

The Law of Georgia

ON PROCEDURE OF COMMUNICATION WITH THE JUDGES OF COMMON COURTS

Article 1. Purpose and scope of the Law

1. The purpose of this law is to reinforce the guarantees recognised by the Constitution of Georgia, International treaties and agreements of Georgia, as well as by the Georgian legislation for independence and impartiality of the judges of common courts.
2. This law determines the procedure of communication of the parties of the proceeding, interested persons and public servants with the judges of the common courts and defines the liability for the infringement of this procedure.

Article 2. Terms used in the Law

The terms used in this law have the following meanings:

- a) communication with a judge – relation with the judges of the common courts by any means, including written communication, telephone conversation or oral communication by other technical means;
- b) party of the proceeding – official of the prosecutors' office, investigator, advocate, representative, party, third person, any other person participating in the criminal, civil, or administrative court proceedings.
- c) interested person – a person interested in the results of the proceeding and with this purpose attempts to communicate with the judge.
- d) public Servant- persons defined by article 4 of the Law of Georgia on Public Service.

Article 3. Prohibition of the communication with a judge

1. It is prohibited, from the moment of entering of the case before the court until the entering into legal force of the court decision on the case, as well as on the stage of preliminary investigation on the criminal case, the communication of the parties of the proceeding, interested persons and public servants with the judge, which is related to the proceedings on the particular case or issue and violates the principles of independence and impartiality of the court and adversarial court proceedings.

2. The liability prescribed by this law shall not arise for the offence prescribed by the Criminal Code of Georgia.

Article 4. Liability of a judge (chairperson of the court)

1. In case of prohibited communication with a judge by a party of the proceeding or by an interested person or the public servant, the judge shall immediately report in written to the chairperson of the court. If proscribed communication takes place with the chairperson of the court, also in case of district (city) court where there is a single judge, the chairperson of the court (the judge) shall report to the chairperson of the court of higher instance.
2. In case of prohibited communication with the judge by the party of the proceeding or by an interested person or the public servant, the chairperson of the court may use following measures prescribed by this law:
 - a. Impose a fine;
 - b. Request the Secretary of the High Council of Justice to impose disciplinary responsibility on them.
3. Violation of the terms prescribed by Article 3, paragraph one of this law, and paragraphs 1 and 2 of this article committed by judge (chairperson of the court) shall entail disciplinary liability or/and imposition of a fine, as provided by the Law of Georgia on Disciplinary Liability and Disciplinary Legal Proceeding of the Judges of Common Courts of Georgia.

Article 5. Liability of the Official of the Prosecutors' Office

Violation of the terms of Article 3 of this law committed by a member of the Prosecutors' Office of Georgia shall be considered as unwarranted action for the official of the prosecutors' office, which shall rise the disciplinary liability or/and imposition of a fine, as provided by the Organic Law of Georgia on Prosecutors' Office.

Article 6. Liability of Advocate

Violation of the terms of Article 3 of this law committed by advocate shall be considered as the violation of the norms of professional ethics of advocates and shall rise the disciplinary liability or/and imposition of a fine, as provided by the Law of Georgia on Advocates.

Article 7. Liability of Investigator

Violation of the terms of Article 3 of this law committed by investigator shall rise the disciplinary liability or/and imposition of a fine, as provided by the Legislation, and in accordance with the rules set out in this Law.

Article 8. Liability of a Public Servant

Violation of the terms of Article 3 of this law committed by a public servant shall rise the disciplinary liability or/and imposition of a fine, as provided by the Legislation, and in accordance with the rules set out in this Law.

Article 9. Liability of the party of the Proceeding, interested persons and of a public servant

1. Violation of the terms of this law committed by the party of the proceeding interested person and a public servant shall entail imposition of a fine in the amount not in excess of 2, 000 GEL.

Article 10. Investigation of the case of prohibited communication with a judge

1. The chairperson of the court investigates the written report on the prohibited communication with the judge, within 14 days from the receipt of such report and makes a decision to impose a fine on the party of the proceeding, interested person or the public servant or/and to request imposition of a disciplinary liability on them by the Secretary of the High Council of Justice.
2. Chairperson of the court issues the order on imposition of a fine pursuant to the procedure for contempt of court order, as prescribed by the article 212 of the Civil Procedure Code of Georgia. The order on imposition of a fine must be justified and must include the reference about the violation of the requirements of this law and about the circumstances testifying the commitment of such violation. Order on imposition of a fine shall be immediately forwarded to the Secretary of the High Council of Justice.
3. Secretary of the High Council of Justice investigates the report on the prohibited communication with a judge within a month from the receipt of such report.
4. In case of violation of the terms of this law, the Secretary of the High Council of Justice may:
 - a. apply to the officials prescribed by the paragraphs 1-4 , article 11 of this law with the request for appropriate reaction;
 - b. submit the materials of the case to the appropriate investigatory bodies, if after investigating the materials of the case the Secretary of the High Council of Justice comes to the conclusion that committed

action may contain signs of the offence stipulated by the Criminal Code of Georgia;

Article 11. Request of the Secretary of the High Council of Justice on the proscribed communication with judge

1. In case of violation of the terms of this law by member of the prosecutors' office of Georgia, the Secretary of the High Council of Justice shall submit request for appropriate reaction and relevant materials to the Prosecutor General of Georgia.
2. In case of violation of the terms of this law by advocate, the Secretary of the High Council of Justice shall submit request for appropriate reaction and relevant materials to the Chairperson of Georgian Bar Association.
3. In case of violation of the terms of this law by investigator, the Secretary of the High Council of Justice shall submit request for reaction and materials to the appropriate officials.
4. In case of violation of the terms of this law by a public servant, the Secretary of the High Council of Justice shall submit request for reaction and materials to the appropriate agency or public official.
5. The officials referred in the paragraphs 1-4, of this article shall investigate the request submitted by the Secretary of the High Council of Justice within a month from its receipt and shall inform the Secretary of the High Council of Justice on the decision adopted. The failure to meet this duty shall be considered as a refusal to impose the disciplinary liability.
6. The Secretary of the High Council of Justice is authorised to appeal such refusal on imposition of the disciplinary liability according to the procedure provided by the Georgian legislation for the appeal of individual administrative legal act.

Article 12. Entry into Force of this Law

This law shall enter into force on the 15th day from its promulgation.

President of Georgia

Mikheil Saakashvili

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