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Ruling Party's Legislative Initiative on Competence Dispute is retaliation against the President

On March 15, 2022, the MPs of the ruling party registered a legislative initiative in the Parliament, which envisages amendments to the Organic Law on the Constitutional Court of Georgia. According to the document, a state body can initiate a dispute over competence not only based on a normative act issued by another body but also based on action/ inaction if it deems that this institution has violated its constitutional authority.

The bill was initiated following a statement published by the Georgian Dream a few days earlier, in which the party spoke of appealing to the Constitutional Court in response to the actions/inaction of the head of state. However, the statement did not mention this initiative and was vague on what grounds it was planned to launch a dispute against the President. Representatives of the ruling party immediately

asserted that they would not prosecute against the President. For its part, the Georgian Dream Political Council's statement was related to the Georgian President's recent decisions, including convening an extraordinary meeting on Ukraine, requesting an annual report on March 5, and, most importantly, holding the contrary to the government position on the issues of European integration and the ongoing war in Ukraine.

Under the current legislation, only a normative act can be appealed within the scope of a dispute over competence. The President did not issue such a legal act in this particular situation. Accordingly, she could not have been involved in an organic law dispute as a defendant without her consent. The proposed bill changes this fact, as it additionally makes the action or inaction of the country's first person the subject of consideration by the Constitutional Court. Thus, given that there is no mechanism in the current legislation of Georgia, beyond the impeachment procedure, to initiate a dispute against the first person of the country directly by any constitutional body, the Georgian Dream decided to amend the law regulating the constitutional proceedings, which will enable the party to link the jurisdiction of the Constitutional Court directly not only to the normative framework establishing competence in litigation but also to specific actions.

The initiation of this bill by the Georgian Dream clearly indicates their attempt of political retaliation against the President and the leverage in the hands of the ruling party - to achieve their party goals by amending the law.

GYLA calls on the Parliament of Georgia not to support the adoption of the initiated bill and not to allow the legislation to be adjusted to party interests. The organization also calls on the ruling party to stop using the mechanism of amending the legislation for arbitrary, narrow political purposes, which serves as a personal retaliation against the President of Georgia.