

# Georgian Court Watch



## Report on Rustavi City Court

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## Introduction

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Georgian Court Watch within the framework of the project “Active Citizens for Better Courts” with the support of the Europe Foundation established Network of the Court Watchers in Kutaisi and Rustavi uniting lawyers, civil society representatives, journalists, students, and citizens interested in judiciary. The network members, together with the Georgian Court Watch, elaborated an advocacy plan to address the shortcomings in the judiciary. In addition, the organization requested various public information from judicial system to study existing situation. The report is based on information provided, as well as on various decisions posted on the website of the High Council of Justice. It shall be noted that the network members were involved in the report preparation process and the major topics and recommendations were planned as a result of the consultations with them.

The report consists of 3 main parts: (a) the independence guarantees for an individual judge; (b) efficiency of Rustavi City Court and the role of a chairperson; and (b) transparency standards in Rustavi City Court. Recommendations, based on the problems identified, are enclosed to the report.

# 1. Independence Guarantees for an Individual Judge

## 1.1 Assignment of Judges

According to the Organic Law on Common Courts of Georgia (Articles 23, 28), the High Council of Justice of Georgia shall define the number of the judges and jurisdictional area of a District (City) and Appeal Courts. Unlike Kutaisi City Court, Rustavi City Court has only 1 vacant opening; 11 judges are exercising their judicial duties total.<sup>1</sup>

Mamia Pkhakadze, Chairperson of Rustavi City Court, having extensive experience of being a chairperson used to be the chairman of Gori District Court and Tbilisi City Court at different times. As for Rustavi City Court, he has been assigned to the position in 2012.

The judge Nino Oniani was initially deployed to the Criminal Chamber of Rustavi City Court on 12<sup>th</sup> February, 2016.<sup>2</sup> The judge did not have experience in considering criminal cases before, as in 2005-2015 she was a judge at the Administrative Chamber of Tbilisi City Court.<sup>3</sup> In a couple of months after the assignment to the Criminal Chamber of Rustavi City Court she was transferred to the Administrative Chamber again.<sup>4</sup>

Madona Maisuradze, another judge of the Criminal Chamber has been a judge in Rustavi City Court since 2012.<sup>5</sup> However, the judge tried and addressed the High Council of Justice within the frameworks of the competition several times in 2020<sup>6</sup> and 2021<sup>7</sup> requesting the appointment to Tbilisi City Court or Court of Appeals, but the High Council of Justice was rejecting her request each time. One more judge trying to get assigned in Tbilisi is Diana Gogatishvili, whom the High Council of Justice refused to assign through competition.<sup>8</sup>

Judge Ekaterine Partenishvili is also a judge in Rustavi City Court since 2012.<sup>9</sup> She addressed the High Council of Justice in 2018 in line with Article 79<sup>4</sup> of the Organic Law on Common Courts, which gives a judge assigned to the post for a three-year term, who has at least three years' experience of the judicial activity, opportunity to be assigned to the post for an unlimited judicial term. The High Council of Justice refused Ekaterine Partenishvili to assign for an unlimited term.<sup>10</sup> Later, in 2019, the authority of the judge was terminated to the judge due to expiration of a 3-years term.<sup>11</sup>

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<sup>1</sup> Rustavi City Court <https://bit.ly/3DpGAhr>

<sup>2</sup> 12<sup>th</sup> February, 2016 <https://bit.ly/3WKfTLj>

<sup>3</sup> Judge Nino Oniani <https://bit.ly/3jfVNuJ>

<sup>4</sup> 19<sup>th</sup> September, 2016 <https://bit.ly/3kMqZC9>

<sup>5</sup> 7<sup>th</sup> September, 2012 <https://bit.ly/3Hg3nxn>

<sup>6</sup> 18<sup>th</sup> November, 2020 <https://bit.ly/3HIj5mD>

<sup>7</sup> 17<sup>th</sup> June, 2021 <https://bit.ly/3HGehxO>

<sup>8</sup> 17<sup>th</sup> June, 2021 <https://bit.ly/40fr1CK>

<sup>9</sup> 25<sup>th</sup> October, 2012 <https://bit.ly/40hqOPx>

<sup>10</sup> 22<sup>th</sup> February, 2018 <https://bit.ly/3j8SGoB>

<sup>11</sup> 14<sup>th</sup> February, 2019 <https://bit.ly/3kJsPDQ>

**It is surprising that the experienced judge, Eka Partenishvili, was first denied appointment for unlimited term without any justification, and then, a few months later, she was appointed to the Mtskheta District Court with unlimited term through the competition.<sup>12</sup> In a year after appointment in Mtskheta District Court, the High Council of Justice transferred Eka Partenishvili to Rustavi City Court.<sup>13</sup>**

A recent example of the promotion of a judge from the Rustavi City Court is the case of Judge Ekaterine Kancheli, who was deployed (promoted) to Tbilisi Court of Appeals without a competition in 2019.<sup>14</sup> As a result of this change, from 2020, only 2 judges remained in the busiest Civil Chamber of Rustavi City Court.<sup>15</sup> In addition, the mentioned judge was in a privileged position compared to other judges trying to move to another Court through the competition several times, but their efforts turned out to be unsuccessful. The ground based on which the High Council of Justice refused to appoint some judges to another court through competition, while promoting Ekaterine Kancheli is unknown.

**In the event of a relevant vacancy, the High Council of Justice determine the date of the announcement of the competition themselves, and the law does not restrict them from announcing the competition in advance in case of expected position opening.<sup>16</sup> The article prepared by the Georgian Court Watch clearly shows unfilled vacant positions in common Courts system in 2017-2021 and Courts where the High Council of Justice does not appoint judges.<sup>17</sup>**

**Cases of secondment of Rustavi City Court Judges to other courts or their deployment without the competition are seldom, unlike Kutaisi City Court where such cases are frequent, that can be evaluated positively.**

**It was revealed that like in Kutaisi City and Appeal Courts, in Rustavi City Court judges were “temporarily” appointed to the administrative or criminal chamber and within a short period of time they were assigned to the chamber, where they exercise their powers for a longer period of time.**

**Another interesting case is the unjustified refusals of the High Council of Justice to transfer judges to another court.**

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<sup>12</sup> 24<sup>th</sup> May, 2019 <https://bit.ly/3XPmOX>

<sup>13</sup> 20<sup>th</sup> June, 2019 <https://bit.ly/3kUK5Gr>

<sup>14</sup> 22<sup>th</sup> November, 2019 <https://bit.ly/3HkJiWU>

<sup>15</sup> For more details, please see chapter 2 Procrastination of cases in the Civil Chamber and the role of a chairperson.

<sup>16</sup> Why dozens of vacant positions of judges are not filled? <https://bit.ly/3HHwyeg>

<sup>17</sup> Ibid.

## 1.2 Appointment of Court Office Officials

According to Article 56 of the organic Law on Common Courts, employees of administrative offices of the courts are public servants. Article 49 of the same law states that the High Council of Justice of Georgia shall approve the procedure for the appraisal of employees of the offices, as well as the staff amount for each Court.

Based on the High Council of Justice decision of 16<sup>th</sup> January, 2023, a staff list and salaries were approved for Rustavi City Court.<sup>18</sup> 46 staff members are envisaged currently holding posts in Rustavi City Court.

It is worth mentioning that there are 2 posts of writing assistant positions in Civil Chamber of Rustavi City Court. In addition, a post of magistrate official is envisaged in the Court. According to Procedure Code of Georgia, Magistrate official considers cases on:

- Establishing kinship of persons;
- Establishing the fact of a person's dependency;
- Establishing paternity, marriage, divorce, registration of change of a first name and/or a surname or adoption;
- Establishing the fact that a title document belongs to the person whose first name, patronymic or surname indicated in the document are not the same as the names indicated in the person's passport or birth certificate;
- Establishing the acceptance of inheritance and the place of opening of the estate;
- Recognizing a citizen as missing or declaring him dead.

**The analysis of the competition requirements announced for vacant positions on the website of the Public Service Bureau reveals that the qualification requirements for the Magistrate in Rustavi City Court differed depending on the years.**

For example, in 2016,<sup>19</sup> bachelor's degree in law and 1-year work experience was required along with other qualification requirements, such as at least 1-year experience of working as an assistant or session secretary in the judiciary; Knowledge of English language was also preferable. During the competitions announced in 2019<sup>20</sup> and 2021<sup>21</sup>, magistrate was required to have 5-years work experience as a lawyer and 2-years work experience on a managerial position.

**In the first example, 1-year work experience for a candidate who will consider the cases is very little to be appointed to the position. In the second circumstance, candidate does not necessarily need 2-years of work experience in a managerial position in order to establish legal facts.**

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<sup>18</sup> 18<sup>th</sup> January, 2022 <https://bit.ly/3XYXZpg>

<sup>19</sup> Vacancy N 39101 [www.hr.gov.ge](http://www.hr.gov.ge)

<sup>20</sup> Vacancy N 57412 [www.hr.gov.ge](http://www.hr.gov.ge)

<sup>21</sup> Vacancy N 62968 [www.hr.gov.ge](http://www.hr.gov.ge)

## 2. Efficiency of Rustavi City Court and Role of the Chairperson

### 2.1 Role of the Chairperson in Administration Process

Article 32 of the Organic Law on Common Courts determines the authority and role of the District (City) Court chairperson. The chairman of the Court is a person who implements justice, and also has certain functions in the administration of justice. In particular, a chairperson of the District/City Court:

- Personally hear cases;
- Manage and supervise the operation of the Court office, make decisions as determined by the legislation of Georgia on the appointment to the post (recruitment) and discharging from the post (dismissal from office) of a court manager, head of the Bailiff's Office, a court bailiff, assistant to the judge and a secretary of the court session; impose measures of disciplinary liability defined in the Law of Georgia on Public Service upon the court manager and other public servants of the Court Office;
- Organize the operation of the court, examine and generalize information on the case-flow management (including the indicators of filing and closing of cases, time limits of the proceedings, reasons for adjourning of the sessions and impeding of the proceedings), and submit, at least annually, this information to judges and the High Council of Justice of Georgia; within the scope of its competence, take measures for eliminating the systemic reasons that impede the proceedings;
- Under the procedure determined by the legislation of Georgia, ensure generalization of applications, complaints and proposals of the citizens, and submit materials of the generalization to the High Council of Justice of Georgia;
- Exercise the power under Article 30(5) of the Organic Law;
- Provide for the observance of order in the court; be authorized to establish a pre-session checking of parties to the proceeding and persons attending the session, and prohibition of carrying individual items into the court building or the courtroom to ensure safety at the court session; and be authorized, depending on a courtroom space, to limit the number of persons attending the session;
- Be authorized, in case order in the court is violated, any contempt of court is expressed or the normal operation of the court is interrupted, to subject the offender to the measures provided for by the procedural legislation of Georgia. The procedure for issuing a writ on this matter by the chairperson of a district (city) court and appealing the writ shall be determined by the procedural legislation of Georgia;
- Discharge other duties provided for by the legislation of Georgia.

**The system of Common Courts is fully centralized. Accordingly, topics reviewed in the reports provided by Rustavi City Court chairperson reveal that role of the Court**



**chairperson is only limited to the organizational functions. For example, in case of overloading of judges, the chairperson shall address the High Council of Justice. It is up to the High Council of Justice secretary whether to raise the topic for discussion at the session of the High Council of Justice to make relevant decision.**

**While the Court chairperson knows best what measures should be taken to eliminate the problem of overloading in his court, despite the request, the topic may not even be considered by the High Council of Justice.**

**In addition to this, the chairperson cannot independently make a decision on determining the number of employees, cannot plan events, which would enhance court efficiency and reduce overloading. The Chairperson mainly depends on the decisions of the High Council of Justice, which will either share their opinion, or not.**

According to the information provided for the Georgian Court Watch Mamia Pkhakadze, the chairperson of Rustavi City Court, in line with the liabilities imposed by the Organic Law on Common Court, generalizes information on case-flow and provides it to the High Council of Justice. However, the problem is to what extent does the High Council of Justice take into account the mentioned information. Letters sent from Rustavi City Court chairperson to the High Council of Justice<sup>22</sup> shows that in 2019-2021, Rustavi City Court chairperson addressed the secretary of the High Council of Justice several times regarding the implementation of various organizational measures in order to eliminate case overloading issue in Rustavi City Court.

***Suggestions of the Chair of the Court:***

- 25<sup>th</sup> June, 2021 – Chairperson suggested the High Council of Justice to discuss legislative proposal to amend the Organic Law on Common Courts regarding the internship in the court. The proposal referred to the introduction of the paid internship rule in the court for a 6-months period, similar to the Prosecutor’s Office.
- 7<sup>th</sup> June, 2021 – Chairperson asked the High Council of Justice to motion with the legislative body regarding summoning socially vulnerable peoples to the jury. As the remuneration received by the jurors is considered as an income, they may face obstacles in receiving social assistance in future, and legislative changes are necessary to be developed;
- 5<sup>th</sup> March, 2021 – Chairperson addressed to eliminate infrastructural issues. Criminal cases cannot start on time due to inadequate infrastructure and accordingly, criminal Chamber is overloaded. The chairperson addressed the High Council of Justice to introduce changes to the case distribution program, so that Maia Shoshiashvili would hear cases only in criminal Chamber of Rustavi City Court (not in magistrate court).

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<sup>22</sup> High Council of Justice letter #692/2748-03-O of 13<sup>th</sup> September, 2022 <https://bit.ly/3WNj1Gg>

- 9<sup>th</sup> November, 2020 – Due to court overloading, the chairperson requested distribution of court officials and additional posts.
- 10<sup>th</sup> March, 2020 – There were 4 posts in the Chamber of criminal cases. The chairperson requested 1 additional post to reduce overloading of the chamber and ensure custodial terms in cases. The chairperson also requested to reduce the number of post of judges in the Chamber of civil cases by one.
- 19<sup>th</sup> February, 2020 - The chairperson requested to add 1 post of the consultant on mediation, 1 post of the assistant to the judge and 1 post of the session secretary;
- 16<sup>th</sup> May, 2019 – The chairperson requested to add 2 additional posts of writing assistant in the Chamber of civil cases;
- Moreover, the magistrate judge did not have an assistant. Therefore, according to the initiative of the chairperson, it was necessary to add 1 assistant position, or the functions of the assistant would have been transferred to session secretary and 1 post of the secretary added; additionally, the chairperson suggested to add 1 post of the bailiff.

**None of the meeting agendas published on the website of the High Council of Justice in 2020, mentions the letters sent by the chairperson of Rustavi City Court discussed at the Council meetings.**

**One of the suggestions was discussed on the meeting on 29<sup>th</sup> July, 2021,<sup>23</sup> however, it is also unclear, whether Mamia Pkhakadze was invited to the meeting or not.**

According to the High Council of Justice Decision of 15<sup>th</sup> January, 2018,<sup>24</sup> 2 positions of the writing assistant and 10 assistant of the judges and 11 position for the session secretaries were provided. It covers the positions of 2 magistrate court session secretaries, 1 specialist and 2 session secretaries.

It is interesting that the Decision was amended 2 months later. According to the High Council of Justice Decision of 18<sup>th</sup> March, 2018<sup>25</sup> there is no position of a writing assistant, and the numbers of posts for session secretaries and assistants in Rustavi City Court are reduced. Situation is similar with regard of the session secretary and bailiff on Magistrate Court, where these numbers are even less.

Couple of months later, the High Council of Justice increased the number of assistants in Rustavi City Court to 10 and session secretaries – to 11 again.<sup>26</sup> However, they did not add the writing assistant post in increased the number of Magistrate Court staff.

<sup>23</sup> High Council of Justice <https://bit.ly/3wGzdi8>

<sup>24</sup> 15th January, 2018 <https://bit.ly/3WN9Gyj>

<sup>25</sup> 19th March, 2018 <https://bit.ly/40bFU9l>

<sup>26</sup> 17th September, 2018 <https://bit.ly/3kUOK3u>

**It is unclear, why the staff number approved in January, 2018 was changed and reduced in 2 months, what was the purpose for this if they had to re-introduce a similar number of officials.**

**According to another initiative in 2020, the chairperson, requested to increase the number of judges in the criminal Chamber to 5, and to decrease it in the civil Chamber to 4. Based on the 2019 data,<sup>27</sup> civil Chamber of Rustavi City Court had a great number of pending cases and the request to reduce the number of judges in this Chamber is not clear. In the justification, the Rustavi City Court chairperson indicated only the data of the criminal Chamber and does not even mention the overloading of the civil one.**

Decisions of the High Council of Justice on the reducing or increasing of the staff number are taken without any justification, as no analysis on the needed number of judges is enclosed.

In 2018, there were 4 positions of judges envisaged in the civil Chamber of Rustavi City Court,<sup>28</sup> the number has increased to 5 in 2019,<sup>29</sup> and again reduced and defined to 4 in 2020.<sup>30</sup> The reason of the changes is unknown, as the civil Chamber of Rustavi City Court is operating in a rather busy mode.

As for the request of the chairperson to add a position of a consultant on mediation, he addressed the High Council of Justice twice and after the 2<sup>nd</sup> request, with the decision of 1<sup>st</sup> December, 2020<sup>31</sup> a position of a consultant on mediation was added in Rustavi City Court.

**Seems the High Council of Justice did not approve the initiative on the Court internship, as the rule adopted in 2017, which establishes the rules of internship and educational practice in the High Council of Justice and Common Courts of Georgia is still in force and no amendments were done since its adoption.<sup>32</sup>**

## 2.2 Annual Reports

**The Chairperson of Rustavi City Court is an exceptional case who prepares annual reports on the court activities during the year.**

Information given in the report on announcing the competition in line with the Law on Public Service, as well as publicity of imposing the disciplinary measures contributing to the increase of the court transparency can be evaluated positively.

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<sup>27</sup> Supreme Court of Georgia <https://bit.ly/3Hd3JVA>

<sup>28</sup> 30<sup>th</sup> July, 2018 <https://bit.ly/3RdNUTj>

<sup>29</sup> 9<sup>th</sup> July, 2019 <https://bit.ly/3RjihaE>

<sup>30</sup> High Council of Justice <https://bit.ly/3WM833R>

<sup>31</sup> 1<sup>st</sup> December, 2020 <https://bit.ly/3RiUbgr>

<sup>32</sup> 18<sup>th</sup> September, 2017 <https://bit.ly/3jdWmoP>

**Although the Rustavi City Court annual reports mainly cover information on the infrastructural projects implemented in the Court by the Common Courts department throughout the year.**

**Unfortunately, the reports do not provide data on the overloading of judges; or information on the case proceeding terms and what is the average time each judge spends on case consideration. Although the reports include information on disciplinary measures imposed on the officials, it does not cover information on encouragement, inclusion in professional development program or improving qualification of the public officials.**

Rustavi City Court separately provided us with the reports of the chairperson before the High Council of Justice. The reports reflect the cases considered by the judges during the year and reason why a specific judge was not able to hear the case on time. In many cases, the reason indicated for this is the insufficient number of halls<sup>33</sup> and in some circumstances – insufficient number of judges, especially on civil cases.<sup>34</sup>

## **2.3 Preventing Obstruction of Justice**

According to Article 30 of the Organic Law on Common Courts, if necessary, in order to avoid delay in the administration of justice, the chairperson of the court may assign a judge (with his/her consent), to hear a case as a member of another specialized staff (judicial panel) of the same court.

**Unlike Kutaisi City Court, Rustavi City Court provided Georgian Court Watch copies of the decrees of the Court chairperson on assigning judges to hear cases in another Chamber.**

Turns out that on 12<sup>th</sup> March, 2018, in order to avoid overloading in the civil Chamber, Nino Oniani, judge of the Administrative Chamber was assigned to hear civil cases for 2 months, and her workload in the civil Chamber was determined by 25%.

By that time, there were 3 judges in the Civil Chamber. Rustavi City Court received 3114 cases in 2017 to be considered (692 cases more than in 2016), therefore, the workload indicator of each judge was 1000 cases. The situation was worsened even more with the decision of the High Council of Justice. **Instead adding judges, or take any actual measures to avoid overloading the judges, on 18<sup>th</sup> January, 2018, the Council transferred 1 judge of the Civil Chamber to another Court.**<sup>35</sup>

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<sup>33</sup> Public information provided by Rustavi City Court with the letter #1432/ზ of 27<sup>th</sup> August, 2022 and with the report of case hearings in Rustavi and Gardabani Magistrate Court from 1<sup>st</sup> January to 20<sup>th</sup> December, 2021 <https://bit.ly/3WNe40e>

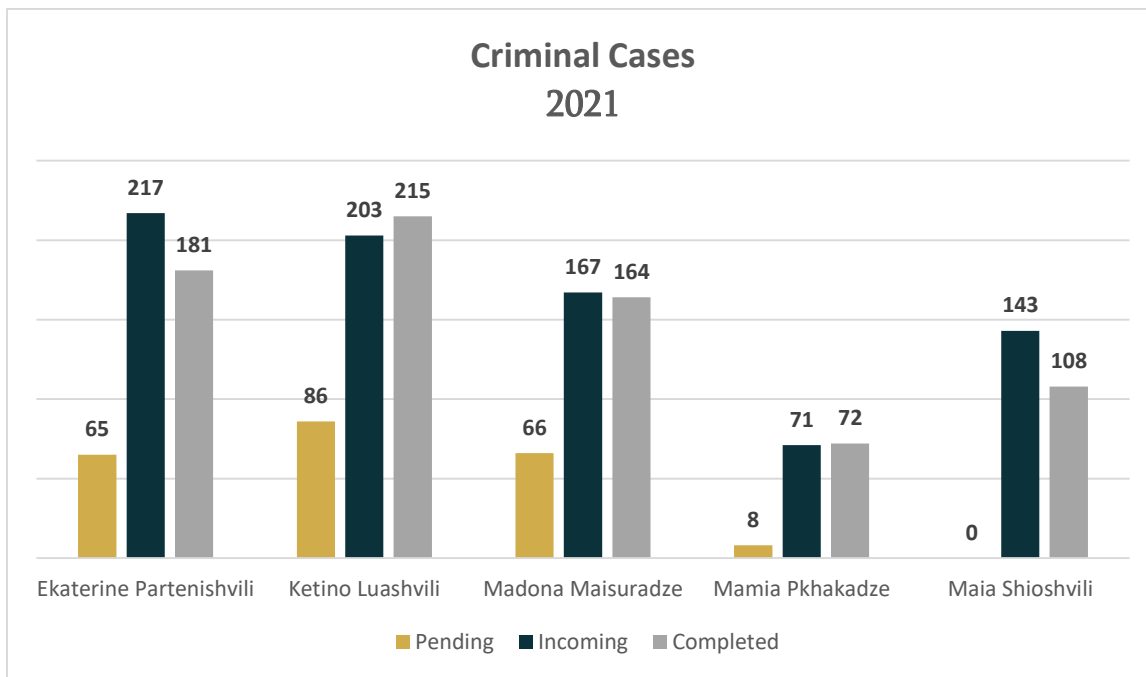
<sup>34</sup> Public information provided by Rustavi City Court with the letter #1432/ზ of 27<sup>th</sup> August, 2022, with the report of case hearings in Rustavi and Gardabani Magistrate Court from 1<sup>st</sup> January to 20<sup>th</sup> December, 2021 <https://bit.ly/3jg46qt>

<sup>35</sup> Public information provided by Rustavi City Court with the letter #1432/ზ of 27<sup>th</sup> August, 2022, <https://bit.ly/3HgXXm0>; Decree #137/ო of Rustavi City Court chairperson of 12<sup>th</sup> March, 2018 <https://bit.ly/3XOWQ3I>

As revealed by the letter of the chairperson of Rustavi City Court, on 1<sup>st</sup> February, 2018 he addressed the High Council of Justice regarding the problem of civil Chamber overloading and suggested to assign cases to the civil chamber of Magistrate Court, however, the High Council of Justice did not review his suggestion.

**Accordingly, the chairperson had to take measures himself and ask the judge of the administrative Chamber to consider the cases temporarily in the civil Chamber with a pre-defined workload.**

The same year, after Nino Oniani, one more judge of the civil Chamber of Rustavi City Court – Nata Tedeshvili was requested to hear cases in civil Chamber to avoid overloading. As of 6<sup>th</sup> June, 2018, judges Ekaterine Kancheli and Diana Gogatishvili each still had more than 1000 each into process. Accordingly, in light of the inaction of the High Council of Justice, the Court chairperson made the decision and asked a judge to consider cases in another Chamber,<sup>36</sup> which, as it turns out, did not have tangible results. According to the rate of consideration of civil cases in 2018, Rustavi City Court completed only 56% of cases, the rate was the same in 2017 – Civil Chamber of Rustavi City Court managed to complete 52% of cases in that period.



<sup>36</sup> Public information provided by Rustavi City Court with the letter #1432/8 of 27<sup>th</sup> August, 2022, Decree #248/8 of Rustavi City Court chairperson of 6<sup>th</sup> June, 2018 <https://bit.ly/3wCJBaD>

## 2.4 Procrastination of Cases in the Civil Chamber and the role of the Court Chairperson

According to the 2020 data of the European Commission for the Efficiency of Justice (CEPEJ), the length of consideration of criminal, civil and administrative cases in Georgia is as follows:<sup>37</sup>

Type of the cases	1 <sup>st</sup> Instance	2 <sup>nd</sup> Instance	3 <sup>rd</sup> Instance
Criminal Case	126 day	104 day	221 day
Civil Case	433 day	211 day	297 day
Administrative Case	440 day	253 day	387 day

Procrastination of cases in the civil Chamber due to the shortage of judges is a common occurrence. According to Article 59 of the Civil Procedure Code of Georgia, a Court shall hear a civil case not later than two months after receiving the application. In case of a particularly complex case, this time limit may be extended by not more than five months. Thus, the maximum length of case hearing is 5 months.

According to the Chairman's 2018 report, 8.9% of the cases were considered within 5 months by the Civil Chamber, while the other cases were pending in the court for more than 5 months, although it is not specified for what period.<sup>38</sup>

**Insufficient number of judges and unequal workload resulted in large part of the cases not being considered within the time limits established by the Civil Procedure Law.**

In 2017, there were only 2 judges in the civil Chamber.<sup>39</sup> Accordingly, shortage of judges and high volume of cases resulted in overloading. Civil Chamber of Rustavi City Court annually considered 2168 cases with 2 judges.<sup>40</sup> At the same time, in 2017, the criminal Chamber had 5 judges indicating on an unequal distribution and unsuccessful decision of the High Council of Justice in terms of efficiency.

On 15<sup>th</sup> January, 2018 the High Council of Justice increased the number of judges by adding 1 judge to the civil Chamber, which should have been reflected in the judges coping with the workload.<sup>41</sup> According to the 2018 report of the Court chairperson, as of 21<sup>st</sup> December 2018, similar to 2017, the civil Chamber

<sup>37</sup> <https://tabsoft.co/3wG7RZq>

<sup>38</sup> Public information provided by Rustavi City Court with the letter #1432/8 of 27<sup>th</sup> August, 2022 <https://bit.ly/40gcXcg>

<sup>39</sup> 1<sup>st</sup> August, 2016 <https://bit.ly/3HGAQIY>

<sup>40</sup> Supreme Court of Georgia <https://bit.ly/3JqPSOm>

<sup>41</sup> 15<sup>th</sup> January, 2018 <https://bit.ly/3WN9Gyj>

judges had 1000 cases each.<sup>42</sup> At a glimpse, this may be explained by the increased number of cases filed to the Court, as in 2017 the number of cases in Rustavi City Court was 3114,<sup>43</sup> and in 2018 - 3290 cases.<sup>44</sup>

**Despite the fact that the number of judges increased by 1, there was no difference in the number of reviewed cases in 2017-2018, and each of judge still had approximately 1000 cases to review.**

During 2020 - on 9<sup>th</sup> January,<sup>45</sup> 23<sup>rd</sup> January<sup>46</sup> and 7<sup>th</sup> February<sup>47</sup> - the High Council of Justice was discussing transferring judges to various Courts based on Article 37 of the Organic Law on Common Courts. It is worth mentioning that during this period, the High Council of Justice did not transfer judges to Rustavi City Court to eliminate the case overloading. Only on 17<sup>th</sup> March of the same year the Council initiated the topic on transferring judges to Rustavi City Court without a competition.

**The Court Watch network members also mention delays in case hearings in Rustavi City Court. For example, decision on the lawsuit on eviction filed on 30<sup>th</sup> June 2020 was made on 22<sup>nd</sup> June, 2021.<sup>48</sup> In case of legal entities, the decision on a lawsuit filed on 26<sup>th</sup> December, 2019 is still pending.<sup>49</sup>**

**Unfortunately, the High Council of Justice record the workload of judges, one more time highlighting incorrect management and non-compliance to the law in the Courts.<sup>50</sup>**

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<sup>42</sup> Vacancy N 39101 [www.hr.gov.ge](http://www.hr.gov.ge)

<sup>43</sup> Supreme Court of Georgia <https://bit.ly/3HGB24G>

<sup>44</sup> Supreme Court of Georgia <https://bit.ly/3JpR30c>

<sup>45</sup> High Council of Justice <https://bit.ly/3fCLfUa>

<sup>46</sup> High Council of Justice <https://bit.ly/3C6CcTn>

<sup>47</sup> High Council of Justice <https://bit.ly/3fFiFlr>

<sup>48</sup> Case # 2-1033-20

<sup>49</sup> Case # 2-2579-19

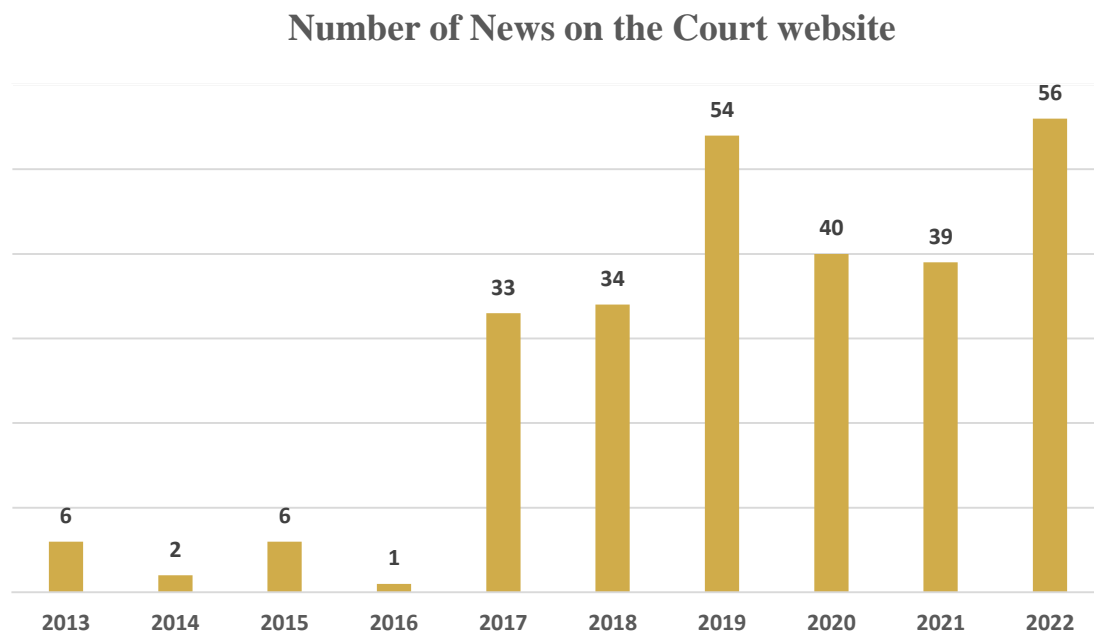
<sup>50</sup> The High Council of Justice letter #692/2748-03-O of 13<sup>th</sup> September, 2022 <https://bit.ly/3WIC8Bv>

### 3. Transparency Standards in Rustavi City Court

#### 3.1. Information Published on the Court Website

After studying the news section of the website of Rustavi City Court, we can say that Rustavi Court can be distinguished for its openness and transparency.

During 2013-2022 total 271 news information was posted. As the statistics show, news was regularly published since 2017, while 2013-2016 was passive period in this regard. Moreover, in 2014 2 updates and in 2016 only 1 update was published on the Court website.

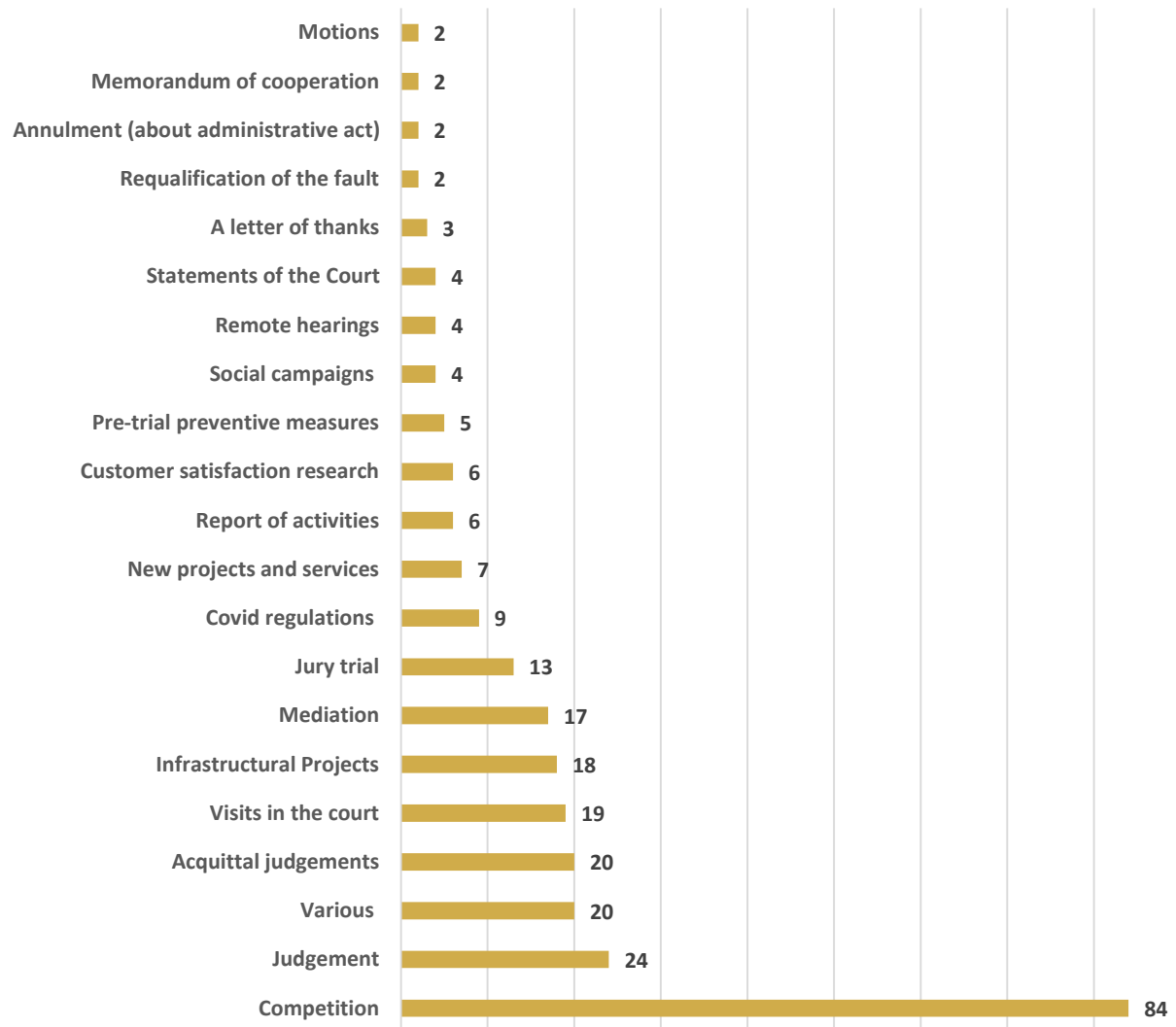


As for the content, positive trend is visible in this regard, including the variety of information. The Court posts various types of information on infrastructural projects, Court operation, new projects, ongoing cases, etc.

The Court actively publishes information on mediation, which considering the overloading of judges is an important issue as by spreading information, the Court contributes to increasing the awareness of the parties.



### Number of News by topics



### 3.3. Provision of Public Information

We applied to Rustavi City Court, the High Council of Justice, the Department of Common Courts, the High School of Justice, the Supreme Court on the provision of public information in June, July and August 2022 and requested the following information:

- Functions, salary and number of office officers;
- Funds spent for qualification from the budget;

- Information on quantity, vacancy, business trip and promotion;
- Number of incoming, considered and pending cases throughout the year;
- Random and direct distribution of cases through the electronic program;
- Cases of reassignment of cases under consideration of one judge to another due to leaving the office for retirement or to appointment/secondment to another Court;
- Cases considered with compliance and violation of the deadline, and the reasons;
- Other information related to the Court administration.

**We did not receive responses to the letters regarding the provision of public information within 10 days from most of the agencies. the exception in this regard was Rustavi City Court regularly providing mid-term, as well as final information to us.**

## Recommendations

### To the High Council of Justice

- ❑ **Assignment of a judge:** It is advisable to justify the following issue in the decision on the appointment of judges – if a person participated in the competition several times and was assigned to the position only after several tries, what was the reason for this and unlike past tries, how he/she is meeting legal requirements now.
- ❑ **Overloading:** The judges to be assigned to the vacant positions in Rustavi City Court, in order to reduce the overloading and prevent current judges having to hear cases in other Chambers;
- ❑ **Remuneration:** The remuneration of Rustavi City Court employees should be equal to the remuneration of the Tbilisi City Court employees.
- ❑ **Court officials:** Qualification requirements of the Court officials should be revised and specified;
- ❑ **Number of officials and structure of the Court:** The decision about amendments regarding number of the officials and structure of the Court should be justified;
- ❑ **The annual reports:** On its session, the High Council of Justice should hear the annual reports of the Court chairman prepared on the base of Article 25 (1/e) of the Organic Law on Common Courts of Georgia.

**To the Parliament of Georgia:** To determine the obligation of the High Council of Justice, in case of an expected position opening, to announce the judicial competition in advance (District/City and Appeal Courts).

## Annex 1

2018

Judge	Number of Considered Cases	Number of Pending Cases
<b>Criminal Cases</b>		
Mamia Pkhakadze	63	2
Ketino Luashvili	212	33+3
Madona Maisuradze	219	26+3
Ekaterine Partenishvili	234	40+5
Irine Tkeshelashvili	118	
<b>Administrative Cases</b>		
Nino Oniani	188	53
Nata Tedeshvili	181	70
Irine Tkeshelashvili	14	
Ekaterine Partenishvili	4	4
<b>Civil Cases</b>		
Maia Gigauri	52	
Diana Gogatishvili	1044	987
Salome Gvelesiani	193	10
Nino Oniani	104	5
Ekaterine Partenishvili	14	3
Maia Shoshiashvili	275	417
Nata Tedeshvili	44	12
Ekaterine Kancheli	1087	1080
Irine Tkeshelashvili	304	279

2019

Judge	Number of Considered Cases	Number of Pending Cases
<b>Criminal Cases</b>		
Mamia Pkhakadze	114	2
Ketino Luashvili	307	70
Madona Maisuradze	290	52
Ekaterine Partenishvili	157	51

Irine Tksheshelashvili	141	
<b>Administrative Cases</b>		
Nino Oniani	202	51
Nata Tedeshvili	210	60
Irine Tksheshelashvili	25	1
<b>Civil Cases</b>		
Diana Gogatishvili	800	1230
Salome Gvelesiani	29	
Nata Tedeshvili	8	2
Mamuka Nozadze	296	1113
Nino Oniani	4	1
Ekaterine Partenishvili	12	
Maia Shoshiashvili	695	
Maia Shoshiashvili (magistrate)	15	10
Ekaterine Kancheli	639	
Irine Tksheshelashvili	397	454

## 2020

Judge	Number of Considered Cases	Number of Pending Cases
<b>Criminal Cases</b>		
Mamia Pkhakadze	48	9 (8+1)
Ketino Luashvili	183	96 (90+6)
Madona Maisuradze	154	65 (60+5)
Ekaterine Partenishvili	172	66 (60+5)
Irine Tksheshelashvili	66	
Maia Shoshiashvili	1	
<b>Administrative Cases</b>		
Nino Oniani	166	45
Nata Tedeshvili	162	60
Irine Tksheshelashvili	23	2
Maia Shoshiashvili	3	
<b>Civil Cases</b>		

Diana Gogatishvili	698	1217
Nata Tedeshvili	1	1
Roman Kupatadze	107	450
Mamuka Nozadze	696	1100
Nino Oniani	1	
Paata Pkhaladze	100	258
Irine Tkeshelashvili	505	464
Maia Shoshiashvili	6	24
Maia Shoshiashvili (Magistrate)	74	

## 2021

Judge	Number of Considered Cases	Number of Pending Cases
<b>Criminal Cases</b>		
Mamia Pkhakadze	62	15 (14+1)
Ketino Luashvili	185	78 (74+4)
Madona Maisuradze	145	77 (71+6)
Ekaterine Partenishvili	154	96 (91+5)
Irine Tkeshelashvili	45	
Maia Shoshiashvili	105	34 (31+3)
<b>Administrative Cases</b>		
Nata Tedeshvili	180	59
Nino Oniani	141	55
Irine Tkeshelashvili	27	1
Maia Shoshiashvili	3	1
<b>Civil Cases</b>		
Diana Gogatishvili	712	887
Nata Tedeshvili		1
Roman Kupatadze	648	849
Mamuka Nozadze	721	760
Paata Pkhaladze	902	411
Irine Tkeshelashvili	501	470
Maia Shoshiashvili	106	106
Salome Gvelesiani	27	