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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**CONSTITUTIONAL COURT OF THE REPUBLIC OF GEORGIA:**

**Regulations in force**

- 1) Law on the Constitutional Court of Georgia
- 2) Law on changes and additions to the Law on the Constitutional Court of Georgia and decree
- 3) Law of Georgia on Constitutional legal proceedings and decree
- 4) Law of Georgia on social guarantees to the members of the Constitutional Court and decree

## Law of Georgia on the Constitutional Court of Georgia

### Chapter One General Provisions

#### *Article 1.*

1. The Constitutional Court of Georgia (hereafter the Constitutional Court) is the body of the Constitutional Supervision, which guarantees supremacy of the Constitution of Georgia, Constitutional Justice, and protection of Constitutional rights and freedoms of individuals.

2. Jurisdiction of the Constitutional Court of Georgia extends over the whole territory of Georgia.

#### *Article 2.*

The Constitutional Court performs its activities on the basis of legality, cooperation, openness, equality and adversary parties within the whole term of its authority on the basis of the independence, immunity and the tenure of members of the Constitutional Court.

#### *Article 3.*

The arrangement of the Constitutional Court, its competence and procedure are determined by the Constitution and this Law. Other procedures of organization and Constitutional justice of the Constitutional Court are determined by law and regulations of the Constitutional Court.

#### *Article 4.*

1. A member of the Constitutional Court is independent in performing his duties. He evaluates actual circumstances and takes decisions only in accordance with the Constitution of Georgia. Interference in his activities is impermissible and punishable by law.

2. Expenses connected with the organization and activities of the Constitutional court are determined by the separate article of the state budget of Georgia. The Chairman of the Constitutional Court submits draft of expenses connected with the activity of the Constitutional Court by the procedure determined by law.

3. The state is obliged to guarantee to a member of the Constitutional Court worthy conditions for activity and life to ensure his/her independence.

4. The state guarantees the security of members of the Constitutional Court and his/her family.

Chapter Two  
Staff and Structure of the Constitutional Court .

*Article 5.*

The Constitutional Court consists of nine judges - members of the Constitutional Court, who among themselves elect the Chairman of the Constitutional Court, two vice-chairs and the secretary.

*Article 6.*

1. Three members of the Court are appointed by the President, three members are elected by the Parliament of Georgia by not less than three fifth of total number and three members are appointed by the Supreme Court.

2. For appointment as a member of the Constitutional Court the candidate's prior written agreement is necessary.

*Article 7.*

A member of the Constitutional Court must be a citizen of Georgia who has attained the age of 35 and has a high legal education.

*Article 8.*

The term of the authority of a member of the Constitutional Court is 10 years. A member of the Constitutional Court can't be a person who has held this position before.

*Article 9.*

1. Members of the Constitutional Court, before occupying the office, take the following oath in the presence of the President of Georgia, the Chairman of the Parliament and the Chairman of the Supreme Court: "I solemnly swear to observe faithfully the duties of members of the Constitutional Court and while executing them be subject to nothing and no one else except the Constitution of Georgia".

2. The authority of a member of the Constitutional Court starts from the day of his taking the oath.

*Article 10.*

1. After the oath is taken by every member of the Constitutional Court, or not later than 10 days after pre-term termination of the duties of the chairman of the Constitutional Court, a sitting of the Constitutional Court is held, which elects the chairman of the Constitutional Court for 5 year-term. By the same procedure and for the same term two vice-chairs of the Constitutional Court are elected.

2. The new chairman of the Constitutional Court or his vice-chair is elected not earlier than one month and not later than one week before expiration of the duties of the prior chairman of the Constitutional Court or his vice-chair.

3. Nomination of a candidate-chairman of the Constitutional Court occurs by the agreement of the President of Georgia, the chairman of the Parliament and the chairman of the Supreme Court.

4. A candidate for the vice-chair of the Constitutional Court is nominated by the chairman of the Constitutional Court.

5. The chairman and the vice-chairs of the Constitutional Court are considered elected if supported by not less than five members of the Constitutional Court by secret balloting.

6. The chairman of the Constitutional Court or his vice-chair can't be a person who held this position before.

7. Pre-term termination of the duties of the chairman of the Constitutional Court or his vice-chair is permitted in the event of the existence of the grounds listed in the Article 17 of this Law.

#### **Article 11.**

1. The Constitutional Court consists of Plenum and two boards.

2. The composition of the Plenum includes all nine members of the Constitutional Court and its sittings are presided over by the chairman of the Constitutional Court.

3. The composition of the board includes four members of the Constitutional Court. Sittings of the boards are presided over by the vice-chairs of the Constitutional Court.

4. The composition of the board is confirmed by the Plenum upon the Submission of the chairman of the Constitutional Court. Members of the Constitutional Court appointed by the President of Georgia, by the Parliament and the Supreme Court should be represented in the boards as equally as possible.

5. The staff of the boards should be renewed within 10 days after election of the new Chairman of the Constitutional Court.

#### **Article 12.**

1. The Chairman of the Constitutional Court:

a) submits regulations of the Constitutional Court to the Plenum of the Constitutional Court for confirmation. Any member of the Constitutional Court has the right to submit request for changes and additions to the regulations.

b) distributes cases by the procedure established by the regulations of the Constitutional Court;

c) submits to the Plenum of the Constitutional Court candidates for the vice-chairs and the secretary of Constitutional Court.

d) convenes Plenum by the procedure established by the regulations of the Constitutional Court, presides over its sitting, signs decisions, judgments, conclusions and acts of the sittings adopted at the Plenum;

e) directs activities of the staff at the Constitutional Court, has the right to appoint and dismiss the employees according to legislation;

f) directs the budget appropriation of the Constitutional Court;

g) exercises other authorities envisaged by legislation and regulations;

2. Once a year the chairman of the Constitutional Court informs the President of Georgia, the Parliament and the Supreme Court of the conditions of Constitutional Justice in Georgia.

**Article 13.**

1. The vice-chair of the Constitutional Court leads the sitting of a board. Performs separate functions of the chairman at the direction of the chairman of the Constitutional Court. In case of the absence of the chairman or the chairman's disability to perform his office duties, duties of the chairman, by his order, are performed by one of his vice-chairs and in the case of absence of such order - by the eldest vice-chair.

2. If the vice-chair of the Constitutional Court temporarily performing duties of the chairman is unable to perform his own functions then his duties are performed by the eldest member of the appropriate board.

**Article 14.**

1. The secretary of the Constitutional Court is elected at the Plenum from members of the Constitutional Court for five-year term.

2. Besides his authorities as a member of the Constitutional Court the secretary of the Constitutional Court:

- a) prepares for sittings of the Plenum and boards;
- b) organizes the execution and procedure for the registration of the acts of the sittings of the Plenum and the boards;
- c) signs the acts of the Constitutional Court by the procedure envisaged by the regulation of the Constitutional Court;
- d) takes measures for fulfillment of decisions of the Constitutional Court;
- e) fosters the formation of a system for elaboration of necessary information by Computers;
- f) organizes the sending of official documentation of the Constitutional Court;

**Article 15.**

1. A member of the Constitutional Court has personal immunity. Bringing a member of the Constitutional Court before a criminal court, his detention or arrest, the search of his place of residence, car, his work place or his personal search without consent of the Constitutional Court is impermissible. An exception is where he is caught committing the crime, in which case the Constitutional Court should be immediately notified. If the Constitutional Court does not give its consent, for the detention or arrest, a detained or arrested member must be released forthwith.

2. When the Constitutional Court gives its consent for bringing a member of the Constitutional Court before the Criminal Court, his detention or arrest, the authority of that member of the Constitutional Court ceases until a final decision is adopted by the Court; if the verdict "not guilty" is adopted or the case against him is stopped on the basis of rehabilitation the authority of a member of the Constitutional Court is restored from the day the final decision is adopted.

3. The decision envisaged in the first point of this article is considered adopted if supported by more than half of the Plenum's sitting of the Constitutional Court.

**Article 16.**

1. The authority of a member of the Constitutional Court can be terminated earlier by a decision of the Constitutional Court if:

- a) he is unable to perform his duties for 6 months in succession;
- b) there is the verdict of "guilty" enforced against him;
- c) he reveals professional secrets;
- d) he holds an occupation incompatible with the statute of a member of the Constitutional Court or performs activities forbidden by law;
- e) he loses citizenship of Georgia;
- f) the Court recognizes him as disabled;
- g) he dies;
- h) he resigns;

2. The decision is considered adopted if supported by more than half of the participants of the Plenum's sitting of the Constitutional Court.

3. The decision is sent to the President, the Parliament and the Supreme Court of Georgia.

4. A new member of the Constitutional Court is appointed not earlier than one month and not later than one week before the expiration of the term of the authority of that member of the Constitutional Court.

**Article 17.**

1. The occupation of a member of the Constitutional Court is incompatible with any other occupation or remunerative activities, except scientific and pedagogical activities. He can not be a member of a political party, or participate in the political activities.

2. A member of the Constitutional Court must resign from other occupations and cease activities forbidden by this article from the day of taking the oath.

**Article 18.**

If the term of a member of the Constitutional Court expires by the time he participates in the discussion of the case, his term of the authority is prolonged until the final decision of the case.

### Chapter Three Authority of the Constitutional Court

**Article 19.**

The Constitutional Court is authorized to discuss and decide on the basis of a Constitutional Claim or Submission:

- a) the issue of the correspondence of the laws, regulations of the Georgian Parliament, normative acts of the President of Georgia, Abkhazian and Adjarian supreme state bodies with the Constitution of Georgia;
- b) disputes on competence among state bodies;
- c) issues on formation of political amalgamations of citizens and on constitutionality of activities;
- d) disputes on referendum and the Constitutionality of elections;

e) issues on the Constitutionality of normative acts adopted in connection with the issues of the second chapter of the Constitution of Georgia;

f) issues on the Constitutionality of international treaties and agreements;

g) issues on the recognition of the authority of a member of the Parliament of Georgia, or on pre-term termination of the authority;

h) issues on the violation of the Constitution of Georgia by the President of Georgia, the Chairman of the Supreme Court of Georgia, officials, the Procurator General, the Chairman of the Chamber of Control and members of the Council of the National Bank.

#### **Article 20.**

1. If while considering a definite case at the general court, the Court concludes that there are sufficient basis for considering the law or other normative acts, used by the court for decision of this case, to be fully or partially incompatible with the Constitution, it ceases consideration of the case and applies to the Constitutional Court. The case will be renewed after a decision on this issue by the Constitutional Court.

2. Recognition of the law or other normative act as unconstitutional does not mean abrogation of judgments and decisions of the Court adopted earlier on the basis of this act, it only causes suspension of their fulfillment by the procedure determined by procedural legislation.

#### **Article 21.**

1. Issues envisaged in Article 19 points a), d), f), h) and Article 20 of this law are discussed by the Plenum at the Constitutional Court.

2. Issues envisaged in Article 19 points b), c), e), g) of this law are discussed by the board of the Constitutional Court.

3. If while deciding the case, votes of the Members of the Plenum or the board were equally divided, the Constitutional Claim or Submission is considered not decided.

4. A member of the Constitutional Court participating in the discussion of a case has no right to avoid voting.

5. While discussing the case and taking its decision the board acts as the Constitutional Court.

#### **Article 22.**

The term for discussion of the Constitutional Claim or Submission should not exceed 30 days from the day the discussion of the case starts at the Constitutional Court. In a particular case the term of the discussion, can be prolonged not more than 30 days, by the Plenum of the Constitutional Court.

#### **Article 23.**

1. Approval of a Constitutional Submission on the issues envisaged in Article 19 points a), e) and Article 20 of this law causes abrogation of the normative act or part of it as unconstitutional from the moment the corresponding decision of the Constitutional Court is published.

2. Approval of the Constitutional Submission on the issue envisaged in Article 19 point b) of this law causes abrogation of the normative act violating the competence from the moment of its enforcement.

3. Approval of the Constitutional Claim on the issue envisaged in Article 19 point c) of this law causes abrogation of act of the registration of the citizens' political amalgamation.

4. Approval of the Constitutional Claim on the issue envisaged in Article 19 point d) of this law causes the non permissibility of holding the elections or the referendum on the issue submitted for referendum and recognition of the results of any such election or referendum as nullified.

5. Approval of the Constitutional Submission on the issue envisaged in Article 19 point f) of this law causes recognition of international treaty or agreement or their separate provisions for Georgia as nullified.

6. Approval of the Constitutional Claim on the issue envisaged in Article 19 point g) of this law causes abrogation of the appropriate decision of the Parliament of Georgia and from the day the decision of the Constitutional Court is published restores the authority of a member of the Parliament, if it was suspended and causes pre-term termination of his authorities, if his authorities were not suspended by the Parliament of Georgia.

7. On the issue envisaged in Article 19 point h) of this law the Constitutional Court determines Constitutionality of persons' action envisaged by Articles 63 and 64 of the Constitution.

#### **Article 24.**

1. Every state body, legal person and individual, political and public amalgamations of citizens and local self-government bodies are obliged to fulfill demands connected with the decision of a case by the Constitutional Court and its members in connection with their authority.

2. The Constitutional Court and its members are authorized to accept information connected with the decision of the case from every state body, legal person and individual, scientific institutions and information centers and summon specialists according to the regulations for carrying out expert and consultative work.

3. Non-fulfillment of the demands or prevention of fulfillment is punishable by law in connection with the authority of the Constitutional Court and its members.

#### **Article 25.**

1. The decision of the Constitutional Court is final and its non-fulfillment is punishable by law.

2. The normative act or the part of it recognized as unconstitutional loses legal power from the day the appropriate decision of the Constitutional Court is published.

3. If the Constitutional Court considers that the action of the normative act causes irreparable harm to one party it halts enforcement of the disputed act before taking a final decision.

#### **Article 26.**

The Constitutional Court has no right to judge on the correspondence of the whole law or other normative act with the Constitution if applicant or author

of the Submission requests recognition of only a certain part of the law or other normative act as unconstitutional.

#### Chapter Four General Rights of Consideration and Decision of Cases at the Constitutional Court.

##### ***Article 27.***

1. A case is considered at the open sitting at the Constitutional Court.
2. A sitting of the Constitutional Court or a part of it can be closed by the initiative of the Court or by agreement of the parties for preservation of person's private, professional, commercial or state secret. Witnesses, experts and interpreters can be present at the closed sitting in the case of necessity. The Constitutional Court can give the right to be present at a closed sitting to other persons as well by agreement of parties.
3. A decision upon consideration of a case at a closed sitting is adopted by the Constitutional Court in the consultative room.
4. A person who has not attained 16 years of age, unless he/she is a witness and an armed person are not admitted to a Court sitting, except persons who defend the Constitutional Court and they are admitted only by permission of the Chairman of the Constitutional Court.
5. The decision of the Constitutional Court is announced publicly.

##### ***Article 28.***

Jurisdiction is exercised in Georgian at the Constitutional Court. The Court is obliged to guarantee an interpreter to a participant of the case who has no possession of the legal language.

##### ***Article 29.***

The parties have the right to familiarize themselves with the case, make transcripts and copies, deliver proofs, participate in the investigation of proofs, put questions to witnesses, experts, specialists, mediate in the Court, give oral or written explanations, submit their own conclusions, express their opinions concerning every issue raised during discussion of the case, deny mediations, appeals and considerations of the other party.

##### ***Article 30.***

1. The parties have the right to entrust protection of their interests to an advocate or other person having high legal education on every stage of considering the case.
2. The parties have the right to entrust execution of their authorities to their agent-representative on every stage of considering the case.

**Article 31.**

The basis for starting Constitutional jurisdiction at the Constitutional Court is filing a Constitutional Claim or Submission in written form at the Constitutional Court.

A Constitutional Claim or Submission should be well explained. The Constitutional Claim and Submission should necessarily contain those proofs, which confirm basis of Claim or Submission by applicant's or author of Submission's opinion.

**Article 32.**

The warning of witnesses to be honest at the Constitutional Court, taking of measures against those who violate an order at the Court sitting and investigation of proofs occurs by the procedure determined by law.

**Article 33.**

1. The President of Georgia, and not less than one fifth of members of the Georgian Parliament have the right to introduce a Constitutional Claim at the Constitutional Court on correspondence of Georgian Laws, the regulations of the Georgian Parliament, normative acts of the President of Georgia, Supreme State Bodies of Abkhazia and Adjara and normative acts adopted by appropriate bodies with the Constitution of Georgia before enforcement of the Constitution of Georgia.

2. The body against whose normative act the Constitutional Claim is submitted is answerable on matters envisaged by the first point of this article and in the case when the Claim deals with a normative act adopted before enforcement of the Constitution, the appropriate successor body adopting this act is answerable and in case of the non existence of such a body the President of Georgia or the Parliament by the decision of the Constitutional Court is answerable.

**Article 34.**

1. The President of Georgia has the right to submit a Constitutional Claim to the Constitutional Court on the areas of competence among the state bodies, if he considers that his competence is violated or the areas of Constitutional authority of state bodies are being violated; not less than one fifth of members of the Parliament of Georgia have the right to submit a Constitutional Claim to the Constitutional Court, if they consider that the areas of Constitutional authority of the Parliament of Georgia or other state body are being violated, state bodies listed in Article 89 of the Constitution of Georgia also have such right if they consider their areas of Constitutional authority are being violated.

2. In a case envisaged in the first point of this article, the state body whose normative act by the applicant's opinion caused violation of his/her Constitutional authority is answerable.

3. As soon as the Constitutional Claim or Submission on competence is received, the Constitutional Court sends a copy of a Claim or Submission to the President of Georgia, the Parliament and Supreme Representative Bodies of Abkhazia and Adjara. If within 15 days after handing over the copy, one of them declares that approval of the Constitutional Claim or Submission would

cause a violation of its authorities the Constitutional Court is obliged to involve the applicant in the case as a party.

**Article 35.**

1. The President of Georgia, not less than one fifth of members of the Georgian Parliament and the supreme state bodies of Abkhazia and Adjara have the right to introduce a Claim at the Constitutional Court on formation of political amalgamations of citizens and on Constitutionality of activities.

2. In a case envisaged in the first point political amalgamations of citizens and the body who has registered it are answerable.

**Article 36.**

1. The following have the right to submit a Constitutional Claim to the Constitutional Court on Constitutionality of holding a referendum:

a) not less than one fifth of members of the Parliament of Georgia if the President of Georgia on his own initiative or by the demand of electors has fixed, or in spite of the request of Georgian Parliament, has not fixed a referendum;

b) the public defender of Georgia, if despite the electors' demand referendum is not fixed;

c) not less than one fifth of members of the Georgian Parliament, the Public Defender of Georgia, if they consider that holding of a referendum contradicts the demands of the second part of Article 74 of the Constitution of Georgia.

2. In the case envisaged by the first part of this article the President of Georgia is answerable.

**Article 37.**

1. The following have the right to introduce a Constitutional Claim on elections at the Constitutional Court:

a) not less than one fifth of members of the Parliament of Georgia if they consider elections of the President of Georgia being held in violation of the demands of Article 70 of the Constitution of Georgia;

b) the President of Georgia or not less than one fifth of members of the Georgian Parliament if they consider that elections of Georgian Parliament are fixed or being held in violation of the first and second parts of Article 49 and first - fourth parts of Article 50 of the Constitution of Georgia.

2. In the cases envisaged by the first part, point (a) of this article, the central electoral commission of Georgia is answerable and in the cases envisaged by point (b) - the President of Georgia or central electoral commission of Georgia is answerable.

**Article 38.**

1. The President of Georgia and not less than one fifth of members of the Georgian Parliament have the right to introduce a Constitutional Claim on the Constitutionality of International treaties and agreements or their separate provisions.

2. Introduction of a Constitutional Claim on the correspondence of such International treaty, agreement or their separate provisions with the

Constitution, which are subject to ratification is possible before their ratification.

3. Introduction of a Constitutional Claim on the correspondence of such International treaty, agreement or their separate provisions with the Constitution, which were ratified before recognition of the authority of the first Constitutional Court is possible after their ratification as well.

4. In the case envisaged by third point of this article introduction of the Constitutional Claim is possible within 3 months after recognition of the authority of the first Constitutional Court. Discussion of the issue at the Parliament of Georgia on denunciation of the treaty envisaged by the third part of this article halts this term.

5. Introduction of a Constitutional Claim on the correspondence of acting International treaties, agreements or their separate provisions with the Constitution is possible after the Parliament refuses to denunciate or abrogate them and also 30 days after raising the question on the denunciation or abrogation before the Parliament, if within this period the Parliament of Georgia has not decided this issue.

6. In the case envisaged in point 2 of this article the body or the official concluding the treaty or the agreement is answerable and in the case envisaged by third and fifth parts - the Parliament of Georgia.

#### ***Article 39.***

1. The Public Defender of Georgia, individuals of Georgia and other states have the right to submit a Constitutional Claim on Constitutionality of normative acts or their separate parts to the Constitutional Court, if they consider that rights and freedoms recognized in the second chapter of Georgian Constitution are violated.

2. In disputes envisaged in the first point of this article, the body whose act, in the applicant's opinion, violated rights and freedoms recognized in the second chapter of Georgian Constitution is answerable.

#### ***Article 40.***

1. The President of Georgia, not less than one fifth of members of Georgian Parliament, also citizen whose authorities as of a member of the Parliament is not recognized or is terminated earlier by the Parliament of Georgia have the right to submit the Constitutional Claim on constitutionality of decision of the Parliament, on recognition of authorities of a member of the Parliament or on pre-term termination of his duties.

2. In a case envisaged in the first point of this article the Parliament of Georgia is answerable.

3. The deadline for Submission of a Constitutional Claim should not exceed two weeks from enforcement of the appropriate decision of the Parliament of Georgia.

#### ***Article 41.***

1. Not less than one third of total number of the Parliament of Georgia have the right to introduce a Constitutional Submission to the Constitutional Court for adoption of a decision on the violation of the Constitution by the President of Georgia, the Chairman of the Supreme Court of Georgia, officials,

Procurator General, Chairman of the Chamber of Control and members of the Council of the National Bank.

2. The Constitutional Court is authorized to call appropriate officials while preparing conclusion on this issue.

3. The deadline for a Constitutional Submission on the violation of the Constitution of Georgia should not exceed one month from the day when violation of the Constitution by above mentioned officials became known to the Parliament of Georgia.

**Article 42.**

A Court considering such a case has the right to introduce a Constitutional Submission to the Constitutional Court in cases envisaged by article 20 of this law. In such a case the Constitutional Court discusses the case without the presence of the author of the Submission and the body, the act of which, became the matter of dispute.

**Article 43.**

1. The acts of the Constitutional Court are: decision, judgment and conclusion.

2. Every member of the Constitutional Court participating in the discussion of a case signs the act of the Constitutional Court.

3. The act of the Constitutional Court which is not connected with the discussion of the case is signed by the Chairman and the Secretary of the Constitutional Court.

4. In general, the decision of the case by the Constitutional Court occurs in written form.

5. A question of acceptance of a Constitutional Claim or Submission for discussion is decided by a written judgment by the Constitutional Court.

6. The question of a violation of the Constitution by the President of Georgia, the Chairman of the Supreme Court, officials, Procurator General, Chairman of the Chamber of Control and members of the Council of the National Bank is decided by a written conclusion by the Constitutional Court.

7. The decision, judgment and conclusion of the Constitutional Court should be well explained.

8. The decision, judgment and conclusion of the Constitutional Court are final and are not subject to appeal or revision.

9. Non-acceptance of a Constitutional Claim or Submission for discussion by the Constitutional Court excludes the acceptance for discussion of a Constitutional Claim or Submission with the same subject and the same motives again or acceptance for discussion of another Constitutional Claim or Submission connected with the same subject and motives.

**Article 44.**

1. The Plenum of the Constitutional Court is authorized to adopt a decision if its sitting is attended by not less than six members.

2. A Constitutional Claim or Submission is considered satisfied if supported by more than half of the participants of the Plenum's sitting. The chairman of the Plenum has the right to one vote.

**Article 45.**

1. The board of the Constitutional Court is authorized to discuss the Constitutional Claim or Submission and take decision if its sitting is attended by not less than three members.

2. The Constitutional Claim or Submission is considered satisfied if supported by more than half of the participants of the board's sitting.

**Article 46.**

1. A party is authorized to raise a question before the Constitutional Court discussing the case on the removal of a member of the Constitutional Court participating in discussion of the case, if :

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

b) a member of the Constitutional Court is directly or indirectly interested in the results of the case or there are other circumstances making the impartiality of a member of the Constitutional Court suspect.

2. In the case of existence of the basis envisaged by this article a member of the Constitutional Court is authorized to recuse himself from participation in discussion of the case.

3. The statement on recusal of a member of the Constitutional Court is considered approved if supported by more than half of the participants of the sitting of the Constitutional Court.

**Article 47.**

1. A member of the Constitutional Court participating in discussion of a case has the right to retain a particular opinion while taking a decision, which should be expressed in written form.

2. The particular opinion of a member of the Constitutional Court is added to the act of the sitting of the Constitutional Court and upon the request of its author is published in the press together with the decision of the Constitutional Court.

3. Decision of the Constitutional Court together with the particular opinion is published in the full form in the official printing body of the Constitutional Court.

**Article 48.**

A member of the Constitutional Court has no right to announce the contents of the meeting of the Constitutional Court during the adoption of a decision, nor the position of members of the Constitutional Court held during balloting.

**Article 49.**

Compensation of the expenses spent during the legal proceeding at the Constitutional Court is made from the state budget.

**Article 50.**

1. State taxes shall be imposed on:

a) Constitutional Claims and Submissions;

b) on repeated delivery of judgment and decision of the Constitutional Court.

2. Payment of the state taxes shall be made in accordance with law.
3. The Constitutional Court has no right to release someone from paying the state taxes or to increase or lower its value.

**Article 51.**

The secretary of the Constitutional Court supervises the execution of the decision of the Constitutional Court and once a month reports to the Plenum of the Constitutional Court on the situation connected with the execution.

**Article 52.**

A member of the Constitutional Court while discussing a case in the Constitutional Court is dressed in particular attire; the style of attire is determined by the regulations of the Constitutional Court.

**Article 53.**

1. The Constitutional Court has a Great Seal with arms and a name.
2. The place of location of the Constitutional Court is in the town Mtskheta.

The President of Georgia

E. Shevardnadze.

Tbilisi, January 31, 1996

**Decree of the Parliament of Georgia  
on enforcement of Georgia's law  
"on the Constitutional Court of Georgia".**

The Parliament of Georgia determines:

1. Law of Georgia "on the Constitutional Court of Georgia" should be enforced from April 15, 1996.
2. The Constitutional Committee and the Committee on legal issues and legality of the Parliament of Georgia should be directed to develop and submit the legislative acts envisaged by Article 88 of the Constitution of Georgia for consideration by the Parliament of Georgia before March 15, 1996.
3. Part two of Article 53 of Georgia's law "on the Constitutional Court of Georgia" should be enforced from June 1, 1996.
4. The city Tbilisi is determined as the place of location of the Constitutional Court of Georgia before enforcement of part two article 53 Georgia's law "on the Constitutional Court of Georgia".

Zurab Zvania

the chairman of  
the Parliament of Georgia.

Tbilisi  
January 31, 1996  
N 96-RG.

*Law of Georgia*

*on changes and additions in law of Georgia  
"on the Constitutional Court of Georgia".*

The Parliament of Georgia determines:

1. The following changes and additions should be made in law of Georgia of January 31, 1996 "on the Constitutional Court of Georgia " :

a. Article 7 should be amended to read:

*Article 7.*

A member of the Constitutional Court must be a citizen of Georgia who has attained the age of 35 and has a high legal education.

The President of Georgia, the Parliament and the Supreme Court while electing the members of the Constitutional Court of Georgia take into consideration professional experience of a candidate, which should correspond to the high status of the member of the Constitutional Court.

b. Articles 7<sup>1</sup>, 7<sup>2</sup>, 7<sup>3</sup> should be added to the second chapter.

**Article 7<sup>1</sup>** The President of Georgia appoints three members of the Constitutional Court taking into consideration requirements of Article 7. The President of Georgia publishes a decree appointing members of the Constitutional Court.

**Article 7<sup>2</sup>.** The Parliament of Georgia elects three members of the Constitutional Court of Georgia taking into consideration requirements of Article 7. The following have the right to nominate a candidate for election as a member of the Constitutional Court:

The chairman of the Parliament, a Parliamentary faction and not less than a group of ten members of the Parliament, which is not united into any faction.

The chairman of the Parliament acquaints all those present with the list of the candidates and their written agreements to be elected as a member of the Constitutional Court before balloting at the sitting of the Parliament. Every candidate is balloted individually. Balloting is secret.

One and the same candidate can be nominated for election as a member of the Constitutional Court only twice.

The candidate who receives more votes, but not less than three fifths of the total number of the Parliament is considered elected on the bases of balloting.

The chairman of the Parliament, a Parliamentary faction or a group of ten Parliament's members is authorized to nominate the same candidate for confirmation by the Parliament ten days after the first balloting, if three

candidates participated in the elections and one of them did not receive enough number of votes.

If the first balloting is held on the last day of the Parliament's session or election of a candidate is impossible within the period left, a new balloting is held on the very first sitting of the next session of the Parliament.

If more than three candidates participated in the elections and the necessary number of the judges was not chosen a new balloting is held. In this case those three candidates are voted on, who received more votes than the rest candidates in the first round.

Article 7<sup>3</sup>. The Supreme Court of Georgia appoints three members of the Constitutional Court of Georgia taking into consideration requirements of Article 7.

The Chairman of the Supreme Court nominates candidates for appointment in the Constitutional Court at the Plenum of the Supreme Court.

Three candidates who receive two third of votes of the members attending the Plenum are considered appointed on the bases of balloting.

2. This law is enforced from April 15, 1996.

President of Georgia

Eduard Shevardnadze

Tbilisi

March 21, 1996

N 155 - 11G.

**Decree of the Parliament of Georgia  
on changes and additions in law of Georgia  
"on the Constitutional Court of Georgia."**

The Parliament of Georgia determines:

Law of Georgia " on changes and additions in law of Georgia " on the Constitutional Court of Georgia" should be adopted with simplified procedure, from the first hearing.

Zurab Zvania

The chairman of  
the Parliament of Georgia

Tbilisi  
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## Law of Georgia on Constitutional legal proceedings

### Chapter one. Principles of Constitutional legal proceedings.

#### *Article 1.*

1. Constitutional legal proceedings are exercised before the Court on the bases of equality and compatibility of the parties.
2. Individuals and bodies listed in the first part of articles 33, 34, 35, 36, 37, 38, 39, 40, 41 and Article 42 of Georgia's law "on the Constitutional Court of Georgia" are equally authorised to directly address the Constitutional Court.
3. The parties enjoy equal rights and opportunities to prove their demands, deny or reject demands, convictions and proofs of the other party.

#### *Article 2.*

1. The Constitutional Court considers a case at the open sitting.
2. The sitting of the Constitutional Court or a part of it may be closed on the initiative of the Constitutional Court or by appeal of the parties for protection of the state, personal, professional and commercial secrecy. Witnesses, experts and interpreters may be present at a closed sitting in case of necessity. The Constitutional Court may also allow other persons to be present at the closed sitting by appeal of the parties.
3. The Constitutional Court takes the decision on consideration of the case at the closed sitting in the conference room.
4. Persons under age 16 are not admitted to the Court's sitting, unless he/she is a witness. Armed persons are also not admitted to the Court's sitting, except persons defending the Constitutional Court. The latter would be admitted only by permission of the Chairman of the Constitutional Court.
5. Radio, tele, audio or video recording at the Court's sitting is possible only by the permission of the Court considering a specific case.

#### *Article 3.*

Legal proceedings are exercised in Georgian at the Constitutional Court. The Court is obliged to provide a participant in a case who does not possess the language of the legal proceedings with an interpreter.

#### *Article 4.*

1. Only the judges directly participating in consideration of the case are authorised to take the decision. If any of the judges is changed consideration of the case starts anew.
2. Removal of any judge participating in consideration of a case does not prevent further discussion of the case, if number of the left judges forms a quorum.

#### Article 5.

Court's sitting is directed orally. The Court is obliged to hear explanations and speeches of participants of legal proceedings, also depositions of witnesses, experts and specialists; publish affidavits of record in the case and presented by participants of the process.

#### Article 6.

1. The Court's sitting, and meetings of the judges on working days passes without a break.
2. The Court is authorised to postpone or stop consideration of the case, if the summoning of additional witnesses and specialists, holding of examination, requirement of additional proofs and plea of other circumstances preventing consideration of the case is necessary. Consideration of the case is continued from the point at which it was stopped.
3. In consideration of any case the term should end as determined by article 22 of Georgia's law "on the Constitutional Court of Georgia". This term does not envisage a term determined by this law for preparation of the case for consideration.
4. A judge of the Constitutional Court participating in consideration of a case is not authorised to take part in consideration of other cases before termination of a postponed or stopped case.

#### Article 7.

1. The Court takes its decision in the conference room by open balloting. During the conference and taking decision only those judges may be present at the conference room who participate in consideration of this case.
2. A judge participating in the case has no right to refrain from voting.
3. A member of the Constitutional Court participating in consideration of a case is authorised to retain his/her particular opinion while taking a decision, which is set forth in writing.
4. The particular opinion of a member of the Constitutional Court is added to the minute of sitting of the Constitutional Court and on the author's request is published in press together with the decision of the Constitutional Court.
5. The decision of the Constitutional Court together with individual opinions is published in full form at the official printing body of the Constitutional Court.

#### Article 8.

1. No one has the right to require an account or explanation of a specific case from a member of the Constitutional Court.
2. A member of the Constitutional Court is not authorised:
  - a) to express opinions or give consultation to anyone on the correspondence of laws for consideration or other acts to the Constitution, before consideration of a case begins or outside the Court's sitting.
  - b) to reveal essence of a conference held while taking a decision by the Constitutional Court or the position held by a member of the Constitutional Court during balloting.

#### Article 9.

The right to jointly consider and decide the case by the Constitutional Court is determined by articles 44 and 45 of Georgia's law "on the Constitutional Court of Georgia".

Chapter two.  
Judgement and Participants of  
Constitutional legal proceedings.

**Article 10.**

1. Issues listed in the first part of articles 19 and 20 of Georgia's law "on the Constitutional Court of Georgia" are judged by the Constitutional Court of Georgia.
2. Issues judged by Plenum and boards of the Constitutional Court are differentiated by the first and second parts of article 21 of Georgia's law "on the Constitutional Court of Georgia".

**Article 11.**

1. The Constitutional Court is not authorised to judge the correspondence of the whole law or other normative act to the Constitution if the applicant or submission's author requests recognition only of certain norm (provision) of law or other normative act as unconstitutional.
2. If applicant or submission's author requires a decision on several issues, part of which should be judged in the Constitutional Court and the other part is within the competence of another body of authority, the Constitutional Court considers only those issues which are within its competence according to the law "on the Constitutional Court of Georgia".

**Article 12.**

1. The participants in a Constitutional legal proceedings are:
  - a) parties, individuals and bodies, which are considered either as applicants or as defendants according to articles 33, 34, 35, 36, 37, 38, 39 and 40 of law "on the Constitutional Court of Georgia";
  - b) representatives of the parties, who are authorised to act on behalf of the parties by the procedure determined by the law on civil procedure.
  - c) defenders of the parties' interests-attorneys or other persons having high legal education, who participate in legal proceedings, together with the parties or their representatives.
2. The Constitutional Court considers issues envisaged by clause "h" of article 19 and article 20 of Georgia's law "on the Constitutional Court of Georgia" without participation of the parties and their representatives. The Constitutional Court is authorised to summon appropriate officials and hear their explanations, but does not recognise them as parties, while preparing conclusion on issues envisaged by clause "h" of article 19.

**Article 13.**

1. Participants in Constitutional legal proceedings have equal rights to get acquainted with the materials of the case, make transcripts, copies, participate in investigation of proofs, deliver proofs, put questions to one another, witnesses, experts and specialists, appeal to the Constitutional Court, give oral or written explanations to it, submit their conclusions and express opinions on all the issues raised during Court consideration,

reject mediations, conclusions and convictions of the other party, come out with concluding remarks.

2. The applicant is authorised to change subject and basis of the initial request and withdraw the demand of his claim. Withdrawal of demands of a claim, also abrogation of the disputed act or its recognition as invalid during the considering of the case, causes suspension of the case at the Constitutional Court.

3. The author of the submission is authorised to withdraw consideration of the Constitutional submission and require suspension of the case at the Constitutional Court at any stage of Constitutional legal proceedings on issue envisaged by clause "h" of article 19 of Georgia's law "on the Constitutional Court of Georgia". For this purpose he/she should address the Constitutional Court, which is obliged to satisfy the demand.

4. A court submitting a case to the Constitutional Court is not authorised to withdraw consideration of the Constitutional submission and require suspension of the case at the Constitutional Court.

5. A defendant is authorised to recognise a claim fully or partially at any stage of Constitutional legal proceedings. Recognition of the claim by a defendant does not cause suspension of the case at the Constitutional Court.

#### **Article 14.**

The participants in Constitutional legal proceedings are obliged to conscientiously use their rights. Deliberate supplying of the Constitutional Court with forged documents causes liability envisaged by law.

### **Chapter three.**

#### **Beginning of Constitutional legal proceedings and acceptance of cases for consideration.**

#### **Article 15.**

1. Introduction of a Constitutional claim or a Constitutional Submission to the Constitutional Court is considered the bases for beginning a case at the Constitutional Court.

2. A Constitutional Submission should be introduced only on the issues envisaged in clause "h" of Article 19 and Article 20 of law "on the Constitutional Court of Georgia" and the a Constitutional Claim should be introduced on all other issues.

#### **Article 16.**

1. In a Constitutional Claim or a Constitutional Submission should be indicated:

- a) the name of the Constitutional Court;
- b) the name and address of an applicant or submission's author as that of the defendant;
- c) the name of a disputed act and its publishing body, also other requisites of a disputed act;
- d) the proofs, which to an applicant's or the Constitutional submission's author's opinion, prove the importance of the Constitutional claim or the Constitutional submission;

- e) the provisions of the Constitution of Georgia which in the applicant's or the Constitutional submission's author's opinion is violated by, or does not correspond with the disputed act;
  - f) the essence of the demand;
  - g) the norms of the Constitution of Georgia, law "on the Constitutional Court of Georgia" and this law, which give the right to an applicant or to the author of the Constitutional submission to introduce the Constitutional claim or the Constitutional submission to the Constitutional Court;
  - h) a list of documents added to the Constitutional claim or the Constitutional Submission and a list of the persons and their addresses, who should be summoned to the Constitutional Court in the applicant's or the Constitutional submission's author's opinion.
2. The Constitutional claim or the Constitutional Submission should necessarily contain:
- a) a text of a disputed normative act;
  - b) a document proving the authority of representatives of an applicant or Constitutional submission's author;
  - c) a certificate of a banking institution for payment of the state tax;
3. The Constitutional claim or the Constitutional submission as well as the added documents should be drafted in the language of legal proceedings.

#### **Article 17.**

1. The Constitutional claim or the Constitutional Submission introduced in the Constitutional Court is passed to one of the boards for a decision on the issue of acceptance of the case for consideration by the procedure determined by the regulations of the Constitutional Court.
2. The board is obliged to consider and decide the issue on acceptance of the Constitutional claim or the Constitutional submission for consideration at the procedural sitting within the term of 7 days after receiving the Constitutional claim or the Constitutional Submission.
3. One of the members of the board reports the case to the board.

#### **Article 18.**

The Constitutional claim or the Constitutional Submission is not accepted for consideration, if:

- a) either by form or by contents it does not correspond to the demands established by article 16 of this law;
- b) is not submitted by the authorised individual or body (subject);
- c) the disputed issue indicated in it is not within the competence of the Constitutional Court;
- d) the disputed issue indicated in it has already been decided by the Constitutional Court;
- e) the disputed issue indicated in it is not governed by the Constitution of Georgia.

#### **Article 19.**

Non-acceptance of a Constitutional claim or a Constitutional Submission for consideration because of the reasons indicated in clauses "c", "d" and "e" of article 18 of this law excludes acceptance of the Constitutional claim or the Constitutional submission on the same subject and the same basis again.

**Article 20.**

The Constitutional Court is obliged to summon the applicant, his/her representative and attorney to the procedural sitting and hear their explanations of issues envisaged by article 18 of this law, if they address the Constitutional Court in written.

**Article 21.**

In the decision on acceptance of a Constitutional Claim or a Constitutional Submission for consideration it should be indicated:

- a) the time and place of taking the decision;
- b) the name of the Constitutional Court, composition and the Secretary of the sitting;
- c) the participants considering the case and subject of dispute;
- d) the issue on which the decision should be taken;
- e) the motives and provisions (norms) of the Constitution of Georgia, law "on the Constitutional Court of Georgia" and this law on the bases of which the Court accepted or did not accept the Constitutional claim or the Constitutional submission for consideration.
- f) the decision of the Constitutional Court on acceptance or non acceptance of the Constitutional claim or the Constitutional submission for consideration;
- g) the date of substantive consideration of the case. The substantive consideration of the case should start not later than the 15th day from the day of taking the decision;
- h) the name of the Constitutional Court considering the case substantively.

**Article 22.**

The Constitutional Court takes the decision at the conference room by open balloting. The Chairman of the sitting announces the decision at the Court room.

**Article 23.**

The proceedings are formed about the procedural sitting of the Constitutional Court by the right determined by article 34 of this law.

**Chapter four.**

**Substantive consideration and decision of the case.**

**Article 24.**

1. Plenum of the Constitutional Court substantively considers the case at the Plenum's sitting, which is presided over by the Chairman of the Constitutional Court or the acting Chairman.
2. Plenum is authorised to substantively consider the case and take decision if its sitting is attended by 6 members at least.
3. The board of the Constitutional Court substantively considers the case at the board's sitting, which is presided over by the chairman of the board or the acting chairman.

4. The board is authorised to substantively consider the case and take decision if its sitting is attended by 3 members at least.

#### Article 25.

1. Before starting substantive consideration of the case the chairman of the sitting:

- a) opens sitting of the Constitutional Court of Georgia and announces the case which should be considered substantively;
- b) verifies judges' quorum and announces the Secretary of the sitting responsible for holding the sitting;
- c) verifies authorities of the parties;
- d) determines reasons of presence and absence of participants, witnesses, experts and specialists of legal proceedings;
- e) announces composition of the Constitutional Court considering the case and the Secretary of the sitting;
- f) explains to the participants of the legal proceedings their rights and duties determined by Georgia's law "on the Constitutional Court of Georgia" and this law;
- g) determines whether participants of the legal proceedings desire summoning of additional witnesses, experts and specialists or requirement of additional proofs. The Court decides upon the appeals received on these issues at the Court room by the majority of votes;
- h) announces starting of substantive consideration of the case.

2. The party is authorised to raise question on challenge of the member, expert, specialist or interpreter of the Court participating in consideration of the case before the Constitutional Court considering the case, if:

- a) a member, expert, specialist or interpreter is a close relative either of a party or its representative;
- b) a member, expert, specialist or interpreter is directly or indirectly interested in the results of the case, or if there exist other circumstances, which doubt impartiality of member of the Constitutional Court.

A member, expert, specialist or interpreter of the Constitutional Court is authorised to avoid participating in consideration of a case if there exist a basis envisaged by this clause.

The Constitutional Court decides the issue of a challenge by the procedure determined by procedural legislation.

#### Article 26.

1. Substantive consideration of a case starts with the reporting of the case by a speaker - the member of the Constitutional Court; the speaker is obliged:

to report the basis for starting consideration of the case at the Constitutional Court as well as the bases for starting substantive consideration of the case in the Constitutional Court, and the contents of the materials existing within the case; answer questions of the members of the Constitutional Court participating in consideration of the case.

2. After reporting the case, the Constitutional Court hears the applicant's explanations first and then - the defendant's. A member of the Constitutional Court participating in the consideration of the case is authorised to put questions to the parties and their representatives.

3. After hearing the parties the Constitutional Court hears the depositions of the witnesses, experts and specialists, publishes affidavits either existing within the case or presented by the participants in the case consideration. The chairman of the sitting determines the qualification and suitability of experts and specialists before their examination, also warns them in writing on the responsibility envisaged by law for refusal to testify or deliberate false depositions or forged conclusions. The chairman also warns an interpreter of the responsibility for deliberate wrong translation.

4. A member of the Constitutional Court participating in the consideration of the case is authorised to put questions to witnesses, experts and specialists.

5. The chairman of the sitting is authorised to withdraw question put to the parties, witnesses, experts and specialists on mediation of parties and by consent of the majority of members of the Court participating in consideration of the case.

#### **Article 27.**

Measures are taken against order violators of the Court's sitting; responsibilities are also charged for deliberate supplying with forged documents and refusal to testify or deliberate false deposition by the right established by criminal codex of Georgia and process legislation.

#### **Article 28.**

The Constitutional Court hears concluding remarks of the participants of the case consideration after considering every prove existed within the case. Applicant or his/her representative and attorney come out first. After hearing concluding remarks the Court leaves for the consulting room, about what the chairman of the sitting reports to the participants of the case consideration and other persons present at the Court room.

#### **Article 29.**

1. The chairman of the sitting announces judgement or conclusion at the Court room after signing the judgement or conclusion of the Constitutional Court by the members of the Court participating in consideration of the case.

2. The judgement or conclusion of the Constitutional Court is announced on behalf of Georgia.

#### **Article 30.**

The judgement or conclusion of the Constitutional Court should be well explained. The Constitutional Court uses only those proofs for the bases of judgement or conclusion which were considered at the sitting of the Constitutional Court.

#### **Article 31.**

Judgement and conclusion of the Constitutional Court are composed of the following parts:

introduction, description, motivation and resolution.

#### **Article 32.**

1. The introductory part of judgement or conclusion of the Constitutional Court should indicate :

a) the name of the Constitutional Court;

- b) the date and place of taking judgement or conclusion;
- c) the composition of the Court and the Secretary of the sitting;
- d) the participants of the case consideration and subject of dispute.

2. In description part should be indicated:

the demand of the author of the Constitutional Claim or the Constitutional submission;  
the position of a defendant.

3. The explanation part should indicate:

- a) the circumstances determined by the Constitutional Court;
- b) the proofs on which conclusions of the Constitutional Court are based;
- c) the motives on the bases of which the Constitutional Court rejects opposite convictions and proofs;
- d) the norms (provisions) of the Constitution of Georgia to which the disputed act corresponds or does not correspond;
- e) the norms of the Constitution of Georgia, the law "on the Constitutional Court of Georgia" and this law, by which the Constitutional Court was guided while taking judgement or conclusion.

4. The resolution part should include:

the decision of the Constitutional court on satisfying or rejecting fully or partially the Constitutional claim or the Constitutional submission;  
legal results of judgement or conclusion.

#### Article 33.

1. The judgement of the Constitutional Court of Georgia is enforced from the moment of its public announcement at the sitting.

Judgement of the Constitutional Court is published at the official printing body within the term of 7 days.

2. Originals of judgement are sent to the parties and copies of conclusion-to the authors of the Constitutional Submission and the appropriate officials indicated in clause "h" of article 19 of law "on the Constitutional Court of Georgia".

3. Originals of judgement and conclusion are necessarily sent to the President , the Parliament and the Supreme Court of Georgia.

#### Article 34.

1. The proceedings on the sitting of the Constitutional Court are formed by the Secretary of the sitting considering the case.

2. In the proceedings of the Court's sitting should be indicated:

date and place of the Court's sitting;

date of beginning and terminating the Court's sitting;

name of the Constitutional Court, judges participating in consideration of the case as well as the judges not participating in consideration of the case for some reason;

Secretary of the sitting;

name of the case;

information on participants, witnesses, experts, specialists and interpreters of the case and also on explanation of their rights and duties to them; orders of the chairman and decrees adopted by the Constitutional Court at the Court room;

statements and explanations of the participants of the case consideration;

depositions of witnesses, experts and specialists, affidavits published by the Constitutional Court .

3. The proceedings of the Constitutional Court are signed by the chairman and Secretary of the sitting.

**Article 35.**

1. Other rights for preparation of the cases for consideration and organisation of the Constitutional Court are determined by the regulations of the Constitutional Court.

2. The chairman of the Constitutional Court is obliged to submit the regulations of the Constitutional Court to the Plenum of the Constitutional Court for confirmation within 15 days after his/her election.

3. The regulations are considered confirmed, if at least 6 members of the Constitutional Court supported it during open balloting.

**Eduard Shevardnadze**

**the President of Georgia**

Tbilisi

March 21, 1996

N 159-11G.

**Decree of the Parliament of Georgia  
on enforcement of law of Georgia  
" on the Constitutional Legal Proceedings "**

The Parliament of Georgia determines:

Law of Georgia "on the Constitutional legal proceedings " should  
be enforced from April 15, 1996.

Zurab Zvania

The Chairman of  
the Parliament of Georgia

Tbilisi  
March 21, 1996  
N160 - 11G

**Law of Georgia  
on social guarantees to the members of the  
Constitutional Court.**

Article 1. The state is obliged to guarantee to the member of the Constitutional Court worthy conditions for the activity and life to ensure his/her independence according to part three Article 4 of Georgia's law of January 31, 1996 "on the Constitutional Court of Georgia".

The expenses of activity of the Constitutional Court of Georgia are envisaged in the state budget by a separate article on the basis of the submission of the Chairman of the Constitutional Court.

Article 2. While determining salary fund of the Constitutional Court of Georgia it should be taken into consideration that the pay for the position and a raise of the Chairman of the Constitutional Court of Georgia should not be less than the pay for the position and a raise of the Chairman of the Parliament of Georgia.

The pay for the position of the deputy-chairs and members of the Constitutional Court of Georgia is determined corresponding to 90-85 percent of the pay for the position of the Chairman of the Constitutional Court.

Article 3. The Chairman of the Constitutional Court of Georgia, his deputy-chairs, members of the Constitutional Court also enjoy raises for their qualifications and for years of service by the rights and norms determined by the legislation.

The procedure for appropriating qualification ranks to the members of the Constitutional Court is determined by law.

Article 4. An additional sum is assigned to the Constitutional Court of Georgia for additional expenses by the procedure determine by the legislation.

Article 5. A member of the Constitutional Court of Georgia enjoys annual remunerative vacation the duration of which is 45 calendar days; while on vacation a member of the Constitutional Court is given material assistance in amount of his/her two month's monetary remuneration.

Article 6. The member of the Constitutional Court enjoys all the privileges enjoyed by a member of the Parliament of Georgia, except as specified by this law and the Chairman of the Constitutional Court of Georgia and his deputy-chairs enjoy the same conditions as the Chairman of the Parliament of Georgia and his deputy-chairs correspondingly.

Article 7. The Chairman of the Constitutional Court, his deputy-chairs and members of the Constitutional Court while their mission abroad are given rise corresponding to 50,40 and 35 percent of daily remuneration.

Article 8. Any decrease of monetary remuneration or other material privileges to the member of the Constitutional Court within the whole period of his/her office term is impermissible.

Article 9. A member of the Constitutional Court of Georgia is provided with a life pension in the full amount of monetary remuneration on termination of his/her office term or reaching the pension age.

**Eduard Shevardnadze**

**The President of Georgia.**

Tbilisi,  
June 25, 1996  
N293-11G.

**Decree of the Parliament of Georgia  
on Georgia's law "on Social Guarantees  
to the Members of the Constitutional Court"**

Parliament of Georgia determines:

1. the words "from June 1, 1996" should be replaced with words "from July 1, 1997" in clause 3 of the decree of the Parliament of Georgia of January 31, 1996 "on enforcement of Georgia's law" on the Constitutional Court of Georgia";
2. to ask the President of Georgia to decide the issue of the location of the Constitutional Court of Georgia and in the budget year of 1997 take into consideration finances necessary for reconstruction and expansion of the building of the Constitutional Court in town Mtskheta;
3. this law should be enforced from the day of taking an oath by every member of the Constitutional Court of Georgia.

Zurab Zvania

the Chairman of  
the Parliament of Georgia

Tbilisi,  
June 25, 1996  
N 294-11G.