

To: Mr. Giorgi Margvelashvili, President of Georgia  
Mr. Irakli Garibashvili, Prime Minister of Georgia  
Mr. David Usupashvili, Chairman of the Parliament of Georgia

Your Excellency Mr. President,  
Mr. Prime-Minister,  
Mr. Chairman of the Parliament,

As you are aware, the Constitutional Court of Georgia is the highest judicial body of the constitutional review. Thus, the reputation of its judges, their impartiality as well as the insurance of their independent activity are the key factors of building the confidence towards the court and the precondition of its effective functioning.

Let me inform you that last period unlawful conducts have taken place against the Constitutional Court of Georgia and its members, jeopardizing the Court's independent, uninterrupted activity. Such unlawful activities have recently acquired even more organized, coordinated and permanent character.

On 11 April 2014, a rally was held in front of the Constitutional Court, whilst the demonstrators made threatening statements related to the activity of the Court. The demonstrators, by using threats, were demanding the Court to make a preferred judgment<sup>1</sup> during which the property of the Court was damaged. The incident was condemned by the representatives of the civil society<sup>2</sup>. However, the law enforcement authorities did not respond in any way.

We are also concerned about the statements regarding threats of revenge made on 6 April 2015 towards the President of the Constitutional Court and his family members in front of the Constitutional Court of Georgia<sup>3</sup> building by the participants of the assemblage. In connection with the aforementioned, on 7 April 2015 the Constitutional Court made a written appeal to the Chief Prosecutor of Georgia, Mr. Giorgi Badashvili, and the Minister of Internal Affairs Mr. Vakhtang Gomelauri (reference N01/01/-182), requesting to respond towards the above-mentioned unlawful conduct. In spite of the fact that more than six months have passed since submitting the written appeal the law enforcement authorities have not informed the Court about the results of their activity nor taken actual measures in this regard, which shows their utmost disrespect towards the Constitutional Court as well as a violation of their duty to act as prescribed by law to respond to the unlawful conducts towards the Court.

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<sup>1</sup> Statement of the Constitutional Court of Georgia of 13 April 2014 <http://constcourt.ge/en/news/statement-1355.page>

<sup>2</sup> "International transparency-Georgia" of 15 April 2014 <http://www.transparency.ge/en/post/general-announcement/statement-regarding-april-11-incident-constitutional-court>

<sup>3</sup> Article in the Newspaper "Batumelebi" of 6 April 2015 " Threats of revenge against the President of the Constitutional Court of Georgia" <http://www.batumelebi.ge/GE/batumelebi/news/43382/>; Ajara Public Broadcaster report of 6 April 2015 [http://ajaratv.ge/en/news/society/aqtsia-sakonstitutsio-sasamartlostan/97327/](http://ajaratv.ge/en/news/society/aqtsia-sakonstitutsio-sasamartlostan/97327;)

The reaction towards the decision of the Constitutional Court of Georgia on 15 September 2015 regarding the case “Citizen of Georgia – Giorgi Ugulava vs. Parliament of Georgia” (constitutional complaint N646) is especially alarming. After announcing the decision the Constitutional Court, judges and their family members have experienced pressure from the groups of citizens who gathered in front of the private residences of judges, threw various objects and voiced intimidating statements and threats of physical violence toward judges and their family members. Such acts endanger the safety of judges of the Constitutional Court and their family members

Assemblage and/or manifestation in front of the judges’ private residences<sup>4</sup>, threatening to kill or to injure, or to destroy or damage the property of a member of the Constitutional Court, with respect to the court hearing or court review of materials, shall be punishable<sup>5</sup>. The Constitutional Court made several statements in this regard<sup>6</sup>. The non-governmental organizations condemned the threatening acts against the judges of the Constitutional Court and their family members<sup>7</sup>. The statement was also issued by the President of the Venice Commission.<sup>8</sup>In spite of the above-mentioned, the law enforcement authorities have not responded to the given unlawful conducts too.

Ensuring the judicial independence, the security of the judges and their family members are the primary duty of the democratic and legal state. The indifference of the law enforcement authorities and no reaction from high state bodies towards the unlawful conducts against the Constitutional Court of Georgia makes the impression that the state violates its obligation, prescribed by the law, to secure protection of independence of judges, furthermore it prevents the functioning of the Constitutional Court of Georgia in a safe environment and jeopardizes implementation of constitutional justice in Georgia.

I call, to use your authority as prescribed by the law, to respond to the above-mentioned conducts and take proper measures for timely suspension of the factors which are preventing the continued functioning of the Constitutional Court.

Your Sincerely,

George Papuashvili  
President of the Constitutional Court of Georgia

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<sup>4</sup> Article 174<sup>1</sup>, part 3, code of Georgia on administrative offenses

<sup>5</sup> Article 365 of the Criminal Code of Georgia

<sup>6</sup> Statement of the Constitutional Court of Georgia of 18 September 2015 <http://constcourt.ge/en/news/statement.page>; video recordings of the interview of the President of the Constitutional Court of Georgia of 18, 20 and 21 September 2015

[http://maestro.ge/menu\\_id/12/id/26889/lang/1](http://maestro.ge/menu_id/12/id/26889/lang/1), [http://maestro.ge/menu\\_id/12/id/26937/lang/1](http://maestro.ge/menu_id/12/id/26937/lang/1), <http://rustavi2.com/ka/news/26810>.

<sup>7</sup> Statement of Coalition for an Independent and Transparent Judiciary of 21 September 2015 <https://gyla.ge/eng/news?info=2621>, <http://www.transparency.ge/en/post/general-announcement/coalition-statement-recent-developments-concerning-judiciary>; statement of International Transparency – Georgia” of 19 September 2015 Exerting Pressure on Constitutional Court is unacceptable <http://www.transparency.ge/en/post/general-announcement/exerting-pressure-constitutional-court-unacceptable>; Joint Statement of Georgian Democratic initiative (GDI); Union “Sapari”, “Identoba”, Media Development Foundation (MDF), Georgia’s Reforms Associates (GRASS) and Tolerance and Diversity Institute (TDI) 6 September, 2015 <http://grass.org.ge/statement/gantskhadeba-saqarthvelos-sakonstitutsio-sasamarthlos-irgvliv-bolo-periodshi-ganvitharebul-movlenebthan-dakavshirebith/>

<sup>8</sup> Statement of the President of the Venice Commission of 22 September 2015 <http://www.venice.coe.int/webforms/events/?id=2104>