

**ORGANIC LAW OF GEORGIA**  
**ON THE CONSTITUTIONAL COURT OF GEORGIA**

*Organic Law of Georgia No 1059 of 11 November 1997 – The Parliament Gazette No 45, 21.11.1997, p. 54*

**Chapter I – General Provisions**

**Article 1**

1. The Constitutional Court of Georgia ('the Constitutional Court') is a judicial body of constitutional review which ensures the supremacy of the Constitution of Georgia, constitutional legality and protection of human constitutional rights and freedoms.
2. The Constitutional Court has jurisdiction over the entire territory of Georgia.

**Article 2**

The Constitutional Court shall carry out its activities on the basis of principles of legality, collegiality, openness, equal and adversarial arms, independence, immunity and permanence of members of the Constitutional Court for the entire term of their office.

**Article 3**

1. Organisation, jurisdiction and rules of procedure of the Constitutional Court shall be determined by the Constitution of Georgia and this Law. Other procedures for organisation of the Constitutional Court and constitutional proceedings shall be determined by law and Rules of the Constitutional Court.
2. It shall be mandatory to finance the Constitutional Court in an amount to ensure the exercise of its functions and the independence of judges. The Constitutional Court shall be funded from the State Budget of Georgia under a separate organisation code. The size of the state budgetary expenditures of the Constitutional Court may be reduced as compared to the corresponding expenditures of the previous year only with the prior consent of the Constitutional Court. The President of the Constitutional Court shall submit a draft budget related to the activities of the Constitutional Court as determined by law.
3. A building and other property necessary for its functioning must be conveyed to the Constitutional Court.
4. To ensure that the Constitutional Court performs its activities, the Office of the Constitutional Court shall be established. The structure, powers, rules of formation and procedure of the Office of the Constitutional Court shall be determined by Regulations approved by the Plenum of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 2187 of 1 December 2009 – LHGI, No 40, 7.12.2009, Art. 288*

**Article 4**

1. Members of the Constitutional Court shall be independent in performing their duties. They shall evaluate the actual facts and make decisions only under the Constitution of Georgia. Interference in their activities shall be inadmissible and punishable under the law.
2. (Deleted)
3. To ensure independence of the Constitutional Court members, the State shall be obliged to provide them with appropriate working and living conditions.
4. The State shall ensure security of Constitutional Court members and their families.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

**Chapter II – Composition and Structure of the Constitutional Court**

**Article 5**

The Constitutional Court shall consist of nine judges –from the members of the Constitutional the President of the Constitutional Court, two Vice-Presidents and the Secretary to the Constitutional Court shall be elected.



## Article 6

1. Three members of the Constitutional Court shall be appointed by the President of Georgia, three members shall be elected by the Parliament of Georgia by majority of at least three fifths of the members of Parliament on the current nominal list and three members shall be appointed by the Supreme Court of Georgia.
2. When appointing members of the Constitutional Court, their prior written consent shall be necessary.

## Article 7

1. Any citizen of Georgia from the age of 30 with a higher legal education may be a member of the Constitutional Court.
2. When selecting members of the Constitutional Court, the President, the Parliament and the Supreme Court of Georgia shall take into account the professional experience of a candidate which must be appropriate for the high status of a member of the Constitutional Court.

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette No 5-6, 24.4.1996, p. 73*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 3399 of 23 June 2006 – LHGI, No 26, 14.7.2006, Art. 203*

## Article 7<sup>1</sup>

Three members of the Constitutional Court shall be appointed by the President of Georgia according to the requirements of Article 7 of this Law. The President of Georgia shall issue an edict on the appointment of Constitutional Court members.

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette No 5-6, 24.4.1996, p. 73*

## Article 7<sup>2</sup>

1. Three members of the Constitutional Court shall be elected by the Parliament of Georgia according to the requirements of Article 7 of this Law.
2. The Chairperson of Parliament, a parliamentary faction, a group of at least ten members of Parliament that belongs to none of the factions shall have the right to nominate candidates for membership of the Constitutional Court.
3. At a parliamentary session before voting, the Chairperson of Parliament shall communicate to the attendees the list of candidates and their written consent to be elected as members of the Constitutional Court. Each candidate shall be voted for individually. The voting shall be secret.
4. A candidate may be nominated for membership on the Constitutional Court only twice.
5. A candidate who has received the most votes but at least one half of the members of Parliament on the current nominal list shall be deemed elected.
6. If any of three candidates fails to receive the required number of votes, the Chairperson of Parliament, a parliamentary faction or a group of 10 members of Parliament shall be entitled to nominate the same candidate before the Parliament for approval 10 days after the first voting.
7. If the first voting is held on the last parliamentary session day, or a candidate cannot be elected within the remaining period, repeat voting shall be held at the first meeting of the next parliamentary session.
8. If there are more than three candidates and the required number of judges is not elected, repeat voting shall be held. In this case, the three candidates who received more votes than other candidates in the first round shall be put to the vote.

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette No 5-6, 24.4.1996, p. 73*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

## Article 7<sup>3</sup>

1. Three members of the Constitutional Court shall be appointed by the Supreme Court of Georgia in accordance with the requirements of Article 7 of this Law.
2. The President of the Supreme Court of Georgia shall nominate candidates for membership on the Constitutional Court at a plenary session of the Supreme Court. The three candidates who receive two thirds of the votes of the members present at the plenary session shall be deemed appointed.

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette No 5-6, 24.4.1996, p. 73.*



## **Article 8**

The term of office for a member of the Constitutional Court shall be 10 years.  
A person who previously held this position may not be a member of the Constitutional Court.

## **Article 9**

1. A member of the Constitutional Court shall take the following oath of office before the Constitutional Court: 'I swear before God and the Nation that I will faithfully perform duties of a member of the Constitutional Court of Georgia and, when exercising them, I will obey no one else and nothing else but the Constitution of Georgia, only the Constitution of Georgia.'. The President of Georgia, the Chairperson of the Parliament of Georgia and the President of the Supreme Court of Georgia must be invited to attend the swearing-in ceremony.
2. The term of office of a member of the Constitutional Court shall commence from the date of his/her taking an oath.

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

## **Article 10**

1. Not later than 10 days after taking the oath of office by all members of the Constitutional Court or after premature termination of powers of the President of the Constitutional Court, a plenary session shall be held at which the President of the Constitutional Court shall be elected for a five-year term. Two Vice-Presidents of the Constitutional Court shall be elected in the same manner and for the same term. If at the time of elections less than five years are left until expiry of powers of the candidate for President of the Constitutional Court or his/her deputy as a member of court, he/she shall be elected for the remaining term of office of a member of the court.
2. A new President or a Vice-President of the Constitutional Court shall be elected not earlier than one month and not later than one week before expiry of the term of office of the previous President or Vice-President of the Constitutional Court.
3. A candidate for President of the Constitutional Court shall be nominated by an agreed proposal of the President of Georgia, the Chairperson of Parliament of Georgia and the President of the Supreme Court of Georgia.
4. A candidate for Vice-President of the Constitutional Court shall be nominated by the President of the Constitutional Court.
5. The President and Vice-Presidents of the Constitutional Court shall be deemed elected if they are supported in a secret ballot by at least five members of the Constitutional Court.
6. Powers of the President or Vice-President of the Constitutional Court shall be prematurely terminated if there are grounds listed in Article 16 of this Law.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

## **Article 11**

1. The Constitutional Court shall consist of the Plenum and two Boards.
2. All nine members of the Constitutional Court shall compose the Plenum. Plenary sessions shall be presided over by the President of the Constitutional Court.
3. The Board shall consist of four members of the Constitutional Court. The Board meetings shall be presided over by the Vice-President of the Constitutional Court.
4. The composition of the Board shall be approved by the Plenum upon recommendation of the President of the Constitutional Court. Members of the Constitutional Court appointed by the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia shall be represented in Boards as equally as possible.
5. The composition of the Board must be renewed within 10 days after a new President of the Constitutional Court is elected.
6. The composition of the Board may also be renewed within one month after changing two or more members of the Constitutional Court.

If two members of the Board fail to participate in a hearing by the same Board, the Plenum of the Constitutional Court shall be authorised to temporarily designate for that hearing one of the other Board members (except for the Chairperson of the Board), who may not be appointed as a Judge Rapporteur.

*Organic Law of Georgia No 4215 of 29 December 2006- LHGI, No 1, 3.1.2007, Art. 17*



## Article 12

1. The President of the Constitutional Court shall:

- a) submit the Rules of the Constitutional Court and the Regulations of the Office to the Plenum for approval. A member of the Constitutional Court shall have the right to require that amendments be made to the Rules and the Regulations of the Office;
- b) distribute cases under the procedures established by the Rules of the Constitutional Court;
- c) submit candidates for Vice-Presidents and Secretary of the Constitutional Court to the Plenum;
- d) convene the Plenum under procedures established by the Rules of the Constitutional Court, preside over plenary sessions, sign plenary decisions, rulings, conclusions, records of judgments and protocols of the sessions; approve the procedure for serving internship at the Office of the Constitutional Court;
- e) be responsible for general administration of the Office of the Constitutional Court; appoint and dismiss the Office staff and interns according to legislation; determine the amount of remuneration for interns;
- f) administer the budgetary allocations of the Constitutional Court;
- g) exercise other powers under the legislation and the Rules.

2. The President of the Constitutional Court shall, once a year, submit information on constitutional legality in Georgia to the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 3711 of 15 October 2010 – LHGI, No 57, 25.10.2010, Art. 367*

## Article 13

1. The Vice-President of the Constitutional Court shall preside over the Board meetings, perform particular duties of the President of the Constitutional Court as assigned by the President. In the absence of the President of the Constitutional Court or if the President is unable to perform his/her duties, one of the Vice-Presidents shall act as the President as assigned by him/her, and if there is no such assignment, then the duties shall be performed by the eldest Vice-President.

2. If the Vice-President of the Constitutional Court fails to discharge his/her functions when temporarily acting as the President, the eldest member of the respective Board shall act as this Vice-President.

## Article 14

1. The Secretary of the Constitutional Court shall be elected by the Plenum from among members of the Constitutional Court for a five-year term.

2. In addition to exercising powers of a member of Constitutional Court, the Secretary of the Constitutional Court shall:

- a) make arrangements for Plenary sessions and Board meetings;
- b) organise the keeping and documentation of minutes of Plenary sessions and Board meetings;
- c) sign acts of the Constitutional Court under procedures established by the Rules of the Constitutional Court;
- d) take measures to enforce the decisions of the Constitutional Court and make monthly reports to the Plenum on progress of their implementation;
- e) facilitate the development of the system for electronic processing of necessary information;
- f) organise the distribution of formal documentation of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002- LHGI, No 4, 5.3.2002, Art. 14*

## Article 15

1. A member of the Constitutional Court shall enjoy personal inviolability. Criminal prosecution, arrest or detention of a Court member, search of his/her dwelling, car, workplace or his/her personal search shall be inadmissible without the consent of the Constitutional Court. Exception from this shall be catching the member *in flagrante delicto*, of which the Constitutional Court must be immediately notified. If the Constitutional Court fails to give its consent, an arrested or detained member of the Constitutional Court must immediately be released.

2. If the consent is given to initiate criminal proceedings against, or arrest or detain a member of the Constitutional Court, his/her membership of the Constitutional Court shall be suspended until a final judgement is made by a court. If a judgement of acquittal is made, or the proceedings are terminated against a member of the Constitutional Court on the basis of legal rehabilitation, membership on the Constitutional Court shall be reinstated after an appropriate judgement is made.



3. The decision under the first paragraph of this article shall be deemed made if supported by more than half of the participants in a plenary session of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

## **Article 16**

1. Powers of a member of the Constitutional Court shall be prematurely terminated if he/she has:

- a) failed to perform his/her duties for six consecutive months or has not performed his/her duties for three months during a year without good reason;
- b) taken a position incompatible with the status of a member of the Constitutional Court or has been engaged in an activity prohibited under Article 17 of this Law;
- c) violated a requirement under Article 48 of this Law;
- d) committed an act unworthy of a judge;
- e) lost citizenship of Georgia;
- f) been recognised as legally incompetent by a court;
- g) been guilty and there is a valid court judgement of conviction;
- h) died or has been recognised as missing or declared as deceased by a court;
- i) resigned his/her office.

2. In cases under paragraph 1(a-d) of this article, the membership on the Constitutional Court shall be prematurely terminated by a resolution of the Plenum of the Constitutional Court, which will be deemed adopted if supported by more than half of the full Constitutional Court. In cases under paragraph 1(e-i), the Plenum of the Constitutional Court shall, under procedures determined in the Rules, examine the documents submitted to it and if the facts contained therein are proved, the President of the Constitutional Court shall, by decree, formalise the premature termination of powers of a member of the Constitutional Court.

3. A Constitutional Court plenary resolution, as well as a decree by the President of the Constitutional Court on the premature termination of powers of a member of the Constitutional Court shall be immediately forwarded to the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia.

4. A new member of the Constitutional Court shall be appointed not later than 20 days after the powers of a member of the Constitutional Court are prematurely terminated. If the premature termination of powers of a member of the Constitutional Court elected by the Parliament of Georgia coincides with the non-session period of the Parliament of Georgia, a new member of the Constitutional Court shall be appointed within two weeks from commencement of the nearest parliamentary session.

5. A new member of the Constitutional Court shall be appointed not earlier than one month and not later than 10 days before expiry of the term of office of a member of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

## **Article 17**

The position of a member of the Constitutional Court shall be incompatible with any other post and remunerative work, except for scientific and pedagogical activity. A member of the Constitutional Court may not be a member of any political party and/or be engaged in political activity. A member of the Constitutional Court must resign from other positions and/or cease being engaged in the activity prohibited under this article from the date of taking the oath of office.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

## **Article 18**

If the term of office of a member of the Constitutional Court expires at the time when he/she is taking part in a hearing, his/her term of office shall be extended until the final resolution of the case.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

## **Chapter III – Powers of the Constitutional Court**

## **Article 19**



1. The Constitutional Court shall be authorised, on the basis of constitutional claim or constitutional submission, to consider and make decisions on:

a) issues regarding compliance of the constitutional agreements, laws of Georgia, normative resolutions of the Parliament of Georgia, normative acts of the President of Georgia, the Government of Georgia and higher bodies of the state authorities of the Autonomous Republics of Abkhazia and Ajara with the Constitution of Georgia, as well as of adoption/issuance, signature, promulgation and entry into force of legislative acts of Georgia and resolutions of the Parliament of Georgia with the Constitution of Georgia;

b) a dispute with respect to the authority between state bodies;

c) the issue of the constitutionality of formation of political unions of citizens and their activity;

d) a dispute regarding the constitutionality of regulatory standards for referendum and elections and of elections (referendum) held or to be held based on these standards;

e) the issue of the constitutionality of normative acts adopted in relation to the issues of Chapter Two of the Constitution of Georgia;

f) the issue of the constitutionality of treaties or international agreements;

g) the issue of recognition or premature termination of powers of a member of the Parliament of Georgia;

h) the issue of violation of the Constitution of Georgia by the President of Georgia, the President of the Supreme Court of Georgia, a member of the Government of Georgia, the Auditor General or a member of the Council of the National Bank of Georgia and/or existence of elements of crime in their actions;

i) a dispute regarding violation of Constitutional law of Georgia on the Status of the Autonomous Republic of Ajara;

j) the issue of compliance of normative acts of the Supreme Council of the Autonomous Republic of Ajara with the Constitution of Georgia, the Constitutional law of Georgia on the Status of the Autonomous Republic of Ajara, the constitutional agreement, treaties and international agreements of Georgia and laws of Georgia;

k) the issue of the constitutionality of normative acts with respect to Chapter 7<sup>1</sup> of the Constitution;

l) the issue of compliance of normative acts with Articles 82, 84, 86, 86<sup>1</sup>, 87 and 90 of the Constitution of Georgia.

2. If during hearing of a specific case in a common court the court finds that there is a sufficient ground to consider a law or other normative act, which the court must apply when resolving the case, to be fully or partially non-compliant with the Constitution, it shall suspend hearing of the case and refer the issue to the Constitutional Court. The hearing shall be resumed after the Constitutional Court resolves the issue.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 475 of 1 November 2008 – LHGI, No 30, 7.11.2008, Art. 182*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

## **Article 20**

Recognition of a law or other normative act as unconstitutional shall not mean annulment of judicial sentences and decisions previously adopted on the basis of this act but shall entail only suspension of their enforcement under the procedures established by the procedural legislation.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

## **Article 21**

1. Issues under Article 19 (1) (a, f, h, i, j, l) and Article 19 (2) of this Law shall be considered by the Plenum of the Constitutional Court.

2. Issues under Article 19(1)(b, c, e, g and k) of this Law shall be considered by the Board of the Constitutional Court.

3. The issue of the constitutionality of parliamentary and presidential elections of Georgia, as well as that of a referendum shall be considered by the Plenum of the Constitutional Court; the issue of the constitutionality of elections of a local self-governing representative body– Sakrebulo (Local Assembly), of Gamebeli (head of local administration) and Mayor, shall be considered by the Board of the Constitutional Court.

4. A case that encompasses issues under jurisdiction of both the Plenum and the Board shall be considered by the Plenum of the Constitutional Court. If the Plenum of the Constitutional Court decides at its executive session that a case which involves issues to be considered by the Plenum is not admitted to court for consideration on the merits, it shall immediately refer the part of a case under jurisdiction of the Board to the President of the Constitutional Court who shall, within seven days, in accordance with Article 17(2) of the Law of Georgia on Constitutional Proceedings, refer it to the Board for resolving the issue of considering the case on the merits.



5. A member of the Constitutional Court participating in a trial shall have no right to refuse to vote or abstain from voting.
6. If votes of members present at a Plenary/Board session are equally split when resolving a constitutional claim, the claim shall be dismissed.
7. If votes of members present at a Plenary session of the Constitutional Court are equally split when deciding on constitutional submission, the unconstitutionality of a normative act or a part thereof, constitutionality of which was questioned by a common court and/or the High Council of Justice of Georgia, shall not be deemed confirmed, neither shall be the violation of the Constitution of Georgia by the President of Georgia or by a person referred to in Article 64 of the Constitution of Georgia and/or the existence of elements of crime in his/her actions.
- 7<sup>1</sup>. If votes of members present at a Plenary session are equally split when deciding on constitutional submission provided in Article 41<sup>2</sup> of this Law, the non-compliance of a disputable normative act or a part thereof with the Constitution of Georgia, the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara, the constitutional agreement, treaties and international agreements of Georgia or laws of Georgia shall not be deemed confirmed.
8. The Board shall act as the Constitutional Court when considering and resolving a case.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 3069 of 4 May 2010 – LHGI, No 25, 17.5.2010, Art. 170*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

## **Article 21<sup>1</sup>**

1. If the Board of the Constitutional Court considers that its position, which is derived from a case under consideration, differs from a legal proposition expressed in earlier judicial decision (decisions), or if a case under consideration intrinsically raises a rare and/or especially significant legal issue of the interpretation and/or application of the constitution, it shall be authorised, at any stage of consideration and resolution of a case, to refer the case by a reasoned ruling to the Plenum of the Constitutional Court for consideration. The president of the Constitutional Court shall, within seven days after referral of the case by the Board of the Constitutional Court, set a date by a respective resolution for an issue of admitting the case for consideration on the merits to be reviewed at a plenary session, and if the case is admitted for consideration on the merits, then he/she shall set the date for consideration on the merits. The identity of a Judge Rapporteur shall be indicated in the resolution under a separate item. If the case was referred to the Plenum due to a rare and/or especially significant legal issue of the interpretation and/or application of the constitution, the Plenum of the Constitutional Court shall, within two weeks, decide on the issue of considering the case at its plenary session adopting accordingly a record of judgment or ruling.

2. A record of judgement/ruling, decision or opinion of the Plenum of the Constitutional Court that differs from the case-law of the Constitutional Court, shall be deemed adopted if supported by more than half of the full list of members of the Plenum of the Constitutional Court.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

*Organic Law of Georgia No 77 of 27 June 2008 – LHGI, No 12, 14.7.2008, Art. 87*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 3711 of 15 October 2010 – LHGI, No 57, 25.10.2010, Art. 367*

## **Article 21<sup>2</sup>**

1. If the President of the Constitutional Court comes to a reasonable conclusion, when distributing an incoming constitutional claim between the Boards of the Constitutional Court as determined by constitutional proceedings, that a case under consideration may intrinsically give rise to a rare and/or especially significant legal issue of the interpretation and/or application of the constitution, the President of the Constitutional Court shall, within seven days after having the constitutional claim referred to it, address the Plenum with a substantiated written proposal on hearing the case by the Plenum.

2. The Plenum shall, within two weeks after receiving the proposal of the President of the Constitutional Court, decide on the issue of considering the case submitted by the President at its plenary session adopting accordingly a record of judgement or ruling. If it is a ruling, the President shall refer a case to one of the Boards under procedures established by the legislation of Georgia.

3. If the Plenum positively resolves the matter under the first paragraph of this article, general rules under this Law and the Law of Georgia on Constitutional Proceedings for considering a case by the Plenum shall apply for further consideration of the case.

4. Hearing of cases under this article and Article 21<sup>1</sup> of this Law by the Plenum shall not suspend consideration and resolution of other cases in the Constitutional Court. The time limit for considering these cases must not exceed six months.

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 3711 of 15 October 2010 – LHGI, No 57, 25.10.2010, Art. 367*



## Article 22

1. The time limit for consideration of a constitutional claim or constitutional submission must not exceed nine months after registration of the constitutional claim or constitutional submission with the Constitutional Court. In special cases, the President of the Constitutional Court shall extend the time limit for consideration of a claim by a maximum of two months.
2. The time limit for consideration of a constitutional claim with respect to the constitutionality of the regulatory standards for elections or a referendum to be held and of the elections or a referendum to be held based on these standards must not exceed 30 days after lodging the claim with the Constitutional Court. A constitutional claim under this paragraph shall be lodged with the Constitutional Court not later than 30 days before setting elections to be held. The mentioned period shall not apply when a claim is related to imposition of obligation to set an election (referendum).
3. The time limit for consideration of a claim with respect to the constitutionality of the regulatory standards for elections held, except for Georgian residential elections, or a referendum and of the elections or referendum held based on these standards must not exceed 30 days after lodging the claim with the Constitutional Court. In special cases, the President of the Constitutional Court shall extend the time limit for consideration of a claim by a maximum of 30 days.
4. The time limit for consideration of a constitutional claim with respect to the constitutionality of the regulatory standards for conducted Georgian presidential elections and of Georgian presidential elections held based on these standards must not exceed 12 days after lodging the claim with the Constitutional Court.
- 4<sup>1</sup>. The time limit for consideration of and making a final decision on a constitutional claim or constitutional submission, if the Constitutional Court suspends the operation of a disputed act or a relevant part thereof based on this claim/submission and on Article 25(5) of this Law, must not exceed 30 calendar days after the decision of suspension. In special cases, based on a reasoned referral by a trial court, the President of the Constitutional Court shall extend this time limit, at the latest five days before it expires, for a maximum of 15 calendar days.
5. The running of the time limit under the first paragraph of this article shall be suspended for a period from admitting a constitutional claim under paragraphs 2-4<sup>1</sup> of this article to consideration until the Constitutional Court makes a decision with respect to this claim, as well as from admitting a constitutional submission for consideration until the Constitutional Court issues an opinion or makes a decision with respect to the submission.
6. If during consideration of a constitutional claim under paragraphs 2 to 4<sup>1</sup> of this article by the Constitutional Court another claim under the same paragraphs has been lodged with the Constitutional Court, the time limit for its consideration shall run from the date of making a decision on a claim pending consideration on the merits.

*Organic Law of Georgia No 1059 of 11 November 1997 – The Parliament Gazette No 45, 21.11.1997, p. 54.*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 649 of 30 May 2013 – website, 12.6.2013*

## Article 23

1. Satisfaction of a constitutional claim concerning issues under Article 19(1)(a, e, k) of this Law, as well as confirmation of the unconstitutionality of a normative act or its part in the cases identified in paragraph 1(l) and the second paragraph of the same article, shall result in a declaration of the normative act or its part as void from the promulgation of a relevant judgement of the Constitutional Court.
2. Satisfaction of a constitutional claim concerning an issue under Article 19(1)(b) of this Law shall result in recognition of a normative act that violates competence as void from its entry into force.
3. Satisfaction of a constitutional claim concerning an issue under Article 19(1)(c) of this Law shall entail the cancellation of a registration act of a political party of citizens.
4. Satisfaction of a constitutional claim concerning the constitutionality of regulatory standards for elections or a referendum to be conducted and of election (referendum) to be conducted based on these standards shall result in:
  - a) recognition of a normative act or its part that is declared as unconstitutional as void from the promulgation of a relevant judgement of the Constitutional Court;
  - b) cancellation of the set elections (referendum) if setting of elections (referendum) is based on a normative act or its part that is declared as unconstitutional;
  - c) imposition of an obligation to set elections (referendum) if the decision to not to set elections (referendum) is based on an unconstitutional normative act or its part.

4<sup>1</sup>. Satisfaction of a constitutional claim concerning the constitutionality of regulatory standards for conducted elections (referendum) and of the elections (referendum) conducted based on these standards shall result in:

- a) recognition of a normative act or its part regulating the conducted elections or referendum and declared as unconstitutional as void;





b) declaration of the elections or referendum results, in whole or in part (according to individual electoral districts and precincts), as invalid if a normative act or its part declared as unconstitutional has essentially and decisively affected the election results which, in the absence of the unconstitutional act or its part, would be different from the existing ones.

5. Satisfaction of a constitutional claim concerning an issue under Article 19(1)(f) of this Law, as well as recognition as unconstitutional of a treaty or international agreement or individual parts thereof based on the constitutional submission of a common court shall entail the recognition as void for Georgia of a treaty or international agreement or individual parts thereof that were declared as unconstitutional; and recognition as unconstitutional of a treaty or international agreement or certain parts thereof on the basis of the constitutional submission shall entail the inadmissibility of ratification of the treaty or international agreement that was declared as unconstitutional.

6. Satisfaction of a constitutional claim concerning an issue under Article 19(1)(g) of this Law shall result in:

a) declaration of a relevant resolution of the Parliament of Georgia as void from its entry into force, and in restoration of powers of a member of Parliament, if his/her powers were prematurely terminated by the Parliament;

b) declaration of a relevant resolution as void from its entry into force, and in recognition of powers of a citizen as a member of Parliament, if the Parliament refused to recognise his/her powers;

c) declaration of a relevant resolution as void from the promulgation of a Constitutional Court judgement, and in premature termination of powers of a member of Parliament, if the Parliament failed to prematurely terminate his/her powers;

d) declaration of a resolution (or its part) as void from the promulgation of the Constitutional Court judgement by which the Parliament recognised powers of a member of Parliament.

7. With respect to an issue under Article 19(1)(h) of this Law, the Constitutional Court shall establish or reject the constitutionality of actions of a person referred to in Articles 63 and 64 of the Constitution of Georgia and/or the existence of elements of a crime in his/her actions.

8. Satisfaction of a constitutional claim concerning issues under Article 19(1)(i) of this Law shall result in declaration of a disputable act or its part as void from the promulgation of a relevant judgement of the Constitutional Court.

9. In cases described in Article 19(1)(j) of this Law, confirmation of the non-compliance of a normative act or its part of the Supreme Council of the Autonomous Republic of Ajara with the Constitution of Georgia, the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara, the constitutional agreement, treaties and international agreements of Georgia or laws of Georgia shall result in declaration of a disputable act or its part as void from the promulgation of a relevant judgement of the Constitutional Court.

10. In cases described in Article 25(4<sup>1</sup>) of this Law, a disputable act shall become void from the promulgation of a relevant ruling of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

## **Article 24**

1. All state bodies, legal and natural persons, political and public associations of citizens, local self-government bodies shall be obliged to comply with the requirements regarding the resolution of a case by the Constitutional Court and its members derived from their powers.

2. The Constitutional Court and its members shall be authorised to receive information regarding the resolution of a case from all state bodies, legal and natural persons, scientific institutions and information centres, to invite specialists for conducting expert advisory activities in accordance with the regulations.

2<sup>1</sup>. In cases described in Article 22(4<sup>1</sup>) of this Law, the Constitutional Court and its members shall be authorised to define a reasonable time limit for receiving information specified in paragraph 2 of this article, and the respective entity shall be obliged to provide the Court with the requested information within this time limit.

3. Failure to perform a requirement derived from powers of the Constitutional Court and its members or prevention of its performance shall be punishable by law.

*Organic Law of Georgia No 649 of 30 May 2013 – website, 12.6.2013*

## **Article 25**

1. A judgement of the Constitutional Court shall be final and its non-performance shall be punishable by law.

2. A legal act or its part declared as unconstitutional shall become void from the promulgation of a relevant judgement of the Constitutional Court, unless a different time limit is set by the law.



3. An act of the Constitutional Court must be enforced immediately after promulgation, unless a different time limit is set in the act.

4. After the Constitutional Court declares a legal act or its part as unconstitutional, it shall be inadmissible to adopt/issue a legal act that contains the same standards that have been declared unconstitutional.

4<sup>1</sup>. If the Constitutional Court determines at its executive session that a disputed normative act or its part contains the same standards that have already been declared unconstitutional by the Constitutional Court, and in the cases described in Article 19(1)(i) of this Law – as non-compliant with the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara; in the cases described in Article 19(1)(j) of the same Law – as non-compliant with the Constitution of Georgia, the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara, the constitutional agreement, treaties and international agreements of Georgia or laws of Georgia, and if there are no grounds under Article 21<sup>1</sup>(1) of this Law, it shall deliver a ruling on the inadmissibility of the case for consideration on the merits and on the recognition as void of a disputed act or its part.

5. If the Constitutional Court believes that operation of a normative act may entail irreparable consequences to one of the parties, it shall be able, by decision of the executive session, to suspend the operation of a disputed act or its relevant part until a final decision. If the Constitutional Court fails to make a final decision within the time limit set in Article 22(4<sup>1</sup>) of this Law, the judgement on suspension of the operation of the disputed act or its relevant part shall become void from the day following the expiration of the above time limit.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 77 of 27 June 2008 – LHGI, No 12, 14.7.2008, Art. 87*

*Organic Law of Georgia No 649 of 30 May 2013 – website, 12.6.2013*

## **Article 26**

1. The Constitutional Court shall have no right to judge the compliance of an entire law or other normative act with the Constitution, if a claimant or an author of the submission demands that only a certain provision of the law or other normative act be recognised as unconstitutional.

1<sup>1</sup>. In the cases described in Article 41<sup>1</sup> of this Law, the Constitutional Court shall have no right to judge the compliance of an entire normative act with the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara, and in the cases described in Article 41<sup>2</sup> of this Law – with the Constitution of Georgia, the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara, the constitutional agreement, treaties and international agreements of Georgia or laws of Georgia, if a claimant or an author of the submission demand that only a certain provision of a disputable act be recognised as void.

2. When establishing the constitutionality of a normative act in the cases described in Article 19(1)(a, b, d, e, f, k, l) of this Law and in the second paragraph of the same article, the Constitutional Court shall:

a) verify the compliance of its content with the Constitution of Georgia;

b) ascertain whether the procedures established by the Constitution of Georgia for the adoption/issuance, signature, promulgation and entry into force of a legislative act of Georgia and a resolution of the Parliament of Georgia are complied with.

3. When verifying a normative act, the Constitutional Court shall take into consideration not only the literal meaning of a disputed provision, but also the intent expressed therein and its practical application, and the gist of a respective constitutional standard.

4. In the cases described in Article 19(1)(h) of this Law, the Constitutional Court shall evaluate only an action deemed to be grounds for the impeachment by the members of Parliament who raised the issue of impeachment.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

## **Chapter IV – General procedure for consideration and resolution of cases before the Constitutional Court**

### **Article 27**

1. Constitutional Court hearings shall be open to the public.

2. To protect personal, professional, commercial or state secrets, on the initiative of the Constitutional Court or on application of the parties, a Constitutional Court session or part of it may be closed to the public. Witnesses, experts and interpreters may attend a closed session, if necessary. The Constitutional Court may also allow other persons to attend a closed session on application of the parties.



3. The Constitutional Court shall adopt a judgement to consider a case at a closed session in the deliberation room.

4. (Deleted)

5. The decision of the Constitutional Court shall be announced publicly.

*Organic Law of Georgia No 3069 of 4 May 2010 – LHGI, No 25, 17.5.2010, Art. 170*

#### **Article 27<sup>1</sup>**

1. The issue of admitting a case for consideration on the merits shall be reviewed without an oral hearing. The Constitutional Court shall be authorised to consider a case at an oral hearing if otherwise impossible to clarify the circumstances with respect to admitting a case for consideration on the merits.

2. The Constitutional Court shall be authorised, to consider a case on the merits without an oral hearing based on a written request of a plaintiff and/or a defendant.

3. A plaintiff's request to consider a case without an oral hearing must be submitted together with the constitutional claim/submission, or within 10 days after the plaintiff receives a record of judgement on admitting the constitutional claim/submission for consideration. The Constitutional Court shall send the plaintiff's request to the defendant upon receipt.

4. A defendant's request to consider a case without an oral hearing must be submitted within 10 days after the defendant receives the constitutional claim/submission or a record of judgement admitting the constitutional claim/submission for consideration. The Constitutional Court shall send the defendant's request to the plaintiff upon receipt.

5. If the defendant, within 10 days after receiving a notice from the Constitutional Court of the plaintiff's request, and the plaintiff, within 10 days of receiving a notice from the Constitutional Court of the defendant's request, fail to require an oral hearing of a case, the Constitutional Court shall have the right to consider the case without an oral hearing.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

#### **Article 28**

Legal proceedings before the Constitutional Court shall be conducted in the Georgian language.

The court shall be obliged to assign an interpreter to a participant in a case who has no command of the language of the proceedings.

#### **Article 29**

The parties shall have the right to familiarise themselves with the case material, make extracts and copies, present evidence, participate in examination of the evidence, put questions to witnesses, experts and specialists, petition the Constitutional Court, give the Court oral or written explanations, submit their conclusions and express opinions regarding all the issues raised during a hearing, reject the petitions, conclusions and opinions of the other party.

#### **Article 30**

1. The parties, at any stage of the hearing, shall have the right to entrust the protection of their interests to a lawyer or other person with higher legal education.

2. The parties, at any stage of the hearing, shall have the right to entrust the exercise of their powers to an agent – a representative.

#### **Article 31**

1. Grounds for initiating constitutional proceedings shall be the submission of a constitutional claim or a constitutional submission in writing to the Constitutional Court. An application form of a constitutional claim/submission shall be approved by the Plenum of the Constitutional Court.

2. A constitutional claim or a constitutional submission must be substantiated. The constitutional claim or submission must include evidence that, in the opinion of the plaintiff or the author of submission, justifies the grounds for the claim or submission.

*Organic Law of Georgia No 1264 of 12 February 2002 - LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 1890 of 22 October 2009 - LHGI, No 33, 9.11.2009, Art. 199*

#### **Article 32**

1. The witnesses shall be warned of the measures taken against offenders during the hearing and the evidence examined in the Constitutional Court under the procedure established by law.



2. During a hearing, the Chairperson of the session shall give a warning to an offender. In the case of repeated violations of an order or showing disrespect for the court, the offender may be expelled from the courtroom by order of the Chairperson of the session, which does not prevent consideration and resolution of a case. A person shall be deemed expelled from the courtroom until the end of the hearing. On a reasoned application of a party, the Chairperson of the session shall be entitled to allow the expelled person to return to the hearing. If a party is expelled, the Chairperson of the session shall be entitled, on a reasoned application of this party, to allow the expelled party to return to the hearing.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

## **Article 32<sup>1</sup>**

1. The structure of the Constitutional Court shall comprise a Court Bailiffs Service.

The task of a Constitutional Court Bailiff shall be to protect public order and safety within the courthouse premises.

2. A bailiff of the Constitutional Court is a public servant. A legally competent citizen of Georgia of at least 22 years of age may be appointed as a bailiff of the Constitutional Court if he/she has a command of the state language and his/her health condition is suitable for performance of official duties. The age limit for a bailiff of the Constitutional Court shall be 50 years. A person with previous conviction may not be appointed as a bailiff of the Constitutional Court.

3. A bailiff of the Constitutional Court shall:

a) ensure security of members of the Constitutional Court and other persons within the courthouse premises;

b) protect the Constitutional Courthouse premises;

c) ensure protection of order in a courtroom;

d) follow instructions of the President of the Constitutional Court and the Chairperson of the Constitutional Court session with respect to preservation of order;

e) prevent offences within the courthouse premises, identify offenders and, if necessary, detain them to be passed to the police and draw up a detention report the form of which is approved by the Plenum of the Constitutional Court.

4. A bailiff of the Constitutional Court shall have the right to use physical force and special means if the application of other relatively mild measures makes performance of official duties impossible.

5. In consideration of the provision under the fourth paragraph of this article, a bailiff of the Constitutional Court shall have the right to use physical force and special means when:

a) preventing crime and detaining the offender;

b) holding off an attack against members of the Constitutional Court and persons present within the Constitutional Courthouse premises;

c) offering physical resistance while discharging official duties;

d) passing a detained offender to the police if there are sufficient grounds to believe that the detainee may escape or do harm to others.

6. When using physical force and special means, a bailiff of the Constitutional Court shall be obliged to:

a) warn a person of the use of physical force and special means, allow this person enough time to fulfil his/her requirements, except when an advance warning is impossible or the delay may endanger his/her or other persons' life and health and/or cause other serious consequences;

b) use physical force and special means according to the nature of a risk to minimise the harm caused;

c) notify the President of the Constitutional Court in writing within 24 hours after physical force and special means were used;

d) prevent danger to the health and life of surrounding people when using physical force and special means.

7. It shall be prohibited to use physical force and special means against pregnant women, disabled persons and minors. Physical force and special means may be used if actions of pregnant women, disabled persons and minors pose an obvious threat to the life and health of the bailiff of the Constitutional Court or other persons.

8. A bailiff of the Constitutional court on duty shall wear a uniform and a badge. The Constitutional Court shall approve the uniform and the badge.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

## **Article 33**

1. The President of Georgia, the Government of Georgia and at least one fifth of the members of Parliament of Georgia shall have the right to lodge a constitutional claim with the Constitutional Court concerning compliance with the Constitution of Georgia of the constitutional agreement, laws of Georgia, normative resolutions of the Parliament of Georgia, normative acts of the President of Georgia, the Government of Georgia, higher bodies of the state authorities of the Autonomous Republics of Abkhazia and Ajara, normative acts adopted/issued by the relevant bodies before the of the Constitution of Georgia entered into force, as well as concerning compliance with the Constitution of Georgia of the adoption/issuance, signature, promulgation and entry into force of legislative acts of Georgia and resolutions of the Parliament of Georgia.



2. The body, a normative act of which has been the grounds for lodging a constitutional claim shall act as a defendant in the proceedings under the first paragraph of this article. If a constitutional claim concerns a normative act adopted/issued before the Constitution of Georgia was effected, the legal successor to the body that adopted/issued the act shall be the defendant, and in the absence of this body, by decision of the Constitutional Court, the Parliament of Georgia, the President of Georgia, the Government of Georgia, and the higher representative or executive bodies of the Autonomous Republics of Abkhazia and Ajara shall be the defendants.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

#### **Article 34**

1. The right to lodge a constitutional claim with the Constitutional Court concerning the scope of authority between state bodies shall rest with the President of Georgia, if he/she believes that his/her authority has been infringed or the scope of constitutional powers of the state bodies have been violated; at least one fifth of the members of Parliament of Georgia, if they believe that the scope of constitutional powers of Parliament of Georgia or another state body have been violated; also state bodies specified in Article 89 of the Constitution of Georgia, if they believe that the scope of their constitutional powers have been violated.

2. The state body a normative act of which, in the plaintiff's opinion, has caused violation of the plaintiff's constitutional powers shall be the defendant in the proceedings under the first paragraph of this article.

3. After receipt of a constitutional claim on the authority the Constitutional Court shall forward a copy of the claim to the President of Georgia, the Government of Georgia, the Parliament of Georgia, the higher representative bodies of the Autonomous Republics of Abkhazia and Ajara. If, within 15 days after the copy is delivered, any of these bodies states that satisfaction of the constitutional claim may cause violation of the scope of its powers, the Constitutional Court shall be entitled to engage the author of the statement in the proceeding in the capacity of a defendant.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

#### **Article 35**

1. The right to lodge a claim with the Constitutional Court concerning the constitutionality of formation of political parties and their activity shall rest with the President of Georgia, at least one fifth of the members of Parliament of Georgia, and the higher representative bodies of the Autonomous Republics of Abkhazia and Ajara.

2. In cases under the first paragraph of this article, a political party and its registering body shall be the defendant.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 36**

1. The right to lodge a constitutional claim with the Constitutional Court concerning the constitutionality of the regulatory standards for elections or a referendum and of the elections (referenda) to be held on the basis of these standards shall rest with at least one fifth of the members of Parliament of Georgia, the President of Georgia and the Public Defender of Georgia.

2. In a case under the first paragraph of this article, the defendant shall be:

a) a body/official that has adopted/issued a disputed normative act;

b) an authorised body/official to set elections (referenda), if the decision to set or not to set elections (referenda) is based on the disputable normative act.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

#### **Article 37**

1. The right to lodge a constitutional claim with the Constitutional Court concerning the constitutionality of the regulatory standards for elections or a referendum and of elections (referenda) held on the basis of these standards shall rest with at least one fifth of the members of Parliament of Georgia, the President of Georgia and the Public Defender of Georgia.

2. In the case under the first paragraph of this article, the defendant shall be a body the normative act of which has been the grounds for lodging a constitutional claim, the Central Election Commission of Georgia, and/or the Electoral Commission responsible for the conduct of the given elections.



3. A constitutional claim under the first paragraph of this article shall be lodged by:

a) the Central Election Commission of Georgia, within seven days after the referendum results are published, if the constitutional claim refers to the constitutionality of the regulatory standards for the conducted referendum and of a referendum conducted on the basis of these standards;

b) by the respective election commission, within three days after the election results are published, if a constitutional claim refers to the regulatory standards of the conducted elections and of the elections conducted on the basis of these standards.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

### **Article 38**

1. The right to lodge a constitutional claim with the Constitutional Court on the constitutionality of the treaties and international agreements or individual provisions thereof shall rest with the President of Georgia, the Government of Georgia and at least one fifth of the members of Parliament of Georgia, and the right to lodge a constitutional submission shall rest with at least one fifth of the members of Parliament of Georgia.

2. A constitutional submission shall be lodged with respect to the constitutionality of the treaties or international agreements or their individual provisions that are subject to ratification. A constitutional submission may be lodged before they are ratified.

2<sup>1</sup>. A constitutional claim shall be lodged with respect to the constitutionality of valid treaties or international agreements or their individual provisions. A constitutional claim may be lodged:

a) within 30 days after the Parliament of Georgia refuses to denounce or abrogate a ratified treaty or international agreement or individual provisions thereof;

b) at the earliest on the 31<sup>st</sup> day and at the latest on the 60<sup>th</sup> day after the issue to denounce or abrogate a ratified treaty or international agreement or individual provisions thereof is raised before the Parliament of Georgia, if the Parliament has not decided on the issue within 30 days;

c) if a treaty or international agreement is not subject to ratification.

3. A constitutional claim concerning compliance with the Constitution of a treaty, international agreement or their individual provisions that are ratified before accreditation of powers of the first composition of the Constitutional Court may also be lodged after their ratification.

4. In the case under the third paragraph of this article, a constitutional claim may be lodged within three months after accreditation of powers of the first composition of the Constitutional Court. Running of this time shall be suspended during consideration by the Parliament of Georgia of the issue to denounce a treaty under the third paragraph of this article.

5. (Deleted)

6. In cases under paragraph 2<sup>1</sup>(a-b) of this article, the Parliament of Georgia shall be the defendant, and in a case under paragraph 2<sup>1</sup>(c) – the body/official that concluded the treaty or international agreement, or its successor.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

### **Article 39**

1. The right to lodge a constitutional claim with the Constitutional Court on the constitutionality of a normative act or its individual provisions shall rest with:

a) citizens of Georgia, other natural persons residing in Georgia and legal persons of Georgia, if they believe that their rights and freedoms recognised under Chapter Two of the Constitution of Georgia have been violated or may be directly violated; [It shall be recognised as unconstitutional – Judgement No 1/466 of the Constitutional Court of 28 June 2010 – LHG IV, No 56, 6.7.2010, p. 2]

b) the Public Defender of Georgia, if he/she believes that human rights and freedoms recognised under Chapter Two of the Constitution of Georgia are violated.

2. In the cases under this article, the defendant shall be the body/official the act of which, in the plaintiff's opinion, has caused the violation of human rights and freedoms recognised under Chapter Two of the Constitution of Georgia.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Judgement No 1/466 of the Constitutional Court of 28 June 2010 – LHG IV, No 56, 6.7.2010, p. 2*

### **Article 40**

1. The right to lodge a constitutional claim with the Constitutional Court on the constitutionality of a parliamentary decision on recognition or



premature termination of powers of a member of Parliament shall rest with the President of Georgia, at least one fifth of the members of Parliament of Georgia, and also with a citizen whose powers as a member of Parliament was not recognised or was prematurely terminated by the Parliament of Georgia.

2. The defendant in the proceedings under this article shall be the Parliament of Georgia.

3. The time limit for lodging a constitutional claim under this article shall not exceed two weeks after an appropriate decision of the Parliament of Georgia takes effect.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 41**

1. The right to lodge a constitutional submission with the Constitutional Court under the procedures established by this Law and the Law of Georgia on Impeachment in order to obtain a conclusion with respect to a violation of the Constitution of Georgia by the President of Georgia, the President of the Supreme Court of Georgia, a member of the Government of Georgia, the Auditor General or a member of the Council of the National Bank of Georgia and/or the existence of elements of crime in their action shall rest with at least one third of the total number of members of the Parliament of Georgia.

2. When drafting a conclusion on this issue, the Constitutional Court may invite appropriate officials.

3. (Deleted)

*Organic Law of Georgia No 1059 of 11 November 1997 – The Parliament Gazette No 45, 21.11.1997, p. 54.*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 475 of 1 November 2008 – LHGI, No 30, 7.11.2008, Art. 182*

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

#### **Article 41<sup>1</sup>**

1. In cases under Article 19(1)(i) of this Law, the right to lodge a constitutional claim with the Constitutional Court shall rest with the President of Georgia, the Government of Georgia, at least one fifth of the members of Parliament of Georgia, and the Supreme Council of the Autonomous Republic of Ajara.

2. The defendant in the proceedings under the first paragraph of this article shall be the body/official who, in the plaintiff's opinion, has violated the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara.

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

#### **Article 41<sup>2</sup>**

1. In cases under Article 19(1)(j) of this Law, the right to lodge a constitutional submission with the Constitutional Court on the compliance of normative acts of the Supreme Council of the Autonomous Republic of Ajara with the Constitution of Georgia, the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara, the constitutional agreement, treaties and international agreements of Georgia and laws of Georgia shall rest with the Parliament of Georgia by a resolution.

2. Acceptance of the constitutional submission of the Parliament of Georgia for consideration by the Constitutional Court shall cause suspension of the operation of the respective normative act of the Supreme Council of the Autonomous Republic of Ajara until the final judgement is delivered on the case.

*Organic Law of Georgia No 599 of 25 November 2004 - LHGI, No 37, 16.12.2004, Art. 171*

#### **Article 41<sup>3</sup>**

1. In a case under Article 19(1)(k) of this Law, the right to lodge a constitutional claim with the Constitutional Court shall rest with the self-governing representative body – Sakrebulo.

2. In a case under this article, the defendant shall be the body/official whose act, in the plaintiff's opinion, has caused violation of the provisions of Chapter Seven<sup>1</sup> of the Constitution of Georgia.

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*



#### **Article 41<sup>4</sup>**

In cases under Article 19(1)(l) of this Law, the right to lodge a constitutional submission with the Constitutional Court shall rest with the High Council of Justice of Georgia.

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

#### **Article 42**

1. In the cases under Article 19(2) of this Law, the right to lodge a constitutional submission with the Constitutional Court shall rest with a trial court. In this situation, the Constitutional Court shall consider the case in the absence of the author of the submission and the body the act of which became the subject of dispute.

2. Submission adopted by decision of a single trial judge or a collegial composition of the trial court shall be deemed to be submission of a court considering the case referred to in this article.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 43**

1. Acts of the Constitutional Court shall be a judgement, a ruling, a record of judgement and a conclusion.

2. A record of judgement/ruling of the Constitutional Court shall be signed by all members of the Constitutional Court participating in the hearing. A judgement/ conclusion of the Constitutional Court shall be signed by all members of the Constitutional Court participating in the consideration of the case on the merits.

3. An act of the Constitutional Court that is not related to a hearing shall be signed by the President and the Secretary of the Constitutional Court.

4. The Constitutional Court shall decide on the merits of a case in writing.

5. The Constitutional Court shall adopt a record of judgement on acceptance of a constitutional claim or constitutional submission for consideration and a ruling – on non-acceptance.

5<sup>1</sup>. In cases under Article 25(4<sup>1</sup>) of this Law, the Constitutional Court shall adopt a ruling.

5<sup>2</sup>. In cases under Article 21<sup>1</sup>(1) of this Law, the Constitutional Court shall adopt a record of judgement.

6. When considering a constitutional submission on the merits, the Constitutional Court shall adopt a judgement in cases under Articles 41<sup>2</sup>, 41<sup>4</sup> and 42 of this Law, and a conclusion – in cases under Article 38(2) and Article 41(1) of the same Law.

7. A judgement, a ruling and a conclusion of the Constitutional Court must be substantiated.

8. A judgement, a ruling, a record of judgement and a conclusion of the Constitutional Court shall be final and shall not be subject to appeal or revision.

9. Non-acceptance of a constitutional claim or a constitutional submission for consideration by the Constitutional Court shall, unless there are grounds under Article 21<sup>1</sup>(1) of this Law, exclude acceptance of a repeated application or another constitutional claim or a constitutional submission on the same subject and the same grounds.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

*Organic Law of Georgia No 77 of 27 June 2008 – LHGI, No 12, 14.7.2008, Art. 87*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

#### **Article 44**

1. The Plenum of the Constitutional Court shall be duly constituted to adopt a judgement if at least 6 members attend its session.

2. A constitutional claim shall be deemed satisfied and a conclusion with respect to the constitutional submission shall be deemed adopted if supported by more than half of the members present at the plenary session.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 45**





1. A Board of the Constitutional Court shall be duly constituted to consider a constitutional claim or a constitutional submission and adopt a judgement if at least three members attend its session.

2. A constitutional claim shall be deemed satisfied if supported by more than half of the members present at the Board meeting.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 46**

1. A party shall have the right to raise an issue before the Constitutional Court that considers a case of recusal of a member of the Constitutional Court participating in the proceeding if:

a) the member of the Constitutional Court is a close relative of the party or its representative;

b) the member of the Constitutional Court has direct or indirect interest in the outcome of a case, or if there are other circumstances that raise doubts about the impartiality of the member of the Constitutional Court.

2. When there are grounds under this article, a member of the Constitutional Court shall have the right to abstain from participating in the proceeding.

3. An application for recusal or self-disqualification of a member of the Constitutional Court shall be deemed satisfied if supported by more than half of the members participating in the session of the Constitutional Court.

#### **Article 47**

1. When adopting a judgement, a member of the Constitutional Court participating in the proceeding may express a dissenting or concurring opinion to be drawn up in writing.

2. A dissenting or concurring opinion of a member of the Constitutional Court shall be attached to the minutes of the session of the Constitutional Court and shall be published in the press along with the judgement of the Constitutional Court at the author's request.

3. The judgement of the Constitutional Court along with the dissenting or concurring opinion shall be published in full in the official gazette of the Constitutional Court.

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

#### **Article 48**

A member of the Constitutional Court may not disclose the gist of the deliberations held by the Constitutional Court during adoption of a judgement, nor the position of a member of the Constitutional Court when voting.

#### **Article 49**

Costs of proceedings in the Constitutional Court shall be covered by the state budget.

#### **Article 50**

1. State taxes shall be imposed on:

a) a constitutional claim or submission;

b) a ruling or judgement of the Constitutional Court when issued again.

2. The state tax amount and the payment rule shall be defined by law.

3. The Constitutional Court shall have no right to exempt anyone from state taxes, to increase or decrease the state tax amount.

#### **Article 51 - (Deleted)**

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 52**



When considering a case in the Constitutional Court, a member of the Constitutional Court shall be dressed in special attire. Design of the attire shall be defined by the Rules of the Constitutional Court.

### **Article 53**

1. The Constitutional Court shall possess the state official seal with its own name on it.
2. The Constitutional Court shall be located in the city of Batumi.
3. The administrative building of the Constitutional Court shall fly the State Flag of Georgia.
4. The State Flag of Georgia must be present in the courtroom and in the office rooms of judges of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Law of Georgia No 3549 of 7 September 2006 – LHGI, No 40, 15.9.2006, Art. 281*

**President of Georgia**

**Eduard Shevardnadze**

**Tbilisi**

**31 January 1996**

**No 95-ES**

