

MONITORING 2018 PRESIDENTIAL ELECTIONS IN GEORGIA



2018

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2018, Tbilisi

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Non-governmental organization the Human Rights Center, formerly the Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia. The HRIDC aims to increase respect for human rights, fundamental freedoms and facilitate the peace-building process in Georgia. To achieve this goal, it is essential to ensure that authorities respect the rule of law and principles of transparency and separation of powers, to eliminate discrimination at all levels, and increase awareness and respect for human rights among the people in Georgia.

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- World Organization against Torture (SOS-Torture – OMCT Network); www.omct.org;
- Human Rights House Network; www.humanrightshouse.org
- Coalition for International Criminal Court; www.coalitionfortheicc.org

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This report was made possible by the financial support of the Norwegian Helsinki Committee. The contents of this report are the sole responsibility of the NGO Human Rights Center and do not necessarily reflect the views of the Norwegian Helsinki Committee.

CONTENTS

1. INTRODUCTION	4
2. PRE-ELECTION PERIOD	5
3. RESULTS OF THE ELECTION DAY MONITORING	8
SAGAREJO MUNICIPALITY	8
GORI MUNICIPALITY	12
MARNEULI MUNICIPALITY.....	17
AKHMETA MUNICIPALITY	20
4. THE MAIN TENDENCIES OBSERVED DURING THE OCTOBER 28, 2018 PRESIDENTIAL ELECTIONS.....	21
5. RECOMMENDATIONS.....	23

1. INTRODUCTION

This report presents the results of the Election Day monitoring of the October 28, 2018 Presidential Elections in Georgia. Human Rights Center (HRC) implemented the monitoring with the financial support of the Norwegian Helsinki Committee (NHC).

The HRC observers monitored the Presidential Elections in three regions of Georgia - Kakheti, Shida Kartli and Kvemo Kartli regions. The 25 monitors of HRC were deployed in the ethnic-minority inhabited villages of Sagarejo and Marneuli municipalities; in Akhmeta municipality – namely in Pankisi Gorge and in the conflict-affected villages in Gori municipality.

Besides stationed observers, HRC monitored the elections with mobile groups, which were composed of journalists and cameramen of the HRC online newspaper humanrights.ge. Throughout the Election Day, the information about observed violations was collected and processed in the head office and published on the online newspaper of the HRC www.humanrights.ge in Georgian and English languages. The information was sent to media organizations.

The monitoring aimed to promote compliance of electoral process with the democratic standards, electoral legislation and international standards. Revealing and analyzing the gaps and violations identified through the monitoring of the elections by the independent monitors is paramount for objective and comprehensive assessment of electoral process by the bodies responsible for the conduct of elections including the Central Election Commission.

In the beginning the report represents short summary about the pre-election environment before the October 28 Presidential Elections based on the evaluations of local and international organizations as the HRC did not monitor the pre-election period in the frame of the program. In the next part, the report represents the results of the HRC monitoring on the Election Day in the municipalities of Sagarejo, Gori, Marneuli and Akhmeta. In the end of the report, the report reviews main tendencies identified during the October 28 elections and delivers respective recommendations.

The report presents the results of the monitoring of first round of 2018 Presidential Elections.

2. PRE-ELECTION PERIOD

Smear campaign against civil society

Verbal assaults on and attempt of discrimination of the nongovernmental organizations became alarming in the pre-election period of 2018 Presidential Elections. The assaults intensified after the NGOs¹ published interim assessment reports about the election environment². The statement of the Chairperson of the Parliament of Georgia, who blamed the leaders of the NGOs “to be part of fascism”, was extremely astonishing³. The NGOs became targets of verbal attack from the side of the Minister of Justice Thea Tsulukiani, for what some leading NGOs left the Interagency Task Force for Free and Fair Elections (IATF), which is chaired by the Minister of Justice⁴. Similar attitude of the senior political officials towards NGOs may encourage aggression towards them in the society that is particularly problematic in the run up to the elections, as those organizations monitor the elections and similar environment will harm the free and fair election environment.

Misuse of administrative resources, oppression and intimidation of voters

Multiple facts of misuse of administrative resources, oppression and intimidation of voters were observed in different municipalities throughout Georgia. According to observation organizations, in different municipalities, the employers compelled the employees of public agencies and budgetary agencies to collect lists of supporters of the Georgian Dream backed presidential candidate Salome Zurbishvili; they had to record personal data of the supporters as well⁵⁻⁶. Public servants, including the people working in

¹ Georgian Young Lawyers' Association; Transparency International, International Society for Fair Elections and Democracy

² “Misuse of administrative resources during 2018 Presidential Elections of Georgia” interim report, October 2018 <https://www.transparency.ge/en/post/misuse-administrative-resources-during-2018-presidential-elections-georgia-interim-report>

³Statement of Irakli Kobakhidze <http://41.ge/682-irakli-kobakhidzis-ganckhadeba> (available only in Georgian)

⁴ “Transparency International Georgia Is Leaving the Interagency Commission in Protest” <https://www.transparency.ge/en/post/transparency-international-georgia-leaving-interagency-commission-protest>

⁵ Misuse of Administrative Resources during 2018 Presidential Elections in Georgia (Interim Report), October 2018 <https://www.transparency.ge/en/post/misuse-administrative-resources-during-2018-presidential-elections-georgia-interim-report>

municipalities, traditionally attended the pre-election meetings of Salome Zurabishvili in the regions of Georgia, which, often happened during working hours. Sometimes, people working in budgetary agencies simultaneously took days-off to participate in similar meetings. For example, 20 employees of Akhaltsikhe municipal administration simultaneously took one-day vacations to attend the meeting with Salome Zurabishvili in Akhaltsikhe on October 3⁷.

Violations in the composition of Precinct Election Commissions

In the pre-election period of the 2018 Presidential Elections, attempts of appointing people, who supported concrete political parties, in the District and Precinct Election Commissions on the professional positions of the commission members, were observed. This process contradicted the election law of Georgia. The incident in the Krtsanisi DEC, which revealed alleged agreement between the Georgian Dream election headquarters and Krtsanisi DEC and PEC chairpersons on appointing GD candidates on the positions in the PEC and DEC members, caused particular concerns. The doubts were intensified with the secret video-recording⁸ published by Levan Bezhashvili, a member of the united opposition *Power Is in Unity*. After airing the video, Krtsanisi DEC chairperson Davit Petiashvili applied to the CEC for resignation and quitted the position⁹.

During the pre-election period, public servants often conducted illegal campaigning in social network Facebook, where they published materials supporting Salome Zurabishvili. Similar facts were observed in Batumi, Kutaisi, Zugdidi, Gori and Tskaltubo. It should be noted that, upon the decision of the DEC members and the CEC, the abovementioned perpetrators were not charged under the election law, which was justified by their explanation letters submitted to the CEC¹⁰. In the pre-election period, there were many facts when official websites and Facebook pages of the budgetary organizations, including

⁶ "2018 Presidential Elections" Third Interim Report of Pre-Election Monitoring (October 1-24)
<http://www.isfed.ge/main/1426/eng/>

⁷ Ibid

⁸ "the video-recording which demonstrates that GD supplies election commissions with its supporters,"
Levan Bezhashvili published the video <https://palitraneews.ge/video/chanatseri-romlis-tanakhmad-kartuli-otsnebis-saarchevno-shtabi-saarchevno-administratsiebs-akomplektebs-videos-levan-bezhashvili-akveqnebs>

⁹ "CEC resigned the Krtsanisi DEC chairman from the position"
<https://www.radiotavisupleba.ge/a/29459682.html> (available only in Georgian)

¹⁰ Ibid

municipal administrations, published Salome Zurabishvili's support materials. The Election Code prohibits use of communication sources of the state budgetary organizations for the purpose of campaigning. It is noteworthy that the DEC found one of the violators of this law requirement guilty in the violation of the administrative law.

Prohibited donations

During the pre-election period, the donations made by the doctors of the medical clinics Gudushauri and Chachava in favor of Salome Zurabishvili caused particular resonance. According to media reports, the doctors donated more than 100 000 GEL within two days time¹¹. One of them, who donated a solid amount of money to Zurabishvili, posted on Facebook that he is not going to vote for Salome Zurabishvili¹². However, soon this post was deleted. Media also reported that administrations of medical clinics ordered some doctors to make donations in favor of the ruling party backed presidential candidate¹³. It is also noteworthy that in accordance to the information obtained by the TV-

¹¹ "Seven doctors of Chachava and Gudushauri medical clinics donated 154 thousand GEL to Salome Zurabishvili" <https://on.ge/story/28519-%E1%83%A1%E1%83%90%E1%83%9A%E1%83%9D%E1%83%9B%E1%83%94-%E1%83%96%E1%83%A3%E1%83%A0%E1%83%90%E1%83%91%E1%83%98%E1%83%A8%E1%83%95%E1%83%98%E1%83%9A%E1%83%A1-%E1%83%A9%E1%83%90%E1%83%A9%E1%83%90%E1%83%95%E1%83%90%E1%83%A1%E1%83%90-%E1%83%93%E1%83%90-%E1%83%A6%E1%83%A3%E1%83%93%E1%83%A3%E1%83%A8%E1%83%90%E1%83%A3%E1%83%A0%E1%83%98%E1%83%A1-7-%E1%83%9B%E1%83%90-%E1%83%94%E1%83%A5%E1%83%98%E1%83%9B%E1%83%90-154-%E1%83%90%E1%83%97%E1%83%90%E1%83%A1%E1%83%98-%E1%83%9A%E1%83%90%E1%83%A0%E1%83%98-%E1%83%92%E1%83%90%E1%83%93%E1%83%90%E1%83%A3%E1%83%A0%E1%83%98%E1%83%AA%E1%83%AE%E1%83%90> (available only in Georgian)

¹² "The doctor, who donated 20 000 GEL to Zurabishvili, states that he does not support her." <https://on.ge/story/28605-%E1%83%94%E1%83%A5%E1%83%98%E1%83%9B%E1%83%98-%E1%83%A0%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9A%E1%83%9B%E1%83%90%E1%83%AA-%E1%83%96%E1%83%A3%E1%83%A0%E1%83%90%E1%83%91%E1%83%98%E1%83%A8%E1%83%95%E1%83%98%E1%83%9A%E1%83%A1-20-000-%E1%83%9A%E1%83%90%E1%83%A0%E1%83%98-%E1%83%A8%E1%83%94%E1%83%A1%E1%83%AC%E1%83%98%E1%83%A0%E1%83%90-%E1%83%90%E1%83%9B%E1%83%91%E1%83%9D%E1%83%91%E1%83%A1-%E1%83%A0%E1%83%9D%E1%83%9B-%E1%83%9B%E1%83%98%E1%83%A1%E1%83%98-%E1%83%9B%E1%83%AE%E1%83%90%E1%83%A0%E1%83%93%E1%83%90%E1%83%9B%E1%83%AD%E1%83%94%E1%83%A0%E1%83%98-%E1%83%90%E1%83%A0%E1%83%90%E1%83%90> (available in Georgian)

¹³ "The funds donated to Salome Zurabishvili" – Kurieri obtained bank transactions of the donator doctors <http://rustavi2.ge/ka/news/116031>

Company Rustavi 2, the majority of doctors who made donations had loans but none of them had deposits in the banks¹⁴. The nongovernmental organizations doubted that it may be indirect donation via third person which is prohibited by the election code and a penalty of the double amount of illegal donation is envisaged for such an action¹⁵. Currently, the State Audit Office is studying the case.

Evaluations of the OSCE about media and polarized environment

According to the assessment of the OSCE Office for Democratic Institutions and Human Rights, the pre-election campaign of the 2018 Presidential Elections has centered on controversial topics rather than substantive issues within the presidential mandate. The ODIHR also underlined the polarized media environment, which represents sharply polarized political discourse and business interests¹⁶.

3. RESULTS OF THE ELECTION DAY MONITORING

• SAGAREJO MUNICIPALITY

Main tendencies

Excessive activity and mobilization of voters in the vicinities of polling stations by the supporters of the ruling political party Georgian Dream and Salome Zurbashvili, GD backed presidential candidate, was particular problem in ethnic-minority inhabited villages of Sagarejo municipality. In some instances, these actions contained signs of control and restriction of free will of voters that is prohibited by the election law. HRC observed mobilization of voters in the villages of ethnic minority communities in Sagarejo municipalities during different elections, including 2016 parliamentary and 2017 municipal elections.

In the Sagarejo Election District N11, adjacent to the polling station N 42 in Iormuganlo village, unidentified persons were mobilized and demonstrated support to the Georgian Dream. They communicated with voters, took their IDs, checked them in voters' lists and then loudly shouted their registration

¹⁴ Ibid

¹⁵ "Some Donors of Salome Zurbashvili Seem to be Questionable"

<https://www.transparency.ge/en/post/some-donors-salome-zurbashvili-seem-be-questionable>

¹⁶ OSCE Office for Democratic Institutions and Human Rights Election Observation Mission to Georgia Presidential Election, 28 October 2018 Georgia

<https://www.osce.org/odihr/elections/georgia/399611?download=true>

numbers. It was happening in the room next to the polling station. HRC monitors observed similar facts in other precincts too. For example, a person holding unclear lists was in the neighboring precinct N43, who was recording the names of the voters, who had come to vote.



Unidentified person in the vicinities of the precinct N43 in Iormuganlo village in Sagarejo election district N11; he is recording the names of the voters who came to vote

So-called campaigners and coordinators were active in the vicinities of the Duzagrama village precinct N38. Namely, they were meeting the voters in the yard of the polling station, looked their names up in the voters' lists, then gave marked papers to them or accompanied them to the entrance of the precinct.

The coordinators took down the lists from the walls of the precincts N38 and N39, which were located in one building, in the yard. After the PEC chairpersons, members and observers interfered, the lists were put up back on the walls.

Some voters arrived at the Duzagrama precinct N38, who had been already marked on the finger. The PEC chairperson did not allow them into the precinct. The so-called campaigners and coordinators approached the precinct astonished and demanded the PEC chairperson to allow those people to vote. They stated the people had stains from other substance on the fingers.

Similar organized action of the political party supporters in the vicinities of polling stations hinder expression of free will of voters that is one of the main principles of the election in accordance to the Election Code. According to this principle, any conduct, which restricts the expression of free will of voters and represents control over the free will of voter, is prohibited¹⁷. However, the Code does not clarify what kind of actions shall be prohibited. The facts of active mobilization of voters, which were observed by the HRC monitors in Sagarejo municipality, violate the principle of expression of the free will of a voter and contain signs of control over the free will of the voter. When voter is asked to vote for concrete candidate, his/her name is recorded, ID card is seized and his/her registration number is looked up in the unified list of voters, voter may feel that his/her activity is controlled. In similar situation, a voter may fear that his/her signed ballot paper may be checked.

It must be noted that in the cases observed by HRC, the PEC chairpersons excluded all possibilities to react to any fact of violations in the vicinities of the precinct. They stated it is not within their competence. Their approach to the issue does not ensure conduct of elections in healthy and peaceful environment. The PEC chairpersons shall enjoy their rights under the law and in case of necessity, call police, when similar facts happen nearby the precincts, which contain signs of influencing the free will of voters and undermine fair election environment.

Considering that it would be difficult for the PEC chairperson to follow the developments in the vicinity of the polling station due to his/her multiple functions at the precinct, it is important to make amendments to the Election Code and introduce the concrete position for implementing these functions in the PECs. The person holding this position shall react to the violations, including the restriction of free expression of voters' will and its control observed in the territory adjacent to the polling station, which should be clearly defined by the law. If the citizens do not follow the rules and violations are observed, the representatives of MIA should be called in relevant cases. The campaigning shall also be prohibited in the area adjacent to the polling station and the similar actions must be responded relevantly. Unlawful actions shall be sanctioned, including by fine. Introducing relevant legislative changes and

¹⁷ See the Election Code of Georgia, Article 3 sub-paragraph d (b)
<http://cesko.ge/eng/static/1638/saarchevno-kodeqsi>

prohibitions will promote prevention of similar actions in future and conducting elections in free and fair environment.

Lack of knowledge of election procedures and rules by the PEC members was another significant problem in Sagarejo municipality. However, it should be noted that the PEC chairpersons took the remarks of the observers into account and mostly eliminated the shortcomings. However, there were cases, when they were aggressive that hindered effective work of the observers.

One more significant problem in the ethnic minority inhabited villages of Sagarejo municipality was low awareness of local voters about the election procedures. They often needed help to vote in the election booths from other voters as it is regulated by the law. Besides that, voters often needed instructions how to fold the ballot paper, how to use envelope and more. Similar facts created disorder in the precincts because often PEC members and representatives of electoral subjects gave instructions to voters how to behave, though they were not authorized to do so. In order to ensure healthy environment during the elections and to avoid violations, it is important to intensify the work in the ethnic minority inhabited municipalities to increase their knowledge about election procedures and key principles of the elections.

One complaint was lodged by HRC observer in the Iormuganlo village precinct N42 in Sagarejo municipality. HRC monitor observed that the envelopes, where the ballot papers were placed, were marked with pen. During the polling process, one of the observers noticed that supervisor of the ballot box was marking the envelopes with pen. The ballot box supervisor admitted the fact during the vote counting process. When the HRC observer lodged a complaint about this fact, he noted: "I marked only two envelopes and how did you notice four?" and aggressively talked with the observer. It must be noted that the PEC members in the precinct N42 were very aggressive towards the remarks of observers that particularly worsened after abovementioned incident during the vote counting process.

The HRC observer lodged complaint to the PEC N42 and Sagarejo DEC N11. The complaint of the Center was satisfied and the Sagarejo DEC imposed disciplinary sanction on the commission member - warning.

Procedural violations

The following procedural violations were observed in Sagarejo municipality:

- In the polling station N42 in Iormuganlo village, voters dropped a ballot paper in the ballot box without an envelope. HRC observer made a note about the fact in the logbook;
- A voter dropped the ballot paper in the ballot box without an envelope in the polling station N38 in Duzagrama village too; these incidents were mostly caused by inattentive supervisor of the ballot box and envelopes. HRC observer made a note about the violation in the logbook;
- One of the observers was not registered in the polling station N41 in the Keshalo village; HRC observer made a note in the logbook;
- In the Keshalo village polling station N41, representative of the electoral subject tried to assist a voter in the voting procedure that is prohibited by the law. HRC observer made a note about the violation in the logbook;
- In the polling station N42 of the Iormuganlo village, an elderly voter became subject of bullying from the side of other voter. HRC observer made a note about the incident in the logbook.

Results

Human Rights Center observed the elections in the following ethnic minority inhabited villages of Sagarejo municipality: Iormuganlo, Lambalo, Keshalo and Duzagrama. The turnout of voters in the municipality made up 39.72%. As a result of the first round of the elections, the candidates received the following votes: independent candidate Salome Zurabishvili ranked the first place and gained 40.27% of votes (7174 votes); the candidate of the united opposition Grigol Vashadze ranked the second place with 36,66% of votes (6 530 votes).

• GORI MUNICIPALITY

Main Tendencies

Various procedural violations were observed in Gori municipality, which were immediately eliminated upon the remarks of the observers. The HRC observers were making notes about those violations in the logbooks. The HRC monitors did not write any complaints in Gori municipality, as they did not observe the violations, which could not be eliminated by the PEC chairperson or which could influence final results of the elections. It is noteworthy that the PEC

chairpersons were open and actively cooperated with the observers. They took their lawful remarks into account and responded to the violations in a timely manner. Incompetence of the PEC members is still a problem. There were instances, when they could not identify the violations; but if identified, they were not competent enough to adequately react to them.

Patrol police officers were mobilized in the vicinities of polling stations in Gori municipality, who, often, were sitting in the patrol police cars outside the precincts. Their presence in the area was not caused by any concrete necessity. In one of similar cases, when asked why they were near the polling station, police officers answered they were standing in the territory which did not represent adjacent territory of a precinct. It must be noted that, there is obscurity in the election legislation in relation with this issue. Namely, the Election Code does not clearly define the distance which shall be considered the adjacent territory of the polling station.

Lack of relevant definition of the adjacent area may be caused by the fact that, in accordance to the election administration, restrictions about adjacent area are related with many difficulties and the PEC members are not able to react to the violations, which happened outside the premises of the precinct¹⁸. However, with regard to the adjacent territory, the Election Code envisages some regulations, which refer to the presence of police officers in the area. Namely, there is a provision in the Election Code, which defines concrete circumstances when PEC chairperson may call police officers to the territory adjacent to the precinct. These circumstances are:

- When social order is under the threat;
- When the polling process or safe movement of electoral documentation under this law is under threat at a polling station or its adjacent territory¹⁹.

In accordance to the Election Code, as soon as the social disturbance is eliminated, upon the consent of the PEC chairperson, police officers shall leave the polling station and adjacent area. In exceptional cases, police officers may be present in an adjacent territory of a polling station but not in the polling

¹⁸ The statement of the Election Administration of Georgia with regard to initiated legislative amendments in the Parliament of Georgia <http://cesko.ge/eng/list/show/12465-statement-of-the-election-administration-on-legislative-amendments-initiated-at-the-parliament-of-georgia-15624>

¹⁹ Election Code, Article 59, Sup-paragraph 6 <http://cesko.ge/eng/static/1638/saarchevno-kodeqsi>

station itself, without the request and consent of the Chairperson of a PEC, if this is absolutely necessary for preventing the violation of social order or for protecting thereof. As soon as such necessity is eliminated, police officers shall leave the adjacent territory of a polling place²⁰. The presence of police officers in the vicinities of polling stations in Gori municipality was not conditioned by any abovementioned circumstances as there were no signs of social disorder in the area. Consequently, the presence of police officers in the adjacent area contradicted the law. As for the explanation of the police officers, as if they were not occupying the adjacent territory of the polling station, it is essential that the Election Code defined concrete distance of the adjacent area of the polling station to avoid obscurity over this issue and to guarantee the principle of legal clearance.

So-called coordinators were mobilized in the vicinities of majority of polling stations, who were campaigning in favor of the ruling party. Namely, they recorded the names of the voters who had come to vote and were campaigning. They even put up the election number of Salome Zurabishvili, Georgian Dream backed candidate, on the walls in some precincts²¹.

There were two polling stations in the premises of Gori Public School N10 – polling stations N96 and N22. In the entrances of these precincts, Georgian Dream coordinators were standing in the yard, who were asking the people whom they were going to vote for and suggested them to support the independent candidate Salome Zurabishvili; upon leaving the polling stations, they were repeatedly asking the voters whom they had voted for. It is control of the expression of free will of voters as well as restriction of the expression of free will that is prohibited by the Election Code of Georgia.

Apart to that, there were cases, when representatives of nongovernmental organizations deployed in polling stations in fact represented concrete political parties and openly demonstrated their support to either party. For example, one of those NGOs was the International Observatory of Advocates and Lawyers, whose observers were very active both inside and outside the precincts and openly demonstrated their support to the Georgian Dream and GD backed independent candidate Salome Zurabishvili. The observer in Tirdznisi village polling station N62, who represented the Observatory, put up

²⁰ Election Code, Article 59, Sup-paragraph 7 <http://cesko.ge/eng/static/1638/saarchevno-kodeqsi>

²¹ "Georgian Dream Campaigners are active near precincts"
<http://humanrights.ge/index.php?a=main&pid=19715&lang=eng>

the poster with the election number 48 on the fence nearby the polling station, which was later removed by other people. With regard to this violation, HRC observer made a note in the logbook.

Procedural violations

The following procedural violations were observed in Gori municipality:

- In the Pkhvenisi village polling station N74, numbers were written on the table of the registrars instead of alphabet letters. Consequently, the voters needed to know their registration number in the unified list of voters to decide which registrar to approach. HRC observer raised this issue with the PEC chairperson and he answered that he usually conducted elections with similar methods and could not replace numbers with letters as it would confuse the lists and registrars. The HRC registrar made a note in the logbook about this fact;
- Observers and representatives of the political parties were standing behind the registrars in the Karaleti village polling station N49 that created threat of obtaining the personal data of voters. It must be noted that similar facts were observed during the 2017 municipal elections too²², that hindered the work of registrars and made the personal information of voters available for unauthorized persons. After the HRC observer made a remark with the PEC chairperson, this violation was eliminated in the Karaleti village polling station N49;
- In the polling station N62, the PEC members permanently replaced each other. However, these changes were not recorded in the logbook as it is required by the Election Code. The HRC observer made a verbal remark about this fact to the PEC chairperson and the secretary;
- In the Tirdznisi village polling station N62, three and more voters gathered at the registration table. In accordance to the election code, no more than two voters may stand at the registration table²³. After the HRC observer made a remark, the PEC chairperson eliminated the violation;

²² Evaluation of 2017 Municipal Elections by the Georgian Young Lawyers' Association
<https://gyla.ge/en/post/saias-shefaseba-2017-tslis-adgilobrivi-tvitmmartvelobis-archevnebis-dghestan-dakavshirebit#sthash.PVo2oA0p.dpbs>

²³ Election Code of Georgia, Article 65 Paragraph 2 Sub-paragraph "a"
<http://cesko.ge/eng/static/1638/saarchevno-kodeqsi>

- In the Tirdznisi polling station N62, the number of the received ballot papers was not recorded in the demonstration protocol during the polling process. This information shall be recorded in the demonstration protocol before the polling process starts²⁴. Upon the remark of the HRC observer, the secretary eliminated the problem and recorded the information in the demonstration protocol;
- In the Pkhvenisi village polling station N74, during the polling process the names of presidential candidates and their election numbers were not recorded in the demonstration protocol. In accordance to the Election Code, these data shall be included in the demonstration protocol before the polling process starts. Upon the remark of the HRC observer the PEC secretary eliminated the problem and recorded the information in the protocol;
- In the Tirdznisi village polling station N62, two voters were observed near the polling booth. After the observer gave a remark, the second voter left the booth. It was violation of the Election Code, as two persons can enter the ballot booth together only if one of them cannot independently fill out the ballot paper and needs an assistance of another. However, the fact observed in the polling station N62 was not of that character.

Results

Human Rights Center monitored the elections in the conflict affected villages of Gori municipality – Tirdznisi, Tkviavi and Nikozi. The turnout of voters in Gori municipality made up 45.58%. The results from the first round of elections were the following in Gori municipality: the candidate of the United Opposition Grigol Vashadze ranked the first place with 42.5% of votes (20 994 votes); the Georgian Dream backed independent candidate Salome Zurabishvili ranked the second place with 34.61% of votes (17 099 votes).

²⁴ Election Code of Georgia Article 61 <http://cesko.ge/eng/static/1638/saarchevno-kodeqsi>

- **MARNEULI MUNICIPALITY**

Main tendencies

In the Marneuli municipality the violations observed by HRC monitors, mainly, had procedural character, which was caused by the insufficient knowledge of election rules by PEC members. Upon the remarks of the observers about those violations, the PEC chairpersons and members reacted adequately and eliminated them. The monitors did not observe the violations, which were not eliminated and which could influence the final results of the elections; no complaints were lodged in the DEC.

Insufficient space in the polling stations was problem in Marneuli municipality. For example in Marneuli polling station N68, there were not adequate registration tables. All day long, the registrars were sitting at school desks and when serving the voters they had to stand up and hand in documentation. Inadequate infrastructure, bad smell and environment was in the polling station N12 in Sabirkendi village.



Sabirkendi village, polling station N12

So-called coordinators were active in different polling stations of Marneuli municipality. They were standing in the vicinities of the polling stations and counting voters. The PEC chairpersons did not react to these facts. However, in one occasion, the PEC chairperson in the polling station N68 in Marneuli several times demanded the coordinators and supporters of different political

parties to leave the territory not to hinder the polling station that shall be evaluated positively.

Mobilization of voters continued all day long nearby the polling station N12 in Sabirkendi village. Namely, the representative of the International Observatory of Advocates and Lawyers was meeting voters at the polling station, who were delivered by mini-buses, and accompanied them to the entrance of the building. The mini-bus brought voters to the polling station N12 five times. Each time, the representative of the International Observatory of Advocates and Lawyers actively assisted them and organized their polling process. HRC observer gave a remark to the representative of the organization but he continued active mobilization of voters and campaigning.



This mini-bus brought voters to the polling station N12 in Sabirkendi village

The representative of the presidential candidate Davit Bakradze was campaigning in Sabirkendi village polling station N12 of the Marneuli Election District N22. He did not get registered when entering the polling station and the observers gave remark to him. He responded aggressively. After the HRC observer demanded him to take registration, he got registered, installed a video-camera and left the precinct. Before that, he called on the voters, who were inside the precinct, to vote for Davit Bakradze.

Procedural violations

In Marneuli municipality the following procedural violations were observed:

- By 7:30 am, the lot was not cast in the polling station N68 in Marneuli election district N22 among the commission members to reveal their functions. When the HRC observer asked the reason, the PEC members clarified that they had verbally distributed their functions. After the HRC observer clarified to them that the duties shall be distributed as a result of casting lot, as it is required by the Election Code, the PEC members accepted it and cast the lot in accordance to the law.
- Two unauthorized persons were in the polling station N68 in Marneuli election district N 22 - defense police officer and a citizen without a badge, who said that he was an observer of the presidential candidate Salome Zurbashvili. After the remark of the HRC observer the unauthorized persons left the precinct. When PEC members cast lot to distribute their functions, a police officer entered the precinct, who wanted to attend the procedure but after the remark of the HRC observer, the PEC chairperson made him leave the facility;
- In Tazakendi village polling station N13 of the Marneuli Election District N22, the demonstration protocol was not placed in a public place during the polling process. The HRC observer asked the PEC chairperson to place the protocol in a public place and to fill it out. When the HRC observer visited the same precinct second time, she found the protocol outside the polling station next to the unified list of voters. The observer clarified to the PEC chairperson that the demonstration protocol shall be placed inside the precinct. After this remark, the protocol was put up in the right place;
- In the Tazakendi village polling station N13, the regulator of the flow of voters allowed the member of the Marneuli municipal council to enter the precinct without examining him. The council member was not registered in the polling station N13 and thus he did not have right to enter the precinct. The PEC members and observers requested him to leave the precinct that caused argument. Finally, the member of the municipal council left the precinct;
- In Tazakendi village polling station N13, a voter signed in the box of another voter. After the HRC observer made a remark about this violation, the registrar clarified that he mixed up the registration

numbers. The HRC observer made a note about this violation in the logbook;

- In the Kapankhchi village polling station N34, the HRC monitor observed that the PEC secretary started filling out of final protocol in advance – two hours before the ballot process is over. The PEC members were signing the protocol though there were no data recorded in it. When the HRC observer asked clarifications about it, the secretary clarified that it was a black paper and would be destroyed after the main protocol is filled out. Upon the remark of the HRC observer, the secretary destroyed the copy of the final protocol.

Results

HRC observed the elections in Marneuli and the following villages of Marneuli municipality: Sabirkendi, Algeti, Tazakendi, Kapanakhchi, Pirveli Kesalo, and Kizilajlo. In accordance to the results of the first round of elections, independent candidate Salome Zurabishvili ranked the first place with 47.57% of votes (16 735 votes). The candidate of the Unified Opposition Grigol Vashadze ranked the second place with 39.33% of votes (13 796 votes). The turnout of the voters in Marneuli municipality made up 36.47% (36 173 voters).

• AKHMETA MUNICIPALITY

Main Tendencies

In Pankisi Gorge, the elections were mostly conducted in peaceful environment. No incidents and substantial violations were observed, which could influence the results of the elections. However, like in other municipalities, HRC monitors observed particular activity of the supporters of the Georgian Dream and independent candidate Salome Zurabishvili in the adjacent area of the polling stations.

According to the observation of the HRC monitors, in the second part of the Election Day, the representatives of the political parties and candidates became particularly active in the vicinities of the Duisi village polling station N5. One and the same people used to bring voters by their cars; mostly their passengers were elderly people. The representative of the territorial body of Duisi village was also active; she was also transporting voters by her car.

Results

Human Rights Center observed elections in the following villages of Pankisi Gorge in Akhmeta municipality – Duisi, Jokolo, Khalatsani and Omalo (the voters from Birkiani and Dumasturi villages also voted in the polling stations of the listed villages). In accordance to the results of the first round, the presidential candidate of the Unified Opposition Grigol Vashadze ranked the first place with 45.99% of votes (6 220 votes). Independent candidate Salome Zurabishvili ranked the second place with 33.25% of votes (4 495 votes). The turnout of voters in Akhmeta municipality made up 46.86%.

4. THE MAIN TENDENCIES OBSERVED DURING THE OCTOBER 28, 2018 PRESIDENTIAL ELECTIONS

Campaigning and mobilization of voters in the vicinities of polling stations

Human Rights Center observed particular activity of the supporters of the ruling party Georgian Dream and their backed candidate Salome Zurabishvili, mobilization of voters and campaigning in the adjacent areas of the polling station, as main tendencies during the October 28, 2018 Presidential Elections. It must be noted that similar tendency was observed during previous elections, namely during 2017 Municipal and 2016 Parliamentary Elections. On October 28, in Sagarejo, Marneuli, Akhmeta and Gori municipalities, HRC observed that so-called coordinators campaigned in the vicinities of the polling stations and conducted activities which restricted and controlled the expression of the free will of voters. These actions included: asking the names of the voters, who arrived at the polling stations, asking them whom they voted for and recording received information. Sometimes, coordinators seized ID cards from voters, looked up their registration numbers in the unified lists of voters, loudly shouted their registration numbers and gave them papers with respective instructions; the coordinators used to accompany the voters to the entrances of the polling stations. In some cases, people supporting the GD organized transportation of voters by mini-buses and their own cars.

Similar activities significantly hinder conduct of the elections in fair and free environment. Consequently, it is essential to introduce relevant amendments to the law, to define some provisions and clearly prohibit the abovementioned activities, which will promote their prevention in future.

Local observation nongovernmental organizations in support of the political parties

Like in previous years, observers from less famous nongovernmental organizations still create problems, who, in fact, support concrete political parties and openly demonstrate their support to them. On the October 28 Presidential Elections the International Observatory of Advocates and Lawyers was one of similar organizations, whose observers were very active both inside and outside the polling stations, campaigned and mobilized voters.

Low qualification of the PEC members and procedural violations

It was positive that mostly the PEC chairpersons took the remarks of the HRC observers into account, adequately reacted to them and eliminated shortcomings. However, unfortunately, low qualification of the PEC members is still a problem. Majority of violations observed by HRC were caused by the low qualification of PEC members and inadequate knowledge of election procedures. It should be noted that in the villages of ethnic minorities, the incompetence of the PEC members often caused tension and sometimes even conflicts. The low qualification of PEC members and lack of knowledge of procedures created problems in the conflict affected villages of Gori municipality too.

Lack of knowledge of voting rules by voters

Voters in the ethnic-minority inhabited villages still do not know election procedures that create serious problems. In this regard, significant problems were observed in Sagarejo municipality, where HRC monitors observed that voters often needed help to vote. Human Rights Center systematically observed similar problems during previous elections too. It is important to take more effective measures to raise awareness of voters about election procedures.

Complaints lodged by Human Rights Center

On the Election Day, HRC lodged 2 complaints to PECs and 1 complaint to Sagarejo DEC. The observers made several notes in the logbook. The complaint lodged to the Sagarejo DEC referred to marking the envelopes by the PEC member in the Iormuganlo village polling station N42. The Sagarejo DEC N11 imposed disciplinary sanction on the PEC member – warning.

5. RECOMMENDATIONS

To the Parliament of Georgia:

- The amendments shall be introduced into the Election Code, which will clarify the area of the adjacent territory of the polling station. This territory shall be defined as an area surrounding polling building in a radius of 20 meters;
- The amendments shall be introduced into the Election Code to prohibit campaigning in the vicinities of the polling station, namely calling on the voters to support or not-support either electoral subject or candidate, any public action which promotes or supports his/her election, or/and contains the signs of election campaigning, including dissemination of election materials and working on voters' lists;
- The amendments shall be introduced to the Election Code to create a concrete position, whose authority will be to control and adequately respond to the prohibited activities in the vicinities of polling stations; the CEC shall allocate corresponding funds for this position;
- To define the following concepts in the Election Code – restriction and control of the expression of free will of voters. The law shall prohibit these actions in the vicinities of the polling stations. Recording the voters, who arrive at the polling stations, shall be prohibited; also asking the names to the voters, who arrive to vote and inquiring whom they voted for.

To the Central Election Code:

- Before respective legislative amendments are passed, the CEC shall present clarifications/instructions about the concrete activities which may be perceived as the restriction of the free expression of voters' will in the vicinities of the polling stations, namely restriction and control of the free will of voters that is prohibited by the Election Code;
- The PEC chairpersons shall enjoy their legal authority and address the MIA for help when the activities prohibited by the election law are carried out in the vicinities of the polling stations, including the restriction and control of the expression of free will of voters;

- To take additional measures to raise awareness of voters about polling and election procedures, to build their civic capacity and public awareness;
- To intensify the work for the increase of qualification of PEC and DEC members about election legislation and procedures. For the purpose of capacity building of PEC and DEC members it is necessary to organize permanent trainings and capacity building courses for them. Participation in similar training programs shall be mandatory to combat violation of the law from the side of commission members due to their low qualification;
- To pay adequate attention to the arrangement of the polling station. The environment, where the polling process is going on, shall meet the requirements of the law and the CEC shall take concrete efforts in this direction and to select relevant facilities for election process;
- To intensify awareness raising activities of voters and carry out actions to raise their awareness and knowledge about the importance of elections, main election principles and voting rules, among them via TV advertisements. To ensure that the abovementioned activities were carried out in the languages familiar to ethnic minorities living in Georgia, including Azerbaijani and Armenian languages.

To the Ministry of Internal Affairs:

- React to the illegal activities carried out against the voters in the vicinities of the polling stations, including the restriction and control of the expression of free will of voters;

To the supporters of the political parties and candidates:

- Call on their supporters and take efforts to refrain from the activities, which may influence, have unlawful impact on and control the expression of free will of voters.