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The reshuffle of the boards in the Constitutional Court is based on a misinterpretation of the law

As per the decision made by the Plenum of the Constitutional Court on August 6, 2021, [\[1\]](#) the composition of the boards was renewed: Mr. Khvicha Kikilashvili, judge, continues to work in the second panel instead of the first panel, and the newly appointed judge, Giorgi Tevdorashvili, has taken office in the first panel (while his predecessor was a member of the first panel).[\[2\]](#)

According to the law, “the composition of the board may be also renewed within one month after changing two or more members of the Constitutional Court.”[\[3\]](#) The Plenum considered that the appointment of Giorgi Tevdorashvili as a judge on August 5, 2021 (prior to that Vasil Roinishvili took the solemn oath on June 17, 2020) made it possible to put the above norm into effect. The approach was not shared by three judges.[\[4\]](#) In their opinion, the existing provision does not imply the possibility for the Plenum to renew the boards at any time interval if two or more members are changed. They believe that the basis for the above arises only when judges are replaced within a month.

The GYLA shares the latter viewpoint and considers that the interpretation of the rule, according to which the basis for reshuffling the composition may be a change of two or more judges at any time interval, deprives the rule of its sense and enables the Plenum to renew the composition each time whenever two judges are changed. This may threaten the efficiency of the judiciary. The organization also stresses the fact that the judges making up the majority at the hearing did not present any argument to support the need for the decision. Thus, the GYLA believes that the Plenum of the Constitutional Court misinterpreted the provision and used the rotation of judges without any legal grounds.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



[1] The Plenum's decision was supported by the following judges: Merab Turava, Vasil Roinishvili, Eva Gotsiridze, Manana Kobakhidze, Khvicha Kikilashvili, and Giorgi Tevdorashvili.

[2] The protocol №128 of the August 6, 2021 sitting of the Plenum of the Constitutional Court.

[3] Article 11(6) of the Organic Law on the Constitutional Court.

[4] The views of the majority were not shared by the following judges: Teimuraz Tugushi, Giorgi Kverenchkhiladze, and Irine Imerlishvili.