

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA demands to subject Beso Gazdelaini, a deputy head of local government's executive body, to legal liability

GYLA reacts on video material reported by various TV companies depicting Beso Gazdelaini – deputy head of local government's executive body (gamgebeli) of Isani-Samgori district of Tbilisi, abusing physically citizens and activists of one of the opposition parties who have gathered in Ortachala and criticized measures

undertaken by the government for alleviation of flood affects in Tbilisi. Video recording shows that Beso Gazdeliani was initiator of the conflict.

Video recording reveals signs of offence. Competent investigative bodies are obligated to launch investigation, as per article 101 of the Criminal Procedure Code, since some TV companies have broadcasted facts of exposed physical violence.

GYLA is especially concerned with the statement released by Tbilisi City Hall in terms of Beso Gadeliani's behavior. Tbilisi City Hall pays special attention to citizens' conduct and reports that they have "humiliated" Beso Gazdeliani. The video material broadcasted by TV companies does not prove such fact. According to the video record, one of the citizens applies to Beso Gazdeliani with the following words: "Where was your President ...to watch football. He should have been at the funeral... You don't care about it... because you are members of the "Nationals"". The statements contain public criticism of state authorities' conduct. GYLA would like to remind Tbilisi City Hall and deputy gamgebeli of Isani- Samgori district that European Court of Human Rights repeatedly stated: "Freedom of expression also implies such statements that cause shock, anxiety and humiliation of the society or its certain part, rather than only such statement that are considered neutrally by public." The scope of the right to expression is especially observed, when the government becomes the target of criticism.

In its statement, Tbilisi City Hall considers Beso Gazdelaini's conduct inadmissible and calls on all employees for self-control. We would like to remind Tbilisi City Hall, that when civil servant participates in the act of violence, the Mayor should take more serious measures than just evaluating the act "inadmissible". According to Article 78, Paragraph first, clause c) of the Law on "Civil Service of Georgia" disciplinary misconduct is an action (guilty behavior) violating general moral norms or discrediting the civil servant or the agency, no matter whether it is committed at work or outside. Bezo Gazdeliani's conduct complies exactly with the definition of action violating general moral norms or discrediting the City Hall, which raises obligation of Tbilisi City Hall to impose disciplinary sanctions on Beso Gazdeliani as per Article 79 of the Law of Georgia on Civil Service.

GYLA appeals investigative bodies to launch preliminary investigation on the facts disseminated in media. If it is proved that Beso Gazdeliani's conduct did not contain signs of offence, we call on Tbilisi Mayor to apply disciplinary sanction against Beso

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Gazdeliani.