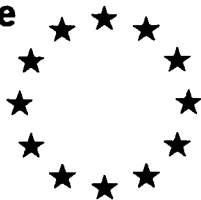


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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**REGULATION  
OF THE CONSTITUTIONAL COURT  
OF GEORGIA**

**Chapter I**

**COMPOSITION AND STRUCTURE  
OF THE CONSTITUTIONAL COURT**

# Regulations of the Constitutional Court of Georgia.

## Chapter One.

### Composition and Structure of the Constitutional Court.

#### Article 1.

The Constitutional Court is composed of nine judges- members of the Constitutional Court. The Chairman, two vice-chairs and the Secretary of the Constitutional Court are elected among them by secret balloting.

#### Article 2.

1. The term of authority of a member of the Constitutional Court is 10 years. The term of authority starts on a day an oath is taken and expires in 10 years after taking an oath. If the term of authority of a member of the Constitutional Court expires during the time he/she participates in consideration of a case, then the final day of his/her authority is considered to be the day a decision is taken.

2. A member of the Constitutional Court receives financial remuneration from the day of appointment to a post only if he/she ceases activities incompatible with the activities of a member of the Constitutional Court by determined procedures, or if the position held by him/her before appointment to a post is compatible with the position of a member of the Constitutional Court.

#### Article 3.

1. The Chairman of the Constitutional Court:

- a) represents the Constitutional Court of Georgia within the country as well as abroad;
- b) convenes the Plenum of the Constitutional Court, presides over its sittings, signs decisions, judgments, and conclusions adopted by the Plenum, also decrees of the Plenum and proceedings of the sittings;
- c) distributes cases for consideration by the procedure determined by this regulations;
- d) manages assignments of the Constitutional Court;
- e) appoints and releases staff employees;
- f) directs work of the staff of the Constitutional Court;
- g) submits candidates for vice-chairs and the Secretary of the Constitutional Court for election to the Plenum of the Constitutional Court;
- h) the Chairman of the first composition of the Constitutional Court submits a draft of the regulations of the Constitutional Court to the Plenum of the Constitutional Court for confirmation within 15 days after his/her election;
- i) submits the compositions of boards to the Plenum of the Constitutional Court for confirmation;

- j) submits proposals on changes and additions in the regulations to the Plenum of the Constitutional Court ;
  - k) forms the commission on ethics and disciplinary cases;
  - l) as necessary confirms provisions of structural subdivisions of the staff;
  - m) performs other authorities charged to him by the legislation and these regulations.
2. The Chairman of the Constitutional Court issues orders within the framework of his authority.

#### **Article 4.**

1. The Plenum of the Constitutional Court elects vice-chairs of the Constitutional Court. The Chairman of the Constitutional Court nominates candidate-vice-chairs separately. The candidates are balloted separately.
2. The decision of the Plenum on the election of a vice-chair is considered adopted if supported by at least five members of the Constitutional Court in secret balloting.
3. The procedure mentioned above is repeated in case of non election of a vice-chair of the Constitutional Court and the Chairman is authorized to submit the same or the other candidate to the Plenum.

#### **Article 5.**

1. A vice-chair of the Constitutional Court presides over the sitting of the appropriate board and at the direction of the Chairman of the Constitutional Court performs his separate functions.
2. One of the vice-chairs performs duties of the Chairman of the Constitutional Court at the Chairman's direction, if the Chairman is absent or disabled from performing his duties and if such direction does not exist his duties are performed by the eldest vice-chair.

#### **Article 6.**

1. The Plenum of the Constitutional Court elects the Secretary of the Constitutional Court. The Chairman of the Constitutional Court nominates the candidate-secretary.
2. Decision of the Plenum on election of the Secretary of the Constitutional Court is considered adopted if supported at least by five members of the Constitutional Court in secret balloting.
3. Procedure mentioned above is repeated if the Secretary of the Constitutional Court is not elected and the Chairman is authorized to submit the same or other candidate to the Plenum.
4. One of a members of the Constitutional Court, who is neither the Chairman nor a vice-chair of the Constitutional Court simultaneously, temporarily performs duties of the Secretary of the Constitutional Court at the Chairman's direction before election of the Secretary of the Constitutional Court or disability to perform the Secretary's duties. If the authorities of an acting Secretary last longer than one month the Chairman of the Constitutional Court submits a proposal to the Plenum on extension of term of authority to an acting Secretary. The term of activity of an acting Secretary of the Constitutional Court by one person should not exceed 6 months in succession.

5. The Secretary of the Constitutional Court performs authorities charged on him by Article 14 of the law "on the Constitutional Court of Georgia" besides the authorities of a member of the Constitutional Court.

#### **Article 7.**

1. Two boards are formed at the Constitutional Court. Each board is composed of four members of the Constitutional Court.
2. Composition of boards is confirmed by the Plenum on submission of the Chairman of the Constitutional Court by open balloting.
3. The procedure mentioned in clause 2 is repeated, if a decision on confirmation of boards' compositions is not adopted and the Chairman is authorized to submit the same or other compositions.
4. The Chairman is guided by the requirements of clause 4, Article 11 of the law "on the Constitutional Court of Georgia" while determining personal compositions of boards for submission to the Plenum for confirmation.
5. Acts of boards are: decision and judgment.

#### **Article 8.**

1. All the nine members of the Constitutional Court compose the Plenum of the Constitutional Court. The Chairman of the Constitutional Court convenes Plenum according to the necessity, but at least once a month.
2. Plenum adopts the following acts during substantive consideration of a case: decision, judgment and conclusion. The act of the Constitutional Court, which is not connected with consideration of a case is adopted in form of a decree.
3. The Chairman and the Secretary of the Constitutional Court sign decisions adopted at Plenum.
4. A decision enters into force at the moment of its adoption.

#### **Article 9.**

The Chairman of the Constitutional Court appoints three members of the Commission on Ethics and Disciplinary Cases for matters envisaged by Articles 10, 11, 12, 13, 14, 16, 17, 18, 19 and 21 of the regulations of the Constitutional Court and also for consideration of issues on disciplinary responsibility of members of the Constitutional Court. Members of the commission elect the chairman of the commission from their composition. The composition of the commission should be rotated by at least one third annually. The Chairman, vice-chairs and the Secretary of the Constitutional Court have no right to be among the composition of the commission.

2. The Commission on Ethics and Disciplinary Cases forwards its conclusion on disciplinary responsibility of a member of the Constitutional Court to the Chairman of the Constitutional Court. The Chairman of the Constitutional Court convenes the Plenum within two weeks. The Chairman issues an order on the administration of disciplinary measures against a member of the Constitutional Court if the Plenum agrees.
3. The Chairman of the Constitutional Commission suspends the membership of any member of the Commission on Ethics and Disciplinary Cases, if a case, consideration of

which is within the competence of the Commission on Ethics and Disciplinary Cases, relates to this member and immediately replenishes composition of the Commission.

4. The Commission is authorized to take a decision if its sitting is attended by two members, at least.

5. A conclusion of the Commission is considered adopted if supported by the majority of members of the commission.

#### **Article 10.**

1. The Chairman of the Constitutional Court immediately sends documentation he receives to the Commission on Ethics and Disciplinary Cases and to the rest members of the Constitutional Court and convenes an emergency sitting of the Plenum in agreement with the Commission on Ethics and Disciplinary Cases within 72 hours after receiving an application, in which the authorized body applies to the Constitutional Court on the arrest or bringing to Court of a member of the Constitutional Court. The eldest vice-chair of the Constitutional Court sends materials to members of the Constitutional Court and convenes an emergency sitting if application received relates to the Chairman of the Constitutional Court.

2. Hearing of officials, who represent the body submitting an application, the Commission on Ethics and Disciplinary Cases and those members of the Constitutional Court whose arrest or bringing to a Court required the body submitting an application, takes place at a closed sitting of the Plenum.

3. The Plenum adopts one of the following decisions listed below at a closed sitting by secret balloting:

a) a refusal for the arrest or bringing to criminal court of a member of the Constitutional Court;

b) agreement with the arrest or bringing to criminal court of a member of the Constitutional Court. In such case the authority of the member of the Constitutional Court is suspended by the same decision of the Plenum.

#### **Article 11.**

Issues connected with search of place of residence, car, work place or person of a member of the Constitutional Court are decided by procedure envisaged by Article 10. Agreement of the Plenum of the Constitutional Court does not cause suspension of the authority to a member of the Constitutional Court in such case.

#### **Article 12.**

1. An emergency sitting of the Plenum is convened by the established procedure if a member of the Constitutional Court is caught committing a crime and if the Constitutional Court is immediately notified of his/her detention. The Chairman of the Constitutional Court addresses the Procurator General of Georgia simultaneously to insure the presence of the detained person at the Plenum.

2. The Plenum adopts one of the following decisions within 24 hours after hearing Procurator General and the detained judge at a closed sitting:

a) a refusal for the detention of a member of the Constitutional Court;

b) an agreement with the detention of a member of the Constitutional Court.

3. The Constitutional Court requires immediate release of a detained member, if the Constitutional Court is not immediately notified of the fact of his/her detention.

#### **Article 13.**

1. The Commission on Ethics and Disciplinary Issues hears the opinion of a member of the Constitutional Court who fails to perform his/her duties for 6 months in succession in connection with these issues and as necessary requires medical conclusion on the condition of his/her health or other documents; after which the Commission on Ethics and Disciplinary Cases applies to the Chairman of the Constitutional Court, who convenes an emergency sitting of the Plenum within two weeks after an application is introduced.

2. The Commission on Ethics and Disciplinary Cases submits appropriate materials to a closed sitting of the Plenum and reports the actual circumstances, after which a decision of the Plenum on pre-term suspension of the authority of a member of the Constitutional Court is voted on. The decision is considered adopted, if supported by the majority of members of the Constitutional Court present at the Plenum in secret balloting.

#### **Article 14.**

1. The Chairman of the Constitutional Court convenes an emergency sitting of the Plenum if a verdict of "guilty" is entered against a member of the Constitutional Court.

2. The Plenum adopts a decision on pre-term suspension of the authority of a member of the Constitutional Court at a closed sitting by secret balloting.

#### **Article 15.**

1. The Commission on Ethics and Disciplinary Cases starts verification of the actual circumstances connected with a case on the initiative of the Chairman of the Constitutional Court, if the Constitutional Court finds out that a member of the Constitutional Court has revealed a professional secret.

2. The Chairman of the Constitutional Court convenes an emergency sitting of the Plenum after the Commission has determined the actual circumstances.

3. The Plenum adopts a decision on pre-term suspension of the authority of the member of the Constitutional Court at a closed sitting by secret balloting.

#### **Article 16.**

1. The Chairman of the Constitutional Court warns a member of the Constitutional Court in writing and gives him/her a month to correct an incompatible function, if he holds a position incompatible with his statute or performs activities prohibited by law.

2. The Chairman of the Constitutional Court immediately convenes the Plenum upon the recommendation of the Commission on Ethics and Disciplinary Cases.

3. The Plenum adopts a decision on pre-term suspension of the authority of the member of the Constitutional Court at a closed sitting by secret balloting.

#### **Article 17.**

The Chairman of the Constitutional Court convenes an emergency sitting of the Plenum on his own initiative or on the basis of a proposal of the Commission on Ethics and Disciplinary Cases within 7 days, if a member of the Constitutional Court loses Georgian citizenship.

2. The Plenum adopts a decision on the pre-term suspension of the authority of the member of the Constitutional Court at a closed sitting.

**Article 18.**

The Chairman of the Constitutional Court convenes an emergency sitting of the Plenum on his own initiative or on the basis of a proposal of the Commission on Ethics and Disciplinary Cases within 7 days, if a member of the Constitutional Court is recognized as disabled by the Court.

2. The Plenum adopts a decision on pre-term suspension of the authority to a member of the Constitutional Court at a closed sitting.

**Article 19.**

The Chairman of the Constitutional Court convenes an emergency sitting of the Plenum within 7 days, if a member of the Constitutional Court dies. The Plenum takes decision on the pre-term expiration of the authority of the member of the Constitutional Court.

**Article 20.**

1. The Chairman of the Constitutional Court forwards a statement on the resignation of a member of the Constitutional Court to the Commission on Ethics and Disciplinary Cases. The Commission on Ethics and Disciplinary Cases investigates the reasons for the resignation.

2. The Plenum takes a decision on the pre-term suspension of the authority of the member of the Constitutional Court by secret balloting.

## Chapter Two.

### Staff of the Constitutional Court.

**Article 21.**

1. The Staff of the Constitutional Court is formed to insure the organizational-technical activity of the Constitutional Court of Georgia. The Chairman of the Constitutional Court directs the staff generally.

2. The Secretary of the Constitutional Court also directs the staff within the framework of his competence as determined by law.

**Article 22.**

1. The following subdivisions are formed within the staff taking into consideration budget of the Constitutional Court and other circumstances: Department of Receiving and Developing Information, Analytical and Editorial-Publishing Department; Staffs of the Chairman, vice-chairs, the Secretary and members of the Constitutional Court; Personnel Department,

Department of Finances and Accounting; Department of International Relations; Library and Department of Economic Insurance. A Scientific-Advisory Council is formed an adjunct of the staff.

2. The Chairman of the Constitutional Court confirms the organizational structure of the staff.

#### **Article 23.**

The Department of Receiving and Developing Information insures receiving of Constitutional Claims and Submissions, their computerizing and later starting a case by procedure determined by regulations, supplying members of the Constitutional Court with information; sending information to different authorities as determined by procedure.

#### **Article 24.**

Analytical and Editorial-Publishing Department spreads information on the activities of the Constitutional Court; obtains information spread by Foreign Agencies; informs members and employees of the Constitutional Court of them; organizes a timely response to information related to the Constitutional Court; prepares information for the authorities of the Constitutional Court according to the information about the Constitutional Court of Georgia published in mass media; reviews Georgia's press, analyses it and informs members of the Constitutional Court; organizes press-conferences, briefings, presence of mass media's representatives at the official meetings of the Constitutional Court in a case of necessity; insures the printing body of the Constitutional Court, publishing of a collection of decisions and literature connected with a Constitutional problem; and publishing of decisions of the Constitutional Court in the official organ.

#### **Article 25.**

1. The Chief of the Chairman's Secretariat, the Chairman's assistants, advisers and a paralegal, who is a secretary of the Plenum's sitting of the Constitutional Court simultaneously, form the staff of the Chairman of the Constitutional Court.
2. An assistant and two paralegal, one of which is a secretary of a sitting of one of the boards of the Constitutional Court simultaneously form the staff of each vice-chair.
3. Two assistants and a paralegal form the staff of the Secretary of the Constitutional Court.
4. Assistants and paralegal form the staff of every member of the Constitutional Court.
5. Assistants help judges in carrying out their functions; fulfill separate tasks of the judges. An assistant must be a person with a high legal education. The Chairman of the Constitutional Court takes into consideration the desire of every judge in connection with a candidate-assistant, while assigning assistants of judges to their position.
6. The Chief of the Secretariat of the Chairman of the Constitutional Court and paralegal of the members insure development and maintenance of working structure; fulfill separate organizational functions charged on them. The Chief of the Secretariat of the Chairman of the Constitutional Court is also charged to take minutes.
7. Paralegal-secretaries of a sitting fulfill work in connection with preparation of a case for consideration; draw up reports of a sitting; put into shape considered cases; forward considered cases to the keeper of archives; fulfill other functions charged to them by legislation and these regulations.



**Article 26.**

The Scientific-Advisory Council is composed of persons working on contractual or other basis; they hold scientific examinations and give advisory conclusions on separate issues within the competence of the Constitutional Court.

**Article 27.**

The Personnel Department makes and terminates employment contracts for employees of the staff of the Constitutional Court, keeps personal files for the members of the Constitutional Court and the staff employees; registration and concluding of their work-books and appendixes; supplies identity cards and passes; draws up missions, annual leaves and pension cards to employees; prepares draft orders on employees' awarding, encouraging and punishing by disciplinary procedure; insures maintenance of existed documentation for official needs, and decides issues on raise of personnel qualification; carries out secret case proceedings on issues related to its competence as necessary.

**Article 28.**

Department of Finance and Accounting renders financial service to the Constitutional Court and accounts for its activities; prepares draft-estimate for submission to the state budget; insures distribution of allotted means as well as purposeful expending of means; supervises the maintenance of financial-accounting discipline; economical use of material resources and fiscal means.

**Article 29.**

The Department of Economic Insurance guarantees creation of appropriate working conditions to members and staff employees of the Constitutional Court. Insures maintenance of sanitary norms in the building of the Constitutional Court, normal functioning of electric-heating, water-supplying systems, public catering projects (canteen, buffet) and transport means; insures the obtaining of furniture, technical support, equipment and stationery for the Constitutional Court; registration and keeping of material values within the building; and conducting routine repairs.

**Article 30.**

The Department of International Relations of Georgia establishes contacts with Constitutional Courts of other countries, performs the free exchange of information, prepares analytical materials on experience of foreign countries in the appropriate field.

**Article 31.**

The Library is formed for the purpose of providing the Constitutional Court with adequate literature and legislative acts, also for the purpose of their registration. The Library renders service to the members and employees of the Constitutional Court, forms a computer catalogue of literature belonging to the Constitutional Court. One of the employees of the library performs duties of keeper of the archives.

## Chapter Three.

### Constitutional Legal Proceedings.

#### Article 32.

Legal proceedings are performed on basis of the Constitution of Georgia, the law "on the Constitutional Court of Georgia", Georgia's law "on Constitutional legal proceedings" and these regulations at the Constitutional Court.

#### Article 33.

The basis for starting a case at the Constitutional Court is a Constitutional Claim or a Constitutional Submission.

#### Article 34.

In a Constitutional Claim or a Constitutional Submission it should be indicated:

- a) the name of the Constitutional Court;
- b) the name and address of an applicant or submission's author as well as that of a defendant;
- c) the name of a disputed act and printing body publishing it, as well as the date of its receipt and name of a body receiving it;
- d) the proofs, which to an applicant's or a Constitutional Submission's author's opinion prove importance of a Constitutional Claim or a Constitutional Submission;
- e) the norm or norms of the Constitution of Georgia, to which in an applicant's or Constitutional Submission's author's opinion does not correspond with or violates a disputed act;
- f) the substance of a demand;
- g) the norms of the Constitution of Georgia, the law "on the Constitutional Court of Georgia" and the law "on Constitutional Legal Proceedings", which enable an applicant or an author of a Constitutional Submission to introduce a Constitutional Claim or a Constitutional Submission to the Constitutional Court;
- h) a list of documents added to a Constitutional Claim or a Constitutional Submission, as well as list of persons and addresses who should be summoned to the Constitutional Court in an applicant's or a Constitutional Submission's author's opinion.

#### Article 35.

The Constitutional Claim or a Constitutional Submission should be necessarily supplied with:

- a) the text of a disputed normative act or the text of a part of a disputed normative act;
- b) the document proving authority of a representative, in cases envisaged by law;
- c) a document proving payment of the state tax;

- d) a written request for an interpreter, in a case in which an applicant, author of a Constitutional Submission or their representative does not possess the language of legal proceedings;
- e) a written statement requiring the summoning at a procedural sitting, if an applicant considers it necessary.

#### **Article 36.**

1. A Constitutional Claim or a Constitutional Submission is introduced to the Department of Receiving and Developing Information.
2. The authorized employee of the department decides an issue on registration of a Constitutional Claim or a Constitutional Submission after considering the formal sides of a case. The employee is not authorized to verify contents of a case.
3. In case of a refusal to register an applicant or author of a Constitutional Submission is authorized to address the Secretary of the Constitutional Court.
4. A received Claim or Submission is registered in a register "N 1a" by the appropriate procedure, which is kept by the department; A received Claim or Submission is computerized and forwarded to the Chief of the Secretariat of the Chairman of the Constitutional Court together with added documents, on next working day after registration.
5. The Chief of the Secretariat of the Chairman forwards a received Claim or Submission to the Chairman of the Constitutional Court together with added documents after their registration in a register "N 1b".

#### **Article 37.**

1. The Chairman of the Constitutional Court forwards Claim or Submission together with added documents to one of the boards for decision of an issue on receiving a case for consideration.
2. The secretaries of the boards' sittings register Claim or Submission on its receiving in register "N 1c" and "N 1d" correspondingly.

#### **Article 38.**

The chairman of the board's sitting fixes a date for a procedural sitting by a resolution and a case is within judgment of the board while its substantive consideration, he appoints a judge-speaker and immediately notifies members of the board about it. A Sitting should be held within 7 days after registration of a case by the board.

#### **Article 39.**

1. The board takes a decision on acceptance or non-acceptance of a Constitutional Claim or Submission for consideration.
2. The decision of the board is signed by the chairman of the board's sitting first and then by every member of the board participating in consideration of the case in alphabet order in spite of the position held by them in balloting. The chairman of the sitting announces a decision at the Court room after procedure of signing a decision is over at the conference room.
3. Clause 2 of Article 7 of the law "on Constitutional Legal Proceedings" acts correspondingly.

**Article 40.**

Legal proceedings on a case cease if a decision of non acceptance of a Constitutional Claim or a Constitutional Submission is adopted. Materials of such a case are sent to the keeper of archives and a copy of the decision is sent to the Department of Receiving and Developing Information. The Department of Receiving and Developing Information registers a decision in a register "N 2a".

**Article 41.**

1. In a case in which a decision of acceptance of a Constitutional Claim or a Constitutional Submission is taken:

- a) the case is left with the same board if it deals with an issue envisaged by clauses b), c), e) or g) of Article 19 of the law "on the Constitutional Court of Georgia";
- b) the chairman of the board's sitting forwards a case to the Chief of the Secretariat of the Chairman of the Constitutional Court, if the case deals with an issue envisaged by clauses d), f) and h) of Article 19 or Article 20 of the law "on the Constitutional Court of Georgia", who on his/her part immediately registers a case in a register "N 2b". The Chairman of the Constitutional Court fixes a date for substantive consideration of a case by a resolution, taking into consideration the requirements of clause g) of Article 21 of the law "on Constitutional Legal Proceedings".

2. All materials of a procedural sitting is forwarded to the keeper of archives and a copy of a decision is sent to the Department of Receiving and Developing Information. The Department of Receiving and Developing Information registers a decision in a register "N 3a".

**Article 42.**

1. Judge-speaker prepares a case for substantive consideration, for which he/she:

- a) asks the applicant for the substance of the demands of a Claim if necessary, recommends that an applicant presents additional proofs if necessary;
- b) summons the defendant and asks him/her the circumstances of a case if necessary, recommends to a defendant that he/she presents a written explanation of a particularly complicated cases;
- c) determines and decides the necessity for summoning of a specialist, interpreter and witness to a sitting on the substantial consideration of a case;
- d) arranges other issues connected with preparation of a case for substantive consideration.

2. The Secretary of the Constitutional Court carries out preparatory measures for sittings of the Plenum and boards.

**Article 43.**

1. The participants in a Constitutional legal proceedings summoned to a procedural sitting by the Constitutional Court are informed of the time and place of the procedural sitting by a summons at least 3 days before holding a sitting.

2. The participants in a Constitutional legal proceedings, witnesses, experts, specialists and interpreters are informed of the time and place of the substantive consideration of a case or separate procedural actions by a summons at least 3 days before holding such a sitting or procedural actions.

3. A summons should include:

- a) the name and exact address of the Court;
- b) the place and time of appearing before the Court;
- c) the name of a case for consideration;
- d) the individual summoned to a Court as well as a notice for what he is summoned;
- e) the recommendation to an individual participating in a case to present every proof on a case within their disposition;
- f) a notification that in case of an addressee's absence, the person receiving a summons is obliged to hand it over to an addressee on the very first occasion;
- g) registering cases of non appearance before the Court.

#### **Article 44.**

A copy of a Claim is sent to a defendant together with a summons. The defendant's written explanation is sent to an applicant together with a summons, if such is received by the Court.

#### **Article 45.**

1. A summons should be personally handed over to physical persons of Georgia and other states. If a person bringing a summons can't find a person summoned to the Constitutional Court at the known address, a summons should be handed over to any member of the family living with him/her who is of age. In such a case a person receiving a summons is obliged to write down his/her surname, name and father's name, also his/her relations with the addressee or position occupied by him/her on the second copy of a summons. A person receiving a summons is obliged to hand over the summons to an addressee on the first occasion without delay.

2. In a case a summons' handing over to a certain body is necessary, it is handed over to an appropriate office or official of the body.

3. If an addressee or other person refuses to accept a summons, the person bringing it makes an appropriate note on the summons and returns it to the Court.

#### **Article 46.**

The time of handing over a summons to an addressee is marked on the handed over summons and on the second copy of it, which is returned to the Constitutional Court.

#### **Article 47.**

1. Summoning of participants of legal proceedings, witnesses, experts, specialists and interpreters to the Constitutional Court is possible by other means as well as necessary.

2. The appearance before the Constitutional Court of the participants in a legal proceedings, experts, specialists, interpreters and informing them orally of the time and place of a sitting or procedural actions is the same as the procedures in Article 45.

3. Persons and representatives participating in a case are obliged to inform the Constitutional Court on any change in their address during case proceedings.

**Article 48.**

The Department of Receiving and Developing Information of the Constitutional Court is directed to send and appropriately register summons, to get in touch by other means of communication and to register this appropriately, also register information given orally and for these purposes keep register "N 4a".

**Article 49.**

1. The Constitutional Court postpones consideration of a case, if any participant in the legal proceedings is absent for an excusable reason. A case may be considered without an absent person if there is no notice of his/her absence, or if the Court considers the reason of his/her absence as not excusable.
2. If the Court considers that the participation of an absent person, who is absent by non pardonable reason is necessary in a process, consideration of a case is postponed.  
. In case of the absence of both parties to a legal proceedings, the Court postpones consideration of the case, if at least one party's statement on considering a case without its presence is not received by the Constitutional Court.
4. The absence of a repeatedly summoned participant or participants does not prevent consideration of a case.
5. In a case of the absence of a witnesses, specialists or experts the Court hears the opinion of participants of a case on the possibility of considering the case without the presence of the persons mentioned above and takes a decision on continuing or postponing consideration of the case. The absence of a repeatedly summoned witness, specialist or expert does not prevent consideration of a case.

**Article 50.**

1. During the substantive consideration of a case, parties enjoy equal rights and opportunities to prove their demands, deny or reject demands, convictions and proofs of the other party.

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

3. The Constitutional Court considers issues envisaged by clause "h" of Article 19 and Article 20 of Georgia's law "on the Constitutional Court of Georgia" without participation of the initiators of a submission and their representatives. The Constitutional Court is authorized to summon the appropriate officials and hear their explanations, but does not recognize them as parties, while preparing conclusion on issues envisaged by clause "h" of Article 19.

**Article 51.**

1. An applicant is authorized to change the subject, basis and amount of an initial demand. In such a case the Constitutional Court is authorized to decide to continue or start the legal proceedings from the beginning.
2. An applicant is authorized to withdraw the demand of a Claim. Withdrawal of a demand of a Claim, and abrogation or recognition as invalid of a disputed act for a moment considering a case, causes suspension of a case at the Constitutional Court.

**Article 52.**

1. A party is authorized to raise a question on recusal of a member, expert, specialist or interpreter of the Constitutional Court participating in consideration of a case to the Constitutional Court, if:
  - a) the member, expert, specialist or interpreter of the Constitutional Court is a close relative of a party or its representative;
  - b) the member, expert, specialist or interpreter of the Constitutional Court is directly or indirectly interested in results of a case, or if there exist other circumstances, which cast doubt on the impartiality of a member of the Constitutional Court.
2. the Member, expert, specialist or interpreter of the Constitutional Court is authorized to recuse himself from participating in the consideration of a case, if there exist grounds envisaged by clauses "a" and "b" of this article.

**Article 53.**

A statement on recusal should be well explained and announced on starting substantive consideration of a case. Announcement of a statement on recusal afterwards, is possible only in a case, when grounds of recusal became known to a person requiring recusal only after starting substantive consideration of a case. The Court is obliged to notify the Court's sitting of the mentioned circumstances, if they became known to the Court only after starting consideration of a case, for the purpose of deciding an issue of recusal, before leaving for the Conference room for a final decision.

**Article 54.**

The Constitutional Court considering a case should hear the second party as well a person against whom a recusal is requested, if he/she desires giving some explanations. statement of recusal requested against him/her.

**Article 55.**

1. The Constitutional Court considering a case decides the issue of the recusal of an expert, specialist or interpreter.
2. The Constitutional Court decides the issue of the recusal requested against a member of the Constitutional Court.

**Article 56.**

The Constitutional Court adopts a well explained decision on acceptance or non-acceptance of recusal in the Conference room.

**Article 57.**

The Chairman of the Constitutional Court forwards a case for substantive consideration to the other board, if a composition of the first board considering a case is reduced to two members, while taking a decision on the acceptance of a recusal.

**Article 58.**

Requesting the recusal of the whole composition of the Constitutional Court considering a case is impermissible.

**Article 59.**

Substantive consideration of a case ends on taking a decision or a conclusion by the Constitutional Court.

**Article 60.**

1. A decision of a board is signed by the chairman of a sitting first and then by every member of the Constitutional Court participating in consideration of a case in alphabet order in spite of position held by them in balloting.
2. Clauses 2, 3, 4 and 5 of Article 7 of the law "on Constitutional Legal Proceedings" act correspondingly.

**Article 61.**

1. A decision or a conclusion of the Plenum is signed by the Chairman and the Secretary of the Constitutional Court first and then by every member of the Constitutional Court participating in consideration of a case in alphabet order in spite of position held by them in balloting.
2. Clauses 2, 3, 4 and 5 of Article 7 of the law "on Constitutional Legal Proceedings" act correspondingly.

**Article 62.**

1. A decision or a conclusion of the Constitutional Court together with the materials of a case is sent to the keeper of archives and a copy of a decision or a conclusion is sent to the Analytical and Editorial-Publishing Department, for fulfillment of the demands determined by Article 33 of Georgia's law "on Constitutional Legal proceedings".
2. A decision of the Constitutional Court is obligatory and its non fulfillment is punishable by law.

**Article 63.**

A member of the Constitutional Court participates in consideration of a case at the Constitutional Court dressed in particular attire - the robe.

The robe is without lining, a straight silhouette of free form. The robe falls to 3-4 cm above floor, at the heels of the shoes.

The robe is without a collar, with triangle neck. The hems of the robe are buttoned up from inside on 6 buttons. Pockets are in the side seams. The back is of one piece. Front hems



and back are worked up on double coquette. Two slight folds are made on each side of the front hem of the coquette and there are three slight folds symmetrically on the back. The side seams are open. Sleeves are of a stitched in type. The middle part of sleeve is slit down the whole length, from where the lining of white silk is seen from beneath. The middle part of the slit is connected with the help of a hemming-stitch. The end of the sleeve is worked up with broad cuff. A decoration of black atlas is sewed to brims of the front hem under the coquette along the whole length, the side slits, the end of the robe and the whole cuff. The details of atlas, collar, slit of the sleeve along its whole length are hemmed with black decorating lace. A silk white collar of the removable "jabot" type is attached to the robe, which is worked up on a standing collar of 3,5-4 cm width. The standing collar is fastened in the back of the neck with the help of an adhesive clasp. The form of "jabot" is obtained with the help of two counter folds.

**The Chairman of  
the Constitutional Court of Georgia**

**Avtandil Demetrashvili.**

**The Secretary of  
the Constitutional Court of Georgia**

**Otar Benidze.**

**Tbilisi, August 15, 1996.**