

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA appeals to the Constitutional Court against the authority on Mayor's unreasonable dismissal from the office

GYLA appealed to the Constitutional Court against the authority of the Municipality Assembly, by which, 6 months after the elections, by declaring distrust, it is possible to dismiss the Mayor from the office.

In particular, by the Self-Government Code it is defined, that majority of the Assembly members are entitled to initiate a distrust procedure against Mayor and terminate the authority within 10 days without any argumentation with two-thirds majority of the

Assembly members.

This entry contradicts with the second paragraph of Article 29 of the Constitution of Georgia, according to which the conditions of public office are determined by law. The Constitutional Court in its decisions clarified the second paragraph of Article 29 of the Constitution in such a way, that the latter protects the public servant from unreasonable dismissal from the office (Decision of the Constitutional Court on the case Oleg Latsabidze against the Parliament of Georgia).

By unreasonable dismissal of the Mayor directly elected by people, the Assembly violates not only right of the person, who holds the Mayor office, but also rights of the voters, who elected this person for the position. It is unconstitutional when the Assembly is not obliged to indicate reasons for the dismissal of the Mayor elected by people.

This entry defined by the Local Self-Government Code, became the subject of criticism yet within ongoing self government reform of 2014, when the Self-Government code was adopted. Nevertheless, this norm could not be appealed to the Constitutional Court till now, because a person may be entitled to file a complaint to the Constitutional Court, to whom restriction imposed by law may be referred. This restriction refers to the Mayor elected by people.

After 2014 local Self-Government Elections none of the Mayors/Governors expressed a wish to appeal against this norm to the Constitutional Court. After 2017 local Self-Government elections, the Governor of Tianeti Tamaz Mechiauri agreed to file a complaint to the Constitutional Court. Precisely Tamaz Mechiauri will be the plaintiff in this case. GYLA will defend his interests in the Constitutional Court. At the same time, before making final decision, GYLA will mediate to the Constitutional Court to suspend the norm, so that Assembly of Tianeti does not have a possibility to declare unreasonable distrust of Tamaz Mechiauri in May 2018.