

“Judiciary Wide Shut”

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On 26 June 2025, Georgian Dream amended the Organic Law of Georgia on Common Courts, significantly weakening the theoretical safeguards of judicial transparency. This included rolling back the relatively progressive system of court hearing coverage that has been in place since 2013, as well as reducing the publicity and accessibility of court decisions.

In particular, the amendment makes it more difficult for the media (therefore for the wider public) and other interested parties to observe court activities, especially judicial proceedings. As a result, the judiciary is becoming an even more closed and unaccountable institution.

Although the proponents of this change reject any suggestion that these developments reflect the troubling experiences of the past and dismiss such concerns as “political speculation” or “false propaganda” the reality is an uncomfortable truth well known to society. This is especially evident to those politicians and supporters who once vocally opposed such practices, but now silently accept them.

This situation is aptly captured by the phrase “eyes wide shut” - a seemingly paradoxical expression, yet an accurate reflection of a mindset in which one sees everything but chooses not to see; knows the truth but refuses to acknowledge it.

The title of this article, *Judiciary Wide Shut*, reflects this paradoxical reality in Georgia today. The judiciary has become a focal point of political maneuvering and a primary instrument for silencing dissent which is used to sideline active political figures and deliver the harshest responses to any criticism of Georgian Dream.

In this context, judicial transparency that means both physical access to proceedings and the clear, reasoned justification of judicial decisions that are understandable and accessible to any objective observer is essential for a country that claims to uphold democratic principles. This is particularly true if Georgian Dream seeks to demonstrate that the ongoing processes align with the foundations of a rule-of-law state.

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On the contrary, observation of current developments shows that judges, whether or not they have a formal legal ground, are increasingly working to make the court inaccessible to the public, closed off, and opaque, especially when it comes to justifying their decisions. The public trust and respect that the court and its rulings should earn through openness, transparency, and the consistent and fair application of the law have been replaced by a coercive approach. Today, not only criticism but even the simple questioning of a judge's decision can lead to strict sanctions.

This is precisely what makes the judiciary a “widely shut” institution: one that formally exists but is, in essence, disconnected from the public interest. In theory, the court should serve as the main mechanism for bringing events in the country back within a legal framework, or at least convincing an objective observer that these events remain within that framework. In practice, however, the judiciary refuses to fulfill this role. It neglects its own authority, turns away from the needs of a democratic society, and is unwilling to allow the public to understand what is happening within and beyond legal processes.

This article examines the path the Georgian judiciary has taken since 1997 in terms of the publicity of court hearings, media access, and process transparency. It also outlines the risks posed by recent legislative changes, which threaten to turn the court into a closed institution—not only in a physical sense, but also in its function within a democratic society.

Guarantees of Judicial Openness (From 1997 to 2013)

From the very day the Organic Law of Georgia on Common Courts was adopted,² the original wording of the law established the principle of public hearings. This was expressed through the requirement that cases be heard in open court, except in specific circumstances defined by law. It also included the public announcement of court decisions, along with the possibility of filming, photographing, and making audio or video recordings during court sessions.

This last provision was based on a rule that allowed for the restriction of filming and recording only in exceptional cases, and only through a reasoned decision by the court. However, the law did not specify who could film or record court hearings, in what form this could be done, or on what grounds a judge could limit the exercise of this right.

² Organic Law of Georgia on Common Courts, Article 12, N 767 (31/07/1197-03/09/1997). Date of becoming null and void 08/12/2009 <https://matsne.gov.ge/document/view/31684?publication=0>

Furthermore, the law did not explicitly require courts to record all proceedings themselves using audio or video equipment, nor did it mandate that such recordings be made available to the parties involved. It is also important to note that, at the time, the technical capacity to implement such recordings did not yet exist.

The regulation was revised in November 2005. The law stipulated that the court (judge) would determine the rules for photographing, filming, videotaping, audio recording, stenography, and radio and television broadcasting during a court session, as well as the appropriateness of any restrictions, through a reasoned decision.³

Crucial Amendment of 2007 – Effectively Closing Off the Court

The most pivotal change occurred in July 2007,⁴ in response to the practical application of this right and its effectiveness, particularly due to the extensive public attention generated by the coverage of the Sandro Girgvliani case.

The amended law strictly prohibited photography, filming, video recording, and broadcasting in the courtroom during case hearings and court sessions, as well as conducting similar activities within the court building.

Such activities were permitted only when conducted by the court itself or an "authorized person" designated by the court, although the law did not define this term either.

Additionally, the law granted the court the authority to release photo, film, and video materials in its possession depicting the trial, but it did not mandate such distribution, nor did it specify the rules, deadlines, recipients, or characteristics of the material.

Simultaneously, the amendment allowed for stenographic and audio recording of court sessions in accordance with rules set by the court (judge). However, the law did not specify the entity responsible or the framework for establishing these rules. The court (judge) was also authorized to restrict this right

³ Organic Law of Georgia on Amendments and Additions to the Organic Law of Georgia on Common Courts, N2125, Legislative Herald of Georgia, 53, 19/12/2005. Date of becoming null and void: 08/12/2009 <https://matsne.gov.ge/ka/document/view/27424?publication=0>

⁴ Organic Law of Georgia on Amendments and Additions to the Organic Law of Georgia on Common Courts, N5288, Legislative Herald of Georgia, 29, 27/07/2007. Date of becoming null and void: 08/12/2009. <https://matsne.gov.ge/ka/cument/view/19858?publication=0>

through a reasoned decision. Additionally, the law did not mandate the court to conduct audio or video recording itself.

Critical Assessments of the Public Defender and Civil Society

These politically motivated changes faced significant public criticism. Sozar Subari, the Public Defender at the time, strongly criticized the amendments, citing concerns over the right to a fair trial, freedom of information and expression, and the independence and accountability of the judiciary.

The Public Defender emphasized that “when there is public interest in a specific case, the public has the right to receive comprehensive information about the course of the trial.” In this regard, the Public Defender argued that the changes effectively created a mechanism that made the media and the public, as “passive consumers,” entirely dependent on the court’s discretion to release or withhold hearing transcripts.

Furthermore, the Public Defender highlighted the context in Georgia at the time of the amendments, including widespread distrust in the judiciary and the prevailing public perception of the court’s dependence on political authorities. This context was compounded by legal shortcomings in the handling of a high-profile, widely followed case, where efforts to conceal these issues became the primary reason for restricting access to the court.

The Public Defender’s report covering the first half of 2007 reads: *“The concept of a fair and impartial trial rests on a party’s belief that public proceedings, with media present, protect against judicial arbitrariness. This safeguard is effective in an environment where independent media cameras capture every action of the judge and parties, serving to prevent unlawful conduct. There is less assurance of a fair trial when the camera is under the judge’s control, making it impossible to record any unlawful actions by the judge.*

It is worth considering, under the conditions of this regulation, to what extent Judge Giorgi Chemia [who presided over the Sandro Girgvliani case] would have released video footage showing a mobile phone being handed to a defendant during a court session, with the judge failing to respond. There is no legitimate reason to prohibit the media from filming such cases.”⁵

⁵ The Report of the Public Defender of Georgia on State of Protection of Human Rights and Freedoms in Georgia in the first half of 2007, p. 6. <https://www.ombudsman.ge/res/docs/2019040411373659470.pdf>

Effectively Closed Off Judiciary (2009-2013)

Although the Organic Law on Common Courts was fully repealed in 2009 and a new law came into effect, the existing provisions and restrictions concerning the publicity of court proceedings remained unchanged and were carried over to the new legislation. Amid these prohibitions, virtually no recordings were made in courts between 2007 and 2010.⁶

The situation improved slightly in 2010-2011 when audio recording devices were installed in courts through a USAID program. However, the system's operation and the availability of recordings remained problematic.⁷ Court attendees attempted to record proceedings using their own devices without court permission, violating the law in effect at the time. The judiciary responded to public demands for access to information in high-profile cases not by increasing transparency but by imposing stricter restrictions.

Consequently, starting in June 2012, by decree of the court's chairman, Tbilisi City Court prohibited bringing telephones and other recording devices into the court, including the courtyard, building, and especially the courtroom.⁸ Human rights activists argued that this rigid approach was linked to the upcoming parliamentary elections and ongoing legal disputes against opposition figure Bidzina Ivanishvili and his team. They viewed it as an attempt by authorities to avoid scrutiny, conceal systemic illegality, and create an information vacuum for society. *"The court is trying to close its doors to the public. This occurs when illegal actions, which should be hidden from society and silenced in the media, are carried out in the court,"* lawyers expressed their concerns.⁹

The Public Defender deemed the above-mentioned practice inconsistent with the Constitution of Georgia and human rights law, as the legal prohibition on unauthorized recording did not implicitly mean that

⁶ "Why Are Court Hearings Held in Secrecy" Lana Beridze, "Resonance", FOR.GE. 1 April 2011.

<https://for.ge/view/3665/ratom-asaidumloeben-sasamarTlo-sxdomebis-Canawerebs.html>

⁷ Ibid.

⁸ The court explained the prohibition as follows: "On average, 3,000 people visit Tbilisi City Court daily, and they have repeatedly violated the regulations governing this issue in the past. In particular, despite the law and prior orders prohibiting photography, filming, video recording, and broadcasting in the court and courtroom, and allowing stenography and audio recording only with court consent, individuals frequently attempted to make covert recordings using mobile phones, personal computers, and hidden video and audio recording devices disguised as pens, wristwatches, shirt buttons, memory cards, and keychains, which are readily available on the market. Therefore, the decree of the Chairman of Tbilisi City Court, issued on June 19, 2012, aims to enforce the provisions of the Organic Law of Georgia on Common Courts."

<https://www.interpressnews.ge/ka/article/205283-sasamartlom-mobiluri-teleponebisa-da-chaceris-punkciis-mkone-teknikuri-sashualebebis-shetanis-akrzalvaze-ganmarteba-gaaketa/>

⁹ "Cell phones are prohibited from the premises of Courtyard and Court Building", Rusiko Ushikishvili, FOR.GE, 23 June 2012, <https://for.ge/view/12896/sasamarTlos-Senobasa-da-ezoSi-mobiluri-telefonis-Setanac-ikrZaleba.html>

bringing a recording device to a trial was impermissible. Furthermore, the Public Defender noted that this issue was particularly problematic given that modern devices used for recording often serve dual purposes, such as a computer, which might be essential for exercising the right to defense.¹⁰

Therefore, this prohibition was not merely a strict interpretation of the law, as Tbilisi City Court claimed, but an unlawful restriction that significantly hindered trial participants' ability to exercise their right to defense and limited the public's effective access to information about court sessions. While attendance at trials was generally not restricted (beyond the natural limitation of courtroom size), such a regulation, which involved confiscating participants' personal belongings, could discourage individuals from attending court sessions. If prolonged, this practice would indirectly undermine the openness permitted by law.

Safeguards of Judicial Transparency (From 2013 to 2025)

In the 2012 parliamentary elections, the Georgian Dream coalition highlighted judicial transparency and openness as a key political promise.

"Full transparency of the judicial administration process and publicity of the entire justice process will be ensured. Clear rules for open case reviews and the right to cover the process will be established. The processing and unhindered release of materials held by the court will be regulated by balancing private and public interests. The openness of disciplinary proceedings against judges will also be ensured," stated the 2012 election program.¹¹

Upon assuming power, one of the first reforms concerning the judiciary (with the corresponding draft law initiated in November 2012) aimed to enhance publicity through amendments to the Organic Law of Georgia on Common Courts.

6 March 2013 Reform: New Standard of Transparency

As a result of these amendments, the law lifted the prohibition on photography, filming, and audio recording in court. Instead, a new provision, Article 13¹, established a detailed procedure for court hearings and publicity.¹²

¹⁰ The report of the Public Defender of Georgia on State of Protection of Human Rights and Freedoms in Georgia, 2012, p. 442 https://drive.google.com/file/d/1HZ3-Aqw16A1_vGouD7apUmMR6MImiHIP/view

¹¹ Election Program, Electoral Bloc "Bidzina Ivanishvili – Georgian Dream", 2012, p. 9.

¹² Draft Law on Amending the Organic Law of Georgia on Common Courts, N 07-3/46-8. <https://www.parliament.ge/legislation/151>

The amendments defined:¹³

- The court's obligation to ensure audio and video recording of all proceedings;
- The court's duty to provide recordings to trial parties or other individuals upon request (except for partially or fully closed sessions);
- The Public Broadcaster's right to freely photograph, film, video, and audio record court sessions and broadcast them, except in cases of partial or full closure;
- The Public Broadcaster's obligation to provide recordings to other media outlets upon request;
- A procedure for transferring this authority to another entity with a general broadcasting license if the Public Broadcaster does not exercise this right;
- The right of other media outlets, parties, or interested persons to photograph, film, and video record hearings, subject to a substantiated petition and court approval, which may be restricted by a reasoned court ruling;
- The option to photograph, film, video record, and broadcast from a designated area allocated by the court;
- The right of any person presents in the courtroom to make an audio recording from their seat;
- The procedure for recording hearings involving jurors;
- The right to photograph, film, video record, audio record, and broadcast in the court's courtyard and building corridors.

This reform, aimed at enhancing judicial transparency, marked a significant step forward by abolishing the complete media blockade through legal mechanisms previously established under the previous government. The changes were generally well-received both domestically and by the Venice Commission. The Public Defender emphasized the long-term impact of these reforms, particularly in restoring public trust in the judiciary.¹⁴

The Venice Commission also considered the context critical: how the changes were implemented, the historical experience, and the needs of the judicial system. Notably, the Commission's recommendations

¹³ On amending Organic Law of Georgia on Common Courts, N 260-IIS, website, 20/033/2013. <https://matsne.gov.ge/ka/document/view/1868378?publication=0#DOCUMENT:1>

¹⁴ The Report of the Public Defender of Georgia on State of Protection of Human Rights and Freedoms in Georgia, 2013. <https://drive.google.com/file/d/19AjsGIOHEQkzJOHV-rxQ56sXgFx0E6d7/view>

and assessments partially addressed the side effects of publicity, highlighting the need for a reasonable balance.¹⁵

Corrections of May 2013

The amendments adopted on May 1, 2013, revised several rules:¹⁶

- The obligation to release audio and video recordings made by the court was limited to only the parties involved in the trial;
- The Public Broadcaster's authority to broadcast was removed;
- The provision allowing other media outlets and individuals to record with court consent was eliminated;
- The right of any person to make audio recordings was limited to a location selected by the court;
- A regulation was introduced to restrict recording based on the interests of witnesses and victims to ensure their safety;
- For the first time, the law explicitly prohibited the court from establishing rules that permitted the seizure of mobile phones or other technical devices.

Alongside the increased openness of court hearings for the media and other interested parties, significant legislative guarantees have emerged to enhance the publicity and accessibility of judicial decisions and the operations of the High Council of Justice, the centralized body responsible for judicial administration.

The Georgian Dream government took particular pride in these legislative reforms.¹⁷ However, it increasingly failed to implement them in practice, a trend especially evident in recent years. Regarding legislative restrictions, the amendments gradually reduced the guarantees of openness and transparency, culminating in the changes introduced in June 2025.

¹⁵ Opinion on the Draft Amendments to the Organic Law on Courts of General Jurisdiction of Georgia Adopted by the Venice Commission at its 94th Plenary Session (Venice, 8-9 March 2013) 11/03/2013. [https://www.coe.int/en/web/venice-commission/-/CDL-AD\(2013\)007-e](https://www.coe.int/en/web/venice-commission/-/CDL-AD(2013)007-e)

¹⁶ On Amending the Organic Law of Georgia on Common Courts, N580-lis, website, 20/05/2013 <https://matsne.gov.ge/ka/document/view/1924526?publication=0#DOCUMENT:1;>

¹⁷ The 2013-2017 Report on the Judicial System, published by the High Council of Justice of Georgia in 2017, specifically addresses the steps taken to enhance judicial transparency. The report highlights as a key achievement the legalization of photography, video, and audio recording of court sessions. "Until 2013, photography, video, and audio recording of court sessions were prohibited. There were even instances when court bailiffs prevented journalists from taking notes during sessions." See the 2013-2017 Report on the Judicial System, High Council of Justice of Georgia.

<http://hcoj.gov.ge/files/news/სასამართლო%20სისტემის%20საქმიანობის%20ანგარიში%202013-2017.pdf>

Legislative Changes of 2025 – Strict Regulation of Judicial Transparency and Legal Challenges

The legislative amendments,¹⁸ passed in three readings on 26 June 2025, fundamentally alter the rules in effect since 2013. According to the explanatory note of the draft law, the purpose of these changes is to ensure the efficient administration of justice and prevent obstructions during court hearings.

Given the scope and nature of the restrictions, especially considering the context behind their rapid adoption, the public understandably sees parallels to the scenario unfolding in 2007. However, the draft law's authors strongly reject any such comparisons, negatively responding to these assessments (by accusing critics of spreading disinformation) to express their dissatisfaction.¹⁹

With the amendment approved in three readings and signed by Mikheil Kavelashvili (which, at the time of writing, had not yet been fully published in the Legislative Herald), the framework for reporting on court proceedings and hearings is now established as follows:²⁰

“Photography, filming, video recording, and broadcasting in the court (including the court building, courtroom, and courtyard) are prohibited, except when conducted by the court or a person authorized by the court. The court may distribute photo, film, and video recording materials of court session in its possession, provided this does not violate the law. Video and audio recording of a court session, as well as broadcasting, may be permitted only by a specific decision of the High Council of Justice of Georgia for each individual court session” (Article 13¹, paragraph 2).

Compared to the previous version, this provision significantly reduces the publicity of court sessions, includes vague terms, and, to some extent, mirrors the restrictive regime in place from 2007 to 2013, while introducing even stricter regulations in certain aspects. To clarify this, it is helpful to break down paragraph 2 into its three separate sentences.

¹⁸ Draft Law on Amending the Organic Law of Georgia on Common Courts, N 07-3/74/11/
<https://www.parliament.ge/legislation/31004>

¹⁹ Session of the Legal Issues Committee – 25.06.2025. YouTube, Parliament of Georgia.
https://www.youtube.com/watch?v=LOSNNWRkL_3s

²⁰ Organic Law of Georgia on Amending Organic Law of Georgia on Common Courts, N827-IIMS-XIMP, 26 June 2025.
<https://info.parliament.ge/file/1/BillReviewContent/395045>

1. The First Sentence:

“Photography, filming, video recording, and broadcasting are prohibited in the court (including the court building, courtroom, and courtyard), except when conducted by the court or a person authorized by the court.”

- The 2025 amendment largely mirrors the 2007 amendments, imposing a general ban on filming, audio recording, video recording, and broadcasting. Permission is granted only as an exception, when these activities are carried out by the court or its authorized person. This approach starkly contrasts with the 2013 rule, which established a default right to film or record, with restrictions applied only exceptionally when a court issued a ruling for partial or complete closure of a session.
- Similar to the 2007 version, the provision remains vague regarding who qualifies as an “authorized person” by the court. Unlike the 2013 version, which explicitly identified this entity (primarily the Public Broadcaster or, in its absence, another public broadcaster) and outlined selection criteria, the new version neither specifies the entity nor provides guidelines for its selection. Additionally, the term “court” is used instead of “judge,” potentially excluding direct judicial involvement and likely transferring the authority to designate the authorized person to the court chairman or another official.
- In contrast to the 2013 version, which limited restrictions on filming or recording to the courtroom during sessions, the new edition extends the ban to all photography and video recording not only in the courtroom and building but also, for the first time, in the courtyard (for any purpose). This significantly broadens the scope of the prohibition and hinders journalistic activities.
- Similar to the 2007 version, photography, filming, video recording, and broadcasting in the courtroom are prohibited. However, the 2025 amendment extends the ban to the **courtyard** as well and applies it to filming in general, not connected to specific case hearings.
- Additionally, the first sentence of paragraph 2 must be considered alongside the last sentence of the same paragraph. Specifically, the last sentence states that *“video and audio recording of a court session, as well as broadcasting, may be permitted only by a specific decision of the High Council of Justice of Georgia for each individual court session.”* The first sentence does not clarify who makes the decision or who authorizes the court or its designated person to exercise this authority, while the last sentence fails to specify who the High Council of Justice may authorize in

a particular case. This ambiguity creates the potential for interpreting the provision to mean that all forms of filming and recording are prohibited unless an exception is granted by the High Council of Justice. In such cases, only the court or its authorized person may conduct filming or recording.

2. The Second Sentence:

“The court may release photo, film, and video recording materials of court session in its possession, provided this does not violate the law.”

- The provision does not specify the mechanism or standard for distribution, including the form of distribution, the circumstances under which the court may deem it appropriate, or who may access the materials.
- The provision grants authority to the court, suggesting that the judge presiding over a specific case may be excluded from the decision-making process. Instead, it is likely that the court chairman or another official decides on distribution and determines its appropriateness.
- There are no clear guidelines on whether the court can edit the materials or publish them at its discretion, or if it must distribute complete and unedited materials. This lack of clarity poses a significant risk to the public’s right to accurate information and allows the court to share information selectively or manipulatively.
- Most critically, the provision establishes only the possibility of release, not an obligation. Furthermore, it does not require the court to justify withholding these materials upon request. While the provision notes that the court cannot disclose materials in cases prohibited by law, it does not define other potential grounds for non-disclosure. This grants the court broad discretion to decide when to disclose or withhold materials. Therefore, this provision cannot be considered as a robust legal guarantee for court transparency.

3. The Third Sentence:

“Video and audio recording of a court session, as well as broadcasting, may be permitted only by a specific decision of the High Council of Justice of Georgia for each individual court session.”

- This provision substantially changes the rule regarding audio recording that has been in force since 2013 and effectively abolishes the standard that allowed any person to record from a location previously determined by the judge.
- As for the broadcast of the session (which was not included in the previous edition, although it was envisaged in the 2007 version) and the authority to videotape, this is a legal exception that will be permitted only with the prior approval of the High Council of Justice. Interestingly, the initial version of the 2025 amendments²¹ granted this authority to a judge, rather than the High Council of Justice, allowing the judge to issue a permit through a reasoned decision in response to a substantiated petition. However, this provision was also vague, as it did not clarify whose petition the judge should consider or what criteria should be used to issue or deny the permit. Furthermore, it failed to identify the subject entitled to exercise this authority. As mentioned above, this clause also left room for interpretation, as it seemed to cover only the first sentence of the paragraph and implied that this type of authority could be granted only to the court or a person authorized by the court.
- By removing the discretion of the individual judge hearing the case and assigning this power to the High Council of Justice, the provision places the question of the publicity of each hearing in the hands of a single body nationwide. This increases centralized control.
- In addition, the provision creates absurd bureaucratic barriers. The mechanism, which requires the Council to issue a permit for each individual case, is, at the very least, inflexible and time-consuming (especially considering that many cases of high public interest are currently being heard during the day). Moreover, the law does not establish any rules regarding how or when to apply to the Council, the deadlines for the Council to consider the issue, or the timeframe for issuing a permit. This is likely to cause delays, and the process may even end without a permit being granted.
- At the same time, there is no framework or set of criteria on which the High Council of Justice bases its decisions regarding the filming, recording, or transmission of a specific session.

In addition to the numerous ambiguities contained in these three sentences, it should be noted that:

- The rules for trials involving a jury and for filming witnesses and victims have been removed from the provision.

²¹ Initial Draft Law on Amending the Organic Law of Georgia on Common Courts, N 07-3/74/11.
<https://info.parliament.ge/file/1/BillReviewContent/393425>

- The legislative restriction preventing courts from establishing rules that allow confiscation of personal belongings of individuals entering the court has been eliminated. This was an important safeguard based on past experience, and its removal from the law creates the potential for such regulations to return, subject to the discretion of each court's chairman.

It is worth noting that, even today, there have been unfortunate precedents regarding restrictions on those wishing to enter the courtyard or building of the court (for example, on May 22, 2025, during the trial of Zurab Girchi Japaridze, the courtyard was completely closed, making it difficult for individuals with scheduled visits or trials to enter the building²²). This restriction, which goes beyond the confiscation of personal belongings, suggests that such problematic practices may return.

- It should also be noted that, unlike the 2007 edition, the current edition (similar to the previous one) still mandates the court to ensure audio and video recording of court proceedings. The court must make these recordings available to the parties upon request. The parties are not restricted from disseminating these recordings, except in cases where the court has issued a ruling for partial or complete closure of the session.

This provision, in light of the prohibition discussed above, may initially seem like a guarantee that the parties and, through them, the public will not be entirely deprived of access to the proceedings. However, this provision does not counterbalance the extensive restrictions that, under the new wording, strictly prohibit photography, audio and video recording, and broadcasting of sessions, making their implementation entirely dependent on the discretion of the court or the High Council of Justice.

This regulation particularly limits the media and, consequently, the interested public from following court sessions in cases of high public interest, as well as the proceedings in general, and receiving timely and complete information about them.

- On top of the above-mentioned amendments there are additional restrictions on the publication of court decisions. On one hand, the publicity of decisions is tied to their entry into legal force. On the other hand, the current wording prohibits the publication of a court decision by any person unless it is fully depersonalized. Although the law specifies which types of data must be depersonalized, it also grants the High Council of Justice the authority to mandate the depersonalization of additional data in specific cases.

²² „Zurab Japaridze sentenced to prison for bail non-payment “, Tabula. <https://tabula.ge/en/news/735527-giraos-gadaukhdelobistvis-zurab-japaridzes>

- In turn, the transparency requirements for the High Council of Justice have been significantly reduced. The obligation to publish decisions, protocols, and other information related to its activities has been scrapped, as has the requirement to publish information about competitions for filling vacant judicial positions and their results. The only remaining obligation for the Council is to publish information about upcoming sessions (however, no specific deadline is provided, meaning this could occur as late as 10 minutes before a session), and to publish draft normative acts three days in advance. This significantly limits the ability to monitor the Council's activities.

This occurs while the Council, which holds immense power and was created to ensure the independence of the judiciary, is being granted even greater authority. As noted, this includes tools that allow it to directly interfere in the activities of individual judges, thereby reducing the institutional independence of the judiciary.

It is noteworthy that on July 2, 2025, organic law on further amendments to the Organic Law on Common Courts were adopted in three readings,²³ which tightened restrictions and added a ban on audio recording to the existing prohibition on photography, film, video recording, and broadcasting. Accordingly, the rules applicable to other cases will also apply to audio recording. Additionally, the law previously required permission from the High Council of Justice for filming, recording, or broadcasting in courtrooms; this has been clarified and extended to the court in general, including the courtyard.

Transparency as a threat: Why Judiciary is Being Shut?

Against the backdrop of these changes, a keen observer will draw strong parallels between the current situation and the events in the judicial system in 2007. The similarity of the contexts is striking: both then and now, legislative amendments were initiated and adopted rapidly amid highly political processes, driven by a fear of transparency and truth. This context leaves no doubt that the amendments' goal was not to enhance the court's efficiency and independence.

The initiators of the amendments do not conceal their true motives. At a committee hearing, one of the authors, Archil Gorduladze, explicitly stated that the broad publicity guarantees in the previous law were "abused," turning the process into a "show" and leading to the court's politicization. In such circumstances,

²³ Draft law on Amending Organic Law of Georgia on Common Courts N 07-3/77/11 adopted at the third reading. <https://www.parliament.ge/legislation/31048>

he argued, publicity "did not serve to inform the public but rather to disinform, [including with respect to politicization]".²⁴

Mr. Gorduladze's concerns are to the point because the challenges he references are real. Public trust in the court is low or so fragile and based on a flawed foundation that anything that has a potential to challenge these perceptions and raise doubts in the society, seriously undermines confidence in the court's image of independence and justice that has been imposed by the government. In conditions of high openness, the court's actions and decisions fail to restore trust and instead deepen distrust.

It is particularly significant that before the amendments took effect, the extensive coverage of court hearings (that allowed the public to gain insight into case details, including observing the lack of substance in the evidence and arguments presented by witnesses and the prosecution, as well as the positions and personalities of the defendants) gave rise to a problem that is particularly sensitive for the Georgian Dream: the revelation of the absurdity of court proceedings.

This revelation raises questions not only among the opposition but also among Georgian Dream's own voters. Consequently, it is vitally important for the party to move these sessions behind closed doors to minimize the leakage of truth about injustices.

The main argument that coverage of trials is a source of disinformation is inherently absurd. If Georgian Dream genuinely believes the public is misinformed and manipulated, the solution is not to restrict access but to increase openness, providing an unbiased view that clearly presents all arguments and positions.

Furthermore, accusing the defense, opposition, or media of politicizing cases is an attempt to mislead the public. Currently, amid a political climate where the court has effectively become a tool for fulfilling the Georgian Dream's 2024 pre-election promises to suppress the opposition, dismantle non-governmental organizations, and silence critical media, the cases themselves are politically motivated and inherently politicized. Consequently, it is natural that public interest in court processes and decisions is exceptionally high.

It should also be in the court's interest to thoroughly address the questions an objective observer might have about ongoing processes. Moreover, the Georgian Dream, which claims to be „fighting for transparency“, should proactively ensure these processes are open, as this would be an effective way to

²⁴ Session of the Legal Issues Committee - 25.06.2025. YouTube, Parliament of Georgia.
https://www.youtube.com/watch?v=LOSNRkL_3s

demonstrate accountability to its voters. Furthermore, given the politically sensitive nature of these cases, even if no legal order for publicity existed, an enhanced transparency regime should have been established as an exception at this time.

Moreover, if the sanctions imposed through administrative procedures in hundreds of cases are truly intended for prevention and to ensure public order and security, the regime's primary response should be a transparent court. Processes and decisions that clearly reflect the "truth" have far greater impact than the fines the regime is systematically and selectively applying today.

The fact that this is not happening raises a logical question: what are the party and the court hiding, and what do they fear revealing? The public has already witnessed the awkward and absurd performances of judges, prosecutors, witnesses, and police representatives, providing strong grounds to believe that they fear exposing not the spectacle of the accused, but the farce orchestrated by the Georgian Dream and the court. They fear human emotions such as sincere words, tears, and thoughtful protests that no objective observer can ignore.

Against this backdrop, the events of 2007 and the report by Sozar Subari, then Public Defender, are particularly significant. Subari explicitly stated that the restriction of publicity stemmed solely from fear of political resonance. However, he admonished that a closed door could not silence the public, halt discussion, or stop critical assessments of the court, which would still spread through public tribunes. He emphasized that judges have an obligation to tolerate this criticism: "The public and politicians can monitor the process how the judges carry out responsibility imposed on them... Judges are not delicate flowers that wilt from sharp and heated criticism."

Unlike in 2007, when the Public Defender saw room for that, the situation in 2025 has drastically changed. The amendments implemented in 2025 portray judges, prosecutors, and Ministry of Internal Affairs representatives as "delicate flowers," zealously shielding them from any criticism.

Judges, which among other things are selected for their resilience to influence and personal strength, ability to control emotions, should not fear public discussion, as they wield one of the most powerful tools - a decision - with which they can counter all unjust accusations. If the court genuinely seeks to build public trust and reinforce perceptions of its independence, the only way to achieve this is not to close off but to speak the truth clearly and vocally.

The recent changes and the current restrictions on court openness represent a step back, a return to the past, despite all the denials from the Georgian Dream or attempts by parts of society to overlook this reality.

The political party that came to power in 2012, promising transparency, an open court, and its transformation into an accountable, independent, and impartial institution, is now using the judiciary to target political opponents, establish complete control over public, and demolish a free society.

The amendments of June 26, 2025, in both content and political objectives, clearly echo those of 2007. The guarantees of court openness established after 2013 have been largely eliminated or regulated in ways that make them practically unusable. Moreover, control over the coverage of court proceedings and the release of information has been transferred to the High Council of Justice which is the primary tool of political influence over the judiciary.

Under these conditions, court openness is reduced to mere physical attendance, limited by the capacity of the courtroom. Often, trials are deliberately held in small rooms, filled with system employees, or the court doors are closed entirely under baseless pretexts, ensuring that as few people as possible witness the proceedings. This minimizes the spread of information. Those who do share information face intimidation, as their words may be deemed disrespectful to the judge or an attempt to influence them.

Given all the above-mentioned, it is clear that this situation is not merely about restricting the media, and it would be misguided to frame the issue in a way that the major wrongdoing is the exclusion of media from courtrooms. A systemic understanding of the changes and their context highlights a grave violation of the constitutional order. The erosion of judicial openness fosters alienation between society and the judiciary, enabling the regime to transform the latter into a tool for pursuing its political objectives.