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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

Law of Georgia on Constitutional Proceedings
of 21 March 1996

Chapter One

Principles of constitutional proceedings

Article 1

1. Constitutional proceedings before the Court shall be conducted in conformity with the equality of the parties and the adversarial principle.
2. Individuals and bodies listed in paragraph 1 of Articles 33, 34, 35, 36, 37, 38, 39, 40 and 41 and in Article 42 of Georgia's Law on the Constitutional Court of Georgia shall have equal rights to address the Constitutional Court directly.
3. The parties shall enjoy equal rights and opportunities to prove their claims and to deny or reject the claims, arguments and evidence of the other party.

Article 2

1. Cases shall be considered at open sittings of the Constitutional Court.
2. A sitting of the Constitutional Court or a part of it may be closed to the public on the initiative of the Court or upon the application of the parties for the protection of state, personal, professional and commercial secrets. Witnesses, experts and interpreters may be present at a closed sitting in the case of necessity. The Constitutional Court may also grant the right to be present at a closed sitting to other persons upon the application of the parties.
3. A decision regarding the hearing of a case at a closed sitting shall be adopted by the Constitutional Court in the judges' conference room.
4. Persons under the age of 16 years shall not be admitted to a Court sitting unless they are witnesses; nor shall armed persons other than those protecting the security of the Court be admitted, and the latter shall be admitted only with the permission of the President of the Constitutional Court.
5. Radio, television, audio or video recording at a sitting of the Court shall be possible only with the permission of the Court considering a specific case.

Article 3

Proceedings before the Constitutional Court shall be conducted in Georgian. The Court shall be obliged to guarantee an interpreter to a participant in a case who has no possession of the official language of proceedings.

Article 4

1. Only the judges participating directly in the examination of the case shall be authorised to take the judgment. If any of the judges is changed the examination of the case shall start anew.
2. The removal of any judge participating in the examination of a case shall not prevent further consideration of the case, if the number of judges left forms a quorum.

Article 5

The Court's sitting shall be conducted orally. The Court shall be obliged to hear the explanations and submissions of the participants in the proceedings, as well as the testimony of witnesses, experts and specialists, and to publish official copies of the records of the case and of documents presented by participants in the proceedings.

Article 6

1. The Court's sitting, and meetings of the judges on working days shall be conducted without a break.
2. The Court shall be authorised to postpone or suspend its examination of the case, if the summoning or examination of additional witnesses and specialists is necessary, additional evidence is required or it is submitted that there are other circumstances preventing the consideration of the case. The examination of the case shall resume from the point at which it was stopped.
3. The time-limit for the consideration of any case shall be as laid down in Article 22 of Georgia's Law on the Constitutional Court of Georgia. This Article does not provide for a time-limit to be established by the present Law for the preparation of the case for consideration.
4. A judge of the Constitutional Court participating in the examination of a case shall not be authorised to take part in the examination of other cases before the examination of a postponed or suspended case has been completed.

Article 7

1. The Court shall take its decision in the judges' conference room in an open vote. During the deliberations and the taking of the decision only those judges who have participated in the examination of the case may be present in the conference room.
2. A judge participating in the case shall have no right to abstain from voting.
3. A member of the Constitutional Court participating in the examination of a case shall have the right to form a dissenting opinion while reaching a decision, which should be expressed in written form.
4. The dissenting opinion of a member of the Constitutional Court shall be included in the record of the sitting of the Constitutional Court and upon the request of its author shall be published in the press together with the decision of the Constitutional Court.
5. The decision of the Constitutional Court together with the dissenting opinion shall be published in full in the official publication of the Constitutional Court.

Article 8

1. No one shall have the right to require an account or explanation of a specific case from a member of the Constitutional Court.

2. A member of the Constitutional Court shall not be authorised:
 - a. to express his opinion or provide consultation to anyone on the conformity with the Constitution of those laws or other normative acts which have been submitted to the Court for examination, before the review of a case begins or outside the Court's sitting;
 - b. to reveal details of the discussions held while the Constitutional Court was deliberating or the position held by a member of the Constitutional Court during voting.

Article 9

The right of the Constitutional Court to consider and decide the case jointly shall be determined by Articles 44 and 45 of Georgia's Law on the Constitutional Court of Georgia.

Chapter Two Judgments and participants in constitutional proceedings

Article 10

1. The matters listed in Article 19 paragraph 1 and Article 20 paragraph 1 of Georgia's Law on the Constitutional Court of Georgia shall be judged by the Constitutional Court of Georgia.
2. The matters to be judged respectively by the Full Court and the chambers of the Constitutional Court shall be as laid down in Article 21 paragraphs 1 and 2 of Georgia's Law on the Constitutional Court of Georgia.

Article 11

1. The Constitutional Court shall not be competent to judge the conformity of the whole law or other normative act with the Constitution if the petitioner or applicant requests recognition of only a certain provision or provisions of the law or other normative act as unconstitutional.
2. If the petitioner or applicant requires a decision on several issues, part of which should be judged in the Constitutional Court and the other part of which is within the competence of another body, the Constitutional Court shall consider only those issues which are within its competence according to the Law on the Constitutional Court of Georgia.

Article 12

1. The participants in constitutional proceedings shall be:
 - a. parties, individuals and bodies which are considered either as petitioners or as respondents according to Articles 33, 34, 35, 36, 37, 38, 39 and 40 of the Law on the Constitutional Court of Georgia;
 - b. representatives of the parties who are authorised to act on behalf of the parties in accordance with the procedure laid down in the law on civil procedure;
 - c. defenders of the parties' interests, lawyers or other persons having a high level of legal education who participate in the legal proceedings together with the parties or their representatives.

2. The Constitutional Court shall consider the issues provided for by Article 19 point h and by Article 20 of Georgia's Law on the Constitutional Court of Georgia without the participation of the parties and their representatives. The Constitutional Court shall be authorised to summon the appropriate officials and hear their explanations, but shall not recognise them as parties, while preparing their conclusion on the issues listed in Article 19 point h.

Article 13

1. The participants in constitutional proceedings shall have equal rights to familiarise themselves with the materials of the case, make transcripts and copies, participate in the investigation of evidence, provide evidence, put questions to one another, witnesses, experts and specialists, appeal to the Constitutional Court, give oral or written explanations, file their own submissions and express opinions on all the issues raised during the Court's consideration of the matter, submit arguments against the interventions, appeals and submissions of the other party, and submit concluding statements.
2. The petitioner shall be authorised to change the subject and grounds of the initial request and withdraw his claim. The withdrawal of a claim, the abrogation of the disputed act or its recognition as invalid during the examination of the case shall cause the suspension of the case before the Constitutional Court.
3. The applicant may withdraw the application and request the suspension of the case before the Constitutional Court at any stage of constitutional proceedings on questions specified in Article 19 point h of Georgia's Law on the Constitutional Court of Georgia. For this purpose he/she should address the Constitutional Court, which shall be obliged to satisfy the request.
4. A court submitting a case to the Constitutional Court shall not be authorised to withdraw the application and request the suspension of the case before the Constitutional Court.
5. A respondent shall be authorised to recognise a petition as fully or partly valid at any stage of the constitutional proceedings. The recognition of the petition as valid by a defendant shall not cause the suspension of the case before the Constitutional Court.

Article 14

The participants in constitutional proceedings shall be obliged to exercise their rights in good faith. Deliberate supplying of the Constitutional Court with forged documents shall expose participants to liability as provided for by law.

Chapter Three

Initiation of constitutional proceedings and admissibility of cases

Article 15

1. The submission of a petition or application to the Constitutional Court shall be considered as the basis for initiating a case before the Constitutional Court.
2. An application shall be introduced only on the issues provided for in Article 19 point h and Article 20 of the Law on the Constitutional Court of Georgia and a petition shall be introduced on all other issues.

Article 16

1. A petition or application should include an indication of:
 - a. the name of the Constitutional Court;
 - b. the name and address of the petitioner or applicant as well as that of the respondent;
 - c. the name of any disputed act and the body which issued it, as well as other details of the disputed act;
 - d. the evidence which, in the opinion of the petitioner or applicant, proves the importance of the petition or application;
 - e. the provisions of the Constitution of Georgia which in the opinion of the petitioner or applicant are violated by, or with which the disputed act is not in conformity;
 - f. the essence of the claim;
 - g. the provisions of the Constitution of Georgia, the Law on the Constitutional Court of Georgia, and the present Law, which give the petitioner or the applicant the right to introduce the petition or application before the Constitutional Court;
 - h. a list of the documents attached to the petition or application and a list of the persons who should be summoned before the Constitutional Court in the opinion of the petitioner or applicant and the addresses of these persons.
2. The petition or application shall necessarily include:
 - a. the text of the disputed normative act;
 - b. a document proving the authority to act of representatives of the petitioner or applicant;
 - c. the certificate of a banking institution for the payment of the state tax;
3. The petition or application as well as the attached documents should be drafted in the official language of the proceedings.

Article 17

1. The petition or application introduced in the Constitutional Court shall be referred to one of the chambers for a ruling on the issue of the admissibility of the case in accordance with the procedure established by the regulations of the Constitutional Court.
2. The chamber shall be obliged to consider and decide on the issue of the admissibility of the petition or application at a procedural sitting within a time-limit of 7 days after receiving the petition or application.
3. One of the members of the chamber shall act as rapporteur on the case to the chamber.

Article 18

The petition or application shall be deemed inadmissible if:

- a. either by its form or by its contents it does not conform with the requirements set down in Article 16 of the present Law;
- b. it is not submitted by an authorised individual or body (subject);
- c. the disputed issue indicated in it is not within the jurisdiction of the Constitutional Court;
- d. the disputed issue indicated in it has already been decided by the Constitutional Court;
- e. the disputed issue indicated in it is not governed by the Constitution of Georgia.

Article 19

A ruling that a petition or application is inadmissible for the reasons indicated in clauses c, d and e of Article 18 above shall exclude the acceptance in the future of a petition or application on the same subject and the same grounds.

Article 20

The Constitutional Court shall be obliged to summon the petitioner, his/her representative and lawyer to the procedural sitting and hear their explanations of the issues provided for by Article 18 of the present Law, if they address the Constitutional Court in writing.

Article 21

A ruling on the admissibility of a petition or application shall include an indication of:

- a. the time and place at which the ruling was made;
- b. the name of the Constitutional Court, its composition and the secretary of the sitting;
- c. the participants in the case and the subject of the dispute;
- d. the issue on which a decision should be taken;
- e. the motives and provisions of the Constitution of Georgia, the Law on the Constitutional Court of Georgia and the present Law on the basis of which the Court deemed the petition or application admissible or inadmissible;
- f. the ruling of the Constitutional Court on the admissibility or inadmissibility of the petition or application;
- g. the date of the consideration of the substance of the case. The consideration of the substance of the case should start not later than the fifteenth day from the day of taking the ruling;
- h. the name of the Constitutional Court considering the substance of the case.

Article 22

The Constitutional Court shall make its ruling in the judges' conference room in an open vote. The President of the sitting shall announce the ruling in the courtroom.

Article 23

A record of the sitting of the Constitutional Court on procedural matters shall be drawn up in accordance with the rules set down in Article 34 of the present Law.

Chapter Four**Examination of the substance of and decision on the case****Article 24**

1. The Full Court of the Constitutional Court shall examine the substance of the case at a sitting of the Full Court, which shall be presided over by the President or the acting President of the Constitutional Court.
2. The Full Court shall be authorised to consider the substance of the case and make a decision if its sitting is attended by at least 6 members.
3. The chamber of the Constitutional Court shall examine the substance of the case at a sitting of the chamber, which shall be presided over by the President or the acting President of the chamber.
4. The chamber shall be authorised to consider the substance of the case and make a decision if its sitting is attended by at least 3 members.

Article 25

1. Before starting its examination of the substance of the case the President of the sitting shall:
 - a. open the sitting of the Constitutional Court of Georgia and announce the case which is to be examined substantively;
 - b. verify that a quorum of judges is present and announce the secretary of the sitting responsible for holding the sitting;
 - c. verify the authority of the parties to act;
 - d. determine the reasons for the presence and absence of participants, witnesses, experts and specialists involved in the proceedings;
 - e. announce the composition of the Constitutional Court examining the case and the secretary of the sitting;
 - f. explain to the participants in the proceedings their rights and duties as set down by Georgia's Law on the Constitutional Court of Georgia and the present Law;
 - g. determine whether the participants in the proceedings desire additional witnesses, experts and specialists to be summoned or whether additional evidence is required. The Court shall decide upon the submissions received on these issues in the courtroom by a majority of votes;

Article 27

Measures shall be taken against persons violating orders made during the Court's sitting; liabilities shall also be incurred for deliberately supplying forged documents and for the refusal to testify or the deliberate giving of false testimony in accordance with the rules established by the criminal code of Georgia and procedural legislation.

Article 28

The Constitutional Court shall hear the concluding remarks of the participants in the examination of the case after considering all the evidence provided with the case. The petitioner or his/her representative and lawyer shall make their concluding statements first. After hearing the concluding statements the judges shall retire to the conference room. The President of the sitting shall announce to those present in the courtroom that the judges are going to retire to make their deliberations.

Article 29

1. The President of the sitting shall announce the judgment or conclusion in the courtroom after the judgment or conclusion of the Constitutional Court has been signed by the members of the Court participating in the examination of the case.
2. The judgment or conclusion of the Constitutional Court shall be delivered in the name of Georgia.

Article 30

The judgment or conclusion of the Constitutional Court should include adequate reasons. The Constitutional Court shall use as grounds for its judgment or conclusion only the evidence which was considered at the sitting of the Constitutional Court.

Article 31

The judgments and conclusions of the Constitutional Court shall be composed of the following parts: introduction, description, reasoning and result.

Article 32

1. The introductory part of the judgment or conclusion of the Constitutional Court should indicate:
 - a. the name of the Constitutional Court;
 - b. the date and place on which the judgment or conclusion was reached;
 - c. the composition of the Court and the secretary of the sitting;
 - d. the participants in the examination of the case and the subject of the dispute.
2. The description part should include an indication of:
 - the claim made by the author of the petition or application;
 - the position taken by the respondent.
3. The reasoning part should indicate:

- a. the facts found by the Constitutional Court;
 - b. the evidence on which the findings of the Constitutional Court are based;
 - c. the grounds on which the Constitutional Court rejected opposing arguments and evidence;
 - d. the provisions of the Constitution of Georgia with which the disputed act is or is not in conformity;
 - e. the provisions of the Constitution of Georgia, the Law on the Constitutional Court of Georgia and the present Law, on which the Constitutional Court relied in reaching its judgment or conclusion.
4. The result part should include:
- the decision of the Constitutional court allowing or dismissing the petition or application in full or in part;
 - the legal effects of the judgment or conclusion.

Article 33

1. The judgment of the Constitutional Court of Georgia shall take effect from the moment of its public announcement at the sitting.

The judgment of the Constitutional Court shall be published in the official publication within a time-limit of 7 days.
2. Originals of the judgment shall be sent to the parties and copies of the conclusion shall be sent to the applicants and the appropriate officials indicated in Article 19 clause h of the Law on the Constitutional Court of Georgia.
3. Originals of judgments and conclusions must be sent to the President, the Parliament and the Supreme Court of Georgia.

Article 34

1. A record of the sitting of the Constitutional Court shall be drawn up by the secretary of the sitting in which the case is examined.
2. The record of the Court's sitting should include an indication of:
 - the date and place of the Court's sitting;
 - the date of the opening and closing of the Court's sitting;
 - the name of the Constitutional Court, the judges participating in the examination of the case as well as the judges not participating in the examination of the case for some reason;
 - the secretary of the sitting;
 - the name of the case;

- information on the participants, witnesses, experts, specialists and interpreters of the case and also on the advice given to them of their rights and duties;
 - the orders of the President and other orders made by the Constitutional Court in the courtroom;
 - the statements and explanations of the participants in the examination of the case;
 - the testimony of witnesses, experts and specialists and affidavits published by the Constitutional Court.
3. The record of the Constitutional Court shall be signed by the President and the secretary of the sitting.

Article 35

1. Other rules governing the preparation of cases for examination and the organisation of the Constitutional Court shall be determined by the regulations of the Constitutional Court.
2. The President of the Constitutional Court shall be obliged to submit the regulations of the Constitutional Court to the Full Court for confirmation within a time-limit of 15 days after his/her election.
3. The regulations shall be considered confirmed if at least 6 members of the Constitutional Court supported them in an open vote.