

A Statement of the Coalition Concerning the Election of a Member of the Constitutional Court

The Coalition for an Independent and Transparent Judiciary would like to express its position concerning the delay in electing a member of the Constitutional Court. A ten-year term of office of the member of Constitutional Court, who was designated by the parliament, expired on 23 September 2013. Nevertheless, the Parliament has not yet elected a new member of the Constitutional Court.

Pursuant to paragraph 5, Article 16 of the Organic Law of Georgian on Constitutional Court, a new member of the Constitutional Court shall be designated not earlier than one month and not later than 10 days before the expiry of the term of office of a member of the Constitutional Court. The delay of this process poses problems for following reasons:

- Cases in the Constitutional Court are considered by a judicial panel consisting of either four or nine judges. Consequently, the hearing of cases, which started after the above mentioned term, is being conducted by a panel lacking one judge and this, naturally, adversely affects a proper delivery of constitutional justice.
- The Constitutional Court is manned by members selected by the Parliament of Georgia, the Supreme Court and the President of Georgia. The delay in electing a new member upsets the mentioned balance in adjudicating upon a concrete case by the Constitutional Court.

Such an attitude of the Parliament fails to meet the requirements of paragraph 5, Article 16 of the Organic Law of Georgian on Constitutional Court, which may have a negative impact on the quality of delivery of constitutional justice. The Coalition calls

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on the Parliament of Georgia to immediately start a process of electing a new member of the Constitutional Court.