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სარჩელს
საკონსტიტუციო
სასამართლოს
პლენუმი
განიხილავს



THE PLENUM OF THE CONSTITUTIONAL COURT WILL CONSIDER THE SUIT OF NIKA MELIA

On February 13-14, 2020, the Constitutional Court of Georgia will consider on the merits the lawsuit of Nika Melia regarding the constitutionality of termination of his term of office. The lawyers of GYLA and lawyer Giorgi Kondakhishvili will defend Nika Melia's interests.

The Georgian Parliament terminated the term of office of Nika Melia as a deputy based on the December 2, 2019, judgment of the Tbilisi City Court. The Parliament referred to the termination of the term of office of Nika Melia under Article 39 (5) (d) of the Constitution of Georgia, according to which "the mandate of a Member of Parliament shall be terminated prematurely if he or she is found guilty by a court decision".

GYLA believes that the words "verdict entered into law" contained in the constitution should be interpreted as the verdict delivered by the final instance - the Supreme Court. The Parliament of Georgia explained the constitutional record otherwise and

terminated the term of office of Nika Melia on the basis of a judgment of conviction of the court of the first instance so that there was the ruling neither Court of Appeal nor a Supreme Court on the case.

The question of when a verdict is considered legally valid: when there is a ruling of the court of the first instance, or when the Supreme Court made a final decision on the case, or when the Constitutional Court of Georgia considered it a rare and important legal problem, so the case is being considered by the plenum instead of a panel of four judges (consisting of all constitutional court judges).

The Constitutional Court essentially upheld the complaint under Article 25(1) of the Constitution of Georgia (right to hold public office) and Article 39 (5) (d) (termination of the Member of Parliament's power of lawmaker only on the basis of a judgment of conviction). The Constitutional Court did not accept the lawsuit only in the part of the fair trial since Nika Melia's MP mandate was terminated not by the court but by the Parliament of Georgia.

The record is accompanied by the concurring opinion of Judge Teimuraz Tugushi, who agrees with the position expressed in the main point of the record about the consideration on the merit the Constitutional Claim N1473, however, he considers that the constitutionality of the termination of Nika Melia's term of office should have been discussed not on the basis of a specific article of the constitution, but on the basis of the constitution in general.