

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Preliminary Statement of the Georgian Young Lawyers' Association with regard to final vote tally of 5 January 2008 Presidential elections

Today, on 13 January 2008 at 10 o'clock Central Election Commission officially summarized the results of 5 January 2008 extraordinary Presidential Elections.

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Georgian Young Lawyers' Association was observing 5 January 2008 extraordinary presidential elections. On 3rd of January GYLA published preliminary report on pre-election campaign and referred to numerous violations being observed during pre-election period. GYLA carried out its observing mission in certain districts and polling stations of Tbilisi, Kutaisi, Batumi and Khelvachauri. **As a result of monitoring process, approximately 230 complaints have been submitted before relevant Election Commissions and lodged with domestic Courts.**

On 7th of January GYLA assessed Election Day (5 January 2008) in Tbilisi, Kutaisi and Batumi as acceptable, however reference has been made to numerous serious shortcomings to be urgently addressed by relevant election and judicial authorities. It was indicated that timely and adequate responses from election and judicial authorities would be decisive factor for declaring the whole election process as democratic, fair and properly conducted.

Today, on 13th of January CEC summarized the results of 5 January extraordinary presidential elections. Since the Election Day GYLA observers were permanently submitting before relevant election commissions requests to deal with the merits of their 230 complaints pertaining to numerous violations of existing relevant legislation. Complaints submitted by GYLA before election and judicial authorities concerned significant violations being observed during the election day as well as unlawful tally of voters' votes in certain districts (in Batumi and Khelvachauri a difference in protocols has been observed, CEC has conducted the summarization of votes given through additional lists on the basis of grave breaches of existing legislation and standards). **From 230 complaints submitted by GYLA, only 1 complaint has been met so far by Kutaisi district election commission. Since 5 January 2008, the CEC has considered the merits of none of the complaints submitted by GYLA; the CEC failed to express its interest towards numerous grave violations being observed by GYLA observers during Election Day and thereupon in certain polling stations and district commissions.** Having unlawfully interpreted the provisions of the election code the CEC rejected all complaints submitted before it by GYLA, thereby saying definite `NO` to remedy the alleged violation of election process. Simultaneous to rejecting the complaints, the **CEC remained indolent to become interested with alleged breaches and carry out investigation by its own initiative.** At the same time the majority of complaints lodged by GYLA with domestic courts were considered on 12th of January

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2008 and rejected as inconsistent with `procedural` requirements.

Furthermore, Article 641 of the Election Code **prohibits the final summarization of votes by CEC until the elections proceedings are pending before the Courts of general jurisdiction.** Although complaints are lodged by GYLA with Tbilisi City Court requesting the annulling of vote tally of certain polling stations in N4 Krtsanisi District and by 10 am of 13 January these proceedings are still pending, the CEC conducted final summarization in breach of abovementioned provision of the Election Code.

Election process does not presuppose only the Election Day. It launches by pre-election campaign and ends by consideration of complaints and lawful summarization of election results. By saying definite `NO` to deal with the merits of election complaints during last week and unlawful summarization of results, election administration and judicial authorities have failed to remedy the alleged violations and infringed the principle of Rule of Law, which constitutes the cornerstone and pre-factor for declaring the elections in whole as fair and democratic.

GYLA will publish its final report on election monitoring in the nearest future.

Giorgi CHKHEIDZE
Chairman, Georgian Young Lawyers' Association