



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

2021 LOCAL SELF-GOVERNMENT ELECTIONS GYLA LONG-TERM OBSERVATION MISSION II INTERIM REPORT

AUGUST-SEPTEMBER



Georgian Young Lawyers' Association

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INTRODUCTION

The Georgian Young Lawyers' Association started the implementation of the project - "Long-Term Observation Mission for the 2021 Local Elections" in May 2021. The purpose of the long-term observation is to promote a free, equitable, and competitive environment for conducting elections. To achieve this, GYLA aims to increase transparency in the electoral process, ensure the effectiveness of legislative mechanisms through dispute resolution/monitoring, and provide credible, evidence-based information to the public on important tendencies.

Within the framework of the long-term observation mission, the organization monitors the pre-election environment through 9 regional offices in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Shida Kartli, Samtskhe-Javakheti, Kvemo Kartli, Mtskheta-Mtianeti, and Kakheti.

In accordance with the Constitution and the Election Code, the President issued an ordinance on August 2, 2021, scheduling the local elections for October 2.¹ 60 days before the elections, on August 3, special rules came into force. This report aims to assess the main part of this period. It includes information on the facts that occurred from August 3 to September 24 (this report does not include some facts that occurred during the period mentioned, as their examination is not complete for now. In case of confirmation of problematic circumstances in these cases, the organization reserves the right to reflect them in the next report of the 2021 Self-Government Election Observation Mission), however, the report does not assess only violations of the legislation. The document also pays attention to the actions that, in themselves, even though are not violations of the law, constitute bad practices and harm the creation of a healthy pre-election environment. One part of them, according to GYLA, should be subject to normative regulation in the future. In order to eliminate the other part, the organization recommends that the relevant persons change their behavior.

For the 2021 local government elections, district and precinct commissions were reorganized in a new manner, based on the principle of high quorum during the first ballot, which means that for their election for the first row, a 2/3 majority of votes was required in higher commissions. However, if this number could not be collected, the recent changes also left the possibility of selecting by an absolute majority of members (the so-called anti-deadlock mechanism). The latter entry in the district commission selection procedure contradicts the April 19 agreement. In its defense, the parliamentary majority cited the argument of excluding the artificial impediment of the process. The Long-Term Monitoring Mission believes that this should not have been a ground for rejecting the rule provided for in the Agreement. Contrary to the skepticism of the ruling party, half of the temporary members of the district commission were appointed by the agreement between the government and the opposition. Despite the fact that some opposition parties did not take part in the voting process (this decision was based on insufficient arguments for GYLA), the practice proves that decisions can be made with a consensus-oriented approach. Consequently, there is no real need to select district commission members under a lower quorum.

It should be noted that in the process of staffing the election administration, at both levels, the problem was low competition. The reason for this may be various factors, including the increase in the number of members and, consequently, the number of vacancies. However, it is also noteworthy that in both cases, the selection took place in a short period. The extremely short deadlines for submitting applications prevented the dissemination of information and the ability of applicants to submit applications. According to GYLA, in order to improve the process, it is necessary to revise the terms of staffing election commissions.

The impact of the COVID-19-induced epidemic situation was still reflected in pre-election activities. Political parties took the initiative to assist the population in the vaccination process. The parties Georgian Dream, National Movement, Lelo, and European Georgia, were involved in this activity. However, under election law, parties are prohibited from promising or providing free services to citizens. This is voter bribery. GYLA also registered other bribery cases and alleged bribery related to the Georgian Dream and the party For Georgia.

It remains the challenge to personify government projects and affiliate with a particular party. Irakli Gharibashvili, the head of the government during the pre-election campaign, constantly emphasized the

¹ Decree N02 / 08/01 of the President of Georgia of August 2, 2021 on the announcement of elections of the municipal bodies, the official website of the President of Georgia, accessible: <https://bit.ly/39Jubpm>, updated: 27.09.2021.

role of Bidzina Ivanishvili, the founder, and leader of the Georgian Dream party, as well as his financial contribution, during government events and discussions on government initiatives and projects. According to GYLA, such facts are not a violation of the law but complicate to make a distinction between the state and the ruling party and run counter to the requirement of good practice to separate them.

Another problem is related to the use of administrative resources. Such cases were revealed in Batumi, Ambrolauri, Ozurgeti, and Aspindza. They refer to the use of public services by the Georgian Dream party, the sharing of posts in support of the Georgian Dream by state-funded organizations, and the use of Georgian Dream attributes in the budget-funded rehabilitation works. The long-term observation mission identified the facts of the gathering of public officials by the ruling party, as well as by one independent candidate, for the purpose of agitating. Some of the mentioned cases were first appealed to the district commissions and then to the court. These instances have made different types of decisions, which will be discussed in more detail below.

The long-term observation mission also monitored compliance with the rules of participation in agitation during the pre-election period. There are two cases in this regard: In the first - a CEC member is involved in the campaign of an opposition candidate, and in the second – an alleged member of a precinct commission attending a pre-election meeting of the ruling party.

As the elections approached, the pre-election environment gradually became tense. In this regard, a special situation was created in Kvemo Kartli. In Rustavi, a supporter of the National Movement was attacked supposedly on political grounds. During a pre-election meeting of the opposition mayoral candidate in Dmanisi municipality, his and Georgian Dream supporters physically confronted each other, injuring two people. One of the suspects has been arrested; he is a supporter of the ruling party. The Dmanisi incident was followed by a heated conflict between the leaders of the Georgian Dream and the United National Movement in Tbilisi during which the Chairperson of the ruling party verbally assaulted the opponent. There was also a verbal confrontation at the event of nominating an opposition candidate in Vani (GYLA also considers this fact as an example of petty hooliganism). It is also noteworthy that there was an allegedly politically motivated attack on a supporter of an opposition party in Ozurgeti and the alleged physical abuse of a Sakrebulo member by the incumbent mayor (an independent mayoral candidate) in the same municipality.

GYLA also reported alleged cases of pressure and threats against the opposition – the businesspersons, candidates of opposition parties, and their supporters. For example, in Imereti and Adjara, the mayoral candidate of the party For Georgia and members of the proportional list spoke openly about such facts. Similar cases are reported in Zugdidi, by a supporter of the United National Movement, and by a majoritarian candidate in Kobuleti, as well as by a candidate for Strategy Aghmashenebeli in the Janeti-Bashi majoritarian constituency in Samtredia. One of the opposition channels reported on possible pressure on businesspersons in Samtskhe-Javakheti. These cases contain signs of a criminal offense. GYLA calls on the law enforcement agencies to thoroughly investigate the alleged crimes discussed in this and the previous paragraph (this does not include petty hooliganism, which is an administrative offense), to conduct the process objectively and transparently, and to inform the public about their development.

During the reporting period, the facts of creating obstacles for the political parties to carry out the campaign were also revealed. Among them is the refusal of Imedi TV to broadcast free advertising videos of two opposition parties – the European Georgia and the National Movement. The parties lodged a complaint to the National Communications Commission, which granted their request. This approach was also shared by the court, and the TV station was fined. GYLA agrees with this decision and evaluates it positively.

The report also contains information on the failure of several municipalities to fulfill the obligations imposed on them by law. This is related to the publication of the list of buildings allocated for the pre-election campaign and creates difficulties for the parties in conducting agitation.

The cases of damaging the banners and posters of the candidates are also noteworthy, as a result of which both the ruling party and the opposition have been victims many times. In this case, as well, GYLA calls on the investigative bodies to take an interest in the facts included in the report.

During the reporting period, several cases of dismissal from public institutions on political grounds were revealed. All of them are connected with the party For Georgia.

1. RECRUITMENT OF THE ELECTION ADMINISTRATION

District Election Commissions

Following the reform, district election commissions (DEC) will be staffed on a mixed basis, with eight members selected on professional grounds by the CEC and the remaining nine appointed by parties.² 5 professional members - for a term of 5 years, and 3 temporarily - hold this position until the announcement of the final results of the respective elections.³ The deadline for submitting documents for the district election commission membership is 2 days after the announcement of the competition.⁴ The legislation does not provide for the obligation to interview candidates.

In accordance with the political agreement of April 19, an amendment was made to the legislation, according to which the members of the district commission are elected by the CEC by a 2/3 majority.⁵ The Election Code additionally defines an anti-deadlock mechanism, particularly, if 2/3 of the votes cannot be collected for the first time, the candidate will be elected by an absolute majority at the next ballot.⁶ This was not provided for in the April 19 document. The parliamentary majority cited the prevention of the possibility of artificially disrupting the process as an argument for this record, which is a commonly used but non-sufficient argument to circumvent the agreement.

For the 2021 local self-government elections, the temporary members of the district election commissions were selected under the amended legislation. More specifically:

1. The CEC announced the competition for the temporary members of the District Election Commission on August 3.⁷ It received a total of 377 applications for the vacant position.⁸ 7 contestants did not submit corrected documents after the defect was identified. Therefore, 370 people continued to participate in the contest.⁹
2. According to the CEC, the number of candidates for 3 vacant positions in each district commission was distributed as follows: in 12 district commissions - three candidates in each, in 20 - four in each, in 16 commissions - five, in nine - six, in 11 - seven, in 4 commissions - eight, and in 1 eleven candidates were registered.¹⁰ As mentioned above, 12 constituencies received exactly the same number of applications as there were vacancies. This means that the selection process here took place without real competition. The reason for this may be various factors. One of the reasons is the increase in the number of vacancies compared to the previous elections, although the extremely short deadline for submission of applications was noteworthy, which did not allow for proper dissemination of information or appropriate steps to be made from the interested persons. Applications were accepted for 2 days, from August 4, 2021, to August 5, 2021, until 18:00.¹¹
3. The commission members reviewed 370 applications in 2 days, and on August 7, they traveled to the regions and conducted interviews.¹² The commission members split up and met 180 candidates individually in one day. The process was attended by 14 CEC members¹³ - both professional and nominat-

² Election Code of Georgia, Article 20, Part 1.

³ Ibid, Article 19, Part 5.

⁴ Ibid, Article 20, Part 12, Subparagraph "b".

⁵ "The future path for Georgia", EU Delegation to Georgia, the official website, April 19, 2021, accessible: <https://bit.ly/3frBggU>, updated: 03.09.2021.

⁶ Election Code of Georgia, Article 20, Part 16.

⁷ Ordinance №102/2021 of the Central Election Commission of Georgia of August 3, 2021, on announcing the competitions for the selection of Temporary Members of District Election Commissions for the October 2, 2021 elections of the representative body of the municipality - Sakrebulo and the mayor of the self-governing city/self-governing community and establishing the secretariat, the official website of the Central Election Commission, accessible: <https://bit.ly/3t4kCdM>, updated: 31.08.2021.219

⁸ "Statistical Information on the election of Temporary Members of District Election Commissions", the official website of the Central Election Commission, August 9, 2021, accessible: <https://bit.ly/3DjOpUz>, updated: 31.08.2021.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ordinance №102/2021 of the Central Election Commission of Georgia of August 3, 2021, on announcing the competitions for the selection of Temporary Members of District Election Commissions for the October 2, 2021 elections of the representative body of the municipality - Sakrebulo and the mayor of the self-governing city/self-governing community and establishing the secretariat.

¹² "CEC members will hold interviews with the candidates for temporary membership in the district election commissions", the official website of the Central Election Commission, August 6, 2021, accessible: <https://bit.ly/2UGI4Rx>, updated: 23.08.2021.

¹³ The members of the commission appointed by the United National Movement and the European Georgia protested against

ed by the parties.¹⁴ With the consent of the candidates, the interview process was broadcast live on Facebook.¹⁵ A prominent initiative by CEC members to interview candidates and make the process as transparent as possible should be evaluated positively. However, GYLA still highlights time shortages. Reviewing 370 applications in two days and organizing 180 interviews is unwise. Distributing candidates and conducting interviews among CEC members separately is also ineffective. Following such a procedure, the members of the Commission have unequal information about specific candidates, which, in addition to being a problem in itself, hinders the agreement between the decision-makers.

4. The members of the Commission appointed by the United National Movement and European Georgia did not take part in the process of staffing the districts. They demanded the dismissal of public sector employees, local self-government bodies, and NNLEs from the list of candidates.¹⁶ At the same time, according to the position of Davit Kirtadze (the United National Movement), splitting the Commission and conducting individual interviews by members was an ineffective way. Davit Jinjolava (the European Georgia) also shared this opinion. According to him, in the conditions when the Commission is not obliged by law to conduct an interview, and some of the candidates did not appear for the interview, it was impossible to make a real assessment of the process.¹⁷ It is not entirely clear to GYLA why these arguments are enough to boycott when the participation of opposition parties could have made a positive contribution to the decision-making process.
5. In total, 105 out of 218 selected candidates received the support of 2/3 of the CEC members (12 or more votes),¹⁸ and 113 members were elected by a majority or more of the full membership, but not by 2/3 (9-11 votes).¹⁹ It should be noted that all the candidates supported by the appointed member of the Georgian Dream party were finally elected as members of the Commission (if they did not get enough votes in the first round, they had this support in the second round).

Thus, half of the elected candidates were appointed as professional members by agreement between the government and the opposition. Even though some part of the latter did not participate in the selection process, the given fact still proves that decisions can be made through a consensus-oriented approach, and there is no real need for district members to be selected by a lower quorum. **Thus, the anti-deadlock mechanism should be abolished in the procedure of recruiting professional members of the District Election Commission.**

In addition, it is necessary to reconsider the terms of staffing the DEC. The qualifying competition should be announced before the official start of the campaign, and the time allotted for receiving and reviewing the application should be increased. Interested parties should be given a reasonable time to apply for membership of the Commission, and the Commission should be allowed to evaluate them in a peaceful environment and make a decision. This, in turn, will contribute to a more equitable and competitive process. The problem of tight deadlines is also relevant for the staffing of precinct election commissions, which is discussed in the following section.

the process of staffing the district election commissions and did not participate in any interviews or voting. Dimitri Javakhadze, a professional member of the CEC, did not attend the interviews for personal reasons, however took part in the voting.

¹⁴ Interviews were conducted by CEC members: CEC Deputy Chairman Giorgi Sharabidze, CEC Secretary Giorgi Javakhishvili, CEC member Giorgi Dzagania, CEC member Giorgi Chikaberidze, CEC member Gia Tsatsashvili, CEC member Maia Zaridze, CEC member Dimitri Javakhadze, Nino Basilaia (European Socialists), Levan Jgerenaia (Girchi), Ia Pirtakhia (European Democrats of Georgia), Ivane Norakidze (Aleko Elisashvili - Citizens), Archil Anasashvili (Georgian Dream - Democratic Georgia), CEC Deputy Chairman Giorgi Sioridze (Lelo for Georgia), Ana Kobakhidze (Giorgi Vashadze - Strategy Aghmashenebeli).

¹⁵ "CEC members will hold interviews with the candidates for temporary membership in the district election commissions", the official website of the Central Election Commission, August 6, 2021.

¹⁶ CEC sitting, 00:49 - Davit Kirtadze's speech, 00:55 - Davit Jinjolava's speech, the official Facebook page of the Central Election Commission, August 8, 2021, accessible: <https://bit.ly/3Ba5rCF>, updated: 20.08.2021.

¹⁷ Ibid.

¹⁸ In the first ballot, 98 candidates received 12 or more votes, in the second ballot - 7.

¹⁹ In the second ballot, the candidates received nine votes or more.

Precinct Election Commissions

The competition for the members of the Precinct Election Commissions for the self-government elections was announced on August 8. Applications were accepted in a rather short time, from August 9 to 12.²⁰ According to the legislation, 8 PEC members elected on the basis of professional status are elected by the relevant district election commission by 2/3 of the full composition, including having the support of at least 3 members elected for a term of 5 years.²¹ If a candidate fails to obtain the appropriate number of votes, the candidate who will be supported by an absolute majority in the second round will be considered elected (a vote of 3 out of 5 permanent professional members is also required here).²²

31,483 applications for the competition were submitted to 29,312 vacancies in 3,664 polling stations in 73 constituencies.²³

- In 2 153 polling stations (58.76%), only 8 applications were submitted for 8 vacancies;
- 891 polling stations (24.32%) - 9 applications;
- 539 polling stations (14.71%) - more than 9 applications.

The problem of lack of applications was also revealed in the 2020 parliamentary elections. In conditions of low competition, the possibility of staffing precinct election commissions with highly professional staff decreases. The reason for this was probably the same as in the case of DEC.

The election of the members of the precinct commissions took place in a short period, from August 14 to August 17.²⁴ The time required by law is short for disseminating vacancy information, reviewing applications, and making appropriate decisions. **It is preferable to increase both the period of receipt of applications and the time for their processing, and this procedure should not depend on the date of the official announcement of the election.** The OSCE also addresses this issue and considers that it is possible to extend the deadlines for submitting applications and consideration for PEC membership.²⁵

A member of a district election commission is prohibited from participating in the selection of a PEC member if they are a member of the candidate's family.²⁶ According to data published by the CEC, 145 commission members did not participate in the election process due to kinship.²⁷

Legislative changes in 2020 also precluded the membership of a PEC member on a professional basis who was affiliated with any political party during the previous general election.²⁸ For this reason, 903 contestants were excluded from the selection process.²⁹ As a result, no person was elected in violation of this rule.

In total, 25,730 (88.46%) out of 29,086 PEC members were elected by a high quorum (12 or more votes),³⁰ 3 330 members (11.44%) by 10 or 11 votes. Only 26 members (0.089%) received a minimum of 9 votes sufficient to be selected.³¹

²⁰ Ordinance №97/2021 of the Central Election Commission of Georgia of August 3, 2021, on determining the rules, conditions and terms of the competition for selecting the members of the precinct election commissions established for the October 2, 2021 elections of the municipal bodies, the official website of the Central Election Commission of Georgia, accessible: <https://bit.ly/38AIV9K>, updated: 01.09.2021.

²¹ Election Code of Georgia, Article 24, Part 2.

²² Ibid, Article 25, Part 11.

²³ "Statement on the Election of Precinct Election Commission Members", the official website of the Central Election Commission of Georgia, August 17, 2021, accessible: <https://bit.ly/3BupYSm>, updated: 01.09.2021.

²⁴ Ordinance №97/2021 of the Central Election Commission of Georgia of August 3, 2021, on determining the rules, conditions and terms of the competition for selecting the members of the precinct election commissions established for the October 2, 2021 elections of the municipal bodies, Article 2, Paragraph 2.

²⁵ OSCE 2020 Report, p.17.

²⁶ Election Code of Georgia, Article 24, Part 2.

²⁷ "Information Statement on the Election of Precinct Election Commission Members", the official website of the Central Election Commission of Georgia, August 17, 2021.

²⁸ Election Code of Georgia, Article 24, Part 2.

²⁹ "Statement on the Election of Precinct Election Commission Members", the official website of the Central Election Commission of Georgia, August 17, 2021.

³⁰ Ibid.

³¹ Ibid, 2 members of the Precinct Election Commission were elected by 17 votes; 5 members of the Precinct Election Commission - by 16 votes; 719 members of the Precinct Election Commission - by 15 votes; 4 102 members of the Precinct Election Commission - 14 votes; 9,391 members of the Precinct Election Commission - by 13 votes; 11,511 members of the Precinct

The willingness of the election administration to publicize the tendencies revealed in the statistical data as a result of the selection process of the contestants as soon as possible should be assessed positively.

Representatives of the United National Movement (UNM) filed several complaints with the CEC alleging that dozens of candidate applications were sent from the same email address³² and that some of the handwritten applications were filled in with identical calligraphy.³³ The CEC considered that the complaints did not belong to circumstances that prevented DEC's from electing these individuals.³⁴ This decision is legal, although it is unclear why candidates were unable to fill out applications themselves or use their own email. Another problem was identified as well. Specifically, the signatures on several applications for participation in the competition were similar. The CEC appealed to the Prosecutor's Office on such facts.³⁵

According to the complaint of the United National Movement, their members in the election commissions, in some cases, did not have the opportunity to get acquainted with the applications in full.³⁶ The CEC did not satisfy the claim. However, the decision, which addresses several cases along with this complaint, does not include the argumentation.³⁷ The Observation Mission believes that all members of the Commission should have access to the materials in accordance with the law. GYLA calls on the CEC to indicate clearly that the arguments on which the operative part of its Act is based in resolving the disputes.

Election Commission - by 12 votes; 2,872 members of the Precinct Election Commission by 11 votes; and 458 members of the Precinct Election Commission – by 10 votes.

³² Complaint of a party representative in №80 District Election Commission, accessible: <https://bit.ly/3lOZC7x>, updated: 27.09.2021; Complaint of a party representative in №1 District Election Commission, accessible: <https://bit.ly/3nRrnPt>, updated: 27.09.2021; Complaint of a party representative in №60 District Election Commission, accessible: <https://bit.ly/39u6dOI>, updated: 27.09.2021; Complaint of a party representative in №2 District Election Commission, accessible: <https://bit.ly/2Z7PJKj>, updated: 27.09.2021; Complaint of a party representative in №79 District Election Commission, accessible: <https://bit.ly/3ztcfd>, updated: 27.09.2021; Complaint of a party representative in №5 Isani District Election Commission, accessible: <https://bit.ly/3AtB8qv>, updated: 27.09.2021.

³³ Complaints are accessible: №80 District Election Commission - <https://bit.ly/3lOZC7x>, №60 Election Commission - <https://bit.ly/39u6dOI>, №2 District Election Commission - <https://bit.ly/2Z7PJKj>, №79 District Election Commission - <https://bit.ly/3ztcfd>, №5 Isani District Election Commission - <https://bit.ly/3AtB8qv>.

³⁴ Ordinance №180/2021 of the Central Election Commission of Georgia, August 19, 2021, on the complaints of the representatives of the Political Union of Citizens of the United National Movement in the district election commissions of August 17, 2021, (registration numbers in the CEC: 2700; 2701; 2702; 2703; 2704; 2705; 2705; 2706; 2707; 2708; 2709; 2710; 2711), accessible: <https://bit.ly/3o1uELU>, updated: 21.09.2021.

³⁵ Ibid.

³⁶ Complaint of a party representative in №80 District Election Commission; Complaint of a party representative in №1 District Election Commission;

³⁷ Ordinance №180/2021 of the Central Election Commission of Georgia, August 19, 2021, on the complaints of the representatives of the Political Union of Citizens of the United National Movement in the district election commissions of August 17, 2021.

2. DISREGARDING THE REQUIREMENT TO SEPARATE STATE AND THE PARTY

The 1990 OSCE Copenhagen Document calls for a “clear separation of state and political parties.”³⁸ The ruling party failed to adhere to this principle. Irakli Gharibashvili, the head of the government during the pre-election campaign, constantly emphasized the role of Bidzina Ivanishvili, the founder, and leader of the Georgian Dream party, as well as his financial contribution, during government events and talks on government initiatives and projects.

For example, on August 26, Irakli Gharibashvili thanked Bidzina Ivanishvili while presenting the Georgian Dream mayoral candidate Vakhtang Gadelia in Senaki and spoke about a joint project of the Cartu Foundation and the state, which will completely restore the Nokalakevi Archaeological Complex.³⁹ He also stressed the contribution of the Cartu Foundation to the renovation of the Senaki State Theater. According to him, the foundation spent 10 million GEL on this and returned the historic theater to Senaki.⁴⁰ Otar Danelia, Deputy Minister of Economy, who delivered a speech at the same event, also paid special attention to the Nokalakevi Fortress-City Rehabilitation Project and the financial support of the Cartu Foundation.⁴¹

On August 27, during the nomination of Davit Bukia, the Georgian Dream candidate for mayor in Khobi, the head of government said: “Mr. Bidzina Ivanishvili restored the Presidential Memorial House in the village of Khibula. In addition, by his decision, a beautiful temple was built on the territory of the house, and the landscaping was renovated, for which Mr. Bidzina Ivanishvili’s fund spent 13 million GEL. Thanks personally to Mr. Bidzina Ivanishvili and thanks to the Cartu Foundation.”⁴²

Speaking at the presentation of Kutaisi mayoral candidate Ioseb Khakhaleishvili on September 4, Irakli Gharibashvili recalled Bidzina Ivanishvili’s one-billion-euro financial contribution while addressing Kutaisi International University.⁴³

Also, information was spread on the official Facebook page of the Georgian government, which was later shared by the Tianeti Municipality, about the Prime Minister’s visit to the Mirza Gelovani House-Museum, where Bidzina Ivanishvili’s initiative and financial contribution to the restoration of the museum are also emphasized.

Bidzina Ivanishvili is the founder and leader of the Georgian Dream party, and the Cartu Foundation is his subordinated organization. Mentioning Bidzina Ivanishvili-funded projects at campaign events makes it difficult for voters to draw the line between the state and the ruling party. In fact, the leader of the Georgian Dream and the state are implementing these projects jointly. In this way, the state’s responsibility is related to the goodwill and charity of the party. GYLA notes that these facts are not a violation of the law but run counter to the requirement of good practice to separate clearly the state and the party.



³⁸ 38 Organization for Security and Co-operation in Europe, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen: Organization for Security and Co-operation in Europe, 1990), para 5.1, accessible: <https://bit.ly/3vzFHwU>, updated: 13.09.2021.

³⁹ “Irakli Gharibashvili - “I would like to thank Mr. Bidzina Ivanishvili, with whose support we will soon fully restore Nokalakevi, the Cartu Foundation spent 10 million GEL and returned the historic theater back to Senaki.” August 26, 2021, Information portal Interpressnews, accessible: <https://bit.ly/3tpJeh9>, updated: 09.09.2021.

⁴⁰ Ibid.

⁴¹ “Otar Danelia - “Nokalakev rehabilitation project is unprecedented in the Caucasus, implemented with the use of modern technologies”, August 26, 2021, Information portal Interpressnews, accessible: <https://bit.ly/3zT4zIC>, updated: 09.09.2021.

⁴² Irakli Gharibashvili: “Mr. Bidzina Ivanishvili restored the Presidential Memorial House in Khibula, thanks personally to Mr. Bidzina Ivanishvili and the Cartu Foundation.” Information portal „PIA.ge“, August 27, 2021, accessible: <https://bit.ly/3lae49B>, updated: 27.09.2021.

⁴³ Nomination of Kutaisi mayoral candidate Ioseb Khakhaleishvili, the official Facebook page of Georgian Dream, September 4, 2021, accessible: <https://bit.ly/396ZBGd>, updated: 09.09.2021.

3. USE OF ADMINISTRATIVE RESOURCES

According to the Election Code, any person entitled to participate in pre-election agitation is prohibited from using administrative resources to support any political party or candidate of an election subject during the pre-election period. According to GYLA, in all the following cases, the Georgian Dream party violated this rule.

Use of a vehicle of Batumi Water Ltd by the Georgian Dream

According to media reports, on August 16, chairs were transported to the Georgian Dream Adjara central office in Batumi by a vehicle owned by Batumi Water Ltd.⁴⁴

Electoral legislation prohibits the use of administrative resources in the pre-election agitation and campaigning process, including the use of vehicles owned by municipal bodies.⁴⁵ The municipality establishes a limited liability company within its authority.⁴⁶ Batumi Water Ltd was established by the Batumi Municipality with a 100% share of the authorized capital, and the partnership authority is exercised by the Batumi Municipality.⁴⁷ Thus, the municipal body owns a vehicle owned by Batumi Water.⁴⁸



GYLA assessed the fact as a violation of the rule of using administrative resources by the ruling party and submitted a complaint with the Batumi District Election Commission, which was not satisfied. At the meeting, Batumi Water Ltd presented a payment receipt and invoice stating that the Georgian Dream party had purchased services from Batumi Water Ltd.

GYLA appealed against the written refusal of the Batumi District Election Commission to the Batumi City Court. In the assessment of the case, the judge relied on the fact that Batumi Water Ltd, within the scope of its statutory authority, has the right to carry out any activity for profit that does not contradict the law.⁴⁹ It found that services were provided to the ruling political party in exchange for remuneration. According to the court, the argument that the Ltd was established by the Batumi City Hall cannot be used to confirm the use of administrative resources, as the services provided did not result in the free, arbitrary usage of the vehicle by a private law entity.⁵⁰

At the same time, a video was spread in the media, where a representative of the National Movement party called the Batumi Water and asked them to transport the chairs, but in response, he was told that the Batumi Water did not have such a service.⁵¹

GYLA disagreed with the court's decision and appealed it to the Court of Appeals.

⁴⁴ "Batumi Water in the service of the Georgian Dream - the fact of using administrative resources", Information portal Batumelebi, August 16, 2021, accessible: <https://bit.ly/3yU2DbP>, updated: 17.08.2021.

⁴⁵ Election Code of Georgia, Article 48, Part 1, Subparagraph "c".

⁴⁶ Local Self-Government Code, Article 1061, Part 1.

⁴⁷ Order N763 of the Mayor of Batumi Municipality of October 5, 2015, on the approval of the charter of the limited liability company "Batumi Water", Article 1 of the charter, accessible: <https://bit.ly/3jYxldP>, updated: 17.08.2021.

⁴⁸ "Batumi Water", a list of municipal organizations on the website of Batumi City Hall, accessible: <https://bit.ly/3iTx81>, updated: 17.08.2021.

⁴⁹ Resolution N4-1718/21 of the Batumi City Court of September 3, 2021.

⁵⁰ Ibid.

⁵¹ Furniture delivery only for the "Dream", Facebook page of the Information portal BATUMELEBI.GE, September 6, 2021, accessible: <https://www.facebook.com/watch/?v=564218521534703>, updated: 27.09.2021.

Gathering of officials on a workplace-related basis by the mayor of Ambrolauri (the Georgian Dream candidate)

On August 17, Ambrolauri Mayor and, at the same time, mayoral candidate Zviad Mkheidze⁵² met with the staff of the Cleaning and Improvement Service and Water Supply Network Maintenance Center in Ambrolauri Municipality as part of pre-election campaigns.⁵³ The meeting was held in an open space. The conversation focused on the current situation in this service, problematic issues, and ways to solve them.⁵⁴

A video was spread through Zviad Mkheidze's personal Facebook page, the caption of which reads: "Today I met with representatives of the cleaning, improvement, and water supply sector in Ambrolauri Municipality." The caption "Georgian Dream" and the candidate's election number appear at the beginning of the video.⁵⁵ It is noteworthy that the candidate called on the gathered people to support him and said, "If we want all this [meaning municipal projects] to continue, it is your choice."⁵⁶

The Election Code prohibits the use of administrative resources during pre-election agitation. In particular, it is prohibited for employees of NNLEs established by the state or municipality to gather on a basis of the workplace.⁵⁷ GYLA believes that Zviad Mkheidze violated this requirement and used administrative resources during the election campaign.

The District Election Commission investigated the case and, based on the explanations of the directors of the NNLEs Cleaning and Improvement Service and the Municipal Water Supply Maintenance Center, considered that they had not committed a violation of the law.⁵⁸ It also relied on a letter from the mayor of Ambrolauri Municipality stating that it was a meeting with the population and that the presence of NNLE staff was not planned in advance.⁵⁹

Transparency International Georgia appealed the decision of the District Election Commission to the Ambrolauri District Court.⁶⁰ The latter, in terms of the content and form of gathering, described it as a business meeting, noting that Zviad Mkheidze himself shared this information on his social media page.⁶¹ The court clarified that the District Election Commission failed to properly perform its statutory duties and did not question all those who may have had information about the case.⁶² Finally, the court remanded the case to the Ambrolauri District Election Commission,⁶³ which GYLA positively assessed. However, unfortunately, the district commission made the same decision as a result of the reconsideration of the case as it did the first time.⁶⁴

⁵² Zviad Mkheidze - Mayoral Candidate of Ambrolauri Municipality, the official Facebook page of Zviad Mkheidze, August 15, 2021, accessible: <https://bit.ly/3xXReGX>, updated: 18.08.2021.

⁵³ The official Facebook page of Zviad Mkheidze, August 17, 2021, accessible: <https://bit.ly/2W2A7GH>, updated: 18.08.2021.

⁵⁴ "Today, I met with the representatives of the Cleaning and Improvement Service and the Maintenance Center of the Water Supply Network in Ambrolauri Municipality", the official Facebook page of Zviad Mkheidze, August 17, 2021, accessible: <https://bit.ly/2Xx8TIN>, updated: 18.08.2021.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Election Code of Georgia, Article 48, Part 1, Subparagraph "d".

⁵⁸ Letter №44/40 of the №24 Ambrolauri District Election Commission of August 29, 2021, to the representative of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3CQIs1o>, updated: 27.09.2021.

⁵⁹ Ibid.

⁶⁰ Motivational part of the decision №4/81-21 of the Ambrolauri District Court of September 10, 2021.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Decision N44/85 of the Ambrolauri District Election Commission of September 28, 2021.

Ambrolauri Art School shares posts in support of the Georgian Dream

On September 5, 15, and 16, 2021, the NNLE Ucha Japaridze Art School of the Ambrolauri shared the posts in support of the Georgian Dream and its mayoral candidate Zviad Mkheidze in Ambrolauri on its Facebook page.⁶⁵



The mentioned art school is financed from the budget of Ambrolauri municipality.⁶⁶ Municipal organizations funded by the state budget are prohibited from using communication or information media for agitation.⁶⁷ Ambrolauri Art School disregarded this requirement of the law. GYLA filed a complaint with the District Election Commission about this fact.



⁶⁵ The official Facebook page of the Ambrolauri Art School, accessible: <https://bit.ly/3ltNjxl>, updated: 16.09.2021.
⁶⁶ Ambrolauri Municipality Sakrebulo Resolution №14 of December 30, 2020, Ambrolauri Municipality Budget 2021, Culture, Youth and Sports: NNLE Extracurricular Art Educational Institution, Ambrolauri Ucha Japaridze Art School, program code: 0502 0103.
⁶⁷ Election Code of Georgia, Article 48, Part 1, Subparagraph “b”.

Meeting of officials on workplace basis by the Mayor of Ozurgeti (independent candidate)

On September 10, the incumbent mayor of Ozurgeti and, at the same time, the independent mayoral candidate Konstantine Sharashenidze met with the staff of Ozurgeti Municipality and NNLEs.⁶⁸ The people present at the meeting declare in the informational video that they are employees of the Municipality and the NNLE.⁶⁹ They confirm that they came to a meeting with the mayoral candidate and point to the end of their working hours.⁷⁰ Konstantine Sharashenidze himself states that the purpose of the meeting was to share his position as a mayoral candidate.⁷¹

According to the Election Code, the meeting of public servants and meeting of NNLE staff established by the municipality is not limited to working hours⁷² and is always prohibited.⁷³ Thus, GYLA considers that the fact is an example of a gathering of public servants and employees of NNLEs established by the municipality on a business basis, which, as mentioned above, is a violation of the law.⁷⁴

The International Society for Fair Elections and Democracy filed a complaint with the District Election Commission, which upheld it and issued an administrative report.⁷⁵ The court agreed with the Commission and found the mayor of Ozurgeti guilty.⁷⁶ GYLA positively assesses the actions of the district election commission and the court.

Use of the Georgian Dream agitation attributes during the rehabilitation of the drinking water network

On September 21, during the rehabilitation works of the drinking water network in the village of Nakalakevi, Aspindza Municipality, the representatives of NDS Construction Ltd wore the agitation attributes of the Georgian Dream - T-shirts and hats.



During the pre-election period, it is prohibited to agitate and use administrative resources to support any political party in the campaign.⁷⁷ An agreement has been signed between Aspindza Municipality and NDS Construction Ltd on the rehabilitation of the drinking water network in the village of Nakalakevi.⁷⁸ The mentioned company carries out specific works with the financial support of the municipal budget.⁷⁹ It operates under a contract with the state, funded by public finances. In this process,

agitation in favor of the ruling party, in GYLA's view, should be considered as the use of administrative resources. The organization appealed to the relevant district election commission.

⁶⁸ Pre-election meeting in violation of the law, the official Facebook page of Imedi TV, September 11, 2021, accessible: <https://bit.ly/3m15SZO>, updated: 25.09.2021.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Election Code of Georgia, Article 48, Part 1, Subparagraph "d".

⁷³ Memorandum on the use of administrative resources for the October 2, 2021 elections for the municipal representative body - Sakrebulo and the mayor of the self-governing city/self-governing community, Paragraph 5.

⁷⁴ Election Code of Georgia, Article 48, Part 1, Subparagraph "d".

⁷⁵ №101849 Protocol of Administrative Violation, Ozurgeti District Election Commission, September 20, 2021.

⁷⁶ Resolution of the Administrative Cases Panel of the Ozurgeti District Court on the application of an administrative penalty, Case №4-277-21, 29.09.2021.

⁷⁷ Election Code of Georgia, Article 47, Part 1.

⁷⁸ №77 Agreement on State Procurement of July 7, 2021, the official website of the State Procurement Agency, accessible: <https://bit.ly/3zBjnV1>, updated: 23.09.2021.

⁷⁹ Ibid.

4. ILLEGAL PARTICIPATION AND ALLEGED ILLEGAL PARTICIPATION IN AGITATION

Participation of a CEC member in the pre-election campaign of the National Movement

On September 12, the United National Movement mayoral candidate Nika Melia held a meeting with the population of Mtatsminda.⁸⁰ Davit Kirtadze, a member of the Central Election Commission of the National Election Commission, also attended the meeting.⁸¹ According to GYLA, he violated the requirements of the law on participation in the pre-election campaign, as a member of the election commission must refrain from it.⁸² Violation of the requirements of the Law on Participation in Agitation results in a fine of 2,000 GEL.⁸³ GYLA has lodged a complaint with the District Election Commission.

Alleged participation of a PEC member in agitation

On September 21, Tamriko Vanadze, a member of the Mtispiri Precinct Election Commission, allegedly attended the pre-election meeting⁸⁴ of the Ozurgeti mayoral candidate of the Georgian Dream.⁸⁵ According to the law, participation in a pre-election event is agitation.⁸⁶ The circle of persons who are prohibited from this activity is defined,⁸⁷ including a member of an election commission of any level.⁸⁸

⁸⁰ The official Facebook page of Nika Melia, September 12, 2021, accessible: <https://bit.ly/3oc6Vc5>, updated: 25.09.2021.

⁸¹ Davit Kirtadze, CEC member, the United National Movement. The official website of the Central Election Commission, accessible: <https://bit.ly/3i6HYed>, updated: 25.09.2021.

⁸² Election Code of Georgia, Article 45, Part 4, Subparagraph "a".

⁸³ Ibid, Article 79, Part 1.

⁸⁴ "A member of the election commission was present at the meeting with the candidate of the Georgian Dream", Information portal Guriis Moambe, September 22, 2021, accessible: <https://bit.ly/3CHnuka>, updated: 26.09.2021.

⁸⁵ "Mtispiri - Meeting with the population", the official Facebook page of Avtandil Talakvadze, September 21, 2021, accessible: <https://bit.ly/2XOtwj>, updated: 26.09.2021.

⁸⁶ Election Code of Georgia, Article 2, Subparagraph „h1“.

⁸⁷ Ibid, Article 45, Part 4.

⁸⁸ Ibid, Subparagraph "a".

5. FACTS OF VOTER BRIBERY AND ALLEGED BRIBERY

During the reporting period, GYLA became aware of some bribery or alleged bribery. According to the long-term monitoring mission, law enforcement agencies should be interested in all of the following cases, as voter bribery is a criminal offense.⁸⁹ It is essential that they investigate these cases and inform the public of the results of the investigation.

An initiative of political parties to assist the population in the process of vaccination

On August 5, the European Georgia launched a hotline to assist the population in the vaccination process.⁹⁰ The hotline will help people who do not have access to the Internet and/or lack relevant knowledge to register for the vaccine.⁹¹ Individuals could also receive this service in the party's regional organizations on the spot.⁹²

A few days later, on August 10, Mamuka Mdinardze, the leader of the Georgian Dream, said at a briefing that the party offices would help the population register for the vaccine.⁹³

On August 13, the party Lelo for Georgia also announced the launch of a hotline to help citizens register for vaccinations and provide medical advice.⁹⁴

On August 17, Davit Kirkitadze, the United National Movement party's Rustavi mayoral candidate, said that due to public transport restrictions, the National Movement and party volunteers would provide free transportation to and from Rustavi's vaccination points.⁹⁵ A special hotline was also set up for this purpose.⁹⁶

The party is prohibited from providing services to the citizens of Georgia free of charge through a representative or other person or making them interested in providing services.⁹⁷ In this case, the parties offered services to citizens in the form of free registration or movement, thus violating the law.

Distribution of products by the Georgian Dream

On September 9, in Tsalenjikha, a supporting Facebook page of the Georgian Dream mayoral candidate, Goga Gulordava, posted the text - "Charity Days have begun." The attached photos show the fact that the party activists bought food and distributed it to the citizens.

During the official pre-election period, it is restricted for election subjects to hand over gifts and other material values to citizens in person or through individuals.⁹⁸ In this case, the Georgian Dream party violated this rule by distributing food to the population and bribed the voters.



⁸⁹ Criminal Code of Georgia, Article 1641.

⁹⁰ "The European Georgia launches vaccination campaign to help citizens register for the vaccine", Information portal Mtavari Arkhi, August 4, 2021, accessible: <https://bit.ly/2VFQ4CO>, updated: 13.09.2021.

⁹¹ Ibid.

⁹² Ibid.

⁹³ "Employees of the Georgian Dream election headquarters will help the population to register for the vaccine", Information portal „Imednews“, August 10, 2021, accessible: <https://bit.ly/3zP7Scu>, updated: 28.09.2021.

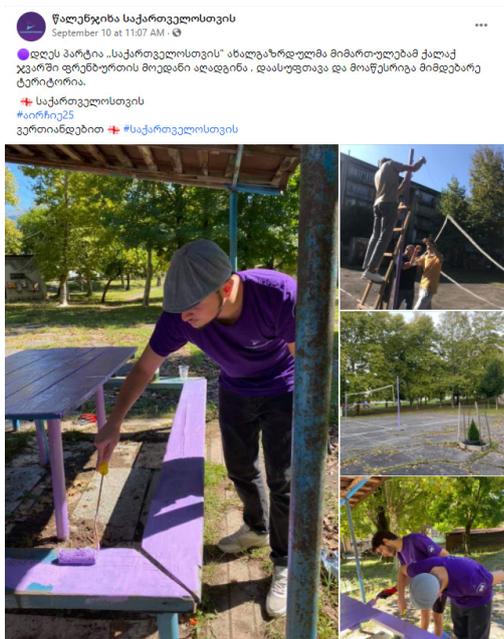
⁹⁴ The official Facebook page for the party Lelo for Georgia, August 13, 2021, accessible: <https://bit.ly/3kL5yyV>, updated: 28.09.2021.

⁹⁵ Briefing of Davit Kirkitadze, Rustavi mayoral candidate of the United National Movement, August 17, 2021, the official Facebook page for Davit Kirkitadze, accessible: <https://bit.ly/3hs0UE3>, updated: 13.09.2021.

⁹⁶ Ibid.

⁹⁷ Organic Law of Georgia on Citizens' Political Associations, Article 252, Paragraph 1.

⁹⁸ Ibid.



Restoration and cleaning of the square by the activists of the party For Georgia

On September 10, young activists of the political union For Georgia, dressed in pro-party colors and T-shirts, rebuilt the volleyball court in the town of Jvari, cleaned and tidied up the surrounding area.⁹⁹

The performance of such work by individuals with the funds of an election subject, which is within the competence of the municipal bodies, is bribery of voters.¹⁰⁰ The party For Georgia has violated this regulation.

The Georgian Dream Khashuri Sakrebulo Majoritarian Candidate Allegedly provided Citizens with material assistance

A citizen’s thank-you post was posted on Facebook, where they thanked Levan Gamrekeli, the Georgian Dream’s Khashuri Sakrebulo majoritarian candidate, for supplying firewood.¹⁰¹ In another case, a thank-you letter was posted on the Khashuri My City Facebook page stating that Levan Gamrekeli funded the operation for one of the people.¹⁰²

During the pre-election period, the transfer of funds, gifts, and other material values to citizens by the candidates of the electoral subject, in person or through someone, is not allowed.¹⁰³ The given cases, if they are true, are examples of violations of this rule and bribery.

⁹⁹ Supporter of the party Facebook page - “Tsalenjikha for Georgia”, accessible: <https://bit.ly/3kdSx0F>, updated: 15.09.2021.

¹⁰⁰ Election Code of Georgia, Article 47, Part 1, Subparagraph “b”.

¹⁰¹ “Majoritarian candidate of Khashuri Sakrebulo provides material assistance to citizens”, Information portal „qartli.ge“, September 22, 2021, accessible: <https://bit.ly/3m4Dkyy>, updated: 26.09.2021.

¹⁰² Ibid.

¹⁰³ Election Code of Georgia, Article 47, Part 1, Subparagraph “a”.

6. FACTS OF ALLEGED COERCION AND THREATS

All the alleged cases discussed in this, and the following chapters contain signs of a criminal offense. Some of them are under investigation, while others are waiting for the response of the relevant authorities. GYLA calls on the law enforcement agencies to investigate the facts fully, conduct the process objectively and transparently, and inform the public about the progress of the cases.

The case of businesspersons

On August 22, the Mtavari Arkhi aired a report alleging that local businesspersons had been summoned to the governor's office in Samtskhe-Javakheti.¹⁰⁴ According to the media, representatives of the States Security Service of Georgia and the financial police, and the Regional Trustee were present.¹⁰⁵ They demanded that the businesspersons donate money in favor of the Georgian Dream party.¹⁰⁶ This information contains signs of alleged crimes - coercion¹⁰⁷ and indications of abuse of power.¹⁰⁸

The case of the candidates for the party For Georgia

On September 8, Zviad Tepnadze, the Khashuri mayoral candidate for the For Georgia party, said he was threatened with burning both his personal and company-owned vehicles and real estate and suspending his business.¹⁰⁹ According to him, he was constantly followed and watched.¹¹⁰ He says that the pressure was exerted by the representatives of the "criminal underworld".¹¹¹ According to GYLA, this case contains signs of an alleged crime - threat.¹¹²

On September 10, a representative of the party For Georgia held a special briefing in Adjara to discuss threats and intimidation by the Georgian Dream.¹¹³ According to Akaki Bezhanidze, to whom number 10 on the Keda proportional list was assigned, received a phone call from an unknown number and was threatened with death if he did not leave the party list.¹¹⁴ In the other case, according to Dali Dagidze, who is number 6 on Shuakhevi's list, she was approached by a representative of Pridon Putkaradze, Adjara Supreme Council MP, member of the majority and was demanded to leave the list. She refused to do so; after that, her husband was threatened with the destruction of his property.¹¹⁵ GYLA estimates that the above cases carry the signs of an alleged crime - threats.¹¹⁶

The case of Revaz Gvilia (the United National Movement)

According to a report released on September 11, Ana Tsitladze, chairperson of the United National Movement in Zugdidi, declared that Revaz Gvilia, their supporter, had been summoned to the Georgian Dream headquarters and threatened.¹¹⁷ In particular, Gvilia was blackmailed because of his activities in Moscow and threatened with extradition to Russia if he did not work for the ruling party.¹¹⁸ The statement stated that former MP Merab Kvaraia, the Georgian Dream mayoral candidate Mamuka Tsotseria, and an un-

¹⁰⁴ Racketeering Business | "The Dream has received more than 700,000 GEL in donations in the last two weeks." The official website of the Mtavari Arkhi TV, August 22, 2021, accessible: <https://bit.ly/3lqLFFf>, updated: 15.09.2021.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Criminal Code of Georgia, Article 150.

¹⁰⁸ Ibid, Article 332.

¹⁰⁹ "Khashuri mayoral candidate was threatened with burning of property through members of the organized crime", Information portal „Qartli.ge“, September 8, 2021, accessible: <https://bit.ly/2ZjtNft>, updated: 21.09.2021.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Criminal Code of Georgia, Article 151.

¹¹³ "Special briefing at the Batumi head office", Facebook page of Irakli Mikeladze, September 10, 2021, accessible: <https://bit.ly/3m8mn6q>, updated: 28.09.2021.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Criminal Code of Georgia, Article 151.

¹¹⁷ "Threats and blackmail from the high-ranking officials of the Dream" - a special statement of the UNM, Information portal TV-Pirveli, September 11, 2021, accessible: <https://bit.ly/2YU2yVv>, updated: 15.09.2021.

¹¹⁸ Ibid.

known military man exerted threats.¹¹⁹ According to the opposition party, they demanded from Revaz Gvilia to provide the list of 30 people who would support the government candidate on October 2.¹²⁰

Revaz Gvilia met with journalists on September 11 and confirmed the incident.¹²¹ According to him, during the meeting with the Georgian Dream officials, his mobile phone was confiscated, and a post was written on his Facebook page stating that he was leaving the party due to “ties between the UNM and Giorgi Gakharia.”¹²² According to him, the post was deleted immediately after the return of the phone. According to GYLA, the above cases contain signs of the alleged crime - coercion.¹²³

Case of Givi Mgeladze (the United National Movement)

On September 15, according to the Adjara Public Broadcaster, Givi Mgeladze, a majoritarian candidate of the United National Movement in Kobuleti, was asked by unknown individuals to withdraw his candidacy.¹²⁴ According to Mgeladze, he had to withdraw his candidacy within two days. In return, they promised him a comfortable life.¹²⁵

GYLA representative talked to Givi Mgeladze, who confirmed this information. He said the incident took place on the beach at around 11 pm. Strangers came to him and told him that he was putting himself in a dangerous situation while running for office, and it would be better for him to refuse to run for the elections within 2 days. According to GYLA, this case contains signs of the alleged crime - coercion.¹²⁶

The Case of Nika Sakanelidze (the Third Force - Strategy Aghmashenebeli)

On September 18, the party Strategy Aghmashenebeli released information that members of the ruling party had restricted the freedom of Nika Sakanelidze, their candidate in the Janeti-Bashi majoritarian constituency in Samtredia.¹²⁷ He was threatened for 8 hours with the damage to the health of his children and forced to withdraw his candidacy.¹²⁸ As a result, Nika Sakanelidze wrote a statement on withdrawal of candidacy. According to the party, the statement was written at the Georgian Dream headquarters in Samtredia.¹²⁹ Later, the opposition party and Sakanelidze himself appealed to the CEC to annul the statement as it was written under coercion. GYLA considers that the described case contains signs of an alleged crime (deprivation of liberty for a person¹³⁰ and coercion¹³¹).

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ “UNM supporter Revaz Gvilia spoke publicly about the pressure”, the official Facebook page of information portal Odishi TV, September 11, 2021, accessible: <https://www.facebook.com/watch/?v=2429063977237859>, updated: 15.09.2021.

¹²² Ibid.

¹²³ Criminal Code of Georgia, Article 150.

¹²⁴ “UNM MP Candidate in Kobuleti accuses the ruling team of threats”, the official website of Adjara Public Broadcaster, September 15, 2021, accessible: <https://bit.ly/3lProRt>, updated: 16.09.2021.

¹²⁵ Ibid.

¹²⁶ Criminal Code of Georgia, Article 150.

¹²⁷ The official Facebook page of Giorgi Vashadze, September 18, 2021, accessible: <https://bit.ly/3koAkxB>, updated: 19.09.2021.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Criminal Code of Georgia, Article 143.

¹³¹ Ibid, Article 150.

7. FACTS OF PETTY HOOLIGANISM

The following are two cases of petty hooliganism, which is an administrative offense.¹³² According to the Code, swearing in public is considered such an act, and it bears the appropriate liability.

Controversy in Vani

On September 11, a verbal confrontation took place in Vani over the nomination of a common opposition candidate.¹³³ A citizen who was swearing and cursing Gigi Ugulava and Mikheil Saakashvili drove by in a car, which led to a verbal confrontation between him and the opposition supporters. The footage shows how the sides swear at each other.¹³⁴

Confrontation at the EU office

On September 23, Nika Melia and Irakli Kobakhidze had a heated verbal confrontation in front of the EU office over the wounding of UNM supporters in the village of Gantiadi in Dmanisi Municipality.¹³⁵ During the incident, the chairman of the ruling party swore at the leader of the opposition.¹³⁶

¹³² Code of Administrative Offenses of Georgia, Article 166.

¹³³ "Confrontation in Vani – "Why is this beautiful Ugulava everywhere? He needs to move away and let the youth act. Information portal "primetime", 00:05 minutes, September 11, 2021, accessible: <https://bit.ly/3zA1qWK>, updated: 22.09.2021.

¹³⁴ Ibid.

¹³⁵ "Irakli Kobakhidze and Nika Melia physically confronted each other", YouTube Channel of internet newspaper, accessible: <https://bit.ly/3EZZsY>, updated: 28.09.2021.

¹³⁶ Ibid, 0:41 minutes.

8. POLITICALLY MOTIVATED AND ALLEGED POLITICALLY MOTIVATED ACTS OF VIOLENCE¹³⁷

The Ozurgeti Independent Mayoral Candidate Supporter Beaten for Alleged Political Motivation

On September 13, Levan Tavdishvili, a citizen of Ozurgeti, was attacked and physically assaulted.¹³⁸ According to the victim, the reason for the attack was criticism of the Georgian Dream. They were so cold “old boys” encouraged by the government.¹³⁹

The fact of a beating of a supporter of the National Movement for allegedly political reasons in Rustavi

On September 20, Ivane Gvelesiani, a supporter of the United National Movement, was attacked. He has broken facial bones and suffered a concussion.¹⁴⁰ The incident occurred at night and had no eyewitnesses.¹⁴¹ Speaking to a GYLA representative, Ivane Gvelesiani explained that he is a supporter of the UNM mayoral candidate Davit Kirkitadze in Rustavi.

The US Embassy responded to the incident and condemned the politically motivated violence.¹⁴² According to GYLA, an investigation was launched under the article¹⁴³ of the beating.¹⁴⁴

Political Supporters of the Opposition Agreed Mayoral Candidate Wounded at Pre-Election Meeting

On September 21, during the pre-election meeting of the incumbent mayor of Dmanisi, Giorgi Tatumashvili, the agreed candidate of the opposition in the village of Gantiadi, Dmanisi Municipality, a verbal and physical confrontation took place between his and the Georgian Dream supporters. As a result, two people were injured.¹⁴⁵ The US Embassy also responded to the case and condemned politically motivated violence.¹⁴⁶

On September 22, the Kvemo Kartli Police Department of the Ministry of Internal Affairs arrested Davit Dautashvili, the son of the ruling party’s majoritarian candidate in Dmanisi, on charges of intentional grievous bodily injury.¹⁴⁷ The investigation revealed that he used a knife to injure the faces of two supporters of the National Movement party.¹⁴⁸

Alleged threats and violence from the Mayor of Ozurgeti (the independent mayoral candidate)

Vladimer Chavleishvili, a member of the Georgian Dream Sakrebulo, accuses the independent Ozurgeti mayoral candidate of threats and physical violence.¹⁴⁹ In particular, it refers to Sharashenidze’s request for support and mobilization of supporters in the elections, which he refused. He then threatened and physically assaulted Chavleishvili.¹⁵⁰ Sharashenidze himself, when asked by a journalist if he had met with

¹³⁷ For a general assessment of this chapter, see the first paragraph of the chapter, “Facts of Alleged Coercion and Threats.”

¹³⁸ “Ozurgeti resident says he was beaten for criticizing the Dream”, Information portal Formula, September 13, 2021, accessible: <https://bit.ly/3kbSPVJ>, updated: 15.09.2021.

¹³⁹ Ibid.

¹⁴⁰ “A citizen who was physically assaulted, linked the attack to political motives”, Information portal Radio Tavisupleba, September 21, 2021, accessible: <https://bit.ly/2XzOHWM>, updated: 22.09.2021.

¹⁴¹ Ibid.

¹⁴² The official Facebook page of the Embassy of the United States of America, September 22, 2021, accessible: <https://www.facebook.com/usingeo/posts/10159470636972954>, updated: 27.09.2021.

¹⁴³ Criminal Code of Georgia, Article 126.

¹⁴⁴ “A citizen who was physically assaulted, linked the attack to political motives”, Information portal Radio Tavisupleba, September 21, 2021.

¹⁴⁵ “Two supporters of the opposition candidate wounded in Dmanisi”, Information portal Radio Tavisupleba, September 21, 2021, accessible: <https://bit.ly/2XGLkx8>, updated: 23.09.2021.

¹⁴⁶ The official Facebook page of the Embassy of the United States of America, September 21, 2021.

¹⁴⁷ “The son of a majoritarian candidate of the Georgian Dream has been arrested for injuring supporters of the United National Movement in Dmanisi.” Information portal Interpressnews, September 22, 2021, accessible: <https://bit.ly/3nWbl6U>, updated: 23.09.2021.

¹⁴⁸ Ibid.

¹⁴⁹ “The Ozurgeti Mayor accuses the Georgian Dream member of violence in Sakrebulo” Information portal Imedinews, September 2, 2021, accessible: <https://bit.ly/2XQxlpf>, updated: 25.09.2021.

¹⁵⁰ Ibid.

Chavleishvili, replied that he had met him and many other people during the pre-election campaign.¹⁵¹ Konstantine Sharashenidze denied this fact when talking to GYLA. According to the representative of the Ministry of Internal Affairs in the Interagency Commission, the investigation was launched under the article of violence.¹⁵²

¹⁵¹ Ibid.

¹⁵² Minutes of the №5 meeting of the Interagency Commission for Free and Fair Elections, September 8, 2021.

9. OBSTRUCTION OF ACTIVITIES OF A POLITICAL PARTY

Imedi TV Refuses to Broadcast Free Political Advertising of the European Georgia and the National Movement

On August 26, Imedi TV refused to air free political advertising for the opposition political party European Georgia.¹⁵³ According to the video, incompetent, corrupt, and traitorous people run the country. The party calls on the people to work together to protect Georgia from Ivanishvili's regime and to oppose the abuse of power, which the Georgian Dream maintains through corruption and intimidation.¹⁵⁴

The TV station cited hate speech in the video as the reason for refusing to run the ad.¹⁵⁵ Imedi TV also notes that the video is mockery and insulting and that its content is unethical and unscrupulous.¹⁵⁶ According to the TV station, their airtime will not be devoted to disseminating such expressions, no matter what party they come from.¹⁵⁷

The party filed a complaint to the National Communications Commission in this case. On September 12, the Commission upheld the complaint and filed a report with the broadcaster.¹⁵⁸ Later, the court shared the Commission's position and fined the broadcaster 5,000 GEL.¹⁵⁹

The court decided, "The expressions, images, and passages used in the video cannot be considered hate speech and contrary to the general requirements set out in the Constitution, which may have been grounds for refusing to allow it to appear on television."¹⁶⁰

Following the rejection of the advertisement, the European Georgia offered an alternative video to the TV station on September 7, which was refused again.¹⁶¹ According to Imedi, the general context of the political advertisement, the sarcastic attitude shows that the purpose of the video is to insult certain individuals and discredit Imedi TV.¹⁶²

Imedi also did not broadcast the United National Movement (UNM) election campaign video, which it received from the party on September 17.¹⁶³ According to the TV station, they will not broadcast material containing signs of crime, illegal actions, incitement, and encouragement to crime, as well as aiming to cause riots and anti-social actions.¹⁶⁴

The National Communications Commission investigated these cases and found that the content of the advertisements did not contradict the general principles of the Constitution and the requirements of the law.¹⁶⁵ The Commission upheld the complaints of both parties and considered that Imedi had violated the law in both cases.¹⁶⁶ The cases were sent to court, which shared the Commission's argument, stating that Imedi TV had no factual or legal basis for refusing to run political parties' pre-election advertisements.¹⁶⁷

¹⁵³ "Imedi refuses to run the European Georgia's pre-election advertisement - Video ", Information portal Netgazeti, August 26, 2021, accessible: <https://bit.ly/3ugZPEp>, updated: 28.09.2021.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Resolution of the Administrative Cases Panel of the Tbilisi City Court on the application of an administrative penalty, case №4/6066-21, 15.09.2021. p. 2.

¹⁵⁷ Ibid.

¹⁵⁸ "Communications Commission satisfies European Georgia's lawsuit against Imedi", the official website of the party European Georgia, September 12, 2021, accessible: <https://bit.ly/2ZFAf0v>, updated: 28.09.2021.

¹⁵⁹ Resolution of the Administrative Cases Panel of the Tbilisi City Court on the application of an administrative penalty, case №4/6066-21, 15.09.2021.

¹⁶⁰ Ibid, p. 9.

¹⁶¹ Giorgi Noniashvili briefing on the complaint against Imedi, the official Facebook page of European Georgia, September 7, 2021, accessible: <https://bit.ly/3CPAQuT>, updated: 28.09.2021.

¹⁶² Resolution of the Administrative Cases Panel of the Tbilisi City Court on the application of an administrative penalty, case №4/6148-21, 19.09.2021, p. 2.

¹⁶³ "Nika Melia - it's time to win", August 15, 2021, accessible: <https://bit.ly/3zPi3Or>, updated: 28.09.2021.

¹⁶⁴ Resolution of the Administrative Cases Panel of the Tbilisi City Court on the application of an administrative penalty, case №4/6147-21, 19.09.2021, p. 3.

¹⁶⁵ "The Communications Commission has satisfied the complaints of the European Georgia and the National Movement against Imedi ", the official website of the Communications Commission, September 17, 2021. accessible: <https://bit.ly/3COpHKA>, updated: 28.09.2021.

¹⁶⁶ Ibid.

¹⁶⁷ Resolution of the Administrative Cases Panel of the Tbilisi City Court on the application of an administrative penalty, case №4/6147-21, 19.09.2021, p. 12.

GYLA shares and positively evaluates the decisions of the Communication Regulatory Commission and the judiciary.

Violation of the obligation to publish the list of buildings and places allocated for the pre-election campaign by the municipality

The municipal authorities are obliged to compile a list of buildings where the pre-election campaign is possible within 5 days after the start of the pre-election campaign.¹⁶⁸ They must submit this information to the District Election Commission, which is obliged to make it public within two days of its receipt.¹⁶⁹ The list of buildings allocated by the municipal authorities should also be published on the CEC website.¹⁷⁰ All municipalities (except Dedoplistskaro, Mestia, Senaki, Khobi, Tsalenjikha municipalities) have sent information to the CEC about the placement of agitation materials.

Within 5 days from the start of the pre-election campaign, the municipal authorities are obliged to compile a list of buildings on which the placement of agitation material is prohibited, as well as to determine places and/or stands for posting agitation material.¹⁷¹ The municipal authorities publish this information no later than 10 days after the announcement of the election date.¹⁷² This list was not sent to the CEC by the municipalities of Kaspi, Kareli, Akhaltsikhe, Akhalkalaki, Ninotsminda, and Ambrolauri. These and the above-mentioned municipalities violated the requirements of the law, thus preventing the parties from conducting their election campaign under normal conditions.

Damage to agitation material

GYLA became aware of numerous cases of damaging the banners and posters of election candidates. According to the law, agitation material is not allowed to be removed, torn down, covered, or damaged.¹⁷³ If the value of the damage exceeds 150 GEL, the case qualifies as a criminal offense.¹⁷⁴ GYLA calls on law enforcement agencies to investigate the following facts as soon as possible and identify those responsible, while parties make more efforts to reduce such cases and work more with their activists.



A) Banners of Mikheil Bolkvadze, the mayoral candidate of the United National Movement, were stolen in Khelvachauri on August 27,¹⁷⁵ and September 6.¹⁷⁶ In a conversation with the GYLA representative, Bolkvadze noted that investigations had been launched into both cases. The poster of the same candidate was damaged on September 18.¹⁷⁷

¹⁶⁸ Election Code of Georgia, Article 45, Part 9.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid, Article 46, Part 4.

¹⁷² Ibid, Part 5.

¹⁷³ Ibid, Part 71.

¹⁷⁴ Criminal Code of Georgia, Article 187, Part 1.

¹⁷⁵ "Khelvachauri mayoral candidate says his election banner was stolen", Information portal Batumelebi, August 27, 2021, accessible: <https://bit.ly/3hzeSEm>, updated: 15.09.2021.

¹⁷⁶ Mikheil Bolkvadze's Facebook post regarding stealing the banner, September 21, 2021, accessible: <https://bit.ly/3AvqxLB>, updated: 21.09.2021.

¹⁷⁷ The official Facebook page of Mikheil Bolkvadze, September 18, 2021, accessible: <https://bit.ly/2ZvA73D>, updated: 25.09.2021.

B) On September 8, the banner of the Georgian Dream was damaged in Tbilisi.¹⁷⁸



C) On September 13, Gigi Ugulava, the mayoral candidate of the United National Movement, made a statement about tearing down his election banner in Poti.¹⁷⁹ The case is being investigated¹⁸⁰ under Article for damaging someone else's property.¹⁸¹

D) On September 22, information was spread about the damage to the banner of the National Movement in Telavi.¹⁸²



In addition, the Georgian Dream informed GYLA about several cases of damage to their campaign materials throughout Georgia. Such facts were revealed in Rustavi (7 cases), Gori (1 case), Terjola (2 cases), Kutaisi (2 cases), Ozurgeti (5 cases), Kaspi (1 case), Khelvachauri (6 cases), Telavi (6 cases), Baghdati (1 case) and Kareli (2 cases).¹⁸³

GYLA also draws attention to the fact that stickers were damaged on the door of the office of the political union Droa in Zugdidi on August 29.¹⁸⁴

¹⁷⁸ Information provided by the communication team of the party Georgian Dream - Democratic Georgia about the violations revealed in the period from 01/09/2021 to 11/09/2021.

¹⁷⁹ The official Facebook page of Gigi Ugulava, September 13, 2021, accessible: <https://bit.ly/2XLICbe>, updated: 22.09.2021.

¹⁸⁰ Criminal Code of Georgia, Article 187.

¹⁸¹ "Gigi Ugulava's banner was damaged in Poti", Information portal Odishinews, accessible: <https://bit.ly/39ft009>, updated: 15.09.2021.

¹⁸² "In the village of Kurdghelauri, the election banner of the candidate of the National Movement was damaged", Information portal „knews", September 22, 2021, accessible: <https://bit.ly/3kDgoqF>, updated: 24.09.2021.

¹⁸³ Information provided by "Georgian Dream" (photos) on the violations that took place in the period from 01.09.2021 to 11.09.2021; from 10.09.2021 to 17.09.2021; from 11.09.2021 to 14.09.2021, from 17.09.2021 to 20.09.2021, from 20.09.2021 to 28.09.2021.

¹⁸⁴ "Our office in Zugdidi was damaged today", the official Facebook page of Political union Droa, August 29, 2021, accessible: <https://bit.ly/3jPrmZl>, updated: 08.09.2021.33

10. DISMISSAL ON POLITICAL GROUNDS

Marine Abuladze worked as a lawyer for the Akhaltsikhe Municipality NNLE Kindergarten Association,¹⁸⁵ and Tamar Abuladze held the position of Akhaltsikhe Municipality Sakrebulo Chief of Staff.¹⁸⁶ According to them, on August 24, they were summoned by the governor to a meeting and asked to write resignation statements. The reason was their political distrust and kinship with Levan Tatoshvili.¹⁸⁷ Levan Tatoshvili is the son of Marina Abuladze and the niece of Tamar Abuladze. At that time, consultations on cooperation between him and the party For Georgia were underway. Tatoshvili is currently the coordinator of the party For Georgia in Samtskhe-Javakheti. Marine and Tamar Abuladze refused to write personal resignation letters.¹⁸⁸

In the first half of the day, on August 25, Levan Tatoshvili informed the public about the incident at a briefing.¹⁸⁹ In the second half of the same day, Tamar¹⁹⁰ and Marine¹⁹¹ Abuladze received dismissal orders.

According to the information provided by Marine Abuladze to GYLA, she joined the party For Georgia after her dismissal and she holds the number one position on the proportional list of Akhaltsikhe City Council. The dismissal order specifies the general norms and rules for the termination of the employment contract provided for in the Labor Code,¹⁹² although no specific factual justification and grounds for dismissal are specified.

In the case of Tamar Abuladze, the dismissal order is based on the general norm of the Civil Service Law on dismissal of an official,¹⁹³ as well as the norm of the Local Self-Government Code, which authorizes the Sakrebulo chairperson to appoint and dismiss the Sakrebulo chief of staff and staff personnel.¹⁹⁴ The order does not say anything on the specific basis of the release, and it does not contain any justification.

GYLA believes that the persons in both cases were illegally dismissed. The reason for this was their political connections.

¹⁸⁵ "According to the Gakharia party coordinator, his mother and aunt were fired". Information portal Radio Tavisupleba, August 26, 2021, accessible: <https://bit.ly/3m9n6nM>, updated: 07.09.2021.

¹⁸⁶ Ibid.

¹⁸⁷ "The governor called us and categorically asked us to write a resignation letter - Marina Abuladze", Information portal "SKnews.ge" - a reliable source from Akhaltsikhe, August 26, 2021, accessible: <https://sknews.ge/ka/news/33527>, updated: 07.09.2021.

¹⁸⁸ "According to the Gakharia party coordinator, his mother and aunt were fired", Information portal Radio Tavisupleba, August 26, 2021.

¹⁸⁹ "The governor of Samtskhe-Javakheti asked my family members to resign - Gakharia party coordinator", Information portal "SKnews.ge" - a reliable source from Akhaltsikhe, August 25, 2021, accessible: <https://sknews.ge/ka/news/33515>, updated: 07.09.2021.

¹⁹⁰ Order №013.13212371 of the Chairperson of Akhaltsikhe Municipality Sakrebulo on dismissal of Tamar Abuladze, Head of the Municipality Sakrebulo Staff, on August 25, 2021, №013.13212371.

¹⁹¹ Order №029.12212371 of the NNLE Akhaltsikhe Municipality Preschool Institution on termination of the employment contract of Marine Abuladze, lawyer of the NNLE of the Akhaltsikhe Municipality Preschool Institution, on August 25, 2021.

¹⁹² Labor Code of Georgia, Articles 47 and 48.

¹⁹³ Law of Georgia on Public Service, Article 106.

¹⁹⁴ Local Self-Government Code, Article 31, Part 2.

**CASES THAT OCCURRED DURING THE PREVIOUS
REPORTING PERIOD (MAY 1 - JULY 31) BUT WERE NOT
INCLUDED IN THE RELEVANT REPORT OF THE GYLA LONG-
TERM MONITORING MISSION DUE TO LACK OF SUFFICIENT
INFORMATION AT THAT TIME**

The case of Nino Verdzeuli (the Party For Georgia)

Nino Verdzeuli was the head of the Health and Social Care Service of Dusheti Municipality until she was fired on May 13, 2021.¹⁹⁵ She is currently on the proportional list of the Dusheti Sakrebulo for the Party For Georgia.

In an interview with a GYLA representative, Nino Verdzeuli explained that the mayor of Dusheti Municipality had called her and asked her to resign. In the conversation, she also mentioned that reference was made to the support of Gakharia's team. She said she was also told that if she refused to leave, they would find grounds for dismissal, and she still would be released. After Nino Verdzeuli refused to write a resignation, she was released by order.¹⁹⁶

In a conversation with a GYLA representative, Verdzeuli said that one of her recommenders was Shalva Kereselidze,¹⁹⁷ when she was appointed to the post. This is what created a perception that she was a supporter of the Gakharia team and then caused her dismissal.

Law establishes the mandatory grounds for the dismissal of an official.¹⁹⁸ The dismissal order must contain a written justification¹⁹⁹ and be based on the circumstances, facts, evidence, or arguments studied and examined by the administrative body.²⁰⁰ These requirements are not observed in the order to dismiss Nino Verdzeuli. It contains only the general norms regulating the dismissal of a public servant.²⁰¹

GYLA believes that Nino Verdzeuli's connections with Giorgi Gakharia's party and her unjustified dismissal are likely to indicate her dismissal for political reasons.

Case of Gia Abuladze (the Party For Georgia)

Gia Abuladze was a senior specialist of the second category of the Health and Social Protection Commission of the Batumi Municipality Sakrebulo.

According to him, on May 23, 2021, he posted a post on the social network confirming the absence of Giorgi Gakharia's signature on the Namakhvani HPP contract, after which, on May 24, he was called to work and asked to write a resignation letter. In a personal conversation, the reason was sharing the mentioned post and support for Giorgi Gakharia. He refused to write a resignation.

Gia Abuladze was dismissed on May 25 by the order of the Chairperson of the Batumi Municipality Sakrebulo.²⁰² According to the order, the ground for the dismissal was serious disciplinary misconduct.²⁰³ The purpose of disciplinary proceedings is to reveal the fact of misconduct and determine the appropriate measure of responsibility.²⁰⁴ However, disciplinary proceedings against Gia Abuladze have not even started in the Batumi City Council. The administrative body confirmed this in a written form after Gia Abuladze had requested the information about the violation.²⁰⁵

Law establishes the mandatory grounds for the dismissal of a civil servant.²⁰⁶ The order, in turn, must contain a written justification²⁰⁷ and must be based on the circumstances, facts, evidence, or arguments studied and examined by the administrative body.²⁰⁸ However, as noted above, these disciplinary proceedings,

¹⁹⁵ Order №1094/б of the Mayor of Dusheti, on dismissal of the Head of the Health and Social Protection Service of Dusheti Municipality, N. Verdzeuli, May 13, 2021.

¹⁹⁶ Ibid.

¹⁹⁷ Shalva Kereselidze is a majoritarian MP from Mtskheta, Dusheti, Tianeti and Kazbegi and is a member of the Political Council for the Party for Georgia, the official website of the Party for Georgia, accessible: <https://bit.ly/3kdqMFr>, updated: 17.09.2021.

¹⁹⁸ Law of Georgia on Public Service, Articles 107 and 108.

¹⁹⁹ General Administrative Code of Georgia, Article 53, Part 1.

²⁰⁰ Ibid, Part 5.

²⁰¹ Law of Georgia on Public Service, Article 106, Parts 1 and 2.

²⁰² Order №δ15.15211451 of the Chairman of the Batumi Municipality Sakrebulo on May 25, 2021, on dismissal of Gia Abuladze, the second category senior specialist of the Health and Social Affairs Commission of the Batumi Municipality.

²⁰³ Misconduct envisaged by the Law of Georgia on Public Service, Article 107, Paragraph 1, Subparagraph "e".

²⁰⁴ Ibid, Article 86.

²⁰⁵ Response of Batumi Municipality Sakrebulo to Gia Abuladze statement №19/15211473-15.

²⁰⁶ Law of Georgia on Public Service, Articles 107 and 108.

²⁰⁷ General Administrative Code of Georgia, Article 53, Part 1.

²⁰⁸ Ibid, Part 5.

which are the basis for the release order, have not even started. Thus, it was issued in violation of the law. GYLA believes that Gia Abuladze was fired for allegedly political reasons.

Case of Mindia Davitadze (the Party For Georgia)

On June 9, 2021, Mindia Davitadze²⁰⁹ was dismissed from the position of Chairperson of the LEPL Georgian National Intellectual Property Center - Sakpatenti, by order of the Prime Minister.²¹⁰ He appealed the order to the court and demanded reinstatement. He believes that he is a victim of discrimination on political grounds. Mindia Davitadze was appointed to this position on February 25, 2020, by the order of the then head of the government Giorgi Gakharia, for a term of 4 years.²¹¹

In an interview with a GYLA representative, Mindia Davitadze explained that after the appointment of Irakli Gharibashvili as a Prime Minister from February to May 2021, he repeatedly addressed the leadership of the government administration with a request for a meeting, which he was refused for various reasons. He said that only on May 28, he managed to meet with the head of the government administration, and he was asked to resign. The reason was his connections with the former Prime Minister.²¹²

Prior to that, on April 20, an order was issued to conduct an inspection at Sakpatenti.²¹³ On May 13, Sakpatenti was contacted by the Labor Inspection Service and, for the first time, requested extensive information to be provided to the agency by 18:00 on May 14.²¹⁴ Due to the quantity, Sakpatenti was able to send only a part of the information by the appointed time, and on May 18, it sent it in full to the inspection.²¹⁵

On May 24, the Labor Inspectorate issued an offense report on the violation of the substantive terms of the employment contract of one of the Sakpatenti employees and the violation of the rules for recording the working hours of employees by the employer. A 20-day period was set for the detection of the violation.²¹⁶

On May 28, Mindia Davitadze's office filed a complaint with the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs against the conclusion of the Labor Inspection;²¹⁷ however, the latter rejected the request.²¹⁸ The ministry's refusal was appealed in court on June 8.²¹⁹

On June 9, Mindia Davitadze was dismissed from his post by order of the Prime Minister.²²⁰ On July 5, the Acting Head of Sakpatenti withdrew a lawsuit filed by Sakpatenti from the court.²²¹

Mindia Davitadze's dismissal order indicates an improper performance of the authority assigned to him by the Head of a Legal Entity under Public Law as a justification of the dismissal.²²² The law defines the

²⁰⁹ He is currently the Deputy Executive Secretary of the Party for Georgia.

²¹⁰ Order № 224 of the Prime Minister of Georgia of June 9, 2021, on dismissal of Mindia Davitadze, the Chairperson of LEPL Georgian National Intellectual Property Center – Sakpatenti.

²¹¹ Order №46 of the Prime Minister of Georgia of February 25, 2020, on the appointment of Mindia Davitadze, the Chairperson of LEPL Georgian National Intellectual Property Center – Sakpatenti.

²¹² Administrative complaint of the Georgian National Center for Intellectual Property Protection against the LEPL Labor Inspection Service of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia to the Administrative Chamber of the Tbilisi City Court.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ Administrative Violations Protocol №002103 of the LEPL Labor Inspection Service of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia.

²¹⁷ Complaint № 1968 of the Georgian National Center for the Protection of Intellectual Property, May 28, 2021, to the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia.

²¹⁸ The decision of rejection of the complaint №1968 (Register: №2466), May 28, 2021, of Mindia Davitadze, Chairman of the Georgian National Intellectual Property Center - Sakpatenti, by the LEPL Labor Inspection Service on June 3, 2021.

²¹⁹ Administrative complaint of the Georgian National Center for Intellectual Property Protection against the LEPL Labor Inspection Service of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia to the Administrative Chamber of the Tbilisi City Court.

²²⁰ Order № 224 of the Prime Minister of Georgia of June 9, 2021, on dismissal of Mindia Davitadze, the Chairman of LEPL Georgian National Intellectual Property Center – Sakpatenti.

²²¹ Verdict №4-a/275-21 of the Administrative Cases Panel of the Mtskheta District Court of July 7, 2021.

²²² Order № 224 of the Prime Minister of Georgia of June 9, 2021, on dismissal of Mindia Davitadze, the Chairman of LEPL Georgian National Intellectual Property Center – Sakpatenti, Subparagraph "h".

grounds for dismissal of a Head of a LEPL,²²³ according to which the relevant act must be substantiated.²²⁴ However, in this case, only the relevant norm of the law is quoted²²⁵, and it is not established what Mindia Davitadze's improper exercise of authority was manifested in. Mindia Davitadze appealed to the court. In his lawsuit, he requested, among other things, that the Prime Minister be barred from appointing a Sakpatenti Chairperson (other than acting chairperson) until the dispute was resolved. According to the information provided by the plaintiff, the Tbilisi Court of Appeals granted his motion.

Mindia Davitadze is a person close to the former Prime Minister Gakharia. During Giorgi Gakharia's tenure as Minister of Internal Affairs, Davitadze was Deputy Director of the Human Rights Protection and Investigation Monitoring Department of the Ministry, and during Gakharia's tenure as Prime Minister; he was Deputy Head of Government Administration. GYLA believes that this fact is an example of dismissal on political grounds.

²²³ Law of Georgia on Legal Entities under Public Law, Article 101, Paragraph 3.

²²⁴ Ibid, Paragraph 4.

²²⁵ Order № 224 of the Prime Minister of Georgia of June 9, 2021, on dismissal of Mindia Davitadze, the Chairman of LEPL Georgian National Intellectual Property Center – Sakpatenti.