

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Filed Amicus Curiae Brief to the Constitutional Court

On August 22, 2009, Parliament of Georgia made addendums to the law on Constitutional Legal Proceedings, which introduced amicus curiae in constitutional legal proceedings. This means that any natural or legal person can submit written observations to the Constitutional Court regarding any specific case.

Georgian Young Lawyers' Association (GYLA) was the first to utilize the noted opportunity. On November 26, 2009 GYLA presented its written observations regarding constitutional lawsuit filed by the Public Defender against the Parliament of Georgia. The written observations were also forwarded to both the defendant and the

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plaintiff.

Public Defender demands phrases “residing in Georgia” (before the phrase “other natural person”) and “Georgia” (before the phrase “legal person”) to be recognized as unconstitutional in Article 39, Para 1 of the Organic Law of Georgia.

The noted norm disables a foreign citizen residing abroad and a legal person of a different country to appeal to the Constitutional Court. Public Defender considers that the norm in question contradicts Article 42, Para 1 of the Constitution of Georgia.

GYLA shares Public Defender’s opinion and considers that the Constitutional Court shall be accessible to nonresident aliens under the Georgian jurisdiction, and for foreign legal persons as well. The amicus curiae brief thoroughly reviews normative acts of Georgia that regulate rights of alien natural and legal persons, not residing in Georgia, as well as international agreements ratified by Georgia, which impose obligation to provide protection of fundamental rights and freedoms for all.