

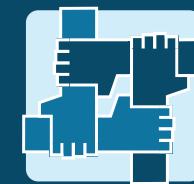


USAID
FROM THE AMERICAN PEOPLE

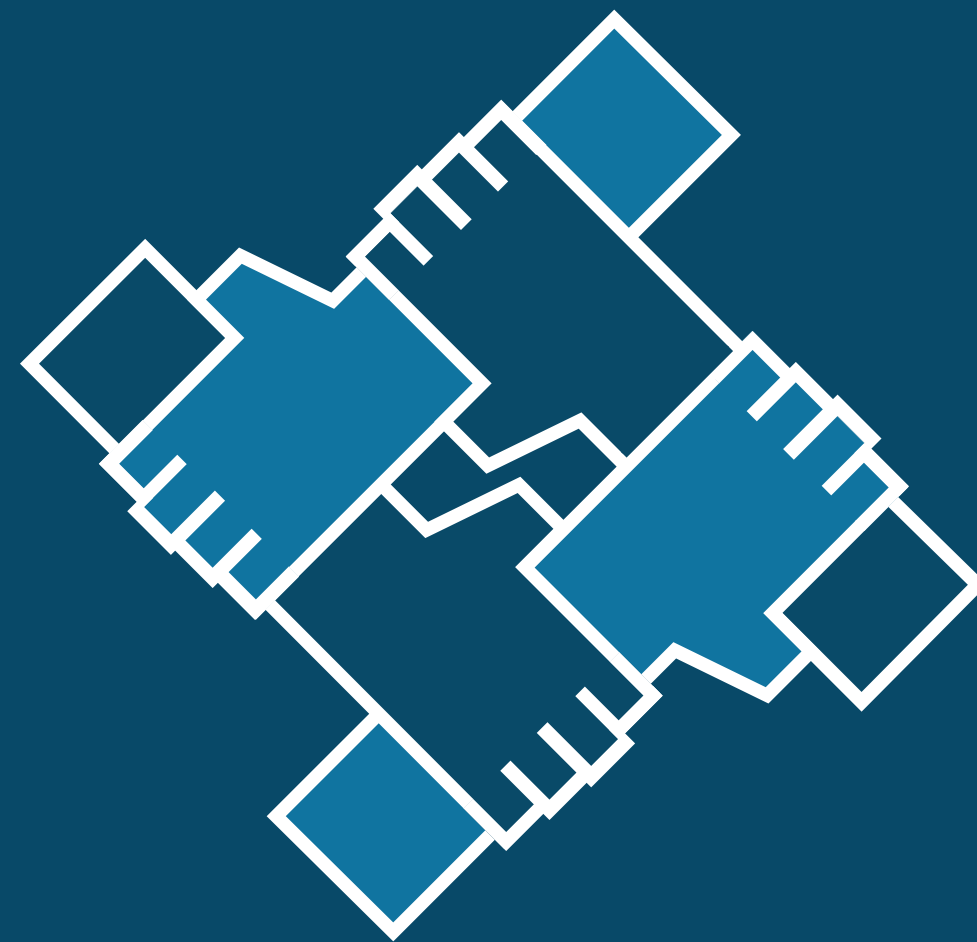
EAST • WEST
MANAGEMENT
INSTITUTE
*Promoting Rule of Law
in Georgia (PROLoG)*



This publication is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this publication are the sole responsibility of the authors and do not necessarily reflect the views of East West Management Institute, USAID or the United States Government.



Coalition
for an Independent and
Transparent Judiciary



The Judicial System:
Past Reforms and Future Perspectives.



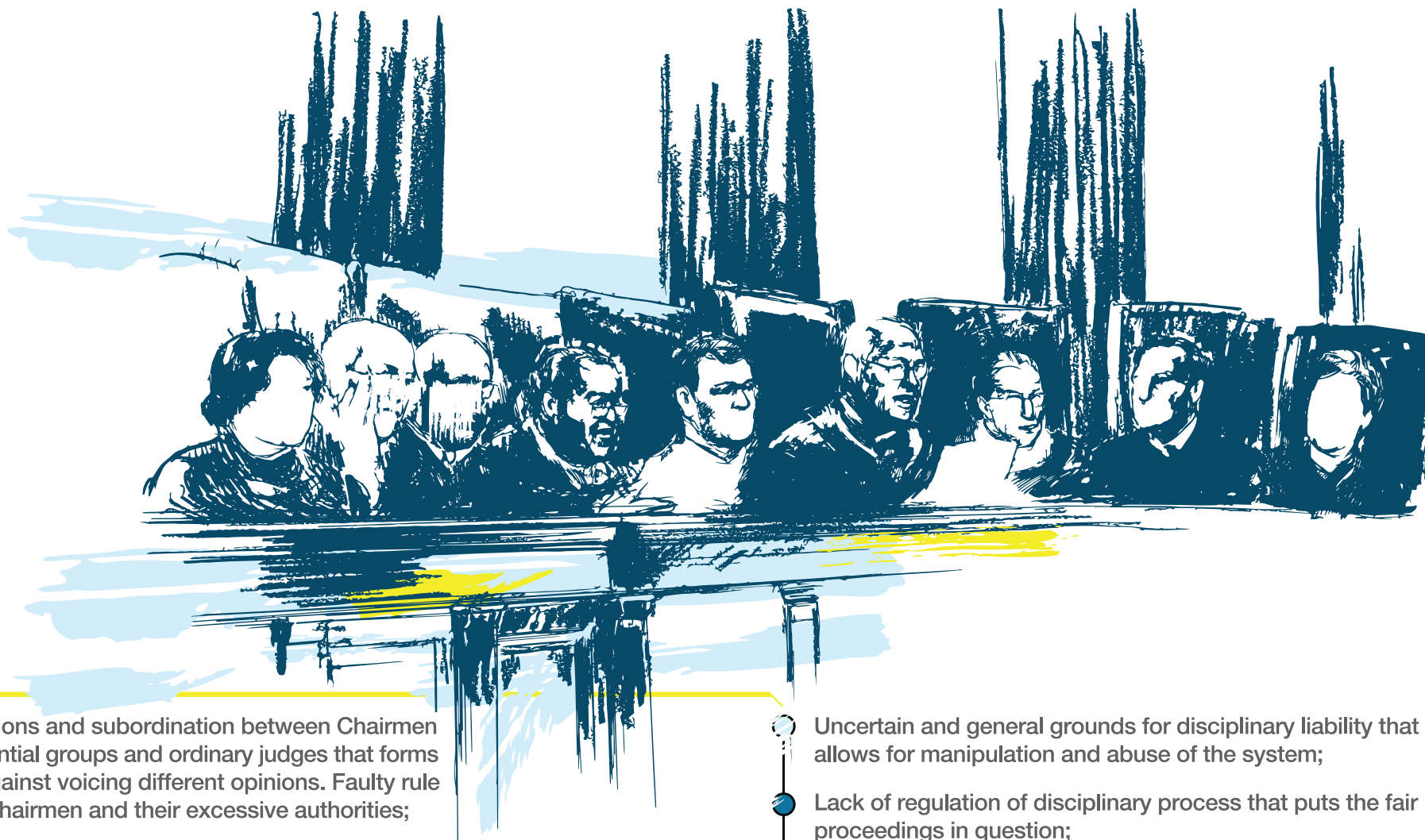
Coalition

for an Independent and
Transparent Judiciary



Challenges Facing the Judicial System.

- Inactivity of the Council in regard to defining necessary number of the judges in light of delayed proceedings and overloaded judges;
- Excessive authority of the Council on the stages of conducting qualification examinations, admission of justice students and selection/appointment of judges;
- Faulty procedure of decision making by the Council; lack of obligation of justification and limited grounds for appeal;
- Appointment of judges for a probationary period and faulty rule of assessing probationer judges that allows for appointing judges lacking adequate assessment.



- Unhealthy relations and subordination between Chairmen of Courts/influential groups and ordinary judges that forms environment against voicing different opinions. Faulty rule of appointing Chairmen and their excessive authorities;
- Assigning a case to the judge while violating specialization, as a mechanism of influence upon a judge or manipulating over the case; Undefined process of career advancement;
- Undefined process of career advancement;
- Existence of risks of manipulation in case of failure of the case distribution electronic software;
- Insufficient guarantees of protecting the judges from improper communication.

- Uncertain and general grounds for disciplinary liability that allows for manipulation and abuse of the system;
- Lack of regulation of disciplinary process that puts the fair proceedings in question;
- Insufficient guarantees of institutional independence of the Inspector;
- Repeal of judicial immunity based on a sole decision.