

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Presentation of the Second Interim Report of the Pre-Election Monitoring

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Georgian Young Lawyers' Association held presentation of the second interim report of the pre-election monitoring on September 24, 2012. The report covers the period from April through July, 2012. During the four-month period, GYLA was monitoring pre-election processes in Tbilisi and the following seven regions of Georgia: Kakheti, Shida Kartli, Kvemo Kartli, Mtskheta-Mtianeti, Imereti, Adjara and Ozurgeti by means of

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GYLA's monitors.

GYLA's monitors obtained information from various sources, including public agencies by means of requesting access to public information and monitoring media reports. Frequently citizens and representatives of political parties reported to GYLA about violations and persecution on political grounds. After receiving information, monitors of GYLA verified individual facts with applicants and provided legal assistance, when needed.

The research has revealed several key problems:

- Sharply unequal election environment. Activities of the state authorities have been too objective from pre-election point of view. There were cases of selective application of law, its unequal and subjective enforcement against opposition parties in particular, which further harmed the pre-election environment in the country;
- During the monitoring GYLA identified a number of facts of using administrative resources for election goals in favor of one concrete political party – the United National Movement, which creates unequal and non-competitive pre-election environment;
- During the reporting period there were a number of cases that involved alleged vote-buying. GYLA applied to relevant agencies for further actions.
- There were persecutions on alleged political grounds, intimidation, dismissals from work and pressure. In comparison to the first interim report, there was an increase in acts of violence, retribution and pressure/threats;
- Politicization of public service was evident. Involvement of public servants and officials in acts of violence is particularly alarming;
- In a number of cases the police not only failed to fulfill its positive obligation – protects participants of peaceful assembly from counter-protesters, but engaged in actions against participants. Under the circumstances, the possibility to exercise the right to a peaceful assembly guaranteed by Article 11 of the ECHR is called in question.
- Frequently decisions of court and information presented by the Ministry of Justice fail to meet the standard of beyond a reasonable doubt. We believe that right to a fair

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trial is violated with unsubstantiated decisions of court;

- Facts of suspicious funding of political parties have been identified;
- During the reporting period, number of journalists complaining about unlawful disruption of journalistic reporting was increased. In certain cases these actions were perpetrated by public servants of municipal authorities and representatives of law enforcement authorities themselves.

GYLA conducted the pre-election monitoring in frames of the project Monitoring of Pre-Election Processes for the 2012 Parliamentary Elections of Georgia, supported by the National Endowment for Democracy (NED).

The first interim report (monitoring that covered the period from January through March) was published by GYLA on April , 2012, with support from the British Embassy in Tbilisi. Purpose of the pre-election monitoring was to reveal pre-election trends and determine whether there is a competitive and level playing field for political parties.

It is noteworthy that GYLA monitors pre-election environment before every elections. However, this year's monitoring is exceptional as it started 10 months prior to the elections. The process is not over yet and GYLA will actively continue the monitoring. GYLA will soon present the report of monitoring activities of the State Audit Service during the first half of 2012.

The pre-election monitoring mission of Georgian Young Lawyers' Association is financially supported by the National Endowment for Democracy. Information in this report does not necessarily reflect the official opinion of the donor.