



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

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

4382103

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

	Amount
State level	2755598290
Regional / entity level	569017094

3) Per capita GDP (in €)

2004

4) Average gross annual salary (in €)

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

23475

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Report of the Year of 2008 by the National Bank of Georgia

1. 2. Budgetary data concerning judicial system

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

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

14929371

7) Please specify

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 or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries

Yes

8849797

Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	191156
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	2531629
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	76359
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	2506388
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	448051
Other (please specify):	<input checked="" type="checkbox"/> Yes	325988

Comment :

1. Annual public budget allocated to (gross) salaries includes the salaries, bonuses and additional payments to judges and courts staff;
2. Annual public budget allocated to computerisation – 200 computers 100 printers, 230 UOS and ^ servers have been purchased for general courts;
3. Annual public budget allocated to justice expenses includes expenses necessary for functioning of justice – postal expenses, expertise expenses, maintenance expenses of court buildings (power, water, heating, cleaning, telephone, internet etc.), rental allowances for judges, purchase of official publications, archive maintenance, stationary, literature, Fuel etc.
4. Annual public budget allocated to court buildings (maintenance, operation costs) –periodical maintenance of those court buildings’ that have been repaired in previous years;
5. Annual public budget allocated to investments in new (court) buildings – includes reconstruction and repair expenses of 17 new court buildings, as well as additional reconstruction and repair expenses for General Courts’ Department and Tbilisi City Court;
6. Annual public budget allocated to training and education – includes expenses of the High School of Justice;
7. Other – includes Insurance of judges, social security of court staff, purchase of case management programme, purchase of cars, repayment of indebtedness arisen in previous years

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:

2004 – increase by 220 437,91 Euro;
2005 – increase by 667 051,76 Euro;
2006 – increase by 7 243 734,19 Euro;
2007 – increase by 1 171 267,31 Euro;
2008 - increase by 1 895 846,65 Euro.

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:

Georgian Civil Procedural Code envisages the possibility of release from Payment, postponement of payment or shortening of the amount of the court fee.

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

2056424

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

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 14929371

Comment :

1. Staff of General Court's Department of the High Council of Justice;
2. High Council of Justice;
3. General Courts

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

Please provide comments to explain the figure provided under question 13:

. Amount 1192758

Comment :

Provision concerning budget of Legal Aid Service in the Law of Georgia on State Budget 2008 does not specify the expenses for criminal or other cases. According to the unified budgetary scheme, the annual budget for legal aid consists of the following articles: 1. Salary fund; 2. Capital expenses (refurbishment, equipment etc.); 3 Subsidiary expenses (everyday expenses for communications, fuel, professional trips etc). The subsidiary expenses include the expenses related to lawyers' participation in the criminal and other cases.

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NAP	NAP

Comment :

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 €)

Please provide comments to explain the figure provided under question 16: Amount

8817891

Comment :

Budget of the Prosecution Service of Georgia is approved by the Parliament of Georgia on the basis of adoption of Law of Georgia on State Budget. Current budget of the Prosecution Service is defined by the Law of Georgia on State Budget of 2008. There is no defined annual budget for the Prosecution Service of Georgia, amount may differ each year depending on the needs and financial resources available. Generally, funds from state budget are allocated according to the financial needs of the governmental structure.

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 budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	Yes	No	No	Yes
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	Yes	No	Yes	Yes

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 in this chapter
- 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

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	Yes	Yes

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

Besides criminal Cases, representation in court is provided in administrative cases related with the compulsory psychiatric treatment

Free legal consultations, including assistance in drafting first hand legal documents are provided in all fields of law (whether civil, criminal or administrative)

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

- Yes
 No

If yes, please specify:

As already mentioned, free legal aid is offered in criminal cases. There is no court fee for this cases in Georgia

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

- Yes
 No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	9202
in criminal cases	8446
Other than criminal cases	756

Comment :

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:

	Yes	Amount in €
for criminal cases	70 000 point	NAP
for other than criminal cases?		

Comment :

The person who qualifies and has been registered at the “Databases of Socially Unsecured Families” has right of free legal assistance during criminal proceedings (as a suspect and/or accused, including sentences/convicted person). Legal Aid Service has a direct computer access to the aforementioned database to check the status of non-solvency of the person.

The family (household) must have 70 000 or less rating points according to the set requirements, also in special circumstances families having up to 100 000 rating points in order to have status of socially unsecured family. The points are calculated based on an interview conducted by social worker who fills up specially designed questionnaire during interview. The outcome of the interview is transformed into household welfare formula and the rating points are calculated. The abovementioned procedure is defined under the Resolution #126 04.08.2005 of the Government of Georgia.

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

Please provide comments to explain the answer under question 27:

The legal aid through representation in the court is provided only in the criminal cases and administrative cases, related with compulsory psychiatric stationery treatment. As for the legal advice and the draft of the legal documents, the access is guaranteed to everyone in all fields of law.

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:

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	No
other than criminal cases?	Yes

You can indicate below:

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

1. The legal Aid Service Operates as a legal entity of public law within the system of the Ministry of Corrections and Legal Assistance of Georgia. The staff consists of the lawyers (public lawyers) that provide free legal aid in the criminal cases and also consultants providing free legal advice in all fields of the law.
2. The law on Legal Aid adopted by Parliament in 2007 defines the forms of the legal aid, grounds for provision of the legal aid, the system of the legal aid service.
3. 10 legal aid regional bureaus cover the entire territory of Georgia. In May 2008 Legal Aid Service set up two Consultation Centres which provide free consultation on any legal topic tot he citizens and assist them in composing various legal documents.

Please indicate the sources for answering the questions 24 and 26

Statistical information provided by Legal Aid Service

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:

- | | | |
|---------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.laws.codexserver.com,
www.parliament.ge,
www.justice.gov.ge,
www.cra.gov.ge,
www.mof.gov.ge,
www.napr.gov.ge etc. |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.supremecourt.ge,
www.constcourt.gov.ge |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.hcoj.gov.ge |

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

- Yes
 No

If yes, please specify:

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:

1. In 2006, the Permanent Interagency Coordination Council Against Trafficking in Persons has been created. The Council conducts wide public awareness campaign, among other activities special brochures for victims of trafficking have been published.
2. 10 legal aid regional bureaus cover the entire territory of Georgia. In May 2008 Legal Aid Service set up two Consultation Centres which provide free consultation on any legal topic to the citizens and assist them in composing various legal documents.
3. The Ministry of Justice of Georgia via its official website provides information concerning child abduction and return of wrongfully displaced child. Namely, detailed information is provided regarding various measures which should be taken according to national and international provisions.
4. There is electronically programme in the Supreme Court of Georgia and Tbilisi Appeals Court which allows the parties to monitor on-line on the case development.

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	No	Yes	Yes	No
Victims of terrorism	No	No	Yes	No
Children/Witnesses/Victims	No	Yes	Yes	No
Victims of domestic violence	Yes	No	Yes	Yes
Ethnic minorities	No	No	Yes	No
Disabled persons	No	No	Yes	No
Juvenile offenders	No	Yes	Yes	No
Other	Yes	No	Yes	Yes

Comment :

Under current Criminal Procedural Law of Georgia victim has a status of a party to the criminal proceeding and accordingly is entitled to wide range of procedural rights.

With respect to domestic violence, it should be noted that the national referral mechanism has been already elaborated by the Permanent Inter-Agency Coordination Council for Fight against Domestic Violence. The victims are assisted and provided with a shelter by the State Fund for the Protection and Assistance of the Victims of Human Trafficking which is financed from the State budget. Moreover, victims of domestic violence are provided with medical assistance, psychological counselling, legal assistance, long-term and short-term programs of rehabilitation and reintegration. Currently, the Council is working on the formal adoption of the Referral Mechanism and development of additional legal safeguards for the victims of domestic violence.

In relation to victims of human trafficking (paragraph "others"), the Government of Georgia has elaborated the Law on Combating Human Trafficking which came into force on 16 June 2006. The mentioned Law stipulates the protection, assistance and rehabilitation of victims of human trafficking. The implementation of these tasks has been delegated to the State Fund for Protection and Assistance of Victims of Human Trafficking which provides a shelter to victims.

Under the mentioned legal instrument the investigator, prosecutor and judge shall inform the statutory

victim of human trafficking in his/her native language or in a language s/he understands regarding the legal status of a victim as well as information on matters relating to the investigation and proceedings. In criminal proceedings, the victim is provided with the service of a lawyer and an interpreter. At the same time, it should be noted that the victim receives all relevant documents and materials related to the proceedings in his/her native or in understandable language. The statutory victim and witness including persons providing legal service and assistance to them have the right to request the protection of their own security and security of their family members at any time in compliance with the procedure established by the Georgian legislation.

Furthermore, it should be taken into consideration that statutory child victim's of human trafficking are subject of particular interest to the Government of Georgia. Apart from the Law of Georgia on Combating Human Trafficking, the rights of minors are guaranteed by the United Nations Convention on Rights of the Child of 20 November 1989, the Council of Europe Convention against Trafficking of Human Beings and guidelines adopted by international organizations in the field of protection of the child victims of human trafficking.

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?
 a private fund?

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

The victims of crime may seek compensation for the material, moral and/or physical damages suffered as a result of a criminal activity (Article 30, CCPG). In case the damage emanated from the state, the source of the compensation will be the state budget. In other cases where the damage resulted from the offender – private person, the damages will be recovered from the offender. In both cases the basis for the compensation is the court decision.

In order to obtain compensation the victim is entitled to file a civil complaint either within the framework of criminal proceedings - this will be a civil complaint in a criminal case (Special chapter IV of CCPG is dedicated to this procedure), or through civil procedure outside the criminal case. This does not imply though the victims right to file the motion twice for the same case and the same circumstances both through civil and criminal proceedings.

In case investigator, prosecutor or the court during the criminal proceedings is convinced that based on the case file, the victim is entitled to file a civil claim they are obliged to inform him/her about this right.

It is notable that if the damage suffered was the result of torture, inhuman or degrading treatment of a victim by public official, being fugitive, civil complaint case may be filed against the state on every stage of the criminal proceedings before the Criminal Court under Article 33 of the Criminal Procedure Code of Georgia or before the Civil Courts anytime without time/statutory restriction.

Apart from the above mentioned, Georgian Legislation provides for the compensation to the victims of unlawful detention/arrest. (See answer to question #40)

As regards the public funding, it is noteworthy to mention, that the Entity of Public Law – State Fund for the Support and Protection of the Victims of Trading of Human (Trafficking) was created by the 28.04.2008 #2944 law of Georgia on the fighting against Trading of Human (Trafficking). According to paragraph 2 of Article 16 of the Law, if the compensation of moral material or physical damage is impossible pursuant to the procedure established by the civil or criminal legislation of Georgia the victim of trafficking shall be granted compensation from the above-mentioned state fund.

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:

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

Yes

No

If yes, please specify:

Article 242 of the Criminal Procedure Code of Georgia provides for the right of a party to the criminal proceedings, including victim, to contest decision of a prosecutor, inter alia, to discontinue criminal prosecution and/or investigation.

Article 399 making reference to Article 242 deals more specifically with the right to appeal ruling of a prosecutor to discontinue investigation and/or criminal prosecution. An appeal shall be filed within not later than 15 days after the appellant becomes aware of an act or decision being, in his opinion, unlawful or unreasoned. In case the term has not been complied with for a good reason, a court may restore it.

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):

The compensation is issued from state budget. The amount is defined by the Court.

More specifically, The Georgian Criminal legislation does not provide for compensation in case of excessive delay in initiation of criminal prosecution, however under Article 24 (51) of Criminal Procedure Code of Georgia upon collection of the evidence that is sufficient for bringing charges, if the ruling for prosecution of a person as an accused is not delivered, the plaintiff as well as the person in relation to whom the evidence is gathered may file a complaint with the senior prosecutor or with the regional/city court according to the place of investigation and request initiation of criminal prosecution.

Under Criminal Procedure Code of Georgia, persons wrongfully detained or arrested have the right to claim compensation. Article 165 of the Criminal Procedure Code of Georgia refers to wrongful or unreasoned detention of a person and states that victims of wrongful detention have the right to claim the compensation for material, physical and moral damage.

Article 1462 refers to the wrongful or unreasoned arrest and states that person has the right to address the court within 1 month following the arrest if he/she considers that he/she was arrested wrongfully. If the Court considers that the arrest was unlawful then it will order full compensation of damages.

As regards the daily tariff, there is no fixed amount prescribed. The court will decide upon the amount of compensation on individual basis.

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:

1. Judicial Administration and Management Reform Project (USAID JAMR) conducted a survey in June 2008 which included number of questions. After the survey 54,6% of citizens and lawyers were satisfied with the judiciary system.
2. As regards the public opinion surveys aimed at measuring public confidence, satisfaction rates with regard to performance of prosecutors, it is should be underlined that two country-wide surveys were conducted by private companies in 1992, 1996. However, the mentioned surveys were not considered to be reliable and useful for any analysis.

Later on, since 2006 several regional surveys have been carried out within the community prosecution project implemented since 2006.

In 2006 a social survey was conducted in city of Mtskheta, which took the form of direct interviews, utilizing a "random sampling" method. Interviews with 600 residents were held, focus groups were divided as follows: teachers, parents, juveniles aged 18 to 65 of varying social and economic background. The purpose of the survey was to gauge the opinions of Mtskheta residents about their concerns and perceptions of crime and effectiveness of the town's law enforcement agencies. The survey also focused on the following issues: neighborhood relations, juvenile security, personal security, perceptions of crime and law enforcement and general opinion about Prosecution Service. In 2007 a follow-up survey was conducted in Mtskheta in order to identify changes in public opinion which the pilot community prosecution project may have brought about.

Analogous survey was conducted in city of Telavi in 2007 and 2008. Survey were also carried out in other seven regions of Akhaltsikhe, Zestaponi, Shuakhevi, Ozurgeti, Mtskheta, Telavi and Didgori (Tskneti). The purpose of the survey was to establish the attitude of the citizens of Georgia towards the Prosecution Service. 195 respondents of different categories were interviewed: teachers, students, parents and pensioners aged 18 to 65. The survey focused on the following issues: the level of corruption and injustice in the region, most prevalent crime, adequacy and fairness of the sanctions, complaints with law-enforcement agencies, security and protection, etc.

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	Yes
Surveys at court level	No	Yes

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

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	Yes
Other external organisations (e.g. Ombudsman)	No	No

Comment :

One of the disciplinary violations of the judge is an ungrounded long time hearing of the case. In such a case an interested person may file a complaint to the High Council of Justice which shall examine it in two months and may start disciplinary procedures.

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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	61
Specialised first instance Courts (legal entities)	NAP
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	64

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

NAP

47) Is there a change in the structure in 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:

The process of enlargement of the first instance courts is ongoing. Instead of 61 first instance courts there will be 22 enlarged first instance courts, where the judges shall be specialized in this or that area that will raise the level of justice. In those areas where there will be no enlarged courts there will be magistrate judges who shall hear small claims cases.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

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

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

The definition has not been changed since the previous evaluation circle

Please indicate the sources for answering the questions 45 and 48:

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 282

Comment :

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

	Number
gross figure	NA
if possible, in full time equivalent	NA

51) Please provide comments to explain the answer under question 50:

NAP

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	NA	

Comment :

NAP

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?

NA

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number NA

Comment :

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----|
| - non-judge staff (Rechtspfleger or similar bodies), 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 | 565 |
| - 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 | 724 |
| - technical staff | <input checked="" type="checkbox"/> Yes | 195 |

Comment :

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

NA

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number . 402

Comment :

The provided number includes all employees having the status of prosecutors. However, prosecutors on managerial positions or prosecutors occupied with other administrative tasks do not generally carry out prosecutorial functions such as court representation. Number of prosecutors actively exercising prosecutorial functions is 272.

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

- Yes
 No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number . 284

Comment :

19 persons from the provided number were appointed on the basis of temporary contract, while others are official permanent employees of the Prosecution service.

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	No	No	No	No
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	Yes

62) You can indicate below:

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

It is the Department of General Courts' of the high Council of Justice which is entrusted with the courts' budget in general

63) 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	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	No	Yes	No	No
E-mail	No	No	No	No
Internet connection	No	Yes	No	No

64) 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	No	No	No	Yes
Court management information system	No	No	No	Yes
Financial information system	No	No	No	Yes

65) 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	No	No	No	No
Special Website	No	No	Yes	No
Other electronic communication facilities	No	No	No	Yes

66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

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

The Department of Statistics and Informatics of the Supreme Court of Georgia. Address, Dzmebi Zubalashvilebi Street #32

You can indicate below:

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

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

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

- Yes
 No

68) 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:

The Courts are obliged to submit to the Supreme Court and to the High Council of Justice quarterly Statistical data. The Supreme Court and the High Council of Justice study the data and make appropriate recommendations.

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

- Yes
 No

Please specify:

The activity of each court is studied quarterly as well as yearly based on the data submitted. The evaluation is done taking into consideration the cases admitted and finalized per court and per each judge, as well as the timeframes of the finalization of the cases and stability of the judgements adopted.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
 No

71) Please select the 4 main performance and quality indicators that is 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
 enforcement of penal decisions
 satisfaction of employees of the courts
 satisfaction of clients (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- 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

If other, please specify:

After studying the data submitted by the courts the High Council of Justice evaluates the work of the court as well as the work of each judge. This information is envisaged when deciding the issues of reorganization of the courts, number of judges in court etc.

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
- No

75) 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

If other, please specify:

76) Please specify the main targets applied

Identification of the performance targets aims at carrying out fast and efficient justice. In addition, it helps a lot to elaborate proposals for reform in order to provide proper functioning of judiciary.

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

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

78) 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:

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

Yes

No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

civil cases?

criminal cases?

administrative cases?

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

Yes

No

If yes, please specify:

The High Council of Justice studies the purposes of waiting time in courts based on the data submitted by the courts as well as by performing visits on site.

82) 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):

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

Yes

No

If yes, please specify:

Department of Internal Inspections of the Office of Chief Prosecutor of Georgia is in charge of monitoring performance of prosecutors. It serves both preventive and investigative functions. It is entrusted with the tasks of preventing violations, investigating and exposing the illegal conduct of employees, and taking appropriate measures to address them in accordance with the law. In accordance with Article 3 of the decree # 279 of Minister of Justice on Approval of Regulations of the Department of Internal Inspection of Office of Chief Prosecutor of Georgia dated November 27, 2008 the major task of the above department are the following: to investigate unlawful acts or inappropriate conducts by the employees of Prosecution Service of Georgia based on notifications on violations, oral and written complaints, notifications received on "hot line", Courts private decisions, information from internal colleagues and etc.

You can indicate below:

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

There took place number of amendments in procedural legislation. In particular, the procedure became more simplified, the protection of the parties' rights became more effective, the judges were allowed to use more efficient remedies to avoid delays, number of recommendations have been elaborated by High Council of Justice to improve administration of justice.

On January 16, 2008 High Council of Justice approved special forms for lawsuits, appellate and cassation claims as well as the answers to them that aims at more protection of the rights of the parties and carrying out justice without delays.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) 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):

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

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

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

Please specify:

88) Are there simplified procedures for:

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

1. The cases dealt with magistrate judges are heard in a simplified manner;
2. Georgian penal legislation envisages the simplified procedure for criminal cases.

Firstly, plea bargaining, which is the form of summary criminal proceedings implies rendering the court decision without the main hearing. Georgian legislation provides for two types of plea bargaining - guilty pleas and pleas of nolo contendere (agreement on punishment without admitting the guilt). The procedure may be initiated either by the defendant or the prosecutor during the investigation phase of criminal proceedings. In addition, before during the trial prior to the main hearing court may propose plea agreement to the parties. The plea agreement concluded at the stage of investigation is approved with the court decision.

In addition, Article 473 of the Criminal Code of Georgia foresees shortening of judicial investigation. The judicial investigation may be shortened by a court ruling/decision if the defendant pleads guilty before court and the confession is voluntary, doesn't lead to an argument between parties and elicit the doubts of the court. Shortening of judicial investigation shall be inadmissible if the defendant has not attained the age of 16, has a mental disability or is charged with the crime that under the Criminal Code of Georgia is punishable by imprisonment exceeding 15 years in length or by life imprisonment, or if the case involves two or more defendants and at least one of them does not confess to a crime. It should be also noted that if in the beginning of the judicial investigation the court decided on its execution to full extent, further shortening of the judicial investigation is inadmissible, save in the cases when the prosecutor and the victim refuse to prosecute.

89) 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:

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

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	11 984	57 231	62 430	6 785
1 Civil (and commercial) litigious cases*	7 575	9 105	12 513	4 162
2 Civil (and commercial) non-litigious cases*	1 536	7909	9056	394
3 Enforcement cases	NA			
4 Land registry cases**	NA			
5 Business register				

cases**	NA			
6 Administrative law cases	2 873	8059	8 925	2 007
7 Other		32 158	31 936	222
Total criminal cases (8+9)	6 715	15 184	17 978	3 921
8 Criminal cases (severe criminal offences)	978	1 986	2 300	664
9 Misdemeanour and / or minor offences cases	5737	13 198	15 678	3 257

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

Civil and commercial Cases include disputes among natural and/or legal persons over contractual obligations, torts, matrimonial and heritage cases, real estate and labour disputes etc.

Administrative cases include disputes about legality of administrative acts issued by administrative bodies including customs and tax disputes. In other category we included administrative violations i.e. cases which are not that severe offences that may cause criminal prosecution. For example, parking of a car in a wrong place, turning to the street with car where it was not allowed by traffic marks etc.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	3 761	6 456	8 540	1 677
1 Civil (and commercial) litigious cases*	1 384	3 124	3 760	748
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	2 293	2 612	4335	570
7 Other	84	720	445	359
Total criminal cases (8+9)	351	3 309	3 342	318
8 Criminal cases (Severe criminal offences)	310	2 402	2 437	274
9 Misdemeanour and/or minor offences cases	41	907	905	43

Comment :

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	659	2 830	2 494	995
1 Civil (and commercial) litigious cases*	288	1 107	1 112	283
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	371	1 723	1 382	712
7 Other				
Total criminal cases (8+9)	1 092	1 575	2 169	488
8 Criminal cases (severe criminal offences)	377	553	719	211
9 Misdemeanour cases (minor offences)	715	1 022	1 450	287

Comment :

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NA			
Employment dismissal cases*	608	1 457	1 818	247
Robbery cases	509	766	944	331
Intentional homicide	NA			

95) Average length of proceeding (from the date of lodging of court proceedings) in

days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	2,8	NA	NA	NA	NA
Employment dismissal cases*	NA	NA	NA	NA	NA
Robbery cases	39,0	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

The length is calculated from the moment of adoption of the formal resolution of the court on admission of the case until the judgement's entrance into the force.

98) 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 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:

Under Georgian penal system the criminal prosecution is the responsibility of a prosecutor exclusively. All investigations conducted countrywide by the investigators are supervised by the prosecution - prosecutors are responsible for procedural supervision of all investigations. For certain type of offences the investigation is conducted directly by the prosecution service (e.g. crimes committed by public officials are subject to the exclusive jurisdiction of the prosecution service) and supervised by relevant prosecutors.

Prosecutor is independent in carrying out his/her functions (Code of Criminal Procedure of Georgia, Article 55).

Prosecutor can conduct investigation only for the specific crimes that are exhaustively listed in the Criminal Procedure Code (Article 62).

Additional Powers include power to offer plea bargaining to the defendant leading to a simplified procedure, demanding application of pre-trial remand measures etc.

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

- Yes
- No

Please specify:

Prosecutors in Georgia do not have a role in civil and administrative cases, however they can represent state interests in the below mentioned exceptional cases.

Civil cases

According to the Article 37 of the Criminal Procedure Code of Georgia, Prosecutor is obliged to bring a civil claim if the unlawful act of a person against who the criminal prosecution is exercised has caused an injury to state. Prosecutor also has the right to bring a civil claim upon the request of a victim, if the victim has no capacity to have the lawyer or legal representative or has no capacity to defend his/her rights due to his/her dependence on defendant or on other grounds.

According to the Article 371 prosecutor is authorized to submit civil claim if he/she has a reasonable doubt that a person convicted for certain offences (e.g. trafficking in human beings, drug offences, offences committed by public officials) possesses illegal or unjustified property or the property is obtained from racket. He/she shall file an action for deprivation and transfer to the state of the racketed, unlawful or/and unfounded property possessed by such persons as well as of the revenues, stocks (shares) generated from such property.

Administrative cases

In administrative cases administrative organs are generally represented by the special representatives of respective bodies. Prosecution service as an administrative organ is represented in administrative cases by the prosecutor. For the representation of Prosecution Service prosecutor must have a special authorization from Chief Prosecutor of Georgia.

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor	Discontinued by the public prosecutor	Discontinued by the public prosecutor	Concluded by a penalty, imposed or	Charged by the public prosecutor

		because the offender could not be identified	due to the lack of an established offence or a specific legal situation	for reason of opportunity	negotiated by the public prosecutor	before the courts
Total number of 1st instance criminal cases	63 947*	NA**	27 114***	NA	NA	20 914

Comment :

* Figure refers to the total number of investigations initiated. Since all the initiated investigations require written approval of a prosecutor, this number may be regarded as the number of cases received by the prosecutor.

** Under the Georgian legal system the case may be discontinued by a prosecutor if the offender cannot be identified for a certain period of time that is the statute of limitations is expired. Statutes of limitations are prescribed under article 71 of the Criminal Code of Georgia and their duration depends on the respective categories of offences.

*** This number refers to all cases terminated during the year of 2008.

You can indicate below:

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

Please indicate the sources for answering the questions 90 to 95 and 100:

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) 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

Other, please specify:

102) 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?

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

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) Which procedures and criteria are used for promoting judges? Please specify.

In case there is a vacancy in superior court the competition is announced. The judge willing to be promoted should take part in the competition. During the competition the attention is paid to the qualification of the judge, his experience, cases adjudicated by him/her, judging skills, business and personal reputation etc.

105) 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

Other, please specify:

According to the paragraph 1 of the Article 31 of the Law of Georgia on the Prosecution Service, the person can be appointed as a prosecutor if he\she has obtained higher legal education; has completed internship (from six month to one year); knows the language of proceedings; has passed qualification exams in the following disciplines: constitutional law, criminal law, criminal procedure, penitentiary law, basics of operative and search activities; took the oath of the prosecutor and his\her moral and health conditions allow him\her to perform the functions of the prosecutor at the Prosecution Service.

Completion of internship is not required for the following persons:

1. person who has working experience of more than 1 year as a judge, an investigator or a lawyer;
2. person who has passed qualification exam for Judges;
3. person who has working experience in the field of law for more than 3 years.

The following persons are exempted from the requirement to pass the qualification exams of a prosecutor: The Minister of Justice, Chief Prosecutor, his/her Deputies and also person who has passed qualification exams for judges or barristers.

The prosecutions of the Autonomous Republics of Adjara and Abkhazia who have not passed qualification exams for judges or tests for barristers shall pass the qualification exams for prosecutors within 1 year after their appointment.

The requirement of 3 years of relevant working experience is prescribed for the appointment of the following officials: Tbilisi City prosecutor and his\her deputies, district prosecutors and their deputies and the prosecutors of specialized prosecutor's offices.

106) 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?

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

- Yes
- No

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

The Chief Prosecutor of Georgia is appointed by the President of Georgia upon the nomination by the Minister of Justice of Georgia.

The candidates for the Deputies of the Chief Prosecutor of Georgia, prosecutor of Tbilisi and his\her deputies, district prosecutors and their deputies, prosecutors of the Autonomous republics of Adjara and Abkhazia are appointed by the Minister of Justice of Georgia upon the nomination of the Chief Prosecutor of Georgia. Other prosecutors are appointed and promoted by the Chief Prosecutor of Georgia.

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

Criteria for promotion of prosecutors, as well as other civil servants are defined under Georgian Law on Civil Service; pursuant to article 76, state official who is in charge of appointing civil servant has the right to put up a candidate for the promotion. Article 77 of the said law defines procedure for promotion, according to which the candidate should have at least 6 months of working experience at his/her current position, the candidate for promotion should have agreed to the proposal in written, candidate with better test results is promoted, if there are several of

them.

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

- Yes
 No

Are there exceptions? Please specify:

There are no exceptions

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	NA	NA

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

- Yes
 No

Are there exceptions? Please specify:

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	Yes	From 6 month

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

for judges? Yes 10 years
 for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 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

1. The High Council of Justice on September 15, 2007 adopted criteria for evaluation of the candidates of judges that provides objective and transparent procedures during selection.

2. Period from 6 months to 1 year is an internship, during which interns work as prosecutors. In case of good performance the interns are appointed as permanent employees of the Prosecution Service on the basis of a decision of special commission which is in charge of recruiting prosecution staff.

5. 1. 2. Training

114) 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)
- In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	Yes	No
In-service training for management functions of the court (e.g. court president)	No	No	No
In-service training for the use of computer facilities in the court	No	No	No

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (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)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	Yes	No	No
In-service training for the use of computer facilities in the public prosecution service)	Yes	No	No

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in 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 has been implemented over the last two years

Curriculum for prosecutors foresees extensive trainings in International Human Rights Law. These trainings cover issues related to the European Convention on Human Rights and case law of the court, most importantly the specific issues related to the prosecutorial functions. Curriculum of the prosecutor's training covers following Human Rights issues: freedom of information, respect to private and family life, specifics of investigation of torture, inhuman or degrading treatment and/or punishment, Articles 5 and 6 of the European Convention on Human Rights, prohibition of discrimination etc.

The training of prosecutors was carried out by the training center of the Prosecution Service. Each year, the training curriculum of the prosecutors is determined in line with the ongoing legislative changes and recommendation issues by various human rights bodies.

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	11 500	8 625
Judge of the Supreme Court or the Highest Appellate Court	22 800	17 100
Public prosecutor at the beginning of his/her career	8 383	6 706
Public prosecutor of the Supreme Court or the Highest Appellate Instance	NA	NA

Comment :

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	Yes	Yes

120) If other financial benefit, please specify:

1. Taking into consideration of the case load the judges may have additional remuneration above

the ordinary salary;

2. According to the Decree of the Minister of Justice of 26th January of 2009 (Nº27), gross monthly salaries of the prosecutors are defined according to their categories:

Chief Prosecutor – 3910 GEL;
 Deputy Chief Prosecutor - 3400 GEL;
 Senior Prosecutor of Investigative Division – 2170 GEL;
 Prosecutor of Investigative Division – 2110 GEL;
 Senior Prosecutor – 1700 GEL;
 Prosecutor – 1670 GEL;
 Prosecutor-criminalist – 1640 GEL;

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	No	No	Yes
Other function	No	No	Yes

122) If other function, please specify:

According to the Constitution of Georgia the judges can not combine any other position or activity with remuneration except of teaching and scientific activity.

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	Yes	No	No
Other function	No	No	No

124) If other function, please specify:

*Other benefit for prosecutors includes health insurance and compensation for death or disability caused during/as a result of the performance of functions.

125) 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 answering the question 118

5. 2. 2. Disciplinary procedures

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

1. Against Judges

- a) High Council of Justice;
- b) Chairman of the Supreme Court (in relation to judges of the lower instance courts, except of the gross violation of the law);
- c) The chairman of the Appeals Court (in relation to judges of the lower instance courts, except of the gross violation of the law);

2. Against prosecutors

Under the law of Georgia on the Prosecution Service of Georgia the disciplinary power over the prosecutors is vested in the Chief Prosecutor or Minister of Justice of Georgia.

Disciplinary prosecution against prosecutors is carried out by the Department of Internal Inspections of the Office of Chief Prosecutor of Georgia according to its Regulations \and the Law of Georgia on Prosecution Service. Based on the proceedings, final decision on disciplinary sanctions is taken as mentioned either by the Chief Prosecutor or the Minister of Justice.

Department of Internal Inspection is independent while exercising disciplinary prosecution. Chief Prosecutor and subordinate prosecutors will have a right to notify Department of Internal Inspection on disciplinary violations. Department of Internal Inspection is not limited by forwarded information and independently carries out disciplinary proceedings.

Under the Regulation of Department of Internal Inspection disciplinary proceedings are initiated on the following basis: statements and complaints of citizens, phone notifications by the citizens, facts revealed during the criminal investigation and court hearings, etc.

Georgian Law sets out following types of disciplinary sanctions: first notice, reprimand, degradation of post and dismissal.

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

1. Judges

Disciplinary cases are heard by Disciplinary Panel which consists of three judge members and three non-judge members of the High Council of Justice. The decision of the Panel can be appealed to the Disciplinary Chamber of the Supreme Court of Georgia.

2. Prosecutors

Under paragraph 7 of Article 38 of Law of Georgia on the Prosecution Service of Georgia the Minister of Justice and the Chief Prosecutor impose disciplinary sanctions on employees of the Prosecution Service of Georgia.

Under Article 8 of the above Law, the Minister of Georgia upon the recommendation of Chief Prosecutor decides on application of disciplinary sanctions in case of Deputy Chief Prosecutors, prosecutors of Autonomous Republics of Abkhazia and Adjara, regional prosecutors and prosecutor of Tbilisi City (heads of the regional and Tbilisi City Prosecution Services).

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	Prosecutors
Total number (1+2+3+4)	2 366***	32
1. Breach of professional ethics	1	29
2. Professional inadequacy	NA	3
3. Criminal offence	NA	NAP
4. Other	NA	0

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)		21
1. Reprimand	5	21
2. Suspension	NA	0
3. Withdrawal of cases	9	NAP
4. Fine	NA	NAP
5. Temporary reduction of salary	NA	NAP
6. Degradation of post	NA	0
7. Transfer to another geographical (court) location	NA	NAP
8. Dismissal	10	0
9. Other	3	0

Comment :

1. Other in case of judges includes sanction named “severe reprimand”

2. In 2008 upon the merger of the Prosecution Service of Georgia and the Ministry of Justice no significant changes have been made either within the structure or the competence of the Inspections Office in charge of disciplinary proceedings. The minor change included the modification of name of the General Inspection of the Prosecution Service with Department of Internal Inspection of Office of Chief Prosecutor of Georgia. In addition, the supervising functions of the mentioned department were transferred from the Prosecutor General to the Chief Prosecutor of Georgia.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

The High Council of Justice checks the grounds of the claim filed in the Council within 2 months. After initial checking the Secretary of the Council evaluates the grounds for initiating disciplinary

prosecution and adopts a decision either to terminate disciplinary prosecution or to request a judge to submit an explanation.

After receipt of the explanation from the judge 1 month is required to examine the disciplinary case. After examination of the case the Secretary of the Council requests the Council either to prosecute the judge or to terminate the prosecution. If the Council adopts a decision to start prosecution the materials are sent to the Disciplinary Panel within one week.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

NA

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NA

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- 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:

In civil and administrative cases only licensed lawyers are authorized to represent the parties in Appeals and Supreme Courts. However, it is not a case in the first instance courts.

134) Is the lawyer profession organised through?

- a national bar?
 a regional bar?
 a local bar?

Please specify:

Legal Entity of Public Law "Georgian Bar Association"

Please indicate the source for answering the questions 130 and 132:

6. 1. 2. Training

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

- Yes
 No

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

- Yes
 No

137) 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 lawyers are specialized in a) Criminal law field, b) Civil and Administrative law field or in c) General field (which includes both specialization) based on the certificate issued by Georgian bar Association.

6. 1. 3. Fees

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

- Yes
 No

Please provide comments to explain the answer under question 138

139) Are lawyers fees

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

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

141) 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):

142) Is it possible to complain about

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

Please specify:

143) Which authority is responsible for disciplinary procedures

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

Please specify:

Legal Entity of Public Law "Georgian Bar Association"

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	1	1		12

Comment :

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	NA	NA	NA	NA	Suspension o

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- 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

146) Does the legal system provide for mediation procedures? If no go to question 151

Yes

No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

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

Yes

No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases? Yes

family cases? Yes

administrative cases? Yes

employment dismissals? Yes

criminal cases? Yes

Please indicate the source for answering the question 150:

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

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

According to Georgian legislation, the parties may agree that the dispute between them is solved by private arbitration.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- 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

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

137

154) Are enforcement agents (multiple options are possible):

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

Please specify their status and powers:

In Georgia there is public system for enforcement of judgments. On 19 December 2008 legislative amendments were introduced to the law of Georgia on Enforcement Proceedings, which allows private enforcement agents to execute court decisions. However the mentioned amendment will enter into force in 1 July 2009, which will result in mixed system, where the enforcement agents have either public or private status.

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

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

- Yes
 No

Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

Human resource Division of the National Bureau of Enforcement

8. 1. 2. Supervision

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

- Yes
 No
 Not applicable

160) 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:

National Bureau of Enforcement supervises and controls enforcement agents, also Monitoring Unit of National Bureau of Enforcement monitors conduct of enforcement agents.

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

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

National Bureau of Enforcement of the Ministry of Justice is responsible for formulating quality standards.

Requirements for public enforcement agents are as follows:

- level of high education – BA in law.
- to pass an exam of enforcement agents or a judge.

(the requirement of exam is added by the law of Georgia of 15 July 2008, however it will enter into force in 1 January 2010).

Requirements for private enforcement agents are as follows:

- citizen of Georgia;
- level of education - BA in law;
- to pass exam of enforcement agents or a judge;
- minimum office space and equipment;
- insurance;
- bank account;

(these requirements were introduced in the law of Georgia of Georgia on Enforcement Proceedings 19 December 2008, which will enter into force in 1 July 2009).

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

Under Article 921 of the law of Georgia on Enforcement Proceedings, a public authority has three months for voluntary enforcement of the court decision. After expiration of the mentioned time limit, the case is transferred to the specialised group, which is created by decree of Director of the NBE according to article 171 of the law of Georgia on Enforcement Proceedings. The specialized group is entitled to contact National Bank of Georgia to execute the court decision and request payment of debt from the Treasury, where special funds are allocated from State Budget for the enforcement of judgments against public authorities (for detailed information see question 165).

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

There is a division of monitoring execution of court decisions at the National Bureau of Enforcement.

8. 1. 3. Complaints and sanctions

164) 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:

According to the data obtained from chancellery significant amount of users' complaints relates to excessive length of enforcement procedure. The major reason for lengthy procedure is due to insolvency of debtor. Notably, the law of Georgia on Enforcement Proceedings does not define timeframe for the conclusion of enforcement of court decision. This means that if a debtor is insolvent, the case is pending until the debtor becomes solvency.

Taking into consideration the aforementioned, starting from 1 January 2010, registry - unified electronic base of debtors will start functioning, which will enable National Bureau of Enforcement to control all assets of a debtor.

165) 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:

There have been no particular changes in legislation; however, the financial allocation for the enforcement of judgments against public authorities has significantly increased, allowing the enforcement of judgments against public authorities. For example, if in 2007 the fund was 10 000 000 GEL, in 2008 it doubled up to 20 000 000 GEL.

Please view answer to the question 162 in relation to the procedure of enforcement of judgments against public authorities.

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

- for civil cases?
- for administrative cases?

167) 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 sits:

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

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings for breach of professional ethics	<input type="checkbox"/> number:	9
for professional inadequacy	<input type="checkbox"/> yes, number:	9
for criminal offence		NA
Other	<input type="checkbox"/> number:	0

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input type="checkbox"/> number:	
Reprimand	<input type="checkbox"/> number:	9
Suspension	<input type="checkbox"/> number:	8
Dismissal	<input type="checkbox"/> number:	
Fine	<input type="checkbox"/> number:	1
Other	<input type="checkbox"/> number:	

You can indicate below:

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

Please indicate the source for answering the questions 167, 168 and 169:

question 167) Article 28 of the law of Georgia "on enforcement proceedings"
 (questions: 168, 169) In October 1, 2008 National Bureau of Enforcement has been transformed into the legal entity of public law. Therefore, the data of the questions 168 and 169 refer to the period between 1 October 2008 and 31 December 2008 and was obtained from Human Resources Division of NBE

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) 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):

171) 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 in this chapter**
- 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

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	224
a public one?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

174) Do notaries have duties:

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

Please specify:

Pursuant to the 1996 Law of Georgia on the Notary, a notary performs the following notary acts: authenticates deals upon the request of parties or in cases envisaged by the Georgian Legislation; issues property right certificates; takes steps for the protection of the inherited property, authenticates translations and signatures in the documents; accepts money and security on the deposit; authenticates photo identity of the person; establishes the evidence and etc.

Apart from all the above mentioned, the notary provides: legal assistance to persons through drafting documents; legal advice on legal issues with respect to notaries' activities; issues an enforcement paper on a realization of mortgaged property if parties agree so and carries out other notary acts stipulated by the Georgian legislation.

Furthermore, according to the Article 3 paragraph "h" of the "Law of Georgia on Facilitating the Elimination of Illicit Income Legalization" a notary carries out a monitoring function related to facilitating the detection and prevention of illicit income legalization in Georgia. Monitoring includes identification of persons involved in transactions, collection and systematization of data related to the transactions and transferring such data to the Financial Monitoring Service of Georgia.

The status of notaries is defined by the Law of Georgia on the Notary dated 3rd of May 1996. Statistical data in relation to notaries has been provided by the Department of Human Recourses of the Ministry of Justice of Georgia.

Please indicate the source for answering the question 173

9. 1. 2. Supervision

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

- Yes
 No

176) 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?
 not applicable

Please specify:

The Minister of Justice of Georgia and Notary Chamber (professional body established under the Law of Georgia on the Notary, having status of legal entity of public law) has the authority to carry out the supervision and control over notaries' activities. In case of the disciplinary violation of a notary's obligations, the mentioned authority has the right to initiate disciplinary proceedings against a notary. The procedure of discussions and forms of disciplinary sanctions are provided by the Minister of Justice of Georgia Resolution No. 1025 "on the Disciplinary Responsibility of a Notary". According to it, there are two procedures for the determination of the notary's disciplinary responsibility via the Notary Chamber or by the Minister of Justice of Georgia.

The Notary Chamber is the Legal Entity of Public Law established and regulated under the Law of Georgia on the Notary and Statute of the Notary Chamber. Pursuant to Article 28 of the Statute of the Notary Chamber, the Disciplinary Commission is created within it which is under obligation to discuss notaries' disciplinary issues.

The Disciplinary Commission has the authority to request information and receive explanations from notaries and other persons. Aftermath the Commission in written informs notary and other relevant parties regarding the date of discussion. A notary should attend an oral discussion; however, his/her non-appearance will not adjourn a hearing. After the oral discussion the Commission issues a conclusion which in three working days is transmitted to the Chairman of Chamber Board (established based on the Statute of the Notary Chamber) who takes decision concerning the disciplinary violation. Moreover, it should be noted that in case of severe disciplinary violation, the chairman is responsible to send all relevant materials to the Minister of Justice of Georgia.

In this occasion, the Minister of Justice transmits the initiated disciplinary case to the Commission established by the Minister of Justice of Georgia (the said Commission differs from the Disciplinary Commission established within the Notary Chamber). The Commission consists of three members appointed by the Minister of Justice. It should be underscored that one member of the Commission shall be a notary. Based on the conclusion adopted by the Commission the Minister of Justice issues an order whether the notary had committed the disciplinary violation and is subject of the disciplinary sanction, or whether the notary had not committed the aforementioned disciplinary violation and therefore proceeding is terminated. The copy of the Minister's order shall be sent to the notary against whom the disciplinary proceeding was initiated.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

The Notary Chamber has been functioning since 1996 under the Law of Georgia "on Notary". It is established as the legal entity of public law which at the same time consolidates the Notary Chambers of Autonomous Republic of Adjara and Abkhazia. The superior body is the General Meeting consisting of all notaries. Chairman of Notary Chamber is elected by the General Meeting based on proposal of the Minister of Justice, the other 4 members of the Chamber Board (executive body) are also elected by the General Meeting for three years term. As a rule, the state control over the activities of the Chamber is carried out by the Ministry of Justice of Georgia. However, the Ministry does not have right to interfere in the fulfillment of notaries' obligations and capacity. Pursuant to the Statute of the Notary Chamber (established under the Order No. 320, 29.08.2006, of the Minister of Justice of Georgia) two commissions are created within the Chamber, namely: (a) Financial-Auditing Commission and (b) Disciplinary Commission.

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NA

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

The rights and obligations of the interpreter are regulated by procedural law, in case of incorrect translation the interpreter may be subject to prosecution.

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

1. New Code of Criminal Procedure

The New Code of Criminal Procedure, which has already passed through the parliamentary procedure, will enter into force from October 1, 2010. New code establishes entirely new criminal procedure introducing substantial novelties. Main novelties of the Code of Criminal Procedure include but are not limited to:

1. Simplicity of language, abolishment of bureaucratic barriers, reduction of the code volume by half;
 2. Adversariality of criminal procedure ensured both during the investigation (investigative competence of the defence) and trial;
 3. Introduction of the uniform concept and a status of a defendant (defence);
 4. Victim acquires the status of a party to the criminal proceedings;
 5. Voluntary questioning of a witness by a prosecutor/investigator instead of his/her interrogation;
 6. Introduction of discretionary prosecution;
 7. Full disclosure of evidence by the parties;
 8. Transformation of operative-investigative measures into the covert investigative action and strengthening the judicial control over them;
 9. First introduction of a defendant to the magistrate court in 24 hours after his/her detention or indictment;
 10. Introduction of ten different types of non-custodial remand measures;
 11. Preliminary hearing is conducted within 60 days from initiation of prosecution;
 12. Jury trial composed of 12 jurors for certain categories of cases;
 13. Simplification of the process of appeal, cassation and proceedings related to newly discovered evidence;
 14. The suits related to the rehabilitation and civil suits are wholly transferred to the civil law system and take a form of civil proceedings;
- The above outlined and other progressive novelties will ensure speedy, effective and most importantly, fair criminal procedure upon the entry into force of a new Code.

Prosecution Service of Georgia

1. Community prosecution

Community Prosecution projects which is implemented in the Prosecution Service of Georgia since 2006, will be expanded throughout various regional offices of the Prosecution Service. In community prosecution schemes, local prosecutors focus on the involvement of local community in the solution of crime or potential crime related problems with the use of crime prevention approaches, without resorting to criminal prosecution. Through opinion surveys, school visits, social events, local consultative councils meetings and other progressive means, local prosecution services are able to respond in a better way to the needs of the local community; At the same time, they increase visibility and public confidence towards Prosecution Service and criminal justice system in general.

Currently, community prosecution projects are ongoing at 7 regional prosecutor's offices in Tbilisi, Mtskheta, Telavi, Akhaltsikhe, Zestafoni, Ozurgeti and Shuakhevi. These long-term projects are expected to continue for several years; These projects are based on previous successful community prosecution experience and efforts;

2. Victim assistance Units

Crime Victims Assistance Centers is a collaborative project between the Ministry of Justice and the Legal Aid Service. This far-reaching initiative envisages increasing role of the Prosecution Service in rationalization and improvement of its service for the immediate interests of victims of crime; It includes consultation, guidance and referral mechanism.

Successful operation of the assistance centers is aimed to improve services to the victims of crime as well as perceptions regarding criminal justice agencies among general public.

Initially, 3 pilot Assistance Centers will be set up at central prosecution offices in Tbilisi, Kutaisi and Mtskheta. They will employ professional and extensively trained staff with focus on communication skills and initial response to psychological trauma. Upon contact with a victim of crime, the Center staff, as far the specific situation requires:-

- Provides guidance and consultation as to procedural rights/obligations of the victim,
- Ensures initial response, solution of problems related to crime registration,
- Arranges meetings with relevant law enforcement official(s), providing information about criminal cases, and
- Arranges referral to Legal Aid Service and/or corresponding institution able to provide assistance.

In addition, the Center would provide "one-stop shop" service for information regarding agencies or projects that are able to respond to specific needs of victims of the crime.

3. Professional Development of Prosecutors

Trainings of prosecutors will be conducted in a more sophisticated manner with the focus on the needs of prosecutors. Needs assesment will be conducted with the direct involvement of prosecutors in the process.

Training Center of Justice at the Ministry of Justice will focus its activities on practice-oriented, non-academic and innovative subjects, such as chain of custody, discretionary prosecution, prosecutorial ethics, trial skills, legal writing and etc. Interactive exercises will be part of the training module for prosecutors.

Professional development of prosecutors through training activities will be increased with the use of Information Technology.

Training Center will design and implement distance learning schemes in collaboration with the IT Department. This will allow the Center to reduce the costs of training activities for the prosecutors as well as increase control over sufficiency of learning and markup process.

Creation of a database of all trainings received by prosecutors since 2004 onwards and analysis of the gathered data for identification of the relevant needs is also planned. Grades and other indicators of success and/or attendance will be employed by Human Resources Department; It will have an impact on the careers of prosecutors.

4. General Crime Survey (GCS)

The purposes of GCS are:

- To measure the level of victimization (impact of crime) among the population;
- To measure the level of public perceptions as to the short-term trends of crime and general attitude towards crime problems/law enforcement;
- To measure and approximate long-term trends of crime according to public perceptions;
- To measure real detection, reporting and case recovery rates;
- To provide a sound analysis for objective and informed criminal justice policy.

The GCS is a face-to-face quantitative victimization survey in which people resident in households in Georgia are asked about their experiences of crime in the 12 months prior to interview. Respondents to the survey are also asked about their attitudes towards different crime-related issues such as the police and criminal justice system, perceptions of crime and anti-social behavior.

GCS estimates are based on random face-to-face interviews with approximately 3000-3500 respondents across all regions of Georgia in proportions reflective of the population of specific regions. This figure is determined by the need to keep the coefficient of respondents vs. population comparable to other European states, where it stands at approximately 1:1300. This makes GCS findings inherently prone to certain margin of error.

The GCS will start in 2009, Due to the need to study long-term trends of crime, the contract foresees carrying out total of 2 surveys: 1st during 2009-2010, 2nd during 2010-2011.

2. Judicial Reform

There was a new wave of reforms announced by the President of Georgia which in relation to the judiciary means carrying out appropriate measures in various directions that should contribute development of the independent judiciary. In order to do so it is envisaged to adopt a new Criminal Procedural Code which shall be based in an entirely different principles and provide more guarantees for defence. The jury hearings shall provide more involvement of the general public in hearings. At the same time, the judges shall be appointed for life term and the representative of the opposition shall become a member of the High Council of Justice.

The process of reconstruction of court buildings is ongoing. In 2007-2008 the reconstruction of those court buildings that shall become the enlarged courts was finalized. The reconstruction of the courts also includes their equipment with the modern technologies. The special recording system of the court hearings shall be installed in all courts. Today, it functions in the Supreme Court and Rustavi City Court.

It is also planned to establish a computerised case management system. Under the USAID funded 4 year long project started in 2007 it is envisaged to improve court administration, case management, budget management and public relations.