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Election of Judges to the European Court of Human Rights

List and curricula vitae of candidates submitted by the Government of Georgia

Communication
Secretary General of the Parliamentary Assembly

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1. List and curricula vitae of candidates submitted by the Government of Georgia

Letter from Mr Irakli Giviashvili, Ambassador of Georgia to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 6 September 2017.

[…]

On behalf of the Government of Georgia, I would like to submit the list of three candidates for the position of the judge to be elected at the European Court of Human Rights in respect of Georgia during the October part-time session of the Parliamentary Assembly of the Council of Europe. The names of the candidates are the following:

Mr Lado Chanturia

Ms Lali Papiashvili

Mr Otar Sichinava

[…]

1.1. Explanatory Note on the process of selecting candidates for the position of the judge to be elected in 2017 in respect of Georgia at the European Court of Human Rights

1. Establishing a Commission

Until 2015 there existed no procedure whatsoever for selecting candidates for the position of a judge to be elected in respect of Georgia at the European Court of Human Rights (ECHR). In 2015, after having received a letter from the Council of Europe, fixing different timelines and calling Georgia to present a list of 3 candidates, the Government of Georgia created a special State Commission on 14 December 2015 to select candidates for the position.

This 11 member Commission terminated its functions after the list was rejected in January 2017 by the Committee on the Election of Judges to the ECHR due to qualification of some candidates. Georgia was then invited to submit a new list by 31 August 2017.

For that purpose, by an Ordinance No 93 of 20 February 2017, the Government of Georgia established a new State Commission (`Commission`). The 13 member Commission was composed as follows:

Minister of Justice, Chairperson of the Commission;

Deputy Minister of Foreign Affairs, Deputy Chair of the Commission; Deputy Chairperson of the Supreme Court;

Chairperson of the Investigative Chamber of the Tbilisi Appellate Court; Acting Chairperson of the Kutaisi Appellate Court;

First Deputy Prosecutor General of Georgia; Parliamentary Secretary of the Government; Chairperson of the Bar Association;

Chairperson of the Human Rights Committee of Parliament; Public Defender (Ombudsman) of Georgia;

Dean of the Tbilisi State University Faculty of Law;

Chairperson of the Association of Law Firms of Georgia (ALFG);

Chairperson of the Young Lawyers Association representing the Coalition for Independent and Transparent Judiciary (49 NGOs coalition).

Compared to the former Commission, the new Commission was even more representative since it comprised 2 new members from the judiciary (Tbilisi and Kutaisi Appellate Courts) and one additional representative of the Bar members of Georgia (ALFG).

The Ordinance N 93 was published in the Official Herald of Georgia

(https://matsne.gov.ge/ka/document/view/3586117).

2. Publishing the vacancy

The Governmental Ordinance N 93 prescribed criteria for selecting candidates, determined relevant timelines and the rule of establishing a gender-balanced list, prescribed a very detailed public and transparent procedure through which the candidates should have passed.

According to Article 5 of the Ordinance, a candidate for the position of the judge shall be a citizen of Georgia of legal capacity, between the age of 30-65 years, who meets the following requirements:

a) has perfect command of the state language;

b) has good command of one of the official languages of the Council of Europe (English or

French);

c) has perfect knowledge of the European Convention on Human Rights, relevant case law and has working experience in this field;

d) has perfect knowledge of the principles of public international law and the legislation of Georgia;

e) meets the requirements established by the legislation of Georgia for occupying high judicial positions, or is a law specialist of recognized competence;

f) has at least five years of professional experience;

g) is of a high moral and professional reputation.

On **21 February 2017** the Commission published a vacancy notice calling for candidatures on the following websites: www.jobs.ge (all job vacancies in Georgia being usually announced on this private company website) and www.hr.gov.ge (every vacancy in the civil service of Georgia is to be published here according to Georgian Law). Potential candidates had until **14 April 2017** to upload their CVs on the website of their choice.

In order to better inform potential candidates about the vacancy, the Ministry of Justice started working with various organizations after announcement of the competition.

Apart from traditional media outlets (television, radio, magazines, newspapers, news agencies, social networks), representatives of academic circles, the court, prosecutor's office, lawyers' associations and nongovernmental organizations working in the field of law have been invited to publish the vacancy notice on the websites of their organizations.

As a result, the comprehensive information, including the application links, have been posted on the websites of the following organizations:

The Supreme Court of Georgia (the link is no longer active)

http://www.supremecourt.ge

The High Council of Justice of Georgia

http://hcoj.gov.ge/en

The Zugdidi First Instance Court

http://www.court.ge/courts/

The Prosecutor General's Office (the information has been sent to all prosecutors through intranet)

Ivane Javakhishvili Tbilisi State University

https://www.tsu.ge/en

Davit Aghmashenebeli University of Georgia

http://sdasu.edu.ge

Guram Tavartkiladze State University

http://www.gttu.edu.ge/en

http://www.gttu.edu.ge/files/Brdzanebebi/iusticia.pdf

Telavi State University

http://tesau.edu.ge/gancxadebebi sararchevad-axali-konkursi-cxaddeba.html

Free University

http://freeuni.edu.ge/en/freeuninews

Ilia University

https://iliauni.edu.ge/ge/iliauni/AcademicDepartments/samartlis-skola-654/siaxleebi-655/konkursi-adamianis-uflebata-evropul-sasamartloshi-saqartvelodan-asarchevi-mosamartlis-kandidaturebis-shesarchevad.page

University of Georgia

https://www.ug.edu.ge/

GIPA

https://gipa.ge/eng/

Georgian-American University

http://gau.ge/ge

New Vision University (information was sent to academic staff through intranet)

http://www.newvision.ge/en/programs/samartlis-sabakalavro-programa

Grigol Robakidze University

http://www.gruni.edu.ge/

NGO Georgia's democratic initiative (information was posted on the Facebook page of the organization)

https://www.facebook.com/gdi.ge/? mref=message_bubble

Despite several requests, the Bar Association did not post the information on its website.

The Georgian Young Lawyers' Association refused to post it explaining that they were members of the Commission and posting the vacancy notice on their website to give it more publicity would constitute a case of `conflict of interest`.

The Transparency International-Georgia requested time to take decision but the vacancy notice was never published.

3. First stage of selection by the Commission

As a result, **68 candidatures** were received: 34 women and 34 men, out of which 29 candidates aged 18-29, 19 candidates aged 30-39, 16 candidates aged 40-50 and 4 candidates aged more than 50.

The list of 68 candidates was made public on 18 April 2017:

http://justice.gov.ge/News/Detail?newsId=6385

http://mediamonitoring.ge/mms/includes/video/video.php?id=4390474

http://mediamonitoring.ge/mms/includes/video/video.php?id=4390397

http://mediamonitoring.ge/mms/includes/video/video.php?id=4390510

http://mediamonitoring.ge/mms/includes/video/video.php?id=4390332

http://mediamonitoring.ge/mms/includes/video/video.php?id=4390590

http://mediamonitoring.ge/mms/includes/video/video.php?id=4390461

http://mediamonitoring.ge/mms/includes/video/video.php?id=4389968

http://mediamonitoring.ge/mms/includes/video/video.php?id=4390280

http://mediamonitoring.ge/mms/includes/video/video.php?id=4389745

http://mediamonitoring.ge/mms/includes/video/video.php?id=4389609

http://mediamonitoring.ge/mms/includes/video/video.php?id=4389290

http://mediamonitoring.ge/mms/includes/video/video.php?id=4389026

http://mediamonitoring.ge/mms/includes/video/video.php?id=4388964

http://www.interpressnews.ge/ge/samartali/428132-

http://www.tabula.ge/ge/story/119387-strasburgis-mosamartleoba-68-kandidats-surs-ixilet-sia#sthash.eCME0JNj.dpuf

http://www.info9.ge/chven-shesakheb/169734-iusticiis-saministro-strasburgis-mosamarthleobis-msurveltha-sias- aqveynebs.html?lang=ka-GE

http://www.info9.ge/samarthali/169707-adamianis-uflebatha-evropuli-sasamarthlos-mosamarthleobis-survili-68- kandidatma-gamothqva.html?lang=ka-GE

http://accent.com.ge/ge/news/details/32783

http://reportiori.ge/inside.php?menuid=4&id=42686

http://ghn.ge/com/news/view/173883

http://www.ipress.ge/new/68741-evropuli-sasamartlos-mosamartleobis-msurveli-68-kandidatis-sruli-sia

http://www.ipress.ge/new/68735-evrosasamartlos-mosamartleobis-survili-68-kandidatma-gamotqva

https://frontnews.eu/

http://kvira.ge/323772

http://medianews.ge/ge/iustitsiis-saministrom-strasburgis-mosamartleobis-msurvelta-akhali-sia-gamoaqvekna/25086

http://www.epn.ge/?id=43711

http://netgazeti.ge/news/187959/

http://news.ge/ge/news/story/215038-adamianis-uflebata-evropuli-sasamartlos-mosamartleobis-survili-68-kandidatma- gamotqva

https://on.ge/story/9890-

http://netgazeti.ge/news/187959/

http://liberali.ge/news/view/28854/strasburgis-sasamartlos-mosamartleobis-survili-68-kandidats-aqvs

http://www.ick.ge/rubrics/society/35206-i.html?fontstyle=f-larger

https://metronome.ge/%E1%83%A1%E1%83%98%E1%83%90-https://metronome.ge

http://eurus.ge/index.php?act=new_view&id=666

http://imtavroba.ge/new/6751-evrosasamartlos-mosamartleobis-survili-68-kandidatma-gamotqva

http://civil.ge/geo/article.php?id=31306

http://www.for.ge/view.php?for_id=48712&cat=2.

As a first stage, candidates' CVs and supporting documents were verified. Some of them appeared to be students, or not to be lawyers by profession, others lacked 5 years working experience as a lawyer and did not match other criteria determined by the Governmental Ordinance. As a result of the first round **25 candidates** were selected – 22 English-speakers and 3 francophones.

This short list was approved by the members of the Commission on 23 April 2017 and it was made public on 18 May 2017:

http://justice.gov.ge/News/Detail?newsId=6404

http://www.info9.ge/samarthali/171334-adamianis-uflebatha-evropuli-sasamarthlos-mosamarthleobis-msurvelthagan-gasaubrebis-etapze-24-kandidati-gadavida.html?lang=ka-GE

http://news.ge/ge/news/story/217817-strasburgshi-mosamartleobis-msurveltagan-gasaubrebis-etapze-24-kandidati-gadavida

https://metronome.ge

https://imedinews.ge/ge/saqartvelo/13225/strasburgis-mosamartleobis-68-msurvelidan-meore-etapze-24-gadavida

http://epn.ge/?id=45555

http://ghn.ge/com/news/view/176488

http://netgazeti.ge/news/195055/

http://www.ipress.ge/new/72368-strasburgis-sasamartlos-mosamartleobis-msurveltagan-gasaubrebis-etapze-24-kandidati- gadavida

http://www.tabula.ge/ge/story/120260-strasburgis-mosamartleobis-gasaubrebis-etapze-24-kandidati-gadavida-naxet-sia

4. Second stage of selection by the Commission

Under Articles 5(1)(b) and 7(3) of the Selection Procedure approved by the above ordinance, a candidate may be a person who has proper command (at least B1 Council of Europe level) of one of the official languages of the Court: English or French. Under Article 7(2) of the same Procedure, after the approval of the results of the initial selection based on the applications, the Commission shall organise a language test to determine the level of knowledge of the relevant foreign language.

In order to ensure proper administration of the tests, the Ministry of Justice of Georgia, acting as a Secretariat for the Commission, concluded contracts with the British Council and the French Institute of Georgia (Institut Français de Géorgie). Accordingly, these 2 organisations, independently from the Commission, decided as to when the examination could be held or how the test should have been administered. The British Council proposed the IELTS an (academic module) test and the French Institute a test of evaluation of level of knowledge of French language.

The tests were free of charge for the candidates (the cost in the amount of GEL 397/GBP 126 per participant was paid from the state budget to the British Council and GEL 120/EUR 50 per participant to the French Institute of Georgia).

On 24 April 2017, the selected 22 candidates were notified by e-mail that on 29 April 2017 the British Council was organising the English language test IELTS (an academic module) in all branches of the British Council in all countries simultaneously, and the candidates were asked by the British Council to register via its website the same day. On the same day, the secretariat of the Commission ascertained itself via telephone communication with all 22 candidates that they had familiarized themselves with this information.

One of the candidates requested the Commission’s consent to take the same test in Berlin, on the same day, 29 April, and at the same organisation, the British Council.

The Commission members, including the representatives of academia, judiciary, civil society, and bar, decided to grant this request.

One of the candidates submitted a valid IELTS certificate (B2 level), based on which she was released from the obligation to pass the test upon the decision of the Commission.

2 candidates, who participated in the same competition in 2016, addressed the Commission with a request to take into account, for the purposes of the current competition, the results of the Aptis test, which was conducted by the same British Council in 2016 for the purposes of the same competition organised by the Commission.

By a majority of the votes (9 votes against 4) the Commission decided to grant this request too. The 2 candidates were therefore released from the obligation to take the test at the British Council a second time. For the purpose of ensuring equality among the candidates, other 3 candidates, who passed the English language test during the same competition in 2016, were informed that the same rule could apply to them as well. One of them decided to take the test (stating before the Commission: “I am not afraid of tests”), and the other 2 benefited from this possibility.

On 25-27 April, one of the candidates (Mr Vardzelashvili) addressed the secretariat of the Commission with questions on whether it was possible not to pass the IELTS test but to submit to the Commission the results of other international tests (TOEFL, for instance) that were similar to IELTS and could determine the level of the knowledge of a foreign language, or alternatively whether it was possible to take a specific module of IELTS test (the General Training Module) on 13 May.

The secretariat of the Commission explained to the candidate that, according to the British Council, it was impossible to register for the academic module of the IELTS test for 13 May due to non-availability of vacancies. Within the framework of the ECHR competition the candidates were supposed to take the academic module, in which special attention was paid to writing and reading, which were appropriate components. The academic module is generally chosen for the purposes of studying or taking high level professional position; as for the General Training Module, it is mainly taken for emigration purposes.

The candidate was also informed that, in any case, the Commission would examine his requests.

The Commission discussed the matter and made a decision by 11 votes to decline the requests. It was stated by the members that the purpose of the Commission was to place all candidates in equal conditions. This decision was notified to the candidate Vardzelashvili, who, like other candidates, took the IELTS (academic module) test organised by the British Council on 29 April.

All in all, as explained above, 4 English-speaking candidates (3 C level and 1 B2 level) were released from the obligation to pass the test upon the decision of the Commission; 1 English- speaking candidate (B2 level) presented a valid IELTS certificate and did not need to obtain it again. Therefore 16 English-speaking candidates and 3 French-speaking candidates passed respectively the IELTS (academic module) test organised by the British Council on 29 April (15 in Tbilisi and 1 in Berlin) and the test at the French Institute on 8 May 2017.

As a result, 6 candidates were evaluated as C level, 12 candidates as B2 level, 1 candidate as B1 level, **1 candidate as below B1 level**.

These 19 candidates, who obtained at least B1 level certificate, including the candidate Vardzelashvili, as well as other 5 candidates (see above) were invited for an individual interview with the Commission on 27-28 May 2017.

On 25 May 2017 one candidate informed the Commission about his decision not to continue participating in the competition.

5. Third stage of selection by the Commission

All the members of the Commission were present on 27-28 May 2017 and interviewed the 23

candidates. As envisaged by the Governmental Ordinance, media representatives had the right to attend the interviews and/or take comments from those of the candidates who had previously agreed to speak to media.

16 out of 23 candidates agreed on the presence of media representatives during their interview with the Commission. In reply, only one media outlet expressed willingness to benefit from this opportunity (internet agency Netgazeti). Its journalist therefore attended all the interviews of

16 candidates. As a result, Netgazeti kept publishing different material during 27-28 May and informed the society not only about the questions asked to the concrete candidates but also about the procedure, the criteria and finally the result of the 2 days’ work of the Commission:

http://netgazeti.ge/news/197216/

http://netgazeti.ge/news/197160/

http://netgazeti.ge/news/197111/

http://netgazeti.ge/news/197328/

Other media representatives – 5 national TVs and one internet agency (ipn.ge) preferred to stay on the ground floor of the building and ensure live broadcasting about the process. They could also see the candidates entering the building or leaving it and were allowed to ask questions if those wished to be interviewed. Some candidates agreed to be interviewed by the journalists.

In the end of 2 days of work, each member of the Commission evaluated each of the 23 candidates separately. After the interviews and evaluation process the Commission selected **5 candidates** based on highest average scores (3 men and 2 women) to be submitted to the Government for decision. The minutes of this procedure are published on http://justice.gov.ge/Multimedia%2FFiles%2F2017%2F22.06%2F%E1%83%9D%E1%83%A5%E1%83%9B%E1%83%98%2027-28.pdf

The list of 5 candidates approved by the Commission is the following (listed in the decreasing order of their average scores):

– Mr Lado CHANTURIA, Dr. iur. h.c., Doctor of the Science of Law; Ambassador Extraordinary and Plenipotentiary of Georgia to the Federal Republic of Germany;

– Ms Sopio JAPARIDZE, LL.M in International Human Rights Law, Assistant to the Prime-Minister of Georgia on Human Rights and Gender Equality Issues;

– Mr Shota GETSADZE, LL.M, Acting judge at the Tbilisi Appellate Court;

– Ms Tamar ALANIA, LL.M, Acting judge at the Tbilisi Appellate Court;

– Mr Irakli DONDOLADZE, LL.M in Public Law; Deputy head of the International Legal Cooperation Department at the Prosecutor General's office of Georgia.

The final decision of the Commission and the list of 5 candidates were made public on the same day, 28 May 2017 (http://justice.gov.ge/News/Detail?newsId=6417). It also received in the same evening and during following days important publicity in various media outlets:

https://imedinews.ge/ge/dzalovnebi/14274/strasburgis-mosamartleobis-5-kandidati-shercheulia

http://www.tabula.ge/ge/story/120518-strasburgis-mosamartleobis-msurveli-xuteuli-saministro-qulebs-aqveknebs

http://fortuna.ge/strasburgis-sasamartlos-mosamartleobis-msurveli-5-kandidati-cnobilia/

http://www.ipress.ge/new/73452-evropuli-sasamartlos-mosamartleobis-msurveli-5-kandidati-cnobilia-sia

http://civil.ge/geo/article.php?id=31306

http://pia.ge/post/125358-mtavrobas-strasburkis-sasamartlos-mosamartleobis-kandidatta-sia-waredgineba

http://kvira.ge/331852

http://presa.ge/new/?m=politics&AID=55922

http://www.allnews.ge/politika/153859-

6. Final stage of selection by the Government of Georgia

At its sitting of 1 June 2017 the Government of Georgia examined the files of the 5 candidates, heard the Chair of the Commission and decided to nominate those 3 candidates who had been the most successful, since they received the highest average scores as a result of interviews by the Commission (Governmental Ordinance N 1082).

The list of 3 candidates approved by the Government of Georgia is thus the following (listed in the alphabetical order of the names of candidates):

– Mr Lado CHANTURIA,

– Mr Shota GETSADZE,

– Ms Sophio JAPARIDZE.

The Government`s decision and the list of 3 candidates were made public on the same day, on 1 June 2017 (http://www.justice.gov.ge/News/Detail?newsId=6418), and the news was also largely broadcasted by various media outlets:

http://mediamonitoring.ge/mms/includes/video/video.php?id=4489863

http://mediamonitoring.ge/mms/includes/video/video.php?id=4490089

http://mediamonitoring.ge/mms/includes/video/video.php?id=4490039

http://mediamonitoring.ge/mms/includes/video/video.php?id=4489222

http://mediamonitoring.ge/mms/includes/video/video.php?id=4489796

http://mediamonitoring.ge/mms/includes/video/video.php?id=4489991

http://mediamonitoring.ge/mms/includes/video/video.php?id=4490030

http://mediamonitoring.ge/mms/includes/video/video.php?id=4490086

http://mediamonitoring.ge/mms/includes/video/video.php?id=4490053

http://mediamonitoring.ge/mms/includes/video/video.php?id=4489256

https://www.google.ge

https://www.google.ge

https://www.google.ge

http://www.interpressnews.ge

http://www.newposts.ge/?l=G&id=142369-

http://liberali.ge/news/view/29645/mtavrobam-strasburgis-mosamartleobis-kandidatebi-shearchia

http://www.info9.ge/samarthali/172125-strasburgis-sasamarthloshi-tsarsadgeni-mosamarthleobis-sami-kandidati- cnobilia.html?lang=ka-GE

https://on.ge/story/11238-

http://news.ge/ge/news/story/219076-saqartvelos-mtavrobam-strasburgis-sasamartloshi-saqartvelodan-asarchevi- mosamartleobis-kandidatebi-shearchia

http://pia.ge/post/126211-mtavrobam-evropis-sabwos-saparlamento-asambleistvis-warsadgeni-kandidaturebi-daasxela

http://ghn.ge/com/news/view/177732

http://www.gurianews.com/article/mtavari/sazogadoeba/strasburgis-mosamartleobis-kandidatebad-lado-chanturia-sopio- japaridze-da-shota-getsadze-sheirchnen

http://epn.ge/?id=46421

http://www.ipress.ge/new/73906-dghes-saqartvelos-mtavroba-strasburgis-mosamartleobis-kandidatebs-airchevs

http://reginfo.ge/human-rights/item/770-mtavrobam-strasburgis-sasamartlos-mosamartleobis-sami-kandidati-shearchia

Georgia thus created an institutional mechanism inside the country for selecting candidates for the position of the judge to be elected in respect of Georgia in accordance with the European Convention.

This mechanism is inclusive, transparent, based on objective criteria and sets a high standard for future selections.

1.2. Explanatory Note on the process of selecting 2 new candidates in accordance with the Advisory Panel`s letter of 21 July 2017 (Advisory Panel (2017) GEO3)

1. Establishing a Commission

As the Advisory Panel was informed in June 2017, until 2015 there existed no procedure whatsoever for selecting candidates for the position of a judge to be elected in respect of Georgia at the European Court of Human Rights (ECHR). In 2015, after having received a letter from the Council of Europe, fixing different timelines and calling Georgia to present a list of 3 candidates, the Government of Georgia created a special State Commission on 14 December 2015 to select candidates for the position.

This 11 member Commission terminated its functions after the list was rejected in January 2017 by the Committee on the Election of Judges to the ECHR due to qualification of some candidates. Georgia was then invited to submit a new list by 31 August 2017.

For that purpose, by an Ordinance No 93 of 20 February 2017, the Government of Georgia established a new State Commission (`Commission`).

The 13 member Commission was composed as follows:

Minister of Justice, Chairperson of the Commission;

Deputy Minister of Foreign Affairs, Deputy Chair of the Commission;

Deputy Chairperson of the Supreme Court;

Chairperson of the Investigative Chamber of the Tbilisi Appellate Court;

Acting Chairperson of the Kutaisi Appellate Court;

First Deputy Prosecutor General of Georgia;

Parliamentary Secretary of the Government;

Chairperson of the Bar Association;

Chairperson of the Human Rights Committee of Parliament;

Public Defender (Ombudsman) of Georgia;

Dean of the Tbilisi/Batumi/Kutaisi State University Faculty of Law;

Chairperson of the Association of Law Firms of Georgia (ALFG);

Chairperson of the Young Lawyers Association representing the Coalition for Independent and Transparent Judiciary (49 NGOs coalition).

Compared to the former Commission, the new Commission was even more representative since it comprised 2 new members from the judiciary (Tbilisi and Kutaisi Appellate Courts) and one additional representative of the Bar members of Georgia (ALFG).

Compared to the former Commission, the Chairperson of Legal Issues Committee of Parliament was not invited to sit in the Commission because of her membership in the PACE Committee on the Election of Judges to the ECHR.

The Ordinance N 93 of 20 February 2017 was published in the Official Herald of Georgia (https://matsne.gov.ge/ka/document/view/3586117), see annex 3).

After having received **the letter of 21 July 2017 of the Advisory Panel** (Advisory Panel (2017) GEO3), the Government of Georgia adopted an Ordinance N 362 (https://matsne.gov.ge/ka/document/view/3757166), see annex 2), on the Approval of the Procedure for Selecting 2 New Judicial Candidates to be Elected in respect of Georgia to the European Court of Human Rights in 2017.

According to this Ordinance, the Governmental Commission set up under the previous Ordinance No 93 should have carried out, until 31 August 2017, a new selection procedure to determine 2 new candidates for the position.

According to Article 2 of the Procedure approved by the Ordinance N 362:

2 new judicial candidates shall be selected from among legally capable citizens of Georgia from 35[1] to 65 years of age. A candidate must meet the following requirements:

a) have a perfect command of the state language;

b) have a good command of one of the official languages of the Council of Europe (English or French; at least B1 level of knowledge by the European standard);

c) have perfect knowledge of the European Convention on Human Rights, the relevant case law, and have working experience in this field;

d) have perfect knowledge of the principles of public international law and the legislation of Georgia;

e) meet the requirements established by the legislation of Georgia for occupying a high judicial position, or be a law specialist of recognised competence;

f) have at least five years of professional experience;

g) have a high moral and professional reputation.

A command of the second official language of the Council of Europe shall be considered as an advantage for a candidate.

The candidates shall submit to the Commission a competition application, which includes a motivation letter, a Curriculum Vitae, and documents certifying that they meet the requirements established by Article 2(1) of this Procedure, including a certificate proving their good command of one of the official languages of the Council of Europe.

Candidates who fail to submit a certificate proving at least B1 level of knowledge in one of the official languages of the Council of Europe (English or French) shall be invited by the Secretariat of the Commission to take an exam: for English either the IELTS or APTIS test, and for French the test offered by the Institut Français de Géorgie.

Interviews with candidates, their assessment, the calculation of overall average scores, and the submission of a list of judicial candidates to the Government of Georgia shall be carried out in accordance with relevant Articles of the previous Ordinance N 93, which determined relevant timelines and the rule of establishing a gender-balanced list, prescribed a very detailed public and transparent procedure through which the candidates should have passed (see above).

2. Publishing the vacancy

On **25 July 2017** the Commission published a vacancy notice calling for candidatures on the following websites: www.jobs.ge (all job vacancies in Georgia being usually announced on this private company website) and www.hr.gov.ge (every vacancy in the civil service of Georgia is to be published here according to Georgian Law). Potential candidates had until **25 August 2017** to upload their CVs on the website of their choice.

The template of CV to be filled in (Appendix to Parliamentary Assembly Resolution 1646 (2009); the Resolution CM/Res (2010)26 on the establishment of an Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights; as well as the Governmental Ordinance N 362 and the Governmental Ordinance N 93 were attached to the vacancy notices.[2]

In order to better inform potential candidates about the vacancy, the Ministry of Justice started working with various organizations after announcement of the competition.

The information about the competition was fully covered by TV media[3] and internet resources[4]. In addition to the news programs, the topic of the competition was discussed in the talk shows[5].

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1. 30 was the minimum age before receiving the Advisory Panel`s letter of 21 July 2017.
2. See, https://www.hr.gov.ge/JobProvider/UserOrgVaks/Details/44342 (the link being still active on 30 August 2017).
3. Public Broadcaster: Moambe 12.00 of http://mediamonitoring.ge/mms/includes/video/video.php?id=4595348; Moambe 16.00 h http://mediamonitoring.ge/mms/includes/video/video.php?id=4595694; Moambe 18.00 pm; http://mediamonitoring.ge/mms/includes/video/video.php?id=4596511; Moambe 20.00 pm; http://mediamonitoring.ge/mms/includes/video/video.php?id=4596689; Imedi: Chronicle 14.00 h http://mediamonitoring.ge/mms/includes/video/video.php?id=4595470; Chronicle 17.00 hours; http://mediamonitoring.ge/mms/includes/video/video.php?id=4595955; Rustavi 2: Courier 12.00 h http://mediamonitoring.ge/mms/includes/video/video.php?id=4594617; Courier 15.00 h http://

Apart from traditional media outlets (television, radio, magazines, newspapers, news agencies, social networks), representatives of academic circles, the court, prosecutor's office, lawyers' associations and nongovernmental organizations working in the field of law have been requested to publish the competition terms on the websites of their organizations.

The comprehensive information provided by the Ministry of Justice (including the application links) has been posted on the websites of the following organizations:

• The Constitutional Court (information on the competition has been sent to the judges via internal mail)

• The Supreme Court

Http://www.supremecourt.ge/news/id/1442

• The High Council of Justice of Georgia

http://hcoj.gov.ge/en/adamianis-uflebata-evropul-sasamartloshi-saqartvelodan-asarchevi-mosamartle/3035

• Tbilisi Court of Appeals

Http://www.tbappeal.court.ge/?news=684&mc=

• Zugdidi District Court

Http://court.ge/courts/zugdidis_raionuli_sasamarTlo/?page=25&id=3937

• The Chief Prosecutor's Office

Http://pog.gov.ge/geo/news?info_id=1316

• Tbilisi State University

http://www.tsu.ge/en/government/administration/departments/pr/news/BFRzFqW4fAns8Rw31/?p=1

• Kutaisi State University

http://www.atsu.edu.ge/index.php?option=com_content&view=article&id=267%3Astrasburgis-sasamartlos-konkursi&catid=34%3Anews&Itemid=278

• Telavi State University

Http://tesau.edu.ge/gancxadebebi/803-iusticiis-saministros-gancxadeba.html

• Davit Aghmashenebeli State University

Http://sdasu.edu.ge

• Ilia State University

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mediamonitoring.ge/mms/includes/video/video.php?id=4595450; Courier 18.00 h http://mediamonitoring.ge/mms/includes/video/video.php?id=4596362; Courier 21.00 hrs; http://mediamonitoring.ge/mms/includes/video/video.php?id=4596789; Tv 1: News at 13.00 h http://mediamonitoring.ge/mms/includes/video/video.php?id=4595451; News at 16.00 h http://mediamonitoring.ge/mms/includes/video/video.php?id=4595750; Iberia: News 14.00 h http://mediamonitoring.ge/mms/includes/video/video.php?id=459543; News at 17.00 pm; http://mediamonitoring.ge/mms/includes/video/video.php?id=459575; News at 19.00 pm http://mediamonitoring.ge/mms/includes/video/video.php?id=4596768; Kavkasia: Today at 17.00 http://mediamonitoring.ge/mms/includes/video/video.php?id=4595679; Today 20.30 – http://mediamonitoring.ge/mms/includes/video/video.php?id=4596687.

4. Newpost – http://www.newposts.ge/?l=G&id=146919-; Newsgroup – http://news.ge/en/news/story/223407-; Medianews – http://medianews.ge/en/lado-chanturia-strasburgshi-mosamartleobisatvis-shesaferis-kandidatad-miichnies/29919; http://medianews.ge/ge/lado-chanturias-strasburgshi-mosamartleobistvis-shesaferis-kandidatad-miichnies-tea-tsulukiani/29916; OnG – http://medianews.ge/ge/lado-chanturias-strasburgshi-mosamartleobistvis-shesaferis-kandidatad-miichnies-tea-tsulukiani/29916; First.html – http://pia.ge/post/138381-lado-wanturia-strasburgsi-mosamartleobis-sesaferis-kandidatad-miicnies; Expressnews http://epn.ge/?id=49535; http://epn.ge/?id=49558; Sunday.jpg – http://kvira.ge/343031; Interpressnews – http://www.interpressnews.ge/ge/politika/444774-; Frontinews – https://frontnews.eu/news/ge/8725/; IPRIPS – http://www.ipress.ge/new/79856-http://www.ipress.ge/new/79795-; Civil.Ge; Http://civil.ge/eng/article.php?id=31459 Netgazeti – http://netgazeti.ge/news/209618/.

5. Tv1; Talk show – People Policy http://mediamonitoring.ge/mms/includes/video/video.php?id=4596596 Iberia – Talk Show Priority – http://mediamonitoring.ge/mms/includes/video/video.php?id= 4596661; Maestro – Talk Show Top News Day – http://mediamonitoring.ge/mms/includes/video/video.php?id=4596727.

https://iliauni.edu.ge/ge/iliauni/AcademicDepartments/samartlis-skola-654/siaxleebi-655/konkursi-adamianis-uflebata-evropul-sasamartloshi-saqartvelodan-asarchevi-mosamartlis-kandidaturebis-shesarchevad.page

• Caucasus International University

http://www.ciu.edu.ge/news/1501581434

The information posted on the official internet pages listed above was available during the whole period of receiving applications. It is still available on some websites, but it has been removed from others with the termination of the application deadline.

The information about the competition has been sent via intranet to the academic personnel of the following institutions:

• Batumi State University;

• Akhaltsikhe State University;

• University of Georgia;

• Free University.

In addition, the information was posted on the official Facebook page of Legal Entity of Public Law – the Legal Aid Bureau.

As during the previous competition, and despite promises, the information about the vacancy was not posted on the official website of the Bar Association. Neither it has been distributed via the intranet. The reasons thereof went unexplained.

As for the biggest NGOs working in the field of law:

– A representative of the Georgian Young Lawyers' Association (GYLA) explained that they could not publish information about the competition because of the "conflict of interest"; though promised to send it to the potentially interested persons via intranet;

– According to the Transparency International-Georgia the information about the competition was distributed via intranet.

3. First stage of selection by the Commission

As explained above, according to Article 2 of the Ordinance N 362, a candidate may be a person who has proper command (at least B1 Council of Europe level) of one of the official languages of the Court: English or French. Following the same provision, `Candidates who fail to submit a certificate proving at least B1 level of knowledge in one of the official languages of the Council of Europe (English or French) shall be invited by the Secretariat of the Commission to take an exam: for English either the IELTS or APTIS test, and for French the test offered by the Institut Français de Géorgie.`

In order to ensure proper administration of the tests, the Ministry of Justice of Georgia, acting as a Secretariat for the Commission, concluded contracts with the British Council and the French Institute of Georgia (Institut Français de Géorgie). Accordingly, these 2 organisations, independently from the Commission, decided as to when the examination could be held or how the test should have been administered.

The British Council thus conducted an APTIS module test on 7 August for 2 candidates who did not detain a language certificate, and the French Institute organised a test of evaluation of level of knowledge of French language on 22 August for 1 candidate.

The tests were free of charge for the candidates (the cost in the amount of 55 EUR per participant was paid from the state budget to the British Council and 42 EUR per participant to the French Institute of Georgia).

On 23 August 2017, even before the period of 1 month allowed to the potential candidates to apply expired, by issuing a press release, the Commission reminded the public as well as the candidates that the time-limit for filing applications was coming to an end and the interviews would be held on 26 August 2017 (http://www.justice.gov.ge/News/Detail?newsId=6484).

This press release was sent by e-mail to all candidates having a lawyer`s degree.

In reply, on 25 August 2017, one candidate, Ms Nino Baqaquri, a Supreme Court judge since 17 October 2014, wrote the following:

`On 23 August 2017, I was notified by an e-mail from the Commission Secretariat of the Commission decision about holding an interview with the selected candidates on 26 August 2017.

I would like to inform you that I will stay in Batumi[6] from 23 August 2017 to 2 September 2017 for my annual vacation with two minor children.

Based on the fact that the deadline for submitting applications for the selection contest expires on 24 August 2017, end of day, and further, those candidates that participate in the competition have not yet taken a foreign language test, the statement of the Commission that interviews with the candidates would be held on the second day after application submission deadline, was difficult to foresee in advance. Consequently, I was unable to take this circumstance into account when making plans for my vacation and travel.

Based on the above, I would like to ask you, in case I am among the candidates the Commission decides to interview, to consider my situation and allow me to go before the Commission on the 3rd or the 4th of September 2017, or at any other time acceptable for the Commission, which will enable me to make arrangements for my travel back from Batumi with the children within a reasonable time from my invitation to an interview.`

The Commission examined this request and decided that, since from the very first day of announcing the competition, it was officially made clear that the Commission would hold interviews on 26 August 2017 (see, amongst others, public statements made in July in media by the Head of the Commission); since it was also made clear that the Commission should submit to the Government a list of selected candidates by 31 August 2017 at the latest; and since the Ordinance N 362 determining this time-limit was attached to the vacancy notice for the attention of each candidate, it was not possible to grant this request. However, it was decided to offer this candidate a reasonable period of time to come from Batumi and go back.

All in all, during the 1 month period allowed to the potential candidates to apply, 28 persons filed their applications. 21 out of those were lawyers.

As a first stage, candidates' CVs and supporting documents were verified. Some of them appeared to be students, others lacked 5 years working experience as a lawyer and did not match other criteria determined by the Governmental Ordinance.

As a result of the first round **9 candidates** were selected – 8 English-speakers, including Ms Baqaquri, and 1 francophone.

All these candidates detained either the IELTS or APTIS valid certificates and a valid certificate delivered by the Institut Français de Géorgie.

This short list of 9 candidates was submitted by the Secretariat to the Commission for decision on 25 August 2017.

On the same day, 10 members of the Commission voted for inviting to the interview 8 candidates out of 9, whilst only 3 members of the Commission voted in favor of inviting the 9th candidate as well (Ms Luiza Khitarshvili who had no judicial experience and could not otherwise qualify as a jurisconsult within the meaning of Article 21 of the Convention).

The list of 8 candidates approved by the Commission was made public on the same day.

The 8 candidates were invited to the interviews as of 10 a.m. on 26 August 2017 and called in the alphabetical order.

Special arrangements were made for Ms Baqaquri (see above) who was invited to appear at 3 p.m. as the last candidate, allowing her to travel from Batumi to Tbilisi and back the same day.

4. Second stage of selection by the Commission

11 members out of 13 members of the Commission were present on 26 August 2017 and interviewed 7 out of 8 candidates.

One of the members of the Commission – the Dean of the Batumi State University Law Faculty travelled the same morning from Batumi to Tbilisi and was also present.

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6. Batumi is a Georgian city located on the Black Sea coast, 365 km from the Capital City of Tbilisi (50 mn of flight; 4,5 hours of drive).

2 members of the Commission made public statements in media boycotting the Commission and its work:

– Mr Zaza Khatiashvili, president of the Bar Association, and

– Ms Ana Natsvlishvili, Chairperson of the Young Lawyers Association (GYLA) representing the Coalition for Independent and Transparent Judiciary (http://www.coalition.ge/index.php?article_id=163&clang=0).

Mr Zaza Khatiashvili explained his decision by saying in media that the composition of the Commission was unacceptable for him and the whole procedure was a prank. Mr Khatiashvili called on the Ombudsman of Georgia to boycott the process as well. However, the Ombudsman participated in the selection process telling journalists that rather than boycotting he would speak publicly if the shortcomings were revealed during this process.[7] Mr Khatiashvili responded back declaring that the Ombudsman`s decision to participate in the selection process was shameful.[8] Mr Khatiashvili declared that himself and Ms Ana Natsvlishvili will try again to submit letters of protest to the Council of Europe[9].

Ms Ana Natsvlishvili declared about the boycotting the process on 28 July 2017, soon after the vacancy notice was published.

The head of the Commission, minister of Justice of Georgia, responded to this statement on the same day and urged the Coalition not to boycott the process: `It is very sad that the GYLA chairperson who is a coalition representative and a very valued member of our Commission, boycotts this process, but I hope that until the day of interviewing the candidates on 26 August 2017 this position will change.[10]

Whilst opening the interview sessions on 26 August 2017, speaking in front of media, the Head of the Commission once again appealed to the Coalition to stop boycotting and join the work of the Commission.[11]

However, the decision was not changed. All the more, in different interviews on TV and in newspapers, the Coalition representative Ms Ana Natsvlishvili explained her decision by stating that the composition of the Commission was unacceptable, the procedure and criteria for selection lacked transparency. She also added that she did not trust the whole procedure since the candidate Baqaquri she supported was not selected by the Commission in June 2017.

On 26 August all the candidates, except for one, appeared before the Commission to be interviewed.

1 candidate (Ms Baqaquri[12]), despite the arrangements made specially for her (see above), wrote an e-mail in the morning informing the Commission of her decision not to continue participating in the competition.

As envisaged by the Governmental Ordinance, media representatives had the right to attend the interviews and/or take comments from those of the candidates who had previously agreed to speak to media.

5 out of 7 candidates agreed on the presence of media representatives during their interview with the Commission. In reply, 2 media outlet expressed willingness to benefit from this opportunity (1TV – Public Broadcaster and the internet agency Netgazeti). 2 journalists therefore attended all the interviews of 16 candidates. As a result, 1TV and Netgazeti kept transmitting and publishing different material during 26 August 2017 and informed the society not only about the questions asked to the concrete candidates but also about the procedure, the criteria and finally the result of the work of the Commission.[13]

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7. **Imedi**, Qronika; 11.00 a.m; **Rustavi-2;** Courier 12.00 p.m; **Interpressnews –** http://www.interpressnews.ge/ge/samartali/449164-.
8. **Interpressnews:** http://www.interpressnews.ge/ge/samartali/449211-.
9. **Public Broadcaster.** Moambe at 20:00.
10. http://mediamonitoring.ge/mms/includes/video/video.php?id=4603125.
11. Sunday – http://kvira.ge/347567; TV Pirveli **–** http://1tv.ge/ge/news/view/175892.html; **New Posts –** http://www.newposts.ge/?l=G&id=149364-; Netgazeti – http://netgazeti.ge/news/216937/; http://netgazeti.ge/news/216933/; **InterPressNews;** http://www.interpressnews.ge/ge/samartali/449177-http://www.interpressnews.ge/ge/politika/449187-adamianis-uflebatha-evropul-sasamarthloshi-mosamarthleobis-kandidattha-sherchevis-eqspert-mrcheveltha-kolegiis-ganckhadeba-gasajarovda.html; **Imedi,** Kronika 11.00ს;**Rustavi-2;** Courier 12.00**; Georgian Public Broadcaster,** Moambe. 12.00.
12. Ms Nino Baqaquri worked as a judge at the Tbilisi Court of Appeals (1 year and 11 months) before resigning from the judiciary. She was nominated as a Supreme Court judge on 17 October 2014.
13. http://1tv.ge/ge/news/view/175914.html; http://netgazeti.ge/news/216939/; http://1tv.ge/ge/news/view/175921.html; http://netgazeti.ge/news/216959/; http://netgazeti.ge/;http://1tv.ge/ge/news/view/title/175926.html; http://1tv.ge/ge/news/view/title/175926.html.

Other media representatives – 5 national TVs and at least 2 internet agency (ipn.ge and Palitra.ge) preferred to stay on the ground floor of the building and ensure live broadcasting about the process. They could also see the candidates entering the building or leaving it and were allowed to ask questions if those wished to be interviewed. Some candidates agreed to be interviewed by the journalists.

In the end of the work, each member of the Commission evaluated each of the 7 candidates separately.

After the interviews and evaluation process the Commission selected **4 candidates** based on highest average scores (2 women and 2 men) to be submitted to the Government for decision. The minutes of this procedure are published on http://justice.gov.ge/Multimedia%2FFiles%2FITAF%2F%E1%83%9D%E1%83%A5%E1%83%9B%E1%83%98%2026-08-2017.pdf

The list of 4 candidates approved by the Commission is the following:

– Ms Lali PAPIASHVILI, 45, acting judge and vice-President of the Constitutional Court of Georgia (almost 10 years` experience in this jurisdiction), Ph.D, full professor in criminal Law;

– Ms Tamar ALANIA, 41, acting judge of the Tbilisi Court of Appeals (11 years of judicial experience in this very jurisdiction);

– Mr Otar SICHINAVA, 45, acting judge of the Tbilisi Court of Appeals, Former judge of the Constitutional Court of Georgia (10 years);

– Mr Ioseb BACHIASHVILI, 62, former president of the Arbitration Court of Georgia (1 year and 10 months of experience in this institution in 1996-1997), Ph.D, full member of the Georgian Academy of Sciences.

The final decision of the Commission and the list of 4 candidates were made public on the same day, 26 August 2017[14]. It also received in the same evening and during following days important publicity in various media outlets.

5. Final stage of selection by the Government of Georgia

On 29 August 2017 the Government of Georgia examined the files of the 4 candidates, heard the Chair of the Commission and decided to nominate those 2 candidates who had been not only successful before the Commission but who satisfied the best the criteria indicated in the letter of the Advisory Panel of 21 July 2017 (Advisory Panel (2017) GEO3).

The relevant part of the Governmental Decree N 1818 reads as follows:

`The Government of Georgia, having considered the letter of 21 July of 2017 of the Advisory Panel of Experts of the Council of Europe, in which the Experts consider experience gained at the Supreme or Constitutional Court an advantage of a candidate, after having reviewed the candidates submitted by the Governmental Commission for Selecting Judicial Candidates to the European Court of Human Rights, has made the decision to approve the following 2 judicial candidates to be elected in respect of Georgia to the European Court of Human Rights for nomination to the Parliamentary Assembly of the Council of Europe: (…)`

The list of 2 new candidates is thus the following (listed in the alphabetical order of the names of candidates):

Ms Lali PAPIASHVILI, acting judge and vice-President of the Constitutional Court of Georgia,

and

Mr Otar SICHINAVA, acting judge of the Tbilisi Court of Appeals, Former judge of the Constitutional Court of Georgia.

Georgia thus created an institutional mechanism inside the country for selecting candidates for the position of the judge to be elected in respect of Georgia in accordance with the European Convention.

This mechanism is inclusive, transparent, based on objective criteria and sets a high standard for future selections.

14. **The Ministry's web page:** http://justice.gov.ge/News/Detail?newsId=6488; **Netgazeti;** http://netgazeti.ge/news/217023/; **Public Broadcaster's web page;** http://1tv.ge/ge/news/view/175937.html.

Appendix 1 – Lado CHANTURIA

CURRICULUM VITAE[15]

I. Personal details

Name, forename: Chanturia, Lado

Sex: Male

Date and place of birth: 14.04.1963, Tsalenjikha, Georgia

Nationality: Georgian

II. Education and academic and other qualifications

– **Since 1995 – Professor for Private and Comparative Law at the Tbilisi State University**
– 2013 – Doctor h.c. of the Christian-Albrechts-University of Kiel (Germany)
– 2012 – Doctor h.c. of the David-Agmashenebeli-University of Georgia
– 2012 – Research fellow of the Alexander von Humboldt Foundation
– 2011–2014 – Visiting Professor (Gastdozent) at the Christian-Albrechts University to Kiel, Institute for Eastern European Law (Germany)
– 2004–2006 – Research fellow of the Alexander von Humboldt Foundation at the Hamburg Max-Planck Institute of Foreign and International Private Law (Germany)
– 1996 – Fellow at the Hamburg Max-Planck Institute of Foreign andInternational Private Law
– 1994 – Doctorate on real estate according to the German law
– 1991–1993 – DAAD (German Academic Exchange) fellowship at Göttingen University's law faculty (Germany)
– 1990–1995 – Docent, Faculty of Law, Tbilisi State Univercity
– 1986–1989 – Post-graduate fellowship at the Moscow Institute of Legislation and Comparative Law, Ph.D.
– 1980–1985 – Student of law faculty at the State University of Tbilisi

III. Relevant professional activities

a. Description of judicial activities

– 1999–2004 – Chairman of the Supreme Court of Georgia

b. Description of non-judicial legal activities

– 2011–2014 – Visiting Professor (Gastdozent) at the University to Kiel, Institute for Eastern European Law (Germany)
– 2009–2011 – Senior Advisor of the GIZ (German International Cooperation) in Eschborn (Germany)
– 2006–2009 – Director of the Project "Civil and Economic Law in the Countries of the Central Asia and Caucasus" at the University of Bremen (Germany)
– 1998–1999 – Minister of Justice of Georgia
– 1997–2004 – Member of the Council of Justice of Georgia
– 1993–1997 – Advisor to the Minister of Justice of Georgia

15. Text in bold indicates posts or missions held at present.

c. Description of non-legal professional activities

– **Since 02.2014 – Ambassador Extraordinary and Plenipotentiary of Georgia to the Federal Republic of Germany**

IV. Activities and experience in the field of human rights

– 1992–1995 – Member of the State Commission which drafted the Constitution of Georgia, responsible for drafting the Chapter on Human Rights in the Constitution

– 1999 – Preparation of the Ratification of European Convention on Human Rights

– 1999–2004 – Translation and publication of relevant decisions of ECHR in the Georgian language and their implementation in the case law of Georgian courts

V. Public activities

a. Public office

– **Since 02.2014 – Ambassador Extraordinary and Plenipotentiary of Georgia to the Federal Republic of Germany**

– 1999–2004 – Chairman of the Supreme Court of Georgia

– 1998–1999 – Minister of Justice of Georgia

– 1997–2004 – Member of the Council of Justice of Georgia

– 1993–1997 – Advisor to the Minister of Justice of Georgia

b. Elected posts

– 1999–2004 – Chairman of the Supreme Court of Georgia

c. Posts held in a political party or movement

No

VI. Other activities

a. Field b. Duration c. Functions

– **Since 2015 – Member of the Board of Trustees of the Max-Planck-Institute for Comparative and Internationale Private Law in Hamburg e.V. (Hamburg)**

– **Since 2007 – Associated member of the International Academy of Comparative Law (Paris)**

– **Since 2005 – Member of the Association Friends of the Max-Planck-Institute for Comparative and Internationale Private Law in Hamburg e.V. (Hamburg)**

– 2008–2013 – Member of International Arbitration of Kazakhstan

– 2001–2002 – Chairman of the Inter-Agency Reform Commission for Security and Law Enforcement, under the National Security Council of Georgia

– Since 2001 – Member of the Association for Corporate Law (VGR) in Heidelberg (Germany)

– 2000–2013 – Member of ICSID (International Center for Settlement of Investment Disputes)

– 1999 – Chairman of the working group, which developed the national Anti-Corruption Program

– 1994–1998 – Representative of Georgia on the CIS Private Law inter-parliamentary Council

– Since 1996 – Expert for GTZ (German Technical Cooperation) on civil law and judicial reform in the CIS countries

– 1993–1996 – Co-coordinator of the GTZ (German Technical Cooperation) project ‘Civil and Economic Law Reform in Georgia’

– 1993–1994 – Chairman of the Agrarian Law Reform Commission

– 1993–1994 – Member of the Commission, which drafted the Georgian law 'On Entrepreneurs'

– 1992–1996 – Member of the state Commission which drafted the Constitution of Georgia

– 1991–1996 – Member of the working group, which drafted the Civil Code of Georgia in 1997

VII. Publications and other works

I am an author of more than 200 Publications

Most Important Titles

– Fundamental Human Rights and Future Constitution of Georgia (*adamianis ziritadi uphlebebi da saqartvelos momavali konstitucia (in Georgian)*). Journal "Samartali", 1993, N. 5-6, p. 4-10.

– Legal Training in Transitional Democracy. The Georgian Experience. In: Comprehensive Legal and Judicial Development. Toward an Agenda for a Just and Equitable Society in the 21st Century. Edited by Rudolf V.Van Puymbroeck. The World Bank. Washington, DC. 2001, P. 307-312.

– Judicial Reform. The Georgian Experience. Bakur Sulakauri Publishing. 2002. P. 57.

– Methodology of Court Judgement on Civil Cases (*samoqalaqo saqmeebze sasamartlo gadackvetilebebis migebis metodika (in Georgian)*). (co-author Hein Boelling). Publishing House "JCI", 2003, p.264; Die Arbeitsmethode des Richters im Zivilprozess. An Hand von Fällen, Lösungen und Entscheidungen zum georgischen Recht (Zusammen mit Dr. Hein Bölling). GTZ. Tbilissi, 2003. 259 Seiten. (In German).

– Law and Transformation. Legal Cooperation from the Point of View of the Recipient Country. RabelZ Vol. 72 (2008). Pp. 114-135 (in German). Summary in English.

– Rechtsstaatliche Rahmenbedingungen für eine neue Justiz im Lichte der Systemtransformation in Georgien, in Osteuropäische Nachbarschaft der Europäischen Union, Lankosz/Müller-Graff/Fink (Hrsg.), Nomos, 2009, S. 41-58.

– Die Europäisierung des georgischen Rechts – bloßer Wunsch oder große Herausforderung? In Rabels Zeitschrift, Band 74, Heft 1, 2010, S. 154-181.

– Das Privatrecht im Kaukasus und in Zentralasien: Bestandsaufnahme und Entwicklung, BWV, Berlin, 1. Auflage, 2010, 660 Seiten, Zusammen mit Rolf Knieper und Hans-Joachim Schramm

– General Part of the Civil Law. A Texbook. Publishing „Samartali", Tbilisi, 2011. 495 p. (in Georgian) – Georgia.

– Commentary on the CIS 2010 Model Law "On Joint-Stock Companies" October 2010, Chapter VII. Corporate Bodies. In Review of Central and East European Law, Volume 36, 2011, P. 246-264.

– Georgia: Corporate governance of business corporations, in *Fleckner/Hopt* (ed.), Comparative Corporate Governance. A Functional and International Analysis, Cambbridge University Press 2013, P. 504-520 (with George Jugeli)

– Codification of Private Law in Post-Soviet States of the CIS and Georgia, in *Wen-Yeu Wang* (ed), Codification in International Perspective, Selected Papers from the 2nd IACL Thematic Conference, Springer, 2014, P. 93-106

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
Georgian	V			V			V		
b. Official languages:									
English	V				V			V	
French									
c. Other languages:									

German	V			V			V		
Russian	V			V			V		

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court

I confirm my intention to follow intensive language classes of French prior to, and if need be also at the beginning of, my term of duty if elected a judge on the Court.

X. Other relevant information

Awards

– 2013 – Doctor h.c. of the Christian-Albrechts-University of Kiel (Germany)

– 2012 – Doctor h.c. of the David-Agmashenebeli-University of Georgia

– 2009 – Award “Best Author” of the Kazakh Legal Journal “Jurist”

– 2006 – Awarded from the President of the Federal Republic of Germany with “Das Grosse Bundesverdienstkreuz of the Federal Republic of Germany”

– 2004 – Award from ABA/CEELI a Reformer’s Award in Recognition of Extraordinary Efforts in Promoting the Rule of Law

– 1996 – George Shultz Award for Young Scientists

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.

Appendix 2 – Lali PAPIASHVILI

CURRICULUM VITAE

I. Personal details

Name, forename: Papiashvili, Lali

Sex: Female

Date and place of birth: 22 January, 1972, Tbilisi

Nationality: Georgian

II. Education and academic and other qualifications

Higher Education and Degrees

– 1989–1994 – LLM, Faculty of Law, Ivane Javakhishvili Tbilisi State University

– 1991–1994 – English Language, Faculty of Art and Humanities, Ivane Javakhishvili Tbilisi State University

– 1994–1997 – Doctoral studies in Criminal Law, Ivane Javakhishvili Tbilisi State University

– 1997 – Ph.D in Criminal Law, Ivane Javakhishvili Tbilisi State University

Trainings

– 2013 – DAAD scholarship

– 2007 – John Smith Fellowship Programme

– 2005 – Swiss Leadership award in International Relations, Graduate Institute of International Studies (Switzerland)

– 04/09–15/11/1998 – Human Rights Law and Practice Programme, Institute of European Law, University of Birmingham

– 1998–2012 – a number of trainings in Human Right Law, criminal justice, legal drafting at European and American institutions

III. Relevant professional activities

a. Description of judicial activities

– Since 31/07/2007 to date – Judge, Constitutional Court of Georgia

– Since 02/11/2016 to date – Vice-President of the Constitutional Court of Georgia

b. Description of non-judicial legal activities

– 01/09/1994–24/01/1996 – Senior teacher, State Scientific-Training Institute on Labor and Production Organization

– 16/01/1996–28/07/1997 – Senior specialist, Committee on Constitutional, Legal Issues and Rule of Law, Parliament of Georgia

– 01/09/1997–01/09/1999 – Teacher in the field of Criminal Procedure and Criminalistics, Faculty of Law, Ivane Javakhishvili Tbilisi State University

– 01/09/2005–31/08/2008 – Elected as an Associated Professor[16] in Criminal Law, Faculty of Law, Ivane Javakhishvili Tbilisi State University

16. The position of associate professor can be considered equal to the academic rank of a reader in the British system with the next level being full professorship.

– 09/09/2008–08/09/2011 – Re-elected as an Associated Professor in Criminal Law, Faculty of Law, Ivane Javakhishvili Tbilisi State University

– 08/09/2011–08/09/2014 – Elected as a Full Professor in Criminal Law, Faculty of Law, Ivane Javakhishvili Tbilisi State University

– 08/09/2014 to date – Re-elected as a Full Professor in Criminal Law, Faculty of Law, Ivane Javakhishvili Tbilisi State University

c. Description of non-legal professional activities

N/A

IV. Activities and experience in the field of human rights

– 10/05/2004–28/12/2007 – Deputy Chair, Committee on Human rights and Civil Integration, Parliament of Georgia

– 01/02/2005–19/04/2006 – Member, Inter-Agency Anti-trafficking Commission, Security Council of Georgia

– 28/06/2006–07/12/2007 – Member, Inter-agency Commission on Coordination of Legal Reforms, Government of Georgia

– 01/09/2006–31/12/2012 – Member, Inter-Agency Anti-trafficking Coordination Council

– 27/10/2006–24/02/2007 – Member, Ad hoc Investigative Commission studying actions of the Russian authorities against citizens of Georgia, Parliament of Georgia

– 28/12/2006–27/11/2014 – Chair, Inter-agency Coordination Council on Fight against Domestic Violence

– 05/10/2007–28/12/2007 – Deputy Chair, Gender Equality Advisory Council under the Chairman of the Parliament, Parliament of Georgia

– 2006–2007 – Chair, Standing group on granting the status of a victim of human trafficking

– 2008–2010 – Ad hoc Committee on Preventing and Combating Violence Against Women and Domestic Violence (CAHVIO)

– 2011–2017 – Lectures on Human Rights and Criminal Justice, Coercive Measures, Constitutional Guarantees within Criminal Justice

– 2013 – ASIA-Pacific Regional Preparatory Meeting for the 57th session of the Commission on the Status of Women

Being member of Parliament in 2004-2007 Ms Papiashvili initiated adoption of a number of laws, amongst which the Law of Georgia on Fight against Trafficking in Persons; the Law of Georgia on Imprisonment; different amendments to the Criminal Code of Georgia, etc.

Since 31/07/2007 to date – Judge, Constitutional Court of Georgia

According to Article 89 of the Constitution of Georgia, the Constitutional Court examines individual applications in order to assess the constitutionality of legal provisions with regard to the Chapter Two of the Constitution which guarantees Fundamental Human Rights and Freedoms (Articles 12-47).

V. Public activities

a. Public office

– 16/01/1996–22/04/2004 – civil servant, Parliament of Georgia:

– 16/01/1996–28/07/1997 – Senior specialist, Committee on Legal and Constitutional Issues

– 28/07/1997–01/03/2000 – Leading specialist, Committee on Legal and Constitutional Issues

– 01/03/2000–15/11/2001 – Chief of Staff, Foreign Relations Committee

– 15/11/2001–30/10/2003 – Premier Advisor to the Chairperson of the Parliament of Georgia

– 30/10/2003–22/04/2004 – Head of Protocol, International Relations Department

b. Elected posts

– 22/04/2004–28/12/2007 – Member of Parliament, Parliament of Georgia

– 10/05/2004–28/12/2007 – Elected Deputy Chair, Committee on Human Rights and Civil Integration, Parliament of Georgia

c. Posts held in a political party or movement

She has never been a member of any political party or movement

VI. Other activities

– 1997–2002 – Participated in the projects of UNICEF, TACIS, TracCC

– 15/06/2004–28/12/2007 – Member of the Parliamentary Delegation to the OSCE PA, member of the OSCE PA Committee on Human Rights and Humanitarian Issues

– 18/11/2005-28/12/2007 – elected member of the Executive Board, Parliamentarians for Global Actions (PGA)

VII. Publications and other works

Author/Co-author of up to 30 academic publications, amongst which:

Criminal Procedure Law of Georgia, Textbook, co-author, 2017

Commentaries of the Criminal Procedure Code of Georgia, co-author, 2015

Constitutional Right to a Fair Hearing in Georgia: Evidentiary Standards in Criminal Proceedings, 2016

Modern Perspectives of Statutory Interpretation: In Search of a New Paradigm for the Constitutional Adjudication in Georgia, 2016

Search and seizure of cell phones, 2015

Consent search: do we have a right to privacy?, 2014

Seizure of Digital evidence: illusory or real guarantee of privacy?, 2014

Right to liberty and security: myth or reality?, 2012

Legal grounds for arrest and detention, 2012

International Legal Standards for Application of Procedural Coercive Measures Restricting Freedom, 2011

Etc.

Co-editor of the Georgian translation: S. Treschel, Human Rights in Criminal Proceedings 2009

22/11/2012 – `Journal of the University of Latvia. Law`, foreign member of the editorial board

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									
Georgian	X			X			X		
***b*. Official languages:**									
English	X			X			X		
French									
***c*. Other languages:**									

Russian	X			X			X		

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court

Hereby I confirm, that I do intend to follow intensive language classes of the language prior to and also at the begging of the term of duty

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

Hereby I confirm, that I will take up permanent residence in Strasbourg

Appendix 3 – Otar SICHINAVA

CURRICULUM VITAE

I. Personal details

Name, forename: Sichinava,Otar

Sex: Male

Date and place of birth: 14.04.1972, Tbilisi, Georgia

Nationality: Georgian

II. Education and academic and other qualifications

Higher education:

– September, 1989 – June, 1994

Faculty of Law, Ivane Javakhishvili Tbilisi State University,

Degree: Master's degree

Type of document: Diploma, qualification – lawyer

Date of issue/number: 14.07.1994. N: 006970

III. Relevant professional activities

a. Description of judicial activities

– Since 25.05.2017 to date – Judge, Chamber of Civil Affairs, Tbilisi Court of Appeals

Responsibilities: Exercise of the authorities of a sitting judge at the biggest court of appeals of Georgia

– 02.10.2006-01.10.2016 – Judge, Constitutional Court of Georgia

Responsibilities: During 10 years exercised the authorities of a sitting judge of the Constitutional Court

b. Description of non-judicial legal activities

– March, 1996 – March, 1998

Intern – Prosecutor's office of the Saburtalo district, Tbilisi

Responsibilities: dealing with the measures of coercion on various criminal cases, including application of measures of pre-trial detention

– April, 1999 – March, 2000

Lawyer – Ministry of Economy, Georgian Investment Centre

Responsibilities: Dealing with litigations in court against the Georgian Investment Centre

– January, 1999 – August, 2005

Substitute Teacher – Faculty of Law, Ivane Javakhishvili Tbilisi State University

Responsibilities: Acting as a lecturer to substitute absent professors and teachers; Assisting professors and teachers in their activities

– February, 2005 – October, 2006

Member of the High Council of Justice of Georgia

Responsibilities: Participation in managing the judiciary; Dealing with the disciplinary matters against acting judges and preparing the files for examination by the Council; Supervising the work of the Department of Human Resources of the Council

c. Description of non-legal professional activities

– September, 1988 – September, 1989

Mandatory preliminary traineeship enabling to study at the Law Faculty – Beritashvili Institute of Physiology, Georgian SSR Academy of Sciences

Responsibilities: Security and fire safety measures

– August, 1993 – March, 1996

Administration Assistant – Chancellery of the Tbilisi Prosecutor's office

Responsibilities: Administrative and registration work, secretarial support, legal coordination between units, managing archives

IV. Activities and experience in the field of human rights

10 years' experience in fulfilling judicial duties as a member of the Constitutional Court of Georgia.

According to Article 89 of the Constitution of Georgia, not only the Constitutional Court effectuates constitutional control on request of State institutions, decides on the disputes of competence between State bodies, examines disputes on violations of the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara, etc., it has also the duty to examine applications filed by individuals in order to assess the constitutionality of impugned legal provisions with regard to the Chapter Two of the Constitution. Chapter Two of the Constitution of Georgia consists of Articles 12-47 and guarantees Fundamental Human Rights and Freedoms (see, the Georgian Constitution in English at https://matsne.gov.ge/en/document/view/30346).

V. Public activities

a. Public office

– Since 25.05.2017 to date – Judge, Chamber of Civil Affairs, Tbilisi Court of Appeals

Responsibilities: Exercise of the authorities of a sitting judge at the biggest court of appeals of Georgia

– 02.10.2006-01.10.2016 – Judge, Constitutional Court of Georgia

Responsibilities: During 10 years exercised the authorities of a sitting judge of the Constitutional Court

– February, 2005 – October, 2006 – Member of the High Council of Justice of Georgia

Responsibilities: Participation in managing the judiciary; Dealing with the disciplinary matters against acting judges and preparing the files for examination by the Council; Supervising the work of the Department of Human Resources of the Council

– March, 1996 – March, 1998

Intern – Prosecutor's office of the Saburtalo district, Tbilisi

Responsibilities: dealing with the matters of restraint on various criminal cases, including application of measures of pre-trial detention

– August, 1993 – March, 1996

Administration Assistant – Chancellery of the Tbilisi Prosecutor's office

Responsibilities: Administrative and registration work, secretarial support, legal coordination between units, managing archives

b. Elected posts

N/A

c. Posts held in a political party or movement

N/A

VI. Other activities

N/A

VII. Publications and other works

– 2003–2005 – Research work led on the Fruits and Products in Roman Law

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
***a*. First language:**									
Georgian	very good			very good			very good		
***b*. Official languages:**									
English			fair			fair			fair
French	very good				good		very good		
***c*. Other languages:**									
Russian	very good			very good			very good		
Italian		good				fair		good	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I do confirm

X. Other relevant information

N/A

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I do confirm