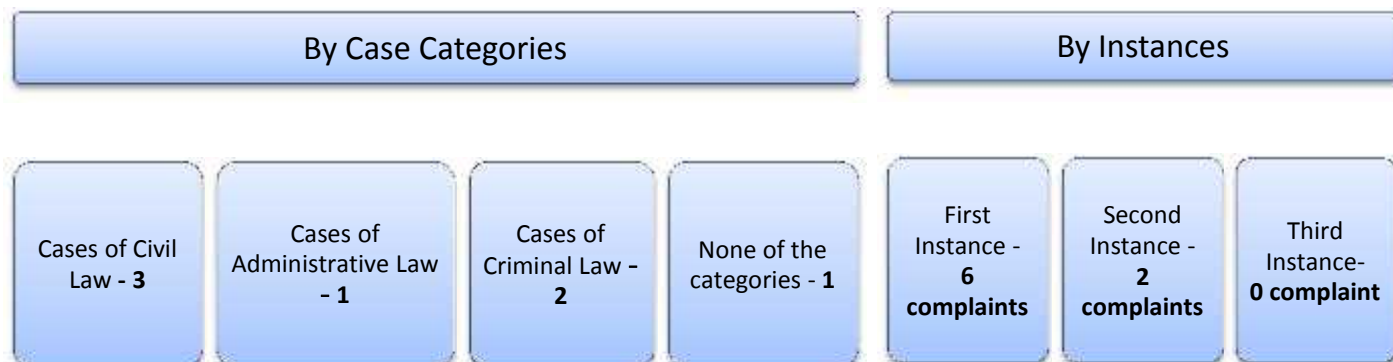


⁵ In some complaints, the number of case categories and instances are different from the number of complaints because 1 complaint was filed against a judge of 2 instances of one category, or contrary.

7.3 Any other action of a judge incompatible with the high status of the judge

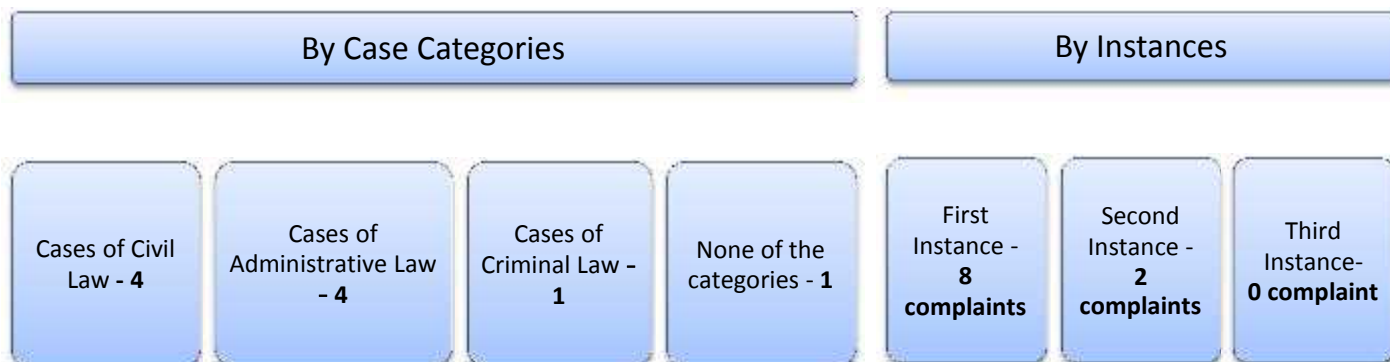
Any other action of a judge incompatible with the high status of the judge– was a subject of 7 complaints.

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 10 complaints related to the 7 alleged disciplinary misconduct, such as expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing 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 (4-4 facts), judge’s refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist (3 facts), pre-disclosure of the Court decision on the pending case by the judge (2 facts), leaving unresponsive the fact of discriminatory actions committed by an officer of an administration of the court, or parties of the hearing, if the judge is an eyewitness of this fact, 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 and establishing a personal and intense (friendly, family) relationship by the judge with the participant of the reviewing case, causes the judge to be biased and/or give preference to the participant if the judge has information about the party (1-1 fact).



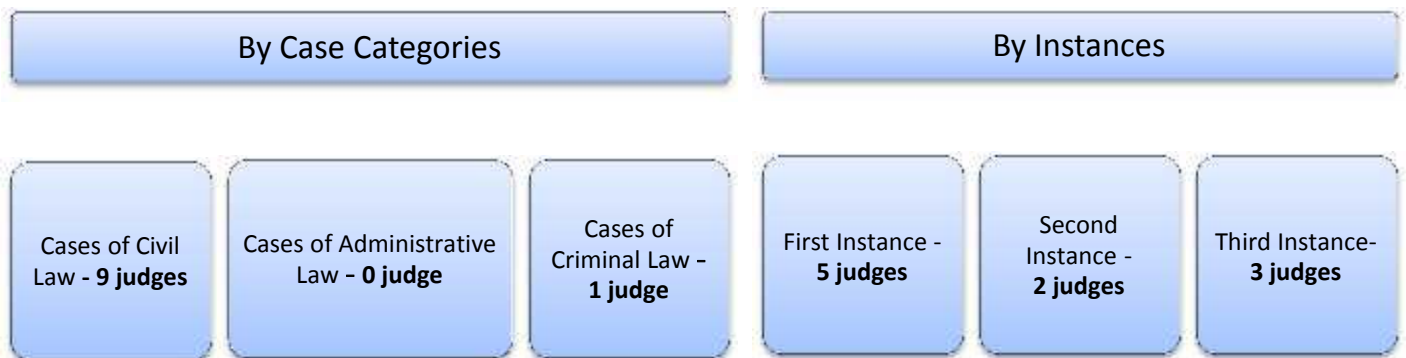


8. Statistical Data on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector made 19 decisions to terminate disciplinary proceedings on 12 complaints⁶. Among them:

- ✓ 10 decisions on termination of disciplinary proceedings due to the fact that the complaints concerned solely the legality of the act rendered by judges;
- ✓ 3 decisions on partial termination of disciplinary proceedings.
- ✓ 4 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.
- ✓ 1 decision on termination of disciplinary proceedings, as there is a decision issued by the body implementing disciplinary proceedings against the same judge for the same action.

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



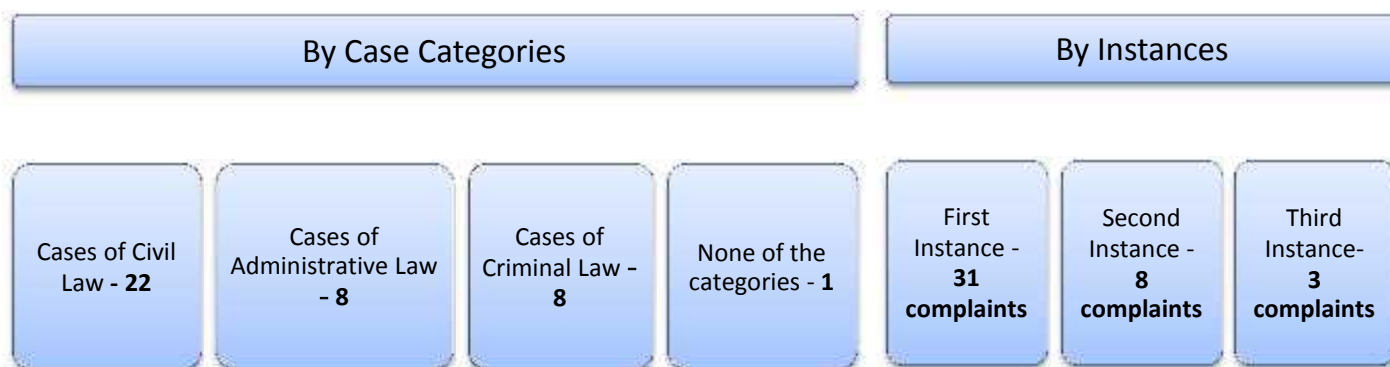
⁶ Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made. Also the number of judges according to the categories differs from the number of decisions made.



9. Statistical Data on Conclusions Prepared

During the reporting period, an Independent Inspector prepared 39 conclusions against 40 judges, among them, the one-month period prescribed by law for preliminary inspection, was extended for 1 complaint. The above conclusions were related to:

- ✓ Possible violation of the deadline (30 facts);
- ✓ Exercising judicial authority by a judge under personal interest (11 facts);
- ✓ Any other action of a judge incompatible with the high status of the judge (8 facts);
- ✓ Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing and refusal on recusal (4-4 facts);
- ✓ Pre-disclosure of the Court decision on the pending case by the judge 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 (2-2 facts);
- ✓ Leaving unresponsive the fact of violation of the law or the alleged disciplinary misconduct committed by another judge, an officer of an administration of the court, or parties of the hearing, establishing a personal and intense (friendly, family) relationship by the judge with the participant of the reviewing case 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 68 reports⁸ by an independent inspector and made 74 decisions⁹ on termination of disciplinary proceedings and 10 decisions on initiating disciplinary proceedings against the judge.

It should be noted, that in 31 cases out of the 68 conclusions reviewed, towards several facts, there was an Independent Inspector's report on initiating disciplinary proceedings against the judge and taking explanations. In 10 cases, the High Council of Justice of Georgia agreed with the conclusion of the Independent Inspector and initiated disciplinary proceedings against the judge, whereas in 21 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.

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 25 conclusions prepared based on the complaints of 2020 year and 42 conclusions prepared on the complaints of the 2021 year.

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.