

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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GYLA responds to the alleged fact of vote buying

On June 27, 2018, representatives of the „United National Movement“ (UNM) handed over 100 citizens of Zugdidi a „Guarantee Certificate.“ These certificates were handed within the new project of the UNM under the name „People against Ivanishvili“ [1]

On May 29 of the current year, it became known about the new initiative of the UNM, with which, in case of coming to power, the party intends to compensate the population suffered from the banking sector during the „Georgian Dream“ governance period and announce 2-year moratorium on payment of debts to banking and microfinance organizations.²

Within the scope of the project, citizens who are having a severe material and legal status, are being offered by the party to cooperate with them.³

We believe that in the above mentioned act, presumably is revealed the breach of requirements of the Organic Law of Georgia on „Political Unions of Citizens“ in respect of carrying out prohibited activities by the party, its representatives and vote buying. In particular, according to the Organic Law of Georgia on „Political Unions of Citizens“ the attempt to interest the citizen of Georgia in pecuniary funds, securities, tangible or intangible values or by providing or promising the service (including fictitious labor or any other relations) is prohibited for the party regardless who carries it out, whether it is the party, its candidate, representative or any other individual.

We believe that the fact of passing the „Guarantee Certificates“ to the citizens by the political union and its representatives, results in influencing the free will of the voters. Conceivably, vote buying comes to pass, which is exposed by interesting voters in the promises of transferring pecuniary funds that is neither related to the future distribution of budgetary funds nor implementation of the future state policy as described by the law on Political Unions of Citizens as well as the Criminal Code.⁴

The creation of this special state fund and accumulation of financial resources in it,

raises questions by itself: how, under which rule and legal regulations will the foundation be created, also, how the party intends to mobilize money and how lawful will the process of returning money be, the money that the functionaries have once „stolen from people”?

It should also be taken into account that the political party initiated the program mentioned several months prior the presidential elections, whereas the victory of the presidential candidate of the party does not necessarily mean that the party comes to power.

In addition, while giving the „Guarantee Certificate” out the party is collecting the name, surname and the personal number of the person, which is the belonging of personal data by itself. It is interesting, whether the party informs the voters about the purpose of processing their personal data or not.

It is noteworthy that the fact of alleged vote buying by the representative of the „United National Movement” was exposed within the pre-election period of the parliamentary election 2016 as well when, in Batumi the party candidate was concluding individual agreements with voters and promising them to build apartments and to provide those apartments for free in case they would come to power. GYLA addressed the State Audit Office regarding the fact. In accordance with our information, the State Audit Office applied to the Prosecutor Office to examine the fact.⁵

On the grounds of all above mentioned we call upon:

- **The State Audit Office** to examine the above mentioned fact and response appropriately within the frame of competency;
- **Political parties and their representatives** to respect the Georgian legislation and ensure to meet the requirements that are prescribed by the acting legislation;

GYLA continues additional examination of the fact mentioned within the pre-election monitoring.

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² <http://rustavi2.ge/ka/news/105233>

³ <http://www.livepress.ge/ka/akhali-ambebi/article/23572>

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⁴ The Law on Political Unions of Citizens 25² the 3rd paragraph and article 164 ¹ of the Criminal Code

⁵ <https://gyla.ge/ge/post/amomrchevlis-savaraudo-mosyidvis-faqtebi-batumshi#sthash.EtgIVnf8.dpbs>