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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW OF GEORGIA
ON “DISCIPLINARY RESPONSIBILITY AND
DISCIPLINARY PROSECUTION
OF JUDGES OF COMMON COURTS OF GEORGIA”

Chapter I.

General Provisions

Article 1. Purpose of the Law

This law determines the basis for disciplinary responsibility, types of disciplinary measures against the judges of common courts of Georgia, the rules for disciplinary prosecution and for imposing disciplinary action, rules of hearing disciplinary cases in the common courts and making decisions on them.(25.02.2005 # 1064)

Article 2. Basis for Disciplinary Responsibility of a Judge and the Types of

Disciplinary Violation

1. Disciplinary responsibility and measures can be imposed over a judge of a common court for having committed a disciplinary violation.
2. There are the following types of a disciplinary violation:
 - a) Gross violation or repeated violation of law in the process of discussion of a case; (23.06.2005 # 1752)
 - b) Corruption law violation, or a misuse of a public office doing harm to justice and official interests;
 - c) Activity incongruent with the position of a judge or incongruence of interests with the duties of a judge;
 - d) An action inappropriate for a judge, which abuses the prestige and authority of a court or promotes the loss of confidence towards a court;
 - e) Groundless extension of a case discussion, improper fulfillment of duties of a judge or other kinds of violation of official duties;
 - f) Disclosure of confidences of a meeting of judges or professional secrets;
 - g) Hindering the activity of bodies (agencies) having disciplinary authority, or showing disrespect towards them;
 - h) Other kinds of violation of norms of judicial ethics;

NOTE: (30.06.2004 # 2710)

1. A violation of the law, that caused damage (or could cause such) to legal rights and interests of the participant of court hearings or a third person shall be deemed as a gross violation. Violation committed three or more times shall be deemed a repeated violation of the law. Incorrect interpretation of the law by a judge based on its belief shall not be considered a gross violation and/or repeated violation of the law. (23.06.2005 # 1752)

(A violation of the law, that caused damage (or could cause such) to legal rights and interests of the participant of court hearings or a third person shall be deemed as a gross violation. Violation committed three or more times shall be deemed a repeated violation of the law. Incorrect interpretation of the law by a judge based on its belief shall not be considered a gross violation and/or repeated violation of the law. (23.06.2005 # 1752) **25.11.2005 # 2127 After March 15, 2006)**

2. A corruption law violation shall be a violation provided for under the law “On Conflict of Interests and Corruption in the Public Service”, if it does not lead to the criminal or administrative sanctions.

Article 3. Terms of the Disciplinary Prosecution

A judge may not be disciplined, if 3 years have passed since the date of commitment of the disciplinary violation and one year has passed since the day of making decision on commencing the disciplinary measures.

(Article 3. Terms of the Disciplinary Prosecution 25.11.2005 #2127 After March 15, 2006)

A judge may not be disciplined, if five years have passed since the date of commitment of the disciplinary violation and one year has passed since the day of making decision on commencing the disciplinary measures.)

Article 4. Types of the Disciplinary Measures and Disciplinary Influence

1. Disciplinary penalties are: (23.06.2005 # 1752)

- a) Notice;
- b) Reprimand;
- c) Strict reprimand;
- d) Dismissal;
- e) Dismissal of a judge from the reserve list of the common courts;

2. Disciplinary measures are:

- a) Send a private letter of recommendation to a judge
- b) Dismissing the Chairman of a Court, his first deputy or a deputy and a chairman of the Court Panel or Court Chamber from the occupied position.

3. Disciplinary measures listed in the a),c) and e) subparagraphs of this article apply to the judges on the reserve list. (23.06.2005 #1752)

Article 5. Confidentiality of a Disciplinary Prosecution

The entire process of a disciplinary prosecution is confidential. Officials, state servants and their staff having special authority are obliged to keep secret all kinds of information, which comes to them in the process of investigation of the disciplinary case, except in circumstances determined by this law.

Chapter II

Inquiry of the Disciplinary Case

Article 6. The Right to Commence a Disciplinary Prosecution

1. The following people can commence a disciplinary prosecution against a judge of a common court under any ground except the grounds determined in subsection “a” of section 2 of Article 2 of this law:
 - a) The Chairman of the Supreme Court of Georgia (or his/her replacement)- against the judges of the Supreme Court of Georgia, Appellate Courts and the Regional (City) Courts.(20.04.2005 # 1353)
 - b) The Chairmen of Appellate Courts (or their replacement) – against the judges of relevant Appellate Courts, also the judges of regional (city) courts operating in the territory of their authority.
2. The high Council of Justice of Georgia commences disciplinary prosecution against all judges of the Common Courts of Georgia under any grounds determined in section 2 of Article 2 of this law.

Article 7. Procedural Basis for Starting a Disciplinary Prosecution

The following can serve as the basis for commencing the disciplinary prosecution against a judge:

- a) A complaint or an application from any person (except anonymous application);
- b) An explanatory note of another judge or an employee of a court or a staff member of the High Council of Justice on the fact of commitment of a disciplinary violation by a judge; (25.02.2005 #1064)
- c) Private judgment or other decision of a higher instance court, according to which a gross violation of a law by a judge was observed during the discussion of a case;
- d) A message received from an investigator or prosecutor;
- e) Private decision (verdict) of other judge or court on the reasonable doubt of the commitment of disciplinary violation by a judge
- f) Information disseminated by mass media on an action committed by a judge which can be considered as the disciplinary violation
- g) Presentation by Disciplinary Panel of a new basis for commencing the disciplinary prosecution against a judge;

Article 8. Starting a Disciplinary Prosecution and Preliminary Checking 925.02.2005 #1064)

1. In case of the submission of a complaint or an application on a disciplinary violation committed by a judge, the Chairman of the Supreme Court of Georgia, the Chairmen of the appellate courts, Secretary of the High Council of Justice of Georgia or a member of the Council (staff member of the High council of Justice based on the directions of

Secretary of the high Council of Justice) carries out a preliminary investigation into the basis of the commencement of the disciplinary prosecution in two months. The term for preliminary investigation can be prolonged for two weeks or terminated in a case of disability to conduct the preliminary investigation. (23.06.2005 #1752)

2. In cases determined in sections “b”, “e”, “g” of Article 6 preliminary investigation into basis of the commencement of the disciplinary prosecution is not necessary, and the Chairman of a respective court or the Secretary of High Council of Justice of Georgia is authorized to further commence the disciplinary prosecution.
3. Grounds of commencing the disciplinary prosecution against the judge can be based on circumstances not indicated in the application or other information on the disciplinary violation of the judge, but were detected during examination of grounds for commencing a disciplinary prosecution.

Article 9 Refusal to commence the Disciplinary action

A respective authorized person or an agency makes decision on termination of the disciplinary prosecution against a judge if:

- a) as a result of an investigation of a disciplinary case the fact of the disciplinary violation or deliberate disciplinary violation committed by a judge determined by this law was not proved;
- b) the term for suing a disciplinary case against a judge or imposing a disciplinary responsibility or a measure over him/her has been expired;
- c) Received or the materials of the preliminary investigation directly indicate the commitment of crime;
- d) The judicial authority of a judge has been terminated.

2. In case of existence of the conditions set forth in subparagraph “c” of Paragraph first, of this article, relevant materials are sent to the investigation body (20.04.2005 #1353)

Article 10 Commencement of the disciplinary action and creation of the disciplinary commission.

1. If there exists the reasonable doubt, the chairman of the court or the High Council of Justice makes the decision to commence a disciplinary action against a judge. The chairman of the court issues a decree and the High Council of Justice issues a decision regarding commencement of the disciplinary action. Respective body or the official shall be authorized to consolidate instituted due to various grounds two or more disciplinary cases against the judge into one by his/her decree (decision). The decree should include the grounds for commencing the disciplinary action indicating the relevant subparagraph of Paragraph 2, Article 2 of this law. Disciplinary commissions with the composition of two members will be created according to the same decree. The members will be assigned to investigate fully the disciplinary case. (25.02.2005 #1064)
2. The chairman commencing the disciplinary action nominates a judge on the same court in the commission, who chairs the commission and one staff member. The High Council of Justice nominates one member of the Council in the disciplinary commission, who chairs the commission and one staff member. (30.06.2004 #271)
3. A judge who is the member of the Disciplinary Council can not be in the composition of the disciplinary commission.

Article 11 .Providing Bodies and Officials having a Respective Authority with Information

1. The agency or a person authorized to commence the disciplinary prosecution against the judge on the same violation, should necessarily be informed on the commencement of the disciplinary prosecution against the judge.
2. In a case if two or more bodies or officials having respective authority commenced disciplinary prosecution on one and the same violation, that body or official continues the case proceedings that first made the decision (decree) on commencement of disciplinary prosecution.

Article 12. Investigation of a Disciplinary Case

1. The Investigation of a disciplinary case should be completed within a month after making a decision on obtaining the explanatory note from a judge. The term can be extended by no more than two weeks in case of need.
2. The explanatory note will be required from the author of a complaint (application) or a judge against whom a disciplinary prosecution is commenced. The body commencing the disciplinary prosecution is authorized to require any information, documents and materials connected with the fact of the disciplinary violation, to invite other people and listen to their opinion. The Disciplinary Commission is obliged to discuss mediations of a judge against whom the disciplinary prosecution is commenced and in case of request, require additional explanations from him/her.
3. The Chairman of the Court has the right to require a respective court case from the lower instance court and the High Council of Justice of Georgia has the right to require a respective court case from any court (except the Supreme Court of Georgia) except those cases that are under discussion. (30.06.2004 #271)
4. While carrying out disciplinary persecution it is prohibited to check the legitimacy of court judgments made by a judge except for cases when the disciplinary prosecution is commenced under the ground of gross violation of law committed by a judge in the process of the discussion of a case.

Article 13. Termination of a Disciplinary Case Proceeding

1. Disciplinary case will be terminated if:
 1. The materials of the inquiry of the disciplinary case obviously indicate commitment of a crime by a judge. The relevant materials will be sent to the investigation body. (20.04.2005 #1353)
 2. If objective difficulties or drawbacks which temporarily hinder the process of investigation of a disciplinary case (e.g. illness of a judge, against whom the prosecution is commenced), appear in the process of investigation of a disciplinary case, a respective authorized body or an official is authorized to terminate a case investigation under a respective decree or a decision. Renewal of a disciplinary case will be carried out according to the rule established by the law. In case of elimination of administrative proceedings suspension grounds, the relevant body or the official shall renew such proceedings. (25.02.2005 # 1064)
 3. The materials of disciplinary case investigation obviously indicate the gross law-violation in the process of a case discussion by a judge. In such case the chairman of the respective court terminates the disciplinary case proceeding by the higher

instance court before the making decision on this issue or before the court decision enters into legal force. 930.06.2004 #271)

3. A period during which an investigation of a disciplinary case was terminated will not be considered as a part of the term determined for the investigation of a disciplinary case established by the law, or of the one year term for imposing a disciplinary action, but it will be envisaged in case of the three year term established by the law for imposing a disciplinary action.

Article 14. Conclusion of a Disciplinary Commission

1. The Disciplinary Commission makes a written conclusion on confirmation or non-confirmation of facts concerning the disciplinary violation and presents to the respective chairman of the Court or the High Council of Justice of Georgia. In case the disciplinary prosecution is commenced under the ground of gross law-violation in the process of a case discussion a conclusion might comprise a legal evaluation on violation of legislation. (30.06.2004 # 271)
2. In the conclusion of the Disciplinary Commission a recommendation of the Commission should be provided on bringing a disciplinary case against a judge or termination of the disciplinary prosecution against him/her.
3. The Disciplinary Commission is authorized to recommend bringing a disciplinary case against a judge for such a disciplinary violation, which was not a ground for commencing the disciplinary prosecution against him/her.
4. Every member of the disciplinary commission shall sign the conclusion of the Commission. If a member of the Disciplinary Commission does not completely or partially agree with the conclusion of the Commission, he/she is authorized not to sign the conclusion and attach his personal opinion to it in writing. (30.06.2004 # 271)
5. An official or an agency having a respective authority within one month from its presentation should review the conclusion of the Disciplinary Commission. (25.02.2005 #1064)

Article 15. Making Decision on Disciplinary Issues in the Council of Justice (30.06.2004 #271)

1. Concerning the questions of commencement of the disciplinary prosecution, creation of the Disciplinary Commission, bringing a disciplinary case against a judge or termination of the disciplinary prosecution, the Council of Justice of Georgia shall make decisions according to rules and procedures, which are determined by the organic law of Georgia on "Common Courts", and the regulations of the respective Council of Justice for their making decision. The President of Georgia does not take part in the discussion of respective issues and the sessions are respectively chaired by the Secretary of the High Council of Justice.
2. The Secretary of the High Council of Justice calls the session of the High Council of Justice of Georgia on disciplinary issues.
3. The Council of Justice hears the conclusion of the Disciplinary Commission at the session. It is authorized to invite members of the Disciplinary Commission, a judge against whom the disciplinary prosecution is commenced, an author of a complaint (application) to the session, listen to their information and explanations.

Article 16. Results of the Review of the Conclusion of the Disciplinary Commission. Bringing a Disciplinary Case or Termination of the Disciplinary Prosecution

1. The Chairman of the respective court or the High Council of Justice of Georgia discusses the conclusion of the Disciplinary Commission. The Chairman of the Court issues a decree; as for the High Council of Justice of Georgia- it makes a decision on termination of the disciplinary prosecution or bringing a disciplinary case against a judge. (30.06.2004 # 271)
2. An agency or a person bringing a disciplinary case against a judge is authorized not to agree with the recommendation of the Disciplinary Commission concerning the termination of the disciplinary prosecution or bringing a disciplinary case against a judge and make an opposite decision. They are also authorized not to agree with the legal evaluations of the Disciplinary Commission and based on the investigated factual materials change the ground for bringing a disciplinary case against a judge and bring a disciplinary case against a judge for such a disciplinary violation which did not serve as the ground for suing a disciplinary prosecution against him/her or it is not mentioned in the recommendation of the Disciplinary Commission.
3. The content of a disciplinary accusation against a judge should be presented in a decree (decision) on bringing a disciplinary case against a judge.
4. Under the same decree (decision) a respectively authorized person or an agency appoints his/her representative to a Disciplinary Panel of the Disciplinary Council of the Conference of Judges for supporting a disciplinary accusation during a case discussion. Respective body or the official is authorized to appoint several representatives to support disciplinary accusation. (25.02.2005 #1064)
5. A copy of a decree (decision) is sent to a judge against whom a disciplinary case is brought.
6. A decree (decision) on bringing a disciplinary case against a judge should be sent to the respective Disciplinary Council of Judges together with the disciplinary case within one week from making a decree (decision). (25.02.2005 # 1064)

Article 17. Providing Information

The decision made after the review of application, complaint or information on the commitment of disciplinary violation by a judge should be sent to the respective authorized body or person in ten days after the decision is made.

Article 18. Termination of the Disciplinary Prosecution

A respective authorized person or an agency makes decision on termination of the disciplinary prosecution against a judge if:

- a. as a result of an investigation of a disciplinary case the fact of the disciplinary violation or deliberate disciplinary violation committed by a judge determined by this law was not proved; (25.02.2005 #1064)
- b. the term for suing a disciplinary case against a judge or imposing a disciplinary responsibility or a measure over him/her has been expired;
- c. it is impossible to conduct investigation of a disciplinary case because of some reasons. In such a case Disciplinary Commission issues conclusion, in accordance with, which the decision on disciplinary prosecution is made.
- d. Criminal case is commenced against a judge based on disciplinary case materials;
- e. The judicial authority of a judge has been terminated.

Article 19. Addressing a Judge with the Private Recommendation Letter

1. If during a preliminary investigation into basis of commencing the disciplinary prosecution or investigation of a disciplinary case, a commitment of such a disciplinary violation by a judge will be proved, because of which it would not be considered advisable to bring a disciplinary case against a judge, a respective authorized person or an agency has the right not to commence the disciplinary prosecution. He has the right to terminate a commenced disciplinary prosecution and send a private recommendation letter to a judge.
2. Conditions which can be considered as the ground for sending the recommendation letter to a judge and the content and text of the recommendation letter are confidential.
3. The Secretary of the High Council of Justice of Georgia signs the recommendation letter of the high Council of Justice of Georgia. (30.06.2004 #271)

Article 20. Prohibition of a Disqualification of a Judge from Hearing a Lawsuit or Implementing Office Duties

It is inadmissible to disqualify a judge from hearing of a lawsuit and implementing office duties because of the disciplinary prosecution commenced against him/her, a disciplinary case brought against him/her or a disciplinary responsibility or a measure imposed over him/her, except the cases determined in item 3 of Article 56.

(Chapter II (25.11.2005 #2127 After March 15, 2006)

Inquiry of the Disciplinary Case

Article 6. Procedural Basis for Starting a Disciplinary Prosecution

The following can serve as the basis for commencing the disciplinary prosecution against a judge:

- a. A complaint or an application from any person (except anonymous application);
- b. An explanatory note of another judge or an employee of a court or a staff member of the High Council of Justice on the fact of commitment of a disciplinary violation by a judge; (25.02.2005 #1064)
- c. Private judgment or other decision of a higher instance court, according to which a gross violation of a law by a judge was observed during the discussion of a case;
- d. A message received from an investigator or prosecutor;
- e. Private decision (verdict) of other judge or court on the reasonable doubt of the commitment of disciplinary violation by a judge
- f. Information disseminated by mass media on an action committed by a judge which can be considered as the disciplinary violation
- g. Presentation by Disciplinary Panel of a new basis for commencing the disciplinary prosecution against a judge;

Article 7. The Right to Commence a Disciplinary Prosecution

1. The following people can commence a disciplinary prosecution against a judge of a common court under any ground except the grounds determined in subsection "a" of section 2 of Article 2 of this law:

- a. The Chairman of the Supreme Court of Georgia (or his/her replacement)- against the judges of the Supreme Court of Georgia, Appellate Courts and the Regional (City) Courts.

b. The Chairmen of Appellate Courts (or their replacement) – against the judges of relevant Appellate Courts, also the judges of regional (city) courts operating in the territory of their authority.

2. The high Council of Justice of Georgia commences disciplinary prosecution against all judges of the Common Courts of Georgia under any grounds determined in section 2 of Article 2 of this law.

Article 8. Starting a Disciplinary Prosecution and Preliminary Checking

1. In case of the submission of a complaint or an application on a disciplinary violation committed by a judge, the Chairman of the Supreme Court of Georgia, the Chairmen of the appellate courts, Secretary of the High Council of Justice of Georgia or a member of the Council (staff member of the High council of Justice based on the directions of Secretary of the high Council of Justice) carries out a preliminary investigation into the basis of the commencement of the disciplinary prosecution in two months. The term for preliminary investigation can be prolonged for two weeks or terminated in a case of disability to conduct the preliminary investigation. (23.06.2005 #1752)

2. In cases determined in sections “b”, “e”, “g” of Article 6 preliminary investigation into basis of the commencement of the disciplinary prosecution is not necessary, and the Chairman of a respective court or the Secretary of High Council of Justice of Georgia is authorized to further commence the disciplinary prosecution.

3. Grounds of commencing the disciplinary prosecution against the judge can be based on circumstances not indicated in the application or other information on the disciplinary violation of the judge, but were detected during examination of grounds for commencing a disciplinary prosecution.

Article 9. Assessment of grounds for commencing the disciplinary prosecution

1. As a result of a disciplinary examination, the Chairman of the Court or a Secretary of the High Council of Justice shall assess the grounds for commencing the disciplinary prosecution and take a decision on termination of the disciplinary action or requesting an internal memorandum from a judge.
2. In case of requesting submission of the internal memorandum, the decision shall contain the grounds and indicate a relevant sub-paragraph of the Article 2.2 of this law.
3. The decision of the Secretary of the High Council of Justice on termination of the disciplinary action shall be submitted to the High Council of Justice for review. In case the HCOJ does not approve the decision, the Secretary of the HCOJ shall renew the disciplinary prosecution and take a decision on requesting submission of the internal memorandum.

Article 10. Providing Bodies and Officials having a Respective Authority with Information

1. The agency or a person authorized to commence the disciplinary prosecution against the judge on the same violation, should necessarily be informed on the decision on submission of the internal memorandum by a judge.

2. In case if two or more bodies or officials having respective authority commenced disciplinary prosecution on one and the same violation, that body or official continues the case proceedings that first commenced a disciplinary prosecution.

Article 11. Unification of disciplinary cases into one proceeding

The relevant body or an official shall be authorized to unify two or more disciplinary cases, instituted against the same judge into one upon his/her resolution (decision).

Article 12. Investigation of a Disciplinary Case

1. The investigation of a disciplinary case should be completed within a month after making a decision on obtaining the internal memorandum from a judge. The term can be extended by no more than two weeks, if necessary.
2. The explanatory note will be required from the author of a complaint (application) or a judge against whom a disciplinary prosecution is instituted. The body commencing the disciplinary prosecution shall be authorized to require any information, documents and materials connected with the fact of the disciplinary violation, to invite other people and hear their information. It shall review motions of a judge against whom the disciplinary prosecution is commenced and in case requested, require additional explanations from him/her.
3. The Chairman of the Court shall be authorized to require a respective court case from the lower instance court and the High Council of Justice of Georgia shall be authorized to require a respective court case from any court (except the Supreme Court of Georgia) except those cases that are under discussion.
4. While carrying out disciplinary persecution it is prohibited to examine the legitimacy of court judgments made by a judge except for cases when the disciplinary prosecution is commenced under the ground of gross violation of law committed by a judge in the process of the review of a case.

Article 13. Suspension of a Disciplinary Case Proceeding

1. Disciplinary case will be suspended if:
 - a. The materials of the inquiry of the disciplinary case obviously indicate commitment of a crime by a judge. In such a case relevant materials shall be sent to the investigation body.
 - b. If objective difficulties or drawbacks which temporarily hinder the process of investigation of a disciplinary case (e.g. illness of a judge, against whom the prosecution is commenced), appear in the process of investigation of a disciplinary case, a respective authorized body or an official is authorized to suspend a case investigation under a respective resolution or a decision. In case of elimination of suspension grounds, the relevant body or the official shall renew such proceedings.
 - c. The materials of disciplinary case investigation obviously indicate the gross law-violation in the process of a case review by a judge. In such case the chairman of the respective court may be suspended the disciplinary case proceeding by the higher instance court before the making decision on this issue or before the court decision enters into legal force.
2. A period during which an investigation of a disciplinary case was suspended shall not be considered as a part of the term determined for the investigation of a disciplinary case

established by the law, or of the one year term for imposing a disciplinary action, but it will be envisaged in case of the five-year term established by the law for imposing a disciplinary action.

Article 14. Termination of the Disciplinary Prosecution

A respective authorized person or an agency makes decision on termination of the disciplinary prosecution against a judge if:

- as a result of an investigation of a disciplinary case the fact of the disciplinary violation or deliberate disciplinary violation committed by a judge determined by this law was not proved;
- the term for suing a disciplinary case against a judge or imposing a disciplinary responsibility or a measure over him/her has expired;
- criminal case is commenced against a judge based on disciplinary case materials;
- The judicial authority of a judge has been terminated.

Article 15. Bringing a Disciplinary Case or Termination of the Disciplinary Prosecution

1. After completion of the examination of the case, as a result of examining the grounds for bringing the disciplinary case against a judge, the Chairman of the respective court makes a relevant decision, and the High Council of Justice of Georgia shall address the HCOJ on instituting the disciplinary case against a judge or termination of the case.
2. An agency or a person bringing a disciplinary case against a judge shall be authorized to disagree with the results of the preliminary examination concerning the termination of the disciplinary prosecution or bringing a disciplinary case against a judge and make an opposite decision. They are also authorized to disagree with the legal evaluations and based on the investigated factual materials change the ground for bringing a disciplinary case against a judge.

Article 16. Resolution (decision) on bringing the disciplinary case against the judge

- The resolution (decision) on bringing a disciplinary case against a judge shall contain the content of the disciplinary accusation.
- The same resolution (decision) the relevant body or an official shall appoint a representative to the disciplinary Collegium of the common courts of Georgia to support prosecution in the review process. The authorized body or the official shall be authorized to appoint several representatives to support the prosecution.
- The copy of the resolution (decision) shall be provided to the prosecuted judge.
- The resolution (decision) on bringing the disciplinary case against a judge shall be sent to the Disciplinary Collegium of the Common Courts of Georgia within 1 week upon arriving at such decision.

Article 17. Making Decision on Disciplinary Issues by the Council of Justice

1. The Council of Justice of Georgia shall make decisions according to rules and procedures, determined by the organic law of Georgia on "Common Courts", and the regulations of the respective Council of Justice for their making decision.
2. The President of Georgia does not take part in the discussion of respective issues and the sessions are respectively chaired by the Secretary of the High Council of Justice.

3. The member of the HCOJ, who is a member of the Disciplinary Collegium of the Common Court of Georgia, shall not be authorized to participate in the disciplinary issues hearings and decision-making process held by the HCOJ.
4. The Secretary of the HCOJ calls the session of the HCOJ to review the disciplinary issues.
5. The Council of Justice shall hear the conclusion on termination of the disciplinary prosecution of the judge, as well as the issue on bringing the disciplinary case against the judge and related materials at the session. It is authorized to invite a judge, an author of a complaint (application) to the session, hear their information and explanations.

Article 18. Providing Information

The decision made after the review of application, complaint or information on the commitment of disciplinary violation by a judge shall be sent to the respective authorized body or person within ten days after the decision is made.

Article 19. Addressing a Judge with the Private Recommendation Letter

1. If during a preliminary investigation on the grounds for commencing the disciplinary prosecution or investigation of a disciplinary case, a commitment of such a disciplinary violation by a judge will be proved, because of which it would not be considered advisable to bring a disciplinary case against a judge, a respective authorized person or an agency has the right to terminate the disciplinary prosecution. He/she has the right to send a private recommendation letter to a judge.
2. Conditions which can be considered as the grounds for sending the recommendation letter to a judge and the content and text of the recommendation letter are confidential.
3. The Secretary of the High Council of Justice of Georgia signs the recommendation letter of the high Council of Justice of Georgia.

Article 20. Prohibition of a Disqualification of a Judge from Hearing a Lawsuit or Implementing Office Duties

It is inadmissible to disqualify a judge from hearing of a lawsuit and implementing office duties because of the disciplinary prosecution commenced against him/her, a disciplinary case brought against him/her or a disciplinary responsibility or a measure imposed over him/her, except the cases determined in item 3 of Article 56.

Chapter III

Discussion of Disciplinary Cases in the Panel of the Disciplinary Council of Judges

(Discussion of Disciplinary Cases of the judges of Common Courts of Georgia in the Disciplinary Collegium (25.100 2005 AFTER March 15, 2006))

Article 21. Agencies Discussing Disciplinary Cases and Legal Basis of their Activity (30.06.2004 #271)

1. The Disciplinary Council of Judges of Common Courts of Georgia (here and after referred as Disciplinary Council) has the right to discuss the disciplinary cases.
2. The Disciplinary Councils act according to the rule established by this law.

(Article 21. Agencies Discussing Disciplinary Cases and Legal Basis of their Activity (25.11.2005 # 2127 after March 15, 2006))

1. The Disciplinary Collegium of Judges of Common Courts of Georgia (here and after referred as Disciplinary Collegium) has the right to discuss the disciplinary cases.
2. The Disciplinary Collegium act according to the rule established by this law.)

Article 22. Consistency of the Disciplinary Council (30.06.2004 # 271)

1. The Disciplinary Council of Common Courts of Georgia consists from eight members.
2. High Council of Justice of Georgia nominates the members of the Disciplinary Council of Judges of Common Courts of Georgia, three of which are judges of Common Courts of Georgia. Members are appointed by the Conference of Judges of Georgia by the majority of votes, and in between the sessions of the conference – by administrative committee of the Conference of Judges
3. In the Disciplinary Councils of Judges Disciplinary Panels are created consisting of four judges. The Panel as a rule consists from the judges of the different court instances.
4. Disciplinary Council has a chairman. The Chairman of the Disciplinary Council is members of the respective Disciplinary Council and he/she chairs its sessions and provides the respective Conference of Judges with information on the activity of the Disciplinary Council.

Article 22 Removed (25.11.2005 #2127 after March 15, 2006)

Article 23. The Implementation of the Decisions of the Disciplinary Council is Obligatory

The decision of the Panel of the Disciplinary Council is obligatory.

(Article 23. The Implementation of the Decisions of the Disciplinary Collegium is Obligatory

The decision of the Panel of the Disciplinary Collegium is obligatory. **(25.11.2005 #2127 AFTER March 15, 2006)**

Article 24. Rule for Creation of a Disciplinary Council and its Panels (30.06.2004 # 271)

1. The members and the chairman of the Disciplinary Council of Judges of Georgia are appointed by the Conference of Judges of Common Courts of Georgia according to the

nominations of the High Council of Justice of Georgia and in between the sessions of the Conference of Judges members are appointed by the administrative committee. Constituency of the Panels is determined by the members of the Disciplinary Council.

2. If the candidate for the Disciplinary Council does not get the required number of votes, High Council of Justice of Georgia nominates another candidate.
3. The chairman of the Disciplinary Council can not be the judge of the Common Courts of Georgia, occupy any other position or implement other paid activities except medical, pedagogical and creative activities. The chairman of the Disciplinary Council is a public servant and state budget remunerates his/her salary. Organizational work of the Disciplinary Council is determined by this law and Presidential Decree.
4. Member of the Disciplinary Council exercises his/her authority for four years.

(Article 24. Rule for Creation of a Disciplinary Collegium.

1. The disciplinary collegium consists of 6 members, 3 of which are the judges of the Common Courts of Georgia. The members of the collegium are elected for the term of 2 years by the High Council of justice from its composition.

2. The member of the Disciplinary collegium can not be:

- a. Chairman of the Court, first deputy, deputy, chairman of the collegium or chamber.
- b. Secretary of the high Council of Justice of Georgia.
- c. The member of the High Council of Justice, who is the member of the composition of the High Council of Justice based on the position.
- d. The member of the high Council of Justice, who has not received the high legal education.

3. A judge can not be the member of the disciplinary collegium, if the the disciplinary measures have been imposed upon him/her for disciplinary violation during the last 5 years.

4. The ground of dismissal from the position of the member of disciplinary collegium can be:

- a. Personal will.
- b. Resignation from the position of the member of High Council of Justice.
- c. Revealing the confidential information regarding the disciplinary case.
- d. Committing the disciplinary violation.
- e. Expiration of the term of authority.

5. The ground for dismissal from the position of the member of disciplinary collegium can be the violation other norms of judicial ethics.

6. High Council of Justice get the decision of dismissal a member from the disciplinary collegium. The Council is obliged to check the grounds of dismissal. It is authorized to invite the relevant member on the meeting and listen to his/her suggestion.

7. The disciplinary collegium reviews the disciplinary case of the member of the disciplinary collegium without participation of this member.

(25.11.2005 #2127 After March 15, 2006)

Article 25. A Member of the Disciplinary Council (30.06.2004 # 271)

1. Any judge of Common Court of Georgia, except the chairman of the court, first deputy of the chairman, deputy, chairmen of Panel and Chamber, can become a member of the Disciplinary Council of Judges. The member of the Disciplinary Council of Judges can also be a citizen of Georgia who is older than 25 years and has higher legal education and at least five years professional experience.
2. A judge, on whom a disciplinary responsibility was imposed and a measure for having committed a disciplinary violation during the last five years cannot become a member of the Disciplinary Council.
3. Repeated election of a member of the Disciplinary Council is possible only once.
4. The following can serve as a basis for dismissing a member of the Disciplinary Council:
 - a) Personal desire;
 - b) Leaving the position of a judge;
 - c) Disclosing a confidential information on a disciplinary case;
 - d) Commitment of a disciplinary violation.
 - e) Expiration of the term of authority.
5. Violation of other norms of judicial ethics can serve as a basis for dismissing a member of the Disciplinary Council.
6. A respective Conference of Judges makes decision concerning the dismissal of a member from the Disciplinary Council and in between the sessions of the Conference of Judges – Administrative Committee who is obliged to examine the reason for the dismissal of a member of the Disciplinary Council. It is authorized to invite a respective judge at the session of the Conference and listen to his opinion.
5. The Panel of the Disciplinary Council, the members of which is not a judge committed disciplinary violation, discusses the disciplinary case of the members of the Disciplinary Council.
6. After having been elected to the Disciplinary Council of Judges, a judge is not exempted from performing main judge's responsibilities.

(Article 25 Chairman of the Disciplinary Council)

Disciplinary Collegium elects the chairman of the disciplinary council from its composition. The chairman presides the meeting of the council and exercises other duties envisaged by law (25.11.2005 #2127 after March 15, 2006)

Article 26. Removed (30.06.2004 3 271)

Article 27. Implementation of Duties without Compensation (30.06.2004 # 271)

Members of the Disciplinary do not get any compensation or additional payment from the state for performing respective duties unless otherwise stated by this law.

(Article 27. Implementation of Duties without Compensation

Members of the Disciplinary do not get any compensation or additional payment from the state for performing respective duties.

(25.11.2005 #2127 after March 15, 2006))

Article 28. Work Place of the Disciplinary Council (30.06.2004 # 271)

The work place of the Disciplinary Council is the High Council of Justice of Georgia or a special residence allocated for it.

(Article 28. Work Place of the Disciplinary Collegiuml (30.06.2004 # 271)

The work place of the Disciplinary Collegium is the High Council of Justice of Georgia or a special residence allocated for it.

(25.11.2005 #2127 After March 15, 2006))

Article 29. Time-Terms of Case Discussion by the Disciplinary Panel

The Disciplinary Council is not authorized to go beyond the limits of the disciplinary accusation, i.e. the factual side of the accusation. It does not have the right of considering facts and conditions not directly connected with the disciplinary accusation brought against a judge, or of discussing it at the session of the Disciplinary Council, or of imposing a disciplinary responsibility and measure over him/her for such an accusation because of which a disciplinary accusation was not brought against him/her.

Article 30. Principles of the Disciplinary Panel Activities

1. Removed (*according to the Constitutional Court Decision 28.06.2004 #1/3/209,276*)
2. In the Disciplinary Panel the disciplinary case will be discussed collegially -with four members of the Panel participating. (30.06.2004 # 271)

(2. In the Disciplinary Collegium the disciplinary case will be discussed collegially – the disciplinary collegium is authorized if four members of the Panel participates. (25.11.2005 #2127 After March 15, 2006))

3. The Disciplinary Panel discusses the disciplinary case impartially and objectively in accordance with principles of equity and adversary.
4. Sessions of the Disciplinary Panel are closed. Information on the discussion of the disciplinary case is confidential. Members of the Disciplinary Council, also the person presenting the accusation, are obliged to keep this information confidential. (30.06.2004 # 271)

Article 31. Term of the Discussion of a Case

In the Disciplinary Panel the disciplinary case is discussed not later than two months after its submission.

Article 32. Place of the Discussion of the Case

The Disciplinary Panel discusses cases in the hall specially allocated for the discussion of disciplinary cases. It is not permitted to discuss a disciplinary case in a courtroom.

Article 33. Rule for Distributing a Disciplinary Case in the Disciplinary Panel (25.02.2005 # 1064)

The Disciplinary cases of judges are distributed by the Chairman of the Disciplinary Council regarding the order of cases. In a case of inability to distribute the cases in accordance the order, the distribution will be conducted in accordance with the Chairman's opinion.

(Article 33. Rule for Distributing a Disciplinary Case in the Disciplinary Panel (25.02.2005 # 1064)

The Disciplinary cases of judges are distributed by the Chairman of the Disciplinary Council regarding the order of cases.

(25.11.2005 #2127 After March 15, 2006)

Article 34. Disqualification of a Member of the Disciplinary Panel from a Case

1. A member of the Disciplinary Panel is obliged to disqualify consideration of a disciplinary case if there is any factor or circumstance, which will hinder his/her impartial and objective discussion of the given case.
2. A member of the Disciplinary Panel is obliged to disqualify himself/herself from consideration of the case, if a court judgement, decree, a private court judgement, nomination of the Disciplinary Panel, or an explanatory note made by him/her (or with his participation) served as the basis for commencing the given disciplinary prosecution against a judge.

Article 35. Recusal of the Disciplinary Panel

1. The judge, who is subject to disciplinary prosecution, as well as the representative of the official or the agency, which carries out disciplinary prosecution, is entitled to recuse a member of the Disciplinary Panel or the entire Panel, but shall provide and substantiate the ground for recusal. The judge, who is subject to disciplinary prosecution, has also the right to require recusal of a representative of an official, who is appointed as a representative of an accusatory body or agency, which imposed disciplinary responsibility.
2. The Disciplinary Panel will consider motion to disqualify the member of the disciplinary panel or the representative of an accusatory body in its chambers.
3. The motion shall be satisfied if there is a reasonable doubt as to the impartiality of a member of the Disciplinary Panel, the entire Panel or the representative of an accusatory body.
4. The abolishment or change, by a member of the Disciplinary Panel or by the representative of an accusatory body, of the judgement previously passed by a judge, who was disciplinarily prosecuted cannot be deemed as a ground for considering the member of the Panel or the representative of an accusatory body being impartial and require his/her disqualification. However, if a member of the Disciplinary Council or a representative of an accusatory body, as a judge of a higher court, participated in abolishment or change of the judgment of a judge of lower court and disciplinary prosecution against him/her is related to

the violation of the law during the consideration of the case, this circumstance can be deemed as a ground for disqualification the member of the Disciplinary Panel.

5. The motion to disqualify a member of the Panel shall be satisfied if any circumstance provided by Paragraph 2 of Article 34 exists. (23.06.2005 # 1752)
6. If the motion is granted, the Disciplinary Panel will postpone the hearing and submit explanatory letter to the chairman of the Disciplinary Panel to transfer the case to another panel of the Disciplinary Council, to appoint new member of another panel of this Council or a representative of an accusatory body instead of the disqualified member of the Disciplinary Panel.

(6. In case of satisfying the motion regarding the recusal, disciplinary collegium continues the case hearing without participation of the member recused.

(25.11.2005 #2127 After March 15, 2006))

7. The period of postponing of a hearing due to the disqualification of a member of the Disciplinary Panel or a representative of an accusatory body shall not be counted in the time for imposing disciplinary measure, as provided by this law.
8. If the motion is not granted, the Disciplinary Panel continues the hearing of the case at the same session.

Article 36. Termination of Disciplinary Case Proceeding Due to expiration of Terms Established by the Law

1. When a disciplinary case is filed, before its consideration, the Disciplinary Panel shall examine whether the term of imposition of disciplinary responsibility over a judge has expired, as provided by this law.
2. If the term has expired, the Disciplinary Panel shall immediately make the decision to terminate disciplinary proceeding and send notice to prosecuting agency or official and the judge, against whom the disciplinary prosecution is commenced.

Article 37. Termination of Disciplinary Proceeding Due to La) of Components of a Crime

1. When a disciplinary case is filed, before its consideration the Disciplinary Panel shall examine whether the action, which served as a ground for disciplinary prosecution against a judge, contains the components of a crime.
2. If according to the materials of disciplinary case the lack of the components of a crime in the action of a judge is obvious, the Disciplinary Panel will not start case hearing and will terminate the disciplinary case proceeding. The Panel will submit the materials of the case to the agency, and will inform the judge, against whom the disciplinary prosecution is commenced, as well as the agency or the official, who brought disciplinary action against the judge.
3. If criminal case has not been commenced against a judge because of the commitment of an illegal action or the commenced case was terminated, after receiving appropriate information Disciplinary Panel will continue proceeding of the terminate disciplinary case if the term for the imposition of disciplinary measure has not expired.

Article. 38. Preparation of a Disciplinary Case for Hearing

1. The Disciplinary Panel, which is in charge of the case discuss the case overviews it in advance and appoints the day of hearing it on the panel.
2. The panel will inform a body, or the representative authorized for commencing disciplinary action, and also a judge, which is the subject of this action concerning the place, day and time of the discussion of the case.
3. Disciplinary Panel will invite the witnesses and other persons for participation in the discussions, and will inform them on the place, day and time of the discussion of the case.

Article. 39 The Procedure of Discussion of a Case by the Disciplinary Panel

1. The Disciplinary Panel hears a disciplinary case at the session of the Disciplinary Panel. The chairman of the Disciplinary Council, reporting member or other member of the Council chairs the session. (30.06.2004 #271)

(1. The Disciplinary Panel hears a disciplinary case at the session of the Disciplinary Panel. The chairman of the Disciplinary Collegium, reporting member or reporting member of the Council in case of his/her absence chairs the session.

(25.11.2005 #2127 After March 15, 2006))

2. The chairman of the Panel session opens the session of the Disciplinary Panel. (25.02.2005 #1064)
3. The hearing of a disciplinary case starts with the report of one of the members of the Panel, who chronologically describes the stages and factual circumstances of the disciplinary proceeding.
4. After hearing the report, the parties make their pleas. Plea is first made by the representative of prosecuting agency or official to present the accusation and afterwards by the judge to respond to the accusation. The judge is entitled to the assistance of a counsel. He/she can invite as a counsel the lawyer, any judge or other representative.
5. The parties are entitled to completely present and state their positions, ask questions to each-other, present documents and other evidences, raise motions to present various documents, materials or information, to solicit additional documents, to summon additional persons and hear their information or solicit appropriate case, etc. The Disciplinary Panel considers motions.
6. The Disciplinary Panel is entitled to ask questions to the parties or to other persons at the hearing, solicit additional documents, materials or information, summon additional persons and hear their information, postpone the hearing for not more than 2 weeks, etc.
7. Disciplinary accusatory body presents disciplinary accusation. He/she has no right to require imposing concrete disciplinary measure over a judge.
8. Transcripts are produced during the session of the Panel.

Article 40. Ensuring the Equality of Parties

1. The Disciplinary Panel shall provide equal conditions and opportunities for parties for the presentation and protection of their views and interests.
2. It is inadmissible to meet with any of the parties and receive any information without the presence of another party or without notifying him/her of that information, except for solely organizational matters.
3. A member of the Disciplinary Panel shall not express his/her favor to any of the parties or prior inclination before the hearing of a case, as well as during the hearing, which may raise doubts about the impartiality of the Disciplinary Panel.

Article 41. Mandatory Participation of Parties in Disciplinary Proceeding

1. During the hearing of a disciplinary case the attendance and participation of prosecuted judge and the representative of prosecuting agency or official at the session of the Disciplinary Panel is mandatory. If any of the parties fails to appear at the session of the Disciplinary Panel, the Panel shall postpone the hearing for not more than 2 weeks. The Panel will not count this term in the two-month term for the hearing of a case.
2. If it has been proved that prosecuted judge avoids appearing at the session of the Disciplinary Panel without any reasonable excuse, the Panel will be entitled to hear the case without his/her attendance, find him/her guilty if a reasonable ground exists and impose disciplinary penalties and measures.
3. If prosecuted judge fails to appear at the session of the Disciplinary Panel due to grave illness or force-majeure, the Panel may take the decision to terminate the proceeding for up to 3 months. This term will not be counted in the three-year term for the imposition of disciplinary penalties. If during this period the reasons for the termination of the proceeding have not been eliminated, the Panel will be entitled to hear the case without the judge's presence.

Article 42. The Decision of the Disciplinary Panel when Charges are Dropped or when Judge Admits the Charges Against him/her

1. The representative of the prosecuting agency or official has the right to drop disciplinary charges at any stage of disciplinary proceeding (before going out to the consulting chamber). In this case the Disciplinary Panel shall terminate the hearing and close the case.
2. Prosecuted judge can fully admit disciplinary charges against him/her and request the Disciplinary Panel to pass the decision to find him/her guilty and impose disciplinary penalties and measures upon him/her without substantive hearing of a case. Disciplinary Panel is obliged to satisfy the motion of a judge and make a decision.

Article 43. Temporary Suspension of the Hearing of a Case by the Disciplinary Panel

1. If before the completion of the hearing of a disciplinary case another disciplinary case has been brought at the Disciplinary Panel against the same judge, the Disciplinary Panel can temporarily suspend the hearing of the first case, combine both cases and hear them simultaneously. If the judge is found guilty in both or more cases, the Panel will impose one of the measures determined by this Law.

(1. If before the completion of the hearing of a disciplinary case another disciplinary case has been brought at the Disciplinary Collegium against the same judge, the Disciplinary Collegium can temporarily suspend the hearing of the first case, combine both cases and hear them simultaneously. If the judge is found guilty in both or more cases, the Panel will impose one of the measures determined by this Law.

(25.11.2005 #2127 After March 15, 2006)

2. If the Disciplinary Panel finds out that the same judge is subject of disciplinary procedure under another charge, panel is entitled to suspend the disciplinary proceeding and await the solution of that matter.

(2. Removed 25.11.2005 #2127 After March 15, 2006)

3. The hearing of the case by the Disciplinary Panel can also be suspended under other circumstances considered by this Law.

4. The Panel does not count the period of temporary suspension of the proceeding in the term of case hearing.

5. In case of elimination of the disciplinary case consideration grounds, the Disciplinary Panel shall renew the case consideration (25.02.2005 #1064)

Article 44. The Invalidity of the Principle of Continuous Hearing of a Case

The principle of continuous hearing of a case is not valid in disciplinary proceeding. In case of the adjournment of disciplinary proceeding or suspension of a hearing the members of the Judicial Disciplinary Council can hear another disciplinary case and afterwards resume the hearing of the case that has been adjourned or suspended.

Article 44. The Invalidity of the Principle of Continuous Hearing of a Case

The principle of continuous hearing of a case is not valid in disciplinary proceeding. In case of the adjournment of disciplinary proceeding or suspension of a hearing the members of the Disciplinary Collegium can hear another disciplinary case and afterwards resume the hearing of the case that has been adjourned or suspended.

Article 45. Making Substantive Decision on a Case (25.05.2005 # 1064)

The Disciplinary Panel makes decision whether or not a judge has committed the action for which he has been accused and whether this action is a disciplinary infraction under this provision. The Disciplinary Panel also proves whether the judge is guilty of committing a disciplinary violation. Only if these three factors exist the Disciplinary Panel authorized to make decision on finding the judge guilty and impose disciplinary penalties and measures upon him/her. Disciplinary Panel shall be authorized to change the judge action qualification into any disciplinary infraction provided for under the article 2 of this Law.

Article 46. The Application of the Disciplinary Panel for Carrying out New Disciplinary Prosecution

If during the hearing of a case by the Disciplinary Panel there is a reasonable doubt that a judge committed another disciplinary violation, the Panel shall apply to relevant authorized agency or official for carrying out new disciplinary prosecution against the judge under new accusation. The Disciplinary Panel, if it deems necessary, is authorized to suspend the disciplinary proceeding under existing accusation until the issue of disciplinary prosecution against the judge for committing other disciplinary violation is solved.

(Article 46. The Application of the Disciplinary Panel for Carrying out New Disciplinary Prosecution

If during the hearing of a case by the Disciplinary Panel there is a reasonable doubt that a judge committed another disciplinary violation, the Panel shall apply to relevant authorized agency or official for carrying out new disciplinary prosecution against the judge under new accusation. The Disciplinary Panel, if it deems necessary, is authorized to suspend the disciplinary proceeding under existing accusation until the issue of disciplinary prosecution against the judge for committing other disciplinary violation is solved.

(25.11.2005 #2127 After March 15, 2006)

Article 47. The Decision of the Disciplinary Panel

1. The Disciplinary Panel makes decisions in its chambers.
2. The decisions of the Panel are valid if 3 members of the Panel support it.(30.06.2004 # 271)

(2. The decision of the Panel is valid if majority of the members present support it. (25.11.2005 #2127 After March 15, 2006)

3. The Panel issues its decisions in writing. The Panel members sign the decisions.
4. A member of the Panel, who does not agree with a decision, issues his dissent in writing, which is attached to the case.
5. The decision of the Disciplinary Panel can be appealed to the Judicial Disciplinary Council of the Common Courts of Georgia.

(The decision of the Panel can be appealed to the Disciplinary Collegium by bringing the claim. (25.11.2005 #2127 After March 15, 2006)

Article 48. The Types of the Disciplinary Panel Decisions

6. The Disciplinary Panel is authorized to decide to:
 - a. Temporarily suspend disciplinary proceeding;
 - b. Terminate disciplinary proceeding;
 - c. Find a person guilty of committing disciplinary violation and impose disciplinary penalties and measure upon him / her;
 - d. Find a judge guilty of committing disciplinary infraction, impose disciplinary measures upon him and refer a private letter of reprimand to him/her;

- e. Acquit a judge.
7. The decisions provided by Subparagraphs “c”, “d” and “e” of Paragraph 1 of this Article can be issued only after the completion of a substantive hearing of a case.

Article 49. The Decision of the Disciplinary Panel on Terminating Disciplinary Proceeding

1. The Disciplinary Panel makes decision to terminate disciplinary proceeding if:
 - a. The term for imposing disciplinary penalty upon a judge has been expired;
 - b. Prosecuting official or agency has dropped disciplinary charges against a judge;
 - c. The prosecuted judge will either resign or his / her authorities will be terminated before the hearing of the case is completed.
 - d. There was disciplinary case commenced against a judge based on materials sent by the Disciplinary Panel, or it was not commenced for not being able to prove the indictment, or facts that became the grounds of the disciplinary accusation.
2. The Disciplinary Panel can make decision concerning the termination of the disciplinary proceeding only before the completion of the substantive hearing of a case and before the Disciplinary Panel goes to its chambers.

Article 50. The Decision of the Disciplinary Panel Concerning the Temporary Suspension of the Disciplinary Proceeding

1. The Disciplinary Panel can make a decision to temporarily suspend disciplinary proceeding under occasions determined in Article 43 of this Law.
2. Disciplinary proceeding can be suspended only before the completion of the substantive hearing of a case and before the Disciplinary Panel goes to its chambers.

Article 51. The Decision of the Disciplinary Panel to Find a Judge Guilty in Committing Disciplinary Violation, Impose Disciplinary Responsibility upon Him / her and Refer to Him / Her with a Private Letter of Reprimand

1. The Disciplinary Panel makes decision to find a judge guilty in committing disciplinary violation, impose disciplinary liability upon him and refer to him a private letter of reprimand only if during the hearing of a case by the Panel it has been proved that the judge is guilty of committing a disciplinary violation under this provision, but due to the relative unimportance of the violation committed, its insignificant nature or other motive (due to the delicacy of the case, personality of the judge, etc) the Disciplinary Panel does not deem it expedient to impose disciplinary measure upon the judge and believes that the application of other measure of disciplinary influence is sufficient, namely, reference to the judge of a private letter of reprimand.
2. The private letter of reprimand is the letter of the Disciplinary Panel to the delinquent judge, which provides commission's negative evaluation of the disciplinary violation committed by a judge. The letter also provides the recommendation of the Disciplinary Panel and appropriate advise on eliminating such infractions in future and overcoming various difficulties and problems related to the performance of judicial duties.

3. The content of the private letter of reprimand is confidential. The letter is sent only to the judge, who has committed disciplinary infraction. A copy of the letter shall not be sent to any agency or official. A copy of the letter is attached to the disciplinary case in a sealed envelope. The Disciplinary Panel can open the envelope only during the hearing of the case after the judge has repeatedly committed disciplinary infraction.

Article 52. The Decision of the Disciplinary Panel to Acquit a Judge(25.02.2005 #1064)

The Disciplinary Panel makes the decision to acquit a judge only if after the hearing of the case it has been proved that the judge has not intentionally committed the disciplinary infraction under this Law or the fact of the disciplinary violation is can not be proved.

Article 53. The Decision of the Disciplinary Panel to Find a Judge Guilty in Committing Disciplinary Violation and Impose Disciplinary Responsibility and Measure upon Him

The Disciplinary Panel makes the decision to find a judge guilty in committing disciplinary violation and impose disciplinary responsibility and measure upon him only if during the hearing of a case by the Panel it has been proved that the judge intentionally committed one or several disciplinary violation under this provision and the Panel deems it expedient to impose upon him one of the measures determined in the first paragraph of Article 4 of this Law.

Article 54. The General Rule of Imposing Disciplinary Measures

1. During the selection of a disciplinary penalty for a judge the Disciplinary Panel takes into consideration the extent and severity of the disciplinary infraction, its outcomes or expected outcomes, the extent of guilt and the personality of the judge and his official and moral reputation.
2. The Disciplinary Panel is entitled to impose only one type of disciplinary penalty. Additional penalties can be imposed either separately or in conjunction with the measure determined by the Article 4, (2) "b". The disciplinary measure determined in Article 4 (2) "a" will only be imposed separately.
3. If the primary penalty, which has been imposed for previous disciplinary violation, has not been annulled, as a rule Disciplinary Panel shall impose a more severe penalty upon a judge.

Article 55. Dismissal of the Chairman of the Court or the Deputy Chairmen, or of the Chairman of the Judicial Panel or Chamber from the Position

The Disciplinary Panel can impose the disciplinary measures against the chairman of the court or the first deputy chairmen, deputy or the chairman of the Judicial Panel or Chamber, in case of the failure to duly perform administrative duties related to the court, also in other disciplinary violations determined by this Law.

Article 56. The Decision of the Disciplinary Panel to Dismiss a Judge

1. The Disciplinary Panel makes the decision to dismiss a judge if due to the severity and quantity of a certain disciplinary violation and general official or moral reputation of the judge, the Panel believes that the person should not continue working as a judge. The Disciplinary Panel shall take into consideration that only a serious and repeated violation of law can serve as a ground for such decision.(23.06.2005 #1752)

2. If a judge was a subject of disciplinary penalty in the form of severe reprimand as an independent penalty or in conjunction with additional penalty pursuant to law for a disciplinary violation committed previously, and this penalty has not yet been annulled, while deciding upon imposing primary disciplinary penalty for a new disciplinary violation, the Panel shall consider the dismissal of the judge.
3. A judge will be recused from trying the cases and fulfilling the other authorities immediately upon the Disciplinary Panel's decision to dismiss the judge.

Article 57. The Contents of the Decision of the Disciplinary Panel

The decision of the Disciplinary Panel shall include:

- a. The title of the Panel;
- b. Its composition;
- c. Time of the hearing of a disciplinary case;
- d. Full name and position of a prosecuted judge;
- e. The name and title of the official or the agency, which has brought disciplinary action or carries out disciplinary prosecution;

(The name and title of the official or the agency, who commences the disciplinary action or carries out disciplinary prosecution (25.11.2005 #2127 After March 15, 2006)

- f. The date of commencing the disciplinary prosecution and the day of bringing disciplinary responsibility;

(The date of starting the disciplinary action and the day of bringing disciplinary responsibility (25.11.2005 #2127 After March 15, 2006)

- g. Details of the disciplinary case;
- h. The contents of disciplinary indictment and judge's pleadings;
- i. Factual and legal grounds of the decision made and its contents and grounding;
- j. The type of disciplinary violation, which serves as a ground for disciplinary liability and types of primary and additional penalty;
- k. The grounds for terminating disciplinary proceeding, acquitting the judge, referring to him with a private letter of reprimand or suggesting his dismissal.

Article 58. Furnishing a Copy of the Decision of the Disciplinary Panel

1. The copies of the decision concerning a disciplinary case are sent to prosecuted judge, as well as to prosecuting agency or official, to the Council of Justice of Georgia and to the conference of Judges of Georgia, within 5 days after the decision has been made. (25.02.2005 # 1064)
2. A copy of the decision shall be attached to the personal file of the judge.

Article 59. Transcript of the Session of the Disciplinary Panel and Its Contents

1. The transcript of the session of the Disciplinary Panel shall include the date of the session, the time when it started, its development, composition of the Disciplinary Panel, names and titles of the parties, their pleadings, their evidences and grounding, the motions raised by them and their outcomes, names and titles of the persons invited to the session and information provided by them, contents of the decision of the Disciplinary Panel and the time when the session has been completed.
2. The chairman of the session of the Disciplinary Panel and secretary of the Disciplinary Panel sign the transcript. (30.06.2004 # 271)
3. The transcript is attached to the disciplinary case.

Chapter IV

Revision of the Decision of the Disciplinary Panel

(Revision of the Decision of the Disciplinary Panel by the Disciplinary Chamber of the Supreme Court (25.11.2005 #2127 After March 15, 2006))

Article 60. Appeal of the Decisions of the Disciplinary Panel

1. The decisions of the Disciplinary Panel may be revised by means of the appeal of the decisions at the Disciplinary Council of the Common Courts of Georgia. Only the decisions of the Disciplinary Panel provided by subparagraph "b" – "e" of paragraph 1 of Art. 48 of this Law are subject to appeal. The right to appeal is enjoyed by the parties of disciplinary cases. (30.06.2004 #271)

(The decisions of the Disciplinary Panel may be revised by means of the appeal of the decisions at the Disciplinary Chamber of the Supreme Court. Only the decisions of the Disciplinary Panel provided by subparagraph "b" – "e" of paragraph 1 of Art. 48 of this Law are subject to appeal. The right to appeal is enjoyed by the parties of disciplinary cases. (25.11.2005 #2127 After March 15, 2006))

2. The appeal of the decisions of the Disciplinary Panel shall be submitted to the appropriate disciplinary council of Common Courts of Georgia within ten days after the decision is made.

(The appeal of the decision of the Disciplinary Panel shall be submitted to the Disciplinary Collegium within 10 days. The term can no be prolonged and it will start after submitting the decision of the disciplinary collegium to the party. The time of submitted the decision is calculated from giving the party the copy of the decision in the Disciplinary collegium or sending it by post (25.11.2005 #2127 After March 15, 2006)

3. The agencies or officials prosecuting a judge appeal from the decision of the Disciplinary Panel through its representatives who carried out the disciplinary prosecution during the consideration of a case. They are authorized to appoint other representatives to carry out a disciplinary prosecution during the consideration of a case at the Disciplinary Council. The High Council of Justice of Georgia makes the decision concerning the appeal from the decision of the Disciplinary Panel at their session and the chairman of the Court makes the decision unilaterally. (30.06.2004 #271)

4. The judge, upon whom disciplinary responsibility was imposed, appeals decision of the Disciplinary Panel personally through his/her defense attorneys or other representatives.

(5. Within five days after receiving the complaint form one of the parties of the disciplinary case, the chairman of the disciplinary collegium hands the disciplinary case with the received complaints to the Disciplinary Chamber and informs the parties of the case.

6. State tax is not imposed on the claim about the decision of the Disciplinary Collegium

(25.11.2005 #2127 After March 15, 2006))

Article 61. Transference of Cases to the Disciplinary Council (30.06.2004 #271)

The respective Disciplinary Panel of judges (chairman) transfers a disciplinary case along with submitted appeals to the Disciplinary Council and informs the parties about this within five days after receiving complain from either or both parties of the disciplinary case.

(Article 61 The essence of the Appeal

1. The complaint should include:

- a. The name of the Disciplinary Chamber;
- b. The name and address of the person bringing the complaint, the name and address of the opposite party;
- c. The exact name of the appealed decision, the name of the body getting the decision;
- d. The indication to the part of the decision which is appealed.
- e. The grounds of the appeal (reasons for appealing) and the clarification if the person bringing the appeal request the abolishment of the decision
- f. The indication of facts and evidences, that proves the violation of the procedural norms if the appeal is based on the violation of the procedural norms.
- g. The list of the written materials attached to the appeal.
- h. the signature of the person bringing the appeal.

2. The appeal submitted by the representative should have the power of attorney, that certifies the rights of the representative on the appeal, if such a letter does not exist in the case.

3. The appeal, also other material should be submitted to the court in copies, sufficient for participating parties. (25.11.2005 #2127 After March 15, 2006))

Article 62. The Conditions for the Revision of the Case by the Disciplinary Council

(25.02.2005 # 1064)

The Disciplinary Council hears the appeal of the decision of the Disciplinary Panel of judges within one month after the case is filed. The secretary of the Disciplinary Council shall notify the parties on the time for the consideration of the case and invite them to attend and participate in the Session of the Disciplinary Council. The Chairman of the Disciplinary Council has authority to transfer a disciplinary case to one of the representatives of the Disciplinary Council to report to the Session.

(Article 62 Checking the Admissibility of the Appeal (25.11.2005 #2127 After March 15, 2006)

1. Within 10 days after receiving the appeal the disciplinary chamber should check if the appeal is submitted according to the requirements of Article 61 of this law. If the appeal satisfies these requirements, disciplinary chamber receives it in the proceeding.

2. If the appeal does not satisfy the requirements of Article 61 of this law, the disciplinary chamber assigns the person bringing the appeal, to eliminate the drawbacks, for which he/she imposes the reasonable time term (not exceeding 10 days). If the drawback will not be eliminated within the term or the appeal is not submitted within the term set forth by the law, the appeal will remain unheard.

3. The disciplinary chamber decides the issues determined by this article without oral discussion.

4. The copies of the appeal and the enclosed materials should be sent to the opposite party. The disciplinary chamber might set the term for the opposite party to submit the written reply on the appeal.)

Article 63. The Scopes of the Hearing of a Case by the Disciplinary Council

1. Disciplinary Council is entitled to revise lawfulness and fairness of the decision of the Disciplinary Panel.
2. The Disciplinary Council, as a rule, is limited to controlling the issues on the correctness of the legal assessment of the facts determined by the decision of the Disciplinary Panel and the fairness and expediency of primary and additional penalties imposed.
3. In the events determined by this law the Disciplinary Council is authorized to conduct substantive hearing of a case, investigate its factual circumstances and make appropriate decision. The Council makes a separate decision concerning the substantive consideration of a case at the same session.
4. During the substantive consideration of the case the Disciplinary Council shall not overstep the scope of disciplinary accusation, i.e. factual part of the accusation.

(Article 63 Refusal to appeal the decision (25.11.2005 #2127 After March 15, 2006)

1. If the party refuses to appeal the decision in a written form in the disciplinary collegium, the appeal will not be admitted.
2. The refusal to the appeal is admissible, before making the decision. In case of refusal the party has no longer the right to appeal the decision.)

Article 64. The principles of the Activities of the Disciplinary Council (25.02.2005 # 1064)

During the consideration of a disciplinary matter the Disciplinary Council acts under the principles provided by "3", "4" paragraphs of Art.30 of this law.

(Article 64 The terms of discussing the case, appointing the case hearing (25.11.2005 # 2127 After March 15, 2006)

1. Disciplinary chamber hears the case within a month after receiving the appeal in the proceeding. Upon the existence of the objective conditions the chairman of the Supreme Court can prolong the case hearing for a month.
2. Disciplinary chamber during the oral hearing of case issues a decision on application of complaint for review and informs parties within 3 days after adoption of the decision.
3. Disciplinary chamber ensures the parties/participants are invited to the meeting of the disciplinary chamber.)

Article 65. The Decision of the Disciplinary Council Concerning Substantive New hearing of a Case

1. The Disciplinary Council, as a rule, makes the decision concerning the substantive new hearing of a case in the following events:
 - a. When a case is reviewed with the violations of the principles provided by Art.30 of this Law.
 - b. When a case is reviewed by the staff of the Disciplinary Council, whose one or all members should have recused from the hearing of a case in the events determined by this Law.
 - c. When a case is reviewed with the procedural violations of Art. 43 of this Law which provides for the mandatory participation of parties.
 - d. When a case is incompletely investigated by the Disciplinary Panel.
2. Pursuant to the basis provided by subparagraph (1) "d" of this Article the Disciplinary Council can make a decision concerning the substantive new hearing of a case only if the relevant motion has been filed by the person reporting on the case participates in the session of the Disciplinary Council. Besides, the reporter shall substantiate the grounds of his motion.
3. The existence of the circumstances provided by subparagraphs "a"- "c" of this Article do not constitute the necessary basis for the decisions of the Disciplinary Council concerning substantive hearing of a case. The Disciplinary Council will discuss and assess whether or not it had an impact on the lawfulness and fairness of the decision of the Disciplinary Panel and will only subsequently discuss the issues on the substantive hearing of a case.
4. Disciplinary Council is entitled to make any decision determined by Article 69 of this law during the substantive new hearing of a case.

(Article 65 The scope of hearing appeal by the Disciplinary Chamber and the principles of the activities. 925.11.2005 #2127 After March 15, 2006)

1. The disciplinary chamber reviews the decision of the disciplinary collegium in the scope of appeal, for the purpose of defining correctness of fact, legal and imposed measures.
2. Hearing the case with violation of legal procedures by the disciplinary chamber can be the ground of abolishing the decision if it caused the making a substantial illegal decision on the case.
3. While hearing the case the disciplinary chamber exercises duties pursuant to the principles set forth in paragraph 3 and 4 of the Article 30 of this law.)

Article 66. The Procedure for the Hearing of a Case at the Disciplinary Council

1. The appeal filed from the decision of the Disciplinary Panel is considered at the Session of the Disciplinary Council of Georgia. Disciplinary Council is authorized to hear the case and make a decision if the session is attended by 6 members the session is presided over by the chairman of the Disciplinary Council or a member of the Council according to his/her directions. (25.02.2005 # 1064)
2. Primarily, the Disciplinary Council hears the reporter appointed for a given disciplinary case, who reports to the Disciplinary Council the decision of the Disciplinary Panel, the contents of appeals and his opinion on the relevance of appeals.
3. After the reporter the parties make their statements. They express their opinions about the legal assessment of the facts proved by the Disciplinary Panel and the issues on lawfulness and fairness of penalties imposed.
4. Parties are entitled to raise a motion to conduct a substantive new investigation of a case. If the Disciplinary Council approves this motion, the rights under Paragraph 5 of Art.39 of this Code are conferred upon the parties during the substantive hearing of a case.
5. Members of the Disciplinary Council can ask questions to parties and state their opinions. During the new substantive hearing of a case they are also entitled to raise the issue of obtaining additional documents, materials and information, inviting other individuals, adjourning a hearing and exercise other authorities resulting from the procedure of the substantive hearing of a case. (30.06.2004 #271)
6. The issue of the new substantive hearing of a case can be put to a vote, only in case it is supported by the reporter appointed for a given disciplinary case. The Disciplinary Council is authorized, if possible, to start the new hearing of a case at the same session or adjourn it for not more than two weeks. The term for the adjournment shall not be counted in the term determined by this Law for the consideration of case.
7. The chairman of the session and the secretary sign the transcript, which is produced at the Session of the Disciplinary Council. (30.06.2004 # 271)

(Article 66. The Procedure for the Hearing of a Case at the Disciplinary Council

(25.11.2005 #2127 March 15, 2006)

1. The appeal filed from the decision of the Disciplinary Collegium is considered at the Session of the Disciplinary Chamber of Georgia. The session is presided over by the chairman of the Disciplinary Council or a member of the Council according to his/her directions.

2. The chairman of the meeting of Disciplinary collegium opens the meeting and announces the case to be discussed.

3. The reporter of the disciplinary collegium meeting reports who presents from the invited people on the meeting, if the people, who did not come were informed about the meeting and what are the reasons of their absence. The disciplinary Chamber identifies people present at the meeting and also checks the authority of the representatives.

4. The chairman of the meeting defines to the parties their rights and authorities.

5. The chairman of the meeting announces the composition of the disciplinary chamber, the identity of the secretary of the meeting and defines to the parties their right to claim the recusal, if there is a justifiable reason for not having requested such a recusal before hearing the case at the meeting or if the case is discussed by other court composition and not by the one that was known on the preparatory stage of the case.

6. The chairman of the meeting addressed the parties if they have the motions that have not been announced at the meeting.

7. The participants of the process are obliged to keep order and obey instruction of the chairman of the meeting. In case of violation the order, the chairman gives the warning.)

Article 67. Participation of Parties during the Hearing of a Case at the Disciplinary Council

The Disciplinary Council is entitled to hear only the appointed reporter and make a decision after the members of the Disciplinary Council have expressed their opinions. If the Disciplinary Council has made a decision concerning substantive hearing of case, it shall ensure the mandatory participation of parties.

(Article 67 Substantial hearing of the case (25.11.2005 # 2127 After March 15, 2006)

1. The substantial hearing the case begins with the reporting of the judge regarding the case, that should be based on the materials submitted with the case.

2. After the judge reports about the case, the chairman of the meeting gives floor to the parties for explanations.

3. The first explanation is made by the author/ representative of the appeal, particularly, what are their requirement, what are the grounds for requirement, how are the presented conditions grounded, if he/she still supports the request, and other.

4. Then the court listens to the explanation of the opposite party/representative on acceptance of claim and etc.

5. If only one party presents at the meeting, the chamber get the explanation from the party presented.

6. Each party has the right to give questions to the opposite party or its representative with the approval of the chairman of the meeting. If the questions is beyond the subject of the case discussed and does not serve the purpose of investigating and stating the case circumstances, chairman of the meeting can decline the question based on the party's request or personal initiative.

7. The members of the Disciplinary chamber have right to give questions to the parties that will support the determination of the circumstances crucial for making the decision, revealing their trustworthiness.

8. The debates are composed from the statements made by parties and their representatives. First the floor is given to the author of the claim and his/her representative, then to the opposite party and his/her representative.

9. After every participant of the debates make the statement, the chairman gives parties opportunity to reply.

10. After debates, disciplinary collegium leaves for making the decision, which it announces to the parties.

11. The chairman of the meeting announces the decision after returning from room of deliberations, explains the grounds of the decision. Then announces the meeting closed.

12. The minutes are kept at the disciplinary collegium meeting that is signed by the chairman and the secretary of the meeting.)

Article 68. The Decisions of the Disciplinary Council

1. Disciplinary Council makes decision with the majority vote. In case of equal division of the votes, the chairman of the Disciplinary Council has the decisive vote. (30.03.2004 #271)
2. Members of the Disciplinary Council will not decline to vote while making decision.

(Article 68 Decision of the Disciplinary Chamber (25.11.2005 #2127 After March 15, 2006)

1. Disciplinary Council makes decision with the majority vote.
2. Members of the Disciplinary Council will not decline to vote while making decision.
3. The decision of the disciplinary chamber will include the content of the decision and the content of the claims, the results of discussing the question in the disciplinary chamber, the essence of the decisions made and grounds.
4. The decision of the disciplinary chamber is final and can not be appealed.
5. The disciplinary chamber can correct the deficiencies or obvious mathematical errors in the decision due to the parties' request or personal initiative, if it deems it appropriate. The ruling regarding making the corrections shall not be appealed.)

Article 69. Types of the Disciplinary Council Decisions

The Disciplinary Council is authorized to make one of the following decisions:

- a. To leave the decision of the Disciplinary Panel unaltered, when the matter refers to the decision under Subparagraphs "b"- "e" of Art. 48 of this Law;
- b. To alter the decision of the Disciplinary Panel, when the matter refers to the decision under Subparagraphs "c" and "d" of Art. 48 of this Law;
- c. To abolish the decision of the Disciplinary Panel and to make a new decision, when the matter refers to the decision under Subparagraphs "b"- "e" of Art. 48 of this Law.

(Article 69. Types of the Disciplinary Chamber Decisions (25.11.2005 #2127 After March 15, 2006)

The Disciplinary Chamber is authorized to make one of the following decisions:

- a. To leave the decision of the Disciplinary Panel unaltered, when the matter refers to the decision under Subparagraphs "b"- "e" of Art. 48 of this Law;
- b. To alter the decision of the Disciplinary Panel, when the matter refers to the decision under Subparagraphs "c" and "d" of Art. 48 of this Law;
- c. To abolish the decision of the Disciplinary Panel and to make a new decision, when the matter refers to the decision under Subparagraphs "b"- "e" of Art. 48 of this Law.
- d. To abolish the decision of the disciplinary collegium and to return the case for the repeated hearing.)

Article 70. The Grounds for Leaving the Decision of the Disciplinary Panel Unaltered

1. The Disciplinary Council makes decision to uphold the decision of the Disciplinary Panel when it is proved that the Disciplinary Panel lawfully acquitted the judge or terminated disciplinary proceedings against him, or gave the correct legal evaluation to the disciplinary violation proved at the Panel session and besides, imposed a lawful and fair penalty on a judge.
2. If the Disciplinary Council has a new substantive hearing of the case for making the decision to leave the decision of the Disciplinary Panel unaltered in case it has been proved that the Disciplinary Panel acquitted a judge lawfully, In case the Disciplinary Council repeatedly conducts substantive hearing of a case to leave the decision of the Disciplinary Panel unaltered, it is mandatory to prove the circumstances indicated in the first section of this Article, as well as the facts considered proven by the Disciplinary Panel, at the Plenary Session, i.e. the commission of appropriate disciplinary infraction, the ground for the termination of disciplinary proceedings and the acquittal of a judge.

Article 70. The Grounds for Leaving the Decision of the Disciplinary Panel Unaltered (25.11.2005 #2127 After March 15, 2006)

1. The Disciplinary Council makes decision to uphold the decision of the Disciplinary Panel when it is proved that the Disciplinary Panel lawfully acquitted the judge or terminated disciplinary proceedings against him, or gave the correct legal evaluation to the disciplinary violation proved at the Panel session and besides, imposed a lawful and fair penalty on a judge.

2. For the purpose of not altering the decision of the disciplinary collegium, alongside the existence of the conditions determined by the first paragraph of this law , it is mandatory to the facts considered proven by the Disciplinary Panel, at the Plenary Session, i.e. the commission of appropriate disciplinary infraction, the ground for the termination of disciplinary proceedings and the acquittal of a judge.

Article 71. The Grounds for Altering the Decision of the Disciplinary Panel

1. The Disciplinary Council makes the decision to change the decision of the Disciplinary Panel if:
 - a. The Disciplinary Panel has given incorrect legal evaluation of the actions committed by a judge and could not properly determine which disciplinary infraction, stipulated by Art. 2 of this Law, was committed by him. The Disciplinary Council is authorized to re-evaluate judge's actions as to any disciplinary infraction under Art. 2 of this Law and to find him guilty for the commission of other disciplinary infraction under this Law, if it is covered by the factual aspect of the disciplinary indictment.
 - b. The Disciplinary Panel has selected illegal, unjust and unreasonable primary or additional disciplinary penalty or other measure of disciplinary punishment for the given judge. In such cases the Disciplinary Council is authorized:
 - b. a) To leave primary disciplinary penalty unaltered and exclude or impose additional disciplinary penalty; (25.02.2005 # 1064)
 - b. b) To alter primary disciplinary penalty and leave additional disciplinary penalty unaltered;
 - b. c) To alter disciplinary measure and penalty, or use the measure of disciplinary measure provided by Article 4 (2) "a" of this law.

- b. d) To substitute the measure of disciplinary measure with any primary disciplinary penalty separately or in addition to disciplinary penalty considered in Article 4 (2) "b" .
- 2. The Disciplinary Council makes the decision to alter the legal evaluation of the infraction committed by a judge and accordingly, to alter the decision of the Disciplinary Panel in this part, in the circumstances provided by Subparagraph "a" of Paragraph 1 of this Article;

(Article 71. The Grounds for Altering the Decision of the Disciplinary Collegium

25.11.2005 #2127 After March 15, 2006)

1. The Disciplinary Chamber makes the decision to change the decision of the Disciplinary Collegium if:

- c. The Disciplinary Panel has given incorrect legal evaluation of the actions committed by a judge and could not properly determine which disciplinary infraction, stipulated by Art. 2 of this Law, was committed by him. The Disciplinary Council is authorized to re-evaluate judge's actions as to any disciplinary infraction under Art. 2 of this Law and to find him guilty for the commission of other disciplinary infraction under this Law, if it is covered by the factual aspect of the disciplinary indictment.
- d. The Disciplinary Panel has selected illegal, unjust and unreasonable primary or additional disciplinary penalty or other measure of disciplinary punishment for the given judge. In such cases the Disciplinary Council is authorized:

b. a) To leave primary disciplinary penalty unaltered and exclude or impose additional disciplinary penalty;

b. b) To alter primary disciplinary penalty and leave additional disciplinary penalty unaltered;

b. c) To alter disciplinary measure and penalty, or use the measure of disciplinary measure provided by Article 4 (2) "a" of this law.

b. d) To substitute the measure of disciplinary measure with any primary disciplinary penalty separately or in addition to disciplinary penalty considered in Article 4 (2) "b" .

2. The Disciplinary Chamber makes the decision to alter the legal evaluation of the infraction committed by a judge and accordingly, to alter the decision of the Disciplinary Panel in this part, in the circumstances provided by Subparagraph "a" of Paragraph 1 of this Article;

Article 72. The Ground for the Revocation of the Decision of the Disciplinary Panel

The Disciplinary Council makes the decision to revoke the decision of the Disciplinary Panel, when the Disciplinary Panel illegally prosecutes a judge, illegally terminated disciplinary proceedings against him or illegally imposes disciplinary liability on him and applies disciplinary penalty or disciplinary measures. The Disciplinary Council is authorized to make any decision provided by Art. 48 of this Law, except the decisions determined in the 1 "a" of this Article as soon as the decision of the Disciplinary Panel has been revoked.

**(Article 72. The Ground for the Revocation of the Decision of the Disciplinary Panel
25.11.2005 #2127 After March 15, 2006)**

The Disciplinary chamber makes the decision to revoke the decision of the Disciplinary Panel, when the Disciplinary Panel illegally prosecutes a judge, illegally terminated disciplinary proceedings against him or illegally imposes disciplinary liability on him and applies disciplinary penalty or disciplinary measures. The Disciplinary Council is authorized to make any decision provided by Art. 48 of this Law, except the decisions determined in the 1 "a" of this Article as soon as the decision of the Disciplinary Panel has been revoked.)

Article 73. The Form of the Decision of the Disciplinary Council (30.06.2004 # 271)

1. The decision of the Disciplinary Council concerning disciplinary cases is registered in writing, which is signed by the Chairman and the Secretary of the session of the Disciplinary Council.
2. The copy of the Disciplinary Council resolution is sent to the Council of Justice and the judge concerned.

(Article 73. The Grounds for abolishing the decision of the Disciplinary Collegium and returning the case for the repeated consideration (25.11.2005 #2127 After March 15, 2006)

1. Disciplinary Chamber makes the decision to abolish the decision of the disciplinary collegium and returning the case for the repeated consideration if:
 - a. The case was heard by the illegal composition of the disciplinary collegium.
 - b. Disciplinary collegium heard the case without presence of one of the parties that was not informed about the meeting.
 - c. The decision is made based on the case hearing, during which the rules of the confidentiality of the process were violated.
 - d. The decision is not legally sufficiently grounded, or if the grounds are so incomplete that it becomes impossible to examine legal grounds of the decision.
 - e. The decision is not signed by the chairman or the secretary.
 - f. The records of the disciplinary collegium meeting does not exist in the case.)

Article 74. The Contents of the Decision of the Disciplinary Council and Its Mandatory Implementation

1. The decision of the Disciplinary Council on disciplinary matters includes the contents of the decision of the Disciplinary Panel and of the appeals filed, the results of the consideration of issues at the Disciplinary Council, the essence of the decision made and the relevant reasoning.
2. Removed (by decision of the Constitutional Court 28.06. 2004 # 1/3/209,276)

(Article 74. The form of disciplinary Chamber decision (25.11.2005 #2127 March 15, 2006)

1. The decision of the disciplinary chamber regarding the disciplinary case is in a written form. It is signed by the members of the disciplinary chamber.
2. The copy of the disciplinary chamber decision is sent to the High Council of Justice of Georgia, parties of the process and their representatives.)

**Chapter IV¹ (Removed 25.11.2005 # 2127 From March 1, 2005)
(25.02.2005 # 1064)**

Appealing against Decisions of Disciplinary Panel

Article 74¹. Appealing against Decisions of the Disciplinary Panel

1. Decisions of the Disciplinary Panel on disciplinary cases can be appealed only via cassation to the Disciplinary Collegium of the Supreme Court of Georgia. Only decision made under the Article 69 of the Law shall be subject to appeal. Parties to disciplinary case shall be authorized to file an appeal.
2. An appeal shall be filed with the Disciplinary Panel in writing within 10 days after taking a decision. Within 5 days upon receipt of the appeal the Disciplinary Panel shall transfer the case and the appeal to the Disciplinary Collegium of the Supreme Court.
3. The judge disciplinary prosecution body or the official shall file an appeal against the decision of the disciplinary panel through its representative, who during the case hearing was supporting the disciplinary prosecution side. During the hearing at the Supreme Court he/she shall be authorized to appoint another representative. Decision on appealing against the decision of the disciplinary panel shall be made by the High Council of Justice of Georgia at the Board meeting, and the Court Chairman shall make such decision solely.
4. The judge, against who the disciplinary sanction is imposed, shall be authorized to appeal against the decision of the disciplinary panel individually or through his/her attorney or other representative.
5. State dues shall not be charged on the appeal filed against the decision of the disciplinary panel.

Article 74². Case Hearing Principle

The case shall be considered by the disciplinary collegium of the Supreme Court of Georgia in accordance with rules, established by the Disciplinary Panel, except an exception provided for under this Chapter.

Article 74³. Appeal Grounds

1. The Appeal shall be based only on the fact that the disciplinary panel took a decision in violation of the law.
2. The decision shall be deemed taken in violation of the law, if:
 - a. the case is considered by a composition, where a member (members) should have been recused in cases established under this law;
 - b. the case is considered in violation of the rule of mandatory participation of parties;
 - c. the case is considered with violation of legal proceedings.

3. The case, described under the paragraph 2.c of this article shall become the basis for the abolishment of the decision, if it caused taking a substantially wrong decision.

Article 74⁴. Admissibility of the Appeal

1. Within 10 days upon receipt of the appeal the Disciplinary Collegium of the Supreme Court shall examine it for admissibility. Admissibility of the appeal shall be determined during the oral hearing and the parties shall be informed of that. If the Collegium decides not to accept the appeal, then the Disciplinary Collegium shall rule on leaving a case without consideration.
2. Immediately upon acceptance of the appeal the Disciplinary Collegium shall send the opponent copies of the appeal and attached material. For participation in the case hearing the Collegium shall invite parties to the disciplinary case – disciplinary prosecution body or the representative of the official and the judge, against who the disciplinary responsibility is imposed. The Collegium shall also be authorized to invite witnesses.

Article 74⁵. Case Hearing Scope

The Disciplinary Collegium of the Supreme Court shall consider a case only in the scope of the appeal. The Disciplinary Collegium shall not be authorized to exceed the disciplinary charges limits.

Article 74⁶. Taking Decision on the Disciplinary Case

1. The Disciplinary Collegium of the Supreme Court shall take on the case one of the following decisions:
 - a. leave the decision of the disciplinary panel unchanged;
 - b. abolishment of the Disciplinary Panel decision and return of the case for re-consideration.
2. Copies of the decision of the Disciplinary Collegium of the Supreme Court shall be sent to the parties and High Council of Justice with 5 days upon arrival at such decision.
3. The decision of the Disciplinary Collegium of the Supreme Court is final and shall not be subject to appeal.

Chapter V

Enforcement of the Decisions of the Disciplinary Panel and Disciplinary Council (25.02.2005 # 1064)

Article 75. Enforcement of the Decisions on the Disciplinary Case (25.02.2005 # 1064)

1. Removed (by the decision of the Constitutional Court 28.06.2004 #1/3/209,276)
2. The High Council of Justice of Georgia or The chairman of the Supreme Court is responsible for the enforcement of disciplinary penalties, within the frames of its competence. (30.06.2004 3271)
3. Decision of the Disciplinary Collegium and the Disciplinary Panel shall come into legal force upon expiration of the appeal deadlines, and the decision of the Disciplinary Collegium of the Supreme Court shall come into legal force immediately. (25.02.2005 # 1064)

(3. The decision of the disciplinary collegium enters the legal force after the expiration of the term for appeal, and the decision of the disciplinary chamber – immediately 25.11.2005 #2127 After March 15, 2006)

Article 76. Specific Features of the Enforcement of the Decision Concerning Dismissal of the Chairman of a Court, the First Deputy or the Deputy of the Chairman and of the Chairman of the Panel and Council (25.02.2005 #1064)

When dismissing the chairman of a court, the first deputy or the deputy of the chairman and the chairman of the disciplinary panel and council, as an additional penalty against them, the Disciplinary Panel and the Disciplinary Council submit their enforced decisions to the appropriate authorized agencies or officials for the enforcement. Namely, when the case concerns the deputies of the Supreme Court of Georgia – the Plenum of the Supreme Court of Georgia, under other circumstance – High Council of Justice of Georgia.

(Article 76. Specific Features of the Enforcement of the Decision Concerning Dismissal of the Chairman of a Court, the First Deputy or the Deputy of the Chairman and of the Chairman of the Panel and Council (25.02.2005 #1064)

When dismissing the chairman of a court, the first deputy or the deputy of the chairman and the chairman of the disciplinary panel and council, as an additional penalty against them, the Disciplinary Panel and the Disciplinary Council submit their enforced decisions to the appropriate authorized agencies or officials for the enforcement. Namely, when the case concerns the deputies of the Supreme Court of Georgia – the Plenum of the Supreme Court of Georgia, under other circumstance – High Council of Justice of Georgia.)

Article 77. Enforcement of the Decision Concerning Dismissal of a Judge (25.02.2005 #1064)

In case if a judge is the subject of the disciplinary measure to dismiss him form the office, Disciplinary Panel or the Disciplinary Council will submit their enforced decision to the relevant agency or official for enforcement. Namely, when the case concerns:

- a. A judge of the Supreme Court of Georgia – to the Chairman of the Supreme Court of Georgia to raise the issue before the President of Georgia;
- b. All other judges – to the Council of Justice of Georgia to raise the issue before the President of Georgia.

(Article 77. Enforcement of the Decision Concerning Dismissal of a Judge

In case if a judge is the subject of the disciplinary measure to dismiss him form the office, Disciplinary Collegium or the Disciplinary Chamber will submit their enforced decision to the relevant agency or official for enforcement. Namely, when the case concerns:

- c. A judge of the Supreme Court of Georgia – to the Chairman of the Supreme Court of Georgia to raise the issue before the President of Georgia;
- d. All other judges – to the Council of Justice of Georgia to raise the issue before the President of Georgia.)

Article 78. The Procedure for Dismissing a Judge of the Supreme Court of Georgia

1. The enforced decision of the Disciplinary Panel or the resolution of the Disciplinary Council to dismiss a judge is sent to the Chairman of the Supreme Court of Georgia in five days after the decision has been made. (25.02.2005 #1064)

(1. The enforced decision of the Disciplinary Collegium or the resolution of the Disciplinary Chamber to dismiss a judge is sent to the Chairman of the Supreme Court of Georgia in five days.)

2. Within ten days after the decision has been made, the Chairman of the Supreme Court of Georgia applies to the President of Georgia with an appropriate letter to raise the issue at the Parliament of Georgia for the purpose of dismissing the judge of the Supreme Court of Georgia. The letter must be attached with the relevant decision.
3. The President of Georgia submits the issue on the dismissal of a judge of the Supreme Court of Georgia to the Parliament of Georgia.

Article 79. The Terms of the Authority of the Councils of Justice when Issuing the decision on Dismissing a Judge by the Disciplinary Panel or by the Disciplinary Council (30.06.2004 #271)

1. The High Council of Justice of Georgia reviews the enforced decision of the Disciplinary Panel or of the Disciplinary Council to dismiss a judge within ten days after the decision has been made. (25.02.2005 # 1064)
2. The High Council of Justice of Georgia is obliged to present the issue of dismissal of a judge to the president within three days after discussion of the case.

Article 79. The Terms of the Authority of the Councils of Justice when Issuing the decision on Dismissing a Judge by the Disciplinary Panel or by the Disciplinary Council

1. The High Council of Justice of Georgia reviews the enforced decision of the Disciplinary Collegium or of the Disciplinary Chamber to dismiss a judge within ten days after the decision has been made.

2. The High Council of Justice of Georgia is obliged to present the issue of dismissal of a judge to the president within three days after discussion of the case. (25.11.2005 #2127 After March 15, 2006)

Article 80. Dismissal of a Judge

1. The appropriate authorized agencies or officials dismiss judges, after receiving the appropriate submission on the dismissal of judges. Namely:
 - a. The Parliament of Georgia dismisses the judges of the Supreme Court of Georgia;
 - b. All other judges are dismissed by the President of Georgia. (30.06.2004 #271)
2. Individuals, who have been dismissed for the commission of the disciplinary violations under this Law, are deprived of the right under Paragraph 3 of Art. 82 of the Organic Law of

Georgia on Common Courts to receive the lifetime pension, which equals the salary of a judge.

Chapter VI

The Conditions of Publishing the Decisions of the Disciplinary Council and Disciplinary Panel, the Results of Violation of Confidentiality of the Information Concerning the Disciplinary Cases and reimbursement of the Business Travel Expenses

Article 81. Publishing of the decisions of the Disciplinary Panel and of Disciplinary Council

1. The Disciplinary Panel and the Disciplinary Council are authorized to publish only the resolution part of the respective decision, which covers the information on imposing the disciplinary measure, disciplinary responsibility or penalty over a judge.
2. It is not allowed to publish the grounds of the disciplinary responsibility and measure imposed over a judge, except in the event of dismissal of the judge from the office.

Article 82. Obligation of Members of the Disciplinary Panel and the Disciplinary Council to Ensure Confidentiality of the Information Received on the Disciplinary Case

1. The members of the Disciplinary Panel and the Disciplinary Council are obliged to secure the confidential information concerning the disciplinary case, not to disclose the basis of the disciplinary measure imposed over a judge and the secrecy of the meeting of the members of the Disciplinary Panel.
2. Non-execution of this rule shall be considered as a disciplinary act envisaged in the Article 2, Part 2, and section "f" of this Law and can serve as a reason for removing a judge from the Disciplinary Panel and the basis for the disciplinary responsibility.

(The Conditions of Publishing the Decisions of the Disciplinary Council and Disciplinary Panel, the Results of Violation of Confidentiality of the Information Concerning the Disciplinary Cases and reimbursement of the Business Travel Expenses

Article 81. Publishing of the decisions of the Disciplinary Collegium and of Disciplinary Chamber

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Article 82. Obligation of Members of the Disciplinary COLlegium and the Disciplinary CHamber to Ensure Confidentiality of the Information Received on the Disciplinary Case

1. The members of the Disciplinary Collegium and the Disciplinary chamber are obliged to secure the confidential information concerning the disciplinary case, not to disclose the basis of the disciplinary measure imposed over a judge and the secrecy of the meeting of the members of the Disciplinary Panel.

2. Non-execution of this rule shall be considered as a disciplinary act envisaged in the Article 2, Part 2, and section "f" of this Law and can serve as a reason for removing a judge from the Disciplinary Panel and the basis for the disciplinary responsibility.

Chapter VII

Nullification of the Disciplinary Measure and the Legal Consequences of Imposing It

Article 84. Nullification of the Disciplinary Measure

1. "Reprimand" shall be considered as nullified after 6 months, "Sanction" - after 9 months and "Strict Sanction"- after one year from the day they were imposed in case a judge is not involved in any other disciplinary violation during the respective term.
2. The judge, against whom the decision is made on the acknowledgement of a judge as guilty in the disciplinary violation, imposing the disciplinary action and directing the personal reprimand to him - is not considered to have been imposed the disciplinary measure.
3. It is not remitted to nullify the disciplinary measure before the expiration of the term indicated in section I of this Article.

Article 85. The Limitation of Promotion of a Judge

Office promotion and acquisition of rank is restricted to a judge for whom the disciplinary measure is not nullified.

Agencies or officials having respective authority shall not give a class rank to a judge or assign him to a court of a higher instance, if the disciplinary measure against him is not nullified.

Article 86. Inadmissibility of the Commencement of the Disciplinary Prosecution, Bringing a Disciplinary Case, Acknowledgement as Guilty and Imposing the Disciplinary Measure with the same Accusation (30.06.2004 #271)

After acknowledging a judge guilty or not guilty by the Disciplinary Panel or the Disciplinary Council, to bring a disciplinary case under the same accusation or acknowledging him as guilty under the same action, and imposing the disciplinary action and measure over him is not permitted except the events determined by the Article 18 "c".

(Article 86. Inadmissibility of the Commencement of the Disciplinary Prosecution, Bringing a Disciplinary Case, Acknowledgement as Guilty and Imposing the Disciplinary Measure with the same Accusation (30.06.2004 #271)

After acknowledging a judge guilty or not guilty by the Disciplinary Collegium or the Disciplinary chamber, to bring a disciplinary case under the same accusation or acknowledging him as

guilty under the same action, and imposing the disciplinary action and measure over him is not permitted except the events determined by the Article 18 "c".)

Chapter VIII Keeping Cases and statistical information

Article 87. Keeping the Disciplinary Cases.

1. The disciplinary cases are kept in the respective Disciplinary Council of Judges and are not accessible for others.
2. Sending the disciplinary cases to the agencies or the officials authorized to appoint judges is possible only under the permission of the Chairman of the respective Disciplinary Council. (30.03.2004 #271)
3. The term for keeping the list of disciplinary case is ten years.

Article 87. Keeping the Disciplinary Cases.

1.The disciplinary cases are kept in the respective Disciplinary Collegium of Judges and are not accessible for others.

2.Sending the disciplinary cases to the agencies or the officials authorized to appoint judges is possible only under the permission of the Chairman of the respective Disciplinary Council.

3.The term for keeping the list of disciplinary case is ten years.

Article 88. The Statistical Information (30.06.2004 # 271)

Article 88he Statistical Information

1. The statistical information on the activity of the Disciplinary Council and the discussed disciplinary cases are periodically submitted to the Conference of Judges of Common Courts and the High Council of Justice.
2. Submission of the mentioned statistical information to other officials, organizations, also the representatives of mass-media is permitted only under the consent of the Chairman of the respective Disciplinary Council and by following the restrictions envisaged by the law for ensuring the confidentiality of information.

(Article 88. The Statistical Information (30.06.2004 # 271)

1. The statistical information on the activity of the Disciplinary Collegium and the discussed disciplinary cases are periodically submitted to the Conference of Judges of Common Courts and the High Council of Justice.

2. Submission of the mentioned statistical information to other officials, organizations, also the representatives of mass-media is permitted only under the consent of the Chairman of the respective Disciplinary Collegium and by following the restrictions envisaged by the law for ensuring the confidentiality of information.)

Chapter IX Transitional Provisions

Article 89. The Rule of Extension of the Term for Trying the Disciplinary Cases that are in the Proceeding

The disciplinary cases that were in the proceeding before the implementation of the law on "On Disciplinary Responsibility and Disciplinary Prosecution of Judges of Common Courts of Georgia" will be considered according to the rules determined in this Law upon its enforcement.

Article 90. Authorities of the Council of Justice in the Transitional Period

1. The Council of Justice of Georgia is authorized to commence a disciplinary prosecution against all the judges of the Common Courts of Georgia, except the Judges of the Supreme Court before the implementation of this law before May 1, 2001.
2. The Council of Justice of the Autonomous Republic of Abkhazia is authorized to commence the disciplinary prosecution against all the judges of Common Courts on the territory of the Autonomous Republic before the implementation of this Law before May 1, 2001 in all events determined in the Article 2 of this Law.
3. Council of Justice of the Autonomous Republic of Adjara is authorized to commence the disciplinary prosecution against all the judges of Common Courts on the territory of the Autonomous Republic before the implementation of this Law before May 1, 2001 in all events determined in the Article 2 of this Law.
4. If there is more then one ground according to the Article 7 of this law on one specific fact of violation the issue of commencing the disciplinary case against a judge is considered by an agency or official who first gained the information.
5. (High Council of Justice will recruit disciplinary collegium with the new rule and liquidate the old Disciplinary Council until March 15, 2006 .
6. The appeals on the decisions of the disciplinary collegium existing in the proceeding of the judicial disciplinary council of the Common Courts will be handed to the disciplinary chamber of the Supreme Court until March 15, 2006. (25.11.2005 #2127 After March 15, 2006)

Article 91. Decisions Made before the Implementation of the Law

1. All the decisions made before the implementation of this Law concerning the disciplinary cases of the judges of common courts of Georgia remain valid.
2. Disciplinary prosecution against the judges of the Common Courts is conducted under temporary provisions of the presidential decree before this law enters into legal force (20.02.2000 3251)

Chapter X Final Provisions

Article 92. Abolition of the Normative Act Concerning the Implementation of the Law

Decree #534 of the September 25, 1998, on Disciplinary Responsibility and Disciplinary Prosecution of Common Courts of Georgia “ proved by the President of Georgia will become invalid upon the enforcement of this Law.

Article 93. Enforcement of the Law

The law will be implemented after June 1, 2000.

President of Georgia

Edward Shevardnadze

Tbilisi,
February 23, 2000
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