



#GeorgianElections2017: Newsletter #3 September 2017

About the GYLA's monitoring mission

On June 1 the Georgian Young Lawyers' Association (GYLA) started the pre-election monitoring of the 2017 local self-government elections.

The GYLA is observing the pre-election period through its head office in Tbilisi and regional offices in eight regions of Georgia: Adjara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti, Mtskheta-Mtianeti, and Samegrelo.

The aim of the monitoring, which is being carried out in the framework of the USAID-supported project "Promoting More Competitive, Fair and Inclusive Electoral Environment for the 2016-2018 Electoral Cycle in Georgia", is to contribute to the introduction of objective, fair, independent and effective investigations, fair trial, and uniform practice and to ensure the promotion of inclusive and competitive electoral environment for women, persons with disabilities, and ethnic minorities. The project also aims to promote transparent electoral processes, in particular, to inform citizens of Georgia and the international community of violations and trends related to the 2017 local self-government elections and to turn their attention to the shortcomings accompanying electoral processes, as well as to identify problems in the electoral legislation and to advocate relevant legislative changes after the elections are over.

In the case of identifying violations, the organization submits the relevant information or complaints to the Election Administration, the Interagency Commission for Free and Fair Elections, the State Audit Office, and other relevant agencies with the aim of ensuring response provided for by law.

This newsletter deals with the developments and violations that can exert an influence on the electoral environment. The GYLA has requested additional information on alleged violations and other developments, and we will also provide the public with the results of their analysis.

In addition, in the nearest future, the organization will present to the public its first interim report on the pre-election context and the developments that take place during this period.

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Interference with the functions and activity of election commission vs. hindering

A judge of the Telavi District Court, Marine Tsertsvadze, has found Nikoloz Vardoshvili, the mayoral candidate of Telavi from the Labor Party, guilty of an administrative offense and imposed a fine of GEL 500 on him.

The protocol on the administrative offense committed by Nikoloz Vardoshvili was drawn up by Giorgi Kalmakhelidze, the chairperson of the District Election Commission (DEC) of Telavi. Mr. Kalmakhelidze was accusing Mr. Vardoshvili of hindering the work of the DEC. The case concerns the incident of September 7, 2017, when Nikoloz Vardoshvili, accompanied by several of his fellow party members and journalists, entered the office of the DEC of Telavi and tried to receive an explanation from the chairperson of the commission.

When imposing liability on Nikoloz Vardoshvili, the Election Administration was relying on Article 91¹ of the Election Code of Georgia, according to which “Interference with the functions and activity of an election commission shall carry a fine for a respective person in the amount of GEL 500.” The aforementioned norm was added to the Election Code as a result of amendments made on July 26 this year. The GYLA, together with its partner organizations, talked about the problematic nature of the amendments after the publication of the draft law¹.



Nikoloz Vardoshvili

In view of the precedent-setting nature of the issue under discussion and the significance of the legal norm applied, the interests of Nikoloz Vardoshvili were represented by the GYLA.

The DEC of Telavi equated the terms “hindering” and “interference with the functions and activity”, which resulted in the application of disproportional and unsubstantiated measures against Nikoloz Vardoshvili.

In view of the fact that the person drawing up the protocol failed to indicate which function of the DEC had been interfered with by Nikoloz Vardoshvili or which decision of the commission had been affected

¹ <http://bit.ly/2yKBhp6>

by the act of the person found guilty of the offence, application of Article 91¹ of the Election Code is unjustified and the Telavi District Court did not have the grounds for agreeing with the position of the DEC.

The GYLA appealed the decision of the Telavi District Court in the Tbilisi Court of Appeals, although the Court of Appeals didn't take the GYLA's position into consideration either.

A similar decision was taken by Nona Zarkua, a judge of the Samtredia District Court, who found a representative of the Christian-Conservative Party guilty of an administrative offense and imposed a fine of GEL 500 on him.

The case concerns an incident of “intrusion” of the representative of the Christian-Conservative Party, together with journalists, into a meeting of the District Election Commission of Samtredia, which took place on September 1, 2017. According to the [information](#) disseminated by the CEC, a representative of the Christian-Conservative Party and unauthorized persons who accompanied him opened the door of the meeting hall where a meeting of the DEC of Samtredia was taking place and “intruded” into the room with video cameras. According to the CEC, this door is mostly closed and the DEC only uses this meeting hall for educational and training purposes.

In connection with this incident, the Court held that the DEC of Samtredia had evaluated the act correctly as interference with its functions, as it had disrupted the commission's working process.

In this case, too, the Court applied Article 91¹ of the Election Code of Georgia and imposed a fine of GEL 500 on the offender.

Attack on campaign headquarters

According to news reports and information provided by the United National Movement, on September 8, 2017, the campaign headquarters of Kote Ioseliani – the UNM's majoritarian candidate for the Tbilisi City Council from the Vake District, Tbilisi – came under attack. Members of the UNM have stated that this was already the fourth attack on Mr. Ioseliani's campaign headquarters.

Representatives of the GYLA have met Kote Ioseliani in person. He accused the Georgian Dream of the incident and expressed hope that law enforcement agencies would manage to distance themselves from political processes and detain the offenders in a timely manner.

The GYLA continues to monitor the case and will later provide the public with updated information

Case of alleged unlawful detention

On September 5 this year, the political party Georgian Dream held a presentation of its candidates in the town of Telavi.

According to information obtained by the GYLA, Lali Kbilashvili, who is a candidate for membership of the Town Council of Telavi from the Patriots' Alliance, decided to attend the presentation of the Georgian Dream's candidates, meet with the Prime Minister of Georgia, and ask him for assistance. Lali Kbilashvili takes care of and provides shelter for stray dogs in Telavi, due to which she often has conflicts with the local population. She said the population kills her dogs with poisoned food. She wanted to talk to the Prime Minister on this issue and to ask him for help in resolving the problem. As she told representatives of the Telavi Office of the GYLA, she had gone to the presentation of the ruling party's candidates with the aim of resolving this issue on September 5.

According to Ms. Kbilashvili, when she was behind the stage, she was approached by Criminal Police officers who put her in a police car against her will. The police officers explained to her that senior officials had instructed them to temporarily take her out of town and away from the site of the meeting and offered her a several-hour ride outside the town. They also told her that they would return her to Telavi after the meeting was over.

According to her, she called 112 after she escaped from the police officers. When a Patrol Police crew arrived, she told them about the unlawful act carried out against her by the Criminal Police officers.

On the basis of the phone call to 112, an investigation was launched in connection with the incident that had taken place on September 5. The case is being investigated by the General Inspection of the MIA.

The GYLA is studying the aforementioned case. We believe that the acts allegedly committed by the law enforcement officers might contain signs of crimes punishable by several articles of the Criminal Code, specifically, unlawful detention, inhuman or degrading treatment, or exceeding official powers using violence or threat of violence.

The GYLA has called upon the Interagency Commission to take relevant measures to study the case within its competence.

The GYLA continues to monitor the case and will later provide the public with additional information.

Networking meetings

On September 12-14, 2017, representatives of the GYLA continued to hold the series of networking meetings with electoral subjects and media in Zugdidi, Poti, Batumi, Ozurgeti, and Telavi

During the meetings, the GYLA's representatives familiarized the electoral subjects with the main areas of the project "Promoting More Competitive, Fair and Inclusive Electoral Environment for the 2016-2018 Electoral Cycle in Georgia", emphasizing the importance of studying criminal and administrative offences and monitoring electoral disputes, in order to avoid the use of law enforcement agencies and the judiciary against politically active persons. The meeting participants also discussed inclusive environment – the extent to which the rights of ethnic minorities, women, and persons with disabilities are realized.



During the meetings, the electoral subjects assessed the pre-election environment, specifically, the extent to which it is equal, fair, and inclusive. A number of problems were identified according to regions, which are now being verified in the framework of the HYLA's pre-election monitoring.

With the aim of ensuring the transparency of processes, identifying offences, and responding to them in a timely manner, the meeting participants agreed on mutual exchange of information and collaboration, which will enable us to give a relevant assessment to facts, provide all interested persons with qualified consultation, and promote the realization of political rights in Georgia.

The GYLA still continues to hold the series of meetings with representatives of electoral subjects, media, NGOs, and the Election Administration across Georgia.

The meetings are held in the framework of the USAID-supported project "Promoting More Competitive, Fair and Inclusive Electoral Environment for the 2016-2018 Electoral Cycle in Georgia".

Committee discussions of the draft law on gender quotas

The Committees of Human Rights and Civil Integration and of Regional Policy and Self-Government of the Parliament of Georgia have supported the draft law on gender quotas

On September 11 and 13, the Committees of Human Rights and Civil Integration and of Regional Policy and Self-Government of the Parliament of Georgia discussed the legislative initiative on gender quotas which had been submitted by the Task Force on Women's Political Participation after collecting more than 37,000 signatures.



As a reminder, the legislative initiative provides for making amendments to the Election Code according to which parties and electoral blocs will be obliged to compile electoral lists based on the principle of equality and to ensure that every second person in the list represents a different sex. And if for some reason, an elected deputy's powers are terminated, the deputy's seat will go to the next candidate in the list who represents the same sex.

We hope that the Parliament will ultimately support the initiative of the Task Force on Women's Political Participation and introduce an obligatory mechanism into the Election Code which will make parties obliged to submit gender-balanced electoral lists.

The GYLA continues to work on this issue and, in the near future, we will present to the public a study on the gender analysis of the 2017 elections of representative and executive bodies of local self-government.



საინფორმაციო ბიულეტენის მომზადება შესაძლებელი გახდა ამერიკელი ხალხის მხარდაჭერის წყალობით, რომელიც აშშ-ის საერთაშორისო განვითარების სააგენტოს (USAID) მეშვეობით იქნა გაწეული. საინფორმაციო ბიულეტენში გამოთქმული მოსაზრებები ავტორის საპროცესო ახალგაზრდა იურისტთა ასოციაციას და შესაძლებელია არ გამოხატავდეს USAID-ის და აშშ-ის მთავრობის შეხედულებებს.

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