

# MONITORING OF THE PARLIAMENTARY ELECTIONS 2016



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## **Report was prepared by Human Rights Center**

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Non-governmental organization the Human Rights Centre (HRIDC), formerly 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 peacebuilding 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, increase awareness and respect for human rights among the people in Georgia.

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NORWEGIAN HELSINKI COMMITTEE  
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## INTRODUCTION

The Parliamentary Elections has special civil-political significance in Georgia. Therefore, it was an important challenge for the State of Georgia, aiming at building the democratic state, to conduct the 2016 Parliamentary Elections in full respect of the law.

Human Rights Center as a local observation organization aimed to support the election process to be compliant with the legislation, to meet internationally respected democratic standards; to reveal violation of the law by the election administration representatives, political parties and public servants and to reflect them in the report. At the same time, the HRIDC aimed to identify the miscarriages in the election legislation and to recommend the relevant amendments.

On September 1, 2016, Human Rights Center was registered as a local observation organization in the Central Election Commission, which was verified by the resolution #392/2016.<sup>1</sup> Human Rights Center was granted with the status of local observation organization in all level polling places and was given the right to observe the election process throughout the country. Human Rights Center organized trainings for the selected observers about the election procedures in order to increase qualification of monitors.

Besides that, on September 19, web portal of Human Rights Center [www.humanrights.ge](http://www.humanrights.ge) was accredited as a media source observing the Election Day. It was verified by the resolution #04-71/2016.<sup>2</sup> Consequently, the web portal – humanrights.ge received status of accredited media resource at all levels of relevant polling places and could observe the ballot process anywhere in Georgia and to report about the Election Day including the pre and post election periods.

The journalists of Human Rights Center prepared articles in the quantity requested under the respective project. Besides Tbilisi, the journalists worked in the regions: Shida Kartli, Kvemo Kartli and Imereti. The events from Kakheti region were published in partnership with the Information Center of Kakheti. The web portal humanrights.ge published articles in two languages – English and Georgian. Human Rights Center prepared social advertisement about the election monitoring and delivered the information to the population so that citizens could call the organization about the violations observed during the pre-election period and on the Election Day. The advertisement was aired via national channels: Imedi, Maestro, Kavkasia, Tabula,

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<sup>1</sup> See the resolution: <http://cesko.ge/res/docs/CG392.pdf>

<sup>2</sup> See the resolution: [http://cesko.ge/res/docs/Mg\\_04-71.pdf](http://cesko.ge/res/docs/Mg_04-71.pdf)

GDS, Georgian Public Broadcasting, Iberia TV, Palitraneews, Trialeti, Kvemo Kartli, Gurjaani, Rustavi TV-Radio Company. The hotline number worked in the head and regional offices of Human Rights Center: Tbilisi, Gori, Rustavi and Gurjaani.

Human Rights Center's video studio – hridc.tv prepared a documentary film about the pre-election period – Election Environment 2016.<sup>3</sup>

Within framework of the project, the information about the concrete violations was collected systematically – about the misuse of the administrative resources, prevention of the election campaigns of the political parties, procedural violations on the Election Day etc. The representatives of Human Rights Center participated in the sessions of the Inter-Agency Task Force for Free and Fair Elections and the CEC.

The report reviews main tendencies of the pre-election period, the Election Day and the second round of the Parliamentary Elections.

In general, the report of Human Rights Center revealed that in comparison to the 2012 Parliamentary Elections, fewer facts of violations were registered, that made the election environment more stable. The opposition political parties had more opportunities to compete with the ruling party, what made the elections more pluralistic and transparent. Despite that, numerous violations were observed and the report will emphasize them.

Despite the improved election environment, the 2016 Parliamentary Elections could not be evaluated as perfect. Systemic reforms are still needed. In order to improve the environment and harmonize the process with international standards, the governmental or non-governmental sector shall work harder to make the legislation more coherent.

It is important to mention the successful effort of Human Rights Center to improve election system: on May 28, 2015 the First Collegium of the Constitutional Court satisfied the lawsuit of the Georgian Citizens Ucha Nanuashvili and Mikheil Sharashidze against the Parliament of Georgia. The Constitutional Court deemed as unconstitutional those norms of Election Code of Georgia, which provided rules of determining 73 single mandate majority electoral districts.

According to disputed norms, for Parliamentary elections, each municipality, apart from those of Tbilisi, represents a single-mandate majoritarian election district while 10 majoritarian election districts are established in Tbilisi. According to claimants, in majoritarian parliamentary elections, votes were not of equal power. For example, 128 545 voters registered in Saburtalo election district were electing one majoritarian member of the Parliament while one majoritarian member of the Parliament in Kazbegi election district is elected by 5 810. Thus, the vote of a Kazbegi voter is 22 times more

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<sup>3</sup> See the documentary film: <http://hridc.tv/index.php?a=view&id=1207&lang=eng>

substantial than that of a voter of Saburtalo election district which indicates to discriminatory nature of the system. Given all the above, the Constitutional Court of Georgia found now-disputed norms unconstitutional with respect to the article 14 (equality right) and the first paragraph of the article 28 (right to general elections) of the Georgian Constitution.<sup>4</sup> The constitutional claim was prepared by Ucha Nanuashvili in 2012 while the latter headed the Human Rights Centre.

## PRE-ELECTION PERIOD

The 2016 Parliamentary Election was the first elections after Georgia signed the Association Agreement with the European Union. Therefore, the underlined special expectations and interests prevailed towards it. The fair elections had to play huge role in further democratic development of Georgia and Euro-Atlantic integration.

The 2016 pre-election period, at some point, can be positively evaluated. It was conducted in relatively peaceful and fair environment in comparison to the 2012 Parliamentary Elections. The political parties conducted the pre-election campaign without obstacles. They could introduce their programs to the voters without problems. At the same time, unlike the 2012 pre-election period, the facts of interference in the professional activities of journalists and illegal prevention of their work were substantially reduced.

The State Audit Service was less politicized in the 2016 pre-election period. The political parties and NGOs had almost no complaints about the Service.

One of the positive tendencies of the pre-election period was the campaign Violence Harms Elections, which the Inter-Agency Task Force for Free and Fair Elections (IATF) commenced. The representatives of the political parties regardless their political views, united for peaceful elections and produced a video clip. The famous faces of the political parties regardless their political background, called on voters to realize how violence can harm the country during the election campaign.<sup>5</sup>

Another positive initiative belongs to the Election Administration in the frame of which the representatives of the CEC and observation organizations (including Human Rights Center) signed the Ethic Code<sup>6</sup>. The Code obliged the under-signed parties to act according to the legislation, international standards and the Ethic Code. The document

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<sup>4</sup> [See more about the plea of Ucha Nanuashvili and Mikheil Sharashidze](#)

<sup>5</sup> [INTER-AGENCY TASK FORCE FOR FREE AND FAIR ELECTIONS \(IATF\) IS UNITING POLITICAL PARTIES FOR PEACEFUL ELECTIONS](#)

<sup>6</sup> See the Ethic Code: <http://cesko.ge/res/docs/qceviskodeqsi.pdf>

aimed to support conduct of fair and transparent 2016 Parliamentary Elections, to respect the Rule of Law and main election principles.

We positively evaluate the fact that unlike the previous elections, the issues related with the special polling stations was not urgent during the 2016 Parliamentary Elections. Total 11 special precincts were created, which included the polling places in the penitentiary establishments and medical institutions.<sup>7</sup>

Despite the positive tendencies, the political field was represented only by two confronted parties the Georgian Dream and the United National Movement; this issue was highlighted by numerous NGOs<sup>8</sup> during the pre-election campaign and representatives of other political parties also criticized it.

NGOs, experts and the representatives of the political parties agree that Georgia has to overcome current level of the political polarization. It is crucial for the country to have more diverse, pluralistic political environment in the new stage of the development, where not only two rival political forces design the political agenda, but other parties will also be actively involved in the strategic decision-making processes.<sup>9</sup>

Besides, there were several cases when the candidates, activists of certain political parties left/changed political parties or/and ceased political career. Paata Burtchuladze's party was particularly interesting in this regard.<sup>10</sup> The similar facts occurred in other political parties too: Teimuraz Neparidze, the single mandate candidate of the political party Irakli Alasania – Free Democrats in Rustavi DEC #30, left the party when there was no time to replace him with new candidate.<sup>11</sup> Sometimes internal problems of the political parties, but sometimes alleged external factors, even – pressure on the candidates, were blamed in it. In all cases, the above-mentioned decisions made during the pre-election period prevented formation of stable election environment.

Despite numerous public suggestions to the political parties to make pre-election campaign as fair as possible and to be focused on the election programs, the period was followed by extreme criticism of confronted parties, which was beyond allowed standards and shall be recognized as inadmissible for the state with democratic goals.

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<sup>7</sup> See information about the polling stations created in exceptional cases for the Parliamentary Elections at <http://cesko.ge/res/docs/gamonaklisi.pdf> (available only in Georgian)

<sup>8</sup> Including GYLA

<sup>9</sup> More: <http://humanrights.ge/index.php?a=main&pid=18858&lang=eng>

<sup>10</sup> More: <http://humanrights.ge/index.php?a=main&pid=18873&lang=eng>

<sup>11</sup> More: <http://humanrights.ge/index.php?a=main&pid=18907&lang=eng>

The fights occurred even in live TV shows.<sup>12</sup> The political parties could not avoid hate speech.

The dissemination of the secret records was very frequent during the pre-election period. The content of the records indicated efforts of manipulation with political processes, which is ultimately against modern, democratic government principles. Human Rights Center responded dissemination of the secret phone call records – between director general of the TV Company Rustavi 2 and one of the political leaders on September 14, 2016 in media. Human Rights Center calls on the government and relevant institutions: to take concrete, effective steps in order to fight against the illegal surveillance; to affectively investigate the fact of obtaining and dissemination of the secret audio-records in accordance to the law; the Parliament of Georgia shall introduce prompt amendments to the legislation and to enforce the April 14 decision of the Constitutional Court; to define the investigation of the crimes committed by law enforcement or other state bodies as a priority of state policy ; to create independent investigative mechanism, which will eradicate similar illegal, dignity infringing cases and will effectively investigate cases to identify perpetrators.<sup>13</sup> The dissemination of secret audio-footage proved once again that illegal surveillance still exists in the country and it creates sense of insecurity among population, undermines the Rule of Law and democratic principles.

New political center Girchi's pre-election advertisement triggered big discussion. The advertisement addressed young electorates with the video clip. The leaders of the "Girchi" believe that until now pre-election video rolls of the political parties were targeted at the old people's interests, which is not popular choice for the country. The Public Defender of Georgia thinks that this attitude fosters stereotypes towards aged people, who, in most cases, are anyway discriminated. Those kinds of approaches favor negative prejudices about participation of old people in the public life of the country. Besides, there is a threat that they will be discriminated because of age in future. The Ombudsman pointed that it is forbidden to use such kind of methods in pre-election campaign, which fosters discriminative attitude towards certain group of people.<sup>14</sup>

The political parties actively discussed the abolishment of majority election system during pre-election period. The opposition parties stated that those changes are important for democratic development of the country. The representative of the opposition party claimed all political parties favor switching to the proportional election system, besides Georgian Dream.<sup>15</sup>

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<sup>12</sup> See the example of fight in Live TV Show:

<https://www.youtube.com/watch?v=ZrL7dMYDRCs>

<sup>13</sup> See: [Human Rights Center responds to dissemination of secret audio-records](#)

<sup>14</sup> See more about the Public Defender's statement about Girchi's pre-election advertisement

<sup>15</sup> See statement about abolishment of majority election system

The Public Defender's Office, for the first time in the history of independent Georgia, will observe the 2016 Parliamentary Elections under its mandate.<sup>16</sup>

As it was mentioned above, Human Rights Center observed the Election Day, the pre-election period, and actively reported about the election environment. Besides several positive tendencies, numerous problems were observed during the pre-election period, which did not comply with democratic principles; there is a threat of incorrect interpretation of the legislation. Therefore, the relevant amendments of the legislation and sophistication of the standards shall be done in the election direction. The report below indicates important, concrete cases during the pre-election period.

## Registration of election subjects

Based on the June 3, 2016 resolution of the President of Georgia the Election Day was scheduled on October 8. The CEC published information about setting the Election Day on its official web page.<sup>17</sup> Based on the resolution of the CEC chairwoman, 25 election subjects were registered for the October 8, 2016 Parliamentary Elections, among them were 19 political parties and 6 blocks.<sup>18</sup> 29 political parties were refused to be registered or had their registration canceled.<sup>19</sup> 816 single mandate candidates were registered for the elections.<sup>20</sup> 73 single mandate candidates had their registration canceled before the elections.

Important facts regarding registration of the candidates:

\* Concrete political parties were refused to be registered for the October 8, 2016 Parliamentary Elections and registration of several parties was canceled.<sup>21</sup> Among above-listed parties, registration of the Centrists attracted particular attention. Obvious pro-Russian orientation of the political party triggered wide discussions in the society

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<sup>16</sup> See more: <http://humanrights.ge/index.php?a=main&pid=18878&lang=eng>

<sup>17</sup> You can see resolutions of the President of Georgia about the election on June 3, 2016: <https://www.president.gov.ge/ge/>

<sup>18</sup> See the list of the election subjects, which are available on: <http://cesko.ge/eng>

<sup>19</sup> See the list of the parties, which were refused/canceled the registration for October 8, 2016 Elections: <http://cesko.ge/eng>

<sup>20</sup> See the list of single mandate candidates registered for the October 8, 2016 Elections: <http://cesko.ge/eng>

<sup>21</sup> P/U Democratic Party of the United Georgia ; P/U for Just Georgia; P/U Political Movement of law enforcement veterans, patriots and pensioners "Mamulishvili"; P/U Centrists; P/U political party: Homeland; P/U Voice of Mother and Voice of Nation; P/U Political Party of Friendship of People and Justice; P/U Free-Democrats Party of Georgia; P/U Political Party of Economic Development and Poverty Reduction of Georgia; P/U Democratic Georgia; P/U Liberal-democrats; P/U Alliance of Social Justice and Welfare; P/U Georgian Monarch Movement Royal Crown; P/U New; P/U Alliance of Tolerant- for Unification of Georgia (IDPs); P/U Neutral Eurasian Georgia; Political Party Our Country; P/U the Whites; P/U Neutral Georgia; P/U Christian - Conservative Party; P/U Political Party of Georgian Women for Justice and Equality; P/U Georgian European Democrats; P/U New Political Centre Girchi

and among political parties. In particular, the leader of the Centrists Temur Khachishvili called on the population of Kvemo Kartli region to register in the Rustavi office of the political party Centrists and receive so called “Russian pension” equal to 400 GEL. He made the announcement on TV-Radio Station Kvemo Kartli.<sup>22</sup>

Khachishvili said that the political union Centrists signed individual contracts with voters on behalf of Temur Khachishvili. According to the contracts, the voters will take the responsibility to take part in the elections. Consequently, after the elections, the contracted person will receive 400 GEL Russian pension 50 days after the Election Day.

In the end, based on the resolution #74/2016 of the CEC chairwoman the resolution #43/2016 of the CEC chairwoman of July 15, 2016 on the registration of the Centrists and its representative for the October 8 Parliamentary Elections was annulled. The registration was ceased because of the political party was not represented by an authoritative leader. In particular, the Public Registry stated in its August 15 statement that the political party had elected the chairperson “through violation of the estimated regulations” during the Assembly in May, 2016.<sup>23</sup>

Temur Khachishvili and Lado Bedukadze, the leaders of the political party, took part in the elections on behalf of the Georgian Communist Party – Stalinelebi.<sup>24</sup>

sed on the court judgment the resolution of the CEC chairwoman was annulled, which canceled the registration of the political party Topadze-Industrials Our Homeland. The political party was cancelled from registration because of not submitting the list of political party members before the set deadline. The Court obliged the Chairwoman of the CEC to issue new resolution and register Topadze-Industrials Our Homeland and its proportional list.

The court ordered the CEC to reimburse 100 GEL of the court application fee to the Topadze-Industrials Our Homeland.<sup>25</sup>

- With regard to the registration process it is important to mention that before the Election Day, the Movement State for People, Girchi, the New Rights and New Georgia were united in one election platform.<sup>26</sup>

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<sup>22</sup> See more: <http://humanrights.ge/index.php?a=main&pid=18848&lang=eng>

<sup>23</sup> See more: <http://humanrights.ge/index.php?a=main&pid=18854&lang=eng>

<sup>24</sup> See more: <http://www.interpressnews.ge/ge/skhva/393341-themur-khachishvili-da-lado-bedukadze-archevnebsi-monatsileobas-saqarthvelos-komunisturi-partia-stalinelebis-sakhelith-miigheben.html>

<sup>25</sup> See: <http://www.interpressnews.ge/ge/samartali/396746-ceskos-saarchevno-bloki-thofadze-mretsvelebi-chveni-samshoblos-saarchevno-registraciis-aghdgena-daevala.html?ar=A> (available only in Georgian)

The leaders of the political parties stated that several goals of their parties unified them: joint vision of the development of the Georgian economics, foreign policy, pro-western orientation, innovative ideas and common plans. Despite that, before the Election Day the platform fell apart.

- The chairperson of the Kobuleti DEC #81 issued the resolution #07/2016 on August 27, 2016 and registered Leonid Chernovetski, nominated by the initiative group as a single mandate candidate in the majority election district #71 for the October 8 Parliamentary Elections.

It shall be underlined that according to the article 8 of the Constitution of Georgia the state language of Georgia shall be Georgian, and in Abkhazia - also Abkhazian. According to the article 111, paragraph 1: Any citizen of Georgia with the right to suffrage, who has attained the age of 21 and speaks Georgian, may be elected as a Member of Parliament of Georgia. According to the article 48 of the Constitution: The Parliament of Georgia shall be the supreme representative body of the country, which shall exercise legislative power, determine the principle directions of domestic and foreign policy, exercise control over the activity of the Government within the framework determined by the Constitution and discharge other powers. It is not disputable, that any election subject, who plans to become an MP, shall meet the requirements of the law.

In that concrete case, Leonid Chernovetski usually gave interviews to journalists in Russian language. Therefore, there is well-grounded doubt that Leonid Chernovetski does not know Georgian language that makes his registration as a single mandate candidate impossible.

\* Amiran Giguashvili, the single mandate candidate from the Free Democrats in the Gldani DEC #20, requested to cancel registration of Levan Kobiashvili, the single mandate candidate from the Georgian Dream. He claimed that Levan Kobiashvili has lived in Georgia only for the past 2 years. The Free Democrats claimed that Kobiashvili lived and worked in Germany for a long time and returned to Georgia in July, 2015 to participate in the elections of the President of the Georgian Football Federation. Consequently, he did not constantly live in Georgia during the past two years, as it is requested by the legislation and his registration shall be canceled.<sup>27</sup>

## Voters' List

By the 2016 Parliamentary Elections, the Election Administration processed the data provided by the state institutions in accordance to the Article 31 of the Election Code of Georgia and renewed voters' list. By August 12, 2016, estimated 3 510 514 voters were

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<sup>26</sup> [New political platform Paata Burtchuladze- Movement State for People was created](#)

<sup>27</sup> [The Free Democrats requested to cancel Levan Kobiashvili's registration](#)

registered in Georgia, among them 1 887 130 (53.75%) were women and 1 623 384 (46.24%) men. The CEC elaborated additional rule of creation of the voter's list, so that voters without address and registration were added to the database in order to ensure defense of every vote.<sup>28</sup>

The CEC offered new services to voters to enable them to check their or their family members' names in the voter's list. A voter could check the information on the official web page of the CEC – [voters.cec.gov.ge](http://voters.cec.gov.ge) and in 7000 pay boxes located throughout the country and with special apps of tablet or mobile phones. It guaranteed defense of voters' rights.<sup>29</sup>

If a voter discovered a mistake, he/she could appeal relevant election commission no later than 16 days before the Election Day (September 22, 2016) and request to correct the mistake (Article 31 of the Election Code of Georgia).

Despite the abovementioned positive amendment, the political parties talked about dead people in the voters' lists 8 days before the Election Day. For example, Temur Tsamtsishvili, the member of the political party Girchi and former single mandate candidate from the political party Paata Burtchuladze – State for People emphasized the problem. Contrary to the representatives of other parties, he presented concrete names from the election list and accused the Ministry of Justice and Kutaisi District Election Commission in the problem. He explained there are 130 dead people in the voters list of the Kutaisi Election District #48.<sup>30</sup>

According to the article 31, part 5 “a” and “c” of the Election Code of Georgia, 4 times per year (on February 1, on May 1, on July 15 and on November 1), relevant state bodies shall provide the Election Administration with the information about the people who hold or do not have right to participate in the elections in order to renew the voters' list.

However, the practice showed it was not enough. Dead people are still on the list. Therefore, it is important that the relevant state institutions provided the CEC with the updated information shortly before the polling day.

To make the election lists complete, every family shall be obliged to inform the relevant bodies about the death of their family member timely. If the family fails to inform the administration, financial sanctions shall be imposed on the violator. It could guarantee reduced problems about the voters' lists.

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<sup>28</sup> The mid-term report about the October 8, 2016 Parliamentary Elections. Available: <http://cesko.ge/eng>

<sup>29</sup> See the web page: [voters.cec.gov.ge](http://voters.cec.gov.ge)

<sup>30</sup> See more: <http://humanrights.ge/index.php?a=main&pid=18900&lang=eng>

## Facts of violence and prevention of pre-election propaganda

Despite the effort of the CEC and society to finish the pre-election period without violence and problems during pre-election propaganda, according to the information of the Inter-Agency Task Force For Free and Fair Elections, during the pre-election period the investigation started into 71 criminal cases - article 125 (beating - 25 cases), articles 125 and 150 (beating and coercion – 1 case), article 187 (damage or destruction of property, 29 cases), article 188 (negligent damage or destruction of property, 1 case), article 177 (thievery 6 cases); article 151 (threat 4 cases); article 154 (unlawful interference in the professional activities of journalists - 1 case); article 162<sup>1</sup> (violence or threat of violence during the pre-election propaganda or campaign in the voting building, in the place of election commission or around - 1 case); article 164<sup>1</sup> ( vote buying); article 236 (Illegal purchase, storage, carrying, manufacturing, transportation, forwarding or sale of firearms (other than hunting smooth-bore firearms (shotguns)), ammunition, explosives or explosive devices, 1 case) and articles 19 and 109 (attempt of intentional murder, 1 case).

The law enforcement officers promptly checked alleged facts of oppression on the activists of the election subjects, but according to the MIA, in most cases information was not confirmed even by the victims or other interrogated persons, for what investigation did not commence. Therefore, investigation was dropped in 12 cases as there were no signs of crime. The report of the Inter-Agency Task Force reported about 59 cases, which were under investigation. By October 8, 2016, criminal liability was started against concrete people in 9 out of 59 cases (total 11 people): based on article 152 (beating) – 8 people; article 151 (threat) – 1 person and article 162<sup>1</sup> (violence or threat of violence during the pre-election propaganda or campaign in the voting building, in the place of election commission or around) – 2 people.

The Court used non-prison measures. The information about 9 criminal cases was the following: 1. Single mandate candidate of the Alliance of Patriots of Georgia was beaten by a public servant in Dmanisi municipality – specialist of the infrastructure department; 2. The commission member from the Georgian Dream was beaten by the same commission member from the UNM in the Martvili DEC #65; 3. The representative of Zugdidi Municipality City Council (member of GD) was beaten by the activist of the UNM; 4. Supporters and representatives of the youth wing of the Georgian Dream, including a girl, were beaten by the representatives of the youth wing of the UNM during the pre-election campaign in the Didinedzi village; 5. Independent single mandate candidate was beaten by the Senaki Municipality City Council's specialist; 6. Representative of the regional organization of the Georgian Dream was beaten by the member of the youth wing in the Dedoplistskaro municipality organization of the UNM; 7. The single mandate candidate from the Paata Burtchuladze –State for People in Marneuli was intimidated by the supporter of the UNM; 8. The fight between Kaspi Municipality City Council's specialist and activists of the political party Paata Burtchuladze – State for People; 9. The representative of the UNM was beaten by the

activist of the GD in the Gamarjveba village. Law enforcement bodies commenced investigation into 1 out of 59 cases in the same evening (articles 19-109 of the Criminal Code – attempt of premeditated murder) and it still continues (the case of car explosion of the MP G. Targamadze).<sup>31</sup>

Apart to that, it is noteworthy:

\* Vasil Kevlishvili, the independent single mandate candidate in Telavi-Kvareli election district, spoke about damage of his propaganda materials and appealed the government and law enforcement bodies for help. The single mandate candidate said, his posters were removed by unidentified people. However, he reported about the fact only after the repeated incident.<sup>32</sup>

\* On August 24, 2016, at night, the election poster of Giorgi Botkoveli, the single mandate candidate from the UNM in Kvareli municipality, was damaged in the village of Shilda. The single mandate candidate said the poster was pinned to the wall of the house of one of the local inhabitant.<sup>33</sup>

\* On September 5, the attempted prevention of the election campaign was observed in Jikhashkari village of Zugdidi municipality. The incident happened when Sandra Roelofs, the single mandate candidate from the UNM, had a meeting with the population. Several people noisily broke into the site of meeting. They called Sandra Roelofs “organ trader” and tried to fail the meeting, but the population did not allow them. The UNM members claimed the incident was organized by the Georgian Dream.

\* UNM single mandate candidate in Bolnisi municipality Samira Ismaylova reported about the hindered election propaganda. She said she was in the Mamkhuti village together with her team of 20 people, where they had to inform the population about the election program of the party.<sup>34</sup>

\* Late at night on August 10, the Nadzaladevi office of the National Forum was looted. Next day, the house of the single mandate candidate of the National Forum in Nadzaladevi election district #17 Tamar Tsikhiseli was also broken. The election information and documentation related to the party activities were taken from the office. Nothing was stolen in Tsikhiseli’s house, neither expensive jewelry.<sup>35</sup> The representatives of the political party evaluated the case as interference in the election propaganda and requested to expose responsible people, but investigative bodies have not resolved the case so far.

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<sup>31</sup> [The mid-term report of the inter-agency commission for Free and Fair Elections](#)

<sup>32</sup> [Vasil Kevlishvili provided the video-evidence on the damaged election agitation materials](#)

<sup>33</sup> [The UNM poster was probably shot three times in Shilda](#)

<sup>34</sup> See: <http://humanrights.ge/index.php?a=main&pid=18879&lang=eng>

<sup>35</sup> See: <http://humanrights.ge/index.php?a=main&pid=18849&lang=eng>

\* The official web page of Nino Burjanadze – Democratic Movement was hacked. The representatives of IT service spoke about the virus. They added that similar incidents occurred during former Local Self-Government and Presidential Elections.<sup>36</sup>

\* The members of the political movement Paata Burchuladze – State for People found the façade of their office painted in Gori. Somebody wrote 41 in blue ink on the façade. The members of the party called the police. The law enforcement officers interrogated the party members and started investigation.<sup>37</sup>

\* On October 2, when the single mandate candidate in Gori Irakli Okruashvili was meeting the local population, somebody opened fire in his direction. Koba Koshadze, Okruashvili's security officer, and Bidzina Tomashvili, the member of his political party, were wounded.<sup>38</sup> One person was charged for the accident.

\* On October 4, shortly before the Election Day, a car of MP Givi Targamadze from the UNM was exploded in Tbilisi. Givi Targamadze and his driver, who were in the car, did not receive health threatening injuries. The investigation undergoes into the accident.<sup>39</sup> Two persons were charged for the accident.

Abovementioned cases, which contain obvious signs of grave crime, are very dangerous, especially during the pre-election campaign. The prompt, adequate and effective response to those facts from the investigate bodies is highly important.

### **Alleged facts of the abuse of administrative resources**

Several cases of the abuse of administrative resources were observed. In particular:

- Vakhtang Bezhitashvili, the single mandate candidate from the Free Democrats, accused the Municipality Governor in the misuse of administrative resources. Bezhitashvili said the governor Gocha Gochitashvili went by service car to the election office of the Georgian Dream. Bezhitashvili disseminated the video to prove the statement in social media.<sup>40</sup>
- On June 16, 2016, the United National Movement was planning to present its majoritarian candidates in the city of Rustavi. The presentation coincided with a heavy rain. The leaders of the UNM called on the supporters who had arrived for the presentation to find shelter from the rain in the nearby Public Service Hall and the building of the Administration of the State Trustee/Governor of Kvemo Kartli. Despite

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<sup>36</sup> [The official webpage of Nino Burjanadze – Democratic Movement was hacked](#)

<sup>37</sup> See: <http://humanrights.ge/index.php?a=main&pid=18864&lang=eng>

<sup>38</sup> See: <http://humanrights.ge/index.php?a=main&pid=18906&lang=eng>

<sup>39</sup> [Givi Targamadze speaks about the details of his car explosion](#)

<sup>40</sup> See: <http://humanrights.ge/index.php?a=main&pid=18899&lang=eng>

the fact that it is prohibited to campaign in the institutions of the executive government, after the UMN supporters had entered the said buildings, Davit Bakradze, a leader of the UMN, addressed those assembled with political statements. After the address, the leaders asked those assembled to disperse and offered to hold the presentation of majoritarian candidates at a later date.<sup>41</sup>

- According to the GYLA, on September 20 and 21, agitation notifications in favor of the Georgian Dream were disseminated from the Facebook page of the Ministry of IDPs from the Occupied Territories, Accommodation and Refugees. Inter-Agency Task Force also discussed the issue at the session, and the Commission Chairwoman said the Ministry had removed the abovementioned information from the Facebook page and the responsible persons were sanctioned in accordance to the law.<sup>42</sup>
- The same organization reported in September, 2016 that citizens received short messages from local self-governmental bodies about different infrastructural projects implemented in Tbilisi and regions of Georgia.

To check alleged facts of abused administrative resources, GYLA requested information from all municipalities in Georgia from what date the local administrations sent messages to the population and based on which article of the municipal budgets the service price was covered; GYLA requested copies of all relevant documents too. Case of Chokhatauri municipality revealed that local self government did not have funds for communication services in the budget; however, the agreement signed in January was modified in order to cover sms fees that may be viewed as misuse of the administrative resources according to the GYLA's evaluation.<sup>43</sup>

### **Alleged facts of voters buying**

There were several cases, which were evaluated as voters buying by concrete representatives of political parties. Several cases were emphasized:

- The law, which will regulate the process of plot's registration, went in force from August, 2016. According to the new law, the Public Registry will become a co-participator in the registration process. The Public Registry will help a citizen to find a document, including archive documents. The list of plot's registering documents will also be enlarged. New law indicates that the reason for rejection to the registration can be only insufficient document. The amendment to the law offers citizens free to collect documents for free, to systematize them, mediate and recognize arbitrarily obtained plots. Besides, the registration of plots and changes in the owner's rights will be done for free as well. Despite the fact that the problem exists for a very long time, the

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<sup>41</sup> [GYLA disseminated the information about it](#)

<sup>42</sup> <https://gyla.ge/en/post/administraciuli-resursis-gamoyeneba>

<sup>43</sup> <https://gyla.ge/en/post/administraciuli-resursis-gamoyeneba>

government started to solve this problem during pre-election period and it raises doubt.<sup>44</sup>

- On June 6, 2016, two days before the election campaign was officially announced, the Gurjaani municipal board made amendments regarding the approval of social assistance programs and their budgets. As a result of the amendments, 20 university applicants living in the Gurjaani Municipality who get the best scores in the unified national examinations will receive GEL 500 from the Municipal Administration of Gurjaani. The local government will also help orphaned and socially vulnerable students pay their tuitions, with each student receiving a guarantee letter for GEL 500. The amendments also provide for co-funding of university tuitions that will be available for the socially vulnerable and orphaned students whose families are registered in the unified database of the State Program for Overcoming Poverty. In addition, by the Municipal Administration's decision, children with the Down Syndrome who are under the age of 18 and live in the territory of the municipality will receive a monthly allowance from GEL 60 to GEL 150. In total, the local government of Gurjaani will allocate GEL 1,249,000 for social projects.<sup>45</sup>

- According to the information disseminated in August 2016, the Georgian Dream initiated new program for the retired people. It was employment program for retired people, which included tax subsidies for the companies, which would employ the retired people. Besides, in case of employment, the retired people would not have lost pension or social benefits.<sup>46</sup>

- Savalan Mirzoev, the single mandate candidate of the Georgian Dream in Gardabani, conducts his election campaign during the feast. The single mandate candidate posted the photos of his meeting with the voters on Facebook. There are 20-30 people around the table on the photos, where people were served with tea, fruit and sweets. Only once we read that the single mandate candidate was hosted by the local population.<sup>47</sup>

- Mamuka Nozadze, the single mandate candidate from the Alliance of Patriots, accused ex-minister and single mandate candidate in Gori Municipality Irakli Okruashvili. During the briefing, Mamuka Nozadze accused Irakli Okruashvili and his team-mates in voter buying during the pre-election campaign. Mamuka Nozadze declared, he had already appealed the Prosecutor's Office and requested to punish

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<sup>44</sup> See more: <http://humanrights.ge/index.php?a=main&pid=18841&lang=eng>

<sup>45</sup> See information of GYLA

<sup>46</sup> See the information about the program Life Goes On

<sup>47</sup> See more: <http://humanrights.ge/index.php?a=main&pid=18876&lang=eng>

Okruashvili and people who “tried to buy voters” based on the article 164<sup>1</sup> of the Criminal Code of Georgia.<sup>48</sup>

- During pre-election period, several municipalities amended the local budgets and the local governments tried to allocate significant amount of money from the 2016 budget on the programs, which could cause satisfaction of the population in order to increase number of their supporters during the elections. Similar amendments were not done in 2015 budget. Probably, similar action did not directly violate the Election Code, but with its purpose it was misuse of administrative resources for the purpose of elections and created unequal conditions for other political parties.

The priorities of the local government in the 2016 budget were to build, rehabilitate and exploit infrastructure; to construct-rehabilitate and maintain roads; rehabilitate and exploit sidewalks and roads; arrangement passages and traffic signs for pedestrians; repair, rehabilitate communal infrastructure, residential buildings, street illumination. It is noteworthy, that priorities of 2015, the non-election year, the priorities of the budget were defense, maintaining of social order and security; issues related with natural disasters, accidents, emergency situations and security of the state.<sup>49</sup>

The above-mentioned amendments during the pre-election period raised well-grounded doubt that the local governments tried to buy voters through increasing budgeting of the programs, which could satisfy the population and, consequently, increase number of supporters.

On July 18, Transparency International Georgia found that the political party United National Movement (UNM) had been [implementing](#) a social housing program in Batumi, which included one of its members Levan Varshalomidze signing individual [agreements](#) with the residents of Mejinistskali settlement. To this day, Varshalomidze [continues](#) to sign such agreements with citizens living in the Autonomous Republic of Adjara. According to these agreements, the UNM regional organization, represented by Levan Varshalomidze, takes the obligation to construct multi-apartment buildings at a designated location in Batumi and to transfer these apartments to local residents free of charge. The UNM plans to implement this program gradually, within 4-years after winning the election. The agreement does not specify the source of funding for the program. The Georgian Election Code [prohibits](#) election subjects, candidates for becoming election subjects and their representatives from promising money, securities, or other material assets to the citizens of Georgia. Vote-buying is also prohibited by the Georgian Criminal Code. The organization believes

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<sup>48</sup> [See the information about alleged voters' buying](#)

<sup>49</sup> [See the information of GYLA](#)

that the above actions of the UNM may contain signs of vote-buying prohibited by the Election Code.<sup>50</sup>

### **Evaluation of the work of the Inter-Agency Task Force for Free and Fair Elections**

Following the Justice Minister's decree of June 29, 2016, the Inter-Agency Task Force for Free and Fair Elections (IATF) was established in accordance with the current legislation. The purpose of the IATF is to prevent and react to possible violation of electoral legislation by public servants during 2016 Parliament elections that will contribute ensuring of free and fair electoral environment.

During the pre-election period, the IATF held meetings regularly. Since the beginning of September – once in a week. The meetings were attended by Deputy Ministers of Internal Affairs, Foreign Affairs, Finance, Defense, Regional Development and Infrastructure, Corrections Education and Science, Labor, Health and Social Affairs, as well as Deputies of the Chief Prosecutor and Head of the State Security Service, the Government Administration, and representatives of other political parties and election blocks, as well as local and international organizations.

During the meetings of the IATF, politically affiliated confrontations were observed. The Commission took several important decisions, which contributed to the improvement of the election environment. It shall be positively evaluated that the political parties and observation organizations had opportunity to raise important issues and to provide the Commission with the information about alleged violations. The Commission issued several important recommendations about the election process towards certain actors. All in all, the IATF reviewed more than 100 cases. Most of the cases were about forbidden propaganda by public servants, damage of posters and violence against activists of the political parties. The meetings of the commission were conducted mostly in constructive manner, but with the approaching Election Day, the representatives of the political parties tried to turn discussions into political debates. It could result into counter-demonstrations and provocations. In order to prevent that, the Commission issued the recommendations and appealed the political parties to explicitly warn their activists to stay away from meetings of the single mandate candidates from the opposition parties and avoid counter-propaganda, comments or public speeches, in order to prevent even verbal confrontations between the supporters of different political parties and to give opportunity to the candidates to communicate with voters without obstacles.<sup>51</sup>

Despite the positive evaluation of the IATF's work and practical recommendations, numerous violations were observed after the recommendations were issued. The IATF stopped working after the CEC officially declared the final results.

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<sup>50</sup> [Signs of vote-buying in Levan Varshalomidze's election campaign](#)

<sup>51</sup> [See the mid-term report of IATF](#)

## EVALUATION OF THE ELECTION DAY

On October 8, 2016, Human Rights Center observed the Parliamentary Elections in four regions of Georgia. The monitors and journalists of the Center are deployed in the conflict-affected villages of Shida Kartli and in Gori; in Imereti region - in the conflict affected villages in Sachkhere municipality; Kvemo Kartli region - in the villages compactly inhabited with ethnic minorities in Gardabani, Marneuli and Bolnisi municipalities and in Rustavi; Kakheti region – in the villages of Pankisi Gorge. One part of the observers stayed in the precincts for the whole day and another part moved about the polling stations in mobile groups. On the Election Day, web portal of Human Rights Center – [www.humanrights.ge](http://www.humanrights.ge) – worked actively and updated the society with the information about the violations observed by the monitors in the precincts in the four regions of Georgia. 24 articles, news and press-releases were published on the website.

The executive director of Human Rights Center participated in the briefings of NGOs organized by the Open Society Georgia Foundation in the election Media Centre. He delivered information in every 4 hours about the violations and general tendencies in the voting process.

In general, Human Rights Center evaluates that the elections was held in peaceful and fair environment. The observed violations could not impact the election results. Absolute majority of violations was caused by low competence of the election commission members and poor knowledge of the election law. The commission members, mostly, took the remarks and suggestions of the observers into account. At the same time, except several cases, the commission chairpersons allowed the observers to fully implement their duties. The observed violations were mostly of procedural character and were caused by poor competence of the commission members. These problems were particularly common in Kvemo Kartli region, in the villages compactly inhabited with ethnic minority people, where the incompetence of the commission members often caused tension and even conflicts in the polling stations. It should be noted that in the Marneuli DEC # 36 the opposition political party won elections in the first round (during previous elections the ruling party used to win the elections).<sup>52</sup>

Another fact that proves that the parliamentary elections were held in democratic and pluralistic manner is that the opposition political party UNM gained victory in one of the two precincts opened in the Afghanistan military base (Mazar Sharif polling station) and the ruling party GD gained more votes in the second(Bagram) polling station<sup>53</sup>.

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<sup>52</sup> See the results of the first round of elections at [http://results20161008.cec.gov.ge/eng/proporciuli\\_eng.html](http://results20161008.cec.gov.ge/eng/proporciuli_eng.html)

<sup>53</sup> See the results at [cec.gov.ge](http://cec.gov.ge)

Besides the explicit low competence of the commission members, extraordinary activity of the coordinators and agitators of the political parties nearby the polling stations, and their effort to control the voters was very alarming<sup>54</sup>. Although the Georgian legislation does not forbid presence of the coordinators near precincts and propaganda, mobilization of the coordinators of the election subjects, who recorded coming voters, nearby almost every precinct shall be evaluated as a disturbing factor for the election process. Agitation was observed in several polling stations. Few incidents happened when coordinators and supporters of different political parties confronted each other. In some cases the controversies ended up in physical quarrel.<sup>55</sup> Human Rights Center believes similar incidents hinder citizens to express their choice freely.

On October 7, from 20:00 pm until October 9, 20:00 pm the de-facto authority of South Ossetia temporarily blocked the so-called checkpoints on the ABL. The decision was made by the de-facto security service of South Ossetia in relation with the ongoing parliamentary elections in Georgia. Regardless the closed checkpoints, citizens of Georgia living in the Russia-occupied territories try to cross the ABL and participate in the ballots in the villages under jurisdiction of Georgia. Human Rights Center's observer in Jria village, Sachkhere municipality reported that one of the commission members in the polling station # 46 DEC # 50 could not cross the ABL and implement her duties as a commission member. He lives in the occupied village of Kardzmani.<sup>56</sup>

A voter from the occupied South Ossetia came via forest and river to vote, but he/she did not have ID card and therefore, could not vote.

When evaluating the tendencies of the polling day, it is important to note that as HRIDC observers reported, representatives of various observation organizations were in the precincts, who publicly expressed sympathies to concrete political parties that negatively impacts the election environment.<sup>57</sup>

Several gaps of the legislation were identified, which also hindered conduct of the elections in compliance with democratic principles, which will be reviewed in the report below.

## Miscarriages and violations on the Election Day

The violations and miscarriages observed by the monitors of Human Rights Center on the Election Day will be reviewed in the report below in respective chapters.

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<sup>54</sup> For example see information about effort to control voters:

<http://www.humanrights.ge/index.php?a=main&pid=18922&lang=eng>

<sup>55</sup> For example, see information about the incident in Nikozi:

<http://www.humanrights.ge/index.php?a=main&pid=18931&lang=eng>

<sup>56</sup> [See information disseminated by Human Rights Center](#)

<sup>57</sup> Reportedly they represented the Green Earth and Free Zone

## Arrangement of polling stations

The Election Code of Georgia estimates concrete standards for the arrangement of polling stations:

- a) Polling booths shall be installed for a secret ballot. One side of the booth shall be open up to the half of its height, and the upper half shall be covered with a curtain. Not less than one booth shall be provided for every 500 voters. One pen shall be available in every polling booth;
- b) places shall be allocated for registration of the voters and special envelopes;
- c) a transparent ballot box has to be installed in a visible place;
- d) lists of voters, party lists, lists of candidates, procedures for filling out a ballot paper established by the CEC, including the extract from the Law defining cases, when a ballot paper and public display protocol (protocols) of polling results shall be considered invalid, have to be posted in a visible place.<sup>58</sup>

Despite the explicit regulations, the observers of Human Rights Center observed violations in this regards, namely:

\* The ballot room in the precinct #42.32.58 in Zemo Nikozi village in Gori municipality was very small, approximately 12-16 m<sup>2</sup>. Designated space was not enough to conduct election process in normal conditions.

\* The ballot room in the precinct #33.23.15 in Akaurta village in Bolnisi municipality was of normal size, but there was not space for commission members to take a break, for what they had to eat in the polling room. It can be evaluated as a disturbing factor for the elections.

\* By the arrival of the observers, the demonstrative protocol was not hung on the wall in the precinct #42.32.58 in Zemo Nikozi village in Gori municipality.

\* The demonstrative protocol was not properly filled in in the precinct #41.32.01 in Gori municipality - the number of accepted ballot papers was not indicated in it. The chairperson of the commission immediately corrected the mistake after the Human Rights Center's observer gave remark about it.

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<sup>58</sup> The Election Code of Georgia, article 58, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election Code of Georgia EN - codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election%20Code%20of%20Georgia%20EN%20-%20codified.pdf)

\* The demonstrative protocol was not pinned to the wall until 12 pm in the precinct #35.22.44 in Takalo village in Marneuli municipality.

\*The demonstrative protocol was not properly filled in in the precinct #41.32.01 in Gori municipality; in particular, the number of received ballot papers was not indicated on it. More than one voter stood near the ballot box, more than two voters queued next to the registration table. The commission chairperson eradicated the miscarriages after the HRIDC observer made a remark.

\*The demonstrative protocol was not properly filled in in the precinct #41.32.13 in Gori Municipality. The miscarriage was eliminated by the commission chairperson of the after the observer made a remarks.

\* The demonstrative protocol and voters' list were not pinned to the wall in the precinct #35.22.14 in the village Azizkendi in Marneuli municipality. Upon the request of Human Rights Center's observer, the relevant documents were published.

\* The demonstrative protocol was pinned later at 10:28 am in the precinct #42.32.58 in the village Zemo Nikozi in Gori municipality.

Most polling stations were not adapted for the voters with disabilities. A voter with wheelchair could not enter the precinct # 36.22.50 in Kizilajlo village Marneuli municipality. He managed to enter the place and vote only with the support of several persons.

## Opening of the election precincts

The Georgian election legislation estimates concrete timeframe for each procedure. Among them, it is estimated that precincts shall be opened at 7am.<sup>59</sup> Regardless clear regulations, Human Rights Center observed two violations in the four regions, where the organization observed elections.

\* The precinct #41.32.22 in Gori was opened one hour later than it was requested by the law – at 8:15 am. The UNM representative wrote a complaint about it and registered it in the log-book. Human Rights Center's observer said the miscarriage derived from low competence of the commission members and low knowledge of procedures. The delay annoyed the voters and observers in the precinct.

\* The precinct #42.32.92 in Tkviavi village in Gori municipality was opened 13 minutes later.

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<sup>59</sup> The Election Code of Georgia, article 61, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election Code of Georgia EN - codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election%20Code%20of%20Georgia%20EN%20-%20codified.pdf)

## Inking verification procedure

According to the legislation, inking of voters shall be conducted in every polling station that implies applying of an invisible and nonhazardous chemical ink to the nail of the thumb or index finger of a voter's right hand (in case such an action cannot be undertaken - ink shall be applied to the nail of another finger, if this cannot be fulfilled either – on the left hand applying the same rule). A voter shall go through the inking verification procedure upon entering the polling room with relative member of the election commission, who illuminates the inked spot with a special device and after making sure that a voter has not been inked, grants the voter the right to participate in polling. If the device determines that a voter has been inked, he/she shall be restricted from participating in polling and the person's name shall be recorded in the logbook.<sup>60</sup> The inking procedure is considered as one of main preconditions for fair elections. Despite that, the observers of Human Rights Center detected several violations regarding the inking procedure.

\* The regulator of the voters' flow did not check the voters in the precinct #35.22.14 in Azizkendi village in Marneuli municipality several times. In the same precinct, the regulator of the flow sometimes checked only one hand. After the remark of the Human Rights Center's observer, this problem was resolved.

\* The regulator of the flow did not check the inking in a due way in the precinct #35.22.37 in Keshalo village in Marneuli municipality. Sometimes, he illuminated ID cards instead hands. When the Human Rights Center's observer gave a remark, he said he thought it was the only right way to do his duty.

After the HRIDC's observer explained the inking verification rules to him, the problem was eradicated for a while, but later it repeated. Besides that, the commission member claimed that lack of ID cards was not an obstacle to vote, because he knew people personally. In the same precinct, already inked people used to come to vote again. Despite the violations, the observer of Human Rights Center was not allowed to register a complaint in the log-book, because of the pressure from the commission members.

\* In the first half of the day the regulator of the flow in the precinct #33.23.15 in Akaurta village in Bolnisi municipality also did not fulfill his duty properly. In several instances voters tried to sneak into the polling places without checking the ink and the commission member did not adequately react. Human Rights Center's observer made a remark and the violation did not repeat.

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<sup>60</sup> The Election Code of Georgia, article 64, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election Code of Georgia EN - codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election%20Code%20of%20Georgia%20-%20codified.pdf)

\* The regulator of the flow did not fulfill his duty properly in the precinct #33.23.46 in the village Samtredo in Bolnisi municipality too. After the remark of the HRIDC observer the violation was eliminated.

\* The regulator of the flow did not properly check inking (in particular, he checked the IDs) in the precinct 53.50.43 in Sachkhere municipality.

\* Sometimes regulators of the flow checked inking only on one hand and they did it before asking for the ID card in the precincts #35.22.38 in the Keshalo village and in the precinct #35.22.23 and #35.22.77 in Aghmamedlo village in Marneuli municipality. After that the HRIDC observer made a remark, it was stopped.

\* A ballot paper was handed to a voter, who had not gone through inking verification procedure in the precinct #35.22.38 in the village Keshalo, Marneuli municipality.

\* A regulator of the flow let some citizens into the polling station without checking the ink in the precinct #35.22.46 in the village Kirachmughanlo in Marneuli municipality.

\* A regulator of the flow did not fulfill his duties properly in the precinct #42.32.38 in Ditsi village in Gori municipality. He allowed a person into the polling station, who had already voted. The observer wrote a complaint about it.

## The Polling Process

Several procedural violations were observed, which hinder conduct of fair elections and undermines compliance of the procedures with the legislation. Among them were:

\* A regulator of the flow of voters allowed more than allowed number of voters to enter the polling station in the precinct #35.22.38 in the Keshalo village in Marneuli municipality. Three voters had been already marked and wanted to vote again. They said they were inked by mistake in other polling stations, where they were not on the voters' list. That's why they could not vote there though were inked. The commission chairperson allowed them to vote. In the same precinct, the commission chairperson allowed a voter without legs to vote outside the polling station because he could not enter the polling place. The chairperson neglected the rebuke of the HRIDC observer and asked the registrar to take all necessary documents outside the polling station. The observer wrote a complaint and registered it in the log-book.

Besides that, the registration tables were not marked with concrete letters of the alphabet so that voters approached the right table that could speed up the process. After the remark of the observer, the letters were written on the tables.

A registrar did not ask for ID card and handed a ballot paper to the voter. The HRIDC observer registered remark in the log-book. A regulator of the flow did not know how

to use the black lights and also allowed a citizen to vote twice. The HRIDC observer lodged a complaint about it. The deputy chairperson accompanied a citizen into the booth and explained in Azerbaijani language whom he/she had to vote for. After the observer rebuked, the deputy chairperson left the cabin. The complaint about the violation was registered in the log-book.

\* A regulator of the flow of voters did not regulate the flow of voters in the polling station and it caused queues and hindered other citizens to vote in the precinct #35.22.37 in the Keshalo village in Marneuli municipality. Also, a supervisor of the ballot box and special envelopes was aggressive towards citizens. He did not implement his duties properly. For concrete period of time, nobody supervised the ballot box in the precinct.

\* Several citizens did not produce ID cards in the precinct #53.50.43 in Sachkhere Municipality. The commission members tried to let them vote, but the HRIDC observer protested it and explained that it was violation of the law.

\* The commission members accompanied citizens into the booths in the precinct #33.23.40 in Tchapala village in Bolnisi municipality. In the same precinct, the regulator of the flow of voters could not regulate the flow and the voters broke into the polling station. The commission chairperson verbally insulted them.<sup>61</sup>

\* A commission member left the polling station without assigning his/her duties to another member in the precinct #42.32.51 in Mereti village in Gori municipality. The HRIDC observer indicated at the mistake and it was eradicated. A representative of a political party was without badge.

\* Two representatives of the Georgian Dream were in the precinct #53.50.46 in Jvria village in Sachkhere municipality. After the remark of the observer, one left the polling station. A ballot box supervisor left the site without asking for replacement and did not register it in the log-book. The HRIDC observer commented on it. A registrar wanted to stamp the ballot papers beforehand in order to gain the time and the observer rebuked her about it.

\* Two representatives from the political party Topadze Industrials were in the precinct #53.50.45 in the village Jvria in Sachkhere municipality. After the remark of the HRIDC observer one left the polling station. The violation did not repeat.

\* Two representatives of one election subject (UNM) were in the precinct №53.50.47 in Sachkhere municipality. After the HRIDC observer gave a remark, one of them left the precinct and similar violation was no longer observed.

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<sup>61</sup> See more: <http://www.humanrights.ge/index.php?a=main&pid=18929&lang=eng>

\* Registrars did not check if the photos from the ID cards were same as on the voters' list in the precinct #35.22.44 in Takalo village in Marneuli municipality. A registrar handed a ballot paper to a voter without asking his/her signature and putting stamp. The chairperson said it had no meaning during verification. The HRIDC observer lodged a complaint. The registrars signed and stamped ballot papers beforehand; the commission members did not seal the ballot box; the observer requested to stop the activities and the violations did not continue.

\*The procedure required to write a note about the mistake of the commission member in the precinct #42.32.64 in the village Tkviavi in Gori municipality. Despite the remark of the HRIDC observer, the chairperson did not take it into account and the observer lodged a complaint. Consequently, the chairperson made a clarification about the technical mistake in the log book.

\* In the morning hours, voters tried to approach the ballot box in group in the precinct #33.23.15 in Akaurta village in Bolnisi municipality. Therefore, there was a threat of violation of the law which requires that more than one person cannot be near the ballot box; the observer gave a remark to the commission members and citizens about the violation and it did not repeat.

\* 3-4 citizens gathered near registration table and it created chaos in the precinct #35.22.77 in the village Aghmamedlo in Marneuli municipality.

\* A registrar tried to give a ballot paper to a voter, who did not have ID card in the precinct #33.23.16 in the village Bertakari in Bolnisi municipality.

\* A person tried to enter the precinct #35.22.14 in the village Azizkendi in Marneuli Municipality without badge. He said he was an agitator. Upon the request of the HRIDC observer, he was allowed to enter the polling station.

## **Issues related with the mobile ballot box**

The list of a mobile ballot box is drawn up based on general and special lists of voters if:

- a) A voter is unable to independently visit the polling premises due to limited capabilities or health conditions;
- b) a voter is imprisoned;
- b1) voter is in administrative imprisonment;
- c) a voter is in hospital for treatment or in any other inpatient medical facility with no polling station established in it;
- d) a voter:
  - d. a) is a military servant, serves in the military unit at the state border, which is located far from the polling station;

- d. b) is a person indicated in the article 32 part I “d” of the law and cannot leave the working place due to health or work conditions during the polling period;
- d. c) serves in the medical department of the Ministry of Corrections, penitentiary establishment and cannot leave the working place;
- e) a voter is on the territory of the election district, but on a place difficult to access.<sup>62</sup>

The observers of Human Rights Center observed the following miscarriages in relation with the mobile ballot box:

\* The control sheet was not placed in the mobile ballot box in the precinct #35.22.14 in Azizkendi village in Marneuli municipality. After lodging the complaint, the PEC chairperson put the control sheet in the mobile ballot box.

The control sheet is very important in order to avoid falsification of the elections. According to the Election Code, the first voter and all present members of the PEC shall sign the control sheets; they shall include the precise time of inserting a ballot paper into the ballot boxes and the first name, last name, place of registration and personal number of the citizen of Georgia of the first voter. Before the polling starts, the chairperson and the secretary of the commission fill out the control sheets (except for the data of a first voter) in three copies. The chairperson of the commission shall insert one copy of the control sheet into the main ballot box after the first voter appears, the second copy shall be inserted into the mobile ballot box and the third copy shall be kept for the purpose of further comparison with the control sheets in ballot boxes.<sup>63</sup>

\* The commission secretary of the precinct #35.22.38 in Keshalo village in Marneuli municipality recorded in the log-book that the mobile ballot box left the precinct at 08:59 am, but in fact it happened at 09:20 am. The HRIDC observer wrote a complaint about it and registered it in the log-book.

### Issues related with ballot papers

Like in 2013 Presidential and 2014 Local Self-Government Elections, the observers of Human Rights Center observed problems related with the ballot papers during the 2016 Parliamentary Elections too. In particular:

\* in some polling stations number of ballot papers was less than registered voters. It is clear that absolute majority of registered voters never participate in the polling, but the law requirements shall be met, even though they might have only theoretical character;

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<sup>62</sup> The Election Code of Georgia, article 33, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election Code of Georgia EN - codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election%20Code%20of%20Georgia%20EN%20-%20codified.pdf)

<sup>63</sup> The Election Code of Georgia, article 61, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election Code of Georgia EN - codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election%20Code%20of%20Georgia%20EN%20-%20codified.pdf)

all risks shall be prevented in order to ensure participation of all voters in the polling process.

\* One ballot paper turned out spoiled after the mobile ballot box was brought back to the precinct #35.22.38 in Keshalo village in Marneuli municipality, Kvemo Kartli Region. The commission did not act in accordance to the law in that particular situation. Therefore, the HRIDC observer requested the commission to respect the law – cut the edge of the ballot paper and write “spoiled” on it.<sup>64</sup>

## Counting of ballot papers

The counting process went mostly in impartial and fair manner. The positive factor of the October 8, 2016 Parliamentary Elections was that observers could observe counting process without obstacles unlike the previous Parliamentary Elections in 2012, when observers mostly were not given chance to enjoy the right they had under the law.

According to the information of the HRIDC observers, the commissions mostly fulfilled the requirements of the article 67 part I of the Election Code. In particular, the chairperson of the PEC shall selected no less than three counting officers by casting lots, while the observers selected no more than two supervisors from their membership based on mutual consent (if observers fail to agree, the chairperson of the PEC shall identify two supervisors from them by casting lots). The sample of seals with the cut was included in the logbook.

Mostly the procedures before opening the ballot box were conducted correctly, sealing of voters' list, spoiled and unused ballot papers, opening of the ballot box, sorting out and counting the ballot papers, sealing of the ballot papers and creation of the final protocol. The principle of publicity of the final protocol was also respected. The monitors observed mostly technical violations during the counting process and they were not done with the intention to falsify the election results and were derived from the low qualification of the commission members, which was systemic problem.

HRIDC observers observed the following violations:

\* The counting process was dragged out in the precinct #42.32.92 in Tkviavi village in Gori municipality. The observers said the reason of dragged out process was low attention and numerous technical mistakes of the commission members.

\* During the counting process it was discovered that one pair of majority and proportional ballot papers was dropped in the ballot box without envelope in the

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<sup>64</sup> The Election Code of Georgia, article 67 part IV, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election Code of Georgia EN - codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election%20Code%20of%20Georgia%20EN%20-%20codified.pdf)

precinct #44 in the village Takalo in Marneuli municipality. The observer indicated at the mistake to the chairperson, but he/she did not consider the ballot papers invalid. It violated the Election Code, which says that a default ballot paper shall be deemed invalid if the ballot paper in the ballot box was without a special envelope.<sup>65</sup>

\* The representative of the election subject (Davit Tarkhan-Mouravi, Irma Inashvili – Alliance of Patriots of Georgia, United Opposition) tried to participate in the process of unfolding envelopes and counting ballot papers in the precinct #35.22.38 in the village Keshalo in Marneuli municipality. The HRIDC observer called on the political party's representative not to interfere in the functions of the commission members and the problem was eradicated.

\* A representative of the UNM also tried to participate in the counting process in the precinct #53.50.46 in Sachkhere municipality. The HRIDC observer protested the action and requested the representative to stay away from the counting process as it is required under the law and do not intervene in the functions of the commission members.

\* The counting officers did not cut the edges of the unused ballot papers and did not bind them in separate packets, as it is required under the law.<sup>66</sup> They did not seal the list of voters registered for special and mobile ballot boxes separately. The commission secretary did not seal the mentioned documents and did not record the number and name of the precinct on the sealed packages. The chairperson and counting officers did not sign the documents. In one case the counting officers did not notice that more than one candidate was marked on the ballot paper and the HRIDC observer reacted on the miscarriage.

### **The facts of agitation and disturbed order inside and outside the polling places**

Prevention of agitation and order disturbance is very important to ensure free and fair environment for the elections. According to the law, chairperson of a precinct election commission shall be responsible for keeping order at the polling place on the polling day.<sup>67</sup> Despite the urgent requirement, facts of breached order and possible agitation were observed on the Election Day of 2016 Parliamentary Elections:

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<sup>65</sup> The Election Code of Georgia, article 69 part III, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election\\_Code\\_of\\_Georgia\\_EN\\_-\\_codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf)

<sup>66</sup> The Election Code of Georgia, article 67 part IV, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election\\_Code\\_of\\_Georgia\\_EN\\_-\\_codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf)

<sup>67</sup> The Election Code of Georgia, article 59 part I, available:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election\\_Code\\_of\\_Georgia\\_EN\\_-\\_codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf)

\* A registrar in the precinct #42.32.64 in Tkviavi village in Gori Municipality several times mentioned Irakli Alasania loudly. The observer said it is forbidden to conduct propaganda in the precinct.

\* According to the HRIDC observer young people in T-Shirts of Free Democrats were around the precinct #41.32.12 in Gori.

\* The observers from the UNM and commission members confronted each other in the precinct #35.22.37 in the village Keshalo in Marneuli municipality.

\* Unidentified people entered the polling station in the precinct #35.22.38 in the village Keshalo in Marneuli municipality. The HRIDC observer said he explained the PEC chairperson that they could not be in the polling station. The chairperson accepted the remark, but the unidentified person, who called himself an agitator, acted aggressively towards the observer. The voters confronted each other in Azerbaijani language. As the observer reported, one of the activists suggested voters to vote for the ruling party.

\* The commission member from the UNM told voter to mark number 5 in the precinct #35.22.43 in Kachegani village in Marneuli municipality. It irritated the observer from the Paata Burtchuladze –State for People and eventually it turned into the verbal confrontation between those two people.

\* A voter entered the polling station #53.50.43 in Sachkere municipality in T-Shirt of the Georgian Dream. The observer requested the chairperson to react to the incident, consequently, the chairperson asked the voter to leave the precinct.

\* According to the information provided by the mobile group of Human Rights Center, people stood in front of almost all precincts in Pankisi Gorge and recorded names of the voters, who arrived at the precincts. Georgian Dream's activists conducted propaganda in favor of the ruling party in front the precincts and told voters that Georgian Dream was the best political party. Voters used to take envelopes into the booth in Omalo village precinct. After the HRIDC observer gave remark to the commission, this violation was eradicated.<sup>68</sup>

\* The representatives of the political parties agitated outside the precinct #28.18.24 in the Omalo village in Akhmeta municipality for what they were rebuked.

\* The HRIDC observer reported about signs of propaganda were observed around the precinct # 28.18.05 in the Duisi village in Akhmeta municipality.

\* A lot of people gathered in the precinct #35.22.44 in the Takalo village in Marneuli municipality, they had already voted, but did not leave the vicinities of the polling

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<sup>68</sup> See more: <http://www.humanrights.ge/index.php?a=main&pid=18927&lang=eng>

station. Consequently, it caused the noise and disorder in the precinct that prevented registrars to work. The PEC chairperson and observer from the Free Zone confronted each other after a registrar suggested a voter whom to mark on the ballot paper.

\* The activists from different political parties were in the precinct #33.23.15 in Akaurta village all day long. Part of them conducted agitation. Finally, the confrontation took place, but the PEC chairperson reacted immediately. After the intervention of the chairperson, the incident was eradicated. One of the registrars, several times, loudly mentioned Georgian Dream and the HRIDC observer gave remark to her about it.

\* The commission members left the precinct #33.23.46 in the Samtredo in Bolnisi municipality. They started argument with voters about political issues. HRIDC reporter prepared a complaint about the fact and the situation improved; the commission members returned to the precinct.<sup>69</sup>

\* The activists tried several times to enter polling station with Georgian Dream T-Shirt and conduct propaganda in favor of the political party in the precinct #35.22.14 in Azikendi village in Marneuli municipality. The HRIDC's observer objected the fact and the activists were not allowed to enter the polling station. The commission members physically confronted each other.

\* The HRIDC observer in the Tchapala village polling station # 40 in Bolnisi DEC # 33 reported that people were watching ongoing election process through the windows from the yard. Suddenly, one man rushed into the polling station and started arguing with the commission members. He blamed the registrar in instructing the voters to vote for the UNM candidate. Afterwards, the man indicated the commission members at number 5 writing on the table – the UNM election number and the commission members immediately erased it. Later it was cleared up that the man who broke into the polling station is deputy district governor. HRIDC observer called on the commission chairman to request external people to leave the windows and recorded the note in the log-book. The chairman took the remark into consideration.<sup>70</sup>

\* Supporters of the [Georgian Dream and UNM had physical controversy](#) in Nikozi. The verbal controversy and insulting turned into physical quarrel. HRIDC observer reported that the police could not neutralize the situation. The incident lasted several minutes and finally the family members took the incident participants home. Nobody was arrested for the incident.<sup>71</sup>

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<sup>69</sup> See more: <http://www.humanrights.ge/index.php?a=main&pid=18934&lang=eng>

<sup>70</sup> See: <http://www.humanrights.ge/index.php?a=main&pid=18933&lang=eng>

<sup>71</sup> See: <http://www.humanrights.ge/index.php?a=main&pid=18931&lang=eng>

\* Political activists had an argument nearby the precinct #43.32.32 in Tkviavi village in Gori municipality. As it was figured out the confrontation was between supporters of single mandate candidate Irakli Okruashvili and the supporters of the Georgian Dream.

\* The situation got tensed after the PEC chairperson suspected that the representative of the UNM photoed voters' list in the precinct #42.32.64 in the Tkviavi village in Gori municipality. The commission chairperson tried to take him two meters away from the lists by touching his hand. In the end, the PEC members decided to dismiss the representative of the political party from the polling station. Despite that, the DEC chairperson, who arrived on the site, intervened in the situation and tension ended.

\* Initially verbal and then physical controversy of the men nearby the precinct #42.32.58 in Zemo Nikozi village in Gori municipality. As the HRIDC observer reported the local population timely prevented the violence.

\* According to the information disseminated by the Ministry of Internal Affairs, supporters of the political parties United National Movement and Paata Burtchuladze-State for People broke into the precinct #48 in the Kizil-Ajlo village in Marneuli municipality<sup>72</sup> and tried to kidnap a ballot box. The law enforcement officers prevented the fact. Afterwards, the supporters of the political parties, as the police reported, became very aggressive and threw stones in the direction of the policemen. The MIA said after the confrontation several law enforcement officers, including head of the Marneuli Police, were injured. The additionally mobilized policemen detained the activists. The investigation into the case commenced under the article 162 of the Criminal Code, which implies interference into exercising one's will in elections, referendum or plebiscite.<sup>73</sup>

\* The incident happened in Ganmukhuri village precinct in Zugdidi municipality. The GYLA reported that after the polling process finished, the ballot box disappeared from the precinct during the counting votes; the ballot papers were scattered around in the polling station, the PEC chairperson left the polling station. The Zugdidi DEC satisfied the complaint of the GYLA and annulled the election results from the precinct.<sup>74</sup>

\* In the Old Kveshi village precinct # 20 in Bolnisi DEC # 33, HRIDC mobile group observed that the precinct was temporarily closed and the voters were waiting in the corridor. The precinct was closed for the dinner of the commission members. The mobile group reported that the commission members had laid party on the election documents and split water over them. Afterwards they tried to dry the papers. HRIDC observer filed the complaint, but the commission did not register it. The observer contacted the CEC and they promised to send representative to the precinct. One hour

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<sup>72</sup> [At the same time, the mentioned parties accuse the government](#)

<sup>73</sup> See: <http://ltv.ge/ge/news/view/137817.html>

<sup>74</sup> [See information about announcing the precinct #38 in Ganmukhuri invalid](#)

later, the observer called the CEC where she was told the DEC chairperson had visited the precinct and everything was fine. HRIDC observer claims the information is not correct because she did not leave the precinct and nobody had come to the polling station from the district election commission. The observer requested registration of the complaint that irritated the commission members and called the CEC. They said the observer hindered their work. In response to that the CEC requested them to register the complaint. HRIDC observer reported that the commission members still could not register her complaint because they did not know the procedures.<sup>75</sup>

### **The complaints on the polling day and remarks in the log-book**

There were fewer complaints on October 8, 2016 Parliamentary Elections in comparison with the 2012 Parliamentary Elections. The commission members tried to avoid complaints of observers. Sometimes, a PEC chairperson, a deputy chairperson or a secretary refused to register the complaint, consequently, the observers of Human Rights Center contacted the DEC. Sometimes, after the remark commission members tried to eradicate the miscarriage and avoid complaint registration.

HRIDC observers lodged 14 complaints on October 8. As for the content of the complaints they were mostly about: involvement of the commission members in the political discussions with voters; regulator of the flow of voters allowed citizens to enter the precinct, who had already voted; an observer was not allowed to enter a polling station; a demonstrative protocol was not pinned on the wall; commission member did not write an explanatory note when the legislation required it; a control sheet was not in the mobile ballot box; the inking verification process was not done properly, and others.

Majority of complaints were responded adequately, which indicates at the effectiveness of the complaints. HRIDC observers also registered up to 10 remarks in the log-books.

### **Low awareness of voters**

HRIDC observers reported that low awareness of voters still remained unresolved and systemic problem during 2016 Parliamentary Elections. Some problems were observed during the 2016 Parliamentary Elections which require immediate reaction from the relevant bodies. The awareness raising among voters shall be priority.

In particular, voters had difficulties with filling in ballot papers. Often, voters could not fill in ballot papers independently, which was the reason why a lot of ballot papers were spoiled.

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<sup>75</sup> See more: <http://www.humanrights.ge/index.php?a=main&pid=18936&lang=eng>

Majority of voters in the precincts, where HRIDC observers monitored the election process, was ethnic minorities and they did not speak Georgian language; therefore, they did not understand Georgian instructions about polling process written on the wall. However, illiteracy of Georgian language was not the only obstacle – even when a voter knew the state language, he/she could not fill in ballot paper independently. Therefore, illiteracy of the language is not the only obstacle for voters and people need information.

HRIDC monitors observed the tendency of accompanying voters into the booth. According to the legislation<sup>76</sup> citizens have right to accompany another voter into the booth, but when it becomes frequent, a reasonable doubt can be raised that there is an attempt to influence voters.

It is unclear whether the accompanying people were the voters registered in the same precinct and whether they had right to be present there. HRIDC representatives called on the commission members to control who accompanied a disabled person into the booth, but it was impossible to pursue all similar cases.

### **Work of the Election Administration**

During the 2016 Parliamentary Elections the CEC worked relatively fairly and transparently. NGOs were involved in the pre-election processes and they could provide society with concrete and important information. The CEC sessions were open for NGOs, media and observers. It was easy to receive public information from the CEC. The Administration answered the questions within the terms set by the law (sometimes even earlier) and the call center was working very well.

In the recent history, the representatives of the Election Administration could not fulfill their duties independently. Their decisions were based on the political will of respective ruling parties. The CEC worked much more transparently during the 2016 Parliamentary Elections. The CEC's will to conduct the process in legal frames was obvious. There was no lack of communication with private sector, including observation NGOs; the literature was delivered to the organizations. All abovementioned activities raised trust towards the election administration.

Despite the improved performance of the CEC, we often encountered cases of low competence of the PEC members, which is still a systemic problem. PEC members have limited knowledge of procedures, which undermines conduct of fair elections and is the main causes of the complaints lodged by the HRIDC observers. Therefore, it is

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<sup>76</sup> According to the article 65 part III of the Election Code of Georgia A voter unable to fill out the ballot paper independently shall be entitled to ask any person for help in the secret polling booth except for: a) a member of the election commission; b) a candidate; c) a representative of an election subject; d) an observer.

important to work on building the capacity, skills, personal character, and professional habits of the PEC members. In the end, it shall contribute to the compliance of the Georgian elections with international standards.

There were other problems too. For example, rule of formation of the PECs by DEC. Most probably, formation was done based on preliminarily submitted lists, which raised questions about partiality of the PEC members. Therefore, once again during the 2016 Parliamentary Elections it became evident that the rule of formation of the election administrations needs systemic reforms.

### **Interference in the activities of journalists and observers**

Facts of interference in the activities of journalists and observers may be viewed as one of the main indicators of the democratic elections.

The concrete cases were observed during the 2016 Parliamentary Elections:

\* HRIDC observer arrived at the Tirdznisi village polling station # 62 at 8:00 am. The commission members declared he could not enter the precinct after 7:00 am. Human Rights Center addressed the District Election Commission with the request to allow the observer into the precinct and the problem was resolved. The commission members said they were not informed that the observers could enter the precincts after 7:00 am too.<sup>77</sup>

\* The PEC chairperson did not allow a journalist to enter the polling station with the camera and shoot the process in the precinct 35.22.14 in Azizkendi village in Marneuli municipality. The complaint was written about it. After the complaint's registration, the journalist was allowed to record.

\* A group of unidentified men broke into polling station 79 in the village of Jikhashkari in the Zugdidi district, disrupted the counting procedure and physically attacked international election observers, who represented the joint mission of the Norwegian Helsinki Committee (NHC), International Partnership for Human Rights (IPHR) and European Platform for Democratic Elections (EPDE). The observers stayed overnight in a Zugdidi Central Police Station filing a complaint and having medical examinations.<sup>78</sup> A criminal investigation commenced into the case.

Human Rights Center evaluated the situation as very dangerous. It is crucial for everybody to realize that the participation of the international observers is guaranteed by the national legislation and international documents, such as OSCE Copenhagen Document.

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<sup>77</sup> See: <http://www.humanrights.ge/index.php?a=main&pid=18938&lang=eng>

<sup>78</sup> [The investigation commenced on the case](#)

\* In the precinct # 37 in Keshalo village, Marneuli DEC # 35 a voter wanted to take the envelope out of the polling station and the HRIDC observer gave remark to the commission chairman about it. In response to that, the commission chairman Taya Dzveliev and his deputy started shouting at the observer and physically abused him. The incident was [video-recorded by the observer of the Public Movement Multinational Georgia](#), which shows how the deputy chairman Samed Gajiev is shouting at the HRIDC observer in Russian language and pushes him by hand. The physical abuse continued after the video-recording, which was proved by other witnesses too.<sup>79</sup> Head of the legal aid service at Human Rights Center Tamar Avaliani reported the police about the incident and soon arrived at the Keshalo precinct # 37. She reported that our observer has injuries; his notebook was damaged. The police took the observer and witnesses to the police station, where they were questioned about the incident. Human Rights Center informed the CEC about the incident. Police started investigation under Article 162 Part 1 of the Criminal Code of Georgia (interference in the elections, referendum or plebiscite).<sup>80</sup> Despite that, the observer did not have victim status even 14 days later and the CEC did not start administrative litigation against violators. On October 21, with the initiative of Human Rights Center a joint conference of NGOs was held, where NGO leaders spoke dragged out investigation and called on the law enforcement officers and the CEC to promptly and effectively respond to the facts of hindering the work of all observers.<sup>81</sup>

## SECOND ROUND OF PARLIAMENTARY ELECTIONS

The observers of Human Rights Center monitored the second round of the Parliamentary Elections in three regions of Georgia. The monitors and journalists of the Center were deployed in Kvemo Kartli region - in the villages compactly inhabited with ethnic minorities in Marneuli municipality; in the conflict-affected villages of Shida Kartli and in Khashuri; in Kakheti region – in the villages of Pankisi Gorge and also in the villages of ethnic minorities in Telavi municipality.

Like on October 8, the online website of Human Rights Center [www.humanrights.ge](http://www.humanrights.ge) actively worked and provided the society with the information about the violations observed on the polling day in Georgian and English languages. Total 8 publications were published on that day.

The observers reported mostly low turnout of voters was observed in the polling stations where they monitored the process. Most probably it was caused by the fact that the second round was conducted only in the majoritarian districts and mostly two political parties contested each other.

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<sup>79</sup> See the video-reportage by Rustavi 2 at: <http://web1.rustavi2.com/ka/news/59582>

<sup>80</sup> See: <http://www.humanrights.ge/index.php?a=main&pid=18935&lang=eng>

<sup>81</sup> [See information about joint press-conference](#)

According to the evaluation of the HRIDC observers the election process was conducted mostly in peaceful and fair environment. The observed violations were mostly of procedural and technical character, caused by incompetence of the commission members. The violations cannot impact the election results.

The violations were pretty much similar to the violations observed during the first round. Among them were violations of certain legal procedures<sup>82</sup>; the coordinators and agitators were very active in the vicinities of the polling stations and directly or indirectly influenced voters' choice; like in the first round, low qualification of the commission members were particularly alarming – they did not know procedural issues and main requirements of the law;<sup>83</sup> at the same time more than one representatives of the election subject were in one precinct.<sup>84</sup> Problems about filling out demonstrative protocols were also observed.<sup>85</sup> There were people in the polling places, who did not have identification badges.<sup>86</sup> Lack of ballot papers in the polling stations is still systemic problem. HRIDC monitors observed problems related with ID documents of voters.<sup>87</sup> In some cases, representatives of local observation organizations publicly expressed sympathies to concrete election subjects.<sup>88</sup>

### **Violations related with the inking procedure in precinct # 35.23.48 in Marneuli municipality**

Besides abovementioned tendencies, the following substantial problem was also observed: when HRIDC observers arrived at the precinct # 35.23.48 in Marneuli municipality, they observed that the regulator of the flow of voters did not implement

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<sup>82</sup> For example, two representatives of the same election subjects simultaneously were in the precinct #28.17.38. After the remark of HRIDC one of them left the precinct.

<sup>83</sup> For example, PEC member in the polling station # 28.17.39 voluntarily left the precinct and then he was not allowed back. In the same precinct a journalist wanted to interview the PEC chairperson in the territory of the polling station and the chairperson agreed. HRIDC observer rebuked him for that. In the same precinct, PEC members wished not to cast lot on vote-counters and give the ballot papers to the commission members to count. HRIDC observer gave remark to the PEC members about it and clarified that it was procedural violation. The PEC chairperson took the remark into account.

<sup>84</sup> For example two representatives of one of the election subjects were in the precinct # 28.17.38. After the remark of the HRIDC observer, one of them left the place.

<sup>85</sup> The number of accepted ballot papers was not indicated in the PEC # 42.32.99. The demonstrative protocol was not properly filled in in the PEC # 35.23.48 that was eradicated after the remark of the HRIDC observer.

<sup>86</sup> This fact was observed in the PEC

<sup>87</sup> A voter with damaged ID card arrived in the PEC 42.32.58 in Gori municipality and the PEC allowed him to vote.

<sup>88</sup> For example, HRIDC observers reported about the observers of the following local observation organizations: Green Earth, International Observatory of Attorneys and Lawyers; AllMedia, Club of Young Initiators.

his duty properly. Namely, in numerous cases, citizens tried to enter the precinct without being checked. They tried to explain that people still had ink trace on the hands because a week ago, on October 22, they had participated in the by-election in the municipality. HRIDC observer clarified that the ink usually fades away three days later and it could not remain on fingers for 7 days. Furthermore, even if people really had traces from past inking procedure, the regulator did not have right to allow them into the precinct because it is strictly regulated by the law, which does not envisage exceptions.

Regardless clear regulations there were two cases, when citizens, who were already inked, were allowed into the precinct. Observers wrote complaints about it. The PEC did not satisfy the complaints and the observers lodged complaints to the DEC. In the same precinct, general situation was not compliant with the polling station. In the same precinct, the PEC members could not control the order.

### **Noise in the Kizilajlo village polling station # 35.23.50**

At 13:00 pm, situation got tense in the polling station # 35.34.50 in Kizilajlo village, Marneuli municipality and the PEC chairperson called police; the precinct was closed for few minutes.

As the HRIDC observer reported, the noise and controversy in the polling station started after one of the observers moved the curtain of the election booth and started shouting that 41 was written inside the booth.

The dispute between the observer and commission members turned into controversy and they attracted attention of the journalists standing near the precinct. As later the commission chairperson clarified, if they had allowed all journalists into the room together, it could hinder the ballot process; for that reason, the commission members limited number of journalists inside the polling station. The commission chairperson called police for help. The police officers deployed at the entrance and acted according to the instructions of the PEC chairman.

The observer, whose remark caused dispute in the polling station, left the precinct soon. The tense situation was maintained in the precinct all day long.

HRIDC observers filed 4 complaints and made several remarks in the log book in the polling station.

## RECOMMENDATIONS

In the system of democratic governance, particularly when Georgia has declared its will to harmonize the national legislation with international standards, fair and transparent elections has the biggest importance. It is urgently important to create an election system, which will meet democratic standards, widely respected values that shall guarantee political stability in the end.

Human Rights Center believes the government shall take concrete, effective steps in order to reach the goal. The election reform shall be continued and all interested parties shall participate in it, including active engagement of NGOs and civil society.

### **Human Rights Center recommends:**

#### **The Parliament of Georgia**

- To specify the requirement of the article 111 of the Election Code which states that a citizen who has not resided in Georgia for the past two years may not be elected as an MP of Georgia to avoid the disputes about the issue during next elections.
- To pay more attention to sophistication of voters' lists – to incorporate amendments to the legislation and oblige the family members of the deceased persons to inform the relevant bodies timely. In case of violation of the obligation, the responsible persons shall be fined. The amendments will reduce number of dead people in the voters' list.
- The acting legislation does not guarantee formation of apolitical and unbiased election administration; it shall be prioritized to find the mechanism which will make the DEC and PEC independent. Human Rights Center believes in-depth reform will be implemented based on which the commissions will be formed only based on the professional skills and political parties will not have rights to assign a person in any circles of the election administration.
- Legislation regulation shall be incorporated to ban employment of people in PECs and/or DEC, who had violated the election law and it is confirmed by the CEC's legal act or by the Court judgment.
- Extremely important is to organize inter-party discussions with the engagement of large specter of stakeholders, to abolish majority elections in order to enable election of MPs based on proportional system.
- Since the acting legislation enables any person who cannot fill out the ballot paper independently to ask another person for help, it is crucial that the same article contained clear regulations what is meant under a quotation "a person cannot independently fill in

a ballot paper”. Existing regulation is unclear and gives room for numerous interpretations.

- It is important to add a relevant provision to the Election Code, which will disable a person to participate in the election, if it is impossible to estimate his/her identity based on the provided ID document on the polling day.

### **The Central Election Commission:**

- It is crucial to permanently organize trainings, capacity building courses for the DEC and PEC members in order to improve their professional skills. Participation in them shall be obligatory in order to avoid low competence of commission members as a cause of law violation. It shall be taken into account that preparation of each person needs lot of financial and human resources, therefore, it is important to maintain qualified people in the PECs and DEC.
- Due attention shall be paid to the arrangement of precincts. The environment of the polling place shall comply with the requirements of the law. The CEC shall make concrete steps in this direction.
- In the precincts, where voters represent ethnic minority groups, the documentation shall be available not only in Georgian language, but also in the language understandable for the local population.
- Since particular miscarriages were observed in this direction, the awareness raising campaigns and civic educational activities shall be prioritized and additional measures shall be taken to fill in that gap.
- At the same time, it is important to strengthen the control over illegal influence on voters’ will. When similar facts are observed, strict reaction from the side of the relevant state body is very important to ensure adequate respond to all illegal facts.
- In order to restrict misuse of administrative resources the population shall be aware about the difference between the election campaign of the ruling party and financial expenditures/activities of the executive or local self-government.
- Concrete steps shall be taken to adapt precincts for disabled people.

### **The Ministry of Internal Affairs:**

- Firm and effective reaction to the facts of illegal influence and violence over the will of voters is very important to ensure legal liability of alleged perpetrators for every illegal act, which hinders citizens to express their choice freely. Prompt and effective

reaction in the investigation process by investigative bodies is very important to impose criminal liability on alleged perpetrators timely.

- It is very important to timely and effectively respond to the facts of interference in the activities of the observers to ensure eradication of future incidents. Timely investigation into the criminal facts of physical abuse of observers and punishment of perpetrators is very important.