

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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# GYLA evaluates the II round of Parliamentary By-elections in Mtatsminda district

**According to GYLA's assessment, the second round of by-election of May 19th, 2019 went without substantial violations, but a negative trend was observed, which was connected to control of the expression of a voter's will and the tense environment in some of the electoral precincts, unfortunately, cases of physical confrontation and menace were also observed.**

At this stage, GYLA continues to study the post-election period (summary protocols of the Precinct Election Commissions) and observe the process of summarizing the results in the upper election commissions. **The summary report of monitoring of the pre-election, election day and subsequent period GYLA will present to the public later.**

**The main trends identified by the observation mission are:**

**According to GYLA observers, the mobilization of coordinators and supporters at the polling stations, and within the precincts - the parties and presumably the representatives of the organizations associated with them - had a negative effect on the freedom of expression of a voter's will. They were counting citizens who come to vote, were talking to them or taking photos and recording video footages of their movement within the area adjacent to the precinct. This strategy was used by both sides.** Although none of this practices are considered to be a violation of the law, however, it creates an inconvenience to the voter and makes them feel a sense of control over them that reduces the likelihood of making an independent and free choice. Such negative facts are a continuation of the trend shown during the first round. Taking into consideration the abovementioned, we negatively assess the public statement made by the Chairperson of the Parliament<sup>[1]</sup> by which he tried to show the practice to be normal.

**In parallel to the polling, a tense situation was observed in several polling stations and adjoining areas.**

Verbal conflict took place at #12[2] and #32[3] polling stations; Allegedly, an activist of the Georgian Dream physically challenged opposition representatives at #18 precinct[4], and the supporter of the ruling party at the #17 polling station allegedly made the statement containing the menace.[5] MIA has launched an investigation on the last two cases.[6] We believe that such facts don't allow a voter to make his/her choice in a calm and free of tension environment.

**GYLA observers wrote 1 complaint in Mtatsminda district: # 3 District** - Violation of casting lots (a refusal to participate in the procedure of casting lots).

*(It is possible that the document does not include those facts occurred on the polling day on which the GYLA does not have information at the time of the preparation of the application, or that the information is on verification stage).*

### **GYLA's Observation Mission on Voting Day**

The Georgian Young Lawyers' Association was monitoring the second round of the by-elections through up to 10 observers in **Mtatsminda** majoritarian election district.

GYLA was monitoring the processes in the problematic areas and the adjacent territories through 3 mobile groups and 1 district observer. GYLA observers were focusing attention on protecting election procedures (opening, voting, and summarizing procedure at the polling stations) as well as monitoring the developments in the adjacent territories of the Precinct Election Commissions. With regard to the identified violations, organization observers will carry out the strategic judicial proceedings in DEC's and the courts.

On the election day, a special hotline was working at GYLA, through which the citizens were able to get a legal consultation on voting procedures. A hotline was also working at GYLA for journalists and media organizations. Calling the hotline number the journalists and media organizations could receive information interesting for them, as

well as the legal advice on election procedures, violations detected on the polling day and the ways of responding to such violations and also submit the data by themselves on violations observed on the polling day.

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[1] Irakli Kobakhidze - we do not see violation of law in mobilising the voters at the electoral precincts, News agency [redacted] A [redacted] available <https://www.interpressnews.ge/ka/article/550580-irakli-kobakhidze-saarchevno-ubnebze-amomrchevlis-mobilizebashi-kanondargvevas-ver-vxedavt/>, Updated: 09.06.2019.

[2] Confrontation at #12 Mtatsminda electoral precinct, Prime Time, available at: <https://www.facebook.com/watch/?v=1824798634287131>, Updated: 09.06.2019.

[3] Uproar at #32 electoral precinct, News agency A [redacted] [redacted] available at: <https://www.interpressnews.ge/ka/article/550584-32-e-saarchevno-ubanze-xmauri-iqo>, updated: 09.06.2019.

[4] According to Elene Khishtaria, A [redacted] Dream [redacted] activist physically assaulted the A [redacted] Georgia [redacted] observers, News agency [redacted] A [redacted] available <https://www.interpressnews.ge/ka/article/550620-elene-xoshtarias-inpormaciit-kartuli-ocnebis-aktivisti-evropuli-sakartvelos-damkvirveblebs-pizikurad-gauscorda/>, updated: 09.06.2019.

[5] MIA launched an investigation on the video footage released by A [redacted] Georgia [redacted] News agency [redacted] A [redacted] available <https://www.interpressnews.ge/ka/article/550618-shss-m-evropuli-sakartvelos-mier-gavrcelebul-videoze-gamozieba-daicqo/>, updated: 09.06.2019.

[6] On the first case, the investigation is launched under article 162 of the Criminal Code of Georgia (obstruction in implementation of the will of [...] during the election) and on the second case under article 151 (menace).