

Briefing Note on **Challenges of the Justice System** in Georgia: Key Developments Since Spring 2024 Submitted to the OSCE Human Dimension Mechanism (February, 2026)





Briefing Note on Challenges of the Justice System in Georgia: Key Developments

*Submitted to the OSCE Human Dimension Mechanism (February,
2026)*

Georgian Young Lawyers' Association

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I. Introduction

This document has been prepared by Georgian Young Lawyers' Association (GYLA) to provide information to the OSCE Moscow Mechanism.

Since spring 2024, the human rights situation in Georgia has rapidly deteriorated across multiple areas, including freedom of expression, freedom of assembly and association, the prohibition of torture and ill-treatment, and the misuse of criminal and administrative justice mechanisms. **This document primarily addresses developments related to independence of the judiciary** and must be read against the backdrop of the overall deterioration of the human rights environment.

II. Backsliding on the Path of Euro-Integration

The existence of an independent and impartial judiciary is one of the most important democratic values protected by the Constitution. Fundamental reform of the justice system was one of the key prerequisites for integration with Europe, however, as Georgian Dream has announced, it is currently suspending the Euro-integration process,¹ despite the fact that European integration represents the unwavering will of the absolute majority of the Georgian society. The judicial system was brought in to facilitate the retribution of citizens who came out to protest this fact. This once again underscores the reality that the judiciary, as an independent institution, has failed to be established.

Following the imposition of visa restrictions by the United States Department of State on current and former judges due to their involvement in significant corrupt activities,² similar steps were taken by the Baltic states,³ which served as confirmation of the grave situation within the judicial system. Lithuania and Estonia expanded their lists of sanctioned officials. Among those sanctioned by Lithuania are three judges.⁸ Of those sanctioned by Estonia, six are judges who presided over administrative and criminal cases of individuals detained during pro-European protests. The sanctioned individuals were banned from entering Lithuania and Estonia.⁹ The Czech Republic also imposed sanctions.⁴

The legislative changes adopted after the suspension of the European integration process significantly weakened guarantees of judicial independence and further strengthened the influence of an influential group within the judicial system.

III. The Influential Group as the System's Main Challenge

For years, the judicial “waves of reform” have represented merely an illusory attempt to establish institutions and regulate the system through legislation. The judicial system has failed to achieve independence and to gain public trust. The system's main challenge is corporatism and an influential group of judges who have held key managerial positions within the system for years, periodically rotating these positions among themselves. The existence of this influential group within the judiciary has been actively discussed not only by domestic actors

¹ Georgian Dream does not want to open negotiations with the EU until the end of 2028, November 28, 2024, Radio Liberty, available at: <https://www.radiotavisupleba.ge/a/33219304.html>, last updated: 02.02.2026.

² Public Designations of Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze, Due to Involvement in Significant Corruption, Press Statement, U.S. Department of State, 5 April 2023, available at: <https://www.state.gov/public-designations-of-mikheil-chinchaladze-levan-murusidze-irakli-shengelia-and-valerian-tsertsvadze-due-to-involvement-in-significant-corruption/>, accessed: 02.02.2026.

³ Who was included in the list of those sanctioned by Estonia and Lithuania?, Forbes Georgia, December 16, 2024, available at: <https://forbes.ge/vin-mokhvda-estonethisaietuvis-mier-sanqtsirebultha-siashi/>, last updated: 05.02.2026.

⁴ Czech Republic imposes sanctions on Georgia's Deputy Minister of Internal Affairs, three judges and one prosecutor, September 30, 2025, available at: <https://www.radiotavisupleba.ge/a/33545003.html>, last updated: 03.02.2026.

but also by international partners.

In its opinion published in 2023, the European Commission for Democracy through Law (hereinafter - the “Venice Commission”) refers to persistent and widespread allegations of corporatism and personal interests that undermine public trust in the judiciary.⁶ The document notes that corporatism that promotes the interests of one group of judges to the detriment of other groups should not be allowed.⁷

Taking the existing context into account, the Venice Commission also pointed to the need for judicial “vetting”⁸ as a temporary mechanism for integrity screening.⁹ The recommendation to conduct integrity checks of judges is likewise reflected in a document of the European Commission.¹⁰ According to the conclusion, integrity screening should apply to individuals holding leading positions.¹¹

For years, the judiciary has delivered decisions in politically sensitive cases by taking into account the political objectives of the ruling party.¹² This was once again clearly demonstrated during the examination of cases of individuals detained during the ongoing pro-European protests, when the system appeared as an instrument for advancing the interests and carrying out the repressive agenda of “Georgian Dream.”¹³

IV. Judicial Selection and Appointment as a Lever of Pressure in the Hands of the High Council of Justice

For years, the High Council of Justice, endowed with excessive powers, has served as the main pillar of the authorities for controlling the system. The Council is responsible for staffing the judicial system. On the background of overburdened courts, the incomplete functioning of the electronic case allocation system, and the unequal workload of judges, as well as through secondments, arbitrary transfers between panels/chambers, and disciplinary mechanisms, it controls whole the system.¹⁴ Judges nominated and appointed by the Council

⁶ CDL-AD(2023)006-e, Georgia - Follow-up Opinion to four previous opinions concerning the Organic Law on Common Courts, par.

15. Available at: <https://cutt.ly/84zgMcd>, last updated: 04.02.2026.

⁷ *ibid*, par. 17.

⁸ Judicial vetting refers to the process of assessing judges’ qualifications, integrity, and the quality of their work, which requires their compliance with certain standards and criteria. This process is generally carried out to strengthen the independence of the judiciary and to reinforce public trust in the courts. Commission For Democracy Through Law (Venice Commission) Compilation Of Venice Commission Opinions And Reports Concerning Vetting Of Judges And Prosecutors, Strasbourg, 19 December 2022, available at: <https://shorturl.at/Fyn0p>, last updated: 02.02.2026.

⁹ Venice Commission, Georgia follow-up opinion to previous opinions concerning the organic law on common courts, CDL-AD(2023)033-e, 9 October 2023, par. 11, available at: <https://cutt.ly/x4xO9NR>, last updated: 03.02.2026.

¹⁰ COMMISSION STAFF WORKING DOCUMENT Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, page 20-21, available at: <https://shorturl.at/V54Hp>, last updated: 02.02.2026.

¹¹ COMMISSION STAFF WORKING DOCUMENT Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, page 20-21, available at: <https://shorturl.at/V54Hp>, last updated: 05.02.2026.

¹² Verdzeuli S. Reform of the Justice System in Georgia (2013-2021), Tbilisi, 2021, p. 4, available at: <https://shorturl.at/jkR77>, last updated: 03.02.2026.

¹³ The Coalition Addresses the Cases of People Arrested and Imprisoned as Part of Systemic Repression, Coalition for an Independent and Transparent Judiciary, December 12, 2024, available at: http://www.coalition.ge/index.php?article_id=337&clang=0, last updated: 03.02.2026.

¹⁴ 10 Years of Justice Reforms: Challenges and Prospects, Tbilisi, 2023, available at: http://www.coalition.ge/files/reporma_170x240_geo_3.pdf, last updated, 03.02.2026.

do not enjoy public trust or society support. Individuals are appointed as judges not on the basis of competence and integrity, but rather due to loyalty to the influential group and/or through nepotism.¹⁵

Amendments introduced in 2025 to the Law on Common Courts abolished the obligation to publish evaluations of judicial candidates conducted by members of the Council, moreover, voting on judges will now be conducted by secret ballot in closed sessions instead of open hearings.¹² It is regrettable that procedures improved years ago did not serve the purpose of identifying worthy candidates or making fair decisions in the hands of the Council and were merely formal in nature. It appears that even this formal observance of legality has now become an excessive burden for those governing the system.¹⁶

The Council uses the persistent vacancies within the system and the unresolved problem of excessive workload as a lever of pressure over judges. As of today, there are more than one hundred vacant judicial positions within the courts. Such a large number of vacancies and the lack of applicants indicate that qualified professionals refrain from participating in judicial selection competitions.¹⁷

V. Non-Existence of Accountability

The broad powers granted to the Council and the scale of authority that it exercises must necessarily be balanced by accountability mechanisms. Contrary to this requirement, in recent years the High Council of Justice has become a fully closed institution.¹⁸ Representatives of monitoring organizations are not allowed access to the Council's building or to attend its sessions. Public information is not provided. For interested parties, it is practically impossible to determine in advance the issues of discussion or the substance of those issues at a session.

One of the main components of accountability before society is publicity.¹⁹ Since 2023 GYLA has not received responses from the Council to its letters requesting public information, which constitutes a violation of the right of access to public information. In practice, society is deprived of the opportunity to obtain information on important issues related to the judiciary. At the same time, the activities of monitoring organizations are obstructed, preventing them from preparing analyses based on information and presenting to the public the challenges of the system and possible solutions.

The Public Defender of Georgia has concluded that the High Council of Justice violated the right of access to public information. In recommendation, the Public Defender reiterated the judgement of the Constitutional Court²⁰ and emphasized that without access to information, freedom of expression and the existence of discourse vital for a free society are inconceivable. Moreover, restricting non-governmental organizations' right to access public information also constitutes interference with their role as "public watchdogs."²¹

¹⁵ The High Council of Justice in 2024: Encouraged Illegality, May 8, 2025, available at: <https://gyla.ge/media/blogs/195>, last updated: 02.02.2026.

¹⁶ The initiated changes serve the interests of an influential group within the court system, 28 November, 2025 -available at: <https://gyla.ge/en/post/sasamartloshi-gavlenianiigupebis-gadzliereba-saia>. Last updated: 02.02.2026.

¹⁷ The High Council of Justice in 2024: Encouraged Illegality, May 8, 2025, available at: <https://gyla.ge/media/blogs/195>, last updated: 02.02.2026.

¹⁸ The High Council of Justice in 2024: Encouraged Illegality, May 8, 2025, available at: <https://gyla.ge/media/blogs/195>, last updated: 02.02.2026.

¹⁹ The High Council of Justice has become a fully closed institution, October 1, 2024, available at: <https://gyla.ge/post/iusticiis-umaghlesi-sabtcho-srulad-dakhurul-utsyebad-iqca>, last updated: 03.02.2026.

²⁰ Public Defender of Georgia and Georgian Young Lawyers Association vs. Parliament of Georgia, Judgement of the Constitutional Court of Georgia of October 30, 2008 #2/3/406, 408.

²¹ See the judgments of the European Court of Human Rights: Guseva v. Bulgaria, par. 37, Shapovalov v. Ukraine, par. 68.

The systematic concealment of information is not merely a legal violation, it represents the deliberate elimination of public accountability, which hinders transparency of the judicial system and democratic oversight over it.

Due to the failure to provide the requested materials sought in December 2023, GYLA had filed lawsuits before the Tbilisi City Court. To date, no hearing has been scheduled.

Amendments adopted in 2025 have effectively imposed an almost complete ban on photo and video documentation of court proceedings.²² Photography, filming, video recording, and broadcasting within the court (including the court building, courtroom, and courtyard) are no longer permitted, except when carried out by the court or a person authorized by it, and the dissemination of recorded materials has been placed within the court's discretion. The new regulation effectively eliminates public oversight of the activities of the judiciary and violates the principle of freedom of expression. Video and audio recording and broadcasting of court hearings, in each specific case, require the consent of the High Council of Justice. This requirement renders the work of the media practically impossible. Due to short procedural timeframes, hearings are sometimes scheduled only a few hours in advance. Under such circumstances, the media has virtually no time to obtain a timely response from the High Council of Justice.²³

It is regrettable that the efforts undertaken over the years by international organizations and domestic actors, as well as legislative changes that had been positively assessed, have been repealed. Through the new provisions, the system has become even more isolated and closed.²⁴

²² Article 13¹ of the Organic Law on Common Courts.

²³ Media is unable to cover the cases of individuals detained in the context of protests from the courtroom, Georgian Young Lawyers Association, June 30, 2025, available at: <https://shorturl.at/P6DYz>, last updated: 03.02.2026.

²⁴ The initiated changes serve the interests of an influential group within the court system, 28 November, 2025 - available at: <https://gyla.ge/en/post/sasamartloshi-gavlenianijgupebis-gadzliereba-sai>, last updated: 02.02.2026.

List of Relevant Publications Prepared by GYLA

- JUDICIAL SYSTEM REFORM IN GEORGIA 2013-2021, Tbilisi 2021 - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://admin.gyla.ge/uploads_script/publications/pdf/JUDICIAL%20SYSTEM%20REFORM-2.pdf.crdownload;
- MONITORING REPORT OF THE HIGH COUNCIL OF JUSTICE №12, Tbilisi, 2024 - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://admin.gyla.ge/uploads_script/publications/pdf/MONITORING%20REPORT%20OF%20THE%20HIGH%20COUNCIL%20OF%20JUSTICE%2012.pdf;
- AMENDMENTS OF 2025 TO THE ORGANIC LAW OF GEORGIA ON COMMON COURTS, Tbilisi, 2025 - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://admin.gyla.ge/uploads_script/publications/pdf/saerto-sasamart_eng11.pdf;
- The initiated changes serve the interests of an influential group within the court system, 28 November, 2025 - <https://gyla.ge/en/post/sasamartloshi-gavlenianijgupebis-gadzliereba-saia>.