

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA voices its position about the developments in Marneuli District Election Commission

On June 5, 2014, head of Marneuli District Election Commission annulled the registration of Akmamed Imamkuliev, candidate of the United National Movement to the office of Gamgebeli (local governor) on the basis of the statement of the monitoring organization "Free Development and Rights' Protection Association". Allegedly, the candidate failed to meet the country residence criteria, in particular he has not lived permanently in Georgia for the past two years. The decision of the District Election Commission(DEC) was followed with verbal confrontation. On June 5

GYLA's monitors were in Marneuli and observed the developments in the Commission.

As reported, members of the Parliamentary minority: Khatuna Gogorishvili, Gigi Ugulava, Irma Nadirashvili, Nugzar Tsiklauri, Giorgi Gabashvili and others were in the room of Marneuli DEC head. Members of the United National Movement have occupied the room of the head of Marneuli District Election Commission No. 22 and during 2 hours they disallowed to sign the resolution. They implemented physiological pressure upon the head of the commission and alleged that if he annulled registration of their candidate, the fact would be followed by confrontation and massacre in Marneuli, while head of DEC should bear responsibility over the fact. Moreover, head of DEC was abused verbally.

GYLA's observers also report that quite frequently unknown individuals contacted the head of DEC on phone and asked some questions permanently. His responses were identical "Not, yet! I have not done it yet." Allegedly, they forced him to annul registration of the UNM candidate.

At about five o'clock, when police entered DEC, UNM members blocked the way and disallowed them to take the head of DEC from the room and occupied the room. It so happened that the head of DEC failed to sign the resolution before 18:00, while the secretary closed the DEC registration book in presence of UNM members and other individuals. GYLA's observers attempted to communicate with the head of DEC, though police disallowed. Police has blocked entrance of the room. After the second attempt of GYLA's observers to meet DEC head, they were notified that he was moved to the hospital.

In view of this, we are not informed what was going on in the room of the DEC head in his absence or why police disallowed GYLA's observers to enter the room and communicate with them. It is a fact, that despite absence of DEC head, Central Election Commission received his signed resolution that annulled Akmamed Imamkuliev's registration. Supposedly, the resolution was issued and registered the same day after 18:00 in violation of Para 10, Article 8 of the Election Code of Georgia. The Article provides that save for the cases envisaged by the Election Code, Election Commission accepts, issues and registers election documents before 18:00 of the working day.

We consider, that any interference in the activities of the Election Administration is impermissible. To this end, conduct of UNM members constituted pressure upon the

head of the DEC. Moreover, we should note, that sources of the confrontation are unfair and inconsistent decisions of election administration. Nearly in identical cases, when the issue concerns candidates of the oppositional political parties election administration annuls their registration, while when cases of the candidates from the ruling party are examined, registration is left in force.

In view of above we call on

Election Administration - to maintain impartiality and consistency in its conduct, to apply the similar standards irrespective of political parties' candidates, to avoid unfavorable interpretations of the vague norms in case of opposition party candidates and favorable interpretations in case of ruling party.

Election Subjects - to refrain from interference in activities of the Election Administration and to abstain from the conduct that may be considered as pressure over election administration.

Law Enforcement Agencies - to study Marneuli developments timely and impartially. Law enforcement agencies should get interested not only in the conduct of political party representatives, but also in the alleged pressure that was revealed in phone calls or other conduct implemented in the direction of the DEC chair. Furthermore, interference from the side of police in exercise of legitimate rights of GYLA's observers should be examined separately.