

The Observation Mission for the
Parliamentary Elections of 2016

Report on the Monitoring
of Pre-Election Environment,
Election Day and Post-Election Period

(June 8 – November 16, 2016)

The Georgian Young Lawyers' Association



THE OBSERVATION MISSION FOR THE PARLIAMENTARY ELECTIONS OF 2016

REPORT ON THE MONITORING OF PRE-ELECTION ENVIRONMENT, ELECTION DAY AND POST-ELECTION PERIOD

(June 8 – November 16, 2016)



Kingdom of the Netherlands



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Tbilisi, 2017

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I. INTRODUCTION

Promotion of effective, accountable and transparent governance is one of the strategic areas of the Georgian Young Lawyers' Association (GYLA). With this aim, the GYLA has been actively involved in the elections of legislative, executive, and local government bodies since its founding in 1994, studying the pre-election periods, election days, and post-election periods to find out the extent to which the election environment in Georgia is free, fair, competitive, and inclusive.

When observing electoral processes, the organization aims to ensure that the Election Administration, electoral subjects, and civil servants comply with the electoral legislation and international democratic standards. The GYLA's activities in the election period are not limited to identification of violations; rather, by filing complaints in the Election Administration and courts, the organization tries to promote consistent and progressive interpretation of the electoral legislation, application of legal measures against offenders, and prevention of further violations.

We believe that providing the public and parties involved in electoral processes with impartial, competent and timely information on the electoral process will help to increase the level of transparency and fairness of the election environment and to deepen the positive aspects that have been achieved in the recent years.

Believing in the supremacy of the principles of fair and free elections, the GYLA constantly observes full neutrality towards political processes in its activities. For years, the GYLA has proved by its activities its loyalty to the principles of the rule of law and law-governed state and its aspiration to creating a fair election environment.

It should be noted that in 2010 the GYLA recognized the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations and the Code of Conduct for Non-Partisan Citizen Election Observers and Monitors¹ by its signature. The documents were developed for non-governmental organizations on the initiative of the Global Network of Domestic Election Monitors (**GNDEM**).

The present report covers the period from 8 June 2016 up to 16 November 2016 and focuses on the procedures of examination of complaints and summarization of results in pre-election period, on Election Day and in post-election period of the parliamentary elections of November 8, 2016, as well as in the repeat voting of October 22, 2016, and the second round of the parliamentary elections of October 30, 2016. In addition, the report presents information on the developments that took place before June 8, the day the pre-election campaign was officially launched, which the organization has also studied.

The GYLA's monitoring mission of the parliamentary elections of 2016 was made possible by the funding of the British Embassy, the Embassy of the Kingdom of the Netherlands, the Ministry of Foreign Affairs of Sweden, the United States Agency for International Development (USAID), the Open Society – Georgia Foundation, and the National Endowment for Democracy (NED).

II. SCOPE AND METHODOLOGY OF THE OBSERVATION MISSION

The Georgian Young Lawyers' Association observed the pre-electoral processes before the parliamentary elections of 2016 by means of up to 20 monitors.² The observation was done through our central office in Tbilisi and eight regional offices covering nine regions of Adjara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti, Mtskheta-Mtianeti, Samtskhe-Javakheti, and Samegrelo.

The GYLA's long-term observers studied the activity of public agencies involved in the elections (the Election Administration, the State Audit Office, the Interagency Commission, law enforcement agencies and courts) to find the extent to which the respective agencies worked and made decisions transparently and objectively and observed political neutrality.

The GYLA's monitors obtained information on alleged violations from various sources, including by requesting public information from public agencies, as well as by monitoring news reports.³ There were many cases when regular citizens and members of political parties themselves informed the GYLA's monitors about violations they had witnessed. After receiving information, the GYLA's monitors double-checked each case with the applicants or persons who might have important information related to the case. When necessary, the GYLA's lawyers provided relevant legal aid to concrete persons.

¹ The Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations and the Code of Conduct for Non-Partisan Citizen Election Observers and Monitors.

² The monitoring also involved employees of the GYLA's regional offices.

³ Central and regional press, national and regional broadcasters, Internet publications.

On the polling day of the parliamentary elections of October 8, 2016, the GYLA observed voting in **61** electoral districts in **Tbilisi** and **9** regions by means of **up to 500** observers who had been deployed to precincts or assigned to mobile groups. The observation area was covered by 100 mobile groups and **up to 400** static observers.

Considering the organization's observation experience, we paid particular attention to precincts set up in exceptional cases and problematic precincts identified at the time of the previous elections.⁴ Observation also took place in districts densely populated by national minorities where the observation was carried out both by the GYLA's observers and those of Public Movement "Multinational Georgia", in the framework of GYLA's program that aims at ensuring the exercise of political and electoral rights of ethnic minorities.⁵

On the polling day, the GYLA held four press briefings at the Media Center set up by local monitoring organizations, releasing 1 *ad hoc* statement and 5 public statements. And on the next day, October 9, the organization evaluated the polling day.

The GYLA observed the period following the October 8 elections in **61** majoritarian electoral districts and **37** district election commissions, during which the organization's observers attended the examination of complaints by district election commissions.

On October 22, 2016, the GYLA observed the repeat voting of the parliamentary elections at 4 precincts of 2 electoral districts (Zugdidi and Marneuli).⁶

On the polling day of the second round, the GYLA observed voting in **Tbilisi** and 9 regions with **up to 400** observers. The static observers were deployed to **300** precincts across Georgia. Thirty mobile groups were moving around 45 majoritarian districts and observing the processes in the problematic precincts and areas adjacent to them.

On the polling day, the **GYLA held 4 press briefings at the Media Center** set up by local monitoring organizations, **releasing 4 public statements**. On the following day, the organization evaluated the polling day and held a press conference. The GYLA's observers observed the period after the second round of elections of October **30** in **47** majoritarian electoral districts and **24** district election commissions. When identifying violations, the organization's observers filed complaints in the respective district election commissions and courts.

During the polling days of all the three elections, the GYLA operated a hotline by which citizens and journalists could notify us of electoral violations. When necessary, respective mobile groups responded to such information by going to where the violation had taken place.

On the polling days, the GYLA's operators entered the information obtained by observers deployed to every region of Georgia in the Electoral-Analytical Database, which analyzed the information. Citizens could also post information about violations on www.electionsportal.ge – either by filling out an online form or sending a free text message to the following phone number: 90039.

The GYLA entered the violations identified on the polling days in its database of electoral violations. The database classifies the violations according to their type, and they can also be searched according to regions.⁷

⁴ These precincts had been identified by GYLA's observers according to violations identified in the previous elections. It is noteworthy that the number of special precincts had decreased significantly for the 2016 elections.

⁵ The program is being implemented in the framework of a GYLA project funded by the United States Agency for International Development (USAID).

⁶ The organization's representatives observed the majoritarian elections that were held in electoral precinct no. 36.22.48 of majoritarian electoral district no. 36 (in Marneuli), as well as those held in electoral precincts no.66.67.38, 66.67.79, and 66.67.108 of majoritarian electoral district no. 66 (in Zugdidi). In addition, both majoritarian parliamentary elections and elections of the head of municipal administration were held in the Zugdidi district. Repeat voting was held in 14 precincts; in 6 of these precincts, the voting was held after the GYLA's complaints had been granted.

⁷ http://elections.gyla.ge/public_stats.php?lang=en&elections_id=18

III. MAIN FINDINGS

General evaluation

- Unlike the parliamentary elections of 2012, when the political field was, in fact, bipolar and the elections were contested between two forces – the ruling party and the united opposition, the political spectrum participating in the 2016 parliamentary elections was diverse, with 25 registered political associations/ electoral blocs⁸ and 816 majoritarian candidates.⁹
- However, in spite of the diversity of the political spectrum, the elections were mainly contested between the candidates of two political forces – the Georgian Dream and the United National Movement. This was made particularly obvious during the second round of elections in the majoritarian districts.
- One of the main challenges to the parliamentary elections was to hold the elections in a violence-free environment.¹⁰ Despite a number of efforts, such as introduction of stricter criminal law legislation, drawing up of the so-called peace memorandum on the initiative of the ruling party,¹¹ the government’s campaign “No to violence”,¹² a number of appeals to political parties by civil society organizations, etc., the pre-election campaign was hardly focused on party platforms and was accompanied by violent incidents. In addition, political forces often made accusations and leveled personal insults against one another.
- Political parties again failed to conduct political discussions without using hate speech and instrumentalizing vulnerable groups.¹³
- The election environment before the 2016 parliamentary elections was considerably better than that before the elections of 2012. As for the polling day, the polling day of the 2016 parliamentary elections was better than that of the 2012 parliamentary elections, although it was more problematic than the polling days of the presidential elections of 2013 and the local government elections of 2014.

Legal framework

- The authorities failed to change the electoral system against which the non-governmental and political spectrum has protested for years. Accordingly, the parliamentary elections were again held through the existing mixed – majoritarian and proportional – electoral system.
- The Parliament made amendments to the Election Code which were designed to ensure the equality of suffrage and to increase legitimacy (increasing the threshold of the majoritarian electoral system from 30% to 50%), although the amendments were assessed to be insufficient for forming a fairer electoral system and environment.¹⁴
- No amendments were made in connection with such issues as the use of administrative resources, staffing of election commissions, funding of political parties, mandatory quotas, media regulations, and electoral disputes.
- The process of drafting the amendments was not transparent and the public’s (including the expert community’s) involvement was low.¹⁵
- Unlike previous elections, the number of special precincts had decreased for the 2016 parliamentary elections, which was caused by recent legislative changes for which the GYLA had advocated actively.

⁸ A total of 19 political associations and 6 electoral blocs were registered.

⁹ 763 majoritarian candidates were nominated by parties and 53 candidates – by independent initiative groups.

¹⁰ The confrontation was witnessed first-hand by a GYLA observer who filmed the incident. <https://www.gyla.ge/en/post/saia-mtavar-prokurors-moutsodebs-pirad-konrtolze-aiyvanos-korckhelis-53-e-saarchvno-ubnis-mimdebare-teritoriaze-momkhdari-dzaladobrivi-faqtebis-gamodzieba>

¹¹ Under the memorandum, the signatory political parties committed themselves to distance their activists from protests, meetings, and other similar events held by or in support of other electoral subjects and to take all necessary measures not to allow activists to interfere with events held by other electoral subjects. It should be noted that as early as in June 2016, with the aim of promoting free and democratic election environment, the Parliament of Georgia approved the Code of Ethics, according to which in the pre-election period political parties were supposed to abandon using hate speech or provocative, slanderous, or xenophobic expressions or those that infringed on people’s dignity, contained threats or instigated people to commit any form of violence; state and local government bodies were supposed to abandon using administrative resources; and the State was supposed to take all measures to stop and prevent violence. <http://www.parliament.ge/ge/kanonmdebloba/announcements-all/announcements-main/saqartvelos-parlamentis-ganxadeba-saarchevno-periodshi-etikis-wesebis-dacvisshesaxeb.page>

¹² Refused to sign: the United National Movement, Paata Burchuladze – State for the People, the National Forum, the Labor Party. Agreed to sign: **the Republican Party, Free Democrats, Patriots’ Alliance, Nino Burjanadze – Democratic Movement.**

¹³ <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

¹⁴ <http://www.constcourt.ge/ge/legal-acts/judgments/saqartvelos-parlamenti-wevrta-djufi-davit-baqradze-sergo-ratiani-roland-axalaia-giorgi-baramidze-da-sxvebi-sul-42-deputati-saqartvelos-parlamentis-winaagmdeg.page>

¹⁵ <https://gyla.ge/en/post/saiam-saarchevno-cvllilebtan-dakavshirebit-saqartvelos-parlaments-daskvna-tsarudgina>

Pre-election period

- The GYLA's monitors identified a total of 82 **violations/trends** in the pre-election period. Traditionally, violations were committed both by governmental and opposition parties.
- As the polling day drew closer, the violations became more numerous and more serious. Particularly noteworthy of the violations were as follows: interference with election campaign and cases of violence/physical confrontation, damaging of campaign materials, unlawful agitation, bribery of votes, job dismissal on allegedly political grounds, and the use of administrative resources. In some cases, representatives of political parties talked about interference of employees of the State Security Service with electoral processes.¹⁶
- The violent acts that took place several days before the elections in Didinedzi, Gori, and Tbilisi posed a threat to stable election environment and raised important questions that required swift, effective, and impartial investigation and fair court proceedings to be answered convincingly. However, this has yet to be done.
- In several cases, law enforcement officers searched, interrogated and brought charges against politically active persons, which raised questions about the impartiality of the actions of law enforcement.¹⁷
- According to information we received from several sources, representatives of political parties recorded the personal data (names, last names, personal numbers) of voters without explaining the reason for collecting these data. These facts constituted a violation of the Law on Personal Data Protection.
- There were also individual cases of alleged illegal intrusion into party offices and damaging of candidates' election posters, banners and offices. The intruders mainly targeted electoral subjects and candidates of the opposition.
- Risks of unequal election environment were posed by cases of unlawful participation of civil servants in agitation and use of administrative resources.
- Additional challenges included participation of a foreign citizen in agitation via video transmission and participation of civil servants in agitation using social networks.
- There were instances of advertising the activity of public agencies via text messages and other means of communication, which raised questions about the use of administrative resources for electoral purposes and about attempts to influence voters' attitudes before the elections.¹⁸
- Political associations disseminated information about the use of administrative resources and alleged coercion of persons employed in budget-funded institutions, which was confirmed after the GYLA's monitors had verified the information.¹⁹
- Unlike the elections of previous years, the State Audit Office received more requests to study cases of alleged bribery of votes.
- It should be assessed positively that civil servants mainly used their holidays to take part in campaign events,²⁰ although in the regions there were cases of mobilization of employees of budget-funded organizations for presentations of the ruling party's majoritarian candidates, which raised questions about public officials' involving their subordinates in the pre-election campaign.
- In some cases, changes to budgets were made after the official start of the pre-election campaign, bringing under question the principle provided for by the electoral legislation which limits the pre-election campaign to 60 days before the elections and prohibits making changes to budgets and initiation of new programs/expansion of existing ones during this period.
- At the time of planning the budgets of 2016, the local self-government units were trying to tailor the budgets for electoral purposes.
- A number of covert recordings were disseminated before the official start of the pre-election period, as well as during the pre-election period, which made an impression that the covert recordings were directed against political opponents and were aimed to discredit them.
- There were almost no cases of pressure on journalists. In spite of serious threats to the maintenance of free and critical media in 2015-2016, the media environment in the run-up to the parliamentary elections

¹⁶ See detailed information about the violations in the GYLA's information bulletins: <https://gyla.ge/en/mod/newsletter/5>, <https://gyla.ge/en/mod/newsletter/6>, <https://gyla.ge/en/mod/newsletter/7>.

¹⁷ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁸ Ibid.

¹⁹ In spite of the fact that, in conversations with GYLA's monitors, certain persons confirmed this information, they refused to publicly reveal their identity.

²⁰ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

was much freer and more pluralist than at the time of the 2012 parliamentary elections, which enabled political forces to freely make themselves heard by voters.

- However, both during and before the pre-election period, there was a strong perception of polarization of media, and questions were raised regarding politicization of concrete media outlets.

Activity of public agencies

Election Administration

- The activity of the Election Administration in terms of transparency and involvement of interested persons in electoral processes should be given a positive assessment. However, we also identified problematic aspects, such as staffing of election commissions, examination of electoral disputes, registration of electoral subjects, and assigning sequence numbers to them.
- A difference was detected between the number of the population of Georgia and the number of voters (199,920 citizens) in the data of the CEC and the census data of the National Statistics Office of Georgia, which raised certain doubts about the universality of the census and the accuracy of the voters' list – according to the CEC data, the total number of voters in majoritarian electoral districts for the 2016 parliamentary elections was **3,513,884**,²¹ although the population of Georgia, according to the 2014 general population census carried out by the National Statistics Office of Georgia, was **3,713,804**.²²
- The CEC approved the procedure of drawing up a unified list of voters for the elections.²³ The ordinance provided assistance for voters who had been removed from registration in their place of residence and those whose registration had been declared invalid by a decision of the Public Service Development Agency, as well as for voters registered without indicating an address.²⁴
- During the staffing of precinct election commissions, there were several cases when members of commissions were selected on the basis of preliminary lists.²⁵ There were also doubts that politically biased persons had been selected with the quota of “professional” members of commissions.
- The actions of the Central Election Commission (CEC) raised questions regarding its powers determined by applicable legislation and coordination with other government agencies, which was made evident at the time of registration of political parties and assignment of sequence numbers.²⁶
- The CEC failed to grant the absolute majority of complaints filed in the agency in the pre-election period. The election administration failed to ensure correct and progressive interpretation of law on a number of important issues, making an impression that it avoided exercising its powers appropriately with regard to important issues.²⁷

State Audit Office

- According to the State Audit Office (SAO), the ruling party – the Georgian Dream – received the largest amount of donations and spent the largest sums on its campaign among political associations.
- Similarly to 2014, on the initiative of the SAO, NGOs monitoring the lawfulness and transparency of political funding set up an interim advisory commission during the pre-election period, which contributed to transparency of the SAO's activities. The GYLA was also involved in the commission's work.²⁸
- The SAO and, later, courts failed to give an appropriate legal assessment to alleged violations related to the pre-election campaign.²⁹

²¹ <http://cesko.ge/eng/list/show/109430-amomrchevelta-saerto-raodenoba-2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebis-tvis-majoritarul-saarchevno-olqebshi-2-oqtombris-mdgomareobit>

²² <http://census.ge/en/home>

²³ <https://matsne.gov.ge/ka/document/view/3372187>

²⁴ The data of the said voters were included in the unified list according to the place of last registration or actual (temporary) place of residence.

²⁵ <https://gyla.ge/ge/post/saia-tsinasaarchevno-procesebis-monitoringis-farglebshi-saubno-saarchevno-komisiebis-tsevrebis-amzhamad-mimdinare-shesarchevi-konkursebis-monitorings-atsarmoebis>

²⁶ <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

²⁷ Ibid.

²⁸ <http://www.sao.ge/en/news/752> The meeting participants also discussed preparatory processes for the 2016 parliamentary elections and activities planned by the State Audit Office; in addition, they presented information regarding the results of ongoing monitoring and the designing of the new website of the Financial Monitoring Service.

²⁹ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

- After the elections were over, a decree of the CEC Chairperson which determined the amounts of direct funding to be allocated to political parties from the State Budget was appealed in court. Due to incorrect interpretation of law, one of the parties had received an additional funding of GEL 300,000, which enabled it to have a member in election commissions.³⁰This put the issue of revising the regulations on state funding of political parties on the agenda.

Interagency Commission

- The Interagency Commission ensured the involvement of persons interested in electoral processes in its work. The meetings were mainly held in a constructive mode, although as the polling day drew closer, the discussions were politicized and representatives of political parties changed the constructive discussions into mutual accusations, which hindered the Commission from working effectively.³¹
- The Commission held **14 meetings** and issued 4 recommendations, although violations also took place after the issuance of recommendations, which was partly caused by the fact that the Commission does not have a mechanism for enforcing its recommendations.³²
- There are no detailed procedures describing the Commission's work when it reviews information/applications related to electoral violations. Such procedures would help clarify the Commission's activities.

Law enforcement agencies

- The police attended the events of the pre-election campaign and responded to violations of law, including using administrative detention when necessary.³³ However, there were also cases when the police, being few in number, failed to prevent violence.
- For the 2016 parliamentary elections, the Minister of Internal Affairs issued two orders³⁴ that aimed to ensure the conduct of elections in a free and calm environment, as well as to prevent offenses and respond to them in a timely manner. In spite of this, there were cases when the police failed to prevent offenses appropriately and to stop them in a timely manner. In certain cases, the inaction and inappropriate response of the police caused a considerable damage. Grave acts of violence were observed in Jikhashkari and Kizilajlo, where precincts were raided.
- The police were fully prepared and mobilized at a rally of the United National Movement on October 5 in Tbilisi, which should be assessed positively. In the second round, too, well-organized actions of law enforcement were one of the important factors that ensured a calm and non-violent election environment.
- However, in connection with a number of incidents which might have contained signs of threat, coercion, intimidation or various forms of violence and which were both covered by media outlets and discussed in the format of the Interagency Commission, the investigations conducted by the Ministry of Internal Affairs are ineffective, which undermines trust in this agency as an effective and politically neutral institution.³⁵

Election Day

First round

- On October 8, 2016, voters mostly could express their will freely, although we still detected attempts to exercise indirect control over voters' will, which was manifested in recording voters' names by activists of electoral subjects in areas adjacent to polling stations. Persons with an unclear status could be detected in areas adjacent to a number of polling stations.
- Unlike the voting process, in some cases the stage of vote count and summarization of results was fraught with gross violations manifested in violent acts. There were also individual cases of intrusion into polling stations. This influenced the election results in concrete precincts and caused a considerable damage to the general situation on the polling day. Due to essential violations in these precincts, repeat voting was held in several precincts on October 22, 2016.

³⁰ <https://gyla.ge/en/post/arasamtavrobo-organizaciebis-ceskos-tavmjdomaris-gankargulebas-ekhmaurebian>

³¹ <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

³² <http://justice.gov.ge/Ministry/Index/487>The Statute of the Commission established that if the Chairperson of the Commission is absent or unable to exercise his/her powers, the Deputy Chairperson of the Commission (Deputy Minister of Internal Affairs of Georgia) is obliged to perform the functions of the Chairperson of the Commission, which was a novelty.

³³ Due to violation of the public order, the police detained a member of political association, Our Homeland, under Article 166 (petty hooliganism) of the Code of Administrative Offences in Batumi. The court sentenced him to a fine of GEL 100 as an administrative penalty.

³⁴ Order No. 512 of 08/09/2016 and Order No. 584 of 19/10/2016: <http://info.police.ge/images/pdf/brdzaneba>

³⁵ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

- One of the important problems on the polling day was the restriction of observers' rights and putting their security at risk in certain cases.
- The competence of members of precinct election commissions (PECs) came under criticism on the polling day. PEC members found it particularly difficult to reconcile figures in summary protocols and to draw up summary protocols.³⁶

Second round of the elections

- Similarly to the first round, voters were mainly able to express their will freely.
- Unlike the polling day of the first round, no significant shortcomings were identified in the process of vote count and summarization of results.
- It should also be assessed positively that there were no cases of violence outside polling stations or raiding of polling stations on the polling day of the second round. However, there were problems related to participation and attempts of participation of inked voters in the elections,³⁷ as well as those related to alleged exercise of control over voters' will.³⁸

Post-election period

- The complaints filed by the GYLA's observers in higher election commissions mainly dealt with such violations as inaccuracies in the summary protocols of PECs – discrepancy in reconciliation figures;³⁹ correction of data;⁴⁰ failure to enter mandatory data; absence of seals of PECs on summary protocols; questionably high number of invalid ballot papers;⁴¹ violations related to polling procedures;⁴² restriction of observers' rights; violations related to sealing of documentation/its transfer to district election commissions; intrusion of unauthorized persons into polling stations; inappropriate exercise of powers by commission members and violations of the lot casting procedure; agitation in the premises of PECs and presence of unauthorized persons in polling stations.
- Higher election commissions mainly refused to satisfy demands related to recounting of PEC results or verification of the accuracy of questionable figures (e.g. the number of invalid ballot papers) in summary protocols. In fact, they mainly granted complaints related to application of disciplinary liability against members of lower commissions.
- The election commissions and, later, courts in fact failed to grant complaints, which made an impression that such approach aimed to avoid complaints rather than to administer justice.
- As a result, both the election administration and the courts failed to ensure correct and progressive interpretation of law in connection with a number of important issues.⁴³

³⁶ For detailed information, see the chapter on the polling day.

³⁷ We identified 5 cases of participation of inked voters in the elections and up to 70 participation attempts.

³⁸ <https://gyla.ge/en/post/saia-amomrchevlis-nebaze-savaraudo-kontrolis-faqs-ekhmianeba> Here we mean alleged giving of an unlawful instruction to employees of budget-funded organizations to mark the ballot paper differently in the second round of elections. In case voters were coerced to express their will in a certain way or subjected to pressure of any form, the GYLA called upon voters to approach our central office in Tbilisi and the regional officers.

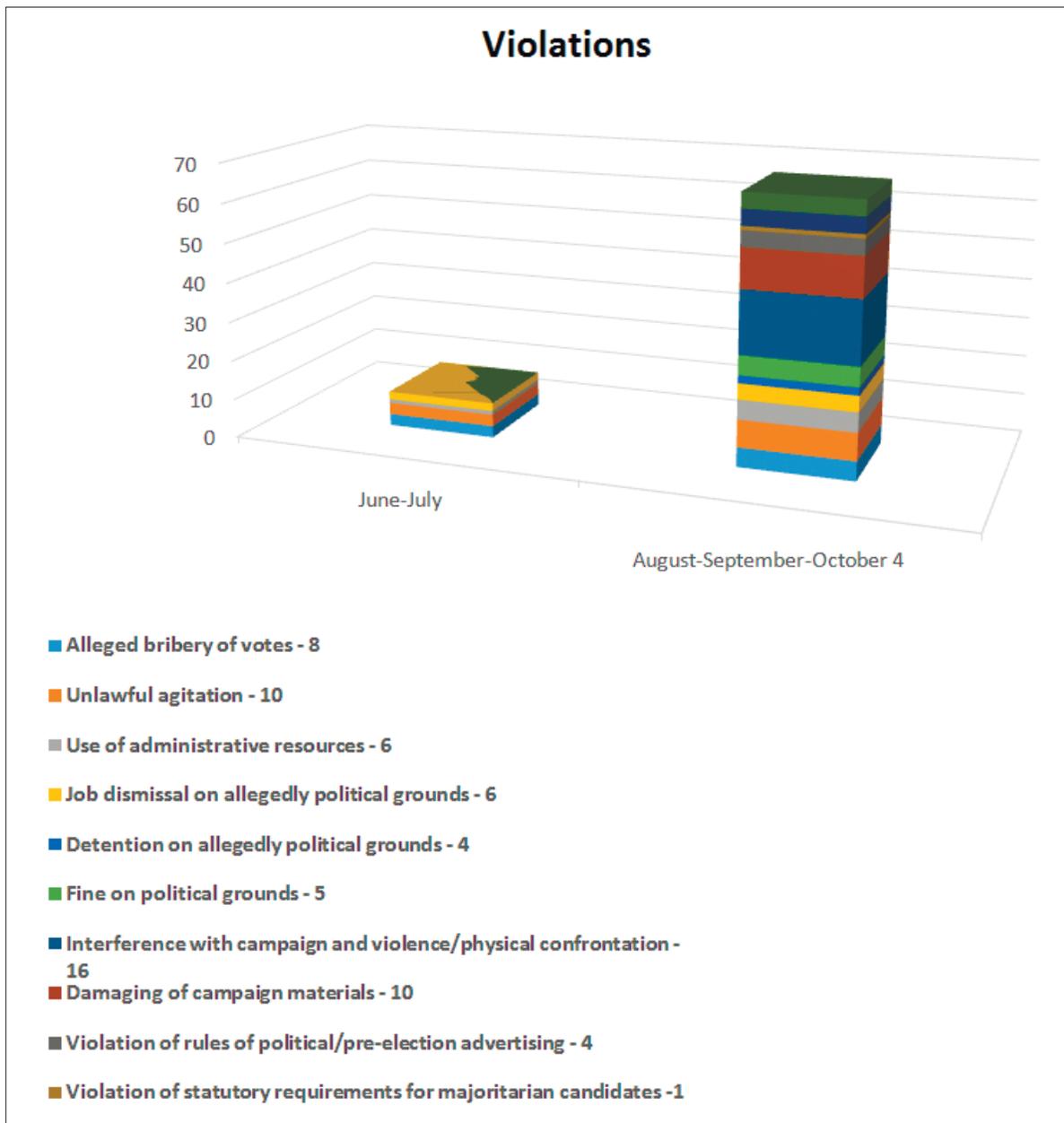
³⁹ A situation in a summary protocol where the number of votes received by electoral subjects and that of invalid ballot papers exceed the number of signatures of voters who have cast votes in the elections.

⁴⁰ In addition, the PECs had not drawn up correction protocols.

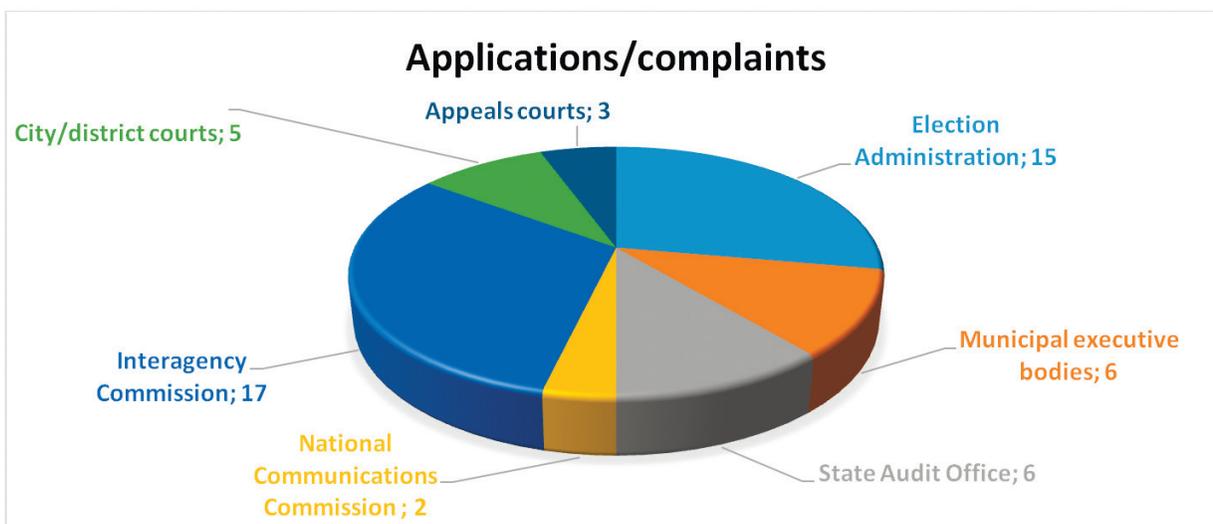
⁴¹ In PECs with a high number of invalid ballot papers (e.g. more than 40), the GYLA demanded a recount of invalid ballot papers.

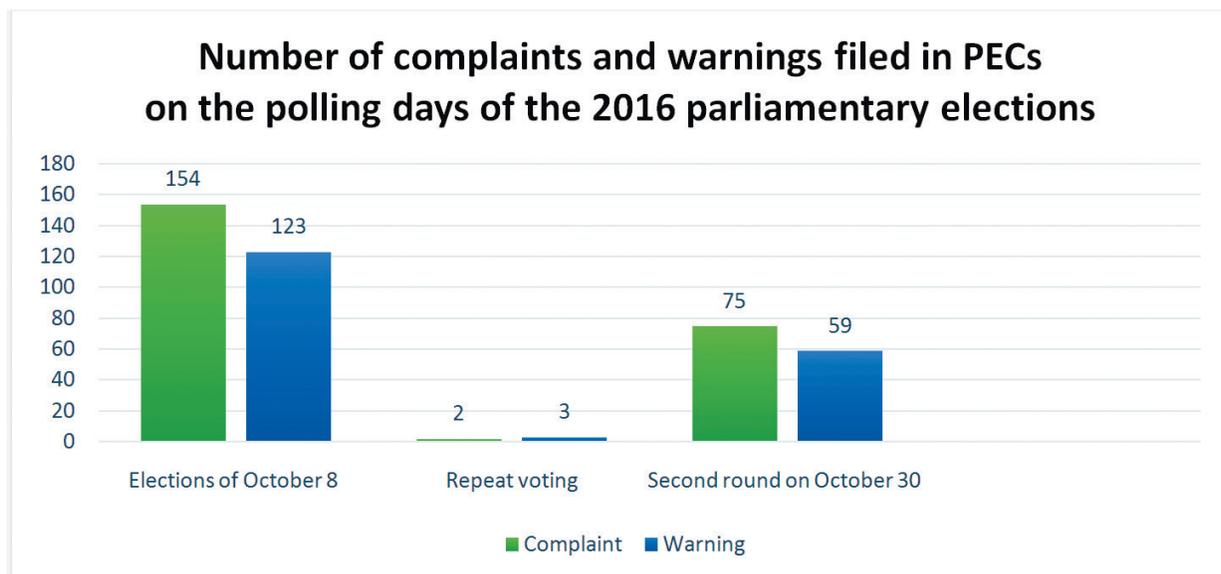
⁴² Restriction of observers' rights, making a preliminary signature on a summary protocol, arbitrary assignment of the function of lot-casting, violation of the lot casting procedure, inappropriate completion of the control sheet, problems related to inking, etc.

⁴³ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>



The GYLA's observers filed a number of applications/complaints on violations they had identified in the relevant agencies. The statistics of various violations are given above:





IV. POLITICAL CONTEXT

The elections of 2016 were the first parliamentary elections after 2012 when – against the background of extremely tense pre-election period⁴⁴ – the government was changed by means of elections for the first time in the history of Georgia.

These were the first parliamentary elections after the signing of the Georgia-EU Association Agreement. It is noteworthy that holding elections with high standards was attached even more importance before Georgia was granted visa liberalization.

One of the major challenges for the 2016 elections was the threat that the political field would remain bipolar, because, in spite of the peaceful change of government in 2012, the level of political polarization and confrontation in Georgia was very high, which, in the opinion of some NGOs and politicians, considerably hindered and undermined democratic processes in certain cases.⁴⁵

Twenty-five electoral subjects were registered in the Election Administration to participate in the 2016 parliamentary elections through the proportional system,⁴⁶ while a total of 816 candidates were registered to run in the majoritarian elections,⁴⁷ which, at first glance, made the political spectrum more diverse. However, the elections were still contested between two forces – the ruling party and one concrete opposition party. This aspect overshadowed the importance of participation of other political parties in the process to a large extent and left the political field bipolar.

One of the central issues that divide political forces was their positions with regard to Georgia's foreign policy orientation: the electoral subjects included parties and electoral blocs with a clearly defined pro-Western orientation as well as parties and blocs that emphasized Georgia's rapprochement with Russia and its "blocless status".

The ruling Georgian Dream coalition dissolved before the elections, and former governmental parties decided to run independently.⁴⁸

With regard to the 2016 elections, we should also mention the changes that took place on the Georgian political field, notably, the cases when candidates and activists of various political subjects left/changed political parties or stopped political activity in the pre-election period. In some cases, this was caused by their parties' internal problems, though other cases raised questions about possible external interference.

The weeks before the elections saw the fragmentation among the unions of political parties (election blocs). For example, the New Political Center – Girchi left the electoral bloc Paata Burchuladze – State for the People and dropped from the race. This trend also continued after the elections when a number of leaders of political parties left their political associations or temporarily distanced themselves from political processes.⁴⁹

⁴⁴ Reports on the assessment of the 2012-2014 election cycle: OSCE/ODIHR, NDI, GYLA, ISFED, TI.

⁴⁵ <http://democracy-reporting.org/?p=2000>

⁴⁶ A total of 19 political associations and 6 electoral blocs were registered.

⁴⁷ 763 majoritarian candidates were nominated by parties and 53 candidates – by independent initiative groups.

⁴⁸ <http://cesko.ge/res/docs/PartiebiReg2016GEO.pdf>

⁴⁹ Representatives of the political center accused Paata Burchuladze of blackmail and selling of parliamentary seats for personal gain. In his turn,

One of the major challenges to free and fair election environment was the sex tapes containing threatening messages that were uploaded online in the spring of 2016, before the official start of the election campaign. Considering the cultural context of Georgia, the sex tape scandal carried a significant gender context and contained a particular danger to promotion of the idea of women's active participation in politics.⁵⁰

Other challenges included attempts to use the so-called "prison footage" to manipulate the public opinion⁵¹ and transmission of a TV series about gross violations of human rights under the previous government by Imedi TV. The transmission of the TV series coincided with the pre-election period, which reinforces the assumption that the production and transmission of the TV series served electoral purposes.

After violent developments that took place in the area adjacent to precinct no. 53 in Kortskheli, Zugdidi district, at the time of the elections of municipal council on May 22, 2016, ensuring a violence-free environment became one of the major challenges for the parliamentary elections.⁵² This incident attracted the attention of local and international community, overshadowing processes taking place in other polling stations on the same day.⁵³

In the pre-election period, the authorities twice took the initiative to reach an agreement among political parties on important principles, including on holding the elections in a violence-free environment. Certain political parties joined the initiative, while others, including the United National Movement, rejected it. This initiative of the authorities was clearly a welcome fact, although at times its significance was diminished by inadequate response of relevant government bodies to incidents that took place in the pre-election period and by the public rhetoric of individual representatives of the ruling party.⁵⁴

In these elections, political parties again failed to conduct political discussions without using hate speech and instrumentalization of vulnerable groups.⁵⁵ Despite concrete efforts and several appeals to parties to conduct the pre-election campaign in a calm and constructive manner and to focus on political platforms, the campaign was accompanied by mutual accusations and, in a number of cases, by personal insults by opposing political forces.

Such background deepened mistrust towards important public institutions and agencies and politicized legal issues.⁵⁶

Mr. Burchuladze accused Girchi of being in alliance with the Georgian Dream and said the party was funded by Bidzina Ivanishvili. <http://www.ipress.ge/new/46253-paata-burchuladze-girchi-aris-bidzina-ivanishvilis-dafinansebuli>; <http://exclusivenews.ge/post/21189>

⁵⁰ <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

⁵¹ <http://www.esshengexeba.ge/?menuid=9&id=1140&lang=1>

⁵² The confrontation was witnessed first-hand by an observer of the GYLA who also filmed the incident. <https://www.gyla.ge/en/post/saia-mtavarpokurors-moutsodebs-pirad-kontrolze-aiyvanos-korckhelis-53-e-saarchvno-ubnis-mimdebare-teritoriaze-momkhdari-dzaladobrivi-faqtebis-gamodzieba>

⁵³ Strangers armed with clubs physically abused members of the United National Movement, physically assaulted journalists and interfered with their professional activity. The confrontation lasted for about 20 minutes, though, during this time, the State failed to fulfill its positive obligation, allowing ill-treatment of concrete individuals to continue. Being few in number, police officers failed to contain the abusers and also sustained injuries themselves. According to news reports, two police officers were injured during the incident. <https://www.gyla.ge/en/post/saia-kentchisyris-dghes-ganvitarebul-movlenebs-afasebs>

⁵⁴ <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

⁵⁵ Ibid.

⁵⁶ Ibid.

V. MEDIA ENVIRONMENT

In spite of serious threats to the maintenance of free and critical media in 2015-2016, the media environment before the elections was far freer and more pluralist than at the time of the 2012 parliamentary elections, which enabled political forces to communicate with voters effectively through almost all TV channels. TV stations tried to create equal opportunities for parties in terms of both airtime and political advertisements. However, certain parties made complaints about the use of free advertising time, which was conditioned by recent legislative changes.⁵⁷

It is a welcome fact that several media outlets aired thematic debates focused on party platforms. However, it should be assessed negatively that on October 3, for example, representatives of several political subjects refused to take part in thematic debates organized by the Public Broadcaster.⁵⁸

It is noteworthy that the media in Georgia are extremely politicized, which was made even more evident in the pre-election period and in the context of coverage of election results, raising questions about politicization of concrete media outlets. For example, various channels offered their viewers ratings of political parties on the basis of opinion polls.⁵⁹ It is noteworthy that the ratings offered by different channels were based on different opinion polls and sharply differed from each other.⁶⁰

The pre-election period saw particular activation of anti-Western media outlets, which were usually distinguished by their xenophobic and homophobic language and by the use of hate speech against representatives of various political subjects.⁶¹

It should also be noted that there were almost no cases of pressure on journalists in the pre-election period.⁶² In spite of this, we should mention changes that took place in TV stations before the 2016 parliamentary elections. Starting from 2012, TV stations gradually closed 5 highly popular TV programs, which, according to the program hosts, was a result of certain deals between the government and media owners. In some cases, the policy of TV station owners was cited as the reason. In the pre-election period, the legal dispute regarding the ownership of the Rustavi 2 TV station came under the spotlight. In spite of the fact that the channel experienced no technical interruptions in the run-up to the elections, the uncertainty surrounding the court dispute and the extreme politicization of the trial negatively affected the functioning of the channel.⁶³

In the run-up to the elections, the GDS TV station⁶⁴ provided two hours of free airtime per week to the former Prime Minister, Bidzina Ivanishvili, which the channel did not do for the benefit of other political subjects.⁶⁵ The former Prime Minister campaigned in support of the ruling party; granted, this act didn't violate the law, but it was perceived as part of the Georgian Dream's election campaign.⁶⁶

The pre-election period also saw violations of the electoral legislation by a newspaper funded from local budget. Monitors of the GYLA identified **2 violations** of pre-election campaign coverage rules by the Tkibuli, a local socio-political newspaper of the Tkibuli Municipality, which the GYLA appealed in the Georgian National Communications Commission.⁶⁷ According to the GYLA's monitors, in both cases, the court pronounced a reprimand for the newspaper as a measure of liability.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

⁶⁰ The opinion polls were conducted by the GFK research company commissioned by Rustavi 2, on the one hand, and by the TNS company which was commissioned by the TV stations of Imedi, Maestro, GDS and the Public Broadcaster, on the other.

⁶¹ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

⁶² One exception was the incident that took place on August 18, 2016, in the city of Rustavi. According to Davit Mchedlidze, editor of the Media.ge online portal, when he was covering a conflict situation in an apartment building, a police officer turned off the journalist's camera through physical coercion, didn't allow him to film, and made him leave the room by use of force. <https://gyla.ge/en/post/saia-ekhmianeba-zhurnalists-davit-mchedlidzistvis-policiis-mier-idzulebis-gamoyenebit-profesiul-saqmianobashi-khelis-sheshlis-faqt>

⁶³ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

⁶⁴ The TV station was owned by the former Prime Minister and founder of the ruling party, the Georgian Dream.

⁶⁵ As the program was not broadcast officially as pre-election advertising, this act may qualify as a service received from a legal person at discounted prices or on concessional terms provided for by Paragraph 2, Article 25 of the Organic Law of Georgia on Political Associations, which, according to the same norm, is considered as a donation. The GYLA, along with its partner organizations, called upon the State Audit Office and the Georgian National Communications Commission (GNCC) to study the issue. On September 14, the GNCC refused to grant the NGOs' request. <https://gyla.ge/en/post/telekompania-gds-ze-gasuli-gadacemebi>

⁶⁶ <https://gyla.ge/en/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

⁶⁷ In the issues of July and August, the media outlet violated the electoral legislation for the campaigning purposes of Elguja Gotsiridze, a majoritarian candidate of the Georgian Dream – Democratic Georgia.

VI. LEGAL FRAMEWORK

Reform of the electoral system⁶⁸

Changes in the content

Discussions about the necessity of making changes to the electoral system for the 2016 parliamentary elections started as early as at the beginning of 2015.⁶⁹ As a result, in 2015, political associations, experts, and NGOs reached a virtually unprecedented consensus on changing the electoral system which implied replacing the existing mixed electoral system with a proportional system.⁷⁰ **The authorities refused to implement the reform that would essentially improve the election environment, and changes to the electoral system were postponed for 2020.**⁷¹ The main reason cited was that it was difficult to implement a fundamental reform in the short period remaining before the elections.

In a joint appeal to the Parliament released in 2015,⁷² a part of political parties and NGOs supported the abolition of the majoritarian system and holding the elections through regional proportional system. The proposal envisaged electing 75 MPs through the general proportional system and 75 MPs – through the regional proportional system. In 2016, this initiative was registered as a legislative initiative of 200,000 voters in the Parliament of Georgia.

At the same time, the Parliament registered an initiative of 81 MPs (the so-called “initiative of the authorities”) that envisaged holding the parliamentary elections only through the proportional system, which meant that all the 150 MPs would be elected **through the proportional system, according to multi-mandate electoral districts.**

The Parliament also registered a legislative initiative drafted by opposition MPs (Kublashvili, Khachidze, Japaridze, and Meladze).⁷³

The period before the 2016 elections saw yet another attempt to improve the electoral system. We mean a modified version of the so-called “German model” which, if adopted, would have created a real opportunity to improve the electoral system before the 2016 elections. The changes would have made the electoral system much fairer, because the will of voters would have been converted more proportionally into parliamentary mandates. In addition, unlike other initiatives to change the system, the adoption of this model would not have required a constitutional amendment. In spite of a number of statements made in advance, political parties failed to garner enough votes in the Parliament and missed a historic opportunity to improve the electoral system.⁷⁴

Accordingly, instead of substantive changes in the electoral system, the only changes that were made were the **balancing of electoral districts according to the number of voters⁷⁵ and introduction of a 50% threshold for majoritarian elections.**⁷⁶

On the basis of a judgment of the Constitutional Court, the legislator balanced electoral districts according to the number of voters (they were re-demarcated). The amendments also increased the threshold for the majoritarian elections (instead of the existing threshold of 30%, a threshold of 50% was introduced for majoritarian elections).

Ensuring the principle of equality of suffrage had been proposed by recommendations of international and local

⁶⁸ <https://gyla.ge/en/post/saia-saarchevno-kanonmdeblobaze-mushaobis-kutkhiti-khelisuflebis-saqmianobas-afasebs>

⁶⁹ <https://gyla.ge/post/rekomendaciebi-saarchevno-sistemastan-dakavshirebit-92>

⁷⁰ However, several models of proportional system were proposed. It should be noted that the consensus among political associations, NGOs and experts was led by the President of Georgia, and the joint appeal was drafted and submitted to the legislative body on his initiative.

⁷¹ <https://gyla.ge/en/post/arasamtavrobo-organizaciebi-saarchevno-sistemastan-dakavshirebit-qartuli-ocnebis-gegmebs-ekhmaurebian-15>

⁷² <https://gyla.ge/en/post/mimartva-saqartvelos-parlaments-saarchevno-sistemis-reformirebis-sakitkhze-08>

⁷³ The initiative envisaged a new model of distribution of majoritarian mandates. Municipalities and cities/towns were to be divided into 2-, 3- and 4-mandate districts; as for the capital, Tbilisi was to be divided into 63-mandate districts. The draft law also set out the principles of distribution of majoritarian mandates, the procedure of succession of majoritarian MPs who withdrew, and other details of majoritarian elections.

⁷⁴ At the first committee hearing on June 1, 2016, the draft law was supported by the factions of the Republicans, Free Democrats, the National Forum and an independent MP. Due to a boycott of the parliamentary activity, five members of the parliamentary minority (the United National Movement) were absent at the meeting, so they didn't take part in the voting, and MPs failed to garner enough votes to approve the draft law. Two members of the parliamentary majority voted against the draft law. As 13 members of the committee had registered before the vote, 7 votes would have been enough to adopt the draft law. The draft law had been initiated by the Republican Party, and they recalled it because of the failure to garner enough votes. <https://gyla.ge/en/post/politikuri-partiebi-saarchevno-sistemis-cvlielbas-meti-pasukhismgeblobit-undamoekidon>; <https://gyla.ge/en/post/saarchevno-sistemis-reformis-mcdeloba-kvlav-tsarumateblad-dasrulda>.

⁷⁵ It should also be noted that the Government of Georgia forwarded the electoral amendments to the Venice Commission for receiving its expert opinion only after they had been included in the law. In the joint opinion of the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the organizations gave a positive assessment to **the balancing of electoral districts based on the number of voters, which had previously violated the equality of votes. However, it was noted that the amendments did not include a clear method of revising the boundaries of districts, including a procedure that would allow the CEC to make decisions on defining district boundaries within its competence.** The opinion also mentioned the lack of transparency that accompanied the process of division and unification of municipal districts.[8]

⁷⁶ Prior to the aforementioned amendments, candidates who received the plurality of votes, but not less than 30 percent of the votes cast in the respective majoritarian electoral districts, were considered winners.

organizations for several years, and its implementation should be assessed positively. However, the changes to the electoral system only provide a partial solution to existing problems and fail to eradicate all the challenges to this system. One of the serious problems, for example, is that votes of electors are not converted proportionally into mandates. Accordingly, the aforementioned changes are not sufficient for the formation of a fairer electoral system and environment. In view of the challenges to the electoral system, the re-demarcation of the districts should also be considered as insufficient.⁷⁷

In addition to the changes in the electoral system, the following changes were also made in connection with the 2016 elections:

- **Prohibition of special precincts in military units**⁷⁸—New regulations prohibited setting up special electoral precincts in military units in the territory of Georgia and regulated various matters of military voting in more detail. For example, the regulations contain a list of all the institutions where special precincts will be set up as exceptional precincts. Military servicemen will vote in the precinct nearest to their military unit, which should be assessed positively. However, there remains a shortcoming in the form of the principle which allows military servicemen to participate both in the proportional and majoritarian elections if the place of their deployment doesn't coincide with the place of their registration. Specifically, the Election Code establishes that military servicemen whose place of deployment does not coincide with their place of registration and are deployed on a military base for a period of one year or more can participate in both proportional and majoritarian elections. We believe that this approach is illogical, as it enables a person who is registered and permanently lives in one district to elect a majoritarian MP in a different district only because he is temporarily deployed there, although he has no close connection with this district and with its specifics (problems). At the same time, this regulation still makes it possible to manipulate the votes of military servicemen.⁷⁹
- **Abolition of the norm that obliged the Prime Minister of Georgia to resign after registration as a candidate for MP** – It will no longer be necessary to dismiss the government and form a new government, which is logical in the short period remaining before elections.⁸⁰
- **Presence of police officers in the area adjacent to a polling station** – In extraordinary cases, the amendments allow the mobilization of law enforcement officers in the area adjacent to a polling station with the aim of maintaining the public order, with or without the permission of the chairperson of the election commission. However, we should also mention certain risks, such as **the presence of police officers in a polling station/in the area adjacent to a polling station** – particularly when the police have broad powers allowing them to be present in the area adjacent to a polling station on their initiative, including for preventive purposes – whereas the Election Code does not define the place where a PEC is located/adjacent area, while the boundaries of electoral precincts are, in practice, subject to interpretation.
- **Violence or threat of violence in a polling station, a place where a PEC is located or in area adjacent to them, or at the time of pre-election agitation or pre-election agitation event** – The legislator added Article 162¹ to the Criminal Code, imposing sanctions for violence or threat of violence in a polling station, a place where a PEC is located or in area adjacent to them, or at the time of pre-election agitation or pre-election agitation event. We believe that such a vague norm poses high risks of abuse of powers and of introduction of selective practice.
- **Increasing of the number of qualified electoral subjects entitled to use free pre-election advertising** – On the basis of a judgment of the Constitutional Court, the number of qualified electoral subjects entitled to use free political advertising was increased. All parties comprising electoral blocs can now use free political advertising, instead of the first parties on the lists of electoral blocs, as was the case before.⁸¹

⁷⁷ <http://www.constcourt.ge/ge/legal-acts/judgments/saqartvelos-parlamenti-wevrta-djgufi-davit-baqradze-sergo-ratiani-roland-axalaia-giorgi-baramidze-da-sxvebi-sul-42-deputati-saqartvelos-parlamentis-winaagmdeg.pagelt> should be noted that the aforementioned amendments were appealed in the Constitutional Court. Specifically, the appeal concerned the norms that determine the boundaries of majoritarian electoral districts for the elections of the Parliament of Georgia, as well as those defining the authority of the Central Election Commission to determine the boundaries of majoritarian electoral districts in those municipalities where the law envisages the creation of two or more majoritarian electoral districts. The object of the dispute was the constitutionality of Part 1 of Article 18, Part 5 of Article 110, and Paragraphs 3 and 42 of Article 110¹ of the Election Code of Georgia in relation to Article 14, Paragraph 1 of Article 28, Paragraph 1 of Article 49, and Paragraph 1 of Article 50 of the Constitution of Georgia. The Constitutional Court refused to grant the claim, holding that the aforementioned amendments didn't contradict the respective articles of the Constitution of Georgia. The Court held that it could not identify a discriminatory goal in the disputed method of distribution of majoritarian electoral districts; accordingly, the arguments brought forward by the claimant were mostly based on subjective doubts and issues of political expediency and, therefore, could not be considered as convincing evidence of abusing the electoral geography. *Group of Members of the Parliament of Georgia (Davit Bakradze, Sergo Ratiani, Roland Akhalaia, Giorgi Baramidze and Others, 42 MPs in total) v. Parliament of Georgia*. Judgment of the Constitutional Court, July 20, 2016, Paragraph 38.

⁷⁸ <https://gyla.ge/en/post/khelisufleba-samkhedro-mosamsakhureebis-khmis-micemis-tsess-arsebitad-ar-cvlis>;

<https://gyla.ge/en/post/arasamtavrobo-organizaciebi-specialur-saarchevno-ubnebtan-dakavshirebit-tavdacvis-saministros-pozicias-ar-iziareben>

⁷⁹ <https://gyla.ge/en/post/khelisufleba-samkhedro-mosamsakhureebis-khmis-micemis-tsess-arsebitad-ar-cvlis>

⁸⁰ However, in the case of resignation of a certain number of ministers, it may still be required to declare trust in the government.

⁸¹ <http://cesko.ge/res/old/other/29/29500.pdf>

No changes were made in other problematic areas, such as issues related to **the electoral system (abolition of the majoritarian system and introduction of the proportional system only), the use of administrative resources (narrowing the circle of officials entitled to take part in election campaign without any restrictions), staffing of election commissions (transition from mixed election commissions to those staffed with professional election officers),⁸² funding of political parties (defining the concept of bribery of votes more precisely), media regulations (distribution of free advertising time), and electoral disputes (vague norms that are subject to double interpretation), etc.**

It should be mentioned separately that the authorities also refused to support the civil society's initiative on gender quotas for women, which was designed to increase women's representation in the Parliament and local self-government bodies and to eliminate the existing gender imbalance in politics.⁸³ In addition, the Parliament refused to support MPs' initiatives on mandatory quotas⁸⁴ and financial incentives.⁸⁵ Such resistance to legislation promoting women's political participation can only be assessed negatively, the more so that women's political participation is quite low. It should be noted that female MPs only made up 12% of the full composition (150 MPs) of the Parliament of 2012-2016.

To summarize, we can say that the amendments to the electoral legislation were made in a fragmentary, rather than systematic, manner, without regard to the challenges and shortcomings that have existed for many years.

Evaluation of the process

In addition to the changes in the content, it is important to evaluate the process itself which preceded the amendments and related discussions. It should be assessed negatively that, **unlike the previous election period, the authorities failed to create a platform or format through which representatives of political associations and civil society would be able to get involved in substantive discussions on improving the electoral legislation.** Apart from several exceptional cases, the process of drafting the amendments was not transparent and was characterized with low involvement of the public (including the expert community).⁸⁶

For example, the formation of electoral districts in a new manner was not based on clearly defined and understandable criteria. The authorities didn't explain the rationale for such division and unification of electoral districts, which ultimately raised questions about the appropriateness of formation of districts in this manner and, also, aroused the interest of the public in the reasons behind the decisions adopted in every concrete case. It should also be taken into account that the amendments were planned and enacted with low public involvement, which contradicts the international standard of revising electoral districts.

The changing of regulations on special precincts was an exception in terms of involvement, because a task force of NGOs was set up in the format of the Interagency Commission to prepare this issue (however, political associations, for example, didn't take part in the work and discussions of this task force).⁸⁷

As the elections drew closer, changes in the ruling coalition created new opportunities for political forces to renew discussions on the electoral reform and to achieve certain positive changes. For this reason, the GYLA, together with its partner organizations, called upon political parties to re-start consultations on changing the electoral legislation and expressed its readiness to contribute to this process. Although the parliamentary discussions on amendments to be made to the Election Code continued until the end of July of the election year,⁸⁸ even during the pre-election period, a final consensus could not be reached.

Accordingly, the majoritarian electoral system was retained for the 2016 parliamentary elections. Under the applicable law, 150 members of the Parliament of Georgia are elected on the basis of the mixed electoral system – 77 through the proportional system and 73 through the majoritarian system – for a period of four years. Political parties that have received not less than 5% of the votes cast in the elections are deemed elected through the proportional system, and candidates who have received more than half of the votes cast in the respective district are deemed elected through the majoritarian system.⁸⁹

⁸² <https://gyla.ge/en/post/saia-moutsodebs-ceskos-shecvalos-saolqo-saarchevno-komisiis-tsevrta-she-sarcevi-konkursis-chatarebis-tsese>

⁸³ <https://gyla.ge/en/post/qalta-politikuri-monatsileobis-samushao-jgufis-tseveri-adgilobrivi-arasamtavrobo-organizaciebis-ganckhadeba> This initiative was submitted by the GYLA together with other members of the Gender Task Force for Women's Political Participation.

⁸⁴ Initiative submitted by Keinishvili.

⁸⁵ Initiative submitted by Kobakhidze.

⁸⁶ <https://gyla.ge/en/post/saiam-saarchevno-cvilebebtan-dakavshirebit-saqartvelos-parlaments-daskvna-tsarudgina>

⁸⁷ The views of the NGOs involved in the format of the task force were taken into account partially. See also: <https://gyla.ge/ge/post/saarchevno-sistemis-reformis-mcdeloba-kvlav-tsarumateblad-dasrulda>

⁸⁸ Although the Georgian legislation does not establish terms and prohibitions on making amendments to the electoral legislation in an election year, we should mention a recommendation of the Venice Commission that proposes to restrict making amendments to the electoral legislation in an election year – during a certain period before the election day – in order to ensure that parties involved in electoral processes are in an equal election environment and know the procedures by which the elections will be held well in advance of the election day.

⁸⁹ The amendment made in 2015 only increased the 30% threshold for majoritarian candidates.

The shortcomings of the existing electoral system can be summarized as follows: The electoral system fails to ensure proportional conversion of votes received by concrete parties into parliamentary mandates, posing a big threat of losing electors' votes.⁹⁰ It should be noted that the existing electoral system has helped the ruling party gain the constitutional majority, whereas it only received 48.68% of the votes cast.

VII. ACTIVITY OF PUBLIC AGENCIES

Interagency Commission for Free and Fair Elections

By Order No. 140 of June 29, 2016, the Minister of Justice of Georgia set up the Interagency Commission for Free and Fair Elections for the elections of the Parliament of Georgia and the Supreme Council of the Autonomous Republic of Adjara of October 8, 2016, and approved its Statute.⁹¹

From June 29 to November 16, 2016, the Interagency Commission held **14 meetings** and issued 4 recommendations in total.⁹² The Commission was initially composed of 13 members and included 10 representatives of ministries as well as representatives of the Chief Prosecutor's Office of Georgia, the State Security Service of Georgia, and the Department of Relations with Regions and Local Self-Government Bodies under the Government Administration. At a later stage, the Head of the Municipal Supervision Service of the Tbilisi City Hall and a representative of the State Audit Office were added as members of the Commission, because a lot of applications submitted to the Commission dealt with issues under the competence of the executive organ of the municipality and the State Audit Office. Accordingly, on November 16, the Commission ended its work with a composition of 15 members.

Despite the fact that the pre-election campaign started on June 8, the Interagency Commission was set up on June 29 and held the first meeting on July 13, 2016. The Commission didn't convene in the period from June 29 to July 13 and worked with electoral subjects through its hotline and email.⁹³ Although this didn't violate the requirements of the Election Code,⁹⁴ in view of the provisions of the Code that define the goal of setting up the Commission and the scope of its activity, it is desirable to ensure that the Interagency Commission exists from the official start of the pre-election period to better prevent violation of the Georgian electoral legislation by civil servants, which, in its turn, will contribute to conducting the elections in a free and fair environment. In this regard, it is important to make legislative changes to ensure that the Interagency Commission will be set up right after the official start of the pre-election campaign. It is noteworthy that there are no detailed procedures describing the work of the Commission when it reviews information/applications related to electoral violations. Such procedures would help clarify the internal work process of the Commission. This aspect should also be improved further.

On the initiative of the Interagency Commission, the Government conducted a special information campaign "Violence Harms Elections" from September 17 to October 30, which was a novelty. In view of the escalation of violence towards the end of the pre-election period, the initiation of such campaign by the Commission should be assessed positively, although acts of violence still continued to take place in September and October.⁹⁵ It should be noted that the Commission conducted media monitoring, even without applications of electoral subjects, and responded to violations on the basis of news reports. It should also be assessed positively that at the meeting of October 28, 2016, the Commission asked political parties and monitoring organizations to submit their written proposals on improving the election environment.⁹⁶

The Interagency Commission ensured the involvement of interested persons in its work. The meetings of the Commission were mainly held in a constructive mode, although as the polling day drew closer, the discussions were politicized and representatives of political parties changed the constructive discussions into mutual accusations, which hindered the Commission from working effectively.⁹⁷

As for the Commission's recommendations, they were mainly directed at political parties participating in the elections, electoral subjects, and local self-government bodies. For example, the Commission called upon local self-government bodies to adopt relevant regulations in the pre-election period and to exercise control on their fulfillment, as well as to take timely and effective measures provided for by the electoral legislation in the event of damaging of campaign materials of competing parties or interference with their placement. The Commission called on polit-

⁹⁰ For these reasons, the electoral system has been criticized by both international and local NGOs on several occasions.

⁹¹ <https://matsne.gov.ge/ka/document/view/3301453> The Statute of the Commission established that if the Chairperson of the Commission was absent or unable to discharge his/her powers, his/her functions would be performed by the Deputy Chairperson of the Commission (Deputy Minister of Internal Affairs of Georgia), which was a novelty.

⁹² <http://justice.gov.ge/Ministry/Index/487>

⁹³ <http://justice.gov.ge/Ministry/Index/485>

⁹⁴ According to Paragraph 4 of Article 48 of the Election Code of Georgia, "An interagency commission for the next general elections shall be set up not later than 1 July of the election year."

⁹⁵ See cases of interference with pre-election agitation, violence, pressure and threats/intimidation in the present report.

⁹⁶ The GYLA submitted its proposals to the Commission. The Commission has yet to communicate with us about the proposals.

⁹⁷ <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

ical parties to issue a clear instruction strictly prohibiting their activists/representatives from damaging campaign materials of competing parties and interfering with their placement. The Commission also urged parties to instruct their activists to refrain from attending pre-election meetings of candidates of competing political parties with the aim of counter-agitation, making comments or giving a speech, in order to rule out even verbal confrontation on political grounds and to ensure that candidates would be able to communicate with voters without interference.

In spite of the Commission's recommendations, a number of violations were still identified after the issuance of recommendations (e.g. those involving civil servants), which was, in itself, problematic and was partly caused by the Commission's lack of a mechanism for monitoring the practical implementation of recommendations.

The GYLA filed **4 applications** regarding **17** alleged violations of law in the Interagency Commission. The applications dealt with cases of alleged unlawful agitation and violent acts carried out by electoral subjects and civil servants during the pre-election campaign. On the whole, the Commission responded swiftly to the facts cited in the applications by applying to competent bodies. The Commission also discussed alleged violations of law at its meetings. In one case, after the GYLA had submitted information about violation of agitation rules by a civil servant, the Chairperson of the Commission personally met with state trustees (governors) and their deputies and, once again, informed them about their rights and obligations in the pre-election period. It should be noted that all the governors issued legal acts – decrees – imposing restrictions on their officials during the pre-election period.⁹⁸

Election Administration

Elections Administration started active preparations for elections. During the pre-elections process, for transparency purposes and in order to involve in elections processes the CEC conducted intensive works and held meetings with different parties involved in elections processes, including media, political parties, representatives of local non-governmental and international organizations.

The CEC trainings with representatives of local self-governments on abuse of administrative resources and illegal agitation were significant.⁹⁹ Additionally - the working meeting on issues of ensuring security on elections that representatives of the Ministry of Internal affairs also participated in.¹⁰⁰

Based on working meetings of Elections Administration, Interagency Commission and non-governmental organizations, memorandum on uniform interpretation of administrative resources was developed and signed in cooperation with International Foundation for Electoral Systems (IFES).¹⁰¹

The CEC defined those election commissions and their authority that due to changes of elections system for the Parliamentary Elections 2016 - demarcation of majoritarian districts - came within the boundaries of majoritarian districts and will partially conduct the authority of District election commissions stipulated by the Elections Code.¹⁰²

The members of Central, District and Precinct election commissions signed Ethics Code on September 30.¹⁰³ The Code was developed by the Central Election Commission and it consolidated the norms such as respect of law, justice, impartiality, independence, transparency and professionalism. According to the Code, the members of the Election commission are obliged to ensure accurate and consistent implementation of the election legislation, be independent and unbiased when performing the functions; ensure equal and fair environment for election subjects, voters and other persons participating in elections process.¹⁰⁴

GYLA together with International Society for Fair Elections and Democracy (ISFED), Transparency International – Georgia, Center Of Development And Democracy, Public Movement “Multinational Georgia” (PMMG), Coalition of non-governmental organizations for civil development and representatives of Human Rights Center, participated in working group and developed joint Code of Conduct of Local Observer Organizations and Elections Commissions that that was aimed at supporting the fair and transparent parliamentary elections of 2016, respecting the rule of law and implementing main election principles.¹⁰⁵

Should also be noted that the observer organizations did not face problems on any stage of registration or obser-

⁹⁸ <http://bit.ly/2hdZakh>

⁹⁹ <http://www.cesko.ge/geo/list/show/108055-treningebi-adgilobrivi-tvitmmartvelobis-organota-tsarmomadgenlebisvis>

¹⁰⁰ <http://www.cesko.ge/geo/list/show/108003-samushao-shekhvedra-archevnebis-usafrtkheobis-sakitkhebze>

¹⁰¹ http://www.cesko.ge/res/docs/Memorandum_29.07.2016.pdf should be noted that IFES facilitates development of this kind of memorandum for last several elections, that aims to create equal conditions for the parties involved in elections processes.

¹⁰² http://www.cesko.ge/res/docs/Memorandum_29.07.2016.pdf

¹⁰³ <http://www.cesko.ge/geo/list/show/109339-etikis-kodeqsi>

¹⁰⁴ Should be noted that this kind of document was first signed in 2010.

¹⁰⁵ <http://www.cesko.ge/res/docs/qceviskodeqsi.pdf>

vation process.¹⁰⁶

Although, alongside the mentioned positive assessment, flaws were revealed in number of cases in working process of election administration; e.g.:

The parliamentary elections 2016 revealed the problematic nature of procedure of completing District and Precinct election commissions and also of practice.¹⁰⁷ The doubts were expressed that persons with political partiality were selected with „professional” quota, also that the lists were pre-defined in number of cases when completing the districts.¹⁰⁸ The mentioned facts have raised questions on objective nature of conducted competition and non-discriminatory selection process of members of District election commission.

According to representatives of opposition political parties the “predefined lists” existed and the District elections commissions were guided by the mentioned predefined lists when selecting members of Precinct election commissions when preference was given to the activists and supporters of the ruling party. GYLA made a special statement in respect to the mentioned fact.¹⁰⁹ For instance, according to information provided by GYLA monitors, the list of members selected in Precinct election commissions provided by the District election commission and so called “predefined list” provided by the representatives of the parties coincided with each other except several exceptions. The similar fact was observed in Kaspi, where members of District election commission had predefined lists. According to the representatives of “United National Movement” the mentioned lists were distributed among the members of District election commission. Although, on the contrary to the mentioned, the members of the District election commission clarified that they had marked those candidates beforehand that they were planning to support and made indications to conduct the meetings effectively.¹¹⁰

It is noteworthy that in the beginning of 2016 GYLA observed the competition for 193 vacant positions in 65 electoral districts.¹¹¹ The research and analysis of norms regulating the competition revealed that the regulations of competition consisted of problematic norms, as the decision was made based on the submitted documentation, rather than based on the interview and the documentation could not determine professional skills, qualification, capabilities of the candidate and the level of compliance of the personhood of candidates with requirements of vacant positions. The monitoring also revealed that in the number of cases, the Election Commission selected those candidates as members of District election commission (DEC) based on professionalism that were assigned as the members of the Precinct election commissions and District election commissions on previous elections by the Parties.¹¹² Although these facts are not considered as the violation of the Law, such tendency contradicted the goal of the legislation – to staff the Election Administration with independent, impartial and apolitical members.¹¹³

Additionally in some cases GYLA observed the facts of selection/reappointment of persons in election administration subjected to an administrative penalty.¹¹⁴ Despite the fact that the Election legislation does not prohibit neither selection/reappointment of persons in election administration subjected to an administrative penalty and nor selection of those persons in election commissions who represented confidants of the political parties on other elections, the mentioned issue is still problematic that is negatively reflected on activities of the election administration and generally, on loyalty towards the administration.

Process of reviewing the complaints by the election administration was assessed critically by the observer organizations. It is noteworthy that the vast majority of the complaints submitted to the CEC in pre-elections period

¹⁰⁶ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarчевno-garemos-shefaseba>

¹⁰⁷ <https://gyla.ge/ge/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarчевno-periodis-shefaseba-mokle-mimokhilva>

¹⁰⁸ <https://gyla.ge/ge/post/saia-tsinasaarчевno-procese-bis-monitoringis-farglebshi-saubno-saarчевno-komisie-bis-tsevre-bis-amzhamad-mimdinare-shesarчеvi-konkurse-bis-monitorings-atsarmoebis>

¹⁰⁹ <https://gyla.ge/ge/post/saia-tsinasaarчевno-procese-bis-monitoringis-farglebshi-saubno-saarчевno-komisie-bis-tsevre-bis-amzhamad-mimdinare-shesarчеvi-konkurse-bis-monitorings-atsarmoebis>

¹¹⁰ Complaints from United National Movement were in Akhaltsikhe too.

¹¹¹ GYLA monitors directly observed voting sessions and decision making procedures

¹¹² According to our information, based on information on checked 22 precinct election commissions, relation with political parties was established on case of 42 persons out of all selected. The majority of members are assigned by parties’ members of coalition Georgian Dream (Georgian Dream – Democratic Georgia, Republicans, Conservative Party, Industry will save Georgia, Free Democrats, and National Forum) . E.g. 34 members out of 42 (81%) are assigned by parties in coalition in total and 8 members (19%) are assigned by other parties (United National Movement, Christian-Democratic Movement and European Democrats.

¹¹³ [https://gyla.ge/ge/post/saia-saolqo-saarчевno-komisie-bis-shesarчеv-konkurss-afaseb](https://gyla.ge/ge/post/saia-saolqo-saarчевno-komisie-bis-shesarचेv-konkurss-afaseb) It is noteworthy that 24 acting members of the Trade Unions, established in August 5, the same year, participated in the competition. They all met the requirements established by legislation however out of 24 persons, only one person was re-elected as a member of DEC who left the Trade Union unsolicited and informed CEC about it.

¹¹⁴ Tbilisi - 19, Batumi - 21, Kobuleti - 11, Khelvachauri -11, Dusheti - 15, Gori - 4, Khashuri -3, Adigeni -3, Kaspi -2, Aspindza -1, Kareli -30, Borjomi -4, Akhaltsikhe 8, Tskaltubo - 18; Chiatura - 4; Samtredia - 12; Vani - 3; Bagdati - 7; Terjola - 9; Kutaisi - 37, Rustavi -1; Gardabani -9; Marneuli -9; Bolnisi - 12; Dmanisi -2; Tsalka -2;

were not granted. During the review process of the election disputes, the election commission interpreted the law narrowly that caused ineffectiveness of the proper sanctions on violations. The election administration could not provide precise, progressive interpretation of the legislation on number of significant issues that created the impression that the administration was avoiding proper performance of own authority on significant issues.¹¹⁵

On elections on October 8, 2016, on the Voting Day the competence of members of Precinct election commissions became the subject of criticism. The members had difficulty with balancing out and compiling summary protocols.¹¹⁶

- **Registration of election subjects**

As regards the registration of election subjects, 25 political unions/election blocks¹¹⁷ and 816 majoritarian candidates were registered¹¹⁸ for participation in the elections of October 8, 2016.

According to CEC information, 29 political unions were rejected/registration was cancelled. In the mentioned cases the political parties either refused to participate in elections or the registration was cancelled due to failure to submit the list of supporters or the documentation was submitted to CEC by the non-authorized person.¹¹⁹ Based on the same information, 73 candidates were removed from the registration with personal initiative.¹²⁰

Actions of the CEC raised certain questions in terms of its authority defined within the frames of the existing legislation and coordination with other state agencies and it was clearly outlined during registration of political parties and awarding the subjects election numbers.¹²¹

For instance, the registration of Centrists party was cancelled as the party did not have an authorized representative and the documentation was submitted to the CEC by unauthorized person.¹²² It is noteworthy that the party was registered in CEC on July 15, 2016 and decision on cancellation of registration was made on August 16¹²³, only after the National Agency of Public Registry considered the decision on choosing Temur Khachishvili as a Chairman of the Party on party congress.¹²⁴ The Public Register released a special statement that Centrist political party did not have and have not had authorized person for management and representation, based on public official data kept in registration body since 2006.¹²⁵

On October 11, 2016, CEC Chairman cancelled the registration of block Topadze – Industrials, Our Homeland. The grounds for cancellation was failure to submit the party list within the terms defined by the law that violated Paragraph 7, of the Article 115 of the Organic Law of Georgia Election Code of Georgia.¹²⁶ According to CEC, the election block Topadze – Industrials, Our Homeland submitted the documentation to the CEC on September 8 and did not submit the party list of the election block.¹²⁷ CEC Chairperson registered the party list of the block on September 16, 2016 only after the mentioned case was filed by the block at the court and the block won the case.¹²⁸

The issue of awarding election numbers to the election subjects ahead of schedule was also problematic that put the election subjects in unequal position.¹²⁹ On August 24, 2016 the Central Election Commission adopted a resolution that defined the rule of awarding the election numbers to the elections subjects on all three types of elections

¹¹⁵ <https://gyla.ge/ge/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

¹¹⁶ For detailed information please see Voting Day chapter.

¹¹⁷ 19 political unions and 6 election blocks.

¹¹⁸ Including 53 independent majoritarian candidates.

¹¹⁹ <http://cesko.ge/res/docs/arareggeo2016.pdf>

¹²⁰ [file:///C:/Users/Italiuri/Downloads/majoritarebi-MOXSNILI_29SEQT_PARLAMNETI%20\(2\).pdf](file:///C:/Users/Italiuri/Downloads/majoritarebi-MOXSNILI_29SEQT_PARLAMNETI%20(2).pdf)

¹²¹ <https://gyla.ge/ge/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

¹²² <https://gyla.ge/ge/post/saqartvelos-akhalgazrda-iuristta-asociacia-tsinasaarchevno-periodis-shefaseba-mokle-mimokhilva>

¹²³ <http://cesko.ge/res/docs/tg74.pdf>

¹²⁴ Temur Khachishvili was selected as a Chairman of the Party on party congress on May 29, 2016.

¹²⁵ <https://napr.gov.ge/p/1454> Information on the party on website of Public Register <https://napr.gov.ge/p/477>;

¹²⁶ Resolution of CEC Chairman #140/2016 based on the mentioned regulation, the party list shall be submitted to the CEC chairperson after the electoral registration of the party/election bloc, but no later than the 30th day before the Election Day. The party lists shall be enclosed with the registration card filled out and signed by every candidate for membership of the Parliament and photos of the candidates.

¹²⁷ According to CEC only application and registration cards of candidates with enclosed documentation (copies of IDs, photos, certificate on drug-inspection were submitted on September 8, 2016.

¹²⁸ Resolution of CEC Chairman #185/2016

¹²⁹ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

of October 8, 2016 (Parliamentary, extraordinary elections of local self-government and by-elections).¹³⁰ CEC stated that the Elections Code did not provide for the cases when more than one type of elections was conducted on one day and the resolution was conditioned with this circumstance.

CEC awarded the right to select election number without participating in casting of lots to those election subjects that did not meet the requirements defined by the Paragraph 2, of the Article 119 of the Election Code of Georgia.¹³¹ Namely the mentioned subjects were given the opportunity to use the election number that they used for the last common local self-government elections for all three types of elections without participating in casting of lots.¹³² This attitude put those election subjects in different position that participated in the last common local self-government elections as election block and could not use the election number awarded to the election block. They were obliged to participate in casting of lots and use the election number awarded after the casting of lots on all three types of elections.

The issue of registering Leonid Chernovetsky, independent majoritarian candidate in Kobuleti majoritarian electoral district was also problematic.¹³³ According to the media interviews, we had reasonable doubts that candidate Chernovetsky did not speak Georgian language that violated the requirements of the Paragraph 1 of the Article 111 regarding the knowledge of the state language that excluded his registration as a majoritarian candidate.¹³⁴ As it turned out, the DEC registered Chernovetsky without checking the knowledge of Georgian language. With motif that there was no mechanism to check the knowledge of state language, neither CEC and nor the court granted the claim of GYLA regarding cancellation of election registration.

One more issue that relates to the elections registration issue and we consider it as problematic, is the issue related to Simon Nozadze, Majoritarian candidate of the block Topadze – Industrials, Our Homeland, in Khashuri. It is significant that a day before approving summarizing protocols of parliamentary elections on November 15, 2016, Simon Nozadze, registered as non-partisan candidate was indicated by CEC as “member of party” in summarizing protocols of the elections, based on the documentation submitted to CEC by political party Industry will save Georgia. Changes to the data kept in CEC related to registration were made not only after deadlines of party/block registrations has expired but even the elections were already held. Accordingly, election block obtained the right to have a member in election commission. In other case, according to the requirements of the law, in case of violation of terms stipulated by law, CEC not only would not have accepted the documents but would not have reviewed them.¹³⁵

Voters` Lists

According to CEC data, total number of voters in majoritarian electoral districts equaled **3 513 884** during 2016 parliamentary elections.¹³⁶ Although it should be noted that according to census conducted in 2014 by the National Statistics Office of Georgia, the number of population equaled **3 713 804**.¹³⁷ The difference between the data of public institutions (difference between the population and voters - 199 920) raised the doubts regarding generality of census and accuracy of voters list.

On June 24, 2016 GYLA requested information on number of population from National Statistic Office of Georgia.¹³⁸ We were informed that based on the results of general population census the number is **3 713 804, 2 887 608** out of which are 18 years and above.¹³⁹ Additionally, the number of emigrants is **88 541**. Although based on the information of 30.04.2015 from National Statistic Office of Georgia web-site as of January 1, 2015 population of Georgia equaled 3,729.5 thousand persons (considering natural increase and net migration), the number does not include population living on the occupied territories of Georgia.¹⁴⁰ Should also be noted that according to explanation of the

¹³⁰ <https://matsne.gov.ge/ka/document/view/3381145>

¹³¹ 3 election subjects that had best results on last parliamentary elections.

¹³² <https://matsne.gov.ge/ka/document/view/3381145> Article 1. If the subject did not want to use this number, he/she could participate in casting of lots in order to obtain election number and thus use the new election number for all three elections.

¹³³ <https://gyla.ge/index.php/ge/post/chernoveckis-saqme>

¹³⁴ According to paragraph 1, Article 111 of Election Code of Georgia any citizen of Georgia with the right to suffrage, who has attained the age of 21 and speaks Georgian, may be elected as a Member of Parliament of Georgia.

¹³⁵ <https://gyla.ge/ge/post/arasamtavrobo-organizaciebis-ceskos-tavmjdomaris-gankargulebas-ekhmaurebian>

¹³⁶ <http://cesko.ge/geo/list/show/109430-amomrchevelta-saerto-raodenoba-2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebisvis-majoritarul-saarchevno-olqebshi-2-oqtombris-mdgomareobit>

¹³⁷ <http://census.ge/ge/results/census>

¹³⁸ Letter of GYLA of June 24, 2016 №04/314-16

¹³⁹ Letter of June 30, 2016 №11-2136

¹⁴⁰ http://census.ge/files/pdf/Population%20press_30%2004%20Geo_last.pdf

Chairman of the Board of Geostat made for media, those citizens not included in general census contacted Geostat via hotline,¹⁴¹ that raised doubts on generality of conducted census.

The works on specification and improvement of unified list of voters continued for parliamentary elections of 2016.

The Public Service Development Agency continued the project of Improvement of the List of Voters during which **448** doubled and **151** forged documents were cancelled in data bases, **1399** incorrectly attached/registered photographs were corrected, **3 654** facts of death were registered, **1 135** persons were issued new ID cards free of charge, digitalization (electronic format) of photographs of documents issued by consular services was conducted for the parliamentary elections; **6 566** photographs were registered in the data base, **252** wrong data was corrected in gender field.¹⁴²In total, according to the Agency, **2 465 550** figures were finalized in unified list of voters.

According to the data of the Ministry of Justice of Georgia of June 27, 2016¹⁴³ ID cards were issued to citizens of Georgia free of charge from June 26 to July 26 and total of **194 670** citizens benefitted from this initiative. As a result, biometric data of 120 000 citizens were added to the list of voters.

Amendments were made to the Election Code on June 22, 2016¹⁴⁴ regarding the participation of persons in the elections that were removed from registration or were registered without indicated address.¹⁴⁵ The amendments entered into force on July 13, 2016 and were in force until August 1. Later, on August 10, 2016 CEC adopted resolution and approved the rule of formation unified list of voters for elections to be held together with parliamentary elections on October 8, 2016.¹⁴⁶ The resolution helped those voters who have been removed from registration according to the place of residence or whose registration has been declared invalid by a decision of the LEPL Public Service Development Agency, or who has been registered without an indication of the address.¹⁴⁷ Voters of the mentioned category were added to the unified list of voters according to the last place registration or actual (temporary) place of residence.

GYLA applied to CEC on June 23, 2016 and requested the information regarding existing data on formation of unified list of voters.¹⁴⁸ As it turns out, as of May 1, The Public Service Development Agency provided CEC with data of **3 539 949** persons in order to form the list of voters out of which:¹⁴⁹

- Number of persons registered without an indication of the address equaled **30 553**.
- Data provided by The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia and/or its territorial organs regarding IDPs equaled **194 550**.
- Data provided by Social Service Agency regarding on those persons that were recognized as the voters having the right to participate in the elections by the court and who were placed in psychiatric facility in accordance with Law of Georgia on Psychiatric Care, equaled **13**.

As regards other works related to the lists, it is noteworthy that CEC adopted list of voters for the parliamentary elections on July 15.¹⁵⁰ CEC renewed unified list of voters on more time based on renewed data provided by the Public Service Development Agency.

CEC developed new services for citizens to verify own data and data of the family members in unified list. Special electronic field was enabled on the web-site of CEC - <http://voters.cec.gov.ge/> that enabled the voters to verify own data and data of the family members in unified list.

Also the voter could obtain information regarding district of registration and check the location of the district on the map via 7 000 fast pay terminals all around Georgia and Android mobile phones/tablets. Information promotions were conducted to inform voters. According to CEC, 954 543 voters used the voter data verification services.¹⁵¹

¹⁴¹ <http://netgazeti.ge/news/40579/>

¹⁴² <http://justice.gov.ge/Multimedia%2FFiles%2F%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2FIATF%20Report%202016.pdf> page 6

¹⁴³ <http://justice.gov.ge/News/Detail?newsId=5214>

¹⁴⁴ <https://matsne.gov.ge/ka/document/view/3323417#DOCUMENT:1;>

¹⁴⁵ Article 185¹² of the Election Code of Georgia: Voters that were removed from registration and registered without indicated address could participate in elections only if they applied to Public Service Development Agency and get registered until July 31, 2016.

¹⁴⁶ <https://matsne.gov.ge/ka/document/view/3372187>

¹⁴⁷ Data of mentioned voters were included in unified list in accordance with last registration or actual (temporary) place of residence.

¹⁴⁸ GYLA letter of June 23, 2016 №გ-04/313-16

¹⁴⁹ CEC letter of June 27, 2016 №01-06/1420

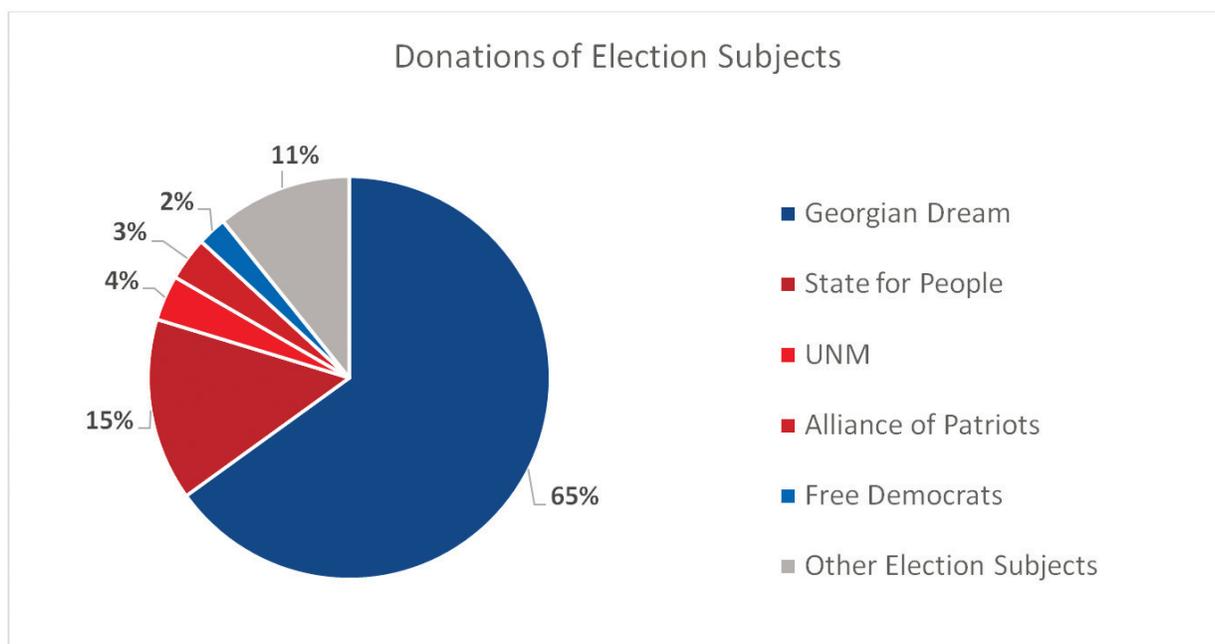
¹⁵⁰ <http://cesko.ge/geo/list/show/107845-tseskom-amomrchevelta-sheesakheb-ganakhlebuli-monatsemebi-miigho->

¹⁵¹ <http://cesko.ge/res/docs/Parliament-Web.pdf>

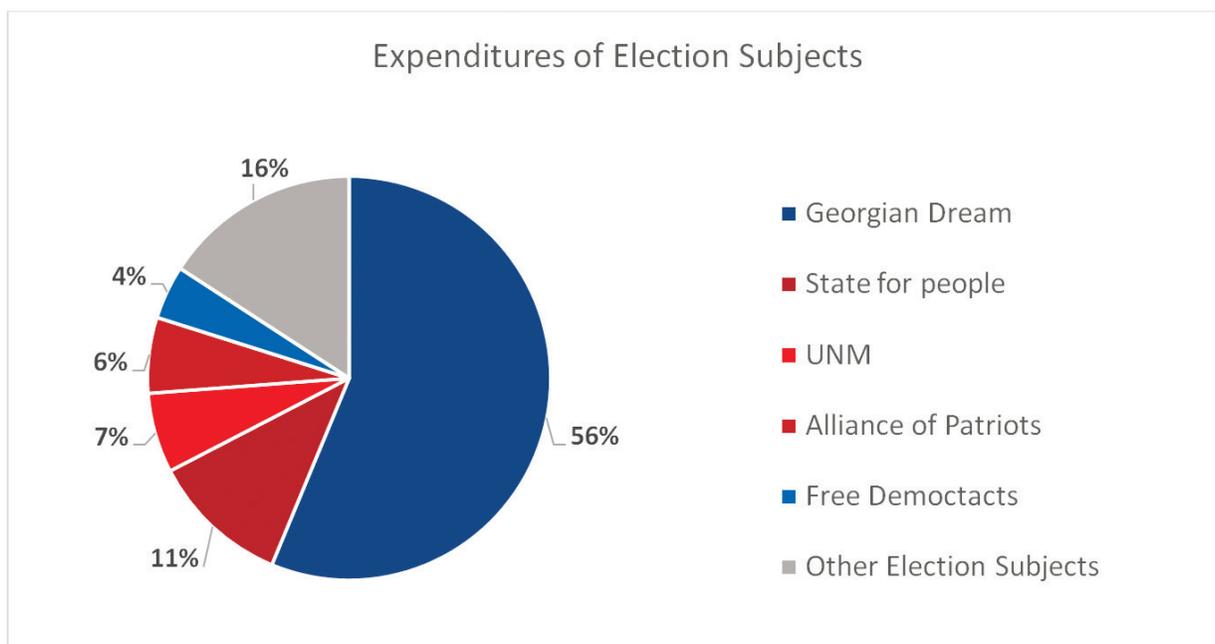
By planning complex measures, including using modern technologies, the election administration ensured effective administration of specification of unified list of voters that in general positively reflected on protection of constitutional rights of voters.

Pre-election Campaign Financing and State Audit Office

According to the State Audit Service, in pre-election period, June-October, 2016, total amount of donation received by election subjects equaled **29 212 382** GEL and total amount of pre-election expenses equaled **39 472 486** GEL. The largest amount of donation among political parties was received by Georgian Dream - 19 005 219 GEL, State for the People – 4 278 541.67 GEL, United National Movement – 1 063 514.50 GEL, Alliance of Patriots of Georgia - 1 019 650.10 GEL, Free Democrats - 689 945 GEL. Total amount of donation received by other subjects equaled 3 158 512 GEL.



As regards the expenses – Georgian dream - 22 212 663 GEL, State for the People - 4 396 452.40 GEL, Alliance of Patriots of Georgia - 2 391 046 GEL, United National Movement - 2 524 362 GEL, Free Democrats - 1 694 759.53 GEL, total amount of expenses of other subjects equaled 6 253 204 GEL.



Similar to 2014, temporary consultation commission completed with representatives of non-governmental organizations working on monitoring issues of legitimacy and transparency of political funding of pre-elections campaign was established with initiative of State Audit Service¹⁵² that reviewed information provided by the State Audit Service regarding alleged violations of regulations of political funding and gave recommendations to the State Audit Service.¹⁵³GYLA participated in the working group. Similar to previous times, the commission supported the awareness of the organizations monitoring political findings regarding the activities of the State Audit Service in pre-elections period.

Should be considered that the State Audit Service was noticeably active in pre-elections period, released and studied the information regarding political funding. Including, information regarding violations as from the ruling party, also from the opposition.¹⁵⁴ GYLA applied to the State Audit Service in reporting period regarding 4 alleged violations. All four violations were related to vote buying by the political parties/candidates.¹⁵⁵ Although, due to faulty regulations and insufficient practice of the court, the violations were not assessed properly. E.g. the alarming facts of vote buying were left beyond the attention of competent state organs.¹⁵⁶

According to the State Audit Service, three cases were submitted to the General Prosecutor's Office of Georgia regarding the information on alleged violations, 2 protocols on administrative violations were drawn up and the case was sent to the court, 17 cases were rejected due to lack of competence and 26 cases were terminated due to lack of violation.

The order of General Auditor of May 5, 2016 on regulation of some issues related to transparency of political finances, that regulated rule of purchasing political advertisements together with other issues, became a subject for discussion in reporting period. According to the political parties, the prepayment of political advertisement significantly worsened their condition and in general the pre-elections environment.¹⁵⁷ Political parties made special statement on the mentioned issue and requested the State Audit Service to modify the existing rule and lodged a claim against the State Audit Service on August 5 and requested cancellation of rule of purchasing the advertisement.¹⁵⁸

It is noteworthy that, the rule of purchasing political advertisement was not changed and again became a subject of pre-payment rule that was in force since 2012 and was approved with order of the General Auditor.¹⁵⁹

The issues related to definition of persons with publicly announced electoral goal and methodology of awarding the mentioned status was outlined in pre-elections period. The case was observed when the persons with actual political goals became active, although they had neither made public statement regarding the mentioned issue and nor have gone through the electoral registration. E.g. Paata Burchuladze started political movement without publicly announcing political goals and was not registered as a political party. Accordingly, the State Audit Service could not subject the movement to regulations defined for parties and therefore the movement appeared in privileged position compared to other parties.

The regulation of the Chairman of CEC #221/2016 of November 22, 2016 defining the amount of funding to be allocated directly to parties from the State Budget of Georgia became the subject of dispute after the elections. Despite the fact that Industry will save Georgia was not able to overcome 3% threshold defined by the law in order to receive the state funding and based on the results of the 2016 parliamentary elections, could not obtain funding,

¹⁵² <http://www.sao.ge/news/752>. Commission mandate is to listen and review information submitted by the State Audit Service regarding process of implementation of regulation of political finance, including alleged violations of political finance regulations, also providing specific recommendations to the State Audit Service on issues of finance of political parties based on consultations with non-governmental sector.

¹⁵³ <http://sao.ge/financial-monitoring-service-of-political-parties/declaration/contributionsOrder> of the State Audit Service of July 28, 2016 № 5755/21 on establishing interim advisory commission working on the monitoring of legitimacy and transparency of the political finance issues and defining rules of its activities.

¹⁵⁴ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁵⁵ 1) The application was about initiative of Tevdore Kobakhidze and Rima Beridze, the members of Tbilisi Municipality Sakrebulo members from Georgian Dream regarding free of charge medical examinations. 2) Application concerned the promise of Levan Varshalomidze, number one in the list of United National Movement in Ajara to build 40 residential buildings from 2017 to 2020 and giving the residential areas to the population living in so called Dream Town in case of winning. 3) Color Festival, organized for voters by majoritarian candidate of National Forum in Poti. 4) The fact of distribution food to population by Irakli Okruashvili office.

¹⁵⁶ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁵⁷ <http://www.interpressnews.ge/ge/thavisufalidemokratebi/391503-opozicurma-partiebma-reklamis-shesyidvis-tsesis-shesakheb-generaluri-auditoris-brdzaneba-sasamarthloshi-gaasachivres.html>. According to parties, before the new regulations they paid advertising fees weekly and in accordance with the new rule they would have to pay fee fully in advance.

¹⁵⁸ <http://www.sao.ge/news/791> According to service, the regulation of pre-payment of election advertising was in force since 2012 and number of old orders were systematized with Order of May 5 that simplified the period of pre-purchase of advertising. The only requirement left unchanged was to maintain the obligation of pre-payment of advertising fee, before airing on TV or other means and submission of related information to the State Audit Service. According to the Service, while the initial regulation required pre-purchase of minimum 1 week period, Order of May 5 did not specify the mentioned term that allowed the parties to pre-purchase 1 hour or one day advertising services.

¹⁵⁹ Order of General Auditor #2915/21 05.05.2016

in light of incorrect interpretation of the law, based on the mentioned regulation, the party received 300 000 GEL that gave them an opportunity to have one member in commission in election administrations.¹⁶⁰ The mentioned case put the review of regulations of funding of political parties from the state budget in agenda.

VIII. PRE-ELECTION PERIOD

Use of State Resources for the Electoral Purposes

Based on Resolution of the president of Georgia of June 3, 2016, the next parliamentary elections were appointed for October 8, 2016.¹⁶¹ At first, the Resolution was defined to enter into force on August 8, 2016.¹⁶² The mentioned raised risks of delaying the pre-elections campaign date, on the contrary of legislation, as according to the Election Code of Georgia, the pre-election campaign (agitation) starts immediately after releasing legal act on appointment of elections¹⁶³ and President does not define the date of entry into force of such act. Accordingly, the provision of the Resolution of the president that defined date of entry into force of the Act August 8, contradicted election legislation.¹⁶⁴ Finally, Prime-minister provided the countersignature of the Act of President on June 8 and accordingly, the pre-elections campaign started on the same day.

The changes to the central budget in pre-election period was conducted in accordance with the requirements of the election legislation, although after officially announcing pre-election campaign on June 8, budgetary changes conducted on local level questioned 60 day limitation principle defined by the law that in general prohibits implementation and increase of new social programs/benefits in mentioned period.

The pre-election campaign was characterized by the lack of using administrative resources.¹⁶⁵ Accordingly, the use of administrative resources for election purposes have not reached the scale that could have significant impact on the election environment. However in some cases, human and material resources were used for campaign purposes, violating the election code.¹⁶⁶

The ruling party attempted to hold public meetings of pre-election campaign on weekends that can be assessed positively. The fact that public servants used vacation days to participate in agitation events, can also be assessed positively.¹⁶⁷ However, the facts of mobilization of employees of budgetary institutions were observed on events presenting majoritarian candidates in regions that raised questions regarding alleged involvement of subordinated employees in pre-election agitation by the public officials.

GYLA observed **12** cases of violation of rules of pre-election agitation in pre-election period. Also up to **15** cases of using social networks, usually Facebook by public servants for agitation during the working hours were observed, also several facts of participation in agitation from foreign country by citizens of foreign country.¹⁶⁸ The activities of state agencies were promoted in pre-elections period and information on mentioned activities was disseminated via messages and other means of communication that raised questions regarding abuse of administrative resources for election purposes and efforts to affect voters before the elections.¹⁶⁹

The government announced social project Life goes on, in pre-election period.¹⁷⁰ Implementation of such projects, perhaps did not directly contradict certain norms of election code, however did represent the use of budgetary funds for the election purposes and created unequal conditions for political parties. This kind of initiatives erases the boundaries between the State and ruling party that violates the principles stipulated by the Copenhagen document of 1990 of OSCE, according to which it is mandatory to have “a clear separation between the State and political parties, in particular, political parties will not be merged with the State”.¹⁷¹

Social benefits for permanent residents of high mountainous regions of Georgia were enacted from September 1,

¹⁶⁰ <https://gyla.ge/ge/post/arasamtavrobo-organizaciebis-ceskos-tavmjdomaris-gankargulebas-ekhmaurebian>

¹⁶¹ <https://www.president.gov.ge/ge/PressOffice/Documents/LegalActs?p=10380&i=1>

¹⁶² <https://www.president.gov.ge/ge/PressOffice/News?p=10202&i=1>

¹⁶³ Paragraph 1, of Article 45 of the Election Code of Georgia

¹⁶⁴ <https://gyla.ge/ge/post/saqartvelos-akhalgazrda-iuristta-asociacia-archevnebis-danishvnis-taobaze-prezidentis-gadatsyvetilebas-ekhmianebe>

¹⁶⁵ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁶⁶ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁶⁷ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁶⁸ Claims were lodged not only to Election administration but also to the Court. It is noteworthy that legislation requires improvement in terms of regulation of both these issues. See detailed information in annexes.

¹⁶⁹ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁷⁰ Initiative considered employment of persons of retirement age.

¹⁷¹ Paragraph 5.4 of Copenhagen document of 1990 of OSCE

2016. E.g. for those persons who have reached the retirement age and receive the monthly state pension, recipients of the social package, medical personnel, teachers. Legal basis of enacting the social benefits was the Law of Georgia on the Development of High Mountainous Regions of Georgia that was adopted in summer 2015. Although the Law was adopted a month before the elections, implementation of number of social benefits for certain category of people raised questions regarding using the budget sources for election purposes.

Based on study and analysis of municipality budget, it can be said that when planning budgets 2016 local self-government bodies tried to adjust the budget on elections goals. It is noteworthy that in 2016, compared to 2015, the funding of infrastructural and social programs in budgets has significantly increased that was not followed with proper justification. Additionally, priorities of local budget of election year (2016) and allocation of money on mentioned priorities were significantly different from priorities of budget of non-election year (2015) and allocated money. E.g. majority of infrastructural projects would start in pre-elections period. Thus, the mentioned raised doubts that increase of funding of above-mentioned programs in pre-election campaign period was aimed at increasing satisfaction of the population that eventually ensured increase of number of supporters of ruling party Georgian Dream on the elections. GYLA appealed to the court the changes to budget of Batumi Municipality of 2016 made on September 27, 2016 regarding increasing the budget with 2 250 000 GEL in expenses part that in our opinion contradicted regulation of Paragraph 3 of Article 49 of the Election Code of Georgia and represented usage of administrative resources. We demanded suspension of expenses in the court although the court did not grant our claim.¹⁷²

GYLA periodically applied to Interagency Commission for Free and Fair Elections and Elections Administration regarding the issues related to abuse of administrative resources. Interagency commission studied the alleged facts of abuse of administrative resources and issued specific recommendations. However, execution of these recommendations was problematic.

As regards the Elections Administration, their response on specific facts of abusing administrative resources was inadequate. The Election Administrations either terminated legal proceeding on administrative violations on the grounds of absence of administrative offense or considered it inappropriate to draw up protocols on administrative violations. It also in noteworthy that neither did the courts respond adequately. Similar to elections commissions, neither did the courts grant GYLA claims and sustained the decisions made by Elections Administrations regarding termination of legal proceedings unchanged. Thus neither election administration nor the court ensured correct, progressive interpretation of legislation on number of significant issues that created an impression that they avoided proper exercise of powers.¹⁷³

Voter Bribery Cases

Compared to previous years information regarding alleged vote buying was disseminated more often that implied giving material possessions, promising to give or providing service to voters by candidates or their representatives. **9 facts** of vote buying were identified by GYLA monitors in pre-elections period.

Such actions were committed as by representatives of ruling party but also by representatives of oppositional parties that violated not only regulations of the Election Code of Georgia but also requirements of the Article 25² of Organic Law of Georgia on Political Union of Citizens according to which party may not, directly or indirectly, with the assistance of a party candidate, representative or any other person, supply or distribute goods or services free of charge except as provided for in this Law. Additionally some cases may have had signs of vote buying that is punishable under Criminal Code of Georgia.

GYLA applied to State Audit Service and Interagency Commission of Free and Fair elections regarding the mentioned facts and demanded the reaction within the competence.

The mentioned information was studied by the State Audit Service and appealed to the court to take measures on violations. Unfortunately the court has taken improper measures that mostly was conditioned by faulty regulations and insufficient practice of the court.¹⁷⁴

¹⁷² <https://gyla.ge/ge/post/sabijeto-cvlibebibi-atcharashi>

¹⁷³ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁷⁴ <https://gyla.ge/index.php/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

GYLA monitors observed the following facts of vote buying in pre-election period:

- **Initiative of Tevdore Kobakhidze, Chairman of Legal Commission of Tbilisi Municipality regarding free of charge diagnostics for Vake district school teachers¹⁷⁵ and initiative of Rima Beridze, Chairman of fraction Georgian Dream regarding free of charge medical examinations for up to 200 school teachers.¹⁷⁶** According to Sakrebulo, initiator of the mentioned promotions was also Non-commercial Legal Entity Georgian Dream – Healthy Future¹⁷⁷ that was planning to conduct different promotions in different parts of Tbilisi. Based on GYLA application the fact was assessed by the State Audit Service as prohibited donation and two protocols of administrative violations were drawn up as against Rima Beridze, also against Non-commercial Legal Entity Georgian Dream – Healthy Future – regarding 4000 GEL penalty to each of them¹⁷⁸; however the court did not consider the position of the State Audit Service and based on the ruling of September 12, 2016 the proceedings on the mentioned case were suspended. As regards alleged vote buying related to Tedo Kobakhidze, the State Audit Service have not established the violation on this case.
- **Regarding written contracts and promise to construct new apartment building with voters of Levan Varshalomidze, representative of United National Movement, in Batumi, Benze settlement.¹⁷⁹** GYLA applied to State Audit Service to study and legally react on the mentioned issue.¹⁸⁰ With argument that the case was beyond their competence, the State Audit Service transferred the case to the Prosecutor's Office that launched the investigation under Article 164¹ of the Criminal Code of Georgia¹⁸¹, however according to our information, the investigation have not reached any particular results.
- **On September 13, 2016 representatives of initiative group of Irakli Okruashvili, Gori Majoritarian MP Candidate, delivered different types of food to residents of building 11, 13 and 15 in Gori, Shindisi highway.¹⁸²** GYLA applied to State Audit Service and Interagency Commission for Free and Fair Elections regarding the abovementioned.¹⁸³ According to the State Audit Service, specific persons were questioned regarding the mentioned case: Irakli Okruashvili, Mamuka Nozadze and 6 persons who were in settlement.¹⁸⁴ According to the State Audit Service, fact of buying off was not confirmed, however other fact of vote buying was revealed. Namely, according to the Service, Irakli Okruashvili promised to improve their living conditions and besides attracting municipal funds he promised to send his own financial resources for the abovementioned purpose. Namely - 3,963.56 GEL. The State Audit Service applied to the Prosecutor's Office of Georgia for further reaction.
- **September 18, 2016 Color festival¹⁸⁵ took place in Poti with funding of Otar Kharchilava, Majoritarian MP Candidate of Poti from political party "National Forum" and with initiative of youth wing of the mentioned party. Also, youth of Poti 17 to 30 years old were invited to participate in different recreational activities (excursion, karaoke, photo-sessions etc.) by youth wing of Otar Kharchilava, Majoritarian MP Candidate of political party National Forum, with all costs covered by political party National Forum.¹⁸⁶** GYLA applied to the State Audit Service and Interagency Commission on Free and Fair Elections regarding both facts.¹⁸⁷ According to the State Audit Service, the letter was sent to National Forum in order to verify the information. The party denies any connection with mentioned event. Proceedings are being conducted¹⁸⁸.

¹⁷⁵ <http://www.interpressnews.ge/ge/sazogadoeba/383596-thedo-kobakhidzis-iniciativith-vakis-skolebis-pedagogebs-ufaso-diagnostikuri-kvlevis-chautardebath.html?ar=A>

¹⁷⁶ <http://www.interpressnews.ge/ge/sazogadoeba/386481-rima-beradzis-iniciativith-sajaro-skolebis-200-mde-pedagogs-ufaso-samedicino-gamokvleva-chautarda.html?ar=A>

¹⁷⁷ https://enreg.reestri.gov.ge/main.php?c=mortgage&m=get_output_by_id&scandoc_id=542140&app_id=619384

¹⁷⁸ <http://justice.gov.ge/Ministry/Index/489>

¹⁷⁹ <http://ajaratv.ge/news/ge/3198/-khelshekruleba-korpusebis.html>

<http://www.interpressnews.ge/ge/regioni/389023-levan-varshalomidzem-bathumelebthan-akhali-korpusebis-msheneblobis-dapirebis-khelshekruleba-gaforma.html>

¹⁸⁰ GYLA application of July 19 №0-01/195-16

¹⁸¹ <http://justice.gov.ge/Ministry/Index/489>

¹⁸² <https://gyla.ge/ge/post/amomrchevlis-savaraod-mosyidvis-faqtebi>

¹⁸³ GYLA application of September 21 №0-01/294-16

¹⁸⁴ <http://justice.gov.ge/Multimedia%2FFiles%2FE1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2FIATF%20Report%202016.pdf>

¹⁸⁵ <http://room.ge/?p=701> colored powders were free of charge for anybody. Event organizers were dressed in agitation t-shirts. The candidate himself participated in the event.

¹⁸⁶ <http://room.ge/?p=713>

¹⁸⁷ GYLA statement of September 21, №0-01/294-16

¹⁸⁸ <http://justice.gov.ge/Multimedia%2FFiles%2FE1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2FIATF%20Report%202016.pdf>

- **Alleged illegal promise given by Salome Zurabishvili, independent Majoritarian Candidate to the voters via social media, Facebook page.** Namely, Salome Zurabishvili invited the voters to election event on October 6 at 20:00 and offered free of charge transportation – to use Tbilisi Funicular railroad.¹⁸⁹ According to the State Audit Service information, the case was transferred to the Prosecutor’s Office of Georgia.
- **Alleged facts of bribery of citizens in order to attend United National Movement demonstration on October, 5.** Regarding information that certain people were paid 20, 30 and 50 GEL by the party to participate in the demonstration.¹⁹⁰ Based on application of the Transparency International, the State Audit launched investigation, however could not identify the persons recorded on videos and applied to the Ministry of Internal Affairs of Georgia, to provide the information.
- **Motivation of employees of municipality with promise to increase salaries allegedly by the majoritarian candidate of Georgian Dream in Khashuri.**¹⁹¹ According to our information the State Audit Service studied the mentioned issue and did not establish the violation.

Besides the mentioned facts, we would like to draw attention to the information that was spread during pre-election period and contained the signs of violation. Not only the act of giving certain goods to voters for election purposes is punishable under existing legislation, but also the act of accepting goods by the voter. The issue is the most actual when it concerns socially vulnerable people and accepting the mentioned goods by them. Considering difficulties of living, on one hand and low legal awareness of society, on the other hand, we consider that accepting the by voters should not be punishable. Accordingly, GYLA recommends the changes that release the voter from criminal and administrative liability in case of bribery.

Cases of Intimidation, Harassment and Physical Violence

Number of cases of verbal and physical violence, harassment of activists with political motif and intimidation were identified during the pre-election campaign that started mainly two months prior to elections and acts of violence several days prior to elections in Didinedzi, Gori and Tbilisi,¹⁹² seriously affected stable election environment and raised serious questions.¹⁹³

Various information was disseminated in pre-election period regarding alleged involvement of central and local government authorities in facts of violence.¹⁹⁴ In some cases representatives of political parties spoke about involvement of State Security Service in relation to election processes.¹⁹⁵ According to party activists, the pressure mainly was expressed in threats to remove social assistance and get dismissed.¹⁹⁶ Several cases involved searching, questioning and accusation of politically active persons by law enforcement organs that raised questions regarding political impartiality of actions of representatives of law enforcement organs.¹⁹⁷

Secret video and audio recordings of leaders of different political parties disseminated via internet also affected elections process that were periodically published by different web-sites and included threatening messages. The time and content of publication of the recordings indicated on efforts to manipulate with political processes and

¹⁸⁹ Name of the event “Salome Zurabishvili Mtatsminda Election final evening”. “Using railroad to Funicular from 19:00 to 22:00 will be free of charge, as I will host you!”

¹⁹⁰ Namely, information agency Info 9 released the video with rally participants, who claim that they were paid to attend the rally. The specific persons stated that party has paid 20, 30 and 50 GEL to participate in the rally.

¹⁹¹ <http://1tv.ge/ge/news/view/139539.html> The video-recording of meeting with municipality employees, when the candidate promised Khashuri municipality employees before the second round to support them, including promises to raise the salaries and instead demanded support of his candidacy by them and their relatives.

¹⁹² Violence acts, including explosion of MP of United National Movement, attack of opposition majoritarian candidate with guns and vases of physical violence on ruling party activists. Investigation was launched on all these facts and initially, on two cases, two persons were charged.

¹⁹³ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

¹⁹⁴ E.g. activist of UNM N.Kh. was physically abused in Akhaltsikhe during pre-election campaign of majoritarian candidate in UNM, according to whom Akaki Machutidze, Governor of Samtskhe-Javakheti and his accompanied persons physically and verbally offended him on Uraveli road. <http://rustavi2.com/ka/news/60059>. Also according to representative of Labor Party, he was assaulted by member of Borjomi Municipality Sakrebulo, Besik Popkhadze together with accompanied persons: employees of Borjomi Municipality Sakrebulo and Borjomi Municipality Non-commercial Legal Entity.

¹⁹⁵ E.g. representative of Labour party in Borjomi spoke about constant surveillance on him by employees of State Security Service. The detailed information on violations find in GYLA information bulletins: <https://gyla.ge/ge/mod/newsletter/5>, <https://gyla.ge/ge/mod/newsletter/6> <https://gyla.ge/ge/mod/newsletter/7>

¹⁹⁶ Citizens have confirmed the information on alleged removal of social benefits with GYLA monitors. Also in separate cases, according to information provided to GYLA, the representatives of local self-governments tasked subordinate persons to bring 10 supporters on Parliamentary Elections on October 8, 2016 and to bring the ID copies of the mentioned supporters prior to elections, that in certain cases involved intimidation.

¹⁹⁷ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

public opinion that contradicts principles of democratic governance and became the subject of criticism of civil society. The content of some recordings with authenticity, were not compatible with democratic values and law and order and caused totally negative attitude of the society.¹⁹⁸

State investigative bodies could not complete not any investigation successfully and neither the author nor the distributor of mentioned recordings.¹⁹⁹

Almost a week before the elections the Ministry of Internal Affairs made a statement that they along with State Security Service and Main Prosecutor's office, as a result of investigative activities held on the bases of operative information, detected ammunition and firearms in large amount on the territory of Georgia.²⁰⁰ The Minister of Internal Affairs denies that this fact has any kind of relations with pre-election period,²⁰¹ and the Prime-minister stated that the Georgian Dream would held democratic elections and any kind destabilization would be avoided.²⁰² Investigation was launched under Article 315 of the Criminal Code of Georgia that provides for conspiracy intended to change the constitutional order. According to media information, the State Security Service of Georgia summoned 10 members of Free Zone for interrogation.²⁰³

GYLA monitors observed **up to 10** facts of alleged threat and pressure during the pre-elections period that were mainly conducted against candidates of opposition election subjects and their supporters. One fact when the activists of ruling party were injured as a result of physical confrontation was also identified.

Several days before the polling day, on September 20, 2016, the Chief Prosecutor's Office of Georgia released a new video related to the case of May 26 and, on its basis, brought charges against several former high-ranking officials.²⁰⁴

The release of the new video several days before the parliamentary elections raised doubts that the action of the investigative body was related to political processes, considering that, as the Prosecutor's Office explained, the video was shot by a cameraman of the Department of Constitutional Security on the night of the incident, although it had not been available for the investigative authorities before.²⁰⁵ This raised questions about whether the investigation was effective and why this video had not become available (if it had not become available) for the Prosecutor's Office before.²⁰⁶ In addition, the public was not informed about the criteria by which the Prosecutor's Office investigated and prioritized cases, which, in its turn, would have decreased the feeling that the processes were politically motivated.

GYLA applied to proper agencies regarding the mentioned facts and demanded to study certain facts and properly react. Also, GYLA made number statements in pre-elections period individually and as coalition and demanded from competent organs, including law-enforcement organs, to conduct timely, unbiased investigation and fair court proceeding. Also in separate cases GYLA lawyers would protect the rights of victims and represent them during the investigation and in the court. Effectiveness of investigations launched by MIA regarding number of facts that allegedly involved different forms of harassment, intimidation or violence, that were discussed as in media sources and also within the framework of interagency commission, is questioned that is reflected negatively on confidence towards this institution as effective and politically neutral institution.²⁰⁷

One more information is noteworthy that GYLA was informed about in pre-election period. According to information received from different sources, representatives of political parties registered the personal data (name, last name, personal ID number) without explaining the purpose of collecting the mentioned data. The most significant

¹⁹⁸ Regarding the recording of alleged dialogue of Nika Gvaramia, Rustavi 2 manager and Paata Burchuladze, leader of political movement – State for people. The mentioned persons did not deny the fact of dialogue, however they stated that the recording was fabricated. They did not exclude that the talk could be recorded and published by the State Security Service. Investigation was launched on fact of Disclosure of Privacy of Personal Correspondence, Telephone Conversations or Other Message. <http://www.interpressnews.ge/ge/samartali/397170-qrusthavi-2q-is-informaciith-nika-gvaramia-da-paata-burtculadze-dakithkhvaze-daibares.html?ar=A>

¹⁹⁹ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

²⁰⁰ <http://www.ipress.ge/new/46479-shshs-samartaldamcvelebma-sabrdzolo-masalisa-da-cekhlasaroli-iaraghis-marags-miakvliis>

²⁰¹ <http://www.tabula.ge/ge/verbatim/112625-shs-ministri-iaraghi-sxvadasxva-dros-vipovet-gasasajaroebad-situacia-axla-momtsifda>

²⁰² <http://www.ipress.ge/new/46501-premieri-realuri-mcdelobebis-miukhedavad-saqartveloshi-destabilizacia-gamorickhulia>

²⁰³ Zaza Khazalia, Vano Aptsiauri, Tornike Darbaiseli, Mariam Basharauli, Nino Katsarava, Vazha Morgoshia, Nikoloz Churadze, Davit Gogokhia, Zurab Beriashvili, and Koba Khabazi. <http://www.ipress.ge/new/46756-susma-tavisufali-zonis-10-tsevri-dakithkhvaze-daibara>

²⁰⁴ The Prosecutor's Office of Georgia indicted Davit Akhalaia, former Director of the Department of Constitutional Security; his deputy Vasil Liluashvili; Revaz Shiukashvili, Head of the Tbilisi Main Division of the same Department; and Levan Kardava, Head of the Second Main Division of the said Department for the dispersal and mass detention of demonstrators on Rustaveli Avenue on May 26, 2011.

²⁰⁵ According to the Prosecutor's Office, the video showed Davit Akhalaia giving a criminal order to detain all demonstrators assembled on Rustaveli Avenue on May 26, 2011, and, in return, promising high bonuses to his officers.

²⁰⁶ <http://netgazeti.ge/news/142435/>

²⁰⁷ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

is the fact that target groups of mentioned persons were socially vulnerable citizens, representatives of ethnical minorities and IDPs.²⁰⁸ GYLA made a statement regarding the mentioned fact and explained that name, last name and personal ID number is personal data and can be processed with consent of data subject. Additionally, collection of personal data represented the dangerous tendency of indirect influence on voters' will. Personal Data Protection Inspector reacted on GYLA statement immediately. The inspector explained their rights to citizens that they were no obliged to give the mentioned personal data to anybody and any coercion of it was illegal.²⁰⁹

Interference with Pre-Election Campaign

GYLA monitors observed **12** facts of interference with demonstrations and distribution of agitation materials.²¹⁰ Facts of illegal entry into office, damaging election posters, banners and offices of the candidates were also observed in separate cases that mostly were conducted against oppositional election subjects and their candidates.²¹¹ Cases of counteractions were also observed in separate cases.

Monitors directly attended events held during pre-elections campaign. Also, they studied and checked information disseminated via media. The organization made number of statements during the reporting period condemning facts of interference with pre-election campaign and violence and urged political parties and election subjects to run pre-election campaigns in peaceful and free of violence environment.²¹² GYLA also applied to Interagency Commission for Free and Fair Elections and demanded proper react on similar cases. The Interagency Commission on the other hand, released number of recommendations and urged political parties/election subjects to refrain from attending pre-election meetings of competitor political parties or their candidates that, in turn, could exclude the risks of verbal or physical confrontation on political grounds.²¹³

Facts of interference with pre-election campaign was mainly observed against United National Movement and their candidates. Certain political groups and their supporters held demonstrations in front of offices of the Movement and demanded prohibition of activities of United National Movement and punishment of their representatives on law violations committed while being in power.²¹⁴ According to the representatives of United National Movement, in some cases, activists and supporters of Georgian Dream tried to interfere with pre-election meetings with population.²¹⁵

It is noteworthy that number of facts of interference with pre-election campaign increased with the onset of Election Day. Ruling party Georgian Dream developed the memorandum in order to hold the elections in peaceful environment and to prevent violence and offered the political parties participating in elections, to sign it on September 23, 2016. The signatory parties committed to distance their activists from pre-election actions, meetings or any other type of events conducted by other election subjects or for their support and to prevent interference with events of other election subject by their activists. Certain part of political parties approved the memorandum and expressed their consent to sign it.²¹⁶ The other part assessed the initiative of the ruling party skeptically and refused to sign the memorandum.²¹⁷

As regards safety, police attended pre-elections events and reacted on violations, including using administrative arrest against offenders, when applicable.²¹⁸ Full readiness and mobilization of police officers was observed on rally of United National Movement on October 5, that can be assessed positively.

Should also be noted that the Minister of Internal Affairs of Georgia issued two orders for parliamentary elections

²⁰⁸ <https://gyla.ge/ge/post/tsinasaarchevnod-gamokvetili-darghvevebi-da-tendenciebi>

²⁰⁹ <https://personaldata.ge/ge/personalur-monatsemta-datsvis-inspeqtori-tsinasaarchevnod-mosakhleobas-aftrkhilebs/665>

²¹⁰ <https://gyla.ge/ge/post/khelseshla-tsinasaarchevno-kampaniis-gankhorcielebashi-da-dzaladobis-faqtebi>

²¹¹ In office of United National Movement in Zugdidi and National Forum in Tbilisi. According to our information, the investigation was launched under Article 187 of the Criminal Code of Georgia, that provides for Damaging or Destruction of Object.

²¹² <https://gyla.ge/ge/post/saia-tsinasaarchevno-kampaniashi-agitaciashi-savaraudo-khelseshlisa-da-dzaladobis-faqtebs-ekhmaureba>

²¹³ <https://gyla.ge/ge/post/sazogadoebrivi-organizaciebi-politikuri-partiebis-mier-kontraqciebisgan-tavis-shekavebis-sakitkhs-ekhmaurebian>

²¹⁴ Rallies were mainly held by political movement Our Homeland and its supporters.

²¹⁵ According to representatives of National Movement, Beka Todua – activist of Georgian Dream and supporters: Berdia Kukava – employee of Zugdidi Municipality Sakrebulo Office, Tengo Abuladze, Giorgi Chitanava, Levan Davitaia, Vazha Gurtskaia tried to interfere with pre-election meeting of Sandra Roelofs with population.

²¹⁶ Republican party, Free democrats, Alliance of Patriots and Nino Burjanadze – Democratic Movement

²¹⁷ United National Movement, Paata Burchuladze – State for people, National Forum, Labor party.

²¹⁸ The member of political party Our Homeland was detained by police under Article 166 of Code of Administrative Offences of Georgia on the basis of disorderly conduct that violated public order. Court imposed administrative penalty (fine) with total amount of 100 GEL.

of 2016²¹⁹ that were aimed to conduct the elections in free, peaceful environment and also prevent violations and timely reaction. However number of cases were observed on the voting day, when the police could not properly prevent law violations what happened in Marneuli and Zugdidi.

Facts of Dismissing from the Office

During the pre-election period, a few cases were identified when local self-government employees were dismissed on allegedly political grounds.²²⁰ GYLA monitors were informed regarding **up to 21** cases of dismissal on allegedly political grounds and as a result of studying circumstances of cases it is outlined that the grounds for dismissal mainly are the inner audit reports regarding improper performance of duties, however the dismissed persons relate the dismissal facts to support of political parties.²²¹

The most interesting out of facts of dismissal from jobs are the events that took place in Zugdidi municipality after the second round of elections.

In November 2016, attestation was conducted in Zugdidi municipality. According to Zugdidi municipality Competition-Attestation Commission, representatives of Zugdidi municipality Gamgebeli in Ingiri, Chkhoushi, Koki, Samgona, Davitiani, Kulishlari and Abastumani administrative units, also Ertgneti administrative unit specialist were dismissed. 8 dismissed persons applied to GYLA for legal assistance.²²² According to them, decision of the Commission had nothing to do with legitimacy and objectiveness. According to them, they were dismissed based on unsatisfactory results of attestation process. However actually the dismissal had political grounds, as the ruling party Georgian Dream and their majoritarian candidates has lost the first round of elections in Ergeti, Kulishkari, Davitiani, Ingiri Chkhou and Shamgona. They explained that they were under pressure by the representatives of Georgian Dream. They were asked to mobilize voters and participate in Georgian Dream supporting campaign, otherwise were threatened to get dismissed. According to applicants they did not obey to illegal orders of representatives of Georgian Dream on the first round and in result were dismissed.

Kakha Kvaratskhelia, acting Head of Local Revenue Department of Zugdidi municipality, also applied to GYLA. He stated that Zugdidi municipality Competition-Attestation Commission evaluated his results unsatisfactory and his qualification – irrelevant to his job position. Afterwards, in December 2016 he was dismissed from the work. Kakha Kvaratskhelia stated that this decision was politically motivated because high officials of Zugdidi Municipality wanted to appoint ruling party affiliated person on his position.

It is noteworthy that GYLA requested to attend Zugdidi municipality Competition-Attestation Commission sessions, however we were refused. GYLA appealed illegal decisions of Zugdidi Municipality Commission to the Court. GYLA will represent the dismissed persons in Court.

IX. ELECTION DAY

First round

October 8 Election Day was monitored by **up to 500** GYLA monitors in **61** electoral districts of **Tbilisi** and **9** regions.

The polling process was held in peaceful environment however significant violations were observed in number of precincts. Unlike the voting process, number of gross violations, mostly violent activities were observed in many cases, mainly outside of precincts during the counting process. Certain cases of raiding the precincts were also observed. The mentioned influenced election results on certain precincts and seriously harmed overall picture of the polling day.

Voters mostly had an opportunity to express free will, but the efforts of indirect control on the voters' will still were observed, when activists of election subjects were registering the voters. Should be noted that persons with unknown status were observed nearby number of precincts. Unlike the voting process, number of gross violations were observed in number of cases during the counting process. Based on information obtained by GYLA observers, acts of violence, physical and verbal confrontation between supporters of election subjects and activists, damaging electoral precincts and documentation, pressure on observers, physical abuse of two representatives of international organization observer mission were observed in number of precincts or adjacent territories.

²¹⁹ Order 08.09.2016 #512 and order 19.10.2016 #584 <http://info.police.ge/images/pdf/brdzaneba>

²²⁰ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

²²¹ <https://gyla.ge/ge/post/savaraudod-politikuri-nishnit-samsakhuridan-gatavisuflebis-faqtebi>

²²² Representatives of Gamgebeli – Emzar Gulordava, Guram Jijelava, Tengiz Jichonaia, Gocha Shengelia, Mikheil Kvaraia, Vakhtang Kutalia, Aliosha Alania and specialist – Fridon Bulia

The precinct **#108** was raided in **Zugdidi**. People's safety, including GYLA observers' was endangered. Two representatives of International Observer Mission Norwegian Helsinki Committee were physically abused, who tried to video capture the incident.

Especially grave violations have been observed on **Marneuli #48** precinct. The voting process failed, balloting station windows were broken with stones, several law enforcement organ representatives were injured outside the precinct, observers were intimidated and physically abused.

The fact of physical confrontation outside **Kutaisi #90 precinct**.

Media reported several times on tensions and confrontations nearby the precincts.

Several cases were observed on the ballot day when police was mobilized nearby precincts in order to prevent likely violations, mainly in Tbilisi and other big cities. Although considering Marneuli and Jikhashkari cases, it is clear that police was not present properly where the safety of people inside and outside precincts was endangered. Even police representatives were injured in Marneuli events. Also police acted irrelevant when our representative was prevented from entering Mtatsminda #24 precinct.

CEC announced initial results only at 01:40 am, although have failed to fulfill its statutory obligation to upload precincts' summarizing protocols immediately on the CEC web site (Election Code of Georgia, Article 76.8).

It is noteworthy that after GYLA involvement, with direct instructions of The Minister of Corrections the journalists were given right of photo-video recording in exceptional cases in precinct established in Kutaisi detention facility.

It is noteworthy that despite previous elections the number of special districts was decreased that was conditioned by recent legislative changes that GYLA has worked on actively. However number of legislative flaws were revealed during election process that require systematic legislation and institutional changes, including the necessity of reformation of rule of completion of election administration,²²³ raising the level of qualification of members of Election commission, review-refinement of selection criteria and procedures of members of Precinct and District election administrations, definition of precinct adjacent territory etc.

GYLA monitors observed number of facts when representatives of observer organizations acted improperly on the Elections day. The members of observer organizations violated ethic norms and acted improperly that was reflected in interference with activities of election commission. GYLA called on observer organizations for their observers to act in accordance with ethics and law. Despite the fact that observers are authorized by law to express claims regarding performance of the election administration and on the other hand, the election administration is obliged to review remarks and claims of observers, this does not allow the observers to interfere with performance of the election administration and thus affect its activities.

GYLA observers filled in **154** complaints and **123** remarks in record books.

During the Election Day GYLA monitors observed violations such as:

- **Violations of the procedures of casting lots by commission members who were assigned by political party United National Movement when they deliberately refused to go with mobile ballot box** (Mtatsminda #20, #16 and #26 precincts, Chugureti #14 and #32 precincts, Didube #38, Nadzaladevi #51, Telavi #2, #1, #10, #12, #7, #4 precincts);
- **Irrelevant behavior of representatives of several observer organizations**, attempts of managing election commissions. (Nadzaladevi #26 and Didube #11 precincts);
- **1 fact of physical offence** – physical abuse of 2 representatives of election subject (United National Movement), on **Saburtalo #48 Precinct adjacent territory**;
- **Verbal abuse/menace towards GYLA monitors** (Telavi 45th precinct);
- **Refusal on registering the complaint** (Zugdidi 39th precinct);
- **Alleged vote buying** (Senaki 10th precinct);
- **Presence of unauthorized persons outside the polling stations** (Samgori, Nadzaladevi, Didube, Telavi and Lagodekhi precincts);
- **Signing summary protocols in advance** (Didube 14th precinct);
- **Unauthorized collection of voters' personal data** (Nadzaladevi 18);

²²³ That implies transition from staffing of election commissions by a mixed method (according to which a part of the commissions are professional members and another part are appointed by parties) to their staffing by professional criteria.

- **Arbitrary distribution of functions among commission members without casting of lots** (Chughureti 39)
- **Control papers were not compared when opening the ballot box** (Gori #101 precinct).

Repeat Elections

GYLA observed repeat voting of elections of October 8, 2016 on 4 electoral precincts of two electoral districts (Zugdidi and Marneuli) that were held on №36.22.48 electoral precinct (Marneuli) and also №66.67.38, №66.67.79 and №66.67.108 electoral precinct (Zugdidi). Additionally, Parliamentary Elections through majoritarian election system and Gangebeli elections were held in Zugdidi District.

Voting process was conducted in peaceful environment mainly on repeat voting day. It is noteworthy that officers of law-enforcement organs were mobilized on outside perimeter. Considering the experience of October 8, taking the mentioned measures for prevention purposes was rational.

Members of corresponding election commission were present in Marneuli as well as in Zugdidi electoral precincts that assisted the precinct election commission members, gave guidance and tried to ensure election procedures to be in accordance with law. Party leaders were also present to avoid further complications.

Unlike voting day of October 8, 2016, the members of commission assigned by the United National Movement participated in casting lots to identify the member of commission to accompany mobile ballot box, also accompanied the mobile ballot box.

Violations were observed during the voting day, such as:

Verbal confrontation between the observers (Zugdidi #108 precinct).

Presence of unauthorized persons outside the polling stations Zugdidi #79 and #108 precincts).

Restriction of the right to vote (Zugdidi #38 precinct).

GYLA monitors submitted 2 complaints regarding the mentioned violations and also filled in 3 remarks in record book on Marneuli electoral precinct.

X. SECOND ROUND

Pre-election period

The information regarding alleged pressure on employees of budgetary institutions from officials was disseminated before the second round voting day, to force them to express the opinion in different way. Additionally the issue of improper reaction of State and Investigation organs on violations identified on the first round, including facts of pressure on observers, became actual in the same period.

As the best candidates were not revealed by elections through majoritarian election system in 50 majoritarian precincts on October 8, 2016,²²⁴ CEC appointed the second round of elections. Two candidates that obtained more votes than others in the first round were allowed to participate in the second round.

It is noteworthy that two candidates that won in the first round refused to participate in the second round, Irakli Alasania, Free Democrats and Sandra Roelofs, United National Movement. According to CEC, as election legislation does not provide for the possibility to remove the candidates from registration on the second round, despite the desire not to participate in the second round of elections, both candidates would be indicated in election bulletin.²²⁵

During the pre-election period of the second round of elections majoritarian candidate of United National Movement in Akhaltsikhe spoke about interference and pressure in which, according to him, Governor of Samtskhe-Javakheti also participated.²²⁶

In according to information provided to GYLA observers, employees of budgetary institutions in Tbilisi and regions, including kindergarten and school teachers and public servants were allegedly given guidance from supervisors to express the opinion in different way²²⁷ On October 30, voting day. GYLA made a statement regarding the men-

²²⁴ None of the candidates could obtain more than 50% of votes on the first round of elections held through majoritarian election system.

²²⁵ It is noteworthy that GYLA and several NGOs had different from CEC opinions regarding the mentioned issue. Namely, in our opinion, the candidates should have had the right to refuse to participate in the second round of elections. Considering these conditions, two other candidates with best results in the first round were to participate in the second round.

²²⁶ Find the detailed information in Chapter Cases of intimidation, harassment and physical violence.

²²⁷ Find the detailed information in Chapter Using Administrative resources.

tioned information and explained that giving any kind of direction/guidance to voter, to express the opinion in different way and take a photo of bulletin, would be violation of the legislation of Georgia.²²⁸ GYLA offered assistance to any person that could become subject of any type of pressure. It is noteworthy that political party Georgian Dream refused giving the mentioned directives.

The reaction of proper institutions on violations of the first round of elections became the subject of monitoring in pre-elections period. Especially, regarding responses on violations on Zugdidi (#108 and #79) and Marneuli (#48) electoral precincts.²²⁹ Also regarding pressure and violent actions against observers identified on the first round when the observers were interfered to perform authorities prescribed by law.

The local observer organizations held press-conference and demanded proper reaction on facts of interference and verbal and physical offences during elections on October 8.²³⁰

This concerns the fact of verbal and physical offense by unknown persons of representatives of international observer organization Norwegian Helsinki Committee who tried to capture the incident of **raid of Zugdidi #79 electoral precinct**.²³¹ It is noteworthy that police could not react properly on Zugdidi #79 and #108 precincts and additional forces were mobilized on the mentioned precincts only later.

Also regarding interference with performance of activities of GYLA observers on Zugdidi #108 and Mtatsminda #24 precincts. E.g., **Zugdidi #108** precinct was raided during the vote count and summarization phase and safety of those inside the polling station, including GYLA's observer was at risk. GYLA observer was interfered with on **Mtatsminda #24** precinct and was not allowed on electoral precinct and members of precinct commission and also unknown persons outside the polling station forced him to leave the station. Although GYLA representative called for the police, officers that arrived on site tried to interfere and take him/her out of the nearby territory.

The fact of physical offence of observer of the Human Rights Center on Marneuli #35 precinct, Keshalo #37 precinct. According to him, Chairman and deputy chairman of Precinct Election Commission verbally and physically abused him/her.²³² Although the investigation was launched under Article 162¹ of the Criminal Code of Georgia,²³³ witnesses were questioned, expertize was conducted on injuries on body, the investigation did not grant the status of victim to the observer and the case was terminated and CEC did not impose liability upon Chairman and Deputy Chairman of Election Commission as the investigation was ongoing.

Based on flaws and problems identified on the first round and repeat voting, GYLA applied with recommendation to the Election Administration, election subjects, observer and media organizations, Ministry of Internal Affairs of Georgia and judiciary authority and urged to take measures necessary for holding the second round in better environment and with better quality.

Election Day

Unlike the first round the voting day was better organized and administrated. Main flaws were related to marking process. Also there was information regarding alleged control of voters' will.

Candidates of Georgian Dream participated in elections held in 49 out of 50 majoritarian electoral districts and in 44 majoritarian districts candidates of Georgian Dream and United National Movement opposed each other.

GYLA observed the second round of elections with **up to 400** observers in **Tbilisi** and 9 regions. Static observers were present in **300** electoral precincts. Mobile groups moved through **45** majoritarian electoral districts.

Voting process of second round of Parliamentary elections was held in peaceful environment. Voters expressed the will mainly freely.

Unlike the first round voting day, significant flaws of vote counting and summarization of polling results (e.g. vio-

²²⁸ <https://gyla.ge/ge/post/saia-amomrchevlis-nebaze-savaraudo-kontrolis-faqtsexhianeba> In case of coercion of expressing voters' will or in case of any kind of harassment in future, GYLA urged voters to apply to Tbilisi and regional offices.

²²⁹ It is noteworthy that 6 persons that allegedly participated in Marneuli incident were detained and were sentenced to imprisonment by the Court and only two persons were detained regarding the violations on two electoral precincts in Zugdidi (#108 and #79) and court sentenced one of them to imprisonment and selected bail against the other.

²³⁰ GYLA, Human Right Center, Public Defender, Multinational Georgia, International Society of Fair Elections and Democracy, International Center of Civil Culture, Center of Development and Democracy.

²³¹ GYLA defends the interests of the observers.

²³² Incident was video-recorded by observer of Joint Civil Movement Multinational Georgia, where Saamed Gajiev, Deputy Chairman of the Commission yells at observer of the Human Rights Center and even touches roughly.

²³³ Violence or threat of violence at electoral precincts, premises of election commissions or in adjacent areas, or at the time of an event related to pre-election agitation or pre-election campaign.

lation of procedures of filling in summarizing protocols). Although, the fact that similar to the first round, vicious practice still continued when coordinators and activists of candidates were mobilized on adjacent territory and registered voters that participated in voting process and in some cases – their opinions, can be assessed negatively, as indirect control/efforts of control on voters' will.

We should give a positive assessment to the fact that, unlike the first round of the elections, no acts of violence within the outer perimeter of precincts or cases of raiding on precincts took place on the polling day of the second round. One of the important factors for ensuring a calm and non-violent election environment was the readiness of law enforcement to provide a quick response at precincts. We should also mention the election subjects' contribution to the prevention of tension and violent incidents. Although, despite the abovementioned the facts of inked voters casting or attempting to cast votes was observed²³⁴ along with information on alleged control of voters' will.²³⁵

Different political unions shared information before the second round of the parliamentary elections on alleged compulsion of the budgetary institution employees which was later confirmed by the GYLA monitors.²³⁶ According to GYLA monitors' information, higher officials at the budget-funded institutions in Tbilisi and regions obliged their employees to support the ruling party "Georgian Dream" and assigned them to make a so called "list of supporters"²³⁷. According to the information both the budgetary organization employees and potential "supporters" were to vote in favor of the "Georgian Dream" on the polling day of the second round and to present a document proving it to the respective officials of the public institution. According to GYLA monitors' information persons employed at public institutions and/or budget funded non-entrepreneurial (non-commercial) legal entities and potential "supporters" were to vote in a different form (marking in a square or triangle forms on ballot papers). GYLA has released statements regarding this information and condemned the alleged existence of such facts²³⁸. It is noteworthy that the political union "Georgian Dream" released a statement and denied any kind of relation with the event.²³⁹

The GYLA's observers have paid particular attention to the process of counting of votes and summarization of the results. At the precincts where the GYLA's observers were represented (up to 300 precincts) on October 30, we identified **up to 80 cases of marking a ballot paper in a different form** (in a square or triangle form), as well as **up to 40 cases of violation of the secrecy of the vote**²⁴⁰. The aforementioned may raise questions regarding control over the voters' will and the use of administrative resources in individual cases.

3 cases of marking a ballot paper in a different form were identified in favor of the UNM (at precincts no. 92, 97 and 108 of Samgori district); in the rest of such cases, the ballot papers were marked in favor of Georgian Dream.²⁴¹

It is noteworthy that restriction of observers' rights remains an issue on the polling day of the second round. GYLA observers were treated with aggression at Telavi precinct no.13 who was not allowed to check the data in the logbook. The PEC banished the GYLA observer arguing that s/he was "too active". DEC chairperson did not grant the complaint by GYLA to draft an offence protocol against the EC members on the fact of restriction of observer's rights.²⁴² The chairperson of the commission relied on the evidences presented by the PEC members only and did not consider the evidences by GYLA, including a video record proving the restriction of the GYLA observer's rights by the commission members.

The GYLA observers lodged **75 complaints** and recorded **59 remarks** in the logbooks. The following violations were observed:

Threats to observers and interference with their activity/restriction of their rights (5 cases);

Casting by previously inked voters (5 cases) and attempts to cast (up to 70 cases);

²³⁴ 5 cases of casting by previously inked voters and up to 70 cases of attempts were observed.

²³⁵ <https://gyla.ge/ge/post/saia-amomrchevlis-nebaze-savaraudo-kontrolis-faqtsexhmianeba> It is about the alleged illegal instruction to the civil servants to mark the ballot paper in a different form on the second round. GYLA called upon voters to approach the central office in Tbilisi and in the regional offices in the case of pressure on the voters will or any kind of influence in the future.

²³⁶ Despite the fact that specific persons proved the information to the GYLA monitors, they refused to identify themselves publicly.

²³⁷ E.g. Samegrelo and Kakheti

²³⁸ <https://gyla.ge/ge/post/tsinasaarchevnod-gamokvetili-darghvevebi-da-tendenciebi>

²³⁹ <https://gyla.ge/ge/post/2016-tslis-8-oqtombris-saqartvelos-parlamentis-archevnebi-tsinasaarchevno-garemos-shefaseba>

²⁴⁰ Over 30 envelopes in Zugdidi precinct 72 and 8 envelopes in Zugdidi precinct 65.67.80 included voter invitation cards; Gldani 20.10.23 - 2 ballot papers had voters' signatures.

²⁴¹ Samgori precinct #97 (5 ballot papers), Samgori precinct #92 (2 ballot papers), Samgori precinct #53 (3 ballot papers), Samgori precinct #37 (10 ballot papers), Samgori precinct #38 (4 ballot papers), Samgori precinct #58 (1 ballot papers), Samgori precinct #101 (2 ballot papers), Isani precinct #53 (4 ballot papers), Isani precinct #77 (1 ballot papers), Gldani precinct #20.10.07 (4 ballot papers), Gldani precinct #20.10.08 (6 ballot papers), Didube precinct #14 (2 ballot papers), Gldani precinct #20.10.23 (16 ballot papers), Nadzaladevi precinct #49 (1 ballot papers), Rustavi precinct #37 (8 ballot papers), Zugdidi precinct #72 (1 ballot papers).

²⁴² Order by the Telavi DEC Chairperson 15.11.2016. 02/108

Placing the voter invitation card in the envelope together with the ballot paper (up to 40 cases) (For example in 30 envelopes at Zugdidi precinct #72 and in 8 envelopes at Zugdidi precincts 65. 67.80 the voter invitation cards were placed making identification of a voter possible. 2 ballot papers were signed at Gldani 20.10.23 precinct.)

Physical abuse – 1 case (Gori),

Interference with the activity of representatives of the media – 1 case (Batumi).

Problems related to the moving ballot boxes (2 cases).

The accuracy of the data on the badges of observers.

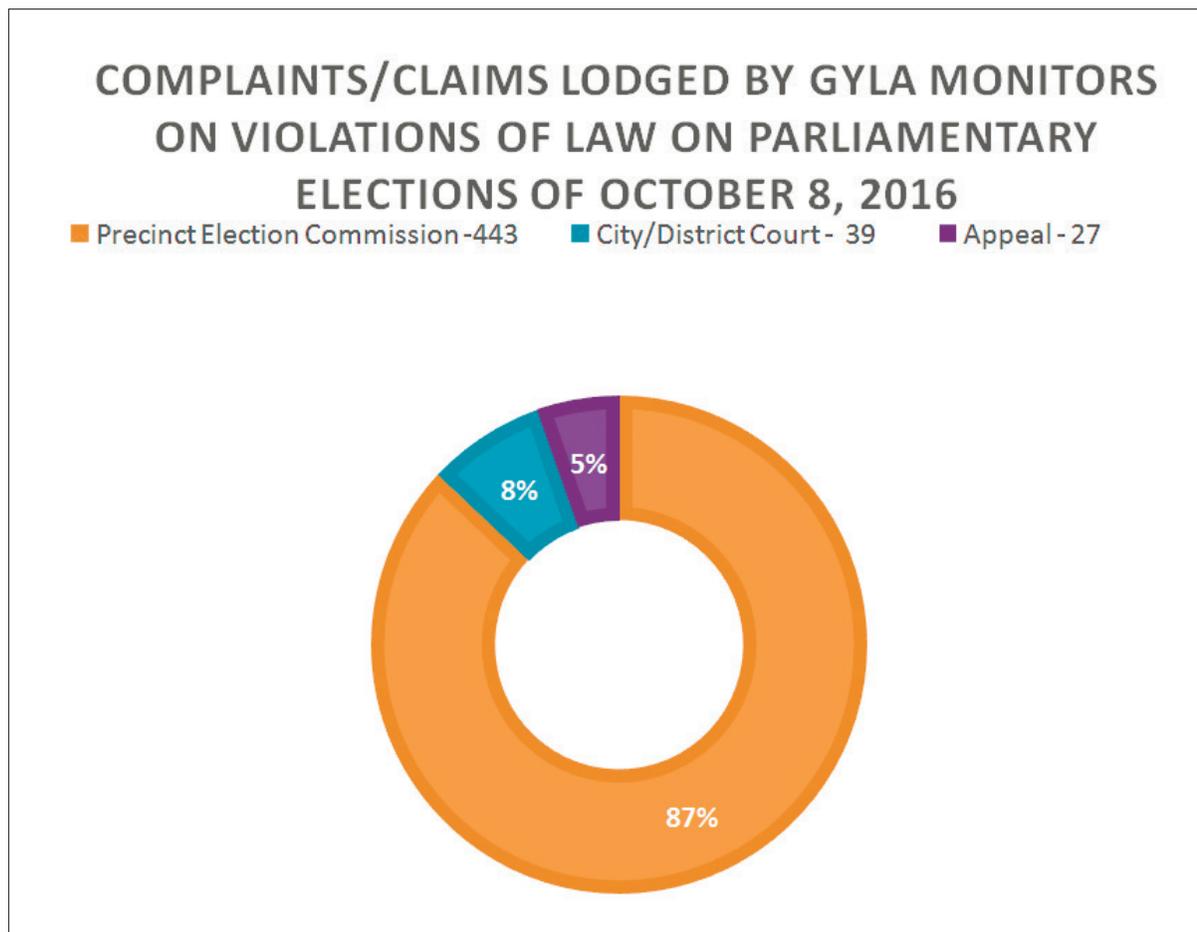
XI. POST-ELECTION PERIOD

The Georgian Young Lawyers' Association observed the post election period of October 8 at 61 majoritarian electoral districts and 37 DEC's. In case of violations observed GYLA lodged respective complaints to the DEC's and court.

Discussion of the election disputes at election administrations and courts revealed the obscure and contradictory nature of the election legislation entries creating a basis for a dual interpretation and risks to establish mixed practices.

GYLA requested recount of voting results²⁴³ at number of precincts as well as invalidation of voting results at some precincts due to the gravity of violations of the election legislation at the mentioned precincts making a possible influence on the voting results.²⁴⁴ When lodging the complaints GYLA paid special attention to the liability of the election commission members committing the offence as to the one of the imminent measures to prevent future violations.

The statistics of the complaints/claims lodged by the GYLA observers to the DEC's and courts after October 8 is the following:



²⁴³ E.g. Krtsanisi where DEC recounted the voters' signatures at 4 precincts and voting results at 3 precincts.

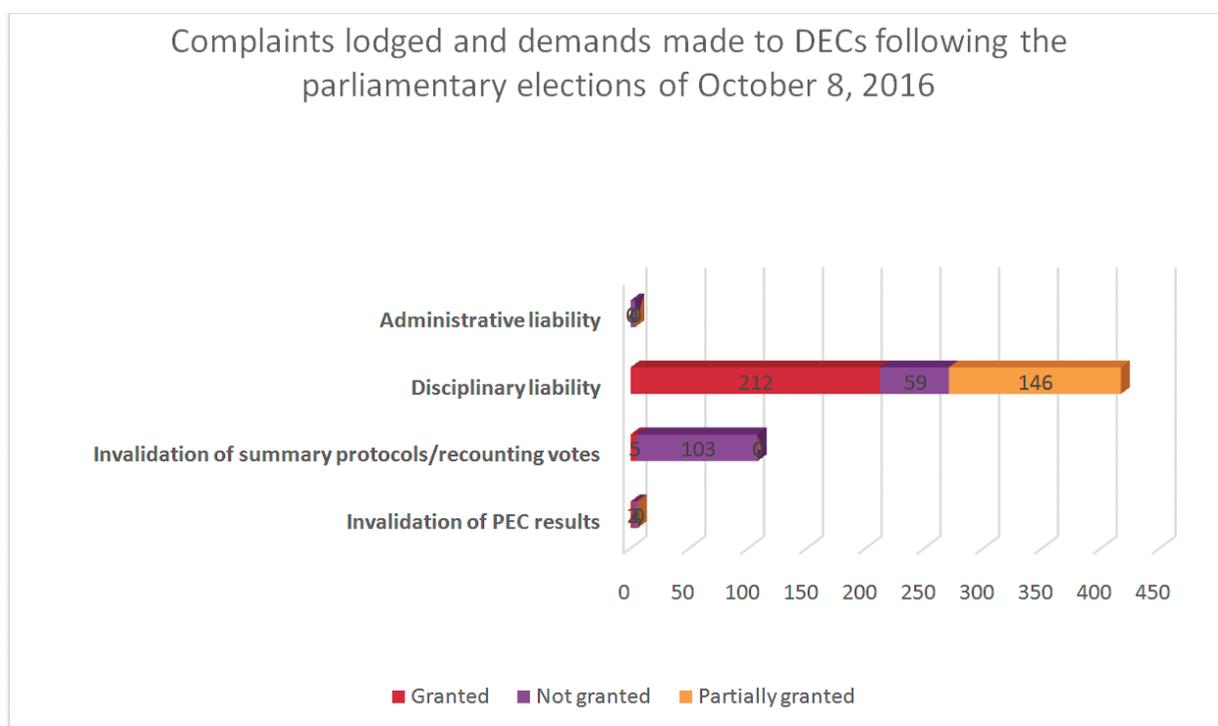
²⁴⁴ Zugdidi #38, Marneuli #48, Gori #101, Saburtalo #32.

It should be noted that the post-election day complaints mainly dealt with such violations as:

- inaccuracies in the summary protocols of the Precinct Election Commissions: Misbalance²⁴⁵, Correction of the figures,²⁴⁶ failure to fill in required data, absence of the Precinct Election Commission seals, suspiciously high number of annulled ballots;²⁴⁷
- Polling procedure related violations;²⁴⁸
- Restriction of the rights of the observers;
- Violations related to the submission/sealing of the documentation at the District Election Commission;
- Intrusion of unauthorized persons into precincts;
- improper performance of duties by PEC members and violations related to the procedure of voting;
- Campaigning and presence of unauthorized persons at precincts.

Out of the complaints on 443 facts in total submitted to the DEC during first round annulment of the voting results were requested in **4 cases**; annulment of the summary protocols of the PEC and recount of the voting results – in **108 cases**, to imposedisciplinary liability upon the PEC members - **in 417 cases**, to impose administrative liability upon the PEC members – **in 4 cases**.²⁴⁹

Out of the complaints, submitted by GYLA observers regarding **443 violations**, **219** were granted, **146** were partially granted. Out of **39** appeals submitted to the first instance court **2** were granted and **2** were partially granted. None of **27** appeals submitted to the Appeal Court were granted.



²⁴⁵ The sum of the number of votes received by election subjects and that of invalid ballot papers in summary protocols exceeded the number of voters' signatures.

²⁴⁶ At the same time, the PECs had not drawn up correction protocols.

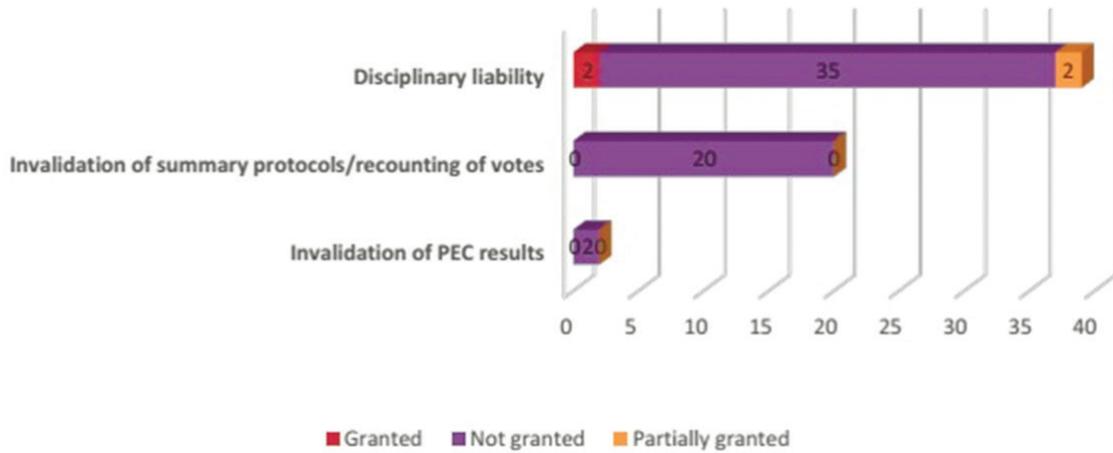
²⁴⁷ In precincts with a high number of invalid ballot papers (e.g. more than 40), the GYLA demanded recounting of invalid ballot papers

²⁴⁸ Restrictions of observers' rights; making signatures on summary protocols in the morning, violation of the procedure of casting of lots, improper filling of control sheets, problems connected to inking etc.

²⁴⁹ GYLA observers often indicated several requirements in one complaint, thus the number of requirements exceeds the number of complaints.

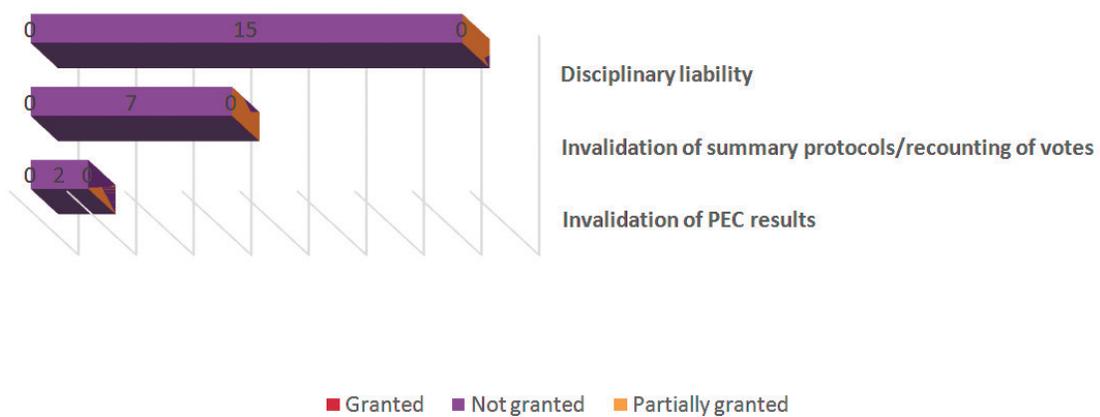
Complaints lodged and demands made to district/city courts following the parliamentary elections of October 8, 2016

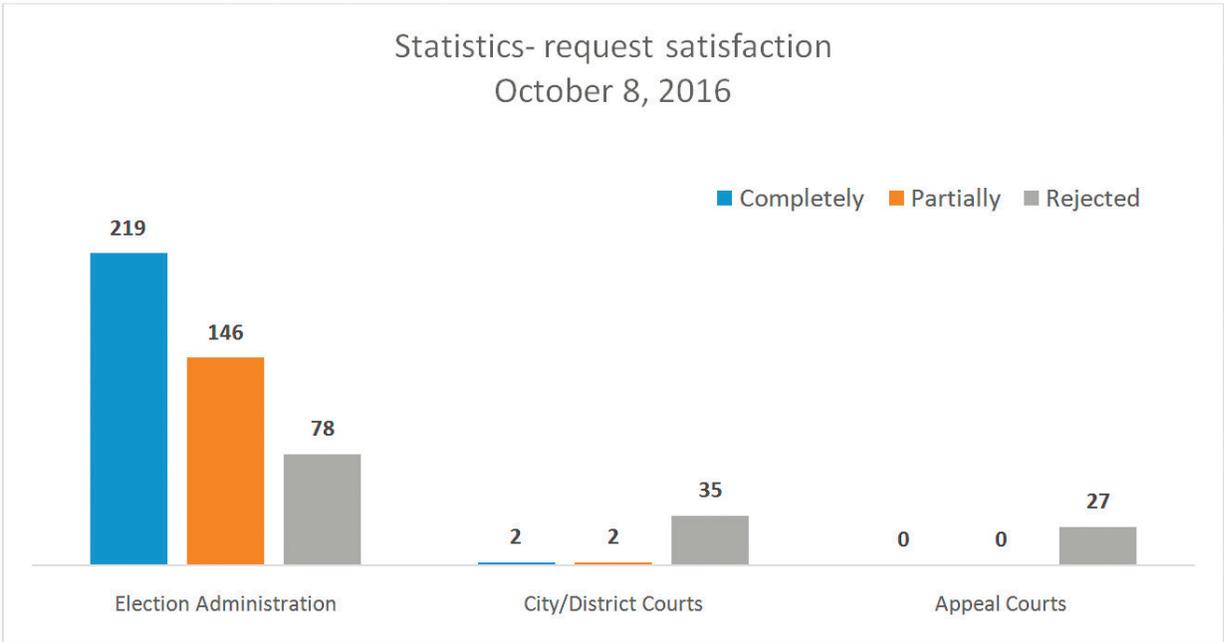
Total: 39



Complaints lodged and demands made to the Appeals Courts of Tbilisi and Kutaisi following the parliamentary elections of October 8, 2016

Total: 27



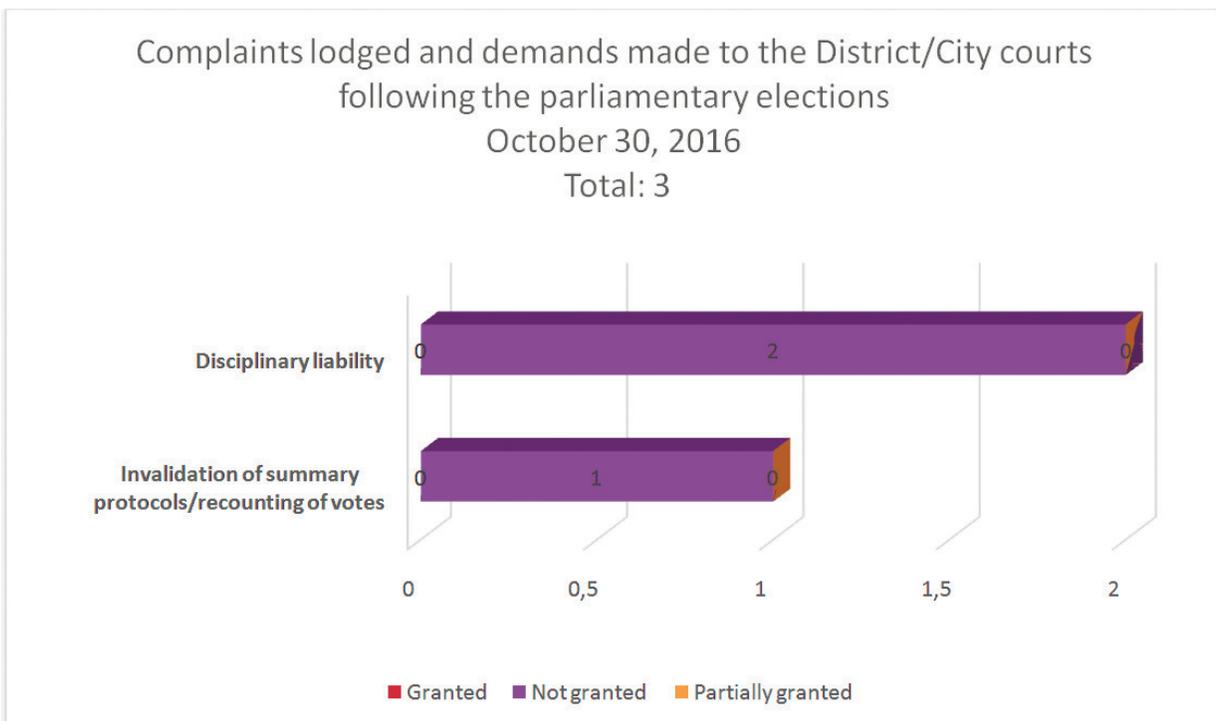
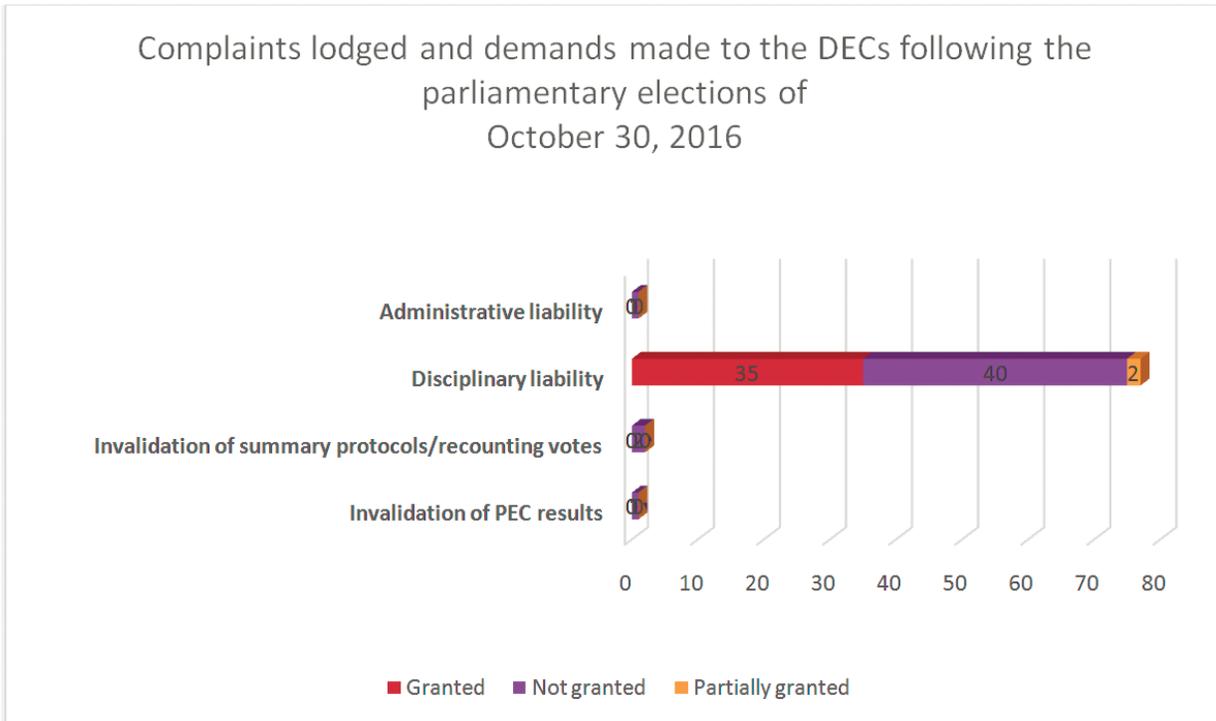


As for the second round, the GYLA observers observed the post-election period of the second round of October 30 at – 47 Majoritarian Electoral district and 24 DEC. The observers of the organization appealed with respective complaints the DEC's and Courts upon reveal of the violation.



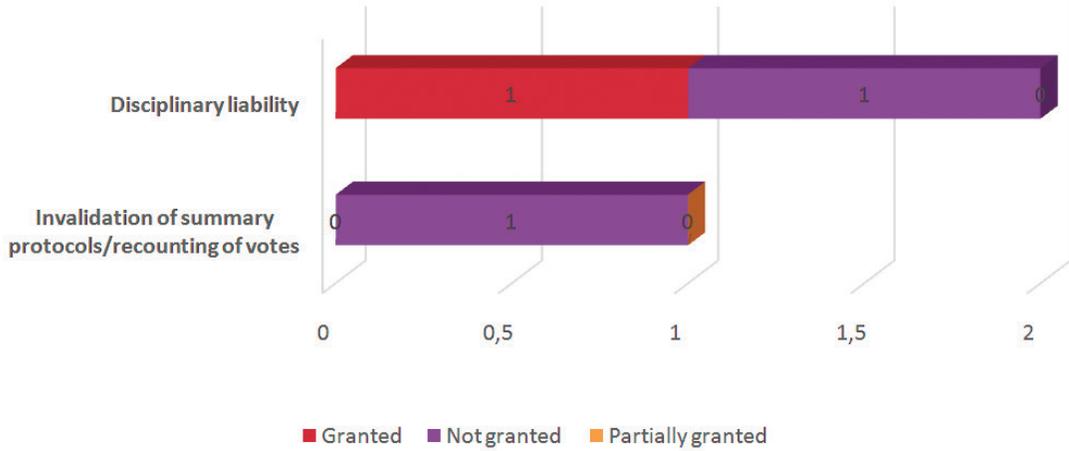
Out of **79** violation complaints submitted to the DEC during the second round annulment of the mobile ballot box results was requested **in 1 case**, annulment of the PEC summary protocols – **in 2 cases**, recount of the voting results – **in 3 cases**, to impose disciplinary liability upon PEC members – **in 77 cases**, to impose administrative liability upon PEC members – **in 1 case**.²⁵⁰

As a result, out of the complaints, submitted to DEC during the second round regarding **79 violations**, **35** were granted, **2** were partially granted. Out of **3** appeals submitted to the first instance court **none** were granted. **1** of 3 appeals submitted to the Appeal Court was granted.

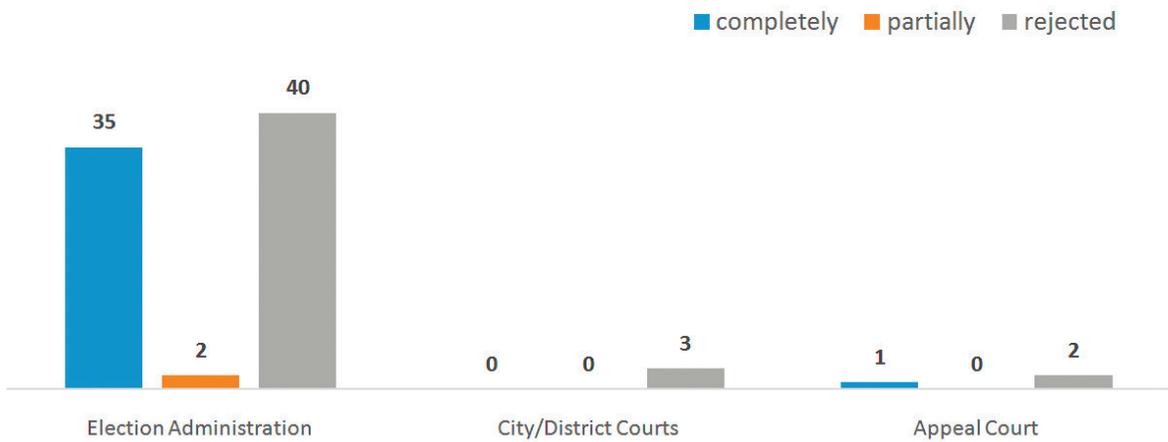


²⁵⁰ GYLA observers often indicated several requirements in one complaint, thus the number of requirements exceeds the number of complaints

Complaints lodged and demands made to the Appeals Courts of Tbilisi and Kutaisi following the parliamentary elections of October 30, 2016
Total: 3



Statistics- request satisfaction
October 30, 2016



Trends Observed:

Precinct Election Commissions:

- **Election Administration Qualification Problem** – In number of cases on the election day low qualification and unprofessional approach to the duties of the PEC members were revealed;
- **Problem of establishing the balance** – It was the hardest for PEC members to fill the election summary protocols and establish balances.

District Election Commissions:

- **The trend of failing to grant complaints** - Regardless of the gravity of violations, in a number of cases, the DEC failed to grant the complaints in full, and often imposed only disciplinary liability on members of PECs. The DEC argued that *“the irregularities concerned did not constitute gross violations of the electoral legislation and that they had not exerted an influence on the free expression of voters’ will and on the polling results”*. In addition, regardless of the gravity of violations, the DEC preferred to apply light measures of disciplinary liability and failed to resort to more adequate measures envisaged by law. Despite the fact that, in concrete cases, the violations were confirmed by relevant evidence, the DEC failed to meet the demands made in the complaints, especially the demand to invalidate summary protocols of PECs and to recount the votes.
- **Few cases of proactive adjudication of complaints** - The DEC seldom showed the initiative to study possible violations proactively, in the absence of a complaint of an interested person, and to provide a proper response.
- **The trend of narrow interpretation of the electoral legislation** - The DEC interpreted individual articles of the electoral legislation narrowly, in order to avoid complaints as much as possible. For example, some DEC refused to grant complaints that dealt with inaccuracy of summary protocols or individual figures in them, justifying this with the argument that no similar complaint had been lodged at the stages of counting of votes and summarization of results in the respective PECs. This has questioned the possibility of appealing summary protocols, which is provided for in the electoral legislation.
- **Incorrect practice of explanatory statements** – There is a trend that in all the cases of improper performance or culpable non-performance of duties by PEC members, the PEC members wrote explanatory statements, often instructed by DEC, and by doing so tried to justify the irregularities, including gross violations as discrepancies in the reconciliation figures in summary protocols of the PECs. The DEC considered the explanatory statements unquestionable and sometimes the only evidence. **We believe that the mass use of explanatory statements introduces a malpractice that is problematic not only for the fairness of the process but also for the public confidence and image of the election administration.**
- **Shortcomings related to administrative proceedings** - The DEC failed to conduct administrative proceedings in compliance with procedures provided for in the electoral legislation. For instance, they failed to summon authors of complaints to the adjudication proceedings (the DEC of Isani), failed to keep minutes during the sessions (the DEC of Krtsanisi), and failed to substantiate decisions taken (the DEC of Vake, Saburtalo, Kutaisi, Samgori, Isani, Chughureti, Akhmeta). With the Exception of individual cases, the DEC were not motivated to thoroughly study the complaints lodged by the GYLA, to explore the circumstances important for the case, and to properly study/assess the evidence.

Central Election Commission:

- On October 8 the CEC failed to ensure immediate uploading of copies of summary protocols received from the precincts to its website, violating the requirements of Paragraphs 4 and 8 of Article 76 of the Election Code. No such cases took place on October 30, on the polling day of the second round, which should be assessed positively.

Courts:

- **Narrow interpretation of the electoral legislation** - A number of cases were identified where the courts, similarly to the election administration, also **interpreted provisions of the electoral legislation very narrowly**, which in fact served as the grounds for refusing to grant the complaints lodged with them. **An impression was made that such an approach aimed to avoid complaints rather than to administer justice.**

For example, the courts explained that gross violations had not taken place in cases where: 1) the sum of the votes received by election subjects and invalid ballot papers exceeded the number of voters' signatures, which caused a discrepancy in reconciliation figures in the summary protocols (Zugdidi); 2) summary protocols had been corrected; a protocol taken from a PEC did not match a protocol obtained from the respective DEC, the data in the logbook and those in the summary protocol didn't match (Tbilisi); 3) the court found that applying a disciplinary sanction in relation to PEC members of Tbilisi was within the discretion of DECs (Tbilisi); 4) the court held that a complaint regarding data in a summary protocol (e.g. the number of invalid ballot papers) should have been lodged with the PEC, because "filing a complaint after obtaining the protocol would prolong the adjudication procedure endlessly". (Tbilisi); 5) The court also explained that a complaint about the control sheet should have been lodged "as soon as the violation was detected", and the duration of the time implied by this phrase should be determined individually in every concrete case (Gurjaani).

Failure to grant complaints - In a number of cases, the courts refused to grant complaints, including in the event of gross violations. The argument the court relied on was that *"the irregularities concerned did not constitute gross violations of the electoral legislation and that they had not exerted an influence on the free expression of voters' will and on the polling results"*.

XII. RECOMMENDATIONS

On the basis of the problems and violations identified, we give recommendations which, we think, will help the election administration and the judiciary to reinforce their achievements and to eradicate the violations that characterized the 2016 elections of the Parliament of Georgia.

Legislative Framework

- We believe that election system needs amendments for the parliamentary and local self-governance elections. In this context, introduction of an election system which will better ensure proportional reflection of electors' will in the elective bodies is of high significance. For the parliamentary elections, theGYLA advocates the proportional election system, which, in comparison with the current mixed model, will better ensure the exercise of the principle of proportional distribution of mandates in accordance to the votes received.
- It is important that every election subject has equal access to any kind of resources in the election process. This is why we believe that the rules of the pre-election campaign and participation in the agitation/campaign should be revised. The notions of pre-election campaign/agitation should be specified and the circle of the officials who can participate in the pre-election campaign without limit shall be narrowed. (Only the persons on elective positions shall be granted the right to participate in the campaign without limits. The notion of participation shall also be reviewed with the aim to restrict agitation through social network as well as limitation of legal persons in the agitation who, without an official status of charity organization practices charity with election goals). The Law on Election of the Adjara Supreme Council shall be in compliance with the Election Code in terms of making amendment to the budget in pre-election period etc.
- It is necessary to implement a reform of the procedure of staffing of the election administration²⁵¹ (which implies transition from mixed election commissions to those staffed with professional election officers,²⁵² as well as revision and improvement of the criteria and procedures of selection of members of PECs and DECs);
- Funding of the political parties (revision of the budgetary funding rules of the political unions, which includes amendment to the funding formula (for example, removal of the component H), putting the elective blocks and political unions in the same condition (in term of rights) when distributing different benefits (advertising time, election administration member etc) to eliminate possible manipulations with regulations. Harmonization of the voter bribery regulations is important. In case of bribery of a voter the voter shall be released from the criminal and administrative liability.
- We believe imposing regulations on media on the second round as well is important to make the election process coverage rules for the second round clear and foreseeable.
- We believe that the election dispute settlement norms should be revised to exclude any biased entries in

²⁵¹ That implies transition from staffing of election commissions by a mixed method (according to which a part of the commissions are professional members and another part are appointed by parties) to their staffing by professional criteria.

²⁵² <https://gyla.ge/en/post/saia-moutsodebs-ceskos-shechvalos-saolqo-saarchevno-komisiis-tsevrta-shesarchevi-konkursis-chatarebis-tsese>.

the law making double interpretation possible. It is important to revise (and increase) and increase the appeal terms, to make the legislation more flexible towards the claimant.

- Women participation in politics should be increased and introduction of temporary mandatory quoting mechanism envisaging to have every second candidate of a different sex in the proportional list.²⁵³
- Amendments should be made to the criminal law as well. Prime article 162 of the Criminal Code needs to be specified. Lodging an appeal to the court in case the investigation is not launched should be possible. Discriminative motive should become a criterion for not only aggravation of a sentence but also to define qualification.
- The Election Code needs to define the Election Administration surrounding area to exclude election agitation and possible incidents near the precincts.

Interagency Commission

- Amendments should be made to the Election Code to make official launch of the interagency commission possible inline with the launch of the pre-election period. According to the legislation in force the interagency commission starts its activities on July 1st, which excludes launch of its official activities, if the pre-election campaign starts before July 1st.
- The rules of the interagency commission work, including the detailed procedures and rules of the discussion of appeals/complaints and responses to them should be developed to increase the transparency and responsibility of the commission activity and eliminate the risk to politicize discussions.

Election Administration:

- The polling procedure simplification is important to increase efficiency of the PEC activity and to improve the election process implementation. Introduction of modern technologies including e-voting is also important.
- The number of the PEC members' needs to decrease in the election reform framework along with introduction of mandatory certification for them. Based on the certification results the PEC members shall be selected.
- The salary of the PEC members should be increased.
- The PEC members' qualification should be raised to ensure development of the election documentation processing skills.
- A unified rule of filling the summary protocol should be introduced to improve the practice.
- The PEC members should implement administrative proceedings in accordance to the legal requirements. The violations presented in the complaints need to be studied in details, evidences reviewed and the decisions made should be justified. The gravity of violation should be considered when applying the liability measures and the summary protocols should be immediately uploaded on the CEC website.
- The election administrations should be managing the election subject registration to exclude questions on proper performance of duties by the election administration.

Court

- It is important that the court exercises the right explanation and application of the law regarding the electoral disputes.
- The judges should be retrained in terms of the electoral dispute on a regular basis.
- It is desirable to develop a unified module on electoral dispute discussion, which will help the judges to better understand the electoral legislation specifics.

²⁵³ On June 12, 2017 Gyla with the partner organizations, as an initiative group, submitted signatures for supporting the legal initiative on gender quotas.

State Audit Office

- The State Audit Office should timely study and assess the pre-election campaign violation facts.

Law Enforcement Agencies

- The law enforcement bodies should protect the election process participants from violence and any illegal impact as well as ensure safe election environment;
- The law enforcement bodies should ensure a timely, comprehensive and objective investigation of the election related incidents.

Election Subject

- The election subjects and their supporters should restrain from conflicts and violence as well as statements and activities that will encourage or support violence;
- The election subjects should refuse to collect and process personal data of the voters in case of absence of voter's consent.

Observing Organizations

- The observing organizations should ensure legal and ethical behavior of the observers eliminating illegal actions and involvement in the election commission activities.

XIII. APPENDIX

USAGE OF STATE RESOURCES FOR ELECTION PURPOSES

- *Social initiatives*

Prime Minister's initiative – “Life Goes On”

On August 8, 2016, the Prime Minister of Georgia, Giorgi Kvirikashvili, announced the onset of a new social program. According to Kvirikashvili, the Georgian Dream was working on a new program aimed specifically at pensioners; the program would be prepared by the Ministry of Labor, Health and Social Affairs and the Ministry of Finance.²⁵⁴

GYLA requested information about the program from both ministries.²⁵⁵ The Ministry of Labor, Health and Social Affairs withheld information on the grounds that the program was still in early stages of development.²⁵⁶ The Ministry of Finance redirected us to the political party “Georgian Dream –Democratic Georgia.”²⁵⁷

- *Alleged use of administrative resources for election purposes*

SMS notifications

A few days before the elections, in September 2016, the population of Tbilisi and different regions of Georgia received SMS notifications from local governments, informing them on the completion of different infrastructural projects.

GYLA requested relevant information from municipalities. The cases of Chokhatauri and Gori municipalities show that local governments did not have envisaged budget amounts for the SMS services, however, the agreements signed after the consolidated tender organized in January were later amended to include the SMS service costs.²⁵⁸ The mentioned circumstance raises questions regarding the use of administrative resources for election purposes and with the aim of attempting to influence the pre-election attitudes among voters.

- Other facts of utilization of administrative resource

It has been also known to GYLA that before the second round of elections on October 8, kindergarten tutors, school teachers and public servants had received directives to vote for the candidates of the ruling party. At the same time, at the voting stations and during the voting process, they had to indicate their vote in a distinct manner, specifically, as by putting either squares or triangles on bulletins. In parallel, they also had to photograph their bulletins.²⁵⁹ Based on the mentioned information, GYLA made a public statement and encouraged **election subjects and representatives of state institutions** not to allow the use of administrative resources or any impact that could have been perceived as control over the will of the electorate. GYLA also called for **voters** to express their free will during the voting procedure and refrain from violating the electoral law by photo-or video recording in polling stations. In case of pressure, voters could address GYLA, both in Tbilisi and in regions.²⁶⁰ It should be noted that the Georgian Dream coalition denied that such directives were issued.

After the publication of this information, later, it became known to GYLA that certain persons employed in budget organizations were communicated again, receiving directions not to vote in a distinct manner on the voting day, October 30. It should be noted that during the calculation and summation of results, distinct voting results were still identified, but on a small scale.²⁶¹ It should also be mentioned that cases of voting in distinct manner were identified also in favor of the United National Movement.²⁶²

²⁵⁴ <http://www.interpressnews.ge/ge/politika/391695-qarthuli-ocneba-pensionerebis-dasaqmebis-programaze-qckhovreba-grdzeldebaq-mushaobs.html?ar=A>

²⁵⁵ GYLA application of August 18, №01-04/361-16 and GYLA application of August 18, №01-04/360-16

²⁵⁶ Correspondence of the Ministry of Labor, Health and Social Affairs of September 2, №01/66963

²⁵⁷ №14/83837 correspondence of September 5 2016 of the Ministry of Finance

²⁵⁸ <https://gyla.ge/ge/post/administraciuli-resursis-gamoyeneba>

²⁵⁹ <https://gyla.ge/ge/post/saia-amomrchevlis-nebaze-savaraudo-kontrolis-faqs-ekhmianeba>

²⁶⁰ <https://gyla.ge/ge/post/saia-amomrchevlis-nebaze-savaraudo-kontrolis-faqs-ekhmianeba>

²⁶¹ On October 30, during the second round, GYLA observers were represented at up to 300 districts, identifying around **80 cases of voting in a distinct manner** (by marking triangles or squares) and **up to 40 cases of breach of secrecy of voting** (in Zugdidi district N72, in more than 30 envelopes; in Zugdidi district N65.67.80 cards of voters were placed in 8 envelopes; and in Gldani district N 20.10.23 – voter signature was on 2 bulletins).

²⁶² E.g. 3 cases in Samgori districts N 92, 97, and 108.

- **Unlawful participation of public servants in campaign**

In the pre-election period of the 2016 parliamentary elections, the illegal participation in the election campaign by public servants did not have a massive character. However, compared to past experience, campaigning via social networks (mostly via Facebook) was a new challenge.

Since the electoral legislation considers any public action supporting or hindering the election of a certain body or including elements of preelection campaign, such as distribution of election material,²⁶³ as campaigning, any publication of information in favor or against election subjects by public servants should be considered as campaigning. In addition, the essence of campaigning via social media should also be perceived correctly, since in today's reality, it has an important influence on the masses and the formation of the will of the electorate.

The problem is that there are no specific regulations regarding the usage of the Internet or social networks for campaigning. In turn, the electoral administration is also refraining from progressive interpretation of the existing legislative norms. As a result, the risks of violating campaign rules in the social media sphere increase, thus negatively influencing effective compliance with the requirements of the law regarding preelection campaigns.

- **Changes in local budgets**

Tbilisi

In the preelection period, on June 24, the Tbilisi budget was amended, increasing the amounts envisaged for social programs. The increase of the budget available for these programs during the preelection period creates doubts that through these amendments, the local government tried to distribute a significant amount of budget funds on programs that, if implemented, would lead to general satisfaction of the population and would increase the number of supporters of the ruling party.

The amendments of June 24 mainly related to the construction/reconstruction of transport infrastructure, construction and exploitation of infrastructural facilities, reinforcement of hazardous buildings, healthcare, social support, and education. Specifically, according to the latest amendments, 118 662 900 GEL was allocated for construction/reconstruction of transport infrastructure, while the original budget envisaged 103 300 000 GEL for the programs and subprograms of the mentioned priority. Budget analysis shows that according to April amendments, the mentioned amounts increased by 1 012 176 GEL, while according to the latest amendments – by 7 115 300 GEL. It should also be noted that several subprograms were also added to the mentioned priority; this includes additional 7 000 000 GEL for the construction/reconstruction of metro stations and development of cable transport. As for the construction and exploitation of infrastructural facilities, as well as reinforcement of hazardous buildings, according to amendments of April 2016, 181 457 100 GEL was allocated, whereas according to amendments of June 24, this amount increased by 2 585 000 GEL. The budget of the program “Relief measures for the disaster resulting from heavy rain on June 13-14, 2015” was increased by 1 050 000 GEL. The program supporting urban development was further financed by 300 000, and improvement of amenities was financed by an additional 685 000 GEL.

Compared to the April amendments, the amount allocated for healthcare and social support in June shows an increase of 5.2%. The social protection program has been increased by 10 602 200 GEL. The mentioned program implies provision of relevant services to different groups of the population according to their needs, including financial and other assistance to socially vulnerable persons, large families and persons with disabilities.

According to June 24 amendments, the amounts allocated for education programs are increased by 2 714 500 GEL. 88.4% of the additional amounts is directed at the management and development of preschool education.

Considering all amendments, the incoming amount to the Tbilisi City Hall amounts to 808 226 000, which is 10% less than that of the last year, but still 18 042 500 GEL larger than April.

Adjara – Batumi

Items in the 2016 budget of the Batumi city municipality are higher compared to those of the previous year. Specifically, inflows in 2015 were envisaged as 112169.8 GEL, while in 2016 they are envisaged as 135192.3 GEL. Therefore, the inflow budget has increased by 23022.5 GEL. This increase can be explained by higher taxes and grants. Specifically, according to the budget plan of 2015, taxes amounted to 18350 GEL, and according to the budget plan of 2016 they amounted to 35000 GEL. As for grants, in 2015, they amounted to 63756.3 GEL, and in 2016 – 69642.3 GEL. In expenditures, the budget has increased by 1233.2 GEL, as compared to the previous year. Specifically, while 80013.7 GEL was envisaged for 2015, for 2016, the amount is 81246.9 GEL. According to the decree, such increase in expenditures is caused by an increase in remunerations, goods and services, percentage, grants, social provision, and other expenses. It should be noted that subsidies have declined from the previous year; specifically, in 2015, subsidies were envisaged as 16495.3 GEL, while for the current year they are envisaged as 9147.2 GEL.

²⁶³ Article 2, Paragraph H¹ of the Electoral Code of Georgia

In relation to social affairs, the 2016 budget of Batumi city municipality has increased in such components as construction, rehabilitation and exploitation of infrastructure, healthcare, housing and utility services, social protection. In 2015, 40993.2 GEL was envisaged for construction, rehabilitation and exploitation of infrastructure, while in the current year – 42819.4 GEL. In the component of housing and utility, in 2015, 26453.4 GEL was envisaged in 2015 and 30007.5 GEL was envisaged in the current year. In the healthcare component, 2816.4 GEL was envisaged in the past year, while 2988.6 GEL was envisaged in the current year. As for the social protection component, 5331.5 GEL was envisaged in 2015, and 7442.9 GEL was envisaged in 2016.

A day before the onset of the preelection campaign, on June 7, 2016, a special meeting was organized in the Batumi City Council. During the meeting, a decision was made to amend the 2016 Batumi budget so that the 2016 budget assignments, per particular programs/subprograms, increased by 1570000 GEL in total. The increased amounts were largely oriented at infrastructural works.

On September 27, 2016, the City Council of the self-governing city of Batumi amended the 2016 budget; according to the amendments, the inflows of the 2016 Batumi municipality budget increased by 2 250 000 (two million two hundred fifty thousand) GEL, followed by relevant amendments in expenditures. Specifically, in the existing budget plan of 2016, inflows were envisaged as 144 219 800 GEL instead of 141 968 000 GEL, whereas expenditures were envisaged as 88 231 400, representing an increase of 1 361 300 GEL. It was determined that infrastructural works across the city would be financed from the Batumi budget. The amendments in the expenditures of the 2016 budget violated Paragraph 3 of Article 49 of the Electoral Code of Georgia, representing the utilization of administrative resource. GYLA appealed the increase of Batumi city budget by 2 250 000 GEL in the court and asked for the expenditures to be suspended, but the court dismissed the appeal.²⁶⁴

Kakheti – Gurjaani

Two days prior to the official onset of the preelection campaign, the Gurjaani municipality budget was amended. The amendments were mainly related to social assistance programs. As a result, 20 university entrants living in Gurjaani, who obtained the highest scores on the National Entry Exams, would receive 500 GEL from the municipality as a gift. In addition, the decision was made that the municipality would assist orphans or socially vulnerable students in paying tuition fees: each student would receive a 500 GEL guarantee card. The amendment also envisaged cofinancing of higher education tuition fees for socially vulnerable and orphan students whose families were registered in the database of the state program against poverty. In addition, the municipality decided that children 18 years of age or younger with Down Syndrome would receive monthly assistance ranging from 60 to 150 GEL. For these social projects, the Gurjaani municipality allocated 1 249 000 GEL.

Shida Kartli – Khashuri, Kaspi and Kareli

The local municipality identified the following as 2016 budget priorities: construction, rehabilitation and exploitation of infrastructure; construction-rehabilitation and maintenance of road infrastructure; rehabilitation and exploitation of roads and sidewalks; installation of pedestrian crossings and traffic signs; rehabilitation and exploitation of utility infrastructure, residential buildings, and outdoor lighting, whereas in 2015, the non-electoral budget priorities included: defence, public order and security issues; disaster relief, emergency situations and defence capability of the country.

More than half of the 45 projects to be implemented under the 2016 budget of the Khashuri municipality started before the preelection period. Out of these projects, 7 were completed, 15 were ongoing, tenders were announced for 8 projects, and 15 were still being planned. The situation in Kaspi was similar. The Kaspi municipality had 21 infrastructural projects in total, out of which 10 were completed and 11 were ongoing. Kareli municipality had 37 infrastructural projects, out of which 16 were completed, 15 were ongoing, and 6 were planned.

Kvemo Kartli – Rustavi

A clear indicator of the fact that the budget was adjusted to the election year is an analysis of the funds that were distributed on the same projects during 2015²⁶⁵ and 2016.²⁶⁶ For example: Rustavi budget for 2016 envisages 14,950.2 GEL for the construction, rehabilitation, and exploitation of infrastructure, whereas in 2015, the budget envisaged 9,653.1 GEL for the same purpose; the amount allocated for construction-rehabilitation and maintenance of road infrastructure in 2016 was 2,391.6 GEL and in 2015 – 634.8 GEL; the amount allocated for rehabilitation of roads and sidewalks in 2016 was 2,279.4 GEL and in 2015 – 518.4 GEL; the amount allocated for city amenities in 2016 was 2,856.7 GEL, and in 2015 – 790.6 GEL; the amount allocated for the rehabilitation of squares,

²⁶⁴ <https://gyla.ge/ge/post/sabujeto-cvilebebi-atcharashi>

²⁶⁵ <https://matsne.gov.ge/ka/document/view/2658457>

²⁶⁶ <https://matsne.gov.ge/ka/document/view/3120706>

yards, statues and memorials in 2016 was 2,001.7 GEL, while in 2015 – 203.3 GEL; for supporting the development of sports, the amount allocated in 2016 was 3,375.3 GEL, while in 2015 – 1,947.3 GEL.

In the Kvemo Kartli region, excluding Rustavi (Gardabani, Marneuli, Bolnisi, Dmanisi, Tsalka, Tetrtskaro), the local governments have not introduced significant amendments to priority lists. However, the funding for infrastructural and social programs increased. It should also be noted that in none of the cases where the budgets were amended is the increase of funding for infrastructural and social projects for 2016 justified.²⁶⁷

• **Facts of illegal participation of public officials in the election campaign through social networks**

- On July 1, 4 and 5, 2016 the Deputy Governor of Imereti, Giorgi Tchighvaria, allegedly engaged in election campaign through a social network (Facebook) during workin hours. Specifically, he published information supporting the party “Georgian Dream – Democratic Georgia” on the network.²⁶⁸
- On August 16, 18 and 19, 2016, Levan Gogelashvili, the Head of Organizational and Human Resources of the Kutaisi City Council in Imereti allegedly engaged in election campaign via a social network (Facebook), during his working hours. Specifically, he published information supporting the party “Georgian Dream – Democratic Georgia” on the network.
- On August 25, 2016, Shota Mosulishvili, the interim Head of the Gurjaani Regional Division of the Kakheti Police Department, shared a photo depicting the meeting of David Songhulashvili, the majoritarian MP candidate of the Georgian Dream coalition with the local population via the agitational Facebook page of Mr. Songhulashvili (“David Songhulashvili as the Majoritarian MP for Gurjaani”).²⁶⁹
- On September 20 and 21, 2016, the Facebook page of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia shared agitational information supporting the political association “Georgian Dream – Democratic Georgia.”²⁷⁰
- On September 19, 2016, Bela Shatirishvili, the representative of the Governor of Chokhatauri municipality to the Shua Amaghleba administrative unit, participated in election campaign during working hours.
- On August 8, 2016, Irine Natenadze, Chief Specialist of the State Trustee-Governor’s Office and Irma Merabishvili, Chief Specialist of the Division on Relations with Local Self-governing Units of the same Governor’s administration, engaged in election campaign through Facebook, during their working hours. Both of them shared a video of Giorgi Kvirikashvili, the Prime Minister of Georgia, while Ms. Merabishvili also shared the album of Giorgi Kvirikashvili, via personal Facebook pages. Both cases were related to the nomination of majoritarian MP candidates from the Georgian Dream in Samtskhe-Javakheti.
- On August 17, 2016, Meri Gogolauri, Head of the Legal Division of the Akhaltsikhe municipality shared the program of Media Union Obiektivi, “Samtskhe-Javakheti Hour” on her personal Facebook page during her working hours; in the program, the journalist had the majoritarian MP candidate of the Georgian Dream in Akhaltsikhe and Adigeni invited as a guest.
- On August 17, 2016, Nana Meskhi, Chief Specialist in Issues of Public Relations of the Akhaltsikhe City Hall, shared the program of Media Union Obiektivi, “Samtskhe-Javakheti Hour” on her personal Facebook page during her working hours; in the program, the journalist had the majoritarian MP candidate of the Georgian Dream in Akhaltsikhe and Adigeni invited as a guest. The shared video was accompalied by the caption: “Mr. Giorgi, good luck, I am proud of you.”
- On August 23, 2016, Inga Diakonova, the Head of the Social Provison Division of the Akhaltsikhe City Hall shared the album “Presentation of the majoritarian MP candidate in Adigeni” of the majoritarian MP candidate of the Georgian Dream to Akhaltsikhe and Adigeni on Facebook during her working hours.²⁷¹

Facts of allegedly illegal use of administrative resources and illegal participation in election campaign

- On August 16, 2016, the Kareli local government organized a football tournament, in which the representatives of the municipality government, “Georgian Dream” and “Liberty Bank” also participated. Zaza Guliashvili, the Governor of Kareli, gave monetary rewards to the winning teams.²⁷²

²⁶⁷ <https://matsne.gov.ge/ka/document/view/2657135>;

²⁶⁸ https://www.facebook.com/giorgi.tchighvaria?pnref=friends.search&__mref=message_bubble

²⁶⁹ <http://www.speqtri.ge/sazogadoeba/article/24927-daarghvia-thu-ara-saarchevno-kodeqsi-gurjaanis-policis-ufrosis-movaleobis-shemsrulebelma>

²⁷⁰ <https://www.facebook.com/MraGovGe/>

²⁷¹ “Giorgi Kvirikashvili, the Prime Minister of Georgia and Chair of the “Georgian Dream – Democratic Georgia” presented Giorgi Kopadze, majoritarian MP candidate of the Georgian Dream to the Adigeni population and called for support to the ruling party”

²⁷² <https://gyla.ge/ge/post/amomrchevlis-savaraudo-mosyidvis-faqtebi-batumshi>

- On September 6, 2016, a tournament in Georgian wrestling, organized in the name of Temur Khubuluri, the majoritarian MP candidate of the Georgian Dream in Gori, took place in village Karaleti of the Gori municipality.²⁷³ Wrestlers obtaining the first and second prize received monetary rewards. Wrestling tournaments took place in municipalities of Kareli and Kaspi as well. A similar wrestling tournament in village Dzelvijvari of the Kareli municipality was dedicated to Shota Khabareli, the majoritarian MP candidate of the Georgian Dream in Samgori.²⁷⁴
- GYLA addressed the Central Election Commission of Georgia in relation to the fact of allegedly illegal participation of the non-entrepreneurial (non-commercial) legal entity “Georgian Dream – Healthy Future” in election agitation. The case relates to the organization of the campaign of free medical examinations for school teachers in Tbilisi public schools by high-level officials of the Tbilisi City Council, namely, Rima Beradze, Head of the Georgian Dream fraction and Tedo Kobakhidze, Head of the Legal Affairs Commission of the City Council, and the mentioned nongovernmental organization.

On June 9, 2016, information was disseminated in the media regarding the initiative of Tevdore Kobakhidze, Head of the Legal Affairs Commission of the Tbilisi City Council, to organize free diagnostic examinations for teachers of public schools in Vake district.²⁷⁵

Later, on June 30 of the current year, information was disseminated in the media regarding the initiative of Rima Beradze to organize free medical examinations for up to 200 public school teachers.²⁷⁶ The mentioned information was also published on the webpage²⁷⁷ and Facebook page²⁷⁸ of the Tbilisi City Council. TV station Imedi also disseminated information about the initiative.²⁷⁹ Approximately 200 employees of public schools participated in the campaign. As Ramina Beradze, the Head of the Georgian Dream fraction of the City Council, stated, medical assistance to teachers would be carried out in different ways and professional doctors of 22 specialties would conduct the mentioned examinations. The campaign, she added, would be maintained in the future as well, and would expand further to include kindergarten teachers.

With the argument that “Georgian Dream – Healthy Future” was not registered as a charity organization due to its legal status, the Head of the Central Election Committee ceased administrative litigation proceedings against NNLE “Georgian Dream – Healthy Future” on the basis of the nonexistence of a case of an administrative offense.²⁸⁰

- On June 16, 2016, the nomination of the majoritarian MP candidates of the United National Movement was planned in Rustavi.²⁸¹ The event coincided with harsh weather conditions. The leaders of the United National Movement encouraged the supporters gathering outside to seek shelter in the buildings of the Rustavi Public Service Hall and the Administration of the State Trustee-Governor of Kvemo Kartli. Even though it is forbidden to carry out pre-election agitation in the facilities of the executive government,²⁸² David Bakradze, the leader of the United National movement, addressed the supporters with a political speech after they entered the buildings. After the speech, the leaders encouraged the supporters to postpone the nomination to another date.
- On July 24, 2016, the political association “United National Movement” presented the majoritarian MP candidates for the Gardabani district, participating in the parliamentary elections of October 8. During the meeting, a video message of Mikheil Saakashvili, the former President of Georgia and the current Governor of Odessa, a Ukrainian citizen, was shown. The video included a message in support of the United National Movement majoritarian MP candidate. A similar violation took place on July 31, 2016. In a meeting organized by the United National Movement in Batumi, the candidates participating in the parliamentary elections and elections of the Higher Council of the Autonomous Republic of Adjara on October 8 were nominated. The video message of the former President was shown, clearly including statements calling for support to the United National Movement.
- On July 26, 2016, Giorgi Kvirikashvili, the Prime Minister of Georgia nominated Archil Talakvadze, the majoritarian MP candidate of “Georgian Dream – Democratic Georgia” in Ozurgeti. Supporters coming to Ozurgeti from different villages of Guria attended the event. According to the information disseminated in the media,

²⁷³ <http://www.qartli.ge/ge/akhali-ambebi/article/3395-tcidaobisfulikhelisuflebskandidatebskhmardeba>

²⁷⁴ <https://gyla.ge/ge/post/amomrchevlis-mosyidvis-savaraudo-faqti>

²⁷⁵ <http://www.interpressnews.ge/ge/sazogadoeba/383596-thedo-kobakhidzis-iniciativith-vakis-skolebis-pedagogebs-ufaso-diagnostikuri-kvlevebi-chautardebath.html?ar=A>

²⁷⁶ <http://www.interpressnews.ge/ge/sazogadoeba/386481-rima-beradzis-iniciativith-sajaro-skolebis-200-mde-pedagogs-ufaso-samedicino-gamokvleva-chautarda.html?ar=A>

²⁷⁷ http://www.tbsakrebulo.gov.ge/index.php?m=255&news_id=2198

²⁷⁸ https://www.facebook.com/sakrebulo.ge/photos/?tab=album&album_id=520187354840313

²⁷⁹ <https://www.youtube.com/watch?v=H3AiU-JxnAc&feature=youtu.be>

²⁸⁰ <http://sachivrebi.cec.gov.ge/info.php?id=3735>

²⁸¹ <http://www.tzona.org/post/nac-modzraoba-rustavshi-kandidatebs-ramdneime-dgeshi-waradgens>

²⁸² Subparagraph A, Paragraph 5 of Article 45 of the Electoral Code of Georgia

supporters from village Nigoiti were transported in a bus of the public school of village Kviani, upon the request of the member of the City Council of Nigoiti and the approval of the school Director.²⁸³

- On September 9 of the current year, according to TV Gurjaani,²⁸⁴ the majoritarian MP candidate of “Georgian Dream – Democratic Georgia” in Gurjaani, David Songhulashvili, visited the Georgian-French diagnostic center, “Kakheti-Ioni,” within the frameworks of the election campaign. During the meeting, Eric Janty, the President of the center, Eric Zhanti, made comments for the TV station which contain obvious campaigning appeals.²⁸⁵
- In village Lesa of Lanchkhuti municipality, the construction of a kindergarten took place with the flag of “Georgian Dream – Democratic Georgia” in the background.²⁸⁶
- On September 19, an event to celebrate the opening of a new kindergarten was organized in the Jurukhveti administrative unit of Lanchkhuti. Zaza Urushadze, the Governor of the Lanchkhuti municipality – who was on holiday at the time and, at the same time, headed the election office of “Georgian Dream – Democratic Georgia” – attended the event. According to media reports, he “cut the ribbon together with several children.” Information regarding this event was also published on the official webpage of the Lanchkhuti municipality.²⁸⁷
- In one of the administrative buildings of Lanchkhuti city of the Lanchkhuti municipality, where several NNLEs of the municipality are located, electoral campaign materials were identified, specifically, on the doors of NNLE “Techservice” (Director: Irakli Chkhaidze). Campaign materials included stickers of “Georgian Dream” with number 41 circled. A video footage also demonstrated this fact.

²⁸³ http://guriismoambe.com/index.php?m=68&news_id=19348

²⁸⁴ <http://gurjaaniv.com/index.php?newsid=882>

²⁸⁵ <https://www.youtube.com/watch?v=Fak7ZYZSUNI>

²⁸⁶ GYLA Statement №8/38 of September 5.

²⁸⁷ <http://www.lanchkhuti.org.ge/index.php/2011-07-25-06-45-33/1814-2016-09-19-10-06-45>

APPENDIX – FACTS OF THREAT, PRESSURE, AND PHYSICAL ASSAULT

Senaki

On August 23, at 12 pm, members of the youth organization of the United National Movement were arrested on the street. The first member to be arrested was Mikheil Lukava; soon after, Aleksandre Adamia was also arrested, together with his cousin, a minor. As the detainees noted during their conversations with GYLA, after determining the age of the cousin, the minor was let out of the car, while other detainees were taken first to the patrol police, and later to the criminal department. In the end, the detainees were taken to the narcological department, where they refused to submit biological material.²⁸⁸

Zugdidi, Didinedzi

On October 1, 2016, at approximately 21:00, in village Didinedzi of the Zugdidi municipality, a physical conflict broke out between several representatives of the young wing of “Georgian Dream” and several representatives of the “United National Movement.”²⁸⁹

The incident took place as the representatives of the Georgian Dream were giving out campaign materials. As a result of the confrontation, three representatives of the Georgian Dream were injured. A doctor stated that two of them had concussions, while one had a superficial head trauma.²⁹⁰

The representatives of Georgian Dream claimed that Papuna Kukava, the former Governor of village Didinedzi and the current head of the local election office of the United National Movement, Kakha Kiria, the current member of the municipality council from the United National Movement, and several other supporters of the opposition party participated in the incident. One of the leaders of the United National Movement, Tengiz Gugunava, assessed the incident as a bad and regretful fact, but added that the representatives of the “Georgian Dream” “received an adequate response” after their verbal offenses.²⁹¹

On the same day, Papuna Kukava, the head of the local election office of village Didinedzi and Kakha Kiria were called as witnesses in the Zugdidi regional unit of the Ministry of Internal Affairs. However, a lawyer was not allowed to attend, as witnessed by the GYLA monitor. At the Zugdidi regional unit, it was explained to the lawyer that the mentioned persons were not present in the unit. Later, the lawyer was told that Papuna Kukava and Kakha Kiria were being questioned as witnesses in one of the subunits of the Zugdidi Regional Unit of the Ministry of Internal Affairs.

The investigation was launched on October 1 under Article 123 of the Criminal Code, which concerns beating. On October 4, 2016, Kakha Kiria and Papuna Kukava were charged under Paragraph 1 of Article 162¹ of the Criminal Code. Both were imposed bail of GEL 5,000 as a preventive measure. The case of the unidentified persons was separated from the mentioned case, while the case of Kiria and Kukava was transferred to the Zugdidi Regional Court for hearing on the merits.²⁹²

Gori

On October 2, 2016, shots were fired when Irakli Okruashvili, the majoritarian MP candidate of Gori district was meeting with supporters. Specifically, according to media reports, during Mr. Okruashvili’s campaign meeting with the population, several shots were fired from a firearm in his direction. During the incident, a member of his security and one activist sustained limb injuries. They were transferred to the Gori Hospital. The police arrived at the scene in a timely manner. Investigation was launched under Article 117 (intentional serious damage to health) and Article 236 ((illegal purchase, storage and carrying of firearms) of the Criminal Code.

Tbilisi

On October 4, the car of Givi Targamadze, one of the leaders of the United National Movement, exploded on Kolmeurneoba Square in Tbilisi. Several people sustained injuries, including one grave injury, as a result of the explosion.²⁹³ Within the framework of the investigative measures, the police detained B.Ch., born in 1976, under Article 236 of the Criminal Code of Georgia. In relation to the explosion of the car of citizen Givi Targamadze, charges were

²⁸⁸ <https://gyla.ge/ge/mod/newsletter/5>

²⁸⁹ <https://gyla.ge/ge/post/ganckhadeba-sofel-didinedzshi-momkhdar-incidenttan-dakavshirebit>

²⁹⁰ <http://www.interpressnews.ge/ge/regioni/400000-eqimis-informaciith-sofel-didinedzshi-dashavebul-gogonas-thavis-areshi-miyenebuli-daziane-bis-garda-yelze-natcdevebic-aghenshneba.html?ar=A>

²⁹¹ http://gurianews.com/_/left_wide/42680_66_ka/Tengiz_gunava_ocnebis_axalgazrduli_organizaciis_wevre-bis_cemis_faqtze_adekvaturi_pasuxi_miiRes.html

²⁹² <http://justice.gov.ge/Ministry/Index/489>

²⁹³ <https://gyla.ge/ge/post/arasamtavrobo-organizaciebi-gushin-momkhdar-afetqebas-ekhmaurebian>

filed in absentia, under Article 19-109 of the Criminal Code against D.Kh., born in 1974.²⁹⁴

In addition to the arrest, the Ministry of Internal Affairs also conducted investigative and operative measures, recovering explosives, ammunition and weapons as a result.

On February 14, 2017, information was disseminated that B.Ch., detained in relation to one of the episodes of the explosion, was released on February 9, after the imposition of a conditional sentence.²⁹⁵

Borjomi

According to the media,²⁹⁶ Giorgi Giuashvili, a member of the Labor Party of Georgia, stated that on August 11, 2016, Besik Phophkhadze, a member of the Borjomi City Council, together with several others, interfered in his electoral campaign and assaulted him verbally and physically.²⁹⁷

In a conversation with GYLA monitors, Giorgi Giuashvili named the surnames of other persons participating in the confrontation together with Besik Phophkhadze: the employees of non-profit (non-commercial) legal entities of the Borjomi municipality and the Borjomi City Council. He also added that he is subject to systematic surveillance by the security services. According to the Chief Prosecutor's Office, investigation was launched under Article 125 (beating) of the Criminal Code.²⁹⁸

Akhaltikhe

According to media reports, before the second round of the elections, on October 27, 2016, alleged facts of robbery and violence and threats of violence during election campaign took place on the Uraveli-Muskhi road.²⁹⁹ Specifically, a majoritarian MP candidate of the United National movement and several party activists were engaged in election campaign all day, meeting with the population. According to N.Kh, a UNM activist, on the way to a campaign meeting with the population, they were accompanied by a white car. N.Kh. recorded the mentioned on video, after which his car was followed by the car of Akaki Matchutadze, the Governor of Samtskhe-Javakheti. Giorgi Baliashvili, the former head of the Department of Improvements, got out of the mentioned car, assaulted him physically and took the video camera.

Later, as the UNM activist noted, while returning from the village via the Uraveli road, the Governor and several other persons assaulted him verbally and physically. According to media reports, Akaki Matchutadze, the Governor of Samtskhe-Javakheti, denied the allegations.³⁰⁰ Giorgi Baliashvili similarly denied the occurrence.³⁰¹ The Ministry of Internal Affairs launched investigation under Paragraph 1 of Article 178 (Robbery).³⁰²

The actions described by the victim and the information disseminated in the media also include signs of offense under Article 162¹ of Criminal Code, which envisages "beating and any other type of violence during pre-election canvassing or pre-election campaign event, which did not lead to a result foreseen by Article 120 of this Code, or a threat of violence." We consider that the investigation also had to consider this direction.³⁰³

Gardabani

On August 22, 2016, Rashid Musaev, residing in village Birliki of Gardabani addressed GYLA office in Rustavi. Musaev was the head of the election office of "Nino Burjanadze - Democratic Movement" in Gardabani. According to him, certain people put pressure on him because of his political activities. Musaev stated that on August 18, he ran across a former member of his party with several other people, who offered him a certain amount of money if he left Georgia and abandoned his political path. In case of refusal, they threatened with his life. Musaev also added that as he refused the offer, the mentioned persons tried to forcefully put him in the car, but he managed to escape.

In relation to the described facts, Rashid Musaev appealed to the Rustavi Regional Prosecutor's Office. GYLA lawyers defended his interests.³⁰⁴ The investigation ceased criminal proceedings due to absence of the signs of crime.

²⁹⁴ <http://police.ge/ge/shss-m-sagamodziebo-moqmedebbis-dros-didi-odenobit-ukanono-iaraghi-da-asafetqebeli-nivtiereba-amoiqho/10105>

²⁹⁵ <http://rustavi2.com/ka/news/68094>

²⁹⁶ <http://rustavi2.com/ka/news/53951>

²⁹⁷ <https://gyla.ge/ge/post/saia-tsinasaarchevno-kampaniashi-agitaciashi-savaraudo-kheshshelisa-da-dzaladobis-faqtebs-ekhmaureba>

²⁹⁸ <http://justice.gov.ge/Ministry/Index/489>

²⁹⁹ <http://sknews.ge/index.php?newsid=10528>

³⁰⁰ <http://rustavi2.com/ka/news/60059>

³⁰¹ <http://sknews.ge/index.php?newsid=10528>

³⁰² <http://rustavi2.com/ka/news/60074>

³⁰³ <https://gyla.ge/ge/mod/newsletter/6>

³⁰⁴ <https://gyla.ge/ge/post/zetsolisa-da-muqaradashinebis-faqtebi>

Gardabani

On August 22, 2016, Firakhmad Gasanov, residing in village Tazakendi of Gardabani addressed GYLA office in Rustavi. He stated that he worked as a teacher in the Tazakendi public school and, simultaneously was one of the founders and active members of the Georgian Dream party. However, he had left the party due to certain misunderstandings with the leaders and joined “Nino Burjanadze – Democratic Movement,” under which he actively participated in pre-election processes. He also noted that due to the mentioned, he was subject to verbal and psychological pressure on behalf of the local leaders of the ruling party, due to which he left the party.

Firakhmad Gasanov addressed the Rustavi Regional Prosecutor’s Office regarding the described facts. His interests are defended by GYLA lawyers.³⁰⁵

Ozurgeti

Manana Mindadze, a socially vulnerable person living in village Askana of Ozurgeti municipality accused Ilo Mamaladze, a member of the City Council, in the violation of the rights of voters. As Mindadze stated, she was rebuked by the member of the City Council for failing to attend the meeting of the majoritarian MP candidate of the Georgian Dream with the population and threatened her that if she did not vote for the Georgian Dream, she would no longer receive assistance. Mindadze also affirmed the fact with the representative of the GYLA Zurldi office representative.³⁰⁶

Dedoplistskaro

On September 16, 2016, during the afternoon, Vardanush Adamian, an activist of the United National Movement, physically assaulted Edvard Charkandian, an activist of the Georgian Dream, on grounds of conflict near 26, David Aghmashenebeli Street of village Khornabuji of Dedoplistskaro. Charkandian suffered from physical pain and sustained a minor injury that did not result in the deterioration of health, a crime according to Paragraph 1 of Article 125 of the Criminal Code.

The cause of the incident was another incident that took place in village Khornabuji of Dedoplistskaro, during which Edvard Charkandian put up posters of Irakli Shilashvili, the majoritarian MP candidate of the Georgian Dream for Dedoplistskaro, only to find them torn down in several hours. Since Vardanush Adamian was nearby, Edvard Charkandian thought that he had torn the posters down and verbally assaulted him. During the physical conflict, Vardanush Adamian beat Edvard Charkandian and tore his shirt that had a Georgian Dream logo.

Vardanush Adamian was sentenced under article 125 of the Criminal Code on September 26, 2016, and was imposed bail in the amount of GEL 1,000 as a preventive measure. The criminal case hearing is ongoing in the Signaghi Regional Court. At this stage, the evidence of the plaintiff is being examined.

³⁰⁵ <https://gyla.ge/ge/post/zetsolisa-da-muqaradashinebis-faqtebi>

³⁰⁶ <https://gyla.ge/ge/post/amomrchevlis-idzuleba>

APPENDIX – FACTS OF INTERFERENCE IN ELECTION CAMPAIGN

Telavi

On August 4, 2016, the founding congress of the Kakheti Regional Organization of the “Popular Movement – Socialist Georgia” was planned for 12 p.m. The participants of the congress had flags with communist totalitarian symbols. Representatives of law enforcement agencies mobilized on site did not give the participants the opportunity to use flags with communist symbols.

According to media reports, near the building in which the congress was planned, citizens gathered at a protest demonstration. Demonstrators included the supporters of political associations, such as “New Political Center Girchi,” “United National Movement” and “Civil Platform – New Georgia.” According to TV Pirveli, the members of “Socialist Georgia” made xenophobic statements, including that “the country should be run by a Georgian, and not by an Armenian or a Jew.”

Temur Pipia, one of the congress attendees, hit Roman Kevkhishvili, one of the demonstrators, in the face, while the demonstrators threw eggs at the members of “Socialist Georgia.” The police arrested Temur Pipia. He was sentenced under Article 125, which envisages beating. The Telavi Regional Court imposed bail of 1000 GEL as a preventive measure.³⁰⁷ The decision was appealed by T. Pipia in the court of appeals, which upheld the decision of the Telavi Regional Court unchanged.

Dedoplistskaro

On August 11, 2016, at late night, approximately at 2 a.m., the windows of the Dedoplistskaro office of the United National movement and the electoral banner of Levan Bejashvili, the majoritarian MP candidate of the UNM, were damaged. The local media also reported this incident.³⁰⁸ In addition, media reports³⁰⁹ also noted that regarding the incident, investigation was launched under Article 187 of the Criminal Code (Damaging or Destruction of Object) by the Dedoplistskaro Regional Unit of the Kakheti Police Department. The UNM representatives also named the alleged participants of the incident. Investigation has been launched.³¹⁰

Kvareli

On August 24, 2016, at night time, an election banner of Giorgi Botkovel, the majoritarian MP candidate of UNM was damaged in village Shilda of Kvareli municipality. The banner was put up on the wall of the private residential property of Meri Guliashvili, a coordinator of the United National movement. According to media reports,³¹¹ the banner was damaged by a firearm.

According to the Prosecutor’s Office and the Ministry of Internal Affairs, investigation of the mentioned fact was launched under Paragraph 1 of Article 187 of the Criminal Code. Traceological expertise did not find damage with the use of a firearm. Since, according to the expertise conclusion, the damage was not more than GEL 150, the investigation was ceased on September 29, 2016, on the grounds of absence of an action envisaged by the Criminal Law.³¹²

Zugdidi

On September 5, 2016, an incident occurred during a public meeting of Sandra Roelofs, a majoritarian MP candidate of the United National Movement. Several individuals noisily broke into the place where the meeting was taking place.

According to Lela Keburia, a representative of the United National Movement, activists and supporters of the Georgian Dream, namely, Beka Todua, Tengo Abuladze, Giorgi Tshitavava, Levan Davitaia, Vazha Ghurtskaia and Berdia Kukava – an employee of the Zugdidi City Council apparatus - tried to interrupt the meeting.³¹³

Zugdidi

On August 12, 2016, at approximately 10 a.m., the representatives of the Zugdidi office of the United National Movement found the door of the third floor of the office building closed, while the door on the second floor had

³⁰⁷ <https://gyla.ge/ge/post/saia-batumsa-da-telavshi-momkhdar-incidentebs-ekhmaureba>

³⁰⁸ <http://ick.ge/rubrics/politics/29888-i.html>

³⁰⁹ <http://www.speqtri.ge/politika/article/24746-dedoflistsyaros-qnacionaluri-modzraobisq-ofiss-minebi-chaumskhvries>

³¹⁰ <http://justice.gov.ge/Ministry/Index/489>

³¹¹ <http://www.speqtri.ge/politika/article/24884-qnacionalebisq-baners-shildashi-savaraudod-iaraghi-samjer-esroles>

³¹² <http://justice.gov.ge/Ministry/Index/489>

³¹³ <https://gyla.ge/ge/post/kheshshla-tsinasaarchevno-kampaniis-gankhorcielebashi-da-dzaladobis-faqtebi>

footprints. According to Prosecutor's Office and the Ministry of Internal Affairs, investigation on the mentioned incident was launched under Article 187 of the Criminal Code.³¹⁴

Senaki

On October 1, 2016, Ia Metreveli, the mother of Buta Robakidze, who was killed by the police in 2014, and several other individuals verbally assaulted Sandra Roelofs and Koba Nakopia, majoritarian MP candidates of the United National Movement, during a campaign meeting in Senaki. According to Ia Metreveli, representatives of the United National Movement damaged her car. A criminal case was launched regarding the incident.

Batumi

On August 3, 2016, from approximately 10 p.m., a group of citizens started moving around Batumi, calling for participation in a protest demonstration planned in front of the United National Movement office. The main content of the calls was related to protesting against the actions of the United National Movement during its rule. According to media reports, the following day, on August 4, political association "Chveni Samshoblo" ("Our Fatherland") organized a demonstration. The protesters gathered at the Europe Square at first, and then, at approximately 1 p.m., moved to the United National Movement office in Batumi. The demonstrators requested that the activities of UNM be prohibited and the representatives be punished. At numerous times, they voiced offensive remarks towards the party and its members. The supporters of UNM were also near the office and voiced offensive remarks towards the abovementioned demonstrators in response. The demonstrators burned stuffed figures of Mikheil Saakashvili, the former president of Georgia, and Fethullah Gülen, a Turkish citizen. The verbal confrontation between the demonstrators and the UNM supporters later evolved into an attempt of physical clash, however, law enforcers did not allow the conflict. It should be noted that, regardless of the fact that the demonstration was announced in advance, in the beginning, only one police car was mobilized on site. The number of law enforcement officers increased only after the number of citizens grew significantly. According to media reports, one member of "Chveni Samshoblo" was arrested under Articles 166-173 of the Administrative Code, which implies petty hooliganism and disobedience to lawful requests of the police.³¹⁵ According to the Chief Prosecutor's Office, "during the demonstration of August 4, 2016, Irakli Makhatadze, a member of the "Chveni Samshoblo" organization was arrested for committing an administrative offence and was sentenced to an administrative fine in the amount of GEL 100 under Article 166 of the Administrative Code (petty hooliganism).³¹⁶

Gori

On September 17, 2016, the campaign of Badri Basishvili, the candidate of the United National Movement in village Phlavismani of Gori municipality, was interrupted. According to Badri Basishvili, during his door-to-door meetings, he was followed by Kakha Midelashvili, Malkhaz Metreveli, Amiran Azaladze (Coordinator of the Georgian Dream), Vakhtang Giunashvili (head of the district election commission), Tato Metreveli (specialist at the Gori municipal government), Lasha Azaladze and Nika Metreveli, using three cars. He also added that several individuals were under the influence of alcoholic beverages. They requested the UNM members to leave the village. However, Basishvili noted, the mentioned individuals refused to leave the site until the UNM members left the village.

On August 20, 2016, three activists of the United National Movement, Nargiza Eminova, Ketevan Kvelashvili and Robert Kavtashvili, were offended and hindered from distributing election materials. They state that Tamaz Bairamov verbally offended them and hindered them from distributing campaign materials. The United National movement appealed to the police. According to the information available to us, investigation has not been launched yet.

Damaging of campaign material

On September 26, electoral posters of Vakhtang Bezhitashvili, the candidate of the "Free Democrats," were damaged and posters of an independent candidate were put up over them.

According to Mikheil Bekauri, a candidate of Paata Burtchuladze's party, his posters were torn down from his house and the façade of the Girchi office on September 28, 2016.

On September 17, 2016, posters of Valeri Gelashvili, a majoritarian MP candidate of the Georgian Dream, were put up over posters of Paata Burtchuladze, a majoritarian MP candidate, on Saakadze Street in Khashuri.

³¹⁴ <http://justice.gov.ge/Ministry/Index/489>

³¹⁵ GYLA monitor was present on site and recorded a video of the demonstration, see the link via: <https://drive.google.com/file/d/0BzKJbf0WS-kP80XBvUTHRNHlyZm8/view>

³¹⁶ <http://justice.gov.ge/Ministry/Index/489>

APPENDIX – FACTS OF DISMISSAL FROM WORKPLACE

Gori

On June 16, 2016, five employees of the Gori City Council were dismissed upon the decision of Ilia Metreveli, the Chair of the Gori municipality City Council.³¹⁷ These included three contract employees and two freelancers.

Sophiko Otinashvili, Medea Makharashvili and Ani Papelishvili, specialists of the Gori City Council, were dismissed due to failure to duly fulfill their duties; employment contracts of Davit Gudadze, the employee of Spatio-territorial Planning and Infrastructural Affairs Commission of the Gori City Council and Giorgi Aptsiauri, the employee of the Asset Management and Natural Resources Commission of the Gori City Council, were terminated with the purpose of saving costs.

It should be noted that the indicated grounds for dismissal failed to comply with the requirements of Chapter 10 of the Law “On Public Service.” Similarly violated was the requirement of Paragraph 1 of Article 108 of the mentioned Law, since it envisages that a public servant should be informed about his or her dismissal one month in advance.³¹⁸

The following day, on June 17, the Chair of the City Council declared his decisions of the previous day as void, but did not reinstate the mentioned employees to their positions. He declared that he changed his mind after political consultations.³¹⁹ The dismissed individuals filed an appeal to the Gori Regional Court on July 15, 2016. GYLA defended the interests of these individuals in court.

Ilia Metreveli, the Chair of Gori City Council, also dismissed Zaza Naskidashvili, the Head of the City Council Apparatus, with the argument that he allegedly forced employees to attend the Georgian Dream congress on July 31, 2016. In the conversation with GYLA monitors, Zaza Naskidashvili denied the fact of pressure and stated that he had never forced his employees to attend the congress.³²⁰

On September 5, 2016, the Gori City Council removed Ilia Metreveli from the City Council Chair position. The position was temporarily occupied by Zurab Rosebashvili, the Deputy Chair. With the decision of September 5, 2016, of the Chair, the disputed administrative acts were declared void and the plaintiffs were reinstated to their positions.

Tkibuli

Maia Kuznetsova, the Director of the Tkibuli School of Culture, was dismissed from her position on June 21, 2015, on grounds of the audit report. Kuznetsova considers that the dismissal took place on political grounds, since she had earlier leased the school hall to Paata Burtchuladze’s “Development Fund.” Burtchuladze then organized a campaign meeting in the hall. The Governor denied that such an agreement had taken place.

Poti

On September 6 2016, Elguja Migratia, Director of the external sports education center of Poti NNLP Martial Arts School, was dismissed on the basis of the order of Irakli Kakulia, the Mayor of Gori. The reason for dismissal was the internal audit report, which stated that the Director had failed to fulfill his duties. Elguja Migratia had been working on the mentioned position since September 15, 2014. He considers that his dismissal resulted from his open support to the electoral bloc “Paata Burtchuladze – State for the People.”³²¹

Senaki

On September 30 and October 3, 2016, Ekaterine Gabrava, Director of NNLE Center of Culture and Murman Archilia, Head of the Center for Outpatient Services and Care of Senaki, were dismissed by the Senaki municipal government. The grounds for dismissal are similar to the abovementioned cases. Specifically, both persons were dismissed on the basis of internal audit reports. According to the mentioned report, the NNLE heads had violated their obligations and failed to duly fulfill their duties. Ekaterine Gabrava relates her dismissal to the political activities of

³¹⁷ <http://www.qartli.ge/ge/akhali-ambebi/article/2825-qalaqgorissakrebulosthavjdomarem5thanamshromeligaanthavisufla>

³¹⁸ Paragraph 1 of Article 108 of the “Law on Public Service”

³¹⁹ <http://www.qartli.ge/ge/akhali-ambebi/article/2838-qalaqissakrebulooshiimpichmentidasakadrocvlilebebiaghargankhorcielda> Davit Gudadze was reinstated to his position only after September 4, 2016, with the new Chair of the Gori City Council.

³²⁰ On September 5, the Interim Chair of the Gori City Council, Zurab Rosebashvili, reinstated Zaza Naskidashvili to the position of the Head of the Gori City Council Apparatus. Rosebashvili declared the Order of Ilia Metreveli as void.

³²¹ <https://gyla.ge/ge/post/savaraudod-politikuri-nishnit-samsakhuridan-gatavisuflebis-faqtebi>

her husband. Her husband, Mamuka Meskhishvili, heads the Organizational Affairs of the electoral bloc “Paata Burtchuladze – State for the People” and is actively involved in political affairs. As for Murman Archilia, he states that after receiving a task from the Senaki municipality, he compiled a list of supporters of the “Georgian Dream” candidate, but was dismissed regardless. He relates his dismissal to the political activities of a close friend, who was the majoritarian MP candidate of the electoral bloc “Paata Burtchuladze – State for the People”.³²²

Tskaltubo

On August 29, 2016, Badri Oniani, Head of the Office of Health and Social Protection of the Tskaltubo municipality, was dismissed on the basis of the order of the Governor of Tskaltubo municipality. Oniani was also a member of the political association “National Forum.” In the conversation with GYLA monitors, Oniani stated that he was dismissed on the grounds of his political affiliations.

³²² <https://gyla.ge/ge/post/savaraudod-politikuri-nishnit-samsakhuridan-gatavisuflebis-faqtebi>

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სადამკვირვებლო მისია

წინასარჩევნო გარემოს, არჩევნების დღისა
და არჩევნების შემდგომი პერიოდის
მონიტორინგის ანგარიში

(8 ივნისი – 16 ნოემბერი, 2016)