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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

DRAFT CONSTITUTION OF THE REPUBLIC OF GEORGIA

Communicated by Mr Demetrashvili
on 25 February 1994

CONSTITUTION OF GEORGIA

PREAMBLE

The people of Georgia, based on the long traditions of the state of Georgia; having strived for the independence of the state; having wished to build a democratic society, to build a state based on law, to be a party to the international acts on human rights and foster peaceful relations with other countries; hereby proclaims and enacts the following revision of the Constitution of 1921.

Chapter 1.

Basic Provisions

Article 1.

The State of Georgia is an independent and indivisible democratic Republic.

Article 2.

1. The people shall be the source of state power in Georgia. Authority is exercised for the people and by the people.
2. The people exercise their power directly and through representative bodies.
3. The people decide major issues by universal ballot.
4. Elections are the basic principle for creating state and local self-governing bodies.
5. The rules and circumstances of referendums and elections are determined by law.

Article 3.

1. The authority of the state of Georgia is exercised throughout the whole territory of Georgia.
2. The State exercise its functions through legislative, executive and judicial bodies. The guarantees of independence and the balance between these three branches are determined by the Constitution.

Article 4.

The State recognizes principles and norms of international law. Legally signed and published international treaties are part of state interior law and order and has priority over national laws and other normative acts.

Article 5.

1. The State recognizes and ensures the right of ownership, without regard to who is the owner.
2. The economy of Georgia is based on market relations. Private economic initiative is freely permitted.
3. The State implements antimonopolistic measures to promote freedom of competition.

Article 6.

Education, science and the arts are freely permitted. The State promotes and supports the development of literature, art and fundamental science.

Article 7.

1. The Constitution shall be the supreme law of the state. It is obligatory to obey the Constitution and normative acts passed in accordance with the Constitution.
2. Georgia recognizes and obeys norms and principles of international law. Validly concluded and published international treaties are part of domestic law. They have priority over other laws and normative acts.
3. Conclusion of international treaties which contain stipulations contrary

to the Constitution are not in force before constitutional revision.

Article 9.

The state and religion are separate and independent. All religions are equal before the law.

Article 9.

Georgian is the state language of the Republic of Georgia; Georgian and Abkhazian are the state languages within the territory of the province of Abkhazia.

Article 10.

The design of the flag, coat of arms and anthem of Georgia shall be determined by law.

Article 11.

Tbilisi is the capital of Georgia.

Chapter 2

Person and State

Article 12.

1. Georgian citizenship is acquired by birth, naturalization and other principles determined by law.
2. A Georgian citizen cannot be simultaneously a citizen of any other state.
3. The State is obliged 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 in cases provided for by the international treaties.
4. The law determines the conditions of acquisition and loss of citizenship.

Article 13.

Everyone is equal before the law without regard to birth, race, sex, religion, political opinion, or to national, ethnic or social origins, or other circumstances.

Article 14.

1. Human life is inviolable.
2. Capital punishment is abolished.

Article 15.

Everyone has the right to freely shape their being with respect to physical, moral and mental well-being.

Article 16.

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

Article 17.

1. Every person shall have the right to freedom of movement and choice of location of residence.
2. Citizens of Georgia may freely leave and return to the territory of Georgia.

Article 18.

1. The freedom of human beings is guaranteed. It is prohibited to arrest or restrict the freedom of persons in any manner without a decision of the Court.

2. Everyone arrested by authorized officials must be brought before the nearest court within 24 hours. The court is obliged 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 person.
3. In cases when a person has been arrested in violation of established rules, the judicial authority is obligated to immediately investigate the case and confirm the arrest or release the person.
4. Everyone who is detained shall be informed promptly, in a language which he understands, of the reasons for his detention and of his rights. Everyone is entitled to request legal assistance and such a request shall be fulfilled.

Article 19.

1. No one shall be found guilty, unless his guilt is proved by the rule of law and the judgement of the court.
2. No one is obligated to prove his innocence.
3. No one is obligated to give evidence against himself or his relatives, whose names are determined by law.

Article 20.

1. Property is inviolable. The limitation or confiscation of property for public needs can be carried out only upon the conditions of preliminary and complete indemnification. The confiscation of property without refund is possible only by court decision and, in situations of martial law or state of emergency, by special order from the Cabinet of Ministers.
2. The right of inheritance is guaranteed.

Article 21.

1. Every citizen has the right to participate in the management of public affairs directly or through freely elected representatives. Everyone who has reached the age of 18 has the right to participate in elections of state and local self-governing bodies conducted by universal, equal and secret ballot. The right to vote is withheld from persons declared incapable by the court who are serving prison sentences.
2. Everyone has the right to receive and freely disseminate information in accordance with the rules and circumstances of law, and the right to freedom of expression and opinion, in writing or any other manner. The law determines what information comprises state secrets. Censorship is prohibited.
3. Everyone has the right to hold state, civil or military office if the appropriate qualifications are met.
4. Every person shall have the right of public assembly without arms, indoor or outdoors, without prior permission. Prior permission is necessary if the meeting is held in a public place or place of transportation movement.
5. Everyone has the right to create public organizations or political associations and to take part in their activity, in accordance with law.
6. The formation of political associations in the armed forces or other militarized organizations is prohibited.
7. The rules of formation and activity of associations shall be determined by law.

Article 22.

The residence of every person is inviolable. Searches and restrictions can be carried out only by court decision and, in other cases, in accordance with law.

Article 23.

1. The realization of the human rights and freedoms of one person must not limit the rights of others.
2. The use of rights against the unity of Georgia, or to propagate racial,

national and religious hostility, war and violence is prohibited.

Article 24.

1. Everyone is guaranteed the protection of their rights and freedoms by court procedure.
2. 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 law.
3. Everyone has a right to complete indemnification for damages caused by the unlawful actions of state officials in accordance with court procedure.
4. The basic rights and freedoms recognized by the Constitution extend also to legal entities.

Article 25.

1. Everyone has the right of education. The state is obliged to provide free nationwide primary education.
2. The parents and the state are obliged to provide education for their children.
3. The state shall provide assistance to educational institutions provided for by law.

Article 26.

1. Labour is free and is a basis of the existence of society. The Government is responsible for the creation of work for the citizens.
2. In accordance with International agreements on Labour, the state provides work for immigrants and protects the work of Georgian citizens abroad.
3. The State provides the social protection of citizens; creates minimal conditions for human existence, in respect of their dignity.
4. Citizens who are partly or fully unable to work, will receive aid from social insurance.
5. Unemployed Citizens shall receive social aid and assistance to find employment.
6. The right of striking is guaranteed, within limits determined by law.
7. Everyone has the right to create Trade Unions and take part in their activity in accordance with law. The formation of Trade Unions in armed forces or militarized organizations is prohibited.
8. Parliament or any other authorized organization 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 27.

1. Defense of the motherland is a duty of every citizen. Everyone is obliged to carry out military or alternative service in accordance with law.
2. Everyone is obliged to protect the Constitution and other laws, to respect dignity, rights or freedoms of other persons. Ignorance of the act, published according to regulations, shall not release a person from responsibility.
3. Everyone is obliged to pay all legally established taxes.
4. The State protects the historical and cultural heritage of Georgia. Everyone is obliged to protect and preserve the historical and cultural monuments of Georgia.
5. The State insures protection of nature and the environment, in order to provide the circumstances for health and protection of ecological and economic interests.

Article 28.

1. Foreigners and stateless persons in the Republic of Georgia will respect the jurisdiction of the Republic of Georgia and enjoys the rights and freedoms determined for by the laws and international treaties.
2. The Republic of Georgia, in accordance with laws, gives asylum to foreigners and the stateless persons.

3. The extradition of political exiles to another state is possible only in accordance with law and international treaties.

Article 29.

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

Article 30.

Every national group may bring action before a court of any violation of rights conferred to the national minorities by the constitution and laws.

Article 31.

In locations of a mixed populations, from the funds of education, must be created the schools and establishments of culture and education in proportion of the national composition of its territory.

Article 32.

Education in schools of national minorities shall be provided in the children's native language.

Article 33.

Members of Parliament, who shall not have sufficient command of the state language can deliver speeches in their native language, and exact translations of which will be provided to members of Parliament.

Article 34.

The realization of the guarantees of rights and freedoms of the national minorities shall be determined by law.

Chapter 3

Parliament of the Republic of Georgia

Article 35.

1. The supreme representative and legislative body of the Republic of Georgia is "The Parliament of Georgia".

2. Parliament, through passage of laws, defines the main directions of domestic and foreign policy, adopts the budget, controls the executive activity of the Cabinet of Ministers and carries out other functions provided for by the constitution and legislation.

Article 36.

1. The Parliament of Georgia consists of the Council of the Republic and the Council of Representatives.

2. The structure of the chambers, rules of procedure and other matters shall be determined by the Constitution and the procedural rules, which are passed by the majority of the total number of members of each chamber.

Article 37.

1. The Council of the Republic consists of 120 deputies elected on the basis of universal, equal and direct right of vote, by secret and proportional voting for the term of 4 year.

2. Deputy can be a 23 years old citizen of Georgia, who has a right of vote.

3. The right of permission of the list of candidates has a political organization, which has at least 5 deputies in the Council of the Republic, and before its formation in the Parliament of Georgia, or whose initiative confirmed by 10 000 electors.

4. The regular elections of the Council of the Republic are held after the year from the previous elections. In the cases of state of war or emergency

the elections shall be held until the end of such emergency.

5. The rules of the elections of the deputies of the Council of the Republic shall be determined by the law.

Article 38.

1. The Local representative organs of provinces shall elect the members of the Council of the Representatives for a 6 years term.
2. Every province elects 3, but the province of Adjara, Abkhazia and Tbilisi 8 representatives.
3. The member of the Council of the Representatives can be a 30 years old citizen of Georgia, who has a right of vote and is a resident of that province from which he shall be chosen.
4. One-third of the Council of the Representatives shall be renewed every second year.
5. The rules of the elections of the Council of Representatives shall be determined by the law.

Article 39.

1. The Council of the Republic shall elect the speaker and deputy speaker for the term of office by the majority of the total number, by the secret ballot and the Council of Representatives - the chairman and deputy chairman.
2. The speaker of the Council of the Republic and the chairman of the Council of the Representatives lead the activity of chamber, ensure the freely expression of ideas, sign the acts of the chamber and exercise the other functions provided for by the procedural rules.
3. In cases of termination of the capacity of the speaker and the chairman, their functions will be exercised by the deputies.
4. The chambers set up their own staff for preliminary preparation of the working plans, agenda and other matters, which consist of the chiefs of the chambers, their deputies and chiefs of the standing commissions. In the staff of the Council of the Republic is one member from each fraction.

Article 40.

The board of the Parliament is set up for the coordination of the work of the chambers and management of the staff of Parliament. The board consist of the speaker and deputy speaker of the Council of the Republic, the chairman and deputy chairman of the Council of Representatives and the chief of the staff. The speaker of the Council of Republic presides on the board. The board confirm the structure of the staff, appoints and dismiss officials of the staff, decides other matters determined for by the procedural rules.

Article 41.

1. The chambers set up commissions for the preliminary preparation of a bills, for assistance in implementation of the parliamentary decisions and for exercise of the control on the activity of executive power.
2. The chambers set up temporary, inquiry and joint commissions, in cases determined for by the Constitution and procedural rules.
3. The member of the commission can be only a member of Parliament.

Article 42.

The board appoints and dismiss the chief of the staff, confirm the structure and officials of the staff, for the promotion of its activity.

Article 43.

1. Not less than 6 deputies of the Council of Republic shall be entitled to form parliamentary fractions.
2. Formation of fractions in the Council of Representatives is prohibited.

Article 44.

1. The right of Parliament shall be:
 - a) legislation;
 - b) approve of a constitutional revised bill;
 - c) control of the executive power;
 - d) affirmation of budget and control on its implementation;
 - e) initiative of referendum;
 - f) establishment of taxes and levies;
 - g) take a domestic and foreign loans;
 - h) ratification and denunciation of treaties with foreign countries;
 - i) declaration of war and conclude of peace treaties;
 - j) appointment, confirmation or dismissal of public servants from office, according to the constitution and organic laws;
 - k) confirmation of awards, supreme military and special titles, diplomatic ranks and classes;
 - l) establishment of foundations of organization of provinces and self-governing organs;
 - m) determination of financial policy.
2. The jurisdiction of Parliament includes other activities determined for by the Constitution, organic laws and procedural rules.

Article 45.

1. The exclusive competence of the Council of Deputies includes:
 - a) legislative regulation, except the joint competence and the exclusive competence of the Council of Representatives;
 - b) affirmation of the prime-minister;
 - c) proclamation of confidence and non-confidence to the Cabinet of Ministers;
 - d) elections of two members of the Constitutional Court;
 - e) appointment and dismissal of the chief and members of the Court of Republic, of the president of National Bank, of the chiefs of the National Intelligence service, of the Committee of Investigation, of the Chamber of Control and of the State Committee of Human Rights;
 - f) declaration of war and conclusion of peace;
 - g) affirmation of the state of emergency and state of war;
 - h) affirmation of awards, supreme military and special titles, diplomatic ranks and classes;
 - i) advancing of charges against the President and other officials for their impeachment;
 - j) delegation of the legislative rights to the Cabinet of Ministers;
 - k) decision of other matters determined for by the Constitution or organic laws.
2. The decisions of the Council of Deputies on these matters shall not be submitted to the Council of Representatives for consideration, if it will not be decided by the Council of Deputies.
3. The bills adopted by the Council of Deputies on the matters of a, g, and j paragraphs of the first part of this article, shall be submitted to President of the Republic within 7 days. Who shall sign and publish them in determined rules and terms.

Article 46.

1. Within the exclusive competence of the Council of Representatives are:
 - a) the resolution of issues with the regard to the territorial settlement of the country;
 - b) determination of the competence, creation and activity of the state organ of region and district management;
 - c) resolution of the issues of territorial borders among the provinces;
 - d) ratification and renunciation of international treaties with foreign countries, except those within the joint competence of both chambers;
 - e) confirmation of regional judges;
 - f) election of two members of the Constitutional Court;

- g) delivery of a final judgement of impeachment of the President and other officials in accordance with the law;
 - h) decision of other matters determined by the Constitution or organic laws.
2. The decisions made by the Council of Representatives on the above mentioned matters shall not be considered by the Council of the Republic, if the Council of Representatives doesn't first make a decision on it;
 3. The bills adopted by the Council of Representatives on the issues of a, b, c and d paragraphs of this article, shall be submitted within 7 days to the President of the Republic, who shall sign and publish them in accordance with stated rules and terms.

Article 47.

1. Within the joint competence of the Council of the Republic and the Council of Representatives are:
 - a) adoption of the revised project of the Constitution;
 - b) decision of matters related to state borders and territorial changes within the country;
 - c) adoption of organic laws;
 - d) ratification and renunciation of the International treaties on becoming contracting party to intergovernmental and interstate unions;
 - e) adoption of the budget of the Republic of Georgia.
2. The decision on the issues of the joint competence of the chambers is considered adopted with a vote in favor by 2/3-th of the total number of each Chamber.
3. The issues within the joint competence of both chambers are first considered by the Council of the Republic and if the draft is approved, it shall be referred to the Council of Representatives within 7 days.
4. The Council of Representatives shall put to vote the draft approved by the Council of the Republic within 7 days. In case of its approval by the Council of Representatives on the issues envisaged by the article 44. 1. a referendum shall be held. In all other cases the bill will be considered adopted by Parliament and submitted to the President of the Republic, who shall sign and publish them within the determined orders and terms.
5. In cases of rejection of a bill by the Council of Representatives, within 7 days a joint committee will be formed to seek an agreement on the basis of parity. The joint committee shall transfer a compromise bill within 7 days to the Council of the Republic, which itself shall put it to vote within 7 days and in case of approval submits it to the Council of Representatives. If the Council of Representatives rejects the bill again, then Council of the Republic can reaffirm the previous decision by a 3/4-th majority of the total number of members and submit it to the President of the Republic for signing and publication.

Article 48.

1. Parliament may adopt Constitutional laws, organic laws, provisions and regulations in order to exercise its functions.
2. Laws are of a constitutional nature if they envisage partial or general revision of the Constitution. The Constitutional laws will be considered adopted, if 2/3-th of the total number of members of each Chambers of Parliament vote in favour. It enters into force only after affirmation in a referendum, by majority of voters.
3. Law is of an organic nature if it is envisaged by the Constitution or directly derived from the text of the Constitution. An organic law is considered adopted, if 3/5-th of the total number of members of each Chamber of Parliament vote in favour.
4. Law is of a general nature if is adopted on the basis of the Constitution or organic laws. It is considered approved, if a majority of the total number of members of each Chambers of Parliament vote in favour.
5. Often acts are considered adopted if a majority of voters vote in favor of them.

Article 49.

1. The right of legislative initiative in the Parliament of Georgia is vested in members of Parliament, the President of the Republic, the Cabinet of Ministers, a parliamentary fraction, the highest representative body of a region or 5 000 constituents.
2. The order of submission and consideration of a bill in a Parliament of Georgia is determined by law and regulations of Parliament.

Article 50.

1. Before entering into force, the bill is submitted to the to the President of the Republic, who within two weeks shall sign and publish it, or shall demand revision of the bill on the basis of his remarks.
2. If the chambers or a chamber reaffirms its previous decision by a 3/5-th majority of the total number of chamber members, the President of the Republic is obliged to sign and publish the bill immediately.
3. If the President of the Republic does not return the bill for reconsideration within two weeks after its adoption, it becomes a law in the same way as if signed by the President of the Republic.

Article 51.

Upon the written request of 300 000 voters, a chamber or chambers of Parliament authorised to consider referendums, shall submit the bill to the people.

Article 52.

1. The Counsel of the Republic, within its rights, shall convene twice a year, in Spring and Fall sessions. The fall session begins on the second Tuesday of September and lasts until the third Saturday of December of the same year. If the budget is not approved by the end of fall session, it lasts until the adoption of the budget. The spring session begins on the first Tuesday of February and concludes on the last Saturday of June in the same year.
2. Upon the demand of the President of the Republic or at least one-fourth of the deputies, or upon the Speaker's own initiative, the Speaker of the Counsel of the Republic may invite a Chamber to resolve issues previously announced either at an extraordinary session or at a sitting. If the act to convene is not issued within 48 hours after the demand, a Chamber is authorised as of right to convene a sitting.
3. The Council of the Republic is authorised to vote for an issue if the law recognises the rights of at least 2/3-th of the total number of deputies is present at the sitting.

Article 53.

1. Meetings of the Council of Representatives shall be convened by the chairman upon the request of the President of the Republic, 1/5-th of the members of the Chamber or upon his own initiative. If the act to convene a sitting is not issued within 48 hours after the request, the chamber can meet as of right.
2. The Council of Representatives is authorised to put an issue to vote, if the law recognizes the rights of at least 2/3-th of the total number of members and more than half of the representatives take part in the sitting.

Article 54.

1. The chambers convene sittings separately.
2. If an issue to be considered in the sittings of a Chamber is within the joint competence of both Chambers, then the convening of one Chamber demands the convening of the other.
3. The joint sittings of the Chambers are held: a) when the President takes

an oath; b) to hear an address by the President; c) to elect the President the second round of presidential elections; d) to hold ceremonies when receiving high officials of foreign countries.

4. The joint sittings are held in accordance with the procedural rules of the Counsel of the Republic and the Speaker or deputy Speaker of the Counsel of the Republic presides at the sittings.

Article 54.

1. The sittings of the Chambers shall be public. The voting is always open held by roll call, except the cases envisaged by this Constitution. The Members of another Chamber, the President of the Republic, Members of the Cabinet of Ministers, Judges of the Constitutional Court and the Court of the Republic, the President of the National Bank, the Chairman of the Chamber of Control, the Chairman of the Public Security have the right to be present at the sittings of the Chambers without some obstacles.

2. The Chambers may declare a sitting or part of sittings closed when considering separate issues.

3. The Chambers will make and periodically publish in the official periodicals a verbatim records of the sittings, except for issues considered secret.

Article 55.

1. Members of Parliament have the right to question and interpellate the Cabinet of Ministers. The order of questioning and interpellation shall be determined by procedural rules.

2. One sitting a week is dedicated to questions of the Members of Parliament and considerations of the responses of the Members of the Cabinet of Ministers in accordance with the rules on priority.

Article 56.

1. Members of Parliament represent the entire Georgia, enjoy free mandates and their recall is inadmissible.

2. Prosecution, detention or arrest or search of the apartment or person of member of Parliament is permitted only with the consent of a Chamber of which he is a Member, except if he is caught in the act of a crime of which the Chairman of the appropriate Chamber shall be notified immediately.

3. A Member of Parliament is not responsible for opinions or ideas expressed when exercising his duties.

4. A Member of Parliament has the right not to testify about facts disclosed to him as to a Member of the Parliament. He does not lose this right when is no longer a member of Parliament.

5. A Member of Parliament receives a salary determined by law.

Article 57.

1. The membership in Parliament is incompatible with other public offices, commercial employment or any other compensated activity except scientific, educational, creative or party activities. One and the same person shall not be the Member of both Chambers at the same time.

2. A Member of Parliament may at the same time be the Prime Minister.

Article 58.

1. The rights of a Member of Parliament cease before the end of the term by the resolution of the appropriate Chamber in the following cases: a) upon his personal request to release duties; b) in case of a Verdict of Guilt in force against him; c) if a court recognizes his incapacity; d) when holding an office which can not be combined with the status of Member of Parliament; e) in case of his death.

2. The rights of a deputy of a Counsel of the Republic ceases priterm in case of dissolution of the Counsel of the Republic.

Article 59.

1. The pre-term elections of the Counsel of the Republic are designated by the President of the Republic in cases of: a) dissolution of the Counsel of the Republic; b) pre-term cessation of the rights of one half of the deputies of the Counsel of the Republic.
2. The elections of the Counsel of the Republic are held within two months from the cases envisaged in the first part of this article in accordance with the order determined by law.

Chapter 4.

The President of the Republic of Georgia

Article 60.

1. The President of the Republic of Georgia is the head of the state. He represents Georgia in internal and foreign relations, is a guarantee of the protection of human rights and freedoms, is obliged to provide independence and territorial integrity of the country for the concerted functioning of the state bodies.
2. The President of the Republic of Georgia is the Commander-in-Chief of the Armed Forces of Georgia.

Article 61.

1. The President of the Republic is elected by universal, equal, secret ballot for a four (five) year term. The President may serve only two consecutive terms.
2. A natural born Citizen who has attained the age of 35 (40) and has been a resident of Georgia for twenty years and lives in Georgia at the time of election is eligible for the presidency.
3. A political organization (A political organization which has not less than five deputies in the Parliament at the time of presidential election) or a group of electors whose candidate is confirmed by 50 000 signatures of constituents is entitled to nominate a candidate for the presidency.
4. The first round of presidential elections is held on the 9th of April. The candidate who has received at least three-fifths of the votes of the electorate shall be elected President. Elections are considered to be held if at least two candidates and more than half of the electorate took part in them.
5. If the Constitutional Court declares elections to have not been held or no candidate gets the required number of votes, the Parliament within two weeks in a joint session shall by simple majority elect the President of the Republic without discussion by secret ballot. In the case of a splitting vote the candidate who had the best showing in the first round of elections will be declared the President.
6. The office of the President of the Republic is incompatible with other offices or activities.
7. Law determines the rules and orders of the elections of the President of the Republic.

Article 62.

At a joint sitting of the Chambers of the Parliament and before commencing his office on 26th of May, the President takes the Oath: "I swear to faithfully serve the interests of Georgia, to defend the Constitution and the laws of the country, human rights, the unity of the country and the territorial integrity and independence."

Article 63.

1. The President of the Republic of Georgia:
 - a) concludes international treaties and agreements;

- b) appoints ambassadors and other diplomatic representatives, receives the credentials of foreign ambassadors and other diplomatic representatives;
 - c) appoints two members of Constitutional Court, the highest military officials, the judges of the local courts, and the head of the regional administration;
 - d) appoints the Prime Minister and submits his candidacy for confirmation to the Counsel of the Republic;
 - e) by Prime Minister's nomination appoints and dismisses ministers;
 - f) submits the candidacy of the Chairman and the Members of the Court of the Republic, the President of the National Bank, the Chief of the National Security, the Chief of the Central Statistical Service and the Chairman of the Chamber of Control for confirmation to the Counsel of the Republic;
 - g) submits for confirmation by the Counsel of the Representatives candidature for Chairman and Members of the Regional Court;
 - h) upon joint decision of the Chambers, the demand of a group of electors or upon his own initiative, holds a Referendum;
 - i) declares martial law and state of emergency throughout the territory of the Republic of Georgia, or submits this decision to the Counsel of the Republic for confirmation;
 - j) signs and publishes laws adopted by Chamber or Parliament, and also has the right to suspend them. The right to use the veto during martial law or state of emergency is prohibited;
 - k) when needed, the President may convene a sitting of the Cabinet of Ministers and presides over it;
 - l) declares matters of Citizenship and grants pardons;
 - m) has to grant pardons and amnesty;
 - n) on the basis of a decision of the Constitutional Court dissolves the Counsel of the Republic. Use of this right during martial law or state of emergency is prohibited. The President of the Republic provides for pre-term elections of the Counsel of the Republic no sooner, than 30, nor later, than 60 days after the dissolution. Dissolving the Counsel of the Republic within 6 months of its elections is prohibited.
 - o) confers state honours, military and special titles, and high diplomatic ranks.
2. The President of the Republic issues decrees and orders when exercising his duties.

Article 64.

1. The President of the Republic of Georgia is granted personal immunity. He may not be detained or have proceedings against him while holding office.
2. The President can be removed by Parliament from the office by impeachment for severe violation of the Constitution or organic laws or treason. In this case the Chambers separately decide by a two-thirds majority of the total number of members.
3. The law determines the rules and order of the removal of the President of the Republic by impeachment.

Article 65.

1. In the case of President's death, resignation or inability to discharge his duties, the Prime Minister will act as President, or, in case of this person's disability -- the Chairman of the Counsel of the Representatives.
2. The acting President of the Republic can not dissolve the Counsel of the Republic and use the veto to suspend laws.
3. The acting President of the Republic provides holding of Presidential elections within three months from the day of holding the office.

Article 66.

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

Chapter 5.
The Cabinet of Ministers

Article 67.

1. The Government - the Cabinet of Ministers supervises the executive branch of the Republic of Georgia.
2. The Cabinet of Ministers is composed of the Prime Minister and the Ministers. In accordance with his office the Vice Premier becomes the Chief Executive of the Regions with special status - Adjara and Abkhazia.
3. The structure, formation and rule of activity of the Cabinet of Ministers is determined by law.

Article 68.

1. The Cabinet of Ministers directs the country's internal and foreign policy, provides for the security of the country, public order and the effective utilization of state finances for which it:
 - a) determines and implements the State Budget;
 - b) provides for common monetary and credit policy in the country;
 - c) takes measures to provide common state policy in culture, health care, social protection and ecology, as provided by law;
 - d) in conformity with law manages the property of the Republic of Georgia;
 - e) is responsible for protection of law and order, and for the protection of human rights and freedoms;
 - f) exercises the duties entrusted to it by the Constitution and legislation.
2. The head of the Government - Prime Minister determines the main direction of the Cabinet of Ministers and other executive bodies and organizes, the activity of the Government. The Prime Minister's death, resignation or inability to discharge his duties effects the resignation of the Government.

Article 69.

1. The President submits for confirmation the candidate for the Prime Minister to the newly-elected Counsel of the Republic not later than 2 weeks after it commences activity. Only a Member of the Counsel of the Republic may be Prime Minister.
2. The President appoints Ministers on the Prime Minister's nomination.
3. In order to receive a vote of confidence the Prime Minister submits the program of the Government and the composition of the Cabinet to the Parliament.
4. The Cabinet of Ministers is authorized to act if the vote of confidence is supported by more than half of the Members of both Chambers of Parliament.
5. If the candidacy of the Prime Minister or a vote of confidence has been rejected, the process of forming the Cabinet of Ministers is repeated.

Article 70.

1. The Prime Minister may call for a vote of confidence on the Government in the Counsel of the Republic. The vote is regarded as confirmed if it is supported by a majority of the Members of the Chamber.
2. The President of the Republic, a Parliamentary fraction of the Chamber, or one-fifth of the deputies may call in the Counsel of the Republic for a vote of no-confidence on the Cabinet of Ministers. The resolution on no-confidence is considered adopted if it has been supported by the majority of the Members of the Chamber and by a two-thirds' majority within 6 months since the vote of confidence has been confirmed.
3. In the case of adoption of a resolution of no-confidence the Prime Minister submits to the President the resignation of the Cabinet.

Article 71.

1. The Cabinet of Ministers issues provisions and the Prime Minister issues orders in accordance with the Constitution of the Republic of Georgia, laws

and acts of the President of the Republic.

2. The acts of the Cabinet of Ministers are signed by the Prime Minister and the Ministers within whose competence the matter lies.

Article 72.

Except for the Prime Minister, a Member of the Cabinet of Ministers can neither be a Member of Parliament, nor a Member of a local self-government body, or hold any other compensated office.

Article 73.

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

2. If required, the Members of the Cabinet of Ministers are obliged to respond to the oral and written questions of the Member of the Parliament.

Chapter 6.

The Judicial Power (The version of the working group)

Article 74.

The judicial power in the Republic of Georgia is carried out through Independent Court of Justice by means of Constitutional oversight.

Article 75.

The judicial power provides for the protection of human rights and freedoms, and the rights and legal interests of juridical persons. It also provides for the supremacy of the Constitution of the Republic of Georgia.

Article 76.

Justice in the Republic of Georgia is carried out by: the Supreme Court of the Republic of Georgia; the Supreme Courts of the autonomous republics of Abkhazia and Adjara; the Regional courts; the District (City) Courts and the Military Courts. The Military Courts use the general procedure of the common courts. It is prohibited to create special and extraordinary courts, which do not use the general procedure of common courts. The creation of special courts is permissible only in cases defined by the law.

Article 77.

The decisions of the Court are made in the name of the Republic of Georgia. It is compulsory, that the decision of the court be carried out throughout the whole territory of the Republic of Georgia. The organization and the competence of the juridical power is defined by the law on courts of the Republic of Georgia.

Article 78.

A judge of the Republic of Georgia must be a citizen of Georgia who has reached the age of 30, has judicial training, has at least 5 years of professional experience in the field of justice and is in command the language of the legal procedure. The judge is independent and obeys the law only. A court judge makes decisions in accordance with his inner convictions on the basis of real evidence and in accordance with law. Any pressure or interference with the activities of the court are inadmissible. Nobody has right to demand from the judge an explanation or account of a specific case. A judge shall not be a member of any political organization and it is prohibited to create political organizations within the court. The independence of a judge is guaranteed by the special rules of nomination, appointment or election, his personal immunity, continuity of service and honorable conditions of adequate compensation. Dismissal and discharge of a judge is possible only in accordance with rules and conditions prescribed by law. Necessary expenditures for the proper functioning of courts will be

considered in a special article of the state budget. The consideration of every case are public. A case will be considered in closed session only in accordance with the rules prescribed by law. Decisions of the court are made public. Parties in a case enjoy equal rights. It's prohibited to infringe upon the rights of parties and physical or juridical persons who take part in court. The court is obliged not to restrict the honour and the dignity of persons taking part in court. Justice in the Republic of Georgia is conducted in Georgian, in the autonomous republic of Abkhazia - in the Georgian and Abkhasian languages. Case participants, who do not understand the language of legal procedure are provided with an interpreter. The Supreme Court of the Republic of Georgia elected by the Georgian Parliament, supervises judicial power in the Republic of Georgia in accordance with established judicial procedure of the Republic of Georgia. The Supreme Court of the Republic of Georgia:

a) supervises the administration of justice in all courts of the Republic of Georgia;

b) carries out general constitutional control;

c) considers in the first instance cases that are prescribed by law.

Constitutional control of the Supreme Court of the Republic of Georgia includes the whole territory of the Republic of Georgia. In accordance with constitutional control the Supreme Court is authorized to determine whether the following are in accordance with the Constitution of the Republic of Georgia:

a) the laws of the Republic of Georgia, other normative acts and bills;

b) the decisions of institutions of local government;

c) the international contracts and agreements made in the name of the Republic of Georgia which have not entered into force. If, when considering a case, a court is sure that the proper law or other normative act is not constitutional, it suspends consideration of the act and raises a question about it before the Supreme Court of the Republic of Georgia, which is obliged to resolve the problem in accordance with constitutional power. The Supreme Court of the Republic of Georgia within constitutional control considers:

a) disagreements about about the limits of power between the legislative and executive branches, and between central power and autonomous republics;

b) charges of high treason or premeditated violation of constitutional rules against high officials from the Parliament of the Republic of Georgia. Rules

and conditions of appealing to the Supreme Court of the Republic of Georgia demanding constitutional review is prescribed by law.

Chapter 7.

The Chamber of Control

Article 79.

1) Supreme oversight of state expenditure and review is exercised by the Chamber of Control of the Republic of Georgia.

2) The Chamber of Control coordinates the activity of other financial and economic organizations.

3) The Chamber of Control is authorized to check:

a) the financial and economic activities of state organs;

b) the condition of the use and protection of state finances;

c) the financial and economic activities of those enterprises whose assets or majority of shares are held by the state.

Article 80.

1) The Chairman of the Chamber of Control is appointed by nomination of the President for a term of seven years and may be relieved of the post by two-thirds of the total members of the Council of the Republic of Georgia.

2) The Chairman of the Chamber of Control is granted deliberative functions

in sittings of the Parliament sessions and meetings of the Cabinet of Ministers.

3) To institute criminal proceedings, to detain or arrest the Chairman of the Chamber of Control, is permitted only if the Council of the Republic gives its permission, except in cases when the Chairman is caught in the commission of a crime. If the Council of the Republic does not give its permission, the Chairman of the Chamber of Control must be released immediately.

Article 81.

The Chamber of Control is accountable before the Council of the Republic and annually submits a report of its activities to the Council.

Article 82.

The law determines the rules, structure and activities of the Chamber of Control.

Article 83.

The Republic of Georgia is granted a sovereign and inviolable right to defend itself against armed aggression. The Republic of Georgia has military forces whose purpose is the defense of sovereignty and territorial integrity, and fulfillment of assumed international obligations.

Article 84.

1) For organization of defense the Parliament of the Republic of Georgia appoints members of the Council of National Defense, who are nominated by the President of the Republic of Georgia.

2) This Council is composed of the following: the President, the Prime Minister, the Minister of Defense and the Chief of the Armed Forces. The President of the Republic presides over the Council.

3) The authority and activities of the Council of Defense are prescribed by law.

Article 85.

The structure and the number of the military forces of the Republic of Georgia, by nomination of the Council of Defense, is approved by the President of the Republic of Georgia.

Article 86.

During a state of war or state of emergency the authority and competence of the Georgian Parliament, the President of the Republic, government and Chief of the General Headquarters is determined by law.

Article 87.

The use of military forces, during the state of emergency or when fulfilling international obligations without the permission or consent of Parliament, is prohibited.