



GYLA considers the existing model of challenging the member of the High Council of Justice during the interview to be unconstitutional

On October 19, 2018, GYLA has applied to the Constitutional Court with the constitutional claim on behalf of Ana Dolidze. The essences of the dispute are those norms of the Organic law „On the Common Courts [1] which enable judge candidates to challenge the member of the High Council of Justice due to partiality and non-objectivity. Ana Dolidze`s statement, where the member of Council of Justice noted that those judges who have the experience in a criminal and administrative field and who were a means for the previous government to exercise repression, should not have been appointed, was considered to be biased by the High Court of Justice and Tbilisi City Court. Due to the statement mentioned, the High Council of Justice challenged Ana Dolidze off the process of appointing 14 judges.

Article 29 (2) of the Constitution of Georgia guarantees the right of a state servant to perform their official duties unimpededly. This article protects the citizen of Georgia not only from ungrounded dismissal from a public office, but also when the state

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



servant does not have the opportunity to temporarily implement their authority. Due to challenging, the member of the Council of Justice is deprived of the opportunity to participate in the implementation of their constitutional obligation □ to take part in the process of appointment of judges.

GYLA believes that the right guaranteed by Article 29 (2) of the Constitution should not be restricted. Especially if the statement of the member of the High Council of Justice applies to dishonesty of judges. The member of the Council is obliged to negatively evaluate the candidate who could not endure external pressure, such a candidate is deemed to be unscrupulous. Besides, the member of the High Council of Justice should not be challenged, since a particular judge had not been mentioned in the statement, it generally refers to a group of unscrupulous judges and general criteria for judges.

GYLA demands to suspend the action of the complained norm before the final decision on the case.