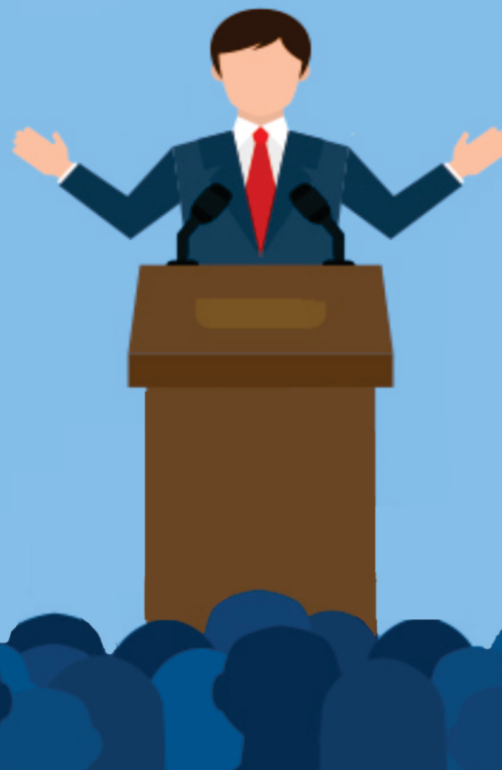




**GEORGIAN  
YOUNG  
LAWYERS'  
ASSOCIATION**



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

**September**

Georgian Young Lawyers' Association

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## Introduction

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

The present report covers violations identified in September<sup>1</sup> 2020 as well as the incidents that are malpractice and distorts the pre-election environment.

According to the Election Code regulations of the pre-election campaign came into force since September, 1. The epidemiological situation caused by COVID-19 continues to have a strong impact on pre-election activities. The personification of the government programs and affiliation with a particular party remains challenging. These actions are perceived as a part of the ruling party's campaign and as manipulation on the will of voters which in result ignores the requirement to separate the party and the state.

The highlights of September were the acts of violence that took an alarming turn in the violent confrontation that occurred in Bolnisi and Marneuli. Consequently, citizens and the representatives of the media and observation organization were injured. The participation of public persons in the above-mentioned events was particularly alarming. GYLA considers it crucial to conduct a comprehensive, timely, and impartial investigation of the events, as well as to identify and hold accountable every person participating in the violating acts. The organization urges the opposing political entities to refrain from the acts of violence and to respect the requirement of holding elections in a peaceful and fair environment.

Similar to the previous reporting period, several cases of hampering Pre-election agitation were recorded. Upon disseminating agitation materials, the representatives of the party "Lelo" were not allowed to put up a tent by the Tbilisi Municipality Inspection which, according to GYLA, is a disproportional restriction of the right. The other case is related to the party "Democratic Movement – United Georgia" – as Kareli Municipality groundlessly rejected the party to utilize a park located in Kareli Municipality. Such incidents harm the equal election environment.

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<sup>1</sup> Some of the cases included in the report took place during pre-reporting period, however the analysis was finished in September.

Overall, the observers of GYLA discovered:

- One case of neglecting the requirement to dissociate between the state and the party;
- One case of a vote-buying;
- Eleven cases of threatening and violence;
- Three cases of hampering a pre-election campaign.

The report includes information regarding breaching the law by some of the Municipalities concerning publishing the list of the buildings allocated for a pre-election campaign.



# 1

## Neglecting the requirement to separate the State and the party

### The information disseminated by the Government on internatization

On January 10, 2020, the Government of Georgia approved the 2020-2025 national strategy on the development of broadband networks and the action plan for its implementation.<sup>2</sup> “Log-in Georgia” – a project on increasing the accessibility of high-speed internet was developed within the framework of the national strategy. The project will be funded by the World Bank with 40 million US dollars.<sup>3</sup> The project aims to ensure access to the high-speed internet for half a million citizens living in up to a thousand different locations including citizens living in highland regions.<sup>4</sup> The Administration of the Government released information where the Adviser on Economic Affairs to the Prime Minister Beka Liluashvili speaks about the role and the contribution of the “Kartu” Foundation, more spesifically about the millions of Laris spent by this organization in implementing this project.<sup>5</sup> “Kartu” Foundation has strong ties with Bidzina Ivanishvili, the chairman of the ruling party. **The Government’s move to associate large-scale projects to certain persons during the pre-election period is the part of that manipulative strategy that blurs the lines between the State and the ruling party. This distorts voters` perception and provides the current majority with electoral advantage.**

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<sup>2</sup> The ordinance of the government of Georgia N60 (January 10, 2020) “On the Approval of the National Strategy of Development of Broadband Networks for 2020-2025 and the Action Plan for its Implementation”, available at <https://bit.ly/3jx3ffT>, updated: 04.10.2020.

<sup>3</sup> The project of accessibility to the high-speed internet – Log-in Georgia will be funded with 40 million US dollars by the World Bank”, the official web-site of the Government of Georgia, 31.08.2020, available at <https://bit.ly/33reMI8> , updated: 04.10.2020.

<sup>4</sup> Ibid.

<sup>5</sup> Beka Liluashvili – “Log-in Georgia” implies that half a million people will have an access to the internet, and the contribution of the Cartu Foundation is notable here”, information portal “InterPressNews”, 31.08.2020, available at: <https://bit.ly/2FXugL7>, updated: 04.10.2020.



## 2

## A vote-buying

### Free-of-charge import of medicine by “PSP Pharma” (“Progress and Freedom”)

On September 1, 2020, Ltd. “PSP Pharma”, a pharmaceutical company released an advertisement, according to which it offers citizens with imported expensive medicine for the treatment of certain diseases from Turkey, without any surcharge.<sup>6</sup> The company carries out such types of orders based on the individual requests made by the patients.<sup>7</sup> 95% share of Ltd. “PSP Pharma” belongs to Kakha Okriashvili,<sup>8</sup> who is the leader of the party “Progress and Freedom”. Under the legislation, it is prohibited for a party to indirectly sell goods to Georgian citizens at a reduced price through a third party.<sup>9</sup> **In the given case, the member of the Parliament and electoral candidate violated this provision.**

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<sup>6</sup> PSP provides medicines to Georgian citizens from Turkey without any profit”, information portal “InterPresNews”, 01.09.2020, available at <https://bit.ly/3cXb4Jd> , updated: 08.09.2020

<sup>7</sup> Ibid..

<sup>8</sup> Extract from the registry of Entrepreneurial and Non-entrepreneurial (non-commercial) legal entities, “Ltd. PSP Pharma”, 28.01.2019, available at: <https://bit.ly/36AAoUa> , updated: 08.09.2020.

<sup>9</sup> Article 25<sup>1</sup> of Law of Georgia on Political Associations of Citizens.



**The facts reviewed below contain the signs of a criminal offense. Some of them are under investigation, while others are yet to be considered by the authorities. GYLA urges law enforcement agencies to thoroughly investigate all cases, conduct the process impartially and transparently, and keep the public informed about the progress of the cases.**

### Members of “Lelo” accuse the ruling party of putting pressure on their activists

At the briefing on September 3, 2020, a Didube-Chughureti district majoritarian MP candidate of “Lelo”, Levan Samushia accused the ruling party of putting pressure on Manana Sultanishvili, a member of “Lelo”.<sup>10</sup> Manana Sultanishvili was contacted by Ketiv Ghviniashvili, a coordinator of Didube-Chughureti district of the party “Georgian Dream”, and summoned to the headquarters where she met with Rima Beradze<sup>11</sup> and her assistant, Maka Samniashvili.<sup>12</sup> They threatened Manana Sultanishvili to restrict the access to social assistance and free cafeteria service if she remained a member of “Lelo”.<sup>13</sup> GYLA observes that this narrative shows signs of criminal offense - coercion.<sup>14</sup> Regarding this case, on September 5, 2020, Manana Sultanishvili was summoned to the main police station where she was accompanied by her lawyer.<sup>15</sup>

Rima Beridze denied the fact via her social network.<sup>16</sup> Giorgi Volski, one of the leaders of the ruling party and a majoritarian MP candidate of Chughureti district, commented on the fact and claimed that the allegations were unfounded.<sup>17</sup>

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<sup>10</sup> “Ad hoc briefing of Levan Samushia on pre-election pressure”, “Lelo for Georgia”, the official Facebook page, 03.09.2020, available at: <https://bit.ly/2HAjhYr> , updated: 26.09.2020.

<sup>11</sup> Majority Deputy of Chughureti district of Tbilisi City Municipal Assembly and 36<sup>th</sup> member of the party list of the party “Georgian Dream”.

<sup>12</sup> “Ad hoc briefing of Levan Samushia on pre-election pressure”.

<sup>13</sup> Ibid..

<sup>14</sup> Criminal Code of Georgia, Article 150<sup>1</sup>.

<sup>15</sup> “Interview with the presence of a lawyer”, information portal broadcasting TV company “First Channel”, 05.09.2020, available at: <https://bit.ly/2GdAWUU> , updated: 26.09.2020.

<sup>16</sup> “According to “Lelo”, Rima Beradze threatened their member”, information portal “Netgazeti:”, 03.09.2020, available at: <https://bit.ly/3l4fbpU> , updated: 04.10.2020.

<sup>17</sup> “The accusation is groundless – Volski on the statement of “Lelo” supporter”, information portal “Publika”, 03.09.2020, available at: <https://bit.ly/3l9g7cw> , updated: 04.10.2020.

## Attack on “Lelo” activist

On September 4, 2020, Levan Samushia shared a video-recording via Facebook, which shows Giorgi Glurjidze, a member of “Lelo”, being transported by an ambulance.<sup>18</sup> According to Mr. Glurjidze, he was a victim of a politically motivated attack carried out by several persons, as a result of which he got a concussion.<sup>19</sup> Levan Samushia noted that there were witnesses of the incident as well.<sup>20</sup>

On September 5, 2020, the Ministry of Internal Affairs of Georgia released the information on detaining G.D., born in 1988.<sup>21</sup> The investigation revealed that on September 4, 2020, the detainee verbally and physically assaulted a member of one of the political parties.<sup>22</sup> According to the Ministry, the investigation was initiated on the fact of gang violence.<sup>23</sup>

## Confrontation at the nomination ceremony of “Lelo’s” majoritarian MP candidate in Zugdidi

On September 9, 2020, the nomination ceremony of “Lelo’s” majoritarian MP candidate in Zugdidi was held against the background of verbal and physical confrontation.<sup>24</sup> Video-recording shows that the event is interrupted and the parties are having a verbal confrontation, which then escalated into a physical conflict.<sup>25</sup> The police of Samegrelo-Zemo Svaneti have begun investigating this case under the article of disorderly conduct,<sup>26</sup> but GYLA believes that the State must investigate the incident under the article of gang violence.<sup>27</sup>

## Attack on “Strategy Aghmashenebeli” activists

On September 9, 2020, a representative of the party “Strategy Aghmashenebeli” shared a video-recording via Facebook which shows that the police are mobilized near the Varketili Metro Station.<sup>28</sup> As it appears, the party representatives had put up tents and collected signatures in support of the initiative on halving the interests on bank loans, during which they were attacked.<sup>29</sup> According to the party activists, they were assaulted verbally and physically, the party banners were torn down and the tents were damaged.<sup>30</sup> According to the media, law enforcement officers

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<sup>18</sup> Video-recording, a private Facebook Page of Levan Samushia, 04.09.2020, available at: <https://bit.ly/3j4S51T>, updated: 17.09.2020.

<sup>19</sup> Ibid..

<sup>20</sup> Ibid..

<sup>21</sup> “The Ministry of Internal Affairs of Georgia detained one person on charges of violence”, the web-page of the Ministry of Internal Affairs of Georgia, 05.09.2020, available at: <https://bit.ly/3d6icTW>, updated: 04.10.2020.

<sup>22</sup> Ibid..

<sup>23</sup> Ibid..

<sup>24</sup> Information portal broadcasting TV company „ODISHI TV”, 09.09.2020, available at: <https://bit.ly/3kEGGWG>, updated: 09.09.2020; “The Georgian Dream saboteurs attempted to provocatively disrupt the event of “Lelo” in Zugdidi, „Lelo-Zugdidi” official Facebook page, 09.09.2020, available at: <https://bit.ly/2ROiqFf>, updated: 09.09.2020.

<sup>25</sup> Information portal broadcasting TV company „ODISHI TV”.

<sup>26</sup> “Administrative investigation has been launched on the incident that took place at the event while the members of “Lelo” were meeting with voters in Zugdidi”, Information portal broadcasting TV company “First Channel”, 10.09.2020, available at: <https://bit.ly/3hXyNd7>, updated: 10.09.2020

<sup>27</sup> Criminal Code of Georgia, Article 126<sup>1</sup>, sub-paragraph “B”.

<sup>28</sup> Saboteurs of the “Georgian Dream” attack our youths”, official Facebook page of Giorgi Vashadze, 29.09.2020, available at: <https://bit.ly/2SabZwA>, updated: 03.10.2020.

<sup>29</sup> Ibid..

<sup>30</sup> Ibid.

detained two persons under the article of disorderly conduct,<sup>31</sup> however, GYLA believes that the investigation should be initiated under the article of gang violence.<sup>32</sup>

### A member of “Lelo” accuses the representatives of the ruling party of putting pressure

At the Briefing held on September 12, 2020, Irakli Matua, a representative of the youth wing of “Lelo” accused the “Georgia Dream” members of the Assembly of Zugdidi city of threatening and pressuring.<sup>33</sup> According to Irakli Matua, Tazo Patsatsia, a member of the Assembly of Zugdidi city instructed Otar Kadaria, a member of the same Assembly to contact Irakli Matua via phone and asked to arrange a meeting. During the meeting, they offered Irakli Matua a job in a public NNLE in exchange for leaving “Lelo”. After Irakli Matua rejected the offer, they threatened him - (telling him, his family would face problems)<sup>34</sup>. In exchange for leaving the election campaign, Irakli Matua was given 600 Laris, which he accepted owing to intimidation.<sup>35</sup> Additionally, they bought a ticket for him and forced him to leave Zugdidi.<sup>36</sup> Later on, Irakli Matua posted a statement on Facebook announcing that he left the party.<sup>37</sup> In the conversation with the long-term observation mission of GYLA, Irakli Matua explained that his social network was hacked and this statement was posted. In order to corroborate the above-mentioned accusations, members of “Lelo” presented “screenshots” of calls and messages of Otar Kadaria at the briefing.<sup>38</sup> Based on the statement of Irakli Matua, the Prosecutor’s Office has started an investigation under the article of coercion.<sup>39</sup>

### Attack on “Labour Party” activists

On September 16, 2020, the official Facebook page of Shalva Natelashvili, the leader of the “Labour Party” shared a video-recording showing a confrontation between activists and representatives of the construction company (“Lafarge betone”) while the activists were putting up posters on the construction fence.<sup>40</sup> The police, mobilized in the surrounding area, took the activist of the “Labour Party” to the police station in order to get an account of the incident, however, nobody was arrested.<sup>41</sup> According to the party, this person stated that the representative of the construction company threatened him on which the investigation has begun.<sup>42</sup>

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<sup>31</sup> „we detained 2 persons, who abused the activists of „Strategy Aghmashenebeli”, - the Ministry of Internal Affairs of Georgia“, information portal „publika“, 09.09.2020, available at: <https://bit.ly/3ia2Azp> , updated: 03.10.2020.

<sup>32</sup> Criminal Code of Georgia, Article 126<sup>1</sup>, sub-paragraph “B”.

<sup>33</sup> Briefing of Lelo“, information portal broadcasting TV company „ODISHI TV“, available at: <https://bit.ly/32RM56N> , updated: 12.09.2020.

<sup>34</sup> Ibid..

<sup>35</sup> Ibid..

<sup>36</sup> Ibid..

<sup>37</sup> Ibid..

<sup>38</sup> Ibid..

<sup>39</sup> “The investigation on “Lelo`s” accusation towards an assembly deputy has begun, information portal „livePress” , 17.09.2020, available at: <https://bit.ly/2FY5sCn> , updated: 17.09.2020.

<sup>40</sup> Vandalism committed with the order given by the owner of the construction company“, official Facebook page of Shalva Natelashvili, 16.09.2020, available at: <https://bit.ly/2SeBXyJ> , updated: 29.09.2020.

<sup>41</sup> Ibid..

<sup>42</sup> The Criminal Code of Georgia, Article 150<sup>1</sup>.

## A raid of the office of the “National Movement” in Samgori

According to the reports on September 18, 2020, the office of election headquarters of the party “National Movement” in Samgori was raided.<sup>43</sup> The windows were broken and the posters were damaged.<sup>44</sup> According to the party, the incident took place at 2 A.M. As witnesses stated, two persons, threw bricks at the office.<sup>45</sup> The party noted that the investigation has started on the fact of damaging another person`s property.<sup>46</sup>

## Attack on “National Movement” activists

According to the “National Movement”, their activists were attacked on September 18 and 24. At first, the two masked persons physically assaulted Lasha Tsutskiridze<sup>47</sup> (the Ministry of Internal Affairs of Georgia has initiated the investigation under the article of gang violence<sup>48</sup>), one week later, Zviad Kuprava shared the information on the fact of the physical assault on Ninia Tsiskarishvili.<sup>49</sup> Zviad Kuprava notes that the two unknown persons followed and then physically assaulted Ninia Tsiskarishvili.<sup>50</sup> In the conversation with the long-term observation mission of GYLA the head of the “United National Movement” headquarters in Saburtalo claims that Ninia Tsiskarishvili was interrogated and the investigation had been launched. Both the above-mentioned persons are members of the Saburtalo headquarters of the party.

According to Tina Bokuchava, these incidents are connected to the fact that the Saburtalo headquarters has revealed facts of the ruling party`s cooperation with the criminal world because of which the “Georgian Dream” had to close their headquarters in Village Dighomi.<sup>51</sup>

## Stones were thrown at Nika Melia

On September 27, 2020, stones were thrown at Nika Melia, a majoritarian MP candidate of the party “National Movement”, during his meeting with the local population at the building N8 in Gldanula.<sup>52</sup> The long-term observation mission of GYLA has contacted the head of Nika Melia`s headquarters. He noted that this incident was followed by a minor verbal confrontation involving the City Hall`s LEPL and NNLE employees as well as the supporters of the ruling party. According to the information provided by the party to the long-term observation mission of GYLA, the investigation had been launched.

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<sup>43</sup> “The office of election headquarters of the “National Movement” in Samgori has been raided”, information portal „Interpresnews“, 18.09.2020, available at: <https://bit.ly/3lb0ly0> , updated: 03.10.2020.

<sup>44</sup> Ibid..

<sup>45</sup> Ibid..

<sup>46</sup> The Criminal Code of Georgia, Article 187<sup>1</sup>.

<sup>47</sup> „Lasha Tsutskiridze, an activist of UNM, was attacked“, information portal „InterPressNews“, 18.09.2020, available at: <https://bit.ly/36tGx4M> , updated: 03.10.2020.

<sup>48</sup> Ibid..

<sup>49</sup> The private Facebook page of Zviad Kuprava, 24.09.2020, available at: <https://bit.ly/3jmWIV0> , updated: 03.10.2020.

<sup>50</sup> Ibid..

<sup>51</sup> According to Tina Bokuchava, the “Georgian Dream” headquarters in Village Dighomi was opened by the representative of “Glekhovichi”, so-called “thief-in-law”. information portal „Interpressnews“, 26.09.2020, available at: <https://bit.ly/36zASdz> , updated: 03.10.2020

<sup>52</sup> „Nika Melia has been attacked““, information portal broadcasting television „Mtavari Channel“, 27.09.2020, available at: <https://bit.ly/3n3yrFA> , updated: 03.10.2020.

## A confrontation between the “Georgian Dream” and the “United National Movement” in Bolnisi

On September 27, a confrontation took place between the activists of the United Opposition and the “Georgian Dream” in the village Nakhiduri, the Municipality of Bolnisi.<sup>53</sup> Both sides blamed each other for the incident.<sup>54</sup> Several citizens were injured as a result of the confrontation.<sup>55</sup> As one of the injured people explained, when the members of the opposition were near a local teahouse, the supporters of the “Georgian Dream”, including the brother of Gogi Meshveliani, a majoritarian MP candidate, arrived and attacked them.<sup>56</sup> Gogi Meshveliani claimed that initiators of the confrontation were the members of the opposition.<sup>57</sup> The Prosecutor’s Office launched the investigation under the article on gang violence.<sup>58</sup>

## A confrontation between the “Georgian Dream” and the “United National Movement” in Marneuli

The confrontation in Marneuli began at about 15:00 on September 29. At that time the members of the “National Movement” were holding a rally at the Marneuli district electoral commission.<sup>59</sup> According to the party, the reason for the rally was the fact that Amiran Giorgadze, a chairman of the Assembly and the head of headquarters of the “Georgian Dream” in Marneuli, arbitrarily selected the members of the district electoral commission.<sup>60</sup> Soon the rally turned into a physical confrontation between the representatives of the “Georgian Dream” and the “United National Movement”.<sup>61</sup> According to the information of “Mtavari Channel”, Amiran Giorgadze himself participated in the confrontation and attacked the participants of the demonstration.<sup>62</sup>

During the period of 16:00-18:00, the confrontation escalated and, together with the politicians, journalists became targets of violence. As a result of the clash, Givi Kveladze and Lasha Kveladze, members of the “National Movement” as well as journalists of “Mtavari Channel” and “The First Channel” were injured.<sup>63</sup> The condition of Jeihun Muhamedali, a journalist of “Mtavari Channel” is

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<sup>53</sup> „Confrontation in Bolnisi – members of the „Georgian Dream” and opposition blame each other for the attack“, information portal „Netgazeti“, 27.09.2020, available at: <https://bit.ly/3ijZvNk> , updated: 03.10.2020.

<sup>54</sup> Ibid..

<sup>55</sup> Ibid..

<sup>56</sup> Ibid..

<sup>57</sup> Ibid..

<sup>58</sup> Ibid..

<sup>59</sup> „Physical confrontation in Marneuli –members of the “UNM” and the “Georgian Dream” confronted each other in front of the district commission”, information portal broadcasting television „Mtavari Channel”, 29.09.2020, available at: <https://bit.ly/2GkIGVy> , updated on: 03.10.2020.

<sup>60</sup> „At the Assembly of Marneuli chairman Amiran Giorgadze’s resignation is demanded“, information portal „Publika“, 01.10.2020, available at: <https://bit.ly/3neNGMk> , updated: 03.10.2020.

<sup>61</sup> Ibid..

<sup>62</sup> “Physical confrontation in Marneuli –members of the “UNM” and the “Georgian Dream” confronted each other in front of the district commission”, information portal broadcasting television „Mtavari Channel”.

<sup>63</sup> „4 employees of “Mtavari Channel” were attacked – a Journalist has a broken head“, information portal broadcasting television „Mtavari Channel, 29.09.2020, available at: <https://bit.ly/2EWsgIE> , updated: 03.10.2020.

especially serious.<sup>64</sup> A representative of an observation mission has also been physically abused.<sup>65</sup> A camera and microphone of “Mtavari Channel” and “the First Channel” were also damaged.<sup>66</sup>

The Ministry of Internal Affairs has begun an investigation on the facts of damaging health and interference with the journalist`s professional activities.<sup>67</sup> According to Jeihun Muhamedali, the police witnessed the violence but did nothing.<sup>68</sup> Two persons were arrested on a charge of violence.<sup>69</sup> The investigation revealed that these persons verbally and physically assaulted Givi Kveladze and Lasha Kveladze, the activists of the “National Movement”, in the evening of September 29 in Marneuli.<sup>70</sup>

In the morning hours of September 30, 2020, Temur Shubitidze, an employee of headquarters of the “Georgian Dream” who was driving on a driveway to Marneuli, was physically assaulted.<sup>71</sup> The unknown persons crashed his car with another car and then beat him severely.<sup>72</sup> The Ministry of Internal Affairs has started the investigation under the article of violence.<sup>73</sup>

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<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> “Apart from “Mtavari”, recording group of “the First Channel” was also physically abused and their camera – broken”, information portal broadcasting television „Mtavari Channel”. 29.09.2020, available at: <https://bit.ly/34gwixW> , updated:

<sup>67</sup> “We have begun investigation on facts of violence and interference with the journalist`s professional activities- MIA”, information portal broadcasting television „Mtavari Channel”, 29.09.2020., available at: <https://bit.ly/3ngvTnV> , updated: 05.10.2020.

<sup>68</sup> „Interrogation of Jeihun Muhamedali has finished – the police do not possess recordings from surveillance cameras” information portal broadcasting television „Mtavari Channel”, 30.09.2020., available at: <https://bit.ly/2HX4UO1> , 05.10.2020.

<sup>69</sup> “The Ministry of Internal Affairs arrested two persons owing to the incident of September 29 in Marneuli”, 03.10.2020, The Ministry of Internal Affairs, available at: <https://bit.ly/3jv2Vyc> , updated: 03.10.2020.

<sup>70</sup> Ibid.

<sup>71</sup> „The “Georgian Dream” representative going to Marneuli was crashed with a car and beaten severely”, information portal „Primetime”, 30.09.2020, available at: <https://bit.ly/30w8qW2> , updated: 03.10.2020.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

## Obstruction of a pre-election campaign of a party

### Obstruction of “Lelo`s” pre-election campaign

From 14:00 to 15:00 on September 25, the branded bus of “Lelo” with 20 supporters traveled to various districts of Tbilisi.<sup>74</sup> When stopping at a particular location, they would put up a tent and inventory for placing agitation materials (newspapers, leaflets).<sup>75</sup>

The party activists were positioned at the square in front of the Chancellery; however, the City Hall Supervision Service made the party activists take down the tent that was put up for agitation purposes.<sup>76</sup> They explained that it is inadmissible to put up construction within a radius of 150 meters from a cultural heritage monument.<sup>77</sup> As a response, the activists moved to a farther territory, however, the City Hall officials still made them take down the tent.<sup>78</sup>

The same happened in front of the entrance of Akhmeteli Metro Station on September 28. However, in this case, the employees of the Municipality Service demanded to take down a tent and put away a table on the ground of prohibition of arbitrary distortion of the appearance of Municipality territory.<sup>79</sup>

The law forbids the arbitrary placement of stalls and other light constructions, including in the areas of cultural heritage. Such arbitrary placement is an administrative offence;<sup>80</sup> its inspection and dismantlement are within the authority of municipal inspection.<sup>81</sup> The purpose of this law is to protect the appearance of the city and prevent its modification by arbitrary interference (for example, by the placement of constructions such as a stall and/or “other light constructions”).

The term “light construction” is a broad concept. For the purpose of the norm, it is important to interpret it in such a way that human rights are not disproportionately restricted. In the given case, putting up a tent by the activists was a short-term activity that served the purpose of political agitation, and the legislator did not intend to forbid the use of these types of attributes. The

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<sup>74</sup> A letter of September 29, 2020 of Mari Japaridze, a representative of the party “Lelo”.

<sup>75</sup> From the photo material handed to Gyla, it can be discovered that inventory of activists of the “Lelo” contained a stand or so-called tent, a stall, agitation magazines and leaflets.

<sup>76</sup> Ibid.

<sup>77</sup> In this instance, a cult building turned out to be a residential house located in Sulkhan-Saba Street N9.

<sup>78</sup> A letter of September 29, 2020 of Mari Japaridze, a representative of the party “Lelo”.

<sup>79</sup> Ibid.

<sup>80</sup> Administrative Offences Code of Georgia, Article 150<sup>1</sup>, Paragraphs 3 and 4.

<sup>81</sup> Ordinance of September 25, 2018 of the Assembly of Tbilisi Municipality “On Approval of the Provision of Tbilisi City Hall Municipal Inspection”, Article 2, Paragraph 2, Sub-paragraph G.

activists had to cease their activity as a result of the instructions of the Municipal Inspection. **GYLA believes that the Municipal Inspection wrongfully defined the law and urges the Tbilisi City Hall not to hinder the election campaign of an opposition party.**

### **“Democratic Movement – United Georgia” was unlawfully refused to hold a pre-election meeting by Kareli Municipality**

On September 10, Giorgi Baramidze, the Secretary-General of “Democratic Movement – United Georgia” applied to the Kareli Municipality and informed them that an election nominee, Nino Burjanadze, was planning to meet the Kareli population as part of the election campaign on September 14, at 13:00 in the square located in the yard of Kareli Culture House.<sup>82</sup>

According to the written response of September 11 of Zaza Guliashvili, the Mayor of Kareli Municipality, the applicant was notified that the intended meeting was impossible to hold because there are NNLE “Union of Culture and Art Institutions of Kareli Municipality”, the center of culture, art clubs and dance studios in the Culture House, hence, the mentioned meeting would hinder the free movement of employees and other persons enjoying services of the Culture House.<sup>83</sup>

The law allows the meeting participants to determine the purpose, time, and place of the meeting. It only provides for the need for prior notification to the municipal executive authority if an assembly or demonstration is going to impede the movement of transport;<sup>84</sup> clearly, a square is not such place. The yard of Kareli Culture House is an open space, it has two open entrances and every person can freely move through it. Taking into account all of the above, the party was not obliged to notify the municipality about the meeting, and refusal from Kareli Mayor was unfounded.

### **Violation of the obligation of the municipalities to publish a list of buildings allocated for pre-election campaigns**

Within 5 days of starting pre-election campaigns, Municipality bodies are obliged to compile a list of buildings and places on which it is prohibited or permitted to place agitation materials and organize or hold public events.<sup>85</sup> The term for compiling such a list expired on September 6. On September 12, the CEC published the information given by 64 municipalities.<sup>86</sup>

Every municipality (except for Abasha Municipality) has provided information on the placement of agitation materials. As for the list of buildings, Aspindza, Akhalkalaki, Gardabani, Kaspi, Mtskheta, Ninotsminda, Rustavi, Senaki, and Kareli Municipalities have not provided it yet. These municipalities have violated requirements of the law and hindered the parties from holding a normal pre-election campaign.

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<sup>82</sup> Application N01/044 of September 10, 2020 of “Democratic Movement – United Georgia” to Kareli Municipality.

<sup>83</sup> Letter of Kareli City Hall Municipality of September 11, 2020 N05/4658

<sup>84</sup> Law of Georgia on Assemblies and Demonstrations, Article 5<sup>1</sup>

<sup>85</sup> Election Code of Georgia, Article 45<sup>9</sup>

<sup>86</sup> “A list of buildings and places where placement of agitation materials and organizing and holding public events are forbidden or permitted”, official webpage of the Election Administration of Georgia, 12.09.2020, available at: <https://bit.ly/2SmqsFv>, updated: 01.10.2020.