



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Georgia

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

4394700

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	1695 000 000
Regional / entity level	381 000 000

3) Per capita GDP (in €)

1389,13

4) Average gross annual salary (in €)

1480

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

2,2545

Please indicate the sources for the questions 1 to 4

Department of Statistics
 Ministry of Finances
 Department of Statistics
 Department of Statistics

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

11760558

7) Please specify

The Law "on State Budget" of 2006

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	5435868
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	419298
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	967417
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	95501
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	3653564
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	51102
Other (please specify):	<input checked="" type="checkbox"/> Yes	1137808

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

2005 - €1 104 232 (- 16,5%)

2006 + €6 836 177 (+122,3%)

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

Parties are required to pay court fee (state tax and expenses related to proceeding) on civil and administrative cases.

Failure of a natural person to pay the state tax on civil case bars starting of proceedings at a court. However article 46 of Civil Procedure Code of Georgia envisages some categories of plaintiffs that are entirely exempted from paying court expenses:

- claimant – on claims for the alimony
- claimants – on claims for compensation for loss caused by the mutilation or other injury, or death of a bread winner
- claimants – on claims for compensation for the material loss caused by a crime
- parties – on claims connected with compensation for the loss caused to the citizens as a result of the illegal sentence, illegal application of custody as a preventive measure or illegal imposing of corrective works as an administrative penalty
- claimants – on the claims related to violation of juvenile's rights
- parties who are the persons registered in the Integrated Database of Socially

Vulnerable Persons, as evidenced by the certificate of registration in the Integrated Database of Socially Vulnerable Persons

g) parties – when appealing against a preliminary (interim) decision under the appellate or cassation procedure.

Taking into consideration the financial situation of the parties court is authorized to exempt parties from court expenses, postpone its payment or reduce it (art 47-48 of Civil Procedure Code of Georgia).

Failure of a natural person to pay the state tax on administrative case, except when the natural person is an individual entrepreneur, shall not delay hearing and decision-making on the case.

The state tax shall not be charged for lawsuits relating to the state social security.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

1580571,62

12) Total annual approved budget allocated to the whole justice system (in €)

19813558

13) Total annual approved public budget allocated to legal aid (in €)

53000

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	53000	n/a

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

8000000

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

Preparation of the total court	Adoption of the total court	Management and allocation	Evaluation of the use of the
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	budget	budget	of the budget among the individual courts	budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

According to the Organic Law of Georgia "on General Courts" the High Council of Justice of Georgia shall submit a draft proposal on funding a part of the budget of General Courts (except the Supreme Court) to the President of Georgia based on application of the Department of General Courts.

According to the Organic Law of Georgia "on Supreme Court of Georgia" the Chairman of the Supreme Court submits a draft proposal on expenses of the Supreme Court.

Please indicate the sources for the questions 6, 7, 13 et 16

The Law "on State Budget" of 2006

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

Preparation of legal documentation

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	295
Criminal cases	295
Other than criminal cases	n/a

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?	From 2009		
for other than criminal cases?	Not yet		

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

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criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

According to the Administrative Procedural Code of Georgia (Article 10, Chapter 2) if an administrative act had been issued without proper examination of case-related circumstances, the administrative agency shall pay proceeding costs even if the court made a decision in its favor. If the parties reached a settlement, but they could not agree upon apportionment of proceeding costs, and if none of them is exempted from the payment of the costs, they shall pay equal portions of the amount of the costs (Article 11).

As for the defining the court expenses on civil cases, according to the Civil Procedural Code of Georgia (Article 53), expenses paid by the party, in whose favor the decision was made, shall be borne by the other party, even if the latter is exempted from the court expenses. If the complaint is satisfied partially, the amount indicated in the abovementioned article shall be borne by the claimant proportionally to the demand satisfied by the court decision. The respondent shall borne the part of the claim not satisfied by the court. Expenses provided for the assistance to the representative of the party, in whose favor the decision was made, shall be borne by the other party. According to article 55 of the same Code expenses regarding the court discussion and state tax from which the claimant was exempted from, shall be borne by the respondent proportionally to the demand satisfied by the court. If both parties are exempted from court expenses, the expenses concerning the proceeding shall be borne by the State.

Please indicate the sources for the questions 24 and 26

Service of Free Legal Aid

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.parliament.ge www.justice.gov.ge
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.supremecourt.ge
other documents (for example forms)?	<input type="checkbox"/> yes	

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes

No

If yes, please specify:

Criminal Procedure Code of Georgia as well as Civil Procedure and Administrative Procedure Codes define the concrete timeframes for hearing the case.

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes

No

If yes, please specify:

The free-of-charge hot-line operates in the Ministry of Internal Affairs of Georgia for the victims of trafficking and domestic violence that provides the latter all kinds of information.

The State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons is established. The Fund provides the payment of compensation to victims of trafficking and finances their protection

Law "on Combating Trafficking in Persons" of 28 April 2006 ensured creation of the institution providing services for the TIP victims (the shelter). The first shelter started functioning in Adjara Region in summer of 2006.

Placement of a victim of trafficking in a shelter does not depend on whether he/she cooperates with the law-enforcement authorities in the proceedings into the crime in question.

The State Fund provides full free legal aid to victims of trafficking including court representation in civil cases, when claiming compensation from established traffickers.

Victims of human trafficking receive free medical assistance and psychological counseling.

A victim of trafficking, who has been granted the status of victim of trafficking by the relevant Georgian state body and who suffered moral, property and material damage from the crime of human trafficking, is entitled to compensation from the State Fund.

Provision of information in a language a victim understands is also ensured.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

Yes

No

36) If yes, does this compensation procedure consist in:

a public fund?

a court decision?

private fund?

If yes, which kind of cases does this procedure concern?

According to article 30 of the Criminal Procedure Code (CPC) of Georgia a person, who has suffered direct material, physical or moral damage as a result of the offence, has the right to claim compensation for damages and bring for this purpose a civil action in criminal proceedings.

A legal person has the right to claim the compensation for material and moral damage in cases provided by law.

Article 33 of the same Code provides that if a person believes that he has suffered damage as a result of any crime, he may file a civil action at any time during the criminal procedure prior to the drawing up of an indictment.

A person who has not brought a civil action in a criminal case, as well as a person, whose action has not been entertained, has the right to bring the latter in accordance with civil procedure.

In addition, Article 33.4 of the CPC contains affective safeguard ensuring the protection of the best interests of the victims of the crimes of torture (Article 1441), threat of torture (Article 1442), inhuman or degrading treatment (Article 1443). In the aforementioned instances, if the accused is a state official escaping the appearance before the law-enforcement organs and whose whereabouts are unknown, the State takes obligation to appear as a respondent in civil actions for compensation. That is, in case of the mentioned circumstances, a victim may file a civil action against a state through separate civil law proceedings. Consequently, the mentioned provision is an effective tool ensuring the redress of the crimes of torture and inhuman treatment through compensation, even in the cases when the alleged offender is not found. In all other instances it is the offender that should pay reparations on the basis of the court order. The order on the payment of compensation is included in the guilty verdict (Article 41.1 of the CPC).

CPC also deals with the issue of compensation for the damages sustained as a result of illegal or unsubstantiated actions of the law-enforcement organs. The basis for claiming compensation for injuries is the illegal procedural action on the part of state organs that is, arrest, detention, search, seizure, etc. Consequently, CPC refers to the compensation for the injuries that had been sustained in the course of an unlawful or unsubstantiated detention. Compensation is granted no matter whether the state officials are actually guilty.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

Yes

No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

According to Articles 1091, 1092 and 1093 of the Criminal Procedure Code of Georgia, where necessary public prosecutors may issue the special decree concerning the protective measures of crime victims. Under the same provisions some of the protective measures may only be ordered by judge. In such a case, prosecutor brings the relevant motion before a court. The court examines the reasonableness of the motion and thereafter issues the subsequent order.

The special protective measures may include: changing of identity, changing of residence, changing of appearance etc.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

The decision of a public prosecutor concerning the discontinuance of a case may be appealed under Article 242 of the Criminal Procedure Code of Georgia. In particular, if the victim of crime considers that the termination of criminal proceedings is groundless he/she may appeal the relevant decision at the prosecutor of higher instance or directly to court. Also, where it is believed that the prosecution stretches proceedings unreasonably the victim of crime may enjoy the same right of appeal. The proceedings are as follows:

The subsequent decision of the prosecutor may be appealed within 15 days to the court. The court of first instance deals with the appeal within 15 days. The appeal proceedings may be held without hearing. If a judge finds complaint well-grounded he/she returns the case to the prosecution and orders the criminal proceedings to be continued. The first instance court decision may be appealed to the appellate court within 10 days. The appeal court's decision on this matter is final.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

If yes, please specify (fund, daily tariff):

Pursuant to Article 221 of Georgian Criminal Procedure Code notwithstanding the outcomes of the matter, subject to compensation shall be the damage caused to a person as a result of unlawful or unreasoned detention and arrest as a result of which the accused or other person has suffered the property, physical or moral damage.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

(Satisfaction) surveys aimed at judges

(Satisfaction) surveys aimed at court staff

(Satisfaction) surveys aimed at public prosecutors

(Satisfaction) surveys aimed at lawyers

(Satisfaction) surveys aimed at citizens (visitors of the court)

(Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

Yes

No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

According to Article 2 of law of Georgia on "Disciplinary responsibility and disciplinary prosecution of judges of General courts of Georgia" groundless extension of a case discussion, improper fulfillment of duties of a judge or other kinds of violation of official duties are types of a disciplinary violation. Pursuant to article 6 of the same law a complaint or an application from any person (except anonymous application) can serve as the basis for commencing the disciplinary prosecution against a judge. The Disciplinary Panel of General courts makes decision concerning disciplinary cases. The Disciplinary Panel is authorized to decide to: a. Temporarily suspend disciplinary proceeding) b. Terminate disciplinary proceeding) c. Find a person guilty of committing disciplinary violation and impose disciplinary penalties and measure upon him / her) d. Find a judge guilty of committing disciplinary infraction, impose disciplinary measures upon him and refer a private letter of reprimand to him/her) e. Acquit a judge. The decisions of the Disciplinary Panel may be appealed to the Disciplinary Chamber of the Supreme Court of Georgia.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	66
Specialised first instance courts (legal entities)	
All the courts (geographic locations)	69

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

1. Civil Law Collegium/Chamber
2. Criminal Law Collegium/Chamber
3. Administrative Law Collegium/Chamber

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

- Yes
 No

If yes, please specify:

In July 2006 institutional changes were carried out in the courts of first instance.

Districts courts of Mtskheta, Akhlagori, Dusheti, Tianeti, Kazbegi were liquidated.

On 18 September 2006 District Court of Mtskheta started operating which is composed of 4 magistrate judges: one of them exercises its competence in Akhlagori district, one in Dusheti District, one in Tianeti Districts and one in Kazbegi District.

The territory of activity of magistrate judges is defined according to the respective administrative-territorial unit.

The cases of less complexity fall under the cognizance of magistrate judges. Namely, the magistrate judges hear the following civil cases by the rule of first instance:

1. property disputes if the value of the claim does not exceed 2, 000 GEL
2. indisputable and simple cases, except adoption, also the cases of simplified payments and declaring the abeyance of property, if the value of the claim or the property does not exceed 2,000 GEL
3. disputes on the grounds family relationships, except those of adoption, deprivation of the parental rights, establishment of paternity and divorce, if there is a dispute between spouses over the right for rearing the child.

The following administrative cases by the rule of the first instance:

1. related to the village, community, town and city within the district, also cases of the legitimacy of the administrative-legal acts issued by the representative and executive bodies
2. of the legitimacy of the individual administrative-legal acts made in reference to the

administrative offences

3. the issues of local state protection
4. the disputes about the execution of the court decision which has entered into the legal force
5. the disputes on the grounds of labour relationships in the public service
6. on the grounds of issuing and order for inspecting the entrepreneur's activity, as based on the mediation of a controlling body
7. on the placement of a person in hospital with the aim of compulsory psychiatric assistance on the bases of application of relevant psychiatric institution.

In criminal cases magistrate judges hear the petitions about applying the means of procedural legal duress by the rule of first instance and other issues envisaged by the Criminal Procedure code of Georgia.

It is planned to decrease the number of first instance courts. Instead of 70 small first instance courts 21 larger district (city) courts will be established. In order to ensure that enlargement of first instance courts will not be to the detriment for the access to justice for persons in the remote areas institute of magistrate judges will fully operate in such places.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	66
a dismissal	66
a robbery	66

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

According to Civil Procedure Code small claims cases are considered to be:

1. property disputes if the value of the claim does not exceed 2, 000 GEL
2. indisputable and simple cases, except adoption, also the cases of simplified payments and declaring the abeyance of property, if the value of the claim or the property does not exceed 2,000 GEL
3. disputes on the grounds family relationships, except those of adoption, deprivation of the parental rights, establishment of paternity and divorce, if there is a dispute between spouses over the right for rearing the child.

Pursuant to Administrative Procedure Code cases:

1. related to the village, community, town and city within the district, also cases of the legitimacy of the administrative-legal acts issued by the representative and executive bodies
2. of the legitimacy of the individual administrative-legal acts made in reference to the administrative offences
3. the issues of local state protection
4. the disputes about the execution of the court decision which has entered into the legal force
5. the disputes on the grounds of labour relationships in the public service,
6. on the grounds of issuing and order for inspecting the entrepreneur's activity, as based on the mediation of a controlling body
7. on the placement of a person in hospital with the aim of compulsory psychiatric assistance on the bases of application of relevant psychiatric institution.

In the criminal cases magistrate judges hear the petitions about applying the means of procedural legal duress by the rule of first instance and other issues envisaged by the Criminal Procedure code of Georgia.

Please indicate the sources for the question 45

Organic Law of Georgia "on the Supreme Court of Georgia" of 1999

Presidential decree of 14 November 1997 #649 "on creation of District (city) courts and definition of their

territory of competence and the number of judges"

Presidential Decree of 27 October 2005 "on creation of Appellate Courts in Tbilisi and Kutaisi, definition of their territory of competence and the number of judges"

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

272

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	n/a
if possible, in full time equivalent	n/a

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

Comment to Q49:

As regards to the reduction of the number of judges and court staff, this is of no surprise since the large scale judicial reform has been launched since 2005. The main goal of the reform is to establish strong, independent and effective judiciary instead of heavily corrupt, biased and extremely badly managed judicial system that existed before. As a result of the mentioned reform a certain number of judges were dismissed on the bases of disciplinary prosecution, some even charged with corruption offences. All this contributed to the reduction of the number of judges in 2006. However, due to periodical competitions held for filling the existing vacancies, the number of judges substantially increased in 2007. In addition, the process of enlargement of first instance district courts into much bigger city courts that ensures more effective administration of justice has been launched. This mostly contributed to the reduction of court staff.

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

n/a

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

718

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> Yes	
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	599
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	74
technical staff	<input checked="" type="checkbox"/> Yes	45

Please indicate the sources for the questions 49, 50, 52, 53 and 55

High Council of Justice

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

483

58) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

232

Please indicate the sources for the questions 57 and 59

Human Resource Department of Office of Prosecutor General

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

According to the Organic Law of Georgia "on General Courts" (Art 81, para 3) the Council of Justice of Georgia shall submit a draft proposal on funding a part of the budget of General Courts (except the Supreme Court) to President of Georgia based on application of the Department of General Courts.

According to Article 6 of Organic Law of Georgia "on Supreme Court of Georgia" the Chairman of the Supreme Court submits a draft proposal on expenses of the Supreme Court.

The chairman of court in accordance with law submits the draft proposal of annual budget of the court to the department of material-technical provision.

Department of General Courts of the High Council of Justice disposes finances allocated for material-technical provision and court activities. The Department also controls spending of financial and material resources of court.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Department of General Courts of the Supreme Council of Justice located in the administrative building of the Supreme Court of Georgia (Brother Zubalashvili str.32).

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Department of General Courts of the High Council of Justice under its competence: 1.Provides publication of statistical collections and bulletins as well as promulgation of statistical materials by mass media. 2. Elaborates quarter and annual financial and statistical accounts. High Council of Justice reviews analytical materials of court statistics according to the Organic Law of Georgia "on General Courts" (Art. 63)

Please indicate the sources for the questions 62, 63 and 64

Department of General Courts

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

Yes

No

67) Do you have a regular monitoring system of court activities concerning the:

number of incoming cases?

number of decisions?

number of postponed cases?

length of proceedings (timeframes)?

other?

Please specify:

See the statistical data on the official site of the Supreme Court of Georgia - www.supremecourt.ge

Chairman of the Court in accordance with the law:

1 Manages the judicial practice, statistics, generalises court practice and citizens' applications, complaints and proposals and submits conclusions to the Council of Justice of Georgia

2. On monthly basis submits information to the High Council of Justice about observance of timeframe of proceedings,

3. Controls assigning of submitted cases to the court chambers and observance of timeframes of proceedings by judges.

68) Do you have a regular system to evaluate the performance of each court?

Yes

No

Please specify:

According to the Organic Law of Georgia "on General Courts" (Art.17, Art.22) Chairmen of City Court and Court of Appeals generalise court practice and citizens' applications, complaints and proposals and submit conclusions to the High Council of Justice of Georgia in accordance with procedure established by law.

Chairman of each court on monthly basis submits information on observance of timeframes of proceedings to the High Council of Justice.

Apart from this Department of General Court of High Council of Justice collects quarter statistics according to Article 63 of the same law. Reviewing analytical materials of court statistics falls under the competence of High Council of Justice of Georgia.

69) Concerning court activities, have you defined performance indicators?

Yes

No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases
- Pending cases and backlogs
- Productivity of judges and court staff
- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
- No

72) Are there performance targets defined at the level of the courts?

- Yes
- No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

The Supreme Court of Georgia

74) Please specify the main targets applied:

Incoming cases
Finished cases
Ceased cases
Cases left unheard
Cases returned from the higher instance
Pending cases and backlogs

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
 the Ministry of Justice
 an Inspection authority
 the Supreme Court
 an external audit body
 other?

Other, please specify:

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
 No

If yes, please specify:

Rule of Law
Efficient and rapid justice
Avoiding of case delay
Right to fair trial
Non-interference with court activities
Impartiality and independence of judge

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
- No

If yes, please specify:

During every court session the secretary fills in form in which it is indicated: the date of court session, condition of the summon to be furnished, reason for not furnishing the summons to a party, time of starting and finishing the session, length of the session, cases of postponing the session and its reasons, breach of order during the session.

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
- No

If yes, please specify:

The Inspectorate General of the Office of the Prosecutor General is the responsible authority for the monitoring of the prosecution services throughout Georgia.

Monitoring includes but is not limited to the following activities: electronic control on the job attendance, hot line, periodical inspection of documents processing etc.

Evaluation is carried out by the Central Administration of the Office of the Prosecutor General. The CA makes quarterly reports on different issues concerning the performance of the prosecution services around Georgia. The evaluation is based upon the reports made by local prosecution services. The reporting is conducted daily through e-mail messages.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

Please indicate the sources for the the question 70,71, 72 and 76

High Council of Justice

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)				
Civil proceedings - Article 6§1 (non-execution)	1		1	
Criminal proceedings - Article 6§1 (duration)				

Please indicate the sources for the questions 82 and 84

Supreme Court of Georgia

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

According to Criminal Procedure Code of Georgia judge, within not later than 24 hours, shall adjudicate on the lawfulness and validity of an inspection of a residential apartment or other property against the proprietor's will, as well as a search, seizure effected without the judge's order in cases stipulated by law.

The courts shall examine civil cases within not later than 2 months following the day of filing the application and this term may be extended to maximum 5 months over especially complex cases by the hearing court except the cases over payment of

alimony, indemnity for the loss caused by mutilation or other injury or compensation for the damage caused by the death of a bread-winner, cases involving claims proceeding from labor relations, cases involving claims arising from the Law of Georgia "on Relations Arising from Place of Residence" which shall be examined no later than one month. (art 59, para 3)

According to the Administrative Procedures Code of Georgia in case when there may be an immediate and direct threat to state security, human life or health, or proofs, the controlling agency may suspend those activities of the enterprise that fall within the scope of the inspection, and immediately submit the inspection request to the judge. If the activities of the enterprise may not be suspended, or if such suspension will cause significant damage to the enterprise, or if inspection is requested by the entrepreneur, the controlling agency may commence the inspection and submit the inspection request to the judge within 24 hours. Upon submission of the request the controlling agency shall substantiate the urgent necessity of the inspection.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

Georgian Civil Procedure Code envisages simplified procedures for actions filed regarding checks and promissory notes, recovery of debt, restitution of leasing subject to lessee, mandatory sale of shares.

According to article 27 of the Administrative Procedures Code of Georgia upon the written request of parties the court may hear an administrative case and render a decision thereon without presence of the parties.

Pursuant to article 28 of the same code upon the request of a party the court (judge) may decide to conduct a speedy proceeding.

During the speedy proceeding the court shall have the right:

- (a) To reduce the term of making a responsive pleading or bringing a counter action by the defendant,
- (b) Not to designate the term of submission of an opinion by a third person in regard to the action,
- (c) Not to designate the term of submission of an opinion by parties in regard to the appointment of an expert,
- (d) To reduce the term of submission of an opinion by parties in regard to expert evidence.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

Civil Procedure Code of Georgia provides:

Proofs and evidences are presented to the court by the parties. The court may offer to the parties to furnish the additional evidences (Art. 103).

If the judge finds out that the action is deficient, the state fee is not paid or/and the document evidencing the representative's powers is not presented, he/she shall deliver the judgment of defect and set the time in order for the claimant to remedy it(Art. 185).

Court can fix the term for the respondent to make reply (counterclaim) to the claim and to the question put in it and express his/her view about the documents enclosed to the claims and submit them to the court (Art. 201).

According to article 475 of Georgian Criminal Procedure Code prosecution and defense ensure themselves the presentation of the evidence at trial. For the presentation of evidence, the court shall set reasonable time to the parties, but no more than 10 days. During that time, the court shall hold at least one court session. If in that time, the parties can not ensure the appearance of the witness (s), the judge is entitled to set additional time based on the reasoned motion of the party, for the presentation of the evidence, and in case of necessity, render a ruling for forceful bringing of the witness. If the party still can not ensure the presentation of the evidence, the court is entitled, on the basis of the motion of a party or by its initiative, render a ruling about reading out of the evidence in court.

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	13479	33908	29633	14729
1 Civil (and commercial) litigious cases*	10417	21877	20299	11995
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	3062	12031	9334	2734
7 Other				
Total criminal cases (8+9)	5710	15849	14882	6677
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

According to Article 12 of Georgian Criminal Code according to maximum terms of imprisonment provided by article or paragraph of article of this Code a crime may belong to each of the following three categories:

- Minor crime,
- Serious crime,

c. Grave crime.

Minor crime is a deliberate or unintentional crime for which the maximum punishment provided by this Code is 5 years of imprisonment.

Serious crime is a deliberate crime for which maximum punishment provided by this code is 10 years of imprisonment, or unintentional crime for which the maximum punishment provided by this Code is 5 years of imprisonment.

Grave crime is a deliberate crime for which maximum punishment provided by this code is 10 years of imprisonment or life imprisonment.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	2523	6719	5306	3626
1 Civil (and commercial) litigious cases*	1129	3122	2809	1350
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	1394	3597	2497	2276
7 Other				
Total criminal cases (8+9)	557	3932	3581	750
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	1010	1959	2179	788
1 Civil (and commercial) litigious cases*	525	872	1049	348
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	485	1087	1130	442
7 Other				
Total criminal cases (8+9)	405	2008	1160	1253
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	3	10	7	3
Employment dismissal cases	126	283	283	206
Robbery cases	1253	3168	2896	1229
Intentional homicide case	157	264	262	119

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	n/a	n/a	n/a	n/a	n/a
Employment dismissal cases	n/a	n/a	n/a	n/a	n/a
Robbery cases	n/a	n/a	n/a	n/a	n/a
Intentional homicide	n/a	n/a	n/a	n/a	n/a

94) Where appropriate, please specify the specific procedure as regards divorce:

n/a

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

n/a

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

to conduct plea bargaining,
to request extraditions (Prosecutor General, subsequently authorized prosecutors),
to grant or refuse extradition to a foreign state (Prosecutor General, the decision may be appealed to court),
to supervise covert operations,

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
 No

If yes, please specify:

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	36304	16709	16709		5008	12974

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please note that number 16709 above is the joint number and encompasses both as Discountinued because the offender could not be identified so Discountinued due to lack of an established offence or a specific legal situation.

Please indicate the sources for the questions 92 to 94 and question 98

Supreme Court of Georgia
Unit of Statistics of the Office of Prosecutor General

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

102) Which procedures and criteria are used for promoting judges? (please specify).

Qualification, professional and moral reputation, skills necessary for judges, statistics of cases discussed by the judge and stability of decisions rendered by the higher instance court, scientific works.

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

The promotion procedures and criteria are determined by the Law of Georgia on Public Office (LGPO).

According to Article 77 of the LGPO, promotion procedures are as follows:

Normally, the prosecutors' promotion is carried out based on the work performance and the examination results that is conducted every three year by the Certification Board (The members and the chairman of the Certification Board are nominated by the head of a particular office and approved by the Public Law Entity Public Office Bureau of Georgia).

A prosecutor is nominated by the Certification Board for the promotion and is assigned on a particular position by the Prosecutor General.

It is necessary to hold a lower position for at least 6 months in the prosecution office in order an official to be promoted.

If the disciplinary sanction is imposed upon the prosecutor he/she may not be promoted until the punishment period runs out.

107) Is the mandate given for an undetermined period for judges ?

Yes

No

Are there exceptions? Please specify:

108) Is the mandate given for an undetermined period for prosecutors?

Yes

No

Are there exceptions? Please specify:

The only exception to the undetermined mandate refers to the Prosecutor General and to his/her deputies. The Prosecutor General is nominated by President and candidacy is finally approved by the Parliament. The office term of the Prosecutor General is determined for 5 years. The same person may be assigned no more than twice.

Deputy Prosecutor General is automatically removed from the office when the Prosecutor General's office term expires or the latter otherwise leaves the position. However, the number of deputies' office terms is not limited differently from the Prosecutor General.

109) If no, what is the length of the mandate?

Is it renewable?

for judges

yes, please
specify the
length

No less than 10 years

for prosecutors

yes, please
specify the
length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

According to Article 47 of the Organic law of Georgia "on General Courts":

1. Nomination to a judicial position at district (city) and court of appeals shall be conducted through a competition.
2. The High Council of Justice of Georgia – when a judicial position is vacated in district(city) and court of appeals - shall announce in an official gazette a competition for the position. To participate in a competition, a candidate shall submit an application and within 7 days of his/her registration date a document certifying filing of a Property Status Declaration to the Information Bureau for the Property and Financial Status of Officials. The declaration or its contents shall remain confidential until the candidate is appointed (elected) to a judicial position, unless he/she otherwise consents or if otherwise prescribed by law.
3. The High Council of Justice shall conduct a competition for judicial candidates after expiration of judicial candidates' registration term.
4. When selecting candidates to a judicial position, account shall be taken of their qualification test results, professional and moral reputation, professional experience and physical conditions.
5. The High Council of Justice of Georgia shall propose candidates selected through a competition to President of Georgia for appointment.

According to the Organic Law on Prosecutor's Office, prosecutor can become a person who has the high legal education, possesses state language, has passed the qualification exam and internship in prosecutor's office from 6 months to one year, also has the ability to fulfil the duties of a prosecutor taking into account his/her state of health and moral characteristics.

5. 1. 2. Training

110) Nature of the training of judges.

Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

112) Nature of the training of prosecutors.

Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

In 2006 the Prosecutor General's Office established the training centre. Since then the training management has improved significantly. The Centre holds trainings on regular basis.

On 28 December 2005 was adopted the Law of Georgia "on High School of Justice".

In April 2006 was founded the Legal Person of Public Law – The High School of Justice.

The function of the school is to ensure high professionalism of general court judges and provide them vocational trainings.

The High School of Justice ensures improvement of theoretic knowledge of listeners, helps them gain practical skills, facilitates the process of integrating the person into society in which he/she will have to work as a judge.

The school also runs re-training programs.

In 2006 were held 24 seminars (3 of them for assistants to judges). The Seminars aimed at retraining of judges, as well as introducing the major amendments to legislation. The retraining program was attended by 500 participants. Seminars covered material as well as procedural matters.

Norwegian Mission of Rule of Law in Georgia and the High School of Justice conducted trainings for judges specialised in criminal law.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	4320	3801
Judge of the Supreme Court or the Highest Appellate Court	8580-15660	7550-13780
Public prosecutor at the beginning of his/her career	5184	4560
Public prosecutor of the Supreme Court or the Highest Appellate Instance	6192	5460

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

116) If other financial benefit, please specify:

The Organic Law of Georgia "on the Supreme Court of Georgia" envisages granting bonus to members of the Supreme Court.

Pursuant to the Law of Georgia "on social and legal protection guarantees of judges" judge receives bonus amounting to 30% of daily salary while being on a mission to a foreign country.

According to Article 63 of the Organic Law of Georgia "on General Courts" the High Council of Justice decides the issue of rewarding judges.

In pursuance to the Presidential Decree of 25 January 2006 #78 the High Council of Justice can grant bonus to judges.

The High Council of Justice also decides issue of providing a judge who exercises its competence in a place where he/she doesn't have a living place with accommodation or remunerating of the expenses.

Prosecutors are provided with free health insurance. According to the Organic Law on Prosecutor's Office, for the model fulfilment of duties and for other achievements, prosecutor can be awarded or granted with valuable gift for the encouragement of the latter.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

- Yes
 No

If yes, please specify:

Please indicate the source for the question 114

Presidential Decree of 25 January 2006 #78

The Decree #2 of the Prosecutor General issued on January 18, 2006 amended as of July 13, 2007.

Q114 - additional comment

The matter is that the salary of a judge operating in Supreme Court very much differs from the salary of the Chairman or Deputy Chairman of that court who, beyond managing functions, operate as judges as well. That is why we considered that it would be more reasonable to indicate both amounts of salaries. 8580 is the gross annual salary of a judge in Supreme Court, while 15660 is the gross annual salary of the Chairman of the Supreme Court. Since such formulation is ambiguous and we need to indicate only one figure, I suppose it would be more reasonable to keep the amount 8580, since this is the maximum gross annual salary of judges at Supreme Court in general, except of Chairman of the Court who although operates as a judge, is authorized with a numebr of other functions

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

The following people can commence a disciplinary prosecution against a judge of a general court (under any ground except one - gross violation or repeated violation of law in the process of discussion of a case):

The Chairman of the Supreme Court of Georgia (or his/her replacement)- against the judges of the Supreme Court of Georgia, Appeal Courts and the Regional (City) Courts.

The Chairmen of Appeal Courts (or their replacement) – against the judges of relevant Appellate Courts, also the judges of regional (city) courts operating in the territory of their authority.

The High Council of Justice of Georgia commences disciplinary prosecution against all judges of the General Courts of Georgia under any ground determined by the law.

According to the decree of the Prosecutor General of October 25, 2005 the Inspectorate General, a structural unit at the Office of the Prosecutor General is the authority which initiates disciplinary proceedings against prosecutors.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

The Disciplinary Panel of general courts considers disciplinary cases of general court judges.

The Inspectorate General of the Office of the Prosecutor General deals with all the disciplinary proceedings in relation to the Prosecution Services all over the country. Based on the findings of the Inspectorate General with respect to particular irregularities in the Prosecution Services, the Prosecutor General makes the final decision on the imposition of disciplinary sanctions.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	84	145
1. Breach of professional ethics	84	5
2. Criminal offence		107
3. Professional inadequacy		33
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	36	145
1. Reprimand	12	39
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		3
8. Dismissal	6	70
9. Other	18	33

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

According to article 6 of law of Georgia on "Disciplinary responsibility and disciplinary prosecution of judges of general courts of Georgia" the following can serve as the basis for commencing the disciplinary prosecution against a judge:

- a) A complaint or an application from any person (except anonymous application)
- b) An explanatory note of another judge or an employee of a court or a staff member of the High Council of Justice on the fact of commitment of a disciplinary violation by a judge
- c) Private judgment or other decision of a higher instance court, according to which a gross violation of a law by a judge was observed during the discussion of a case
- d) A message received from an investigator or prosecutor
- e) Private decision (verdict) of other judge or court on the reasonable doubt of the commitment of disciplinary violation by a judge
- f) Information disseminated by mass media on an action committed by a judge which can be considered as the disciplinary violation
- g) Presentation by Disciplinary Panel of a new basis for commencing the disciplinary prosecution against a judge

Other disciplinary penalties used against judges in 2006:

- 1. Private letter of recommendation - 5
- 2. Notice – 9
- 3. strict reprimand -2
- 4. Dismissal of a judge from the reserve list of the common courts – 2
- 5. Dismissing the Chairman of a Court from the occupied position – 3

As to prosecutors the recorded number of disciplinary irregularities in 2006 are much higher than those of the previous years. It may be explained with the developments that happened during the past two years. In particular, the electronic control systems were installed in most offices. The correspondence registries became electronic and thus, easily controllable that contributed to the advancement in revealing the irregularities.

The most important thing was the adoption of the Prosecutorial Code of Ethics in 2006. The code strictly prescribed the discipline related issues. According to the Inspectorate General, previously, the inconsistency of the prosecutor's conduct to his/her position was appreciated on case by case basis but now it is prescribed as to what may be considered misconduct for prosecutor and it contributes to proper administration of disciplinary proceedings.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

2560

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

2000

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

On civil cases duties can be represented by a non-lawyer representatives in first level (city, regional) courts.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

There is only one mandatory bar for all of the lawyers in Georgia

Please indicate the source for the question 126

Georgian Bar Association

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
- No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
- No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
- No

If yes, please specify:

The high degree of law is necessary for acting in all legal fields

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

Quality standards are set by the Code of Ethics and Law "on Advocates"

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

As to Q138, the performance of Public Attorneys can be appealed to the Head of Legal Aid Service of the Ministry of Justice of Georgia. In case of lawyers practicing independently, the complaint on the performance of the latter can be addressed to the Georgian Bar Association where the Ethics Commission is formed with the aim of hearing such complaints/applications. If considered to be grounded, the lawyer can be charged with disciplinary prosecution in accordance with the Law of Georgia on Lawyers of June 20, 2001

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

Commission of Ethics (body within the Bar Association)

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	11	55		8

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	2	1	0	0	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals? yes,
number:

criminal cases? yes,
number:

Please indicate the source for the question 145

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

Civil Procedure Code of Georgia envisages submitting dispute to arbitration. According to article 12 of Code the property dispute may be referred to an arbitrator under the agreement between the parties.

The law on Private Arbitration was adopted on 17 April 1997. Pursuant to the law a civil dispute between Parties shall be transferred to permanently acting or specially established temporary private arbitrage, based on their mutual agreement.

An Arbitration claim by one of the parties shall serve as the basis to start reviewing a dispute (Arbitration proceedings) and shall be sent to the other Party and the Arbitrage Chairman, or to all the appointed members of Arbitrage if the Chairman has not been elected. Arbitration proceedings shall start within 10 days upon receipt of the Arbitration claim.

The Parties determine the rules for Arbitration proceedings based on the agreement. In case of non-existence of the agreement between the Parties regarding Arbitration proceedings, the dispute shall be reviewed in compliance with the rules established by the Arbitrage.

An Arbitrage can voluntarily question witnesses and demand evidence if it is not otherwise agreed to by the Parties.

Georgian citizens, stateless persons or citizens of foreign countries can be appointed as Arbitrage members. The number of arbitrage members and the regulations of their appointment shall be defined by the parties. The parties appoint equal number of the arbitrage members.

The Parties have the right to terminate the Arbitration and come to an agreement at any time during the Arbitration process.

An Arbitration Decision shall be mandatory for the Parties. An Arbitration Decision shall not oblige third parties to fulfill any liabilities. If there is no agreement to the contrary, the Arbitrage shall make a decision on how the costs shall be divided between the Parties.

The Court is authorized to review a Party's claim and change the Arbitration Decision only in case of : a) The Arbitration Decision is in conflict with the administrative and criminal legislation b)The arbitration procedures required by the Law or the Arbitration and award rules agreed to by the Parties have been violated c) An Arbitration Member committed a crime against intellectual property and this is verified by a court sentence that has a legal force, except for the cases when such an action does not influence the Arbitration Decision.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

130

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Order of the Minister of Justice of Georgia N172 of November 2, 2007

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

Enforcement Department of the Ministry of Justice of Georgia and its divisions:

1. Division of the Enforcement Procedures of Eastern Georgia, 2. Division of the Enforcement Procedures of Western Georgia.

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Quality standards are formulated by the order of the Minister of Justice. Main quality standards are: 1. Age qualification of the person (21-65 years old), 2. Knowledge of the Georgian language, 3. Higher education (preferable in legal field). There are additional requirements for leading positions.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Law of Georgia "on the Public Service" of 1997

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

- for civil cases?
- for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

- | | | |
|-------------------------------|---|---|
| Breach of professional ethics | <input type="checkbox"/> yes,
number: | |
| Professional inadequacy | <input type="checkbox"/> yes,
number: | |
| Criminal offence | <input checked="" type="checkbox"/> yes,
number: | 8 |
| Other | <input type="checkbox"/> yes,
number: | |

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	17
Suspension	<input type="checkbox"/> yes, number:	
Dismissal	<input type="checkbox"/> yes, number:	
Fine	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	13

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

The Enforcement Department
Law of Georgia on Enforcement Procedures of 1999

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

As to Q163, the authority entrusted with the enforcement of judgements is the Enforcement Department of the Ministry of Justice of Georgia in accordance with the Law of Georgia on "Enforcement Proceedings" of April 16, 1999

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | | |
|---|--|-----|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes,
number: | |
| a public one? | <input type="checkbox"/> yes,
number: | |
| other? | <input checked="" type="checkbox"/> yes,
number and
specify: | 235 |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Georgian legislation, the Law on Notary, adopted on May 3, 1996 does not define the legal status of notary.

Notaries perform the following notary acts at the request of persons pursuant to the procedure provided by the Attestation Act: attest authenticity of signatures and copies, correctness of translations of documents and authenticity of signatures of translator, attest other facts and events which have legal meaning, including sea protests, receive deposits, and of course Notaries have the duty to provide legal assistance to their clients and to the parties to notary acts and to prepare corresponding draft documents.

A notary is a holder of an office in public law who is empowered by the state to attest, at the request of persons, facts and events which have legal meaning and perform other notary acts in order to ensure legal certainty.

Please indicate the source for the question 166

Law on Notary, adopted on May 3, 1996

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

The Minister of Justice supervises professional activities of notaries through officials authorised by the Minister of Justice. The Minister may involve the Chamber of Notaries in the supervision activities or delegate the supervision of individual matters to the Chamber of Notaries and issue instructions for the supervision activities. The Minister of Justice may amend the resolutions adopted by the Chamber of Notaries concerning such matters. The objective of supervision is to monitor the professional activities, preservation of documents. Supervision means periodical inspection over professional activities of notaries. Additional inspection is allowed only in justified cases where there is information referring to the need of inspection. In the case of a new notary, the first inspection shall be conducted within the notary's 6 months' of office. A notary is required to present the books concerning his or her professional activities and other materials which are necessary for the supervision activities. The abovementioned rule also applies to the inspection of the professional activities of substitute notaries.

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

Reforms in Judiciary

The process of judicial reform is carried out in line with the Judicial Reform Strategy and Criminal Law Reform Strategy and Action Plan of the Government of Georgia which were prepared in co-operation with EUJUST THEMIS and "Concept of Judicial Reform" approved by Presidential Decree in July 2005. The main directions of the reform had already been implemented, though the process is still ongoing and is envisaged to be fully completed by the beginning of the year 2009.

Well defined sequential order of court instances has already been introduced in November 2005. Current organization of Georgian common courts is fully in line with classical systemic layout of judicial systems of European countries and is composed of first instance district (city) courts, second instance Appeals Courts (of which there are 2 in Georgia) and the Court of Cassation (the Supreme Court).

Next step in this direction will be the completion of the process of enlargement of small first instance district courts into the less but bigger district courts enabling establishment of more effective and efficient management of first instance courts as well as introduction of specialization of judges. Instead of 70 small first instance courts 21 larger district (city) courts will be established. Two enlarged district courts were already established in Tbilisi and Mtskheta. Enlargement of first instance courts enabled introduction of specialization of judges (before the reform in first instance courts each judge had to deal both with criminal and civil cases).

Institute of Magistrate Judges is being introduced in judiciary since November 2005 in order to ensure that enlargement of first instance courts will not be to the detriment for the access to justice for persons in the remote areas. Selection and appointment of Magistrates proceeds in line and hand in hand with the enlargement of first instance courts, i.e. as soon as one more enlarged District Court is established Magistrate Judges are appointed in the remote areas of that district. The whole process of enlargement and subsequent appointment of Magistrates is envisaged to be completed by the beginning of 2009.

The High School of Justice in its new format will become operative since Fall 2007. The aim of the School is the professional preparation of future judges with the purpose of staffing the common court system with highly qualified specialists; periodical retraining of judges and upgrading their qualification with the purpose of their professional refinement remains as one of the aims of the School. Only graduates of the School will be eligible for the selection process.

In order to fill the existing judicial vacancies the competitions are held periodically by the High Council of Justice. During 2006 48 new judges were appointed. Competitions will actively be conducted also in 2007.

The court buildings are being intensively reconstructed. In general, 20 buildings will be totally renewed and equipped in 2007. The process of reconstruction will entirely be funded from the state budget. In the nearest future the special recording system will be implemented, which will allow for the automatic recording of court sessions and for the assignment of some other legal tasks to the secretaries previously engaged in record-keeping of the court sessions.

Salaries have been raised significantly. The salaries of non judicial staff has been raised accordingly. The relevant table is illustrated below:

Position	Year 2005 (in GEL)	Year 2006 (in GEL)
Judge Supreme Court	1430	3000
Court of Appeal	625	1650
Court of 1st Instance	600	1450
Head of Apparatus Supreme Court	900	1400
Court of Appeal	300	1100
Court of 1st Instance	300	1050
Assistant of Judge Supreme Court	500	900
Court of Appeal	190	600

Court of 1st Instance 170 550
Secretary on Hearings Supreme Court 300 550
Court of Appeal 150 440
Court of 1st Instance 150 380
Bailliff Supreme Court This institute was introduced in 2006 450
Court of Appeal 400
Court of 1st Instance 380

Consistent raise of salaries for judges and non judicial staff of judiciary will be envisaged by the budget of 2007 as according to Georgian legislation budget for judiciary for the upcoming year cannot be less that for the current year which contributes to the financial independence of the judiciary. The salary of judges in the first instance courts will be from 1550 to 1750 GEL, in second instance Appeal Courts – from 1750 to 3100 GEL and in the Supreme Court – from 3100 up to 4100 GEL.

Legislative changes

The most substantial amendments were introduced to the Constitution of Georgia adopted on 27 December 2006 as a result of which President was deprived of the right either to appoint or dismiss judges. The authority was granted to the High Council of Justice, the decisions of which are subsequently signed by the Chairman of the Supreme Court of Georgia.

Due to the same constitutional amendments High Council of Justice, which is the main institution for initiating the judicial reform, has ceased to be the advisory body to President and is instead chaired by the Chairman of the Supreme Court of Georgia. Thus, President is no more de jure head of the High Council of Justice which became a full part of judiciary. The rules set for the composition of the Council enable that judges elected by Conference of Judges form the majority in the Council (10 of 19 members) and consequently are granted with the decisive vote in the decision making process.

Amendments passed to the Law on “Disciplinary administration of justice and disciplinary responsibilities of judges of common courts of Georgia” on 15 March and 29 December of 2006 emphasize full autonomy of judges from any branches of government except of judiciary. The Disciplinary Panel is formed at the High Council of Justice for the examination of disciplinary violations committed by judges. It consists of six members, three of which are judges of the common courts and are elected to the Disciplinary Panel by the Conference of Judges upon the recommendation of the Chairman of the Supreme Court of Georgia. The decision of the Disciplinary Panel can be appealed both on substantive as well as legal grounds to the Disciplinary Chamber of the Supreme Court (consisting of three judges of the Supreme Court), which reviews disciplinary cases substantially (with the former system it reviewed the issues within the cassation framework only, i.e. the case was not investigated) and represents the court of the final instance that hears the disciplinary issues of judges. The judges are granted the full opportunity to attend the hearing of disciplinary case by the Panel and the Chamber, to express their position and to defend themselves either through person or through legal assistance.

New amendments will be introduced to the Law on “Disciplinary administration of justice and disciplinary responsibilities of judges of common courts of Georgia” that will clearly define the existing concept of “gross violation of law”.

The new Law on the “Rules of Communication with Judges of General Courts of Georgia” will be adopted by the Parliament in 2007 that will regulate the ex parte communication of a judge and thus will aim to guarantee even de facto independence and impartiality of judiciary.

The old Code of Judicial Ethics will substantially be revised in 2007. Rules of Judicial Ethics will come in full compliance with the European standards of judges’ ethical behaviour. Revised Code will be presented to the Conference of Judges.

Reforms in Free Legal Aid Service

Government took first steps towards establishment of effective Legal Aid system in 2005 when Public Attorney Service (a Legal Entity of Public Law under the Ministry of Justice) was established. Public Attorney Service set up two Legal Aid Bureaus one in capital and another in the western part of Georgia, that were designed to pilot a Public Defender Office’s model of legal aid delivery. Simultaneously Council of the Public Attorney Service – a group composed with the representatives of Judiciary, government agencies, practicing attorneys and NGOs are working on the new Law on Legal Aid. The Law will be submitted to the parliament in 2007.

New Law on Legal Aid will establish the new legal aid authority - Legal Aid Service - that will take place of pilot Public Attorney Service in 2007. Director and apparatus of the Service will be responsible for ensuring quality legal aid throughout the country.

Legal Aid will be provided in Legal Aid Bureaus, which will be offices with a number of full time attorneys and a legal advisor, who along with the Service apparatus will form a permanent salaried staff of the service. The new law will envisage alternative models of legal aid delivery, such as contracting privately practicing lawyers on case by case basis (where caseload of the bureau so requires or the outsourcing is necessary for other consideration such as conflict of interest) and in regions where Legal Aid Bureaus are not established purchasing legal services from Legal firms or NGOs through public procurement rules.

In 2007 operational territory of existing Legal aid Bureaus will be extended and new Bureaus will be opened throughout the whole territory of Georgia. Number of attorneys in Legal aid Service will increase and new attorneys will be recruited on the bases of open competitions. Newly selected staff will undergo special trainings.

Any defendant has the right to request a legal aid attorney appointment at any stage of the criminal case in person or through his/her legal representative or close relative. However, the provision of full legal aid in civil and administrative matters will only be possible from 2009.

In 2007 state budget will increase that will give the possibility to further continue the preparation of bases for the full-scale introduction of the Service since 2009 through the enlargement of existing Bureaus and recruitment of new attorneys.