



Aleksandre TSULADZE

A Partner at the CCL Law Firm

CANDIDATE'S PROFESSIONAL /
ACADEMIC PERFORMANCE AND
IDENTIFIED TRAITS / BEHAVIOR

2

MISCONDUCT REVEALED IN
PROFESSIONAL ACTIVITIES
(DISCIPLINARY PROCEEDINGS,
PROFESSIONAL ETHICS)

2

PROMOTIONS AND AWARDS /
SCHOLARSHIPS GRANTED FOR
PROFESSIONAL PERFORMANCE

3

CONFLICT WITH LAW,
CONFLICT OF INTEREST

3

CANDIDATE'S PUBLIC ACTIVITIES /
POSITION AND BEHAVIOR

4

FINANCIAL OBLIGATIONS AND
INCOME OF THE CANDIDATE

8

Mr. Alexandre Tsuladze served as an Advisor to the Minister of Justice of Georgia in 2011-2012. He was the Deputy Head of Analytical Department of the Supreme Court of Georgia in 2012-2014 and the Head of the said Department in 2014-2015. In 2015-2017, the candidate worked at the High Council of Justice, first as the Head of the Department of International Co-operation and Quality Management and later as the Head of the Department of International Cooperation and Public Relations. Since 2017, he is a managing partner at the CCL Law Firm.

1.

CANDIDATE'S PROFESSIONAL / ACADEMIC PERFORMANCE AND THE IDENTIFIED TRAITS / BEHAVIOR

1.2. ACADEMIC ACTIVITIES / PUBLICATIONS

Publicly available information on the activities of the candidate Aleksandre Tsuladze is quite sparse. Nevertheless, the authors of the document were able to access a thesis prepared by the candidate, which was published in 2006 and posted on the official website of the Ivane Javakishvili Tbilisi State University¹.

The subject of the thesis prepared by the candidate for the degree of Doctor of Laws is the Georgian Model of Judicial Mediation in the Euro-American Prism. The reasoning presented in the thesis is mainly based on foreign literature/sources and it introduces models of mediation prevalent in different countries in a descriptive form.

When discussing the shortcomings of the development of judicial mediation in Georgia, the candidate points to the negative role of the High Council of Justice, which, in addition to not developing a judicial mediation strategy reflecting a common vision, did not adequately involve the new composition of the Council in the development process. According to the assessment of the candidate, the lack of coordination in this direction, among other issues, 'creates risks of favoritism and bias in the judicial system [...]'.

¹ See http://press.tsu.ge/data/image_db_innova/disertaciebi_samartali/aleqsandre_wuladze.pdf

2.

MISCONDUCT REVEALED IN PROFESSIONAL ACTIVITIES (DISCIPLINARY PROCEEDINGS, PROFESSIONAL ETHICS)

1. DISCIPLINARY PROCEEDINGS – EXISTING COMPLAINTS

- The disciplinary panel has not applied any disciplinary measures or penalties against the candidate.

2. ALLEGED VIOLATION OF PROFESSIONAL ETHICS

- There was no case of alleged violation of professional ethics.

3.

PROMOTIONS AND AWARDS / SCHOLARSHIPS GRANTED FOR PROFESSIONAL PERFORMANCE

1. PROFESSIONAL DEVELOPMENT

- Candidate Aleksandre Tsuladze was an intern at the Legal Issues Committee of the Parliament of Georgia in 2005-2006. In 2006-2007, he interned at the Department for Systematization of Normative Acts and Relations with Local Bodies of the Ministry of Justice.
- Mr. Aleksandre Tsuladze was a lawyer at private law firms in 2007-2009. In 2011, Aleksandre Tsuladze held a position of Acting Head of the Administrative Cases Panel of the Tbilisi City Court. **He served as an Advisor to the Minister of Justice of Georgia in 2011-2012.**
- Mr. Aleksandre Tsuladze was the Deputy Head of Analytical Department of the Supreme Court of Georgia in 2012-2014 and the Head of the said Department in 2014-2015. In 2015-2017, he worked at the High Council of Justice, first as the Head of the Department of International Co-operation and Quality Management and later as the Head of the Department of International Cooperation and Public Relations.
- Since 2017, the candidate Aleksandre Tsuladze is a managing partner at the CCL Law Firm.
- Since 2018, Mr. Aleksandre Tsuladze is the Co-Chairperson of the Commercial and Competition Law Committee of the Georgian Bar Association.

2. AWARDS/SCHOLARSHIPS

- Candidate Aleksandre Tsuladze was a JAMS Weinstein Senior Fellow in 2014.
- In 2014, he received a long-term research scholarship of the Shota Rustaveli Foundation.
- In 2013, he was a visiting researcher and a scholar of the Max Planck Institute for Comparative and International Private Law.
- In 2010, he received 'Rondine d'Oro' in Italy.
- In 2009, Mr. Aleksandre Tsuladze won a master's degree scholarship of the Ministry of Foreign Affairs of Italy.
- In 2006, the candidate was a finalist of a legal Olympiad called People and Constitution.

4.

CONFLICT WITH LAW, CONFLICT OF INTEREST

1. CRIMINAL LIABILITY, ADMINISTRATIVE OFFENCES/PENALTIES, LITIGATIONS

- Candidate Aleksandre Tsuladze has no record of conviction.
- Administrative violations are identified due to traffic violations.
- Candidate Aleksandre Tsuladze was not a party to the litigation.

2. PARTY AFFILIATION, CONFLICTS OF INTEREST WITH A MEMBER OF THE HIGH COUNCIL OF JUSTICE, LINKS WITH POLITICIANS / INFLUENTIAL PERSONS

- Mr. Aleksandre Tsuladze was not a member of any political party.
- No relation of candidate Aleksandre Tsuladze to politicians or influential people can be established.

5. CANDIDATE'S PUBLIC ACTIVITIES / POSITION AND BEHAVIOR

1. OPINIONS OF ALEKSANDRE TSULADZE EXPRESSED IN SOCIAL MEDIA

Personal account of the candidate Aleksandre Tsuladze is registered on the social network Facebook, but the candidate does not post his public opinions on his page.

2. PUBLIC STATEMENTS MADE BY ALEKSANDRE TSULADZE

2.1 STATEMENT ON THE INVOLVEMENT OF SPECIALIZED MEDIATORS IN THE PROCESS OF COMMERCIAL DISPUTE SETTLEMENT

On December 29, 2017, the candidate made a statement in one of the interviews on the involvement of specialized mediators in the process of commercial dispute settlement:



If a single review of a dispute costs a court GEL 5000 on average, mediation costs less than GEL 1000. In addition, dispute settlement in courts of all instances takes total of four years, while in case of mediation, parties reach a settlement in an average of two weeks... EU directive of 2008 states that the bodies developing judicial policies shall maintain the balance between settling disputes by mediation and by court, which implies that there must be some balance between the number of cases brought before a court and the number of cases referred to mediation."

Of course, here, court reviews much more disputes. Therefore, the rate for ending cases with settlements is very low. To address this issue, it is necessary for all three branches of government to be involved and to care in order to solve the problem. In terms of raising awareness about the mediation institute, it is very important that all law schools teach mediation and future lawyers understand its advantages. Currently, mediation is taught at many leading law schools throughout Tbilisi.¹

3. INTERVIEW OF CANDIDATE ALEKSANDRE TSULADZE AT THE HIGH COUNCIL OF JUSTICE



Question posed by a member of the Council of Justice LEVAN GZIRISHVILI to Aleksandre Tsuladze: "In accordance with the Law of Georgia on Freedom of Speech and Expression, thought is protected by an absolute

¹ 'Specialised judicial mediators will be involved in resolving business disputes' 29 December, 2018. Available at <https://bit.ly/2IWgL3P>

privilege, while appeal is protected by a qualified privilege. How do you interpret the meaning behind this statement?”

Candidate’s response:

” I, personally understand, and by the way, this not only my opinion, it is also an opinion of other authors, what is a thought, what is a product of thought and what is appeal and expression. A thought itself is absolute, because no one should ever be able to limit ideas that come to our minds, in our consciousness or control where a thought goes. However, when we make an appeal, it, from this moment on, loses its absolute privilege. That is, when it becomes available, it shifts from subjectivity to objectivity, to the outside world. In this case, it may be limited due to a threat.”



LEVAN GZIRISHVILI’s question to the candidate: “Let us suppose that Tamar of Georgia was depicted on a condom. ‘To what degree can this be considered an insult to religious feelings of a certain citizen?’”

Candidate’s response:

” In this respect, I can say that the Constitution of Georgia sets even higher standards of freedom of expression than the European Convention. Therefore, and as far as I know, I learned the outcome of this case from television, a restriction was imposed. However, I object to granting this case criminal qualification, although, of course, I understand that this issue is very sensitive and irritating to many people and it violates their Beliefs and values.”



Question posed by a member of the Council of Justice IRAKLI BONDARENKO to the candidate: “In your opinion, why a referendum on the adoption of a law shall not be appointed?”

Candidate’s response:

” I think that law-making is generally the exclusive authority of the Parliament of Georgia. Another very important aspect here is that a referendum result may only be revoked by a referendum and if we adopt laws through referendums, we not only interfere with the exclusive authority, but the adopted law may only be changed, amended or repealed by a referendum again.”



IRAKLI BONDARENKO’s question to the candidate: “Do rights and freedoms differ from each other? And if yes, what are the differences?”

Candidate’s response:

” Rights and freedoms do differ from each other, freedom is a category of opportunities, which does not require duties from the state, and it only requires maintenance. Conditionally, freedoms referred to in Articles 8, 9 and 10 of the Convention, in this case, are my right and it is crucial for the state not to restrict the expression of the right. As for the rights, and by our rights I mean our constitutional rights, are directed towards the state. In terms of rights, that is their form... Just like in case of freedoms, the state generally, has positive and negative obligations to protect rights, as well as freedoms.”



Question posed by a member of the Council of Justice DIMITRI GVIRITISHVILI to the candidate: “Why is it called right to life and not freedom to life?”

Candidate's response:

“There are people who believe that right to life, since it might have negative aspects, belongs in the category of freedoms, in other words, I can give up my life.



Question posed by a member of the Council of Justice REVAZ NADARAIA to the candidate: “Can breaking up a sanctioned assembly cause the violation of Article 11 of the Convention? Who bears the burden of proof?”

Candidate's response:

“This, of course, is a relational right. States have the right to intervene in the exercise of this freedom, however interference and restriction cannot be justified simply because an assembly was not sanctioned. Time and location of an assembly or a demonstration is closely connected to this right; there may be cases where, public expresses their protest ad lib and there is no possibility to agree on time and location with governmental authorities; breaking up an assembly only for this reason contradicts the Convention. The state, of course, shall bear the burden of proof, the state must provide proof. Generally, the right to assembly applies, of course, to peaceful assembly; this is an underlined component, as it is not an evaluation criterion, it is not a criterion for the evaluation of lawfulness of an assembly; Generally, the right to assembly applies to an assembly, only if it is peaceful. Though, breaking up or dispersing an assembly should be a last resort, in such a case, to return to your question, burden of proof shall be on the state from beginning to end; the state shall prove that an assembly went beyond its peaceful nature and it was not only caused by a specific group of people, but the organisers were also involved in the process, when it turned into violence.”



Question posed by a member of the Council of Justice NAZI JANEZASHVILI to the candidate: “how do you envision the role of a judge in a democratic society? What can a judge do? What kind of leverage does a judge have for the protection of human rights, even under strict laws?”

Candidate's response:

“I, among other things, wrote in my application that a judge should, in the first place, be a human rights defender. Protecting human rights should be the first task. A judge should, under any legislation, use any means that a judge can utilize to protect a citizen's rights, that is his obligation. As you know, a judge may make decisions, based on the constitution and international standards, which protect human rights and freedoms; there also are means that he can utilize to eliminate an issue, if the quality of a law or the legislation has the said issue.”



NAZI JANEZASHVILI's question to the candidate: “I am interested in your view on insults that may be directed towards a judge. It is Article 366 of the Criminal Code. In your opinion, what does an insult, which may be directed towards a judge mean and what factors would you consider in such case?”

Candidate's response:

“An insult, in my opinion is some form of freedom of expression that is devoid of any idea or value, which is directed towards violation of self-esteem and dignity of a person and it is not driven by a specific goal and it is not for voicing information or an idea. As you mentioned, there is legislation regulating insults directed towards judges in a courtroom or outside of a courtroom. In principle, we can say in fact that Article 10 of the Convention says that certain forms of freedom of expression may be restricted to

some extent, especially when it is directed towards judiciary or judicial authority and we may say that such insults should be discussed in this respect. Insults, on the other hand... If I understood your question correctly, we should also consider them in the context of hate speech. In such cases, in terms of discriminatory or violent appeal, in order to insult a person... In this respect, freedom of expression can be restricted and there are safeguards for such cases in our legislation.”



NAZI JANEZASHVILI’s question to the candidate: “In your opinion, what are the differences between the courts of first, second and third instances?”

Candidate’s response:



There are no differences between the judges individually. On the other hand, court of cassation should be more focused on interpretation. The idea establishing a court of cassation and a court of appeals is quality control of justice.”



NAZI JANEZASHVILI’s question to the candidate: “Have you gotten acquainted with practice regarding Article 13 of the European Convention on Human Rights? What does effective remedy for legal protection mean, in your opinion?”

Candidate’s response:



‘We may also discuss this in the context of fair trial, Article 6, but to be honest, I do not remember specific answers currently.”



NAZI JANEZASHVILI’s question to the candidate: “What do you think of narrow specializations? [...] Please, if you may, discuss this in the context of electronic allocation of cases, as well.”

Candidate’s response:



My position, as a lower, towards narrow specializations, is positive. Narrow specialization is often the reason, why people choose arbitration. [...] However, narrow specialization has its risks. [...] As for the issue of allocation, random allocation may also happen to some extent. If we do not have issues with court in terms of competence and trust, this issue will not be problematic.”



Question posed by a member of the Council of Justice SERGO METOPISHVILI to the candidate: “What creates a legal value system?”

Candidate’s response:



Article 4 of the Constitution of Georgia, or Article 7 of the previous Constitution contains a record, which says that human rights hold supreme value and I believe that this record, fundamental human rights, are the basis, on which the legal values are based. Legal value system is based on human rights and freedoms. This is followed, for example, by issues that are provided for by Law on Normative acts, but the main starting point is the fundamental human rights and freedoms. Fundamental human rights and freedoms create value system for all the fields of law, which is reflected in all the justice systems and fields.”



NAZI JANEZASHVILI’s question to the candidate: “I am interested in your assessment of the appointment of judges of first and second instances. On the one hand, assess the legislation if you can, do you like it? Is

there anything that you find vague, something that is not regulated adequately? And do you like the practice for selecting and appointing judges?”

Candidate’s response:

” You know, to tell you the truth, I do not have specific information in this regard. However, in my opinion, the appointment of judges for indefinite tenure will have major results in the future and it will be an important step towards the independence of the judiciary. Anyway, this is what the public and I hope for. One of the most important moments that I remember, regarding the appointment of judges, was when the period and remuneration at the High School of Justice was being announced. Many of my colleagues, great professionals who wish to work in the judiciary, have been skeptical of the process; first attendees are enrolled in the High Council of Justice, then there is a stage at the High School of Justice and then again the judges are appointed by the High Council of Justice. It turns out that when the High Council of Justice makes a decision to enroll you as an attendee, you have no guarantee that you will become a judge. [...] This does not simplify the process of entry into the system.”



NAZI JANEZASHVILI’s question to the candidate: “In your opinion, how can the Council evaluate good faith? Can you give an example of yourself demonstrating stability, independence, etc.?”

Candidate’s response:

” To be honest, I am having a difficulty connecting good faith to stability. Stability, of course, is very important for any person, including a judge. [...] A judge should act in good faith in the system, as well as in relation to colleagues.”

6.

FINANCIAL OBLIGATIONS AND INCOME OF THE CANDIDATE

1. PROPERTY



2019
ANTIQUE FURNITURE
GEL 189 750



2019
NON-RESIDENTIAL
SPACE IN TBILISI
GEL 1500
6 SQ.M



2019
BASEMENT IN TBILISI
GEL 1 000
8 SQ.M



2018
FLAT IN TBILISI
 GEL 514 000
 239 SQ.M



2018
GARAGE IN TBILISI
 GEL 25 700
 21 SQ.M



2018
FLAT IN TBILISI
 50 SQ.M



2018
FLAT IN TBILISI
 110 SQ.M



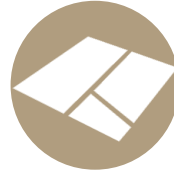
2017
ANTIQUE
GRAND PIANO
 GEL 29 880



2016
GARAGE IN TBILISI
 20 SQ.M



2016
GARAGE IN TBILISI
 20 SQ.M



2017
LAND PLOT
IN GARDABANI
 GEL 70 000
 1000 SQ.M



2011
A VEHICLE
 GEL 10 080

2. FINANCE

Candidate Aleksandre Tsuladze is the Head of the CLL – Commercial Law Lab. He received an income of GEL 39,520 from the said activity as remuneration in 2018. In 2017, Davit Kukhalashvili, the former owner of the company sold the company to Aleksandre Tsuladze for GEL 1. Since 2017, Aleksandre Tsuladze is shareholder of the 100% of the shares of the company, as well as its Head. At the same time, in 2018, candidate Aleksandre Tsuladze was engaged in academic activities at the Tbilisi State University and he received GEL 1297 as remuneration.

ANTIQUE FURNITURE	GEL 189 750	2019
FLAT AND GARAGE IN TBILISI	GEL 539 700	2018
A MONETARY GIFT FROM HIS FATHER	GEL 539 700	
ANTIQUE GRAND PIANO	GEL 29 880	2017
LAND PLOT IN GARDABANI	GEL 70 000	2009



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