

Organic law of Georgia

Regarding making changes to the Organic Law of Georgia "On Common Courts".

Article 1. In the Organic Law of Georgia "On Common Courts" (Legislative Gazette of Georgia, No. 41, 08.12.2009, Art. 300), the following amendment was made:

1. Clause ^{3 1} of Article 13 shall be amended as follows:

"^{3 1}. The full text of the judicial act received by the court as a result of the open court session becomes public information immediately after receiving this act and is issued for the issuance of public information in accordance with the procedure established by the General Administrative Code of Georgia. No one has the right to publicly publish the text of this act without depersonalizing it. In addition, the depersonalized text of the mentioned act is published on the website determined by the Supreme Council of Justice of Georgia or the court after the adoption of this act. For the purposes of this paragraph, a judicial act is any decision made by the General Court of Georgia, including a decision that does not decide the case on its merits. For the purposes of the same paragraph, the depersonalization of the text of the judicial act means the complete depersonalization of the following information specified in it:

- a) person's identity, name, date of birth, personal number, identification number, identity document number, workplace and position;
- b) addresses of the person's place of registration, place of residence, place of residence and workplace;
- c) the person's telephone number and e-mail address;
- d) other types of information determined by the Supreme Council of Justice of Georgia, which belong to personal data. The information provided by this subsection shall be determined by the Supreme Council of Justice of Georgia, if necessary."

2. Paragraphs 12 and 13 of Article 34 shall be formulated as follows :

"12. In the event that the qualification chamber of the Supreme Court decides to cancel the decree of the Supreme Council of Justice of Georgia provided for in Article 34 ¹ , Clause 12 of this law and to return the case for reconsideration, the Supreme Council of Justice of Georgia shall adopt a new decree in accordance with the same clause. In addition, if the Qualification Chamber of the Supreme Court, by its said decision, determined that any of the members of the Supreme Council of Justice of Georgia have committed any of the actions provided for in subparagraphs "a"- "c" of the first paragraph of this article, it is considered that in connection with the relevant vacancy of a judge of the Supreme Court, all members of the Supreme Council of Justice of Georgia The results of the evaluation of all the candidates carried out by the members of the Supreme Council of Justice of Georgia are cancelled, and the said candidates of this law 34 will be re-evaluated in accordance with paragraph 11 of Article ¹ . The member of the Supreme Council of Justice of Georgia, who has been found to have committed any of the actions provided for

by subparagraphs "a"-"c" of the first paragraph of this article, is not included in this assessment by the qualification chamber of the Supreme Court in its above-mentioned decision. This member of the Supreme Council of Justice of Georgia does not participate in the procedure for filling the corresponding vacancy of a judge of the Supreme Court, provided for by paragraph 12 of Article 34 ¹ of this law. When re-evaluating the candidate, the members of the Supreme Council of Justice of Georgia take into account the decision of the Qualification Chamber of the Supreme Court.

13. In the event that the qualification chamber of the Supreme Court makes a decision to cancel the submission to the Supreme Council of Justice of Georgia and return the case for reconsideration, provided for in Clause 13/15 of Article 34 of this law, the ^{Supreme} Council of Justice of Georgia will receive a re-submission in accordance with the same clause. A member of the Supreme Council of Justice of Georgia shall not participate in any of the votes held to receive these submissions, if the qualification chamber of the Supreme Court, by its decision, determined that this member of the Council has committed any of the actions provided for in subparagraphs "a"-"c" of the first paragraph of this article. When receiving a re-submission to the Supreme Council of Justice of Georgia, the members of the Council take into account the decision of the Qualification Chamber of the Supreme Court.

3. Clause 4 of Article 35 shall be amended as follows:

"4. If a candidate for judge cannot be appointed to the relevant vacant position of a judge, after the end of the voting, at least 3 members of the Supreme Council of Justice of Georgia have the right to apply to the Council with the consent of this candidate, so that it can re-vote for the appointment of the said candidate to any of the remaining vacant positions within the current competition. The Supreme Council of Justice of Georgia makes a decision on holding a re-voting by the majority of those present at its session. Re-voting is held by general rule. In addition, the candidate for the position of judge must meet all the appropriate requirements established by Article 34 of this law (including the requirements for citizenship, capacity, age, education, professional work experience, knowledge of the state language of Georgia) necessary for the appointment of a judge to the vacant position of the judge to which he/she is to be appointed. He is running again."

4. Paragraphs 1 and 2 of Article 37 ¹ shall be amended as follows:

"1. In the case of necessity, when it is caused by the lack of a judge in the district (city) or appeals court and/or a sharp increase in the number of pending cases, and/or in exceptional cases, when due to the presence of other objective circumstances, it is necessary for the proper administration of justice, the Supreme Council of Justice of Georgia shall propose the exercise of the judge's authority Presents to judges of other courts. If any judge agrees within 5 days from the submission of the said proposal, the Supreme Council of Justice of Georgia will take a decision on the secondment of this judge to another court (including from the Court of Appeal to the District (City) Court or from the District (City) Court to the Court of Appeal) for the period specified by the Supreme Council of Justice of Georgia. about. In addition, this rule is not applied if the judge, on his own initiative, applies to the Supreme Council of Justice of Georgia regarding his secondment to another court.

2. If a judge cannot be selected in accordance with the first paragraph of this article, the Supreme Council of Justice of Georgia is authorized to make a decision without the judge's consent to transfer the judge to another court (including from the appellate court to the district (city) court or from the district (city) court to the appellate court) for a period of no more than 2 years. About business trips. The term of the business trip can be

extended by no more than 1 year without the judge's consent. In addition, the Supreme Council of Justice of Georgia, by its decision, must justify the existence of the circumstances provided for in the first sentence of the first paragraph of this article, which made it necessary to send him to another court without the judge's consent or to extend the period of the secondment.

5. Clause 12 of Article 47 shall be amended as follows:

"12. The term of office of a member of the Supreme Council of Justice of Georgia is 4 years. After the expiration of the term of office, the member of the Supreme Council of Justice of Georgia cannot perform his duties. A member of the Supreme Council of Justice of Georgia must be elected no earlier than 30 calendar days before the expiration of the term of office of the corresponding member of the Supreme Council of Justice of Georgia, and in case of premature termination of the mandate of a member of the Supreme Council of Justice of Georgia - no earlier than 10 calendar days after the date of termination of his mandate. In order to elect a member of the Supreme Council of Justice of Georgia to be elected by the Parliament of Georgia, the competition is announced no earlier than 3 months and no later than 2 months before the expiration of the term of office of the relevant member of the Supreme Council of Justice of Georgia, and in case of termination of the term of office of a member of the Supreme Council of Justice of Georgia - no later than the date of termination of his term of office. of the month. It is not allowed to elect more than 4 judge members of the Supreme Council of Justice of Georgia in any 6-month period. The Parliament of Georgia may not elect more than 4 members of the Supreme Council of Justice of Georgia in any 6-month period."

6. Paragraphs 3 and 4 of Article 50 shall be formulated as follows:

"3. The decision of the Supreme Council of Justice of Georgia on bringing a judge to disciplinary responsibility will be considered adopted if it is supported by at least 2/3 of the full composition of the Supreme Council of Justice of Georgia during a secret vote. The decision of the Supreme Council of Justice of Georgia on another disciplinary matter shall be considered adopted if it is supported by the majority of the full composition of the Supreme Council of Justice of Georgia during a secret vote.

4. The Supreme Council of Justice of Georgia will appoint a person as a judge if his candidacy is supported by at least 2/3 of the full composition of the Supreme Council of Justice of Georgia."

7. Sub-paragraph "b.z" of paragraph 8 of Article 75 shall be formulated as follows :

"b.g) Public expression of opinion by a judge in clear violation of the principle of political neutrality. Scientific and/or analytical reasoning of a judge on judicial reform, improving the functioning of the justice system and/or on other issues of law development is not considered a clear violation of the principle of political neutrality.

8. The first paragraph of Article 75 ¹³ shall be formulated as follows:

"1. After the completion of the investigation of the disciplinary case, the Supreme Council of Justice of Georgia, within the general term established by the first paragraph of Article 75 ¹⁰ of this law, by at least 2/3 of the full composition, makes a reasoned decision to bring the judge to disciplinary responsibility. If the Supreme Council of Justice of Georgia fails to take the mentioned decision, the disciplinary proceedings against the judge

will be terminated. The member of the Supreme Council of Justice of Georgia who does not agree with this decision has the right to express his dissenting opinion in writing, which will be attached to the disciplinary case."

Article 2. This law shall come into effect immediately after its publication.

President of Georgia

Salome Zurabishvili

Tbilisi,

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