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სასამართლოს ხარვეზი უნდა
დაედგინა

THE COURT OUGHT TO HAVE FOUND AN INACCURACY IN GIORGI KOKHREIDZE'S APPLICATION

On September 18, 2019, Giorgi Kokhreidze, who participated in the competition for the vacant position of Director for LEPL Public Broadcaster Adjara TV and Radio, appealed to the Court and requested to invalidate the decision of the Board of Directors of August 22, 2019 under which the competition for the position of Adjara TV Director was cancelled. In addition, the applicant requested to instruct the PB to issue a new decision stating that applicant Giorgi Kokhreidze obtained the majority of votes in the repeated ballot.

On September 23, 2019, the Court deemed Giorgi Kokhreidze's appeal as admissible and suspended the decision of 25 August 2019 announcing a new competition for the position of Director.

GYLA has examined the above judgments and considers that **Batumi City Court ought to have discovered an inaccuracy into Kokhreidze's claim and should not have suspended a new competition for the director's position on the grounds stated in the judgment.**

A part of the Adjara Public Broadcaster staff [declared](#) that the television was in danger of changing its editorial policy, especially due to the decision of Batumi City Court terminating the competition for the GPB director.

The problems related to court judgments once again highlight that the threats to the editorial independence of Adjara TV are real.

Why ought not the court to have admitted Giorgi Kokhreidze's claim?

The application filed by Giorgi Kokhreidze concerned the LEPL Public Broadcaster Adjara TV and Radio Advisory Board that is a governing body and not an independent legal entity. [\[1\]](#)

The Advisory Board is not a separate entity against which a lawsuit can be filed. The Advisory Board does not even have the authority to represent the organization before any third parties. However, LEPL Public Broadcaster Adjara TV and Radio is indicated as a defendant in the application submitted by Giorgi Kokhreidze.

As the application was filed against an entity that cannot be a defendant, the Court ought to have found the defect and set a deadline for its correction. Accordingly, if the inaccuracy had not been rectified within the prescribed timeframe, the Court ought not to have admitted the case for proceedings.

Did the Court make a lawful decision ordering to suspend the competition announced for the vacant position of Public Broadcaster Adjara TV and Radio Director?

The Court overturned the decision of the Advisory Board delivered on August 25, 2019, announcing a competition for the vacant position of the director. The Court based its reasoning on Article 29 of the Administrative Procedure Code of Georgia and contemplated on the relevance of the suspension of the disputed decision.

Actually, Giorgi Kokhreidze does not challenge the lawfulness of the decision of

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August 25, 2019 of the Board of Advisors of the LEPL Public Broadcaster. Therefore, it is unclear why the Court decided to terminate the competition on the above grounds. In the light of the above circumstances, the Court ought not to have granted the motion presented by Giorgi Kokhreidze.

It is also noteworthy that the application does not indicate the grounds based on which Giorgi Kokhreidze requested to suspend the competition for the position of the Director. Therefore, before considering the motion, the Court should have asked the plaintiff to specify whether his motion regarding the suspension of the competition was related to the administrative decision –on the suspension of the competition for the director’s position- or any other measures to secure the application.

[1] Law of Georgia on Broadcasting, Article 353, paragraph 1.

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