



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**



**GYLA LONG-TERM
OBSERVATION MISSION
2020 PARLIAMENTARY ELECTIONS
IN GEORGIA
IV INTERIM REPORT**

Georgian Young Lawyers' Association

GYLA LONG-TERM OBSERVATION MISSION 2020 PARLIAMENTARY ELECTIONS IN GEORGIA IV INTERIM REPORT

The report was prepared by Georgian Young Lawyers' Association (GYLA) with the financial support of Open Society Georgia Foundation (OSGF). The contents of this report are the sole responsibility of GYLA and do not necessarily reflect the views of the donor organization.



Tbilisi
2020

Research supervisors: **Sulkhan Saladze**
Vakhushti Menabde

Authors:

Lead researcher: **Mariam Latsabidze**

Researchers: **Koka Kighuradze**

Gvantsa Jikia

Nana Tchanturia

Translator: **Natia Gelashvili**

Coping or Disseminating of publication for commercial purpose without GYLA's written permission is prohibited.

15, J. Kakhidze st. Tbilisi, Georgia, 0102

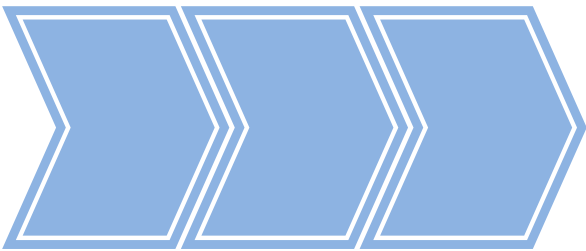
+995 322 936101

www.gyla.ge

© Georgian Young Lawyers' Association / 2020

Contents:

Introduction.....	5
Pre-election period of the first round of Elections (October 26 - October 31).....	7
Pre-election period of the second round (November 1 - November 21).....	9
1. Violent Actions.....	9
2. A wave of Protest.....	10



INTRODUCTION

In March 2020, the Georgian Young Lawyers' Association (GYLA) launched the project – “Long-Term Observation Mission to the 2020 Parliamentary Elections in Georgia”. The project aims to promote a fair, equal, and competitive pre-election environment through monitoring. Within the framework of the long-term observation mission, the organization monitors the pre-election environment with the assistance of its nine regional monitors in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Shida and Kvemo Kartli, Mtskheta-Mtianeti, and Kakheti regions. In this capacity, GYLA will provide public with reliable and evidence-based information.

The present report covers the violations and bad practices identified in the period of October 26 to October 31, 2020, as well as the cases recorded after the voting day until the second round of the elections.

The announcement of 2020 election results was followed by the noise and protests from the opposition. The opposition parties refuse to recognize the results of the elections and consider them falsified. According to them, this is confirmed by both deficiencies in summary protocols, as well as the violations concerning free expression of will of voters on the voting day. GYLA carefully monitored the procedure of reviewing complaints along with the protests around the election commissions in Tbilisi and in the regions. For the purposes of the present report, we included the assemblies which lead to the confrontation between the participants and law enforcements. This, in some cases was followed by illegitimate and/or disproportionate use of force and detaining opposition party activists, which further aggravated an already crisis situation. GYLA considers it crucial for the State shall ensure the right of the people to assemble peaceably, act in accordance with the law and shall not allow illegitimate and disproportionate restriction to this right; and to fulfil this – the State has failed.

Similar to the previous reporting period, GYLA observed violent tendencies before and after the elections. In particular, the organization recorded the cases of violence such as the assaults on representatives of opposition parties and their family members, as well as the incident of raid on opposition party office. All of them contain the signs of criminal offense, therefore, a thorough, timely and impartial investigation of these facts is essential.

The organization expresses concerns that the personification of the State's programs and its affiliation with a particular party remains to be a challenge. This is unjustified strategy, which consequently blurs the line between the State and the party.

Overall, the observers of GYLA identified:

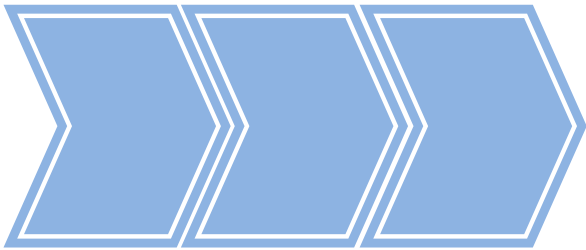
From October 26 to October 31:

- One case of ignoring the requirement to separate the state and political party;
- One case of act of violence.

Over the period before the second round of elections:

- Three cases of acts of violence.

When observing the protests GYLA focused on incidents which were followed by massive interference to the freedom of peaceful assembly as well as the detention of representatives of opposition parties. The report reviews 7 of such cases.



PRE-ELECTION PERIOD OF THE FIRST ROUND OF ELECTIONS

OCTOBER 26 - OCTOBER 31

Personification of work on cultural heritage monuments (Poti)

On October 26 the City Hall of Poti municipality published the information via Facebook page that the cultural heritage monuments restoration process in the city is carried out by foundation “Cartu”, together with the National Agency of Cultural Heritage.¹ The foundation “Cartu” closely relates to Bidzina Ivanishvili (the Chair of the ruling party) and linking the government projects with him before the elections is a manipulation. GYLA believes that **personification of municipal projects during the pre-election period is inadmissible. The organization considers this as an unjustified strategy, which eventually blurs the lines between the State and the ruling party.** This distorts voters’ perception and provides the current majority with electoral advantage.

Interference to the right to assembly (“Labour Party” protest)

On October 27 the representatives of youth branch of Labour Party gathered at a Central Election Commission’s (CEC) building to protest the rules on registering self-isolated persons and the usage of mobile ballot boxes.² They demanded a meeting with Tamar Zhvania and the extension of the timeframe for the registration.³ The situation escalated after one participant brought the tent into the building.⁴ As it can be seen on the video footage, when this person entered the building with a tent, the protest turned into a physical confrontation between the participants and the law enforcement officers.⁵ At the end, this person was forced to leave the building,⁶ while three members of the Labour Party were detained⁷ on charges of disorderly conduct⁸ and non-compliance with a demand of a law-enforcement officer.⁹ According to GYLA’s information, the explanations were taken from all three persons and all of them were released on the same day. The trial has not been held yet.

¹ Official Facebook page of Poti Municipality City Hall, 26.10.2020, available at: <https://bit.ly/35LzQdE>, Updated at: 18.11.2020.

² “Members of the Labor Party held rally at the CEC”, information portal “Publika”, 27.10.2020, available at: <https://bit.ly/36MocOR>, Updated at: 18.11.2020.

³ Ibid.

⁴ Television company “TV Pirveli”, live, 27.10.2020, available at: <https://bit.ly/3kHjK8V>, Updated at: 18.11.2020.

⁵ Ibid.

⁶ Ibid.

⁷ “Three members of Labor Party were detained at the CEC., information portal “Netgazeti”, 27.10.2020, available at: <https://bit.ly/3lMqzr1>, Updated at: 18.11.2020.

⁸ Code of Administrative Offences of Georgia, Article 166.

⁹ Code of Administrative Offences of Georgia, Article 173.

It is important to note, that the protests were held in the lobby of the CEC building and there is no permission requirement to enter into the lobby. In addition, nature of the assembly did not become an issue and the participants continued to protest in the same way. In light of this, it is unclear why the above mentioned person was hindered from entering the building with a tent and why other participants were detained. Thus, GYLA believes that this was a case of illegitimate interference to the right of peaceful assembly.

GYLA urges the Ministry of Internal Affairs to ensure the enjoyment of the right to assemble in a peaceful environment.

Attack on “Labour Party” activist

According to the Labour Party, on October 28 while party activists were disseminating flyers and holding the meetings with the locals in Martkopi they were attacked.¹⁰ Party claims that 4 supporters of the “Georgian Dream” physically assaulted young activists and destroyed their agitation materials.¹¹ Moreover, according to their information, this did not stop activists from campaigning until a person with SUV car physically assaulted them and forced them to leave the village.¹² Shalva Natelashvili states that, Giorgi Shinjikashvili, the advisor of Gardabani Mayor participated in the assaults.¹³ **GYLA believes that this case contains the signs of a group violence,¹⁴ and urges the investigatory bodies to conduct the investigation in timely and objective manner.**

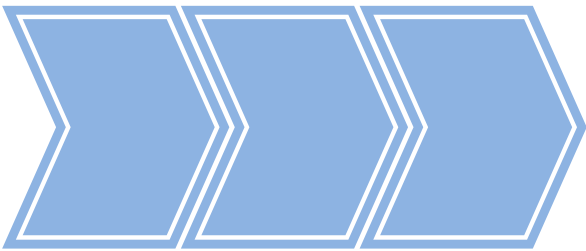
¹⁰ “Labor party: the supporters of GD forced our activists from Martkopi”, information portal “Formulanews”, 28.10.2020, available at: <https://bit.ly/38ROfXl>, Updated at: 17.11.2020.

¹¹ Ibid.

¹² “Zonder groups of Georgian Dream assaulted members of the Labor Party”, Facebook page – “Labor blog”, 29.10.2020, available at: <https://bit.ly/3pDlfbN>, Updated at: 17.11.2020.

¹³ “The assaulters on Labor party members are known, web-page of the Labor Party, 29.10.2020, available at: <https://bit.ly/3nylsvi>, Updated at: 17.11.2020.

¹⁴ Criminal Code of Georgia, Article 126, part 1¹, Paragraph b.



PRE-ELECTION PERIOD OF THE SECOND ROUND

NOVEMBER 1 - NOVEMBER 21

1. Violent actions

All cases reviewed below demonstrate the signs of criminal offense. The investigation has been started on some of them, and the rest of the facts are on the waiting list to be responded by the relevant bodies. GYLA urges the law enforcement agencies to thoroughly investigate each and every fact and to conduct the process in objective and transparent manner.

Representatives of opposition were assaulted in Batumi

On November 7, in Batumi, at so called “Khopa Market” representatives of the opposition were disseminating the flyers for the November 8 protest, when unknown individual physically assaulted them.¹⁵ Others also engaged in this confrontation. For example, Genri Dolidze, the head of Adjara organization of the party “Mokalakeebi” was physically and verbally assaulted.¹⁶ Giorgi Gabaidze, the member of the opposition has also become a victim of the assault.¹⁷ The member of “Lelo” named the alleged assaulter and published the video footage of the assault as an evidence.¹⁸ The MIA, under the Article of violence,¹⁹ has launched an investigation.²⁰

Lasha Kveladze’s family (UNM) was assaulted in Marneuli

On November 10, Khatia Dekanoidze, one of the leaders of the “United National Movement” and “United Opposition – Strength in Unity” stated that the family of their party member Lasha Kveladze was assaulted by Chair and members of the Sakrebulo, who are also representatives of the “Georgian Dream” party.²¹ Lasha Kveladze states that Amiran Giorgadze, the Chair of Marneuli Sakrebulo got drunk and verbally abused his family members together with accompanying

¹⁵ “Assaulter on opposition members in Batumi is identified”, information portal “Batumelebi”, 07.11.2020, available at: <https://bit.ly/3kDMU92>, Updated at: 17.11.2020.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Assaulter on opposition members in Batumi is identified”, information portal “Batumelebi”, 07.11.2020, available at: <https://bit.ly/3kDMU92>, Updated at: 17.11.2020.

²⁰ Criminal Code of Georgia, Article 126.

²¹ “The family of our member Lasha Kveladze, who was physically abused before the elections, were assaulted at home today, official web-page of Khatia Dekanoidze, 10.11.2020, available at: <https://bit.ly/2UkAAjq>, Updated at: 17.11.2020.

persons.²² At that time Lasha Kveladze was not at home,²³ however, according to him all the assaulters were the participants of September 29 confrontation.²⁴

Nika Melia headquarters was set on fire in Gldani

According to the “National Movement” on November 16, in the third district of Gldani, the headquarters of Nika Melia, Gldani-Nadzaladevi region majoritarian MP candidate of “National Movement” was raided.²⁵ According to the party representative, at 06:00 on November 16, the rocks were thrown at the office, as a result of what the glass was broken and afterwards two so called “Molotov Cocktails” were thrown.²⁶

According to “Mtavari Arkhi”, Nika Melia named the persons who set his headquarters on fire.²⁷ He named Kaladze-Kobiashvili as the organizers of the crime and so called “thieves-in-law” Nodar Shukakidze and his brother Levan Shukakidze – as the executers.²⁸ The investigation is launched under the article of damage or destruction of another person’s property.²⁹ Camera recordings are studied.³⁰

2. A wave of Protest

According to the results of 2020 parliamentary elections, the party “Georgian Dream” leads with 48,22% of votes, followed by the “United National Movement – Strength is Unity” with 27,18% of votes.³¹ The opposition parties do not recognize the results of the elections and consider them as falsified, which, according to them is confirmed by deficiencies in summary protocols as well as by voter bribery, intimidation and the violations in regard to free expression of will of voters on the voting day. The complains in the District Election Commissions (DECs) were reviewed against the backdrop of protest actions. The representatives and activists of the opposition parties organized protest in Tbilisi and in the regions. They requested the admission into the Commission buildings and attendance at the complaints review process. In the cases presented below the protest actions

²² “The family of UNM member Lasha Kveladze was assaulted in Marneuli”, information portal – TV company “Mtavari Arkhi”, 10.11.2020, available at: <https://bit.ly/2lrEkNI>, Updated at: 17.11.2020.

²³ “If the government fails to take measures, they may commit worse – Lasha Kveladze on assaulters”, information portal – TV company “Mtavari Arkhi”, 11.11.2020, available at: <https://bit.ly/2UhmSsv>, Updated at: 17.11.2020.

²⁴ Ibid.

²⁵ “According to the National Movement, the Headquarters of Nika Melia in Gldani district was set on fire”, information portal InterPressNews, 16.11.2020, available at: <https://bit.ly/32WsWAr>, Updated at: 17.11.2020.

²⁶ Ibid.

²⁷ “The offenders are visible in video footages, but we do not hope for objective investigation – the Head of Melia Headquarters”, information portal – TV company “Mtavari Arkhi”, 17.11.2020, available at: <https://bit.ly/3IKkb3R>, Updated at: 19.11.2020.

²⁸ Ibid.

²⁹ Criminal Code of Georgia, Article 187, Part 1.

³⁰ “Mealia Headquarters in Gldani was set on fire”, information portal “Netgazeti”, 16.11.2020, available at: <https://bit.ly/2IUByAs>, Updated at: 19.11.2020.

³¹ Preliminary results of 2020 elections, official web-page of the Central Election Commission, available at: <https://bit.ly/2KeDrs8>, Updated at: 19.11.2020.

held at the District Election Commission resulted in confrontations between the law enforcement officers and the protest participants, and detention of activists of the opposition parties.

Saburtalo N3 District

On November 4, several persons were detained on the protest action at Saburtalo District Election Commission³² and were taken to the police station³³ on the grounds of disorderly conduct³⁴ and non-compliance with a demand of a law-enforcement officer.³⁵ Two persons out of them – Otar Tavartkiladze³⁶ and Manuchar Omniadze are the representatives of the “United Georgia – Democratic Movement”.³⁷ Shalva Kereselidze, the accomplice of Aleko Elisashvili was also detained, who was taken to the police station after the confrontations between Aleko Elisashvili and the law enforcement officers.³⁸ The representatives of “United Georgia – Democratic Movement” were released the same day. The trial have not been held yet.

On November 5, the activists and representatives of opposition parties gathered again at Saburtalo DEC.³⁹ Arrival of Zviad Kuprava was followed by noise.⁴⁰ In addition to requesting admission of persons with the permission, he requested meeting with the Chair of DEC Besik Lachashvili.⁴¹ He stated that he wanted to provide him with evidences reflecting the falsification of elections. After the Chair refused to meet him, Kuprava threw the protocols at the police and DEC building, what was followed by the physical and verbal confrontation.⁴² According to media, 4 persons were detained, including Zviad Kuprava,⁴³ on the grounds of disorderly conduct and non-compliance with a demand of a law-enforcement officer.⁴⁴ According to the Party, Zviad Kuprava was soon released. As for other persons, the court fined him with 1000 GEL and the other two were imprisoned for 7 days.

³² “According to MIA, three persons are detained at Saburtalo DEC”, information portal InterPressNews, 04.11.2020, available at: <https://bit.ly/34Z1P9b>, Updated at: 05.11.2020.

³³ “According to MIA, three persons are detained at Saburtalo DEC”, information portal InterPressNews, 04.11.2020, available at: <https://bit.ly/34Z1P9b>, Updated at: 05.11.2020.

³⁴ Code of Administrative Offences of Georgia, Article 166.

³⁵ Code of Administrative Offences of Georgia, Article 173.

³⁶ Number 4 of the party list “United Georgia – Democratic Movement”.

³⁷ Representative of the party “United Georgia – Democratic Movement” at the Election Commission.

³⁸ “Aleko Elisashvili – who voted for me honestly, without money, sincerely, how can I not protect their votes and watch from distance how they falsify them?”, information portal InterPressNews, 04.11.2020, available at: <https://bit.ly/34Z1P9b>, Updated at: 05.11.2020.

³⁹ “MIA – 4 persons were detained at Vake DEC”, information portal “Publika”, 05.11.2020, available at: <https://bit.ly/354fzPT>, Updated at: 06.11.2020.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

Isani District N5

On November 4, activists of “Strategy – Agmashenebeli” and “Lelo” held the rally at Isani DEC.⁴⁵ They brought potatoes at the DEC building to protest election results.⁴⁶ According to the Media, the protest action has escalated in confrontation between the law enforcement and the participants, which resulted in detention of several persons.⁴⁷ According to GYLA, Giorgi Kapanadze, the member of the “National Movement”, as well as the activists of “Shecvale” (Change) and “Gabede” (Dare, Courage) and others are among the detainees. Two persons were released the same day. According to GYLA, the court has fined some of them and some were imprisoned.

Batumi District N79

On November 4, Batumi N79 DEC held the complaints review process scheduled at 21:00 against the backdrop of protest actions.⁴⁸ The footage released by media demonstrates that the police cordon guarded the building and the representatives of media and NGOs were not allowed to enter the building initially.⁴⁹ The protests of the activists and citizens dissatisfied with the results of the elections was followed by confrontation.⁵⁰ As a result, the window of the building next to the Commission was broken and several persons were injured, including, Giorgi Kirtadze, the member of the “National Movement”.⁵¹ According to the Chief of Adjara Police Department, Konstantine Ananiashvili, the police officer was also injured.⁵² According to GYLA information, the window was broken as a result of confrontation with the police, when they tried to move off the participants from the building. However, before the start of the meeting the police provided corridor for the media and NGOs.

At the same time, actions protesting the election results was carried out continuously at the Adjara Government building. On November 17, during one of the protests, the police and the participants confronted each other.⁵³ According to the “National Movement”, the confrontation between the police and protesters began because of placing stickers on the Adjara Government Building.⁵⁴ According to MIA, two persons were detained as a result of confrontation.⁵⁵ Batumi City Court fined

⁴⁵ “The protesters brought potatoes at the Isani DEC as a sign of protest”, information portal InterPressNews, 04.11.2020, available at: <https://bit.ly/389dkgg>, Updated at: 05.11.2020.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ “At least five persons were injured due to broken glass at Batumi rally”, information portal “Batumelebi”, 04.11.2020, available at: <https://bit.ly/38Xt0DI>, Updated at: 13.11.2020.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ „1 person was injured and 2 were detained during the confrontation with the police in Batumi”, Information portal Netgazeti, 17.11.2020, available at: <https://bit.ly/32XF8ke>, Updated at: 24.11.2020.

⁵⁴ Ibid.

⁵⁵ “MIA - two persons were detained at Batumi rally”, information portal Netgazeti, 17.11.2020, available at: <https://bit.ly/2ISXdcd>, Updated at: 24.11.2020.

Jelal Kikava, detained at the protest rally with 1000 GEL, while the other participant – Ramaz Shainidze was acquitted.⁵⁶

November 8 rally at the CEC

On November 8, 2020 the rally was held at the Parliament of Georgia – “Protect your vote”, after which the part of protesters moved to the CEC building. The Special Forces used water cannons against dozens of participants. According to the Deputy Minister of Internal Affairs, up to 14 law enforcement officers, 3 media representatives and up to 10 participants of the rally were injured.⁵⁷ The police detained in total 19 persons administratively, on the grounds of public disorder and disobedience to the lawful demands of the police.⁵⁸

During the protest rallies held in front of the CEC building the police used special measures against protesters several times, which was a gross violation of the freedom of assembly enshrined in the Constitution of Georgia.⁵⁹ GYLA believes that the special measures were not in line with the law, as well as – proportionally restrictive and necessary.⁶⁰ The MIA failed to ensure taking an appropriate measures for preventing dispersal and injury of those protestants, who were not involved in these actions. Overall, the force used against participants of peaceful assembly was illegitimate.⁶¹

Detention of Shame Movement activists

On November 9, 2020 the Shame Movement activists organized Disobedience protest in front of the Parliament building. The protest was planned from 22:00 to 05:00, the time during which the Government restricted movement and declared quarantine across the country. Several minutes before the rally, three activists of the Shame Movement, Giorgi Mzhavanadze, Lekso Machavariani and Nodar Rukhadze, were arrested by the police. As reported, they wanted to bring firewood near the parliament in order to warm themselves while staying in place overnight. The detainees were charged for petty hooliganism⁶² and non-compliance with a lawful demand of a law-enforcement officer.⁶³ Under these articles Giorgi Mzhavanadze was charged to three days of administrative imprisonment.

In almost every above noted cases the protests lead to the confrontations between the law enforcers and the participants. This was followed by the detention of the members of opposition parties as well as the activists, which further aggravated an already crisis situation. GYLA considers it crucial that the State ensures citizen’s right to assemble, acts in accordance with the law and does not allow illegitimate and disproportionate restriction to this right. Unfortunately, to fulfil this – the State has failed.

⁵⁶ “Jelal Kikava was fined, the other participant of the rally was acquitted – court ruling”, information portal Netgazeti, 19.11.2020, available at: <https://bit.ly/2HvpDIN>, Updated at: 24.11.2020.

⁵⁷ “MIA - Up to 27 persons were injured at the rally, 19 were detained”, information portal “Publika”, 09.11.2020, available at: <https://bit.ly/3nToBWP>, Updated at: 20.11.2020.

⁵⁸ Ibid.

⁵⁹ “Police force used at November 8 rally was illegal and disproportionate”, official web page of the Georgian Young Lawyers’ Association, 10.11.2020, available at: <https://bit.ly/3nKnvFV>, Updated at: 20.11.2020.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Code of Administrative Offences of Georgia, Article 166.

⁶³ Code of Administrative Offences of Georgia, Article 173.