

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



The GYLA calls on the Chief Prosecutor to take the investigation of the violent acts that took place in the area adjacent to election precinct no. 53 under his personal control

On May 22, 2016, the Georgian Young Lawyers' Association was observing the by-elections in the districts of Gardabani, Kaspi, Tskaltubo, Ozurgeti, Khobi, Zugdidi and Gldani.

It was particularly disturbing to witness acts of physical violence that took place at

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about 1:30 PM in the area adjacent to election precinct no. 53 in the village of Kortskheli, Samegrelo region, which were proceeded by a verbal argument between members of the United National Movement (UNM) and strangers. The said persons, who are presumably sportsmen, had been mobilized in the area adjacent to the election precinct from the morning.

The confrontation was witnessed first-hand by an observer of the GYLA who [filmed](#) the incident.

At the time of the [incident](#), members of the UNM sustained physical injuries. Footage disseminated by the media shows that the assailants also used clubs. In addition, according to the information at our disposal, during the incident the aforementioned persons physically assaulted representatives of media outlets – Rustavi 2, the Public Broadcaster, Livepress, [Odishi TV](#), and [ipress.ge](#) – and/or [interfered with their journalistic activities](#).

It is particularly alarming that the police were on the ground – though in insufficient numbers – but they failed to prevent the violence.

According to news reports, the [Ministry of Internal Affairs has launched an investigation into the incident under Article 125 of the Criminal Code, which imposes sanctions for battery](#). The timely launching of investigation is a welcome fact, though it is of key importance that the investigation yield concrete results and that the relevant persons are held accountable.

It should also be noted that, in the view of the GYLA, the aforementioned acts reveal not only elements of the crime punishable under Article 125 of the Criminal Code but also acts that grossly violate public order and demonstrate clear disrespect towards it (Article 239 of the Criminal Code) and, also, contain [elements of unlawful interference with a journalist's professional activities \(Article 154 of the Criminal Code\)](#).

Correct legal assessment of these acts is of decisive importance for preventing further crimes.

It should also be noted that the aforementioned assailants were presumably mobilized and taken to Samegrelo by the Georgian Dream party. The UNM released a special [statement](#) regarding the aforementioned. The content of the statement indicates possible circumstances which, if confirmed, contain elements of a criminal offense. It

their turn, representatives of Georgian Dream stated that the violence had been provoked by the UNM and [accused them of mobilizing members of a so-called “zonder group”](#).

The Prosecutor’s Office of Georgia is obligated to ensure separate investigations regarding the issues mentioned in the statements of both parties. In addition, it is necessary to conduct the investigations as transparently, swiftly and thoroughly as possible and to inform the public of their results in a timely manner.

The way the authorities respond to the aforementioned incident is going to have a direct influence on the environment in the run-up to the elections of October 2016, and, therefore, it is extremely important to ensure that the response to this incident is timely and meaningful.

The GYLA calls upon:

Representatives and supporters of election subjects:

- To refrain from all kinds of violence and violations of law and to respect the necessity of conducting the elections in a quiet and fair environment;

Law enforcement bodies:

- To give an accurate legal assessment to the incident that took place in Kortskeheli and to ensure that all the perpetrators are identified in a timely manner and measures envisaged by law are taken in relation to them;

- To protect journalists from violence and to provide them with an appropriate working environment;

The General Inspection of the MIA:

- To study the appropriateness and timeliness of the response of the Ministry of Internal Affairs during the incident and, if disciplinary misconduct is revealed, to apply measures envisaged by law;

The Chief Prosecutor of Georgia:

- To take the investigation of the violent acts that took place in the area adjacent to election precinct no. 53 and of the aforementioned statements made in connection

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with them under personal control.