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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF GEORGIA

DRAFT CONSTITUTIONS

This document contains 3 alternative drafts of the Constitution of the Republic of Georgia :

- a. Draft of the Constitutional Commission
- b. Draft submitted by the Republican Party
- c. Draft submitted by the University of Tbilisi

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Draft of the Constitutional Commission of the Republic of Georgia.

April 25, 1994

CONSTITUTION OF GEORGIA

The people of Georgia based on historical traditions of the state of Georgia, striving for the maintenance of state independence, having wished to build a democratic society, to create a law-based state, to be party to the international acts on human rights and to provide peaceful coexistence with other countries, makes public and submits for enactment the following revision of the Constitution of 1921.

CHAPTER ONE

General Provisions

Article 1.

1. The people are the source of state power in Georgia. Power is exercised for the people and by the people.

2. The people exercise their sovereignty directly and through representative bodies.

3. The people decide resolve major issues by universal voting -- referendum. The order and conditions of referendum and elections are determined by law.

Article 2.

1. The state of Georgia is an independent, unified and indivisible democratic Republic.

2. State power in Georgia is exercised throughout the whole territory of Georgia.

3. The State exercises its functions through legislative, executive and judicial bodies. The guarantees of independence and mutually balanced activities of all the three branches of state power are determined by the Constitution.

Article 3.

1. The state recognizes and ensures the right of ownership, regardless of who is the owner.

2. The economy of Georgia is based on market relations. Private economic initiative is free.

3. The state implements antimonopolistic measures, to foster competition.

Article 4.

1. The Constitution is the supreme law of the state. Observance of the Constitution and the normative acts passed in accordance with it are obligatory for everybody.

2. Georgia recognizes and observes internationally recognized

norms and principles of international law. Legally signed and published international treaties are part of domestic laws. They have juridical force superior to other laws and normative acts.

3. Signing of international treaties containing provisions contrary to the Constitution, before the revision of the Constitution, are inadmissible.

Article 5.

The Georgian language is the state language of the Republic of Georgia, Georgian and Abkhazian in the territory of the region of Abkhazia.

Article 6.

The flag, coat of arms and anthem of Georgia is determined by law.

Article 7.

Tbilisi is the capital of Georgia.

CHAPTER TWO

Person and State

Article 8.

1. Georgian citizenship is acquired by birth, naturalization, or other principles determined by law.

2. A Georgian citizen cannot simultaneously be a citizen of any other state.

3. The state is obligated to protect and care for its citizens on its territory, and beyond its borders. The extradition or expulsion of citizens of Georgia to another state is prohibited, except when provided for by international treaties.

4. Law determines the order of acquisition and loss of citizenship.

Article 9.

Everyone throughout the whole territory of Georgia is equal before the law regardless of birth, race, gender, religion, political opinion, national, ethnic, social origins, wealth or other circumstances.

Article 10.

1. Human life is inviolable.

2. Capital punishment is prohibited.

Alternative:

The state insures the protection of the life of citizens. The use of capital punishment or the death penalty before its full abolition is permissible only for the commission of a crime against human life and health.

Article 11.

Everyone has the right of free formation of ones personality with respect to ones physical, moral and mental well-being.

Article 12.

Everyone enjoys full liberty of conscience and belief. Prosecution or restrictions of rights of persons based on belief or convictions is prohibited.

Article 13.

1. Every person is free to move and choose their place of residence.

2. Citizens of Georgia are free to leave the territory of Georgia or return without obstacles.

Article 14.

1. The freedom of humans is guaranteed. Detention or restriction of the freedom of persons in any way is prohibited without a well-founded legal decision of the court.

2. Everyone detained by authorized officials must be brought to the nearest court not later than 24 hours. The court is obligated to question the detained person within 24 hours, and within the next 24 hours either confirm the legitimacy of the detention or release the detained.

3. The judiciary body is obligated, in cases where a person has been arrested in violation of the established rules, to immediately investigate the case and confirm the arrest or release the person.

4. Every detained person shall have been explained promptly their rights and the reasons for detention. Every detained person has the right to the help of a barrister from the moment of his detention.

Article 15.

1. No one shall be found guilty for committing a crime unless his guilt is proved pursuant to law and a court decision which has entered into force.

2. No one is obligated to prove their innocence.

3. No one is obligated to give evidence against himself or his relatives, whose identities are determined by law.

Article 16.

1. Property is inviolable. The restriction of the right of ownership or confiscation of property is permissible only pursuant to law, public interest, with full and preliminary indemnification of the losses. The confiscation of property without indemnity is permitted only by court decision, and in cases of martial law or state of emergency, by the special order of the cabinet of ministers. Law determines the order and conditions of confiscation of the property.

2. The right of inheritance is guaranteed.

Article 17.

1. Every citizen has the right to participate directly in the

management of public affairs or through freely elected representatives. Every citizen of Georgia who has reached the age of 18 has the right to participate in elections of state and local self-governing bodies on the basis of universal, equal and secret voting. The right to participate in voting is withheld from persons who are declared incapable by court decision or are serving prison sentences in penitentiaries.

2. In accordance with the rules and circumstances of law, everyone has the right to receive and freely disseminate information, express and disseminate his own opinions orally, in writing, or in other manners. The law determines the list of information comprising state secrecy. Censorship is prohibited.

3. Everyone has the right to hold state, civic or military office, if the appropriate qualifications are met.

4. Every person has the right of public assembly without arms, indoors or outdoors, without prior permission. The law may impose some restrictions when holding meetings outdoors.

5. Everyone has the right to create public organizations and political associations and to take participate in their activity, in accordance with law.

6. The formation of political associations in the armed forces or other militarized organizations is prohibited. The law determines the order of creation and activities of civic associations.

Article 18.

The residence of every person is inviolable. The restriction of this right is permitted only pursuant to law and court decision.

Article 19.

1. The enjoyment of the rights and freedoms of one person must not violate the rights of others.

2. The use of rights against the unity of Georgia, or to propagate racial, national and religious hostility, violence an war is prohibited.

Article 20.

1. Everyone is guaranteed the protection of their rights and freedoms by court procedure.

2. Law determines the conditions and framework for restriction of basic rights and freedoms during the state of war or state of emergency.

3. Everyone is guaranteed full indemnification of the illegal losses caused by state officials in accordance with court procedure.

4. The basic rights and freedoms prescribed by the Constitution extend to juridical entities understood by rights and freedoms.

Article 21.

1. Everyone has the right to education. The state is obligated to provide free nationwide primary education.

2. The parents and state are obligated to provide education for minors.

3. The state shall provide assistance to state-run educational institutions within the framework of the law.

Article 22.

1. Labor is free and is the basis of the existence of society. The employment of citizens is a basic concern of the state.

2. On the basis of international treaties regulating labor rights, the state provides work for immigrants and protects the work of Georgians abroad.

3. The state provides for the social protection of citizens, cares for creation of minimal conditions for human existence, respecting their dignity.

4. Citizens who become unable to work will receive benefits from social insurance.

5. The unemployed will be given assistance in finding employment or by receiving social benefits.

6. The right to strike is guaranteed. The law determines their restrictions and conditions.

7. Citizens have the right to create trade unions and to take part in their activity in accordance with the law. The formation of trade unions in the armed forces and militarized organizations is prohibited.

8. Parliament or another authorized body is entrusted to suspend the guarantees of rights and freedoms in the whole or part of its territory, in accordance with martial law or a state of emergency.

Article 23.

1. Defense of the motherland is a duty of every citizen. Everyone is obligated to serve military or alternative service in accordance with order determined by law.

2. Everyone is obligated to protect the Constitution of Georgia and other legislative acts, respect the rights, freedoms and dignities of other persons. Ignorance of an act, issued in accordance with regulations, does not release a person from responsibility.

3. Everyone is obligated to pay all taxes determined by law.

4. The state protects the historical and cultural assets of Georgia. Everyone is obligated to protect and preserve the historical and cultural monuments of Georgia.

5. In order to provide a safe environment for health and by taking into consideration the public ecologic and economic interests, the state provides for protection of nature and rational use of resources.

Article 24.

1. Foreign nationals and stateless persons in the Republic of Georgia are subordinate to the jurisdiction of the Republic of Georgia and enjoy the rights and freedoms prescribed by law and international treaties.

2. The Republic of Georgia, in accordance with law and norms of universally recognized international law, gives refuge to foreign nationals and stateless persons.

3. The extradition of political exiles who found refuge on the

territory of the republic of Georgia, will be extradited to another state only in accordance with law and international treaties.

Article 25

Everyone has the right to write and speak in their native language. It is forbidden to obstruct the free development of any national minority of the Republic of Georgia, especially the management of their domestic national-cultural affairs.

Article 26

Every national group may bring action before a court on any violation of the rights of national minorities determined by the Constitution and laws.

Article 27

The sum allotted for education in multinational territorial units should be allotted proportionally by population for schools and cultural-educational establishments.

Article 28

Law determines the guarantees of the realization of rights and freedoms of national minorities.

CHAPTER THREE

Parliament of the Republic of Georgia

Article 29

1. The supreme representative and legislative body of the Republic of Georgia is the "The Parliament of Georgia" ("Darbazi" in Georgian).

2. Parliament, through passage of laws, determines the main directions of domestic and foreign policy, adopts the budget, supervises the executive activity of the Cabinet of Ministers and carries out other functions envisaged by the Constitution and legislation.

Article 30

1. The Parliament is composed of two chambers, the Council of the Republic and the Council of Representatives.

2. The internal structure of the chambers, order of work, and other matters are determined by the Constitution and the procedural rules, passed by the majority of the total number of members of each chamber.

Article 31

1. The Council of the Republic is composed of 120 deputies elected on the basis of universal, equal and direct right of vote and by secret and proportional voting for the term of four years.

2. A citizen of Georgia who has reached the age of 23 can be elected as a deputy.

3. The right to submit the list of candidates to the deputies of Parliament is entrusted to a political organization which has at

least five deputies in the Council of the Republic, and before its formation in the Parliament of Georgia, whose initiative is confirmed by 10,000 signatures of voters.

4. The regular elections of the Council of the Republic are held four years after the previous elections. If martial law or state of emergency are in force, elections are not held until the end of such.

5. Law determines the rules of the elections of deputies to the Council of the Republic.

Article 32.

1. The Council of Representatives is composed of representatives elected from the members of local representative bodies of the regions with a term of six-years.

2. Three representatives are elected from each region, but Adjara, Abkhazia and Tbilisi elect eight representatives.

3. A member of the Council of Representatives can be a citizen of Georgia who has reached the age of 30, with the right to vote, and has been a resident of that region from which he shall be elected for at least a year.

4. One-third of the members of the Council of Representatives will be renewed every two years.

5. Law determines the rules of the elections to the Council of Representatives.

Article 33.

1. The Council of the Republic elects by secret ballot the speaker and deputy speaker (or, chairman and deputy chairman) for the term of office of the chamber by a majority of the total number of members, and the Council of Representatives elects the chairman and deputy chairman.

2. The speaker of the Council of the Republic and the chairman of the Council of Representatives preside over the activity of their respective chamber, ensure the free expression of ideas, sign the acts adopted by their respective chamber and exercise other functions provided for by the procedural rules.

3. In cases of pre-term expiration of the authority of the speaker and chairman, their functions will be discharged by the deputies.

4. The chambers set up their own board composed of leaders of the chamber, their deputies and chairs of the standing commissions in order to preliminarily arrange working plans, agenda, and other organizational issues. One member from each fraction shall also be a member of the board of the Council of the Republic.

Article 34.

The Board of Parliament is set up to coordinate the work of chambers and for management of the staff of Parliament. The board is composed of the speaker of the Council of the Republic, his deputy, the chairman of the Council of Representatives, his deputy and the Chief of Staff of Parliament. The speaker of the Council of the Republic presides at the meeting of the board. The Board approves the structure of the staff of Parliament, appoints and relieves the members of the staff, and resolves other issues

entrusted to it.

Article 35.

1. The chambers create standing commissions for the preliminary drafting, to foster the carrying out the decisions of Parliament and to carry out general supervision of the activities of the executive bodies.

2. In cases envisaged by the Constitution and procedural rules, the chambers create temporary, investigative and joint commissions.

3. Only a member of Parliament can be a member of the Commission.

Article 36.

In order to foster the normal functioning of Parliament, the Board of Parliament appoints and relieves the Chief of Staff of Parliament and, by his nomination, confirms the structure of the staff and appoints the members of staff.

Article 37.

1. Not less than six deputies of the Council of the Republic can be united in a Parliamentary faction.

2. Formation of factions in the Council of Representatives is prohibited.

Article 38.

1. The authority of Parliament is:

- a) legislation;
- b) passage of the draft of the revised Constitution;
- c) the initiative of scheduling a referendum;
- d) general supervision of the executive branch;
- e) passage of the budget and supervision of its execution;
- f) determine taxes and dues of the Republic of Georgia;
- g) make domestic and foreign loans;
- h) ratification and renunciation of treaties signed with foreign states;
- i) declaration of war and the signing of truce;
- j) selection, appointment, approval and dismissal of officials, in accordance with the Constitution and organic laws;
- k) establishment of state awards, high military and special titles, diplomatic ranks and classes;
- l) determination of the basic principles of organization of regional and self-governing bodies.
- m) determination of monetary and credit policy.

2. Within the authority of Parliament are other rights entrusted by the Constitution and organic laws.

Article 39.

1. Within the authority of the Council of the Republic are:

- a) legislative regulation, except the issues within the joint competence of chambers and special authority of the Council of Representatives;
- b) appointment of the Prime Minister;
- c) declaration of confidence or no-confidence in the Cabinet

of Ministers;

- d) election of two members of the Constitutional Court;
- e) the appointment and release of the head of the Court of the Republic and its members, President of the National Bank, National Security Service, head of the investigative committee, head of the Chamber of Control and the chairman of state committee on human rights.
- f) declaration of war and the signing of truce;
- g) making state loans, minting of national currency, valuation of domestic and foreign currency.
- h) confirmation of introduction of martial law or state of emergency.
- i) institution of state awards, military or special titles, diplomatic ranks or classes.
- j) making impeachment charges against the President of the Republic and other officials determined by law;
- k) to delegate the legislative right to the Cabinet of Ministers.
- l) the solution of other issues envisaged by the Constitution or organic laws.

2. The decisions passed by the Council of the Republic on the above mentioned issues will not be submitted to the Council of Representatives for consideration if it is not stated by the Council of the Republic itself.

3. On the issues adopted by the Council of the Republic in the matters of a, g, h and j paragraphs of this article, will be submitted to the President of the Republic within seven days, who signs and publishes it in accordance with determined order and terms.

Article 40.

1. Within the exclusive competence of the Council of Representatives are:

- a) the solution of the issues regarding the territorial settlement of the country;
- b) determination of the setting up and order of creation and competence of regional and district state management bodies;
- c) resolution of issues regarding the territorial boundaries of the regions;
- d) ratification and renunciation of international treaties with foreign countries, except the treaties within the joint competence of both chambers;
- e) confirmation of regional judges;
- f) election of two members of the Constitutional Court;
- g) consideration of impeachment charges brought against the President and other officials determined by law and drawing a final decision on it.
- h) other issues prescribed by the Constitution and organic laws.

2. The decisions made by the Council of Representatives on the above mentioned issues shall not be considered by the Council of the Republic if it is not determined by the Council of Representatives itself.

3. The bills adopted by the Council of Representatives on a,

b, and d of the first part of this article, is submitted within seven days to the President of the Republic, who signs and publishes it within the determined order and terms.

Article 41.

1. Within the joint competence of the Council of the Republic and the Council of Representatives are:

a) passage of the revised draft of the Constitution;
b) resolution of issues regarding territorial boundaries and intra-territorial changes.

c) passage of organic laws.

d) ratification and renunciation of the international treaties on becoming a contracted party to intra-governmental and intra-state unions.

e) passage of the budget of the Republic of Georgia.

2. The decisions within the competence of both chambers is considered passed if it was supported by two-thirds vote of the total number of members of each chamber.

3. The issues within the joint competence of both chambers are first considered by the Council of the Republic and, in case of approval of the bill, it is submitted to the Council of Representatives within seven days.

4. The Council of Representatives within seven days votes for the draft approved by the Council of the Republic. In cases of approval by the Council of Representatives on the issues prescribed in article 44.1.a, a referendum is scheduled. In other cases, the law is considered approved by Parliament and submitted to the President of the Republic who signs and publishes it within the determined order and terms.

5. In cases of rejection of the bill by the chamber of Representatives, within seven days on a par basis is created a joint reconciliation committee of the chambers. The committee submits the compromise draft to the Council of the Republic within seven days which votes for the draft within seven days and in cases of approval submits it to the Council of Representatives. If the Council of Representatives rejects the bill again, the Council of the Republic, by a three-fourths majority of the total number of members, can confirm its previous decision and pass it over to the President of the Republic for signing and publishing.

6. Organic law determines the terms and order of passage of the law on state budget.

Article 42.

1. Parliament, in order to carry out its functions, can pass drafts of Constitutional law, organic or ordinary law, regulation, announcement or application.

2. A law is constitutional which envisages general or partial revision of the Constitution. A constitutional draft is considered passed if it was supported by 2/3 of the total number of the members of both chambers. It enters into force only after its approval on the referendum by the majority of the voters.

3. The law is organic if its passage is envisaged by the Constitution or is derived directly from the draft of the Constitution. Organic law is considered passed if it was supported

by three-fifths of the total number of members of chambers.

4. The law is ordinary if it is passed on the basis of Constitutional or organic law. It is considered approved if it was supported by the majority of the total number of members of the chamber.

5. Other acts are considered passed if they were supported by the majority of participants in the voting.

Article 43.

1. The legislative initiative in the Parliament of Georgia is vested in the member of Parliament, President of the Republic, Cabinet of Ministers, Parliamentary faction, the highest representative body of a region, or 5,000 voters.

2. Law and rules procedure of Parliament determine the order of submitting to and considering a bill in the Parliament of Georgia.

Article 44.

1. Before entering into force, bills are submitted to the President of the Republic, who within two weeks either signs and publishes the laws, or on the basis of the modified remarks, demands the revision of the bill.

2. If the chamber or chambers, by a three-fifths majority of the roll call, confirms its prior decision, the President of the Republic is obligated to immediately sign and publish the law.

3. If the President of the Republic does not return the bill for reconsideration within two weeks after it was passed, it becomes a law in the same order as the bill signed by the President of the Republic.

Article 45.

Upon the written demand by 300,000 voters, a chamber or chambers, within the competence of which is the issue of a referendum or holding a referendum, submits the bill to the public.

Article 46.

1. The Council of the Republic, as of right, convenes sessions twice per year -- spring and fall sessions. The fall session begins on the second Tuesday of September and concludes on the third Saturday of December of the same year. If the budget is not approved by the end of the fall session, it is extended until the passage of the budget. The spring session begins on the first Tuesday of February and lasts until the last Saturday of June of the same year.

2. The speaker of the Council of the Republic, upon the request of the President of the Republic, at least one-fourth of the deputies or by his own initiative, may invite a chamber to an extraordinary session to resolve issues previously announced at a sitting. If the issue to convene a sitting is not issued within 48 hours after the demand, the chamber may convene as of right.

3. The Council of the Republic is authorized to vote on issues if, in accordance with orders stated by law, the authority of two-thirds of the total number of members is recognized and more than

CHAPTER FOUR

The President of the Republic

Article 55.

1. The President of the Republic of Georgia is the head of the state. He represents the country in domestic and foreign relations, is a guarantee of protection of the rights and freedoms of people, is obligated to provide for the independence and territorial integrity of the country, and coordinate the functioning of state bodies.

2. The President of the Republic is the Commander in Chief of the armed forces.

Article 56.

1. The President of the Republic is elected by universal, equal right to vote with secret ballots with a term of four years (alternative: 5 years). One and the same person can serve only two consecutive terms for the President of the Republic.

2. The President of the Republic can be a citizen of Georgia by birth, who by the day of the elections has come to the age of 35, has lived in Georgia 20 years and lives in Georgia on the day of the elections.

3. The right to nominate a candidate to the Presidency is vested in a political organization (political organization which for the day of the election of the President has not less than five seats in Parliament) or an initiative group whose candidacy will be confirmed by 50,000 signatures of voters.

4. The first round of the elections of the President is held on the ninth of April. A candidate for whom voted at least three-fifths of the participants in the elections shall be elected President. The elections are considered held if more than half of the constituents participated in it and they voted for at least two candidates.

5. If the Constitutional Court declares the elections to have not been held or neither of the candidates received enough votes, then two weeks later the two candidates having the best showing at the joint sitting of Parliament, without debates, by secret ballot, by simple majority, elects the President of the Republic. In case of splitting the votes, priority is given to the candidate having the best showing in the first round.

6. The office of the President of the Republic cannot be combined with other paid offices or activities.

7. Law determines the order and conditions of the election of the President of the Republic.

Article 57.

Before holding an office, on the 26th of May, the newly elected President of the Republic takes an oath at the joint sittings of chambers of Parliament: "I swear to honestly serve the interests of Georgia, to protect democracy, the Constitution and laws of the country, human rights, unity of the country, territorial integrity and independence."

Article 58.

1. The President of the Republic;
 - a) signs international treaties and agreements;
 - b) appoints ambassadors and other diplomatic agents, receives ambassadors and other diplomatic agents;
 - c) appoints two members of the Constitutional Court, high military officials, judges of the local courts, and heads of the regional administrations;
 - d) appoints the Prime Minister, and submits his candidacy to the Council of the Republic for confirmation;
 - e) appoints and relieves ministers by Prime Minister's nomination;
 - f) submits the candidacies for the head of the Court of the Republic and its members, the President of the National Bank, the head of the National Security Services, the heads of the Central Statistical Service and Chamber of Control to the Council of the Republic for confirmation;
 - g) submits the candidacies for the heads of the regional courts and its members to the Council of Representatives for confirmation;
 - h) schedules referendum by the joint decision of the chambers, demand of the electorate, or on his own initiative;
 - i) declares martial law or state of emergency, either on the whole territory of Georgia or its parts and submits the decision to the Council of the Republic for approval;
 - j) signs and publishes the laws passed by chamber or Parliament, has the right to suspend them; the right to use a veto of suspension during the martial law or state of emergency is prohibited;
 - k) convenes the meetings of the Cabinet of Ministers if needed and presides over it;
 - l) solves the issues with regard to the citizenship of Georgia;
 - m) has the right of amnesty and pardon;
 - n) on the basis of the decision of the Constitutional Court, his own initiative, dissolves the Council of the Republic. The use of this right during a state of emergency or martial law is prohibited. The President of the Republic provides for holding extraordinary elections to the Council of the Republic not earlier than 30 and not later than sixty days after dissolving it. Dissolution of the newly elected Council of the Republic within six months after the elections is prohibited;
 - o) institutes state rewards, high military and special titles, high diplomatic ranks.
2. When carrying out his authority, the President of the Republic issues decrees and regulations.

Article 59.

1. The President enjoys personal immunity. His detention or bringing criminal proceedings against him is prohibited when holding an office.
2. In cases of severe violation of the Constitution or of

organic laws or state treason, Parliament can dismiss the President from the office by impeachment. In this case, the chambers make decisions separately, by two-thirds of the majority of the total number of members.

3. Law determines the order and conditions of dismissing the President of the Republic from his office by impeachment.

Article 60.

1. In cases of pre-term expiration of the authority of the President of the Republic, or his inability to carry out his duties, the Prime Minister acts as President; or in case of the Prime Minister's disability to perform such -- the head of the Council of Representatives.

2. The acting President of the Republic of Georgia has no right to dissolve the Council of the Republic and use the veto of suspension.

3. The acting President of the Republic provides for holding the elections of President within three months from the moment of taking the office.

Article 61.

The President of the Republic twice a year reports to the joint sitting of Parliament on major domestic and foreign affair issues.

CHAPTER FIVE

The Cabinet of Ministers

Article 62.

1. The government -- the Cabinet of Ministers -- lead the executive powers of the Republic of Georgia.

2. The Cabinet of Ministers is composed of the Prime Minister, vice-Premier, and ministers. By the office, vice-Premier becomes the head of the high executive bodies of the regions with special status -- Adjara and Abkhazia.

3. Law determines the structure of the Cabinet of Ministers, its creation and order of activities.

Article 63.

1. The Cabinet of Ministers leads the domestic and foreign policy of the country, provides for the security of the country, public order, and the effective use of state resources, for which it:

- a) drafts and implements the state budget;
- b) provides for the unified monetary-credit policy of the country;
- c) carries out measures to provide unified state policy, determined by law in the fields of culture, health protection, social insurance and ecology;
- d) manages the property of the Republic of Georgia in accordance with law;

e) is responsible for maintenance of legality and order and rights and freedoms of people;

f) carries out duties entrusted to him by the Constitution and legislation.

2. The head of the government -- prime-minister -- determines the basic directions of the activities of the Cabinet of Ministers and other executive bodies, organizes the work of government. The resignation of Prime Minister, death or inability to discharge his duties causes the resignation of government.

Article 64.

1. The President submits for confirmation a candidate for Prime Minister to the newly elected Council of the Republic, not later than two weeks from the moment of the commencement of the Council's activities. The Prime Minister can be only a member of the Council of the Republic.

2. The President appoints the ministers by Prime Minister's nomination.

3. The Prime Minister submits to the Parliament the program of the government and the composition of the Cabinet to receive its confidence on the government.

4. The Cabinet of Ministers is authorized to commence its work if the issue of confidence was supported by more than half of the members of chambers in both chambers of Parliament.

5. In case of rejection of the candidate for, or loss of confidence in, the Prime Minister, the procedure for formation of the Cabinet of Ministers is repeated.

Article 65.

1. The Prime Minister can submit to the Council of the Republic an issue of confidence on the government. Confidence is considered confirmed if it was supported by more than half of the members of chambers.

2. The President of the Republic, a Parliamentary faction of a chamber, or one-fifth of the deputies, can submit an issue of no-confidence on the Cabinet of Ministers to the Council of the Republic. A well-founded resolution of no confidence is declared adopted if it was supported by more than half of the members of the chambers, and by two-thirds within six months after a confirmation of confidence in the Cabinet.

3. In case of adopting a resolution on no confidence, the Prime Minister submits to the President the application on resignation of the Cabinet.

Article 66.

1. On the basis of the Constitution of the Republic of Georgia, laws, and acts of the President of the Republic and for their enforcement, the Cabinet of Ministers issues provisions and the Prime Minister issues decrees.

2. The Prime Minister signs the acts of the Cabinet of Ministers together with the Minister within whose competence the issue falls.

Article 67.

Other members of the Cabinet of Ministers, except the Prime Minister, cannot simultaneously be members of Parliament, members of local self-governing bodies and hold other paid offices.

Article 68.

1. The Cabinet of Ministers, in accordance with law, submits a report on its activities to the President and Parliament.

2. Members of the Cabinet of Ministers are obligated to respond to written or oral questions raised by members of Parliament if there is a demand for such.

CHAPTER SIX (variant worked out the by Secretariat, with fragments of other drafts; second variant below)

The Judiciary

Article 69.

1. The judiciary power in the Republic of Georgia is carried out by an independent court in the form of Constitutional review and justice.

2. The judiciary power provides for the protection of supremacy of the Constitution of Georgia, rights of juridical entities, freedoms and rights of people.

3. The Court draws a decision in the name of the Republic of Georgia.

4. Organization, jurisdiction and competence of courts is determined by law. Creation of special courts or assigning functions of the court to non-court bodies is prohibited.

Article 70.

1. Judiciary power in the Republic of Georgia is exercised by the Constitutional Court of the Republic of Georgia, the courts of the Republic of Georgia, Supreme Court of Abkhazia and Adjara, regional courts and courts in Tbilisi, local and military courts.

2. The creation of special courts or assignment of judiciary functions to non-judiciary bodies is prohibited.

3. Military courts adhere to the procedure determined for other courts.

Article 71.

1. A judge of the Republic of Georgia, member of the Constitutional Court, and member of the board of justice, can be a citizen of the Republic of Georgia who has attained the age of 30, who has higher legal education, at least five years experience in this field, and is in command of the legal language.

2. A judge is independent in carrying out his activities, and adheres only to law and justice. He conducts the trial in accordance with his conscience on the basis of valid evidence and pursuant to law without constraint and intrusion.

3. The office of the judge cannot be combined with other paid offices, except pedagogical activities. A judge cannot be a member

of a political organization.

4. The independence of a judge is guaranteed by his special rule, by his selection, appointment or election, immunity, and dignified conditions of labor payment.

5. Bringing criminal proceedings against the member of the Constitutional Court and Court of the Republic, detention or arrest, is permissible only by consent of the Council of the Republic, except when he is caught in the commission of a crime, of which the Council of the Republic must be notified immediately.

Article 72.

1. Consideration of every case is public. Consideration of a case at a closed sitting is possible only in cases determined by law.

2. Every decision of and sentence by the courts is made public.

3. When considering a case at court, the parties enjoy equal rights.

Article 73.

1. Justice in the Republic of Georgia is carried out in the Georgian language, in Abkhazia -- in Georgian and Abkhazian languages.

2. Every person participating in a case who does not have command of the legal language of the court is provided with an interpreter.

Article 74.

1. Justice throughout the whole territory of the Republic of Georgia is managed by the Court of the Republic, which is elected by the Council of the Republic.

2. The Court of the Republic of Georgia, in accordance with a determined procedure:

a) supervises the enforcement of justice at every ordinary court of Georgia.

b) manages part of the court as a court of appeal.

c) considers the cases determined by law in the first instance.

3. The chairman of the Court of the Republic is elected by the Council of the Republic from the members of the Court of the Republic.

4. Members can be relieved from office only by impeachment.

Article 75.

1. Regional Courts are created in every region which for local courts are courts of appeal.

2. The city courts of Tbilisi enjoy the status of regional courts.

3. Regional Courts by first instance consider military and other cases prescribed by law.

4. The head and members of the Regional Courts are appointed by the Council of Representatives by nomination of the President of the Republic.

Article 76.

1. Local courts in the first instance consider criminal, civil, administrative and other cases prescribed by laws.
2. The judges of local courts are appointed by the President of the Republic.

Article 77.

1. Constitutional supervision in the Republic of Georgia is carried out by the Constitutional Court of the Republic of Georgia.
2. The Constitutional Court is composed of eight members appointed with a term of ten years. Two members each are appointed by the Council of the Republics, Councils of Representatives, president of the Republic, and the Court of the Republic of Georgia. The Constitutional Court from its members elects the head of the Constitutional Court with a term of five years.
3. A member of the Constitutional Court is a citizen of Georgia who has attained the age of 50 with highest legal education, who has ten years experience as a judge or lawyer, or at least 10 years experience at a private educational or scientific institution.
4. The pre-term discharge of the members of the Constitutional Court is permissible only by impeachment in accordance with law.
5. Law determines the order of activity and organization of the Constitutional Court.

Article 78.

1. The Constitutional Court is authorized to:
 - a) determine the appropriation of international treaties of Georgia, acting legislation, acts of the President of the Republic and the Cabinet of Ministers, to the Constitution of the Republic of Georgia by the demand of the Council of Representatives, President of the Republic, Cabinet of Ministers and Court of the Republic of Georgia.
 - b) consider and resolve disagreements about authority between the highest bodies of the Republic of Georgia, between high and local self-government bodies of the Republic of Georgia, between different regions. The initiative of bringing an action is vested in the Council of the Republics, Council of Representatives, President of the Republic, Prime Minister, representative bodies of the regions and local self-governing bodies.
 - c) consider and resolve disagreements in regard to the elections of the President of the Republic, and members of Parliament. The right of an initiative is vested in chambers of Parliament, the President of the Republic, political organizations participating in elections, 5,000 constituents.
 - d) interpret provisions of the Constitution of the Republic of Georgia on the basis of an appeal of the chambers of Parliament, President of the Republic and Prime Minister.
 - e) resolve other issues prescribed by the Constitution.
2. On the issues given in parts 1.a, 1.b, and 1.c of this article, the decision made by the Constitutional Court is final, and its observance is obligatory throughout the whole territory of Georgia. Explanations prescribed in 1.d of the article are of a recommended character.

3. When considering an appropriate case by an ordinary court a participant to a case submits a question on the constitutionality of the appropriate laws and other acts, the court suspends the consideration of the case and brings an action to the Constitutional Court, which within the terms determined by law, makes decisions on the constitutionality of the acts.

Article 79.

1. The Board of Justice is composed of eleven members. Among them the head of the Court of the Republic, minister of justice of the Republic of Georgia, heads of the highest courts of Abkhazia and Adjara, are ex-officio members of the board of justice by their office. Other members of the board of justice on nomination by the head of the Court of the Republic of Georgia, who simultaneously is the chairman of the board of the justice with the term of eight years is appointed by the President of the Republic from judges and lawyers.

2. The Board of the Justice:

a) selects the candidacies of those judges who are appointed by the President of the Republic without consent of Parliament.

b) considers and resolves the issues of disciplinary responsibility of the judges of ordinary courts.

c) submits to the Council of the Republic an issue of discharging the judges of the courts of the Republic of Georgia by impeachment.

3. Law determines the order of activity and organization of the board of justice.

Article 80.

1. Public prosecutor's office in the Republic of Georgia is a part of the court system.

2. The public prosecutor's office of the Republic of Georgia is managed by a prosecutor of the Republic of Georgia who, with a term of five years, on the nomination of the President of the Republic, is appointed by the Council of the Republic.

3. Public prosecutor's office of the Republic of Georgia:

a) carries out court supervision when investigating criminal cases.

b) supports state prosecution in court.

c) appeals to court on anti-law decisions of the officials and bodies determined by law.

4. Law determines the order of the activity and organization of the prosecutor's office of the Republic of Georgia.

CHAPTER SIX (version of the working group)

Judiciary Power

Article 69.

The judiciary power in the Republic of Georgia is exercised by an independent court in the form of justice and constitutional revision.

Article 70.

The judiciary power provides for the supremacy of the Constitution of Georgia, rights of juridical entities and their legal interests, and rights and freedoms of the people.

Article 71.

Justice in the Republic of Georgia is exercised by the Supreme Court of the Republic of Georgia, high courts of the autonomous republics of Abkhazia and Adjara, regional district (town) courts and military courts. Military courts adhere to the determined procedure for ordinary courts. Creation of special or extraordinary courts or the courts which do not adhere to the procedure of ordinary courts is prohibited. Creation of a specialized court is permissible only in cases prescribed by law.

Article 72.

Decisions are made by courts in the name of the Republic of Georgia. The decision of the court is obligatory throughout the whole territory of the Republic of Georgia. The law of the Republic of Georgia on courts determine the competence and organization of judiciary power.

Article 73.

A judge in the Republic of Georgia can be a citizen of the Republic of Georgia who has attained the age of 30, has legal education, at least five years experience of work in the field, and is in command of the legal language. Judges are independent and obey only the law. The judges decide cases by their inner convictions on the basis of valid evidence and in accordance with law. Any constraint on the court, direct or indirect intrusion on its activities, is prohibited. No one has the right to demand from the judge an explanation or report on an appropriate case. A judge cannot be a member of any political organization; creation of political organizations and their functioning in court is prohibited.

Article 74.

Independence of a judge is guaranteed by a special order of his elections, appointment or selection, immunity and tenure, and dignified conditions of payment. Discharge or dismissal of a judge is permissible only in cases and order prescribed by law. The state budget shall envisage in a separate article obligatory expenditures needed for appropriate functioning of courts.

Article 75.

Consideration of cases at every court is public. Consideration of a case at a closed sitting is possible only in cases and order determined by law. Court decision is made public.

Article 76.

Parties enjoy equal rights when considering a case in court. Restriction of the rights granted by law to the physical or juridical entities and parties to a case is prohibited.

Article 77.

The Court is obligated to not encroach upon the dignity and respect of people by its activities.

Article 78.

Justice in the Republic of Georgia is carried out in the Georgian language. In the autonomous republic of Abkhazia, in Georgian and Abkhazian languages. Participants in a case who are not in command of the legal language are provided with an interpreter.

Article 79.

The judiciary power in the Republic of Georgia is managed by the Supreme Court of the Republic of Georgia, which is elected by the Parliament of the Republic of Georgia. In accordance with a determined procedural form, the Supreme Court of the Republic of Georgia:

- a) supervises enforcement of justice in every court of the Republic of Georgia;
- b) carries out general Constitutional revision;
- c) considers the cases determined by law in first instance.

Article 80.

Constitutional supervision by the Supreme Court of the Republic of Georgia involves the whole territory of the Republic of Georgia. The Supreme Court, by order of constitutional supervision is authorized to determine whether the following are appropriate to the Constitution of Georgia:

- a) laws of the Republic of Georgia, other normative acts and bills;
- b) decisions taken by local self-governing bodies;
- c) international treaties and agreements signed in the name of the Republic of Georgia, not being enforced. If when considering an appropriate case, the court sees that appropriate law or other normative acts are unconstitutional, it suspends consideration of the case and brings an action on it to the Supreme Court of the Republic of Georgia, which is obligated within terms determined by law, in a Constitutional revision, to determine and solve the issue.

Article 81

The Supreme Court of the Republic of Georgia, in constitutional supervision, considers:

- a) disagreements on authority between legislative and executive powers, central power and the powers of the autonomous republics;
- b) charges against high officials of the Republic of Georgia brought by the Parliament of the Republic of Georgia on state treason or deliberate violation of constitutional demands. Law determines the order and conditions of an appeal to the Supreme Court of the Republic of Georgia on constitutional revision.

CHAPTER SEVEN

State Supervision

Article 82.

1. The highest body of financial-economic and industrial supervision in the Republic of Georgia is the Chamber of Control of the Republic of Georgia.

2. The chairman of the Chamber of Control of the Republic of Georgia is appointed by the Council of the Republic, by nomination of the President of the Republic, with a term of four years (alternative: five years).

Article 83.

Bodies of state control, in order to determine the expedient use of state budget:

a) carry out the supervision of financial-economic activities of state organizations, enterprises, institutions and their officials;

b) supervise the activity of juridical and physical entities which is directly connected to the use of state property;

c) inspect financial-economic activities of political and public organizations, bodies of local self-government and officials, within the framework determined by law.

Article 84.

1. The Chairman of the Chamber of Control of the Republic of Georgia can be discharged from the office only by impeachment.

2. Bringing an action against the chairman of the Chamber of Control in the Republic of Georgia, detention or arrest, search of his dwelling and person, is permissible only by the consent of the Council of the Republic.

CHAPTER EIGHT

State Defense

Article 85.

1. Every citizen of the Republic of Georgia is obligated to serve in the Georgian armed services.

2. The obligation of the armed forces is the protection of territorial integrity of Georgia and performance of obligations prescribed by international treaties.

3. Law determines the term of military service, of military doctrine, and the structure of armed forces.

Article 86.

1. The Council of the Defense is created to provide military build-up in Georgia and direct the defense of the country, with the President of the Republic - Commander-in-Chief of the armed forces of Georgia as chairman.

2. The Council of the Defense is composed of the President of the Republic, Prime Minister, Minister of Defense, Commander of General Headquarters of the armed forces, and the head of the

Public Security Service. The Council of Representatives, by the nomination of the President of the Republic, can appoint three members of the Council of the Defense.

Article 87.

Law determines the order of activity and competence of the Council of Defense.

CHAPTER NINE

State Finances

Article 88.

1. The budget of the Republic of Georgia is the main financial plan of the Republic which envisages every expenditure and revenue of the state, as well as their balance (appropriation?).

2. Law determines the general order of drafting of the state budget, its passage and execution.

Article 89.

1. The budget of the Republic of Georgia shall be drafted by the Cabinet of Ministers of the Republic of Georgia, and is submitted to the Georgian Parliament for passage at least three months before the expiration of the current fiscal year.

2. The government, together with the bill on the budget, shall submit to the Parliament a preliminary report on execution of the budget of the current year.

Article 90.

1. In accordance with order determined by article 41 of the Constitution, Parliament is obligated to pass the state budget not later than ten days before the beginning of the new fiscal year.

2. If the executive budget is not passed before the beginning of the new fiscal year, then the previous fiscal year's budget automatically is extended for two months, within which time the passage of new budget is obligatory. If the Parliament cannot pass the executive budget within the term, the cabinet of ministers submits the bill on budget to the President of the Republic and asks him to dissolve the Council of the Republic.

The President of the Republic signs the budget, publishes it in the form of a decree, dissolves the Council of the Republic and schedules new pre-term elections.

The Cabinet of Ministers submits the full report on the execution of the state budget to Parliament not later than three months after the expiration of the previous fiscal year.

Article 91.

1. Issues considered by Parliament which will result in reduction of state revenues cannot be adopted without consent of the Cabinet of Ministers.

2. Issues on raising state expenditures can be adopted only by the consent of the Cabinet of Ministers only in cases where the sources are envisaged to cover them and an appropriate commission

of the Council of the Republic consider them valid.

Article 92.

1. Making state loans or assuming financial obligations is impossible without consent of the Council of the Republic.

2. Law determines the order of naming money, its circulation, clearance, and issuance.

Article 93.

The executive budget of Georgia must not determine new taxes. Determination of taxation system and its revision is permissible only in accordance with an appropriate law.

CHAPTER 10

Territorial Settlement and Local Self-Government

Article 94.

1. The territory of Georgia is composed of villages, communities, towns and the territory of a city (the first level of territorial units), which make the territories of districts (settlements), and regions (middle level of territorial units).

2. In order to carry out the authority of people, at the level of villages, communities, settlements, towns and cities, is created a system of local self-government.

3. In order to carry out state management, in the regions are created regional administrations, in districts -- board of administration. The representative bodies of the regions, organs of self-government and officials, carry out some state obligations.

4. Revision of territorial division of Georgia, the change of boundaries of territorial units, is carried out only in accordance with order determined by law. The initiative to make an appropriate regulation is vested in the chamber of representatives.

Article 95.

1. Having envisaged the historical development, social-economic state, geographic location, several regions are created in Georgia; Abkhazia, Adjara, Guria, Imereti, Kakheti, Meskheta, Mtianeti, Racha-Lechkhumi, Samagrelo, Svaneti, Kartli.

2. Tbilisi city, with its territory of a capital, enjoys the status of a region.

3. The creation of a new region is possible only by the approval of both chambers of Parliament and approval at the referendum. The initiative of drafting an appropriate bill is vested in the Council of Representatives.

4. The legal status of every region is determined by the law of the Republic of Georgia on an appropriate region.

5. The laws on regions must determine: a) its name; b) its territorial boundaries; c) the basis of the organization of the regional and local bodies, their order of work and competence.

Article 96.

1. Regions of Abkhazia and Adjara enjoy the special status of self-settlement.

2. The legal state of the regions with special status is determined in appropriate laws. Their drafts (of the laws), before being considered in the Parliament, should be approved either by the highest representative body of an appropriate region or by a referendum held there.

3. The Abkhazian language can be granted the status of state language in the region of Abkhazia.

4. The special status shall not envisage economic or social privileges.

Article 97.

1. Within the competence of the regional bodies can be:

- a) passage of the budget of the region on the basis of the budget of the Republic, its enforcement, execution and supervision;
- b) justice, legality and maintenance of order and justice;
- c) development of energy and mining industry;
- d) social provision for the population, health protection, and sanitation;
- e) roads of local importance, ports, and airports;
- f) nature protection, the use of natural resources;
- g) museums, historical monuments, and tourism;
- h) provision of food supply;
- i) protection and care of land, forests, water and natural reserves.

2. In order to ensure the right of self-settlement of Abkhazia and Adjara by an appropriate law they can be granted the right of solution of other issues.

3. The appropriate state or self-government institutions can be created in order to resolve the issues mentioned above.

Article 98.

1. The Regional Council is the highest representative body of the region.

2. The Regional Councils are composed of the members delegated proportionally to the population of the inhabited unit from the members of the bodies of local self-governments.

3. In the regions of special status may be envisaged a different order of elections to the representative bodies of the region by law.

4. Upon the basis of a decision by the Constitutional Court, upon submission by the President of the Republic to the Council of Representatives, the representative body of a region can be dissolved by the Council of Representatives for activity contrary to the Georgian Constitution or severe violation of laws.

5. The order of creation and activity of the Regional Council is determined by law and regulations passed by it.

Article 99.

1. The management of the region is led by the head of the administration of the region, who is appointed with a term of four years by the President of the Republic.

2. The head of the administration of the region appoints the

officials of the administration, has the right of suspending the acts of the officials and the bodies of self-government and the right to pass them to the court for final decision.

3. The law determines the order of activities and organization of the administration of the region.

Article 100.

1. The state management and state executive activities in regions are carried out by the board of the region. The head of the board, by nomination of the head of the administration of the region, is appointed by the President of the Republic.

2. Law determines the order of the organization and activity of the board of the region and its head.

Article 101.

1. Public management of common affairs at the level of the villages, settlements, communities and towns, are carried out by self-government, without encroachment on state sovereignty. The population carries out self-government directly or through elected representative bodies.

2. The representative bodies of local self-governments in the Republic of Georgia are councils of villages, settlements, towns. In inhabited places where the population is less than 200, the public meeting acts as the council.

3. The electorates of villages, settlements, communities and towns, elect the leaders (the head of the village, the "Mamasakhlisi," the mayor, etc.). The elected leader at the same time is the chairman of the council and the head of municipal property.

4. Bodies of self-government, independently determine local taxes and dues, approve local budget, maintain public order and solve other issues of local importance.

5. The board of representatives determines the principles and underpinnings of carrying out self-government.

Article 102.

Only the court has the right to annul the decisions of the local self-government representative bodies.

Article 103.

The right to pre-term dissolution of the representative body of local self-government is vested in the President of the Republic, with the consent of the Senate, with the motive of state security or in case the representative body: a) does not act or cannot provide for systematic decision-making; b) systematically and severely violates the legislation of the Republic.

CHAPTER ELEVEN

Revision of the Constitution

Article 104.

The initiative of revision of the Constitution is vested in:

- a) the President of the Republic;
- b) half of the members of the Council of the Republic;
- c) half of the members of the Council of Representatives;
- d) fifty-thousand voters.

Article 105.

1. The draft of the revised Constitution is submitted to the board of Parliament, its consideration in chambers begin six months after its submission.

2. The board of Parliament publishes the draft and provides for its universal consideration.

3. The chambers should make decisions on the revised draft of the Constitution not later than one month from the moment of its consideration.

Article 106.

The decision on the revised draft of the Constitution and the scheduling of a referendum is considered approved if two-thirds of the total number of the members of each chamber supported it.

Article 107.

1. Law on revision of the Constitution enters into force if it was supported by the majority of those who participated in the voting.

2. The referendum is considered held if two-thirds of the voters registered participated in it.

Article 108.

The President of the Republic publishes the results of the referendum and the new draft of the Constitution in the event it is approved.

Article 109.

Revision of the Constitution is not permitted during the state of emergency or state of war.

DRAFT SUBMITTED BY THE REPUBLICAN PARTY

THE CONSTITUTION OF GEORGIA

Adopted on February 21, 1921, and revised version adopted on . . .

PREAMBLE

The project of the Georgian Constitution was worked out on the initiative of the Georgian Republican Party, and after consideration, on the decision of the national committee, was submitted to the State Constitutional Committee on January 19, 1994.

The authors of this draft:

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Vakhtang Tordia, acting head of the Supreme Court of the Abkhazian Autonomous Republic, member of the State Constitutional Committee, and a candidate of juridical sciences.

CHAPTER 1

General Provisions

Article 1.

Georgia is an independent, democratic and law-based state.

Article 2.

(1) National sovereignty is vested in the people, who exercise power either through their representatives or through referendum.

(2) No group or person has the right to assume power over the nation.

Article 3.

Georgia is a parliamentary republic.

Article 4.

(1) The Republic of Georgia is a united and indivisible state.

(2) Territorial division of power is carried out by demarcation of authority between the central and local organs of power.

Article 5.

The Republic of Georgia recognizes and observes the rights and freedoms of people recognized by the whole civilized world and granted by God. Government is restricted by these rights and freedoms and by acting law and order.

Article 6.

(1) The state language of the Republic of Georgia is the Georgian language, and in Abkhazia -- the Georgian and Abkhazian languages.

(2) The capital of the Republic of Georgia is Tbilisi.

(3) The state symbols of the Republic of Georgia are determined by law.

CHAPTER 2

Citizenship

Article 7.

(1) In the Georgian Republic is established single citizenship.

(2) A citizen of the Republic of Georgia cannot simultaneously be a citizen of another state.

Article 8.

(1) No one may be deprived of their citizenship.

(2) The expulsion of citizens from the Republic of Georgia is prohibited.

(3) Extradition of a citizen of the Republic of Georgia to another state is prohibited except cases defined by international treaties.

Article 9.

Law determines the order of naturalization, preservation and loss of citizenship.

Article 10.

The law determines the legal status of the nationals of other states and of stateless persons.

CHAPTER 3

Basic Rights and Freedoms: the Rights of the People

Article 11.

- (1) Everybody enjoys the freedom of conscience.
- (2) Expulsion and restrictions of political or public rights of people for reasons of religion or belief is prohibited.
- (3) Restriction of freedom of ideology, religion and creed is prohibited, if this does not encroach on the rights of other people, protected by law.
- (4) It is prohibited to compel people to express their opinions about ideology, religion or creed.

Article 12.

- (1) The state and religion are separate and independent.
- (2) Relations between the state and the traditional Georgian Orthodox Church is regulated by treaty signed between them.

Article 13.

- (1) The freedom of people inviolable.
- (2) Arrest or other kinds of restrictions of freedoms is prohibited without the legal decision of court.
- (3) Detention of people by officials authorized by law in urgent cases which are determined by law is possible, of which the court must be notified within 24 hours; if within the following 48 hours the court does not confirm the legitimacy of detention, the detained must be released immediately.
- (4) Physical or moral restriction of the rights of detain. or arrested people is punishable by law.
- (5) Every detained person must have had explained to them their rights and the reason for their detention. The detained may demand the assistance of a barrister, and the demand should be satisfied immediately.
- (6) The maximum time of preliminary detention is determined by law.

Article 14.

- (1) The residence of a person is inviolable.
- (2) Inspection, search or restriction of access to a residence or other dwelling is admissible only in cases envisaged by law and by decision of the court.
- (3) Law determines the order of inspection and examination

of dwellings in order to protect peoples' security and health, and to avert natural disasters.

Article 15.

Freedom of exchange of private information and correspondence and secrecy is inviolable. Their restriction is possible only by decision of the court in cases envisaged by law.

Article 16.

(1) Every person has the right of access to and dissemination of information without the government's permission, to express and disseminate their opinion either by writing, speaking or in other manners.

(2) Censorship is prohibited.

(3) Restriction of mass media, confiscation or banning of information is permissible only by the well-founded decision of the court in cases envisaged by law.

Article 17.

(1) Freedom of intellectual creativity is permitted.

(2) The arrest and restriction of the distribution of creative work is prohibited if it does not encroach on the rights of people as envisaged by law.

(3) Copyrights are protected by law.

Article 18.

(1) Monopolization of mass media by the state, judiciary or individuals is prohibited.

(2) In order to foster political pluralism in state-run mass media, the law provides for parliamentary supervision.

(3) Restriction of freedoms given in articles 16 and 17(2), (3) is permissible only to protect freedom of conscience, professional and state secrecy.

Article 19.

(1) Every man is considered to be innocent until his guilt is proven in accordance with law and until the court sentence enters into force.

(2) No one is obligated to prove their innocence.

(3) No one is obligated to give evidence against themselves or relatives defined by law.

(4) The right to be defended is guaranteed at every stage of a case.

(5) Torture or a sentence that degrades human dignity is prohibited.

(6) The correction of court error is determined by law.

Article 20.

Political exiles finding refuge on the territory of Georgia shall not be extradited to another state if they have not committed a terrorist or other act of violence.

Article 21.

The nationals of the Republic of Georgia are equal before the law regardless of birth, social or economic status, race and national origin, sex, education, language, religion, and political beliefs, regardless of their place of residence and other circumstances.

Article 22.

The nationals are obligated to observe the Constitution of the Republic of Georgia and other laws.

Article 23

(1) Nationals have the right and are obligated to defend Georgia.

(2) Law determines the order of performing military service by nationals.

(3) The release from military performance motivated by religious or ethnic grounds is possible only in accordance with a court decision.

Article 24

(1) The right of ownership and inheritance is recognized and given.

(2) The law equally protects the right of ownership of everyone, regardless of who is the owner.

(3) The state is obligated to foster the development of free enterprise.

(4) Confiscation of property by force for the needs of the state is possible only in accordance with cases and order determined by law and a court decision. Legal indemnity of confiscated property is obligatory.

Article 25.

(1) Every national is obligated to pay taxes determined by law, the state is obligated to distribute material resources on a just basis and provide their effective and thrifty use.

(2) Law determines taxation.

Article 26.

(1) Every citizen has the right to work.

(2) The work of juveniles and the work of women in unhealthy surroundings that influence childbirth is prohibited. Discrimination against women and juveniles in the sphere of work and payment is prohibited.

Article 27.

(1) Labor and the signing of labor contracts are free.

(2) Law determines the order of labor protection and the legality of labor contract.

Article 28.

The right to call strikes is recognized. Law determines the order of exercising this right in which should be envisaged the

guarantees of the activities of enterprises of vital importance.

Article 29.

(1) Nationals have the right to create trade unions and be united in them.

(2) Creation of trade unions within the military forces or at such institutions whose activity is based on military discipline is prohibited.

(3) The order of creation and activities of trade unions is determined by law.

Article 30.

(1) The state is obligated to help the unemployed find work, and provide old and unable people with a minimum standard of living.

(2) Law determines the conditions of provision of minimum standard of living and the status of unemployed.

Article 31.

(1) Without prior permission, citizens have the right to hold public meetings without arms either indoors or outdoors.

(2) The government should be notified if meetings or demonstrations are held in public or at centers of transportation. The government may halt meetings or demonstrations only in cases where they are contrary to law.

(3) The initiators of meetings or demonstrations have the right to appeal to court on the decision of the government.

Article 32.

(1) Every citizen has the right to take part in state management either directly or through their representatives elected by universal ballots.

(2) Every citizen can hold an office in state-run institutions if they satisfy the requirements prescribed by law.

(3) The status of state officials is determined by law.

(4) Every citizen has the right to appeal the illegal activities of state officials and to demand indemnification of losses from the state. The order of an appeal and indemnification of losses is determined by law.

Article 33.

(1) Every citizen has the right to create public organizations and political parties, and they are free to become members thereof.

(2) Creation of secret or militarized organizations is prohibited.

(3) Law determines the order of activities and creation of public organizations, political parties, and amalgamations.

Article 34.

(1) Citizens are free to choose their place of residence and free to move throughout the whole territory of the Republic. They are free to leave and enter Georgia in accordance with orders prescribed by law.

(2) Restriction of these rights by political or ideological motives is prohibited.

Article 35.

(1) Citizens have the right to appeal to the government either individually or in groups.

(2) The order of appeal and legal consequences are determined by law.

(3) Citizens who serve in military forces or organizations whose activities are based on military discipline may enjoy this right only as individuals.

Article 36.

Every citizen has the right in accordance with law to become acquainted with: a) government information about their person; b) official documents at state organizations if they do not pertain to state, professional or commercial secrecy.

Article 37.

Marriage is based on freedom of rights and of will. The order and manner of marriage is determined by law.

Article 38.

(1) Every citizen has the right to education. Freedom of education is recognized.

(2) Primary education is universal and compulsory. The state provides primary education without charge. Citizens have the right to primary and secondary education at state educational centers in accordance with order prescribed by law.

(3) In order to provide the observance of laws, the state carries out the supervision of state and private educational institutions.

(4) The state renders help to educational institutions within the framework determined by law.

Article 39.

The autonomy of cultural institutions, universities and academies is recognized within the framework determined by law.

Article 40.

(1) Every citizen has the right to access to nature and culture in accordance with order determined by law.

(2) The state and every citizen are obligated to protect nature and culture.

Article 41.

The basic rights and freedoms given in this Constitution do not exclude other rights, freedoms and obligations prescribed in this Constitution, but which come from the principles expressed in this Constitution.

Guarantees of Basic Rights and Freedoms

Article 42.

(1) The order of carrying out basic rights and freedoms can be determined only by law.

(2) It is prohibited to pass laws inappropriate to rights and freedoms given in Chapter Three of this Constitution.

Article 43.

Every representative of state administration is obligated to recognize, respect and observe rights and freedoms given in Chapter Three of this Constitution. State officials and individuals are both answerable for their violation in accordance with law.

Article 44.

To protect rights and freedoms, every person has the right to appeal to an independent and unbiased court, which itself is obligated to create equal conditions for parties to the case.

Suspension of Basic Rights and Freedoms

Article 45.

(1) During state of war or state of emergency, Parliament is authorized by the decision of a joint sitting of both chambers to suspend the rights and freedoms given in articles 13, 16, 27, 28, 31, 34 and 36 of this Constitution, either in the whole Republic or its parts.

(2) If Parliament does not hold a sitting, the President of the Republic by demand of the government suspends the rights and freedoms given in the first part of this article and immediately submits it to Parliament for approval.

CHAPTER FOUR

The Parliament

Article 46.

(1) The highest representative power of the Republic of Georgia is carried out by the "Parliament of Georgia," which is composed of a National Council and Senate.

(2) The Georgian Parliament, within the framework of the Constitution, carries out the legislative power, controls the activity of government, passes the budget of the Republic determined by the government, ratifies and renounces international treaties signed in the name of the Republic of Georgia, carries out other duties vested in it by the Constitution.

Article 47.

(1) A member of the Georgian Parliament is a representative of the whole of Georgia and is not restricted by an obligatory mandate.

(2) One and the same person simultaneously cannot be a member of the National Council and Senate or a member of Parliament or other representative body.

Article 48.

(1) Members of the National Council -- deputies -- and members of the Senate -- Senators -- have legal immunity.

(2) Members of Parliament are not answerable in front of the law on opinions and views expressed when carrying out their duties.

(3) Bringing an action against a Member of Parliament, detention or arrest, is possible only by an agreement of the chamber of which he is a member, except in cases when he is caught in the commission of a crime, of which Parliament should be notified immediately.

(4) Persons detained, arrested or against whom charges are brought should be released immediately if the appropriate chamber of Parliament does not agree to his detention or arrest.

(5) A Member of Parliament has the right not to give evidence on facts disclosed to him as a member of Parliament. The right to not give evidence implies the impossibility of blocking access to written materials. The member of Parliament preserves this right after expiration of his duties.

Article 49.

To impede a member of Parliament in the exercise of his duties is prohibited.

Article 50.

The recognition of the rights of members of Parliament and the pre-term expiration of their duties is decided by an appropriate chamber. The decision of the chamber can be appealed in high court.

Article 51.

Both chambers of Parliament, as of right, convene sessions of Parliament twice a year. The fall session of Parliament opens on the first Tuesday of September and is closed on the third Friday of December. The spring session opens on the first Tuesday of February and is closed on the last Friday in June.

Article 52.

(1) Parliament or one of its chambers convenes emergency sittings either by the demand of the President of the Republic or the head of the government, and each chamber convenes meetings by the demand of the chairman of the appropriate chamber, or not less than one-fourth of the total number of the members of the appropriate chamber. An act on convening an emergency sitting is issued by the President of the Republic. If the act is not issued within 24 hours after the demand for convening an

emergency sitting, then Parliament or an appropriate chamber convenes sittings as of right.

(2) An emergency sitting is held only with a determined agenda and is closed immediately after its expiration.

(3) If the issue to be considered at the sitting of the chamber is within the joint competence of both chambers, then to convene one chamber demands the convening of the other as of right.

(4) Introduction of state of war or state of emergency demands the convening of a joint emergency sitting of both chambers of Parliament within 24 hours and the chambers carry out their duties until the end of such cases.

Article 53.

(1) The National Council and the Senate determine their procedure.

(2) The joint sitting of chambers is held in accordance with the procedure of the National Council and is presided over by the chairman of the National Council.

(3) The sittings of Parliament are public. In accordance with regulations determined by procedure, each of the chambers or the joint sitting of the chambers may declare a sitting closed.

Article 54.

Each chamber and the joint sitting of chambers is authorized to pass a decision if the majority of the total number of members are present at the sitting. The decision is considered passed when the majority of members present voted for it except in cases prescribed in the Constitution when it is necessary for a qualified majority of votes to pass a decision.

Article 55.

A member of Parliament has the right to appeal to any representative of state power with a question except judiciary power and to receive a full response to his question.

Article 56.

(1) Parliament or each of its chambers are authorized, or by the demand of one-fourth of its members, is obligated to create an investigative committee.

(2) An investigative committee must be present at the sittings, and the investigative committee must submit necessary documents for investigation of an appropriate case.

(3) Institutions existing within the system of judiciary and executive branches are obligated to render help to an investigative commission.

(4) The summary made by an investigative commission is not necessary for judiciary power.

Article 57.

Law determines the expenditures for Parliament and its staff.

The National Council

Article 58.

The National Council is composed of deputies elected proportionally in free, universal, equal and direct franchise by secret ballot.

Article 59.

(1) One hundred and fifty deputies are elected to the National Council from 13 regional electoral units by party lists with a term of four years.

(2) Regional electoral units are created in accordance with historically defined regions. The city of Tbilisi is one of the regional electoral units.

(3) Mandates between the deputies of the regional electoral units are distributed in proportion to the number of constituents. Each of the electoral units should be given not less than three mandates.

Article 60.

The right to vote for the deputies of the National Council is vested in citizens of the Republic of Georgia who have reached the age of 18. A Deputy may be a citizen having attained the age of 25.

Article 61.

The law determines the order of election to the National Council. It also determines the cases of ineligibility to be a deputy.

Article 62.

(1) A deputy may be a member of government.

(2) A member of the National Council does not have the right to hold other office, carry out other professional activities except party activities, to carry out commercial activities or have another source of income.

Article 63.

The first sitting of the newly elected National Council can be held only within 25 days after the election of two-thirds of the Deputies. The President of the Republic determines the date of holding the first sitting.

Article 64.

The President of the Republic schedules the day of elections to the National Council eight weeks before the expiration of the rights of the National Council. The elections are held on the sixth Sunday after the expiration of the rights of the National Council, and its responsibility continues until the recognition of the rights of the newly elected National Council.

Article 65.

(1) If the term of the National Council expires during a state of war or state of emergency, its authority is extended.

(2) The authority of the National Council expires on the 90th day after lifting the state of war, on the 60th day after lifting a state of emergency.

Article 66.

The dissolution of the National Council is prohibited during the last six months of the term of the President of the Republic, during the first year of the responsibility of the newly-elected national council after the dissolution of the former national council except the cases prescribed in article 103 of the Constitution after imposing criminal charges on the President of the Republic, and unless the Constitutional Court passes a decision on it, also during the state of emergency and state of war.

Article 67.

The newly-elected National Council elects the chairman of the National Council, the Deputy Chairman, and Secretary.

Article 68.

The Chairman of the National Council carries out full administrative and political functions in the name of both chambers of Parliament. He provides for the immunity of Parliament. No one has the right to search or arrest in the House of Parliament without his permission.

Article 69.

The Commission of the National Council, faction of Deputies or more than one-fifth of the total number of deputies have the right to appeal to the head of the government or each member of government on general or special issues of the policy of government. The head of the government or a member of government is obligated to be present at a sitting of the National Council and respond to the questions submitted. The National Council passes an appropriate resolution after the discussion.

Article 70.

The Senators, head of the government and members of government, representatives of the head of the government and members of government, are authorized to be present at the sittings of the National Council and its commissions. Senators, the head of the government and members of government should be heard immediately at the sittings of the National Council and its commissions.

The Senate

Article 71.

(1) The Senate is a chamber of representatives of regions. Elections to the Senate are held in regions.

(2) Six senators are elected by secret ballot in each of the regional electoral units, each of which has six one-seat electoral units. In the regional electoral units where the

number of constituents is less than 100,000, three Senators are elected. The Senators are elected by the members of the representative bodies of local self-government existing in one-seat electoral units.

(3) The highest representative body of a region of special legal status elects three additional senators.

Article 72.

(1) Senators are elected for a term of six years.

(2) One-third of the members of the Senate are re-elected once every two years.

(3) The President of the Republic schedules the date of periodic elections eight weeks before the expiration of the rights of Senators, and the elections are held on the sixth Sunday after the expiration of the rights.

Article 73.

Every citizen of the Republic of Georgia who has attained the age of 30, who is eligible to be a member of the National Council, can be elected Senator.

Article 74.

Law determines the order of elections to the Senate and determines the cases of non-eligibility for the Senate.

Article 75.

The former Presidents of the Republic with a definite term and as of right become Senators if their authority did not cease in accordance with an order given in Article 116 of the Constitution.

Article 76.

(1) A Senator may be a member of government.

(2) A Senator has no right to hold another office and carry out other professional activities except educational, scientific, creative and party activities.

(3) Senators appointed as ministers meet the demands given in Article 122 of the Constitution.

Article 77.

The Senate elects the Chairman of the Senate, Deputy Chairman and Secretary for a term of two years. Their elections are held after the periodic elections of the Senate.

Article 78.

The head of the government and members of government, also their representatives, are authorized to be present at the sittings of the Senate and its commissions. The head of the government and members of government are obligated to be present at the sittings of the Senate if there is such demand. They should be heard at the sittings of the Senate and its commissions if they so demand.

The Passing of Laws

Article 79.

(1) The laws of the Republic of Georgia are passed by the National Council with the consent of the Senate.

(2) The passing, abolition or amendments to laws are carried out in accordance with article 54 of the Constitution.

(3) The law envisaged by the Constitution is passed, abolished or amended by the National Council if the majority of the total number of deputies vote for the final draft of the bill.

(4) A bill that is passed is signed by the chairman of the National Council.

Article 80.

(1) In accordance with a special law passed by the joint sitting of both chambers, the Parliament can give the right to government to pass normative acts of a provisional character. The special law must include the reasons for giving such right to government, the essence of the special law, its framework and the terms of activities.

(2) The term of the right entrusted in government ceases at the time of the passing of the appropriate resolution.

Article 81.

(1) During the state of emergency or state of war, the government is authorized to pass legislative decrees which immediately must be submitted to the National Council for consideration.

(2) The National Council is obligated to consider and pass a decision on it within 30 days after publishing the decree. If the National Council does not confirm the decree, it is considered to be dead from the moment of its publishing.

Article 82.

It is prohibited for Parliament to entrust the government with the right to pass legislative decrees in regard to basic rights and freedoms, functioning of basic institutions of government, and the right of carrying out the universal franchise, the legislative status of the regions or the sphere of activity of laws described in the Constitution.

Article 83.

(1) The legislative initiative is vested in government, a commission of the National Council, a faction of deputies, a deputy, a Senator, the representative body of the region and 50,000 constituents.

(2) The bill is submitted to the National Council.

Article 84.

(1) The National Council and the Senate consider the bills in accordance with their own regulations, in accordance with the legislative procedures determined by their own regulations.

(2) The bills of those laws which should be passed in accordance with the Constitution at the joint sitting of chambers is submitted to both chambers. The terms of considering the bills is determined in accordance with the regulations of the National Council.

(3) The bills submitted by the government will receive first consideration.

(4) The bill worked out by the government is submitted to the National Council with the agreement of the President of the Republic. The National Council is obligated to consider the bill and pass decision on it within the terms defined by regulations.

Article 85.

(1) The bill approved by the National Council is submitted to the Senate by the chairman of the National Council, which within 30 days after submission is obligated to consider and make a decision on it, introduction of amendments to it, or its suspension. The decision of the Senate on amendments to the bill or its suspension should be submitted to the National Council within seven days.

(2) The decision of the Senate on amendments to the bill or its suspension is considered being passed if the majority of the members of the Senate voted for it.

(3) If the Senate does not make any decision within 30 days, the bill is considered being passed from the moment of the expiration of this term.

Article 86.

(1) The National Council is obligated to reconsider the returned bill taking into account the Senate's suggestions.

(2) Adoption of the suggestions of the Senate on introduction of amendments to the bill is carried out in accordance with article 54 of the Constitution.

(3) The decision of the Senate on suspension of the bill is considered not approved and the bill is considered passed if the majority of the total number of deputies vote for the first draft.

Article 87.

The government is authorized to demand that the National Council consider the bill in a speedy manner. If the National Council approves the bill, the Senate is obligated to consider it and make a decision within 15 days. The bill is considered passed if the Senate does not make any decisions during this term.

Article 88.

(1) The chairman of the government is authorized to submit a question of vote of confidence on him to the National Council if the National Council does not approve or pass the bill submitted by government.

(2) If within five days after raising the issue of a vote of confidence, the issue of a vote of confidence is not submitted to the National Council, or if it is submitted and the head of

the government receives the vote of confidence, then the bill is considered approved or passed.

(3) The order of submitting an issue of no-confidence and making a decision on it is carried out in accordance with the order given in article 89 of the Constitution.

Article 89.

The bill worked out by the representative organ of a region is submitted to the National Council for consideration with the help of the government. The government is obligated to submit the bill of the representative body of a region to a National Council within 60 days after its receipt.

Article 90.

The order of carrying out a legislative initiative of the constituents is determined by law.

Article 91.

Ratification and renunciation of international treaties and agreements is carried out in accordance with law passed by Parliament at the joint sitting of the chambers by the majority of the total number of members of Parliament.

Article 92.

(1) It is necessary to have the preliminary agreement of the National Council on those international treaties and agreements which:

- a) are of a political or military character;
- b) are in regard to the territorial integrity of the state, citizenship, or rights and freedoms prescribed in Chapter Three of the Constitution;
- c) which impose financial obligations on the state;
- d) demand the change of interstate legislation or passing of necessary laws and decrees to carry out assumed obligations.

(2) Ratification of treaties and agreements given in this article is obligatory.

Article 93.

Parliament must be informed immediately on signing of other international treaties and agreements.

Article 94.

International treaties and agreements signed in accordance with law and are officially published in Georgia are part of intrastate legislation. Their partial or full abolition, amendment or suspension is permissible only in accordance with the order determined by international treaties and agreements, or in accordance with the principles of international law and order.

Article 95.

The Constitutional Court is authorized to recognize international treaties and agreements inappropriate to the Constitution only before their enactment.

Article 96.

(1) The President of the Republic signs and issues the law within 50 days after the law is passed by Parliament.

(2) The law is considered in force only after its official publication.

(3) The law enters into force on the 15th day after its publication if no other period of time is given.

CHAPTER FIVE

The President of the Republic

Article 97.

The President of the Republic is the head of state, a guarantor of the stable activity of state institutions and state policy.

Article 98.

(1) The President of the Republic of Georgia is elected by the Parliament of Georgia at the joint sitting of chambers without debates, by secret ballot, with a term of five years.

(2) The Parliament is authorized to hold elections of the President of the Republic if more than two-thirds of the total number of the members of Parliament are present at the sitting.

Article 99.

Every citizen of the Republic of Georgia who has attained the age of 45, who is eligible for membership in the Parliament of the Republic of Georgia, can be elected President of the Republic.

Article 100.

One and the same person cannot serve more than two consecutive terms as President of the Republic.

Article 101.

(1) Elections of the President of the Republic are held thirty days before the expiration of the term of the President holding office at the emergency sitting of Parliament; or in case of pre-term expiration of the term -- on the tenth day from this day.

(2) Declaration of state of war or state of emergency extends the term of office of the President of the Republic until the end of such period.

(3) If less than three months are left before the expiration of the term of the National Council, the elections of the President of the Republic are held on the tenth day after the recognition of the rights of the newly-elected National Council.

(4) Before commencement of the term of a new President, his powers are carried out by the person holding the post.

Article 102.

The right to nominate a candidate to the President of the Republic is vested in more than one-fourth of the total number of members of the Georgian Parliament. A member of Parliament has the right to vote only for one nominated candidate. Nomination of candidates is completed three days before the election of the President.

Article 103.

(1) A candidate who in the first round of the elections received the majority of votes of the total number of members of Parliament is considered elected President of the Republic. If none of the candidates receive the necessary votes cast, then on the third day the second round of the elections is held by the same procedure. If the President is still not elected then the third round of the elections is held on the third day with the two candidates who had the best showing will be considered elected if more than one-third of the total members of Parliament voted for him.

(2) If the President of the Republic is not elected in the third round of the elections then the National Council is declared dissolved within the following ten days and the elections of the new National Council are stated. The act on dissolving the National Council and on new elections is signed by the President of the Republic. Or, in case of his inability to discharge such duties -- the Chairman of the Senate. The elections of the new National Council are held on the sixth Sunday since its dissolution.

(3) The Parliament holds the elections of the President of the Republic on the tenth day after the recognition of the authority of the National Council. The results of the first and second round of elections are defined in accordance with the order given in this article and a candidate having the best showing is considered elected in the third round.

Article 104.

The President of the Republic has no right to hold any other office, to carry out commercial activity or have any other source of income.

Article 105.

(1) The term of the President of the Republic begins on the Tuesday of the third week since his elections, after having taken an oath at an emergency sitting of Parliament.

(2) In case of pre-term expiration of the term of the President of the Republic, the authority of the newly elected President commences on the third day since his elections after taking an oath at the emergency sitting of Parliament.

(3) After taking an oath, when declaring the state of war or other emergency situation, the President of the Republic has the right to appeal to the people.

Article 106.

In case of the disability of the President of the Republic to carry out his duties or pre-term expiration of his rights, the

chairman of the Senate takes his place. Or, in case of his inability to carry out these duties or expiration of his duties -- the deputy chairman of the Senate.

Article 107.

The President of the Republic:

- a) signs international treaties and agreements in the name of the Republic of Georgia;
- b) appoints and relieves ambassadors and extraordinary envoys by the government's nomination, and receives diplomatic representatives of other countries and international organizations;
- c) signs and publishes laws, and in cases envisaged by the Constitution, signs and publishes legislative decrees and issues orders;
- d) dissolves the National Council in cases envisaged in the Constitution;
- e) gives an agreement to submit bills to Parliament by the government;
- f) is commander-in-chief of the military forces; presides over the Council of the National Defense;
- g) appoints and relieves the high-ranking military officials with the consent of the Council of the National Defense;
- h) awards and deprives military titles and diplomatic ranks if no other case is envisaged by law;
- i) presides over the board of the judiciary power;
- j) appoints and relieves state officials, the least of whom is determined by law;
- k) grants state awards;
- l) uses the right to grant pardon in accordance with order determined by law;
- m) schedules a referendum in cases envisaged by the Constitution;
- n) declares a state of emergency throughout the whole Republic or its parts and immediately submits it to Parliament for approval;
- o) carries out other duties vested in him by the Constitution and law.

Article 108.

The President of the Republic declares the state of war on the basis of the decision of Parliament, or in case of an assault on the Republic -- without the decision of Parliament and immediately submits it to Parliament for confirmation.

Article 109.

The order of creation of the staff of the President of the Republic and its activity, and the expenses to keep the President and its staff are determined by law.

Article 110.

International treaties and agreements signed by the President of the Republic enter into force after the Parliament's ratification.

Article 111.

Every act signed by the President of the Republic has power only after the approval of the head of the government, or if there is any need -- after the approval of the minister or ministers. The acts on appointment and relieving of the members of the staff of the President, giving state awards and pardons, does not need such approval.

Article 112.

The act of the President of the Republic on appointment of the head of the government, his removal or resignation, like the act on removal of the ministers, should be confirmed by the chairman of the National Council.

Article 113.

Persons approving the above-mentioned acts take responsibility for the consequences of the acts signed by the President of the Republic.

Article 114.

The President of the Republic is not responsible for actions taken when carrying out his duties if it is not a deliberate violation of the Constitution or if treason is not committed.

Article 115.

Detention of the President of the Republic or bringing criminal actions against him is permissible in the same way as the detention or bringing of criminal proceedings against members of Parliament.

Article 116.

(1) The right to charge the President of the Republic before the Constitutional Court is vested in the Parliament of Georgia by the joint decision of an emergency sitting of chambers.

(2) The emergency sitting of Parliament considers the issue of charges if it is signed by at least one-fourth of the total number of members of one of the chambers. The emergency sitting of Parliament, after submitting the issue on charges, is convened by the Chairman of the National Council not earlier than ten and not later than fifteen days.

(3) The decision on charges against the President of the Republic before the Constitutional Court is considered passed if more than two-thirds of the total number of members of Parliament support it. After passing such a decision, the Constitutional Court may suspend the rights of the President of the Republic. The charges at the Constitutional Court are supported by a person having a credential of Parliament.

(4) After recognition of the validity of charges against the President of the Republic by the Constitutional Court, the rights of the President of the Republic cease from the moment of passing a decision by the Constitutional Court.

Article 117.

Submission of a decision on charges against the President of

the Republic to Parliament is prohibited in situations envisaged in articles 120(5) and 130 of the Constitution.

CHAPTER SIX

The Government

Article 118.

The highest executive power in the Republic of Georgia is vested in the government which, within the framework of the Constitution and laws, directs its domestic and foreign policy, and manages the public and military institutions.

Article 119.

(1) The government is composed of the head and members of government -- ministers.

(2) Only a member of Parliament can be nominated as the head of the government.

(3) The ministers from the citizens having the right to vote for Parliament are appointed and relieved by the President of the Republic. The ministers are appointed by the nomination of the head of government.

(4) Only public persons can be appointed as the head of government and ministers; former military servicemen or persons equal to them can be appointed only in cases where they have resigned from their offices at least three years before appointment.

Article 120.

(1) The President of the Republic is obligated to submit a candidate for head of government to the Council of the Republic within ten days after recognition of the authority of the National Council or the resignation of the government.

(2) The head of the government is elected without debate by the National Council by the majority of the total number of deputies and he is appointed by the President of the Republic within 48 hours of his election.

(3) If a candidate nominated by the President of the Republic could not receive the necessary votes cast, the National Council is obligated to elect the head of the government within the following ten days. In order to nominate a candidate for the head of the government, it is necessary to have the support of at least 30 deputies. A candidate who is supported by a majority of the total number of deputies is considered elected and the President of the Republic is obligated to appoint him head of the government.

(4) If the National Council could not elect the head of the government, then new voting is held within three days in which the candidates submitted in every round of the elections have the right to take part. The President of the Republic appoints the candidate who was supported by the majority of the total number

of deputies.

(5) If none of the candidates receive the necessary votes, the President of the Republic is obligated within seven days to appoint as head of the government a candidate having the best showing in the last round of voting or dissolve the National Council.

Article 121.

Every candidate for the head of government is obligated to submit to the National Council the political program and structure of government which he is going to establish.

Article 122.

(1) A minister can be a member of Parliament.

(2) A member of government has no right to hold any other office, carry out other professional activities except party activities and carry out commercial activities or have other sources of income.

Article 123.

(1) Law determines the order of establishment of government and its activities.

(2) Combination of institutions which are responsible for military forces, state security and police is prohibited.

Article 124.

For crimes committed while exercising duties, proceedings can be brought against members of government only by the consent of Parliament, passed at the joint sitting of chambers.

Article 125.

(1) The head of the government is responsible before the National Council for the common policy of the government, and he must resign if he loses its confidence.

(2) The resignation, death or inability to carry out duties as head of government results in the resignation of the whole government.

Article 126.

The head of the government, on the basis of the political program approved by the National Council, establishes the basic guiding provisions for ministers within the frame of which the minister independently and under his own responsibility manages the institution entrusted to him.

Article 127.

(1) The head of the government is authorized to submit a question of no-confidence against the Minister before the National Council. The issue of the head of the government is put to vote not earlier than the third and not later than the seventh day after its submission. The decision is passed in accordance with Article 52 of the Constitution.

(2) If the National Council rejected the idea submitted by the head of the government, then the head of the government may

submit a question of confidence on him. If within five days after the raising of such an issue, a decision of no confidence of the head of the government is not submitted to the National Council or if it is submitted but they give him confidence, a decision of no confidence on a minister is considered passed. In such cases the President of the Republic is obligated to relieve a minister from the office within 48 hours.

(3) The submission of an issue of no confidence and passing a decision on it is carried out in accordance with the order given in article 129 of the Constitution.

Article 128.

(1) The National Council is authorized to declare a vote of no confidence on the head of the government and send the demand for his removal to the President of the Republic only within 10 days after a declaration of no confidence in the head of government, and elects his substitute with a majority of the total number of deputies. The President of the Republic appoints the head of government within 48 hours.

(2) Submission of an issue of no confidence and passing a decision on it is carried out in accordance with the order given in article 129 of the Constitution.

Article 129.

(1) The right to submit an issue of no confidence on the head of government to the National Council is vested in at least 30 deputies. The question on declaring no confidence is put to vote not earlier than three and not later than ten days since its submission. Only the votes supporting the decision of no confidence will be counted. The decision of declaring no confidence is considered passed if the majority of the total number of deputies voted for it.

(2) One and the same deputy during one session has the right to sign a question of no confidence for the head of the government only once, except in the cases prescribed in Articles 88 and 127 of the Constitution.

Article 130.

(1) The head of the government is authorized to submit a question of confidence on himself before the National Council. The question is put to vote not earlier than three and not later than ten days after the submission of the question. If the majority of the total number of deputies do not show confidence in the head of government, he is authorized to demand from the President of the Republic dissolution of the National Council.

(2) The President of the Republic is obligated to satisfy the demand of the head of the government if within 20 days after a declaration of no confidence, the National Council does not elect his substitute by the majority of the total number of deputies.

Article 131.

(1) The head of the government relieves himself of his duties before the newly elected National Council.

(2) The head of the government, by the appeal of the President of the Republic, and the ministers by appeal of the head of the government or the President of the Republic are obligated to continue exercising their duties before the appointment of their substitutes.

Article 132.

(1) In the Republic of Georgia, the Court exercises its power in the form of an independent court of justice and by constitutional review.

(2) The court passes a decision in the name of the Republic of Georgia.

(3) The observance of the court decisions is obligatory throughout the whole of Georgia.

Article 133.

(1) The creation of special or emergency court or of a court which does not obey the established procedure for all courts is prohibited.

(2) Creation of specialized courts is permissible only in cases determined by law.

Article 134.

(1) The judiciary power provides for the protection of human rights and freedoms, rights and legal interests of juridical persons, and observance of the supremacy of the Georgian Constitution.

Article 135.

The judiciary power in the Republic of Georgia is carried out by the Constitutional Court of the Republic of Georgia, the Supreme Court of the Republic of Georgia, and other courts.

Article 136.

(1) A judge, a member of the Constitutional Court and a member of the board of the judiciary power in the Republic of Georgia, may be a citizen of the Republic of Georgia who has attained the age of 30 years, who has higher legal education, at least five years of experience of work in this field, and who is in command of the legal language.

(2) A judge is independent and submits only to the Constitution and law.

(3) Court (judge) resolves cases on the basis of conscience, on the basis of existing evidence, and in accordance with law, without any pressure and direct or indirect interference.

(4) No one has the right to demand from the judge an explanation or a report on an appropriate case.

(5) A judge cannot be a member of a political organization. Creation of political organizations and activities in court are prohibited.

Article 137.

(1) The independence of a judge is provided by a special order of selection, nomination and appointment, immunity and

duration of service.

(2) Relieving and dismissing a judge is permissible only in accordance with order and cases prescribed by law.

(3) The state guarantees the labor and payment conditions of judges which provide for his actual independence.

(4) The state budget should determine the necessary expenditures for the dignified activity of the Court.

Article 138.

(1) Bringing criminal proceedings, detention or arrest of a member of the Constitutional Court and the Supreme Court is permissible only by the agreement of a joint sitting of the chambers of Parliament, except in the cases when he is caught in the commission of a crime, of which Parliament should be notified immediately.

(2) A member of the Constitutional Court or Supreme Court detained, arrested or on whom the criminal proceedings are brought, should be released immediately if the Parliament does not give an agreement at the joint sitting of chambers on detention, arrest or bringing criminal proceedings against him.

Article 139.

(1) The consideration of cases in every court is public.

(2) Consideration of a case in closed court is permissible only in accordance with cases and order determined by law.

(3) The court decision is made public in all cases.

Article 140.

The parties enjoy equal rights when considering a case in court. The restriction of rights entrusted by law to physical or juridical persons who are participants in or parties to a case is prohibited.

Article 141.

The Court is obligated in its actions to not encroach upon the respect and dignity of persons.

Article 142.

(1) Justice in the Republic of Georgia is carried out in the Georgian language, in Abkhazia -- in Georgian or Abkhazian languages.

(2) Participants in a case who are not in command of the legal are provided with an interpreter.

Article 143.

Arrangement of courts, authority and justice are determined by law.

The Supreme Court

Article 144.

Justice in the Republic of Georgia is directed by the Supreme Court of the Republic of Georgia, the chairman and members of which are appointed for a term of ten years by the President of the Republic by the agreement of Parliament.

Article 145.

In accordance with a determined procedural form, the Supreme Court of the Republic of Georgia; a) in first the instance considers the cases defined by law; b) supervises the execution of justice in every court of the Republic of Georgia;

The Constitutional Court

Article 146.

(1) Constitutional oversight in the Republic of Georgia is carried out by the Constitutional Court.

(2) The oversight of the Constitutional Court involves the whole territory of the Republic of Georgia.

(3) The Constitutional Court is authorized to determine whether the following are appropriate to the Georgian Constitution: a) laws of the Republic of Georgia (in force or not) and other normative acts; b) laws and normative acts passed before the enactment of the Constitution; c) international treaties and agreements signed in the name of Georgia before the enactment of the Constitution and not in force.

(4) The Constitutional Court within the order of the Constitutional oversight determines: a) disagreements between the legislative and executive powers, between the central, regional and local organs of administration on the limits of their authority; b) charges against the President of the Republic by the Parliament of Georgia for treason or deliberate violation of the Constitution.

(5) If, when considering an appropriate case, the Court sees that the appropriate law or other normative acts are not constitutional, it suspends the consideration of a case and brings an action on it before the Constitutional Court of the Republic of Georgia, which is obligated in accordance with constitutional oversight to consider and resolve the issue within the terms determined by law.

(6) A decision of the Constitutional Court is final and its observance is obligatory.

(7) Orders and conditions of appeal to the Constitutional Court on constitutional oversight is determined by law.

Article 147.

(1) The nine members of the Constitutional Court are professionally educated lawyers, appointed for a term of ten years by the President of the Republic, by the consent of the Parliament of Georgia.

(2) One and the same person can be appointed as a member of the Constitutional Court only once.

Article 148.

(1) The Constitutional Court elects its chairman from its members with a term of five years. Election of one and the same person as chairman for a second time is prohibited.

The Board of the Judiciary Power

Article 149.

The board of the judiciary power, presided over by the President of the Republic, is authorized:

a) to explain the Constitution of Georgia; the explanation does not have binding force;

b) to select the candidates of judges on the basis of a contest, who are appointed by the President of the Republic without consent of Parliament;

c) to consider and resolve the issue of disciplinary responsibility of the judges of every instance.

Article 150.

If the President of the Republic due to certain circumstances cannot discharge the duties of the chairman of the board, then the chairman of the Supreme Court presides over the board, who as of right is a member of the board.

Article 151.

(1) The other 12 members of the board are elected by the Georgian Parliament from judges, barristers and professional lawyers in equal numbers, with a term of eight years, at the joint sitting of chambers, by the President's nomination.

(2) One and the same person can be elected from the board only once. No one can be simultaneously a member of the board and Constitutional Court.

Article 152.

The status of the judges, conditions of contests, and basic concepts of disciplinary responsibility are determined by law.

Public Prosecutor's Office

Article 153.

The public prosecutor's office in the Republic of Georgia is part of a judiciary power.

Article 154.

The head of the public prosecutor's office of the Republic of Georgia is a general prosecutor of the Republic of Georgia, who is appointed and relieved by the President of the Republic with consent by the Parliament of Georgia. His term of office is five years.

Article 155.

The prosecutor's office of the Republic of Georgia:

- a) when considering cases controls the observance of laws involving constitutional oversight;
- b) supports prosecution by the state in court;
- c) appeals to court in order to protect the interests of the state;
- d) reviews appeals of illegal decisions of state administration and local self-government bodies, and high officials.

Article 156.

The establishment of the prosecutor's office and its authority is determined by law.

CHAPTER EIGHT

State Finances

Article 157.

- (1) The law determines the name and unit of money.
- (2) The right to issue money is vested only in the National Bank of the Republic of Georgia.
- (3) The National Bank determines the order of circulation and clearance of money in accordance with law.

Article 158.

- (1) The organ of management of the National Bank is the board of the National Bank whose chairman and members are appointed and relieved by the President of the Republic with the consent of the Parliament of the Republic of Georgia.
- (2) The management of the National Bank is carried out by the President of the National Bank who is appointed and relieved by the President of the Republic, on the nomination of the board of the National Bank.
- (3) The term of office of the board of the National Bank and its President is seven years.
- (4) The National Bank is accountable before the Parliament. The National Bank submits the report on its activities to the Parliament annually.
- (5) The arrangement, authority and order of activity of the National Bank, also the banking system is determined by law.

Article 159.

- (1) The Georgian Parliament annually passes the law on budget for the coming fiscal year in accordance with the order determined by the Constitution.
- (2) The budget of the Republic of Georgia should involve every revenue and expenditure of the State, and also their balance.

(3) Law determines the order of the working out of the budget.

Article 160. (1) The government is obligated to submit the draft on budget to the National Council not earlier than 75 days before the beginning of the new fiscal year.

(2) It is impermissible to introduce such changes into the draft which result in an increase in expenditures and reduction of revenue of the budget without the consent of the government.

(3) The law on budget must not change the number of state taxes or establish new taxes.

(4) If the Parliament does not manage to pass the law on budget for the new fiscal year, the government is authorized to cover necessary expenditures in accordance with the budget of the previous fiscal year to carry out state obligations. These expenditures annually must not exceed one-twelfth of the expenditures anticipated in the budget of the previous fiscal year. In any case, the new budget must be passed within 90 days before the beginning of the new fiscal year.

Article 161. (1) It is prohibited to make any state loans or assume any financial obligation without the agreement of the National Council. Also, it is prohibited to make transfers from one part to another part of the budget of the Republic.

(2) After passing the law on budget, the government may demand an increase of state expenditures from the Parliament if the appropriate draft involves the means of covering these expenditures.

(3) The government is obligated to submit the report on fulfillment of the law on budget to the Parliament within 90 days from the end of the fiscal year. The Chamber of Control of the Republic must also submit the same type of report.

Article 162. (1) The State tax may be determined only by passing the appropriate taxation law by Parliament.

(2) The order of introduction of non-state taxes is determined by a separate law.

(3) It is prohibited to release funds from state taxes or from state treasury without passing an appropriate law, or to cover expenditures from the reserved funds of the government.

CHAPTER NINE

State Control

Article 163. (1) Supreme oversight of the expenditures of state means and supreme oversight of state revenues is carried out by the Chamber of Control of the Republic.

(2) The Chamber of Control coordinates the activities of financial-economic control bodies, and studies the efficiency of

their control activities.

(3) The Chamber of Control is authorized to check: a) the financial-economic activities of state enterprises, organizations and institutions, also the financial-economic activity of those enterprises whose main capital and majority of shares belongs to the state; b) the state of use and protection of state finances and state material assets; c) the finances of local self-governments within the framework determined by law; d) the financial economic activity of those enterprises whose basic capital or shares are primarily owned by the state.

Article 164. (1) The head of the Chamber of Control is appointed by the President of the Republic by consent of the Parliament of Georgia.

(2) The term of office of the head of the Chamber of Control is seven years. His pre-term discharge is possible only on the basis of the demand of the President of the Republic or not less than thirty members of one chamber of Parliament by the decision of the Parliament of Georgia which is passed at the joint sitting of Chambers by a two-thirds majority of the total number of members of Parliament.

(3) The head of the Chamber of Control is authorized to participate in sittings of Parliament and government and to express his ideas on issues within his competence.

(4) In bringing criminal proceedings against the head of the Chamber of Control, his detention and arrest is possible only by the consent of the joint sitting of Chambers of Parliament except in the cases when he is caught in the actual commission of a crime, of which Parliament should be notified immediately.

(5) The head of the Chamber of Control detained, arrested or against whom criminal proceedings are brought, must immediately be released if Parliament does not give consent on his detention, arrest or the bringing of criminal proceedings against him at a joint sitting of chambers.

Article 165. (1) The Chamber of Control is accountable before the Parliament of Georgia.

(2) The head of the Chamber of Control is obligated to annually submit the report on the activities of the Chamber of Control to a joint sitting of Chambers of Parliament.

Article 166. (1) The establishment of the Chamber of Control and the order of its activities, the status of the members of the chamber, is determined by law.

CHAPTER TEN

State Defense

Article 167. (1) Georgia has a sovereign and integral right to wage defensive war with the help of the state against armed aggression.

(2) The Republic of Georgia is obligated to have military forces, the duty of which is protection of the sovereignty of the Republic and its territory, and fulfillment of international obligations assumed by the Republic.

Article 168. (1) The Parliament of Georgia, at the joint sitting of chambers, creates the Council of National Defense to organize the defense of the Republic.

(2) The Council of the National Defense is composed of the President of the Republic, head of the government, minister of Defense, and commander of the general headquarters of military forces; it is presided over by the President of the Republic.

(3) Law determines the order of activity and authority of the Council of the National Defense.

Article 169. (1) The structure and number of military forces of the Republic is approved by the Parliament of Georgia at the joint sitting of chambers by the nomination of the Council of the National Defense.

Article 170. (1) The head of the general headquarters directs the activities of the military forces of the Republic during the state of emergency or state of war.

(2) The head of the general headquarters is appointed and relieved by the President of the Republic with the consent of the Parliament of Georgia.

Article 171. The use of military forces during the state of emergency or when fulfilling international obligations assumed by the Republic of Georgia without permission of the Parliament of Georgia is prohibited.

CHAPTER ELEVEN

Territorial Settlement of the State

Local Self-government

Article 172. (1) Inhabitants of administrative-territorial units of the Republic of Georgia have the right to manage state affairs on the appropriate territory through their representatives within the framework of Constitution and law.

(2) Administrative territorial units are created in accordance with law passed by the joint sitting of the chambers of Parliament of Georgia.

(3) Law determines the order of creation of administrative-territorial units.

Article 173. (1) The representative bodies of the local self-government of the Republic of Georgia are the councils of communities, villages, towns and regions.

(2) In accordance with order and conditions prescribed by law, a village may be granted the right of local self-government.

(3) The capital of Georgia -- Tbilisi -- has the status of a region.

Article 174. (1) The representative body of the local self-government is elected on the basis of universal, free, equal, secret and direct franchise.

(2) The councils of villages, communities, towns and regions create executive bodies accountable before them -- boards of administration.

(3) The board of administration is managed by the head of the board elected from the members of an appropriate board (constituents), and the city council is managed by the town mayor elected in the same order.

(4) Local self-government is a juridical person and has its own budget. It is represented by the head of the board of administration and mayor.

(5) The local self-government, in accordance with orders and conditions determined by law, has the right to collaborate with self-government of the same level of other states.

Article 175. (1) The representative body of local self-government passes obligatory provisions to carry out the authorities vested by Constitution or law.

(2) Nullifying the decisions of a representative body of local self-government is possible only by court decision.

Article 176. Additional obligations may be imposed on local self-government only by law. The expenditures to carry out additional obligations are found in the state budget.

Article 177. Law determines the order of establishment and functioning of local self-government.

Article 178. The regional councils are authorized to pass normative acts appropriate to the Constitution and laws (provisions) on the following issues:

(1) Establishment of regional institutions and administrative organs.

(2) Boundaries of village, community, region, town.

(3) Regional budget, taxes and dues.

(4) Forest management and regional affairs.

(5) Industry, energy, trade, local fairs and market, public manufacturing of regional importance.

(6) Roads, water systems and irrigation of regional importance.

(7) Funds of educational, cultural, scientific-technical, charitable activities and other kinds of funds existing on the territory of the region, organizations and amalgamations.

(8) Town planning and housing.

(9) Museums and library activities of regional importance, protection of cultural-historical and natural monuments.

(10) Arrangement of pre-school and secondary vocational educational centers.

(11) Health protection, sanitation, tourism and sport, protection of nature.

(12) Insurance and social welfare.

(13) Ores of regional importance, among them mineral and healing waters.

(14) Navigation and docks on lakes.

(15) Arrangement of regional television-radio media.

Article 179. (1) Granting of additional authorities to the region is permissible in accordance with Constitutional law.

(2) In accordance with the laws of the Republic, a region may be granted the right to enact necessary normative acts in order to enact laws.

Article 180. The right to dissolve a representative body of local self-government before the end of its term is vested in the President of the Republic with consent of the Senate on the motive of state security or in case the representative body: a) does not act sufficiently or does not provide for systematic passing of decisions; b) violates the legislation of the Republic, systematically or severely.

Article 181. (1) The oversight of the appropriateness of the acts of local self-government to the legislation of the Republic, exercising the policy of government by local self-government and fulfillment of the rights granted to the local self-government by the administration of the Republic is carried out by an official of the Republic to the region.

(2) An official of the Republic is appointed by the President of the Republic on the nomination of the government and consent of the Senate.

(3) The official of the Republic has the right to suspend the acts of the local self-governing body. He is obligated to immediately send the case to court.

(4) Expenditures for officials of the Republic and his staff are covered by the state budget.

(5) Law determines the order and conditions for the exercise of authority of the official of the republic.

Status of Adjara

Article 182. State affairs in the region of Adjara are autonomously managed through the representatives of nationals of the Republic of Georgia living permanently in the territory of Adjara.

Article 183. The statutes of Adjara, the order of creation and functioning of executive and representative bodies, also

their authorities, are determined by Constitutional law of the Republic of Georgia on the status of Adjara.

Article 184. (1) The draft on the statute of Adjara, in accordance with the Constitution of Georgia, is worked out by the representative body of Adjara -- legislative council -- and is submitted to the Parliament of Georgia.

(2) Law on the statute of Adjara is passed by the Parliament of Georgia at the joint sitting of chambers. Introduction of amendments to it is prohibited without the consent of the legislative council of Adjara.

Status of Abkhazia

Article 185. (1) The region of Abkhazia as a historical residence of Abkhazians as Georgians, is granted special status.

Article 186. (1) The legal state of Abkhazia, the order of creation and functioning of representative and executive bodies, also their authorities, are determined by Constitutional law of the Republic of Georgia on the status of Abkhazia.

(2) Abkhazia can have a Constitution which can correspond to the Constitution of Georgia and law on the status of Abkhazia.

Article 187. The nationals of the Republic of Georgia living permanently in the region of Abkhazia autonomously manage state affairs through their representatives within the framework of the Constitution and laws except the issues within the special competence of the highest administrative organs of the Republic of Georgia: 1) the legislative regulation of unitary citizenship of the Republic of Georgia, human rights and freedoms, rights of minority groups, emigration and immigration, and legislative regulation of foreign nationals and stateless persons temporarily or permanently living on the territory of Georgia; 2) universal electoral system; 3) the status of state boundaries, the regime and its protection; the status of territorial waters and airspace and of the continental shelf and its protection; 4) the issues of war and truce, emergency situation; state defense and security; military forces, military industry, trade in arms, bullets and military technology; 5) foreign policy and international relations; 6) the basis of the state economic policy and its coordination; 7) the customs and tariff regime, and foreign trade; 8) state finances and state loans; the basis of legislation of bank, credit, insurance and social welfare; 9) universal system and regime of energy, communications, and maritime trade; flags of ships, the docks and airports of importance to the whole state; control of air, transit and air transport, registration of air transport; meteorological service; 10) fishing in ocean and open sea; 11) railway and auto routes of importance to the republic; 12) standards or models, land surveys, mapping, definition of exact timing, and state statistics; 13) industry of state importance; 14) boundaries and sanitary cordon; basis and coordination of health protection; 15)

legislation on pharmaceutical medicines; 16) basis of legislation on education, academic, scientific and professional titles and honors; 17) the basic principles on the legislation on environment; 18) basic principles of legislation on mass media; 19) basic principles of legislation on ownership, legislation on economic and intellectual issues; 20) the basic principles of law on administration, labor and land; 21) WORD FROM AMENDMENT MISSING the legislation on trade, criminal law, civil law, prison and procedure; 22) administration of justice; 23) amnesty and pardon; 24) criminal police and investigation.

Article 188. Law on the status of Abkhazia is passed by the Parliament of Georgia at the joint sitting of chambers. Introduction of amendements to it is prohibited without consent of the highest representative body of Abkhazia.

CHAPTER 12

Revision of the Constitution

Article 189. (1) The right to submit the draft on full or partial revision of the Constitution is vested in: a) the President of the Republic on the proposal of the head of government; b) more than half of the total number of members of each chamber of the Georgian Parliament; c) 50,000 electors.

(2) The draft is considered by Parliament not earlier than six months after it is submitted.

(3) The law is considered passed if it is supported by at least two-thirds of the total number of members of each chamber.

Article 190. (1) The bill passed by the Parliament enters into force and becomes an indivisible part of the Constitution only after its approval by referendum.

(2) Referendum is considered held if more than half of the electors take part in it. The bill is considered approved if it is supported by more than half of the participants in a referendum.

(3) Law determines the order of holding and scheduling a referendum.

Article 191. It is prohibited that a draft incompatible with the principles given in articles one and five of the Constitution should be subject to full or partial revision of the Constitution.

Article 192. It is prohibited to submit, consider or adopt a bill on full or partial revision of the Constitution, or to hold a referendum, during a state of emergency or a state of war.

CHAPTER 13

Transitional Provisions

Article 193. The regional electoral units are created by envisaging the boundaries of historical regions in order to elect senators before the establishment of regions.

Article 194. The first sitting of chambers of Parliament elected in accordance with the Constitution after passing the Constitution is convened by the central electoral commission not later than thirty days after the elections. If the elections of more than two-thirds of the members of any chambers is not confirmed by this time then the sitting of the chamber is convened not later than the tenth day from the moment of confirmation of the election of more than two-thirds of the members.

Article 195. Not later than thirty days after the first sitting of the Senate, the Senate will vote to determine those one-third of one-mandate electoral units where the elections of Senators must be held two and four years after the first elections of the Senate, and the identity of each Senator elected by the representative body of the region having a special status whose substitutes also must be elected after two and four years is determined within a month from their election.

Article 196. (1) The first President of the Republic after passing of the Constitution is elected on the tenth day after the recognition of the authority of the Parliament elected in accordance with the Constitution. The President commences his authority on the third day after his election after taking an oath at an emergency sitting of Parliament.

(2) In accordance with Article 103 (2) the chairman of the National Council is obligated to dissolve the National Council immediately and schedule its new elections.

(3) The President of the Republic is obligated to submit a candidate for the head of government to the National Council within ten days after commencing the term as President of the Republic.

Article 197. (1) A Constitutional Court is created not later than four years after the passage of the Constitution.

(2) The judiciary board of constitutional oversight ?????? of the Supreme Court of the Republic of Georgia, carries out the duties of the Constitutional Court before its creation, the order of creation and activities of which are determined by law. An appropriate bill must be considered in a speedy manner at the first sitting of Parliament.

Article 198. Execution of a special punishment -- capital punishment -- before its final abolition, is permissible only in commission of capital crimes determined by law against those

persons who are extremely dangerous for this society.

Article 199. (1) Democratic elections of the council working out the statute of the region of Abkhazia on the territory of Abkhazia are held before the enactment of the Constitution of Georgia in accordance with existing administrative territorial units.

(2) The council works out the statute of the region in accordance with Article 188 of the Constitution of Georgia which later will be the basis of the Constitutional law of the Republic of Georgia on the status of Abkhazia.

(3) The elections of the highest representative body in the region of Abkhazia are held in accordance with its statute.

(4) The highest representative body of the region of Abkhazia is authorized to pass a Constitution for the region of Abkhazia which is confirmed by the Parliament of Georgia at the joint sitting of Chambers by the majority of the total number of its members.

This Constitution is drafted by the group of the young constitutionalists of the Department of International Law and International Relations of Tbilisi State University

January 1994 year
Tbilisi

CONSTITUTION OF GEORGIA

Adopted the 21st of February of 1921, revised on ** October of the 1994.

PREAMBLE

We, the people of Georgia, based on the long traditions of the state of Georgia, based on the ideals of freedom, equality and justice, striving for international cooperation and security, realizing the great responsibility before nation and God, publicly proclaim and enact the following revision of the Constitution of Georgia of 1921.

Chapter I

GENERAL PROVISIONS

Article 1. State of Georgia

Georgia shall be an independent, unified, and indivisible democratic Republic.

Article 2. Source of Power

1. The source of power in Georgia shall be the people of Georgia. Power shall be exercised for the people and by the people.

2. The people exercise their sovereignty directly and through elected representative organs.

3. The people decide major issues by referendum. The rules and circumstances of referendum shall be determined by law.

Article 3. Separation of Powers

1. The state exercises its functions through legislative, executive and judicial powers.

2. The guarantees of independence and balance of all branches

are determined by the Constitution.

Article 4. The Supremacy of the Constitution

1. The Constitution shall be the supreme law of the state. Any normative act which contradicts the provisions of the Constitution cannot be adopted.

2. Everyone is obliged to observe the Constitution and normative acts adopted in accordance with it.

Article 5. Domestic and International Law

1. Georgia recognizes and protects universally recognized norms and principles of international law.

2. Validly concluded and published international treaties are part of the domestic order.

3. If an international treaty of Georgia creates laws other than normative acts adopted by the state organs, the international law takes precedence.

4. An international treaty, which contains stipulations contrary to the Constitution, cannot be concluded without a revision of the Constitution.

Article 6. Basic Rights and Freedoms

The state recognizes in the Constitution universally recognized human rights and freedoms and ensures their protection.

Article 7. State and Church

The state and church are separate. All churches are equal before the law.

Article 8. The State Language

The State Language of Georgia shall be the Georgian language.

Article 9. The Capital of Georgia

The Capital of Georgia shall be Tbilisi.

Article 10. The State Symbols

1. The state flag of Georgia shall be dyed dogberry color with black and white stripes.

2. The coat of arms of Georgia shall be the effigy of Georges--Le--Blanc, surrounded by seven asters.

3. The anthem of Georgia shall be the "Dideba".

4. The details of the design and the rules of usage of state symbols of Georgia shall be determined by law.

Chapter II

PERSON AND STATE

Article 11. Citizenship

1. Georgian citizenship is acquired by birth and naturalization.

2. A citizen of Georgia simultaneously cannot be a citizen of

any other state.

3. A citizen of Georgia can renounce his citizenship only after having fulfilled all his obligations to the state.

4. The detailed conditions of acquisition and loss of citizenship shall be determined by law.

5. The extradition of citizens of Georgia to another state is prohibited.

Article 12. Equality

1. Everyone is equal before the law without regard to race, color, language, sex, religion, political or other opinion, national, ethnic or social origin, birth, property and educational status.

2. All citizens are equal before the law on the whole territory of Georgia.

Article 13. Right of Life

1. Human life is inviolable.

2. Capital punishment is abolished.

Article 14. Inviolability of Dignity

Human dignity is inviolable. No one can be subjected to torture, inhumane, cruel, disreputable, or degrading treatment.

Article 15. The Right of Free Personal Development

Everyone has the right to free formation of their own personality with respect to their physical, moral and mental well-being.

Article 16. Inviolability of Person

1. A person is inviolable. No one can be arrested or deprived of their liberty in any manner without a court decision, except in cases provided for by law.

2. Every person shall be judged by the same form of procedure.

Article 17. Inviolability of Personal Secrets

1. The secrets of personal and family life are inviolable.

2. Private correspondence, telephone and other conversations are inviolable. Their seizure or examination can occur only by court decision and in other cases provided for by law.

Article 18. Inviolability of Dwelling

The dwelling of every person is inviolable. This right can be restricted only by court decision and in other cases provided for by law.

Article 19. The Freedom of Movement and Residence

1. Every person shall have the right to free movement and choice of residence.

2. Citizens of Georgia can freely leave the territory of Georgia and return.

3. These rights can be restricted only in cases provided for by law.

Article 20. The Freedom of Conscience

Everyone enjoys full liberty of conscience. Prosecution or limitation of the right of persons for reasons of belief or conviction is prohibited.

Article 21. The Freedom of Association

Every person shall have the right to form and participate in noncriminal associations.

Article 22. The Freedom of Speech

1. Every person shall have the right to express and spread their opinions verbally, in written form or by mass media.
2. Censorship of mass media is prohibited.

Article 23. The Freedom of Assembly

Every person shall have the right of public assembly without arms, either indoors or outdoors, without previous permission. If the assembly becomes unlawful, an authorized body can close it.

Article 24. Right of Property.

1. Property is inviolable.
2. Confiscation of property for public needs can be carried out only upon the condition of preliminary and complete refund by order provided for by law..
3. Confiscation of property without refund is possible only by court decision.
4. The right of inheritance is guaranteed.

Article 25. Social Rights

1. Every incapacitated person who is without means to provide for their existence has the right to state assistance for the creation of minimal conditions for existence.
2. Everyone has the right to free secondary education.
3. Everyone has the right to form trade unions and participate in their activity. The creation of trade unions in the armed forces or armed organizations is prohibited.

Article 26. The Rights of Minorities

1. It is forbidden to obstruct the free social, economic and cultural development of any minority in Georgia.
2. It is forbidden to bring any obstacle to the teaching in the native language of any national, ethnic or language minority.

Article 27. Political Rights of Citizens

1. Citizens have the right to found political unions and participate in their activity, in accordance with law.
2. Everyone has the right to hold state, civil or military office, if the appropriate qualifications are met.
3. Every citizen who has reached the age of 18 has the right to participate in elections. The right to vote is withheld from persons who are recognized incapable by the court, or who are serving court sentences in a penitentiary.

Article 28. The Duties of Citizens

1. Defense of the motherland is a duty of every citizen. Every citizen is obligated to carry out military or alternative service in accordance with law.

2. Every citizen is obligated to protect the Constitution and other laws, to respect the sovereignty of Georgia, the dignity, rights and freedoms of other persons.

3. Every citizen is obligated to pay all legally established taxes.

4. Every citizen is obligated to protect the historical and cultural heritage of Georgia.

5. Every citizen is obligated to preserve nature and protect it.

Article 29. Foreigners and Stateless Persons

1. The legal status of foreigners and stateless persons shall be determined by the legislation of Georgia and the norms of international law.

2. The Republic of Georgia, in accordance with law, gives asylum to foreigners and stateless persons.

Article 30. The Guarantees of Basic Rights and Freedoms

1. Everyone is guaranteed the protection of their rights and freedoms by court procedure.

2. Everyone has a right to complete indemnification for damages caused by the unlawful actions of state officials.

3. In case of martial law or a state of emergency, the framework and circumstances of the suspension of basic rights and freedoms are determined by Constitutional law.

4. In cases when the Constitution allows the limitation of basic rights and freedoms by law, such law shall be general and shall not be applied to particular individuals.

5. The basic rights and freedoms recognized by the Constitution also extend to legal entities.

Chapter Three

PARLIAMENT OF THE REPUBLIC OF GEORGIA

Article 31. The Supreme Representative Body

1. The supreme representative and legislative body of Georgia is "The Parliament of Georgia", which shall consist of the Darbazi and the National Council.

2. Parliament exercises legislative power, controls the activity of the executive power, defines the main directions of domestic and foreign policy, and implements other functions provided for by the Constitution.

Article 32. Composition of the Darbazi

1. The Darbazi is composed of representatives of provinces elected on the basis of universal, equal, and indirect right of vote, by secret ballot, for a term of six years.

2. A member of the Darbazi can be a 30-year-old citizen of

Georgia who has the right to vote and is a resident of the province from which he shall be elected.

3. Every province elects four representatives, but the provinces of Adjara and Abkhazia, and the capital, Tbilisi, elect eight.

4. One-third of the Darbazi shall be renewed every second year.

5. The order of the elections of the Darbazi shall be determined by law.

Article 33. Composition of the National Council

1. The National Council is composed of 120 deputies elected on the basis of universal, equal and direct right of vote, by secret ballot, on the basis of proportional voting by party lists, for the term of four years.

2. A deputy can be a 23-year-old citizen of Georgia, who has the right to vote.

3. A political party has the right to submit a list of candidates if it has at least five deputies in the National Council or whose initiative is confirmed by 10,000 electors.

4. The regular elections of the National Council are held four years after the previous elections. In case of martial law or a state of emergency the elections shall not be held until the end of such emergency.

5. The order of the elections of the National Council shall be determined by law.

Article 34. The Member of Parliament

1. A member of Parliament shall not be limited by an imperative mandate. He is not responsible for the opinion expressed by him during the term of his office and enjoys the right of immunity, except in cases determined for by law.

2. Members of Parliament receive remuneration determined by law.

Article 35. Incompatibility with Membership in Parliament

1. Membership in Parliament is incompatible with other state offices, commercial and other remunerated employment, except scientific, teaching and other creative activities. One and the same person simultaneously cannot be a member of both chambers.

2. A member of Parliament can be Prime Minister at the same time.

Article 36. The Termination of the Mandate of Members of Parliament

1. The mandate of a member of Parliament shall cease before expiration of the term in the following cases:

- a) on the basis of personal announcement;
- b) if sentenced for a criminal offence;
- c) if recognized incapacitated by court;
- d) by reason of incompatible employment;
- e) upon death.

2. The term of the mandate of the members of National Council expires on the day of the dissolution of the National Council.

Article 37. Organization of the Activity of Parliament

1. The chairman of the Darbazi and the speaker of the National Council, who are elected by the majority of the total number of each chamber by secret ballot, lead the activity of each chamber.

2. The chambers set up their own staff -- for preliminary preparation of working plans, agenda and other matters -- which is composed of the chiefs of the chambers, their deputies and chiefs of the standing commissions. On the staff of the National Council is one member from each fraction.

3. The board of Parliament is set up for the coordination of the work of the chambers and management of the staff of Parliament. The board is composed of the chiefs of the chambers, their deputies and the chief of staff. The speaker of the National Council presides over the board meetings. The board confirms the structure of the staff, and appoints and dismisses state officials of the staff.

4. The detailed rules of the work of chambers shall be determined by the procedural rules of each chamber.

Article 38. Parliamentary Commissions

1. The chambers set up commissions for the preliminary drafting of bills, for assistance in implementation of the parliamentary decisions and for supervising the activity of the executive power.

2. The chambers set up temporary and joint commissions of inquiry, in cases determined by procedural rules.

Article 39. Parliamentary Fraction

1. Not less than ten deputies shall be entitled to form parliamentary fractions. The rules of formation and activity of fractions shall be determined by the procedural rules of the National Council.

2. Formation of fractions in the Darbazi is prohibited.

Article 40. The Meetings of the Darbazi

1. The meetings of the Darbazi shall be convened by the chairman upon the request of the President of Georgia, or by at least a one-fifth majority of its members, by the National Council or on his own initiative. The meetings of the Darbazi shall last until completion of the agenda.

2. The Darbazi is authorized to make decisions if the attendance of at least two-thirds of the total number is recognized in accordance with the rules specified by law.

3. The Darbazi shall resolve matters by a majority of the total number of members if not otherwise specified by the Constitution. Procedural matters shall be resolved by the rules of procedure. The chairman shall sign all acts of the Darbazi.

Article 41. Sessions of the National Council

1. The mandate of the National Council shall begin from the opening of the first session and expire with the conclusion of the first session of the newly elected National Council.

2. The first session of the National Council shall be opened by the President of Georgia within a month after the conclusion of

the elections to the National Council.

3. The National Council shall have two regular sessions -- spring and fall. The spring session commences on the first Tuesday of February and concludes on the third Saturday of June of the same year. The fall session commences on the second Tuesday of September and concludes on the third Saturday of December of the same year. If the budget shall not be approved by the end of fall session, the session shall be extended until approval of the budget.

4. The speaker of the National Council, upon the request of the President of Georgia or at least one-fifth of the deputies, may convene an extraordinary session. An extraordinary session of the chamber shall be convened only for a specific agenda and closed as soon as the agenda will be completed.

5. The National Council is authorized to adopt decisions if the authority of at least two-thirds of the total number of members of the chamber is recognized, in accordance with the rules specified by law, and the majority of all deputies are present at the meeting.

6. The National Council shall resolve matters by a majority of members who are present, if the Constitution does not specify otherwise. Procedural matters shall be resolved by the rules of procedure. The speaker shall sign all acts of the National Council.

Article 42. Full Sessions

1. The chambers convene sessions separately.
2. The full sessions of chambers shall be held when:
 - a) taking of the oath by the President;
 - b) listening to a speech of the President;
 - c) holding elections of the President on the second ballot;
 - d) receiving high officials of foreign countries or conducting other ceremonies.
3. The full sessions of chambers shall be held in accordance with the procedural rules of the National Council and the speaker of the National Council presides over them.

Article 43. Public Access to Parliament

1. The meetings of both chambers shall be public. The chambers may close meetings for consideration of predetermined matters.
2. The President, members of Parliament and members of government shall have the right to attend the meetings of chambers, without obstacle.

Article 44. Joint Competence of Chambers

1. Within the joint competence of the Darbazi and the National Council are:
 - a) approval of a revised draft of the Constitution;
 - b) deciding matters of state boundaries and territorial changes within the state;
 - c) adoption of Constitutional laws;
 - d) ratification and renunciation of international treaties of a political, economic and military nature;
 - e) adoption of the budget of the Republic;
 - f) establishment of national taxes.
2. The matters within the joint competence of both chambers

shall first be considered by the National Council, and in case of affirmation, within a week submitted to the Darbazi. In the matters of a, b, c and d paragraphs of the first part of this article decisions will be made by a two-thirds majority of the total number of the National Council.

3. The Darbazi shall ballot within seven days. In cases of consent of the Darbazi, a bill will be considered adopted by the Parliament and will be submitted to the President of the Republic, who shall immediately sign and publish them.

4. In cases of rejection of a bill by the Darbazi, a commission shall be formed on the basis of parity within a week. The commission shall transfer an agreed bill to the Darbazi within seven days, which shall ballot within seven days, and in case of consent the bill shall be referred to the Darbazi.

5. If the Darbazi rejects the bill again, the National Council can reaffirm the previous decision by a three-fourths majority of the total number and submit it to the President for immediate signing and publication.

Article 45. The Exclusive Competence of the Darbazi

1. Within the exclusive competence of the Darbazi are:

- a) establishment of the bases and principles of the implementation of local self-government;
- b) determination of the capacity and rules of formation and activity of regional governing organs;
- c) decisions of matters of administrative and territorial organization of the country;
- d) decisions of matters of territorial boundaries among the provinces;
- e) establishment of local taxes;
- d) ratification and renunciation of international treaties, except the treaties which are within the joint competence of both chambers;
- f) confirmation of the judges of provinces;
- g) appointment of two members of the Constitutional Court;
- h) delivery of a final judgment on the impeachment of the President and other officials.
- i) decisions on other matters determined by the Constitution.

2. The bills adopted by the National Council on the matters of a, b, e and f paragraphs of the first part of this article shall be submitted within seven days to the President of the Republic, who shall sign and publish them, or return them with his remarks which requires reconsideration of the bill.

3. If the Darbazi reaffirms its previous decision by the two-thirds majority of the total number, the President is obligated to sign and publish them immediately.

Article 46. The Exclusive Competence of the National Council

1. Within the exclusive competence of the National Council are:

- a) legislative regulation of the life of the public, except for matters within the joint competence and exclusive competence of the National Council;
- b) confirmation of the government;

c) proclamation of confidence and no confidence in the government;

d) appointment of two members of the Constitutional Court;

e) appointment and dismissal of the chief and members of the Court of the Republic, of the president of National Bank, of the chiefs of the National Intelligence Service and of the Chamber of Control, by the nomination of President;

f) declaration of war and conclusion of truce;

g) taking of domestic or foreign loans;

h) confirmation of martial law or a state of emergency;

i) confirmation of awards, supreme military and special titles, diplomatic ranks and classes;

j) advancing of charges against the President and other officials for their impeachment;

k) delegation to government of the right to adopt decrees having the force of law;

l) decision on other matters determined by the Constitution.

2. The decisions of the National Council on these matters shall not be submitted to the Council of Representatives for consideration if it is not decided by the Darbazi.

3. The bills adopted by the Council of Deputies on the matters of a, f, g and i paragraphs of the first part of this article, shall be submitted within a week to the President of the Republic, who shall sign and publish them or return them with his remarks, which requires reconsideration of the bill.

4. If the National Council reaffirms its previous decision by a two-thirds majority of the total number, the President is obligated to sign and publish them immediately.

Article 47. Ballot

1. Ballot in the Darbazi and National Council shall be open, with the exception of appointments, elections, release and impeachments of state officials and in other cases determined by the Constitution.

2. Members of Parliament shall vote by themselves. The transfer of votes or absentee voting is prohibited.

Article 48. Legislative Initiative

1. The right of legislative initiative is held by:

a) members of Parliament;

b) President;

c) government;

d) 10,000 voters.

2. During consideration and adoption of a bill, amendments can be introduced only by the agreement of the initiator of the bill.

3. The opinion of government shall be heard during consideration of each legislative initiative.

4. In case of rejection of the legislative initiative of the President, he can schedule a referendum on a rejected bill within a week. the President can use this right only once a year.

5. The order of submission and consideration of initiative shall be determined by law.

Article 49. Interpellation of Members of Parliament

1. Members of Parliament shall have the right to interpellate any state official, who shall be obligated to reply within a week, upon the request of a chamber or commission, and to be present at its meeting.

2. The first part of this article does not apply to judges.

Article 50. Pre-term Elections of the National Council

1. The President shall set the date of the elections of the National Council:

a) if the National Council is dissolved in cases prescribed by the Constitution;

b) when the number of deputies is less than half of the total number, due to early termination of their mandates.

2. Pre-term elections of the National Council shall be held in accordance with the order determined by law, within two months from the date determined in the first part of this article.

Chapter IV

THE PRESIDENT OF THE REPUBLIC

Article 51. The President

1. The President of Georgia is the head of state. He should ensure the independence and territorial integrity of the country, for the concerted functioning of state bodies, and should be a guarantee of the protection of human rights and freedoms.

2. The President is the Commander-in-Chief of the Armed Forces of Georgia.

3. The President represents Georgia in domestic and foreign affairs.

Article 52. Presidential Elections.

1. A natural-born citizen of Georgia who has attained the age of 40 and has been a resident of Georgia for 20 years is eligible for the Presidency.

2. The President is elected on the basis of universal, equal and direct right of vote by secret ballot, for a term of five years.

3. A candidate for President shall be a person who receives the signature of 25,000 voters.

4. The candidate is elected President if he received a majority of the votes cast. The elections will be considered held if a majority of the voters participated.

5. If none of the candidates obtains the required number of votes, within two weeks Parliament, without discussion and by secret ballot by a relative majority of votes of the members of permanent, elect the president from between the two candidates who attained the largest number of votes.

6. The order and conditions of the Presidential election are determined by law.

Article 53. The Authority of the President

1. The President appoints:

- a) the Prime Minister;
 - b) two members of the Constitutional Court;
 - c) the chairman of the Constitutional Court;
 - d) highest military officials.
2. The President appoints and dismisses:
- a) ministers by nomination of the Prime Minister;
 - b) heads of the provincial administrations;
 - c) heads of diplomatic missions and special envoys, accepts credentials from diplomatic representatives of foreign countries;
 - d) state officials of the staff of the President.
3. The President nominates:
- a) the government for confirmation by the National Council;
 - b) candidates for chief of the Court of the Republic and its members, the president of National Bank, the chiefs of the National Intelligence Service and the Chamber of Control for confirmation by the National Council;
 - c) candidates for the chief of the courts of provinces and its members for confirmation by the Darbazi;
 - d) candidates for the heads of the provincial administrations of Abkhazia, Adjara, and Tbilisi, with appointment by the representative bodies of the provinces;
4. The President confers:
- a) highest military and special titles;
 - b) highest diplomatic ranks;
 - c) state honors;
 - d) citizenship;
 - e) political asylum;
5. The President declares:
- a) state of emergency in the whole or part of the territory of Georgia and submits it immediately to the National Council for confirmation;
 - b) martial law in a whole or part of the territory of Georgia and submits it immediately to the National Council for confirmation;
 - c) total and partial mobilization;
 - d) amnesty and granting of pardons.
6. The President signs and publishes:
- a) laws adopted by Parliament;
 - b) decrees with the force of law, adopted by the government;
 - c) international treaties concluded on behalf of Georgia;
 - d) instruments of ratification;
 - e) orders and resolutions of the President.
7. The President schedules a referendum upon the request of both chambers and the group of electors, or by his own initiative in cases envisaged by the Constitution.
8. The President exercises other functions determined for by the Constitution and constitutional law.

Article 54. Employment Incompatible with the Presidency

The post of President is incompatible with other remunerated employee or post.

Article 55. Immunity of President

The President is granted immunity. It is inadmissible to

arrest him or holding in custody.

Article 56. Responsibility of the President

1. The President can be removed by Parliament from office by impeachment for treason, violation of the Constitution or laws. In this case Parliament makes a decision by a two-thirds majority of the total number.

2. The detailed procedure for removal of the President from office by impeachment is determined by law.

Article 57. The Executor of the Duties of the President

1. In case of early expiration of the President's term or the inability to discharge his duties, the obligations of President will devolve to the chairman of the Darbazi. The executor of the duties of the President cannot dissolve the National Council.

2. The executor of the duties of the President provides for the holding of presidential elections within two months.

Article 58. Speeches of the President

Twice a year the President reports to Parliament on important issues of domestic and foreign state affairs.

Chapter V

THE GOVERNMENT OF GEORGIA

Article 59. Highest Executive Body

1. The highest executive body of Georgia shall be the government of Georgia, which shall consist of the Prime Minister and Ministers.

2. The government shall carry out the domestic and foreign policy of the country, and ensure national security, the protection of public order and the effective use of budgetary means.

3. The government shall act in accordance with the Constitution and laws.

4. The order of creation and action of government, and the list of the ministers defines the constitutional law on the government of Georgia.

Article 60. Prime Minister

1. The Prime Minister shall lead the government of Georgia. The Prime Minister shall be appointed only from the members of the National Council.

2. The Prime Minister shall represent the government within the country and in foreign relations. He shall be responsible before the Parliament for the actions of government.

Article 61. The Term of Office of the Government

The term of office of the government shall begin from the day of its approval and continue until the approval of a new government.

Article 62. Establishment of the Government

1. One week after the first session of the newly elected National Council, the resignation of the government, a vote of no confidence or the refusal of confidence in the government, the President appoints the Prime Minister and asks him to establish the government. Ten days after the appointment of the Prime Minister, the President submits the government with its full complement of ministers to the National Council for approval.

2. Within a week, the National Council, by secret ballot, appoints the entire Government. The government is considered confirmed if its composition is supported by a majority of the total number of members of the National Council. If the government is not confirmed, the President appoints a new Prime Minister within a week after the ballot and asks him to form a government. Within ten days after the appointment of the Prime Minister, the President submits the full composition of government to the National Council for confirmation.

3. If the National Council, in accordance with the same procedure, does not confirm the government again, then within a week after the ballot, the National Council appoints a new Prime Minister by a majority of the total number of members and asks him to form a government. If the National Council cannot appoint a Prime Minister, or within ten days after his appointment he cannot confirm by secret ballot a government by a majority of the total number of members, the President has the right either to dissolve the National Council and schedule pre-term elections, or to confirm one of the compositions of government previously rejected by the National Council.

Article 63. Changes in Government

The President makes changes in the composition of government by the recommendation of the Prime Minister. If the composition of one-third of the government changes, the President shall raise a vote of confidence on the government before the National Council within a week. The government remains in power if the vote of confidence is supported by a majority of the total number of deputies in a secret ballot.

Article 64. Resignation of the Government

The resignation of the Prime Minister or inability to discharge his duties causes the resignation of the government. The Prime Minister or the President should immediately inform the National Council of this matter.

Article 65. Vote of No Confidence on the Government

1. Not less than 30 deputies of the National Council have the right to call a vote of no confidence on the government. This issue shall be voted on not earlier than five and not later than ten days after it was presented to the speaker in written form. The vote of no confidence on the government is legal if it is supported by a majority of the total number of deputies.

2. The raising of a vote of no confidence on the government is not permitted when:

a) less than three months remain before the expiration of the term of office of the National Council;

- b) a state of emergency or martial law is imposed;
- c) war is declared;
- d) the vote of no confidence on the existing composition of the government was rejected by the National Council within the previous three months;
- e) presidential elections are being held.

3. If, within six months, the National Council declares a vote of no confidence on the government for a third time, the President can dissolve the National Council and schedule elections ahead of time. In this case, the government remains in power until the meeting of the newly elected National Council.

Article 66. Vote of Confidence on the Government

1. The Prime Minister has the right to raise a vote of confidence on the government before the National Council if the National Council rejects his legislative initiative that is considered most important by the government. A vote of confidence on the government shall be voted not earlier than five and not later than ten days after it was submitted. If the majority of the total number of the National Council vote in favor, the bill will be considered passed.

2. If the National Council does not vote for confidence, the President within three days can issue an order for the scheduling of a referendum on this bill and the term of office of the government will be prolonged before the results of referendum. In case of the approval of the bill on the referendum, the rejection of confidence will be considered defeated and the President has the right to dissolve the National Council.

Article 67. The Legislative Initiative of the Government

The legislative initiatives of the government signed by the Prime Minister shall be submitted to the President who within two weeks will have to refer a bill to the appropriate chamber or return it with his remarks on the government.

Article 68. Acts of Government

1. The government shall issue resolutions for the execution of the obligations determined by the Constitution and laws. The Prime Minister shall issue non-normative orders for the resolution of urgent matters.

2. The government shall issue decrees having the force of law by a two-thirds majority of members in cases of the delegation of this right by the National Council and submits them to the President. The President shall sign a decree within a week or return it with his remarks to the government. A decree signed by the President shall enter into force immediately, if not otherwise specified.

3. The Constitutional Court can repeal an act of government, by reason of its incompatibility with the Constitution or law, in accordance with law.

Chapter VI

THE JUDICIARY

Article 69. Execution of Judiciary

1. Judicial power in the whole territory of Georgia shall be exercised exclusively by the courts.
2. Judicial power is exercised in the name of the republic of Georgia.

Article 70. The Independence of Courts

1. The court is independent and shall be subordinate only to the law.
2. No decision of the court can be repealed, changed or terminated by another state body.

Article 71. Judges

1. A judge is independent and shall conduct his activity within the law and ideals of justice. No state body or official has the right to interfere in the judges' functions.
2. The post of judge is incompatible with other remunerated activities, except scientific pursuits or teaching.
3. The personal immunity of judges shall be guaranteed by law.
4. A citizen who has attained the age of 30 and has the highest judicial education can be appointed as judge.
5. A candidate for judge shall be nominated by the Council of Judges, the rules of formation and activity of which shall be stipulated by law, ~~and appointed by the President.~~
6. Judges of the Court of the Republic shall be appointed for life, the judges of provinces and local courts for a term of ten years.
7. Dismissal of judges from their post before expiration of their term is possible only by impeachment, in accordance with law. Impeachment shall be raised by the Council of Judges, and the decisions shall be made by the Darbazi.

Article 72. Publicity of the Review of Cases

1. The review of cases in court is public. Review of cases in closed sessions is possible only in cases determined by law.
2. A decision of the court shall be made public.

Article 73. Equality and Adversity of Parties to a Case

Cases in court shall be reviewed by the principles of equality and adversity between the parties.

Article 74. Language of Legal Proceedings

1. Legal proceedings shall be conducted in the state language.
2. Individuals who are not fluent in the language of the legal proceeding shall be guaranteed an interpreter at all stages of a case.

Article 75. The Right to Defence

1. The right of judicial defence shall be guaranteed for every person, at all stages of the case.

2. Persons who cannot afford to pay for their defense shall be provided a lawyer by the state.

Article 76. Presumption of Innocence

No one shall be found guilty or punished without a court decision.

Article 77. Judicial Bodies

1. The judicial system of Georgia shall consist of:

- a) the Court of the Republic;
- b) provincial courts;
- c) local courts;

2. The organization, jurisdiction and competence of courts shall be determined by Constitutional law.

3. The creation of extraordinary courts or the delegation of judicial power to any other body is prohibited.

4. Constitutional law may stipulate different judicial procedures during war.

Article 78. The Court of the Republic

1. The Court of the Republic shall be the highest judicial body on the whole territory of Georgia.

2. The Court of the Republic shall:

- a) supervise the right of execution of the judiciary on the whole territory of Georgia;
- b) review cases as a Court of Appeal;
- c) review the cases determined by law as the court of the first instance;

3. The National Council shall appoint the chief and members of the Court of the Republic, by nomination of the President.

Article 79. Provincial Courts

1. In every province are created provincial courts, which are an appellate instance for the local courts of this province.

2. The city court of the city of Tbilisi has the status of a provincial court.

3. Provincial courts shall review military and other cases prescribed by law, in accordance with the rule of first instance.

4. The Darbazi shall appoint the chairman and members of the provincial court by nomination of the President.

Article 80. Local Courts

1. Local courts shall review criminal, civil, administrative and other cases prescribed by law, in accordance with the rule of first instance.

2. The President shall appoint the members of the local courts.

Chapter VII

CONSTITUTIONAL COURT

Article 81. Organization of the Constitutional Court

1. Constitutional review in Georgia shall be exercised by the Constitutional Court.

2. The Constitutional Court shall be composed of eight members, each appointed for a term of ten years. Two members shall be appointed by the President, two by the Darbazi, two by the National Council, and two by the Court of the Republic. From the members of the Constitutional Court, the chairman shall be appointed by the President for a term of five years.

3. A member of the Constitutional Court shall be a citizen at least 50 years old, who has the highest legal education and ten years experience as a judge or lawyer in state or scientific-educational institutions.

4. Members of the Constitutional Court can be dismissed from their office only by impeachment, in accordance with law.

5. The organization and order of activity of the Constitutional Court shall be determined by law.

Article 82. Competence of the Constitutional Court

1. The Constitutional Court shall:

a) ascertain the constitutionality of amendments to the Constitution and other bills being submitted for referendum in accordance with the rule of obligatory supervision;

b) interpret the Constitution upon the request of President, Darbazi, National Council, Government and Court of the Republic;

c) ascertain the constitutionality of laws, international treaties of Georgia, acts of the President and government on the basis of a request by the President, Darbazi, National Council, one-third of the members of each chamber, the government and 10,000 voters;

d) resolve disputes about constitutional competence between the highest bodies of state power, the highest and provincial bodies of state power, and between the provinces. The right to submit such a request on these matters is vested in the President, Darbazi, National Council, Government and representative bodies of provinces;

e) decide constitutional lawsuits. The right to submit such lawsuits have any physical or judicial person, which considers that by the act of state organ has been violated his right, guaranteed by the Constitution;

f) decide other issues stipulated by the Constitution.

2. Decisions of the Constitutional Court are final. They are obligatory for every state body and official.

Chapter VIII

THE PROVINCES

Article 83. Division of Provinces

1. Georgia, by social and economical, historical and geographical conditions shall be divided into these provinces: Abkhazia, East Mtianety, Adjara, Guria, Imereti, Kakheti, Racha-Lechkhumi, Samegrelo, Samtskhe-Djavakheti, Svaneti, Shida Kartli, Kvemo Kartli, and the city of Tbilisi.

2. The legal status of the provinces shall be determined by the Constitutional law on the status of provinces.

3. The legal status of Tbilisi, the capital of Georgia, shall be determined by Constitutional law.

Article 84. Provinces with Special Status

1. The provinces of Abkhazia and Adjara have special status.

2. The legal status of the provinces with special status shall be determined by the appropriate constitutional law. The drafts of such laws, as well as their amendments and alterations, should be approved by the representative body of the appropriate province, before their discussion in Parliament.

3. Official status can be given to the Abkazian language in the province of Abkhazia.

4. This special status does not envisage economic or social privileges.

Article 85. Authority of the Provinces

1. Within the authority of the provinces are the following issues:

a) establishment of boundaries among the administrative-territorial units within the province;

b) creation and financing of the provincial departments and institutions;

c) establishment and collection of provincial taxes;

d) establishment of the budget of the province, in accordance with the state budget;

e) organization of local public works;

f) organization of the territory and town planning;

g) local industry, energy, and communication;

h) local transport, roads and highways;

i) local ports and airports;

j) agriculture;

k) forests and forestry;

l) fishing and inland waters;

m) culture, science and education;

n) sport and tourism;

o) care of public health and hospitals;

p) local police;

q) mass media.

2. Other issues can be vested within the authority of Abkhazia and Adjara by an appropriate constitutional law.

Article 86. Administration of Provinces and Head of Administration

1. The representative body of provinces creates provincial administration in accordance with law. The head of the administration is the Mtavari, who is appointed by the President from members of the representative body.

2. The heads of the administration of Abkhazia and Adjara are appointed and dismissed by their representative bodies by the proposal of the President.

Article 87. Representative Bodies of the Provinces

1. The representative body of a province is composed of

members of local governments in proportion to their population. The order of activity and creation of the representative bodies of provinces is determined by law.

2. Constitutional law on the provinces with special status can stipulate different rules for the election of representative bodies.

3. The right to dissolve a representative body of a province for the violation of the Constitution and laws is vested in the Darbazi on the basis of a decision by the Constitutional Court.

Chapter IX

SELF-GOVERNMENT AND LOCAL GOVERNMENT

Article 88. Self-Government

1. Regulation of public works in villages, communities and cities shall be carried out by the self-government. The people shall exercise self-government directly or by elected bodies.

2. Bodies of self-government independently shall give orders on local property, determine local taxes and dues, establish the local budget, protect public order and resolve other issues of local importance.

3. The bases and principles of the realization of self-government shall be determined by the Darbazi. The rule of the creation and function of the bodies of self-government shall be determined by the representative body of the province.

Article 89. Institutions of Regional Government

1. Self-governments of villages, communities and cities shall unite into the regions for more effective management of the issues of local importance and for implementation of the state policy of provinces.

2. The question of unity of the villages, communities and cities, separation from a region or the joining a region of the same province shall be decided by the population of villages, communities and cities, in a referendum in accordance with law. The results of the referendum shall be published and changes in the regional division of the province shall be done by the representative body of the province. The Darbazi can limit this power of self-government in accordance with state interests.

3. The government of the region shall be carried out by the regional administrative body, which shall be composed of the representatives of the self-governments. The head of this body shall be the Gamgebeli of the region, appointed by the representative body of the appropriate province.

4. The authority, order of creation and activity of the institutions of regional government shall be determined by the Darbazi.

Article 90. Acts of the Bodies of Self-Government and Institutions of the Regional Government

In order to implement their functions, bodies of

self-government, institutions of regional government and state officials shall issue acts. The right to abolish these acts is vested only in the provincial court, in accordance with law.

Chapter X

REVISION OF THE CONSTITUTION

Article 91. Initiative of Revision of the Constitution

1. The right of initiative of the revision of the Constitution is vested in:

- a) the President;
- b) the National Council;
- c) the Darbazi;
- d) 100,000 elector.

2. The initiative of the revision of the Constitution shall be submitted to the Parliament, which shall publish it for public discussion within one month.

Article 92. Consideration by Parliament of Constitutional Revisions

1. Parliament shall begin consideration of Constitutional revision not sooner than six months after it is submitted to the Board of Parliament.

2. Discussion of the bill in chambers shall not last more than one month after the beginning of discussion.

Article 93. Approval of the Bill and Scheduling of Referendum

1. A bill on the revision of the Constitution shall be considered approved if it was supported by two-thirds of the total members of each chamber.

2. In case of approval, the bill immediately shall be given to the Constitutional Court. The President shall schedule a referendum one month after the approval by the Constitutional Court.

Article 94. Adoption of the Bill on the Revision of the Constitution

1. The bill on the revision of the Constitution shall be considered adopted if it was supported by a majority of electors on the referendum.

2. The order and conditions of the referendum shall be determined by law.

3. The President within one week shall sign and publish laws adopted by referendum.

Article 95. Inadmissibility of the Revision

1. The adoption of the bill on the revision of the Constitution shall be inadmissible if it:

- a) deprives or limits the human rights and freedoms guaranteed by the Constitution;
- b) changes the republican form of the state.

2. Bills rejected by referendum in the previous five years shall not be a matter of new a discussion.

3. A declaration of a state of emergency or martial law shall

halt the process of revision of the Constitution until the expiration of such.

Chapter XI

TEMPORARY PROVISIONS

Article 96. Temporary Provisions

1. Before the elections of the Darbazi and the National Council and the adoption of the appropriate Constitutional laws, the authority and order of activity of the state bodies shall be determined by existing laws in force before passage of the Constitution.

2. Elections of the Parliament and President shall be held not later than one year after the Constitution enters into force.

3. The first elections of the Darbazi shall be held by direct majoritarian elections.

4. Two months after the elections of the Darbazi, a vote will be held to divide the Darbazi into three equal parts which respectively will be given terms of office of two, four and six years.

5. The Constitutional Court shall be created after the adoption of the appropriate Constitutional law.

6. Constitutional laws shall be adopted not later than one year after the elections of the Darbazi and the National Council.