

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



The GYLA applies to the State Audit Office and the Central Election Commission regarding alleged vote buying and cases of alleged participation in pre-election campaigning in violation of law

According to an article published by the InterPressNews news agency on June 9 this year, on the initiative of Tevdore Kobakhidze, Chairperson of the Legal Issues Commission of the Tbilisi City Assembly, “teachers of the schools of the Vake District

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



will be given free diagnostic tests.”[\[1\]](#) In order to study the aforementioned fact in detail, we applied to the Tbilisi City Assembly,[\[2\]](#) requesting information about the planned initiative and its budget.

According to the reply provided by the Tbilisi City Assembly,[\[3\]](#) the free diagnostic testing of school teachers of the Vake District was not carried out with the 2016 budget funds of the Tbilisi Municipality. The said tests were organized by N(N)LE Georgian Dream – Healthy Future,[\[4\]](#) which, according to the Staff of the Tbilisi City Assembly, plans to take various measures in various districts of the capital.

Later, on June 30 this year, news outlets disseminated reports saying that “on the initiative of Rima Beridze, up to 200 teachers of public schools were given free medical tests.”[\[5\]](#) This information was posted on the website[\[6\]](#) and Facebook page [\[7\]](#) of the Tbilisi City Assembly, and was also covered by Imedi TV.[\[8\]](#) The testing involved up to 200 school employees. According to Ramina Beridze, Chairperson of the Georgian Dream – For Democratic Georgia faction of the Tbilisi City Assembly, “the medical assistance will be offered to teachers in various medical areas, and the tests will be carried out by medical professionals specializing in 22 areas. The tests will continue in the future and will also involve teachers of kindergartens.” In connection with the latter fact, the International Society for Fair Elections and Democracy (ISFED) applied to the relevant agencies on July 4 this year,[\[9\]](#) in response to which the State Audit Office started to study the issue,[\[10\]](#) according to news reports.

It should be noted that, according to the Organic Law of Georgia on Political Unions of Citizens, political parties are prohibited from selling or providing – directly or indirectly – goods and services to a citizen of Georgia through a candidate, representative or any other person; purchasing goods or services at a discount/on preferential terms; buying goods or services at higher than the market price; supplying or distributing goods or services free of charge (save for exceptions envisaged by law); and prompting the interest of a citizen of Georgia by delivery or promise of financial resources, securities, material or non-material values, or services (including of establishing fictitious labor or any other relations).[\[11\]](#) All other persons are also prohibited from carrying out these acts in favor of or against any political party. Violation of these requirements for electoral purposes – if the value of the property (service) or agreement doesn’t exceed GEL 100 – will result in the fining of the party, party representative, or legal entity with a tenfold amount of the value of the

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



corresponding property (service) or agreement, and receipt of an illegal gift, income, or service envisaged by this law by a physical person will result in the fining of the physical person with twofold amount of the value of the corresponding property (service) or agreement.[\[12\]](#) If the value of the said service or agreement exceeds GEL 100, such an act will result in criminal liability of the person concerned.[\[13\]](#)

On June 8 this year, Orders No. 03/06/02 and No. 03/06/03 of the President of Georgia of June 3, 2016, were published, on the basis of which the next elections of the Parliament of Georgia and of the Supreme Council of the Autonomous Republic of Adjara were appointed on October 8 this year. From the moment of publication of the respective legal act announcing elections until the publication of the final election results, election subjects, candidates for becoming election subjects and their representatives are prohibited from giving or promising to give funds and other material and non-material possessions to citizens of Georgia, personally or through other persons, and from performing such work or providing such services that fall within the competence of the state authorities and/or local self-government bodies of Georgia under the legislation of Georgia.[\[14\]](#)

It should also be noted that charitable organizations do not have the right to conduct or participate in election campaigning.[\[15\]](#) The letter of the Tbilisi City Assembly makes it clear that Georgian Dream – Healthy Future has carried out and continues to carry out numerous charitable activities.

On the basis of all the aforementioned, with the aim of studying the above-described factual circumstances quickly, effectively and thoroughly, ensuring a relevant response to possible violations of law, and preventing similar cases in the future, we call upon:

The State Audit Office of Georgia and the Central Election Commission of Georgia: to study the factual circumstances described in the statement quickly, effectively, and thoroughly and to provide a relevant legal response within their competence;

Representatives of local self-government bodies: to exercise more responsibility towards their activity within the mandate of the municipality as an independent legal entity of public law;

Representatives of political parties: to refrain from acting in a way that will

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



question the compliance of their actions with law, which, in its turn, will exert a negative influence on the pre-election environment of the next parliamentary elections.

[1] <http://www.interpressnews.ge/ge/sazogadoeba/383596-thedo-kobakhidzis-iniciativith-vakis-skolebis-pedagogebs-ufaso-diagnostikuri-kvlevebi-chautardebath.html?ar=A>

[2] Annex No. 2

[3] Annex No. 3 – Correspondence No. 07/10536 of June 14, 2016

[4]

https://enreg.reestri.gov.ge/main.php?c=mortgage&m=get_output_by_id&scandoc_id=54214

[5] <http://www.interpressnews.ge/ge/sazogadoeba/386481-rima-beradzis-iniciativith-sajaro-skolebis-200-mde-pedagogs-ufaso-samedicino-gamokvleva-chautarda.html?ar=A>

[6] http://www.tbsakrebulo.gov.ge/index.php?m=255&news_id=2198

[7]

https://www.facebook.com/sakrebulo.ge/photos/?tab=album&album_id=520187354840313

[8] <https://www.youtube.com/watch?v=H3AiU-JxnAc&feature=youtu.be>

[9] <http://www.isfed.ge/main/1076/eng/>

[10] <http://www.interpressnews.ge/ge/politika/387201-sakhelmtsifo-auditis-samsakhuri-ocnebis-mier-amomrchevlis-savaraudo-mosyidvis-faqtthan-dakavshirebith-rima-beradzes-gamokithkhvaze-ibarebs.html>

[11] Article 25² of the Organic Law of Georgia on Political Unions of Citizens

[12] Paragraph 6, Article 34² of the Organic Law of Georgia on Political Unions of Citizens

[13] Article 164¹ of the Criminal Code of Georgia

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



[\[14\]](#) Article 47 of the Organic Law of Georgia – Election Code of Georgia

[\[15\]](#) Subparagraph G, Part 4, Article 45 of the Organic Law of Georgia – Election Code of Georgia