

ON THE PROCEDURE FOR COMMUNICATION WITH JUDGES OF GENERAL COURTS

Article 1 – Purpose and scope of the Law

1. This Law aims to strengthen safeguards for independence and impartiality of judges of the General Courts that are recognised under the Constitution of Georgia, treaties and international agreements of Georgia, as well as under other legislation of Georgia.

2. This Law establishes the procedures for communication with judges of the General Courts by participants to the proceedings, interested persons, public servants and state political officials, and defines their liability for violation of this procedure.

[2. This Law establishes the procedures for communication with judges of the General Courts by participants to the proceedings, interested persons, public servants, state employees, state political officials, and political officials, and defines their liability for violation of this procedure. **(Shall become effective from 1 January 2017)**]

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Law of Georgia No 4363 of 27 October 2015 – website, 11.11.2015

Article 2 – Definition of terms

The terms used in this Law shall have the following meanings:

a) communication with a judge – any form of relationship with judges of the General Courts, including correspondence, phone conversation or communication using other technical means;

b) participant to the proceedings – a prosecutor, an investigator, an advocate, a representative, a party, a third person, also other persons participating in the consideration of a criminal, civil or administrative proceeding;

c) interested person – a person who is interested in the outcome of a case under consideration, and for this purpose, is willing to establish communication with a judge;

d) public servant – persons defined under Article 4 of the Law of Georgia on Public Service, except for state political officials;

[d) public servant – persons defined under Article 3(d) of the Law of Georgia on Public Service; d¹) state employee – persons defined under Article 3(b) of the Law of Georgia on Public Service; **(Shall become effective from 1 January 2017)**]

e) state political official – persons defined under Article 1(3) of the Law of Georgia on Public Service.

[e) state political official/political official – persons defined under Article 3(h) of the Law of Georgia on Public Service/persons defined under Article 3(i) of the Law of Georgia on Public Service. **(Shall become effective from 1 January 2017)**]

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Law of Georgia No 4363 of 27 October 2015 – website, 11.11.2015

Article 3 – Inadmissibility of communication with judges

1. From submission of a case to court until entry of the court ruling on the case into force, also at the stage of a criminal case investigation, participants to the proceedings, interested persons, public servants and state political officials shall be prohibited from establishing any communication with a judge that is related to consideration of a specific case or an issue, and/or to the presumable outcome of a case, and that violates the principle of independence and impartiality of a court/judge, and the principle of the adversarial nature of proceedings.

[1. From submission of a case to court until entry of the court ruling on the case into force, also at the stage of a criminal case investigation, a participant to the proceedings, an interested person, a public servant, a state employee, a state political official, and a political official shall be prohibited from establishing any communication with a judge that is related to consideration of a specific case or an issue, and/or to the presumable outcome of a case, and that violates the principle of independence and impartiality of a court/judge, and the principle of the adversarial nature of proceedings. **(Shall become effective from 1 January 2017)**]

2. An action containing elements of a crime under the Criminal Code of Georgia shall not entail liability under this Law.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 4363 of 27 October 2015 – website, 11.11.2015



Article 4 – Liability of judges (chairpersons of courts)

1. If a participant to the proceedings, an interested person, a public servant or a state political official establishes communication under Article 3(1) of this Law with a judge, the judge shall be obliged to immediately notify in writing a chairperson of a court or the judge authorised by the chairperson, of this fact. If the communication was with a chairperson of a court, the judge shall immediately notify in writing a chairperson of a court of a higher instance or the judge authorised by the chairperson, of this fact. If the communication was with a judge of the Supreme Court of Georgia, the judge shall immediately notify in writing the first deputy chairperson of the Supreme Court of Georgia or the deputy chairperson authorised by the chairperson of the Supreme Court, of this fact. If the communication was with the Chairperson of the Supreme Court of Georgia, the judge shall immediately notify in writing the High Council of Justice of Georgia, of this fact.

2. A judge authorised to consider a written notification of the communication, also the High Council of Justice of Georgia in cases provided for by this Law, shall be entitled, in the case of communication with a judge under Article 3(1) of this Law, to apply the following measures to a participant to the proceedings, an interested person, a public servant or a state political official:

a) to impose a fine against him/her;

b) to recommend to the Secretary of the High Council of Georgia to impose disciplinary liability on him/her.

[1. If a participant to the proceedings, an interested person, a public servant, a state employee, a state political official and a political official establishes communication under Article 3(1) of this Law with a judge, the judge shall be obliged to immediately notify in writing a chairperson of a court or the judge authorised by the chairperson. If the communication was with a chairperson of a court, the judge shall immediately notify in writing a chairperson of a court of a higher instance or the judge authorised by the chairperson. If the communication was with a judge of the Supreme Court of Georgia, the judge shall immediately notify in writing the first deputy chairperson of the Supreme Court of Georgia or the deputy chairperson authorised by the chairperson of the Supreme Court. If the communication was with the Chairperson of the Supreme Court of Georgia, the judge shall immediately notify in writing the High Council of Justice of Georgia.

2. A judge authorised to consider a written notification of the communication, also the High Council of Justice of Georgia in cases provided for by this Law, shall be empowered, in the case of communication with a judge under Article 3(1) of this Law, to apply the following measures to a participant to the proceedings, an interested person, a public servant, a state employee, a state political official, or political official:

a) to impose a fine against him/her;

b) in the case of a public servant – to recommend to the Secretary of the High Council of Georgia to impose disciplinary liability on him/her. **(Shall become effective from 1 January 2017)**

3. Violation of the requirements under Article 3(1) and of the first and second paragraphs of this article by a judge (a chairperson of a court) shall entail disciplinary liability under the Law of Georgia on the Disciplinary Liability and Disciplinary Proceedings of Judges of the General Courts of Georgia as determined by the same Law.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Law of Georgia No 4363 of 27 October 2015 – website, 11.11.2015

Article 5 – Liability of prosecutors

Violation of the requirement under Article 3 of this Law by a prosecutor shall be considered as indecent behaviour for prosecutors, and shall entail disciplinary liability under the Law of Georgia on the Prosecutor's Office and imposition of a fine as determined by this Law.

Law of Georgia No 477 of 1 November 2008 – LHG I, No 30, 7.11.2008, Art. 194

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Article 6 – Liability of advocates

Violation of the requirement under Article 3 of this Law by an advocate shall be considered as violation of the advocates' professional ethical standards, and shall entail disciplinary liability under the Law of Georgia on Advocates and imposition of a fine as determined by this Law.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Article 7 – Liability of investigators

Violation of the requirement under Article 3 of this Law by an investigator shall entail disciplinary liability under the legislation of Georgia and imposition of a fine as determined by this Law.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Article 8 – Liability of public servants and state political officials

Violation of the requirement under Article 3 of this Law by a public servant or a state political official shall entail disciplinary liability under the



legislation of Georgia and imposition of a fine as determined by this Law.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

[Article 8 – Liability of public servants, state employees, state political officials and political officials]

Violation of the requirement under Article 3 of this Law by a public servant, state servant, state political official or political official shall entail imposition of a fine as determined by this Law, and in the case of a public servant – also a disciplinary liability under the legislation of Georgia. ***(Shall become effective from 1 January 2017)***

Law of Georgia No 4363 of 27 October 2015 – website, 11.11.2015

Article 9 – Imposition of fines on participants to the proceedings, interested persons, public servants and state political officials

1. Violation of the requirements under this Law by a participant to the proceedings, an interested person and a public servant shall entail imposition of a fine of no more than GEL 5 000.

2. Violation of the requirements under this Law by a state political official shall entail imposition of a fine of no more than GEL 10 000.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

[Article 9 – Imposition of fines on participants to the proceedings, interested persons, public servants, state employees, state political officials and political officials]

1. Violation of the requirements under this Law by a participant to the proceedings, an interested person or a public servant shall entail imposition of a fine of no more than GEL 5 000.

2. Violation of the requirements under this Law by a state employee, a state political official or a political official shall entail imposition of a fine of no more than GEL 10 000. ***(Shall become effective from 1 January 2017)***

Law of Georgia No 4363 of 27 October 2015 – website, 11.11.2015

Article 10 – Consideration of prohibited forms of communication with judges

1. An authorised judge shall consider a written notification of the communication under Article 3(1) of this Law with a judge within 14 days after its receipt, and shall make a decision on imposing a fine on a participant to the proceedings, an interested person, a public servant or a state political official, and on making a recommendation to the Secretary of the High Council of Justice of Georgia to impose disciplinary liability.

[1. An authorised judge shall consider a written notification of the communication under Article 3(1) of this Law with a judge within 14 days after its receipt, and shall make a decision on imposing a fine on a participant to the proceedings, an interested person, a public servant, a state employee, a state political official or a political official, and in the case of a public servant – a decision on raising the issue of imposing a disciplinary liability on the public servant before the Secretary of the High Council of Justice of Georgia. *(Shall become effective from 1 January 2017)*

2. A person who, based on written notification of communication, has established the communication under Article 3(1) of this Law with a judge, and his/her advocate (legal representative), as well as the author of the written notification of communication, shall have the right to participate in consideration of the written notification of communication. A judge authorised to consider a written notification of communication shall have the right to summon and question a person whose testimony is of significant importance for consideration of the written notification, and to suggest to the parties to provide documents and other evidence for verification of the information specified in the written notification. The judge authorised to consider a written notification of communication under Article 3(1) of this Law with a judge may hold an oral hearing involving the parties. Failure of the parties to appear shall not impede the consideration of a written notification of communication. If an oral hearing involves the parties, they shall have the right to provide statements to the judge authorised to consider the notification, and to formulate their opinions. An order imposing a fine must be well-grounded and must include a reference to the violation of the requirements under this Law, and to the circumstances that prove the violation. An order imposing a fine shall immediately be forwarded to the parties and to the Secretary of the High Council of Justice of Georgia.

3. The Secretary of the High Council of Georgia shall consider a written notification of a prohibited form of communication with a judge within one month after its receipt.

4. If the requirements under this Law are violated, the Secretary of the High Council of Justice of Georgia shall be entitled to:

a) apply with a recommendation to the officials under Article 11(1–4) of this Law to respond appropriately;

b) forward the case materials to the appropriate investigative bodies according to the jurisdiction, if he/she concludes, following consideration of materials submitted, that the action may contain elements of a crime under the Criminal Code of Georgia.

5. If a judge authorised to consider a written notification of communication fails to consider the written notification of communication under Article 3(1) of this Law with a judge within the period determined under the first paragraph of this article, the judge, who drafted the written notification, shall be entitled to apply to the High Council of Justice of Georgia.

6. The High Council of Justice of Georgia shall consider a written notification of communication under Article 3(1) of this Law with a judge within one



month after its receipt, and shall make a decision on imposing a fine on a participant to the proceedings, an interested person, a public servant or a state political official, and on applying to the officials under Article 11(1–4) of this Law for the purpose of their appropriate response to the imposition of disciplinary liability against a public servant or a state political official. The High Council of Justice of Georgia shall consider a written notification of communication under Article 3(1) of this Law with a judge as determined in the second paragraph of this article.

[6. The High Council of Justice of Georgia shall consider a written notification of communication under Article 3(1) of this Law with a judge within one month after its receipt, and shall make a decision on imposing a fine on a participant to the proceedings, an interested person, a public servant, a state employee, a state political official or a political official, and in the case of a public servant – a decision on applying to the officials defined under Article 11(1–4) of this Law to appropriately respond to the issue of imposing a disciplinary liability on the public servant. The High Council of Justice of Georgia shall consider a written notification of communication under Article 3(1) of this Law with a judge under the procedure established by paragraph 2 of this article. **(Shall become effective from 1 January 2017)**]

7. If a judge authorised to consider a written notification of communication under Article 3(1) of this Law or the High Council of Justice of Georgia conclude, following consideration of the materials submitted, that the action may contain elements of a crime under the Criminal Code of Georgia, they shall forward the case materials to the appropriate investigative bodies according to the jurisdiction.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

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Article 11 – Recommendation by the Secretary of the High Council of Georgia on prohibited forms of communication with judges

1. If a prosecutor violates the requirements under this Law, the Secretary of the High Council of Justice of Georgia shall apply to the Chief Prosecutor of Georgia with a recommendation to respond, and shall forward appropriate materials to him/her.
2. If an advocate violates the requirements under this Law, the Secretary of the High Council of Justice of Georgia shall apply to the Chairman of the Bar Association of Georgia with a recommendation to respond, and shall forward appropriate materials to him/her.
3. If an investigator violates the requirements under this Law, the Secretary of the High Council of Justice of Georgia shall apply to an appropriate official with a recommendation to respond, and shall forward appropriate materials to him/her.
4. If a public servant violates the requirements under this Law, the Secretary of the High Council of Justice of Georgia shall apply to the appropriate authorised body or official with a recommendation to respond, and shall forward appropriate materials to them.
5. The officials under paragraph (1–4) of this article shall consider the recommendation of the Secretary of the High Council of Justice of Georgia within one month after its receipt, and shall notify the Secretary of the High Council of Justice of Georgia of the decision made. Failure to fulfil this obligation shall be considered to be a decision to refuse to impose disciplinary liability.
6. The Secretary of the High Council of Georgia shall be entitled to appeal the decision on refusal to impose disciplinary liability under the procedures for appealing an individual administrative-legal act as determined by the legislation of Georgia.

Law of Georgia No 477 of 1 November 2008 – LHG I, No 30, 7.11.2008, Art. 194

Article 11¹ – Appeal of an order to impose a fine

1. An order by the judge entitled to consider a written notification of communication under Article 3(1) of this Law with a judge to impose a fine on a participant to the proceedings, an interested person, a public servant, and a state political official may only be appealed once within three days by the person against whom a fine was imposed, or his/her advocate (legal representative), as well as by the judge with whom, as was notified, the communication under Article 3(1) of this Law was established, to the chairperson of a court of a higher instance or his/her authorised judge; and an order by a deputy Chairperson of the Supreme Court of Georgia may be appealed to the Chairperson of the Supreme Court of Georgia.

[1. A writ of a judge authorised to consider a written notification of communication with a judge under Article 3(1) of this Law on imposing a fine on a participant to the proceedings, an interested person, a public servant, a state employee, a state political official or a political official may be appealed within three days only once by the person on whom a fine was imposed, or his/her lawyer (legal representative); also by the judge with whom, as he/she notified, the communication under Article 3(1) of this Law was established, to the chairperson of a court of a higher instance or his/her authorised judge; and a writ of a deputy Chairperson of the Supreme Court of Georgia may be appealed to the Chairperson of the Supreme Court of Georgia. **(Shall become effective from 1 January 2017)**]

2. While considering an appeal, a person considering the appeal shall verify whether the judge entitled to consider a written notification of communication has complied with the requirements under Article 10 of this Law when imposing a fine.
3. The person considering an appeal shall consider an appeal within seven days and shall make one of the following decisions:
 - a) affirming the appealed order and denying the appeal;
 - b) reversing or overturning the appealed order, or fully (partially) allowing the appeal;
4. Copies of a resolution following the consideration of an appeal, shall be forwarded to the parties and submitted to the High Council of Justice of Georgia. The resolution shall be final and without appeal.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Law of Georgia No 4363 of 27 October 2015 – website, 11.11.2015



Article 11² – Publicity of information on the communications with judges of General Courts

1. A judge authorised to consider a written notification of communication under Article 3(1) of this Law with a judge, shall be obliged to immediately submit the order imposing a fine, as well as any other statistical information on application of this Law, to the Secretary of the High Council of Justice of Georgia.
2. The information on the communication under Article 3(1) of this Law shall be open, except for the identity of the judge with whom there was a communication, and except for the information on which the communication was established.
3. To ensure publicity of the information on the communication under Article 3(1) of this Law with judges of General Courts, the High Council of Justice of Georgia shall maintain a unified statistical information database on the application of this Law, under the legislation of Georgia. The unified database shall also include information on the identity of persons fined under this Law.

Law of Georgia No 2673 of 26 February 2010 – LHG I, No 10, 16.3.2010, Art. 37

Article 12 – Entry of the Law into force

This Law shall enter into force on the 15th day of its promulgation.

President of Georgia

M. Saakashvili

Tbilisi

11 July 2007

No 5273–ES

