

Georgia: Organic Law of Georgia on Common Courts

Publisher [National Legislative Bodies / National Authorities](#)

Publication Date 1 July 1999

Cite as *Georgia: Organic Law of Georgia on Common Courts* [], 1 July 1999, available at: <http://www.refworld.org/docid/3ae6b5370.html> [accessed 15 December 2014]

Comments This is an unofficial consolidated translation. The Law, No. 767-IIs dated 13 June 1997, was published in the Official Gazette, No. 33 dated 31 July 1997. Article 89 stated that Chapter 3 entered into force on 1 July 1999, Item 2 of Article 92 entered into force on 1 May 1998 and the rest upon date of publication. The amendments included here are: - Organic Law of Georgia On Amendments and Addenda to the organic Law of Georgia "On Common Law Courts", No. 834-Is dated 3 September 1997; and - Organic Law of Georgia On Amendments and Addenda to the Organic Law of Georgia "On Common Law Courts", No. 988-Is dated 17 October 1997.

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Judicial Power

1. Judicial power is independent from other branches of state power and is executed only by courts.
2. Justice is one of the forms of execution of judicial power and is administrated by common law courts through civil, administrative and criminal proceedings.
3. The present Law defines the system and organization of common law courts, the legal status of a judge.

Article 2. The System of Common Law Courts

1. Common law courts of Georgia are:

the regional (town) court, the court of appeal, the supreme courts of the Abkhazian and Ajarian Autonomous Republics, the Supreme Court of Georgia.

2. The system of common law courts of Georgia is unified.

3. Martial-law courts may be established only within the system of common law courts. The procedure for setting up and jurisdiction of martial-law courts are defined under law.

4. The setting up of emergency or special courts is inadmissible.

Article 3. Protection of Rights in Legal Form

1. Every person has the right to apply directly in person or through a representative to a court for protecting his rights and freedoms.

2. Every person shall be considered only by the court under which jurisdiction his case is.

Article 4. Obligation of Court Rulings

1. A court act, as well as court demand and order shall be binding upon all natural or legal persons, state and local executive bodies on the whole territory of Georgia.

2. The revocation, alteration or suspension of a court ruling is possible only by a court under the procedure established by a law.

3. The non-performance of a court ruling shall invoke the responsibility as provided under law.

Article 5. Making a Ruling on Behalf of Georgia

A ruling of the common law courts is made on behalf of Georgia.

Article 6. Equality Before the Law and the Court

1. Justice is administered on the basis of equality before the law of all persons participating in the case.

2. The legal proceedings are conducted on the basis of quality and competition of the parties.

Article 7. Independence of a Judge

1. A judge in his activities is independent, obeys only the Constitution of Georgia, international treaties, agreements and law. No one has the right to require from a judge a report on the concrete case.

2. If, in considering a concrete matter in the common law court, the court decides that there are sufficient grounds for recognizing any law or normative act, which is to be applied by the court in settling the matter, inconsistent in full or in part with the Constitution, it shall suspend the proceedings and shall apply to the Constitutional Court of Georgia. The proceedings shall resume after the matter is settled by the Constitutional Court.

3. If the examining court decides that the law or sublaw does not fall under the Constitutional Court's jurisdiction, the court shall decide in accordance with the Constitution.

Article 8. Inadmissibility of Interference In a Court Activities

1. A state and local executive body, an enterprise, a social and political association, an official, a legal or natural person are prohibited from violating a court's independence.

2. Any influence on a judge or interference in his activities with the purpose of affecting decision-making is prohibited and is punishable under a law.

Article 9. Responsibility for Disrespect of a Court

The action of the parties, other persons participating in the case, as well as of the persons attending a court session which expresses disrespect of a court shall invoke responsibility provided for by a law.

Article 10.The Language of Legal Proceedings

Legal proceedings are conducted in the state language. A person who does not know the state language shall be provided with an interpreter. Services of an interpreter shall be compensated at the expense of the state budget.

Article 11.Decision Making

A judge shall decide individually, while judges—jointly. The collective composition of the court shall decide by a majority vote. None of the judges may abstain from voting.

Article 12.Trail Publicity

- 1.All trials are to be held in an open session.
- 2.Trials in a closed session are allowed only in the cases provided for by a law.
- 3.A court ruling in all cases shall be made public.
- 4.The prohibition of filming and photography, audio- and video recording at a court session is allowed only under a justified resolution of a court.

CHAPTER II. REGIONAL (TOWN) COURT

Article 13.Setting up of a Regional (Town) Court

- 1.A regional (town) court is set up by order of the President of Georgia in a region, town which does not belong to any region and has no regional division, as well as in a town district.
- 2.The operating territory of a regional (town) court is defined by order of the President of Georgia. The operating territory of regional (town) courts of the Abkhazian and Ajarian Autonomous Republics is defined by the President of Georgia on presentation of the Council of Justice of the Abkhazian and Ajarian Autonomous Republics accordingly.

Article 15.Individual Trial

A regional (town) court is a court of first appearance where a trial is made by a judge individually under the procedure established by a law.

Article 16.Regional (Town) Court Jurisdiction

The cases subject to the regional (town) court jurisdiction are determined under the procedural law.

Article 17.Chairman of Regional (Town) Court

- 1.A chairman of the regional (town) court having two or more judges is appointed from among the judges of this court for the term of five years by the President of Georgia. Chairmen of the regional (town) courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics are appointed to office by the supreme representative body of the Abkhazian and Ajarian Autonomous Republics on presentation of the Council of Justice of the Abkhazian and Ajarian Autonomous Republics accordingly, upon preliminary written consent of the President of Georgia.

2.The repeated appointment of one and the same person for a second term as a court chairman is inadmissible, except for the cases when all other judges refuse in writing from the court chairmanship.

3.Chairman of a regional (town) court shall:

a)personally examine cases;

b)direct the work of the court staff; pursuant to the procedure established by a law, appoint to and relieve from office the court staff officials and other employees according to the manning table approved by the President of Georgia on presentation of the Ministry of Justice of Georgia, impose disciplinary penalties thereon;

c)distribute cases among the judges according to their specialization under the procedure established by a law;

d)organize the court work;

e)receive citizens and ensure timely consideration of their applications, complaints and proposals;

f)ensure the generalization of the judicial practice, applications, complaints and proposals of citizens and submit the generalized materials to the Justice Council of Georgia under the procedure established by law;

g)fulfil other obligations provided for by law.

Article 18.Performance of Duties of a Regional (Town) Court Chairman

1.In the case of temporary absence of the chairman of the regional (town) court with more than two judges his duties shall, by his order, be performed by one of the judges of the court, or by the judge having more experience of working as a judge – where such an order does not exist.

2.In the case of temporary absence of the chairman of the regional (town) court with two judges his duties shall be performed by the second judge.

CHAPTER III.DISTRICT COURT

Article 19.Procedure for Setting up a District Court and Jurisdiction

1.A district court is set up and its jurisdiction is defined by order of the President of Georgia on presentation of the Justice Council Georgia.

2.A district court is a court of first appearance which jointly, in the composition of three judges, examines cases determined by the procedural law.

Article 20.Composition of a District Court.

1.The number of judges in a district court is determined by the President of Georgia on presentation of the Justice Council of Georgia.

2.A Judicial Board for Civil Cases and a Judicial Board for Criminal Cases are established at a district court.

3.The composition of the judicial boards of a district court is determined by the regional court on presentation of the Justice Council of Georgia. Each board has its chairman to be elected by the

district court from among members of the board for a term of five years.

4. The chairman and deputy chairman of the district court are appointed by the President of Georgia from among chairmen of the boards for a term of five years. Chairman and deputy chairmen of district courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics are appointed accordingly by a supreme representative body of the Abkhazian and Ajarian Autonomous Republics upon a preliminary written consent of the President of Georgia.

5. The appointment (election) of one and the same person repeatedly for the second term of office as chairman of the court or board is inadmissible, except for the cases when all the rest of judges of this court refuse in writing from chairmanship in the court or respective board.

Article 21. Powers of a District Court Chairman

A district court chairman:

a) chairs one of the legal boards;

b) allocates cases according to legal boards under the established procedure;

c) directs the work of the legal board; appoints to and relieves from office official and other employees of the court staff according to the manning table approved by the President of Georgia on presentation of Justice Board of Georgia, imposes disciplinary penalties thereon;

d) organizes the court work;

e) receives citizens and ensures timely consideration of applications, complaints and proposals thereof;

f) ensures generalization of judicial practice, application, complaints and proposals of citizens and submission of the generalized materials to the Justice Council of Georgia;

g) fulfils other obligations provided for by law.

Article 22. Performance of Duties of a District Court Chairman

In the case of temporary absence of the district court chairman his duties shall be performed by the deputy chairman, or by a judge having more experience of working as a judge – in the case of temporary absence of the chairman and his deputy.

CHAPTER IV. COURT OF APPEAL

Article 23. Courts of Appeal of Georgia

1. Powers of the courts of appeal are exercised by the supreme courts of the Abkhazian and Ajarian Autonomous Republics, the courts of appeal of Tbilisi and Kutaisi.

2. The jurisdiction of the Tbilisi and Kutaisi courts of appeal is determined by order of the President of Georgia on the basis of presentation by the Justice Council of Georgia.

Article 24. Composition of a Court of Appeal

1. The number of judges in a court of appeal is determined by the President of Georgia on presentation of the Justice Council of Georgia.

2. The following are established at the court of appeal:

- a) the board for civil, entrepreneurial and bankruptcy cases;
- b) the board for criminal cases;
- c) the board for administrative law, tax and other category cases.

3. A board of inquiry is established at the court of appeal to settle matters provided for by the law of criminal procedure.

4. The number of justices in the legal boards of a court of appeal is determined by the President of Georgia on presentation of the Justice Council of Georgia. Each board has its chairman to be elected by the court of appeal from the members of a respective board for a five-year term of office.

5. The chairman and deputy chairman of a court of appeal are appointed by the President of Georgia from among the board chairmen for a term of five years.

6. The appointment (election) of one and the same person repeatedly for the second term of office as the court or board chairman is inadmissible, except for the cases when all the rest of judges of this court refuse in writing from chairmanship in the court or respective board.

Article 25. Powers of a Court of Appeal

The court of appeal is a court of appellate jurisdiction which under the appeal procedure examines complaints on the regional (town) and district court ruling.

Article 26. Powers of the Chairman of a Court of Appeal

The chairman of a court of appeal:

- a) chairs one of the legal boards;
- b) directs the work of the court staff, appoints to and relieves from office the court staff officials and other employees, according to the manning table approved by the President of Georgia on presentation of the Justice Council of Georgia, imposes disciplinary penalties thereon;
- c) receives citizens and ensures timely consideration of applications, complaints and proposals of citizens;
- d) ensures generalization of judicial practice, practice, applications, complaints and proposals of citizens, takes respective decisions, and submits the generalized materials to the Justice Council of Georgia under the established procedure;
- e) fulfils other obligations provided for by law.

Article 27. Performance of Duties of a Chairman of the Court of Appeal

In the case of temporary absence of the court of appeal chairman, his duties shall be performed by the deputy chairman, or by the board chairman having more experience of working as a judge – in the case of temporary absence of the chairman and his deputy.

CHAPTER V. SUPREME COURTS OF THE ABKHAZIAN AND AJARIAN AUTONOMOUS REPUBLICS

Article 28. The Supreme Courts of the Abkhazian and Ajarian Autonomous Republics

The supreme courts of the Abkhazian and Ajarian Autonomous Republics are established in the Abkhazian and Ajarian Autonomous Republics.

Article 29. Powers of the Supreme Courts of the Abkhazian and Ajarian Autonomous Republics

Pursuant to the procedure established under this Law, the supreme courts of the Abkhazian and Ajarian Autonomous Republics supervise the execution of justice in the region (town) and district courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics.

Article 30. Composition of the Supreme Courts of the Abkhazian and Ajarian Autonomous Republics

1. The supreme courts of the Abkhazian and Ajarian Autonomous Republics are composed of chairmen, first deputy chairmen and other justices.

2. The number of justices in the supreme courts of the Abkhazian and Ajarian Autonomous Republics is determined by a supreme representative body of the Abkhazian and Ajarian Autonomous Republics correspondingly on presentation of the Justice Council of Georgia.

3. The following are established at the supreme courts of the Abkhazian and Ajarian Autonomous Republics:

a) the Board for Civil, Entrepreneurial and Bankruptcy Cases;

b) the Board for Criminal Cases;

c) the Board for Administrative Law, Tax and other Category Cases;

4. The Board of Inquiry is established at the supreme court of the Abkhazian and Ajarian Autonomous Republics to settle matters provided for by the law of criminal procedure.

5. The composition of the legal boards of the supreme courts of the Abkhazian and Ajarian Autonomous Republics is determined by the supreme courts of the Abkhazian and Ajarian Autonomous Republics on presentation of the Justice Council of the Abkhazian and Ajarian Autonomous Republics correspondingly. Each board has its chairman to be elected by the Supreme Court from among the members of a respective board for a term of five years.

Article 31. Chairmen and Their Deputies of the Supreme Courts of the Abkhazian and Ajarian Autonomous Republics

1. Chairmen of the supreme courts of the Abkhazian and Ajarian Autonomous Republics are elected for a term of five years from among the board chairmen by supreme representative bodies of the Abkhazian and Ajarian Autonomous Republics on presentation of the Justice Council of the Abkhazian and Ajarian Autonomous Republics correspondingly under a preliminary written consent of the President of Georgia.

2. First deputies and deputies of the supreme courts of the Abkhazian and Ajarian Autonomous Republics are elected by corresponding supreme courts from among the board chairmen for a term of five years.

3. The appointment (election) of one and the same person repeatedly for the second term of office as the supreme court or board chairman of the Abkhazian and Ajarian Autonomous Republics is inadmissible, except for the cases when all the rest of justice of this court refuse in writing from chairmanship in the court or respective board.

Article 32. Powers of the Boards of the Supreme Courts of the Abkhazian and Ajarian Autonomous Republics

1. The boards of the supreme courts of the Abkhazian and Ajarian Autonomous Republics are the courts of appellate jurisdiction which under appeal procedure examine complaints on the regional (town) and district court rulings.

2. Cases in the boards of the supreme courts of the Abkhazian and Ajarian Autonomous Republics are examined in the composition of three judges.

Article 33. Powers of Chairmen of the Supreme Courts of the Abkhazian and Ajarian Autonomous Republics

1. Chairmen of the supreme courts of the Abkhazian and Ajarian Autonomous Republics:

a) chair one of the court boards;

b) allocate cases accordingly to the court board under the established procedure;

c) organize the work of a corresponding supreme court;

d) direct the supreme court staff, appoint to and relieve from office the supreme court officials and other employees, impose disciplinary penalties thereon;

e) receive citizens and ensure timely consideration of their applications, complaints and proposals;

f) ensure generalization of legal practice, applications, complaints and proposals of citizens, take corresponding decisions, and submit the generalized materials to the Justice Council of Georgia under established procedure;

g) fulfil other obligations provided for by law.

Article 34. Performance of Duties of Chairmen of the Supreme Courts of the Abkhazian and Ajarian Autonomous Republics

In the case of temporary absence of chairmen of the supreme courts of the Abkhazian and Ajarian Autonomous Republics their duties shall be performed by the first deputy chairmen, or by deputy chairmen – in the cases of temporary absence of the chairmen and their first deputies.

CHAPTER VI. THE SUPREME COURT OF GEORGIA

Article 35. Powers of the Supreme Court of Georgia

The supreme Court of Georgia shall, under the established procedural form, supervise the execution of justice in the common law courts, exercises powers provided for by Articles 63, 64 and 88 of the Constitution of Georgia.

Article 36. Composition of the Supreme Court

1. The number of justices in the Supreme Court of Georgia is determined by the President of Georgia on presentation of the Justice Council of Georgia.

2. The following are established at the Supreme Court:

- a) the Judicial Board for Criminal Cases;
- b) the Chamber of Civil, Entrepreneurial and Bankruptcy Cases;
- c) the Chamber of Administrative and other Category Cases;
- d) the Chamber of Criminal Cases;
- e) the Supervisory Chamber;
- f) the Plenum.

Article 37. The Supreme Court Chairman

1. The Supreme Court chairman is elected by the Parliament of Georgia for a term of ten years on presentation of the President of Georgia, by a majority vote, under a secret ballot.

2. The Supreme Court chairman chairs plenary sessions of the Supreme Court and directs the work of the Supreme Court staff, appoints to and relieves from office the court staff officials and other employees, imposes administrative penalties thereon, fulfils other obligations provided for by legislation.

3. In the case of temporary absence of the Supreme Court chairman his powers shall be exercised by the first deputy chairman, or one of the deputies by order of the Supreme Court chairman – in the case of temporary absence of the Supreme Court Chairman and his first deputy, or by a deputy having more experience of working as a judge – where such order is absent.

Article 38. The Board for Criminal Cases of the Supreme Court

1. The Board for Criminal Cases of the Supreme Court examines under first instance the criminal cases that under the law of criminal procedure are subject to examination by the Supreme Court of Georgia.

2. The Board of Criminal Cases of the Supreme Court examines cases with the participation of one judge and from two to six jurors. The number of participating jurors is determined under the procedure established by the law of criminal procedure at the stage of taking a case to court. The procedure for electing jurors, their rights and duties, as well as the procedure for their participation in the administration of justice are determined by the law.

Article 39. The Supreme Court Chambers

The Supreme Court Chambers, apart from the Supervisory Chamber, are courts of review which examine complaints on the rulings of the court of appeal, the supreme courts of the Abkhazian and Ajarian Autonomous Republics, on the verdicts and judgements of the Judicial Board for Criminal Cases of the Supreme Court of Georgia.

Article 40. Procedure for Examining a Case in the Supreme Court Chamber

The Supreme Court chamber examines cases in the composition of three judges.

Article 41. The Supervisory Chamber of the Supreme Court

The Supervisory Chamber of the Supreme Court jointly examines complaints of the parties in connection with the newly found newly revealed circumstances the Supreme Chamber of the Supreme Court jointly, on the non-recurrent basis, examines complaints of the parties on the judgements passed by the Board for Criminal Cases of the Supreme Court and appeals to the Supreme Court Plenum under a correspondingly petition.

Article 42. First Deputy Chairman, Deputy Chairmen of the Supreme Court, Chairmen of the Judicial Board for Criminal Cases and the Supreme Court Chambers

1. The Supreme Court chambers and the Judicial Board for Criminal Cases have chairmen to be elected by the Supreme Court Plenum from among the members of a corresponding chamber or board for a term of five years.

2. Chairmen of the chambers and the board, apart from the chairman of the Supervisory Chamber, are concurrently the deputy chairmen of the Supervisory Court.

3. The first deputy chairman of the Supreme Court is elected by the Supreme Court Plenum for a term of five years from among chairmen of the Supreme Court chambers and the board, apart from the Supervisory Chamber chairman.

4. The election of one and same person repeatedly for the second term of office as a first deputy chairman, a board or chamber chairman is inadmissible, except for the case when all the rest of the Supreme Court judges refuse in writing from the post of the first deputy chairman or chairmanship in a respective chamber or board.

Article 43. The Supreme Court Plenum

The Supreme Court Plenum is composed of a Supreme Court chairman, a first deputy chairman and deputy chairman, chairmen of the supreme courts of the Abkhazian and Ajarian Autonomous Republics and all judges of the Supreme Court.

Article 44. Powers of the Supreme Court Plenum

1. The Supreme Court Plenum:

a) appoints members of the Constitutional Court of Georgia and one member of the Justice Council of Georgia;

b) examines the petition as per Article 41 of this Law made by the Supervisory chamber under the procedure established by law according to the procedure established by the procedure law;

c) exercises powers as per Articles 63-64 of the Constitution of Georgia;

d) elects chairmen and composition of the Supreme Court board and chambers on presentation of the Supreme court chairman;

e) hears reports of the board and chamber chairmen, as well as their proposals related to the perfection of the board and chambers' activity;

f)sets up an official publishing body of the Supreme Court, appoints its editor and editorial board on presentation of the Supreme Court chairman;

g)sets up a scientific and consultation council of the Supreme Court and approves its composition;

h)adopts and publishes recommendations with the purpose of establishing the uniform practice in applying laws by courts on the basis of generalization of the legal practice;

i) exercises other powers established by law.

2.The Plenum is authorized to examine matters and take decisions if attended by more than half of the Plenum members unless otherwise provided by law.

3.The decision of the Plenum is considered to be taken if backed up by a majority of the persons present, but not less than one third of the full membership of the Plenum unless the law provides otherwise.

4.The Plenum is convened when necessary but once a three months at least. The Plenum sessions are convened by the Supreme Court chairman at own initiative or at the request of not less than one fifth of the Supreme Court Plenum members.

5.Pursuant to the Plenum decision, the plenary session may be attended with the consultative voice by the Procurator-General of Georgia, members of the Supreme Court scientific and consultative council, corresponding specialist and other persons.

Article 45.Seat of the Supreme Court

The seat of the Supreme Court is Tbilisi.

CHAPTER VII.JUDGE, THE PROCEDURE FOR HIS APPOINTMENT OR ELECTION

Article 46.Requirement of a Candidate for Judge

1.Any capable citizen of Georgia may upon reaching thirty years of age, become a judge on condition that he has higher legal education, a five-year length of service in the specialty at least, knows the state language, and has passed the qualification test.

2.A judge may not be appointed from among the persons having a previous conviction.

3.A person meeting the requirements as per item 1 and 2 of this Article shall be deemed to be a candidate for judge after he has applied for holding a vacant position of a judge.

Article 47.Procedure for Holding an Office of a Judge

1.The nomination of regional (town), district, appeal and supreme court judges is effected by announcing a vacancy therefor.

2.The Justice Council of Georgia shall, within not later than seven days after a vacancy has opened, announce thereon in the official press, and register candidates for judge within a month from the announcement. Together with the application for the participation in the contest a candidate shall submit a declaration of property position filled in according to effective legislation. Replaced by the text of the declaration shall not be accessible to anyone until appointment (election) of the person to office with the consent thereof. A list of candidates for judge shall be published in the official press.

[\[1\]](#)

3.The Justice Council shall, within not earlier than seven and not later than fifteen days after expiration of the period of registration of the candidates for a judge vacancy, hold a contest.

4.The competitive selection of a candidate for holding a position of a judge is carried out on the basis of assessment of the qualification test results, the candidate's business and moral reputation, the professional work experience and physical state.

5.The Justice Council of Georgia shall submit a candidate selected on the basis of a contest to the President of Georgia for appointment to the position of a judge.

6.If a candidate for appointment to the position of a judge failed to be selected on the basis of a contest or was not appointed thereto, the Justice Council of Georgia shall, within three days from announcement of the contest results or rejection of the candidature by the President, announce a new contest through an official publication. The period of registration of the contestants in this case shall be defined by ten days.

7.If the President of Georgia has not appointed the candidature submitted to him by the Justice Council of Georgia, the same candidature may not be submitted after a new contest within six months for appointment of a corresponding or higher position of a judge.

8.A judge elected or appointed under the procedure established by this Law shall take office only after passing a special training course.

9.A contest for holding the positions of judges in the supreme courts of the Abkhazian and Ajarian Autonomous Republics shall be conducted by the justice councils of the Abkhazian and Ajarian Autonomous Republics under the procedure established by item 1 to 8 of this Article.

Article 48.Procedure for the Election and Appointment of a Judge

1.Judges of the Supreme Court of Georgia are elected by the Parliament of Georgia on presentation of the President of Georgia, by a majority of votes, under a secret ballot.

2.Judges of the regional (town), district courts and the courts of appeal are appointed by the President of Georgia on presentation of the Justice Council of Georgia.

3.Judges of the regional (town) and district courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics are appointed by the President of Georgia on presentation of the Justice Council of Georgia subject to a preliminary written consent of the supreme representative body of the Abkhazian and Ajarian Autonomous Republics correspondingly.

4.Judges of the supreme courts of the Abkhazian and Ajarian Autonomous Republics, on the basis of presentation of the Justice Council of the Abkhazian and Ajarian Autonomous Republics correspondingly, are elected by the supreme representative bodies of Abkhazian and Ajaria with the preliminary consent of the President of Georgia.

Article 49.Term of Office of a Judge

The term of office of all judges in Georgia is ten years.

Article 50.Oath of a Judge

A judge being appointed for the first time shall, before taking office, swear an oath before the

President of Georgia, the text of which is to be approved by the President of Georgia on presentation of the justice council of Georgia. Judges of the supreme courts of the Abkhazian and Ajarian Autonomous Republics take an oath before the supreme representative bodies of the Abkhazian and Ajarian Autonomous Republics.

Article 51. Office Incompatibility of a Judge

An office of a judge is incompatible with any other office and paid activity, with the exception of pedagogical activity. A judge may not be a member of a political association, take part in political activity.

Article 52. Inviolability of a Judge

1. A judge is inviolable, Taking legal action against him, his detention or arrest, the search of his flat, car, place of work or his personal search is inadmissible without the consent of Chairman of the Supreme Court of Georgia, or without the consent of the Parliament of Georgia – in the case of the Supreme Court chairman and judges. An exception is the catching on the act which is to be immediately notified to the Chairman of the Supreme Court or the Georgian Parliament. Unless they give their consent, the detained or imprisoned judge shall be immediately released.

2. The state shall ensure security of a judge and his family.

CHAPTER VIII. RELEASE OF A JUDGE FROM OFFICE RESPONSIBILITY OF A JUDGE

1. Judges of the regional (town), district courts and the courts of appeal are released from office by the President of Georgia on presentation of the Justice Council of Georgia. Judges of the regional (town) and district courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics are released from office by the President of Georgia on presentation of the Justice Council of the Abkhazian and Ajarian Autonomous Republics correspondingly.

2. Judges of the supreme courts of the Abkhazian and Ajarian Autonomous Republics are released from office by the supreme representative body of the Abkhazian and Ajarian Autonomous Republics accordingly on presentation of the Justice Council of the Abkhazian and Ajarian Autonomous Republics with the preliminary written consent of the President of Georgia.

3. A judge of the Supreme Court of Georgia is released from office by the Parliament of Georgia on presentation of the President of Georgia.

4. Chairman of the Supreme Court of Georgia is released from office by the Parliament of Georgia under the procedure established by Article 64 of the Constitution of Georgia.

Article 54. Grounds for Releasing a Judge from Office

1. The grounds for releasing a judge from office are:

a) personal wish;

b) non-performance of own powers for more than six months in succession;

c) performance of an act damaging the court authority and dignity of a judge;

d) systematic violation of labour discipline;

- e) holding an office incompatible with the status of a judge or incompatible activity;
- f) recognition by a court as incapable or of a limited capability;
- g) loss of Georgia citizenship;
- h) legal effecting of a guilty verdict against him;
- i) reaching 65 years of age, or reaching 70 years of age for a member of the Supreme Court. (The President of Georgia is entitled to prolong the term of office of a common law court judge for two years on presentation of the Justice Council of Georgia, except for a Supreme Court Judge, within article 49 of this Law.)
- j) the commission of corruption offences under the procedure provided for by item 3 of Article 20 of the Law of Georgia "On the Incompatibility of interests and Corruption in a Public Service."[\[2\]](#)

For the cases provided for by paragraphs "c", "d" and "e" of item 1 of this Article a presentation of the Disciplinary Board shall be required.

Article 55. Withdrawal of a Judge from Proceedings and Performance of Other Duties

1. From the moment of taking legal action against a judge and until the final settlement of the matter the judge shall be withdrawn from proceedings and the performance of other duties.
2. A decision on the withdrawal of judges of the regional (town), district courts and the court of appeal is made by the President of Georgia on presentation of the Justice Council of Georgia, while in the case of withdrawal of judges of the supreme courts of the Abkhazian and Ajarian Autonomous Republics – by the supreme representative body of the Abkhazian and Ajarian Autonomous Republics accordingly on presentation of the Justice Council of Georgia, while in the case of withdrawal of a judge of the Supreme Court of Georgia – by the Parliament of Georgia on presentation of the President of Georgia.
3. The withdrawal of judges stipulated in item 2 of this Article from proceedings shall automatically invoke their withdrawal from the performance of other official duties.

Article 56. Grounds for Disciplinary Responsibility of a Judge

1. The disciplinary responsibility may be placed on a judge:
 - a) for violation of law during proceedings;
 - b) for violation of labour discipline;
 - c) because of an act damaging the court authority and dignity of a judge;
 - d) for the commission of a corruption offence in accordance with the procedure provided for by the Law of Georgia "On the Incompatibility of Interests and Corruption in a Public Services."[\[3\]](#)
2. The alteration or revocation of a court judgement does not invoke the imposition of disciplinary responsibility on a judge unless he violated the law during proceedings.
3. A judge may not be brought to disciplinary responsibility if the disciplinary misdemeanor took place a year ago, or if a month has passed from revealing of the disciplinary misdemeanor.

Article 57. Institution of Disciplinary Proceedings Against a Judge

1. Disciplinary proceedings against a judge except for the cases provided for in paragraph "b" of item 1 of Article 56 of this Law, are instituted:

- a) by Chairman of the Supreme Court of Georgia – against all judges of the common law courts of Georgia;
- b) by chairmen of the supreme courts of the Abkhazian and Ajarian Autonomous Republics – in relation to judges of regional (town) and district courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics;
- c) by chairman of the court of appeal – in relation to judges of the regional (town) and district courts within jurisdiction of the court of appeal.

2. The Justice Council of Georgia, as well as the justice council of the Abkhazian and Ajarian Autonomous Republics are entitled to initiate disciplinary proceedings in relation to judges in the cases provided for by paragraph "g" of Article 63 and paragraph "c" of Article 64 of this Law.

3. Chairman of the superior court is entitled to initiative disciplinary proceedings against the judges for the violation of law during proceedings only upon examination of a respective case or in the availability of a complaint.

Article 58. Types of Disciplinary Penalties

Disciplinary penalties are:

- a) a warning;
- b) a reprimand;
- c) a severe reprimand;
- d) a release of a court chairman, first deputy chairman, or deputy chairman and the board chairman from office.

Article 59. Procedure for Imposing disciplinary Penalty on a Judge

1. Disciplinary proceedings instituted against judges of the common law courts shall be examined by the Disciplinary Board of Justice of Georgia.

2. Disciplinary matters in the Disciplinary Board of Justice of Georgia are examined jointly by three judges of the Board.

3. Sessions of the Disciplinary Board of Justice of Georgia are closed. A Board's decision shall be made public.

4. The procedure for disciplinary proceedings and imposition of disciplinary responsibility is established under law.

CHAPTER IX. JUSTICE COUNCIL OF GEORGIA

Article 60. The Justice Council of Georgia

1. A consultative body at the President of Georgia – the Justice Council of Georgia is set up with the purpose of working out proposals for the implementation of the legal reform, the selection, the advancement of a candidacy for a judge, the release of judges from office, the organization of qualification tests and fulfillment of other task established under law.

2. The Justice Council is composed of twelve members. Its membership include ex officio the Chairman of the Supreme Court of Georgia, chairmen of the supreme courts of the Abkhazian and Ajarian Autonomous Republics.

3. Four members of the Justice Council are appointed by the President of Georgia; four members, among which members of Parliament shall not exceed three, are appointed by the Parliament of Georgia, one member is appointed by the Supreme Court of Georgia. The Parliament of Georgia may not elect more than two representatives of the parliamentary majority as members of the Justice Council.

4. A written consent of a candidate for membership of the Justice Council is required upon his appointment as the Justice Council member, except for the cases stipulated by item 2 of this Article.

5. A member of the Justice Council, if he is a member of Parliament or the Minister of Justice of Georgia, may be any citizen of Georgia upon reaching the age of twenty-five years provided he has the higher legal education.

6. The term of office of a member of the Justice Council provided for in item 3 of this Article is three years. One and the same person may be appointed (elected) as a member of the Justice Council only twice in succession. A member of the Justice Council may not perform his duties after expiration of his office. A new member of the Justice council is to be appointed (elected) within not earlier than thirty and not later than seven days before expiration of the term of office of a corresponding member of the Justice Council.

7. A member of the Justice Council, provided for in item 3 of this Article, unless he is the Minister of Justice of Georgia or a member of Parliament of Georgia, may nor hold any other office in a state service or self-government bodies, or engage in any paid activity. Exceptions are the scientific, educational and creative activities. His remuneration may not be less than the remuneration of a member of Parliament of Georgia.

8. Sessions of the Justice Council are convened by the President of Georgia or by any member of the Justice Council at his instruction when necessity, but not less than once in three months. In the case of impossibility of discharging duties by the President of Georgia and provided there is a necessary of holding a session of the Justice Council under law, the Justice Council session shall be convened by the persons indicated in item 9 of this Article.

9. Sessions of the Justice Council are chaired by the President of Georgia or by the Chairman of the Supreme Council of Georgia at his instruction, members of the Justice Council specially authorized by the President and Parliament of Georgia, or by another member of the Justice Council in their absence.

Article 61. Justice Councils of the Abkhazian and Ajarian Autonomous Republics

1. With the object of implementing powers stipulated by Articles 13, 14, 17, 47, 57 and 64 of the present Law, consultative bodies of the president of Georgia and the supreme representative bodies of the Abkhazian and Ajarian Autonomous Republics – the justice councils of the Abkhazian and Ajarian Autonomous Republics are formed in the Abkhazian and Ajarian Autonomous Republics.

2. The Justice Council of the Abkhazian and Ajarian Autonomous Republics in the composition of nine to nine members constitute the supreme representative bodies of the Abkhazian and Ajarian

Autonomous Republics.

Article 62. Release of a Member of the Justice Council of Georgia from Office

1. Grounds for releasing a member of the Justice Council of Georgia indicated in item 7 of Article 60 of the present Law are:

- a) a personal wish;
- b) the appointment and election to another office upon his consent;
- c) the impossibility of discharging of his office during more than six months in succession;
- d) the regular non-performance or improper performance of his duties;
- e) the occupation of an incompatible office or an incompatible activity;
- f) the acknowledgement by a court of his incapability or restricted capability;
- g) the availability of an accusatory sentence effected in relation to him;
- h) the loss of the citizenship of Georgia.

2. A member of the Justice council of Georgia is released from office by the President of Georgia, the Georgian Parliament or the Supreme Court of Georgia accordingly.

3. Grounds for releasing a Member of Parliament being a member of the Justice Council and the Justice Minister are:

- a) a personal wish;
- b) the expiry of office of a Member of Parliament or release from office of the Justice Minister;
- c) the impossibility of discharging his duties for more than six months in succession;
- d) the regular non-performance or improper performance of duties of a member of the Justice Council;
- e) the acknowledgement by a court of his incapability or restricted capability;
- f) the loss of the citizenship of Georgia.

Article 63. Powers of the Justice Council of Georgia

1. The Justice Council of Georgia is authorized:

- a) to submit to the President of Georgia the candidates for a judge;
- b) to present to the President of Georgia the composition of the qualifying board
- c) to determine the specialization of a regional court judges;
- d) upon representation of the Department for Material and Technical Supplies of the Common Law Court, to determine the structure and the number of the staff except the Supreme Court of Georgia and submit them for the approval of the President of Georgia;
- e) to work out the procedure for the organizational work of the common law courts and submit them

for the approval of the President of Georgia;

f)to review the materials of court statistics analysis;

g)upon availability of a respective complaint, to initiate disciplinary proceedings as a result of the violation of the term of examination of a case by a judge established under the procedural legislation of the drawing up and issue of legal deeds as well as of the case provided for by Articles 56(1)"b" of this Law, in connection with the initiation of disciplinary proceedings, to form a commission to prepare the question and to comprise under the established procedure two members of the Justice Council of Georgia and two experts from among the persons provided for by this paragraph "e" of Article 78 of this Law. In exercising powers provided for by this paragraph, the Justice Council of Georgia and the established commission are not entitled to verify the legality and validity of a legal deed made by a judge, to require the account of a judge in connection with a concrete case;

h)to hear the annual account of Department for Material and Technical Supplies of Common Law Courts;

i)to address the President of Georgia with the presentation of incentives for judges under the procedure established by a law;

j)to work out proposals on matters of the judicial reform and submit them to the President Georgia;

k)to exercise other powers established under legislation;

2.The procedure of activity of the Justice Council is determined under regulations to be approved by the President of Georgia at the presentation of the same council.

3.A staff of the Justice Council is established with the purpose of the material and technical support of the Justice Council activity.

Article 64.Powers of the Justice Councils of the Abkhazian and Ajarian Autonomous Republics

The Justice councils of the Abkhazian and Ajarian Autonomous Republics are entitled:

a)to conduct a contest for candidates for judges of the supreme courts of the Abkhazian and Ajarian Autonomous Republics; to work out references on the candidates appointed to office in the regional (town) and district courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics and represent them in the supreme representative bodies of the Abkhazian and Ajarian Autonomous Republics;

b)upon availability of a respective complaint, to initiate disciplinary proceedings as a result of the violation of the term of a case examination by a judge established by the procedural legislation, of the drawing up and issue of legal deeds, as well as of the case provided for by Article 56(1)"b" of this Law;

c)to work out proposals on matters of the judicial reform and submit them to the President of Georgia;

d)to present to the district courts operating on the territory of the Abkhazian and Ajarian Autonomous Republics the composition of the boards of justices of the district courts.

Article 65.Procedure for Deciding a Question by the Justice Council of Georgia

1.The Justice Council of Georgia is authorized to consider questions and take decisions if its sessions

it attended by more than half of its members.

2.A decision is considered to be taken if it is approved by the majority of the attending members.

3.The Justice Council decides by voting.

Article 66.Secretary of the Justice Council of Georgia

1.A Secretary of the Justice Council is appointed for a term of three years by the President of Georgia from among the persons provided for in item 7 of Article 60 of this Law. The office of the Secretary is incompatible with other state offices.

2.The Secretary of the Justice Council of Georgia shall:

a)ensure the organizational and technical support of the work of the Justice Council;

b)direct the staff of the Justice Council; appoint to and release from office officers of the staff of the Justice Council under agreement of the Justice Council of Georgia, appoint to and release from office other employees of the staff;

c)prepare sessions of the Justice Council;

d)sign official documents within his jurisdiction;

Article 67.Qualification Examining Board

1.With the purpose of the organization and conduct of qualification exams of candidates for a judge, the Justice Council of Georgia under own regulations sets up the Qualification Examining Board and submits its composition to the President of Georgia for approval. The composition of the qualification boards of the Abkhazian and Ajarian Autonomous Republics is determined by the Justice Council of Georgia in agreement of the Justice Council of the Abkhazian and Ajarian Autonomous Republics.

2.The President of Georgia approves the Regulations of the Qualification Examining Board on presentation of the Justice Council of Georgia.

3.The Qualification Examining Board is established not earlier than ten days prior to the examinations, and its composition may not be announced before completion of the examinations.

Article 68.Qualification Examination

1.All citizens of Georgia who have reached the age of twenty-three years and have higher legal education, are entitled to pass a qualification examination for a judge.

2.The procedure for holding an examination and the qualification examination programme are approved by the President of Georgia on presentation of the Justice Council of Georgia.

3.The qualification examination programme provides for an examination by a test method following the successful passing of which a written examination shall be passed. The examination by a test method and the written examination shall be taken in the subjects as follows:

a)the Constitutional Law of Georgia;

b)the Criminal Law;

c)the criminal procedure;

d)the civil procedure;

e)the administrative law and procedure;

f)international acts on human rights and international treaties and agreements of Georgia.

4.Results of a qualifying exam become invalid if a person failed to be appointed to the office of a judge within seven years after passing the examination.

Article 69.Special Training Course

1.A judge elected or appointed under the established procedure is required before taking office to undergo a special two-month training course at the Training Centre of the Ministry of Justice of Georgia in accordance with the programme approved by the Justice Council of Georgia.

2.A person having not less than one-year length of service as a judge is exempt from the obligation to pass the special training course.

3.A conclusion on the results of undergoing by a candidate of the special training course is made by the Qualification Examining Board.

CHAPTER X.DEPARTMENT FOR MATERIAL AND TECHNICAL SUPPLIES OF COMMON LAW COURTS

Article 70.The Department for Material and Technical Supplies of Common Law Courts

1.The material and technical supplies of common law courts are carried out by the Department for Material and Technical Supplies of Common Law Courts of the Supreme Court of Georgia.

2.A Head of the Department and his Deputies are appointed to office by Chairman of the Supreme Court on presentation of the Justice Council of Georgia.

3.Chairman of the Department is released from office before due by Chairman of the Supreme Court of Georgia at request by the Conference of Justice of Georgia or the Justice Council of Georgia.

4.The structure and activity procedure of the Department are determined by Regulations of the Department to be approved by Plenum of the Supreme Court of Georgia on presentation of the Justice Council of Georgia.

Article 71.Powers of the Department for Material and Technical Supplies of Common Law Courts

The Department for Material and Technical Supplies of Common Law Courts:

a)is in charge of finance to provide activity of courts and the material and technical base thereof;

b)provides courts with respective premise;

c)provides courts with normative acts and other materials necessary for the activity;

d)checks expenditures of financial and material resources incurred by courts;

e)fulfils other measures for the material and technical supplies of courts.

CHAPTER XI.ORGANIZATIONAL SUPPORT OF COURT ACTIVITIES

Article 72.Apparatus of a Court

- 1.With the purpose of administration of justice, study and generalization of legal practices, analysis of court statistics, as well as provision of other activities of a court the court apparatus operate in courts of Georgia.
- 2.A court apparatus is subordinate to a respective chairman of a court.
- 3.The apparatus staff is composed of state employees to whom a respective legislation applies.

Article 73.Assistant Justice

- 1.An assistant justice receives citizens, their applications, prepares cases for examination at a court session, fulfils other obligations at assignment of the justice in connection with the proceedings.
- 2.A person who has higher legal education and underwent a three-month training course at the Training Centre of the Ministry of Justice of Georgia or has a one-year experience of working as a judge, procurator, investigator or lawyer may be appointed as an assistant justice.
- 3.An assistant judge is appointed to or released from office by the court chairman under established procedure on presentation of a respective judge.

Article 74.Bailiff

- 1.Legal actions in the cases provided for by a law are carried out by bailiffs.
- 2.Bailiffs are appointed to and released from office by the Justice Minister of Georgia and the Justice Minister of the Abkhazian and Ajarian Autonomous Republics – in the Abkhazian and Ajarian Autonomous Republics accordingly.
- 3.In a court with two or more bailiffs one of them shall be appointed as the senior bailiff.

Article 75.Court Session Secretary

Cases in a court are examined with the participation of the court session secretary. The court session secretary is appointed to and released from office by the court Chairman from among the persons who have undergone a special training course at the Training Centre of the Ministry of Justice of Georgia and have at least one-year service length as a session secretary.

Article 76.Apparatus of the Supreme Court of Georgia

- 1.Departments and other structural divisions are established within the apparatus of the Supreme Court of Georgia with the object of study and generalization of legal practices, analysis of court statistics, for the performance of other functions of the Supreme Court of Georgia.
- 2.The structure and manning table of the Supreme Court apparatus is approved by the plenary session of the court on presentation of the Supreme Court Chairman.
- 3.The regulations of department and other structural divisions of the Supreme Court are approved by Chairman of the Supreme Court of Georgia.

CHAPTER XII.CONFERENCE OF JUSTICES

Article 77.The Conference of Justice of Georgia

1.Judges of the regional (town), district courts, courts of appeal, the supreme courts of the Abkhazian and Ajarian Autonomous Republics and the Supreme Court of Georgia once in six months convene the Conference of Justices which represents a body of self-government of justices.

2.An extraordinary Conference of Justices is called by the Coordinating Council of a Conference of Justices on its own initiative or at request in writing by not less than one fifth of justices of the common law courts of Georgia, an extraordinary session of the Conference of Justices is held only according to a definite agenda and is closed upon its conclusions.

3.Sessions of the Conference of Justices are public.

4.The Conference of Justices is authorized if attended by more than half of justices of the common law courts of Georgia.

5.A decision of the Conference of Justice is deemed to be accepted if voted by a majority of the persons present.

Article 78.Powers of the Conference of Justice of Georgia

The Conference of Justices of Georgia:

- a)elects chairman and four members of the Coordinating Council of the Conference of Justice for a one-year term of office;
- b)elects the composition and Chairman of the Disciplinary Board of Justice;
- c)ratifies the Regulations of the conference of Justices and its Coordinating Council;
- d)hears the annual reports of the Chairman of the Disciplinary Board of Justices, the Chairman of the Coordinating Council of the Conference of Justices, the Chairman of the Department for Material and Technical Supplies of Common Law Courts concerning the activity of these bodies;
- e)elects thirty specialists indicated in paragraph "i" of item 1 of Article 63 of the present Law. A specialist may be a person having a degree in legal science, as well as a person having not less than a five-year service length as a judge or procurator;
- f)fulfils other powers stipulated by law and the regulations.

Article 79.The Conference of Justices of the Abkhazian and Ajarian Autonomous Republics

1.A body of self-government of the judges of the regional (town), district and supreme courts operating on the territory of the autonomous republic – the Conference of Justices of the autonomous republic may be established in the Abkhazian and Ajarian Autonomous Republics.

2.The procedure for convening, passing and decision making of the Conference of Justices of the autonomous republic is determined by the Regulations of the Conference of Justices of he autonomous republic.

3.The Conference of Justices of the autonomous republic:

- a)elects a Chairman and four members of the Coordinating Council for a one-year term of office;
- b)confirms the regulations of the Conference;
- c)works out recommendations relating to financing of the judicial reform, common law courts and the material and technical supplies thereof;
- d)elects specialists for a three-year term of office to implement powers indicated in paragraph "c" of Article 64 of the present Law. A specialist may be elected from among the persons having a degree in legal science, as well as the person having not less than a five-year service length as a judge or procurator.

Article 80.The Disciplinary Board of Justices of Georgia

- 1.The Disciplinary Board of Justices of Georgia is elected from among the common law court judges for a four-year term of office.
- 2.The Disciplinary Board of Justices of Georgia is composed of twelve members. A half of the Board membership is subject to renewal once every two years.

CHAPTER XIII.COMMON LAW COURTS FINANCING. SOCIAL SECURITY OF JUDGES.

Article 81.Financing of Common Law Courts

- 1.Common Law of Georgia of Georgia are financed from the State Budget.
- 2.The activity costs of any court of Georgia are provided for in the State budget under a separate item.
- 3.A draft of the part of financing of common law courts in the State Budget is submitted to the President of Georgia for approval by the Justice Council of Georgia on the basis of proposals by the department for Material and Technical Supplies of Common Law Courts.
- 4.The decrease of current costs intended for common law courts in the State Budget against the budgetary funds amount of the previous year is allowed only wit the consent of the Conference of Justices.

Article 82.Remuneration and Social Security of a Judge

- 1.The social security guarantees of a judge are defined by a law.
- 2.The salary and material privileges of a judge may not be less than the salary and material privileges of a Member of Parliament of Georgia. The salary of a judge may not be decreased within the whole period of his office.
- 3.Upon expiration of the term of office of a judge or upon his reaching the age of retirement the judge shall be granted a service pension in the amount of full salary.

CHAPTER XIV.SYMBOLS OF JUDICIAL POWER

Article 83.Symbols of Judicial Power

- 1.Symbols of judicial power are service badges of rank of a judge to be worked out by the Justice

Council of Georgia and approved by the President of Georgia.

2. A judge participates in proceedings in a special attire. The form of attire is determined by the Justice Council of Georgia and approved by the President of Georgia.

Article 84. Court Seal

The State Emblem of Georgia and the name of court are depicted on the court seal.

CHAPTER XV. TRANSITIONAL PROVISIONS

Article 85. Necessary Measures for Enactment of this Law

1. The President of Georgia the Georgian Parliament and the Supreme Court of Georgia shall, before 1 October 1997, appoint (elect) corresponding members of the Justice Council of Georgia. The Justice Council of Georgia is empowered to set to work if the number of members elected and appointed therein according to positions exceeds eight.

2. The Justice Council of Georgia shall ensure the announcement of a vacancy before 15 November 1997, while the holding of the qualifying examinations and contests – up to 15 March 1998. Exempt from the examination shall be the members of the Justice Council of Georgia – chairman of the supreme courts of the Abkhazian and Ajarian Autonomous Republics.

3. The President of Georgia shall, within his jurisdiction and before 1 May 1998, appoint judges of Georgia to office on the basis of a respective presentation by the Justice Council of Georgia.

4. [Deleted][\[4\]](#)

Article 85. Material and Technical Supplies of Common Law Courts[\[5\]](#)

Until enactment of the Regulation for the Material and Technical Supplies of Common Law Courts, the material and technical supplies of common courts shall be effected under legislation being in force before the enactment of the present Law.

Article 86. Powers of Common Court Judges[\[6\]](#)

1. Powers of the judges of a regional (town) court, Tbilisi Municipal Court, the supreme courts of the Abkhazian and Ajarian Autonomous Republics, the Supreme Court of Georgia, except for the judges, appointed (elected) under this Law, shall be suspended on 1 May 1998.

2. Up to 1 May 1998, the appointment (election of judges to and release from office in a regional (town) court, the Tbilisi City Court, the supreme courts of the Abkhazian and Ajarian Autonomous Republics and the Supreme Court of Georgia as well as their official powers, shall be determined under the effective legislation before the present Law is put into force.

3. Where an office of a regional (town) court judge remains vacant after 1 May 1998, then prior to the initiation of powers of a new judge the President of Georgia shall, on presentation of the Justice Council of Georgia, under the established procedure, prolong the powers of the judge of the regional (town) court within the jurisdiction thereof. A new vacancy for the office of a judge shall be announced within not later than six months from the last vacancy date or the rejection of the judge's candidature by the President of Georgia. If powers of a regional (town) court do not start on 1 May 1998, then, up to the initiation of his powers, the President of Georgia may, on presentation of the Justice Council of Georgia, prolong powers of the judge of a regional (town) court operating within its

jurisdiction.

4. After 1 May 1998, before initiation of powers of judges of the Supreme Court of Georgia or the supreme court of an autonomous republic, the Parliament of Georgia on presentation of the President of Georgia or the supreme representative body of an autonomous republic on presentation of the Justice Council of this autonomous republic shall, under established procedure, prolong powers of a judge of the Supreme Court of Georgia or the supreme court of the autonomous republic accordingly.

5. Up to 1 May 1998, the manning table and structure of the apparatus of common law courts shall be determined under legislation being in force until the enactment of this Law.

Article 87. The Procedure for Transfer of Cases Under Proceedings by Arbitration and Martial-Law Courts to the Common Law Courts[\[7\]](#)

1. The arbitration and martial-law courts of Georgia shall cease to take cases into proceedings on 15 October 1997.

2. The term of office of judges of the arbitration and martial-law courts of Georgia is prolonged until completion of the examination of the cases being under their examination, but for not more than 25 November 1997.

3. All the cases being under proceedings of the arbitration and martial-law courts of Georgia the examination of which was not started before 15 October 1997 as well as all the cases the examination of which has not completed before 25 November 1997 shall, pursuant to the procedural law, be transferred to the Supreme Court of Georgia for allocating among common law courts, the further examination of the cases not completed before 25 November 1997 shall be determined under the procedural legislation.

Article 88. Powers of the Supreme Court of Georgia Before Effecting District Courts

1. Until district courts are effected, a Board for Civil Law Cases shall be set up at the Supreme Court of Georgia to examine economic disputes in the first instance before the district courts are effected, provided the cost of a claim exceeds ten thousand lari. A decision of the Board may be appealed against in the Civil Law Chamber of the Supreme Court of Georgia.

2. Until district courts are effected, the Supervisory Chamber of the Supreme Court of Georgia shall jointly, on a single-time basis, examine claims of the parties against judgements of the Board for Civil Law Cases of the Supreme Court of Georgia and address the Plenum of the Supreme Court of Georgia with a respective petition.

Article 88. Term of Office of Common Law Courts of Georgia. Disciplinary Responsibility of Judges[\[8\]](#)

1. The term of office of the common law courts of Georgia that operated before adoption of the Organic Law of Georgia "On Common Law Courts", except for the arbitration and martial-law courts, shall be prolonged up to 1 May 1998 from the date of adoption of said Law. The procedure for further examination of the cases under proceedings of these courts following the suspension of their powers shall be determined under procedural law.

2. Up to 1 May 1998, the common law courts of Georgia shall examine cases under the procedure established by procedural law.

3. Before adoption of the Law "On the Procedure for Disciplinary Proceedings of Judges and Imposition of Disciplinary Responsibility" the grounds for disciplinary responsibility of the common law court judges, the types of disciplinary penalties, the procedure for disciplinary proceedings and imposition of disciplinary responsibility thereon shall be determined under legislation in force before the enactment of this Law.

4. The legislation on the conference of justice being in force before this Law is put into effect shall be valid up to 1 May 1998.

CHAPTER XVI. FINAL PROVISIONS

Article 89. Enactment of the Law

1. The present Law shall, except Chapter 3 and item 2 of Article 82, be effected as of the date of its publication.

2. Chapter 3 of this Law shall be effected on 1 July 1999.

3. Item 2 of Article 82 of this Law shall be effected since 1 May 1998.

Article 90. List of Invalidated Normative Acts

1. from enactment of this Law shall be deemed to be invalid unless its transitional or final provisions provide otherwise.[\[9\]](#)

a) The Law of the Republic of Georgia "On the Judicial System in the Republic of Georgia" dated 28 December 1990 (the Supreme Council's Gazette of the Republic of Georgia, 1990, No. 12, Art. 391);

b) The Law of the Republic of Georgia "On Status of Judges", dated 28 December 1990 (The Supreme Council's Gazette, 1990, No. 12, Art. 399);

c) The Resolutions of the Supreme Council of the Republic of Georgia of 20 March 1991 "On the Approval of the Regulations for the Certification of Judges of Courts of the Republic of Georgia" (The Supreme Council's Gazette, 1991, No. 3, Art. 243);

d) The Resolution of the Supreme Council of the Republic of Georgia of 20 March 1991 "On the Procedure for convening and Conducting Conference of Justices of the Courts of the Republic of Georgia" (The Supreme Council's Gazette of the Republic of Georgia, 1991, No. 3, Art. 245);

e) The Resolution of the Supreme Council of the Republic of Georgia of 20 March 1991 "On the Introduction of Qualification Classes for Court Judges of the Republic of Georgia" (The Supreme Council's Gazette, 1991, No. 3, Art. 261);

f) and g) [Deleted][\[10\]](#)

2. The following shall be null and void from 15 October 1997:

a) The Law of the Republic of Georgia of 10 December 1992 "On Martial-Law Courts" (The Georgian Parliamentary Gazette, 1992, No. 2, Art. 85);

b) The Law of the Republic of Georgia of 23 April 1991 "On Arbitration Court in the Republic of Georgia" (The Georgian Parliamentary Gazette, 1991, No. 4, Art. 313);

c) The Resolutions of the Council of Ministers No. 170 of 26 February 1993 "On the Regional Martial-Law Courts of the Republic of Georgia" (Resolution of the Council of Ministers of the Republic of

Georgia, 1993, February), [\[11\]](#)

3.The following to be invalid from 25 November 1997:[\[12\]](#)

"The Law of Georgia of 28 November 1996 "On the Application of the Code of Civil Procedure of Georgia in Legal Proceedings in the Arbitration Courts of Georgia" (The Parliamentary Gazette, 25 December 1996, Nos. 31-32).

4.The following to be invalidated from 1 May 1998:[\[13\]](#)

a)The Law of the Republic of Georgia of 20 March 1991 "On the Procedure for Election and Withdrawal of Jurors of the Regional (Town) Courts of the Republic of Georgia" (The Supreme Council's Gazette of the Republic of Georgia, 1991, No, 3, art. 249);

b)The Resolution of the Supreme Council of the Republic of Georgia of 20 March 1991 "On the Procedure and Amount of Reimbursement of Expenses in Connection with the Performance of Duties of Jurors in a Court" (The Supreme Council's Gazette, 1991, No. 3, Art. 260).

President of Georgia

Eduard Shevardnadze

Tbilisi, 13 June 1997

No. 767-II

[\[1\]](#) Amended by the organies Law of Georgia on Amendment and Addends to the Organise Law of Georgia "On Common Law Courts" stated 17 October 1997.

[\[2\]](#) Inserted by the organies Law of Georgia on Amendment and Addends to the Organise Law of Georgia "On Common Law Courts" stated 17 October 1997.

[\[3\]](#) Amended by the organies Law of Georgia on Amendment and Addends to the Organise Law of Georgia "On Common Law Courts" stated 17 October 1997.

[\[4\]](#) Deleted by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

[\[5\]](#) Inserted by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

[\[6\]](#) Inserted by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

[\[7\]](#) Amended by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

[\[8\]](#) Insered by the the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

[\[9\]](#) Amended by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of

Georgia "On Common Law Courts" stated 3 September 1997.

[10] Deleted by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

[11] Paragraphs c and e were deleted by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997, and paragraph d was renamed as paragraph c.

[12] Inserted by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

[13] Inserted by the Origins Law of Georgia on Amendments and Addends to the OriginsLaw of Georgia "On Common Law Courts" stated 3 September 1997.

Search Refworld

by keyword

and / or country

[Advanced Search](#) | [Search Tips](#)

Countries

- [Georgia](#)