



giz



On behalf of
Federal Ministry
for Economic Cooperation
and Development



INDEPENDENCE, IMPARTIALITY, EFFICIENCY, TRANSPARENCY, COMPETENCE

Modern challenges of the judicial reform in the South Caucasus

Zusammenfassung

Fachkonferenz

Independence, Impartiality, Efficiency,
Transparency, Competence

- Modern challenges of the judicial reform in the South Caucasus -

Tbilissi

4./5. April 2011



Prof. Mellinghoff, Lord Mance, Dr. Kublashvili, Dr. Jayawickrama, F. Contini, Z. Reichenbecher

INHALTSVERZEICHNIS

I.	Konferenzbericht.....	2
II.	Empfehlungen.....	6
III.	Programm.....	8
IV.	Teilnehmerliste.....	11
V.	Fotoeindrücke.....	17
VI.	Presseauswertung.....	19

KONFERENZBERICHT

I. Warum ist ein einheitliches Verständnis zu Grundwerten der Justiz wichtig?

Ein funktionierendes Rechtssystem und damit die Durchsetzung von Individualrechten und Kollektivrechten stellen einen wesentlichen Pfeiler für die Einhaltung von Menschenrechten als auch die wirtschaftliche Entwicklung eines Landes dar. Der im Verhältnis zu anderen Sektoren relativ kleine Justizsektor kann in einem enormen Maße Stabilität in einem Land gewährleisten als auch Veränderungsprozesse anstoßen. Er schafft Vertrauen in den Staat und hat gleichzeitig eine Korrekturfunktion bei verfassungswidrigem staatlichen Handeln. Diese herausragende Verantwortung nationaler Justizsysteme untersteht jedoch großen Herausforderungen und hat neben unterschiedlichen Rechtssystemen eine Vielfalt von Traditionen, Kulturen und auch Werten zu berücksichtigen. Gleichzeitig existieren weltweit akzeptierte Grundstandards für den Justizsektor, die es den einzelnen nationalen Justizsystemen erleichtern sollen, ihrer Rolle gerecht zu werden. Gewährleistet wird damit eine einheitliche Entwicklung, die Spezifika eines jeden Landes angemessen berücksichtigt.

Unabhängigkeit, Unbefangenheit, Effizienz, Transparenz, Kompetenz und Sorgfalt zählen zu den gemeinsamen Prinzipien eines funktionierenden Rechtssystems. Sie spiegeln jedoch gleichzeitig die Herausforderungen wider, denen die neuen Demokratien im Südkaukasus ausgesetzt sind. Ein einheitliches Verständnis über die Tragweite und Umsetzung dieser Prinzipien ist zur Bewältigung der Herausforderung daher essentiell. Übereinstimmung bedeutet hierbei die Berücksichtigung von regionalen und internationalen Entwicklungen, um eine Integration und damit Stärkung der Demokratien in der gesamten Region zu gewährleisten. Eine Vielzahl von Instrumenten unterstützt dieses Vorgehen wie u.a. *The United Nations Basic Principles on the Independence of the Judiciary* (1985), *Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe on the Independence, Efficiency and Role of Judges* (1994); *The European Charter on the Statute for Judges* (1998); *Opinions of the Consultative Council of European Judges (CCJE)* als auch international *The Bangalore Principles on Judicial Conduct*.

Diese Instrumente beinhalten sowohl die Klarstellung von einzelnen Prinzipien als auch Anwendungshilfen für deren Umsetzung, was einerseits die Implementierung erleichtern, aber andererseits, durch die Vielfalt der Instrumente Inkohärenz schaffen kann. Daher ist es erforderlich, den inhaltlichen Zugang zu den einzelnen Instrumenten als auch zu Erfahrungen der Umsetzung zu schaffen.

II. Wie wurde dieses gemeinsame Verständnis geschaffen?

Die regionale Konferenz hat diese Instrumente aufgegriffen und den Teilnehmern und Teilnehmerinnen die Möglichkeit verschafft den aktuellen Reformstand in der Region Südkaukasus kritisch zu reflektieren und gemeinsame Empfehlungen für das weitere Vorgehen zu identifizieren. Der Schwerpunkt wurde dabei auf die *Bangalore Principles on Judicial Conduct* und die Instrumente des Europarats gelegt. Die *Bangalore Principles* stellen universelle Ethik- und Integritätsstandards für den Justizsektor dar, die bei der Umsetzung über reguläre Verhaltenskodizes hinausgehen. Wesentlich geprägt sind die Prinzipien von internationalen Menschenrechtstandards (hier insbesondere *fair trial* Garantien) und vor allem von Artikel 11 (*Measures relating to the judiciary and prosecution services*) VN-Konvention gegen Korruption (*United Nations Convention against Corruption – UNCAC*). Aus Anlass der Konferenz

sind der Kommentar als auch die Implementierungsmaßnahmen zu den *Bangalore Principles* ins Russische übersetzt und veröffentlicht worden, was erstmalig einen breiten Zugang zu diesen grundlegenden Dokumenten in der Region ermöglichte.

Die Konferenz schloss an laufenden Maßnahmen des GIZ Programms *Rechts- und Justizreformberatung im Südkaukasus* an und baute auf den jahrelangen positiven Erfahrungen mit regionalen Richterkonferenzen, die wesentlich zur erfolgreiche Umsetzung von Reformideen und stärkeren Eigenverantwortung der Partner beigetragen haben, auf. Gleichzeitig gliederte sie sich in die durch die deutsche Entwicklungszusammenarbeit des BMZ weltweite Förderung und Umsetzung von Integrität in der Justiz ein und stellte einen weiteren Schritt bei der Verbreitung des Themas dar¹. Die Zusammenarbeit mit dem BMZ/GIZ Sektorvorhaben *Antikorruption und Integrität* hat es zusätzlich ermöglicht, führende Mitglieder der *Judicial Integrity Group* für die Veranstaltung zu gewinnen. *United Nations Development Programme (UNDP)* als weitere beteiligte Organisationen sicherte der Veranstaltung nicht nur eine internationale Resonanz, sondern spiegelte auch die seit längerem bestehende gute und vertrauensvolle Zusammenarbeit zu der Thematik zwischen UNDP und der GIZ wider.

Die Konferenz verfolgte **drei Hauptziele**:

(i) Zum einen sollte der aktuelle Stand der Umsetzung von Reformkonzepten in der Praxis erörtert werden, um die Erfolge und Misserfolge und deren Gründe zu identifizieren. Dabei wurden als Maßstab die Implementierungsmaßnahmen der *Bangalore Principles* und die internationalen und nationalen *Good Practices* herangezogen.

(ii) Das zweite Hauptziel der Veranstaltung war, anhand der Erfahrungen in der Region und weltweit konkrete Maßnahmen zu diskutieren und gemeinsame Abschlussempfehlungen festzuhalten. Dabei ist der Fokus auf möglichst konkrete Umsetzungsideen gelegt worden, die als Folgemaßnahmen für Partnerländer und auch der beteiligten Organisationen dienen können.

(iii) Die Konferenz beabsichtigte aber auch Wirkungen über die Region Südkaukasus hinaus zu erreichen. Durch die Teilnahme von Justizvertretern und Justizvertreterinnen aus den Ländern Zentralasiens konnte ein vielschichtiges Meinungsbild festgehalten werden und Sensibilisierung zu Integrität in der Justiz über die Grenzen des Südkaukasus hinaus gewährleistet werden.

Die Konferenz war in vier Themenblöcken geteilt. Nach einem Einführungsteil in dem die beiden internationalen Instrumente vorgestellt wurden, haben die Teilnehmer und Teilnehmerinnen in drei aufeinander folgenden Blöcken die Themen *Unabhängigkeit und Unbefangenheit*, *Effizienz und Transparenz* und *Kompetenz und Sorgfalt* erörtert. In jedem Themenblock wurden von einem internationalen Experten zunächst Erfahrungen in der Umsetzung als auch fachliche Klarstellungen vorgestellt, gefolgt von länderspezifischen Beiträgen durch Praktiker. Eine sich anschließende offene Diskussion zu jedem einzelnen Themenblock ermöglichte die Identifizierung von Stärken, Schwächen als auch Herausforderungen der Umsetzung. Der interaktive Teil zum Ende der Veranstaltung diente einer gemeinsamen Erarbeitung von Handlungsempfehlungen für weitere Reformen.

Die Konferenz war sowohl auf der Partnerseite (Richter und Richterinnen und Vertreter und Vertreterinnen der Justizministerien aus Armenien, Aserbaidshan und Georgien), als

¹ Vgl. *Dissemination Principles* zu den *Bangalore Principles*, verabschiedet im Januar 2010 während des 6. Treffens der *Judicial Integrity Group*.

auch auf der Seite der Experten hochrangig besetzt. Unter den Experten befanden sich u.a. *Prof. Dr. h.c. Rudolf Mellinghoff*, Richter am BVerfG, *Lord Mance*, Richter des Supreme Courts des Vereinigten Königreichs, *Dr. Nihal Jayawickrama*, Koordinator der *Judicial Integrity Group* als auch *Herr Georg Stawa*, Vize-Präsident der *European Commission for the Efficiency of Justice (CEPEJ)*. Ergänzt wurde dies durch wissenschaftlichen Input von *Herrn Francesco Contini* des *Research Institute on Judicial Systems*, Bologna in Italien.

III. Was interessierte die Teilnehmer und Teilnehmerinnen ganz besonders?

Lebhafte Diskussionen zum Ende der einzelnen Themenblöcke zeigten ein großes Interesse an einem regionalen Austausch unter Kollegen und Kolleginnen. Die Anwesenheit der Experten wurde nicht nur genutzt, um die vorgestellten Prinzipien zu diskutieren, sondern insbesondere auch um Einschätzungen zu eigenen Reformideen abzuholen. Hierbei konnten einige Themen für die Region als besonders interessant identifiziert werden:

- (i) Welcher Art von Sanktionen sollten Richter und Richterinnen bei im Zusammenhang mit Gerichtsverhandlungen stehenden Sachverhalten unterworfen werden? Greifen Sanktionen in die Unabhängigkeit der Richter ein und üben Druck auf den Einzelnen aus? Wer sollte über diese Sanktionen entscheiden? Welcher verschuldensgrad ist relevant?
- (ii) Fördern Entscheidungsfristen für Richter und Richterinnen die Rechtsprechung oder behindern sie diese? Und wie sind damit im Zusammenhang stehende Disziplinarmaßnahmen zu bewerten?
- (iii) Wer legt unbestimmte Rechtsbegriffe aus, die Sanktionen von Richtern und Richterinnen zur Folge haben?
- (iv) Welche Rolle haben Massenmedien und die neuen Medien wie *Facebook* und *Twitter* bei der Beeinflussung der Richter und Richterinnen als auch Gerichtsverhandlungen? Wann sollte die Presse von Gerichtsverhandlungen ausgeschlossen werden?
- (v) Auf welche Art „können Qualitätsinspektionen“ von Gerichten durchgeführt werden und welche Risiken birgt die Überprüfung einzelner Richter und Richterinnen überhaupt? Welche Art von personenbezogenen und interpretationsfähigen Indikatoren sind hierbei zu vermeiden?
- (vi) Wie ist der oft schmale Grad zwischen der Selbstverwaltung des Justizwesens und einer möglichen Einflussnahme der Exekutive zu beurteilen (z.B. bei der Richterwahl)?
- (vii) Ab wann ist eine Spezialisierung von Richtern und Richterinnen erforderlich und sind nicht Generalisten vorzuziehen?
- (viii) Wie kann die *work-life balance* von Richtern und Richterinnen gewährleistet werden und gleichzeitig eine geforderte und notwendige Weiterbildung neben dem Beruf ermöglicht werden?
- (ix) Welche Rolle haben Richter und Richterinnen bei der Haushaltsbudgetierung des Justizwesens zur Gewährung von Unabhängigkeit der Gerichte ohne ihre eigene persönliche Unabhängigkeit als Richter und Richterinnen zu verlieren?

IV. Welche Wirkungen wurden erreicht?

Die Veranstaltung endete mit der Ausarbeitung und Verabschiedung der Tbilissi Empfehlungen. Die Empfehlungen dienen den teilnehmenden Partnerländern ebenso wie bilateralen und internationalen Organisationen als eine Art Leitfaden bei der Unterstützung des Justizsektors. Sie spiegeln den Konsens der Teilnehmer und Teilnehmerinnen wider und betonen relevante Problemfelder und Lösungsansätze aus der Sicht von Praktikern und Praktikerinnen. Erreicht wurde damit die Auseinandersetzung nationaler Herausforderungen mit Lösungsansätzen durch internationale Standards.

Die Teilnahme einzelner Mitglieder der *Judicial Integrity Group* an der Veranstaltung in der Region kann als erste Annäherung der Gruppe an den Südkaukasus gesehen werden und ist Teil der durch die deutsche Entwicklungszusammenarbeit unterstützten Verbreitung und Umsetzung von Integrität in der Justiz. Es ist das erste Mal, dass Praktiker und Praktikerinnen der Region die Möglichkeit hatten sich mit den Verfassern und Hütern der *Bangalore Principles on Judicial Conduct* auseinanderzusetzen. Die hierbei aufgetretenen Fragen zeigten das rege inhaltliche Interesse an der Thematik und das Potential dieser Prinzipien. Gegebene Fallbeispiele ermutigten zu kritischen Rückfragen und einer Reflektion des eigenen Justizsystems.

Instrumente des Europarechts als auch die wissenschaftliche Auseinandersetzung mit dem Thema schafften ein Gesamtbild und unterstützen die Meinungsbildung für mögliche Maßnahmen im eigenen nationalen Justizsystem. Diskussionen und Nachfragen zeigten enormes Potential für mehr Sensibilisierung und Verbreitung von Wissen zu der Thematik. Der erste Schritt dazu wurde durch diese Veranstaltung getan. Neben inhaltlicher Sensibilisierung fand eine Vernetzung und Kontaktaufnahme untereinander statt, die eine zukünftige Umsetzung der Empfehlungen von Tbilissi nicht nur erleichtern, sondern wesentlich vorantreiben wird.



giz



On behalf of
Federal Ministry
for Economic Cooperation
and Development



INDEPENDENCE, IMPARTIALITY, EFFICIENCY, TRANSPARENCY, COMPETENCE

Modern challenges of the judicial reform in the South Caucasus

THE TBILISI RECOMMENDATIONS ON JUDICIAL INTEGRITY

On the invitation of the Supreme Court of Georgia, Judges from Armenia, Azerbaijan, Georgia, Kyrgyzstan and Tajikistan, together with members of the Judicial Integrity Group and representatives of civil society, participated in an international conference on *Independence, Impartiality, Efficiency, Transparency, Competence - Modern challenges of judicial reform in the South Caucasus*, held on April 4th and 5th, 2011 in Tbilisi, Georgia. The conference was facilitated by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the United Nations Development Programme (UNDP).

The participants reflected on judicial reforms in the region in the light of international best practices in accordance with the *Bangalore Principles of Judicial Conduct* and instruments of the Council of Europe and identified common recommendations on future measures.

The participants recognize that the *Bangalore Principles* reflect the universal principles of Human Rights, recognized in international, regional and national human rights law.

1. The participants affirm:
 - 1.1. that judicial independence is not a privilege of judges but an essential element of the rule of law, and that judicial independence should be protected from both external and internal influences;
 - 1.2. that the right to a fair trial is a fundamental human right;
 - 1.3. the importance of impartial and transparent procedures for the selection and promotion of judges;
 - 1.4. that effective dissemination of the *Bangalore Principles* and its related documents should be considered a high priority issue amongst all relevant stakeholders;
 - 1.5. that civil society should be empowered by awareness building measures to foster the implementation of the *Bangalore Principles*.
2. The participants agree that judges should, without compromising other integral values of the judiciary, take responsibility for the development of the judicial system by:

- 2.1. Ensuring a fair trial within a reasonable time – setting time limits where appropriate in the interest of justice;
- 2.2. Ensuring freedom from hierarchical influence in the performance of judicial functions;
- 2.3. Recognizing the right and duty of systematic continuing legal education and training, including, *inter alia*, on judicial ethics;
- 2.4. Administering disciplinary proceedings with full respect for the independence of the judiciary;
- 2.5. Providing guidance about, and compliance, with judicial ethics;
- 2.6. Developing comprehensive methods of quality improvement in order to assure quality of justice, through regular review, self assessment and further elaboration of methods of judicial evaluation;
- 2.7. Instituting modern case management techniques to ensure just, orderly and expeditious conduct and conclusion of court proceedings;
- 2.8. Familiarizing themselves, when necessary, with appropriate court management skills to improve efficiency;
- 2.9. Making available to potential court users standard, user-friendly forms and instructions, and clear and accurate information on matters such as filing fees, court procedures and hearing schedules;
- 2.10. Further strengthening the role of judicial associations as pillars of an independent judiciary;
- 2.11. Reminding the governments, if necessary, of their duty to provide the judiciary with sufficient funds and resources to maintain an effective legal system;
- 2.12. Ensuring transparency and access to information, through contemporary media sources including electronic publication of court decisions, results of disciplinary proceedings and judicial statistics;
3. The *Bangalore Principles of Judicial Conduct* should form an integral element of every judicial reform process to guarantee a comprehensive integrity-based reform programme.
4. The participating countries will consider the evaluation of their own system by reference to the *Bangalore Principles* and report on any difficulties which those Principles might be thought to create in the judicial systems of the region. A network of judges and interested stakeholders from the region might facilitate that process and support an exchange and learning cycle in the region.



On behalf of
Federal Ministry
for Economic Cooperation
and Development



INTERNATIONAL CONFERENCE

Independence, Impartiality, Efficiency, Transparency, Competence

- Modern challenges of the judicial reform in the South Caucasus -

(Working languages of the conference are Georgian, Russian, German and English)

PROGRAM

APRIL 4-5, 2011

TBILISI

HOTEL COURTYARD BY MARRIOTT

Monday, April 4th

9:30

OPENING SPEECHES

Introduction and general moderation: **Mr. Zeno Reichenbecher**, Director, GIZ Program Advice on Legal and Judicial Reform in the South Caucasus

- **Dr. Konstantine Kublashvili**, Chairman of the Supreme Court of Georgia
- **H.E. Ambassador Ortwin Hennig**, German Embassy in Georgia
- **Mr. Jamie Mcgoldrick**, UN Coordinator, UNDP Resident Representative in Georgia

10:00

I. INTERNATIONAL INSTRUMENTS FOR INTEGRITY IN JUDICIAL SYSTEM

Introduction of speakers and moderation: **Prof. Dr. h.c. Rudolf Mellinghoff**, Judge of the Federal Constitutional Court of Germany

- **Bangalore Principles on Judicial Conduct**
Dr. Nihal Jayawickrama, Coordinator of the Judicial Integrity Group
- **Council of Europe instruments**
Mr. Georg Stawa, Vice-President of the European Commission for the Efficiency of Justice (CEPEJ)

Discussion

11:40

Coffee break

12:00

II. INDEPENDENCE AND IMPARTIALITY

Introduction of speakers and moderation: **the Rt. Hon. Lord Mance**, Justice of the Supreme Court of the United Kingdom

Best Practice overview

- **Prof. Dr. h.c. Rudolf Mellinghoff**, Judge of the Federal Constitutional Court of Germany

Country reports

- **Mr. Hamlet Asatryan**, Judge at the criminal chamber of the Court of Cassation of the Republic of Armenia
- **Mr. Rafiq Mammadov**, Chairman of the Appeal Court of Gandja, Republic of Azerbaijan
- **Mr. Valerian Tsertsvadze**, Chairman of the Tbilisi Court of Appeal, Secretary of the High Council of Justice of Georgia

Discussion

13:45

Lunch

14:45

III. EFFICIENCY AND TRANSPARENCY

Introduction of speakers and moderation: **Mr. Georg Stawa**, Vice-President of the European Commission for the Efficiency of Justice (CEPEJ)

Best Practice overview

- **Mr. Francesco Contini**, *Research Institute on Judicial Systems, Bologna, Italy*

Country reports

- **Mr. Gor Hakopyan**, *Judge at the civil and administrative law chamber of the Court of Cassation of the Republic of Armenia*
- **Dr. Ramin Gurbanov**, *Chief Adviser of General Department of Organisation and Supervision of the Ministry of Justice of the Republic of Azerbaijan*
- **Mr. Irakli Adeishvili**, *Judge of the Tbilisi Court of Appeal, Member of the CEPEJ Bureau*

Discussion

16:45

Summary of the first day

- **Dr. Nihal Jayawickrama**, *Coordinator of the Judicial Integrity Group*

16:50

End of the first conference day

17:30

Bus transfer to the wine cellar *Bagrationi*

18:00

Bagrationi sparkling wine tasting tour

19:00

Gala Dinner in the restaurant *Bagrationi*

ca. 22:00

Transfer to the hotel

Tuesday, April 5th

10:00

IV. COMPETENCE AND DILIGENCE

Introduction of speakers and moderation: **Dr. Nihal Jayawickrama**, *Coordinator of the Judicial Integrity Group*

Best Practice overview

- **The Rt. Hon. Lord Mance**, *Justice of the Supreme Court of the United Kingdom*

Country reports

- **Ms. Elizaveta Danielyan**, *Judge at the criminal chamber of the Court of Cassation of the Republic of Armenia*
- **Mr. Ilgar Khalafov**, *Judge in the Appeal Court of Baku, Republic of Azerbaijan*
- **Mr. Zaza Meishvili**, *First Deputy Chairman of the Supreme Court of Georgia, Chairman of the Georgian Judges Association*

Discussion

11:50

Coffee break

12:10

Discussion and Adoption of recommendations

Moderation: **Dr. Nihal Jayawickrama**, *Coordinator of the Judicial Integrity Group*

Closing speeches



On behalf of
Federal Ministry
for Economic Cooperation
and Development



INTERNATIONAL CONFERENCE

Independence, Impartiality, Efficiency, Transparency, Competence

- Modern challenges of the judicial reform in the South Caucasus -

LIST OF PARTICIPANTS

4.-5. APRIL 2011

TBILISI

HOTEL COURTYARD BY MARRIOTT

Armenia

1. Mr. David Avetisyan Criminal Chamber Chairman of the Court of Cassation of the Republic of Armenia
2. Mr. Yervand Khundkaryan Civil and Administrative Chamber Chairman of the Court of Cassation of the Republic of Armenia
3. Mr. Gor Hakobyan Justice of the Civil and Administrative Chamber of the Court of Cassation of the Republic of Armenia
4. Mr. Vardan Avanesyan Justice of the Civil and Administrative Chamber of the Court of Cassation of the Republic of Armenia
5. Ms. Erna Hayriyan Justice of the Civil and Administrative Chamber of the Court of Cassation of the Republic of Armenia
6. Mr. Hamlet Asatryan Justice of the Criminal Chamber of the Court of Cassation of the Republic of Armenia
7. Ms. Yelizaveta Danielyan Justice of the Criminal Chamber of the Court of Cassation of the Republic of Armenia
8. Mr. Tigran Mukuchyan Chairman of the Administrative Court of Appeal of the Republic of Armenia
9. Mr. Hrachik Sargsyan Chairman of the First Instance Court of General Jurisdiction of Armavir Region
10. Ms. Nora Sargsyan Adviser of the Minister of Justice of the Republic of Armenia
11. Mr. Hayk Sargsyan Assistant of the Minister of Justice of the Republic of Armenia
12. Ms. Heriqnaz Tigranyan Transparency International Anti-corruption Center
13. Ms. Mariam Osipyan Armenian Young Lawyers Association

Azerbaijan

14. Mr. Farkhad Karimov Justice of the Supreme Court of the Republic of Azerbaijan
15. Mr. Imran Gadjigaibov Justice of the Supreme Court of the Republic of Azerbaijan
16. Mr. Rafiq Mammadov Chairman of the Appeal Court of Gandja
17. Mr. Ilgar Khalafov Judge of the Baku Court of Appeal
18. Mr. Togrul Aliyev Judge of the Baku Court of Appeal
19. Mr. Tofiq Pashayev Chairman of the Khatai District Court
20. Mr. Ilgar Abbasov Chairman of the Sabuntchi District Court
21. Mr. Ilgar Guliyev Chairman of the Siyazan District Court
22. Dr. Ramin Gurbanov Chief Adviser in General Department of Organisation and Supervision in the Ministry of Justice of the Republic of Azerbaijan

- | | |
|--------------------------|---|
| 23. Mr. Fuad Abdiyev | Senior Adviser in General Department of Organisation and Supervision of the Ministry of Justice of the Republic of Azerbaijan |
| 24. Mr. Elchin Khalafov | Senior Adviser of the Judicial-Legal Council of the Republic of Azerbaijan |
| 25. Mr. Anar Bagirov | Chairman, NGO <i>Centre of legal reforms in Azerbaijan</i> , Member of committee on selection of judges |
| 26. Ms. Irada Javadova | Chairman, NGO <i>Education in the sphere of Human Rights</i> |
| 27. Mr. Sahib Mammadov | Chairman, NGO <i>Citizens' Labor Rights Protection League</i> |
| 28. Ms. Gulnar Gurbanova | Lawyer, Law firm <i>Baku Law Centre</i> |
| 29. Mr. Elchin Usub | Lawyer |

Georgia

- | | |
|---------------------------------|--|
| 30. Dr. Konstantine Kublashvili | Chairman of the Supreme Court of Georgia |
| 31. Mr. Zaza Meishvili | First Deputy Chairman of the Supreme Court of Georgia, Chairman of the Georgian Judges Association |
| 32. Mr. Mikheil Chinchaladze | Deputy Chairman of the Supreme Court of Georgia |
| 33. Mr. Nugzar Skhirtladze | Justice of the Supreme Court of Georgia |
| 34. Ms. Maia Vachadze | Justice of the Supreme Court of Georgia |
| 35. Mr. Paata Silagadze | Justice of the Supreme Court of Georgia |
| 36. Mr. Giorgi Shavliashvili | Justice of the Supreme Court of Georgia |
| 37. Ms. Maia Sul Khanishvili | Justice of the Supreme Court of Georgia |
| 38. Ms. Nino Kadagidze | Justice of the Supreme Court of Georgia |
| 39. Mr. Bessarion Alavidze | Justice of the Supreme Court of Georgia |
| 40. Mr. Valerian Tsertsvadze | Chairman of the Tbilisi Court of Appeal, Secretary of the High Council of Justice of Georgia |
| 41. Mr. Irakli Adeishvili | Judge of the Tbilisi Court of Appeal |
| 42. Ms. Tamar Alania | Judge of the Tbilisi Court of Appeal |
| 43. Mr. Mamia Pkhakadze | Chairman of the Tbilisi City Court |
| 44. Ms. Diana Berekashvili | Judge of the Tbilisi City Court |
| 45. Ms. Miranda Eremadze | Judge of the Tbilisi City Court |
| 46. Mr. Mamuka Akhvlediani | Chairman of the Rustavi City Court |
| 47. Mr. Vasil Mshvenieradze | Chairman of the Mtskheta District Court |
| 48. Mr. Giorgi Ebanoidze | Chairman of the Bolnisi District Court |
| 49. Mr. Kakha Koberidze | Member of the High Council of Justice of Georgia |

- | | | |
|-----|------------------------|---|
| 50. | Mr. Ramaz Zhgenti | Member of the High Council of Justice of Georgia |
| 51. | Ms. Tamar Tomashvili | Head of the Department of International Public Law of the Ministry of Justice |
| 52. | Ms Tamar Chugoshvili | Chairperson, NGO Georgian Young Lawyers Association (GYLA) |
| 53. | Ms. Nina Khatiskaci | Program director, NGO <i>Transparency International Georgia</i> |
| 54. | Ms. Nazi Djanezashvili | Chairperson, NGO <i>Article 42 of the Constitution</i> |

Kyrgyzstan

- | | | |
|-----|----------------------------|--|
| 55. | Mr. Almazbek Kudaibergenov | Justice of the Supreme Court of Kyrgyzstan, Head of the Disciplinary Commission of the Council of Judges |
|-----|----------------------------|--|

Tajikistan

- | | | |
|-----|--------------------------|--|
| 56. | Ms. Mavluda Kalandarova | Deputy Chairperson, Council of Justice of Tajikistan |
| 57. | Mr. Karomatullo Khalikov | Dean, Law Department, Tajik National University |

International experts

- | | | |
|-----|-----------------------------------|--|
| 58. | Prof. Dr. h.c. Rudolf Mellinghoff | Justice of the Federal Constitutional Court of Germany, Member of the Judicial Integrity Group |
| 59. | The Rt. Hon. Lord Mance | Justice of the Supreme Court of the United Kingdom, Member of the Judicial Integrity Group |
| 60. | Dr. Nihal Jayawickrama | Coordinator of the Judicial Integrity Group |
| 61. | Mr. Georg Stawa | Vice-President of the European Commission for the Efficiency of Justice (CEPEJ) |
| 62. | Mr. Francesco Contini | Research Institute on Judicial Systems, Bologna, Italy |

Embassies and Organisations for development cooperation

- | | | |
|-----|---------------------------|--|
| 63. | H.E. Ortwin Hennig | German Ambassador to Georgia |
| 64. | Dr. Silke Klöver | Counselor, Head of Development Cooperation, German Embassy |
| 65. | Mr. Jared Kimball | Resident Legal Advisor, US Department of Justice |
| 66. | Mr. Heino van Houwelingen | Deputy Head of Mission, Dutch Embassy |
| 67. | Mr. Joakim Parker | Deputy Mission Director, USAID/Caucasus |
| 68. | Ms. Michelle Logsdon | Director, Democracy and Governance Office, USAID/Caucasus |
| 69. | Mr. Sharof Azizov | Human Rights Officer, South Caucasus Office of the United Nations High Commissioner for Human Rights |
| 70. | Mr. Oliver Reissner | EU Delegation to Georgia |

71.	Ms. Renate Winter	Team leader, EU Project Capacity Building in Support of Rule of Law in Georgia
72.	Ms. Maia Chochua	Deputy Team leader, EU Project Capacity Building in Support of Rule of Law in Georgia
73.	Ms. Leila Marshania	Project officer, Denmark's Georgia Promotion of Judicial Reform, Human and Minority Rights
74.	Ms. Sabrina Buechler	Human Rights Advisor, Council of Europe
75.	Ms. Marit Holand	Fosen District Court Chairperson, The Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG)
76.	Mr. Bernt Bahr	Judge at the Nedre Romerike district court, The Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG)
77.	Mr. Bjorn Feyling	Senior Prosecutor, The Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG)
78.	Mr. Giorgi Giorgadze	Senior Legal Adviser, The Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG)
79.	Mr. Herbert Bowman	Chief of Party, the Judicial Independence and Legal Empowerment Project (JILEP)
80.	Mr. Giorgi Chkheidze	Deputy Chief of Party, the Judicial Independence and Legal Empowerment Project (JILEP)
81.	Ms. Inga Todria	Judicial Independence and Legal Empowerment Project (JILEP)
82.	Mr. Kakha Tsikarishvili	Judicial Administrative and Management Reform Project (JAMR)
83.	Mr. Jamie Mcgoldrick	UNDP Resident Representative in Georgia
84.	Ms. Anita Paulovicha	UNDP Deputy Resident Representative in Georgia
85.	Ms. Natia Natsvlishvili	Team Leader, Democratic Governance, UNDP Georgia
86.	Ms. Natia Cherkezishvili	Program Analyst, Democratic Governance, UNDP Georgia
87.	Ms. Nada Djurovic	Project Manager, Rule of Law and Human Rights Program, Democratic Governance Cluster, UNDP Montenegro
88.	Ms. Irena Jokic	Program Associate of the Rule of Law and Human Rights Program, UNDP Montenegro
89.	Mr. Rustam Pulatov	Human Rights and Justice Policy Analyst, UNDP Bratislava Regional Centre
90.	Mr. Martin Homola	Regional director, GIZ Office South Caucasus
91.	Ms. Johanna Beate Wysluch	Program member, GIZ Sectorial Program Anticorruption and Integrity
92.	Mr. Zeno Reichenbecher	Program director, GIZ Program Advice on Legal and Judicial Reform in the South Caucasus

- | | | |
|-----|------------------------|--|
| 93. | Mr. Shalva Papuashvili | Team leader in Georgia, GIZ Program Advice on Legal and Judicial Reform in the South Caucasus |
| 94. | Mr. Volker Stampe | Team leader in Georgia, GIZ Program Advice on Legal and Judicial Reform in the South Caucasus |
| 95. | Mr. Thomas Melzer | Team leader in Azerbaijan, GIZ Program Advice on Legal and Judicial Reform in the South Caucasus |
| 96. | Mr. Vardan Poghosyan | Team leader in Armenia, GIZ Program Advice on Legal and Judicial Reform in the South Caucasus |
| 97. | Mr. Thomas Herrmann | Senior advisor in Uzbekistan, GIZ Program Supporting Legal and Judicial Reform in Central Asia |
| 98. | Ms. Jana Schuhmann | Senior advisor in Kyrgyzstan, GIZ Program Supporting Legal and Judicial Reform in Central Asia |

Interpreters

- | | | |
|------|---------------------------|--|
| 99. | Ms. Mara Tsakadze | English-Russian-English / Georgian-Russian |
| 100. | Ms. Laly Douglas-Hamilton | English-Russian-English |
| 101. | Mr. Wolodymyr Schwed | German-Russian-German |
| 102. | Mr. Lasha Kalandadze | German-Russian-German |
| 103. | Mr. Zaal Andronikashvili | Georgian-German-Georgian |
| 104. | Ms. Natia Porchkhidze | Georgian-English-Georgian |
| 105. | Ms. Lali Kereselidze | Georgian-English-Georgian |

FOTOEINDRÜCKE



Gemeinsames Foto der Konferenzteilnehmer



Prof. Dr. h.c. Rudolf Mellinghoff



Richter aus Armenien



Aserbaidchanische Delegation



Herr Georg Stawa, CEPEJ



Lord Mance und Dr. Konstantine Kublashvili



Frau Renate Winter, EU Projekt



Georgische Richter



Aserbaidshianische Richter



Aserbaidshianische Delegation bespricht die Empfehlungen

NEWS IN BRIEF

CONTINUED FROM Page 1

Representatives of Airzena company are in Kinshasa

The representatives of Georgian air company Airzena Georgian Airways arrived in the city of Kinshasa, Democratic Republic of Congo and joined the investigation of the plane crash, which occurred in Kinshasa airport while landing on Monday evening. They will work with a group of international experts to recover the black box and find the reasons that caused the tragedy.

"The aviation investigation has been already launched and we have to wait for its results. Our representatives are in Kinshasa and work intensively to transfer the bodies of the Georgian crew to their homeland. Airzena will cover all costs of the transfer and assist the families of the killed pilots," the head of the PR department of the Airzena Georgian Airways, Nino Giorgobiani has said.

The representatives of the company have ruled out technical faults with the plane. They think the crash was caused by the poor weather in Kinshasa

(Rustavi 2)

Radioactive remain found in Batumi identified

Experts have already identified the radioactive substance found in one of the railway containers in the Batumi port's terminal on Tuesday. They say it was the chemical element Cesium 137. The experts have put the material in a special container, which will be delivered in Tbilisi later today.

The mentioned chemical substance was used in industrial processes but experts cannot ascertain the precise origin of the source, as they say it was stolen.

All other information about the volume and the radioactive capacity of the substance will be released after the examination, though they assert in advance that it cannot be dangerous to the public's health.

The radioactive remains were found in scrap metal loaded for export in Batumi Port's terminal on Tuesday.

(Rustavi 2)

Official Tbilisi sends one more letter to Malaysia

The Georgian Prime Minister and the Procurator's Office General both applied to the Malaysian party with a letter asking about Georgian women detained under suspicion of drugs trafficking. They are asking about detailed information on detained women, particularly concerning the conditions in which they are being held and what stage the court trial process has reached.

The Georgian party asks the Malaysian law enforcers to re-

place the death sentence with long term imprisonment.

Two Georgian women were detained in Malaysia last year on October 14 on an allegation of drugs trafficking. The detained women are not admitting the crime; they are saying they were victims of the husband of Gordadze, who deceived them in drugs abuse. The Georgian party admitted the guilt of Davitiani, husband of Gordadze on the ground of his own confession. He has been sentenced to 15 years of imprisonment.

(GHN)

Foreign Minister accomplished his visit to Spain

Georgian Foreign Minister Grigol Vashadze completed his visit to Spain. He met with his Spanish colleague Trinidad Himes Garsia Errera. The parties discussed bilateral relations between Georgia and Spain and the main directions of cooperation with international organizations were drafted. The possibility of future investment in the country and political and economic relations were underlined. The necessity of legislative basis improvement was also stressed while the future prospects of Georgia for NATO and EU integration was discussed. The situation on the Georgian occupied territories and the bilateral negotiations of Georgia for Russian WTO membership and Geneva talks were reviewed. Many international and regional questions were also raised.

The Spanish foreign Minister promised for the support for territorial integrity of Georgia in its internationally recognized borders. As well as upholding Georgia's aspiration to join NATO and EU he thanked Georgia for its participation in the Afghanistan peacekeeping operation under NATO's ISAF program.

(GHN)

Ministry of Internal Affairs Announces Competition on Creation of Kids' Website

The Ministry of Internal Affairs of Georgia has announced a competition on creation of kids' website kids.police.ge.

The information published on the official website of the Ministry gives the criteria the kids' website has to satisfy.

The criteria are the following: the website should be educational; should be easy to apply; should include information on children's human rights and online educational games, tests and animations; etc.

The Ministry says several countries have similar websites. Namely, the Ministry of Internal Affairs cited the USA, Italy and France.

(Interpressnews)

Modern challenges of the judicial reform in the South Caucasus

Adoption of the "Tbilisi Recommendations on Judicial Integrity"

By Salome Modebadze

The modern challenges of judicial reform in the South Caucasus region were discussed in Tbilisi on April 4-5. The two-day conference which was organized by the Supreme Court of Georgia, Program of German International Cooperation (GIZ) Advice on Legal and Judicial Reform in the South Caucasus - implemented on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the United Nations Development Program (UNDP) aimed to discuss integrity based judicial reform in the South Caucasus.

Local and international legal experts had a wonderful opportunity to share their knowledge and experience of specific applications necessary for following the implementation of international standards at a national level. Nihal Jayawickrama, Coordinator of the Judicial Integrity Group introduced the audience to the global standards adopted by judiciaries from various countries united in the Bangalore Principles. Sharing the main values of the draft law which included independence, impartiality, integrity, propriety, competence and diligence could be used as the main criteria for effective delivery of justice based on standards of behavior. Emphasizing the necessity for ensuring the high quality of justice in each country, the sides spoke of the Bangalore Principles of Judicial Conduct along with other international tools which have been significantly affected by the human rights standards.

A functioning legal system is an important pillar for upholding human rights as well as economical development of each country. That is why it is so important to support such systems to secure the rule of law worldwide. "We think that the independence of Judiciary is underway in the region but still needs strengthening in terms of the independence and impartiality of the system. So, common rules of the Bangalore Principles are aimed at improving the judicial system for the sustainable development of law in the region," Zeno Reichenbecher Director of GIZ legal program explained the

importance of the conference to *The Messenger*.

Talking of corruption as the main enemy of political stability and economical viability, Ambassador of Germany to Georgia Ortwin Hennig expressed his confidence that such discussions would guarantee high competence towards the issue. Jamie Megoldrick UNDP Resident Representative in Georgia also stressed the regional cooperation would increase efficiency of the partnership programs globally. "Judicial independence is the main guarantee to fundamental reforms and a major step to developing democracy. While accountability to the public through cooperation helps us acknowledge shortcomings and make relevant improvements," Megoldrick stated.

Georgian, Armenian and Azerbaijani representatives shared their experiences and qualifications in implementing the Bangalore principles at a national level. Talking of the importance of the conference on the judicial system with its main values based on European standards, Konstantine Kublashvili, Chairman of the Supreme Court of Georgia thanked the international guests for their arrival. "Judges from European states appraise Georgia's achievements in judicial system which follows the results of the European states. Such conferences are always interesting as they give an opportunity to compare the quality of justice and take relevant measures," Kublashvili told *The Messenger*.

Sharing the Recommendations of the Committee of Ministers of the Council of Europe on the Independence, Georg Stawa, Vice-President of the European Commission for the Efficiency of Justice (CEPEJ), spoke of how the CoE has been offering tools to working groups on how to implement theoretic ideas in their practical lives. "We are promoting best practice solutions on how to ensure fairness of balance on the national level so that the society could become aware of how courts are performing," he stated. Encouraging the participants to take an opportunity to follow international standards, Stawa told us that all the countries in the region have a

big chance to be a part of the new system of standards.

Discouraging any Governmental interference in the judicial system, the members of the conference agreed on the necessity of self-governance systems with the disciplinary liable policy. Neither the Parliament nor the Government should interfere in the process of delivering justice not to endanger the supremacy of law; or the ignorance of law would cause a conflict of will and a violation of legal norms. Moreover, public criticism or pressure from media also exceeds the independence of judges. Emphasizing the historical basis of the problems in the areas of independence and impartiality in the region Lord Manse Justice of the Supreme Court of the United Kingdom told us that the conference would discover and develop the ways of improving the legal procedures and increase public confidence in the court.

At the end of the conference Armenian, Azeri and Georgian judges together with the members of the Judicial Integrity Group and representatives of civil society adopted the "Tbilisi Recommendations on Judicial Integrity" stating among other things that the Bangalore Principles of Judicial Conduct should form an integral element of every judicial reform.

The participants affirmed that judicial independence is not a privilege of the judge but an essential element of the rule of law; the right to fair trial is guaranteed as a fundamental human right; They also agreed that judges should take responsibility for the development of the judicial system by ensuring that trials are held within reasonable time; ensure freedom from hierarchical influence in the performance of judicial functions; systematic continuing legal education and training; administer disciplinary proceedings; develop comprehensive methods of quality improvement; institute modern case management techniques; make available standard, user-friendly forms and instructions; court procedures, filling fees and hearing schedules to potential court users;

The sides also emphasized the necessity for ensuring transparency and access to information through contemporary media sources including electronic publications of court decisions, further strengthening the role of judicial associations and encouraging Governments for providing the courts with appropriate resources for effectively administering justice. Finally the participant countries stressed that the Bangalore Principles of Judicial Conduct should form an integral element of every judicial reform process. A network of judges and interested stakeholders from the region might facilitate that process and support exchange and learning cycles in the region.

