

February 8, 2012

## **NORMS OF JUDICIAL ETHICS OF GEORGIA**

### **Preamble**

Members of Association of Georgian Judges:

Hereby, recognize that public confidence in the independence and impartiality of the judiciary is the utmost important value of a democratic society;

Hereby, recognize that conduct of the judge while carrying out judicial assignments or any other actions should be viewed an important pre-requisite to reaffirm the people's faith and authority in the judiciary.

Shall comply with the Georgian Constitution and laws as well as international legal values applicable to the existing judicial ethics including the Bangalore Principles of Judicial Conduct and Opinion No. 3 of the Consultative Council of European Judges on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behavior and impartiality.

Define rules of judicial ethics to strengthen independence, impartiality and integrity of the judiciary, to promote public confidence and trust in the judiciary and to protect reputation and authority of judges.

### **I. Independence and Impartiality of Judges**

#### **Article 1.**

A judge shall exercise judicial function independently and shall pass judgment only in accordance with the law.

#### **Article 2.**

A judge shall respect and comply with the law, the judge's oath and responsibilities in performing judicial duties – a guarantor of rule of law and equality. His/her decision should not depend on the interests of any political or social party, public pressure or any other influence and/or fear of criticism.

#### **Article 3.**

A judge shall ensure that his/her conduct, both at the individual and institutional levels, enhances the confidence of the public in the independence, fairness and impartiality of the judiciary.

#### **Article 4.**

A judge shall behave in a manner to prevent damage to the prestige of the judiciary and shall avoid any impropriety, both in court and out of court.

#### **Article 5.**

A judge shall be free from any preliminary formed opinions and views while carrying out judicial duties. He/she should avoid any conduct that can be viewed by the parties to the proceedings or the public as a prejudgment.

**Article 6.**

A judge shall neither publicly express any negative opinion or view regarding professionalism or personal attributes of other judges and colleges, nor make any negative comments regarding judicial decisions made by other judges.

**Article 7.**

A judge shall be prohibited from meeting or otherwise communicating with the parties to legal proceedings and/or persons interested in case, both in and out of court, from the moment of submitting the case to the court until rendering the final decision on it. In addition, a judge is required to immediately inform the Chairman of the court in writing on any attempt to establish communications in a form restricted by law with the judge by prosecutor, lawyer or any other party to the legal proceedings.

**II. Competence and Diligence of Judges**

**Article 8.**

A judge shall perform all judicial duties efficiently, fairly and diligently.

**Article 9.**

A judge shall be respectful and polite in relation to the parties to the proceedings and the public with whom the judge deals in an official capacity. A judge is obliged to maintain order in court, act in accordance with the law and require the persons attending the hearing to show proper respect to court.

**Article 10.**

A judge shall be required to ensure equality of treatment to all parties to the proceedings before the court. Race, national origin, ethnicity, language, social and economic status, religion, sexual orientation and other causes of the parties to the proceedings shall not make any influence on his/her judgment or proper implementation of his/her judicial duties.

**Article 11.**

A judge shall treat respectfully court personnel and ensure that court officials observe norms of professional ethics, act in a reserved manner, and do not show partiality or favoritism towards the parties of the proceedings.

**Article 12.**

A judge shall properly react to any violation of norms of professional ethics made by court officials, the parties or their representatives.

**Article 13.**

A judge shall not use any information obtained while performing official duties to advance his/her personal interests or to damage others' rights. It is also prohibited to disclose such information after the discharge of official duties.

#### **Article 14.**

To properly perform judicial duties, a judge shall take reasonable steps to further enhance his/her professionalism and keep himself/herself informed about the new developments in his/her field. A judge shall also be required to assist in increasing professionalism and competency of court officials and to provide them with necessary advice and guidance.

### **III. Relations between Judges and Mass Media**

#### **Article 15.**

Any opinion expressed by a judge shall not incur any damage to dignity, impartiality and independence of the judiciary.

#### **Article 16.**

A judge shall avoid stating his/her personal opinion on the case to be considered, being considered or have been considered while dealing with mass media providing it is related to the organizational or substantial aspects of the case.

#### **Article 17.**

A speaker judge, at or without request of mass media, shall provide information on judicial activities and disclose judicial decisions taking into account the public interest.

#### **Article 18.**

A judge when providing information to mass media shall not disclose information on any disputes or discussion that have taken place between colleagues as well as shall not take into consideration popularity of either of the parties and interest expressed by mass media or state institutions in regards to this issue.

#### **Article 19.**

A judge shall avoid making any statement that might reasonably give rise to the suspicion that this statement can impede making of an impartial judgment.

#### **Article 20.**

A judge shall, at all times, act in a polite manner and not use any words and expressions that insult, humiliate or discriminate against the parties. He/she shall also be required to advise court officials not to make similar statements.

#### **Article 21.**

A judge shall pay attention to where and when he/she makes a statement not to be perceived by the public as made only in respect to one organization or group. He/she shall also be required to

act carefully when making statements at public meetings not to convey the impression that his/her views show political support or partiality.

### **III. Non-judicial Activities of Judges**

#### **Article 22.**

A judge may engage in activities not related to his/her official duties providing they do not contradict the principle of independence of the judiciary and the judge, do not endanger authority of the judiciary, do not give rise to the suspicion of objectiveness and impartiality and is compatible with the Georgian legislation and these rules of conduct.

#### **Article 23.**

A judge can not be engaged in any activity for pay, unless these are activities assigned to him/her by the law, except for teaching, research or creative activities providing the proper performance of judicial duties.

#### **Article 24.**

A judge should not participate in any deal incompatible to his/her official status and duties.

#### **Article 25.**

A judge can not join an organization that requires taking an oath and/or endangers reputation of a judge and damages the authority of the judiciary.

#### **Article 26.**

A judge shall not be engaged in political activity. He/she should not be a member of any political organization or perform orders of a party or speak on behalf of a political organization.

#### **Article 27.**

A judge shall not publicly express his/her political views. He/she is prohibited from spreading any political propaganda in and out of court. He/she should not publicly express his/her position regarding any nominee candidate to any political post.

#### **Article 28.**

A judge shall be required not to go on strike. He/she does not have any right, by any motive, individually or collectively, to refuse or make appeal to others not to fulfill professional duties. Moreover, a judge shall advise court officials not to get engaged in a political activity or demonstrate any political view.