



## Newsletter #4

### Monitoring of the Presidential Election 2018

October 2018

#GYLA

#GVote2018

#Elections2018

#### About GYLA's Observation Mission

Georgian Young Lawyers' Association (GYLA) launched the monitoring of the pre-election period of the presidential election 2018 on August 1. **GYLA observes the pre-election period through its head office in Tbilisi and eight regional offices in Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Racha-Lechkhumi, Shida Kartli, Kvemo Kartli, Samtskhe-Javakheti, Mtskheta-Mtianeti and Kakheti.**

The aim of the monitoring is to contribute to fair and transparent electoral processes, to ensure the observance of the election legislation and internationally established democratic standards by members of election administration, election contestants and public officials, as well as to inform Georgian citizens and international community about any violations and trends related to the pre-election process of the 2018 presidential election, to focus on legislative and practical gaps, to identify problems in the election legislation and advocate any relevant legislative amendments after the elections are over.

**During the monitoring, special attention is paid to the establishment of objective, fair, independent and efficient investigation, fair trial and uniform practice, as well as the provision of inclusive and competitive electoral environment for women, people with disabilities and ethnic minorities.**

GYLA's monitors particularly focus on the issues such as *staffing of the election administrations, identification/elimination of any facts of using administrative resources and bribing voters, provision of the environment promoting the free expression of voters' will, financing of political parties, exercising of rights and obligations by election contestants, inclusive electoral environment, working environment for the media etc.*

In the event of identification of any violations, the organization submits any relevant information / statement to the election administration, the Interagency Commission for Free and Fair Elections, the State Audit Office and any other relevant agencies for the purpose of ensuring the response in the manner envisaged by the law.

The newsletter includes the information:

- On the facts and tendencies identified **from September 23 to October 15, 2018.**
- **The interim assessment of the presidential elections 2018.**

The reporting period revealed **2 cases of alleged violation of pre-election campaigning rules, 5 cases of abusing administrative resources, 3 cases of violence/threats, 3 cases of interference with pre-election campaign, 3 cases of unlawful donations and 1 case of alleged dismissal on political grounds.**

GYLA has requested information about some alleged violations / facts, the results of the analysis of which will be also introduced to the public.

**The organization continues to monitor the election process and will present the final report to the society after summarizing the results.**

## Interim Assessment of Pre-election Environment

The presidential candidates in the 2018 pre-election period had a possibility to hold their pre-election campaigns in a competitive environment. They introduced their programs and electoral promises to voters through face-to-face meetings; However, the campaign was not [free from interference, use of hate speech and xenophobic statements](#). Similar to the 2016-2017 years, the dissemination of the secret recordings was also problematic.

Hate speech and personal insults were also disseminated through social media directed against various political entities, as well as the NGOs. Such false information was spread through various sponsored Facebook pages/accounts. The source of funding of those pages/accounts is still unknown to the public.

### Brief Overview



It must be emphasized that the 2018 presidential elections are the last occasion when voters have an opportunity to directly elect the president. In 2017, the Parliament of Georgia amended the Constitution of Georgia and determined the rule of indirect election of the president.

The 2018 presidential elections were held differently than all previous presidential elections, because for the first time the ruling party "Georgian Dream" did not nominate its own candidate, but supported an independent candidate proposed by the initiative group - Salome Zurbishvili. In total, 46 electoral subjects / initiative groups applied to the election administration and nominated a presidential candidate. Overall, 25 candidates were registered for the presidential elections.

On 1 August 2018, the President announced the voting day to be on October 28 and the pre-election campaign regulations, according to the Electoral Code of Georgia, entered into force from August 29.

It is notable that the media became even more polarized during the pre-election period. Xenophobic calls, attempts to spread inter-ethnic confrontation were disseminated through pre-election political advertisements on media. The decisions and interpretations made by the Georgian National Communications Commission (GNCC) regarding the use of media in the course of the pre-election period, were contradicting both the legislation of Georgia and the practice existing before 2016.

## The violations revealed by GYLA observers:

- **Alleged vote bribery - 1 case:**
  - Representatives of United National Movement (UNM) allegedly made illegal promises to voters and provided the so-called "Guarantee Certificates";
- **Physical confrontation - 3 cases:**
  - The confrontation between supporters of Georgian Dream (GD) and UNM in Kutaisi, Tianeti and Kaspi;
- **Alleged interference in the journalist's activity - 1 case:**
  - In Kutaisi Sakrebulo, an operator of "KutaisiPost" was prevented during the physical confrontation.
- **Alleged pressure - 4 cases:**
  - Alleged pressure on subordinate persons while engaging them in the campaign/propaganda in Kvemo Kartli, Kakheti, Shida Kartli, and Samegrelo;
- **Politically-motivated dismissal - 1 case:**
  - Dismissal of the teacher from the kindergarten;
- **Alleged illegal donations - 7 cases:**
  - Placement of the free political advertisements of Mikheil Antadze, Zviad Mekhatishvili, Zviad Baghdavadze and Zviad Iashvili for the support of Grigol Vashadze – the Presidential Candidate of P/U “United National Movement” and placement of free political advertisements of Irakli Gorgadze for the support of Davit Bakradze- the presidential candidate of P/U “European Georgia - Movement for Freedom”;
- **Alleged abuse of administrative resources - 5 cases, among others:**
  - The governing party engaging their subordinates (working in municipal N(N)LP) in the election campaign and tasking them to mobilize voters' lists in favor of the independent candidate supported by them;
  - Use of the state budget-funded communication means and information services in favor of Salome Zurabishvili.
- **Alleged unlawful campaigning - 4 cases, among others:**
  - Public service campaigning in favor of Salome Zurabishvili during their work hours through their personal Facebook pages;
  - Counter-campaign against Salome Zurabishvili by the clergy;
  - The campaign by a member of the election commission.
- **Interference in the pre-election meetings of candidates:**
  - Activists and supporters of UNM interfering and holding counter-campaigns against the pre-election meetings of Salome Zurabishvili, which had a systemic character; use of hate speech against the presidential candidate and political subjects, their insults through social media;
- **Damaging electoral materials:**
  - For example, colouring of the electoral banners of Grigol Vashadze with red paint, inscribing "KGB" on them, splashing paint over the banners of the European Georgia candidate - Davit Bakradze, etc.

A tendency of nominating the so-called "technical candidate" was also revealed, the goal of which was not winning in the elections, but rather supporting a specific candidate and obtaining additional resources for an electoral subject (such as state funding and free advertising time).

## **Attempt to discredit the reliable observer organizations**

We must especially emphasize the tendency of destructive, non-collegial, unjustified and groundless statements against the NGO sector - especially the observer organizations by the institutions (election administration, inter-agency task force and GNCC) involved in the electoral processes. This created a reasonable assumption that there was an attempt to delegitimize the organizations with many years of experience on human rights and to discredit their assessments in the eyes of public and observer international organizations. It is particularly [alarming that statements made by the governing political party created the basis for the exaggerated politicization of the issues and polarization.](#)

In the pre-election period, GYLA published the monitoring report about the composition of the electoral commissions, in which GYLA presented information about temporarily elected persons in the District Election Commissions, specifically about their relatives employed in the same institutions and their political bias. The report became the reason for the attack on GYLA both by the Central Election Administration (CEC) chairperson, as well as the chairperson of the inter-agency task force, which on the one hand, violated the "Code of Ethics of the Election Administration Servants," and on the other hand – breached the scope of authority determined by the Electoral Code of Georgia.

## **Electoral Disputes**

In the pre-election period, GYLA presented 9 applications / complaints to the election administration and the State Audit Office regarding the following issues: illegal campaigning, abuse of administrative resources, interference with an electoral subject, vote bribery and illegal donations.

Out of the submitted applications / complaints (total 7), one was upheld and administrative violations protocols were drawn up, one was forwarded for further response to a relevant executive body of the municipality and 5 were rejected.

The process of considering the pre-election disputes demonstrated that chairpersons of the district election commissions, in the majority of cases, failed to comprehensively investigate the factual circumstances of the applications / complaints, failed to conduct the administrative procedures properly, and therefore - delivered unjustified decisions to reject the issuance of administrative violations protocols. Specifically, in the process of reviewing the information regarding any alleged violation of the election law, they limit themselves to only considering the positions of potential violators and [base](#) their decision-making only on the explanations provided by potential violators. They do not examine all important aspects of the case and formulate their decisions on the circumstances, claims, evidence or arguments, which have not been examined or studied through a proper administrative [process](#).

At the same time, chairpersons of the district election commissions failed to follow the procedure envisaged by the "[Election Dispute Manual](#)" in the process of reviewing applications / complaints on issuance of administrative violations protocols, according to which "any submitted applications/complaints shall be reviewed by the person responsible for the drawing-up of the district election commission protocol, with participation of the stakeholders, based on which, the protocol of verbal hearings shall be drawn up."

Based on the above, during the consideration of pre-election disputes, the decision-makers frequently rendered legally unfounded decisions regarding administrative violations protocols.

## Use of Administrative Resources

### Alleged Mobilization of Supporters

According to GYLA and ISFED observers, officials in several regions obligated **directors of N(N)LPs and their employees financed from the state budget to mobilize Salome Zurabishvili supporters** and forward the lists of potential supporters to certain persons.

According to the observers of the organizations, **N(N)LPs staff members had to fill in the personal data of their family members in the blank forms prepared in advance.** In particular, name, surname, personal number, number of the polling station and relation with a relevant person had to be provided.



The employees of the N(N)LPs in the conversations with the GYLA observers said that they had been handed blank forms by heads of the municipalities, where each of them had to specify the personal data of ten supporters at least. According to the same persons, the lists served as the ground that the candidate of the "Georgian Dream" Salome Zurabishvili would gain the victory in the first round of the elections. The staff members of the N(N)LPs also claimed that they were ordered to produce similar lists during the previous government.

In Samegrelo, members of one of the N(N)LPs told the observers that they were afraid of being dismissed if they openly spoke about the above-mentioned facts.

It should be noted that collecting supporters' signatures presumably contains the signs of coercion and pressure, as well as the use of administrative resources in favor of the candidate supported by the ruling party, which contradicts the election legislation. Namely, pursuant to the Election Code of Georgia, it shall be prohibited to involve a subordinated or otherwise dependent person in an activity that promotes nomination and / or selecting a candidate. The action also violates the Decree of the Government of Georgia issued on 29 August 2018 "On prevention of abusing administrative resources during the pre-election campaign", which shall remind civil servants of the restrictions imposed on them by the election law.

The organizations released a [statement regarding the above-mentioned issue and called upon the relevant persons to have an adequate response thereupon](#). After the publication of the statement, the Personal Data Protection Inspector expressed the interest towards the issue. A meeting was held with officials of the Inspector's Office at which the representatives of the organization provided information on the relevant evidence available to them.

**Information regarding mobilizing supporters and collecting personal data has been identified in several other regions, including Adjara and Kvemo Kartli.**

## Use of Administrative Resources by the Parliament and Tbilisi City Hall in support of Salome Zurabishvili

On September 27 of this year, the official [website](#) and [Facebook page](#) of Tbilisi City Hall disseminated the information that *"Kakha Kaladze together with Irakli Kobakhidze, the Parliament Speaker and **the independent presidential candidate Salome Zurabishvili** paid tribute to the memory of the deceased."* The information was accompanied by the photo materials reflecting the event.

On September 27 of the current year, the official [website](#) and the [Facebook page](#) of the Parliament of Georgia reported that *"Irakli Kobakhidze visited the memorial together with the leader of the parliamentary majority Archil Talakvadze, the Mayor of the capital city Kakha Kaladze and **the presidential candidate Salome Zurabishvili**."* The information was accompanied by the photo materials reflecting the event.

Besides, it is noteworthy that on 27 September, the official [website](#) and the [Facebook page](#) of the Parliament of Georgia posted the information against the presidential candidate Mr. Grigol Vashadze and in support of the presidential candidate Mrs. Salome Zurabishvili: *"We do not want to hold the elections against the background of the black PR and campaign, but there are many phrases said by Grigol Vashadze, for example, in relation to the fact that he loves Russia, he is an integral part of Russia, and to my mind, actually we are "electing" the integral part of Russia as the president of Georgia. We just do not wish to build our campaign thereupon. When the man appears in public and declares that it does not matter whether he has a Russian passport in his pocket or not, it is important that Russia permanently remains in his heart, and he claims to be the president of the country who has such attitude to Russia, or rather Russia has such attitude, hostile attitude towards Georgia. It is just a paradox. We are not talking about this. We do not want to be like him. You hear the speculations about Salome Zurabishvili. You hear an absolutely dirty campaign, traitor etc.*

*The traitor, in the sense, is the one who has the affection towards the hostile state in his/her heart. in this case, this is Grigol Vashadze. We just do not want to talk about this. We wish to conduct a civilized European type election campaign. We do not want to resemble Grigol Vashadze, "European Georgia" and "National Movement" - these absolutely marginal political forces."* In addition, the same website publicized the [statement](#) of Irakli Kobakhidze, the Speaker of the Parliament, with the title "According to the data of our internal study, Salome Zurabishvili will win in the first round. "

**Since in the given case, the use of administrative resources, namely communication means and information services financed from the state budget of Georgia for the support of Salome Zurabishvili was obvious,**<sup>1</sup> GYLA submitted a statement to the CEC and requested to examine the alleged use of administrative resources.

The CEC Chairperson could not find any violation in the above-mentioned fact, consequently, neither the Tbilisi City Hall nor the Parliament of Georgia was issued an administrative protocol.<sup>2</sup> The Chairperson explained that the event held in honor of the memory of the deceased could not have been considered as a part of the pre-election campaign, since the event was held in connection with the fall of Sokhumi, with the specific purpose, in tribute of the deceased. There was no urging of voters to support or oppose any presidential candidate of any election subject / electoral subject candidates, as well as any other public action that can facilitate or prevent their election. The event was public and any interested person could attend it.

As regards the publication of the above information, according to the CEC Chairperson, no campaigning information was placed during the event described in the GYLA's statement. The information was published to cover the activity of the Chairman of the Parliament of Georgia, MPs and Tbilisi Mayor as public officials, and not for the pre-election campaign purposes.

The Presidential Candidate, who is also a member of the Parliament of Georgia, was present at the above-mentioned event along with other MPs. Consequently, according to the CEC Chairperson, the posting of the information cannot be assessed as the use of administrative resources.

**GYLA plans to appeal the decision of the election administration.**

<sup>1</sup> Article 48 (1) (b) of the Election Code of Georgia

<sup>2</sup> The letter # 01-02 / 1686 of 09/10/2018 of the CEC to GYLA

## Alleged Abuse of Official Position

On 18 October 2018, Gocha Meladze, the Mayor of Khulo municipality, resigned on the basis of his own statement. Before leaving the official position, the former Mayor of Khulo municipality had been away on leave. According to the disseminated information, on 18 October 2018, he terminated his vacation, resumed his authority and on the same day removed the First Deputy Lasha Bolkvadze and replaced him with former police officer Vakhtang Beridze<sup>3</sup> and then submitted his own resignation letter.

According to the Election Code of Georgia, from the expiration of the registration term for electoral subjects until the end of the polling day, it shall be prohibited to reshuffle head officers of any local self-government body, police and the Prosecutor's Office, except when the term of their office has expired and / or they violated the law<sup>4</sup>.

**It should be noted that the dismissal of the First Deputy by Gocha Meladze and replacing him with Vakhtang Beridze as well as the resignation of the Mayor based on his personal statement is presumably the abuse of the official position and the violation of the obligations and restrictions determined by the personnel reshuffling law.**

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<sup>3</sup> Vakhtang Beridze resigned from the position of the Head of Khulo Police Division on 16 October 2018. According to the Ministry of Internal Affairs of Georgia, Vakhtang Beridze left the position based on his own application.

<sup>4</sup> Article 49(7) of the Law of Georgia on Election Code.

## Unlawful Campaigning

### Xenophobic Statement of the Presidential Candidate

On October 2, during the pre-election meeting with local ethnic Armenians in the Ninotsminda region, Salome Zurabishvili said: *"Till now, the citizenship was granted only by the decision of the president. One of the Presidents [Mikheil Saakashvili], whose representative is currently my opponent, has granted citizenship to a lot of Turkish people, but did not give a citizenship to you".*

GYLA, together with partner organizations, [responded](#) to the xenophobic [statement](#) of Salome Zurabishvili, the presidential candidate. According to the NGOs, the presidential candidate's statement promotes hatred, contradicts the principles of liberal democracy and equality, poses the hazardous problems of historical conflict in the modern Georgian political reality.

The above-mentioned statement by Salome Zurabishvili also contained the signs of illegal canvassing. According to the Electoral Code of Georgia, **the election program shall not contain the propaganda for national strife and enmity, or for religious or ethnic confrontation.**

The NGOs called on **the Central Election Commission** - to investigate the fact and have a relevant legal response. **With regards to the above fact, GYLA applied to the Ninotsminda DEC and requested to react to the fact. According to [the letter of the chairperson of Ninotsminda District Election Commission of 16 October 2018](#), the Chairperson could not find any violation regarding the fact and did not issue a protocol of an administrative offence against the presidential candidate. The Chairperson of the DEC clarified that the candidate provided the information to the voters about the actions carried out by the former president. The information did not contain any signs of promoting hatred and hostility, nor did national minority was mentioned in the negative context.**



## The Case of Unlawful Campaigning by the PEC Chairperson

On October 9, Kristina Kutateladze, Chairperson of # 58 Precinct Election Commission of Tskaltubo Municipality, conducted pre-election campaign through her Facebook page. In particular, she **repeatedly publicized** the information in support of the presidential candidate Salome Zurabishvili.

According to Article 45 (4) (a) of the Election Code of Georgia, *a member of an election commission shall have no right to participate in pre-election agitation and campaigning.* Furthermore, according to the [Election Code of Conduct \(Ethics\)](#) for the election administration and local election observers for the Presidential Elections of Georgia of 28 October 2018, *the election administration is obliged to refrain from participating in the action which may be regarded as the action in support or against a political party or an electoral subject.*”

GYLA applied to the Tskaltubo DEC and requested to have an appropriate legal response.

The District Election Commission could not find any violation into the fact and **explained that Kristina Kutateladze’s husband was using her personal Facebook page and consequently, it was not an unlawful act.**



## Interference with Pre-election Campaign

### Preventing Salome Zurabishvili's Pre-election Campaign

The meetings with the voters of Salome Zurabishvili, the independent candidate of the ruling party, went against the background of uproar. According to GYLA observers, the interruptions were of a campaign nature and were accompanied by incidents<sup>5</sup>.

The GYLA observers attended Salome Zurabishvili's meetings within the framework of the pre-election monitoring process. According to their information, a group of persons was gathered outside the building during the meetings, due to which the presidential candidate conducted the pre-election campaign under the police protection. According to the observers, the persons outside were supporters and activists of the "United National Movement". They called Salome Zurabishvili a traitor and a Russian agent, attempted to attend the meeting and reach the candidate. They said they wanted to ask questions to the presidential candidate [why she blamed Georgia for starting the war](#).

**Pursuant to the applicable law, every voter has the right to attend a presidential candidate's pre-election meeting, listen to the candidate's pre-election program, ask the candidate questions, and express critical opinions regarding the position expressed by the candidate. The opinions shall be expressed by attendees with constructive criticism, free of hatred and aggression. It is inadmissible to show aggression and intentionally disrupt the campaign. Interference with the pre-election campaign shall be prohibited, regardless of whether or not the views of the presidential candidate are acceptable. According to Article 80 of the Election Code of Georgia, hindering dissemination of pre-election appeals, statements and other materials shall be forbidden in accordance with the procedure determined by this Law and be subject to a penalty in the amount of GEL 1000.**

GYLA [appealed](#) the fact of the disruption of Salome Zourabishvili's pre-election meeting by Maya Kalandia, the supporter of the United National Movement in Zugdidi District Election Commission. This statement is under consideration at the DEC.

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<sup>5</sup> For example:

- On September 22 of this year, Salome Zurabishvili managed to meet her voters in Zugdidi only with the help of a live chain. During the meeting, Maya Kalandia, a supporter of the "United National Movement", tried to disrupt the meeting. Moreover, "she told the presidential candidate that she would not allow her to continue the meeting";
- On October 9 of this year, while the presidential candidate Salome Zurabishvili was holding a meeting with local residents of Rustavi, an incident happened. One of the participants of the protest rally needed a medical assistance and the ambulance was called;
- On October 2 of this year, the meeting with the independent presidential candidate Salome Zurabishvili was conducted against the background of a protest rally in the town of Aspindza. Some citizens who arrived at the meeting verbally confronted Gedevan Popkhadze, the Majoritarian Deputy of Aspindza-Borjomi region;
- On October 2 of this year, at 14:00, Salome Zurabishvili held a pre-election meeting at the Culture House in Akhalkalaki. The meeting was held against the background of a protest rally. At the end of the meeting, upon leaving the theatre, Salome Zurabishvili was not met by the citizens. However, she still left the theatre accompanied by the police.

## Refusing the Political Party an Office Space

According to the **presidential candidate of the political union Free Democrats, they were prevented from conducting the pre-election campaign as the lessor refused to hand over the office to the Party due to a pressure.** In particular, on 3 October, P/U "Free Democrats" and a natural person Guram Guramishvili signed a usufruct agreement. The subject of the usufruct agreement was to transfer one room of the residential house located in Dmanisi in exchange for 200 GEL per month. **After signing the agreement between the parties, representatives of the P/U "Free Democrats" placed a poster of their presidential candidate Davit Usupashvili on the outer wall of the rented area.** On the day following the arrangement of the electoral office and placement of the posters, according to the party representative Aleksandre Noniashvili, he was contacted by the landlord's mother who told him that they were forced to terminate the lease agreement because of the pressure on their family. According to Aleksandre Noniashvili's statement, Guram Guramishvili's mother noted in the private conversation with him that the government officials (Chairperson of Dmanisi Sakrebulo, Mayor of Dmanisi) were **threatening / intimidating her family.** According to Aleksandre Noniashvili, he has already been summoned by Dmanisi police station for questioning.

A GYLA representative spoke with Guram Guramishvili who said that no pressure had been exerted on his family. Despite signing of the agreement, he refused to transfer the space only because there was a certain misunderstanding between his family members. Guram Guramishvili pointed that his father did not want to let the room as he was planning some repairs in the area. With regards to the poster of the presidential candidate of "Free Democrats", he does not know who or why removed the poster from his property.

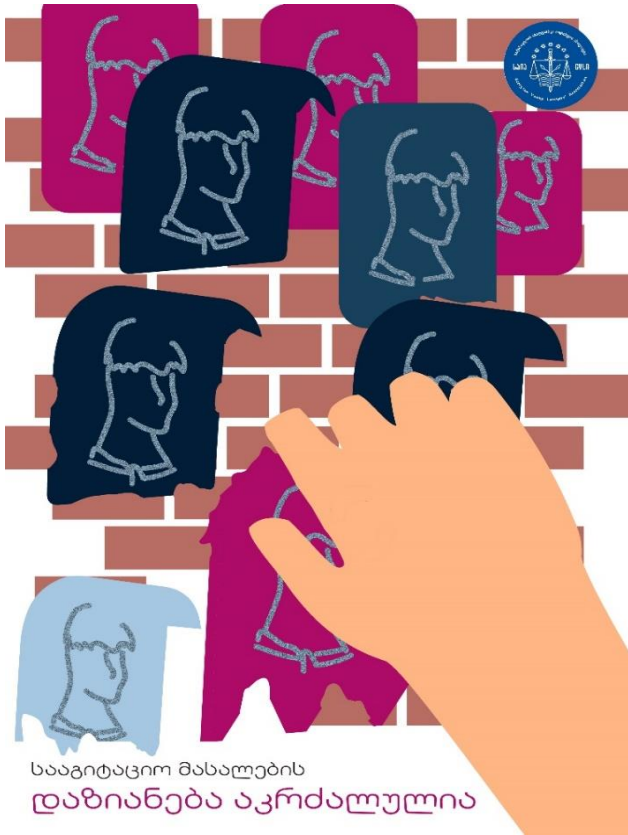
**According to the Election Code of Georgia, political parties and candidates of electoral subjects shall enjoy the equal rights and bear equal responsibilities.** During the pre-election campaign (canvassing), a political party, an election subject, has the right to produce various campaign materials that can be exhibited on buildings and other facilities in case of consent of their owners or proprietors. It shall be prohibited to remove, tear off, cover or damage campaign materials unless they are located in a forbidden place<sup>6</sup>.

**We believe that preventing the election subjects from conducting the pre-election campaign is absolutely inadmissible and harms the pre-election processes to be carried out in peaceful and equitable conditions. We deem it important that investigative bodies should immediately investigate any facts of alleged threats and intimidation of the citizens in a comprehensive and unbiased manner.**

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<sup>6</sup> Article 46(7<sup>1</sup>) of the Election Code of Georgia

## Destruction of Election Materials of Presidential Candidate Salome Zurabishvili



According to the information provided by Salome Zurabishvili's election office, a truck which was transporting the election material of the presidential candidate caught on fire on the 28<sup>th</sup> kilometer of Tbilisi-Senaki-Leselidze highway, which resulted in burning down of the vehicle.

The truck was carrying the cargo from the Republic of Turkey to Lilo Terminal, Tbilisi. The vehicle was loaded with the election campaign items of the presidential candidate Salome Zurabishvili, in particular, advertising T-shirts. No one was injured in the accident.

According to the Head of the election office, the vehicle exploded in the proximity to Natakhtari area. The amount of the financial loss amounted to approximately \$85,000. The investigation is in progress under Article 188(2) of the Criminal Code of Georgia, which envisages damage or destruction of another person's property due to a negligent handling of fire or other sources of heightened danger. An expert examination was conducted, the result of which is not known at this stage.

**We believe that preventing election subjects from conducting pre-election campaign is absolutely inadmissible and affects the pre-election processes to be conducted in peaceful and equitable conditions. The fact of the destruction of the agitation materials must be investigated immediately in a comprehensive and unbiased way.**

## Counter Campaign against Presidential Candidates through Social Networks



In the reporting period, GYLA monitored the sponsored pages in the social network Facebook<sup>7</sup>. A part of the pages was created deliberately for the 28 October 2018 presidential election, and some others have a long history of activity. Degrading statements, personal insults or hate speech as well as photos<sup>8</sup> are frequently disseminated by strangers through the above-mentioned pages. Furthermore, misinforming statements can be found that are intended to be ascribed to any presidential candidate who is not actually the author of the posts that contain misinformation, and this status (s) may harm his/her political image and therefore, the rating<sup>9</sup>.

The majority of the pages have a large number of likes and subscribers, and agitation / anti-agitation is a major influence on the formation of voters' opinion. For example, **after analyzing the posts published on the Facebook pages, we can say that there are two directions: one of which is against the presidential candidate Salome Zurbashvili, and the other against Grigol Vashadze, the presidential candidate nominated by the opposition union "Power is in Unity".**

The Facebook pages such as- "[The Official Agency for Laughing at Kotsi](#)", "[Resident Salome/ президент Саломе/Salome](#)" publish the same videos with a two-minute difference and with the absolutely identical comments: "*Watch the video polling in the street. What do people say and write when they see Salome's photo.*" Both webpages are intended to diminish the image of the independent candidate Salome Zurbashvili. Most of the posts directly insult and curse the candidate, as well as associate her with the party "Georgian Dream" and urge people not to support her in the presidential elections.

The page "[United Provocative Movement](#)" generally publishes scornful comments about the members of the "United National Movement" and its supporters, but in the pre-election period some inappropriate and humiliating epithets regarding the presidential candidate Grigol Vashadze were posted either.

The Facebook page "[Natsi-a Human Being?](#)" is mainly characterized by humiliating posts about the former and current leaders of the United National Movement; however, there are also the videos that are aimed to ridicule and insult the Presidential candidate Grigol Vashadze. The same message is conveyed by the page "[Gastroliori](#)", which periodically publishes posts about Grigol Vashadze and adds offending vocabulary to the authentic and / or ridiculed photos of Grigol Vashadze.

**The expenses allocated for placing the above-mentioned information in the social network is not transparent. The origin and the owners of such funds are also beyond the public control. For the provision of transparency of financing pre-election campaigns, it is important to investigate who finances these pages and to what extent the sponsors follow the regulations of financing the pre-election campaign.**

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<sup>7</sup> These pages are: "United Provocative Movement"; "Gastroliori"; "Natsi – a Human being?" "Until 2012 / Before it was cool"; "More benefit from people"; "Political Mental Asylum"; "Postv"; "The Official Agency for Laughing at Kotsi"; "I am meeting Mikheil Saakashvili in Georgia"; "Pink elephants"; "Kotsneba"; "Resident Salome / президент Саломе/Salome";

<sup>8</sup> The page "Grigol's Headquarters": <https://bit.ly/2O5YSbg> / <https://bit.ly/2O3zD9n>

<sup>9</sup>

## Alleged Politically-Motivated Dismissal

On 2 October, **Tsira Kobakhidze** approached GYLA's Kutaisi Branch for legal assistance. According to her, **she applied for the competition announced by the Baghdati Union of Preschool and Off-School Institutions, however, she was refused to the employment because of the political reasons, as she has been a member of the United National Movement for several years and acted as a representative of UNM at the PEC during the Presidential Elections 2018.**

It should be noted that other teachers have also applied to GYLA regarding the kindergarten case. **The organization started investigating the kindergarten case and requested public information related to the competition from the relevant agencies for this purpose. So far, Tsira Kobakhidze's claim has been prepared and submitted to the court.**

## Alleged Case of Violence in Akhalkalaki DEC

According to the [statement](#) of the leaders of the United Opposition "Power is in Unity", Hasmik Marangozyan, Chairperson of the Akhalkalaki DEC, verbally and physically assaulted Teona Chalidze and Arthur Mkoyan, the representatives of the United Opposition "Power is in Unity" on September 27.

According to Teona Chalidze, she is a temporary member of the commission appointed by the "United National Movement" in Akhalkalaki DEC. According to her, the dispute between her and the chair was triggered by the use of Russian and Armenian languages in the DEC. As Chalidze told the GYLA observers, all of her questions, requests or opinions in Georgian language were totally ignored by Hasmik Maragozyan who demanded from her to talk in Russian or Armenian. According to Chalidze, the Chairperson of the Commission took her out of the room of the DEC by a forceful action. Due to the conflicting situation, Teona Chalidze called for the patrol police, who transferred her to the Akhalkalaki police station. Within the scope of the investigative activities, Chalidze was interviewed by Deputy Head of Samtskhe-Javakheti Police Department, who, during the whole interview had his firearm on the table; in particular, the pistol was placed on the right side and the machine gun with the bullet cartridge on the other. Chalidze doubts that the environment was specifically created for influencing and intimidating her<sup>10</sup>.

The Ministry of Internal Affairs of Georgia launched an investigation regarding the incident in the DEC under Article 162<sup>1</sup> of the Criminal Code of Georgia. On September 27 of the current year, various investigative activities were conducted in the Samtskhe-Javakheti police division (Teona Chalidze was interviewed, a medical examination was conducted and her coat was removed for investigative activities). In connection with the interviewing of the person in the light of demonstrating the firearm in the office of the Deputy Head of the Samtskhe-Javakheti Police Department, the Ministry of Internal Affairs (MIA) declared that the presence of an official firearm in a non-working position in the room did not violate the scope of the authority and ethical norms. The Deputy Interior Minister told Chalidze in the format of the inter-agency commission that approximately twenty persons were interviewed regarding the incident in the DEC and nobody confirmed the given fact. Chalidze explains that the records of the surveillance camera installed at the entrance (corridor) of the DEC building show how Anna Oganessian, a member of the "Georgian Dream" of the same district, pushes her out of the building.

**Any kind of violence in the election administration is not only an unethical but also a punishable act under Article 162<sup>1</sup> of the Criminal Code of Georgia. And an unattended placement of the firearms and cartridge of bullets on the table in the police station especially in the presence of the citizen is inadmissible and must be deemed as a gross violation of the relevant legislation (The Law of Georgia on Police, Article 34, the [Order N1013](#) of the Minister on the Regulation of Firearms Turnover and Control in the System of the Ministry of Internal Affairs).**

<sup>10</sup> <http://rustavi2.ge/ka/news/114776>

## Financing of Pre-election Campaigns

### Alleged Unlawful Donations in favor of Salome Zurabishvili

[According](#) to media reports, the State Audit Office of Georgia will investigate the donations made by the doctors who contributed large funds to Salome Zurabishvili, the presidential candidate supported by the ruling party. [According](#) to the above-mentioned information, the medical personnel of Chachava and Ghudushauri Clinics donated in total more than 200,000 GEL to Salome Zurabishvili. The donations were made on almost the same day - 2 and 3 October 2018. [According](#) to the media reports, a part of the donors has bank liabilities, and some of the donors made donations to "Georgian Dream" in the 2017 and 2016 elections<sup>11</sup>.

It is a noteworthy fact that **Elguja Gotsiridze**, a "Georgian Dream" MP, is a shareholder of Chachava Clinic. He was the CEO of Chachava Clinic in 2001- 2016.

**The fact that a dozen doctors of the clinics owned by the Georgian Dream donated funds on the same day raises doubts about the authenticity of the donations made by the doctors. According to Article 34<sup>2</sup> (2) of the Organic Law of Georgia on Political Associations of Citizens”, it is prohibited to make a donation through a third party. In case of confirmation of the fact, the violator shall be fined with a twice amount of the forbidden donation. The State Audit Office should study the above donations. The Audit Office should provide information to the society whether the personnel of Chachava and Ghudushauri Clinics made donations in violation of the law.**

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<sup>11</sup> For example, according to the information spread in the media, the obstetrician-gynecologists of Chachava Clinic donated **Zurabishvili in total 140,000 GEL**. **Nata Kazakashvili** - Acting Director General of Chachava Clinic donated 50 000 GEL on 02/10/2018, **Paliko Kintraia** - an Obstetrician-Gynecologist, Chairman of the Board of Chachava Clinic donated 10 000 GEL to Zurabishvili on **03/10/2018**, he also donated 40,000 GEL to "Georgian Dream" in 2016 elections and 20 000 GEL in 2017; **Nikoloz Kintraia** – an Obstetrician-Gynecologist, Head of the Department of Gynecology of Chachava Clinic donated 20,000 GEL to Zurabishvili on 03/10/2018, in 2016 Kintraia donated 60 000 GEL to "Georgian Dream” and 40 000 GEL in 2017; **Zurab Darakhvelidze** - an Obstetrician-Gynecologist, Head of Obstetrician Department of Chachava Clinic donated 50 000 GEL to Zurabishvili on 03/10/2018; in 2016, he donated 60 000 GEL to "Georgian Dream". **Sophio Tamazashvili** - an Obstetrician-Gynecologist at Chachava clinic donated Zurabishvili 10 000 GEL on 02/10/2018. She donated 20 000 Gel to "Georgian Dream" in 2016.

## Alleged Violation of the Rules of Financing Political Unions

The monitoring revealed that some free political advertisements in TV broadcasters were placed presumably in contrary to the requirements of the Organic Law of Georgia “On Political Associations of Citizens”. Namely, **according to Article 26 (1) (c) of the Organic Law of Georgia “On Political Associations of Citizens”, it shall be prohibited to receive donations from non-entrepreneurial legal entities. A party, as a non-entrepreneurial legal entity, shall have no right to make a donation.**

for example:

- The free political advertisements of the presidential candidate Mikheil Antadze, the presidential candidate of the P/U “Movement-State for People”, Zviad Mekhatishvili - the presidential candidate of P/U "Christian-Conservative Party of Georgia", Zviad Baghdavadze - the presidential candidate of P/U "Civic Platform – For New Georgia" and Zviad Iashvili- the presidential candidate of the P/U "National Democratic Party" served to support Mr. Grigol Vashadze, the presidential candidate of the United National Movement;
- The free political advertisements of the presidential candidate Irakli Gorgadze - P/U “Movement for Independent Georgia” served to support David Bakradze- P/U “European Georgia- Movement for Freedom”.

**Consequently, the free political advertisements of Mikheil Antadze, Zviad Mekhatishvili, Zviad Baghdavadze and Zviad Iashvili allegedly represent illegal donations in favor of the presidential candidate of the P/U “United National Movement” – Mr. Grigol Vashadze, and Irakli Gorgadze's free political advertisement is allegedly an unlawful donation in favor of the presidential candidate Davit Bakradze – P/U “European Georgia - Movement for Freedom”.**

GYLA submitted the evidence to the State Audit Office regarding the above-mentioned facts and requested to have a relevant legal response.

## Violation of Pre-election Campaign Financing Rules

During the reporting period, several records were released that **disclosed the facts of gross alleged corruption and illegal demands of property transfer**. In one of the recordings, Zaza Okuashvili, a partner of Omega Group, is talking with the representative of the rival company and is considering the division plan of the cigarette market. **The recording also contains a conversation about the transfer of 50% of the profit from the sales of cigarettes to the "Georgian Dream" Fund**. Another secret audio recording was released on September 24, which contains the conversation between one of the founders of Omega Group, Zaza Okuashvili and Giorgi Chubinishvili (a shareholder of "Tbilisi Tobacco", one of the competitor companies of "Omega Group"). The recording clearly shows that 2.5 tetri from selling each cigarette box must be [transferred](#) to the Georgian Dream Fund.

Due to the importance of the case and the gravity of the allegations, as well as taking into consideration that the names of high-ranking officials have been mentioned in the audio recordings and the involvement of various government authorities in the corruption is obvious, the NGOs disseminated a [statement](#) and called on the government to provide a relevant response. The organizations also urged the State Audit Office to examine the alleged illegal financing of the ruling political party.



## Code of Conduct

On October 1, **the CEC and local observer organizations signed the Code of Conduct**. The document was elaborated for the Elections of 28 October 2018 and envisages an agreement on the protection of professional and ethical norms by the election administration of Georgia and local observer organizations.



The signatory parties have agreed to observe the rule of law, to be impartial and unbiased in their activities and be guided by internationally recognized standards in the electoral process to facilitate the conduct of the presidential elections in a fair and transparent manner. The Code of Conduct was first developed for the Parliamentary Elections of 8 October 2016.

**GYLA positively assesses the Code of Conduct and its signature for the Presidential Election 2018. We hope that every person who signed the document will protect the principles laid down in the Code of Conduct and carry out their activities professionally, impartially and objectively.**

## GYLA's Observation Mission on the Election Day

Georgian Young Lawyers' Association will observe the 28/ 2018 Presidential Elections in **Tbilisi** and **9 regions - Kakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli, Samtskhe-Javakheti, Samegrelo-Zemo Svaneti, Guria, Imereti and Adjara** (through 400 observers).

Considering the nature of the observation mission, special attention will be paid to the following issues:

- The precincts revealed to be problematic during the previous elections and in the current pre-election period by GYLA observers;<sup>12</sup>
- The dense settlements of ethnic minorities and Internally Displaced Persons from the Occupied Territories of Georgia (IDPs);
- The developments surrounding the polling stations and activities of law-enforcement employees (implementation of the decree of the Ministry of Internal Affairs);
- Inclusiveness of the electoral environment, including the equal accessibility conditions for persons with disability and ethnic minorities to enjoy their political/electoral rights. GYLA also prioritizes to research women's participation in the elections.

On the election day, GYLA will operate a special hotline (032 2 18 26 30), where any citizen can receive legal consultations regarding the electoral procedures. GYLA will also consult journalists and media organizations on electoral procedures, election day violations and the ways to respond thereof. Thus, they will have an opportunity to provide us with information regarding the violations identified during the voting day.

**The organization continues to monitor the election process and will present the final report to the society after summarizing the results.**

<sup>12</sup> The above-mentioned precincts were identified by the GYLA observers according to the violations observed in the previous elections.

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