



GYLA responds to possible fact of selling of residential space to Judge of the Constitutional Court of Georgia for symbolic price

April 18, 2016, media [reported](#) that residential space in Batumi, Khimshiashvili street, with total 125 m², owned by Batumi Municipality, will be sold to Merab Turava, the Judge of the Constitutional Court of Georgia. According to the information, Batumi self-government will give the property of municipality to the State free of charge that will be sold to the Judge of the Constitutional Court for a symbolic price.

We consider it inadmissible, using property owned by the self-government in the way that implies giving it to the State free of charge and then selling to the Judge for a **symbolic price**, in order to provide residential space for the Judge of the

Constitutional Court of Georgia. Providing guarantees appropriate for activities of the Judges of the Constitutional Court of Georgia is an obligation of the State and self-government owned property should not be used in abovementioned process.

It is noteworthy that in this process the Government of Georgia is selling the property on behalf of executive authorities and the receiver/owner of the property is the representative of the judicial authority. **In the absence of clear and transparent regulations, the fact (facts) of selling a real estate - residential space for a symbolic price to the Judges of the Constitutional Court may have a negative impact on independence and impartiality of the Judges, as well as on trust of the society towards them and may undermine the role of individual judges, as well as Court, as an independent and impartial arbiter.**

Should also be noted that this case of selling the real estate to different people for a symbolic price by the Government is continuation of faulty [practice](#) that repeatedly took place within the past few years, including the judicial authorities and was a subject of criticism of the society for years.

Despite the abovementioned criticism, the State has not yet developed distinct and transparent regulations that would normalize the issue of giving ownership of the residential space to the Judges, in order to ensure social guarantees of Judges of the Constitutional Court of Georgia.

According to the Law of Georgia on Social Guarantees of the Members of the Constitutional Court of Georgia: to ensure independence of member of the Constitutional Court, the state shall be obliged to put in place adequate working and living conditions for him/her. Although, this provision is unclear and does not define specifically what is implied under “adequate living conditions” and enforcement of this provision, as mentioned above, is carried out in a faulty way.

We urge the Government of Georgia:

- To develop proper regulations in a timely manner regarding providing real estate - residential space to the Judges of the Constitutional Court of Georgia in order to ensure social guarantees of the Judges of the Constitutional Court of Georgia.
- The mentioned regulations should be based on transferring the residential space to the Judges during the terms in office and not transferring into ownership for symbolic

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price.

- Before adopting these regulations, the Government of Georgia should end the practice related to transferring real estate into ownership for symbolic price to the Judges of the Constitutional Court of Georgia.