



NGOs assess pending amendments to the organic law of Georgia on the Constitutional Court

Today, [GYLA submitted to the Parliament of Georgia its opinions on pending amendments to the organic law on the Constitutional Court](#). Furthermore, GYLA joined NGOs statement submitted below:

The draft initiated by Vakhtang Khmaladze, head of the Legal Issues Committee on April 4, 2013 aims to introduce amendments to the organic law on the Constitutional Court of Georgia.

According to the applied regulations, the Constitutional Court is authorized to suspend application of the law if it considers that normative act might lead to irremediable results.

As it follows from the proposed amendment, the court maintains this authority, yet it is limited to 30 days term. Namely, if the court suspends application of the disputed norm, it should finish discussion over the case within 30 days' period. If the court fails to reach the final judgment within 30 calendar days, the decision on suspension of the disputed norm loses its force on the thirty first calendar day from making such a decision.

According to the explanatory note of the draft, the amendment aims to turn the legislative vacuum, created by application of the dispute norm that might prejudice third persons' interests, into a reasonable duration.

The motivation of the amendment is clear and acceptable however, there are some issues which need to be developed. Firstly, we consider that 30 days term envisaged

for discussion of the case is too short. The Constitutional Court faces a complicated task, to make authentic interpretation of the Constitution; therefore, it is the public interest to receive comprehensive, reasonable and high quality interpretation. In view of the scarce practice and resources of the Constitutional Court, it is worthwhile to extend the term for a reasonable term after consultations with the Court.

The second remark concerns the blanket nature of the norm, namely, proposed amendment applies to all cases irrespective of their context. The court shall make the final decision within 30 days whether application of the norm prejudices interests of the third person or not. It will cause groundless use of court resources linked to speedy trial procedures. We think that it should be discretion of the Constitutional Court to decide on speedy hearing of the case, if it is determined that application of the norm affects interests of the third persons.

In view of this, we would like to call on the Parliament of Georgia to have public consultations with the Constitutional Court on extension of the term for case hearing before submitting the draft to the Parliament for adoption and to change the blanket norm with the Court's discretionary power.

Transparency International - Georgia (TI-G)

International Society for Fair Elections and Democracy (ISFED)

Human Rights Training and Monitoring Center (EMC)

Georgian Democracy Initiative (GDI)

Article 42 of the Constitution

Georgian Young Lawyers' Association (GYLA)