



# ASSESSMENT OF CANDIDATES FOR SUPREME COURT JUDGES

2021

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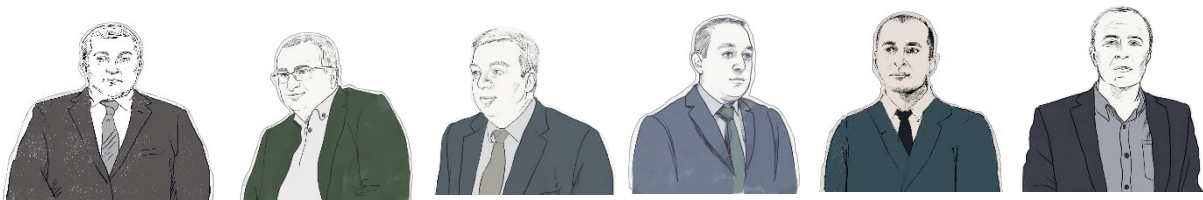
Tbilisi  
2021

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## Introduction

Despite the agreement<sup>1</sup> reached between the ruling political party and part of the opposition parties on April 19, 2021, as a result of the EU mediation, which, among other conditions, provided for the suspension of the appointment of the Supreme Court Judges, on July 12, 2021, the Parliament of Georgia elected 6 new judges with almost one party<sup>2</sup> support at an extraordinary plenary session.



Gocha Abuseridze

Giorgi Gogiashvili

Levan Tevzadze

Revaz Nadaraia

Bidzina Sturua

Lasha Qochiashvili

The competition was announced on the basis of the decree<sup>3</sup> of the High Council of Justice of Georgia of October 7, 2020 for 9 vacant positions. According to the applications received from October 9 to October 29, 2020, 50 candidates were registered for the competition.<sup>4</sup> Interviews with the candidates at the High Council of Justice began on December 10, of the same year. On April 5, 2021, the High Council of Justice announced additional call<sup>5</sup> for applications for the selection process of the same 9 vacant positions, based on amendment to the Organic Law of Georgia “on Common Courts” of April 1, 2021. Two new candidates were registered for the same competition: Tamar Alfaidze and Marine Chkonia.<sup>6</sup> The High Council of Justice finalized interviews with the candidates on April 27, 2021.<sup>7</sup> On June 1, 2021, the High Council of Justice presented the assessment documents<sup>8</sup> of 32 candidates participating in the competition, of which, 9 candidates were nominated to the Parliament.<sup>9</sup>

Georgia’s western partners have responded to the appointment of new judges to the Supreme Court of Georgia with acute and critical statements. The appointment of judges of the Supreme Court by the Parliament of Georgia was assessed by the EU Spokesperson as contrary to the April 19 agreement. It was pointed directly, that *“the vote is therefore a missed opportunity for the Georgian authorities to prove their commitment to a genuine and comprehensive reform of the judiciary. These*

<sup>1</sup> President of the European Council Charles Michel made a new detailed proposal for a way ahead for Georgia, to the representatives of Georgian political parties. Available at: <https://bit.ly/2VOqhIm>

<sup>2</sup> Among opposition parties, only European Socialists supported the candidates.

<sup>3</sup> Decree of the High Council of Justice of Georgia of October 7, 2020. Available at: <https://bit.ly/3zdtNtP>

<sup>4</sup> Statement of the High Council of Justice of Georgia. Available at: <https://bit.ly/3tLArpU>

<sup>5</sup> Statement of the High Council of Justice of Georgia. Available at: <https://bit.ly/3Ci4ett>

<sup>6</sup> Ibid.

<sup>7</sup> Statement of the High Council of Justice of Georgia. Available at : <https://bit.ly/2VSc9hA>

<sup>8</sup> In the end, the Council of Justice heard only 39 out of 52 candidates (50 initially registered and then 2 additional registered candidates), while the rest withdrew their candidacies before a public hearing. Statement of the High Council of Justice of Georgia. Available at: <https://bit.ly/2VTZFWM>

<sup>9</sup> Statement of the High Council of Justice of Georgia. Available at: - <https://bit.ly/3nH2Uwf>

*developments carry a risk of damaging judicial independence and public trust”.*<sup>10</sup> A similar assessment was given to the event by the President of the European Council, Charles Michel, during his visit in Georgia. *“The speedy appointment of Supreme Court Judges does not fully reflect the results of the consultations with the international partners as well as the local stakeholders. This is truly a missed opportunity”.*<sup>11</sup>

The appointment process was assessed as “extremely disappointing” by the US Embassy in Georgia<sup>12</sup>. *“Parliament’s July 12 decision to approve six Supreme Court judicial nominations, despite an explicit agreement by Georgia’s political leaders in the April 19 Agreement to “refrain from making appointments to the Supreme Court under existing rules”, is extremely disappointing. Unfortunately, this nomination and appointment process, and the failure to undertake inclusive, comprehensive judicial reform, fell short of the commitment Georgia’s leaders, including the ruling party, made to implement the April 19 Agreement in good faith”.*

The Parliament of Georgia was also criticized by the OSCE/ODIHR in a report<sup>13</sup> published a few days before the election of the Supreme Court judges, for its inaction in implementing the agreement. In particular, the report states: *“parliament failed to provide a formal legal basis for the HCJ to halt its nomination process for pending vacancies. [...] The HCJ failed to establish clear standards and guidelines for the format of certain application components as well as the interviews themselves, which led to variations in the length, structure, and tone of the hearings. Furthermore, rules of procedure adopted immediately prior to the commencement of the hearings were inadequate to ensure consistency and fairness of conditions. [...] The procedures assessed by ODIHR pertaining to applications, background checks, and interviews established by the HCJ for these nominations fell short of international standards.[...] As of 9 July 2021, contrary to its commitment to suspend the pending Supreme Court nominations under the 19 April EU-brokered Agreement, pending legislative amendments to address previous recommendations and deficiencies in the process, parliament had taken the nine nominations under consideration and was preparing to proceed to a vote on their appointments.”*

At the same time, it became clear, that the ruling political party was not intending to suspend the procedure. According to Irakli Kobakhidze, the nomination, and election of Supreme Court judges did not contradict the spirit of the political agreement.<sup>14</sup> In addition to international criticism, the vast majority of opposition parties and other non-parliamentary entities<sup>15</sup> refused to participate in the parliamentary hearings as a form of protest. Consequently, such an important process as the staffing of the Supreme Court took place in the absence of legitimacy. Unlike the previous selection procedure, the number of critical questions was significantly reduced, which did not allow the public to have a complete picture of the candidates. Representatives of the ruling party mainly asked the candidates about the situation in the Judiciary before 2012 and the changes implemented in recent years.

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<sup>10</sup> Statement by the Spokesperson on the appointments of Supreme Court judges. Available at: <https://bit.ly/2Xp0IUq>

<sup>11</sup> Statement of the President of the European Council. Available at: <https://bit.ly/3zxfUHp>

<sup>12</sup> U.S. Embassy Statement on the Appointment of Judges. Available at: <https://bit.ly/3g9TS6m>

<sup>13</sup> OSCE/ODIHR Report on the Nomination and Appointment of Supreme Court Judges in Georgia. Available at: <https://bit.ly/3eSMYBy>

<sup>14</sup> Statement of Irakli Kobakhidze. Available at: <https://bit.ly/3gOLudh>

<sup>15</sup> Office of the Public defender of Georgia, Coalition for an Independent and Transparent Judiciary.

On 23 August 2021, the OSCE/ODIHR released the Final Report<sup>16</sup> on the Nomination and Appointment of Supreme Court Judges, *„the stage of the appointment procedure carried out by parliament still lacks adequate safeguards, negatively affecting the integrity of the overall process“*<sup>17</sup>. ODIHR Director Matteo Mecacci also responded to the appointment process “The decision to go ahead with an appointment process lacking in inclusivity and going against an earlier agreement to put it on hold risked its credibility at a time when public trust in the judiciary is already low”.<sup>18</sup>

GDI did not directly participate in the Supreme Court Judges Candidates’ Committee hearings, nor did it took part in asking questions to candidates, although the organization actively monitored the interviews at both the High Council of Justice and the Legal Issues Committee levels. In view of the above, this document mainly includes the personal opinions and assessments of the organization on the integrity and competence of candidates, based on interviews with candidates, evaluations by members of the High Council of Justice, and information collected by the office of the High Council of Justice. According to Article 63 (6) of the Constitution of Georgia, Judges of the common courts shall be selected based on their integrity and competence. The authors of the document were guided by these criteria.

## Candidate’s evaluation criteria and public hearing in the Legal Issues Committee of the Parliament of Georgia

According to article 63(6) of the Constitution of Georgia,<sup>19</sup> “A judge of the common courts shall be a citizen of Georgia who has attained the age of 30, has a relevant higher legal education and at least 5 years of specialized professional experience”, additional qualification requirements shall be defined by the organic law.<sup>20</sup> If the formal requirements of the legislation are met, the candidate for a judge of the Supreme Court of Georgia will be interviewed before the High Council of Justice of Georgia. According to the current legislation, the members of the High Council of Justice, after interviewing the candidates and evaluating the information submitted by the candidates and collected by the High Council of Justice of Georgia, are obliged to prepare an evaluation document for each candidate and evaluate the candidates according to Integrity and Competence criteria.

According to article 35<sup>1</sup> (3,4), the characteristics of Integrity criteria shall be as follows:

- a) personal Integrity, and professional conscience;
- b) independence, impartiality and fairness;
- c) personal and professional behavior;
- d) personal and professional reputation.

And, the characteristics of Competence criteria shall be as follows:

- a) knowledge of legal norms;
- b) ability of legal substantiation and competence;

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<sup>16</sup> OSCE/ODIHR Final Report on the Nomination and Appointment of Supreme Court Judges in Georgia.

Available at: <https://www.osce.org/odihr/496261>

<sup>17</sup> Official Press Release: Available at: <https://www.osce.org/odihr/496270>

<sup>18</sup> *Ibid.*

<sup>19</sup> Constitution of Georgia, 1995. Available at: <https://bit.ly/3BPrD5p>

<sup>20</sup> Organic Law of Georgia “On Common Courts”, 2009. Available at: <https://bit.ly/3gYjJOV>

- c) writing and verbal communication skills;
- d) professional qualities;
- e) academic achievements and professional training;
- f) professional activity.

The number of candidates equal to the number of announced vacancies, with the best results according to the sum of points accumulated in the assessment of competency criteria (however, the sum of accumulated points must be not less than 70 percent of the maximum number of points) are nominated to the Parliament of Georgia. In addition, at least 10 members of the High Council of Justice of Georgia must consider that they meet or fully meet the criteria of Integrity.

The hearing of the candidates nominated by the High Council of Justice in the Parliament of Georgia is carried out according to the procedure prescribed by the Rules of Procedure of the Parliament of Georgia. Pursuant to Article 205 of the Rules of Procedure, the Committee for determining the Election of Judges in the Supreme Court of Georgia is the Committee of Legal Issues. It is this committee that determines the compliance of the nominated official with the requirements of the Constitution of Georgia and / or other law. For this purpose, a candidate is obliged to provide comprehensive information to the committee. The committee is entitled to assess/verify necessary information about relevant candidates for official positions, including biographical data, work experience and professional skills. The committee shall create a working group to facilitate the establishment of the compliance or otherwise of candidates for the positions of Chief Justice of Georgia and Judge of the Supreme Court according to the requirements of the Constitution of Georgia and/or other laws.<sup>21</sup>

The hearing of the candidate on the Legal Issues Committee of the Parliament of Georgia is being held at a public sitting and it is being broadcast on the official website of the Parliament. The members of the committee, as well as non-member parliamentarians, the representatives of Public Defender, Georgian Bar Association, the Legal Aid Service, as well as representatives of non-governmental organizations working on justice issues have the right to participate in the hearing and ask questions. The ordinary citizens are also allowed to submit their written questions to the candidates, which are read publicly by the chair of the committee.

## Assessment of the Selection Procedure

Since 2019, GDI has been monitoring the competitions for the selection of the Supreme Court judges and permanently provides the public with information about the ongoing process in various ways. GDI has been actively involved in the preparation of the Evaluation Document<sup>22</sup>, published on behalf of the Coalition “for an Independent and Transparent Judiciary” in 2019, which was sent individually, to each member of the Parliament of Georgia for informed decision before the voting. Unfortunately, the views of the coalition were not shared by the members of the Legal Issues Committee and later by the representatives of the Georgian Dream in a whole.

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<sup>21</sup> The Rules of Procedure of the Parliament of Georgia, article 205. Available at: <https://bit.ly/2WNo5Bn>

<sup>22</sup> Assessment of Candidates for Supreme Court Judges. 2019. Available at: <https://bit.ly/3DKue2i>

In the context of later competition, despite the signing of the agreement on April 19 and numerous calls at the domestic and international level, the Georgian Dream made a single-handed decision to appoint a new judge to the Supreme Court of Georgia, thus further deteriorated the legitimacy of this court. As a result of the committee hearings, ten members of the ruling party voted for the same candidate. "The committee's report to the plenary did not include reasoning for its support for, or opposition to, the nominees, raising concerns as to whether the recommendations were based solely on objective criteria. The fact that two of the three rejected candidates, the only two women, had been ranked higher by the HCJ than several of the recommended candidates without committee's reasoning provided for these deviations, further brought into question the merit-based selection."<sup>23</sup>

The stage of interviewing candidates before the High Council of Justice should be mentioned separately. As a result of general observations, it can be concluded, that the Council did not follow any clearly defined standards in terms of time spent with candidates, content and number of questions asked. With this in mind, "Unfortunately, in the absence of clear and consistent guidelines set by the HCJ for the hearings, they varied widely in length, structure, and tone, calling into question the equality of conditions for the candidates. In addition, internal divisions in the HCJ and hostile exchanges between HCJ members and some of the candidates blemished the professionalism of the proceedings. Breaches of conflict of interest principles by some participating HCJ members also threatened the integrity of the nomination process."<sup>24</sup>

The presented assessment document is based on the situation in Georgian justice system on the one hand, and on the other hand, the organization's views on the persons involved in the process based on the direct monitoring of the process. **First of all, it should be noted that the organization has more questions regarding the Integrity of the judges appointed to the Supreme Court than regarding their competence. However, in many cases it turned out that the latter could also be a serious challenge.** The responses of candidates to the questions regarding a particular value issues may differ from each other based on their ideological or legal point of view, although there are a number of legal issues, where the answers do not allow for such a distinction. For example, Judge Bidzina Sturua's answer to a question asked by the member of the HCoJ, Tamar Oniani about the prohibition of discrimination during the interview was vague and incomprehensible.<sup>25</sup>

There have been cases where a candidates found it difficult to distinguish between and offer a clear definition to explain nepotism, chronism, and favoritism.<sup>26</sup> The response of the same candidate to the question on "ultra-right ideology" and the risks it posed to a democratic society was inexhaustible.<sup>27</sup>

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<sup>23</sup> OSCE/ODIHR Final Report on the Nomination and Appointment of Supreme Court Judges in Georgia. Available at: <https://www.osce.org/odihr/496261>

<sup>24</sup> OSCE/ODIHR Final Report on the Nomination and Appointment of Supreme Court Judges in Georgia. Available at: <https://www.osce.org/odihr/496261>

<sup>25</sup> Judge Bidzina Sturua's interview at the High Council of Justice of Georgia. Available at: <https://bit.ly/3xXGhFa> [19:36 – 21:15]

<sup>26</sup> Judge Revaz Nadaraia's interview at the High Council of Justice of Georgia. Available at: <https://bit.ly/3z3yUGB> [1:17:22 - 1:18:13]

<sup>27</sup> The response of Judge Revaz Nadaraia to the question of the Member of the Parliament – Nino Iobashvili. Available at: <https://bit.ly/3gixMyA>



Also, Judge Qochiashvili was not able to exhaustively, even at the level of content, list the components / elements that the Constitution of Georgia envisages under the welfare state.<sup>28</sup>

Judge Eka Zarnadze's answer to the question regarding the principle of "ultima ration" in labor law was incorrect.<sup>29</sup>

In addition, there were cases when not only the competence of the candidate but also the Integrity was under question. During an interview at the High Council of Justice, one of the questions asked by a non-judicial member of the Council, Nazi Janezashvili, to Revaz Nadaraia, concerned the technical details of the impeachment procedure against the members of the Parliament of Georgian. Despite the fact, that the answer was not complete and exhaustive, the circumstance on which the author of the question focused was very important. Revaz Nadaraia was the member of the council who asked this questions to one of the candidates in the previous competition, "who listed all these details with great accuracy."<sup>30</sup>

As for the Integrity of the candidates, we can distinguish two types of questions in this regard. The first relates to the continuation of the selection process for Supreme Court judges, contrary to the April 19 agreement, and the second to the degree of independence of the judiciary and the existence of an influential group in the judiciary, including the fact of Judge Levan Murusidze's "leadership".

The main argument that the candidates used to answer to the questions raised around the April 19 agreement, was related to the current legislative regulations. According to them, the conduct of the process does not contradict the Constitution of Georgia and therefore they did not see any problem in that regard.<sup>31</sup>

The questions related to Judge Levan Murusidze caused obvious irritation among several candidates, which negatively reflects on their professional behavior and ethics, as well as their independence and impartiality.<sup>32</sup> Some of them directly confirmed Levan Murusidze's statement, that he is the leader of the Judiciary System<sup>33</sup>. As for the questions, regarding the challenges facing the judiciary and the possible existence of an influential group, the so-called "clan", the majority of judicial candidates said, that the degree of independence of the judiciary has improved since 2012, although there has been no direct pressure on them neither before, nor have they heard of such cases from their colleagues. As for the challenges, candidates focused on the criticism from non-governmental organizations and the large flow of cases, which leads to overloading of the system.

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<sup>28</sup> Judge Lasha Qochiashvili's interview at the High Council of Justice of Georgia. Available at: <https://bit.ly/3kdpVTQ> [9:37 – 10:38]

<sup>29</sup> The response of Judge Eka Zarnadze to the question of the Member of the Parliament – Mikheil Daushvili. Available at: <https://bit.ly/3CVJ9pl>

<sup>30</sup> Judge Revaz Nadaraia's interview at the High Council of Justice of Georgia. Available at: <https://bit.ly/3z3yUgB> [1:05:40 – 1:08:34]

<sup>31</sup> The response of Judge Bidzina Sturua to the question of the Member of the Parliament – Levan Ioseliani. Available at: <https://bit.ly/3CVHsIS> ; Also, The response of Judge Gocha Abuseridze to the question of the Member of the Parliament – Levan Ioseliani. Available at: <https://bit.ly/3j1RaS8>

<sup>32</sup> The response of Judge Revaz Nadaraia to the question of the Member of the Parliament – Aleko Elisashvili. Available at: <https://bit.ly/37Zvlwo> <https://bit.ly/3B03PeG>

<sup>33</sup> Judge Levan Murusidze's statement about his Leadership. Available at: <https://bit.ly/2VZFC9v>

The aggressive attitude of some of the candidates towards the representatives of non-governmental organizations and the refusal to answer their questions should also be clearly assessed negatively.<sup>34</sup>

The case of judge Ketevan Meskhishvili and the questions raised by the representatives of the ruling party should be mentioned separately. In this regard, the questions of Davit Matikashvili, a member of the Georgian Dream, regarding the legal disputes of Cartu Bank in 2012 is noteworthy.<sup>35</sup> Also, the questions regarding the decision of the High Council of Justice on the nomination of candidates for the Supreme Court of Georgia.<sup>36</sup>

The OSCE Office for Democratic Institutions and Human Rights also draws attention to the different approaches to candidates in its report<sup>37</sup>, in particular: *“Some MPs used the hearing stage as a political platform, questioning candidates on divisive recent events, debating and criticizing certain candidates on their politically-controversial judgements, or challenging candidates’ answers to politically-sensitive questions. As a result, some candidates refused to answer certain questions. While the chairperson generally maintained neutrality in accordance with the parliamentary Rules of Procedure, at times even he made statements or had exchanges that were partisan in nature”*.

In view of all the above, we believe, that the selection process conducted by violating of April 19 Agreement, and disregarding the calls of international or local organizations damages the reputation of the Judiciary and negatively affects public confidence towards it. The legitimacy of the newly appointed judges is also undermined by the distrust expressed by the opposition parties and some non-parliamentary institutions towards the process. There are a number of questions for the selected candidates, both in terms of competence and Integrity.

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<sup>34</sup> The response of Judge Revaz Nadaraia to the question of the representative of GYLA – Vakhushti Menabde. Available at: <https://bit.ly/3z5zniD> Also, The responses of Judge Levan Tevzadze to the question of the representative of GYLA – Vakhushti Menabde. Available at: <https://bit.ly/3mdyfWy> and the question of the representative of the Group of Independent Lawyers – Kakha Tsikarishvili. Available at: <https://bit.ly/3mfgN41>

<sup>35</sup> Judge Ketevan Meskhishvili’s Committee hearing. Available at: <https://bit.ly/3geWuje> [1:28:25 – 1:43:10] Also, OSCE/ODIHR Final Report on the Nomination and Appointment of Supreme Court Judges in Georgia. Available at: <https://www.osce.org/odihr/496261>

<sup>36</sup> Judge Ketevan Meskhishvili’s Committee hearing. Available at: <https://bit.ly/3geWuje>; Questions of the Members of the Parliament - Mikheil Daushvili [2:18:02 – 2:19:04], and Aluda Gudushauri [2:20:09 – 2:32:40]

<sup>37</sup> OSCE/ODIHR Final Report on the Nomination and Appointment of Supreme Court Judges in Georgia. Available at: <https://www.osce.org/odihr/496261>

## Gocha Abuseridze



On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 12 votes against none, nominated Gocha Abuseridze, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.

<sup>38</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 6, 2021, and lasted 3 hours and 40 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Gocha Abuseridze was elected as a judge

of the Supreme Court of Georgia for lifetime. <sup>39</sup> 87 MPs were present at the voting, 79 - supported his candidacy, 5 were against, and 3 of them did not participate in the voting procedure. <sup>40</sup> Among the supporters were the representatives of the Georgian Dream (78 votes) and one representative of the political group "European Socialists".

Gocha Abuseridze has been appointed as a judge for a lifetime in 2017.<sup>41</sup> In 2017-2020 he was a judge of the Chamber for Administrative Cases of Kutaisi Court of Appeals, and for one year before being elected as a judge of the Supreme Court, he held the position of a judge of the Chamber for Administrative Cases of Tbilisi Court of Appeals. On May 26, 2021, the Conference of Judges elected Gocha Abuseridze as a member of the High Council of Justice of Georgia, despite the fact that, given the current situation in the country, local NGOs demanded that the selection of judges to the High Council of Justice be suspended.<sup>42</sup>

According to media reports, Gocha Abuseridze's name is associated with a fine of GEL 200 million imposed on Georgian Manganese Ltd.<sup>43</sup>

### Overall Assessment of the Interview

The candidate's answer regarding the question related to Judge Murusidze's leadership is one of the most interesting parts of his Parliamentary hearing. The candidate stated, that the leadership is an evaluative category and as Murusidze occupied the position of chairman of the Judicial Association and former secretary of the Council of Justice, he could consider Levan Murusidze as a leader.

On the question, whether he, as a judge was insulted by the U.S. State Department report where the court "clan" is mentioned, the judge said he was not insulted, though if the partners had more communication with the court, the report would not have been so harsh.

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<sup>38</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>39</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/3z1ezbT>

<sup>40</sup> Voting Report. Available at: <https://bit.ly/3md3cKl>

<sup>41</sup> Biographic Data of Judge Gocha Abuseridze. Available at: <https://bit.ly/3z3m16e>

<sup>42</sup> The statement of the Non-Government Organizations. Available at: <https://bit.ly/3gg1qUW>

<sup>43</sup> Media report. Available at: <https://bit.ly/38013uJ>

On another question related to the existence of the influential group of judges in the Judiciary system, the candidate answered, that the question meant that someone was telling him what decision to make in a particular case, which he considered to be offensive. The candidate pointed, that his performance should be evaluated based on his decisions and he was ready to answer any questions in that regard. It should be noted that when asked about the possible existence of an influential group of Judges in the Judiciary, the judge did not clearly state his position.

## **Assessment of Integrity Criteria**

### ***a) personal honesty and professional integrity***

On the question regarding the independence of the judiciary, judge Abuseridze replied, that he, personally, as a judge, is more independent today than he was 10 or 20 years ago. The reason for this was the legislation and regulations that violated the independence of the individual judge. The answer, to some extent, speaks positively on the candidate's sincerity and integrity, as he can critically evaluate his professional performance, however, at the same time, the judge did not mention the importance of the individual judge's resilience and personal fortitude, which can make a difference in terms of judicial independence.

On a hypothetic question, what would he do, if the party, whose case he was considering, handed over the gift to his assistant, the candidate replied that he would consider that action as a violation of the rules of communication and would submit a report to the authorized person deciding whether it was a violation of the rules of communication or not and consequently, would have fined the party or not. The judge noted that he would not raise the issue of recusal, although he would also inform the other party about the gift and if there would be a sense of bias on his part, he would use the right to recusal.

### ***b) independence, impartiality and fairness***

On the question regarding the dilemma between legality and justice, the candidate replied that he was not in favor of the judge obeying the injustice of the law. In his opinion, "the law should concede to justice." In addition, the judge cited the amendment to the Constitution of Georgia as an example, as a result of which the equality of people before the legislation was replaced by equality before the law, and noted that he welcomes this change.

While assessing the statements made by the current authorities about the Judiciary, Judge Abuseridze said that he did not agree with Tea Tsulukiani<sup>44</sup> that the judges were under Mikheil Chinchaladze's<sup>45</sup> influence until 2012. Regarding Irakli Kobakhidze's<sup>46</sup> statement, that "judges had "done a million bad things" before 2012 and were under Irakli Adeishvili's<sup>47</sup> influence", Abuseridze noted, that this was probably the public perception at that time and therefore partially agreed with

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<sup>44</sup> Minister of Culture, Sports and Youth of Georgia, former Minister of Justice of Georgia.

<sup>45</sup> Chairman of Tbilisi Court of Appeals, former deputy chairman of the Supreme Court of Georgia. One of the most influential Judge.

<sup>46</sup> Executive Secretary and Political Council Member of the ruling party "Georgian Dream – Democratic Georgia", former Speaker of the Parliament of Georgia.

<sup>47</sup> Former Minister of Justice of Georgia.

this view. At the same time, the candidate said that he did not agree with Bidzina Ivanishvili's opinion that until 2012 the judges were notaries and were enslaved by the "National Movement".

On the question regarding the Queer community problems and their freedom of expression, Judge Abuseridze said that the main problem was the public's traditional views on acceptance. According to him, restricting the freedom of expression of minorities, including through violence, is not the correct approach and is considered as an act of degrading treatment. The judge noted that the state had taken insufficient measures regarding the prevention of organized violence on July 5, 2021.

### ***c) personal and professional conduct***

While assessing the candidate's personal conduct, it is noteworthy, that the judge showed restraint and behavioral balance during interview in the High Council of Justice and parliamentary hearings.

In assessing professional conduct, the information obtained during the interview in the High Council of Justice is important, according to which, Judge Abuseridze considered the absolute majority of cases (99.6%) in accordance with the procedural deadlines, and prepared decisions in time in only 57% of cases.

### ***d) personal and professional reputation***

According to the information obtained during the interview at the High Council of Justice, the interviewed colleagues and recommenders positively characterized the candidate and distinguished his objectivity, integrity, fairness, sincerity, professionalism and correctness.

## **Assessment of Competence Criteria**

### ***a) knowledge of legal norms***

During the interviews in the High Council of Justice and the Legal Issues Committee of the Parliament of Georgia, the answers given by the candidate left the impression that he is quite familiar with the national and international legislation.

In response to a question about one of the decisions of the Constitutional Court of Georgia, Judge Abuseridze noted that the Code of Administrative Offenses allows for different interpretations. The candidate referred to the general chapter of the Code, which states that confiscation is possible only in the case of property, owned by a person, however, even in such cases it is possible to use a remark by the judge to refuse to apply a more severe sanction if, in a particular case, he/she considers, that the confiscation together with the fine could be a disproportionate interference with the rights of a party. According to the candidate's explanation, Article 22 of the Code of Administrative Offenses gives the judge the right to use the remark.

On the question, whether a finding of a violation of a conventional right by the European Court of Human Rights could be grounds for a national court to reopen proceedings in civil and administrative cases, the judge replied that Article 34 of the Code of Administrative Procedure did not allow this right to be extended to administrative cases, though this norm is ineffective after signing of the Association Agreement, which, as an international agreement, has precedence over the provisions of the administrative procedural code. At the same time, the candidate noted that

this norm is clearly unconstitutional and cited as an example a dispute in which, based on the decision of the European Court of Human Rights, the party was ordered to pay moral damages.

On the question, whether an appeal could be lodged against two or more states in the European Court of Human Rights, the judge cited the „The case of Transnistria“ as an example, when a citizen filed a lawsuit against both Moldova and Russia, and the court ruled accordingly.

***b) ability and competence to provide legal arguments***

On the question regarding the scope of the freedom of expression, Gocha Abuseridze more or less satisfactorily reviewed the current Georgian standard of freedom of expression, which he compared with the American standard, and noted that if the European Convention on Human Rights lays down the grounds for restriction of the freedom of expression, such as public morality, health and judicial authority, the Constitution of Georgia does not establish such a provision. The candidate concluded, that, there is a higher legal standard of expression in Georgia than in developed European countries. He also noted that the decision on this issue should be made taking into account the assessment of each case and the specific circumstances.

On the question regarding the appropriateness of punishing people for drug use, Judge Abuseridze did not discuss his attitude towards the issue and cited the Constitutional Court's ruling, where only public use is punishable and personal use is recognized as a right to self-development. To express his opinion on this issue, Abuseridze only pointed out that he has never personally used it and has not even tasted a cigarette, because it is harmful to health.

In response to a question about the reinstatement of a person in case of approval of illegal dismissal, the candidate cited the case as an example from his case law, noting that reinstatement on an equal position, which is not legally defined at the legislative level, he explained in his decision, according to which an equal position is a position that does not substantially change the legal and salary status of the person.

***c) writing and oral communication skills***

During the interviews, the candidate formulated his position clearly. His behavior was balanced. His answers were more or less substantiated.

***d) professional qualities***

While citing the examples from his practice, the candidate tried his best to leave the identities of the persons unidentified, which indicates his observance of the norms of professional ethics.

***e, f) academic achievements and professional training***

Judge Abuseridze participates in various local and international training and conferences on the issues of administrative offenses, standards of communication at trial, judicial ethics, and family law.

***g) professional activities.***

The candidate is engaged in pedagogical activities. In 2012-2020 he was a visiting specialist at Akaki Tsereteli Kutaisi State University. Delivers lectures on violence against women and domestic violence at the High School of Justice.

He has published articles in the magazines "Justice and Law" and "Lawyer". His publications covered the following topics: "Rights of Interested Persons under the Law of Georgia on Enforcement Proceedings", "Peculiarities of Resumption of Court Disputes under Administrative Law", "Preventive Protection Measures in Administrative Law".



## Giorgi Gogiashvili

On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 12 votes against none, nominated Giorgi Gogiashvili, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.<sup>48</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 6, 2021, and lasted 3 hours and 44 minutes. Finally, based on the resolution of the Parliament

of Georgia of July 12, 2021, Giorgi Gogiashvili was elected as a judge of the Supreme Court of Georgia for lifetime.<sup>49</sup> 87 MPs were present at the voting, 79 - supported his candidacy, 4 were against, and 4 of them did not participate in the voting procedure.<sup>50</sup> Among the supporters were the representatives of the Georgian Dream (78 votes) and one representative of the political group "European Socialists".

Giorgi Gogiashvili was the Deputy Chairman of Tbilisi District Court and the Chairman of the same court in 2001-2005, and in 2005-2010 he was included in the reserve of judges of common courts.<sup>51</sup> After a long pause, Giorgi Gogiashvili returned to judicial activity in 2016 and until 2021 was a judge of the Chamber for Administrative Cases of Tbilisi Court of Appeals. In 2017 he was appointed for a lifetime.

During the public hearing at the Legal Issues Committee of the Parliament of Georgia, in response to questions from Kakha Tsikarishvili, a representative of the Group of Independent Lawyers', Judge Gogiashvili stated that he was the godfather of Zura Adeishvili's<sup>52</sup> son, also, Mikheil Chinchaladze<sup>53</sup> was his assistant when he was appointed as the Chairman of the Criminal Cases Panel of Tbilisi District Court.<sup>54</sup>

## Overall Assessment of the Interview

The parliamentary hearing of Judge Gogiashvili took place in a generally calm environment, with no apparent and open confrontation taking place. However, in some cases, the answers he gave showed some question marks. For example, in response to the question regarding the criticism of the judiciary, Judge Gogiashvili noted that *"the criticism of the judiciary may not affect me personally,*

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<sup>48</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>49</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/2UumI9V>

<sup>50</sup> Voting Report. Available at: <https://bit.ly/3yXBMf2>

<sup>51</sup> Biographic Data of Judge Giorgi Gogiashvili. <https://bit.ly/37WqZ9i>

<sup>52</sup> Former Minister of Justice of Georgia.

<sup>53</sup> Chairman of Tbilisi Court of Appeals, former deputy chairman of the Supreme Court of Georgia. One of the most influential Judge.

<sup>54</sup> Judge Giorgi Gogiashvili's Committee hearing. Available at: <https://bit.ly/3zcqPXn> First question [31:30 - 32:04], Second question - [32:05 - 32:27]



*but when the system is under such critical pressure from the media, it somehow affects me as well and I would like to work in a healthier environment. Of course, this is true, and I cannot believe that other judges do not want to have more authority, more support for the judiciary. It has a negative effect. "*

In addition, Giorgi Gogiashvili clarified about the reform envisaged under April 19 agreement and further participation in the selection process: "I have not heard what is the reform that should be implemented. I have not heard any suggestions, even the time, for what should have it been used for, I have not heard about specific proposals. And as regards to waiting, I have been out of the judiciary for 11 years, so..."

## **Assessment of Integrity Criteria**

### ***a) personal honesty and professional integrity***

Speaking about the corruption during his internship at the Prosecutor's Office in 1994, Giorgi Gogiashvili stated that he had not made a public statement about the mentioned facts. According to his response, it was neither a turning a blind eye to this fact nor a lack of principle. He did not have to deal with such facts as an intern. According to the candidate, he never made a decision that he later regretted, although there were cases when he was not sure of its correctness.

Giorgi Gogiashvili also spoke about the case of Mustafa Emre Çabük,<sup>55</sup> in which he stated, that writing a dissenting opinion *"would not change anything"* because the issue of granting refugee status is not being challenged. Accordingly, in his opinion, *"it did not give anything in terms of efficiency."* Therefore, he did not consider it necessary to write a dissenting opinion.

### ***b) independence, impartiality and fairness***

According to Gogiashvili, *"a judge should not be afraid when he/she may have to go against public opinion, when his decision is fair, when his decision is legal and he/she can substantiate his/her decision."*

The candidate stated that he could not compromise the principle of justice in the conflict between fair and lawful decisions. Although there are different approaches at the legislative level between civil and public law, Gogiashvili says everything depends on the "art" of the judge.

Speaking about the constitutional submission, he also cited the example of Polish judges, they "follow the practice of not liking appealing to the Constitutional Court because it is a lasting

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<sup>55</sup> Manager of Demirel College. Çabük 's extradition was demanded from Georgia by the Turkish authorities, who accused him of being a member of a terrorist organization. Georgian law enforcers arrested him in Tbilisi in May 2017. Mustafa Emre Çabük categorically denied the allegations, saying he would face political persecution and inhumane treatment if extradited to Turkey. For the same reason, the extradition of Chabuki was considered inadmissible by Georgian human rights activists and a number of international organizations.

pleasure." According to Judge Gogiashvili, *"the assessment of the constitutionality of a norm is not an exclusive power of the Constitutional Court."* If the norm is considered unconstitutional by a judge, he/she can be guided by the constitution and define the norm himself/herself. He sees the need to appeal only if the unconstitutionality of the norm can be disputed.

Giorgi Gogiashvili stated that he did not make the statement "I am Murusidze too" on February 1, 2016, when some judges openly expressed their support to Levan Murusidze at a conference of judges. Also when asked if he would allow a lawyer to enter the courtroom in a "clan must go" T-shirt, the candidate said he would definitely let him in.

### ***c) personal and professional conduct***

On question regarding the participation in the process of selecting judges under the April 19 agreement, the candidate responded, that at a time when the judiciary is under such critical pressure, it has a negative effect on him and he would like to work in a healthier environment.

During the review of Levan Murusidze's case law, the candidate repeatedly avoided giving a direct answer to the question, which he explained by the requirements of the Code of Ethics and the Bangalore Principles. He also refrained from naming a Georgian judge whom he believes in both morally and professionally.

Judge Gogiashvili tried to avoid questions raised by the Strasbourg court about the violation of the rights protected by the Convention in the decisions delivered by Judge Levan Murusidze, however, when asked if he was uncomfortable with the existence of such decisions, Giorgi Gogiashvili explained: *"How can I not be, I would like the Strasbourg court to overturn the decisions delivered by the Georgian common courts in the least dose, but we cannot avoid the situation when it happens. It will always happen no matter how hard we try."*

### ***d) personal and professional reputation***

According to the information collected about the candidate by the Office of the High Council of Justice, he enjoys a high professional reputation among colleagues and recommenders. According to the candidate, bold decisions by lower court judges should be appreciated as they may feel the need for change sooner.

## **Assessment of Competence Criteria**

### ***a) knowledge of legal norms***

Based on the candidate's responses at both stages of the interview, there is a feeling that Judge Gogiashvili on the one hand tries to get acquainted with the norms of both local and international law, and on the other hand - to consistently apply this knowledge in substantiating his position.

On the question, whether the provision with free meal to persons with disabilities by the diner was discrimination, the candidate substantiated his answer using various legal sources and clarified

that there was no discrimination. While substantiating his answer, Judge Gogiashvili first used the provision of the Law of Georgia „on the elimination of all forms of discrimination”, according to which "the principle of equal treatment should be applied not only to public legal relations but also to private legal relations." He pointed out that when assessing the fact of discrimination, the judge should examine whether things led to segregation, division. He further clarified on the basis of Article 14 of the European Convention that " the fact of discrimination is established in case the division; differentiation is arbitrary". Finally, he tried to connect this with the practice of the Constitutional Court of Georgia. Based on the above, it seems that he is familiar with the legal framework and practice of Georgian and international law. Also, has the ability to use this information in a consistent, correct and reasoned manner.

***b) ability and competence to provide legal arguments***

His reasoning ability also appeared during discussing the events of June 5-6. Although the candidate refrained from evaluating the issue in a political context, he explained the current and international standards on freedom of expression. In particular, how the proportionality of the interference with this right is assessed. Giorgi Gogiashvili mentioned the report of the Public Defender and the problems raised in it, including regarding vulnerable groups. Finally, he repeated the "present danger test" established by the US Supreme Court, which is shared by the Georgian legal system.

***c) writing and oral communication skill;***

Both in the High Council of Justice and in the parliamentary hearing, the candidate spoke fluently and consistently. In some cases, he avoided answering questions directly.

***d) professional qualities***

During reviewing his own case law, the candidate adhered to ethical norms. The conversation was balanced. According to the information submitted to the High Council of Justice, it has an average rate of compliance with the procedural deadlines.

***e, f) academic achievements and professional training***

At the hearing, the candidate focused on a book he had written about the police state. Judge Gogiashvili is the author of numerous publications and papers. Engages in scientific-pedagogical activities. He also noted that while exercising his judicial power in 2001-2005, articles were published on his behalf in which he spoke about the negative influence of the Ministry of Internal Affairs and the Prosecutor's Office on the judiciary.

***g) professional activities.***

According to the candidate, the territorial integrity of Georgia is a particularly interesting issue for him and he is actively working on the establishment of a state system, including the development of various forms of republican governance.

In addition, Judge Gogiashvili took an active part in various continuing education activities, such as training in the theory and practice of the UN Convention Relating to the Status of Refugees, as well as training in judicial management.



## Eka Zarnadze

On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 12 votes against none, nominated Eka Zarnadze, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.<sup>56</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 7, 2021, and lasted 4 hours and 09 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Eka Zarnadze was not elected as a judge of the Supreme Court of Georgia.<sup>57</sup> 87 MPs were present at the voting, 5 - supported her candidacy, 6 were against, and 76 of them did not participate in the voting procedure.<sup>58</sup>

Eka Zarnadze's judicial career starts in 2007.<sup>59</sup> In 2007-2011 she was a judge of the Panel for Civil Cases of Tbilisi City Court. For years she has been a judge in Mtskheta and Gori district courts. From 2019, Judge Zarnadze was appointed to the position for lifetime. She is currently a judge of the Civil Chamber for Civil Cases of Tbilisi court of Appeals.

## Overall Assessment of the Interview

The interview with Eka Zarnadze in the Legal Affairs Committee of the Parliament of Georgia was held in a calm atmosphere. There was no open and obvious confrontation between the candidate and the members of the Parliament of Georgia, as well as the representatives of non-parliamentary entities.

Certain category of questions was identified, where Judge Zarnadze tried to indirectly bypass the answers. A number of such questions included: April 19 Agreement and questions about the possible presence of an influential group of judges in the judiciary.

## Assessment of Integrity Criteria

### *a) personal honesty and professional integrity*

According to the information collected by the office of the High Council of Justice and submitted by the recommenders about Judge Zarnadze, she performs her official and civil duties in good faith and properly. According to the respondents, she is an honest judge and citizen, has a proper awareness of duties and responsibilities, and is a fairness person.

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<sup>56</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>57</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/3sANI8g>

<sup>58</sup> Voting Report. Available at: <https://bit.ly/3k1ZzUZ>

<sup>59</sup> Biographic Data of Judge Eka Zarnadze. Available at: <https://bit.ly/3sD8U9K>

At the same time, during the interview, she refrained from answering a question about the selection process of the Supreme Court judges and the public trust towards the judiciary, and quotes the words of a judge of the Supreme Court of the United States, whose whole spirit and pathos was such, that a judge should not be involved in political processes.

***b) independence, impartiality and fairness;***

On the question regarding the possibility of electing presidents of specific courts by its peers, Eka Zarnadze responded: *"I think, precisely because the public may have a certain question, it may be better to be elected, because it's certain, let's say, some issues that are being heard actively, and even in terms of authority, it can contribute to that."* However, she also mentioned, that she did not see whether such a change would bring any significant improvement in terms of results.

When asked about the possible existence of a privileged, influential group of judges in the judiciary, Judge Zarnadze gave an ambiguous and vague answer, saying, *"It could be. I mean, may not be. I cannot give you such a specific answer. "*

***c) personal and professional conduct;***

Both, in the High Council of Justice and during the parliamentary interview, the candidate was assertive, polite and correct. According to the information, one disciplinary proceeding was initiated against her on the basis of a report prepared by an independent inspector, during which an explanation was taken from her and the Board suspended the proceedings. In addition, she often points out and adheres to judicial ethics, is correct in relation to her colleagues or other persons.

***d) personal and professional reputation;***

According to the information collected by the Office of the High Council of Justice, as well as according to the interviewed persons and recommenders, Judge Zarnadze uses the name of a hard-working, fair, highly professional person and a judge. It should be noted that the recommenders do not point out her weaknesses.

## **Assessment of Competence Criteria**

***a) knowledge of legal norms;***

Based on the answers given by Eka Zarnadze during the interview, it can be concluded, that her level of knowledge on certain legal issues is quite high, although there were cases when her answers to a particular issue were unsatisfactory.

Judge Zarnadze gave a wrong answer to the question of what the principle of "Ultima Ratio" means in labor law - *"If I am not mistaken, does this mean an agreement? If I am not mistaken, the agreement between the parties may be broken as a result of mediation?"*

Although Eka Zarnadze answered questions about the aspects of freedom of expression at both stages of the interview, she said that she would refrain from commenting on the events of July 5-6, as she might have discussed certain issues in the future.

***b) ability and competence to provide legal arguments;***

At both stages of the interview, Judge Zarnadze tried to demonstrate reasoned argument, analysis, and good substantiation for her position. During the parliamentary interview, she was repeatedly asked to formulate her position relatively briefly when discussing certain legal issues due to lack of time, when he tried to cite legal norms or other additional arguments due to her desire to give a comprehensive answer.

According to the assessment paper prepared by the members of the High Council of Justice, both in decisions and in scientific publications, Judge Zarnadze conveys the opinion clearly and comprehensibly, develops reasoning well, focuses on important issues and thoroughly substantiates the conclusion.

***c) writing and oral communication skills;***

During the interview at the High Council of Justice, as well as during the parliamentary hearing, Judge Zarnadze did not show obvious disrespect or the attitude inappropriate for the high status of a judge towards any of the interlocutors. As a result of monitoring both interviews, it can be concluded, that Judge Eka Zarnadze speaks fluently, has the ability to listen, including dissenting opinions patiently, and in turn, formulate her own opinion clearly, unambiguously and convincingly.

***d) professional qualities***

According to the assessment prepared by the members of the High Council of Justice, Judge Zarnadze is punctual in the performance of her official duties, has a good ability to prepare the case properly and responsibly, and is a hardworking, diligent and disciplined person.

***e, f) academic achievements and professional training***

Eka Zarnadze holds a PHD degree. She is engaged in pedagogical activities in various higher education institutions throughout Tbilisi. Author / co-author of legal articles and books, including: "Harmonization of Juvenile Rights with European Standards: Perspectives for Improving the Civil Code of Georgia" (Report, Author), "Exercises in General Civil Law and Commodity Law" (Textbook, Co-author) Unification of Norms of the Institute of Nominal Ownership and the Geneva Convention on Securities" (article, author) and others.

***g) professional activities.***

Apart from the fact that Judge Zarnadze is the author / co-author of numerous articles or textbooks, according to the assessments prepared by the members of the High Council of Justice, she is actively taking care of her professional development. According to the information, she has taken part in a number of legal events, for example in the following trainings organized by the High School of Justice: how to deal with a disobedient and unqualified party (lawyer, prosecutor) to help maintain

order and seek the truth; Peculiarities of domestic violence cases; The role of the judge during a pandemic and more.



## Levan Tevzadze

On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 11 votes against 1, nominated Levan Tevzadze, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.<sup>60</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 7, 2021, and lasted 3 hours and 41 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Levan Tevzadze was elected as a judge of the Supreme Court of Georgia for lifetime.<sup>61</sup> 87 MPs were present at the voting, 77 - supported his candidacy (exactly one vote more than required), 6 were against, and 4 of them did not participate in the voting procedure.<sup>62</sup>

Levan Tevzadze's judicial career began in 2008.<sup>63</sup> In 2001-2007 Levan Tevzadze worked in various positions at the Ministry of Justice and the Ministry of Internal Affairs of Georgia. In 2008, shortly after his appointment as a judge of the Khelvachauri District Court, he became the chairman of the same court. It should also be noted that Levan Tevzadze has often held managerial positions throughout his judicial career, including: Chairman of the Chamber / Court, Chairman of the Administrative Committee of the Conference of Judges of Georgia, and Member of the High Council of Justice of Georgia. As a member of the High Council of Justice, his brother-in-law was member of the Council at the same time, also a judge of the Panel for Civil Cases of Tbilisi Court of Appeal (chair of the Administrative Cases Panel of the same court for many years) - Irakli Shengelia.

Levan Tevzadze's name is associated with one of the most high-profile cases in the history of Georgian justice, namely, the case of the conviction for the murder of the Telasi financial manager. In 2014, the case was considered by Levan Tevzadze at the appeal level.<sup>64</sup>

## Overall Assessment of the Interview

Levan Tevzadze's long career gained additional interest to his interviews. As a former member of the High Council of Justice and a judge with an experience of being on various high managerial positions, Levan Tevzadze is considered to be one of the influential judge in the judiciary. Judge Tevzadze withdrew his candidacy from the competition in 2019 due to nepotism allegations. He is the brother-in-law<sup>65</sup> of the former council member, Irakli Shengelia. In view of the above-mentioned factors, the questions of the representatives of non-parliamentary institutions, as well

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<sup>60</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>61</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/3maqq3S>

<sup>62</sup> Voting Report. Available at: <https://bit.ly/3md3cKl>

<sup>63</sup> Biographic Data of Judge Levan Tevzadze. Available at: <https://bit.ly/3mugi6n>

<sup>64</sup> Media Report. Available at: <https://bit.ly/2UzzT9B>

<sup>65</sup> Media Report. Available at: <https://bit.ly/3xZRFQQ>



as of the parliamentary opposition politicians during the committee hearing were related more to his integrity, rather than to his competence and knowledge of specific legal norms.

This circumstance, among many other issues, was the subject of discussion both in the Council and during the ongoing interview in the Parliament, which caused obvious irritation of Judge Tevzadze. At both stages of the interview, there were moments when he openly confronted the interlocutor and exposed inappropriate behavior to the high status of a judge.

During the interview, it became obvious, that Judge Tevzadze had difficulties in accepting of a dissenting opinion, especially when it referred to challenges in the judiciary, including the possible existence of an influential group in the system.

## **Assessment of Integrity Criteria**

### ***a) personal honesty and professional integrity***

According to the assessment prepared by the members of the High Council of Justice, Levan Tevzadze is characterized as an honest judge and a citizen who also has a proper awareness of duties and responsibilities, although the answers he gave during the parliamentary hearing regarding the situation in the judiciary until 2012 is very interesting.

Judge Tevzadze tried to limit himself to such general, less specific phrases as: *"There were problems with independence as well."* On the question, whether there was a pressure on judges, Levan Tevzadze answered similarly to other current or former candidate judges - *"I do not know, it didn't happen with me."*

### ***b) independence, impartiality and fairness***

According to Judge Tevzadze, there was no pressure on him, therefore, there was no interference in his independence. Also, he has not heard of any similar cases from his colleagues. On the question asked by MP Anri Okhanashvili, whether there had been any communication, offers or pressure from the current government towards him or his colleagues, Judge Tevzadze responded, that such a discussion was absurd and to prove his own words referred to the statistical data regarding acquittals and disputes between the state and the individual, ended in favor of the latter.

As a response to the question about the lack of dissenting opinions in the self-government of judges and the non-competitive elections for certain positions, Judge Tevzadze said, *"When one candidate is nominated for a vacant position, it does not mean that it is a bad thing. They decide it themselves"*.

### ***c) personal and professional conduct***

According to the assessments prepared by some members of the High Council of Justice, Judge Tevzadze adheres to judicial ethics, both in the process of carrying out professional activities and in public life. On the contrary, his attitude towards Nazi Janezashvili, a former member of the High Council of Justice, as well as his refusal to answer the questions asked by the representatives of non-parliamentary entities during the parliamentary hearing shows the alternative reality.

***d) personal and professional reputation***

There are some doubts in civil society about his reputation, as one of the most influential judges, stemming from his kinship and the positions he has held during his judicial career.<sup>66</sup>

## **Assessment of Competence Criteria**

***a) knowledge of legal norms***

Based on the answers to the questions asked during the interviews, it can be concluded, that the candidate's knowledge of specific material or procedural norms is satisfactory. However, it should be noted that according to one of the members of the High Council of Justice, Levan Tevzadze's answer to the question about judicial ethics was unsatisfactory.

***b) ability and competence to provide legal arguments***

According to the reasoning developed in his judgment, the members of the High Council of Justice positively assess his reasoning ability and competence. However, the member of the Council also points out that although the candidate answered most of the questions, a number of questions were answered in general, in the form of opinions, and were not substantiated by an appropriate legal basis.

Judge Tevzadze applied similar general arguments even when the issue was related to the problems and challenges in the judiciary.

***c) writing and oral communication skills***

Levan Tevzadze's attitude towards the member of the council and the representatives of non-governmental organizations during the parliamentary interview negatively reflected on his oral communication skills. *"In short, can I answer? If it continues like this, I would not answer his questions at all. "that's it", I will not answer! [...] I'm not answering, finish it ... I do not answer, I have the right not to answer, right?!"* - this was Levan Tevzadze's reaction to the question of Vakhushvi Menabde, a representative of the Georgian Young Lawyers' Association, about the possible existence of an influential group of Judges in the judiciary.

A similar situation took place in case of Kakha Tsikarishvili's question, a representative of an independent group of lawyers. Judge Tevzadze interrupted the question, recalled the moment of confrontation with Nazi Janezashvili in the High Council of Justice and said, *"The court should not apologize to the public, you should apologize to the judiciary. Is it clear?"*

***d) professional qualities***

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<sup>66</sup> Media Reports. Available at: - <https://bit.ly/2W5j72E> <https://bit.ly/3AR0r5F> <https://bit.ly/3z08nRq>  
Also, see the OSCE / ODIHR second report on the nomination and appointment of Supreme Court Judges in Georgia. 2019, which addresses a possible conflict of interest. Available at: <https://bit.ly/3y5UWY6>

According to the references presented by the recommenders regarding the candidates to the High Council of Justice, Judge Tevzadze is a hard-working and disciplined person who has the ability to work in a stressful environment. On the contrary, during the monitoring of the interviews with Levan Tevzadze, a number of cases were revealed when his attitude towards the interlocutors proves the opposite and did not correspond to the high status of a judge.

***e, f) academic achievements and professional training***

According to information about Judge Tevzadze processed by the office of the High Council of Justice, he has participated in more than 10 events regarding the judiciary and justice, has taken courses in the United States, Germany and Romania, is a local expert of the Council of Europe. He is a PHD student at the Faculty of Law of Tbilisi State University, but currently has suspended a status.

***g) professional activities***

In addition to being a local expert of the Council of Europe on substantiation of decisions in criminal cases, Levan Tevzadze also teaches at the High School of Justice and is a member of the Teachers' Council.



## Ketevan Meskhishvili

On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 11 votes against one, nominated Ketevan Meskhishvili, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.<sup>67</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 8, 2021, and lasted 5 hours and 17 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Ketevan Meskhishvili was not elected as a judge of the Supreme Court of Georgia.<sup>68</sup> 87 MPs were present at the voting, 4 - supported her candidacy, 2 were against, and 81 of them did not participate in the voting procedure.<sup>69</sup>

Ketevan Meskhishvili was appointed as a judge of Sokhumi and Gagra-Gudauta District Court in 2010-2011, but served in Tbilisi Court of Appeals due to a secondment. Judge Meskhishvili has been a judge of the Tbilisi Court of Appeals since 2012, and from November 19, 2020 is appointed for a lifetime.

Ketevan Meskhishvili was the only judge who publicly stated her position regarding the holding of an extraordinary conference of judges on May 21, 2021, saying that *"Holding a conference of judges, even within the requirements of the law, is not very appropriate in this situation. Consideration of the expediency of the circumstances is an implicit condition of all laws."*<sup>70</sup>

## Overall Assessment of the Interview

Judge Meskhishvili's answer to the question regarding the Charles Michel's Agreement is important for assessing of Judge's value order. In her estimation, it would probably be better to postpone the elections of the members of the High Council of Justice for some time. However, on the other hand, the judge noted that she was not personally against the election of anyone, but rather thinks that a legislative change might have made the election process more democratic. Regarding the appointment of judges to the Supreme Court, she said that she could not evaluate the current process because of its political nature, however, if the suspension of the process could bring more authority to the court, she would support this decision.

Ketevan Meskhishvili stated, that she has not signed the statement issued by the corps of judges as an answer to the foreign partners' criticism towards Georgian judiciary, because she believes that such a position of Georgia's partners cannot be considered as an interference in the Judiciary's autonomy. In her opinion, the views of the partners, who spend serious resources on Georgia's Euro-Atlantic integration, are important and valuable based on their years of democracy and experience, and it contributes to "the development of more democratic processes in the judiciary."

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<sup>67</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>68</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/3xVFrBt>

<sup>69</sup> Voting Report. Available at: <https://bit.ly/3APIdpe>

<sup>70</sup> Public statement posted on Social Media. Available at: <https://bit.ly/2W5EoZY>

Speaking about the challenges in the judiciary, the candidate stated, that she wanted the court to be *"more diverse, where not everyone agrees on one issue, where there is diversity of ideas, controversy of thoughts, but controversy and diversity is encouraged and not stigmatized."* She expressed the desire that decisions in court be made individually and not - as a team, and that the candidate nominated at the conference was not receiving 300 votes.

## Assessment of Integrity Criteria

### ***a) personal honesty and professional integrity***

On a question regarding the political context and the situation, the candidate replied, that the judge should consider only the facts and evidence attached to the case, but the High Council of Justice may consider the context as well, as *"the issue concerns the administration of justice and not a specific case."*

According to the candidate, the state should be exempt from the laws of ecclesiastical jurisprudence. These statements speak positively of the integrity of the judge.

### ***b) independence, impartiality and fairness***

While responding to one of the questions, Judge Meskhishvili stated, that a fair solution to the issue is much more valuable than compliance with the law, because it is important, that the decision *"instills a sense of justice in the society and creates a sense of security."* Such an approach indicates the fairness of the candidate.

Speaking about the need for narrow specialization in the appellate instances, the candidate said that since the biggest challenge of the judiciary in Georgia is public trust, in our reality, it is better to have a greater choice of judges while distribution of cases to build public trust in the court than having some narrow specializations. The candidate also pointed out that narrow specialization should not be done according to the value of the subject matter of the dispute. Such an attitude speaks positively of the judge's impartiality.

On a question, whether it is embarrassing, that Levan Murusidze is the "face" of the Judiciary, who calls himself the leader of the judiciary, the candidate responded, that she could not comment on that issue because *"a judge cannot speak about another judge in either a positive or negative context."* However, she also noted that the judge does not have a leader and does not know in what context Levan Murusidze spoke about this issue. In response to the same question, she said that her role models are: Zhiuli Shartava, Gabiskiria, Giorgi Antsukhelidze, nurses, doctors and teachers.

### ***c) personal and professional conduct***

Due to her professional ethics, the candidate tried her best to make the identities of the persons unidentifiable while giving examples from her own judicial practice or voicing the position of another citizen.

During the parliamentary hearing, the candidate noted that there are too many decent judges in the judiciary, but she could not name specific judges because someone will definitely stand out. In response to the MP's remark to name three decent judges, judge Meskhishvili said that *"it would not be correct, neither ethically nor humanely"*.<sup>71</sup>

#### ***d) personal and professional reputation***

The substantiation of the candidate's evaluation by the members of the High Council of Justice shows that the candidate has a very good personal and professional reputation among both local and international colleagues. Respondents and recommenders highlighted candidates' integrity, independence, resilience and professionalism.

## **Assessment of Competence Criteria**

#### ***a) knowledge of legal norms***

In the light of the hearings held at the Legal Issues Committee of the Parliament of Georgia, it can be concluded, that the candidate was the most distinguished participant, who tried to substantiate her position in every question by referring to local or international legal norms.

When discussing the property rights of spouses in unregistered marriages, Judge Meskhishvili noted that the European Court of Human Rights has left the matter to the internal affairs of each state to resolve the issue in the light of socio-economic development and moral considerations. According to the candidate, persons in an unregistered marriage who have a strong common economic union should enjoy the same rights in resolving a dispute as those in a registered marriage.

Speaking about the right to resist, the candidate said that this right is the basis of democracy and if the state goes beyond the powers given to it by the people, people will encounter resistance, so-called Subsidiary right, the right of vertical resistance to the state when they demand the state institutions to return within the scope of their authority.

On the question regarding the Article 9 of the European Convention, on why freedom of thought, conscience and religion is not absolute, the judge noted that confession is no longer absolute after its expression, because it is limited by the freedom of another. The Constitution and the Convention are the guarantors of coexistence of human rights and freedoms.

Judge Meskhishvili's answers left the impression that her knowledge of legal issues was not superficial, but was in-depth and well thought out. However, the questions to which the candidate did not have answers were not avoided, although such cases were quite rare during the hearing.

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<sup>71</sup> Judge Ketevan Meskhishvili's Committee hearing. Available at: <https://bit.ly/3j4QMm1> The response of Judge Ketevan Meskhishvili to the question of the MP – Aleko Elisashvili Available at: <https://bit.ly/3j4QMm1> [ 1:22:05- 1:22:35 ]

***b) ability and competence to provide legal arguments***

Judge Ketevan Meskhishvili discussed legal issues consistently, convincingly and with arguments. Her answers clearly showed that the candidate has the ability to legally substantiate her opinion / position, using both local and international law, as well as case law.

On the question, whether the pardon could be discussed in court, judge Meskhishvili argued that the pardon was not a subject to legal review, as it was the exclusive authority of the president as an arbitrator, mediator and guarantor of state peace. Meskhishvili said that the president would issue a pardon act in cases of special importance due to public needs, so judicial control over the issue was not in line with her vision of the separation of powers.

***c) writing and oral communication skills***

At both stages of the interview, the candidate answered the questions in a balanced, adequate manner. With regard to the number of issues, the candidate has formulated her own legal position, which she consistently substantiates with legal arguments. She is tolerant towards the dissent opinions and has no difficulty in accepting a critical opinion as well.

***d) professional qualities***

The candidate did not disclose the identities of the persons who were parties to the case, where she decided to divide the property of the family in an unregistered marriage in the same way as in the case of a registered marriage. The candidate has repeatedly invoked the norms of professional ethics as a reason for refraining from evaluating individual judges.

***e, f) academic achievements and professional training***

During an interview, Judge Meskhishvili mentioned, that she liked challenges, innovations, contributions to development, which is reflected in her academic activities and participation in professional training/seminars. In 2012, the candidate earned PHD degree. In 2012-13 she was an associate professor at Caucasus University, since 2013 she has been a full professor of private law at the Free University. Judge Meskhishvili is the author and co-author of numerous books and publications.

The candidate actively participates in international or local trainings/ seminars to enhance her qualification and is involved in continuing legal education programs.

***g) professional activities***

In addition to her academic activities, Judge Meskhishvili is an active pedagogue - often an invited expert in various international organizations or events organized by them for local judges on the issues concerned to freedom of speech, labor law, and prohibition of discrimination.



## Revaz Nadaraia

On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 11 votes against one, nominated Revaz Nadaraia, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.<sup>72</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 8, 2021, and lasted 3 hours and 39 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Revaz Nadaraia was elected as a judge of the Supreme Court of Georgia for lifetime.<sup>73</sup> 87 MPs were present at the voting, 77 - supported his candidacy (exactly one vote more than required), 6 were against, and 4 of them did not participate in the voting procedure.<sup>74</sup>

Revaz Nadaraia was appointed as a judge of Chkhorotsku District Court in 2010-2011, but served in Poti City court due to a secondment.<sup>75</sup> In 2010-2016 Revaz Nadaraia held the positions of Judge of Poti City Court and Chairman of the same court. In 2016-2017 he was the chairman of the Tbilisi City Court and the chairman of the panel of the investigative and pre-trial session of the same court. In 2017-2018, Judge Nadaraia held the position of Judge of the Criminal Chamber of the Tbilisi Court of Appeals, and in 2018-2021 he was a judge of the Civil Chamber of the same court. In 2017-2020, Revaz Nadaraia was a member of the High Council of Justice of Georgia. He has been a member of the Prosecutorial Council since 2019.

## Overall Assessment of the Interview

Along with Levan Tevzadze, Revaz Nadaraia's candidacy also received special attention during the whole process. His responses to the challenges of the judiciary were of particular interest, as he is affiliated with the influential group judges.<sup>76</sup> Like in case of Levan Tevzadze, the questions asked to Judge Nadaraia by the opposition MPs and non-parliamentary institutions were mostly aimed at determining: his vision regarding the ongoing processes in the country and compliance of his candidacy with the criteria of Integrity.

According to Revaz Nadaraia, refusing to answer a specific person did not show disrespect to the law, he said, *"I have this assessment of a person and I do not consider it necessary to answer his questions and you are not my evaluator here. If I did something wrong, what do I know..."*<sup>77</sup>

Judge Nadaraia's assessment of Levan Murusidze's leadership was quite unusual and different from the existing answers. According to Revaz Nadaraia - *"These circumstances, that you call the leader very often, made Levan Murusidze a leader. You made him a leader. You mention Levan Murusidze in*

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<sup>72</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>73</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/3gdru3e>

<sup>74</sup> Voting Report. Available at: <https://bit.ly/2XxhBGV>

<sup>75</sup> Biographic Data of Judge Revaz Nadaraia. Available at: <https://bit.ly/37ZGhKl>

<sup>76</sup> Media reports. Available at: <https://bit.ly/2W18BsZ> <https://bit.ly/3k91iIc>

<sup>77</sup> The author of the question was Vakhushti Menabde, representative of GYLA.



*all questions. Whenever someone wants to attack the judiciary, they first attack Levan Murusidze and then the rest of the system. Those of you who often mention Levan Murusidze, you also recognize him as a leader. "*

## **Assessment of Integrity Criteria**

### ***a) personal honesty and professional integrity***

On the question regarding Levan Murusidze at the parliamentary hearing, why he was proud of friendship with him, Judge Nadaraia responded, that *"because during every activity, he fought for the independence of the judiciary, [...] Levan Murusidze secured it and started the process where 82% of judges are re-appointed for lifetime. Levan Murusidze united the Judiciary system and the system today, is independent."* In reality, Levan Murusidze is one of the leaders of an influential group of judges, whose activities, on the contrary, prevent the creation of an independent and impartial system<sup>78</sup> and is a symbol of an unjust judiciary. Today, the judiciary lacks of trust from the public, and the problems there, including its independence, are mentioned in the statements or reports of many international and local organizations. Consequently, such positioning of the candidate and turning a blind eye to these problems or excluding their existence speaks negatively on his personal Integrity.

### ***b) independence, impartiality and fairness***

At the interview before the High Council of Justice, as well as to the question posed at the parliamentary hearing regarding the preference between fair and legal decision in case of conflict between the principles, the candidate preferred the principle of legality, however, noting that he could not think of a decision that is erroneous to law and constitution and can only be interpreted in terms of justice, because the perception of justice is changeable over time. He pointed out: *"To me, law and justice separately are unthinkable. A lawful decision must be placed within the framework of justice as much as possible, so that the objective observer, both the judge and the external objective observer was satisfied with the standard of justice."*

This should not be considered as a complete answer, because the candidate does not consider the case when the decision is in accordance with the law, but is not in compliance with the principle of fairness. Numerous cases of this kind had been reported in the past. At the same time, the unequivocal adherence to the principle of legality, in turn, de facto negates the existence of the institution of constitutional submission. Consequently, such a position of the candidate may be less indicative of his fairness.

### ***c) personal and professional conduct***

According to the assessment document of the members of the High Council of Justice, he was not disciplined or prosecuted, he was a defendant in one administrative case. Is assertive, polite,

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<sup>78</sup> Media reports. Available at: <https://bit.ly/3mgMmu4> <https://bit.ly/3y0UiSr> Also, Judge Levan Murusidze's statement about his Leadership. Available at: <https://bit.ly/2VZFC9v>

correct, adheres to judicial ethics. Distinguished by calmness, balanced character, high professional conscience.

However, his conduct during the parliamentary hearings on a number of questions, including the form of refusal to answer and the tone of his appeal, did not correspond to the high status of a judge.

***d) personal and professional reputation***

In Revaz Nadaraia's assessments, members of the High Council of Justice indicate that he enjoys a good reputation among colleagues. However, given the fact that the candidate is one of the most influential judge in the judiciary, the authors of the document believe that his good reputation in the legal community should be questioned.

## **Assessment of Competence Criteria**

***a) knowledge of legal norms***

During Revaz Nadaraia's interviews, there were questions that could be considered satisfactory, as well as legal issues that the candidate found difficult to answer correctly.

For example, Judge Nadaraia was unable to answer a question posed by Nazi Janezashvili about the impeachment of a member of the Georgian Parliament during an interview, despite the fact that Judge Nadaraia himself asked this question to a candidate participating in the selection process when he was the member of the HCoJ.

***b) ability and competence to provide legal arguments***

On a question regarding the constitutional provision regarding the alienation of Georgian land to the foreigner, the candidate refrained from taking any positive or negative position and pointed out the expediency of the existence of such a record. He pointed out that *"because the legislator considered it so, I consider its expedience has been studied"*. This answer can be considered as a kind of avoidance of the critical question, the reason for which as the candidate further clarified is the lack of study of the pros and cons of this provision. However, a prior sharing of the legislator's position on expediency does not demonstrate the candidate's critical thinking and reasoning skills.

During the parliamentary hearing, the candidate made an unconvincing, superficial explanation of the ultra-right ideology - *"As far as I know, as far back as I can remember ... some are distinguished by a radical approach to certain views."*

***c) writing and oral communication skills***

The candidate presented only one adjudication to the High Council of Justice, on the basis of which it should have been difficult and impossible for the members of the Council to form their opinion on the candidate's writing ability, however, he was positively evaluated with high scores in this component. As for the oral communication skills, the candidate seemed irritated / excited when asking critical questions. In some cases, his answers were vague. In addition, at the parliamentary

hearings, Judge Nadaraia refused to answer questions from Kakha Tsikarishvili, a member of the Independent Lawyers' Group, called him incompetent and dishonest, which clearly indicates, that Judge Nadaraia found it difficult to listen and accept dissenting opinion.

***d) professional qualities***

According to the assessment of the members of the High Council of Justice, Judge Nadaraia is characterized as a diligent, and hardworking person who has the ability to communicate fluently, openly express his opinion and listen patiently. In it he was irritated and formulated his own answer in a form unsuitable for the high status of a Supreme Court judge. During the parliamentary hearing, the question posed regarding Levan Murusidze clearly irritated him and he formulated his own answer in a form unsuitable for the high status of a judge.

***e, f) academic achievements and professional training***

According to Revaz Nadaraia's assessments by members of the High Council of Justice, the latter is actively attending advanced training courses and seminars, which indicates to the acquisition of new knowledge and professional development.

***g) professional activities***

Revaz Nadaraia currently carries out only judicial activities, but in the past he was also a member of the High Council of Justice, however, during his tenure the HCoJ has not discussed any initiative presented by him. On a question during a public hearing at the High Council of Justice, what he considered to be his greatest achievement during his tenure as a member of the HCoJ, he generally indicated: *"participation in the processes that was going on during my tenure. First of all, the main thing, which is the re-appointment of judges for lifetime, [...] [then] there were periodic attacks on the judiciary, I was part of the process to protect the system from these attacks..."*



## Bidzina Sturua

On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 12 votes against none, nominated Bidzina Sturua, acting Judge of Mtskheta City Court as a candidate for a judge of the Supreme Court of Georgia.<sup>79</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 9, 2021, and lasted 3 hours and 56 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Gocha Abuseridze was elected as a judge of

the Supreme Court of Georgia for lifetime.<sup>80</sup> 87 MPs were present at the voting, 78 - supported his candidacy, 6 were against, and 3 of them did not participate in the voting procedure.<sup>81</sup> It is noteworthy that Bidzina Sturua collected all 78 votes with the support of the representatives of the Georgian Dream.

Bidzina Sturua's judicial career begins at the Khelvachauri District Court, where he worked in 2011-2012.<sup>82</sup> From 2012 to 2019, Bidzina Sturua was a judge of the Ozurgeti District Court. From 2019 until his election as a judge of the Supreme Court of Georgia, he was a judge of the Mtskheta District Court and the chairman of the same court.

While being a judge in the Ozurgeti District Court, Bidzina Sturua's name is associated with the decision to declare the participants of the "Awaken the Oligarch" rally in Shekvetili as offenders. According to public information, in his decision, Bidzina Sturua states that *"expression of solidarity for the protection of human rights, of course, will be considered a gathering, but the exercise of the rights that are the basis of human existence cannot be the subject of protest."*<sup>83</sup>

The name of Bidzina Sturua is also associated with the murder case of a young football player Giorgi Shakarashvili.<sup>84</sup>

## Overall Assessment of the Interview

Like other candidates, Bidzina Sturua was asked questions about the April 19 agreement and challenges in the judiciary. In response to a question about the competition of judges for the Supreme Court, Judge Sturua explained: *"That the legislative regulation is in full compliance with the Constitution and the current law. Therefore, we are a democratic and legal state. Making a decision against the constitution and the law will, of course, prevent the court, whatever term you use, from building trust."*

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<sup>79</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>80</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/37RcXFI>

<sup>81</sup> Voting Report. Available at: <https://bit.ly/37XgyLL>

<sup>82</sup> Biographic Data of Judge Bidzina Sturua. Available at: <https://bit.ly/3AU1NMP>

<sup>83</sup> Media Report. Available at: <https://bit.ly/3sshHew>

<sup>84</sup> Media Reports. Available at: <https://bit.ly/38zv6lq> <https://bit.ly/2Y7i6Yz> <https://bit.ly/3t34o4w>

Judge Sturua, like judge Eka Zarnadze, avoided assessing the events on the streets of Tbilisi on July 5-6, citing the fact that criminal cases are being prosecuted on these cases, and with a high probability, he, as a judge, might have to consider similar disputes in the future.

Speaking about the challenges facing the judiciary, Judge Sturua focused on "targeted campaigns" and "persistent attacks" by the media and NGOs, along with case overload.<sup>85</sup>

## **Assessment of Integrity Criteria**

### ***a) personal honesty and professional integrity***

In the candidate's view, the controversy between legality and fairness is unacceptable when making a decision. In his opinion, these two issues should not be separated, because the law should be fair and it is its obligation to make both a legal and a fair decision. In case a judge suspects that the law is unfair, he/she should use the mechanisms at his disposal, such as guiding by the principles of law, applying to the Constitutional Court, applying to international practice, etc.

According to Judge Sturua, there was no pressure on him during the decision-making process, but in case of such a fact, he would definitely take an appropriate measure.

### ***b) independence, impartiality and fairness***

The judge was reluctant while talking about the problems in the judiciary. His opinions on administrative regulation and organizational issues were more about developing new approaches and taking new initiatives than discussing existing problems.

According to him, the main problem of the judiciary today is the attacks on it and secondly the case overload. In addition, when asked if the judiciary was independent before 2012, Sturua said that he was aware of the information spread in the society, although he had not heard specific facts from the judges.

The judge refused to take part in the political discussion and evaluation of the political statements related to the April 19 agreement, and considered the process of hearing the candidates for the Supreme Court in Parliament to be lawful.

The candidate stated, that there was no problem of trust towards the Judiciary. In his opinion, the "problem" is only in specific groups who manipulate with this topic in different groups. According to him, the media and non-governmental organizations are carrying out attacks on the Judiciary. He also explained that it was unacceptable for him to use the words "clan" or "notaries" in the context of the Judiciary and judges.

He has a negative attitude towards the criticism of judges. In his estimation, it is permissible to criticize the judge's decision, but it is inadmissible to connect this decision personally to the judge.

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<sup>85</sup> The response of Bidzina Sturua to the question of the MP – Ana Buchukuri. Available at: <https://bit.ly/38wXNpx> Also: <https://bit.ly/3BvKphQ>

Although a judge has an obligation to tolerate, he perceives criticism or insults of a judge negatively. Nevertheless, according to his explanation, the candidate has repeatedly tolerated insulting direct and face-to-face statements against him.

***c) personal and professional conduct***

The candidate was mostly restrained. He tried not to critically evaluate his colleagues or their decisions and avoided answering questions related to Levan Murusidze, his influence on the judiciary and the "clan".

***d) personal and professional reputation***

As in the case of the other candidates, according to the assessments submitted by the members of the High Council of Justice, those with a collegial relationship with Bidzina Sturua characterize him as a person with a high personal and professional reputation, who enjoys respect in legal circles and society.

## **Assessment of Competence Criteria**

***a) knowledge of legal norms***

Based on the monitoring of Bidzina Sturua's interview processes, it can be concluded that he is quite familiar with the norms of Georgian law and the practice of their application. Also, as Judge Sturua explained, he is periodically getting acquainted with international practice and foreign (specifically German) legal literature. In support of his own words, the candidate, while answering particular questions, pointed to his own practice to explain the legal context.

In the context of freedom of expression on the events of July 5-6, Bidzina Sturua said that his view is in full compliance with the European Convention on Human Rights and that *"everyone has the right to freedom of expression and this limit ends where the rights of others begin."*

***b) ability and competence to provide legal arguments***

While answering legal questions, he developed reasoning logically. He spoke mostly using examples and often drew parallels with his own experience and practice. At the same time, he repeatedly stated that he used the case law of the higher instance court, as well as international and German legal sources, if necessary.

***c) writing and oral communication skills***

At both stages of the interview, the candidate was balanced and consistent in oral communication. He expressed his opinion clearly and distinctly, if there was a desire to answer. There was no discussion on his writing skills during the hearing. In this section, we can refer only to the assessments of the High Council of Justice, according to which "he is distinguished by his appropriate writing skills, correctly analyzes legal issues, and his arguments are consistent, clear

and unambiguous". However, deprived of the opportunity to assess to what extent this assessment corresponds to the reality.

***d) professional qualities***

While talking about the cases before him, although he mentioned certain factual circumstances, he adhered to the rules of judicial ethics. Also, while talking about the events of July 5-6, he refused to discuss specific issues, as these cases could become the subject of his judicial review.

***e, f) academic achievements and professional training***

He is doing PHD at Ivane Javakhishvili Tbilisi State University, faculty of Law.

***g) professional activities***

On a question regarding his main resource, which would be beneficial for the upper instance court, the candidate responded, that he had practical experience, 10 years of judicial experience, academic experience, processing German-language literature and therefore, he can contribute to the development of the law.



## Giorgi Shavliashvili

On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 12 votes against none, nominated Giorgi Shavliashvili, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.<sup>86</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 10, 2021, and lasted 3 hours and 40 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Gocha Abuseridze was not elected as a judge of the Supreme Court.<sup>87</sup> 87 MPs were present at the voting, 3 - supported his candidacy, 7 were against, and 77 of them did not participate in the voting procedure.<sup>88</sup>

Among the candidates participating in the competition, Giorgi Shavliashvili has the longest experience in working in the Judiciary. In 2005, Giorgi Shavliashvili was appointed as a judge of the Tbilisi City Court.<sup>89</sup> Shortly after his appointment, Judge Shavliashvili was appointed as a Chairman of the Criminal Cases Panel of the same court and simultaneously, was performing the duties of the Chairman of the Court. In 2006 he was the Chairman of the Tbilisi City Court. In February 2006, Giorgi Shavliashvili was elected as a member of the High Council of Justice. Since 2010, Judge Shavliashvili has been a judge of the Supreme Court of Georgia, and in the final year of his tenure he was the Chairman of the Disciplinary Chamber.

The name of Judge Giorgi Shavliashvili is associated with several high-profile cases,<sup>90</sup> including:

- The case of Gigi Ugulava - On February 10, 2020, the Supreme Court found Gigi Ugulava, one of the leaders of the political party "European Georgia", guilty in embezzling 48 million GEL from the Tbilisi Development Fund during his term as mayor and sentenced him to three years, two months and eight days in prison. The three-judge panel of the Supreme Court, together with Giorgi Shavliashvili, included two newly appointed judges, Shalva Tadumadze<sup>91</sup> and Merab Gabinashvili.<sup>92</sup>
- The case of Temur Basilia - former Vice Prime Minister and former Assistant to the President of Georgia - The Supreme Court of Georgia ruled on April 14, 2017, annulled the ruling of the Criminal Chamber of the Tbilisi Court of Appeals of February 14, 2017. Judges: Paata Silagadze (Chairman), Nino Gvenetadze and Giorgi Shavliashvili.<sup>93</sup>
- Davit Otkhmezuri Murder Case - The Supreme Court of Georgia annulled the decision of two instances and sentenced Aslan Bezhanidze to nine years in prison for the murder of Davit

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<sup>86</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>87</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/3AQC4Vv>

<sup>88</sup> Voting Report. Available at: <https://bit.ly/3xSePZu>

<sup>89</sup> Biographic Data of Judge Giorgi Shavliashvili. Available at: <https://bit.ly/3D2zyO4>

<sup>90</sup> This information is also mentioned in the assessment document of the candidate made by a member of the High Council of Justice Tamar Oniani (see the constituent component of the Integrity criterion – 4 personal and professional reputation. Available at: <https://bit.ly/3ARLosc> )

<sup>91</sup> Former Prosecutor General of Georgia.

<sup>92</sup> Statement of the Supreme Court. Available at: <https://bit.ly/3y3atP6> Media Report. Available at: <https://bit.ly/3D5SbjU>

<sup>93</sup> Media Report. Available at: <https://bit.ly/3swRwDr>



Otkhmezuri. It should be noted that Nino Gvenetadze and Paata Silagadze supported the decision of the board members, while Giorgi Shavliashvili went against it.<sup>94</sup>

- Case of Seizure of Imedi TV Property - The Public Defender's Office of Georgia issued a statement on December 12, 2007, declaring that the decision of the Tbilisi City Court to seize the property of Imedi TV was "unjustified" and "illegal." The Public Defender's Office also stated, that it had reviewed the court's decision to seize Imedi's property and considered it necessary to recommend to the High Council of Justice to initiate disciplinary proceedings against the Judge of the Tbilisi City Court - Giorgi Shavliashvili.<sup>95</sup>
- The so-called Tennis Court's Special Operation Case - The Supreme Court ruled on January 23, 2018 on the inadmissibility of both prosecution and defense parties cassation appeals. In both cases, the court concluded that these appeals should be declared inadmissible and the decision of the previous instance should remain in force, because according to the Supreme Court, in this case, there are no grounds provided by the Criminal Procedure Code when the case could be revised. The decision was made by the Criminal Chamber of the Supreme Court composed of Nino Gvenetadze, Paata Silagadze and Giorgi Shavliashvili.<sup>96</sup>
- AES Telasi financial manager's murder case - Giorgi Shavliashvili was one of the three judges who considered the case at the cassation level.<sup>97</sup>

## Overall Assessment of the Interview

In assessing the value order of Judge Shavliashvili, the candidate's response to the question regarding the validity of his participation in the competition after the critical report of the OSCE/ODIHR is very interesting, where the candidate stated, that he could not evaluate the report published by the organization, but considered, that the process provided by law allows him to participate in the competition.

On the question regarding the existence of an influential group of judges in the system, the candidate responded, that he had never been a subject of influence and had never seen a similar case against his colleagues.

On the question regarding the transparency of the Supreme Court judge selection process, Judge Shavliashvili stated, that it was one of the most transparent formats. As for his remarks regarding the process, the candidate noted that it needs some time to make the remarks and assessments better, however, he noted that the interview process may be supplemented by a more detailed review of the judge's decisions.

## Assessment of Integrity Criteria

### *a) personal honesty and professional integrity*

On the question whether the candidate, as the chairman of the City Court, felt responsible for Sandro Girgvliani's case, where one of the main violations determined by the Strasbourg court

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<sup>94</sup> Media Report. Available at: <https://bit.ly/3giHmBt>

<sup>95</sup> Media Report. Available at: <https://bit.ly/3swlSGf>

<sup>96</sup> Media Report. Available at: <https://bit.ly/2UB1nM0>

<sup>97</sup> Media Reports. Available at: <https://bit.ly/3xYoNbD> <https://bit.ly/3D25HFg> <https://bit.ly/3y48XMS>

ruling was the court's refusal to provide the applicant with the case files, the candidate responded, that as a chairman and non-reviewing judge in this case, he could not make any comment on the matter. The reason for this was the fact that he, as the chairman, was engaged in an administrative function.

***b) independence, impartiality and fairness***

As a response to the question regarding the seizure of Imedi TV assets on November 7, 2007, Judge Shavliashvili stated that he had made a decision regarding the measure of procedural coercion. The judge's decision states that "Imedi" was used as the main tool for organizing demonstrations. Asked by the MP whether he still believes that the assets of the TV station can be seized for organizing demonstrations, the candidate responded, that the measure of coercion is a normal legal procedure and will be issued on the basis of a relevant motion if it is justified. At the same time, he noted that it is important whether his decision was issued before or after the raid on Imedi TV.

Assessing the situation in the country before 2012 and after 2012, Judge Shavliashvili responded, that a policy of liberalization of sentences had been pursued since 2012. He also noted that until 2012, the country had a strict criminal policy and the number of human rights violations had been increased significantly. According to the candidate, today the strict criminal policy, except for cases of domestic violence, has changed to moderation.

***c) personal and professional conduct***

While assessing the candidate's personal conduct, it is noteworthy that during the interview and parliamentary hearing, the judge showed restraint and balance. In assessing the part of professional conduct, the information obtained during the interview at the High Council of Justice is important, according to which Judge Shavliashvili considered the absolute majority of cases (96.5%) in compliance with the procedural deadlines, while decisions were made in compliance with deadlines in only 61.2% of cases.

***d) personal and professional reputation***

According to the information obtained by the office of the High Council of Justice, interviewed colleagues and recommenders positively characterize the candidate and distinguish him with fairness, objectivity, honesty, professionalism, impartiality and humility.

## **Assessment of Competence Criteria**

***a) knowledge of legal norms***

Judge Shavliashvili, as a judge with a long judicial career, was asked a number of legal questions, including the content of the norms he had used in previous cases.

While explaining disability, the candidate said, that this concept, according to the conventional definition, is a health disorder. He pointed out that the Convention also provides a legal definition,

according to which a disability is a health, physical, mental, sensory disorder. After the MP pointed out to the candidate that the Convention was designed to eliminate such definitions, the candidate noted that he had mistakenly defined a person with a disability and not the possibilities themselves. There, the candidate again tried to explain the concept, saying that *"disability is an incompatibility that poses a problem for such a person to adapt to the environment."*

On the question whether the journalist could be a witness and release the information in his possession, Judge Shavliashvili said he did not remember exactly, but as far as he could remember, the journalist had no obligation to disclose the source.

On the question regarding the assembly and demonstration, the candidate said that this right is protected, on the one hand, by the constitutional provision that there is freedom of assembly and also by the law on assembly and demonstration. The judge explained that *"any person has the opportunity to assemble unarmed, peacefully and, consequently, to express his views on a particular issue, and a manifestation is a kind of procession that expresses the position of the demonstrators on a particular issue."* When asked whether the right to strike is protected under the Article 11 of the European Convention on Human Rights, Judge Shavliashvili said, that he cannot remember whether the convention mentions the right to strike or not, but noted that members of the public security agency, the military, have no right to strike neither under the Constitution, nor under the law.

### ***b) ability and competence to provide legal arguments***

During the interview and parliamentary hearing, the candidate's answers to the legal questions were more or less substantiated, although the answer to some questions was not convincing, and in some cases the candidate avoided answering. For example, when asked if he had made a private decision, he said that he did not remember, and when asked why Levan Murusidze did not make a private decision to expose the offending officials, the judge did not comment. However, in the case of Sandro Girgvliani, Judge Shavliashvili limited his answer to the issue of not providing materials to the victim by the chairman of the court and noted that this was an incorrect information.<sup>98</sup>

On the question whether the state ban on "stray" can be justified, Judge Shavliashvili said that Georgia, as a welfare state, has a duty to create a decent living environment for people and alleviate the situation of the needy through special programs. The candidate referred to the standard of the European Court of Human Rights and noted that Article 5 of the Convention refers to the case in which stray, alcoholic and mentally ill people can be deprived of their liberty, however, he said that this issue could not be directly related to the prohibition of stray.

### ***c) writing and oral communication skills***

During the hearings, the candidate formulated his position clearly and in a balanced way. His positions were more or less substantiated during the answers.

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<sup>98</sup> Judge Giorgi Shavliashvili's Committee hearing. Available at: <https://bit.ly/3z1vs6p> Also, the question regarding the Case of Sandro Girgvliani asked by the representative of the Group of Individual Lawyers – Kakha Tsikarishvili [ 3:17:20-3:18:43 ]

***d) professional qualities***

Giorgi Shavliashvili also left unanswered the question about his colleague. In particular, the question was why Levan Murusidze did not issue a private verdict regarding the violations committed by the officials in the case of Sandro Girgvliani's murder. It should also be noted that Judge Shavliashvili, like other candidates, mainly tried not to answer directly or to refrain from answering questions about the activities of their colleagues due to judicial ethics (Bangalore principles).

***e, f) academic achievements and professional training***

Judge Shavliashvili participates in local and international training and conferences on the following issues: fight against organized crime and corruption, selection of judges, justice reform, international humanitarian law, juvenile justice, trafficking and etc.

In 2017-2018, the candidate took a joint course in business law from the American School of Law and the Chicago-Kent School of Law.

***g) professional activities***

The candidate is engaged in pedagogical activities. Since 2011 he is an invited Lecturer in Criminal Procedure at Iv. Javakhishvili Tbilisi State University. In 2015-2016 he was an invited lecturer at Guram Tavartkiladze Tbilisi Teaching University. He was a trainer at the High School of Justice in 2015-2018 on trafficking issues. In 2019 he was an invited trainer at the Georgian Bar Association. In 2010-2011, Judge Shavliashvili was an expert on the EU Rule of Law Support Project.

## Lasha Qochiashvili



On June 17, 2021, the members of the High Council of Justice, participating in the voting process, with 12 votes against none, nominated Lasha Qochiashvili, acting Judge of Tbilisi Court of Appeals as a candidate for a judge of the Supreme Court of Georgia.<sup>99</sup> The candidate's hearing at the Legal Issues Committee of the Parliament of Georgia was held on July 9, 2021, and lasted 3 hours and 11 minutes. Finally, based on the resolution of the Parliament of Georgia of July 12, 2021, Lasha Qochiashvili was elected as a judge of the Supreme Court of Georgia for lifetime.<sup>100</sup>

87 MPs were present at the voting, 79 - supported his candidacy, 5 were against, and 3 of them did not participate in the voting procedure.<sup>101</sup>

Lasha Qochiashvili was appointed as a judge of Sachkhere District Court in 2007, but served in Zestafoni District and Kutaisi City courts due to a secondment.<sup>102</sup> In 2008-2009 he served as a judge and the court chairman in the Kutaisi City Court due to a secondment. From 2009 to 2019, Lasha Qochiashvili held the position of Judge of the Civil Cases Panel of the Tbilisi City Court. And from October 2019 he is appointed to the position for lifetime. Prior to his election as a judge of the Supreme Court of Georgia, Lasha Qochiashvili was a judge of the Civil Chamber of the Tbilisi Court of Appeals.

### Overall Assessment of the Interview

Judge Qochiashvili participated in the competition for the second time. He was one of the candidates nominated by the High Council of Justice to the Parliament of Georgia in 2020, however, as a result of legislative changes in September 30, 2020, his candidacy was withdrawn.<sup>103</sup> This circumstance added interest to his parliamentary hearing, as it was interesting how the judge would assess all these processes, which developed around the judiciary from 2019 until the moment of his interview.

Judge Qochiashvili expressed his dismay at the fact that this was the second time he had participated in the process of selecting judges for the Supreme Court, suspension of which was actively demanded by local and international organizations. *"In the first case, the demand was that the parliament of the next convocation had to consider. I could not get into the parliament of previous convocation. I came before another, now the demand is not to staff the Supreme Court at all, and I just could not understand what the candidate could do at this time."*

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<sup>99</sup> Submission №2 of the High Council of Justice of Georgia of June 17, 2021. Available at: <https://bit.ly/3iftPMc>

<sup>100</sup> The resolution of the Parliament of Georgia. Available at: <https://bit.ly/3sskRyM>

<sup>101</sup> Voting Report. Available at: <https://bit.ly/3iVxKhz>

<sup>102</sup> Biographic Data of Judge Lasha Qochiashvili. Available at: <https://bit.ly/2XvNoIk>

<sup>103</sup> The amendments to the Organic Law of Georgia "on Common Courts: of September 30, 2020 <https://bit.ly/3CjFr8a>

Unlike other participants, Judge Qochiashvili openly stated his opinion on Levan Murusidze's leadership - *"Yes, he is a leader. In the sense that, he took the insult upon himself to protect and unite the judiciary."*

## **Assessment of Integrity Criteria**

### ***a) personal honesty and professional integrity***

He cited legislative shortcomings as the reason for the lack of trust towards the judiciary during the previous period (before 2012), and he had information about the pressure on judges only through media. As for the non-governmental organizations, the judge explained that the court needs to hear the criticism for vigilance, but in its assessment, this is accompanied by deliberate insults and "throwing mud".

On the question whether Levan Murusidze is the leader of the Judiciary today, candidate \ said that the Strasbourg decision referred to the Ministry of Internal Affairs, the Prosecutor's Office, the investigation, the need for legislative changes, the decision to pardon the president and etc. However, his involvement in Girgvliani's case became relevant only after he was appointed as a secretary of the High Council of Justice. According to him, Murusidze had the right to make this statement because he was the one who endured all the attacks and insults against the court.

On the case of recusal (whether adding a judge as friend on Facebook can be a ground for recusal), the candidate explained that he has added a number of legal professionals to the social network. However, recusal should be considered when adding representatives of the parties in the process of the case consideration,

### ***b) independence, impartiality and fairness***

According to the Candidate's estimation, the judiciary is independent. He noted that the judge has all the levers to be independent individually and he does not remember any challenges that exist in this regard in the Georgian judicial system. In his assessment, the criticism of international partners in the context of the April 19 agreement is likely to be based on misinformation because they did not communicate personally with the Judiciary and the council.

The candidate noted that in his practice there were cases where his decision was contrary to the decision of the Court of Cassation and in some cases such decisions remained in force. According to Lasha Qochiashvili, justice is constantly evolving, it is a dynamic process and it is possible to change the decisions of the Grand Chamber in some respects.

Lasha Qochiashvili gave a negative answer to the question whether there was any decision that the candidate regretted or had a radically different opinion today.

### ***c) personal and professional conduct***

While asking critical questions, the candidate clearly experienced discomfort and dissatisfaction. He often interrupted the interviewers' questioning and clarification processes. Also, in case he did not want to answer the question, when the issue was particularly acute for him, he often avoided answering or developed reasoning in a different direction.

His dissatisfaction was obvious both in discussing the legitimacy of the continuation of the judicial selection procedure despite the April 19 agreement, as well as regarding the public trust towards the judiciary and the situation in the system prior to 2012.

***d) personal and professional reputation***

Following a discussion meeting of the judges of common courts of Georgia on June 28, 2021, the judges issued a statement in which they spoke of "*politically motivated, highly unhealthy processes aimed at discrediting the judiciary and its independence.*" Judge Lasha Qochiashvili also signed the statement. According to him, this decision was made because of "*throwing mud, insults and unacceptable statements beyond the permissible level of criticism.*"

## **Assessment of Competence Criteria**

***a) knowledge of legal norms***

During the interview, Judge Qochiashvili had to answer questions related to human rights as well as the facts of possible discriminatory treatment in labor relations. The candidate has repeatedly reviewed the normative sources on the basis of which he makes a decision and has identified issues that he considers to be problematic and in need of change.

Nevertheless, there have been a number of cases where his response has been unsatisfactory, including the question of discrimination. According to the case asked at the interview, an employer asked to female employee if she had any plans for having a family, while this question was not asked to males. The interviewer wondered if this was discriminatory treatment to which the judge could not give an unequivocal and convincing answer.

***b) ability and competence to provide legal arguments***

Several decisions ruled by the candidate, which were overturned by the higher instance court were considered at the hearing, or criticized by non-governmental organizations. The candidate denied that in any case his decisions were flawed.

***c) writing and oral communication skills***

During the hearing, the candidate spoke fluently, consistently. In some cases, he avoided answering questions or tried to argue in different directions. It was mentioned during the hearings, that the judge focuses on the use of correct, politically correct terms in decisions.

***d) professional qualities***

While reviewing his own case law, the candidate adhered to ethical norms. In addition, according to the assessment prepared by the members of the High Council of Justice, Judge Qochiashvili is punctual in the performance of his official duties, has the ability to prepare the case properly and responsibly, and is a hardworking, disciplined person.

***e, f) academic achievements and professional training***

The hearing in the parliament did not focus on the candidate's academic achievements and professional training, however, according to the evaluation document prepared by the council members, Lasha Qochiashvili is open to innovations and has the ability to develop himself. Has participated in various vocational training programs.

***g) professional activities***

As already mentioned, the candidate signed the judges' joint public statement, where they spoke of politically motivated attacks against the Judiciary. In addition, according to the information collected about him by the office of the High Council of Justice, he has participated in a number of events on legal system and justice issues, is engaged in pedagogical activities. Has the ability and skills to openly and freely express his position.



## Conclusion

Nevertheless, the process of selecting candidates for the Supreme Court, which began on October 7, 2020, was based on improved procedures and rules compared to a similar process in 2019. No less deficiencies related to the content side were identified directly in the process. The difference between the assessment prepared by the members of the High Council of Justice and the results actually shown during the committee hearing was striking. Candidates whose personal or professional, as well as communication skills, were highly valued by the members of the High Council of Justice, often lost their balance during committee hearings and behaved inappropriately for the high status of judge. In this regard, the interview of two former members of the High Council of Justice: Levan Tevzadze and Revaz Nadaraia was memorable, who expressed obvious disrespect to the representatives of the non-governmental organizations.

In addition, the lack of critical questions was also problematic. There were literally no questions asked about the value system of the candidates, which would have given the public an opportunity to get an idea of the perceptions/opinions of those wishing to be judges of the Supreme Court.

It is unfortunate that the calls of international partners or local organizations to suspend the process have not been taken into consideration. The opposite actions of the ruling party and the single-party election of judges of the Supreme Court further exacerbated the problem of lack of legitimacy of the Court of Cassation. As a result of the voting on July 12, 2021, six judges have been elected for lifetime in the Supreme Court of Georgia, including judges whose conscientiousness and competence are under question.

In view of all the above, the ruling party's decision not to take into account the spirit of the April 19 agreement and still appoint new judges to the Supreme Court should be seen as pursuing the interests of an influential group of judges, so called "clan" in the judiciary. Such steps further aggravate the already existing problems in the judiciary and, in the long term, deprives the public possibility of access to an independent and impartial judiciary.