



დაამოუკიდებელი ინსპექციის საბსაბუკო

OFFICE OF INDEPENDENT INSPECTOR

Statistical Report of Activities

2023
Second 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 April 1, 2023, to June 30, 2023.

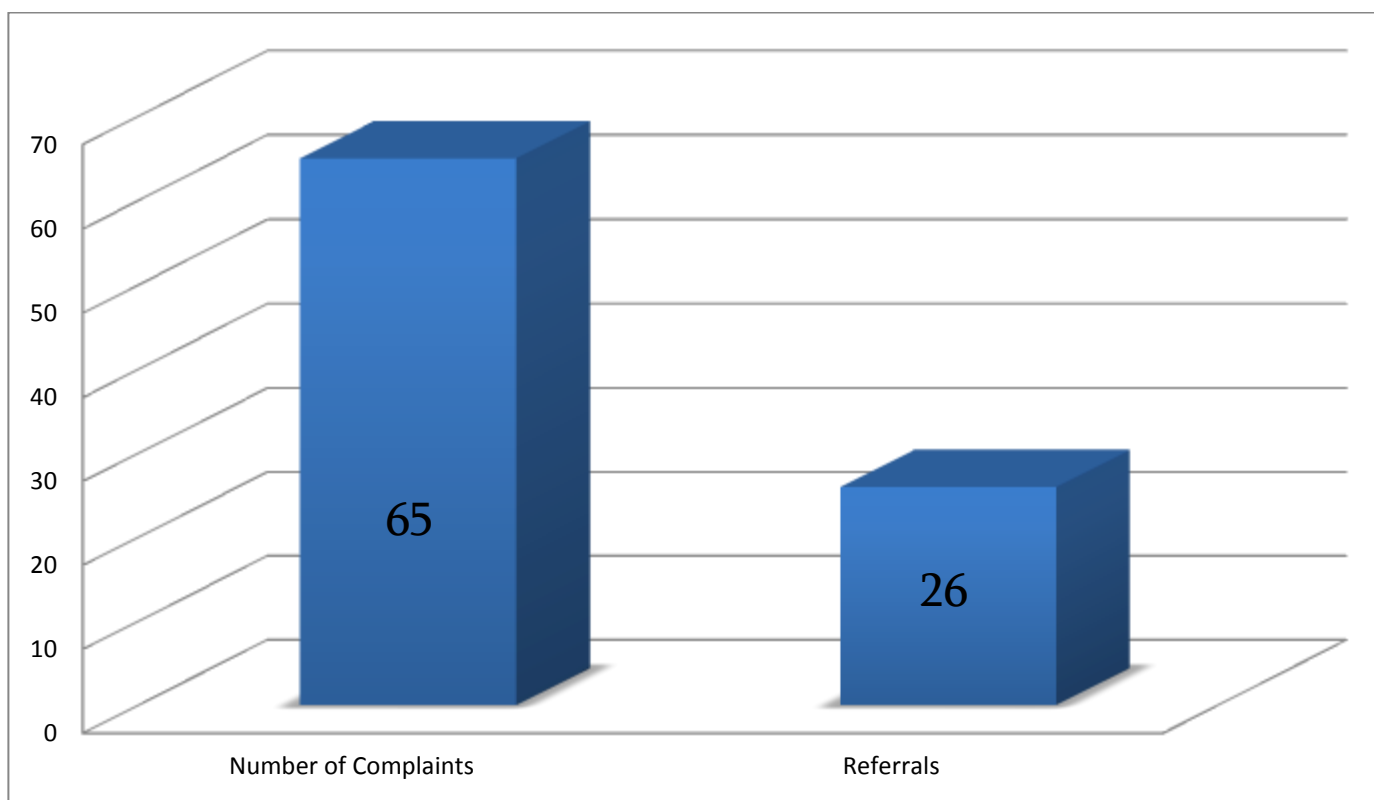
The statistical information presented in the document is processed in accordance with the authors of the complaint, the case categories, the court instances, the disciplinary misconduct and the conclusions prepared.



1. General Statistical Information

The Office of the Independent Inspector received 65 disciplinary complaints from the 1st of April, 2023 to the 30th of June.

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 204 letters and requested relevant information for the preliminary investigation.

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

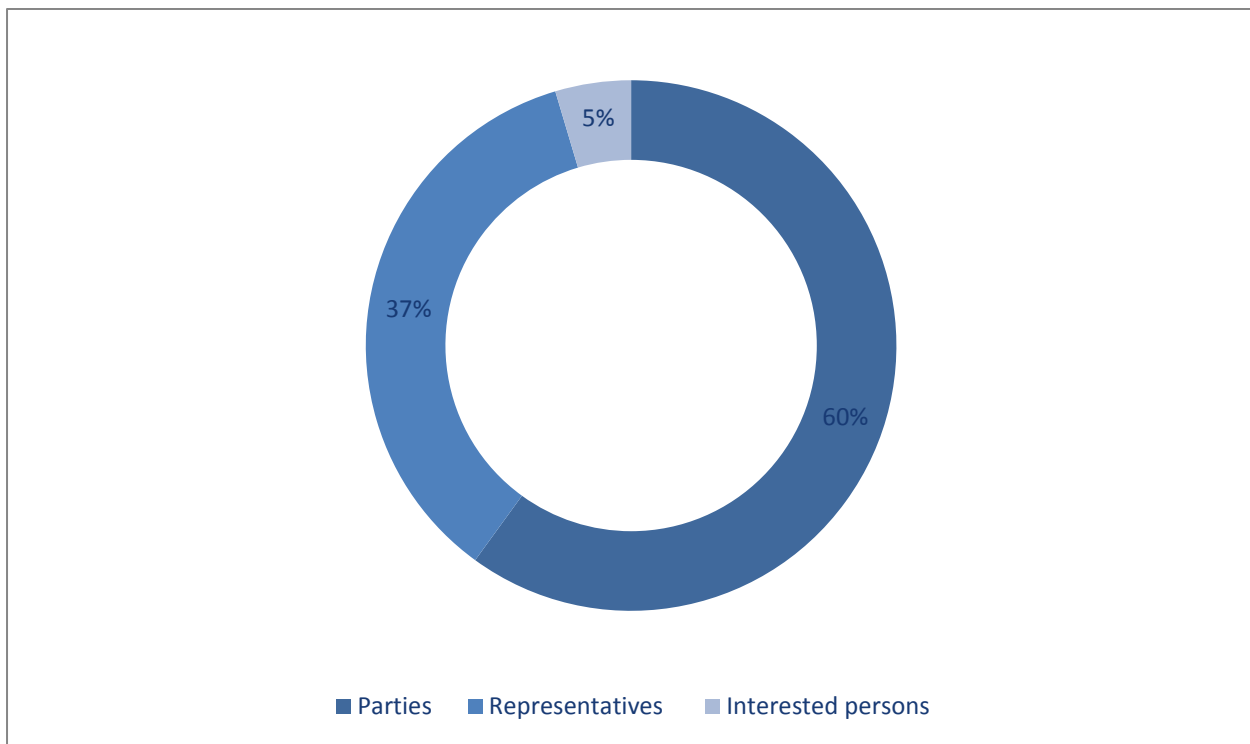
2. Statistical Information on the Authors of the Disciplinary Complaint



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 second quarter of 2023, 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 60%, the percentage of complaints filed by representatives amounts to – 35%, while the percentage of complaints filed by interested persons stands at - 5 %.

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.

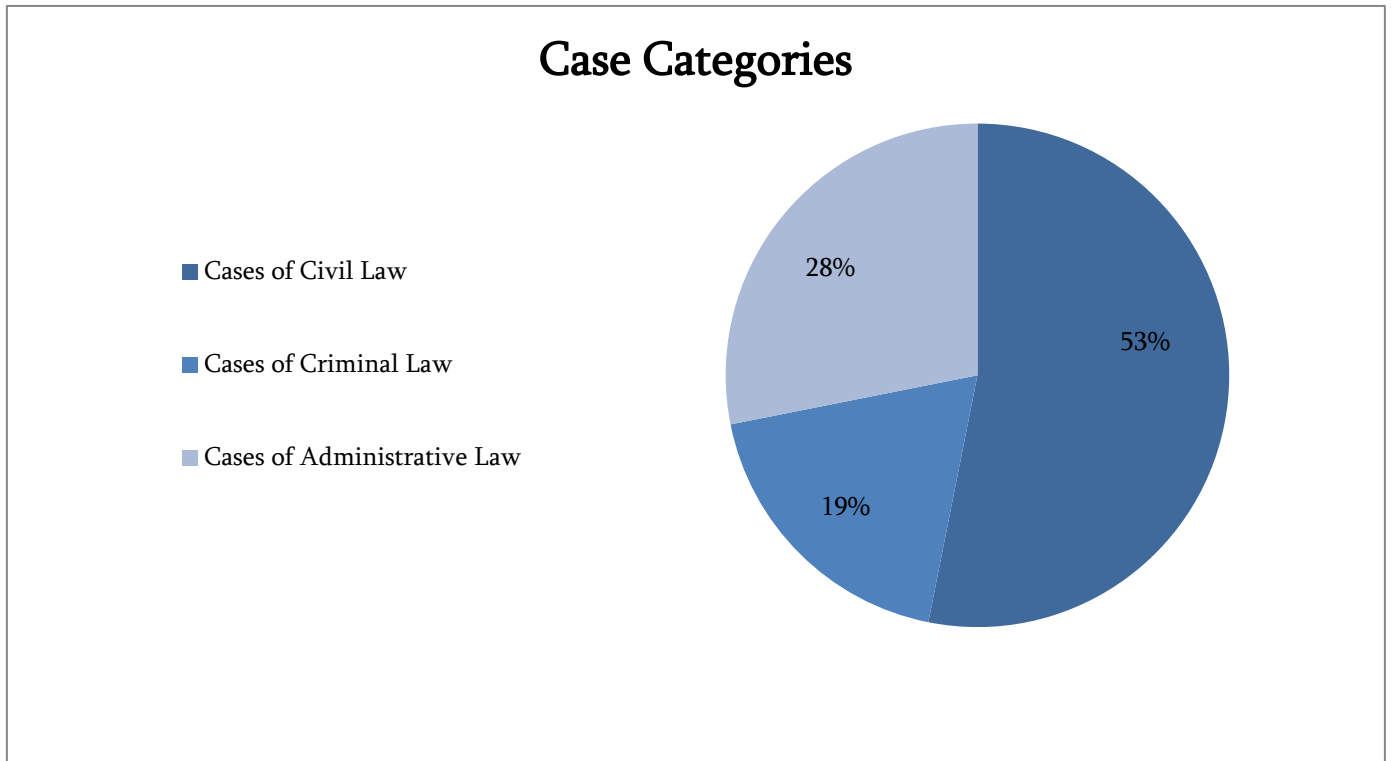


¹ The authors of the complaint are: parties, representatives (legal representatives, persons with representative powers, lawyers), interested persons (family member of the party involved in the case, present at the hearing or any other person), Public Defender. Also, disciplinary proceedings may be initiated 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 2023 relate to civil law cases - 53%. The percentage of complaints about alleged disciplinary misconduct by judges in administrative cases stands at 28%, while the percentage of complaints filed in criminal cases stands at 19%.²

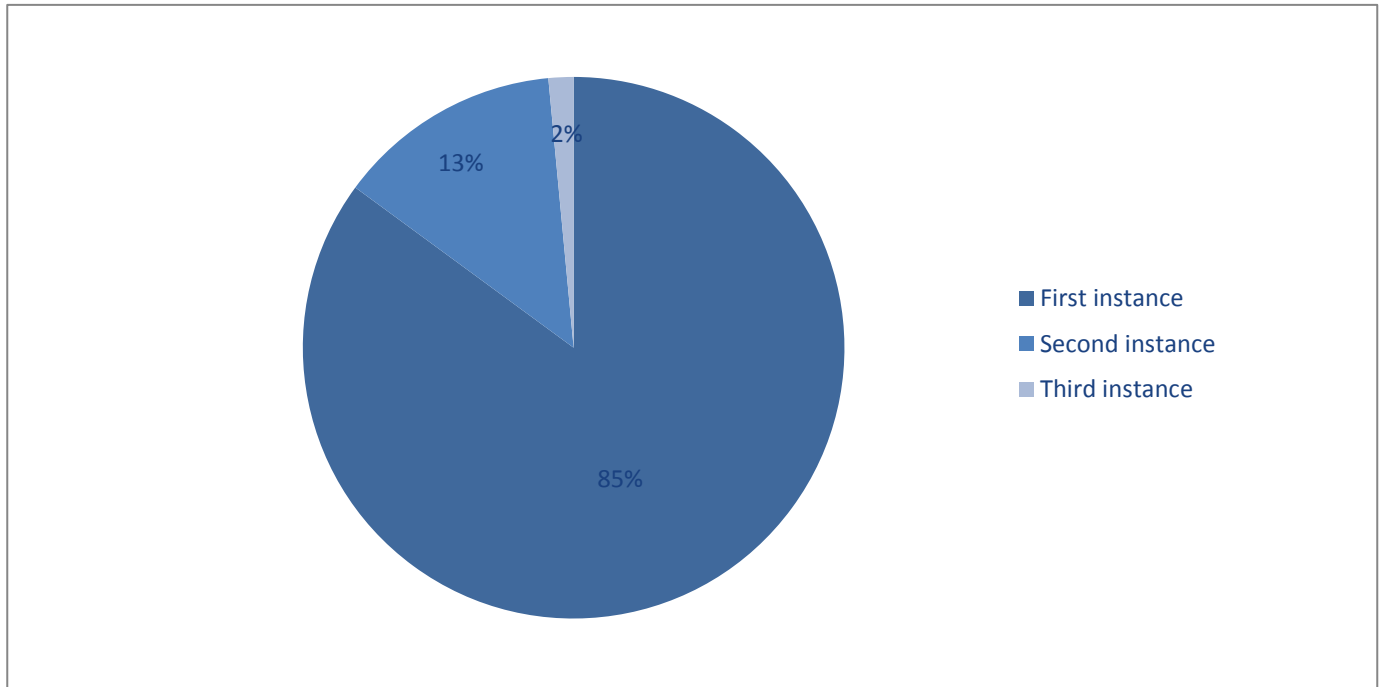


² 1 complaint submitted during the reporting period did not correspond to the case category.



4. Statistical Information by Court Instances

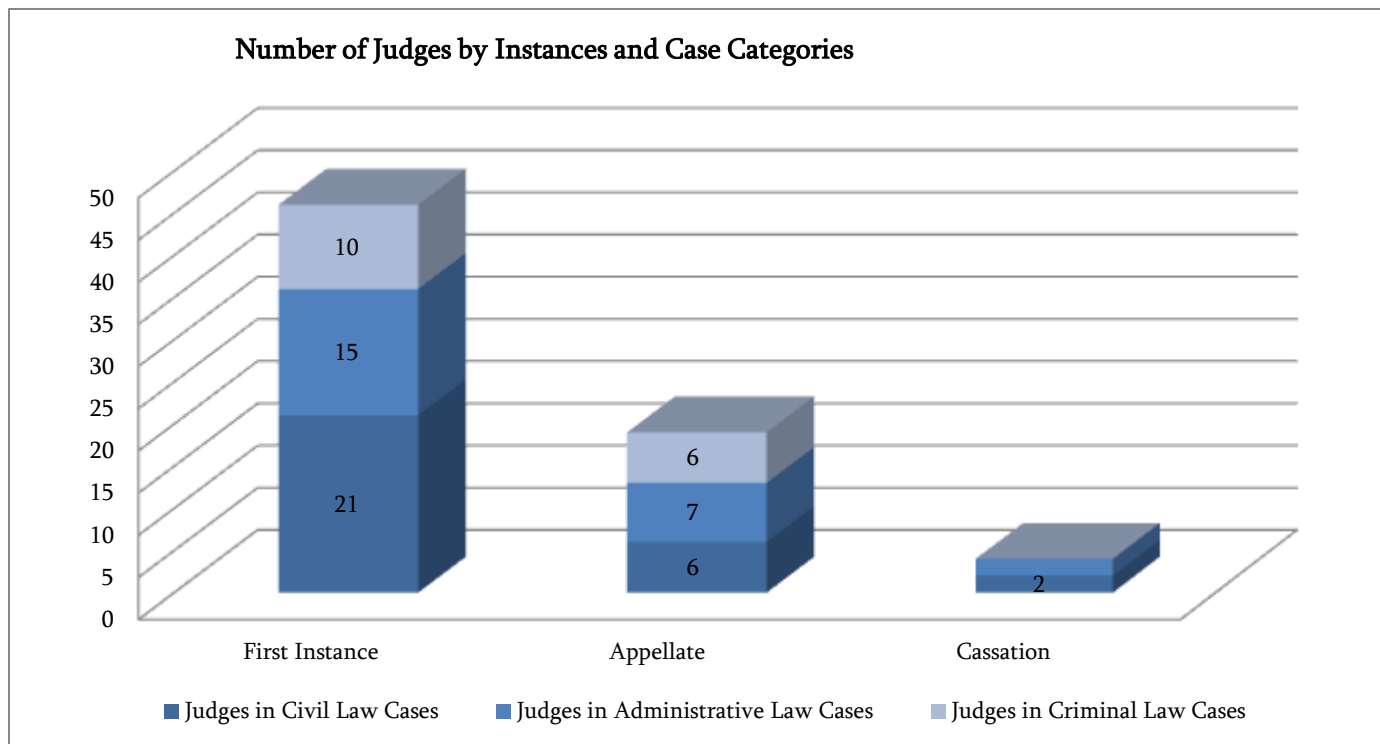
The case study found that in the second quarter of 2023, 85% of complaints concerned the judges of the first instance court, the number of complaints filed against judges of the second instance courts amounts to 13%, while against judges of the third instance courts stands at 2%.



5. Statistical Information by Judges



During the reporting period, 65 complaints submitted to the preliminary investigation concerned 72 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 30% 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 22%, while the percentage of complaints against judges reviewing criminal cases stands at 14%.

As for the Court of Appeals, 10% of the complaints were filed against the judges reviewing administrative cases. At the same time, 9-9% of the complaints were filed against the appellate judges reviewing civil and criminal cases.

Furthermore, 3-3% of the complaints were filed against the Supreme Court judges reviewing civil and administrative cases. During the reporting period, no complaints have been filed against the Supreme Court judges reviewing 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 11 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 14 complaints and in 4 complaints, in addition to the latter, the authors of the complaint also pointed out the facts of alleged disciplinary misconduct.





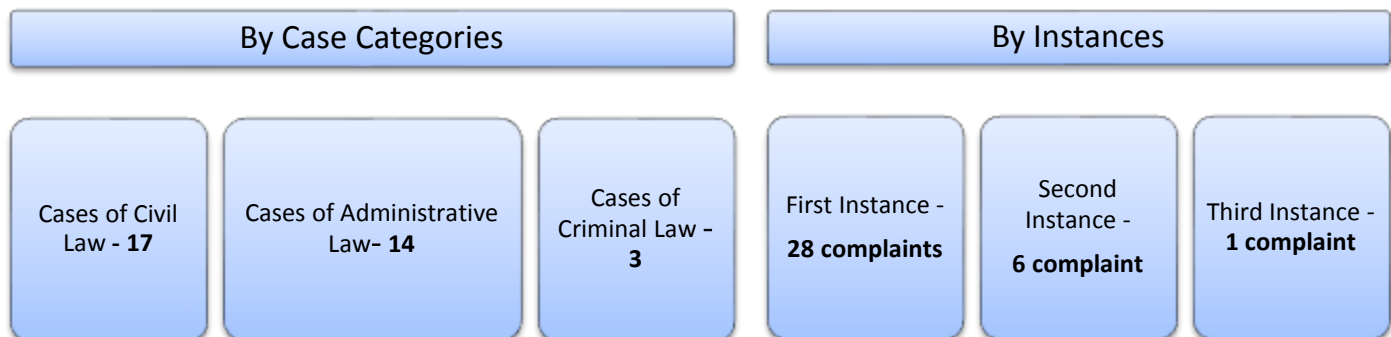
7. Statistical Information by Types of Misconduct and Case-Categories

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 65 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 34 complaints.

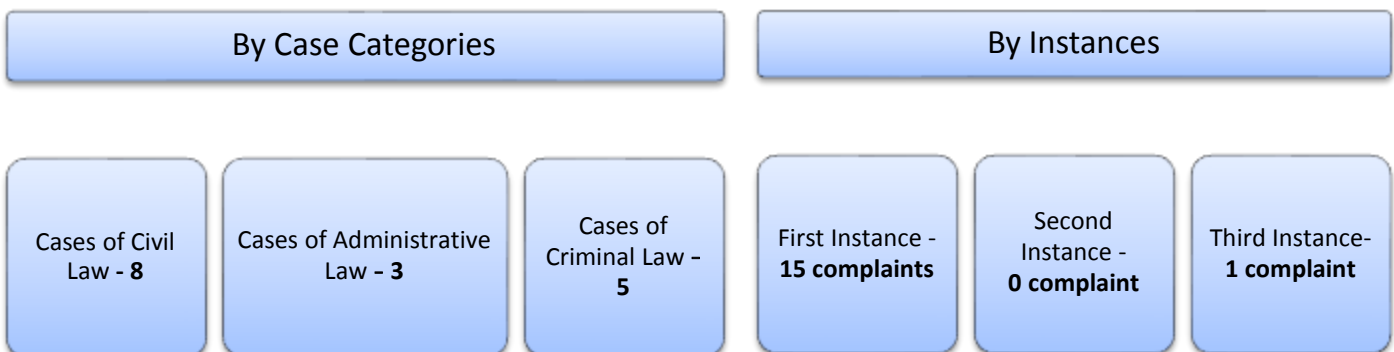
These complaints mainly concerned the first instance judges reviewing civil cases.



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

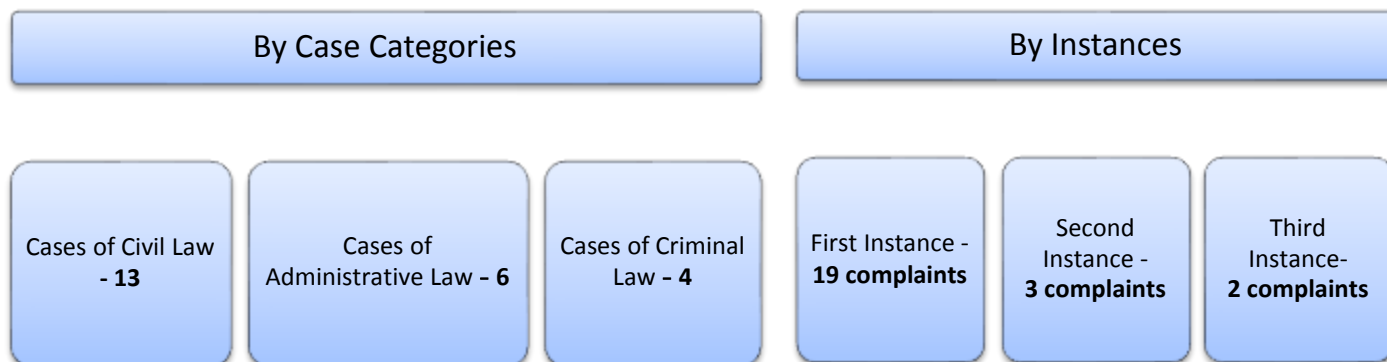
Any other action of a judge incompatible with the high status of the judge– was a subject of 8 complaints.

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 23 complaints related to the 8 alleged disciplinary misconduct, such as 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 (8 facts), expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing (6 facts), judge’s refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist (3 facts), establishing a personal and intense (friendly, family) relationship by the judge with the participant of the reviewing case (2 facts), 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, violation of the communication rules, 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 and interference by a judge in the activities of another judge in order to influence the outcome of the case (1-1 fact).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.

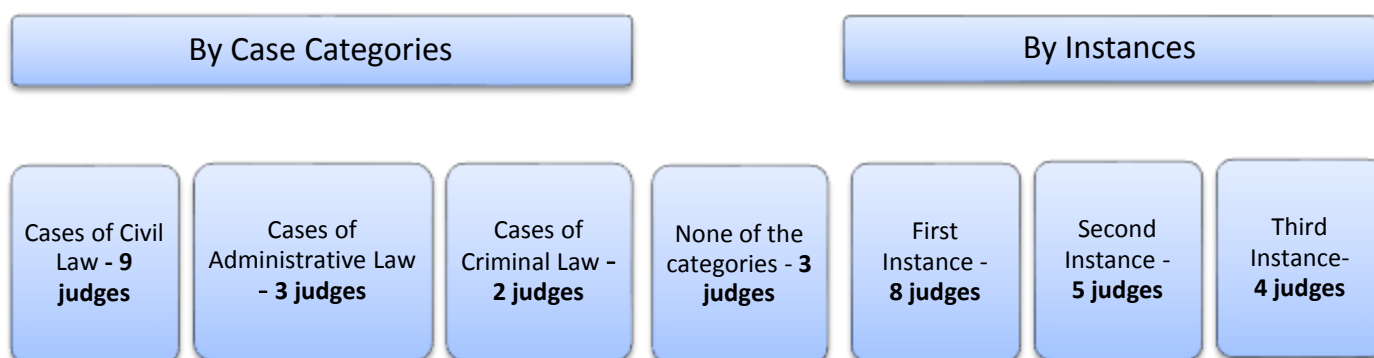


8. Statistical Data on the Decision of the Independent Inspector

During the reporting period, the Independent Inspector made 28 decisions to terminate disciplinary proceedings on 22 complaints⁶. Among them:

- ✓ 17 decisions on termination of disciplinary proceedings due to the fact that the complaints concerned solely the legality of the act rendered by judges;
- ✓ 5 decisions on partial termination of disciplinary proceedings;
- ✓ 3 decisions on refusal to initiate disciplinary proceedings as the complaint submitted in violation of the deadline for the initiation of disciplinary proceedings;
- ✓ 2 decision on refusal to initiate disciplinary proceedings, as there is a decision issued by the body implementing disciplinary proceedings against the same judge for the same action.
- ✓ 1 decision to leave a disciplinary complaint unresolved due to the elimination of a fault within a set period.

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



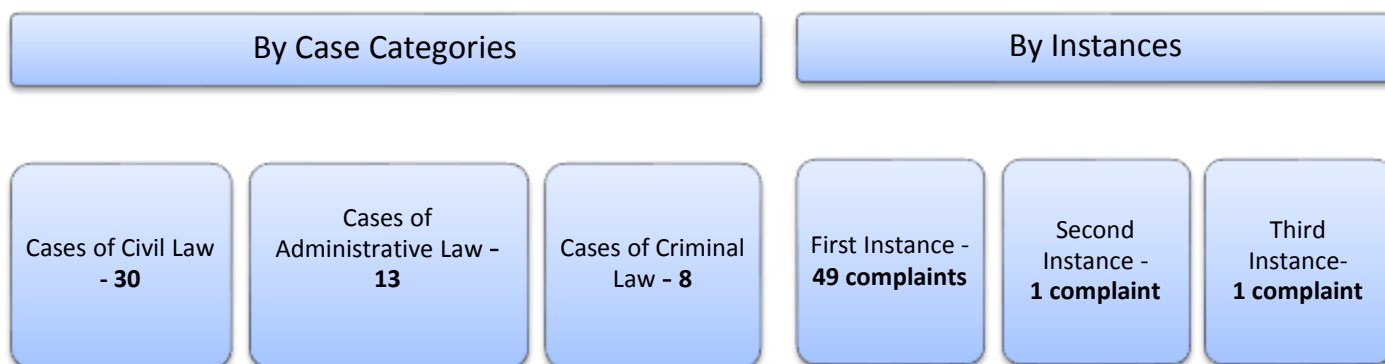
⁶ Decisions are made with respect to individual judges. Consequently, the number of complaints differs from the number of decisions made. Also the number of judges according to the categories differs from the number of decisions made.



9. Statistical Data on Conclusions Prepared

During the reporting period, an Independent Inspector prepared 51 conclusions⁷ against 47 judges⁸, among them, the one-month period prescribed by law for preliminary inspection was extended for 2 weeks in 6 complaints. The above conclusions were related to:

- ✓ Possible violation of the deadline (47 facts);
- ✓ Exercising judicial authority by a judge under personal interest (18 facts);
- ✓ Expression of obvious disrespect towards another judge, an officer of an administration of the court, or parties of the hearing (6 facts);
- ✓ Any other action of a judge incompatible with the high status of the judge (5 facts);
- ✓ 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 (4 facts);
- ✓ refusal on recusal (3 facts);
- ✓ Leaving unresponsive the fact of violation of the law or the alleged disciplinary misconduct committed by another judge (1 fact);
- ✓ Establishing a personal and intense (friendly, family) relationship by the judge with the participant of the reviewing case (1 fact);
- ✓ Violation of the communication rules, interference by a judge in the activities of another judge in order to influence the outcome of the case (1 fact);
- ✓ 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 (1 fact).⁹



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 11 complaints submitted during the reporting period were identical content, so the mentioned complaints were consolidated and 1 conclusion was prepared.

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

⁹ 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.