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*Le Président*  
The President

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**Mr. Irakli Kobakhidze,  
Chairman of the Parliament of Georgia**

**Ms. Mzia Todua,  
Acting Chief Justice**

**Ms. Tea Tsulukiani,  
Minister of Justice of Georgia**

**Mr. Giorgi Mikautadze,  
Secretary of the High Council of  
Justice of Georgia**

**Ms. Nino Lomjaria,  
Public Defender of Georgia**

**Copy to: Mr. David Asatiani, Chairman of the  
Georgian Bar Association**

Brussels, 8 March 2019

Dear Madam/Sir,

The Council of Bars and Law Societies of Europe (CCBE) is recognised as the voice of the European legal profession. The CCBE unites the national Bars and Law Societies of 45 countries from the European Union, the European Economic Area, and wider Europe, representing through these members more than one million European lawyers.

The CCBE has been informed of the concerns of the Georgian Bar Association regarding the reaction to the "Resolution of the Extraordinary General Assembly of the Georgian Bar Association on Independence of the Judiciary and Effective Administration of Justice" by several judges and members of the High Council of Justice. We were informed about unobjective and even threatening comments made by certain judges.

The Georgian Bar Association has also provided us with the Resolution which has been criticised. Considering the content of the Resolution and the demands which the Georgian Bar Association filed with this Resolution to the Parliament the CCBE would like to remind you of the following principles which are of the utmost importance for the Rule of Law and the functioning of the judiciary in a democratic society which is bound by the Rule of Law.

Lawyers are recognised as justice actors, on the same basis as judges and prosecutors. They are important stakeholders in the judicial system and should be considered as independent bodies of the administration of justice. Please be aware that the self-regulation of the legal profession by an independent bar is a cornerstone for this independence of the individual lawyer. In this regard, the CCBE would like to express its strong support for a unified, independent and impartial Bar Association in Georgia in order to ensure the efficient protection of the fundamental and legitimate rights and interests of clients, including the right of access to justice, quality of legal assistance and defence, as well as the right to a fair trial for each Georgian citizen.

Lawyers are often the first actors to be in contact with judges during the important process of delivering justice and in the recognition of the rights of citizens and legal entities.

In this role as justice actors, and in their role as representatives of citizens and legal entities, lawyers have a direct and immediate interest in guaranteeing the independence and quality of the process of selecting and appointing judges. The selection and appointment of independent and qualified judges is an important cornerstone for securing the Rule of Law in a modern, rights-based democracy and society.

The statute for judges aims to guarantee the competence, independence and impartiality that all individuals legitimately expect from the courts and from every judge who is entrusted with the protection of their rights. It excludes any provision or procedure liable to impair confidence in such competence, independence and impartiality.

The process of the selection and appointment of judges should therefore be transparent and all concerns about potential interference or choices, which may question whether an individual has the required independence or adequate qualifications, should be voiced.

The freedom of expression is equally applicable to lawyers. Lawyers are thus entitled to comment publicly on the administration of justice, and in particular on Rule of Law challenges in society. Therefore, it is justified for the legal profession to monitor the process of the selection and appointment of judges in their country and to express concerns whenever they believe that these concerns are justified in the framework of guarantees for the respect of the Rule of Law.

The CCBE supports independence, impartiality and transparency in the selection and appointment of judges in any country and the opportunity to express any concerns in this regard since the question of freedom of expression is linked to the independence of the legal profession, which is crucial for the proper and fair functioning of judicial systems.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'José de Freitas', is written over a faint, light blue circular watermark or stamp.

José de Freitas  
President of the CCBE