



საია კონსტიტუციური სარჩელის რეგისტრაციის
პროცედურის მომწესრიგებელი ნორმებს
საკონსტიტუციო სასამართლოში ასაჩივრებს

GYLA Appeals Regulatory Norms of the Constitutional Claim Registration Procedure in Constitutional Court

GYLA appeals to the Constitutional Court against the norm, which obliges the plaintiff, a natural person, to sign the claim themselves. The challenged norm prohibits the plaintiff a natural person, from instructing their representative to sign the claim based on a Power of Attorney. [1]

According to GYLA, this prohibition is contrary to Article 31, Paragraph 3 of the Constitution of Georgia, according to which a person has the right to defend their rights in court in person or through a representative. According to GYLA, protection of the right through a representative in court means protecting the plaintiff's rights in the courtroom by the representative and the right of the representative to file a lawsuit/claim on behalf of the plaintiff. The challenged norm also violates the right to equality guaranteed by the first paragraph of Article 11 of the Constitution. The director of a legal entity has the opportunity to delegate the authority to apply to the Constitutional Court on behalf of the legal entity. A natural person has no right to charge a representative with the right to appeal to the Constitutional Court on their

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behalf. This is discrimination between the plaintiff's natural and legal persons, which has no proper justification.

Given all the above, GYLA demands that the disputed norms be declared unconstitutional concerning the first paragraph of Article 11 and the second sentence of paragraph 3 of Article 31 of the Constitution.

[1] According to the first part of Article 31¹ of the Organic Law of Georgia on the Constitutional Court of Georgia: "A constitutional claim must be signed by the plaintiff/plaintiffs". And according to Article 31³, Part 1, Subparagraph A of the same law: "A constitutional claim/constitutional submission shall not be accepted for consideration if it does not comply in form or content with the requirements outlined in Article 31¹ of this Law."