

"Neither Competitive nor Transparent" - US Embassy Appointment of 2 HCoJ judges

By NATALIA KOCHIASHVILI

Silagadze was previously nominated for a On October 31, 2 members of the High Council of Justice (HCoJ) were elected at an extraordinary conference of judges that came a day after the October 30 local runoffs. Paata Silagadze and Giorgi Goginashvili, both judges of the Investigative Panel of the Tbilisi Court of Appeals, were nominated and elected for 4-year terms in place of Tamar Oniani and Tea Leonidze, both resigned based on a personal decision.

Leonidze, appointed in October 2020, resigned 3 years early, while Oniani, appointed in March 2018, resigned 4 months before her term ended. The HCoJ announced their resignation only after the replacements had already been appointed.

Silagadze was previously nominated for a position at the Supreme Court but was voted down by Parliament in 2019. He was named again as a top court candidate shortly after, but the Parliament halted the appointments in early 2020.

Judge Silagadze is considered to be a member of the so-called 'clan' by non-governmental organizations working on court issues. It is also known that his brother is a big donor to the Georgian Dream. The latest high-profile case associated with his name is 'Cartographers' Case'. He declared the lawyers' lawsuit inadmissible, which appealed against the decision of the City Court to remand Natalia Ilyichova and Iveri Melashvili in pre-trial detention.

Judge Goginashvili's name is connected with many high-profile cases. He sentenced Colonel Sergo Tetradze to imprisonment as a measure of restraint. In November 2012, Goginashvili sentenced Bacho Akhalaia to pre-trial detention in the case of former high-ranking officials of the Ministry of Defense, while Giorgi Kalandadze and Zurab Shamatava were released on bail. In 2014, he sentenced the ex-mayor of Tbilisi Gigi Ugulava to imprisonment, which led to riots in the court and the arrest of people. Ana Dolidze, then a non-judge member of the council, was excluded from the trial during the 2018 hearing on the appointment of judges, including Goginashvili. NGOs then wrote that this shows the problem of complete inadmissibility of dissent in the judiciary.

The conference came amid criticism from the Coalition for an Independent and Transparent Judiciary, uniting about 40 CSOs, which urged the judges on October 29 to refrain from the vote until the rules on the composition of the Council are amended for electing the judge-members 'in a transparent and fair environment.'

The coalition wrote that given the need to reconsider the composition of the board and the procedure for selecting members, and 5 available vacancies for non-judges, having a guaranteed vote for an influential group in the judiciary gains particular importance. The set-up of a conference raises reasonable doubts that an influential group in the judiciary is trying to make this important and strategic decision in the absence of reforms and the face of the country's acute political crisis when the public interest is shifted to different topics.

CSOs pointed out that the HCoJ 'for years, along with the government, has be-



► The Council consists of 15 members, including the chairperson elected out of the judge-members for a 4-year term. There are 9 judge-members overall, including the Supreme Court Chair, appointed by the Conference of Judges. Of the 6 non-judge members, 5 are elected by the Parliament, and one is named by the President.



► "Hastily appointing members of the High Council of Justice is the 5th step back," Hartzel said.

come one of the main actors undermining justice,' and allows the 'group of influential justices to maintain its power' over the judiciary. The Coalition highlighted that the announcement for electing the 2 judge-members did not clarify why the posts would be vacant either, as all 9 positions had been previously filled.

The Democratic Initiative of Georgia (GDI) considers that the election of 2 new members of the HCoJ at the XXX Conference of Judges without necessity at the time when the spotlight of the public interest is on other topics, is a successful attempt by the clan to form an HCoJ with 'credible and loyal judges' and therefore maintain the influence over the Council for years to come. According to the GDI, exactly 2 candidates were nominated for the 2 vacant positions, who gained the support of the absolute majority of the judges present without any appeal, presentation, or statement and received 257 and 253 votes out of 266 judges present.

"The lack of practice of competition and dissent in the judiciary in recent years is particularly alarming, which indicates

a critically low degree of independence of the individual judge. Once again, this clearly shows the need for fundamental and substantive reform of the judiciary." GDI wrote.

The sector also expressed concern that seats for 5 of the 6 non-judge members, to be elected by the Parliament, have remained vacant for about 5 months now, after the previous holders concluded their terms because the Georgian Dream party has 'refused to appoint new non-judge members based on a consensus with the parliamentary opposition.'

Earlier in May local CSOs, as well as U.S. Ambassador Kelly Degnan and EU Ambassador Carl Hartzell called for an immediate pause in any judicial appointments, until judiciary reforms envisaged in the EU-brokered April 19 deal were adopted. GD lawmakers argued the Parliament was not entitled to halt the elections to the HCoJ seats until spring 2022, the deadline for the said judicial reforms. Subsequently, 4 judge-members were elected to the HCoJ on May 26. The GD canceled the EU-mediated deal in July. The US em-

bassy in Georgia believes that the process of appointing members was neither competitive nor transparent, noting that when the Conference of Judges hastily makes important decisions without competition and transparency, it demonstrates an unwillingness to embrace reforms that would increase transparency, accountability, and public trust in the appointment process, the candidates, and in the HCoJ.

"A single candidate was offered for each vacancy. There was little advance notice of the intent to fill the seats left open by the preterm resignations. There was no opportunity for consultations or participation by a broad range of qualified candidates, nor meaningful engagement by relevant interlocutors and civil society. It is disappointing that the Judiciary missed the opportunity to show transparency and failed again to elect its representatives through a competitive and democratic election process."

EU Ambassador to Georgia Carl Hartzell also responded to the appointment of judges, writing that the appointments were hasty, non-transparent, and non-competitive. The statement recalled previous 4 setbacks for Georgia's judiciary – the appointments to the Supreme Court on July 12, failure to fulfill the necessary conditions to receive an extra €75 million in EU macro-financial assistance by September 2021, backtracking on amending rules on appointing the Prosecutor General, and "the lack – so far – of credible investigation and prosecution of the organizers of the 5 July violence targeting over 50 journalists and activists. The EU calls once more on the Georgian authorities to uphold their reform commitments, including in the justice sector, in the interest of Georgian citizens, and of the future of EU-Georgia relations. While the EU remains fully committed to supporting Georgia's reforms in line with the EU-Georgia Association Agreement, the EU's assistance to Georgia remains conditional on progress on key reforms.

EXCHANGE RATES: US DOLLAR - 3.1678 | EURO - 3.6740 | GBP - 4.3174 | 100 RUSSIAN RUBLE - 4.4115 | SWISS FRANC - 3.4704 |

Health Officials Alarmed by Increased Number of COVID-19 Cases



► Health experts believe that daily cases might exceed 7,000 soon.

► 1,040,022 individuals have received at least one dose of the vaccine in Georgia, while 944,520 people have been fully vaccinated.

BY KHATIA BZHALAVA

According to health officials and experts, the epidemiological situation is becoming 'alarming' in the country as Georgia reported 6,024 new cases on Wednesday. They believe that amid the low rate of vaccination and large political gatherings the daily cases might exceed 7,000.

According to a medical expert, professor Devi Tabidze,

Georgia is facing 'epidemiological genocide.' He mentioned that against the background of not adhering to mandatory guidelines, the recent rallies hitting 10,000-50,000 people were one of the reasons to trigger the surge. Tabidze has also stressed that with such a low rate of vaccination the country will fail to fulfil the National Vaccination Plan.

According to Deputy Health Minister Tamar Gabunia, of-

fering a booster jab to people of every age is under discussion. As of now, only high-risk groups and people over 50s are eligible for booster jab doses six months after their second vaccination.

Georgian state officials claim that additional restrictions will not be imposed to curb the spread of the virus and stress that people should focus more on getting the vaccine to stabilize the situation.

According to the head of the

Infectious Disease and AIDS Center, Tengiz Tsertsvadze, stronger control on existing restrictions and the introduction of COVID-19 green passports will hamper the further spread of the virus. Green passports are not available in Georgia yet, however, the Georgian National Center for Disease Control has already proposed the idea to the government at the end of October. If implemented, those who have passports will have more

access to various services compared to unvaccinated citizens.

Georgia reported 3,818 recoveries, and 49 deaths on November 3. 1,040,022 individuals have received at least one dose of the vaccine in the country since March 2021, while 944,520 people have been fully vaccinated. There have been a total of 732,965 confirmed Covid-19 cases in Georgia, among them, 673,640 people recovered and 10,185 died.

NEWS IN BRIEF

PREPARED BY THE MESSENGER STAFF

President Zourabichvili Holds Special Briefing to Comment on Election Results

Georgia's President Salome Zourabichvili held a special briefing and congratulated the public on the 'peaceful elections'. Zourabichvili added that no one should consider themselves a winner since the country is in turmoil and should 'calm down'.

"The elections are over and I would like to congratulate the people of Georgia on the peaceful elections despite the

unprecedented polarization and the use of hate speech. I would like to congratulate the newly elected members, mayors and wish them success in their service. The elections were peaceful. The number of incidents in the polling stations was unprecedentedly low. The significantly improved results of the opposition are directly related to the free expression of the will of the voters. The reduction of the difference between the results of the candidates is also indicative of democratic elections. It is

noteworthy that the administration of the election process by the CEC was assessed as a high level of professionalism.

The elections are over, but no one should consider themselves the real winner, as neither the country nor the society is the winner. The country needs to calm down and have stability in order to return to the path of development, and the society needs peace and transition from political confrontation to action, on the one hand concentrating on the main issues that no force alone can

overcome, and on the other hand ending destabilization attempts as only external forces benefit from destabilization.

Today, everyone has one question — what will happen now, how and in what form polarization should end. This can be achieved neither by street, nor by destabilization, nor by endlessly demanding elections, nor by rejecting mandates again, nor by boycotting, nor by hatred, nor by not recognizing the winner and nor by humiliating those who lost. What to do,

how to achieve results, how to get out of this magic circle?

The actual elections allow us to do this, allow us to start from the bottom, where it is easier to start cooperating on issues that are aimed at solving the local problems of citizens. This is and should be the meaning and purpose of local elections. The media has a big responsibility, because it can play a very important role in calming the society down and reducing polarization," said the President.

THURSDAY NOVEMBER 4

Day Light rain
High: 19°C

Night Light rain
Low: 12°C

FRIDAY NOVEMBER 5

Day Rain
High: 14°C

Night Rain
Low: 10°C

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43, Chovelidze st., Tbilisi, 0108, Georgia

Founded by Prof.

Zaza Gachechiladze

Tamar Gachechiladze
Publisher

Phone: +995 99 56 56 21; +995 77 76 00 00
E-mail: messenger@messenger.com.ge
<http://www.messenger.com.ge/>

Nino Metreveli
Commercial Director

Mariam Mchedlidze
Editor-in-Chief

Natalia Kochiashvili
Executive Editor

Nino Kavelashvili
Design and Layout

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Masterclass Held for People with Disabilities Within the Framework of Festival *Night Serenades*

BY KHATIA BZHALAVA

Various field masterclasses, as well as concerts, are being held within the framework of this year's Batumi-Tbilisi International Festival 'Night Serenades'. The masterclasses that last for a month are led by famous musicians and composers – Maestro Vakhtang Matchavariani, George Shaverzashvili, Nino Khutsishvili (Holland), Mario Stefano Pietrodarchi (Italy), Sabine Grofmeier (Germany).

On November 2, artist-designer Nino Mirianashvili delivered a collage technique masterclass to the beneficiaries of The Union 'Parents' Bridge'. The Union was established at the initiative of parents of children with disabilities, profes-

sionals, and psychologists and aims at developing the skills necessary for inclusion in children and adolescents with disabilities.

According to Nina Tsagareli, the director of the *Night Serenades* Festival, the master class was held with the support of the Ministry of Culture, Sports, and Youth of Georgia. Tsagareli expressed special gratitude to the participants of the workshop.

During the master class, the beneficiaries were able to explore new technologies and work with different materials.

The international festival *Night Serenades* was founded in 1982 in Georgia's north-western region of Abkhazia by renowned Georgian violinist and conductor Liana Issakadze. The festival was tak-

ing place annually in Bichvinta and was visited by renowned musicians from the Soviet Union as well as from abroad, including Alfred Schnittke, Kurt Masur, Gidon Kremer, and others.

In 1991, following the armed conflict, the festival stopped existing, however, 18 years later, in 2009, *Night Serenades* was brought back to the Georgian seaside town of Batumi, continuing the traditions of Bichvinta's Festival. Due to the wide popularity of the festival throughout the years, Tbilisi City Council decided in 2015 to change its name to Batumi-Tbilisi International Festival.

The basic team of the Festival is the chamber orchestra 'Virtuosi', founded by Liana Issakadze in 2011. The orchestra is staffed with talented young Georgian mu-

sicians working abroad and in Georgia.

The artistic director of the festival is Giorgi Issakadze, musician, teacher and the founder and the artistic director of dance and music academies in Ingolstadt and Munich, the chief conductor is Maestro Vakhtang Matchavariani, and the director of the festival is Nina Tsagareli.

The event is organized by the company 'Art Alliance.'

The festival *Night Serenades* is supported by the Ministry of Culture, Sports and Youth of Georgia, Tbilisi and Batumi city halls, Ministry of Culture, Education and Sports of the Autonomous Republic of Adjara, and embassies of Italy and Germany.

The official insurer of the festival is the company 'Ardi.'



