

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA's Media Legal Defense Center Voices its Position on the Announced Competition for Electing Board of Trustees of Adjara TV and Radio

On October 17, 2013 the High Council of Adjara Autonomous Republic approved the candidates nominated by the faction "Georgian Dream", "Georgian Dream Adjara" and "Georgian Dream Free Democrats" in the competition for electing members of the Board of Trustees of Adjara TV and radio. Members from the faction "United National

Movement” and “National Movement Majoritarians” failed to receive sufficient votes. Accordingly, the competition will continue on the remained two vacant positions.

Article 355 (9) of the Law of Georgia on Broadcasting provides that if the candidate falls short to receive sufficient number of votes, factions of the High Council of Adjara Autonomous Republic and no less than $\frac{1}{4}$ of the rest members of the High Council shall submit the new candidates to the High Council within 10 calendar days.

On October 22, 2013 Gela Ghoghoberidze, the lawyer of the High Council of Adjara Autonomous Republic mentioned in his comment that similar to the first tour, all five factions are entitled to nominate candidates for the two vacant positions. Kako Dzneladze, the head of faction “Georgian Dream Adjara” reported that he will exercise his right to nominate the candidate for the second tour as well.

We would like to express our opinion on the introduced amendment to the Law on broadcasting effective since July, which has been elaborated with GYLA’s active involvement and determines the rule of manning Board of Trustees of Adjara TV and the radio of Public Broadcaster. Pursuant to Article 355 (7) of the Law of Georgia on Broadcasting the right of factions of the High Council of Adjara Autonomous Republic to nominate candidates for the Board should be divided proportionally among the factions in accordance with the number of individuals therein. Paragraph 8 of the same Article stipulates separately the rules for electing Board members nominated by factions of the High Council and by other members of Council and specifies the quota allocated for factions and members of the High Council. Accordingly, Article 355 of the Law on Broadcasting needs to be interpreted in a manner that all five members of the Council were elected according to the quota determined for factions and other members of the High Council. In case of factions it should be calculated proportionally according to the number of individuals in the faction.

Media released some interviews of the high officials of Adjara Autonomous Republic, where they reported about election of the rest two members of the Board with different regulations. GYLA opines that statements of the high state officials fail to comply with the law and calls on members of the High Council of Adjara Autonomous Republic to observe principles stipulated by law in resolution of the issues concerning the ongoing competition for manning the Board of Trustees of Adjara TV and radio.