

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



A MAJORITARIAN CANDIDATE PRESUMABLY FAILS TO MEET STATUTORY CRITERIA FOR CANDIDATES

On August 27, 2016, the Chairperson of the Kobuleti District Election Commission No. 81 issued Ordinance No. 07/2016 by which Leonid Chernovetskyi, who had been nominated in the Majoritarian Election District No. 71 by members of an initiative group for the parliamentary elections of October 8, 2016, was registered as a

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majoritarian candidate.

After the issuance of this ordinance, GYLA thoroughly studied news reports about the majoritarian candidate Leonid Chernovetskyi, and we have grounds to assume that the registration of Leonid Chernovetskyi as a majoritarian candidate was based on an unlawful act of an interested person (Leonid Chernovetskyi). For this reason, we believe it necessary that the Chairperson of the Kobuleti District Election Commission No. 81 verify the legality of the act issued by him due to the following factual and legal circumstances:

According to Article 8 of the Constitution of Georgia, “The state language of Georgia shall be Georgian, and in Abkhazia – also Abkhazian”. According to Paragraph 1, Article 111 of the Election Code of Georgia, “Any citizen of Georgia having the right to vote, who has attained the age of 21 and speaks Georgian, may be elected as an MP of Georgia”. In accordance with Article 48 of the Constitution of Georgia, “The Parliament of Georgia shall be the supreme representative body of the country, which shall exercise legislative power, determine the principal directions of domestic and foreign policy, exercise control over the activity of the Government within the framework determined by the Constitution and discharge other powers”. It is undisputable that an election contestant that aims to become an MP is obliged to meet the qualification requirements established by law. It is also logical that the mandatory requirement to know the Georgian language stems from the functional role played by MPs. For this reason, it is unimaginable for a Member of Parliament who cannot speak Georgian to actively exercise his/her rights and obligations imposed on him/her within the mandate of an MP.

There are a number of videos on the Internet that clearly show that the majoritarian candidate Leonid Chenrnovetskyi gives [interviews](#) to journalists in the [Russian](#) language. Therefore, we have a well-founded doubt that Leonid Chernovetskyi does not have a command of the Georgian language, which should have precluded his registration as a majoritarian candidate. As far as we know, the Chairman of the DEC failed to verify whether or not Leonid Chernovetskyi knew Georgian.

Based on all the aforementioned, guided by Article 111 of the Election Code of Georgia and Article 76 of the General Administrative Code of Georgia, GYLA applied to the election administration and the Tbilisi City Court with a request to launch administrative proceedings to study the lawfulness of the August 27, 2016 Ordinance

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No. 07/2016 of the Chairperson of the Kobuleti District Election Commission No. 81 due to newly discovered circumstances and to take a relevant decision if the factual circumstances cited in this statement were confirmed.

Both the election administration and the Tbilisi City Court refused to satisfy GYLA's application, citing the fact that there is no mechanism for verifying the knowledge of the state language.