



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

**2021 LOCAL
SELF-GOVERNMENT
ELECTIONS
GYLA LONG-TERM
OBSERVATION MISSION
III INTERIM REPORT**

25 SEPTEMBER - 24 OCTOBER



Georgian Young Lawyers' Association

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INTRODUCTION

In May 2021, the Georgian Young Lawyers' Association started the implementation of the project - "Long-Term Observation Mission for the 2021 Local Self-Government Elections". The purpose of long-term observation is to promote elections in a free, equitable, and competitive environment. To achieve this, GYLA aims to increase transparency in the electoral process, ensure the effectiveness of legislative mechanisms through litigation/monitoring, and provide credible, evidence-based information to the public on important tendencies.

Within the framework of the long-term observation mission, the organization monitors the pre-election environment through 9 regional offices in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Shida Kartli, Samtskhe-Javakheti, Kvemo Kartli, Mtskheta-Mtianeti, and Kakheti.

The first round of elections was held on October 2, 2021,¹ although in some municipalities, none of the candidates received the required number of votes to become a mayor or a majoritarian MP.² The second round of elections was scheduled for October 30 by the CEC decrees.³

This document contains information on the facts identified in the period from September 25 to October 24, 2021 (the report does not include some cases that occurred during the timeframe mentioned, but their research is not completed at this stage. In case of reaching relevant conclusions in these cases, the organization reserves the right to reflect them in subsequent reports) and intends their evaluation.

In the pre-election period of the first round, one case of alleged voter bribery was revealed in Ozurgeti municipality, which is related to the majoritarian candidate nominated by the Georgian Dream. During the same period, there were two cases when citizens reported that they were included in the party proportional list without their permission, presumably through falsification of documents. The report also included the fact of alleged obstruction of citizens' will to vote in the elections - in Samegrelo, dozens of citizens were allegedly deprived of their ID cards before the elections. Presumably, politically motivated acts of violence remain a challenge. Prior to October 2, several acts of violence were reported: including damage to someone else's property and physical assault.

Presumably, politically motivated physical attacks were also a significant challenge in the run-up to the second round. In the same period, GYLA described two cases of obstruction of activities for political parties. In one case, protesters were prevented from attending a rally organized by the United National Movement, and in another, the European Georgia was allegedly discriminated against on political grounds because Alma Ltd. refused to allow the party to post the campaign material while it agreed to post similar content from another entity.

During the reporting period, facts of damage to agitation material were revealed, which were directed against both the ruling party and the opposition.

¹ Summary protocols of the results of the elections of the representative body of the municipality - Sakrebulo and the mayor of the self-governing city/self-governing community, CEC official website, accessible: <https://bit.ly/3no3X2k>, updated: 23.10.2021.

² Ibid.

³ CEC Ordinance № 354/2021 of October 16, 2021, on the announcement of the second round of the elections of the Mayor of the self-governing city/self-governing community on 2 October 2021, CEC official website, accessible: <https://cutt.ly/FRUAEsZ>, updated: 20.10.2021; CEC Ordinance №355/2021 of October 16, 2021, on the announcement of the second round of elections on the basis of the October 2, 2021 majoritarian electoral system of the representative body of the municipality - Sakrebulo, CEC official website, accessible: <https://cutt.ly/RRUAYyh>, updated: 23.10.2021.

1. PRESUMABLY POLITICALLY MOTIVATED VIOLENT ACTS

During the reporting period, GYLA became aware of several allegedly politically motivated acts of violence. According to the Long-Term Observation Mission, law enforcement agencies should be interested in all of the following cases. Most of the facts contain signs of persecution for political views⁴ and one of them⁵ damage to another person's property,⁶ which are criminal offenses. It is necessary for the relevant agencies to properly investigate these cases and inform the public about the results of the investigation.

The case of Besarion Bendeliani (the party For Georgia) - the pre-election period of the first round

On September 25, the car of Tsageri mayoral candidate for the party For Georgia, Besarion Bendeliani, was shot at.⁷ Bendeliani links the incident to his pre-election campaign.⁸

The case of Nona Grigalashvili (the party Georgian Dream) - the pre-election period of the first round

According to Nona Grigalashvili, the coordinator of the Georgian Dream, she was verbally and physically assaulted by Jondo Kapanadze, the majoritarian candidate of the Tsagveri for the party For Georgia in the Khashuri municipality on September 27.⁹ Grigalashvili also mentions the threat of killing.¹⁰ According to her, the case was followed by damage to the Georgian Dream agitation material, which she blamed on Kapanadze.¹¹ Kapanadze denies the fact of physical confrontation.¹² The Ministry of Internal Affairs has already launched an investigation into the matter.¹³

The case of Rovshan Iskandirov (the party Georgian Dream) - the pre-election period of the first round

On September 30, Rovshan Iskandirov, a majoritarian candidate of the Georgian Dream, was reportedly beaten in the village of Sadakhlo in Marneuli Municipality.¹⁴ According to Zaul Dargali, a member of the ruling party and a majoritarian MP from Marneuli, Iskandirov was beaten by Lasha Kvaladze, a member of the United National Movement.¹⁵ According to media reports, Lasha Kvaladze was summoned for the questioning.¹⁶

The case of Nika Bachilava (the party National Movement) - the pre-election period of the second round

According to the information spread on October 13, Nika Bachilava, a member of the National Movement, was physically assaulted on Marjanishvili Square.¹⁷ Bachilava said that on his way to home from work, he was attacked by three people and beaten with batons; the attackers wore masks; they were cursing Mikheil Saakashvili. According to the report, the victim called the police, but the police did not appear on the spot. Nika Bachilava links the incident to political revenge and believes that the attackers were people connected with the Georgian Dream.¹⁸

⁴ Criminal Code of Georgia, Article 156. (violence is an aggravating factor for the offense of persecution: Article 156, Part 1).

⁵ The case of Besarion Bendeliani.

⁶ Criminal Code of Georgia, Article 187.

⁷ "My car was shot - the candidate for mayor of Tsageri from the Gakharia party", Information portal Netgazeti, September 25, 2021, accessible: <https://cutt.ly/YRUAJg6>, updated: 05.10.2021.

⁸ Ibid.

⁹ "The woman beaten by a representative of Gakharia party spoke to the TV Monitoring camera", the official YouTube channel of TV Monitoring, September 28, 2021, accessible: <https://cutt.ly/XRUAVHP>, updated: 05.10.2021.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Minutes of the 8th Session of the Interagency Commission for Free and Fair Elections, the official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3p1YVLC>, updated: 13.10.2020.

¹⁴ "According to Zaur Dargali, the majoritarian candidate of the Georgian Dream was beaten in Marneuli." Information portal Interpressnews, September 30, 2021, accessible: <https://cutt.ly/sRUA10h>, updated: 05.10.2021.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ "The UNM member was attacked on Marjanishvili Square", Information portal Formula, October 13, 2021, accessible: <https://cutt.ly/tRUA5Fx>, updated: 23.10.2021.

¹⁸ Ibid.

The case of Vakhtang Kebabze (the party European Georgia) - the pre-election period of the second round

On October 14, Vakhtang Kebabze, the chairperson of the Rustavi branch of the European Georgia party, was attacked.¹⁹ He said he was preparing to go to a rally in support of Mikheil Saakashvili when more than 50 people surrounded him, and three people physically assaulted him.²⁰

Physical confrontation in Rustavi - pre-election period of the second round

There was a physical and verbal confrontation between the supporters and opponents of the UNM Rustavi mayoral candidate Davit Kirkitadze at his headquarters.²¹ Three members of Davit Kirkitadze's staff are injured; one of them, Shavlego Mandaria, is a member of Rustavi City Council.²² The Ministry of Internal Affairs launched an investigation²³ under the article on violence.²⁴

¹⁹ "A member of European Georgia was beaten in Rustavi", Information portal Formula, October 15, 2021, accessible: <https://cutt.ly/KRUSwPt>, updated: 24.10.2021.

²⁰ Ibid.

²¹ Incident near Kirkitadze's headquarters, Formula TV official Facebook page, October 24, 2021, accessible: <https://bit.ly/3b8Uc2o>, updated: 24.10.2021.

²² Information provided by the United National Movement (photo/video material) about the confrontation at the headquarters of Davit Kirkitadze on October 24, 2021.

²³ The Ministry of Internal Affairs has launched an investigation into the incident near Davit Kirkitadze's election headquarters in Rustavi. Information portal Interpressnews, October 24, 2021, accessible: <https://bit.ly/3nkND2g>, updated: 24.10.2021.

²⁴ Criminal Code of Georgia, Article 126.

2. OBSTRUCTION OF ACTIVITIES FOR POLITICAL PARTIES

Damage to agitation material

GYLA became aware of numerous cases of damage to candidates' banners and posters. According to the law, it is not allowed to remove, tear down, cover or damage agitation material.²⁵ If the value of the damage exceeds 150 GEL, the case qualifies as a criminal offense.²⁶ GYLA calls on the law enforcement agencies to investigate the facts below and identify those responsible as soon as possible, and the parties to make more efforts to reduce such cases and work with their own activists.

Damage to banners

A) The banner of the United National Movement's mayoral candidate Nika Melia was torn down on September 27²⁷ and set on fire on October 21.²⁸



²⁵ Election Code of Georgia, Article 46, Subparagraph 7¹.

²⁶ Criminal Code of Georgia, Article 187, Part 1.

²⁷ "Nika Melia's banner was torn down in Orkhevi", the official Facebook page of the Main Channel, accessible: <https://cutt.ly/iRUSrTW>, September 27, 2021, updated: 07.10.2021.

²⁸ "They tried to burn Nika Melia's banner in Tbilisi", Information portal „TV Pirveli“, October 21, 2021, accessible: <https://cutt.ly/ARUSy0g>, updated: 24.10.2021.

B) The Georgian Dream banners were damaged in Tbilisi on September 25 and 26 (2 cases),²⁹ in Kutaisi on October 7 (2 cases), and in Khelvachauri on October 9 (2 cases).³⁰



²⁹ Information (photos) provided by the Georgian Dream about the violations that took place in the period from 20.09.2021 to 28.09.2021.

³⁰ Information (photos) provided by the Georgian Dream about the violations that took place in the period from 07.10.2021 to 09.10.2021.



Damage to the posters

- A) Posters of the party For Georgia were damaged in Tbilisi, on the territory of Gldani.³¹ The video material shows that the person who participates in the damage of the posters confirms that he received the assignment from the Georgian Dream.³² The party posters were also damaged in the regions, namely in Bolnisi (1 case), Vani (5 cases), Saguramo (1 case), Gori (5 cases at 1 location), Chkhorotsku (1 case), Akhmeta (12 posters damaged at 1 location), Baghdati (3 cases), Signaghi (2 cases) and Poti (9 cases).³³
- B) In Akhmeta, the posters of Zurab Otiashvili, the mayoral candidate of the United National Movement party, were painted in red and black.³⁴
- C) The Georgian Dream posters were also damaged, namely in Rustavi (1 case), Tetritskaro (3 cases), Kvareli (2 cases), Dmanisi (1 case), and Samtredia (3 cases).³⁵

The case related to the October 14 rally - the pre-election period of the second round

According to media reports, on October 14, while driving to the rally planned by the United National Movement in Tbilisi, the supporters were met by opponents at several locations.³⁶ The footage shows them swearing at people going to the rally,³⁷ throwing brooms and flag poles.³⁸ Such cases were reported in Abasha, Kutaisi, Samtredia, Rustavi, Gori, and Telavi.³⁹ These actions show signs of petty hooliganism.⁴⁰ GYLA calls on the relevant agencies to respond to the facts of the violation.

³¹ „Pre-election campaign against the party For Georgia – Damaging posters of the party candidates“, the official YouTube channel for the party For Georgia, September 27, 2021, accessible: <https://bit.ly/3aeJdnl>, updated: 07.10.2021.

³² Ibid.

³³ Ibid.

³⁴ “Posters of the UNM mayoral candidate were painted red in Akhmeta”, Information portal TV Pirveli, September 25, 2021, accessible: <https://bit.ly/3lfnmT0>, updated: 07.10.2021.

³⁵ Information (photos) provided by the Georgian Dream about the violations that took place in the period from 20.09.2021 to 28.09.2021.

³⁶ “Demonstration and counter-demonstration with brooms”, the official YouTube channel of Formula TV, October 14, 2021, accessible: <https://cutt.ly/GRUSsIs>, updated: 23.10.2021.

³⁷ “The convoy heading to the rally from Imereti was seen off with brooms”, the official YouTube channel of Mega TV, October 14, 2021, accessible: <https://cutt.ly/9RUSgco>, updated: 23.10.2021.

³⁸ Ibid.

³⁹ “Counter-demonstration with brooms, cordons from the regions and paralyzed streets - what was happening before the rally in support of Mikheil Saakashvili”, Information portal “Myvideo”, October 14, 2021, accessible: <https://cutt.ly/3RUSREA>, updated: 24.10.2021.

⁴⁰ The Code of Administrative Offenses of Georgia, Article 166.

The European Georgia Was Discriminately Denied Placing a Political Advertising - Second Round Pre-Election Period

On October 1, 2021, an advertising service agreement was signed between the party European Georgia - Movement for Freedom and Alma Ltd.⁴¹ According to the contract, Alma Ltd had to place the promotional material of the party at the locations specified in the contract,⁴² no later than 5 working days after the payment of the service fee.⁴³ The party paid for the service on October 1.⁴⁴ However, Alma Ltd did not fulfill its contractual obligation and only returned the money to the party on October 8, after the deadline for placement expired.⁴⁵

Alma Ltd did not explain the reasons for the breach of contract to the party. They only made a public comment on a legislative initiative calling for appropriate changes to the legislation that would restrict the placement of hate speech political advertisements.⁴⁶ The Ltd. representatives explained that the company would refuse to allow any customer to place such advertisements on the billboards until Parliament passes a similar law.⁴⁷ The party appealed to the court for discrimination on political grounds, as it believes that it was subjected to different treatment only because its advertising material contained a caricature of Bidzina Ivanishvili, while the defendant did not refuse the customer who ordered so-called "bloody banners".⁴⁸

Discrimination is any action that puts a person in an unfavorable position on any grounds, including a political one, compared to other persons in similar conditions.⁴⁹ This requirement also applies to the actions of legal entities in all areas of their activities.⁵⁰ GYLA believes that Alma Ltd. has placed customers of political advertisements (so-called "Bloody Banners" and a caricature of Bidzina Ivanishvili) in an unequal position and has discriminatively refused the above-mentioned party to place the advertisement.

⁴¹ Agreement dated October 1, 2021, on Advertising Services provided by the party European Georgia.

⁴² The complaint and annexes provided by the party European Georgia against Alma Ltd.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ "Alma is calling for a ban on hate speech, which it distributes itself.", Information portal Netgazeti, October 7, 2021, accessible: <https://cutt.ly/NRUSYNq>, updated: 21.10.2021.

⁴⁷ Ibid.

⁴⁸ The complaint and annexes provided by the party European Georgia against Alma Ltd.

⁴⁹ Paragraph 2 of Article 2 of the Law of Georgia on the Elimination of All Forms of Discrimination.

⁵⁰ Ibid, Article 3.

3. OTHER FACTS

The Georgian Dream’s Majoritarian MP Candidate allegedly Gave Water Cisterns to the Population as a Present - First Round Pre-Election Period

According to the information spread on September 27, the majoritarian candidate of the Georgian Dream, Tite Mgeladze, in the constituency of Dzimiti, Askana, and Nagomari, allegedly gave water cisterns to one of the districts’ populations in the village Dzimiti as a present.⁵¹ The candidate himself confirmed the fact in a telephone interview;⁵² however, he later denied it. He said that he had said these words “half-jokingly” and had nothing to do with the case.⁵³

The case was heard by the court on September 30. The plaintiff demanded the deregistration of both the majoritarian candidate and the Ozurgeti mayoral candidate.⁵⁴ The judge did not share the plaintiffs’ position.⁵⁵ According to the decision, the set of evidence does not meet the standard beyond a reasonable doubt; thus, the registration of an election subject should not be revoked.⁵⁶

Although the court did not revoke the registration of the election subject, this case, by the majoritarian candidate, contains signs of an alleged crime, bribery.⁵⁷ During the official pre-election period, it is prohibited for election subjects to give gifts and other material values to citizens.⁵⁸ In this case, the majoritarian candidate from the Georgian Dream allegedly violated this rule. The Law enforcement agencies should be interested in this case and inform the public about the results of the investigation.

The case of Koka Kapanadze - the pre-election period of the first round

On September 27, it became known for Koka Kapanadze that he had been registered in the proportional list of the political party Girchi as Number 4 in the Kareli municipal elections. It is unknown to Koka Kapanadze how he appeared on the party list. On September 28, he applied to the District Election Commission and the CEC, requesting the reversal of the decision to register on the party list and the submission of full documentation, which formed the basis for the decision to register him.

According to Kapanadze, initially, the district election commission refused to deregister and hand over the requested documents, but after re-communication, they provided the information. He claims that the signature on the registration card was forged and submitted a statement to the Prosecutor General’s Office. GYLA believes that this fact allegedly contains signs of a criminal offense, the production, and use of a forged document.⁵⁹

The case of Sophio Jojua - the pre-election period of the first round

On September 27, Sophio Jojua was informed that she was registered in the proportional list of the political party Girchi in the Terjola Municipality Sakrebulo elections.⁶⁰ She explained to the GYLA representative that she had no connection with the party, no information had been provided to her while compiling the list, and that she had not given her consent to run in the elections.⁶¹

⁵¹ Complaint of a party representative in #60 District Election Commission, accessible: <https://cutt.ly/zRUSHL2>, updated: 23.10.2021.

⁵² “The Dream “candidate bought water tanks for the population of the village of Dzimiti - the opposition demands the removal of Tite Mgeladze from the elections”, the information portal “Main Channel”, September 27, 2021, accessible: <https://cutt.ly/pRUSZii>, updated: 23.10.2021.

⁵³ Judgment of the Ozurgeti District Court of September 30, 2021, on the case: #3-252-21 (# 010310021005063597).

⁵⁴ According to the plaintiffs, because the mayoral candidate generally participated in the campaign, the bribe was also in his favor.

⁵⁵ Judgment of the Ozurgeti District Court of September 30, 2021, on the case: #3-252-21 (# 010310021005063597).

⁵⁶ Ibid.

⁵⁷ Criminal Code of Georgia, Article 164¹.

⁵⁸ Ibid.

⁵⁹ Criminal Code of Georgia, Article 362.

⁶⁰ Sopho Jojua Statement #49-236 to Terjola District Election Commission.

⁶¹ Ibid.

Sophio Jojua applied to the District Election Commission on September 29 and demanded the cancellation of the registration on the party list, as well as the submission of complete documentation, which was the basis for registration as a candidate.⁶² The commission did not satisfy the citizen's request to withdraw her candidacy.⁶³ The decision states that the term of withdrawal of the candidacy has expired.⁶⁴ GYLA believes that this fact allegedly contains signs of a criminal offense, the production, and the use of a forged document.

The Case of the ID Cards - Pre-election period of the first round

At a briefing at the United National Movement in Zugdidi on September 30, MP Ana Tsitlidze accused members of the Georgian Dream's headquarters of confiscating ID cards for citizens during the pre-election period.⁶⁵ According to Ana Tsitladze, the representatives of the Georgian Dream were depriving the citizens of their ID cards in the name of the National Movement.⁶⁶ At the same briefing, a video was released featuring Makvala Antia, a representative of the Georgian Dream, and Merab Kakalia, an actor from the Zugdidi Theater.⁶⁷ The footage shows dozens of ID cards that allegedly belonged to UNM voters.⁶⁸ Representatives of the National Movement demanded the return of the ID cards. This fact allegedly contains signs of a criminal offense and obstruction to exercise the will in the elections.⁶⁹

⁶² Ibid.

⁶³ Response letter #49/71. 29.09.2021 of the #49 District Election Commission.

⁶⁴ Election Code of Georgia, Article 146, Part 2.

⁶⁵ "Tsitlidze: We are publishing the footage showing IDs confiscated from citizens and persons involved in the process", Information portal Atinati, September 30, 2021, accessible: <https://cutt.ly/eROqRc2>, updated: 24.10.2021.

⁶⁶ Ibid.

⁶⁷ "The UNM has published a video taken in the village of Rike in Zugdidi, which, according to them, reflects the fact how they managed to return the confiscated IDs to the citizens," Radio Atinati Facebook page, September 30, 2021, accessible: <https://cutt.ly/KRUDuWF>, updated: 24.10.2021.

⁶⁸ Ibid.

⁶⁹ Criminal Code of Georgia, Article 162.

CASES THAT OCCURRED DURING THE PREVIOUS REPORTING PERIOD (AUGUST 1 - SEPTEMBER 24) BUT WERE NOT INCLUDED IN THE RELEVANT REPORT OF THE GYLA LONG-TERM MONITORING MISSION DUE TO A LACK OF SUFFICIENT INFORMATION ABOUT THEM AT THAT TIME

The case of Salome Gongadze (the party For Georgia) - pre-election period of the first round

According to the information spread on September 24, the car tires of Salome Gongadze, the majoritarian candidate of Lagodekhi Sakrebulo for the party For Georgia, were punctured.⁷⁰ She told a GYLA representative that the incident was related to her own political activities. The day the car was found damaged, she was going to court to file a lawsuit against her dismissal. According to Salome Gongadze, she did not call the police. The incident contains signs of damage or destruction of someone else's property,⁷¹ which is a criminal offense.

⁷⁰ Salome Gongadze's official Facebook page, September 24, 2021, accessible: <https://cutt.ly/TRUDppn>, updated: 05.10.2021.

⁷¹ Criminal Code of Georgia, Article 187.