



## #GeorgianElections2017: Newsletter #5 October 2017

### About the GYLA's monitoring mission

On June 1 the Georgian Young Lawyers' Association (GYLA) started the pre-election monitoring of the 2017 local self-government elections.

The GYLA is observing the pre-election period through its head office in Tbilisi and regional offices in eight regions of Georgia: Adjara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti, Mtskheta-Mtianeti, and Samegrelo.

The aim of the monitoring, which is being carried out in the framework of the USAID-supported project "Promoting More Competitive, Fair and Inclusive Electoral Environment for the 2016-2018 Electoral Cycle in Georgia", is to contribute to the introduction of objective, fair, independent and effective investigations, fair trial, and uniform practice and to ensure the promotion of inclusive and competitive electoral environment for women, persons with disabilities, and ethnic minorities. The project also aims to promote transparent electoral processes, in particular, to inform citizens of Georgia and the international community of violations and trends related to the 2017 local self-government elections and to turn their attention to the shortcomings accompanying electoral processes, as well as to identify problems in the electoral legislation and to advocate

relevant legislative changes after the elections are over.

In the case of identifying violations, the organization submits the relevant information or complaints to the Election Administration, the Interagency Commission for Free and Fair Elections, the State Audit Office, and other relevant agencies with the aim of ensuring response provided for by law.

This newsletter deals with the developments and violations that can exert an influence on the electoral environment. The GYLA has requested additional information on alleged violations and other developments, and we will also provide the public with the results of their analysis.

In addition, in the nearest future, the organization will present to the public its second interim report on the pre-election context and the developments that take place during this period.

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**Cases of use of administrative resources:  
Mobilization of kindergarten teachers for campaigning events**

According to news reports, employees of kindergartens of Tbilisi attended a pre-election meeting of Kakha Kaladze, the ruling party's mayoral candidate for Tbilisi, in an organized manner.<sup>1</sup> According to the reports, employees of the kindergartens confirmed that several days in advance they had been warned that they must attend a pre-election meeting of the ruling party's mayoral candidate for Tbilisi, which was held in Tbilisi on Sunday, September 24. According to the same reports, the kindergarten employees were also provided with transportation in an organized manner.

We believe that such cases constitute the use of administrative resources for the benefit of the ruling party and contradict Article 5.4 of the Copenhagen Document of the OSCE, which calls for a clear separation of the activity of the State and that of political parties.<sup>2</sup> It is also necessary to study the lawfulness of the expenses incurred for the transportation of teachers to the aforementioned meetings.

In addition, the GYLA's monitors have learned that kindergarten and school teachers in the villages of the Telavi and Akhmeta municipalities are summoned to party meetings and tasked with attending the pre-election meetings of the ruling party's candidates. The teachers are asked to bring one more person ("supporter") to the meetings. One of the kindergarten teachers explained to the GYLA's monitor that this obligation is imposed on all teachers of kindergartens and schools, although the teachers do not want to talk openly about this topic. The GYLA's monitor herself witnessed an instance when a kindergarten teacher was looking for a person who would take her to a pre-election meeting of Zurab Liluashvili, the Georgian Dream's majoritarian candidate for membership of the Municipal Council of Telavi. According to the monitor, such cases also take place in Akhmeta.

It should be noted that information about alleged coercion of employees of budget-funded institutions was also disseminated during the monitoring of the 2016 parliamentary elections, before the second round of voting, which was confirmed after verification by the GYLA's monitors.<sup>3</sup> In particular, according to the GYLA's monitors, higher-ranking officials obliged employees of budget-funded institutions in Tbilisi and the regions to support the ruling Georgian Dream party and also tasked them with compiling the so-called lists of supporters.<sup>4</sup>

**The GYLA has applied to the Interagency Commission with regard to the aforementioned incidents. The Commission applied to the MIA and the Prosecutor's Office, asking them to hold an additional inquiry into the incidents. The investigations into the cases are underway.**

**The GYLA continues to monitor these cases and will later provide the public with updated information.**

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<sup>1</sup> <http://rustavi2.ge/en/news/85805>

<sup>2</sup> <http://www.osce.org/odihr/elections/14304?download=true>

<sup>3</sup> In spite of the fact that certain persons confirmed the disseminated information in conversations with the GYLA's monitors, they refused to publicly reveal their identity.

<sup>4</sup> <https://gyla.ge/files/news/2008/%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%94%E1%83%91%E1%83%98-2016-ENG.pdf>

## Case of using administrative resources in Guria

According to an [article](#) published by the Guria News newspaper on September 10 this year, Gia Giorgadze, head of the Infrastructure Service of the Municipal Administration of Chokhatauri, went to a meeting organized by the Georgian Dream party – at which the Prime Minister Giorgi Kvirikashvili presented the mayoral candidates for the Guria Region – in a state-owned car. (This fact is confirmed by a witness, as well as photos.)

The GYLA studied the aforementioned incident and deemed that it involved the use of administrative resources. The organization filed a complaint in District Election Commission No. 62 of Chokhatauri, requesting the commission to launch administrative proceedings with regard to the case.

DEC No. 62 of Chokhatauri held an inquiry and established that Gia Giorgadze had not taken part in the meeting of September 10. As Mr. Giorgadze explained, he had gone to Ozurgeti to attend to his personal affairs. Accordingly, the commission deemed it inappropriate to draw up an administrative offense protocol against the head of the Infrastructure Service of the Municipal Administration of Chokhatauri.

The GYLA deemed that the chairperson of DEC No. 62 of Chokhatauri had failed to hold a thorough inquiry into the factual circumstances described in the GYLA's complaint, conducted the administrative proceedings inappropriately, and, accordingly, taken an unsubstantiated decision on refusal to draw up an administrative offense protocol. Therefore, we appealed the aforementioned decision in the Central Election Commission and demanded that the Commission do the following:

1. Invalidate decision no. 131 of the chairperson of DEC No. 62 of Chokhatauri of September 27 this year;
2. Hold a thorough inquiry into the factual circumstances described in complaint no. G/04-09 (number of registration in the DEC: 529) of the Ozurgeti Office of the GYLA of September 18 and take a relevant legal decision;
3. Impose disciplinary liability on the chairperson of DEC No. 62 of Chokhatauri for violating the electoral legislation and inappropriate fulfillment of official duties.

The CEC partially granted the GYLA's [complaint](#), abolishing decision no. 131 of the chairperson of DEC No. 62 of Chokhatauri of September 27, 2017. The chairperson of the DEC was directed to question the witness mentioned in the GYLA's complaint and to take a new decision as a result of studying the case materials.

**The GYLA continues to monitor the case and will later provide the public with updated information.**

## Violation of the rules of election campaigning

According to the Netgazeti news agency,<sup>5</sup> after the football match that was organized by the Georgian Football Federation on September 29 this year – whose participants included Kakha Kaladze, the Georgian Dream’s mayoral candidate for Tbilisi, together with world football stars – Andriy Shevchenko,<sup>6</sup> a citizen of Ukraine, declared his support for Kakha Kaladze, saying that he would be a good mayor.

“I’m very glad to be here. I wish success to my friend Kakhi Kaladze with all my heart. I’m sure he will be a good mayor,” he said.

We believe that this action presumably contains a violation of the requirements of the electoral legislation due to the following circumstances:

Subparagraph Z<sup>8</sup> of Article 2 of the Election Code of Georgia defines election campaigning as appeal to voters in favor of or against an electoral subject/candidate, as well as **any public action facilitating or impeding its election and/or containing signs of election campaign**, including the participation in organization/conduct of pre-electoral events, storage or dissemination of election materials, work on the list of supporters, presence in the representations of political parties.



According to Subparagraph F, Paragraph 4, Article 45 of the same Code, **aliens do not have the right to conduct and participate in election campaigning.**

According to the 25 September 2017 reply (no. 01-02/1671) of the Central Election Commission (CEC) to the 21 September 2017 application (no. G- 01/339-17) of the GYLA, if an administrative offense punishable by the Election Code takes place, the Election Administration will carry out actions provided for by the legislation.

The GYLA believes that the aforementioned incident presumably contains signs of violation of the rules of election campaigning, which requires an additional inquiry.

The GYLA has applied to the Election Administration with regard to the aforementioned incident, requesting it to study the case within its competence.

<sup>5</sup> <http://netgazeti.ge/news/223276/>

<sup>6</sup> [http://www.ffu.org.ua/eng/teams/teams\\_main/a\\_coach/](http://www.ffu.org.ua/eng/teams/teams_main/a_coach/)

The CEC didn't deem the aforementioned incident to be a violation of the rules of election campaigning and explained in its [decision](#) that the event mentioned in the application was a charity football match and had been organized and held by the Georgian Football Federation for concrete charity purposes. The CEC also explained that, as the Georgian Football Federation is not an electoral subject, the said event cannot be regarded as a part of the election campaign.

**The GYLA didn't agree with the CEC's explanation with regard to the rules of election campaigning and responded to the decision with a public statement.**

### Unlawful campaigning

On September 29, 2017, a video was uploaded to the social network which shows M.Zh., a member of PEC No. 1 of DEC No. 79 of Batumi (appointed by the political association United National Movement), giving campaign material to a citizen, in parallel with distributing voter invitation cards. The video shows the citizen expressing protest and asking why she is given the campaign material. On the basis of the video, we can establish that M.Zh. took was given the campaign material in the so-called headquarters and instructed to ensure its dissemination/distribution to voters.

The GYLA filed a complaint in DEC No. 79 of Batumi with a request to launch administrative proceedings. An observer organization, the Civil Society and Democracy Development Center, had already filed a complaint in the DEC with regard to the aforementioned incident, and on the basis of the organization's complaint, the DEC drew up an administrative offense protocol and sent it to the Batumi City Court for further response.

**The GYLA continues to monitor the aforementioned case in the framework of the trial monitoring of electoral disputes and will later provide the public with updated information.**

### **Incidents of alleged pressure and coercion**

Several weeks before the elections, media outlets reported that candidates of various opposition parties had withdrawn their candidacies as a result of pressure or winning over by the ruling Georgian Dream party. There were also cases when voters were subjected to pressure to make them support the ruling party. Various opposition parties have talked about such incidents and also notified them to NGOs.

If confirmed, these and other similar incidents are going to cast a shadow on the fair and competitive electoral environment. At the same time, as the news reports presumably contain signs of criminal offenses, it is necessary to respond to them immediately.

**Due to the aforementioned, the GYLA has called upon the relevant agencies to study the incidents and to make relevant decisions within their competence.**

### **Incident of hindering a candidate from running in elections**

According to [news reports](#), on September 3 this year, the furniture workshop of Paata Gabrichidze, a member of the Zestaponi district organization and majoritarian candidate of the political association Patriots' Alliance, was burned as a result of a fire.

According to Mr. Gabrichidze, he sustained a damage of up to GEL 30,000 as a result of the fire. The fire, which broke out in the workshop at midnight, destroyed both the produced furniture and materials for making new furniture. The police said the fire had presumably been caused by electricity, although the victim, Mr. Gabrichidze, disagrees with this version because electricity was disconnected in the workshop when the fire broke out. In a conversation with the GYLA, he didn't rule out that the fire might be connected with his political activity.

Paata Gabrichidze had been a supporter of the Georgian Dream since 2012, although he later sided with an opposition party. According to him, he has also received several phone calls with threats since he left the Georgian Dream coalition and continued his political activity in the Patriots' Alliance.

The GYLA has filed an application in the Interagency Commission with regard to this incident. The Commission applied to the MIA and the Prosecutor's Office with a request to hold an additional inquiry into the incident. The investigation into the case is underway.

**The GYLA continues to monitor this case and will later provide the public with updated information.**

## Incidents of pressure/intimidation in Dmanisi

On September 28 this year, the [droa.ge](http://droa.ge) news portal reported that the Georgian Dream was putting pressure on the population. According to the reports, Emzar Petriashvili, a lawyer of the Dmanisi headquarters of the ruling party, demanded that residents of the village of Irganchai take an oath on the Quran that they would circle the number 41 on the ballot papers on October 21.

Several days before, the same news portal had reported that majoritarian MP Kakha Okriashvili and his team were [coercing](#) independent candidates to withdraw their candidacies. This information was [provided by](#) Gogi Barbakadze, the current head of the Municipal Administration of Dmanisi.

On October 2 this year, in the framework of the monitoring mission, representatives of the GYLA arrived in Dmanisi and talked directly with Gogi Barbakadze, the mayoral candidate for Dmanisi from the Development Movement, and several residents of the village of Irganchai, in order to study and monitor the aforementioned incidents. During the meeting, the mayoral candidate talked about cases of alleged pressure on the population and bribery of votes (the Quran incident, involvement in campaigning), as well as about several cases of pressure on him and his relatives. According to Mr. Barbakadze:

- *On September 27, 2017, Emzar Petriashvili, a lawyer of the Dmanisi headquarters of the Georgian Dream, and Mamuka Okriashvili, a relative of Kakha Okriashvili, assembled 50 residents of the village of Irganchai and made them take an oath on the Quran that they would vote for the Georgian Dream in the elections and would act as canvassers for the party. According to Gogi Barbakadze, [cases of coercion to take an oath on the Quran had also taken place in 2012](#), when Kakha Okriashvili was a member of the United National Movement. In spite of several attempts, the GYLA was unable to contact MP Kakha Okriashvili.*
- *The population of the village of Irganchai is given a promise that they will be assisted in the resolution of their problems after the elections in return for their votes.<sup>7</sup>*
- *Members of the Georgian Dream are massively asking village residents to act as canvassers, promising a remuneration of GEL 150, which will be paid in cash.*
- *The head of the Kvemo Kartli Forestry Service coerced relatives of the mayoral candidates to write statements of resignation and voluntarily leave their jobs. One of them has already written a statement on resignation, although another candidate, Seiran Khizanishvili, refused to write the statement and continues to work in his position.*
- *Local police officers searched the house of a mayoral candidate's supporter. The police officers were looking for an unregistered firearm in the residential house.*

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<sup>7</sup> One of them was promised help in finding his lost sheep (the said citizen applied to investigative bodies several months ago, but no investigative actions have taken place so far).

## The draft law on gender quotas

**After being supported by the Human Rights and Civil Integration Committee and the Regional Policy and Self-Government Committee of the Parliament of Georgia, the draft law on gender quotas was also supported by the Legal Issues Committee.**

The Legal Issues Committee supported the draft law on [Amendments to the Organic Law of Georgia – the Election Code of Georgia](#) with ten votes for the first reading. The draft law aims to ensure gender equality in representative bodies by means of a binding legal norm.



According to the draft law, parties will be obliged to observe the gender balance when compiling party lists for parliamentary and local self-government elections in order to ensure that every second candidate in the party list represents a different sex. In the event of non-compliance with this obligation, the Central Election Commission will return the list to the party concerned so that it will eliminate the shortcoming, and in the case of failure to eliminate it, the party will be unable to register. In addition, in the case of refusal to receive the mandate of a member of the Parliament or a municipal council, the mandate will go to the next candidate in the list representing the same sex.

The draft law was initiated by 37,000 voters and authored by the Task Force on Women’s Political Participation. The amendments aim to improve the gender balance in representative bodies by means of gender quotas that will be mandatory for political parties.

It is noteworthy that the Legal Issues Committee is the main committee in which the draft law is being discussed. Plenary discussions on the draft law will presumably start after the local self-government elections.

**The GYLA continues to actively support the draft law and will later provide the public with updated information.**



## Training sessions for precinct observers

*The GYLA holds training sessions for precinct observers in the framework of the monitoring mission for the 2017 local self-government elections*

The observers received information about the GYLA’s monitoring mission and methodology, as well as about the procedures established by the electoral legislation. The observers familiarized themselves with possible irregularities on Election Day and legal methods of responding to them.

It is noteworthy that the monitoring mission will involve a novelty – observation on inclusive electoral environment – which will emphasize the realization of passive and active suffrage of women, persons with disabilities, and ethnic minorities. For this purpose, we developed special questionnaires that precinct observers will fill out on Election Day.



At the end of the training sessions, the observers signed the observer’s oath. The oath reflects the principles of the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations and the Code of Conduct developed on the initiative of the Global Network of Domestic Election Monitors (GNDEM), which the GYLA joined in 2010.

The GYLA will be observing the 2017 local self-government elections with up to 500 precinct observers across the country.



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FROM THE AMERICAN PEOPLE

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