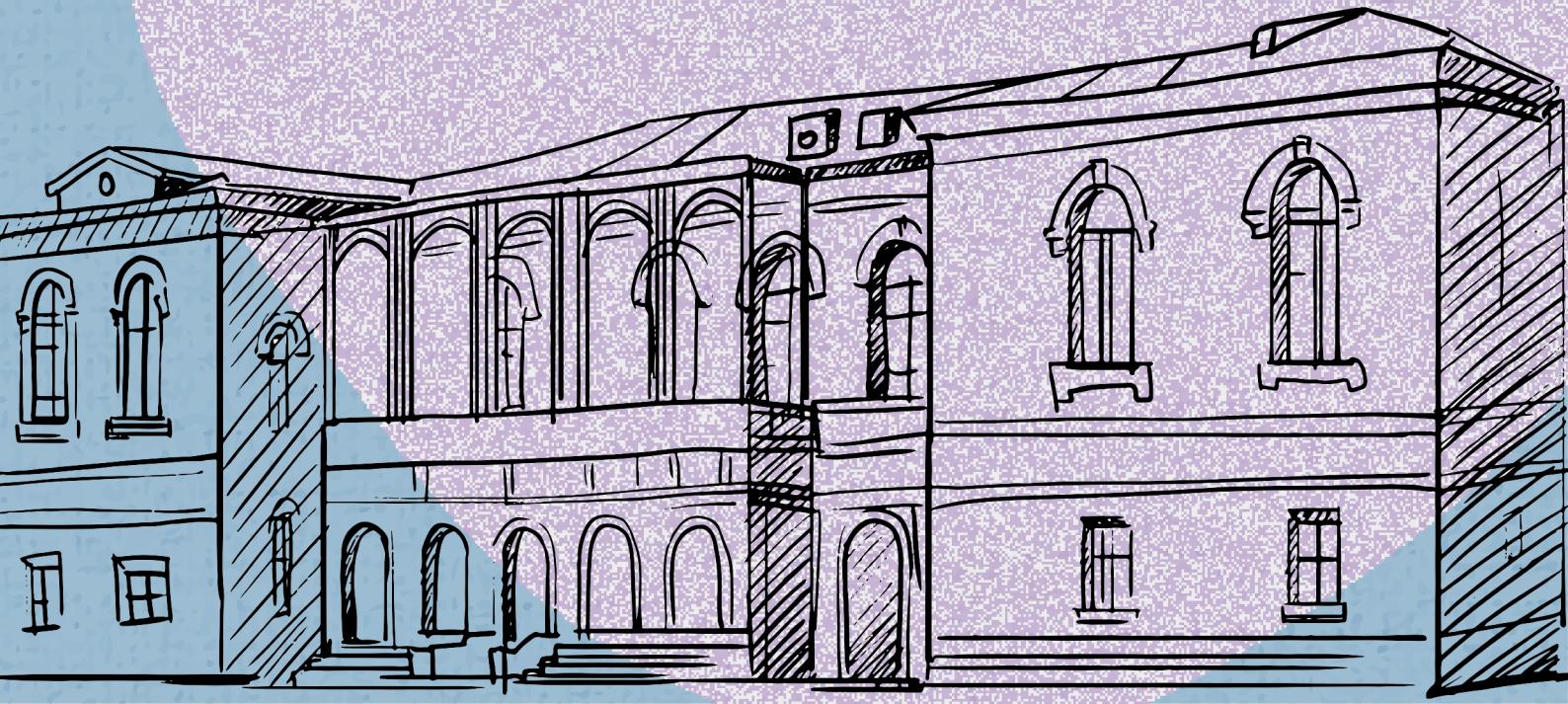




# *Constitutional Court of Georgia*



*- Year Review of Activity  
2012-2023*





Constitutional Court of Georgia  
Review of 10 years of activity  
2012-2023

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## EXECUTIVE SUMMARY

The Constitutional Court of Georgia serves as the judicial body responsible for upholding constitutional control and ensuring the adherence to the provisions of the Constitution. Its decisions and activities have been a topic of extensive public discourse, as they significantly shape the country's democratic development and political landscape.

Both civil society and institutions actively utilize the legal provisions offered by the legislation to hold state bodies accountable within the framework of the Constitution. Over the years, the role of the Constitutional Court in the Georgian legal system has grown considerably, with a notable increase in appeals to the court, particularly in the past decade.

This report aims to examine the procedural regulations established by the Constitutional Court of Georgia over the last ten years, identify existing problems, and propose potential solutions.

In addition to procedural norms, the report investigates other mechanisms employed by the Constitutional Court to handle cases. It explores how these norms are practically applied and assesses the extent to which the current framework ensures the proper functioning of the Constitutional Court.

***The research focuses on various aspects, including:***

- *The process of registration of the claims/submissions;*
- *Distribution of cases in boards/Plenum;*
- *The mechanism of appointing the reporting judges;*
- *Case consideration terms;*
- *The method of appointing the Constitutional court judges;*
- *Constitutional submissions of the general courts;*
- *Dismissal of the judge;*
- *Disciplinary proceedings against judges in the Constitutional court;*

These issues form a vital part of the Organic Law of Georgia “on the Constitutional Court” and the Rules of Procedure of the Constitutional Court, which govern the Court's activities. They encompass all the critical elements necessary for the effective functioning of the Constitutional Court, guaranteeing the supremacy of the Constitution, constitutional legality, and the protection of constitutional rights and freedoms of individuals.

To conduct this research, claims/submissions, judgments, rulings, and decisions published on the official website of the Constitutional Court, as well as the public information provided by the Constitutional Court were analyzed. The collected data underwent descriptive, qualitative, and quantitative analysis. Additionally, relevant academic literature, studies, official information from state institutions, and media sources were consulted to supplement the research. Expert opinions on the matter were also considered and analyzed.

Given that this research examines ten years of court activity, it sheds light on several problematic issues that have been overlooked in public and professional discussions, including the number of unresolved cases. The statistical data, case list, and activities of specific officials presented in this research highlight the significance of the rules of activity for ensuring the effectiveness of the Constitutional Court and offer avenues for improvement.

## MAIN FINDINGS:

### Regarding Court activities:

- *It has been noted that there are 327 claims/submissions that are missing among the registered claims and submissions posted on the website of the Constitutional Court of Georgia. Out of these, 321 claims are consolidated into a single case;*
- *When the case is referred to Plenum by the proposal of the President, the decision of the board or the motion of the judge, the reasoned proposal of the President and the petition of the judge, which are crucial components of judicial practice, are not published;*
- *During the period of 2012 to 2017, the procedure for case distribution among the boards and the appointment of reporting judges within the Constitutional Court of Georgia was inconsistent and uneven. However, improvements were made to this procedure starting from 2018;*
- *The absence of a clear procedure for substituting the reporting judge. While the grounds for substituting the reporting judge are specified, there are no regulations outlining how the new reporting judge is selected;*
- *The extension of the term for considering cases is permissible for a period of 2 months only in "special cases." The legal framework, however, lacks a precise definition of what constitutes a "special case." The stipulated 9-month term, on the other hand, is specifically applicable for considering claims or Constitutional submissions and does not apply to the deadline for deciding on the acceptance of a claim/submission for consideration, considering the petition filed with the claim, and the timeframe for reaching a final decision on the case;*
- *Based on the statistical data, it has been observed that, on average, the Constitutional Court of Georgia takes approximately 23 months to consider a case, including reaching a final decision. However, when looking at the median data, the court considers a case for a total of 17 months;*
- *Out of 162 decisions, the final decision was published within one year from the registration of the claim/submission in 25 cases. Furthermore, in 27 cases, the conclusive decision was published three years after the registration of the claim/submission, with 5 decisions rendered after a period exceeding five years (out of a total of 162 decisions);*

Currently, there are:

- *97 pending cases before the Constitutional Court, where only a record of judgments or a decision regarding the referring it to the Plenum or petition has been developed and at least 1 year has passed since the registration of claims/presentations;*
- *69 pending cases, where no court act has been developed and at least 9 months have passed since its registration;*
- *Out of a total of 69 submissions, the majority, comprising 50 submissions, originated from the Supreme Court of Georgia. Additionally, Bolnisi District Court, Tetrtskaro District Court, and Tbilisi Court of Appeal each made 4 submissions. Tbilisi City Court contributed 3 submissions. The remaining 4 submissions were made by Rustavi, Batumi, and Telavi City Courts, as well as Kutaisi Court of Appeal;*

- Among the seven decisions pertaining to submissions, three were initiated by the Tetrtskaro Regional Court, three by the Supreme Court of Georgia, and one by the Kutaisi Court of Appeal.

#### **Regarding institutional issues:**

- The law does not clearly establish the selection criteria of the Constitutional Court judges;
- The Constitutional Court of Georgia has rendered decisions in 11 cases involving the recusal or self-disqualification of a judge from a particular case. Out of these 11 cases, 6 cases involved petitions filed by the parties requesting the judge's recusal, while in 5 cases, the judge voluntarily requested self-disqualification.
- Between 2012 and 2022, the Ethics and Disciplinary Affairs Commission of the Constitutional Court of Georgia underwent four recompositions. However, the exact basis or criteria for these recompositions, as mandated by the President of the Constitutional Court, are yet to be determined or disclosed.
- The legislation governing the disciplinary responsibility of members of the Constitutional Court of Georgia should establish clear and defined forms of disciplinary punishment. Currently, there is a need for more explicit guidelines on the types of disciplinary measures that can be imposed.

## **Distribution of cases and appointment of reporting judges in the Constitutional Court**

The distribution of cases within the Constitutional Court plays a critical role in safeguarding the institution's independence and ensuring its effective functioning. Adequate transparency and an equitable workload distribution among judges are vital aspects of this process. In the context of the Constitutional Court of Georgia, the rules governing case distribution are outlined in the Organic Law "on the Constitutional Court of Georgia" and the Rules of Procedure of the Constitutional Court of Georgia. These regulations provide guidance on the procedure for registering claims or Constitutional submissions, as well as the process of distributing cases among the judges. Specifically, Article 31<sup>2</sup> of the Organic Law of Georgia "on the Constitutional Court" outlines the procedures for registering a claim or Constitutional submission and the subsequent distribution of cases.

### **Registration of the case**

A Constitutional claim or submission is registered by an authorized employee of the Constitutional Court, who is tasked with checking the formal (and not the content) side of the case materials before registration.<sup>1</sup> According to the Rules of Procedure of the Constitutional Court of Georgia, the inspection is carried out by the organizational department of the court, which is tasked with examining the formal compliance of the submitted materials with the requirements of the law within 3 days after the filing of the claim/submission<sup>2</sup>.

The requirements are:

- A Constitutional claim or a Constitutional submission is made according to the relevant application

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1 Organic Law of Georgia "on the Constitutional Court", Article 312 (1);

2 Rules of Procedure of the Constitutional Court of Georgia, Article 12(1);

*form approved by the Plenum of the Constitutional Court of Georgia*<sup>3</sup>;

- *A Constitutional claim or a Constitutional submission was submitted to the Organizational Department of the Constitutional Court*<sup>4</sup>;
- *A copy of the identity document of the claimant/claimants is attached to the claim*<sup>5</sup>;
- *The power of attorney of the representatives of the parties (persons equipped with trust, to whom the parties have transferred their authority in accordance with the law) can be verified (1) by an authorized employee of the Constitutional Court, in case the party signs the power of attorney in the presence of the court employee; (2) The power of attorney can also be drawn up in the form of an electronic document, on which a qualified electronic signature stipulated by the law of Georgia "On Electronic Documents and Electronic Trust Services" is executed and/or a qualified electronic stamp<sup>6</sup> recognized by the same law is affixed (notarial rule).*<sup>7</sup>

"To ensure the compliance of the claim with the formal requirements of the law, the organizational department is authorized to clarify the issues related to the claim with the claimant, the authors of Constitutional submissions and/or their representatives"<sup>8</sup>. The aforementioned refers only to the communication with the authors of the Constitutional claim/submissions and/or their representatives about the requirements listed above, which can be done by telephone, e-mail or postal service. The law does not establish the appropriate form of communication, therefore it is not described in the proper form (keeping the official communication in the proper form). If the formal inaccuracies are not detected or the existing inaccuracies are corrected within the period specified for registration (within 3 days), the organizational department registers a Constitutional claim/submission.<sup>9</sup>

The legislation also contemplates the procedure for registration of defective claims/submissions. In case of detection of a non-essential defect (formal deficiency), registration is carried out with the consent of the secretary of the Constitutional Court<sup>10</sup>. In particular, if it can be corrected without substantially changing the claim/submission, the organizational department, within three days after the filing of the claim/submission, applies to the secretary of the Constitutional Court with a request to grant consent to the registration of the claim/presentation<sup>11</sup>. In such a case, the secretary of the

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3 Rules of Procedure of the Constitutional Court of Georgia, Article 11(1). Requirements different from the general procedure are established in case the constitutional dispute concerns to (1) the constitutionality of the creation and activity of a political party and the termination of the authority of a member of a representative body elected by the nomination of this political party; (2) the issue of the constitutionality of treaties or international agreements, and the issue of violation of the Constitution of Georgia by the President of Georgia, the President of the Supreme Court of Georgia, a member of the Government of Georgia, the Auditor General or a member of the Council of the National Bank of Georgia and/or existence of elements of crime in their actions; (3) a dispute regarding violation of Constitutional law of Georgia on the Status of the Autonomous Republic of Adjara; (4) the issue of compliance of normative acts of the Supreme Council of the Autonomous Republic of Adjara with the Constitution of Georgia, the Constitutional law of Georgia on the Status of the Autonomous Republic of Adjara, the constitutional agreement, treaties and international agreements of Georgia and laws of Georgia; (5) the issue of compliance of normative acts with Articles 59-64 (the chapter on the Judiciary branch) of the Constitution of Georgia. The mentioned procedure is established in Article 311 of the Organic Law of Georgia "On the Constitutional Court of Georgia".

4 Rules of Procedure of the Constitutional Court of Georgia, Article 11(2).

5 Rules of Procedure of the Constitutional Court of Georgia, Article 11(3).

6 Rules of Procedure of the Constitutional Court of Georgia, Article 11(4).

7 Organic Law of Georgia "on the Constitutional Court", Article 273 (1,b);

8 Rules of Procedure of the Constitutional Court of Georgia, Article 12(1);

9 Ibid.

10 Organic Law of Georgia "on the Constitutional Court", Article 312 (1);

11 Rules of Procedure of the Constitutional Court of Georgia, Article 12(2).



court is obliged to give consent.<sup>12</sup> An exception is a case where the formal inaccuracy cannot be corrected without substantially changing the claim/submission<sup>13</sup>.

Upon approval of the secretary of the Constitutional Court for the registration, the organizational department registers the claim/submission, notifies the claimant/ author of the submission or their representative about the registration<sup>14</sup> and about:

- *Formal inaccuracies in the submitted claim/submission;*
- *The need for its elimination;*
- *The possible consequences of non-elimination.*

There is a 15-day period given for the correction of the inaccuracy, if the inaccuracy is not corrected within this period, the registration of the claim and submission is canceled.<sup>15</sup> The organizational department cancels the registration of the claim/submission, makes a note about it in the registry of claims and submissions filed in the Constitutional Court and immediately informs the secretary of the Constitutional Court about it<sup>16</sup>. Logically, at the same stage, the publicly published claim/submission, the registration of which was canceled by the organizational department, should be deleted from the website of the Constitutional Court of Georgia.<sup>17</sup> The content of the rule has yet to be discovered.<sup>18</sup> The content of the rule is unknown. Presumably, it means the procedure for recording claims and submissions registered in the Constitutional Court (registry).<sup>19</sup>

Suppose the correction of the formal inaccuracy is impossible without substantially changing the claim/submission, in that case, the organizational department does not register the Constitutional claim, and makes a substantiated decision about it.<sup>20</sup> The latter decision can be appealed once to the secretary of the Constitutional Court.<sup>21</sup> The term of appeal is calculated from the decision of the organizing department and counts 7 days.<sup>22</sup> The Rules of the Procedure of the Constitutional Court does not provide for the form and procedure of appealing the decision of the Organizational Department, as well as the list of requirements that should be indicated in the complaint.

The secretary of the Constitutional Court decides<sup>23</sup> the issue of registration of the claim/submission within 15 days from the application of the claimant, the author of the submission or their representative.

From 2012 to May 2023, 910 claims and submissions were registered in the Constitutional Court of Georgia. In each case, it is difficult to determine the period between submission and registration as the information is not accessible through public sources.<sup>24</sup>

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12 Ibid.

13 Ibid, Article 12(4).

14 Rules of Procedure of the Constitutional Court of Georgia, Article 12(2).

15 Organic Law of Georgia “on the Constitutional Court”, Article 312 (1);

16 Rules of Procedure of the Constitutional Court of Georgia, Article 12(3).

17 Rules of Procedure of the Constitutional Court of Georgia, Article 12(6).

18 Ibid.

19 Ibid.

20 Rules of Procedure of the Constitutional Court of Georgia, Article 12(4).

21 Organic Law of Georgia “on the Constitutional Court”, Article 312 (1);

22 Rules of Procedure of the Constitutional Court of Georgia, Article 12(5).

23 Ibid.

24 In most cases, the constitutional claims/submissions posted on the website of the Constitutional Court of Georgia do not contain the date of submission of the document to the Constitutional Court or the date of signature of the plaintiff/representative does not correspond to the actual date of submission.

However, it is essential to note that some of the claims/submissions are not searchable on the website of the Constitutional Court at all.

For example, cases number:

- 544;
- 1256;
- 1349;
- 1399;
- 1692;
- 1761;

As per the information conveyed by the representative of the Constitutional Court, the initial five claims have been excluded from registration. Additionally, a petition has been submitted concerning claim N1761, seeking to safeguard data pertinent to the protection of personal information and the privacy of individuals. Notably, the publication of the claim will be withheld until the panel renders a decision on the matter.

According to the Rules of Procedure of the Constitutional Court, "the court hearing the case and/or the President of the Constitutional Court of Georgia, on his/her own initiative or at the request of the parties, is authorized to decide on the concealment of data belonging to the identity of a person/private life, to protect the privacy of personal life".<sup>25</sup> In case of such a decision by the authorized person, the procedure does not provide for the removal of the document from the website or the refusal to publish it. The document should be published in such a way that the personal identification data and/or the relevant information belonging to the privacy of the person are not disclosed.

The website of the Constitutional Court also misses a significant part of the claims of the case consisting of 326 Constitutional claims. In particular, in the case **"Public Defender of Georgia, the citizens of Georgia - Avtandil Baramidze, Givi Mitaishvili, Nugzar Solomonidze and others (a total of 326 Constitutional claims) Vs. the Parliament of Georgia"**<sup>26</sup>, which concerns the Constitutionality of secret hearings. Only claims No: 885, 928, 929, 931, 1231 are available. The Constitutional Court accepted the case for consideration, therefore, the registration of claims has not been cancelled, although no claims have been published covering data belonging to the secrecy of personal/private life.

As per the representative of the Constitutional Court, identical claims were employed in the case, resulting in the publication of only distinct documents among the 326 claims.

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<sup>25</sup> Rules of Procedure of the Constitutional Court of Georgia, Article 33(1).

<sup>26</sup> Records of judgment of the Constitutional Court of Georgia on the case N3/4/N885-924, 928-929, 931-1207, 1213, 1220-1224, 1231 "Public Defender of Georgia, the citizens of Georgia - Avtandil Baramidze, Givi Mitaishvili, Nugzar Solomonidze and others (total 326 constitutional cases) claim) Vs. the Parliament of Georgia". 29.12.2017.

## **Powers of the President when referring the case to the Board/Plenum**

The President of the Constitutional Court of Georgia plays a significant role in distributing cases and appointing the reporting judge. He/she determines the procedure for recording claims and submissions registered in the Constitutional Court, submits the composition of the boards for approval to the Plenum of the Constitutional Court of Georgia, distributes the claims between the Plenum and boards, and appoints a reporting judge for the session of the Plenum of the Constitutional Court.<sup>27</sup> Each power/function affects the procedure of case distribution. After the registration, the head of the organizational department hands over the claim/submission and the attached materials to the President of the Constitutional Court of Georgia.<sup>28</sup> He/she evaluates the grounds of a Constitutional claim or Constitutional submission, in particular, he/she determines which of the grounds listed in Article 19 of the Organic Law of Georgia “on the Constitutional Court” will be concerned with the claim/submission, and based on Article 21 of the same law, it forwards it to the relevant board or Plenum. In order to refer the case, the President must issue an appropriate resolution<sup>29</sup>, for which he/she has a 7-day deadline.<sup>30</sup>

*In 2012-05/2023, the position of the President of the Constitutional Court of Georgia was held by three persons:*

- *Giorgi Papuashvili*<sup>31</sup> - From 30 September 2006, till 21 September 2016;
- *Zaza Tavadze*<sup>32</sup> - From 20 October, 2016, till 15 June 2020;
- *Merab Turava*<sup>33</sup> - From 25 June 2020, till now.

## **Referring cases to the Boards**

The President of the Constitutional Court refers the case to the board if it concerns:

- *a dispute with respect to the relevant authority of the state body, on the basis of a claim by the President of Georgia, the Parliament of Georgia, the Government of Georgia, the High Council of Justice of Georgia, the Prosecutor General, the Board of the National Bank of Georgia, the Auditor General, the Public Defender of Georgia or the highest representative or executive body of the Autonomous Republic - about the authority of the body relevant to the dispute;*
- *the issue of the Constitutionality of formation of political unions of the citizens and their activity and the issue of terminating the authority of a member of the representative body elected by the nomination of this political party;*
- *the issue of the Constitutionality of normative acts adopted in relation to the issues of Chapter Two of the Constitution of Georgia;*

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27 Rules of Procedure of the Constitutional Court of Georgia, Article 8(1).

28 Rules of Procedure of the Constitutional Court of Georgia, Article 13(1).

29 Rules of Procedure of the Constitutional Court of Georgia, Article 13(2).

30 Organic Law of Georgia “on the Constitutional Court”, Article 312 (2);

31 Available at: <https://bit.ly/3qgGe9s>

32 Available at: <https://bit.ly/3MKZzXR>

33 Available at: <https://bit.ly/3oDUyIA>

- *the issue of recognition or premature termination of powers of a member of the Parliament of Georgia;*
- *the issue of the Constitutionality of normative acts with respect to Chapter nine of the Constitution;*

**Within the period under review, the chairpersons referred 1093 claims to the first and second board. The deadline for referring the case to the board was violated in 39 cases.**

The longest period from the registration of the claim to its reference consisted 28 days in the case of **"The citizen of Georgia Apollon Gadelia Vs. the President of the Tbilisi City Court"**<sup>34</sup>. The disputed norm was related to the procedure of filing a claim in the Tbilisi City Court. In particular, when submitting a civil or administrative claim and the attached documents, the obligation to present the appropriate queue number for each claim and the prohibition of taking several queue numbers by one person at the same time.

The 20-day period was detected in the case of **"Lasha Chaladze, Givi Kapanadze and Marika Todua Vs. the Parliament of Georgia and the Minister of Labor, Health and Social Protection of Georgia"**<sup>35</sup>. The dispute was related to the use of maternity leave by the father for the purpose of taking care of the newborn and the remuneration. The case was initially referred to the first board of the Constitutional Court, which then referred the case to the Plenum.

The cases referred to the board with a delay of 7 and 6 days were related to (1) the admissibility of the petition for revision of the verdict due to the newly revealed circumstances,<sup>36</sup> and (2) the authority of the monitoring service to conduct monitoring against the will of individuals in order to check the conditions in public preschools.<sup>37</sup> No substantive connection or any obvious incentive for delay was detected between the cases mentioned above.

In some cases, the facts of referring the cases to the boards with violation of the deadline may be related to the vacation period of the President of the Constitutional Court, for example, Zaza Tavadze, referred 5 cases<sup>38</sup> filed in the Constitutional Court on 27 – 28 April 2017 to the relevant boards on 8 May with violation of the deadline. However, in most cases, the reason for the violation of the case referring deadline is unclear.

Although the chairpersons of the court did not refer 39 cases on time, other registered claims/submissions from the same registered before the referral of the mentioned "problematic" claims to the relevant boards were referred to the relevant boards on time. Additionally, none of the cases were ultimately referred to the Plenum, and given the content of the dispute, it is unlikely that the referral of cases was delayed in order for the board or the Plenum to decide on the disposition of the cases. None of these cases can be identified within the timeframe of Merab Turava's Presidency.

34 Ruling of the Constitutional Court of Georgia on Case N2/9/873, "The citizen of Georgia Apolon Gadelia Vs. The President of the Tbilisi City Court". 17.05.2017.

35 Ruling of the Constitutional Court of Georgia on Case N1/2/858, "The citizens of Georgia – Lasha Chaladze, Givi Kapanadze and Marika Todua Vs. the Parliament of Georgia and the Minister of Labor, Health and Social Protection of Georgia. 29.03.2019.

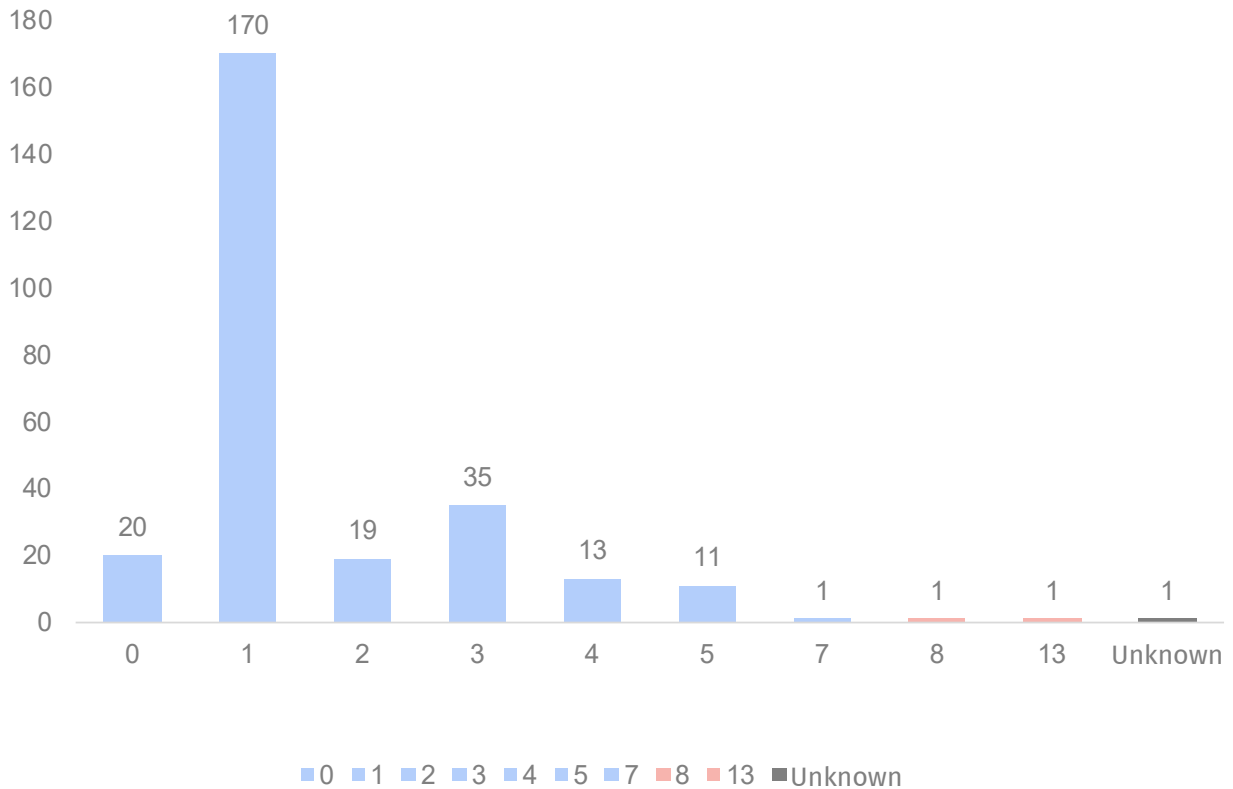
36 Decision of the Constitutional Court of Georgia on Case N2/2/1428, "Koba Todua Vs. the Parliament of Georgia". 15.07.2021.

37 Ruling of the Constitutional Court of Georgia on Case N2/2/715, "League for the Development and Protection of Rights of Preschoolers of Georgia Vs. the Tbilisi City Hall and the Parliament of Georgia".17.06.2016.

38 The cases: (1) N1209 "The citizen of Georgia Gevorg Babaiani Vs. the Parliament of Georgia"; (2) N1208 "Citizen of Georgia Mamuka Caava Vs. the Parliament of Georgia"; (3) N1210 "The citizen of Georgia Manila Zirova Vs. the Government of Georgia"; (4) N1212 "The citizen of Georgia and Canada Giorgi Spartak Nikoladze Vs. the Parliament of Georgia"; (5) N1211 "The citizen of Georgia Malkhaz Gobosashvili Vs. the Parliament of Georgia";

It should be noted that the main cases of referring the cases to the board beyond the deadline are recorded by Zaza Tavadze during the exercising the powers of the President. Giorgi Papuashvili handed over 272 cases to the boards during the period of exercising the powers of the President. Of these, the deadline was violated in 2 cases.

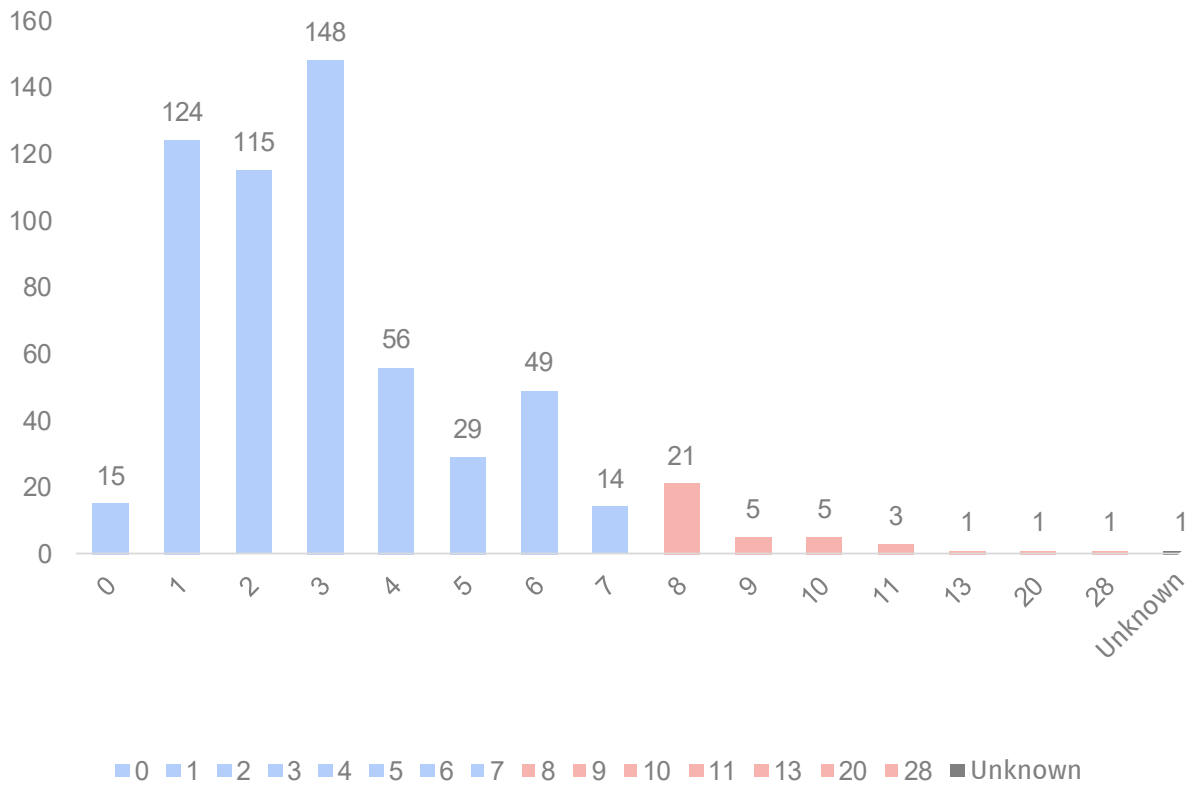
Referral of the cases during the President Giorgi Papuashvili.



The X-axis represents the number of days from the registration of the claim/submission to the referral to the Board. The blue column indicates the number of cases referred to the Board within the legal deadline. The red column indicates the number of case

During his presidency, Zaza Tavadze referred 588 cases among boards, out of which the deadline for the distribution was violated in 37 cases. One of the cases is the claim which unites 326 claims<sup>39</sup> that were registered in the Constitutional Court within the period of 3 months of 2017. Of these, the deadline for transferring the case to the board was violated in 9 cases.

Referral of the cases during the President Zaza Tavadze.



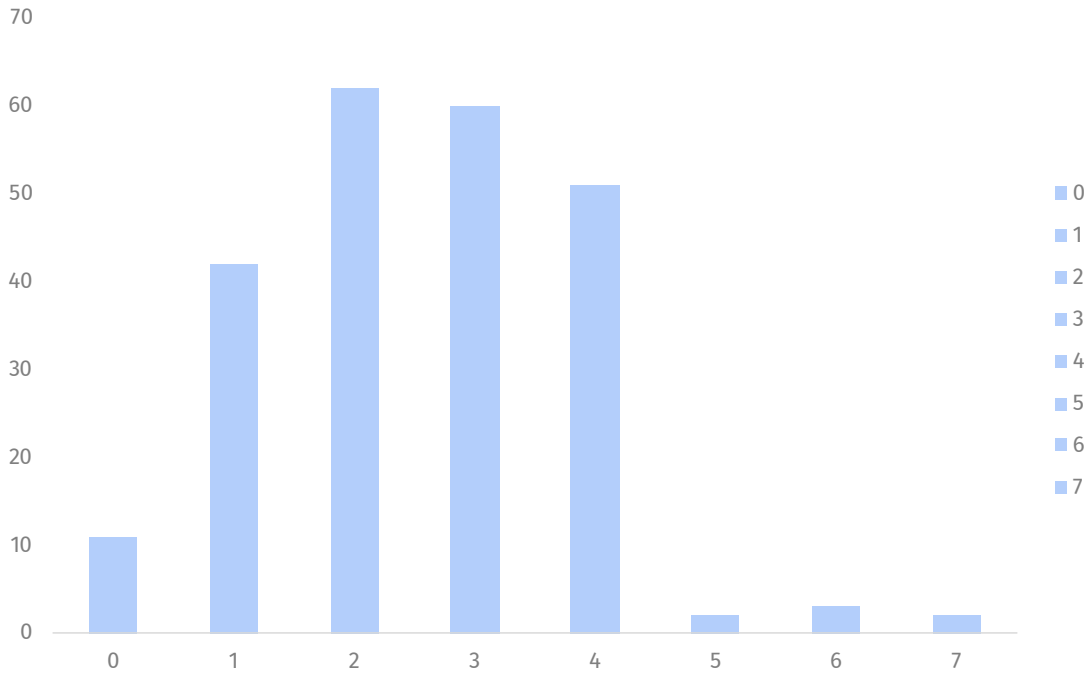
The X-axis represents the number of days from the registration of the claim/submission to the referral to the Board. The blue column indicates the number of cases referred to the Board within the legal deadline. The red column indicates the number of case

39 "The Public Defender of Georgia, The citizens of Georgia – Avtandil Baramidze, Givi Mitiashvili, Nugzar Solomonidze and others (in total 326 constitutional claim) Vs. the Parliament of Georgia. N885-924, 928-929, 931-1207, 1213, 1220-1224, 1231.

President Merab Turava referred 233 cases among boards, and all of them were within the deadline set by the law.

The court documents received regarding two cases inaccurately state the date of the case's registration or transfer to the panel.

Referral of the cases during the President Merab Turava.



The X-axis represents the number of days from the registration of the claim/submission to the referral to the Board. The blue column indicates the number of cases referred to the Board within the legal deadline. The red column indicates the number of case

The presented charts clearly illustrate that the court chairpersons distribute the case to the respective boards mainly within the first three days after the registration of the claims/submissions. Breaching the deadline is rare and usually covers 1-2 days; however, in the case of Zaza Tavadze, there are more cases of exceeding the deadline and procrastination for a more extended period.

## Referring the Case to the Plenum

If according to the legislation the case belongs to the jurisdiction of the Plenum, the President appoints the reporting judge for the plenary session and refers the case to him/her.<sup>40</sup> The Plenum will consider the case if it concerns:<sup>41</sup>

- *the issues regarding compliance of the Constitutional agreements, laws of Georgia, normative resolutions of the Parliament of Georgia, normative acts of the President of Georgia, the Government of Georgia and higher bodies of the state authorities of the Autonomous Republics of Abkhazia and Ajara with the Constitution of Georgia, as well as of adoption/issuance, signature, promulgation and entry into force of legislative acts of Georgia and resolutions of the Parliament of Georgia with the Constitution of Georgia;*
- *a dispute regarding the Constitutionality of regulatory standards for referendum and elections and of elections (referendum) held or to be held based on these standards;*
- *the issue of the Constitutionality of international agreements;*
- *the issue of violation of the Constitution of Georgia by the President of Georgia, the President of the Supreme Court of Georgia, a member of the Government of Georgia, the Auditor General or a member of the Council of the National Bank of Georgia and/or existence of elements of crime in their actions;*
- *a dispute regarding violation of Constitutional law of Georgia “on the Status of the Autonomous Republic of Ajara”;*
- *the issue of compliance of normative acts of the Supreme Council of the Autonomous Republic of Ajara with the Constitution of Georgia, and the Constitutional law of Georgia “on the Status of the Autonomous Republic of Ajara”;*
- *The issue of compliance of normative acts with Articles 59-64<sup>42</sup> of the Constitution of Georgia;*
- *Constitutional submissions of the common courts;*
- *the issue of Constitutionality of the norms of organic law;*

The case, which includes the issues under the jurisdiction of both the Plenum and the board, will be referred to the Plenum of the Constitutional Court by the President.<sup>43</sup> A 7-day period is provided for this procedure. In total, 158 cases were referred to the Plenum on this basis, including 76 Constitutional submissions.

The first such case was recorded in the case of ***the political union of citizens "Patriots Alliance of Georgia" Vs. the Parliament of Georgia***, which was related to "the possibility of redistributing the undistributed parliamentary mandates as a result of the elections held with the proportional electoral system to those electoral subjects who received less than 6 parliamentary mandates without filling".<sup>44</sup>

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40 Organic Law of Georgia “on the Constitutional Court”, Article 312 (2);

41 Organic Law of Georgia “on the Constitutional Court”, Article 21(1);

42 The Constitution of Georgia, Chapter 6. Only articles on the Judiciary (does not cover the articles regarding the Prosecutors office).

43 Organic Law of Georgia “on the Constitutional Court”, Article 21(4);

44 The record of judgment of the Constitutional Court of Georgia on Case N3/5/853 the political union of citizens "Patriots Alliance of Georgia" Vs. the Parliament of Georgia. 16.11.2016



The plaintiffs appealed to the Constitutional Court on 18 October 2016, and the case was referred to the Plenum on 31 October. Accordingly, instead of the 7-day deadline, the case was referred to the Plenum in 13 days and was assigned to Judge Merab Turava. The Constitutional Court accepted the case for consideration on 16 November of the same year. Judge Teimuraz Tughush expressed the dissenting opinion in that regard. Since 2016, the Constitutional Court has not delivered any legal act on the case.

The second case was related to the exclusive authority of the National Bank of Georgia to suspend the validity of the acts issued by it.<sup>45</sup> The plaintiffs appealed to the Constitutional Court on 1 June 2017, and the case was referred to the Plenum on 26 June of the same year, on the 25th day after the registration of the claim. The claim was not accepted for consideration.

At the end of August 2017, the Constitutional Court was addressed with three different claims, which were referred to the Plenum at the beginning of September of the same year in violation of the deadline stipulated by the law. The first claim<sup>46</sup> was related to the regulation of the Organic Law of Georgia "On Common Courts" on the basis of which persons who have held the position of a judge for at least 18 months and were appointed to the said position through competition are exempted from studying at the High School of Justice. The plaintiff was a former judge appointed to the position of judge in 1995 without competition. According to the plaintiff, the contested norm was discriminatory. She appealed to the Constitutional Court on 29 August and the case was referred to the Plenum on 6 September. Accordingly, the transfer of the case was delayed by 1 day. The Constitutional Court accepted the case for substantive consideration on 30 March 2018 (the reporting judge - Teimuraz Tughushi). After 2018, the Constitutional Court did not deliver any other judicial act regarding the case.

The second case was related to the registration of the local election monitoring organization during the non-election period.<sup>47</sup> The plaintiffs applied to the court on 30 August and the case was referred to the plenary session on 7 September, with 1 day delay. On 19 October 2018, the Constitutional Court with the decision N3/6/1253 did not accept the case for substantive consideration.

The third case concerned the possibility of holding a referendum and a plebiscite. In particular, the dispute was related to the differentiation of persons/issues authorized to initiate the referendum and plebiscite and the possibility of holding a plebiscite within the framework of persons distinguished by some common feature.<sup>48</sup> The plaintiff appealed to the Constitutional Court on 31 August, and the case was referred to the Plenum on 8 September, also with a delay of 1 day.

The last case that was referred to the plenum in violation of the specified deadline is the case of "Non Entrepreneurial (Non-Commercial) Legal Entity "Apriori", " Non Entrepreneurial (Non-Commercial) Legal Entity "Reformation Center of Law Enforcement Officers" and citizens political unions: "United National Movement", "Civil Platform - New Georgia", "Republican Party of Georgia", "European Democrats of Georgia", "Christian-Democratic Movement", "National-Democratic Party", "Freedom - Zviad Gamsakhurdia's Way" Vs. the Parliament of Georgia. The plaintiffs disputed about the observer's accessibility on the final, so-called, voter's report given to the members of the Precinct Election Commission registrar, on the possibility of monitoring the activities of the District

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45 The ruling of the Constitutional Court of Georgia on Case N3/5/1233, JSC "Cristal Bank", Foreign enterprise LLC „ESOL B.V.“, and the citizen of the USA Jilbert Richard Armenta Vs. The Parliament of Georgia. 19.10.2018.

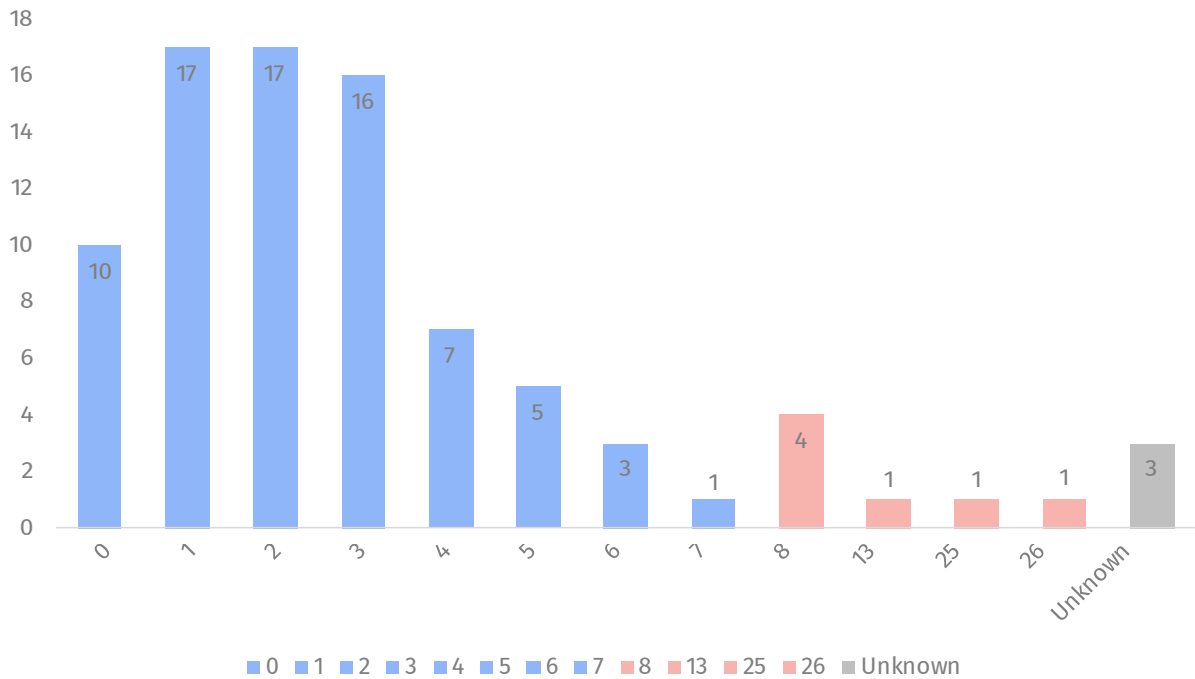
46 The record of judgment of the Constitutional Court of Georgia on Case N3/3/1251 the citizen of Georgia Nana Tsuladze Vs. The Parliament of Georgia. 30.03.2018.

47 The ruling of the Constitutional Court of Georgia on Case N3/6/1253, The citizen of Georgia Levan Alaphishvili and Non Entrepreneurial (Non-Commercial) Legal Entity "Center for Future Initiatives" Vs. The Parliament of Georgia. 19.10.2018

48 The ruling of the Constitutional Court of Georgia on Case N3/2/1255, the citizens of Georgia: Davit Kipiani, Liana Mchedlishvili, and Levan Alaphishvili Vs. The Parliament of Georgia. 30.03.2018

Election Commission in the pre-election period and on the right to appeal the decisions made by the commission. The plaintiffs applied to the Constitutional Court on 31 May 2018, and the case was referred to the Plenum on 26 June. Accordingly, the President delayed the referral of the case by 19 days. It should be noted that the court delivered the decision on the case on 25 November 2022. At the first preliminary hearing, held on 29 June 2018, the plaintiff requested the postponement of the hearing after the explanations stage. The petition was submitted on 18 July of the same year based on the party's will to hire a new representative. On 2 November 2022, the plaintiff did not appear at the session, and the Constitutional Court considered the non-appearance of the party at the session inexcusable. Based on the facts mentioned above, the Constitutional Court delivered the ruling on the termination of case N1323.

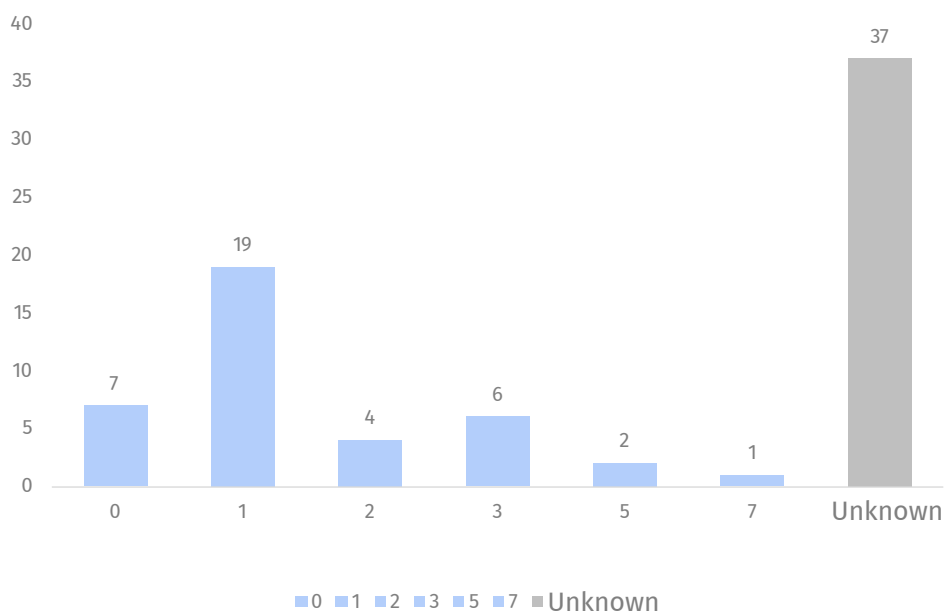
The general statistics of chairpersons in relation to claims are as follows:



The X-axis represents the number of days from the registration of the claim to the referral to the Plenum. The blue column indicates the number of cases referred to the Plenum within the legal deadline. The red column indicates the number of cases referred after the legal deadline.

The three claims, for which the transfer date to the Plenum remains unknown, pertain to cases filed in the years 2014-2015.

Regarding submissions, the picture is vague, as the records of judgments and the rulings in several cases do not indicate the date of case referral to the Plenum. In particular, in 37 cases out of 76 submissions, the exact date of referral is unknown. Those claims also pertain to cases filed in the years 2014-2015.



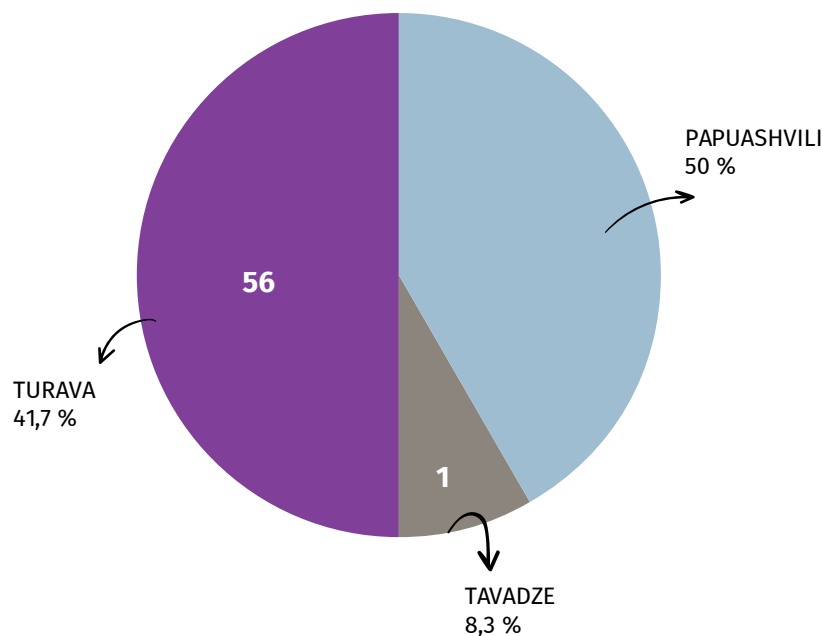
The X-axis represents the number of days from the registration of the claim to the referral to the Plenum. The blue column indicates the number of cases referred to the Plenum within the legal deadline. The grey column indicates the number of cases refer

### Referral of the Case to the Plenum by the proposal of the President

If the President of the Constitutional Court comes to a reasonable conclusion, when distributing an incoming Constitutional claim between the Boards, that a case under consideration may intrinsically give rise to a rare and/or especially significant legal issue of the interpretation and/or application of the Constitution, the President of the Constitutional Court shall, within seven days after having the Constitutional claim referred to it, address the Plenum with a substantiated written proposal on hearing the case by the Plenum.<sup>49</sup>

In total, 12 cases were considered by the Plenum based on the proposal of the President. In this case, the Presidents referred cases within the set deadline, however in 2 cases, the date of referral is unknown).

The referral is distributed according to the following principle:



The Plenum considered the following cases based on the proposal of the President, while deciding that the content of the case could intrinsically give rise to a rare and/or especially significant legal issue of the interpretation and/or application of the Constitution of Georgia;

- *Citizen of Georgia Giorgi Ugulava Vs. the Parliament of Georgia. The plaintiff appealed the norms of the Criminal Procedure Code of Georgia, based on which he was removed from the post of Tbilisi City Mayor. (Articles: 159, 160(1)).*<sup>50</sup>
- *Citizen of Georgia Vakhtang Menabde Vs. The Parliament of Georgia and the Central Election Commission of Georgia (CEC). The plaintiff appealed the application of the decree adopted by the CEC based on unConstitutional norms and the holding of by-elections announced in two majoritarian constituencies (Sagarejo and Martvili) according to the normative act mentioned above (Articles: 14 (1,i), and 129 (1,2) of the "Georgian Election Code", and Article 1 of the Decree No. 62/2012 of 11 June 2012 of the Central Election Commission of Georgia).*<sup>51</sup>

50 Decision of the Constitutional Court of Georgian on case N3/2/574. 23.05.2014.

51 Ruling of the Constitutional Court of Georgian on case N3/2/670. 24.10.2015.

- *JSC Broadcasting Company “Rustavi 2” and JSC “TV Company – Sakartvelo” Vs. The Parliament of Georgia.* The dispute concerns the articles in the organic law “on the Constitutional Court of Georgia”, on the basis of which the disputed act loses its validity from the moment of publication of the relevant decision of the Constitutional Court (Articles 20,23 (1) and 23(10)).<sup>52</sup> The Plenum decided, that when considering a Constitutional claim, the Constitutional Court should clarify a specific legal aspect of the field protected by the first paragraph of Article 42 of the Constitution of Georgia, such as the scope of the legal impact of the recognition of the contested norm as unconstitutional by the Constitutional Court and/or on the current legal relations, which is a rare legal problem of interpretation of the Constitution.
- *Non Entrepreneurial (Non-Commercial) Legal Entity, The citizens Political Union “National Movement of Georgia” Vs. the Parliament of Georgia.* The plaintiffs argued that the challenged norms of the Election Code of Georgia did not provide for permissible deviations from the equal distribution of votes between majoritarian constituencies and exceptional cases. It also did not define the list of objective circumstances, taking into account the boundaries of districts (geographical, protection of minority representation, etc.) (Articles 18, 110 (5), 110<sup>1</sup> (3-4)).<sup>53</sup>
- *Citizens of Georgia: Tamar Papashvili and Ana Beridze Vs. The Parliament of Georgia.* The case concerns the procedure for creating majoritarian constituencies, the number of mandates in each constituency and the distribution of received mandates. (Articles: 2 (k), words “the parliament of Georgia”, 2 (z), 18 (2), 109 (1), 110 (1), 110<sup>1</sup>, 125 (3), first sentence, 125 (4), 125 (5)).<sup>54</sup>
- *Citizens of Georgia: Mtvarisa Kevlishvili, Nazi Dotiashvili and Marina Gloveli Vs. the Parliament of Georgia.* The case concerned the procedure for holding the office of judges and, in the event of a refusal by the High Council to appoint a candidate, the possibility of appealing that decision (Articles: 36 (4), 49 (1,a) words “appoints to the position”, and 50 (4)).<sup>55</sup> The Plenum decided that the Constitutional Court should explain the important legal component of the right protected by Article 29 of the Constitution of Georgia and discuss the Constitutionality of the procedure for holding the office of judges.
- *Bachana Shengelia Vs. The Minister of Justice of Georgia.* The case concerns the articles of the regulation on the disciplinary responsibility of notaries, which determined that violating the principle of political neutrality by a notary is a serious disciplinary offense, and for this action, it is possible to suspend the notary's authority as a sanction. (Articles: 6 (t) and 10 of the Regulation on Disciplinary Liability of Notaries, approved by Order No. 69 of the Minister of Justice of Georgia dated 31 March 2010).<sup>56</sup> The President considered that within the scope of the case under consideration, the Constitutional Court is faced with determining of the extent of limitation of freedom of expression envisaged under the Constitution by a notary as a person exercising public authority. The proposal of the President noted that, until then, the Constitutional Court had not made an explanation regarding the issue mentioned above and had not discussed the Constitutional standards that applied in assessing the Constitutionality of the restriction of freedom of expression when it comes to a professional official exercising public authority for the purposes of Article 25 of the Constitution of Georgia. In addition, after the amendments made to the Constitution, Article 17 (4) provided for a person's right to access and use the Internet freely.

52 Record of judgment of the Constitutional Court of Georgian on case N3/1/719. 25.02.2016.

53 Ruling of the Constitutional Court of Georgian on case N3/3/761. 04.11.2022.

54 Record of judgment of the Constitutional Court of Georgian on case N3/6/755, 20.07.2016.

55 Decision of the Constitutional Court of Georgian on case N3/2/717, 07.04.2017.

56 Record of judgment of the Constitutional Court of Georgian on case N3/1-3/1524, 29.07.2020.

Until then, the Constitutional Court had not had the opportunity to discuss the content of the named Constitutional right, the essence or scope of the sphere protected by it. Within the scope of the case under consideration, the court faced the need to separate the spheres protected by the two main rights, to determine the scope of the sphere protected by the right to access the Internet for the first time.

- *Nikanor Melia Vs. the Parliament of Georgia.* The court considered the Constitutionality of the resolution of the Parliament of Georgia on the premature termination of the mandate of Nikanor Melia as a member of the Parliament of Georgia. The President considered it important to clarify the meaning of the words „judgment of conviction that has entered into legal force“, for the purposes of Article 39(5, d) of the Constitution of Georgia, which could be the ground for the premature termination of the mandate of a member of the Parliament of Georgia. From the position of the President of the Constitutional Court, it was essential to determine what kind of judgment could be used as a basis for this decision and what moment is related to the entry into legal force of the judgment for the purposes of Article 39 (5, d) of the Constitution of Georgia for purposes, taking into account the guarantees of the inviolability of the member of the Parliament of Georgia.
- *Zurab Girchi Jafaridze, Tamar Kordzaia and Elene Khoshtaria Vs. the Parliament of Georgia.* The court considered the Constitutionality of the Parliament's resolution on the premature termination of the mandate of a member of the parliament of Georgia.<sup>57</sup> The President explained that the grounds for the premature termination of the authority of a member of the parliament with personal statement should be established, as well as to what extent the corresponding authority of the parliament is only formal and, in general, what is the role of the Parliament of Georgia in this process – does the power given to it by the Constitution implies only the power to satisfy a personal application and to confirm it formally, or whether the Constitution, in the presence of such a basis, leaves the area of making a different decision to the legislative body. In addition, the importance of the issue mentioned above is not limited to the decision-making against an individual person and the resource of influence on its legal sphere, but rather the person, who the people elect as their representative in the legislative body through universal elections. Accordingly, the Constitutional Court faced the need to analyze the above-mentioned issue in terms of the constitutional requirements arising from the principle of democracy.
- *The Government of Georgia Vs. The President of Georgia.* The dispute concerns the compliance of the President of Georgia's inaction with the Constitution of Georgia while the appointment and dismissal of Georgian ambassadors and heads of diplomatic missions.<sup>58</sup> The reasoned proposal of the President indicated that it should be determined to what extent the authority of the President of Georgia to appoint ambassadors and heads of diplomatic missions is only a formal and, in general, what is the role of the President of Georgia in this process – whether the authority given to the president by the Constitution means only the issuance of an act on the appointment of candidates nominated by the Government of Georgia and its, in a way, formal confirmation, or whether the Constitution, in the presence of such a basis, leaves for the president of Georgia leverage of making a different decision. In addition, in the practice of the Constitutional Court of Georgia, there has been no discussion on the scope of the powers of the President of Georgia and the Georgian Government to carry out foreign policy and foreign activities. On 3 February 2023, the Constitutional Court terminated proceedings on the case. The decision was based on the 11 January 2023 statement of the Government of Georgian on the rejection of the claim.

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57 Record of judgment of the Constitutional Court of Georgian on case N3/5/1565, 1568, 1569. 05.04.2021.

58 Ruling of the Constitutional Court of Georgian on case N3/1/1711, 03.02.2023.

To refer the case to the Plenum, the President is obliged to write a reasoned conclusion in which he/she explains why it is crucial to consider the claim with the entire composition of the Constitutional Court. The substantiated written proposal is not publicly published and the President's argumentation is partially available to the public only in case of the adoption of the relevant ruling by the plenum. It is clear from the cases listed above, that Chairpersons set different standards of justification when addressing a proposal to the Plenum. In most cases, the argumentation (of the Chairpersons) presented in the rulings is very concise and does not clearly define the need for consideration of the case by the Plenum. In addition to the fact that this hinders the publicity of the Constitutional Court, it also promotes inconsistent practice and raises the possibility of arbitrariness. The interested individual is deprived of the opportunity to more clearly determine in the process of distribution of the case whether he/she can request to refer the case to the Plenum. Although the right to address the Plenum with a reasoned proposal by the President is rarely used, the document drawn up for this purpose constitutes a practice as important as records of judgments and rulings. It may be important for the plaintiff whether a board or a Plenum considers his/her case. Accordingly, the plaintiff should have the opportunity to familiarize himself/herself with the practice established by the President for referral of the case to the Plenum and, based on past argumentation, strengthen his/her own request (calling the President of the court to refer the case to the Plenum).

Although the legislation does not provide for the right of the plaintiff to request the consideration of the case by the Plenum, however, based on past practice, he/she may convince the President that the case with its content may give rise to a rare and/or especially significant legal issue of the interpretation and/or application of the Constitution of Georgia.

The Plenum shall, within two weeks after receiving the proposal of the President of the Constitutional Court, decide on the issue of considering the case submitted by the President at its plenary session adopting accordingly a record of judgment or ruling.<sup>59</sup> In none of the cases listed above, neither the 7-day time limit for referral of the case to the Plenum nor the 2-week time limit for adopting the record of judgment or ruling was violated.

In total, on 12 cases referred to the Plenum, the court adopted 10 records of judgments/rulings (3 claims were combined into 1 case). In the mentioned cases, the Constitutional Court of Georgia made decisions on "Nikanor Melia Vs. Parliament of Georgia," "Citizen of Georgia Giorgi Ugulava Vs. Parliament of Georgia," and "Citizens of Georgia - Mtvarisa Kevlishvili, Nazi Dotiashvili, and Marina Gloveli Vs. Parliament of Georgia." In the case of "Government of Georgia Vs. the President of Georgia," the plaintiff withdrew the claim. As for the case "Political Union of Citizens 'United National Movement' Vs. the Parliament of Georgia," it was accepted for consideration by the Plenum in 2016. However, the proceedings were halted in 2022, given the invalidation of the contentious norms and the absence of existing norms with essentially similar content to the disputed norms, which would be pertinent to the legal issue highlighted by the plaintiff in the constitutional claim. Furthermore, the case "Georgian citizen Vakhtang Menabde Vs. the Parliament of Georgia and the Central Election Commission" was accepted for consideration by the Plenum but was not admitted for substantive consideration.

The mentioned record of judgments/rulings were adopted by the plenum within 2 weeks period (in two cases, the date of referral of the case to the Plenum is unclear, however, the difference between the date of the plaintiff's appeal and the date of receipt of the relevant record of judgment/rulings by the Plenum does not exceed 21 days.<sup>60</sup>

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59 Organic Law of Georgia "on the Constitutional Court", Article 212 (2); Rules of Procedure of the Constitutional Court of Georgia, Article 13(6);

60 A 7-day period determined for the President for the referral of the case and the 2 weeks period allocated for the Plenum for consideration of the proposal.

## Referral of the case to the Plenum by the Board/Judge

The legislation also envisages the procedure to refer the case to the Plenum by the Board. If the Board of the Constitutional Court considers that its opinion, based on a case to be considered, dissents from a legal opinion expressed by the court in its earlier decision (decisions), or if a case to be considered in essence gives rise to a rare and/or particularly significant legal issue as to the interpretation and/or application of the Constitution, it shall be authorised, at any stage of consideration and resolution of the case, to refer the case by a reasoned ruling to the Plenum of the Constitutional Court for consideration.<sup>61</sup> On the basis of the mentioned norm, the boards of the Constitutional Court of Georgia referred 23 cases to the Plenum.<sup>62</sup>

In contrast to the referral of the case to the Plenum on the basis of a reasoned proposal by the President, the rulings of the boards are available on the website of the Constitutional Court, therefore, the plaintiff has the opportunity to justify why his/her case should be considered by the Plenum based on the past practice.

***In relation to the boards, the degree of justification of the rulings mentioned above should be evaluated positively. Generally, the rulings explain in detail how the board's opinion differs from past practice, or what constitutes a particularly important legal problem.***

According to the amendments in the Organic Law of Georgia (No. 5161; 03/06/2016) "About the Constitutional Court of Georgia", Article 21 (1) was changed and the question of the constitutionality of the norm of the abovementioned Organic Law became the sole competence of the Plenum instead of the Boards. Accordingly, based on the changed legal basis part of the cases distributed within the boards were referred to the Plenum (13 cases in total). The statistics of case referral to the Plenum by two boards are equal. Each board referred 5 cases to the Plenum. In 4 cases referral was done due to the different position of the board from the existing practice, and in 6 cases, due to possible existence of a rare and/or especially significant legal issue of the interpretation and/or application of the Constitution.

Due to the need to change the existing practice, the **first board** referred the following cases to the Plenum: (1) LLC "Metalinvest" Vs. the Parliament of Georgia (judges: Konstantine Vardzelashvili, Ketevan Eremadze, Maia Kopaleishvili),<sup>63</sup> and (2) the Public Defender of Georgia Vs. the Parliament

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61 Organic Law of Georgia "on the Constitutional Court", Article 212 (1);

62 (1) Citizens of Israel: Tamaz Janashvili, Nana Janashvili, Irma Janashvili, aslo the citizens of Georgia: Giorgi Tsakadze and Vakhtang Loria Vs. The Parliament of Georgia; (2) LLC "Metalinvest" Vs. The Parliament of Georgia; (3) Citizen of Georgia Nodar Dvali Vs. The Parliament of Georgia; (4) Non-Entrepreneurial (Non-Commercial) Legal Entity "Human Rights Education and Monitoring Center (EMC)", and the citizen of Georgia Vakhushiti Menabde Vs. The Parliament of Georgia; (5) Citizens of Georgia: Salome Kinkladze, Ino Kvenetadze, Nino Odisharia, Dachi Janelidze, Tamar Khitarishvili, and Salome Sebiskveradze Vs. The Parliament of Georgia; (6) Citizen of Georgia Oleg Latsabidze Vs. The Parliament of Georgia; (7) LLC Publishing house "Intelekti", LLC Publishing house "Artanuji", LLC "Logos Press" and the citizen of Georgia Irina Rukhadze Vs. The Parliament of Georgia; (8) Citizen of Georgia Lali Lazarashvili Vs. The Parliament of Georgia; (9) Levan Meskhi, Nestan Kirtadze, Tamaz Bolkvadze, and others (50 plaintiffs in total) Vs. The Parliament of Georgia; (10) Citizen of Georgia Omar Jorbenadze Vs. The Parliament of Georgia; (11) Citizen of Georgia Saba Sutidze Vs. The Parliament of Georgia; (12) LLC Broadcasting company "Rustavi 2" and LLC TV Company "Sakartvelo" Vs. The Parliament of Georgia; (13) Citizen of Georgia Levan Gotua Vs. The Parliament of Georgia; (14) Citizens of Georgia: Ilia Kokaia and Giorgi Kapanadze Vs. The Parliament of Georgia; (15) Citizen of Georgia Maka Gvelesiani Vs. The Parliament of Georgia; (16) Citizen of Georgia Meri Folodashvili Vs. The Parliament of Georgia; (17) Citizen of Georgia Kartlos Zakareishvili Vs. The Parliament of Georgia, and the Government of Georgia; (18) Citizens of Georgia: Jimsher Tskhadadze and Mamuka Chanturia Vs. The Parliament of Georgia; (19) Citizens of Georgia: Rusudan Karchava, Ketevan Bacheleishvili, Mariam Mchedlidze, Khatuna Tsikhiseli, Nino Akhvlediani, Giorgi Dzidziguri, Nino Gogolidze, Diana Vartanovi, Paata Kapanadze, Dali Gogidze, Ia Paichadze, Besiki Sengelia, Beka Kvinikadze, Beka Oniani, Lasha Khuskivadze, Liana Enukidze, Anna Machavariani and Keso Lomidze Vs. The Parliament of Georgia; (20) Citizens of Georgia – Lasha Chaladze, Givi Kapanadze and Marika Todua Vs. The Parliament of Georgia, and the Minister of Labor, Health and the Social Protection of Georgia; (21) Vakhtangi Miminoshvili, Iveri Chokoraia and Jemali Markozia Vs. the Government of Georgia; (22) The Public Defender of Georgia Vs. The Parliament of Georgia; (1635); (23) Citizens of Georgia: Konstantine Kandelaki and Giorgi Abuladze Vs. The Parliament of Georgia;

63 Ruling of the Constitutional Court of Georgian on case N1-3/1/543;



of Georgia. Judges: Giorgi Kverenchkhiladze, Eva Gotsiridze, Vasil Roinishvili, Giorgi Tevdorashvili;<sup>64</sup>

With the same purpose, the **second board** considered the following cases: (1) Levan Meskhi, Nestan Kirtsadze, Tamaz Bolkvadze and others (50 plaintiffs in total) Vs. the Parliament of Georgia. Judges: Zaza Tavadze, Tamaz Tsabutashvili, Otar Sichinava, Lali Fafashvili;<sup>65</sup> (2) Vakhtang Miminoshvili, Iveri Chokoraia and Jemal Markozia Vs. the Government of Georgia. Judges: Tamaz Tsabutashvili, Irine Imerlishvili, Teimuraz Tugushi, Manana Kobakhidze.<sup>66</sup> Out of remaining 6 cases, each board referred equal number of cases to the Plenum.

**The first Board** considered the following cases: (1) Tamaz Janashvili, Nana Janashvili, Irma Janashvili, also the citizens of Georgia: Giorgi Tsakadze and Vakhtang Loria Vs. the Parliament of Georgia. Judges: Vakhtang Gvaramia, Konstantine Vardzelashvili, Ketevan Eremadze, Maia Kopaleishvili<sup>67</sup>; (2) Citizens of Georgia: Rusudan Karchava, Ketevan Basheleishvili, Mariam Mchedlidze, Khatuna Tsikhiseli, Nino Akhvlediani, Giorgi Dzidziguri, Nino Gogoladze, Diana Vartanovi, Paata Kapanadze, Dali Gogidze, Ia Paichadze, Besiki Shengelia, beka Kvinikadze, Beka Oniani, Lasha Khuskivadze, Liana Enukidze, Anna Machavariani and Keso Lomidze Vs. the Parliament of Georgia. Judges: Lali Fafashvili, Maia Kopaleishvili, Merab Turava, Giorgi Kverenchkhiladze,<sup>68</sup> and (3) citizens of Georgia: Ilia Kokaia and Giorgi Kapanadze Vs. the Parliament of Georgia. Judges: Lali Fafashvili, Maia Kopaleishvili, Merab Turava, Giorgi Kverenchkhiladze<sup>69</sup>.

In the cases mentioned above, an especially significant legal issue or different practice included:

- *Limitation period – according to the ruling, "Limitation periods are, in general, a procedural component of the right to a fair trial and an important guarantee of enjoying the same right, however, at the same time, it is necessary to have an adequate, careful and reasonable normative regulation of this institution, in order at the same time not to become the ground of violation of the right itself";<sup>70</sup>*
- *Determining the requirements of the constitutional standard of foreseeability in relation to the norms establishing the criminal offense – it was not consistent with the past practice, therefore the Plenum had to consider it;*
- *Legislator's right to use regulation, which can be based on general criteria, when developing legislation regulating contractual relations (including custom, general moral values, etc.), if it has the obligation<sup>71</sup> to regulate the legal relationship exhaustively and meticulously in detail – it was in line with the past practice, therefore the Plenum had to discuss it.*

All three cases were accepted for consideration by the Plenum.

**The second Board** considered the following cases: (1) Non-Entrepreneurial (Non-Commercial) Legal Entity "Human Rights Education and Monitoring Center (EMC)", and the citizen of Georgia Vakhushiti Menabde Vs. The Parliament of Georgia. Judges: Otar Sichinava, Lali Fafashvili, Zaza Tavadze, Tamaz

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64 Ruling of the Constitutional Court of Georgian on case N1-3/1/1635;

65 Ruling of the Constitutional Court of Georgian on case N2-3/1/648;

66 Ruling of the Constitutional Court of Georgian on case N2-3/1/1547;

67 Ruling of the Constitutional Court of Georgian on case N1-3/2/531;

68 Ruling of the Constitutional Court of Georgian on case N1-3/6/832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849;

69 Ruling of the Constitutional Court of Georgian on case N1-3/5/707;

70 Ruling of the Constitutional Court of Georgian on case N1-3/2/531;

71 Ruling of the Constitutional Court of Georgian on case N1-3/5/707;

Tsabutashvili<sup>72</sup>, (2) Citizens of Georgia: Salome Kinkladze, Nino Kvenetadze, Nino Odisharia, Dachi Janelidze, Tamar Khitarishvili and Salome Sebiskveradze Vs. The Parliament of Georgia. Judges: Otar Sichinava, Lali Fafashvili, Zaza Tavadze, Tamaz Tsabutashvili,<sup>73</sup> and (3) Citizen of Georgia Nodar Dvali Vs. The Parliament of Georgia. Judges: Otar Sichinava, Lali Fafashvili, Zaza Tavadze, Tamaz Tsabutashvili.<sup>74</sup>

In the cases mentioned above, an especially significant legal issue or different practice included:

- *Appealing to the Constitutional Court itself and the presence of appropriate legal mechanisms in this process, suspending the validity of the disputed act until the Constitutional Court makes a final decision on the case*<sup>75</sup>;
- *Absence of an unequivocal position in the practice of the Constitutional Court, on which norm of the Constitution (28th or 29th) establishes the guarantees of enjoying the passive right to vote in the election process;*<sup>76</sup>
- *The institution of the bona fide acquirer of real estate – how the constitutional guarantee of protection of the plaintiff's property rights within the civil legal relationship is balanced with the interests of the acquirer and protection of civil turnover*<sup>77</sup>.

In addition to the board, an individual judge also has the right to refer the case to the Plenum<sup>78</sup>. If a member of the Board of the Constitutional Court believes that his/her opinion, based on a case to be considered, dissents from the legal opinion expressed by the Court in its earlier decision (decisions), or if a case to be considered in essence gives rise to a rare and/or particularly significant legal issue as to the interpretation and/or application of the Constitution of Georgia, he/she shall have the right, at any stage of consideration and resolution of the case, to apply to the Plenum of the Constitutional Court with a reasoned written request to have the case considered by the Plenum. Unfortunately, the mentioned petition, like the reasoned proposal of the President, is also not available on the website.

Since 2012, a similar case has been recorded six times:

- *JSC Broadcasting Company "Rustavi 2" and JSC "TV Company – Sakartvelo" Vs. The Parliament of Georgia;*<sup>79</sup>
- *The Public Defender of Georgia, the citizens of Georgia: Avtandil Baramidze, Givi Mitashvili, Nugzar Solomonidze and others (326 Constitutional claim in total) Vs. The Parliament of Georgia;*<sup>80</sup>
- *Citizens of Greece: Prokopi Savvidi and Diana Shamanidi Vs. The Parliament of Georgia;*<sup>81</sup>
- *The group of the members of the Parliament of Georgia: Davit Bakradze, Sergo Ratiani, Levan*

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72 Ruling of the Constitutional Court of Georgian on case N2/2/577;

73 Ruling of the Constitutional Court of Georgian on case N2/3/588;

74 Ruling of the Constitutional Court of Georgian on case N2-3/1/550;

75 Ruling of the Constitutional Court of Georgian on case N2/2/577;

76 Ruling of the Constitutional Court of Georgian on case N2/3/588;

77 Ruling of the Constitutional Court of Georgian on case N2-3/1/550;

78 Organic Law of Georgia "on the Constitutional Court", Article 211 (3);

79 Record of judgment of the Constitutional Court of Georgian on case N3/5-1/679, 720, 721, 740, 764

80 Record of judgment of the Constitutional Court of Georgian on case N3/4/N885-924, 928-929, 931-1207, 1213, 1220-1224, 1231;

81 The case of the Constitutional Court of Georgia N1/1/1267,1268;

*Bejashvili, Giorgi Baramidze and others (33 members of the Parliament in total), Non Entrepreneurial (Non-Commercial) Legal Entity, Citizens' Political Union Political Union "Centrists" Vs. LEPL the National Agency of Public Registry;*<sup>82</sup>

- *Jeman Dumbadze and Badri Bejanidze Vs. The Parliament of Georgia;*<sup>83</sup>
- *Giorgi Mamaladze, Giorgi Fantsulaia and Mia Zoidze Vs. The Parliament of Georgia;*<sup>84</sup>

Based on the fact that the opinion of individual judges in the mentioned cases was not shared by the main composition of the board, it is important to determine what arguments the judge had for submitting the case to the Plenum. It is true that the small number of cases and different nature do not allow to see any trend, although it is an important part of judicial practice.

### **JSC Broadcasting Company “Rustavi 2” and JSC “TV Company – Sakartvelo” Vs. The Parliament of Georgia**

Judge Merab Turava, a member of the first board of the Constitutional Court of Georgia, addressed the Plenum with the reasoned written request on the following cases: (1) JSC Broadcasting Company “Rustavi 2” and JSC “TV Company – Sakartvelo” Vs. The Parliament of Georgia; (2) Citizen of Georgia Giorgi Ugulava Vs. The Parliament of Georgia; and (3) Citizens of Georgia: Nugzar Kaishauri, Davit Tsifuria, Gizo Ghlonti, Giorgi Lobjanidze and Archil Alavidze Vs. The Parliament of Georgia; in judge’s opinion the cases mentioned above were within the jurisdiction of the Plenum, due to:

- *Constitutional claim N679 – regarding the issue of constitutionality of illegal and immoral transactions, which are the most important institutions of the civil law and are widely used in the practice of common courts. The claim is related to the principles of legal security, legal certainty;*
- *Constitutional claim N720 and N721 - regarding the institution of unjust enrichment, the vindicatory claim, and the presumption of infallibility and completeness of the public registry, as well as the interruption of the statute of limitation periods. The written request mentions, that the disputed norms are the most important institutions of the civil law and are widely used in the practice of common courts.*

The Plenum accepted the cases for consideration.<sup>85</sup>

### **The Public Defender of Georgia, the citizens of Georgia: Avtandil Baramidze, Givi Mitashvili, Nugzar Solomonidze and others (326 Constitutional claim in total) Vs. The Parliament of Georgia;**

Judges of the Constitutional Court of Georgia: Lali Fafiashvili and Merab turava applied to the Plenum with a reasoned written request, with the consideration, that “the resolution of the dispute on constitutional claim involves the interpretation and application of the constitutional standards related to the inviolability of communication carried out by telephone and other technical means, including the standards established by the Constitutional Court of Georgia. The appealed issues concerns not the individual aspects of the system of access to private communication by authorized state bodies, but rather the constitutionality of the named system as a whole. It is also important that in the case under consideration, the agenda is not only the limitation directly caused by disputed norms, but also the need to assess the threats arising from the possible violation of norms by individual officials and the necessary mechanisms for the prevention of these threats.”<sup>86</sup>

82 Ruling of the Constitutional Court of Georgian on case N2/19/850;

83 Record of judgment of the Constitutional Court of Georgian on case N3/1-2/1458,1556;

84 Record of judgment of the Constitutional Court of Georgian on case N3/1-3/1264;

85 Record of judgment of the Constitutional Court of Georgian on case N3/5-1/679, 720, 721, 740, 764

86 Record of judgment of the Constitutional Court of Georgian on cases N3/2-1/N885-924, 928-929, 931-1207, 1213, 1220-1224, 1231;

***Citizens of Greece: Prokopi Savvidi and Diana Shamanidi Vs. The Parliament of Georgia;***

The judge of the first board – Eva Gotsiridze applied to the Plenum with a reasoned written request. According to the judge's opinion, the mentioned case should have been considered by the Plenum, because the case concerns a particularly significant legal issue - the scope of ownership rights of foreign citizens on agricultural lands, and she did not share the past practice of the Constitutional Court. The Plenum has not shared the position of the judge.<sup>87</sup>

***The group of the members of the Parliament of Georgia: Davit Bakradze, Sergo Ratiani, Levan Bejashvili, Giorgi Baramidze and others (33 members of the Parliament in total), Non Entrepreneurial (Non-Commercial) Legal Entity, Citizens' Political Union Political Union "Centrists" Vs. LEPL the National Agency of Public Registry;***

The judge of the second board – Irine Imerlishvili applied to the Plenum with a reasoned written request. The plaintiffs in the case demanded the banning of the political union "Centrists". According to the judge, the case represented the jurisdiction of the Plenum, because the case created a precedent for the interpretation and application of the constitution, the practice of which the court did not have at that moment. The Plenum did not share this opinion.

***Jeman Dumbadze and Badri Bejanidze Vs. The Parliament of Georgia;***

The judge of the Constitutional Court of Georgia – Giorgi Kverenchkhiladze applied to the Plenum with a reasoned written request. It concerned the possibility of reaching a guilty verdict based on the indirect testimony. The position of the judge on the mentioned issue differed from the legal position expressed in the earlier decisions of the court. According to his assessment, it is not correct that the recognition of an invalid norm as unconstitutional does not have legal consequences. The Plenum shared the position of the judge.

***Giorgi Mamaladze, Giorgi Fantsulaia and Mia Zoidze Vs. The Parliament of Georgia;***

The judge of the Constitutional Court of Georgia – Giorgi Kverenchkhiladze applied to the Plenum with a reasoned written request, which was related to the articles of the Criminal Procedure Code on the inadmissibility of disclosure of investigation data and the imposition of criminal liability for its disclosure. According to the judge's opinion, this should be balanced with the issues of the constitutionality of closing the court session for the purpose of protecting personal data, justifying the decision taken on closing the session, and the impossibility of appeal. The Plenum shared the position of the judge.

When the case is referred to the Plenum by the President, the Board or an individual judge, the consideration of the mentioned cases does not terminate the consideration of other cases in the Constitutional Court.<sup>88</sup> The Plenum should discuss similar cases within 6 months.<sup>89</sup>

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87 Record of judgment of the Constitutional Court of Georgian on case N3/1/1267,1268;

88 Organic Law of Georgia "on the Constitutional Court", Article 212 (4);

89 Ibid.

### Allocation of cases between Boards

When allocating cases between boards of the Constitutional Court, the sequential order must be observed<sup>90</sup> – which means the allocation of cases among boards according to the order of receipt of cases and the order of the boards. Deviation from the general rule is allowed only in exceptional cases. In particular, if the registered constitutional claim has the same content or is legally essentially related to the issue related to the constitutional claim previously allocated to the board of the Constitutional Court, the President of the Constitutional Court is authorized to distribute this claim to the same board for consideration in order to combine it into one proceeding.<sup>91</sup> According to the same principle, the claim can be combined into one proceeding and transferred to the Plenum for consideration.<sup>92</sup>

If the Plenum considers that the constitutional claim does not give a rise to a rare and/or particularly significant legal issue as to the interpretation and/or application of the Constitution, it adopts a ruling and the President distributes the case to one of the boards according to the sequential order.<sup>93</sup>

In 2012 - 2023, the cases were distributed between the boards and the Plenum according to the following principle (cases of claims being combined into one case are taken into account):

| REPORTING PERIOD                            | FIRST BOARD | SECOND BOARD | PLENUM   |
|---|-------------|--------------|--|
| 2012-05/2023                                | 323         | 334          | 116 (Additional 11 cases were transferred to Plenum from the Boards) |
| During the Presidency of Giorgi Papuashvili | 99          | 107          | 41   |
| During the Presidency of Zaza Tavadze       | 117         | 120          | 40   |
| During the Presidency of Merab Turava       | 107         | 107          | 35   |

Until 2017, prior to the implementation of the current regulations, a definitive approach to the distribution of cases among the boards was lacking. Frequently, claims were divided among panels and reporting judges in pairs. However, since 2017, efforts have been made to instill positive practices in the case allocation process, leading to a substantial reduction in the practice of assigning consecutive cases to the same collegium. In 2016, 35 similar cases were documented out of 97 cases, but in 2017, this number decreased to 3 cases out of 86 cases.

In recent years, the occurrence of consecutive cases within the same panel has been limited to situations where, post-distribution of claims, one case was merged with an older claim and thereby deviated from the primary order rule. Additionally, cases have been transferred to the Plenum, or the registration of a claim was annulled subsequent to the distribution of subsequent cases.

Consequently, since 2018, adherence to the rule of order in the distribution of cases among the boards in the Constitutional Court has been maintained.

90 Organic Law of Georgia “on the Constitutional Court”, Article 312 (2);

91 Organic Law of Georgia “on the Constitutional Court”, Article 312 (3);

92 Organic Law of Georgia “on the Constitutional Court”, Article 312 (4);

93 Rules of Procedure of the Constitutional Court of Georgia, Article 13(6).

## Appointment of the Reporting Judge

According to the existing regulation and the distribution of the case, a reporting judge is also appointed for the preliminary hearing. The reporting judge will be selected automatically, with the electronic rule. The system will select a member of the court in alphabetical order as a reporter for board/Plenum cases.<sup>94</sup> However, the appointment of the selected judge is based on the resolution adopted by the President of the court in the case of a Plenum, and by the President of the relevant board in the case of a board.<sup>95</sup> There are several circumstances based of which the reporting judge may be replaced by the President with another judge, if:

- *The President considers that the "constitutional claim/submission is of the same content or is legally substantially related to the issue related to the constitutional claim/submission previously submitted to the Plenum/board of the Constitutional Court and it is appropriate to appoint the same person as the reporter for the said claims/submissions;*<sup>96</sup>
- *The member who was appointed as the reporting judge was withdrawn from the consideration of the case (on any stages);*<sup>97</sup>
- *According to the records of the judgment of the Plenum/board, various cases were combined into one case, and different members of the court were appointed as reporting judges. In such a case, the member who was appointed as the reporting judge for the earliest registered constitutional claim/submission shall be appointed as the reporting judge for all constitutional claims/submissions combined into one case.*

If any of the above-mentioned exceptional cases are observed during the appointment of the reporting judge, the President of the Plenum/board elaborates a reasoned resolution.<sup>98</sup>

The Plenum approves the composition of the board upon the submission of the President of the Constitutional Court.<sup>99</sup> The composition of the board must be changed within 10 days after the election of the new President, accordingly in every 5 years.<sup>100</sup> However, the composition of the board can also be renewed in the event when two or more members of the Constitutional Court have changed.<sup>101</sup> In addition, if two members of the board cannot participate in the consideration of the case, the Plenum of the Constitutional Court is authorized to temporarily replace his/her with one of the members of the second board (except for the President of the board).<sup>102</sup> Accordingly, the composition of the boards can be changed periodically (the mentioned procedure is discussed in detail in the relevant subsection of the study).

In addition, if two members of this board are unable to participate in the consideration of the case, the Plenum of the Constitutional Court is entitled to temporarily replace him/her with one of the members of the second board (except for the President of the board). Accordingly, the composition of the board can be changed periodically (the mentioned procedure is discussed in detail in the relevant subsection of the research).

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94 Rules of Procedure of the Constitutional Court of Georgia, Article 14 (1).

95 Rules of Procedure of the Constitutional Court of Georgia, Article 14 (2).

96 Rules of Procedure of the Constitutional Court of Georgia, Article 14 (3).

97 Rules of Procedure of the Constitutional Court of Georgia, Article 14 (4).

98 Rules of Procedure of the Constitutional Court of Georgia, Article 14(5).

99 Organic Law of Georgia "on the Constitutional Court" Article 11.

100 Organic Law of Georgia "on the Constitutional Court" Article 10.

101 Organic Law of Georgia "on the Constitutional Court" Article 11.

102 Ibid.

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In 2012-2023, 19 persons exercised the authority of a judge in the Constitutional Court of Georgia.

**Acting judges:**

- *Merab Turava (From 2015 – till now);*
- *Vasil Roinishvili (From 2020 – till now);*
- *Eva Gotsiridze (From 2017– till now);*
- *Giorgi Tevdorashvili (From 2021– till now);*
- *Giorgi Kverenchkhiladze (From 2016 – till now);*
- *Manana Kobakhidze (From 2017– till now);*
- *Irine Imerlishvili (From 2016– till now);*
- *Khvicha Kikilashvili (From 2020– till now);*
- *Teimuraz Tugushi (From 2016– till now);*

**Former judges:**

- *Vakhtang Gvaramia (2003-2013);*
- *Giorgi Papuashvili (2006-2016);*
- *Konstantine Vardzelashvili (2006-2016);*
- *Ketevan Eremadze (2006-2016);*
- *Otar Sichinava (2006-2016);*
- *Lali Fafiashvili (2007-2017);*
- *Maia Kopaleishvili (2009-2019);*
- *Zaza Tavadze (2010-2020);*
- *Tamaz Tsabutashvili (2011-2021).*

In 2012-2015, the first board of the Constitutional Court was chaired by judge – Konstantine Vardzelashvili, and the board was composed of judges: Ketevan Eremadze and Maia Kopaleishvili.

In 2012-2023, the composition of the first board changed as follows:

| 2012  | 2013   | 2014   |
|---|--|--|
| <i>Konstantine Vardzelashvili;</i><br><i>Ketevan Eremadze;</i><br><i>Maia Kopaleishvili;</i><br><i>Vakhtang Gvaramia;</i> | <i>Konstantine Vardzelashvili;</i><br><i>Ketevan Eremadze;</i><br><i>Maia Kopaleishvili;</i>                           | <i>Konstantine Vardzelashvili;</i><br><i>Ketevan Eremadze;</i><br><i>Maia Kopaleishvili;</i>                           |
| 2015  | 2016   | 2017   |
| <i>Konstantine Vardzelashvili;</i><br><i>Ketevan Eremadze;</i><br><i>Maia Kopaleishvili;</i><br><i>Merab Turava;</i>      | <i>Giorgi Kverenchkhiladze;</i><br><i>Lali Fafashvili;</i><br><i>Maia Kopaleishvili;</i><br><i>Merab Turava;</i>       | <i>Giorgi Kverenchkhiladze;</i><br><i>Lali Fafashvili;</i><br><i>Maia Kopaleishvili;</i><br><i>Merab Turava;</i>       |
| 2018  | 2019   | 2020   |
| <i>Giorgi Kverenchkhiladze;</i><br><i>Eva Gotsiridze;</i><br><i>Maia Kopaleishvili;</i><br><i>Merab Turava;</i>           | <i>Giorgi Kverenchkhiladze;</i><br><i>Eva Gotsiridze;</i><br><i>Maia Kopaleishvili;</i><br><i>Merab Turava;</i>        | <i>Giorgi Kverenchkhiladze;</i><br><i>Eva Gotsiridze;</i><br><i>Khvicha Kikilashvili;</i><br><i>Vasil Roinishvili;</i> |
| 2021  | 2022   | 2023   |
| <i>Giorgi Kverenchkhiladze;</i><br><i>Eva Gotsiridze;</i><br><i>Giorgi Tevdorashvili;</i><br><i>Vasil Roinishvili;</i>    | <i>Giorgi Kverenchkhiladze;</i><br><i>Eva Gotsiridze;</i><br><i>Giorgi Tevdorashvili;</i><br><i>Vasil Roinishvili;</i> | <i>Giorgi Kverenchkhiladze;</i><br><i>Eva Gotsiridze;</i><br><i>Giorgi Tevdorashvili;</i><br><i>Vasil Roinishvili;</i> |



In 2012-2023, the first board of the Constitutional Court was chaired by:

- *Konstantine Vardzelashvili - 2012-2016;*
- *Lali Fafashvili - 2016-2017;*
- *Merab Turava - 2018-2020;*
- *Vasil Roinishvili - 2020-2023*

In 2012-2014, the second board of the Constitutional Court was chaired by Judge Zaza Tavadze, and the board was composed of judges: Lali Fafashvili, Tamaz Tsabutashvili and Otar Sichinava.

In 2012-2023, the composition of the second board changed as follows:

|   |   |   |
|---|---|---|
| <b>2012</b>   | <b>2013</b>   | <b>2014</b>   |
| <i>Zaza Tavadze;</i><br><i>Lali Fafashvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Otar Sichinava;</i>            | <i>Zaza Tavadze;</i><br><i>Lali Fafashvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Otar Sichinava;</i>            | <i>Zaza Tavadze;</i><br><i>Lali Fafashvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Otar Sichinava;</i>            |
| <b>2015</b>   | <b>2016</b>   | <b>2017</b>   |
| <i>Zaza Tavadze;</i><br><i>Irina Imerlishvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Otar Sichinava;</i>         | <i>Zaza Tavadze;</i><br><i>Irine Imerlishvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Teimuraz Tugushi;</i>       | <i>Manana Kobakhidze;</i><br><i>Irine Imerlishvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Teimuraz Tugushi;</i>  |
| <b>2018</b>   | <b>2019</b>   | <b>2020</b>   |
| <i>Manana Kobakhidze;</i><br><i>Irine Imerlishvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Teimuraz Tugushi;</i>  | <i>Manana Kobakhidze;</i><br><i>Irine Imerlishvili;</i><br><i>Tamaz Tsabutashvili;</i><br><i>Teimuraz Tugushi;</i>  | <i>Manana Kobakhidze;</i><br><i>Irine Imerlishvili;</i><br><i>Khvicha Kikilashvili;</i><br><i>Teimuraz Tugushi;</i> |
| <b>2021</b>   | <b>2022</b>   | <b>2023</b>   |
| <i>Manana Kobakhidze;</i><br><i>Irine Imerlishvili;</i><br><i>Khvicha Kikilashvili;</i><br><i>Teimuraz Tugushi;</i> | <i>Manana Kobakhidze;</i><br><i>Irine Imerlishvili;</i><br><i>Khvicha Kikilashvili;</i><br><i>Teimuraz Tugushi;</i> | <i>Manana Kobakhidze;</i><br><i>Irine Imerlishvili;</i><br><i>Khvicha Kikilashvili;</i><br><i>Teimuraz Tugushi;</i> |

In 2012-2023, the first board of the Constitutional Court was chaired by:

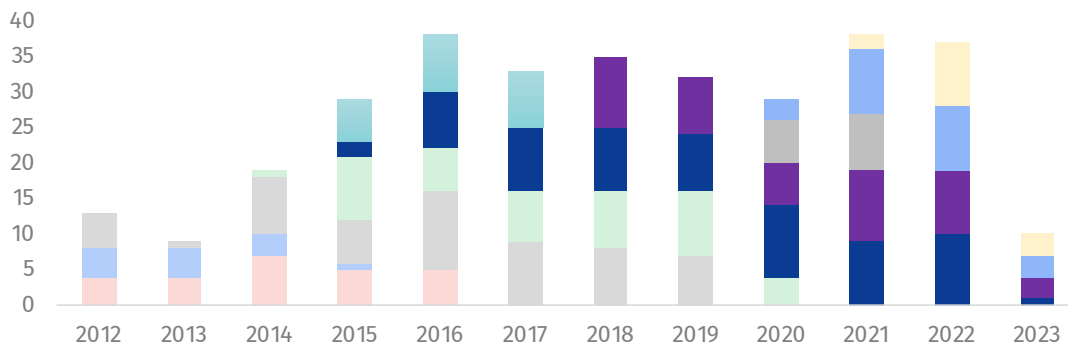
- *Zaza Tavadze - 2010-2016;*
- *Teimuraz Tugushi - 2016-2020;*
- *Manana Kobakhidze - 2021-2023;*

From 2012 to 2018, during the appointment of the reporting judges in the boards, cases were mostly assigned to the same judge in pairs. In certain cases, the fact of distribution of 3-4 consecutive cases to the same reporting judge is also recorded. For example, in 2012, the cases distributed to the first board with following principle (see Annex 1):

|     |                            |
|-----|----------------------------|
| 523 | Konstantine Vardzelashvili |
| 525 | Konstantine Vardzelashvili |
| 527 | Maia Kopaleishvili         |
| 529 | Maia Kopaleishvili         |
| 531 | Ketevan Eremadze           |
| 534 | Ketevan Eremadze           |
| 535 | Maia Kopaleishvili         |
| 538 | Konstantine Vardzelashvili |
| 539 | Ketevan Eremadze           |
| 541 | Ketevan Eremadze           |
| 543 | Maia Kopaleishvili         |
| 547 | Maia Kopaleishvili         |
| 548 | Konstantine Vardzelashvili |

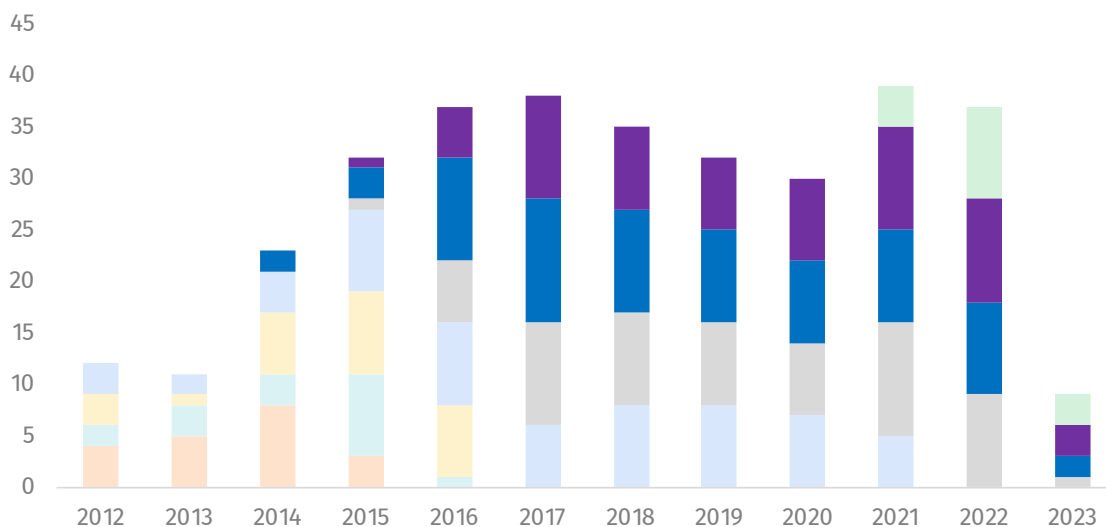
In 2016, a system for the distribution of cases in alphabetical order was instituted. Along with the adoption of the new constitution in 2018, the Organic Law of Georgia "On the Constitutional Court of Georgia" was amended and the Law of Georgia "On Constitutional Proceedings" was declared invalid. Along with the mentioned changes, the procedure for appointing reporting judges was improved.

Taking into account the available information, we can produce further statistical data of reporting judges in 2012-2023:



- Konstantine Vardzelashvili
- Ketevan Eremadze
- Maia Kopaleishvili
- Merab Turava
- Giorgi Kverenchkhiladze
- Lali Papiashvili
- Eva Gotsiridze
- Khvicha Kikilashvili
- Vasil Roinisvili
- Giorgi Tevdorashvili

Appointment of the reporting judges in *the second board* in 2012-2023.



- Zaza Tavadze
- Otar Sichinava
- Lali Fafiashvili
- Tamaz Tsabutashvili
- Irine Imerlishvili
- Teimuraz Tugushi
- Manana Kobakhidze
- Khvicha Kikilashvili

## **The Plenum**

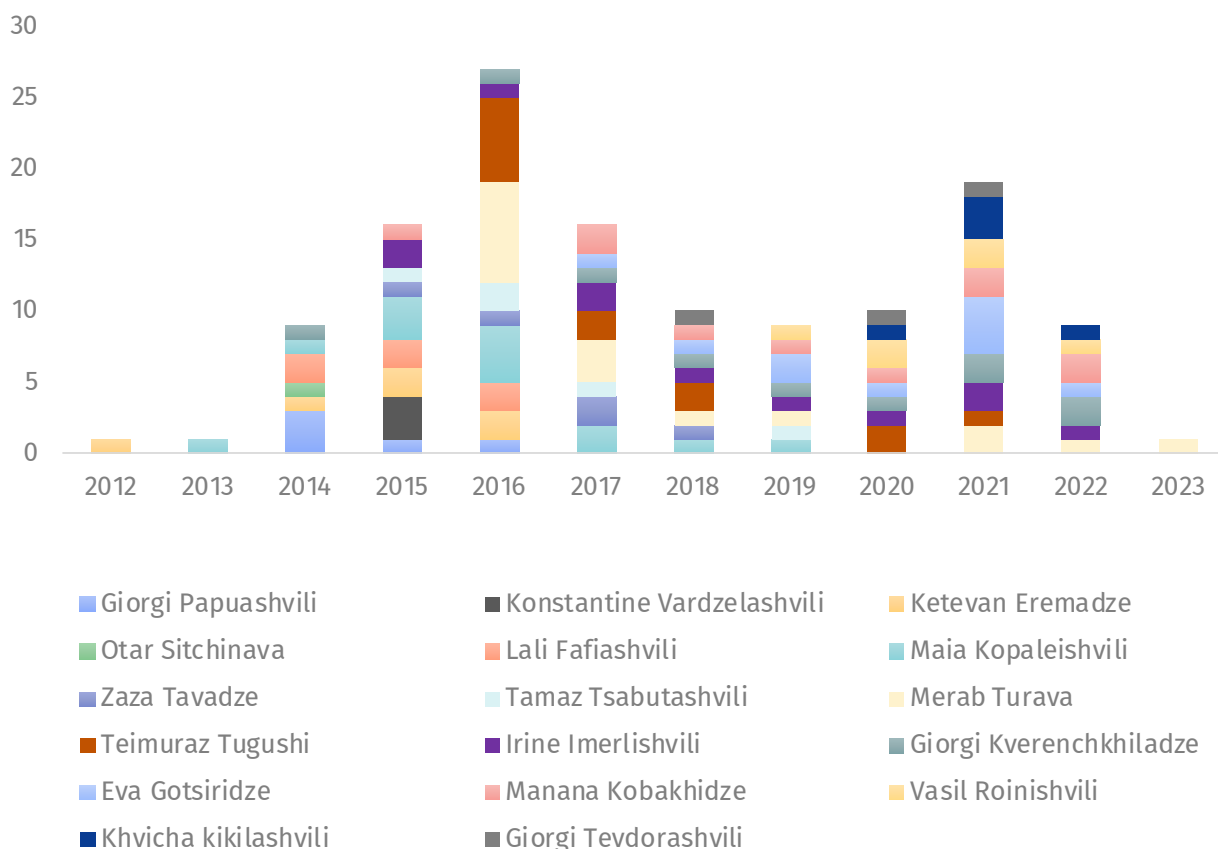
During the consideration of cases by the plenum, the reporting judge is appointed from among the members of the court in alphabetical order. In 2012-2023, the powers of a judge in the Constitutional Court were exercised by the following judges:

- *Vakhtang Gvaramia (2003-2013);*
- *Giorgi Papuashvili (2006-2016);*
- *Konstantine Vardzelashvili (2006-2016);*
- *Ketevan Eremadze (2006-2016);*
- *Otar Sichinava (2006-2016);*
- *Lali Fafiashvili (2007-2017);*
- *Maia Kopaleishvili (2009-2019);*
- *Zaza Tavadze (2010-2020);*
- *Tamaz Tsabutashvili (2011-2021);*
- *Merab Turava (From 2015- till now);*
- *Teimuraz Tugushi (From 2016- till now);*
- *Irine Imerlishvili (From 2016- till now);*
- *Giorgi Kverenckhiladze (From 2016- till now);*
- *Eva Gotsiridze (From 2017- till now);*
- *Manana Kobakhidze (From 2017- till now);*
- *Vasil Roinishvili (From 2020- till now);*
- *Khvicha Kikilashvili (From 2020- till now);*
- *Giorgi Tevdorashvili (From 2021- till now);*

In 2012, the Plenum considered only one case, **“Danish citizen Heike Kronqvist Vs. the Parliament of Georgia”**, where Giorgi Papuashvili was the reporting judge. However, the constitutional claim was filed in 2011, and the reporting judge was appointed at the same time. In 2012, the case N531 – **“Citizens of Israel - Tamaz Janashvili, Nana Janashvili, Irma Janashvili, also citizens of Georgia - Giorgi Tsakadze and Vakhtang Loria Vs. the Parliament of Georgia”**, was transferred to the Plenum, where Ketevan Eremadze was appointed as the reporting judge.

In 2013, only the case N543 was transferred to the Plenum – “LLC Metalinvest” Vs. the Parliament of Georgia”, on which Maia Kopaleishvili was appointed as the reporting judge.

Since 2014, the number of cases referred to the plenum has increased significantly. In 2012-2023, the reporting judge in the plenum was appointed in 127 cases. Over the years, the amount of cases transferred to the Plenum was distributed as follows:



In the process of allocating cases to the reporting judges in the plenum, it is difficult to observe the alphabetical order, as there are frequent cases of combining cases at different stages of the review. On average, every ninth case should be assigned to one judge.

**For example, in 2014, cases were distributed as follows:**

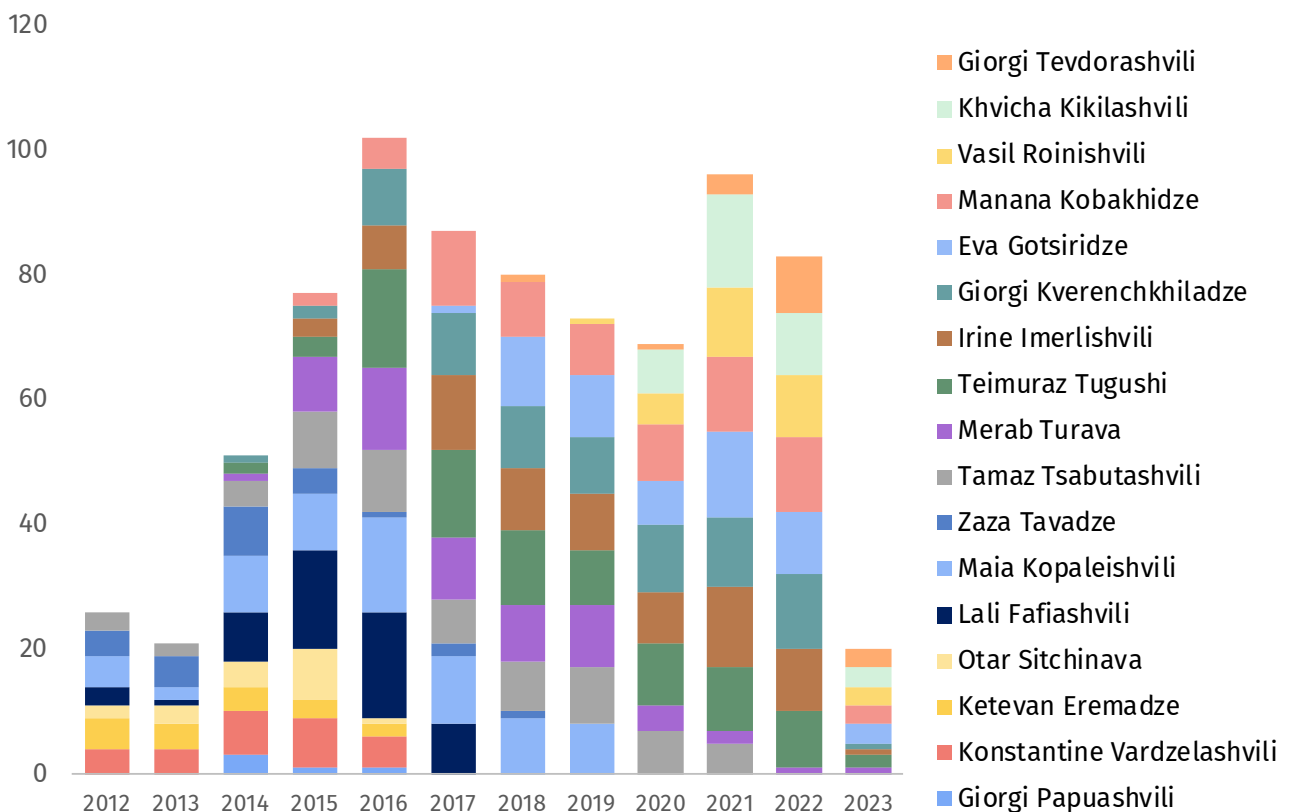
- 574 - Ketevan Eremadze;
- 577 - Lali Fafiashvili;
- 583 - Otar Sitchinava;
- 588 - Lali Fafiashvili;
- 600 – Giorgi Kverenchkhiladze;
- 601 - Giorgi Papuashvili - Constitutional submission of the Supreme Court of Georgia;
- 602 - Maia Kopaleishvili;

- 608 - Giorgi Papuashvili - Constitutional submission of the Supreme Court of Georgia;
- 619 - Giorgi Papuashvili - Constitutional submission of the Supreme Court of Georgia;

It is clear from the above statistics that Giorgi Papuashvili was reporting judge on all constitutional submissions. And for the rest of the cases, no proportion is followed in the appointment of the reporting judge.

In 2016, the term of office for several members of the Constitutional Court expired. Prior to the appointment of new judges, the majority of cases were allocated among Maia Kopaleishvili, Teimuraz Tughush, and Merab Turava. Subsequently, since 2017, the process for appointing reporting judges to the plenum has been proceeding smoothly.

In general, the distribution of cases among reporting judges in boards and Plenum is as follows:



## Replacement of the reporting judge

In both the board and the Plenum, the designation of the reporting judge underwent several alterations. Frequently, these changes were associated with the merging of claims into a single case, the conclusion of the judge's term of office or the removal of reporting judges, or the refreshment of the panel's composition. The details of the last two circumstances are expounded upon in the referenced chapter.

### **Judge Konstantine Vardzelashvili was replaced with the following judges:**

- *Irine Imerlishvili*<sup>103</sup>;
- *Maia Kopaleishvili*<sup>104</sup>;

### **Judge Giorgi Papuashvili was replaced with:**

- *Teimuraz Tugushi*<sup>105</sup>;

### **Judge Otar Sichinava was replaced with the following judges:**

- *Zaza Tavadze*<sup>106</sup>;
- *Tamaz Tsabutashvili*<sup>107</sup>;
- *Irine Imerlishvili*<sup>108</sup>;

### **Judge Ketevan Eremadze was replaced by judge:**

- *Giorgi Kverenchkhiladze*<sup>109</sup>

In 2017, the term of office for Lali Fafashvili concluded, leading to the appointment of new judges in the cases that were pending before her. Eva Gotsiridze (N926, N1259, N1267, and N1268), Maya Kopaleishvili (N1215), and Giorgi Kverenchkhiladze (N742, N1244, N1245) were appointed to handle these cases. Additionally, Merab Turava was designated as the reporting judge for case N809.

In 2019, Maia Kopaleishvili's term of office as a member of the court concluded, resulting in the transfer of the case (N1404), where she was appointed as a reporting judge, to Eva Gotsiridze. Furthermore, cases N1429, N1445, and N1454 were reassigned to Merab Turava.

Following the conclusion of Maia Kopaleishvili's term, Khvicha Kikilashvili assumed responsibility for an additional 16 cases.<sup>110</sup> Through the reorganization of the boards' composition, 23 cases<sup>111</sup> initially assigned to Khvicha Kikilashvili as the reporting judge were subsequently transferred to Giorgi

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103 The case of the Constitutional Court of Georgia N679.

104 The case of the Constitutional Court of Georgia N638.

105 The cases of the Constitutional Court of Georgia N768, 769, 790, 792.

106 The case of the Constitutional Court of Georgia N550.

107 The case of the Constitutional Court of Georgia N623.

108 The case of the Constitutional Court of Georgia N658.

109 The case of the Constitutional Court of Georgia N600.

110 The cases of the Constitutional Court of Georgia N697, N724, N733, N762, N1248, N1287, N1288, N1300, N1307, N1309, N1320, N1330, N1345, N1353, N1368, N1420.

111 The cases of the Constitutional Court of Georgia N697, N724, N733, N762, N1287, N1288, N1300, N1307, N1309, N1320, N1330, N1345, N1353, N1368, N1420, N1562, N1577, N1591, N1599, N1608, N1618, N1630, N1640.

Tevdorashvili, with Maia Kopaleishvili being the reporting judge in 15 of these cases.

Upon the expiration of Zaza Tavadze's term of office in 2020, the cases within his purview, where he held the position of a reporting judge, were reassigned to Vasil Roinishvili.<sup>112</sup> Additionally, Teimuraz Tughush assumed the reporting judge role in three of these cases.<sup>113</sup>

In 2021, Tamaz Tsabutashvili's term of office as a member of the court, where he served as the reporting judge in 25 cases<sup>114</sup> in the second board, came to an end. Khvicha Kikilashvili was appointed as the reporting judge for these cases. In the Plenum, Tamaz Tsabutashvili had acted as the reporting judge in cases N813, N1297, N1362, N1554, and N1601. Subsequently, Giorgi Tevdorashvili assumed his position in these cases. Before Tamaz Tsabutashvili's term expired, Manana Kobakhidze,<sup>115</sup> Irine Imerlishvili,<sup>116</sup> Teimuraz Tugushi,<sup>117</sup> and Lali Fafilashvili<sup>118</sup> were also designated as reporting judges.

Vasil Roinishvili was appointed as the reporting judge in ongoing cases in 17 instances<sup>119</sup>. During his tenure as the President of the Constitutional Court succeeding Merab Turava.

In the Constitutional Court's practice, there are instances where the reporting judge for the same case was changed multiple times. For example, in case N690 (Human Rights Education and Monitoring Center (EMC) and Georgian citizens Guram Imnadze and Sofiko Verdzeuli Vs. the Parliament of Georgia), Lali Fafashvili initially served as the reporting judge. After the expiration of her term, Merab Turava was appointed to this role. Subsequently, following the Plenum's election of Vasil Roinishvili as its chairman, he assumed the position of reporting judge for the same case.

A similar occurrence transpired in case N697 (Public Defender of Georgia Vs. the Parliament of Georgia, Minister of Internal Affairs of Georgia, and Minister of Labour, Health and Social Protection of Georgia). Initially, Lali Fafashvili was designated as the reporting judge, and she received a record of judgement regarding the acceptance of the case for consideration on the merits two years after the registration of the lawsuit. After the expiration of the judge's term, the case was transferred to Maia Kopaleishvili, whose term also concluded in 2019. Consequently, Khvicha Kikilashvili assumed the role of the reporting judge in her stead. In 2021, through a decision of the Plenum to refresh the composition of the court boards, Khvicha Kikilashvili was moved from the first board to the second board, and Giorgi Tevdorashvili was appointed as the reporting judge for the case.

In case N1215 (Citizens of Georgia - Ekaterine Agdgomelashvili, Lina Gvinianidze, Sofiko Verdzeuli, Tamta Nanishvili, Nana Saralishvili, and Tamar Kordzaia Vs. the Parliament of Georgia), initially Lali Fafashvili was appointed as the reporting judge. Subsequently, Maia Kopaleishvili took on the reporting judge role. However, the final decision for the case was made by the reporting judge Giorgi Kverenchkhiladze.

The case where 3 different reporting judges were appointed was in the case “the citizen of Georgia Omar Zorbenadze Vs. the Parliament of Georgia”, (N659) where the judge of the Tbilisi Court of Appeal appealed the procedure of appointing judges with a 3-year probationary period. Otar Sichinava accepted the case for consideration, Irine Imerlishvili referred it over to the Plenum, where Teimuraz Tughush was the reporting judge.

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112 The cases of the Constitutional Court of Georgia N1321, N1341, N1392, N1473, N1500.

113 The cases of the Constitutional Court of Georgia N598, N626, N656 .

114 The cases of the Constitutional Court of Georgia N702, N728, N1274, N1333, N1351, N1367, N1384, N1434, N1442, N1453, N1466, N1474, N1494, N1506, N1517, N1532, N1542, N1553, N1564, N1579, N1600, N1606, N1617, N1629.

115 The case of the Constitutional Court of Georgia N 747.

116 The case of the Constitutional Court of Georgia N642.

117 The case of the Constitutional Court of Georgia N813.

118 The case of the Constitutional Court of Georgia N536

119 The cases of the Constitutional Court of Georgia N690, N860, N876, N1278, N1334, N1361, N1377, N1394, N1410, N1422, N1437, N1447, N1464, N1472, N1487, N1489, N1510.



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Georgian legislation does not precisely establish the procedure for replacing the reporting judge. The law provides only for the admissibility of the change, however if the member who was appointed as the reporting judge withdrew from the consideration or decision of the case, it does not establish why a particular member of the Constitutional Court is given priority.

The current practice in selecting a new reporting judge lacks uniformity and may be influenced by various factors. These factors could include the appointment of a new judge to fill the position of an acting judge after the expiration of the original judge's term. Alternatively, a new reporting judge may be selected if they were present as a member of the board during the substantive hearing of the case, or for some other reasons.

It is noteworthy that the resolutions of the chairpersons on these matters do not follow a standardized format. Many resolutions lack information such as the date of adoption and do not have an obligation to provide justification for the adopted resolution. Typically, these resolutions contain only a list of cases where a specific member is appointed as a reporting judge, the reason why the said member is replaced, and the appointment of another member of the Constitutional Court as the reporting judge.

## TERMS OF CASE CONSIDERATION

### General Statistics

According to the Organic Law “on the Constitutional Court of Georgia”, the term of consideration of a constitutional claim or a constitutional submission should not exceed 9 months.<sup>120</sup> The time limit starts from the moment of registration of claim/submission. The term can be extended by 2 months, based on the decision of the President of the Constitutional Court. According to the organic law, this is allowed only in special cases. However, the law does not define what is considered a special case. The current regulation does not establish a clear deadline for decision-making, it only establishes a consideration period. The Organic Law also does not determine the deadline for accepting the case for consideration. A special problem is the time limit for consideration of motions filed with the claim.

In order to determine the duration of the case consideration by each reporting judge, the duration of the cases reviewed by them independently during their term of office (where only one reporting judge was appointed from the registration of the claim to the resolution of the dispute) from 2012 to May 2023 was taken into account. Both, the average and the median duration are presented for greater visibility. Accordingly, the general duration of the consideration of the case by the judges of the Constitutional Court of Georgia is as follows:

| GENERAL INDICATOR  |            |            |
|--|------------|------------|
|  | AVERAGE    | MEDIAN     |
| The terms of scheduling the first preliminary hearing after the registration of the claim/submission | 8 (month)  | 6 (month)  |
| The terms of adopting the record of judgement/ruling after the first preliminary hearing             | 1 (month)  | 0 (day)    |
| The terms of adopting the final decision after adoption of the record of judgement                   | 14 (month) | 11 (month) |
| Sum  | 23 (month) | 17 (month) |

<sup>120</sup> Organic Law of Georgia “on the Constitutional Court” Article 22

## CASE CONSIDERATION

### *Scheduled first preliminary hearings after the registration of the claim*

The law does not establish clear time frame for scheduling the first preliminary hearing, where the issue of accepting the claim for consideration is decided. Also, there is no visible trend, on the basis of which we can assume the period of holding the first preliminary hearing. In practice, the first preliminary hearing was held both on the day of the registration<sup>121</sup> of the claim and 5 years after the registration.<sup>122</sup> Accordingly, the first preliminary hearing can be held both on the day of registration of the claim and on the 1715th day after registration.

The cases that were considered rapidly at the first preliminary hearing, in less than 2 weeks after the registration of the claim:

- *The case N763 - The group of the members of the Parliament of Georgia: Davit Bakradze, Sergo Ratiani, Roland Akhalaia, Giorgi Baramidze and others (42 members of the Parliament in total) Vs. The Parliament of Georgia;*

The plaintiffs applied to the Constitutional Court on 1 June 2016. On the same day, the case was referred to the Plenum of the Constitutional Court, and to decide the issue of accepting the claim for consideration, the preliminary hearing of the Plenum was held without an oral hearing. The reporting judge was Maia Kopaleishvili. The dispute was about the borders of majoritarian constituencies for the Parliamentary elections and the manner of their creation. The court accepted the case for substantive consideration on the day of registration, and the final decision was issued within 2 months, on 20 July 2016. The court rejected the claim.

- *The case N727 - Citizen of Georgia Giorgi Sekhniashvili Vs. the Parliament of Georgia;*

The plaintiff appealed to the Constitutional Court on 26 February 2016. The case was referred to the first board on 29 February 2016. The preliminary hearing was held on the same day, without an oral hearing. The reporting judge was Lali Fafashvili. The claim was related to the norms of the Criminal Procedure Code of Georgia, which regulated the procedure of questioning witnesses and the term of imprisonment of the accused. The Constitutional Court did not consider the case on its merits and issued a ruling in 2017.

- *The case N764 – Citizens of Georgia: Nugzar Kaishauri, Davit Tsipuria, Gizo Ghlonti, Giorgi Lobjanidze, and Archil Alaidze Vs. the Parliament of Georgia;*

The plaintiffs appealed to the Constitutional Court on 3 June 2016. On the same day, the case was referred to the first board, and on 6 June, the preliminary hearing was held. Konstantine Vardzelashvili was appointed as the reporting judge. The claim was about misappropriation and embezzlement, in particular, the plaintiffs demanded that Article 182 of the Criminal Code be recognized as unconstitutional. On the same day, the Constitutional Court accepted the claim for consideration. The Plenum made the final decision on the case in 2017 and rejected the claim. Judges Irine Imerlishvili, Giorgi Kverenchkhiladze, Maia Kopaleishvili and Tamaz Tsabutashvili wrote dissenting opinion.

- *The cases N768,769,790,792 – The group of the members of the Parliament of Georgia: Davit Bakradze, Sergo Ratiani, Roland Akhalaia, Levan Bejashvili and others (38 members of the Parliament in total), Citizens of Georgia: Erasti Jakobia and Karine Shakhparoniani Vs. The Parliament of Georgia;*

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121 The case of the Constitutional Court of Georgia N763.

122 The case of the Constitutional Court of Georgia N1335.

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The plaintiffs applied to the Constitutional Court with the first claim on 13 June 2016, the case was referred to the Plenum on the same day. On 17 June, the preliminary hearing of the Plenum was held without an oral hearing. The reporting judge was Giorgi Papuashvili. The dispute was related to the norms of the Organic Law of Georgia "on the Constitutional Court of Georgia" which regulates the quorum of the Constitutional Court and the majority required for decision-making, the appeal of a member of the Constitutional Court's board to have the case considered by the Plenum, etc. On 17 June, the Constitutional Court accepted the claims for substantive consideration, and on 29 December (reporting judge - Teimuraz Tughushi), the Plenum made a final decision and partially satisfied the claim. Judges Irine Imerlishvili and Maia Kopaleishvili published a dissenting opinion regarding the decision.

- *The case N761 - (Non-Commercial) Legal citizen's political unions: "United National Movement" Vs. The Parliament of Georgia;*

The plaintiffs filed a claim to the Constitutional Court on 27 May 2016, and on 1 June the plenum received a record of judgment of accepting the case for consideration by the Plenum. The dispute was about the borders of majoritarian constituencies for the elections of the Parliament of Georgia and the manner of their creation. The reporting judge was Maia Kopaleishvili.

In 2022, the Plenum (reporting judge - Khvicha Kikilashvili) made a ruling on the termination of the claim, because the disputed norms were invalid, and based on the analysis of the changes made in the electoral legislation, the Constitutional Court considers that there are no applicable norms with content similar to the disputed norms, which will be relevant to the legal problem identified by the plaintiff in the constitutional claim.

- *The case N1496 – Tekla Davituliani Vs. the Government of Georgia;*

The plaintiff appealed to the Constitutional Court on 23 April 2020. The case was referred to the second board on 24 April, and the preliminary hearing of the second board was held on April 29, 2020 without an oral hearing. The reporting judge was Irine Imerlishvili. The plaintiff disputed the constitutionality of the restriction imposed in order to prevent the spread of the new coronavirus, the prohibition of the gathering of more than 3 individuals in the public space. The Constitutional Court did not consider the case on its merits, as the claim was unsubstantiated. Accordingly, on 29 April the Constitutional Court delivered a ruling.

- *The case N1498 – Giorgi Tshautshidze Vs. the Government of Georgia;*

The plaintiff appealed to the Constitutional Court on 23 April 2020. The case was referred to the second board on 24 April, and the preliminary hearing of the second board was held on April 29, 2020 without an oral hearing. The reporting judge was Manana Kobakhidze. The plaintiff disputed the constitutionality of the ban on leaving the territory of Marneuli and Bolnisi municipalities in order to prevent the spread of the new coronavirus. The Constitutional Court accepted the case for consideration. After 29 April 2020, the Constitutional Court did not take another judicial act on the mentioned case.

In addition to the cases listed above, the preliminary hearing was scheduled in a short period of time after the registration of the constitutional claim for the following cases:

- *The case N 1497 – Paata Zangurashvili Vs. The Government of Georgia – within 7 days;*
- *The case N 1499 – Mikheil Samnidze Vs. The Government of Georgia – within 7 days;*
- *The case N 1502 – Zaur Sharmazanashvili Vs. the President of Georgia and The Government of Georgia – within 9 days;*

- *The case N 1636 – Citizens’ Political Union “The Alliance of Georgian Patriots” Vs. The Parliament of Georgia – within 9 days;*
- *The case N 670 – The citizen of Georgia Vakhtang Menabde Vs. The Parliament of Georgia and the Central Elections Commission of Georgia – within 10 days (was referred to the Plenum by the written proposal of the President of the Court);*
- *The case N 682 – The citizen of Georgia Levan Gvatua Vs. The Parliament of Georgia – within 11 days;*
- *The case N 1581 – Shalva Natelashvili Vs. The Parliament of Georgia – within 13 days;*
- *The case N 574 – The citizen of Georgia Giorgi Ugulava Vs. The Parliament of Georgia – within 14 days;*
- *The case N1493 - Non-Entrepreneurial (Non-Commercial) Legal Entity “Georgian Young Lawyers Association” Vs. The Parliament of Georgia– within 14 days;*
- *The case N 1711 – The Gvernment of Georgia Vs. The Parliament of Georgia– within 14 days;*

It is clear from the mentioned cases that the court mainly considered cases related to the criminal process, election regulation and protection of human rights during the covid pandemic in two weeks period. However, it would be an exaggeration to say that the mentioned issues are a priority for the Constitutional Court, because the Court has not yet made a final decision on a significant part of the cases.

The first plenary hearing was scheduled with a greater delay, in at least 900 days after the registration of the following claims:

- *The case N1335 – Tornike Gvenetadze Vs. The Parliament of Georgia*

The plaintiff appealed to the Constitutional Court on 20 July 2018. The case was referred to the second board on 23 July and the preliminary hearing without an oral hearing, was held on 31 March 2023. The reporting judge was Irine Imerlishvili. The dispute concerned the constitutionality of the suspension of the right to drive a vehicle for a period of 6 months. The Constitutional Court made a decision on 31 March and terminated the proceedings in the case.

- *The case N1331 – Non-Entrepreneurial (Non-Commercial) Legal Entity “Georgian Trade Unions Confederation” and Irakli Petriashvili Vs. the Parliament of Georgia and the Minister of internally displaced persons from the occupied territories, labor and social affairs of Georgia.*

The plaintiffs appealed to the Constitutional Court on 5 July 2018. On 10 July, the case was referred to the Plenum of the Constitutional Court. However, the preliminary hearing of the plenum, without an oral hearing, was held on 4 November 2022. The reporting judge was Giorgi Kverenchkhiladze. The dispute concerned the right to strike. By the time of accepting the constitutional claim for consideration, the provisions of the edition of the Constitution of Georgia valid until 16 December 2018, in relation to which the claimant requested to recognize the disputed norms as unconstitutional, were declared invalid. On November 4, 2022, the Constitutional Court of Georgia delivered a decision on the termination of the case consideration.

- *Constitutional Submissions of Bolnisi Regional Court N N1239, 1642, 1674;*

The submissions were related to the constitutionality of the normative content of the first part of Article 262 of the Criminal Code of Georgia, which provides for the possibility of using imprisonment as a punishment for the illegal import into Georgia for personal consumption of narcotic drug - dried marijuana (in the amount of 6.4 grams, 6.7 grams and 9.68 grams).

On 28 June 2017, Bolnisi Regional Court (Judge - Tea Leonidze) applied to the Constitutional Court of Georgia with the first submission. The case was referred to the Plenum on 5 July of the same year. In order to decide the issue of accepting the constitutional submission N 1239 for consideration, the preliminary hearing of the Plenum, without an oral hearing, was held on 14 February 2020. The submission was about the possibility of using imprisonment as a punishment for illegal import into Georgia for personal consumption of narcotic drug - dried marijuana. The reporting judge was Merab Turava. On 14 February 2020, the case was accepted for consideration. Judge Irine Imerlishvili expressed a dissenting opinion. On 21 April 2022, the Plenum made a decision and recognized as unconstitutional the normative content of the first part of Article 262 of the Criminal Code, which provides for the possibility of using imprisonment as a punishment, Annex No. 2 of the Law of Georgia "On Narcotic Drugs, Psychotropic Substances, Precursors and Narcotic Aids" it is due to the illegal import of dried marijuana (in the amount of not more than 9.68 grams) into Georgia for personal use, as defined by the 92nd horizontal graph.

- *The cases N648, 1315, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1379, 1385, 1386, 1388, 1391, 1397, 1398, 1405, 1406, 1407, 1411, 1413, 1414, 1415 – Levan Meskhi, Nestan Kirtadze, Tamaz Bolkvadze and others (50 plaintiffs in total) Vs. the Parliament of Georgia;*

The plaintiff Levan Meskhi appealed to the Constitutional Court of Georgia on 8 May 2015. The case was referred to the second board on 11 May 2015, and by the decision of 25 April 2016, the case was referred to the Plenum for consideration. In order to decide the issue of accepting the constitutional claim for consideration, the preliminary hearing of the Plenum without an oral hearing, was held on April 17, 2019. The reporting judge was Tamaz Tsubutashvili. The dispute was related to the change in the amount of the state pension of the former member of the Parliament. The plenum accepted the case for consideration. On 29 December 2020, the Plenum did not satisfy the claims.

- *The case N 1432 – Tsitsi Chelidze, Sofiko Jichonaia, Ana Gagua and others Vs. The Parliament of Georgia and the Minister of Education and Science of Georgia.*

The plaintiffs appealed to the Constitutional Court of Georgia on 18 July 2019. The case was referred to the second board on 19 July and in order to decide the issue of accepting the constitutional claim for consideration, the preliminary hearing of the second board, without an oral hearing, was held on 11 May 2023. The reporting judge was Teimuraz Tughushi. The disputed norms were related to the procedure for receiving the state training grant and the state training master's grant. On 11 May 2023, the second board accepted the case for consideration.

- *The case N 1432 – The Public Defender of Georgia Vs. The Parliament of Georgia;*

The Public Defender filed a claim to the Constitutional Court on 29 January 2019. The case was referred to the Plenum on 31 January of the same year, and the preliminary hearing, without an oral hearing, was held on 4 November 2022. The reporting judge was Vasil Roinishvili. According to the Public Defender's opinion, the disputed norm, which excludes the Constitutional Court from recognizing the norm regulating elections as unconstitutional during the relevant election year, if this norm is not adopted within 15 months before the month of the relevant elections, contains the danger of such a reading that the restriction applies, including competence provided under Article 60(4,h) of the Constitution of Georgia. As a result, the Public Defender of Georgia is almost completely deprived the opportunity to challenge the constitutionality of the norms governing the elections and the elections

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held or to be held based on these norms in the Constitutional Court during the election year, thereby significantly limiting the authority granted to him by the constitution to supervise the conduct of elections on the territory of Georgia under conditions of unwavering protection of human rights. The Constitutional Court of Georgia made a ruling on 4 November 2022 and did not accept the claim for consideration.

- *The case N 1353 – Natalia Feradze and Konstantine Guruli Vs. the Parliament of Georgia;*

The plaintiffs filed a claim on 3 October 2018. The case was referred to the first board on 4 October 2018, and the preliminary hearing without an oral hearing, was held on 16 June 2022. The reporting judge was Giorgi Tevdorashvili. Plaintiffs argued that common courts, when considering an administrative offense case, while accusing a person of disobedience to the legal request of a representative of a law enforcement agency, do not determine whether the request made by a representative of a law enforcement agency against the plaintiffs was legal or not in a specific situation. On the basis of the ruling of 16 June 2022, the Constitutional Court terminated the proceedings on the case, because the disputed norm was no longer in force.

- *The case N 1409 – Remzi Sharadze Vs. the Parliament of Georgia;*

The plaintiffs filed a claim on 12 March 2019. The case was referred to the Plenum on 15 March of the same year, and the preliminary hearing without an oral hearing, was held on 4 November 2022. The reporting judge was Irine Imerlishvili. The dispute was related to the norm that regulates the procedure for announcing and publishing the decision, conclusion, ruling and the record of judgment of the Constitutional Court. In particular, the uncertainty of the deadline for decision-making and announcement. On 4 November 2022, the court made a decision and did not accept the case for consideration on the merits.

- *The case N 1297 – Non Entrepreneurial (Non-Commercial) Legal Entity Citizens' Political Union "United National Movement", Non Entrepreneurial (Non-Commercial) Legal Entity "Apriori", and Non Entrepreneurial (Non-Commercial) Legal Entity "Reformation Center of Law Enforcement Officers" Vs. the Parliament of Georgia;*

The plaintiffs filed a claim on 27 February 2018. The case was referred to the Plenum on 5 March of the same year, and the preliminary hearing of the Plenum without an oral hearing, was held on 21 October 2021. The reporting judge was Giorgi Tevdorashvili. The dispute was related to the prohibition of applying for the registration, registration and the possibility of observing the activities of any link of the Georgian election administration of a non-commercial (non-entrepreneurial) legal entity during the non-election period. By the ruling of 21 October 2021, the proceedings in the case were terminated because the plaintiffs refused the statement of the claim.

Along with the cases listed above, no preliminary hearings was scheduled for a long period of time after the registration of the claim, for the following cases:

- *Cases N1341, 1660 – Constitutional submissions of the Tetrtskaro Regional Court regarding the constitutionality of the first sentence of Article 200 (6) of the Criminal Procedure Code of Georgia – 1288 days;*
- *Case N 1452 – JSC "Bank of Georgia" Vs. the Parliament of Georgia – 1262 days;*
- *Case N 1447 – Remzi Sharadze Vs. The Minister of Justice of Georgia – 1253 days;*
- *Case N 1387 – Constitutional submission of Tbilisi City Court regarding the constitutionality of*

*the normative content of Article 260 (3) of the Criminal Code of Georgia, which provides for the possibility of using imprisonment as a punishment for repeated purchase and storage for personal use of the narcotic drug "cannabis resin" (in the amount of 0.1315 grams) – 1132 days;*

- *Case N 1462 – Non Entrepreneurial (Non-Commercial) Legal Entity “Ertoba 2013” Vs. the Parliament of Georgia – 1075 days;*
- *Case N 1470 – Fridon Basilaia and Akaki Toidze Vs. the Parliament of Georgia – 1047 days;*
- *Case N 628 – Foreign enterprise "STREAMLINE HOSPITALITY PROPERTIES LIMITED" Vs. the Parliament of Georgia and the Supreme Council of the Autonomous Republic of Adjara – 969 days;*
- *Case N 1500 – Non Entrepreneurial (Non-Commercial) Legal Entity “Georgian Young Lawyers Association” Vs. the Parliament of Georgia and the Central Elections Commissions of Georgia – 918 days;*

Most of the cases listed above were registered in 2018-2019, and the preliminary hearings were scheduled in 2022-2023; In 2019-2020, a significant part of the members of the Constitutional Court changed.

There is mostly no substantive connection between the cases, protracted cases are less politicized/relevant in society (although a few cases still concern the criminal process and election regulation). However, they also have a significant impact on the daily life of citizens. In addition, it is noticeable that the proceedings in a large part of the cases were terminated because the plaintiff(s) lost interest in the dispute, or the disputed legislation was changed/lost its force before the hearing of the claim.

## **Decisions**

In the practice of the Constitutional Court, we rarely come across cases where the court makes a decision rapidly, although such cases are still recorded. Out of 162 decisions, the Constitutional Court made only 25 decisions within 1 year of the appeal with a claim/submission (*see* Annex 3).

The majority of such decisions were in 2014, and the last case was recorded in 2022. It appears that the first board made the highest number of decisions within a one-year period among the boards.

Most of the disputes concerned the legislation regulating the elections, the criminal process and topics relevant to the society at that time. Most of the plaintiffs were MPs or members of a political party. For example, the fastest, within two months, the court made a decision on the case "Group of Members of the Parliament of Georgia: Davit Bakradze, Sergo Ratiani, Roland Akhalaia, Giorgi Baramidze and others, (42 MP's in total) Vs. the Parliament of Georgia", which was considered by the Plenum.

The public demonstrated a particular interest in disputes related to the cases of Giorgi Ugulava and Nikanor Melia, the cancellation of the state inspector's service, the use of marijuana, the premature termination of the powers of deputies, restrictions related to the pandemic, and the system of selecting candidates for Supreme Court justices.

Out of 25 decisions, 2 cases are constitutional submissions of the Supreme Court of Georgia and Tetrtskaro Regional Court. The constitutional submission of the Supreme Court of Georgia concerns the norm of the Criminal Procedure Code, which regulated the possibility of an acquitted person to appeal the verdict. With the second submission, Judge Badri Niparishvili addressed the Constitutional Court where he disputed the reference to the norms that exclude the resumption of the suspended



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case until the issue is resolved by the Constitutional Court of Georgia.

It took more than 5 years for the Constitutional Court to make a decision on 5 cases:

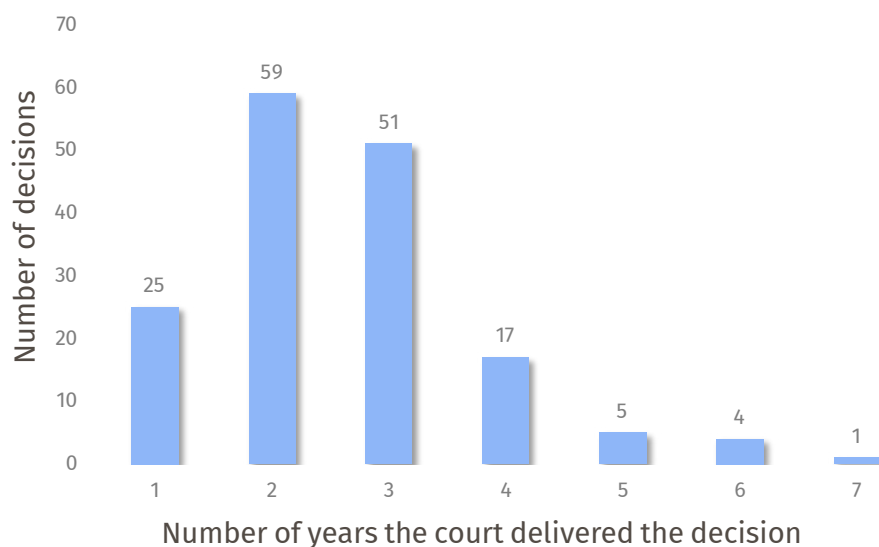
- *Case N 876 – “British American Tobacco Georgia Limited” Vs. The Parliament of Georgia;*
- *Case N 1296, 1396 – Mirza Giglemiani and Leonide Mikaberidze Vs. The Parliament of Georgia;*
- *Case N 926 – Citizen of Georgia Giorgi Logua Vs. The Parliament of Georgia;*
- *Case N 648 – Citizen of Georgia Levan Meskhi Vs. The Parliament of Georgia;*
- *Case N 813 – Citizen of Georgia Aleksandre Melkadze Vs. The Parliament of Georgia;*

It is difficult to determine the reason why the process of making a final decision by the Constitutional Court was delayed. For example, in the case of "Levan Meskhi, Nestan Kirtadze, Tamaz Bolkvadze and others (total 50 plaintiffs) Vs. the Parliament of Georgia", the constitutional dispute started on 8 May 2015, on 15 April 2016, the second board (judges: Zaza Tavadze, Tamaz Tsubutashvili, Otar Sichinava, Lali Fafashvili) made a decision to refer the case to the Plenum. However, the plenum delivered the record of judgment to discuss the merits of the case only 4 years later, on 17 April 2019, and combined the case with other claims received in 2018-2019. It is unclear why the process of making a record or a final decision on the first claim was delayed and why the Constitutional Court waited until new claims were received in 2018-2019 to hold a hearing on the merits of the case.

One of the reasons for the delay in the cases of foreign enterprise "British American Tobacco Georgia Limited" Vs. the Parliament of Georgia" and "Alexandre Melkadze Vs. the Parliament of Georgia" can be the change of the reporting judges. However, even in this case, from the filing of a claim until the expiration of the term of office of the judges, the cases were pending for at least 4 years, and 3 years before the judge was elected as the President of the Constitutional Court.

The case "Giorgi Logua Vs. the Parliament of Georgia" is also noteworthy, which was considered for about 6 years. The case was accepted for consideration shortly after the registration of the claim. In 2017, the first board consisted of judges: Lali Fafashvili, Merab Turava, and Giorgi Kverenchkhiladze. Lali Fafashvili was both the President of the session and the reporting judge. In 2017, 2018 and 2019, 5 substantive hearings were held, including oral hearings. Finally, the court made a decision on 4 November 2022. The board consisted of judges: Giorgi Kverenchkhiladze, Eva Gotsiridze (reporting judge), Vasil Roinishvili (President of the session), Giorgi Tevdorashvili; Two members of the board, Giorgi Tevdorashvili and Giorgi Kverenchkhiladze, expressed a dissenting opinion regarding the decision. It is possible that the reason for delay was the difference of opinions in the board along with the change in its composition.

The general statistics in the decision-making process looks as follows:



### **Protracted disputes without decisions**

Since 2012, there are numerous cases in the proceedings of the Constitutional Court of Georgia. A single record record of judgement or the ruling (referring to the Plenum or regarding the petition) was observed in 97 cases (*see* Annex 4).

Since 2015, the final decision on the cases has been delayed. For example, on 23 March 2015, Intellect Publishing LLC, Artanuj Publishing LLC, Logos Press LLC, and Georgian citizen Irina Rukhadze<sup>123</sup> appealed to the Constitutional Court of Georgia and disputed the constitutionality of the sentence of the Law of Georgia “on Constitutional Proceedings”, according to which “the annulment or invalidation of the disputed act at the time of the hearing of the case leads to the termination of the case in the Constitutional Court”. The plaintiffs raised the disputed issue in relation to the first paragraph of Article 42 of the Constitution of Georgia. The first board (Konstantine Vardzelashvili - reporting judge) referred the case to the Plenum on the second day after the claim was registered. The Plenum considered the case on 25 November 2015 and accepted it for consideration. In 2016, Non Entrepreneurial (Non-Commercial) Legal Entity “Transparency International – Georgia” submitted an **Amicus Curiae**<sup>124</sup> to the court, backing the position of the plaintiff. After 2015, the Constitutional Court did not adopt a new judicial act.

Similar to the mentioned case, after 2015, the Constitutional Court did not adopt a new judicial act on another case. On 22 September 2015, a group of members of the Parliament of Georgia, a total of 39 MPs,<sup>125</sup> filed a claim to the Constitutional Court, where the plaintiffs disputed the changes made in the organic law of Georgia "On the National Bank of Georgia" in 2015, according to which the National Bank of Georgia was deprived of state supervision over the activities of the financial sector because a new public one was created. LEPL- "Financial Supervision Agency of Georgia". On 12 October 2015,

123 Record of judgment of the Constitutional Court of Georgian on case N3/7/635

124 Amicus Curiae: Author - Non Entrepreneurial (Non-Commercial) Legal Entity “Transparency International – Georgia”.

125 Record of judgment of the Constitutional Court of Georgian on case N3/6/668.

the Plenum (Ketevan Eremadze - reporting judge) accepted the case for consideration. On 22 October, Transparency International – Georgia” submitted an **Amicus Curiae** to the court.<sup>126</sup>

Many plaintiffs apply to the Constitutional Court, nonetheless, individuals rarely employ this mechanism systematically, with an exception being the Public Defender of Georgia. During the reporting period, the Public Defender applied to the Constitutional Court with 65 claims. Of these, the decision was made only on 9 claim, and the ruling on the termination of the proceedings was issued in 21 cases. In 16 cases, the Constitutional Court has received only a record of judgment or a ruling (on referral of the case to the Plenum or petition) and at least 1 year has passed since the claim was registered. In 8 cases, 1 year has passed since the registration, although the court has not received any judicial act (*see* Annex 5). Accordingly, the Constitutional Court considers 24 cases for at least 1 year. The Public Defender's currently longest dispute started in 2015.

In 2015, the Public Defender of Georgia filed a constitutional claim against the Parliament of Georgia, the Minister of Internal Affairs of Georgia, and the Minister of Labor, Health and Social Protection of Georgia.<sup>127</sup>The dispute was about the constitutionality of "narcotic or psychotropic test results" in the case of submitting a person for investigation. The first board of the Constitutional Court (Lali Fafashvili - President of the session, reporting judge) accepted the case for consideration on the merits on 7 April 2017, in the same year the term of office of the reporting judge expired. In subsequent years, the court did not adopt a new judicial act on the mentioned case.

The Constitutional Court of Georgia has not made a final decision on several constitutional submissions for a long period of time. Among them, one of the cases has been pending for 8 years. In 2015, Rustavi City Court judge Mamia Pkhakadze<sup>128</sup> applied to the Constitutional Court of Georgia with a constitutional submission. The disputed norm was related to non-payment of the fine imposed for not reporting to the commission in order to avoid military service within the established period. In 2016, the Plenum (Maia Kopaleishvili - reporting judge) accepted the case for consideration. In 2017, the **Amicus Curiae**<sup>129</sup> was presented in connection with the case to the Constitutional Court. After 2016, the court did not adopt a new judicial act on the case.

Currently, the Constitutional Court has received a record of judgment or ruling (on referral to the Plenum or on a petition), although the final decision is being delayed on cases that concern the restrictions imposed during the pandemic, various aspects of judicial reform, procedural issues of common courts and the Constitutional Court itself, pension reform, mandatory military service, early termination of the mandate of a member of the Parliament of Georgia, the use of narcotic substances and related responsibilities, the rights of religious minorities, the process of criminal law and administrative affairs and etc. The delay in making a final decision or consideration of the cases mentioned above may have various reasons. In addition to the consolidation of cases, changes in the composition of the board, the expiration of the powers of the reporting judge, the consideration of the dispute may be prolonged if: there is a difference of opinion among the judges on the case; legislative changes are planned or implemented; the court is awaiting a decision on another case; if the parties have avoided judges or it is difficult for the parties and the court to select an acceptable date for the hearings.

Interestingly, the tendency to delay the consideration of cases and the final decision has increased significantly in recent years and it is especially visible since 2018. If initially, in most cases, only the final decision on cases was delayed, since 2018, the number of cases has increased, when instead of

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126 Amicus Curiae: Author - Non Entrepreneurial (Non-Commercial) Legal Entity “Transparency International – Georgia”.

127 Record of judgment of the Constitutional Court of Georgian on case N1/11/697.

128 Record of judgment of the Constitutional Court of Georgian on case N3/8/684

129 Amicus Curiae: Author – LLC “Free University Tbilisi”, Vakhtang Lejha, Rector.

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1-3 months (the main trend in 2012-2016), it takes almost 1 year to deliver the record of judgment/ ruling.

In 2016, the substantial appeal to various contested norms played a significant role in causing delays in the consideration and final decision-making process by the Constitutional Court. The simultaneous expiration of the terms of office for several members of the Constitutional Court during that period also negatively impacted the timely consideration of cases.

Furthermore, with the Plenum's decision on August 6, 2021, and the subsequent renewal of the court panel compositions, there was once again a change in the name of the reporting judge assigned too many prolonged cases. Undoubtedly, such changes could not have had a positive impact on the timely consideration of these cases.

It is also noteworthy, that in the proceedings of the Constitutional Court of Georgia there are also a number of cases on which no court act has been adopted (see Appendix 5). For example, in 2016, Georgian citizens Nikoloz Ninoshvili, Levan Chachanidze, Maia Kanashvili filed claim (N724) to the Constitutional Court. The dispute concerned the constitutionality of imposing legal responsibility in case of discovery of narcotic substances. Despite the fact that the case has been in the proceedings of the Constitutional Court for 7 years, it is unclear whether the Constitutional Court will accept the claim or not.

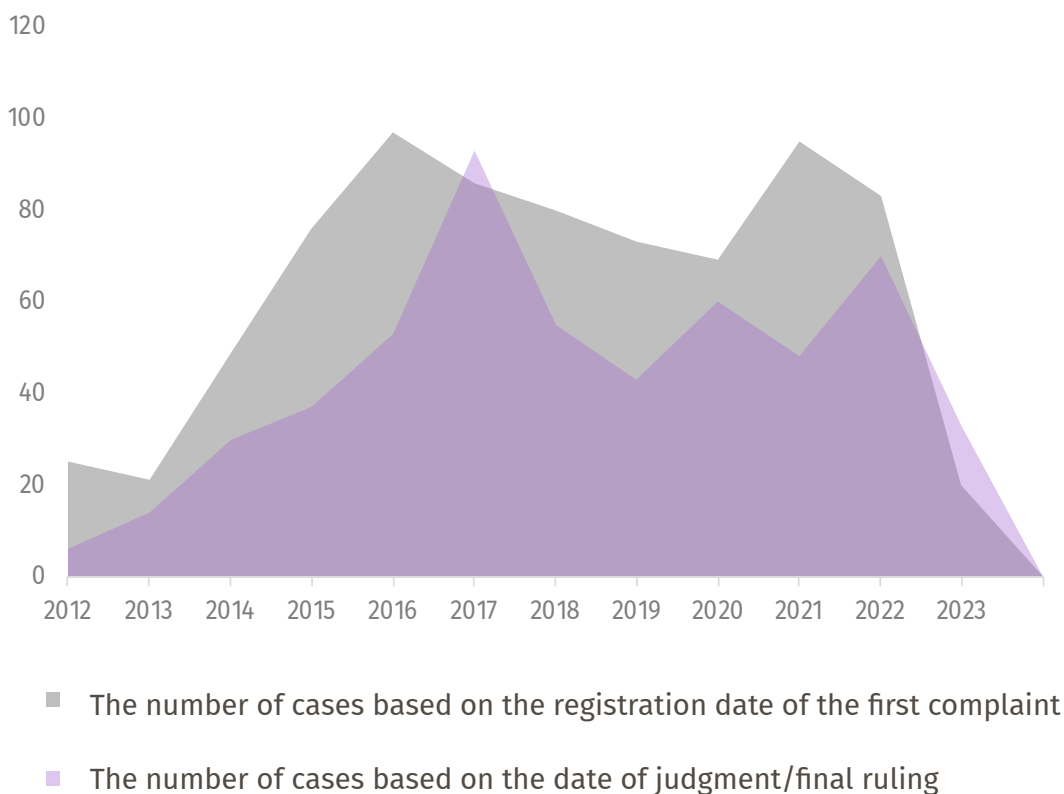
The case of Giorgi Ugulava (N762), which concerns the constitutionality of 7 different articles of the Criminal Procedure Code, remains unconsidered. Giorgi Ugulava started several constitutional disputes while he was in prison in 2016. He was released in 2017. Although he was sentenced to prison again in 2020, but he is currently released from the prison.

A significant portion of the discussed cases is likely to involve various norms within criminal law, regulatory provisions of the general and constitutional judicial system, rights of religious minorities, and regulations related to the pandemic, and etc.

From the claims/submissions registered in the Constitutional Court of Georgia between 2016 and August 2022, it is notable that none of the judicial acts have been published, despite the occurrence of a regulatory hearing or the pendency of a preliminary hearing in 69 cases.

Looking ahead to the years 2026-2027, the imperative to consider accumulated cases in a timely manner is heightened, considering that the terms of office for five members of the Constitutional Court are set to expire during that period. Moreover, the term of office for the President of the Constitutional Court, Merab Turava, concludes in 2025. It is crucial to address these cases promptly to prevent a worsening delay in their consideration in the coming years.

As of May 2023, the Constitutional Court has reached a final decision or opinion on 70% of the total number of cases.



## THE PROCESS OF APPOINTING JUDGES OF THE CONSTITUTIONAL COURT

### *Legal basis, selection criteria and appointment procedure*

The selection authority for the selection of judges of the Constitutional Court varies according to the legal and political systems of the states. In some legal systems, the selection of candidates is the sole prerogative of the executive branch, while in some states, the legislative and judicial branches share this power.

In Georgia, the authority to nominate candidates for the office of judge of the Constitutional Court is distributed among all three branches of government. The Constitutional Court in Georgia consists of 9 judges elected for a 10-year term.<sup>130</sup> Three members of the Constitutional Court are appointed by the President of Georgia, three members are elected by the Parliament of Georgia with a majority of not less than three fifths of the full composition, and three members are appointed by the Supreme Court of Georgia.

130 Constitution of Georgia, Article 60.

## **Selection Criteria**

The criteria for membership of the Constitutional Court are determined by the Organic Law of Georgia “on the Constitutional Court of Georgia”, according to which a member of the Constitutional Court can be a citizen of Georgia from the age of 35, who has a higher legal education, at least 10 years of experience in a specialty and outstanding professional qualifications.<sup>131</sup> In addition, as envisaged by the law, when selecting members of the Constitutional Court, the President, the Parliament and the Supreme Court of Georgia shall take into account the professional experience of a candidate which must be appropriate for the high status of a member of the Constitutional Court.

As we can see, the organic law provides both objective and subjective criteria for the selection of judges, however, unlike the procedure for selecting judges of common courts, the organic law does not additionally determine the method of evaluation by subjective criteria. Thus, there is no regulation in the legislation, under which entities with the authority to select members of the Constitutional Court would be guided in the evaluation according to such criteria as "outstanding professional qualifications" and "suitability to the high status of a member of the Constitutional Court".

## **Election of Judges by the Parliament**

The authority to nominate a candidate for the membership of the Constitutional Court in the Parliament is vested in the President of the Parliament, a faction and a group of no less than seven Non-Faction members of the Parliament, which submits a candidate for the position of a member of the Constitutional Court to the Parliament of Georgia.

The Parliament elects 3 members of the Constitutional Court with a three-fifths majority of the full composition. After determining the candidates' compliance with Georgian legislation, the Legal Affairs Committee listens to each candidate at a session, although the legislation does not specify how long the candidate's hearing should last and what should be examined by the committee. For example, the hearing of Eva Gotsiridze, the last elected judge of the Constitutional Court by the Parliament, lasted only 45 minutes. According to the legislation, a secret ballot is held for the election of judges of the Constitutional Court at the Plenary Session.

## **Election of Judges by the Supreme Court**

The authority to elect 3 members of the judges of the Constitutional Court belongs to the Plenum of the Supreme Court. The candidate is nominated by the President of the Supreme Court, the person who receives 2/3 of the votes of those present is deemed elected as a result of voting. Apart from the mentioned procedure, the legislation does not define the obligation to hear the candidate, the obligation to pre-nominate the candidate before the election, the obligation to publicize the process, and etc.

The election of two judges in 2020 can be cited as an evidence of opacity of the appointment procedure. In 2020, during the first wave of Corona Pandemics, two members were elected to the Constitutional Court of Georgia with the quota of the Supreme Court. The first was Judge Khvicha Kikilashvili, who, despite calls, was appointed to the position during the state of emergency on April 3, 2020, which reduced the possibility of public oversight on the process. The members of the Plenum themselves had no information regarding the candidate. Non-governmental organizations evaluated the process negatively. However, the President of the Supreme Court did not take into account the

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131 Organic Law of Georgia “on the Constitutional Court”, Article 7.

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experience gained and the same was repeated on 29 May 2020, when Vasil Roinishvili was appointed as a member of the Constitutional Court.

### ***Appointment of Judges by the President***

Legislation only determines the time frame in which the President of Georgia should appoint a judge of the Constitutional Court. The President enjoys wide discretion in terms of the initiation, and checking the suitability and competence of candidates.

### ***Election of the President of the Constitutional Court***

Not later than one month after taking the oath of office by all members of the Constitutional Court or after premature termination of powers of the President of the Constitutional Court, a plenary session shall be held, at which the President of the Constitutional Court shall be elected for a five-year term. A person may not be elected as President of the Constitutional Court if he/she has previously held the same position. If at the time of elections less than five years are left until expiry of powers of the candidate for President of the Constitutional Court as a member of court, he/she shall be elected for the remaining term of office of a member of the court.

With the purpose to elect the President of the Constitutional Court, the closed session of the Plenum is convened and presided over by the Vice-President of the Constitutional Court or the senior judge. The plenum is authorized if at least 6 members attend the session.

A candidate for President of the Constitutional Court may be nominated by at least three members of the Constitutional Court within two weeks after expiry of his/her term of office or premature termination of his/her powers as President of the Court. One member of the Constitutional Court may only sign the nomination of one candidate.

The Plenum session is opened by the chairman of the session, who reports to the members of the court about the candidate/candidates nominated for the position of the President of the Constitutional Court. Next, the speech is given to the candidate/candidates for the Presidency of the Constitutional Court. Judges can ask the candidate/candidates questions, as well as address the participants in a short speech. After the speeches, the chairman of the session presents to the session for approval the form of the voting ballot and the method of its filling, which the session approves with the majority of votes of the judges present at the session, by open voting. Voting for the election of the President of the Constitutional Court is secret.

The President of the Constitutional Court shall be deemed elected if he/she is supported in a secret ballot by at least five members of the Constitutional Court. If only one person has been nominated as a candidate for President of the Constitutional Court and he/she has failed to receive votes sufficient for his/her election as President, a new candidate (candidates) shall be nominated within one week with the same procedure, who will be deemed elected if he/she receives the same number of votes. If two or three persons have been nominated as a candidate for President of the Constitutional Court and all of them have failed to receive votes sufficient for the election as President, a second voting shall be held the same day, in which two candidates with the best results are eligible to participate. If two candidates with the same results have taken the second place, all the three candidates shall participate in the second voting. If any of the candidates withdraws his/her candidacy, the remaining candidate (candidates) shall be voted for. If all of the candidates fail again to receive votes sufficient for the election as President, a new candidate (candidates) shall be nominated within one week with the same rule.

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### ***Election of the Vice-Presidents of the Constitutional Court***

The President of the Constitutional Court has two Vice-Presidents. At the same time, the Vice-President Presidents of the presidents of boards and chair boards' meetings. The Vice-Presidents shall be deemed elected if they are supported by at least 5 members of the Constitutional Court during the secret ballot. A new Vice-President of the Constitutional Court shall be elected not later than one month before expiry of the term of office of the previous Vice-President. A candidate for Vice-President of the Constitutional Court shall be nominated by the President of the Constitutional Court. The Plenum of the Constitutional Court is authorized to elect the Vice-President if at least 6 members attend its session. The election of the Vice-President of the Constitutional Court is carried out by the same procedure as the election of the President of the Constitutional Court.

It is important that the authority to nominate a candidate for the Vice-President of the Constitutional Court is not only in the hands of the President of the court. It would be more democratic if the nomination of the candidates was done by the same procedure as the nomination of the candidates for the President of the court. Moreover, based on the fact that the Vice-Presidents of the Constitutional Court are at the same time the chairmen of the boards, it would be fairer to give the power to elect the chairman of the board to the members of the board.

### ***Election of the Secretary of the Constitutional Court***

The Secretary of the Constitutional Court provides support for the Constitutional Court proceedings and at the same time takes measures for the execution of the decisions of the Constitutional Court and reports to the Plenum on the progress of their execution.

Not later than one month before the expiration of the term of office of the secretary of the Constitutional Court or within one month after the termination of the term of office, the President of the Constitutional Court shall convene a Plenum of the Constitutional Court and present the candidature of the secretary of the Constitutional Court. The procedure for electing the President of the Constitutional Court also applies to the Secretary's election procedure. As indicated above, it would be more democratic in this case too if the nomination of the court's Secretary was not only the authority of the President.

Until the Constitutional Court elects the Secretary of the Constitutional Court or in case the Secretary is unable to fulfill his/her powers, the duty of the Secretary of the Constitutional Court is temporarily performed by one of the judges as assigned by the President, who, at the same time, is not the President of the Constitutional Court or the Vice-President. In addition, if the term of office of the person temporarily acting as the Secretary lasts for more than one month, the President of the Constitutional Court shall submit a proposal to the Plenum to extend the term of office. The term of temporary fulfillment of the duties of the secretary of the Constitutional Court by the same person shall not exceed 6 months continuously.

### ***Formation of the Composition of Boards***

The composition of the board of the Constitutional Court is approved by Plenum based on the submission of the President. According to the Organic Law, it is important that judges appointed by the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia are equally represented in the panels.

The Organic Law provides for two grounds for refreshing the composition of the boards. In particular,



within 10 days after the election of the new President of the court, it is mandatory to refresh the composition of the board. The composition can also be renewed within one month after the number of members of the Constitutional Court is changed by two or more members. The aforementioned authority belongs to the discretionary authority of the President of the Constitutional Court, and the Organic Law does not determine exactly in which cases a given circumstance can become the basis for the changing composition of the collegium.

In order to form/refresh the personnel composition of the boards, the President of the Constitutional Court conveys the Plenum within 3 days after the election. The Plenum is authorized if at least 6 judges are present. The President of the Constitutional Court submits the personal composition of the boards to the Plenum for approval. The composition of the boards is approved by open voting. The composition of the boards will be considered approved if it is supported by the majority of the judges present.

If the plenum does not approve the composition of the boards, the President of the Constitutional Court conveys a Plenum within 2 days and presents the same or another composition of the boards. This rule applies until the composition of the board is approved.

## **CONSTITUTIONAL SUBMISSIONS OF THE COMMON COURTS**

### ***Legal basis of the Constitutional Submissions***

According to the Constitution, Judicial power shall be independent and exercised by the Constitutional Court of Georgia and the common courts of Georgia. Constitutional Court is in charge of the Constitutional control, while common courts ensure the implementation of justice. Nevertheless, the judges of common courts are given a unique opportunity to reveal the facts of human rights violations and/or possible risks, since they are the ones who deal with different types of disputes on a daily basis and apply numerous legal norm with different contents and purposes.

A judge who observes the legislative order and is focused on the protection of human rights can take care of the correction of unconstitutional legislative records within the scope of exercising his/her judicial authority. Moreover, in some cases, judges may find themselves in an advantageous position over the parties involved in the dispute. The disputing parties, who are mainly focused on solving their own narrow legal problem, may not understand the large-scale damage that the material or procedural legal regulation used in a specific case can create.

The disputing parties, who are mainly focused on solving their own narrow legal problem, may not understand the large-scale damage that the material or procedural legal regulation used in a specific case can create. It is for such cases that Article 60 (4, c) of the Constitution of Georgia provides for the possibility of appeals by the common courts to the Constitutional Court with constitutional submissions. In parallel with the constitutional basis of the appeal, the procedural issues of using this instrument are regulated by the organic law "On the Constitutional Court of Georgia". In particular, in accordance with Article 19 (2) of the aforementioned Law, "If during hearing of a specific case in a common court the court finds that there is a sufficient ground to consider a law or other normative act, which the court must apply when resolving the case, to be fully or partially non-compliant with the Constitution, it shall suspend hearing of the case and refer the issue to the Constitutional Court. The hearing shall be resumed after the Constitutional Court resolves the issue".

At first glance, this record of the law gives grounds for assuming that the court, regardless of the category of case it is considering - whether it is a civil, administrative or criminal legal dispute, decides to appeal to the Constitutional Court, although Article 167(3) of the Criminal Procedure Code,

the court makes a decision on appeal with submission based on the petition of the party, which is contrary to the general rule of application of the instrument of submission, previously mentioned. Legal gap can also be found in the Organic Law "On Common Courts". In particular, according to Article 18 (2,d) the Plenum of the Supreme Court of Georgia is authorized, **in accordance with Article 89 (1, a) of the Constitution of Georgia**, in connection with the review of a specific case and the generalization of judicial practice, submit a submission to the Constitutional Court of Georgia regarding the compliance of a normative act with the Constitution of Georgia. Accordingly, apart from the fact that Article 89 is no longer found in the current edition of the Constitution of Georgia, and therefore the mentioned record also needs to be changed, the problem is that the author of the submission to the Constitutional Court can be the court/judge reviewing the case, while the plenum is not "court" in this sense, as it solves organizational issues.

The fact that the constitutional submission is an important mechanism for the protection of human rights is emphasized in the decision N3/1/608, 609 of the Constitutional Court of 29 September 2015. Where the court points out that "the institution of constitutional submission is the most important guarantee of the supremacy of the constitution in the legal system of the country, which allows the common courts to avoid the use of an allegedly unconstitutional normative act. In addition, the possibility of applying constitutional submissions adds practical and real power to the constitutional values in the process of implementation of justice and ensures consideration and protection of the requirements of the Constitution in the activities of the common courts... The essence of constitutional submissions is cooperation between two judicial systems to protect constitutional values, where common courts identify the problem and initiate constitutional proceedings, while the constitutional court ensures the evaluation of the constitutionality of the contested normative act and the cancellation of the unconstitutional norm in case of inconsistency with the constitution".<sup>132</sup>

When discussing the issue of constitutional submission, along with the formal basis, it is important to focus on several fundamental issues. For example, in Article 60 (4, c) of the Constitution, the term "reasonable assumption" is used, which the author of the constitutional submission should base on when appealing the disputed norm. The content definition of the mentioned standard is of key importance, especially from the perspective of the judge considering the case, since he/she is the one who must evaluate within the framework of the consideration of a specific case whether there are sufficient legal arguments for constitutional submissions. Regardless of the importance of the standard, it should be said that the Constitutional Court, while considering the constitutional submissions, has never considered this issue separately and does not judge whether the submission met the mentioned requirement of the law. Within the framework of the mentioned standard, the court should not only discuss the unconstitutionality of the norm to be used, but should also substantiate what significant impact the absence of the contested norm would have on the outcome of the case. Accordingly, when considering the submissions by the Constitutional Court, the evaluation with a low standard like "reasonable assumption" harms the content and purpose of this mechanism.<sup>133</sup> The constitutional submission is also distinguished by the fact that its author cannot refuse to consider it and request the termination of the case. According to Article 29 (5) of the Organic Law of Georgia "On the Constitutional Court of Georgia", "The Common Court and/or the High Council of Justice of Georgia is not authorized to refuse consideration of the constitutional submissions and request the termination of the case in the Constitutional Court after submitting constitutional submissions to the Constitutional Court". The legislator's different approach to constitutional submissions can be explained by the fact that the common court, in the process of administering justice, has a real opportunity to see which legislative acts do not comply with the constitution.<sup>134</sup> Also, an appeal

132 The decision of the Constitutional Court of Georgia on the Constitutional Submission of the Supreme Court of Georgia. N3/1/608, 609.

133 Loladze Besik, - Limiting the court with the constitution and the fundamental rights. 2019, pg.529

134 Ksovreli Irakli, - The use of constitutional rights by common courts - An effective means of protecting the right, Journal of Constitutional Law, Issue No. 2, 2019, p. 50-52

to the Constitutional Court with a constitutional submission leads to the suspension of the case consideration, which is provided for by the Organic Laws of Georgia "On Common Courts" and "On the Constitutional Court of Georgia". According to one of the latest amendments to the Organic Law of Georgia "On the Constitutional Court of Georgia", the precedents of the European Court of Human Rights on a similar legal issue may be indicated in the constitutional submission (Article 31.2).

As for the procedure for reviewing and deciding the submissions, it is regulated by the Organic Law of Georgia "On the Constitutional Court of Georgia" and the Rules of Procedure of the Constitutional Court of Georgia. According to the 2nd sentence of the Article 42 (1) of the Organic Law of Georgia "On the Constitutional Court of Georgia", constitutional submissions to the Constitutional Court, both in the regulatory and substantive review format, are considered in the absence of the author of the submission and the body whose act became the subject of the dispute.

In addition, the Article 31<sup>3</sup> (1) of the Organic Law of Georgia "On the Constitutional Court" exhaustively lists the reasons why a constitutional submission may not be accepted for consideration, in particular if:

- *It does not comply with the requirements established by Article 31<sup>1</sup> of this law in form or content;*
- *It is not submitted by an authorized person or body (subject);*
- *None of the disputed issues mentioned in it are adjudicable by the Constitutional Court;*
- *All disputed issues mentioned therein have already been decided by the Constitutional Court, except for the cases provided for in Article 21<sup>1</sup> of this Law;*
- *None of the controversial issues mentioned in it have been resolved by the Constitution of Georgia;*
- *The deadline established by the law for its submission is violated for an illegitimate reason;*
- *It is impossible to fully discuss the constitutionality of the disputed by-law normative act without discussing the constitutionality of the normative act above it in the hierarchy of normative acts, which is not challenged by a constitutional claim;*

When discussing the statistics of constitutional submissions, it is important to note that the possibility of applying for constitutional submissions to common courts was considered in the first edition of the current Constitution. However, despite the importance of constitutional submissions and the positive effect it can have on the legal status of individuals participating in a specific dispute, as well as on the justice and legislative space as a whole, the use of this mechanism in the history of common courts is not always characterized by the same urgency. The first constitutional submission of the Common Court was registered in the Constitutional Court on 5 May 1997, after 7 years from that date, 2 constitutional submissions were registered in the Constitutional Court a year. Unfortunately, this institute remained unused in the period from 2004 to 2014.<sup>135</sup>

During the reporting period (from 1 January 1, 2013 to 27 May 2023), a total of 69 constitutional submissions were made by the common courts. Over the past 10 years, the highest concentration of constitutional submissions was recorded in 2016, when the number of constitutional submissions totaled 42, of which 36 related to narcotic offenses and represented an echo of the decision of the Constitutional Court of Georgia of 24 October 2015.<sup>136</sup> However, it should also be noted that such a

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135 Davituri G, Datiashvili G. - A practical guide to the use Common Court's constitutional submission as a tool. 2021, pg.14.

136 Davituri G, Datiashvili G. - A practical guide to the use Common Court's constitutional submission as a tool. 2021, pg.14.

dramatic increase around a specific issue may also indicate that the common courts avoid interpreting the law in accordance with the Constitution and turn to the Constitutional Court every time to resolve this issue.

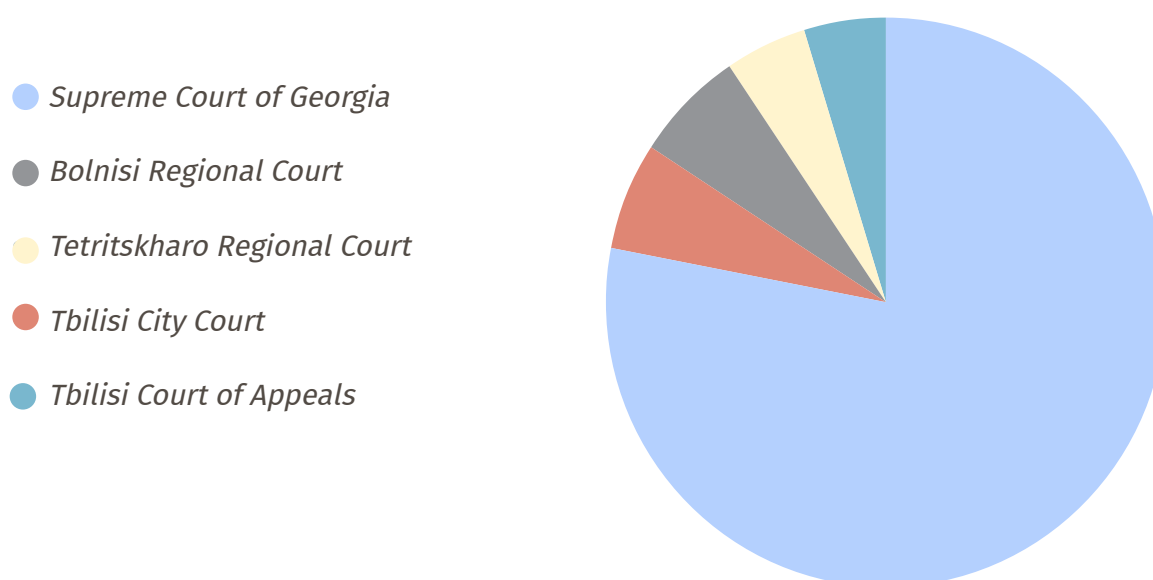
|  |    |
|--|----|
| REGISTERED IN TOTAL                        | 69 |
| DECISION                                   | 7  |
| RECORD OF JUDGMENT                         | 19 |
| RULING (ON REFUSING TO CONSIDER ON MERITS) | 17 |



As can be seen from the graphic image, only 19 of the 69 constitutional submissions entered in the reporting period were accepted for consideration (passed the stage of regulatory approval), out of which the final decision was made on 7 cases.

Courts of all instances included in the system of common courts have the right to apply constitutional submissions to the Constitutional Court, however, observation of existing experience shows that the Supreme Court of Georgia uses this tool most often.

### *Constitutional Submissions according to the Courts*



Most of the registered submissions out of 69 - 50 belongs to the Supreme Court of Georgia, followed by Bolnisi District Court, Tetrtskaro District Court and Tbilisi Court of Appeal with 4 submissions each. Tbilisi City Court has made 3 submissions, and the remaining 4 submissions belong to Rustavi, Batumi and Telavi City Courts, and the Court of Appeal of Kutaisi.

As for the decisions made directly on the basis of these submissions, out of 7 decisions, 3 were made on the submission of the Tetrtskaro District Court, 3 of the Supreme Court of Georgia, and 1 was made based on the constitutional submission of the Kutaisi Court of Appeal.

As already mentioned, most of the submissions were related to drug crimes and their inspiration was the decision made by the Constitutional Court of Georgia on 24 October 2015. In general, criminal law and criminal prosecutions have one of the highest levels of interference with human rights, so it is not surprising that 65 of the 69 submissions are related to substantive or procedural criminal law.

In a state based on the principle of the rule of law, the presumption of constitutionality of normative acts is an important legal guarantee. Nevertheless, along with the development of any society, questions regarding the constitutionality of the law in force may arise, and in this process, justice implementors have a special role. Judges, within the framework of their activities, observe the scope, content and results of the operation of a number of legal norms on a daily basis, and evaluate their compliance with human rights. In this process, the constitutional submission is a reliable basis for the judges, which allows them to avoid the use of unconstitutional (be it vague, unpredictable or unconstitutional for other reasons) norms and thus reduce the probability of making an unconstitutional decision.

The constitutional submission is neither a self-serving tool nor a shackle to the independence of judicial activity, it is a guarantor of the implementation of justice by the common courts within the constitutional framework.

## RECUSAL OF A JUDGE

### *Analysis of the Legal basis*

The Constitution of Georgia and the European Convention on Human Rights and Fundamental Freedoms protect the right to a fair hearing (trial), which in itself implies the right to a fair and public hearing of the case by **an independent and impartial** court established on the basis of the law. We can consider the right of recusal/self-recusal as a tool for effective use of this right, which should ensure impartial consideration of the case in the perception of the parties as well as the external observer.

According to the second principle of Bangalore Principles of Judicial Conduct<sup>137</sup>, Impartiality - ***Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.***

This principle means, that ***the Judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially.***

Such proceedings include, but are not limited to, instances where:

- *the judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;*
- *the judge previously served as a lawyer or was a material witness in the matter in controversy;*
- *or the judge, or a member of the judge's family, has an economic interest in the outcome of the matter in controversy;*

Disqualification of a judge shall not be required if no other tribunal can be constituted to deal with the case or, because of urgent circumstances, failure to act could lead to a serious miscarriage of justice.

According to the current legislation, the Civil Procedure Code and the Criminal Procedure Code establish the grounds for recusal and self-recusal of judges, and the Law of Georgia "On the Constitutional Court" and the Rules of Conduct of the Constitutional Court of Georgia use the term ***self-disqualification*** instead of self-recusal.

Along with the difference between the terms, in the mentioned legislative acts, we find different grounds for removal and self-removal (self-disqualification) of a judge. If the Civil and Criminal Procedure Codes establish more numerous grounds for disqualification/removal of a judge from the case, there are only two grounds for judges of the Constitutional Court.

According to the article 31 of the Civil Procedure Code of Georgia, a judge may not hear a case or participate in the hearing of a case, if he/she:

- a) represents a party to the case or shares common rights or obligations with any of the parties;
- b) participated in a previous hearing of this case as a witness, an expert, a specialist, an interpreter, a representative or a secretary of a court session
- c) is a relative of one of the parties or of the party's representative;
- d) is personally interested, directly or indirectly in the outcome of the case, or if there are other grounds for questioning his/her impartiality;

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137 Bangalore Principles of Judicial Conduct, 2002. Available at: <https://bit.ly/3SxwaVh>

e) was a mediator in the same case or in another case essentially related to this case.

For the purposes of the law, the relatives include:

- a) spouse;
- b) bride/bridegroom;
- c) lineal relatives;
- d) siblings;
- e) nephews and nieces;
- f) parents' siblings;
- g) relatives in law (relatives by marriage);
- h) persons connected with long-term family relationship.

If there are grounds for recusal, a judge shall be obliged to recuse himself/herself. A ruling on self-recusal that contains a reference to the grounds for self-recusal shall be delivered by the judge (court).

Similarly, according to Article 59 of Criminal Procedure Code, a judge cannot participate in a criminal proceeding if:

- a) he/she has not been appointed or elected to the position in the manner prescribed by law;
- b) he/she participates or participated in this case as the accused, a defence lawyer, a victim, an expert, an interpreter or a witness;
- b1) the investigation is in progress with respect to the alleged commission by him/her of a crime;
- c) he/she is a family member or close relative of the accused, defence lawyer, or of the victim;
- d) they are members of one family, or close relatives;
- d) he/she was a mediator for the same case or for the case substantially related to the said case;
- e) there are other circumstances that question his/her objectivity and impartiality.

In the criminal procedure, if there are any circumstances that exclude the participation of a judge, a judge shall declare about self-recusal to the chairperson of the court. A declaration of self-recusal shall be substantiated.

A judge of a general court shall be imposed with disciplinary liability and penalty for refusing to recuse/self-recuse the case when there is an obvious reason for the recusal provided by the law;<sup>138</sup>

The Organic Law of Georgia "On the Constitutional Court" establishes a relatively small list of the recusal/self-disqualification of the member of the Constitutional Court participating in the consideration of the case. In particular, according to Article 46 of the same law, A party shall have the right to raise an issue before the Constitutional Court that considers a case of recusal of a member of the Constitutional Court participating in the proceeding if:

- a) the member of the Constitutional Court is a close relative of the party or its representative;

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138 Organic Law of Georgia "On Common Courts of Georgia". Article 75<sup>1</sup>(8, b.d).

b) the member of the Constitutional Court has direct or indirect interest in the outcome of a case, or if there are other circumstances that raise doubts about the impartiality of the member of the Constitutional Court.

When there are grounds under this article, a member of the Constitutional Court shall have the right to abstain from participating in the proceeding. An application for recusal or self-disqualification of a member of the Constitutional Court shall be deemed satisfied if supported by more than half of the members participating in the session of the Constitutional Court.

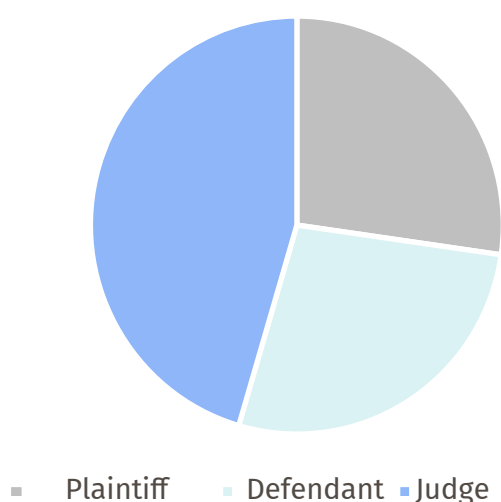
### **Grounds of recusal in practice and statistics of related petitions**

Within the reporting period from 2013 to May 2023, the Constitutional Court of Georgia issued rulings on a total of 11 cases of recusal/ self-disqualification of judges from the case, three of which were in the same case - Georgian citizens - Giorgi Ugulava, Nugzar Kaishauri, Davit Tsipuria, Gizo Ghlonti, Giorgi Lobzhanidze and Archil Alavidze of Georgia Vs. the Parliament of Georgia (Cases N740 and N764).

On one case from the abovementioned three cases N740 and N764 was related to the self-disqualification of Judge Lali Fafiashvili. The second - the petitions of the representatives of the Parliament of Georgia - Tamar Meskhia and Zviad Bregadze, who are the defendants to the constitutional claims N740, 764, regarding the recusal of judges - Ketevan Eremadze and Konstantine Vardzelashvili, and the third - the petition of the representative of the plaintiff in the case N740 regarding the recusal of Judges - Merab Turava and Otar Sichinava.

In the reporting period, from the 11 judgments on the recusal/ self-disqualification of a judge from the consideration of the case were made on the basis of: 3 petition of the plaintiff, 3 petition of the defendant, and 5 - on the self-disqualification appeal made by the judges of the Constitutional Court.

#### ***The number of recusals/self-disqualification according to the authors:***



Interestingly, out of 11 judgments delivered by the Constitutional Court of Georgia on the recusal/ self-disqualification of judges from the proceedings, only 4 of them were satisfied and all 4 of them are based on the self-disqualification petitions made by judges (which will be discussed in more detail in the next chapter).



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The most interesting are the rulings, based on which, the judges Eva Gotsiridze and Giorgi Kverenchkhiladze were not recused/disqualified from the case. In the first case, ***Georgian Democracy Initiative (GDI) Vs. the High Council of Justice of Georgia***, plaintiff contested the specific provision of the decision of the High Council of Justice of Georgia No. 1/308. According to the plaintiff, although the contested decision was adopted on 9 October 2009, the disputed norm was added to the abovementioned act as a result of the amendment made on 24 September 2014, when judge Eva Gotsiridze, a member of the Constitutional Court, was a member of the High Council of Justice of Georgia, and she may have directly participated in the process of adopting the disputed norm.

Despite the fact that in the specified period Eva Gotsiridze, a member of the Constitutional Court, was indeed a member of the High Council of Justice of Georgia, and she had directly participated in the process of adopting the disputed norm both at the stage of its consideration and voting, and the judge herself agreed with the position of the plaintiff, the court did not satisfy the said petition. Thus, Judge Eva Gotsiridze's dissenting opinion is attached to the decision made by the court.

The second ruling, according which the petition on recusal of the judge Giorgi Kverenchkhiladze from the case was also not satisfied, concerns the petition of the defendant party - the Parliament of Georgia on the constitutional claim No. 1693 and No. 1700. The norms contested under the constitutional claim No. 1693 and No. 1700 regulate various issues related to the activities of judges of the common courts of Georgia.

As it is stated in the petition, one of the plaintiffs - Ketevan Meskhishvili, immediately after the initiation of the legislative changes that became the subject of the dispute in the mentioned cases in the Parliament, on 28 December 2021, published a status on her Facebook page, where she indicated that the initiated draft law "It looks like an attempt to weaken the judges, intimidate them and limit the expression of critical opinion." She added that "unfortunately, the goal of creating a free court based on the rule of law will not be achieved in this way." Judge Giorgi Kverenchkhiladze expressed a positive reaction (in the form of a heart) to the mentioned Facebook status.

According to the position of the Parliament of Georgia, the action of Judge Giorgi Kverenchkhiladze should be evaluated as sharing the negative assessment and expressing a negative position towards the legislative changes expressed by the plaintiff Ketevan Meskishvili, which later became a law and in the evaluation of the constitutionality of which Judge Giorgi Kverenchkhiladze should participate as a member of the Constitutional Court. According to the author of the petition, the friendship between him and the plaintiffs on the social network does not create a reason to doubt the impartiality of Judge Giorgi Kverenchkhiladze. It is problematic for the Parliament of Georgia that Judge Giorgi Kverenchkhiladze has openly and publicly expressed an unambiguously negative position towards the norms of the legislative act currently under consideration, which creates a confirmed doubt about his bias and which is reflected in the current litigation process.

The Plenum of the Constitutional Court of Georgia rejected the petition of the representative of the Parliament and explained that "the defendant's fears about the bias of the judge are not objectively justified." In particular, Judge Giorgi Kverenchkhiladze's reaction (in the form of a heart) to the plaintiff Ketevan Meskishvili's post on social media, as well as the judge's own subjective attitude towards the mentioned circumstances, do not give rise to justified doubts about his impartiality in the process of deciding the constitutionality of the disputed norms. At the same time, the defendant party did not indicate any other circumstances in the petition, which would be a reason to doubt the bias of Judge Giorgi Kverenchkhiladze." The mentioned case is also distinguished by the fact that public statements about the said petition were made from the political tribune.

## Precedents of self-disqualification

Three of the rulings on the satisfaction of judges' self-disqualification petition were initiated by the judges participating in the consideration of the cases of N 1459 and 1491.

The first ruling was made by the Constitutional Court of Georgia on 27 November 2019. With the ruling N3/1/1459, the court approved the petitions of the members of the Constitutional Court of Georgia - Zaza Tavadze and Maia Kopaleishvili on self-disqualification from consideration of the constitutional claim N1459, where the Public Defender of Georgia contested those provisions of the Organic Law of Georgia "On Common Courts", which establishes the procedure for selecting candidates to be nominated to the Parliament of Georgia by the High Council of Justice of Georgia for the position of judge of the Supreme Court of Georgia.

According to the authors of the self-disqualification, the fact that, they, as candidates, directly participate in the selection procedure for the position of a judge of the Supreme Court of Georgia, may be considered as a legitimate basis, which, under the conditions of a reasonable assessment, will create doubts or perceptions that they could not be independent and impartial in the process of consideration and deciding of a particular case. Thus, any objective circumstance that could question the impartiality of the judges in the eyes of the public required an adequate response.

The Constitutional Court of Georgia explained, that in order to recuse a judge, "it is necessary to have such circumstances that would be a reason for an objective person to doubt his/her impartiality" (ruling of the Constitutional Court of Georgia of 27 December 2017 No. №3/7/679 LLC "Broadcasting Company Rustavi 2" and LLC TV Company Sakartvelo"Vs. the Parliament of Georgia", II-12). Accordingly, a judge who directly participated in the public procedure of selecting candidates for membership of the Supreme Court while evaluating the constitutionality of the norms governing this process, might have been perceived by an objective person as biased. Taking into account the above, according to the court's assessment, these judges could not enjoy the proper trust of the public when considering the constitutional claim, and there were objective doubts about their bias or independence, that is why there was a legal basis for satisfying the petition of self-disqualification of the judges.<sup>139</sup>

Judge Zaza Tavadze applied to the Constitutional Court on self-disqualification on a similar basis from consideration of the constitutional claim N 1491. In this case as well, the Public Defender contested the provisions of the Organic Law of Georgia "On Common Courts", which established the procedure for selecting candidates to be submitted to the Parliament of Georgia by the High Council of Justice of Georgia for the position of a judge of the Supreme Court of Georgia. Accordingly, in this case, the court also shared the judge's position that his direct participation as a candidate in the selection procedure for the position of a judge of the Supreme Court of Georgia might have been considered a legitimate basis, which, under conditions of reasonable assessment, would have created doubts or the perception that the judge was unable to consider a specific case and could not be independent and impartial in the resolution process and granted the petition.<sup>140</sup>

The third petition, which was already related to the self-disqualification of the judge from the joint proceedings of these two claims, belongs to Judge Vasil Roinishvili. According to his explanation, even though he refused to participate in the competition for the selection of a judge of the Supreme Court of Georgia and, therefore had no subjective interest in the said procedure, he took into account the practice of the Constitutional Court of Georgia and considered that his participation in the consideration of the case might raise doubts in the eye of an objective observer about his independence and impartiality as a judge. The Constitutional Court, like in the previous two cases, considered the mentioned petition justified and satisfied it.<sup>141</sup>

139 The Ruling of Plenum of the Constitutional Court of Georgia on case N 3/1/1459. 27 November, 2019.

140 The Ruling of Plenum of the Constitutional Court of Georgia on case N 3/1/1491. 29 April, 2020.

141 The Ruling of Plenum of the Constitutional Court of Georgia on case N 3/3/1459, 1491. 6 July, 2020.

And finally, the 4th case, when the court shared the judge's position on self-disqualification, concerns the petition of Judge Tamaz Tsabutashvili regarding the constitutional claims N1247, N1299, N1229 and N1242. According to the petition, on 28 May 2018, an unpleasant incident took place on one of the social networks between the plaintiff Gia Fatsuria and judge Tamaz Tsabutashvili and they insulted each other. As the judge Tamaz Tsabutashvili explained, because of the mentioned incident, there was a negative, in a way, uncomfortable, conflict relationship between him and the plaintiff Patsuria. According to him, it was possible that the mentioned circumstance could be a threat to the completely objective consideration and resolution of the constitutional claim N1242. In addition, his participation in the consideration of the given case under such conditions could cause distrust of the public towards the decision made by the Constitutional Court of Georgia. According to the explanation of the Constitutional Court, in this case, the unpleasant incident between the judge Tamaz Tsabutashvili and the plaintiff Gia Fatsuria could prevent the judge Tamaz Tsabutashvili from being properly objective and impartial when deciding the case. Besides, taking into account the mentioned incident, they should have taken into account the danger of the public doubting the impartiality of Judge Tamaz Tsabutashvili in this case. Therefore, there there existed the ground to disqualify the judge from the consideration of the case provided for by the Article 46 (1, b) of the Organic Law of Georgia "On the Constitutional Court of Georgia".<sup>142</sup>

## **DISCIPLINARY PROCEEDINGS AGAINST THE JUDGES OF THE CONSTITUTIONAL COURT**

The issues of termination of powers and disciplinary responsibility of judges of the Constitutional Court are determined by the Organic Law of Georgia and the Rules of Procedure of the Constitutional Court. The aforementioned legislative acts list the grounds for premature termination of the powers of the members of the Constitutional Court and determine the procedures for the creation and operation of the Ethics and Disciplinary Affairs Commission of the Constitutional Court.

### ***Composition of the Ethics and Disciplinary Affairs Commission***

According to the Organic Law "on the Constitutional Court of Georgia", the Plenum of the Constitutional Court is authorized to define the rules for organisation and other rules of constitutional proceedings under the Rules of Procedure. According to the resolution of the Plenum of the Constitutional Court, the Commission of Ethics and Disciplinary Affairs is established in order to study the issues related to the premature termination of the judge's authority and the inviolability of the judge provided for in this regulation, and to submit the appropriate conclusion, draft resolution to the plenum. In turn, the composition of the commission is presented by the President of the Constitutional Court.<sup>143</sup> The commission consists of three members, including one judge appointed by the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia. The President of the Constitutional Court cannot be the member of the commission.<sup>144</sup> The Ethics and Disciplinary Affairs Commission has a chairman who is elected by the members of the commission from among the members of the commission. The term of office of a member of the commission is 3 years, no longer than the term of his judicial authority. In case of expiration of the term of office of a member of the commission, the Plenum, on the recommendation of the President, appoints the same or another judge as a member of the commission.<sup>145</sup>

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142 The Ruling of the Second Board of the Constitutional N2/1/1242. 27 July, 2018.

143 Rules of Procedure of the Constitutional Court of Georgia. Article 6 (1).

144 Ibid. Article 6 (2).

145 Ibid. Article 6 (3).

### ***Grounds for Premature Termination of Powers of the Judges of Constitutional Court***

According to the article 16 of the Organic Law of Georgia “On Constitutional Court of Georgia”, powers of a member of the Constitutional Court shall be prematurely terminated if he/she has:

- a) failed to perform his/her duties for six consecutive months or has not performed his/her duties for three months during a year without good reason;
- b) taken a position incompatible with the status of a member of the Constitutional Court or has been engaged in an incompatible activity;
- c) disclosed the gist of the deliberations held by the Constitutional Court during adoption of a judgement, nor the position of a member of the Constitutional Court when voting;
- d) committed an act unworthy of a judge;
- e) lost citizenship of Georgia;
- f) been recognised as having limited capability or declared as a beneficiary of support by court;
- g) been guilty and there is a valid court judgement of conviction;
- h) died;
- i) resigned his/her office.

According to the Rules of Procedure of the Constitutional Court, if the President of the Constitutional Court becomes aware of information that raises reasonable doubts about the existence of grounds for premature termination of the powers of a member of the Constitutional Court of Georgia, he/she reports the issue to the Ethics and Disciplinary Affairs Commission for further study and convenes Plenum.

In cases under paragraph 1(a-d) of this article, the membership on the Constitutional Court shall be prematurely terminated by a resolution of the Plenum of the Constitutional Court, which will be deemed adopted if supported by more than half of the full Constitutional Court. In cases under paragraph 1(e-i), the Plenum of the Constitutional Court shall, under procedures determined in the Rules, examine the documents submitted to it and if the facts contained therein are proved, the President of the Constitutional Court shall, by decree, formalise the premature termination of powers of a member of the Constitutional Court.

### ***Consideration and resolution of the issue of premature termination of the judge's power***

According to the Rules of Procedure of the Constitutional Court, the President of the Court, when reports the issue to the commission, must indicate the factual circumstances that raise reasonable suspicion of the existence of grounds for premature termination of the authority of the judge and provide relevant materials. The Rules of Procedure provide different approach towards the consideration of the premature termination of power of the President of the court. In particular, the senior Vice-President of the Constitutional Court has the authority to initiate the mentioned issue. Within 10 days from the address of the President, the Ethics and Disciplinary Affairs Commission will study the issue and submit to the Plenum the draft resolution or conclusion.

If the President of the court initiates the issue of premature termination of the judicial authority of a member of the Ethics and Disciplinary Affairs Commission, the President will immediately suspend his membership in the commission by order and appoint a new member of the commission for the

period of consideration of the relevant issue. The members of the commission are authorized to receive information from all state bodies, individuals and legal entities regarding the issue to be studied, to invite specialists to perform expert and consulting work.

The commission is authorized if at least two members attend its session, and the decision needs the support of the majority of the commission members. In case of equal division of the votes of the members of the commission, the members of the commission separately prepare the summary/ conclusion of the resolution and submit it to the Constitutional Court.<sup>146</sup>

The procedure for premature termination of the powers of a member of the Constitutional Court of Georgia on the basis provided by subsections "a"- "d", cannot be initiated by the President of the court after 3 months have passed from the moment of receiving information confirming the existence of grounds for the premature termination of the powers of a member of the Constitutional Court of Georgia.

### ***The procedure for consideration and resolution of the issue of premature termination of the power of a member of the Constitutional Court by the Plenum***

Following the preparation of the conclusion/or draft resolution by the Ethics and Disciplinary Affairs Commission, the Plenum of the Constitutional Court makes the final decision on the issue of premature termination of the authority of a member of the Constitutional Court. The Plenum session will be convened no earlier than 10 and no later than 30 days after reporting the case to the commission.

The Plenum of the Constitutional Court is authorized if at least 6 members attend its session. The issue of premature termination of the powers of a member of the Constitutional Court is discussed in a closed session, however, at the request of the member of the Constitutional Court whose powers are being considered, the Plenum is authorized to consider the issue in an open session. During the discussion of the issue, the member whose authority is being considered has the right to address the Plenum of the Constitutional Court with his own position.

As regards the decision-making procedure, the Plenum of the Constitutional Court takes a decision on the draft resolution of the Plenum of the Constitutional Court presented by the commission by open voting.

If the decision on the premature termination of the powers of a member of the Constitutional Court is not made within 30 calendar days after convening the plenary session by the President of the Constitutional Court, the absence of grounds for premature termination of the powers of the judge shall be considered confirmed. In addition, it is not allowed to repeatedly raise the issue of premature termination of the judge's power with reference to the same factual circumstances.

The resolution of the plenum, on the basis of which the term of office of a member of the Constitutional Court of Georgia is terminated, is open (accessible), unless it contains information about the essence of the deliberations held by the Constitutional Court during decision-making or the position taken by the member of the Constitutional Court during the voting. In such a case, it is possible to close the resolution in whole or partially. The resolution of the Plenum on the refusal to prematurely terminate the term of office of a member of the Constitutional Court of Georgia is closed, except for the case when the Plenum, on its own initiative or at the request of the member of the Constitutional Court of Georgia affected by the resolution, will make a decision on the openness of the resolution.

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<sup>146</sup> Rules of Procedure of the Constitutional Court of Georgia. Article 44.

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### ***Resolution of issues related to the inviolability of the judge***

A member of the Constitutional Court shall enjoy personal inviolability. Criminal prosecution, arrest or detention of a Court member, search of his/her dwelling, car, workplace or his/her personal search shall be inadmissible without the consent of the Constitutional Court. Exception from this shall be catching the member in ***flagrante delicto***, of which the Constitutional Court must be immediately notified. If the Constitutional Court fails to give its consent, an arrested or detained member of the Constitutional Court must immediately be released.

According to the Rules of Procedure, the Ethics and Disciplinary Affairs Commission will also discuss the issues related to the judge's inviolability connected to the judge's criminal charges, detention, and consent to arrest. In the event of an appeal to Constitutional Court by the authorized body regarding the criminal prosecution, arrest, or detention of a judge, the President of the Constitutional Court shall immediately convene a Plenum, hand over the appeal and the attached materials to the Ethics and Disciplinary Affairs Commission and the members of the Constitutional Court of Georgia. If the appeal concerns the President of the Constitutional Court, the powers of the President of the Constitutional Court of Georgia are exercised by the Senior Vice-President of the Constitutional Court.

The commission will submit a report on the issues related to the inviolability of the judge to the Plenum of the Constitutional Court within 24 hours. The commission considers the issue and makes a decision according to the same procedure that is provided for considering the issue of premature termination of the office of judges. The Plenum must make a final decision on issues related to the judge's immunity within 48 hours after receiving the appeal. At the session, the plenum considers the conclusion of the commission, during which it is entitled to hear the authorized official of the body submitting the appeal and the judge to whom the appeal is concerned, as well as his lawyer or other representative. If the judge is arrested or imprisoned during the consideration of the issue, the Plenum is authorized to request the law enforcement authorities to bring him to the session of the Plenum.

The Plenum resolves the issue of the adoption of the resolution of consent to charge, arrest or imprisonment of a judge by an open vote. The resolution on the consent of the criminal charge, detention, arrest of the judge will be considered adopted if it is supported by at least 6 members of the Plenum of the Constitutional Court of Georgia. If the resolution mentioned in this paragraph does not receive a sufficient number of votes, a resolution is drawn up on refusing to prosecute, detain and/or arrest the judge.

### **Existing Practice, Results of the Disciplinary Proceedings and Challenges**

According to the public information provided by the Constitutional Court of Georgia, the Ethics and Disciplinary Affairs Commission in 2012-2022, based on the order of the President of the Constitutional Court was composed with the following members:

| YEAR               | MEMBERS  |
|--------------------|--|
| 15 September, 2015 | Tamaz Tsabutashvili, Lali Fafashvili, Maia Kopaleishvili   |
| 15 December, 2016  | Teimuraz Tugushi, Merab Turava, Irine Imerlishvili         |
| 29 December, 2017  | Irine Imerlishvili, Merab Turava, Teimuraz Tugushi         |
| 21 October, 2021   | Eva Gotsiridze, Giorgi Tevdorashvili, Khvicha Kikilashvili |

Unfortunately, despite repeated address to the Constitutional Court, the court did not provide us with information about who was/is the chairman of the commission and on what grounds the commission members were changed. The mentioned information is not available on the website of the Constitutional Court, therefore, it is not known who are/were the chairpersons of the commission, when and on what basis their change took place.

According to the information provided by the court, in 2012-2022, the issue of judge's inviolability was not considered by the Ethics and Disciplinary Affairs Commission. And regarding the issue of disciplinary responsibility, the Ethics and Disciplinary Affairs Commission examined the information several times in order to study the issue, although the final decision regarding the premature termination of the judge's authority was not made. Unfortunately, despite numerous appeals, the court did not provide us with information on how many cases the commission considered, as well as in each case what information was used as the basis for the initiation of proceedings related to the disciplinary or judge's inviolability, and what conclusions/draft resolutions the commission prepared.

It should be emphasized that unlike the Organic Law of Georgia "On Common Courts", the legislation regulating the disciplinary responsibility of the members of the Constitutional Court does not include the types of disciplinary punishment. For example, according to the Organic Law "on the Constitutional Court", one of the grounds for premature termination of a judge's authority is an inappropriate

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behavior of a judge. The existing law presents a challenge in determining whether any such action would constitute grounds for early termination, as it lacks clarity on whether members of the court can be subjected to lighter disciplinary penalties for minor misconduct. It is important to improve the legislation regulating the disciplinary responsibility of the members of the Constitutional Court and clearly establish the types of disciplinary punishment. The legislation also does not define the standard for imposing disciplinary responsibility by the commission.

Furthermore, the legislation does not incorporate the option to appeal the decision in the event of early termination of disciplinary responsibility or authority. This absence of an appeals process denies the disciplined or early terminated judge the opportunity to review the decision if there are limitations on their rights, unlike the provisions in place for disciplining judges in general courts.

## **CONCLUSION**

Over the past decade, there have been notable enhancements in the procedure of constitutional proceedings. These improvements have been influenced by constitutional reforms, as well as the development of procedural rules and the implementation of electronic systems to address formal matters. These advancements are essential in ensuring the efficient and timely execution of constitutional control, thereby upholding the supremacy of the Constitution, constitutional legality, and human rights and freedoms. However, despite these positive trends, significant challenges within the system have also come to light. These challenges may hinder the effective functioning of the constitutional proceedings and the overall protection of constitutional rights. It is important to address and rectify these substantial issues through further reforms and improvements in order to maintain a robust and reliable constitutional system.

The primary and persistent challenge facing the Constitutional Court is the issue of case delays. The research clearly demonstrates that the institution is struggling to manage its workload effectively. This problem has become particularly acute in the last five years, exacerbating the situation. The implications of this challenge are significant. The delays in case consideration hinder the ability of individuals with vested interests to defend their rights and seek constitutional remedies for legislative compliance. Many cases that have experienced delays or have remained pending for extended periods of time have become irrelevant to the plaintiffs. As a consequence, the Constitutional Court is unable to fulfill its primary function, which is to hold legislative and executive authorities accountable to constitutional standards in a timely and efficient manner.

The introduction of the electronic system for case distribution within the Constitutional Court has brought about improvements in the procedure. Specifically, the process of assigning cases to specific boards and appointing reporting judges has benefited from this technological advancement.

Another area of concern is the lack of precise guidelines in the Rules of Procedure of the Constitutional Court regarding the selection of a new reporting judge in various circumstances, such as when their term expires, when they recuse themselves, or when they are transferred to another board. Clearly defining this procedure is crucial not only to instill trust in the community but also to ensure the timely consideration of cases.

The issue of publicity within the Constitutional Court continues to present challenges. One of the obligations of the Constitutional Court is to publish all constitutional claims, submissions, and rulings. However, it is unfortunate that a considerable number of claims and certain rulings cannot be found on the official website of the Constitutional Court. Additionally, the court records do not provide access to the reasoned petitions or proposals made by individual judges or the President of the court to transfer a case to the Plenum. Only the decision taken by the board for the same purpose is made available.



The criteria for selection of a member of the Constitutional Court are not clearly defined. Although the Organic Law establishes objective and subjective criteria, in contrast to the procedure for selecting judges of common courts, there is no established rule for evaluating subjective criteria. The procedure for appointing judges by the Parliament, the Supreme Court and the President is also problematic. The process is not transparent and armed with public trust. The nomination process for the Vice-President of the Constitutional Court also needs improvement. The boards should be able to independently elect their own chairman.

Although constitutional submission is an important mechanism for both the Constitutional Court and the Common Court to properly exercise their powers, judges of the common courts rarely use this power. Therefore, it is necessary to increase the involvement of judges of the common court in constitutional processes in order to enforce justice within the constitutional framework. Also, it is important to note that the existing legislation does not provide for various types of disciplinary punishment for the members of the Constitutional Court. In particular, on the basis of the existing regulations, the power of a judge may be prematurely terminated for a minor misconduct or he/she may not be held responsible for the misconduct at all. In addition, there is no standard for imposing disciplinary responsibility and a mechanism for appealing the decision in case of premature termination of disciplinary responsibility/power.

Based on the reasons listed above, the following recommendations are given:

#### **To the Constitutional Court of Georgia:**

- *The Court should timely consider and make a final decision on cases that have been in constitutional proceedings for more than 2 years. Among them, especially those cases that have been pending for more than 5 years, or may soon lose their relevance for the plaintiffs;*
- *Before adopting any judicial act (record of judgment, ruling) on the claim/submission, the Court should publish information regarding the board/Plenum the case was referred to and the reporting judge;*
- *Should timely publish all registered claims/submissions and adopted record of judgment, ruling on the official website;*
- *In case of a change of reporting judges, to clearly establish the procedure for appointing a new reporting judge; including to publish the reasoned resolution of the chairman of the Plenum/board on the change of the reporting judge, where the number and date of the resolution will be indicated;*
- *To publish the reasoned petitions of the individual judges and the reasoned proposals of the President of the court, which will concern the consideration of the case by the Plenum;*

#### **To the Parliament of Georgia:**

- *Clearly form the rule of evaluation of the subjective criteria for the selection of a member of the Constitutional Court of Georgia and introduce a more transparent procedure for the selection/appointment of candidates;*
- *Boards should be given more autonomy in the process of appointing their own chairman;*
- *Establish different types of disciplinary punishments for members of the Constitutional Court, the standard for imposing disciplinary responsibility and the mechanism for appealing the decision in*

case of premature termination of authority;

**Other recommendations:**

- Judges of the Common Court should be encouraged to use the right to appeal to the Constitutional Court;

**ANNEX 1**

**Distribution of cases referred to the First Board in 2012-05/2023 among reporting judges**

2012

|                     |                            |
|---------------------|----------------------------|
| <a href="#">523</a> | Konstantine Vardzelashvili |
| <a href="#">525</a> | Konstantine Vardzelashvili |
| <a href="#">527</a> | Maia Kopaleishvili         |
| <a href="#">529</a> | Maia Kopaleishvili         |
| <a href="#">531</a> | Ketevan Eremadze           |
| <a href="#">534</a> | Ketevan Eremadze           |
| <a href="#">535</a> | Maia Kopaleishvili         |
| <a href="#">538</a> | Konstantine Vardzelashvili |
| <a href="#">539</a> | Ketevan Eremadze           |
| <a href="#">541</a> | Ketevan Eremadze           |
| <a href="#">543</a> | Maia Kopaleishvili         |
| <a href="#">547</a> | Maia Kopaleishvili         |
| <a href="#">548</a> | Konstantine Vardzelashvili |

**2013**

|                             |                            |
|-----------------------------|----------------------------|
| <a href="#">549</a>         | Konstantine Vardzelashvili |
| <a href="#">552</a>         | Konstantine Vardzelashvili |
| <a href="#">557,571,576</a> | Ketevan Eremadze           |
| <a href="#">559</a>         | Maia Kopaleishvili         |
| <a href="#">561,568</a>     | Ketevan Eremadze           |
| <a href="#">563</a>         | Konstantine Vardzelashvili |
| <a href="#">564</a>         | Ketevan Eremadze           |
| <a href="#">566</a>         | Ketevan Eremadze           |
| <a href="#">569</a>         | Konstantine Vardzelashvili |

**2014**

|                     |                            |
|---------------------|----------------------------|
| <a href="#">575</a> | Konstantine Vardzelashvili |
| <a href="#">576</a> | Ketevan Eremadze           |
| <a href="#">578</a> | Konstantine Vardzelashvili |
| <a href="#">580</a> | Maia Kopaleishvili         |
| <a href="#">582</a> | Maia Kopaleishvili         |
| <a href="#">586</a> | Maia Kopaleishvili         |
| <a href="#">587</a> | Maia Kopaleishvili         |
| <a href="#">589</a> | Maia Kopaleishvili         |

|            |                            |
|------------|----------------------------|
| <u>590</u> | Maia Kopaleishvili         |
| <u>592</u> | Konstantine Vardzelashvili |
| <u>594</u> | Ketevan Eremadze           |
| <u>596</u> | Maia Kopaleishvili         |
| <u>597</u> | Konstantine Vardzelashvili |
| <u>600</u> | Ketevan Eremadze           |
| <u>606</u> | Maia Kopaleishvili         |
| <u>607</u> | Konstantine Vardzelashvili |
| <u>611</u> | Ketevan Eremadze           |
| <u>614</u> | Konstantine Vardzelashvili |
| <u>616</u> | Konstantine Vardzelashvili |
| <u>618</u> | Merab Turava               |

**2015**

|                |                            |
|----------------|----------------------------|
| <u>622</u>     | Merab Turava               |
| <u>625,640</u> | Ketevan Eremadze           |
| <u>628</u>     | Maia Kopaleishvili         |
| <u>629,652</u> | Merab Turava               |
| <u>632</u>     | Merab Turava               |
| <u>638</u>     | Konstantine Vardzelashvili |

|                         |                            |
|-------------------------|----------------------------|
| <a href="#">644</a>     | Merab Turava               |
| <a href="#">647</a>     | Maia Kopaleishvili         |
| <a href="#">650,699</a> | Lali Fafiashvili           |
| <a href="#">651</a>     | Giorgi Kverenchkhiladze    |
| <a href="#">655</a>     | Merab Turava               |
| <a href="#">657</a>     | Lali Fafiashvili           |
| <a href="#">662</a>     | Lali Fafiashvili           |
| <a href="#">664</a>     | Maia Kopaleishvili         |
| <a href="#">666</a>     | Merab Turava               |
| <a href="#">669</a>     | Lali Fafiashvili           |
| <a href="#">671</a>     | Giorgi Kverenchkhiladze    |
| <a href="#">673</a>     | Konstantine Vardzelashvili |
| <a href="#">675,681</a> | Konstantine Vardzelashvili |
| <a href="#">676</a>     | Maia Kopaleishvili         |
| <a href="#">677</a>     | Konstantine Vardzelashvili |
| <a href="#">679</a>     | Konstantine Vardzelashvili |
| <a href="#">690</a>     | Lali Fafiashvili           |
| <a href="#">693,857</a> | Maia Kopaleishvili         |
| <a href="#">696</a>     | Merab Turava               |

|                    |                    |
|--------------------|--------------------|
| <u>697</u>         | Lali Fafiashvili   |
| <u>701,722,725</u> | Merab Turava       |
| <u>703</u>         | Merab Turava       |
| <u>705</u>         | Maia Kopaleishvili |

**2016**

|            |   |
|------------|---|
| <u>711</u> | Lali Fafiashvili                        |
| <u>713</u> | Merab Turava                            |
| <u>718</u> | Maia Kopaleishvili                      |
| <u>720</u> | Konstantine Vardzelashvili              |
| <u>721</u> | Konstantine Vardzelashvili              |
| <u>726</u> | Konstantine Vardzelashvili              |
| <u>727</u> | Lali Fafiashvili                        |
| <u>731</u> | Merab Turava                            |
| <u>732</u> | Lali Fafiashvili                        |
| <u>733</u> | Maia Kopaleishvili                      |
| <u>738</u> | Giorgi Kverenckhiladze                  |
| <u>740</u> | Konstantine Vardzelashvili              |
| <u>742</u> | Lali Fafiashvili/Giorgi Kverenckhiladze |
| <u>744</u> | Maia Kopaleishvili                      |

|                     |                            |
|---------------------|----------------------------|
| <a href="#">748</a> | Merab Turava               |
| <a href="#">752</a> | Giorgi Kverenchkhiladze    |
| <a href="#">753</a> | Maia Kopaleishvili         |
| <a href="#">754</a> | Giorgi Kverenchkhiladze    |
| <a href="#">757</a> | Maia Kopaleishvili         |
| <a href="#">764</a> | Konstantine Vardzelashvili |
| <a href="#">766</a> | Maia Kopaleishvili         |
| <a href="#">770</a> | Maia Kopaleishvili         |
| <a href="#">780</a> | Lali Fafiashvili           |
| <a href="#">781</a> | Giorgi Kverenchkhiladze    |
| <a href="#">791</a> | Merab Turava               |
| <a href="#">809</a> | Lali Fafiashvili           |
| <a href="#">811</a> | Giorgi Kverenchkhiladze    |
| <a href="#">814</a> | Giorgi Kverenchkhiladze    |
| <a href="#">823</a> | Maia Kopaleishvili         |
| <a href="#">824</a> | Maia Kopaleishvili         |
| <a href="#">826</a> | Giorgi Kverenchkhiladze    |
| <a href="#">828</a> | Maia Kopaleishvili         |

|   |  |
|---|--|
| <a href="#">832</a> , <a href="#">833</a> , <a href="#">834</a> , <a href="#">835</a> ,<br><a href="#">836</a> , <a href="#">837</a> , <a href="#">838</a> , <a href="#">839</a> ,<br><a href="#">840</a> , <a href="#">841</a> , <a href="#">842</a> , <a href="#">843</a> ,<br><a href="#">844</a> , <a href="#">845</a> , <a href="#">846</a> , <a href="#">847</a> ,<br><a href="#">848</a> , <a href="#">849</a> | Giorgi Kverenchkhiladze                    |
| <a href="#">851</a>   | Lali Fafiashvili                           |
| <a href="#">854</a>   | Lali Fafiashvili                           |
| <a href="#">858</a>   | Maia Kopaleishvili/Giorgi Kverenchkhiladze |
| <a href="#">860</a>   | Merab Turava                               |
| <a href="#">864</a>   | Merab Turava                               |

## 2017

|                      |   |
|----------------------|---|
| <a href="#">870</a>  | Giorgi Kverenchkhiladze                                     |
| <a href="#">874</a>  | Maia Kopaleishvili/Vasil Roinishvili                        |
| <a href="#">876</a>  | Merab Turava  |
| <a href="#">878</a>  | Lali Fafiashvili  |
| <a href="#">880</a>  | Lali Fafiashvili  |
| <a href="#">882</a>  | Giorgi Kverenchkhiladze                                     |
| <a href="#">926</a>  | Lali Fafiashvili/Eva Gotsiridze                             |
| <a href="#">1209</a> | Giorgi Kverenchkhiladze                                     |
| <a href="#">1211</a> | Maia Kopaleishvili  |
| <a href="#">1215</a> | Lali Fafiashvili/Maia Kopaleishvili/Giorgi Kverenchkhiladze |



|                           |  |
|---------------------------|--|
| <a href="#">1217</a>      | Giorgi Kverenchkhiladze                  |
| <a href="#">1219,1236</a> | Maia Kopaleishvili                       |
| <a href="#">1226</a>      | Merab Turava                             |
| <a href="#">1228</a>      | Lali Fafiashvili                         |
| <a href="#">1232</a>      | Giorgi Kverenchkhiladze                  |
| 1236                      | Maia Kopaleishvili                       |
| <a href="#">1238</a>      | Merab Turava                             |
| <a href="#">1241</a>      | Lali Fafiashvili                         |
| <a href="#">1243</a>      | Giorgi Kverenchkhiladze                  |
| <a href="#">1244</a>      | Lali Fafiashvili                         |
| <a href="#">1248</a>      | Maia Kopaleishvili/ Khvicha Kikilashvili |
| <a href="#">1250</a>      | Merab Turava                             |
| <a href="#">1257,1280</a> | Merab Turava                             |
| <a href="#">1259</a>      | Eva Gotsiridze/ Lali Fafiashvili         |
| <a href="#">1261</a>      | Giorgi Kverenchkhiladze                  |
| <a href="#">1263</a>      | Maia Kopaleishvili                       |
| <a href="#">1265,1318</a> | Merab Turava                             |
| <a href="#">1267</a>      | Lali Fafiashvili/ Eva Gotsiridze         |
| <a href="#">1271</a>      | Giorgi Kverenchkhiladze                  |

|                      |   |
|----------------------|---|
| <a href="#">1275</a> | Maia Kopaleishvili  |
| <a href="#">1278</a> | Merab Turava/Vasil Roinishvili                                |
| <a href="#">1282</a> | Eva Gotsiridze  |
| <a href="#">1284</a> | Giorgi Kverenchkhiladze                                       |
| <a href="#">1287</a> | Maia Kopaleishvili/ Khvicha Kikilashvili/Giorgi Tevdorashvili |
| <a href="#">1288</a> | Maia Kopaleishvili/ Khvicha Kikilashvili/Giorgi Tevdorashvili |

## 2018

|                      |   |
|----------------------|---|
| <a href="#">1290</a> | Merab Turava  |
| <a href="#">1292</a> | Eva Gotsiridze  |
| <a href="#">1294</a> | Giorgi Kverenchkhiladze   |
| <a href="#">1300</a> | Maia Kopaleishvili/ Khvicha Kikilashvili/Giorgi Tevdorashvili   |
| <a href="#">1302</a> | Merab Turava  |
| <a href="#">1304</a> | Eva Gotsiridze  |
| <a href="#">1306</a> | Giorgi Kverenchkhiladze   |
| <a href="#">1307</a> | Maia Kopaleishvili/ Khvicha Kikilashvili/Giorgi Tevdorashvili   |
| <a href="#">1309</a> | Maia Kopaleishvili / Khvicha Kikilashvili/ Giorgi Tevdorashvili |
| <a href="#">1310</a> | Merab Turava  |
| <a href="#">1312</a> | Eva Gotsiridze  |
| <a href="#">1316</a> | Giorgi Kverenchkhiladze   |

|   |   |
|---|---|
| <a href="#">1320</a>                          | Maia Kopaleishvili / Khvicha Kikilashvili/ Giorgi Tevdorashvili |
| <a href="#">1324</a>                          | Merab Turava  |
| <a href="#">1326</a>                          | Eva Gotsiridze  |
| <a href="#">1328</a>                          | Giorgi Kverenchkhiladze   |
| <a href="#">1330</a>                          | Maia Kopaleishvili/ Khvicha Kikilashvili/Giorgi Tevdorashvili   |
| <a href="#">1334</a>                          | Merab Turava/Vasil Roinishvili                                  |
| <a href="#">1336</a>                          | Eva Gotsiridze  |
| <a href="#">1338</a>                          | Giorgi Kverenchkhiladze   |
| <a href="#">1340</a>                          | Maia Kopaleishvili  |
| <a href="#">1343</a>                          | Merab Turava  |
| <a href="#">1345</a>                          | Maia Kopaleishvili / Khvicha Kikilashvili/ Giorgi Tevdorashvili |
| <a href="#">1347</a>                          | Eva Gotsiridze  |
| <a href="#">1350</a>                          | Giorgi Kverenchkhiladze   |
| <a href="#">1353</a>                          | Maia Kopaleishvili / Khvicha Kikilashvili/ Giorgi Tevdorashvili |
| <a href="#">1355</a><br><a href="#">/1389</a> | Merab Turava/ Giorgi Tevdorashvili/ Vasil Roinishvili           |
| <a href="#">1358</a>                          | Eva Gotsiridze  |
| <a href="#">1361</a>                          | Merab Turava  |
| <a href="#">1364</a>                          | Eva Gotsiridze  |
| <a href="#">1366</a>                          | Giorgi Kverenchkhiladze   |

|                      |   |
|----------------------|---|
| <a href="#">1368</a> | Maia Kopaleishvili/ Khvicha Kikilashvili/Giorgi Tevdorashvili |
| <a href="#">1377</a> | Merab Turava/ Vasil Roinishvili                               |
| <a href="#">1380</a> | Eva Gotsiridze  |
| <a href="#">1383</a> | Giorgi Kverenchkhiladze                                       |

**2019**

|                      |                                     |
|----------------------|-------------------------------------|
| <a href="#">1389</a> | Maia Kopaleishvili                  |
| <a href="#">1394</a> | Merab Turava/ Vasil Roinishvili     |
| <a href="#">1402</a> | Giorgi Kverenchkhiladze             |
| <a href="#">1404</a> | Maia Kopaleishvili / Eva Gotsiridze |
| <a href="#">1410</a> | Merab Turava/ Vasil Roinishvili     |
| <a href="#">1416</a> | Eva Gotsiridze                      |
| <a href="#">1418</a> | Giorgi Kverenchkhiladze             |
| <a href="#">1422</a> | Merab Turava                        |
| <a href="#">1424</a> | Eva Gotsiridze                      |
| <a href="#">1426</a> | Giorgi Kverenchkhiladze             |
| <a href="#">1429</a> | Maia Kopaleishvili / Merab Turava   |
| <a href="#">1431</a> | Merab Turava                        |
| <a href="#">1433</a> | Eva Gotsiridze                      |
| <a href="#">1435</a> | Giorgi Kverenchkhiladze             |

|                      |   |
|----------------------|---|
| <a href="#">1437</a> | Maia Kopaleishvili/ Khvicha Kikilashvili/Giorgi Tevdorashvili |
| <a href="#">1439</a> | Merab Turava  |
| <a href="#">1441</a> | Eva Gotsiridze  |
| <a href="#">1443</a> | Giorgi Kverenchkhiladze                                       |
| <a href="#">1445</a> | Merab Turava  |
| <a href="#">1447</a> | Merab Turava / Vasil Roinishvili                              |
| <a href="#">1449</a> | Eva Gotsiridze  |
| <a href="#">1452</a> | Giorgi Kverenchkhiladze                                       |
| <a href="#">1454</a> | Maia Kopaleishvili / Merab Turava                             |
| <a href="#">1456</a> | Merab Turava  |
| <a href="#">1458</a> | Eva Gotsiridze  |
| <a href="#">1461</a> | Giorgi Kverenchkhiladze                                       |
| <a href="#">1464</a> | Merab Turava/ Vasil Roinishvili                               |
| <a href="#">1467</a> | Eva Gotsiridze  |
| <a href="#">1469</a> | Giorgi Kverenchkhiladze                                       |
| <a href="#">1472</a> | Merab Turava/ Vasil Roinishvili                               |
| <a href="#">1475</a> | Eva Gotsiridze  |

2020

|                      |                                 |
|----------------------|---------------------------------|
| <a href="#">1477</a> | Giorgi Kverenchkhiladze         |
| <a href="#">1480</a> | Merab Turava                    |
| <a href="#">1482</a> | Eva Gotsiridze                  |
| <a href="#">1485</a> | Giorgi Kverenchkhiladze         |
| <a href="#">1487</a> | Merab Turava/ Vasil Roinishvili |
| <a href="#">1489</a> | Merab Turava/ Vasil Roinishvili |
| <a href="#">1493</a> | Giorgi Kverenchkhiladze         |
| <a href="#">1495</a> | Khvicha Kikilashvili            |
| <a href="#">1497</a> | Merab Turava                    |
| <a href="#">1499</a> | Eva Gotsiridze                  |
| <a href="#">1505</a> | Giorgi Kverenchkhiladze         |
| <a href="#">1508</a> | Khvicha Kikilashvili            |
| <a href="#">1512</a> | Eva Gotsiridze                  |
| <a href="#">1514</a> | Giorgi Kverenchkhiladze         |
| <a href="#">1522</a> | Khvicha Kikilashvili            |
| <a href="#">1527</a> | Vasil Roinishvili               |
| <a href="#">1531</a> | Eva Gotsiridze                  |
| <a href="#">1533</a> | Giorgi Kverenchkhiladze         |

|                      |                         |
|----------------------|-------------------------|
| <a href="#">1535</a> | Khvicha Kikilashvili    |
| <a href="#">1537</a> | Vasil Roinishvili       |
| <a href="#">1539</a> | Eva Gotsiridze          |
| <a href="#">1541</a> | Giorgi Kverenchkhiladze |
| <a href="#">1544</a> | Khvicha Kikilashvili    |
| <a href="#">1546</a> | Vasil Roinishvili       |
| <a href="#">1548</a> | Eva Gotsiridze          |
| <a href="#">1550</a> | Giorgi Kverenchkhiladze |
| <a href="#">1555</a> | Khvicha Kikilashvili    |

## 2021

|                      |   |
|----------------------|---|
| <a href="#">1558</a> | Eva Gotsiridze                              |
| <a href="#">1560</a> | Giorgi Kverenchkhiladze                     |
| <a href="#">1562</a> | Khvicha Kikilashvili / Giorgi Tevdorashvili |
| <a href="#">1567</a> | Vasil Roinishvili                           |
| <a href="#">1571</a> | Eva Gotsiridze                              |
| <a href="#">1574</a> | Giorgi Kverenchkhiladze                     |
| <a href="#">1577</a> | Khvicha Kikilashvili / Giorgi Tevdorashvili |
| <a href="#">1580</a> | Vasil Roinishvili                           |
| <a href="#">1584</a> | Eva Gotsiridze                              |

|   |   |
|---|---|
| 1588  | Giorgi Kverenchkhiladze                     |
| <a href="#">1591</a><br><a href="#">/1605</a> | Khvicha Kikilashvili / Giorgi Tevdorashvili |
| <a href="#">1594</a>                          | Eva Gotsiridze                              |
| <a href="#">1597</a>                          | Giorgi Kverenchkhiladze                     |
| <a href="#">1599</a>                          | Khvicha Kikilashvili / Giorgi Tevdorashvili |
| <a href="#">1602</a>                          | Vasil Roinishvili                           |
| <a href="#">1608</a>                          | Khvicha Kikilashvili / Giorgi Tevdorashvili |
| <a href="#">1610</a>                          | Vasil Roinishvili                           |
| <a href="#">1614</a>                          | Eva Gotsiridze                              |
| <a href="#">1616</a>                          | Giorgi Kverenchkhiladze                     |
| <a href="#">1618</a>                          | Khvicha Kikilashvili / Giorgi Tevdorashvili |
| <a href="#">1622</a>                          | Vasil Roinishvili                           |
| <a href="#">1626</a>                          | Eva Gotsiridze                              |
| <a href="#">1628</a>                          | Giorgi Kverenchkhiladze                     |
| <a href="#">1630</a>                          | Khvicha Kikilashvili / Giorgi Tevdorashvili |
| <a href="#">1633</a>                          | Vasil Roinishvili                           |
| <a href="#">1635</a>                          | Eva Gotsiridze                              |
| <a href="#">1638</a>                          | Giorgi Kverenchkhiladze                     |
| <a href="#">1644</a>                          | Vasil Roinishvili                           |



|                      |                         |
|----------------------|-------------------------|
| <a href="#">1646</a> | Eva Gotsiridze          |
| <a href="#">1650</a> | Giorgi Tevdorashvili    |
| 1653                 | Giorgi Kverenchkhiladze |
| <a href="#">1655</a> | Vasil Roinishvili       |
| <a href="#">1657</a> | Eva Gotsiridze          |
| <a href="#">1659</a> | Giorgi Tevdorashvili    |
| <a href="#">1663</a> | Giorgi Kverenchkhiladze |
| <a href="#">1665</a> | Vasil Roinishvili       |
| <a href="#">1667</a> | Eva Gotsiridze          |
| 1669                 | Giorgi Tevdorashvili    |

## 2022

|                           |                         |
|---------------------------|-------------------------|
| <a href="#">1671</a>      | Giorgi Kverenchkhiladze |
| <a href="#">1673,1681</a> | Vasil Roinishvili       |
| <a href="#">1676</a>      | Eva Gotsiridze          |
| <a href="#">1680</a>      | Giorgi Tevdorashvili    |
| <a href="#">1683</a>      | Giorgi Kverenchkhiladze |
| <a href="#">1685</a>      | Vasil Roinishvili       |
| <a href="#">1688</a>      | Eva Gotsiridze          |
| <a href="#">1691</a>      | Giorgi Tevdorashvili    |

|                      |                         |
|----------------------|-------------------------|
| <a href="#">1694</a> | Giorgi Kverenchkhiladze |
| <a href="#">1696</a> | Vasil Roinishvili       |
| <a href="#">1699</a> | Eva Gotsiridze          |
| <a href="#">1702</a> | Giorgi Tevdorashvili    |
| <a href="#">1704</a> | Giorgi Kverenchkhiladze |
| <a href="#">1706</a> | Vasil Roinishvili       |
| <a href="#">1708</a> | Eva Gotsiridze          |
| <a href="#">1710</a> | Giorgi Tevdorashvili    |
| <a href="#">1713</a> | Giorgi Kverenchkhiladze |
| <a href="#">1716</a> | Vasil Roinishvili       |
| <a href="#">1718</a> | Eva Gotsiridze          |
| <a href="#">1720</a> | Giorgi Tevdorashvili    |
| <a href="#">1722</a> | Giorgi Kverenchkhiladze |
| <a href="#">1725</a> | Vasil Roinishvili       |
| <a href="#">1727</a> | Eva Gotsiridze          |
| <a href="#">1729</a> | Giorgi Tevdorashvili    |
| <a href="#">1731</a> | Giorgi Kverenchkhiladze |
| <a href="#">1737</a> | Eva Gotsiridze          |
| <a href="#">1739</a> | Giorgi Tevdorashvili    |

|                      |                         |
|----------------------|-------------------------|
| <a href="#">1741</a> | Giorgi Kverenchkhiladze |
| <a href="#">1743</a> | Vasil Roinishvili       |
| <a href="#">1745</a> | Eva Gotsiridze          |
| <a href="#">1748</a> | Giorgi Kverenchkhiladze |
| <a href="#">1751</a> | Vasil Roinishvili       |
| <a href="#">1753</a> | Eva Gotsiridze          |
| <a href="#">1756</a> | Giorgi Tevdorashvili    |
| <a href="#">1758</a> | Giorgi Kverenchkhiladze |

## 2023

|                      |                         |
|----------------------|-------------------------|
| <a href="#">1762</a> | Vasil Roinishvili       |
| <a href="#">1765</a> | Eva Gotsiridze          |
| <a href="#">1767</a> | Giorgi Tevdorashvili    |
| <a href="#">1770</a> | Giorgi Kverenchkhiladze |
| <a href="#">1772</a> | Vasil Roinishvili       |
| <a href="#">1774</a> | Eva Gotsiridze          |
| <a href="#">1776</a> | Giorgi Tevdorashvili    |
| <a href="#">1777</a> | Giorgi Kverenchkhiladze |
| <a href="#">1779</a> | Vasil Roinishvili       |
| <a href="#">1781</a> | Eva Gotsiridze          |
| <a href="#">1784</a> | Giorgi Tevdorashvili    |

*Distribution of cases referred to the Second Board in 2012-05/2023 among reporting judges*

**2012**

|                |                     |
|----------------|---------------------|
| <u>522,553</u> | Otar Sichinava      |
| <u>524</u>     | Zaza Tavadze        |
| <u>526</u>     | Lali Fafashvili     |
| <u>528</u>     | Tamaz Tsabutashvili |
| <u>530</u>     | Tamaz Tsabutashvili |
| <u>532,533</u> | Lali Fafashvili     |
| <u>536</u>     | Tamaz Tsabutashvili |
| <u>537</u>     | Zaza Tavadze        |
| <u>540</u>     | Otar Sichinava      |
| <u>516,542</u> | Zaza Tavadze        |
| <u>545</u>     | Zaza Tavadze        |
| <u>546</u>     | Lali Fafashvili     |

**2013**

|            |                     |
|------------|---------------------|
| <u>550</u> | Otar Sichinava      |
| <u>551</u> | Zaza Tavadze        |
| <u>554</u> | Tamaz Tsabutashvili |
| <u>555</u> | Zaza Tavadze        |

|            |                     |
|------------|---------------------|
| <u>556</u> | Otar Sichinava      |
| <u>558</u> | Lali Fafashvili     |
| <u>560</u> | Zaza Tavadze        |
| <u>562</u> | Zaza Tavadze        |
| <u>565</u> | Otar Sichinava      |
| <u>567</u> | Zaza Tavadze        |
| <u>570</u> | Tamaz Tsabutashvili |

**2014**

|            |                     |
|------------|---------------------|
| <u>572</u> | Tamaz Tsabutashvili |
| <u>573</u> | Lali Fafashvili     |
| <u>577</u> | Zaza Tavadze        |
| <u>579</u> | Lali Fafashvili     |
| <u>581</u> | Zaza Tavadze        |
| <u>584</u> | Otar Sichinava      |
| <u>585</u> | Zaza Tavadze        |
| <u>588</u> | Lali Fafashvili     |
| <u>591</u> | Zaza Tavadze        |
| <u>593</u> | Otar Sichinava      |
| <u>595</u> | Lali Fafashvili     |

|                     |                     |
|---------------------|---------------------|
| <a href="#">598</a> | Zaza Tavadze        |
| <a href="#">599</a> | Zaza Tavadze        |
| <a href="#">603</a> | Lali Fafashvili     |
| <a href="#">604</a> | Teimuraz Tugushi    |
| <a href="#">605</a> | Lali Fafashvili     |
| <a href="#">610</a> | Zaza Tavadze        |
| <a href="#">612</a> | Tamaz Tsabutashvili |
| <a href="#">613</a> | Otar Sichinava      |
| <a href="#">615</a> | Teimuraz Tugushi    |
| <a href="#">617</a> | Tamaz Tsabutashvili |
| <a href="#">620</a> | Zaza Tavadze        |
| <a href="#">621</a> | Tamaz Tsabutashvili |

**2015**

|                     |                 |
|---------------------|-----------------|
| <a href="#">623</a> | Otar Sichinava  |
| <a href="#">624</a> | Otar Sichinava  |
| <a href="#">626</a> | Zaza Tavadze    |
| <a href="#">627</a> | Lali Fafashvili |
| <a href="#">630</a> | Lali Fafashvili |
| <a href="#">631</a> | Lali Fafashvili |

|                         |                     |
|-------------------------|---------------------|
| <a href="#">636</a>     | Lali Fafiashvili    |
| <a href="#">637</a>     | Otar Sichinava      |
| <a href="#">639</a>     | Otar Sichinava      |
| <a href="#">642</a>     | Tamaz Tsabutashvili |
| <a href="#">643</a>     | Tamaz Tsabutashvili |
| <a href="#">645</a>     | Otar Sichinava      |
| <a href="#">648</a>     | Tamaz Tsabutashvili |
| <a href="#">653</a>     | Tamaz Tsabutashvili |
| <a href="#">654</a>     | Zaza Tavadze        |
| <a href="#">656</a>     | Zaza Tavadze        |
| <a href="#">658</a>     | Otar Sichinava      |
| <a href="#">659</a>     | Otar Sichinava      |
| <a href="#">661</a>     | Tamaz Tsabutashvili |
| <a href="#">663</a>     | Teimuraz Tugushi    |
| <a href="#">665,683</a> | Teimuraz Tugushi    |
| <a href="#">667</a>     | Tamaz Tsabutashvili |
| <a href="#">672</a>     | Otar Sichinava      |
| <a href="#">674</a>     | Lali Fafiashvili    |
| <a href="#">680</a>     | Lali Fafiashvili    |

|                     |                     |
|---------------------|---------------------|
| <a href="#">691</a> | Lali Fafiashvili    |
| <a href="#">692</a> | Tamaz Tsabutashvili |
| <a href="#">694</a> | Manana Kobakhidze   |
| <a href="#">695</a> | Tamaz Tsabutashvili |
| <a href="#">698</a> | Tamaz Tsabutashvili |
| <a href="#">700</a> | Teimuraz Tugushi    |
| <a href="#">702</a> | Tamaz Tsabutashvili |
| <a href="#">704</a> | Lali Fafiashvili    |
| <a href="#">706</a> | Irine Imerlishvili  |

**2016**

|                     |                     |
|---------------------|---------------------|
| <a href="#">712</a> | Irine Imerlishvili  |
| <a href="#">714</a> | Teimuraz Tugushi    |
| <a href="#">715</a> | Lali Fafiashvili    |
| <a href="#">716</a> | Teimuraz Tugushi    |
| <a href="#">723</a> | Lali Fafiashvili    |
| <a href="#">728</a> | Tamaz Tsabutashvili |
| <a href="#">729</a> | Manana Kobakhidze   |
| <a href="#">730</a> | Otar Sichinava      |



|                         |                     |
|-------------------------|---------------------|
| <a href="#">734</a>     | Teimuraz Tugushi    |
| <a href="#">735</a>     | Lali Fafiashvili    |
| <a href="#">739</a>     | Manana Kobakhidze   |
| <a href="#">741</a>     | Teimuraz Tugushi    |
| <a href="#">743</a>     | Lali Fafiashvili    |
| <a href="#">745</a>     | Teimuraz Tugushi    |
| <a href="#">746</a>     | Teimuraz Tugushi    |
| <a href="#">747</a>     | Tamaz Tsabutashvili |
| <a href="#">749</a>     | Irine Imerlishvili  |
| <a href="#">750</a>     | Teimuraz Tugushi    |
| <a href="#">751</a>     | Tamaz Tsabutashvili |
| <a href="#">756</a>     | Irine Imerlishvili  |
| <a href="#">759</a>     | Irine Imerlishvili  |
| <a href="#">760</a>     | Tamaz Tsabutashvili |
| <a href="#">765</a>     | Lali Fafiashvili    |
| <a href="#">767</a>     | Teimuraz Tugushi    |
| <a href="#">779</a>     | Lali Fafiashvili    |
| <a href="#">782,783</a> | Irine Imerlishvili  |
| <a href="#">795</a>     | Teimuraz Tugushi    |

|                |                     |
|----------------|---------------------|
| <u>810,927</u> | Tamaz Tsabutashvili |
| <u>812</u>     | Lali Fafiashvili    |
| <u>821</u>     | Manana Kobakhidze   |
| <u>825</u>     | Tamaz Tsabutashvili |
| <u>827</u>     | Tamaz Tsabutashvili |
| <u>829</u>     | Tamaz Tsabutashvili |
| <u>850</u>     | Teimuraz Tugushi    |
| <u>852</u>     | Manana Kobakhidze   |
| <u>859</u>     | Irine Imerlishvili  |
| <u>861</u>     | Manana Kobakhidze   |
| <u>863</u>     | Teimuraz Tugushi    |

**2017**

|            |                     |
|------------|---------------------|
| <u>867</u> | Irine Imerlishvili  |
| <u>872</u> | Manana Kobakhidze   |
| <u>873</u> | Teimuraz Tugushi    |
| <u>875</u> | Teimuraz Tugushi    |
| <u>877</u> | Tamaz Tsabutashvili |
| <u>879</u> | Irine Imerlishvili  |
| <u>881</u> | Manana Kobakhidze   |

|  |                     |
|--|---------------------|
| <a href="#">884</a>                    | Tamaz Tsabutashvili |
| <a href="#">925</a>                    | Irine Imerlishvili  |
| <a href="#">930</a>                    | Manana Kobakhidze   |
| <a href="#">1208</a>                   | Manana Kobakhidze   |
| <a href="#">1210</a>                   | Tamaz Tsabutashvili |
| <a href="#">1212</a>                   | Teimuraz Tugushi    |
| <a href="#">1214</a>                   | Tamaz Tsabutashvili |
| <a href="#">1216</a>                   | Irine Imerlishvili  |
| <a href="#">1218</a>                   | Manana Kobakhidze   |
| <a href="#">1227</a>                   | Teimuraz Tugushi    |
| <a href="#">1229, 1242, 1247, 1299</a> | Teimuraz Tugushi    |
| <a href="#">1234/1235</a>              | Irine Imerlishvili  |
| <a href="#">1237</a>                   | Manana Kobakhidze   |
| <a href="#">1240</a>                   | Teimuraz Tugushi    |
| <a href="#">1246</a>                   | Irine Imerlishvili  |
| <a href="#">1249</a>                   | Manana Kobakhidze   |
| <a href="#">1254</a>                   | Teimuraz Tugushi    |
| <a href="#">1258</a>                   | Tamaz Tsabutashvili |
| <a href="#">1260</a>                   | Irine Imerlishvili  |

|                      |                     |
|----------------------|---------------------|
| <a href="#">1262</a> | Manana Kobakhidze   |
| <a href="#">1264</a> | Teimuraz Tugushi    |
| <a href="#">1266</a> | Tamaz Tsabutashvili |
| <a href="#">1269</a> | Irine Imerlishvili  |
| <a href="#">1270</a> | Manana Kobakhidze   |
| <a href="#">1273</a> | Manana Kobakhidze   |
| <a href="#">1276</a> | Teimuraz Tugushi    |
| <a href="#">1279</a> | Tamaz Tsabutashvili |
| <a href="#">1281</a> | Irine Imerlishvili  |
| <a href="#">1283</a> | Teimuraz Tugushi    |
| <a href="#">1285</a> | Manana Kobakhidze   |

## 2018

|                           |                     |
|---------------------------|---------------------|
| <a href="#">1289</a>      | Teimuraz Tugushi    |
| <a href="#">1291</a>      | Tamaz Tsabutashvili |
| <a href="#">1293</a>      | Irine Imerlishvili  |
| <a href="#">1296/1396</a> | Manana Kobakhidze   |
| <a href="#">1301</a>      | Teimuraz Tugushi    |
| <a href="#">1303</a>      | Tamaz Tsabutashvili |
| <a href="#">1305</a>      | Irine Imerlishvili  |

|                      |  |
|----------------------|--|
| <a href="#">1308</a> | Teimuraz Tugushi                           |
| <a href="#">1311</a> | Tamaz Tsabutashvili                        |
| <a href="#">1314</a> | Irine Imerlishvili                         |
| <a href="#">1317</a> | Manana Kobakhidze                          |
| <a href="#">1319</a> | Teimuraz Tugushi                           |
| <a href="#">1322</a> | Tamaz Tsabutashvili                        |
| <a href="#">1325</a> | Irine Imerlishvili                         |
| <a href="#">1327</a> | Manana Kobakhidze                          |
| <a href="#">1329</a> | Teimuraz Tugushi                           |
| <a href="#">1333</a> | Tamaz Tsabutashvili / Khvicha Kikilashvili |
| <a href="#">1335</a> | Irine Imerlishvili                         |
| <a href="#">1337</a> | Manana Kobakhidze                          |
| <a href="#">1339</a> | Teimuraz Tugushi                           |
| <a href="#">1342</a> | Tamaz Tsabutashvili                        |
| <a href="#">1344</a> | Irine Imerlishvili                         |
| <a href="#">1346</a> | Manana Kobakhidze                          |
| <a href="#">1348</a> | Teimuraz Tugushi                           |
| <a href="#">1351</a> | Tamaz Tsabutashvili / Khvicha Kikilashvili |
| <a href="#">1354</a> | Irine Imerlishvili                         |

|                      |  |
|----------------------|--|
| <a href="#">1357</a> | Manana Kobakhidze                        |
| <a href="#">1359</a> | Teimuraz Tugushi                         |
| <a href="#">1360</a> | Irine Imerlishvili                       |
| <a href="#">1363</a> | Manana Kobakhidze                        |
| <a href="#">1365</a> | Teimuraz Tugushi                         |
| <a href="#">1367</a> | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1376</a> | Irine Imerlishvili                       |
| <a href="#">1378</a> | Manana Kobakhidze                        |
| <a href="#">1381</a> | Manana Kobakhidze                        |
| <a href="#">1382</a> | Teimuraz Tugushi                         |

**2019**

|                      |  |
|----------------------|--|
| <a href="#">1384</a> | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1390</a> | Irine Imerlishvili                       |
| <a href="#">1393</a> | Tamaz Tsabutashvili                      |
| <a href="#">1395</a> | Manana Kobakhidze                        |
| <a href="#">1401</a> | Irine Imerlishvili                       |
| <a href="#">1403</a> | Teimuraz Tugushi                         |
| <a href="#">1408</a> | Tamaz Tsabutashvili                      |
| <a href="#">1412</a> | Irine Imerlishvili                       |

|                                |  |
|--------------------------------|--|
| <a href="#">1417</a>           | Manana Kobakhidze                        |
| <a href="#">1419</a>           | Irine Imerlishvili                       |
| <a href="#">1421/1448/1451</a> | Irine Imerlishvili                       |
| <a href="#">1423</a>           | Teimuraz Tugushi                         |
| <a href="#">1425</a>           | Tamaz Tsabutashvili                      |
| <a href="#">1427</a>           | Irine Imerlishvili                       |
| <a href="#">1428</a>           | Manana Kobakhidze                        |
| <a href="#">1432</a>           | Teimuraz Tugushi                         |
| <a href="#">1434,1466</a>      | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1436</a>           | Irine Imerlishvili                       |
| <a href="#">1438</a>           | Manana Kobakhidze                        |
| <a href="#">1440</a>           | Teimuraz Tugushi                         |
| <a href="#">1442</a>           | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1444</a>           | Irine Imerlishvili                       |
| <a href="#">1446</a>           | Manana Kobakhidze                        |
| <a href="#">1450</a>           | Teimuraz Tugushi                         |
| <a href="#">1453</a>           | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1455</a>           | Irine Imerlishvili                       |
| <a href="#">1457</a>           | Manana Kobakhidze                        |

|                      |  |
|----------------------|--|
| <a href="#">1460</a> | Teimuraz Tugushi                           |
| <a href="#">1463</a> | Tamaz Tsabutashvili                        |
| <a href="#">1465</a> | Irine Imerlishvili                         |
| <a href="#">1468</a> | Manana Kobakhidze                          |
| <a href="#">1471</a> | Teimuraz Tugushi                           |
| <a href="#">1474</a> | Tamaz Tsabutashvili / Khvicha Kikilashvili |
| <a href="#">1476</a> | Irine Imerlishvili                         |

**2020**

|                      |  |
|----------------------|--|
| <a href="#">1479</a> | Manana Kobakhidze                          |
| <a href="#">1481</a> | Teimuraz Tugushi                           |
| <a href="#">1484</a> | Tamaz Tsabutashvili                        |
| <a href="#">1486</a> | Irine Imerlishvili                         |
| <a href="#">1488</a> | Manana Kobakhidze                          |
| <a href="#">1492</a> | Teimuraz Tugushi                           |
| <a href="#">1494</a> | Tamaz Tsabutashvili / Khvicha Kikilashvili |
| <a href="#">1496</a> | Irine Imerlishvili                         |
| <a href="#">1498</a> | Manana Kobakhidze                          |
| <a href="#">1501</a> | Teimuraz Tugushi                           |
| <a href="#">1506</a> | Tamaz Tsabutashvili / Khvicha Kikilashvili |



|                      |  |
|----------------------|--|
| <a href="#">1509</a> | Irine Imerlishvili                       |
| <a href="#">1511</a> | Manana Kobakhidze                        |
| <a href="#">1513</a> | Teimuraz Tugushi                         |
| <a href="#">1517</a> | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1518</a> | Manana Kobakhidze                        |
| <a href="#">1525</a> | Irine Imerlishvili                       |
| <a href="#">1528</a> | Manana Kobakhidze                        |
| <a href="#">1530</a> | Teimuraz Tugushi                         |
| <a href="#">1532</a> | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1534</a> | Teimuraz Tugushi                         |
| <a href="#">1536</a> | Irine Imerlishvili                       |
| <a href="#">1538</a> | Manana Kobakhidze                        |
| <a href="#">1540</a> | Teimuraz Tugushi                         |
| <a href="#">1542</a> | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1545</a> | Irine Imerlishvili                       |
| <a href="#">1547</a> | Manana Kobakhidze                        |
| <a href="#">1549</a> | Teimuraz Tugushi                         |
| <a href="#">1553</a> | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1557</a> | Irine Imerlishvili                       |

2021

|                           |  |
|---------------------------|--|
| <a href="#">1559</a>      | Manana Kobakhidze                        |
| <a href="#">1561</a>      | Teimuraz Tugushi                         |
| <a href="#">1564</a>      | Tamaz Tsabutashvili                      |
| <a href="#">1570</a>      | Irine Imerlishvili                       |
| <a href="#">1773</a>      | Manana Kobakhidze                        |
| <a href="#">1575</a>      | Teimuraz Tugushi                         |
| <a href="#">1579</a>      | Khvicha Kikilashvili                     |
| <a href="#">1582</a>      | Irine Imerlishvili                       |
| <a href="#">1585</a>      | Manana Kobakhidze                        |
| <a href="#">1589</a>      | Teimuraz Tugushi                         |
| <a href="#">1592</a>      | Khvicha Kikilashvili                     |
| <a href="#">1596</a>      | Irine Imerlishvili                       |
| <a href="#">1598</a>      | Manana Kobakhidze                        |
| <a href="#">1604/1621</a> | Teimuraz Tugushi                         |
| <a href="#">1606</a>      | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1609</a>      | Irine Imerlishvili                       |
| <a href="#">1612</a>      | Manana Kobakhidze                        |
| <a href="#">1615</a>      | Teimuraz Tugushi                         |
| <a href="#">1617</a>      | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1619</a>      | Irine Imerlishvili                       |

|                      |  |
|----------------------|--|
| <a href="#">1625</a> | Manana Kobakhidze                        |
| <a href="#">1627</a> | Teimuraz Tugushi                         |
| <a href="#">1629</a> | Tamaz Tsabutashvili/Khvicha Kikilashvili |
| <a href="#">1631</a> | Irine Imerlishvili                       |
| <a href="#">1634</a> | Manana Kobakhidze                        |
| <a href="#">1637</a> | Teimuraz Tugushi                         |
| <a href="#">1639</a> | Irine Imerlishvili                       |
| <a href="#">1641</a> | Manana Kobakhidze                        |
| <a href="#">1643</a> | Teimuraz Tugushi                         |
| <a href="#">1645</a> | Irine Imerlishvili                       |
| <a href="#">1649</a> | Khvicha Kikilashvili                     |
| <a href="#">1652</a> | Manana Kobakhidze                        |
| <a href="#">1654</a> | Teimuraz Tugushi                         |
| <a href="#">1656</a> | Irine Imerlishvili                       |
| 1658                 | Khvicha Kikilashvili                     |
| <a href="#">1661</a> | Manana Kobakhidze                        |
| <a href="#">1664</a> | Teimuraz Tugushi                         |
| <a href="#">1666</a> | Irine Imerlishvili                       |
| <a href="#">1668</a> | Irine Imerlishvili                       |

2022

|                      |                      |
|----------------------|----------------------|
| <a href="#">1670</a> | Khvicha Kikilashvili |
| <a href="#">1672</a> | Manana Kobakhidze    |
| <a href="#">1675</a> | Teimuraz Tugushi     |
| <a href="#">1679</a> | Irine Imerlishvili   |
| <a href="#">1682</a> | Manana Kobakhidze    |
| <a href="#">1684</a> | Khvicha Kikilashvili |
| <a href="#">1686</a> | Manana Kobakhidze    |
| <a href="#">1690</a> | Teimuraz Tugushi     |
| <a href="#">1692</a> | Irine Imerlishvili   |
| <a href="#">1695</a> | Khvicha Kikilashvili |
| <a href="#">1697</a> | Manana Kobakhidze    |
| <a href="#">1701</a> | Teimuraz Tugushi     |
| <a href="#">1703</a> | Irine Imerlishvili   |
| <a href="#">1705</a> | Khvicha Kikilashvili |
| <a href="#">1707</a> | Manana Kobakhidze    |
| <a href="#">1709</a> | Teimuraz Tugushi     |
| <a href="#">1712</a> | Irine Imerlishvili   |
| <a href="#">1714</a> | Khvicha Kikilashvili |
| <a href="#">1717</a> | Manana Kobakhidze    |

|                      |                      |
|----------------------|----------------------|
| <a href="#">1719</a> | Teimuraz Tugushi     |
| <a href="#">1721</a> | Irine Imerlishvili   |
| <a href="#">1724</a> | Khvicha Kikilashvili |
| <a href="#">1726</a> | Manana Kobakhidze    |
| <a href="#">1728</a> | Teimuraz Tugushi     |
| <a href="#">1730</a> | Irine Imerlishvili   |
| <a href="#">1732</a> | Khvicha Kikilashvili |
| <a href="#">1734</a> | Manana Kobakhidze    |
| <a href="#">1738</a> | Teimuraz Tugushi     |
| <a href="#">1740</a> | Irine Imerlishvili   |
| <a href="#">1744</a> | Khvicha Kikilashvili |
| <a href="#">1746</a> | Manana Kobakhidze    |
| <a href="#">1747</a> | Teimuraz Tugushi     |
| <a href="#">1749</a> | Irine Imerlishvili   |
| <a href="#">1752</a> | Khvicha Kikilashvili |
| <a href="#">1754</a> | Manana Kobakhidze    |
| <a href="#">1757</a> | Teimuraz Tugushi     |
| <a href="#">1759</a> | Irine Imerlishvili   |

2023

|                      |                      |
|----------------------|----------------------|
| <a href="#">1764</a> | Khvicha Kikilashvili |
| <a href="#">1766</a> | Manana Kobakhidze    |
| <a href="#">1768</a> | Teimuraz Tugushi     |
| <a href="#">1771</a> | Khvicha Kikilashvili |
| <a href="#">1773</a> | Manana Kobakhidze    |
| <a href="#">1775</a> | Teimuraz Tugushi     |
| <a href="#">1778</a> | Irine Imerlishvili   |
| <a href="#">1780</a> | Khvicha Kikilashvili |
| <a href="#">1782</a> | Manana Kobakhidze    |

## ANNEX 2

### *Distribution of Cases referred to the Plenum in 2012-05/2023 among reporting judges*

|     |  |
|-----|--|
| 531 | Ketevan Eremadze   |
| 543 | Maia Kopaleishvili   |
| 574 | Ketevan Eremadze   |
| 577 | Lali Fafashvili  |
| 583 | Otar Sichinava   |
| 588 | Lali Fafashvili  |
| 600 | Giorgi Kverenchkhiladze  |
| 601 | Giorgi Papuashvili – Constitutional Submission of the Supreme Court of Georgia |
| 602 | Maia Kopaleishvili   |
| 608 | Giorgi Papuashvili – Constitutional Submission of the Supreme Court of Georgia |
| 619 | Giorgi Papuashvili – Constitutional Submission of the Supreme Court of Georgia |
| 633 | Giorgi Papuashvili – Constitutional Submission of the Supreme Court of Georgia |

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- 635 Konstantine Vardzelashvili
- 641 Zaza Tavadze
- 642 Irine Imerlishvili
- 646 Maia Kopaleishvili
- 648 Tamaz Tsabutashvili
- 649 Lali Fafiashvili
- 660 Manana Kobakhidze
- 668 Ketevan Eremadze
- 670 Maia Kopaleishvili
- 678 Ketevan Eremadze
- 679 Konstantine Vardzelashvili
- 682 Lali Fafiashvili
- 684 Maia Kopaleishvili
- 685 Konstantine Vardzelashvili
- 707 Irine Imerlishvili
- 708 Ketevan Eremadze – Constitutional Submission of the Supreme Court of Georgia
- 712 Irine Imerlishvili
- 717 Lali Fafiashvili
- 744 Khvicha Kikilashvili
- 751 Tamaz Tsabutashvili
- 755 Maia Kopaleishvili
- 761 Khvicha Kikilashvili
- 763 Maia Kopaleishvili
- 767 Teimuraz Tugushi
- 768 Giorgi Papuashvili
- 771 Ketevan Eremadze
- 773 Teimuraz Tugushi
- 774 Teimuraz Tugushi
- 784 Merab Turava – Constitutional Submission of the Supreme Court of Georgia
- 785 Merab Turava – Constitutional Submission of the Supreme Court of Georgia
- 789 Teimuraz Tugushi – Constitutional Submission of the Supreme Court of Georgia
- 798 Merab Turava – Constitutional Submission of the Supreme Court of Georgia

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- 805 Merab Turava – Constitutional Submission of the Supreme Court of Georgia
- 808 Merab Turava
- 813 Tamaz Tsabutashvili
- 831 Lali Fafiashvili
- 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849  
Teimuraz Tugushi
- 853 Merab Turava
- 855 Teimuraz Tugushi
- 858 Giorgi Kverenchkhiladze
- 862 Zaza Tavadze
- 866 Teimuraz Tugushi – Constitutional Submission of the Supreme Court of Georgia
- 871 Zaza Tavadze
- 883 Irine Imerlishvili
- 885 Merab Turava
- 1230 Manana Kobakhidze
- 1233 Maia Kopaleishvili
- 1239 Merab Turava
- 1251 Teimuraz Tugushi
- 1252 Merab Turava
- 1253 Tamaz Tsabutashvili
- 1255 Zaza Tavadze
- 1267 Eva Gotsiridze
- 1270 Irine Imerlishvili
- 1274 Giorgi Kverenchkhiladze
- 1277 Manana Kobakhidze
- 1286 Khvicha Kikilashvili
- 1295 Teimuraz Tugushi
- 1298 Eva Gotsiridze
- 1321 Vasil Roinishvili
- 1323 Irine Imerlishvili
- 1331 Giorgi Kverenchkhiladze
- 1332 Manana Kobakhidze



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- 1341 Vasil Roinishvili
- 1352 Merab Turava – Constitutional Submission of Tbilisi City Court
- 1356 Teimuraz Tugushi
- 1387 Eva Gotsiridze – Constitutional Submission of Tbilisi City Court
- 1392 Vasil Roinishvili
- 1400 Eva Gotsiridze
- 1409 Irine Imerlishvili
- 1430 Giorgi Kverenchkhiladze – Constitutional Submission of Tbilisi Court of Appeals
- 1459 Manana Kobakhidze
- 1462 Khvicha Kikilashvili
- 1470 Merab Turava
- 1473 Vasil Roinishvili
- 1478 Teimuraz Tugushi – Constitutional Submission of Tetrtskharo Regional Court
- 1483 Eva Gotsiridze
- 1500 Vasil Roinishvili
- 1502 Irine Imerlishvili
- 1519 Giorgi Kverenchkhiladze
- 1520 Khvicha Kikilashvili
- 1521 Manana Kobakhidze
- 1526 Vasil Roinishvili
- 1543 Teimuraz Tugushi
- 1554 Giorgi Tevdorashvili
- 1563 Eva Gotsiridze
- 1565 Khvicha Kikilashvili
- 1566 Irine Imerlishvili
- 1572 Giorgi Kverenchkhiladze
- 1578 Manana Kobakhidze
- 1581 Khvicha Kikilashvili
- 1583 Vasil Roinishvili
- 1586 Merab Turava
- 1607 Eva Gotsiridze
- 1611 Irine Imerlishvili

|      |   |
|------|---|
| 1613 | Giorgi Kverenchkhiladze   |
| 1620 | Khvicha Kikilashvili  |
| 1624 | Vasil Roinishvili   |
| 1623 | Manana Kobakhidze   |
| 1635 | Eva Gotsiridze  |
| 1636 | Merab Turava  |
| 1647 | Teimuraz Tugushi  |
| 1648 | Eva Gotsiridze  |
| 1651 | Giorgi Tevdorashvili  |
| 1674 | Merab Turava – Constitutional Submission of Bolnisi Regional Court        |
| 1687 | Irine Imerlishvili  |
| 1689 | Eva Gotsiridze  |
| 1693 | Giorgi Kverenchkhiladze   |
| 1698 | Khvicha Kikilashvili  |
| 1711 | Manana Kobakhidze   |
| 1715 | Vasil Roinishvili – Constitutional Submission of Tbilisi Court of Appeals |
| 1723 | Manana Kobakhidze   |
| 1750 | Giorgi Kverenchkhiladze   |
| 1763 | Merab Turava  |

### **ANNEX 3**

#### **Decisions delivered by the Constitutional Court of Georgia within 1 year after their registration in 2012-05/2023**

- *Case N763 – The group of the members of the Parliament of Georgia: Davit Bakradze, Sergo Ratiani, Roland Akhalaia, Giorgi Baramidze and others (42 members of the Parliament in total) Vs. The Parliament of Georgia;*
- *Case N1526 – Non Entrepreneurial (Non-Commercial) Legal Entity, The citizens Political Union “New Political Center”, Herman Sabo, Zurab Girchi Jafaridze and Ana Chikovani Vs. The Parliament of Georgia;*
- *Case N1574 – The citizen of Georgia Giorgi Ugulava Vs. The Parliament of Georgia;*
- *Case N569 – The citizens of Georgia: Davit Kandelaki, Natalia Dvali, Zurab Davitashvili, Emzar Goguadze, Giorgi Meladze, and Mamuka Pachuashvili Vs. The Parliament of Georgia;*
- *Case N646 – The citizen of Georgia Giorgi Ugulava Vs. The Parliament of Georgia;*

- *Case N1630 – The citizen of Georgia Tina Bejitašvili Vs. The Parliament of Georgia;*
- *Case N601 – Constitutional submission of the Supreme Court of Georgia regarding the Constitutionality of Article 546 of the Criminal Procedure Code of Georgia of February 20, 1998 and the first part of Article 518 of the same Code;*
- *Case N768,769,790,792 – The group of the members of the Parliament of Georgia: Davit Bakradze, Sergo Ratiani, Roland Akhalaia, Levan Bejashvili and others (38 members of the Parliament in total), Citizens of Georgia: Erasti Jakobia and Karine Shakhparoniani Vs. The Parliament of Georgia;*
- *Case N826 – The citizen of Georgia Khatuna Phkaladze Vs. The Parliament of Georgia;*
- *Case N1648 – Constitutional Submission of Tetrtskharo Regional Court regarding the Constitutionality of: the Article 7(3), Sentence 2 of the Organic Law of Georgia "On General Courts", and Article 19(2), second sentence of the Organic Law of Georgia "On the Constitutional Court of Georgia";*
- *Case N1282 – The citizens of Georgia: Zurab Jafaridze and Vakhtang Megrelishvili Vs. The Parliament of Georgia;*
- *Case N558 – The citizen of Georgia Ilia Chanturaia Vs. The Parliament of Georgia;*
- *Case N1688 – Shalva Natelashvili Vs. The Parliament of Georgia;*
- *Case N539 – The citizen of Georgia Besik Adamia Vs. The Parliament of Georgia;*
- *Case N1505, 1515, 1516, 1529 – Paata Diasamidze, Giorgi Chitidze, Eduard Marikashvili, and Lika Sajaia Vs. The Parliament of Georgia and Vs. The Government of Georgia;*
- *Case N1459, 1491 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N851 – The citizen of Georgia Imeda Khakhutaishvili Vs. The Parliament of Georgia;*
- *Case N1473 – Nikanor Melia Vs. The Parliament of Georgia;*
- *Case N1673, 1681 – Londa Toloraia and the Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N577 - Non-Entrepreneurial (Non-Commercial) Legal Entity “Human Rights Education and Monitoring Center (EMC)”, and the citizen of Georgia Vakhushti Menabde Vs. The Parliament of Georgia;*
- *Case N 1365 – Badri Bejanidze Vs. The Parliament of Georgia;*
- *Case N757 – The citizen of Georgia Giorgi Kraveishvili Vs. The Government of Georgia;*
- *Case N1676 - The Public Defender of Georgia Vs. The Minister of Justice of Georgia;*
- *Case N1475 – JSC “Bekansi” Vs. The Parliament of Georgia;*
- *Case N675, 681 – JSC Broadcasting Company “Rustavi 2” and JSC “TV Company – Sakartvelo” Vs. The Parliament of Georgia; „*

## ANNEX 4

### **Claims/submissions where record of judgment or the rulings (regarding the reference to the Plenum and the petition) are delivered:**

- *Case N1712 - Non-Entrepreneurial (Non-Commercial) Legal Entity “Georgian Young Lawyers Association” Vs. The Parliament of Georgia;*
- *Case N1705 - The Public Defender of Georgia Vs. The Government of Georgia;*
- *Case N1703 – Davit Gugeshashvili and Davit Chachua Vs. The Parliament of Georgia;*
- *Case N1700 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1693 – Eka Areshidze, Ketevan Meskhishvili, Madona Maisuradze, Mamuka Tsiklauri and Tamar Khajomia Vs. The Parliament of Georgia;*
- *Case N1675 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1656 – Sandro Urushadze Vs. The Parliament of Georgia;*
- *Case N1655 – Tengiz Orjonikidze Vs. The Parliament of Georgia;*
- *Case N1640 – Non-Entrepreneurial (Non-Commercial) Legal Entity „Georgian Muslims Union”, LEPL “Latin Catholics Caucasian Apostolic Administration”, LEPL “All Muslims of Georgia”, LEPL “Evangelical-Baptist Church of Georgia”, Non-Entrepreneurial (Non-Commercial) Legal Entity „Georgian Jews Union”, LEPL “Friends Religious Society (Kvakers)” and LEPL “The Church of the deliver Christians in Georgia”.*
- *Case N1637 - The Public Defender of Georgia Vs. The Minister of Justice of Georgia”;*
- *Case N1636 – The citizens Political Union “The Alliance of Georgian Patriots” Vs. The Parliament of Georgia;*
- *Case N1635 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1633 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1630 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1620 – Lasha Janashia and Paata Danelia Vs. The Parliament of Georgia;*
- *Case N1618 – Marine Kapanadze Vs. The Parliament of Georgia;*
- *Case N1611 – JSC “Tabula Media” and Ana Gvarishvili Vs. The Parliament of Georgia and the Minister of Labour, Health and Social Protection of Georgia”;*
- *Case N1609 – Budu Shekiladze Vs. The Parliament of Georgia;*
- *Case N1606 - The Public Defender of Georgia Vs. The Government of Georgia;*

- *Case N1603 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1602 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1601 – The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1600 – Giorgi Jobava Vs. The Parliament of Georgia;*
- *Case N1590 – Davit Ghoniashvili Vs. The Parliament of Georgia, the Governnet of Georgia, and the Minister of the Internal Affairs of Georgia;*
- *Case N1585 – Davit Ghoniashvili Vs. The Parliament of Georgia, and the Minister of the Internal Affairs of Georgia;*
- *Case N1672 – The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1566 – Zaur Shermazanashvili Vs. The Parliament of Georgia;*
- *Case N1565, 1568, 1569 – Zurab Girchi Jafaridze, Tamar Kordzaia and Elene Khoshtaria Vs. The Parliament of Georgia;*
- *Case N1564 – Giorgi Mikeladze Vs. The Parliament of Georgia, and the Governnet of Georgia;*
- *Case N1547 – Vakhtang Miminoshvili, Inveri Chokoraia and Jemali Markozia Vs. The Governnet of Georgia;*
- *Case N1545 - The Public Defender of Georgia Vs. City Council of Tbilisi Municipality;*
- *Case N1543 – Constitutional submission of Telavi Regional Court regarding the Constitutionality of Article 34(3) of the “Criminal Code of Georgia” and Article 191(3) of the “Criminal Procedure Code of Georgia”;*
- *Case N1542 – The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1528 – Ekaterine Fifia Vs. The Parliament of Georgia and the Minister of Education and Science of Georgia;*
- *Case N1524 – Bachana Shengelia Vs. The Minister of Justice of Georgia;*
- *Case N1520 – Constitutional submission of Tbilisi City Court;*
- *Case N1517 – Mikheil Khaindrava Vs. the Parliament of Georgia;*
- *Case N1511 – Bondo Tedoradze, Anzor Gubaevi, and Khatuna Beridze Vs. the Parliament of Georgia;*
- *Case N1510 – Konstantine Chkheidze Vs. the Parliament of Georgia;*
- *Case N1592 – Ibrahim Mukhtarov Vs. the Parliament of Georgia;*
- *Case N1503 – Tornike Artmelidze Vs. the Parliament of Georgia, President of Georgia and the Government of Georgia;*

- *Case N1502 – Zaur Shermazanashvili Vs. the President of Georgia and the Government of Georgia;*
- *Case N1498 – Giorgi Chauchidze Vs. the Government of Georgia;*
- *Case N1483 – JSC “Network of Information Centers “ Vs. the Parliament of Georgia;*
- *Case N1465 – JSC “Chempions111” Vs. the Parliament of Georgia;*
- *Case N1444 – Nikoloz Akofovi Vs. the Parliament of Georgia;*
- *Case N1442 – Ekaterine Cherkezishvili Vs. the Parliament of Georgia;*
- *Case N1437 – JSC “Epicentri” Vs. the Parliament of Georgia, and the Government of Georgia;*
- *Case N1436 – JSC “Epicentri” Vs. the Government of Georgia and Minister of Economic and Sustainable development;*
- *Case N1432 – Tsitsi Chelidze, Sofiko Jichonai, Ana Gagua and others Vs. the Parliament of Georgia and the Minister of Education and the Science of Georgia;*
- *Case N1423 – Ani Gachechiladze Vs. the Parliament of Georgia;*
- *Case N 1422 - LEPL "Georgian Gospel Faith Church", Non-Entrepreneurial (Non-Commercial) Legal Entity "Georgian Muslims Union", LEPL "Latin Catholic Caucasus Apostolic Administration", LEPL "Transcaucasian Union of the Seventh-day Adventist Church"; Non-Entrepreneurial (Non-Commercial) Legal Entity "Georgian Word of Life Church", "Evangelical Lutheran Church of Georgia" , LEPL "All Muslims of Georgia", LEPL "Evangelical-Baptist Church of Georgia" and LEPL "Armenian Apostolic Orthodox Holy Church Georgian Diocese" Vs. The Parliament of Georgia; against the Parliament of Georgia;*
- *Case N1410 – Ani Aroshidze Vs. the Parliament of Georgia;*
- *Case N1400 – Emzar Kvitsiani, Eter Chkhetiani-Ansiani, Maia Ansiani and Iagor Ansiani Vs. the Parliament of Georgia;*
- *Case N1395 – Giorgi Khorguashvili Vs. the Parliament of Georgia;*
- *Case N1394 – Zviad Kuprava Vs. the Parliament of Georgia;*
- *Case N1389 – Malkhaz Machalikashvili and Merab Mikeladze Vs. the Parliament of Georgia;*
- *Case N1384 – Eduard Marikashvili and Non-Entrepreneurial (Non-Commercial) Legal Entity “Georgian Democracy Initiative (GDI)” Vs. the Parliament of Georgia;*
- *Case N1367 – Konstantine Chachanidze Vs. the Parliament of Georgia;*
- *Case N1361 – Zurab Girchi Jafaridze Vs. the Parliament of Georgia;*
- *Case N1355 – Samson Tamariani Vs. the Parliament of Georgia;*

- *Case N1354 – S.M. Vs. the Parliament of Georgia;*
- *Case N1352 – Constitutional submission of Tbilisi City Court regarding the Constitutionality of Article 426 (4) of the Civil Procedure Code of Georgia;*
- *Case N1350 – Levan Baramia Vs. The Parliament of Georgia;*
- *Case N1344 – Non-Entrepreneurial (Non-Commercial) Legal Entity “Georgian Young Lawyers Association” Vs. The Parliament of Georgia;*
- *Case N1334 - Non-Entrepreneurial (Non-Commercial) Legal Entity “Georgian Democracy Initiative” Vs. The High Council of Justice of Georgia;*
- *Case N1317 – Givi Kapanadze Vs. the Minister of IDPs from the occupied territories, Labor, Health and Social Affairs of Georgia;*
- *Case N1306 – Guram Imnadze and Mariam Begadze Vs. The Parliament of Georgia;*
- *Case N1300 – Giorgi Gulaberidze and Badri Shushanidze Vs. The Parliament of Georgia;*
- *Case N1287 – The citizen of Georgia Geovorg Babaiani Vs. The Parliament of Georgia;*
- *Case N1281 – JSC “Toradze and Partners” Vs. The Parliament of Georgia;*
- *Case N1264 – The citizens of Georgia: Giorgi Mamaladze, Giorgi Fantsulaia, and Mia Zoidze Vs. The Parliament of Georgia;*
- *Case N1251 – The citizen of Georgia Nana Tsuladze Vs. The Parliament of Georgia;*
- *Case N1245 – The citizen of Georgia Irakli Ghvaberia Vs. The Parliament of Georgia;*
- *Case N1244 – The citizen of Georgia Zurab Chitauri Vs. The Parliament of Georgia;*
- *Case N1243 – The citizen of Georgia Giorgi Kraveishvili Vs. The Parliament of Georgia;*
- *Case N1225 – The citizen of Georgia Mamia Mikautadze Vs. The Parliament of Georgia;*
- *Case N885-924, 928-929, 931-1207, 1213, 1220-1224, N1231 – The Public Defender of Georgia, the citizens of Georgia: Avtandil Baramidze, Givi Mitashvili, Nugzar Solomonidze and others (326 Constitutional claim in total) Vs. The Parliament of Georgia;*
- *Case N882 – The citizen of Georgia Paata Cherkezishvili Vs. The Parliament of Georgia;*
- *Case N868 – The citizens of Georgia: Nikoloz Tsalugelashvili, Kakhi Tsalugelashvili, and Makvala Bakradze Vs. The Parliament of Georgia;*
- *Case N860 – The citizens of Georgia: Giorgi Okujava, Elene Skhirtladze, Giorgi Ghlonti and others Vs. The Parliament of Georgia;*
- *Case N854 - The citizen of Georgia Vladimer Chitaia Vs. The Parliament of Georgia, The Governmet*

*of Georgia, and the Minister of Labor, Health and Social Protection of Georgia;*

- *Case N832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849 – The citizens of Georgia: Rusudan Karchava, Ketevan Basheleishvili, Mariam Mchedlidze, Khatuna Tsikhiseli, Nino Akhvlediani, Giorgi Dzidziguri, Nino Gogoladze, Diana Vartanova, Paata Kapanadze, Dalí Gogidze, Ia Paichadze, Besiki Shengelia, Beka Kvinikadze, Beka Oniani, Lasha Khuskivadze, Liana Enukidze, Anna Machavariani, and Keso Lomidze Vs. The Parliament of Georgia;*
- *Case N822 – The citizen of Georgia Mamia Mikautadze Vs. The Parliament of Georgia;*
- *Case N756 – The citizen of Georgia Mamia Mikautadze Vs. The Parliament of Georgia;*
- *Case N755 – The citizens of Georgia: Tamar Papashvili and Ana Beridze Vs. The Parliament of Georgia;*
- *Case N750 - Non-Entrepreneurial (Non-Commercial) Legal Entity „All Muslims of Georgia Vs. The Government of Georgia;*
- *Case N742 – The citizen of Georgia Irakli Ghvaberia Vs. The Parliament of Georgia;*
- *Case N733 – The citizens of Georgia: Gela Tarielashvili, Giorgi Kvirikadze, Vladimer Gaspariani, Ivane Machavariani and others (9 plaintiff in total) Vs. The Parliament of Georgia;*
- *Case N728 – The citizen of Georgia Revaz Lortkipanidze Vs. The Parliament of Georgia;*
- *Case N702 – The citizens of Georgia: Konstantine Labartkava, Malkhaz Nozadze and Irakli Gigolashvili Vs. The Parliament of Georgia;*
- *Case N697 - The Public Defender of Georgia Vs. The Parliament of Georgia, The Minister of the Internal Affairs of Georgia and the Minister of Labor, Health and Social Protection of Georgia;*
- *Case N690 – Non-Entrepreneurial (Non-Commercial) Legal Entity “Human Rights Education and Monitoring Center (EMC)”, and the citizens of Georgia: Guram Imnadze and Sofiko Verdzeuli Vs. The Parliament of Georgia;*
- *Case N684 – Constitutional submission of Rustavi City Court regarding the Constitutionality of the Article 1971(2) of the Code of Administrative Offenses of Georgia and the remark of the same article.*
- *Case N678 – JSC Broadcasting Company “Rustavi 2” and JSC “TV Company – Sakartvelo” Vs. The Parliament of Georgia; „*
- *Case N668– The group of the members of the Parliament of Georgia: Zurab Abashidze, Giorgi Baramidze, Davit Bakradze, and others (39 members of the Parliament in total) Vs. The Parliament of Georgia;*
- *Case N635 – JSC " Publishing House Intellect", JSC " Publishing House Artanuji", JSC "Logos Press" and the citizen of Georgia Irina Rukhadze Vs. The Parliament of Georgia;*



## ANNEX 5

**Registered claims/submissions, where no court act has been delivered yet, although the preliminary hearing has been conducted or is pending and at least 9 months have been passed since their registration:**

- Case N 724 – *Nikoloz Ninoshvili, Levan Chachanidze, and Maia Kanashvili Vs. The Parliament of Georgia;*
- Case N762 – *The citizen of Georgia Giorgi Ugulava Vs. The Parliament of Georgia;*
- Case N1252 – *The citizens of Georgia – Tamar Tediashvili, Mikheil Chitadze, and Levan Alaphishvili Vs. The Parliament of Georgia;*
- Case N1278 – *Giorgi Okujava, Elene Skhirtladze, Giorgi Ghlonti and others Vs. The Parliament of Georgia;*
- Case N1286 – *The citizen of Georgia Akaki Tsereteli Vs. The Parliament of Georgia;*
- Case N 1295 – *The citizen of Georgia Saba Kutelia Vs. The Parliament of Georgia;*
- Case N 1307 – *Konstantine Beruashvili Vs. The Parliament of Georgia;*
- Case N1325 – *Nikoloz Tsalugelashvili, Kakhi Tsalugelashvili, and Makvala Barbakadze Vs. The Parliament of Georgia;*
- Case N1332 – *Irakli Shavadze Vs. The Parliament of Georgia;*
- Case N1333 – *Imeda Khakhutaishvili Vs. The Parliament of Georgia;*
- Case N1345 – *Nukri Chogovadze Vs. The Parliament of Georgia;*
- Case N 1359 – *Elfrida Rekhviashvili Vs. The Parliament of Georgia;*
- Case N1362 – *Ana Dolidze Vs. The Parliament of Georgia;*
- Case N1419 – *JSC "TBC Bank" Vs. The Parliament of Georgia;*
- Case N1420 – *Efraim Guri Vs. The Parliament of Georgia;*
- Case N1440 – *LEPL "Georgian Gospel Faith Church", Non-Entrepreneurial (Non-Commercial) Legal Entity "Georgian Muslims Union", LEPL "Latin Catholic Caucasus Apostolic Administration", LEPL "Transcaucasian Union of the Seventh-day Adventist Church", Non-Entrepreneurial (Non-Commercial) Legal Entity "Georgian Word of Life Church", "Evangelical Lutheran Church of Georgia", LEPL "All Muslims of Georgia", LEPL "Evangelical-Baptist Church of Georgia" and LEPL "Armenian Apostolic Orthodox Holy Church Georgian Diocese" Vs. The Parliament of Georgia; against the Parliament of Georgia;*
- Case N 1443 – *Jemal Dumbadze Vs. The Parliament of Georgia;*

- *Case N 1455 – Gogi Gvidiani, Badri Gvidiani, and Jemal Gvidiani Vs. The Parliament of Georgia;*
- *Case N 1474 – Giga Chelidze Vs. The Parliament of Georgia;*
- *Case N 1485 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N 1501 – Artur Muradiani Vs. The Ministry of Internal Affairs of Georgia;*
- *Case N 1504 – Giorgi Chitidze Vs. The President of Georgia, The Prime Minister of Georgia, The Parliament of Georgia, The Government of Georgia, and the Minister of Labour, Health and Social Protection of Georgia;*
- *Case N1507 – LEPL “All Muslims of Georgia” Vs. The President of Georgia;*
- *Case N1521 – Amiran Komakhidze Vs. The Parliament of Georgia;*
- *Case N1523 – Jony Firtskhalava Vs. The President of Georgia, the government of Georgia, the Parliament of Georgia, and Samegrelo Zemo Svaneti Main Division of the Patrol Police Department of the Ministry of Internal Affairs of Georgia;*
- *Case N1541 – Giorgi Kupreishvili Vs. The Parliament of Georgia;*
- *Case N1561 – Salome Khvadagiani Vs. The Parliament of Georgia and the Ministry of Internal Affairs of Georgia;*
- *Case N1570 – JSC “Epitsentri” Vs. The Parliament of Georgia and The Governmet of Georgia;*
- *Case N 1573 – Levan Alaphishvili Vs. The Parliament of Georgia and the the director of LEPL "Unified National Accreditation Body - Accreditation Center".*
- *Case N1576 – Marine Kapanadze and Aleksandre Zibzivadze Vs. The Parliament of Georgia;*
- *Case N1577 – Giorgi Gotsiridze Vs. The Parliament of Georgia and the Ministry of Justice of Georgia;*
- *The Constitutional Submission N1587 of Tbilisi Court of Appeals;*
- *Case N 1588 – Rusudan Gotsiridze Vs. The Parliament of Georgia;*
- *Case N 1589 – JSC “Mtavari Arkhi” Vs. The Parliament of Georgia;*
- *Case N 1598 – Gogi Gvidiani, Bidzina Gvidiani, Badri Gvidiani, Jamlat Gvidiani, and Nora Bendeliani Vs. The Parliament of Georgia;*
- *The Constitutional Submission N1607 – of Kutaisi Court of Appeals;*
- *Case N 1613 – Davit Gamkrelidze Vs. The Parliament of Georgia;*
- *Case N 1619 – Salome Zeinklishvili, Mariam Taganashvili, Ana Nakani and others Vs. The Parliament of Georgia;*

- *Case N 1622 – Niaz Chkvimiani Vs. The Parliament of Georgia;*
- *Case N 1624 – Tsira Javakhishvili Vs. The Parliament of Georgia;*
- *Case N 1627 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N 1632 - The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1638 – JSC “Selini”, JSC “Mega Star”, JSC “Golden Way”, JSC “OLDBETER BOLNISI“ Vs. The Parliament of Georgia;*
- *Case N1639 - The Public Defender of Georgia Vs. The Parliament of Georgia, City Council of Tbilisi Municipality and others;*
- *Case N1641 – Davit Takidze Vs. The Parliament of Georgia;*
- *Case N1643 – Maia Todua and Mikheil Tsurtsunia Vs. The Parliament of Georgia;*
- *Case N1649 – Irakli Khvadagiani Vs. The Parliament of Georgia, The Governmet of Georgia, and the Minister of Justice of Georgia;*
- *Case N1649 – Nana Shervashidze Vs. The Parliament of Georgia;*
- *Case N1651 – Vakhtang Menabde, Vasil Jijiashvili, Gvantsa Sakanelashvili, Nona Kurdovanidze Vs. the Parliament of Georgia and N20 Rustavi District Election Commission;*
- *Case N1653 – Giorgi Kiburia Vs. The Parliament of Georgia;*
- *Case N1658 – Aleksandre Kobaidze Vs. The Parliament of Georgia;*
- *Case N1661 – The citizen of Uzbekistan Inomjon Buvamirzaev Vs. The Parliament of Georgia;*
- *Case N1664 – Mariam Gogvadze Vs. The Parliament of Georgia;*
- *Case N1668 – Nika Nozadze Vs. The Parliament of Georgia;*
- *Case N1669 – Tamar Menabdishvili Vs. The Parliament of Georgia;*
- *Case N1671 – Gogi Gvidinai Vs. The Parliament of Georgia and the LEPL “Georgian Bar Association”;*
- *Case N1672 – Davit Ananidze Vs. The Government of the Autonomous Republic of Adjara;*
- *Case N1678 -The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1679 -The Public Defender of Georgia Vs. The Parliament of Georgia;*
- *Case N1682 – Giorgi Tsaadze Vs. the National Energy and Water Supply Regulatory Commission of Georgia;*
- *Case N1683 – Mikheil Kareli Vs. the Parliament of Georgia;*

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- *Case N 1689 – Aleksandre Akhaladze Vs. The Parliament of Georgia;*
  - *Case N 1690 – Goderdzi Gordeziani and LEPL "Evangelical-Baptist Church of Georgia" Vs. The Parliament of Georgia;*
  - *Case N1694 - Non-Entrepreneurial (Non-Commercial) Legal Entitt "Social Justice Center" Vs. The Governmnet of Georgia;*
  - *Case N 1698 – The Public Defender of Georgia Vs. The Parliament of Georgia;*
  - *Case N1707 – Nino Kenkadze and Kakhaber Dzagania Vs. The Parliament of Georgia;*
  - *Case N1714 – Ekaterine Kiknadze Vs. The Ministry of Culture, Sports and Youth of Georgiab;*
  - *Case N1717 – Aleksandre Kobaidze and Miranda Shakamberidze Vs. The Parliament of Georgia;*
  - *Case N1724 – The Public Defender of Georgia Vs. The Parliament of Georgia;*
  - *Case N1726 – Giorgi Arobelidze Vs. The Parliament of Georgia;*