



კოალიცია
დამოუკიდებელი
და გამჭვირვალე
მართლმსაჯულებისთვის
Coalition for
an Independent and
Transparent Judiciary

The Coalition Calls on the Constitutional Court to Exercise Constitutional Justice

The Coalition for an Independent and Transparent Judiciary responds to recent developments regarding the Constitutional Court of Georgia. We consider the current situation to be a deliberate effort to hinder the ongoing litigation of high-profile cases that will negatively affect those interested in the case. Additionally, the developments will have a significant negative impact on the public attitude towards and trust of the Constitutional Court.

The commencement of high-profile case hearings resulted in increasing political

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pressure on the Court. At the same time, legislative changes [that the Coalition has repeatedly assessed as damaging](#) have significantly reduced the Constitutional Court's effectiveness.

Recently, the Constitutional Court had to postpone hearings because it did not have a quorum. In a parallel development, the Parliament of Georgia motioned the Court more than ten times for the recusal of certain judges in high-profile cases, and one Judge asked for [self-recusal](#) in a high-profile case. At the same time, published [statements](#) give reason to presume that certain judges will refrain from taking part in hearings on the grounds of the claims. A We also stress that the so called Ugulava-Cables case scheduled for Sept. 1, 2016 was postponed due to not having quorum, while there was information disseminated and confirmed that [one of the absent judges was in unprofessional settings](#) at the time.

In general, the issues related to registering a Constitutional claim, which are usually ordinary relations between the claimant and the Court, should not hinder the Court work. This is particularly true when the issue in question is so insignificant that it should not have a real and tangible influence on the litigation process or outcome.

At the same time, there is an ongoing probe at the Constitutional Court regarding the of claims. A However, the probe lacks transparency. We believe that in the given situation the Constitutional Court must ensure transparency of the probe and provide the public with exhaustive information on it.

The Constitutional Court must ensure that the current tension is resolved, since it has the responsibility to ensure justice in a way that does not point to outside influences on the proceedings. We would like to stress that in parallel to the probe, the Judges must take part in the Court proceedings and the continued operation of the Constitutional Justice must not be threatened. At the same time, the government must refrain from further politicizing the situation and stop attacks that only aim at discrediting the Court as an institution.

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It is worth noting that on September 30, 2016, the tenures of four Constitutional Judges come to an end. It is imperative that the bodies responsible for electing members of the Constitutional Court analyze the situation accordingly and take the above-discussed problematic issues into consideration when making decisions regarding new Justices.