



# GYLA CALLS ON SUPREME COURT PLENUM TO SUSPEND PROCEDURES FOR APPOINTING A JUSTICE OF THE CONSTITUTIONAL COURT UNTIL THE STATE OF EMERGENCY ENDS

Constitutional Court consists of 9 justices serving for a term of 10 years, three of whom are appointed by the plenum of the Supreme Court<sup>1</sup>. **Chairperson of the Supreme Court of Georgia nominates** the candidate<sup>2</sup>. **Two-thirds of the votes** are required for decision making<sup>3</sup>.

**The position of one of the justice in the Constitutional Court has been vacant since December 5, 2019.** Despite the call<sup>4</sup>, the acting chairman of the Supreme Court breached the law and has not yet taken the necessary steps to fill the vacancy. This process was suddenly initiated today in a state of emergency. Tomorrow, on March 31, at 15:00, a plenary session will be held, the only issue of which is the appointment of a member of the Constitutional Court<sup>5</sup>.

**The duty determined by law is to strengthen the trust and confidence of the people in the court<sup>6</sup>, but this step once again calls into question the integrity of court officials.** In the face of significant challenges facing the country, even when court hearings are held electronically to stop the spread of the pandemic, it is unclear to appoint the date of the plenary session. In such a situation it is also impossible to have a proper discussion on the issue and the formal openness of the session cannot fill the deficit of public discussion that the appointment of justice by the Constitutional Court in these circumstances. **The move serves to further expand its influence on the judiciary system by the ruling team and clan.**

We call on the Plenum of the Supreme Court to suspend the process temporarily, before the state of emergency is lifted and, after its renewal to provide the public with information about the candidate for a reasonable time prior to the vote.

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<sup>1</sup> Article 18(2)(c) of Organic Law of Georgia on Common Court

<sup>2</sup> Article 7(2) of Organic Law of Georgia on the Constitutional Court of Georgia

<sup>3</sup> Ibid

<sup>4</sup> Coalition for Independent and Transparent Judiciary; The Acting Chief Justice is violating the Law, coalition web-page: available at [http://coalition.ge/index.php?article\\_id=227&clang=0](http://coalition.ge/index.php?article_id=227&clang=0), updated 30/03/10.

<sup>5</sup> Plenary Session of the Supreme Court of Georgia, Agenda, Supreme Court Website, Available at <http://www.supremecourt.ge/files/upload-file/pdf/plenumi-dgis-wesrigi-31.03.2020.pdf>, updated 30/03/ 10.

**საქართველოს ახალგაზრდა იურისტთა ასოციაცია**  
**GEORGIAN YOUNG LAWYERS' ASSOCIATION**



<sup>6</sup> Article 18(3) of Organic Law of Georgia on Common Court